

Department of Correctional Services

2021/22 EXTERNAL ENVIRONMENT

Draft

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correctional services

Department:
Correctional Services
REPUBLIC OF SOUTH AFRICA



1. UPDATED SITUATIONAL ANALYSIS

The COVID-19 pandemic is one of the most significant public health challenges for a generation. The inmate population represent a population with a significantly higher prevalence of physical morbidity and vulnerability to adverse outcomes. A closed community such as a correctional facilities presents a unique infection control challenge for rapid viral spread particularly in light of overcrowding which is common in both developed and developing countries. It is important that correctional facilities are not forgotten in the public health response to this crisis. Established principles such as social distancing, early identification of cases, safety of the most vulnerable and assertive treatment of those who become unwell will likely have similar benefits in corrections as in community settings. Staff, health-care professionals and service providers working in closed settings should be recognized as a crucial workforce for responding to the COVID-19 pandemic and receive appropriate support as necessary. Although the correctional environment is often considered distinct or isolated from the wider society and health system, the well-being of correctional officials and inmates is inexorably linked to the health of the country as a whole. The correctional officials and inmates constitute millions of family members and neighbours, and therefore, their safety is inherently a matter of public health.

A combination of strict sentencing guidelines, budget shortfalls and a punitive philosophy of corrections has made correctional services much more complex. There are various measures adopted within correctional facilities, in line with the Correctional Services Act (Act No. 111 of 1998), to ensure the security of the community, the safety of correctional officials and the safe custody of all inmates. Security within correctional facilities is intended to provide a stable, relative predictable environment in which an individual or group may pursue its ends without disruption and without fear of disturbance. The immediate operational objectives of security are to prevent escapes, maintain order and promote efficient functioning of the facilities. Overcrowded facilities weaken security and decrease oversight, which present different levels of security concerns. Balancing the necessary measures to ensure inmates, officials and citizens safety in times of growing pressure is critical to overcoming the current crisis.

Offender rehabilitation and reintegration have come to be embraced as a vital component of a comprehensive and holistic crime-fighting strategy. Rehabilitation programmes can not only reduce crime but also result in both direct and indirect fiscal benefits to the state. Direct fiscal benefits include reduced incarceration costs—as offenders will not return to correctional facilities—as well as reduced crime victim assistance costs. Indirect benefits could include reduced costs for public assistance, as offenders receive job training that leads to employment, thereby reducing the level of public assistance needed. If rehabilitation programmes are delivered effectively, these benefits can exceed the costs of providing the programmes and result in net fiscal benefits to the state. In addition to reducing recidivism, rehabilitation programmes also serve other related goals, such as making it easier to safely manage the inmate population, improving overall inmate wellbeing, and improving inmate skills and educational attainment. Increasing access to rehabilitation programmes would no doubt lead to better outcomes.

The environment within correctional facilities is markedly different from mainstream society. Upon release, offenders are plunged into an environment that is different from the correctional environment and they struggle to cope. Furthermore, given the dynamic and ever-changing nature of society, ex-offenders who spend long periods in correctional facilities are released into an environment that is different from their former environment. Unemployment has devastating consequences for many people and ex-offenders are no exception. It can result in stress, low self-esteem, depression and self-doubt. Thus if the doors to employment are shut on offenders, the consequences for them and society are shattering. This poses a serious challenge for the reintegration of offenders. It is therefore critical that employment opportunities be given to ex-offenders to support their reintegration into society. Supporting ex-offenders prior to their release, after-care and follow-up services after incarceration are also critical to the reintegration process. Thus, institutions such as the courts, police, communities, voluntary organisations and municipalities are seen as vital in supporting and facilitating the successful reintegration of offenders. Community corrections programmes will require increased focus on rehabilitation, involving the community (including law enforcement agencies) to help with supervision and accountability. There must be linkages between community corrections and community-based interventions to ensure continuity of support.

6.1 Updated External Environment

The deterioration in South Africa's economic growth, and stubbornly high unemployment were among the most influential determinants of the country's path to 2030. Along with GDP growth slowing to below 2% p.a. in the past four years, real GDP per person had also plateaued, with a stagnation in households' real disposable income and high debt levels. This had contributed to lower consumer spending, while corporate investment had also been declining due partly to policy uncertainty. Pre COVID-19, conditions were expected to show only small improvement with growth forecasts remaining painfully low and confidence in the future was waning among both individuals and companies. Should annual growth not move above 1% soon, South Africans would become poorer on a real GDP-per-person-basis, eroding the great strides taken in the previous two decades.

