

ANNUAL REPORT

2019  
2020



**JICS**

Judicial Inspectorate for  
Correctional Services



**Submitted to**

**Matamela Cyril Ramaphosa,**  
President of the Republic of South Africa;

**Ronald Lamola**  
Minister of Justice and Correctional Services;

**and**

**Nkosi Phathekile Holomisa**  
Deputy Minister of Correctional Services;

**by the**

Inspecting Judge  
**Justice Edwin Cameron**  
in compliance with Section 90(4) (a) of the  
Correctional Services Act 111 of 1998

# C O N T E N T S

<b>PART A: GENERAL INFORMATION</b>	<b>6</b>
General information	7
Foreword by the Inspecting Judge	8
Statement by the Chief Executive Officer	11
Statement of responsibility and confirmation of the accuracy of the annual report	14
Strategic overview	16
Legislative and other mandates	17
Organisational structure as of 31 March 2020	18
<b>PART B: PERFORMANCE INFORMATION AND OVERSIGHT REPORTING</b>	<b>20</b>
Performance information	21
Oversight report	21
Inspections	23
Investigations	34
Complaints	41
Mandatory Reports	47
<b>PART C: DIRECTORATE MANAGEMENT REGIONS</b>	<b>56</b>
Overview of the Directorate Management Regions	57
The ICCV oversight system	57
Visitors committee meetings	64
Incarcerated state patients	65
Stakeholder meetings	66
Public awareness and advocacy initiatives	67
Statistics: Non-nationals incarcerated in South African correctional centres	69
Successes, challenges and intervention	70
<b>PART D: SUPPORT SERVICES</b>	<b>72</b>
Introduction	73
Human resources oversight statistics	73
<b>PART E: FINANCIAL AND SUPPLY CHAIN MANAGEMENT</b>	<b>78</b>
Overview of financial management	79
Finance	79
Supply chain management	81
<b>PART F: COMMUNICATION AND MEDIA</b>	<b>84</b>

**TABLES**

Table 1: Temporarily closed correctional facilities at 31 March 2020	21
Table 2: Top five overcrowded facilities inspected in Gauteng region	25
Table 3: Top five overcrowded facilities inspected in Limpopo/Mpulanga/North West region	25
Table 4: Top five overcrowded facilities inspected in the Eastern Cape region	26
Table 5: Top five overcrowded facilities inspected in the KwaZulu-Natal region	26
Table 6: Top five overcrowded facilities inspected in the Western Cape region	26
Table 7: Top five overcrowded facilities inspected in the Free State/Northern Cape region	27
Table 8: Number of state patients observed during inspections	29
Table 9: Correctional centres with no educational programmes offered at 31 March 2020	32
Table 10: Oversight visit conducted by the Inspecting Judge during 2019/2020 financial year	33
Table 11: Visits by other judges for 2019/2020 performance year	33
Table 12: List of investigations conducted in 2019/2020 performance cycle	39
Table 13: Complaints per category for 2019/2020 performance cycle	41
Table 14: MSSDs for 2019/2020 performance cycle	57
Table 15: Complaints handled in management regions per category	58
Table 16: Incidents/alleged sexual assaults dealt with by ICCVs during 2019/2020 performance cycle	60
Table 17: VC meetings in each JICS region	64
Table 18: State patient incarcerated at 31 March 2020	65
Table 19: Non-nationals incarcerated at 31 March 2020	69
Table 20: Employment and vacancies per salary band at 31 March 2020	73
Table 21: ICCV employment and vacancies at 31 March 2020	74
Table 22: Reasons why staff left JICS from 1 April 2019 to 31 March 2020	74
Table 23: Number of employees in each occupational category at 31 March 2020	74
Table 24: Percentage representation in terms of equity, race and disabilities	75
Table 25: Selection and recruitment by salary band for the period 1 April 2019 to 31 March 2020	75
Table 26: Promotions and transfers by salary band for the period 1 April 2019 to 31 March 2020	75
Table 27: Misconduct registered for 2019/20	76
Table 28: Grievances/disputes registered with GPSSBC for 2019/2020	76
Table 29: Performance rewards per salary band for the period 1 April 2019 to 31 March 2020	77
Table 30: 2019/2020 budget allocation	79
Table 31: 2017/2018, 2018/2019 and 2019/2020 expenditure reporting	80
Table 32: Transport management for the 2019/2020 financial year	82
Table 33: Property management for the 2019/2020 financial year	82

## FIGURES

Graph 1: Inspections conducted during the 2019/2020 financial cycle as per DCS regions	23
Graph 2: Inmate population for the past 10 years	24
Graph 3: Declared state patients per region for 2019/2020 performance cycle	29
Graph 4: Statistics of inmates participating in AET programmes per region	33
Graph 5: Number of investigations conducted over the past three performance cycles	34
Graph 6: Conversion of sentence for the performance period 2019/2020	42
Graph 7: Conditions, hunger strike, food and healthcare complaints for performance cycle 2019/2020	43
Graph 8: Violence and confiscations for the performance period 2019/2020	45
Graph 9: Number of unnatural deaths from 2015 to 2020	47
Graph 10: Deaths classified by cause for 2019/2020 performance cycle	48
Graph 11: Methods of suicide used in 2019 /2020 performance cycle	48
Graph 12: Deaths from natural causes 2015/2016 to 2019/2020	51
Graph 13: Deaths from natural causes per DCS regions 2019/2020	51
Graph 14: Number of segregations reported to JICS over the past five years	52
Graph 15: Number of mechanical restraint incidences over the past five years	53
Graph 16: Use of force reported in the past five years	54
Graph 17: Employment equity status for JICS at 31 March 2020	75
Graph 18: Leave categories recorded on Persal at 31 March 2020	76
Figure 1: Communications Analysis 2017-2020 Infographic	89

This is a summary explanation of icons used in Part B: Performance Information and Oversight Reporting.



### OFFICIALLY INVESTIGATED

Incidents officially investigated by JICS investigators.



### COMPLAINTS

Complaints received from either external or internal sources dealt with in terms of the CSA.



### MANDATORY REPORTING

Incidents reported by DCS adjudicated by JICS in terms of the CSA.

## LIST OF ABBREVIATIONS

<b>AET</b>	Adult education and training
<b>CEO</b>	Chief Executive Officer
<b>CMR</b>	Central Management Region
<b>CSA</b>	Correctional Services Act 111 of 1998
<b>DCS</b>	Department of Correctional Services
<b>DPWI</b>	Department of Public Works and Infrastructure
<b>ECMR</b>	Eastern Cape Management Region
<b>GCIS</b>	Government Communication and Information System
<b>GPSSBC</b>	General Public Service Sector Bargaining Council
<b>HCC</b>	Head of correctional centre
<b>ICCVs</b>	Independent correctional centre visitors
<b>IT</b>	Information technology
<b>JICS</b>	Judicial Inspectorate for Correctional Services
<b>KZNMR</b>	KwaZulu-Natal Management Region
<b>MIS</b>	Management information system
<b>MSSD</b>	Minimum standard of service delivery
<b>NC</b>	National Commissioner
<b>NPM</b>	National preventive mechanism
<b>NMR</b>	Northern Management Region
<b>OPCAT</b>	Optional Protocol to the Convention against Torture, Cruel, Inhuman Treatment or Punishment
<b>PSCBC</b>	Public Service Co-ordinating Bargaining Council
<b>SAHRC</b>	South African Human Rights Commission
<b>SAPS</b>	South African Police Service
<b>UN</b>	United Nations
<b>VC</b>	Visitors committee
<b>WCMR</b>	Western Cape Management Region





# PART A

## GENERAL INFORMATION

# GENERAL INFORMATION

JUDICIAL INSPECTORATE FOR CORRECTIONAL SERVICES HEAD AND REGIONAL OFFICES		
HEAD OFFICE – CAPE TOWN		
POSTAL ADDRESS AND TELEPHONE/TELEFAX		PHYSICAL ADDRESS
Private Bag X9177 Cape Town 8000	Tel: 021 421 1012 Fax: 021 418 1069	Standard Bank Building (Ninth Floor) 1 Thibault Square, Cnr Long Street and Hans Strijdom Avenue Cape Town 8001
HEAD OFFICE – PRETORIA		
POSTAL ADDRESS AND TELEPHONE/TELEFAX		PHYSICAL ADDRESS
Private Bag 153 Centurion 0046	Tel: 012 321 0303	SALU Building (27 <sup>th</sup> and 29 <sup>th</sup> Floors) 316 Thabo Sehume Street Pretoria 0001
CENTRAL MANAGEMENT REGION		
POSTAL ADDRESS AND TELEPHONE/TELEFAX		PHYSICAL ADDRESS
PO BOX 3839 Bloemfontein 9301	Tel: 051 430 1954 Fax: 051 440 1045	Fedsure House (Third Floor) 62 St Andrews Street Bloemfontein 9300
KWAZULU-NATAL MANAGEMENT REGION		
POSTAL ADDRESS AND TELEPHONE/TELEFAX		PHYSICAL ADDRESS
PO Box 1322 Durban 4000	Tel: 031 366 1900 Fax: 031 368 1872	Aqua Sky Building (Eighth Floor) 275 Anton Lembede Street Durban 4001
EASTERN CAPE MANAGEMENT REGION		
POSTAL ADDRESS AND TELEPHONE/TELEFAX		PHYSICAL ADDRESS
PO Box 192 East London 5201	Tel: 043 722 2729	Magistrate Court (Third Floor) 4 Buffalo Street East London 5200
NORTHERN MANAGEMENT REGION		
POSTAL ADDRESS AND TELEPHONE/TELEFAX		PHYSICAL ADDRESS
Private Bag 153 Centurion 0046	Tel: 012 663 7521 Fax: 012 663 7510	265 West Avenue Tuinhof Karee (West Block) Centurion 0046



*The conditions of our correctional facilities do not support rehabilitation and social reintegration – instead, they are sites of (re)traumatisation that allow certain communities to become trapped in cycles of incarceration.*

## FOREWORD BY THE INSPECTING JUDGE

In 2020, the world seemed – in some places, for the first time – to feel real alarm about the plight of incarcerated persons. The United Nations (UN) Commissioner for Human Rights urged that prisons be decongested. Around the world, jurisdictions ordered mass releases. Medical experts warned that incarcerated persons were in imminent danger: Being sentenced to imprisonment should not be tantamount to a death sentence.

The international pandemic of Covid-19 drew the world's attention to correctional facilities. It exposed the vulnerability of incarcerated people through our sentencing and carceral policies and, in turn, how vulnerable they make us all. For the first time, a vital realisation hit home: The wellbeing of incarcerated persons and of those tasked with guarding them has a direct impact on the safety of all. Inmates' wellbeing is integral to community wellbeing.

For us in South Africa, the unfolding tragedy has been real and urgent. But it isn't new. Two decades back, my predecessor, Judge Hannes Fagan, highlighted the crisis in our correctional centres. Each Judicial Inspectorate for

Correctional Services (JICS) annual report spotlights the same issues. The vulnerabilities and dangers that Judge Fagan described 20 years ago endure today.

Covid-19 has not introduced an outside threat. The vulnerabilities it exposes are produced by our justice system. Its effect on correctional centres springs from a system that has deteriorated, not by chance, but by our gradual, often unseen, collective decisions and value judgments. The pandemic has exposed how we distinguish between lives that matter and lives that don't.

South Africa has the highest incarcerated population in Africa and the 12th highest in the world. Since 1995, the number of incarcerated persons has increased by two-fifths (39%).

The plight of remand prisoners is particularly acute. The remand population constitutes about one-third of the total inmate population. Of those awarded bail, 74% can't afford bail of R1 000 or less<sup>1</sup>. The number of inmates serving sentences of life imprisonment has radically increased. In 1994, only 400 prisoners were serving life

<sup>1</sup> The DCS report reflecting the inmate population from 1 to 30 April 2020 indicates that of the 52 679 remand detainees, 5 455 people are detained with an option of bail. Of the remand detainees with bail, 4 027 people (74%) have a bail amount of R1 000 or less. See DCS Reduction of remand detention during lockdown: Briefing of Judicial Inspectorate of Correctional Services (2020).

sentences; today, that number has ballooned monstrously to more than 16 000.

The determined over-use of incarceration in our administration of justice has led to overcrowded, inhumane and degrading conditions of detention. Its effects are far-reaching. In some instances, we force correctional centre staff to cram three times more inmates into cells than design allows. This may mean sleeping on the floor and living in unhygienic conditions, with below-par ablutions. Sexual and other violence becomes difficult to control. The risk of transmitting communicable and infectious diseases increases significantly. And mental health is of grave concern.

Equally, overcrowding thwarts good governance and administration. Rather than spaces for rehabilitation, prisons become unmanageable and punitive.

Against this background, this year's annual report highlights two issues: Mandatory reporting and the use of force.

The mandatory reporting system imposed by the Correctional Services Act (CSA) is designed to secure protection for *both* prisoners and officials<sup>2</sup>. This is because the safety, wellbeing and dignity of inmates correlate directly with the safety, wellbeing and dignity of officials we require to guard them.

Besides, the reporting system serves as an important early warning mechanism when trouble is brewing somewhere in the system.

Yet, over the last years, mandatory reporting has fallen into disarray. In some cases, the decline in reporting is as high as 84%. During the national lockdown, absent reporting resulted in a chronic lack of compliance in relaying Covid-19 cases directly to JICS. More worryingly, during this period, JICS received no inmate segregation-appeals. Were there none? Unlikely. More probable: Inmates were practically unable to exercise this right.

Of particular concern is the marked increase in officials using force on inmates. In 2019/2020, the Department of Correctional Services (DCS) reported to JICS a 64% increase in the use of force across correctional centres – from 232 incidents to 358. Given reporting dysfunction, the figure is likely to be far higher.

In addition to the vulnerabilities that Covid-19 highlighted, the virus exposed several institutional difficulties. JICS's independence from DCS has been extensively debated.

During the national lockdown, the challenges grew. The lockdown severely affected our whole country, but it has presented unique operational challenges for both correctional centres and JICS.

From 15 March, through the first two months of the national lockdown (26 March to 31 May 2020), independent correctional centre visitors (ICCVs) were barred access to all centres. Inspections and visits were suspended. And inmates' right of access to an attorney was severely restricted.

This meant that incarcerated persons had no way to communicate. At a moment of national fear and uncertainty, this left them particularly vulnerable – and correctional centres were left without oversight.

The suspension of these lines of communication meant JICS was unable to fulfil its statutory mandate. And it placed both inmates and officials at risk of untoward and unreported danger. This will be reported on further in the next annual report.

Since I started on 1 January 2020, I have conducted two on-site inspections: Zonderwater Correctional Centre in January and, during the national lockdown, Johannesburg Management Centre<sup>3</sup>.

Both inspections reflected that correctional centres seem constrained to focus on incarceration over rehabilitation. This is a consequence of DCS's budget, which reserves just 10% for rehabilitation and social reintegration programmes.

My office has strongly advocated, both discreetly and in public, a mass release of incarcerated persons. On 8 May 2020, President Ramaphosa announced a process to release 19 000 inmates by bringing forward their parole dates.

This was a welcome first step. However, this has shifted the problem of overcrowding to an overburdened and, in some cases, incapacitated parole system.

And many concerns remain. These include remand detainees – the group worst affected by overcrowding – the 16 000-plus inmates serving life sentences and the inmates, far too many, who are serving minimum sentences.

The appointment of a new Commissioner of Prisons, Arthur Fraser, has made possible an interaction that is frank, business-like and also cordial. The National

<sup>2</sup> Correctional Services Act No 111 of 1998 at secs 15, 30-21.

<sup>3</sup> The following op-eds on the challenges of correctional centres have been published this year: Judges should not be impartial about bail, <https://www.pressreader.com/south-africa/sunday-times-1107/20200119/281814285819607>; Our prisons are failing – they need to become correctional facilities, <https://www.dailymaverick.co.za/article/2020-03-03-our-prisons-are-failing-they-need-to-become-correctional-facilities/>; Covid-19 and the perils of over-incarceration, <https://www.dailymaverick.co.za/article/2020-04-24-covid-19-and-the-perils-of-over-incarceration/>; A visit to 'Sun City' prison: Nightmare to manage the virus in confined spaces, <https://www.news24.com/Columnists/GuestColumn/edwin-cameron-a-visit-to-sun-city-prison-nightmare-to-manage-the-virus-in-confined-spaces-20200514>.

Commissioner (NC) and I both recognise that DCS and JICS share a mandate – to protect incarcerated persons and, through their protection, also that of the personnel who guard them<sup>4</sup>.

This shift of emphasis understands JICS's relation to the correctional system more holistically. The statute nowhere decrees that JICS is concerned only about inmates. It is. But not solely. The wellbeing, health and rights of inmates, and those of the correctional personnel we task to guard them, stand in a reciprocal relation. Securing inmates' health, wellbeing and rights ensure safer and more dignified working conditions for personnel. The converse also applies<sup>5</sup>.

In this way, JICS stands in a fiduciary role to all who populate the correctional system, both inmates and personnel. Their wellbeing and dignity, and respect for their rights, are integrally important for everyone's sake.

Where lives are precious, they are precious everywhere. With rising crime, our country has treated the lives of incarcerated people as though they are not precious. Our correctional system threatens to create a permanent state of exception for those inside – as both physical spaces in society and communities for certain individuals.

We must ask ourselves to imagine a world in which correctional facilities are rendered unnecessary; a future in which they no longer exist. This may be a utopian hope, but, as we did during apartheid, we must look ahead, and even dream ahead. We need to work and plan as though this world is possible.

We have a long way to go.

As crime rates continue to increase, reporting and monitoring have failed to result in substantial changes and the lives of both inmates and the officials who guard them grow increasingly precarious.

The conditions of our correctional facilities do not support rehabilitation and social reintegration – instead, they are sites of (re)traumatisation that allow certain communities to become trapped in cycles of incarceration.

Covid-19 has cast a searing light on structural inequalities in our society. It has also revealed to us that the safety, dignity and wellbeing of incarcerated people and those who guard them affect us all.

For the first time, we are forced to think of correctional centres not as isolated locations on the outskirts of society, but as part of our communities.

It has taken a global pandemic for us to realise that we cannot separate our fate from those whom we incarcerate.



**Justice Edwin Cameron**  
**Inspecting Judge**  
**Judicial Inspectorate for Correctional Services**



<sup>4</sup> The exact quote from the letter the NC sent on 6 June 2020 reads: 'Your reciprocated commitment to advancing our institutions' mandates is equally received with appreciation.'

<sup>5</sup> The 'treatment of inmates in correctional centres' informs JICS's basic mandate (CSA sections 80(2) and 90(1)). Section 85(2) specifically provides that the function of JICS is to 'facilitate the inspection of correctional centres in order that the Inspecting Judge may report on the treatment of inmates in correctional centres and on conditions in correctional centres'.



*I look forward to engaging with stakeholders to develop JICS into a world-class organisation, meeting the international standards stipulated by the UN and transforming the system into one that is rehabilitative and ultimately restorative, thus contributing to societal goals.*

## STATEMENT BY THE CHIEF EXECUTIVE OFFICER

In terms of my obligations and responsibilities, I hereby submit this report as the Chief Executive Officer (CEO) of JICS for the 2019/2020 performance cycle. The report of the CEO, as an accountability and reporting document of the performance of the organisation, supports the mandate and principles of JICS. This report makes key observations and presents recommendations to enhance our performance and the credibility of JICS.

It is an honour on behalf of JICS to welcome the appointment of the new Inspecting Judge, Justice Edwin Cameron, with effect from 1 January 2020. We are privileged to have the leadership of an esteemed jurist with immense experience and knowledge to guide us. Justice Cameron is a former academic and human rights activist, who retired from the Constitutional Court in August 2019. The guidance, direction and leadership provided by Justice Cameron, under whose statutory responsibility JICS functions, solidify the independent, statutory oversight function mandated to JICS by ensuring sound financial and administrative compliance. His commitment has helped frame a new approach to address the rights and obligations of the vulnerable penal population, as

well as the interests of the personnel required to guard prisoners. In Cameron's vision, the wellbeing of all in the correctional system contributes to the safety of and rights-protection for inmates. As expressed in his foreword, the situation has become more urgent with the Covid-19 crisis, which has exacerbated challenges already burdening the carceral system. We recognise that the way forward will be complex and difficult, as we negotiate the fine line between ensuring that inmates meet their societal obligations by serving their sentences, whilst complying with international obligations and their human dignity rights.

I look forward to engaging with stakeholders to develop JICS into a world-class organisation, meeting the international standards stipulated by the UN and transforming the system into one that is rehabilitative and ultimately restorative, thus contributing to societal goals.

The various sections of this report set out the statutory provisions underpinning our work and present information indicating its development and improvement.

### **JICS organisational form – as a government component**

On 5 March 2020, the honourable Minister of Justice and Correctional Services, Ronald Lamola, submitted the business case for the autonomous organisational form of JICS to the Minister for Public Service and Administration for further assessment and evaluation.

## **Overview of operations**

### **Inspections and investigations**

By internally realigning several staff members' functions and other measures, JICS performed significantly better in inspections and investigations.

It conducted 131 inspections (nine more than in the previous performance cycle), and carried out 45 investigations (an improvement of 12 over the previous performance cycle).

This is a significant achievement given that JICS has no dedicated investigation team.

JICS has proposed a specialised investigative directorate in its business case.

### **Human resources**

I am pleased to report that during this performance cycle, in the currently funded post establishment, JICS had a vacancy rate of less than 5% for its permanent staff and less than 9% for ICCVs, who are employed on full term contracts. It is creating a workforce broadly representative of the demographics of South Africa.

## **Overview of finance results**

Expenditure for the financial year 2019/2020 was R67 158 313 from an allocated budget of R77 244 000. This equates to 87% spending on the approved budget. The 13% underspending is attributable to non-filling of vacant and funded positions, vacancies of ICCVs and phasing out of old ICCVs employed as independent contractors.

### **Virements/rollovers**

During the 2019/2020 financial year, there were no virements/rollovers of funds.

### **Unauthorised, fruitless and wasteful expenditure**

No unauthorised, fruitless and or wasteful expenditure was incurred.

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

Neither gifts nor donations were received in kind from any non-related parties.

### **Exemptions and deviations from National Treasury**

No exemptions nor deviations were requested from National Treasury.

### **Public-private partnerships**

No public-private partnerships currently exist.

### **Governance and accountability**

In keeping with its obligations and commitments to use resources efficiently, JICS adopted processes and systems to detect and prevent irregular, fruitless, wasteful and unauthorised expenditure. Governance and monitoring structures have been put in place to ensure no conflict of interest and full transparency. We are committed to ensuring the organisation is ethical and credible.

### **Financial instructions**

The JICS financial instructions, delegations and approved policies were reviewed to strengthen accountability and responsibility of end-users and supply chain management (SCM) staff. Circulars and internal communications were distributed to all JICS staff. Amendments were effected to strengthen the financial instructions and delegations. SCM staff now perform quality checks and compliance reviews before generating purchase orders to ensure compliance with SCM requirements. Purchase orders are placed with accredited suppliers/service providers registered on the Central Supplier Database of National Treasury.

### **Procurement reforms**

To ensure the tender process is fair and there is no undue conflict of interest, various committees and measures have been established to ensure full compliance with regulations and processes. The Bid Committee ensures transparency, fairness, openness and compliance with SCM and tender processes. All SCM and finance staff sign a code of conduct and Bid Committee members sign a declaration of interest before each meeting. Contract management systems have been initiated and payment registers are maintained to prevent irregular expenditure and monitor that all invoices for goods received and services rendered are paid within 30 days.

### **Disclosures of interest**

All SCM and finance staff comply with the e-disclosure declaration. The abovementioned systems have ensured compliance with legislative prescripts and have mitigated unauthorised, irregular, fruitless and wasteful expenditure.

### **Future**

JICS operates in a dynamic environment and comprehensive planning is required to ensure the highest standards of performance. A key focus area currently is the strengthening of the investigative unit to reinforce the credibility of JICS reports.

## **Discontinued activities**

No activities were discontinued during the 2019/2020 financial year.

## Other

No other material facts or circumstances that may influence the understanding of the financial information and that are not addressed elsewhere in this report require reporting.

## Acknowledgements and appreciation

My work was facilitated through engagement with key constituencies, which provided oversight, guidance and support. My sincere gratitude and appreciation go to the former Minister, Advocate Michael Masutha; the former Deputy Minister, Thabang Makwetla; former Inspecting Judge, Justice Johann van der Westhuizen; Minister Ronald Lamola; Deputy Minister Nkosi SP Holomisa; Inspecting Judge, Justice Edwin Cameron; National Commissioner, Arthur Fraser, and Chief Operations Officer, Mandla Mkabela, for their leadership and stewardship.

My sincere thanks and appreciation are also extended to the Portfolio Committee on Justice and Correctional Services for its unwavering support and guidance.

I also acknowledge the executive management and staff of DCS for their assistance, cooperation and synergised working relations.

JICS stakeholders, chapter nine institutions, the Justice, Crime Prevention and Security Cluster, the National Preventive Mechanism (NPM), and non-governmental, community-based, faith-based and other organisations also provided invaluable cooperation and support.

Finally, to all JICS staff, thank you for your hard work and teamwork in ensuring that our organisation executes its independent oversight mandate.

## Approval and sign off

I approve and sign off the annual report as a true reflection of the work performance undertaken during the 2019/2020 financial year.



**Vickash Misser**  
Chief Executive Officer  
Judicial Inspectorate for Correctional Services



# STATEMENT OF RESPONSIBILITY AND CONFIRMATION OF THE ACCURACY OF THE ANNUAL REPORT

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

- All information and amounts disclosed in the annual report are consistent.
- The annual report is complete, accurate and free of omissions.
- The annual report has been prepared following the annual report guidelines issued by National Treasury.
- The Annual Financial Statements (Part E) have been prepared following the modified cash standard, and frameworks and guidelines issued by National Treasury.
- The CEO is responsible for the preparation of the annual financial statements and the judgments made in this information.
- The CEO is responsible for establishing and implementing a system of internal control designed to provide reasonable quality assurance as to the integrity and reliability of the performance information, the human resources information and the annual financial statements.
- The external auditors are engaged to express an independent opinion on the annual financial statements.

In my opinion, the annual report fairly reflects the operations, the performance information, the human resources information and the financial affairs of JICS for the financial year ending 31 March 2020.



**Vickash Misser**  
Chief Executive Officer  
Judicial Inspectorate for Correctional Services





## STRATEGIC OVERVIEW

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### VISION

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

### MISSION

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

### VALUES

JICS subscribes to these values:

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

# LEGISLATIVE AND OTHER MANDATES

## Constitution of the Republic of South Africa

The Constitution of the Republic of South Africa is the supreme law of the country. It incorporates the Bill of Rights. These rights are indivisible, each applicable, either on its own or in combination with other rights. Rights are subject to limitation. Some of the rights applicable to inmates are:

- Section 9: Equality.
- Section 10: Human dignity.
- Section 11: Life.
- Section 12: Freedom and security of the person.
- Section 13: Slavery, servitude and forced labour.
- Section 14: Privacy.
- Section 15: Freedom of religion, belief and opinion.
- Section 27: Right to healthcare services, food and water.
- Section 28: Children.
- Section 29: Right to education.
- Section 31: Cultural, religious and linguistic.
- Section 32: Access to information.
- Section 33: Just administrative action.
- Section 34: Access to courts.
- Section 35: Arrested, detained and accused persons.

Section 35(2)(e) – provides for ‘conditions of detention consistent with human dignity, including, at least, exercise, adequate accommodation, nutrition, reading material and medical treatment’.

## Correctional Services Act

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

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

## Other South African legislation

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

- Criminal Procedure Act 51 of 1977.
- National Health Act 61 of 2003.

- Mental Health Care Act 17 of 2002.
- Promotion of Administrative Justice Act 3 of 2000.
- Prevention of Combating and Torture of Persons Act 13 of 2013.

