

## **CHAPTER 19**

# **PREVIOUS INVESTIGATIONS INTO THE DEPARTMENT**

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**INTO THE DEPARTMENT**  
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## CHAPTER 19

# PREVIOUS INVESTIGATIONS INTO THE DEPARTMENT

### 1. INTRODUCTION

The Commission's Terms of Reference require it amongst others:

1. *to inquire into and report on-*
  - (a) .....
  - (d) *the extent of implementation of the recommendations of past investigations relating to the Department.*<sup>1</sup>

The Terms of Reference of the Commission, however, do not specify the period over which the Commission's investigation into previous investigations was to cover. As the Department has been subjected to numerous investigations and commissions over the period of its existence, the Commission deemed it necessary to confine its investigation to those investigations which had been conducted after 1994, when the new democratic order came into being in South Africa.

### 2. DEPARTMENTAL RECORDS

At the outset it must be stated that the Commission experienced great difficulty in completing its mandate regarding previous investigations due to the fact that it

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<sup>1</sup> See Paragraph 1 (d) of the Terms of Reference of the Commission.

was unable to obtain a comprehensive list of the investigations conducted from the Department.

From the early period of the Commission's existence, it has attempted, without much success, to establish precisely how many investigations had been conducted into the Department.

It was soon apparent to the Commission that no one in Department was in charge of such previous investigation reports. Members were not able to advise the Commission of the number of investigations conducted. They were also unable to locate the reports and appeared not to be aware as where such reports were likely to be.

After persistent requests from the Commission's investigators, the Commission ultimately obtained confirmation from the Department that the following reports had been handed over to one of the Commission's investigators:<sup>2</sup>

- 2.1 Unrest in Prisons: June 1994;
- 2.2 Report by Commission of Inquiry into the events at the Barberton Maximum Prison on the 20 and 30 September 1983;
- 2.3 Investigation into Prison Gangs with special reference to the number of gangs coloured prison gangs;
- 2.4 Commission of Inquiry into unrest in prisons appointed by the President on 27 June 1994;
- 2.5 Board of Inquiry into the events of violence at Pollsmoor prison during the period 23 May 1997;
- 2.6 'n Ondersoek na Onderwysvoorsiening aan die Gevangene
- 2.7 Performance Audit of the rehabilitation of prisoners by means of Education and Training;

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<sup>2</sup> See Head Office Exhibit 'Z'.

- 2.8 Boulevard Hotel: Advocate Matalala;
- 2.9 Final report on the investigation into the alleged irregularities in the operations of industries at the Boksburg Prison;
- 2.10 Work Group Report; Health Care Services in South African prisons
- 2.11 Draft Report: Nutritional Services to prisoners;
- 2.12 Human Science Research Council Report: Prison Health Care Service: Legislation, Perception and Statistics

The delay by officials of Department locating the reports once again confirms the Commission's opinion expressed elsewhere in this report that the control and management of the Department's records and statistical information is not in accordance with what one would expect from a state department forming part of the security cluster.

### **3. COMMISSION'S INVESTIGATIONS**

The Commission considered it extremely unlikely that the twelve investigations referred to by the Department was the complete list of all the previous investigations conducted into the Department. The Commission, accordingly, conducted its own investigations and discovered further investigations that had also been conducted into the Department. Whereas the Department's list reflected twelve (12) reports, the Commission's list totaled twenty (20) previous investigations. The list of these investigations is contained in the Appendix annexed to this report.<sup>3</sup>

It needs to be stated however, that notwithstanding the Commission's own investigations, the Commission is still not in a position to unequivocally state that the list prepared by the Commission is in fact the full reflection of the

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<sup>3</sup> See Appendix 'D'

investigations conducted into the Department. With the Department being unable to confirm the contents of the list of investigations, the Commission is simply not sure that the list is comprehensive.

#### **4. REQUEST TO THE DEPARTMENT**

As the Commission was of the opinion that the National Commissioner was the most suitable person to assist the Commission in fulfilling its mandate, a letter was addressed to the National Commissioner on the 10 March 2005.

