

ANNUAL REPORT OF THE PORTFOLIO COMMITTEE ON CORRECTIONAL SERVICES

JANUARY – DECEMBER 2005

1. Name of the Committee:

Chairperson: Mr DV Bloem

Committee Secretary: Imogen Davids

2. Chairperson's overview:

The Committee had an extremely busy year. The briefings by the Department on progress made in terms of the recommendations of the Committee oversight visit report was a very useful tool/ mechanism to hold the DCS responsible for its actions. More stringent measures will have to be implemented to ensure that policy is implemented. The briefing by the Department on Special Remissions provided the Committee with a more comprehensive understanding about the implementation, lessons learnt and processes of this initiative. The Committee will hold continuous discussions with the DCS on its activities. A concern was raised at the briefings by the NCCS and the Judicial Inspectorate about the Correctional Services Act. Certain amendments have been effected to the Act of which the Committee was not aware. The Committee had requested that the amendments be forwarded to it. Another issue of serious concern was the timeous receipt of documentation. This hampers the work of the Committee, as it does not have sufficient time to interrogate the documents. The Oversight visits were also very successful. The Committee concentrated specifically on the awaiting trial population with an attempt to identify blockages in the judicial system. Meetings with Magistrates, prosecutors and the Police were held in order to have an integrated approach to the problems and plights of the Awaiting Trial population. Another area of focus was that of building strong relationships with the community. Awareness around the reintegration of offenders upon their release is very essential. The Committee also had detailed discussions and inspections at the Private Prisons. The DCS can learn from the PPP's especially in terms of security. The Committee wishes to build stronger partnerships with the DCS and the Ministry in order to have a common understanding on challenges faced.

3. Vision and mission of the committee

To assist in building a strong Department that will contribute towards maintaining and protecting a just, peaceful and safe society by enforcing court imposed sentences and detaining prisoners in safe custody.

4. List of public entities over which the committee exercise oversight

The Department of Correctional Services
The Judicial Inspectorate of Prisons
The National Council of Corrections

5. Number of meetings held and those cancelled

31 Meetings from January till November 2005
Only two meetings were cancelled, because of Plenary sessions, but the Agenda items were incorporated into the Committee programmes.

6. Legislation referred to the committee (Finalised and not finalised): indicate the following:-

- The Committee had no Legislation before it.

7. Papers (International Agreements, Protocols, Reports etc) referred to the Committee: indicate the following:-

Draft directives in terms of section 299 A of the Criminal Procedure Act, Act 51 of 1977; **Right of complainant to make representations in certain matters with regard to placement on parole, on day parole or under correctional supervision.**

- Referral date: *05 October 2005*
- Consideration date by the committee: *Friday, 28 October 2005*
- Report publication (ATC date): No report in the ATC
- Debate in the House: No debate in the House

8. Oversight (Local) visits

8.1 Oversight Visit to the North West and Mpumalanga provinces

- Objectives of each trip
Visit to the North West and Mpumalanga region to identify the impact of overcrowding on conditions of prisons, Meet with staff at all levels to discuss issues of communication, corruption and other staff grievances, Identify concerns around juveniles in prison, Interact with the Legal Aid Board and the Independent Prison Visitor.
- Dates
26 January till 04 February 2005
- Delegation
Mr DV Bloem
Ms. LS Chikunga
Ms. MW Makgate
Mr MS Moatshe
Mr S Mahote
Mr LJ Tolo
- Provinces/ places visited
Potchefstroom Correctional Centre (North West Province)
Mogwase Correctional Centre (North West Province)
Losperfontein Correctional Centre (North West Province)
Rustenburg Correctional Centre (North West Province)
Wtibanek Correctional Centre (Mpumalanga Province)

Barberton Correctional Centre (Mpumalanga Province)
Nelspruit Correctional Centre (Mpumalanga Province)
Ermelo Correctional Centre (Mpumalanga Province)
Bethal Correctional Centre (Mpumalanga Province)

- Report
The report was adopted on Tuesday 15 March 2005.
- Report publication (ATC date)
Thursday, 19 May 2005
- Debate in the House
Tuesday, 07 June 2005

8.2 Oversight Visit to the Limpopo Province

- Objectives of each trip

Visit to the Limpopo Province and the Private Prison, Kutama Sinthumule, to identify the impact of overcrowding on conditions of prisons, Meet with staff at all levels to discuss issues of communication, corruption and other staff grievances, Identify concerns around juveniles in prison, Interact with the Legal Aid Board and the Independent Prison Visitor, Compliance with the Correctional Services Act, Training programmes at PPP's and the standard of Security.

