**7. Report of the Portfolio Committee on Justice and Correctional Services on Budget Vote 18: Correctional Services, dated 16 May 2017**

The Portfolio Committee on Justice and Correctional Services, having considered the Department of Correctional Services’ 2017/18 budget (Vote 18) and the annual performance plan, reports as follows:

1. **INTRODUCTION**

1.1 The Minister of Justice and Correctional Services, Adv. Michael Masutha, tabled in the National Assembly, the Annual Performance Plan (APP) of the Department of Correctional Services (DCS) in line with section 10(1)(c) of the Money Bills Amendment Procedures and Related Matters Act (No. 9 of 2009), for consideration and report.

1.2 The planning documents were tabled in March 2017 and the Committee was briefed by the Deputy Minister: Correctional Services, Mr. Thabang Makwetla, who extended an apology for the Minister, Adv. Michael Masutha, on 03 May 2017. This was followed by a briefing led by the National Commissioner for Correctional Services (“the National Commissioner”), Commissioner Zach Modise, on the 2017/18 APP and the budget allocation.

1.3 The DCS’s mandate is derived from the Correctional Services Act (No. 111 of 1998), as well as the white papers on Correctional Services (2005) and Remand Detention Management in South Africa (2014). The legislation and policies inform all the efforts towards achieving the safe and human detention of offenders and remand detainees, rehabilitation and reintegration into communities.

1.4 The DCS’s planning documents are also informed by the government-wide Medium-Term Strategic Framework (MTSF) 2014-19, which is geared towards the implementation of the National Development Plan’s Vision 2030 (NDP).

1. **POLITICAL OVERVIEW BY THE MINISTER OF JUSTICE AND CORRECTIONAL SERVICES**

2.1 Speaking on behalf of the Minister, the Deputy Minister emphasised that the Department’s annual performance plan was being presented on the back of unfavourable economic conditions in the country and globally.

2.2 He highlighted various key successes and challenges of the Department in the previous year, emphasising the responsibility of the Department to ensure the rehabilitation of inmates so that they can become constructive individuals once they were reintegrated back into society.

2.3 Among the successes the Deputy Minister highlighted were the increased number of sentenced offenders undergoing rehabilitation/ correctional programs, adult and further education and training, a 72 per cent pass rate for inmates who wrote matric in 2016, and improved levels of compliance with parole and probation conditions. The Department was also making huge progress in the fight against tuberculosis, with 82% of affected inmates receiving treatment, 99% of all inmates having been tested for HIV while 97 per cent of those affected were receiving anti-retroviral treatment.

2.4 Among the challenges, the Deputy Minister highlighted the overcrowding phenomenon in correctional centres and remand detention facilities. He cited the recent judgement, in a matter between *Sonke Gender Justice vs the South African Government*, by the Western Cape High Court in which the conditions of incarceration of remand detainees at the Pollsmoor Correctional Centre were found to be in violation of the Correctional Services Act.

2.5 The Deputy Minister said the situation was serious and noted that the conditions, such as accommodation facilities, cleanliness, health standards, infrastructure and provision of meals fell short of what was required in the Correctional Services Act. He further stated that the conditions at Pollsmoor were similar to other big correctional centres throughout the country.

 2.6 To remedy the situation at Pollsmoor, the DCS was ordered by the court to submit monthly reports on progress it was making to reduce overcrowding. This phenomenon of overcrowding, according to the Deputy Minister, necessitated a rethink of strategy towards correctional services. Rehabilitation and social reintegration strategies would have to be improved by, among others, improving the efficiency and effectiveness of the current parole system.

2.7 In that regard, and following a review of the parole system as ordered by the Minister of Justice and Correctional Services in 2015, a draft Parole Bill would be referred to Parliament after the finalisation of a position paper. The Deputy Minister believes that the reformed parole system will contribute tremendously in down-managing overcrowding.

2.8 The Deputy Minister mentioned further that a draft policy framework was being developed to facilitate inter-state transfer of foreign national inmates.

