



correctional services

Department:
Correctional Services
REPUBLIC OF SOUTH AFRICA

**Introductory Remarks by Deputy
Minister SP Holomisa
to the
*Portfolio Committee on Justice and Correctional
Services***

14 October 2020

Chairperson and Honourable members of the Portfolio Committee of Justice and Correctional Services, good morning and thank you for affording us the opportunity to come and present to you the report on the performance of the Department of Correctional Services for the period 1 January 2020 to 31 March 2020 (ie Quarter four of the 2019/20 financial year) and 1 April 2020 to 30 June 2020 (ie Quarter one of the 2020/21 financial year).

1. Background:

South Africa recorded the first COVID-19 case on 5 March 2020 and, on 25 March 2020, the National Coronavirus Command Council, chaired by the President Cyril Ramaphosa, declared a National State of Disaster, in terms of the South African Disaster Management Act, 2002 (Act No. 57 of 30 December 2002).

The COVID-19 outbreak has reduced output in the first quarter of the 2020/21 Annual Performance Plan (APP), as tabled initially in May 2020, and the disruption has continued into the year as the Department adjusts itself to the new normal. In response to the 2020/21 adjustment budget process, the Department revised and re-tabled the 2020-25 Strategic Plan and the 2020/21 Annual Performance Plan on 9 July 2020, taking into consideration the 2020/21 Adjusted Budget Allocation Letter from National Treasury dated 22 June 2020, as well as the impact of COVID-19 on the delivery of planned outputs. The Department continues to maximize service delivery through the re-prioritization of the limited resources at its disposal.

There has been intense coordinated action to respond to the COVID-19 challenges in correctional facilities. To mitigate the risk of COVID-19 entering and spreading in correctional facilities, the President authorised a Special Parole Dispensation for selected low risk qualifying sentenced offenders who have or will reach their minimum detention periods within a period of 60 months. This phased process prioritised the most vulnerable, such as those with underlying health problems, the elderly (ie those aged above 60 years) and female offenders with infants. The release of approximately 19 000 offenders is important from a clinical perspective as overcrowding affects the quality of oxygen circulation within cells and thus contributing to the speedy spread of the virus.

In total 12 057 offenders have been released in terms of this special dispensation, with the provincial breakdown standing as follows:

STATUS OF SPECIAL PAROLE DISPENSATION BY REGIONS AS AT 08 OCTOBER 2020			
Region	Male	Female	Total releases
Eastern Cape	1 131	57	1 188
Gauteng	2 383	168	2 551
KwaZulu-Natal	1 852	94	1 946
Limpopo, Mpumalanga & North West	2 213	109	2 322
Free State Northern Cape	1 696	143	1 839
Western Cape	2 072	139	2 211
TOTAL	11 347	710	12 057

DAILY AVERAGE: RELEASES ON 2020 COVID 19 SPECIAL PAROLE DISPENSATION AS REPORTED PER REGION FROM 20 MAY 2020 –08 OCTOBER 2020			
Region	Male	Female	Total

Eastern Cape	12	0	12	
Gauteng	25	1	26	
KwaZulu-Natal	19	1	20	
Limpopo, Mpumalanga & North West	23	1	24	
Free State Northern Cape	17	1	18	
Western Cape	22	1	23	
TOTAL	118	5	123	
No.	Categories	Number of offenders granted Special Parole Dispensation		
		Female	Male	Total
1.	Over 60 years	19	207	226
2.	Comorbidity	15	203	218
3.	Mothers and babies	9	0	9

The Department has been able to avoid mass outbreaks within correctional facilities since April 2020, through the strict observance of prevention and protection measures supported by regular screening and testing. All necessary preventative measures have been taken to ensure health and safety within correctional facilities, while prioritising and protecting inmates and officials. To manage the spread of the pandemic, containment and symptomatic treatment protocols are activated for confirmed COVID-19 cases, (those who test positive for COVID-19 are isolated and close contacts quarantined). Healthcare teams are on site, rendering care services to inmates and monitoring those likely to develop related COVID-19 symptoms. Working together with the Department of Health, the National Institute for Communicable Diseases (NICD) and the World Health Organisation ensures that the Department is kept abreast of the latest developments in COVID-19 management. The Department as a Primary Health Care (PHC) institution manages mild COVID-19 cases and refers moderate and severe cases to the Department of Health for secondary and tertiary levels of care.

