

Budget Vote Speech

Minister NN Mapisa-Nqakula

Introduction to the Budget Vote Debate

Budget Vote Number 20

National Assembly, Parliament of RSA

2010, March 25, Old Assembly Chamber, Cape Town

Chairperson

Deputy Minister of Correctional Services

Members of the Correctional Services Portfolio

Honourable Members of the Extended Public Committee

Acting National Commissioner of Corrections and senior Management of DCS

Judge Van Zyl, Office of the Inspecting Judge

Chairperson and members of the National Council on Correctional Services

Officials and Offenders watching from our centres

Distinguished Guests

Comrades and friends

Chairperson, it is nine months since the Deputy Minister and I presented our first Budget to this House.

Last year we committed ourselves to you that a great proportion of our work during this term will be focused on the need to accelerate and enhance the transformation of the Department of Correctional Services into an effective and integral component of the rejuvenated Criminal Justice System of our country.

This trajectory for the transformation and integration of the department as a component of the CJS, is informed by our assertion that the system of corrections in our country should not only be at the receiving end of the fight against crime, but should be a value chain stage in the task of ensuring that our people are and feel safe in line with the objectives of the JCPS cluster.

We remain focused on the commitment made by the ANC during the Congress of the People in 1955 that:

“All people shall be equal before the law.” – and further committing us to ensure that “imprisonment shall be only for serious crimes committed against the people, and shall aim at re-education, and not vengeance.”

This has been the basis on which the 2005 White Paper on Corrections was developed.

We believe therefore, that a focused and deliberate transformation of the correctional system, both in its systemic and organizational foundations, should ensure that emphasis is placed on rehabilitation and successful

reintegration of offenders as opposed to merely providing security incubation during the period of incarceration.

The premise of our policy emphasis as this ANC government, is based on our understanding that offending behavior in our society, including crime, are a reflection of deep seated social problems sourced from our socio-economic and political realities, and therein should lie our solutions. This reality is evident in the fact that the majority of our offender population is currently young people including children as young as 14 years old.

Having continued with more visits to our correctional centres since our last Budget debate, I am more convinced of the correctness of our policy basis. All our success stories in correcting offending behaviour, point to strong participation of offenders in rehabilitation and developmental programmes, including skills development, mentoring and counseling and ofcourse there is still room for improvement.

Chairperson, we present this budget as our first step towards a greater emphasis on programmes aimed at correcting offending behavior and ensure that the majority of our offenders are readied for reintegration through the active involvement of victims and communities.

This is ***not a new thinking***, nor is it a paradigm shift, as it is already espoused in the spirit and letter of the White Paper on Correctional Services, but henceforth, ***it is going to be our emphasis*** and basis for policy, planning and for our operational objectives.

I remain acutely aware and concerned that currently, close to 69% of our R15 billion budget is spent on compensation to employees. While our intention is that this balance needs to be reviewed in favour of our

commitment to the white paper, we need to understand that Correctional Services is a people driven business.

What is required is for us to conduct an analysis of our human resource capacity with a view to determine whether there is optimum utilization of resources. Part of the work in this regard has started with the migration of non-centre based staff to the centres as part of the OSD processes.

If we are to succeed, the department will require a massive investment in developing and implementing the Case Management Cycle and sentence plans for offenders at our centers. This cycle should include the necessary integration of Corrections, Development and Care, on the one hand as well as Community Corrections and Reintegration, on the other.

Later during this introductory address I will outline the main pillars of our intervention plan for the Budget Programme Management of the department as well as our overall road map towards the realisation of the objectives of the white paper.

But first, allow me, Honourable members to highlight progress regarding some of the key pronouncements and undertakings that we made during the presentation of the Budget Vote last year.

1. Offender Labour Force

We made an undertaking that we shall develop a framework that clearly defines the role that the offenders labour force can play in the development of communities. This work will help to enhance their skills and social consciousness as well. Work has already started in this regard.

2. Attraction of scarce skills for enhanced standards of care

Despite the current budget constraints, particularly with regard to expenditure on the compensation of employees, the department has identified various categories of critical vacancies to be filled during the financial year.

3. Development of a medical parole policy

As per my direction, the policy on medical parole has now been developed and submitted to us by the National Council for Correctional Services. Although it has been our intention to start to implement the policy by beginning of the new financial year, it has however become clear that before this can be done, changes will have to be made to the Correctional Services Act.

4. Overcrowding

As indicated last year, it is our view that the problem of overcrowding will not only be dealt with through the commissioning of new facilities. While this can be part of the interventions, the real solution lies in the success of

our rehabilitation programmes, the managed release and reintegration of offenders, as well as the integration of processes within the Criminal Justice System.

4.1 Ministerial Task Team

As part of our response to overcrowding, I am happy to inform the House that we have appointed a Ministerial Task Team of independent members to conduct an audit of various categories of inmates with a view of determining the status of those inmates regarding their appearance before parole boards, the reclassification of their sentences, application of the bail protocol and the conversion of custodial sentences into correctional supervision.

