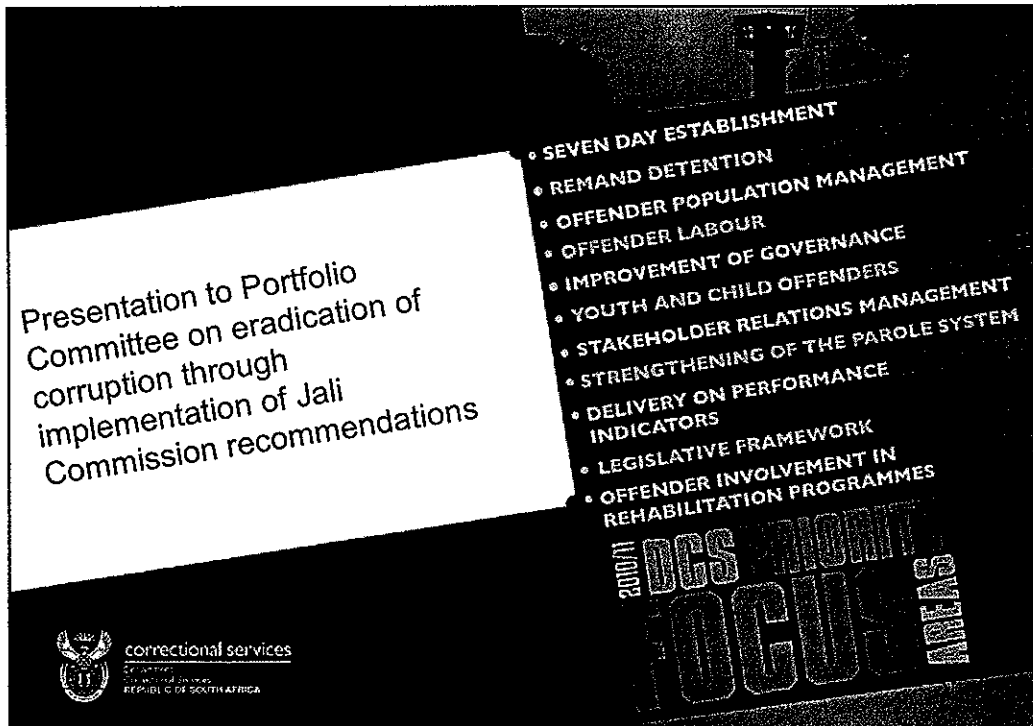


PC Correct  
7 September  
2011



## BACKGROUND TO DCS ANTI-CORRUPTION STRATEGY

### Jali Commission

- was appointed by President by means Proclamation No 135 of 2001
- Interim reports received during 2004 & final report received in 2005

