THE EXPERIENCE OF ADOLESCENTS IN THE DIVERSION PROGRAMME

OFFERED BY BOKAMOSO LIFE CENTRE

BY

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SUMMARY

The experience of adolescents in the diversion programmes offered by

Bokamoso Life Centre

by

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Degree   :   Magister Socialis Diligentiae(Play Therapy)

Dealing with young offenders remains a universal problem around the world and South Africa is no exception. It would appear that certain factors in the community, the family and the school system may contribute to juvenile delinquency. Diversion programmes are utilized as an alternative to avoid juveniles accused of petty offences from being imprisoned.

The researcher conducted this study after observing that many young people still end up in conflict with the law despite the completion of these programmes. Due to the latter, questions regarding the effectiveness of diversion programmes developed.

The aim of this study was to evaluate the effectiveness of the diversion programme offered by Bokamoso Life Centre. The researcher conducted a qualitative study through which the goal of this study was achieved. Further research in this field is recommended because of the fact that this study was limited to a specific geographical area.

The following are key concepts in this study:

- Adolescence

- Juvenile Delinquency

- Diversion Programmes

- Bokamoso Life Centre

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OPSOMMING

Die ervaring van adolessente in die afwentelingsprogram aangebied deur

Bokamoso Life Centre

Deur

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Supervisor   : Dr G.M. Spies

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Die hantering van jeugoortreders is 'n universiële probleem regoor die wêreld en Suid Afrika is geen uitsondering nie. Dit wil voorkom asof sekere faktore binne die gemeenskap, die gesin en die skoolsisteem jeugmisdaad aanmoedig. Afwentelingsprogamme is geimplementeer in plek gestel as alternatief om jeugdiges wat aangekla word vir minder ernstige misdade, uit die gevangenissisteem te hou.

Die navorser het hierdie studie onderneem nadat sy waargeneem het dat verskeie jeugdiges weer met die gereg bots ten spyte van die feit dat hulle die afwentelingsprogram voltooi het. As gevolg van laasgenoemde het vrae rondom die effektiwiteit van die afwentelingsprogramme ontwikkel.

Die doel van hierdie navorsing was om die effektiwiteit van die afwentelingsprogram soos aangebied deur Bokamoso Life Centre, te evalueer. Die navorser het 'n kwalitatiewe studie gedoen waardeur die doel van hierdie studie bereik is. Verdere navorsing op hierdie gebied word aanbeveel aangesien hierdie studie beperk was tot 'n spesifieke geografiese gebied.

Die volgende is kernbegrippe van hierdie studie:

- Adolessensie

- Jeugmisdaad

- Afwentelingsprogam

- Bokamoso Life Centre

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CHAPTER 1

GENERAL ORIENTATION

1. 1 INTRODUCTION

Heraclitus is credited with saying: "Nothing is permanent except change." (McWhirter, *et al.* 1998:20). Perhaps at no time in history has this insight been more evident than it is today. Children and adolescents face the challenge of growing into mature, responsible, healthy adults amidst a maelstrom of economic, political and social change. Technological advances are occurring more rapidly than ever before in history. The mobility of the population, the decline in the influence of extended families and increases in automation and technological development make modern society one in which nothing seems certain. For the child and the adolescent embarking on the hazardous journey to adulthood, these societal forces may add obstacles that can make them deviate from their chosen paths or cut their journeys short (McWhirter, *et al.* 1998:20).

Social changes and new technologies have created new sets of influences and experiences for children and adolescents. Marital transitions, changes in family composition and the presence and temptation of drugs contribute to a situation where adolescents may become violent in order to deal with their difficulties. These changes are taking place in a context of difficult economic realities for many adolescents.

As a result of the above-mentioned environmental influences and rapid changes, too many adolescents are not doing well. In fact, too many are falling by the wayside and too many of them end up breaking the law.   The fact that so many adolescents are in conflict with the law and are awaiting trial in prison gave birth to the concept of diversion programmes. According to Elrod & Ryder (1999:159), the term *diversion* should be reserved to denote the channelling of youth away from the criminal justice system at an early point. The aim of diversion programmes is therefore to divert young people away from the formal criminal justice system and prevent them from getting deeper into the system.

Bokamoso Life Centre offers one of the many diversion programmes in the country. The Centre operates in Winterveldt, situated 53 kilometres north of Pretoria. Bokamoso Life Centre was initiated in January 1999 in response to the high crime rate in Winterveldt, perpetrated by young people between the ages of fourteen (14) and twenty-one (21) years. However, only children between the ages twelve (12) and eighteen (18) years are being referred by the court system to attend diversion programmes. Young people over the age of eighteen (18) are treated as adults in the criminal justice system.

In this chapter the researcher will discuss the research process in detail.

1.2 MOTIVATION FOR THE CHOICE OF STUDY

Dealing with young offenders remains a universal problem around the world, and South Africa is no exception. The following statistics, provided by The United Nations Child Justice Project (2003), give a clear indication of the situation in South Africa. In February 2003, 1 718 children under the age of eighteen (18) were sentenced and imprisoned, while 2 420 children under the age of eighteen (18) were awaiting trial in prison and police cells.

The researcher has been involved in diversion work since 1999 at Bokamoso Life Centre.   The Garankuwa and Soshanguve Magistrate's Courts refer adolescents in conflict with the law to Bokamoso Life Centre.   Depending on the recommendation of the courts, adolescents attend the programme for periods between three (3) and six (6) months.

When the youth are admitted to the programme, the social worker assesses them immediately by using the **Developmental and Strength Based Approach,** which is unique to the field of Child and Youth Work. It focuses mainly on identifying and developing the strengths of individual young people. Based on the outcomes of the assessment, an **Adolescent Development Programme (ADP)** is tailor-made to address the developmental needs of young individuals in the form of Basic Life Skills. Intensive family support, better known as **Family Outreach,** also forms part of the programme. The families of these young people are involved in the design of the programme by being invited to parents' meetings. During these meetings, staff

members of the Bokamoso Life Centre share the outcomes of the assessment with parents, inform them of how the programme will be conducted and ask parents to add to the programme. Home visits are also conducted while the youth are involved in the programme. Whenever there is a need, workshops on parental guidance are also offered to the parents.

At the end of the prescribed period, Bokamoso Life Centre provides a report on the progress of the adolescent to the relevant court. Monthly statistics gathered internally by the organisation indicate that, on average, in approximately 95% of the cases that are referred to Bokamoso Life Centre, charges against the offenders are withdrawn. However, several months after having gone through the programme, some of the young people would again end up in the criminal justice system and once again be referred to Bokamoso Life Centre. The question that immediately comes to mind is: "Why does this happen? Is the programme really addressing the needs of these young people?"

The whole cycle of recidivism triggered the researcher to conduct research regarding the effectiveness of the programme and to come up with recommendations that could contribute to and improve the effectiveness of the programme. This would refer to the ideal that the developmental needs of these young people would be addressed and that the programme would add value to the lives of these young people to such an extent that they think twice before they re-offend.

The results of this study will benefit the youth in the programme in the sense that the programme will be adjusted to address their developmental needs.

1.3 PROBLEM FORMULATION

Society depends on its ability to prepare well-adjusted, responsible, well-educated young people to step forward as the older generation recedes. The nation's continuing strength and stability depend on its ability to ensure that young people are prepared to fill the courtrooms and boardrooms, the classrooms and the operating rooms, the high-tech factories and industries of tomorrow (McWhirter, *et al.* 1998:21). Unfortunately, too many young people are not doing well and get into conflict with the law. The growing number of children and youth awaiting trial in prison is clearly evident of this.

If one looks at the way the Bokamoso Life Centre programme is structured, one would assume that the programme should be successful. However, despite the structure of the programme, too many adolescents repeatedly end up in conflict with the law.

Therefore, the problem that needs to be addressed through this study is the following: Too many adolescents still end up in conflict with the law despite completing the diversion programme offered by Bokamoso Life Centre. Why is this the case?

1.4 AIMS AND OBJECTIVES

According to De Vos (1998:7), the terms *goal*, *purpose* and *aim*, are very often used interchangeably, that is, as synonyms for one another. The meaning of each of these words implies the broader, more abstract concept of "the end toward which effort or ambition is directed".

The term *objective* denotes the more concrete, measurable and more speedily attainable concept of such "end toward which effort or ambition is directed".

Therefore, *aim* denotes the "dream" and the objectives are the steps one has to take realistically at grassroots level, within a certain time-span, in order to attain the dream.

1.4.1 AIM

The aim of this research can be formulated as follows:

To explore the effectiveness of the diversion programme offered by Bokamoso Life Centre through the experiences of adolescents who attended the diversion.

1.4.2 OBJECTIVES

The objectives consist of different aspects, which will be discussed as follows:

1.4.2.1 LITERATURE STUDY

To establish through a literature study and consultation with experts a theoretical foundation with regards to the following aspects:

- Adolescence as a developmental stage with reference to the developmental tasks and factors that may contribute to juvenile delinquency.
- Diversion programmes as a form of intervention.

1.4.2.2 EMPIRICAL INVESTIGATION

The researcher aims to conduct an empirical investigation with reference to the experiences of adolescents regarding the effectiveness of the diversion programme offered by Bokamoso Life Centre. This will be done by means of semi-structured interviews with adolescents who attended the programme at that point in time.

1.4.2.3 CONCLUSIONS

To draw conclusions and make recommendations based on the findings of the study.

1.5 THE RESEARCH QUESTION

Research always commences with one or more questions or hypotheses. According to Nieuman (1997: 108), a hypothesis is a proposition to be tested or a tentative statement of a relationship between two variables. According to De Vos (1998:115), questions are posed about the nature of real situations, while hypotheses are statements about how things can be.

When looking at the above-mentioned distinction between research questions and hypotheses, it would be more appropriate to formulate a research question for the purpose of this study. The reason being that in this study, questions are posed about the effectiveness of the Bokamoso Life Centre diversion programme. According to De Vos (1998:116), a good research question is one that can be answered by collecting data and whose answer cannot be foreseen prior to the collection of the data. The research question will therefore only be answered once data is collected.

The research question for this study could therefore be formulated as follows:
To what extent does the diversion programme offered by Bokamoso Life Centre address the needs of the adolescents who attended the programme?

1.6 RESEARCH APPROACH

In this study the researcher will make use of the qualitative research approach. According to De Vos (1998:242), the qualitative research approach derives meaning from the subject's perspective; the researcher aims to understand the meaning that people attach to everyday life, regards reality as subjective, captures and discovers meaning once the researcher becomes immersed in the data. Concepts are in the form of sentences, themes, motifs and categories. Qualitative researchers seek to understand phenomena; observations are determined by information and the richness of settings. The types of observations used are modified to enrich understanding. In qualitative research, the research design is flexible and unique. There are no fixed steps that should be followed and research cannot be replicated exactly.

The researcher will make use of the qualitative research approach for the following reasons: The researcher will derive meaning from the subjects' perspective; the researcher wants to understand the meaning that people attach to everyday life; the researcher will capture and discover meaning once she becomes immersed in the data; concepts will be in the form of sentences, words, themes, motifs and categories.

1.7 TYPE OF RESEARCH

Researchers conduct research for various reasons. One way to categorise research is by how the results will be used. De Vos (1998:367) is of the opinion that researchers use research methodologies to judge and improve the ways in which programmes are conducted. In this study the researcher will use research methodologies to judge and improve the way in which the Bokamoso Life Centre programme is conducted and apply the results to improve its effectiveness. The researcher will therefore make use of applied research. According to Nieuman (1997:22), applied research tries to resolve specific problems in practice. Theory is less central to this type of research. The ultimate goal of this study is to seek a solution to the problem of adolescents in conflict with the law despite the fact that they attended the programme offered by Bokamoso Life Centre.

