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Introduction

The Correctional Services estimates of expenditure for the period 2007/8 to 2009/10 recently became available following the Minister of Finance's budget speech. The Department of Correctional Services (DCS) will this year be requesting Parliament for an allocation of R10.7 billion, a mere R0.1 billion (or 0.9%) more than the previous year's request.^[1] This is by all accounts a very modest increase, given the political hype around crime, the national budget surplus and the DCS's intentions to implement the *White Paper on Corrections in South Africa*.

After Parliament was asked to appropriate R10.6 billion last year, only R9.8 billion was approved, and in the course of the year the DCS budget was further reduced to R9.2 billion - some R1.4 billion (or 13.2%) less than the original request. Below it will be shown that this moderation of the DCS budget continues for the medium term expenditure estimate (until 2009/10). It will also be shown that this trend places the DCS on a different trajectory to its partners in the criminal justice cluster, namely SAPS and the Dept of Justice.

As a proportion of the national budget, the DCS share is declining from 2.25% to 2.09% from 2007/8 to 2009/10. Whilst this may appear to be marginal, it should be seen against the background that the national budget is expected to increase by nearly 23% over the same period.^[2] In short, the DCS's share of the national budget is shrinking in real and relative terms. Whilst some prison reformers may be thankful that we will be spending less on prisons, it needs to be added quickly that the prison system is not yet where it should be. To meet, firstly, the minimum conditions of humane detention, and secondly, the ambitious objectives of the White Paper, will take a significant investment over the medium to long term, signs of which are not visible in the current medium term expenditure estimates (MTEE).

The cost drivers

The costs of the DCS are driven by four factors, as defined by the National Treasury, namely:

- the size of the prison population
- the number of probationers and parolees
- the number of employees of the department
- the strategic intentions of the Department.^[3]

A few comments about the cost drivers are warranted. The remissions programme of 2005 had a significant impact on the size of the prison population, reducing it by some 30 000 prisoners. Despite expectations that overall numbers would return quickly to its previous level of 180 000, this did not occur and latest figures (January 2007) indicate that it was just below 160 000. The unsentenced prison population has also remained stable at around 40 000. The number of

probationers and parolees has also not increased, as many also benefited from the 2005 remissions programme. Research commissioned by the Open Society Foundation conservatively estimated the prison population to increase to 226 000 by 2015 if current trends continue.^[4] It is also estimated that within the current MTEE, by 2010, the prison population will exceed 201 000, whilst accommodation capacity will change only slightly.

The number of DCS employees has, however, increased from 33 666 (2003/4) to 36 311 (2005/6) and plans are afoot to increase the total staff complement to 45 674 by 2009/10: an increase of 35.6% in six years. From the Strategic Plan it appears that the emphasis is placed on employing entry level staff to enable the implementation of the 7-day establishment. The DCS has on numerous occasions expressed its concerns about retaining scarce skills (e.g. social workers, nurses and psychologists) but the budget vote only mentions health care professionals in this regard.

The long term strategic intentions of the Department are articulated in the White Paper and broken down in more manageable chunks in the Department's Strategic Plan.^[5] It is not within the scope of this newsletter to analyse the Strategic Plan, but suffice to say that it broadly reflects the intentions of the White Paper. A closer reading of the Departmental Annual Report notes that a number of targets have been met and even exceeded (e.g. a reduction in the number of unnatural deaths in custody), but that there remain a significant number of targets which have not been met, especially key activities in respect of rehabilitation and reintegration.

The seven programmes

To achieve its objectives, as articulated in Section 2 of the Correctional Services Act (111 of 1998), the DCS has developed in its Strategic Plan the following seven programmes which are replicated in the budget vote:^[6]

- Administration - Provide the administrative, management, financial, ICT, research, policy co-ordination and good governance support functions necessary for all service delivery by the department and in support of the functions of the Ministry.
- Security - Provide safe and healthy conditions for all persons incarcerated, consistent with human dignity, and thereby provide security for personnel and the public.
- Corrections - Provide needs-based correctional sentence plans and interventions, based on an assessment of the security risk and criminal profile of individuals, targeting all elements associated with offending behaviours, and focusing on the offence for which a person is sentenced to correctional supervision, remanded in a correctional centre or paroled.
- Care - Provide needs-based care programmes aimed at maintaining the well-being of incarcerated persons in the Department's care.
- Development - Provide needs-based personal development services to all offenders.
- Social Reintegration - Provide services focused on offenders' preparation for release, their effective supervision after release on parole, and on the facilitation of their social reintegration into their communities.
- Facilities - Ensure that physical infrastructure supports safe custody, humane conditions, and the provision of corrective services, care and development, and general administration.

