

# **JUDICIAL INSPECTORATE FOR CORRECTIONAL SERVICES**

(Correctional Services Act 111 of 1998, as amended)



## **QUARTERLY REPORT FOR THE PERIOD 1 JANUARY TO 31 MARCH 2012**

**Submitted to:** Mr Vincent Smith, MP; Chairperson: Portfolio Committee on Correctional Services

**Cc** Ms Nosiviwe Mapisa-Nqakula, Minister: Correctional Services  
Dr. Ngoako Ramatlhodi, Deputy Minister: Correctional Services  
Mr. Tom S. Moyane, National Commissioner: Correctional Services

**Submitted by:** VEM Tshabalala: The Inspecting Judge

**Submission Date:** Wednesday 9 May 2012

**EXECUTIVE SUMMARY REPORT FOR THE PERIOD**  
**01 JANUARY TO 31 MARCH 2012**

The Judicial Inspectorate Quarterly Report for the period 01 January – 31 March 2012 articulates the activities within the three core programmes of the Judicial Inspectorate, namely: (1) Administration; (2) Complaints processing, monitoring, and investigations; and (3) Community Oversight and Stakeholder engagement.

Within programme 1: Administration; the office of the Inspecting Judge and the Chief Executive Officer (CEO) has set the tone in terms of sound leadership by guiding the Inspectorate to focus on its core function, that is to monitor the oversight of the treatment of inmates and the conditions within correctional facilities. The Human Resources and Development unit has achieved a 93% filled rate on the fixed establishment and has continued to ensure that the Inspectorate invests in its human resources by creating opportunities for management and staff to develop. The financial and supply chain management unit focuses on the budget and assets of the Inspectorate. The expenditure for the quarter amounted to R 6,656,369.92, which was the average expenditure of the three previous quarters. At the end of the Financial Year, 31 March 2012, the Inspectorate's expenditure was R 24,174,206.26. During the same period in the 2010/2011 financial year the expenditure was R 20,262,780.49. The current expenditure represents an increase of about 19% from that of the 2010/2011 financial year. The report further outlines the Inspectorate's losses and damages in respect of state vehicles, which was a critical area of concern within the Department of Correctional Services. In three of the reported four incidents during the quarter, employees of the Inspectorate have been found to be responsible and liable for the losses.

Programme 2: Complaints monitoring, inspections and investigations, highlights the activities of the Directorate: Legal Services (D: LS). Twenty four (24) inspections were conducted for the period, which is captured in a schedule of Inspections further in this report; furthermore, eight (8) investigations were conducted. D: LS received and registered 217 complaints for the quarter, of which a file has been created for each case and of which 123 files have been dealt with. The Head of Centre's (HCC's) and Independent Correctional Centre Visitors (ICCVs) are requested to provide information in order for D: LS to make a recommendation. Of the 123 files that have been dealt with 17 cases had been finalised. The finalisation of a case is dependent upon the HCC and/or ICCV providing sufficient information. Assaults in Correctional Centres whereby Department officials / members are implicated, generally occur in 3 instances. It can either occur as a result of: (1) unauthorized use of force by the official; (2) excessive use of force by an official; (3) an assault with the intention to do harm to an inmate who either reported member misconduct, refuses to carry out an instruction by a member, or to punish an inmate for something he/she did. A schedule of assaults: "member on inmate" is attached to this report. 14 Deaths from unnatural causes were reported during the quarter by the Department of which 5 can be classified in the "homicide" / "suicide" categories. The remaining 9 are not yet classified, where even on a prima facie basis no apparent cause has been reported. There were 4 deaths reported in the "vulnerable" category, all occurring at Durban Female CC. A total of 154 natural deaths were reported for the same period.

Programme 3 provides a reflection on community oversight and stakeholder engagement, which is largely enacted by the ICCV's and through the Visitors' Committees. A total of 219 ICCVs formed the ICCV post establishment for the quarter. The current vacancy rate is 13% of a total of 278 posts. 30 ICCVs were inducted for the reporting period. A total of 186 Visitor's Committee Meetings were held during the Quarter, in which management has intensively begun concentrating on monitoring discussions of inmate complaints and their resolution. The level of stakeholder and community involvement at Visitors' Committees still requires significant improvement. On an organizational level, the Inspectorate was involved in a Human Rights Day project on 21 March 2012. Staff members and ICCVs distributed pamphlets: "Inmates have Rights" in various communities in all 9 provinces.

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## **PROGRAMME 1: ADMINISTRATION**

### **Objective 1: Management of the Inspectorate**

#### ***Office of the Inspecting Judge***

The Inspecting Judge engaged with three Department of Correctional Services' Regional Commissioners during the quarter. Since the Judge's appointment (five months ago), he has met all 6 Regional Commissioners at the Department. The purposes of these meetings were to strengthen the working relationship between the Inspectorate and the Department as well as the complaints procedure of the Inspectorate. The Judge visited 4 correctional centres during the quarter which totals 13 correctional centres visited since his appointment.

As indicated on the day of the submission of the Inspectorate's third quarterly report, a CEO for the Inspectorate was identified by the Judge and in consultation, appointed by the National Commissioner. This post was vacant since 1 October 2009.

The Minister of Correctional Services: Ms Nosiviwe Mapisa-Nqakula invited the Judge to the Department's: National Excellent Awards; Launch of Halfway House Project and Opening of Victory House; and the National Offenders Choir Competition. The Judge was able to attend all of these events.

#### ***Office of the CEO***

The CEO accompanied the Judge to all official gatherings. In addition to the 4 correctional centres that the Judge visited, the CEO conducted inspections at 4 correctional centres. The infrastructure at the temporary office for the Judge, at the Department of Public Works in Durban, was concluded.

The restructuring process of the Inspectorate, which started in June 2011 and endorsed by the Judge after his appointment, is at its final stage and envisaged to be concluded before the end of June 2012. A special word of appreciation is extended to the Department for their assistance in this regard.

There were ongoing consultations with both the DCS and the Department of Public Works (DPW) to finalize the renewal of the lease agreement of both the Cape Town and Centurion offices of the Inspectorate. The DCS once again provided proof that they are working tirelessly to finalize this matter but are dependent on the DPW to do so. As reported in the previous quarterly report of the Inspectorate, the previous lease agreements expired on 31 May 2010, and further in November 2011, the National Commissioner approved the procurement instruction for three additional offices for the Inspectorate. As in the case of the renewal of the lease agreements, the Inspectorate awaits the DPW to finalize this matter.

One of the major current challenges that the Inspectorate faces is IT with reference to: (1) the replacement of its server which was installed in 2002; (2) upgrade of the JICS website which was created in the same year and has never been updated; (3) a domain email address for the Inspectorate to advance its independence; and (4) the creation of a wizard that will allow heads of centres to report the use of force to the Inspecting Judge as required by the Act.

The Inspectorate engaged on various matters, inclusive of a submission made on the Department's Strategic Plan and Budget, with the Portfolio Committee on Correctional Services. The Inspectorate, during the quarter under review, had various meetings with the Department in terms of operational support.

The highlight of the Inspectorate during the quarter was a Strategic Planning workshop that was conducted; whereby the Inspectorate produced its first Strategic Plan and Annual Performance Plan since its inception. These documents will be submitted to the Minister, Deputy Minister, Portfolio Committee and National Commissioner, in due course. During the strategic planning workshop, management identified the following shortcomings in the Inspectorate –

- The implementation of formalised equity -; workplace skills & risk management –; Fraud Prevention Plans
- Compilation of JICS MIS system (SITA: Vulindlela)
- Specification database and database for prospective suppliers
- Formalization and implementation of donations, sponsorships & gift -; disciplinary -; Delegation of Powers -; special leave – and basic terms & conditions of employment policies and procedures
- Establishment of committees: Institutional, budget and planning committee as well as specification committee; evaluation committee and adjudication committee.

## Objective 2: Human Resources and Development

### *Update on post establishment*

The inspectorate has 44 approved and funded posts on the fixed establishment.

Table 1: The Inspectorates staff complement as on 31 March 2012:

| Post level                               | Posts      | Salary level | Vacant     |
|--|------------|--------------|------------|
| Inspecting Judge                         | 1          |              |            |
| Deputy Commissioner (CEO)                | 1          | 14           | 0          |
| Director                                 | 1          | 13           | 1          |
| Deputy Director                          | 3          | 11           | 0          |
| Assistant Director                       | 8          | 9            | 0          |
| Managers                                 | 9          | 8            | 0          |
| Administrative support staff             | 22         | 7 and lower  | 2          |
| Staff on fixed term contract             | 15         | 5 and 6      |            |
| <b>Vacancy rate</b>                      |            |              | <b>7%</b>  |
|  |            |              |            |
| Independent Correctional Centre Visitors | <b>278</b> |              | <b>38</b>  |
| <b>Vacancy rate</b>                      |            |              | <b>13%</b> |

The status of the vacant posts:

- It is envisaged that the salary level 13 post will be filled as from 1 June 2012
- The two salary level 5 posts: one post was filled on 1 April 2012 and the other post will be filled on 1 June 2012
- The appointment of ICCV's policy and procedure has been amended. In the past a post was required to be vacant before the process of appointing a new ICCV could begin. The new policy makes provision to start with the process of the appointment of an ICCV within the last 6 months of the contract period.

Two appointments on the fixed establishment and 1 contract appointment were made between January and March 2012:

- 1 appointment on level 6
- Chief Executive Officer

There were no resignations or transfers during the same period.

Figure 1: The employment equity distribution is as follows:

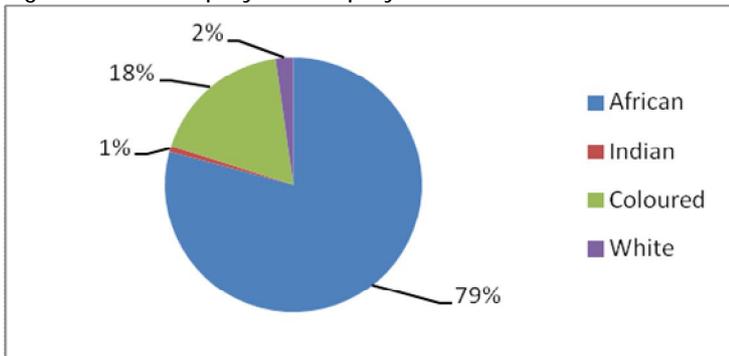
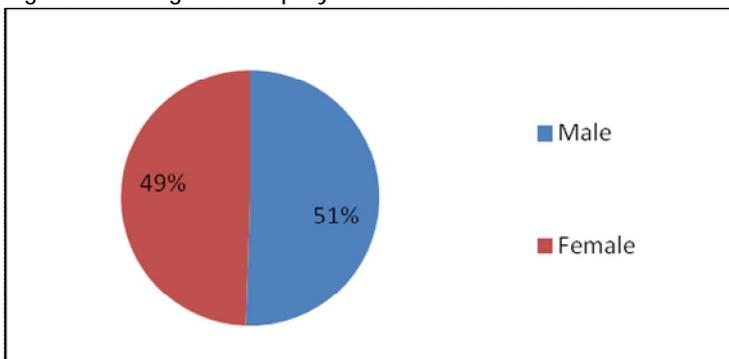


Figure 2: The gender equity distribution is as follows:



**Update on labour related matters:**

Two written warnings were issued to staff members during the quarter.

**Development and training**

- 2 ICCV Introductory training programmes were conducted whereby 12 ICCVs were trained
- 5 Paralegal training programmes were conducted whereby 51 ICCVs were trained
- 5 ICCV Office Bearers' training programmes were conducted whereby 83 Visitors Committee Chairpersons and Secretaries were trained

The Inspectorate's management team attended a course on the Public Finance Management Act (PFMA); 1 staff member attended BAS Orientation in Finance, and 1 staff member attended an Adjasa workshop.

The Inspectorate is in the process of engaging with the Department and institutions of higher learning with the intention of –

- Empowering the ICCV Trainers to become accredited trainers
- Planning towards the accreditation of courses (ICCV introductory training programme, Paralegal training program and Office Bearers training programme)
- Developing a SAQA accredited training course for ICCVs

## Objective 3: Financial Management & Supply Chain Management

### Financial Management

Table 2: Update of budget expenditure vs requested & projected **to date**

|                    | <b>Allocation<br/>2011/2012</b> | <b>Addition<br/>(Aug 2011)</b> | <b>Additional<br/>(Mar 2012)</b> | <b>Balance</b>                 | <b>Projected</b> |
|--------------------|---------------------------------|--------------------------------|----------------------------------|--------------------------------|------------------|
|                    | R 19 312 000                    | R 1 972 000                    | R 7 000                          | R 21 291 000.00                | R 23 300 000.00  |
| <b>Expenditure</b> |                                 |                                |                                  | - R 24 174 206.26<br>(113.54%) |                  |
|                    |                                 |                                |                                  | <b>- R 2 883 206.26</b>        |                  |

#### Budget

- The Inspectorate was originally allocated a budget of R 19,312,000.00 for the 2011/2012 financial year.
- During August 2011 the allocated budget was increased to R 20,784,000.00 and later adjusted to R21,284,000.00 and then finally adjusted to R 21,291,000.00.
- At the end of the Financial Year, 31 March 2012, the Inspectorates expenditure amounted to R24,174,206.26. Financial reports are submitted to the Department monthly and the Department allocate fund as required by the Act.
- During the same period in the 2010/2011 financial year the expenditure was R 20,262,780.49. Our current expenditure represents an increase of about 19% from that of the 2010/2011 financial year.

#### Expenditure

Table 3: The expenditure breakdown – Quarter 4

| <b>Description</b>                             | <b>Expenditure for 4<sup>th</sup> quarter</b> | <b>Percentage of 4<sup>th</sup> quarters expenditure</b> |
|--|---|--|
| ICCV's Remuneration<br>(Community investment)  | R1 859 477.79                                 | 27.94%   |
| Permanent & Contract employees<br>remuneration | R4 449 141.15                                 | 66.84%   |
| Goods & Services                               | R347 750.98                                   | 5.22%  |
| <b>Total</b>                                   | <b>R6 656 369.92</b>                          | <b>100%</b>  |

During this quarter the following number of payments were processed;

- 543 ICCV payments
- 89 BAS payments
- 84 LOGIS payments

#### Internal audits

As stated in the previous quarterly report, there is currently no internal audit post on the fixed establishment and the Inspectorate relies on the Departments processes. However a post has been created on the proposed new post establishment. Notwithstanding this scenario, internal audits on certain processes are done within the Inspectorate on a regular basis, for e.g. traffic fines and asset verification.

