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## **Institute for Security Studies**

### **Submission to the Portfolio Committee on Correctional Services**

### **The Department of Correctional Services 2012/13 Budget and Strategic Plan**

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## **1. Introduction**

The Crime and Justice Programme (CJP) of the Institute for Security Studies (ISS) thanks the Portfolio Committee on Correctional Services for availing this opportunity to provide input on the current DCS Budget and Strategic Plan.

As an African non-governmental policy research institute, the ISS ([www.issafrica.org](http://www.issafrica.org)) endeavours to contribute to a stable and peaceful African continent driven by the virtues of sustainable development, human rights, the rule of law, democracy and collaborative security. The CJP works to inform and influence policy and public discourse on: crime, the prevention of crime, and a range of issues concerning criminal justice. The programme executes its work through continuously engaging in applied research, policy analysis, information dissemination and furnishing its expertise to a range of stakeholders as a contribution towards a safer, secure and just society.

Our current submission will focus on the following issues:

1. The 2005 White Paper on Corrections
  - Minimum Humane conditions
  - Rehabilitation, reintegration and the well being of prisoners
2. Budget Allocation Issues
  - Continued inequitable allocation of financial resources amongst programmes
3. Human Resources (HR)
  - Unfilled vacancies
  - Corrections Professional Body, virtual Corrections Academy and partnerships

## **2. White Paper on Corrections**

In a previous submission on the Strategic Plan and Budget, the ISS and other civil society organisations suggested that the DCS consider a reassessment

of the 2005 White Paper on Correctional Services.<sup>1</sup> We are pleased that the Committee and the Honourable Chairperson took note of this and proposed a separate discussion on the White Paper on Corrections.<sup>2</sup> However, there are issues concerning Human Rights, and also the rehabilitation and reintegration of inmates that need to be considered urgently.

While we acknowledge that the DCS, with the assistance of other departments in the Justice, Crime Prevention and Security cluster, has since the 2008/9 period made some strides in reducing overcrowding in facilities, there are still some facilities that are severely overcrowded.<sup>3</sup> The effects of overcrowding on service delivery in prisons in South Africa are well documented. The detrimental effects of overcrowding are that:

- inmates are subjected to conditions which are inconsistent with the constitution and internationally accepted norms of human rights
- and overcrowding can ignite and increase the incidence of violence.

The issue of safety in prisons also requires urgent attention. The 2010/11 annual report of the Judicial Inspectorate noted that, compared with the previous year:

- there was a 3.9% increase in assaults on inmates by DCS members from 2 189 to 2 276 cases reported,
- there was a 36.8% increase in assaults between inmates from 3 756 to 5 138 cases reported.<sup>4</sup>

Additionally, the findings of an inquiry into criminal investigations and proceedings against DCS officials accused of involvement in the death of an inmate revealed that out of the 58 cases reported, in 26 cases (close to 45%) there was no response from the DCS to the inquiries made by the inspectorate.<sup>5</sup> These raise serious concerns about the ability of the DCS to meet the minimum standards of humane detention, as stipulated in the Correctional Services Act No. 111 of 1998 and elaborated in the 2005 White Paper on Corrections.

The ISS and other civil society organisation have consistently argued that given the disproportionate allocation of the budget among programmes and the staffing constraints, the DCS is unable to provide consistent high quality rehabilitation services to inmates and therefore should focus instead on getting the minimum conditions of humane detention right. If inmates are

held in unsafe conditions, or in conditions where their dignity is not respected, then it is inconceivable that rehabilitation will occur.

Overcrowding compounds the challenges that the DCS is already facing in terms of rehabilitation. The rehabilitation and development of inmates to prepare them for subsequent re-entry into society, after appropriate conditions have been satisfied, is not being met given the limited number of staff available to supervise inmates undertaking various correctional activities. Therefore, the DCS is currently unable to live up to the expectations of the 2005 White Paper.

We recommend that the DCS:

- prioritise raising the levels of accommodation, security, nutrition and care, consistent with humane detention,<sup>6</sup>
- initiates a plan that will address the uneven distribution of prisoners by easing the pressure on the overcrowded facilities and optimally using under utilised facilities-the process of transferring inmates needs to be addressed in this regard,<sup>7</sup>
- take steps to address the issue of member on inmate assaults and also inmate on inmate assaults,
- demonstrates that it is serious about addressing the issue of assaults by resolving the cases concerning member on inmates assaults and providing timely feedback to the inspectorate on this matter.

