

# UPDATE ON THE MANAGEMENT OF OVERCROWDING IN CORRECTIONAL FACILITIES

24 November 2021



**correctional services**

Department:  
Correctional Services  
REPUBLIC OF SOUTH AFRICA

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# PURPOSE OF THE PRESENTATION

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To present an update regarding the management of overcrowding since 2018/2019 up to the 2021/2022 financial year midterm and beyond. The main focus areas of this presentation will be covered are the following;

- Overcrowding a wicked problem,
- Definition of overcrowding in DCS,
- Number of correctional facilities and current inmate population,
- Breakdown of the occupancy level ratio per region and national,
- Reflection on the result of the 2019 Special Remission and the 2020 Covid-19 Special Parole Dispensation overcrowding in DCS.
- A high level status and analysis of the current overcrowding in correctional facilities.
- Propose Recommendations based on the analysis of the current overcrowding status

# OVERCROWDING AS A WICKED PROBLEM

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- Overcrowding in correctional centres should be regarded as a wicked problem created through the implementation of the country's solutions to deal with another societal wicked problem called "crime".
- A wicked problem is defined as a social or cultural problem which is difficult or impossible to solve due to its complex and interconnected nature.

The characteristics of wicked problems are as follows:

- Multifaceted and multidimensional
- Have layers of challenges
- Have multiple interests and differing values of stakeholders
- Are complex, unpredictable, open ended, persistent, stubborn and difficult to control
- Appear to be resistant to solution
- Conclusive solutions are non-existent
- Each wicked problem is a symptom of another problem.

# DEFINITION OF OVERCROWDING

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- Overcrowding is defined as the excess inmate population in relation to the available bedspace capacity. Inmate facilities include all facilities admitting sentenced offenders and RD's.
- This indicator measures the population/occupation levels of inmates in correctional facilities against the total bedspace capacity.
- It is complex and various factors play a role such as prison administration, security, economics, safety of inmates, public concerns, politics, rights of prisoners and court judgments.
- The two elements utilized for determination of occupancy and overcrowding in detention facilities are approved bedspace and the number of inmates.

# NUMBER OF CORRECTIONAL FACILITIES

**Total number of facilities per region and nationally:**

FSNC	WC	EC	KZN	GP	LMN	National
48	44	45	42	26	38	243

**Total number of active facilities per region and nationally**

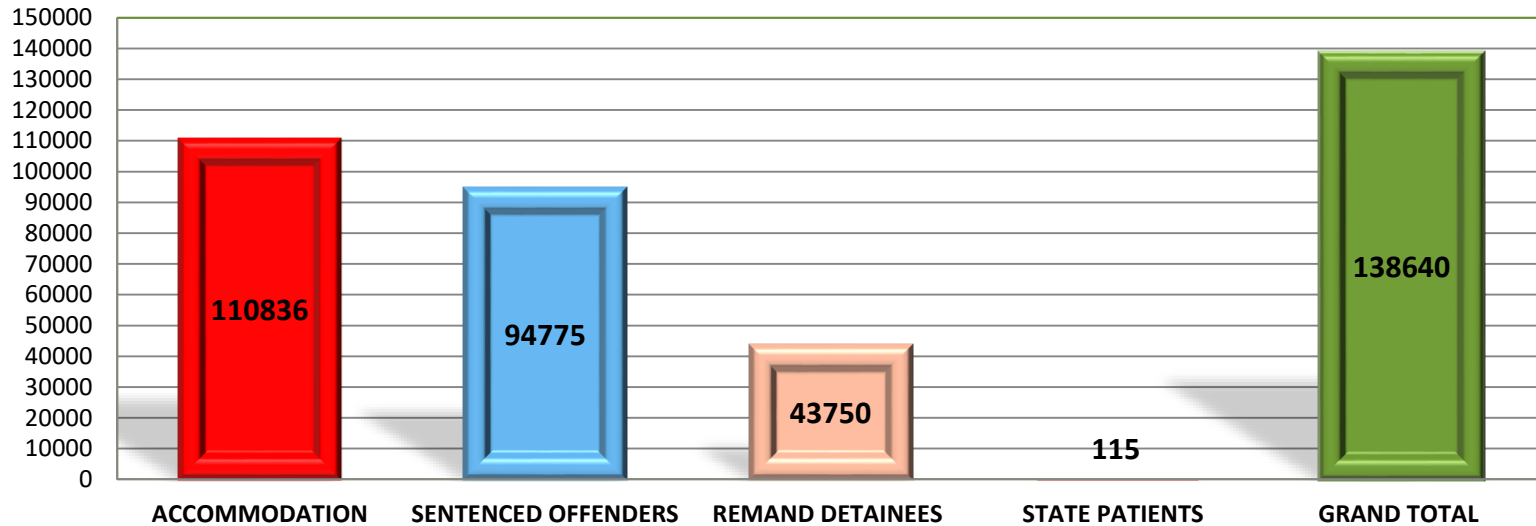
FSNC	WC	EC	KZN	GP	LMN	National
48	42	45	41	26	36	238

