

# ANNUAL REPORT

## 2021/2022



**JICS**

Judicial Inspectorate for  
Correctional Services

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# LIST OF ABBREVIATIONS AND ACRONYMS

Abbreviation	Full title
AC	Area Commissioner
CC	Correctional Centre
CEO	Chief Executive Officer
CF	Correctional Facility (Correctional Centre and Remand Detention Facility)
CFO	Chief Financial Officer
CMCs	Case Management Committees
CMR	Central Management Region
CPA	Criminal Procedure Act 51 of 1977
CPF	Community Policing Forum
CSA	Correctional Services Act 111 of 1998
Covid-19	Coronavirus disease
CU	Complaints Unit
DCS	Department of Correctional Services
DLS	Directorate Legal Services
DMR	Directorate Management Regions
DoH	Department of Health
DPP	Director of Public Prosecutions
DSS	Directorate Support Services
EC	Eastern Cape
ECMR	Eastern Cape Management Region
EXCO	Executive Committee
FS/NC	Free State/Northern Cape Management Region
GITO	Government Information Technology Officer
GCIS	Government Communication Information System
GP	Gauteng Province
HCC	Head of Correctional Centre
ICCVs	Independent Correctional Centre Visitors
IJ	Inspecting Judge
ISS	Integrated Security System
IT	Information Technology
IU	Investigations Unit
JCPS	Justice, Crime Prevention and Security Cluster
JICS	Judicial Inspectorate for Correctional Services
KZNMR	KwaZulu-Natal Management Region
LGBTIQ+	Lesbian, Gay, Bisexual, Transgender, Intersex and Queer
MIS	Management Information System
MRU	Mandatory Reporting Unit
MSSD	Minimum Standard of Service Delivery
NMR	Northern Management Region

# LIST OF ABBREVIATIONS AND ACRONYMS

PCN	Public Calling for Nominations
PEEC	Provincial Efficiency and Enhancement Committee
PMDS	Performance Management Development System
PPE	Personal Protective Equipment
RDs	Remand Detainees
ROC	Record of Consultation
SA	South Africa
SAHRC	South African Human Rights Commission
SAPOHHR	South African Prisoners Organisation for Human Rights
SCOA	Standard Chart of Accounts
SITA	State Information Technology Agency
SMR	Strategic Midterm Review
VC	Visitors Committee
VCCO	Visitors Committee Coordinators
WCMR	Western Cape Management Region

# GENERAL INFORMATION



A

**Correctional Services Act:** The CSA is the primary ordinary statute that applies to inmates. It is supplemented by regulations and orders. DCS is guided by two strategic documents that inform the human rights philosophy behind the operations of the department.

<b>Judicial Inspectorate for Correctional Services</b> <b>Head and Regional Offices</b>		
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<b>Central Management Region – Regional Manager: Michael Prusent</b>		
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<b>KwaZulu-Natal Region – Regional Manager: Shadrack Sibanyoni</b>		
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<b>Northern Management Region – Regional Manager: Murasiet Mentoer</b>		
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Table 1: JICS contact information



## FOREWORD BY THE **INSPECTING JUDGE**

*We in South Africa acted decisively on Covid-19 – and did so largely in line with expert evidence and advice. This included alleviating incarceration during the pandemic. On 8 May 2020, President Ramaphosa authorised a special dispensation to bring forward the parole dates of non-violent incarcerated persons.*

The end of March 2022 marks more than two years since the Covid-19 pandemic and nationwide lockdown gripped South Africa. The pandemic prompted us to reflect with renewed intensity on the plight of those we lock up in overcrowded and poorly ventilated conditions.

It made us question, especially, the harsh consequences of flawed sentencing and carceral policies that leave us with overcrowded correctional facilities. As a foremost academic in this field<sup>1</sup> noted: 'The pandemic has shown us that prison health is public health' and that 'overcrowded, unhealthy prison conditions are dangerous, not only for

prisoners and prison staff, but also for communities and wider society'.<sup>2</sup> And indeed, 'where there is political will, prisoner numbers can be reduced'.

We in South Africa acted decisively on Covid-19 – and did so largely in line with expert evidence and advice.<sup>3</sup> This included alleviating incarceration during the pandemic. On 8 May 2020, President Ramaphosa authorised a special dispensation to bring forward the parole dates of non-violent incarcerated persons.<sup>4</sup> In January 2021, the Minister of Justice and Correctional Services, Mr Ronald Lamola issued directions to address, prevent and combat

<sup>1</sup> Dr Catherine Heard, Director of the Institute for Crime and Justice Policy Research and of the World Prison Brief Research Program, Birkbeck College, University of London.

<sup>2</sup> World Prison Brief (1 December 2021) available at <https://www.prisonstudies.org/news/prison-populations-continue-rise-many-parts-world-new-report-published-institute-crime-justice>.

<sup>3</sup> United Nations Office on Drugs and Crime 'Covid-19 Guidance Note' made the following recommendations:

*It is recommended that Member States:*

*(a) Enhance coordination and cooperation with community health-care providers to align prison-based infection prevention and control measures with the national health response as much as possible;*  
*(b) Include prisoners and prison personnel in national vaccine strategies by explicitly acknowledging their enhanced risk of infection with Covid-19;*  
*(c) Introduce infection prevention and control measures tailored to the prison context, with a focus on protecting the health of prisoners at particular risk of Covid-19, namely, the elderly and those with underlying health conditions;*  
*(d) Reduce prison overcrowding through emergency release mechanisms (prioritizing at risk groups and those who do not pose a risk to public safety) and curb new admissions to prisons;*  
*(e) Mobilize external support from both governmental and non-governmental sources, including relevant ministries, international organizations, civil society and the private sector'.*

Available at [https://www.unodc.org/res/justice-and-prison-reform/nelsonmandelarules-GoF\\_html/COVID\\_19\\_Guidance\\_Note\\_IPC\\_ebook.pdf](https://www.unodc.org/res/justice-and-prison-reform/nelsonmandelarules-GoF_html/COVID_19_Guidance_Note_IPC_ebook.pdf).

<sup>4</sup> Proclamation No 19, 8 May 2020 'Placement on Parole of Selected Categories of Sentenced Offenders'. It is critical to note that 12 995 inmates were identified to benefit from the release; 10 082 were released and 2 246 are yet to be released. The inmates that did not end up qualifying for the program were considered unsuitable as they lacked support systems.

the spread of Covid-19.<sup>5</sup> On 20 July 2021, inmates and correctional officials were prioritised for vaccination.<sup>6</sup> The World Health Organization (WHO) is working on a treaty to strengthen pandemic prevention, preparedness and response.<sup>7</sup> This should encompass all incarcerated people.

Together, we opted for innovative ideas and were committed to reducing the prison population and releasing inmates that should not have been incarcerated in the first place.

But then we lapsed. Attempts to reconsider carceral policies, reform correctional services and reduce the inmate population were short-lived – not only in South Africa, but also around the world. As another academic expert noted,<sup>8</sup> in the face of a global health crisis, the number of prisoners worldwide continued to rise, despite efforts in many countries to reduce prisoner numbers in 2020.<sup>9</sup>

While in 2020/2021, the South African prison population contracted by 9%, largely as a result of the May 2020 special Presidential dispensation, in 2021/2022 prisoner numbers increased by 1.6%. As at 31 March 2022, the total inmate population was 143 244 (96 080 sentenced offenders and 47 164 remand detainees).<sup>10</sup> The national overcrowding rate is now 31.65% compared to the 2020/2021 overcrowding rate of 23%.

We remain the country in Africa that has the highest number of incarcerated people – and the 12th highest in the world.<sup>11</sup> Our Constitution's promise of conditions of detention that are consistent with human dignity and enlightened provisions in the Correctional Services Act 111 of 1998 (CSA) are soiled by our misdirected approach to crime. Grievous errors include the 'tough-on-crime' approach that demands longer and longer sentences, stricter parole and harsher bail conditions, and criminalising drugs (instead of treating their use as a public health issue, as we do with alcohol) and petty offences.

Locking up more and more people has not led to an abatement in violent crime. Our news headlines are filled with mob murders and vigilantism.<sup>12</sup> All of this suggests a crumbling criminal justice system. Incarcerating more people diverts us from finding effective solutions, demanding government competence and committing to

*On 20 July 2021, inmates and correctional officials were prioritised for vaccination. The World Health Organization (WHO) is working on a treaty to strengthen pandemic prevention, preparedness and response.*

the hard work of building a capable state.

The 'tough-on-crime' approach is not only misdirected – it dehumanises us all:

- Remand detainees – those not yet found guilty – still comprise about one-third of our prison population. Of these, at least 2 724 have been granted bail but cannot afford to pay for their freedom – often amounts of under R1 000.
- Many remand detainees await trial for months and years. Disquietingly, right now 27 remand detainees have been awaiting trial for more than seven years.
- The numbers of those serving life sentences continue to balloon. There are now 17 373 'lifers' – comprising 12% of the entire prison population. For them, especially, parole processes are in crisis. The statute empowers only the Minister to make the ultimate decision<sup>13</sup> on their parole. The result? What JICS believes is a mountainous backlog on the Minister's desk.
- JICS has been engaging with the National Council for Correctional Services (NCCS) to explore other ways for lifers' applications to be considered timeously and rigorously (perhaps the Minister should be able to exercise a veto, giving reasons, rather than having to actively approve every lifer parole).

The CSA demands mandatory reporting to JICS on all deaths, the use of force, segregation and mechanical restraints. Disabling fulfilment, the electronic system of the Department of Correctional Services became dysfunctional at the end of 2016. This has mostly been fixed – yet the department still fails to fulfil these

5 Government Gazette, No 44111, 28 January 2021.

6 Through the Correctional Services Vaccination Rollout Programme.

7 WHO 'World Health Assembly agrees to launch process to develop historic global accord on pandemic prevention, preparedness and response' (1 December 2021) available at <https://www.who.int/news-room/01-12-2021-world-health-assembly-agrees-to-launch-process-to-develop-historic-global-accord-on-pandemic-prevention-preparedness-and-response>.

8 Helen Fair, the co-author of *World Prison Population List*.  
9 *World Prison Brief* above n 1.

10 As at 31 March 2021, the total inmate population was 140 948 (93 066 sentenced offenders and 47 882 remand detainees).

11 See *World Prison Brief* data available at <https://www.prisonstudies.org/world-prison-brief-data>.

12 News24 'They feel neglected by the state': Why SA may be seeing a rise in vigilantism' (20 June 2022) available at <https://www.news24.com/news24/southafrica/news/they-feel-neglected-by-the-state-why-sa-may-be-seeing-a-rise-in-vigilantism-20220620>.  
13 On recommendations from the Correctional Supervision and Parole Board through the National Council: section 136(4).

obligations. The gross underreporting undermines JICS's oversight role.

The 2020/2021 year showed increases (almost certainly under-estimates) in reported incidents:

- There was a sharp rise in unnatural deaths – 104. Worryingly, the causes were mostly given as 'unknown other'.<sup>14</sup> On the other hand, reports of natural deaths declined to 409.
- 4 921 segregations were reported to JICS. Although an increase from the year before (276 more), JICS remains of the view that, probably, only 10% of segregations are reported.
- A mere six segregation referrals (appeals) were lodged. Why so few reports? Complying with the statute's 72-hour deadline remains a major issue as the department does not provide necessary information smartly.
- Reported mechanical restraints remained the same (42) – yet no appeals were received. Why not?
- Reported instances of the use of force were at 471, a notable decrease of 223 from the previous year. JICS is left to ask: did violence really decrease? Or did only reports of the use of force decrease?

Broader concerns:

- Sexual violence remains starkly underreported – perhaps because victims (survivors) are heavily stigmatised. Approximately 75 incidents or allegations of sexual assault were reported. Most reports alleged coercion and many survivors opted not to open criminal cases, fearing reprisals from the perpetrators. It may be that the department does not take sexual violence seriously enough, since internal investigations are often not conducted and disciplinary action against perpetrators is not considered.
- South African Police Services and National Prosecuting Authority (NPA) had not finalised 26 criminal matters and 92 inquests.
- JICS received a higher number of complaints related to transfers, healthcare, communication with family, access to legal representation and appeals. In addition, many complaints concerned parole-related issues and access to rehabilitation programs.
- 92 hunger strikes, 32 suicides (mostly by hanging in a single cell) and 35 attempted suicides (which increased by 200% during the Covid-19 pandemic) betoken the hardships and mental health crises inmates experience.
- There are not enough effective rehabilitation programs. This is evidenced by 398 inmates who benefitted from the Covid-19 Special Parole Dispensation yet reoffended.

- More healthcare professionals, including psychologists and social workers, are direly needed.
- Facilities are deteriorating. Lights, CCTV cameras and public telephones often do not work. This creates serious security risks not only for inmates, but also for correctional officials.

All of this paints a grim picture of our correctional facilities. And the grimness seeps into JICS's self-assessment. Are we doing enough to discharge our oversight role?

As a prison watchdog, JICS is hamstrung. We lack binding enforcement powers over the department. In addition, JICS is under-funded and under-capacitated. We must acknowledge that prison oversight is not 'a panacea' to ensure humane treatment. Monitoring bodies alone cannot curb the abuses they bring to light.<sup>15</sup>

Yet JICS is fighting to strengthen its powers and capacity. The Constitutional Court's dramatic order of 4 December 2020, requiring Parliament to ensure JICS's independence, created a pathway for JICS to assert its independence and to set itself up as a truly autonomous institution.<sup>16</sup>

There were other positive developments:

- There are draft amendments to the CSA, and the JICS Draft Bill is at a high stage of readiness.<sup>17</sup> These legislative reforms will ensure that JICS has adequate levels of independence. They will also enhance mandatory reporting obligations and cooperation from the department. They also explicitly name previously neglected issues, like sexual violations, torture or cruel, inhuman or degrading treatment or punishment and hunger strikes.
- An Inter-Departmental Assessment Committee recommended that JICS be established as a national government component. JICS awaits support from National Treasury.
- JICS has concluded its business case and proposed costing and staffing models.
- In line with the United Nations Optional Protocol to the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT), JICS actively participates in the National Preventive Mechanism (NPM) that the South African Human Rights Commission (SAHRC) coordinates. This is under the Memorandum of Agreement JICS and the SAHRC concluded in January 2021.

Highlights from the year under review:

- JICS conducted three thematic inspections on solitary confinement: Ebongweni Super-Maximum Correctional Centre, Kgoši Mampuru II C-Max and Mangaung Public-Private Partnership Correctional

<sup>14</sup>

Where the cause of death is not immediately apparent. In other words, a seemingly healthy inmate suddenly dies.

<sup>15</sup>

Deitch 'Independent Oversight is Essential for a Safe and Healthy Prison System' (3 November 2021) available at <https://www.brennancenter.org/our-work/analysis-opinion/independent-oversight-essential-safe-and-healthy-prison-system>.

<sup>16</sup>

Sonke Gender Justice NPC v President of the Republic of South Africa [2020] ZACC 26.

<sup>17</sup>

JICS is concerned that the deadline for the order set by the Constitutional Court is fast-approaching.

Centres. This led to three key reports.<sup>18</sup> JICS found that solitary confinement and prolonged solitary confinement are practised in South African correctional centres. This is contrary to the Constitution as well as domestic and international law.

- The reports were released to the Minister, Deputy Minister and Acting National Commissioner – and, in addition, JICS furnished them to the Parliamentary Portfolio Committee on Justice and Correctional Services. JICS eagerly awaits substantive responses and practical improvements, which the department has promised.
- JICS is busy finalising a memorandum of understanding with the NPA.
- JICS formed a joint sub-committee with the NCCS to meet regularly.
- At JICS's invitation, Just Detention International-South Africa hosted training workshops with ICCVs, countrywide, on sexual violence in correctional facilities.
- JICS hosted a widely-noted and successful international seminar on Excessive Use of Force in Correctional Centres: The Role of DCS, JICS and Civil Society.
- JICS started a book drive campaign, 'Books for Dignity'. The Acting National Commissioner warmly endorsed this campaign, offering practical assistance.
- For the second time in JICS's history, we conducted a countrywide roadshow to hear and engage with all ICCVs.
- JICS will continue pressing the Parliamentary Portfolio Committee to co-host a workshop on South Africa's carceral policies (especially mandatory minimum sentences).

· JICS has committed to reporting on female inmates and infants and LGBTQ+ inmates in correctional facilities.

JICS's mandate is to ensure that transparency and accountability are attained within South African correctional facilities. This is no simple task. It is an essential yet challenging and complex duty that all JICS employees take on with respect, compassion and care for the rights of inmates.

The Covid-19 pandemic encouraged us to reimagine our prisons. JICS remains committed to innovative and productive responses to incarceration. It was foreseeable that detention facilities would be hard hit by Covid-19. It remains equally foreseeable that the next airborne pandemic will hit as harshly, or worse. The critical first step toward holding detention systems accountable and improving detainee health is visibility.<sup>19</sup>

JICS remains committed to ensuring the dark and closed-off aspects of our correctional facilities receive the fresh sunlight of publicity. And we are dedicated to ensuring that humane and dignified conditions of detention and incarceration become the norm. Our Constitution requires nothing less.



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**Justice Edwin Cameron**

Inspecting Judge

Judicial Inspectorate for Correctional Services

31 July 2022

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*Report on the Thematic Inspection conducted at Ebongweni Super-Maximum Correctional Centre (11-12 May 2021) titled 'The moral fibre is nowhere to be found'; Report on the Thematic Inspections conducted at Kgoši Mampuru II C-Max and Mangaung Public Private Partnership Correctional Centres (29 June and 1 July 2021) titled 'Ticking time bomb'; and the report on solitary confinement (23 September 2021) titled 'I am a human being'.*

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*Knight, Bleckner, Cameron, and Amon 'VIEWPOINT Pandemic Treaty Should Include Reporting in Prisons' Health and Human Rights Journal 24/1 (June 2022).*



## STATEMENT BY THE **CHIEF EXECUTIVE OFFICER**

*'For the performance year under review, JICS planned 136 inspections across the 238 operational correctional facilities. By the end of the 2021/2022 performance year, JICS was able to conduct all 136 planned inspections, which equates to 55%.' - **JICS CEO 2022***

### General overview

It is an honour to present the JICS annual report, in terms of my obligations and responsibilities as CEO for the 2021/2022 performance cycle. I do so against the backdrop of the Covid-19 pandemic which has had a devastating impact on our country and the operations of entities like correctional services.

Despite these challenges I am pleased to report that we have mitigated the risks and ensured business continuity through various measures ensuring that our mandate was met. This includes securing the levels of independence necessary for oversight so that we can conduct our work without fear, favour or prejudice. This report will detail the multiple reform initiatives that are in place, noting that more work needs to be done within the challenges and constraints we face.

In presenting the progress of the 2021/2022 work performance against JICS's work plans, JICS has complied with corporate governance requirements and quality management. Quarterly report assurances on the accuracy

of actual outputs reported against predetermined objectives were favourable for the year, and we have adequate monitoring information to course-correct. This has been important in the context of Covid-19, where hybrid work arrangements were put into place to ensure business continuity and enhance the credibility of JICS.

### Lessons from the Covid-19 pandemic

During the 2021/2022 performance cycle, JICS continued to perform its oversight function while adhering to Covid-19 pandemic regulations. JICS officials remained committed to the mandate of the organisation and exercised self-care in a multitude of ways during the pandemic. They adjusted to new hybrid work schedules, wore face masks, sanitised regularly, and encouraged colleagues to get vaccinated. The Covid-19 pandemic and lockdown regulations prompted JICS to consider and strengthen its technological capabilities. This ensured that there was no disruption to service delivery, and the period affirmed the critical importance of effective oversight over South Africa's correctional facilities.

## JICS as a national government component: the road to independence

Over the years, JICS has worked on strengthening its oversight function by ensuring it has independence from the Department of Correctional Services (DCS). On 4 December 2020, the Constitutional Court in the *Sonke* judgment found that JICS must be provided with adequate levels of independence. The Constitutional Court underscored the importance of a properly functioning oversight body such as JICS and that independence (structural, operational, financial and perceived) is an inherent characteristic of an oversight body. The Constitutional Court afforded Parliament 24 months to remedy the defects. The order deadline is fast approaching December 2022.

JICS officials, amongst others, formed part of the officially constituted Inter-departmental Assessment Committee (IAC). In January 2021, meetings were held between the IAC and representatives from DCS, the National Treasury and the Department of Public Service and Administration (DPSA). It was recommended that JICS be constituted as a National Government Component.

As JICS transforms into an independent institution, as required by the Constitutional Court, it has concluded its business case and worked on its proposed costing and staffing models. In addition, JICS has worked on the JICS Draft Bill (which is in its 20<sup>th</sup> version) as well as the Draft Amendments to the CSA.

The outstanding issue is for National Treasury to consider the appropriate funding model for the recommended National Government Component. JICS has requested additional funding sourced from DCS's underspending through a phased-in approach over a three-year cycle.

The major concerns that may delay compliance with the order of the Constitutional Court and the legislative process are:

- (i) JICS's additional funding; and
- (ii) JICS's organisational form as a national government component.

## Draft JICS Bill and amendments to the CSA

Extensive engagements were held with DCS on finalising the JICS Draft Bill (version 20) together with the Draft Amendments to the CSA. The JICS Draft Bill ensures that JICS has adequate levels of independence as required by the Constitutional Court in the *Sonke* judgment. In

particular, the JICS Draft Bill outlines the appointment processes for the Inspecting Judge, CEO and other JICS employees as well as bolsters JICS's investigative powers, allows JICS to make disciplinary recommendations against DCS officials and strengthens the cooperation from DCS.

In addition, the Draft Amendments to the CSA extend the mandatory reporting obligations to include sexual violence, hunger strikes and torture, among others.

## Overview of operations

### Inspections

As at 31 March 2022, there were 243 correctional facilities in the country. Five of these were temporarily closed for renovation, resulting in only 238 active correctional facilities during the performance cycle.

For the performance year under review, JICS planned 136 inspections across the 238 operational correctional facilities. By the end of the 2021/2022 performance year, JICS was able to conduct all 136 planned inspections, which equates to 55%. In addition to the 136 announced inspections conducted, JICS also conducted 36 unannounced inspections during the performance cycle, resulting in 172 inspections conducted during the performance cycle, which equates to 72%. The unannounced inspections were conducted by JICS management as an ad hoc task. This is in line with the transferring of skills and enabling managers to conduct inspections.

Of the 172 inspections over the reporting period, 16 (9%) correctional facilities were rated unsatisfactory, 139 (81%) were rated satisfactory and 17 (10%) were rated good.

### Investigations

There were 46 investigations mandated for the 2021/2022 performance cycle. JICS does not employ specialised investigators and JICS does not have an approved directorate to deal with investigations. Investigations were carried out on an ad hoc basis by inspectors and JICS management.

A few noteworthy investigations conducted by JICS during this performance cycle include:

- 6 April 2021 – Losperfontein CC, 'I am just spiteful to the officials', ARV overdose.
- 21 April 2021 – Odi CC, 'Caution the water is too hot', hot water poured by a fellow inmate.
- 16 July 2021 – Kgoši Mampuru II CC, 'Sorry I will always love you', suicide by hanging.
- 16 March 2022 – Durban Med. A CC, 'No lights, no life', segregation unit.

## Human resources

As at 31 March 2022, there were 86 permanent approved and funded positions on the fixed establishment. There were 82 filled posts and four (4.65%) vacant posts. Furthermore, there were 273 contracts for ICCVs positions, 225 posts were filled, and 48 positions remain vacant (17%). These positions cannot be filled due to a budgetary shortfall in the CoE budget.

## Overview of finance results

Budget allocation/expenditure for the 2021/2022 financial year:

The over-expenditure on the compensation budget for the 2021/2022 financial year was a result of a shortfall in the budget allocation. The overall over-expenditure on CoE items equates to a deviation of 9% over the allocated budget to JICS.

## Virements/rollovers

During the 2021/2022 financial year, there were no virements/rollovers of funds for JICS.

## Unauthorised, fruitless and wasteful expenditure

No unauthorised, fruitless and/or wasteful expenditure was incurred during the 2021/2022 financial year.

## Gifts and donations received in kind from non-related parties

There were no gifts and/or donations received in kind from any non-related parties during the 2021/2022 financial year.

## Exemptions and deviations from National Treasury

No exemptions and/or deviations were requested from the National Treasury during the 2021/2022 financial year.

## Public-private partnerships

No public-private partnerships currently exist.

## Governance and accountability

In fulfilling JICS's oversight mandate and ensuring effective and efficient use of resources, JICS adopted processes and systems to detect and prevent irregular, fruitless, wasteful and unauthorised expenditure. A set of governance and monitoring structures were put in place to ensure that there is full transparency and no conflict of interest. JICS is committed to ensuring the organisation is transparent, ethical, credible and most of all, accountable. JICS has updated its Financial Instructions and Delegations in line with the Public Finance Management Act 1 of 1999.

## Future plans

JICS has adopted the following reporting deliverables to be included in the 2022/2023 performance cycle:

- All women, including mothers and infants incarcerated – in line with the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (also known as the Bangkok Rules).
- Reporting on LGBTQI+ inmates.
- Reporting on inmate on official assaults.

## Discontinued activities/activities to be discontinued

No activities were discontinued during the 2021/2022 performance cycle.

## Other

All material facts or circumstances or requirements, which may influence the understanding of JICS's financial position have been addressed in this report.

## Acknowledgement/appreciation and conclusion

I facilitated engagements with key constituencies and stakeholders who provided guidance and support.

I begin by extending my sincere gratitude and appreciation to the Inspecting Judge, Justice Edwin Cameron; the Minister, Mr Ronald Lamola, MP; the Deputy Minister, Mr Nkosi SP Holomisa, MP; and the Acting National Commissioner, Mr M Thobakgale for their leadership and stewardship.

My sincere gratitude and appreciation are also extended to the Portfolio Committee on Justice and Correctional Services for their support and guidance.

I must also acknowledge the executive management and staff of the Department of Correctional Services for their assistance.

To all JICS stakeholders, Chapter Nine Institutions, Justice, Crime and Prevention Security Cluster, the affiliated members of the South African National Preventive Mechanism, non-governmental organisations, community-based, faith-based and other organisations, a sincere thank you for their continued cooperation and valued support.

Finally, to all JICS staff, thank you for the hard work and team effort during the 2021/2022 performance cycle and for ensuring that we continue to execute our vital oversight mandate with care and respect for the rights of inmates.

## Approval and sign off

I approve and sign off the annual report as a true reflection of the work performance undertaken during the 2021/2022 financial year.



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**Mr V. Misser**  
Chief Executive Officer  
Judicial Inspectorate for Correctional Services

# Statement of responsibility and confirmation of the accuracy of the annual report

To the best of my knowledge and belief, I confirm the following:

All information and amounts disclosed in the annual report are consistent.

The annual report is complete, accurate and free from any omissions.

The annual report has been prepared per the guidelines on the annual report as issued by National Treasury. The Annual Financial Statements (Part E) have been prepared per the modified cash standard and the relevant frameworks and guidelines issued by the National Treasury.

The Chief Executive Officer is responsible for the preparation of the annual financial statements and the judgements made in this information.

The Chief Executive Officer is responsible for establishing and implementing a system of internal control that has been designed to provide reasonable quality assurance as to the integrity and reliability of the performance information, the human resources information and the annual financial statements.

The external auditors are engaged to express an independent opinion on the annual financial statements. In my opinion, the annual report fairly reflects the operations, the performance information, the human resources information and the financial affairs of JICS for the financial year ending 31 March 2022.



**Mr V. Misser**

Chief Executive Officer (CEO)  
Judicial Inspectorate for Correctional Services (JICS)

# Strategic overview



## Vision

To uphold the human dignity of inmates through independent, proactive and responsive oversight.



## Mission

To impartially inspect, investigate, report and make recommendations on the conditions in correctional centres and remand detention facilities, and the treatment of inmates to ensure the protection of the human rights of inmates.



## Values

JICS ascribes to the following values:

- Human dignity
- Independence
- Fairness
- Efficiency
- Integrity
- Professionalism
- Accountability
- Legality



## Legislative and other mandates

### 1. Constitution of the Republic of South Africa

The Constitution of the Republic of South Africa is the supreme law of the country. It incorporates the Bill of Rights. These rights are indivisible, each applicable to the circumstances, either on their own or in a combination. Rights are subject to limitations. The sections below contain some of the rights applicable to inmates.

- Section 9: Equality
- Section 10: Human dignity
- Section 11: Life
- Section 12: Freedom and security of the person
- Section 13: Slavery, servitude and forced labour
- Section 14: Privacy
- Section 15: Freedom of religion, belief and opinion
- Section 27: Right to health care services, food and water
- Section 28: Children
- Section 29: Right to education
- Section 31: Cultural, religious and linguistic
- Section 32: Access to information
- Section 33: Just administrative action
- Section 34: Access to courts
- Section 35: Arrested, detained and accused persons
- Section 35(2) (e) provides for 'conditions of detention consistent with human dignity, including, at least, exercise, adequate accommodation, nutrition, reading material and medical treatment.'



## Legislative and other mandates

### 2. Correctional Services Act

The CSA is the primary ordinary statute that applies to inmates. It is supplemented by regulations and orders. DCS is guided by two strategic documents that inform the human rights philosophy behind the operations of the department.

These are the policy papers on corrections, White Paper on Corrections in South Africa, 2005 and the White Paper on Remand Detention Management in South Africa, 2014.

### 3. Other South African legislation

The South African legislature has adopted numerous statutes that apply to the correctional and remand environment. These include:

- Criminal Procedure Act 51 of 1977
- National Health Act 61 of 2003
- Mental Health Care Act 17 of 2002
- Promotion of Administrative Justice Act 3 of 2000
- Prevention of Combating and Torture of Persons Act 13 of 2013

### 4. International and regional human rights instruments

South Africa has ratified several international and regional treaties and conventions relating to incarceration. The Constitution provides a guide on the interpretation of the Bill of Rights and its section 39(1) requires that when interpreting the law, any court, tribunal, or forum must consider international law and may consider foreign law. The authority, procedure, and incorporation of international agreements, customary law, and their application are set out in sections 231, 232 and 233 of the Constitution.

International law, foreign law and other international instruments which are of relevance in the South African correctional and remand environment are the following:

- Universal Declaration of Human Rights
- United Nations (UN) Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)
- International Covenant on Civil and Political Rights (ICCPR)
- UN Rules for the Protection of Juveniles Deprived of their Liberty
- UN Principles of Medical Ethics relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol)
- UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials
- UN Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules)
- European Convention on Human Rights
- African Commission Guidelines and Measures for the Prohibition and Prevention of Torture, Cruel, Inhuman or Degrading Treatment or Punishment in Africa (Robben Island Guidelines)
- NPM ratification and JICS as a member of the SA NPM.

## Organisational structure as at 31 March 2022

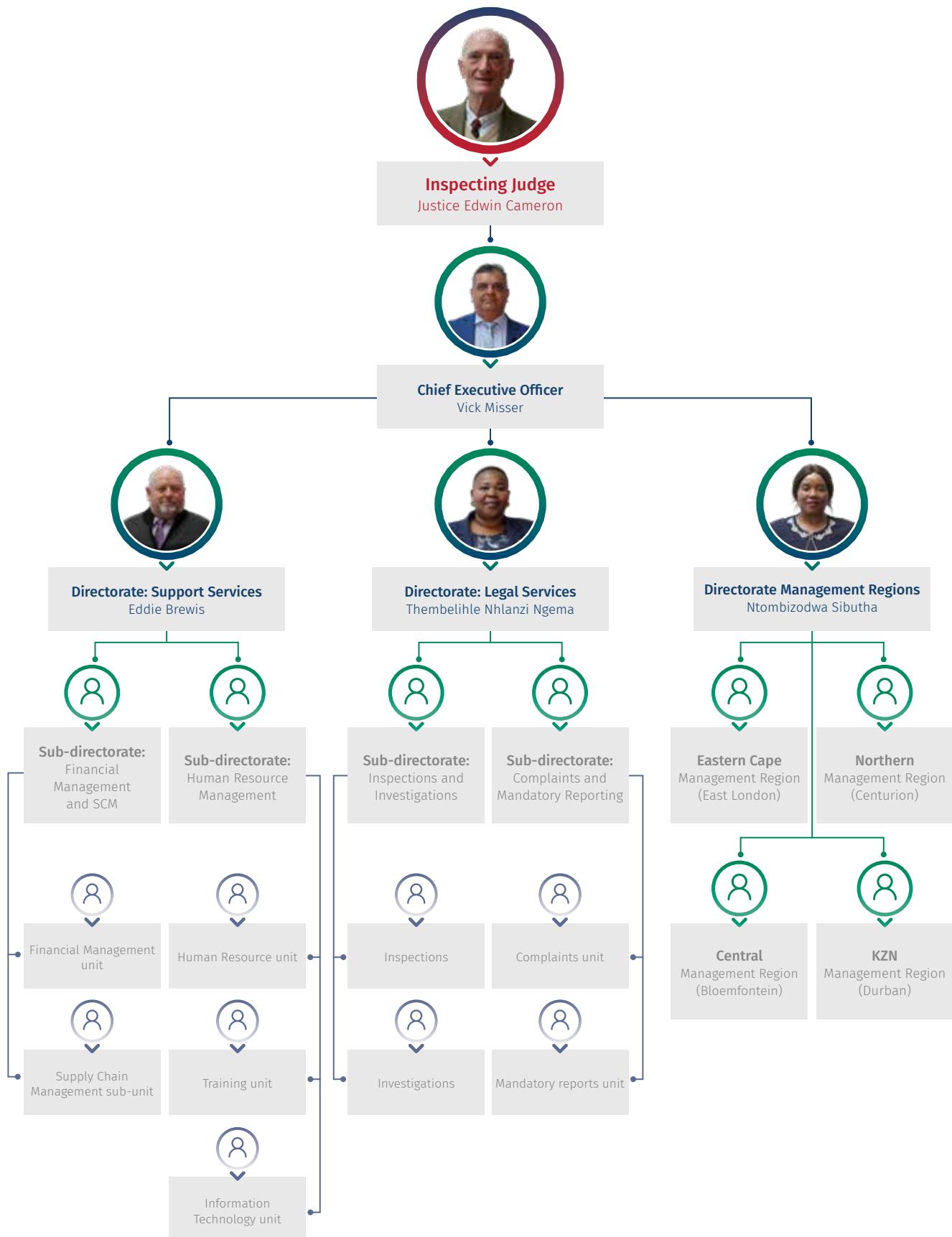


Figure 1: Organisational structure as at 31 March 2022

A start-up organisational structure has been considered by the Inter-department Assessment Committee

# PERFORMANCE INFORMATION AND OVERSIGHT REPORTING



*It is the mandate of JICS to provide effective independent oversight of all places of detention managed by DCS. As at 31 March 2022, there were 243 correctional facilities in the country, five of which were temporarily closed for renovation.*

# Oversight report

## Introduction

It is the mandate of JICS to provide effective independent oversight of all places of detention managed by DCS. As at 31 March 2022, there were 243 correctional facilities in the country, five of which were temporarily closed for renovation.