A large number of youth aged 25-34, remained unemployed, many for the long term. South Africa's labour absorption rate (or the proportion of the working-age population that is employed) has languished at around 40%, very low compared to the more normal 70% seen in other economies. This reflected serious structural problems stemming from the myriad issues in the school system and labour market. There is no doubt that COVID-19 has created a new source of uncertainty in what was already a fractured state. Underlying issues have come to the fore, the consequences of which will play out over the next few years. COVID-19 remains the focus of attention as the country rolls back measures introduced to control its spread, in order to get the economy growing again.

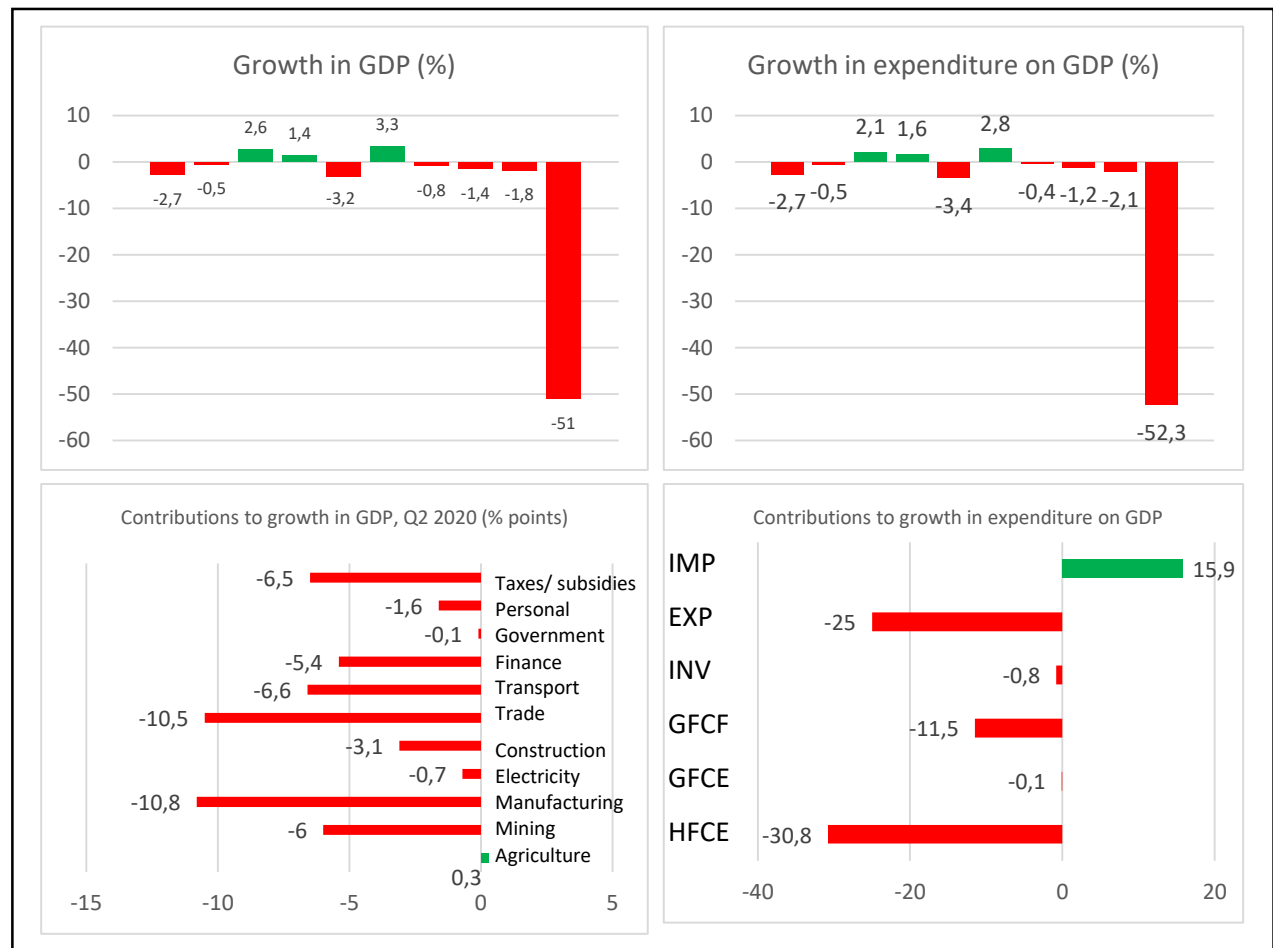
The State of National Disaster in South Africa provided a number of relief measures for many South Africans during the worst of the current crisis. The issue, however, is their ability to recover from these shocks when those measures come to an end. In a country that was already struggling with wealth and social disparities, despite the success of lockdown in managing the health crisis, South Africa emerges from it more worried, poorer and more unequal. There is little doubt that a better balance between health and economic imperatives must be found. This will require a different way of thinking about – and prioritising – these twin imperatives. The emphasis in managing the pandemic should now shift from a centrally regulated approach that controls activity to one that is enabling of participation and compliance in health solutions by communities, workers and businesses. Since behavioural change under difficult circumstances is required, this enabling approach is a necessary foundation for reducing risk in opening the economy.

