

THE JUDICIAL INSPECTORATE FOR CORRECTIONAL SERVICES

ANNUAL REPORT FOR THE PERIOD

01 APRIL 2015 TO 31 MARCH 2016

“People are living there”

Submitted to the Honourable Mr. Jacob Gedleyihlekisa Zuma

President of the Republic of South Africa

and

the Honourable Adv. Tshililo Michael Masutha

Minister of Justice and Correctional Services

and

the Honourable Mr. Thabang Samson Phathakge Makwetla

Deputy Minister of Correctional Services

by

the Inspecting Judge

Justice Johann van der Westhuizen

(in compliance with section 90 (4) of the

Correctional Services Act 111 of 1998)

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List of Abbreviations/Acronyms

AIDS	Acquired Immune Deficiency Syndrome
AA	Appropriation Act 9 of 2008
AG	Auditor General
BBBEEA	Broad Based Black Economic Empowerment Act 53 of 2003
BCEA	Basic Conditions of Employment Act 75 of 1997 (as amended)
CEO	Chief Executive Officer
CGE	Commission for Gender Equality
CJA	Child Justice Act 75 of 2008 (as amended)
CJS	Criminal Justice System
CMC	Case Management Committee
CMR	Central Management Region of the Inspectorate
COIDA	Compensation for Occupational Injuries and Disease Act
Constitution	Constitution of the RSA Act 108 of 1996
CPA	Criminal Procedure Act 51 of 1977 (as amended)
CSA	Correctional Services Act 111 of 1998 (as amended)
CSO	Civil society organisation
CSPB	Correctional Supervision and Parole Board
CSPRB	Correctional Supervision and Parole Review Board
CSPRI	Civil Society Prison Reform Initiative
DCS	Department of Correctional Services
Department	Department of Correctional Services
DPSA	Department of Public Service and Administration
DPW	Department of Public Works
DRA	Division of Revenue Act 6 of 2011 (as amended)
EC	Eastern Cape Management Region of the DCS
EEA	Employment Equity Act 55 of 1998
EMR	Eastern Management Region of the Inspectorate
EM	Electronic Monitoring
EST	Emergency Support Team
FS/NC	Free State / Northern Cape Management Region of the DCS
GP	Gauteng Province Management Region of the DCS
HA	Health Act 61 of 2003 (as amended)
HCC	Head of Correctional Centre
HIV	Human Immunodeficiency Virus
HR	Human Resources
ICCV	Independent Correctional Centre Visitor
ICRC	International Committee of the Red Cross
Inspectorate	Judicial Inspectorate for Correctional Services
IPID	Independent Police Investigative Directorate
JICS	Judicial Inspectorate for Correctional Services

JCPS	Justice, Crime Prevention and Security
KZN	Kwa-Zulu Natal Management Region of the DCS
LMN	Limpopo, Mpumalanga, North West Management Region of the DCS
LRA	Labour Relations Act 66 of 1995
MAB	Medical Advisory Board
MSSD	Minimum Standards of Service Delivery
MTEF	Medium-Term Expenditure Framework
MTSF	Medium-Term Strategic Framework
NCCS	National Council for Correctional Services
NPA	National Prosecuting Authority
NMR	Northern Management Region of the Inspectorate
NDP	National Development Plan
NPA	National Prosecuting Authority
OHSA	Occupational Health and Safety Act 85 of 1993 (as amended)
OPP	Office of the Public Protector
PAIA	Promotion of Access to Information Act 2 of 2000 (as amended)
PAJA	Promotion of Administrative Justice Act 3 of 2000 (as amended)
PP	Public Protector
PCN	Public Calling for Nomination
PFMA	Public Finance Management Act 29 of 1999 (as amended)
PPP	Public-Private Partnerships
PMDS	Performance Management and Development System
Portfolio Committee	Parliamentary Portfolio Committee on Correctional Services
PPPFA	Preferential Procurement Policy Framework Act 5 of 2000
PSA	Public Service Act 147 of 1999 (as amended)
RD	Remand Detention
SAHRC	South African Human Rights Commission
SAPS	South African Police Services
SAQA	South African Qualification Authority
SASSETA	Safety and Security Sector Education and Training Authority
Sonke	Sonke Gender Justice Network
SMR	Southern Management Region of the Inspectorate
Stats SA	Statistics South Africa
TB	Tuberculosis
UK	United Kingdom
VC	Visitors' Committee
VCCO	Visitors Committee Co-ordinators
WC	Western Cape Management Region

FOREWORD BY THE INSPECTING JUDGE



The natural sciences and technology have produced astounding discoveries, inventions and innovation like air and space travel, electricity, television, surgery by robots and cellular phones that can do virtually everything except making toast. In comparison, criminology, psychology, sociology and law seem to have made minimal progress over the centuries. We still understand very little of the reasons why people murder, rape and rob; and perhaps even less about what to do with them to protect society, meet the needs for justice for their victims and equip them to function amongst us after their wrong decisions.

This has been my impression during my 17 year period as a judge of the High Court and Constitutional Court. In criminal trials, I often tried hard to understand why the accused would stab a 78 year old woman, eat her canned fruit at the kitchen table while she is bleeding to death on the floor and rape her after she died; stab a child for cell phone; or systematically defraud a trusting church for which they work. My readiness to hear about the effects of apartheid, childhood abuse, or poverty was mostly met by a blunt denial of ever being near the crime scene, even in the face of fingerprints and other damning evidence. But I am not being fair. Much research has been done by academic experts and civil society groups. Staff of the Department of Correctional Services has tried hard to meet their overwhelming obligations and have achieved many successes.

The Judicial Inspectorate for Correctional Services (JICS) was created as a safeguard for the human rights of inmates and has been applauded for its achievements. It has also been criticised for not doing enough and its perceived lack of independence and resources has been lamented. This 2015/2016 Annual Report is about the period preceding my appointment by the President as the Inspecting Judge in April this year. I am unable to speak meaningfully to its contents, but express my gratitude to the Acting CEO and the staff of the JICS for preparing it.

Upon being appointed, I found the JICS staff to be equipped with much knowledge and experience and very committed to their task. Yet they seemed

Prisons are indeed not luxury hotels. They are not cages, torture chambers, or zoos either ... "People are living there".

to be frustrated and discouraged by staff shortage and a multitude of administrative and financial obstacles and what they regarded as a lack of responsiveness from the Department of Correctional Services to their requests, reports and recommendations. The organisation seemed to be locked into a "business as usual" mode and had been sitting for far too long with draft reports and unanswered queries on serious incidents of apparent violence,

torture and even murder. However, they are eager to move forward and to take on new challenges and strategies. Thus, serious issues were immediately attended to.

Soon after assuming office, I attended the Minister's budget speech in Parliament. Like many others, I was happy to hear that 42 new positions had been allocated to the JICS. Big was the disappointment when we were informed by senior officials of the Department that the positions were in reality not new, but that the Department had to give them up and that they would decide which ones they could afford to lose. This was news to the Minister and refuted by the Treasury. It was agreed that some of these positions would be advertised and filled. This process is underway; and as far as the JICS is concerned, the remaining ones will be advertised soon.

In meetings with the Minister and Deputy Minister, I was struck by their enthusiasm about a more active role and higher public profile for the JICS. During a recent meeting I found the National Commissioner to be warm and supportive.

The future vision of the JICS includes more public visibility; increased cooperation with and use of the media in a responsible way to publicise the JICS reports and encourage adherence to our recommendations, while being fair to the Ministry and Department; better coordination with civil society organisations, the Public Service Commission and judges who visit correctional facilities; establishing a strong corporate identity, of which the logo on the cover page of this Report is a small example; and striving for greater institutional and financial independence, while remembering that independence does not only depend on resources but is also a state of mind that requires courage.

We would like to educate the public as to the difficult task of JICS, with its human rights-based mandate; as well as that of officials of the Department who are responsible for important security needs under difficult circumstances. The human dimension of inmates as well as that of officials needs to be recognised with regard to personal background; childhood damage; poverty; exposure to danger; perversity; ambition; greed; need and other personal characteristics. Having said that, murder, assault and torture committed by officials on inmates are at least as unacceptable as when committed by inmates on officials or other inmates.

In a courtroom the judge sits quite far away from the accused, witnesses and lawyers. This distance may be good for impartiality and clinical thinking. But during visits to correctional facilities, I observed close up, amongst other things, the chilling direct stare of a serial killer and the small soft hands of a gang leader serving seven life sentences. I heard the callous explanation of a racist murderer that he had killed several people simply because they were black. Another inmate stated with a smile that he had stabbed someone 17 times because he was "just tired" and the victim "did not listen". I saw 96 inmates living in a cell built for 18 and was informed that 14 199 offenders are currently serving life sentences in our prisons. The meals prepared for inmates were nutritionally well-balanced and did not taste

bad, but I am not sure that they were sufficient to last from a mid-afternoon dinner to breakfast at 6 the next morning.

The JICS will continue to investigate violence, torture, food, health care, children and women; and overcrowding which may be at the root of many of the evils in our facilities. One of the greatest challenges for the JICS is the public view that “criminals have too many rights”, “crime victims are being neglected” and that “prisons are not luxury hotels”.

It has been said though that a nation’s level of civilisation can be judged by looking at conditions in its prisons.

Prisons are indeed not luxury hotels. They are not cages, torture chambers, or zoos either. In the words of the title of a play by the iconic South African dramatist Athol Furgard: “People are living there.”

JOHANN VAN DER WESTHUIZEN
INSPECTING JUDGE
JUDICIAL INSPECTORATE FOR CORRECTIONAL SERVICES (JICS)

FOREWORD BY THE ACTING CHIEF EXECUTIVE OFFICER



This Annual Report for the Judicial Inspectorate for Correctional Services covers the period of 1 April 2015 to 31 March 2016. During this period under review, I have undertaken to ensure the maximum use of the limited resources of the Inspectorate, to effectively be utilised in providing the protection of human rights for all inmates in correctional centres in South Africa. In this regard, I have remained cognisant of outcome 3 of the National Development Plan, which states for “all people in South Africa are and feel safe”, which includes the safe custody of inmates in correctional centres. In addition, I have actively steered the team at the Inspectorate to work towards achieving the strategic objective of the Inspectorate; being to independently report on the treatment of inmates, the conditions in correctional centres and any corrupt or dishonest practices within correctional centres.

This year marks the 20th anniversary of the signing into law the final Constitution of the Republic of South Africa, by former political prisoner and president, Dr Nelson Rolihlahla Mandela. Since South Africa’s advent into democracy, much work has been conducted to promote the rights of inmates; however much more still needs to be done to ensure that inmates are treated with dignity and are detained under humane conditions. The tall task of oversight in correctional centres in South Africa is conducted by the Inspectorate, and we endeavour to place compassion for basic human rights at the forefront of our work; as well as conducting our core functions impartially and without prejudice.

The Inspectorate was privileged to have Justice Skweyiya, a former Judge of the Constitutional Court of South Africa, assume duty from 1 May 2015 as the new Inspecting Judge. Under his leadership, the Inspectorate made tremendous progress towards achieving administrative independence for the Inspectorate. Unfortunately, after a short illness, Justice Skweyiya passed away on the 1 September 2015. Although he served for a few months as the Inspecting Judge, the team at the Inspectorate appreciate his passion for the protection of inmates’ human rights; and remember his robust and enthusiastic approach to elevate the Inspectorate to a government component and attain full independence.

Hence, from 1 September 2015 until the end of the financial year, 31 March 2016, the Inspectorate functioned without the leadership and guidance of an Inspecting Judge. Despite the absence of the Inspecting Judge, I continued to motivate the management and staff of the Inspectorate and we pushed forward to continue with the oversight work and to advance the protection of human rights for inmates.

The core functions of the Inspectorate and its performance towards conducting investigations and inspections, dealing with complaints and analysing mandatory reports on deaths, segregations and use of force, is detailed in Part E of the annual report. The target of National Inspection Plan to conduct eighty-one inspections for the year was successfully achieved, despite the shortage of inspectors. To mitigate the shortage of inspectors, management deployed staff members to conduct the scheduled inspections. As the Acting Chief Executive Office, I took the lead initiative in this regard and conducted 13 oversight visits during the year. These oversight visits were conducted at Qalakabusha, Eshowe, Waterval, Umzinto, Tzaneen, Ekuseni, Knysna, Empangeni and Melmoth Correctional Centres. From the inspections and complaints reports, findings were largely related to overcrowding, deplorable health conditions, bail and appeal complaints, healthcare and lack of rehabilitation programmes to name a few.

As at 1 April 2015, 161 779 people were incarcerated in correctional centres in the country. Inmate population reviewed over a 10 year period from 2006 – 2016, shows that no major positive changes have occurred towards the decrease of inmate population in correctional centres. Both remand detainees and sentenced inmates indicate increased population, especially in the Western Cape and KwaZulu-Natal provinces. In my 22 and a half years working experience in corrections, I have come to learn that corrections environments on an international scale differ in terms of social, cultural and economic aspects. However, the overarching and apex problem across most countries is the problem of overcrowding in correctional centres. The Inspectorate has observed the Department of Correctional Services' plan to decrease levels of overcrowding and has noted successful implementation at the Johannesburg Correctional Centre. Detailed information is included in the inspections section, Part E of this report. Resultant of the apex problem of overcrowding is the emanating deplorable health conditions at correctional centres. The Inspectorate has included further information with regard to this in Part G "Special Projects and Research" of

this annual report. The desktop research on health conditions in correctional centres has been included as a focal area, taking into special consideration the outbreak of leptospirosis at Pollsmoor Correctional Centre. The research makes reference to Justice Edwin Cameron's visit to the centre and the actions taken thereafter by the Department of Correctional services to remedy the problems identified. The role of the Inspectorate in this matter is further highlighted.

The four regional offices of Inspectorate are responsible for community interaction and stakeholder engagements on various matters. These matters include awareness of the Inspectorate, dealing with inmate related complaints and making referrals accordingly, presentation of the Annual Report as well as calling for nominations for candidates to serve as Independent Correctional Centre Visitors (ICCVs), amongst others. The extensive work of the ICCVs, who are perceived as the eyes and ears of the Inspecting Judge, are detailed in Part F of the annual report.

Overall, the Inspectorate has performed well during the financial year of 2015-2016. Despite the lack of capacity and the tremendous staffing challenges, the Inspectorate overcame the challenges and achieved success in its work. The functioning and impact of the Inspectorate is constrained by many challenges, crucially of its reliance on DCS for issues of funding. There is also a strong need for the Inspectorate and DCS, as the primary stakeholder, to have consistent and open communication, to build closer working relations in order to add value and to improve the treatment of inmates and the conditions under which the inmates are detained. In addition, stakeholder engagement will continue in the year going forward and is aimed to expand further for the advancement and protection of human rights for inmates. I believe that increasing communication and interaction with civil society will assist communities and government to work together on improving conditions in correctional centres.

Going forward, the Inspectorate has plans to move towards becoming a government component, thereby becoming financially and administratively independent from the Department of Correctional Services. The intended plan is to expand and establish JICS offices in all nine provinces to create awareness, show more visibility and access for the inmates and the community alike. For operational reasons, the JICS Head Office will be

relocated from Cape Town to Pretoria during the course of the year ahead, to ensure optimal efficiency of the JICS. I wish to thank the management and staff at the Inspectorate, as well as all internal and external stakeholders for their hard work and dedication in compiling the annual report. The commitment and passion from the management and staff at the Inspectorate, to ensure the protection and advancement of human rights for inmates will continue with vigour and enthusiasm.

I thank you.

MICHAEL MASONDO
ACTING CEO
JUDICIAL INSPECTORATE FOR CORRECTIONAL SERVICES

STATEMENT OF RESPONSIBILITY AND CONFIRMATION OF ACCURACY

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

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

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

The annual report has been prepared in accordance with the guidelines on the annual report as issued by National Treasury.

The Annual Financial Statements have been prepared in accordance with the modified cash standard and the relevant frameworks and guidelines issued by the National Treasury.

The Acting CEO is responsible for the annual financial statements made in this information.

The Acting CEO is responsible for establishing, and implementing a system of internal control that has been designed to provide reasonable assurance as to the integrity and reliability of the performance information, the human resources information and 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 the JICS year ending 31 March 2016.

Yours faithfully

MICHAEL MASONDO
ACTING CEO
JUDICIAL INSPECTORATE FOR CORRECTIONAL SERVICES

EXECUTIVE SUMMARY

The Judicial Inspectorate for Correctional Services (JICS) is a creature of statute that was established in 1998 in terms of Section 85 (1) of the Correctional Services Act 111 of 1998, as amended. It has its head office in Cape Town as well as four regional offices within the country. The focus of the Inspectorate is to inspect, monitor and report on the treatment of inmates, the conditions in correctional centres and to further report any corrupt or dishonest practices within the correctional centres.

Since its establishment, the Inspectorate has inspected and investigated conditions for sentenced inmates and for remand detainees. The work of the Inspectorate is guided by the Inspecting Judge, Judge Johann van der Westhuizen, a former judge of the Constitutional Court of South Africa. Judge van der Westhuizen was appointed as the Inspecting Judge as from 1 April 2016. He is administratively supported by the Acting Chief Executive Officer, Mr Mike Masondo, who has extensive knowledge and experience in the corrections environment.

This annual report details the performance of the Inspectorate, including the positive and negative areas, achievements as well as the impact of the work conducted during the 2015-2016 financial year. The information set forth in this annual report has been gathered from the inspection reports, investigation reports, mini-inspection reports and records of consultation as conducted by the Independent Correctional Centre Visitors (ICCVs). Detailed statistics regarding inmate population, categories of inmates, number of deaths and assaults, segregation, use of force and mechanical restraints have been obtained from the Department of Correctional Services (DCS). Included in the report is also some information obtained from various documentary material such as court decisions, reports by Constitutional Court Judges who have inspected various correctional centres around the country, reports from human rights groups, as well as media reports.

The strategic objective of the Inspectorate is to provide effective independent oversight relating to the treatment of inmates and the conditions in the correctional centres and Public Private Partnership centres. In achieving this overall objective, the following indicators measure the performance of the Inspectorate:

1. Percentage of Correctional facilities and PPP's facilities inspected on the conditions and treatment of inmates;

The Inspectorate had targeted 81 inspections for the year and successfully managed to achieve the target.

2. Percentage of unnatural deaths reports received from the DCS analysed and feedback provided to stakeholders within 60 days;

The Inspectorate had targeted to analyse 100% of the reports received from DCS. However, an achievement of 50% was made as the reports were not timeously received from the DCS due to the dysfunctional electronic reporting system.

The Inspectorate is mindful of its larger role in the development of communities and to foster good relations for the rehabilitation and reintegration of offenders back into communities. Stakeholder engagements with communities are largely conducted in the regions via the ICCVs. The ICCVs are contractually employed from within the communities, and are the first point of contact with inmates and stakeholders in the communities. Their work includes making observations, receiving complaints, randomly speaking to inmates, visiting single cell section and all parts of the centre to conduct mini inspections.

At their Visitors' Committee meetings, external and internal stakeholders are invited to discuss and engage in positive outcomes for the inmates and as well as the community. Throughout the year, the four regions of the Inspectorate has convened several Visitors' Committee meetings and have engaged with various stakeholders such as the DCS, CSPRI, NICRO, Legal Aid SA, Department Home Affairs, the Judiciary within the regions, SAPS and private businesses. The Inspectorate has also accompanied the Public Service Commission, the South African Human Rights Commission and some Constitutional Court Judges on visits to correctional centres.

The Inspectorate expresses gratitude to all those who furnished information for this report.

CHAPTER 1: STRATEGIC OVERVIEW

This first part of the report seeks to introduce the Inspectorate by laying its strategic and driving forces upfront. These include the vision, mission, values, as well as other applicable legislative mandates including those coming from the constitution, policies, as well as international human rights instruments. The organisational structure of the Inspectorate is also covered in this part of the report.

1.1 Vision, Mission, Values

1.1.1 Vision

The Inspectorate's vision is to embody independent oversight of human rights for all inmates in correctional centres

1.1.2 Mission

The Inspectorate's mission is to:

- prevent human rights violations through the monitoring and mandatory reporting systems;
- acquire the latest, accurate and reliable information regarding the conditions prevailing in correctional centres, and the treatment of inmates in such centres;
- facilitate inspections and investigations relating to the treatment of inmates and to conditions in correctional centres in order that the Inspecting Judge may report to the Minister of Justice and Correctional Services, Deputy Minister of Correctional Services, National Commissioner of Correctional Services and the Portfolio Committee on Correctional Services;
- submit an annual report to the President and the Minister;
- maintain an independent complaints system;
- ensure and maintain the highest standard of corporate and co-operative governance in accordance with best practices;
- promote and facilitate community involvement in correctional matters through the appointment of Independent Correctional Centre Visitors and Visitors Committees and;
- promote Batho Pele principles.

1.1.3 Values

The Inspectorate embraces the following values in carrying out its mandate:

Sound communication: The Inspectorate aims to listen to, receive, filter, analyse and transmit information related to correctional matters in a sound manner.

Ethical practices: In dealing with the public, colleagues and inmates, the Inspectorate aims to cultivate a culture of mutual respect, objectivity, transparency and integrity.

Independence: The Inspectorate aims to carry out its work in an unbiased and impartial manner.

Accountability: The Inspectorate aims to take ownership of its functions and responsibilities.

Teamwork: The Inspectorate aims to foster good working relations with all stakeholders in order to enhance service delivery.

Effectiveness: Productivity and best work methods and excellent services.

Ubuntu: Serving with kindness and humanity, accountability, desiring to perform well, accepting accountability for one's behaviour and commitment.

Justice: Fair treatment, justice for all, fairness and equality before the law.

Equity: Non-discrimination, gender equality.

1.2 Mandate

1.2.1 Constitutional Mandate

The Constitution of the Republic of South Africa (Act No. 108 of 1996) lays the basis for the mandate of the Department of Correctional Services. The Constitution compels the Department to comply with the following sections in terms of the treatment of offenders:

- Section 9- Equality
- Section 10- Human dignity
- Section 11- Life
- Section 12- Freedom and security of the person
- Section 27- Right to health care services, food & water
- Section 28- Children
- Section 29- Right to education
- Section 31- Cultural, religion and language
- Section 35- Conditions of detention consistent with human dignity, including, at least, exercise, adequate accommodation, nutrition, reading material and medical treatment.

1.2.2 Legislative Mandate

The Inspectorate is further guided in its work by the following legislation:

- Basic Conditions of Employment Act 75 of 1997 (as amended)
- Criminal Procedure Act 51 of 1977 (as amended)
- Child Justice Act 75 of 2008 (as amended)
- Criminal Law Amendment Act 32 of 2007
- Children's Act 38 of 2005 (as amended)
- Correctional Services Act 111 of 1998 (as amended)
- Employment Equity Act 55 of 1998
- Health Act 61 of 2003 (as amended)
- Inquest Act 58 of 1959 (as amended)
- Labour Relations Act 66 of 1995
- Mental Health Care Act 17 of 2002 (as amended)
- Promotion of Administrative Justice Act 3 of 2000 (as amended)
- Promotion of Access to Information Act 2 of 2000 (as amended)
- Public Service Act 103 of 1994 (as amended)
- Public Finance Management Act 1 of 1999 (as amended)
- Prevention and Combating of Torture of Persons Act 13 of 2013
- Public Finance Management Act 1 of 1999 (as amended)
- Preferential Procurement Policy Framework Act 5 of 2000 (as amended)
- White Paper on Remand Detention of 2005

1.2.3 Policy Mandate

- White Paper on Corrections (2005)
- White Paper on Remand Detention Management in South Africa 2014
- Correctional Services B-orders

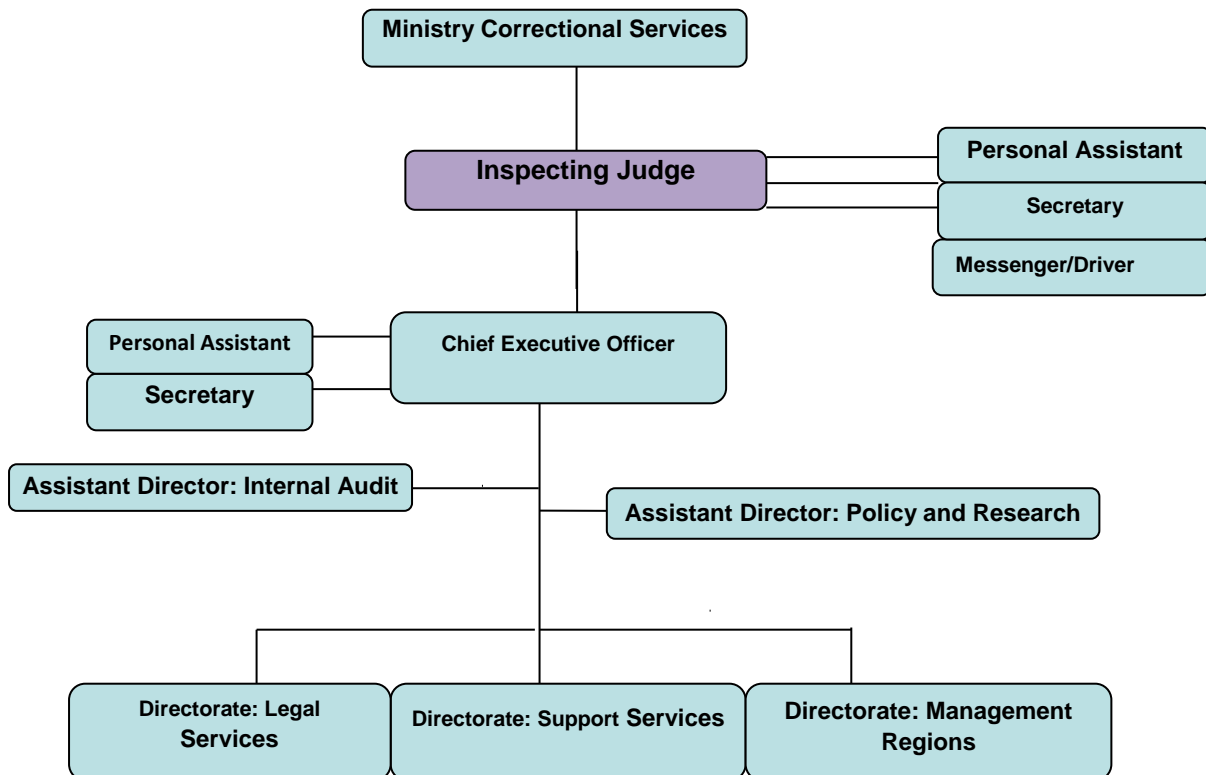
1.2.4 International Human Right Instruments

- 1) Standard Minimum Rules for the Treatment of Prisoners ("The Mandela Rules")
- 2) Optional Protocol to the Convention against Torture (OPCAT)
- 3) International Covenant on Civil and Political Rights (ICCPR)
- 4) Extradition Act 67 of 1962

5) Implementation of the Rome Statute of the International Criminal Court Act 27 of 2002

1.3 Organisational Structure

Figure 1: Organisational Structure



CHAPTER 2: ORGANISATIONAL PERFORMANCE

2.1 Overall Strategic Performance of the JICS

The JICS is listed as a sub-programme under Programme 1: Administration of the DCS. Its strategic objective is to provide effective independent oversight relating to the treatment of inmates and the conditions in the correctional centres and Public Private Partnership centres. In achieving this overall objective, the following indicators are used to measure the performance of the Inspectorate.