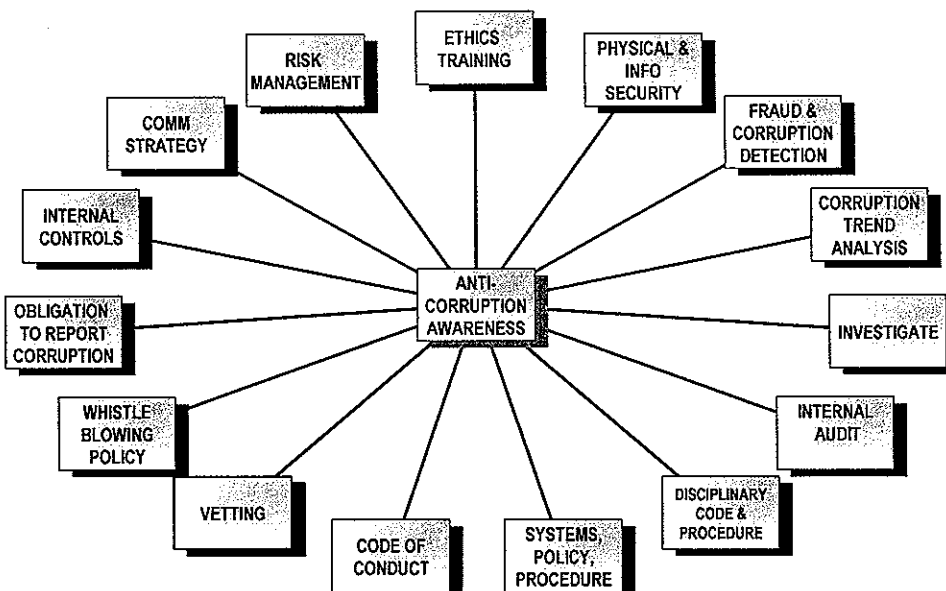
### Anti-Corruption Strategy

- Simultaneous with establishment of Jali Commission, DCS Anti-Corruption Strategy was established.
- Provided for a three pronged approach – Prevention; Detection; Sanctioning

### Establishment of Capacity in DCS

- Cabinet a decision in 2003 that all Department must have a Minimum Anti-corruption Capacity (MACC).
- DCS created Chief Directorate Legal & Special Operations in 2003 consisting of Directorates DIU & CE together with Legal Services
- In 2010 DPSA conducted & Audit on DCS & DCS was 3<sup>rd</sup> best of all Departments in creating capacity & fighting corruption

## DCS ANTI-CORRUPTION STRATEGY



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## ANTI-CORRUPTION CAPACITY

- ❑ Directorates Departmental Investigation Unit & (DIU) & Code Enforcement (CE) established in 2003 & capacitated in 2004.
- ❑ DIU consisted of three desks, analytical & prevention, investigation & integrity
  - Staff from SIU, then Scorpions & SAPS recruited through agreements with these agencies.
  - Analytical desk responsible for prevention
  - Integrity desk responsible for vetting in liaison with NIA
- ❑ Integrity desk was moved in 2007 to Directorate Security Standards to form Vetting Field Work Unit for vetting of all officials in DCS
- ❑ Section 95 A & 95 B of Correctional Services Act, 111 of 1998 provides mandate for DIU & CE to investigate & prosecute in cases of corruption, fraud, theft & serious maladministration.

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## **ANTI-CORRUPTION FRAMEWORK**

### **❑ Policies & Procedures developed & implemented in 2003/4**

- Anti-Corruption Policy
- Whistle Blowing Policy
- Anti-Fraud Policy & Prevention Plan
- Vetting Policy

### **❑ Anti-corruption Awareness**

- Ethics training developed with SAMDI in 2005 & rolled out nationally to SMS members, MMS member & thereafter SAMDI trained trainers to roll out to other officials which took place since then.
- Anti Corruption & Fraud Prevention workshops conducted every year since 2004 in all regions to raise awareness on anti-corruption policies, procedures & ethics.
- Training of chairpersons by CE since 2004 to ensure consistency in hearings

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## **ANTI-CORRUPTION STRATEGY**

### **❑ DCS Code Of Conduct**

- Developed in line with Public Service Code of Conduct & implemented. All officials signed & is part of basic training. Forms part of awareness campaigns.
- MISS implemented through establishment of a Directorate Security Standards in office of NC
- New resolution to handle disciplinary matters in DCS adopted in 2006 (res 1 of 2006)

### **❑ Risk Management**

- DCS introduced Risk Management Committee that meets quarterly to oversee progress on mitigation of risks identified, including fraud and anti-corruption risk

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## **STATUS: IMPLEMENTATION OF JALI RECOMMENDATIONS ON MISCONDUCT MATTERS**

- DCS operationalised misconduct recommendations as we received Interim Reports – referred them to SAPS as required as well as initiated internal processes
- Jali Reports - Executive Summary & 5 Volumes ± 3500 pages - Transcription of all hearings plus exhibits ± 95000 pages
- From 26 June 2006, started to analyze different cases whilst simultaneously assessing capacity needed to deal with cases.
- Team of 20 members from different Regions was assembled to analyse Report, Select relevant part of transcription & exhibits and formulate a report to indicate:
  - What evidence is available
  - Are witnesses still available
  - Where are members & witnesses stationed
  - Whether further investigation needed.