The fundamental importance and urgency of improving the economy in order to preserve the country's high democratic standards and continue to lift living conditions for South Africans. The unification of the political parties behind a coherent policy is vital in the current conditions. It is likely that the damage done by the epidemic will necessitate significant economic reforms if South Africa is ever to fully recover. Controlling spending and fiscal discipline will be needed to control the debt-to-GDP trajectory. Equally important will be the recovery of supply chains and how quickly these get back to where they were before the crisis.

6.1.1 South African Economy

South Africa's gross domestic product (GDP) decreased by 51,0% in the second quarter of 2020 owing to the impact of the COVID-19 lockdown restrictions since the end of March 2020, the fourth contraction in a row, according to the StatsSA Gross Domestic Product Quarter 2 Report. It was the steepest economic contraction since at least 1990, as the COVID-19 pandemic blow extended the recession into a fourth quarter, the longest period of consecutive quarterly contractions since 1992.

Figure 1: Gross Domestic Product for Quarter Two of 2020



The largest contributors to this drop are the manufacturing, the mining and quarrying industries which contracted by 74.9% and 73.1% respectively. Agriculture was the only sector with a positive contribution, growing by just over 15%. The data revealed that in the period, the economy generated R1,08 trillion. It was further shown that household spending on most products declined in the second quarter of 2020, which was in line with the closure of hotels, restaurants, transport services, recreational facilities and many stores during hard lockdown. The ban on the sales of alcohol and tobacco products also impacted spending. Consumers also spent more on communication services as lockdown regulations kept people at home.

The COVID-19 outbreak has major health, social and economic impacts, presenting challenges in forecasting domestic economic activity. Easing of the lockdown will support growth in the near term and some high frequency activity indicators show a pickup in spending from extremely low levels. However, getting back to pre-pandemic activity levels will take time. According to the SARB, GDP is expected to grow by 3.7% in 2021 and by 2.8% in 2022. The overall risks to the inflation outlook at this time appear to be to the downside, but less clearly so compared to conditions in March and April. Global producer price and food inflation appear to have bottomed out. Oil prices remain low but have recovered somewhat. Local food price inflation is also expected to remain contained. Risks to inflation from

currency depreciation are expected to stay muted while pass-through remains slow. However, electricity and other administered prices remain a concern. Upside risks to inflation could also emerge from heightened fiscal risks and sharp reductions in the supply of goods and services. Global economic and financial conditions are expected to remain volatile for the foreseeable future. In this highly uncertain environment, future decisions will continue to be data dependent and sensitive to the balance of risks to the outlook.

6.1.2 Crime statistics in South Africa

There was an overall reduction in reported crime for the 2019/20 financial year, however, violent crime in South Africa, including murders continue to increase, according to the SAPS SA Crime Stats.

Table 1: SA crime stats for the period 01 April 2019 to 31 March 2020

Category	2019	2020	Change
Contact Crimes	617 210	621 282	+0.7%
Contact-related Crimes	117 172	112 244	-4.2%
Property-related Crimes	495 161	469 224	-5.2%
Other Serious Crimes	444 447	426 589	-4.0%
Total public reported	1 673 990	1 629 319	-2.7%
<i>Crime detected as a result of police action</i>	<i>339 281</i>	<i>290 176</i>	<i>-14.5%</i>
Total	2 013 271	1 919 495	-4.7%

During the 2019/20 period, 21 325 murders were recorded, 303 murders more than the previous year an increase of 1,4%. On average, 58 people were murdered every day. In 2019/20, a total of 2,695 women were murdered in South Africa. This means a woman is murdered every three hours. A total of 943 children were murdered. Robbery with aggravating circumstances increased by 2,8% to 143 990 cases, while the 51 825 cases of common robbery were only 60 more cases than the previous year. Carjacking and truck hijacking recorded an increase of 13,3% and 1,7% respectively. Sexual offences also showed an increase of 1,7% to 53 293 cases, 873 more than the previous year. The rate of sexual offences decreased slightly from 90.9 per 100,000 in 2018/19 to 90.8 in 2019/20. Community reported crime decreased by 2,7%, stock theft by 4,2% and property related crimes, including burglary at residential premises declined by 6,7%. Robbery at residential properties also recorded a decrease of 5,8%.

