

Report

Goodwood Correctional Centre, Western Cape

Justice TL Skweyiya

1. Introduction

Date of visit: 18 April 2013

Participating: Justice Skweyiya, accompanied by Toni Palmer and Annabel Raw.

We were welcomed to the facility by Ms Moliehi Sebotsa, the Area Commissioner for the Goodwood Management Area. She was joined by the Executive Team¹ of the Goodwood Correctional Centre, all of whom received our visit with a warm spirit of cooperation and transparency.

During our visit, we viewed a number of facilities in the Centre, including the central control room, the call centre, kitchen, the consultation block and schools, library, housing facilities in the sentenced unit, the remand section and further charges, the sick bay, the laundry, and the admission unit. This report notes a summary of my experience and observations during the visit to the Centre.

¹ The members of the Executive Team whom we met included: Nomalizo Mani (Head of Center Goodwood); Thapelo Monaheng (Center Coordinator Corrections); Peter Rhode (Area Coordinator Human Resource); Kholeka Mkutu (Chairperson: Case Management Committee); Wabane Chiya (Area Coordinator Finance and Supply Chain); Johan Ferndale (Manager Health Services); and Pastor Jerome Samuels (Chaplain and Compliance Manager); Mrs Sinoqonto (Case Management); Dennis Brecht (Case Management). I regret if I have not accurately recalled all the staff with whom we met.

2. Population

Goodwood Correctional Centre is a mixed facility that houses both sentenced offenders and remand detainees. It is a Centre of Excellence – a designation indicating a high level of compliance with statutory and regulatory requirements.

The Centre is an all-male facility that only accommodates persons over 21 years of age. The oldest detainee is 74 years old. We were informed that the Centre is approved to house 2 115 detainees but, at the time of our visit, the Centre was overcrowded by 29.78%, with a total population of 2 745 detainees. Of the 1 138 sentenced offenders, 776 were serving long-term sentences (over 24 months) and 362 were serving short-term sentences (less than 24 months). 1 607 detainees were being held on remand. The majority of detainees are South African citizens: only 82 are foreign nationals. The facility had no escapees in the last year.

The Centre serves a number of courts in the area and, on occasion, accepts detainees from outside of its jurisdiction. Over-crowding is mainly in respect of remand detainees. Cases take a long time to finalise and detainees may wait a number of years for their cases to be concluded. At the time of the visit, two inmates at the facility had been detained for more than five years awaiting trial. We had the opportunity to meet with these detainees, which meeting is detailed below.

Over-crowding is particularly hard-felt in sleeping facilities where detainees may push two beds together to accommodate place for three persons to sleep. Short-term sentences were explained by management as adding to the problem of over-crowding. Detainees given five to ten day sentences, for example, were rather common. Management is also under the impression that short-term sentences allow insufficient resources to give assistance to detainees and prevent recidivism.

Management makes a number of efforts to reduce over-crowding. At case-flow meetings, the Centre tries to encourage more non-custodial sentences to be given for petty crimes.

Management acknowledges that there is really very little that they can do, however, to circumvent the flow of detainees and reduce overcrowding.

Detainees are separated as far as possible according to the length of sentences and detainees who disclose their membership in gangs are usually housed together with gang members to minimize the recruitment of new members. Older detainees are housed together in a separate room. Young offenders, those under 25 years old, are housed in a separate unit and do not mix with the general population, even during exercise.

3. Staff

There are 390 staff members working at Goodwood Correctional Centre. This comprises 17 management staff, 352 security staff and 2 special staff (nurses and social workers). Management informed us that there was a shortage of staff for the size of the facility and the number of detainees. Case officers are strained with almost double the normal workload. The shift system further aggravates the problem of staff shortages as, from Fridays to Mondays, only 50% of staff are on duty. We were informed that Head Office was working on restructuring this shift system.