1.8 RESEARCH DESIGN

In this study the researcher will make use of the exploratory design. According to Bless & Higson-Smith (1995:42), the purpose of exploratory research is to gain insight into a situation, phenomenon, community or person with the need for such a study arising out of a lack of basic information on a new area of interest. Grinnell (1993:136) explains that the exploratory design is at the lowest level of the continuum of knowledge that can be derived from research studies.

An exploratory design therefore explores a research question about which little is known as yet. The purpose is to uncover generalizations and develop hypotheses, which can be investigated and tested later with more precise and more complex designs and data-gathering techniques.

In this study the researcher will explore the effectiveness of the programme through the experiences of adolescents in the Bokamoso Life Centre diversion programme. In other words, the researcher will explore whether the programme is addressing the needs of the adolescents, and whether the programme is adding value to the lives of these young people.

1.9 RESEARCH PROCEDURE

According to Babbie (1992:110), it is often appropriate to provide a schedule or procedure for the various stages of research. This procedure will provide a framework for the way in which the researcher will conduct the research, and ensure that the several stages of research are accomplished.

The research procedure for this study could be outlined as follows:

- Firstly the researcher will explore, through a literature study, as well as consultation with experts, a theoretical foundation of adolescence as a developmental stage, and diversion programmes as a form of intervention.

- The researcher will then conduct an empirical investigation into the experiences of the adolescents who attended the diversion programme offered by Bokamoso Life Centre. A semi-structured face-to-face interview with a schedule will be used. According to De Vos (1998:299), the schedule is a guideline for the interview and contains themes that need to be explored during the interview. The questions on the schedule do not have to be asked in a particular sequence but they ensure that all the relevant topics are covered. Interviews will be conducted at Bokamoso Life Centre on a one-to-one basis with the respondents.

The following themes have been explored:

1. Family background of the respondents

2. The experiences of the respondents regarding the quality of their
    family lives

3. Emotional support of the respondents

4. Educational background of the respondents

5. Criminal offences of the respondents

6. The respondents' perceptions regarding their criminal offences

7. The respondents' experiences regarding the Bokamoso Life Centre

    programme

8. The respondents recommendations regarding the Bokamoso Life Centre

    programme.

Data will be analysed by means of univariate analysis. According to De Vos (1998:204), univariate analysis means that one variable is analysed mainly with the view to describe that variable.

Some conclusions and recommendations will be drawn based on the outcomes of the empirical study.

1.10. THE PILOT STUDY

According to Bless & Higson-Smith (1995: 50), one of the uses of a pilot study is to allow the researcher to investigate the accuracy and appropriateness of any instrument that has been developed, in order for planning to be revised. Nieuman (1997:141) supports this view by stating that the aim of a pilot study is in fact to improve reliability. The researcher is of the opinion that the pilot study is an important part of the research process as it gives the researcher an indication of whether the study would be feasible or not. The pilot study is therefore the process through which the feasibility of the study is put to the test.

In this study, four aspects are relevant and will be discussed as follows:

1.10.1 LITERATURE STUDY

According to Strydom (1998:179), a researcher will only be able to conduct a meaningful study once he/she is completely up to date with existing knowledge about the research topic. In order to acquire applicable knowledge, the researcher will make use of existing literature on the following:

- Adolescence as a developmental stage with reference to the developmental tasks and factors that may contribute to juvenile delinquency
- Diversion programmes as a form of intervention.

In this study the researcher will make use of local and international literature. The Internet will also be very useful in the search for the most recent articles on this specific research topic. The search for relevant information will be conducted at the Academic Information Service of the University of Pretoria. Information will also be structured to include magazines, books and electronic magazines.

1.10.2 CONSULTATION WITH EXPERTS

As part of the pilot study it would be essential for the researcher to approach certain specialists currently working in the field related to the topic under research. The researcher will conduct interviews with the following experts in the field:

- Advocate Molly Malete who runs workshops and seminars to service providers of youth programmes around children's rights and diversion programmes. Advocate Malete can provide information from a legal perspective that will enrich this study.

- Ms Dudu Setlatjile from the Restorative Justice Centre in Pretoria. Ms Setlatjile has been involved in diversion work since 1995. During her involvement in diversion work, she gained specific knowledge and skills that will contribute to the success of this study. At present she is promoting Restorative Justice in rural areas.

- Ms Renei Botha from Youth Development Outreach in Eersterust. This programme is recognised as the most vibrant diversion programme in the area and 95% of their referrals are from the courts. Ms Botha can share her experience from working in the programme.

- Ms Maureen Masoka, Probation Officer at Garankuwa Magistrates Court. Ms Masoka is responsible for the assessment of youth in conflict with the law and referrals to diversion programmes. She can also share some of her experiences of working in the field with adolescents in conflict with the law.

Information from the interviews and the literature study will be used as background information and will be referred to whenever it becomes applicable to fulfilling the purpose of the study.

1.10.3 FEASIBILITY OF THE STUDY

Before research studies can be done, the means and resources for doing so must be available. The researcher investigated the feasibility of the study. The study will be conducted at Bokamoso Life Centre in Winterveldt during office hours. Permission to do so has been obtained from the Executive Committee, as Bokamoso Life Centre will directly benefit from the outcome of this study. The only direct expenses for this study would be photocopying of the interview schedules, stationery and the printing and binding of the research report. The Executive Committee confirmed that Bokamoso Life Centre would carry the costs for photocopying, stationery and the printing of the report. The researcher will take responsibility for the binding of the report.

1.10.4 TESTING OF MEASURING INSTRUMENT

According to Strydom (1998:182), it is important that the researcher conducts an intense study in the pre-investigation phase. Strydom (1998:182) states that the researcher *"*should expose a few cases to exactly the same procedures as planned for the main investigation in order to modify the measuring instrument*."*

The researcher will divide the study into two components. The first component will be to test the semi-structured interview schedule with two (2) adolescent boys who will not form part of the main study. The adolescents will be identified through

systematic sampling. The researcher will rectify the schedule where necessary to be used in the second component, namely the main study.

1.11 DESCRIPTION OF THE UNIVERSE, RESEARCH POPULATION, DELINEATION OF SAMPLE AND SAMPLING METHOD

1.11.1 UNIVERSE

According to De Vos (1998:190), the term *universe* refers to all the potential subjects who possess the attributes in which the researcher is interested. The universe in this study would be all the adolescent boys in Winterveldt who could be included in the study. However, the population will set the boundaries.

1.11.2 POPULATION

According to Bless & Higson-Smith (1995:480), a *population* can be described as "a collection of objects, individuals having some common characteristics that the researcher is interested in studying." De Vos (1998:120) supports this statement by saying *the population* refers to individuals in the universe who possess specific characteristics. The population in this study would therefore be all the adolescent boys who attended the Bokamoso Life Centre programme.

1.11.3 SAMPLING

A sample is the element of the population considered for actual inclusion in the study (De Vos, 1998:191). In other words, all the adolescent boys who attended the Bokamoso Life Centre programme at that point in time, would be the population but not all of them will be included in the study. Only ten (10) of the twenty (20) boys who attended the programme will eventually be included for the purpose of this study.

1.11.4 SAMPLING METHOD

In this study the researcher will make use of systematic sampling. According to De Vos (1998:197), only the first respondent in systematic sampling is selected randomly. Thereafter all subsequent cases are selected according to a particular interval. In this case, the researcher will obtain an alphabetical name list of all the adolescents in the Bokamoso Life Centre programme. The first name will be selected randomly. Thereafter, every third (3rd) name will be selected for inclusion in the study until the researcher reach the required sample size of ten (10) respondents.

1.12. ETHICAL CONSIDERATIONS

According to Strydom (1998:24), a researcher ought to pay attention to certain aspects in order to ensure that the study is ethical. The following ethical concerns will be addressed in this study:

1.12.1 POTENTIAL HARM TO RESPONDENTS

There are no medical risks or physical discomfort associated with the study. However, the study might evoke unresolved emotions that will be dealt with under restoration of respondents. (See **Restoration of Respondents**) The researcher will also ensure that respondents are granted as many breaks as they feel they require during the interview.

1.12.2 INFORMED CONSENT

In this study the researcher will give adequate information to the respondents, their parents, the Youth Care Workers and Social Worker regarding the goal of the investigation, the procedures that will be followed and possible advantages and disadvantages of the study. The researcher will obtain written consent from the parents of the respondents for their inclusion in the study since the respondents are legally not competent to give consent.

1.12.3 DECEPTION OF RESPONDENTS

Respondents will be prepared to ensure that they are aware of the real goal of the study, as well as experiences they could expect as a result of their inclusion in the study.

1.12.4 VIOLATION OF PRIVACY

Under no circumstances will the researcher make use of concealed media such as video cameras, one-way mirrors or microphones without the knowledge and consent of the respondents. The researcher is a registered social worker and adheres to the code of ethics laid down by the Council for Social Service Professions. She will therefore ensure that all information is treated with confidentiality. Records will only be used for the purpose of this study by the researcher. Once the research has been completed, all records will be destroyed.

1.12.5 RELEASE OF FINDINGS

Respondents will be informed of the findings of the research if they express an interest in the findings.

1.12.6 RESTORATION OF RESPONDENTS

The researcher will not focus on trauma debriefing during the research interviews. After the interviews, the social worker employed in the programme will have debriefing sessions with the youth. During these sessions she will be able to detect possible emotional harm caused as a result of the adolescents' inclusion in the study. She will then help the respondents work through traumatic experiences where necessary.

1.13. DEFINITION OF MAIN CONCEPTS

Rubin and Babbie (1993:120) state that many terms communicate vague, unspecified meanings. In research, however, research must specify exactly what is meant by the terminology used to describe the elements of the study. In this study the following concepts are very central to the study and should therefore be clearly defined:

1.13.1 *AN EXPERIENCE*

According to Tullock (1993:519), *an experience* could be described as the apprehension of an object, thought or emotion through the senses or mind. Furthermore, it is an active participation in events or activities leading to accumulation of knowledge or skill.

Random House Webster's Unabridged Dictionary (1997:681) defines *experience* as a particular instance of personally encountering something.

Based on the above-mentioned definitions, the researcher wants to conclude by saying *an experience* is an event in which a person is personally involved. Such an event will therefore become part of the past of the individual. The event could have been either positive or negative.

1.13.2 *ADOLESCENCE*

According to Louw (1995:393) the word *adolescence* is derived from a Latin verb *adolescere* and literally means "to grow up". Louw (1995:393) also describes adolescence as the period between childhood and adulthood.

Cummings (1995:5) defines *adolescence* as a brief period of transformation between childhood and adulthood that is marked by a formal rite of passage and that ends with full inclusion into the adult society.

Newton (1995:23) is of the opinion that *adolescence* denotes the period and process of development from childhood to adulthood and it involves multiple dimensions.

When looking at the above-mentioned definitions of *adolescence,* the researcher comes to the conclusion that adolescence is commonly viewed as a transition period

of preparation between childhood and adulthood. During adolescence the young person reaches physical maturity, develops a more sophisticated understanding of roles and relationships, acquires and refines skills needed for successfully performing adult work and family roles.

1.13.3 *JUVENILE DELINQUENCY*

Brown, Esbensen & Geis (1991:33) define *juvenile delinquency* as young people whose conduct fails to conform to norms professed by institutions such as the family and the school.

Carson & Butcher (1992:545) define *delinquent behaviour* as behaviour contrary to the needs and rights of others and in violation of society's laws. The authors add that *delinquent behaviour* refers to illegal acts committed by individuals under the age of 18.

1.13.4 *DIVERSION*

Diversion has different meanings for different people. The following definitions have been promulgated for *diversion*:

- Random House Webster's Unabridged Dictionary (1997:574) defines *diversion* as "the act of diverting or turning aside".

- Glanz (1994: 89) defines *diversion* as any process employed by components of the juvenile justice system to turn suspects away from the formal system or to a lower level of the system.