6.1.3 The COVID-19 pandemic in South Africa

The emergence of COVID-19, caused by the coronavirus, has thrown the world into disarray, challenged the global order and upended accepted norms. The spread of the disease, first reported in China in December last 2019, all but dismissed by the United States a month later and subsequently spread to every corner of the world, has hobbled the world's economy and led to a major medical crisis. South Africa - emerging from an era of economic decline - has suffered significant damage. South Africa requires innovative solutions and policies to ensure that when the country emerges from this social and economic crisis, it does so not only aware of the country's weaknesses but also primed to effect the necessary changes.

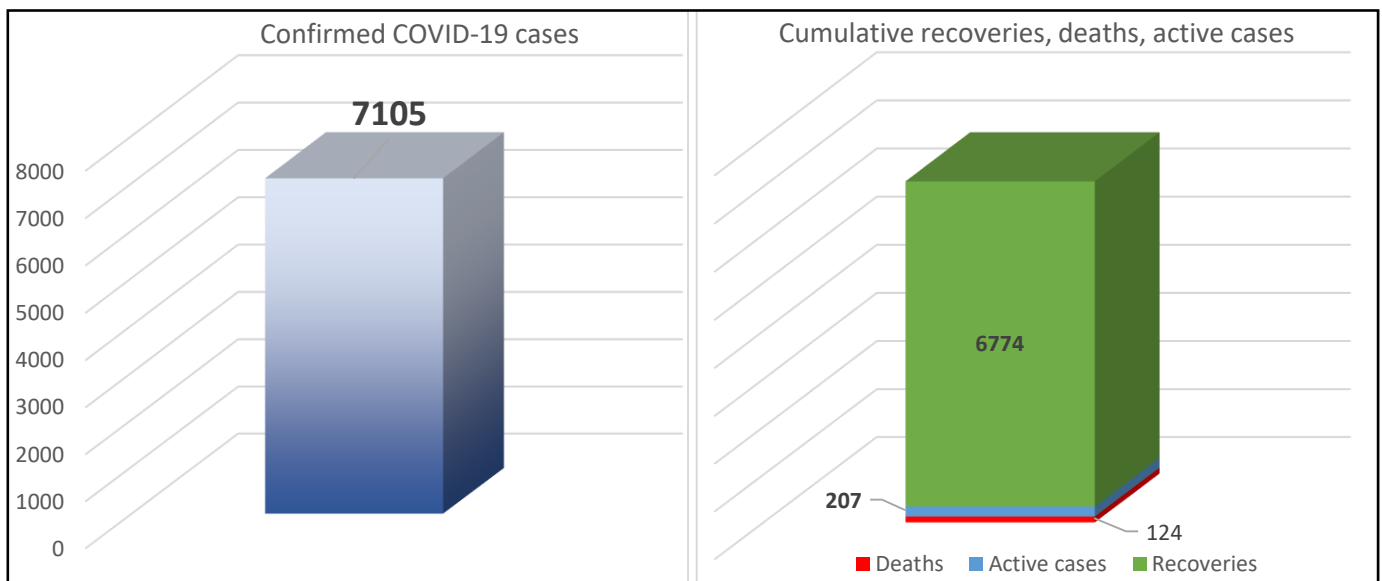
There are particular risks which COVID-19 has on confined populations as physical distancing is limited due to overcrowding which compromises the implementation of adequate Infection Prevention and Control (IPC) measures and the infrastructural design which does not allow for proper ventilation. It is worth noting that most officials reside in the community outside of correctional facilities and at the same time interact closely with the inmates on a daily basis to render the much needed services. This inherently increases the risk of infection.

The Department receives inmates through the criminal justice system for safe custody and is therefore obliged to meet all the identified health care needs through the implementation of relevant health strategies and policies as well as the approved Standard Operating Procedures (SOPs) and ensures referral and linkage to care upon release. This is done for containment of both communicable and non-communicable diseases in the internal and external health environment. The pausing or slowing down of criminal justice processes results in more people being detained, increasing levels of overcrowding and pressure on the Department. On these grounds, any control strategy for COVID-19 in the community which does not encompass the correctional centres and community corrections offices will not be sustainable.

