



correctional services

Department:
Correctional Services
REPUBLIC OF SOUTH AFRICA

**ELECTRONIC MONITORING SYSTEM (EMS) AND
ITS EFFECTS TO INCREASE CONFIDENCE IN ITS
ABILITY TO MANAGE OFFENDERS SERVING
ALTERNATIVE SENTENCES
PRESENTATION TO PORTFOLIO COMMITTEE:
DEPARTMENT OF CORRECTIONAL SERVICES
(DCS)**

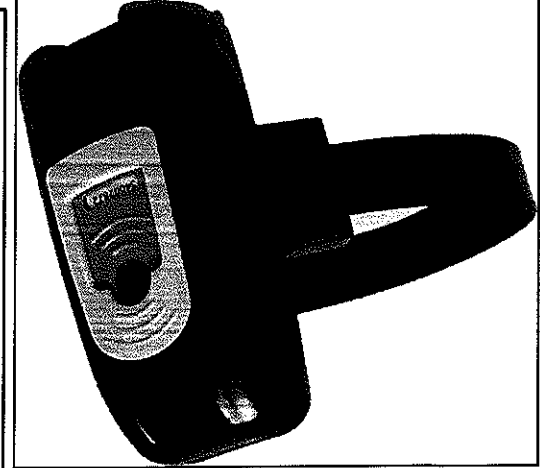
PURPOSE

- Brief the Portfolio Committee about Electronic Monitoring System (EMS) and its effects to increase confidence in its ability to manage offenders serving alternative sentences.
- Highlight challenges experienced regarding the electronic monitoring system.
- Solicit support for more budget allocation for EM system.
- Seek partnership commitment, cooperation and involvement of portfolio committee in delivery of messages on EM to other stakeholders.

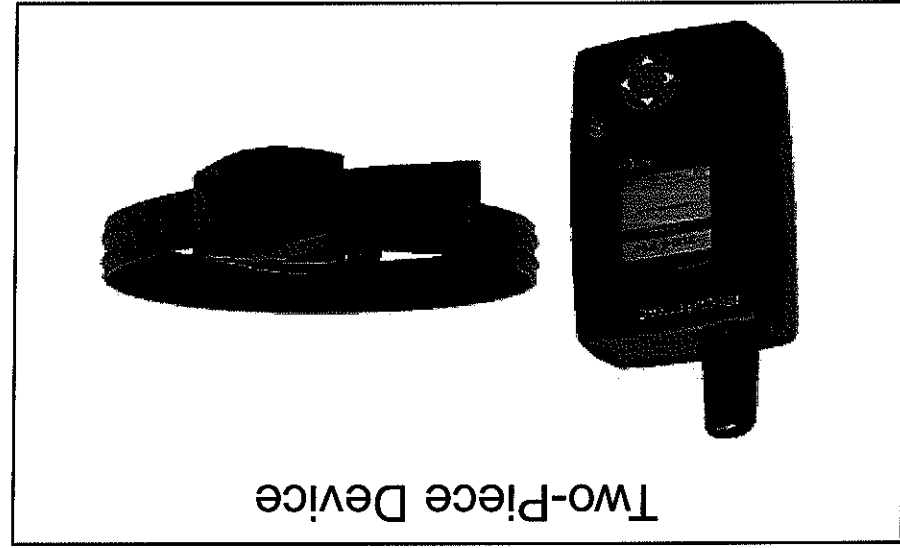
WHAT IS ELECTRONIC MONITORING SYSTEM

- *Electronic monitoring system is the system that tracks and records an offender's movement and location through a global positioning system (GPS) and other devices. This term also refers to methods of recording or transmitting information about an offender's location with an electronic device, including radio frequency monitoring, and satellite-based monitoring.*
- *A Personal Identification Device (PID): Often referred to as the tag, its appearance resembles a wristwatch and is generally fitted to the ankle unless there are reasons that prevent this.*

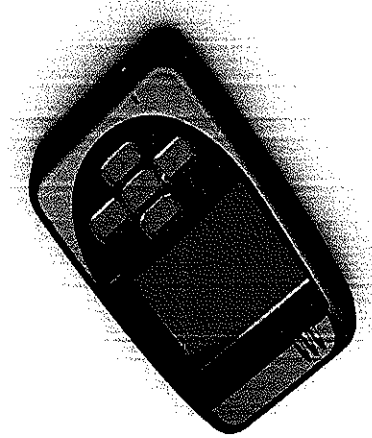
EXAMPLES OF EM DEVICES...