- According to Elrod & Ryder (1999:159), although there is a lack of agreement on how to define *diversion*, the intent of diversion is to respond to delinquent youth in ways that keeps juvenile offenders out of the formal juvenile justice process.

Looking at the above-mentioned, the researcher wants to conclude that diversion sets the formal system free to deal with the increasing volume of juvenile offenders. Therefore a first-time offender who comes to the attention of police or the court might be diverted to a private counselling agency or other community resources rather than receive a formal petition to appear before the juvenile court.

1.13.5 *BOKAMOSO LIFE CENTRE*

Bokamoso Life Centre provides a diversion programme and is operating in Winterveldt, which is situated 53 kilometres north of Pretoria. Bokamoso Life Centre was initiated in January 1999 in response of the high crime rate in Winterveldt perpetrated by young people between the ages of (fourteen) 14 and twenty-one (21) years. The Centre offers Basic Life Skills to young people who are in conflict with the law.

1.14 DIVISION OF THE RESEARCH REPORT

Chapter 1:   General orientation

Chapter 2:   Adolescence as a developmental stage with reference to the developmental tasks and factors that may contribute to juvenile delinquency.

Chapter 3:   Juvenile diversion

Chapter 4:   Empirical investigation

Chapter 5:   Conclusions and recommendations

CHAPTER 2

ADOLESCENCE AS A DEVELOPMENTAL STAGE WITH SPECIFIC REFERENCE TO THE DEVELOPMENTAL TASKS AND FACTORS THAT MAY CONTRIBUTE TO JUVENILE DELINQUENCY

2.1 INTRODUCTION

The adolescent years have traditionally been regarded as a period of crisis and stress. However, Jackson & Rodriguez-Tome (1993:145) present a view of adolescence as a period of transition which demands new forms of adjustment, a period during which the individual is confronted with new challenges and unfamiliar tasks. According to Geldard & Geldard (1999:15), the primary goal of adolescence is to make the transition from childhood to adulthood. Generally, in Western society, movement through adolescence from childhood to adulthood involves more than a linear progression of change. Mabey & Sorensen (1995:234) are of the opinion that it is a multi-dimensional phase and it involves gradual transformation of a person from a child into a new person as an adult.

As children grow through adolescence, many parents become worried and at times distressed by the behaviour of their adolescents, while such behaviour is expected according to the developmental phase they find themselves in.

Rutter (1995:55) believes that most adolescents are not particularly difficult or troublesome. The problem is how society responds to the adolescent phase. Rutter (1995:55) argues that society's response may create negative feelings and catapult the adolescent into anti-social behaviour. It is therefore important that everyone who is involved with adolescents understand the nature of adolescence and the inherent developmental tasks.

In this chapter the researcher will discuss the developmental tasks that adolescents need to master. The researcher will also look at factors that may contribute to juvenile delinquency.

2.2. DEVELOPMENTAL TASKS

Many years ago, Professor Robert Havighurst of the University of Chicago proposed that stages in human development can best be thought of in terms of the developmental tasks that people need to master in order to move on to the next developmental phase (Gary, 2003:1).

Jackson & Rodriguez-Tome (1993:145) define developmental tasks as problems that arise at certain periods in an individual's life. They hypothesised that successful achievement of these tasks leads to happiness and greater probability of success with future tasks. Failure leads to unhappiness, societal disapproval and difficulty with later developmental

tasks.   The importance of successful mastering of these tasks during adolescence should therefore not be underestimated.

The researcher will give an overview of adolescent development in terms of the following:

- biological development

- cognitive development

- psychological development.

2.2.1 BIOLOGICAL DEVELOPMENT

Adolescence begins with the well-defined maturation event called "puberty". According to Geldard & Geldard (1999:3), the term *puberty* refers to the biological events, namely, the first menstruation in girls and the first ejaculation in boys.

Huebner (2000:1) describes it as follows: "The young person experiences the emergence and accentuation of those physical traits that make him/her a boy or a girl". These biological changes result in physiological, sexual and emotional changes.

During adolescence major physiological changes take place. The young person grows in height, weight and strength, develops sexually and changes

in appearance. Girls develop breasts, boys' voices break, body hair grows and changes occur in sexual organs (Louw, 1992:401). These changes occur over a period of time. They happen at different ages and at different rates for different ages. Consequently, there may be issues for the adolescent who may feel embarrassed, self-conscious, awkward and out of step with peers who are developing at a different rate.   It is therefore not surprising that many adolescents become very anxious about their appearance.

Significant and important increases in the production of sexual hormones also occur during adolescence. These result not only in changes to the body as described above, but also trigger an increase in sexual arousal, desire and urge in both males and females (Louw, 1992:401). These changes are likely to cause discomfort for the adolescent. During this time many adolescents will become involved in sexual experimentation. Others manage the sexual feelings of early adolescence through fantasy and masturbation (Louw, 1992:402).

Geldard & Geldard (1999:4) are of the opinion that the rise in sexual hormones may influence the young person's emotional state. It would, however, be a mistake to assume that hormones act in isolation and that they alone are the cause of mood changes. According to Hawley (1996:3), hormones act in conjunction with other major changes, which impact on the

young person, such as changes in social relationships, changes in beliefs
and attitudes, as well as changes in self-perception.

Biological changes clearly present the adolescent with major challenges.
The adolescent has to cope with body changes, which may be disturbing and
worrying. It is therefore very important that the adolescent is well prepared
for these physiological changes in order to reduce anxiety and uncertainty.

2.2.2 COGNITIVE DEVELOPMENT

While biological changes are occurring in the adolescent, cognitive changes
are also taking place. Adolescents move from the limitations of concrete
thinking to being able to deal cognitively with ideas, concepts and abstract
theories. The adolescent is able to become interested in abstract concepts
and notions and is therefore able to discern what is real from what is ideal
(Louw, 1992:418). Along with the sense of uniqueness comes the ability to
think critically about other people and interpersonal issues. Adolescents
learn from their own perspectives how to understand other people. This
enables them to make decisions about how to interact with others. In
addition, they progressively develop the ability to make better use of memory
strategies and are able to detect contradictions. Adolescents also develop
the ability to think logically and to use their capacity for logical thinking to
make judgements and decisions for themselves (Geldard & Geldard, 1999:7).

2.2.3 PSYCHOLOGICAL DEVELOPMENT

The biological and cognitive changes discussed above not only present challenges directly, but also have a significant impact on psychological functioning. In addition, there are major psychological challenges for the young person with regard to a central feature of adolescence, which involves the formation of a new identity. Failure to achieve a satisfying personal identity is almost certain to have negative psychological implications. As personal identity develops over time, maturation occurs and the adolescent moves towards adulthood (Geldard & Geldard, 1999:7). Adams & Marshall (1996: 430) believe that the search for identity is a continuing process and is not just restricted to adolescence.

The researcher gave an overview of the biological, cognitive and psychological challenges which adolescents need to overcome. These developmental challenges may be daunting and overwhelming for some. However, many adolescents are ready and keen to accomplish the tasks confronting them.   In favourable circumstances and with the support of loving parents, understanding teachers and with the support from the wider community, the transition through adolescence can be managed with relative ease. This can lead to well-adjusted mature adults. Unfortunately, in reality, many young people will not experience a smooth untroubled journey through adolescence.

As mentioned earlier, adolescence can be regarded as a time of change in which the young person is faced with new experiences. The environments in which adolescents find themselves will confront them with unexpected situations and events, which they never experienced before.   Dealing with the unexpected can raise the anxiety levels of the adolescent and cause stress in the young person's life. However, there are many ways in which adolescents respond to stress. Some adolescents are particularly resilient and have high-level coping strategies, whereas others have difficulty in mastering the developmental tasks of this phase. Those who experience difficulty in mastering the developmental tasks of this phase tend to display behavioural problems and even get into trouble with the law (Louw,1995:364).

Criminal activity on the part of children and adolescents is a serious social problem. Adolescents are regarded as vulnerable because they are so susceptible to negative influences. The risk factors that may contribute to juvenile delinquency are comprehensive and the identification of such factors is very important because it provides guidelines for its prevention and control. The researcher will therefore look into factors that may contribute to juvenile delinquency.

However, before one can look into the factors that may contribute to juvenile delinquency, it is important to define what is meant by the term *juvenile delinquency*.

2.3 DEFINITION OF *JUVENILE DELINQUENCY*

Brown, Esbensen & Geis (1991:33) define *juvenile delinquency* as young people whose conduct fails to conform to norms professed by institutions such as the family and the school.

Carson & Butcher (1992:545) define *delinquent behaviour* as behaviour contrary to the needs and rights of others and in violation of society's laws. The authors add that *delinquent behaviour* refers to illegal acts committed by individuals under the age of 18.

Those who give a social definition of *juvenile delinquency* define it as behaviour that violates the norms and values set by authority.

The above-mentioned definitions give a clear indication of what juvenile delinquency is. With these definitions in mind, the researcher will now look at factors that may contribute to juvenile delinquency.

2.4 FACTORS THAT MAY CONTRIBUTE TO JUVENILE DELINQUENCY

Factors that may contribute to juvenile delinquency will be discussed as follows:

- Factors within the community

- Factors within the family

- Factors within the school

- Peer groups.

Most sociologists are of the opinion that delinquency is a property of society. They believe the sources of delinquency are embedded in the social process and that society exerts pressure on some individuals to become delinquent.

The researcher will now pay attention to factors within the community that may contribute to juvenile delinquency.

2.4.1 FACTORS WITHIN THE COMMUNITY

2.4.1.1 URBANISATION

Urbanisation in South Africa has escalated over a very short period of time since the abolition of influx control in 1986. It is internationally accepted that urbanisation of the youth and the accompanying social processes are extremely conducive to crime (Bezuidenhout & Joubert, 2003:55). The role of rapid urbanisation and urban unemployment should therefore not be underestimated. Pelser & De Kock (2000:86) are of the opinion that although the majority of young people are unemployed in overcrowded rural situations, they can rely on the extended family to meet their basic needs for food, clothing and shelter. Rural life is also simpler, with no extravagant aspirations. In urban areas, although the peer group may at first assist in meeting basic needs, new lifestyles for which they do not have money, may motivate young people to become involved in criminal activities (Pelser & De Kock, 2000:86).

Apart from the criminological significance of urban areas, uncontrolled urbanisation places an unmanageable strain on available resources and creates conditions even more conducive to crime. It frequently leads to a breakdown of traditional norms, values and family ties. High rates of urbanisation, coupled with the inability of the State to provide the necessary infrastructure, such as houses, schools, hospitals and after-school care

facilities, can lead to increased crime at all levels (Bezuidenhout & Joubert, 2003:55). Experts agree that a National Plan of Action is needed to assist families and children in need. However, this will take a long time. In the meantime, people in need and unemployed young people might turn to crime in order to survive.

2.4.1.2 NORMLESSNESS

Social transformation means that an old system has been abolished and this results in a situation where norms, values and social control are forgotten or pushed to the background (Bezuidenhout & Joubert, 2003:57). The biggest disadvantage of social transformation is the change from an authoritarian community to a democracy and that the old system is rejected before new norms, values and norms are implemented. This leads to a situation of anomie or normlessness. According to Bartollas (1993:139), delinquent behaviour becomes an alternative mode of socialisation through which young people who are part of normless communities are attracted to deviant lifestyles. These delinquent values and traditions replace the traditional ones.