2.1.1 Performance Indicator 1: Conditions and Treatment of Inmates Inspections

This indicator measures the percentage of correctional centres and Public Private Partnership facilities inspected. The targets are set out in the National Inspection Plan, which is carried out over a 3 year cycle. The lack of capacity at JICS was a challenge to conduct the inspections. The JICS has 4 inspectors who also conduct investigations in correctional centres.

During the year under review, 3 of the 4 inspector contract positions came to an end. Corrective measures were put into place to utilise management and other staff to conduct site visits and inspections. In the end, despite the capacity constraints, the JICS was able to conduct 81 for the year under review and successfully managed to achieve the target.

2.1.2 Performance Indicator 2: Unnatural Deaths Reports and Feedback

According to section 15 of the CSA, all deaths in correctional centres, natural and unnatural deaths, must be reported. The Mandatory Reporting unit of the JICS received the reports on unnatural deaths from the DCS and analyses the reports of these unnatural deaths. Feedback on the unnatural death reports are provided to stakeholders within 60 days. For the year under review, the JICS *had targeted to analyse 100% of the reports received from DCS. However, an achievement of 50% was made as the reports were not timeously received from DCS due to the dysfunctional electronic reporting system.*

2.2 Detailed Quarterly Assessment of JICS Performance Indicators

The Inspectorate began submitting strategic performance reports to the DCS as the JICS was elevated to a sub-programme level. During quarters 1 and 2, the Inspectorate reported on the strategic performance indicators as listed above. Upon regular interaction with the Department of Correctional Services in the quarterly review sessions attended by the JICS, it was agreed that performance indicator 2 could not be accurately measured because the Inspectorate was reliant on reports to be submitted by the DCS. The late submission of

reports posed a challenge for the JICS with regard to the analysis of the reports. It was also found that the performance indicators had too many variables and were not realistic, measurable or specific.

2.2.1 Quarter 1 – April to June 2015

Table 1: Performance Indicators Quarter 1 – April to June 2015

PROGRAMME 1: ADMINISTRATION				
Sub-Programme: Management				
Strategic Objectives: Provide effective independent oversight relating to the treatment of inmates and the conditions in the correctional facilities and PPP's.				
Annual Target 2015/2016: - 33% (81/ 243) - 100%				
Performance Indicator	1 st Quarter Target	1 st Quarter Achievement	Reasons for Over /Under	Corrective steps if target not achieved
Percentage of Correctional facilities including PPPs inspected on the conditions and treatment of inmates	8% 20/ 243	8% 20/ 243	Capacity constraints within the unit	Ensuring that the unit is capacitated

2.2.2 Quarter 2 – July to September 2015

Table 2: Performance Indicators Quarter 2 – July to September 2015

PROGRAMME 1: ADMINISTRATION				
Sub-Programme: Management				
Strategic Objectives: Provide effective independent oversight relating to the treatment of inmates and the conditions in the correctional facilities and PPP's.				
Annual Target 2015/2016: - 33% (81/ 243) - 100%				

Performance Indicator	2 nd Quarter Target	2 nd Quarter Achievement	Reasons for Over /Under	Corrective steps if target not achieved
Percentage of Correctional facilities including PPPs inspected on the conditions and treatment of inmates	9% 21/242	9%	Capacity constraints within the unit	Ensuring that the unit is capacitated

2.2.3 Quarter 3 – October to December 2015

(a) Performance indicator 1

20 inspections were targeted for the quarter; however the JICS managed to conduct 10 inspections. The under-performance of the target for inspections in this quarter was due to limited capacity. This was due to the expiration of contracts of staff in September 2015, which included the expiration of 3 inspectors from the regions. During the quarter, there was only 1 inspector at JICS. The lack of capacity was mitigated through a contingency plan decided by management whereby the JICS permanent staff was requested to conduct inspections in the interim.

Table 3: Performance Indicator 1 Quarter 3 – October to December 2015

PROGRAMME 1: ADMINISTRATION				
Sub-Programme: Management				
Strategic Objectives: Provide effective independent oversight relating to the treatment of inmates and the conditions in the correctional facilities and PPP's.				
Annual Target 2015/2016: - 33% (81/ 243) - 100%				
Performance Indicator	3 rd Quarter Target	3 rd Quarter Achievement	Reasons for Over /Under	Corrective steps if target not achieved

Percentage of Correctional facilities including PPPs inspected on the conditions and treatment of inmates	8% (20/243) NB: As per the National Inspection Plan, 81 correctional centres are targeted for inspection for the current year. Hence 20 inspections were targeted for this quarter.	4% (10/243) 10 inspections were conducted during the quarter.	Limited capacity due to expiration of contract inspectors	Liaising with DCS for filling of permanent posts
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(b) Performance indicator 2

The JICS had targeted to analyse 100% of the unnatural death reports received from the DCS. However, no reports were received from DCS during the quarter. The corrective step applied was for JICS to follow up on all outstanding unnatural death cases investigated by the DCS at least once a month.

Table 4: Performance Indicator 2 Quarter 3 – October to December 2015

PROGRAMME 1: ADMINISTRATION				
Sub-Programme: Management				
Strategic Objectives: Provide effective independent oversight relating to the treatment of inmates and the conditions in the correctional facilities and PPP's.				
Annual Target 2015/2016: - 33% (81/ 243) - 100%				
Performance Indicator	3 rd Quarter Target	3 rd Quarter Achievement	Reasons for Over /Under	Corrective steps if target not achieved
Percentages of Unnatural deaths reports received from the DCS analyzed and feedback provided to stakeholders within 60 days	100%	0%	No reports received from DCS for the reporting period	Follow up on all outstanding unnatural death cases investigated by DCS once a month

2.2.4 Quarter 4 – January to March 2016

(a) Performance indicator 1

During the 4th quarter 20 inspections were targeted. However, a total of 30 inspections were conducted. Due to outstanding inspections from the lack of capacity in the 3rd quarter, the Inspectorate deployed 5 employees to conduct the outstanding inspections. Hence, an over-achievement of 30 inspections were conducted in the 4th quarter. This measure was put in place to ensure the overall year target of 81 inspections was concluded. The main challenge to hamper the execution of the inspections is the filling of key vacant posts, mainly the inspectors. 75 % of the inspector posts were vacant for 5 months during the year, due to frustrations experienced in obtaining posts from the DCS.

(b) Performance indicator 2

Poor performance on this indicator is due to the unreliable submission of reports from the DCS. During this quarter, no reports were analysed due to the late receipt of 28 reports forwarded to JICS from DCS in the last week of March 2016. Due to the late receipt and minimum capacity at JICS, the reports could not be analysed before the quarter ended. Further, the dysfunctional electronic system of submitting reports poses enormous challenges to conduct the task of analysing the unnatural death reports. The JICS liaised with the DCS to find solutions towards correcting the dysfunctional electronic system, however little progress has been made.

Table 5: Performance Indicators Quarter 4 – January to March 2016

PROGRAMME 1: ADMINISTRATION				
Sub-Programme: Management – Judicial Inspectorate for Correctional Services				
Strategic Objectives: Provide effective independent oversight relating to the treatment of inmates and the conditions in the correctional facilities and PPP's.				
Annual Target 2015/2016: 33% (81/ 245)				
Performance Indicator	4 th Quarter Target	4 th Quarter Achievement	Reasons for Over /Under	Corrective steps if target not achieved

Percentage of Correctional facilities including PPPs inspected on the conditions and treatment of inmates	9% (20/245) NB: As per the National Inspection Plan, 81 correctional centres are targeted for inspection for the current year. Hence 20 inspections were targeted for this quarter.	12% (30/245) Actual performance: 30 inspections were conducted during the quarter.	Due to outstanding inspections from the lack of capacity in the 3 rd quarter, the Inspectorate deployed 5 employees to conduct the outstanding inspections. Hence, an over-achievement of 30 inspections were conducted in the 4 th quarter.	N/A
Percentages of Unnatural deaths reports received from the DCS analyzed and feedback provided to stakeholders within 60 days	100%	0%	28 reports were received from DCS in the last week of March 2016. Due to the late receipt and minimum capacity at JICS, the reports could not be analysed before the quarter ended.	JICS is liaising with DCS to find solutions towards correcting the dysfunctional electronic system

2.3 Strategy to Address Under-Performance

More inspectors to be appointed or if possible, specialist investigators could be appointed. The result will be that the Inspectorate will be able to conduct more inspections. Currently inspectors at the Inspectorate not only conduct inspections, but also do investigations and are involved in unresolved complaints.

2.4 Organisational Operating Model

The Inspectorate currently has very little influence and opportunity to determine its own financial and human resourcing needs within the budget of the DCS. Budget inputs provided by the Inspectorate to the DCS are finalised and concluded with National Treasury with limited consultation with the Inspectorate. The implication on this model is that funding allocated by the DCS may be reprioritised to other units. The budget of the Inspectorate falls under Sub-programme: Management of Programme1: Administration, hence funding is not ring fenced for the Inspectorate as a sub-programme on its own. This results in budget uncertainty.

CHAPTER 3: HUMAN RESOURCE MANAGEMENT

3.1 Overview

The year under review has been one that is not short of hurdles. With contract posts being terminated, the Judicial Inspectorate has had to limp from month to month with a small number of staff wearing multiple hats in order to get the operations going. A detailed analysis of current staff establishment including staff turnover; employment equity; promotions; recruitment; terminations; disciplinary actions and skills development.

3.1.1 Employment and Vacancies

Table 6: Employment and Vacancies as at 31 March 2016

	Number of posts on approved establishment	Number of posts filled
Total	44	43

Table 7: Employment and Vacancies by Salary Band as at 31 March 2016

Salary band	Number of posts on approved establishment	Number of posts filled
Lower skilled (1-2)	1	1
Skilled(3-5)	2	2
Highly skilled production (6-8)	28	28
Highly skilled supervision (9-12)	11	11
Senior management (13-16)	2	1
Total	44	43

3.1.2 Staff Turnover

Table 8: Number of Terminations for the period 1 April 2015 to 31 March 2016

Occupational band	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Skilled technical and academically qualified workers, junior management, supervisors, foreman and superintendents						1			

Total						1			2
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Table 9: Nature of Terminations for the period 1 April 2015 and 31 March 2016

Termination Type	Number
Resignation	1
Total	1
Total number of employees who left as a % of total employment	

3.1.3 Employment Equity

Table 10: Total Number of Employees by Occupational Bands as at 31 March 2016

Occupational band	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Senior Management	1								
Professionally qualified and experienced specialists and mid-management	1	1	1						
Skilled technical and academically qualified workers, junior management, supervisors, foreman and superintendents	10	5		1	9	3	1		
Semi-skilled and discretionary decision making	2	2			1	4			
Unskilled and defined decision making	1								
Total	15	8	1	1	10	7	1		43

3.1.4 Promotions

Table 11: Promotions for the Period 1 April 2015 to 31 March 2016

Occupational band	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Skilled technical and academically qualified workers, junior management, supervisors, foreman and superintendents							1		1

3.1.5 Recruitment

Table 12: Recruitment for the period 1 April 2015 to 31 March 2016

Occupational band	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Skilled technical and academically qualified workers, junior management, supervisors, foreman and superintendents		1			1	1	1		
Total									4

3.1.6 Disciplinary Action

Table 13: Disciplinary action for the period 1 April 2015 to 31 March 2016

Disciplinary action	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
	1								1

3.1.7 Skills Development

Table 14: Skills Development for the period 1 April 2015 to 31 March 2016

Occupational category	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Clerks	1								
Elementary occupations	6	4			5	2			
Total	6	4			5	2			17

3.2 Performance Rewards

To encourage good performance, the department has granted the following performance rewards during the year under review. The information is presented in terms of race, gender, disability, salary bands and critical occupations.

Table 15: Performance Rewards by EE Status for the period 1 April 2015 to 31 March 2016

Race and Gender	Beneficiary Profile	
	Number of beneficiaries	Number of employees
African		
Male	1	14
Female	2	6
Asian		
Male		1
Male		7
Female	1	9
White		
Male	1	1
Total	5	38

Table 16: Performance Rewards by Salary Band for the period 1 April 2015 to 31 March 2016

Salary band	Beneficiary Profile	
	Number of beneficiaries	Number of employees% of total within salary bands
Highly skilled production (level 6-8)		2
Highly skilled supervision (level 9-12)		3
Total		5

3.3 Leave utilisation

The Public Service Commission identified the need for careful monitoring of sick leave within the public service. The following tables provide an indication of the use of sick leave and disability leave. In both cases, the estimated cost of the leave is also provided.

Table 17: Disability Leave for the period 1 January 2015 to 31 December 2016

Salary band	Total days
Highly skilled supervision (Levels 9-12)	21
Total	21

The table below summarises the utilisation of annual leave. The wage agreement concluded with trade unions in the PSCBC in 2000 requires management of annual leave to prevent high levels of accrued leave being paid at the time of termination of service.

Table 18: Annual Leave Utilisation for the period 1 April 2015 to 31 March 2016

Salary band	Total days taken	Number of Employees using annual leave	Average per employee
Lower skilled (Levels 1-2)		1	
Skilled Levels 3-5)		2	
Highly skilled production (Levels 6-8)		29	
Highly skilled supervision (Levels 9-12)		10	
Senior management (Levels 13-16)		1	
Total		43	

3.4 Grievances

Table 19: Grievances Logged for the period 1 April 2015 and 31 March 2016

Grievances	Number	% of Total
Number of grievances resolved	3	
Number of grievances not resolved	1	
Total number of grievances lodged	3	

3.5 Disputes

Table 20: Disputes logged with Councils for the period 1 April 2015 and 31 March 2016

Disputes	Number	% of Total
Number of disputes upheld	1	
Number of disputes dismissed	1	
Total number of disputes lodged	1	

3.6 Training

Table 21: Training provided for the period 1 April 2015 and 31 March 2016

Occupational category	Gender	Number of employees as at 1 April 2015\16	Training provided within the reporting period			
			Learnerships	Skills Programmes & other short courses	Other forms of training	Total
Clerks	Female	1			PERSAL	
	Male					
Plant and machine operators and assemblers	Female					
	Male					
Elementary occupations	Female	6		EMDP		
	Male					
Sub Total	Female					
	Male					
Total		18				

CHAPTER 4: FINANCIAL MANAGEMENT AND SUPPLY CHAIN MANAGEMENT

In accordance with the Correctional Services Act 111 of 1998 as amended, the Department of Correctional Services is responsible for all expenses of the Inspectorate. The Sub-Directorate: Financial Management and Supply Chain Management oversee the budget, expenditure, logistical support and property management of the Inspectorate. The Sub-Directorate also manages the financial payment of the Independent Correctional Centre Visitor System. The Inspectorate therefore relies on the allocation of funds by the Department of Correctional Services in order to carry out its mandate.

The Inspectorate submits its budget and adjustment budget to the Department and complies with the necessary prescripts in this regard. In this respect, the Inspectorate is dependent on the Department to provide the necessary funding to function effectively and efficiently. The Inspectorate's budget comprises two main components, namely:

- 1) Compensation;
- 2) Goods and services.

Below we deal with the budget, expenditure and supply chain management for the period under review.

4.1. Budget and Expenditure 2015/2016

The Inspectorate was allocated a budget of R47 016 000.00 at the beginning of financial year. In September 2015 additional funds were allocated to the Judicial Inspectorate for motor vehicles and computer hardware system for R1 354 000.00. The budget was adjusted to R48 370 000.00, funds being allocated as follows;

Table 22: Budget Allocation 01 April 2015 – 31 March 2016

ITEMS	BALANCE
Total Budget Allocation	R 48 370 000.00
Compensation of Employees	R 39 457 000.00
Capital Expenditure (desktops, laptops, Vehicles)	R 1 619 000.00
Goods and Services	R 7 294 000.00

4.1.1 Expenditure

The Expenditure for the year 2015/2016 amounted to R 39 637 452.90. Table 21 below provides an overview of the expenditure pattern of the Judicial Inspectorate over a three year period.

Expenditure: 2013/14 – 2015/16

The actual expenditure of Judicial Inspectorate was 81.95% thereof, hence under-spending by 18.05% (R8 732 547.10) for the 2015/2016 financial year. This was due to the following reasons:

- a) Compensation of Employees – According to the new approved 2012 structure, most of the Judicial Inspectorate posts are not created on PERSAL. The amount budgeted for the posts could not be used as the posts were not created on the PERSAL for the appointment. The resignation and promotion of employees affected the spending plan.
- b) Goods & Services – Due to the expiry of contracts and the resignation of employees at the Judicial Inspectorate, there has been an impact on procurement planning.

Table 23: Expenditure 2013/14 – 2015/16

	2013/14	2014/15	2015/16
Economic Classification			
Current Payments			
Compensation of Employees	R 30 763 994.45	R 31 813 424.27	R 31 437 901.97
Salaries & Wages	R 28 630 580.02	R 29 695 087.40	R 29 007 296.68
Social Contributions	R 2 133 414.43	R 2 118 326.87	R 2 430 605.29
Goods & Services	R 5 408 477.52	R 5 612 704.53	R 6 588 729.56
Advertising	R 95 223.51	R 68 074.49	R 111 369.02
Assets less than the capitalization threshold	R 21 999.78	R 172 290.13	R 105 088.77
Bursaries: Employees	R 67 772.00	R 64 746.96	R 97 955.00
Catering Departmental Activities	R 11 368.00	R 86 632.50	R 90 389.00
Communication	R 332 453.98	R 289 426.00	R 371 453.94
Consultants and Professional Services: Business and Adv	R 149 640.00	R 207 452.74	R 29 600.00
Consultants and Professional Services: Legal Cost	R -	R -	R -
Entertainment	R 6 571.43	R 1 700.00	R -
Fleet Services	R 714 354.54	R 625 160.12	R 770 870.48
Consumable Supplies	R 7 273.77	R 11 869.64	R 15 137.15
Consumable: Stationery, printing and office supplies	R 171 756.70	R 181 655.11	R 191 205.27
Leases	R 171 648.69	R 185 485.00	R -
P/P Cleaning Services & Safeguard	R 6 552.83	R 21 621.66	R 7 294.05
Travel & Subsistence	R 3 050 402.15	R 3 226 588.00	R 4 449 644.39
Training and Development	R 183 743.00	R 165 499.50	R 149 940.00
Operating Payment	R 254 326.84	R 173 483.15	R 155 981.76
Venues and Facilities	R 163 390.30	R 650.00	R 15 548.00
Resettlement Cost	R -	R 130 369.53	R 27 252.73
Transfers and Subsidies	R 28 008.30	R 74 775.55	R 31 177.66
Provinces and Municipalities	R 28 008.30	R 74 775.55	R 31 177.66
Payments for Capital Assets	R 550 404.87	R 843 259.60	R 1 579 548.71
Machinery and Equipment			
Other Machinery and Equipment	R 288 344.87	R 843 259.60	R 404 353.49
Motor Vehicle	R 262 060.00	R -	R 1 175 195.22
Other	R 29 750.16	R 75 138.05	R 95.00
Total	R 36 780 635.30	R 38 419 302.00	R 39 637 452.90

4.1.2 Management of losses and debts

Losses are regulated by section 76(1) of the Public Finance Management Act (PFMA), and Treasury Regulation 12. An institution must accept liability for any loss or damage suffered by another person, which arose from an act or omission of an official, as a claim against the state. Compensation is not recovered from the official unless the official, with regard to an act or omission, is liable in law. During the year under review there were 11 vehicle incidents or accidents, of which one case related to misuse of a vehicle.

Responsibility for the management of debtors is regulated by section 38(1)(c)(i) and (d) of the PFMA and Treasury Regulation 11. The accounting officer of an institution must take effective and appropriate steps to timeously collect all money due to the institution.

(a) Losses

12 Vehicle losses related to incidents or accidents were reported for the period under review.

1 Inventory losses – reported for financial year.

(b) Debts

8 debts were created of which, were salary tax debts, related to misuse of state vehicle, to misconduct and other debts for total amount.

4.2 Supply Chain Management

4.2.1 Transport

Five (5) extra state vehicles were purchased at the end of financial year 2015/2016 (4 X Toyota Corolla and 1 X Mini bus). Two vehicles have been identified for disposal due to being older than 10 years.

Table 24: Inspectorate Fleet of Vehicles

MANAGEMENT AREA/ REGION	TOTAL VEHICLE
Head Office	3
Inspecting Judge Office	3
Northern Region	5
Central Region	5
Eastern Region	5
Southern Region	4
TOTAL	25

4.2.2 Property Management

The table below summarises the Inspectorate's property procurement status as at 31 March 2016.

Table 25: Update on Property Procurement

OFFICE / REGIONAL MANAGEMENT AREA	BRIEF DESCRIPTION OF OFFICE SPACE	FORMAL LEASE AGREEMENTS & PERIOD OF LEASE I.E. SHORT /LONG TERM	STATUS UPDATE AS AT 31 MARCH 2015
Headquarters	WC: Cape Town- One floor of the Standard bank Building in the CBD.	Lease agreement: 01 June 2016 to 31 May 2018.	Lease agreement received.
Eastern Management Region	KZN: Durban - Office space allocated within the building of the Aquasky Towers, 275 Anton Lembede Street, Durban.	Lease agreement: 01 January 2016 to 31 December 2018.	Lease agreement received.
Northern Management Region	GP: Centurion - Offices allocated at Momentum Tuinhof Karee (West Block) Centurion.	Short: Month to month Lease agreement expired 31 March 2013. Recommended lease for an initial period of 2years.	Offer to lease was received on 06 February 2015. it was recommended to move the office to the 3 rd floor due to the availability of the office. Department of Public Works decline the lease offer, it was recommended to move the office to other building due to the challenges with the Landlord.
Southern Management Region	WC: George - Temporary office space allocated in the Nedbank Centre in York Road. The office moved to the adjacent office space at the	Short: Month to month.	Regional offices are currently housed in temporary accommodation until the procurement process, which is being conducted by the

	beginning of March 2014 which has more space. The office space allocated however still does not accommodate all the needs of the regional office.		Department of Public Works, has been concluded.
Central Management Region	Free State: Bloemfontein, 3rd Floor Fedsure Building.	Lease agreement: 01 July 2015 to 31 August 2018.	Lease agreement received.

4.2.3 Information Technology

Information technology (IT) of the organisation includes all computer software and hardware. The Inspectorate is dependent on many transversal systems of the Department such as BAS, LOGIS, PERSAL. The Department thus holds the administrative rights to all systems the organisation uses. The Inspectorate's email domain is the same as that of the Department and the internet access is also centrally controlled by the Department. SITA provides the Head Office of the Inspectorate with IT support on all hardware and software related matters and the Department provides the support on all network related matters. The Department assists the regional management areas of the Inspectorate with all IT support (hardware, software and network) upon the request of our Regional Managers to the nearest DCS management area.

