


PRESENTATION TO THE PORTFOLIO COMMITTEE ON
JUSTICE AND CORRECTIONAL SERVICES

THE IMPLEMENTATION OF THE CRIMINAL JUSTICE
SYSTEM (CJS) REVIEW THROUGH THE CJS SEVEN
POINT PLAN

JULY 2015

OFFICE OF THE CHIEF JUSTICE

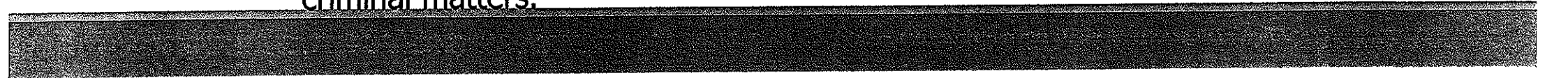




**The Seven CJS Focus Points/Plan
(Changes 1 – 7)**

CHANGE 1: ALIGNMENT THROUGH A SINGLE VISION AND MISSION FOR THE CJS
WITH CONGRUENT OBJECTIVES, PLANS, PRIORITIES AND PERFORMANCE
MEASUREMENT TARGETS

❑ **ALIGNMENT: STRATEGIC INTERVENTIONS**

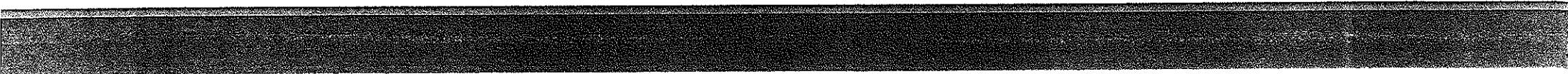
- The Cluster has developed and approved a single Vision and Mission and the JCPS Cluster Departments are continuing with the alignment of Strategic Plans, Annual Performance Plans and the JCPS Delivery Agreement.
 - The Constitution Seventeenth Amendment Act, 2013 formalises the Chief Justice as the head of the judiciary and entrusts him with the responsibility for the establishment and monitoring of norms and standards for the judicial functions of all courts. It also designates the Constitutional Court as the highest court in all matters, including criminal matters.
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CHANGE 1: ALIGNMENT cont.

• In order to advance the transformation imperatives of the Constitution, Schedule 6 to the Constitution provides for the rationalization of all courts and all relevant legislation with the view to establishing a judicial system suited to the requirements of the Constitution.

• The Superior Court Act reaffirms the Chief Justice as the head of the Judiciary responsible for the establishment and monitoring of norms and standards for the judicial functions of all courts. The Act further empowers the Chief Justice to issue written protocols or directives, or give guidance or advice, to judicial officers – (a) in respect of norms and standards for the performance of the judicial functions; and (b) regarding any matter affecting the dignity, accessibility, effectiveness, efficiency or functioning of the courts.

CHANGE 1: ALIGNMENT cont.

- The constitutionally mandated norms and standards were approved by the Heads of Court and were published in the *Government Gazette* in February 2014. This will be discussed further under Change 3.
 - The National Development Plan (NDP) under the heading “Strengthen judicial governance and the rule of law.” requires that challenges to court administration and access to justice, along with the speedy finalisation of cases. The norms and standards and the monitoring of finalization rates show the Judiciary’s commitment to the attainment of the NDP’s goals.
 - An Annual Performance Plan and Operational plan with Key Performance Indicators (KPI) for delivery against the CJS 7 Point Plan deliverables have been defined. Other performance measures are also being attended to.
 - **Effective monitoring tools of the KPIs have been developed and the next step is to ensure that systems/structures required are put into place.**
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CHANGE 1: ALIGNMENT cont.

□ **ALIGNMENT: OPERATIONAL INTERVENTIONS**

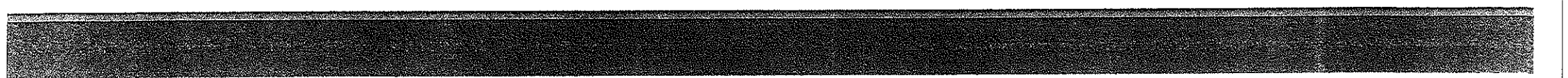
- Significant operational interventions that have an overall effect on the CJS have been successfully launched and are already showing a positive impact, for example:
 - ✓ Improvement in case finalisation and significant reduction of court backlogs through the effective monitoring of finalisation rates of cases as well as the setting of targets and monitoring of the reduction in the criminal backlog roll at the Superior Courts. Both these aspects have been captured in the Annual Performance Plan and Operational Plan for the OJ.