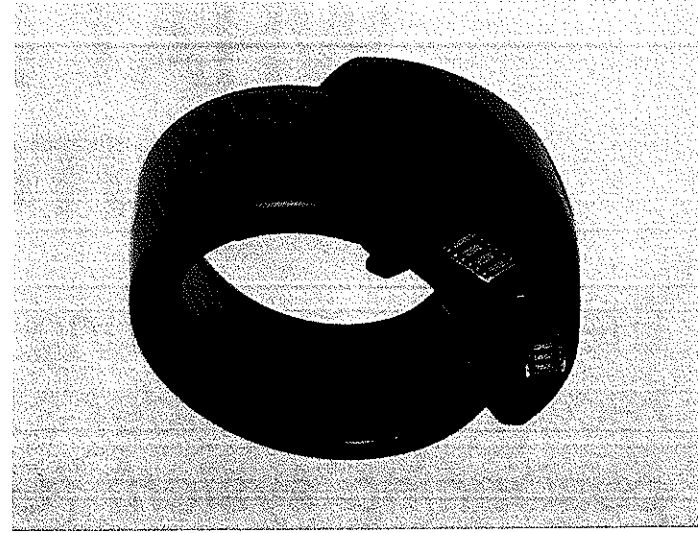
One-Piece Device



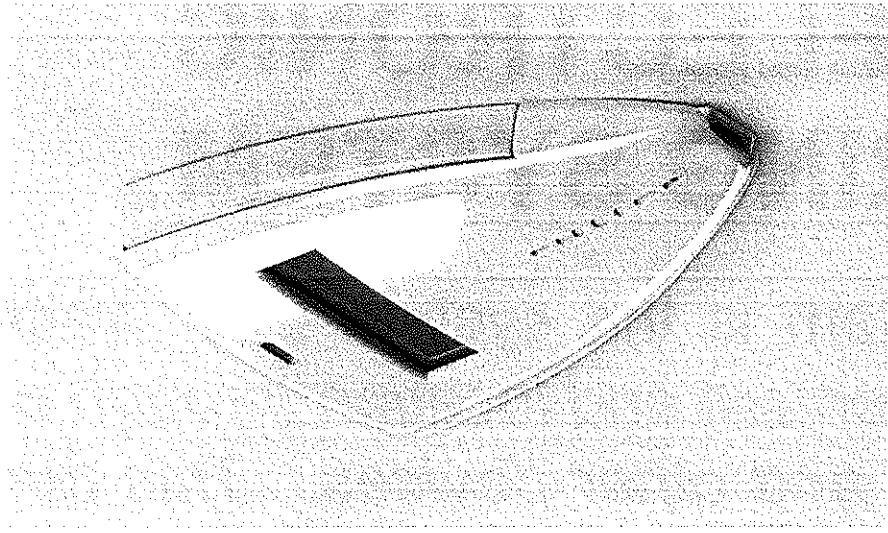
Two-Piece Device



Receiver



One-Piece Indestructible Device



Victim Protection Device

WHAT IS ELECTRONIC MONITORING SYSTEM (Continued)

- *The movement of the PID is monitored during curfew hours and any absence detected during these times is reported to the control room immediately.*
- *Alerts reported by the device are investigated and responded to appropriately.*
- *The system stores offenders data that can be utilised as and when required.*

EM OBJECTIVES

- Implement EM as an enabler for effective management of certain categories of offenders subject to community corrections.
- Increase public confidence in the criminal justice system.
- Promote public safety.
- Reduce the negative influence of a custodial sentence on offenders (offenders admitted for less serious crimes have a potential to leave the facility with knowledge of how to commit even worse crimes 'as they learn the "tricks of the trade").
- Assist in addressing offending behaviour by providing community-based rehabilitation.
- Reduce the offender population in custody.