Additional funds allocated in September 2016 were used to purchase the following IT equipment:

5 X Laptops

6 X PC Proline

2 X Projectors

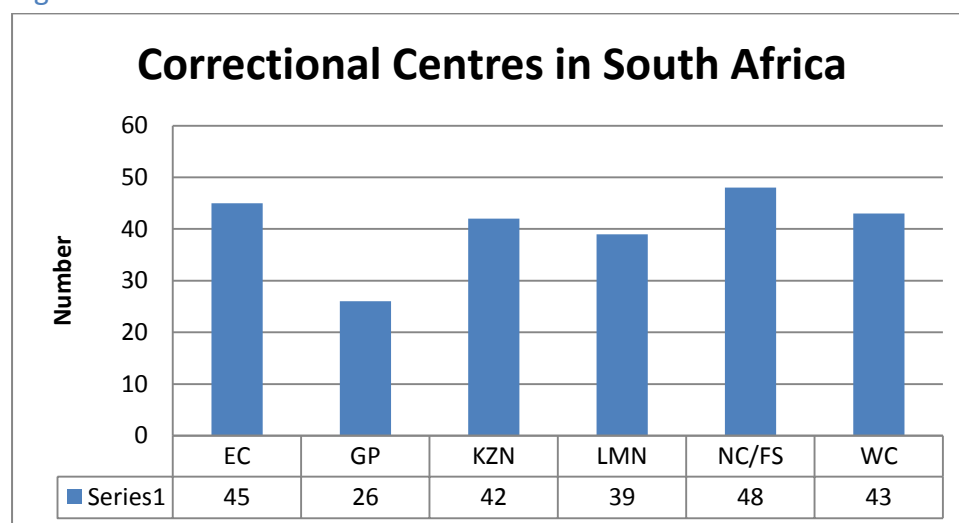


CHAPTER 5: THE STATE OF CORRECTIONAL CENTRES

There are currently a total of 243 (236 active) correctional centres across South Africa. Nine are for females only, 14 are for youth and 129 cater exclusively for males.

Correctional centres are across all 6 regions as indicated in figure 2 below.

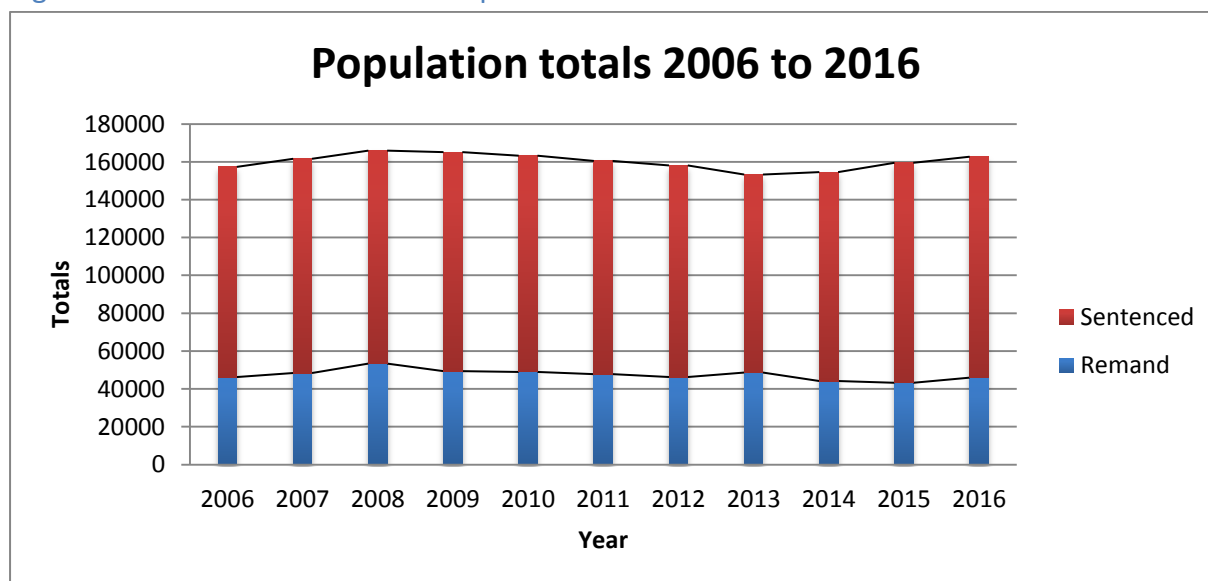
Figure 2: Correctional Centres Distribution



The centres range from some of the largest in the world (Kutama Sinthumule with 3 024 beds) to some very small centres in rural areas (Bergville with space for 31 inmates)

As at 31 March 2016, 161 779 people were incarcerated in our centres. When examined over a 10 year period (2006 to 2016), no major change took place. It seems as if the population (both remand and sentenced) is currently on a slightly upward curve.

Figure 3: Remand and Sentenced Population



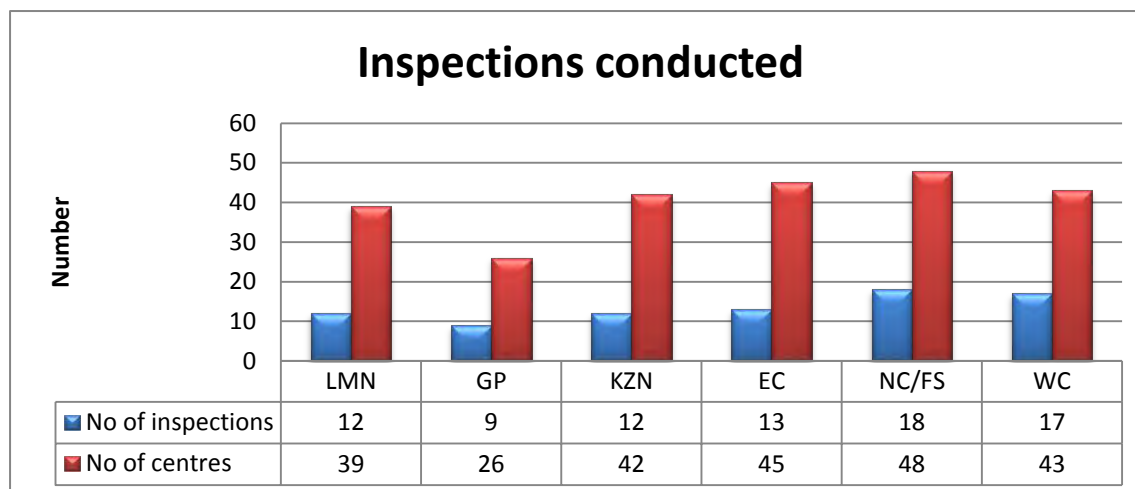
Correctional centres are not similar when it comes to conditions; even within a particular centre, conditions will vary from unit to unit. This is due to several factors; whether inmates in the unit are sentenced offenders or remand detainees, male or female, youth or adults, etc.

In general, female centres are cleaner and better organised than male centres. Due to the high turnover rate of remand detainees, remand units are more dirty and dilapidated than those occupied by sentenced offenders. Conditions for both sentenced offenders and remand detainees housed in single cells seems generally better than those in communal cells.

5.1 Inspections

During a strategic planning session held in March 2015, the Inspectorate committed itself to the inspection of all correctional centres, including the two Public Private Partnership centres, within a three year cycle. Out of the 243 centres, the Inspectorate committed itself to inspect one third (81) of the correctional centres for the reporting period. Despite serious capacity challenges, the scheduled inspections in all six DCS Regions as illustrated in the figure below were conducted.

Figure 4: Scheduled Inspections



5.1.1 Inspection Methodology

Inspections are mostly announced with notice given to the Head, Area Commissioner and Regional Commissioner.

The Head is furnished with a pro forma form that must be completed in advance. This form collects mostly statistical information, such as centre population, staff compliment, number and nature of educational, rehabilitation and other programmes offered. It also requests the Head to give information on the centre's operations, challenges and successes.

On the day of the inspection, the inspector interviews the Head and also verifies the information in the report by perusing official registers and journals, interviews with inmates and officials and physical inspection of the facilities.

An official report is generated after each inspection. The report is made available to DCS with findings and recommendations and a due date for feedback is given. Feedback is followed up periodically. Inspections are also reported in detail in monthly and quarterly reports.

Smaller centres are inspected over a one day period while larger centres and complex¹centres are subjected to a multiday inspection.

¹ Some centres house different categories of inmates such as a combination of males and females, juveniles and children and care is taken to visit all units.

5.2 Inspection Findings

Our findings will be grouped under two headings, namely conditions and treatment.

5.2.1 Conditions

Figure 5: A Tripled-up Single Cell

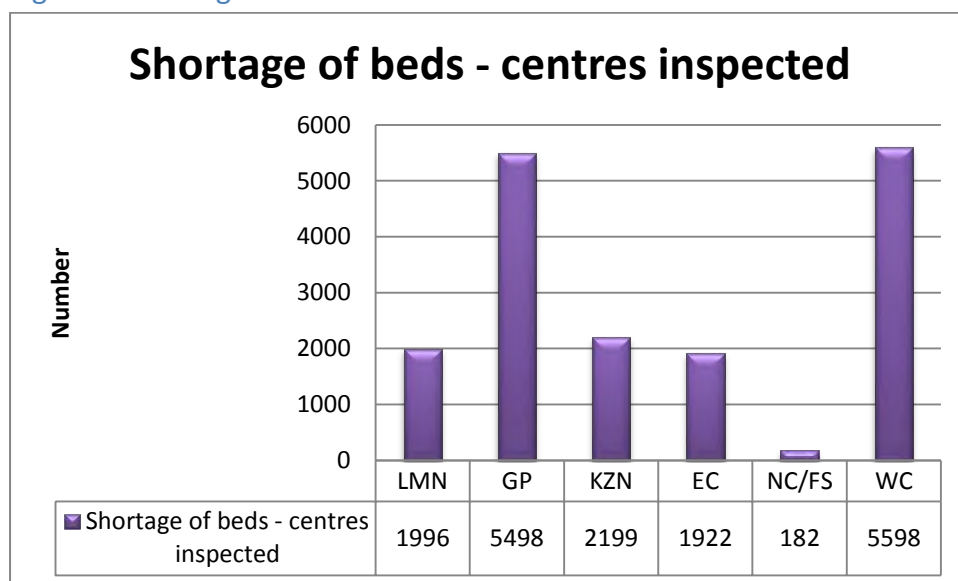


About 292 convictions per 100 000 of the population were secured. Inmates and correctional centres are not evenly distributed throughout the country. Overcrowding percentages can also be misleading. An example here will be that an increase of 36 inmates in Mount Frere correctional centre (approved population 78) causes overcrowding to be 185% while an 36 inmate increase in Mangaung (approved population 2 928) will only cause overcrowding of 101%.

Our inspections also show the difference between bed space and actual number of persons incarcerated per DCS Region as seen below²:

²Figures for centres inspected only

Figure 6: Shortage of Beds



As can be seen above, overcrowding is not equally distributed among all the DCS Regions. Gauteng and the Western Cape are seen as the most economically active provinces and are also the most overcrowded. Most centres (13) we visited in the Northern Cape/Free State were under capacity.

In addition, we found that the levels of overcrowding and conditions may vary within the same centre. The units where remand detainees are held are often more dirty and rundown than the units housing sentenced inmates. This is ostensibly as a result of the constant turnover of remand detainees in contrast with the relatively stable occupation of the sentenced units. It seems as if sentenced inmates know they will spend time in the unit and therefore take more care when using the facilities.

Many factors, both internal and external, play a role when it comes to overcrowding. This includes the location of the centre, classification of inmates (for example sentenced vs remand and maximum vs medium), the type of centre and most importantly, the effectiveness with which the centre is managed.

Overcrowding, moreover, tends to have a multiplier effect, aggravating staff shortages, resource constraints and exposing weaknesses in administrative practice. It was evident, for example that overcrowding, in combination with staff shortages, is a primary source of stress amongst correctional centre staff. Linked to this, overcrowding also impinges on the basic human rights of inmates, not least in limiting their personal space and privacy, but also in restricting opportunities for physical and mental stimulation.

Correctional centre overcrowding is further aggravated by the design of the centres themselves. Several centres are not being used for the specific purposes for which they were designed. Thus, the Johannesburg Youth centre was initially built as a transfer station; Goodwood Maximum was designed to house medium term offenders and Westville Youth centre was designed to accommodate inmates other than the young. As a consequence, neither the layout of the centre, nor the facilities available facilitate the processes of rehabilitation. In contrast, the design and occupancy levels of the Mangaung and Malmesbury (centres that are run as public-private partnerships) lend themselves directly to the objectives of both rehabilitation and security.

Restorative Justice and Victim Offender Dialogue (VOD), being a prerequisite for release of inmates, also impact negatively on the reduction of overcrowding in correctional centres. Inmates sentenced to minimum periods are subjected to participation in a restorative justice program. If the crime is committed in the family; it is unlikely that the family may consider participation in restorative justice. This is due to the fact that the inmate will be released to the same family he/she offended. Consequently, the inmate will be compelled to serve a complete sentence in cases where the family is not willing to provide an address for the release of an inmate on parole and for a reintegration process. On the other hand, victim-offender dialogue, as a prerequisite for inmates serving maximum sentences, needs intensive research. In this instance the victims are also unlikely to participate in the VOD program since they are considered at the final stage where the inmate is about to be released on parole. The victims felt that they had been neglected throughout the rehabilitation process and they considered the inmate as being in an advantageous position and showing remorse due to programs they had attended in the correctional centre.

A very good example of the effect that efficient management has on combating overcrowding is Johannesburg Medium A. This centre, traditionally notorious for being extremely overcrowded and unsafe, was turned around by effective management. In the Inspectorate's annual report of 2004/2005, the centre was found to house 7 077 inmates and was 269% overcrowded. By 2008/2009, the Inspectorate found that the population had significantly reduced (6 317 inmates and 240% overcrowded). Our most recent inspection in April 2015 revealed that occupation of the centre reached a record low of 3 005 inmates, 114% overcrowded.

Looked at from the perspective of approved bed space, the centre had a shortage of 4 447 beds in 2004/2005 versus a current shortage of only 375. The Head indicated that hands on management and the very good relationship he had with the Justice Cluster in the area, assisted greatly in bringing this about.

The table below indicates the most overcrowded (180%+) centres visited by our inspectors.

Table 26: Rate of Overcrowding Per Management Area

Centre	Area	Percentage overcrowded	Shortage of bed space
Malmesbury (Old)	Western Cape	287%	332
Pollsmoor Remand	Western Cape	251%	2 448
Johannesburg Medium B	Gauteng	233%	1 736
Polokwane	LMN ³	231%	730
Pollsmoor Female	Western Cape	198%	322
Pollsmoor Medium B	Western Cape	198%	724
St Albans Med A	Eastern Cape	194%	709
Lusikisiki	Eastern Cape	193%	138
Worcester Female	Western Cape	188%	136
Mount Frere	Eastern Cape	185%	36

From the above, it is recommended that the DCS in these centres adopt the same management techniques used in Johannesburg Medium A to reduce overcrowding.

Overcrowding undermines most aspects of good correctional centre governance. Additional measures in the criminal justice system will be necessary to reduce the number of inmates entering correctional institutions.

5.2.2 Safety

In accordance with section 4 of the CSA, the DCS must take all necessary steps to ensure the safe custody of every inmate. This includes maintaining security and good order.

It was found that the safety of inmates and staff alike is potentially compromised through a combination of overcrowding and custodial staff shortages. It was also found that the

³Limpopo, Mpumalanga and North-west Region

current shift pattern exacerbates the situation. On some days only a “skeleton staff” is on duty compromising the efficient functioning of the centre. As a result essential services to inmates become very difficult; exercise, rehabilitation and educational programmes, medical treatment and food services are also adversely affected. Controlling gangsterism in an overcrowded and understaffed centre is also more difficult as gang activity is more easily hidden.

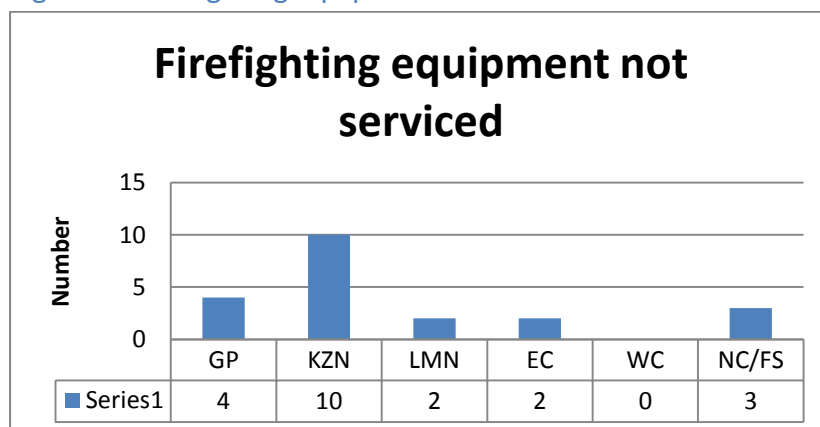
Of concern is also fire safety. During 21 inspections it was found that firefighting equipment was not serviced on time. Most un-serviced equipment was found in KZN (10). In contrast, all inspected centres in the Western Cape had up to date firefighting equipment.

During site visits we found in some cases that inmates and/or officials removed the nozzles from fire hoses to wash the courtyards and passages. The faucet handles are also often removed. These practices reduce the effectiveness of firehoses in an emergency and are to be discouraged. As with general maintenance; DPW also has the task to service all the fire safety equipment in correctional centres. According to some Heads they have a challenge to get DPW to service the equipment. Again, it seems that effective management and a good relationship with stakeholders tend to play a significant role.

Correctional centres do not have any fire escapes. Especially at night, access to cells is a time consuming exercise as keys are not freely available due to security reasons. Standing orders also prevent officials from opening any cell without enough officials present. Cells are often overcrowded as they house people and their belongings. . Inmates have bedding; clothing and various other items that are mostly flammable. A good example of these is the highly flammable foam mattresses that can make any cell a potential firetrap. On the one hand, Inmates are allowed to smoke in cells and on occasion they use illegal electrical connections. All this adds to the potential of setting the cell alight either by accident or on purpose.

It is recommended that DCS not only make the servicing of fire safety equipment a priority, but also see to it that officials are trained in firefighting and that fire drills are held regularly.

Figure 7: Fire-fighting Equipment Service



5.2.3 Structure

In the majority of inspections (71), Heads of centre indicated that the centre is in urgent need of renovations/repairs. In 8 cases, it was indicated that the centre has no urgent need of maintenance and during 2 inspections it was found that the centres were partially under renovation. As reported in previous annual reports, maintenance to correctional centres, especially plumbing, electricity, painting and replacement of broken windows is a major challenge. DPW is responsible for all major renovations to state-owned buildings.

It is recommended that a percentage of the current population of sentenced inmates (some qualified artisans) be utilized to renovate and repair our correctional centres; the CSA, Regulations and The Mandela rules make provision for same. This will also give inmates much needed vocational skills aiding rehabilitation and keeping them usefully occupied during their incarceration.

5.2.4 Treatment

(a) Exercise

In terms of section 35 (2) (e) of the Constitution all inmates have a right to *inter alia* exercise. The CSA directs that the exercise must be for **at least** 1 hour per day. In 50% of our inspections, we were informed by DCS staff and inmates, that exercise exceeds 1 hour per day. 43% of centres we visited indicated that inmates receive 1 hour per day (cumulative / or at once). We found in Pollsmoor Remand and 5 other centres we inspected that inmates are afforded exercise only once every few days. This corroborates the findings made by SONKE and Judge Cameron. To be locked up in an extremely overcrowded cell for days on end with no exercise constitutes inhumane treatment and is in direct contravention of the South African Constitution, CSA as well as rule 23 of the United Nations Standard Minimum Rules for the Treatment of Prisoners (The Mandela Rules).

It is recommended that DCS afford at least 1 hour of exercise per day to all inmates.

Figure 8: Percentage of Exercise Allocated to Inmates

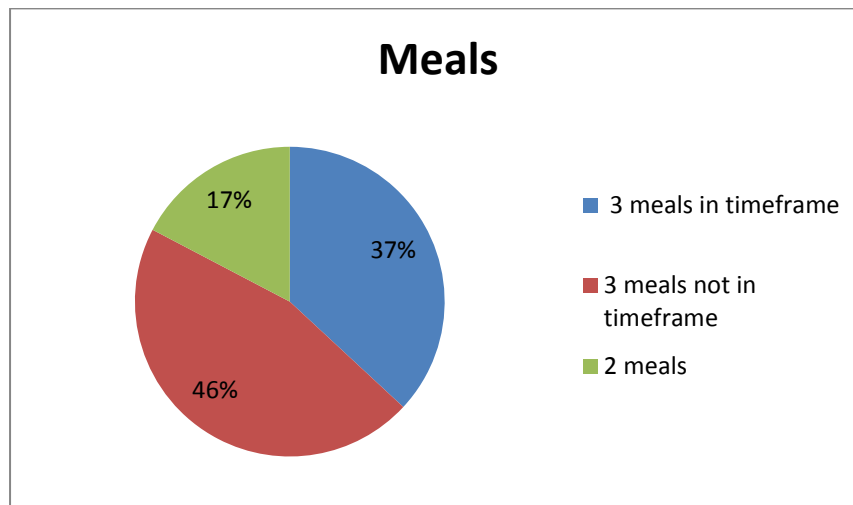


(b) Nutrition

It is a statutory requirement (section 8 of the CSA) that all inmates must be served with 3 meals per day. The mealtimes must be served at intervals of not less than four and a half hours and not more than six and a half hours. The exception is that there may be an interval of not more than 14 hours between the evening meal and breakfast. In addition, food must be well prepared and promote good health. In 52 instances, we found that DCS does not adhere to the time interval between supper and lunch. This includes 16 centres where inmates are only offered two meals per day. In 36 centres double-up meals are served. DCS indicated that a combination of overcrowding and understaffing (including the shift system) makes it very difficult to adhere to the Act.

The serving of only two meals per day (lunch and supper being combined) and/or meals outside the prescribed timeframes has potentially severe consequences, especially on inmates who take chronic medicine at night as some of the medication needs to be combined with a meal.

Figure 9: Meal Intervals



5.3 Health and Rehabilitation Services

5.3.1 Staffing- Professional

The Inspectorate raised a concern previously regarding the unavailability of professional staff, especially in small rural centres. We are happy to report that DCS commenced with a drive (operation Hira by current National Commissioner) to recruit professional staff. Out of all the centres inspected, it is in only 2 centres⁴ where no nurse (or any other professional) was employed. This has given rise to complaints regarding the HR process and minimum requirements.

80% of centres inspected employed social workers. Again, some Heads who found themselves without the services of social workers took the initiative to liaise with local NGOs who deliver professional services to inmates. This is, in the view of the Inspectorate, an excellent way of not only ensuring that inmates receive professional service, but also ensuring community participation in correctional matters.

Currently, the main challenge seems to be with educators. Less than one half (46%) of the centres we inspected had permanently employed educators. This is further discussed under the heading Programmes.

⁴Edenburg and Zastron

5.3.2 Health

An important part of each inspection is not only collecting data on health services but also a site visit to the medical facility and perusing relevant registers. A short interview with the nurse is also conducted.

(a) Initial medical screening

In terms of section 6 of the CSA, all inmates must on admission be medically assessed before being allowed to mix with the general population. In practice this is often not done. Some smaller centres do not have orientation cells for newly admitted inmates and those arriving after the nurse has gone off duty spend the first night in the communal cells.

Heads in the majority of centres indicated that as a rule, all inmates consult the nurse within 24 hours after admission.

(b) TB /HIV Treatment

DCS is very successful in treating HIV and TB. This is evident from the declining number of deaths in correctional centres. In 2004/5, 1 689 people died of natural causes in our centres. In 2015/16 this was reduced to 511. During our inspections we only came across 2 centres where the Head indicated that no inmates received/qualified for anti-retroviral.

5.4 Corrective and Educational Programmes

The inspectorate inspected 35 centres that catered exclusively for sentenced inmates. During 4 inspections we found that no official programmes (education, rehabilitation and vocational) were offered. All of these centres⁵ are small and located in rural areas (average population per centre 47 inmates). None of the centres had educators and it is only in Tzaneen that a social worker is appointed. We were informed that inmates who wish to further their education are transferred to centres with educational facilities. This however causes in some instances the inmate to be transferred further away from their family. This in turn limits visits and the family interaction that is crucial for a successful reintegration into the community.

Inmates sentenced to 24 months or less also do not appear before the CSPB and do not officially undergo any programmes. They are considered for parole by the Head on completion of a quarter of their sentence in terms of section 73 (6) (a) of the CSA. The old prison term “eet en lê” is especially applicable to these inmates.