The task team will also audit various categories and status of vulnerable inmates, including the elderly, inmates with psychiatric problems, children and women.

With this data at our disposal, it should be possible for us to implement provisions of the law in terms of the release of those inmates who remain in our facilities on minor crimes with bail amounts of less than R1000, and those who are first time offenders serving sentences of less than 24 months. We will also be able to deal with cases of those who, in terms of the 1959 Act, have served the requisite period of their sentence allowing for their reclassification, but are yet to appear before the parole boards for the consideration of the individual cases.

4.2 Remand Detention Branch

As per the decision of the JCPS cluster, the department will establish a Remand Detention Branch this year, to create capacity for the management of all matters relating to awaiting trial detainees. We have appointed an inter-departmental task team to investigate the modus operandi and to propose a structure for the new branch for our approval.

In the meantime, a Video Remand Court system, has since been established, which means that awaiting trial detainees who have their cases remanded, do not necessarily have to appear physically in court, but can be linked to the court via this video facility. This will help us to manage both our human and financial resources better.

4.3 The commission of the Kimberly Correctional facility

The facility has now been commissioned and handed over to the us by the Department of Public Works. The centre will be operated fully by the DCS and will provide an additional 3000 bed capacity. We have however staggered the transfer of inmates into the facility in order to manage its gradual ramp-up to full capacity.

4.4 Optimum utilization of facilities

We have identified that there are small centers with an inappropriately high inmate/staff ratio. We have tasked an audit of these facilities in order to develop a plan for the possible rationalization of such facilities to ensure optimum deployment of both financial and human resources.

We have also commissioned the CSIR to conduct a determination that will help us to set the optimum sizes for our facilities. We need to have a standardized determination of what the biggest and the smallest size of a centre should be in order for it to function at optimum capacity and efficiency.

4.5 Additional Facilities to be Procured through the Public Private Partnerships

I indicated last year, my concerns around the PPP facilities, and I can report here today that we have decided to proceed with the procurement of four new facilities through the PPP model. It is important that whatever we do in this regard, the core mandate of the state to manage the system of corrections, should be safe guarded. We will be engaging with all parties involved in the current process to take forward this matter.

I have also been concerned that, in the conceptualization of these facilities, no provision was made to have a dedicated facility suitable for women, or one with the necessary capacity to provide education facilities to juveniles.

It is also our intention that a facility that caters for inmates with needs for psychiatric care should be considered and operated in conjunction with the Department of Health.

5. Prevention of escapes

Chairperson, we are not happy that escapes continue to happen in our facilities, particularly as it is clear that most of these are as a result of either negligence or collusion on the part of our officials. In the wake of the recent escapes from the Westville Correctional Facility, I have set up an interdepartmental team comprising DCS, the police and NIA to investigate the incident. I have also instructed the department to investigate the problems relating to our surveillance systems with the aim of improving the capacity of our control rooms operations.

During the next financial year, we will put in place measures to strengthen the security in all our centres. This will include the establishment of proper structures and the chain of command for the Emergency Security Teams and the enhancement of our fight against corruption. We are particularly keen to see the development of adequate capacity for vetting within the department during this MTEF.

6. Implementation of the Seven Day Establishment

AS I promised during the last budget debate, the 7-day establishment is now fully operational in all of our centres. We have however experienced some teething and capacity related problems with regard to the work shift system that is being implemented together with the 7-day establishment, particularly in centres that are under staffed. We intend to continue with the 7-day establishment, and monitor the level of cost saving benefits due to the reduction of overtime payments. We will however allow for flexibility for centres to implement the most suitable shift system in order to ensure

that there is always adequate capacity for security and service in all the centres.

7. Monitoring of the Act Project with Open Society Foundation

As part of the Compliance Improvement Plan the department is finalising an electronic monitoring tool to be used to monitor compliance with the Correctional Services Act and the White Paper.

Chairperson and Honourable Members, we will continue with the process to realign and redefine both our Business, Support and delivery models. This will be in order to improve our Budget Programme Management, planning and monitoring of operational plans and to ensure performance compliance.

We are currently in the process of appointing a CFO for the department and one of the key priorities of the new incumbent will be to review of our Budget Programme structure. This work will also include the reprioritization that is required in favour of funding our core business, while helping us to avoid wastage and identify immediate opportunities for savings.

Chairperson, we are presenting to you total budget of R15.1 billion for the first year of the MTEF, further growing at an annual rate of 9.7% over the next three years to R18.2 billion. The budget allocation includes allocation

to cover further implementation of Occupational Specific Dispensation, the increase in the bed capacity of some of the existing centres, and expenditure relating to the procurement of the additional four PPP correctional centres. Additional funds are also allocated over the MTEF for the DCS vetting field unit and the installation of biometric access and x-ray equipment to 16 facilities.

The implementation of Occupational Specific Dispensations as required by the Public Service Coordinating Bargaining Council resulted in a budget shortfall for the 2010/11 financial year.

In spite of all this, I want to clarify that the department is NOT planning to budget for a deficit as this is not permissible in terms of the PFMA. We are however going to face financial constraints relating to our current commitments that include compensation to employees, clothing and feeding of inmates, care for livestock and our current contractual obligations.