There were thus 238 DCS correctional facilities in operation as at 31 March 2022.

The table below illustrates the five correctional facilities temporarily closed as at 31 March 2022.

Region	Reasons for closure/temporary closure of correctional facilities	
	Name of centre	Reason
WC	Swellendam	Dilapidation
WC	Brandvlei Maximum	Dilapidation
LMN	Geluk	Dilapidation
LMN	Brits	Upgrade
FS/NC	Parys	Upgrade

**Table 2: Temporarily closed correctional facilities as at 31 March 2022**

There are two types of facilities which are managed by DCS:

- Correctional facilities where sentenced offenders are incarcerated and rehabilitated
- Remand detention facilities where awaiting-trial detainees are accommodated.

Inmates incarcerated at remand detention facilities are only accommodated and no rehabilitation or other structured programmes are offered. DCS proffers that this is because detainees have not been found guilty and, as such, are still deemed innocent.

The division between sentenced inmates and remand detainees is further distinguished in the CSA where

the two categories have certain specific rights and responsibilities.<sup>20</sup>

DCS correctional centres and remand detention facilities will collectively be referred to as correctional facilities and all incarcerated persons as inmates.

Most correctional facilities accommodate both sentenced offenders and remand detainees.

JICS's legislative mandates emanate from the CSA and are as follows:

Sections of the CSA	Mandate
S90 (1)	Inspect correctional facilities relating to the treatment of inmates, conditions in correctional facilities and corrupt or dishonest practices.
S90 (2)	Deal with the complaints of inmates received from external sources as well as ICCVs.
S90 (3) and (4)	Submit reports (including an annual report) to the State President, Minister and Portfolio Committee.
S90 (5)	Conduct investigations and hold hearings.
S15 (2)	Enquire into the death of an inmate or instruct the National Commissioner of DCS to enquire into such deaths.
S30 (6) and (7)	Receive reports of all instances where inmates are segregated and deal with segregation appeals received from inmates.
S31 (3)(d) and (5)	Receive reports of all instances where inmates are mechanically restrained and deal with appeals in this regard.
S32 (6)	Receive reports of all instances where force is used against inmates.
S75 (8)	Place parole cases before the Correctional Supervision and Parole Review Board for a decision regarding parole.

JICS's statutory oversight function is measured against standards set out in, *inter alia*, the following Acts and instruments:

- **Constitution of the Republic of South Africa (with specific reference to Chapter 2 - Bill of Rights)**

In numerous decided cases,<sup>21</sup> the Constitutional Court has held that the Bill of Rights applies to all citizens including people in places of detention. Section 35 of the Constitution deals specifically with the rights of arrested, accused and detained persons.<sup>22</sup>

- **CSA, its Regulations and DCS standing orders**

CSA legislation sets the standards for the treatment of inmates and the conditions under which they are incarcerated. It regulates inmates' rights and responsibilities regarding most aspects of their imprisonment, such as mealtimes, exercise, contact with the community and educational programmes. It also prescribes complaints procedures and how certain incidents must be reported to JICS.

On 11 March 2021, the then National Commissioner of DCS officially approved the new DCS Standard Operating Procedures (also called 'tools of trade'). JICS officially requested copies of the new DCS SOPs, however, to date, it has not been officially provided to JICS.

JICS also requested and received the new DCS Standard Operating Procedures (SOP) regarding the management and transfer of inmates to and from super-maximum correctional centres.

JICS made comments on the SOP and communicated it to the DCS Acting National Commissioner through the Inspecting Judge.

- **UN Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules)**

The Nelson Mandela Rules set out guidelines for the treatment of inmates and independent inspections, dealing with complaints, deaths, and segregation and so on.

- **Optional Protocol to the UN Convention against Torture**

The South African Government ratified the Optional Protocol to the UN Convention against Torture (OPCAT) on 20 June 2019. OPCAT establishes international and domestic mechanisms for the prevention of torture through regular visits to places of deprivation of liberty.

It further requires member states to establish an NPM to prevent torture, and other cruel, inhumane or degrading punishment or treatment.

The South African Human Rights Commission (SAHRC) was designated by the government to perform a coordinating and functional role in the NPM.

JICS, as a statutory oversight body of DCS, is an affiliated member of the NPM and reports on all torture, and other cruel, inhumane or degrading punishment or treatment in all correctional facilities.

## Inspections

JICS conducts inspections according to the National Inspections Plan (NIP) which outlines correctional centres to be inspected and the dates of inspections. The NIP is compiled annually and approved by the CEO before each performance cycle. JICS is not only confined to conducting inspections as per the NIP; JICS also conducts unannounced inspections.

Inspections of correctional facilities is one of the core mandates of JICS. Inspections of correctional facilities have financial and other implications, and it is for this reason that the NIP forms part of JICS strategic planning. Factors such as logistics, budgetary constraints and availability of human resources are considered in the strategic plan.

During the 2021/2022 performance cycle, a total of 136 announced inspections were planned and carried out by JICS inspectors despite challenges presented by the Covid-19 pandemic and staff shortages.

JICS initiated a project called the Abahloli (inspectors) Project where JICS (including the Inspecting Judge) senior managers conducted unannounced inspections. The purpose of the project is mainly to enhance the JICS inspection footprint and expose managers to the inspection of correctional facilities.

A total of 36 unannounced inspections were also conducted for the performance cycle. Of the 172 inspections over the reporting period, 16 (9%) correctional facilities were rated unsatisfactory, 139 (81%) were rated satisfactory and 17 (10%) were rated good. The Inspecting Judge and senior JICS staff also conducted thematic inspections.

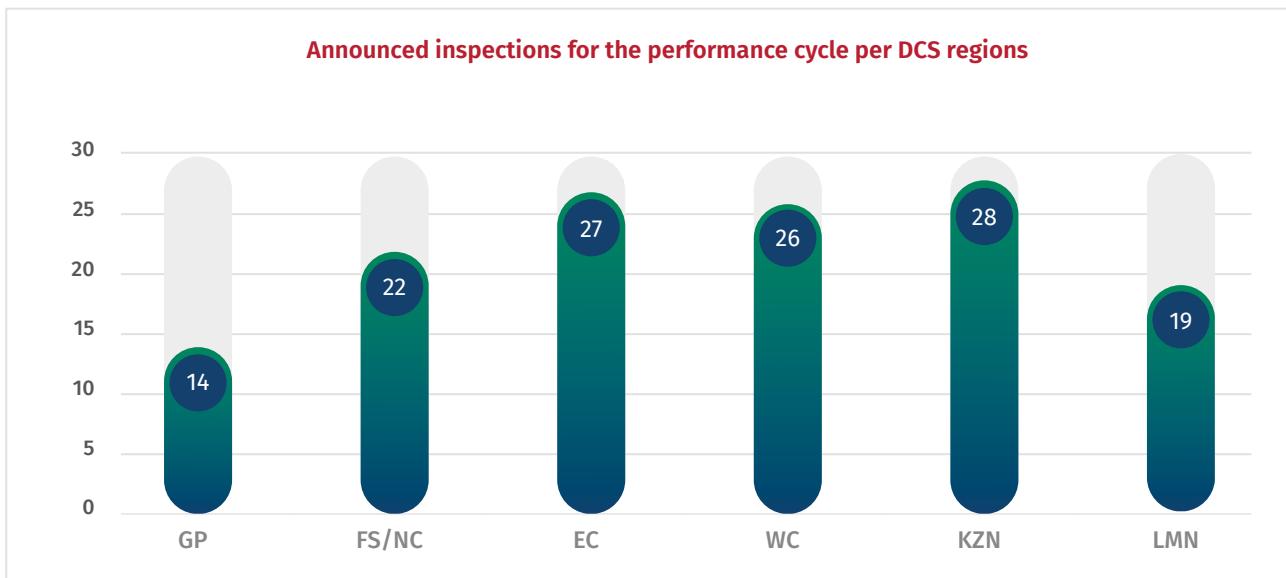
Graph 1 illustrates all announced inspections conducted for the 2021/2022 performance cycle.

<sup>21</sup>

E.g., *State v Makwanyane and another CCT 3/94* and *August and another v the Electoral Commission and others CC 8/99*.

<sup>22</sup>

Everyone has the right 'to conditions of detention that are consistent with human dignity, including at least exercise, and the provision, at State expense, of adequate accommodation, nutrition, reading material and medical treatment'.



Graph 1: Announced inspections conducted during the 2021/2022 performance cycle

JICS follows a three-phased approach when conducting announced inspections.

**The phases are:**

**Phase 1** entails giving notice to DCS of the intention to inspect a certain facility. An inspection questionnaire is sent to the HCC of the identified facility 14 days before the inspection. The HCC must complete the inspection questionnaire and hand it to the JICS inspector on the day of the inspection.

**Phase 2** is where the in-loco inspection takes place.

**Phase 3** is where the inspection report is crafted, and the centre is rated. The report is submitted to the HCC, AC and RC, who are requested to indicate the steps taken to address any adverse findings made during the inspection.

During the 2021/2022 performance cycle, JICS noted with concern that a total of nine HCCs in the Eastern Cape

failed to respond to the inspection questionnaire, which enables the inspector to conduct the inspection, therefore the inspections at these nine correctional centres were conducted on observation only.

## Ratings of facilities

JICS utilises standard norms when evaluating a facility during both announced and unannounced inspections. These include:

- Overcrowding and professional staff
- Medical facility
- Kitchen
- Safe custody of inmates
- State of facilities
- Perusing records (relevant registers and journals)
- Contact with the community
- Rehabilitation and other programmes.

## Outcomes of inspections

The table below illustrates all facilities inspected for the 2021/2022 performance cycle and the rating of each correctional facility.

No.	Centre	DCS region	Inspection	Rating
1.	Bethlehem	FS/NC	13/4/2021	<b>Satisfactory</b>
2.	Lindley	FS/NC	12/4/2021	<b>Satisfactory</b>
3.	Tzaneen Old	LMN	13/4/2021	<b>Good</b>
4.	Modimolle	LMN	14/4/2021	<b>Satisfactory</b>
5.	Middleburg (MP)	LMN	15/4/2021	<b>Satisfactory</b>
6.	Bergville	KZN	23/4/2021	<b>Satisfactory</b>
7.	Ladysmith	KZN	22/4/2021	<b>Satisfactory</b>
8.	Allandale	WC	7/4/2021	<b>Satisfactory</b>
9.	Hawequa	WC	8/4/2021	<b>Satisfactory</b>
10.	Willowvale	EC	7/4/2021	<b>Satisfactory</b>
11.	Nqamakhwe	EC	8/4/2021	<b>Good</b>
12.	Brandfort	FS/NC	4/5/2021	<b>Satisfactory</b>
13.	Wepener	FS/NC	5/5/2021	<b>Satisfactory</b>
14.	Belfast	LMN	12/5/2021	<b>Satisfactory</b>
15.	Witbank	LMN	11/5/2021	<b>Satisfactory</b>
16.	Bethal	LMN	13/5/2021	<b>Satisfactory</b>
17.	Ingwavuma	KZN	4/5/2021	<b>Unsatisfactory</b>
18.	Nongoma	KZN	5/5/2021	<b>Satisfactory</b>
19.	Knysna	WC	4/5/2021	<b>Satisfactory</b>
20.	George	WC	5/5/2021	<b>Good</b>
21.	Mosselbay	WC	6/5/2021	<b>Good</b>
22.	Umtata Medium	EC	14/5/2021	<b>Satisfactory</b>
23.	Nqgeleni	EC	12/5/2021	<b>Satisfactory</b>
24.	Mnqanduli	EC	13/5/2021	<b>Satisfactory</b>
25.	Groenpunt Medium	FS/NC	1/6/2021	<b>Good</b>
26.	Mangaung	FS/NC	2-3/6/2021	<b>Good</b>
27.	Losperfontein	LMN	1/6/2021	<b>Satisfactory</b>
28.	Attridgeville	GP	2/6/2021	<b>Satisfactory</b>
29.	Kgoši Mampuru II C Max	GP	3/6/2021	<b>Satisfactory</b>
30.	Newcastle	KZN	1/6/2021	<b>Satisfactory</b>
31.	Pomeroy	KZN	2/6/2021	<b>Satisfactory</b>
32.	Kranskop	KZN	3/6/2021	<b>Satisfactory</b>
33.	Van Rhynsdorp	WC	1/6/2021	<b>Good</b>
34.	Staart van Paardeberg	WC	2/6/2021	<b>Satisfactory</b>
35.	Jansenville	EC	1/6/2021	<b>Satisfactory</b>
36.	St Albans Medium B	EC	2/6/2021	<b>Satisfactory</b>
37.	Vryheid	KZN	21/4/2021	<b>Unsatisfactory</b>
38.	Tswelopele	FS/NC	6 and 7/2021	<b>Satisfactory</b>
39.	Fauriesmith	FS/NC	8/7/2021	<b>Satisfactory</b>

No.	Centre	DCS region	Inspection	Rating
40	Edenburg	FS/NC	9/7/2021	Satisfactory
41	Zonderwater Medium A	GP	5/7/2021	Satisfactory
42	Vereeniging	NC/FS	15/7/2021	Satisfactory
43	Pietermaritzburg Medium A	KZN	5/7/2021	Satisfactory
44	Pietermaritzburg Medium B	KZN	7/7/2021	Satisfactory
45	Worcester Male	WC	6/7/2021	Satisfactory
46	Caledon	WC	7/7/2021	Satisfactory
47	St Albans Maximum	EC	6/7/2021	Satisfactory
48	St Albans Medium A	EC	8/7/2021	Unsatisfactory
49	Rooigrond Medium A	LMN	4/8/2021	Satisfactory
50	Lichtenburg	LMN	5/8/2021	Satisfactory
51	Mafikeng Female	LMN	3/8/2021	Satisfactory
52	Barberton Maximum	LMN	3/8/2021	Satisfactory
53	Barberton Medium B	LMN	4/8/2021	Satisfactory
54	Odi	GP	16/9/2021	Satisfactory
55	Ncome Medium A	KZN	17 and 18/8/2021	Satisfactory
56	Ncome Medium B	KZN	19/8/2021	Satisfactory
57	Pollsmaar Medium A	WC	3/8/2021	Satisfactory
58	Pollsmaar Medium B	WC	5/8/2021	Unsatisfactory
59	Elliotdale	EC	11/8/2021	Satisfactory
60	Idutywa	EC	12/8/2021	Satisfactory
61	Stutterheim	EC	13/8/2021	Satisfactory
62	De Aar	FS/NC	7/9/2021	Satisfactory
63	Colesburg	FS/NC	8/9/2021	Satisfactory
64	Boksburg Medium A	GP	6/9/2021	Satisfactory
65	Boksburg Juvenile	GP	7/9/2021	Satisfactory
66	Ixopo	KZN	7/9/2021	Satisfactory
67	Durban Medium B	KZN	8 and 9/2021	Satisfactory
68	Brandvlei Maximum	WC	8/9/2021	Satisfactory
69	Brandvlei Medium B	WC	7/9/2021	Satisfactory
70	Goodwood	WC	9/9/2021	Satisfactory
71	Fort Beaufort	EC	7/9/2021	Satisfactory
72	Middledrift	EC	10/9/2021	Satisfactory
73	East London Medium C	EC	13/9/2021	Satisfactory
74	Groenpunt Juvenile	FS/NC	12/10/2021	Satisfactory
75	Groenpunt Maximum	FS/NC	13 and 14/10/2021	Satisfactory
76	Grootvlei Medium B	FS/NC	8/10/2021	Satisfactory
77	Thohoyandou Medium A	LMN	5/10/2021	Satisfactory
78	Thohoyandou Medium B	LMN	6/10/2021	Unsatisfactory
79	Thohoyandou Female	LMN	7/10/2021	Satisfactory
80	Maphumulo	KZN	14/10/2021	Satisfactory
81	Stanger	KZN	15/10/2021	Unsatisfactory
82	Beaufort West	WC	12/10/ 2021	Satisfactory
83	Prince Albert	WC	13/10/2021	Satisfactory

No.	Centre	DCS region	Inspection	Rating
84	Ladismith	WC	14/10/2021	Satisfactory
85	Barkley East	EC	12/10/2021	Unsatisfactory
86	Engcobo	EC	15/10/2021	Satisfactory
87	Cofimvaba	EC	14/10/2021	Satisfactory
88	Klerksdorp	LMN	3/11/2021	Satisfactory
89	Potchefstroom	LMN	4/11/2021	Satisfactory
90	Baviaanspoort Maximum	GP	3/11/2021	Satisfactory
91	Baviaanspoort Medium	GP	4/11/2021	Satisfactory
92	Emthonjeni Juvenile	GP	5/11/2021	Satisfactory
93	Ekuseni Youth	KZN	2/11/2021	Satisfactory
94	Waterval Medium A	KZN	3/11/2021	Satisfactory
95	Waterval Medium B	KZN	4/11/2021	Satisfactory
96	Malmesbury Med A	WC	3/11/2021	Satisfactory
97	Robertson	WC	4/11/2021	Satisfactory
98	Riebeeck West	WC	5/11/2021	Satisfactory
99	Lady Frere	EC	13/10/2021	Satisfactory
100	Sada	EC	11/10/2021	Satisfactory
101	Henneman	FS/NC	5/1/2022	Satisfactory
102	Virginia	FS/NC	6/1/2022	Satisfactory
103	Kutama Sinthumule	LMN	11 and 12/1/2022	Good
104	Polokwane	LMN	13/1/2022	Satisfactory
105	Nkandla	KZN	11/1/2022	Satisfactory
106	Qalakabusha	KZN	12/1/2022	Satisfactory
107	Mthunzini	KZN	14/1/2022	Satisfactory
108	Pollsmaar Female	WC	10/1/2022	Satisfactory
109	Pollsmaar Max/RDF	WC	18/1/2022	Satisfactory
110	Somerset East	EC	12/1/2022	Satisfactory
111	Cradock	EC	13/1/2022	Satisfactory
112	Queenstown	EC	14/1/2022	Satisfactory
113	Victoria West	FS/NC	8/2/2022	Satisfactory
114	Richmond	FS/NC	9/2/2022	Satisfactory
115	Grootvlei Maximum	FS/NC	15 and 16/2/2022	Unsatisfactory
116	Modderbee	GP	14 and 15/2/2022	Satisfactory
117	Nigel	GP	16/2/2022	Satisfactory
118	Durban Medium A	KZN	8 and 9/2/2022	Satisfactory
119	Durban Female	KZN	10/2/2022	Satisfactory
120	Voorberg Medium A	WC	7/2/2022	Satisfactory
121	Voorberg Medium B	WC	8/2/2022	Satisfactory
122	Drakenstein Medium A	KZN	3/2/2022	Satisfactory
123	Port Elizabeth	EC	16/2/2022	Satisfactory
124	Grahamstown	EC	17/2/2022	Satisfactory
125	Heilbron	FS/NC	8/3/2022	Satisfactory
126	Harrismith	FS/NC	9/3/2022	Satisfactory

No.	Centre	DCS region	Inspection	Rating
127	Devon	GP	11/3/2022	Good
128	Kgoši Mampuru II Central	GP	14/3/2022	Satisfactory
129	Kgoši Mampuru II Local	GP	31/3/2022	Satisfactory
130	Matatiele	KZN	1/3/2022	Satisfactory
131	Kokstad Medium B	KZN	2/3/2022	Satisfactory
132	Ebongweni Super Maximum	KZN	3/3/2022	Satisfactory
133	Oudtshoorn Medium A	WC	15/3/2022	Good
134	Oudtshoorn Medium B	WC	14/3/2022	Good
135	Graaf Reinet	EC	9/3/2022	Satisfactory
136	Middleburg EC	EC	9/3/2022	Satisfactory

Table 3: Announced inspection reports received during the 2021/2022 performance cycle

Summary of inspection ratings

Good	Satisfactory	Unsatisfactory	Total
11	117	8	136

Table 4: Announced inspections ratings for the 2021/2022 performance cycle

## Ratings of announced inspections

### Correctional facilities rated as 'unsatisfactory'

The most common reasons why facilities were rated as unsatisfactory included:

- Extreme overcrowding
- Dilapidated infrastructure
- Lack of proper hygiene and cleanliness of the facility
- Inadequate management (lack of records or records not up to date)
- Medical facilities and kitchens are not up to standard
- Shortage of food to maintain the prescribed diet of inmates.

Findings on one of the correctional facilities rated as 'unsatisfactory' are detailed below.

### Pollsmaar Medium B (Cape Town, Western Cape)

The JICS inspector in the Western Cape alerted management to the conditions found at the facility during an inspection. The report led to an unannounced inspection at the centre by the Inspecting Judge and senior management who found the same conditions as reported by the JICS inspector still present.

The main findings included:

- The facility was overcrowded.
- Electric lights were absent (removed) in passages and the plumbing needed to be repaired.
- Water leaking into the facility whenever it rained.
- The facility was dirty and unhygienic.
- Inmates complained of assault by DCS officials during searches by the Regional Emergency Support Team.
- Gangsterism was rife in the facility.

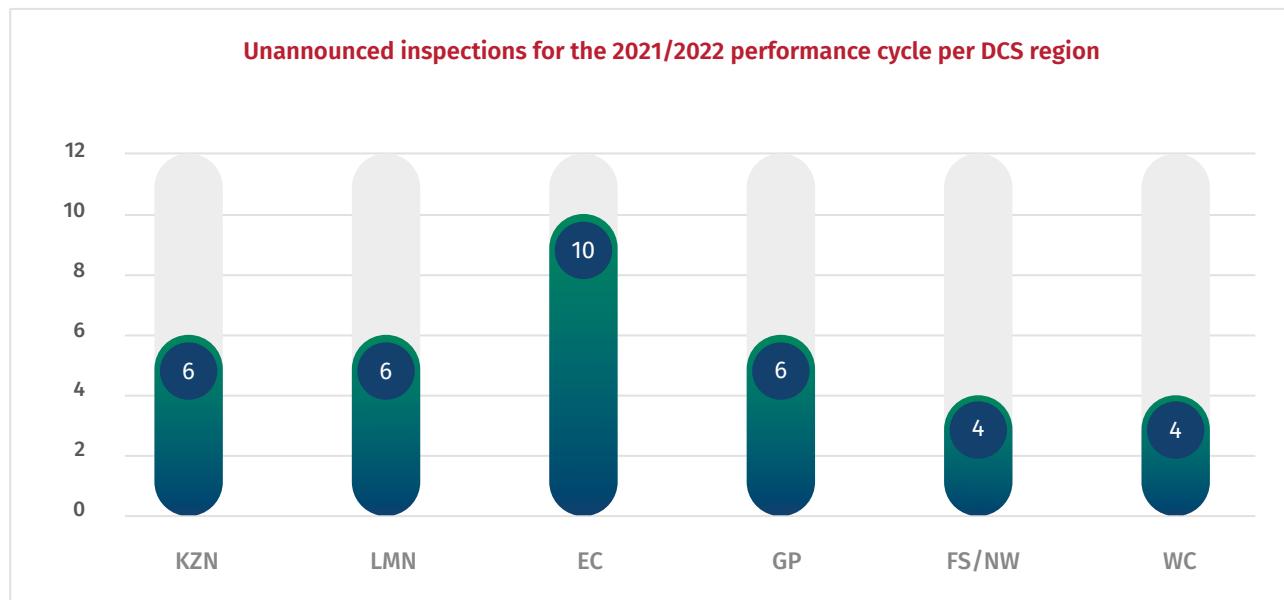
## Unannounced inspections (Abahloli Project)

In addition to the 136 announced inspections conducted, JICS also conducted 36 unannounced inspections during the performance cycle. The total number of inspections conducted is 172. The unannounced inspections were conducted by JICS management as an ad hoc task. This is in line with transferring skills and enabling managers to conduct inspections.

In all instances where JICS conducted unannounced inspections, DCS Area Commissioners and heads of centres welcomed the inspectors and gave them full access to the facilities.

Unannounced inspections are conducted using an inspection tool specifically designed for the inspection.

As no prior notice is given of the inspection, the inspection is focused more on observations with less emphasis on the inputs of the HCC.



*Graph 2: Unannounced inspections conducted during the 2021/2022 performance cycle*

Below is a list of all correctional facilities where unannounced inspections were conducted.

No.	Facility	DCS Region	Rating
1.	Eshowe	KZN	<b>Satisfactory</b>
2.	Empangeni	KZN	<b>Unsatisfactory</b>
3.	Ermelo	LMN	<b>Good</b>
4.	Carolina	LMN	<b>Satisfactory</b>
5.	East London Medium A	EC	<b>Unsatisfactory</b>
6.	Mdantsane	EC	<b>Satisfactory</b>
7.	Parys	FS/NC	<b>Unsatisfactory</b>
8.	Sasolburg	FS/NC	<b>Satisfactory</b>
9.	Lusikisiki	EC	<b>Good</b>
10.	Bizana	EC	<b>Unsatisfactory</b>
11.	Johannesburg Female	GP	<b>Satisfactory</b>
12.	Kgoši Mampuru II Female	GP	<b>Satisfactory</b>
13.	St Albans Maximum	EC	<b>Satisfactory</b>
14.	Kirkwood	EC	<b>Satisfactory</b>
15.	Krugersdorp	GP	<b>Unsatisfactory</b>
16.	Leeuwkop Max	GP	<b>Unsatisfactory</b>
17.	Rustenburg Juvenile	LMN	<b>Satisfactory</b>
18.	Mogwase	LMN	<b>Satisfactory</b>
19.	Umzinto	KZN	<b>Satisfactory</b>
20.	Sevontein	KZN	<b>Satisfactory</b>
21.	Malmesbury New	WC	<b>Satisfactory</b>
22.	Pollsmoor Female	WC	<b>Satisfactory</b>
23.	Ladysmith	KZN	<b>Satisfactory</b>
24.	Glencoe	KZN	<b>Satisfactory</b>
25.	Johannesburg Medium C	GP	<b>Satisfactory</b>

No.	Facility	DCS Region	Rating
26.	Kgoši Mampuru Central	GP	<b>Satisfactory</b>
27.	Brandvlei Maximum	WC	<b>Good</b>
28.	Drakenstein Max	WC	<b>Satisfactory</b>
29.	Bizzah Makathe Youth/female	FS/NC	<b>Good</b>
30.	Bizzah Makathe Med A	FS/NC	<b>Satisfactory</b>
31.	Kutama Sinthumule	LMN	<b>Good</b>
32.	Makhado	LMN	<b>Good</b>
33.	Port Elizabeth	EC	<b>Satisfactory</b>
34.	Patensie	EC	<b>Satisfactory</b>
35.	Umtata Remand	EC	<b>Unsatisfactory</b>
36.	Elliotdale	EC	<b>Unsatisfactory</b>

**Table 5: Unannounced inspection reports received and evaluated during the 2021/2022 performance cycle**

Table 6 shows the rating of all unannounced inspections conducted during the 2021/2022 performance cycle.

Good	Satisfactory	Unsatisfactory	Total
6	22	8	36

**Table 6: Unannounced inspections ratings**

## Ratings of unannounced inspections

### Correctional facilities rated as 'unsatisfactory'

The most common reasons why facilities were rated as unsatisfactory included:

- Extreme overcrowding
- Dilapidated infrastructure
- Lack of proper hygiene and cleanliness of the facility
- General poor management
- Medical facilities and kitchens not up to standard.

Among those rated unsatisfactory, a synopsis of the findings made during the JICS unannounced inspection at Bizana (a small remand facility in the Eastern Cape) is as follows:

- The centre was overcrowded by 206% on the date of the inspection. The centre was small but serviced six SAPS stations, exacerbating the overcrowding.
- A small cell was converted into a sickbay. It was not properly maintained, and the medicine cabinet was not well arranged.
- Challenges with electricity as electrical sockets in cells and offices were dysfunctional. Three cells were without lights and there was no hot water available.
- There was a shortage of uniforms for inmates.
- Poor management, some records were not easily available and if available they were not up to date.
- Officials signed a petition to address their concerns, but they were never addressed especially on the issue of the dysfunctional generator.
- The bedding was old and torn.

- Only one cell had beds, at all other cells inmates were sleeping on the floor on mattresses.
- The kitchen was small and unhygienic.
- The wall tiles were full of dirt and grime and window sills were dusty, with many flies and cockroaches observed.
- Serving trays and the stove were dirty and the grill was out of order.
- Exposed plumbing required repairs.
- The ceiling was black with dirt or mould and required paint.
- The kitchen did not comply with health and safety regulations and did not have an R962 compliance certificate.
- There was one telephone in the office but no public phones in working order for inmates to contact families.

## Analyses of findings

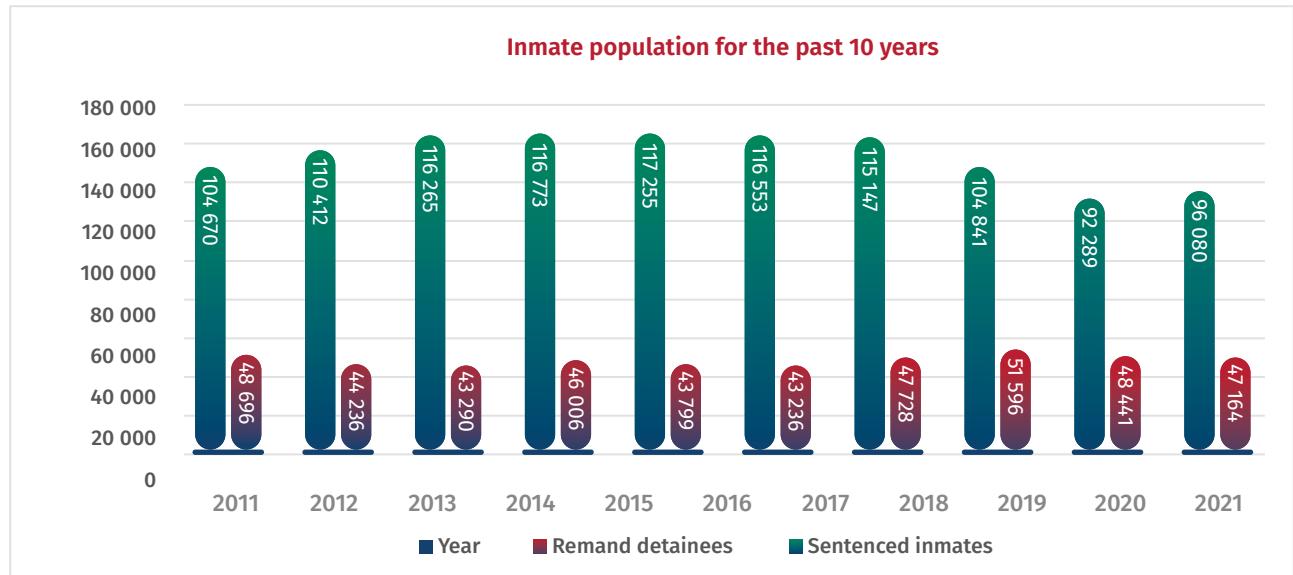
### Population statistics

DCS statistics show that as at 31 March 2022, the total inmate population was 143 244, comprising of 96 080 sentenced offenders and 47 164 remand detainees. The official bed space at all correctional facilities was 108 804. Correctional facilities were 31.65% overpopulated as at 31 March 2022 in comparison to 23% overcrowding experienced as at 31 March 2021. In real terms, there has been an increase of 2 296 inmates.

The reduction in the inmate population for the 2020/2021 performance cycle was a direct result of the 2019 parole remission as well as the 2020 Covid-related advancement of parole dates.

It seems, however, that amnesties are at best a temporary measure as every time the inmate population is reduced by an amnesty, the population totals tend to rise to previous levels in due time, or even higher.

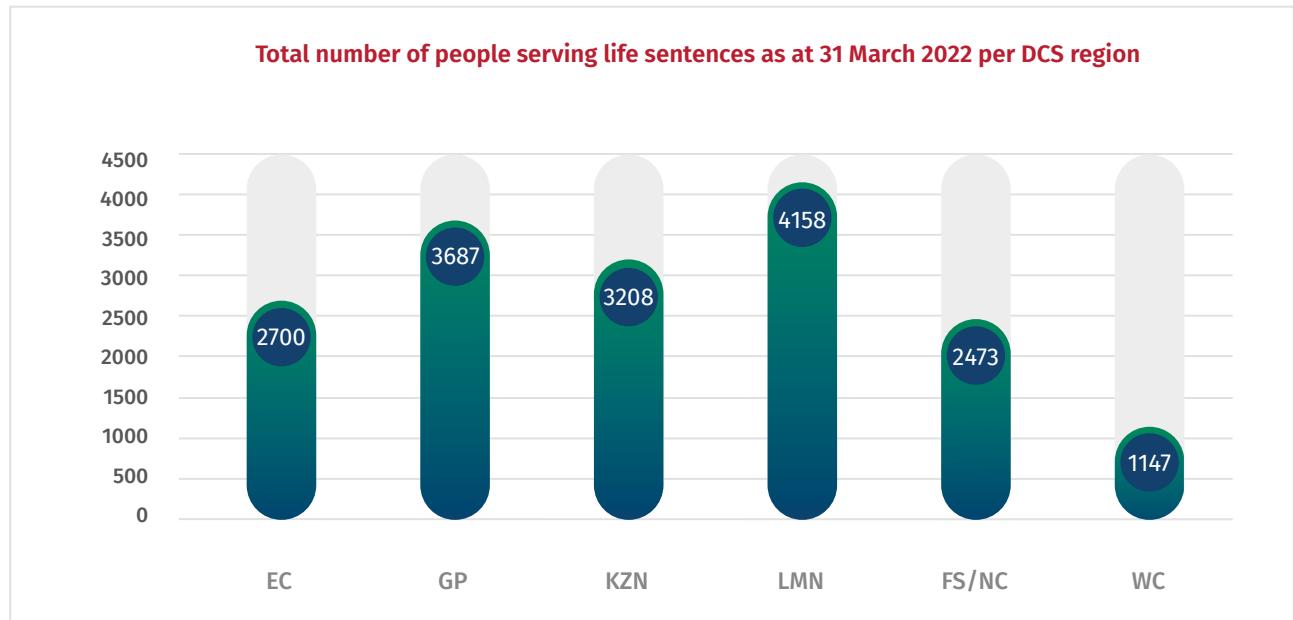
The graph below illustrates the inmate population for the past 10 years.