## ***Supply Chain Management***

### Information Technology

As mentioned under the heading of the CEO, this is one of the challenges experienced by the Inspectorate. As in the case of internal audit, there is currently no IT post/s on the fixed establishment and posts have been created on the proposed new post establishment. The Department's Western Cape Regional Office and Gauteng Regional office currently assists the Inspectorate at the Head Office and Centurion office respectively with IT support.

### Transport

Four incidents whereby damage / losses occurred to state vehicles were reported. In three of these cases employees of the Inspectorate have been found to be responsible and liable for the losses. The Inspectorate has dealt with these employees in terms of disciplinary measures and is in the process of recovering such losses from the individuals.

### Property Management

The Regional Office in Centurion was burgled on the weekend of the 21<sup>st</sup> and 23<sup>rd</sup> January 2012. An internal investigation was done. The property managers of the building submitted a report. The burglary was reported to the SAPS whereby a docket was opened, the SAPS case number is CAS505/1/2012. The approximate value of the stolen goods is: R 23 000.000. Additional security measures were put in place by both the Inspectorate and property management of the building.

## **RECOMMENDATIONS ON PROGRAMME 1**

The Inspectorate request support with the following:-

- The renewal of the Cape Town and Centurion offices' lease agreements
- To expedite the IT Support

## PROGRAMME 2: COMPLAINTS PROCESSING, MONITORING & INVESTIGATIONS

### Objective 1: Inspections and Investigations

Table 4: *Inspections* conducted by the Inspectorate during the quarter

|    | Date       | Centre                    | Findings   | Recommendation   | Compliance   |
|----|------------|---------------------------|--|--|--|
| 1. | 12/01/2012 | Barberton Town (Juvenile) | <ol style="list-style-type: none"> <li>1. Juvenile inmates complain about a lack of visits from family due to the fact that most are a long way from their homes.</li> <li>2. Plumbing in the centre's communal cells needs to be repaired.</li> </ol> | <ol style="list-style-type: none"> <li>1. The Area Commissioner Barberton management Area to indicate what plans (if any) are in place to transfer juvenile inmates nearer to their homes.</li> <li>2. The plumbing in the centre's communal cells needs to be fixed urgently</li> </ol> | <ol style="list-style-type: none"> <li>1. Letter sent to the Head of Centre and Area Commissioner regarding transfer of inmates. No feedback from DCS to date. Diarised for 23 April 2012.</li> <li>2. Letter sent to the Head of Centre and Area Commissioner regarding plumbing. No feedback from DCS to date. Diarised for 23 April 2012</li> </ol>   |
| 2. | 13/01/2012 | Barberton Farm Medium B   | <ol style="list-style-type: none"> <li>1. The centre has no visiting area. Contact visits take place in the passage at the access control area. The speakers in the booths for non-contact visits are out of order.</li> </ol>                         | <ol style="list-style-type: none"> <li>1. DCS to consider making a contact visit area available to inmates and repair the speakers in the booths for non contact visitors.</li> </ol>  | <ol style="list-style-type: none"> <li>1. Letter sent to the Head of Centre and Area Commissioner regarding contact and non contact visitors' area. Feedback from DCS:               <ol style="list-style-type: none"> <li>i. Renovation and construction of the contact visit area commenced on 19 April 2012.</li> <li>ii. There is a contract for the repair of the speakers in the booths for non contact visits but the contractor is behind schedule. Diarized for 28 May 2012</li> </ol> </li> </ol> |

|    |            |                      |   |  |   |
|----|------------|----------------------|---|--|---|
| 3. | 14/01/2012 | Barberton Farm Med A | <ol style="list-style-type: none"> <li>1. The visiting area has no roof.</li> <li>2. The fire hydrants in the front of the centre need to be serviced.</li> <li>3. Certificates are not issued for inmates who acquire skills working in the centre.</li> </ol>   | <ol style="list-style-type: none"> <li>1. The Head of Centre to indicate in writing how long it will take to renovate or rebuild the visitors' area.</li> <li>2. The Head of Centre to indicate what is being done to service the fire hydrants in front of the centre.</li> <li>3. The Head of Centre to indicate what plans are in place to accredit inmates at the Department of Labour in order for them to be issued with certificates.</li> </ol>  | <ol style="list-style-type: none"> <li>1. Letter sent to the Head of Centre and Area Commissioner regarding the visiting area. Feedback from DCS: The renovation to the visitors' area has started and will take about three months to be completed. Diarized for 16 July 2012.</li> <li>2. Letter sent to the Head of Centre and Area Commissioner regarding the fire hydrants in front of the centre. Feedback from DCS: Department of Public Works (DPW) was contacted and issue discussed in a meeting with DPW. Diarized for 23 April 2012</li> <li>3. Letter sent to the Head of Centre and Area Commissioner regarding the accreditation of work done by inmates. Feedback from DCS: DCS is in discussion with Ehlanzeni FET to offer training to inmates through the National Skills Training Fund. Training to start in May 2012. Diarized for 16 July 2012</li> </ol> |
| 4. | 16/01/2012 | Nelspruit            | <ol style="list-style-type: none"> <li>1. The Visitors area needs to be improved.</li> </ol>  | <ol style="list-style-type: none"> <li>1. Head of Centre and Area Commissioner to inform the Inspectorate on measures to improve the male visitors' area.</li> </ol>   | <ol style="list-style-type: none"> <li>1. Letter to the Head of Centre and Area Commissioner for improvement of the visitors' area. No feedback from DCS yet. Diarized for 30 April 2012.</li> </ol>  |
| 5. | 17/01/2012 | Lydenburg            | <ol style="list-style-type: none"> <li>1. The corrugated iron roof of Medium A is loose and must be fixed as soon as possible.</li> <li>2. Inmates are served food from Nelspruit Correctional Centre. The food is delivered in bulk, especially the bread; in most instances it is stale.</li> <li>3. The nurse visits the centre for only four hours a day and might not be available for medical emergencies.</li> </ol> | <ol style="list-style-type: none"> <li>1. A letter is to be written to the Head of Centre and the Area Commissioner to enquire what plans are in place to renovate the roof of unit A.</li> <li>2. The Area Commissioner to indicate what plans are in place to ensure that inmates at Lydenburg Correctional Centre are served food of an acceptable standard. Alternatively, what plans are in place to get a fully functioning kitchen at the centre</li> <li>3. The Area Commissioner is to indicate what plans (if any) are in place to appoint a full time nurse at the centre.</li> </ol> | <ol style="list-style-type: none"> <li>1. Letter sent to the Head of Centre and Area Commissioner regarding the repairs to the roof. No Feedback from DCS yet. Diarized for 23 April 2012.</li> <li>2. Letter sent to the Head of Centre and Area Commissioner regarding the standard of food served to inmates. No Feedback from DCS yet. Diarized for 23 April 2012.</li> <li>3. Letter sent to the Head of Centre and Area Commissioner regarding the appointment of a nurse at the centre. No Feedback from DCS yet. Diarized for</li> </ol>  |

|    |            |                   |   |  |  |
|----|------------|-------------------|---|--|--|
|    |            |                   | 4. There is no tuck shop for inmates at the centre.   | 4. A letter to be written to the Area Commissioner and Head of Centre to enquire what plans (if any) are in place to provide a tuck shop for the inmates.  | 23 April 2012.<br>4. Letter sent to the Head of Centre and Area Commissioner regarding the provision of a tuck shop to inmates. No Feedback from DCS yet. Diarized for 23 April 2012.  |
| 6. | 23/01/2012 | Ncome Med B       | <p>1. There is a severe challenge with gangsterism at the centre.</p> <p>2. The ambulance at the centre is not operational.</p> <p>3. There is a shortage of social workers at the centre resulting in a lack of rehabilitation programmes for inmates.</p>   | <p>1. DCS to consider sending DCS officials working at the centre on a course regarding gangsterism.</p> <p>2. A letter to be written to the Head of Centre enquiring whether the ambulance at the centre has been repaired, if not, it is requested that this office be furnished with plans in place to repair or replace it.</p> <p>3. A letter to be written to the Area Commissioner, Ncome Management Area, to enquire on plans in place to appoint more social workers at the centre and the envisioned timeframe for the appointments.</p> | <p>1. Letter sent to the Area Commissioner regarding a course for DCS officials on gangsterism. No Feedback from DCS yet. Diarized for 23 April 2012</p> <p>2. Letter sent to the Head of Centre and Area Commissioner regarding the ambulance at the centre. No feedback from DCS to date. No Feedback from DCS yet. Diarized for 23 April 2012</p> <p>3. Letter sent to the Area Commissioner regarding the appointment of social workers at the centre. No feedback from DCS to date. Diarized for 23 April 2012.</p> |
| 7. | 24/1/2012  | Waterval Medium A | <p>1. All cases of segregation of inmates are not reported to the Inspectorate, especially in the hospital unit. It should also be brought under the attention of the Head of Centre that all categories of segregation mentioned in Section 30 of "the Act" should be reported without exception.</p> <p>2. There is a shortage of social workers at the centre having a negative effect on the rehabilitation of inmates.</p> | <p>1. Letter to be written to the HCC to request him to adhere fully with section 30 of the Act, especially in the hospital unit. The Head of Centre is to be informed that all cases of segregation must be reported, regardless of the reason.</p> <p>2. A letter to be written to the Area Commissioner to enquire what measures are in place to ensure that the centre employs enough social workers as well as what the timeframe for the appointments is.</p>  | <p>1. Letter sent to the Head of Centre and Area Commissioner regarding the reporting of all segregations at the centre. No Feedback from DCS yet. Diarized for 23 April 2012.</p> <p>2. Letter sent to the Head of Centre and Area Commissioner regarding the appointment of additional social workers. No Feedback from DCS yet. Diarized for 23 April 2012</p>  |

|    |           |           |  |   |   |
|----|-----------|-----------|--|---|---|
| 8. | 25/1/2012 | Ladysmith | <ol style="list-style-type: none"> <li>1. The whole centre needs to extensively renovated urgently. The security fence and plumbing as well as the visiting area are especially of concern. A private consultation room for the assessment of newly incarcerated detainees also needs to be included in the renovations.</li> <li>2. Fire fighting equipment needs to be serviced.</li> </ol>  | <ol style="list-style-type: none"> <li>1. Letter to be written to the Area Commissioner to enquire what plans are in place regarding extensive renovations at the centre.</li> <li>2. A letter to be written to the Head of Centre to enquire if the fire fighting equipment has been serviced since the inspection and if not, when the service will take place.</li> </ol>  | <ol style="list-style-type: none"> <li>1. Letter sent to the Head of Centre and Area Commissioner regarding renovations of the centre. No feedback from DCS yet. Diarized for 7 May 2012.</li> <li>2. Letter sent to the Head of Centre and Area Commissioner regarding servicing of the fire fighting equipment. All feedback is diarized for 7 May 2012. No Feedback from DCS yet. Diarized for 23 April 2012</li> </ol>  |
| 9  | 26/1/2012 | Brandfort | <ol style="list-style-type: none"> <li>1. There is no educational, vocational or rehabilitation programs provided for inmates at the centre.</li> <li>2. There are no social workers employed at the centre.</li> <li>3. The centre only has one G365 complaint register.</li> <li>4. DCS officials are not trained in fire fighting.</li> <li>5. There are a huge number of flies in the kitchen making food preparation unhygienic.</li> <li>6. An inmate was found mechanically restrained. The matter was not reported to the</li> </ol> | <ol style="list-style-type: none"> <li>1. It is recommended that the matter pertaining inmate's exposure to educational and or vocational and or rehabilitation programs be addressed as a matter of urgency.</li> <li>2. It is recommended that the vacancy of the Social Worker be filled as a matter of urgency.</li> <li>3. It is recommended that the centre create four (4) G 365 registers; one per classification group (adult sentenced; adult remand; juvenile sentenced and juvenile remand)</li> <li>4. It is recommended that Officials receive in-service training to be equipped in dealing with a possible fire in the centre.</li> <li>5. It is recommended that the kitchen be secured to prevent or at least minimize the quantity of flies of entering the kitchen for hygienic reasons.</li> <li>6. It is recommended that the matter regarding the inmate that is segregated under section 31 as reported by Mr. Carelse on the day of the inspection to</li> </ol> | <ol style="list-style-type: none"> <li>1. The Recommendation is in the process of being addressed.</li> <li>2. The Recommendation is in the process of being addressed.</li> <li>3. The Recommendation is in the process of being addressed.</li> <li>4. The Recommendation is in the process of being addressed.</li> <li>5. The Recommendation is in the process of being addressed.</li> <li>6. The Recommendation is in the process of being addressed</li> </ol> |

|     |           |                 |   |   |   |
|-----|-----------|-----------------|---|---|---|
|     |           |                 | Inspectorate.   | the JICS DLS: Mandatory Reports Unit be dealt with.   |   |
| 10. | 26/1/2012 | Pomeroy         | <ol style="list-style-type: none"> <li>1. There is no Death- or Injury register at the centre.</li> <li>2. The centre is old and urgent maintenance is needed with the security fence as well as the centre itself, especially the plumbing of the centre</li> </ol>  | <ol style="list-style-type: none"> <li>1. The Head of Centre to indicate what steps are being taken to introduce a death and injury register in the centre as soon as possible.</li> <li>2. A letter to be written to the Area Commissioner to enquire what plans are in place to renovate the centre or at least when extensive maintenance can be expected at the centre</li> </ol>   | <ol style="list-style-type: none"> <li>1. Feedback from DCS: The Head of Centre confirmed on 12 March 2012 that the death- and injury registers are now in place.</li> <li>2. A letter was forwarded to the Area Commissioner regarding the renovation of the centre. No feedback from DCS yet. Diarized for 23 April 2012.</li> </ol>  |
| 11. | 7/02/2012 | Voorberg        | <ol style="list-style-type: none"> <li>1. Renovation (RAMP program) of the kitchen was supposed to start on 1 February 2012 but on the date of the inspection, there were no work in progress.</li> <li>2. The cells are constructed out of corrugated iron and it is very cold in winter and very hot in summer.</li> </ol>                                    | <ol style="list-style-type: none"> <li>1. A letter to be written to the Head of Centre enquiring if the RAMP renovation has commenced and if not, when the will project commence.</li> <li>2. A letter to be written to the Area Commissioner enquiring about plans in place to replace the zinc structure of the cells with a permanent brick.</li> </ol>  | <ol style="list-style-type: none"> <li>1. A letter was forwarded to the Head of Centre regarding the renovations. No Feedback from DCS yet. Diarized for 23 April 2012.</li> <li>2. A letter was forwarded to the Area Commissioner regarding the replacement of the zinc structure with a permanent structure No Feedback from DCS yet. Diarized for 23 April 2012.</li> </ol>         |
| 12. | 12/2/2012 | St Albans Med B | <ol style="list-style-type: none"> <li>1. The plumbing in centre is in a bad state. Some toilets are not flushing and some taps are leaking severely causing water wastage and potential health risks.</li> <li>2. Inmates are complaining that they do not receive enough toiletries as well as cleaning material for the cells. The Head of Centre</li> </ol> | <ol style="list-style-type: none"> <li>1. The Head of Centre and Area Commissioner are to inform the Inspectorate what plans are in place to reduce overcrowding of remand detainees and effectively deal with maintenance at the centre.</li> <li>2. The Head of Centre is to inform the Inspectorate on measures taken to ensure that all detainees get their toiletries on a regular basis and that all cells are supplied with cleaning materials.</li> </ol> | <ol style="list-style-type: none"> <li>1. A letter was forwarded to the Area Commissioner regarding the reduction of overcrowding. No Feedback from DCS yet. Diarized for 23 April 2012.</li> <li>2. A letter was forwarded to the Head of Centre and Area Commissioner regarding the supply of toiletries to inmates. No feedback from DCS yet. Diarized for 23 April 2012.</li> </ol> |

