**Policy Assessment and Recommendations Report of the Select Committee on Security and Justice on the 2023/24 Budget Vote 22, Annual Performance Plan (APP) of the Department of Correctional Services, dated 14 June 2023.**

1. **Introduction**

This report serves to assess the strategic plans, annual performance plans and budget of the Department of Correctional Services (DCS) for 2023/24 against the backdrop of service delivery. It is with this in mind that the Select Committee presents this report on the budget briefing by the DCS. The Select Committee on Security and Justice, on 30 May 2023, held a virtual briefing on the 2023 Budget and APPs of the Department and reports as follows:

1. **Strategic Priorities of the Department of Justice for the 2023/24 financial year**

**MTEF Focus Areas**

* Providing adequate security and security equipment at correctional centres.
* Improving facilities including provision of 1 000 additional bed spaces over the MTEF.
* Offering effective rehabilitation programmes, which includes implementing the self-sufficiency and sustainability framework.
* Successful reintegration of offenders into society through increasing effective victim participation in parole decisions.

**Alignment to SONA 2023**

* The Department will implement rehabilitation programmes that addresses the underlying causes of offending behaviour including those contributing to gender-based violence.

**Broad Policy Priorities for 2023/24**

* Implementation of the Self-Sufficiency and Sustainability framework,
* Providing adequate security and security equipment at correctional centres,
* Improving facilities,
* Offering effective rehabilitation programmes, and
* Successful reintegration of offenders into society.
1. **DCS Budget Allocation 2023/24**

The Department of Correctional Services has been allocated a total budget of R26 026.7 billion in the 2023/24 financial year. This is a decrease by 1.9 per cent or R509.3 million from the 2022/23 allocation.

The **Administration and Incarceration programmes** received the largest proportion of the total Departmental budget. These two programmes account for a combined 78 per cent of the total budget of which 58 per cent is allocated to the Incarceration programme and 19 per cent is allocated to the Administration programme.

The **Rehabilitation and Social Reintegration** programmes received the smallest allocations of the total budget and together they account for only 12 per cent (Rehabilitation 7 per cent while Social Reintegration accounts for 5 per cent) of the total budget for 2023/24 financial year. The Care programme comprises 9.5 per cent (10 per cent in 2022/23) of the budget.

**Administration** is the second biggest programme both in terms of budget and personnel. An amount of R4.9 billion has been allocated to this programme and there are 6 241 officials. the Judicial Inspectorate for Correctional Services is a sub programme of the Administration Programme.

Funds earmarked for the **Judicial Inspectorate for Correctional Services** amount to R76,4million in 2023/24, R79,9 million in 2024/25 and R83,5million in 2025/26

The **Incarceration** programme is the largest allocated programme in terms of the budget and its allocation has been decreased by 2.89 per cent (or R440.1 million) when compared to the previous financial year. An amount of R15 110.3 billion has been allocated to this programme in the 2023/24 financial year. This amounts to 58 per cent of the total budget allocation for the Department.

The **Rehabilitation** Programme is the second smallest allocated programme in this budget and comprises only 7 per cent of the total allocation for the Department in 2023/24. This programme has been allocated an amount of R2 261.4 billion which is a nominal decrease of 3.45 per cent as compared to the 2022/23 allocation. In monetary terms this programme received R80.7 million less than it received in 2022/23 financial year.

The **Care** Programme has decreased by -5.96 per cent in 2023/24 financial year, which resulted in this programme being allocated a total amount of R2 482.0 billion.

The **Social Reintegration** Programme This programme has been allocated an amount of R1 239.9 billion for the 2023/24 financial year, which is a decrease of 4.40 per cent as compared to the previous financial year.

**3.1 Financial Assessment of DCS**

The total number of irregular expenditure reported as at 31 March 2023 is one thousand and ninety- seven (1 097) of which eight hundred and eighty- one (881) were finalized. This translate to a total of 80% (881/1 097) being finalized.