The Commission specifically requested that:

- 4.1 a report be prepared setting out in full the extent to which the past investigations mentioned in the Commission's list have been implemented by the Department, and that,
- 4.2 a detailed response would be appreciated as to which recommendations had been implemented.

To avoid any misunderstanding, the Commission forwarded both the list furnished by the Department and the list compiled by the Commission to the Department.

#### **5. DEPARTMENT'S RESPONSE**

Subsequent to such letter, the Commission received the Department's report to the Commission's request which report is annexed to this final report.<sup>4</sup>

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<sup>4</sup> See Appendix 'J'.

The report received from the Department had the following annexures attached to it:

- (a) White Paper on Corrections, marked 'A';
- (b) The Final Draft of Department of Correctional Services Strategic Plan for 2005/6 – 2009/10's Strategic Plan, marked 'B';
- (c) Annual Report for the 2003/04 Financial Year; marked 'C', and
- (d) Symposium to Address and Promote Issues of Community Involvement held on 1-2 August 2000 at the Technikon SA Conference Centre, Johannesburg, marked 'D'.<sup>5</sup>

A reading of the Department's report to the Commission reveals that the report is divided into two (2) broad sections titled:

- 5.1 General Response, and
- 5.2 Specific Response to Recommendations.

In the first section it sets out the general response to the recommendations and in the second, it makes specific comments on each of the investigations conducted into the Department.

## **5.1 General Response**

In this section of the report the Department has chosen to respond generally to the Commission's request. It has not provided a full report on the implementation, or lack thereof, of the recommendations of each and every previous investigation into the Department as requested by the Commission. Only some of the previous investigations are dealt with and commented upon by the Department.

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<sup>5</sup> The Department's Response together with all the Annexures are filed as Head Office Exhibit 'AA'.

The Department furnished several reasons for adopting this approach, the more important one being the endorsement of the new Constitution. For ease of reference, the Commission quotes the following extracts from the Department's general response which give some insight as to the Department's approach to the implementation of previous investigations:

- *The endorsement of the new Constitution in 1996 necessitated a re-look at the department to sharpen its alignment with the Constitution and also to reassess its key deliverables in the journey to making Correctional Services a more client and community focused department.....<sup>6</sup>*
- *It is important to indicate that the department did not in all instances subscribe to the recommendations made in some of these investigations...*
- *The Annual Report will also demonstrate existing challenges in recruitment and retention of several professional occupational groups like nurses, social workers, psychologist, pharmacist, etc. Many of these occupational groups were subject to various reports and against the generally known problems of skills scarcity and labour market competition, some of the recommendations made were rather too unrealistic....<sup>7</sup>*

And elsewhere that:

- *The scope the recommendations requested by the Commission covered a period during which the current Commissioner of Correctional Services and a number of the senior managers had not been appointed to the Department.<sup>8</sup>*

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<sup>6</sup> See page 2 of the Department's Report.

<sup>7</sup> See pages 2-4 of Appendix "C" to the Department's Report.

<sup>8</sup> See page 2 of the Department's Report

The Department also pointed out that:

*several investigations practically duplicated their scope and others, due to the unique and uniform operation environment, made similar recommendations.*<sup>9</sup>

Elsewhere in the report the Department intimates that in hind-sight some of the measures recommended by these investigations proved to be inadequate given the enormity of the required task on fundamentally transforming the Department.

## **5.2 Specific Responses**

Under the section, the Department has elected to discuss only certain of the reports. The Reports that were discussed in some detail in the section are the following:

- (a) Judges Kriegler, Langa, Pillay and Van Zyl;
- (b) Draft Report : Work Group Nutritional Services to prisoners –
- (c) Brigadier G. Gordon;
- (d) IMSSA Committee Report in respect of Pollsmoor Management Area;
- (e) IMSSA Committee Report in respect of the Victor Verster Management Area;
- (f) IMSSA Committee Report in respect of the Johannesburg Management Area;
- (g) Report regarding irregularities in the operations of industries at the Boksburg Prison by Deloitte & Touche.

