**2. REPORT OF THE PORTFOLIO COMMITTEE ON JUSTICE AND CORRECTIONAL SERVICES ON BUDGET VOTE 22: CORRECTIONAL SERVICES, DATED 11 MAY 2022**

1. **INTRODUCTION**
	1. The Committee received a political overview by the Minister of Justice and Correctional Services, Mr Ronald Lamola, on 03 May 2022, who was accompanied by the two Deputy Ministers, Inkosi Phathekile Holomisa (Correctional Services) and Mr. John Jeffery (Justice and Constitutional Development). This briefing took place by way of a virtual platform.
	2. The Department of Correctional Services and the Judicial Inspectorate for Correctional Services presented their Annual Plans and their Budget allocations for 2022/23 financial year on 04 May 2022. The briefings also took place by way of a virtual platform.
	3. The DCS’s mandate is derived from the Correctional Services Act (No. 111 of 1998), as well as the White Paper on Correctional Services (2005) and the White Paper on 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 social reintegration into the community.
	4. The DCS’s planning documents are also informed by the government-wide Medium-Term Strategic Framework (MTSF) 2020-25, which is geared towards the implementation of the National Development Plan’s Vision 2030 (NDP).
2. **POLITICAL OVERVIEW BY THE MINISTER OF JUSTICE AND CORRECTIONAL SERVICES**
	1. The Minister indicated that, during the devastating floods in Kwa-Zulu Natal, inmates, through the Department of Correctional Services’ Self Sufficiency and Sustainability Model, contributed towards the social relief efforts. The Department of Correctional Services donated vegetables, eggs, meat, milk and bread to needy families who were affected by the floods.
	2. The Minister also reported that the Department of Correctional Services will be implementing a new programme that will extend correctional and rehabilitation programmes to Remand Detainees who spend more than two months in remand facilities.
	3. The Department of Correctional Services has been able to take off items such as eggs and pork on their procurement lists in the past financial year and more items will be added to these lists as a result of implementation of Self-Sufficiency. The Minister also indicated that DCS’ workshops have been capacitated with latest technology to enable them to produce inmate uniform, staff uniform and shoes in large quantities.
	4. The Minister has also reported that, the national Treasury has approved 100% retention of revenue generated by the Department of Correctional Services through Self-Sufficiency and these funds will be reinvested towards programmes contributing to Self-Sufficiency.
	5. With regard to the two PPPs, the Minister indicated that, the department will not be renewing the two contracts when they lapse, instead they will take over the running of the two facilities.
	6. The Minister also reported on his meeting with the Minister of Public Works and Infrastructure to look at ways in which, through offender labour, they can respond to minor maintenance at courts like installation of ramps for people living with disabilities, cleaning and minor renovations.
	7. In dealing with corruption, the Minister indicated that the Department of Correctional Services is intensifying its campaigns and processes to systematically and comprehensively prevent corruption and mismanagement, as well as ensure consequence management.
		1. The Minister committed, in working towards ensuring that all departments and entities under the Ministry of Justice and Correctional Service meet their objectives.

1. **DEPARTMENT OF CORRECTIONAL SERVICES’ STRATEGIC GOALS**
	1. 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 is 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.
	2. To this end the DCS has identified the following three focus area for 2022/23 financial year:
* Implementation of the Self-Sufficiency and Strategy
* Providing adequate security at correctional centres, and
* Facilitation of Restorative Justice.
1. **OVERVIEW OF THE DCS BUDGET: 2022/23**
	1. The DCS will receive R26.1 billion in 2022/23. This is an increase of 0.64% or R165.4 million from 2021/22. The allocation is projected to increase to R26.7 billion over the medium term (2024/25). Of the total allocation for 2022/23, 68.5% (or R17.8 billion) goes towards Compensation of Employees.