The Department has procured mobile park homes for utilisation of quarantine and isolation sites for contacts or confirmed COVID-19 cases. This is in addition to centres already identified and prepared for this purpose across all correctional facilities. Officials who work in these designated areas have been supplied with Personal Protective Equipment (PPE) which includes disposable suits, disposable gowns, shoe covers, surgical masks, N95 masks and face shields. Inmates and officials are trained and sensitized on prevention and management of confirmed cases of COVID-19. Keeping open communication amongst all relevant stakeholders is important for reassurance that their safety is a priority.

There is no single measure or tactic that has made the difference, i.e. it is not testing alone or physical distancing restrictions alone that have reduced the rate of infection. Managing COVID-19 requires a comprehensive Governmental and Societal approach. Until there is an effective and accessible vaccine, the spread of COVID-19 remains a risk. As a result, a cautious and phased approach must be taken to ease restrictions and restore normal activities within correctional facilities.

According to the Department of Health, South Africa's recovery rate was recorded at 90% at the end of September 2020, with declining new infection rates, deaths and hospitalisation, thus confirming that the country is moving away from the peak of COVID-19 infections. The Department has similarly recorded a recovery rate of 95% for the same period. Despite the country moving to Alert Level 1, the Department must continue to ensure that the risk of infection to officials, inmates, parolees, probationers and stakeholders is minimised. The

Department continues to work closely with the Department of Health and other relevant institutions, utilising up-to-date and accurate advice around the COVID-19 pandemic.

2. 2020/21 adjusted budget and reprioritisation of funds

Since tabling the 2020 Budget, in-year spending priorities have changed significantly due to the emergence and spread of COVID-19. The fiscal and economic impact of the national state of disaster declared as a result of the COVID-19 pandemic has made it necessary to redirect funding to support COVID-19 interventions, as published in the 2020 Supplementary Budget Review in June. Below is a summary of the reprioritised budget for the Department:

Compensation of employees:

R261,5 million of the compensation of employees budget has been reprioritized from Programme Administration to Programme Care by R23,8 million for the employment of additional nurses as well as R237,7 million to Programme Administration for Machinery and Equipment (Information Technology and Integrated Security Systems). The savings within the compensation budget are mainly due to delayed recruitment to vacant positions as a result of the lockdown.

COVID-19 related virements

Due to the commencement of the hard lockdown in late March 2020, savings anticipated under goods and services across all programmes (except Social Reintegration) amount to R122,7 million, due to lack of travelling and accommodation expenses, as well as delayed infrastructure projects (R161 million) have been reprioritized towards Programme Care R252 million and machinery and equipment R31,4 million. The total reprioritised amount is R283 million.

3. Quarterly Performance Reports

4.1 Quarter Four Performance Report of 2019/20 (01 January 2020 to 31 March 2020)

The Department has a total of 36 quarterly targets for the period under review. A total of 31 targets have been achieved and 4 targets were not achieved, which translates to an 86% achievement rate. It must also be noted that the Department is still awaiting audit results on one indicator being the performance on the audit on the 2019/20 financial year.

Programme 1: Administration

The Department achieved a total of 6 targets within Programme 1: Administration, with only 2 targets not achieved. The roll out of the Integrated Inmate Management System (IIMS) could not be achieved during quarter four due to capacity constraints. In accelerating the roll out, the Department will re-prioritise sites for deployment and increase the capacity in this regard.

The target for the Judicial Inspectorate for Correctional Services which is placed under the Budget Vote of DCS, Programme One was not achieved for the quarter. This has already been presented and discussed with the Portfolio Committee by JICS.

Programme 2: Incarceration

Only one target was not achieved under the Incarceration Programme which was the delivery of 435 bedspaces at the Tzaneen Correctional Facility. Although the DPWI had initially wanted to do a site handover early in March 2020, the Department could not accept the handover due to certain mechanical and electrical installations that were not completed at the time. Outstanding work at the Tzaneen Correctional Facility was subsequently completed in the first quarter of 2020/21 and site handover was done in June 2020.

The Department has undertaken an extensive process to re-measure and re-calculate all bedspaces during the 2019/20 financial year. Although all the accommodation within

correctional facilities has been re-measured, the reliability of the adjusted bedspace total from 118 572 to 120 567 remains a challenge due to the outdated computerised Accommodation Determination System that is unable to generate credible information. The Department must, therefore, with urgency move to a new system for an accurate determination of the bed space in its facilities.