- Dates
3 – 5 August 2005
- Delegation

Mr DV Bloem
Ms. LS Chikunga
Mr NB Fihla
Ms. MW Makgate
Mr MS Moatshe
Mr MJ Phala
Mr LJ Tolo
Mr ET Xolo
Ms S Seaton

- Province, places visited

Thohoyandou Correctional Centre
Kutama Sinthumule Private Prison
Polokwane Correctional Centre

- Report

In the process of being drafted and will be adopted during January 2006.

8.3 Oversight Visit to the Training Colleges of DCS and the Private Prison

- Objectives of each trip

To address the new recruits at the colleges, specifically addressing the Code of Conduct, the Training Curriculum, issues of Discipline and Respect, Compliance with the Correctional Services Act, Training programmes at PPP's and the standard of Security of the PPP's.

- Dates

16 – 18 August 2005

- Delegation

Mr DV Bloem
Ms. LS Chikunga
Mr NB Fihla
Mr MS Moatshe
Mr MJ Phala
Mr LJ Tolo
Mr ET Xolo
Mr J Selfe
Ms S Seaton

- Province, places visited

Zonderwater Training College
Kroonstad Training College
Mangaung Private Prison

- Report

In the process of being drafted and will be adopted during January 2005.

9. International Visits:

The Committee did not undertake any International Visits during 2005.

10. Budget Vote

- Referral date
23 February 2005
- Briefing by department
Tuesday, 08 March 2005
- Public Hearings:
Tuesday, 04 April 2005
- Report publication
Monday, 10 March 2005

11. Annual reports of the Executive

- Referral date
30 September 2005
- Briefing by department
Friday, 28 October 2005
- Public Hearings:
Friday, 28 October 2005

- Report publication

Report to be considered and adopted on Tuesday, 15 November 2005

12. Other committee activities (briefings on other issues, workshops, conferences)

DATE	AGENDA	PRESENTERS	RESOLUTIONS
01 March 2005	Prison gangs and sexual violence in prisons	CSVV (Centre for the Study of Violence and Reconciliation)	The Department should develop an anti gang strategy.
04 April 2005	Budget Hearings	<ol style="list-style-type: none"> 1. PSA 2. CSPRI 3. NICRO 4. JIOP 4. SAPOHR 5. POPCRU 6. SACBC 7. ISS 8. CPSA 9. SACC 	The 7day establishment should be accompanied by a salary dispensation. The DCS should set its targets in terms of offender numbers. It was stated that more money should be spent on the programmes of Care, Development and After Care. Focus should be placed on mobilising the communities and diversion of sentences.
Tuesday, 31 May 2005	Briefing on status of investigations into the rapes of two nurses and the ambushing of staff and inmate at the Grootte Schuur hospital.	DCS	The Committee will receive report backs on these issues after investigations have been completed.

Friday, 03 June 2005	Briefing on the impact of the Child Justice Bill and the Criminal Law Amendment Bill on children and youth in prison.	Department of Justice	<p>All officials in the sectors need to be orientated in terms of children in conflict with the law. The Justice Department will ensure that prosecutors are appropriately trained to ensure that children are not sent to prison, but that accessible justice was available. An analysis needs to be done to ascertain how many children of the different race groups face charges and are in custody.</p> <p>Not everybody can afford bail and judges and magistrates have the discretion of applying diversion programmes as a substitute for bail. It should also be noted that parents often refuse to pay bail amounts</p> <p>Status of the Children's Bill: The Bill is currently with the Justice Committee. The Bill is not a clean - cut justice matter and involves social development and correctional services. The Bill would not serve a useful purpose if there were no underlying agreement from the Department of Social Development to provide enough Places of Safety. The Bill will return to Parliament during July and August. There is no fixed timeframe as to when the Bill would be passed, but rather that the Bill will be implementable.</p> <p>Legal Aid Boards: The DoJ will engage with the National Prosecuting Authority to make sure that every child has legal representation. The heads of Legal Aid Boards in all provinces would be consulted to make resources available to all children.</p>
Tuesday, 07 June 2005	Briefing on the Investigation into the Medical Aid Scheme of DCS Briefing on the anti- corruption strategy of the DCS.	Special Investigating Unit (DoJ) DCS	<p>Targeting medical practitioners resulted in massive reduction of claims, More officials needs to be criminally prosecuted. There is a need to build DCS' internal capacity to deal with less complex issues. Scorpions and SAPS can make a greater influence.</p> <p>The Anti Corruption strategy is a programme had a three - pronged approach namely, prevention, investigation and societal responsibility. The aim of the anti -corruption strategy is to close the gaps in the system.</p> <p>The DCS has established its own Fraud Detection Unit.</p>

