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SUBMISSION BY THE INSTITUTE FOR SECURITY STUDIES TO
THE PARLIAMENTARY PORTFOLIO COMMITTEE ON
CORRECTIONAL SERVICES ON THE CORRECTIONAL SERVICE
BUDGET VOTE 2010/2011, VOTE 20

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INTRODUCTION

The Institute for Security Studies (ISS) is an African non-governmental policy research institute. Our work is aimed at contributing to a stable and peaceful Africa characterised by sustainable development, human rights, the rule of law, democracy and collaborative security. The Crime and Justice Programme of the ISS works to inform and influence policy and public discourse on crime, its prevention and criminal justice by conducting research, analysing policy, disseminating information and providing expertise as a contribution towards a safer and secure society. More information about the ISS can be found on our website: www.issafrica.org.

The ISS would like to thank the Portfolio Committee for the invitation to offer this submission about the Correctional Services Budget. We also avail ourselves to assist the Committee in whatever way we can, now and in the future.

We would like to draw the Committee's attention to the fact that the Department of Correctional Services' strategic plan was not available at the time of the preparation of our submission last year (2009). This year the strategic plan was made available to the Committee and civil society only two working days before the deadline for civil society to make our submissions to the Committee. This means that there was insufficient time for civil society to respond in detail or in any depth to the strategic plan. As was the case in 2009, this may limit the extent to which comment can be made about the future expenditure of the Department of Correctional Services and thus limits the extent to which civil society can assist the Committee.

On a positive note, the Institute welcomes the recent announcement by the Minister of the controlled release of awaiting trial detainees who have bail of R1000 or less, as well as the investigation into parole, with a view to increasing the number of inmates who are considered for parole.

This submission comments on the allocations for infrastructure, administration, security, corrections, care and development. It addresses the issue of deaths in custody and makes recommendations about the strategic plan.

BUDGETING FOR MINIMUM CONDITIONS OF HUMANE DETENTION

Civil society submissions to this Committee in 2009 commented on the imbalance in the Department's budget. In particular, they drew attention to the high cost of building new facilities and of outsourcing security. It was noted that while the bulk of expenditure remained focused on building new facilities, on administration and on security, it would be difficult if not impossible for the Department to realise its mandate to rehabilitate inmates and ensure they are held under conditions of humane detention.

The 2010/11 budget varies very little from the 2009/10 budget. While expenditure on the four planned public private partnership facilities has been deferred as part of the Department's effort to reduce expenditure in 2010/11; the imbalances in the budget remain. The three programmes that collectively deal with the welfare and developmental needs of prisoners (development, care and corrections), have again drawn the short stick as far as resource allocation is concerned.

Overall it is noted that, given the current inflation rate of 6,2%; there has been a decrease in real terms in allocations for key components of the budget.¹ We would like to draw the attention of the Committee to the following two issues in particular:

- The allocation for 'Inventory: Food and supplies' is set to increase only by 1% from 2009/10. Unless the DCS has creative ways in which to supplement its food supplies at no additional cost, this implies that there may in fact be a reduction in the amount of food available to feed inmates in the coming financial year.
- The allocation for medical supplies is set to increase by 6%, keeping it just in line with inflation. However the current allocation is still less than the 2008/9 allocation; suggesting that medical supply stocks were down in 2009 from the 2008 level and will again be down from this level.

¹ National Treasury, 'Estimates of National Expenditure', *Correctional Services*, Vote 20, 5.

Infrastructure

The Department has reported that the construction of the new correctional facility in Kimberly has been completed. The facility will provide bed-space for 3000 prisoners. While this is a positive development in terms of reducing the pressure on existing prisons, the new facility comes at a construction cost of R303 333 per bed. So, while the increase in the number of bed-spaces may reduce the pressure of overcrowding, it does so at an extremely high cost to the tax-payer. This was a matter that was dealt with in some detail in our 2009 submission.

If one considers that as a consequence of the minimum sentencing legislation there has been an increase in the number of prisoners who are serving long-term sentences, one can extrapolate that these beds are likely to be filled for a 5 – 10 year period (perhaps longer) by a single individual. What this reinforces is the fact that it is not possible, nor cost effective to attempt to build ourselves out of the overcrowding problem.

The need for the increased space is occasioned by two things: the high number of awaiting trial detainees (ATDs), and the fact that prisoners continue to be warehoused as opposed to engaged in meaningful activity during the day.

The 2010 strategic plan reports that the process to develop policy and legislation on the remand detention system is underway and that consultation will be initiated on the White Paper and Draft Bill on ATDs². There are also plans to implement an approved structure for the establishment of a remand detention management branch. However, as the Committee is aware, creating new legislation is process that takes many years, as such it cannot be expected that this approach will bring relief to ATD's in the foreseeable future. There are other ways the problem of overcrowding can be addressed that are less time consuming.