APPLICATION OF EM

EM can be employed at various stages of the criminal justice system from pre-trial to post-sentencing (commonly referred as parole).

- ***Pre-trial stage*** - Electronic monitoring can be imposed as a condition upon which an accused person is released on bail in order to ensure appearance of accused for trial and does not commit further offences.
- ***Primary Sentencing stage*** – EM can be used as a primary sentencing option to enforce certain restrictions on the freedom or movement of an offender-home confinement.
- ***Post-sentencing stage*** – EM can be imposed as a condition of placement by, the relevant authorities (such as CSPB, the National Commissioner or Minister).

POLICY MANDATE

The mandate of EM is derived from legislation and numerous areas of policies. Legislations and policies that relate to EM include the following:

- Constitution of the Republic of South Africa, 1996 (Act 108 of 1996) with specific reference to the bill of rights chapter 2, section 36 - limitation of rights;

- Correctional Services Act, 1998 (Act 111 of 1998) with specific reference to sections 41, 42, 51(2), and 68;

- Correctional Services Regulations, Regulation 28;

- Criminal Procedure Act, 1977 (Act 51 of 1977) with specific reference to sections, 19-30, 62 (f), 276(1) (h), 276(1) (i), 276a(3)(a) & (b), 287(4)(a) & (b), 290, 296, 297 and 300;

- Electronic Communications Act, 2005 (Act no. 36 of 2005)

- Independent Communications Authority Of South Africa Act, 2000 (Act No. 13 of 2000).

RATIONALE FOR USE OF EM

EM enables effective management and supervision of persons subject to Community Corrections through :

- **Detention**
 - ✓ EM ensures that the individual remains in a designated place.
- **Restriction**
 - ✓ EM ensures that an individual does not enter prohibited or prescribed areas, or approach particular people such as complainants or potential victims or victims of crime.
- **Surveillance**
 - ✓ EM ensures that DCS is able to continuously track an individual, without actually restricting their movements.

IMPLEMENTATION OF ELECTRONIC PILOT PROJECT (EMPP) MONITORING SYSTEM

- EMPP was introduced to assist in mitigating the risk posed by the release of the so called 'Van Vuuren' Lifers.
- DCS decided to pilot electronic monitoring on the lifers, for a period of twelve (12) months, with the intention to roll-out the intervention as a permanent solution.
- EM programme for offenders was piloted on the 28 March 2012
- DCS intend to target 150 offenders during EMPP and the total number of 288 offenders were tagged during the pilot project.

IMPLEMENTATION OF ELECTRONIC PILOT PROJECT (EMPP) MONITORING SYSTEM (continued)

- DCS entered into a supplier contract agreement with Engineered Systems Solutions (ESS) for the acquisition, storage, distribution, installation, commissioning; inspection management and maintenance of EM equipment, software and services for a period of twelfth (12) months
- EM is currently available to the courts , remand detainees and parolees.

IMPLEMENTATION OF ELECTRONIC MONITORING PROGRAMME SYSTEM

- EMP was rolled out on the 01 July 2014.
- The total number of 511 offenders were tagged and all categories eligible for EM were targeted.

HOW EM OPERATES

- EM programme has a centralised control room that monitors all offenders who have been tagged.
- Tagged persons are under surveillance 24/7/365 which allows DCS to monitor compliance with their conditions;
- The tagging of offender does not physically restrain the offender from committing a crime or offence EM control room operators identify and manage alerts and violations which are triggered by the EM system.
- Unresolved alerts or violations are escalated to regions for a rapid response – escalation protocol immediately takes precedence .

HOW EM OPERATES (continued)

- EM is programmed to issue a warning to DCS officials or potential victim if a high risk offender approaches exclusion zones (such as school, parks, crèches, taverns, victim's residence etc).
- EM can detect absconding much earlier than physical monitoring.
- EM can and is used to corroborate alibis when new crimes occur.