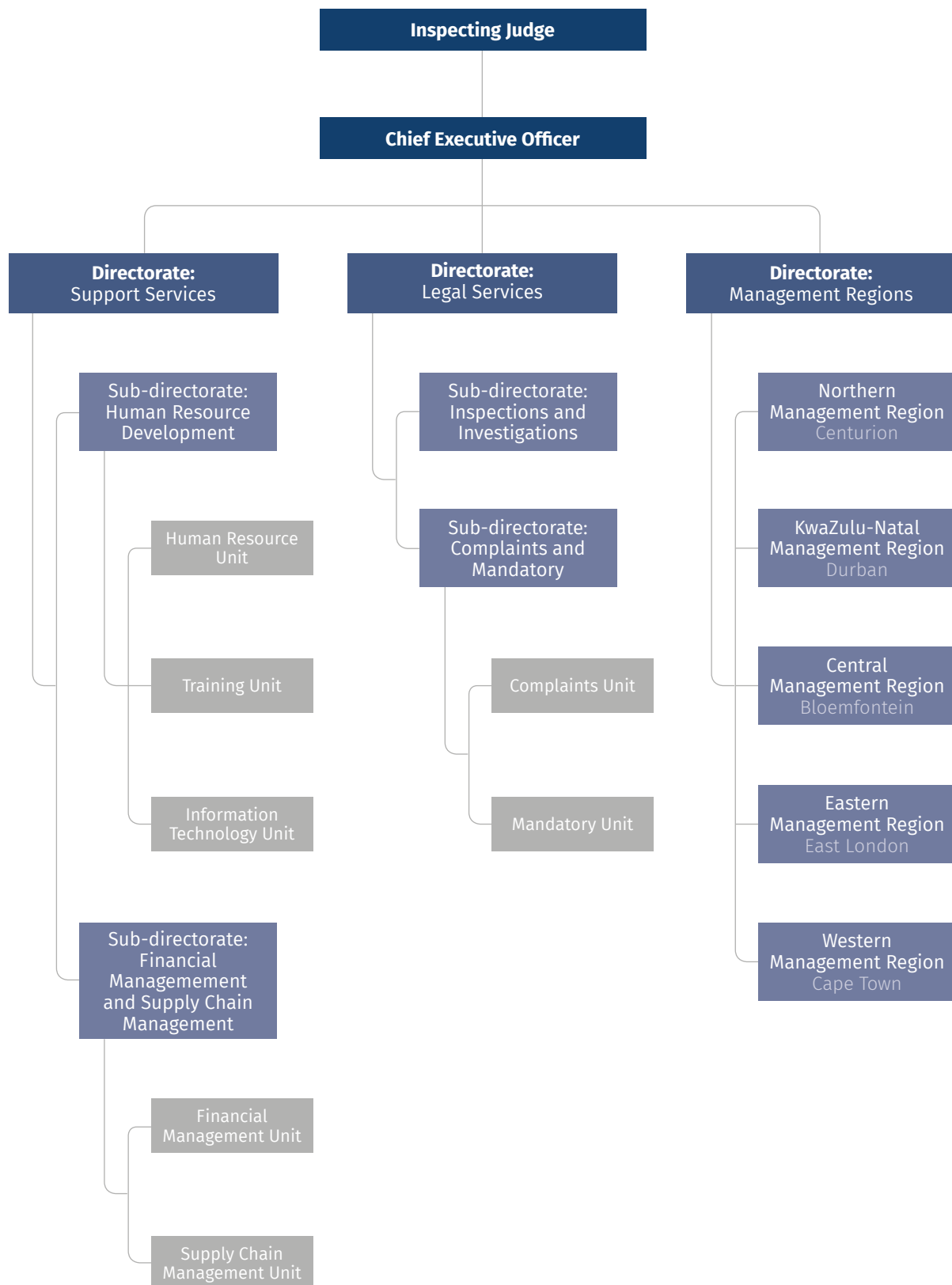
## International and regional human rights instruments

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

International law, foreign law and other international instruments relevant to the South African correctional and remand setting are the following:

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

# ORGANISATIONAL STRUCTURE AT 31 MARCH 2020







**PART**

**B**

**PERFORMANCE  
INFORMATION  
AND OVERSIGHT  
REPORTING**

# PERFORMANCE INFORMATION

## Oversight report

### Introduction

JICS is mandated to oversee all places of detention managed by DCS. On 31 March 2020, there were 243 correctional facilities in the country, six of which were temporarily closed for renovation.

The table below shows the six correctional facilities temporarily closed at 31 March 2020.

Facility name	DCS region
Geluk	Limpopo, Mpumalanga and North West
Brits	Limpopo, Mpumalanga and North West
Umzimkulu	KwaZulu-Natal
Nqamakwe	Eastern Cape
Swellendam	Western Cape
Brandvlei Maximum	Western Cape

**Table 1: Temporarily closed correctional facilities at 31 March 2020**

Two types of facilities are managed by DCS (including two that are public private partnerships): Correctional centres where sentenced offenders are incarcerated and rehabilitated, and remand detention facilities where awaiting-trial detainees are accommodated. Most correctional facilities house both sentenced offenders and remand detainees.

Those incarcerated at remand detention facilities are housed only and no rehabilitation or other structured programmes are offered. DCS states that this is because detainees have not been found guilty and are still deemed innocent.

The division between sentenced inmates and remand detainees is in the CSA, where each of the two categories has specific rights and responsibilities<sup>6</sup>.

In this chapter, DCS facilities will be referred to in general as correctional facilities and all incarcerated persons as inmates.

JICS's legislative mandate is found in the CSA:

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

JICS's oversight is measured against standards set out in, inter alia, the following statutes and instruments:

### a. Bill of Rights

The Constitutional Court has asserted<sup>7</sup> that the Bill of Rights is applicable to all persons, including those incarcerated. Section 35 deals specifically with the rights of arrested, accused and detained persons<sup>8</sup>.

### b. CSA, its Regulations and DCS standing orders

DCS legislation sets the standards for the treatment of inmates and the conditions under which they are incarcerated. It regulates inmates' rights and responsibilities regarding most aspects of their imprisonment, e.g. mealtimes, exercise, contact with the community and educational programmes. It also

<sup>6</sup> Chapter IV deals specifically with sentenced offenders and Chapter V with remand detainees.

<sup>7</sup> E.g. *State v Makwanyane* and another CCT 3/94 and *August and another v the Electoral Commission* and others CC 8/99.

<sup>8</sup> Everyone has the right 'to conditions of detention that are consistent with human dignity, including at least exercise, and the provision, at State expense, of adequate accommodation, nutrition, reading material and medical treatment'.

prescribes complaints procedures and how certain incidents must be reported to JICS. The standing (or B) orders were last officially amended in 2005 and are in need of urgent amendments to adhere fully to the latest amendments of the CSA.

### **c. UN Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules)**

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

### **d. Optional Protocol to the UN Convention against Torture**

The ratification of the Optional Protocol to the UN Convention against Torture (OPCAT) by the Government

of South Africa came into effect from 20 June 2019. OPCAT establishes international and domestic mechanisms for the prevention of torture through regular visits to places of deprivation of liberty.

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

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

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



# INSPECTIONS

JICS may carry out both announced and unannounced inspections.

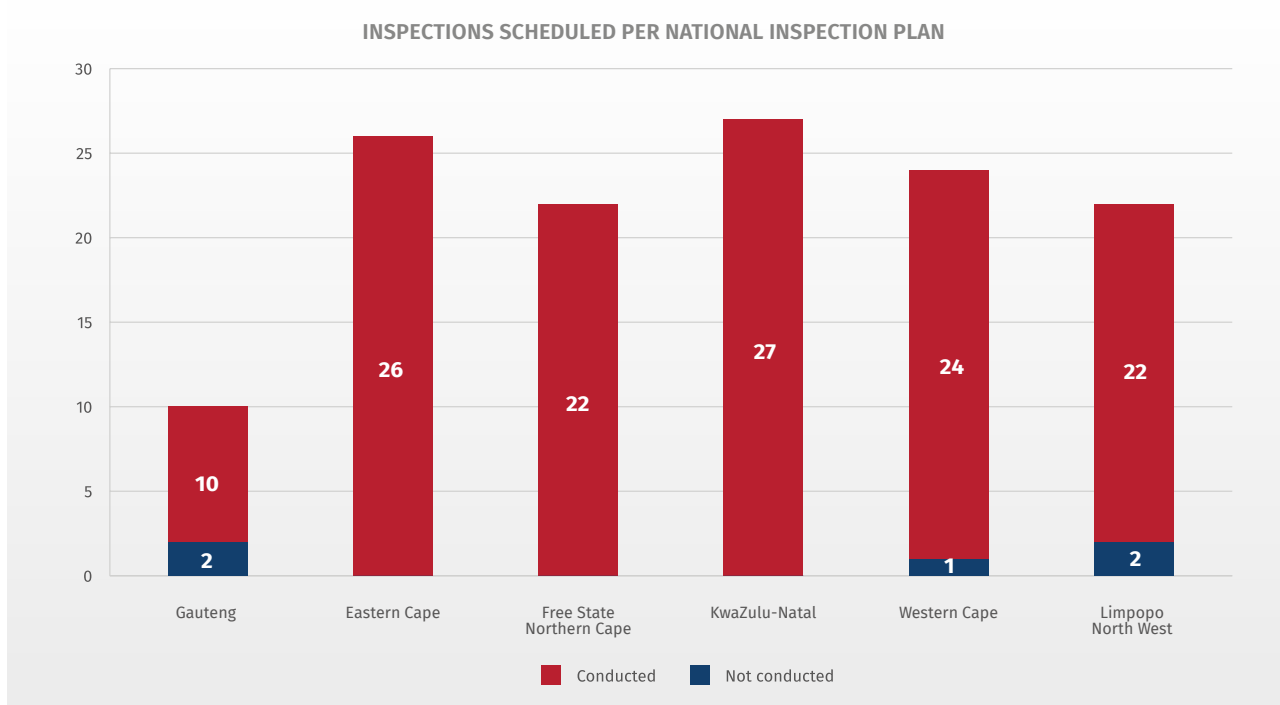
To ensure that all correctional facilities are inspected regularly, the CEO approves a national inspection plan before each performance cycle.

Inspections have financial and other implications. The national implementation plan, therefore, forms part of JICS's strategic planning, where factors such as logistics, budgetary constraints and availability of human resources are taken into account.

In the 2018/2019 performance cycle, JICS conducted 122 inspections.

In the 2019/2020 performance cycle, before the Covid-19 pandemic, 136 inspections of the 237 operational correctional facilities were planned. (57% of facilities). The lockdown of all correctional facilities on 15 March 2020 due to the pandemic prevented JICS from conducting five of the planned inspections<sup>9</sup>. However, JICS conducted 96% of its scheduled inspections.

The graph below presents all inspections conducted in the DCS's regions for the 2019/2020 performance cycle.



**Graph 1: Inspections conducted during the 2019/2020 performance cycle in DCS regions**

JICS follows a three-phased approach on announced inspections, as follows:

## Phase 1: Notice

The head of the correctional centre (HCC) is officially notified, in writing, of the inspection. A detailed questionnaire accompanies the notification, which is submitted two weeks before the planned inspection.

The apparent unwillingness of certain HCCs to complete the questionnaire is a challenge. Questionnaires were either not completed at all or unsystematically completed.

This lack of cooperation was evident especially in the Eastern Cape and Western Cape.

Fourteen facilities did not provide any statistical information to JICS inspectors, leaving JICS unable to obtain vital statistical information and having to rely on observation only to assess the centre.

## Phase 2: In loco inspection

The inspection entails a full and detailed physical examination of the facility and an audit of all relevant registers and official journals. Inspectors assess whether

<sup>9</sup> Facilities not inspected were Atteridgeville (Gauteng), Johannesburg Female (Gauteng), Volksrust (Limpopo, Mpumalanga and North West), Piet Retief (Limpopo, Mpumalanga and North West) and Pollsmoor (Western Cape).

previous inspection findings were addressed and deal with general complaints raised by inmates through ICCVs. The questionnaire is completed by the HCC before the inspection, discussed with the facility's management, analysed, evaluated and tested. Severe time constraints prevent the inspectors sitting with HCCs who complete the questionnaire only on the day of the inspection, which is why the questionnaire is sent to the facility two weeks before the inspection. Physical inspections are completed within a period of one to two days only, depending on the size and complexity of the facility.

## Phase 3: Reporting and rating

After each inspection, a comprehensive report is compiled that includes findings and recommendations. Each centre's performance is classified 'unsatisfactory', 'satisfactory' or 'good' after evaluation of:

- Inmate population (overcrowding).
- Professional staff and service.
- Healthcare.
- Facility structure.
- Safe custody (fire safety, separation of vulnerable inmates, assaults etc).
- Nutrition.
- Complaint resolution.
- Exercise.
- Visitation (contact with the community).
- Rehabilitation and other programmes.

Finalised inspection reports are submitted to DCS for comments and rectification of identified shortcomings. All inspections are reported quarterly to the Minister, Deputy Minister, NC and Parliamentary Portfolio Committee.

## Findings

### Overcrowding

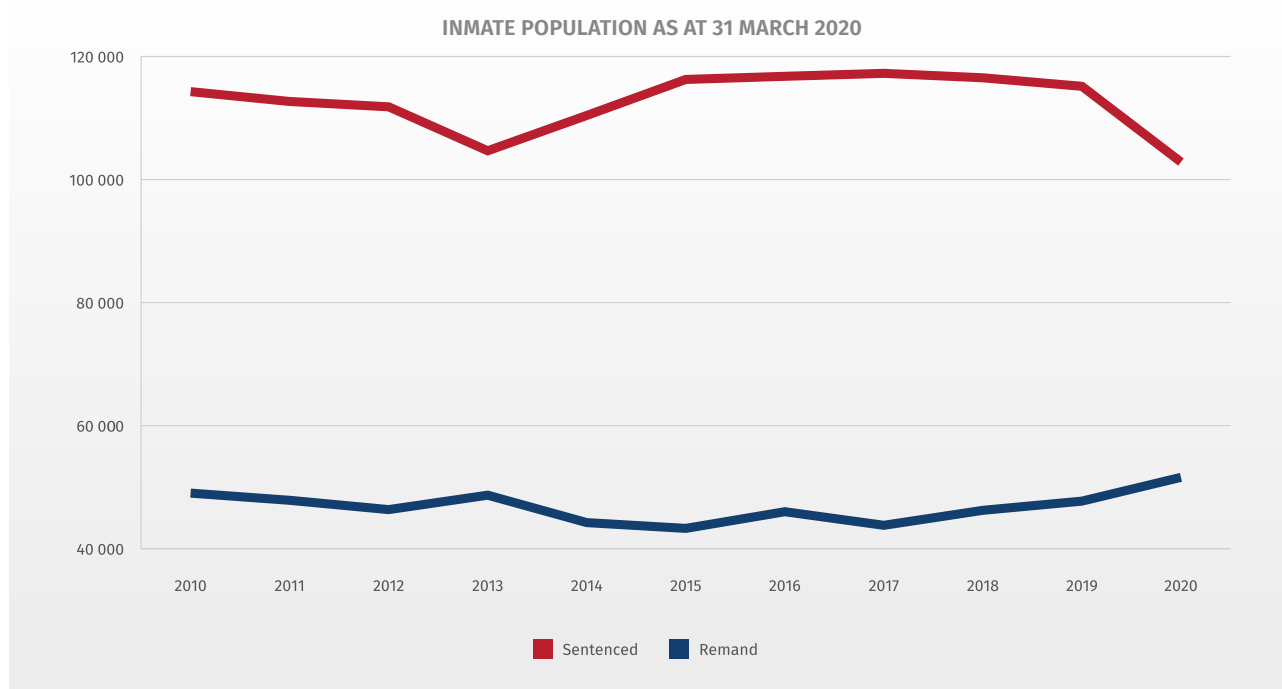
Overcrowding of South African correctional facilities is a well-known concern and, according to DCS, the cause of most of its challenges.

DCS statistics show that, on 31 March 2020, the total inmate population was 154 437, comprising 102 841 sentenced offenders and 51 596 remand detainees. As official bed space at all centres was 118 572, correctional centres were 32.25% overpopulated.

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

The decrease in the sentenced population between 2012/2013 and 2019/2020 is the result of two presidential remissions – in April 2012 and December 2019.

As can be seen from the 2012 remission, it had only a temporary effect.



**Graph 2: Inmate population for the past 10 years**

Of concern is the rise in the remand detainee population – from 43 799 detained, awaiting trial inmates in 2017 to the 51 596 reported by DCS at 31 March 2020.

Several issues contributed to this, including socio-economic factors, inability to pay bail or no bail set by courts, and the South African Police Service (SAPS) arresting suspects before investigating.

Generally, remand detention facilities are more overcrowded and dilapidated than correctional centres. To alleviate overcrowding, President Cyril Ramaphosa announced a remission of sentence for a certain category of inmates, parolees and probationers<sup>10</sup> on 16 December 2019 in terms of Section 84(2)(j) of the Constitution.

The remission benefitted 14 647 sentenced offenders of the 163 016<sup>11</sup> people then held in correctional facilities (November 2019 statistics)<sup>12</sup>.

No remand detainees benefitted from the remission.

Remission is, at best, a temporary solution to an endemic problem, as demonstrated above.

JICS has publicly stated in the past that socio-economic challenges, arrest before an investigation and unaffordable bail, long trial periods, obligatory minimum sentencing and an ineffective parole system all contribute to overcrowding and will have to be addressed if overcrowding is to be significantly reduced.

### Gauteng region<sup>13</sup>

Gauteng is the smallest province but has the most inmates in its correctional facilities. JICS inspected 10 correctional facilities in the province.

The table below depicts the five most overcrowded facilities inspected in the region:

No	Facility	Approved capacity	Number of inmates on the day of the inspection	Overcrowding percentage
1.	Johannesburg Medium A	2 630	4 903	186%
2.	Krugersdorp	1 625	2 797	72%
3.	Kgosi Mampuru II Central	1 563	2 403	53%
4.	Zonderwater Medium B	773	1 128	45%
5.	Boksburg Medium A	2 012	2 469	22%

**Table 2: Top five overcrowded facilities inspected in Gauteng region**

### Limpopo, Mpumalanga and North West

Although the correctional facilities in Limpopo, Mpumalanga and North West are mostly smaller and located in rural areas, facilities inspected were also found to be overcrowded. JICS inspected 22 facilities in the region.

The table below depicts the five most overcrowded facilities:

No	Facility	Approved capacity	Number of inmates on the day of the inspection	Overcrowding percentage
1.	Polokwane	557	1 288	131%
2.	Thohoyandou Medium B	219	472	115%
3.	Thohoyandou Medium A	691	998	44%
4.	Losperfontein	808	1 142	41%
5.	Lydenburg	81	114	41%

**Table 3: Top five overcrowded facilities inspected in Limpopo, Mpumalanga and North West region**

As can be seen from the table above, most correctional facilities in Limpopo, Mpumalanga and North West are not as large as those in the Gauteng province.

At Lydenburg, for example, overcrowding of just 33 inmates caused the centre to be 41% overcrowded on the day of the inspection. This does not mean that the challenges caused by overcrowding are less severe in a small centre. The

<sup>10</sup> A parolee is a person on parole after serving a sentence. A probationer is a person serving a sentence of house arrest in terms of Section 276(1)(h) or (i) of the Criminal Procedure Act 51 of 1977.

<sup>11</sup> Sentenced offenders and remand detainees.

<sup>12</sup> Media statement by the Minister of Justice and Correctional Services, Ronald Lamola on 16 December 2019.

<sup>13</sup> Includes both remand detention facilities and correctional centres.

DCS staff complement, for example, is based on the approved capacity of a centre and overcrowding diminishes the effectiveness of service delivery to inmates and may also harm safety and security of both inmates and officials.

Availability of rehabilitation and educational programmes and the deterioration of infrastructure due to overuse were also related to overcrowding and poor, or no, maintenance.

## Eastern Cape

Most Eastern Cape centres are small and located in rural areas. As in the case of Limpopo, Mpumalanga and North West, only a few inmates too many can cause the overcrowding percentage to rise steeply. St Albans in Port Elizabeth was by far the most problematic in the province. Severe overcrowding is exacerbated by an acute shortage of staff and dilapidated infrastructure (a case study on St Albans and its challenges appears later in this report). JICS inspected 26 facilities in this province.

The table below depicts the five most overcrowded facilities inspected in the region:

No	Facility	Approved capacity	Number of inmates on the day of the inspection	Overcrowding percentage
1.	Queenstown	120	337	181%
2.	St Albans Medium A	706	1 481	110%
3.	Graaf Reinet	63	124	96%
4.	Middledrift	646	1 239	92%
5.	Sada	261	392	50%

**Table 4: Top five overcrowded facilities inspected in the Eastern Cape region**

## KwaZulu-Natal

KwaZulu-Natal is a mixture of large and small facilities. JICS inspected 27 facilities, none of which exceeded 74% for overcrowding.

The table below depicts the five most overcrowded facilities inspected in the region:

No	Facility	Approved capacity	Number of inmates on the day of the inspection	Overcrowding percentage
1.	Ladysmith	344	599	74%
2.	Pietermaritzburg Medium A	2 533	3 486	54%
3.	Ncome Medium A	522	737	41%
4.	Durban Medium B	1 975	2 803	43%
5.	Umzinto	477	645	35%

**Table 5: Top five overcrowded facilities inspected in the KwaZulu-Natal region**

## Western Cape

The Western Cape region has the most overcrowded correctional facilities, with all 25 facilities inspected found to be overcrowded. Allandale, a small remand detention facility near Paarl, held 528 inmates more than it was designed for.

No	Facility	Approved capacity	Number of inmates on the day of the inspection	Overcrowding percentage
1.	Allandale	342	870	154%
2.	Beaufort West	76	153	101%
3.	Worcester Male	573	934	63%
4.	Helderstroom	755	1 171	55%
5.	Oudtshoorn Medium A	78	119	53%

**Table 6: Top five overcrowded facilities inspected in the Western Cape region**

## Free State/Northern Cape

This region had the fewest overcrowded facilities, with no centre more than 100% overcrowded. Six out of the 22 facilities inspected were either at or under their capacity.

No	Facility	Approved capacity	Number of inmates on the day of the inspection	Overcrowding percentage
1.	Grootvlei Medium A	890	1598	80%
2.	De Aar	297	481	62%
3.	Bethlehem	180	272	51%
4.	Grootvlei Medium B	266	375	41%
5.	Colesburg	186	277	49%

**Table 7: Top five overcrowded facilities inspected in the Free State/Northern Cape region**

Grootvlei Medium A, a remand detention facility near Bloemfontein, was by far the most overcrowded, accommodating 708 inmates more than it was designed for.

## Summary

South Africa has the 12th highest inmate population in the world and the highest in Africa<sup>14</sup>.

The high number of people incarcerated (259 per 100 000 of the national population) not only has consequences for inmates and DCS as mentioned above, but places significant strain on the economy and society.

Although JICS does not advocate the irresponsible mass release of inmates, it is concerning that in a democratic country that advocates humane treatment for its citizens, inmates are sometimes housed in appalling conditions.

## Professional staff

Professional staff are essential for rendering specialised services to inmates.

### a) Nurses and other medical staff

JICS's inspections found that most correctional facilities employed nurses to assist inmates with medical issues. Nurses are vital to the correctional landscape, as all inmates must have their health assessed on admission. This includes screening for communicable diseases such as tuberculosis.

Most centres inspected had at least one nurse employed permanently. In others, such as Pomeroy in KwaZulu-Natal, a nurse from the nearby Glencoe correctional facility was rendering services part-time on the day of the inspection. At Jansenville, a nurse from the Kirkwood facility renders services once a week.

A few of the smallest facilities inspected employ no nurse, but rely on public hospitals to assess inmates and render medical services.

Smaller facilities inspected have sessional doctors and dentists visiting on certain days.

Large facilities such as Kgosi Mampuru II, Durban, Pietermaritzburg, Johannesburg and East London employ permanent doctors.

Management areas have pharmacists who distribute medicine to the facilities in the area.

### b) Social workers

DCS must ensure that all sentenced inmates have access to a social worker. Section 41(3) of the CSA states that DCS must provide social and psychological services to develop and support sentenced inmates by promoting their social functioning and mental health.

Social workers play an important part in the rehabilitation of inmates and in ensuring that family relations are maintained during incarceration.

Social workers' reports are used by correctional supervision and parole boards to determine an inmate's suitability for parole.

The JICS inspections questionnaire to HCCs requires DCS to indicate the number of social workers appointed at each centre.

The number varied from six in Voorberg Medium B in the Western Cape to none in small rural centres such as Winburg in the Free State.

As with nurses, the shortage of social workers is mainly in rural areas and JICS recommends that DCS attract professionals to these areas.

<sup>14</sup> According to World Prison Brief [https://www.prisonstudies.org/highest-to-lowest/prison-population-total?field\\_region\\_taxonomy\\_tid=All](https://www.prisonstudies.org/highest-to-lowest/prison-population-total?field_region_taxonomy_tid=All) (sourced on 11 June 2020)

### c) Educationists

Although education is not officially part of an inmate's rehabilitation programmes, DCS is obliged by the CSA<sup>15</sup> to compel illiterate inmates or juveniles to participate in educational programmes.

No educators are appointed nor educational programmes offered to inmates in small rural facilities.

### Healthcare

All correctional centres inspected that provided requested information to JICS indicated that inmates admitted were medically assessed within 24 hours of admission. Voluntary HIV testing was conducted and inmates were provided with anti-retroviral medication where necessary. Several non-governmental organisations (NGOs) assisted DCS in HIV awareness and screening.



#### CASE STUDY

#### EASTERN CAPE

##### 'NO STAFF – NO SERVICE'

JICS inspected St Albans Maximum facility from 22 to 24 May 2019.

The facility had an approved population of 1 648, but accommodated 1 756 sentenced maximum inmates on 22 May 2019. Another 200 inmates were expected from East London as that centre was being renovated.

The permanent staff complement of the centre was 211 DCS officials, including professionals and administrative staff. During the inspection, 23 officials were placed on injury on duty leave.

The ratio of inmates to security officials was, according to the HCC, around 130:1, which was unacceptable, especially as the centre housed maximum category inmates.

The high number of injuries on duty was the result of regular inmate assaults (usually stabbing) on officials.

The facility seemed to be in the grip of a vicious cycle of gang members stabbing officials, officials then severely beating (in some instances even killing) inmates, followed by more gang assaults.

Officials were placed on injury leave for up to two years and, on their return, were not allowed to work directly with inmates or handle a firearm.

As a result, there were not enough officials on duty to:

- Escort inmates to public hospitals, causing inmates to miss medical appointments.
- Escort inmates to the office of the Case Management Committee, causing, among others, a delay in the

reclassification of inmates.

- Escort inmates to places of rehabilitation, educational or religious programmes and activities.
- Open cells to allow inmates to exercise sufficiently.

This further frustrated inmates, leading to more violence against officials and other inmates.

DCS deployed its national task team to keep control of the situation, but its role was security only and inmates still did not get the opportunity to attend rehabilitation and other programmes.

Besides, effective searching did not take place, triggering an apparent influx of drugs and other contraband into the centre.

The report was sent to the NC, who instituted the following:

1. An additional 49 ex-officials were appointed in the St Albans management area since August 2019.
2. An extra 46 learners were earmarked to be absorbed into the structure of the management area as soon as they were declared competent.
3. An additional nine officials were transferred to the area after internal advertisements.
4. Officials on injury-on-duty leave were scheduled to return to work.
5. Additional training was provided to officials.
6. Officials are now escorting inmates to programmes.
7. Identified gang members were transferred to other centres.
8. Measures were put in place to enhance security.

A follow-up inspection was scheduled for June 2020.

Statistical information could not be obtained at all facilities inspected, as some HCCs did not provide requested information.

As indicated earlier, most facilities inspected employed at least one nurse. In rural centres where no nurse is employed, inmates are referred to the local public hospital or a nurse from a nearby facility rendered services part-time.

### Declared state patients

A declared state patient may be temporarily housed at a correctional facility if the court believes that he or she poses a danger or threat to him- or herself or the public. Although JICS believes that it is not ideal to house these persons in correctional facilities, mental institutions often have insufficient space to accommodate them.

DCS security officials are not trained to deal with mentally challenged people, which may have serious consequences.

<sup>15</sup> Section 41(2)(a).

The following facilities accommodated the highest number of state patients on the day of the JICS inspection<sup>16</sup>:

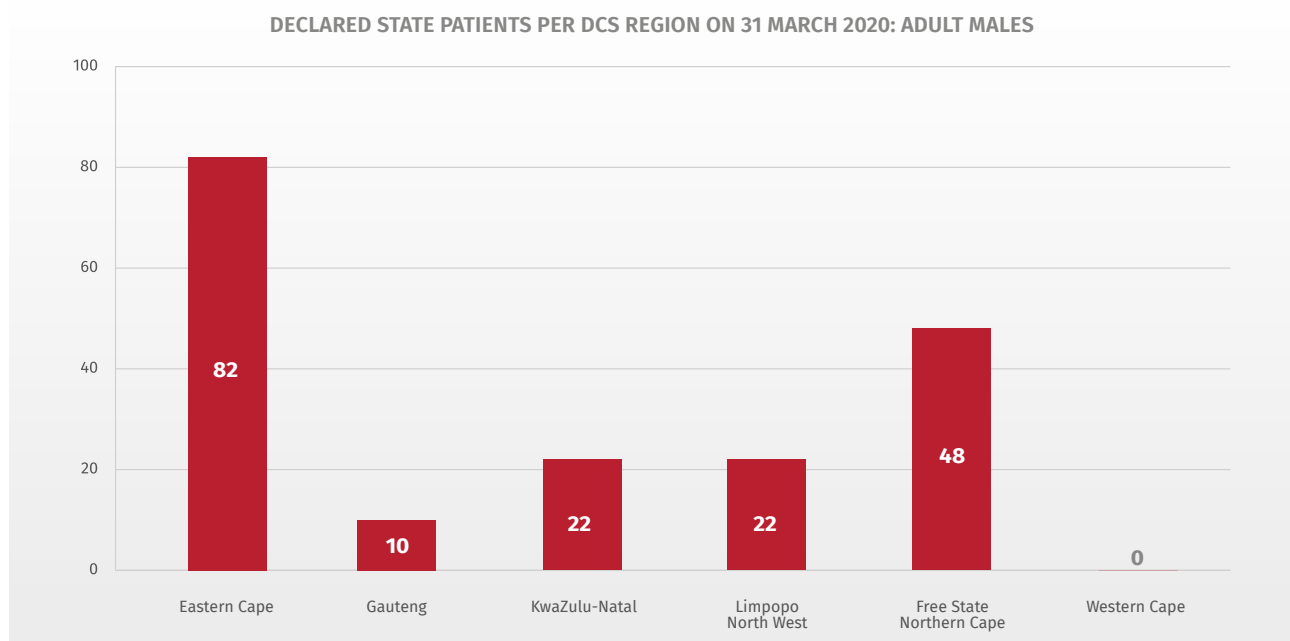
Facility	DCS region	Number of state patients on the day of the inspection
Grootvlei Medium A	Free State/ Northern Cape	38
Pietermaritzburg Medium A	KwaZulu-Natal	10
Durban Medium A	KwaZulu-Natal	8
Vryheid	KwaZulu-Natal	10
Witbank	Limpopo, Mpumalanga and North West	5
Ladysmith	KwaZulu-Natal	5
		<b>76</b>

**Table 8: Number of state patients observed during inspections**

Inmates who are incarcerated with a mental illness or develop a mental illness while incarcerated are also in need of specialist treatment, even though they are not declared state patients.