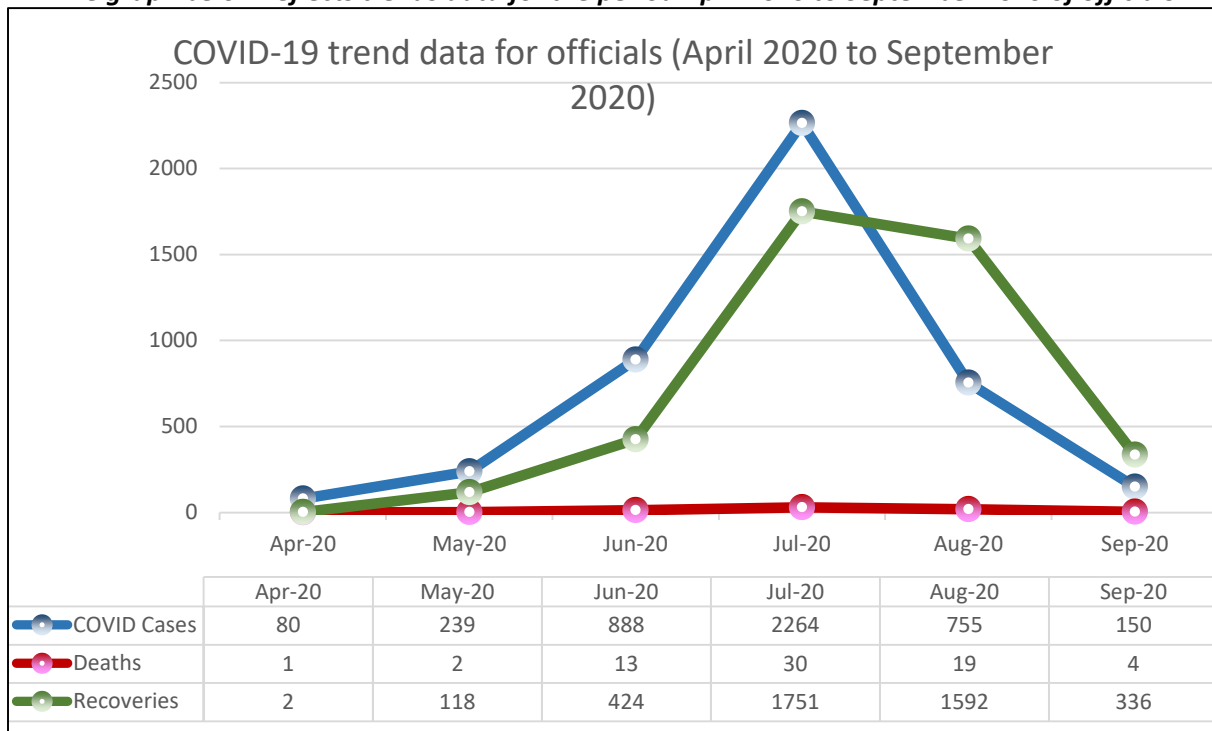
According to the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) *“The provision of health care for prisoners is a State responsibility. Prisoners should enjoy the same standards of health care that are available in the community, and should have access to necessary health-care services free of charge, without discrimination on the grounds of their legal status.”*

The COVID-19 pandemic has been a challenge to the world since December 2019 and has had the same devastating effect on each country it has occurred in. In South Africa, as in many other countries, correctional facilities have witnessed outbreaks of COVID-19 infections among inmates and officials. The COVID-19 Strategy of the Department considers the trends of the COVID 19 pandemic and the management thereof in the Department since Alert Level 5 on 25th March 2020.

