

Budgetary Review and Recommendation Report of the Portfolio Committee on Justice and Correctional Services on the Department of Correctional Services, dated 18 November 2022.

The Portfolio Committee on Justice and Correctional Services, having considered the financial and non-financial performance of the Department of Correctional Services and the Judicial Inspectorate for Correctional Services for 2021/22, reports as follows:

PART I

1. Introduction

- 1.1 Section 5(2) of the Money Bills Amendment Procedure and Related Matters Act 9 of 2009 requires the National Assembly, through its committees, to submit budgetary review and recommendation reports (BRRR) on the performance of national departments accountable to Parliament. The BRR report is generally informed by a committee's interrogation of, amongst others, national departments' estimates of national expenditure, strategic priorities, measurable objectives and forward-funding needs; National Treasury-published expenditure reports; the relevant annual reports and financial statements; and the Auditor General of South Africa's (AGSA) audit findings; as well as observations made during all other oversight activities.
- 1.2 The Portfolio Committee on Justice and Correctional Services (the Committee) oversees the Department of Correctional Services (DCS) and the Judicial Inspectorate for Correctional Services (JICS). To this end, the Committee monitors the implementation of, and adherence to, policies such as the white papers on Corrections and Remand Detention; compliance with applicable legislation; adherence to principles of good governance and sound financial management; and service delivery in line with their mandates.

2. Process followed

- 2.1 The Committee received a briefing from the Auditor-General of South Africa on the 12th October 2022 on the Audit Outcomes of Departments under the Ministry of Justice and Correctional Services.
- 2.2 On 13 October 2022, the Committee received a Political Overview of the Annual Performance for 2021/22 Financial Year from the Minister of Justice and Correctional Services.
- 2.3 Again, on the same day (13 October 2022) the Committee received a briefing from the Department of Correctional Services and the Judicial Inspectorate for Correctional Services on their Annual Reports for 2021/22 Financial Year.
- 2.4 Copies of all the presentations are available from the committee secretariat.

3. Department of Correctional Services' strategic goals for 2021/22

- 3.1. The first goal identified in the Department's 2021/22 Annual Performance Plan was to ensure that remand detention processes are effectively managed by ensuring that remand detainees attended courts as determined by relevant legislation; are held in secure, safe and humane conditions; provided with personal wellbeing programmes; and relevant services are provided to awaiting trial persons, thus contributing to a fair and just Criminal Justice System.
- 3.2. A further goal was to ensure that all sentenced offenders are incarcerated in safe, secure and humane facilities and are provided with healthcare and effective rehabilitation programmes in line with their correctional sentence plans to enable their successful placement into society after their lawful release.
- 3.3. The last goal was to ensure that all offenders, parolees and probationers were successfully reintegrated back into society as law-abiding citizens through provision of social reintegration programmes.

4. Audit outcome

4.1. The Department has received unqualified audit outcome with findings for 2021/22

Table 1: Audit outcomes between 2018/19-2021/22

Financial Year	Total number of findings	Audit Outcome	Area(s) of Qualification/Matters of emphasis
2018/19	204	Qualified	Commitments and Irregular Expenditure
2019/20	214	Qualified	Irregular Expenditure not fully recorded
2020/21	91	Unqualified	With matters of emphasis (including under-spending of the vote, non-compliance with laws and regulations especially in relation to procurement and contract management, as well as irregular expenditure amounting to R1.4 billion)
2021/22	9	Unqualified	With matters of emphasis relating to the uncertainty of the outcome of exceptional litigation. The AG mentioned that DCS is a defendant in various lawsuits and the outcome of those cannot be presently determined and no provision for any liability that may result has been made in the financial statement. The AG also noted that the Department materially underspent the budget by R596,738 million.