**TABLE 1: SUMMARY OF ALLOCATION FOR 2018/19-2024/25**

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Programmes** | **2018/19** | **2019/20** | **2020/21** | **2021/22** | **2022/23** | **2023/24** | **2024/25** |
| **R’000** | **Audited outcome** | **Audited outcome** | **Audited outcome** | **Adjusted appropriation** | **Medium term estimates** | **Medium term estimates** | **Medium term estimates** |
| **Administration** |  4, 334.5 |  4,925,0 |  4,709.2 |  4,497.1 |  4,679,1 |  4,570,8 |  4,771.2 |
| **Incarceration** | 14,468.9 | 15,189.8 | 14,973.0 | 15,480.7 | 15,282.1 | 14,946.7 | 15,611,9 |
| **Rehabilitation** |  1,749,0 |  1,895.2 |  1,884,4 |  2,213,0 |  2,319,9 |  2,349,4 |  2,461.2 |
| **Care** |  2,286.7 |  2,187,6 |  2,481,2 |  2,463,8 |  2,620,3 |  2,625,5 |  2,748.1 |
| **Social Reintegration** |  936,7 |  987,1 |  979,2 |  1,288.6 |  1,207,4 |  1,101,5 |  1,150,9 |
| **Total expenditure** | **23,775.8** | **25,775,8** |  **25,027,1** |  **25,943,3** |  **26,108,7** |  **25,593,9** |  **26,743,3** |

**Source: Estimates of National Expenditure 2022**

* 1. The DCS budget is distributed across five programmes: Administration (R4.6 billion), Incarceration (R15.3 billion)), Rehabilitation (R2.3 billion), Care (R2.6 billion), and Social Reintegration (R1.2 billion).
	2. A combined 76 percent of the allocation goes towards the Administration and Incarceration programmes. The Rehabilitation and Social Reintegration programmes together receive only 14 percent of the overall budget for 2022/23, while the Care programme receives 10 percent.
	3. The Judicial Inspectorate of Correctional Services receives a transfer from the Vote of R78.7 million in 2022/23, R76.5 million in 2023/24 and R79.9 million in 2024/25.
1. **OVERVIEW OF ALLOCATION 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, Assurance Services and Office Accommodation.
		2. An amount of R4.6 billion has been allocated to the Administration programme for the 2022/23 financial year. This amounts to 18 percent of the total Departmental budget. This is the second largest programme in the Department in terms of budget allocation. This programme has been decreased by 4.05 percent or R182 million in nominal terms.
		3. The allocation to sub-programmes, as percentage of the allocation to the Administration programme, is as follows: Finance - 26 percent or R1, 130.7 billion; Human Resources - 45 percent or R1,994.4 billion; Management – 19.5 percent or R858.5 million; Information Technology – 8.6 percent or R380.6 million; Assurance Services – 2.6 percent or R117.9 million; Office Accommodation – 2.2 percent or R100.6 million; and the Ministry – 1.8 percent or R21.6 million. The Judicial Inspectorate for Correctional Services receives 1.8 percent or R78.7 million of the total allocation for the programme.
		4. In terms of the Annual Performance Plan, the department intends to have an unqualified audit opinion with reduced findings in the 2022/23 financial year. The target for IIMS has been increased from 12% (in 2021/21) to 16% (in 2022/23). The department also plans to have 20% of youth employed in the 2022/23 financial year.

**Table 4: Programme 1: Administration**

|  | **2021/22****(R’000)** | **2022/23****(R’000)** | **Nominal** **% changes** | **Real** **% change** | **Nominal Rand change** | **Real Rand change** |
| --- | --- | --- | --- | --- | --- | --- |
| **Programme 1:** **Administration** | **5 302.5** | **4 392.7** | **-17.16** | **-20.73** | **-909.8** | **-1 099.0** |
| **Sub-programmes** |  |  |  |  |  |  |
| Ministry | 27.3 | 21.6 | -20.88 | -24.29 | -5.7 | -6.6 |
| Judicial Inspectorate for Correctional Services | 72.1 | 78.7 | 3.42 | -1.04 | 2.6 | -0.8 |
| Management | 797.8 | 854.5 | 7.11 | 2.49 | 56.7 | 19.9 |
| Human Resources | 1 953.7 | 1 994.4 | 2.08 | -2.31 | 40.7 | -45.2 |
| Finance | 1 082.4 | 1 0130.7 | 4.48 | -0.02 | 48.5 | -02 |
| Assurance Services | 129.0 | 117.9 | -8.60 | -12.54 | -11.1 | -16.2 |
| Information Technology | 334.0 | 380.6 | 13.95 | -9.05 | 46.6 | 30.2 |
| Office Accommodation | 96.9 | 100.6 | 3.82 | -0.65 | 3.7 | 0.6 |