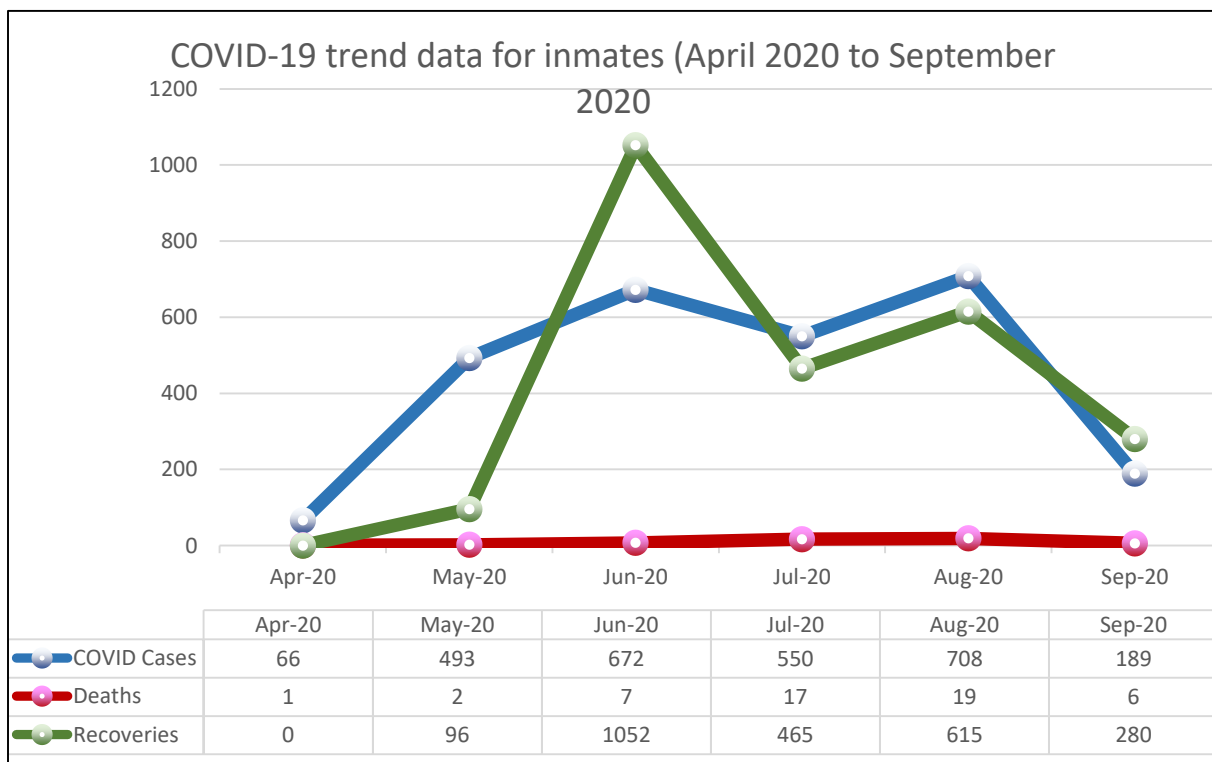
The graph below shows DCS confirmed cases, recoveries, deaths and active cases from March to September 2020:



The graph below reflects trends data for the period April 2020 to September 2020 of officials:



The graph below reflects trends analysis for the period April 2020 to September 2020 of inmates:



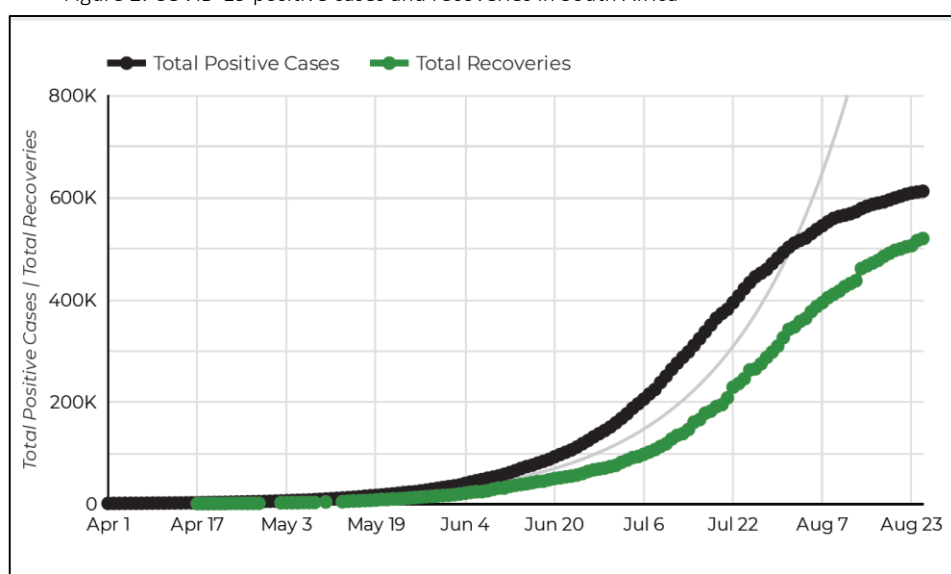
The Department has been able to avoid mass outbreaks within correctional facilities since April 2020 through the strict observance of prevention and protection measures supported by regular screening and testing. All necessary preventative measures were taken to ensure the health and safety within correctional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

The Department 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 has reduced the rate of infection. Managing COVID-19 requires a comprehensive whole-of-government, whole-of-society 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.

South Africa's recovery rate was recorded at 90% at the end of September 2020 with declining positivity rates, deaths and hospitalisations, according to the Department of Health, confirming that the country is moving away from the peak of COVID-19. The Department has recorded a similar 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 Department of Health and other relevant institutions utilising up to date and accurate advice around the COVID-19 pandemic.