The majority of centres visited (46) housed both sentenced offenders and remand detainees. Even centres officially designated as Remand Detention Centres⁶ are not totally without sentenced offenders. Sentenced offenders are used to deliver services to Remand

⁵Ladybrand, Sterkspruit, Utrecht and Tzaneen

⁶E.g. East London Medium B, Johannesburg Medium A, Pollsmoor Remand and Durban Medium A

Detainees, such as cooking and cleaning. As they are sentenced offenders they need to be rehabilitated and schooled. As a rule, no educators are appointed and no education and rehabilitation programmes take place.

The Inspectorate is of the opinion that all sentenced inmates, where practicable, must be exposed to at least some form of rehabilitation, vocation or educational programme. During our inspections of Remand Detainee centres, DCS Management mentioned that there are no programmes available for Remand Detainees who are not children. This is contradictory to the White Paper on Remand Detention which states that remand detainees should attend self-development programmes.

5.5 Individual inspections

All inspections are reported in detail in our monthly and quarterly reports. Below is a summary of conditions in some of the centres visited to give a practical examples of the work that goes into an inspection:

5.5.1 Centre: Kutama Sinthumule inspected on 16-17 March 2016

Kutama Sinthumule is located in Limpopo in the town Louis Trichardt (Makado) approximately 370 kilometers north of Pretoria and is the world's second largest private correctional centre. The centre is a PPP, managed by the GEO Group, based in the USA. It has several sub-contractors rendering programmes, catering services and medical services to inmates.

DCS has a controller at the centre ensuring contractual compliance. The centre's upkeep is managed by the contractor and not DPW. This seems very effective as the centre is in a very good condition. Maintenance and repairs are done on a daily basis. All firefighting equipment is serviced regularly. The centre is always exactly 100% occupied and incarcerates 3 024 male inmates classified as maximum risk from all over the Republic. The centre's professional workforce consists of 24 nurses, 26 social workers, 35 educators, 3 doctors, 3 psychologists and 1 psychiatrist and is sufficient to cater for the needs of inmates.

There are 50 beds at the medical facility. 342 inmates receive ARV treatment. Voluntary HIV counseling takes place. The overall condition of the medical facility rated as "excellent" by a JICS inspector.

The CMC and CSPB are located at the DCS management area and are managed by DCS. All inmates' sentence plans are in place. The majority of inmates (1 129) are involved in AET (Adult Education and Training) programmes and 335 inmates are busy with grade 10 to 12. We found that 596 inmates were kept occupied through vocational programmes, while 281 participated in official rehabilitation programmes.

The visitor' area rated as "good" and is large enough for the number of visitors visiting. Provision is made for private consultations with legal representatives. The inmates complain that they are mostly from other provinces and that due to the economic circumstances of their families, they very seldom receive visits. The Prison Director indicated that he is aware of this challenge and that family days are organized occasionally where the majority of inmates do get visits.

Vulnerable inmates are separated from the general population. The condition of kitchen rated as "excellent". 3 meals per day are served within the prescribed timeframe. Medical, cultural and religious diets are provided on request. Inmates are allowed more than an hour exercise per day.

The most common complaint from inmates is in the form of requests for transfer nearer to their homes.

5.5.2 Centre: Bethuli inspected on 17 March 2016

Bethuli is a small town on the border of the Free State and Eastern Cape, approximately 190 kilometers from Bloemfontein. The centre is small but managed well despite the challenges of understaffing and especially dilapidated infrastructure.

The centre is 90% occupied with 20 sentenced male inmates classified as medium risk and 26 male remand detainees, mostly from the surrounding area. 1 nurse is appointed at the centre. Inmates are referred to the nearest public hospital in an emergency as the centre's medical facility has no beds. Neither a social worker, nor an educationist is appointed. 7 inmates receive ARV treatment. Voluntary HIV counseling is provided and the overall condition of the medical facility is rated as "good" by inspector.

With regard to CMC and CSPB functioning, there was no backlog regarding parole reported by the Head. Inmates' sentence plans are in place. The Head indicated that he engaged the services of local NGOs to render educational programmes to inmates. Rehabilitation programmes are offered on the same basis. There are no official sports facilities at the centre, but the Head makes use of innovative initiatives to ensure that inmates do get a chance to take part in sports activities. The centre has a good relationship with the town's residents in general and community participation is encouraged and practiced.

The non-contact visit area is small and in poor condition. The Head indicated that DPW was informed of this repeatedly but to no avail. There is no official contact visit area. Inmates who qualify for contact visits, visit with their family in the garden (on the grounds and under direct supervision of officials) weather permitting. On rainy or cold days, a passage in the centre is used. Legal visits take place in an office.

Vulnerable inmates are separated from the general population or transferred to a better suited centre. Fire safety appears adequate. The centre is in need of urgent general maintenance and repairs. No provision is made for physically disabled inmates. The Head indicated that such inmates will be transferred to suitable centres immediately.

Despite structural challenges, the condition of the kitchen was rated as “good” during the inspection. Cleanliness was also in order. 3 meals are served per day within the prescribed meal intervals. Medical, cultural and religious diets are provided for to inmates on request. Inmates receive in excess of 1 hour’s exercise per day.

5.6 Investigations

Due to severe staffing issues detailed elsewhere in this report, the Inspectorate only managed to conduct 13 investigations for the 2015/2016 financial year.

5.6.1 Investigation Methodology

In all investigations, the following methodology is followed:

- (a) The inspectorate becomes aware of an incident and an instruction is given for an investigation.
- (b) Basic information is gathered of the allegations.
- (c) An in loco investigation takes place.

During the in loco investigation, the investigator:

- I. Visits the scene of the incident
 - II. Visits neighbouring units/cells to obtain witness statements.
 - III. Obtains statements from alleged victims and perpetrators.
 - IV. Obtains statements from DCS officials, including management.
 - V. Peruses records (medical records, unit journals, armoury inventories, searching registers etc.).
 - VI. Study video footage of the incident (if available).
- (d) A report is written and findings and recommendations are forwarded to DCS for comments and attention and are followed up.
 - (e) The investigation is reported to the Parliamentary Portfolio Committee through monthly and quarterly reports.

5.6.2 Investigations Conducted

Table 27: Investigations

	Date	Centre and investigation focus	Region	Investigation focus/allegations
1.	13 to 21/5/2015	Potchefstroom	LMN	Assault and sexual assault: inmate on inmate and assault: official on inmate.
2.	29/5/2015	Barberton	LMN	Allegations of assault: officials on inmates – two separate instances.
3.	24 -26 /6/2015	Middelburg	EC	Allegations of assaults – officials on inmates
4.	15/7/2015	Losperfontein	LMN	Allegations of assaults – EST officials on inmates and allegations of confiscation and destruction of property.
5.	30-31/7/2015	Kimberley	NC/FS	Allegations of assault GBH: Official on inmate – inmate believed to be mentally ill.
6.	21/08/2015	Johannesburg Remand	GP	Allegations of assault – officials on inmate.
7.	26/8/2015	Pollsmoor Remand.	WC	Allegations of homicide
8.	21/9/2015	Kgosi Mampuru II Central	GP	Allegations of assault: official on inmate.
9.	4/12/2015	Kgosi Mampuru II Central	GP	Allegations of assault: officials on inmates.

	Date	Centre and investigation focus	Region	Investigation focus/allegations
10.	9-10/12/2015	Drakenstein Youth	WC	Allegations of assault: official on inmates
11.	8-2-2016	Tswelopele	NC/FS	Allegations of assault: officials on inmates
12.	10/2/2016	Vereeniging	NC/FS	Alleged assault: officials on inmates.
13.	11/2/2016	Virginia	NC/FS	Alleged assault – officials on inmates
14.	17-19/2/2016	Boksburg	GP	Alleged homicide –officials on inmate

As can be seen from the schedule above, all allegations investigated had to do with elements of violence. What follows is a summary of one investigation conducted to serve as an example of our investigation methodology:

Potchefstroom: Allegations of assault and sexual assault: Inmates on inmates and assaults/use of force: Officials on inmates.

5.6.3 Background and Findings Summary:

1. The Inspectorate noticed an increase in complaints of sexual assault amongst remand detainees and assault of detainees by both inmates and officials at Potchefstroom correctional centre from January 2015. This trend continued up to May 2015 where about 15 cases were reported. During the same time period, DCS reported 34 instances of the use of force on inmates at the centre. A decision was taken to investigate the allegations. The investigation was conducted from 13 to 21 May 2016.
2. The first part of the investigation consisted of interviews with alleged victims, witnesses and perpetrators. During the second leg, the centre's strategies and plans to curb violence were examined and the nearby Klerksdorp and Lichtenburg correctional centres were also visited.

3. Evidence of gang related assaults (including sexual assaults) were found. Several victims and witnesses attested that gangsterism is endemic to the centre and the cause of most of the incidents. This was confirmed by DCS management. It was found that the traditional numbers gangs (RAF 23 and 24, Big 5, 26, 27 and 28) were not active, but rather street gangs from the local community.
4. The local gold mining industry is the main employer in the town and surrounding areas. Gangs from the mines operate in their community and when arrested, continue their activities inside the centre.
5. Some gang members have tattoos on their foreheads (between the eyes) called “number plates” and are instantly recognized by rival gang members. This instigates spontaneous fights even on the way to and from court in police vehicles. DCS reported instances where knives are allegedly hidden inside the police vehicles and used by gang members to fight each other on the way to and from court. Both homemade knives (*shivs*) and store-bought pocket knives (Okapi for preference) are used.
6. Several gang related stabbing and other instances of *intra* gang violence caused DCS officials to use force to separate the warring factions. These instances were reported to the Inspectorate as per section 32 of the CSA.
7. The centre houses mainly remand detainees (1 257 males and 30 females). 207 males and 70 female sentenced offenders are also housed in the centre⁷. Approved occupation of this number fluctuates daily. By far most assaults involve male remand detainees. No incident of any female inmate’s involvement in gangsterism was found.
8. The centre management indicated that SAPS is responsible to transport remand detainees to court and back each time they appear. This gives remand detainees the opportunity to obtain contraband from friends and relatives at court which is then smuggled into the centre. Centre management further indicated that on several occasions SAPS was requested not to allow detainees unsupervised contact (visits) with friends or relatives at court, but to no avail. The centre management also indicated that inmates are searched thoroughly (inmates are strip-searched in private upon arrival at the centre) but contraband - drugs, cell phones and knives - still comes in mainly by inmates hiding it in bodily orifices. Officials stated that handheld metal detectors are not always effective in finding knives and cell phones

⁷Population during the investigation. By 30 March 2016, the centre’s remand detainee population grew to 1 461 males and 36 females exacerbating the situation.

hidden rectally. Drugs are not detected at all. Cavity searches may not be conducted by DCS officials (section 27 the CSA read with Regulation 16 refers).

9. It was further indicated that severe overcrowding (180%) combined with staff shortage exacerbate the situation. Inmates indicated that some are sleeping on the floor due to a shortage of beds. Overcrowding is also aggravated by the fact that one of the single cell units (28 single cells) is not in use due to maintenance (DPW) issues. In accordance with section 7 (2) (e) of the CSA, inmates may be housed in single cells to alleviate overcrowding in communal cells.
10. Centre management was requested to furnish the investigator with copies of the approved contingency plan, gang management strategy, internal investigation reports as well as copies of the search registers and all these were provided.
11. Klerksdorp correctional centre was visited and it was found that similar challenges exist as the inmates are transferred there upon sentencing. In contrast, Lichtenburg was found not to have any major challenges with gangsterism as most of the residents are from the local (rural) community.

5.6.4 Recommendations Communicated to DCS

1. The nature of the challenge in the centre is of social origin and needs to be addressed holistically with DCS as one of the role players. The DCS, SAPS as well as other relevant State agencies must work together to address the situation both outside and inside the correctional centre.
2. DCS must deploy their own gang experts at the centre as well as those of SAPS and other State agencies to educate all staff on how to most effectively deal with the situation.
3. All acts of inmates relating to gangsterism should be dealt with in terms of sections 9 to 11 of the Prevention of Organized Crime Act 21 of 1998 (POCA). DCS should collaborate with the Justice Cluster in identifying and charging gang members under POCA.
4. Remand detainees are mainly responsible for the assaults in the centre. They often appear in court soon after an incident takes place and either get bail or the original case against them is withdrawn by the presiding officer. DCS must work with SAPS to ensure that criminal cases for offences inside the centre are opened timeously against transgressors and that such cases are properly pursued even after the inmate is released.
5. Often detainees do not want to open criminal cases as they want to use their gangs to extract retribution for the assaults perpetrated against them. DCS must open such

cases anyway and share this information with SAPS in an effort to stop the cycle of violence in the centre as well as in the community.

6. DCS must officially request SAPS to prevent remand detainees from getting unsupervised contact with friends and family while attending court as this is where most of the contraband (drugs and weapons) are handed to the detainees.
7. DCS should consider deploying the EST for an extended period at Potchefstroom correctional centre to conduct intensive searching when inmates are returned from court. In addition to this, surprise searches in the cells should be conducted.
8. All DCS officials must be regularly sensitized to the appropriate use of force as use of force may escalate into assault and lead to civil and criminal action against officials.
9. DCS to consider installing specialist metal detection equipment (Body Orifice Security Scanner – B.O.S.S chairs) in the Potchefstroom correctional centre and utilize same for anyone entering the centre in an effort to curb the smuggling of contraband.

5.6.4 Summary of Response from DCS

DCS responded positively and undertook to deal with all the recommendations.

The Minister indicated in his budget speech for 2016/2017 that B.O.S.S chairs will be installed in some centres. However, it is not clear whether Potchefstroom correctional centre is one of those centres where such equipment will be installed. .

CHAPTER 6: MANDATORY REPORTS

6.1 Legislative Framework

One of the core objectives of the South African Constitution⁸ is the prevention of human rights violations. The provisions of the Constitution protect everyone, even those who are incarcerated at correctional centres. When the Correctional Services Act⁹ was enacted, the legislature made it mandatory for Heads of Correctional Centres to report all deaths¹⁰, instances of segregation¹¹, use of mechanical restraint¹² and the use of force¹³ to the Inspecting Judge.

The underlying purpose of compelling Heads of Correctional Centres to report to the Inspectorate is to avoid human rights abuses by correctional officials as mentioned above and to ensure that the Inspectorate has independent information available. The mandatory unit also seeks to promote the United Nations Standard Minimum Rules for the Treatment of Prisoners¹⁴ also known as the Mandela Rules.

The Mandela Rules amongst other things seeks to promote humane conditions of imprisonment; to raise awareness about inmates being a continuous part of society and to value the work of correctional centre staff as a social service of particular importance. It is further acknowledged that South Africa has adapted certain section of the rules in accordance with our domestic laws under the Correctional Services Act 111 of 1998 as amended.

Below we report on the number of mandatory reports within the correctional centres and as per the 6 regions of the Department of Correctional Services, we also provide a schedule of those unnatural deaths matters that were dealt with by the unit during the 2015/2016 reporting year. The unit analysed reports that were received from the department in terms of section 15(2) of the Act which states that: “any death in the in a correctional centre must be reported forthwith to the Inspecting Judge who may carry out or instruct the National Commissioner to conduct an enquiry”

⁸ South African Constitution, Act 108 of 1996

⁹ Correctional Services Act 111 of 1998 (as amended)

¹⁰ Section 15 of the Correctional Services Act 111 of 1998 (as amended)

¹¹ Section 30 of the Correctional Services Act 111 of 1998 (as amended)

¹² Section 31 of the Correctional Services Act 111 of 1998 (as amended)

¹³ Section 32 of the Correctional Services Act 111 of 1998 (as amended)

¹⁴ As adopted by the General Assembly on 17 December 2015

6.1.1 Unnatural Death Performance Indicators

One of the performance indicators for 2015/2016 for the Inspectorate was to analyse unnatural deaths investigation reports from the Department and provide the stakeholders with feedback. Below is a list of some of the deaths that were analysed by the Inspectorate and the findings thereof.

Figure 10: Unnatural Death Analysis

					Security Classification	Classification of death						Breaches by DCS										
Centre	Date of death	Date IR was received	Age	Gender	sentenced	Remand Detainee	unnatural other now natural	unnatural - inmate on inmate assault	Suicide - Hanging	Suicide - Medication Overdose	Suicide - Burn Wounds	no breach by DCS	Section 4(2) (a) of Act 111 of 1998	Section 6(5) (a) of Act 111 of 1998	No compliance with S30(6) of Act 111 of 1998	Failure by staff to comply with procedures	B-Order 2 - Chapter 6 Section Duties performed by officials	B-Order 2 - Chapter 13 Dealing with High Risk Inmates	B-Order 2 - Chapter 14 -Deals with Searching at centres)	B-order 3 - Chapter 13 dealing with night duty	Health Care Policy And Procedure - Screening on Admission / suicide: prevention & management	
Eastern Cape	Eastern Cape																					
East London Med B	2014	2015	50	M	X		X					X										
East London Med A	2015	2015	30	M		X	X					X										
Gauteng	Gauteng																					
KgosiMampuru ii	2014	2015	27	M	X				X							X						
Baviaanspoort Med	2014	2015	40	M	X			X					X				X	X				

					Security Classification		Classification of death					Breaches by DCS									
Centre	Date of death	Date IR was received	Age	Gender	sentenced	Remand Detainee	unnatural other now natural	unnatural - inmate on inmate assault	Suicide - Hanging	Suicide - Medication Overdose	Suicide - Burn Wounds	no breach by DCS	Section 4(2) (a) of Act 111 of 1998	Section 6(5) (a) of Act 111 of 1998	No compliance with S30(6) of Act 111 of 1998	Failure by staff to comply with procedures	B-Order 2 - Chapter 6 Section Duties performed by officials	B-Order 2 - Chapter 13 Dealing with High Risk Inmates	B-Order 2 - Chapter 14 -Deals with Searching at centres)	B-order 3 - Chapter 13 dealing with night duty	Health Care Policy And Procedure - Screening on Admission / suicide: prevention & management
Johannesburg Med B	2015	2015	34	M	X		X					X									
Leeuwkop Maximum	2015	2015	41	M	X						X										
KwaZulu - Natal		KwaZulu - Natal																			
Ncome Med B	2014	2015	36	M	X			X					X				X		X		
Durban Med A	2014	2015	25	M		X			X					X							X
Durban Med A	2014	2015	47	M		X	X				X										
Pietermaritzburg	2014	2015	45	M		X	X							X							X
Waterval Med A	2014	2015	28	M	X		X							X		X					X
Ekuseni Youth	2015	2015	20	M				X					X				X		X		
Limpopo, Mpumalanga and North West		Limpopo, Mpumalanga and North West																			
Klerksdorp	2013	2015	28	M	X			X					X				X		X		

Centre	Date of death	Date IR was received	Age	Gender	Security Classification		Classification of death					Breaches by DCS									
					sentenced	Remand Detainee	unnatural other now natural	unnatural - inmate on inmate assault	Suicide - Hanging	Suicide - Medication Overdose	Suicide - Burn Wounds	no breach by DCS	Section 4(2) (a) of Act 111 of 1998	Section 6(5) (a) of Act 111 of 1998	No compliance with S30(6) of Act 111 of 1998	Failure by staff to comply with procedures	B-Order 2 - Chapter 6 Section Duties performed by officials	B-Order 2 - Chapter 13 Dealing with High Risk Inmates	B-Order 2 - Chapter 14 - Deals with Searching at centres)	B-order 3 - Chapter 13 dealing with night duty	Health Care Policy And Procedure - Screening on Admission / suicide: prevention & management
Kutama - Sinthumule	2014	2015	54	M	X		X							X							X
Rooigrond Med A	2014	2015	33	M	X		X					X									
Polokwane	2014	2015	45	M	X			X									X	X	X		
Polokwane	2014	2015	31	M	X			X									X	X	X		
Northern Cape / Free State		Northern Cape / Free State																			
Grootvlei Max	2014	2015	24	M		X		X					X			X					
Mangaung	2014	2015	53	M	X			X					X								
Henneman	2015	2015	28	M		X	X					X									
De-Aar	2015	2015	36	M	X		X					X									
Henneman	2015	2015	21	M	X		X					X									
Brandfort	2015	2015	27	M	X		X					X									
Goedemoed Med B	2015	2015	23	M	X								X								

					Security Classification	Classification of death					Breaches by DCS										
Centre	Date of death	Date IR was received	Age	Gender	sentenced	Remand Detainee	unnatural other now natural	unnatural - inmate on inmate assault	Suicide - Hanging	Suicide - Medication Overdose	Suicide - Burn Wounds	no breach by DCS	Section 4(2) (a) of Act 111 of 1998	Section 6(5) (a) of Act 111 of 1998	No compliance with S30(6) of Act 111 of 1998	Failure by staff to comply with procedures	B-Order 2 - Chapter 6 Section Duties performed by officials	B-Order 2 - Chapter 13 Dealing with High Risk Inmates	B-Order 2 - Chapter 14 - Deals with Searching at centres)	B-order 3 - Chapter 13 dealing with night duty	Health Care Policy And Procedure - Screening on Admission / suicide: prevention & management
BizzahMakhate Med A	2014	2015	20	M	X			X					X				X		X		

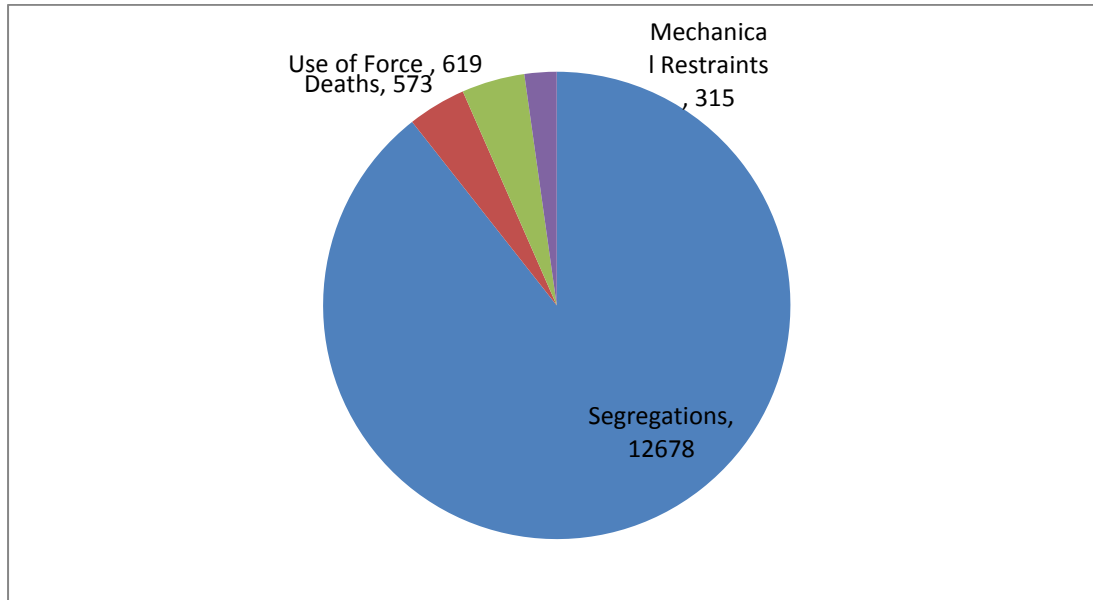
Western Cape	Western Cape																			
Drakenstein Max	2013	2015	48	M	X		X							X						X
Pollsmoor Max	2013	2015	25	M		X	X							X			X	X	X	X
Pollsmoor Max	2014	2015	24	M		X	X							X						X
Pollsmoor Max	2014	2015	40	M		X	X							X						X
Brandvlei Max	2014	2015	36	M	X			X					X				X		X	
Brandvlei Max	2014	2015	34	M	X				X					X	X			X		X
Pollsmoor Max	2014	2015	28	M		X	X						X		X					
Helderstroom Med	2014	2015	35	M	X		X					X								
Goodwood	2015	2015	38	M		X	X					X								
Drakenstein Med A	2015	2015	59	M	X		X							X						X

					Security Classification	Classification of death					Breaches by DCS										
Centre	Date of death	Date IR was received	Age	Gender	sentenced	Remand Detainee	unnatural other now natural	unnatural - inmate on inmate assault	Suicide - Hanging	Suicide - Medication Overdose	Suicide - Burn Wounds	no breach by DCS	Section 4(2) (a) of Act 111 of 1998	Section 6(5) (a) of Act 111 of 1998	No compliance with S30(6) of Act 111 of 1998	Failure by staff to comply with procedures	B-Order 2 - Chapter 6 Section Duties performed by officials	B-Order 2 - Chapter 13 Dealing with High Risk Inmates	B-Order 2 - Chapter 14 -Deals with Searching at centres)	B-order 3 - Chapter 13 dealing with night duty	Health Care Policy And Procedure - Screening on Admission / suicide: prevention & management
Worcester Female	2015	2015	23	F	X		X					X									
Voorberg Med A	2015	2015	23	M	X		X					X									
Goodwood	2015	2015	23	M		X						X									
Voorberg Med B	2015	2015	29	M	X		X					X									

