**2. Report of the Select Committee on Security and Justice on an oversight visit to the Mthatha Remand Detention and Mthatha Medium Correctional Centre of the Department of Correctional Services, Mthatha Eastern Cape, dated 10 May 2016.**

1. **Introduction and Terms of Reference**

The Committee, as mandated by the Constitution and Rules of the National Council of Provinces, undertook an oversight visit to the Mthatha Remand Detention (MRD) and Mthatha Medium Correctional Centre (MMCC) of the Department of Correctional Services in Mthatha Eastern Cape on 9 September 2015. The aim of the oversight was to:

1. Determine the levels of overcrowding at the centre;
2. The state of the facility;
3. Determine the challenges faced by the centre management in its day to day operations; and
4. Determine the challenges toward repairing the facility and alleviating the overcrowding at the facility.
5. **Delegation**

The oversight delegation:

|  |  |  |
| --- | --- | --- |
| **Province** | **Political Party** | **Present** |
| Eastern Cape | African National Congress | Hon Ms T Wana |
| Gauteng | Democratic Alliance | Hon Mr JWW Julius |
| KwaZulu-Natal | African National Congress | Hon Mr LPM Nzimande |
| Democratic Alliance | Hon Mr M Chetty |
| Limpopo | African National Congress | Hon Mr SG Thobejane |
| Mpumalanga | African National Congress | Hon Mr MT Mhlanga |
| Northern Cape | African National Congress | Hon Ms GM Manopole |
| Western Cape | African National Congress | Hon Mr DL Ximbi (Committee Chairperson) |

The following parliamentary staff supported the Committee: Mr G Dixon – Committee Secretary, Ms A Van Der Burg – Content Advisor, Ms P Whittle – Committee Researcher and Mr N Mangweni – Committee Assistant.

1. **Officials in attendance**

Department of Correctional Services:

1. Mr N Breakfast: Regional Commissioner, Eastern Cape;
2. Ms D Padayachee: Acting Area Commissioner Eastern Cape;
3. Mr P Mbambo: Deputy Commissioner, National Department;
4. Mr N Dumbela: Deputy Regional Commissioner, Eastern Cape;

Officials from the Department of Public Works;

Officials from the POPCRU;

Officials from Legal Aid South Africa; and

Officials from the National Prosecuting Authority (NPA).

1. **Observations by the delegation:**

The delegation upon arrival were introduced to the Centre Management Team and were led on a tour of the facility. The delegation thereafter met with the centre management team to discuss its observations. The delegation observed the following:

* 1. **Poor state of the facility and poor maintenance of the facility:**

The facility was in a very poor condition with the delegation observing cracked and broken plaster, exposed plumbing, and damaged windows, leaking faucets and toilets and general unkempt conditions.

* 1. **Overcrowding of sections**

A section of the facility was closed for repairs and the inmates were moved to share beds with another section thereby adding to the overcrowding concerns. Members observed that 149 inmates shared one toilet and commented that this was a human rights abuse and criminal. Unit 3 was so overcrowded that inmates were only allowed out for 30 minutes per day.

* 1. **Banned substances in cells**

The delegation visited the juvenile detention section and observed messy conditions and an obvious marijuana stench, with one member, finding rolled paper containing what appeared to be marijuana.

* 1. **Essential broken equipment**

The Unit 5 Cold Room was not in working order in the kitchen and had been out of service for months.

* 1. **Poor access control and guarding of facility**

The access control system was not operational at the time of the oversight visit and many of the electrical components in the entire facility needed to be replaced. The window frames were rusted and needed to be replaced. The ceilings were in poor condition with many damaged to such an extent that the rafters were exposed.

The delegation observed that the guard towers were not manned and while the delegation waited for the centre management to find the guard, he took long to return to his post.

1. **Reply by the centre management team to the delegation’s concerns raised**

The Centre Management acknowledged that the facility was in dire need of repair and maintenance. It further informed the delegation that the facility lacked a visitors’ searching facility, a visitor’s contact centre for sentenced offenders and generally the plumbing and sanitation needed a complete overhaul.

The Centre Management noted the facility was over 40 years old and many of its problems were related to ageing infrastructure. The facility also housed prisoners who had no regard for property and were mostly responsible for the damage caused to the facility over time. The Centre Management noted that it could not keep up with the maintenance of the facility as the overcrowding, age of the building and damage by prisoners resulted in a constant need to allocate funds to repair essential infrastructure while the prison generally fell into disrepair.

The Centre Management explained that the maintenance upgrades would repair the following areas:

1. The kitchen was going through an Independent Development Trust (IDT) upgrade. It will be a total upgrade that would replace everything. As an interim measure the cold room was logged for urgent repair as it is a specialised service.
2. A project was in place to replace the reticulation system and upgrade the toilets and sanitation.
3. The Centre was in the process of replacing the 18000 mattresses in the cells.
   1. **Overcrowding:**
      1. **Overview of the Mthatha Medium Correctional Centre (MMCC)**

The MMCC’s population was 1324 inmates as of 9 September 2015. It has an approved accommodation of 720 inmates. It is currently 183.37% overcrowded. The Centre Management explained that the overcrowding was unavoidable due to the refurbishing of the one unit. The facility worked closely with the NPA and the courts to reduce the population through the use of the bail protocol and this has worked to some extent.