I must emphasise that the Department will manage the budget constraints within the provisions PFMA, as we did with the budget pressure on the compensation of employees' budget for 2009/10.

We will do this through a monthly process where the Budget Committee will identify savings and reprioritising the allocations to alleviate the budget pressure. Focused attention on cost savings measures have been put in

place in the past year and this approach will be sustained and be expanded for the 2010/11 budget.

It is our intention to conduct a review of all our contracts, introduce Service Level Agreements where they do not exist, and strengthen our contract management capacity to ensure deliverables against set objectives, while saving costs.

In the recent past, I have received several enquiries on the work that we have been doing with regard to the report of the Special Investigating Unit. I thought the Budget Vote will be an opportunity to once more clarify this matter.

An investigation report into allegations of irregularities in the procurement of certain services by the Department of Correctional Services was received from the Special Investigations Unit (SIU) on the 8th of September 2009.

The SIU intervention in this investigation was authorised by Presidential Proclamation.

As a result of the findings of the SIU the following steps were taken:

(i) A disciplinary enquiry has commenced against an official implicated in the Report.

(ii) Internal steps have been taken to address certain systemic problems identified by the SIU in the procurement processes of the Department, some of which were in fact addressed parallel to the investigation.

(iii) The report has been handed over to the National Prosecuting Authority, in accordance with the SIU Act, for further investigation into matters which may result in the institution of criminal charges. The NPA has since referred the report to the Serious Commercial Crimes Unit of the police for a thorough investigation of all the matters raised in the report. It is important that we understand that the police should be given an opportunity to deal with this matter and determine the process going forward.

Questions have also been raised as to why we have not signed a new contract with the SIU. From where I stand, I need to have a clear understanding of the scope and specific issues for such a new contract, in order to avoid entering into an open ended agreement for engagement.

The previous experience has shown us that any open ended contract with the SIU, without a clear determination of scope and time frames will result in serious financial implications for the department. The previous engagement which was supposed to have been for a year, ended up extending to four years, and costing the department a total amount of R36 million. I am sure you can agree with me that given our current financial situation it will be necessary that we consider such financial implications.

In the same breath, let me also take this opportunity to also clarify questions that have been raised with regard to the position of National Commissioner within the department.

We have taken a decision to redetermine the contract of the former National Commissioner in line with, and as provided for by law. The contract was due to expire in August this year and was redetermined to end at an earlier date. The former National Commissioner was accordingly informed of this, and later paid out the remainder of her contract in full. A vacancy therefore existed in the department and we have since advertised the position with the intension to fill the vacancy.

Chairperson, we will move with speed during the next financial year to finalise our work aimed at strengthening the system of parole. We are determined that the system of parole should serve to enhance the process of rehabilitation and deal with cases of recidivism. We also intend to revitalize our participation in Community Safety Forums to ensure community participation and facilitate victim involvement in the process of parole.

We shall also be appointing Parole Boards for a new 5 year term starting on the 1st of July 2010.

Honourable Members, we welcome the coming into effect of the Child Justice Act and that children under the age of 18 will no longer be incarcerated under our system. It is still my strong resolve however, that no child who is of school going age, remaining in our juvenile centres, should leave our facilities after serving sentence without having received

any education. Again, this is in line with our commitment from the Freedom Charter that education shall be free, compulsory, universal and equal.

In addition to this I have also requested that the department develops a framework for the implementation of programmes that will ensure that there is NO offender who does not participate in development programmes. This may include work, schooling, and vocational training as per the needs and category of offenders.

It has been a painful realization for me, as we have been processing the possible release of certain inmates serving life sentences, that some of the people we were considering for early release have never gained any skills or education during their long periods of incarceration. Without exception, all these inmates were sentenced in their teens, and are being released at the ages between 40 and 47 without ever having benefitted from the educational and development programmes offered in facilities. It is for these reason that when they are released, majority of them are not employable and return to a life of crime.

It will also be important to investigate how, in the medium and long term, we can start to deploy revenue generated from our production work, back into direct funding for development programmes.

I would like to thank the Deputy Minister for the support she has given and her availability to share the work we are appointed to do.

Our gratitude also goes to the Chairperson, and members of the Portfolio Committee for their support and oversight work.

I take this opportunity once again to thank Judge Desai and the members of the previous NCCS who have done a sterling job in providing support and advise to the Ministry of Correctional Services. We also wish the new members of the NCCS and its co-chairpersons well in the execution of the work.

It is important, if we are to succeed, that we harness the energy and skills of all staff within the department. I therefore also want to take this opportunity to thank our officials who continue to work under very dangerous conditions. For all our members we continue to expect vigilance, discipline and professionalism. I particularly want to thank Ms Jenny Schreiner who has been at the helm of our department for steering the ship while we await the appointment of the permanent National Commissioner.

I will be the first one to concede that some of the challenges that we have to deal with are indeed serious, but none insurmountable.

The President declared this to be the year of Action! We agree, and declare ourselves ready!

Ndiyabulela!