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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF CORRECTIONAL SERVICES

NO. 698 **22 JUNE 2020**

DEPARTMENT OF JUSTICE AND CORRECTIONAL SERVICES

DISASTER MANAGEMENT ACT, 2002

DIRECTIONS ISSUED IN TERMS OF REGULATION 4(2) OF THE REGULATIONS MADE UNDER THE DISASTER MANAGEMENT ACT, 2002: MEASURES TO ADDRESS, PREVENT AND COMBAT THE SPREAD OF COVID-19 IN ALL CORRECTIONAL CENTRES AND REMAND DETENTION FACILITIES IN THE REPUBLIC OF SOUTH AFRICA

I, Ronald Ozzy Lamola, Minister of Justice and Correctional Services, hereby, in terms of regulation 4(2) of the Regulations made under section 27(2) of the Disaster Management Act, 2002 (Act No. 57 of 2002), as published under Government Notice No. R. 480, in Government *Gazette* No. 43258 of 29 April 2020, as amended, issue the directions in the Schedule to address, prevent and combat the spread of COVID-19 in all correctional centres and remand detention facilities in the Republic of South Africa.

MR. RONALD OZZY LAMOLA, MP
MINISTER OF JUSTICE AND CORRECTIONAL SERVICES
DATE: 18/06/2020

SCHEDULE

Definitions

1. In these directions, a word or expression bears the meaning assigned to it in the Correctional Services Act, 1998 (Act No. 111 of 1998) and in the Regulations made by the Minister of Cooperative Government and Traditional Affairs in terms section 27(2) of the Disaster Management Act, 2002 (Act No. 57 of 2002), and published under Government Notice No. R. 480, in Government *Gazette* No. 43258 of 29 April 2020, as amended, and unless the context otherwise indicates—

"Alert Level" means the alert level as declared by the Cabinet member responsible for cooperative governance and traditional affairs under regulation 3(2) of the Regulations;

"amenities" means goods such as, but not limited to, food, toiletries, reading material or any other goods permitted in terms of the Correctional Services Act, 1998 (Act No. 111 of 1998), its regulations and applicable policies or directives;

"Chief Operations Commissioner" means a correctional official designated by the National Commissioner to manage and control all operational matters with the Department;

"correctional facility" means any correctional centre, remand detention facility, office or any other facility under the control and management of the Department;

"CSA" means the Correctional Services Act, 1998 (Act No. 111 of 1998);

"Department" means the Department of Correctional Services;

"legal practitioner" means a legal practitioner defined in section 1 of the Legal Practice Act, 2014 (Act No. 28 of 2014) and includes a candidate legal practitioner;

"movement" means entering or leaving a correctional centre or remand detention facility by sentenced offenders and remand detainees;

"parolee" means a sentenced offender placed on parole under community corrections to serve the remainder of his or her sentence in terms of Chapter VI of the CSA;

"probationer" means a sentenced offender serving a sentence of correctional supervision under community corrections in terms of Chapter VI of the CSA;

"quarantine" means the restriction of activities or separation of a person, who was or may potentially have been exposed to COVID-19, and who could potentially spread the disease to other non-exposed persons, to prevent the possible spread of infection or contamination to healthy individuals, and includes quarantine of inmates admitted to correctional centres or remand detention facilities;

"the Regulations" means the Regulations made under section 27(2) of the Disaster Management Act, 2002 (Act No. 57 of 2002) and published under Government Notice No. R. 480, in Government *Gazette* No. 43258 of 29 April 2020, as amended by the Regulations published under Government Notice No. R.608, in Government *Gazette* No. 43364 of 28 May 2020.

Application of directions

2. The provisions contained in these directions apply for the duration of the national state of disaster, unless otherwise indicated.

Safety and general measures for duration of national state of disaster

3. Notwithstanding the pronounced alert level, the following measures apply during the national state of disaster:

(a) In the event where any provision includes cross provincial or district application, the highest declared alert level between the relevant provinces or districts apply;

(b) all inmates, upon admission to correctional facilities, must be screened in terms of established protocols, quarantined for 14 days and subjected to regulatory assessments before they are detained with the general inmate population;

(c) all inmates must be screened in terms of established protocols during incarceration, consultation with health care professionals and upon their release, placement or movement;

(d) all correctional officials must be screened on a daily basis;

(e) all external service providers and residents on correctional services premises must be screened before entering any correctional facility; and

(f) social distancing measures must be implemented and maintained in terms of the standard operating procedures developed to deal with COVID-19.

Restrictions regarding placement, movement and release of inmates, parolees and probationers during Alert Levels 3, 4 and 5

4. (1) Sentenced offenders who are verified as illegal foreign nationals and whose sentences will expire during the national state of disaster will be released, where practicable, into permanent designated facilities or temporary deportation- or repatriation facilities as designated by the Department of Home Affairs, whilst deportation or repatriation processes are facilitated by the Department of Home Affairs.

(2) Day parole granted to sentenced offenders is suspended.

(3) The transfer of inmates is prohibited, except under exceptional circumstances, as approved by—

(a) the Chief Operations Commissioner, during Alert Levels 4 and 5 for all transfers; or

(b) the Chief Operations Commissioner for inter-provincial transfers, and the relevant Regional Commissioner for transfers within the province, during Alert Level 3.

(4) The referral of inmates to external health facilities is limited to medical emergencies.

(5) Community services rendered by parolees and probationers are suspended.

(6) Probationers and parolees will be informed remotely of their release dates and any administrative processes which cannot be finalised remotely, will be finalised when office visitation becomes permitted.

Amenities, consultations and visits during Alert Levels 3, 4 and 5

5. (1) The provision of amenities to inmates from external sources is suspended.

(2) Consultation visits between legal practitioners and inmates are suspended, but telephonic contact is allowed where circumstances and resources permit.

(3) Visits by members of the public to correctional centres and remand detention facilities are suspended, except for essential and permitted service providers as provided for in the Regulations.

(4) Office visitations by parolees and probationers are suspended.

(5) Visits by external non-essential health care providers, including but not limited to specialists, dentists, psychiatrists, and physiotherapists, are suspended, except for medical emergencies.

(6) Visits by the Judicial Inspectorate for Correctional Services and Independent Correctional Centre Visitors are allowed for performing statutory oversight at correctional centres and remand detention facilities.

Remand detainees

6. (1) The referral of remand detainees to court for consideration of their length of detention in terms of section 49G of the CSA will continue.

(2) The submission of bail review applications to court for existing remand detainees, as well as for new remand detainees within one week from admission to correctional facilities, who are unable to raise bail, must be prioritised and disposed of expeditiously, to alleviate overcrowding in remand detention facilities.

(3) The receipt of bail payments will be accepted at court facilities.

Withdrawal and transitional provisions

7. (1) The Directions published under Government Notice No. 460, in Government *Gazette* No. 43225 of 9 April 2020, are hereby withdrawn.

(2) Despite the withdrawal of the Directions referred to in sub direction (1), any conduct authorised by any such withdrawn Direction and any investigation, prosecution or any criminal or legal proceedings in pursuance of such withdrawn Direction, remains valid as if such Direction has not been withdrawn.

Duration and commencement

8. (1) Unless circumstances otherwise dictate, the directions will apply during the national state of disaster period and may be varied as circumstances require.

(2) These directions come into operation on the date of publication in the Government *Gazette*.

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