The Judicial Inspectorate (JICS) has pointed out in its 2009 annual report that the capacity problem can be addressed through a revision of the amount of space allocated per prisoner. The JICS has suggested a downward revision of the amount of space that needs to be allocated to inmates, with one caveat. This can only be done if there is an

² Department of Correctional Services, Strategic plan 2010/11 – 2014/15, 47.

increase in the number of hours inmates spend outside of their cells, actively engaged. It is encouraging that the DCS hopes to enhance the participation of offenders in sport, recreation, arts and culture programmes³ and the Committee is urged to monitor progress in this regard.

Our submission is therefore that serious consideration should be given by the committee and the department to (i) revising the policy relating to the space allocated for beds, and (ii) increasing expenditure on activities to keep prisoners busy during the day. This would be a more cost effective response to the overcrowding and recidivism problems than spending money on building new infrastructure.

This course of action might not only reduce the amount required by DCS over the medium-term but may in fact result in an increase in departmental receipts. Already the department receives an annual income of R60m through sales of goods and services produced by the Department. This is not insignificant, particularly since it results in the unmeasured consequence of inmates receiving some remuneration. This may have an effect both on their quality of life and improve their ability to reintegrate after release.

Administration

In relation to the budgetary allocation for Programme 1: Administration, the ISS notes with concern that the allocation for 'Consultants and professional services: Business and advisory services' increased in 2009/10 from R49,4m in 2008/9 to R90,1m. This is a 45% increase. The amount budgeted for 2010/11 is slightly lower than the 2009/10 expenditure, however it remains high and suggests that the DCS expects to continue outsourcing these services, at least for the next financial year. The DCS has explained that the increase is a consequence of new computerised systems and the expense of maintaining these information management systems. While the cost installing of new systems can explain an increase in expenditure, it is not clear why the maintenance costs should remain so high over the next three years. This begs the question, whether the department is getting value for money. The Committee is urged to put this question to the department.

³ Department of Correctional Services, Strategic plan 2010/11 – 2014/15, 58.

Security

The DCS must be congratulated on the reduction of escapes and unnatural deaths in custody.

However, on a less positive note, in 2009/10 security received the lion's share of the budget, exceeding even the cost of administration. The budget for 2010/11 and the remainder of the mid-term expenditure period reveals that this is a trend that will continue at least for the next 3 years.

It remains a matter of concern that the highest expenditure in this programme, with the exception of compensation of employees, is for consultants and professional services: business and advisory services. While the line-item "Agency and support/outsourced services" dropped dramatically in 2008/9 from the high of 2007/8, the allocation to outsourced consultants and professional services remains high.

According to the explanatory notes in the budget document (Vote 20) the R53.4m budgeted in this line-item is to pay a service provider to maintain and staff the security control rooms and security fences. It was our understanding that since security is a core function of the department, there should be a phasing out of the use of private contractors for this purpose. This does not seem to be reflected in the budget and is a matter that the Committee is urged to pay attention to.

Corrections, Care and Development

We note the intention by the Department to increase the number of inmates who have sentence plans and who are serving sentences of 24 months or longer from 8400 in 2010/11 to 14 640 in 2012/3. Any increase in the number of prisoners who have sentence plans should be welcomed. It should however be kept in mind that 8400 inmates represents only 8% of inmates who are serving sentences of 24 months or longer. Even with the projected increase to 14 640 inmates with sentence plans at the end of 2010, there will still be an unacceptably large number of inmates without sentence plans by the end of 2010.

In relation to Programme 4: Care; it is again a matter of concern that consultants and professional services: business and advisory services is one of the highest non-core

expenditures in this programme. This will be the third year during which the department will have spent or budgeted for expenditure of over R52m on, we presume, computer maintenance. If one compares that to the mere R5m budgeted for learner and teacher material under the Care budget, it becomes clear that the Department has prioritized information management over the development of inmates. Information management systems are critically important to the functioning of a complex system, however the allocations suggest that the Department has not budgeted to shift its focus in 2010/2011 to meeting either the minimum standards of humane detention, or to developing inmates as a means to prevent them from returning to crime once they are released.

According to the 2009/10 projections provided by the Department, DCS had anticipated an increase of less than 4%, of offenders participating in skills development programmes by 2011/12; and only 898 more prisoners are likely to be participating in literacy programmes by 2011/12 than are currently doing so. These are not significant increases and suggest that the Department needs to reconsider and increase its targets for these kinds of developmental interventions, with requisite reallocations of funds to Care and Development and Corrections. Unless there is an increase in the number of offenders taking advantage of skills development opportunities and rehabilitation programmes, the objective of developing offenders sense of social responsibility and facilitating the social reintegration of offenders are unlikely to be met.