CHANGE 2:

Establish a new and re-aligned CJS Coordinating and Management Structure that flows in a seamless manner from the Cabinet (JCPS) to Courts in order to improve end-to-end coordination through National and Provincial JCPS structures

- **Change 2 deals with the overall management and coordination of the CJS.** The establishment of management structures at National, Provincial and local levels to all courts in South Africa is required in order to improve interaction within the CJS value chain and the efficiency of the CJS.

(The legislative frameworks relating to the Supreme and Higher Courts and the lower courts will impact on this.)

- However some critical JCPS, Office of the Chief Justice (OCJ) and other management structures aimed at improving the all-round CJS performance and removing blockages and inhibitors have been put in place as is indicated in the next slide.
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CHANGE 2: MANAGEMENT cont.

✓ **Judiciary:** The Office of the Chief Justice (OCJ) now controls Case Flow Management on a National and Provincial level (the Superior Court Act now provides for judicial leadership from the Chief Justice to the 9 Judge Presidents); a **National Efficiency Enhancement Committee** has been established by the Chief Justice which include all CJS stakeholders. This committee seeks to ensure that efficiency at the courts is enhanced. An Action plan was developed and priority areas for each of the CJS stakeholders identified. Each stakeholder is required, on a quarterly basis, to report on these priority areas to the National Operations Committee (NOC) who in turn report bi-annually to the NEEC. The plans and projects established and monitored by the NEEC will be discussed in Change 3.

CHANGE 2: MANAGEMENT cont.

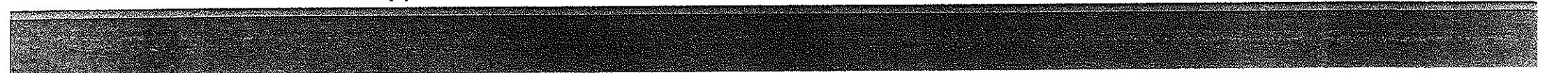
✓ **National level:**

✓ At national level strategy, policy and monitoring and evaluation are being dealt with, whilst at provincial and local level tactical and operational issues are dealt with. The Judges President, in terms of the Superior Courts Act, are now responsible for the coordination of Judicial functions in the Magistrates' Courts in the jurisdiction of that Division. (The definition of the coordination role is reliant on the publishing of regulations in terms of the Act and is thus reliant on the Executive.)

✓ Judges President have also been encouraged to establish Court Performance Committees to ensure that Court performance is closely monitored by the Judiciary and that statistics generated for submission to the Chief Justice and OCJ can be verified. These committees will be able to escalate matters for the attention of the Chief Justice and the intervention, where necessary, of the OCJ officials.

✓ **Provincial and local levels:**

✓ Provincial Service Centres have been established, headed by Provincial Heads on Director level who oversee and monitor the efficient running of the courts. This includes the establishment of office structures; At the Courts Court managers and Registrars are in place to ensure effective administrative support to the Judiciary on the achievement of the CJS priorities.

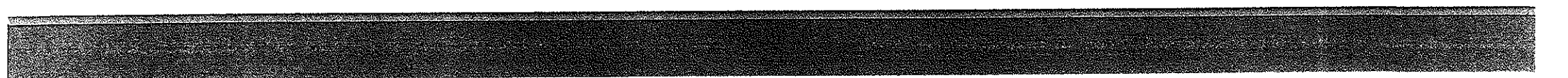


CHANGE 2: MANAGEMENT cont.

✓9 Provincial Efficiency Enhancement Committees were established. Headed by the Judge President in each division, the responsibilities of the PEECs are to enhance access to justice by ensuring amongst others; the cooperation and commitment of all relevant stakeholders in the efficient and effective adjudication of disputes in the Courts; the proper implementation of norms and standards, and ensuring that the case management pilot project is properly understood and supported. The NEEC has identified standing items for all PEEC agendas. They are the following:

- ✓ Training initiatives of all stakeholders;
- ✓ The Use of Audio Visual Remand system (AVRs) – monitoring of the use of the AVR system as well as the identification of challenges in the implementation of the system;
- ✓ Case flow management;
- ✓ Remand detainees in detention for longer than 2 years. These reports from the Department of Correctional Services and Legal Aid South Africa are currently shared with all PEECs; and
- ✓ Statistics of court performance by all stakeholders.

CHANGE 2: MANAGEMENT cont.