The total number of fruitless and wasteful expenditure reported as at 31 March 2023 is three hundred and forty (340) of which one hundred and sixty-nine (169) were finalized. This translate to a total of 48% (169/340) being finalized.

The Department is implementing consequence management and is consistently working towards recovering the funds.

1. **Annual Performance Plans 2023/24 per Programme**

The 2023/24 APP has 10 0utcomes 96 indicators in total, 81 are for DoJ&CD and 15 are for NPA. 8 indicators that were on the 2022/23 APP were not included in the 2023/24 APP due to fact that they were either achieved or they had been planned for one financial year.15 new indicators were included in the 2023/24 APP.

**4.1 Programme 1: Administration Programme**

The Administration programme This programme provides strategic leadership, management and support services to the Department. The Administration programme consists of eight (8) sub-programmes.

**Audit Outcome**: The target for 2023/24 is to have an Unqualified audit opinion with

reduced findings. In 2021/22 the Department received unqualified audit opinion with

reduced findings. The Auditor-General indicated that the Department 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**.**

* **Percentage of officials charged for fraud and corruption**: The target for the

Department under this indicator is 95% for the 2023/24 financial year. This target will

remain the same in the medium term.

* **Percentage of Correctional Facilities and Public Private Partnership facilities**

**inspected:** The target for this indicator in the 2023/24 financial year is 56%. This target

will remain the same in the medium term.

* **Percentage of Integrated Inmate Management System implemented as per Master Information System and Security Technology Plan:** The target for this indicator in the 2023/24 financial year is 20.64%. This target will increase to 26% (in 2024/25) and 30% (in 2025/26).
* **Percentage of youth employed within the Department.** For 2023/24 financial year, the Department intends to have 20% of youths employed within the Department. This target will also remain the same in the medium term.

**4.2 Programme 2: Incarceration Programme**

This programme provides services and well maintained physical infrastructure that supports

safe and secure conditions of detention consistent with human dignity of inmates, personnel

and the public; and provides for the profiling of inmates and compilation of needs-based

correctional sentence plans, administration and intervention. This programme has four sub-programmes which are: Security Operations; Facilities; Remand Detention and Offender

Management.

**Key Targets**

* **Percentage of inmates who escaped from correctional facilities**: The Department’s

target for escapes in the 2023/24 financial year is less than 0.030% of inmates who

escape from their correctional facilities. This target will be less than 0.029% (in 2024/25) and less than 0.028% (in 2025/26).

* **Percentage of inmates injured as a result of reported assaults in correctional**

**facilities**: The Department’s target is to have less than 4.55% of inmates injured as a

result of assaults in correctional facilities in the 2023/24 financial year.

* **Percentage of confirmed unnatural deaths in correctional facilities**: For this

indicator, the Department plans to have less than 0.32% of confirmed unnatural deaths

in their facilities for the 2023/24 financial year. The target for this indicator will remain

the same in the medium term.

* **Infrastructure projects**: The Department plans to complete 15 infrastructure projects

in the 2023/24 financial year. In 2024/25 the target is 13 infrastructure projects and for

2025/26 the target is for 2 infrastructure projects.

* **Percentage of overcrowding in Correctional Centres**: The Department’s target for

overcrowding is less than 50% in the 2023/24 financial year. In the previous financial

year, the target for this indicator was less than 32%. In the medium term the target will

remain at 50%.

**4.3 Programme 3: Rehabilitation Programme**

This programme provides offenders with needs-based programmes and interventions to

facilitate their rehabilitation and enable their social reintegration. There are three sub-programmes under Rehabilitation programme.

**Key Targets**

* **Percentage of offenders with Correctional Sentence Plans**: The Department intends

to have 84 per cent of offenders with Correctional Sentence Plans who have completed

correctional programmes in 2023/24 financial year. This target will remain the same in

the medium term.

* **Percentage of offenders participating in long occupational skills**: For the 2023/24

financial year, the Department intends to have 90 per cent of offenders participating in

Long Occupational Skills. This target will also remain the same in the medium term.

