



JUDICIAL VISIT TO THE GOODWOOD CORRECTIONAL CENTRE

REPORT

- 1 Section 99 (1) of the Correctional Services Act 111 of 1998 provides that “[a] judge of the Constitutional Court, Supreme Court of Appeal or High Court, and a magistrate within his or her area of jurisdiction, may visit a correctional centre at any time”. Section 99 (2) of the Act gives a Judge or Magistrate visiting a correctional centre the right of “access to any part of a correctional centre and any documentary record” held there, together with the right to “interview any inmate”. The purpose of these powers is to monitor and oversee conditions within the relevant centre, and to “bring any matter” arising from the visit “to the attention of” the National Commissioner for Correctional Services, the Minister of Correctional Services, the National Council of Correctional Services or the Judicial Inspector of Correctional Services.

- 2 On 3 April 2025, exercising my powers under section 99, I visited the Goodwood Correctional Centre in the Western Cape Province.

The nature of judicial oversight under section 99

- 3 Before reporting my observations, I think it is important to set out the scope and limits of a visiting Judge's role, at least insofar as they have occurred to me while undertaking this and other prison visits. The role of a visiting Judge is, in the main, one of monitoring and oversight. While the hallmarks of systemic patterns of neglect or mistreatment might be detectable during a particular visit, visiting Judges cannot reasonably aim to uncover, investigate and remedy specific cases of mistreatment during an ordinary visit. Correctional centres generally house several hundred inmates. A visiting Judge spends no more than a few hours on a visit. In these circumstances, it stands to reason that there are few opportunities for the kind of in-depth conversation with an inmate that might lead to the discovery of a genuine individual grievance.

- 4 The value of a judicial visit is rather to identify signs of a systemic problem with the way a particular correctional centre functions, and the extent to which such a problem might be the result of the way the prison system is managed as a whole. While a visiting Judge will always raise the alarm where there are signs of mistreatment or neglect, redress for individual inmates who may be directly affected by it will generally be sought and obtained through the office of the Judicial Inspector of Correctional Services, or through the Correctional Service Department's own investigations. Inmates can also, and in my experience frequently do, seek redress for specific complaints by approaching the High Court directly.

5 While section 99 requires no prior notification of a judicial visit, the Goodwood Correctional Centre was told about my visit about a week in advance. It seems to me that, unless there is a basis on which to suspect that the staff of a particular prison might try to conceal poor conditions, malpractice or mistreatment that would be revealed by an unannounced visit, prior notification of a judicial visit is the appropriate course. It allows a correctional centre's staff to plan to be present for the visit, and to curate the information that a visiting Judge is likely to need. Unannounced visits no doubt have their uses – especially in response to a tip-off or other indication that mistreatment or malpractice blights a particular correctional centre. However, in the ordinary course, generally poor conditions are unlikely to be remediable in a few days. Attempts to make cosmetic changes to a very poorly run correctional centre will normally be obvious to the visiting Judge. Moreover, in my experience, correctional services officers are generally as keen as prison inmates themselves to show a visiting Judge where prison conditions are not what they should be.

6 That said, Goodwood seems to me to be groaning under the weight of centrally-imposed fiscal austerity. A secondary problem is the limited assistance provided by the courts to Goodwood's overcrowding reduction strategy, which seeks to engage the statutory mechanisms provided in the Correctional Services Act and in the Criminal Procedure Act 51 of 1977 to reduce the number of remand detainees housed at Goodwood, and to place limits on the time for which they are remanded pending trial.

7 I will address each of these difficulties in turn.

Problems related to austerity

8 The source of most of Goodwood's problems is that it, and the prison system in which it is embedded, are under-resourced. Originally intended only to house sentenced prisoners, and to serve as a "centre of excellence" for the rehabilitation of those prisoners, Goodwood has, for the last ten years, been forced to hold remand detainees, ostensibly to reduce overcrowding in other parts of the prison system. The nett effect of that decision has been to generate overcrowding at Goodwood, and to disrupt what was, by all accounts, a successful post-sentence correctional regime.

Overcrowding

9 Presently, Goodwood houses 1793 remand detainees awaiting trial, and 725 sentenced prisoners. It has an approved bedspace of 1651. Goodwood accordingly operates at over 150% of its capacity. The vast majority of its inmates fall into a class of prisoner it was never meant to house.

10 The knock-on effects of this are predictable. The Centre is understaffed. Its staff to inmate ratio hovers between 1 to 30 and 1 to 40, depending on the class of prisoner involved. Staff at the Centre were not entirely clear on the extent to which inmates can expect to leave their cells for recreation or any other purpose. However, the shift system in operation at the Centre

– itself dictated by staff shortages and the apparent elimination of overtime pay for correctional services officers – means that there are not enough officers on duty at the Centre to permit inmates to leave their (generally overcrowded) cells for more than an hour over weekends or more than five hours between Tuesday and Thursday.