6.2 Mandatory Report Monitoring

6.2.1 Overview of Deaths, Segregations, Mechanical Restraints and Use of Force

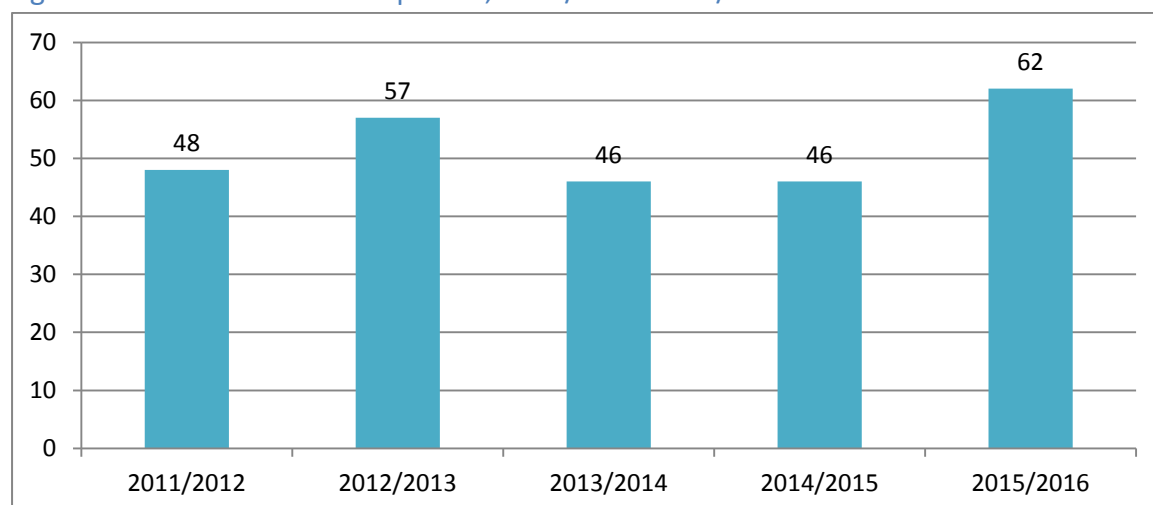
Figure 11: Overview of Deaths per Category



6.2.2 Unnatural Deaths

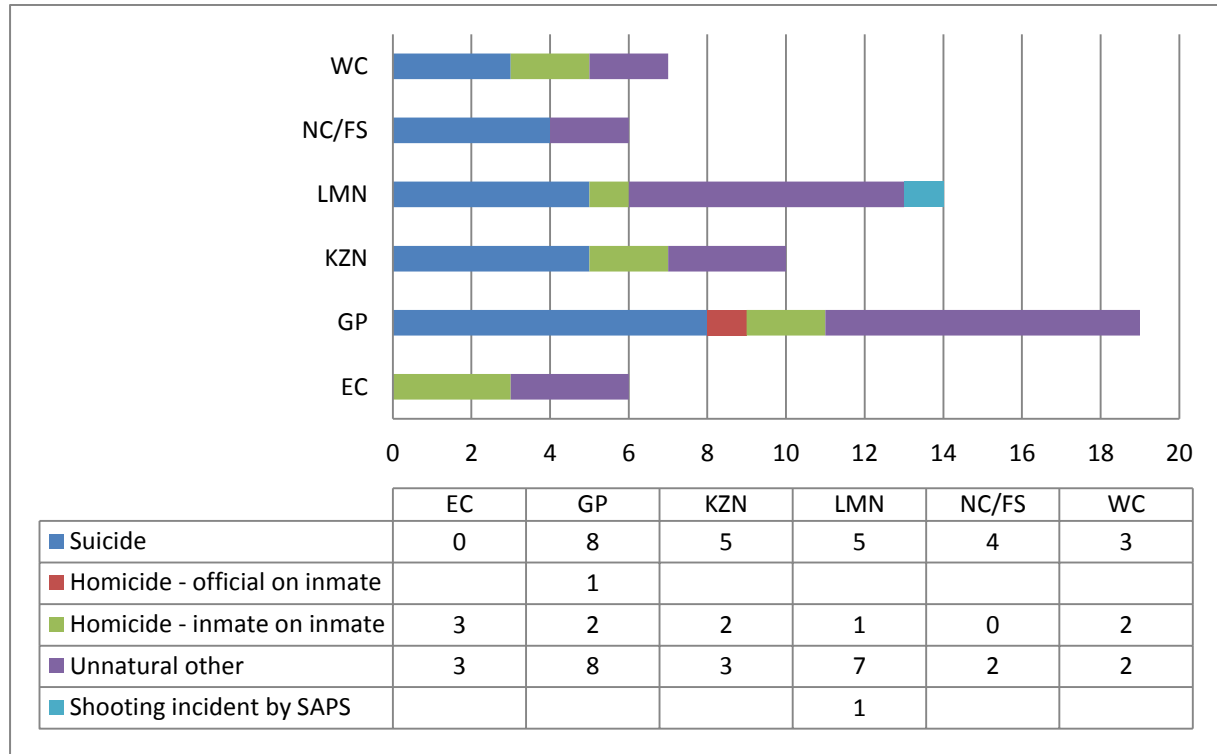
Section 15 of the Correctional Services Act mandates the Heads of Correctional Centres to report all deaths to the Inspecting Judge. In the JICS 2014/2015 annual report it was reported that 46 unnatural deaths were reported to the office. In the year under review there were 62 unnatural deaths reported.

Figure 12 Unnatural deaths reported, 2011/12 to 2015/2016



Most deaths in correctional centres are due to natural causes; however there are those deaths in custody which occur due to unnatural causes. Unnatural deaths generally fall into three categories: homicides, accidents, and suicides.

Figure 13 Unnatural Death Causes by DCS Regions 2015/2016

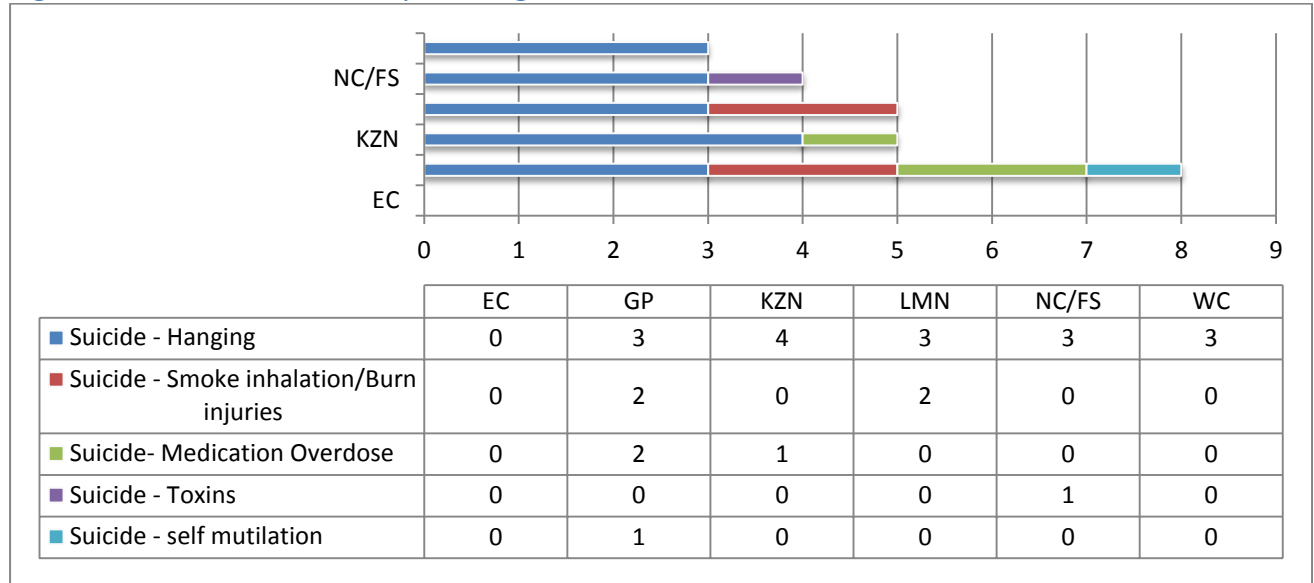


The illustration above depicts the causes of unnatural death and their distribution by DCS regions.

6.2.3 Suicides

Suicides are the most common cause of unnatural deaths in correctional centres, with the majority occurring in Gauteng region; suicide by hanging was the most common method used by inmates in the year under review.

Figure 14: Suicides Methods by DCS Region 2015/2016



25 of the 62 reported unnatural deaths were as a result of suicide. 16 out of the 25 were as a result of suicide by hanging. In the incidents reported items such as ropes made from bed sheets and shoe laces were used by inmates to commit suicide. Nine of the inmates that committed suicide were sentenced inmates and eight were remand detainees.

Further analysis of the deaths reflects that most incidents took place in the Gauteng region and the lowest number of incidents was reported in the Western Cape region. Another analysis of the deaths shows that the suicides took place in single cells or in a communal cell in the shower area where there was less visibility.

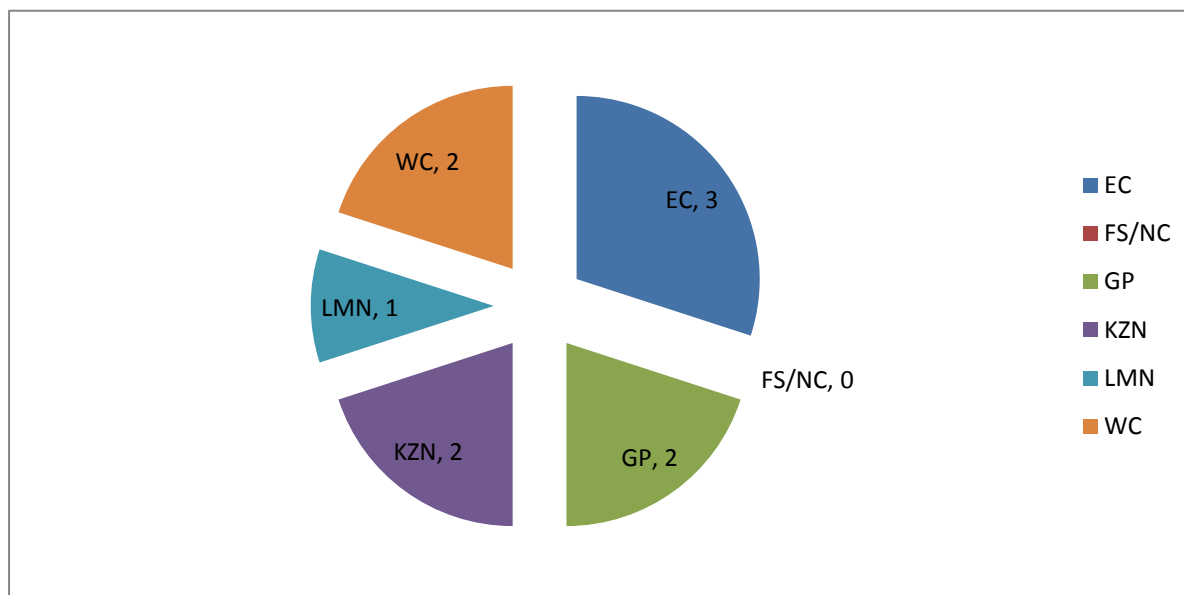
Four incidents of inmates dying as a result of smoke inhalation and/or burn injuries were also reported. All inmates were sentenced inmates, two being juveniles. Analysis shows that all incidents took place in communal cells or cells where there were more than two inmates in a cell. Three deaths as a result of medication overdose were also reported, all inmates being sentenced inmates.

6.2.3 Homicides

In the current reporting period 10 incidents of inmate on inmate homicide were reported to the inspectorate. Analysis shows that the victims were stabbed with self-made knives, assaulted with padlocks or kicked to death. Six of the inmates were sentenced inmates and four of the other inmates were remand detainees. One incident of official on inmate was

reported. It was reported that the inmate was assaulted by officials after force was used by officials to stop inmates from fighting. The figure below indicates the inmate on inmate assaults in the different regions.

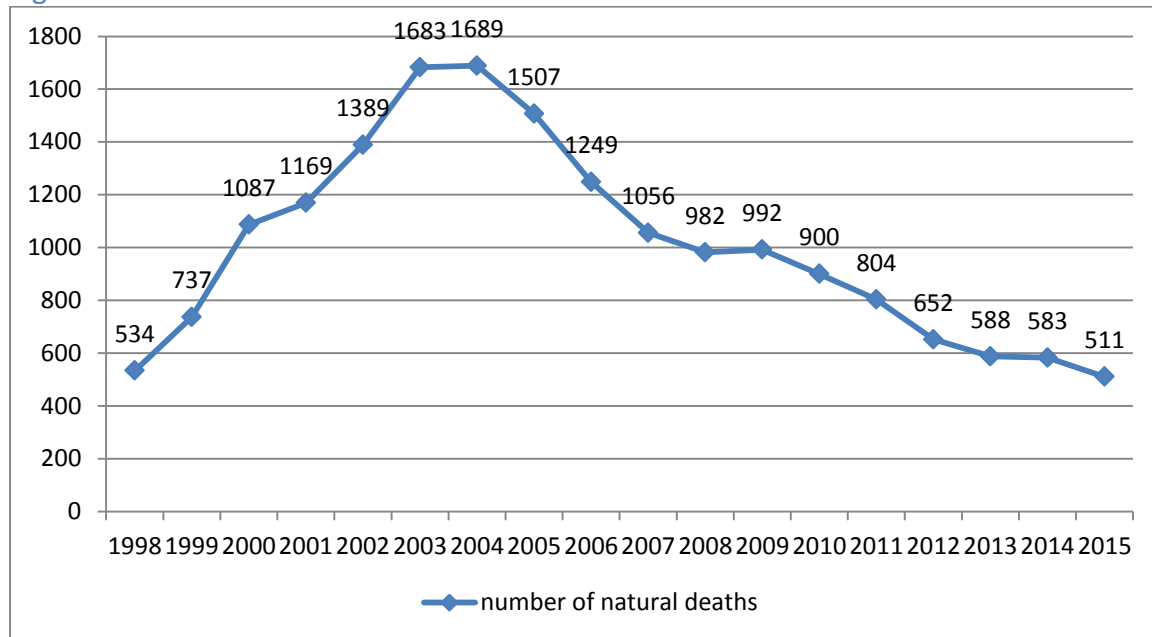
Figure 15: Assault Resulting in Deaths (inmate-on-inmate) 2015/2016



6.2.4 Natural Deaths

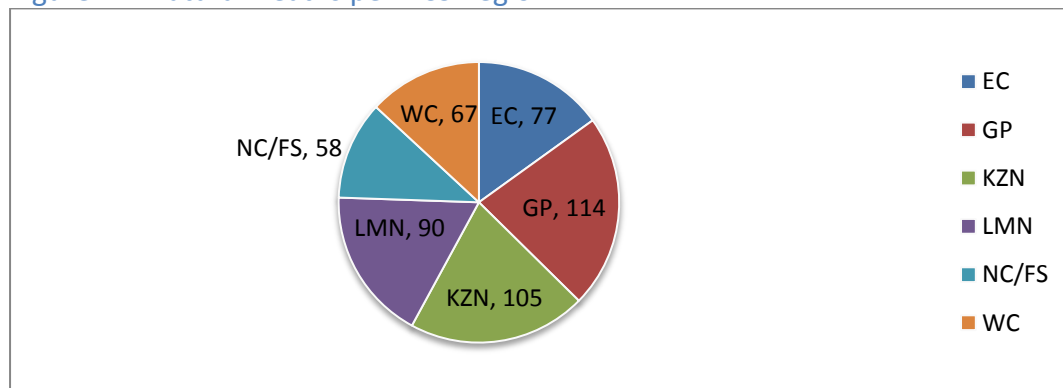
Section 15 of the Correctional Services Act requires the Heads of Correctional Centres to report all deaths to the Inspecting Judge. In the JICS 2014/2015 annual report it was reported that 583 natural deaths were reported. In the current year there were 511 natural deaths reported. The graph below indicates the number of natural deaths in correctional centres over the period 1998-2016.

Figure 16: Number of Natural Deaths 1998-2015



The figures below indicate the number of natural deaths of inmates in the different regions. The highest numbers of deaths were reported in the Gauteng region with 114. The Northern Cape/Free State region recorded the lowest number of deaths with 58. The department is again reminded to adhere to section 6(5) (b) of the Correctional Service Act when inmates are admitted to the various centres.

Figure 17: Natural Deaths per DCS Region



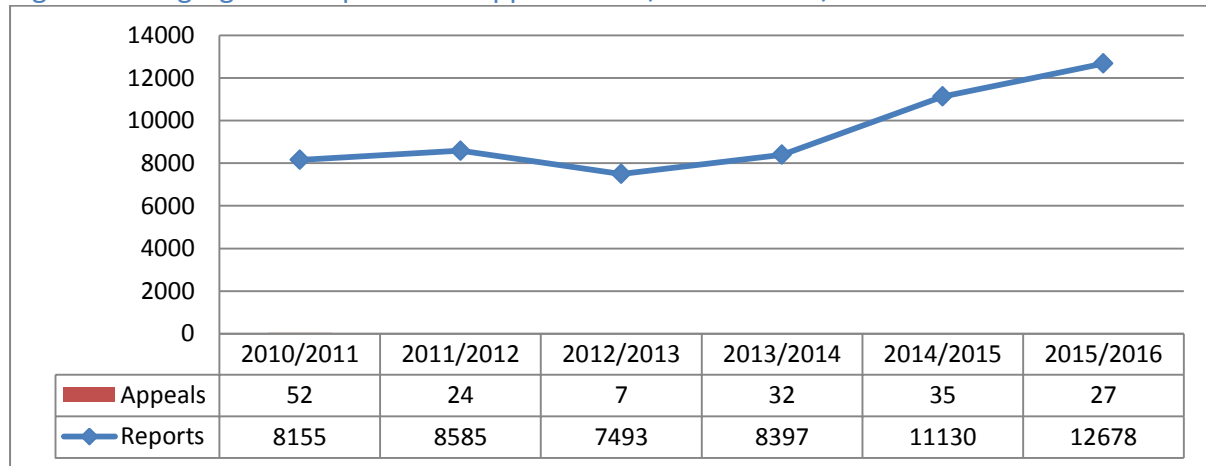
6.2.5 Segregation

For the current period, JICS received 12678 reports of segregation and 27 appeals for segregations. The figure of segregation reports has gone up by 1548 from the period of the previous report. About 27 segregation appeal matters were reported nationally for the period 1 April 2015 to 31 March 2016. Out of 27 (74%) appeals for segregation, 20 are

incidents where the inmate displayed violence or was threatened with violence. About 15 out of 27 (55%) were not reported immediately to our office or contained insufficient information. This caused a delay and constituted non-compliance with section 30(7).

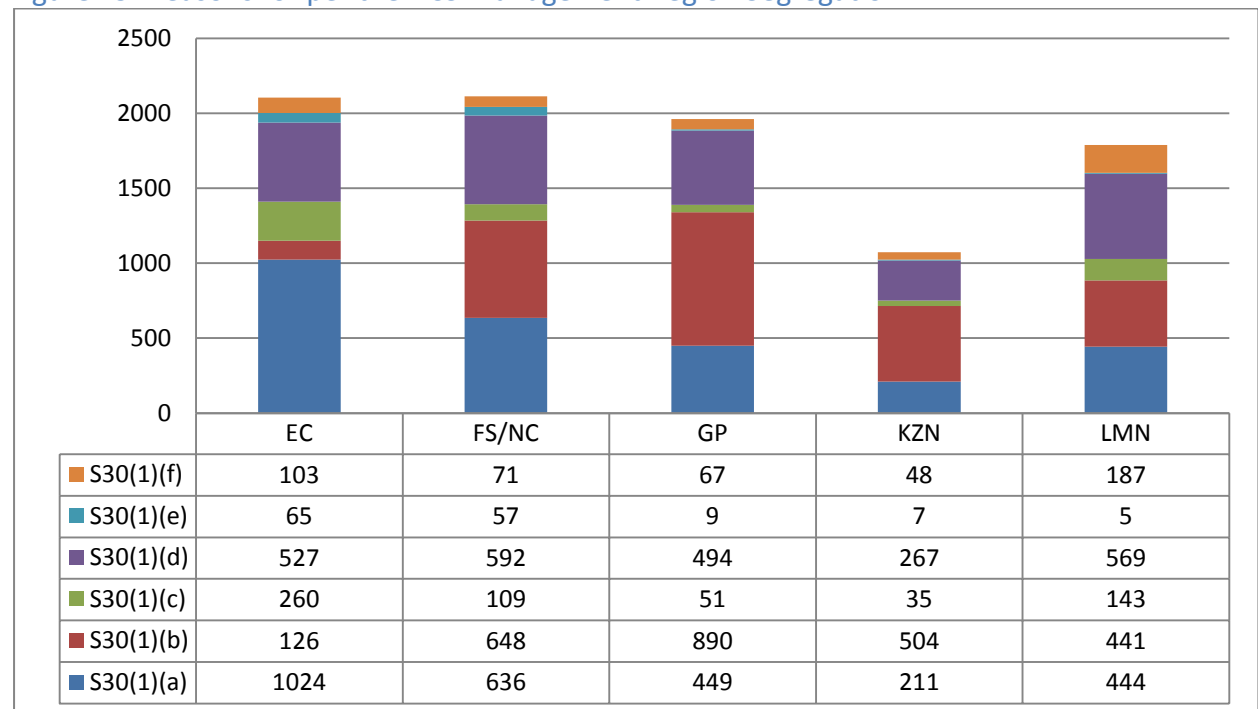
The graph below illustrates the number of reports received and the number of appeals received.

Figure 18: Segregation Reports and Appeals 2010/2011 – 2015/2016



The graph below illustrates the reason for the segregation per the DCS management region.

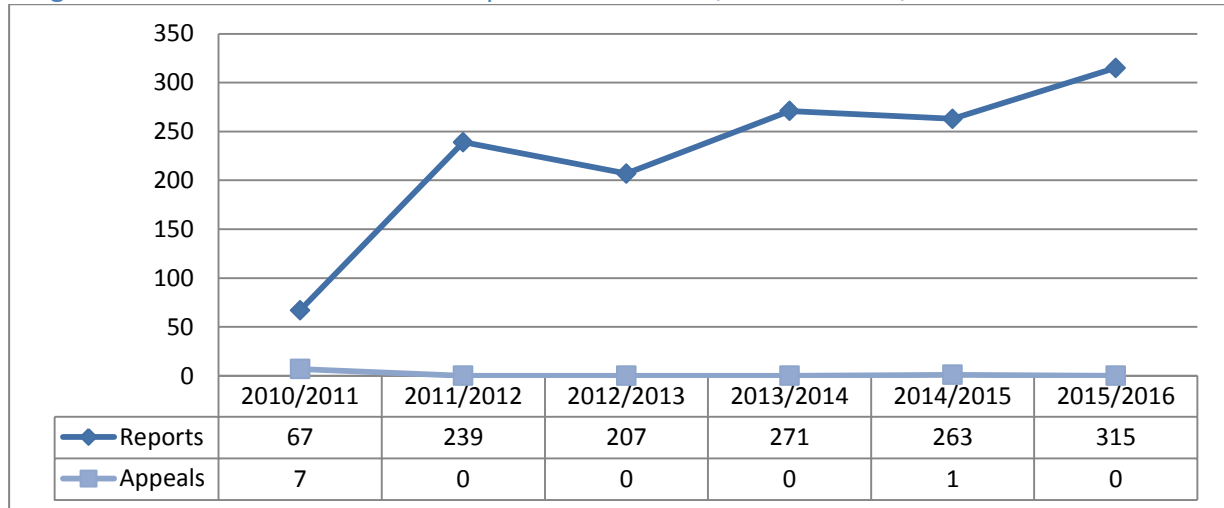
Figure 19: Reasons for per the DCS Management Region Segregation



6.2.6 Mechanical Restraints

In the current year JICS received 315 reports of mechanical restraints, a small increase from the 263 reported the previous year. No instances of appeal were received by JICS in terms of section 31(7) for the current period. The graph below shows the number of mechanical restraints reports and appeals from 2010/2011 to 2015/2016.

Figure 20: Mechanical Restraints reported from 2010/2011 to 2015/2016



6.2.7 Medical Release

The table below illustrates the number of medical release applications made by inmates to the DCS management regions.