- 4.2. The AG has made emphasis on matters which are: Uncertainty relating to the outcome of exceptional litigation and underspending of the vote by R249, 619 million.
- 4.3. There has been a decrease in the number of findings from 148 in 2020/21 to 130 in 2021/22.
- 4.4. Performance reporting. The programme Incarceration was audited for usefulness and reliability of information. The report was as follows:
- The AG could not identify any material findings on the usefulness and reliability of the reported performance information under Incarceration programme.
- 4.5. Procurement and contract management. Some goods of a transaction value above R500 000 were procured without inviting competitive bids and deviations were not approved by the accounting officer although it was practical to invite competitive bids, as required by Treasury Regulations 16A6.1 and paragraph 3.4.1 of Practice Note 8 of 2007
- 4.6. The Auditor General highlighted the following internal control deficiencies:
- Leadership did not exercise sufficient oversight regarding compliance with laws and regulations regarding internal controls. In addition, it was noted that action plans were not timely implemented to address prior year's audit matters, resulting in recurring audit findings.
 - Management did not sufficiently review procurement processes. Monitoring controls over compliance with laws and regulations were not effective to detect and prevent non-compliance, especially in relation to supply chain management.
- 4.7. Consequence management. The Auditor General could not obtain sufficient appropriate audit evidence that disciplinary steps were taken against officials who had incurred irregular expenditure as required by section 38(1)(h)(iii) of the PFMA. This was because investigations into some irregular cases were not performed. In addition, the AG indicated that there was insufficient appropriate audit evidence that disciplinary steps were taken

against officials who had incurred fruitless and wasteful expenditure as required by section 38(1)(h)(iii) of the PFMA. This was because investigations into fruitless and wasteful expenditure cases were not performed.

5. Mid-year performance assessment 2021/22

- 5.1. For the 2021/22 financial year, the Department was allocated a total of R25, 218 129 billion. This amount was adjusted upwards by R725 123 million during the adjustment period to a total adjusted appropriation of R25, 943 252 billion. There were some roll-overs made as well as shifting of funds between votes during the adjustment period.
- 5.2. Escapes: The Department had the target of less than 0.03% inmates escaping from correctional centres for the 2021/22 financial year. In the first half of 2021/22, a total of 0.0062% (9) escapes have been reported.
- 5.3. Assaults: The target for assaults for the 2021/22 financial year was less than 4.6%. In the first half of 2021/22, the percentage of reported assaults was 1% (1 392).
- 5.4. Overcrowding: The target for overcrowding for the 2021/22 financial year was less than 28%. In the first half of the year, overcrowding stood at 25.2%.
- 5.5. Percentage of offenders participating in long occupational skills programmes per year. The target for offenders participating in long occupational skills programmes for 2021/22 was 90%. In the first half of 2021/22, this target was already exceeded by 8.6% since the recorded performance was 98.6%.
- 5.6. Percentage of sentenced offenders with correctional sentence plans who completed correctional programmes. The target for sentenced offenders with correctional sentence plans who completed correctional programmes in 2021/22 was 80%. In the first half of the 2021/22 financial year, performance stood at only 36.1% (30 935).
- 5.7. Percentage of viral load suppression of HIV-positive offenders per year. The target of viral load suppression of HIV-positive offenders per year was set at 91% for 2021/22 financial year. In the first half of the year, performance was recorded at 92% (503).
- 5.8. Percentage of parolees without violation. The target for parolees without violation for 2021/22 was 97%. In the first half of the year, this target was exceeded since the actual performance was 99.3%.
- 5.9. Percentage of probationers without violation. The target for probationers without violation for 2021/22 was 97%. In the first half of the year, this target was also exceeded since the actual performance was 99%.