Graph 3: Inmate population for the past 10 years

## Lifers

There are currently 17 373 inmates serving life sentences. The graph beneath illustrates the total number of people serving life sentences as at 31 March 2022 per DCS Region.



Graph 4: Total number of people serving life sentences as at 31 March 2022 per DCS region

The number of inmates serving life sentences is still rising there has been a steady increase in the number of lifers over the last three years. The number stood at 16 856 inmates serving life sentences (31 March 2020) and increased to 17 188 (31 March 2021), and subsequently to 17 373 (31 March 2022).

### Parole for people serving life sentences

A number of inmates serving life sentences at present qualify for consideration to be placed on parole. They are organised into three groups:

**Group 1:** Inmates sentenced between March 1994 and June 1998 (collectively known as Van Vuuren cases). They must serve 15 years of their sentences before being eligible for parole consideration.

**Group 2:** Inmates sentenced between July 1998 and September 2004 (collectively known as Van Wyk cases). They must serve 20 years minus credits (in total 12 years four months) before being eligible for parole consideration.

**Group 3:** Inmates sentenced to any period of imprisonment (including life) after September 2004, but who committed the offence before 1 October 2004 (collectively known as Phaahla cases). Inmates in this category must be considered under either Van Vuuren or Van Wyk rules depending on the date the offence was committed.

The schedule below shows the number of inmates eligible for parole per DCS region as at 31 March 2022.

No.	Region	Number of lifers					Total
		Van Wyk	Van Vuuren	Phaahla Van Wyk	Phaahla Van Vuuren		
1.	EC	354	4	175	4	537	
2.	GP	572	11	453	7	1043	
3.	KZN	573	3	493	3	1072	
4.	LMN	550	3	257	2	812	
5.	FSNC	350	5	114	9	478	
6.	WC	256	4	153	7	420	
	National	2655	30	1645	32	4362	

Table 7: Inmates eligible for parole as at 31 March 2022

Parole consideration for people sentenced to life imprisonment remains a significant challenge.

The current parole regime stipulates that a person serving a life sentence for crimes committed after 1 October 2004, must spend 25 years incarcerated before being considered for parole. People sentenced in 2022 will therefore qualify for consideration for parole in 2047.

In terms of section 78 of the CSA, only the Minister of Justice and Correctional Services can grant parole for a person sentenced to life imprisonment. As at 31 March 2022, a total of 4 362 inmates qualified for parole consideration. In these cases, inmates have been waiting for years to be placed.

The Minister of Justice and Correctional Services (Minister) is the only person who can grant parole to a person serving a life sentence. The various Correctional Supervision and Parole Boards make recommendations regarding parole to the National Council for Correctional Services (NCCS). The NCCS in turn makes a recommendation to the Minister on whether parole should be granted.

This is not a so-called rubber-stamping process as the Minister must personally apply his mind to every parole case involving persons sentenced to life imprisonment. He has numerous other tasks and is not able to attend exclusively on parole matters.

According to DCS statistics, 186 inmates serving life sentences were released during the 2021/2022 performance cycle, the NCCS made recommendations in 1 009 cases and the Minister referred a total of 495 profiles back to DCS for further handling.

There are still 328 profiles to be considered by the Minister, which were considered by the NCCS during the 2021/2022 performance cycle.

This is an improvement on the previous performance cycle when DCS statistics showed that only 36 inmates serving life sentences were granted parole.

The Inspecting Judge is actively engaging with the NCCS to find a practical solution to this challenge. There have also been extensive discussions with the esteemed Portfolio Committee to host a workshop to assist in this regard.

## Population statistics per DCS region<sup>23</sup>

### Gauteng

Although Gauteng is the smallest region in the area, it accommodates by far the highest number of inmates. It also features some of the largest correctional facilities in the country such as Johannesburg, Krugersdorp, Kgoši Mampuru II, Boksburg and Modderbee.

Baviaanspoort Maximum located near Cullinan was the most overcrowded facility. The centre only accommodated sentenced inmates on the day of the inspection.

The table below illustrates the four most overcrowded facilities inspected in the region<sup>24</sup>:

No	Facility	Approved capacity	Number of inmates on the day of the inspection	Overcrowding percentage
1.	Baviaanspoort Maximum	360	576	60%
2.	Leeuwkop Medium B	601	940	56%
3.	Zonderwater Medium A	825	1 188	44%
4.	Krugersdorp	1 644	3 337	49%

Table 8: Top four overcrowded correctional facilities inspected in Gauteng

### Limpopo, Mpumalanga and North West (LMN)

The LMN region mainly consists of rural centres such as Thohoyandou, Carolina and Mogwase. Makadu, the most overcrowded centre held just more than double its capacity. The population fluctuated as 351 inmates accommodated at the centre were still awaiting trial. The largest facility in the LMN Region is the Kutama Sinthumule Private Public Partnership (PPP) which accommodates 3 024 sentenced 'maximum' males. As with Mangaung PPP, it is at all times 100% occupied. Thohoyandou correctional facility is used to accommodate a pool of inmates who are transferred to Kutama Sinthumule on short notice whenever inmates are transferred from the PPP facility. The power to transfer inmates to and from Kutama Sinthumule lies with the Area Commissioner of Thohoyandou.

The table below shows the four most overcrowded facilities inspected in LMN.

No	Facility	Approved capacity	Number of inmates on the day of the inspection	Overcrowding percentage
1.	Makadu	303	626	106%
2.	Polokwane	480	963	100%
3.	Thohoyandou Medium B	219	568	59%
4.	Barberton Maximum	795	1 178	48%

Table 9: Top four overcrowded facilities inspected in Limpopo, Mpumalanga and North West region

### Eastern Cape

As with LMN, most centres located in the Eastern Cape are small and in rural areas. Because bed space at the facilities is severely limited, overcrowding of just a few inmates can have a significant impact on the overcrowding percentage. The most overcrowded facility (Bizana) inspected by JICS accommodated 99 additional inmates. Bizana Correctional Centre was originally designed to accommodate only 48 inmates, the overcrowding percentage is over 200%. If a large centre such as Tswelopele in the Northern Cape accommodated 99 inmates more than the approved total, the overcrowding percentage would only have been 3.3%.

<sup>23</sup> Includes both remand detention facilities and correctional centres.  
<sup>24</sup> Figures as on the date of the JICS inspection.

The table below shows the four most overcrowded facilities inspected in the region.

No	Facility	Approved capacity	Number of inmates on the day of the inspection	Oversupply percentage
1.	Bizana	48	147	206%
2.	Queenstown	129	324	151%
3.	Lusikisiki	120	284	133%
4.	Umtata	720	1 493	107%

**Table 10: Top four overcrowded facilities inspected in the Eastern Cape region**

### KwaZulu-Natal

The KZN region facilities inspected included large urban facilities such as Durban Westville and Pietermaritzburg as well as small rural facilities such as Nkandla and Pomeroy.

Pietermaritzburg Medium A correctional facility was found to accommodate 1 542 more inmates than it was designed for and Durban Medium B, 1 022.

The table below shows the four most overcrowded facilities inspected in the region.

No	Facility	Approved capacity	Number of inmates on the day of the inspection	Oversupply percentage
1.	Pietermaritzburg Medium A	1 493	3 035	103%
2.	Eshowe	359	573	60%
3.	Ladysmith	360	569	58%
4.	Durban Medium B	1936	2 958	53%

**Table 11: Top five overcrowded correctional facilities inspected in the KwaZulu-Natal region**

### Western Cape

The Western Cape is traditionally one of the most overcrowded regions in the country. Pollsmoor Remand Detention Facility accommodated 1 305 more inmates than it was designed for. As seen below, the overcrowding of 89 inmates at a small facility such as Beaufort West caused it to be 119% overcrowded. (The Saldana judgement 2017 declared that Pollsmoor overcrowding must be reduced to less than 50%).

The table below shows the four most overcrowded facilities inspected in the region.

No	Facility	Approved capacity	Number of inmates on the day of the inspection	Oversupply percentage
1.	Worcester male	406	924	127%
2.	Beaufort West	75	164	119%
3.	George	563	1 128	100%
4.	Pollsmoor RDF	1 423	2 728	92%

**Table 12: Top four overcrowded correctional facilities inspected in the Western Cape region**

### Free State/Northern Cape

The Free State/Northern Cape is traditionally one of the least overcrowded regions.

The Tswelopele facility in Kimberley is one of the most underutilised facilities in the country. It has an approved bed space of 2 930, but on the date of inspection, it only accommodated 1 812 inmates. The facility had 1 118 open beds on the day of the inspection making it only 62% occupied.

The most overcrowded facility in the region was Grootvlei Maximum just outside Bloemfontein which held almost double its capacity. The Grootvlei Maximum facility serves as a staging area for Mangaung PPP that must always be 100% occupied. Whenever inmates are transferred from Mangaung PPP, they are immediately replaced by inmates housed at Grootvlei Maximum.

The table below shows the four most overcrowded correctional facilities inspected in the region.

No	Facility	Approved capacity	Number of inmates on the day of the inspection	Overcrowding percentage
1.	Grootvlei Maximum	806	1 602	98.7%
2.	Harrismith	215	372	73%
3.	Bethlehem	194	278	43.2%
4.	Colesburg	153	199	30%

**Table 13: Top four overcrowded correctional facilities inspected in the Free State/Northern Cape region**

## Professional staff

Professional staff is essential for rendering specialised services to inmates. Incarcerated persons are at the mercy of the state and in terms of the CSA must be provided with basic medical care, education and social work services.

### Nurses and other medical staff

Larger inspected facilities mostly had adequate numbers of nurses employed.

	Facility	Region	No of nurses <sup>25</sup>
1	Kutama Sinthumule PPP	LMN	31
2	Pietermaritzburg Medium A	KZN	25
3	Mangaung PPP	FS/NC	16
4	Kgoši Mampuru II Local	GP	16
5	Durban Medium B	KZN	15
6	Tswelopele	FS/NC	14
7	Goodwood	WC	10

**Table 14: Facilities with the most nurses employed**

All inmates must be medically assessed by a medical practitioner upon admission. Nurses, therefore, play a vital role in ensuring that inmates are initially assessed. In addition, nurses are responsible for providing basic medical services to inmates daily.

JICS found that in the following small correctional facilities, no nurses rendered medical services to inmates.

	Facility	Region	No of nurses <sup>26</sup>
1	Carolina	LMN	0
2	Fauresmith	FS/NC	0
3	Somerset East	EC	0
4	Jansenville	EC	0

**Table 15: Small correctional facilities with no nurses rendering medical services to inmates**

## Social workers

Social workers render professional services to inmates with family-related challenges. They also offer specialised rehabilitation programmes and pre-release reports. Social work is a scarce skill and DCS finds it difficult to attract social workers, especially, in rural areas. The following (mostly small) facilities had no social worker employed on the day of the inspection.

<sup>25</sup> On the day of the inspection.

<sup>26</sup> On the day of the inspection.

	Facility	Region	Number of social workers
1	Heilbron	FS/NC	0
2	Harrismith	FS/NC	0
3	Parys	FS/NC	0
4	Richmond	FS/NC	0
5	Victoria West	FS/NC	0
6	Edenburg	FS/NC	0
7	Umtata Remand	EC	0
8	Fort Beaufort	EC	0
9	Jansenville	EC	0
10	Van Rhynsdorp	WC	0
11	Prince Albert	WC	0
12	Empangeni	KZN	0
13	Mtunzini	KZN	0
14	Pomeroy	KZN	0
15	Kranskop	KZN	0
16	Ingwavuma	KZN	0

Table 16: Correctional facilities where no social workers were employed



### Case study: Suicide

*'Family is supposed to be our safe haven. Very often, it's the place where we find the deepest heartache.'*

Inmate Z hanged himself after receiving unwelcome news from his family relating to inheritance due to

him. The inmate received interventions from the social worker but committed suicide before the process could be concluded.

Inmate Z received no visits from his family and only had occasional contact with an aunt via payphone.

## Educators

Education of illiterate inmates and children is very important in the rehabilitation process and DCS employs educators at several correctional facilities where sentenced inmates are accommodated. The PPP facility at Kutama Sinthumule employed the most educators (24). In several smaller facilities, no educators were officially employed. They include:

	Facility	Region	No of educators
1	Pomeroy	KZN	0
2	Kranskop	KZN	0
3	Ingwavuma	KZN	0
4	Staart van Paardeberg	WC	0
5	Caledon	WC	0
6	Ladismith	WC	0
7	Jansenville	EC	0
8	Elliotdale	EC	0
9	Stutterheim	EC	0
10	Fort Beaufort	EC	0
11	Lichtenburg	LMN	0
12	Henneman	FS/NC	0
13	Victoria West	FS/NC	0

	Facility	Region	No of educators
14	Richmond	FS/NC	0

Table 17: Some facilities where no educators were employed

## Declared state patients

When a court of law is of the view that a person declared a state patient poses a threat to his/her safety or the safety of others, it may direct that such person be temporarily accommodated at a correctional centre.

Due to insufficient space at the mental institutions to accommodate state patients the alternative is to house them at correctional facilities. JICS is of the view that it is not ideal to accommodate state patients at the correctional facilities but, due to the aforementioned reason, the correctional facility is an alternative.

DCS does not have officials trained to deal with mentally incapacitated people, hence the view that correctional facilities are not conducive to the safe keeping of state patients and the safety of officials and other inmates could be compromised.

The following correctional facilities accommodated the highest number of declared state patients on the day of the JICS inspection:<sup>27</sup>

Facility	DCS region	Number of state patients on the day of the inspection
Grootvlei Maximum	FS/NC	43
Durban Medium A	KZN	9
St Albans Medium B	EC	7
Ermelo	LMN	4

Table 18: Number of declared state patients observed during inspections

No declared state patients were accommodated in the Western Cape during JICS's inspections.

According to statistics received from DCS, there were 123 declared state patients accommodated in DCS facilities as at 31 March 2022.

The schedule below illustrates the details of declared state patients in the care of DCS as at 31 March 2022.

Region	State patients as at 31 March 2022						Total	
	Children		Juveniles		Youth & adults			
	Females	Males	Females	Males	Females	Males		
EC	0	0	0	0	0	17	17	
GP	0	0	0	0	1	6	7	
KZN	0	0	0	0	0	8	8	
LMN	0	0	0	1	1	25	27	
FSNC	0	0	0	4	1	59	64	
WC	0	0	0	0	0	0	0	
National	0	0	0	5	3	115	123	

Table 19: State patients accommodated at correctional centres as at 31 March 2022

A detailed discussion of declared state patients is contained later in this report.



## Case study: Hanged himself

*Name of the report: 'I hear and see people that others do not.'*

Inmate B was accommodated at Modderbee Correctional Centre, Gauteng Province. On 9 November 2021, the inmate was brought to the Acting Head of Centre (AHCC) after the centre received a threatening phone call wherein the caller informed a DCS official that his brother, inmate B, received death threats.

The AHCC, Mr M, called inmate B who complained that he heard voices of people who want to kill him. Witchcraft by the victim's family was mentioned. The AHCC stated that he made a note on the inmate's file that the inmate should get assistance from social and religious workers. Inmate B was then sent back to the unit but a few seconds later he ran back to the HCC's

office and hid there as he again heard the voices of people saying that they were going to kill him.

The AHCC stated that he told the DCS official not to lock inmate B in a single cell. Mr S later denied that he heard any such instruction. The inmate was then taken back to the unit and placed in a single cell. Shortly thereafter he hanged himself.

The JICS investigation requested an explanation from DCS why the inmate was accommodated in a single cell after the AHCC instructed the official not to do so.

The internal DCS investigation report remained outstanding at the time of this report.

The autopsy report gave the cause of death as 'Asphyxia due to hanging'.

## Condition of correctional facilities

The dilapidated condition of correctional facilities has been of concern for several years.

In the majority of JICS inspections, facilities were found in need of at least some renovation or maintenance. HCCs usually criticised the Department of Public Works and Infrastructure (DPWI) for not renovating facilities timeously.

The practical results of improper (or no) maintenance include:

- Potential spreading of disease as a result of drains overflowing and dysfunctional ablution facilities
- Inhumane treatment of inmates, including no warm water for bathing, is especially problematic in winter
- Leaking taps cause water wastage
- Faulty and unsafe electrical systems

The reduction in the inmate population had a positive effect on some of the facilities inspected.

JICS found that effective property management of a facility plays a significant role in ensuring that inmates are accommodated under acceptable conditions.



## Case study: Ingwavuma KZN – a small rural facility severely neglected

The town of Ingwavuma is located about three kilometres from the border of Eswatini. The correctional facility is in the town.

On the day of inspection, the facility accommodated 53 sentenced adult male inmates, mostly from the local community serving short sentences. The facility was not overcrowded.

The facility employed one full-time nurse. No social worker or educator was employed at the facility.

### Facilities – Unsatisfactory

- There was no running water for the entire town.
- The facility needed to be painted. Although the paint was already procured and in storage, it was unclear when the facility would be painted.
- Inmates complained of shortages of bed sheets, blankets and clothing.
- The ablution facility was dysfunctional.
- Inmates used water from buckets for bathing and to flush toilets.

### Healthcare – Unsatisfactory

- The condition of the clinic was rated unsatisfactory.
- The clinic faced various challenges and only had a small area that was used as an office, stock room and examining room for inmates.
- A single cell was used as a sick bay because the centre's structure made no provision for a medical facility.

- The nurse struggled with security during consultations with inmates. Likewise, inmates indicated that they also struggled to attend their appointments at the hospital due to a lack of security.

### Nutrition – Unsatisfactory

- The condition of the kitchen was rated 'Unsatisfactory'.
- The location of the communal cell for cooks seemed to be in a dangerous position as the cell is attached to the kitchen and the only way out is through the kitchen.
- One big pot was not working on the date of inspection.
- Officials indicated that the broken pot was reported but not yet attended to.
- The deep freezer was leaking and caused large ice spots on the freezer floor.
- There was a shortage of fruits and vegetables.
- The kitchen's Compliance Certificate had expired.
- There were plans in place for the local municipality to inspect the kitchen, but due to Covid-19 shifts at the municipality, the plan to inspect was not finalised.
- The drainage was not functioning and there were cockroaches in the kitchen.

## Safe custody

It is the responsibility of DCS to ensure safe custody for all inmates and maintain security and good order in correctional facilities as envisaged by section 4(2)(a) of the CSA.

It is ideal to house vulnerable inmates separately from the general population to minimise the possibility of unsafe custody. JICS must assess, among other things, the number of assaults on inmates, the number of unnatural deaths, use of force etc. to infer how safe the custody of inmates in a particular correctional facility is.

Later in this report, the particulars of assaults and deaths are detailed.

Fire safety is always of concern, as correctional facilities have no easily accessible fire escapes for security reasons.

Overcrowding also contributes to the danger of fire, as every cell holds more mattresses, bedding and clothing than intended.

JICS established from most of its inspections that firefighting equipment is serviced and ready for use.

Graph 5 illustrates the number of correctional facilities inspected where the firefighting equipment was not serviced on time.

### Number of facilities where the firefighting equipment was not serviced on time



Graph 5: Number of correctional facilities where firefighting equipment was not serviced on time



#### Case study: Suicide at Westville

Name of the report: 'No light, no life'

JICS investigated a case of suicide at the Westville Medium B remand detention centre just outside Durban in KwaZulu-Natal on 30 March 2022.

Remand detainee X hanged himself in a single cell. He was sentenced to 30 days in the segregation unit after allegedly stabbing a fellow inmate.

Inmate X committed suicide during the evening or night of 8 March 2022.

During the JICS investigation, it was discovered that the light in the cell occupied by inmate X was not functioning when the inmate occupied the cell.

Officials were not issued with torches as they alleged that the torches were also dysfunctional. Officials therefore could not see far enough into the cell to notice that inmate X committed suicide. The official on

patrol also noted that the lights in some other single cells (number not specified) were also not functional. The suicide of inmate X was only discovered at around 06:30 when officials went to his cell to take him to court and there was no response when they called out to him.

It was found that the segregation of inmate X was never reported to JICS in terms of section 30 of the CSA. The effect of dysfunctional lights in single cells also forces inmates to either sleep for extended periods or sit in the dark with their thoughts at night. Oversleeping may cause health issues including depression. Segregation is already a punishment without the added effect of depriving inmates of light in the evening. The absence of lights in a prison environment also has serious security risks where an inmate may attack an official or attempt to escape.

## Nutrition

Kitchens were assessed and the following aspects were evaluated:

- Hygiene
- Facilities
- Functionality of equipment
- Meal plans, including special diets
- Time frames for serving meals.

DCS officials reported to JICS during its inspections that three meals are served to inmates. It was found however that at most larger facilities, supper and lunch are combined. It is expected from inmates to eat part of the meal during the day and keep the rest for the evening. This is far from ideal as it has health risks. Upon enquiry, DCS indicated that due to the current shift system it is not feasible to serve three meals per day.

## Exercise

In terms of section 11 of the CSA, inmates must be afforded at least an hour of exercise a day. One hour is merely the minimum time prescribed. More time may be afforded to take into consideration the personnel available to monitor the inmates.

Many inmates spend up to 23 hours a day in their cells. DCS officials apply the minimum period of one hour throughout, due to both overcrowding and understaffing.

DCS should find innovative ways to ensure that inmates receive enough exercise as this is a basic right. In contrast, JICS found that inmates at smaller, less overcrowded centres are often allowed to exercise the entire day.

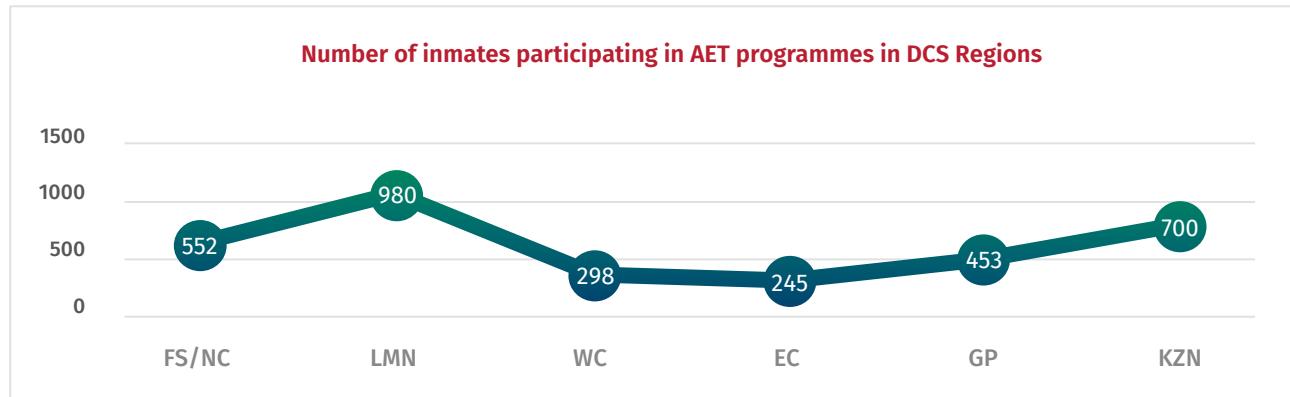
Correctional facilities inspected during announced inspections indicated that inmates get the required minimum of one hour of exercise per day.

## Rehabilitation and education programmes

All sentenced inmates serving sentences for two years or more must participate in rehabilitation programmes, which are not offered only by social workers but also by DCS officials.

Educational programmes must be offered to all inmates (in terms of section 41 of the CSA) who cannot read and write – inclusive of children.

The graph below illustrates the numbers of inmates participating in Adult Education and Training (AET) per DCS Region.



Graph 6: Numbers of inmates participating in Adult Education and Training (AET) per DCS Region

## Oversight visits by the Inspecting Judge

For the 2021/2022 performance cycle, the Inspecting Judge honed in on the deeply controversial issue of whether South African correctional centres are practising solitary confinement and prolonged solitary confinement, which is illegal according to South African law and international law.

In search of a rigorous answer, the Inspecting Judge and JICS executive officials conducted three unannounced inspections. The first inspection was carried out at Ebongweni Super Maximum Correctional Centre (Ebongweni) on 11-12 May 2021, the second at Kgoši Mampuru Correctional Centre C-Max (KM II) on 29 June 2021 and the third at Mangaung Public-Private Partnership Correctional Centre (Mangaung) on 1 July 2021.

Name of facility	Date of the oversight visit	Comments
Ebongweni Super Maximum	11-12 May 2021	A report 'The moral fibre is nowhere to be found' was released.
Kgoši Mampuru II C-Max	29 June 2021	A report on solitary confinement titled 'I am a human being' and 'Ticking time bomb' was released. JICS still await the Minister's and DCS' comments on the report.
Mangaung	1 July 2021	A report on solitary confinement titled 'I am a human being' and 'Ticking Time Bomb' were released. JICS still awaits comment on the report from the Minister and DCS.

**Table 20: Oversight visit conducted by the Inspecting Judge during the 2021/2022 performance cycle**

## Other correctional facilities visits and official engagements

On 29 October 2021, the Inspecting Judge and JICS executive officials attended an unannounced visit to Pollsmoor Medium B. The visit was prompted by various complaints: (i) no lights in the passages and cells; (ii) bad conditions; and (iii) access to healthcare concerns.

The Report on the Unannounced Oversight Visit to Pollsmoor Medium B is titled 'The Heart of Darkness'. In addition, the Inspecting Judge and his law clerk undertook to visit and deliver books (as part of JICS's Books for Dignity Campaign) to the Pollsmoor Female Centre on 24 December 2021. This forms part of Annexure B in 'The Heart of Darkness' Report.

## Complaints from inmates

Although there is a system in place to lodge complaints with JICS, the Inspecting Judge receives complaints directly from inmates, family members, loved ones, Parliamentarians and interested members of the public. The Inspecting Judge forwards these complaints to JICS's Complaints unit. All complaints received by JICS are treated with equal concern and it is advisable to follow the complaints process when complaining.

## Strategic engagements

### Meetings with the Minister: 22 July 2021 and 10 March 2022

The Inspecting Judge and JICS executive officials engaged with the Minister in meetings on 22 July 2021 and 10 March 2022. The meetings discussed the pertinent issue of JICS's independence in compliance with the Constitutional Court judgement and order in the Sonke judgment.

In particular, JICS's Bill and organisational form as a national government component. In addition, the Inspecting Judge requested feedback on the solitary confinement reports and raised concerns about the processing of parole approvals for inmates serving life sentences.

### Meetings with the Acting National Commissioner: 18 October 2021 and 11 January 2022

The Inspecting Judge and JICS executive officials engaged with the Acting National Commissioner to discuss various issues, including the solitary confinement reports, JICS's independence and organisational form, unilateral budget cuts to JICS's budget without consultations, and JICS's critical posts, e-Corrections system for reporting and JICS's accommodation.

### Meetings with stakeholders

In line with the United Nations Optional Protocol to the Convention Against Torture (OPCAT), JICS is part of South Africa's National Preventive Mechanism (NPM), which is coordinated by the South African Human Rights Commission. During the period under review, the Inspecting Judge and JICS executive officials attended all of the NPM meetings and made strategic inputs in support of the NPM's mandate.

At the end of April 2021, the Inspecting Judge facilitated engagements between the Centre for Disease Control and Prevention (CDC), TB HIV Care, SA Partners and the Deputy Minister to establish a best practice model to make DCS a world leader in providing HIV, TB Hepatitis prevention and treatment services to inmates and protect the health of correctional officials and surrounding communities.

The Inspecting Judge met with Just Detention International South Africa (JDI-SA) for areas of potential collaboration on 30 August 2021. The meeting led to JDI-SA working with JICS's Directorate Management Regions for ICCVs to have training on sexual violence in correctional facilities.

The Inspecting Judge met online with inmates at Brandvlei Correctional Centre and a representative from the Ubuntu Learning Centre on 17 July 2022. They discussed the importance of education behind bars and the challenges these inmates and the lecturer's experience.

### Written communications

With the support of JICS executive officials, the Inspecting Judge has engaged the Minister, Deputy Minister, Acting National Commissioner and the Portfolio Committee on Justice and Correctional Services (Portfolio Committee) on various strategic matters in official letters.

## Internal JICS engagements

### Executive Committee meetings

The Inspecting Judge participates in the monthly JICS Executive Committee (EXCO) meetings. These meetings provide the Inspecting Judge with an overall status of JICS's strategic position. This platform gives the Inspecting Judge an opportunity to: (i) debate strategic issues and make decisions; (ii) follow up on undertakings made by the executive; (iii) present and assess the overall performance of the organisation; and (iv) bolster support and morale within the organisation, which in turn trickles down to all staff.

### ICCV Roadshow 2022

The Inspecting Judge, accompanied by JICS executive officials, conducted a roadshow to engage all ICCVs in all the regions. In JICS's history, this is the second time the Inspecting Judge has personally visited ICCVs across the regions. It was an opportunity for the ICCVs to meet with the Inspecting Judge and raise issues and challenges they face. After the roadshow, a brief report outlining all of the concerns was compiled and discussed at EXCO.

## Meetings with the Portfolio Committee

The Inspecting Judge is called to present JICS's annual report to Parliament every year. In November 2021, the Inspecting Judge outlined JICS's path to independence as required by the Sonke judgment and order. The Inspecting Judge outlined the various areas of concern that JICS had identified, including overcrowding, violence, sexual violence, use of force, remand detainees that cannot afford bail, blockages in the parole system and transfer requests. Following the Inspecting Judge's presentation, the Chairperson suggested that JICS and the Portfolio Committee host a workshop to critically debate the mandatory minimum sentencing of inmates. On 24 January 2022, JICS submitted a draft concept note and terms of reference to the Chairperson. JICS eagerly awaits feedback.

## National Council for Correctional Services

JICS is inundated with complaints related to parole, especially from inmates serving life sentences that may be eligible for parole. JICS is of the view that there is a considerable backlog of lifer parolees for the Minister to consider. The Inspecting Judge started engagements with the Chairperson of the National Council for Correctional (NCCS) to discuss all critical issues undermining the parole system, including delays faced by inmates and capacity issues faced by the parole boards. During a meeting held on 28 January 2022, it was decided that JICS and the NCCS will constitute a sub-committee to meet regularly and deal with issues of common interest. The first meeting will be held on 28 April 2022.

## Engagements with the National Prosecuting Authority

The Inspecting Judge and JICS executive officials engaged with the National Director of Public Prosecutions (NDPP) and her team in July 2021. The purpose of the meeting was to identify areas for cooperation in matters of mutual concern for JICS and the NPA. In particular, outstanding criminal matters and pending inquest requests. In addition, JICS flagged problems with the NPA's prosecutorial policy directives relating to how correctional officials are prosecuted. Overall, the NDPP acknowledged that the relationship between JICS and the NPA ought to strengthen. JICS is in the process of finalising a Memorandum of Understanding with the NPA.

## Campaigns and projects

On Mandela Day, 18 July 2021, the Inspecting Judge and his office launched the JICS Books for Dignity Campaign. The Campaign encourages book donations for inmates in correctional facilities. Books donated by JICS officials and the public have been donated to Brandvlei, Pollsmoor Female and Kgoši Mampuru Female Correctional Centres. However, to ensure the project is as effective as possible, JICS has requested assistance from the Acting National Commissioner to identify which centres should be provided with books and an efficient process for JICS to donate them on behalf of the public.

## Media and public engagements

### Media

The Inspecting Judge published the following opinion pieces on local news platforms to stimulate debate on issues facing the criminal justice system:

*'Why we need to vaccinate prisoners now' on 25 May 2021.*

*'Harsh prison terms won't solve the crisis of gender-based violence' on 9 August 2021.*

*'Our faulty approach to life sentences is catching up with us' on 10 November 2021.*

*'Solitary confinement is illegal. So why is it happening in South African prisons?' on 23 February 2022.*

In addition, the Inspecting Judge co-authored an academic article published in the Health and Human Rights Journal titled 'Pandemic Treaty Should include Reporting in Prisons' on 17 April 2022.

## Public engagements: seminars, lectures and workshops

The Inspecting Judge presented various public lectures on criminal justice-related issues:

- A lecture titled 'Do overflowing prisons help stop crime?' was presented to the University of the Third Age on 29 April 2021.
- Lecture titled 'Why correctional facilities need oversight and the role of the NPM and civil society' was presented to the South African Coalition for Transitional Justice (SACTJ) on 26 August 2021.
- Guest Seminar for LLM students at the University of Cape Town (UCT) on 13 September 2021. The lecture was titled 'Prisons – A call to action for post-apartheid administrative lawyers' and based on the Inspecting Judge's keynote address to the Administrative Justice Association of South Africa on 4 March 2021.
- Presentation to Vodacom-SA on 'Why prisons and harsh sentences are no solution to our country's crisis of sexual and gender-based violence' on 4 October 2021.
- Inaugural annual lecture at the Institute for Crime and Justice Policy Research at Birkbeck College, the University of London on 18 January 2022. The lecture was titled 'Prisons and Prison Inspectorates – Puzzles and Paradoxes'.
- UCT conversation with Emeritus Professor Hugh Amoore and Nyoko Muvangua on 'Crime and punishment: where our democracy went wrong and some ways to fix it?' on 1 February 2022.

## Visits by other judges for the 2021/2022 performance cycle

The table below depicts inspections conducted by other judges and reports compiled.

Facility	External judge	Date
Kgoši Mampuru Female	Judge van der Schyff	15 September 2021

Table 21: Visits by other judges for the 2021/2022 performance year

## Thematic inspections

JICS conducts thematic inspections to report on certain aspects of the corrections system. In the 2021/2022 performance cycle, JICS concentrated on whether the accommodation in single cells in maximum correctional facilities constitutes isolation.

Based on these visits, three thematic inspections reports were produced:

- Report on the Thematic Inspection conducted at Ebongweni Super-Maximum Correctional Centre (11-12 May 2021) titled 'The moral fibre is nowhere to be found'..
- Report on the Thematic Inspections conducted at KM II C-Max and Mangaung (29 June and 1 July 2021) titled 'Ticking time bomb'..

## International seminar on the Use of Force

In light of the rising cases of the use of force by officials on inmates, JICS hosted an online international seminar on 27-28 May titled 'Excessive Use of Force in Correctional Centres: The Role of DCS, JICS and Civil Society'.