2.9 Deputy Minister Makwetla also highlighted the critical role of the Judicial Inspectorate of Correctional Services (JICS) in providing support to inmates when the functioning of the Department failed. He said the independence of JICS was important as it ensures better management of the DCS through dedicated inspectors spread throughout the country. The Minister also stated in the Annual Performance Plan’s Foreword that the Ministry has identified the need to strengthen independent oversight in relation to the conditions of incarceration and humane treatment in all correctional facilities in the country. Over the medium-term the Ministry will be working with JICS to ensure that is has sufficient capacity to deliver on its mandate.

1. **STRATEGIC GOALS FOR 2017/18**

3.1 According to its 2015/16 to 2019/20 strategic plan, the DCS’s mission is to contribute to a just, peaceful and safer South Africa through the effective and humane incarceration of inmates, and the rehabilitation and social reintegration of offenders. The DCS committed to playing its role to ensure that the MTSF and the NDP’s strategic outcomes are achieved. The overarching goal is to build a safer South Africa where all people are and feel safe.

* 1. To this end the DCS has committed to:

- providing all remand detainees and sentenced offenders with safe, secure and human conditions of detention and incarceration;

- ensuring that remand detainees attend court as prescribed/required, and that they are provided with services responding to their needs, including personal wellbeing programmes; and

- attending to sentenced offender’s health care, rehabilitation and social reintegration needs.

1. **OVERVIEW OF THE DCS BUDGET**
	1. The DCS will receive R22.814 billion or 5.72 per cent higher than 2016/17. Expenditure is projected to increase to about R24.453 billion in 2018/19 and R26.155 in 2019/20.
	2. The DCS’s budget is distributed across the following five programmes: Administration (Programme 1), Incarceration (Programme 2), Rehabilitation (Porgramme 3), Care (Programme 4), and Social Reintegration (Programme 5).
	3. As in previous years, the bulk of the allocation, about 79.5 per cent (from 81 per cent in 2016/17), goes towards the Administration and Incarceration programmes which will receive 18.2 per cent and 61.3 per cent respectively.
	4. The decreased allocation in the Administration and Incarceration programmes has enabled a combined increase of 2 per cent in the Rehabilitation and Social Reintegration programmes. The latter two programmes still receive the lowest allocations, which when combined only amount to 11.6 per cent of the total DCS budget from 9,6 per cent in 2016/17. The Careprogramme will receive 8.7 per cent of the budget, from 9 per cent in 2016/17.

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| **PROGRAMME** | **2017/18****R’000** | **2018//19****R’000** | **2019/20****R’000** | **2017/18 to 2019-20** |
| **Programme 1: Administration** | 4 150 876  | 4 380 510 | 4 585 675 | 13 117 061 |
| **Programme 2: Incarceration** | 13 986 912 | 15 073 272 | 16 303 971 | 45 364 155 |
| **Programme 3: Rehabilitation** | 1 822 411 | 1 951 987 | 2 051 308 | 5 825 706 |
| **Programme 4: Care** | 1 998 674 | 2 140 604 | 2 260 227 | 6 399 505 |
| **Programme 5: Social Reintegration** | 855 215 | 907 244 | 954 631 | 2 717 090 |
| **Total Expenditure Estimates** | 22 814 124 | 24 453 616 | 26 155 812 | 73 423 517 |

 **Table 1: Projected spending over the medium-term**

1. **OVERVIEW OF ALLOCATIONS PER PROGRAMME**
	1. **Programme 1: Administration**
		1. The Administration programme provides for the functions that underpin the DCS’s service delivery and comprises administrative, management, financial, information communication and technology, research, policy co-ordination and good governance support functions. The sub-programmes under this programme are: Ministry, Judicial Inspectorate for Correctional Services (JICS), Management, Human Resources, Finance, Internal Audit, Information Technology and Office Accommodation.
		2. This programme receives the second largest allocation, R4.1 billion (or 18.2 per cent of the total DCS budget) in 2017/18 and is expected to spend an overall of R13.1 billion, over the medium-term. The bulk of the allocation will again go towards the ‘compensation of employees’ (77 per cent) with ‘goods and services’ and ‘computer services’ receiving 19 per cent and 3 per cent respectively. Table 2 illustrates the budget allocation across this programme.