JICS closely monitors the transfer of state patients to mental institutions. On 23 November 2018, the JICS Eastern Cape region hosted a seminar, 'Championing mental illness', during which it was reported that 101 declared state patients were accommodated at correctional facilities.

Despite concerted efforts from DCS and JICS to reduce this number, it increased during the 2019/2020 performance cycle, as depicted in the graph below.



**Graph 3: Declared state patients per region for the 2019/2020 performance cycle**

In addition to the figures above, DCS accommodated one adult female state patient in the Eastern Cape, and one juvenile male state patient in the Limpopo, Mpumalanga

and North West region, bringing the total number of incarcerated declared state patients to 186.

<sup>16</sup> Information provided by DCS during the JICS inspection.



## 'DEALING WITH THE MENTALLY ILL: HOW NOT TO'

Inmate X was accommodated at the Qalakabusha correctional facility in Empangeni, KwaZulu-Natal, having been sentenced to 10 years' imprisonment for rape in August 2018.

On Saturday 12 October 2019, X started to behave peculiarly in the presence of other inmates. They alerted DCS officials as they were concerned about X's mental state.

X was admitted at the internal medical facility and, after examination by a DCS nurse, it was decided to admit him at the medical facility overnight and then refer him to a social worker on Monday 14 October 2019. X was housed in a single cell in the medical facility.

On 14 October 2019, X's mental condition deteriorated further and he became verbally abusive to other inmates. In addition, he urinated in the passage and in a fellow inmate's cell. When the inmate confronted X, X allegedly slapped him. A DCS official suffered a similar fate when he intervened.

The official then claimed to have used necessary force (by beating X with a tonfa<sup>17</sup>) to bring him under control. The inmate was provided with medical treatment for the injuries sustained and placed in a single cell.

During the early hours of 15 October 2019, X was very quiet and withdrawn, but not complying with instructions by DCS officials. At around 13:00 on 15 October 2019, X was found at the cell door appearing confused. When X was visited by the sessional doctor about 10 minutes later he seemed out of control, verbally threatening everyone with violence.

It is alleged that because of X's disorderly behaviour, the sessional doctor administered an injection to calm him down. It was alleged that the doctor could not find a vein in X's arm and in the end, other inmates held X down while the injection was administered in his neck.

On 16 October 2019, during the hospital site visit at 08:45, X was seen sleeping on his mattress on the floor covered with a blanket.

At around 9:15, when the hospital staff were dispensing medication to inmates in the unit, it was noticed that X had moved from his mattress. The nurse entered, checked him and found that he was no longer breathing. He was taken to an examination room, where he was certified dead.

The autopsy revealed that 'numerous bruises and abrasions are covering the entire body and limbs, as indicated on the diagram. There is massive subcutaneous intradermal and intramuscular bleeding in the same area as these external bruises. The deceased died of Mayo Renal Syndrome following blunt force trauma. There is also clubbing of fingers indicating a chronic disease'.

No mention was made of the injection in the autopsy report and it could not be established if the administering of the injection was reported to the pathologist who performed the autopsy.

The JICS investigation is continuing.

## State of facilities

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

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

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

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

There are more than 100 000 sentenced inmates in South Africa's correctional facilities who can assist with maintaining and renovating correctional facilities, simultaneously gaining skills. The majority of inmates are idle.

<sup>17</sup> Baton.



## 'FALLING TO PIECES'

JICS inspected St Albans Medium A facility from 22 to 24 May 2019, the focus on infrastructure, condition of cells, ablution facilities, single cells, kitchen and dining halls; medical facilities and safety of staff and inmates.

The facility accommodated 1 439 adult male remand detainees on the date of the visit, as well as 42 sentenced male inmates responsible for cleaning and cooking, a total of 1 481 inmates in a facility designed for 706 (110% overcrowded).

The inspection revealed the following severe deficiencies:

1. Plumbing and hot water systems were dysfunctional.
2. Leaking roofs, causing extensive structural damage.
3. Peeling paint on the walls due to water damage.
4. Mildew/mould in the cells and the medical facility.
5. Ablution facility challenges.
6. Broken windows, illegal electricity connections in cells and non-functioning lights.
7. General lack of maintenance.
8. Unfinished security fence at the main entrance to the centre, allegedly the result of an abandoned Bosasa project.
9. Seventeen officials on injury-on-duty leave.
10. No fire extinguishers in the passages – DCS officials indicated that such equipment is stored in offices to prevent misuse by inmates. In practice, this may prevent a quick response to fire.

Some beds in the cells were broken, with mattresses worn out and needing replacement.

As a result of the severe overcrowding, four inmates usually share two beds, pushing the beds together and sleeping across them.

In spite of severe dilapidation of the remand facility, JICS inspectors found most of the units clean and as neat as possible under the circumstances.

The inspectors also visited the new hospital on the St Albans terrain that caters for inmates of the entire region. The hospital was found to be clean, neat and generally in a good state.

The DCS regional pharmacy on the terrain was also visited and found in a generally good state and very well managed.

The inspection report was referred to the NC, who facilitated the appointment by the DPWI of a contractor to effect urgent and extensive maintenance at the facility. Details of the work to be done were provided to JICS.

In addition, several initiatives were revisited, reducing the remand detainee population.

**Safe custody**

DCS must ensure the safe custody of every inmate and maintain security and good order in every correctional facility in terms of Section 4(2)(a) of the CSA.

JICS evaluates, among others, the number of assaults on inmates, the number of unnatural deaths, whether vulnerable inmates are housed separately from the general population, and fire safety.

Particulars of assaults and deaths are detailed later in this report.

Fire safety is always of concern, as correctional facilities have no easily accessible fire escapes for security reasons. Overcrowding also contributes to the danger of fire, as every cell holds more mattresses, bedding and clothing than intended.

JICS found in most of the inspections that fire-fighting equipment is serviced and ready for use.

At all centres in the Western Cape and Gauteng, fire-fighting equipment was inspected and serviced.

In the Eastern Cape and KwaZulu-Natal, expired fire-fighting equipment was found at seven centres.

Equipment at three centres in Limpopo, Mpumalanga and North West and two in Free State/Northern Cape had not been serviced on time.

**Nutrition**

Kitchens were assessed and the following aspects evaluated:

- Hygiene
- Facilities
- Functionality of equipment
- Meal plans, including special diets
- Timeframes for serving meals

In some of the larger centres, such as Pollsmoor, Johannesburg and St Albans, Bosasa was contracted to manage kitchens. After its contract expired, DCS had to take over at short notice.

DCS centre kitchens are not standardised. In new-generation facilities inspected, the kitchens were generally of a good standard. However, kitchens in some facilities, are in a dire state and operate without a compliance certificate from the Department of Health.

Infrastructure challenges experienced by most kitchens are attributed by DCS to a combination of lack of maintenance by DPWI, overcrowding and old infrastructure.

Again, overcrowding plays an important part. At the most overcrowded facilities, kitchens must, in some cases, provide twice as many meals as intended. This causes equipment to wear out prematurely and difficulty in maintaining hygiene.

Inmates must be provided with three meals a day within prescribed timeframes, but this does not always happen. JICS found that while the majority of facilities provide three meals per day in theory at least, certain facilities in all DCS regions admitted that meals were not provided on time.

In some cases, meals were combined – lunch and supper or breakfast and lunch – with inmates expected to keep a portion of the meal to eat later.

In a recent court case, the South Gauteng High Court Johannesburg Division ordered DCS to ‘do all things necessary to ensure that Section 8(5) of the CSA is complied with and that not more than 14 hours lapse between the evening meal and breakfast the following morning’.

### Exercise

In terms of Section 11 of the CSA, inmates must be afforded at least an hour of exercise a day.

Many inmates spend up to 23 hours a day in their cells as DCS officials apply the minimum period of one hour throughout<sup>18</sup>, due, DCS maintains, to a combination of overcrowding and understaffing.

It has been established that it is unsafe for inmates and officials to allow large numbers of inmates to exercise at the same time. At St Albans, for example, the ratio of inmate to official was 130:1.

DCS should find innovative ways to ensure inmates receive enough exercise, as this is a basic right.

In contrast, JICS found that inmates at smaller, less overcrowded centres are often allowed to exercise the entire day.

### Rehabilitation and education programmes

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

Educational programmes must be offered to all illiterate inmates and juveniles in terms of Section 41 of the CSA. As seen above, however, smaller centres especially, do not always appoint educators.

The table below lists centres with no educational programmes:

Facility	DCS region	Date of JICS inspection
Richmond	Free State/ Northern Cape	11 February 2020
Henneman	Free State/ Northern Cape	28 January 2020
Prince Albert	Western Cape	30 October 2019
Allandale	Western Cape	18 July 2019
Nkandla	KwaZulu-Natal	23 January 2020
Kranskop	KwaZulu-Natal	22 January 2020

**Table 9: Correctional centres with no educational programmes offered at 31 March 2020**

A full list of centres without educational programmes cannot be provided, especially in the Eastern Cape region, as statistical information on programmes offered was not provided by HCCs in spite of JICS requests.

In spite of the shortage of educators, JICS found that DCS offered at least adult education and training (AET) programmes to inmates in each region.

Not all Eastern Cape centres provided statistics on AET.



### DEATH OF AN OFFICIAL AND RAPE OF ANOTHER BY AN INMATE

On 29 March 2019, an inmate at Goedemoed murdered a correctional official and kidnapped and raped another. The Inspecting Judge visited the facility on 5 April 2019 and 4 July 2019 to evaluate the situation and oversee the JICS investigation.

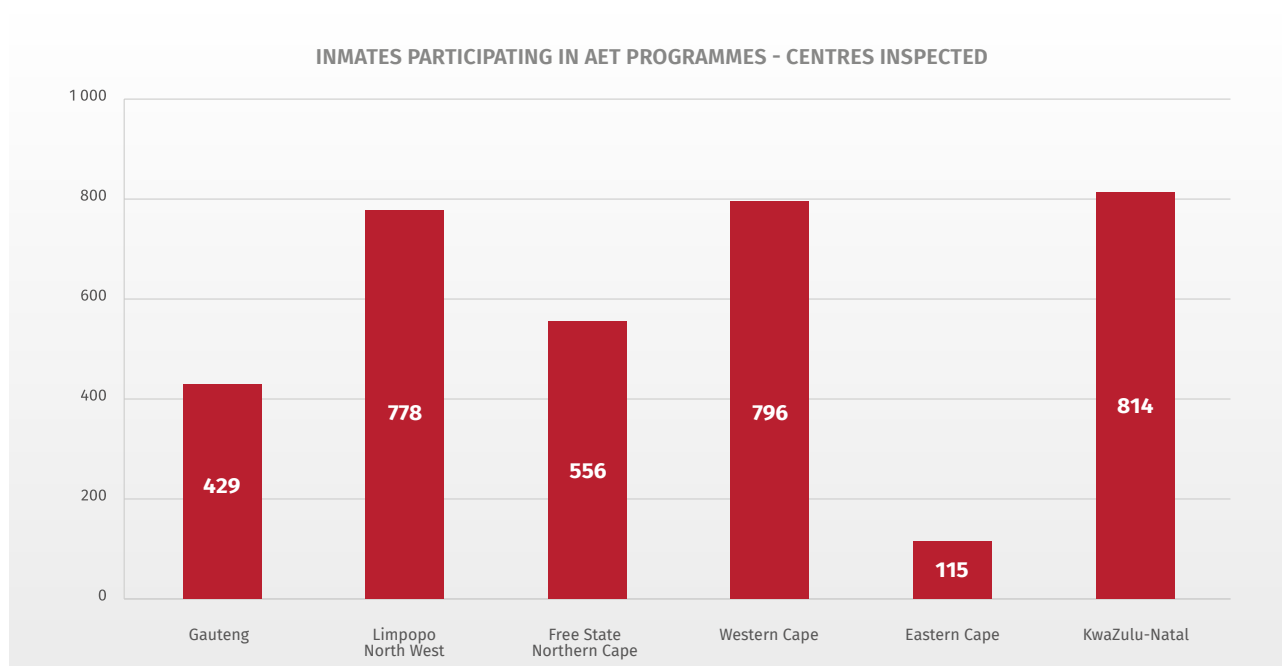
On 13 September, the Inspecting Judge asked the NC to provide JICS with the DCS internal investigation report.

The NC, in due course, provided feedback on internal and criminal action taken against the inmate and officials implicated in the report.

The case was still sub judice on 31 March 2020 and will be reported on as soon as it is finalised.

<sup>18</sup> For example, Ebongweni inspected during March 2020, Kgosi Mampuru II Central inspected during July 2019 and Durban Medium A inspected during May 2019.

The graph below depicts inmates participating in AET in centres inspected during the performance cycle.



**Graph 4: Statistics of inmates participating in AET programmes per region**

Gauteng also provided minimal statistics owing to outstanding inspection reports at 15 March 2020, whilst some centres did not complete Annexure A of the inspection report.

## Oversight visits by the Inspecting Judge

The table below depicts inspections conducted by the former Inspecting Judge, Justice Johann van der Westhuizen, and the current Inspecting Judge, Justice Edwin Cameron.

Name of facility	Date of the oversight visit	Comments
Goedemoed	5 April 2019	To ascertain what transpired when an inmate murdered one female official and sexually assaulted another.
Goedemoed	4 July 2019	Follow-up on the visit of 5 April 2019.
St Albans	May 2019	Follow-up on the Eastern Cape Management Region (ECMR) state of facilities report, including the death of an inmate.
St Albans	5 July 2019	Further follow-up on the state of facilities report.
Krugersdorp	18 September 2019	Delay of release of an inmate on parole.
Zonderwater	29 January 2020	A maiden visit by the current Inspecting Judge in his official capacity. He found the centre well managed with only minor challenges.

**Table 10: Oversight visits conducted by the Inspecting Judge during the 2019/2020 financial year**

## Visits by other judges for the 2019/2020 performance cycle

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

Facility	External judge
Johannesburg	Justice E Cameron – Constitutional Court
Helderstroom Maximum	Justice SA Majiedt – Constitutional Court
St Albans	Justice J Froneman – Constitutional Court
Richmond	Judge CJ Olivier – High Court Northern Cape Division
Kuruman	Judge CJ Olivier – High Court Kimberley
Bethlehem	Judge S Chesiwe – High Court Bloemfontein

**Table 11: Visits by other judges for the 2019/2020 performance year**

Reports on visits conducted by the Inspecting Judge have been completed and given to the Minister, Deputy Minister, NC and Portfolio Committee.

The Inspecting Judge, Justice Johann van der Westhuizen, oversaw the investigation at Goedemoed that is detailed on page 32.

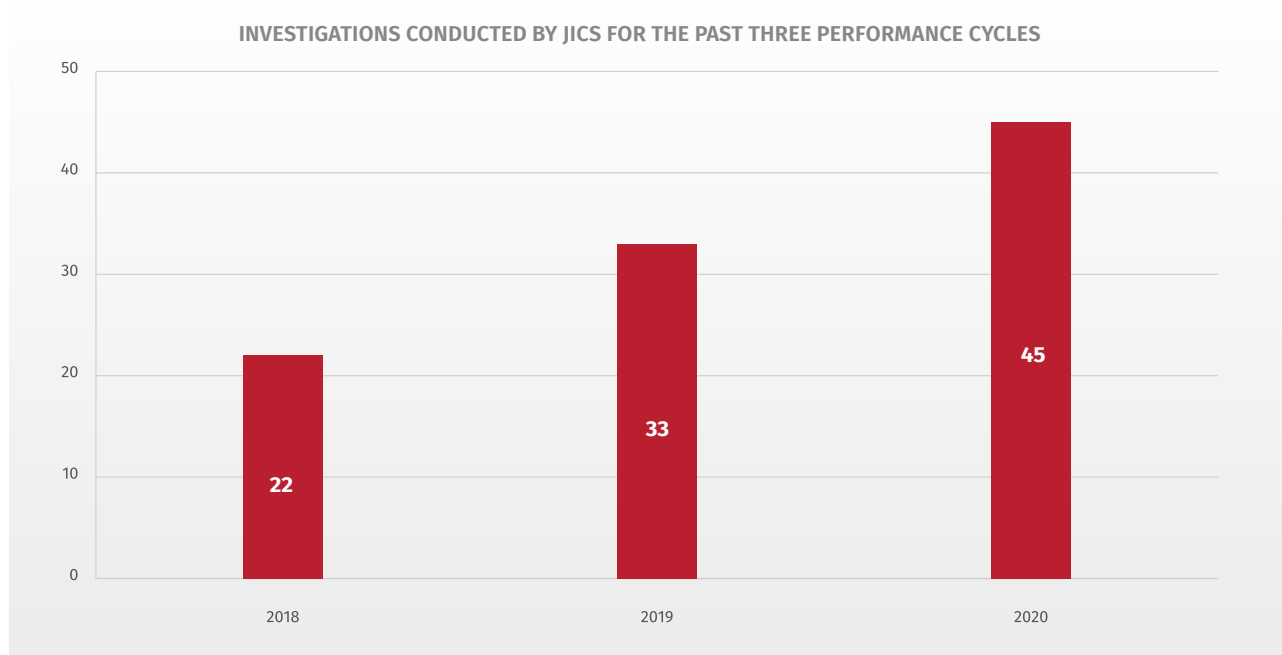
# INVESTIGATIONS

JICS investigated mostly cases of violence during the performance cycle. In particular, use of force by officials against inmates who had died, increased.

Forty-five investigations were mandated for the 2019/2020 performance cycle, a noteworthy achievement as JICS

does not employ specialised investigators. Investigations were carried out on an ad hoc basis by regional inspectors and JICS management.

The graph below shows the increase in investigations by JICS over the past three performance cycles.



**Graph 5: Number of investigations conducted over the past three performance cycles**

The table below details investigations conducted by JICS for the performance cycle:

Facility and date of investigation	JICS region	Name of report <sup>19</sup> and comments
St Albans Medium A 4 April 2019	ECMR	<b>'...this place is just one too much for me...' (excerpt from his suicide note)</b> Remand detainee A, housed in a single cell, hanged himself with a strip of bed linen. JICS found that there were no material breaches of security nor other protocols and that DCS could not have prevented the suicide.
Dundee 2 May 2019	KwaZulu-Natal Management Region (KZNMR)	<b>'I'm not fit to be free...' (excerpt from his suicide note)</b> Inmate G was a parolee who asked to be returned to prison as his family members could not put up with him anymore because he stole from them to feed his drug habit. He hanged himself with a piece of bed sheet in his single cell. JICS found that there were no material breaches of security nor other protocols and that DCS could not have prevented the suicide.
Grootvlei Medium A 2 May 2019	Central Management Region (CMR)	<b>'Unexpected'</b> Inmate KM, a psychiatric patient, committed suicide in the bathroom of a communal cell. According to inmates and officials, he did not display any signs of depression, nor were there previous suicide attempts. JICS found that there were no material breaches of security nor other protocols and that DCS could not have prevented the suicide.

<sup>19</sup> JICS investigators name some of their reports once completed (optional).

Facility and date of investigation	JICS region	Name of report <sup>19</sup> and comments
Krugersdorp 3 May 2019	Northern Management Region (NMR)	<p><b>‘One day, one night’</b></p> <p>Inmate T was admitted at the facility on 16 April 2019 and committed suicide the next evening.</p> <p>Allegedly, he was threatened by another inmate who wanted his shoes. It was reported to DCS and he was moved to another cell. His shoes were given to an inmate apparently for safekeeping but he kept the laces, which he then used to hang himself later that night. JICS found that there were no material breaches of security nor other protocols and that DCS could not have prevented the suicide.</p>
Zonderwater 28 May 2019	NMR	<p><b>‘If you sleep on the floor you can’t fall off the bed’</b></p> <p>Inmate P allegedly fell from his top bunk in a communal cell, hitting his head on the bed and floor.</p> <p>It was alleged that an overdose of his antipsychotic and anti-depression medication caused him to fall from the bed. He was taken to the nearest public hospital, where he died.</p> <p>The JICS investigation recommended that antipsychotic medicine be administered to inmates by the nurse – inmates must not be allowed to have these medicines in their possession.</p>
Durban Medium A 13 June 2019	KZNMR	<p><b>‘What about the dignity of the dead?’</b></p> <p>This case study appears under the ‘Mandatory reporting’ heading.</p>
Rooigrond 18 June 2019	CMR	<p><b>‘Lights out’</b></p> <p>Inmate N, a lifer, allegedly joined the 26-gang. DCS officials were allegedly informed that N, as part of the initiation, was instructed to stab an official. He and a fellow inmate were interrogated, allegedly assaulted by officials and later placed in a single cell. The following morning officials found N hanging from the bars of the cell’s internal gate by a ligature made from a piece of blanket.</p> <p>JICS found that DCS followed all procedures during the segregation of N. He was declared mentally and physically fit for seven days’ segregation by the facility’s medical staff.</p> <p>It was further found that the lights in the cell were not functional and that, therefore, DCS officials patrolling at night had difficulty observing the inmate in the cell.</p>
Goedemoed 18 June 2019	CMR	<p><b>‘Death is my freedom’</b></p> <p>DCS Emergency Support Team (EST) officials instructed all inmates in the unit where S was housed to cut their hair. Inmate S was unable to secure a hair clipper. An official allegedly threatened him for not cutting his hair, saying: ‘You are going to piss tomorrow.’</p> <p>S committed suicide that evening by hanging himself from the bars of his single cell’s internal gate.</p> <p>He left a suicide note blaming the behaviour of the official.</p> <p>JICS found that S had shown signs of suicidal behaviour before the incident and that the threat by the official may have been the final straw.</p>
Krugersdorp 19 June 2019	NMR	<p><b>‘Six days in’</b></p> <p>Inmate M was admitted at Krugersdorp correctional facility on 12 June 2019 and committed suicide on 17 June 2019 by hanging himself with a belt.</p>

Facility and date of investigation	JICS region	Name of report <sup>19</sup> and comments
Dundee 22 July 2019	KZNMR	<p><b>‘What next?’</b></p> <p>Inmate D allegedly attacked a fellow inmate on 22 April 2019. A disciplinary hearing was conducted and D was degraded to privilege group C. He was also approved for a transfer to the Ncome Medium A correctional facility. The night before his transfer, he was placed in a single cell where he hanged himself from the window frame with a strip of bed sheet.</p> <p>JICS found that the disciplinary hearing was held according to DCS prescripts, but the segregation was not reported to JICS as per Section 30(7) of the CSA.</p>
Durban Medium A 6 August 2019	KZNMR	<p><b>‘Drug use leading to suicide?’</b></p> <p>Inmate V was admitted at Durban Medium A as an awaiting-trial detainee on 1 August 2019 and committed suicide on 6 August 2019. He was found hanging from the communal cell bathroom window, having used a strip of bed sheet as a ligature.</p> <p>The JICS investigation found that V, who had been arrested for the possession of heroin, allegedly stole five antiretroviral tablets from a fellow inmate and took them just before his suicide.</p> <p>The lights in the bathroom were allegedly not functioning on the night of the suicide, making it difficult for patrolling officials to see into the cell.</p>
Kgosi Mampuru II Central 30 August 2019	NMR	Inmate K was found hanging from a strip of bed sheet on 28 August 2019.
St Albans Medium B 2 September 2019	ECMR	<p><b>‘Siyibulele le nja’ (We killed that dog)</b></p> <p>This case study appears under the ‘Mandatory reporting’ heading.</p>
Polokwane 26 September 2019	NMR	<p><b>‘Suicide doesn’t end the chances of life getting worse; it eliminates the possibility of it ever getting any better’ – Unknown</b></p> <p>This case study appears under the ‘Mandatory reporting’ heading.</p>
Kirkwood 25 September 2019	ECMR	<p><b>‘I’ll be back...’</b></p> <p>See the case study later in this report under ‘Mandatory reporting’.</p>
Pollsmoor Maximum 25 September 2019	Western Cape Management Region (WCMR)	<p>It is alleged that on 15 September 2019, inmates argued and a fight started in the communal cell. DCS officials used force to bring the situation under control. The injured remand detainees were taken to the medical facility for medical treatment. One inmate sustained a broken leg.</p> <p>The JICS investigation is still in progress.</p>
Tswelopele 26 September 2019	CMR	<p><b>‘I don’t deserve to be alive...’ (excerpt from the inmate’s suicide letter)</b></p> <p>This case study appears under the ‘Mandatory reporting’ heading.</p>
Lusikisiki 4 October 2019	ECMR	<p><b>‘Electrocution’</b></p> <p>Inmate P, working in the centre kitchen, was electrocuted by a hotplate stove on 25 August 2019 and died days later.</p> <p>He was unsupervised and not wearing protective clothing at the time of the incident, as he was allegedly off duty.</p> <p>The equipment in the kitchen had been serviced before the incident by external service providers.</p> <p>The JICS independent investigation preliminary report found no proof of negligence by DCS.</p>

Facility and date of investigation	JICS region	Name of report <sup>19</sup> and comments
Qalakabusha 7 October 2019	KZNMR	<p><b>‘Bathtub burn’</b></p> <p>Inmate D, a mentally ill patient, was found in a bathtub of very hot water in a cell at the hospital. He had third degree burns on the lower part of his body and died on 17 September 2019.</p> <p>JICS found that D shared the cell with three other inmates, one partially blind, one wheelchair-bound and another mentally ill.</p> <p>They were all unable to remember and/or unaware of the incident.</p> <p>JICS recommended that DCS house at least one fit person in each hospital cell to assist other inmates when necessary.</p>
Kgosi Mampuru II Central 14 October 2019	NMR	<p><b>‘Not fit for segregation’</b></p> <p>Inmate VL, a mentally ill person, fought with another inmate and was sentenced at a disciplinary hearing to 42 days’ segregation from 30 September 2019.</p> <p>He committed suicide on 8 October 2019 by hanging himself.</p> <p>The medical records showed that the nurse indicated that VL was not fit for segregation due to his mental illness. According to Section 30(2)(b) of the CSA, segregation must be discontinued if it poses a threat to the health of the inmate.</p> <p>DCS also did not report the 42-day segregation to JICS contrary to Section 30(6) of the CSA.</p>
Kgosi Mampuru II Central 24 October 2019	NMR	<p><b>‘Than to be in prison for years, I thought [it] is better to end this misery soon...’ (excerpt from inmate’s suicide letter)</b></p> <p>Inmate N was sentenced to life imprisonment and admitted at the facility on 17 October 2019.</p> <p>On 23 October 2019, he was found dead in his single cell, having hanged himself with an electrical cord from the cell window.</p> <p>In a suicide note to his family, he named the life sentence as the reason.</p> <p>The JICS investigation found no material breaches of security nor other protocols and that DCS could not have prevented the suicide.</p>
Tswelopele 25 October 2019	CMR	<p><b>‘Overdose’</b></p> <p>On 18 October 2019, inmate B presented with symptoms of sweating and restlessness. It was alleged by inmates and later confirmed that he had overdosed on asthma medicine. He was taken to the facility’s hospital and referred to a public hospital, where he was declared dead on arrival.</p> <p>The JICS investigation found no material breaches of security nor other protocols and that DCS could not have prevented the death of the inmate.</p>
Cofimvaba 25 October 2019	ECMR	<p><b>‘Transfer or die’ (alleged homicide)</b></p> <p>See case study on inmate N on page 40.</p>
Kgosi Mampuru II 28 October 2019	NMR	<p>Inmate V, a newly admitted remand detainee, was found by a fellow inmate hanging in the shower of ward one of the hospital.</p>
Pollsmoor Medium A 31 October 2019	WCMR	<p>Inmate P was involved in a gang-related fight on 13 October 2019 and died at an external hospital 16 days later.</p> <p>The JICS investigation is continuing.</p>
Qalakabusha 5 November 2019	KZNMR	<p>Death as a result of use of force by a DCS official</p> <p>See the case study ‘Dealing with the mentally ill: How not to’ above.</p>
Voorberg 9 December 2019	WCMR	<p><b>‘Not so easy being a DCS official’ (inmate assault on official)</b></p> <p>See the case study on page 40.</p>

Facility and date of investigation	JICS region	Name of report <sup>19</sup> and comments
Potchefstroom 9 December 2019	CMR	<p><b>‘I just need a rest’</b></p> <p>Remand detainee M committed suicide on 7 December 2019 by hanging himself with a belt in the bathroom of his communal cell.</p> <p>A suicide note indicated that his girlfriend took his bank card and refused to pay his bail of R2 000.</p> <p>The JICS investigation found no material breaches of security nor other protocols and that DCS could not have prevented the suicide.</p>
Kgosi Mampuru II Central 17 December 2019	NMR	<p>Alleged suicide of inmate M on 9 December 2019.</p> <p>The JICS investigation is still in progress.</p>
Johannesburg Female 17 December 2019	NMR	<p>Remand detainee G had seizures in the hospital unit and fell on the floor, allegedly hitting her head on the steel doorstopper.</p> <p>She was taken to a nearby public hospital where she died on 5 December 2019.</p> <p>The cause of death according to the post mortem was blunt force head injury complicated by bronchopneumonia.</p> <p>The JICS investigation is continuing.</p>
Ebongweni 9 January 2020	KZNMR	<p>Inmate G was allegedly a recalcitrant inmate with a history of self-harm.</p> <p>On 26 December 2019 he was found hanging in his cell.</p> <p>JICS found that DCS did not patrol regularly as per procedure.</p> <p>The investigation is continuing.</p>
Kgosi Mampuru II Central 14 January 2020	NMR	<p>Inmate S allegedly committed suicide by hanging himself in the shower area of his communal cell.</p> <p>The JICS investigation is continuing.</p>
Tswelopele 16 January 2020	CMR	<p>Inmate A was allegedly assaulted by DCS officials on 2 January 2020, allegedly sustaining three fractures of his left arm. He was treated at Kimberley Hospital.</p> <p>The JICS investigation is continuing.</p>
East London Medium B 29 January 2020	ECMR	<p>Inmate Z attempted to commit suicide by hanging himself with a strip of bed sheet on 21 November 2019, but was found and cut down by DCS officials. He was referred to a public hospital where he died on 27 November 2019.</p> <p>JICS is investigating.</p>
Johannesburg Medium A 6 February 2020	NMR	<p>Remand detainee N was admitted on 20 January 2020. The following day he was referred to Chris Hani Baragwanath Hospital, where he died on 25 January 2020. DCS indicated that the probable cause of death was traumatic brain injury sustained prior to admission.</p> <p>JICS is investigating.</p>
Pietermaritzburg Medium A 10 February 2020	KZNMR	<p>On 4 February 2020, inmate M was found hanging from his cell window.</p> <p>JICS is investigating.</p>
Virginia 18 February 2020	CMR	<p><b>‘Gang related’</b></p> <p>On 5 February 2020, inmate S stabbed another inmate during exercise. DCS officials allegedly used excessive force on inmate S, who sustained serious head injuries and died at an external hospital on 13 February 2020.</p> <p>JICS is investigating.</p>

Facility and date of investigation	JICS region	Name of report <sup>19</sup> and comments
Drakenstein Medium A 19 February 2020	WCMR	<p><b>‘Suspicion’</b></p> <p>Inmate H died during a search by the DCS EST on 14 February 2020.</p> <p>Inmates alleged that he was assaulted by EST officials, which DCS denied.</p> <p>JICS received the autopsy report from the forensic pathology services, Western Cape, which indicated that inmate H had no external injuries and that he died of a myocardial infarction (heart attack).</p> <p>The cause of death was recorded as ‘natural’.</p>
Johannesburg Medium B 21 February 2020	NMR	<p>On 12 November 2019, inmate N complained of general body malaise after returning from his workplace outside the centre. No sign of visible injuries was observed. He received medical attention and, on 18 November 2019, he was referred to a public hospital, where he was operated on and died 2 December 2019.</p> <p>The JICS investigation is continuing.</p>
Odi 21 February 2020	NMR	<p>Inmate P, a known nyaope user, died on 20 January 2020 after complaining of abdominal cramps.</p> <p>The JICS investigation is continuing.</p>
St Albans Medium A 21 February 2020	ECMR	<p>On 17 February 2020, inmate M stabbed an official. DCS officials and members of the national task team used force on inmate M, who died a short while later.</p> <p>The JICS investigation is continuing.</p>
Kgosi Mampuru II Local 10 March 2020	NMR	<p>On 19 February 2020, two inmates reported to DCS officials that inmate N had died inside the cell for unknown reasons.</p> <p>JICS is investigating the incident.</p>
Pollsmoor RDF 10 March 2020	WCMR	<p>DCS reported that inmate B died on 25 February 2020 of unnatural causes ‘possibly due to a fight’.</p> <p>JICS is investigating.</p>
Pietermaritzburg Medium A 10 March 2020	KZNMR	<p>On 30 December 2019, inmate M was found hanging in his cell.</p> <p>The apparent suicide was brought to JICS’s attention on 6 February 2020.</p> <p>JICS is investigating.</p>
Pollsmoor Medium A 23 March 2020	WCMR	<p>On 13 March 2020, inmate M was found hanging in his single cell. A jacket was used as a ligature.</p> <p>JICS is investigating.</p>

**Table 12: Investigations conducted in 2019/2020 performance cycle**

As can be seen from the table above, a disturbing trend came to the fore during the performance cycle. Incidents of ‘use of force’ by officials on inmates, causing death, increased sharply, especially later in the period under review.