The seminar focused on the role of independent watchdogs in response to high levels of use of force. The seminar grappled with the following key questions:

- What can and should JICS (and other independent watchdogs) do in response to the high levels of use of force in correctional centres?
- What is the best constructive role JICS can play to limit the use of force in correctional centres?
- How can JICS learn from best practices abroad?
- How does JICS's status as part of the national preventative mechanism, as envisaged by the OPCAT, help to address the lack of mandatory reporting?

After an introduction from the Minister, the Inspecting Judge presented alongside leading academics, outspoken activists, avid researchers as well as courageous former inmates. The Deputy Minister attended the seminar. Notably, Emeritus Professor Dirk van Zyl Smit and Professor Nicholas Hardwick (the former Her Majesty's Chief Inspector of Prisons for England and Wales) provided some international insights. The online seminar was attended by almost 200 stakeholders.

- The report on solitary confinement (23 September 2021) is titled 'I am a human being'.

Through these reports, JICS confirmed that both solitary confinement and prolonged solitary confinement are indeed occurring at Ebongweni and Kgoši Mampuru II. Inmates sit alone in a single cell for 22-23 hours a day without stimulation or human contact. There is an hour of exercise – not with other inmates, but alone, in an isolated exercise cage. Food is provided through a slim post-box sliver. The initial period of solitary confinement extends for at least six months. JICS also identified issues relating to the transfers and admissions of inmates to these centres. For example, when inmates are transferred from Ebongweni to KM II, as occurs, years of prolonged solitary confinement eventuate.

JICS noted that Mangaung operates differently as some inmates request to be placed in a separate segregation unit. Yet, JICS is still concerned since inmates spend months and even years there. The unit may in fact function as solitary confinement.

These reports were shared with the Minister, Deputy Minister and the Acting National Commissioner on 13 October 2021. In addition, they were sent to the Chairperson of the Portfolio Committee on Justice and Correctional Services on 14 January 2022.

JICS eagerly awaits feedback and further engagements to appropriately discuss the abolishing of solitary confinement in all South African correctional centres.

## Investigations

Most of the cases that JICS investigated during the performance cycle were related to violence. The increase of violent incidents where DCS officials were implicated in the death of inmates as reported in the previous annual report, continued to rise.

In the previous performance cycle, JICS investigated five cases of the alleged homicide of inmates by DCS officials. The number of inmates that allegedly died at the hands

of DCS officials increased to six from five in the previous performance cycle. Two inmates died as a result of being shot at by SAPS officials during an attempted escape at the Umzinto Correctional Centre during the July 2021 unrest in KZN.

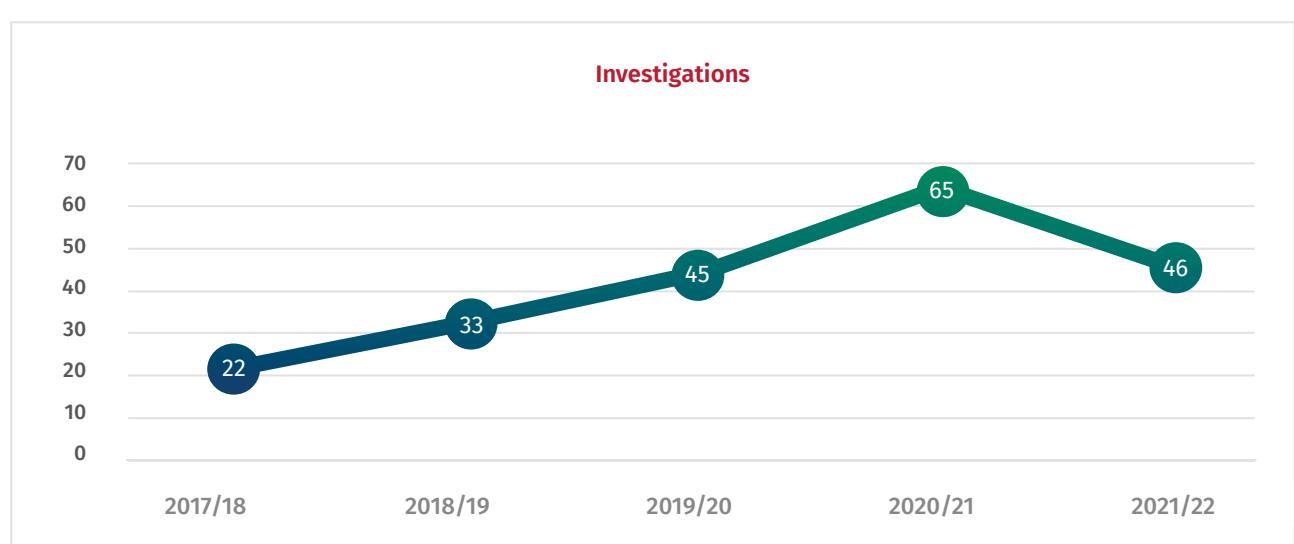
JICS does not have a specialised investigators unit on its approved establishment structure. Investigations were carried out on an ad hoc basis by inspectors and JICS management. JICS conducted 46 investigations for the 2021/2022 performance cycle.

JICS is severely constricted with its investigation function as it only employs eight inspectors who also double as ad hoc investigators.

In some cases, especially high-profile investigations are entrusted to JICS managers. Although the managers have a wealth of experience in correctional matters, they do not specialise in investigations at correctional facilities.

The 46 investigations conducted show a decrease of 19 investigations as compared to the previous performance cycle.

The graph below illustrates the number of investigations conducted by JICS over the past five performance cycles.



Graph 7: Number of investigations conducted over the past five performance cycles

The table below illustrates all the investigations conducted by JICS during 2021/2022.

No.	Date of mandate	Correctional Facility	DCS Region	Investigation	Report name and comments
1.	06/04/2021	Losperfontein	LMN	Suicide-Overdose	'I am just spiteful to the officials' Inmate overdosed on ARVs
2.	07/04/2021	Glencoe	KZN	Alleged Homicide: Officials on inmate	'Disarmed taken to the office' Officials applied force to disarm the inmate
3.	21/04/2021	Odi	GP	Unnatural Death (Burn wounds) of inmate	" Caution: the water is hot" An inmate was scalded with hot water by another inmate
4.	22/04/2021	Pollsmoor RDF	WC	Stabbing of an official and assault of 4 inmates	'Assault and retaliation' Inmates stabbed a DCS official and were assaulted by officials in return.
5.	22/04/2021	Drakenstein Maximum	WC	Unnatural death (suicide) of inmate V	'No compliance to section 30' Suicide of an inmate in a single cell. DCS placed the inmate in a single cell without following the procedures set out in section 30 of the CSA.
6.	05/05/2021	Modimole public hospital	LMN	Smoke inhalation at a public hospital	'Public fire' Death of an inmate in Covid ward of the F.H Odendaal public hospital Modimole. The cause of death seems to be smoke inhalation.
7.	10/07/2021	Groenpunt Maximum	FS/NC	Suicide	'I would rather die' Suicide by hanging of an inmate.
8.	18/05/2021	Umfazinto	KZN	Suicide	'Try again' Suicide of an inmate. The inmate tried previously to commit suicide and was in a cell with two other inmates. He hanged himself when they were asleep.
9.	18/05/2021	Leeuwkop	GP	Suicide	'I need a toilet' Suicide by hanging in the ablution room of the centre's farm.
10.	1/05/2021	St Albans	EC	Suicide	'The end of the end to end' Suicide of an inmate in the observation cell.
11.	18/05/2021	Obiqua	WC	Assault/Use of force on 7 inmates by officials	"The Pure and Simple Truth is Rarely Pure and Never Simple." Allegations of assault of inmates by DCS officials.
12.	15/06/2021	Durban Medium B	KZN	Suicide	"All in order!!!" Suicide of an inmate by hanging.
13.	15/06/2021	Tswelopele	NC/FS	Suicide - Overdose	'Every thought is a battle, Every breath is a war, and I don't think I'm winning anymore' Suicide of a mentally ill inmate
14.	23/06/2021	Melmoth	KZN	Suicide – Alleged Overdose	The RI passed on before finalising the report. A report to be reconstructed.
15.	16/07/2021	Kgoši Mampuru II Central	GP	Suicide- hanging	"Sorry, I will always love you" – an excerpt from the inmate's suicide letter.
16.	21/07/2021	Umfazinto	KZN	Two inmates were shot and died while trying to escape.	'Minimum degree of assault to gain control of the situation" Both inmates were on the roof of the centre during riots and arson that took place at the time. Inmate A fell from the roof after being shot in the thigh and inmate B was shot in the stomach.

No.	Date of mandate	Correctional Facility	DCS Region	Investigation	Report name and comments
17.	31/08/2021	Durban Medium A	KZN	Suicide	'Bang Bang!!!' – The sound of inmates banging on the cell door attracted the attention of DCS officials after they found the inmate hanged himself.
18.	08/09/2021	Modderbee	GP	Alleged homicide	"Morvite gives you more" Inmate was attacked and killed by inmates after he stole an inmate's porridge.
19.	17/09/2021	Pietermaritzburg Medium A	KZN	Suicide	"I want to go home" Suicide of a mentally ill inmate
20.	08/10/2021	Polsmoor Medium A	WC	Suicide	"I don't deserve this pain" Suicide by hanging of an inmate who was stabbed by his wife before his admission as an awaiting trial detainee.
21.	08/10/2021	Ncome Medium A	KZN	Alleged homicide	"Die Trying" The inmate was part of a group of inmates who stabbed other inmates. Officials used force to bring the situation under control. The inmate died the same evening.
22.	26/10/2021	Durban Youth Correctional Centre	KZN	Suicide	'Family isolation' Suicide of an inmate while in the single cells. The inmate was segregated due to a stabbing incident. He had a history of violence in the centre and was a gang member.
23.	23/11/2021	Baviaanspoort	GP	Suicide	"We resolved our issues" Inmate was mentally ill and involved in gangsterism. He set his single cell alight and perished in the fire.
24.	05/11/2021	Brandvlei Max	WC	Suicide	'The weight at the end of the rope' The inmate was diagnosed with and received treatment for Major Depressive Disorder. He committed suicide in a single cell.
25.	05/11/2021	Groenpunt	FS/NC	Suicide	'Family is supposed to be our safe haven. Very often, it's the place where we find the deepest heartache' The inmate hanged himself after getting some bad news from his family.
26.	15/11/2021	Krugersdorp	GP	Suicide	"Let me go" The inmate was involved in the assault of other inmates and segregated as part of a sanction imposed after a disciplinary hearing by DCS. He committed suicide in a single cell.
27.	15/11/2021	Port Elizabeth	EC	Suicide	'Inappropriate sentence leads to loss of life' Suicide of a first-time offender sentenced to six months imprisonment for reckless driving.
28.	15/11/2021	Modderbee	GP	Suicide	'I hear and see people that others do not' Suicide by hanging of a suspected mentally ill inmate in a single cell.
29.	16/11/2021	Mogwase	LMN	Suicide	'Parole Break' Inmate committed suicide (hanging) a few days after he was readmitted due to a parole violation.
30.	13/12/2021	Knysna	WC	Suicide	'I don't want to hear the results of my HIV and TB tests' Inmate committed suicide in a single cell.
31.	15/12/2021	Bethal	LMN	Suicide	'Just one cigarette' Suicide of inmate R while in a single cell with Covid-19 symptoms.

No.	Date of mandate	Correctional Facility	DCS Region	Investigation	Report name and comments
32.	15/12/2021	Durban Medium A	KZN	Complaints by remand detainees known as the Phoenix Accused	'Deliberate indifference' See the Synopsis of the investigation beneath.
33.	30/12/2021	Richmond	FS/NC	Suicide	'No family left' Inmate committed suicide.
34.	30/12/2021	Upington	FS/NC	Suicide - Overdose	'Overdosed' Suicide of an inmate.
35.	10/01/2022	Klerksdorp	LMN	Alleged assault	'Ke ipona kele phofolo ka hore keboilaile motho- I feel like an animal for what I have done.' Homicide: Inmate on inmate
36.	10/01/2022	Kgoši Mampuru II Local	GP	Unnatural Death of inmate: M	Investigation into the death of an inmate who set fire to his cell is ongoing.
37.	14/01/2022	Mangaung PPP	FS/NC	Alleged homicide	'Lack of Maximum security in the Correctional Centre' The inmate was in a fight with a fellow inmate and died as a result of the assault
38.	18/01/2022	Middleburg (EC)	EC	Suicide	Suicide of an inmate who apparently suffered from a psychotic break. JICS investigation is ongoing.
39.	19/01/2022	Umtata Medium	EC	Use of force	'DCS has a duty of care' Investigation into the assault and homicide of an inmate by DCS officials during an assault: Inmate on inmate. The investigation is ongoing.
40.	19/01/2022	Durban Med A	KZN	Assault	'Gang-related' Inmate S stabbed another inmate and was disarmed by officials during the incident. Inmate S died after the action by DCS officials.
41.	31/01/2022	Malmesbury	WC	Suicide	"Let the uniform remain uniform" Suicide (hanging) of an inmate.
42.	21/02/2022	Kgoši Mampuru II Central	GP	Suicide	Investigation ongoing.
43.	03/03/2022	Boksburg	GP	Assault: Officials on inmate	Investigation ongoing.
44.	07/03/2022	Tswelopele	FS/NC	Alleged homicide of two inmates	'Lack of rudimentary skills on the use of force' Three inmates were involved in the attack against a correctional services official. Officials retaliated and the inmates died as a result. DCS officials were unwilling to cooperate with the JICS investigators.
45.	16/03/2022	Durban Med A	KZN	Suicide	"No light, No Life" The inmate was housed in a single cell where the lights were dysfunctional. He was segregated for 30 days as a sanction for stabbing a fellow inmate. The inmate was found hanging in his cell at 04:18. Officials did not use torches as the torches were also out of order.
46.	30/03/2022	Pietermaritzburg	KZN	Injury -y – officials used force to disarm inmates, and one inmate died	Investigation ongoing

Table 22: Investigations conducted during the 2021/2022 performance cycle

Among the investigations conducted, the following are highlighted:

### **Investigation: Alleged homicide - Inmate on inmate at Odi Correctional Facility**

*Name of the report: 'Caution the water is hot'*

The Odi correctional facility is located in Ga-Rankuwa in Pretoria.

DCS reported the unnatural death of inmate F, a 69-year-old inmate serving a 12-year sentence for murder and assault, as a result of burn wounds. The inmate died on 22 March 2021, however, the death was only reported to JICS on 14 April 2021.

The JICS investigation revealed that inmate H, a known mentally ill person, poured boiling water over the head and left arm of inmate F.

Inmate F died in the Odi Public hospital five days after the incident.

Inmate H was interviewed by JICS's investigator, and he indicated that he was not satisfied with the antipsychotic medicine the nurse administered to him as it made him sleepy and dizzy. He then decided to pour boiling water over the sleeping inmate F so that he can get a transfer to another facility.

It seemed that inmate H chose the softest target in the cell to try and get attention from DCS.

The autopsy report is still outstanding. JICS found that DCS could not have foreseen the incident. All prescribed procedures were followed by DCS during and after the incident except that the death was not reported immediately to JICS.

### **Investigation: Alleged homicide - Officials on an inmate at Glencoe Correctional Facility**

*Name of the report: 'Disarmed and taken to the office'*

Glencoe correctional facility is located near the small town of Glencoe, KZN.

Inmate H, a 36-year-old sentenced inmate, attacked and stabbed a fellow inmate on 5 April 2021 during breakfast.

DCS officials indicated that they disarmed inmate H and took him to the unit office. He was later taken to the hospital where he died the same evening. According to the autopsy, inmate H died as a result of 'extensive bruising and haematoma to soft tissue'.

Most of the DCS officials allegedly involved refused to give any statements to the JICS investigator. JICS currently does not have the administrative power to compel DCS officials to cooperate with any investigation.

JICS had to use statements obtained by the DCS investigators during their investigation. This is not ideal as the JICS investigators want to pursue their own line of questioning.

DCS officials who were supposed to be present mostly stated that they were either not in the unit at the time, or that they did not see the incident.

Inmate H died as a result of the maximum force used by officials on him after the stabbing incident.

The SAPS investigation seemed to have been done haphazardly as the criminal investigation did not identify any official who was responsible. Witnesses (including the victim) who were transferred after the incident were not interviewed by the SAPS investigator.

JICS is in the process of engaging with the NPA to attempt to resuscitate the criminal investigation. JICS continues to monitor progress on the criminal investigation jointly with the NPA and SAPS.

Investigation into the alleged cruel, inhumane and degrading treatment of a group of inmates collectively known as the Phoenix awaiting trial inmates, the rape of a juvenile member of the group and the death of another.

## Investigation: Durban Westville Correctional Facility

*Name of the report: 'Deliberate indifference'*

During the unrest of July 2021 in KZN, a group of residents of the Phoenix suburb of Durban were arrested on suspicion of several crimes including murder and assault.

The group of inmates is collectively known as the Phoenix awaiting trial inmates.

The inmates lodged serious allegations including:

- The rape of an inmate, a juvenile member of the group by other inmates
- Death of an inmate
- Cruel, inhumane and degrading treatment received from DCS officials.

The JICS investigators found that the court ordered that several inmates (including the juvenile) should have been accommodated in single cells. Despite the order of the court, the group was accommodated in communal cells.

The Phoenix awaiting trial inmates also alleged that when they were admitted at the Durban correctional facility on 23 August 2021, officials on duty degraded them, spat on them and incited and instigated other inmates present that they were the people from Phoenix who killed rioters.

This accusation is denied by DCS officials.

This alleged incident led to the rape of a juvenile inmate on 26 August 2021.

Another inmate of the group passed away from a heart attack on 22 October 2021. It is alleged by the Phoenix awaiting trial inmates that DCS officials did not react timeously to this medical emergency and that the lack of urgency from DCS officials may have hastened the inmates' death.

This allegation is also denied by DCS officials involved.

During the investigation, the JICS investigators observed inmates working at the facility's hospital conducting and recording basic medical examinations on fellow inmates such as blood pressure and finger-prick tests. It was also observed that they handled and worked on other inmates' medical files. This is also against DCS and the Department of Health's privacy policies.

Even though the JICS investigators personally observed this practice, it was still denied by DCS officials when confronted by the JICS investigator.

This investigation was duly reported to the National Preventive Mechanism in terms of the South African obligations related to the Optional Protocol to the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT).

JICS recommended amongst others that the acting National Commissioner instructs the Regional Commissioner (KZN) to launch an urgent internal investigation concerning:

- The cruel, inhumane and degrading treatment of inmates at the facility's reception unit.
- The practice of allowing inmates to assist with medical examinations and inmates having access to medical files of other inmates.
- The alleged rape of the juvenile inmate, including the practice of accommodating juvenile inmates in adult cells.
- The allegations that DCS officials on duty's lack of urgency could have prevented or at least prevented the death of an inmate.

## Investigation: Groenpunt Maximum Correctional Facility (Free State)suicide of inmate

*Name of the report: 'I would rather die'*

Inmate G was a 41-year-old inmate serving a life sentence for murder, attempted murder and robbery with aggravating circumstances.

The JICS investigation revealed that inmate G was found in possession of a cell phone on 22 March 2021, during a search. DCS officials knew inmate G had a cell phone in his possession from 11 February 2021, but only searched him on 22 March 2021.

Inmate G was only charged on 2 May 2021, ostensibly because of shift patterns and the case officer being on leave.

Inmate G requested to see the Area Commissioner (AC) as he believed that he was being singled out because he informed the HCC and other officials of a case of corruption perpetrated by other officials (selling of confiscated cell phones to inmates).

He also went on a hunger strike.

The HCC and other officials promised inmate G that the AC would see him if he started to eat again but once the hunger strike was over he was informed that he could maybe see the AC in a week's time.

The complaints of inmate G were not recorded in the official complaints register of the unit.

Inmate G informed the HCC and other officials that he will commit suicide if his complaint is not attended to. It seems that the threat was not taken seriously, and one official told him he can do what he wanted.

On 4 May 2021, at around 22:30 a DCS official on patrol found inmate G's body hanging from the window bar of his single cell in the Special Care unit.

Inmate G wrote three letters before his death:

- A letter addressed to the AC dated 3 May 2021, where he explained his situation to the AC and requested his intervention.
- A letter addressed to his sister meant to be read after his suicide and his last will.
- A letter headed 'I would rather die' where he asked DCS for assistance. This letter was handed over before his suicide as an official wrote on the letter: 'I spoke with the offender and explained everything and he then decided to stop hunger strike'.

# Complaints

## Introduction

The provisions of section 21(1) of the CSA state that every inmate must, on admission and on a daily basis, be given an opportunity to lodge complaints and requests to the head of the correctional centre or a correctional official authorised to represent such head of the centre.

Section 90(2) of the CSA provides that the Inspecting Judge receives and deals with complaints submitted by the National Council, the Minister, the National Commissioner, VCs and the ICCVs. In addition, it empowers the Inspecting Judge to deal with any complaint on his own accord.

The Complaints unit is delegated to receive urgent complaints when the inmate's life is in danger, he or she has suffered a serious injury and needs medical attention, or has a specific request which is bound by time. In a matter where there is no eminent threat to

the inmate's life, the matter is referred to JICS Regional offices to attend.

## Statistics

For the 2021/2022 performance period, the Complaints unit registered 471 complaints. The number of complaints increased by 132 as compared to the previous performance cycle.

Complaints are received from both internal and external sources. Internal sources refer to JICS independent correctional centre visitors (ICCVs), inmates, their legal representatives, and families who lodge complaints to JICS. External sources refer to other oversight bodies, such as the Public Protector, Legal Aid South Africa and the South African Human Rights Commission who refer matters to JICS which relate to the treatment of inmates and conditions within correctional centres. JICS has categorised matters received as illustrated in the table below.

Categories	Q1: Apr to Jun		Q2: Jul to Sep		Q3: Oct to Dec		Q4: Jan to Mar		Total
	Internal	External	Internal	External	Internal	External	Internal	External	
Appeal	2	0	1	0	3	1	4	0	11
Assault (Inmate on Inmate)	34	0	20	0	17	1	30	1	103
Assault (Official on Inmate)	26	1	18	1	13	2	15	4	80
Assault (Sexual)	7	0	11	0	4	0	4	0	26
Attempted Suicide	6	0	14	2	5	3	4	1	35
Bail	0	0	0	0	0	0	0	0	0
Communication with Family	0	0	0	0	0	0	0	0	0
Conditions	1	3	0	0	0	0	3	0	7
Confiscation of Possession	0	0	1	1	1	0	9	0	12
Conversion of Sentence	1	0	0	0	0	0	1	0	2
Corruption	0	0	0	0	2	0	1	0	3
Food	0	0	0	2	1	0	0	0	3
Health Care	6	1	3	0	7	1	8	0	26
Hunger Strike	6	7	1	3	6	2	0	5	30
Inhumane Treatment	0	0	3	0	1	0	0	0	4
Legal Representation	0	0	0	0	1	0	0	0	1
Medical Release	0	0	1	0	2	0	1	0	4
Parole	10	2	5	0	13	0	16	1	47
Reclassification	2	0	0	0	1	0	1	1	5
Rehabilitation Programmes	6	0	1	0	0	0	1	0	8
Remission	0	0	1	0	0	0	1	0	2
Torture	0	0	0	0	0	0	0	0	0
Transfers	10	0	8	5	5	0	17	0	45
Others	2	1	2	0	2	0	9	1	17
Total	119	15	90	14	84	10	125	14	471

Table 23: Complaints per category for 2021/2022 performance cycle

As with the previous performance cycle, the dominant complaints relate to assault, parole and transfer matters.

## Clustering of complaints

To highlight different categories of complaints, we have identified the following clusters:

### Cluster 1: Appeals, bail and legal representation

The unit received 11 appeals complaints against convictions and/or sentences. There were no requests relating to bail and one for legal representation which the unit referred to Legal Aid SA who are better equipped to assist.

### Cluster 2: Conversion of a sentence, medical release, reclassification, rehabilitation programmes, parole and remission

#### Parole

Legislation on parole is failing the most vulnerable in SA. Our prison system remains congested as more and more inmates are placed into custody but too few are found eligible for parole. The Constitutional Court found in 2019<sup>28</sup> that certain sections of the CSA are unconstitutional, although many benefited by taking note of the date of when the offence was committed as opposed, to when an inmate was sentenced, still too few were released from custody (1 690 lifers and 885 serving determinate sentences). JICS received 47 parole complaints, these vary in respect to lifers<sup>29</sup> wanting to be considered by the Minister for early release, incomplete processes at CSPB or missing documents in inmate profiles submitted to NCCS which result in further delays.

#### Medical release

Requirements for release on medical parole as per section 79(1)(a) CSA provides that an inmate may be considered for placement on medical parole if he is ' . . . suffering from a terminal disease or condition or if [he] is rendered physically incapacitated as a result of injury, disease or illness to severely limited daily activity or inmate self-care.' In addition to this, a medical practitioner must recommend in his medical report that the inmate is incapacitated to the extent that his daily activities or self-care are limited,<sup>30</sup> appropriate arrangements for the inmate's supervision, care and treatment within the community to which the inmate is to be released<sup>31</sup> must

also be done. Although JICS only received reports of four such matters, it already prickles the community's interest that the system may not be fairly applied.

### Rehabilitation programmes

The NDP's<sup>32</sup> vision for safer communities has placed a huge responsibility on DCS to provide detention that is humane, safe, and secure, providing needs-based rehabilitation and successfully reintegrating inmates into communities. To offer these varied services in terms of need-based rehabilitation, proper assessments of inmates' requirements and information sessions about programmes and interventions available at their specific correctional centre are necessary. The recommended rehabilitation programmes depend largely on the crime the inmate was sentenced for, the period he or she is incarcerated, his or her placement as low, medium, high-risk security classification, agricultural, inland or city-based correctional centre.

Programmes offered include correctional, skills development, psychological, social and spiritual care services. External service providers are appointed to broaden the scope of services and inmates are allowed to embark on tertiary education through the help of their families and the centre-based educationist. It is often a requirement that inmates have access to a computer and regulated internet use. Access to a computer and the internet is not always guaranteed as limited computer stations are available, and the time available for utilisation is also too little to comply with the notional learning time required to complete a higher education qualification.

DCS Policy on Formal Education<sup>33</sup> has been challenged on many occasions such in the case of *Hennie and Others v Minister*<sup>34</sup> and *Pretorius and Others v Minister*<sup>35</sup> and it continues to leave many disgruntled as it prohibits the use of a personal computer in the cells and therefore it is argued as an infringement on the constitutional right to education.

### Cluster 3: Communication with family and transfer

#### a) Transfer

The fluctuations in Covid-19 infection rate and corresponding alert level as managed under the Disaster Management Act have placed an even heavier curtailment on movement for those who are incarcerated. Officials operated on skeleton staff and inmates would be locked

<sup>28</sup> *Upa Chipane Phaahla v Minister of Justice and Correctional Services & Another CCT 44/18 [2019] ZACC 18.*

<sup>29</sup> A person sentenced to life imprisonment.

<sup>30</sup> Section 79(2)(b) and (c).

<sup>31</sup> Section 79(1) (c) CSA.

<sup>32</sup> The National Development Plan 2030.

<sup>33</sup> DCS Directorate Formal Education Policy dated 8 February 2007.

<sup>34</sup> *Hennie and Others v Minister of Correctional Services and Others (729/2015)[2015] ZAGPPHC 311.*

<sup>35</sup> *Pretorius and Others v Minister of Justice and Correctional Services and Others (2016/83909)[2018] ZAGPPHC 347.*

in their cells for most of the day. The movement to court, hospital and general transfers were kept to a minimum. This gave rise to acts of 'attention-seeking' by inmates as they might have perceived that their complaints or requests were not being attended to.<sup>36</sup>

JICS received 45 transfer requests. Inmates are transferred between correctional centres for three specific reasons: the transfer is compulsory, it is to the benefit of the inmate, and/or it is to the benefit of DCS.

Section 43 of the CSA<sup>37</sup> read with Regulation 25 provides for the location and transfer of sentenced inmates. The transfer of inmates is essential in practice to combat overcrowding, ensure the safe custody of prisoners, provide for labour requirements, the training of inmates, make their integration into treatment programmes possible, strengthen family ties, and for release preparation.<sup>38</sup>

Overcrowding in correctional centres can result in forceful transfers which harm inmates' rehabilitation.

The total prison population has continued to increase; what is most glaring about South Africa's prison population is the rate at which it has been increasing over the past years.

Such is the case of Martin Dippenaar.<sup>39</sup> Mr Dippenaar lodged a review application in terms of PAJA to set aside a decision that he is transferred from Upington to Kimberley.

The decision was based on DCS's requirement to reduce the overcrowding in Upington by transferring 150 inmates and not having regard for Mr Dippenaar's circumstances. DCS failed to inform inmates in writing and provide reasons for transfer. They also did not comply with medical assessments before the transfer.

JICS made the recommendation that the applicant is entitled to reasons in writing as per the provision of PAJA. The decision to transfer was procedurally and substantially unfair.

### **The question arose: Are JICS findings binding on DCS?**

The court held that the decision of JICS was binding on DCS as they had not sought to set aside the findings. JICS is a statutory body formed in terms of the CSA and its findings are made in terms of section 90 of the Act.

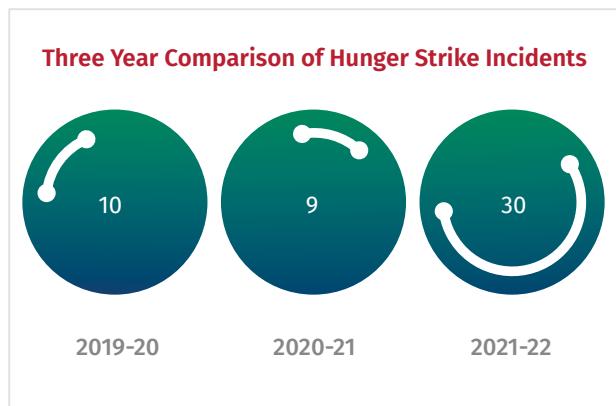
## **Cluster 4: Conditions, hunger strike, food and health care**

JICS received 30 hunger strike complaints.

A hunger striker is defined as a person who is mentally able and who indicates that he is going on hunger strike and who refuses the intake of food and/or liquids<sup>40</sup> for a significant period.

Hunger strikes must be treated with the necessary sensitivity and dealt with without delay. From experience, JICS has learnt that most hunger strikes occur as a result of the inadequate handling/feedback of complaints and requests.

Incidents regarding hunger strike increased by 200% during this Covid-19 pandemic. A three-year comparison highlights this fact, as depicted below:



*Graph 8: Three-year comparison of hunger strike incidents received by the Complaints Unit*

## **Cluster 5: Violence, including confiscation**

### **a) Assaults**

JICS reports on assaults by inmates on their peers (inmate-on-inmate, 103); assaults where one or more officials are the perpetrators (official-on-inmate, 80) or assaults of a sexual nature (26).

### **(b) Attempted suicides**

DCS Health Care Policy and Procedures and B Order 2, Chapter 6 under the heading, 'Combatting Suicide' provide guidelines on how cases of attempted suicide should be dealt with. Early detection, identification and prevention are key in combatting attempts to commit suicide. The head of the centre should schedule regular meetings to have discussions about: the incidence and prevalence of attempted suicide(s); factors that could contribute to suicide(s) in the correctional centre; signs/symptoms to

<sup>36</sup> Also see further under Hunger strike and Suicide Attempts.

<sup>37</sup> Section 43 of the CSA.

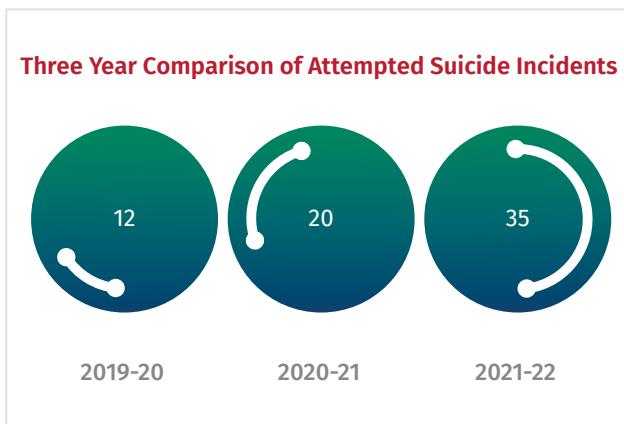
<sup>38</sup> See also DCS B Orders, Order 1 Chapter 2 paragraph 4.

<sup>39</sup> *Martin Dippenaar v Minister of Correctional Services and Others (569/2015) [2017] ZANCHC 27.*

<sup>40</sup> Standard Operating Procedures (B Orders) of DCS, Chapter 11, dated 11 March 2021.

look for while working with an inmate that could contribute to the possible early detection of those conditions or phenomena to confirm the inmate at risk; the effective management and follow-up of those inmates at risk.

Incidents regarding attempted suicide increased by 200% during this Covid-19 pandemic. A three-year comparison highlight this fact as illustrated below:



*Graph 9: Three-year comparison of attempted suicide incidents received by the Complaints Unit*

## Findings and recommendations

JICS finalised 276 findings and recommendations and finally cleared its backlog over the 2020/2021 and 2021/2022 periods. JICS Complaints unit will now focus on new matters and unresolved complaints from its regional structures.

Below are case studies with findings and recommendations finalised during the 2021/2022 performance cycle:



### Case study: Attempted suicide at Groenpunt Youth

(Timeline: received April 2021 and finalised April 2021)

The inmate tried to commit suicide by overdose of medication on 15 March 2021 around 10:00 am after he was taken from the Special Care Unit to single cells. According to witness statements, the inmate tried to commit suicide by overdosing on HIV and TB medication. The exact amount is not clear.

This occurred after the inmate was placed in a single cell for failing to comply with a lawful order. The inmate felt that he was wrongly treated and that he wanted to be transferred to EC.

The inmate was transferred to EC on 6 April 2021 before the matter was reported to JICS.

In the Sebokeng Provincial Hospital referral letter, it is confirmed that no sign of overdose could be detected.

DCS investigation found that the inmate pretended to overdose to evade disciplinary process. No disciplinary hearing took place.

DCS Health Care Policy and Procedures; B Order 2, Chapter 6 under the heading, 'Combatting Suicide' set out preventative measures, indicating that most cases of suicide occur in a single cell environment, and the behaviour of inmates could be interpreted as signs that could lead to an attempt to commit suicide should be noted and reported. The matter must be dealt with speedily and professional counselling and involvement could prove vital for the inmate in an emotional crisis.