Staff shortages are a significant problem at the facility for a number of reasons. A shortage of staff compromises the safety and security of both inmates and staff. For example, most specialist staff are female and they are particularly vulnerable: their safety must be assured by additional staff presence. The shortages create further difficulties in the facility complying with regulations, for example, in safely escorting detainees to meals in the specified times. Because the majority of detainees at the Centre are housed on remand, this creates a significant strain on human resources. For example, the movement of detainees to attend court proceedings creates a flow of detainees in and out of the facility which draws much needed human resources out of the Centre itself. On average, 40 detainees must be escorted to court each day. A further example is illustrative: on the day of our visit, in the section in which detainees who are affiliated with gangs are housed, there were only 8 staff on duty to the some 494 detainees in the section (which

has a capacity to house only 220 persons). The inadequacy of staff numbers in this section, being a particularly volatile and dangerous section, illustrates the risks caused by staff shortages.

4. Health services

There is no full-time medical doctor at Goodwood Correction Centre but a doctor visits three times a week. There is also no pharmacy at the Centre and all medication must be requisitioned externally, usually from Pollsmoor Prison. Johan Ferndale, Manager of Health Services at the Centre, noted that a full-time doctor and pharmacy on location would improve services. The absence of a pharmacy makes it difficult to provide prescribed medications in time for ill detainees and the Pollsmoor Pharmacy itself suffers from capacity strain and slow turnaround.

The Centre is described as heavily dependent on external service providers, including non-governmental organizations (NGO's). The Health Services Manager noted further that it was not always possible under the current operational structure to separate or identify ill detainees. For example, offenders are not uniformly tested for tuberculosis upon admission so there is no way to verify whether a detainee suffering from the disease contracted it in the Centre. From April, however, compulsory Tuberculosis screening is expected to be conducted every six months, as well as before detainees are released.

Voluntary testing for HIV is freely available at the Centre and there were, at the time of the visit, 180 known HIV-positive inmates. Antiretroviral (ARV) treatment is sourced from the pharmacy in Pollsmoor, although the Centre is increasingly using a local hospital to requisition the medication due to the distance and staff resources required to source medications from Pollsmoor. The sickbay in the Centre is not an accredited ARV Centre. Condoms are freely available to detainees and awareness programmes for sexually transmitted infections and screenings are run by a health awareness group and some NGO's.

A dentist from the Department of Health serves the Centre once a week and is able to attend to about 25 – 30 detainees at a time. The Centre is considering using a private dentist as demand is high.

A visiting psychiatrist from the Department of Health comes once a month. Detainees with mental health difficulties are often medicated whilst incarcerated and are described by staff as frequently making good recovery whilst attended to in the Centre. However, medical staff expressed concern that these detainees had high rates of recidivism due to there being no mental health assistance or safety net on their release.

For medical emergencies, the Centre makes use of private ambulance services provided by Netcare Limited. If necessary, referrals are made to Tygerberg or Karl Bremer Hospitals. There is no 24-hour nurse, but a nurse is always available on stand-by.

We visited the sickbay during our time at the Centre. The sickbay delivers primary healthcare and has separate sections for detainees requiring isolation due to contagions. I was particularly impressed by the palliative care section which provided for detainees who were not terminal but who “needed extra care.” It was heartening to see that detainees in the section had been trained in the provision of care of others. When we were there, one detainee in particular was keeping an eye on the others and ensuring their wellbeing. This type of training is a remarkable innovation that enables the development of an ethic of care in an environment where this is otherwise deeply strained.

5. Kitchen

The kitchen at the Centre is operated by the Department of Correctional Services. All the food is prepared on-site. Prisoners receive three meals a day and special dietary needs are catered for. However, staff are not able to comply with regulations that require no more than a 14 hour interval between dinner and breakfast due to staff shortages and the shift system. The shortages result in detainees being locked up rather early (at around 16:00, we were told) which makes meeting this requirement additionally difficult.

We had the opportunity to observe the kitchen facilities which we found to appear clean and hygienic.

6. Personal hygiene

Sentenced detainees are supplied with clothing and underwear; detainees on remand are permitted to wear their own clothing. Detainees are supplied with toiletries that are replenished once a week.

Overcrowding was described as creating some difficulties in ensuring appropriate sanitation for inmates. For example, toilet facilities are more prone to breaking and inadequate staff contingent means delays in fixing it. The bathrooms that we viewed in the sentenced offenders and further charges units were clean and in good order.

7. Rehabilitation

There are two on-site psychologists working at the Centre. Management noted that this is insufficient for their needs.