**'TRANSFER OR DIE'**

On 20 October 2019, the death of inmate N was reported to JICS. On investigation it was found that inmate N had thrown a bowl of porridge in the face of a DCS official at breakfast. He was taken into the HCC's office and allegedly severely assaulted by officials, then returned to his cell without being medically treated.

The DCS officials denied assaulting the inmate and stated that minimum force was used. Inmates countered that N was injured when he came out of the HCC's office. A few hours later, EST officials searched the cells. They noticed the injured inmate, but were apparently informed by the HCC that the inmate was only pretending to be injured. Members of the EST did not assault N. Later that day, inmate N died.

The post mortem report described the injuries of N as follows:

- Multiple bruises and abrasions to his neck and right side of his face, both arms, left back, buttocks and both legs
- Bilateral oedema and pneumonic consolidation
- Bilateral pleural effusion and pericardial effusion
- Oedematous brain and scalp haematoma.

JICS concluded that inmate N died of 'extensive soft tissue injuries', probably after being severely assaulted by DCS officials in the HCC's office. DCS was asked to inform JICS of disciplinary and criminal action taken against officials involved in the incident.

JICS investigates not only cases of officials assaulting inmates, but those of inmates assaulting officials.

**'NOT SO EASY BEING A DCS OFFICIAL'**

On 7 December 2019, four officials were on duty during the morning inmate count. At a particular cell, one official remained outside while the other three entered and started to count the inmates.

According to officials, they did not notice anything out of place in the cell.

As he turned to leave, DCS official M was apparently viciously attacked by inmate AM. An official was able to drag M out of

the cell, after which he was taken immediately to the internal hospital and later external hospital with serious stab wounds.

The JICS investigation is continuing, but it has been recommended that inmate AM must be internally and criminally charged for the attack on official M and that psychological help must be offered to M through the employee assistance programme.



# COMPLAINTS

## Introduction

In terms of Section 90(2) of the CSA, the Inspecting Judge receives and deals with complaints submitted by external sources and ICCVs, and may of his/her own volition deal with any complaint. This function was assigned to the JICS Complaints Unit, which deals with complaints on behalf of the Inspecting Judge.

In this chapter, an account is given of the complaints dealt with by this unit. It received 437 complaints for the 2019/2020 performance cycle, a decrease from the previous year, attributable partly to decentralisation changes in the organisation. Correspondence from inmates, their families and other stakeholders, such as the Public Protector and SAHRC, informed the categories of complaints listed below.

The unit's focus is to deal with urgent matters and achieve a faster resolution, but less urgent matters, such as parole and transfers, historically tend to shift the focus. These complaints are prevalent, time-consuming and often unresolved. JICS, therefore, delegated non-urgent matters (no imminent threat or danger to life) to its regional offices.

The table below lists all complaints received by the Complaints Unit for this performance cycle:

Complaint category	Number received
Appeal	17
Assault (inmate on inmate)	53
Assault (official on inmate)	89
Assault (sexual)	13
Attempted suicide	12
Bail	-
Communication with family	2
Conditions	5
Confiscation of possession	6
Conversion of sentence	2
Corruption	1
Food	6
Healthcare	28
Hunger strike	10
Inhumane treatment	-
Legal representation	-
Medical release	2

Complaint category	Number received
Parole	56
Reclassification	13
Rehabilitation programmes	6
Remission	5
Torture	3
Transfers	92
Other	16
<b>Total</b>	<b>437</b>

**Table 13: Complaints per category for 2019/2020 performance cycle**

## Clustering complaints

To enable the unit to deal with complaints systematically, they are categorised into different clusters.

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

As these complaints fall outside JICS's direct mandate, they are referred to the JICS management regions, which consult with bodies such as Legal Aid South Africa.

During the performance cycle, the unit received and referred 17 complaints relating to inmate appeals against convictions and/or sentences. There were no complaints related to legal representation or bail.

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

This cluster deals exclusively with sentenced inmates and their complaints against DCS rehabilitation and release processes.

The Constitutional Court on 3 May 2019 declared some of the parole provisions of the CSA unconstitutionally invalid<sup>20</sup>.

Previously, inmates sentenced after 1 October 2004<sup>21</sup> had to serve one half of their sentences before being considered for parole. Those sentenced before 1 October 2004 had to serve only one third. Likewise, inmates sentenced after 1 October 2004 to life imprisonment must serve 25 years before being considered for parole, while those sentenced before 1 October 2004 may be considered for parole after serving 13 years and six months<sup>22</sup>.

<sup>20</sup> Phaahla v Minister of Justice and Correctional Services and Another (Tihakanye Intervening) [2019] ZACC 18.

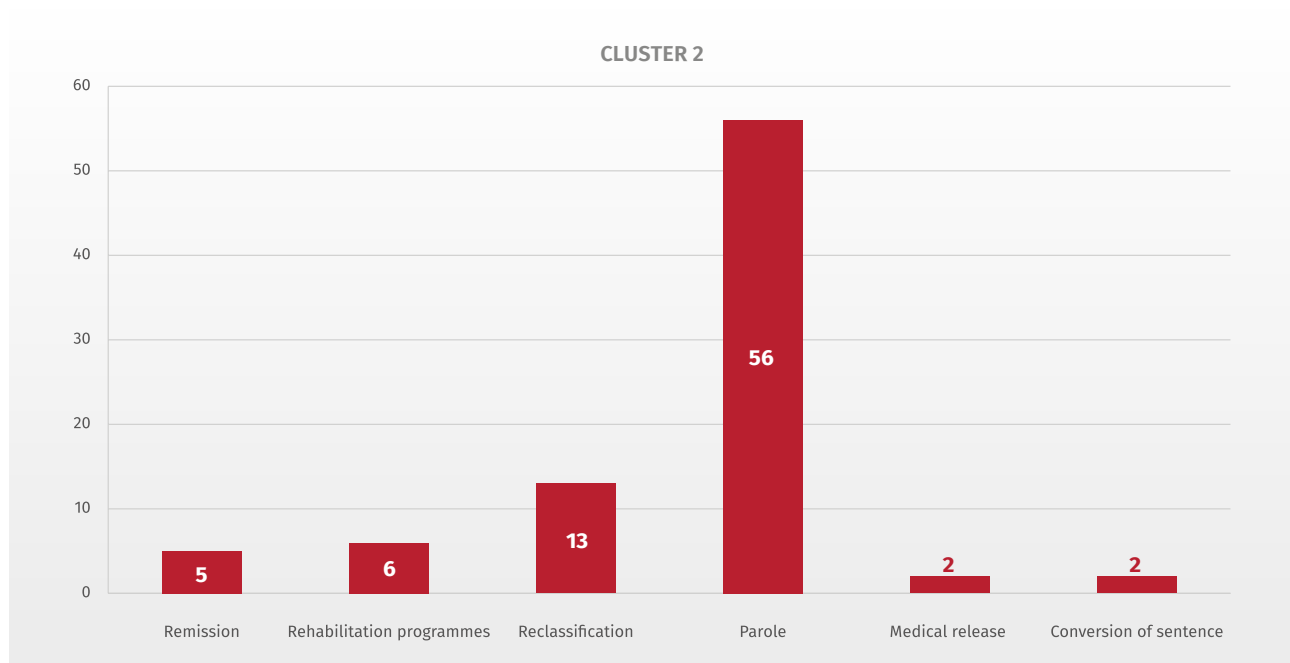
<sup>21</sup> When the last provisions of the CSA came into effect.

<sup>22</sup> Minus any Presidential Remission.

The Constitutional Court ruled that a legislative change in parole conditions could not be brought into effect on any arbitrary day but should be linked to the date the crime was committed, rather than the date sentence was imposed.

Many inmates serving life sentences then immediately qualified for parole consideration and this led to several complaints, which are continuing, as the parole process for these inmates is moving slowly.

The graph below reflects all cluster 2 complaints.



**Graph 6: Conversion of sentence for the performance period 2019/2020**

### Complaints Cluster 3: Communication with family and transfers

This cluster comprises complaints about inmates' interaction with family, including accommodation at the correctional facility closest to their homes.

In practice, transfer complaints<sup>23</sup> are received mainly from sentenced inmates, as those awaiting trial will be accommodated at the facility nearest to the court in which they appear.

These complaints are usually (but not always) referred to the JICS management regions.

There were two complaints each on transfer and communication with family.

The following is a complaint about assault, transfer and reclassification, which was dealt with by the Complaints Unit: Leeuwkop/Ebongweni (transfer and reclassification).

<sup>23</sup> In terms of Section 43 of the CSA.


**TRANSFER AND RECLASSIFICATION**

Inmate X's family complained that he was assaulted while at Leeuwkop Medium B, but it was later revealed that inmate X was, in fact, the perpetrator in a gang-related incident. All inmates involved were disciplined. Inmate X was reclassified as high risk and transferred to Leeuwkop Maximum and later to Ebongweni Super Maximum. The family claimed inhumane treatment and a forced transfer to Ebongweni.

According to Section 4(2)(a) of the CSA, DCS must ensure the safe custody of every inmate and maintain security and good order in every correctional centre.

In terms of Section 29 of the CSA, security classification is determined by the security risk an inmate poses, which determines the centre at which he or she will be detained. B Orders, Chapter 2, 4.1.4 - as far as possible, [inmates] must be referred according to their custodial classifications ... maximum custodial category [inmates] must be transferred to a maximum prison within seven days.

In the case *Masilela and Others vs The Minister of Correctional Services*<sup>24</sup>, the court found that should an inmate believe that his classification is incorrect or that his placement in a particular correctional centre is unreasonable, irrational or

mala fide, the complaints procedure provided for in Section 21 of the CSA must be followed.

JICS held that the transfer from Leeuwkop Maximum to Ebongweni Super Maximum was justified by DCS owing to the inmate's involvement in gang activities and his troublesome behaviour. Apparently, the inmate's behaviour has improved at Ebongweni.

However, JICS also found that:

- Inmates with behavioural difficulties and those involved in gang activities must not be transferred to a facility where there is already a concentration of gangs.
- If possible, they must be accommodated in the same province and not unnecessarily be transferred far from their families.
- The custodial classification of an inmate must be considered throughout.
- The inmate should be informed about the transfer beforehand.
- Each case must be considered on merit.
- A predominant factor must be whether a young inmate can be integrated and can benefit from a specific programme.

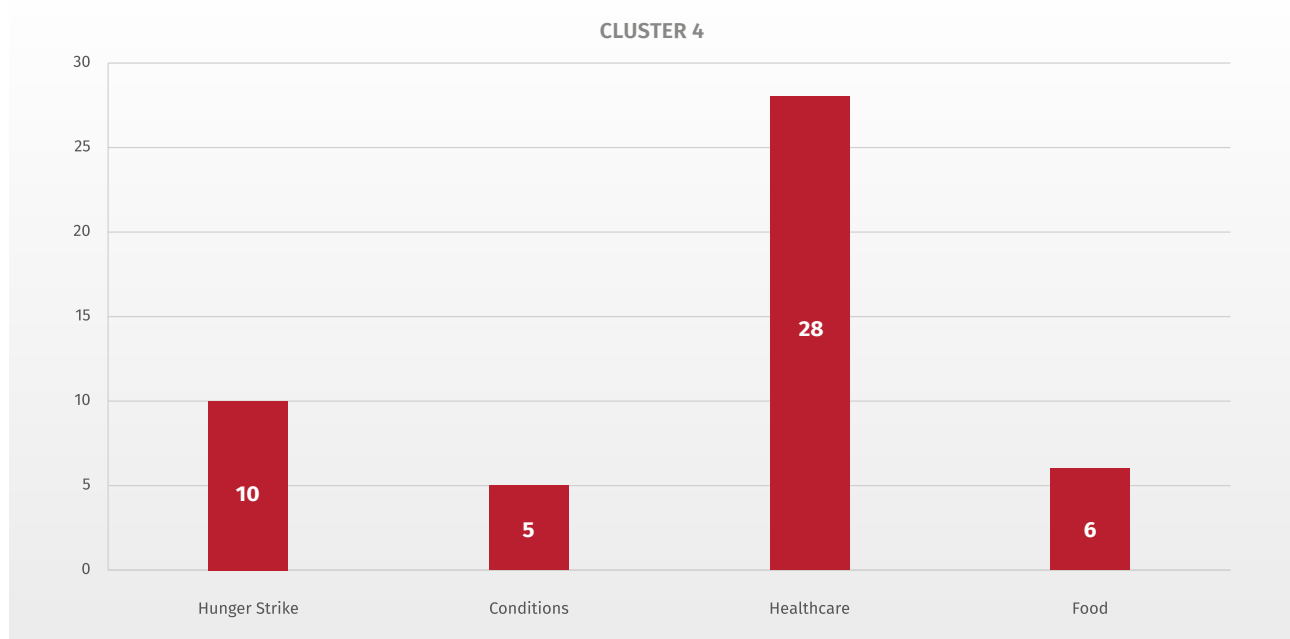
### Complaints cluster 4: Conditions, hunger strike, food and healthcare

Complaints of this nature are received from sentenced and remand detained inmates alike.

Hunger strikes, in particular, are potentially detrimental to the health of inmates.

Complaints pertaining to inmates' health are dealt with on the merits of each case.

The graph below reflects the number of cluster 4 complaints.



**Graph 7: Conditions, hunger strike, food and healthcare complaints for performance cycle 2019/2020**

<sup>24</sup> *Masilela and Others v Minister of Correctional Services and Others, Bouwers and Others v Minister of Correctional Services and Others* (63532/2012, 16995/2013) [2013] ZAGPPHC 103; 2013 (2) SACR 350 (GNP) (16 April 2013)

The JICS case study below involves a hunger strike:



## MANGAUNG (PRIVATE CORRECTIONAL FACILITY)

FREE STATE

### 'A GREY AREA IN INHUMANE TREATMENT: FORCE FEEDING'

Inmate Z refused to eat, refused medical treatment and refused to speak to anyone for more than a month. Inmate Z's physical appearance was deteriorating. Medical staff and officials wanted to save the inmate's life. The situation was closely monitored and continuous reporting done.

Section 8 of the CSA notes the following:

'Each inmate must be provided with an adequate diet to promote good health, as prescribed in the regulations.' B Orders, Sub-order 1, Chapter 13: Hunger strike by prisoners paragraph 4.3.1 (c) '...after being observed as "sensitive", these inmates may be admitted at a specialised institution or hospital'.

Nelson Mandela Rules, Rule 27 states that all prisons shall ensure prompt access to medical attention in urgent cases and that clinical decisions may be taken only by healthcare practitioners and may not be over-ruled by non-medical staff. When attempting to save a hunger striker's life, it can be regarded as unethical to force that person to eat, which can be viewed as an infringement of the inmate's right to human dignity.

The World Medical Association adopted the Malta Declaration in 1991, which states that the doctor is duty-bound to care for his patients and when faced with a situation of whether to force feed, that he must employ his clinical and moral judgment in the best interest of the patient. It is not a clear-

cut situation, but a value judgment of the doctor-patient relationship and a reflection of whether the doctor reasonably believes that the hunger striker is not intent on dying.

Being open and transparent and educating inmates on the dangers of abstaining from food for prolonged periods is often best in these situations, followed by close monitoring of the inmate's condition.

JICS found that inmate Z placed his health, even his life, at risk when he started his hunger strike, in spite of being aware of the dangers. These matters should be dealt with as prescribed in the B Orders:

- He should be closely monitored and detailed notes should be kept.
- The medical practitioner on duty should have the final say on the inmate's care.
- Video footage can help medical professionals come to a reasonable conclusion.
- He should be accommodated in a hospital to receive 24-hour monitoring and care.

Inmate Z could not hold DCS or the contractor hostage by manipulating the situation he created to his benefit, and thus must be charged in terms of Section 23(s) of the Act.

It was noted that the DCS controller had dealt with the matter appropriately.



## Complaints cluster 5: Violence, including confiscation

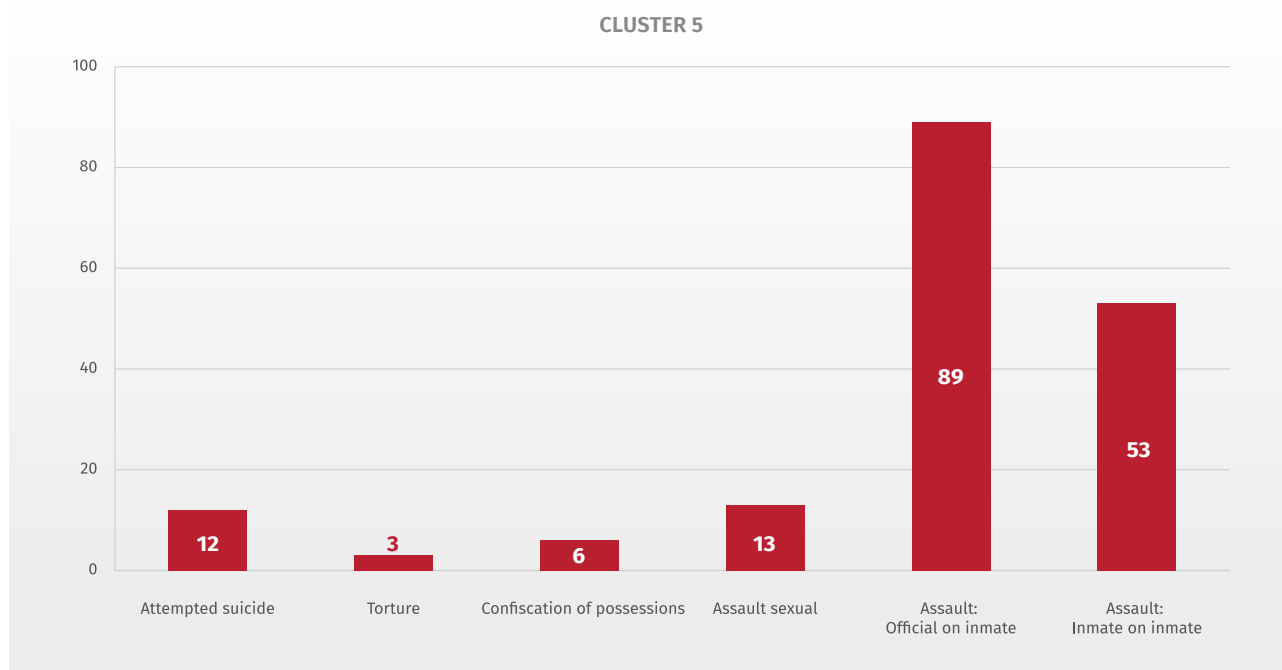
The Complaints Unit deals specifically with complaints of violence, including confiscations.

The JICS management region is requested to interview the inmate and obtain a statement.

Medical reports and other relevant documents, including the DCS internal report, are obtained from the HCC, after which an assessment is made and findings and recommendations forwarded to DCS.

If need be, JICS is asked to conduct an official investigation.

The graph below reflects cluster 5 complaints for the performance cycle.



Graph 8: Violence and confiscations for the performance period 2019/2020

Below are recommendations for cluster 5 complaints:



**POTCHEFSTROOM**

**NORTH WEST**

### 'MINIMUM FORCE?'

Two inmates fought. A DCS official used minimum force to separate them and end the fight. A bystander (inmate) asked the official a question, which he viewed as an attack, using pepper spray. The inmate sustained injuries to his eyes (burning) and received medical attention.

Section 32 of the CSA authorises lawful use of force. The force applied should not be greater than is necessary to achieve a specific purpose.

*Magagula v Minister of Correctional Services* explains the principle further:

Section 33(1) of the CSA authorises the use of non-lethal incapacitating devices, which may include a baton. Only minimum force must be used to achieve the objective. If a person's arm is broken by a baton, it is not minimum force.

Nelson Mandela Rules – Rule 48

1) *When the imposition of instruments of restraint is authorised ... the following principles shall apply:*

- (a) *Instruments of restraint are to be imposed only when no lesser form of control would be effective to address the risks posed by unrestricted movement;*
- (b) *The method of restraint shall be the least intrusive method that is necessary and reasonably available to control the prisoner's movement, based on the level and nature of the risks posed.*

JICS found that the official should be disciplined as there was no reason for him to use force on a bystander and there was no compliance with the provisions of Section 32 of the CSA. Inmates should be admonished to accept authority and obey lawful instructions and any contravention should instead be dealt with through disciplinary processes.



## 'SAFE CUSTODY AND POSSESSION OF UNAUTHORISED ITEM'

When inmate Y was searched by DCS officials before leaving for court, an unauthorised item was found. Officials slapped and kicked the inmate, after which he received medical treatment and opened a case with SAPS against the DCS officials.

To 'maintain security and good order' does not give officials permission to abuse their power. Assault is a crime and should be reported to SAPS and be investigated.

*Meyer v Minister of Correctional Services*  
Safe custody defined in sections 4(2)(a) and 26 of the CSA: DCS has a statutory legal duty to protect those in custody from harm. In this case, the officials' failure to conduct proper searching led to the stabbing of the inmate by another.

In *Tyaty v Minister of Correctional Services*, the court noted the following:  
*'[19] The defendant's employees (DCS officials) failed to conduct regular searches of inmates and their cells as is required and in circumstances where attacks to inmates are commonplace. As a result, they could not detect that the assailants of the plaintiff were armed with objects when he was attacked, as a result of which he was assaulted. Put differently, had regular searches as required by the standing orders issued in terms*

*of the Act been carried out, the assaults on the plaintiff would have been averted.'*

*Nelson Mandela Rules – Rule 1*  
*'All prisoners shall be treated with the respect due to their inherent dignity and value as human beings. No prisoner shall be subjected to, and all prisoners shall be protected from, torture and other cruel, inhuman or degrading treatment or punishment, for which no circumstances whatsoever may be invoked as a justification. The safety and security of prisoners, staff, service providers and visitors shall be ensured at all times.'*

JICS found that officials involved should be disciplined and warned against assault on an inmate (Section 4(2) of the CSA).

Infringements by inmates should be dealt with in terms of sections 23 and 24 of the CSA (internal disciplinary action), and officials should not take the law into their own hands.

DCS officials should receive training or a 'refresher course' on conducting their duties, particularly investigations.



## 'ASSAULT IS A CRIME'

Initially, inmate Z complained that he was assaulted by officials and other inmates for practicing gangsterism. It later transpired that inmate Z was one of eight inmates involved in a fistfight.

Section 4(2)(a) of the CSA states that DCS must ensure the safe custody of every inmate and maintain security and good order in every correctional centre.

DCS B Orders, Sub-order 1, Chapter 12, Paragraph 2.5.1 confirms that assault is a criminal offence and any allegation of an assault should be reported to SAPS and investigated.

JICS found that inmate Z should be provided with the outcome of the SAPS investigation and the National Prosecuting Authority's decision on the matter. Any infringement by the inmate should be addressed by instituting disciplinary action against him.

## Complaints cluster 6: Corruption and other

In terms of Section 90 of the CSA, the Inspecting Judge also reports on corrupt and dishonest practices.

All complaints received that do not fall into one of the categories are clustered under 'Other'. Examples are requests for marriage while incarcerated or requests for DCS to assist in opening a bank account.

One corruption and 16 uncategorised complaints were received.

## Finalised matters

A matter is usually finalised after an investigation, with one or more of the following outcomes:

- It is concluded that DCS has breached a fundamental right/policy and is advised on how it should be rectified.

- It is concluded that DCS has not breached a fundamental right/policy.
- The complaint is withdrawn by the complainant.
- The complainant does not provide basic information or further particulars to further the investigation.
- The matter is referred to the appropriate organisation as it falls outside the mandate of JICS.

For the performance cycle, 79 matters were finalised with a written opinion – recommendations – made available to the complainant/inmate, DCS and any other party.

JICS's findings or recommendations usually highlight shortcomings, requiring suggestions to improve the management and operations at DCS facilities. JICS provides a holistic answer to the aggrieved, assisting inmates to better understand the rules and regulations of their incarceration, and advising on legislative changes.

# MANDATORY REPORTS

## Introduction

DCS is legally obliged to report to JICS the following:

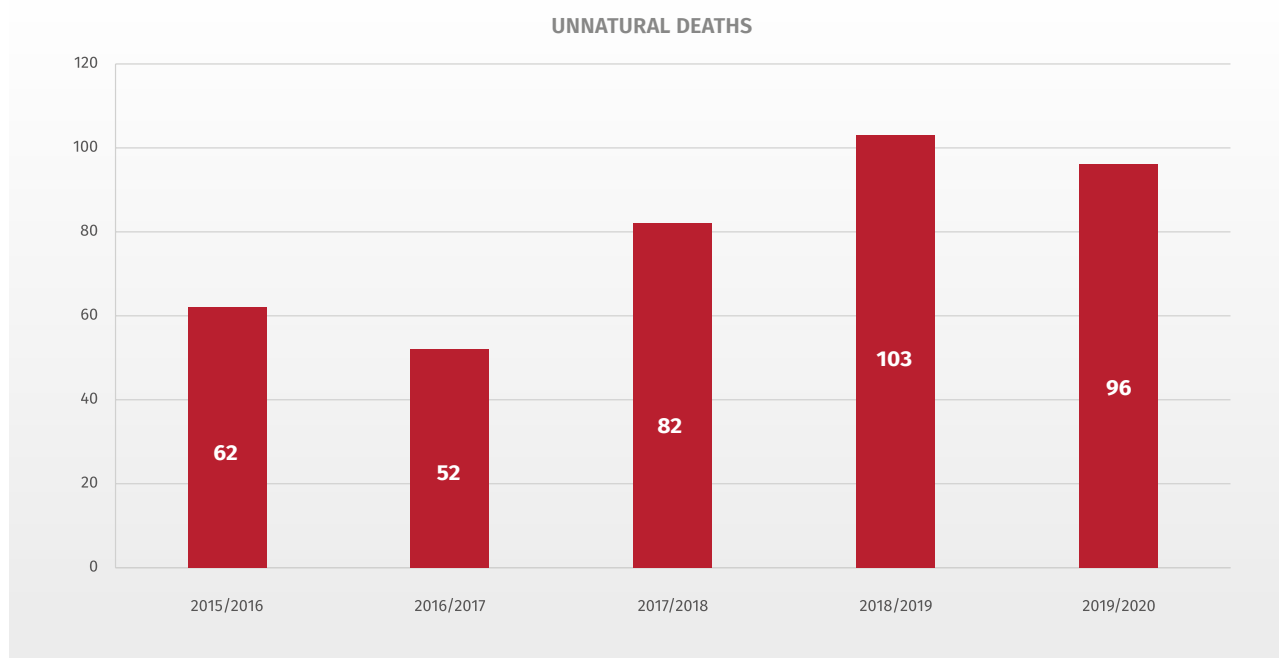
- Death of any inmate<sup>25</sup>, irrespective of the cause and circumstances. The HCC is also obligated to report any death that a medical practitioner cannot certify as a result of natural causes in terms of the Inquests Act 58 of 1959<sup>26</sup>.
- Segregation – an inmate may be segregated from the general population of a correctional facility for the following reasons<sup>27</sup>: At his or her own request, to enact a decision on a disciplinary finding to restrict the amenities of the inmate, on medical grounds, to prevent violence where a reasonable suspicion exists that a recaptured escapee will again escape or attempt to, or where SAPS requests segregation and the HCC considers it in the interests of the administration of justice to comply.
- Mechanical restraint of an inmate<sup>28</sup> for safety, prevention of damage to property, if a reasonable suspicion of escape exists or if requested by a court.
- Use of force<sup>29</sup>, provided it is minimal and no other means are available to keep the inmate in safe custody where necessary for self-defence, defence of another person, preventing escape or protecting property.