Order 2 Chapter 14 requires proper searching of inmates, their cells and their belongings. All cells and courtyards must be searched daily. Non-compliance of section 30 CSA, segregation not reported to the Inspecting Judge; inmate not assessed and no disciplinary hearing.



## Case study: Assault at Ekuseni Youth Facility

(Timeline: received February 2019 and finalised October 2021)

It was reported that inmates were beaten by officials. On 19 January 2019 inmates broke out of their dormitories and were found outside the centre walls. Officials apprehended them and applied force while doing so. In some instances, the force was excessive and no authorisation was requested from HCC. During the investigation, one official alleged that the inmates had sharpened objects and that using force was a necessity. This was later found to be untrue and the official will face disciplinary charges.

SAPS cases registered at SAPS Newcastle as 309/1/2019 and 310/1/2019 respectively. Inmates to be charged for escape from lawful custody in terms of section 23 CSA.

A member was charged in terms of Resolution 1 of 2006 for providing false information.

Safe custody is a concern as the centre is dilapidated and lacks security equipment such as two-way radio; section duties are neglected and no night patrol is being done. Turnaround strategy in terms of security required asap.



## Case study: Hunger strike at Tswelopele

(Timeline: Received April 2021 and finalised April 2021)

The inmate decided to embark on a hunger strike from 3 April 2021. The inmate submitted his intention to the HCC in writing on 3 April 2021. The matter was reported to JICS and the inmate was medically assessed and monitored daily. JICS received confirmation that the inmate was informed of the dangers of going on hunger strike and committing a disciplinary offence in terms of section 23(s) of the CSA.

It appeared that the inmate was aggrieved and wanted

to be transferred to any medium correctional centre in the Free State. On 10 April 2021, the inmate stopped his hunger strike but specifically requested a transfer.

Although the inmate submitted his intention, it is clear that a group of inmates decided to take this action. No indication was provided by DCS that the transfer request is being attended to. Officials should immediately assist with transfer applications unless a reasonable explanation exists why transfer cannot be possible. Inmates should be disciplined in terms of Section 24 CSA.



## Case study: Assault inmate on inmate at East London Remand Detention Centre

(Timeline: Received June 2018 and finalised November 2021)

The inmate was assaulted by his fellow inmate on 13 April 2018 at about 08:30 am. The inmate sustained injuries on his neck, his back and on the one side of his chest and his left clavicle bone.

Inmate X was escorted to the Frere hospital casualty inside East London Remand Detention Centre by a correctional official and also referred to Cecilia Makiwane Hospital, where he was admitted.

The Investigating Officer called the South African Police Service (SAPS) on 19 April 2018 informing them that

assistance of members of the SAPS is required to come and open a criminal case of assault for inmate X. A case number was allocated to the criminal investigation of the SAPS. Inmate Y was placed before the Case Management Committee for disciplinary action.

The prescripts relating to the good discipline of inmates as detailed in B-order 2, Chapter 1 on the safe custody of prisoners which states that, 'The concept of good discipline must be developed among correctional officials and prisoners as part of the promotion of security should be always exercised'.

# Mandatory reporting

## Introduction

The CSA compels DCS to report to JICS on the following instances:

Death of an inmate.<sup>41</sup> irrespective of the cause and circumstances. The HCC is also obligated to report any death that a medical practitioner cannot certify as a result of natural causes in terms of the Inquests Act.<sup>42</sup>

Segregation of an inmate.<sup>43</sup> The CSA makes provision for segregation of an inmate for a period of time. The segregation may be effected for the whole, or part of the day and may include detention in a single cell, other than normal accommodation in a single cell.

The segregation of an inmate is permissible:

- upon the written request of an inmate,
- to give effect to a decision consequent to a disciplinary finding to restrict the amenities of the inmate,
- when segregation is prescribed by the correctional medical practitioner on medical grounds,
- or as a measure to prevent violence towards an inmate or the inmate displays violence,
- where reasonable suspicion exists that a recaptured escapee will again escape or attempt to do so,
- where SAPS requests so and the HCC considers it in the interests of the administration of justice to comply with the SAPS request.

Mechanical restraint of an inmate.<sup>44</sup> The CSA makes provision for a correctional official to restrain an inmate by using mechanical restraints:

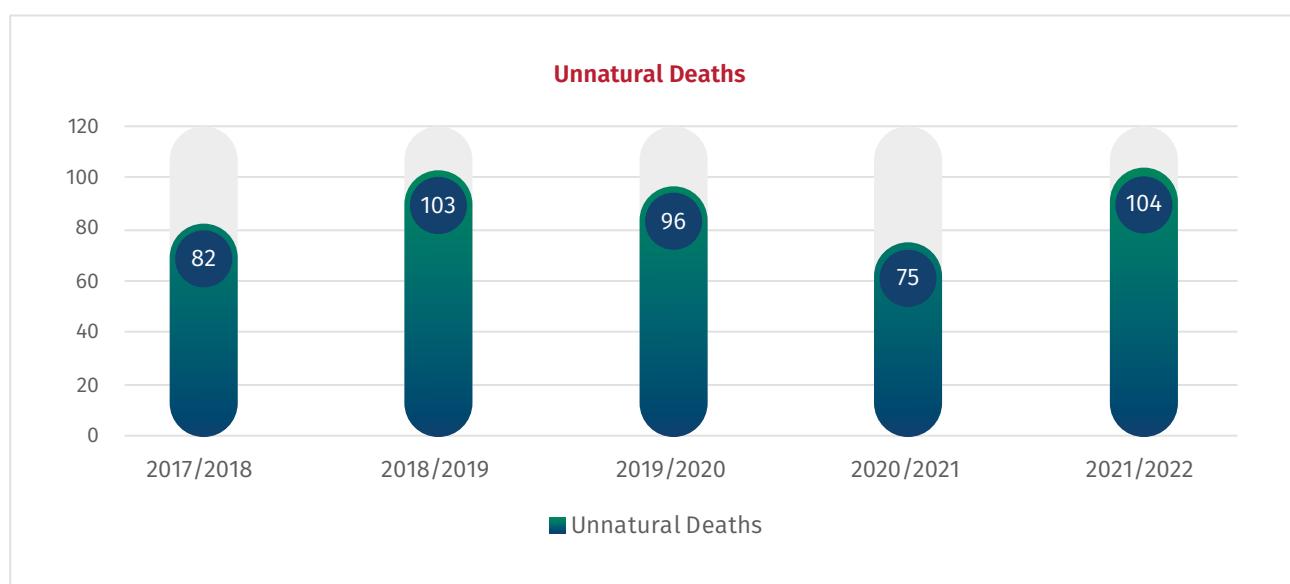
- if necessary, for the safety of the inmate or any other person,
- to prevent damage to property,
- if reasonable suspicion of escape by an inmate exists,
- if requested by a court.

Use of force.<sup>45</sup> The CSA authorises a correctional official to use all lawful means to detain all inmates in safe custody, and subject to the restrictions of the Act or any law to use minimum force where it is necessary for:

- self-defence,
- defence of any other person,
- preventing an inmate from escaping,
- for the protection of property.

These are collectively termed 'mandatory reporting' matters. A new e-Corrections system has been designed that will allow HCCs to report mandatory matters to the Inspecting Judge. The system is currently being rolled out.

While great care has been taken by JICS to ensure that each instance of the mandatory report is complied with, the statistics quoted in this report may be subject to variance with that of DCS.



Graph 10: Deaths reported by the DCS from unnatural causes from 2017/2018 to the 2021/2022 performance cycles

41 Section 15 of the CSA.

42 Section 2 of the Inquests Act 58 of 1959.

43 Section 30 of the CSA.

44 Section 31 of the CSA.

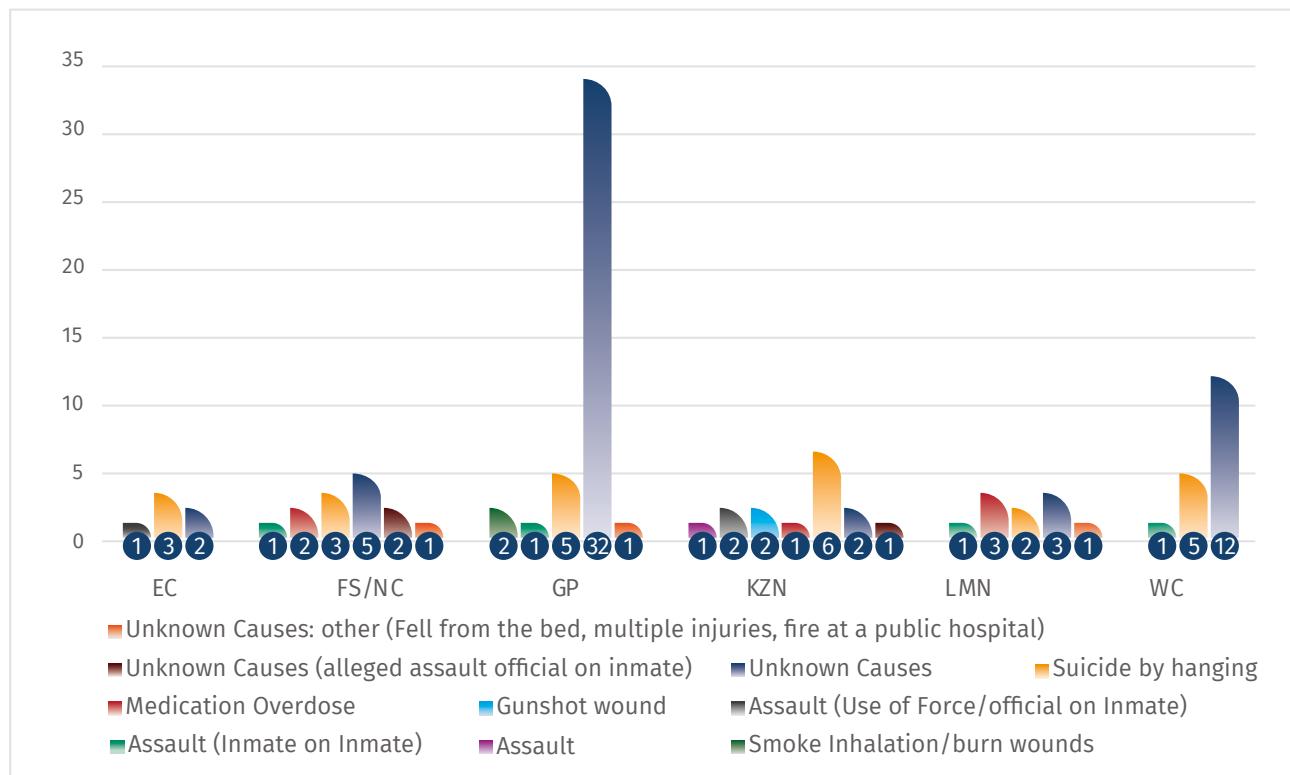
45 Section 32 of the CSA.

# Deaths from unnatural causes

## Introduction

In this reporting period, 104 deaths from unnatural causes were reported. Upon analysing the causes of unnatural deaths, it is noted that, in most cases, the deaths were reported as 'unknown other'. The graph below illustrates deaths reported by the DCS from unnatural causes, from 2017/2018 to the 2021/2022 performance cycles.

The graph below illustrates all deaths, classified by cause, that happened during the 2021/2022 performance cycle.



Graph 11: Deaths classified by the cause of death for the 2021/2022 performance cycle

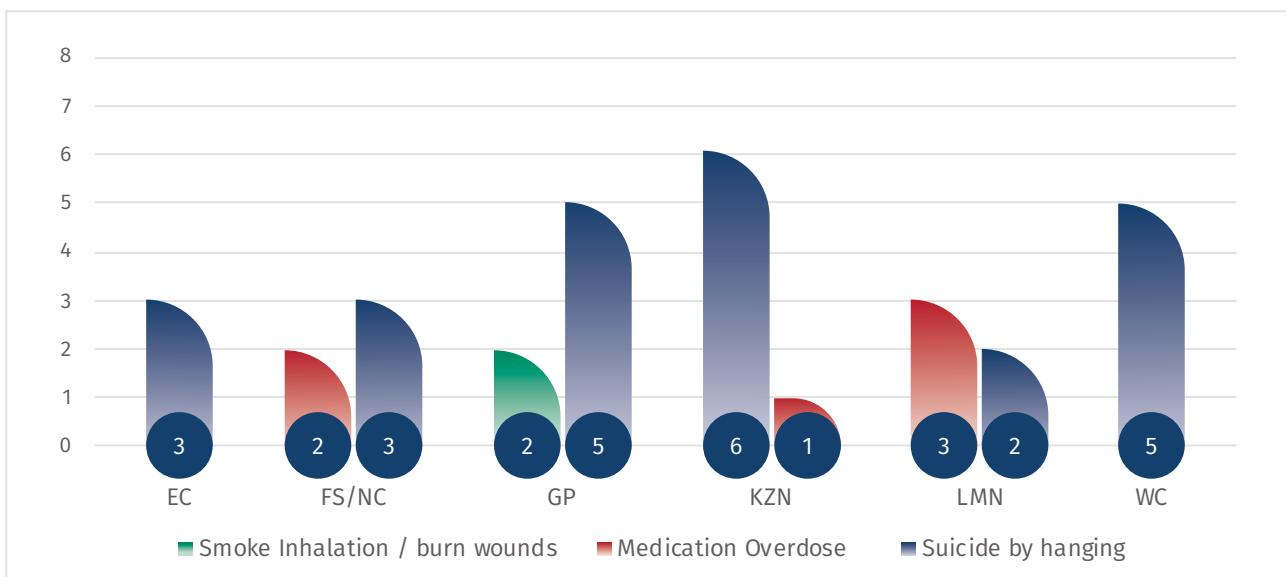
## Unnatural deaths 'other'

All deaths where the cause is not immediately apparent (e.g., A seemingly healthy inmate collapses and dies suddenly or is found dead in his bed) are classified as 'unnatural other'. This is a temporary classification, and the cause of death is officially determined once the autopsy report/post-mortem is received.

## Suicides

A total of 32 cases of suicide were reported during the 2021/2022 reporting cycle. Most suicides occurred in KwaZulu-Natal, Gauteng and Western Cape regions. Hanging appeared to be the most common method, with 75% (24 inmates) dying as a result of this. A variety of items are used, but mainly ligatures fashioned from bedding and clothing. Of the 24 suicides by hanging, 14 occurred in a single cell.

Methods of suicide used in the 2021/2022 performance cycle



Graph 12: Methods of suicide used in the 2021/2022 performance cycle



### Case study: Suicide at Groenpunt Maximum Correctional Centre

It was reported to JICS that Inmate A was a 36-year-old inmate accommodated at the Leeuwkop Medium A Correctional Centre, Gauteng. Inmate A was serving a 15-year sentence for rape and other sexual offences. He was found hanging from the geyser of the ablution facility at the centre's dairy on 12 May 2021.

JICS Investigation found that DCS could not have reasonably foreseen the suicide of inmate A. DCS

officials and inmates thought the inmate was still alive and, therefore, cut him down.

According to studies,<sup>46</sup> a person loses consciousness between three and 13 seconds after hanging, and death occurs after only a few minutes. The time-lapse between the disappearance of inmate A into the bathroom and his discovery seems sufficient for his death to have occurred.



### Case study: Suicide at Groenpunt Maximum Correctional Centre

It was reported to JICS that inmate B hanged himself inside a single cell on 4 May 2021. The inmate was placed in segregation after he was found in possession of an unauthorised article and had been referred to a disciplinary hearing. On 3 May 2021, the inmate had requested to see the Head of Centre and Head of Security as he had raised a complaint. After they had consulted with him, he requested to see the Area Commissioner. The inmate embarked on a hunger strike as he wanted to see the Area Commissioner and was promised he would see him. He never managed to see

the Area Commissioner. He hanged himself with a belt.

The JICS investigation found that inmate B committed suicide with a belt that he had taken to the single cells. There was an amount of R600 in his possession. It also appeared that searching was not done effectively to confiscate the inmate's belt as per protocol.

The internal investigation report from DCS is still outstanding

## Deaths due to overdose

JICS has, over the years, observed that medication is dispensed to inmates in bulk, making it possible to collect and store it over time and ingest it all once.



### Case study: Suicide at Tswelopele

It was reported that on 4 June 2021 at about 17:45, an official working first watch was called by inmates and was informed that inmate C took an overdose of his pills. In March 2018 inmate C was diagnosed by the psychiatrist as suffering from mental disorders. There was the medication that was prescribed for his condition and continued to receive the medication until his death.

The JICS investigation found that the inmate's cause of death was consistent with drug overdose as per the post-mortem report. The deceased was referred to an external hospital in Kimberley where he passed. It was also found that the inmate had attempted to commit suicide previously



### Case study: Suicide at Bethal

It was reported that an inmate took an overdose of his monthly antiretroviral medication. He was taken to the prison hospital where he was treated by the nursing

sister. The inmate was gasping for air, there were no vital signs, no pulse and pupils were dilated and fixed. After several minutes he was declared dead.

## Homicides

Deaths caused by inmate-on-inmate violence happen often, but are not always related to inter-gang rivalry. Inmates are killed as a result of stabbing with self-made knives, assault with fists, and/or kicked to death. Extreme violence and brutality occur among both remand detainees and sentenced offenders.

When investigating homicides, JICS aims at determining the culpability of the inmate and/or the DCS official who allegedly perpetrated the crime, and whether the homicide was the result of a specific intent or caused by negligence. In the 2021/2022 performance cycle, there were at least six inmate homicides at the hands of officials and four inmates on inmate homicides.



### Case study: Use of force and subsequent death of inmate at Ncome Medium A

*Name of the report: 'Die trying'*

The matter was reported to JICS on 25 September 2021 at about 13:30. Remand detainees A and C attacked and stabbed fellow offenders. The perpetrators used knives to attack and stab victims. Officials intervened by trying to disarm the perpetrators, but they charged towards officials with knives in their hands. Officials used force to disarm them. Upon searching the inmates, officials found two more knives. A senior official ordered that all victims be taken to hospital. The victims returned to their cells after being examined by the nurse. The perpetrators were also taken to isolation after being

examined by the nurse. After a while, the perpetrators were taken back to the hospital for further observation.

At about 18:30 the official working at the C-unit noticed that offender P was having a problem with breathing and was taken back to the hospital. The sister on standby was called to assist. She declared the offender dead.

JICS investigation found that inmates A and C stabbed four inmates, and officials used force to disarm the two inmates for refusing to hand over the weapons. On the same day inmate C passed away. The investigation found that the use of force on C exceeded the minimum force as per the policy which resulted in his death.



## Case Study: Inmate-on-inmate assault at Modderbee

It was reported on 22 August 2021 at about 03:15 that official X, who was booked for night shift, reported that remand detainees were fighting. Official X informed the night shift member in charge of the incident. The manager on standby came with the medical official.

Upon their arrival, additional manpower was called to open the cell where the incident took place. They discovered the body of an inmate lying in the ablution area, covered with blankets. The nurse, who did not touch him at all and did not even check his pulse, by mere observation indicated that the inmate was dead. She would not touch the body, in order to prevent possible contamination of the crime scene.

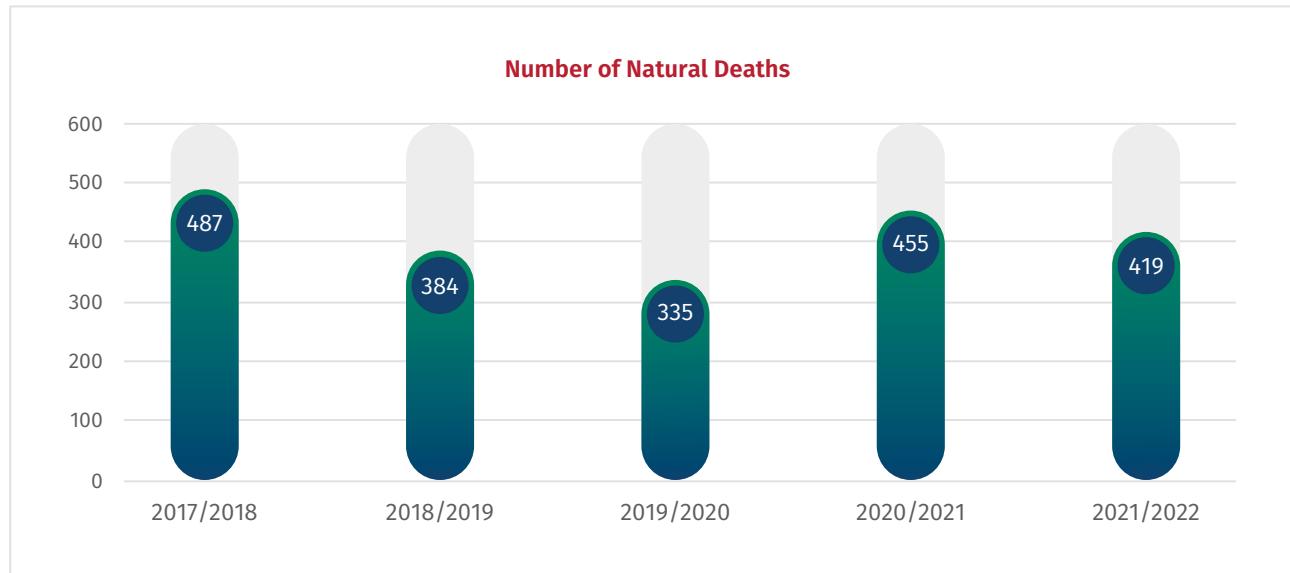
The inmate was identified as inmate D. He was first admitted to the centre on 19 August 2021. He was

arrested for theft and his next court appearance date would have been 25 August 2021 in KwaThema Magistrate Court. He was a South African citizen. Information received from the eyewitness alleged that the deceased was attacked by 12 other remand detainees, who moved him to the bathroom so that it would appear as if he died on his own. The twelve alleged perpetrators were identified and removed from the cell. It is alleged that the deceased was found stealing instant porridge.

JICS investigation found that two inmates were charged with the murder of the inmate. It was further found that the inmates used a broomstick and intercom steel frame used to balance the shower curtain as weapons.

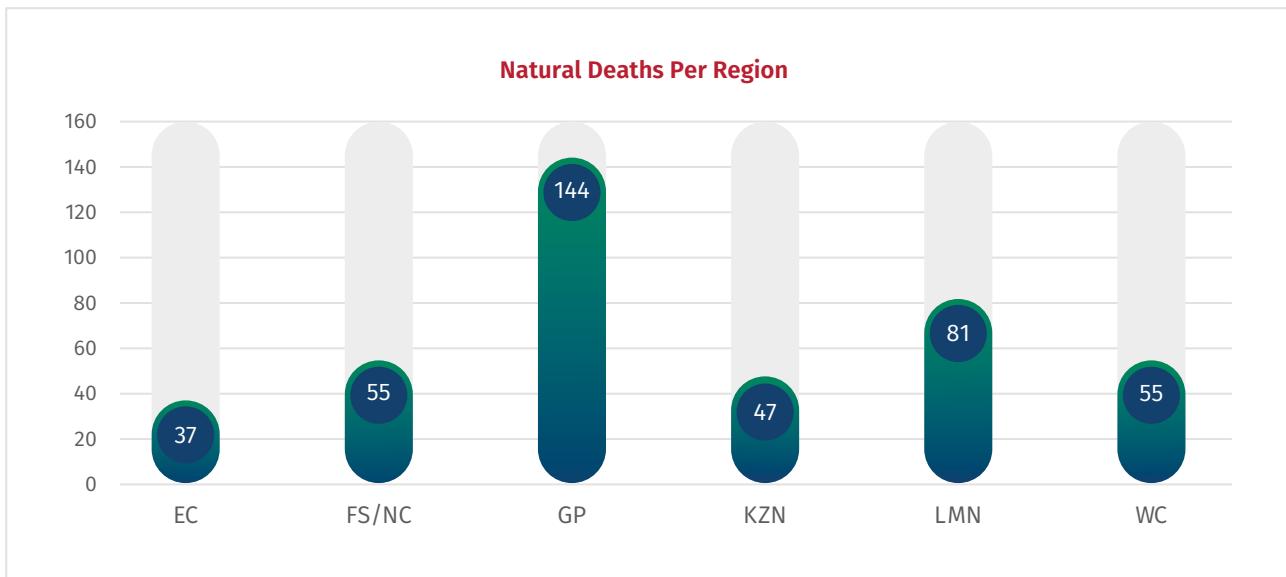
## Deaths from natural causes

JICS cannot report accurately on the number of natural deaths that took place in correctional facilities for this performance cycle. However, a total of 419 deaths due to natural causes were reported to JICS by DCS. There was a decline from the 455 reported in the previous reporting cycle, as illustrated in the graph below.



Graph 13: Deaths from natural causes from the 2017/2018 to 2021/2022 performance cycles

Gauteng had the highest number of natural deaths. This correlates to the distribution of the prison population. The graph below shows the number of natural deaths per region.

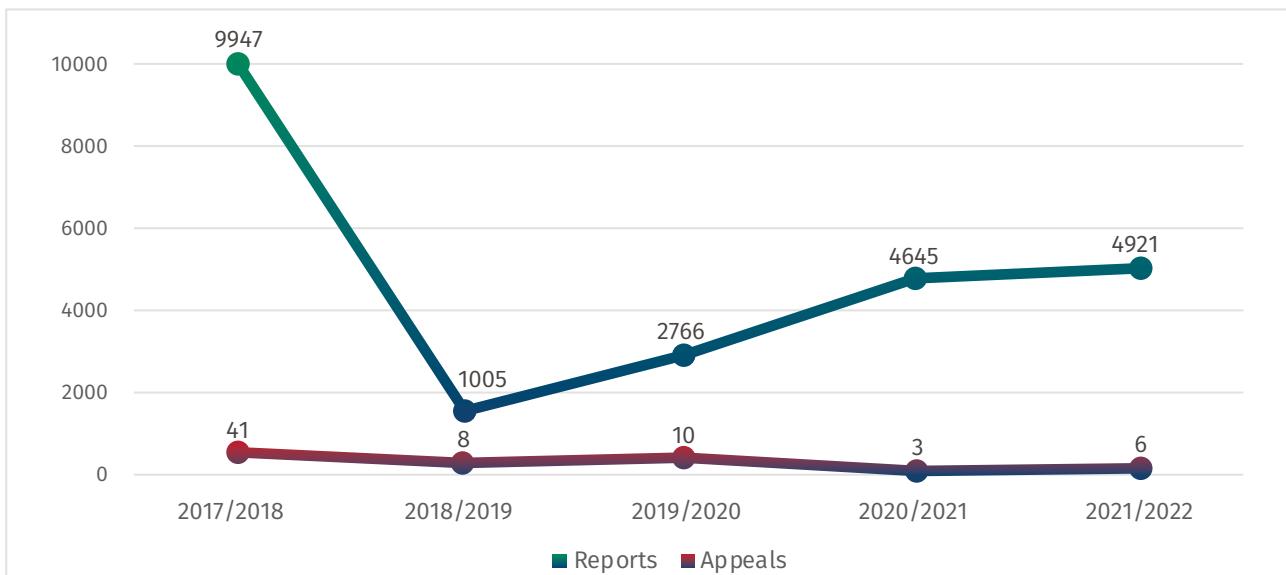


Graph 14: Natural deaths per region for 2021/2022 performance cycle

## Segregation

No accurate statistics of the number of inmates who were segregated could be obtained due to the manual reporting and introduction of the e-Corrections. However, the number of segregations that were reported to JICS by DCS for the performance cycle was 4 921.

The graph below illustrates the number of segregations reported by DCS from 2017/2018 to 2021/2022. An inmate subject to segregation may refer the matter to the Inspecting Judge, who must make a decision within 72 hours of receipt of the complaint. Six appeals were received and dealt with during the performance cycle.



Graph 15: Number of segregations reported by DCS from 2017/2018 to 2021/2022



## Case Study: Segregation Appeal - Durban Youth Centre

On 18 May 2021, JICS received a segregation referral from the ICCV at the centre on behalf of Inmate E and others. It was alleged that the inmates were involved in assaulting another inmate and were also found in possession of contraband.

E and other inmates were charged, subjected to a disciplinary hearing and were found guilty. The punishment imposed was a restriction of amenities and reclassification to the B-group. The inmates addressed their appeals to the JICS because they wanted to return to school as the second quarter had begun and they were falling behind with their school work.

JICS's inquiry found that the placement of inmates A, S, D, F, G, H, J and K was correct as there was a disciplinary hearing with a penalty of restriction of amenities.

**JICS recommended that DCS** indicate to the Inspecting Judge whether the disciplinary hearings of the inmates were conducted in terms of sections 24(3) or 24(4) of the CSA. JICS also found that the Department violated section 30(6) of the CSA as it failed to notify the Inspecting Judge of the inmates' segregation.

**JICS recommended that:**

DCS provide reasons to the Inspecting Judge for failure to notify in terms of section 30(6) of the CSA; DCS put measures in place to comply with section 30(6) of the CSA; and JICS Durban Regional Office and ICCV at the Centre monitor that the Head of Centre reports all mandatory matters in terms of sections 15, 30, 31 and 32 of the CSA.



## Case study: Segregation Appeal – Durban Youth Centre

On 5 August 2021, JICS received a segregation referral from the ICCV at the centre on behalf of five inmates. It was alleged that the inmates were found in possession of unauthorised articles, namely weapons. The alleged weapons were not found on their person, but were found outside of the cell, in the power supply.

The inmates were not charged and were not subjected to a disciplinary hearing. The inmates were, however, placed in segregation with restrictions on amenities for 42 days.

The inmates brought their appeals to JICS because they believed that their segregation was unlawful as the weapons were not found in their person, but were found outside the cell.

JICS's inquiry found that the placement of inmates in segregation was incorrect as there no disciplinary hearing was held. The inmates were not found guilty and thus no penalty of restriction of amenities should have been imposed on them. DCS did not conduct

disciplinary hearings for the inmates in terms of section 24(4) of the CSA.

JICS also found that DCS violated section 30(1) (b) of the CSA as it failed to conduct disciplinary hearings as contemplated in section 24(5) of the CSA.

JICS recommended that DCS, via the Area Commissioners' office, put measures in place to follow section 30(1) (b) of the CSA and also provide a refresher course to officials at Durban Youth Centre on the placement of inmates in segregation.

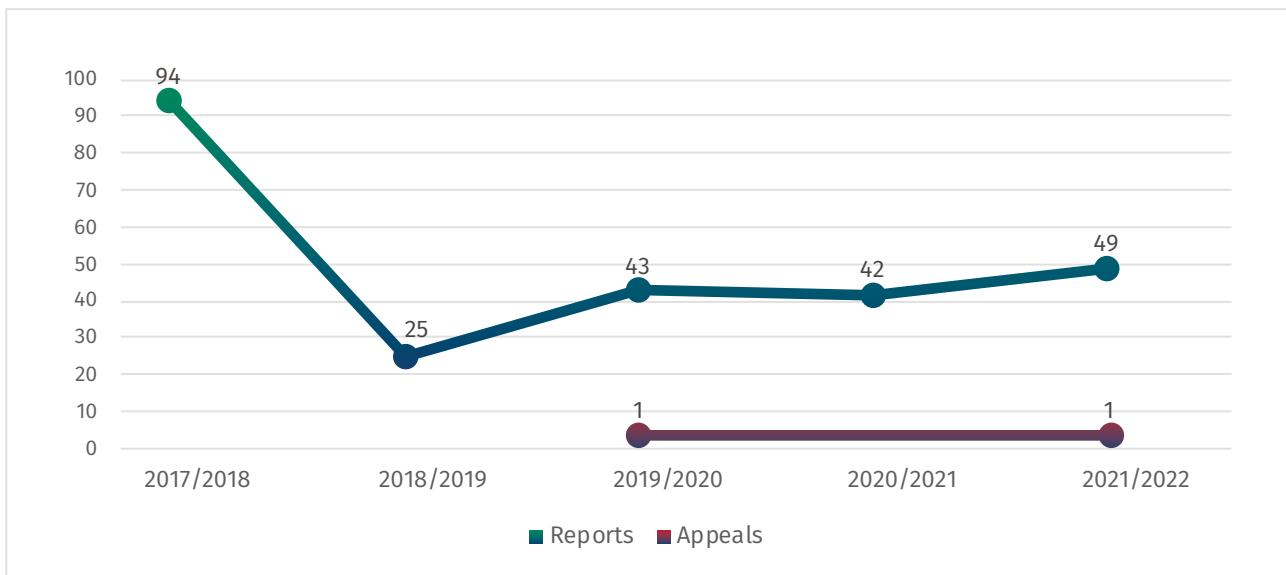
JICS recommended that the inmates be returned to normal accommodation as their continued placement in segregation was a violation of section 30(1) (b) as proper procedures were not followed.

JICS recommended that the JICS Durban Regional Office and ICCV at the centre monitor that the Head of Centre follows the recommendations.

## Mechanical restraints

The use of mechanical restraints is regulated by section 31 of the CSA. During the performance cycle under review, JICS received 49 reports on the use of mechanical restraints for the 2021/2022 performance year, an increase of seven from the previous year. No appeals were received for the performance cycle. The roll-out of the electronic reporting system which is still underway may be the reason why it seems that there is underreporting by DCS.

A comparison of the number of reports on mechanical restraints received over the past five years in the graph shows the steady decline in reporting from DCS.



**Graph 16: Number of reports on mechanical restraints received over the past five years**



### Case study: Mechanical Restriction Appeal: Johannesburg Centre C

On 23 April 2021, JICS received a mechanical restraint appeal from Mr Z, hand-delivered on behalf of inmate J.

Inmate J indicated that he was incarcerated at Johannesburg Medium Centre C to serve a sentence of five years. He also indicated that he became sick in October 2020 which triggered his gout, arthritis, and joints with another chronic sickness. The inmate approached his doctor for an examination claiming that the centre uses mechanical restraints whenever he goes to court. Inmate J indicated that on 21 February 2021 he applied to the Head of Centre to deviate from the policy based on his health condition. He stated that

his request was declined by the Head of the Centre. On 8 March 2021, he appealed to the Area Commissioner who indicated that the head of the centre will use other security measures in the departmental policy.