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|     |           |                    | <p>informed the inspector that after the last visit from the Portfolio Committee, inmates are now receiving toiletries and cleaning material on regular. It is suspected by the inspector that there might be a problem with the equal distribution of the toiletries, as it seems that some detainees have lots of toiletries (which they sell to other detainees) and others none.</p> <p>3. The speakers at the booths of the non-contact visitors' area are out of order. It seems as if this has been a concern for a long time. Detainees are not allowed contact visits and must use the non-contact facilities. According to DCS, about 800 visits take place weekly.</p> <p>4. Due to gangsterism (as well as related stabbing incident that took place recently) the kitchen currently only supplies two meals to inmates per day for inmates. Lunch and supper is combined.</p> | <p>3. The Head of Centre and Area Commissioner are to inform the Inspectorate what plans are in place to fix the speakers at the non-contact visitors' area.</p> <p>4. The Head of Centre is to inform the Inspectorate when the kitchen will be fully adhering to section 8 of the Act.</p>   | <p>3. A letter was forwarded to the Area Commissioner regarding the fixing of speakers in the non contact visitors' area. No feedback from DCS yet. Diarized for 23 April 2012.</p> <p>4. A letter was forwarded to the Area Commissioner regarding three meals a day to inmates. No feedback from DCS yet. Diarized for 23 April 2012.</p>  |
| 13. | 14/2/2012 | King Williams Town | <p>1. The centre is extremely overcrowded.</p> <p>2. The centre urgently needs to be renovated, especially the plumbing in the cells.</p> <p>3. The centre gets medicine from St Albans in Port Elizabeth; there is a pharmacy at the East</p>   | <p>1. A letter to be written to the Area Commissioner to enquire what steps is being taken to alleviate overcrowding at the centre.</p> <p>2. A letter to be written to the Head of Centre to enquire what plans are in place to renovate the centre and or have urgent maintenance done to the centre's plumbing system.</p> <p>3. Correctional Services to consider moving King Williams Town Correctional Centre pharmacy to East London.</p> | <p>1. A letter was forwarded to the Area Commissioner regarding the alleviation of overcrowding at the centre. No feedback from DCS yet. Diarized for 23 April 2012.</p> <p>2. A letter was forwarded to the Area Commissioner regarding renovation of the centre especially the plumbing. No feedback from DCS yet. Diarized for 23 April 2012.</p> <p>3. A letter was forwarded to the Area Commissioner regarding the movement of the pharmacy to East London. No feedback from</p> |

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|     |          |           | <p>London DCS offices.</p> <p>4. There is no shop in the centre for inmates and detainees.</p> <p>5. There are not enough booths at the non-contact visits area and the speakers don't work.</p>   | <p>4. Correctional Services to consider opening a shop inside the centre for detainees and inmates.</p> <p>5. A letter to be written to the Head of Centre to enquire what plans are in place to repair the speakers in the non-contact visitor's area.</p>   | <p>DCS yet. Diarized for 23 April 2012.</p> <p>4. A letter was forwarded to the Area Commissioner regarding the establishment of a tuck shop at the centre. No feedback from DCS yet. Diarized for 23 April 2012.</p> <p>5. A letter was forwarded to the Area Commissioner regarding the repairs to the speakers in the non contact visit area. No feedback from DCS yet. Diarized for 23 April 2012.</p>  |
| 14. | 15/02/12 | Mdantsane | <p>1. The centre is extremely overcrowded due to current renovations at the centre.</p> <p>2. There is a severe staff shortage of especially custodial staff at the centre.</p> <p>3. Fire hydrants situated outside the centre and it is doubted if it will be effective during an emergency.</p> <p>4. The kitchen doesn't have a ceiling and birds flying around in the kitchen causing potential hygiene problems. The inspector was informed that the kitchen will be renovated soon.</p> <p>5. The TV in the juvenile maximum unit doesn't work (inmates are locked up in the cell for most of the day).</p> | <p>1. Correctional Services to consider temporarily transferring some inmates to other centres during the renovations.</p> <p>2. Correctional Services to consider employing more custodial staff at the centre.</p> <p>3. Correctional services to consider moving fire hydrants in the units during renovations.</p> <p>4. Correctional Services to inform the Inspectorate when the renovations of the kitchen is planned to commence and what plans will be put in place to ensure that inmates still get their meals as prescribed by the Act during the renovations.</p> <p>5. The Head of Centre to inform the Inspectorate if the television in the maximum juvenile unit has been repaired and if not, when the television will be repaired.</p> | <p>1. A letter was forwarded to the Area Commissioner regarding the temporary transfer of inmates during the renovations. No feedback from DCS yet. Diarized for 23 April 2012.</p> <p>2. A letter was forwarded to the Head of Centre and Area Commissioner regarding the employment of especially custodial staff at the centre. No feedback from DCS yet. Diarized for 23 April 2012.</p> <p>3. A letter was forwarded to the Area Commissioner regarding the moving of the fire hydrants during renovations of the centre.</p> <p>4. A letter was forwarded to the Head of Centre and Area Commissioner regarding the plans in place to ensure that the inmates will still get their meals as prescribed by the Act during the renovations.</p> <p>5. A letter was forwarded to the Head of Centre and Area Commissioner regarding repair of the television in the juvenile maximum unit. No feedback from DCS yet. Diarized for 23 April 2012.</p> |

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| 15. | 16/2/2012 | East London<br>Medium B        | <ol style="list-style-type: none"> <li>1. The clinic section of the centre needs to be converted to a hospital as ten beds is not sufficient to assist inmates needing medical attention.</li> <li>2. Mentally ill patients are not separated from the general population.</li> <li>3. There is no social worker at the centre.</li> </ol>  | <ol style="list-style-type: none"> <li>1. It is recommended that the matter of the hospital be raised with all management levels within DCS and a formal request be made to the Department of Health to conduct a formal investigation (with the knowledge of the DCS).</li> <li>2. It is recommended that the DLS investigate the matter regarding the mental ill patients and subsequently make recommendations.</li> <li>3. It is recommended that the JICS support the HCC by writing a motivation letter to the DCS National Commissioner recommending the appointment of a Social Worker at the centre.</li> <li>4. It is recommended that the DLS follow-up on the two matters related to the Special Care Unit, as per the inspection report. One: being the request of SAPS to place inmates in isolation and; two: the toilets that is not flushing</li> </ol> | <ol style="list-style-type: none"> <li>1. In process</li> <li>2. In Process</li> <li>3. In process</li> <li>4. In process</li> </ol>  |
| 16. | 16/2/2012 | East London<br>Med. C (Female) | <ol style="list-style-type: none"> <li>1. The following maintenance related issues were found: <ol style="list-style-type: none"> <li>i. The electronic security system is not functioning properly.</li> <li>ii. In the non-contact visitor's area only two speakers were found in working order.</li> <li>iii. The roof in the passage leaks in rainy weather.</li> </ol> </li> <li>2. Nurses who are on standby live far from the centre and might not be effective in medical emergencies.</li> <li>3. There is no Parole Board chair person and the vice chair person is on maternity leave.</li> <li>4. The psychologist apparently refuses to</li> </ol> | <ol style="list-style-type: none"> <li>1. A letter to be written to the HCC regarding the maintenance issues.</li> <li>2. A letter to be written to the Head of Centre enquiring of measures in place to ensure that inmates get adequate medical treatment during medical emergencies, especially after hours.</li> <li>3. A letter is written to the Area Commissioner enquiring about plans in place to appoint a chairperson for the Parole Board.</li> <li>4. A letter to be written to the Area Commissioner enquiring</li> </ol>  | <ol style="list-style-type: none"> <li>1. Letters were forwarded to the Head of Centre and the Area Commissioner regarding the maintenance at the centre. No feedback received from DCS yet. Diarized for 23 April 2012.</li> <li>2. A letter was forwarded to the Head of Centre and Area Commissioner regarding after hour medical emergencies. No Feedback from DCS yet. Diarized for 23 April 2012.</li> <li>3. A letter was forwarded to the Head of Centre and Area Commissioner regarding appointment of a chairperson for the Parole Board. No Feedback from DCS yet. Diarized for 23 April 2012.</li> <li>4. A letter was forwarded to the Head of Centre and</li> </ol> |

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|     |           |                   | assist inmates who murdered their children/husbands/p<br>arents.   | what plans are in place to assist inmates with psychology services in cases where the psychologist refuses to render services to certain inmates.   | Area Commissioner regarding psychology services. No Feedback from DCS yet. Diarized for 23 April 2012.   |
| 17. | 25/2/2012 | Pietermaritzburg  | <ol style="list-style-type: none"> <li>1. Inmates are not allowed at least one hour of exercise per day.</li> <li>2. The quality of the food at the centre is not up to standard.</li> <li>3. Lunch and supper are served at the same time.</li> <li>4. Fire fighting equipment has expired and needs servicing.</li> <li>5. Segregations are not reported to the Inspecting Judge.</li> </ol> | <ol style="list-style-type: none"> <li>1. The Head of Centre is to inform this office of steps taken to ensure that all inmates get at least 1 hour exercise a day.</li> <li>2. A letter be written to the Head of Centre and Area Commissioner requesting that they provide this office with steps to taken to ensure that inmates are served with food of good quality</li> <li>3. The Head of Centre is to provide this office with steps to be taken to ensure that inmates are served with 3 meals a day.</li> <li>4. The Head of Centre is to provide this office with steps to be taken to ensure that all fire fighting equipment is serviced.</li> <li>5. The Head of Centre is to provide this office with steps to be taken to ensure that all instances of segregation of inmates are reported to the Inspectorate</li> </ol> | <ol style="list-style-type: none"> <li>1. A letter was forwarded to the Head of Centre and Area Commissioner regarding exercise of inmates. No feedback from DCS yet. Diarized for 14 May 2012.</li> <li>2. A letter was forwarded to the Head of Centre and Area Commissioner regarding the quality of food at the centre. No feedback from DCS yet. Diarized for 14 May 2012.</li> <li>3. A letter was forwarded to the Head of Centre and Area Commissioner regarding the plans in place to ensure that inmates are served with three meals a day.</li> <li>4. A letter was forwarded to the Head of Centre and Area Commissioner regarding the plans in place to ensure that all fire fighting equipment is serviced.</li> <li>5. A letter was forwarded to the Head of Centre and Area Commissioner regarding the reporting of all segregations to the Inspectorate. No feedback from DCS yet. Diarized for 14 May 2012.</li> </ol> |
| 18. | 8 /3/2012 | Mangaung          | The Judge visited the centre on 8 March 2012   | No findings were made   | No recommendations were made.  |
| 19. | 9/3/2012  | Grootvlei         | The Judge visited the centre on 9 March 2012   | No findings were made   | No recommendations were made   |
| 20. | 10/3/2012 | Leeuwkop Medium C | <ol style="list-style-type: none"> <li>1. No notices with inmates' particulars are posted on the doors of the single cells in the Special Care Unit</li> </ol>   | <ol style="list-style-type: none"> <li>1. The Head of Centre is to provide this office with steps to be taken to ensure that notices are posted on all the doors of the single cells in the Special Care Unit</li> </ol>  | <ol style="list-style-type: none"> <li>1. Recommendation is in the process of being addressed.</li> </ol>  |

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| 21. | 12/3/2012 | Rustenburg | <ol style="list-style-type: none"> <li>1. The non-contact visitors' area is not wheelchair friendly.</li> </ol>  | <ol style="list-style-type: none"> <li>1. The Head of Centre to provide this office with plans in place to ensure that the non contact visitors' area is wheelchair friendly and if there are any alternatives in place to ensure that wheelchair bound visitors can visit their family in the centre</li> </ol>  | <ol style="list-style-type: none"> <li>1. A letter was forwarded to the Head of Centre and Area Commissioner regarding the accessibility of the non contact visitors' area by wheelchair bound visitors. No feedback from DCS yet. Diarized for 14 May 2012.</li> </ol>   |
| 22. | 13/3/2012 | Calvinia   | <ol style="list-style-type: none"> <li>1. The centre has no medical unit.</li> <li>2. There is no tuck shop for inmates at the centre.</li> <li>3. No educational, rehabilitation and vocational programmes are available at the centre.</li> <li>4. There is no visitors area for non contact visits at the centre</li> </ol> | <ol style="list-style-type: none"> <li>1. The Head of Centre to provide this office with steps to be taken to ensure that a medical centre is provided for at the centre.</li> <li>2. The Head of Centre to provide this office with steps to be taken to ensure that a tuck shop is provided for at the centre.</li> <li>3. It is recommended that the centre introduce educational, rehabilitation and vocational programmes.</li> <li>4. The Head of Centre to provide this office with steps to be taken to ensure that a non contact visitors' area is provided for at the centre</li> </ol> | <ol style="list-style-type: none"> <li>1. A letter was forwarded to the Head of Centre and Area Commissioner regarding the provision of a medical unit at the centre. No feedback from DCS yet. Diarized for 14 May 2012.</li> <li>2. A letter was forwarded to the Head of Centre and Area Commissioner regarding the provision of a tuck shop at the centre. No feedback from DCS yet. Diarized for 19 May 2012.</li> <li>3. A letter was forwarded to the Head of Centre and Area Commissioner regarding the introduction of educational, rehabilitation and vocational programmes at the centre. No feedback from DCS yet. Diarized for 19 May 2012.</li> <li>4. A letter was forwarded to the Head of Centre and Area Commissioner regarding the provision of a non contact visitors' area at the centre. No feedback from DCS yet. Diarized for 21 May 2012.</li> </ol> |
| 23. | 14/3/2012 | Makhado    | <ol style="list-style-type: none"> <li>1. The centre is severely overcrowded.</li> <li>2. There is a case of assault (Member on inmate) being investigated by the DCS.</li> <li>3. The clinic does not have beds.</li> <li>4. Medicine is received from Pretoria as there is no pharmacy at the centre.</li> </ol>             | <ol style="list-style-type: none"> <li>1. The Inspectorate to be informed of the centre's plans to alleviate overcrowding.</li> <li>2. Inspectorate awaits the pending DCS investigation on assault.</li> <li>3. The centre is to inform the Inspectorate of measure in place to allocate beds at the clinic.</li> <li>4. The Inspectorate to be informed of measures in place to allocate a pharmacy at the centre.</li> </ol>   | <ol style="list-style-type: none"> <li>1. A letter was forwarded to the HCC and Area Commissioner (AC) regarding the plans in place to reduce overcrowding.</li> <li>2. A letter was forwarded to the HCC and AC regarding the outstanding investigation report.</li> <li>3. A letter was forwarded to the HCC and AC regarding the plans in place to allocate beds at the clinic.</li> <li>4. A letter was forwarded to the HCC and AC regarding the plans in place to allocate a pharmacy at the centre.</li> </ol>   |