6. Expenditure for the 2021/22 Financial Year.

- 6.1 For the 2021/22 financial year, the Department of Correctional Services had adjusted budget of R25, 943 252 billion. Of this amount, the Department spent R25, 693 633 billion (or 99%) resulting in R249 619 million under-spending.
- 6.2 The adjusted budget and spending per economic classification for 2021/22 was as follows:

Table 2: Expenditure per economic classification 2021/22

Economic classification	Adjusted budget (R'000)	Actual expenditure (R'000)	Percentage actual expenditure	Available Budget (R'000)
Compensation of employees	17 940 518	17 678 410	98.5%	262 108

Economic classification	Adjusted budget (R'000)	Actual expenditure (R'000)	Percentage actual expenditure	Available Budget (R'000)
Goods and services	6 690 597	6 688 478	100.2%	(15 591)
Interest on rent and land	-	77 243	-	(77 243)
Transfers and subsidies	685 419	816 322	119.1%	(130 903)
Payment of capital assets	626 718	433 180	67.2%	211 248
Payment of financial assets	-	-	-	-
Total	25 943 252	25 693 633	99.0%	249 619

6.3 In terms of economic classification:

- The Department recorded overspending of R262,108 million under Compensation of Employees due to funded vacant posts.
- With regard to Transfers and Subsidies, there was overspending of R130,903 million mainly due to expenditure of R122,264 on item: claim against the state, following the court order handed down on 30 August 2021 for the two arbitration awards made in November 2017 in favour of a service provider.
- With regard to Payments for Capital Assets, there was under-expenditure of R211,248 million mainly on the item: Building and Other Fixed Structures due to poor performance on Capital Works Programme as well as under Other Machinery and Equipment due to delays in procurement of IT Equipment and Security Equipment.
- With regard to Goods and Services, there was overspending of R15,591 million mainly on Property Payments due to expenditure higher than allocated budget for municipal services

7. Performance in 2021/22

7.1. Overall, the Department achieved 36 of the 45 planned targets and 9 targets were not achieved.

7.2. Some of the indicators not achieved during the financial year included:

- Percentage compliance to the EE plan for SMS.
- Percentage compliance to the EE plan for SMS (People with Disabilities).
- Business case for revenue generation and retention mechanism
- Number of sites where Mesh Network and Integrated Security System are installed
- Percentage of correctional facilities and PPP's facilities inspected on the conditions and treatment of inmates
- Percentage of confirmed unnatural deaths in Correctional Facilities
- Percentage of overcrowding in correctional facilities in excess of approved bed-space capacity.
- Percentage of offenders' profiles approved by the Correctional Supervision and Parole Boards (CSPBs)
- Percentage of Information Systems (IIMS) implemented as per MISSTP.

8. Programme performance in 2021/22

8.1. Programme 1: Administration

8.1.1. The purpose of this programme is to provide strategic leadership, management and support services to the Department.

8.1.2. The Administration programme achieved 8 (or 57%) out of 14 planned targets for 2021/22.

Table 3: Administration -Selected performance 2021/22

Performance Indicator	Planned Target 2021/22	Actual Achievement 2021/22
Percentage of Information Systems (IIMS) implemented as per MISSTP	12%	NOT ACHIEVED 9%
Percentage of youth employed within the Department	20%	ACHIEVED 74%
Percentage of correctional facilities including PPPs inspected on conditions and treatment of inmates	100%	NOT ACHIEVED 70%
Business Case for revenue generation and retention mechanism .	Draft Business Case for revenue generation and retention mechanism	NOT ACHIEVED

8.1.3 The Department did not achieve their target for IIMS in the year under review and this was ascribed to delays in procurement processes for the acquisition of modernization resources resulting in the slow roll-out and implementation of additional modules on IIMS.

8.1.4 The target for Correctional Centres including PPPs inspected on conditions and treatment of inmates was not achieved in the year under review because only 70% of Correctional Centres and PPPs facilities were inspected. Lack of staff capacity was recorded as the reason for not achieving the target.

8.1.5 The Department managed to achieved its target of youth employment by recruiting 1 691 youth in the year under review.

8.2. Programme 2: Incarceration

8.2.1. The purpose of the programme is to provide safe and secure conditions of detention consistent with maintaining the human dignity of inmates. It is also responsible for the administration, profiling and consideration of offenders for releases or placement into community corrections.