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| **PROGRAMME** | **2016/17****(R’000)** | **2017/18****(R’000)** | **Nominal** **Changes (%)** | **Real** **Change****(%)** | **Nominal change (Rand)** | **Real change****(Rand)** |
| **Programme 1:** **Administration** | 3 876.2 | 4 150.9 | 7.09% | 0.74% | 274.7 | 28.7 |
| ***Sub-programmes*** |  |
| Ministry |  34.6 |  36.5 | 1.9% |  |  |  |
| Judicial Inspectorate for Correctional Services | 65.3 | 69.4 | 4.1% |  |  |  |
| Management | 739.9 | 805.6 | 65.7% |  |  |  |
| Human Resources | 1 670.3 | 1 811.9 | 141.6% |  |  |  |
| Finance | 957.0 | 997.5 | 40.5% |  |  |  |
| Assurance Services (Internal Audit) | 95.3 | 100.2 | 4.9% |  |  |  |
| Information Technology | 235.3 | 250.9 | 15.6% |  |  |  |
| Office Accommodation | 78.5 | 82.6 | 4.1% |  |  |  |

**Table 2: Administration programme**

5.1.3 Key targets for 2016/17 include:

- filling 90 per cent of funded posts;

- increasing the number of officials trained in line with the Workplace Skills Plan (WSP) 21000; and

- achieving zero audit qualifications.

**5.2. Programme 2: Incarceration**

5.2.1. The Incarceration programme provides for services and physical infrastructure that support secure conditions of incarceration for inmates. It comprises four sub-programmes: Security Operations, Facilities, Remand Detention and Offender Management.

5.2.2 Over the MTEF, expenditure on this programme is projected to increase significantly from R13.9 billion in 2017/18 to R16.3 billion in 2019/20. The largest share of the allocation will go towards the Security Operations sub-programme, which will receive 53 per cent, or R7.4 billion, of the allocation. The Facilities, Offender Management and Remand Detention sub-programmes will receive 29 per cent, 13 per cent and 5 per cent respectively.

5.2.3 This programme is the most labour intensive with a persal headcount of 28 002 posts and most of its spending will go towards compensation of employees and capital infrastructure projects. Table 3 illustrates the allocation across the programme.

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| **PROGRAMME** | **2016/17** **(R’000)** | **2017/18****(R’000)** | **Nominal changes****(%)** | **Real change****(%)** | **Nominal Change (Rand)** | **Real change (Rand)**  |
| **Programme 2: Incarceration** | 13 247.1 | 13 986.9 | 5.37% | -0.88 | 712.8 | -116.2 |
| **Sub-programmes** |  |
| Security Operations | 6 775.7 | 7358.3 | 8.60% |  |  |  |
| Facilities | 3 949.6 | 4 118.2 | 4.27% |  |  |  |
| Remand Detention | 684.5 | 688.8  |  0.63% |  |  |  |
| Offender Management | 1864.3 |  1 821.6 |  -2.29% |  |   |  |

 **Table 3: Incarceration programme**

5.2.4. Key targets for 2017/18 include:

- reducing the percentage of inmates allegedly injured in assaults to 4.7 per cent. The target is 3.7% in 2016/17.

- reducing the percentage of escapes from correctional and remand centres to 0,034 per cent. The target is 0.024% in 2016/17;

- reducing the percentage of unnatural deaths to 0,032;

- creating 492 additional bed spaces. The target was 925 additional bed spaces in 2016/17; and

- down-managing overcrowding to 38 per cent. The target is 32 per cent in 2016/17.

* 1. **Programme 3: Rehabilitation**
		1. The *Rehabilitation* programme provides for needs-based programmes and interventions to facilitate offenders’ rehabilitation and eventual reintegration to society. It comprises three sub-programmes: Correctional Programmes, Offender Development and Psychological, Social and Spiritual Services.
		2. It again receives the second lowest allocation (8 per cent) of the DCS’s overall allocation. Most of the allocation (72 per cent) will go towards the compensation of employees. Table 4 illustrates the allocation across the programme.