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|     |           |           | <p>5. There is an urgent need for maintenance at the centre.</p> <p>6. There is no proper water supply as the centre makes use of tanks for storage.</p> <p>7. The centre lacks professional staff, especially social workers.</p> <p>8. The medical facility is inadequately equipped.</p>  | <p>5. Centre to inform the Inspectorate about measures or plans in place for structural maintenance required and timeframes thereof.</p> <p>6. The Inspectorate to be informed of measure in place for the required upgrade of the centre's water supply.</p> <p>7. Centre to inform the Inspectorate of plans in place to alleviate the shortage of professional staff especially social workers.</p> <p>8. The Inspectorate to be informed of measures in place to upgrade the medical facility of the centre.</p> | <p>5. A letter was forwarded to the HCC and AC regarding the plans in place to initiate structural maintenance at the centre.</p> <p>6. A letter was forwarded to the HCC and AC regarding the plans in place to upgrade the centres water supply.</p> <p>7. A letter was forwarded to the HCC and AC regarding the plans in place to alleviate the shortage of professional staff especially social workers.</p> <p>8. A letter was forwarded to the HCC and AC regarding the plans in place to upgrade the medical facility of the centre.</p> |
| 24. | 14/3/2012 | Uppington | <p>1. The centre is not aware that all segregations, mechanical restraint and use of force must be reported to the Inspectorate immediately.</p> <p>2. As the centre is far from town, visitors find it difficult to visit the centre and often have to walk some 24 kilometers to the centre to visit inmates</p>   | <p>1. The Inspectorate to be informed of the plans in place to report all cases of segregations, mechanical restraints or use of force to the Inspectorate.</p> <p>2. The Head of centre and Area Commissioner to consider forming a partnership with a cluster partner NGO such as NICRO to supply public transport to the centre's visitors on certain weekends.</p>   | <p>1. Letter was written to the Head of Centre and Area Commissioner regarding mandatory reporting of all segregations, mechanical restraints or use of force. Diarized for 23 May 2012.</p> <p>2. Letter was written to the Head of Centre and Area Commissioner regarding a partnership with its cluster partners for providing transport to visitors of inmates. Diarized for 23 May 2012.</p>  |
| 25. | 15/3/2012 | Springbok | <p>1. Centre does not have a tuck shop for inmates.</p> <p>2. Head of Centre does not have access to internet and the Inspectorate webpage for reporting of Mandatory matters.</p> <p>3. Head of Centre is not aware that all mandatory matters must be reported to the Inspecting Judge's Office.</p> <p>4. DCS members in the units not aware that all complaints given to ICCVs by inmates should also be</p> | <p>1. A letter to be written to the Head of centre regarding the establishment of a tuck shop for inmates.</p> <p>2. The Inspectorate to be informed of the plans in place to upgrade the network of the centre.</p> <p>3. The Inspectorate to be informed of the plans in place to ensure that all mandatory matters are reported to the Inspectorate.</p> <p>4. The Inspectorate to be informed of the plans in place to ensure that all inmates' complaints are duly registered in the G365</p>                   | <p>1. A letter was forwarded to the HCC and AC regarding the plans in place to establish a tuck shop for inmates.</p> <p>2. A letter was forwarded to the HCC and AC regarding the plans in place to upgrade the IT network at the centre.</p> <p>3. A letter was forwarded to the HCC and AC regarding ensuring that mandatory matters are reported to the Inspectorate.</p> <p>4. A letter was forwarded to the HCC and AC regarding the plans in place to ensure that all complaints are registered in the G365 and</p>                       |

|     |            |                    | registered in the G365.  | complaints register and handled.  | addressed.   |
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| 26. | 15/3/2012  | Tzaneen            | <ol style="list-style-type: none"> <li>1. A new correctional centre is currently being constructed and should be operational in September 2012.</li> <li>2. The centre is an old zinc structure.</li> <li>3. The visiting area, both for contact and non contact visits needs to be renovated.</li> <li>4. There is only one nurse in the centre, creating challenges if the nurse is off duty or out of the management area.</li> <li>5. Cooks in the kitchen are only provided with one uniform adversely influencing hygiene at the kitchen.</li> </ol> | <ol style="list-style-type: none"> <li>1. The Inspectorate to be informed of the progress in the construction of the new correctional centre.</li> <li>2. Same as point 1</li> <li>3. Same as point 1</li> <li>4. The Inspectorate to be informed of the plans in place to appoint more nurses at the correctional centre.</li> <li>5. The Inspectorate to be informed of the plans in place to provide cooks with at least two sets of uniforms each.</li> </ol> | <ol style="list-style-type: none"> <li>1. A letter was forwarded to the HCC and AC regarding the progress of the construction of a new centre.</li> <li>2. Same as point 1</li> <li>3. Same as point 1</li> <li>4. A letter was forwarded to the HCC and AC regarding the plans in place to appoint more nurses at the centre</li> <li>5. A letter was forwarded to the HCC and AC regarding the plans in place to provide cooks with at least two sets of uniforms each.</li> </ol> |
| 27. | 16/3/2012  | Thohoyandou Female | <ol style="list-style-type: none"> <li>1. The centre faces a challenge of lacking professional staff especially social workers.</li> <li>2. The clinic has only two beds for a population of 69 female inmates.</li> <li>3. Some mothers complain that they have no clothes for their babies.</li> </ol>   | <ol style="list-style-type: none"> <li>1. The centre to inform the Inspectorate of measures in place to employ social workers and the proposed timeframe.</li> <li>2. The Inspectorate to be informed of measures in place to allocate more beds at the clinic.</li> <li>3. The Inspectorate to be informed of measures in place to ensure that infants in the centre have adequate clothing</li> </ol>   | <ol style="list-style-type: none"> <li>1. A letter was forwarded to the HCC and AC regarding the plans in place to employ more social workers at the centre.</li> <li>2. A letter was forwarded to the HCC and AC regarding the plans in place to provide additional beds at the clinic.</li> <li>3. A letter was forwarded to the HCC and AC regarding the plans in place to ensure all infants at the centre are provided with adequate clothing.</li> </ol>                       |
| 28. | 16/03/2012 | Van Rhynsdorp      | <ol style="list-style-type: none"> <li>1. The inspector was denied entry into the correctional centre by the HCC.</li> </ol>   | <ol style="list-style-type: none"> <li>1. The Inspectorate to be informed as to why the inspector was denied entry.</li> </ol>  | <ol style="list-style-type: none"> <li>1. A letter was forwarded to the HCC to explain why the inspector of JICS was denied entry to the centre</li> <li>2. A letter was forwarded to the AC and Regional Commissioner to inform them that the HCC denied access to an inspector of</li> </ol>   |

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A total number of 28 Inspections were conducted during the quarter. Overall inspections revealed that the three major issues in correctional centres are –

- Overcrowding
- Infrastructural defects
- Shortage of personnel as result of the shift system

Table 5: **Investigations** conducted by the Inspectorate during the quarter

| No | Date          | Centre                    | Findings   | Recommendations   |
|----|---------------|---------------------------|--|---|
| 1  | 11-12/01/2012 | Barberton Town (Juvenile) | Inmate alleges that he was raped and assaulted by DCS members. Case R-835-2011 was opened and investigated. Inmate was interviewed but declined to provide information on his allegations unless he was transferred to another correctional centre. After the two day consultation, the inmate has been advised to consult the ICCV should he be treated in an inhumane manner by DCS. | 1. DCS to furnish this office with their investigation report herein. The report was received and D: LS is currently following up.<br>2. The ICCV to monitor the situation and report to the office.  |
| 2  | 07/02/2012    | Krugersdorp               | 1. Inmate Theo Voster was refused assistance for his request for sleeping pills. After having waited for two days with no assistance, set the cell alight Inmate treated at Leratong Hospital for smoke inhalation, since then, inmate has been segregated.<br>2. Psychologist recommended that inmate be housed in a single cell.   | 1. DCS to furnish this office with their investigation report herein.<br>2. Interviews need to be conducted with affected members that were on leave at the time of investigation.  |
| 3  | 12/02/2012    | Leeuwkop Maximum          | Inmate Andrew Jordaan was allegedly murdered by a fellow inmate. A SAPS case was opened and the investigation is being conducted. The Inspecting Judge's office was informed of the death. There is also an internal DCS investigation being conducted.  | The DCS investigation report to be made available to the Inspectorate.  |
| 4  | 16/02/2012    | Pretoria Female           | 1. A follow up investigation for allegations of assault, members on inmates, at the centre was also done, based on allegations that assaults in the centre are commonplace.<br>2. Investigations were also conducted in the previous quarter regarding the same matter.  | 1. DCS submitted their internal investigation with reference to the previous quarters report to the Inspectorate. In the Departments report, it seems as if there was substance to the complaints.<br>2. This matter was referred to the Area Commissioner by the Inspectorate who dealt with the matter.<br>3. Based on the fact that the same |

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|   |              |                     |  | complaints were received during this quarter, which lead to a further investigation, it is strongly recommended that this matter be referred to the Regional Commissioner.   |
| 5 | 22/02/2012   | Pretoria Female     | <ol style="list-style-type: none"> <li>1. A complaint from an inmate Helen Peens' was investigated. The complaint related to the placement of the inmate in a special care room (single cell) for mental health care reasons.</li> <li>2. The inmate alleges that she suffers from obsessive compulsory disorder. She also alleges that her consulting psychologist recommended that she be accommodated in a single cell.</li> <li>3. The complaint it based on the Head of Centre refusal to accommodate her request to be placed in a single cell.</li> </ol>   | <ol style="list-style-type: none"> <li>1. Response was requested from the HCC which was not received as yet.</li> <li>2. The ICCV submitted the psychologist report that supports the inmate's allegations.</li> <li>3. That the HCC place the inmate in a special care room (single cell).</li> </ol>         |
| 6 | 30/01/2012   | Boksburg            | <ol style="list-style-type: none"> <li>1. Inmate alleged that he was assaulted by DCS officials on 26 January 2012 and was subjected to intimidation if he exposes the incident.</li> <li>2. Inmate was slapped and kicked by 3-4 officials as they suspected he had money in his possession. He tried to defend himself and one other official beaten him with a tonfa on his head. Inmate received medical care the same day but was not afforded the chance to open a SAPS case.</li> <li>3. JICS investigation officer experience a number of set-back in conducting this investigation. He was informed that the inmate was not at the Centre on the day he was instructed to conduct his investigation whereas officials in charge were well aware that the inmate are at the Centre.</li> </ol> | <ol style="list-style-type: none"> <li>1. The officials involved must be subjected to a disciplinary process.</li> <li>2. The inmate must be afforded an opportunity to open a SAPS case.</li> <li>3. The investigation report was submitted to the JICS Complaints Unit for final recommendations.</li> </ol> |
| 7 | 8&12/03/2012 | Helderstroom Medium | <ol style="list-style-type: none"> <li>1. Inmates underwent a blanket cavity search at the centre's hospital unit.</li> <li>2. HCC alleges he received information from security staff that dagga was found on the farm on the day of the search.</li> <li>3. The inmates allege that the cavity search was not done in private and that the CCTV</li> </ol>   | <ol style="list-style-type: none"> <li>1. The DCS investigation report to be made available to the Inspectorate.</li> </ol>  |

|   |            |          |  |  |
|---|------------|----------|--|--|
|   |            |          | <p>could prove their allegations.</p> <ol style="list-style-type: none"> <li>4. No video record of the search was available as the relevant security camera stopped recording on 10 November 2011 and had not been repaired since.</li> <li>5. No proper record of the search was kept.</li> <li>6. A total of eighty two (82) inmates were subjected to the search.</li> <li>7. A total of 13 pellets of dagga were found.</li> </ol>   |  |
| 8 | 16/02/2012 | Goodwood | <ol style="list-style-type: none"> <li>1. A dagga pellet was found in a cell where detainee, Imraam Vigaró (211203165) and other 20 detainees were housed.</li> <li>2. Inmates were alleged to be assaulted by DCS members to find out who the pellet belonged to. The affected detainee was hit once on his back with a tonfa and received a slap on the head when taken back to the cell.</li> <li>3. Inmate informed his mother during visit the next day and showed her the mark from the assault.</li> <li>4. Inmate could not supply the inspector with names of DCS officials that were involved but gave names of co-assaulted inmates.</li> <li>5. During the investigation the investigator saw no physical evidence of the assault.</li> <li>6. The assault was not recorded in the G 365.</li> <li>7. The incident was not reported and recorded in the injury register at the hospital.</li> <li>8. The Video recordings in the centre are only kept for about 11 days and was therefore not available because the matter was reported after 11 days</li> </ol> | <ol style="list-style-type: none"> <li>1. DCS to investigate the matter and submit report to the Inspectorate</li> </ol> |

As indicated in the above table, 8 investigations were conducted. Investigations in general, are conducted as a result of an incident in a correctional centre. In order for the Inspectorate to make a ruling: (1) the Department needs to respond to the Inspectorates investigation report in writing, and (2) based on the Departments response the Inspecting Judge will make a ruling. The ruling of the Inspecting Judge cannot be revealed until this process is concluded.

