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| **PARLIAMENT OF THE REPUBLIC OF SOUTH AFRICA**  **NATIONAL ASSEMBLY** |

**QUESTION FOR WRITTEN REPLY**

**PARLIAMENTARY QUESTION NO: 547**

**DATE OF QUESTION: 17 APRIL 2020**

**DATE OF SUBMISSION: 04 APRIL 2020**

**Mr J Selfe (DA) to ask the Minister of Justice and Correctional Services:**

1. What is the bed space available for remand detainees in his department?
2. What number of detainees were incarcerated at remand detention facilities as at 31 December 2019?
3. What steps is his Department of Correctional Services taking to reduce the overcrowding of remand detention facilities? **NW734E**

**REPLY**

1. The Department of Correctional Services has a total of **118 572** bed space which is utilised to accommodate all categories of inmates. However, there are dedicated Remand Detention Facilities (RDFs) which house mainly remand detainees and a fraction of sentenced offenders to perform labour which cannot be performed by remand detainees. As at 10 April 2020 the approved bed space for 20 dedicated under RDFs was 15 120.
2. **51 636** Remand Detainees (RDs) were incarcerated by 31 December 2019 as per daily unlock of 01 January 2020.
3. The strategies that are implemented by the department to reduce the overcrowding of remand detainees are as follows:
4. *Bail Protocol Section 63(A) (Criminal Procedure Act - CPA):* It allows the Head of the Centre to submit an application to court for review of bail of RDs who have been charged with Schedule 7 crimes. The criteria for submitting an application is when a particular centre/detention facility is reaching such proportions that it constitutes a material and imminent threat to the human dignity, physical health or safety of remand detainees. These must be the lower court cases (Regional and Magistrate courts). The possible outcomes are as follows:

• Release of the RD;

• Release and placement on warning;

• Placement under s62(f): Supervision by a correctional official;

• Reduction of the amount of bail;

• Placement in a secure care facilities; and

• Decline to review bail (Unsuccessful application)

1. *Section 63(1) of the Criminal Procedure Act:* This section allows the RD or the prosecutor to approach the court for a review of bail. All the RDs with bail qualify for bail review, however DCS cannot initiate the process without the permission of the RD.
2. *Plea Bargaining Section 105 (CPA):* DCS promotes the use of plea bargaining, however the agreement for entering into Plea Bargaining is between the RD, the Legal representative and the Prosecutor.
3. *Section 49G of the Correctional Services Act:* The section makes provision for the DCS to refer the RDs to court before completing a period of two years for consideration of their detention and thereafter annually if the RD remains in detention after the initial referral. The court will utilise options highlighted in section 63A of the CPA when considering the application from DCS.

While the department implements the strategies for reducing the population of remand detainees, it should be noted that the drivers of the population are beyond the control of the Department of Correctional Services. The key drivers are the use of pre-trial detention by courts and the increasing trend in serious crimes. The increase in serious crimes is closely related to an increase in the use of pre-trial detention by courts without the option of bail. Other drivers are the number of admissions received from courts and the length of stay which are beyond the control of institutions responsible for the detention of RDs.

Other factors include, failure to pay bail by those few RDs who have been awarded bail, delays in finalising court cases despite several court appearances. Large number (80%) of RDs are without bail.

**END**