Security

11 The Centre also lacks adequate security. Goodwood is surrounded by the outer suburbs of Cape Town. It houses inmates involved in, or alleged to be involved in, violent gang activity in the surrounding area. Yet it lacks a perimeter fence. As a result, contraband, including dangerous weapons and drugs, can simply be thrown over the wall into the prisoners' yards. Goodwood clearly lacks the staff necessary to monitor and prevent this, and the apparent ease with which contraband can be obtained in this way obviously reduces the extent to which staff are willing to permit inmates to leave their cells.

12 Goodwood has been asking for a perimeter fence to be constructed for as long as any of its officers seem to be able to remember. Budgetary provision has yet to be made. The request was most recently tabled at a visit to the Centre by the Parliamentary Portfolio Committee on Correctional Services, which went to Goodwood in August 2024.

13 The construction of such a fence is not merely a matter of keeping inmates in, and the surrounding population out. It will, in my view, contribute

materially to the sense of control the Centre's staff have over the institution. That will, in turn, make it more likely that inmates will be permitted to leave their cells for longer, and has the potential to reduce the incidence and severity of assaults at the Centre. There were 49 reported assaults in the year to 1 March 2025, one of which resulted in the death of an inmate at the hands of prison officers. That incident is being separately investigated.

- 14 Any death in custody is unacceptable, and the four officers involved have been suspended. I do not know the circumstances under which the fatality occurred, and I do not know whether staff shortages or inadequate security played a role in the incident. However, as a practical proposition, a prison officer who is reasonably confident that the inmates in their charge are not armed with makeshift weapons, or under the influence of drugs, is generally less likely to use force on them. It also stands to reason that inmates who do not find it easy to get hold of weapons are less likely to cause each other serious harm. A perimeter fence has the potential to ameliorate that harm.

Deteriorating maintenance and repairs

- 15 Goodwood appears generally clean, and well-maintained, but its buildings and equipment are fraying around the edges. In one of the communal cells I visited, inmates were sleeping underneath a leaking ceiling which had obviously become infested with mould. While I was assured that the

problem had been reported, it was apparent from my visit that many of Goodwood's maintenance needs are being left unmet because of fairly recently imposed austerity measures. At least some of the Goodwood's maintenance and repair needs are met by the Department of Public Works through a contractual arrangement between it and the Department for Correctional Services. That "contract" was recently terminated because there was no money budgeted to pay for the maintenance it requires.

- 16 One knock-on effect of this is that vital kitchen equipment, such as ovens and large mixing vats are not being repaired or replaced. This appears to have significantly increased – perhaps doubled – the amount of time staff and inmates at Goodwood have to spend preparing meals.

Reduction in meal quality and frequency

- 17 The quality of food available at Goodwood is becoming poorer. The frequency with which meat is served has recently been reduced, and meat itself has sometimes been replaced with offal. Because of limits to the number of personnel available at Goodwood over weekends, meals are "doubled-up" – a euphemism for supplying two meals a day instead of three so that inmates can be locked in their cells for longer. This is likely in breach of section 8 (5) of the Correctional Services Act, which in substance requires that inmates be served three evenly-spaced meals per day.

Medical care

- 18 Goodwood has a clean, well-staffed and well-stocked medical wing. However, the wing is housed in buildings that were not purpose-built, meaning that it is impossible for the wing to comply with some fairly basic space requirements for hygiene and safety that would be applicable in an ordinary public healthcare facility. The medical wing is routinely exempted from these requirements. Ideally, a wholesale renovation or complete reconstruction of Goodwood's medical wing would be undertaken to comply with the ordinary standards. But the resources for that are nowhere in sight.
- 19 In addition, the Centre's lone doctor, who appeared to me to be deeply and vocationally committed to the provision of medical care to the incarcerated, has little employment security, given that she is retained on a year-to-year contract.

Lack of control

- 20 It was, finally, striking that the Centre staff, from the ordinary warder right up to the area commissioner, had little or no say in how their resource needs are met. Decisions about how to allocate resources are taken centrally, often nationally, in places remote from where the need for resources is actually felt. This has apparently resulted in delays in meeting basic and urgent needs, such as a perimeter fence, and in expenditure on capital projects that I doubt centre staff would themselves have prioritised.

21 For example, centre staff were very proud of the High Court annexe recently built at Goodwood. The annexe is meant to ensure that trials can be conducted *in situ*, and to avoid the security risks and delays inherent in transporting inmates to the High Court in Cape Town. However, I was left to wonder whether, had it been left to the area commissioner or to the head of prison, the money spent on the construction of the annexe would not have been put towards a perimeter fence, or to perform more basic maintenance and repairs required in the kitchen or in some of the cells. This is especially so because the annexe had not been in use for some time when I visited the Centre, had only ever been used by one Acting Judge, and even then had only processed a comparatively small number of cases.

Co-operation from the Justice System

22 Goodwood does what it can to reduce overcrowding in its awaiting-trial section.

Pretrial delay

23 In the first place, it refers remand prisoners who have been incarcerated pending trial for two years or more back to court to reconsider whether they should be in pretrial detention at all. This is done under section 49G (1) of the Correctional Services Act, which provides that “[t]he period of incarceration of a remand detainee must not exceed two years from the

initial date of admission into the remand detention facility, without such matter having been brought to the attention of the court concerned”.