8.2.2. There are three sub-programmes for Incarceration: Security operations; Remand detention; and Offender management.

8.2.3. Overall, the Incarceration programme achieved four out of seven (or 57%) planned targets for 2021/22.

Table 4: Incarceration - Selected performance 2021/22

Performance Indicator	Planned Target 2021/22	Actual Achievement 2021/22
Reduction in unnatural deaths in correctional centres and remand detention facilities per year	0.032% or less	NOT ACHIEVED 0.038%
Reduction in escapes	0.032%	ACHIEVED 0.015%
Number of infrastructure projects completed	1 Emthonjeni Correctional Centre	ACHIEVED Emthonjeni was only partially completed while the following 6

Performance Indicator	Planned Target 2021/22	Actual Achievement 2021/22
		facilities which were not on the planned targets were completed (Brandvlei; Butterworth; Sterkspruit; Lady Frere; Ntabankulu; and Mt Fletcher).
Reduction of overcrowding	28% or less	NOT ACHIEVED 32%
Percentage of Remand Detainees subjected to Continuous Risk Assessment	65%	ACHIEVED 87%

8.2.4. The Department attributed the non-achievement of Unnatural deaths to increase in suicide cases. In order to reduce the number of unnatural deaths in facilities, the Department will continue to monitor and supervise the implementation of Unnatural Death Prevention Plan, random surprise searches will be conducted, there will be visibility of patrol officials; effective handling of inmates' complaints and requests will be prioritized to curb suicides within correctional facilities.

8.2.5. The Department achieved its target for assaults and escapes due to adherence to the Standard Operating Procedures including Escape and Assault Prevention Plan.

8.2.6. The Department managed to complete Brandvlei; Butterworth; Sterkspruit; Lady Frere; Ntabankulu and Mt Fletcher Correctional Facilities in the period under review.

8.3. Programme 3: Rehabilitation

8.3.1. Programme 3 is responsible for providing needs-based programmes and interventions to facilitate the rehabilitation of inmates and to enable their social reintegration into communities. The programme has the following sub-programmes: Correctional programmes; Offender development; and Psychological, social and spiritual services.

8.3.2. Overall, the programme achieved all 11 planned targets for the year under review.

Table 5: Rehabilitation - Selected performance in 2021/22

Performance Indicator	Planned Target 2021/22	Actual Achievement 2021/22
Percentage of offenders participating in long Occupational Skills programmes	90%	ACHIEVED 99%
Percentage of offenders participating in Further Education and Training	80%	ACHIEVED 99%
Percentage of sentenced offenders with Correctional Sentence Plans who have completed correctional programmes.	80%	ACHIEVED 99%
Percentage of inmates who are involved in psychological services per year.	21%	ACHIEVED 31%

8.3.3. Selected achievements include:

- Offender participation in long skills programmes were 39 560 (99%), while those participating in short skills were 11 334 (99.96%). A further 957 (99%) offenders participated in Further Education and Training.
- A total of 78 148 offenders participated in psychological care services.

8.4. Programme 4: Care

8.4.1. The purpose of this programme is to provide needs-based healthcare programmes and services aimed at maintaining the wellbeing of inmates. There are two sub-programmes under the Care programme, namely Health and Hygiene Services and Nutritional Services.

8.4.2. Overall, the programme achieved seven out of seven targets planned for 2021/22.

Table 6: Care - Selected performance 2021/22

Performance Indicator	Planned Target 2021/22	Actual Achievement 2021/22
Percentage of therapeutic diets prescribed for inmates	Less than 12%	ACHIEVED 6%
Percentage of identified inmates tested for COVID-19	100%	ACHIEVED 100%
Percentage of inmates screened for hypertension	90%	ACHIEVED 255%
Percentage of inmates who have recovered from COVID-19	85%	ACHIEVED 100.10%
TB Cure rate	91%	ACHIEVED 94%

8.4.3 The Department ascribed the achievement of TB cure rate of offenders to effective monitoring and management of patients on treatment as well as compliance with TB guidelines.