Programme 3: Rehabilitation

The Department missed the target on Adult Education and Training (AET) by 116 (meaning that there were 10 411 offenders that participated in AET last year and not the targeted 10 527). The Department will increase marketing on its educational programmes to ensure increased participation by offenders. It must, however, be noted that since the literacy level in the country has gone up the relevance of the educational programmes will be reviewed to ensure that they are still responsive to the needs of the changing offender population.

Programme 4: Care

The Department achieved all of its targets for the Care Programme during Quarter Four

Programme 5: Social Reintegration

The Department achieved all of its targets for the Social Reintegration Programme during Quarter Four

4.2 Quarter Four 2019/20 Financial Performance

For the year under review the Department spent 99.48% of its allocation. i.e. under-spending by R130 million. Major contributions to under-spending are:

- Vacancy rate
- Delayed capital works programme

It must be noted that the level of underspending is within the prescribed parameters of the Public Finance Management Act.

4.3 Quarter One Performance Report of 2020/21 (1 April 2020 to 30 June 2020)

The Department had a total of 31 Quarterly Targets to be reported on for Quarter One of the 2020/21 financial year. A total of 17 targets have been achieved and 14 targets were not achieved (13 targets are measured annually). This translates to an achievement of 55% for the quarter. When we compare the performance of Quarter One of 2019/20 financial year with Quarter One of the 2020/21 financial year, we can see that the COVID-19 lockdown has resulted in extenuating circumstances, drastically reducing performance during the quarter.

The Department observed an increase in the population of remand detainees between January 2020 and May 2020. In January there was a peak where the population was recorded at around 53 000 but due to COVID-19 there was a sudden increase and by 5 May 2020 the population of remand detainees was recorded at 57 000. This is approximately 12 000 more than the average RD population recorded in prior years ($\pm 45\ 000$). The COVID-19 national lockdown and subsequent limited functioning of the courts resulted in a significant increase in the remand detainee population at correctional facilities.

Correctional facilities are also confronted with unique challenges as we work to mitigate the risks of COVID-19 for inmates and officials. Correctional environments have an increased risk of infection and transmission because of overcrowding, limited access to diagnosis and treatment, limited cleaning supplies and prolonged close contact in small, indoor and often

poorly ventilated spaces. Furthermore, inmates come disproportionately from disadvantaged groups with limited access to health care and prevention, so they may enter correctional facilities with compromised / underlying health conditions.

In line with regulations to combat the spread of COVID-19, the Department prohibited visits to all correctional centres and remand detention facilities which resulted in the termination of visits, not only of friends and family to inmates, but also of oversight agencies, lawyers and civil society organisations. This was to circumvent a mass infection in the inmate population which can have catastrophic consequences for the public healthcare system, especially if inmates suffer serious symptoms and require intensive care. Healthcare facilities at correctional centres do not have the capacity nor the resources to care for hundreds of sick inmates.

External volunteers and other professionals are often responsible for delivering rehabilitation programmes offered to offenders. With rehabilitation programmes suspended, offenders were faced with more unstructured and idle time. Providing alternative activities like increased recreational or library time was also a challenge during the lockdown period. Limited participation in rehabilitation activities could lead to offenders spending longer periods in correctional facilities than they might have otherwise. This is because they may be unable to demonstrate to the Parole Boards that they have taken part in rehabilitation activities to reduce their risk.

The lockdown conditions have led to increased despair and stress levels, putting a further strain on the mental health and wellbeing of inmates. This crisis increases pressure on correctional facilities already operating with overstretched human and other resources. In light of the above, the Department experienced challenges in balancing security concerns with providing necessary support and care.

Programme 1: Administration

The Department achieved a total of 4 targets within Programme 1: Administration with 4 targets not being achieved translating into 50% performance of planned targets.

Indicators on the Percentage of investigations completed for reported allegations, Percentage of Information Systems implemented as per the Master Information Systems and Security Technology Plan (MISSTP), as well as Percentage of correctional facilities and Public Private Partnership facilities inspected on the conditions and treatment of inmates, could not be achieved during quarter one due to compliance with COVID-19 Lockdown regulations where travelling outside of the Province was restricted. The easing of the lockdown regulations will result in improved performance in these areas.

The Draft Integrated finance and Supply Chain Management (SCM) Strategy could not be achieved during the quarter due to the prioritization of COVID-19 related activities which required budget readjustment and PPE procurement. The Department will ensure that additional resources are put in place for the development of Integrated Finance and SCM Strategy.