24 The justice system’s response to the Centre’s initiative has been underwhelming. Of the 78 inmates referred back to court under section 49G between 1 October 2024 and 1 April 2025, 51 have yet to receive any reconsideration of their pre-trial incarceration at all, and a further 27 were refused release.

25 This is, on the face of it, a dereliction of the duties of the judicial officers involved. It seems to me that, where a remand detainee has been incarcerated pending trial for two years, the least that should happen is a thorough re-evaluation of the strength of the case against them (strong cases should not take that long to prosecute), the likelihood they will stand their trial, and the risk their release poses to the trial process in particular and the public in general. Whether the inmate was held merely because they could not afford bail, and whether the offence charged involves violence are two further critical factors. Centre staff lamented that consideration at that level of detail, or any consideration at all of the possibility of release pending trial is the exception rather than the rule.

26 There are some truly appalling cases of pretrial delay at Goodwood. One inmate, detained pending trial for armed robbery in the Regional Court, had been awaiting trial for over ten years, and has likely served a period equal to his effective sentence if convicted. In these circumstances, the

constitutionally-entrenched presumption of innocence rings hollow – guilty or not, the inmate concerned has already likely been punished to the extent the law normally allows.

27 A further 18 remand detainees have been awaiting trial for periods of between five and seven years. The charges in all but two of these cases are serious – ranging from possession of firearms to offences under the Prevention of Organised Crime Act 121 of 1998, armed robbery, rape, and murder. The two other cases involve charges of fraud, in which it is a fair guess that the individuals involved have already served most or all of the sentences they would receive if convicted.

28 This blight on the justice system is exacerbated by the apparent unwillingness of the judicial officers involved to do anything about it – even when prompted to by the correctional services officials responsible for housing the individuals concerned while their prosecution proceeds at an apparently glacial pace.

Unaffordable bail

29 Fully 798 of Goodwood’s remand detainees are held because they cannot afford the cash bond set by the judicial officer who granted them bail. Goodwood has referred 262 of these cases back to the judicial officer concerned in the hope of reducing the bail set to an amount the detainee can afford. The referral resulted in the detainee making a reduced bail and being set free in just 31 of these cases.

30 To put it another way, Goodwood is overcrowded to the tune of 867 inmates. If each one of the 798 inmates who have been granted bail on a cash bond could afford to pay it, that would virtually eliminate Goodwood's overcrowding problem.

31 It seems to me that judicial officers involved in setting bail ought to be more keenly aware of the realities of the system. A remand detainee has limited access to educational and recreational activities which are a normal part of the rehabilitation programmes afforded to sentenced prisoners. Given the lengthy delays that currently dog the criminal justice system – especially in the Western Cape – remand into custody pending trial means that a detainee will sit in prison for months or years. At Goodwood – because there is no perimeter fence – they are likely to have access to drugs and weapons, in an overcrowded communal cell with virtually nothing else to do while they wait for their day in court. In these circumstances, if a remand prisoner was not a threat to the public when they were admitted to pretrial detention, the likelihood is that they will be such a threat when they are released – especially if they have a magnified sense of grievance that no doubt follows an acquittal after the inmate has already spent years in prison.

Mental health in detention

32 It is finally necessary to mention the situation applicable to a prisoner, LC, who was sentenced to a life term and whose minimum non-parole period

expired in 2022. While at Goodwood, LC developed a serious mental health problem, such that he is not fit for release without intensive social support. There is no such support available to him, but his continued detention at Goodwood probably cannot be justified: both because he has probably served the punishment part of his sentence, and because Goodwood cannot give him the support he needs to improve his mental health.

- 33 The next realistic step is LC's reclassification as a State Patient under chapter 7 of the Mental Healthcare Act 17 of 2002, but the progress of the statutorily required inquiry has been slow. The matter is presently awaiting the allocation of a Magistrate to conduct the investigation required by section 52 of the Act. It seems to me that the appropriate Magistrate ought to be allocated immediately, and the inquiry completed as soon as possible.

Further observations

- 34 Within the sometimes severe constraints in which they are required to operate, I have no reason to doubt that those who manage Goodwood are doing the best that they can to provide a safe and humane environment to the inmates in their care. Other than a level of tension one would expect from an institution where most inmates spend most of their time locked down, and from the heightened scrutiny Goodwood has received as a result of the recent death in custody, I saw little evidence of a culture of

mistreatment or neglect. I was in fact impressed by the level of commitment and enthusiasm shown by the Centre's senior staff, and by their openness to the judicial visit. These are people who want to get it right, but who are often prevented from doing so by factors beyond their control. They are, it seems to me, in urgent need of the resources from government and the assistance from the justice system that I have outlined in this report.



SDJ WILSON
Judge of the High Court
5 May 2025