



**REPORT ON INSPECTIONS OF REGIONAL
COURTS: DEPARTMENT OF JUSTICE AND
CONSTITUTIONAL DEVELOPMENT**

GAUTENG PROVINCE

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FOREWORD

During 2010, the Public Service Commission (PSC) conducted inspections in the Department of Police focusing on detective services. One of the key findings of the inspections was the delay in the finalization of cases in the courts which led to a backlog¹. Given the crucial role played by the courts in effecting justice, the Public Service Commission (PSC) decided in 2011 to conduct service delivery inspections of the courts in the Department of Justice and Constitutional Development (DoJ&CD). The purpose of these inspections was to determine the reasons for the backlog of cases at the courts, especially those cases that require detective services. Furthermore, the inspections sought to assess the adherence of the courts to the service delivery principles of *Batho Pele* as a key strategy for the transformation of the Public Service delivery.

In South Africa, the courts are central to the delivery of justice, since the judicial authority lies within the court system. In this regard, the DoJ&CD is mandated amongst others, to ensure that the courts system is administered efficiently and effectively to facilitate the resolution of cases. Furthermore, the DoJ&CD is responsible for ensuring that justice is realised by providing an appropriate environment in terms of the establishment of courts and the operations thereof to deliver a fair, equitable and accessible system of justice for all. The delivery of justice is performed with multiple stakeholders, amongst others, the Judiciary, the SAPS, the Department of Health, the Department of Correctional Services and the National Prosecuting Authority (NPA).

The inspections of the courts, led by a Public Service Commissioners found that there were challenges in the working relationship of stakeholders which contributed to the backlog of cases. The lack of resources such as infrastructure and human resources makes it difficult for the courts to render quality services. On the other hand, citizens waited long periods to receive services, and due to the several postponements of cases, the return visits to the courts were costly to them.

It gives me pleasure to present the report on the inspections of courts conducted in the Gauteng Province. The PSC is of the view that the findings and the recommendations contained in this report will help the Department and its stakeholders in improving service delivery at the courts.

MR B MTHEMBU

CHAIRPERSON: PUBLIC SERVICE COMMISSION

¹The Republic of South Africa. Public Service Commission. Report on Inspections of Detective in the Department of Police. 2011.

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ACRONYMS

AO	Accounting Officer
CFM	Case Flow Management
CJS	Criminal Justice System
DoJ&CD	Department of Justice and Constitutional Development
EA	Executive Authority
NGO	Non-Governmental Organizations
NPA	National Prosecuting Authority
PSC	Public Service Commission
RCPF	Regional Court President Forum
SAPS	South African Police Service

1. INTRODUCTION AND BACKGROUND

Improving service delivery for the citizens of South Africa remains a key priority for the government. To this end, the government has outlined twelve outcomes in order to fulfil its mandate of delivering services to all. Therefore, various government departments are required to put systems and processes in place to ensure that these outcomes are achieved. However, the activities and achievements directed at attaining such outcomes need to be assessed on a regular basis. In this regard, the Public Service Commission (PSC) has put in place a range of monitoring mechanisms that can be used to establish the progress that is being made in improving service delivery in the Public Service. One such mechanism involves the inspections of service delivery sites. Through inspections, the PSC observes, collect information and allow officials of departments to account for the state of affairs at the service delivery sites. Subsequently, the PSC advises on the necessary steps to be taken to improve service delivery.

In conducting inspections, the PSC is mandated by section 9 of the Public Service Commission Act (1997) which provides that *“the Commission may inspect departments and other organizational components in the Public Service, and has access to such official documents or may obtain such information from Heads of those departments or organizational components or from other officers in the service of those departments or organizational components as may be necessary for the performance of the functions of the Commission under the Constitution or the Public Service Act²”*.

In line with the above-mentioned mandate, the PSC developed a Protocol on Inspections³. The purpose of the Protocol on Inspections is to assist the PSC to conduct inspections in a meaningful and objective manner, which is important for both the integrity of the inspection process and the quality of the reports that are subsequently generated.