These reports constitute ‘mandatory reporting’. JICS has, for the past three years, publicly stated that DCS’s electronic reporting is dysfunctional. The previously efficient and speedy method provided a great deal of accuracy and accountability in DCS’s compliance with the statute. It is not clear when DCS will remedy the problem, but, to its credit, a directive was issued by the office of the NC to all DCS regions to report via alternative means. JICS, in turn, requires that its staff monitor DCS compliance more closely at each facility. Whilst JICS has taken great care to ensure compliance with all mandatory reporting, the statistics in this report may vary from those of DCS<sup>30</sup>.

## Deaths from unnatural causes

### Introduction

During this period, 96 deaths from unnatural causes were reported. A closer look at the causes of unnatural deaths, however, reveals that, in most cases, the deaths were reported as ‘unknown other’. The graph below shows deaths reported by DCS from unnatural causes, from the 2015/2016 to the 2019/2020 performance cycles:



**Graph 9: Number of unnatural deaths from 2015 to 2020**

<sup>25</sup> Section 15 of the CSA.

<sup>26</sup> Section 2.

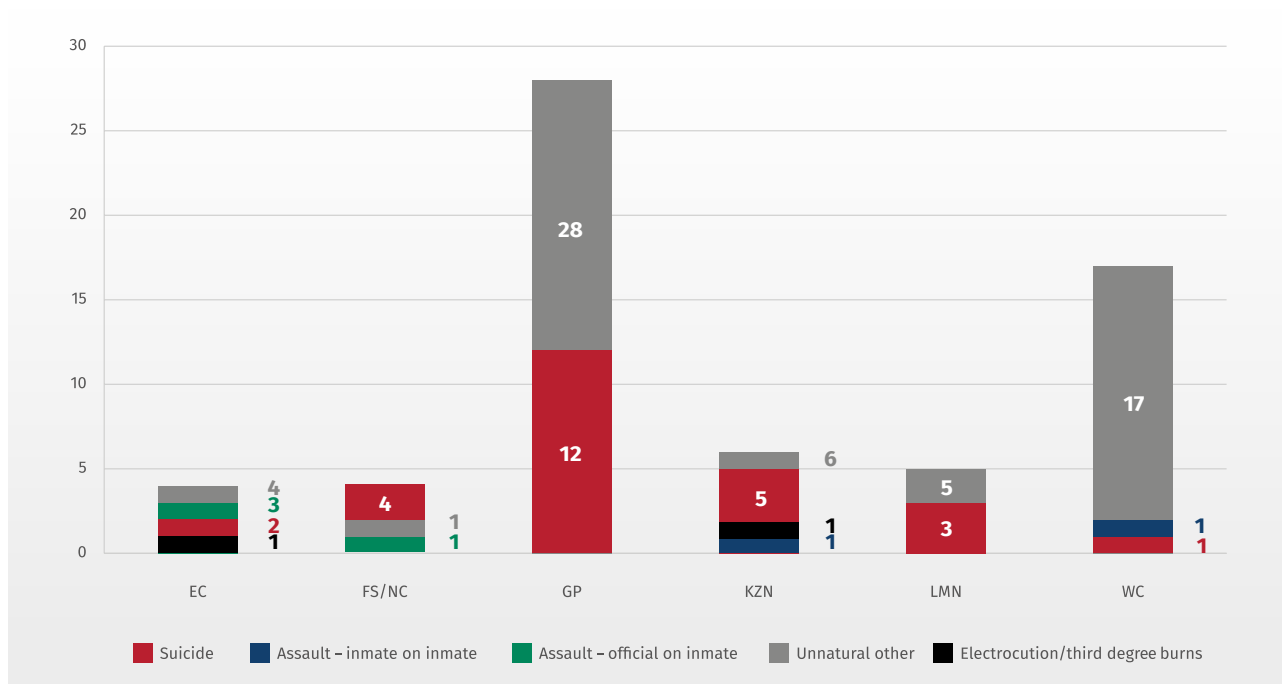
<sup>27</sup> Section 30 of the CSA.

<sup>28</sup> Section 31 of the CSA.

<sup>29</sup> Section 32.

<sup>30</sup> Meetings were held with the DCS Chief of Security where JICS recorded its views on the obligation by DCS to comply with the statutory obligations.

The graph below shows all deaths classified by cause of death for the 2019/2020 performance cycle:



Graph 10: Deaths classified by cause for 2019/2020 performance cycle

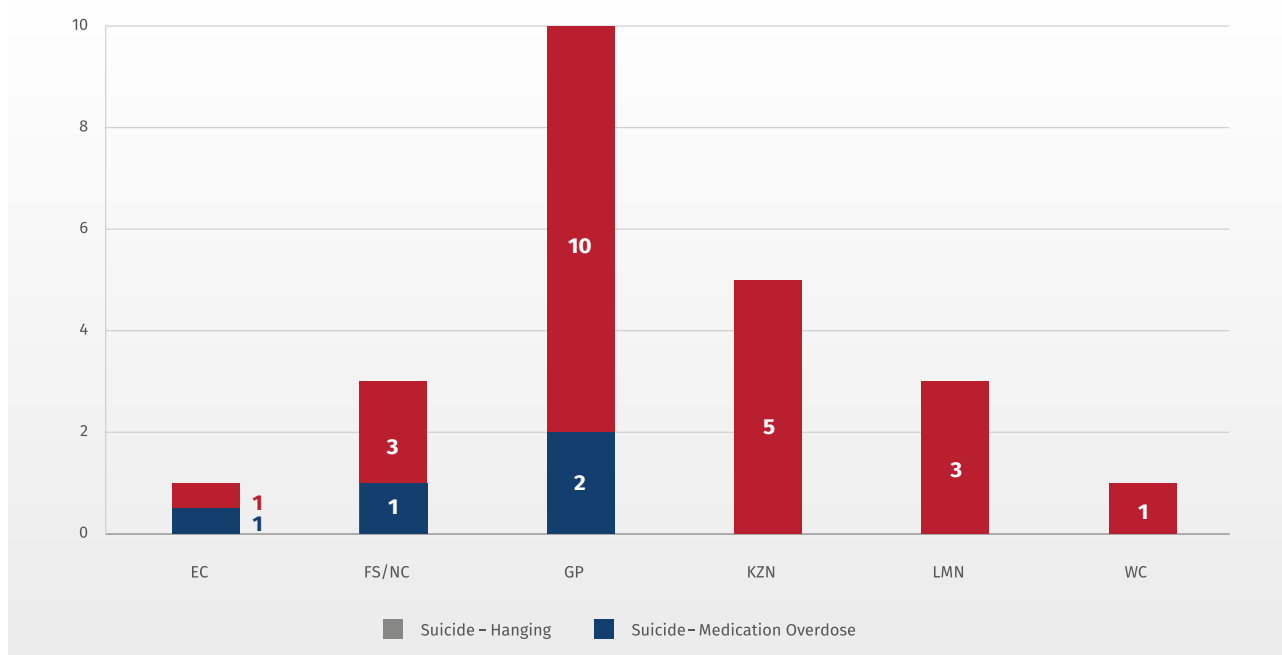
### Unnatural deaths 'other'

All deaths whose cause is not immediately apparent (e.g. a seemingly healthy inmate collapses and dies suddenly or is found dead in his/her bed) are classified as 'unnatural other'. This is a temporary classification and the cause of death is officially determined once the autopsy report is received. The Department of Health backlog for autopsies and other scientific reports is up to five years in some provinces and is a perennial problem. JICS relies on DCS to provide reports and, when this does not happen, the

final determination is delayed on cause of death and liability.

### Suicides

A total of 27 suicides were reported, the majority in Gauteng and KwaZulu-Natal. Hanging was the most common method, with 85% (23 inmates) dying this way. Various items are used, but mainly ligatures fashioned from bedding and clothing. Ten of the 23 hangings were by single cell occupants.



Graph 11: Methods of suicide used in 2019/2020 performance cycle

**POLOKWANE****LIMPOPO****'SUICIDE DOESN'T END THE CHANCES OF LIFE GETTING WORSE, IT ELIMINATES THE POSSIBILITY OF IT EVER GETTING ANY BETTER.' – UNKNOWN**

On 15 September 2019 at around 07:30, a DCS official found inmate R dead in his single cell, an apparent suicide by hanging. The inmate was alone in the single cell because of multi-drug-resistant tuberculosis.

The official stated that inmate R was in a standing position with his back to the door and he first thought R was using the toilet, realising that he had committed suicide only when he saw the ligature between R's neck and the top bunk. It is a common misconception that the whole body must be suspended for a successful suicide by hanging. Pressure of as little as two kilograms causes the jugular vein to close. As a person's head alone weighs between five and six kilograms, it is possible to commit suicide in a sitting or even prostrate position.

JICS investigated the incident on 31 October and 1 November 2019.

DCS segregated inmate R to protect officials and other inmates from infection.

Although the initial segregation was reported to JICS, his extended segregation was not reported in terms of sections 30 (5) and (6) of the CSA, a situation mitigated by daily visits to the inmate by the HCC and nurses in terms of section 30(5) of the CSA.

DCS also followed all security and safety procedures. The inmate's suicide could not have been foreseen or prevented by DCS.

**DURBAN MEDIUM A****KWAZULU-NATAL****'WHAT ABOUT THE DIGNITY OF THE DEAD?'**

Inmate N was admitted on 6 June 2019 and committed suicide the next day by hanging himself with a strip of bed sheet. He was housed in a single cell as he was regarded as a high-risk inmate after an attempt to escape from a police vehicle at court.

N was hanging in the cell for more than 16 hours because the sessional doctor who had to declare him dead was allegedly not prepared to visit the centre. He was eventually declared dead and taken to the mortuary by paramedics.

JICS also found that DCS did not report his segregation as required in terms of Section 30(6) of the CSA.

Suicides in communal cells occur out of sight of fellow inmates, usually in the ablution area, which is cordoned off. They usually occur after lock-up, often from late afternoon until the morning.

**TSWELOPELE****FREE STATE****'I DON'T DESERVE TO BE ALIVE...'  
(EXCERPT FROM THE INMATE'S SUICIDE LETTER)**

Inmate S committed suicide by hanging himself in the ablution area of a communal cell on 15 September 2019.

Inmates sharing the cell reported hearing a noise at around 01:30. When they investigated, they found inmate S hanging from the bathroom window, in a standing position, apparently already dead. A bed sheet had been used as a ligature.

S had left two suicide notes - one for his family and one for the HCC.

The JICS investigation found that there were no material breaches of security and other protocols and that DCS could not have prevented the death.

## Deaths from overdose

Medication is dispensed to inmates in bulk so it is possible for them to collect and store it, with a view to committing suicide through overdosing. It is critical that inmates are observed taking their medication and that officials are vigilant and search inmates and cells diligently, particularly where it is known that an inmate receives a bulk supply.

JICS believes that inmates on chronic medication should not receive medication in bulk, but receive (and be observed to take) their medicine daily.

DCS states that this is not possible owing to a combination of overcrowding and understaffing.



### SUICIDE DUE TO APPARENT POISONING

#### 'I'LL BE BACK...'

On 21 October 2019, inmate J was found in his single cell unable to move. He was taken to hospital where he died a short while later. The pathologist found a large amount of grey fluid in his stomach that smelt like disinfectant. Cleaning materials are freely available to inmates as DCS expects them to keep their cells clean at all times. The toxicology report is still outstanding.

JICS found that the inmate was in the single cell at his own request (religious reasons). He apparently believed in reincarnation and several disturbing sketches were found in his cell after his death.

There were no material breaches of security nor other protocols and DCS could not have prevented the death.

## Homicides

Inmate-on-inmate deaths are often, but not always, related to inter-gang rivalry. Inmates are stabbed with self-made knives, assaulted with fists, and/or kicked to death. This extreme violence and brutality occur among both remand detainees and sentenced offenders.

When investigating homicides, JICS aims to determine the culpability of the inmate and/or the DCS official

who allegedly perpetrated the crime, and whether the homicide was the result of specific intent or caused by negligence. In the 2019/2020 performance cycle, there were at least four inmate homicides at the hands of DCS officials.

Case studies appear under the heading 'Investigations' above.



### ST ALBANS MEDIUM B

### EASTERN CAPE

#### 'SIYIBULELE LE NJA' (WE KILLED THAT DOG)

It is alleged that on 1 September 2019, inmate T stabbed an official at St Albans Medium B.

DCS officials allegedly assaulted inmate T so severely that he died either during the assault or shortly after.

JICS investigators struggled to interview DCS officials as they either refused to be interviewed or were allegedly off duty or on leave when they were to be interviewed.

The few officials interviewed all stated that they did not assault any inmate and that they did not see who assaulted the inmate.

JICS has no power to force DCS officials to cooperate during its investigations.

Inmates interviewed all stated that inmate T was severely assaulted by DCS officials and were also able to identify some of the officials. Medical evidence supported the inmates' statements.

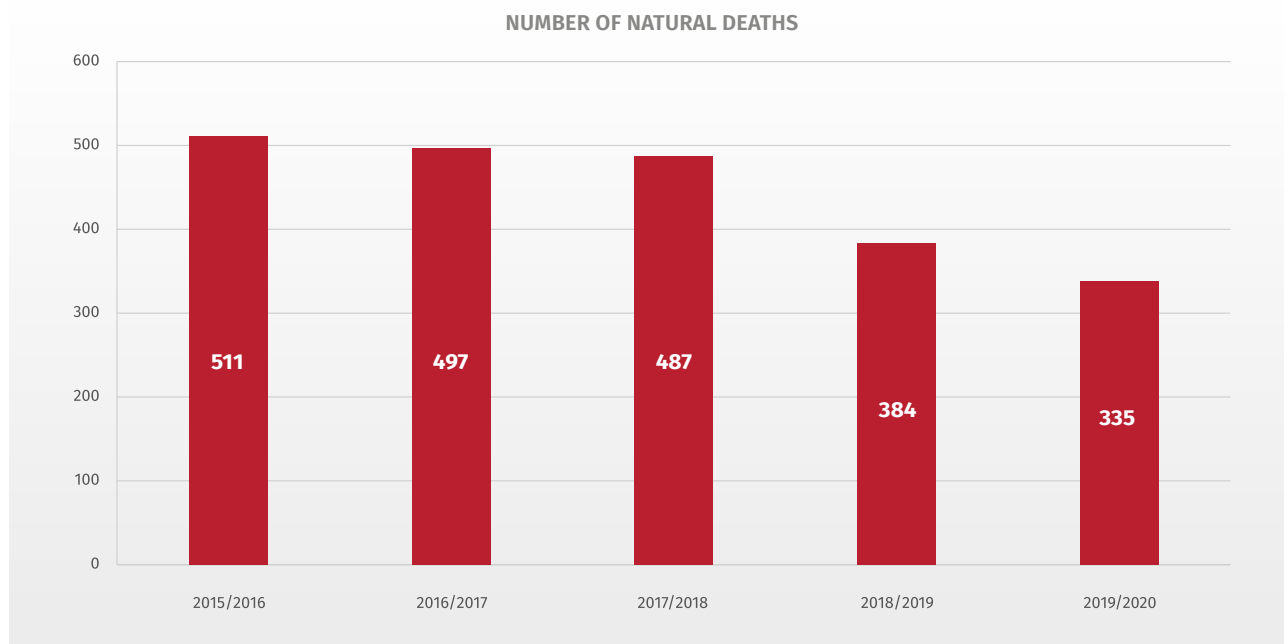
The internal investigation report from DCS is still outstanding.

## Deaths from natural causes

Due to the dysfunctional DCS electronic reporting system, JICS cannot report the exact number of natural deaths in correctional facilities for this performance cycle.

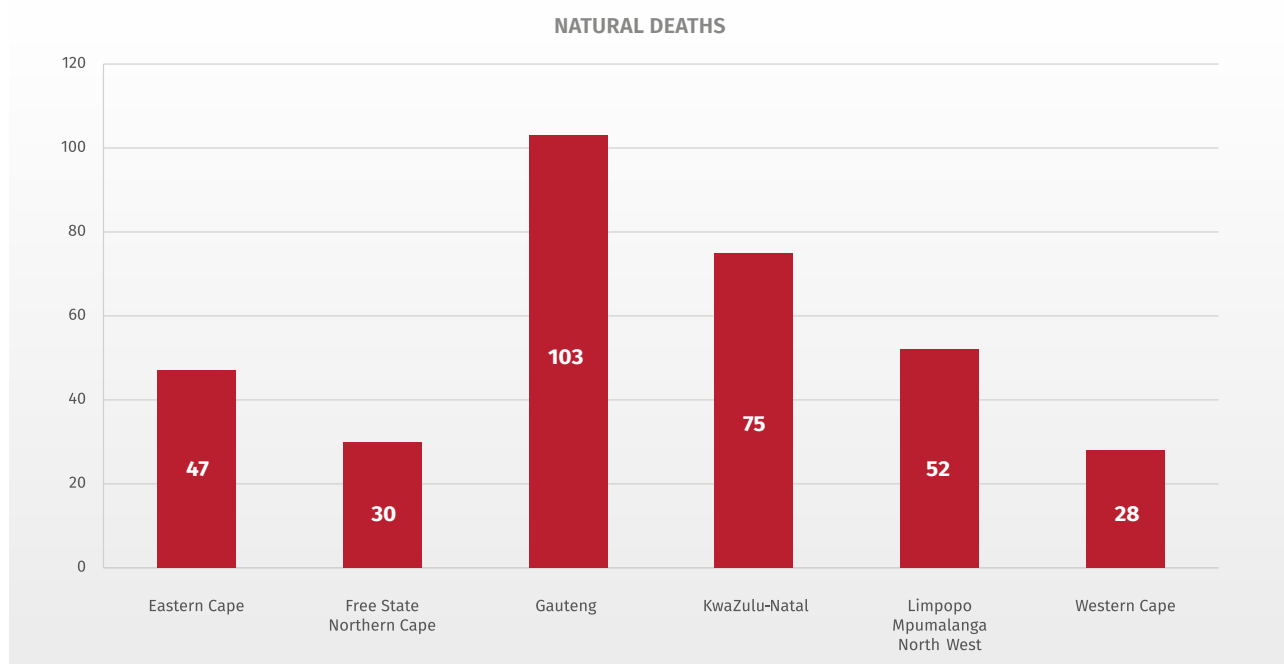
However, DCS reported 335 deaths from natural causes to JICS, which indicates a continuing decrease. This seems attributable to the efficacy and efficiency with which DCS manages inmates with renovascular disease and tuberculosis.

The graph below shows the number of deaths from natural causes from the 2015/2016 to 2019/2020 performance cycles.



Graph 12: Deaths from natural causes 2015/2016 to 2019/2020

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



Graph 13: Deaths from natural causes per DCS regions 2019/2020

## Segregation

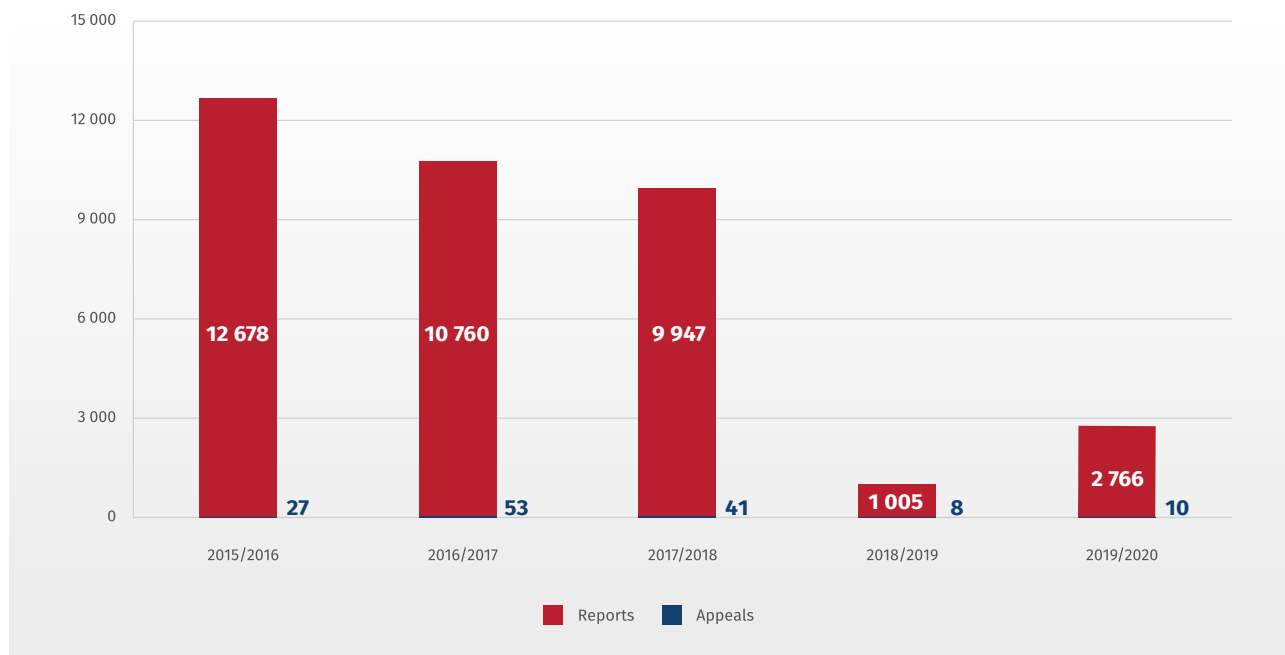
No accurate statistics of the number of segregated inmates could be obtained because of the dysfunctional DCS electronic reporting system. However, DCS reported 2 766 segregations to JICS for this performance cycle.

Even though it is a significant improvement on the previous reporting cycle, in which only 1 005 cases were

reported, it is still significantly less than before the collapse of the electronic reporting system.

In previous years, DCS reported about 10 000 segregations each year. It seems, therefore, that only around 10% of all segregations are currently being reported to JICS.

The graph below reflects the number of segregations reported by DCS from 2015/2016 to 2019/2020.



**Graph 14: Number of segregations reported to JICS over the past five years**

Inmates may appeal their segregation to the Inspecting Judge, who must make a decision within 72 hours of receipt of the application. Ten appeals were received and dealt with during the performance cycle.



### KGOSI MAMPURU CENTRAL

On 6 September 2019, JICS received a segregation appeal from the brother of inmate M, who alleged that in the early hours of 24 August 2019, DCS officials had searched his cell and found a cellphone. He was immediately segregated without following the procedure in Section 30(1) of the CSA.

JICS requested and received all relevant documents from DCS, which had subjected the inmate to an informal disciplinary hearing in terms of Section 24(3) of the CSA only after segregation. During the hearing, M was sanctioned to 42 days'

segregation. That a cellphone was found was not in dispute, only the segregation of M without due process, which was found to be unlawful in terms of Section 30(1)(f), as Section 30 of the CSA does not deal with placing an inmate in segregation when in possession of an unauthorised item.

It was recommended that DCS educate and train its officials on the placement of inmates in terms of sections 7 and 30 of the CSA.

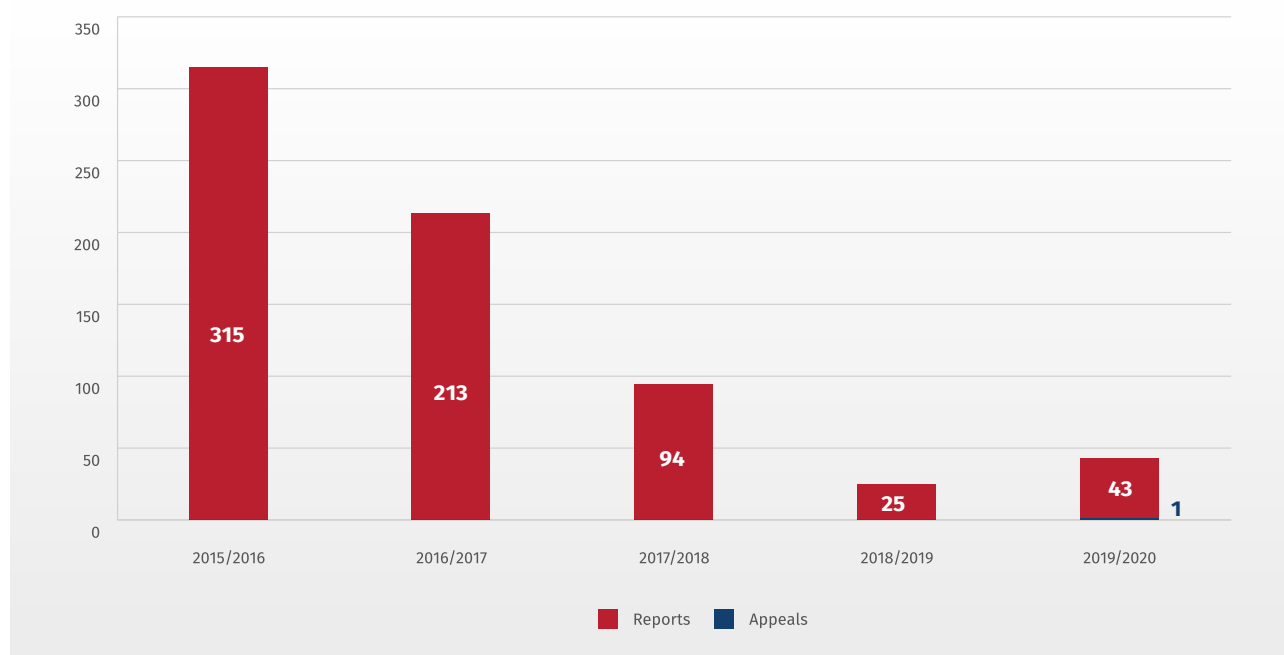
### GAUTENG

## Mechanical restraints

The use of mechanical restraints is regulated by Section 31 of the CSA. During the performance cycle, JICS received 43 such reports. This was an increase of 18 over the 25 of the 2018/2019 performance cycle. The effect of the dysfunctional electronic reporting system from 2016

to date is evident in the obvious underreporting by DCS, in spite of a manual reporting system officially approved by the NC and communicated to all HCCs.

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



**Graph 15: Number of mechanical restraint cases reported over the past five years**

Only one inmate appealed the use of mechanical restraints – in terms of Section 31(7) of CSA – in the current performance cycle.



### EAST LONDON MAXIMUM

JICS received a mechanical restraint appeal on 25 October 2019 from inmate V.

The mechanical restraint was reported to JICS by DCS only on 30 October 2019, after the inmate had appealed the use of the mechanical restraint.

DCS alleged that inmate V was placed in mechanical restraints and segregated following an escape that took place at Middledrift Correctional Centre.

Inmate V complained that the leg irons were used even at night, preventing him from sleeping, as they were heavy and cold, and caused bruising.

JICS requested and received details of the case from DCS and established that inmate V had been in segregation from 15 October 2019 (the segregation was reported to the Inspecting Judge on 22 October 2019) and that he had been restrained with leg irons while he slept.

### EASTERN CAPE

Section 30(1)(e) of the CSA provides that an inmate may be placed in segregation on being recaptured after an escape. Sections 31(6) and (7), however, state that mechanical restraints – including handcuffs and leg irons – may never be used as punishment or disciplinary measure and may be used only outside inmates' cells.

The recapture and segregation were not in question, only whether DCS can mechanically restrain inmate V in his cell with leg irons while he sleeps.

JICS found the use of mechanical restraint on inmate V in his cell and at night unlawful and in violation of Section 31(7) of the CSA and DCS was requested to rectify the situation.

DCS was also advised that inmate V was to be offered medical treatment for bruising.