## Objective 2: Complaints

**A total number of 123 complaints were referred to the Inspectorate from various external sources, inclusive of inmates directly, inmates' family as well as reports from ICCVs.**

- A file was opened for each complaint. The process includes requesting HCCs and ICCVs to provide information in order for the Directorate to facilitate the resolution of the complaint, or subsequently make a recommendation.
- 17 of the above mentioned complaints have been finalised, which means the Directorate would have weighed the facts in each matter and made their recommendation. The HCC, inmate and ICCV are thereafter informed of the recommendation/s made. The finalisation of a matter is dependent upon the HCC and/or ICCV providing sufficient information on a complaint reviewed by the Directorate.
- Where complaints require an investigation, these are referred to the Inspections/investigations unit. One complaint R-84-2012 was referred to Investigations Unit where an inmate had contacted the Inspectorate directly complaining of being assaulted and further intimidated by an official at Boksburg CC (refer to Inspection/Investigation table 5 for report). The HCC was also requested to provide an investigation report which to date is still outstanding.
- **17 complaints were related to transfers. Inmates allege that they are transferred or threatened to be transferred** when they register complaints on particular breaches of or ill treatment by members. This makes inmates reluctant to complain or request services.
- **20 complaints were related to parole.** With most parole cases the Case Management Committee (CMC) does not respond to inmates who become eligible for parole. Inmates are compelled to bring it to the attention of the CMC where they believe that they are eligible. There is also a concern on the delay on Parole for lifers dealt with by the NCCS.
- **15 complaints were related to Health Care.** In general, the concerns with health care complaints are inadequate health care, to the extent that inmates request assistance to receive Health Care outside of Department facilities. This is often not possible due to the Departments internal policies and procedures and inmates often get frustrated due to a lack of understanding of the parameters in which the Department can provide Health Care.
- **54 complaints were referred to the Inspectorate by external sources (see Table 6 below)**  
This schedule represents complaints from other organs of state and civil society. In respect of those received from the Portfolio Committee, the Directorate compiles a monthly report which is submitted to the Portfolio Committee.

**TABLE 6**

| Categories                  | EXTERNAL SOURCES |    |    |       |     |          |     |       | Total | Intervention | Investigated | Finalized |
|-----------------------------|------------------|----|----|-------|-----|----------|-----|-------|-------|--------------|--------------|-----------|
|                             | SAHRC            | PP | PC | Media | PSC | Ministry | ICD | Judge |       |              |              |           |
| Appeal                      | 1                |    |    |       |     |          |     |       | 1     | 1            |              |           |
| Assault (Inmate on Inmate)  |                  |    | 1  | 1     |     |          |     | 1     | 3     | 3            | 1            |           |
| Assault (member on inmate)  |                  | 1  | 2  |       | 2   | 1        |     |       | 6     | 6            | 1            | 1         |
| Bail                        |                  |    |    |       |     |          |     |       | 0     |              |              |           |
| Communication with families |                  |    |    |       |     |          |     |       | 0     |              |              |           |
| Conditions                  |                  | 1  | 1  |       |     |          |     | 1     | 3     | 3            |              | 1         |
| Confiscation of Possessions |                  | 1  | 1  |       |     |          |     |       | 2     | 2            |              | 1         |
| Conversion of sentences     |                  |    |    |       |     |          |     |       | 0     |              |              |           |
| Corruption                  |                  |    | 1  |       |     |          |     |       | 1     |              |              | 1         |
| Food                        |                  | 1  |    |       |     |          |     |       | 1     |              |              |           |
| Health Care                 | 1                |    |    |       |     |          |     |       | 1     | 1            |              | 1         |
| Inhumane Treatment          | 1                | 1  |    |       |     |          |     |       | 2     | 2            |              |           |
| Legal Representation        |                  |    |    |       |     |          |     |       | 0     |              |              |           |
| Medical Release             | 1                |    |    |       |     |          |     |       | 1     | 1            |              |           |

|                           |          |          |           |          |          |          |          |          |           |           |          |           |
|---------------------------|----------|----------|-----------|----------|----------|----------|----------|----------|-----------|-----------|----------|-----------|
| Parole                    |          |          | 14        |          |          |          |          |          | 14        | 14        |          | 4         |
| Rehabilitation Programmes | 1        |          | 2         |          |          |          |          |          | 3         | 3         |          |           |
| Remission                 |          |          |           |          |          |          |          |          | 0         |           |          |           |
| Transfers                 | 1        | 1        | 8         |          |          |          |          |          | 10        | 10        |          |           |
| Other                     |          | 1        | 4         |          |          | 1        |          |          | 5         | 5         |          | 2         |
| <b>Total</b>              | <b>6</b> | <b>7</b> | <b>34</b> | <b>1</b> | <b>2</b> | <b>2</b> | <b>1</b> | <b>1</b> | <b>54</b> | <b>54</b> | <b>2</b> | <b>10</b> |

69 complaints were received from inmates, family members of inmates and ICCVs (see Table 7 below)

| Categories                  | INMATE / FAMILY / ICCV |           |           | TOTAL     | Intervention | FINALISED |
|-----------------------------|------------------------|-----------|-----------|-----------|--------------|-----------|
|                             | INMATE                 | FAMILY    | ICCV      |           |              |           |
| Appeal                      | 1                      | 0         | 0         | 1         | 1            |           |
| Assault (Inmate on Inmate)  | 3                      | 0         | 0         | 3         | 3            |           |
| Assault (member on inmate)  | 9                      | 0         | 13        | 22        | 22           | 3         |
| Bail                        | 0                      | 0         | 0         | 0         | 0            |           |
| Communication with families | 0                      | 2         | 0         | 2         | 2            |           |
| Conditions                  | 7                      | 0         | 0         | 7         | 7            |           |
| Confiscation of Possessions | 1                      | 0         | 0         | 1         | 1            |           |
| Conversion of sentences     | 2                      | 1         | 0         | 3         | 3            |           |
| Corruption                  | 0                      | 2         | 0         | 2         | 2            |           |
| Food                        | 0                      | 1         | 0         | 1         | 1            |           |
| Health Care                 | 1                      | 3         | 0         | 4         | 4            | 1         |
| Inhumane Treatment          | 1                      | 1         | 0         | 2         | 2            |           |
| Legal Representation        | 2                      | 1         | 0         | 3         | 3            | 3         |
| Medical Release             | 0                      | 0         | 0         | 0         | 0            |           |
| Parole                      | 3                      | 1         | 0         | 4         | 4            |           |
| Rehabilitation Programmes   | 0                      | 1         | 0         | 1         | 1            |           |
| Remission                   | 1                      | 0         | 0         | 1         | 1            |           |
| Transfers                   | 6                      | 1         | 0         | 7         | 7            |           |
| Other                       | 2                      | 3         | 0         | 5         | 5            |           |
| <b>Total</b>                | <b>39</b>              | <b>17</b> | <b>13</b> | <b>69</b> | <b>69</b>    | <b>7</b>  |

#### Prevalent Complaints and Focus Areas: assault member/s on inmate

There were 28 complaints with reference to assault member/s on inmates that were referred to the Directorate during the quarter. One of the Directorate's targets is to deal with all complaints by category: assaults by members on inmates. In this instance the Directorate may conduct its own investigation.

**Table 8: Assaults – Member/s on inmate/s**

| No | Date received | Date of Incident | Inmate's name / registration no / Case no's     | Name of CC          | Brief description of assault   | Steps taken to resolve the matter   |
|----|---------------|------------------|---|---------------------|--|---|
| 1. | 8/1/2012      | 21/9/2011        | G Qhaka<br>209582614<br>R-3-2012/<br>R-195-2012 | Goedemoed<br>Med. B | The inmate complained that he was allegedly beaten up by two DCS officials on the 21th September 2011 at about 15h30 | Letters were written to the Head of Centre and the Area Commissioner. The investigation report showed |

|    |           |           |                                    |                        |   |   |
|----|-----------|-----------|------------------------------------|------------------------|---|---|
|    |           |           |                                    |                        | <p>at Burgersdorp CC by two intoxicated officials, whilst his feet were still in cuffs. According to him he refused to be transferred to another prison because it was too far from his loved-ones. He requested to report the case to the SAPS. Apparently, he was then transferred to Goedemoed CC. He requested for legal assistance to investigate his complaint.</p>   | <p>that the inmate was taken for medical treatment and the nurse saw no signs of injury and he complained of a sore throat. The Prosecutor declined to prosecute the matter. The recommendations by the investigator were that the inmate should be held liable for making false accusations. JICS found the same.<br/><b><i>This matter has been finalized</i></b></p>   |
| 2. | 10/1/2012 | 18/4/2011 | R Maduna<br>206266362<br>R-28-2012 | Johannesburg<br>Med. A | <p>The inmate alleges that on 18 April 2011 an official took his kettle and told him that he (inmate) has to pay the official R50.00 if he (inmate) wants it back. The inmate reported the incident the next day to another official who called the inmate to the kitchen and it was there that the said official assaulted the inmate with a tonfa. The inmate was taken to the hospital and received 2 stitches on his forehead. The inmate requested to open a SAPS case but was not called to see a doctor. The inmate reported the matter to the ICCV and then only the SAPS was called and the case number is 290/05/2011. The SAPS told the inmate that they are unable to help him as there is no J88 form. The injury sustained by the inmate was not registered in the injury register or the G365.</p> | <p>Letters were sent to the Head of Centre and the Area Commissioner. The investigation report was sent and the investigator recommended that that the official has been in a series of incidents where ATDs are alleged to have been assaulted and alternative placement is recommended. The inmate stated that he bought the kettle from another inmate in exchange for 4 packets of cigarettes. The kettle was not authorized and should be confiscated.<br/><b><i>This matter has been finalized</i></b></p>  |
| 3. | 30/1/2012 | 6/01/2012 | L Jacobs<br>206560889<br>R-90-2012 | Paardeberg             | <p>The inmate alleges that members were searching their rooms. After the members left the room his radio was missing. His Unit Manager told him that his radio was confiscated because of the loose wires hanging of the radio. He feels threatened by his Unit Manager because he and four (4) others were assaulted and broke his arm. He opened a case against the members. The inmate enquires about the outcome of the case and feels that one member in particular is using his powers to harass him.</p>   | <p>Letters were sent to the Head of Centre and the Area Commissioner. The investigation report indicates that the 26 gang had a fight on that day and the officials used the minimum force to bring the situation under control. The official admitted to using minimum force on the inmate but the inmate could have been injured by his own gang members. The recommendations from DCS were that the official complied with the provisions of the Act regarding minimum force and the officials who failed to give statements should be placed before a disciplinary hearing. JICS recommended that the official, be given a written warning.</p> |

|    |           |            |   |             |   |   |
|----|-----------|------------|---|-------------|---|---|
|    |           |            |   |             |   | <b><i>This matter has been finalized</i></b>  |
| 4. | 6/2/2012  | N/A        | TTG Dlakudze<br>207466153<br>R-116-2012 | Nelspruit   | The inmate alleges that he was assaulted by official (Not allowed to lay charges)   | The inmate has tendered a written affidavit in which he has withdrawn all the charges of his own accord. The Public Prosecutor has also declined to prosecute the matter.<br><b><i>This matter has been finalized</i></b>   |
| 5. | 9/1/2012  | N/A        | M Malebogo<br>211177918<br>R-22-2012    | Fauresmith  | Beaten for one man's fault. No access to doctor due to been beaten. When addressing complaints to the HCC members interrupt, no food for four days, no TV opportunity and no exercise, humiliation of my hearing problem. Complaint captured by the ICCV.   | The inmate has been released on the 4 January 2012 according to the Offender Enquiries.<br><b><i>This matter is Pending</i></b>   |
| 6. | 9/1/2012  | N/A        | J Mahura<br>211177798<br>R-23-2012      | Fauresmith  | The inmate was beaten to the extent of even the office furniture broke. Four days without food, no exercise, vulgar language was used no TV opportunity. Complaint captured by the ICCV.  | Letter was sent to the Head of Centre requesting the investigation report. File handed over to Mr. Madiga on the 12/1/2012.<br><b><i>This matter is Pending</i></b>   |
| 7. | 9/1/2012  | 20/11/2011 | ZP Xelitsha<br>208226489<br>R-26-2012   | Fauresmith  | The inmate was beaten on the 20/11/2011 by a member and threatened about release date or else be transferred to other centre.   | The ICCV lodged the complaint with the Office and is following up on the matter. Still awaiting the DCS internal investigation report.<br><b><i>This matter is Pending</i></b>  |
| 8. | 12/1/2012 | N/A        | I Magula<br>208770822<br>R-32-2012      | Umtata Med. | The inmate alleges to have been assaulted in October 2011 by officials. The inmate requested to open a SAPS case at Madeira police station but was refused. The inmate wants the office to assist him in opening a case.  | Letters were sent to the Head of Centre and the Area Commissioner. The Centre did send a copy of the investigation report but all the documents were not attached. Three emails have been sent to the Head of Centre and the Area Commissioner requesting the full investigation report and to date no response. The ICCV has also failed to furnish his feedback even though two bulletins and 4 sms had been sent to him. The inmate did open a case with the SAPS case number: CAS 14/10/2011.<br><b><i>This matter is Pending</i></b> |
| 9. | 6/1/2012  | 22/10/2011 | N Sthebe<br>209533769<br>R-34-2012      | Sevontein   | The inmate alleges that a member, employed by DCS at Sevontein CC, Medium A, is reported for unethical behaviour. The officer is reported for assaulting the inmate. He claims that on 2011-10-22, he was assaulted by the member for taking away dagga belonging to the said member. He was bewitched after the member took him to his vehicle by making | Letters were sent to the Head of Centre and the Area Commissioner. Still waiting on the DCS investigation report.<br><b><i>This matter is Pending</i></b>   |