Guided by the Protocol, the PSC has since 2006/2007 been conducting inspections of service delivery sites in various departments and the following departments were inspected:

- National Departments of Home Affairs and Labour, Housing (Gauteng) and Social Development (Free State) in 2006/2007.
- Departments of Education in eight provinces and National Head Office in 2007/2008.
- South African Police Service in 2008/2009.
- Departments of Health in all provinces in 2009/2010.
- National Department of Police in 2010/2011.

The PSC's 2010/2011 financial year inspections conducted in the Department of Police focused on detective services. One of the key findings of the inspections was the delay in

²Republic of South Africa.Public Service Commission.Public Service Commission Act. 1997.

³Republic of South Africa.Public Service Commission.Protocol on Announced and Unannounced Inspections. 2007.

the finalization of cases in court which led to a backlog⁴. In order to consolidate its findings in this area, the PSC decided in 2011/2012 financial year to conduct inspections in the Department of Justice and Constitutional Development (DoJ&CD). The purpose of these inspections was to determine the reasons for the backlog of cases at the courts, especially those cases that require detective services and to assess the adherence of the courts to the service delivery principles of *Batho Pele* as a key strategy for the transformation of the Public Service delivery.

2. THE AIM AND OBJECTIVES OF THE INSPECTIONS

The broad aim of the inspections is to assess the quality of services rendered to the public, the state of the facilities and the conditions at the service site. It is also the objective of inspections to determine if government departments are achieving the required service standard, intended to meet the needs of the people of South Africa. The following table shows the broad objectives of inspections as provided by the PSC Protocol on Inspections as well as specific objectives of these particular inspections in the Department of Justice and Constitutional Development.

Table 1: Objectives of inspections

Broad objectives of inspections as provided for in the Protocol on inspections	The specific objectives of these inspections
<ul style="list-style-type: none"> a) To determine the service delivery challenges facing the Departments. b) To report serious concerns about the quality of service delivery and compliance with <i>Batho Pele</i> requirements. c) To afford the PSC an opportunity to observe the extent to which services are rendered to citizens. d) To engender a sense of urgency and seriousness among officials regarding service delivery. e) To introduce objective mechanisms of identifying both weaknesses and strengths in improving service delivery. f) To carry out investigations of serious failures as pointed out by inspections. g) To improve service user care relations in order to improve a user-oriented Public Service. 	<ul style="list-style-type: none"> a) To determine the reasons for the backlog of cases at the courts, especially those cases that require detective services. b) To determine whether the courts comply with the implementation of the <i>Batho Pele</i> principles. c) To gather first-hand information regarding the state of service delivery and the functioning of the courts as service delivery sites of the DoJ&CD.

⁴The Republic of South Africa. Public Service Commission. Report on Inspections of Detective in the Department of Police 2011.

3. SCOPE AND METHODOLOGY

3.1 SCOPE

The inspections sought to determine the reasons for the backlog of cases at the courts, especially those cases that require detective services and to assess the adherence of the courts to the service delivery principles of *Batho Pele* as a key strategy for the transformation of the Public Service delivery. The inspections were conducted at the Johannesburg Regional Court and Protea Regional backlog Court on 31 August 2011 and 19 September 2011. **Table 2** below shows the inspection sites (courts) visited, names of officials that met with the inspection team and their respective institutions as well as the dates on which inspections were conducted.

Table 2: Inspection sites

Inspection sites	Name of Officials	Institution	Date
Johannesburg Regional Court	MrDjaje: President of the Gauteng Regional Courts	Judiciary	31 August 2011
	Adv. A Van Wyk, Chief Prosecutor of JHB,	National Prosecuting Authority	
Protea Regional Court (Soweto)	MrDjaje: President of the Gauteng Regional Courts	Judiciary	19 September 2011
	Ms Carina Coetzee: Chief Prosecutor	National Prosecuting Authority	
	MsShavena Singh: Volunteer: Court Clerk	DoJ&CD	

3.2 METHODOLOGY

To initiate the inspection process, letters were sent to the Executive Authority (EA) and the Accounting Officer (AO) of the DoJ&CD informing them about the PSC's intention to conduct inspections in the courts. Furthermore, letters were also sent to other stakeholders such as the National Prosecution Authority (NPA) and the Magistrates Commission. This was to ensure that their views on the matter of backlog of cases at the courts were obtained during the inspection process.