* **Percentage of offenders participating in General Education and Training per**

**academic year**: The Department plans to have 85 per cent of offenders participating in

General Education and Training for this academic year. This target will increase to 90

per cent in 2024/24 and 2025/26 financial years.

* **Percentage of offenders, parolees and probationers receiving social work**

**services**: The Department intends to have 58 per cent of offenders, parolees and

probationers receiving social work services in 2023/24 and this target will increase to

60 per cent (in 2024/25) and 62 per cent (in 2025/26).

* **Pass rate for Grade 12 National Certificate.** The Department intends to have 77 per

cent of learners passing their Grade 12 in 2023/24 financial year and this target will

remain at 77 per cent in 2024/25 and increase to 78 per cent in 2025/26.

**4.4 Programme 4: The Care Programme**

This Programme provides needs-based programmes and services aimed at maintaining the

personal wellbeing of inmates in the Department’s custody Sub-programmes under the Care programme includes Nutritional Services and Health and Hygiene Services.

**Key Targets**

* **Percentage of inmates screened for diabetes:** The Department intends to have 90 per

cent of inmates screened for diabetes in the 2023/24 financial year. This target will remain the same over the medium term.

* **Percentage of therapeutic diets prescribed for inmates**: 12 per cent of inmates will

benefit from therapeutic diets in the 2023/24 financial year. This target has been the same in the previous financial year and will remain stable over the medium term.

* **Percentage of inmates screened for hypertension**: The target for this indicator in

2023/24 is 90 per cent and will remain the same over the medium term.

**4.5 Programme 5: Social Reintegration Programme**

This programme provides services focused on offenders’ preparation for release, the effective

supervision of offenders placed under the system of community corrections and the facilitation

of their social reintegration into communities.

This Programme has three sub-programmes namely: Supervision; Community Reintegration

and Office Accommodation: Community Corrections.

**Key Targets**

* **Percentage of parolees without violation**: The Department plans to ensure that 97

per cent of parolees do not violate their parole conditions. This target has remained the

same when compared to the previous financial year and will continue to be the same in

the medium term.

* **Percentage of probationers without violation**: The Department intends to ensure that

97 per cent of probationers do not violate their conditions. Again, this target has also

remained the same when compared to the previous financial year and will continue to

be the same in the medium term.

* **Victim Offender Dialogue (Victims):** Under this indicator, the Department plans to

have 4 700 victims participating in Restorative Justice programme. This is an increase

of 600 as compared to the target of 2022/23 financial year. This target will increase to

5300 (in 2024/25) and 5900 (in 2025/26).

* **Victim Offender Dialogue (Offenders)**: Under this indicator, the Department plans to

have 3 500 offenders, parolees and probationers participate in Restorative Justice

programmes. This is an increase of 500 as compared to the previous financial year and

this target will increase to 4000 (in 2024/25) and 4500 (in 2025/26).

* **Job creation**: The Department intends to have 48 economic opportunities facilitated for offenders, parolees and probationers. This is an increase of 6 economic opportunities when compared to the target of the previous financial year.
1. **Discussion / Responses by the Department**

**5.1 Arrest by Hawks**: In response to a member’s question regarding an arrest in Acacia Park and why the Hawks and not DCS was involved in the arrest. The Department responded that they were arrested by the Hawks because it was the relevant law enforcement agency tasked to deal with that type of case and DCS officials were present.

**5.2 Irregular Expenses**: Members were concerned that there were reports of irregular expenditure but no officials had been disciplined for this. The Department responded that there is consequence management and officials are taken through disciplinary processes. The Department will submit statistics and a report on the disciplinary cases to the committee.

**5.3 Gambling of inmates**: Members wanted to understand how inmates are allowed to gamble and what the Department does to address this. The Department responded that this is difficult to monitor because under the Sports, Arts and Culture programme, they allow inmates to play recreational games but do not allow them to play games with money. In the event that offenders are found gambling, they are disciplined. Recreational games are for the benefit of offenders.