- ✓Under the auspices of the Heads of Court the Judicial and Administrative Information Technology Strategy Steering Committee (JAIT) was established to monitor all information and communication technology (ICT) developments of the Judiciary and the courts. The primary focus of JAIT is to oversee the implementation of an electronic court performance monitoring system for all the courts. Representatives from all levels of the Judiciary, and officials from the OCJ and DoJ&CD form part of the committee. A Master Systems Plan process is currently being run so that it can provide an ICT strategic direction to the judiciary for the implementation of the IT modernisation process. This is the first step towards the implementation of the IT modernisation of the courts. This will ensure that the processes developed for all courts will be uniform.
 - ✓The OCJ is now mandated and funded to actively participate in the Integrated Justice System (IJS) project. This will be discussed in detail in Change 4 and 5.
 - ✓The establishment of Minimum Anti-Corruption Capacity (MACC) in terms of the requirements set for all Departments has been attended to.
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PRACTICAL SHORT AND MEDIUM TERM INTERVENTIONS TO IMPROVE THE PERFORMANCE OF ALL COURTS

CHANGE 3:

- **The aim of these practical interventions is to enable courts to focus on trial and pre-trial interventions aimed at ensuring trial readiness without unnecessary postponements and administration.**
- Court performance has started to improve as a result of the greater coordination and interaction between the role players and the **intersectoral interventions, which include.**
 - ✓ Judicial Norms and Standards that have been developed and Gazetted to ensure speedier and fair justice processes. It helps promote improved pre-trial processes to ensure cases are trial ready.

CHANGE 3: PRACTICAL SHORT AND MEDIUM TERM INTERVENTIONS cont

NORMS AND STANDARDS

- ✓ The Norms and Standards also set timelines for the finalization of criminal matters:
 - ✓ Judicial Officers must ensure that an accused person pleads to the charge within 3 months of the first court appearance;
 - ✓ The Judicial Officer must strive to finalise criminal matters within 6 months after the accused has plead to the charge;
 - ✓ Judicial officers should not reserve judgment without a fixed date for handing down the judgment;
 - ✓ Judgments should be handed down within 3 months of the last hearing.
- ✓ The implementation of the norms and standards is closely monitored. Monthly reports on Reserved Judgments at all the courts are prepared for the Chief Justice.

CHANGE 3: PRACTICAL SHORT AND MEDIUM TERM INTERVENTIONS cont.

- ✓ Following upon the NEEC meeting in October 2014, one of the main challenges identified by the NOC, which affects all role players in the criminal justice system, is the need for training. The NOC resolved that in-house training programmes should be coordinated at PEEC level and if needs be, filtered down to the local level. DCS and NPA provided detailed updates on training initiatives undertaken. SAPS provided a list of training initiatives to Judge Legodi who has embarked on identifying Judicial Officers to assist with the training of detectives on various aspects including the taking of statements by the police.
- ✓ The NEEC resolved that in terms of the empowering provisions subsections 99(1) and (2) of the Correctional Services Act 111 of 1998, the Judiciary will now conduct visits to correctional centres and to places of detention to inform themselves of the conditions of these centres. The Judiciary will bring to the attention of the Minister, the Commissioner and the inspection Judge any matter observed during these visits.

CHANGE 3: PRACTICAL SHORT AND MEDIUM TERM INTERVENTIONS cont.
Interventions relating to functional guidelines and directives as well as adoption of protocols have been implemented with good effect.