The PSC conducted both announced and unannounced inspections. The announced inspections focused on the backlog of cases at the courts, whilst the unannounced inspections focused on the compliance of the courts with the *Batho Pele* principles. In the case of **announced** inspections, preliminary discussions were held with officials of the

DoJ&CD to obtain their inputs on the PSC's data collection tool and also seek their assistance with the logistics of the inspections, especially the coordination of the stakeholders. Furthermore, this was to ensure that all the required information would be made available at the time of the inspections.

Unannounced inspections were conducted after the announced inspections. Unannounced inspections provide the most representative picture of the daily operations and practices of a service delivery site. The inspection team comprised the PSC Commissioners and the OPSC officials. The Commissioners played a leading role in the inspections process. PSC-designed data collection tools were used to guide and to gather information during the inspections.

4. KEY FINDINGS

The key findings of the inspections are presented below. The findings of the announced inspections are presented first followed by the findings of the unannounced inspections.

4.1 ANNOUNCED INSPECTIONS

The Department of Justice and Constitutional Development (DoJ&CD) aims to uphold the Constitution and the rule of law and render accessible, fair, speedy and cost effective administration of justice in the interest of a safer and more secure South Africa. On a daily basis, courts at various levels perform their functions, thus providing fair public hearings through independent and impartial tribunals/forums. However, the delay in the finalisation of cases (which leads to a backlog) compromises the efficiency of the courts in the delivery of services. The following findings highlight the case load at the Regional Courts, reasons contributing to backlog cases, the Criminal Justice System interventions on dealing with backlog cases and stakeholder relations at the Regional Courts visited.

4.1.1 Case Load at the Regional Courts

The inspection team was informed that backlog cases were defined as cases which were more than 9 months on the outstanding roll of Regional Courts and were therefore referred to the backlog courts. It was found that the Johannesburg Regional court, which is an ordinary court, did not have much challenge of backlog cases, whilst the Protea Regional backlog court, was established specifically to deal with the cases on the backlog. **Table 3** below shows the finalization rate of cases at both Regional courts visited.(it should be noted that the finalization of cases at the Johannesburg Regional Court is based on the court's outstanding roll, whereas the finalization rate at the Protea Magistrate Court is based on cases that are already on backlog, since the court was established specifically to handle backlog cases).

Table3:Finalization rate of cases

JOHANNESBURG MAGISTRATE COURT		
Financial year: 2009/2010		
Cases received	Cases finalized	Percentage
2176	831	38%
Financial year: 2010/2011		
2389	936	39%
PROTEA MAGISTRATE COURT (WEST RAND CLUSTER REGIONAL COURTS)		
Financial year: 2010/2011		
Cases received	Cases finalized	Percentage
31 936	26 407	34%
Period 1/04/2011 to 30/9/2011		
Case received	Cases finalized	Percentage
14 406	12 905	36%

Table 3 above shows that of the 2176 cases received at the Johannesburg Regional court during 2009/10 financial, 831 of them were finalized which translate into a finalization rate of 38%. During the 2010/11 financial year, 2389 cases were received and 936 were finalized, which translate into a finalization rate of 39%. The findings show that there was no significant improvement in the finalization rate within the two financial years. Furthermore, the Chief Prosecutor at the Johannesburg Magistrate court attested to the inspection team that the caseload finalization was stable over the two years.

With regard to the Protea Magistrate Court, which was designated to handle backlog cases, it was found that 31 968 cases were received during 2010/11 financial year and 26 407 backlog cases were finalized which translate to a finalization rate of 34%. During the period 01 April 2011 to 30 September 2011, 14 406 backlog cases were received and 12 905 were finalized which translate to a finalization rate of 36%. The Chief Prosecutor further indicated that there was, however, fluctuation with regard to the registered and finalized cases every month.