2.4.1.3 OPPORTUNITY

In his theory of anomie as described by Bartollas (1993:153), Merton says that the separation between success goals and legitimate opportunities to reach those goals forces individuals to use illegitimate opportunities. When looking at Cloward & Ohlin's opportunity theory as described by Bartollas (1993:153), illegitimate opportunities is not easily and equally open to all. It is not easy to become a successful thief. The aspiring thief has to learn the art of theft and develop associations with the criminal world. The underworld of career criminals does not open its opportunities to everyone without testing them. According to Cloward & Ohlin's opportunity theory, legitimate and illegitimate opportunities are interwoven with each other. The community provides the opportunity, the means, the setting and the milieu for the criminal to commit a crime. Different communities offer different opportunities to commit a particular criminal act. Bartollas (1993:142) is of the opinion that drug addiction and participation in subcultures organised around the consumption of drugs presuppose that people can secure access to drugs and that they possess the knowledge of how to use it.

2.4.1.4 DELINQUENT SUB-CULTURES: STATUS SEEKING

According to Bartollas (1993:151), the children of the working class find themselves stifled in a world dominated by middle-class standards. Firstly, the teacher is hired to foster the development of middle-class personalities.

Secondly, the teacher is likely to be a middle-class person, valuing ambition and achievement and quickly recognizing and rewarding these virtues in others. Lastly, the education system favours "quiet, cooperative, well-behaved pupils" who make the teacher's job easier. Judged by the above-mentioned standard, which is alien to children from a working class background, they feel defeated and degraded in status. Hemmed in by the status problem, children from the working class try to find something to compensate for the lack of status and form delinquent sub-cultures as a result. The delinquent sub-culture takes its norms from the larger culture but turns them upside down. They negate the norms of the middle-class to such an extent that they would not like to do anything that the middle-class does. According to Bartollas (1993:151), the middle-class places a great premium on ambition, individual responsibility, resourcefulness, cultivation of skills, postponement of individual satisfaction in the interest of long-term goals, control of physical aggression and violence, as well as respect for property. Delinquent sub-cultures flout and oppose these norms. By the mechanism of reaction formation, their activities may run counter to these norms.

The family is the most critical unit in our society. Nearly every person is raised for some period of time within the family. The earliest and most important stages of socialization therefore occur within the family. The family is largely responsible for instilling social values and beliefs about right and wrong. However, as the Chinese proverb states, no family is perfect. The problems of some families may be minor while other families may experience

greater problems and the impact on family members may be significant. One common problem related to families is juvenile delinquency (Regoli & Hewitt, 1997:266).

The researcher will now discuss factors within the family that may contribute to juvenile delinquency.

2.4.2   FACTORS WITHIN THE FAMILY

2.4.2.1 LOW SOCIO-ECONOMIC STATUS

The family has traditionally been the primary provider of the material wellbeing of its members. The family used to clothe, feed and provide shelter. However, nowadays many families are unable to meet the basic needs of their members for various reasons. According to Bezuidenhout & Joubert (2003:54), economic strain and relative deprivation are universally accepted as factors that contribute to crime. However, it is not poverty per se that contributes to crime, but how people experience their financial situation within their social environment. Bezuidenhout & Joubert are of the opinion that the majority of poor people do not commit crime, but those who feel deprived will often resort to crime. As a result of the family's low socio-economic status, children may develop a negative self-concept and feelings of inferiority, shame and guilt. According to Bezuidenhout & Joubert (2003:59), it is commonly accepted that a child will be involved in criminal

activities if he/she comes from a poverty-stricken family in which the parents are unable to provide in their basic needs.

Bezuidenhout & Joubert (2003:59) are also of the opinion that overcrowded living arrangements due to economic deprivation could lead to a lack of privacy, irritation with one another, and children who may tend to wander the streets and even desert their homes. They may land in bad company as a result of living on the street and may also begin to use alcohol or other substances. Crime is usually the inevitable outcome.

2.4.2.2 INCOMPLETE FAMILIES

According to Andersson & Stavrou (2001:69), an incomplete family refers to the absence of the father or mother. Considering the large, mostly male, prison population in South Africa, a great number of children have imprisoned fathers and this leaves the families incomplete. In some households, mothers are absent as a result of work responsibilities. The researcher will now have a look at how incomplete families can contribute to juvenile delinquency.

- **WORKING MOTHERS AND LATCHKEY CHILDREN**

As mentioned earlier, in some households mothers are absent as a result of work responsibilities. Due to the fact that mothers have to work, they have less time to spend with their children. Some mothers are employed far distances from home and therefore spend many hours commuting. They leave home early in the morning and return late in the afternoon or evening. Others stay in town during the week, near the workplace, away from their families. They often visit their families only on weekends, and in some instances, only once a month. In these households, guardians, such as grandparents or older siblings, have to take care of the younger children. Regoli & Hewitt (1997:276) refer to children in such situations as "latchkey children". They define *latchkey children* as children who regularly care for themselves without adult supervision after school or on weekends. These children may lack parental love and supervision and tend to exhibit behavioural problems from an early age.

- **LACK OF PARENTAL SUPERVISION**

According to Andersson & Stavrou (2001:71), lack of parental supervision correlates with criminal activity. Regoli & Hewitt (1997:283) also note the need for effective parental supervision, such as establishing a set of "house rules" that needs to be communicated to children clearly. According to Regoli & Hewitt (1997:28), house rules should cover whom the child

associates with, places considered off-limits, curfews, and when the child should be home from school. The parents must also be aware of the child's performance in school as well as school attendance, the possibility of drug and alcohol use and the activities the child is involved in with friends. Unfortunately, this is not the case in reality. In reality, single parents are often forced to choose between perhaps their two highest priorities: working (in many cases for financial survival) and adequate childcare. As a matter of fact, they must devote a great deal of effort to support and maintain activities that are at least to some extent shared in the two-parent family. Furthermore, the single parent must do so in the absence of psychological or social support. As a result, the single parent is less able to devote time to monitor and punish and is more likely to be involved in negative, abusive contact with the children (Regoli & Hewitt, 1997:283). Poor parental supervision and family availability will therefore affect adolescent's behaviour, as they will choose to associate with peers who may be more supportive.

- **STEPPARENTING**

Often, the presence of a stepparent may result in relationship problems with adolescents. Adolescents may consider the stepparent as an outsider and disobey their rules and authority. They may also run away from home to live on the street or become involved in criminal activities (Bezuidenhout & Joubert, 2003:59). The researcher is of the opinion that the above-mentioned is not always true. In some instances where stepparents have

good relationships with adolescents, it can have a positive influence on the adolescent and his/her journey through life.

- **HIV AND AIDS**

Another worrying factor in South Africa that contributes to incomplete families, is the death of parents due to HIV and AIDS, leaving many young children orphaned. Many of these children stay on in their parents' homes. Older brothers and sisters have to seek employment in order to support younger siblings. In most instances, these older brothers and sisters do not have the necessary skills and qualifications to enter the labour market. They then resort to crime in order to survive in difficult circumstances. Although many non-governmental organisations are involved in the upliftment and financial support of these families, many still do not receive any financial assistance (Bezuidenhout & Joubert, 2003:60).

- **DIVORCE OR MARITAL SEPARATION**

Divorce or marital separation also leaves families incomplete. The lives and relationships of children and adolescents in divorcing families are profoundly affected socially, economically, psychologically and even legally. Children and adolescents must adjust to separation from one parent and formation of a new and different relationship with the other. A change in the family's

economic status, possibly a change in the home and school environment, different parenting styles, custody battles and sometimes a totally different lifestyle, can create feelings that may be positive or negative. Often mothers, who were totally involved in the care of children and home, have to go to work. Many are unskilled and accept low-paying positions. Children may be torn by conflicting loyalties or learn to manipulate the parents to get their own way. Children of divorced parents may be asked to assume the role of the absent parent and to fulfil physical or emotional responsibilities beyond their maturity level (Thompson & Rudolph, 2000: 441).

Regoli & Hewitt (1997:273) are of the opinion that divorce may also produce "family wars" in which relatives and friends take sides and attempt to "win" by attacking the former spouse, resulting in the children being caught in the middle. The authors go further by saying that after divorce, many mothers are unable to say "no" to demanding children or they accept unwelcome rules for fear of being rejected by their children in favour of the other parent.

According to Carson & Butcher (1992:548), the effects of incomplete families may vary. Homes may become incomplete at different times under different circumstances. Therefore, these disruptions will have different influences depending on the individual involved and his/her total life situation.

2.4.2.3   PARENTING SKILLS

A standard assumption is that married adults automatically know how to be good parents. Yet parents of chronic delinquents not only do not know how to parent effectively, but in many cases do not care. Many have almost no affection for their children. Often parents become angry and short-tempered with a child who consistently gets into trouble. These parents choose to exercise less parental authority and may even abdicate parental responsibilities altogether. Over time parent-child conflicts may escalate and the relationship between parent and child may become more distant and alienated (Regoli & Hewitt, 1997:280).

Regoli & Hewitt (1997:281) have identified two divergent disciplinary styles that characterise families with delinquent children, namely, enmeshed and lax. Parents who practise the enmeshed style are overly inclusive in what they define as problematic behaviour. Even trivial misbehaviour by the child results in sharp parental reactions ranging from simple cajoling to verbal threats. However, enmeshed parents fail to consistently and effectively back up these verbal reprimands with non-violent, non-physical punishment and inadvertently provide more positive consequences for deviant behaviour. At the other extreme, parents who engage in the lax style tend to be very under-inclusive in what they define as antisocial behaviour.

2.4.2.4   PARENTAL ATTACHMENT

According to Geldard & Geldard (1999:17), the word *attachment* is described in the field of developmental psychology as the tendency of a child to repeatedly seek closeness with a specific person, usually the mother, in order to reduce internal tension. They believe that attachment is an enduring affectionate bond, which has a vital biological function indispensable for survival. According to O'Koon (1997:471), the relationship between a child and the attachment figure provides a secure base from which the child can explore and master the world. Regoli & Hewitt (1997:285) are of the opinion that parents influence the behaviour of their children through emotional attachment. Children who are emotionally attached to their parents will generally respect their wishes and stay out of trouble. Regoli & Hewitt (1997:285) are further of the opinion that children least likely to turn to delinquency are those who feel loved, identify with their parents and respect their parents' wishes. On the other hand, delinquents are most likely to come from home environments characterised by cruelty, neglect, erratic discipline and conflict.

Regoli & Hewitt (1997:286) conclude by saying parental love may reduce delinquency because it is something children do not want to lose. They suggest that attachment to a positive role model is important because it functions as a "psychological anchor" to conformity.

2.4.3 FACTORS WITHIN THE SCHOOL

According to Regoli & Hewitt (1997:296), the role of the school is to stimulate children's imaginations and give them the necessary tools to enhance their life chances. While some schools are blessed with an abundance of resources, dedicated teachers and seemingly endless educational enrichment opportunities, many other schools are racially and culturally segregated with few resources or opportunities for their students. Inequalities in education carry its own unfortunate consequences for children. The researcher will now have a look at some of these inequalities and how it can contribute to juvenile delinquency.

2.4.3.1 CONDITIONS IN THE SCHOOL

Bezuidenhout & Joubert (2003:60) are of the opinion that a lack of discipline in some of the schools is a common problem that has not changed since the arrival of the new democracy in South Africa. In fact, violence appears to be escalating in schools, aggravating the existing lack of discipline and impacting extremely negatively on learners. These conditions influence the learning environment negatively and result in huge financial losses. Both the Department of Education and the parents suffer financially when schools have to repair damage caused by acts of vandalism. Some schools have to deal with damage caused by vandalism on a daily basis, but weekends are regarded as the worst. People who vandalise have been known to damage

windows, furniture, and electric appliances, steal doors, etc.   According to Lund (2000:5), vandalism can also be a symptom of an underlying problem, such as poverty, where children steal classroom doors to sell in order to buy food.

Another factor that contributes to violent conditions in school is weapons. According to Regoli & Hewitt (1997: 302), teachers believe that schools are dangerous places. Increasing numbers of teachers are attacked, punched and knifed by learners. Learners take weapons to school because they think they need to protect themselves, or because they believe their friends will think they are "cool", or because they intend to commit crime. The kinds of weapons learners take to school are guns, knives, screwdrivers, forks, razors and blades.