Figure 21: Number of uses of Mechanical Restraints per DCS Region, 2015/2016

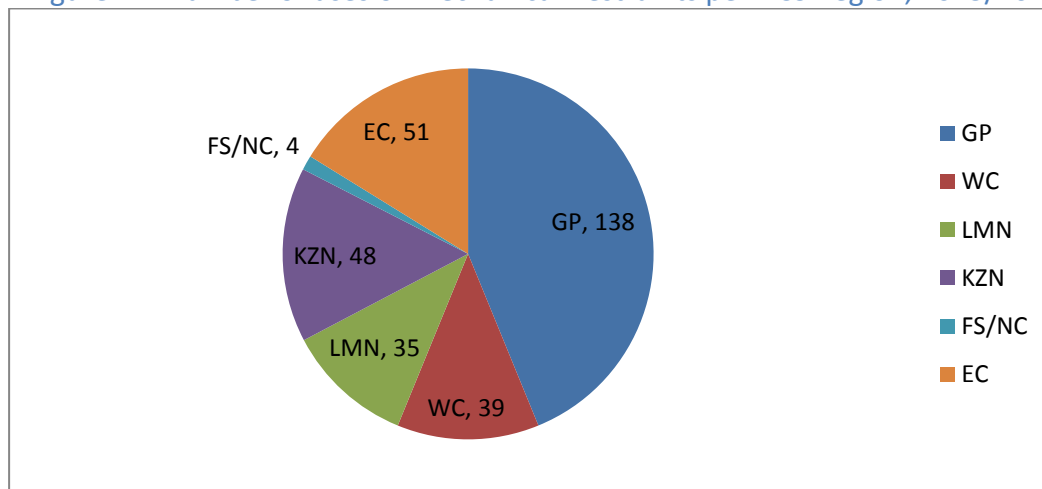


Table 28: Medical Releases per DCS Region 2015/2016

SENTENCED INMATES		REMAND DETAINEE	
Region		Region	
EC	02 were in process	EC	0 were in process
FS/NC	00 were in process	FS/NC	0 were in process
GP	04 were in process	GP	1 was in process
KZN	0 were in process	KZN	0 were in process
LMN	03 were in process	LMN	0 were in process
WC	05 were in process	WC	0 were in process

6.2.8 Use of Force

It should be noted that these figures are for 3 quarters only as figures for the last quart could not be retrieved due to system failure). In the previous year (2014/2015) we reported that there were 461 reports of use of force by officials. In this current period there were 619 reports, which is an increase when compared with the previous year. The graphs below show the total number of reports for a 6 year period and the number of cases of use of force per DCS management regions. The highest number of cases was reported in the Limpopo Mpumalanga & North West region with 149 and the Eastern Cape region with 41.

Analysis showed that the highest number of cases of force used was when officials defended another person in terms of section 32 (1) (c)(ii) of the Correctional Services Act and the least force was used in terms of section 32 (1) (c) (iii) when preventing an inmate from escaping . It was also noted by the Inspectorate that officials used tofa, chemical agents, non-lethal incapacitating devices and electronically activated weapons when using force.

Figure 22: Reported use of Force 2010/2011 – 2015/2016

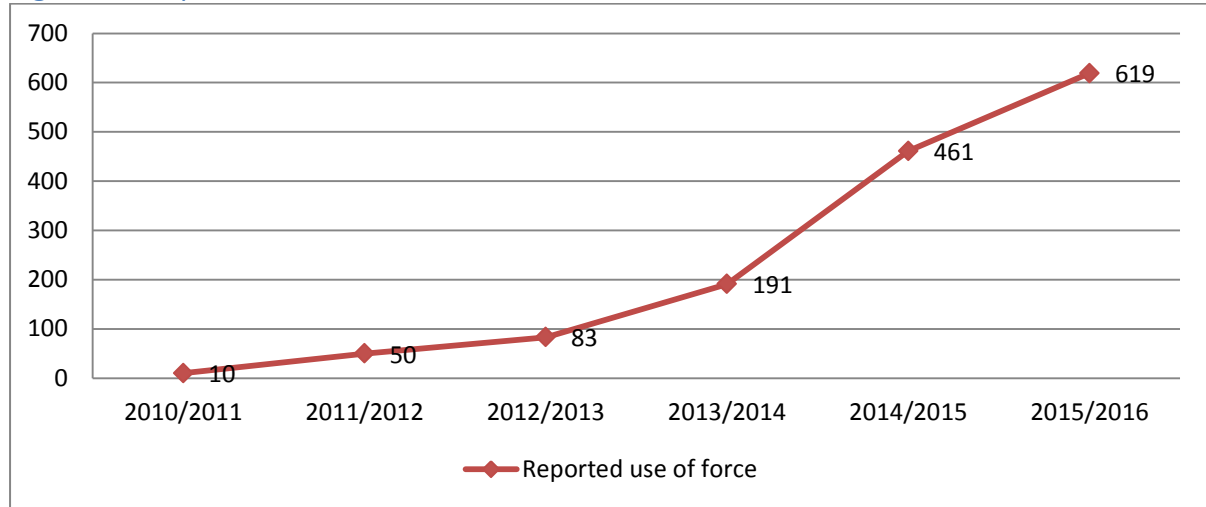
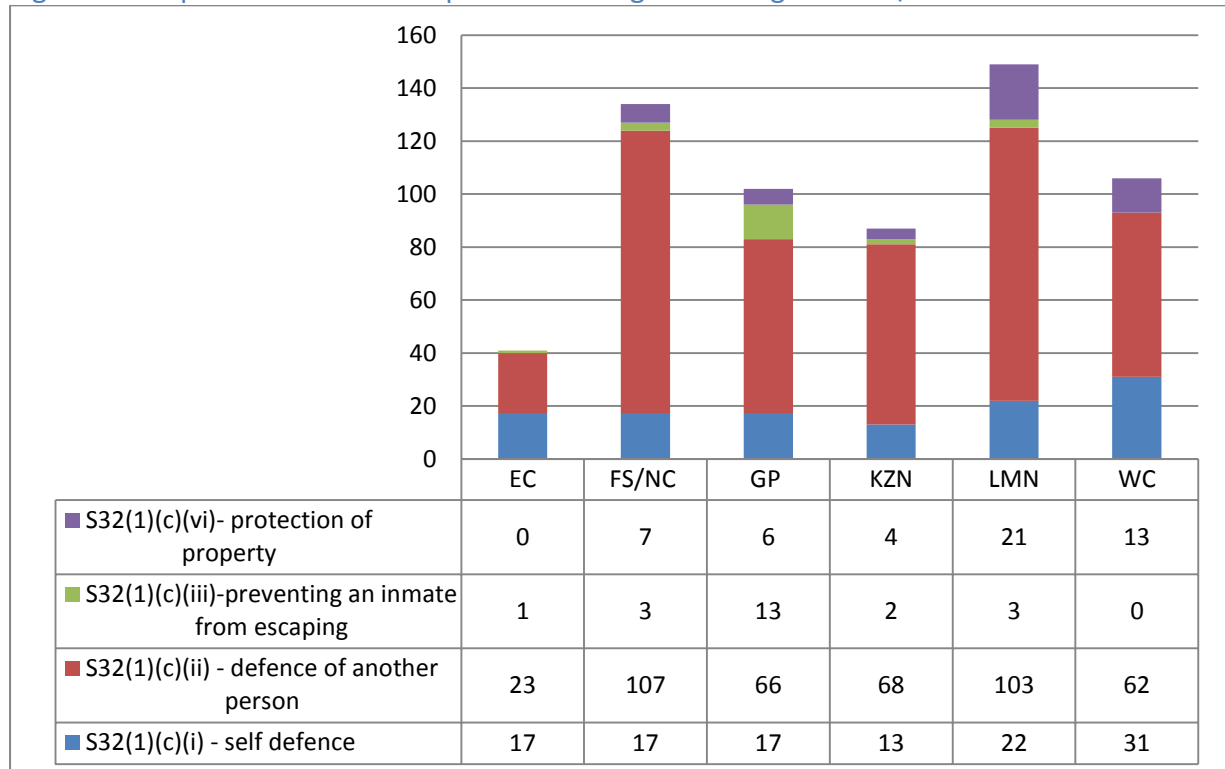


Figure 23: Reported Use of Force per DCS Management Region 2015/2016



CHAPTER 7: COMPLAINTS MANAGEMENT SYSTEM

Persons who are detained in correctional centres may exercise their rights under Chapter 2: Bill of Rights of the Constitution¹⁵ to proffer a complaint directly to the Judicial Inspectorate. In terms of the provisions of section 21(1) read with Correctional Services Regulations, “every prisoner must, on admission and on a daily basis, be given the opportunity to make a complaint or request to the head of correctional centre or a correctional official authorized to represent such head of correctional centre. Section 90(2) of the Act empowers the Inspecting Judge to receive and deal with inmates complaints. This section applies in conjunction with section 21 of the Act which requires the Department to deal with inmates’ complaints and requests in a particular manner.

As South Africa is a member state to international treaties and conventions, the JICS as a government component endeavours to honour The Mandela Rules¹⁶ by reaffirming faith in human rights and making sure that policies and procedures are in place, are utilized appropriately and that inmates are provided with a platform to make their concerns known and have recourse to legal assistance when such complaint is not dealt with by the Department.

In most instances JICS facilitate the resolution of complaints. In the event that a complaint or request becomes moot, the JICS makes further enquiries and finally decide on a matter and place it back into the Department’s care for implementation. The JICS is thus additionally guided by the Promotion of Administrative Justice Act¹⁷ in ensuring that administrative action taken is lawful, reasonable and procedurally fair.

We have become aware that stakeholders do not understand the JICS mandate, more especially the process of “dealing” with inmate complaints. Below is an overview of the Complaints Management System.

¹⁵ The Constitution of South Africa Act 108 of 1998, see sections 33 and 35(2)(e)

¹⁶ United Nations Standard Minimum Rules for the Treatment of Prisoners 2015

¹⁷ Promotion of Administrative Justice Act 3 of 2000

7.1 Complaints Cycle

Figure 24: Complaints Cycle



7.1.1 Receive Complaint

As per the legislative guidelines detailed below, complaints are received at via the ICCVs in the regions and also through the Complaints Unit in the Legal Services directorate.

(a) Directorate Management Regions: Independent Correctional Centre Visitors (ICCV)

- Via the ICCVs directly in terms of sections 21(5)¹⁸ and 93(5)
- Via unresolved through the VC in terms of sections 90(2) and 94(3)(b)

(b) Directorate Legal Services: Complaints Unit (CU)

- A complaint can be received directly by the Complaints Unit within the Directorate Legal Services. This is a result of an inmate exercising his rights under Chapter 2: Bill of Rights of the Constitution [Act 108 of 1998, see sections 33 and 35(2) (e)]. These complaints are received by a letter, verbal complaint or telephone call by inmate
- A referral via facsimile, email or posted letter from external sources (i.e. ministry, family of inmates/ public, chapter 9 institutions, other oversight bodies etc.) in terms of section 90(2)

¹⁸ Please note that every inmate must on a daily basis be granted an opportunity to make complaints or requests to head of centre or designated official, it will follow the process laid out in section 21, thereafter, and if an inmate is not satisfied with the response, the inmate may refer the matter to the Independent Correctional Centre Visitor.

- ICCVs in urgent matters (i.e. assault, hunger strikes etc.) in terms of section 90(2)
- Own volition of Inspecting Judge in terms of section 90(2)
- Unresolved through the VC in terms of sections 90(2) and 94(3)(b); 93(5)

7.1.2 Deal with Complaint

- Complaints are categorized and dealt with according to its individual circumstances; seriousness; where an element of violence is involved; the type of injuries sustained by inmate; the degree of a violation of inmate's right etc.
- These categories are not a closed list and have grown over the years since the establishment of the CU in 2011. With the development in law and introduction of new legislation, a new category is added. Eg Prevention of Combating and Torture of Persons Act¹⁹ gave rise to a new category "Torture complaint".
- ICCVs are trained to encourage inmates to follow the process as laid out in section 21, i.e. to register complaints in the complaints register (otherwise termed the G365 register). In that instance the designated official is obliged to deal with the complaint and the Head of Centre periodically inspect the register or evaluate the manner in which inmates complaints are dealt with and intervene where same remain unresolved. Once an inmate is dissatisfied with the resolution of his/her complaint or request same can be referred to the National Commissioner for decision. Should the inmate be dissatisfied with the decision of the National Commissioner, it can be referred to the ICCV who will deal with it in terms of section 93.
- Section 93 requires ICCVs to refer all unresolved complaints to a Visitors Committee (VC) or in cases of urgency to the Inspecting Judge.

¹⁹ Prevention of Combating and Torture of Persons Act 13 of 2013 Government Gazette No. 36716
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Table 29: Complaints Categories

	General	Urgent	Focus Area
category	<ul style="list-style-type: none"> • Appeal • Bail • Communication with family • Conditions • Confiscation of possessions • Corruption • Conversion of sentence • Food • Health care • Inhumane treatment • Legal representation • Medical release • Parole • Reclassification • Rehabilitation programs • Remission • Transfers • Other 	<ul style="list-style-type: none"> • Assault (inmate on inmate) • Assault (inmate on inmate) • Assault (sexual) • Torture • Hunger strike • Attempted suicide • Urgent health care 	<ul style="list-style-type: none"> • Vulnerable groups • Assault (official on inmate, EST searching) • Assault (sexual) • Mental health • Torture
Action	<ol style="list-style-type: none"> 1. Capture complaint at least within 2 days after receipt thereof. 2. Notify and refer complaint to DMR within 5 days of receipt 3. DMR facilitate resolution of complaint with HCC and request feedback within 7-14 days 4. Follow up on outstanding feedback from HCC, AC, RC until matter resolved 5. Report to Parliament quarterly and annually; DCS monthly 	<ol style="list-style-type: none"> 1. Capture complaint as soon as is reasonably possible (immediately). 2. Immediately verify that inmate's safety is secured; he/she has received medical assistance; notify and request feedback from ICCV and obtain same (RoC with report) within 3 days of notification. 3. Inform and request immediately Preliminary feedback from HCC and obtain feedback within 3 days. Full feedback must be obtained within 30 days of incident. 4. Follow up on outstanding feedback from HCC, AC, RC until full DCS internal report is received 5. Analyse report and independent evidence and submit recommendations to all parties concerned 6. Report to Parliament quarterly and annually; DCS monthly 	<ol style="list-style-type: none"> 1. Capture complaint as soon as is reasonably possible (immediately). 2. Immediately verify that inmate's safety is secured; he/she has received medical assistance; notify and request feedback from ICCV and obtain same (RoC with report) within 3 days of notification. 3. Inform and request immediately Preliminary feedback from HCC and obtain feedback within 3 days. Full feedback must be obtained within 30 days of incident. 4. Follow up on outstanding feedback from HCC, AC, RC until full DCS internal report is received 5. Analyse report and independent evidence and submit recommendations to all parties concerned 6. Report to Parliament quarterly and annually; DCS monthly

7.1.3. Analyse/ Evaluate Evidence

Upon receiving DCS internal investigation report and any information gathered by ICCV as instructed by CU or any information by JICS Inspections/ Investigations Unit; the evidence will be analysed and evaluated to determine compliance with legislation, Regulations, B Orders, and Institutional Orders applicable.²⁰

JICS has 60 days to finalise a matter after receiving all the requested information from DCS, due to its operational challenges such as lack of staff, office space, and ineffective IT system, compliance is not always possible.

7.1.4 Transmit Recommendation

A copy of our findings and recommendations is transmitted to HCC, AC, RC and ICCV, who will provide inmate with a copy and explain the content if inmate cannot read, understand the language or simply request such explanation.²¹

7.1.5 Report

The Judicial Inspectorate with its overall reporting role, also reports on the complaints it receives from inmates. In this respect it does reports on a quarterly basis to Parliament and monthly to the Department. Much effort goes into collating the information manually and we constantly strive to report in an accurate, reliable and independent manner.

7.2 ICCV and Complaints Unit Interactions with Inmates

In the year under review, our ICCVs and staff of the Complaints Unit had interactions with inmates on a total number of **456 994** occasions. These interactions include interviews, requests, advice and complaints. Not all interactions lead to complaints dealt with by the JICS, as it is ultimately the head of correctional centre that must deal and resolve complaints. ICCVs may be called upon to facilitate a resolution and where head of centre is unable to find a solution, the matter will go through the unresolved process as set out above. Through our Directorate Management Regions, our ICCVs and Head of Centres have cultivated a good working relationship which fosters and encourage the protection of human rights within correctional centres across South Africa.

²⁰ Follow principles set out in PAJA, whether lawful, reasonable and procedurally fair processes exist and followed.

²¹ *Supra*, provide written reasons

We have noted a sharp decline of inmate on inmate assault over the 3 financial years as set out below. Many factors can be attributed to this decline, such as the possibility of under-reporting by ICCVs, the turnaround time for replacement of ICCV, inmates not having the confidence to report to the JICS, fear/ shame or intimidation by fellow inmates, gang members choosing to initiate revenge attacks, frustration with the administrative process and a delay in receiving feedback. Whilst at the same time we see more queries are received regarding re-classification, the physical condition of the correctional centre; inhumane treatment; medical release; confiscation of possession and torture.

The JICS is in an incessant battle with DCS for resources such as staff, IT systems, infrastructure and it places an onerous burden on the legislative operations of our organisation. The table below provides a breakdown of complaints handled by our regional offices in Bloemfontein (Central Management Region); Durban (Eastern Management Region); Centurion (Northern Management Region); George (Southern Management Region) and our head office in Cape Town.

Table 30: Complaints Handled per Regional Office

Categories	EMR	CMR	NMR	SMR	DLS	Total
Appeal	830	556	1 609	488	19	3 502
Assault (Inmate on Inmate)	71	353	54	121	26	625
Assault (Official on Inmate)	130	162	85	226	208	811
Assault (Sexual)	15	20	1	9	18	63
Bail	987	411	2 091	949	10	4 448
Communication with Family	815	850	1 029	1 198	8	3 900
Conditions	103	243	544	526	3	1 419
Confiscation of Possession	78	47	117	156	6	404
Conversion of Sentence	43	63	209	11	6	332
Corruption	0	4	18	1	3	26
Food	108	174	437	324	3	1 046
Health Care	1 335	759	3 730	1 724	26	7 574
Hunger Strike	0	6	0	0	1	7
Inhumane Treatment	37	82	67	160	18	364
Legal Representation	1 121	994	2 090	1 319	5	5 529
Medical Release	8	5	2	7	5	27
Parole	138	1 320	1 587	1 044	46	4 135
Re-Classification	87	197	191	205	5	685
Rehabilitation Programmes	939	645	2 199	819	12	4 614
Remission	4	27	22	53	1	107
Torture	5	6	1	1	2	15
Transfers	2 180	2 714	3 407	1 457	87	9 845
Other	2 107	1 439	4 624	3 034	85	11 289
Total	11 141	11 077	24 114	13 832	603	60 767

7.3 Complaints Categories

From the above statistics we are able to identify prevalent complaints for this period under review as being;

7.3.1 Transfers

Section 43 of the Act²² provides for the location and transfer of sentenced inmates. Reasons for this category to be prevalent at **9 845** include;

- Lack of rehabilitation programmes as per individual consideration
- Contact with families
- Overcrowding

As transfer requests are considered by head of centre where inmate is currently accommodated and head of centre where inmate wishes to be transferred, it is not always possible to grant such request as the Case Management Committee (CMC), Centre Management, Area Management and in some instances Regions liaise and take into account inmate's risk profile, availability of accommodation and whether the centre provides the programmes inmate would require for consideration of parole.

7.3.2 Health Care

The majority of these complaints are resolved at centre level where inmates are provided with an opportunity to see a medical practitioner or receive medication; of the **7 574** we found the problem exist where professional services are not provided timeously or as regular as inmates would like. Depending on the type of correctional centre, geographical area, percentage of overcrowding etc especially in rural areas, we find that there is a delay in receiving prescribed medication which give rise to complaints.

Complaints having an element of violence such as Assaults, Confiscation of property, Inhumane treatment and Torture or an instance where inmate's health may be in jeopardy such as a suicide attempt and hunger strike are immediately attended to by DCS and JICS, it is our priority to secure inmate's safety, receiving medical attention and treatment if necessary. As part of our recommendations to DCS, we highlight the hazardous risks to an inmate's health when placed in an environment which is severely overcrowded and understaffed and the positive obligation on DCS to provide a safe and secure environment²³, we also further highlight the importance of implementing the department's health care policy.

²² Section 43 of the Correctional services Act 111 of 1998 as amended

²³ Dudley Lee v Minister of Correctional Services (2012) ZACC 30

7.3.3 Appeals, Bail and Legal Representation

The categories of complaints relating to **Appeal (3502), Bail (4448), Legal Representation (5529)**, are referred to Legal Aid South Africa in terms of an agreement with their Justice Centres.

7.3.4 Other complaints

A total of **11 289** complaints have been received in this year. However, there is a possibility that these figures also include deaths; use of force; mechanical restraints and segregations that were incorrectly recorded as complaints, as often done by some officials and heads at the centres.. Another reason is that inmates usually requests to have a kettle/ radio in his cell, permission to receive study material or have money deposited on inmate's card etc. where such category of complaint does not exist, the category "other" is used instead.

7.4 Analysis of Recommendations

An analysis of the implementation of recommendations was assessed with respect to complaints in the categories of assaults by officials on inmate, violence-related assaults, as well as sexual assaults.

7.4.1 Assault by Officials on Inmates

811 complaints have been received, but only 218 were filtered through the Complaints Unit as these remained unresolved. The table below provide a comparison of these complaints within the DCS regions.

Table 31: Unresolved Complaints

	WC	EC	KZN	GP	NCFS	LMN
Total Complaints [218]	57	27	27	20	42	45
Investigated by JICS					19	17
Investigation reports outstanding from DCS	39	19	23	18	30	37
Recommendation by JICS	9	2	2	2	10	6
Implementation of JICS recommendations						

7.4.2 Violence-related Assaults

Our finding in matters where an element of violence is present is set out in the table below.

Table 32: Findings on Violence related Assaults

Our reference	Date of incident	Date of reporting to JICS	Date IR was received	Age	Gender	Security Classification			Elements of violence							Breached by DCS					
						Sentenced	Remand Detainee	Not returned from court	Assault – inmate on inmate (gang related)	Assault – official on inmate	Assault - Sexual	Confiscation of possession	no breach by DCS	complaint abandoned by inmate	breach by inmate ito Section 23 of Act 111 of 1998	No compliance with S32 and S102 of Act 111 of 1998	Failure by staff to comply with procedures	B-Order 2 - Chapter 6 Section Duties performed by officials	B-Order 3 - Chapter 4 Dealing with High Risk Inmates	B-Order 2 - Chapter 14 -Deals with Searching at centres)	
Eastern Cape																					
R-87-2015 Durban Med B	Oct-14	Jan-15	Feb-15	47	M	X				X							X			X	
R-222-2015 Burgersdorp	Mar-15	Sep-15	Sep-15	33	M					X						X		X	X		
Gauteng																					
R-233-2015 Boksburg	Sep-14	May-15	Sep-15	25	M	X			X					X	X			X	X		
Limpopo, Mpumalanga and North West																					

R-185-2015 Potchefstroom	Jan-15	Apr-15	Aug-15	21	M		X		X	X						X			
R-234-2015 Potchefstroom	Apr-15	May-15	Aug-15	26	M		X		X							X			
R-235-2015 Potchefstroom	Apr-15	May-15	Aug-15	35	M		X		X							X			
R-238-2016 Potchefstroom	Apr-15	May-15	Aug-15	35	M		X			X			X						
R-239-2015 Potchefstroom	Apr-15	May-15	Aug-15	26	M		X	X		X				X					
R-240-2015 Potchefstroom	Apr-15	May-15	Aug-15	29	M		X	X		X			X						
R-237-2015 Potchefstroom	Jan-15	May-15	Sep-15	23	M		X	X		X				X					
R-243-2015 Potchefstroom	Apr-15	May-15	Aug-15	29	M		X	X		X				X					
Potchefstroom	Jan-15	May-15	Aug-15	28	M		X		X							X			
Potchefstroom	Mar-15	May-15	Aug-15	23	M		X		X							X			
Potchefstroom	Apr-15	May-15	Aug-15	19	M		X		X							X			
Potchefstroom	Mar-15	May-15	Aug-15	27	M		X		X		X						X		
Potchefstroom	Apr-15	May-15	Aug-15	22	M		X		X		X								
Potchefstroom	May-15	May-15	Aug-15	32	M		X	X	X		X			X					
R-497-2015 Polokwane	Jun-15	Aug-16	Jul-16	28	M	X				X						X			

R-240-2015 Potchefstroom	Jan-15	May-16	May-16	30	M		X		X				X						
R-1113-2014 Klerksdorp	Dec-14	Dec-14	Jul-15	37	M						X	X		X					
R-117-2015 Brits	Dec-14	Mar-15	Jun-15	35	M	X				X					X		X	X	
Northern Cape / Free State																			
R-390-2015 Goedemoed Med A	Jun-15	Jul-15	Sep-15	39	M	X				X					X		X		
R-507-2015 Grootvlei	Jul-12	Aug-15	Sep-15	41	M	X				X					X		X		
R-242-2015 Ladybrand	Apr-15	Jul-15	Jul-15	22	M		X			X			X		X				
R-488-2015 Kuruman	Jun-15	Aug-15	Aug-15	25	M	X				X					X		X	X	
R-251-2015 Edenburg	May-15	Jul-15	Aug-15	45	M	X									X		X	X	
R-101-2015 Barkley West	Jan-15	Feb-15	Apr-15	40	M	X				X			X						
R-337-2015 Goedemoed Med A	Mar-15	Jun-15	Sep-15	33	M	X				X					X			X	X
R-253-2015 BizzahMakhate Med A	Nov-14	May-15	Jun-15	23	M	X				X			X		X				

Western Cape

R-1010-2014 Helderstroom Med	Apr-14	Apr-14	Sep-15	34	M	X				X					X	X				
R-1013-2014 Allandale	Jul-15	Jul-15	Aug-15	33	M	X			X					X						
R-116-2016 Drakenstein Med A	Sep-14	Mar-15	Feb-15	31	M	X				X								X		
R-78-2015 Mossel Bay Juvenile	Jan-15	Feb-15	Mar-15	23	M	X				X				X						
R-362-2015 Knysna	May-15	Jun-15	Jun-15	35	M		X								X	X				
R-452-2015 Helderstroom Med	Jun-15	Jun-15	Sep-15	29	M					X						X				
R-33-2015 Drakenstein Med B	Jan-15	Apr-15	Apr-15	24	M	X				X						X		X		
R-380-2015 George	Apr-15	Apr-15	Jun-15	41	M		X			X						X			X	

7.4.3 Sexual Assault

7.4.3.1 Case Study 1

Potchefstroom: BM a 22 year old remand detainee alleged that he was raped by his cell mate SS, who is 24 years old, both men, belong to street gangs in the local community. BM alleged that SS woke him early the morning, threatened him with a knife and gave an instruction that he (BM) should turn on his stomach while lying on his bed. SS proceeded to “rape” BM for an hour without using a condom. BM did not alert anyone as he feared that SS would stab him. During the serving of breakfast, BM reported the incident to officials. BM was referred to the centre’s hospital and then to the rape crisis centre at Potchefstroom hospital. BM received counselling from DCS social worker, SAPS case was opened. Medical evidence indicates that BM was examined but did not note “visible external injuries to the anus” and the doctor found a “normal looking perianal and anal area”. (JICS, 2015)

There is a lack of reporting assault of a sexual nature by DCS. For this period we received **nil (0)** from DCS; we mainly receive from our internal sources.²⁴

The above particular matter was reported to our office via ICCV at the centre, it was discovered whilst monitoring the G365 (complaints register). In the absence of ICCV vigilance and fact finding abilities, matters such as this would otherwise not become known.