8.4.3 The Department also achieved its target on percentage of offenders screened for hypertension. This was largely due to screening of non-communicable diseases which ensured early detection and initiation of relevant health interventions to improve prognosis and treatment outcomes.

8.5. Programme 5: Social Reintegration

8.5.1. The Social Reintegration programme provides services focused on offenders' preparation for release, effective supervision of offenders placed under community corrections and the facilitation of their social reintegration into their communities. The programme has the following sub-programmes: Supervision; Community reintegration and Office Accommodation: Community corrections.

8.5.2. The programme achieved six out of six planned targets for 2021/22.

Table 7: Social Reintegration - Selected performance 2021/22

Performance Indicator	Planned Target 2021/22	Actual Achievement 2021/22
Percentage of parolees without violations per year	97%	ACHIEVED 99%
Percentage of probationers without violations per year	97%	ACHIEVED 99%
Number of victims participating in Restorative Justice programmes	3500	ACHIEVED 16 951
Number of offenders/parolees and probationers participating in Restorative Justice programmes		ACHIEVED

Performance Indicator	Planned Target 2021/22	Actual Achievement 2021/22
	2500	5 758
Number of economic opportunities facilitated for offenders, parolees and probationers	36	ACHIEVED 592

8.5.3 The Department managed to ensure that 16 951 victims and 5 758 offenders/parolees and probationers participate in Restorative Justice programmes in the period under review.

8.5.6 The Department also managed to facilitate 592 economic opportunities for offenders, parolees and probationers in 2021/22 period.

9. Expenditure and performance for First Quarter of 2022/23

9.1. The Department of Correctional Services was allocated R26.1 billion for 2022/23. At the end of June 2022, total expenditure was at R6.1 billion or 23.2% of the total appropriation. This equates to an under-spending by R248 million when compared to the projected spending plan of R6.3 billion for the Quarter. In terms of performance, of the 36 planned targets for the First Quarter, 33 were achieved and only 3 were not achieved.

9.2. At the end of the First Quarter 2022/23, programme spending and performance was as follows:

- The Administration programme spent an amount of R1.128 billion (24.12%) against planned expenditure of R1.100 billion, resulting in overspending by R28,474 million. The over-spending was due to the adjustment of overtime capped amount and tariffs per DPSA circular dated 28 April 2022 and effective 1 July 2022. The Department reported that these tariffs adjustment were not catered for in the baseline and spending plan.
- The Incarceration programme spent 23.72% or R3.624 billion of the projected budget for the quarter of R3.766 billion, which resulted in under-spending of R142 404 million in the first quarter of 2022/23. In terms of performance, Incarceration achieved 4 out of 5 targets for the first quarter. The target not achieved related to: Percentage of Overcrowding in correctional facilities.
- The Rehabilitation programme spent 20.87% or R484,258 million of the projected spending plan of R523,512 million. This translated to an underspending of R39 million. In terms of performance, Rehabilitation achieved all 10 targets for the first quarter of 2022/23 financial year.
- The Care programme spent R551 million or 21.05% against projected expenditure of R627 million. This translates to overspending by R76 million in the first quarter. In terms of performance, this programme achieved all 7 targets for the first quarter.
- The Social Reintegration programme spent 22.53% or R272 million from the planned expenditure of R291 million. This translates to underspending of R19 million. In terms of performance, this programme achieved all 7 targets for the first quarter.

PART II

10. JUDICIAL INSPECTORATE OF CORRECTIONAL SERVICES' (JICS)

10.1. JICS' Statutory mandate and mission

10.1.1. JICS is established under section 85 of the Correctional Services Act 111 of 1998 as an independent office under the control of the Inspecting Judge. Its object is to facilitate the inspection of correctional centers and to report on the treatment of inmates and conditions of incarceration.