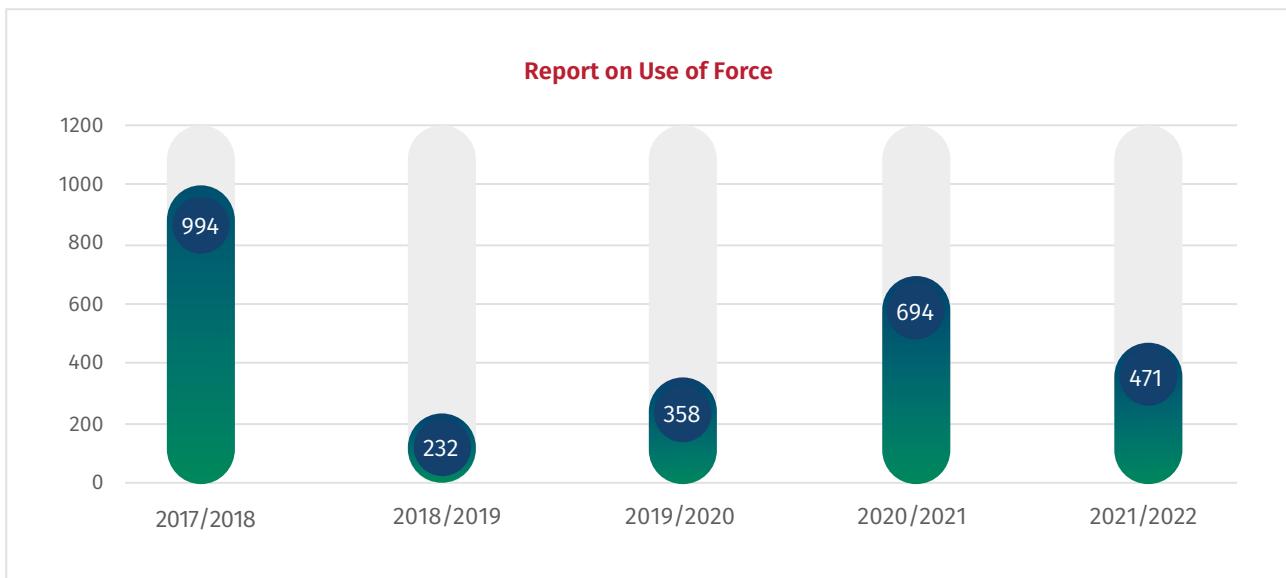
The use of mechanical restraints on inmate J was not reported to the Office of Inspecting Judge as it was not in terms of section 31 of the CSA.

JICS's inquiry found that the use of mechanical restraints on inmate J did not appear to have violated section 31 of the CSA.

## Use of force

In the 2021/2022 performance cycle, 471 instances of the use of force by DCS officials were reported to JICS; a decrease from the 694 reports of the use of force by officials received in the 2020/2021 performance cycle.

The CSA states that minimum force can be used for self-defence, for the defence of another person, to prevent an inmate from escaping, and for the protection of property. The overall objective of the use of force must always be to achieve the safe custody of inmates, and the emphasis must be on restraining the inmate(s) and stabilising the situation. The DCS electronic reporting system has not been rolled out to all centres and again obvious underreporting by DCS as illustrated below can be attributed to the reporting system.



*Graph 17: Report on use of force for the past five years*



### Case study: Use of force at Barberton Maximum Correctional Centre

DCS reported to JICS that on 28 October 2021 at about 20:00 the centre conducted a surprise search operation aimed at confiscating any contrabands. When the security officials attempted to unlock the security steel door, the key could not unlock the door lever.

Upon investigation of this problem, it was found that

the offenders had put a wooden object inside the lock housing unit blocking the lever from opening. When busy attempting to open the door, the offenders became violent, aggressive and threatened the officials. When the door was finally opened the group of offenders from the cell charged at the officials, and necessary force was used to contain the situation.



### Case study: Use of force at Buffeljagsrivier Correctional Centre

DCS reported to JICS that on 21 November 2021 at about 11:20, a group of offenders started to fight. They were aggressive and refused to cooperate with officials. The victim, inmate Z, was already covered with blood; others were also injured.

Officials arrived at the scene to protect the victim and others who were not part of the assault and also to

protect the property of the state as they were damaging the windows. The members were forced to apply the minimum force to end the fight and separate the victim and perpetrators. This is a huge gang-related incident where the members do not have any other alternative. The victim sustained a 6cm cut to his head and received stitches.

## Criminal and inquest matters

JICS continues to follow up on criminal and inquest matters seized with the National Prosecuting Authority and /or South African Police Services. As at 31 March 2022, JICS has on record 26 criminal matters and 92 Inquests that have not been finalised. Some matters were withdrawn and, in some instances, the NPA declined to prosecute. In some inquests finalised, JICS was advised that no prosecution was to be instituted. Below is a brief synopsis of some matters that are followed up by JICS.

In the 2020/2021 annual report, JICS reported a matter wherein an inmate was assaulted by officials at Ebongweni

Correctional Centre. The inquest was heard in September 2021.

The office of the Director of Public Prosecutions: KZN indicated that the inquest was finalised with an unknown finding in that no one could be held legally responsible for the death of the deceased.

Another matter was followed up and was finalised, regarding the death of an inmate due to an assault that ensued among inmates at Mangaung PPP. One inmate died as a result of the assault. The perpetrator was found guilty of the death of the inmate and was sentenced to 15 years further imprisonment.

**Disclaimer:** This report reflects mandatory reporting statistics officially reported to JICS by DCS throughout the 2021/2022 year. JICS requested consolidated statistics from DCS in April 2022, which was provided by DCS on the 6 June 2022. However, mandatory statistics as well as inmate profiles subsequently provided by DCS on the 30 August 2022 are at variance with the statistics JICS previously received. The statistics in this report are based on the statistics received on the 6 June 2022.

# DIRECTORATE MANAGEMENT REGIONS



*As a directorate, we are at the coal face of service delivery in that the ICCVs are stationed at correctional facilities to deal with the complaints of inmates/offenders. Thereafter, a report is provided on the conditions of the correctional centres and the treatment of inmates/offenders. These activities are geared towards reporting on human rights violations of inmates/offenders and remand detainees and ensuring appropriate action is taken.*

Five management regions report to this directorate namely:

- Central Management Region (Free State, Northern Cape and North West provinces)
- Eastern Cape Management Region (Eastern Cape province)
- KwaZulu Natal Management Region (KwaZulu-Natal province)
- Northern Management Region (Gauteng, Limpopo and Mpumalanga provinces)
- Western Cape Management Region (Western Cape province).

These management regions consist of regional office staff members, as well as, independent correctional centre visitors (ICCV), who render services at the various correctional centres.

As a directorate, we are at the coal face of service delivery in that the ICCVs are stationed at correctional facilities to deal with the complaints of inmates / offenders. Thereafter, a report is provided on the conditions of the correctional centres and the treatment of inmates / offenders. These activities are geared towards reporting on human rights violations of inmates / offenders and remand detainees and ensuring appropriate action is taken. Most of the complaints and requests are resolved / managed at a correctional centre level in the following manner:

- Regular visits
- Interviewing inmates in private
- Recording complaints in an official diary and monitoring how they have been dealt with

- Discussing complaints received with the Head of Correctional Centres, or the relevant subordinate correctional official, to resolve the issues internally.

Unresolved and urgent complaints are referred to the visitors committees and the Office of the Inspecting Judge as per section 94(3) of the CSA.

ICCVs are appointed in the correctional centres for the protection and advancement of the human rights of inmates. They visit correctional centres daily to give effect to JICS statutory function, exercising independent oversight within the correctional system, by closely monitoring the humane and just treatment of inmates in custody and enhancing the level of accountability within the correctional centres.

ICCVs are appointed in terms of section 92 of the CSA, and ICCV services are invariably accessible to all inmates and their communities.

A total of 218 ICCVs were deployed throughout correctional facilities across the country and attended to a total of 54 767 general and urgent complaints. With the easing of the lockdown levels in the correctional facilities, we have observed a great improvement in the performance of ICCVs during the 2021/2022 performance cycle.

The table below shows the performance of ICCVs on general and urgent complaints, as well as mandatory reporting.

Region	Number of ICCV on the notch	ROC: general and urgent complaints	ROC: mandatory reports	Total number of ROC/Interviews	Target per ICCV	Minimum number of ROC expected in total	Was the target met?	If not, mitigating factor(s)/Intervention
CMR	62	15 117	2 266	17 383	240 per ICCV	16 420	Yes	None
ECMR	41	12 169	1 095	13 264	240 per ICCV	10 540	Yes	None
KZNMR	40	8 102	2 287	10 389	240 per ICCV	11 280	Yes	None. The number of ICCVs fluctuated due to resignations or the expiry of their contracts. There was a period in which the region consisted of 33 ICCVs.
NMR	47	11 871	954	12 825	240 per ICCV	12 260	Yes	None
WCMR	28	7 508	964	8 472	240 per ICCV	8 470	Yes	Target reached
DMR Total	218	54 767	7 566	62 333	20 x 218 x 12= 52 320	58 970	Yes	Target achieved due to direct monitoring of performance by the regions

Table 24: Record of consultation by ICCVs

## Minimum standard of service delivery (MSSD) by ICCVs

The services of ICCVs are governed by a minimum standard of service delivery (MSSD) which conforms to a minimum standard set for ICCV performance.

### Site visits

According to the CSA, ICCVs have access to the correctional centre and documents or information during their site visits. They are expected to randomly visit the communal and single cells. The Inspecting Judge/ CEO appoints at least one ICCV to a correctional centre on a fixed-term employment contract.

## Interviews in private

Inmates are consulted in private and during these consultations, they are offered to register their complaints and requests. During the 2021/2022 performance cycle, ICCVs conducted 62 333 interviews with inmates.

## Number and nature of complaints handled by independent correctional centre visitors (ICCVs)

For a matter of easy reference and specificity, JICS identified 25 different categories of complaints and requests. There is a record/ register for each of these complaints and requests. Each complaint and request has a consultation form with specific questions to be answered by the inmate and the head of the correctional centre. Table 25 gives a summary of the nature of complaints and requests handled by the directorate during the performance cycle.

Nature of complaint	Regions					Total per category
	CMR	ECMR	KZNMR	NMR	WCMR	
Appeal	363	337	1 014	382	148	2 244
Assault (inmate on inmate)	410	223	96	246	171	1 146
Assault (official on inmate)	163	124	44	112	91	534
Assault (sexual)	24	3	12	22	14	75
Bail	64	252	372	253	210	1 151
Communication with family	1 244	1 532	715	915	331	4 737
Conditions	119	301	118	468	437	1 443
Confiscation of possession	13	26	14	94	5	152
Conversion of sentence	3	6	67	23	15	114
Corruption	0	1	1	0	1	3
Food	219	211	151	242	401	1 224
Healthcare	1 877	1 292	551	482	696	4 898
Hunger strike	40	9	22	15	6	92
Inhumane treatment	11	17	1	3	1	33
Legal representation	475	313	686	634	330	2 438
Medical release	5	2	9	8	5	29
Parole	128	650	337	415	176	1 706
Reclassification classification	59	37	121	116	88	421
Rehabilitation programmes	294	305	661	387	207	1 854
Remission	5	13	4	42	13	77
Request for social workers	1082	71	316	77	135	1 681
Torture	0	0	1	0	0	1
Transfer	2 009	1 547	1 039	1 294	449	6 338
Other	6 341	4 568	1 320	4 177	2 533	18 939
Attempted suicide	48	9	17	16	18	108
Total	14 996	11 849	7 689	10 423	6 481	51 438

Table 25: Urgent and general complaints attended by ICCVs

## Analysis of urgent and prevalent complaints 2021/2022

### Urgent complaints

The table below provides a breakdown of urgent complaints and requests received. This is followed by case studies (that give further information and clarity) as received from the ICCVs.

Nature of complaint	Regions					Total per category
	CMR	ECMR	KZNMR	NMR	WCMR	
Assault (sexual)	24	3	12	22	14	75
Corruption	0	1	1	0	2	4
Hunger strike	40	9	2	15	6	72
Inhumane treatment	11	17	1	3	1	33
Torture	0	0	1	0	0	1
Attempted suicide	48	9	17	16	18	108

Table 26: Urgent complaints attended by ICCVs

## Assault (sexual)

ICCVs received 75 reports of incidents or allegations of sexual assaults from inmates during the performance cycle. As reported, most of these sexual assaults occurred through coercion and many of the victims prefer not to open criminal cases for fear of reprisals and further intimidation by the perpetrators. Some occurred while the offenders were asleep, and this makes it difficult for the victims to identify the perpetrators. Even though this is the case, DCS must conduct internal investigations, and in many instances these investigations are not conducted or concluded and therefore result in no disciplinary actions being taken against the perpetrators. The victims are provided with medical and psychological support and are also allowed the opportunity to open SAPS criminal cases.



### Case study: Sexual assault in Johannesburg

In Johannesburg Med A, an inmate alleged that he was sexually assaulted by an unknown remand detainee in his cell. The incident happened on 12 October 2021 at around 1 am. He woke up to a painful feeling in the anal

area. He then went to the bathroom to check and found himself bleeding and discovered that he had been sexually assaulted. The inmate alleges that he does not know who assaulted him.



### Case study: Sexual assault in Vereeniging

An alleged sexual assault was reported at the Vereeniging Correctional Centre. The alleged victim did not want to open a criminal case and he is also refusing to name the perpetrator. He was taken to Kopanong

Hospital for medical treatment. According to the inmate, the incident occurred on Wednesday, 5 May 2021 and he reported the incident to the medical professionals at the hospital on 8 May 2021.



### Case study: Sexual assault in Durban

Allegations of sexual assault were reported and received from inmates who are incarcerated at Durban Med A (1); Durban Juvenile Centre (1) & Durban Med C (2) correctional centres. The victims alleged that they were sexually assaulted by fellow inmates. The incidents were reported to the authorities and the victims were given

medical treatment. Social workers and psychological services were availed to the victims. Disciplinary measures were taken against the perpetrators of the alleged sexual assaults. The victims were also assisted by the department to open a criminal case against the perpetrators.

## Corruption

Corruption harms society and the rights of inmates. During this performance cycle, three cases of corruption were reported, and it is believed that this category of complaint is under-reported. It is assumed that the inmates are afraid for their lives should they report corruption cases. New innovative and creative M&E systems must be developed. Corruption is inimical to the maintenance of good order, and safe and humane custody in the correctional environment. Corruption harms the rehabilitation of inmates and defeats the purpose of corrective measures for incarceration.

The nature of corrupt incidents reported by the inmates relates to being required to pay for a service or pay for the enjoyment of privileges that they are entitled to, smuggling and trading in contraband as a result of official-inmate dependent relationship (e.g., dagga, cell phones etc.).



## Case study: Corruption at Durban Medium B

An investigation conducted at Durban Med B revealed a web of corruption at the centre. The offenders alleged that certain officials, whose names were given to JICS, were involved in conducting illicit business at the centre. The offenders alleged the following:

Correctional officials, even high-ranking officials, are involved in selling drugs, cigarettes and cell phones to offenders; some officials are operating with the 26 gang members to sell the illicit items and are also involved in witchcraft; knives are brought into the centre by the officials for the 'runners' to protect themselves and the illicit stock; officials compete with each other

to sell the drugs, cigarettes and cell phones, and the average mandrax sales estimated to about R40 000 and whoonga estimated to about R12 000 per month.

The allegations of the officials being corrupt and conducting their illicit business at the centre pose a great concern. These allegations cannot be discarded capriciously as the secretive nature of the prison environment provides opportunity for an illicit activity to thrive. Furthermore, it appears to be a central narrative from the inmates that the centre is fraught with corruption by the officials conducting their illicit businesses.



## Case study: Contraband at Pollsmoor

An inmate was allegedly assaulted by an official at the Pollsmoor Correctional Centre. The allegations pertained to a phone call made during the night by his

fellow inmates to the official about the arrangements for the delivery of contraband.

### Hunger strike

In most cases, offenders embark on hunger strike as a result of their frustrations with the negative outcome of their transfer applications. They want to be closer to their families. Some of the offenders are forcefully transferred to correctional centres situated far away from their families. ICCVs reported 92 incidents during this performance cycle. DCS officials must try to resolve the issue(s) identified by inmate(s) as the reason(s) for declaring a hunger strike.

Prolonged engagement in a hunger strike may cause serious personal injury/ harm and/or even death. A hunger strike is a common form of protest that inmates use within the correctional environment to draw the attention of the Head of Correctional Centres/delegated officials to deal with their requests or complaints. If they have no recourse, refusal of food remains the only alternative avenue.

### Inhumane treatment

Inhumane treatment is a deliberate act or omission in which to cause intense physical and mental suffering to another person. This refers to the treatment of a person which is contrary to human rights / or human dignity. The RSA Constitution provides an absolute prohibition of any person to be subjected to 'cruel, Inhuman or degrading treatment'. Therefore, DCS has a legal obligation to ensure that inmates are not subjected to any form of ill-treatment and must act positively to avert any subtle attempts intending to undermine the human dignity of inmates. Those who are in custody are at immediate risk of being ill-treated, thus, JICS through its independent mechanism such as ICCVs visits correctional centres and monitors the treatment of inmates during their incarceration. The ICCVs deal with complaints relating to inhumane treatment. In most instances, allegations of inhumane treatment are investigated and provide a remedy to those who endure such treatment.

During the reporting period the following matters were dealt with:



### Case study: Dangerous cell mates

An inmate incarcerated at Mangaung Correctional Centre alleged that the officials forcefully accommodated him with dangerous gang members to jeopardise his life.



### Case study: Verbal abuse

Some offenders incarcerated at the Bizzah Makhate Correctional Centre complained that there were DCS officials who were always swearing at the inmates.



### Case study: Mistreatment

An inmate from Sasolburg reported one case of inhumane treatment. The inmate felt that he was mistreated by the official after he had a verbal altercation, he voiced out his concern to officials who were reluctant to assist until HCC intervened and held a meeting between the official and inmate. The matter was resolved.

A total of 17 incidents of inhumane treatment were reported at ECMR:



### Case study: Forced transfer

At Mthatha Medium, an inmate claimed that he was treated unfairly because he was forced to transfer from Middledrift to Mthatha.



### Case study: Willowvale

Other instances relating to Inhumane Treatment in terms of the records are accusations of ill-treatment mostly between the inmates, e.g., the East London matter where an inmate accused the other of using a needle to infect her with HIV as well as inmates complaining of ill-treatment by nurses at the clinic in Willowvale.



### Case study: Mistreatment

At Lusikisiki, an inmate was asked by an official to conduct unlawful acts and when he refused, the inmate was ill-treated by him.



### Case study: Threats

At East London Max, an inmate reported that he felt threatened by EST members during a public hospital escort.



### Case study: Verbal abuse

At Mthatha Remand, four inmates were abused verbally by officials. One inmate was denied access to use an iron and was instructed to take off his clothes in the courtyard. An inmate from East London Med B was the recipient of verbal abuse from an official.



### Case study: Assault

An East London Max inmate was assaulted by an official, who also broke the traditional item in his possession.



### Case study: Abuse

An East London Med C inmate did not get the necessary assistance when she was bereaved and claimed that her messages sent to her children are being withheld. The same official was allegedly also withholding visits of other inmates. In the same centre, four inmates claimed that the official recruited them into smuggling, but they refused, now she is ill-treating them, denying them the full exercise hour and only allowing them to exercise for less than an hour.



### Case study: Verbal abuse

The incidents reported in the WCMR relate to how officials address inmates using vulgar language. Inmates also refer to officials shuffling them around unnecessary. These incidents were reported at Helderstrom, Drakenstein and Polsmoor.



### Case study: Threats

Inmate VM incarcerated at Witbank CC indicated that he received verbal threats from officials.

## Torture

During the performance cycle, JICS reported one case of torture. This category is also regarded as an urgent complaint. The Act that is promulgated to combat torture is the Prevention of Combatting and Torture of Persons Act 13 of 2013. This act aims to provide effect to the country's obligations in terms of the United Nations convention against torture and other cruel inhuman or degrading treatment or punishment (OPCAT), to prevent and combat the torture of persons anywhere and to provide for matters connected therewith.

The right to dignity is a founding value of our democratic state in section 1 of the Constitution; it calls for the autonomy of each human being and the right of everyone not to be devalued as a human being or treated in a humiliating manner. This is an inalienable right which gives rise, among other rights, to freedom and security of the person, specifically the right not to be tortured in any way, and the right not to be treated or punished in a cruel, inhuman or degrading way. The South African Government ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or

Punishment (hereafter: 'the Convention') in June 2019. The Convention together with the Universal Declaration of Human Rights, particularly Article 5 reinforces the absolute universal prohibition of torture and other forms of ill-treatment.

The same is provided in the Robben Island Guidelines which states: 'No prisoner shall be subjected to, and all prisoners shall be protected from, torture and other cruel, inhuman or degrading treatment or punishment, for which no circumstances whatsoever may be invoked as a justification'. This implies that prohibition is 'non-derogable' in the sense that the State is not permitted to temporarily limit the prohibition on torture under any circumstances.

Therefore, DCS has a positive duty to ensure that inmates are detained in a secure and humane environment. The Rome Statute, Article 7, has listed torture as a crime against humanity and the prohibition thereof is reinforced. As a result, torture in South Africa was criminalised through the enactment of the Prevention of Combatting and Torture of Persons Act 13 of 2013.



### Case study: Torture in Durban

The complaint was received from a remand detainee who is incarcerated at Durban Med A Remand Detention facility. The complaint involved members of the South African Police Services (SAPS). The inmate alleged that on 25 January 2021 at Durban North Police Station he was tortured.

The inmate alleged that he was physically assaulted, handcuffed and made to run through a field while the official set the police dog to chase him. Reportedly, the

inmate sustained lacerations as a result of the dog bites and being continually kicked and punched by the officials.

The inmate stated that he was not given any medical treatment by the SAPS. This matter has been referred to IPID, a competent oversight body of SAPS. The region will make a follow-up on this matter until it reaches its finality.

## Attempted suicide

As in the case of hunger strike, many offenders/inmates attempt to take their own lives, just because they want to be transferred close to their families. Some of these drastic actions include overdosing on medication, use of sharp objects such as glasses and razors to cut their wrists, among others. DCS medical professionals intervene and provide social and psychological support.



### Case study: Overdosed

Inmates at Rooigrond Med A and Losperfontein overdosed on medication because they wanted to be transferred nearer to their families. They were referred to the hospital for medical treatment and were also given

social and psychological support. Another incident occurred where an inmate overdosed at the same centre because he wanted to be moved to another unit for safety reasons after having fought with other inmates.



### Case study: Harmful liquid

A non-national inmate at Barkly West CC drank Pine Gel. He demanded to be kept at the police station

rather than at the correctional centre while waiting for deportation.



### Case study: Overdose

At Estcourt Correctional Centre, the inmate overdosed himself with his medication, after being involved in a fight with his fellow inmate who alleged that he tried to

sexually assault him. A nurse from the correctional centre clinic was called and the inmate was given medical treatment that avoided serious health complications.



### Case study: Overdose

It is alleged that inmate X at Durban Med B overdosed on his tablets in an attempt to commit suicide after DCS allegedly failed to meet his demand to transfer him to

another correctional centre.  
Nine incidents were reported at ECMR



### Case study: Overdose

An inmate requesting a transfer to Flagstaff overdosed on tablets. At Lusikisiki, an inmate took 10 tablets of flucloxacillin, and he was referred to the public hospital

for further observation. An inmate at East London Max attempted suicide using pieces of clothes because he wanted to be reclassified to medium category.



### Case study: Attempted suicides

At Cradock, two inmates were unruly in their cells and they were relocated to different cells. Both of them attempted suicide by drinking cleaning material. One inmate was transferred from Mthatha to Cradock and he attempted suicide by consuming shoe polish.

sheet to hang himself.

An inmate at St Albans Med B stressed about his home circumstances as he was about to be released the following month. He attempted suicide using a bed

At Mt Fletcher, an inmate attempted to end his life by overdosing on medication because he is frustrated that he is too far from his family and also struggling to get necessities. At EL Max, an inmate attempted suicide using a rope and cloth because he wanted to be reclassified to medium category.



### Case study: Overdose

Two incidents occurred at Krugersdorp where inmate KM and inmate ID overdosed on tablets because they were moved to other cells for no apparent reason. Inmates were seen by a psychologist. Inmate KM is a gang

member who is a danger to other inmates, hence he was moved to a single cell. He previously attempted to commit suicide. Inmate ID was moved to a single cell for his safety.



### Case study: Harmful powder

An incident took place on 17 June 2021 during breakfast time at Baviaanspoort Max. Inmate LN was absent during breakfast and he was found crying (found by other inmates). When questioned by officials about why he

was crying, he mentioned he was caught with a R10 in his possession and therefore decided to drink his pills and a mixture of Vim so he can die. He was taken to the local hospital for examination.



## Case study: Attempted suicide

Six incidents of attempted suicide were reported during the 2nd quarter. One incident occurred at Modderbee Correctional Centre.

The inmate was very angry and reported he wanted to commit suicide. DCS Management phoned his father to talk to him and he calmed down.

Two incidents occurred at Johannesburg Medium A, one inmate who is mentally ill attempted to hang himself with his cloth mask attached to the grill (has previously attempted suicide) and the other inmate allegedly ate fluorescent glass because his family does not want to

pay bail for him, however, he denied (to the ICCV) that the incident occurred.

The other two incidents occurred at Barberton Maximum where inmates overdosed on tablets. The first inmate wanted to be placed in a single cell, but his request was denied. The second inmate wanted money to be withdrawn from his bank account and brought to him. The last incident occurred at Krugersdorp CC, the inmate attempted suicide because he didn't want to be in a single cell. He was seen by a healthcare professional.



## Case study: Attempted suicides

Three incidents were reported during the 3rd quarter. One incident was reported from Kgoši Mampuru local where an inmate accumulated his ARVs and tried to overdose. The second incident was reported from Middleburg where an inmate attempted suicide by eating

broken glass of a light bulb. He received medical attention and was later transferred to Witbank. The last one, an inmate from Leeuwkop Maximum wanted to go to the A section, he attempted to hang himself and he was kept in a hospital section for observation.



## Case study: More attempted suicides

The WCMR recorded 17 cases of attempted suicide for the performance cycle. Inmates overdosed on ARVs, cut themselves with razor blades, tried hanging themselves and drank Germatol and sanitiser.

Reasons for these actions were their dissatisfaction with being segregated for violence, threatened by fellow gang

members, readmitted for parole violations and receiving a notice from the wife filing for divorce.

In all instances, inmates received the necessary treatment for their injuries and were referred to the social worker and psychologist for personal interventions.

## General complaints

### Appeal, bail and legal representation (5 833)

Appeal, bail and legal representation are complaints received from inmates and in most instances were referred to Legal Aid South Africa for further handling. Several complaints were related to the following scenarios:

- Inmates requesting legal representation to assist with bail applications.
  - Inmates complaining about a lack of feedback from legal representatives on their appeal cases or petitions.
  - Inmates are not able to afford bail. Furthermore, inmates received bail, but DCS was unable to confirm their addresses.
- Representatives from Legal Aid South Africa and the Department of Justice attended to these matters after being tabled at the VC meetings.



## Case study: No feedback

Inmates in the Overberg Management Area recorded their concerns about Legal Aid that does not provide any feedback relating to their appeals. The LASA High Court Unit in Cape Town was requested to provide

feedback at the VC meeting wherein a process was clarified to identify inmates represented by Legal Aid and written updates on the status of their appeal would be provided to individual clients.



## Case study: No consultation

Inmates at Beaufort West recorded complaints that Legal Aid does not consult clients in the preparation of trial. The LASA informed the VC meeting that the cases

of their clients will be further delayed as a practitioner was transferred, leaving a vacancy for the district.

## Other (18 939)

The category 'other' refers to numerous inmates' requests and complaints regarding inmate's uniform, toiletries, requests to see a social worker because of family issues and requests for victim-offender mediation, among others. ICCVs dealt with 18 939 matters mostly the day-to-day requests and complaints that ICCVs deal with during their visits. Consistent visits of ICCVs in the correctional centres are essential because they facilitate inmates' complaints daily.

Implementation of the Public Service Regulations 2016 on working hours for ICCVs ensured that the ICCVs are visible in the centres daily. Without ICCVs provision of oversight in the correctional centres, inmates' basic rights may be violated. ICCVs, during their visits, also facilitate and ensure that inmates are allowed to be seen by the respective officials within the DCS facilities. It must be stated that ICCVs' interventions in facilitating the resolution of inmates' matters have been a huge success.



### Case study: Unfair delay

Victim Offender Dialogue seems to be the most common complaint under this category. At Mthatha Medium, an inmate was required to do VOD to be considered for parole. The correctional centre consulted with the chief in the area for the mediation process to take place.

DCS officials were informed that the process will not be able to take place because the community is not ready

to see the inmate.

The matter delayed the release of the inmate or the integration process and he was given a further profile. The matter was further discussed at the Visitors Committee Meeting and the centre was requested to conduct awareness in the community before the VOD takes place.

## Transfer (6 338)

Transfers were the second most prevalent complaints during this performance cycle. Transfer applications from inmates were handed to HCC or his/her delegate to process the applications as per the requirements of section 43 of CSA. The most common reason provided by inmates for the requests is to be nearer to their families.

The ICCVs interacted with inmates and registered a total of 6 338 requests or complaints that fall within this category. It must be noted that the majority of these requests/ complaints remained unresolved. Most transfer requests were declined based on lockdown regulations and overcrowding phenomenon in correctional centres.



### Case study: Transfer refusal

For the inmates who are detained at Ebongweni Correctional Centre, transfer requests were refused because they did not serve the minimum detention period as stipulated in the Ebongweni Institutional Policy.

In May 2021, a delegation from JICS conducted an unannounced inspection at Ebongweni Centre and uncovered that unlawful transfers of inmates did occur

without DCS meeting its stated admission criteria and adherence to its standard operating procedures.

The findings of the inspection were discussed at the meeting held on 14 May 2021 with the DCS, and Acting Regional Commissioner, and after that, a task team was established by DCS Region to investigate and rectify all inadequacies and non-compliance that emanated from unannounced inspection.

## Healthcare (4 898)

The DCS has the responsibility of providing healthcare services to all inmates incarcerated in their facilities. The level of healthcare services varies from sickbay, clinic and hospital; and services provided range from primary healthcare such as TB and HIV testing, and dispensing of medication.

Most often, inmate's complaints emanate from their dissatisfaction with the basic healthcare management provided at the centres. Lately, DCS has been experiencing a shortage of doctors due to contracts that expired and the prolonged recruitment process thereafter. This challenge has been a point of discussion in most visitors committee meetings. Inmates continue complaining and making requests for referrals to outside hospitals for further medical treatment.



## Case study: No medical

Inmates reported that they do not have access to medical officials at Pollsmoor RDF. If inmates complain outside their registered consultation days, they must wait until the following week to be consulted by a medical official. DCS custodial officials confirmed these complaints with ICCVs and the Inspecting Judge.

Custodial officials are required to identify serious medical complaints as they are only allowed to take

three inmates per unit to the medical facility in the centre.

The inmates at Pollsmoor registered complaints due to the lack of dental services in the management area. The contract of the service provider expired, thus a request was forwarded to the DCS national office for the consideration of possible service providers.

## Communication with family (4 737)

Section 13 of the CSA as well as Chapter 3 of the B-orders that speaks to the preparation for release and community reintegration, emphasises that DCS should encourage inmates to maintain contact with family and friends, and stay informed of current affairs.

The only means of contact with people outside the correctional facility is through regular visits and being able to contact family/friends telephonically. During Covid-19 lockdown restrictions, visits to correctional facilities were suspended, and the lack of suitable alternative communication methods was exposed.

ICCVs identified the challenge of public telephones not working and inmates not being able to contact their families. The failure of Telkom to maintain and repair public telephones in the correctional centres should urgently be addressed to ensure effective communication between inmates, their families and friends. This area requires urgent intervention between DCS and Telkom to ensure the necessary maintenance and repairs are conducted.

NMR region has liaised with Telkom / Openserve to ensure that all public telephones at correctional centres are repaired and maintained. Although DCS has a own Call Safe project concerning public telephones inside correctional centres, the inmates have launched several complaints concerning telephonic access to their families. At Barberton Management Area the Head of Centres reported in VC meetings that inmates are frustrated about no access to public telephones. Telkom / Openserve has commenced with repairs of public telephones in Limpopo Province.

## Parole (1 706)

Parole is a temporary or permanent release of inmates before the expiry of a sentence, on the promise of good behaviour, and CSA 111 of 1998 makes provisions for the release of inmates from correctional facilities for placement under parole. The majority of the parole-related complaints are received from inmates who allege that they have served the prescribed minimum sentences and are of the view that they are eligible for parole consideration. In most instances, feedback from DCS would be that according to their calculations inmates do not qualify for parole (and would provide the qualifying dates). In other cases, inmates would not be satisfied with the feedback from the Parole Board.

JICS has been inundated with complaints from lifers on the lack of feedback from the NCCS on profiles submitted as far back as 2017/2018. This has been a prevalent matter that was discussed at numerous VC meetings in KZN and Gauteng as well as other regions.

## Boksburg Correctional Services

During the Boksburg Visitors Committee Meeting convened on 24 February 2022, it was reported that the lifers were on 'tools down' due to delays in feedback on the profiles that were submitted to NCCS. Through the engagement and intervention by the centre management, they were able to resume work again.

## Rehabilitation programmes (1 195)

Chapter 3 of the National Development Plan (NDP) speaks about safer communities. The concept of safer communities is seen in how it trickles down to the provision of rehabilitation programmes offered by DCS to inmates. The purpose of rehabilitation programmes is the restoration of order in communities by rehabilitating the inmate and thereby enabling a safe reintegration into society.

ICCVs recorded 1195 complaints by inmates during the reporting cycle and identified the shortage of professional staff as one of the main challenges to ensuring that effective rehabilitation programmes are run.

The special parole dispensation during the Covid-19 pandemic exposed the lack of effective rehabilitation programmes as several released inmates became involved in serious offences just after being released.

## Medical release (29)

If it is established by the health status examination that a sentenced inmate suffers from a condition which the prognosis indicates a condition listed in sub-regulation (5) of DCS Regulations 2012, such inmate may apply for medical release in terms of section 79(2) of the CSA.

The head of centre must then refer the application to the correctional medical practitioner to evaluate the application per the provisions of section 79 and make a recommendation to the Medical Parole Advisory Board, who in turn will make a recommendation to the National Commissioner, Correctional Supervision and Parole Board or Minister.