* + 1. **Mthatha Remand Detention Centre (MRDC)**

The MRDC has an approved accommodation of 725 but is currently housing 51 sentenced and 890 un-sentenced individuals. It stands at 131.72% overcrowding.

* 1. **Human Resources**
     1. **Mthatha Medium Correctional Centre**

The MMCC current staff totals:

|  |  |
| --- | --- |
| Management | 10 |
| Security staff | 222 |
| Support staff | 22 |
| Specialist staff | 11 |
| Total | 265 |

The MMCC has a 12.98% vacancy rate with the highest vacancies recorded in prison security.

* + 1. **Mthatha Remand Detention Centre Human Resources**

The MRDC Current staff totals:

|  |  |
| --- | --- |
| Management | 6 |
| Security staff | 160 |
| Support staff | 63 |
| Specialist staff | 5 |
| Total | 234 |

The MRDC has a 17.60% vacancy rate and also reported the highest vacancies were in the security component.

The shortage of staff is attributable to the high rate of service terminations, due to the Transkei decree & other service terminations e.g death, early retirements, etc;

1. **In addition to the staff shortages the management faces the following challenges:**
   1. Staff morale (negative): Low staff morale, No promotion policy, Shift system, OSD second phase;
   2. Access Control Entrance: The Centre registered a need to upgrade the access control with a shelter.
   3. Leakages, water outages, electricity outages, dilapidated structure
   4. Security (Escapes)

The Mthatha Remand Detention Centre had one attempted escape during September 2015 and reported that the electronic security and access control systems were not functioning properly. The POPCRU noted that with the staff vacancies, specifically in the security personnel section, the matter needed urgent attention.

1. **Police and Prisons Civil Rights Union (POPCRU)**

The POPCRU reported that the facility was understaffed due to the recent flood of resignations related to the fear of members losing their pension pay-outs. POPCRU further noted that the facility had not appointed an Area Commissioner, a positon that was crucial to the management of the facility. The Centre Management noted that the post of Area Commissioner would be filled by month end.

The POPCRU brought to the Committee’s attention that the centre has a higher percentage of women than men working at the prison. This was due to the recent spate of resignations. This was a risk factor for the facility as the women would have to perform duties in the predominantly male populated facility.

1. **Department of Public Works (DPW)**

The Department of Public Works (DPW) was responsible for maintaining the facilities’ infrastructure while the Department of Correctional Services was responsible for taps and plumbing services up to R100 000.00. The DPW has rendered assistance to keep the plumbing repaired but informed the delegation that the plumbing requires a complex approach to completely overhaul the facility. The refurbishment of the entire water reticulation system must be done from source to institution and includes the restoration of the generator set. The water pipes must be changed, repairs done to the water storage tank, the asbestos pipes must be changed and water must be taken to the married and single quarters of staff housing facilities. The problem is further complicated as the piping is channelled inside the walls of the facility. The DPW has received funding and will apply for a contractor. The DPW noted however that the overcrowding would only degrade the system further.

The generator set is at an advanced stage, an additional generator requirement came from the client and this further delayed the process as plans had to change. Another generator set is required for the electrified fence. The bigger generator will serve the fence, remand and medium sections but an additional generator will serve to relieve the pressure.

The DPW assured members that the Ministries meet on a monthly basis to iron out issues. There is a National Infrastructure Delivery Committee established to look at capacity. The Ministry noted that what was happening at this facility was happening nationally. The Ministry has identified the matter and have a memorandum of understanding in place. The facilities team nationally has prioritised certain projects.

1. **National Prosecuting Authority (NPA)**

The NPA noted there was no longer long awaiting trial detainees in lower courts. The NPA has a norm of 0.7 cases dealt with per day, and 1 court case is dealt with per day by the local court. The NPA noted that the crime situation in the area was a problem with arrested individuals added to the system daily. The area needed more courts to relieve the pressure. The NPA indicated that a new court was in the process of being built. The NPA noted that with regard to the bail protocol, an allocation of 363 inmates was reduced to 193 through the bail protocol provisions. The NPA noted however that there were a number of cases at the Regional Courts and the High Court and the crimes were of such a serious nature that their bail conditions could not be reduced.

1. **Recommendations**

The Committee requests the Department to supply the Committee with the following information within 14 days after its adoption by the National Council of Provinces:

1. The Department must forward a breakdown of the posts and the length of time the posts have been vacant.
2. The Department must indicate whether the Area Manager has been appointed and whether the security personnel posts were filled.
3. The Department must indicate in a report the progress made to date with upgrading the facility, repair of the reticulation and sewerage system, the kitchen upgrade and cold room repair.
4. The Department must supply a breakdown of the prioritised national projects as identified by the Department’s national facilities team.

**Report to be considered.**