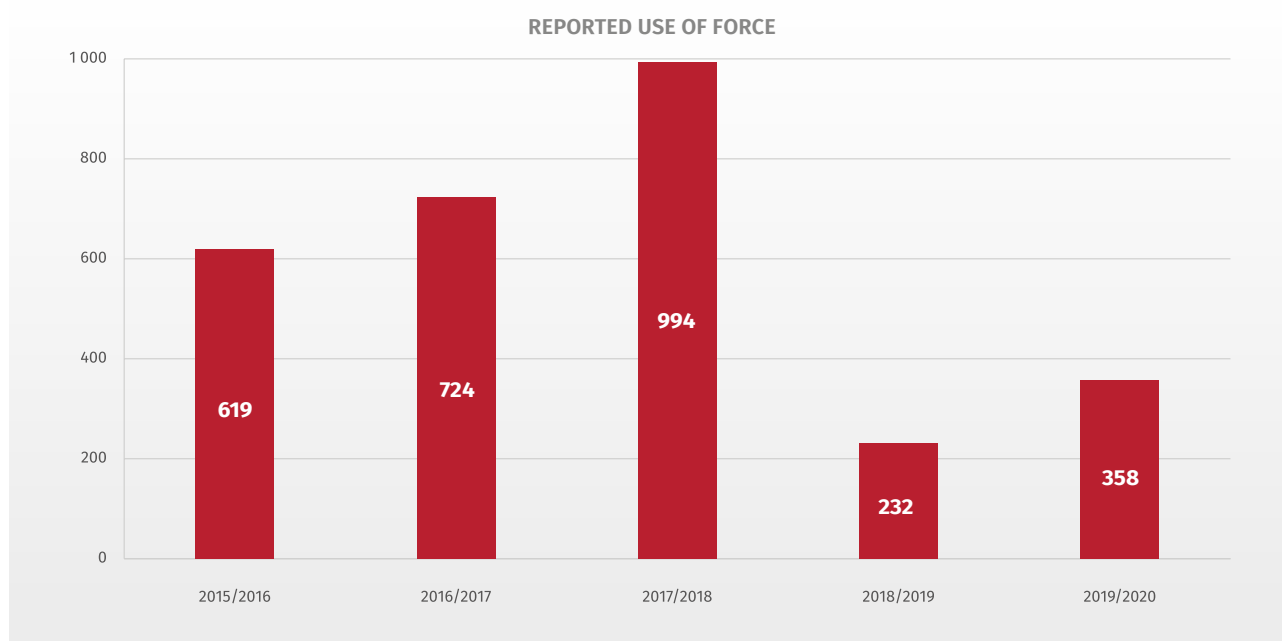
## Use of force

In the performance cycle, 358 instances of use of force by DCS officials were reported to JICS, which is an increase of 126 reports over the 2018/2019 financial year.

Section 32 of the CSA permits and regulates the use of force by DCS officials. Minimum force can be used for self-

defence, for the defence of another person, to prevent an inmate from escaping, and for the protection of property.

Use of force must always be to achieve the safe custody of inmates, with the emphasis on restraining the inmate(s) and stabilising the situation. The dysfunction of the DCS electronic reporting system was again evident in obvious underreporting, as illustrated in the graph below.



Graph 16: Use of force reported in the past five years



### DRACKENSTEIN YOUTH

A fight broke out among inmates following a sexual assault on 3 September 2019 that was gang-related.

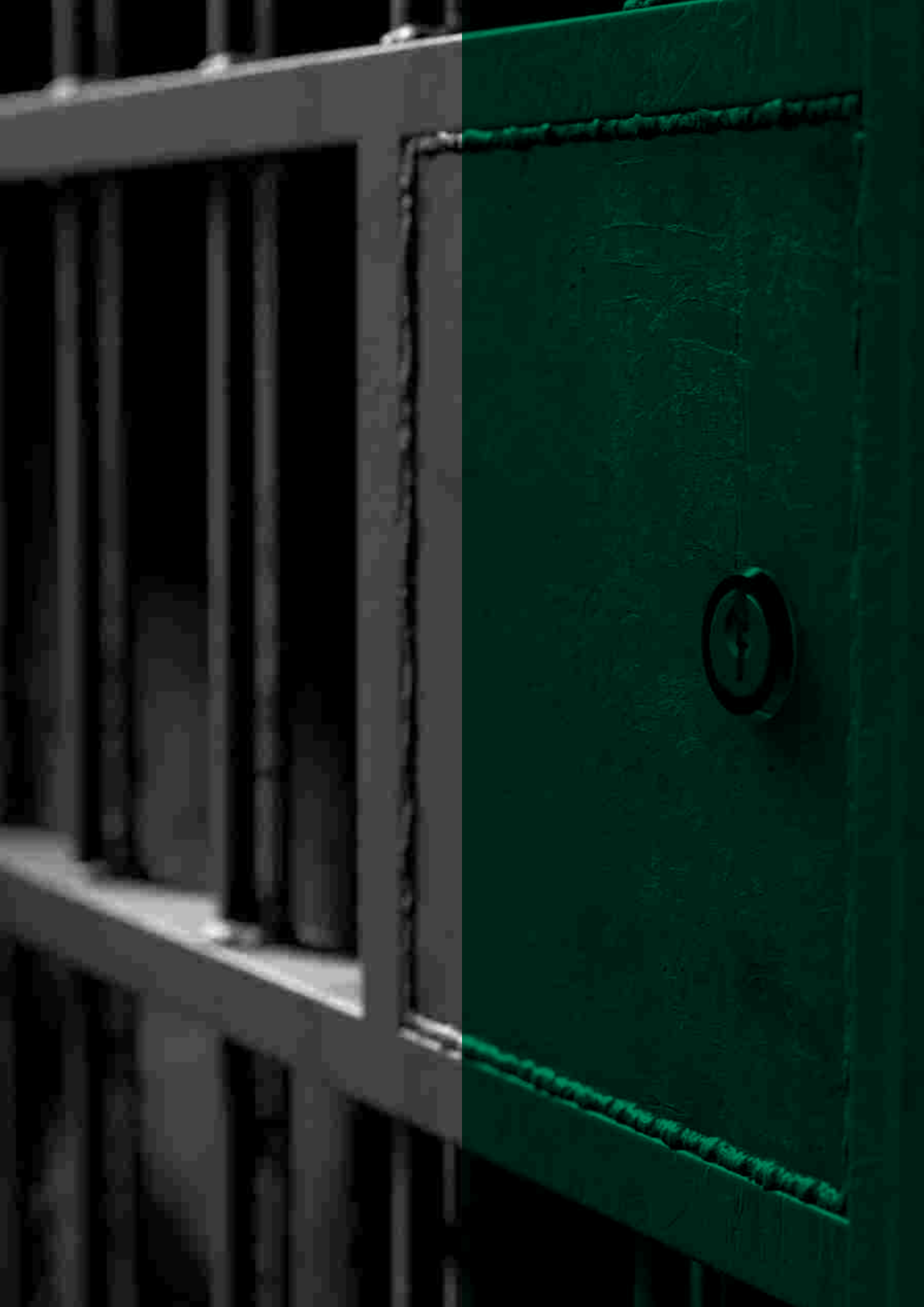
Inmate AT, who sustained a laceration of about 2cm on his forehead, alleged that officials assaulted him while trying to stop the fight.

### WESTERN CAPE

JICS found that the officials used force when they opened the cell and instructed the inmates to exit. Inmate AT was aggressive and was grabbing other inmates.

Even though tonfas were used, it was found that DCS officials used minimum force to defend other inmates as stipulated in Section 32 of the CSA.

**Disclaimer:** This report reflects mandatory reporting statistics officially reported to JICS by DCS throughout the 2019/2020 year. However, mandatory statistics provided by DCS on 3 July 2020 are at variance with its updated report and show gross underreporting.





**PART**

**C**

**DIRECTORATE  
MANAGEMENT  
REGIONS**

# OVERVIEW OF THE DIRECTORATE MANAGEMENT REGIONS

The regional office must enhance and strengthen the management of ICCV duties and responsibilities by giving oversight on human rights issues of inmates and the promotion of stakeholder engagement in correctional

matters and managing all unresolved complaints of inmates at visitor committees. Directorate Management Regions (DMR) is an operational wing of JICS that brings services closer to inmates, stakeholders and communities.

## THE ICCV OVERSIGHT SYSTEM

The ICCV system promotes and protects inmates' human rights and includes monitoring of conditions of correctional centres and the treatment of inmates. Persons appointed to serve in this crucial role should have a vested interest in correctional and human rights matters. ICCVs deal primarily with complaints from inmates through:

- Regular visits;
- Interviewing inmates in private;
- Recording complaints in an official diary and monitoring the manner in which they are dealt with; and
- Discussing complaints with the HCC or subordinate correctional official to resolve issues internally.

### Minimum standard of service delivery by ICCVs

The minimum standard of service delivery (MSSD) is the standard operating procedure for ICCVs, which determines service standards and procedures.

It includes site visits, interviews with inmates, monitoring of G365 registers, private consultations with inmates and attendance of visitor committee (VC) meetings.

**Site visits:** During a site visit, the ICCV is expected to conduct a full-scale observation, which includes visiting all communal cells, special care units, hospitals, kitchens and any other places within the correctional centre. The observations of the ICCVs are reflected in their monthly reports, including conditions under which inmates are incarcerated, rehabilitation programmes offered, and the number of state patients and foreign national inmates. There were 5 633 site visits during the period under review.

**Interviews:** As a key performance area, ICCVs must interview inmates. During interviews inmates may register complaints and requests, which are recorded in an 'Index of interview' register. The ICCV then monitors how the complaints are handled and resolved by DCS officials. During the 2019/2020 performance cycle, ICCVs conducted 134 806 interviews.

**Private consultations:** ICCVs are required to consult with inmates to address complaints and requests that have not been resolved in the correctional centre. They also facilitate the resolution of complaints between the HCC and inmates. During the 2019/2020 performance cycle, ICCVs conducted 49 643 private consultations.

### Complaints referred to VC as per Section 94(3)(a) of the CSA

ICCVs referred 190 complaints to the VC for resolution. All were resolved and feedback provided to inmates. The table below depicts VC meeting performance outputs.

Management region	Site visits	Interviews	Private consultations	Complaints referred to and discussed at VC meetings	Number of complaints resolved at VC meetings
CMR	1 412	23 761	9 957	123	123
KZNMNR	642	28 863	16 151	12	12
NMR	1 201	44 635	48 848	15	15
ECMR	860	21 899	7 730	27	27
WCMR	1 518	15 648	3 421	13	13
<b>TOTAL</b>	<b>5 633</b>	<b>134 806</b>	<b>86 107</b>	<b>190</b>	<b>190</b>

Table 14: MSSDs for 2019/2020 performance cycle

## Number and nature of complaints handled by ICCVs

ICCVs monitored and handled 33 863 complaints during this performance year. These complaints are reported in 25 categories or types of complaints as shown in the table below:

Nature of complaint	Regions					Total per category
	CMR	ECMR	KZNMR	NMR	WCMR	
Appeal	300	104	991	723	36	2 154
Assault (inmate on inmate)	254	63	135	89	93	634
Assault (official on inmate)	115	42	44	41	116	358
Assault (sexual)	8	3	5	9	3	28
Bail	42	134	1 231	449	349	2 205
Communication with family	228	466	851	1 250	250	3 045
Conditions	69	63	116	553	245	1 046
Confiscation of possession	5	10	57	16	16	104
Conversion of sentence	2	5	13	7	8	35
Corruption	5	0	3	0	1	9
Food	84	66	155	261	243	809
Healthcare	320	563	262	551	573	2 269
Hunger strike	12	8	22	6	0	48
Inhumane treatment	17	23	20	32	124	216
Legal representation	218	216	1 108	786	349	2 677
Medical release	3	3	3	2	0	11
Parole	36	412	129	385	261	1 223
Reclassification	85	52	75	188	205	605
Rehabilitation programmes	114	175	516	488	268	1 561
Remission	72	79	43	9	17	220
Request for social worker	84	0	38	263	130	515
Torture	1	1	2	0	0	4
Transfer	687	677	1 606	1 187	247	4 404
Other	1 246	1 771	1 133	3 196	2 254	9 600
Attempted suicide	11	4	5	2	61	83
Total	4 018	4 940	8 563	10 493	5 849	33 863

**Table 15: Complaints handled in management regions per category**

## Brief analysis of complaints

The most prevalent complaints are other, transfers, communication with family, legal representation, healthcare, bail and appeals. Below is an explanation of these complaints.

### a) Other

The category 'other' refers to numerous requests and complaints, including inmate's uniform, toiletries, requests to see a social worker because of family issues and requests for victim offender mediation. These are mostly day-to-day requests and complaints that ICCVs deal with during their visits. Consistent visits of

ICCVs in the correctional centres are essential because they frequently facilitate crucial inmate complaints. Implementation of the Public Servants Association guidelines on working hours for ICCVs ensure that ICCVs are visible in the centres daily. Inmate basic rights may be violated without the provision of ICCV oversight in the correctional centres. ICCVs facilitate and ensure that inmates are afforded the opportunity to be seen by DCS officials. ICCVs' interventions have had a tremendous impact on resolving inmate concerns and complaints.

### b) Transfer

Transfers were the second most prevalent complaint during this performance cycle. Most commonly this was to

allow inmates to be closer to family. Transfer applications from inmates were handed to HCCs or delegates to process as per Section 43 of the CSA. However, most of these requests are processed only when the inmates are close to their parole release date. Many applications are not approved, due, state the HCCs, to correctional centres being overcrowded and not able to accommodate more inmates.

### c) Communication with family

Section 13 of the CSA deals with community contact. Although most remand detainees assert to being incarcerated without the knowledge of their families, correctional facilities allow inmates to contact their families. ICCVs' availability plays an important role in ensuring that inmates are assisted.

### d) Appeals, bail and legal representation

Most appeals, bail and legal representation complaints received from inmates were referred to Legal Aid South Africa as per the memorandum of understanding. In many of these complaints, inmates:

- Request legal representation to assist with bail applications.
- Complain about lack of feedback from legal representatives on their appeal cases or petitions.

- Are not able to afford bail (many inmates receive bail, but DCS is unable to confirm their addresses).

### e) Healthcare

Most of these complaints are about access to medication and medical treatment. Complaints included stomach pains, coughing, headaches, fever, and requests to consult with a medical doctor or be tested for tuberculosis and HIV, and enquiries about their referral dates to outside hospitals. ICCVs also dealt with complaints relating to mentally ill inmates.

### f) Sexual assault

During this performance cycle, 28 cases of sexual assault were reported, many of which concerned repeated sexual abuse by fellow inmates.

Most of these inmates were given post-exposure prophylaxis within 72 hours of the assault and were observed by professional nurses in the hospitals and external crisis centres. They were given the opportunity to lay a criminal charge with SAPS, while DCS undertook to conduct internal investigations.

Below are some incidents/allegations of sexual assault dealt with by ICCVs during this performance cycle:

Facility	Number of incidents	JICS region	Comments
Baviaanspoort Medium B	1	Gauteng	The inmate alleged that he joined the 28-gang, was given a tattoo and, thereafter, sexually assaulted by another inmate. The complainant was referred to hospital and the matter is being investigated. He was also referred to a psychologist and social worker. The inmate did not want to report the case to SAPS.
Ebongweni	1	KwaZulu-Natal	The inmate complained that DCS official X inappropriately touched him during a body search.  Allegations could not be substantiated and the file was closed.
Grootvlei Medium A	3	CMR	Incident 1: The inmate alleged that he overdosed on medication and was sexually assaulted by fellow inmates, but was not able to identify the perpetrators. He received medical attention and was referred to the social worker. Incident 2: The inmate alleged sexual assault by fellow detainees and the matter was reported to SAPS. The inmate was referred for a medical examination, an investigation was conducted, and he was separated from the other detainees. Incident 3: The inmate alleged sexual assault by another. He was separated and underwent a medical examination. Although according to the G337, no injuries were observed, this did not prove that the incident did not occur. The matter was reported to SAPS and for internal investigation.
Harrismith	1	CMR	The remand detainee was allegedly sexually assaulted by a fellow detainee on the evening of 18 October 2019. The inmate received post-exposure prophylaxis on 21 October 2019 from an external service provider within the prescribed 72 hours, which was reflected in the doctor's discharge summary form. The inmate opened a criminal case with SAPS. DCS conducted an internal investigation and recommended that the alleged victim be given counselling by health professionals and that the alleged perpetrator be disciplined in terms of internal policies. The perpetrator appeared in court on 24 October 2019 and was erroneously released.

Facility	Number of incidents	JICS region	Comments
Johannesburg Medium B	1	Gauteng	<p>The sentenced inmate alleged that he was raped by DCS members during a DCS search. The complaint was investigated by DCS and independently by JICS.</p> <p>Both investigations found that the complaint was unsubstantiated and the matter was recorded as finalised. After the alleged incident, the inmate was transferred to Leeuwkop Correctional Centre as he had previously made unfounded allegations against DCS members at Johannesburg Correctional Centre.</p>
Johannesburg Medium A	2	Gauteng	<p>Incident 1: An awaiting-trial detainee alleged that he was raped during the night. He was separated from the perpetrator and was referred to the correctional centre's doctor. A criminal case was reported to SAPS.</p> <p>Incident 2: An awaiting-trial detainee alleged that he was raped in a communal cell. He was moved to a single cell for his safety and referred to the correctional centre doctor and the psychologist. A criminal case was reported to SAPS.</p>
Leeuwkop Medium A	1	Gauteng	<p>The offender was referred to the correctional centre hospital, social worker and psychologist.</p> <p>A criminal case of sexual assault was reported to SAPS. The inmate was removed from a communal cell to a single cell for his safety.</p>
Pietermaritzburg	1	KZNMR	<p>An inmate was sleeping in a communal cell when the perpetrator woke him up with a sharpened wire and took him to the toilet. The victim was raped and after the incident was forced to take a bath.</p> <p>The victim was medically treated and segregated for his own safety. A case was lodged with SAPS. On enquiry, JICS was informed by DCS and SAPS Pietermaritzburg that the matter is pending and the investigation has not been finalised.</p>
Qalakabusha	1	KZNMR	<p>An inmate alleged that drugs were used to intoxicate him before he was sexually assaulted by a fellow inmate.</p> <p>He was taken for medical treatment and was assisted to lay a criminal case with SAPS.</p>
Thohoyandou Medium A	1	Limpopo, Mpumalanga and North West	<p>The inmate was removed from the communal cell and placed in a single cell for his safety, and was referred to the public hospital for further assistance. The matter is being investigated by SAPS.</p>
Zonderwater Medium A	1	Gauteng	<p>The inmate reported to the ICCV that while he was sleeping, the inmate with whom he shared a bed raped him. The victim stated that he was HIV positive and on antiretrovirals.</p> <p>The inmate was taken to a psychologist and social worker. A criminal case was opened with SAPS.</p> <p>The court case is still pending, with the next court date 2 July 2020.</p>
Burgersdorp	1	ECMR	<p>An inmate sharing the top bunk bed instructed the 21-year-old inmate at 03:00 to strip naked. After the rape, he was instructed not to tell anyone or he would be killed. He reported the incident and was given post-exposure prophylaxis, placed in a single cell and referred to a social worker. He was also given the opportunity to lay a charge with SAPS.</p>

**Table 16: Incidents/alleged sexual assaults dealt with by ICCVs during 2019/2020 performance cycle**

The non-governmental organisation Sonke Gender Justice, in its article 'Inmates' rights and sexual abuse in South African prisons' comments that the stigma of rape, when perpetrated against men and boys, contributes to making sexual abuse in correctional centres a taboo subject.

The article states that such sexual abuse occurs most often between male inmates, the power structures

underlying the correctional centre's rape culture reinforcing traditional gender norms and negative ideas of masculinity. In these relations, one inmate assumes a dominant role and emasculates and feminises his victim through sexual assault.

Sexual assault is a clear violation of human rights. It thus constitutes an urgent complaint. Inmates are protected

under the Constitution (Bill of Rights), which provides that everyone who is detained, including every sentenced inmate, has the right to conditions of detention that are consistent with human dignity. Since HIV is prevalent in detention facilities, sexual assaults may have significantly adverse health implications, increasing the spread of HIV both inside correctional centres and, upon release, outside, aggravating community risk.

### g) Corruption

Corruption has a widely negative impact on society and is especially harmful to the rights of inmates. During this performance cycle, 10 cases of corruption were reported,

a strongly suspected underreporting. Inmates may fear for their lives should they report corruption. Thus innovative methods of reporting must be developed. Corruption is inimical to the maintenance of good order and to safe and humane custody in correctional centres. It negatively affects rehabilitation of inmates and defeats the purpose of corrective measures of incarceration.

Corrupt incidents reported include payment for a service or for the enjoyment of privileges to which inmates are entitled, and smuggling and trading in contraband as a result of official-inmate dependent relationships (e.g. dagga and cellphones etc).



#### DURBAN MEDIUM A

#### KWAZULU-NATAL

An ICCV received a complaint from a remand detainee, which was recorded in the G365 register on 2 August 2019. The complainant, a foreign national from Burundi, alleged that his prison card was reissued by the centre to another inmate under false pretext (using his fingerprints). The

culprit intentionally used the prison card to rent a TV set for himself and the complainant incurred the costs. DCS is still investigating. JICS requested a copy of the internal investigation report, but feedback is still outstanding.



#### GOEDEMOED MEDIUM B

#### CENTRAL

The ICCV received a complaint from an inmate on 12 February 2020 who alleged that two officials were renting their personal cellphones to the inmates at the cost of R50 a session. The

ICCV referred the matter to the HCC on 19 February 2020. DCS management is investigating.



#### LADYBRAND

#### FREE STATE

The ICCV received a complaint of corruption from an inmate on 8 July 2019, with the inmate alleging that there was an arrangement between him and an official to withdraw money from his South African Social Security Agency card to re-deposit into the account of the inmate's child. He alleged that

the official withdrew the money on 1 July 2019 and did not redeposit the full amount into the child's account as agreed. The ICCV brought the matter to the attention of the HCC on 12 July 2019. DCS is investigating.

More than a decade and a half ago, the Jali Commission of Inquiry into allegations of corruption and maladministration at correctional centres clearly clearly portrayed something fundamentally wrong, and stressed that government cannot ignore it. New methods to report corruption in correctional centres would show that corruption was rife and that there was little regard for the rights and protection of inmates.

According to Prof Muntingh, in his article dated 10 August 2016, 'Investigating prison corruption in South Africa', the Grootvlei video, as it became known, and the Jali Commission hearings provided an intriguing glimpse into life within a correctional centre. The author maintains that corruption redirects resources intended for public benefit to private gain, or requires citizens to pay for free services to which they are entitled. Therefore, corruption affects the rights of citizens and those of inmates by either denying them a service (a right), or making the

service (the right) conditional on payment. In some remand detention facilities, inmates are made to pay to sleep on a bed, or receive basic rights such as toiletries. DCS has authority to eradicate these acts and is trying to do so, but, in some centres, there is no reporting. This may suggest to a reasonable observer that DCS consents to the conduct.

### h) Hunger strikes

Forty-eight hunger strikes, a category regarded as urgent, were reported during this performance cycle. DCS officials must try to resolve the issues identified by inmates as leading to hunger strikes. Prolonged hunger strikes may cause serious personal injury or harm, even death. Hunger strikes are a common protest used to bring to the attention of HCCs or officials to inmates' requests or complaints. With no recourse, refusal of food becomes the only avenue. Hunger strikes are attributed to factors including:

- Unattended complaints and lack of assistance.
- Segregation after being found in possession of unauthorised items.
- Dissatisfaction caused by delays and rejection of transfer applications, which denies inmates the opportunity to be closer to their families or participation in rehabilitation programmes not available where they are incarcerated.

### i) Medical release

Section 79(1) of the CSA states that 'Any sentenced offender may be considered for placement on medical parole by the National Commissioner, the Correctional Supervision and Parole Board or Minister, as the case may be', if

- (a) Such an offender is suffering from a terminal disease or condition or if such an offender is rendered physically incapacitated as a result of injury, disease or illness, so as to severely limit daily activity or inmate self-care,
- (b) The risk of re-offending is low, and
- (c) There are appropriate arrangements for the inmate's supervision, care and treatment within the community to which the inmate is to be released.

During this performance cycle, only 11 medical paroles or releases were reported – an unsatisfactorily low number. With proper application and attachment of all relevant documentation, many more inmates could be considered for medical parole.



#### DURBAN MEDIUM B

KWAZULU-NATAL

The sentenced inmate submitted a request in November 2018 to be considered for parole on medical grounds, in terms of Section 79 of the CSA. The inmate suffers from chronic disease, he is wheelchair-bound and has amputated legs with serious medical complications. His request was refused by the local Correctional Supervision and Parole Board because he was not

eligible for medical parole and did not meet the mandatory criteria (he was not terminally ill or physically incapacitated and could still carry on with his daily activities). His application was referred to the Medical Parole Advisory Board for consideration and the latest report from the correctional centre indicates that the inmate was released on parole.



#### KOKSTAD MEDIUM

KWAZULU-NATAL

The inmate asked the ICCV to assist with an application for release on medical grounds in terms of the CSA, having type 1 diabetes and renal failure, and being wheelchair-bound with an amputated left leg below the knee, totally blind and using

hearing aids. The application, which was submitted by the correctional centre to the Medical Parole Advisory Board on 29 August 2019, was approved and the inmate released on 9 March 2020.



#### CHRISTIANA

NORTH WEST

On 1 October 2019, the ICCV dealt with an application for parole from a 76-year-old inmate who allegedly was arrested with a bullet in the leg and incarcerated at the Christiana Correctional

Centre. The matter was referred to the parole board for consideration. On 11 March 2020, the inmate was released on parole, as he qualified for the Presidential Special Remission.

### j) Attempted suicide

Eighty-three attempted suicides were reported during this performance cycle. DCS does not have enough mental health professionals to attend and provide care to suicidal inmates, who need psychological care in an environment with adequate resources that is not anti-therapeutic. DCS must endeavour to prevent suicides in its centres, since suicide is a human rights issue as well as a public health concern. Reasons for suicide or attempted suicide include conflict, assaults from fellow inmates and the inability to cope with the death of a family member. In one case, an inmate broke a window and tried to cut his own throat. He had not been identified as a potential suicide risk during an initial screening, but only after continued screening.

The inmate alleged that he wanted to commit suicide as he was afraid of a gang that wanted him dead. He was seen by the social worker and psychologist and later referred to a healthcare facility. DCS recommended that the inmate be transferred.

### k) Torture

During the performance cycle, JICS reported four cases of torture, another urgent category. The Prevention of Combating and Torture of Persons Act 13 of 2013 legislates the country's obligations in terms of OPCAT, to prevent and combat the torture of persons anywhere.

The right to dignity is a founding value of the democratic state in Section 1 of the Constitution and calls for the autonomy of each human being and the right of everyone

not to be devalued as a human being or treated in a humiliating manner. This is an inalienable right that gives rise to, among other rights, freedom and security of the person, specifically the right not to be tortured and not to be treated or punished in a cruel, inhuman or degrading way.

The Universal Declaration of Human Rights, particularly Article 5, reinforces the absolute, universal prohibition of torture and other forms of ill-treatment. The same is provided in the Robben Island Guidelines, which state: 'No prisoner shall be subjected to, and all prisoners shall be protected from, torture and other cruel, inhuman or degrading treatment or punishment, for which no circumstances whatsoever may be invoked as a justification.' This implies that prohibition is 'non-derogable' in that the state is not permitted to temporarily limit prohibition on torture under any circumstances.

Therefore, DCS has a positive duty to ensure that inmates are detained in a secure and humane environment. The Rome Statute, Article 7, lists torture as a crime perpetrated against humanity and whose prohibition is reinforced.

South Africa signed OPCAT on 20 September 2006. On 28 February 2019, cabinet referred OPCAT to Parliament for ratification in terms of Section 231(2) of the Constitution. Both the National Assembly and the National Council of Provinces approved the ratification of OPCAT on 28 March 2019.

South Africa deposited the instrument of ratification of OPCAT with the Secretary-General of the United Nations in New York on 20 June 2019. Under Article 28(2), OPCAT came into effect for South Africa on 20 July 2019. One of the country's main OPCAT obligations is to establish or designate an NPM, with JICS as a stakeholder.



#### DURBAN MEDIUM A

#### KWAZULU-NATAL

The inmate alleged to the ICCV that he was tortured and repeatedly assaulted by SAPS officials, who coerced him into pleading guilty to the murder of his aunt on 19 June 2016. The inmate sustained several injuries. On 5 February 2020, this

complaint was referred to the Independent Police Investigative Directorate, an oversight body that deals with complaints against SAPS officials.



#### GROENPUNT MEDIUM

#### GAUTENG

The inmate alleged he was assaulted by DCS officials, who maintained that the inmate had a cellphone and that his wife had provided him with dagga. The inmate, with three other offenders, was tied to a table, electrocuted, beaten with a tonfa

and forced to confess to the accusations on 21 February 2020. The inmate lodged a criminal case against the officials. The matter is pending and under investigation.



#### MDANTSANE

#### EASTERN CAPE

Two inmates alleged that they were tortured by the DCS national task team during Operation Vala in December 2019. Inmate J stated that he was beaten with a tonfa, instructed to strip naked and was shocked repeatedly with a stun gun on

his head, lower body and private parts. He has been suffering from headaches since the incident. The matter could not be pursued, since the inmates were not able to identify the alleged perpetrators.

## VISITOR COMMITTEE MEETINGS

VCs are established in particular management areas by the Inspecting Judge, in that they are creatures of statute in terms of Section 94(1) of the CSA. The VC comprises all the ICCVs appointed in that management area and meets at least once a quarter. Nationally, there are 39 constituted and established VCs.

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

- To consider unresolved complaints with a view to their resolution.

- To submit complaints to the Inspecting Judge that the VC cannot resolve.
- To arrange a schedule of visits.
- To extend and promote the community's interest and involvement in correctional matters.
- To submit minutes of meetings to the Inspecting Judge.