* 1. **PROGRAMME 2: INCARCERATION**
		1. The Incarceration programme provides for services and physical infrastructure that supports secure conditions of incarceration for inmates. The Incarceration programme has four (4) sub-programmes.
		2. Being the largest DSC programme, the Incarceration programme is allocated an amount of R15, 282.1 billion for 2022/23, a decrease by 1.28 percent in nominal terms compared to the previous financial year. The programme receives 58 percent of the total budget allocation to the Vote. A total of 71.8 percent (R10, 981.3 billion) of the allocation for this programme goes towards Compensation of Employees.
		3. The largest allocation under this programme goes to the Security Operations sub-programme which received R8.35 billion, constituting 55 percent of the total allocation for the Incarceration programme. In contrast, the Remand Detention sub-programme receives only R623.7 million or four percent of the total allocation to the programme and is the smallest sub-programme. The allocation to the remaining sub-programmes is as follows: Facilities - R4 billion or 27 percent; Offender management - R2.1 billion or 14 percent.
		4. For the 2022/23 financial year, the department plans to have less than 0.031% of escapes from their correctional facilities, and less than 4.55% of inmates injured as a result of assaults in correctional facilities. The percentage of unnatural death is expected to be less than 0.32% in the 2022/23 financial year. In terms of infrastructure projects, the department plans to complete only 1 infrastructure project in the current financial year and reduce overcrowding to less than 32% in the same period.

 **Table 5: Programme 2: Incarceration**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
|  | **2021/22** **(R’000)** | **2022/23****(R’000)** | **Nominal** **% changes** | **Real** **% change** | **Nominal Rand Change** | **Real Rand change** |
| **Programme 2: Incarceration** | **15 480.7** | **15 282.1** | **-1.2857** | **-.52** | **231.7** | **-371.3** |
| **Sub-programmes** |  |  |  |  |  |  |
| Security Operations | 8 558.3 | 8 355.2 | -2.37 | -6.58 | -203.1 | -562.9 |
| Facilities | 4 016.3 | 4 121.6 | 2.62 | -1.80 | 105.3 | -72.2 |
| Remand Detention | 756.9 | 623.7 | -17.60 | -21.15 | -132.2 | -160.1 |
| Offender Management | 2 255.4 | 2 181.5 | -3.28 | -7.44 | -73.9 | -167.8 |

* 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. The Rehabilitation Programme is allocated an amount of R2.3 billion, receiving 9 percent of the overall allocation to the Vote. A total of 73 percent (R1.7 billion) of the allocation to the programme is for Compensation of Employees. In nominal terms, the programme receives an increase of 4.83 percent or a real increase of 0.32% in 2022/23.
		3. In terms of the allocations to sub-programmes, the largest allocation is to Offender Development (R1 211.2 billion or 52 percent); Psychological, Social and Spiritual programme (R632 million or 27 percent); and Correctional programme (R476.6 million or 18 percent).
		4. Under rehabilitation programmes, the department intends to have 80% of offenders with Correctional Sentence Plans who have completed correctional programmes in the current financial year. In addition, 90% of offenders are expected to participate in Long Occupational Skills and 85% of offenders are expected to participate in the General Education and Training in the 2022/23 financial year.

 **Table 6: Programme 3: Rehabilitation**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
|  | **2021/22****(R’000)** | **2022/23****(R’000)** | **Nominal** **% Changes** | **Real****% change** | **Nominal Rand change** | **Real Rand change** |
| **Programme 3:Rehabilitation** | **2 213.0** | **2 319.9** | **4.83** | **0.32** | **106.9** | **7.0** |
| **Sub-programmes** |  |  |  |  |  |  |
| Correctional Programmes | 462.5 | 476.6 | 3.05 | -1.39 | 14.1 | -6.4 |
| Offender Development | 1151.3 | 1 211.2 | 5.20 | 0.67 | 59.9 | 7.7 |
| Psychological, Social and Spiritual Services | 599.1 | 5632.0 | 5.49 | 0.95 | 32.9 | 5.7 |

* 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 Care programme is allocated R2, 620.3 billion for 2022/23, which is an increase by 6.35 percent in nominal terms from 2021/22 allocation. The real percentage change for this programme is 1.77 percent. This programme comprise 10 percent of the total allocation to the Department in the 2022/23 financial year. Compensation of employees takes up 46 percent (R1, 210.1 billion) of the total allocation to the programme.
		3. The bulk of the budget for the programme is allocated to the Nutritional Services sub-programme (R1, 334.2 billion). The remaining amount (R1, 286.1 billion) is allocated to Health and Hygiene Services.
		4. The target under care programme includes, having 12% of inmates benefitting from therapeutic diets, 90% of inmates screened for diabetes and 100% of identified inmates tested for COVID-19 in the 2022/23 financial year.