4.1.2 Reasons Contributing to the Backlog of Cases

The inspection team established that there were various challenges that contributed to the backlog of cases at the Regional Courts. The following shows some of the challenges that contributed immensely to the case backlog:

4.1.2.1 Human Resource Constraints

It was drawn to the attention of the inspection team that there were few court interpreters, especially those who were conversant in foreign languages. This was in light of the fact that there were more foreign nationals who appeared in these Regional courts. Although, the

High Court has contracted the foreign interpreters, the system did not address the demand of Foreign Language Interpreters in the entire province. As a result, there were still cases that were postponed due to the unavailability of Foreign Language Interpreters, thus contributing to backlog of cases. The problem was exacerbated by the fact that South Africa, especially Gauteng as an economic hub, has got a high influx of foreign nationals.

The inspection team was further informed of the shortage of the public defenders and that there was no pool of relief public defenders when one was either on leave or off sick. More than 17% of cases were defended by the public defenders from the Legal Aid Board, which also loses them to private sector. The inspection team established that if the Regional Court Magistrates attend training, there was no relief on hand and same applies to the court clerks or other personnel. The Acting Regional Magistrates are only appointed in case of long absence due to training/sickness. Furthermore, there was lack of training in respect of the Judiciary. Although, there was a Judicial Institute which is tasked with providing training, it had failed to do so for the past three years. Furthermore, the filling of posts took an unreasonably long period in respect of the Judiciary, Prosecution and Legal Aid (Public Defender). Currently the Johannesburg Magistrate Court has 105 prosecutors in the establishment and 39 vacancies were yet to be filled. The lack of training for prosecutors was cited as another cause of backlog in criminal matters because it had been long since training and refresher courses were provided to the prosecutors. Each court has one prosecutor and when he/she happens to be sick or unavailable, the court proceedings do not proceed. Lower salaries also demotivate staff who leave for the private sector.

In general, the inspections team noted that the staff members (Judiciary, NPA and Court Administration) were disillusioned about a variety of issues which contributed to a working environment that is less conducive.

4.1.2.2 Insufficient Infrastructural Resources

The Gauteng Regional Court President indicated to the inspection team that the regional courts had to deal with complex matters with limited resources and generally in all Gauteng regional courts there were backlogs although the volume varied. It was established that Gauteng province had 15 Regional courts and that there was still a need to establish more courts to tackle the increasing caseload. For example, the Protea Court had five court rooms with high case load and poor accommodation.

The office space under which the Judiciary had to perform their functions was poor in that the office furniture was very old, the floors were not carpeted or properly tiled. Furthermore, the court clerks/prosecutors did not have sufficient offices as well which therefore compromised privacy and security. During the *in loco* visits, the inspection team observed the infrastructure was not in an acceptable condition at both courts as the buildings were dilapidated and in a state of decay. Such working conditions demoralized the staff members

and adversely affected the effective execution of their functions.

The inspection team further learnt that the court security services were not acceptable in both Protea and Johannesburg Courts. In the Protea Court, some of the court rooms did not have the designated areas for the accused. In this regard, the prosecution and defense mingled with the public who came to observe the court proceedings, and this posed a security threat, especially since the regional courts also deal with criminal matters.

4.1.2.3 Poor Police Investigation

At the Protea Regional court, the Chief prosecutor informed the inspection team that the patterns of crimes have changed to such an extent that the investigation of some criminal cases took longer and the cases were therefore not finalised within a reasonable period. In the absence of substantive evidence, a court case is referred back to the police for further investigations. As this happens, the cases are postponed which result in subsequent backlog. During its 2010 inspections conducted in the detective services, the PSC found that an insufficient number of detective officers and the lack of training thereof compromised the effectiveness of detective services, especially in the investigation of cases⁵.

4.1.2.4 Delayed Forensic Reports

The inspection team established that there was a delay in submitting forensic reports (such as DNA results) by the detective officers to the courts, which led to the postponement of cases. In turn, such postponements contributed to the backlog of cases. During its 2010 inspections conducted in the detective services, the PSC found that delayed forensic reports from the Forensic Science laboratories of the Department of Health were heavily contributing to backlog of cases at the courts⁶.