|     |           |            |  |                     |  |   |
|-----|-----------|------------|--|---------------------|--|---|
|     |           |            |  |                     | <p>him drink traditional medicine (muti), called "isihlungu". He was bleeding internally and his chest does not want to heal, however, he is currently receiving treatment.</p> <p>5. According to the inmate the member has the tendency of coming in the evenings to the isolation unit where he is currently being kept. He tries to convince him not to proceed with the case and also promise to assist him with parole if he decides to drop the charges against the member.</p> |   |
| 10. | 13/1/2012 | 9/3/2009   | M Manuel<br>200523088<br>R-36-2012                                 | Ebongweni<br>Max    | <p>The inmate alleges that:</p> <p>1. He was assaulted by officials of Drakenstein Medium on the 09 March 2009.</p> <p>2. The 10 March 2009, he was forced to sign papers and being transferred to Brandvlei Maximum.</p>  | <p>Letters were sent to the Head of Centre and the Area Commissioner. Still waiting on the DCS investigation report.</p> <p><b><i>This matter is Pending</i></b></p>  |
| 11. | 3/1/2012  | 29/12/2011 | A Kubheka<br>210905338<br>R- 51-2012                               | Pretoria<br>Central | <p>The inmate alleges that he was assaulted by two DCS officials who are members of the EST. They apparently hit him against the head with the fist and outside the cell they pull him by the private parts.</p>   | <p>Letters were sent to the Head of Centre and the Area Commissioner. Three emails have been sent to the Head of Centre and the Area Commissioner requesting the investigation report and to date no response from either of them. The ICCV was contacted to obtain the report and he called the office saying that he is waiting for the delegated official to hand over the report. The Head of Centre claims that he only became aware of the matter when the ICCV brought it to his attention on the 23 March 2012 and that the inmate has been taken to the hospital and has opened a case with the SAPS. Still awaiting DCS investigation report.</p> <p><b><i>This matter is Pending</i></b></p> |
| 12. | 25/1/2012 | N/A        | Could not find inmate's details on offender enquiries<br>R-53-2012 | Fauresmith          | <p>The inmate was raped in front of other fellow inmates. No one wants to talk and the unit Manager switches off the TV. Must see the Social worker for contact with his family.</p>   | <p>The ICCV lodged the complaint with the Office and is following up on the matter. Still awaiting the DCS internal investigation report.</p> <p><b><i>This matter is Pending</i></b></p>   |
| 13. | 12/8/2011 | N/A        | P Mokhethi<br>96126073<br>R -59-2012                               | Edenburg            | <p>The inmate alleges to have been assaulted by a member. The complaint was</p>  | <p>The ICCV lodged the complaint with the Office and is following up on the matter. Still awaiting the DCS internal investigation report.</p> <p><b><i>This matter is Pending</i></b></p>   |
| 14. | 30/1/2012 | N/A        | T Ntanjana   | Boksburg            | <p>The inmate called the office and</p>  | <p>An investigation was</p>   |

|     |           |           |  |                       |  |  |
|-----|-----------|-----------|--|-----------------------|--|--|
|     |           |           | (206046683)<br>R-84-2012               |                       | complained about being assaulted by an official and also being intimidated.  | conducted into this matter by the Office.<br><b><i>This matter is Pending</i></b>  |
| 15. | 2/2/2012  | 20/1/2012 | D Van Zyl<br>211433001<br>R-107-2012   | Modderbee             | The inmate alleges that after being assaulted by two (2) DCS officials he was taken to the local hospital where the sister took care of his injuries and he was sent away with only painkillers. He asked her a copy of the report but was denied. He mentioned that he suspected a possible fractured hand. Apparently, he was promised to see the doctor on Monday, 23/01/2012 but without any success. As a result his hands and arm goes numb, same with his left leg. | The ICCV was informed about the matter and has failed to provide the Office with any feedback.<br><b><i>This matter is Pending</i></b>   |
| 16. | 2/2/2012  | 20/1/2012 | J Mendez<br>203642297<br>R-108-2012    | Modderbee             | The inmate alleges that he received treatment for injuries (two injuries to the face, two stitches) and bruises to the neck sustained after being assaulted by DCS officials. He alleges that he was never examined properly because on his right-side ribs, there is a lump caused by the DCS members during assaults with batons and kicking.  | The ICCV was informed about the matter and has failed to provide the Office with any feedback.<br><b><i>This matter is Pending</i></b>   |
| 17. | 3/2/2012  | 13/4/2011 | M Ngqingele<br>208771068<br>R-109-2012 | Umtata Med            | The inmate alleges to have been assaulted with a baton by the DCS member.  | The ICCV was informed about the matter and has failed to provide the Office with any feedback.<br><b><i>This matter is Pending</i></b>   |
| 18. | 3/2/2012  | N/A       | MI Khan<br>209468285<br>R-114-2012     | Barberton farm<br>Max | He makes a number of claims in his written submission including assaults by officials when inmates lodge complaints with the area commissioner. He concludes that his well-being should be followed-up on as he was certain that he would be victimized for having the letter to the delegation  | It was reported that he inmate is no longer on a hunger strike and has started eating on the 22 March 2012 but he is in isolation. Still waiting on the DCS investigation report.<br><b><i>This matter is Pending</i></b>  |
| 19. | 14/2/2012 | N/A       | S Platyi<br>208719582<br>R-145-2012    | St. Albans<br>Med. B  | The inmate alleged to be assaulted by officials accused of not obeying instruction and following fellow inmates. The offender indicated not given a chance to open a case and was bleeding profusely.  | Letters sent to the head of Centre and the Area Commissioner. The Deputy Director stated that the investigation report could not be found because the matter was investigated at Port Elizabeth which has since closed down. He then responded again by saying that there is still no documentation and that the parties affected will have to be interviewed again. Lastly he said that it became unnecessary for him to look |

|     |           |           |  |                        |   |  |
|-----|-----------|-----------|--|------------------------|---|--|
|     |           |           |  |                        |   | for the report as the inmate does not want to proceed with the matter.<br><b><i>This matter is Pending</i></b>   |
| 20. | 20/2/2012 | N/A       | DB Stuurman<br>209328261<br>R-159-2012 | Kirkwood               | The offender alleged to be assaulted by DCS members, and never got any feedback on the assault case.  | The ICCV was informed about the matter and has failed to provide the Office with any feedback. the inmate had laid a charge with the SAPS Cas number 93/02/2010.<br><b><i>This matter is Pending</i></b>   |
| 21. | 22/2/2012 | N/A       | EP Mahuko<br>205719800<br>R-161-2012   | Kirkwood               | The offender alleged to be assaulted by DCS members, and never got any feedback on the assault case.  | Letters sent to the head of Centre and the Area Commissioner. The Head of Centre the inmate did sustain injuries and the inmate is no longer interested in pursuing the matter further.<br><b><i>This matter is Pending</i></b>  |
| 22. | 20/2/2012 | 9/1/2012  | C Nagel<br>211635066<br>R-164-2012     | Pretoria<br>Central    | The inmate alleges to have been assaulted on the 9/12/2011 by a correctional official at Pretoria Central.  | Letters sent to the head of Centre and the Area Commissioner. The Head Of Centre reported that dagga was found on the inmate, he was given an opportunity to lay a charge, the investigation is still pending and the matter has been finalized at the SAPS and sent to the Senior State Prosecutor for a final decision. Still awaiting the DCS internal investigation report.<br><b><i>This matter is Pending</i></b>  |
| 23. | 22/2/2012 | 15/2/2012 | N Baliso<br>208269651<br>R-182-2012    | Johannesburg<br>Med. A | The incident happened on 15 Feb. he was ordered to undress for the warders so they could search him. He refused and was then beaten on the head and grabbed by his genitals. His ear was bleeding as a result of the violence. This is what he claims. I would like to know if this incident has been registered. | The ICCV reported that the inmate was at court when he was at the Centre to consult the inmate. He further claims that the inmate wrote the complaint in the G365 and requested to see the Internal Security Unit regarding the assault. The inmate was taken to the hospital and the doctor stated that there were no visible injuries. The complaint was recorded in the G365 on the 14/2/2012 and the SAPS came to the Centre on the 25/2/2012. The investigation unit has not yet conducted an investigation into the assault.<br><b><i>This matter is Pending</i></b> |
| 24. | 27/2/2012 |           | S Mchunu<br>211371047<br>R-186-2012    | Glencoe                | The inmate alleges that a Captain has been harassing the caller's visitors as well as the female warders; he states that the captain Mazibuko has no way of talking to the visitors. He further alleged that after reporting the incident, he was assaulted by Captain Mazibuko with the help                     | A bulletin was sent and the ICCV responded by stating that the inmate cannot be found on the electronic system and neither on hard copy but will continue looking for him.<br><b><i>This matter is Pending</i></b>   |

|     |           |           |   |           |  |   |
|-----|-----------|-----------|---|-----------|--|---|
|     |           |           |   |           | of other warders.  |   |
| 25. | 2/3/2012  | 22/1/2012 | X Khonjelway<br>211476833<br>R-190-2012 | NewCastle | The inmate alleged that he was assaulted by DCS officials on the 22 January 2012 and he sustained injuries on his arm.   | The Head of Centre reported that the SAPS were contacted to open a case. The ICCV reported that until the date of the VC 14.02.2012 no SAPS visited the centre and no internal investigation conducted. VC Recommendation. The said case is regarded as an urgent complaint it was therefore recommended to be referred to DLS as the centre head was not represented in the VC meeting and is also alleged to be involved in this matter<br><b><i>This matter is Pending</i></b> |
| 26. | 15/3/2012 | 22/1/2012 | I Vigaró<br>211203165<br>R-202-2012     | Goodwood  | The matter was forwarded by a member of the public, Camelita Abrahams, raising her concerns about a young man currently incarcerated in Goodwood Correctional Centre. He alleged that: A dagga "pilletjie" zol was found in a cell. The inmates refused to divulge any information whom the dagga belongs to. They were beaten until they could not move anymore. They were thrown with water to wake them up. They were beaten with batons.   | A preliminary investigation was conducted by the Office. The Head of Centre reported that he keeps electronic records of all similar incidences and has no record or knowledge of the incident. The Head of Centre also reported that the SAPS are at the Centre on a regular basis and this was also confirmed by the ICCV.<br><b><i>This matter is Pending</i></b>  |
| 27. | 23/3/2012 |           | NM Modise<br>212152331<br>R-209-2012    | Edenburg  | The inmate had a problem with SAPS member Mr. Henk in Kimberly who assaulted him in front of his family.   | The ICCV lodged the complaint with the Office and is following up on the matter.<br><b><i>This matter is Pending</i></b>  |
| 28. | 28/3/2012 | 18/3/2012 | SH Xaba<br>211094576<br>R-229-2012      | Dundee    | A routine search was held by the Correctional Officials of Dundee CC on the 18/03/2012 after suspecting of smuggling drugs. Six (6) officials apparently enter the cell and started to assault the inmate. The inmate starting to bleed from his ears of which had operations. He was kick and beaten by the officials on the lower jaw using fist and kicking. The inmate reported to the incident to the Head of Centre and request to open a case but instead a case was open against him for smuggling dagga. The inmate then embarks on a hunger strike until his request will be considered. | The ICCV brought the request before the OPS manager on 26/03/2012 but he refused to take the matter further. The DCS official was very reluctant to attend to the request due to the following reasons: HCC is the only person to act on these allegations as per OPS manager. HCC was off duty and would return on 26/03/2012.He would leave the process to the relevant people to deal.<br><b><i>This matter is Pending</i></b>   |

The Inspectorate experienced that the Department conducts investigations in every assault by member on inmate in CCs. From the Directorate's own investigations of the 28 assaults, the below includes some of the facts:

- About 3 were excessive and 2 unauthorised use of force whereas the rest was intentionally inflicted on an inmate as punishment or to force the inmate to do something.
- In each case the Directorate requested from the Department an investigation report, of which only 4 were received to date. The result is that only these four complaints could be finalised.
- 19 were not reported to the SAPS. From those reported to the SAPS the Public Prosecutor declined to prosecute on 3 (R-116-2012, R-161-2012, R-195-2012) due to lack of evidence or the inmate not wanting to pursue the matter.
- From the 4 finalized assaults, the Department finalized 1 disciplinary hearing (R-90-2012) and officials involved were found not guilty.

### Objective 3: Mandatory Reports

The Mandatory Reporting Unit deals with those compulsory reports that HCCs are mandated to report to the Inspecting Judge in terms of the Act, namely:–

Section 15: Deaths

Section 30: Segregation

Section 31: Mechanical Restraint

Section 32: Use of Force

The Act determines that a death of an inmate must be classified as natural and where it cannot be certified that the death was due to a natural cause, the HCC must in terms of Section 2 of the Inquest Act 58 of 1959 report such a death (as unnatural).