**Table 7: Programme 4: Care Programme**

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| --- | --- | --- | --- | --- | --- | --- |
|  | **2021/22****(R’000)** | **2022/23****(R’000)** | **Nominal % changes** | **Real % change** | **Nominal Rand change** | **Real Rand change** |
| **Programme 4: Care** | **2 562.4** | **2 620.3** | **6.35** | **1.77** | **156.5** | **43.7** |
| **Sub-programmes** |  |  |  |  |  |  |
| Nutritional Services | 1 247.4 | 1 334.2 | 6.96 | 2.35 | 86.8 | 29.3 |
| Health & Hygienic Services | 1 216.4 | 1 286.1 | 5.73 | 1.18 | 69.7 | 14.3 |

* 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).
		2. This programme has been allocated an amount of R1,207.4 billion for the 2022/23 financial year, which is a decrease of 6.30 per cent (or R81.2 million) as compared to the previous financial year. This programme comprises only 5 percent of the total budget of the Department for this financial year. An amount of R1,089.6 billion or 90% of programme’s budget is allocated to compensation of employees.
		3. In terms of sub-programmes, the bulk of the allocation is directed towards Supervision (90%), followed by Community Reintegration (7%), and Office Accommodation: Community Corrections (3%).
		4. Under Social Reintegration, the targets include, having 97% of parolees not violating their parole conditions, 97% of probationers not violating their parole conditions, and creating 42 economic opportunities for offenders, parolees and probationers.

**Table 8: Programme 5: Social Reintegration**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
|  | **2021/22****(R’000)** | **2022/23****(R’000)** | **Nominal****% Changes** | **Real****% change** | **Nominal Rand change** | **Real Rand change**  |
| **Programme 5: Social Reintegration** | **1 288.6** | **1 207.4** | -6.30 | -10.34 | -81.2 | -133.2 |
| **Sub-programmes** |  |  |  |  |  |  |
| Supervision | 1 170.0 | 1 073.6 | -8.94 | -12.86 | -105.4 | -151.6 |
| Community Reintegration | 75.1 | 88.6 | 17.98 | 12.90 | 13.5 | 9.7 |
| Office Accommodation: Community Corrections | 43.6 | 45.2 | 3.67 | -0.79 | 1.6 | -0.3 |

1. **COMMITTEE OBSERVATIONS AND RECOMMENDATIONS**
	1. *Self-sufficiency and Sustainability*. The Committee is pleased to hear that the Department was able to take off items such as eggs and pork on their procurement lists as a result of the implementation of Self-Sufficiency and Sustainability initiatives. The Committee urges the Department to add more items on the lists in order to address the current budget constraints facing the department. In addition, the Committee continues to urge the Department not only to limit Self-Sufficiency to revenue generation but to also increase the pool of offenders benefiting from skills development.
	2. *Offender labour.* The Committee welcomes the report by the Minister on his meeting with the Minister of Public Works and Infrastructure to look at ways in which, through offender labour, they can respond to minor maintenance at courts like installation of ramps for people living with disabilities, cleaning and minor renovations. The Committee would like to encourage the Minister to have more such initiatives with many other government departments and entities.
	3. *Target on people with disabilities*. The Committee is concerned about the low target of 0.3% set by the Department on employment of people living with disabilities while the national target is 2%. The Department is encouraged to ensure that their targets are aligned with national targets where possible.
	4. *Lack of official accommodation*. The Committee is concerned about the lack of official accommodation in the newly built Tzaneen Correctional Centre. The Committee noted the response by the Department and request that alternative means are devised to address the lack of accommodation in this facility.
	5. *PPP Correctional Centres.* The Committee welcomes the Department’s position not to renew the contract of the two PPP facilities when their contracts end. The Committee urges the Department of Correctional Services and Department of Public Works and Infrastructure to work closely together and develop maintenance plan for the two facilities to ensure that they remain in good conditions for years to come after the take-over by the Department.

* 1. *Integrated Inmates Management System*. The Committee is very much concerned that the target for IIMS has not been met although spending has been increasing over the years and the target for the current financial year has also increased. The Committee urges the Department to ensure that there is alignment between sending and performance on IIMS and also ensure that this system is implemented in all centres countrywide.