Furthermore, it was found that the SAPS often failed to produce the records of previous conviction of the accused in court and that dockets were often not in court on time. All of these had an impact on the state of readiness of matters which were set down for trial. However, the Judiciary indicated that they were capable of handling 3 cases a day if the cases were properly prepared, presented and if witnesses, dockets, evidence, subpoena and other preliminary issues were addressed timeously.

4.1.2.5 Lack of Fees to Pay Expert Witnesses

It was found that the fees for expert witnesses in criminal matters where such was needed

⁵ Republic of South Africa. Public Service Commission. Consolidated Report on Inspections of detective services: Department of Police. 2011.

⁶ Republic of South Africa. Public Service Commission. Consolidated Report on Inspections of detective services: Department of Police. 2011.

had proven to be challenging due to the recent budgetary cuts. In this regard, the inspection team established that some expert witnesses refused to appear in court to give evidence at lower fees, which inevitably delayed the court proceedings when still searching for a replacement.

4.1.2.6 Poor Utilization of Court Hours

The inspection team learnt that the prescribed court hours are supposed to commence from 09h00 until 16h00, with relevant adjournments in between. However, because of various challenges the courts hardly sat for more than 4 hours a day. According to the Judiciary, prosecutors were responsible for the courts' failure to optimally utilize the court hours. This was attributed to poor communication between the prosecutors and the Judiciary. In this case, the inspection team learnt that the prosecutors did not inform the magistrates of the cases withdrawn in time so that there could be rescheduling of cases, whereas the SAPS/other stakeholders would have informed the prosecution in time of such matters.

In general, the withdrawal of cases was found to be prevalent at the Courts and the inspection team was informed that the main reasons for withdrawal of cases were due to the following:

- the prosecution not being ready
- unavailability of witnesses
- incomplete investigation
- death of the accused
- lack of substance in the cases
- instruction from the National Prosecuting Authority/National Director for Prosecuting Authority that the matter should be withdrawn
- witnesses not traceable
- withdrawal of case by a complainant
- lack of interpreters to interpret foreign languages.

As a result of lack of communication on withdrawal matters and the postponement of cases, court rolls were not strictly adhered to. The inspection team learnt that as these happened, the courts idle for the whole day, thus contributing to the poor utilization of court hours and subsequent backlog of cases.

In general, the Chief Prosecutor complained about the time taken by courts when hearing bail applications which lately have become more complicated and was almost running like a trial, which was time consuming. The prosecutor further indicated that the Judiciary was inflexible to accommodate new matters, since according to the current Criminal Court Directives, three matters should be allocated to each regional court per day. As a result, such inflexibility also contributed to the backlog of cases. However, such system was failed

by challenges which are beyond the court's control. For example, the Regional Court Magistrate might want to finalize a matter which was partly heard in court, but only to learn that the docket was not made available.

4.1.2.7 Lack of Necessary Equipment

The inspection team learnt that some of the magistrates were not allocated laptops, despite having to work after hours in order to try and finalise cases. The inspection team was informed that the stenography machines (used to record the proceedings in a short handwriting), digital recording machines and photocopiers were not functioning properly in both Johannesburg and Protea Regional Courts. In the Protea Regional court, the case management system was always slow or sometimes offline. In such situations, cases were postponed. Furthermore, magistrates were expected to deliver quality judgments under strenuous working conditions, with no library services. The unavailability of library services impacts on the quality of work produced by the Magistrates and the ability to produce well researched judgments. However, the Association of the Regional Court Magistrates provided materials to other Regional Court Magistrates who were severely under resourced or had no library services at all.

4.1.2.8 Lack of Discipline at the Courts

The inspection team was also advised that there was a lack of discipline from the Court Administration/Corporate Services. As a result, the finalization of misconduct cases against some of the court officials took long. The lack of discipline left the courts with limited capacity to function effectively.