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<sup>9</sup> See also page 2 of the Department's Report.

It appears from the Department's response that some of the reports were passed onto the Special Investigation Unit.<sup>10</sup> Other reports dealt with matters which were regarded by the Department as having been finalised.<sup>11</sup> The remaining reports were ignored outright.

## **6. ANALYSIS OF DEPARTMENT'S RESPONSE**

### **6.1 Commission's Mandate**

The Commission's mandate as contained in its Terms of Reference is clear in that it is required to inquire into and report on the extent of the implementation of the recommendations of past investigations to the Department. The Department's general response to the Commission's request therefore makes it difficult for the Commission to fully comply with its mandate to report on the extent of implementation of such previous reports because some reports were ignored.

The Commission does, however, accept that it is the prerogative of the Department not to follow some of the recommendations contained in these previous investigations. Clearly some of the recommendations were found not to be relevant. Be that as it may, there remain certain aspects of the Department's report that need closer scrutiny.

### **6.2 Lack of a Detailed Response**

It is the Commission's view that both the general and specific response sections contain certain features, which are of concern to the Commission. The main

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<sup>10</sup> See the report on the Investigation on Procurement of Office Accommodation on behalf of Department of Correctional Services: Boulevard Hotel.

<sup>11</sup> See the report of the Auditor-General on Special Investigation into irregularities by Senior DCS Officials.

concern for the Commission is that many parts of the Department's response lacks detail and adequate explanation. This appears to be the case with most of the responses received in respect of the previous investigations.

For example, in the general response section the report says that it is important to indicate:

*“that the Department did not in all instances subscribe to the recommendations made in some of the investigations.”*

The Commission's difficulty with this response, is that no details are given about what was not “subscribed to” nor are any reasons therefore given, consequently the Commission is not aware which recommendations were rejected and why such recommendations were rejected.

Some of the views of the Department are supported by what the Commission found to be the situation in the management areas investigated.

For example in referring to the introduction of a credit system, the Department states that:

*On matters related to offenders, save for recognition of their rights, the department introduced a credit system. The system aimed to compensate offenders for good behavioural attitudes and this became a significant milestone in promoting rehabilitation initiatives.....*

The Commission's investigations however have revealed that these initiatives have created more problems for the Department.<sup>12</sup>

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<sup>12</sup> See the Chapter on Parole – These are the initiatives which have created more problems within the Department.

On the issue of overcrowding, which is a very topical issue in the country at present, the Department makes the following two (2) statements:

“Overcrowding is a countrywide phenomenon. The Department is engaged in several interventions to alleviate this problem.”<sup>13</sup>

The Department also responded to the same issue of overcrowding as follows:

**“10.5 Awaiting trial detainees and the impact of overcrowding**

*An interdepartmental task team has been established to address the matter of overcrowding.*

*The department has also developed a comprehensive 8 point strategy to address the matter.”*

Once again the lack of detail in the Department’s response is glaringly obvious. Its response to the very important challenge of overcrowding, is merely to state that it has an 8 point plan which is not disclosed to the Commission. In another part of the report, the Department states that the issue of overcrowding has been dealt with interdepartmentally. From these responses, this Commission still does not know what the Department’s plan is with regard to overcrowding.

The Department also states that:

*The policy framework contained in the White Paper enabled the department by redefining its organizational structure to appropriately respond to its defined mandate. Several of recommendations made by almost all reports on personnel were addressed through this process.*

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<sup>13</sup> See page 36 which deals with Advocate M.J. Motata’s report dated 21 July 1997.

However, when the Commission conducted its investigations into the areas of recruitment, for example it soon found that many of the important recommendations of the Public Service Commission regarding recruitment, were not implemented by the Department. This will again be referred to again in this report.<sup>14</sup>

In dealing with the question of affirmative action and training, the Department states the following:

*The concomitant need for application of Affirmative Action policies also meant that several people were appointed and promoted without the necessary training ...*

The Commission believes that the statement made about affirmative action clearly shows the fact that the Department has an incorrect interpretation of what the concept of affirmative action is all about. The Commission's understanding is that you identify the people with potential. Once you have identified them, they get appointed to the various positions. To develop that potential they should be given extra training to enable them to excel in their jobs.