**Table 9: Unnatural Deaths**

| No | Date of Death | Date reported | Inmate's name / registration no / Case no's | Name of CC    | Classification     | Brief description of alleged circumstances  | Outstanding documents   |
|----|---------------|---------------|---|---------------|--------------------|---|---|
| 1  | 06/01/2012    | 06/01/2012    | D Beselaar<br>208186959<br>D-13-2012        | George        | Suicide by hanging | The inmate was found hanging from a sheet rope in the bathroom of a communal cell in the Hospital Unit. He was declared dead by Paramedics on the scene.  | <ul style="list-style-type: none"> <li>• Death certificate</li> <li>• B11663/G 362</li> <li>• DCS Investigation Report</li> </ul>                     |
| 2  | 08/01/2012    | 10/01/2012    | S Samuels<br>209565177<br>D23-2012          | Pollsmoor Max | Unknown            | With no history of previous illness, inmate started coughing and complained of a headache. He was given a pain tablet by a fellow inmate. The deceased then started bleeding from his mouth and nose and was rushed to the Centre hospital. CPR was given and ER 24 were called to the scene, who also continued with CPR. At 08h50 CPR was stopped and inmate was declared dead. | <ul style="list-style-type: none"> <li>• B11663/G 362</li> <li>• DCS Investigation Report</li> <li>• SAPS Cas Nr</li> <li>• Autopsy report</li> </ul> |
| 3  | 11/01/2012    | 12/01/2012    | F Slabbert<br>207200455<br>D34-2012         | Brandvlei Med | Unknown            | On 12 February 2012 DCS reported the death of inmate as having resulted from unnatural  | <ul style="list-style-type: none"> <li>• Death certificate</li> <li>• B11663/G 362</li> <li>• DCS Investigation</li> </ul>                            |

|    |            |            |   |                               |  |  |   |
|----|------------|------------|---|-------------------------------|--|--|---|
|    |            |            |   |                               |  | causes. On 30 March 2012 a copy of a Medico- Legal Post Examination Report was faxed to the Inspectorate wherein a Forensic Pathologist concluded that inmate die of natural causes.   | <i>Report</i>   |
| 4  | 20/01/2012 | 20/01/2012 | J Dumpies<br>211828399<br>D-53-2012             | Warmbok-<br>veld              | Unknown                                      | Inmate allegedly fell from the bed in the hospital unit and was assisted by a fellow offender back onto bed. The inmate then apparently struggled to breathe and died. According to the Medico-Legal Post Mortem that was faxed to the Inspectorate, a Forensic Pathologist concluded that inmate died of natural causes [Acute Cerebrovascular incident - Stroke] | <ul style="list-style-type: none"> <li>• <i>Death certificate</i></li> <li>• <i>B11663/G 362</i></li> <li>• <i>DCS Investigation Report</i></li> </ul>                                  |
| 5  | 01/01/2012 | 04/02/2012 | T M Majingo<br>Ntjingo<br>211223695<br>D83-2012 | Grootvlei<br>Max              | Unknown                                      | The death was reported as unnatural as the doctor allegedly indicated that she could not give an opinion on the reasons for inmate's death. She also recommended that the court conduct a formal inquest hearing into the death.   | <ul style="list-style-type: none"> <li>• <i>Death certificate</i></li> <li>• <i>B11663/G 362</i></li> <li>• <i>DCS Investigation Report</i></li> <li>• <i>Inquest report</i></li> </ul> |
| 6  | 12/02/2012 | 13/02/2012 | A Jordaan<br>208654333<br>D-93-2012             | Leeuwkop<br>Max               | Alleged<br>homicide<br>[Inmate on<br>Inmate] | Inmate was allegedly killed by fellow inmate when deceased's head was repeatedly hit against the floor. Inmate was declared dead on the scene.   | <ul style="list-style-type: none"> <li>• <i>Death certificate</i></li> <li>• <i>B11663/G 362</i></li> <li>• <i>DCS Investigation Report</i></li> <li>• <i>SAPS CAS NR</i></li> </ul>    |
| 7  | 27/02/2012 | 27/02/2012 | J M Zama<br>212776380<br>D-111-2012             | Umzinto                       | Suicide by<br>cutting<br>wrists              | Inmate allegedly cut himself with a piece of broken glass on the left wrist. Further details was requested from DCS but still outstanding  | <ul style="list-style-type: none"> <li>• <i>Death certificate</i></li> <li>• <i>B11663/G 362</i></li> <li>• <i>DCS Investigation Report</i></li> <li>• <i>SAPS CAS NR</i></li> </ul>    |
| 8  | 13/03/2012 | 14/03/2012 | P Ndaba<br>207429794<br>D-145-2012              | Modderbee                     | Unknown                                      | According to the Head of Centre, inmate died in his sleep. The centre is still waiting for the post mortem report and will send the Inspectorate a copy as soon as they get it.  | <ul style="list-style-type: none"> <li>• <i>Death certificate</i></li> <li>• <i>B11663/G 362</i></li> <li>• <i>DCS Investigation Report</i></li> </ul>                                  |
| 9  | 20/03/2012 | 20/03/2012 | M Bhuja<br>212265341<br>D-150-2012              | Pollsmoor<br>Max              | Acute<br>myocardial<br>infraction            | Inmate fell ill in his unit and was taken to the hospital unit where he was declared dead by the medical personnel. A Medico-Legal Post Mortem examination was conducted and it was found by the Forensic pathologist that inmate died of Acute myocardial infraction  | <ul style="list-style-type: none"> <li>• <i>Death certificate</i></li> <li>• <i>B11663/G 362</i></li> <li>• <i>DCS Investigation Report</i></li> </ul>                                  |
| 10 | 23/03/2012 | 26/03/2012 | M Phiri<br>212117222<br>D-161-2012              | Durban<br>Med A               | Stab wound                                   | The Inspectorate requested further information regarding the circumstances of the inmate's death as it was only indicated that the inmate died of a stab wound. No feedback received from DCS as yet   | <ul style="list-style-type: none"> <li>• <i>Death certificate</i></li> <li>• <i>B11663/G 362</i></li> <li>• <i>DCS Investigation Report</i></li> <li>• <i>SAPS CAS NR</i></li> </ul>    |
| 11 | 30/03/2012 | 30/03/2012 | S B Zwane<br>211476810<br>D-171-2012            | Ekuseni<br>Youth<br>Developme | Alleged<br>murder<br>[Inmate on              | Inmate was allegedly stabbed to death by a fellow inmate and was taken to the center's clinic where  | <ul style="list-style-type: none"> <li>• <i>Death certificate</i></li> <li>• <i>B11663/G 362</i></li> </ul>   |

|    |            |            |  |                  |                    |  |   |
|----|------------|------------|--|------------------|--------------------|--|---|
|    |            |            |  | nt Centre        | Inmate]            | inmate passed away due to internal bleeding.   | <ul style="list-style-type: none"> <li>• DCS Investigation Report</li> <li>• SAPS CAS NR</li> </ul>                               |
| 12 | 30/03/2012 | 30/03/2012 | T Nkosi<br>208294406<br>D-172 & 173-2012 | Pretoria Central | Suicide by hanging | Inmate was found hanging from his shoe laces in the single cell. He was discovered by DCS members. | <ul style="list-style-type: none"> <li>• Death certificate</li> <li>• B11663/G 362</li> <li>• DCS Investigation Report</li> </ul> |

12 deaths from unnatural causes were reported by HCCs, of which 5 can be classified in the "homicide" / "suicide" categories. The remaining 7 are not yet classified, where even on a prima facie basis no apparent cause has been reported. A medico-legal post-mortem, at a minimum, is required in these matters. The latter category includes instances where an inmate is found dead in his cell with no obvious injuries and in which a preliminary medical assessment is unable to determine the cause of death without a post-mortem examination.

In each of the cases the ICCV has conducted a preliminary enquiry establishing the death. The final opinion on the circumstances surrounding and the cause of death is determined either by the Directorate conducting its own investigation and/or reviewing the DCS investigation.

Of the 5 classified in the "homicide" / "suicide" categories, the details are as follows:

- Ekuseni Youth Centre, KZN – homicide: it is alleged that on the 30/03/2012, inmate Nkosinathi stabbed the deceased with a sharpened object after the deceased saw him stealing from other inmates; a fight ensued where the deceased was fatally stabbed.
- Leeuwkop Max, GP – homicide: it is alleged that on the 12/02/12 inmate Mazuwa had had an argument with inmate Jordaan about the pronunciation of English words; after a while Mazuwa attacked Jordaan who was sleeping on the bed by hitting Jordaan's head on the floor until the inmate passed away.
- There were 2 suicides by hanging - one in the Western Cape and the other in Gauteng. In George, the inmate committed suicide on the 06/01/2012 by hanging himself in the bathroom of the hospital communal cell in the morning around 05h20. At Pretoria Central the inmate committed suicide on the 30/03/12 by hanging himself in a single cell with shoe laces, and he was discovered in the morning during unlock.
- In KZN at Umzinto, the inmate committed suicide on the 27/02/2012 by cutting his wrist.

In order for the inspectorate to finalize an unnatural death report, the following documents are required -

- Death certificate
- BI 1663 / G 362
- SAPS Case number
- Court Case number (when applicable)
- DCS internal investigation report
- Follow-up report from DCS on the implementation of possible recommendations

- Autopsy
- Inquest report (when applicable)

**Table 10 A: Vulnerable Group deaths (includes females, children and babies of inmates)**

| CAUSE OF DEATH                 | DCS REGIONS |    |     |     |    |       | TOTAL |
|--------------------------------|-------------|----|-----|-----|----|-------|-------|
|                                | WC          | EC | KZN | LMN | GP | NC/FS |       |
| <b>Females</b>                 |             |    | 2   |     |    |       | 6     |
| <b>Digestive (1)</b>           |             |    | 1   |     |    |       | 1     |
| <b>Respiratory Failure (2)</b> |             |    | 1   |     |    |       | 1     |
| <b>Stillborn Babies (2)</b>    |             |    | 1   |     |    |       | 1     |
| <b>Meningitis (3)</b>          |             |    | 1   |     |    |       | 1     |
| <b>Total</b>                   |             |    | 6   |     |    |       | 6     |

There were 4 deaths reported in the "vulnerable" group category - babies, all occurring at Durban Female correctional centre. Three of the 4 deaths are explained in the narrative below.

1. *Death as result of digestive cause:*

In respect of the death reported from digestive causes the Directorates enquiry determined that the medical cause of death was unknown, no medico-legal post-mortem result was available. The deceased had a pre-existing illness that deteriorated during her incarceration for which she had received treatment.

2. *Death as result of respiratory failure / still born:*

DCS reported the death of a baby twice. The Department initially reported the death as "still born"; after the Directorate enquiry, it was discovered that it was not a still born death, but that the baby died as a result of respiratory failure. The new-born baby demised at King Edward on the same day of his birth.

3. *Death as result of respiratory meningitis:*

The death reported as arising from meningitis, upon enquiry from the Directorate, was then rectified and JICS was informed that the death had been occasioned by tuberculosis of the abdomen and that the deceased was diagnosed as HIV positive and on anti-retroviral therapy, which it was reported, she had not taken regularly. The counseling by medical staff was furthermore rejected.

**Table 10 B:** The following is information of the two female deaths that were reported ==

| No | Date of Death | Date reported | Inmate's name / registration no / Case no's | Name of CC    | Classification | Brief description of alleged circumstances  | Outstanding documents   |
|----|---------------|---------------|---|---------------|----------------|---|---|
| 1  | 25/02/2012    | 27/02/2012    | S M Piterse<br>211147231<br>D-114-2012      | Durban Female | Natural causes | Inmate allegedly died from natural causes but no official documents pertaining her death has been provided to the Inspectorate by DCS | <ul style="list-style-type: none"> <li>• Death certificate</li> <li>• B11663/G 362</li> <li>• DCS Investigation Report</li> </ul> |
| 2  | 05/03/2012    | 05/03/2012    | L Zimbi<br>210147621<br>D-127-2012          | Durban female | Natural death  | Inmate allegedly died from TB of the abdomen. Inmate was said to also be HIV positive and was taking TB & ARV treatment               | <ul style="list-style-type: none"> <li>• Death certificate</li> <li>• B11663/G 362</li> <li>• DCS Investigation Report</li> </ul> |

**Table 11: Natural deaths reported by HCCs**

| Categories   | DCS REGIONS |           |           |           |           |           | TOTAL      |
|--------------|-------------|-----------|-----------|-----------|-----------|-----------|------------|
|              | WC          | EC        | KZN       | LMN       | GP        | NC/FS     |            |
| HIV          |             | 2         | 1         |           | 2         |           |            |
| TB           | 1           | 1         | 1         | 1         | 4         | 1         | 9          |
| PNEUMONIA    |             |           | 2         |           | 1         | 1         | 4          |
| PULMONARY    |             | 1         | 2         | 2         | 2         |           | 7          |
| DIABETES     | 1           | 1         |           |           | 1         |           | 3          |
| RESPIRATORY  | 2           | 1         | 2         |           | 3         | 2         | 10         |
| CARDIAC      | 1           | 1         | 1         | 1         | 3         | 1         | 8          |
| ASTHMA       | 1           |           | 1         |           |           |           | 2          |
| CANCER       | 1           | 1         |           | 1         |           |           | 3          |
| ANEURISM     |             |           |           | 1         |           |           | 1          |
| MENINGITIS   |             |           |           | 1         | 1         |           | 2          |
| OTHER        | 4           | 13        | 30        | 6         | 39        | 8         | 100        |
| <b>TOTAL</b> | <b>11</b>   | <b>21</b> | <b>40</b> | <b>13</b> | <b>56</b> | <b>13</b> | <b>154</b> |

In compliance with section 15(2) of the Act, HCCs have reported 154 natural deaths to the Inspectorate during the quarter. The Inspectorate has requested ICCV's to verify all these deaths by compiling Record of Confirmation (RoC).

### Segregations

Table 12: Segregations as per Section 30(1)(b)

| CATEGORIES   | DCS REGION |           |          |            |            |            | LSD INTERNAL |          |           |
|--------------|------------|-----------|----------|------------|------------|------------|--------------|----------|-----------|
|              | WC         | EC        | KZN      | LMN        | GP         | NC / FS    | TOTAL        | APPEAL   | FINALISED |
| S30(1)(b)    | 191        | 24        | 1        | 100        | 139        | 103        | 558          | 4        | 4         |
| <b>TOTAL</b> | <b>191</b> | <b>24</b> | <b>1</b> | <b>100</b> | <b>139</b> | <b>103</b> | <b>558</b>   | <b>4</b> | <b>4</b>  |

For the quarter a total number of 558 Segregations were reported by HCCs. Four appeals were referred to the Inspecting Judge; of which 3 were from Manguang CC and 1 from Standerton CC. A brief description follows below:

#### *Manguang CC:*

- Jan Van Rooyen (205611981): the controller appealed on behalf of the inmate because the inmate had refused to participate in the proceedings. The controller was informed that the centre can not appeal on behalf of the inmate. The matter was then closed.
- John Papier (203084723): inmate was found in possession of a letter instigating gang members. His appeal was dismissed by the Inspectorate; based on the fact that the CC was busy conducting a further investigation on compromising the security of the centre.
- Siphelo Masana (205675353): inmate deliberately broke a toilet seat. His appeal was dismissed by the Inspectorate; based on the fact that he was not removed to the segregation unit.

#### *Standerton CC:*

- Jabulani Tshabalala (211731297): alleged that inmate was involved in a fight. His appeal was dismissed; based on the information from the HCC that there were a number of gang related activities in the communal cell and some of the ATD's were moved from the communal cells. After the Inspectorates enquiry the inmate was removed from the single cells.