Sentenced offenders detained for 24 months or longer must have a sentence plan compiled as a means to facilitate and track their rehabilitation. The sentence plan must be approved by the Case Management Committee. The offender's progress during his detention is then monitored with reference to the plan. An offender must follow the sentence plan to be considered for parole.

The illiteracy rate amongst detainees is high at the Centre. At the time of the visit, 152 offenders were attending adult education and training with the assistance of five teachers. We understood the school facility to be available only to sentenced detainees. A number of detainees were furthering their education on a tertiary level and received bursaries to do so. We were informed that Management tries to separate detainees who are studying from the general prison population.

Various specialised programmes are run in addition, usually by security staff. These include behaviour modification programmes and special assistance to sexual offenders. The Centre also receives some NGO assistance.

Short-term offenders do not benefit from sentence plans. Staff at Goodwood mentioned that greater social development assistance was needed for these detainees many of whom, on release, had no place to stay. The Management at the Centre desires greater assistance from the Department of Social Development to assist in the reintegration into the community of detainees upon their release.

8. Security threats and violence

The facility faces a number of security threats, which staff shortages make particularly difficult to address.

One problem, related to the Centre's location near to a major highway, is the phenomenon of members of the public throwing contraband over the walls into the prison. This includes drugs and cellular phones as well as weapons. At the time of the visit, Management had recently been alerted that an undisclosed detainee was in possession of a firearm. Searches had so far been fruitless and it was suspected that the firearm remained in circulation. In the last year, however, the Centre has reported the confiscation of 154 (self-made or smuggled) weapons and 343 cellular phones.

Management was under the impression that the security threats were largely due to gangsterism. While internal gangs were uncommon, gangsterism within the Centre is perceived to reflect those stratifications within the communities outside.

Violence amongst detainees is described by staff as common. In November 2012, the Centre experienced two serious stabbings. In 2012, the Centre recorded 253 assaults amongst detainees and three unnatural deaths. Four incidents of rape amongst detainees were reported in the last

year. Management was under the impression that the reported incidents were only “the tip of the iceberg”.

Management described that the Centre tries to prevent violence and protect detainees primarily through separation of rivals or persons in conflict and through making an effort to resolve conflict through listening to detainees’ complaints. The visiting doctor is in charge of a rape crisis centre and victims of sexual violence are given post-exposure prophylaxis within 72 hours and are offered counselling. Staff were acutely aware of the difficulties faced by rape victims in detention whom they described as being “twice victimized” following the trauma, particularly if prosecution is attempted. It was also noted that the strain of staff shortages made it difficult to prevent and detect incidents of sexual violence. For example, a unit containing four sections will usually be patrolled by only one staff member at night, when rape most commonly occurs. Management were unanimous that adequate staff for direct supervision of detainees would decrease violence in the facility.

In the last year, there were also three reported incidents of violence between staff and detainees. Two affected staff members had since returned and one remained on leave.

9. Substance abuse

Substance abuse is a problem within the Centre. Staff confiscated about 9.5 kg’s of marijuana in the last year. We were also told that Mandrax and Crystal Methamphetamine (“tik”) were particularly problematic.

10. Video Court: AVR System

Management was keen to stress that greater use of the Audio Visual Remand Court (AVR) system would assist the day-to-day operation of the Correctional Centre greatly.

The AVR system is an audio and video feed that streams live two-way footage from a room in the Centre to a court. The system permits a detainee to participate in and witness a court process

without his or her physical presence at the court. At the time of the visit, only one court, in Belville, served by the Centre, made use of this innovation and even then only for remand and not full hearings. We took the opportunity to visit the room in which the AVR system operated, within the Admission Centre. The video feed was clear and appeared to be well-serviced. Staff at the Centre were of the opinion that if more courts would make use of the facility and if it could be used for hearings as well, the strain of staff shortages, exacerbated when having to allocate security staff to accompany detainees to court, could be eased to a significant extent.