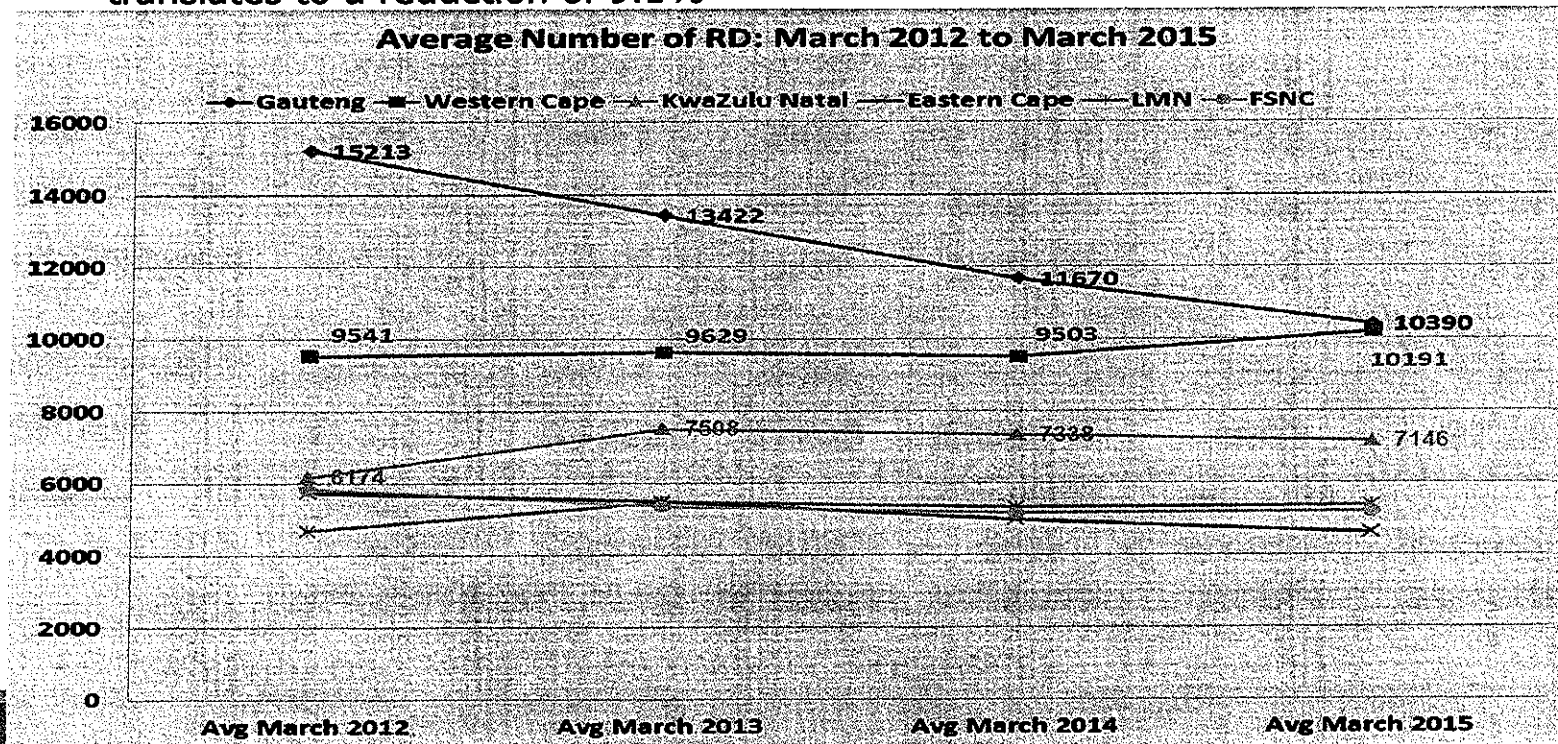
- ✓ Several Protocols that deal directly and indirectly with court performance were developed to define and streamline cross-cutting functions and daily operational activities. The Protocols contain guidelines across the value chain to each component part and consist of practical measures that brings clarity of responsibility, removes blockages and improves the performance of all courts.
- ✓ The implementation of these Protocols, even where the Judiciary or the OCJ are not signatories, is monitored by NOC.
- **A Protocol on Audio Visual Remand** (AVR Protocol) has been implemented with as objectives to-
 - promote, facilitate and regulate proper cooperation between the courts, DCS facilities and the SAPS as far as Remand Detainees (RDs) are concerned; enhance the ability of courts to manage and prioritise serious criminal cases and matters destined for trial in the courts; which reduces case cycle times and streamlines postponements and bail applications to dedicated VRCs.
- **A National Protocol** was approved at the April 2015 NEEC meeting. The implementation and use of ARVs is monitored by the PEECs and reported to NOC on a quarterly basis.

□ **Protocol on tagging of Remand Detainees** : A draft protocol was developed and consulted with all the relevant stakeholders. The purpose of the protocol is to promote and strengthen the development of mechanisms and procedures to enable a court to consider the use of the electronic monitoring technology for RDS; and to reduce the number of remand detainees in the custody of DCS. The document was presented to the Judiciary for comment at the NEEC meeting held on 11 April 2015. The document will be finalized after receiving inputs from the judiciary as there was a request for an extension for submitting of the inputs.

□ **Management of Involuntary Mental Health Care Users**. An agreement was reached within the cluster that this category should not be detained. A process of correcting the administrative processes by referring them from court to designated health establishments has been commenced.

CHANGE 3: PRACTICAL INTERVENTIONS cont.

- **The improved Remand Detention System based on a focused and integrated approach has led to a decrease in the remand detainee population.** General overcrowding of correctional facilities and RDFs was 33.8% on 30 April 2015 (approved bedspace: 119,134 and occupancy: 159,417 inmates). The annual average for RDs from March 2012 to March 2015 (based on daily unlock) dropped from: 47,192 to 42,901. This translates to a reduction of 9.1%



ISSUES TO NOTE:

- ✓ ICT remains a shared service between DOJ & CD and OCJ;
- ✓ IJS funding is the only source of funding for OCJ ICT resourcing;
- ✓ ICT has been elevated into a Strategic Risk in the 2015/2016 OCJ Strategic Risk Register;
- ✓ ICT Risk Mitigating Solutions developed and monitored through relevant Governance structures.
- ✓ Capacitation of the OCJ ICT unit in terms of appropriate structure , skills and staffing requirements.