			A culture of intimidation prevailed in the DCS that hampered "whistle –blowing" policies. Part of DCS' strategy is to make report corruption part of the responsibility of officials. Coupled with this was the need for ethics training for senior staff.
Friday, 10 June 2005	Briefing on Report on Pollsmoor fires Report on consensual sex in prison.	Judicial Inspectorate of Prisons	This meeting was postponed to Friday 24 June 2005.
Tuesday, 14 June 2005	Briefing on Rehabilitation and reintegration.	Khulisa (Crime prevention organization)	The Committee was very impressed by the work that Khulisa does in the prison environment and encourages them to expand to other centres as well.
Tuesday, 21 June 2005	Status reports on 1. Human resources and personnel development within DCS. 2. The construction of New Generation prisons. 3. Parole Boards	DCS	<p>The DCS is currently busy with career pathing. Eight thousand and eleven (8011) employees will be recruited at entry level during 2005/6 and with the full implementation of the White Paper, the DCS will have a staff turnover of 63 571 against the affordable 36 241. The DCS has also employed a Recruitment agency to facilitate the filling of posts from advertisements, gross listing and pre selection of candidates. This has reduced delivery time significantly. The Personnel Provisional Plan addresses the implementation of the seven (7) day establishment. The total requirement for the seven day establishment is 8311 and for the new generation prisons, 2624. By the end of August 2005, the Department will have appointed more than 3057 candidates.</p> <p>The concepts utilized in the development of the "New Generation" prototype correctional facility have included: Unit Management, Direct Supervision and Communal Cells. The prototypes as developed were guided by the need to enhance the facility's potential for rehabilitation. The concepts as developed incorporate all the recognized standards for humane incarceration. The New Generations Prisons aimed to provide 3000 beds per prison. The design concepts have been developed to achieve low Life – Cycle –Costing; to</p>

			<p>permit a variety of procurement methods; to permit rapid and expeditious construction</p> <p>Parole Boards were being transformed to be more transparent and involve more community members as required by the White Paper. Ideally, the plan was to appoint a Chairperson and a Vice Chairperson from the community, but due to financial constraints this was not possible.</p> <p>Location of the Boards: There are 52 boards nationally, i.e. one board at each Management Area.</p> <p>Nine additional Correctional Supervision Parole Boards have been identified pending the availability of funding within the new MTEF.</p> <p>Composition:</p> <p>The Board will consist of a Chair who will be a Community member, The Vice Chairperson will be a representative from DCS, the Secretary will be a representative from DCS, two additional community members, one co opted member from SAPS/Justice. Three (3) members of the Board constitute a quorum, but the Chair or the Vice chair must be present.</p>
Friday, 24 June 2005	Briefing on Report on Pollsmoor fires Report on consensual sex in prison.	Judicial Inspectorate of Prisons	<p>In terms of the mandate of the Judicial Inspectorate and the Correctional Services' Act the, office of the Inspecting Judge should immediately be informed of any death in prisons. The office will then decide whether the deaths warranted an investigation. The incidents at Pollsmoor had been reported to the Inspecting Judge. Because of the unnatural causes of the death, an investigation of culpable homicide will be conducted and it will start with the prosecutors who will then decide whether to press charges or not. The Judicial Inspectorate will not conduct an investigation into the deaths, but will await the inquest.</p> <p>The Judicial Inspectorate does not have a view on</p>