- 10.1.2. Its mission includes the prevention of human rights violations through the monitoring of mandatory reporting systems on deaths, mechanical restraints and segregations (solitary confinement) in correctional centers. It also maintains the independent complaints system for inmates.
- 10.2. **Financial Performance at the end of 2021/22**
- 10.2.1. For 2021/22, the Judicial Inspectorate for Correctional Services was allocated a budget of R76.1 million. At the end of March 2022, the total expenditure for JICS was R83 million.
- 10.3. **Inspections, Investigations, Complaints and Mandatory Reporting in 2021/22 financial year**
- 10.3.1. The Inspectorate scheduled a total of 136 inspections in correctional centres across the country for 2021/22 financial year and conducted all 136 planned inspections, which equates to 57.8% of all correctional facilities in the country. In addition to 136 inspections, another 36 unannounced inspections were conducted, bringing total inspections to 172. JICS has rated 16 centres unsatisfactory, 139 satisfactory and 17 good.
- 10.3.2. Some of the centres rated unsatisfactory included; Ingwavuma; St Albans Medium A; St Albans Medium B; Vryheid; Pollsmoor Medium B; Thohoyandou Medium B; Stanger; Bakley East; and Grootvlei Maximum.
- 10.3.3. The most common reasons highlighted by JICS why facilities were rated unsatisfactory included; extreme overcrowding; dilapidated infrastructure; lack of proper hygiene; inadequate management; and shortage of food to maintain the prescribed diet of inmates.
- 10.3.4. JICS' report also highlighted that 4 362 lifers were eligible for parole as at 31 March 2021. It further indicates that, a number of these eligible lifers have been waiting for years to be placed. In 2021/22 period, it is reported that, a total of 328 profiles which have been considered by the National Council for Correctional Services (NCCS) were still to be considered by the Minister
- 10.3.5. The JICS reported that the number of complaints from internal and external sources increased from 132 (in 2020/21) to 471 (in 2021/22). The highest number (103) of complaints related to assaults (inmate on inmate), followed by assaults of inmates by officials (80), parole (47) and transfers (45).
- 10.3.6. Mandatory reporting is regulated by the Correctional Services Act 111 of 1998. Mandatory reporting includes: Death of an inmate (Section 15); Segregation (Section 30); Mechanical restraints (Section 31); and Use of force (Section 32). For the year under review, there were 104 unnatural deaths reported by DCS to JICS. A total of 32 suicide cases were recorded with majority being from Gauteng and Kwazulu-Natal and Western Cape. In addition to unnatural deaths, JICS received 419 reports of natural deaths in correctional facilities.
- 10.3.7. Section 30(7) of the Correctional Services Act, 1998 provides that inmates who have been segregated may refer the matter to the Inspecting Judge, who must decide thereon within 72 hours. The JICS found that there seems to be a significant under-reporting by the Department on segregation and this was due to the dysfunctional electronic system of DCS. For the period under review, 4 921 cases of segregation on inmates were reported.
- 10.3.8. The JICS also recorded only 49 cases of Mechanical restraints in the 2021/22 financial. According to JICS, the dysfunctional electronic reporting system suggest underreporting on the use of mechanical restraints. JICS also noted that no appeals were received for the year under review.
- 10.3.9. The JICS recorded a total of 471 cases of use of force in the year under review. This is a decrease from 694 reported in 2020/21.

10.4. Community and stakeholder engagement in the 2021/22

- 10.4.1. In the year under review, JICS had taken the initiatives to look into the challenge of faulty Telkom phones in DCS facilities. An audit was conducted in all DCS regions to determine the extent of the challenge and it was found that total number of working phones was 541 and a total of 751 were faulty.
- 10.4.2. JICS has reported that, Independent Correctional Centre Visitors (ICCVs) were requested to identify remand detainees with bail of less than R1000 and engage the Head of the Correctional Centre (HCC) to consider provisions stipulated in section 63A of the Criminal Procedure Act. For the period under review, JICS recorded a total of 2 724 remand detainees with bail of less than R1000.