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| **PROGRAMME** | **2016/17****(R’000)** | **2017/18****(R’000)** | **Nominal****changes****(%)** | **Real****Change (%)** | **Nominal change** **(Rand)** | **Real change (Rand)** |
| **Programme 3:Rehabilitation** | 1 647.0 | 1 822.4 | 10.65% | 4.09% | 175.4 | 67.4 |
| ***Sub-programmes*** |  |
| Correctional Programmes | 478.1  | 506.3  | 5.90% |  |  |  |
| Offender Development | 797.9  | 874.7  |  9.63% |  |  |  |
| Psychological, Social and Spiritual Services |  371.0 |  441.0 |  19% |  |  |  |

 **Table 4: Rehabilitation programme**

* + 1. The DCS states that it is committed to reducing recidivism, and recognises that rehabilitation programmes improve offenders’ chances of reintegration back into society. The key targets include:
* increasing the number of sentenced offenders subjected to correctional programmes from 72 per cent in 2016/17 to 76 per cent in 2017/18;
* increasing the number of offenders involved in Further Education and Training (FET) programmes from 603 in 2016/17 to 663 in 2017/18; and
* maintaining participation in skills development programmes remains at 80 per cent.

5.3.4 The target for involvement in psychological services will increase from 16 per cent to 17 per cent in 2017/18. In 2015/16 the DCS exceeded the target in relation to increasing access to spiritual service by almost 30 per cent. The DCS has nevertheless increased the target for 2017/18 by only 2 per cent to 59 per cent from 57 per cent in 2016/17.

* 1. **Programme 4: Care**
		1. The Care programme provides for needs-based programmes and services aimed at maintaining the personal well-being of offenders. It comprises two sub-programmes; Nutritional Services and Health and Hygiene Services.
		2. The programme will receive just over R1.99 billion or about 9 per cent of DCS’s total allocation. The bulk of the allocation (R1.16 billion) will go towards Nutritional Services while Health and Hygiene Services receive R837.5 million (Table 5).

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| **PROGRAMME** | **2016/17****(R’000)** | **2017/18****(R’000)** | **Nominal change (%)** | **Real****Change (%)** | **Nominal change (Rand)** | **Real change (Rand)** |
| **Programme 4: Care** | 1 975.1 | 1 998.7 | 1.19% | -4.80% | 23.6 | -94.9 |
| ***Sub-programmes*** |  |
| Nutritional Services | 1 130.8 | 1 161.2 | 2.69% |  |  |  |
| Health & Hygienic Services | 844.3  | 837.5  | -081% |  |  |  |

 **Table 5: Care programme**

* + 1. Key targets for 2017/18 include:
* increasing the percentage of inmates receiving antiretroviral therapy to 99 per cent; and
* increasing the TB cure rate to 86 per cent.
	1. **Programme 5: Social Reintegration**
		1. The Social Reintegration programme provides for services focussed on offenders’ preparation for release, for the effective supervision of parolees, and for offenders’ reintegration into society upon their release. It comprises three sub-programmes: Supervision, Community Reintegration, and Office Accommodation (Community Corrections). The programme will receive 4 per cent of the DCS’s total budget.
		2. Over the medium term spending is projected to grow to R951.6 million owing to, in the main, the rollout of the electronic monitoring system (EMS). In 2017/18 the programme will receive R855.3. The Supervision sub-programme will receive 91 per cent of the allocation, while the Community Reintegration and Office Accommodation (Community Corrections) sub-programmes will receive 5 per cent and 4 per cent respectively. Table 6 illustrates the budget allocation across this programme.

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| **PROGRAMME** | **2016/17****(R’000)** | **2017/18****(R’000)** | **Nominal change (%)** | **Real****Change (%)** | **Nominal change (Rand)** | **Real change (Rand)** |
| **Programme 5: Social Reintegration** | 807.8 | 855.3 | 5.88 % | -0.39% | 47.5 | -3.2 |
| ***Sub-programmes*** |  |
| Supervision | 733.4 | 775.5 | 5.74%  |  |  |  |
| Community Reintegration | 42.7 | 45.7  |  7.03% |  |  |  |
| Office Accommodation: Community Corrections |  31.7 | 34.0  |  7.25% |  |  |  |

 **Table 6: Social Reintegration programme**

* + 1. Key targets for 2017/18 include:
* increasing participation in restorative justice programmes by offenders, victims, parolees and probationers to 9 000;
* maintaining the percentage of parolees without violations to 97 per cent, and the percentage of probationers without violations to 96 per cent;
* increasing the number of service points established in community corrections offices to 30; and
* maintaining the number of persons being monitored electronically at 1 000.