REGION	CLOSED FACILITY	REASON FOR CLOSURE
WC REGION	Swellendam	Due to dilapidation
WC REGION	Brandvlei Maximum	Due to dilapidation
KZN REGION	Umzimkulu	Temporarily closed due to upgrading
LMN REGION	Geluk	Due to dilapidation
LMN REGION	Brits	Temporarily closed due to upgrading

- LMN - Barberton Med A CC: Quarantine Centre (Covid-19).
- FSNC - Zastron CC: Quarantine Centre (Covid-19)
- FSNC - Brandfort CC: Quarantine site (Covid-19) hence the low occupancy.
- FSNC - Bizza Makhate Medium D CC: Quarantine Centre (Covid-19).
- FSNC - Ficksburg CC: Temporarily closed due to fire damage in the kitchen section.
- WC - Brandvlei Maximum CC (Western Cape Region) closed due to dilapidation.  
Brandvlei Medium (housing Maximum Inmates) now reflects as Brandvlei Maximum as per the Daily Unlock totals received from WC Region

# NUMBER OF THE INMATE POPULATION (31 OCTOBER 2021)

NATIONAL INMATE POPULATION AS ON 31 OCTOBER 2021



SENTENCED OFFENDERS, REMAND DETAINEES AND OTHER UNSENTENCED INMATES AS ON 31 OCTOBER 2021					
CATEGORIES	GENDER	30-Sep-21	31-Oct-21	DIFFERENCE	INCREASE / DECREASE
Sentenced Offenders	Females	2151	2227	76	Increase
Remand Detainees		1179	1219	40	Increase
State Patients		4	2	-2	Decrease
TOTAL FEMALES		3334	3448	114	Increase
Sentenced Offenders	Males	92062	92548	486	Increase
Remand Detainees		43030	42531	-499	Decrease
State Patients		112	113	1	Increase
TOTAL MALES		135204	135192	-12	Decrease
GRAND TOTAL		138538	138640	102	Increase

# NUMBER OF THE INMATE POPULATION (Conti...)

The following table presents a picture of sentenced offenders, remand detainees and other unsentenced inmates incarcerated as on 31 October 2021.

SENTENCED OFFENDERS, REMAND DETAINEES AND OTHER UNSENTENCED INMATES AS ON 31 OCTOBER 2021								
CATEGORIES	GENDER	EC	GP	KZN	LMN	FSNC	WC	GRAND TOTAL
Sentenced Offenders	Females	210	579	339	324	265	510	2 227
Remand Detainees		90	462	117	73	85	392	1 219
State Patients		0	0	0	0	2	0	2
TOTAL FEMALES		300	1041	456	397	352	902	3448
Sentenced Offenders	Males	13 864	18 577	15 884	16 258	13 289	14 676	92 548
Remand Detainees		5 375	12 238	5 150	4 805	4 829	10 134	42 531
State Patients		11	5	10	30	57	0	113
TOTAL MALES		19 250	30 820	21 044	21 093	18 175	24 810	135 192
GRAND TOTAL		19 550	31 861	21 500	21 490	18 527	25 712	138 640

As on 31 October 2021, there were 94 775 sentenced offenders, 43 750 remand detainees and 115 state patients incarcerated in DCS.

The total number of inmates on 31 October 2021 was 138 640, against the approved accommodation of 110 836 which calculated into an occupancy level of 125.09% and an overcrowding level of 25.09%. The unsentenced inmate population constituted approximately 31.64% whilst the sentenced offender population constituted approximately 68.36% of the total inmate population. Males made up approximately 97.51% whilst females made up approximately 2.49% of the total inmate population.



# NATIONAL BREAKDOWN OF THE OCCUPANCY LEVEL RATIO'S PER REGION AND NATIONAL

The table below present the distribution of the inmate population according to occupancy level ratios as at 31 October 2021;

Occupancy level ratio's	EC REGION	GP REGION	KZN REGION	LMN REGION	FSNC REGION	WC REGION	National
Number of centres below 100%	8	7	10	8	25	7	65
Number of centres ranging from 100% to 150%	12	14	27	20	16	12	101
Number of centres above 150% to 160%	2	3	1	4	3	2	15
Number of centres above 160% to 170%	4	1	0	1	1	3	10
Number of centres above 170% to 180%	2	0	1	1	0	5	9
Number of centres above 180% to 190%	2	0	1	0	1	2	6
Number of centres above 190% to 200%	4	0	0	0	0	2	6
Number of centres above 200%	11	1	1	1	1	9	24
Total	45	26	41	35	47	42	236

A total of 24 correctional facilities is overcrowded **above 200%**. Eastern Cape (11) and Western Cape (9) has the highest number of correctional facilities that are overcrowded above 200%. The remaining four regions only have one (1) correctional facility within this ratio.