**5.4 Anti-corruption strategy:** Members wanted to know what is being done to protect whistle blowers and related the question to the Thabo Bester escape in which whistle blowers lost their jobs. The Department responded that it has an Anti-Corruption Strategy in place which includes protection of whistle blowers, both officials and offenders. There are also security plans in place to ensure that whistle blowers are transferred to centres where they will be safe. In addition, they have a call centre line where members of the public report incidents of corruption. The Department will provide the Committee with a full report on this.

**5.5 The differentiation between treatment of inmates and victims/ordinary citizens:** Members were concerned that in some cases inmates receive food, medical assistance and other basic services whereas victims and citizens generally are suffering financially. The Department responded that in terms of the Bill of Rights and the Mandela Rules, inmates are to receive fair treatment. The Department acknowledged that we need to have the same benefits for all citizens. Victims of crime are able to access compensation but often this entails procuring the services of a lawyer. More needs to be done by various Departments to work together to ensure that victims receive solace**.**

**5.6 Budget reduction in Rehabilitation Programme**: Members wanted to know how the Department will ensure that rehabilitation remains a priority despite the budget cuts. The Department responded that it is prioritising its budget in the Incarceration and Rehabilitation programmes. The Department is implementing its self-sufficiency and sustainability programme to ensure that it procures its own food agriculturally and through the bakeries. The Department indicated that it will provide the Committee with a full and detailed report on this matter.

**5.7 The impact of loadshedding**: Members wanted to understand the real impact of load-shedding on Correctional Centres and whether the Department is working with DPWI. The Department is engaging DPWI and Treasury on this matter to increase the number of generators as the current challenge is that the Correctional Centres house inmates as well as officials on the grounds. The Department has been able to ensure that all centres do not experience darkness and that there are no security incidents as a result of load-shedding. The Department is also working closely with municipalities and Eskom to find ways for Correctional Centres to receive an exemption from load-shedding.

**5.8 Overcrowding and Foreign Nationals**: Members wanted to know why foreign nationals are not being housed in Home Affairs centres instead of within Correctional Centres. The Department responded that on a monthly basis, they compare flows between Correctional Centres and Home Affairs centres and those persons who are not meant to be in DCS facilities are handed over to Home Affairs on a monthly basis. The Department would submit a report to the Committee.

**5.9 Parolees**: Members wanted to know what work parolees do after they have received parole and whether there were any best case studies. Members also wanted to understand how parolees are being monitored after their release. The Department informed the Committee that there are many parolees who have started their own businesses and even employ other parolees eg North West Province. The Department would submit a detailed report on these case studies to the Committee. In respect of monitoring of parolees, the Department has launched a campaign of doing spot checks to ensure parole officers do their work. The Department still experiences challenges where parolees do not comply and they are then brought back into DCS facilities or put on the list of absconding where they changed their address without informing the parole officer.

**5.10 Offender victim dialogue:** Members wanted to know how successful the dialogues are and what challenges the Department has. The Department responded that on a monthly basis, they convene forums which involves members of the community which is facilitated with the parole board. The Department has had some success but there are some challenges where victims are not ready to forgive the offender**.**

**5.11 Victims not being informed of release of offenders:** Members wanted to understand why victims are not informed of the release of offenders. The Department responded that victims are interacted with and invited to parole board meetings and make presentations to the parole board. There are instances where some offenders are relocated and the Department ensures that if they are released, they are not in close vicinity of victims. Community participation in release of offenders particularly in rural areas are important eg House of Traditional Leaders and other community leaders.

**5.12 Regional Commissioner Post – Eastern Cape:** Members wanted to understand why this post has not been filled and where the process is at currently. The Department confirmed that the post had been advertised and is closed. The Department is now setting up a panel for shortlisting and interviews will take place shortly.