**6. COMMITTEE DELIBERATIONS AND OBSERVATIONS**

* 1. The Committee notes the government-wide fiscal consolidation path and expenditure ceilings under which the Department’s budget and performance plan are being presented. This has led to some baseline reductions of R234.8 million from the DCS’s budget estimates for 2017/18, affecting the compensation of employees (R175 million) and spending on non-core goods and services (R59.3 million). These cost containment measures are projected to amount to R754.5 million over the medium-term. In light of the pressures on the national fiscus, the Committee agrees that the Department will have to adjust and learn to do more with less, without compromising the safety of inmates and officials and the conditions of incarceration.
	2. The Committee welcomes the ring-fencing of appropriations in the 2017/18 budget for repairs, maintenance, upgrading of facilities (R826.3 million) and for the compensation of employees (R15.777 billion). Over the medium-term, the compensation of employees’ ring-fenced appropriations go up to R17.034 billion in 2018/19 and R18.333 billion in 2019/20, outstripping the projected inflation rate of 6 per cent in 2017/18. The Committee is led to believe that this ring-fencing will ensure that the provision of services in these areas will not be negatively affected by cost-containment measures.
	3. The Committee notes, however, that despite the ring-fenced budget on compensation of employees, the number of funded posts will be cut tremendously over the medium-term. The Committee is concerned that this might have a negative impact on service delivery, particularly on the safety of staff and inmates and on the conditions of incarceration.
	4. The Committee welcomes the combined budget increase and re-alignment by two per cent of the total DCS budget from 9.6 per cent in 2016/17 to 11.6 per cent in 2017/18 for the Rehabilitation and Social Reintegration programmes and the corresponding combined reduction in percentage for the Administration and Incarceration Programmes. This re-alignment, although small, supports the Committee’s view over the years that budget allocation across programmes must begin to reflect the Departmental and NDP priorities of reducing recidivism through improving the rehabilitation and social reintegration of offenders.
	5. The Committee notes the reduction in the budget allocation for ‘Operating Leases’ from R2.1 billion in 2016/17 to R1.2 billion in 2017/18 and for ‘Consultants: Business and Advisory Services’ from R42.695 million to R29.702 million. However, these seem to be cancelled-out by the increase from R646.6 million in 2016/17 to R1.519 billion in 2017/18 for the line item-- ‘Outsourced Services.’
	6. The Committee records its concerns on the downward revision of various targets under the Administration Programme. The targets for the filling of vacant posts from 98 per cent in 2015/16 to 92 per cent in 2016/17 and now to 90 per cent in 2017/18. Others are targets for the rolling out of LAN infrastructure in correctional facilities and the rolling out of the Integrated Employee Health Wellness programmes to management areas.
	7. The Committee notes that despite its recommendation in the 2016/17 Budget Vote report, there are still no performance indicators and targets for the Assurance Services/ Internal Audit subprogramme under the Administration Programme. This is an important programme as it helps to improve the internal control, risk and governance environment. It should be possible to continuously monitor its performance either quarterly or bi-annually through performance indicators and targets.
	8. The Committee notes with concern that the Department has continuously failed to achieve many of its targets that are directed at improving security conditions of incarceration by reducing the number of escapes, violence and unnatural deaths. The failure to achieve these targets attest to the poor conditions of incarceration, especially in urban centres which are highly overcrowded.
	9. In this regard, the Committee also notes the judgment of the Western Cape High Court in *Sonke Gender Justice vs The Government of South Africa* which found that the remand detention facilities at the Pollsmoor facility were not compliant with the Correctional Services Act. We also note that the DCS concedes that conditions in other similar urban centres are no better. The Committee believes that these poor conditions may expose the Department to more civil liability claims.
	10. The Committee is concerned about the increasing inmate population. We further note that despite reporting that the targets for reducing overcrowding have been ‘increased’, they have actually been revised downwards. Equally, the targets for the percentage of inmates injured through assaults, the number of new bed spaces and the percentage of escapes were misstated as having been ‘increased’ when they have actually been revised downwards (see slide 7 of the DSC Presentation to the Committee dated 03 May 2017). Increasing the target means that the Department plans to achieve more than its previous plans. However, the Department plans to achieve less than its previous plans, meaning that the targets have been reduced or revised downwards.