			Consensual sex in prison.
Wednesday, 10 August 2005	Discussion on progress and strategy on implementation of recommendations of Brandvlei & Drakenstein report, Pollsmoor Juvenile Centre report, Pollsmoor fires report, Grootte Schuur report	DCS	The DCS implemented most of the recommendations made by the Committee and in those instances where recommendations has not been implemented, measures had been put into place.
Thursday, 11 August 2005	Discussion on progress and strategy on implementation of recommendations of Cmax report, Emthonjeni report.	DCS	The DCS implemented most of the recommendations made by the Committee and in those instances where recommendations has not been implemented, measures had been put into place
Tuesday, 23 August 2005	Briefing Special Remissions	Minister of Correctional Services and DCS	A total of 33 972 probationers and parolees benefited from Special Remission. A total of 31 865 offenders was released from Correctional Centres by 10 August 2005. A total of 65 837 offenders benefited from the Special Remission. A total of 1 156 children under the age of 18 was released and 11 411 youth between the ages of 18 -25 was released. 19 008 Adults between the ages of 26 -65 was released. 1 202 Females and 34 mother with babies was released. As at 10 August 2005, 157 (0.24%) of the 65 837 offenders who benefited from the Special Remission have been admitted to Correctional Centres as Awaiting Trial Detainees. Of these, 6 females were arrested. Alleged crimes committed are mainly economical e.g. 58 housebreaking and 33 – theft as well as 13 robberies, 8 rape and 3 was arrested for murder.
Tuesday, 30 August 2005	Briefing on the Mandate of the National Council on Corrections, the composition of the Council, the Portfolio Committee's role in support of NCCS and the work schedule of NCCS and the impact on DCS.	The Chairperson of the National Council on Corrections, Judge Desai and other members of the NCCS.	In 2005, a new Council has been appointed. The Chairperson of the NCCS, Judge Desai, holds this position for the past five years. The principle task of the NCCS is to comment and advise on draft legislation and policy matters. Previously, the Minister of Correctional Services could decide whether to consult with the NCCS on policy matters, but according to the current Correctional Services Act every policy matter must be referred to the NCCS for debate and advice. The Council's function was purely advisory and its decisions are not binding. The NCCS currently deal

			with the issue early release of prisoners sentenced to life imprisonment. This is a challenging task since these offenders have committed serious crimes and there is always a chance that they might re offend. Appointment of new members on the Council: According to Section 76 (2) (h) of the Correctional Services Act, the Committee had to be consulted regarding the four members serving on the Council and who is not in the fulltime employ of the State. It was mentioned that only two of these positions was filled and arrangements will be made with the Committee to for nominations of the other two members.
Tuesday, 06 September 2005	Briefing on DCS the Security Plan of DCS and Inmate Tracking system of DCS and HIV/AIDS Policy of DCS	DCS	The Committee supported the implementation of the Security Plan, the HIV /AIDS Policy and requests to be briefed on the investigation into lost inmate tracking equipment at the Durban Westville Centre.
Tuesday, 13 September 2005	Briefing by the Judicial Inspectorate on its 2004/5 Annual report	Judicial Inspectorate	The Committee stated that the Judicial Inspectorate should involve NGO's & CBO'S when recruiting IPV's as well as taking people from rural areas into consideration. The Committee recommended that more female prison inspectors should be appointed.
Friday, 28 October 2005	Hearings on Annual report of DCS.	DCS	Many concerns were raised i.t.o corruption amongst officials of DCS; recruitment policy, the recruitment agencies, the retention of professional staff, the management of the 7-day establishment, the new generation prisons, the Inmate Tracking system.
	Promotion Policy of the DCS	DCS	The DCS intends promoting staff on Correctional official levels 3 to Correctional official levels 2 and those on Correctional official level 2 to Correctional official level 1. 9733 Production levels staff will benefit from the promotions. All promotions will be announced by 1 February 2006. Process of promotions will be transparent and user friendly.
	Draft directives dealing Complainant Involvement in Parole Boards	DCS	The Committee, having considered the draft directives as referred to the Committee on 5 October 2005, adopted the directives.