Victims often do not understand the classification of sexual offences committed against him/her, therefore we see the term “rape” being used more generally. It is only when the incident is reported and facts have been provided that officials are able to classify and deal with the matter accordingly.²⁵

It is thus crucial that officials or medical staff dealing with such matters are well acquainted with the provisions as set out in the Criminal Law Amendment Act of 2007, especially section 28 (1) (a) which provides for victims to receive services relating to (i) Post Exposure Prophylaxis (PEP) in order to prevent HIV infection, (ii) free medical advice in administering PEP, (iii) a list containing accessible public health establishments and compulsory HIV testing of alleged

²⁴ ICCVs

²⁵ Sexual offences include: Section 3 Rape; Section 4 Compelled Rape; Section 5 Sexual Assault; Section 6 Compelled Sexual Assault; Section 7 Compelled Self Sexual Assault Criminal Law (Sexual Offences and related matters) Amendment Act 32 of 2007

offenders. These services are available to victims at state expense but only if the incident was reported within the 72 hour period after the alleged sexual assault took place.²⁶

It is difficult to determine what disciplinary steps to implement as the alleged offender often deny the act. Adding to the concerns is the issue of late reporting (if at all) and lack of evidence to substantiate the complaints.

Remand detainees are faced with a situation where they will be more susceptible to violence and gangsterism as they do not have access to correctional programmes such as Preparatory Programme on Sexual Offences or the Behaviour Modification Programme²⁷ due to the short periods spent in correctional centres while awaiting their trial date. Education plays a major role in reducing violence and maintaining order thus creating a safer environment. This is not to say that no incidents will take place simply because inmates are educated. Other factors should also be considered, such as severe overcrowding, staff shortage, gangsterism and the inmate population in CC becoming even younger. Young gang members are more volatile and unpredictable and do not follow “Rules and Codes” of the gangs, also in relation to the new community/ street gangs. Inmates who do not belong to any gang are typically regarded as especially vulnerable to the abuses and excesses of prevailing inmate power structures.²⁸ There is a continuous need to overpower the fellow inmate and show dominance in order to “survive”.

It is imperative that inmate’s safety is secured; the victim and alleged offender are immediately separated by placing either inmate in a single cell. DCS Health Care Policy and Procedure²⁹ provide for victims of sexual assault matters to receive medical treatment at the correctional centre clinic or sickbay and are later referred to the designated public hospital for post-exposure prophylaxis (PEP). The initial examination and treatment is not delayed more than 2 hours after the matter is reported; this is done to ensure that the integrity of the evidence is secure. History of the incident and the medical staff’s observations are just as important in establishing whether it is a mere allegation or fact. Officials dealing with such matters need to approach the complaint with sensitivity, but still have the ability not to fall for inmate’s trickery, as it is not uncommon for inmates to fabricate stories in order to manipulate the official or the

²⁶ Section 28 Criminal Law Amendment Act 32 of 2007

²⁷ See DCS Correctional Programmes Targeting Offending Behaviour

²⁸ Daai Ding, Sex Sexual Violence and Coercion in Men’s Prisons (2002) Sasha Gear and Kindiza Ngubeni

²⁹ DCS Health care Policy and Procedure Handbook

system. In Potchefstroom, we found that often detainees do not want to open criminal cases as they want to use their gang to exact retribution for the assaults perpetrated against them.³⁰

We therefore cannot stress the importance of mental health care practitioners³¹ in such matters and in order to maintain a safe environment for both inmate and official. JICS is of the view that a multidisciplinary approach is necessary, but this is often not possible as too many posts are still vacant and thus every step should be taken to fill the vacant posts within the Department.³²

7.4.3.2 Conclusion

Good governance of correctional centres is not necessarily a function of an abundance of resources, and inversely, poorly resourced centres are not necessarily corrupt centres. Thus many of the best practices identified in state and private centres were reflective of sound correctional centre management practices rather than the availability of additional resources. Overwhelmingly, this points to the fact that good centre governance is distinguished more by the quality of leadership in place than by the quality of facilities.

The professionalism of an institution, once established allows officials to “do little things right”; these include routine adherence to security procedures, the maintenance of hygienic standards, and zero tolerance of inappropriate or corrupt behaviour among staff and inmates. It is evident that good governance, first and foremost, concerns the effective management and motivation of correctional centre staff. Significantly, the investigation found that many of the best practices introduced in the private centres are cost effective and can be introduced into state centres with major budgetary adjustments.

The 2005 white paper embodies many of the best international practices espoused in various international instruments as well as those identified by independent commentators from academia, the non-governmental sector and elsewhere; this relates especially to the correction and rehabilitation of inmates. The white paper is also remarkable open in its recognition and acceptance of the challenges which it faces in reorienting the organisational culture of state centres in addressing corruption and maladministration and in promoting a system of governance which is orientated to the rehabilitation and

³⁰ JICS Investigation Report: Allegations of assault at Potchefstroom 2015

³¹ As defined in The Mental Health Care Act 17 of 2002, Chapter I

³² See Inspections/ Investigations chapter

reintegration of inmates into society. Such openness in recognising systemic administrative shortcomings is a pre-requisite to the development of any learning organisation and augurs well for the future transformation of the DCS. The current challenge and challenge of the years ahead will be to operationalise this vision.

Overcrowding unquestionably challenges most aspects of good governance and presents a threat to the implementation of the White Paper. Proposals by the DCS to build a number of new generation centres will go some way towards addressing this shortcoming. However, international experience has shown that it is not possible to “build one’s way out of overcrowding” and other solutions to the problem are also required. Significantly, a reduction in overcrowding will require a review and reform of parole and sentencing regimes as well as improvements in the time in which cases are brought to court. In effect, a joint initiative of the police service, the judiciary (through the legislature) and correctional services. Close engagement with the other structures in the Integrated Justice System and Social Services Cluster, as advocated in White Paper, is essential to the revitalisation of correctional services.

CHAPTER 8: COMMUNITY AND STAKEHOLDER ENGAGEMENT

8.1 The Independent Visitor's Committee

The objective of a Visitors' Committee is to deal with complaints not resolved at correctional centre level and to promote community involvement in correctional matters. The Inspectorate has 50 VCs within the four management regions. VCs are supervised by Visitors' Committee Coordinators. Chapter 12 of the National Development Plan envisages building safer communities. In this regard JICS, through the Visitors' Committee, strengthens working relations in criminal justice sectors such as Legal Aid. It does so at a regional level by creating a platform for discussion to ensure access to justice for inmates so that awaiting trial inmates may have access to legal representation so that bail and appeal complaints lodged may be expedited.

The Correctional Services Act identifies through the powers functions, duties of the inspecting Judge to, amongst others independent correctional visitors (ICCVs). Our focus in this section of the report is on ICCVs whose appointment, functions, duties and responsibilities are set out in sections 92, 93 and 94 of the CSA.³³

8.1.1 Appointment of ICCVs

The Inspectorate is enjoined by statute³⁴, to call on in public for organisations to nominate independent centre visitors. ICCVs are individuals with a mandate from NGO's/CBO's and are identified in terms thereof. After candidates have been nominated, they are appointed and trained. ICCV's are given an introductory training as well as a paralegal training.

JICS is cognisant of our larger role in the development of our country. ICCVs come from communities, and as a form of empowerment, they are skilled through training. Examples of empowerment in the community are;

- a) the extended public works programme (EPWP)
- b) auxiliary workers within DCS

ICCVs are part of that bigger picture. Furthermore, the Strategic Mid-term Framework, being government's strategic plan for its 2014-2019 electoral term of office, envisages a skilled and capable workforce to support an inclusive growth path. The appointment of ICCVs is a form of

³³ Correctional Services Act 111 of 1998, as amended

³⁴ Section 92 of the Correctional Services Act

empowerment which creates jobs thereby providing skills to ordinary members of the community who serve as a liaison between the inmates and the community. The presence of ICCVs in correctional centres ensures that the gap between inmates and society is bridged, thereby making it easier for inmates to go into communities after their release. Programmes such as crime and drug awareness education are expanded upon in more detail in sections that follow.

8.2 Powers, Functions and Duties of ICCVs

The powers, functions and duties of ICCVs are clearly laid down in section 93 of the CSA 111 of 1998, (as amended). These functions and duties are referred to in the minimum standards of service delivery (MSSD). As stipulated in Section 94 (3) the main functions of the VC are to;

- (a) consider unresolved complaints with a view to their resolution;
- (b) submit to the Inspecting Judge those complaints which the VC cannot resolve;
- (c) organise a schedule of visits;
- (d) extend and promote the community's interest and involvement in correctional matters; and
- (e) submit minutes of its meetings to the Inspecting Judge.

8.2.1 Site Visits

This includes observations, randomly speaking to inmates and visiting single cell sections and all parts of the centre. A monthly mini-inspection report must be submitted by the ICCV to the Directorate: Legal Services, Complaints Unit. The Complaints Unit has the responsibility to follow up on matters referred to in these reports, which may warrant inspections or investigations.

8.2.2 Interviews

In order to complement their training, JICS has developed specific directives to ICCVs in each conceivable type of complaint. These are called records of consultation (ROC) and cover all events from assaults to confiscation of possessions to the use of force. Individual requests and complaints are recorded in an index of interviews in which if the matter is not urgent and serious, they ensure that the DCS official records the matter in the G365 complaints and requests register.

8.2.3 Monitoring of Complaints and Requests (G365)

Their task is to monitor periodically whether the DCS has attended to the request or complaint, failing which a full consultation is conducted when the formal mediation process commences.

8.2.4 Private Consultations

ICCV conducts private consultations with inmates to address complaints registered in the G365 that have not been resolved or not adequately resolved. The ICCV records these private consultations in a record of consultation register. These registers are referred on to the HCC's or delegates. The ICCV also facilitates the resolution of these complaints between the Head of Correctional Centres and inmates.

8.2.5 Resolution of Complaints

With the exception of urgent and serious matters, a matter that cannot be resolved between HOC and ICCV is brought to the attention of a VC. At this stage, the VC comprises of individual ICCVs, regional inspectors and sometimes members of Legal Aid SA, SAPS, and Head of Centres. Collective discussion is encouraged.

Where matters are urgent, serious or unresolved, they are referred to our legal services. The legal services unit then conducts a full and comprehensive investigation into the issues and makes recommendations based on the findings. This is transmitted to the inmate via the Head of Centre for purposes of implementation. The committee is guided by reference to our quarterly reports in respect of matters of a more serious nature. It has been our experience that the different DCS regions view our recommendations differentially. In this regard, we have stated over the various years that DCS top management must monitor and audit the implementation process. With its constitutionally mandated oversight role and functions, it ensures that the DCS carries out this task.

At the level of the VC, their findings and recommendations are made in the presence of the HCC and implemented by him/her.

8.3 Management of ICCVs

8.3.1 Financial Accountability of ICCVs

JICS is cognisant of public money being allocated towards ICCVs. To this end, we have a system in terms of which an ICCV must invoice JICS in a statement for services rendered. This is audited regularly and in instances where the services invoiced are not corroborated by supporting (physical) documentary evidence, ICCVs are not paid

8.3.2 Performance Audits of ICCVs

Newly appointed ICCVs are oriented prior to commencing their duties as independent contractors and performance audits are conducted by appointed supervisors. In line with the Public Finance Management Act of 2000 as amended, performance audits of ICCVs are conducted. 302 ICCV Performance Audits by Visitors' Committee Coordinators were conducted as at 31 March 2015. Performance audits are meant to root out corruption and unethical conduct among ICCVs. After performance audits have been conducted and issues of non-compliance are detected, corrective measures such as consultative meetings, verbal notices, written notices, suspensions, contract terminations and final notices on non-compliance are acted upon.

Table 33: Performance Audits Conducted

Region	Number of Audits	Consultative meetings	Verbal Notice of Non Compliance
CMR	23	0	0
EMR	06	0	0
NMR	36	4	2
SMR	16	0	0
Total	81	4	2

8.3.3 Public Calling for Nominations (PCN) Meetings

The CSA 111/98, section (1) makes it compulsory for JICS that there must have been an interaction with various stakeholders or community organisations before any appointment of ICCV may be effected. The relevant stakeholders and community organisations are to be invited to make nominations of their preferred candidates in order to serve as ICCVs.

Nominations of community members to serve as ICCVs were submitted from the following regions;

- Grahamstown
- Parys
- Heilbron
- Kuruman
- Douglas
- Hopetown
- Kranskop

Table 34: ICCV Interviews

Management region	Number of candidates interviewed	Months	Recommended Candidates
Northern (L/MP/GP)	59	February	09
Southern (WC/EC)	35	February	07
Central (FS/NC/NW)	0	0	0
Eastern (KZN/EC)	33	February	12
Total	127		28

8.4 ICCV Staff Establishment

8.4.1 Filled and Vacant Positions per Management Region

The Inspectorate currently has 310 ICCV posts on the post establishment as at 31 March. There are 9 vacant posts attaching to correctional centres that are temporarily closed because they are under construction.

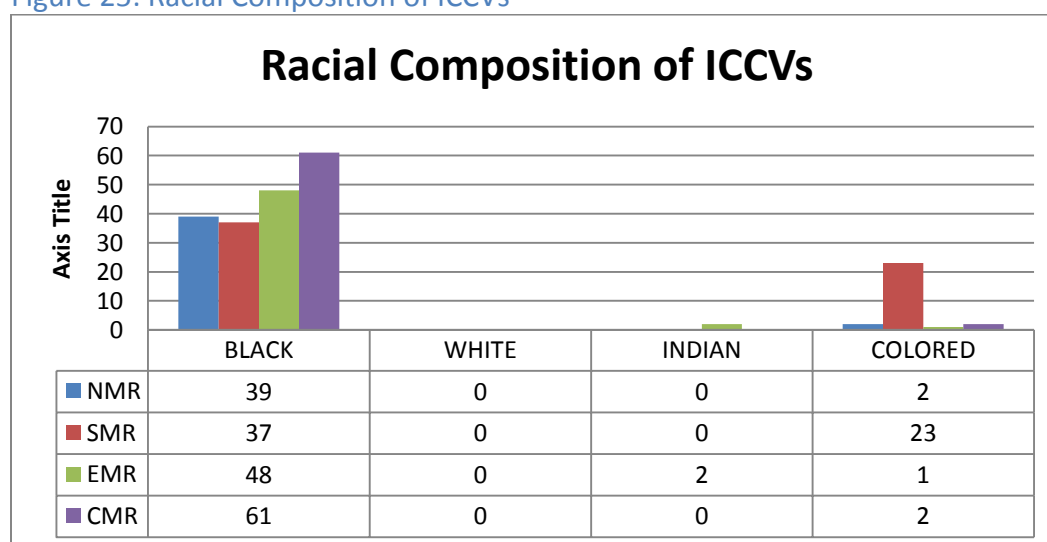
Table 35: ICCV Post Establishment

MANAGEMENT REGION	ICCV POSTS ON THE POST ESTABLISHMENT	NUMBER OF POSTS FILLED	NUMBER OF VACANT POSTS	CENTRES UNDER RENOVATION
Southern (WC/EC)	72	61	10	(01) Port Elizabeth CC
Eastern (KZN/EC)	78	52	23	(03) Matatiele CC

MANAGEMENT REGION	ICCV POSTS ON THE POST ESTABLISHMENT	NUMBER OF POSTS FILLED	NUMBER OF VACANT POSTS	CENTRES UNDER RENOVATION
				Escourt CC Mount Allyff
Central (FS/NC/NW)	77	63	13	(01) Mahikeng CC
Northern (LP/MP/GP)	83	41	38	(04) Standerton Med B CC Krugersdorp CC Geluk CC Kgosi Mampuru Max
TOTAL	310	217	84	9

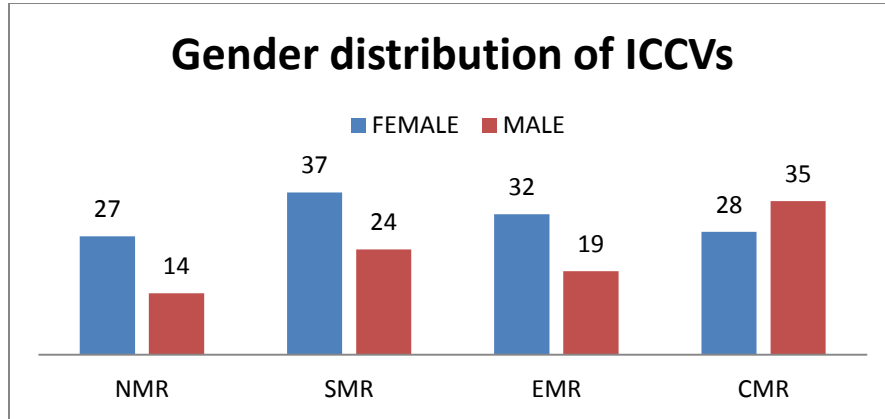
8.4.2 Equity Status of ICCVs

Figure 25: Racial Composition of ICCVs



8.4.3 Gender Composition of ICCVs

Figure 26: Gender Distribution of ICCVs



8.5 ICCV Training

Newly appointed ICCVs have to undergo introductory training. Regional trainers are employed to conduct training sessions with ICCVs. Existing ICCVs also undergo basic paralegal training which covers training on applicable provisions in the Constitution, the Correctional Services Act, the Department of Correctional Services B Orders and the Operational Manual of the Inspectorate.

In the 2011/2012 Annual Report, the Inspectorate reported on their intention to ensure that all ICCV training was accredited with Safety and Security Sector Education and Training Authority (SASSETA) and furthermore to register and develop an occupational qualification for ICCVs. In order to comply with SASSETA accreditation requirements, the Inspectorate equipped its training staff as Assessors and Moderators to ensure compliance. The training programmes of the Inspectorate are not accredited. Hence the process has evolved to appoint accredited service providers to align all training material and programmes in accordance with the requirements of the South African Qualification Authority.

Table 36: Training Programmes for ICCVs

Management region	Month	Nature	Candidates
Eastern (KZN/EC)	March	Basic HIV/AIDS and TB Training	25
Northern (L/MP/GP)	February	Basic	09
TOTAL			34

8.6 Complaints Resolution Process

The complaints oversight mechanism comprises two complementary systems, the ICCVs and the Legal Services Unit based at head office. In the event of urgent or serious complaints relating to gross human rights violations an ICCV or any other person may refer the matter to the Directorate Legal Services which is tasked with specialist functions of inspections and investigations, complaints and mandatory reporting.

While general inspections consider correctional service centres in a holistic manner, with the focus on the physical, infrastructural and operations of each centre, inmates individually have recourse to the JICS office where they may raise complaints that the DCS officials have breached their rights to lawful, fair and reasonable treatment. Each inmate retains a right to individual autonomy and integrity of the person and dignity.

The ICCVs ensure that the Head of Centre addresses complaints within 14 days or lesser depending on the complexity of the case.

The ICCV then returns to the inmate and enquires as to whether the inmate is satisfied. Where the inmate is dissatisfied, the ICCV tables the matter at a visitors committee and invites the Head of Centre or delegate to explain their decision.

Failing a resolution at this juncture the matter is referred to my directorate, i.e. the Complaints Unit which decides on the facts and law and communicates same to the inmate concerned and advises the Head of Centre to implement the recommendation.

The exceptions to this process are matters deemed urgent whereby the matter is dealt with directly by the Directorate Legal Services, either by deploying a senior investigator or corresponding with the Head and also his seniors, namely, the Area Commissioner and Regional Commissioner.

8.7 Challenges Associated with the Resolution of Complaints

8.7.1 Incident Definition

There is only one ROC that has been resolved. On analysis, it was discovered that the complaint that was reported as torture was in fact an assault.

8.7.2 Assault (inmate on inmate)

In many instances inmates are released before the indication of whether the case is finalised or not.

8.7.3 Deficiency of the DCS Complaints System

System cannot generate reference numbers.

8.7.4 Inadequacy of Internal Complaints Mechanisms

In many instances it is found that the case has been opened, but there is no case number.

8.7.5 Lack of Appeals

In the Meeting with Legal Aid, a long-standing challenge that faces both organisations is that appeals are not getting the opportunity of being heard in the superior courts even when the appellant has instituted an appeal. It is supposed that this is due to court records that cannot be obtained, thereby making it impossible for the appeal application to be processed by superior courts.

8.8 Visitor's Committee Demarcation

There are **50** approved demarcated Visitor's Committees nationally.

Table 37: Visitor's Committee Demarcation

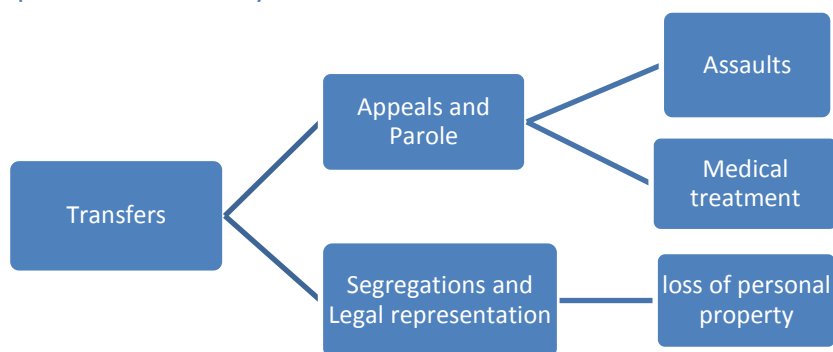
CENTRAL MANAGEMENT REGION	EASTERN MANAGEMENT REGION	NORTHERN MANAGEMENT REGION	SOUTHERN MANAGEMENT REGION
Rustenburg	Durban Med B	Boksburg	St Albans A
Rooigrond	Durban Med A	Modderbee	St Albans B
Klerksdorp	Qalakabusha	Leeuwkop	George
Groenpunt	Ncome	Barberton	Goodwood
Vereeniging	Eshowe	Bethal	Pollsmoor
Kroonstad	Glencoe	Witbank	Voorberg
Bethlehem	Umtata	Pretoria local	Drakenstein
Brandfort	Butterworth	Zonderwater	Brandvlei
Middleburg	East London	Pretoria Central	Helderstroom
Goedemoed	Kokstad	KutamaSinthumule	Beaufort West
Kimberley	Pietermaritzburg	Johannesburg Med A	King Williams town
Grootvlei	Lusikisiki	Johannesburg Med B	Queenstown
Odendaalsrust			
Gordonia			

- Community oversight and stakeholder engagement is strengthened through the establishment and functioning of Visitors' committees (VCs) nationally.

- **686** complaints or requests were dealt with by the VCs, of which **57** were referred back to the HCC.
- Each committee has an average of **6** Independent Correctional Centre Visitors (ICCVs) with an elected Chairperson and Secretary.
- There are **49 approved and** demarcated VCs nationally.

8.9 Complaints Recorded by ICCVs

Figure 27: Complaints recorded by ICCVs



Pursuant to the complaints recorded by ICCVs as cited above, upon ICCV site visits to the correctional centres, requests are made by inmates and they often consist of the following;

Table 38: Complaints Recorded by ICCVs

COMPLAINT	CAUSE	SOLUTION
Transfers	<ul style="list-style-type: none"> • Request is due to family problems. • Request to be close to family. • Request to Study. However, in some ROCs the inmates do not follow the right procedure to apply for transfers. 	Inform the inmates of the procedure.