CURRENT DAILY AVERAGE CASELOAD IN COMMUNITY CORRECTIONS SYSTEM-UPDATE STATISTICS

REGION	Caseloads as at 28/09/2015						
	AVERAGE DAILY ACTIVE CASELOAD						
	PROBATIONERS		PAROLEES		ATD'S		TOTAL
	MALE	FEMALE	MALE	FEMALE	MALE	FEMALE	
WC	3265	527	6207	277	460	24	10760
EC	2940	413	8159	772	339	10	12633
KZN	2390	294	10165	283	42	1	13175
GP	2126	346	10760	284	80	2	13598
LMN	2003	178	9475	175	285	18	12134
FS/NC	1986	271	5735	145	137	11	8285
TOTAL	14710	2029	50501	1936	1343	66	70585
NATIONAL CASE LOAD	PROBATIONERS		PAROLEES		ATD's		
TOTAL (Incl. ATD'S)	16739		52437		1409		70585
TOTAL (Excl. ATD'S)			69176				

EM STATISTICAL ANALYSIS

REGIONAL POPULATION 28/09/2015	REGIONAL TARGET	EM ACTIVE CASELOAD PER REGION AS AT 11/10/2015	CONTRIBUTION IN % TOWARDS REGIONAL TARGET	CONTRIBUTION IN % TOWARDS ANNUAL TARGET
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GP	10760	190	43.16%	8.20%
LMN	12134	170	128.24%	21.80%
EC	12633	170	47.65%	8.10%
KZN	13175	190	52.11%	9.90%
F SNC	8285	120	74.17%	8.90%
WC	10952	160	111.88%	17.90%
TOTAL	70585	1000		74.80%

EM CASELOAD PER REGION - update

as at 11/10/2015

Region	Total de-tagged/ De-activated	Active	Cumulative total since inception
Gauteng	75	82 out of 1470 tagged Only *(4 ATP) tagged	157
Limpopo Mpumalanga North –West	169	218	387
Eastern Cape	73	81	154
Kwa Zulu Natal	78	99	177
Free State Northern Cape	106	89	195
Western Cape	221	179	400
	722	748	1470

FUNDING FOR EM

- For the roll out of EMP on the 01 July 2014, the department's budget was R28m for 2014/15 fiscal year and R29 m for 2015/16 respectively as outlined on table 1.
- The budget allocated for the roll out of EMP only caters for the payment of the lease.
- This budget excludes funding for enabling resources such as personnel, rapid response, vehicles and technology .
- Due to insufficient budget allocation, a decision was taken by the department to reduce the number of tags from 10 000 to 1 000.
- The tables below, reflect the original budget requested for roll out .

MTEF ESTIMATIONS

TABLE 1. INITIAL MTEF ESTIMATE

Financial Year	MTEF Bid	
	EM Caseload by Year End	Estimated Cost
2014/15	1 000	R51,5m
2015/16	2 000	R91,6m
2016/17	5 000	R190,3m
2017/18	10 000	R392,7m
2018/19 (1 st 6 months)	10 000	R196,4m

FUNDING FOR EM (continued)

- During the pilot project no budget was allocated for EM
- DCS funded EM pilot through reprioritisation of allocated budget of the then Corrections Branch.
- Subsequently, DCS therefore decided to budget for the EM programme as reflected below:

MTEF BUDGET ALLOCATIONS

TABLE 2

Financial Year	Allocation	Reduced EM Case Load
2014/15	R28m	1 000
2015/16	R29m	1 000
2016/17	R28m	1 000
2017/18	R29m*	1 000
2018/19	R29m*	1 000

ANALYSIS OF FUNDING FOR EM

- From the above analysis, it is clear that the budget allocated to EM has consistently been far less than the projected required funding.
- Inadequate budget impacted negatively on full implementation of EM as anticipated.
- Consequently, the EM system could not make a significant impact in down managing overcrowding in correctional centres as expected, due to limited budget allocated .
- Inadequate human resource capacity at Community Corrections offices in the regions impact negatively on the effective implementation of EM.