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## **STATUS: IMPLEMENTATION OF RECOMMENDATIONS ON MISCONDUCT MATTERS**

- Most of alleged misconduct related to period prior to 2001.
  - Resolution 24/1997 states that employer should finalize an investigation within 14 days & finalize a disciplinary hearing within 30 days thereafter.
  - Jali Commission hearings were exceptional & Department had to rely on case law to address this area.
  - Non-availability of witnesses (Deceased / Resigned / Released from correctional system).
- All disciplinary cases were completed in February 2008.

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## STATUS: IMPLEMENTATION OF RECOMMENDATIONS ON MISCONDUCT MATTERS

	Interim Reports	Final Report	Medcor	Total
1. Dismissals	43	2	1	46
2. Warnings	18	21	419	458
3. Withdrawn cases	26	41	33	100
4. Acquittals	-	10	1	11
5. Dismissed in for other matters			21	21
6. Counseling	-	5	-	5
7. Resignations	7	20	39	66
8. Pensioned			64	64
9. Deceased officials	-	7	93	100
10. Officials signed AOD or FWW but not yet implemented due to outstanding Admin matters			13	13
11. Pending cases			18	18
<b>Number of cases</b>	<b>94</b>	<b>106</b>	<b>702</b>	<b>902</b>

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## RECOMMENDATIONS ON MISCONDUCT MATTERS -

### □ Medcor Fraud

- Total owed: R800 000
- Out of 702 officials 419 officials admitted guilt & signed acknowledgement of debt
- The average amount of re-payment is R500 PM. The period of payment varies according to the amount the official must re-pay. (R1000-00 up to in some cases R40 000). Majority of the official are on production level (There is one DD and one ASD)
- Amount of R2, 545, 881.67 was already paid over to DCS as part of money recovered. As officials are still paying (monthly deducted via PERSAL) further amounts are to be paid over to DCS.
- Total amount of AOD's signed by official is R7, 511,100 of which R2, 997,500 must go to CARA & R4, 513,600 must come to DCS. Amount of R2, 545, 881.67 forms part of amount of R4, 513,600
- Disciplinary hearings are currently pending against 15 officials who did not admit guilt. 5 other officials are off sick for long periods of time & cases will be finalized as soon as they are back on duty.
- 217 Officials either resigned, pensioned or deceased.
- Criminal cases against officials who did not admit guilt finalized, found not guilty<sup>10</sup> court judgment is awaited to decide on further disciplinary action

## **ACTION ON JALI RECOMMENDATIONS THAT IMPACT ON CORRUPTION**

### **□ Gangsterism**

- Need for effective strategy identified in White Paper on Corrections.
- Draft anti-gang strategy & draft information manual on gangsterism has been developed & draft is ready for consultation with external role players – data base of gang members is part of strategy.
- Policy makes provision for classification & separation of offenders which is regulated by Protection Plan which provides for separation of different categories of offenders.
- Offender Rehabilitation Path makes provision for profiling of offenders to enhance separation.
- Involvement of officials in promotion of gang activities is a serious offence which may lead to dismissal.

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## **ACTION ON JALI RECOMMENDATIONS THAT IMPACT ON CORRUPTION**

### **□ Correctional Centre Security**

- Installation of technology part of Correctional Centre upgrading as well as new generation centers.
- Inmate tracking system introduced at Johannesburg & Durban.
- Offender Rehabilitation Path makes provision for profiling & categorization of offenders.
- Security training & awareness part of Basic training & refresher training.
- Reward system for both offenders & officials in place.

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## **ACTION ON JALI RECOMMENDATIONS THAT IMPACT ON CORRUPTION**

### **☐ Judicial Inspectorate**

- Judicial Inspectorate is a independent statutory body not subject to DCS control.
- Independent Prison Visitors are not skilled in investigation but may report corruption matters for further investigation.
- Act was amended to capacitate Judicial Inspectorate.
- DCS has internal investigative capacity in line with Cabinet decision for minimum investigative capacity

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## **ACTION ON JALI RECOMMENDATIONS THAT IMPACT ON CORRUPTION**

### **☐ Overcrowding**

- Overcrowding identified as JCPS priority since 2002.
- Interdepartmental Task Team established.
- Work of Task Team is also monitored in DCS Risk Management Committee.
- All Regions have Risk Mitigation Plans on overcrowding.
- Remand Detention Project amongst others aimed at dealing with challenge of overcrowding.