11. Individual meetings with detainees

a. Mr Andries Francois Marais

Case no: 332/02/11

Court: Belville

Mr Marais is 73 years old and was housed in a unit accommodating older detainees. He wished to communicate a grievance to me directly. Mr Marais insisted that he had no complaints with his treatment in Goodwood Detention Centre and he insisted that the staff and facilities were “100%”. His complaint related to the conduct of his trial. Mr Marais had four cases against him and he appeared in the Belville Court before a Judge Tshabalala; he represented himself. He claims that his trial was unfair and his conviction unsubstantiated by the facts. He claims further that his life and physical safety had been threatened during the conduct of the trial. He said that his daughter is an advocate, Karen Joubert.

b. Khaletha Cetyana, Mzolisi Mpiti and Sonwabo Tshangatshanga

Case number: SH5/102/06

Court: Belville

I asked to meet with these three detainees after hearing from the staff that they had been held in remand for over 5 years. We had the opportunity to meet with Mr Cetyana and

Mr Tshangatshanga. Mr Cetyana informed us that his last date of appearance was on 14 March 2013 and that his next date of appearance was on 24 May in the Belville Regional Court 5. Both men we spoke to were legally represented in Court. Mr Cetyana is represented by Jassiem and Associates and Mr Tshangatshanga is represented by Mr Paris, whose contact details we were given. Mr Mpiti's is represented by a Mr Lackay from Belville Legal Aid. The detainees were naturally deeply dissatisfied with the length of time that the trial has taken and noted that the delay had been caused before the hearing had even commenced, relating that their matter was repeatedly postponed due to difficulties relating to the work of an acting judge.

12. Conclusions

I was impressed by the facilities and state of the Centre and with the attitudes, honesty, dedication and commitment of the Management and staff that I met. From what I saw, the conditions at the Centre are of a high standard and the detainees we met indicated their satisfaction with their conditions in detention. The staff displayed healthy relationships with the detainees and exhibited concern for their well-being and rehabilitation on a personal level. Goodwood Correctional Centre is indeed a "Centre of Excellence" from what I experienced in the visit. There is, of course, room for improvement in various areas – all of which were acknowledged openly and honestly by the Management and staff with whom we met.

Firstly, the Centre is in dire need of more staff and an improved shift system to better manage staff shortages. This is imperative for the provision of services and to ensure the safety of not only detainees but staff too. Permanent specialised staff, such as a fulltime doctor and pharmacist, would improve conditions and alleviate the strain on staff significantly.

Secondly, the over-population of the Centre is a significant problem. This is caused by a number of systemic difficulties faced by prisons throughout the country. A restructuring of correction centres to provide for specialized accommodation distinguishing on the basis of the length of sentence and remand detainees may assist further in managing overpopulation but also in providing more catered services to the varied needs that different detainees may have.

Management's suggestion for expanded and increased use of the AVR (video court) system is an innovative and cost-effective alternative that merits further consideration. The rights of accused persons to be present at their trial should be considered carefully to determine if an expansion of the AVR system would impact negatively on these rights. Expanding the system would, however, ease the burden on staff and on financial resources in transporting detainees. It would also minimize the security risks inherent in transporting high-profile / dangerous / high-risk detainees.

When asked if they had any ideas about how the judicial system could better assist their work, Management related that it was often difficult to trace victims when wishing to facilitate dialogue in reconciliation programmes and in effecting the victims' right to be heard at parole hearings. Management suggested that if contact details for the victims could be attached to the warrants, tracing victims so as to illicit their views would be greatly simplified and better facilitated.

Such a process would serve an important purpose in our constitutional democracy in enhancing a reconciliatory form of criminal justice and in empowering victims of crime to participate in the rehabilitation of offenders by ensuring that they have a say in parole proceedings. However, this suggestion must carefully be considered for the potential security implications it might pose to victims, putting them at risk of further threat, intimidation or victimisation. This concern is particularly heightened when gang-related crime is involved and the security of victims and witnesses is oftentimes under threat.

The visit highlighted further the desperate need to extend rehabilitative and educational resources to short-term and remand detainees. The excessive length of time in which detainees on remand are often kept is a sad state of affairs which, when coupled with the absence of resources for personal growth and development, does a great disservice to both detainees and the larger community.

My overall impression was that the success of the Centre was in its human resources: in the hard-working, intelligent and compassionate women and men that worked there. It is important that

these servants of the community are acknowledged and supported in the difficult and dangerous work that they do.