Correctional facilities with an occupancy ratio of **above 190% to 200%** are once against in Eastern Cape (4) and Western Cape (2). The remaining regions do not have any correctional facility within this ratio.

Nine correctional facilities falls within the above **180% to 190%** ratio which are two (2) for both Eastern Cape and Western Cape. Kwazulu Natal and Free State/Northern Cape have one correctional centre in this range.

The **above 170% and 180%** ratio reflects that Western Cape has five (5) correctional facilities, with Eastern Cape with two (2). Kwazulu Natal and Limpopo/Mpumalanga /North West both has only one (1) correctional facility the same range

# NATIONAL BREAKDOWN OF THE OCCUPANCY LEVEL RATIO'S PER REGION AND NATIONAL

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Eastern Cape (4) and Western Cape (3) once again reflect the highest number of correctional facilities within the ratio **above 160% to 170%**. Gauteng, Limpopo/ Mpumalanga/ North West and Free State/ Northern Cape have only one correctional facility in this range.

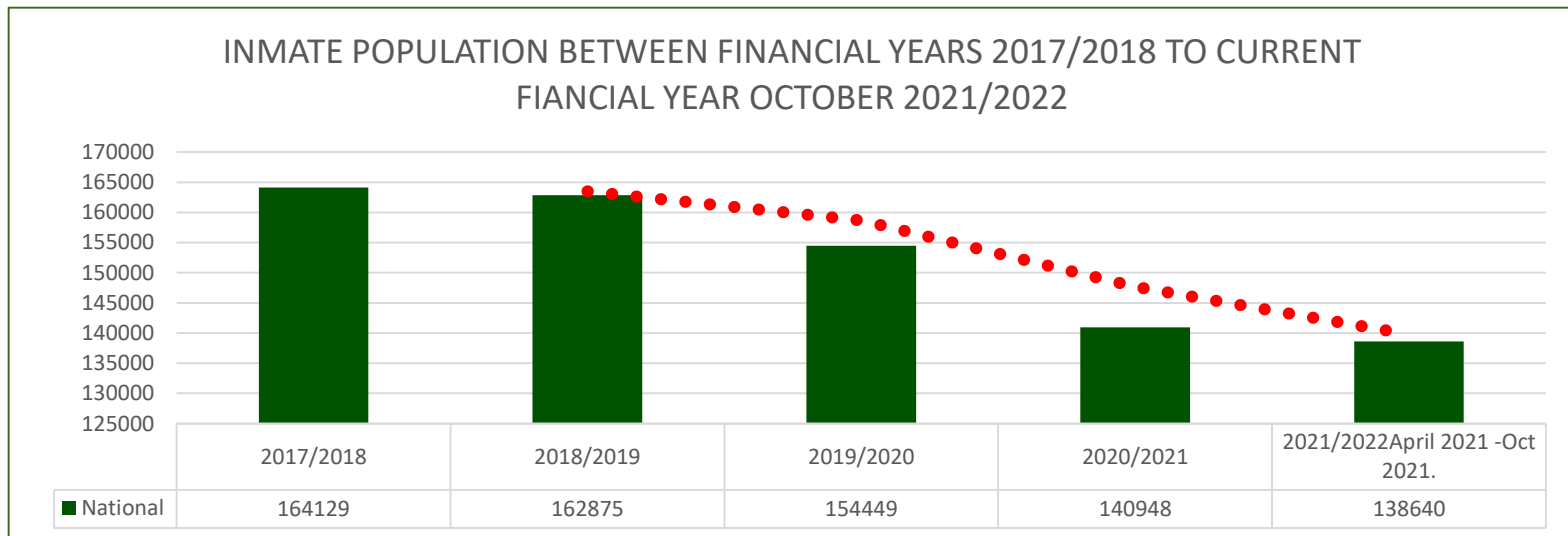
The distribution of correctional facilities within the range **above 150% to 160%** has a total of fifteen (15) correctional facilities with Limpopo/Mpumalanga/North West with four (4), both Gauteng and Free State/Northern Cape with three (3), Western Cape two (2) and Kwazulu Natal with only one (1).

The occupancy level ratio of **above 100%-150%** is still regarded as an 'acceptable' overcrowding margin. A total of one-hundred-and-one (101) correctional facilities are within the above 100% to 150% ratio. Kwazulu Natal (27), Limpopo/Mpumalanga/North West (20), Free State/Northern Cape (16) , Gauteng (14) and both Eastern Cape and Western Cape have twelve (12) each.

A total of sixty five (65) correctional facilities are not overcrowded. Free State/Northern Cape (25) has the highest number of correctional facilities within the **ratio below 100%**. Followed by Kwazulu Natal (10), Eastern Cape and Limpopo/Mpumalanga/North West both with eight (8) and lastly Gauteng and Western Cape with seven (7) correctional facilities with an occupancy rate of below 100%.