During the 2021/2022 performance cycle, a total of 29 medical parole matters were dealt with by the JICS. Across the regions the applications were as follows:

- KwaZulu-Natal Management Region – 9
- Northern Management Region – 8
- Central Management Region – 5
- Western Cape Management Region – 5
- Eastern Cape Management Region – 2

## Visitors Committee (VC) meetings

Visitors committees are established in the management areas by the Inspecting Judge and are creatures of a statute in terms of section 94(1) of the CSA. The VC comprises all the ICCVs appointed in that particular management area and meets at least once per quarter. Nationally, there are 34 constituted and established VCs.

As stipulated in section 94 (3) of the CSA, the functions of the VC include:

- To consider unresolved complaints with a view to their resolution
- To submit to the Inspecting Judge those complaints that the committee cannot resolve
- To organise a schedule of visits
- To extend and promote the community's interest and involvement in correctional matters
- To submit minutes of meetings to the Inspecting Judge.

At their meetings, VCs discuss and facilitate the resolution of unresolved complaints and/or requests from inmates. Meetings further provide a platform to promote community interest and involvement in correctional matters. During the period under review, 1 out of 136 planned VC meetings could not be conducted due to the quorum that was not met. During the VC meetings, 209 complaints were resolved.

Region	Planned VC meetings	Actual Number of VC meetings held	Number of Complaints	Reasons for Deviation from the planned meetings	Corrective steps if planned meetings are not achieved
CMR	36	36	41	No deviation	None
ECMR	20	20	35	No deviation	None
KZNMR	28	27	68	Pietermaritzburg VC did not meet the quorum, there were no representatives from DCS at the envisaged VC meeting.	The region has engaged the former Area Commissioner of Pietermaritzburg Area Management on the attendance of VC meetings by HCCs.
NMR	28	28	29	No deviation	None
WCMR	24	24	36	No deviation	None
DMR TOTAL	136	135	209	Pietermaritzburg VC did not meet the quorum, there were no representatives from DCS at the envisaged VC meeting.	The Region has engaged the former Area Commissioner of Pietermaritzburg Area Management on the attendance of VC meetings by HCCs.

Table 27: VC meetings held for the performance cycle 2021/2022

## Incarcerated state patients

The Mental Health Care Act 17 of 2002 stipulates that an inmate who is certified as a state patient, may not be detained in a correctional centre, but must be immediately transferred to an appropriate health facility. But contrary to the spirit of the Act, the reality is that correctional centres are compelled to temporarily admit state patients because of the severe shortage of bed space in psychiatric facilities.

JICS views state patients as a vulnerable group that must be protected from any form of indignity or inhumane treatment while awaiting an available bed at a psychiatric hospital. JICS has extensively engaged with all relevant stakeholders to ensure that state patients are not indefinitely detained in the centres and that their transfers are expedited.

The table below shows the number of declared state patients for the 2021/2022 performance cycle.

Region	Male state patients	Children under 18 years	Juvenile over 18 years	Female state patients	Total	Remarks
CMR	63	0	0	1	64	These state patients are incarcerated at Grootvlei (41), Kimberley (20) and Upington (3) correctional centres. DoH is renovating a ward to incarcerate state patients from Grootvlei Correctional Centre.
ECMR	16	0	0	0	16	There is currently a slight increase in the number of state patients in the EC correctional centres. The numbers are still relatively low, due to the constant monitoring and engagement with the relevant stakeholders.
KZNMR	8	0	0	0	8	<p>State patients in KZN are accommodated at the following correctional centres:</p> <ul style="list-style-type: none"> <li>• Durban Med A: 5</li> <li>• Pietermaritzburg Med A: 4</li> </ul> <p>The patients are still waiting for bed space at designated psychiatric hospitals. The Department of Correctional Services (KZN) closely monitor this area and ensure that the paperwork of each patient is well prepared, and, in the event that there is an opening, the patient is transferred with ease to a designated psychiatric hospital.</p>
NMR	32	0	1	2	35	<p>The breakdown is as follows:</p> <ul style="list-style-type: none"> <li>12 Witbank</li> <li>2 Middleburg</li> <li>4 Ermelo (3 male adults + 1 juvenile)</li> <li>1 Bethal (female)</li> <li>7 Nelspruit</li> <li>1 Thohoyandou</li> <li>5 Kgoši Mampuru II Local</li> <li>1 Kgoši Mampuru II Female</li> <li>2 Modderbee</li> </ul> <p>The number of state patients at the end of the first quarter was 40 and decreased to 28 in the second quarter. There was an increase during the third and the 4<sup>th</sup> quarter. The most concerning area is the Witbank management area which accommodates the highest number of state patients.</p>
WCMR	0	0	0	0	0	N/A
<b>TOTAL</b>	<b>119</b>	<b>0</b>	<b>1</b>	<b>3</b>	<b>123</b>	<b>-</b>

Table 28: State patients' incarceration as at 31 March 2022

## Stakeholder meetings

JICS has the responsibility to render oversight at correctional facilities, raise awareness and encourage collaboration of services with stakeholders. The VC meetings provide the platform for stakeholder engagements by extending and promoting the community interest and involvement in correctional matters. Stakeholders embrace the inter-justice clusters, civil society, non-governmental organisations, cultural denominations and religious denominations.

The table below illustrates the stakeholder engagement meetings held during 2021/2022.

Region	Type of meeting/s	Date of the meeting/s	Matters discussed at the meeting/s	Resolutions
CMR	DCS: FS&NC Regional Commissioner and Deputy Regional Commissioner	14/07/2021	Feedback on JICS activities. Presentation of the quarterly report. Inspections and investigations. Discussion on assaults reporting. Collaboration. Discussion on state patients.	Monthly meeting with JICS Regional office and Area Commissioner's offices for stats verification on assaults and non-nationals. Ongoing quarterly meetings with Regional Commissioner's Office and JICS Regional Office.
	Collaboration/ Partnership Meeting Proposal for the signing of the MoU between JICS and Public Protector	04/08/2021	Presentation of JICS and Public Protector mandate. Drafting of the Memorandum of Understanding between both organisations.	JICS to discuss the draft and make comments/ addition to the document and forward it back to Public Protector for their comments To propose the date for the signing of the MoU during September.
	JICS, DoH and DCS virtual meeting.	24/11/ 2021	Transferring of state patients from Grootvlei CC to Psychiatric Complex.	DoH must transfer at least 3 to 5 state patients per month. A unit or building was identified for renovations. It is planned that most if not all of the state patients will be transferred to DoH by 1 April 2022. DOH undertook to provide training to the DCS officials on how to deal with state patients.
ECMR	Victim Offender Dialogue	15/10/2021	Presentation to community members on Restorative Justice and the importance of forgiving. Four (4) Inmates who served more than 20 years presented to the community for murder (taxi violence). The Minister handed over furniture to two community schools, namely All Saints and Nyanga, as part of showcasing the rehabilitation process of DCS and those inmates learn different skills in correctional facilities. Community members and the victims were encouraged to continue the dialogue around issues that occur in their respective communities, especially the crime awareness campaigns. Inmates were pleased with the community and the victims for forgiveness for what they committed and that they have learned from it and are continuously engaging other taxi organisations (Uncedo and Border Alliance) at Mthatha and other areas to engage in peace talks when there are challenges. The program was very brief, and the victims pointed out the situation they are facing now, without having support due to the family members who were breadwinners.	Peaceful talks are more powerful than violence. Parties should engage until there is an agreement. Affected families will be visited and support will be sourced specifically for children who still have to go to school. Community leaders requested the Minister to please engage them so that crime awareness can be a continuous subject.

Region	Type of meeting/s	Date of the meeting/s	Matters discussed at the meeting/s	Resolutions
	PEEC	18/02/2022	<p>DPWI reported extensively on the statuses of the Magistrates Courts.</p> <p>The matter of the 49G's was discussed.</p> <p>The JICS Annual Report presentation was also handed out to all attendees. The JP also promoted the use of cash flow management and attendance of the meetings by the relevant role players.</p>	<p>All stakeholders to buy into the process.</p>
	DEEC Meeting	24/02/2022	<p>Backlog of cases due to renovations of the cells. Offenders are not attending cases.</p> <p>Offenders who arrive late for Court. Delays are caused by SAPS and DCS. Errors by Judiciary when signing J7 e.g. omitting description of the crime.</p>	<p>The project is still in progress.</p> <p>SAPS will go and discuss the ways to tackle this problem as they are understaffed at the moment.</p> <p>DCS and SAPS to sit and resolve the issue</p> <p>Judiciary will look into that.</p>
	DEEC Meeting	18/03/2022	<p>Challenges with Venda and Shona Interpreters.</p> <p>Challenges of backlog due to recording machines, renovations that are currently taking place at East London at Magistrate Court, and courts not sitting for full hours.</p> <p>A meeting was supposed to be scheduled between DCS and SAPS for offenders who arrive late in court. Delays are caused by SAPS and DCS.</p> <p>Backlog Meeting takes place every Tuesday at 14:00. DCS doesn't attend the meeting. The report is generated on daily basis for all relevant stakeholders. Second bail attorney from Legal Aid to be appointed; funding has been made available, waiting for the recruitment process.</p> <p>Correctional centre visits by judicial officers to increase oversight. It was cited in the meeting that visits to CCs were taking place. Security and safety measures were a concern for judicial officers. There are procedures in place to deal with the issues at hand. Should there be any concerns, Judiciary must be made aware of them.</p>	<p>The matter will be revisited to find a solution.</p> <p>All stakeholders must provide solutions in the next meeting, and administrative assistance from the court manager and the area court manager.</p> <p>The matter was referred back to both stakeholders to meet and ensure that offenders are in court at 08:30 at the latest.</p> <p>Invitation to be submitted to the Area Commissioner for the meetings.</p>
KZNMR	JICS meeting with DCS: Regional Commissioner	15/04/2021	<p>Discussions on the transferred inmates at Ebongweni CC. The tabling of the 2021/2022 JICS Governance Calendar on inspections and VC dates. Discussions on HCCs/ACs attendance of VC meetings. The rollout of the JICS ICCV computers project. Building a collaborative working relationship and improving communication channels between JICS and DCS in KZN.</p>	<p>The DCS regional office to look into the unprocedural issues raised on inmates' transfers to Ebongweni. JICS to identify the correctional centres and to provide RC office on the project and dates. JICS to be invited quarterly to meet the RC / and ACs.</p>

Region	Type of meeting/s	Date of the meeting/s	Matters discussed at the meeting/s	Resolutions
	JICS meeting with Regional Commissioner	14/05/2021	JICS team briefed the Acting RC on its findings after conducting an oversight visit at Ebongweni on 11- 12/05/2021. Among others the following issues were discussed: Prolonged detention of inmates at Ebongweni who have already served half of their prison sentences, qualifying for consideration for placement on parole. Incomplete prison files of inmates who were transferred to Ebongweni – no evidentiary documents are available to confirm the offences that triggered their transfer to Ebongweni. Alleged assaults of inmates upon their admission to Ebongweni by DCS officials. Rehabilitation programmes are not available at Ebongweni, those who are detained at the centre are not involved in any programmes.	It was resolved that the Acting RC will be furnished with a draft copy of the report that will be compiled by the team for comment. Acting RC alluded to the fact that he will explore the possibility of establishing a committee from his office that will investigate JICS's findings.
	SAHRC: KZN Provincial Stakeholder Engagement – Virtual, Microsoft Teams	29/06/2021	The meeting created a platform for various stakeholders to share their organisational plans for 2021/2022 and sharing of resources with those stakeholders who do not have enough resources within their organisations, identification of opportunities for collaborations and strengthening networks, identified and discussed systemic issues in KZN Province and a developed action plan on the identified issues and areas of collaboration.	JICS in KZN will have bilateral meetings with SAHRC to discuss matters of common interest, and to refine the existing referral system on complaints of inmates that are received and referred to JICS. Stakeholders mapping was resolved to remain a standing item on the agenda in all meetings –to bring other relevant stakeholders such as SAPS, NPA; Home Affairs, so that other stakeholders can utilise their expertise in resolving challenges that they are facing with fulfilling their legal mandate.
	Meeting with Court Manager: Vryheid Magistrate Court.	7/11/2021	Establishing collaborative relationships and outstanding feedback to correctional centre on 49G applications etc.	The Magistrate Court will assign a person to regularly attend the VC meeting. Legal Aid resolved to give a presentation on 49G so that all HCCs and other stakeholders can have a common understanding of the application and implementation of the provision of the Act.
	Meeting with Legal Aid SA: Vryheid	7/11/2021	Establishing a collaborative relationship with the Legal Aid SA specifically of Vryheid and extending the invitation of the VC meeting; Visitation of Legal Aid SA representatives to the centres; delay of feedback to inmates on their requests; concerns by Legal Aid SA on application and implementation of 49G.	JICS as an oversight will continue to monitor if the inmates have access to healthcare, and nutrition and ensure that all mentally ill inmates receive adequate healthcare. The clerks of the court/prosecutors to do the application for MHCA 23 before an inmate even leave the Court since all documents since they have all documents.
	DCS Healthcare Services meeting.	17/11/ 2021	At DCS meetings the following challenges were discussed: Insufficient documents brought by SAPS when bringing inmates to the centres. Shortage of bed space in Forensic Mental Health Institution which also constitutes delay in transferring inmates on time. Suspected technical problem: When sending documents to the National Forensic Mental Health Directorate, the delays in issuing MHCA 23 tried to resend multiple times.	JICS as an oversight will continue to monitor if the inmates have access to healthcare, and nutrition and ensure that all mentally ill inmates receive adequate healthcare

Region	Type of meeting/s	Date of the meeting/s	Matters discussed at the meeting/s	Resolutions
	SAHRC & JICS Virtual meeting (Stakeholders Engagement)	26/01/2022	Role and mandate of both the South African Human Rights Commission and JICS National Preventive Mechanism Creating sustainable working relations and identifying areas for collaborations Participation of SAHRC in the VC meeting and conducting joint oversight visits to correctional centres. Identification of nodal persons for referral of complaints from inmates at the regional level.	JICS and SAHRC will continue to have bilateral meetings to discuss the matter of common interest. SAHRC to offer training to ICCVs and VCCOs on constitutional rights of the vulnerable group such as LGBTIQ as articulated in the September vs. Subramony, et al judgement.
NMR	Gauteng Local Division: Efficiency Enhancement Committee	17/06/2021	Removal of Appeals from the Court Rolls, Divorce Orders, Draft directive – Eliminating delays Restoration of records project (2008 – 2018 records) Section 49G and Section 63 Applications Rule 43 applications, complaints emanating from VC Meetings.	DCS was requested to provide statistics on section 49G and section 63 applications.
	Meeting with the Gauteng Regional Commissioner	18/08/2021	3 <sup>rd</sup> wave Covid-19 concerning inmates and ICCVs. ICCV suspensions from correctional centres DCS internal investigations. Future ICCV appointments and training involving DCS. DCS medical staff shortages at correctional centres. Transfers of inmates. Maintaining the working relationship between DCS and JICS. Temporary withdrawal of ICCVs in Gauteng at Covid-19-related 'hotspot' correctional centres (for 10 consecutive calendar days). Covid-19 Statistics.	HCCs will be invited to attend training sessions for the newly appointed ICCVs. They will be given a slot where they will give a presentation on the correctional centre environment.
	Gauteng Division – Efficiency Enhancement Committee	28/09/2021	This was the first meeting for this forum and was chaired by Acting Deputy Judge President. Other stakeholders that were in attendance were the Attorneys Associations, Legal Aid, Society of Advocates, and Pretoria High Court: Court Manager and Chief Registrar. On the agenda were the following points: Appointment of a Secretary. Commitment from Stakeholders – submission of reports timeously Timelines – issuing of motion court dates Taxations Complaints emanating from VC Meetings: Legal Aid and Lifers Challenges with transcripts for appeals Lack of access to DCS inmate information systems (raised by Legal Aid)	A resolution was taken that stakeholders will submit their reports 7 days before the meetings.  The date of the next meeting will be the 30 of November 2021.
	SAPS & JICS Meeting held at Makhado	11/11/2021	The delay in opening the cases at the correctional centres. The follow-up of cases from the correctional centres.	The SAPS will attend the VC meeting and address the challenges they have with the correctional centre.
WCMR	PEEC	23/09/2021	Engagement with SAPS Provincial office and Station Commanders, CMC, and Community Corrections of Goodwood Management Area relating to inmates arrested for parole violations 117(e) cases. Inmates are arrested but never appear before the court for parole violation cases, or outstanding matters dated to 2019. These matters hamper the release of these inmates.	The SAPS Provincial office will coordinate the process of tracking all outstanding matters and provide DCS with feedback on outstanding matters. The ICCV in conjunction with the CMC will provide SAPS with a list of all outstanding matters. The ICCV will monitor the process and keep the management region updated.

Region	Type of meeting/s	Date of the meeting/s	Matters discussed at the meeting/s	Resolutions
		3/12/2021	The Region hosted a meeting with Pollsmoor Heads of Centres and medical staff to deal with medical complaints in the Management Area, this engagement was addressed by the Inspecting Judge and he highlighted the importance of access to medical treatment for inmates. Medical staff refused ICCVs access to medical records when they deal with inmate complaints.	The Medical Head attended a VC meeting at a later meeting wherein the issue relating to medical care was addressed, the challenge relating to medical care in the RDF Centre still exist and the region is continuing to deal with the medical-related complaint in the management area.
		10/02/2022	The Breede River Management Area VC meeting hosted a stakeholder event and the matters regarding reintegration and skills development of inmates. The community organisations raised their concern about the lack of halfway houses for inmates released on parole, Inmates are released without proper community involvement and support from correctional centres.	The community organisations requested DCS to ensure proper engagement with the community into which inmates are released.

Table 29: Stakeholder engagement meetings held during the 2021/2022 performance cycle

## Public awareness and advocacy initiatives

### Telkom Project initiative

The NMR had taken note of the challenge of faulty/non-functional Telkom public phones at correctional centres. An initiative was adopted to address this challenge as it is related to inmates' communication complaints. As a result, an audit was conducted in all the regions to determine the extent of this challenge and the status is as follows:

- Total no. of working phones - 541
- Total no. of faulty phones - 751

DCS and Telkom will be managing this as the contractual obligations are between the two parties. JICS will continue monitoring progress on this matter until it is resolved.

### SAPS Meeting

A meeting between SAPS Makhado and JICS was convened on 11 November 2021 to address the delays in opening cases at the correctional centres as reported at the visitors committee meeting.

### Symposium

On 17 March 2022, the Department of Justice and Constitutional Development organised the symposium to celebrate the 25th Anniversary of the Constitution under the theme 'One Constitution, One Nation'. In this regard, the invitation was extended to JICS and of which one of the VCCOs was nominated to attend the occasion.

The occasion was graced with the presence of the Minister of Justice and Correctional Services, Minister R Lamola (MP). He delivered the keynote address stating the milestones which have been achieved by South Africa in the past 25 years through the enactment of the Constitution. A panel discussion was held on the topics The role of the Constitution in Advancing Socio-Economic Rights of the Vulnerable Groups and The role of Oversight Institutions in Advancing Constitutional Democracy. A robust discussion followed, during which the spotlight was placed on the injustices faced by women in the workplace and at home, and the role of Chapter 9 and Chapter 10 institutions in monitoring good governance.

## Non-nationals incarcerated

As part of JICS's oversight role, JICS monitors the status and incarceration of non-nationals within correctional centres.

During the performance cycle, the table below illustrates the statistics recorded on non-nationals incarcerated within the correctional centres. A total of 12 219 non-nationals were incarcerated as at 31 March 2022.

NMR has the highest number of incarcerations on non-nationals compared to other regions, while ECMR reported the least number of such incarcerations.

Regions	Number of non-nationals incarcerated							
	Sentenced		Remand detainees		Total	Nature of crimes committed	Length of sentence	Countries of Origin
	Male	Female	Male	Female				
CMR	349	88	717	59	1 213	Violation of immigration act, dealing in drugs, kidnapping, murder and extortion, fraud and forgery, narcotics, murder, rape, stock theft, immigration law, theft, assault, possession of a firearm and ammunition, housebreaking, gemstones, robbery aggravating, illegal immigrant, housebreaking, malicious damage to property.	437 inmates are sentenced, and the length of sentences is not specified. 776 inmates are remand detainees.	Angola, Bangladesh, Bulgaria, Burundi, Cameroon, Uganda, China, Congo, Denmark, Ethiopia, Lesotho, Malawi, Mozambique, Namibia, Nigeria, Niger, Pakistan, Senegal, Somalia, Swaziland, Tanzania, Venezuela, Zimbabwe.
ECMR	131	3	0	0	134	Theft of motor vehicle, rape, murder, fraud, possession of firearm and ammunitions, dealing in drugs, culpable homicide and assault, housebreaking, and invalid permit.	Max: 24 years Min: 4 months	Bangladesh, Brazil, Burundi, China, Congo, Ethiopia, Germany, Ghana, India, Kenya, Lesotho, Malawi, Mozambique, Namibia, Nigeria, Pakistan, Russia, Somalia, Tanzania, Uganda, USA, Zimbabwe.
KZNMR	272	5	122	1	400	Violation of immigration act, assault, robbery, rape, murder, possession of stolen goods fraud and possession of drugs.	Ranging from 30 days to life sentences	Mozambique, Lesotho, Tanzania, Malawi, Zimbabwe, Swaziland, Congo, Burundi, Nigeria, Botswana, Zambia, Kenya, Ethiopia, Somalia, India, Italy, Uganda, Bangladesh, and Pakistan.
NMR	4 789	199	4 760	152	9 900	Theft, robbery, murder, rape, drug dealing, illegal immigration, kidnapping, and assault to cause grievous bodily harm.	Three months to life sentence	Botswana, Namibia, Mozambique, Zimbabwe, Lesotho, Zambia, Malawi, Swaziland, Nigeria, Congo, Ghana, China, Czech Republic, Pakistan, Somalia, Tanzania, Uganda, Ethiopia, Angola, Sudan, Bangladesh, Cameroon, Senegal, Kenya, Brazil, Morocco, Paraguay, India, Jordan, Peru, Marshall Islands, Mauritius, Mexico, Argentina, New Zealand, Portugal, Seychelles, Thailand, Afghanistan, Equatorial Guinea.

Regions	Number of non-nationals incarcerated							
	Sentenced		Remand detainees		Total	Nature of crimes committed	Length of sentence	Countries of Origin
	Male	Female	Male	Female				
WCMR	370	17	171	14	572	Theft, fraud, assault, housebreaking and robbery, illegal immigration, drugs, rape, and murder.	Not all are specified.	Burundi, Angola, Congo, Mozambique, Namibia, Nigeria, Niger, Somalia, Tanzania, Malawi, Burundi, Bangladesh, Uganda, Zimbabwe, Lesotho, Kenya, Cameroon, China, Brazil, Ghana, Uganda, Ethiopian, China, Malawi, Venezuela, Caribbean Federation, Taiwan, United Kingdom, Pakistan, Spain, Peru, Japan, Rwanda, Italy, Iraq, Sudan, Korea, Swaziland.
Total	5 911	312	5 770	226	12 219	-	-	-

Table 30: Non-nationals incarcerated as at 31 March 2022

## Non-national lifers as at 31 March 2022

Region	Total non-national lifers	Nationalities
CMR	14	Lesotho (11), Mozambique (2) and Zimbabwe (1).
ECMR	26	Pakistan (1), Tanzania (1), Malawi (3), Mozambique (2), Lesotho (1), Bangladesh (4), Ethiopia (1), Zimbabwe (3), Uganda (1), Nigeria (5), Germany (1), India (1), Somalia (1), and Namibia (1).
KZNMR	16	Malawi (3), Zimbabwe (3), Mozambique (3), India (1),, Botswana (2),, Lesotho (1), Swaziland (2) and Congo (1).
NMR	385	Mozambique (129), Lesotho (33), Zimbabwe (185), Malawi (9), Nigeria (13), Swaziland (6), Congo (2), Somalia (1), Argentina (1), Angola (3), Ethiopia (1), Ghana (1) and Namibia (1).
WCMR	13	Mozambique (3), Malawi (2), Angola (1), Burundi (1), Namibia (1), Somalia (1), and Zimbabwe (4).
DMR Total	454	-

Table 31: Non-national lifers incarcerated as at 31 March 2022

## Covid-19 report

JICS monitored the prevalence of Covid-19 in the organisation weekly to ensure that all protocols are in place and implemented. Since Covid-19 vaccines were made available and taken by officials, the number of staff members who tested positive for Covid-19 decreased substantially during the 2021/2022 performance cycle.

Table 32 illustrates the Covid-19 pandemic breakdown for the 2021/2022 performance cycle. A cumulative total of 12 043 DCS officials, 9 782 inmates and 50 JICS officials tested positive for Covid-19. A cumulative total of 242 DCS officials, 115 inmates and one (1) JICS official succumbed to the virus as at 31 March 2022.

Regions	JICS officials and recoveries	DCS officials	Inmates	Recoveries (DCS officials and inmates)	DCS official deaths	Inmates' deaths	JICS official deaths
Eastern Cape	2	1 514	1 547	3 011	35	15	1
Free-State and Northern Cape	18	1 892	995	2 841	33	13	0
Gauteng	10	2 458	3 044	5 406	47	48	0
KwaZulu-Natal	3	1 705	1 110	2 757	45	13	0
Limpopo, Mpumalanga and North West	0	1 838	1 367	3 154	36	12	0
Western Cape Region and CT Office	11 (3 office staff & 8 ICCVs) 4 CT office staff	2 363	1 719	4 018	45	14	0
DCS Head Office	0	273	0	272	1	0	0
JICS Head Office Staff	2	0	0	0	0	0	0
Total	50	12 043	9 782	21 459	242	115	1

Table 32: Covid-19 statistics as at 31 March 2022

## Covid-19 vaccination roll out status as at 31 March 2022

To reduce the spread of the Covid-19 virus, the focus shifted from measuring the number of staff testing positive to the number of staff who were vaccinated against the virus. JICS currently has an overall vaccination percentage of 80%, with only 20% of employees who are vaccine-hesitant. The table below illustrates the vaccination roll status per region / JICS office.

Region	Total no. officials	Total vaccinated	Total vaccine-hesitant	Percentage vaccinated	Total outstanding	Comments
CMR	71	65	6	91%	6	As at 31 March 2022, six (6) ICCVs have not yet been vaccinated.
ECMR	51	41	10	80%	10	10 officials are vaccine hesitant.
KZNMR	49	41	8	84%	8	Eight (8) officials are vaccine-hesitant. The awareness campaign is ongoing.
NMR	58	55	3	95%	3	Three (3) ICCVs are still vaccine hesitant.
WCMR	34	19	15	56%	15	15 officials are vaccine-hesitant (13 ICCVs and two staff members)
JICS H/O	27	24	3	89%	3	Three officials are vaccine-hesitant. The awareness campaign is ongoing.
Cape Town office	30	12	18	40%	18	18 officials are vaccine-hesitant. The awareness campaign is ongoing.
Total	320	257	63	80%	63	Policy on mandatory vaccination for public service will be implemented once approved.

Table 33: Vaccination roll out status as at 31 March 2022

## Parole violation

The 2020 Covid-19 Special Parole Dispensation was successfully implemented to curb the spread of Covid-19 in the country's correctional centres. All suitably qualified inmates were released, but it must be noted that there were inmates who did not qualify due to a variety of reasons such as a lack of support system, among others.

Of particular concern is the number of repeat offenders that have been clogging the system after benefiting from the parole system. JICS has a particular interest in this category of inmates, and it has been consistently monitored.

The current statistics are as follows:

Region	No. of repeat offenders from April 2021 to March 2022	No. of re-arrests from April 2021 to March 2022	Nature of crime committed for the re-arrest	Total
CMR	49	0	Violation of parole due to cases of theft, housebreaking and robberies.	49
ECMR	45	16	Parole violation, robbery, rape, assault, murder and theft.	61
KZNMR	75	23	Violation of parole conditions, loss of support system, theft, housebreaking, possession of stolen goods, and assault.	98
NMR	106	4	Violation of parole conditions, economic crimes, aggressiveness.	110
WCMR	40	40	Parole violation, robbery, murder, housebreaking, rape and theft.	80
DMR TOTAL	315	83	-	398

Table 34: Parole violation as at 31 March 2022

## Remand detainees with bail less than R1 000

Many of the correctional centres are overcrowded, creating in many instances inhumane conditions within affected correctional centres. The ICCVs are tasked to identify offenders who have a bail of less than R1 000 to engage the HCC to consider provisions stipulated in section 63A of the Criminal Procedures Act. This is the situation where the offender is unable to afford or pay the bail.

The information below illustrates the number of offenders with a bail of equal to or less than R1 000.

Region	No. of RDs with bail less than R1000	Comments
CMR	217	None
ECMR	509	None
KZNMR	244	None
NMR	1 116	None
WCMR	638	None
DMR Total	2 724	None

Table 35: Remand Detainees with bail less than R1 000 as at 31 March 2022

## Supervisory meetings held during the performance cycle

Visitor Committee Coordinators (VCCOs) have regular meetings with the ICCVs to mentor, coach and equip them for effective quality service delivery. During these meetings, operational and human resource matters are discussed and addressed to improve and enhance the performance of ICCVs.

The table below illustrates the total meetings that took place during the performance cycle.

Region	Planned meetings for the performance cycle	Number of meetings conducted	PMDS process meetings	Names of VC where the meeting was conducted	Total nr of supervisory minutes submitted	Corrective steps taken if not held	Total of PMDS meetings
CMR (2 VCCOs)	18	18	Operational matters and compliance were discussed.	Bethlehem Bizzah Makhate Colesburg Goedemoed Groenpunt Grootvlei Kimberley Klerksdorp Rustenburg	18	Three supervisory meetings were not conducted because two ICCVs were transferred and the other ICCVs' contract was terminated.  Eighteen (18) of the meetings were held with a group of ICCVs and 113 were supervisory meetings between VCCO and individual ICCVs. VCCO met with most ICCVs, twice during the performance cycle.	63
ECMR (3 VCCOs)	25	24	Operational matters and compliance were discussed.	Mthatha St Albans Kirkwood East London Sada	24	Only one supervisory meeting could not take place due to the official having an accident on route.	24
KZNMR (3 VCCOs)	20	20	Operational matters and compliance were discussed.	Durban Kokstad Pietermaritzburg Empangeni Waterval Glencoe Ncome	20	The VCCO to finalises the signing of performance agreements with the seven (7) newly appointed ICCVs who commence their employment on 1 January 2022.	33
NMR (4 VCCOs)	40	38	20	Supervisory meetings were convened as follows: Leeuwkop Johannesburg Boksburg Kgoši Mampuru Bethal Witbank Nelspruit Makhado	38	Supervisory meetings scheduled for July could not be convened due to the recruitment process of ICCV, and the four VCCOs had to self-isolate due to Covid-19 infection.	20
WCMR (3 VCCOs)	3	3	Operational matters and compliance were discussed.	Breede River Southern Cape Drakenstein	3	None	3
DMR Total (15 VCCOs)	88	103	-	-	103	None	143

Table 36: Supervisory meetings held during the 2021/2022 performance cycle

## Successes and interventions

### ICCV virtual meetings

Regional virtual ICCV meetings were introduced by the CEO and senior management for all regions to engage staff at all levels and provide a communication and information platform from the senior management level. ICCVs were updated on the current processes within JICS, i.e. the JICS Draft Bill, progress on the JICS organisational form as a national government component, consultation processes with other key government departments, as well as relevant information per directorate.

The following ICCV virtual meetings were held:

- CMR: 9 September 2021
- ECMR: 7 September 2021
- KZNMR: 22 September 2021
- NMR: 15 September 2021
- WCMR: 8 September 2021

Face-to-face and in-person meetings were held during February 2022 in all the regions by the Inspecting Judge, CEO and senior management.

### VCCO monthly meetings

Monthly meetings of Visitor Committee Coordinators were introduced in the previous performance year and continued into this performance year. Items under discussion included the supervision management and control of ICCVs, Visitors Committee management and coordination, ICCV payments and compliance with work standards by ICCVs.

## Challenges

### Backlog on lifers

Unresolvable complaints from offenders classified as 'lifers' relate to the prolonged delays concerning offender profiles, and feedback not being forthcoming. This matter was escalated to the Office of the Inspecting Judge to engage with the Justice and Correctional Services Ministry and the chairperson of the NCCS.

## Parole violations

The implementation of the 2020 Covid-19 Special Parole Dispensation was in response to curbing the spread of Covid-19 to the country's correctional centres that were bursting at the seams. The Covid-19 Special Parole Dispensation project was successfully implemented. All those suitably qualified inmates were released, but it must also be noted that there are inmates who were disqualified due to a variety of reasons; among others, such as lack of support systems.

One of the major challenges resulting from the release of these inmates was the involvement of serious sexual offences against children by two inmates released on parole. Two children in WCMR were raped and killed by inmates who were released on parole during the special parole dispensation.

The programme also identified the shortcomings in the rehabilitation process, inmates who qualified to be released, files that were not updated, and rehabilitation programmes that were not completed.

## Conditions at Pollsmoor Medium B

On 4 August 2022, the Act ARM and Regional Inspector visited Pollsmoor Medium B after a report was submitted in the VC meeting on the conditions at the centre. The JICS staff arranged to visit the centre at 06h00 and found passages and communal cells completely dark. Officials were required to operate with torches and unlock inmates in complete darkness. Security arrangements were completely compromised.

This site visit by regional staff was followed by an unannounced visit by the Inspecting Judge and senior JICS Managers. The centre was found in an appalling condition; light fittings had been removed from cells and passages. During the site visit by the Inspecting Judge, the inmates pointed out medical complaints, which were confirmed by DCS custodial officials.



# DIRECTORATE SUPPORT SERVICES



*To ensure organisational support and administration.*

The Directorate Support Services comprises four sub-directorates, namely Finance and Supply Chain Management; Human Resources; Information Technology; and Communication and Media. It is through these sub-directorates that the directorate was able to provide the necessary support, capacitation, and enablers to JICS for the 2021/2022 performance cycle.

**Functions:**

To ensure that financial and supply chain management meet the main cost items, which are the compensation of employees and goods and services.

The human resources function provides amongst others an integrated and comprehensive HR service covering employment equity, workplace skills plan, training plan, employee wellness programme, HR planning, organisational development, recruitment and selection processes, service benefits, discipline and HR administration.

To create business value, through the provisioning of reliable integrated and secured ICT infrastructure and business application system to ensure effective strategic alignment and enhancement of business processes.