Tuesday, 01 November 2005	Briefing by CSPRI on Alternative Sentencing.	CSPRI	It was stated that the budget allocation to the programme After Care in the budget of the DCS should be increased. Pressure needs to be placed on the Judiciary to use non-custodial measures for short term imprisonment (under 24 months). This will prevent unnecessary exposure to the prison environment especially to youngsters. A more comprehensive sentencing approach is needed in South Africa.
Friday, 04 November 2005	Briefing on the Recruitment Policy of DCS.	DCS	The impact of the restructuring of the DCS, the phasing in of the 7-day establishment and the implications on the personnel turnover has well been absorbed by the DCS. The appointment of three external recruitment agencies to deal with external advertisement processes from 1 April 2005 to 31 March 2005. Issues currently being addressed are the recruitment and retention strategy, improvement of conditions of service and the improvement of the turn – around time on the filling of vacancies.
Tuesday, 08 November 2005	Briefing on the Correctional Services Act, Act 111 of 1998.	DCS	This was a very effective strengthening exercise for the Committee.

13. Budget of the committee

- *Budget Allocation for 2005/6*
R 471 106.00
- *Expenditure incurred as at end of September 2005:*
R 140 442.20

- *Credits to consolidated Fund:*
R 105 318.90
- *Balance as at end of September 2005:*
R 225 344.90
- *Total cost of Oversight visit during October 2005:*
R 196 221.00
- *Balance:*
R 29 123.90

14. OUTSTANDING MATTERS:

Reports on Oversight visits will be adopted during January 2006.

15. Attach the following documents

- i. Master attendance list
- ii. Copies of minutes of all meetings
- iii. Copies of the reports of all oversight\international visits
- iv. Copy of Budget statement

16. SUPPORT STAFF

Committee Secretary	Imogen Davids
Control Committee Secretary:	Ben Kali
Committee Assistant:	Fungile Bulawa
Secretary to Chairperson:	Rene Lawrence
Researcher (<i>Research Unit</i>):	Ester May

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COMMITTEE SECRETARY

DATE:

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DATE

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CONTROL COMMITTEE SECRETARY

DATE:

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DATE

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COMMITTEE CHAIRPERSON

DATE:

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DATE

APPENDIX II

REPORTS TABLED:

Oversight visit to the North West and Mpumalanga	Oversight report	ATC – 19/05/05. Debated – 07/06/05.
Oversight visit to Lindelani Place of Safety	Oversight report	ATC- 19/05/05 – No debate
Oversight visit to Bonnytoun Place of Safety	Oversight report	ATC- 19/05/05 – No debate
Oversight visit to Pollsmoor Juvenile Centre	Oversight report	ATC – 19/05/05 – No debate
Report on Solutions and Recommendations to Overcrowding	Oversight report	ATC – 20/05/05- No debate
Report on two fire incidences at Pollsmoor Management Area.	Oversight report	ATC – 20/05/05 – No debate
Oversight report on the visit to Cmax after a breach.	Oversight report	ATC – 20/05/05 – No debate

MASTER ATTENDANCE REGISTER

Portfolio Committee on Correctional Services

Members	Dates of meetings										
	8/02/05	22/02/05	1/03/05	4/03/05	8/03/05	10/03/05	11/03/05	15/03/05	04/04/05	05/04/05	07/04/05
ANC											
Bloem, Mr DV Chairperson	P	P	P	P	P	P	P	P	P	P	P
Chikunga, Ms LS	P	P	P	P	P	P	P	P	P	P	P
Dereko, Ms IW								P	X	X	X
Fihla, Mr NB	AP	P	P	P	P	P	P	P	P	P	X
Magau, Ms R *	Maternity Leave	Mat. Leave	Mat. Leave	Mat. Leave	Mat. Leave	Mat. Leave	Mat. Leave	Mat. Leave	Mat. Leave	X	X
Mahote, Mr S *	P	P	P	P	P	P	P	P	P	X	X
Makgate, Ms MW	AP	AP	P	P	P	P	P	P	P	P	P
Moatshe, Mr MS	P	P	P	P	P	P	P	P	P	P	P
Molefe, Mr TC	X	P	P	X	P	P	P	P	X	P	P
Phala, Mr MJ	P	X	P	P	P	X	X	P	P	P	P
Ramgobin, Mr M *	X	X	X	X	P	P	X	X	X	X	X
Rwexana, Ms SP	AP	X	X	X	X	X	X	X	X	X	X
Sosibo, Ms JE *	X	X	X	X	X	X	X	X	X	X	X
Tolo, Mr LJ	AP	P	P	P	P	P	P	P	P	P	P
Xolo, Mr ET	P	P	AP	P	P	X	X	P	P	P	P
DA											
Morkel, Mr CM	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP
Selfe, Mr J	P	P	P	AP	P	P	P	P	P	P	P
IFP											