PER CAPITA COST OF EM VERSUS INCARCERATION

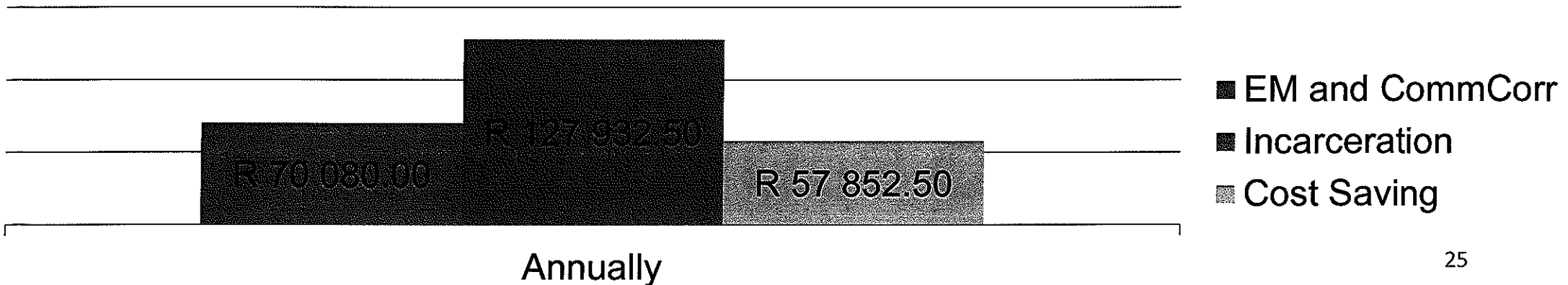
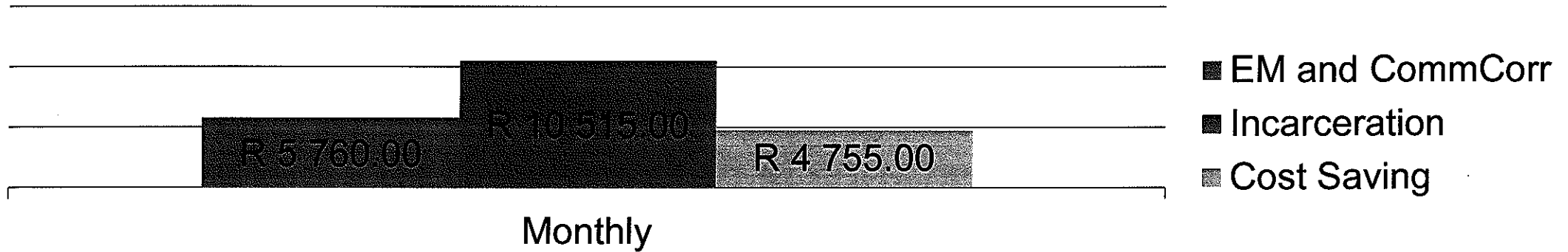
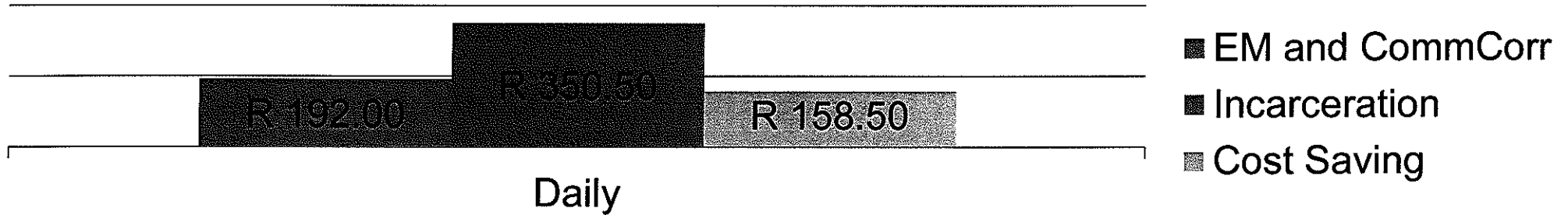
- The per capita cost per offender per day under EM in the community corrections system is R167.33 vs R350.50 daily to incarcerate an offender at the correctional centre .
- EM can drastically reduce incarceration costs presently being incurred by the DCS in incarcerating an offender at the correctional centre as evidence above.
- It therefore makes business sense to consider placing more persons under EM depending on the availability of the adequate budget for EM.