**5.13 Numbers of psychologists and social workers:** Members wanted to know whetherthere are sufficient social workers, psychologists and general support for inmates or are there still challenges for the Department in the provision of these services to inmates. The Department admitted that the numbers do not match the required amount for the number of offenders and they are working with the Department of Social Development to increase capacity and have a programme of auxiliary social workers. The Department is also required to implement a budget reduction tool on compensation budget and is required to reduce the number of employees to fit the budget by Treasury. This decrease has impacted the organisational structure and will impact the number of psychologists and social workers which will in turn affect the rehabilitation programme. The Department has made submissions to treasury and are told to continue reducing the number of employees. The Department has formed a task team to address backlogs**.**

**5.14 Re-offending:** Members wanted to understand the reasons for parolee re-offending. The Department responded that they do not have huge percentages for re-offending and in the event that the offender comes back into the system, they are usually arrested for different crimes to the original one. The Department is working with the Department of Planning, Monitoring and Evaluation (DPME) to develop a project to evaluate rehabilitation and correctional programmes as well as the monitoring of parolees. This programme will allow them to have some pointers on how to improve.

**5.15 Benefits for victims of crime:** Members reflected on the fact that victims of crime do not receive rehabilitation or programmes to enhance their living situations. The Department responded that the Minister and Deputy Minister has tasked the Department to have more programmes for victims of crime including improving living conditions, providing them with skills to establish gardens and where there are employment opportunities within the Department, they interact with victims and expose them to these posts.

**5.16 Thabo Bester escape:** Members wanted to understand how this escape occurred and what its current position is in relation to the contract with the G4S security company. The Department responded that Thabo Bester was under the care of Mangaung Correctional Centre which is managed under a public private partnership. The Department received the initial report in May 2022, in which it was reported that the offender burnt in the cell and the matter was then referred to SAPS. A case of arson and unnatural death was opened and the investigation by SAPS and the post mortem results indicated that the body in the cell may have been the body of someone else not Thabo Bester. The Department faced challenges in conducting the investigation and failed to receive the necessary co-operation from the contractor. The Department has issued a notice of termination to the contractor. The Department will send the full report on the Thabo Bester investigation to the Committee.

**5.17 Judicial Inspectorate of Correctional Services Bill:** Members wanted to know what the timeframe is for the introduction of the Judicial Inspectorate for Correctional Services Bill (JICS Bill) and whether the Constitutional Court extension on this Bill will be met. The Department responded that the JICS Bill has also been developed and the finalisation thereof hinges on a final determination from National Treasury to replace most of the provisions in Chapters 9 and 10 of the Act. The Department is hoping to introduce the Bill as soon as possible and is confident it will meet the Constitutional Court extension deadline.

**5.18 Remand detainees:** Members wanted to know what measures are being implemented to reduce the number of remand detainees. The Department responded that the average number of remand detainees on 31 December 2022 was 51 919. On a monthly basis, specific categories of remand detainees are referred to court for bail review under Section 63A and Section 63(1) of the Criminal Procedure Act, 1977.

**5.19 Escapes:** Members wanted to understand how many escapes had taken place in the past year and what measures were being put in place to prevent future escapes. Members wanted to understand how and when the public and victims are informed of an escape by an inmate. The Department responded that there were 27 in the previous year and 6 escapes this year, which shows a decrease from the past 3 years where they had above 80 escapes. The Department is implementing strategies to reduce escapes and tracing those who have escaped. Figures indicate that more than 80% have been brought back into custody.The Department responded that in terms of protocol, immediately when an escape occurs, they inform victims and families of the offender and they issue a media alert. A report is also sent to SAPS as it is a crime and the Department then works with law enforcement agencies.

**5.20 Facilities:** Members wanted to understand the nature of the Department’s relationship with DPWI in respect of facilities and those that are at 0% capacity. The Department has a process in place to revise Service Level Agreements with DPWI to enter into a tripartite agreement to diversify the procurement strategy. In February 2022, they had bilateral discussions with DPWI and various resolutions were adopted and there is currently an action plan in place. The Department will provide a full report to the Committee on the status of Correctional Centres operating at 0% capacity on a provincial basis.