4.1.3 *The Criminal Justice System Backlog Intervention*

4.1.3.1 Management of Case Flow at the Regional Courts

The inspection team established that the Case Flow Management (CFM) structures were in place at both the Johannesburg and Protea Regional Courts. The CFM comprises of various stakeholders which include, amongst others, Judiciary, National Prosecuting Authority (NPA), Departments of Social Development, Police, Correctional Services and Education, Non-Governmental Organizations (NGOs), as well as the Legal Aid Board. It was brought to the attention of the inspection team that the CFM meetings were held quarterly to discuss progress and challenges. The meetings were chaired by the Regional Court President and discussed issues ranged from backlogs (delay on the finalization of criminal matters) to resources constraints. However, the inspection team established that stakeholder's cooperation was poor. As a result the CFM meetings were not achieving some of its intended purpose, which is to deal with the backlog issues.

Whilst it was indicated to the inspection team that there was no designated post to deal with the CFM plan/strategy, the function was performed by the Magistrates who were well trained in the execution of their duties. In addition, the inspection team was informed that there was a Provincial CFM Structure which was chaired by the Judge President and sits two times a year. The challenges emanating from the lower structure (CFM) which could not be resolved were escalated to the Provincial Structure for consideration. However, the Gauteng Regional Courts President was of the view that the Provincial Structure has not assisted much as stakeholders were not honouring invitations to attend meetings and as such delegated junior officials whose participation was not effective as they could not articulate on the challenges and solutions.

4.1.3.2 Regional Court Co-ordinator

In addition to the CFM structures, the inspection team was informed that there was a Regional Court co-ordinator whose core functions included, amongst others, the allocation of cases and monitoring of court rolls. The Regional Court co-ordinator was also responsible for reporting on the proceedings of courts, compiling statistics, monitor court performance (finalization rate/finalization of court cases) and balancing of court rolls. The inspection team learnt that the Protea Magistrates Courtheld *adhoc* meetings which were attended by the Regional Court coordinator and the Regional Court coordinator also executes functions as a magistrate. These *adhoc* meetings were held to deal with bottlenecks in the system. However this was not easy/effective due to the fact that the Regional Court coordinator has to juggle between a permanent career as a magistrate and that of the Regional Court coordinator.

4.1.3.3 Other Mechanisms of Reducing Case Backlog

The inspection team established that other mechanisms aimed at reducing backlogs included the following:

- Regular meetings held with relevant stakeholders to deal with teething problems in cases to be heard in court.
- A task team which comprises of SAPS officials whose duties were to inspect the dockets to ensure if they were court ready.
- 5 advocates from the High Court who were appointed to screen the dockets in matters set down for trial.
- Furthermore, there was a move to progressively promote or encourage plea bargaining and advocates even go to prison to interview prisoners who had been awaiting trial for a long period.

4.1.4 Stakeholder Relations at the Regional Courts

A fundamental feature of an integrated approach in ensuring effective and efficient processes is the recognition of the important role of key stakeholders. The following highlight some of the issues pertaining to stakeholder relations:

Stakeholder relations were mainly managed through the Case Flow Management structure, which as earlier indicated had its challenges. The inspection team learnt that in addition to the CFM, the Johannesburg Magistrate Court has a task team involving members of SAPS. The inspections team was advised that the main objective of the Task Team was to screen the dockets presented to court to ensure that all the relevant information was in the dockets. The process had been beneficial to the prosecution, the courts and the SAPS. It has eliminated unnecessary withdrawals, cases struck off the court rolls, several postponements.

The inspection team was advised that the pre-trial conferences (meeting between the prosecution and the defense to discuss issues which may negatively affect court proceedings in the presentation of the cases) were not always held. However the proceedings in court could also be affected by other matters which were not necessarily related to the pre-trial conferences. For example, the court administration could have problems such as securing the services of the court interpreters particularly foreign language services, unavailability of expert witnesses (expert witnesses are too expensive and the Department cannot afford them because of the budget cuts), malfunctioning of digital recording machines and witnesses not subpoenaed.