The fact that people were promoted without training is not an issue. Training becomes an issue after the appointment. Clearly the Department failed in its duty to train those appointees and accordingly they were bound to fail.

## **7. IMPLEMENTATION OF RECOMMENDATIONS**

Regarding the reports of the previous investigations, there are a number of places where the Department either dealt inadequately with the actual

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<sup>14</sup> See Chapter dealing with Recruitment and the analysis of the Public Service Commission recommendations.

recommendations emanating from the various agencies or has not made full disclosure to this Commission of the manner in which it dealt with them.

A few will be dealt with hereunder.

### **7.1 Report by Judges Kriegler, Langa, Pillay and van Zyl**

One of the recommendations of the report by Judges Kriegler, Langa, Pillay and van Zyl was the holding of a symposium to further the concept of community involvement.

The Department's response to this recommendation, is the following:

*“A symposium was held by the Department on 1-2 August 2000 to address and promote issues of community involvement in the correctional system as was recommended by the commission.”<sup>15</sup>*

What is of concern to the Commission relating to this aspect is that the Department's report omits to point out that whilst the recommendation referred to was implemented only in 2000, the actual report of the Commission in question is dated 9 February 1995. The delay of more than five (5) years in the implementation of the recommendation is not explained in the Department's response.

### **7.2 Auditor-General Report on Special Investigation into irregularities by Senior DCS Officials.**

This is one of the reports which the Department regarded as having been finalised as can be seen from the following response:

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<sup>15</sup> Page 6, paragraph 1.3 of the Department's report.

*Findings in the report were dealt with by the former Minister of Correctional Services in consultation with the Minister of Public Service Administration. Decisions taken are believed to have closed the chapter of irregularities referred to in the report.*<sup>16</sup>

Once again the Department has been extremely vague in its response. The Department does not specify who the senior officials are and what action was taken against these officials. Accordingly, the Commission cannot tell whether the Department has implemented these recommendations in accordance with the report or not, thus again the Commission had difficulty in fulfilling its mandate.

### **7.3 Draft Report: Work Group: Nutritional Service to Prisoners : Brigadier Gordon's Report**

In this report the following recommendation was made regarding the serving of meals to prisoners later in the afternoon:

*“Serious and urgent consideration be given to employing the full staff compliment which could then be deployed in such a manner that dinner be served later in the afternoons that for the interim, additional commodities in the form of a prepacked “snacks/take aways” be issued to prisoners at dinner for consumption during the evening.”*

In paragraph 2.15 of the Department's response,<sup>17</sup> the Department explains the implementation of this recommendation as follows:

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<sup>16</sup> See page 41 of the Department's response on the report of the Auditor-General on Special Investigation into irregularities by Senior DCS Officials.

<sup>17</sup> See page 10 of Department's response attached to this

*The Department is embarking on serving dinner later in the afternoon since the implementation of Section 8(5) of the Correctional Services Act 111 of 1998 which makes provision for the three meal system. The implementation of a take away snack was used but in many instances is no longer necessary because dinner is served between 17:00 and 18:00.”*

Despite the above, the Commission’s investigations into the nine management areas, have clearly shown that this has not been adhered to in a number of management areas.<sup>18</sup> Clearly this recommendation is not being enforced by the Department.

#### **7.4 Work Group Report : Health Care Services in South African Prisons : Chairman Brigadier G L Gordon**

This investigation into the Department had made the following recommendation regarding health care services:

*“To ensure the maintenance of quality and cost effective health care services to prisoners, the development of guidelines for quality inspections in prison hospitals is strongly recommended. Provincial nursing managers should be responsible for these inspections, which should take place at regular intervals (at least once a year) at each prison hospital.”*

The Department’s response to this recommendation was the following:

*An inspection tool has been developed to be used by nursing managers when conducting quality inspections in Correctional Centre Hospitals. The*

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<sup>18</sup> See Chapter dealing with the Management Areas and the Chapter dealing with the Treatment of Prisoners for further details.