**5.21 Engagement with CPFs in WC:** Members wanted to know how the Department works with CPF structures in the Western Cape Province. The Department responded that there are ongoing engagements and they work closely with CPFs. The Department provides CPFs with a list of parolees and instances of escapes, with the assistance of CPFs they often arrest escapees within 72hours. Area commissioners also attend CPF meetings and they work with CPFs in the areas of stakeholder and parole management.

**5.22 Increase in target for Overcrowding and bed space:** Members wanted to know why the target for overcrowding had increased and what the current overcrowding percentages are within the Department as well as the amount of bed space available. The Department is 46% overcrowded and this is in line with the judgement that emanated from the Western Cape High Court that prompted the Executive of the Department to utilise the 150% threshold as the maximum overcrowding status. The main driver of overcrowding in DCS remains the new approved bed space of 107 582 which is a decrease of 1 222 from the previous bed space of 108 804. The increase in the target was therefore to ensure the Department adheres to the High Court percentage.

**5.23 Presidential Pardon:** Members wanted to know what is the process from the Department’s side. The Department responded that pardons fall under the mandate of the Department of Justice and Constitutional Development, however the DCS prepares a motivation for remission of sentence which must go through cabinet and is then approved by the President.

**6. Recommendations**

**6.1** The Department should ensure that it prioritises the upgrading of correctional centres and works tirelessly to ensure that the overcrowding is reduced and the bed space is increased at all Correctional Centres.

**6.2** The Department should ensure that it reduces the number of remand detainees by implementing the necessary Sections of the Criminal Procedure Act for these detainees to obtain bail swiftly.

**6.3** The Department should endeavour to work with all CPF structures in all provinces and with law enforcement agencies to improve its services in returning escapees to custody as well as to work with the CPFs to effectively monitor parolee activities.

**6.4** The Department, together with other Departments and stakeholders should endeavour to find a plan to provide the necessary skills and support to victims of crime to ensure that victims receive the compensation they deserve.

**6.4** The Department should ensure that it works well with DPWI to effectively roll out sufficient generators and other sources of power to counter load-shedding with the aim of preventing escapes within correctional centres.

**6.5** The Department should work innovatively to ensure that despite budget cuts in the rehabilitation programme, this does not affect the importance of rehabilitation of offenders and that it does not affect the services of psychologists and social workers within the Department. In this regard, the Department should implement programmes of action to focus on the retention and appointment of sufficient psychologists, social workers and health care practitioners.

**6.6** The Department should implement the necessary measures to prevent any escapes and in the event of inmates escaping, victims and their families should be informed of the escape as expeditiously as possible.

**6.7** The Department should prioritise the protection of whistle blowers and transfer them to safe facilities and continue to receive reports from the public on corrupt activities within the Department. Further, the Department should implement the necessary disciplinary procedures in these cases.

**6.8** The Department should continue monitoring the activities of parolees to satisfy themselves that parolees are indeed capable of providing for themselves and implement the necessary monitoring mechanisms.

**6.9** The Department should, within 30 days of adoption of this report, furnish the Committee with the following detailed reports:

6.9.1. Consequence management in respect of irregular expenses: a detailed report on disciplinary measures undertaken.

6.9.2 A report on the incidents of corruption reported by the public through the call centre.

6.9.3 A report on the Department’s Self-sufficiency and sustainability programme.

6.9.4 A report on the figures of foreign nationals within correctional centres and those handed over to the Department of Home Affairs.

6.9.5 A report on the best practice case studies of parolees who have started their own businesses and who are employing other parolees.

6.9.6 A full and detailed report on the Thabo Bester escape.

6.9.7 A report on the employment equity targets of the Department for persons with disabilities.

1. **Conclusion**

The Committee encouraged the Department, that despite some big budget cuts, the Department continues to ensure the safety, rehabilitation and care of inmates as well as the overall health of DCS officials.

The Select Committee on Security and Justice supports Budget Vote 22.

**Report to be considered.**