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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF CORRECTIONAL SERVICES

NO. 967

04 SEPTEMBER 2020

DEPARTMENT OF JUSTICE AND CORRECTIONAL SERVICES**DISASTER MANAGEMENT ACT, 2002**

DIRECTIONS FOR ALERT LEVEL 2, ISSUED IN TERMS OF REGULATION 4(2), READ WITH REGULATION 58(a) AND (b) 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), read with regulation 58(a) and (b), 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:** 04/09/2020 

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 subregulation 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;

“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 under—

- (a) Government Notice No. 608, published in Government *Gazette* No. 43364 of 28 May 2020;
- (b) Government Notice No. 714, published in Government *Gazette* No. 43476 of 25 June 2020;
- (c) Government Notice No. 763, published in Government *Gazette* No. 43521 of 12 July 2020;
- (d) Government Notice No. 846, published in Government *Gazette* No. 43577 of 31 July 2020; and
- (e) Government Notice No. 891, published in Government *Gazette* No. 43620 of 17 August 2020.

Application of directions

- 2. (1) These directions apply during Alert Level 2.
- (2) The Directions published under Government Notice No. R. 698 in Government *Gazette* No. 43463 of 22 June 2020 for Alert Levels 3 to 5 remain in force in the Republic of South Africa insofar as and where Alert Levels 3 to 5 have been determined.

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) All inmates, upon admission to correctional facilities, must be screened in terms of established protocols, quarantined in terms of national health COVID-19 guidelines and subjected to regulatory assessments before they are detained with the general inmate population;
 - (b) all inmates must be screened in terms of established protocols during incarceration, consultation with health care professionals and upon their release, placement or movement;

- (c) all correctional officials must be screened on a daily basis;
- (d) all external service providers and residents on correctional services premises must be screened before entering any correctional facility;
- (e) social distancing measures must be implemented and maintained in terms of the standard operating procedures developed to deal with COVID-19; and
- (f) no person shall be allowed to enter or be in a correctional facility, use any form of state transport, or enter a public building, place or premises, if that person is not wearing a face mask.

Restrictions regarding placement, movement and release of inmates, parolees and probationers

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 processes are facilitated by the Department of Home Affairs.
- (2) Day parole granted to sentenced offenders is suspended.
- (3) The transfer of inmates is permitted as approved by the relevant Regional Commissioner.
- (4) The referral of inmates to external health facilities is permitted in accordance with Department of Health guidelines.
- (5) Community services rendered by parolees and probationers are permitted subject to COVID-19 containment measures.
- (6) The release of probationers and parolees at community corrections offices is permitted.

Amenities, consultations and visits

5. (1) The provision of amenities to inmates from external sources is permitted, subject to security- and COVID-19 containment measures imposed at correctional facilities.
- (2) Non-contact consultation visits between legal practitioners and inmates are permitted subject to COVID-19 containment measures under strict

conditions, but telephonic contact is allowed where circumstances and resources permit.

- (3) Non-contact visits by members of the public to inmates in correctional facilities are permitted, limited to one visitor per inmate per month in terms of Departmental policies and guidelines.
- (4) Visits by essential and permitted service providers, as provided for in the Regulations, are permitted.
- (5) Office visitations by parolees and probationers are permitted.
- (6) Visits by external non-essential health care providers, including but not limited to specialists, dentists, psychiatrists, and physiotherapists, are permitted.
- (7) Visits by the Judicial Inspectorate for Correctional Services and Independent Correctional Centre Visitors are permitted for performing statutory oversight at correctional 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 correctional facilities in addition to the courts.

Short title and commencement

7. These directions are called the Directions for Alert Level 2, to address, prevent and combat the spread of COVID-19 in all correctional centres and remand detention facilities in the Republic of South Africa and come into operation on the date of publication in the *Government Gazette*.

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