Facilitate an efficient and effective communications system (internal and external communication) through:

- Consistency in the practice and application of

communication internally whilst building and promoting JICS as an entity.

- Consistency in the practice and application of communication throughout JICS.

Senior managers must support the communication programme by allowing and encouraging staff to actively participate in various departmental initiatives. A committee consisting of representatives must allow all branches to actively participate in departmental internal communication issues.

Media liaison occurs in a highly pressured environment with stringent deadlines. To avoid misrepresentation of JICS's position or messages, JICS has to respond to media enquiries immediately. All senior managers must facilitate a response, when required to do so, within a maximum of 24 hours of receiving the request.

To manage strategic communication within JICS, empower and inform staff on various issues of JICS and include crucial information that may affect staff.

To manage the information and communication technology of JICS which includes inter alia:

- Software, hardware, remote access
- LAN, WAN, MAN
- Website.

# FINANCE AND SUPPLY CHAIN MANAGEMENT



*To provide financial administration and budget management for JICS.*

## Budget allocation 2021/2022

The table below shows the JICS total budget allocation for the 2021/2022 financial year.

Items	Balance
Total Budget Allocation	R 76 140 000
Compensation of Employees	R 63 240 000
Goods and Services	R 10 460 000
Transfers & Subsidies	R 16 000
Capital Assets	R 2 424 000

Table 37: Budget allocation for the 2021/2022 financial year

## Detailed expenditure report

Economic Classification	2019/2020	2020/21	2021/22
Current Payments			
<b>Compensation of Employees</b>	<b>R55 484 655.49</b>	<b>R59 918 697.47</b>	<b>R69 288 648.45</b>
Salaries and wages	R50 200 503.99	R54 382 753.83	R63 211 703.17
Social contributions	R5 284 151.50	R5 535 943.64	R6 076 945.28
<b>Goods &amp; Services</b>	<b>R10 950 304.33</b>	<b>R6 617 816.47</b>	<b>R11 396 564.78</b>
Advertising	R313 530.10	R249 737.23	R338 533.26
Assets less than the capitalisations threshold	R528 331.91	R177 512.70	R225 019.02
Bursaries: employees	R205 000.00	R320 107.00	R257 144.00
Catering departmental activities	R365 662.52	R141 987.19	R301 640.12
Communication	R510 986.98	R633 788.98	R757 642.46
Consultants and professional services: business & advisory services	R29 894.00	-	R171 131.90
Legal services	-	-	R106 360.63
Entertainment	R3 004.10	R81 650.00	-
Fleet services	R569 824.74	R372 489.16	R706 921.37
Inv: Cloth Mat & accessories		-	R151 093.90
Inv: Material & supplies		-	R38 338.58
Inv: Medical supplies		-	R87 456.40
Computer services		-	R1 224 193.01
Consumable supplies	R44 704.90	R332 209.30	R255 125.93
Consumable: stationery and printing	R462 618.24	R312 618.71	R547 139.93
Property payments	R42 759.00	R607 696.27	R30 223.19
Travel and subsistence	R7330 279.26	R25 507.00	R5 829 227.99
Training and development	R174 436.00	R2 928 763.04	-
Operating payments	R365 072.58	R16 882.00	R316 172.69
Venues and facilities	R4200.00	R416 867.89	-
<b>Transfers &amp; Subsidies</b>	<b>R17 475.45</b>	<b>R20 866.00</b>	<b>R64 198.94</b>
Provincial and municipalities	R17 475.45	R20 866.00	R64 198.94
<b>Payments for Capital Assets</b>	<b>R643 943.90</b>	<b>R2 936 805.77</b>	<b>R2 324 786.48</b>
Machinery & Equipment	R643 943.90	R1 206 113.62	R1 545 591.98
Motor Vehicle	-	R1 730 692.15	R779 194.50
Other	R61 934.70	R34 903.47	R52 520.40
<b>Total</b>	<b>R67 158 313.87</b>	<b>R69 494 185.71</b>	<b>R83 074 198.65</b>

Table 38: 2019/2020, 2020/2021, 2021/2022 - Expenditure reporting

The expenditure for the 2020/2021 financial year amounts to R83 074 198.65. JICS overspent on SCoA items by 6.59% (R6 934 198.65) of the total budget due to the following reasons:

**Compensation of Employees: 109.56%**      **Ideal: 100.00%**      **Deviation: -9.56%**

Overspending is due to insufficient allocation of the CoE budget allocation for the financial year 2021/2022, unilateral budget cuts during the beginning of the financial year, non-pensionable allowance payments that were paid to all JICS employees as well as a performance bonus for the financial year 2020/2021 resulted in the overspending.

The Acting National Commissioner confirmed in writing that an amount of R 3.071 million will be shifted to JICS's budget to cover the shortfall on the CoE budget.

**Goods and Services: 108.29%**      **Ideal: 100.00%**      **Deviation: -8.29%**

Overspending due to an amount of R724 000 that was shifted from goods and services (minor assets) to major assets (other machinery and equipment) for the procurement of office furniture during February 2022.

**Transfers & Subsidies: 401.24%**      **Ideal: 100.00%**      **Deviation: -301.24%**

Overspending is due to leave gratuities that are paid to the officials who are exiting the organisation through resignation/ retirement. Furthermore, there was the insufficient allocation for the licensing of state vehicles.

**Capital Assets: 98.07%**      **Ideal: 100.00%**      **Deviation: 1.93%**

Expenditure is in line with the ideal as the deviation is 1.93%.

## Supply chain management (SCM)

The purpose of the section is to provide procurement services, asset management control and manage the properties of JICS and ensure a conducive working environment for the staff.

### Goods and services procurement

The following purchase orders were processed and generated on the LOGIS system for the period under review:

Purchase orders generated: 640

Purchase orders cancelled: 69

Credit notes issued: 2

### Finance leases

JICS currently has 10 finance lease agreements for photocopiers and six lease agreements for telephones (Cape Town, East London, Centurion, Bloemfontein, Durban and Pretoria).

### Asset management

During the 2021/2022 financial year, JICS conducted an annual asset verification in the regional offices (Cape Town, East London, Bloemfontein, Durban, Centurion and Pretoria).

## Transport management

The table below illustrates the distribution and allocation of JICS state vehicles to the respective offices and regions.

Management area/ region	Total vehicles
Pretoria Head Office	3
Northern Management Region	5
Central Management Region	6
KZN Management Region	7
Eastern Cape Management Region	6
Western Cape Management Region	5
Total	32

Table 39: State vehicle allocation per JICS regions for the financial year 2021/2022

## Property management

The various offices utilised by JICS during the period 1 April 2021 to 31 March 2022 are outlined in the table below.

Physical address	Type of agreement	Status as at 31 March 2022
Pretoria Head Office: 316 Thabo Sehume Street, 27th & 29th Floors, SALU Building, Pretoria	Pretoria Head Office is temporarily accommodated at DOJCD at no cost to the JICS.	Pretoria Head Office accommodated at SALU Building Pretoria at no cost to JICS
Cape Town Head Office: 9 <sup>th</sup> Floor, Standard Bank Building, 1 Thibault Square, Cnr Long & Hans Strijdom Avenue, Cape Town	Lease agreement	The lease agreement will expire on 31/07/2023
Central Management Region: 3rd floor, 62 Andrew Street, Bloemfontein	Lease agreement	Lease agreement approved for three years, expiring 31/05/2024
Northern Management Region: 265 West Ave, Tuinhof, Karee (West Block) Centurion	Month to month	The lease agreement expired on 30/06/2007
KwaZulu Natal Management Region: 8th floor, 275 Anton Lembede Street, Durban	Month to month	The lease agreement approved for three years expired on 31/12/2021
Eastern Cape Management Region: 4 Buffalo Street, Magistrate Court, 3 <sup>rd</sup> Floor, East London, 5200	Eastern Cape Management Region is temporarily accommodated at East London Magistrate court at no cost to the JICS.	Eastern Cape Management Region is temporarily accommodated at East London Magistrate court at no cost to JICS

Table 40: JICS property management for the financial year 2021/2022

## Temporary accommodation

JICS Head Office: Pretoria, has had interim accommodation at the SALU building in Pretoria since June 2018 to date, and is still awaiting the finalisation of permanent office allocation.

ECMR has been temporarily accommodated at the Magistrate Court, East London since September 2018 to date, awaiting the finalisation of permanent office allocation.

The National Commissioner requested the Department of Public Works and Infrastructure on 19 July 2021 to

facilitate the procurement of new office accommodation for JICS Head Office: Pretoria and ECMR.

## Commentary

JICS and DCS continue to have a prodigious relationship and this has ensured greater effectiveness and efficiency in line with operational independence. Through a smooth working relationship with DCS, specifically the office of the Acting National Commissioner and Acting Chief Financial Officer, this office managed to have its budget reprioritised which enabled JICS to procure critical and essential goods and services.

# HUMAN RESOURCE MANAGEMENT AND DEVELOPMENT



*To provide organisational support and administration to JICS.*

## The impact of human resources priorities for the year under review

During the 2021/22 financial year, the sub-directorate focused on the following main areas:

### Selection and recruitment

During the period under review, HR advertised 139 posts and 61 of these were filled. Out of the 139 advertised posts, 13 were permanent, 10 were contracts and 116 ICCVs fixed-term contract posts.

As at 31 March 2022, the vacancy rate was four permanent posts, which means that 95.34% (82/86) permanent posts were filled, 93.3% (14/15) contract posts were filled, and 81.8% (225/273) ICCVs posts were filled.

### Human resource planning

Workforce planning refers to the process of analysing, forecasting, planning for the supply and demand of the workforce, assessing workforce gaps, as well as determining the relevant talent management interventions that are meant to ensure that an organisation has the right people, with the right skills, in the right places at the right time. The workplace planning process is aimed at ensuring that JICS can fulfil its mandate. JICS is working toward having an approved functional structure that is aligned with its mandate. This discussion continues with the DPSA.

HRM, as a strategic partner, ensures that a better capacitated and competent workforce assists in increasing the productivity and growth of JICS in an ever-changing operational environment. The implementation of the JICS Human Resources Plan 2021-2022 continued to guide the process of attracting, recruiting and developing a skilled and capable workforce. This was achieved as a result of the number of suitably qualified employees that were recruited for the organisation.

### Employment equity

#### Women at senior management service (SMS) levels

During the 2021/2022 performance cycle, four employees were employed on an SMS level, two (50%) of these were women.

### Youth

By the end of March 2022, there were 106 youth employees (ages 21-35) in JICS which translates to 33.5%. This youth representation exceeds the national target by 3.5%. JICS will continue to support youth employment initiatives through the selection and recruitment program.

### People with disabilities

For the 2021/22 performance cycle, JICS had one official under the category of People with Disabilities. With a staff complement of 321, this means that people with disabilities make up 0.31% of JICS staff. This is 1.69% below the required representation of 2% for employing people with disabilities. The initiatives put in place by JICS to increase the representation of people with disabilities in the organisation did not yield the desired results.

JICS will focus on creating partnerships with organisations that work with people with disabilities to create awareness within the organisation on the policies, strategies and targets relating to the empowerment of people with disabilities. JICS has also initiated a disability disclosure process to ensure that those who have undisclosed disabilities get an opportunity to disclose.

### Challenges

Centralisation of PERSAL systems and functions at the DCS head office continues to be a challenge (e.g. creation of positions hampers the service delivery targets of JICS).

Currently, contract workers are paid periodically, which is unauthorised, and the creation of additional posts is dependent on DCS, resulting in different salary payment dates (i.e. not on the last day of the month).

DCS was approached in December 2020 for the creation of additional posts. The creation of these posts will eradicate the irregular payment of contract workers in JICS.

### Achievements

During the 2021/2022 performance cycle, the Minister for the Public Service and Administration (MPSA) was approached with a request to grant JICS approval to deviate from the provisions of Regulation 54(7) of the Public Service Regulations, 2016. This deviation pertained to the appointment of contract appointees for a fixed term not exceeding 36 months.

This request was based on the fact that the establishment of JICS as an independent organisation is still ongoing and the extended fixed-term contract period will allow JICS to have some business continuity, especially for longer-term projects. It is further important to mention that all the fixed-term contract positions within JICS have been included in the modest start-up structure that was evaluated and recommended by the DPSA.

Based on the motivation submitted, the MPSA approved the appointment of 20 officials that are employed in addition to the fixed establishment, for a contract period of 36 months.

JICS and DPSA have concluded the process of determining a modest functional start-up macro-organisational structure, which is in support of the recommendations of the Inter-departmental Assessment Committee that JICS be established as a national government component. The implementation of this functional structure can take effect once the required funding is received from the National Treasury.

## Future HR plans/goals

The aim is to finalise and implement the functional start-up, macro-organisational structure in support of the recommendation of the Inter-departmental Assessment Committee that JICS be established as a national government component. The finalisation is dependent on the allocation of the requested funding by the National Treasury.

## Human resources oversight statistics

### Personnel related expenditure

The following tables summarise the final audited personnel-related expenditure. In particular, it indicates the amount spent on personnel and amounts spent on salaries, overtime, homeowner's allowances and medical aid.

Total expenditure	Personnel expenditure	Training expenditure	Professional and special services expenditure	Personnel expenditure as a percentage of total expenditure
Total	R69 288 648.45	R 257 144.00	-	91.33%

Table 41: Personnel expenditure by programme for the period 1 April 2021 to 31 March 2022

### Employment and vacancies

The following tables summarise the number of posts and of employees, the vacancy rate, and whether there are any additional staff members. This information is presented in terms of two key variables, namely the type of appointment (permanent v contract) and the salary band.

Programme	Number of posts on approved establishment	Number of posts filled	Vacancy rate	Number of employees additional to the establishment
Permanent	86	82	4.65%	-
Contract	-	-	-	14
ICCVs	-	-	-	225
Total	86	82	4.65%	239

Table 42: Employment and vacancies by programme as at 31 March 2022

Salary band	Number of posts on approved establishment	Number of posts filled	Vacancy rate	Number of employees additional to the establishment
Lower skilled (levels 1-2)	1	1	0%	-
Skilled (levels 3-5)	19	16	15.79%	-
Highly skilled production (levels 6-8)	40	39	2.5%	-
Highly skilled supervision (levels 9-12)	22	22	0%	-
Senior management (levels 13-16)	4	4	0%	-
Contract (level below 1) Intern/learnership	-	-	-	-
Contract (levels 1-2)	-	4	0%	4
Contract (levels 3-5)	-	7	0%	7
Contract (levels 6-8)	-	-	-	-
Contract (levels 9-12)	-	2	0%	2
Contract (levels 13-16)	-	1	0%	1
ICCVs	-	225	0%	225
Total	86	321	18.29%	239

Table 43: Employment and vacancies by salary band as at 31 March 2022

## Filling of SMS posts

The tables in this section provide information on employment and vacancies as it relates to members of the SMS by salary level. It also provides information on advertising and filling of SMS posts, reasons for not complying with prescribed timeframes and disciplinary steps taken.

SMS level	Total number of funded SMS posts	Total number of SMS posts filled	Percentage of SMS posts filled	Total number of SMS posts vacant	Percentage of SMS posts vacant
Salary level 14	1	1	100%	0	0%
Salary level 13	3	3	100%	0	0%
Total	4	4	100%	0	0%

Table 44: SMS post information as at 31 March 2022

## Employment changes

The following tables provide a summary of turnover rates by salary band and by critical occupations. Turnover rates indicate trends in the employment profile of JICS.

Salary band	Number of employees at beginning of the period (1 April 2021)	Appointments and transfers into JICS	Terminations and transfers out of JICS	Turnover rate
Lower skilled (levels 1-2)	1	-	-	0%
Skilled (levels 3-6)	24	3	4	16%
Highly skilled production (levels 7-10)	48	3	5	10.41%
Highly skilled supervision (levels 11-12)	7	1	-	0%
SMS Bands A (level 13)	3	-	-	0%
SMS Bands B (level 14)	1	-	-	0%
Contracts (levels 1-2)	5	3	3	60%
Contracts (levels 3-6)	14	2	-	0%
Contracts (levels 7-10)	1	-	-	0%
Contracts (levels 9-12)	1	-	-	0%
Contract (levels 13-16)	1	-	-	0%
Contract (level below 1)	-	-	-	-
ICCV	217	53	61	28.11%
Total	323	63	73	22.6%

**Table 45: Annual turnover rates by salary band for the period 1 April 2021 to 31 March 2022**

The tables below illustrate the major reasons why staff left JICS.

Permanent staff termination type	Number	Percentage of total terminations
Death	1	1.22%
Resignation	2	2.44%
Transfers	5	6.10%
Discharged due to ill health	-	-
Dismissal-misconduct	-	-
Retirement	1	1.22%
Abscondment	-	-
Total	9	
Number of employees who left as a percentage of total employment		10.98%

**Table 46: Reasons why permanent staff exited JICS for the period 1 April 2021 to 31 March 2022**

Contract staff termination type	Number	Percentage of total terminations
Death	-	-
Resignation	3	100%
Discharged due to ill health	-	-
Dismissal/misconduct	-	-
Retirement	-	-
Abscondment	-	-
Expiry of contract	-	-
Total	3	100%
Number of employees who left as a percentage of total employment	21.43%	

Table 47: Reasons why contract staff exited JICS for the period 1 April 2021 to 31 March 2022

Independent Correctional Centre Visitors termination type	Number	Percentage of total terminations
Death	2	4.8%
Resignation	27	46.34%
Discharged due to ill health	-	-
Dismissal-misconduct	1	2.4%
Retirement	-	-
Abscondment	3	7.3%
Expiry of contract	30	39.02%
Total	61	100%
Number of employees who left as a percentage of total employment	27.11%	

Table 48: Reasons why ICCVs staff exited the JICS for the period 1 April 2021 to 31 March 2022

## Employment equity

The tables below illustrate the employment equity status as at 31 March 2022. The statistics conform to JICS's approved employment equity plan.

Occupational category	Male				Female				Total
	Black	Coloured	Indian	White	Black	Coloured	Indian	White	
Senior Management (levels 13-14)			1	1	2				4
Professionally qualified and middle management (levels 11-12)	3	1		1	2	1			8
Skilled technical and academically qualified workers, junior management, and supervisors (levels 7-10)	15	7			19	3	1	1	46
Semi-skilled and discretionary decision-making (levels 3-6)	6				12	5			23
Unskilled and defined decision-making (levels 1-2)	1								1
Contract workers	2	-	-	1	8	2		1	15
ICCVs	86	13	1	1	106	15	3	-	225
Total	113	21	2	4	149	26	4	2	321
Employees with disabilities	1	-	-	-	-	-	-	-	-

Table 49: Total number of employees (including employees with disabilities) in each of the following occupational categories as at 31 March 2022

## Signing of performance agreements by SMS members

All members of the SMS must conclude and sign performance agreements within specific timeframes. Information regarding the signing of performance agreements by SMS members is presented in the tables below.

SMS level	Total number of funded SMS posts	Total number of SMS members	Total number of signed performance agreements	Signed performance agreements as a percentage of the total number of SMS members
Salary level 14	1	1	1	100%
Salary level 13	3	3	3	100%
Total	4	4	4	100%

Table 50: Signing of performance agreements by SMS members as at 31 March 2022

## Financial disclosures

All SMS, MMS, finance and supply chain management officials must declare their financial interests within specific time frames. Information regarding declared financial interests by SMS, MMS, and finance and supply chain management officials is presented in the tables below.

Designation	Total number of officials	Total number of financial disclosures	Financial percentage disclosure
SMS	4	4	100%
MMS	8	8	100%
Financial & SCM officials	12	12	100%
Total	24	24	100%

Table 51: Financial disclosures by SMS, MMS and Finance & SMS officials as at 31 March 2022

## Leave utilisation

The Public Service Commission (PSC) identified the need for careful monitoring of sick leave within the public service. The following tables indicate the utilisation of sick leave and disability leave.

Salary band	Total days	Percentage days with medical certification	Number of employees using sick leave	Percentage of total employees using sick leave	Average days per employee
Lower skilled (levels 1-2)	1	100%	1	100%	1
Skilled (levels 3-5)	29	2.21%	12	75%	2.41
Highly skilled production (levels 6-8)	110	48.53%	24	61.53%	4.5
Highly skilled supervision (levels 9-12)	71	37.5%	9	40.9%	7.8
Senior management (levels 13-16)	18	11.76	1	25%	18
Total	229	40%	47	60.48%	6.7

Table 52: Sick leave utilised for the period 1 January 2021 to 31 December 2021

Salary band	Total days	Percentage days with medical certification	Number of employees using disability leave	Percentage of total employees using disability leave	Average days per employee	Estimated cost
Skilled (levels 3-5)	8	100%	1	33.3%	8	R3 864.33
Highly skilled production (levels 6-8)	8	100%	1	33.3%	8	R5 728.70
Highly skilled supervision (levels 9-12)	22	100%	1	33.3%	22	R44 859.20
Senior management (levels 13-16)	-	-	-	-	-	-
Total	38	100%	3	100%	38	R54 452.23

Table 53: Temporary Incapacity leave (temporary and permanent) utilised for the period 1 January 2021 to 31 December 2022

Salary band	Total days taken	Average days per employee	Number of employees who took leave
Lower skilled (levels 1- 2)	-	-	-
Skilled (levels 3-5)	67	5.58	12
Highly skilled production (levels 6-8)	401	13.366	30
Highly skilled supervision (levels 9-12)	217	111.42	19
Senior management (levels 13-16)	83	20.75	4
Total	768	11.81%	65

Table 54: Annual leave utilised for the period 1 January 2021 to 31 December 2022

## Labour relations

The following tables summarise the various labour relations matters dealt with during the 2021/2022 performance cycle, in terms of all staff categories.

Outcomes of disciplinary hearings	Number	Percentage of total
Abscondment	3	42.9%
Pending	3	42.9%
Appeal upheld	1	14.3%
Total	7	100%

Table 55: Misconduct and disciplinary hearings finalised for the period 1 April 2021 to 31 March 2022

Misconduct transgressions	Number	Percentage of total
Conduct unbecoming	1	25%
Abscondment (termination of service)	3	75%
Total	4	100%

Table 56: Misconduct transgressions for the period 1 April 2021 to 31 March 2022

Grievances	Number	Percentage of total
Number of grievances finalised	1	100%
Number of grievances pending	0	-
Total number of grievances lodged	1	100%

Table 57: Grievances logged for the period 1 April 2021 to 31 March 2022

Disputes	Number	Percentage of total
Number of disputes upheld	0	0%
Number of partially upheld	1	33.3%
Number of disputes dismissed	1	33.3%
Pending disputes	1	33.3%
Total number of disputes lodged	3	100%

Table 58: Disputes lodged with councils for the period 1 April 2021 to 31 March 2022

## Skills development

Due to the Covid-19 pandemic and the restrictions that were imposed by the Disaster Management Act, training and skills development of staff could unfortunately not take place.

JICS granted bursaries to 10 staff members to pursue higher qualifications. The type of bursaries are illustrated below:

Field of Study	Number of Bursaries
Diploma in Management	2
Advanced Diploma in HRM	1
Advanced Diploma in Management	1
Bachelor of Public Administration	1
Post Graduate Diploma in Law	1
LLM	1
Post Graduate Diploma in Labour Relations	1
Bachelor of Commerce in Human Resources	1

**Table 59: Bursaries granted to JICS staff for the academic year 2022**

## Injury on duty

The following tables provide basic information on the injury on duty.

Nature of injury on duty	Number	Percentage of total
Required basic medical attention	1	100%
Temporary total disablement	0	-
Permanent disablement	0	-
Fatal	0	-
Total	1	100%

**Table 60: Injury on duty for the period 1 April 2021 to 31 March 2022**

## JICS Covid-19 infections

The table below shows the Covid-19 infections within JICS for the 2021/2022 performance cycle.

Office/Region	Apr 21	May 21	June 21	July 21	Aug 21	Sept 21	Oct 21	Nov 21	Dec 21	Jan 22	Feb 22	Mar 22	Total
Head Office (PTA & CT)	1	0	0	0	1	0	0	0	0	0	0	0	2
Western Cape Management Region	0	0	1	1	0	0	0	1	1	0	1	0	5
Eastern Cape Management Region	0	0	0	0	1	0	0	0	0	0	0	0	1
Central Management Region	0	1	2	0	0	0	0	1	2	0	0	0	6
Northern Management Region	0	0	2	6	0	0	0	0	0	0	0	0	8
KZN Management Region	0	0	0	0	0	0	0	0	1	0	0	0	1
Total per month	1	1	5	7	2	0	0	2	4	0	1	0	23

**Table 61: Covid -19 infections for the period 1 April 2021 to 31 March 2022**

# INFORMATION TECHNOLOGY



*To create business value, through the provisioning of reliable integrated and secured ICT infrastructure and business application systems to ensure effective strategic alignment and enhancement of business processes.*

Information technology (IT) includes all computer software and hardware. JICS is dependent on many transversal systems of the Department of Correctional Services such as BAS, LOGIS, and PERSAL. The IT office provides support on all network-related matters within JICS and also assists the JICS regional offices with all IT support (hardware, software, and network).

## Projects

### Installation of computers for ICCVs in correctional centres

ICCVs did not have access to computers at correctional centres. JICS's desktop roll-out project resumed in October 2021, once the nationwide lockdown was lifted, thus equipping all ICCVs with the necessary tools of the trade. This will enable ICCVs to submit information and reports in real-time (online) to the respective regional offices for action.

### Development and integration of JICS MIS into DCS e-Corrections

The new DCS e-Corrections system has been successfully rolled out at various correctional centres. The e-Corrections reporting system enhances DCS's reporting competence, especially on mandatory reporting of deaths, mechanical restraints, segregation and the use of force. JICS officials are also connected and have access to the e-Corrections system, which promotes and enhances the monitoring of the mandatory reporting by DCS to JICS.

### Development of JICS mail server and website

State Information Technology Agency (SITA) registered the domain [jics.gov.za](http://jics.gov.za) for JICS's email exchange and website on 2 August 2021 and the domain was launched on 20

August 2021. A new server was installed and configured for the hosting of a separate JICS domain, email exchange and website, independent of DCS.

A total of 258 user-profiles and mailboxes are on the active directory under the [jics.gov.za](http://jics.gov.za) domain. The user profiles and email addresses are operational for JICS users. Given JICS's commitment to independence, it is a huge achievement for JICS to have its domain separate from DCS.

## Challenges

The server that was allocated to JICS for its active directory, mailbox exchange and website hosting did not have enough random-access memory (RAM) and hard disk space which caused delays and network instability as an additional server is needed to be configured and installed. Other technical challenges also caused delays.

## Achievements

A total number of 47 JICS officials are enrolled on the E-Corrections system which has been rolled out by DCS. A total of 50 desktops were installed for ICCVs, and connected at various correctional facilities across the country during the 2021/2022 performance cycle.

A total of 258 user profiles and mailboxes on the active directory under the [jics.gov.za](http://jics.gov.za) domain have been created and set up.

# COMMUNICATION AND MEDIA



*Our ability to share information almost instantaneously, greatly increases the need for responsible, transparent, and well-crafted communications.*

JICS has been communicating for a myriad of reasons and lately, during a time of great change, the need for effective and creative communications has been even more marked.

It is imperative to inform all personnel to ensure they understand the importance of their daily tasks concerning online security and confidentiality of information. Communication thus has an important role to play to ensure that the organisation and its personnel are informed and compliant.

The past two years have proved that we can help guide positive behaviours by adequately informing our personnel about the roles they can play in maintaining shared goals such as public health.

We have also learnt how important the JICS' mandate is when reporting and creating awareness among stakeholders and the broader public.

Our ability to share information almost instantaneously, greatly increases the need for responsible, transparent, and well-crafted communications. Many societal actors need accurate data to make far-reaching decisions. To fulfil this role amid myriad practical challenges, protecting our shared public interest—which is even more relevant in a hyper-connected world—remains our top priority.

## Media analysis

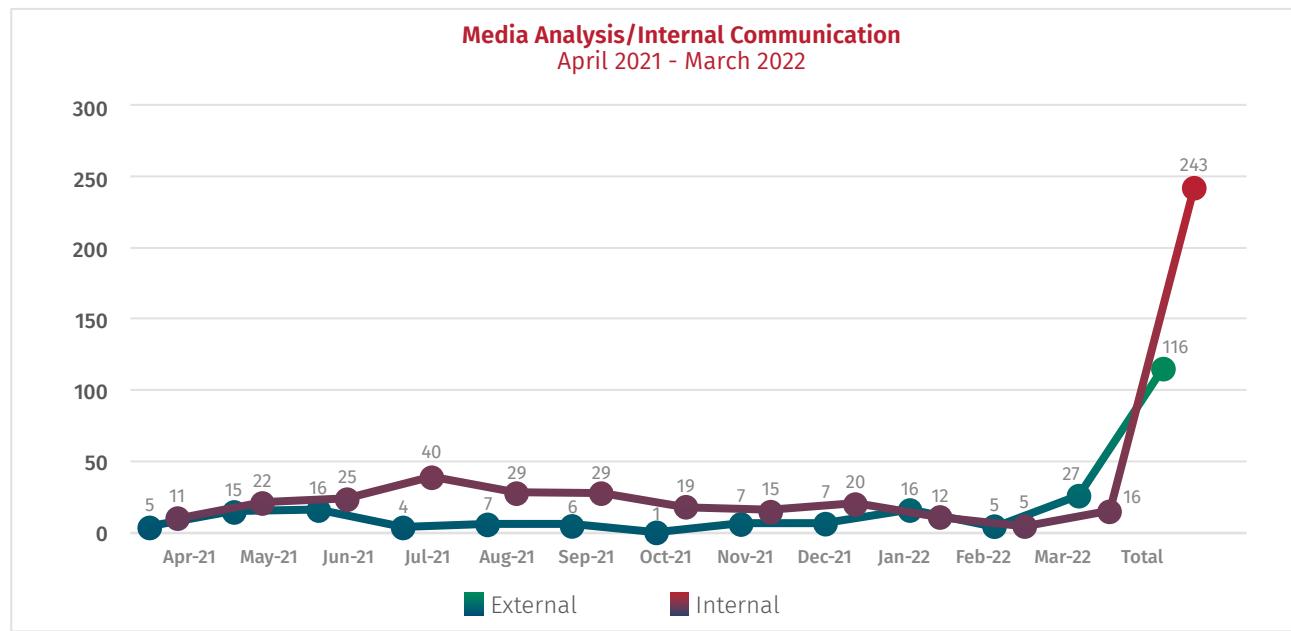
JICS engaged in several media activities during the 2021/2022 performance cycle, including media releases, requests and responses (see Graph 18). The emphasis is on impactful themes rather than quantity.

In light of this, JICS continuously aims to engage with the media, providing fast response to media requests, staying updated with what is happening in the sector and providing information that is relevant to the public and staff. JICS is also cognisant of the implications that POPIA and PAIA hold in terms of media relations.

## Internal communication

Internal communication was maintained through various communication portals, which include email and the WhatsApp group system to ensure that JICS staff were updated on all matters relating to the Covid-19 pandemic and all internal processes to ensure transparency and build a culture of inclusivity and responsiveness. These included various communication products, for example, social media graphic messages, videos and gifs. This variety of tools will continue to be used to keep the target audience engaged and make communication effective.

The IT department has successfully migrated all JICS emails onto the new JICS domain, and all staff members now have access to JICS emails. The Communications sub-directorate has a designated email address from where all internal communication is disseminated.



Graph 18: Media engagement and internal communication for the 2021/2022 performance cycle

## Matters reported

### Publications

#### JICS quarterly reports and annual report:

- All quarterly reports and the annual report were compiled and released timeously.
- The 2020/2021 annual report was submitted to Parliament on 23 September 2021. Acknowledgement was received in confirmation of submission.

### JICS Service Charter

The amended JICS Service Charter booklet was released on 29 September 2021. A JICS Service Charter poster was also designed, which was disseminated to all correctional centres and JICS offices.

### Information sessions

The Directorate: Support Services held information sessions in all regions. A request for further training in specific areas also been taken note of.

### Radio programme initiative

The roll-out of a radio programme initiative to the radio stations commenced at the end of June 2021.

A decision was taken to procure sound equipment for this purpose to ensure that JICS can create and document in-house programmes, not only for the dissemination by radio stations, but also to provide educational and awareness programmes for stakeholders, JICS staff, clients and the broader public.

### International webinar on Use of Force

JICS was concerned about the excessive use of force and deemed it necessary to hold a virtual seminar. JICS invited international experts, dignitaries, and academics as panellists to speak on international, regional and local perspectives. The seminar sought to address the question: What is it that we [JICS] can do as the watchdog to curb the excessive use of force?

The webinar was held on 27-28 May 2021, with 396 registered attendees. A cumulative total of 198 guests attended over the two days. Post-webinar videos were compiled and released on 31 May 2021.

### JICS Terminology Survey Report

The survey was created to receive feedback from JICS staff about the changes in terminology which affect personnel

descriptions for the new JICS Draft Bill that is currently under consideration.

The survey was voluntary, and it was hoped that by participating in this consultative process, the staff would show their willingness to play an active role within the organisation and the changes which are to follow and that the organisation, through this process, shows its inclusivity and transparency.

The survey did not take more than two minutes to complete. It was an anonymous and confidential survey. No one could be identified.

The JICS Terminology Survey was released in November 2021 for staff participation. The analysis report on the JICS Terminology Survey was released to EXCO/MANCO in December 2021. The name changes were adopted and incorporated into the draft JICS Bill.

### Branding

Various branding items such as backdrops, diaries, calendars, business cards, and ICCV t-shirts were procured.

The Social and Digital Media Policy and the Social Media Standard Operating Procedure were adopted and released to ensure compliance before the launch of the social media platform in line with branding prescripts. The JICS Twitter account @JICS\_ZA was launched on 1 March 2022.

### Campaigns

Various campaigns were initiated which included public service month, JICS book campaign, and Covid-19 Awareness.

### The Office of the Inspecting Judge Complaints Register

The complaints matrix situated in the office of the Inspecting Judge is monitored and updated and follow-ups to regions are done which goes a long way in reminding officials to provide progress feedback.

A dedicated internal WhatsApp group was initiated to add to the complaints emails to ensure faster response times, follow-ups and reminders.

The complaints emails are working effectively, and the feedback according to the CU's SOP is timeous. Some inmates/families still feel that we are not getting back to them or assisting them timeously. They sometimes believe that we do not wish to do more than our mandate allows. Two of the major issues are transfers and parole.



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