This problem is exacerbated by the high number of inmates who do not have sentence plans, and by the facility requirements of the Department of Education. This latter problem seems to be a matter that the Minister of Correctional Services could address with the Minister of Basic Education in an attempt to find a solution.

The allocation for learner and teacher support in the Development Programme budget (R26m) is only marginally higher than the expenditure in 2009/10 suggesting that an increase in the number of inmates taking advantage of educational opportunities is not set to increase.

Overall, it is a matter of concern that the four programmes that are directly responsible for the welfare and rehabilitation of inmates are the four programmes that receive the smallest portion of the budget. Until there is a shift in the focus of the budget away from high expenditure on security and facilities and towards programmes that are particularly

focused on offender development, reintegration and welfare, it will be impossible for the department to realise its mandate.

Deaths in custody.

The Annual report of the Judicial Inspectorate of Correctional Services (JICS) for the year 2008/9 draws attention to the fact that the Act does not require the natural deaths of incarcerated offenders to be subject to an inquest⁴. They identify two problems related to this issue. In the first place the Act fails to define 'natural' death. The practical interpretation of this, as could be logically expected, is that all deaths from illness are classified as 'natural' and the circumstances of death are not investigated. However, as the JICS points out, where the death is a consequence of poor medical treatment, insufficient access to treatment for chronic diseases etc, this does not come to the attention of the Department or the JICS as these deaths are, probably incorrectly, labelled as 'natural' deaths. It would be our submission that this is a matter that should be considered as part of the revision and development of policy, which has been identified as a strategic priority for the DCS.

This matter is relevant to the allocation of resources under the line-item 'Inventory: medical supplies'. As noted above, there was a decrease in expenditure from 2008/9 to 2009/10⁵ and the allocation for 2010/11 is only marginally higher than the expenditure for 2009/10. If deaths in correctional centres are the result of inadequate medical care, this needs to be known by the department so that the allocation for this line item can be adjusted appropriately.

In this regard it is also noted with concern that the estimated expenditure on medical supplies decreased by R3,7m from 2008/9 to 2009/10. While the 2010/2011 allocation is slightly higher than the 2009/10 expenditure, it is still lower than the 2008/9 allocation. It is not clear whether the decrease is as a result of fewer inmates requiring medical care,

⁴ Judicial Inspectorate for Correctional Services, *Annual Report 2008/2009: Treatment of inmates and conditions in Correctional Centres*, 2009, p24.

⁵ National Treasury, 'Estimates of National Expenditure', *Correctional Services*, Vote 20, p5.

or is a consequence of the vacant posts mentioned above, in other words, as a consequence of few inmates having access to medical care.

Of concern too is the fact that according to the Auditor General's report on the audit outcomes for the DCS for the period 2008/9, during this period the DCS had a vacancy rate of 11,4% across programmes. This situation is particularly serious in relation to staff responsible for medical care. The Auditor General reported that 24% of nurses posts are unfilled, 44,4% of posts for pharmacists and 20% of medical doctors are unfilled. This is an extremely high vacancy rate for positions that are essential to ensuring the well-being of inmates. There is no financial reason for these positions not to be filled.

STRATEGIC PLAN

Mention has already been made of the very short time period afforded to members of this Committee and civil society to consider the strategic plan. It should be noted that the detailed nature of the tables provided in the report means that providing an assessment of the plan in relation to the budget is impossible in a short period of time.

We would like to submit to the Honorable members of the Committee that the current format of the strategic plan does not lend itself to easy analysis, nor to providing a reader with a clear picture of the intentions of the Department. We understand that the DCS (like other departments) is constrained by the requirements of National Treasury in relation to the way in which information in strategic plans is presented. We would however like to urge the Committee to request the department to include in the Strategic Plan a few pages of text that outline the particular strategic objectives of the Department. As it is now, the Strategic Plan is contained in many pages of tables that do not offer any substance. In addition, there are an enormous number of performance indicators for each programme. This complicates the task of the department and of those wishing to assess its achievements.

CONCLUSION

In summary this submission has focused on three key issues:

1. The imbalance in the budget towards spending on infrastructure and security rather than on programmes that are focused on the welfare and development of inmates. The Committee is requested to take this matter up with the Department, in particular to ask for a clear indication of when it is expected that DCS will allocate resources that will further the objectives of the White Paper.
2. The apparently excessive on-going expenditure on maintaining information systems and the outsourcing of security. The Committee is requested to investigate the reasons for the high cost of information system management and the reasons for the continued outsourcing of security.

3. The inadequate allocation of resources and personnel to deliver health care to inmates, and the need for the policy regarding the categorisation of deaths in custody to be revised.

Finally, we wish the Committee well in its deliberations and are grateful for the opportunity to make this representation.