* 1. *Infrastructure Projects.* The slow pace of infrastructure projects in the Department of Correctional Services has been a source of concern for the Committee for some time. A number of projects have been delayed for several years including the Tzaneen Correctional Centre which was only officially opened in 2020 after more than 10 years since the project started. The Committee is equally concerned about security systems that are not operational in a number of facilities including at Tzaneen and Grootvlei Correctional Centre. The Committee urges the Department to ensure that this budget responds to security needs in correctional facilities to ensure safe and secure incarceration of inmates.
	2. *Filling of vacancies*. The Committee has noted vacancies of GITO and that of the Regional Commissioner Eastern Cape. The Committee believes that leadership stability is critical for service delivery in each of the two vacancies and therefore request the Minister and the Department to ensure that the two vacancies are filled within a reasonable period.
	3. *Budget allocation to programmes.* The Committee continues to be concerned about the skewed allocation of the budget of the Department of Correctional Services in favors of Incarceration and Administration to the disadvantage of more deserving programmes such as Rehabilitation and Social Reintegration. The Committee would like to emphasize that the White Paper on Corrections states that, rehabilitation should be at the centre of all departmental activities. It is against this background that, the Committee calls upon the Department to ensure that the budget respond to this call by the White Paper on Corrections.
	4. *Underspending of the budget*. In 2020/21, the Auditor General noted with concern that the Department of Correctional Services has under-spent its budget by R569 million. The Committee questions the Department on why more funds should be allocated to it when they were unable to spend such a huge amount in the 2020/21 financial year. The Committee believes that, this is either lack of proper planning or poor management on the side of the Department in spending public funds. The Committee will continue to monitor spending of the Department through quarterly reports.
	5. *JICS’ risk register*. The Committee has noted with concern that JICS has not mentioned anything regarding a risk register in their Operational Plans for 2022/23 financial year. The Committee believes that, in order to plan effectively, risks should be identified and mitigation plans put in place to address those. The Sub-Committee will have a further engagement with JICS on this as part of their programme.
	6. *Reports on systematic issues*. The Committee request JICS to submit their reports on systematic issues identified during their inspections in correctional facilities.
	7. *JICS’ Inspection targets.* The Committee has noted that the target for inspection of Correctional Centres in the 2022/23 financial year is only 56%. The Committee believes that this target is too low and JICS can do much better than that. The Committee is also concerned about lack of targets on unannounced visits for the 2022/23 financial year. The Committee believes that it will be difficult to monitor and hold JICS to account on this indicator if there are no targets in place.
	8. The Committee is of the view that, JICS always present to the Committee, an honest assessment of the situation and acknowledged where they did not perform well. The Committee believes that there is always room for improvement and encourages JICS to continue with their good work and pick up the pace.
1. **Summary of reporting requests**

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| --- | --- | --- |
| ***Reporting request*** | **Action** | **Associated timeframe** |
| *Lack of official accommodation* – regular updates.[See paragraph 6.4].  | Report | As per Sub-Committee programme. |
| *IIMS- regular updates*[See paragraph 6.6]. | Report | As per Sub-Committee programme. |
| *Infrastructure projects- regular updates on security systems in correctional centres.* *[See paragraph 6.7].* | Report | As per Sub-Committee programme. |
| *Filling of vacancies- regular updates on filling of the two key vacancies.**[See paragraph 6.8].* | Report | As per Sub-Committee programme. |
| *JICS risk register- update on risk register**[See paragraph 6.11]* | Report | As per Sub-Committee programme. |
| *Systematic issues- regular reports**[See paragraph 6.12]*  | Report | As per Sub-Committee programme. |

1. **Appreciation**
	1. The Committee wishes to thank the following for their assistance in this process:
		1. The Minister of Justice and Correctional Services, Mr Ronald Lamola; the Deputy Minister, InKosi Patekile Holomisa; and officials of the Ministry.
		2. The Acting National Commissioner, Mr Makgothi Thobakgale, and the officials of the Department of Correctional Service.
		3. The Inspecting Judge, Justice Edwin Cameron, and the officialsof JICS.
2. **Recommendation**
	1. Having considered the Annual Performance Plan for 2022/23 of the Department of Correctional Services, the Committee supports it and recommends that the National Assembly approve it.
	2. Having considered Vote 22: Correctional Services, the Committee supports it and recommends that the National Assembly approve it.

**Report to be considered.**