# RESULTS : 2019 SPECIAL REMISSION AND THE 2020 COVID-19 SPECIAL PAROLE DISPENSATION

The reduction in the inmate population since 2017/2018 from 164 129 inmates to 138 640 at 31 October 2021 represents an overall reduction in overcrowding in DCS of 18.38% for the past four and a half financial years.



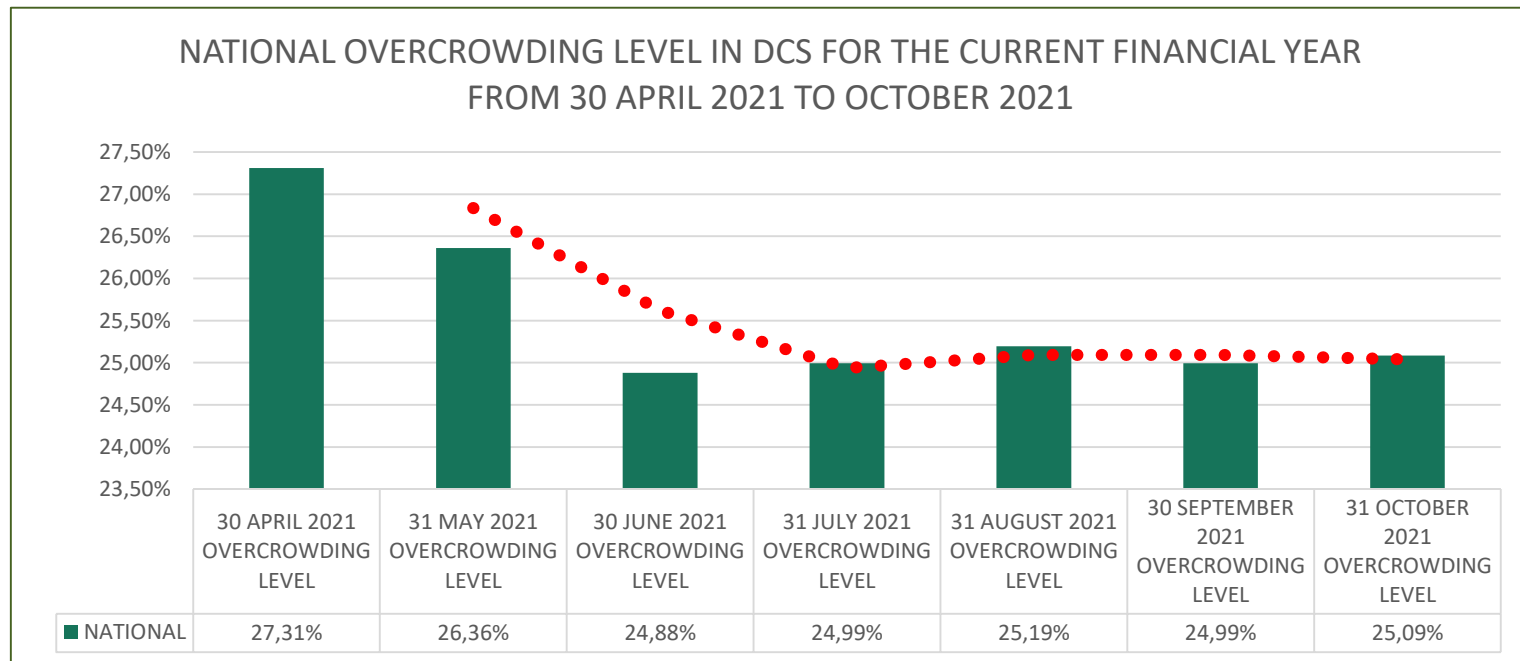
During the financial year 2019/2020 the Department implemented the 2019/20 Special Remission of Sentences, which resulted in an 8% overall decrease in the overcrowding level down 28% at the end of the financial year.

In an effort to curb the spread of the COVID-19 infection in overcrowded correctional facilities, the Department further implemented the 2020/21 Special Parole Dispensation. The Special Parole Dispensation which commenced on 20 May 2020 resulted in a further decrease in the overcrowding level by 11%. The Department was able to effect an overall decrease of 16.13% in the overcrowding level within a 12-month period through both the Special Remission and Special Parole Dispensation.. This resulted in the lowest overcrowding level recorded for the past 10 years which was 17%.

# STATUS AND ANALYSIS OF CURRENT OVERCROWDING IN DCS (NATIONAL)

The perceived decline in the overcrowding level is still an outflow of the decrease in the inmate population, as a result of the 2019 Special Remission and 2020 Covid-19 Special Parole Dispensation.