	11. The Committee welcomes the development of a draft policy framework to facilitate inter-state transfer of foreign national inmates. It notes that there are many foreign national inmates in our centres, about 9 242 of which are from the SADC countries only.
	12. The Committee notes with concern the failure of the Department to create new bed spaces over the past years. No bed spaces were created in 2015/16 and the Committee has serious reservations about the achievement of the target of 925 additional bed spaces in 2016/17 and the planned 492 in 2017/18. The delays in the completion of capital infrastructure projects remains a huge concern as it impacts on overcrowding.
	13. The Committee notes the work being done by the Ministry to review the parole system and looks forward to the speedy finalisation of that work and believes that the reformed regime will yield many benefits, including the easing of overcrowding.
	14. The Committee wishes to commend the Department on the productivity of its farms (and factories) which, in the previous financial year reportedly produced 7.3 million kilograms of vegetables, 500 000 kilograms of fruit, 5 million litres of milk, 390 000 kilograms of red meat, 2 million kilograms of pork, 4 million kilograms of chicken and 1.3 million dozens of eggs. The Committee recognises that this contributes to considerable self-sufficiency of the Department and generates revenue (of about R132 million per annum) through the constructive utilisation of offender labour which contributes to the skills development of inmates.
1. **RECOMMENDATIONS**
	1. The Committee requests the Department to submit a full report on how the baseline budget reductions will affect its operations and service delivery within 60 days of the adoption of this report by Parliament. That report should include a detailed plan of how it aims to mitigate against the potential negative impacts on service delivery.
	2. While the budget for compensation of employees has been ring-fenced and increases by up to 7.3 per cent per annum over the medium term, a number of jobs are projected to be cut. The Committee requires a detailed explanation on how this ring-fenced and increasing budget cannot protect jobs. This explanation should accompany the report referred to in 7.1 above.
	3. The Committee further requests a written update on the status and plans on the filling of vacant strategic senior management (SMS) positions.
	4. The Committee remains concerned that some correctional services officials are appointed in terms of the Public Service Act and, others, in terms of the Correctional Services Act and that this hinders those employed in terms of the former Act from performing duties in correctional centres. We reiterate our recommendation therefore that the Public Service Commission’s advice be sought on the feasibility of appointing all officials under one piece of legislation in order to eliminate the hindrances.
	5. In the 2016/17 Budget Vote report, this Committee welcomed the proposals to establish nine regions that mirror South Africa’s provinces. The Committee was assured that this issue was receiving the Minister’s attention but yet little progress seems to have been made. The Committee requests a report, within 60 days of the adoption of this report, on the weaknesses of the current structure of 6 regions of the Department and how these could be addressed in the new organizational structure. The Committee further requires the Department to report, in its quarterly reports to the Committee, the performance of each of the six regions.
	6. The Committee welcomes the Minister’s assurance in the APP that the Ministry and Department will be working to ensure that JICS has sufficient capacity to deliver on its mandate. We recommend that the position of the Chief Executive Officer of JICS filled as soon as possible.
	7. The Committee requests JICS to provide the Committee with a detailed and comprehensive plan for the current financial year reasonably soon. JICS further requests that the Committee is provided with all its investigation reports in respect of assaults, use of excessive force, unnatural deaths and torture. The Committee Secretariat will ensure that these reports are emailed electronically to all the members of the Committee as soon as they are received from JICS.
	8. The Committee asks for further details on the reduction in the budget allocation for ‘Operating Leases’ by R900 million and on ‘Consultants: Business and Advisory Services’ by about 30 per cent. It also requires more explanation on the increased allocation for ‘Outsourced Services’. This information should be submitted to the Committee within the next 30 days together with the report requested in 7.1 above.
	9. The Committee recommends that the Department considers developing some measurable performance indicators and targets for the Assurance Services/Internal Audit sub-programme. Such indicators could include, for instance, ‘submission of quarterly internal audit and risk management performance reports to the Audit and Risk Committee’, ‘reporting on the implementation of annual Internal Audit plans’, and ‘submission of interim and annual financial statements to National Treasury and the Auditor-General timeously’.
