



## CONSTITUTIONAL COURT OF SOUTH AFRICA

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### VISIT TO DRAKENSTEIN YOUTH CENTRE MEDIUM B CORRECTIONAL CENTRE IN TERMS OF SECTION 99 OF THE CORRECTIONAL SERVICES ACT

Justice Johann van der Westhuizen, Constitutional Court of South Africa  
18 eember 2012

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#### **A. *Introduction***

[1] On Tuesday 18 December Justice van der Westhuizen of the Constitutional Court, accompanied by his law clerks Ms Clare-Alice Smith, Ms Farnoosh Hashemian and Mr Amanda Mfuphi, conducted an inspection of Drakenstein Youth Centre, a Medium B Correctional Centre in terms of section 99 of the Correctional Services Act 111 of 1998. Drakenstein Youth Centre is situated on the R44 midway between the towns of Paarl and Franschhoek in the Western Cape.

[2] The visit consisted of a briefing by the centre's personnel and a tour of units within the centre. The agricultural area and chicken broiler project areas were also briefly viewed. The young prisoners housed in the sports academy were visited within their unit.

#### **B. *Population and profile***

[3] The Drakenstein Youth Centre is classified as a "Centre of Excellence" in terms of the Centre of Excellence Project through which the Department of Correctional Services aims to create an environment which provides holistic integrated services to produce socially responsible people. In these centres the Department seeks to eliminate the inhibitive effects of overcrowding. It is hoped that the programme reaches its stated

objective of transforming all South Africa's correctional centres and community correctional offices into rehabilitation-centred institutions.

[4] The centre makes extensive use of sport as a medium for rehabilitation. Its sports academy features rugby, judo, karate, football and volleyball. Young prisoners also complete a compulsory sexual awareness programme for sexual offenders. Offenders classified as medium risk are taken hiking as an additional way in which to channel their energy. In order to be allowed to go on an outing a young prisoner must be classified as a medium-risk offender for at least a year.

[5] There are currently nine vacancies at the centre. The centre has one psychologist, four social workers, three nurses, five educationalists and one spiritual worker (care official).

[6] At the time of the visit the centre housed 545 young offenders and a case officer is assigned to every 27 offenders. The young prisoners are serving sentences which range from ten years to life. Almost all the young prisoners are between 18 and 25 years old. A few young prisoners are currently over 25, but will remain at the centre so that they can complete the educational program before being released or transferred.

[7] The centre consists of three units. Unit 1 houses 70 young prisoners who are part of the sports academy and 91 "Omegas" who are to be released in two years or less. Unit 2 houses 103 young prisoners serving particularly long sentences. These young prisoners are working in either the abattoir, agricultural or chicken broiler project. Unit 2 also contains the admissions centre. Unit 3 houses 186 maximum offenders.

[8] Twenty-one young prisoners have further charges pending. Three hundred and fifty five are medium offenders. One hundred and ninety are maximum offenders. Two

disabled offenders are also housed at the centre. Only one offender is a minor. He is recorded as 17. When discussing and visiting with this offender it became apparent that there are some inconsistencies with the youth's age. He may be an adult, but it seems he is being recorded as a minor in an attempt to protect him. He suffers severely from the effects of foetal alcohol syndrome which include stunted growth and decreased intellectual ability.

[9] Young prisoners enter the programme as "Alphas" and are afforded more privileges as they work through the program to "Omegas". Offenders have privileges (such as television and certain exercise) removed for bad behaviour.

[10] The centre has a gold certificate for no escapes in 10 years.

### ***C. Feedback and general recommendations***

[11] One cannot help but be impressed by the attitude of personnel at Drakenstein Youth Centre. Their motto is "Business unusual: all hands on deck to detain, rehabilitate and reintegrate offenders for a safer South Africa." They know the personal background of each young prisoner and refer to them in a respectful and understanding way. It was encouraging that they had a proper understanding of foetal alcohol syndrome and its impact on the functioning of some young prisoners. In as far as could be seen during our visit they take seriously their roles not only as prison officials but also as adult role models.

[12] It was clear from the interaction with the young prisoners held in Unit 1 in dormitory-style cells that they take as much pride in the centre as the personnel do. The atmosphere within the units was calm and organised. The units were well maintained and the young prisoners proudly display their sporting trophies and uniforms. Many of the young

prisoners volunteered to inform us of their personal and spiritual growth while at the centre.

[13] Some areas of concern presented themselves. The first is the accessibility of condoms within cells. Sex within cells is not allowed. Personnel feel they are placed in a difficult position because they do not want to create the impression that sex is encouraged by making condoms readily available. A condom box was seen in one of the court yards. Even if the box is kept supplied with condoms a young prisoner would have to take a condom in front of personnel and in front of other inmates. This discourages condom use. Sex within prisons is a reality, and condoms should be readily available in order to allow young prisoners to exercise the decision to practice safe sex and protect themselves from sexually transmitted disease and infection.

[14] Prohibiting exercise as a form of punishment should be done with caution as each inmate should be allowed exercise time. The youth correctional centre holds true potential for reform and provides insight into the potential for other correctional facilities to do more to protecting the rights of inmates.