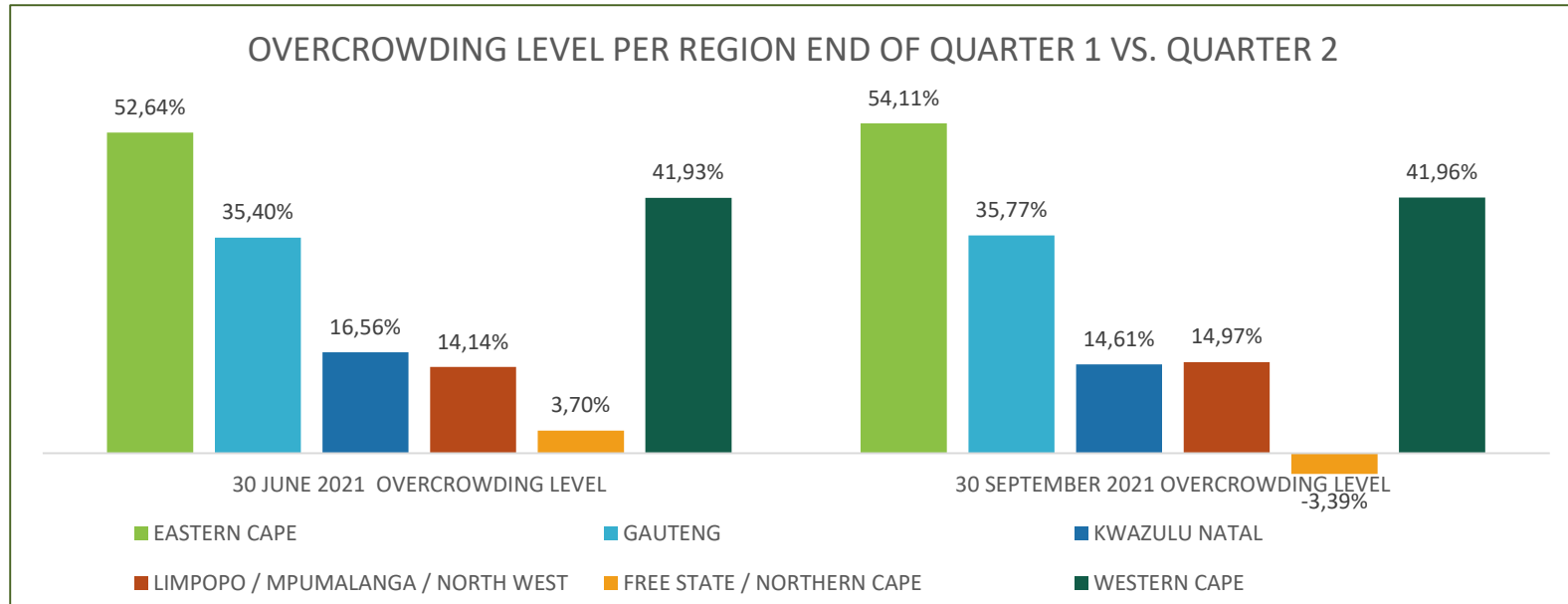
Remission of sentences can, however, not be a long-term solution for overcrowding.



The national overcrowding level in DCS since the beginning of the 2021/2022 financial year reflects gradual decrease of 2.33% from 27.31% to 25.09%.

# STATUS AND ANALYSIS OF CURRENT QUARTERLY OVERCROWDING IN DCS (REGIONAL )

The graph below represents the status and analysis of current quarterly level overcrowding in DCS according to Regions (June 2021/September 2021);