VC meetings are held quarterly. During the period under review, however, challenges prevented all of the scheduled VCs from being held. The meetings resolved 190 complaints.

Region	Planned VC meetings	Actual number of VC meetings held	Number of complaints	Reasons for deviation from the planned meetings	Corrective steps if necessary
CMR	36	24	123	Rustenburg, Goedemoed and Colesburg VCs were dysfunctional because meetings were not quorate, ICCV recruitment and the national lockdown.  Bethlehem and Groenpunt VCs were combined in the third and fourth quarter of the financial year because of the limited number of ICCVs.	VC meetings to be rescheduled when the lockdown is eased.
ECMR	23	13	27	Some VCs could not be held because of ICCV vacancies, lack of quorum and non-attendance owing to ICCV recruitment across the region (crucial filling of posts to ensure representivity).  The region combined two VCs as a time and cost saver: Mthatha meeting took place at Flagstaff to include Lusikisiki, and Queenstown (including Aliwal North, Middelburg and Butterworth VCs). It ensured that all VCs held meetings.	VC meetings to be rescheduled when the lockdown is eased.
KZNMR	27	18	12	The high number of ICCV vacancies in other management regions rendered some VCs not fully operational, i.e. they did not form a quorum. Furthermore, in August 2019, most VCs could not sit owing to recruitment to fill ICCV vacancies. The national lockdown also prevented meetings.	VC meetings to be rescheduled when the lockdown is eased.
NMR	18	11	15	Recruitment, selection and appointment of ICCVs in vacant posts. Meetings did not form a quorum. National lockdown.	VC meetings to be rescheduled when the lockdown is eased.
WCMR	22	19	13	Over-performed to make up VC meetings missed in previous quarter.  New appointments on 1 October 2019 resulted in visitor centre coordinators attending ICCV training and induction at the expense of VC meetings.  All meetings were postponed because of ICCV interviews in December 2019.  Meetings did not form a quorum.	VC meetings to be rescheduled when the lockdown is eased.
<b>DMR TOTAL</b>	<b>126</b>	<b>85</b>	<b>190</b>	<b>-</b>	<b>-</b>

Table 17: VC meetings in each JICS region

During these meetings, in-house training is provided to ICCVs. Therefore, attendance of JICS representatives and/or regional managers strengthens VCs and encourages ICCVs to submit complicated, serious and critical complaints after exhausting all avenues at the centre. As of the last quarter of the performance cycle, VC meetings were chaired by the regional managers or

the assistant regional managers. This change resulted in positive interaction and increased participation from stakeholders. Collaboration with DCS, the primary stakeholder, and external stakeholders including Legal Aid South Africa has been critical in accomplishing the vision and mission of JICS.

## INCARCERATED STATE PATIENTS

Incarcerated state patients have been included in this section of the report as the plight of this vulnerable group has been raised specifically at stakeholder meetings. As a result, there has been a slight decline in this group's numbers in correctional centres.

The Mental Health Care Act 17 of 2002 provides that an inmate who is certified as a state patient may not be detained in a correctional centre, but must be immediately transferred to an appropriate health facility. Inescapably, backlogs and shortage of bed-space in designated psychiatric hospitals have put more strain on overcrowded correctional centres and inmates who are supposed to be at psychiatric hospitals are housed in correctional centres, while they wait to be transferred to psychiatric institutions.

Section 79 (1)(a) of the CSA states that any person serving any sentence in a prison and who, based on the written evidence of the medical practitioner treating that person, is diagnosed as being in the final phase of any terminal disease or condition may be considered for placement under correctional supervision or parole by the NC, Parole Board or court, to die a consolatory and dignified death. Section 49 D(1) states that the NC may detain a person suspected of being mentally ill in a single cell or hospital section for observation by a medical practitioner. Section 49 D(2) states that DCS must provide within available resources, adequate healthcare services for the prescribed care and treatment of mentally ill remand detainee(s). Section 49 D(3) stipulates that DCS may, as far as practicable, provide social and psychological services to support mentally ill remand detainees and promote their mental health. The table below reflects the number of declared state patients:

Region	Male state patients	Female state patients	Male Juvenile state patients	Total	Remarks
CMR	48	-	-	48	These state patients are incarcerated at Grootvlei (40) and Kimberley (eight). The region is communicating with the Department of Health for accommodation at psychiatric institutions.
ECMR	82	1	-	83	The number of state patients decreased from 95 in April 2019 to 83 in March 2020. Most state patients are housed at remand centres.
KZNMR	22	-	-	22	The number of state patients decreased from 38 in April 2019 to 22 at the end of the financial year.
NMR	32	-	1	33	The 32 are incarcerated at Kgosi Mampuru Local, while awaiting beds at psychiatric institutions. One male juvenile state patient is housed in Limpopo.
WCMR	-	-	-	-	N/A
<b>TOTAL</b>	<b>184</b>	<b>1</b>	<b>1</b>	<b>186</b>	

Table 18: State patient incarceration at 31 March 2020

# STAKEHOLDER MEETINGS

JICS renders oversight in correctional facilities, raises awareness and encourages collaboration of services with stakeholders. VC meetings provide the platform for stakeholder engagements by extending and promoting community interest and involvement in correctional matters. Stakeholders include the interjustice cluster, NGOs, cultural organisations and religious denominations.

- **KwaZulu-Natal:** JICS, which believes in a holistic approach, is actively involved in stakeholder engagement to strengthen and advance a human rights culture in correctional settings, by actively involving all relevant stakeholders to address collectively the challenges that plague and frustrate DCS. VC meetings are a tool to successfully deliver on JICS's statutory mandate. The regions participate in various stakeholder meetings to raise awareness of correctional matters and solicit intervention on matters that fall outside of JICS's mandate.
- **Eastern Cape:** The region is actively involved in stakeholder relations on various levels. Quarterly Provincial Efficiency Enhancement Committee meetings are attended to increase JICS visibility and working relations in the region. The work done by JICS is presented at each meeting, challenges highlighted and solutions actively sought.

A challenge in the performance cycle was the high number of declared state patients in correctional centres, with most in the northern part of the region being held for long periods, while awaiting admission to psychiatric institutions. The fact that the hospital is in another province (KwaZulu-Natal) exacerbated the problem, which was brought to the attention of the Judge President and other role-players, who undertook to review those orders and refer patients to a facility situated in the Eastern Cape, where the movement can be monitored by DCS. This outcome is valued, as it forms part of JICS's continued monitoring and oversight function.

- **Limpopo:** On 12 November 2019, a stakeholders meeting was convened at Kutama-Sinthumule Correctional Centre to discuss the 2018/2019 JICS

annual report which was presented by the JICS CEO. Issues discussed included overcrowding and declared state patients who should not be at the centres. It was agreed that the Department of Health would be invited to the next meeting. The issue of KwaZulu-Natal inmates who are transferred to Limpopo and Mpumalanga was also raised and it was reported that inmates' applications for transfers to their province are refused.

- **Mpumalanga:** On 14 November 2019, a stakeholder engagement meeting was convened at Barberton Correctional Centre, at which the significant number of foreign nationals from Swaziland and Mozambique who come to South Africa for socio-economic factors was noted. Some resort to illegal mining. Several inmates from the Nelspruit Correctional Centre were arrested for being illegal immigrants without the appropriate legal documentation for residency in South Africa. Foreign national inmates have an impact on the overcrowding in Mpumalanga management area correctional centres.

Some inmates have dubious identification, for both South Africa and their country of origin. When they have served their minimum sentence and are eligible for parole, the Parole Board struggles to obtain deportation orders from the Department of Home Affairs immigration offices. Thus the inmates are kept at the centres, contributing to overcrowding. A resolution was taken that the Department of Home Affairs and the Department of Social Development would be invited to the next VC meeting.

Some individuals sent to correctional centres are found to have some form of psychosis. Furthermore, Mpumalanga does not have a psychiatric hospital for declared state patients, who are often sent to Weskoppies Psychiatric Hospital in Gauteng. It was resolved that representatives from the Department of Justice and Constitutional Development and provincial departments of health be invited to the next VC meeting to assist in addressing issues of mutual interest.

# PUBLIC AWARENESS AND ADVOCACY INITIATIVES

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## Free State: Oversight visit by JICS and Provincial Child Justice Forum

JICS and the Provincial Child Justice Forum conducted a joint oversight visit to the Grootvlei Medium A Correctional Centre on 30 October 2019 to observe compliance with Section 30(4) of the Child Justice Act 75 of 2008 and to ascertain whether conditions were in the best interests of juveniles who were incarcerated at the correctional centre. Section 30(4) of the Child Justice Act states: 'A Presiding Officer ordering the detention of a child in prison in terms of this section must direct that the child be brought before him or her or any other court every 14 days to reconsider the order.'

Remand detained juveniles range in age from 14 to 17 years, with detention periods from one day to three months. Only one juvenile was incarcerated for nine months, in compliance with Section 30(4) of the Child Justice Act 75 of 2008. Most of these juveniles have committed murder or rape.

The HCC provided a weekly status report to the JICS regional office and there were continuous meetings between the ICCV and DCS officials to monitor compliance and treatment of the juveniles. The section housing the juveniles was neat, clean and hygienic.

In cases where juveniles were detained without a probation report, the ICCV and HCC intervened to ensure that these matters were handled.

## Free State: Training session at Mangaung

On 4 February 2020, the JICS regional office conducted a training session with the management of Mangaung Correctional Centre. Twenty-two participants, including ICCVs, were present.

The training session imparted knowledge on the role and mandate of JICS with a special focus on its vision and mission. Also discussed were sections of the Constitution, the Bill of Rights and the CSA.

The facilitator explained and emphasised the importance of mandatory reporting, i.e. deaths, use of force, segregation, mechanical restraints and urgent complaints, assaults and torture. The training session was successful and Mangaung management requested further engagement with the JICS regional office.

## Eastern Cape: National Youth Day

While visiting the Cradock Correctional Centre to conduct interviews, the panel also conducted a site visit at the centre since it was Youth Month. The visit raised awareness of the impending appointment of the new ICCV and the role of JICS as an oversight body at correctional centres, and motivated the young inmates to strive for a better and more successful future.

During the visit to the school, it was evident that excellent work is being done at the correctional centre to provide high-quality education to the youth. The HCC and educational staff are going the extra mile to ensure that inmates are well provided with resources and assistance. Classrooms are well-equipped, the library well-stocked and computer skills are successfully taught in the large computer room.

A question and answer session was conducted to ensure that engagement with the young people is meaningful. Their sense of pride in their own achievements and eagerness to learn were clearly visible.

This correctional centre recorded a 100% matric pass rate, while three other candidates obtained national awards for their performance in 2019.

## Eastern Cape: National Women's Day

In celebration of National Women's Day, JICS regional office planned an outreach programme to the East London Female Correctional Centre. After discussions with the HCC, the visit would focus on the centre's mother-and-baby section.

An awareness session drew the attention of the 12 incarcerated mothers to the significance of Women's Month, their rights and responsibilities and the role of JICS at correctional centres. The officials also engaged with inmates, discussing the importance of their roles as mothers.

JICS regional office staff voluntarily provided the mothers and babies with much-needed toiletries, diapers and clothing. This gesture was warmly welcomed and the inmates expressed their gratitude and appreciation to the office and JICS for the important role that it plays at correctional centres.

## Eastern Cape: Thematic inspections and oversight at St Alban's Correctional Centre

The office was inundated with complaints from inmates from the St Alban's Correctional Centre during the first few months of 2019, resulting in a three-day thematic inspection conducted from 22 to 24 May 2019. Complaints included assaults and violence, the condition of the centre, overcrowding, lack of uniforms and the poor quality of food.

After submission of the reports, the former Inspecting Judge, Justice Johann van der Westhuizen, followed up with an oversight visit on 5 July 2019, accompanied by SAHRC Commissioner, Rev Chris Nissen, a delegation from the national and regional office, and members of a local NGO.

The inspection concurred with the outcome of the thematic reports. On 6 November 2019, Rev Nissen conducted another oversight visit to St Albans, inviting a delegation from JICS national and regional office to accompany him and his staff.

The visit set out to:

- Highlight the work of the NPM, derived from OPCAT.
- Ensure the establishment of a similar body in South Africa, so that torture can be prevented at all times.
- Stress the prevention of torture at all costs and urge that the necessary mechanisms be implemented.

The Area Commissioner of St Albans responded with an overview of the entire St Albans management area, citing overcrowding at St Albans Medium B as a critical challenge. Plans are in place to transfer 366 inmates from St Albans Medium B to other correctional centres around the country, to comply with the 150% overcrowding percentage.

The Area Commissioner also highlighted the renovations at St Albans Medium A, which required the temporary transfer of inmates to St Albans Maximum.

It was also reported that DCS is engaging with the judiciary to consider sentencing alternatives to incarceration. Gangsterism and a recent unnatural death were also discussed.

The subsequent visits highlighted that DCS had made some progress in addressing some of the report's recommendations. A budget was made available to address the poor condition of the centre – this was one of the main outcomes.

## KwaZulu-Natal: Deaths seminar 21 June 2019

JICS's KwaZulu-Natal regional office hosted a seminar on inmate deaths at South African correctional centres at the Pietermaritzburg Correctional Centre in KwaZulu-Natal. The seminar sought an understanding of the current situation to devise effective means of early problem detection and prevention. The seminar was well attended by government departments, civil society organisations and representatives from higher learning institutions. Also in attendance was the Deputy Minister of Correctional Services, Nkosi SP Holomisa.

## KwaZulu-Natal: Forensic Mental Health Intersectoral Committee

JICS is an active member of the Forensic Mental Health Intersectoral Committee in KwaZulu-Natal, whose role is to determine challenges to the efficient handling and treatment of forensic patients, to fast-track admission processes to psychiatric hospitals and reduce detention periods at the centre. The committee has developed a collaborative action plan for speedy resolution of identified challenges affecting forensic patients. Some success has been noted at the Ncome and Vryheid correctional centres and JICS is grateful for the improved working relationship between the Provincial Department of Health and DCS facilitated by the Ncome VC. JICS's participation in this committee creates a platform to highlight the plight of the declared state patients and, as a result, the number of cases has dropped significantly because of substantive intervention by the local district hospital.

## KwaZulu-Natal (Escourt): Oversight visit by SAHRC and JICS

The visit was led by SAHRC Commissioner, Rev Chris Nissen, who is responsible for the NPM, which is derived from the mandate of OPCAT and monitors places of detention, including correctional centres, immigration detention centres, police holding cells and mental health institutions. The NPM takes a preventive approach and makes recommendations, reporting to the United Nations and to Parliament. The delegation visited various areas at the Escourt Correctional Centre, including the control rooms, hospital, kitchen, school, visitation areas, segregation cells and communal cells. The centre is newly built and has incorporated green technology in its infrastructure. The lighting is movement-sensitive and doors pneumatically operated. The centre is neat and clean, and the kitchen and hospital equipment functional. The school is in need of furniture and books. The challenges noted were at the communal cells, with

leaking shower taps in some cells and poorly functioning entrance doors because of lack of care and inmate damage. There is no provision for staff quarters.

Of grave concern was the lack of telecommunications lines, the most prominent complaint by inmates unable to communicate with their families. This impacts negatively on rehabilitation.

### Gauteng (Nigel): Good inspection rating

Nigel Correctional Centre on Gauteng's East Rand has approved accommodation of 333 bed spaces. It was 45% overcrowded on the day of the inspection and accommodated 171 remand detainees and 309 sentenced inmates.

An inspection was conducted during the third quarter. Nigel was rated 'good' because:

- Four nurses, a social worker and an educator are permanently employed at the centre.
- Inmates are referred to the nearby public hospital for specialist medical assistance if necessary.
- Voluntary HIV counselling is provided.

- No declared state patients were accommodated at the centre.
- The infrastructure of the centre was generally in good condition, except for the kitchen, which was under renovation, but nevertheless, provided three meals a day and offered special diets: Religious, cultural and medical for qualifying inmates.
- Rehabilitation, education and other programmes and activities are offered to inmates.
- The visitors' area was found to be in good condition.

### Gauteng (Zonderwater)

The Inspecting Judge, Justice Edwin Cameron, conducted an oversight visit at Zonderwater Medium A and Medium B correctional centres on 29 January 2020, accompanied by, among others, JICS regional officers.

Both Medium A and Medium B centres were found to be in good condition. However, natural light was not sufficient in the single cells, maximum inmates were not allowed to work in the centre's workshop and an incident had been reported that inmates were served rotten food.

## STATISTICS: NON-NATIONALS INCARCERATED IN SOUTH AFRICAN CORRECTIONAL CENTRES

As part of its oversight role, JICS monitors the status and incarceration of non-nationals in correctional centres.

The table below shows that 12 063 non-nationals were incarcerated in correctional centres during the performance cycle, 5 969 sentenced males, 54 sentenced

females, 6 017 male remand detainees and 23 female remand detainees.

NMR has the highest number of non-national incarcerations and WCMR has the lowest.

REGIONS	Number Of non-nationals incarcerated			
	Sentenced		Remand detainees	
	Male	Female	Male	Female
CMR	853	-	457	-
ECMR	117	2	-	-
KZNMR	357	5	506	6
NMR	4 532	36	4 988	21
WCMR	110	11	66	2
<b>TOTAL</b>	<b>5 969</b>	<b>54</b>	<b>6 017</b>	<b>23</b>

Table 19: Non-nationals incarcerated at 31 March 2020

## SUCCESSSES, CHALLENGES AND INTERVENTIONS

The regions registered notable successes during 2019/2020 in improving humane treatment of inmates and conditions of their incarceration.

Following the successful mental illness seminar held in East London on 23 November 2018, the KwaZulu-Natal and Eastern Cape management region reported an enhanced relationship between stakeholders in the monitoring of numbers of declared state patients in correctional facilities. There has been marked improvement in the movement of these inmates to psychiatric hospitals, thus decreasing numbers in the centres. The two regions are committed to continued monitoring.

Section 15(2) of the CSA requires a mandatory report from DCS on all deaths in correctional centres.

A 'Right to life' seminar was held in Pietermaritzburg on 21 June 2019, another successful event hosted by the former Inspecting Judge, Justice Johann van der Westhuizen. The seminar highlighted the plight of inmates dying in correctional facilities, and stakeholder challenges. Startling statistics were presented on the high-risk age groups and the most prevalent types of death at correctional centres.

Keynote speakers included the Deputy Minister of Correctional Services, Nkosi SP Holomisa, Justice van der Westhuizen; Acting Chief Magistrate of Verulam, Irfaan Khalill; Chief Specialist: Forensic Pathology Service at Gauteng Department of Health and Head of Department: Forensic Medicine at the University of Pretoria, Prof Gert Saayman; Head of Criminology and Forensic Studies at the University of KwaZulu-Natal, Dr Ephraim Sibanyoni, and Prof Malose Langa from the Department of Psychology at the University of the Witwatersrand, Johannesburg.

Their attendance was an honour for JICS and an affirmation of the *thuma mina* spirit – that all must be prepared to selflessly serve the nation in their respective roles. JICS expressed its appreciation to DCS for supporting its initiatives. The inmates were acknowledged for invigorating the mood of the seminar by showcasing their music and dance talents.

DCS continues to grapple with the long correctional centre detention of declared state patients awaiting bed-space in psychiatric hospitals, which undermines the smooth running of the correctional system. It is JICS's experience that minimal efforts are made by other state institutions to expedite the transfer of state patients to suitable psychiatric hospitals. This matter needs closer monitoring by JICS in collaboration with all stakeholders.







**PART**

**D**

**SUPPORT  
SERVICES**

# INTRODUCTION

The function ensures organisational support and administration.

It comprises the following sub-directorates:

- Human Resources
- Information Management and Technology
- Finance and Supply Chain Management (follows as Part E)
- Communication and Media (follows as Part F)

## HUMAN RESOURCES OVERSIGHT STATISTICS

Human resources management and development facilitates the achievement of organisational goals by providing effective and efficient human resource strategies, administration and labour relations.

The function provides, among others, an integrated and comprehensive human resources service covering employment equity, workplace skills plan, training plans, employee wellness programmes, human resources planning, organisational development, recruitment and selection processes, and administration.

### Employment and vacancies

During the 2019/2020 cycle, JICS increased the human resources capacity of its offices by filling vacancies

timeously. One official was promoted and two officials appointed at head office (Pretoria and Cape Town). One official was horizontally transferred from the office of the Chief Justice to the Northern Management Regional Office, one official promoted and four officials appointed at the regional offices. Seventy-six ICCVs were appointed at correctional centres during the year under review.

At 31 March 2020, approved funded positions on the JICS organisational establishment numbered 86, 82 of which were filled, with a vacancy rate of 4.65%.

### Employment and vacancies per salary band

The table below depicts employment and vacancies per JICS salary bands.

Designation	Occupied	Vacant	Contract
Inspecting Judge	-	-	1
Level 14	1	-	-
Level 13	2	1	-
Level 12	1	-	-
Level 11	6	1	1
Level 9	14	-	1
Level 8	10	1	-
Non-centre based 2	3	-	-
Level 7	17	1	-
Non-centre based 1	4	-	-
Level 6	4	-	-
Level 5	19	-	5
Level 2	1	-	5
<b>Total</b>	<b>82</b>	<b>4</b>	<b>13</b>

Table 20: Employment and vacancies per salary band at 31 March 2020

The table below depicts the employment and vacant positions of ICCVs at 31 March 2020.

REGION	WCMR	ECMR	KZNM	CMR	NMR	TOTAL
New posts	25	38	25	42	29	159
Old posts	6	7	13	12	14	52
Post filled	31	45	38	54	43	211
Vacant posts	6	2	4	3	6	21
Construction	-	-	1	1	-	2
<b>Total</b>	<b>37</b>	<b>47</b>	<b>43</b>	<b>58</b>	<b>49</b>	<b>234</b>

**Table 21: ICCV employment and vacancies at 31 March 2020**

A total of 234 ICCV posts is allocated to ensure oversight monitoring at the 243 correctional centres. At 31 March 2020, 211 ICCVs posts were filled, 21 posts were vacant and two correctional centres were temporarily closed because of maintenance, renovations and construction.

Before April 2018, ICCVs were independent contractors or persons contracted to perform services in the correctional centres on behalf of JICS and remunerated at an hourly rate without staff benefits.

An administrative decision was taken during April 2018 by the CEO in consultation with the former Inspecting Judge, Justice Johann van der Westhuizen, to align the procedure and conditions of employment of ICCVs to those of the public service, complying with public service directives in selection and recruitment, service benefits and remuneration.

## Employment terminations and transfers

The table below shows JICS employment terminations and transfers between 1 April 2019 and 31 March 2020.

Termination type	Number
Resignation	1
Transfer	1
<b>Total</b>	<b>2</b>

**Table 22: Reasons why staff left JICS from 1 April 2019 to 31 March 2020**

## Number of employees in each occupational classification

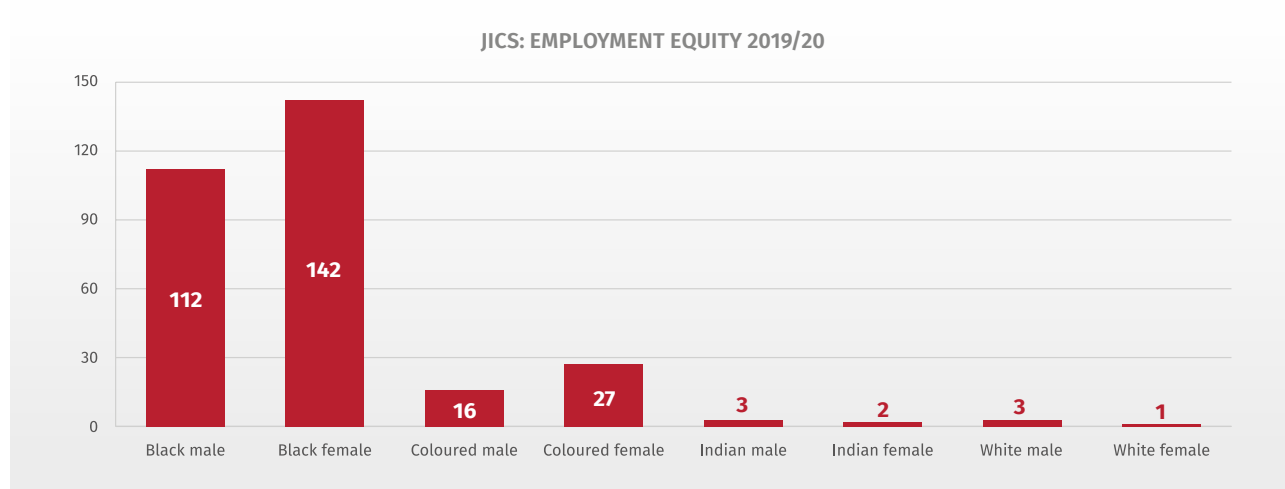
The table below shows the number of employees (including employees with disabilities) in each occupational category at 31 March 2020.

Level	Males				Females				Total
	Black	Coloured	Indian	White	Black	Coloured	Indian	White	
Top management (levels 15 to 16)	-	-	-	-	-	-	-	-	-
Senior management (levels 13 to 14)	1	-	1	1	-	-	-	-	3
Professionally qualified and experienced specialists and mid-management (levels 11 to 12)	3	1	1	1	-	1	-	-	7
Skilled technical and academically qualified workers, junior management supervisors, foremen and superintendents (levels 7 to 10)	13	8	-	-	20	3	1	-	45
Semi-skilled and discretionary decision-making (Level 3 to 6)	6	1	-	-	13	6	-	-	26
Unskilled and defined decision-making (levels 1 to 2)	1	-	-	-	-	-	-	-	1
<b>Total</b>	<b>24</b>	<b>10</b>	<b>2</b>	<b>2</b>	<b>33</b>	<b>10</b>	<b>1</b>	<b>-</b>	<b>82</b>
Non-permanent	4	-	-	1	4	3	-	1	13
ICCVs	84	6	1	-	105	14	1	-	211
<b>Total</b>	<b>112</b>	<b>16</b>	<b>3</b>	<b>3</b>	<b>142</b>	<b>27</b>	<b>2</b>	<b>1</b>	<b>306</b>

**Table 23: Number of employees in each occupational category at 31 March 2020**

Black		Coloured		Indian		White		People with disabilities	
Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
36.27%	46.4%	5.23%	8.8%	1%	2%	1%	0.3%	0.3%	-

**Table 24: Percentage representation in terms of equity, race and disabilities**



**Graph 17: Employment equity status for JICS at 31 March 2020**

The table and graph above depict the employment equity status at JICS at 31 March 2020. The statistics comply with JICS's approved employment equity plan.

## Selection and recruitment

Selection and recruitment processes complied with the Public Service Act 103 of 1994 read with the Public Service Regulations 2016. During the 2019/2020 performance cycle, there were nine vacancies in the approved employment equity plan and JICS recruited and appointed six black females, as shown in the table below.

Detail	Males				Females				Total
	Black	Coloured	Indian	White	Black	Coloured	Indian	White	
Semi-skilled (levels 3 to 6)	-	-	-	-	6	-	-	-	6
<b>Total permanent</b>	-	-	-	-	<b>6</b>	-	-	-	<b>6</b>

**Table 25: Selection and recruitment by salary band for the period 1 April 2019 to 31 March 2020**

## Promotions and transfers

The table below shows promotions and transfers within JICS in the occupational categories. Two officials were internally promoted and one official was horizontally transferred from the Office of the Chief Justice.

Detail	Males				Females				Total
	Black	Coloured	Indian	White	Black	Coloured	Indian	White	
Senior management (levels 13 to 14)	-	-	-	1	-	-	-	-	1
Skilled technical workers, junior management supervisors (levels 7 to 10)	-	-	-	-	2	-	-	-	2
<b>Total permanent</b>	-	-	-	<b>1</b>	<b>2</b>	-	-	-	<b>3</b>

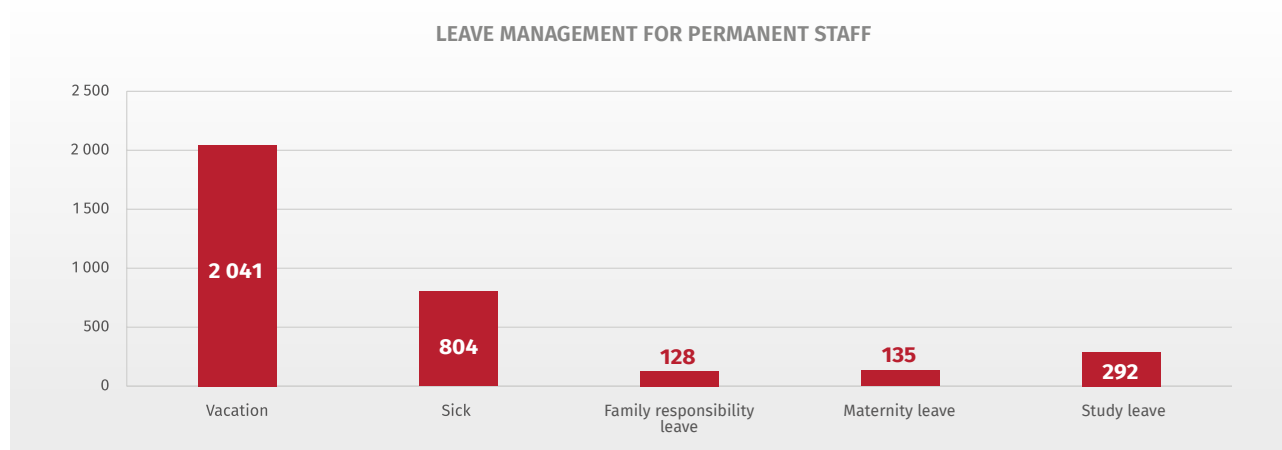
**Table 26: Promotions and transfers by salary band for the period 1 April 2019 to 31 March 2020**

## Leave management

Leave categories used by staff for the performance cycle as recorded on Persal are as follows:

- 2 041 days of vacation leave (24.89 days per staff member).
- 804 days of sick leave (9.8 days per staff member).
- 128 days of family responsibility leave used by 58 officials (2.20 days per staff member).
- 135 days of maternity leave used by three members (45 days per staff member).
- 292 days of study leave by 25 officials (11.68 days per staff member).