Programme 2: Incarceration

Under the Programme Incarceration, 2 out of 5 targets were achieved, which translates to 40% performance of planned targets. Percentage of inmates who escaped from Correctional Facilities and Percentage of inmates injured as a result of reported assaults in Correctional Facilities could not be achieved. The increase in the RD population, positive COVID-19 cases

which reduced the available capacity at correctional centres, idleness of inmates as a result of COVID-19 lockdown regulations as well as the non-adherence to policies and procedures were the main reasons for the non-achievement in the set targets. One of the mitigation strategies is to ensure continuous monitoring of the implementation of security policies and procedures, as well as facilitating indoor activities and programmes to prevent idleness and frustrations among inmates as lockdown regulations are relaxed.

Percentage of Remand Detainees (RDs) subjected to Continuous Risk Assessment (CRA) could not be fully achieved due to compliance to COVID-19 lockdown regulations (social distancing) as well as the increased RD population. As a result the target was reduced from 60% during Quarter One to 40% up until the end of the financial year in the Revised APP.

Programme 3: Rehabilitation

Under the Programme Rehabilitation, 5 out of 9 targets were achieved, which translates to 56% performance of planned targets. Percentage of sentenced offenders subjected to correctional programmes could not be achieved as facilitation of correctional programmes was suspended due to COVID-19 lockdown regulations. However, since the lockdown alert levels have been eased facilitation of correctional programmes has already commenced and the target will be achieved going forward, although the number of offenders participating in the group sessions will be reduced. It should be noted that due to COVID-19 the annual target for the indicator was reduced from 80% to 50% in the Revised Annual Performance Plan.

For Offender Development Sub programmes, the target for the indicators of Percentage of offenders participating in Long Occupational Skills Programmes and Percentage of offenders participating in TVET College Programmes was not achieved due to the suspension of the rehabilitation programmes. It should be noted that Quarter One targets were reduced in the Revised APP due to the COVID-19 lockdown regulations. Performance on the above indicators will improve over the remaining quarters since the COVID-19 regulations have been eased.

The target on the indicator of Percentage of inmates receiving spiritual care services was not achieved since volunteers and spiritual workers were not allowed to render any personal well-being programmes to inmates. Since the lockdown regulations have been eased Spiritual Care Workers were encouraged to participate in spiritual care services.

Programme 4: Care

The Programme Care recorded 80% performance of planned targets (i.e. 4 out of 5 targets were achieved). Offenders viral load suppression rate (at 12 months) could not be achieved as patients were not adhering to treatment. Moving forward the Department will ensure that there is continuous counselling and reference to Mandatory Drug Testing (MDT) for comprehensive counselling of patients and effective monitoring of offenders on ART.

Programme 5: Social Reintegration

Out of the 4 targets planned for Quarter One the Social Reintegration Programme achieved 2 which translates to a 50% performance for the programme. Percentage increase of victims participating in Restorative Justice Programme and Percentage increase of offenders, parolees and probationers participating in Restorative Justice Programme could not be achieved due to suspension of Restorative Justice Programmes. No community assemblies (ie zimbizo) were held and contact sessions with parolees/ probationers could not be conducted effectively. Restorative Justice Programmes have resumed since the lockdown

regulations have been eased, even though the COVID-19 Regulations must still be maintained at all times.

4.4 Financial Performance for Quarter One of the 2020/21 financial year

For the first quarter, the Department spent 21.47% of its annual budget allocation amounting to R5.7 billion against a spending plan of R6.6 billion, resulting in under-spending by R 892 million. Major budget cuts are expected during the adjustment budget i.e. R 895 million is expected to be reduced during the year.

4. Update on the amendment of the Correctional Services Act

Internally the amendments to the Correctional Services Act have been discussed at various levels. Research on case law that has an impact on existing provisions has been conducted and included on the discussion document. On 23 September 2020 Cabinet approved the submission of the Correctional Services Act amendment to Parliament. The Draft Bill will be introduced to Parliament after approval by the Executive Authority. The ministry received the documentation pertaining to the tabling of the Draft Bill yesterday.

5. Conclusion

There is still a lot that is unknown about how the country and the world will transform after we get the novel coronavirus under control, but it is extremely unlikely that things will revert to the way they were before. Our correctional facilities are likely to change, and with it, the skills and services delivery methodology the Department will require. The toughest leadership test is now looming, how to get service delivery back on track in an environment where a vaccine is yet to be found and the economy is still reeling.

Thank you.