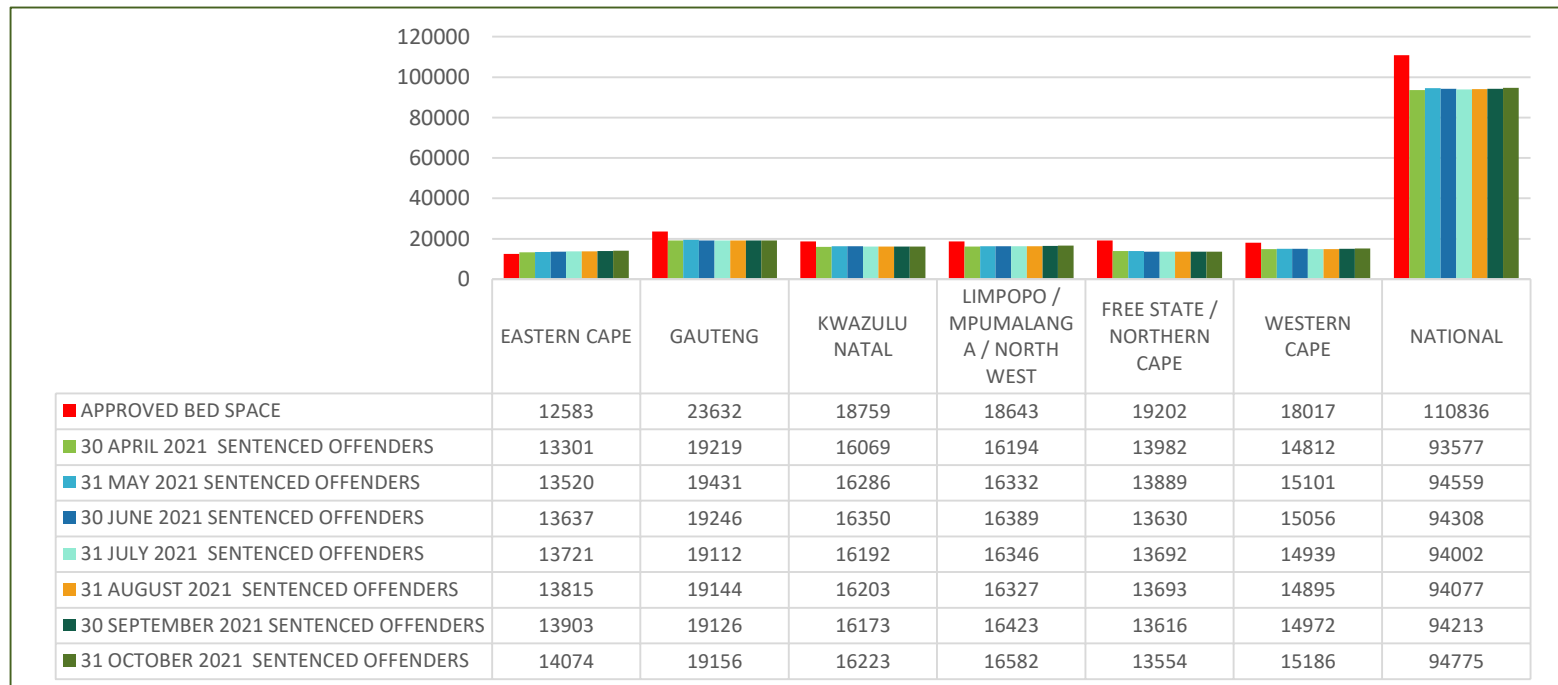
REGION	30 SEPTEMBER 2021 OVERCROWDING LEVEL	30 JUNE 2021 OVERCROWDING LEVEL	DIFFERENCE %	INCREASE/DECREASE
EASTERN CAPE	54.11%	52.64%	1.47%	DECREASE
GAUTENG	35.77%	35.40%	0.37%	DECREASE
KWAZULU NATAL	14.61%	16.56%	-1.95%	INCREASE
LIMPOPO / MPUMALANGA / NORTH WEST	14.97%	14.14%	0.83%	DECREASE
FREE STATE / NORTHERN CAPE	-3.39%	3.70%	0.31%	INCREASE
WESTERN CAPE	41.96%	41.93%	0.03%	DECREASE

# INMATE POPULATION TREND : SENTENCED OFFENDERS (31 APRIL 2021 - 30 OCTOBER 2021)

The population trend of the sentenced offenders per region and national reflected in the following graph, indicate that there was insignificant movement in the sentenced offender population for the first six month of the 2021/2022 financial year.

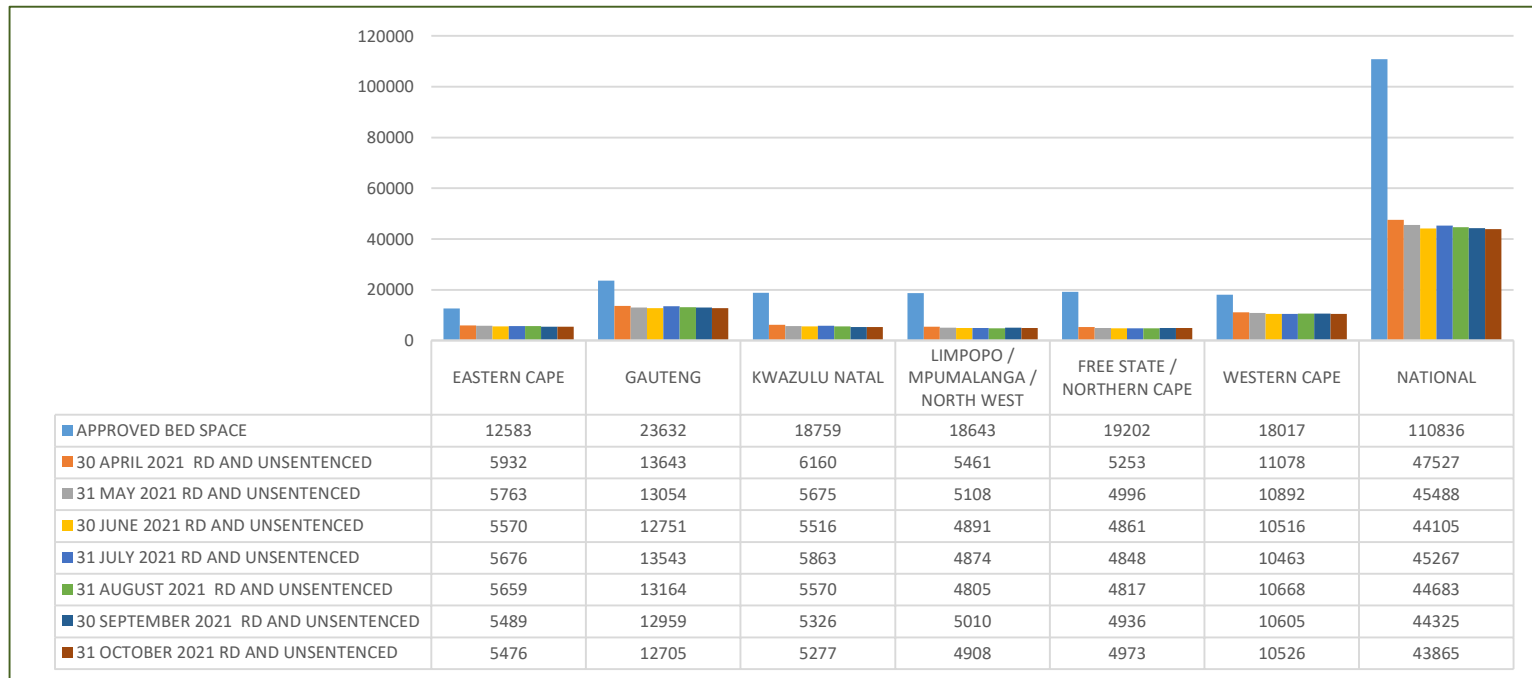
Only Eastern Cape region reflects that their approved bedspace is just below their number of sentenced offenders incarcerated. The limited approved bedspace in Eastern Cape region is therefore the main reason for the growing overcrowding level in the region.