A plan that effectively addresses the above concerns will better align the strategy, objectives and budget of the DCS with constitutional imperatives.

### **3. Budget Allocation concerns**

In the 2010/11 and 2011/12 submissions on the budget for the Department of Correctional Services (DCS) we noted the inequitable allocation of funds. While security, administration and facilities received the largest portion of funds, a disproportionately smaller share of the budget was assigned to the development and well being of inmates.

Disproportionate allocation of the budget continues in the current R17.9 billion budget allocation. The Incarceration programme, which includes Security Operations, Facilities, Remand Detention and Offender

Management, was allocated the bulk (R 9.5 billion) of the DCS budget. Of this, Security Operations is allocated R5.5 billion - the largest allocation in this programme. Within the DCS, security has the largest staff as per the budget vote, with 20 347 personnel.

The 2012/2013 Estimates of National Expenditure (ENE) from the National Treasury show that over the medium term spending on compensation of employees is expected to grow to R8.4 billion at an annual rate of 7.2 %, due to allocations for improved conditions of service.<sup>8</sup> While we acknowledge the fact that staff salaries within the DCS are a major cost driver the increase in staff salaries should surely be accompanied by an increase in quality of services delivered. This could for instance be in the form of better services to inmates.

The concerns around budget allocation are also evident when one considers the realities on the ground. We would like to bring the Committee's attention to the analysis of the DCS Budget concluded by the ISS in collaboration with other civil society organisations and presented to this committee last year. The analysis indicated the following:

- 60% of DCS staff are involved in administrative functions, with only 40% involved with prisoners directly<sup>9</sup>;
- 70% of offenders released from prison were those that had served sentences of less than 24 months.<sup>10</sup> (This category of offenders is currently excluded from educational and skills development programmes).

First, this suggests that, “a large proportion of typical warders day is spent doing administrative tasks, suggesting that the extent to which the DCS budget is spent on administration is understated in the department's budget”.<sup>11</sup> Second, this effectively means that the DCS is releasing inmates that have not participated in any developmental or rehabilitation programmes since only those with sentences of more than two years are allowed to receive sentence plans.

There is also the issue of underspending. In October 2011 the DCS indicated that there was underspending to the tune of R728 million in the department.<sup>12</sup> The DCS Chief Financial Officer noted that:

‘there was underspending to the tune of R728 million from a budget allocation of R15,4 billion. Underspending in the Administration and Security programmes had been due to advertised posts not filled. The same applied to the Care programme, where the outstanding OSD for psychologists also contributed. Underspending in the Development programme had been due to low spending on agricultural materials. In the Facilities programme, it had been due to delays in the construction of facilities, because of Department of Public Works delay in appointing consultants and implementation of projects.’<sup>13</sup>

In a context where the DCS is underspending and where there continues to be inequitable division of financial resources, there exists a rationale for some of the unspent funds to be allocated to the well-being and development of prisoners. According to the current Annual Performance Plan, the department currently has 99 168 offenders with sentences of more than two years. The department aims to ensure that 29 750 (30%) of these offenders complete some correctional programme by the end of the 2012/2013 period. Given the inequitable allocation of funds it is questionable whether this will be achievable.

We recommend that:

- a systematic rethink is undertaken as to how the budget is allocated,
- more funds be allocated to the well-being of inmates,
- and that an assessment on the needs of inmates serving less than two years be undertaken and that the DCS initiate developmental programmes for these inmates so as to prevent their return to crime upon release.

#### **4. Human Resource Challenges**

The DCS will not be able to accomplish its mandate in relation to the rehabilitation of the prison population if Human Resources (HR) and related challenges are not addressed urgently. In an October 2011 briefing to parliament, the Auditor General (AG) indicated that there was a vacancy rate of 56% for finance professionals in the DCS and also that reporting and the generation of information within the DCS continued to be a challenge.<sup>14</sup>

A state of affairs in which there continues to be unfilled finance posts within the DCS will continue to compound the problems concerning the diversion

of funds and the generation of credible financial and other related information. Indeed, as noted by the AG, the DCS needs to improve on how it aligns itself with government objectives as stipulated for instance in the Public Finance Management Act (PFMA). The reality is that looking into the foreseeable future, the shortage of skilled staff will continue to be a challenge for the South African economy as a whole. For instance, a 2011 report indicated that significant shortages “of accounting and finance skills, currently estimated at around 22 000, are impacting very negatively on business in general, and on service-delivery within the public sector.”<sup>15</sup>

It will be pivotal for employers, the DCS included, to brand themselves as employers of choice and to attract and retain young talent. We therefore welcome the plans to initiate a Professional Body for Corrections, as well as a virtual Corrections Academy, and the proposition to enter into partnerships with existing academies in the cluster.<sup>16</sup> However, we hope that in developing and implementing these plans, attention will be given to the needs of the DCS such as the critical shortage of finance professionals and HR personnel and also staff retention.