*regional Coordinators: Health Care Services are expected to conduct an inspection twice per annum in each of the Correctional Centre Hospitals.*

The Work Group Report goes further and recommends that:

*“Health Care Services in prisons should also be subject to independent professional monitoring, (“peer group review”), and possibilities in this regard should be explored.”*

The Department’s explanation as to the action it has taken to implement this recommendation is the following:

*Health Care Services in Correctional Centres have not yet been subjected to independent professional monitoring e.g. SANC, SAPC etc. and possibilities in that regard have not as yet been explored. However, the adoption of this concept will be considered.”*

From the Department’s response in paragraph 4.9, it is clear that the most important oversight recommendation from the Department of Health Services has been ignored. The Department maintains that it is still being considered.

The Commission fails to understand how long it takes to set up an oversight body to Health Care Services. There are a number of problems relating to health care issues for the prisoners, which have been highlighted in this report. Those issues perhaps could have been addressed through an earlier review.

With regard to what is stated in paragraph 4.8, once again the inspection of the hospitals twice per annum is inadequate. This may have been taken care of if this peer group had been set up by the Department as recommended.

In paragraphs 4.15 to 4.18,<sup>19</sup> the following recommendations of the investigation are quoted. The Department's response is recorded below each recommendation:

*"4.15 The responsibility of health care services in prison should not be given to the Head of the Prison, but to the senior nurse at that prison."*

*See General Comments above.*

*"4.16 All nurses, nursing auxiliaries and those solely involved in the administration of health care services should fall under the authority of the proposed Directorate: Health Care Services, in respect of all personnel matters. They should not report to the Head of the Prison or to disciplinary staff."*

*See General Comments above.*

*"4.17 The "attitude problem" of nurses in the DCS should be addressed through demilitarisation and the introduction of in-service training, emphasizing that the first duty of the nurse is to his or her patient."*

*See General Comments above.*

*4.18 Prisoners should consult nurses as their first contact with the health team, and the registered nurse should treat those complaints that are within his or her scope of practice. However, the nurse should not refuse a prisoner's request to see a doctor, unless abuse of the system is clear.*

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<sup>19</sup> See the Report of Brigadier Gordon.

*Registered nurses in Correctional Centres are the first level contact within the health team and they treat offenders' complaints in terms of their independent professional knowledge based on their scope of practice.*

Once again, the Commission has difficulty accepting and understanding such vague responses from the Department as “*See General Comments above.*”

As regards the responsibility for health care services in prison, the Commission's investigations have revealed that health care staff are still being dictated to by members of the Department, notwithstanding what is being said in the Department's response. These recommendations have either not been implemented or are not being adhered to.

The current situation contributes to tension between the uniformed members of the Department and the health professionals. The health professionals feel that they are being side-lined when it comes to issues like promotions because their work is not understood or considered important in the prison environment by the uniformed members. Furthermore, they feel that it is improper for them to be reporting to uniformed members who do not understand what their job entails. Many of them end up being subservient to the Heads of Prisons and the members.

The erosion of the independence of the health care staff impacts on the attitude of prisoners towards medical officials. If medical staff are not seen as independent, prisoners will to a large extent lose confidence in them as they will regard them as part of the “punishers” in our prisons and not as the people who are supposed to help them with their health problems.

These issues results in general demotivation in the ranks of health and medical professionals, which ultimately results in them leaving the Department for better opportunities where their given the proper recognition and status.

The Work Group also recommended that :

*“4.43 In an addition to the present complaints procedure, complaints (“Post”) boxes for the delivery of medical complaints should be installed in all sections in every prison. Time standards for verbal and written response to such complaints should also be established.*

In paragraph 4.43<sup>20</sup> the Department responded as follows:

*Boxes for complaints have been installed in sections of the Correctional Centre nonetheless complaints with regard to ill-health or medical complaints are attended to at an earliest opportunity in order to preserve life.*

The Commission is not aware of the aforesaid “boxes” which are put in various management areas for purposes of putting complaints of health care therein. However, the Commission did come across boxes in management areas for putting complaints addressed to the Inspecting Judge. However, the problems relating thereto have been dealt with in the Chapter on Judicial Inspectorate.