Nominal and real trends

In order to facilitate comparison and adjust for the effect of inflation, a distinction is made in this newsletter between real and nominal value. Real value refers to values adjusted for inflation, and in this article uses 2007 as the baseline year.^[7] It therefore adjusts future and past values to be expressed in terms of "what money is worth in 2007". Nominal value does not include an inflation adjustment, and is the budgetary figures as released by Treasury in the Estimates in National Expenditure (ENE).

Table 1 reflects the Departmental budget as presented in the ENE for the seven programmes of the Department.^[8] In nominal terms, the budget will increase from the 2007/8 level of R9.2

billion to R12.2 billion by 2009/10. The table also shows that significant downward changes have been made to the 2006 Budget estimates, of more than R1 billion per year from 2006/7 to 2008/9.

Table 1 Estimates of National Expenditure, Correctional Services, Nominal value

<i>R thousands</i>	2003/04	2004/05	2005/06	2006/2007 [9]	2007/08	2008/09	2009/10
1. Administration	2,309,227	2,837,099	2,545,673	2,423,946	2,771,323	2,983,001	3,313,878
2. Security	2,659,801	2,706,205	3,051,627	2,962,928	3,244,797	3,371,028	3,454,145
3. Corrections	437,253	481,083	613,560	766,914	1,236,791	1,333,824	1,430,447
4. Care	751,708	725,899	1,028,059	1,180,755	1,339,290	1,426,677	1,515,538
5. Development	269,022	266,008	478,337	394,343	403,917	463,479	490,780
6. Social Reintegration	291,174	288,079	301,335	323,894	336,118	334,446	359,422
7. Facilities	1,131,529	1,524,419	1,612,625	1,171,732	1,410,095	1,453,343	1,703,555
Total	7,849,714	8,828,792	9,631,216	9,224,512	10,742,331	11,365,798	12,267,765
Change to 2006 Budget estimate				-1,406,200	-1,025,158	-1,085,388	
Deflators	0.835376	0.86962644	0.908759625	0.953288847	1	1.047	1.094115

In the description that follows, real value is reflected as opposed to nominal value. The budget deflators, based on the CPIX, are given in Table 1. The ENE for DCS expressed in real terms is presented in Table 2 below using 2007/8 as the baseline year.

Table 2

<i>R thousands</i>	2003/04	2004/05	2005/06	2006/2007 7	2007/08	2008/09	2009/10
Administration	2,764,296	3,262,434	2,801,261	2,542,719	2,771,323	2,849,094	3,028,821
Security	3,183,957	3,111,917	3,358,013	3,108,111	3,244,797	3,219,702	3,157,022
Corrections	523,421	553,207	675,162	804,493	1,236,791	1,273,948	1,307,401
Care	899,844	834,725	1,131,277	1,238,612	1,339,290	1,362,633	1,385,172
Development	322,037	305,888	526,363	413,666	403,917	442,673	448,563
Social Reintegration	348,554	331,268	331,589	339,765	336,118	319,433	328,505
Facilities	1,354,515	1,752,958	1,774,534	1,229,147	1,410,095	1,388,102	1,557,016
Total	9,396,624	10,152,396	10,598,200	9,676,513	10,742,331	10,855,585	11,212,501