## Mechanical Restraints

Table 13: Mechanical Restraints

| CATEGORIES | DCS REGION  |   |     |  |  |                  | TOTAL |
|------------|---|---|-----|--|--|------------------|-------|
|            | WC  | EC  | KZN | LMN  | GP   | NC/FS            |       |
| S31(1)     | 18  | 37  | 0   | 6  | 33   | 4                | 98    |
|            | Pollsmoor Med A: 1<br>Brandvlei Max: 5<br>Brandvlei Juv: 3<br>Worcester Male: 1<br>Pollsmoor Med C: 8 | East London Med B: 5<br>St Albans Max: 3<br>Burgersdorp: 29 * | *** | Polokwane: 1<br>Barberton farm: 1<br>Rustenburg: 3<br>Modimolle: 1 | Boksburg: 3<br>Jhb Med A: 5<br>Krugersdorp: 6<br>Pretoria local: 12 **<br>Baviaansport: 1<br>Pta Central: 4<br>Emthonjeni Juv: 2 | Groenpunt max: 4 |       |
| TOTAL      | 18  | 37  | 0   | 6  | 33   | 4                | 98    |

During the quarter 98 uses of Mechanical Restraints were reported by HCCs. In all the 93 matters, letters were written to the HCCs to enquire and / or seek clarification on the reasons for the use of mechanical restraints. In all the responses the Inspectorate received from the HCC, it was confirmed that inmates were informed of their right to appeal. There were no appeals against the use of mechanical restraints received from inmates. The kinds of restraints used by the centres are normally handcuffs and short steps (leg cuffs). In addition to the report received from the HCC, the Directorate sends a bulletin to the ICCV to request that the report of the HCC be verified.

\* *In the quarter it was observed that Burgersdorp Correctional Centre reported 29 uses of mechanical restraint. The Inspectorate has enquired into the high number of mechanical restraint from the centre and was informed that the Department's policy is that when inmates are taken to court mechanical restraint should be used on the inmates whilst being in transit.*

\*\* *PTA local inmates attempted to escape from the centre*

\*\*\* *This is the second quarter that no Mechanical Restraints was reported by the KZN Region*

## Use of Force

Table 14: Use of force

| CATEGORIES     | DCS REGION |    |     |     |    |       | TOTAL | INQUIRED |
|----------------|------------|----|-----|-----|----|-------|-------|----------|
|                | WC         | EC | KZN | LMN | GP | FS/NC |       |          |
| S32(1)(c)(i)   |            |    |     |     |    |       | 0     |          |
| S32(1)(c)(ii)  | 3          |    | 5   |     | 2  | 7     | 17    | 17       |
| S32(1)(c)(iii) | 1          |    |     |     |    |       | 1     | 1        |
| S32(1)(c)(iv)  |            |    | 1   |     |    |       | 1     | 1        |
| TOTAL          | 4          | 0  | 6   | 0   | 2  | 7     | 19    | 19       |

In the 4<sup>th</sup> quarter the Directorate: Legal Services dealt with 19 reports related to the Use of Force and they were noted from the following centres:

#### Western Cape: 4

- Melvin Sam (200497031): **Malmesbury Med A**; inmate vandalized cell in the hospital section, he tried to attack members with a piece of wood but was overpowered and restrained, pepper spray was used. With the exception of the burning sensations, the inmate had no visible injuries and ICCV confirmed same.
- Moegamat Stemmet (209195893): **Malmesbury Med A**; inmate was being transported from the High Court along with other inmates, he tried to grab the firearm of member. With Emergency Security Team (EST) help inmate was pushed down and restrained and no visible injuries according to the G337.
- Denver Brander (211402502) and Riedewaan Strauss (210398499) **Malmesbury Med B**; Tonfa's used to disarm high ranking "26" gang members from attacking each other. Inmate Denver Brander sustained one bruise on left front arm and inmate Riedewaan Strauss sustained two bruises on front left arm.
- Fagodien Riaan (209197361), Ntloko Jeffrey (208568055), Nett Nazeem (208569931) and Mgwali Xolani (209197361): **Drakenstein Max**; during breakfast 13 inmates attacked inmate Mxolisi Sibelegwana (205022023), and to diffuse the attack, force was used by members using tonfa's (baton). Further particulars sought and feedback waited.

#### KwaZulu Natal: 6

- Duma Khayelihle Malusi (210608221), Mgwakazi Vusi John (211607950): **Port Shepstone**; inmate stabbed another inmate during feeding of supper on the back of his head with self made wire knife. Force was used to prevent further stabbing. Inmate sustained bruises on his back. Particulars sought to establish which inmate sustained injuries.
- Khehla Mchunu (211139846): **Sevontein**; inmate Mchunu was being assaulted by inmates Radebe, Mdletshe and Mthethwa with fists and kicks and officials intervened to break up the fight. Tonfa's were used. G337 shows inmate had no visible injuries as members responded quickly enough. Further particulars sought still outstanding.
- Michael Mohare (207548568), Giyabonga Gabela (205291982): **Ebongweni Maximum**; inmate Mohare attacked inmate Gabela over hot water by trying to stab inmate Gabela with a sharp point ball point pen and members intervened with force to prevent bodily injury of inmate Gabela. Inmate Mohare sustained small cut at the back of his head and above right eye. Both inmates were medically treated.
- Dlangamandla Ernest (209121822): **Ebongweni Maximum**; inmate had just finished making a call and was being escorted back to his cell when he suddenly started to attack his co-accused inmate Fox Sithole, they were both cuffed together. Inmate's cuff loosened and he was able to free himself and attack co-accused. Member responded with pepper spray, hands and "verbal judo". The incident was captured and saved on the video footage. Inmate sustained no injuries and both him and co-accused refused to be medically treated. No injuries recorded as inmates refused medical treatment.
- Jabulani Sibiya (207852406), Thulani Mkhize (205158497): **Ebongweni Maximum**; inmate Sibiya attacked and assaulted inmate Mkhize by repeatedly stabbing him with a piece of glass from a broken medicine bottle. Members intervened with tonfa's and bare hands to separate inmate and to stop the assault on inmate Mkhize. Inmate Sibiya refused medical treatment and according to incident report, there was no visible injury.
- Gregory De Bruin (99558215): **Ebongweni Maximum**; discharge of pepper spray to restrain and cuff inmate to prevent further damage to property, assault on other inmates and/or self harm. Soft tissue injuries on face and bruise marks on hands. Inmate kept at hospital section for observation. Approval granted after force was used as members acted in the spur of the moment.

#### Gauteng: 2

- Mdluli Khumbulani (211289440): **Emthonjeni Juvenile**; inmate was illegally smuggling prohibited items into his cell and pepper spray was used to prevent the prohibited item from entering the cell.

- Mgaganga Zolani (207046749): **Baviaanspoort Medium**; pepper spray was used to bring offender under control and he was put under mechanical restraint. Inmate spoiled the food by pouring his excrements into the pots. He sustained no injuries. Inmate was criminally charged for loss suffered under SAPS case number 141/01/2012.

**Free State/Northern Cape: 7**

- Booie Beukes (210084535): **Mangaung**; inmate attacked and stabbed member with a pen because he wanted a transfer to another section within the Centre, EST were called and inmate was restrained and segregated. Inmate sustained scratch marks on the left side of the scalp, and hair along the area was shaved and bandage applied.
- Tumelo Mofokeng (209291517): **Mangaung**; inmate was said to have been aggressive and violent having broken light bulbs and eating and swallowed same. He is further said to have been vandalizing the cell, unplanned use of force was applied by EST. Inmate was aggressive even when brought for medical treatment. Inmate sustained superficial lacerations, small haematoma and neck injuries which apparently resulted when inmate allegedly banged his head against the cell door and when he broke and ate light bulb glasses.
- Tshonyane Mojalefa (210737043): **Mangaung**; inmate allegedly broke two TV sets and a Computer workstation monitor EST were called to attend to the situation and inmate was forcefully put down on the floor to be restrained. Inmate taken to Hospital section but no injuries was recorded.
- Kgosi mere Jabulane (210807244): **Mangaung**; inmate was allegedly trying to commit suicide by throwing himself from the upstairs showers onto the floor but was pulled back to safety in time. No injuries sustained.
- Japhtha Fusi Phakathi (97403963): **Mangaung**; inmate was verbally and physically aggressive, attempting to attack employees and other inmates. EST was summoned and inmate was restrained and cuffed. Incident report shows no visible injuries sustained.
- Jackson Benedict (200014724): **Mangaung**; inmate was informed that he was to be transferred to segregation cells to allow investigation into gangsterism to take place. Inmate attacked and stabbed member, and force was then used.
- Motlatsi Musi (206218915), Zwane Senzo (203798916): **Mangaung**; both inmates are "Royal Air Force" (RAF) three (3) top ranked members who used self made weapons to attack and stab "26" gang members. Force was used to diffuse the attack by members using shields. No injuries sustained.

**RECOMMENDATIONS ON PROGRAMME 2**

- To expedite the creation of a wizard on the Inspectorates website in order that head of centres may report use of force to the Inspecting Judge

**PROGRAMME 3:  
COMMUNITY OVERSIGHT AND STAKEHOLDER ENGAGEMENT**

**Objective 1: Independent Correctional Centre Visitors**

**Table 15: ICCV Post establishment as at 31 March 2012**

| Management region      | ICCV Posts on the post establishment | ICCV Posts Vacant | No of ICCVs |
|------------------------|--------------------------------------|-------------------|-------------|
| Southern (FS/NC/WC)    | 90                                   | 9                 | 75          |
| Eastern (KZN/EC)       | 79                                   | 16                | 55          |
| Northern (LP/MP/NW/GP) | 109                                  | 33                | 89          |
| <b>TOTAL</b>           | <b>278</b>                           | <b>38</b>         | <b>219</b>  |

During the presentation of the Inspectorates previous Quarterly Report, members of the Portfolio Committee requested a list of ICCVs contact details. The attached list will be updated and will become part of each quarterly report.

**Table 16: ICCV Inductions**

| Date         | Number of induction | CC where ICCV where inducted  |   |  |
|--------------|---------------------|---|---|--|
| Jan, 2012    | 14                  | Oudtshoorn A&B<br>Ncome CC<br>Piet Retief CC<br>Waterval Med A CC<br>Lydenburg CC | Belfast CC<br>Carolina CC<br>Lichtenburg CC<br>Stutterheim<br>Mosselbay | Butterworth<br>Nggeleni<br>Victoria West<br>Goodwood |
| Feb, 2012    | 8                   | Rooigrond CC<br>Potchefstroom CC<br>Mafikeng CC                                   | Eshowe/Mtuzini<br>Umzinto<br>Qalakabusha                                | Zeerust CC<br>Modderbee CC                           |
| Mar, 2012    | 8                   | Douglas<br>Christiana CC<br>Modderbee CC  | Brandfort<br>Durban<br>Durban   | Harrismith<br>Hope Town                              |
| <b>TOTAL</b> | <b>30</b>           |   |   |  |

**ICCV Performance Audits**

A total number of 80 ICCVs, which comprise 37% of the ICCV contract workers, were audited during the 4<sup>th</sup> quarter. As a result of findings during the performance audits:-

- 3 ICCV contract was terminated due to non-performance

Table 17: ICCV Performance Audits

| Name            | Contract Number | Correctional Centre   | Findings                           |
|-----------------|-----------------|-----------------------|------------------------------------|
| Ms. M Dlamini   | CT24/2010       | Barberton Juvenile CC | Non-performance according to MSSDs |
| Ms. V Gillion   | CT127/2011      | Caledon CC            | Non-performance according to MSSDs |
| Mr. SR Mthethwa | CT165/2009      | Ermelo CC             | Non-performance according to MSSDs |

- 1 ICCV contract was temporary suspended to finalize an investigation due to a submission of an incorrect invoice: -

Table 18: ICCV Performance Audit

| Name         | Contract Number | Correctional Centre | Findings           |
|--------------|-----------------|---------------------|--------------------|
| Mr. SM Ntamo | CT44/2009       | Engcobo             | Fraudulent invoice |

**Minimum Standards of Service Delivery (MSSD)**

The ICCV contract specifies that they are required to perform the following functions and duties:

- site visits whereby a monthly mini-inspection report is submitted
- interviewing 25% of the allocated population of inmates
- monitor the official complaints register of the Department, referred to as the G 365
- conduct private consultations with inmates who have registered complaints and who are not satisfied with resolution of their complaint
- discuss the complaints with the HCC or his/her designee with the purpose of resolving the complaint
- deal with complaints referred by the Directorate: Legal Services

- Verify Mandatory Reports sent by the HCC to the Inspecting Judge
- Refer and discuss complaints to the Visitors Committee (VC) at the VC meeting

Table 19: Summary of ICCVs MSSDs for the quarter -

| Date         | Number of Interviews | Number of Complaints referred to G365 | Number of Private Consultations | Number of Complaints referred to VC |
|--------------|----------------------|---------------------------------------|---------------------------------|-------------------------------------|
| Jan, 2012    | 20,223               | 6,559                                 | 3,725                           | 69                                  |
| Feb, 2012    | 19,320               | 7,222                                 | 3,999                           | 53                                  |
| Mar, 2012    | 19,541               | 6,352                                 | 4,108                           | 56                                  |
| <b>TOTAL</b> | <b>59,084</b>        | <b>20,133</b>                         | <b>11,832</b>                   | <b>178</b>                          |

## Objective 2: Visitors Committee Meetings

### *Visitors' Committee*

A total of 186 Visitors' Committee meetings were held during the quarter. The Inspectorate once again requests HCCs or representatives of the Department to attend these meetings with the aim of assisting with the resolution of inmate complaints. This is one of the critical areas that requires significant improvement in terms of its statutory function. To address this matter, it has become a requirement that VC Chairpersons and Secretaries attend an Office Bearer's training programme. The first VC Office Bearer's training programmes since the existence of the Inspectorate was held in March 2012 & April 2012. The Inspectorate believes that this investment in terms of development of ICCV contract workers will bear fruit in due time.

### *Meetings with Stakeholder engagement*

During the quarter, the following organs of state and civil society attend various VC meetings:-

- SAPS
- Childline
- SA Sport and Health
- LASA
- Business Against Crime
- Scalabrini Centre of Cape Town

The importance of engaging with stakeholders is emphasized in this report under the heading: "Office of the Inspecting Judge." In the report it reflects meetings initiated by the Judge between the Inspectorate and the Department.

## 3. Stakeholder Engagement

### *Public Calling for Nominations (PCN) Meetings*

The Act (DCS 111 of 1998, as amended) obliges the Inspectorate to conduct public meetings and to consult with community organizations before appointing ICCVs.

During the quarter the following number of nomination forms were received as a result of this process –

Table 20: Nomination Forms Received

| <b>Region</b> | <b>No. of forms received</b> |
|---------------|------------------------------|
| LP/MP/NW      | 23                           |
| FS/NC         | 23                           |
| KZN           | 56                           |
| GP            | 42                           |
| WC            | 29                           |
| EC            | 71                           |
| <b>TOTAL</b>  | <b>244</b>                   |

***Human Rights Day***

The Inspectorate was involved in a Human Rights Day project on 21 March 2012. Staff members distributed pamphlets: "Inmates have Rights" in various communities in all 9 provinces.