10.5. First Quarter 2022/23 Expenditure and Performance of JICS

- 10.5.1. For 2022/23, the Judicial Inspectorate for Correctional was allocated a total of R78.7 million. At the end of June 2022, the total expenditure was R23.4 million including commitments.
- 10.5.2. There was overspending by 31.44% under Goods and Services for the first quarter of 2022/23. The reason provided for overspending is commitments of the previous financial year which were only cleared in the new financial year.
- 10.5.3. There was also overspending under Capital Assets 56.26% and reason provided was due to previous financial year's commitments that were only cleared with the new financial year's budget.
- 10.5.4. In the first quarter, JICS had 86 permanent approved and funded positions on their fixed establishment. A total of 78 posts were filled and 8 were vacant. In addition to permanent posts, there were 225 ICCV posts of which 217 were filled and 8 were vacant.

10.6. Inspections, Investigations, Complaints and Mandatory Reporting in the First Quarter of 2022/23

- 10.6.1. In the first quarter of 2022/23 financial year JICS scheduled 36 inspections and all of them were conducted. In addition, there were 34 unannounced inspections conducted in the first quarter.
- 10.6.2. The Inspectorate reported that, for the first quarter of 2022/23, there were only 11 investigations conducted and majority (six) of the investigations were conducted in the JICS's Gauteng Region.
- 10.6.3. JICS received a total of 43 complaints in the first quarter and most of these complaints were received from ICCVs, inmates and their families. These complaints included assaults, parole and transfers.
- 10.6.4. In terms of mandatory reporting, a total of 28 unnatural deaths were recorded for the first quarter. The majority (19) of these were recorded as 'unknown other'. In addition to unnatural deaths, JICS also recorded a total of 126 natural deaths in correctional centres across the country. The largest category (40) of natural deaths were recorded as "Natural causes". Gauteng recorded the highest number of deaths (50) while Eastern Cape recorded the lowest (11).
- 10.6.5. Segregation recorded a total of 974 reports in the first quarter of 2022/23. The Free State/Northern Cape recorded the highest number of segregations (425), while the Eastern Cape recorded the lowest (9). JICS reported that due to the dysfunctional electronic system of reporting, the accuracy and numbers of reports by DCS could not be verified.
- 10.6.6. In terms of Mechanical Restraints' reports, JICS recorded 10 cases for the first quarter of 2022/23. Reasons given for the use of mechanical restraints included: safety of others (6) and safety of inmates (4).

- 10.6.7. A total of 84 cases of the use of force were recorded by the Department and submitted to JICS in the first quarter. JICS has emphasized that, due to manual reporting, the number of reported cases of the use of force has drastically declined.

PART III

11. Department of Correctional Services: Committee observations and Recommendations

- 11.1 The Committee has noted that for the year under review, there were 143 223 inmates in correctional facilities across the country and of those, 47 144 were remand detainees. The Committee is concerned that DCS is not putting more efforts in implementing available legislation to release remand detainees with bail amounts especially those with bail of less than R1000. The DCS is urged to sensitize Heads of Correctional Centres about the need to apply available legislation at their disposal. This will also assist in reducing overcrowding in correctional facilities. The Committee believes that it will be important to look at other models on how best to deal with 'prisoners of poverty'. In this regard, the Committee intends to embark on an international study tour in early 2023 to look at best practice that can be emulated in South Africa.
- 11.2 The Committee request the Minister of Justice and Correctional Services to provide an update on the implementation of the recommendations emanating from Commission of Inquiry into Allegations of State Capture with regard to the Department of Correctional Services.
- 11.3 The Auditor-General has again raised the issue of lack of consequences management especially for those officials who had incurred irregular expenditure. This was because investigations into some irregular cases were not performed. The Department of Correctional Services is requested to provide feedback to the Committee on why some of the investigations were not performed and what steps are being taken on those who were found to have contributed to cases of irregular expenditure.
- 11.4 The AG has raised concern around uncertainty of the outcomes of exceptional litigation. The AG noted that, as a defendant in various lawsuits, the Department has not made any provision for any liability that may result in their financial statement. The Committee is concerned that the AG has consistently raised the same matter in previous reports. The Department is requested to provide the Committee with explanation of why this concern is not addressed.
- 11.5 The aging infrastructure in many of the correctional facilities the Committee has visited during their oversight is a cause for concern. The Minister of Justice and Correctional Services is requested to engage with the Minister of Public Works and Infrastructure to look into the state of infrastructure in DCS and come up with an integrated plan to address infrastructure challenges in correctional facilities.
- 11.6 Overcrowding of correctional centres continues to be a concern for the Committee as it compromises the rehabilitation of inmates and places the safety and security of inmates and officials at risk. The Department is urged to find a lasting solution to address overcrowding in correctional facilities.
- 11.7 The Committee is concerned about the increase in the number of suicide cases in correctional facilities from 27 (in 2020/21) to 32 (in 2021/22). The Department is urged to put mechanisms in place to ensure that suicide cases are prevented.
- 11.8 The Committee congratulates the Department for achieving its target of unqualified audit opinion. The Committee encourages the Department to work towards improving on matters of emphasis raised by the AG.