PER CAPITA COST OF EM VERSUS INCARCERATION

Analysis per capita cost of EM

	Daily	Monthly	Annually
Per Capita Cost of EM and Community Corrections	R 167.33 p/d EM + R 24.67 p/d CommCorr	R 5 760 p/m	R 70 080 p/a
Per Capita Cost of Incarceration	R 350.50 p/d	R 10 515 p/m	R 127 932.50 p/a
Cost Saving	R 158.50 p/d	R 4 755.00 p/m	R 57 852.50 p/a

PER CAPITA COST OF EM VERSUS INCARCERATION



ADVANTAGES OF EM

- EM facilitates the acceptance of community corrections as a credible and reliable system to the public and judiciary;
- It reduces overcrowding in correctional centres;
- It saves the Department incarceration costs and costs of building new correctional centres;
- It ensures / promotes compliance with the set conditions;
- It prevents the negative psychological effects of incarceration on offenders;
- It promotes rehabilitation and reintegration of offenders;

ADVANTAGES OF EM -continued

- It promotes public safety and security through effective supervision;
- It extends the range of remand / sentence options available to the courts;
- It allows offenders to maintain employment and family relationships;
- It assists in addressing offending behaviour by providing community-based rehabilitation;
- It enhances non-custodial sentences as an alternative to incarceration;
- It reduces the negative influence of a custodial sentence on offenders.

DISADVANTAGES OF EM

- The wearing of the EM device has its own psychological effects on offenders;
- EM restricts the offender's movement;
- The wearing of the EM device may stigmatize offenders, limiting their chances of securing employment;
- From the fore-going discussion, it is evident that the advantages by far outweigh the disadvantages of EM.

CHALLENGES AND PROPOSED SOLUTION

CHALLENGES	PROPOSED SOLUTION
Inadequate Budget Allocation-	National Treasury should consider increasing budget allocation to Electronic Monitoring in order to increase the EM caseload
Low EM caseload	<ul style="list-style-type: none">• The Courts should consider placing more persons on EMS• CSPB should consider and accelerate eligible cases for Electronic monitoring• NCCS should consider recommending EM as a condition of parole to all qualifying cases.

CHALLENGES AND PROPOSED SOLUTION

- continued

PROPOSED SOLUTION	CHALLENGES
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DCS should drive regional buy in for implementation of EM and support approval for the effective utilisation of resources

Lack of resources for effective implementation of EM

- Provisioning of human resource capacity at respective levels (Head Office, Regional Offices, Management Areas and Community Corrections Offices);
- Insufficient ICT equipment to access EM system
- Insufficient vehicles for Rapid Response
- Unavailability ICT hardware infrastructure (network, servers and storage)

DCS must take over the hosting of EMS as per Terms Of Reference (TOR)

CHALLENGES AND PROPOSED SOLUTION

- continued

CHALLENGES	PROPOSED SOLUTION
<p>The unavailability of server is seriously hampering the successful implementation of EMP</p>	<p>The matter has been referred to Legal Services for a way forward, in terms of availability of servers.</p>
<p>Since implementation of the EMP,DCS has been utilising the service provider's server which is not capacitated to host 1000 tags</p>	<p>Once the issue of servers availability is unblocked, the Department will consider the issue of increasing the 1000 tags.</p> <p>The EM contracts are being investigated by SIU.</p>

CONCLUSION

- Significant progress has been made in advancing social reintegration of offenders through EM .
- EM has proven to be economical, effective, efficient and relevant to the broader goals (of DCS and other JCPS cluster) such as;
 - ✓ prevention of crime
 - ✓ promotion of public safety and security.
- EM enables offenders to be monitored 24 hours a day, seven days a week and 365 days per year. Should a tagged person violate any condition, alerts are immediately generated and transmitted. Interference with the equipment, including tampering or failing to charge the receiver, is electronically relayed to the control room for intervention Funding for EM should be increased to enjoy full benefits of the program



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THANK YOU