2.4.3.2 DISCREPANCY BETWEEN PRIVATE AND PUBLIC SCHOOLS

Against the background of the conditions in schools, one can make a clear distinction between private and public schools in South Africa. Private schools have better facilities, sufficient number of books, highly qualified teachers and parents who are in a position to pay school fees. In public schools there is often a lack of upgraded facilities, as well as a shortage of books and qualified teachers. Due to unemployment and poverty, not all parents can afford to pay school fees. Maree (2000:4) expresses concern about the state of schools in previously disadvantaged areas in South Africa.

Maree (2000:4) points out that some of these public schools in informal settlements do not have basic facilities, such as running water, toilets, or tables and chairs for the pupils to use in a classroom environment. Some schools do not have fencing while others have inadequate fencing. In comparison, most private schools have electric fencing, are guarded by private security companies at the gates and are equipped with alarm systems and closed-circuit television cameras. Most of these private schools have well-equipped science laboratories, computer centres, music centres, dance studios and sport facilities.

Bezuidenhout & Joubert (2003:63) are of the opinion that this remarkable contrast might create a sense of relative deprivation among learners in public schools with the possibility of them committing crimes aimed at their own facilities. It may also affect the learner's self-esteem negatively, leaving them with a feeling of uselessness.

2.4.3.3 THE LEARNER

When children experience failure at school they become frustrated and unhappy. The fact that they are unhappy may result in poor attendance, expulsion or dropping out of school. According to Regoli & Hewitt (1997:300), learners can be expelled from school for a specific period due to the violation of a rule that is necessary for the school's operation, or the learner might have a particular health condition that can be transmitted

through normal school contact, or the learner poses a threat to the health or safety of the school community. Often the conditions that lead to a health-related suspension are beyond the student's control. Chaiken (2000:9) is of the opinion that when learners are expelled or suspended from school, they are released into the community without supervision because many parents are employed. Bezuidenhout & Joubert (2003: 64) believe that without supervision and structured activities, the opportunity exists for many of these learners to become involved in criminal activities. It is therefore important that the school should explore and implement ways to offer safe and meaningful activities during school hours, rather than expel or suspend learners. School attendance alone can also reduce the time available for participating in the crime industry.

2.4.3.4 THE EDUCATOR OR TEACHER

According to Bezuidenhout & Joubert (2003:64), educators in disorderly schools are often discouraged by the circumstances in which they have to work. Some teachers may stop putting in the considerable effort required to educate children. Others quit teaching or opt for teaching in private schools. Some take early retirement, while others continue but take as many days' leave as they are entitled to and waste teaching hours attending union meetings, protests or other activities. Maree (2000:2) is further of the opinion that absenteeism of educators is both a symptom of disorder in the school

and a cause of further disorder because it has a negative effect on the education of learners and sets an example of irresponsibility.

Educators in South Africa share a worldwide struggle to control learners' misbehaviour during school hours. Maree (2000:2) gives the following reasons for this situation:

- The educator-learner ratio is increasing because of the reduction of staff, resulting in classes with as many as 35-45 learners.
- Teachers complain about the banning of corporal punishment. Their complaints are not necessarily based on their support of the practice, but on the lack of an effective alternative.
- The adoption of outcomes–based education, with the emphasis on learners' competencies and assessment criteria, created a need for educators to undergo further training during school hours or on Saturdays.
- The learners' lack of interest in schoolwork and their disrespect for educators also contribute to the drop in educator morale, which in turn decreases educators' motivation to attempt to control learners' misbehaviour.

These factors may affect educators' self-confidence negatively and create uncertainty and absenteeism, which can be exploited by the learners.

How learners are handled at school may also be a risk factor.   Some educators may label a child or dramatise a situation because of the child's non-compliance to school rules, without trying to understand and be compassionate.

The formation of relationships with peers is an important part of adolescent development. However, peer groups can also have a negative influence on the adolescent and cause him/her to end up in trouble with the law. The researcher will now look at how peer groups can contribute to juvenile delinquency.

2.4.4 PEER GROUPS

Adolescent peer groups, or groups of youth of similar ages and interests, have been a topic of considerable interest and concern. At school young people are grouped together and interact primarily with people their own age. Except for classroom interaction, they are largely separated from adults. Consequently, they form their own youth sub-cultures with language, symbols and values distinctly unlike those of adults. Geldard & Geldard (1999:35) are of the opinion that adolescents are striving for individuation with some sense of separation from their families, while at the same time experiencing a need for acceptance. According to Connor (1994:209), this need for acceptance drives adolescents to join with peers. However, Regoli & Hewitt (1997:336) are of the opinion that the one important factor that leads

to the formation of peer groups is the growing division between young people and their parents.   This division includes differences in social activities, political interest, clothing style and music. Young people seem to be turning away from their parents and seek closer ties with their peers because parents want their children to develop the same norms and values they were raised with as children. Many adolescents find that the norms and values of their parents do not give them a sense of worth.   Therefore adolescents begin to question parental norms and values and peers take on an increasingly crucial role in the socialization process. As part of the process of wanting to be accepted and to feel worthwhile and more grown up, many youngsters turn to delinquent activities espoused by their peers. Geldard & Geldard (1999:34) are of the opinion that where the family atmosphere is supportive and does not press for achievement, adolescents tend to use their peer group as a source of emotional support, without a strong need to conform to group pressure.

2.5 CONCLUSION

In this chapter the researcher explored adolescence as a developmental stage with specific reference to developmental tasks and factors that may contribute to juvenile delinquency.   Being confronted with these developmental tasks is an essential part of the adolescent's journey towards adulthood. As an adult, the individual has to take responsibility for dealing with whatever situations and events being presented. Learning how to do

this is one of the adolescent's developmental tasks. The roads leading to juvenile delinquency are varied and complex and it may never be possible to identify all paths that lead to juvenile delinquency.

CHAPTER 3

JUVENILE DIVERSION

3.1 INTRODUCTION

Juvenile delinquency has a tremendous impact on families, as well as on the parent-child relationship, especially after the young person has been arrested.   Delinquency involves arrest and therefore awareness on the part of authorities that the minor has committed a crime. The question will always be: "Should these juvenile delinquents be detained in prison or released into the custody of their parents?" According to Niehaus (2000:4), politicians in decision-making positions once said that they should be kept in prison because the Department of Justice is not capable of dealing with them once they are released. One can understand why this was said because in May 1995 all children were released from prisons. However, the joy turned into despair when some of them re-offended.

When looking at the number of children and juveniles in prison, one might very well conclude that we should forget the ideal that children should not be detained in prison at all. Yet, that remains the ideal and society should be committed to achieving this ideal in the long term. However, in the short and medium term, one should rather ensure that young people who are detained are kept separate from criminals, especially adults. Furthermore, one should also endeavour that the large

number of those who did not commit serious offences do not get tangled up in the justice delivery system, but rather end up in diversion programmes in the community.

According to Mukwevho (2001:1), juvenile diversion is not a new concept in the legal system. Prosecutors have been implementing diversion over the years. However, there has never been a clear policy regarding the place of diversion in the criminal justice system.   As a result, diversion has been implemented selectively and disjointedly.

In this chapter, the researcher will pay attention to the following:

- The history of formal intervention with juveniles

- Transformation of the juvenile justice system

- Juvenile diversion

- Diversion programmes in South Africa

- The role of stakeholders in the diversion process.

3.2 THE HISTORY OF FORMAL INTERVENTION WITH

JUVENILES

In the American colonies, guardians, such as parents, had limitless power over their children.   Children were considered possessions with no legal right to protection. In Connecticut, for example, a 1642 law prohibited children from displaying "any stubborn or rebellious acts against their parents or governors". In Massachusetts in 1646, the death penalty could be passed for children over the age of sixteen (16) who beat their parents (McShane & Krause, 1993:259). However, not all authorities approved of such harsh penalties for youngsters.   Above-mentioned authors explained that laws were often not enforced against children because there were no separate penalties available.   Authorities did not want to subject children to adult punishments.   This failure to enforce laws was referred to as *nullification*.   The tendency to nullify laws in the case of children was a good sign that a separate system for children would be necessary to control their behaviour in an appropriate fashion.   Compulsory school attendance laws were first passed in 1852 in Massachusetts.   By the early nineteenth century the industrial revolution replaced people with machines.   Competition for jobs replaced children who had previously been employed in the factories.   Consequently, children lived at home and attended school for longer periods.   Houses of Refuge were designed to moderate the negative influences of a rapidly industrializing society and to safeguard children from the corruption of the urban setting.   In this controlled environment abandoned, neglected and delinquent children would be given a "proper" upbringing, separate

from the unhealthy atmosphere of adult institutions. The Houses of Refuge held a vast array of juveniles ranging from the petty criminal to the wilfully disobedient. Part of the philosophy of the Houses of Refuge of the 1800's included the belief that parents, friends and relatives should not visit the residents. In fact, the closer the relatives were to the children, the less likely they were to be permitted to visit. It was thought that with the proper discipline children would be reformed and that the effects of the improper and disordered backgrounds they were from could be compensated for (McShane & Krause, 1993: 259).

3.3 TRANSFORMATION OF THE JUVENILE JUSTICE SYSTEM

It was Charles Dickens who wrote about the terrible conditions in the Victorian prisons and said that one should recognise that people who end up in prison are not only physically scarred, but also psychologically, and that psychological scars are usually deeper and longer lasting that physical scars.   (Niehaus, 2000:4).

Since the early 1990's, when non-governmental organisations began to lobby for juvenile justice reform in South Africa, attention has in the main been focussed on the plight of children awaiting trial who are kept in custody pending the finalisation of their trials. In October 1992, Neville Snyman, a thirteen (13) year old boy from the rural town of Robertson in the Western Cape, was arrested on a charge of stealing sweets, cold drink and cigarettes from a local shop. Detained in the police cells that

night, he was brutally sodomised and strangled by his cellmates. Neville did not live to stand trial. This incident brought to the fore the matter of pre-trial release and prompt location of parents or guardians in order for children to be placed in their care (Sloth-Nielsen, 1998:5).

In 1994, when the Government of National Unity came into power, one of its first actions was to draft legislation to prevent the holding of children awaiting trial in prisons and police cells. The Correctional Services Amendment Act No. 17 of 1994 amended Section 29 of the Correctional Services Act includes that children under fourteen (14) awaiting trial, could not be held for longer than twenty-four (24) hours and those over fourteen (14) but under eighteen (18) and charged with serious offences, could only be held for forty-eight (48) hours. The aim of the legislation was to ensure that the majority of young offenders are released into the custody of their parents or guardians to await trial and, where this is not possible, they should rather be held in Places of Safety.

As children arrived in large numbers at the doors of Places of Safety, the existing crisis deepened significantly.   The staff was unable, and in some cases unwilling, to care for these children and concern was raised about the safety of other children already in Places of Safety for care and protection.   During May 1995, at the initiative of the then Deputy Minister for Welfare and Population Development, the South African Cabinet, with the full sanction of President Nelson Mandela, resolved that an

Inter-Ministerial Committee (IMC) for Young People at Risk be established to manage the process of crisis intervention and transformation of the Child and Youth Care System over a limited time period (Interim Policy Recommendations, 1996:8). There was strong awareness and involvement at provincial level. Inter-sectoral committees, including government and non-governmental organisations, chaired by the Department of Welfare, debated draft policy suggestions and began to take action.

The Child Justice Bill was approved by Cabinet in November 2001 for introduction into Parliament and was introduced to Parliament in August 2002 as Bill No. B49 of 2002. The Bill proposed that children accused of crimes be diverted from the criminal justice system to community-based, non-custodial programmes as much as possible (Gauteng Provincial Government, 2002:4).