In addition, the Regional Court Magistrates felt that they were in a difficult situation, in that they were not empowered in terms of the Criminal Procedure Act to issue directives which could be enforced in relation to the accused's right to remain silent, for instance, section 115 of the Act states that the accused has a right to remain silent during the proceedings. As a result, the defense had exploited this section in that the accused would not disclose the basis of his/her defense and this prolonged the court proceedings unnecessarily. In this regard, the Judiciary has made several proposals to the Department of Justice and Constitutional Development to amend the provisions of section 115 of the Criminal Procedure Act (dealing with the accused's right to remain silent), but in vain.

In general, the inspection team was informed of the prosecutors' dissatisfaction with their working conditions and being undervalued. The issues range from resources to building capacity. The morale was very low amongst prosecutors. The Chief Prosecutor at Johannesburg Magistrate Court mentioned to the inspection team that the systems and processes which should support the prosecution were ineffective. Examples which were given relate to filling of the posts, supply chain management and that there was too much centralization of the functions.

4.2 UNANNOUNCED INSPECTIONS

Unannounced inspections were conducted at the Johannesburg and Protea Regional Magistrates Courts. The main aim of the unannounced inspections was to determine the compliance levels of the service delivery sites with the implementation of the *Batho Pele* framework. The inspections were guided by the PSC-developed checklist which contains issues relating to the *Batho Pele* principles such as observing facilities, access to information, observing staff, talking to citizens and general observations.

4.2.1 *Observing facilities*

Citizens should have equal access to the services to which they are entitled. One measure of ensuring access is to adapt and improve the physical conditions of service delivery sites for easier accessibility. The inspection team observed that outside signage was not displayed at both Johannesburg and Protea Magistrate Courts, however, there was sufficient inside signage in both courts. It is critical to visibly display outside signage as this will enable citizens to easily locate service delivery sites. The condition of the building at the Johannesburg Magistrate Court was reasonably acceptable although it was found to be very old and only one entrance to the court was working. However, the aforesaid entrance did not have ramps for citizens with disabilities. Unfortunately the entrance that was closed for public use had a ramp for people with disabilities. The Protea Magistrate Court was housed in an old school building. As a result, the conditions did not meet the requirements of the court, hence the court rooms were very small. Furthermore, there was no waiting area for the citizens, as a result, they were expected to wait outside the court in an open space.

Although the Johannesburg Magistrate Court was clean, the Protea Magistrate Court was not in a clean state. There was old furniture lying around in the corridor. In addition, there was water on the floor of the corridors leading to the court rooms and this inconvenienced the members of the public in that they could not move freely. The parking facilities were also insufficient at both courts, as a result, members of the public had to park their cars in the streets when visiting the courts.

None of the courts displayed business hours, list of services rendered, prior requirements before accessing services, neither the services rendered nor the cost thereof. The staff at both Courts indicated that citizens were aware of the services which were rendered particularly the criminal matters. It is critical that courts display their business hours, services rendered and any prior requirement before accessing services. It should be noted that not all members of society visit the courts all the time. This would also benefit first time visitors.

4.2.2 *Access to information*

The *Batho Pele* principle of Information requires that information should be readily available to customers to empower them and address their needs. During the inspections, it was

found that both Courts had staff members at the reception areas, who directed visitors on arrival to appropriate service points and assisted clients as and when necessary. The reception desks were not stocked with materials such as brochures and pamphlets, and none of the Courts displayed service charters. The view of the staff was that the Criminal Justice System was often difficult to understand in terms of its operations due to its complexity. The example cited was an instance where a case was postponed several times without citizens understanding the reasons thereof. Despite the complexity of the CJS, it is important that citizens are provided with information as such information will empower them to understand how the services are rendered.

There were no complaints registers or suggestion boxes at both Courts visited to enable the general public to complain or comment about the services they received. The complaint handling systems were also not displayed. As a result, members of the public would not know what to do should they wish to lodge complaints against the court officials.

4.2.3 *Observing staff*

The wearing of name badges (tags) fosters the spirit of transparency, openness, accountability and accessibility. However, the inspection team noted that name tags were not worn by staff (including back office staff) at the Courts. Only the SAPS officials who brought the suspect/s to Courts wore their name tags. All staff members appeared to be friendly, professional, effective and seemed knowledgeable about their work.