The Department was also investigated by one of the most important institutions in public service namely,

- the Public Service Commission, and,
- the Department of Public Service and Administration.

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<sup>20</sup> See Pages 22-23 of the annexed Appendix.

Despite the importance of these two institutions in South Africa, it is interesting to see the Department's response to recommendations made by these two (2) constitutional structures.

## **7.5 Public Service Commission**

As regards this investigation, the Department's report at Paragraph 16 simply states:

*"The report of this investigation has given rise to the President appointing a commission led by Judge Thabane Jali. Several reports submitted to date enable the department to deal decisively with many of the issues identified."*

*The Department on its own has managed a process of re-structuring successfully in terms of its project called 'Gearing DCS for Rehabilitation' in accordance with PSCBC Resolution 7 and 8 of 2002.<sup>21</sup>*

## **7.6 Department of Public Administration and Service**

Regarding this report, the Department's report simply refers the Commission back to paragraph 16, which deals with the Public Service Commission's investigation.

The Department's response to these important investigations is alarming.

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<sup>21</sup> Paragraph 16 on page 42 of the Department's response

The Public Service Commission and the Department of Public Service and Administration made a number of important recommendations regarding the Department. Some of the recommendations were so important that the Commission believes that if they had been implemented there would not have been any need for this Commission to receive the complaints, which are dealt with under the recruitment chapter and some other chapters within this report.

It is clear from the reading of this report that the Department ignored the Public Service Commission and the Department of Public Service and Administration's recommendations.

The Department has once more refused to take heed of the recommendations which emanated from outsiders.

What the Commission finds significant also is the absence from paragraphs 16-20 of the Department's response of a frank admission that the recommendations of the DPSA and the PSC reports, insofar as it deals with specific irregularities were not implemented.

More concerning, however, is that no reasons are proffered by the Department for the lack of implementation. The only reasonable inference to be drawn from the Department's response is that it had no intention of ever implementing such recommendations. Had the Department furnished reasons to the Commission for the no-implementation of the recommendations, the Commission would have been in a position to judge the reasonableness of the Department's decisions.

## **8. CONSEQUENCES OF NON-IMPLEMENTATION**

The failure by the Department to implement important and sound recommendations of investigating agencies has had serious financial

consequences for the Department. When one examines the question of overtime in the Department,<sup>22</sup> it is clear that substantial savings could have been made by the Department if it had moved quickly to implement previous recommendations of the Public Service Commission.

During the 2003/2004 financial year, the Department spent an amount of R733 627 835,00 on overtime. However, when it is considered that the Public Service Commission had already, in September 2002, made recommendations to improve the management of overtime in the Department the large financial wastage of resources is grasped.

The important recommendation made by the Public Service Commission of the phasing out of weekend overtime and replacement thereof with a seven (7) day working week establishment, similar to that found in the medical profession amongst doctors and nurses.

The failure to implement this recommendation has also resulted in several employment opportunities being taken away from young South Africans seeking employment.

The evidence presented before the Commission clearly indicates that if the amount spent on overtime was utilised for the payment of salaries of new recruits, numerous people could have been employed, all of which would have assisted in the government's job creation programme.

Furthermore, the evidence indicates that the recommendations of the Public Service Commission recommending a seven (7) day week were stalled by the Department's top management at the Bargaining Council. In fact, the

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<sup>22</sup> See the Chapter dealing with Non-Adherence to Overtime Policy for further details.

implementation of these recommendations was not due to the resistance by the union, but by management itself.

Even the Task Team created by the Department to deal with the Public Service Commission recommendations was only established approximately three (3) years after these recommendations had been made.

In the areas of recruitment, the Department of Public Service Association (DPSA) and the Public Service Commission identified numerous irregularities in the area of recruitment. Several detailed recommendations were made to address the recruitment problems of the Department.<sup>23</sup> Despite these recommendations, this Commission has also found that the problems relating to recruitment have persisted as numerous complaints regarding recruitment had been received.