The researcher will now focus on Juvenile Diversion.

3.4 JUVENILE DIVERSION

3.4.1   DEFINING *JUVENILE DIVERSION*

According to Burke (1999:3), juvenile diversion is an innovative model, which works with certain first-time, non-violent offenders aged seven (7) to seventeen (17) and their families. Juvenile diversion programmes are based on the widely accepted belief that not all cases are best dealt with through a formal delinquency complaint and court hearing.   Burke (1999:3) goes further by saying that the programme

provides the participant with the opportunity to receive services instead of going through the traditional court process. Participants also sign a contract wherein they agree to counselling or an educational group, perform community service, and in some cases pay restitution. Participants are then referred to counselling agencies such as Bokamoso Life Centre where they undergo an assessment to determine if either individual or group counselling sessions is appropriate. Conflict resolution, violence prevention, peer pressure and high-risk activities are discussed in counselling and educational groups.   All juvenile diversion cases are closely monitored through contract with the counselling agency, community service site supervisor, the family and the juvenile him/herself.   If the juvenile successfully completes the programme, the District Attorney does not prosecute the case and there is no record against the juvenile. Juveniles who fail to complete the programme successfully are prosecuted (Burke, 1999:1).

Russell and Wood (1998:3) are of the opinion that diversion programmes have been created to divert youth from their early encounters with the juvenile court system. These programmes involve a suspension of formal criminal or juvenile justice proceedings against an alleged offender and the referral of that adolescent to a treatment or care programme. Diversion programmes are usually intended for first-time offenders, but may be extended to youth with past offences based on the discretion of stakeholders.

Branken & Batley (1998:23) describe diversion as the channelling of *prima facie* cases away from the formal criminal justice system, on certain conditions, to extra-

judicial programmes, at the discretion of the prosecutor.   Branken & Batley (1998:23) go further by saying diversionary options in no way intend to make offenders less accountable or responsible for their actions, but rather provide offenders with the opportunity to re-think their lives without getting a criminal record.

Skelton (2001:8) describes diversion as follows: "When we divert children we are saying that we don't think they need to go through the criminal justice system. We are saying that the guidance of families and communities, supported by professionals and specific interventions, can sufficiently make children understand the impact of their actions on others and ensure that they put the wrong right to victims where this is appropriate or to society. By giving communities a role in the process and outcomes of justice, we make them more aware of their role in raising young people appropriately."

The researcher is of the opinion that the above-mentioned literature gives a clear idea of what juvenile diversion is all about. However, accepting responsibility for one's actions should be a pre-requisite for a case to be diverted.

3.4.2 THE AIMS OF JUVENILE DIVERSION

Munting & Shapiro (1997:8) outline the primary aims of diversion as follows:

- to make offenders responsible and accountable for their actions

- to identify underlying problems that motivate offending behaviour

- to prevent most first-time offenders from getting a criminal record

- to provide educational and rehabilitative programmes to first time offenders.

The aims of diversion in terms of the Child Justice Bill are to:

- encourage the offender to be accountable for the harm caused to the victim

- promote the reintegration of the young offender into the family and community

- provide an opportunity to the victims to express their views on the impact of the harm done to them

- promote reconciliation between the victim and the offender

- prevent stigmatizing the young offender

- prevent the first time offender from having a criminal record.

The researcher wants to conclude by pointing out that diversion can only occur if the juvenile acknowledges responsibility for the alleged offence, if there is sufficient

evidence to prosecute, and if the juvenile and his/her parents or guardian give permission for the process.

3.4.3 ADVANTAGES OF JUVENILE DIVERSION

Diversion programmes were viewed by many in the late 1960's and the 1970's as an innovative and less expensive alternative to traditional police and court interventions with juvenile delinquents. Advocates argued that diversion programmes would increase both the efficiency and the effectiveness of the juvenile justice system. According to Regoli & Hewitt (1997:578), juvenile diversion reduces the court caseloads, it reduces the amount of time officers spend to process a case and it reduces the length of time during which the juvenile is involved in the juvenile justice system.

McShane & Krause (1993:255) outline the advantages of juvenile diversion as follows:

- the young person is not labelled a criminal
- the young person does not get a criminal record
- diversion seeks to minimise the contact a juvenile has with the system, particularly the negative effects of detention
- prosecutors have many options to choose from among diversion programmes, i.e., they can require the minor to pay restitution, provide a community service or seek and complete a counselling programme
- funding for diversion programmes is on the increase.

Despite the advantages of juvenile diversion, there are also disadvantages involved. The researcher will now look at the disadvantages of juvenile diversion.

3.4.4 DISADVANTAGES OF JUVENILE DIVERSION

Diversion is often as much a formal response to crime as any other method. According to McShane & Krause (1997:255), the fear is that young people who may have had charges dismissed in the past are now dragged into the net of diversion programmes. Above-mentioned authors go further by saying that increasing the number of programmes for juvenile offenders is incompatible with the idea of diversion from the system because diversion programmes are part of the overall system for responding to delinquency. Sending young people to these programmes cannot fairly be seen as keeping them out of the system.

The following can be regarded as important disadvantages of diversion programmes, which need to be taken in consideration:

- The growing public perception is that juveniles are responsible for a great deal of crime in communities. Therefore, some people view diversion as being too easy on young offenders. They argue that it puts them out of the reach of the more serious modes of punishment, such as detention.

- Probation officers and court systems that are overloaded and under-funded use diversion as the first line of defence in keeping the system afloat.

- Diverting offenders at the entry point reduces the overall workload of the juvenile justice system. However, when carried to the extreme by seriously overburdened courts, diversion may result in the setting aside of cases that needed formal adjudication.

- Judges may also be blamed in the future for not taking stricter action on a diverted juvenile who later commits a serious crime.

- Budget cuts may reduce the effectiveness of diversion by limiting the number of staff members available for alternative programmes and practices.

- Lack of funds may also result in inadequate follow-up and evaluation of cases.

3.4.5 CHALLENGES IN IMPLEMENTING JUVENILE DIVERSION

Knowing the historical limitations regarding diversion and efforts to implement the system in the courts throughout the country, the Unit for Sexual Offences and Community Affairs conducted an audit on diversion practices by courts to determine which courts were practising diversion, problems experienced in implementing

diversion, which programmes were being used and why certain courts were not practising diversion.

The following challenges as outlined by Mukwevho (2001:2) were identified through this audit:

- lack of diversion programmes and referral institutions in most areas

- lack of co-operation from other stakeholders

- lack of co-operation from children and their parents

- difficulties in implementing Family Group Conference programmes because many children do not have a sound family base

- no contactable address for some children

- lack of awareness of the existing diversion programmes among some prosecutors

- lack of training on diversion with the consequence that policy directives are not appropriately applied.

Having identified the challenges in the implementation of diversion, Mukwevho (2001:2) made the following recommendations to be considered in the way forward:

- policy directives should be revised

- training on diversion for all stakeholders throughout the country is imperative

- the relationship between NGOs and government should be strengthened since NGOs have the knowledge, skills and capacity that government may not possess.

3.5 JUVENILE DIVERSION PROGRAMMES IN SOUTH AFRICA

Young people commit offences for various reasons, but it is characteristic that initial offences tend to be those classified as petty crime. It is at this early stage that one can intervene and recognise that the individual child is vulnerable and at risk of committing further offences. Fransman (2002:1) is of the opinion that society's reaction is often very harsh and judgemental to the extent that the child is labelled a criminal. Once labelling has occurred it is almost impossible for children to escape such an identity for the rest of their lives. This is probably the heart of the problem of continued criminality if the child has been through the system once. Fransman (2002:2) is therefore of the opinion that diversion programmes should seek to decriminalise the justice process where children are concerned.

According to Bezuidenhout & Joubert (2003:154), diversion programmes rely on children using their spare time to commit to learning a new way of life. Children who participate in diversion programmes therefore give up something very precious, namely, their leisure time. Diversion encourages them to understand the impact of their behaviour on themselves and on others and it highlights their strengths. It promotes their development, increases their capacity to behave responsibly and

offers them an opportunity to put the wrong right, either to their community or to the victim (South Africa, 1998:2).

The researcher will discuss the juvenile diversion programmes in South Africa as follows:

- The National Institute For Crime Prevention and Rehabilitation of Offenders (NICRO)

- National Youth Development Outreach (NYDO)

- The South African Young Sex Offenders Project (SAYSOP).

3.5.1 THE NATIONAL INSTITUTE FOR CRIME PREVENTION AND REHABILITATION OF OFFENDERS (NICRO)

According to Bezuidenhout and Joubert (2003:154), NICRO is considered to have pioneered diversion services in the country. NICRO's diversion programme was initiated in the early 1990's in response to the vast numbers of young people caught up in the criminal justice system. NICRO and other institutions, such as the Restorative Justice Centre in Pretoria and National Youth Development Outreach in Eersterust, are to a great extent involved in Family Group Conferences and Restorative Justice, which will now be discussed.

3.5.1.1 FAMILY GROUP CONFERENCES (FGCs)

The Family Group Conference (FGC) is a consensus decision-making procedure that was set up to deal with the incident that has brought the young person into conflict with the law. The conference takes place to make decisions about the incident, especially about how the damage can be repaired, and to make plans to prevent re-offending. The process is flexible and therefore allows for decisions that are suitable to the young person's family, culture and upbringing (Juvenile Justice, 1994:18). It is important that the arrangements be made in consultation with the family and the conference should happen at a time and place that suits the family. Wherever possible, it should happen within twenty-one (21) days, or, if the young person is being held in a secure-care facility, within fourteen (14) days. It is advisable that the conference takes place in the young person's home or familiar surroundings.

It can be argued that the Family Group Conference is a more challenging way for the young person to deal with offending behaviour than to go to court.   Not only must the young person face the victim, his or her parent/s or guardian/s and the police officer, but the young person is also involved in the decisions about sanctions for the behaviour and about ways to repair the damage he/she has caused. This is far tougher than the current situation where the young person is passively dealt with by a court, where his/her opinion is not important and where other people make the decisions. In addition, it encourages the parent or guardian to take responsibility and assist the young person in preventing re-offending (Juvenile Justice, 1994: 19).

3.5.1.2 RESTORATIVE JUSTICE

Restorative Justice is a philosophy that embraces a wide range of human emotions, including healing, mediation, compassion, forgiveness, mercy, reconciliation, as well as sanctions where appropriate. It also recognises a worldview that says we are all interconnected and what we do, be it good or evil, has an impact on others. Restorative Justice offers a process whereby those affected by criminal behaviour, be they victims, offenders, the families involved, or the wider community, all have part in the issues that flow from the offending. The process does not focus on vengeance and punishment, but seeks to heal both the community and the individuals involved (Consedine, 1999:183).

In other words, while retributive justice asks: "How do we punish this offender?", restorative justice asks: "How do we repair the damage of this offending?"

In a philosophy of restorative justice, crime is no longer defined as an attack on the State, but rather as an offence by one person against another. It is based on the recognition of the humanity of both victim and offender. The goal of the restorative process is to heal the wounds of every person affected by the offence (Consedine, 1999:183).

3.5.2   NATIONAL YOUTH DEVELOPMENT OUTREACH (NYDO)

The Adolescent Development Programme (ADP) in Eersterust, which is part of the National Youth Development Outreach (NYDO) Life Centre Project, is another example of a very successful diversion programme in South Africa. The Life Centre Project is based on the realisation that the most profound socialisation influence in a child's life is the family unit. The project therefore aims to prevent families from disintegrating and becoming dysfunctional. The Life Centre Project has a number of stated objectives, all of which revolve around restoring the dignity and self-esteem of young people and their families, namely, counselling, education, social engagement, family support, mentoring developmental programmes, and keeping the family unit intact. The ADP is a twelve (12) week, full day non-residential programme that seeks to enhance the self-esteem and personal development of participating young people. The programme focuses on the development of self-awareness and on the life skills needed for a productive life in society. A developmental curriculum is used and it covers themes such as self-development, conflict resolution, anger management, the South African cultural heritage, spirituality and economics.   Health and safety education focuses on sexually transmitted diseases, responsible sexual behaviour and nutrition. In addition, the youth participate in music, drama, wilderness therapy, art therapy, computer literacy training, career guidance, sport, field visits and community outreach activities.