The remaining 5 regions that their approved bedspace is higher than the number of sentenced offenders. It can therefore be deducted that the main contributor to overcrowding in these regions are not the number of sentenced offenders.



# INMATE POPULATION TREND : RD + UNSENTENCED OFFENDERS (31 APRIL 2021 - 30 OCTOBER 2021)

The population trend of the RD + unsentenced offenders per region and national indicates that there was also an insignificant movement in the RD + unsentenced offenders for the first six month of the 2021/2022 financial year.



To gain perspective about the true overcrowding level in DCS it is important take note of the comparison on the total inmate population against the approved bed space.

# INMATE POPULATION TREND AGAINST APPROVED BED SPACE (31 APRIL 2021 - 30 OCTOBER 2021)

The following graph presents the total inmate population against the approved bedspace, nationally and regionally, for the first six months of the 2021/2022 financial year.

A comparison between the monthly inmate population and the approved bed space clearly project that five of the six region's inmate population exceeds their approved bedspace.





# INMATE POPULATION AGAINST APPROVED BED SPACE (END OF THE SECOND QUARTER 31 SEPTEMBER 2021)

The following table provide a picture of the current status of the inmate population at the **end of the second quarter (31 September 2021)** against the approve bead space;

REGION	APPROVED BED SPACE	END OF SECOND QUARTER 30 SEPTEMBER 2021 GRAND TOTAL (INMATE POPULATION)	DIFFEEENCE BETWEEN APPROVE BEDSPACE AND INMATE POPULATION	% OVERCROWDING END OF THE SECOND QUARTER 30 SEPTEMBETR 2021
EASTERN CAPE	12583	19392	6809	54.11%
GAUTENG	23632	32085	8453	35.77%
KWAZULU NATAL	18759	21499	2740	14.61%
LIMPOPO / MPUMALANGA / NORTH WEST	18643	21433	2790	14.97%
FREE STATE / NORTHERN CAPE	19202	18552	-650	-0.03%
WESTERN CAPE	18017	25577	7560	41.96%
<b>NATIONAL</b>	<b>110836</b>	<b>138538</b>	<b>27702</b>	<b>24.99%</b>

At the end the second quarter the inmate population against the approved bedspace displayed that five of the six regions had an overcrowding level of between 54.11% and 14.61%.

Eastern Cape remains with the highest overcrowding level of 54.11% , and is followed in sequence by Western Cape at 41.96%, Gauteng at 41.96%, Limpopo/Mpumalanga/North West at 14.97% and Kwazulu Natal at 14.61%. For the same period the inmate population of Free State/Northern Cape region did not exceed the region's approved bedspace and is therefore not overcrowded.

At the end of the second quarter (31 September 2021) DCS continues to reflect an overcrowding level of 24.99% which is only 0.11% higher than the overcrowding level at the end of the first quarter of the 2021/2022 financial year (24.88%). However the second quarter overcrowding level of 24.99% (**31 September 2021**) is still 2.01% lower than the 27% at the end of the previous financial year 2020/2021.