Figure 2: COVID-19 positive cases and recoveries in South Africa



Source: <https://bitly.com/covid19za-dash> (Data Science for Social Impact Research Group @ University of Pretoria)

The following scenarios were considered as part of the strategic planning process

Scenario 1 is a scenario where pandemic containment efforts prove successful, but manifest in a dramatic but short-lived economic contraction that is followed by a gradual recovery reflecting the long-lasting legacies of the economic plunge. This outcome results in a drop in GDP of more than 1.5 times of what was seen during the Great Recession of 2008/09.

In Scenario 2, the pandemic lasts longer with waves of infection lasting through 2020 and into 2021. Changes in personal behaviour—such as mask wearing, hand washing, and social distancing—will be required to curb the coronavirus' spread. If people develop permanent immunity to COVID-19 after exposure, transmission of the virus could burn out in 2021. In this scenario, the South African economy is faced with a slowdown extending into 2021.

Scenario 3 models a worst case scenario. In this scenario, people do not gain any type of long-lasting immunity to COVID-19 and containment of the virus fails as the virus continues to mutate preventing the development of a successful vaccine. The South African economy (and global economy) experiences a long-lasting decline in GDP (i.e. depression).

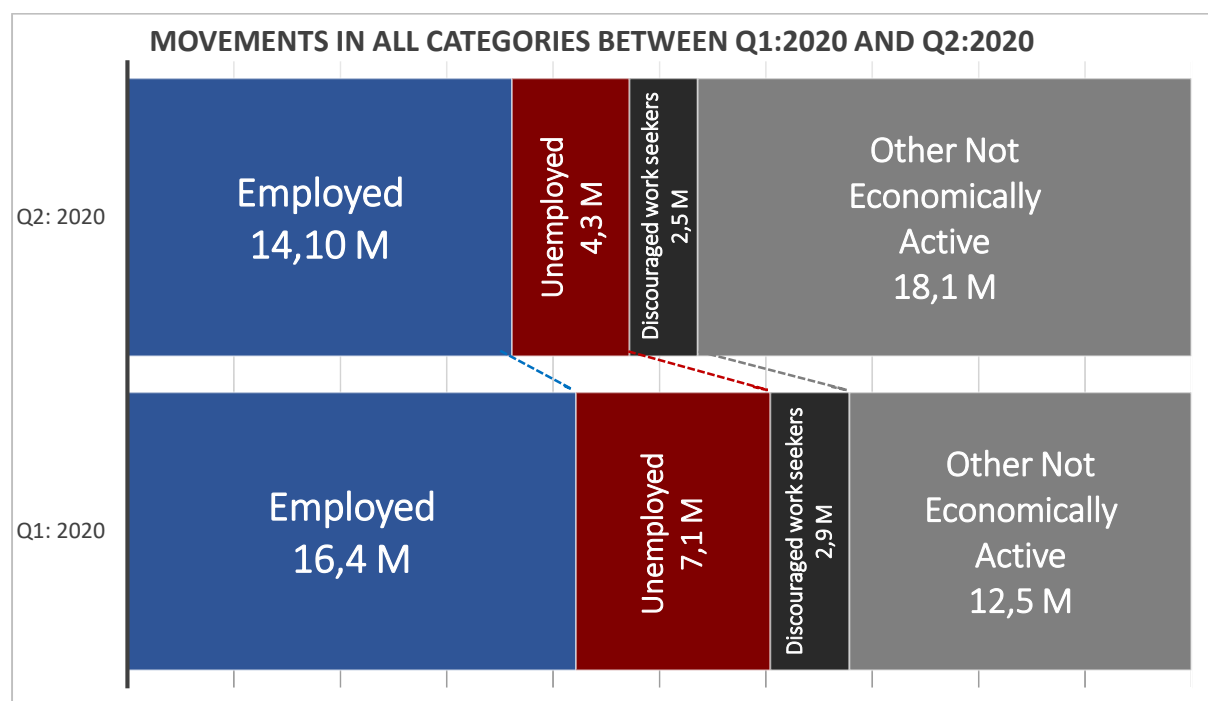
These three scenarios hinge on three priorities that require most of the country's attention to ensure that the return to work is sustained and employment protected. The first priority is to craft and implement “risk-adjusted strategies” that act like dynamic early warning systems and virus containment measures. These strategies, which would be relied on when opening the economy, mean that the country adjusts its strategies in response to emerging risks. Risk-adjusted strategies are a combination of systems that enable: effective collection and provision of information, testing that offers results within 24 hours, finding and contacting 80% of an infected person's contacts, isolating those who are infected or who are at risk, all combined with physical distancing, widespread wearing of masks and disinfection. They should be within the country's immediate capability to implement, set up to be flexible and adaptable to learning and feedback.