The AG noted in the October 2011 briefing that the DCS’s HR structures were not functioning optimally, which further exacerbated problems in the filling of vacant posts for instance. According to the current budget vote there are 1 898 funded vacant posts in department, which the DCS aims to fill in the 2012/13 financial year.<sup>17</sup> The vacancy rates were attributed to high staff turnover as well as the length of time it takes to complete the recruitment process. We therefore recommend that the DCS:

- should develop a comprehensive staffing strategy after undertaking a rigorous needs assessment
- rapidly recruit suitably qualified personnel who have an understanding of the PFMA as this will significantly enhance the reporting capabilities
- improve the turnaround time in terms of recruitment
- undertakes a study on the causes of high staff turnover
- based on the above study, launch initiatives for staff retention
- and initiate graduate training programmes where new recruits are educated and trained in the various operational facets of the DCS system.

## 5. Conclusion

While the 2005 White Paper is a guiding document for the department and assists with planning to ensure that inmates are not merely incarcerated but also ‘rehabilitated’, it is essential to balance these ambitions with the department’s capabilities. A critical question that arises is:

- Given the disproportionate allocations of the DCS budget among the different programmes, coupled with human resource challenges is it *realistic* to expect the department to meet the objectives set out in the paper?

We commend the DCS for committing itself to reducing overcrowding through the use of various initiatives, such as reviewing the minimum sentencing legislation (as reported in the Judicial Inspectorates report).<sup>18</sup> We understand that the DCS has undertaken or is in the process of conducting research on the impact of the minimum sentencing legislation on overcrowding and prison gangs. We hope that the findings of this exercise will be made public. This will enable all stakeholders to:

- deepen their understanding of the challenges that the DCS faces;
- have an understanding of the impact of initiatives to address these challenges; and
- better engage with the department.

Finally, we would like to thank the Portfolio Committee for giving us the opportunity to present and also continue to support the Committee in its oversight work.

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<sup>1</sup> Institute for Security Studies Submission on the Department of Correctional Services Strategic Plan and Budget 2011/12.

<sup>2</sup> Matters from Stakeholder Hearing (16 March 2011) on DCS Strategic Plan and Budget

<sup>3</sup> See Judicial Inspectorate of Correctional Services Annual Report, 2010/11, 13.

<sup>4</sup> See Judicial Inspectorate of Correctional Services Annual Report, 2010/11, 32.

<sup>5</sup> Ibid, 27

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Ibid, 57

<sup>6</sup> Ibid.

<sup>7</sup> Ibid, 21.

<sup>8</sup> Estimates of National Expenditure, Vote 21: Correctional Services, South African National Treasury, 13. Available at: <http://www.treasury.gov.za/documents/national%20budget/2012/enebooklets/default.aspx>

<sup>9</sup> This was also pointed out by the Judicial Inspectorate of Correctional Services

<sup>10</sup> Expenditure trends and spending priorities of the Department of Correctional Services, 20 April 2011, 28

<sup>11</sup> Ibid.

<sup>12</sup> Department of Correctional Services Annual Report 2010/11, Presentations to the Portfolio Committee on Correctional Services, 11 October 2011. Available at: <http://www.pmg.org.za/report/20111012-department-correctional-services-dcs-2011-budgetary-review-briefing-d>

<sup>13</sup> Ibid

<sup>14</sup> Department of Correctional Services Annual Performance Plan 2012/13, 17. 'unqualified audit opinion express by the A-G.

<sup>15</sup> [http://www.skillsportal.co.za/page/training/training\\_companies/financial\\_accounting\\_training/363999-Skills-shortage-grim-in-finance-sector](http://www.skillsportal.co.za/page/training/training_companies/financial_accounting_training/363999-Skills-shortage-grim-in-finance-sector)

<sup>16</sup> Department of Correctional Services Strategic Plan 2012/13-2016/17, 12.

<sup>17</sup> Estimates of National Expenditure, Vote 21: Correctional Services, South African National Treasury. Available at: <http://www.treasury.gov.za/documents/national%20budget/2012/enebooklets/default.aspx>.

<sup>18</sup> Ibid, 14.