# RECOMMENDATION TO MANAGE THE REDUCTION OF OVERCROWDING IN DCS

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The following recommendations are put forward to manage the reduction of overcrowding;

1. Implementation of the Overcrowding Reduction Strategy which were approved on 11 March 2021, which set out clear direct and indirect measures to manage overcrowding.
2. Implement the following direct measures to promote the reduction of overcrowding include the following;
  - Referral to court for bail review (with an option for tagging: Optional when available)
  - Referral for consideration of period spent in detention (with an option for tagging: Optional when available)
  - Referral to court of terminally ill or severely incapacitated remand detainees
  - Referral to court by DCS for conversion of a sentence of imprisonment to correctional supervision
  - Use of progressive discipline for breaching of non-custodial conditions with imprisonment considered as a last resort
  - Compassionate release – release on Medical Parole
  - Monitoring of the Sentence Expiry Dates (SEDs) and, ensure that no sentenced offender is kept beyond his / her SED unless there are reasonable circumstances that justify detention such as the state of disaster
  - Placement on Parole (Lifers)

# RECOMMENDATION TO ADDRESS OVERCROWDING IN DCS (Conti...)

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- Placement on Parole (Determinate sentences)
  - Transfer between correctional centres
  - Identification and renovation of the unused buildings that can be converted into detention facilities
  - Renovation and replacement of outdated Correctional Centres and building of new centres
3. Successful strategies to reduce overcrowding must be based on an integrated and sustained approach to enhancing the criminal justice process and are strengthened by an in-depth understanding of the nature of the problems in society, the effective functioning of the Criminal Justice System and general strategies for crime prevention.
4. The Department has been actively participating in the legislative review of the Criminal Procedure Act (Act No.51 of 1977), and has put forward proposals that will assist in improving the management of overcrowding in correctional facilities through encouraging the use on non-custodial placement for certain categories of sentenced offenders. The Department should continue to advocate for the effective use of sentence conversion and the use of non-custodial sentences to reduce the overcrowding levels.

# RECOMMENDATION TO ADDRESS OVERCROWDING IN DCS (Conti...)

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5. Best practices to reduce overcrowding call for concerted and comprehensive efforts on the part of the entire CJS, involving the cooperation and coordination of all criminal justice stakeholders.
6. Integrated planning and joint responsibility by all internal role players in DCS to ensure that the direct and indirect measures listed in the Overcrowding Reduction Strategy are monitored and implemented.
7. A Management Information Systems must be prioritised to inform effective planning, management and monitoring of the inmate population, create inmate profile that will inform strategic planning as well as enable the management of overcrowding. The need for a complete, accurate and accessible criminal justice system is a prerequisite for effective policymaking and management within corrections.
8. Should promote the use of the Audio Visual Remand (AVR) systems in our courts as one of the measures administered in collaboration with the Department of Justice and Constitutional Development to curb overcrowding. Going forward the Department of Justice and Constitutional Development will ensure that the AVR system is optimised, in order to expedite the process of postponing cases and releasing remand detainees on bail for individuals detained for minor offences.

# RECOMMENDATION TO ADDRESS OVERCROWDING IN DCS

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9. Through consultations with relevant role players within the CJS such as the SAPS, National Prosecuting Authority (NPA), DoJ&CD and Legal Aid South Africa, interventions aimed at reducing the remand detention population should be implemented and monitored.
10. The Department to enhance the implement of reduction strategies for Remand Detainees which involve submission of application to court for bail review in line with section 63 of the Criminal Procedure Act (Act No. 51, 1977) and for consideration of the length of detention in line with section 49G of the Correctional Services Act (Act No. 111, 1998).
11. The governance structures established in DCS to manage overcrowding in the DCS namely the Regional Overcrowding Task Team (ROTT) and the Management Area Overcrowding Task Team (MOTT) should continue to facilitate the implementation of the direct and indirect measures to manage overcrowding in the regions.
12. The National Overcrowding Task Team (NOTT) should continue to provide monitoring and supporting to the regions in their effort to implement the Overcrowding Reduction Strategy measures.

# RECOMMENDATION TO ADDRESS OVERCROWDING IN DCS

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13. DCS to actively participate in the case flow structures which deal with overcrowding and are led by the judiciary and are segmented as follows:
  - National Efficiency Enhancement Committee (NEEC)
  - Provincial Efficiency Enhancement Committee (PEEC)
  - Regional Efficiency Enhancement Committee (REEC)
  - District Efficiency Enhancement Committee (DEEC)

# CONCLUSION

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Overcrowding in correctional facilities is a multidimensional issue. The causes of overcrowding are not confined to the limits of criminal justice, but extend to other spheres of State responsibility, such as social welfare policies, access to health services, education and employment, among others.

It therefore cannot be addressed only at the level of correction services but requires a holistic and coordinated response from a broad range of authorities, including at the policy level and in society at large.

The increase in offender population continues to present unavoidable challenges of overcrowding in our correctional facilities.

The reduction of overcrowding within correctional facilities, although complex, remains a high priority within the Department.

# THANK YOU



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