The second priority is to engage far more deeply with stakeholders to identify strategies that can be sustained in a variety of living conditions. The World Health Organisation (2020) guidelines are clear about the necessity of engagement. It is impossible to sustain such significant behavioural change in the adherence to difficult health protocols without guidance of stakeholders in respect of design and implementation. Some facilities do not have sufficient access to potable water. Adherence to measures that push up information and behaviour that is compliant with physical distancing, mask-wearing and disinfection requires that people understand why they are important and that the measures are designed to be sustainably and realistically implemented. Neither a lockdown nor an economic opening will be successful if the first two priorities are not meaningfully implemented. The design and implementation of these elements should dominate COVID-19 response work. They are among the only tools readily available to manage the virus spread and restore economic activity. In contrast, the strengthening of information systems, medical capacity, contact tracing and stakeholder engagement will be instrumental in managing other issues into the future, from tuberculosis to community safety.

The third priority is to sustain economic activity and ensure economic capacity is not unnecessarily lost. The fastest route back to economic activity, charted in a way that enables physical distancing, will always be the best one. It is always better to generate revenue than it is to borrow for the shortfall. Success in opening up will depend on the effective implementation of health and safety protocols. Compliance monitoring will have to be significantly ramped up. The economic rebound will be stronger, the fuller and faster business support is delivered to slow down retrenchment and closures. Informal traders should be supported with their supply chains and get them online, according to health guidelines and those losing income due to the pandemic should be actively channelled back into work opportunities.

6.1.4 Unemployment

The results of the Quarterly Labour Force Survey (QLFS) for the second quarter of 2020 indicate that the number of employed persons decreased by 2,2 million to 14,1 million compared to the first quarter of 2020. Together with the large decline in employment, there has also been a substantial decline in unemployment – decreasing by 2,8 million to 4,3 million compared to quarter 1 of 2020, and resulting in a decrease of 5,0 million (down by 21,4%) in the number of people in the labour force. Despite the massive decline in employment, the number of discouraged work-seekers, like the number of unemployed, decreased by 447 000, and the number of people who were not economically active for reasons other than discouragement increased by 5,6 million between the two quarters, resulting in a net increase of 5,2 million in the not economically active population.



SatsSA: Quarterly Labour Force Survey (Q1-Q2: 2020)

These changes resulted in a significant decrease of 6,8% in the official unemployment rate from 30,1% in quarter 1 2020 to 23,3% in quarter 2 2020. This is the lowest rate recorded since the third quarter of 2009. This sharp fall in the unemployment rate in quarter 2 is not a reflection of an improvement in the labour market but rather an effect of the national lockdown, since the official definition of unemployment requires that people look for work and are available for work. In essence, the national lockdown hindered people from looking for work, so this significant decline in unemployment while employment is declining is inherent in the official definition of unemployment. The unemployment rate according to the expanded definition of unemployment increased by 2,3% to 42,0% in quarter 2 2020 compared to quarter 1 2020, reflective of the fact that people were available for work but did not actively look for work. Almost all of the 5,2 million people who did not look for work for reasons other than discouragement indicated “national lockdown” as the main reason for not looking for work. This phenomenon of a greater increase in inactivity than in unemployment is not unique to South Africa and has also been observed in most countries across the world.

6.1.5 JCPS strategic focus

Given the projections regarding the anticipated infections and deaths by COVID-19 in South Africa, despite the easing of the lockdown levels, the strategic focus of the JCPS Cluster when moving into increased economic activity is to prevent and combat crime and render support during the containment and management of the spread of COVID-19 through the implementation of a District Development

Model approach; to ensure safety and security across the country; and in particular, in the identified and potential hotspot areas. The plan is aligned to the Cabinet-approved economic recovery strategy, as part of efforts to ensure territorial integrity of the State; economic growth; safety and well-being of South Africans; and to ensure that the sovereignty of the State is maintained.

In supporting the country's efforts to attract domestic and foreign direct investments, increase competitiveness and ensure transparency and efficiency, the main focus of the JCPS Cluster will include infection containment, community safety, crime prevention, normalisation and stabilisation, gender based violence, implementation of the COVID19 Regulations, reducing the availability of illegal liquor, improved regulation of firearms, Constitutional grounded internal stability, public disorder and crowd management, effective policing of incidents of a security nature, valuable and dangerous government cargo safeguarded, reduced organised crime, balance between trade and security at ports of entry ensured (including the use of technology). Incarceration rates may rise even when crime rates remain stable if police become more effective at apprehending offenders.