The success of the ADP programme is due to the treatment directed at the child as an entity with an identity, with the emphasis on positive relationships with significant

others, a flexible curriculum, as well as the child-friendly environment of the programme (National Youth Development Outreach Programme, 2002:3).

Youth mentoring is also a very important part of the NYDO programme apart from the ADP. Opportunities to use mentoring for children in conflict with the law were opened by the Inter-Ministerial Committee for Youth at Risk in 1994. In the quest for innovative interventions to prevent children from getting into the criminal justice system, as well as to support the integration of those who had already entered the system, a mentoring programme was successfully piloted in Durban. Following the completion of the pilot, a model was put in place. NYDO was one of the first organisations in the country to formally integrate the mentoring programme into its activities. The reason why NYDO incorporated mentoring in its activities is the assumption that young people are more likely to listen to their peers than to adults.

According to Mbambo (2001:1), every child or young person needs a role model other than parents to look up to. Having this type of person is even more crucial when children have committed crimes. At NYDO a mentor, who is approximately the same age as the young person, is assigned as a role model to every young person who is referred by court to attend the life skills programme. The mentor is like a loving older brother or sister wanting what is best for the younger brother or sister. Mentors must be very creative and should constantly look for ways in which to assist with the development of these young people in their care. The relationship is very informal and the mentors provide constant guidance, support and feedback to their mentees.

Although the mentoring relationship is very informal, accountability is very important. The mentors must write reports, to be submitted to court, on the progress of the young people. Progress in this context refers to the developmental areas of the young person when he/she started with the programme and how these areas were addressed by the NYDO programme. Mentors are well trained to do assessments, which they do under strict supervision of the social worker.

3.5.3 SOUTH AFRICAN YOUNG SEX OFFENDERS PROJECT (SAYSOP)

This project is managed by NICRO (Western Cape), the Institute of Criminology (University of Cape Town), and the Community Law Centre (University of the Western Cape). It was formed in 1997 with the aim of seeking innovative and effective interventions to treat and manage young sex offenders. The aim of this project is to prevent a pattern of unacceptable behaviour from being established, and thereby to decrease the possibility of further offending. The SAYSOP project has developed a programme that can be used to divert children who have committed a crime of a sexual nature away from the criminal justice system. By diverting children, it holds them responsible and accountable while attempting to address the reason for the offending behaviour and to provide an opportunity for reintegration into the community. Participation in the programme can also be used for sentencing as it provides constructive alternatives to existing sentencing options (Gauteng Provincial Government, 2002:38).

The programme is run throughout the Western Cape and has recently been extended to the Eastern Cape. A manual has also been developed that can be used as a tool to assist with the implementation of the programme (Gauteng Provincial Government, 2002:39).

3.6 THE ROLE OF DIFFERENT STAKEHOLDERS IN THE DIVERSION PROCESS

Different people play different roles in juvenile diversion. The researcher will pay attention to the roles of the following stakeholders:

- The South African Police

- Probation Officers

- Prosecutors.

3.6.1   THE ROLE OF THE SOUTH AFRICAN POLICE

According to Section 38 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), the police have a responsibility to ensure the attendance of a child alleged to have committed an offence at a preliminary inquiry. They can arrest the child, use alternatives to arrest (see page 76) or issue a summons. The arrest of a child must be made with due regard to the dignity and wellbeing of that child.

A police official may use any of the following alternatives to arrest in respect of a child alleged to have committed an offence:

- request the child to accompany the police official to the place where an assessment can be done

- give the child and the parents a written notice to appear at a preliminary inquiry

- open a docket for the purpose of consideration by a prosecutor.

Where a child has been arrested, the police official must notify the child's parent/s or an appropriate adult as soon as possible.   If the child's parent or an appropriate adult is not available or cannot be traced, the police official must request the child to identify another appropriate person. The police official must also inform the probation officer in the area about the arrest of the child. The police must also ensure that the child appears at a preliminary enquiry within forty-eight (48) hours after the arrest (Child Justice Bill).

3.6.2 THE ROLE OF PROBATION OFFICERS

According to Juvenile Justice (1994:50), every young person in conflict with the law will be referred to a probation officer at the earliest possible time. The probation officer must, wherever possible, follow the case until it has been finalised in court. The probation officer must also act in the best interests of the young person at all times.

According to the Child Justice Bill, a probation officer must do an assessment of every child alleged to have committed an offence.   The purposes of assessment are to estimate the age of the child if the age is uncertain, establish the prospects of diverting the case, determine whether the child is in need of care and protection, and to formulate recommendations regarding the release of the child into the custody of the parent or an appropriate adult. In order to protect the privacy of the child to be assessed, the venue should be conducive to confidentiality. The child, the parents or an appropriate adult must attend the assessment. The probation officer must explain the purpose of assessment to the child, inform the child of his/her rights and explain to the child the immediate procedures to be followed. The probation officer may at any stage during the assessment consult with the prosecutor, the police official who arrested the child or any person who may provide information that may be applicable to the assessment. Where the child is co-accused with another child, the probation officer may assess both children simultaneously. The probation officer must also encourage the participation of the child during the assessment process. If it appears to the probation officer that the child does not intend to accept responsibility for the alleged offence, it must be indicated in the assessment report (Child Justice Bill).

In addition to the above-mentioned, the probation officer must follow the progress of the case in order to support and protect the young person's interests by ensuring that the court is adhering to the set time periods and remand requirements. It is also important that the probation officer gathers information for a pre-sentence report from his/her first contact with the young person with the view of eliminating delays at the

sentencing stage should the young person be convicted. It is also the role of the probation officer to prepare and present to the court a pre-sentence report when the young person is convicted of an offence (Juvenile Justice. 1994:51).

3.6.3 THE ROLE OF PROSECUTORS

Prosecutors are central to the administration of criminal justice in the country. They decide which cases to prosecute, and which to decline. This is a huge responsibility because before prosecuting, the prosecutor must balance the interests of justice in protecting society and the rights of the individual accused (Mukwevho, 2001:1). Smith (2002:3) is of the opinion that prosecutors should become actively involved in juvenile diversion. In the researcher's experience some complainants withdraw cases if the young person has learned something from the experience. However, this could lead to undermining the diversion system. It is therefore important that prosecutors keep proper control of diverted cases and that the matter is reconsidered if the accused is not complying with the conditions of diversion.

3.7 CONCLUSION

It is universally recognised that children are vulnerable and commit offences for various reasons. Over the last few years, and particularly with the advent of democracy, great progress has been made in exploring alternative models of justice. Where children are concerned it often does not serve justice to punish the child in the same way as adults because of the child's diminished capacity to appreciate the

wrongfulness of the offensive conduct. The diminished capacity to comprehend the wrongfulness of a criminal act can stem from a variety of causes. No matter what the causes are, it is important to recognise that punishment that is given to children by the criminal justice system must be qualitatively and quantitatively different to that given to adults.

The researcher also believes that one cannot talk about diversion, alternative sentencing and restorative justice, without talking about victim empowerment through victim support programmes. It is therefore important that victims retain their credibility in the system.

When looking at this chapter, one can come to the conclusion that there are many areas that still need to be improved upon in the process of implementing diversion. It is therefore important to acknowledge the critical role of all stakeholders in the process.

CHAPTER 4

EMPIRICAL INVESTIGATION

4.1 INTRODUCTION

The aim of this study was to explore the effectiveness of the diversion programme offered by Bokamoso Life Centre through the experiences of adolescents who were exposed to the programme. In Chapter 2 the researcher conducted a literature study regarding adolescence as a developmental stage with reference to the developmental tasks and factors that may contribute to juvenile delinquency. In Chapter 3 the researcher reviewed juvenile diversion through a literature study.

In this chapter the researcher will present the empirical data obtained during the empirical investigation. The presentation of the data will commence with a discussion of the empirical process, with specific focus on the profile and selection of respondents, data collection, processing, analysing, interpretation and ethical considerations. The discussion of the empirical data will follow thereafter.

4.2. DISCUSSION OF THE EMPIRICAL PROCESS

4.2.1 PROFILE AND SELECTION OF THE RESPONDENTS

The respondents who participated in the study were ten (10) adolescent boys between the ages of fourteen (14) and eighteen (18) years. The boys were mainly from the Winterveldt and surrounding areas and participated voluntarily in the study. Due to the fact that the boys were underage, the researcher had to obtain permission from their parents to include them in this study. The parents gave permission but indicated that it was important to them that the respondents agree to this process themselves. Against this background the researcher got permission from the respondents after the parents gave their consent. (See Annexures 2 and 3 in this regard). Through systematic sampling, the researcher obtained an alphabetical list of names of all potential respondents and selected the first respondent randomly. Thereafter, every third (3rd) name was selected for inclusion in the study until the researcher reached the required sample size of ten (10) respondents.

4.2.2   DATA COLLECTION, PROCESSING, ANALYSING AND INTERPRETATION

Data was collected by means of a semi-structured interview schedule. The interview schedule contained a set of themes that was supported by several questions to ensure that the interviews were focused. The researcher divided the study into two components. The first component, namely the pilot study, was the testing of the semi-structured interview schedule with two (2) boys who did not form part of the main study. The researcher rectified the schedule and utilised it in the second (2nd) component, namely the main study. After the collected data was recorded, the researcher analysed it by means of univariate analysis. This means that the researcher basically summarized all data gathered for easy comprehension and utilisation. After summarizing the data, the researcher analysed and interpreted it.

4.2.3 ETHICAL CONSIDERATIONS

In this research study the researcher paid attention to certain aspects in order to ensure that the study was done on an ethical basis. The relevant ethical considerations will now be discussed.

4.2.3.1 POTENTIAL HARM TO RESPONDENTS

There were no medical risks or physical discomfort associated with the study. The duration of the interviews were approximately one hour. During the interviews the researcher asked the respondents at regular intervals whether they would like to take a break.

4.2.3.2 INFORMED CONSENT

Due to the fact that the respondents were all under age, the researcher had to obtain permission from their parents to include them in this study. After the selection of the respondents the researcher conducted a meeting with the parents of the respondents where the goal and research procedure were explained. During this meeting the parents gave consent but mentioned that it was important to them that their children agree to this process themselves. The researcher then called a meeting with all the respondents and informed them of the goal and research procedure to be followed. The respondents were also given the opportunity to ask questions with regards to the

research, after which they gave written consent for inclusion in the study. (See Annexures 2 and 3 in this regard.) The data collection process commenced only after consent was obtained from the respondents.

4.2.3.3 VIOLATION OF PRIVACY

The researcher did not make use of concealed media such as video cameras, one-way mirrors or microphones. No identifying particulars were written on the schedule, nor will it be used in the analysing of data and in the final report. The researcher explained to the respondents that all records would only be used for the purpose of the study and will be destroyed once the research is completed. This will be done to ensure confidentiality.

4.2.3.4 RELEASE OF FINDINGS

Three (3) respondents expressed an interest in the findings of the research. The researcher will avail this as soon as the research process is finalised. The researcher will also write an article about the findings, to be published.

4.2.3.5 RESTORATION OF RESPONDENTS

The social worker employed at Bokamoso Life Centre interviewed the respondents after the finalisation of the interviews to establish whether they were traumatized by the research interviews or not. She subsequently

indicated that the respondents experienced the research interviews in a non-threatening way and no secondary trauma was identified.