Chart 1

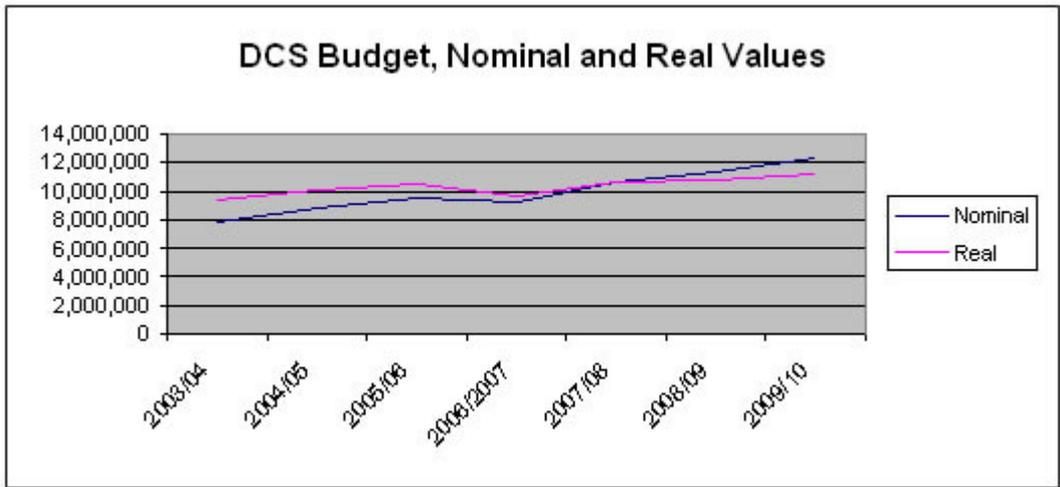
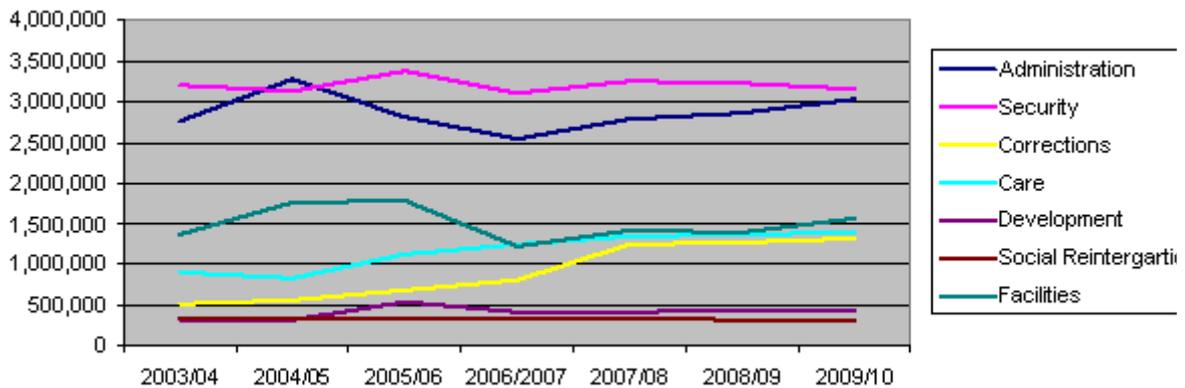


Chart 1 presents the trends in the real and nominal values of the total DCS budget over the period 2003/4 to 2009/10. Using 2007/8 as the baseline year, it is clear that the DCS budget is shrinking in real terms and that this downward trend is not insignificant. In nominal terms, the increase looks more significant but in real terms the 2009/10 budget is estimated to be only R470 million more than the 2007/8 budget, or an increase of 4.4%.

Assessed per programme, the increases for some programmes are even less and indicate a stagnation, if not a real reduction. Chart 2 shows the real values for each of the programme budgets.

Chart 2



The *Administration* and *Corrections* Programmes show significant real increases. The increase in the *Administration Programme* is attributed to the increases in bulk stores,^[10] IT, human resources development, procurement of vehicles and accommodation. The increase in the *Corrections Programme* budget is attributed to the risk profiling of prisoners and the transfer of managerial personnel formerly placed under the *Security Programme* budget to the *Corrections Programme* budget. The *Care Programme* budget showed a steady increase until 2006/7 and thereafter levelled out. The *Security Programme* budget shows a real decline from 2007/8 onwards.

Seen against the backdrop of the White Paper and its mantra to place rehabilitation at the core of the Department's business, the minuscule increase in the *Development Programme* budget and negative growth in the *Social Reintegration Programme* budget, are perplexing. It should also be borne in mind that the budget allocation for Community Corrections (i.e. correctional supervision and parole) is located in the *Social Reintegration Programme*. The expansion and improvement of correctional supervision, as described in the Strategic Plan, are thus not visibly reflected in the budget vote.

Key issues

New prisons: In the 2005 State of the Nation Address President Mbeki announced the construction of four new prisons to be completed by April 2007^[11] and in the 2006 State of the Nation Address, he announced the construction of four more facilities.^[12] During 2006 it became clear that the construction of the eight planned prisons, with a total capacity of 24 000, had run into problems. The Department was called to several meetings by the Portfolio Committee on Correctional Services to explain why there had not been any progress. The net result was that the *Facilities Programme* budget has been reduced dramatically as the initiative was suspended pending the outcome of feasibility studies for five new prisons. Of the original eight planned facilities, only the one in Kimberley has been approved and is reportedly progressing. A relatively unknown aspect of this programme is a new head office for the DCS, the feasibility of which will also be assessed.