- 11.9 The Committee also commends the Department for improving their overall performance from 70% (in 2020/21) to 80% (in 2021/22). The Committee is however, still concerned about lack of alignment between expenditure and performance since the Department managed to spend 99% of their budget while achieving only 80% of their targets.
- 11.10 The Committee commends the Department for significantly reducing escapes from 117 (in 2020/21) to 22 (in 2021/22). The Department is urged to work towards zero escapes in correctional facilities across the country to ensure that communities are safe.
- 11.11 The Committee is disappointed that, again the target for IIMS roll-out was not achieved in 2021/22 financial year. The Department ascribed this to the delay in the procurement process for the acquisition of the modernization process which resulted in the slow roll-out and implementation of additional modules on IIMS. The Committee will continue to monitor the implementation of IIMS on a quarterly basis.

12. Judicial Inspectorate for Correctional Services (JICS) – Committee’s Observations and Recommendations.

- 12.1 The Committee is seriously concerned about the lack of tangible progress on the introduction of the JICS’ Bill to Parliament. This is especially so because there is no read-in provision from the Constitutional Court judgement.
- 12.2 The Committee has noted with concern that JICS has overspent on its budget for 2021/22 by R6.9 million. The Committee request JICS to ensure that their plans and human resources are aligned to their budget to avoid overspending and underspending in future.
- 12.3 The Committee resolved to arrange a workshop together with JICS to discuss issues related to Minimum Sentencing, safe and secure custody for inmates in correctional centres across the country as well as issues related to remand detainees.
- 12.4 JICS reported that there were 273 contracts positions for Independent Correctional Centre Visitors and 225 were filled and 48 were vacant. JICS is requested to fill those vacancies to ensure that inmates in correctional centres receive services required by law.
- 12.5 As in the previous years, the Committee again notes the challenges faced by JICS with respect to mandatory reporting as a result of the Department’s management information system not yet implemented in all correctional centres. The Committee continues to be concerned about the accuracy and reliability of the information available as some reports are recorded and reported manually. The Committee will engage with the Department of Correctional Services to get a briefing on the new e-Correction system which is currently being rolled out.
- 12.6 In its engagement with JICS, the Committee was informed that there was a serious need to consider decriminalization of sex workers as this contributes unnecessary to prison overcrowding. The Committee resolved that, in order to properly deal with the issue of decriminalization of sex workers, there was a need to look at other models. In this regard, the Committee resolved to embark on an international study tour early in 2023 to learn best practices that can be imported to South Africa.

13. Appreciation

- 13.1 The Committee wishes to thank the Minister of Justice and Correctional Services and Deputy Minister of Correctional Services, staff in the Ministry, Acting National Commissioner and the staff of the Department of Correctional Services for their assistance in this process.
- 13.2 The Committee also wishes to thank the Inspecting Judge and the staff of the Judicial Inspectorate for Correctional Services for their co-operation in this process.
- 13.3 The Committee wishes to thank the Auditor General South Africa for the support provided to the Committee.

Report to be considered