	10. The Committee notes the amounts allocated for a feasibility study for the Department’s new head offices of R29 million in 2017/18, R50 million in 2018/19 and R87 million in 2019/20.[[1]](#footnote-1) The Committee requires more details on this and on whether the service provider has been appointed or not and on what work has been done in this regard already. Should the Department’s explanation not be satisfactory, the Committee will revisit this item during the adjustment budget period later this year.
	11. The Committee appreciates the update on the implementation of the Pollsmoor court order on 9 May. It further requests the Department to replicate what is feasible from the Pollsmoor plan in down-managing overcrowding and improving conditions in other major urban centres with similar challenges to Pollsmoor. The Committee believes that, as the Commissioner also conceded before us that conditions in other urban centres were not better than Pollsmoor, the current conditions of detention could expose the DCS to further litigation and legal liability. The Department should therefore be proactive instead of waiting for court orders to direct it on what to do. This plan should take into consideration the audit findings of the Public Service Commission on the ‘big 5’ correctional facilities, that the Department referred to in its presentation to the Committee.
	12. The Committee requests the Department, within 60 days of the adoption of this report, to submit to the Committee a full report on the details of all pending and settled civil claims against the Department over the last two financial years, detailing all current contingent liabilities and settlement amounts and amounts spent on legal costs in defending those civil claims.
	13. The Committee urges the Department to redouble its efforts at, working with other sister departments in the criminal justice cluster, down-managing the remand population and overcrowding in general. We reiterate that the Department needs to make effective use of all applicable legislative provisions including the bail protocols and section 49G of the Correctional Services Act.
	14. The targets set (1000 parolees) for electronic tagging through the electronic monitoring system seem to be low, given the urgency of this project in down-managing over-crowding and the projected over-expenditure of R48.8 million for the Social Reintegration programme as a result of electronic monitoring from the Department’s 2016/17 mid-year financial report. The Department’s targets should mirror the urgency and projected over-expenditure. The Committee requests a report on what this projected over-expenditure amount will be used for.
	15. As in the past, we recommend that the DCS gives serious consideration to the use of technology to increase safety within its facilities. We are disturbed by reports of an inmate who allegedly made over 30 000 calls while in detention. The Committee requests an update on the progress made in initiating and implementing such interventions as CCTV and cellphone detection technology which have been recommended by this Committee and the previous one over the past several years.
	16. The Committee recommends that the development of a draft policy framework to facilitate inter-state transfer of foreign national inmates should be expedited and should draw lessons from international best practice standards, conventions and protocols.
	17. The Committee requests the Ministry to provide the Committee with an update report on the delayed infrastructural upgrades, detailing the challenges and steps that are being undertaken to resolve them. The report should also detail how much has been spent to date on those projects and the expected completion dates. The report should further report on the status of the bilateral engagements between Public Works and Justice and Correctional Services on resolving infrastructural project delays, specifying the interventions required from the Committee should an impasse have been reached.
	18. As the Committee recommended in its previous reports, the DCS should expedite its exploration of assuming responsibility for its infrastructure and maintenance works through building internal capacity that will, where feasible and appropriate, utilise inmate labour and thus contribute to the skills development of inmates.
	19. The Committee recommends that the Department and National Treasury expedite their discussions of the revenue-splitting formulae on the revenue generated by the Department from its farms and factories in order to ease some funding constraints of the Department.
	20. The Committee recommends that the Department works together with the Department of Small Business Development in exploring opportunities and encouraging the creation of cooperatives where ex-offenders could receive long-term employment, transfer their skills to their communities and thus facilitate their reintegration into society. This could go a long way in fighting recidivism.
1. See page 71 of the DCS APP 2017/18 [↑](#footnote-ref-1)