The graph below depicts the various leave categories recorded for the reporting performance cycle.



Graph 18: Leave categories recorded on Persal at 31 March 2020

## Misconduct registered for the period under review

Misconduct cases	Number
Misconduct cases reported	2
Misconduct cases finalised	1
Misconduct cases outstanding	1

Table 27: Misconduct registered for 2019/2020

The table above depicts JICS disciplinary cases for the performance cycle. One misconduct case is pending and will be finalised in the next performance cycle.

## Grievances and disputes registered with the General Public Service Sector Bargaining Council (GPSSBC) for the period under review

The table below depicts the number of grievances lodged and resolved for the performance cycle under review.

Disputes	Number
Grievances lodged	3
Grievances resolved	1
Grievances not resolved (pending)	2

Table 28: Grievances/disputes registered with the GPSSBC for 2019/2020

## Disputes registered with the Public Service Co-ordinating Bargaining Council (PSCBC) for the period under review

One case was referred to the PSCBC during 2019/2020 and remains unresolved. The matter was set down for arbitration on 20 March 2020, then was postponed until further notice because of the Covid-19 lockdown.

## Staff petition

During April 2019, 25 staff members of JICS widely distributed a petition containing serious allegations against the former Inspecting Judge, the CEO and management of JICS. The former Inspecting Judge, after consultation with the NC, submitted the staff petition to the Public Service Commission, which conducted an intensive investigation into all the allegations and released a report that was submitted to all parties, including the petitioners.

The Commission found no evidence of corruption, reckless spending, wasteful expenditure and self-enrichment as alleged in the petition. Management engaged the petitioners and their union representation and the issues were amicably resolved.

## Performance management for the period under review

2019/20	Pay progression	Cost	Performance bonus	Cost
Level 2	1	R559.00	-	-
Level 5	12	R12 640.33	2	R8 685.15
Level 6	5	R5 548.00	1	R5 452.73
Level 7	8	R10 684.00	1	R6 631.95
Level 8	10	R16 702.00	1	R8 406.75
Level 9	7	R13 638.00	2	R19 111.80
Level 11	3	R32 661.00	2	R37 951.57
Non-centre based 1.3	3	R7 967.00	-	-
Non-centre based 2	3	R11 212.00	1	R9 824.15
<b>Total</b>	<b>52</b>	<b>R111 611.33</b>	<b>10</b>	<b>R96 064.10</b>

**Table 29: Performance rewards per salary band for the period 1 April 2019 to 31 March 2020**

The table above depicts the performance rewards per salary band, inclusive of costing, for the period 1 April 2019 to 31 March 2020.

## Challenges, successes and commentary

### Challenges

Centralisation of Persal systems and functions at the DCS head office continues to be a challenge (e.g. not being able to create positions on Persal hampers the service delivery targets of JICS). Currently, contract workers, including ICCVs, are paid periodically, and the creation of additional posts on Persal is dependent on DCS, which must effect or release the key function for JICS to action, resulting in different salary payment dates (i.e. not on the last day of the month).

### Successes and commentary

Selection and recruitment processes were completed timeously during the performance cycle in terms of the Public Service Act read with the Public Service Regulations 2016, which included the finalisation of selection and

recruitment of the following posts: Nine permanent staff, 13 contract non-permanent positions and 76 ICCVs to enhance JICS service delivery. JICS had a vacancy rate of 4.65% at 31 March 2020.

## Information technology

JICS creates business value through reliable integrated and secured information and communications technology infrastructure and business application systems, to ensure effective strategic alignment and enhancement of business processes.

Information technology (IT) includes all computer software and hardware. JICS is dependent on many transversal systems of DCS, including BAS, Logis and Persal. The IT office provides support on all network-related matters at JICS. IT assists the JICS regional offices with all IT support (hardware, software and network).

## Challenges, successes and commentary

### Challenges

The JICS management information system (MIS) is linked to DCS, as JICS must have access to the DCS inmate and correctional facility database for operational and reporting purposes. The system has been non-functional since 2016.

The JICS website has not functioned since 2016, which restricts public access to information and prevents DCS from providing information for mandatory reporting.

The ECMR is not on the DCS LAN/WAN since its relocation in September 2018 from George to East London.

### Successes and commentary

An identification card machine was procured, and used to create JICS identification cards that were issued to staff for access control at correctional centres and JICS regional offices.

Eleven computers were installed at correctional centres, allowing ICCVs to report to JICS.

The procurement process has started to enable JICS to develop its own domain and website.



**PART**

**E**

**FINANCIAL AND  
SUPPLY CHAIN  
MANAGEMENT**

# OVERVIEW OF FINANCIAL MANAGEMENT

## Purpose

To render effective and efficient financial, budgeting and supply chain management services to the accounting officer in terms of the Public Finance Management Act, 1999, and adhere to all Treasury Regulations.

## FINANCE

The finance section provides financial administration and budget management for JICS.

### Budget allocation 2019/2020

The table below breaks down the R77 244 000 budget allocation for JICS for the 2019/2020 performance cycle:

Items	Balance
Total budget allocation	R77 244 000
Compensation of employees	R67 791 000
Goods and services	R9 273 000
Transfers and subsidies	R14 000
Capital assets	R166 000

*Table 30: 2019/2020 budget allocation*



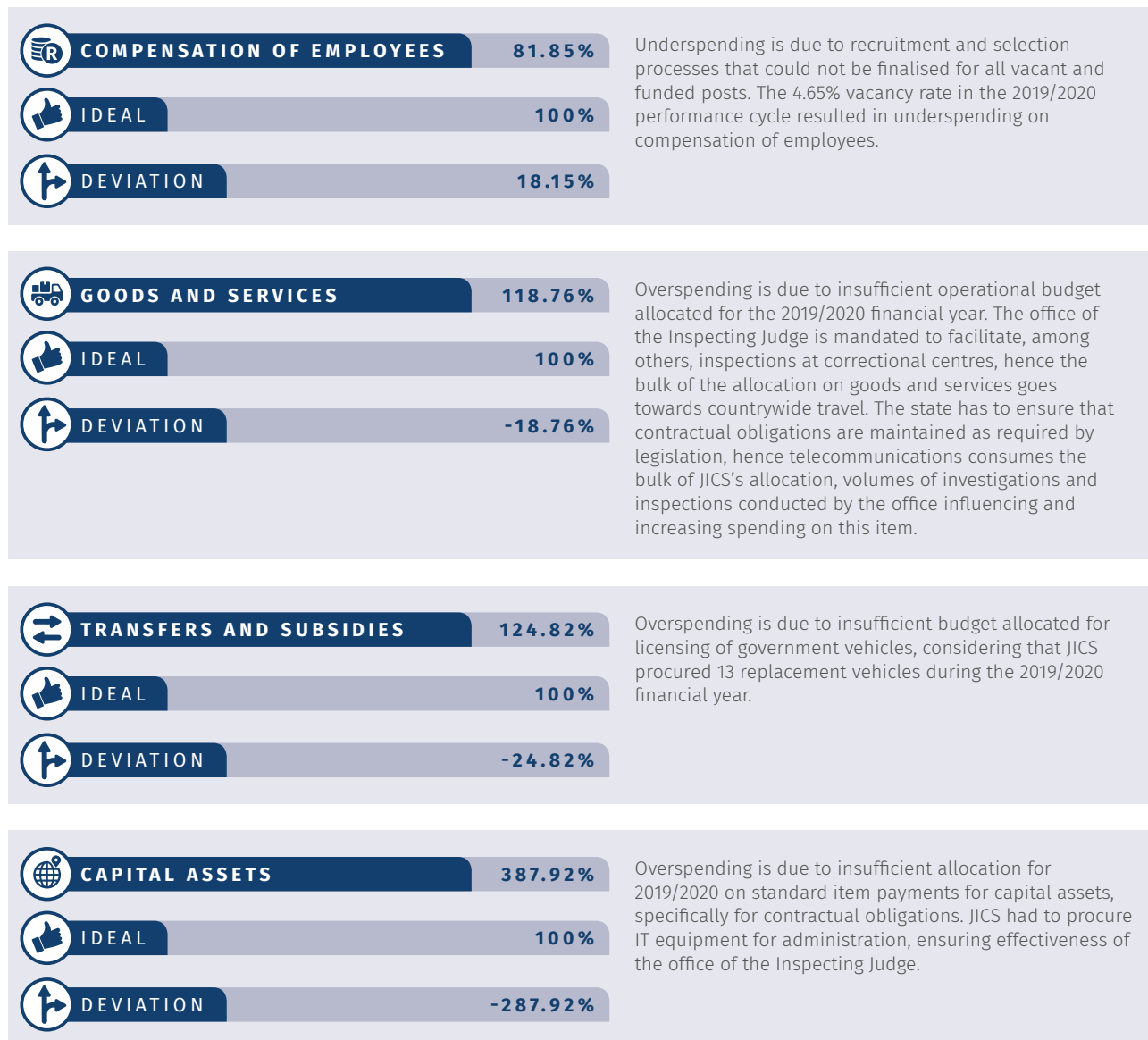
## Detailed expenditure report

Economic classification	2017/2018	2018/2019	2019/2020
Current payments			
Compensation of employees	R43 603 807.00	R52 739 455.43	R55 484 655.49
Salaries and wages	R39 895 416.19	R48 251 625.26	R50 200 503.99
Social contributions	R3 708 390.81	R4 487 830.17	R5 284 151.50
Goods and services	R7 070 240.30	R9 710 648.51	R10 950 304.33
Advertising	R198 025.24	R320 768.18	R313 530.10
Assets less than the capitalisation threshold	R139 433.89	R417 674.00	R528 331.91
Bursaries: Employees	R89 209.80	R242 430.00	R205 000.00
Catering departmental activities	R65 650.00	R247 180.55	R365 662.52
Communication	R576 909.33	R494 339.73	R510 986.98
Consultants and professional services: Business and advisory services	R13 200.00	R15 050.00	R29 894.00
Entertainment	-	-	R3 004.10
Fleet services	R1 002 772.20	R769 002.14	R569 824.74
Consumable supplies	R25 783.68	R73 417.44	R44 704.90
Consumable: Stationery and printing	R197 804.87	R492 732.75	R462 618.24
Property payments	R9 687.81	R58 284.63	R42 759.00
Travel and subsistence	R4 578 047.01	R5 560 459.48	R7 330 279.26
Training and development	-	R133 642.00	R174 436.00
Operating payments	R173 716.47	R755 612.11	R365 072.58
Venues and facilities	-	R130 055.50	R4 200.00
Resettlement costs	-	-	-
Transfers and subsidies	R11 851.50	R25 287.07	R17 475.45
Provincial and municipal	R11 851.50	R25 287.07	R17 475.45
Payments for capital assets	R719 086.76	R4 847 305.69	R643 943.90
Machinery and equipment	R719 086.76	R1 569 357.90	R643 943.90
Motor vehicle	-	R3 277 947.79	-
Other	-	R155 616.87	R61 934.70
<b>TOTAL</b>	<b>R51 404 985.56</b>	<b>R67 478 313.57</b>	<b>R67 158 313.87</b>

Table 31: 2017/2018, 2018/2019 and 2019/2020 expenditure reporting

Expenditure for the financial year was R67 158 313.87. JICS underspent by 13.06% (R10 085 686.13).

Reasons for underspending by 13.06% on Standard Chart of Accounts items:



## SUPPLY CHAIN MANAGEMENT

This section provides procurement services and asset management control, manages the properties of JICS and ensures a conducive work environment for staff.

### Goods and services

The following purchase orders were processed and generated on the Logis system for the period under review:

- Purchase orders generated: 655
- Purchase orders cancelled: 30
- No credit notes were issued.

### Finance leases

JICS currently has nine lease agreements for photocopier machines and six lease agreements for telephone management systems. These agreements were entered into in compliance with National Treasury directives and requirements.

### Asset management

During the financial year 2019/2020, JICS SCM conducted asset verification at all management regions.

## Transport management

The table below reflects the distribution of JICS state vehicles to offices and regions.

Management area/region	Total number of vehicles
Pretoria head office	3
NMR	5
CMR	4
KZNMR	4
ECMR	5
WCMR	6
<b>Total</b>	<b>27</b>

Table 32: Transport management for the 2019/2020 financial year

## Property management

The table below lists office accommodation used by JICS from 1 April 2019 to 31 March 2020.

Physical address	Type of agreement	Status on 31 March 2020
Pretoria head office: 316 Thabo Sehume Street, 27th and 29th floors, SALU Building, Pretoria	None	JICS head office (Pretoria) temporary accommodation: Department of Justice and Constitutional Development in Pretoria, SALU Building (Ministry).
Cape Town head office: Ninth Floor, Standard Bank Building, 1 Thibault Square, Cnr Long Street and Hans Strijdom Avenue, Cape Town	Lease agreement	New lease agreement approved by DPWI for three years.
CMR: Third Floor, 62 Andrew Street, Bloemfontein	Lease agreement	New lease agreement approved by DPWI for three years.
NMR: 265 West Ave, Tuinhof, Karee (West Block) Centurion	Month-to-month lease agreement	Tender for the procurement of new office accommodation for the regional office, including the office of the Inspecting Judge, to be facilitated by DPWI.
KZNMR: Eighth floor, 275 Anton Lembede Street, Durban	Lease agreement	New lease agreement approved by DPWI for three years.
ECMR: 4 Buffalo Street, Magistrate Court, Third Floor, East London	None	The regional office is temporarily accommodated at the East London Magistrate Court.

Table 33: Property management for the 2019/2020 financial year

### 2.2.1 Temporary accommodation

JICS's head office has been temporarily accommodated in the building of the Ministry of Justice and Constitutional Development since June 2018.

ECMR has been temporarily accommodated at the Magistrate Court, East London, since September 2018, pending permanent office allocation.

## Challenges and commentary

### Challenges

The shortage of finance and SCM personnel causes delays in service delivery to internal and external clients. This

challenge will be addressed on finalisation of the JICS business case.

### Commentary

JICS and DCS continue to have a fruitful relationship, which has ensured greater effectiveness and efficiency in line with operational independence. Through a smooth working relationship with DCS, specifically the office of the NC and Chief Financial Officer, JICS has had its budget reprioritised, which enabled it to procure essential goods and services.





**PART**

**F**

**COMMUNICATION  
AND MEDIA**

## Background

Brand communication is an important part of brand management by which JICS informs, recommends, reminds and enriches the knowledge of stakeholders, including the public and media, about the JICS brand, strengths, values and services.

Building the JICS corporate identity includes fostering better relations with the media through issuing media statements, calling media conferences and publicising information on themes including mandatory reporting and overcrowding.

In the previous annual report, JICS stated that its website had intermittently not been available for media posting or sharing information with the public. There has been ongoing engagement with DCS to rectify this situation.

## Management information system

The JICS MIS was designed 20 years ago and is no longer compatible with the current IT systems.

JICS engaged with DCS, the State Information Technology Agency and other role-players to design a new system, but getting it online and operational has been extremely slow.

## Government Communications Forum

JICS Communications attended the Government Communications Forum meeting held on 26 August 2019. Below is a summary of the meeting and its deliverables, which will be relevant especially when JICS becomes a government component.

## Messaging

Messaging is not sustainable when just one person speaks. One message requires many voices, so it is imperative for any organisation to develop a communication strategy. However, as JICS is still a sub-programme of DCS, this is not possible. Nonetheless, communication goals, objectives to meet these goals and plans are in place to ensure communication deliverables.

Section 195(g) of the Constitution stipulates that the public should be provided with information that is timely, accessible and accurate.

Setting the agenda: Community media and outreach, a continuous shift in the manner in which the public consumes information.

## Importance of communication

There is a lack of appreciation by departments and clusters of the strategic importance of communication. Of 205 communicators, 126 had approved and funded communication strategies in 2018/2019 compared to only 101 in 2019/2020.

The cluster communication system is not functioning optimally, as there is insufficient and inadequate training – the Government Communication and Information System (GCIS) did not have the resources to enforce training proposals.

Some 5% of any government department's budget (ring-fenced) must be given to communications so that social media platforms may be used to communicate. There is currently no communication budget allocated to JICS.

## Communication approach

The theme for this sixth administration is 'Let's grow South Africa together' and its central vision is inequality, unemployment and poverty. It is expected of government officials through various platforms and media to:

- Create activism in building a better South Africa.
- Encourage citizens with ideas to grow the country.
- Convey that citizens should be willing to be led in some instances.
- Communicate an inspirational, informative and inclusive message.
- Ensure that the message is believable, truthful, transparent, reliable and consistent.
- Proactively drive the communication agenda through a holistic and integrated approach.
- Ensure communication takes on a developmental role.
- Be vigilant on matters requiring timeous responses.
- Better enable media development and diversity to ensure robust public discourse.
- Promote communication as a critical part of the government.
- Convey the theme (variations are permitted but the central theme of 'growing South Africa together' should resonate).

## Broad objectives

The government expects its broader objectives to be realised through the work of its officials. JICS falls into the last category of objectives within the ambit of its mandate:

- Build social partners.
- Economic transformation – broadening participation.
- Nation building, unity and social solidarity.
- Fighting crime and corruption in both private and public sections.

## Reporting, monitoring and evaluation

The Medium-term Strategic Framework forms the basis of the government's annual performance plan to support the communication system, which informs cluster programmes spelt out in the State of the Nation Address. It:

- Sets the norms and standards for government communication.
- Measures the work of the clusters, specifically their compliance with the communication policy.

This is extremely difficult to monitor, as many of these elements require communication tools that have to be linked to a budget. Currently, the only form of reporting done by JICS is through its reports e.g. monthly, quarterly and annual reports, which include inspection and investigation reports and recommendations made by JICS. There are no electronic communication monitoring tools including analytics that can inform JICS whether its external communication (e.g. website), based on web traffic and reach analytics, is effective. This is the same for its internal communication processes.

### Media engagements April 2019 to March 2020

Media engagement increased rapidly from 2017 to 2020 (see infographic below for more detail). The media trends for this reporting year focused quarterly on:

April to June 2019:

- Hostage situation at Goedemoed Correctional Centre, Aliwal North.
- An external enquiry from the State Capture Commission in connection with Bosasa. The documents were compiled and verified and sent to the commission on 4 April 2019. No further enquiries have been received on the matter.
- A request was made by Carte Blanche to interview mentally ill patients. The request was formally sent to DCS, with follow up requests, but was denied. This would have been a very good opportunity to raise awareness of the plight of vulnerable inmates.

### July to September 2019

JICS engaged in several media activities, including media releases, requests, alerts and internal communication. The media enquired about many matters, but the greatest focus was on:

- JICS overcrowding survey.
- Scanners at seven correctional centres.
- Westville Correctional Centre videos.
- St Albans Correctional Centre conditions.
- Juvenile imprisonment.
- R Krejcir and allegations of attempted murder.
- Prison death at St Albans.
- High Court rules that Inspectorate must be given independence (Sonke Case)
- Overcrowding.
- Goedemoed Correctional Centre incident.

- Interviewing mentally ill patients (DCS was approached again on behalf of Carte Blanche, but because of the sensitivity of the issue, the request was denied).
- Escape of an inmate during court proceedings.
- JICS's independence in the Sonke case.
- Treatment of inmates at Goedemoed after rape and murder.
- JICS death at correctional centres seminar.

### October to December 2019

JICS engaged in several media activities, including media releases, requests, alerts and internal communication. The media enquired about many matters, but the greatest focus was on:

- The JICS annual report.
- Overcrowding in prisons.
- Justice E Cameron new Inspecting Judge.
- State patients incarcerated at prisons instead of mental institutions.
- Death of inmate at Pollsmoor.
- Staff shortages at St Albans.
- Rehabilitation of prisoners.
- Unnatural deaths at correctional facilities.
- Concern at the high number of unnatural deaths in South African prisons.
- Prisoner remission.
- JICS Supermax report.

### January to March 2020

JICS engaged in several media activities, including media releases, requests and responses. The media enquired about many matters, but the greatest focus was on:

- Sonke Case (Constitutional Court confirmation hearing on 3 March – judgment awaited).
- JICS opinion piece.
- Prisoner dies after stabbing warden.
- Torture of Mangaung prisoners.
- Independence of prison oversight.
- From prison to correctional facility: System is failing.
- Covid-19 prevention impossible in prisons.
- JICS vigilant during coronavirus lockdown.

## Internal communication

JICS management released several internal communiques to keep staff informed and ensure and maintain accountability and transparency. The email topics are listed below:

### April to June 2019

- Circular 7\2019 | Leave manual systems.
- SOP: Steps and processes complaints/grievances.
- Cir 8/2019|Early retirement without penalties.
- Cir 3/2019 | Annual revision of subsistence.
- Job evaluation J1/03 for inputs.
- Comms staff survey: JICS e-newsletter.
- JICS e-newsletter.

- Draft policy: Working hours.
- Reminder performance agreement due date.
- Acting: ARM | NMR.
- JICS new website.
- Circular 13/19: Payment of ICCVs.
- Circular 12/19: Guide on managing gifts.
- Acting DD: Finance and SCM.
- Cir 13 replaced with Cir 14 | Payment of ICCVs.
- JICS e-newsletter June 2019.
- JICS Quarterly Report January to March 2019.
- Acting responsibilities: Director SS.
- Provisions on long-service recognition.
- ECMR and WCMR office fumigation.
- JICS governance calendar.

### July to September 2019

- NEWS: JICS e-newsletter July 2019.
- Communication lines down NMR region.
- Circular 11 of 2019 - Disclosure of financial interest.
- Bursary application: 2020 academic year.
- Review of policies | inputs.
- Message from Inspecting Judge.
- JICS August e-news.
- JICS Women's Day message.
- Cir 12/19: Inspections and investigations SOP.
- JICS e-newsletter September 2019.
- Sonke Case High Court judgment.
- JICS Quarterly Report April to June 2019.
- Amendment Notice 1/2019 | Financial instructions.
- SAQA: NQF Amendment Act.
- Public Service Month.
- JICS male staff pledge.
- JICS employment equity plan input.
- JICS PowerPoint presentation template.

### October to December 2019

- JICS Inspecting Judge remains in office.
- JICS Quarterly Report April to June 2019.
- JICS internal newsletter: October 2019.
- JICS bursary application.
- Draft: Job evaluation and acting allowance policies.
- Circular 17/19: JICS delegations 2019.
- Breast cancer awareness.
- JICS internal telephone directory
- Message from the CEO.
- Performance Management Development System midterm review.
- Job evaluation and acting allowance.
- JICS e-newsletter.
- Updated JICS delegations.
- JICS Quarterly Report July to September 2019.
- Reminder: Bursary applications.
- Released certificate of attendance.
- 16 Days of Activism.
- JICS December e-newsletter | Let's talk HIV/Aids.
- Circular 19 of 2019 | Reshuffling of Western Cape Management Region (WCMR) and appointment of acting office manager, Cape Town office.

- Updated JICS employment equity plan.
- Acting CEO – 23 December 2019 to 17 January 2020.
- JICS festive season message.

### January to March 2020

- JICS staff: New cellphone numbers.
- Annual renewal of declarations | Code of conduct and oath of secrecy.
- Introduction of the Inspecting Judge, Justice Edwin Cameron.
- A matter of justice - prisoners' victory paves way for rights-based suits in Zambia.
- Official JICS documents | Date 2020 written out in full.
- Annual renewal of declarations | Code of conduct and oath of secrecy.
- 30th anniversary of release of Nelson Rolihlahla Mandela.
- Enquiry: Access to information – CALS // Minister for Justice and Correctional Services, National Commissioner for Correctional Services and G4S Correction Services (Bloemfontein).
- From the desk of the President.
- JICS Stakeholder Engagement and Visitor Committee Policy.
- Procurement of leased property: JICS Inspecting Judge and Northern Management Region.
- DPSA Practice Note – Implementation of pre-entry certificate for SMS members.
- JICS Quarterly Report October to December 2019.
- Procurement of lease property.
- From the desk of the CEO.
- Covid-19 coronavirus.
- Coronavirus protective measures.
- Operational plan | Governance calendar | Schedule of visitor committee meetings.
- Inspecting Judge's conditions of service | Updated sexual harassment policy.
- JICS newsletter guide | Submission of articles.
- JICS human resources directives on Covid-19.
- President's statement on countrywide lockdown.
- JICS directives in response to the President's lockdown announcement.

### New term of office | Inspecting Judge

The Inspecting Judge, Justice Edwin Cameron, started his tenure in January 2020 and wished to focus on topical issues in the media, especially through op-eds of interest in the correctional sector.

The following were reported:

### January 2020

- The website continues to be a challenge. JICS met with one service provider to request a quotation for hosting and maintenance.
- Planning of the JICS ICCV conference.

- A decision was taken that the focus of media engagement would concentrate on specific outputs.
- A new researcher started in January, which has provided much-needed assistance to the communications office.

## February 2020

- The website continues to be a challenge. JICS met with other service providers to request quotations for hosting and maintenance. Feedback on this was provided in March and the process continues.
- A new committee for the ICCV conference had its first meeting.
- A second media opinion piece was done in February and was published by Ground-Up in March 2020.
- The media publications list for 2020 was refreshed.
- Update of style guide was requested, to be released in March 2020.
- Quarterly report (third) was delayed and released on Friday 28 February 2020. Copies were handed out to the Portfolio Committee at the meeting in Cape Town.

## March 2020

- The countrywide lockdown came into full effect from midnight 26 March 2020 until midnight 30 April 2020. Officials would gradually return to work based on a phased-in approach as per government prescripts. This was communicated to all staff on various platforms, including email, WebEx, Microsoft Teams video conferencing, telephone and Whatsapp.
- All scheduled events were placed on hold, including the ICCV conference, until restriction of movement is lifted.
- The updated style guide was released in March 2020.
- A process for the submission of articles was circulated for regions to choose their newsletter coordinator and to submit articles by 30 March 2020. This was postponed until further notice.
- A matrix was created to assist the Inspecting Judge with complaints directed/referred to and by him. It is updated regularly and feedback provided to him on an ongoing basis.
- Inspecting Judge's office staff are streamlining operations in his office to ensure a quicker response and follow up/feedback.

- Because of the lockdown, the session to be held for the communications strategic plan was postponed until further notice.
- GCIS will assist with the procurement of services for editing and printing of the 2019/2020 annual report. The memo was completed and distributed to the CEO for sign-off.
- Communications will be working with GCIS shortly to create a corporate identity manual.
- No branded procurement requests (as per procurement plan) for the year were provided. Requests as per financial instructions for these items will be denied if they were not placed on the procurement plan.

## Challenges

JICS faces challenges mainly with its independence from the department it oversees. As the main role-player in prison oversight in South Africa, it also faces several organisational and governance challenges. A communication/media challenge is technology and communication platforms.

- The website continues to be a challenge, and alternatives are being sought for a new website.
- The InDesign Cloudsuite software program procurement process has delayed the procurement of this much-needed program, which assists in the design of communication material.
- Communications staff shortages and equipment remain challenges to creating a fully functional communications unit.
- A decision was taken that the e-desk-drop will no longer be distributed monthly. A new internal newsletter will be distributed quarterly, with inputs from every department. Deadlines have been set for content submission and will be distributed to all departments.

# COMMUNICATIONS ANALYSIS 2017-2020

## Media engagements over past three years

10

2017-2018

The above figure is a synopsis of all media enquiries, news features and media releases from 1 April 2017 to 31 March 2018, prior to the appointment of the JICS spokesperson. The JICS website was not available for any media posting or sharing information with the public. There was ongoing engagement with DCS to rectify this situation, as this is vital for information sharing with the public.



### Challenges

JICS developed its own corporate identity a few years ago, which the organisation had hoped would be incorporated into all of its electronic systems. Once this is fully functional, it will assist in erasing the perception by the public and stakeholders that JICS is dependent on DCS. The current JICS MIS was designed 20 years ago and it's no longer compatible with the current IT systems. The system was supposed to be online in 2019, but DCS has not been able to eradicate all the system errors as yet.

121

2018-2019

From April 2018 to March 2019: an increase from 10 to 121 which totalled an increase of 1110% in media engagement, networking, awareness and branding.

JICS was invited to form part of the JCPS Communications Cluster and actively engaged with the African Media Network.



### 2020 and beyond

JICS is still hampered by its dependence on DCS for its platforms and technology. This has a negative impact on the real and perceived independence of JICS and its service delivery, as JICS is severely challenged in providing communication and information to its clients. This also has a far-reaching impact on reputation management in an ever changing technological society. JICS needs to stay abreast of the latest trends in communication in order to meet its mandate.

JICS has initiated a process where it is currently looking for viable options to procure its own domain and to have

an independent website. The process will continue once service providers are allowed to work again based on Covid-19 regulations.

An internal communication system will be implemented to see how effective communication is internally, so that the strategy may be realigned to provide better services to staff.

Once the independent JICS website is live, a social media platform will be introduced to the website to increase engagement and reach with stakeholders and the public.

171

2019-2020

April 2019 to March 2020: media engagement totalled 171. There was an additional increase of 41% in media engagement, networking, awareness and branding since the previous years engagement.



## NOTES

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