Seaton, SA	P	AP	AP	X	P	AP	AP	P	P	P	X
Biyela, Mr B *	X	P	X	X	X	X	X	AP	X	X	X
ID											
Burgess, Mr C	AP	AP	P	X	X	X	X	AP	X	X	X
ACDP											
Swart, Mr S	P	AP	AP	AP	AP	AP	X	AP	AP	P	AP
UCDP											
Mfundisi, Mr IS	X	X	X	X	X	X	X	X	X	X	X

MASTER ATTENDANCE REGISTER

Portfolio Committee on Correctional Services

Members	Dates of meetings										
	16/05/05	31/05/05	03/06/05	07/06/05	10/06/05	14/06/05	21/06/05	24/06/05			
ANC											
Bloem, Mr DV Chairperson	P	P	P	P	P	P	P	P			
Chikunga, Ms LS	P	P	P	P	P	P	P	AP			
Direko, Ms IW	P	P	X	P	X	X	P	X			
Fihla, Mr NB	P	P	P	P	P	P	P	P			
Magau, Ms R *	X	X	AP	X	X	P	P	X			
Mahote, Mr S *	P	X	X	P	X	X	P	X			
Makgate, Ms MW	P	P	P	P	P	P	X	P			
Moatshe, Mr MS	P	X	P	P	P	P	P	P			
Molefe, Mr TC	AP	P	X	P	P						
Phala, Mr MJ	Sick Leave	Sick Leave	P	P	P	P	P	AP			
Ramgobin, Mr M *	P	X	X	X	X	X	X	X			
Rwexana, Ms SP	X	X	X	X	X	X	X	X			
Sosibo, Ms JE *	X	X	X	X	X	X	X	X			
Tolo, Mr LJ	P	P	AP	AP	X	AP	P	P			
Xolo, Mr ET	P	X	X	P	X	P	P	P			
DA											
Morkel, Mr CM	AP	AP	AP	AP	AP	AP	AP	AP			
Selfe, Mr J	P	P	AP	P	P	AP	P	P			

IFP												
Seaton, Ms SA	P	X	AP	P	AP	P	AP	AP				
Biyela, Mr B *	X	X	X	X	X	P	X	X				
ID												
Burgess, Mr C	X	P	X	X	P	P	P	AP				
ACDP												
Swart, Mr S	AP	AP	AP	X	AP	AP	AP	AP				
UCDP												
Mfundisi, Mr IS	X	AP	AP	X	X	X	X	X				
MF												
Rajbally, Ms S	P	AP	AP	AP	AP	AP	AP	AP				

Members	Dates of meetings										
	10/08/05	11/08/05	23/08/05	30/08/05	06/09/05	13/09/05					
ANC											
Bloem, Mr DV Chairperson	P	P	P	P	P	P					
Chikunga, Ms LS	P	P	P	P	P	P					
Direko, Ms IW	X	X	AP	P	P	X					
Fihla, Mr NB	P	P	P	AP	P	P					
Khoarai, Mr LP	X	X	X	P	P	P					
Mahote, Mr S *	AP	P	P	P	P	AP					
Makgate, Ms MW	X	P	P	P	AP	AP					
Moatshe, Mr MS	P	P	AP	P	P	P					
Molefe, Mr TC											
Phala, Mr MJ	P	P	P	P	P	AP					
Ramgobin, Mr M *	X	X	X	X	AP	X					
Rwexana, Ms SP	X	X	X	X	X	X					
Sosibo, Ms JE *	X	X	X	X	X	X					
Tolo, Mr LJ	P	P	P	P	P	P					
Xolo, Mr ET	X	P	P	P	AP	P					
DA											
Morkel, Mr CM	AP	AP	X	X	X	AP					
Selfe, Mr J	P	P	P	P	P	AP					
IFP											
Seaton, Ms SA	P	AP	P	X	AP	AP					
Biyela, Mr B *	X	X	X	X	X	X					