All the above clearly indicates that the Department is dragging its feet in implementing the recommendations of the Public Service Commission or has no intention of implementing such recommendations.

Whilst it is clearly the prerogative of management to make decisions regarding which recommendations are to be implemented, the Commission finds it extremely difficult to comprehend why such recommendations which could result in enormous savings to the Department have not been implemented.

The Commission's confusion is compounded by the fact that the Department has not furnished the Commission with any reasons for the lack of the implementation of these recommendations.

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<sup>23</sup> See the Chapter on Recruitment for more details.

## **9. CONCLUSION**

The Department's approach to the reports of investigations is a cause for serious concern for this Commission.

It serves no purpose whatsoever if Commissions are established at great expense to the South African tax payer, only for the recommendations formulated by such Commissions, to be totally ignored or swept under the carpet by the relevant Departments. If this trend continues there will be deep cynicism about all such investigations with the resultant reluctance by members of the public and employees of those departments to co-operate in the future with any investigating authority. This very Commission's report may very well also be dealt with in the same manner.

The Terms of Reference of this Commission dictate that the Commission is to investigate and report fully on the extent to which the Department has implemented or failed to implement the recommendations of previous investigations or Commission's of Inquiry into the Department. In order for the Commission to fully comply with this mandate, it is of importance that the Department respond in detail on the actions it has taken to implement each and every one of the recommendations of the investigations.

The Commission has not lost sight of the fact that post 1994, the Correctional Services inherited a Department which had an organisational culture and operational environment which promoted total disregard for human rights, military ethos and suppressed inmate population. The Commission also agrees with the Department's view that many of the recommendations made by previous investigations into the Department had no application or place in the new democratic order which came into being after 1994.

It is for this very reason that the Commission chose to confine its inquiry only to those investigations that were conducted in the period when all South Africans had become part of a new democratic order.

Having accepted the fact that many of the recommendations could not be meaningfully implemented in the new order, the Commission is of the opinion that this does not however explain the failure of the Department in not implementing certain recommendations, particularly those emanating from important agencies such as the Department of Public Service and Administration and from the Public Service Commission.

The Department of Service and Public Administration, the Public Service Commission and the Management Audit, which were conducted in 2000, gave serious and well considered recommendations which had to be implemented by the Department with regard to various issues, amongst others:

- recruitment,
- overcrowding,
- merit awards,
- parole system, and
- general corruption.

However, it is apparent from the Department's response generally to investigations which have been conducted by the Commission that the Department has not heeded any of the recommendations which came from these agencies. In the Commissioner's own words:

*"it is important to indicate that the Department did not in all instances subscribe to the recommendations in some of these investigations"*<sup>24</sup>

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<sup>24</sup> See page 3 of the Department's Report.

It is also of concern to the Commission that the Department in its response has chosen to selectively deal with certain reports and not to comment on others. It is the Commission's view that the Department should have commented equally on each and every one of the reports of the previous investigations and not merely replied by means of a paragraph or two to certain of the investigations.

## **10. RECOMMENDATIONS**

In order to ensure that the recommendations of the investigations conducted by Commissions into the Department, including this Commission, are not ignored, this Commission recommends that:

1. The Department be called upon to fully explain to the Parliamentary Portfolio Committee as to why the recommendations, particularly of the Department of Public Service Administration and the Public Service Commission reports insofar as they dealt with specific irregularities, were not implemented by the Department of Correctional Services.
2. An Oversight Committee made up of either the Director Generals of the Security Cluster or the Portfolio Committee on Correctional Services itself be established to ensure that the implementation of recommendations of this Commission and other previous Commissions is monitored. The Department should also be required to furnish reasons to this Oversight Committee before electing not to implement recommendations of any independent investigation or Commission.
3. The Department should establish a dedicated section at Head Office to supervise the collation of all data and information of the Department. This section will also be responsible for the supervision of all reports of investigations and Commission conducted into the Department.