There remain many unanswered questions in this debacle, on both the principled issue of new prisons, as well as the manner in which this process was undertaken. There is also no certainty about whether the construction programme will indeed provide additional capacity or whether it will merely replace some of South Africa's many crumbling and unsuitable prisons. If one is to accept the position that new prisons are indeed required, either as additional capacity or replacement, a principled decision needs to be taken on whether the proposed mega-structures housing 3000 prisoners is the best option, or whether smaller decentralised units that are closer to prisoners' community of origin would not be a better option and closer aligned to the objectives of the White Paper. Given the costs involved, it is essential that Parliament, through the Correctional Services Portfolio Committee and SCOPA, continue to monitor the prison construction programme.

SAPS and Justice: The already massive Safety and Security budget (R35.9 billion for 2007/8 in real terms) will continue to increase rapidly to R39.8 billion by 2009/10 (in real terms). This reflects an increase of 16.2% in real terms. Although much smaller than the Safety and Security budget at R 8.5 billion for 2007/8, the Dept of Justice budget will increase by 11.4% in real terms by 2009/10. The DCS budget will, however, only increase by 4.9% in real terms over the same period. Even if efficiency and effectiveness of the criminal justice systems improves only moderately as a result of the increase in the budgets of these two departments resulting in an increase in apprehended and imprisoned offenders, this will undoubtedly have an impact on the operations of the DCS, and more particularly on the level of overcrowding in the prison system. It is therefore unclear why the Correctional Services' relative and absolute share of the national budget is shrinking, whilst that of its two key partner departments is increasing.

Cut backs and spending priorities: Table 1 reflects the significant cuts that have been made to the 2006 budget estimates; a total of some R3.5 billion over the period 2006/7 to 2008/9. The suspension of the prison construction programme (with the exception of Kimberley), savings as a result of the restructuring of the medical aid scheme, staff vacancies and the reduction in the number of prisoners are forwarded by the Department as the primary reasons for this. At the same time the DCS has embarked on an aggressive programme improving security hardware (e.g. security fences, CCTV and biometric security systems) and employing more staff, compared to the relatively small and stagnant budget allocations in the *Care, Development and Social Reintegration Programmes*. One interpretation of this trend is that when these savings were incurred, it led to a strategic decision to focus on security hardware rather than on the 'softer' programmes aimed at rehabilitation and reintegration. Spending on security hardware is inherently easier to achieve than spending on the rehabilitation of prisoners and assisting their post-release reintegration, as the installation of security hardware can be sub-contracted, involves large amounts of money, and is immediately visible.

Indicative of the difficulties in spending on rehabilitation and reintegration is the fact that the DCS planned in 2005/6 to have 23% of all offenders assessed in respect of their risk profile, a prerequisite for the development of a sentence plan that would assist in their rehabilitation. This target was not met and risk profiling will now begin in 2007/8 after the necessary tools have been approved. Similarly the Department set itself a target of 30 000 inside work opportunities for sentenced prisoners in 2005/6, but only 3400 opportunities were realised.^[13] The challenge emerging from this is not one of lack of funds, but rather of how to effect spending on the rehabilitation and reintegration of prisoners. The *Corrections Programme* budget makes specific mention of the new programmes developed and planned in line with the White Paper but the amounts involved are small and comprise less than 3% of the programme budget. One is therefore left with the impression that allocations aimed at implementing rehabilitation and reintegration are not strongly articulated in the budget vote.

Prison population: Mention was already made above regarding the remission programme and the effect this had on the size of the prison population. Initial indications are also that the prison population has not increased as rapidly as expected by some observers.^[14] However, it is a sorely lacking piece of information in the budget vote document that one of the four primary cost drivers of the DCS, namely the size of the (projected) prison population, is not described or even mentioned. In a presentation made to the Correctional Services Portfolio Committee on 13 March 2007 a projection was however presented. These estimates, predict that the total prison population will be 158 500 for 2007/8, 159 800 in 2008/9 and 161 100 in 2009/10. Recent research, based on historical data supplied by the DCS, developed a projection of the future prison population and came to a substantially different conclusion, predicting that the prison population will be approximately 179 000 by 2010.^[15] It should furthermore be noted that by January 2007 the prison population was already at 159 867 or 1367 above the projection for the coming financial year.^[16]

The only mention made of the prison population in the budget vote document is in respect of overcrowding and that the size of the unsentenced prison population is apportioned the blame for the current situation. The argument is tenuous for a number of reasons. Firstly, this is because the sentenced prison population has emerged post-2000 as the primary driver of the prison population. Secondly, the unsentenced prison population has declined from 65 000 to approximately 40 000 and has maintained that level for some time now. Thirdly, approximately 67% of the unsentenced prison population is detained in 15 prisons (which are all located in or near major metropolitan areas), meaning that the majority of the Department's 240 prisons are essentially unaffected by the size of the unsentenced prison population.^[17]

The effect of the size of the prison population on the budget is therefore unclear, not only in respect of its immediate relationship but also how a medium to long term steady increase in the number of prisoners will and should impact on departmental spending. The changing profile of the South African sentenced prison population will, and has already, in no small measure changed the nature of security arrangements but also the nature of programmes and services required by prisoners.