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## **ACTION ON JALI RECOMMENDATIONS THAT IMPACT ON CORRUPTION**

### **□ Overtime Policy**

- In line with PSC recommendations on overtime, DCS decided to migrate to 7 day working week establishment.
- Agreement concluded with recognized Unions for phasing in of 7 day establishment.
- Three Recruitment Agencies contracted to expedite recruitment process.
- Overtime currently managed in a responsible & acceptable manner.

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## **ACTION ON JALI RECOMMENDATIONS THAT IMPACT ON CORRUPTION**

### **□ Personnel management**

- Internal controls have been put in place to ensure proper management of merit awards in line with Procedure Manual on performance assessment.
- Trade Unionism: Relationship building by Objectives put in place.
  - Ministerial Labour Consultative forum out in place
  - SMS conditions of service set by DPSA
- Recruitment: Policies for recruitment in place and recruitment guidelines consolidated into one procedural manual.
- Abuse of Power: Sexual Harassment: DCS Employment Equity and Sexual Harassment Policy and Procedure reviewed .
- Disciplinary Enquiries: Jali Comm. recommended outsourcing.
  - Discipline a line management function and cannot be outsourced
  - Disciplinary Code & Procedure reviewed (Res 1 of 2006)
  - Chairpersons and initiators subjected to training

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## **ACTION ON JALI RECOMMENDATIONS THAT IMPACT ON CORRUPTION**

### **□ Procurement & Logistics**

- Policies & procedures extensively reviewed to enhance internal controls.
- Components continuously subjected to internal auditing & inspection to monitor compliance.
- Meetings held on a continuous basis between National office functionaries & Regional Heads: Finance & Supply Chain Management to raise policy awareness.
- General internal control measures put in place at Durban & Pollsmoor Management Areas as recommended in report.

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## **ACTION ON JALI RECOMMENDATIONS THAT IMPACT ON CORRUPTION**

### **□ Workshops**

- Policy & procedures have been reviewed to enhance internal controls.
- Workshop computer system password protected.
- Component continuously subjected to internal auditing & inspection to monitor compliance.
- Monitoring & evaluation visits conducted by National office.
- General internal control measures implemented at Pretoria & Pollsmoor Management Areas as recommended.

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## CONCLUSION

- Department's commitment to implement Jali Commission recommendation is a demonstration of its intention to enhance its management, reputation & integrity, & also to stand against any form of corruption.
- Approach followed with MEDCOR fraud cases has positive results in form of protecting financial interests of State.
- All disciplinary hearings with regard to officials who were implicated in final report were finalised in 2008.
- Current Medcor misconduct matters emanate from investigations that were recommended by Commission & launched by Department in consultation with DSO (Scorpions) after receipt of Commission's final report.
- DCS has made significant progress to implement anti-corruption mechanisms that is effective & we will continue put in all that is required to combat fraud & corruption

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A year of action to ensure all people in South Africa are and feel safe

- SEVEN DAY ESTABLISHMENT
- REMAND DETENTION
- OFFENDER POPULATION MANAGEMENT
- OFFENDER LABOUR
- IMPROVEMENT OF GOVERNANCE
- YOUTH AND CHILD OFFENDERS
- STAKEHOLDER RELATIONS MANAGEMENT
- STRENGTHENING OF THE PAROLE SYSTEM
- DELIVERY ON PERFORMANCE INDICATORS
- LEGISLATIVE FRAMEWORK
- OFFENDER INVOLVEMENT IN REHABILITATION PROGRAMMES

2007 DCS PRIORITY FOCUS AREAS

 correctional services  
Department of Correctional Services  
REPUBLIC OF SOUTH AFRICA