COMPLAINT	CAUSE	SOLUTION
Legal Representative	<ul style="list-style-type: none"> • They seek legal representation when they have court appearances. Sometimes the legal representative does not come to court. • For bail applications. 	They consult with LASA/private lawyer
Communication with Families	<p>Inmates mostly request contact their families for the following reasons:</p> <ul style="list-style-type: none"> • To arrange visits, • To ask for bail money • To ask about their children, • To ask for pocket money and/or toiletries • Simply to talk to them. 	They are assisted if the officer on duty has the pin to the phone.
Other – complaints which are not categorized.	<p>Type of Requests:</p> <ul style="list-style-type: none"> • prison card, • to receive parcels via post, • to go to the library, • requests for transcripts, • request for information about inmates' money. • Inmates not sure of the number of years they will be serving. • wishing to see CMC, HCC, to discuss issues. 	

COMPLAINT	CAUSE	SOLUTION
Appeal	<ul style="list-style-type: none">• request to appeal• request for lawyer to appeal.	They are assisted via legal representative.
Communication with families	<ul style="list-style-type: none">• wishing to inform their families that they are arrested and are appearing for court on a certain date.• wishing to start a connection with their families.	They are assisted if the families are reached telephonically

8.10 Visitor's Committee Stakeholders



In terms of section 94(3)(d) of the CSA, a key function of a VC is “to extend and promote the community’s interest and involvement in correctional matters”. Members of a VC may submit proposals on persons and/or organisations from their local community to attend VC meetings. Invitations should be extended to community leaders and representatives, SAPS members, prosecutors, magistrates, DCS officials and any other stakeholders. These invitations are facilitated by the Chairperson of the VC.

8.10.1 Attendees to VC Meetings Nationally: State Institutions and CBO's

Table 39: VC Meeting Attendance

The Public Protector	Legal Aid	Department of Correctional Service
Churches	South African Police Service	NICRO
Community Police Forums	National Prosecuting Authority	Department of Home Affairs
The Department of Health	SASSA	Department of Justice
Child line	The Department of Social Welfare	Projects Abroad
The Centre for the Study of Violence and Reconciliation (CSVIR)	Sonke Gender Justice	Department of Correctional Services and Ex-Offenders
Love Life	Treatment Action Campaign	Schools
Lesotho Consulate	TB/HIV Care	Department of Education

8.10.2 Strategic Alignment of Stakeholder Engagements to the National Development Plan

Outcome 3: To keep South Africa Safe.

In order to give effect to this outcome the Inspectorate participated in various community meetings e.g. which aimed at crime prevention awareness campaigns. In this regard there was joint collaboration with DCS Community Corrections and Sekwanele, a non-profit organisation. The primary objective of Sekwanele is to assist parolees to secure employment and to empower them with the requisite skills to be employable and self-sufficient. The Inspectorate had an interest in the initiative that Sekwanele provided which ensured that while serving their sentence, inmates are prepared to be reintegrated back into society and the Sekwanele initiative also aimed at curbing recidivism.

8.10.3 The Effectiveness of ICCV and Stakeholder Engagements

(a) ICCV pilot/training on sexual assault (in collaboration with Sonke and Just Detention)

- The training resulted into the sexual assault ROC being amended as per ICCV submissions the amendment of the form takes into cognisance a gendered approach which ensures better reporting by ICCVs.

(b) ICCV involvement in finalisation of SAPS cases (in collaboration with SAPS)

- Inmates complained about the issue of delays in the finalisation of cases opened by inmates against DCS officials or private prison custody officials. Sometimes SAPS representatives have explained that some cases are finalised but the status or decisions were not properly communicated to inmates and such cases are then perceived as not finalised by the complainants.
- The Visitors Committees are currently exploring the possibility of correctional centres to have SMS lines solely for the purpose of receiving information about SAPS cases and for accelerating the relay of case numbers to inmates.

(c) ICCV involvement in legal representation (in collaboration with Legal Aid SA)

- Legal Aid South Africa representatives are provided with the list of names of offenders and remand detainees with their complaints and requests pertaining to legal matters. This collaboration has also provided an opportunity for the Independent Correctional Centres Visitors to learn how to deal with these kinds of complaints and requests from inmates.

(d) ICCV involvement with the transfer of state patients (in collaboration with the Department of Correctional Services and the Department of Health in East London)

- JICS Officials visited King William Town emanating from a request from the ICCV and Visitors Committee. This request was about 28 mentally ill inmates who were incarcerated at the correctional centre.
- Most of these inmates were on transit to Fort Beaufort hospital for observations. The Department of Health noted the urgency and facilitated the assessment process of the inmates which resulted in eighteen mentally ill inmates

transferred to Fort Beaufort Hospital. The project is on-going and the next phase will be to engage with the department of Health at the provincial level.

(e) ICCV involvement with children in conflict with the Law (in collaboration with the Department of Social Development in Durban Westville)

- This was an event held in collaboration with the Department of Social Development at the Magistrate's Offices in Durban.
- The purpose was to address the issues of young people acting in conflict with the law and committing drug abuse during youth month. This assisted in intensifying partnerships and developing common programs that are aimed at developing youth in South Africa. This initiative also focused on supporting ex-offenders when they are re-integrated back into society.

(f) ICCV involvement in the campaign against gangsterism (in collaboration with DCS, SAPS and Religious groups in George)

- This was a joint campaign on Gangsterism Indaba. Participants took an oath stating that "Because the work we do contributes towards making south Africa a safer place for all".

(g) ICCV involvement in education about crime (in collaboration with the Dept. of Education in Qwa-qwa and Cator Manor in Durban)

- A School Crime Awareness workshop was held by Bethlehem VC as part of VC Community Involvement at Kgolo-Thuto Senior Secondary School in (Qwaqwa) and Mkhambathini High School, Cator Manor, Durban
- The speakers shared their knowledge on crime prevention, consequences of crime, how to make the right choices, advising the pupils against succumbing to peer pressure and the usage of drugs.

(h) ICCV involvement in plea bargaining (in collaboration with the DCS, NPA, Legal Aid SA at Kgosi Mampuru Correctional Centre)

- This was an outreach programme on Plea Bargaining in terms of section 105 of Amended Criminal Procedure Act, Act 51 of 1977.
- The aim was to tackle the challenge of overcrowding in the correctional centres and to reduce the backlog of pending court pending cases.
- This resulted in the application of section 49G of The Correctional Services Act 111 of 1998 as amended, and some remand detainees were released.

(i) ICCV involvement in the Torture Workshop (in collaboration with CSVIR, Legal Aid SA, SAPS, DCS)

- This workshop helped to explain the differences between assault and torture which assists ICCVs in being able to ask relevant questions and provide quality reports

(j) ICCV Relationship with Lesotho Consulate in the Free State.

- The consulate is made aware of the conditions of its citizens in custody through ICCVs

8.11 Impact of the Judicial Inspectorate Regional Stakeholder Engagements

8.11.1 Overall Impact

- Stakeholder engagements encourage active participation and the sharing of ideas on matters pertaining to the criminal justice system and area of corrections in South Africa.
- Stakeholder engagements enable the efficient facilitation of inmate complaints with the various stakeholders coming together to discuss how each segment can contribute to providing inmates with support services that they may require within the correctional centre.
- Stakeholder engagements create a platform for raising awareness. Workshops such as the workshop on torture enable stakeholders to be informed about acts that violate the rights

of inmates. It enables the stakeholders to be informed about international treaties and conventions that South Africa has ratified.

- Stakeholder engagements at Visitor Committee meetings enable the various stakeholders to be able to assist in the resolution of inmate complaints
- Stakeholder engagements help in ensuring the visibility of the Inspectorate, ensuring inmates are represented across the provinces.

8.12 Interventions to Improve the Complaints Management System

- Advocacy of the Inspectorate to create awareness that the office receives complaints
- Inmate education through the DCS rule book on do's and don'ts
- Training of ICCVs in order to accurately capture complaints for better reporting
- Penalties for DCS officials not implementing recommendations by the Inspectorate
- Performance Audits which have corrective measures such as consultative meetings, verbal notices, written notices, suspensions, contract terminations and final notices on non-compliance are acted upon.
- Rulings
- Annual stakeholder engagements through giving of information on how complaints are lodged and resolved
- Mandatory Reporting Systems
- Inspection Reports
- Monitoring implementation on recommendations to DCS
- Follow up on recommendations to DCS
- Streamlining the complaint forms for ATD/Sentenced inmates relevant stakeholders such as the one for the Inspectorate and for Legal Aid. Streamlining complaint forms would ensure one who applies and qualifies for legal aid is not represented in both criminal and civil matters.
- To introduce a training program offered by Legal Aid to all ICCV's with regard to appeal and bail procedures for their efficiency in recording such cases in the ROC forms.
- The empowering of all the relevant stakeholders about the process of resolution of complaints to Legal-Aid SA is crucial in improving the criminal justice system's performance which will ultimately assist with the case flow management. This will curb unnecessary and often misunderstood delays in finalizing and disposing of cases. The

information will also assist in finalising appeals and will address the unreasonable denial of bails which erodes confidence in the criminal justice system.

CHAPTER 8: COMMUNITY AND STAKEHOLDER ENGAGEMENT

9.1 Introduction

Healthcare for inmates and health conditions in correctional centres was a focus area for the late Inspecting Judge Skweyiya. In the financial year under review, many concerns relating to healthcare and health conditions in correctional centres have been raised in the media. Civil society organisations, members of the Portfolio Committee on Justice and Correctional Services as well as constitutional court Judge Edwin Cameron, the Public Service Commission and the South African Human Rights Commission, have expressed their discontent at the deplorable health conditions in correctional centres.

This chapter of the annual report aims to examine the health conditions in correctional centres. The findings have been analysed from the inspection reports compiled by the JICS inspectors. Information was further gathered from complaints reported to JICS by the inmates and their families.

9.1.1 The Right of Inmates to Healthcare in South Africa

The right of access to health care services is one of the indivisible and interdependent rights entrenched in the Bill of Rights of the Constitution of the Republic of South Africa Act, 108 of 1996. The Constitution provides that detainees and sentenced inmates have the right to “conditions of detention that are consistent with human dignity”.³⁵ The Correctional Services Act enshrines the values in the Bill of Rights, recognises international principles on correctional matters and establishes certain minimum rights applicable to all prisoners and which cannot be withheld for any disciplinary or other purpose. The Act provides that the Department of Correctional Services (DCS) is obliged to provide adequate healthcare services within its available resources.

³⁵ Section 35(2) (e) of the Bill of Rights.

9.2 Inspection Findings for the 2015/2016 Financial Year

The JICS is constrained by capacity shortages and has only 4 inspectors to conduct investigations and inspections at the 243 correctional centres in the country. The inspection tool utilised by the inspectors examines the health conditions and includes the following areas:

- Hospital, clinic or sick bay
- Voluntary HIV testing and counselling, ARVs for inmates (provision of condoms, expiry date on meds)
- Number of mentally ill inmates
- Provision of medical services (psychologist, psychiatrist, dentist, pharmacy)
- Bedding and linen
- Clothing
- Toiletries for inmates, including sanitary products for female inmates
- Nutrition and quality of food
- Infrastructure; toilets and showers
- Exercise

Comprehensive inspections by the JICS include visiting the hospital, clinic or sick bay at a correctional centre. In addition, the JICS inspection record of consultation (ROC) is a tool utilised by the ICCVs to measure various concerns raised by inmates. The ROCs serve as a pre-checklist for the inspectors when inspecting the health conditions in a particular correctional.

Food, conditions and healthcare

The sample of complaints received for the period under review are classified into three categories namely food, conditions and healthcare, as indicated in the table below.

Table 39: Sample of complaints relating to Food, Conditions and Healthcare

	Apr '15	May '15	Jun '15	Jul '15	Aug '15	Sep '15	Oct '15	Nov '15	Dec '15	Jan '16	Feb '16	Mar '16	Total
Food / Diet	20	18	19	2	6	26	8	35	16	15	4	5	174
Conditions	7	6	21	4	3	4	0	21	1	4	4	6	81
Health Care	99	108	86	83	91	92	96	48	141	62	47	59	1012
Total	126	132	126	89	100	122	104	104	158	81	55	70	1267

9.2.1 Food

For inmates infected with HIV/Aids, a nutritious diet is necessary for ARVs to be effective. It was found that inflexible meal times are a major barrier to adherence of medication, especially

those ARVs that require administration with meals and fluids. The JICS received complaints, relating to the quality and quantity of food given to the inmates. Among these complaints were allegations of food being rotten, concerns around the meal times and meal portions. Further complaints received related to *inmates special diets based on* religious and medical issues. Certain inmates require *halaal* diets; whilst other inmates are not supposed to eat pork, cabbage or eggs due to their religious beliefs. Other inmates do not consume certain food items due to food allergies.

9.2.2 Conditions

Correctional centres are not similar when it comes to conditions; even within a particular centre, conditions will vary from unit to unit. This is due to several factors; whether inmates in the unit are sentenced offenders or remand detainees, male or female, youth or adults. In general, female centres are cleaner and better organised than male centres. Due to the high turnover rate of remand detainees, remand units are generally deplorable and dilapidated than those occupied by sentenced offenders. This is ostensibly as a result of the constant turnover of remand detainees in contrast with the relatively stable occupation of the sentenced units. Conditions for both sentenced offenders and remand detainees housed in single cells seems generally better than those in communal cells.

9.2.3 Healthcare

The Inspectorate raised a concern previously regarding the unavailability of professional staff, especially in small rural centres. We are happy to report that DCS commenced with a drive (operation Hira by current National Commissioner) to recruit professional staff.

In only 2 centres³⁶ inspected, no nurse (or any other professional) was employed. This has given rise to complaints regarding the HR process and minimum requirements.

An important part of each inspection is not only collecting data on health services but also a site visit to the medical facility and perusing relevant registers. A short interview with the nurse is also conducted.

³⁶ Edenburg and Zastron

In terms of section 6 of the CSA, all inmates must on admission be medically assessed before being allowed to mix with the general population. In practice this is often not done. Some smaller centres do not have orientation cells for newly admitted inmates and those arriving after the nurse has gone off duty spend the first night in the communal cells.

Heads in the majority of centres indicated that as a rule, all inmates consult the nurse within 24 hours after admission.

As indicated in the table 39 above, the majority of complaints received related to the provision of healthcare for inmates.

(c) Mentally ill inmates

The purpose of the Mental Health Care Act is to regulate, integrate, co-ordinate access to mental health care, treatment and rehabilitation services on a non-discriminatory basis. The Act provides that an inmate; whom after an investigation is considered mentally unfit, may be transferred to a mental health institution on recommendation of a health practitioner. The Act proposes to integrate mental health into Primary Health Care.

The Correctional Services Act is silent on the mentally ill inmates with only limited reference being made in the DCS B-orders in Chapter 3, which deals with inmates who became mentally ill whilst incarcerated. During inspections, the JICS inspectors interview medical staff and request the statistics regarding those inmate patients who are considered mentally ill. Further inquiries are made as to the provision and administration of treatment to the mentally ill inmates.

A high number of inmates are classified with various mental illnesses. Most of these inmates are not declared as state patients and suffer from a variety of mental illnesses ranging from major depression to psychosis. In 85% of centres where the JICS conducted inspections, the following statistics show:

Table 40: Inmates diagnosed with Mental Illness

CENTRE	NO OF INMATES DIAGNOSED WITH MENTAL ILLNESS (INFO FROM HCC AND MEDICAL STAFF)
St Albans Max	43
Umthatha Remand	11
Johannesburg Medium B	91
Leeuwkop Medium C	44
Krugersdorp	75
Leeuwkop Maximum	78

Leeuwkop Medium A	46
Johannesburg Medium A	80
Baviaanspoort Medium	31
Baviaanspoort Maximum	14
Goedemoed Medium A	10
Goedemoed Medium B	14
Kimberley old	44
Mangaung	185
BezzahMakhathe A-	29
Eshowe	15
Kokstad Medium	18
Ekuseni Youth Development	11
Qalakabusha	76
Ebongweni	14
Durban Medium A	55
Total	984

Mentally ill inmates are usually incarcerated with the general inmate population as placing them in segregation increases the chances of self-harm. The resultant challenge of placing such inmates with the general inmate population, poses the risk to other inmates and to DCS official. It further increases the vulnerability of the mentally ill inmate. In addition, DCS custodial staff are not adequately trained and equipped to deal with mentally ill inmates.

Inspection findings further indicate that most centres have limited medical facilities and are unable to house the mentally ill inmates. JICS inspection findings discovered there are 615 cases of mentally ill inmates at the correctional centres inspected. Interviews with the correctional centre nurses revealed that the 3 most prevalent mental illnesses in the inspected centres are psychosis (including drug induced), depression and schizophrenia. Other less prevalent conditions found included 94 cases of bi-polar disorder, 1 case of ADHD, 185 cases of post-traumatic disorder, 21 cases of stress and 69 cases of post-traumatic stress disorder.

The Inspectorate is of the opinion that a correctional centre is not the ideal place to house people diagnosed with serious mental illnesses. The DCS staff, inclusive of the medical staff is not trained to deal with mentally ill inmates. The correctional centre environment is also not suitable to ensure their safe custody and treatment.

It is recommended that the DCS consider training their staff in the care of mentally ill inmates and/or make specialist centres available for the safe custody of mentally ill inmates.

(d) HIV and TB

The prevalence of HIV/AIDS in correctional centres is believed to be higher than in the broader community. While the courts have used their powers to enforce inmate rights in terms of the Constitution, specifically the right to medical treatment, as seen in the cases of *Van Biljon v Minister of Correctional Services*³⁷, and *N and others v Government of Republic of South Africa and others*³⁸; the state needs to adopt a holistic approach when providing antiretroviral therapy (ART) for inmates.

Failing to provide support for ART beyond its mere provision, would offend the values of the constitution. This support includes comprehensive HIV and AIDS care and prevention, treatment of opportunistic infections, access to nutritional supplements, access to palliative care and treatment, care and support strategies will require committed endeavors by the Department of Correctional Services.³⁹ The above decisions indicate that litigation may be used positively, allowing the courts to affect the way in which correctional centres operate and to compensate inmates for the infringements of their rights.⁴⁰

(e) Observations of the DCS performance on the provision of health services for TB/HIV

Due to the apex problem of overcrowding in South Africa's correctional centres, the environment thus provides ideal conditions for the rapid spread of contagious diseases such as TB, HIV/AIDS, the H1N1 flu virus, and other contagious diseases. The DCS has a vital role to play in containing the spread of infectious diseases, as well as to provide good levels of medical care and treatment.

As an oversight organisation, the JICS has observed the DCS plan on the provision of health services in correctional centres for inmates infected with TB and HIV/Aids.

³⁷ *Van Biljon v Minister of Correctional Services* 1997 (4) SA 441 (C)

³⁸ *N and others v Government of Republic of South Africa and others* 2006 (6) SA 543 (D)

³⁹ N Motala, D McQuoid-Manson. *Do prisoners in South Africa have a constitutional right to a holistic approach to antiretroviral treatment?*. University of KwaZulu-Natal.

⁴⁰ Pieterse M. The potential of socio-economics rights litigation for the achievement of social justice: Considering the example of access to medical care in South African prisons. *Journal of African Law* 2006;50 (2): 118-131.

Performance Indicator 1: Percentage of inmates on ART

ACTUAL ACHIEVEMENT 2014/2015	PLANNED TARGET 2015/2016	ACTUAL ACHIEVEMENT 2015/2016	DEVIATION FROM PLANNED TARGET TO ACTUAL ACHIEVEMENT FOR 2015/2016
97.02% (17 526 / 18 063)	96% (21 788 inmates / 22 696 inmates)	98.10% (21 722 inmates / 22 142 inmates)	2.10%

The performance indicator relating to the provision of ART to inmates for the 2015-2016 financial year, shows an increase in the percentage of inmates receiving ART. The DCS had targeted to provide ART to 96% of the infected inmate population. The actual achievement on this target is 98.10%. The over achievement resulted from more inmates participating in being tested for HIV/Aids. The results of the testing indicated an increase in the number of infected inmates, hence an increase in the criteria for the provision of ART

Performance Indicator 2: TB (new pulmonary) cure rate of offenders

ACTUAL ACHIEVEMENT 2014/2015	PLANNED TARGET 2015/2016	ACTUAL ACHIEVEMENT 2015/2016	DEVIATION FROM PLANNED TARGET TO ACTUAL ACHIEVEMENT FOR 2015/2016
83.08% (1 709 / 2 057)	85% (2270/2670)	85% (1234/1459)	

The performance indicator relates to the cure rate of TB infected offenders for the 2015-2016 financial year. The DCS had targeted a cure rate of 85% of the infected inmate population. The actual achievement on this target was achieved. The achievement was due to the support of the DCS stakeholders, despite the challenges experienced in their regions.

Performance Indicator 3: Percentage of Inmates Tested for HIV

ACTUAL ACHIEVEMENT 2014/2015	PLANNED TARGET 2015/2016	ACTUAL ACHIEVEMENT 2015/2016	DEVIATION FROM PLANNED TARGET TO ACTUAL ACHIEVEMENT FOR 2015/2016
111.03% (177 172 / 159 563)	80% (124496/155620)	124.12% 199 750 / 160 927	44.12 % more

The performance indicator relates to the number of inmates who tested for HIV and who know their results. The DCS had planned to achieve a target of 80% for the 2015-2016 financial year. The actual achievement on this target was an over-achievement of 124.12%. The achievement was due to the support of the DCS stakeholders.

(f) TB/HIV Care Training for ICCVs

In order to assist in tackling the scourge of the HIV and TB pandemic in correctional centres, the Inspectorate and TB/HIV Care, collaborated on a training programme for the ICCVs. The programme entailed education on the diseases and methods for prevention and cure. The ICCVs were educated on the different types of TB, the causes and prevention of TB, the different stages of TB and how TB and TB/HIV infections can be managed. The training equipped the ICCVs to detect and correctly advise inmates on the treatment and management of TB/HIV. The training was conducted in the Southern and Eastern Management Regions, the Western Cape and the KZN region. A total of 150 ICCVs attended the training. The evaluation of the training indicated 80% of ICCVs had rudimentary knowledge of TB/HIV and the training proved beneficial to their work.

9.3 Case Study: The Pollsmoor Case

During the year under review, many concerns were raised on the treatment of inmates and the conditions at the Pollsmoor Correctional Centre in the Western Cape. The JICS accompanied the Public Service Commission, the South African Human Rights Commission and the Constitutional Court Judges Johann van der Westhuizen and Edwin Cameron, to inspections at the Pollsmoor Correctional Centre.

During August 2015, there was an outbreak of *Leptospirosis* at Pollsmoor Correctional Centre, which allegedly resulted in the death of an inmate. This incident sparked wide-spread concern the safety of the inmates.

Findings from JICS inspections and accompanied inspections of Pollsmoor Correctional Centre included:

- Warm water was not regularly available
- Inmates were not provided with beds and slept on the floor

- Meal times were not served per legislative requirement
- The level of hygiene in particular in the passages of C, D and E units were unacceptable
- Centre was overcrowded
- ICCV's had meetings on 10 June and 7 July 2015, the latter with the Area Commissioner.
- The full inspection report to the HCC, AC and RC is available as well as minutes of the VC meeting
- Subsequent to the outbreak the death of an inmate, a 52 year old male, was reported and cause noted as "natural". We required corroboratory evidence as were provided a death certificate and BI 1663 which noted the cause as septicaemia and DIC, with the underlying condition HIV. We have subsequently been advised that the medico-legal post mortem was performed.

The JICS continues to monitor the progress made by the DCS on the recommendations.

Conclusion

The functioning and impact of the Judicial Inspectorate is constrained by many challenges, crucially of its reliance on DCS on issues of funding. There is also a strong need for JICS and DCS employees to have consistent and open communication, to build closer working relations in order to add value and ensure the safe custody of all inmates. In addition, the JICS will continue to increase its stakeholder involvement, as communication and interaction with civil society and the media, will assist in working together on improving conditions and the treatment of inmates in correctional centres.

It must be noted that the limited number of inspections, investigations, enquiries and research reports from JICS is largely due to capacity and budget constraints. The move to expand and establish JICS offices in all 9 provinces will create awareness and increase the public profile of the JICS. However, to achieve its mandate and realise the effectiveness of JICS, a substantial increase in the budget is necessary.

Overall, the appointment of the Inspecting Judge Johann van der Westhuizen, has provides strategic leadership, direction and stability for the organisation. The forthcoming appointments of vacant posts will ensure sound management and implementation of the core responsibilities of the JICS, thereby resulting in tangible and long term positive impacts to the conditions and treatment of inmates in correctional centres.

ACKNOWLEDGMENTS

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The assistance received from Diligent Editing is greatly appreciated.

Most of all, the JICS is grateful to all the staff for their various contributions towards the compilation of the Annual Report for 2015-2016.