4.2.4 *Talking to citizens*

The inspections team observed that the Courts served citizens whose needs were varied. The citizens who visited courts ranged from the accused, the accused's relatives, lawyers, complainants and complainants' relatives and other relevant stakeholders to witnesses. The responses obtained during engagement with citizens varied according to their needs, however, the long waiting hours emerged as the common one. One citizen at Johannesburg Magistrate Court indicated that he came to the court to support and observe the proceedings against the accused as a relative thereof, and had waited for more than 3 hours.

The other citizen interviewed in Protea Court mentioned to the inspection team that the acquitted requested him to collect the fine earlier paid in a drunk driving matter from the court's cash office and he waited for more than 4 hours. In Protea court, the citizens complained about lack of waiting area. The inspection team observed an elderly woman who could barely walk standing in the corridor since there was no waiting area. However, it was interesting that most citizens particularly the accused relatives expressed the view that the court officials were helpful in dealing with their concerns.

In general, citizens on both the accused and the defence sides complained about the costs

and time of attending the courts several times without result. They were of the view that improvement in communication was necessary particularly at the courts' information desk.

4.2.5 General observations

In loco observations made by the inspections team were that the Courts visited had no access to water to members of the public. Toilet facilities were not particularly clean. The Protea Court had small Court rooms and were packed with citizens. There was a container which was also used as a Court room, with no proper facilities inside. One of the offices in Protea Magistrate Court was full of discarded items, whilst staff members were sharing a very small office.

5. RECOMMENDATIONS

5.1 ANNOUNCED INSPECTIONS

It is recommended that:

- **Stakeholder Relations:** The inspection noted that there were lot of accusations and counter-accusations amongst critical role players which contributed to the ineffective and inefficient functioning of the courts. The DoJ&CD should bring all stakeholders together, identify the challenges and find solutions in order to render quality services to the citizens. In this regard, a plan should be put in place by April 2012.
- **Infrastructural Resources:** The DoJ&CD should urgently refurbish the Protea Magistrate Court to enable it to appropriately render services to the community. In this regard, a plan should be put in place by April 2012.
- **Security Upgrade:** The DoJ&CD should consider upgrading security systems in both courts since the safety of staff members and the citizens is compromised. In this regard, a plan should be put in place by April 2012.
- **Provision of Resources:** The DoJ&CD should strive to support staff in both courts with basic resources such as computers, library services (including electronic library), court appliances such as stenography, digital recording machines and stationery. In this regard, a plan should be put in place by April 2012.
- **Filing of Vacancies:** The DoJ&CD should ensure that the vacancies are filled timeously particularly the critical staff in the administration of justice. In this regard, a plan should be put in place by April 2012.

5.2 UNANNOUNCED INSPECTIONS

It is recommended that:

- **Cleanliness of the Courts:** The DoJ&CD should immediately ensure that the Protea Regional Court is maintained and clean.
- **Display of Business hours:** Business hours should immediately be displayed at the courts to enable service users to know the operational times of the courts.
- **Display of Complaint/Suggestion Boxes:** Complaint/suggestion boxes should immediately be displayed to afford service users to interact with the Department should the need for a complaint/suggestion arise.
- **Wearing of Name Tags:** Staff should immediately be encouraged to wear name tags to promote the principles of openness and transparency. The Department should make an effort to purchase them where members of staff do not have them.

6. CONCLUSION

The inspections have become one of the PSC's methodologies of reinforcing accountability across the Public Service because they are a fact finding exercise meant to observe and obtain first-hand information on service delivery. The above findings reflect the discussions between the inspection team, officials of the DoJ&CD and the NPA as well as the RCPF. In general the inspections found that there were challenges in the working relationship of stakeholders which contributed to the backlog of cases. The lack of resources such as infrastructure and human resources makes it difficult for the courts to render quality services. On the other hand, citizens waited long periods to receive services, and due to the several postponements of cases, the return visits to the courts were costly to them.

7. ACKNOWLEDGEMENTS

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