Conclusion

The Correctional Services Act defines the objectives of the Department: to implement the sentences imposed by the courts, to detain persons under humane conditions, and to promote the social reintegration of offenders. The Act does not place these three objectives in a hierarchical order and each carry equal weight. Prison systems do, however, have a natural (and unhealthy) inclination to give overriding priority to security concerns and interpret the first objective as the most important. It is therefore necessary to ask if the budget vote is seeking balance between the three objectives and bring some parity, or if it is perpetuating past biases.

The most noticeable feature of the current budget vote is the reduction in the budget compared to the projected allocations of 2005/6. The suspension of the prison construction programme and other savings incurred noted in the above are important reasons, but it is also indicative of a lack of capacity to spend. Spending appear to be driven by the increase in security hardware and the appointment of more staff; but the core programme outcomes required for the implementation of the White Paper remain obscure in the budget vote. The budget vote can therefore not be regarded as an attempt to give more attention to the third objective especially, namely to

promote social integration.

It may also be argued that the objectives of the White Paper are of such a long term nature that it would be unfair to expect them visibly reflected in the current budget vote, even though the ENE covers a period four years subsequent to its release in 2005. The second objective described in the Act, ensuring the detention of prisoners under humane conditions, may therefore be a more tangible and realistic objective, but more importantly, it relates directly to the obligations set out in s 35 of the Constitution and described in more detail in the Correctional Services Act and Regulations. Given the extent of these requirements in domestic law as well as in international law, there should be little uncertainty as to what is needed. The appointment of more staff to enable the 7-day establishment, the provisioning of three meals, and the upgrading of numerous prisons (as described in the *Facilities Programme*) will make a significant impact on conditions of detention. Despite these initiatives, it appears that South African prisoners remain deeply unsatisfied with their conditions of detention if the more than 429 000 complaints recorded by Independent Prison Visitors in 2005/6 are used as a measure. Deaths in custody, assaults, allegations of torture, limited access to medical care and allegations of corruption remain at unsatisfactory levels.

The focal points of the budget vote, as reflected by the requested allocations, struggle to find a balance between the requirements of the Correctional Services Act, addressing the human rights situation in the prison system, and the strategic aspirations of the White Paper. Shorter term security issues remain a major distraction in spending on the South African prison system.

Endnotes

[1] National Treasury (2007) Estimates of National Expenditure - Vote 19 Correctional Services, pp. 375 - 392.

[2] National Treasury (2007) Overview of the 2007 Budget, p. 14, <http://www.treasury.gov.za/>

[3] PMG Minutes of the Portfolio Committee on Correctional Services meeting, 7/3/2006.

[4] Giffard C and Muntingh L (2007) The Impact of Sentencing on the Size of the Prison Population, Open Society Foundation, Cape Town, p. 43.

[5] Dept of Correctional Services (2006) Strategic Plan for 2006/7 - 20010/11, DCS, Pretoria.

[6] Note 1.

[7] Budget deflators from the Idasa Budget Information Service were used to calculate real growth estimates using 2007 as baseline.

[8] See CSPRI Newsletter No. 16 for a description on the seven programmes as well as more background information on the budgeting process.

[9] The figures for 2006/7 are the revised estimate.

[10] Bulk stores include food, medication, and personal items for prisoners.

[11] State of the Nation Address 2005
<http://www.info.gov.za/speeches/2005/05021110501001.htm> Accessed 17 March 2007.

[12] State of the Nation Address 2006
<http://www.info.gov.za/speeches/2006/06020310531001.htm> Accessed 17 March 2007.

[13] Note 1 p. 383.

[14] Note 4.

[15] Note 4.

[16] Figures supplied by the Office of the Inspecting Judge, 22 March 2007.

[17] Muntingh L (2006) 'Surveying the prisons landscape - what the numbers tell us', Law, Democracy and Development Vol 9 No. 1.

End

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