4.3 DISCUSSION OF THE EMPIRICAL DATA

The researcher conducted an empirical investigation regarding the effectiveness of the diversion programme offered by Bokamoso Life Centre.

The following themes were explored:

1) Family background of the respondents.

2) The experiences of the respondents regarding the quality of their family   lives.

3) Emotional support of the respondents.

4) Educational background of the respondents.

5) Criminal offences of the respondents.

6) The respondents' perceptions regarding their criminal offences.

7) The respondents' experiences regarding the Bokamoso Life Centre programme.

8) The respondents' recommendations regarding possible improvement s to the Bokamoso Life Centre programme.

The researcher will now discuss the data obtained during the empirical investigation according to the main themes.

THEME 1: FAMILY BACKGROUND OF THE RESPONDENTS

All the respondents in this study are from nuclear families where there are not more than four (4) children in a family. Respondents were mainly from rural communities and in 60% of the cases the respondents moved with their parents, who were in search of employment, from one province to another, mainly from Polokwane to Gauteng. In some instances extended family members were left behind in the process. When the respondents arrived in Gauteng with their families, they realised that the rate of unemployment in Gauteng was very high as well as the cost of living.   As a result, they ended up in Winterveldt, which is also a rural community. Due to the low level of education, parents had to accept low-paid jobs, such as domestic work and gardening. Data indicates that 40% of the parents of respondents commute by means of public transport, such as trains and busses. These parents have to leave their homes very early in the morning and they return home very late in the evening. Data also indicates that 30% of the parents moved closer to the workplace and 30% are relying on relatives and pensioners for their survival. Whether parents commute or live near the workplace, in most instances the eldest child in the family needs to take care of the younger siblings. These children rely on their peers and friends for support with their homework.

Respondents from divorced families indicate that there was a decline in the living standard of the family after the divorce. Fathers stopped supporting the

families financially and mothers were forced to seek employment and become breadwinners. The families also had to move into smaller houses, which consist mainly of two rooms, namely a kitchen and one bedroom. In general, the mother has to share the bedroom with younger siblings while the eldest in the family has to sleep in the kitchen. Respondents indicate that they have no privacy and are ashamed to invite friends home.

When the researcher takes the empirical data into consideration, it confirms that urbanisation could contribute to juvenile delinquency. Pelser & De Kock (2000:86) are of the opinion that, although the majority of young people are unemployed in overcrowded rural areas, they can rely on the extended family and the subsistence economy to meet their basic needs. However, 60% of the respondents who had moved from one province to another could not rely on the support of the extended family. Consequently, crime became an alternative as a means to survive.

This study also confirmed that there is a link between low socio-economic status and juvenile delinquency. According to Bezuidenhout & Joubert (2003:58), it is commonly accepted that children from poverty-stricken families in which the parents are unable to provide in their basic needs, are likely to become involved in criminal activities. The parents of the respondents in this study were all employed in low-paid occupations. Those parents who lived near their workplace and only saw their families once a month, were not always aware of whether their children had enough to eat.

In the majority of cases the eldest sibling took responsibility for providing food for the other siblings. At times they resorted to crime in order to provide for the younger siblings.

According to Bezuidenhout & Joubert (2003:59), overcrowded living arrangements leads to lack of privacy, irritation with one another and children who tend to wander the streets and even desert their family homes. Through this study the researcher can confirm the above-mentioned statement. Respondents indicated that after the divorce of their parents, they had to move into two-roomed houses. There was no living room in which to entertain their friends. As a result, respondents were ashamed to take friends home and would therefore rather visit shopping areas with their friends and became tempted to shoplift.

THEME 2: THE EXPERIENCES OF THE RESPONDENTS REGARDING THE QUALITY OF THEIR FAMILY LIVES.

The respondents in this study measured the quality of their family lives in terms of the time that they spend with their parents. They mentioned that it is important for them to spend time with their parents but due to the working conditions of their parents it is not always possible. During the interviews 40% of the respondents indicated that their parents leave home very early in the morning and come home very late. They indicated that sometimes they

are asleep when their parents leave or come home. However, their parents are usually too tired to talk to them the times when they find them still awake. In 30% of the interviews respondents indicated that their parents moved closer to their workplace and they only see them once a month for a weekend. The respondents therefore lacked parental love and supervision. According to Anderson & Stavrou (2001:69), lack of parental love and supervision correlates with criminal activity. The respondents in this study indicated that they were overwhelmed with adult responsibilities while their parents were at work. They had to give love and attention to younger siblings while they themselves needed it. In the absence of supportive parents, respondents had to rely on friends for support.

According to Geldard & Geldard (1999:27), the quality of the parental relationship is of major importance to the adolescent. They are also of the opinion that a well-functioning parental relationship can provide an opportunity for the adolescent to identify with healthier relationships. Unfortunately, the respondents in this study were deprived of this opportunity because of their parents' working arrangements.   The respondents expressed a need to spend more time with their parents. They described their relationships with their parents as non-existent. The respondents are also of the opinion that it is more important for their parents to put food on the table than spend time with them.

THEME 3: EMOTIONAL SUPPORT OF THE RESPONDENTS

The formation of relationships with peers is an important part of adolescent development. According to Geldard & Geldard (1999:35), adolescents strive for individuation with some sense of separation from their families, while at the same time experiencing a need for acceptance. Connor (1994:209) is of the opinion that this need for acceptance spontaneously drives adolescents to join with their peers. In the process of joining with peers, adolescents may experience pressure to participate in undesirable activities in order to be accepted. Through this study it became evident that respondents joined with their peers not only for acceptance, but also because their friends became their support systems. Parents were either living near their workplace away from their families, or were commuting long distances and had to leave their homes very early and arrived home late. In the process, they were unable to provide the necessary emotional support to their children.

THEME 4: EDUCATIONAL BACKGROUND OF THE   RESPONDENTS

In this study, 50% of the respondents completed grade 12 while the other 50% dropped out of school. Those who dropped out, gave the following reasons:

- One respondent was hospitalised and was absent for more than three (3) months. He lost interest because he was too far behind with his schoolwork.

- One respondent was suspended from school because his parents could not afford to pay his school fees.

- The family could not afford a bus ticket and the respondent had to walk long distances to school on an empty stomach. The respondent became discouraged and dropped out of school.

- The respondent dropped out of school in order to find a job to help his mother to support the family financially.

- The school was overcrowded and parents could therefore not secure a space for him in time. The respondent was too lazy to go back to school the following year.

- The respondent was a slow learner and experienced negative exposure when the teacher and other children laughed at him.

- The classroom was too cold during winter because there were no doors or windows in the room. The respondent also did not have warm clothes to protect him against the cold weather.

- The teachers were almost never in class because they were either on study leave or were attending memorial services of other teachers who had passed away.

Through this study the researcher confirmed that the conditions in school could lead to learners dropping out of school, which in turn encourages criminal activity. Vandalism also occurs, which has a negative effect on the learning environment. The occurrence of damaged windows, furniture and electric appliances is clearly evident of this (Bezuidenhout & Joubert, 2003:60). According to Lund (2000:5), vandalism is a symptom of an underlying problem, such as poverty, where children steal classroom doors to sell in order to buy food. The respondents in this study mentioned that the community members would steal the fencing around the school in order to fence their own homes as well as corrugated iron roofs of the classrooms to build their houses.   During winter the classroom is too cold and respondents would rather stay at home.

This study also confirmed the statement made by Chaiken (2000:9) that when learners are expelled or suspended from school, they are released into a community without supervision. One of the respondents in the study was suspended from school because his parents could not afford to pay his school fees. After his suspension he joined a group of friends and became, together with them, involved in criminal activities.

Maree (2000:2) is of the opinion that absenteeism of educators also has a negative effect on the education of learners. In this study the respondents were discouraged because teachers were almost never in the classroom.

According to Chaiken (2000:9), failure at school is caused by poor academic performance as well as poor attendance, which can lead to children deciding to drop out of school. This study confirmed the above-mentioned when it became evident that some of the respondents were slow learners and others were absent from school for more than three (3) months before they dropped out of school.

THEME 5: CRIMINAL OFFENCE OF THE RESPONDENTS

Shoplifting comprises the highest percentage of all kinds of crimes. Possession of dagga comprises only 10% of the cases. The 90% who were charged with shoplifting, stole items such as cellular phones, sunglasses, perfume, cigarettes, shoes, bread, sweets and cold drink from the local shops. The respondents who stole cellular phones and sunglasses intended to sell it on the street in order to get money for food. The respondent who stole perfume wanted to smell nice like his friends. The respondents who stole cigarettes and shoes were under pressure from their friends and he did not want to disappoint them. They also did not want to be classified as "sissies".   The respondents who stole bread did so because they were

hungry and also wanted to take some bread home for the younger siblings who were also without food.   These respondents explained during the interviews that the smile on the faces of the siblings at home made it worth taking the risk to steal the bread. Respondents indicated that if they had other means to obtain food, they would prefer not ever getting involved in stealing.

THEME 6: THE RESPONDENTS' PERCEPTION REGARDING THEIR CRIMINAL OFFENCES.

The respondents in this study had the following perceptions regarding their criminal offences:

- Seven (7) of the respondents mentioned that they were fully aware of the consequences of their actions.

- Three (3) of the respondents committed the offences for the fun of it and did not take it seriously until they were caught.   They also did not want to let their friends down.

- Seven (7) of the respondents were aware of the consequences of their actions and the seriousness thereof but chose to continue with their criminal behaviour, because stealing had become a habit and they had never been caught before. One (1) of the seven (7) respondents indicated that the day he was arrested "was just not his lucky day".

- Seven (7) of the respondents referred to circumstances at home, namely poverty, which motivated them to shoplift, regardless of the consequences.

When the criminal offences of the respondents in this study and their perceptions regarding these offences are taken into consideration, one can come to the conclusion that the offences were mainly committed as a result of poverty and peer pressure. According to Bezuidenhout & Joubert (2003:59), juvenile delinquency is higher in economically deprived communities. Although the above-mentioned authors are of the opinion that available research data does not consistently support a relationship between social class and crime, this research study supports it clearly. The parents of the respondents in this study could not provide in the basic needs of these young people and crime became an option for survival in difficult circumstances.

THEME 7: THE RESPONDENTS' EXPERIENCES REGARDING THE EFFECTIVENESS OF THE BOKAMOSO LIFE CENTRE PROGRAMME

The respondents in this study were referred by the courts and therefore did not attend the programme voluntarily. According to the respondents, the probation officers who referred them to the programme, made them feel that attending the programme is a punishment for their criminal offences. Due to the fact that they perceived the programme as punishment, and also because

they indicated that they had no say in the matter, they became very hostile towards the programme. The respondents also mentioned that because the programme is associated with "a school for criminals" and the fact that they were consequently labelled as such by the community, did not contribute to their healing process either.   The respondents mentioned that the only reason why they attended the programme despite the negative connotation, was because they wanted their freedom instead of being locked up in prison. Two (2) of the respondents were co-accused and mentioned that they decided to attend the programme for only one week, which was the last week of that month. They mentioned that their minds were made up that once their parents give them the money for the monthly bus tickets, they would simply disappear.   However, after spending that week in the programme, they realized that it was not as bad as they thought it would be. In fact, their negative perceptions regarding the programme changed.   All the respondents indicated that they were warmly welcomed and oriented to the programme. After the first week they knew exactly what to expect from the programme and they also indicated that they were treated with respect and dignity.   They were not labelled while attending the programme.   Some respondents indicated that the programme improved their communication skills, which influenced their relationships with their parents in a positive way. One (1) of the respondents indicated that the life skills course offered by the programme placed him in a advantaged position compared to his friends who were not exposed to a programme.   He indicated that he would be more capable of dealing with stress factors in his life after completion of the

course. All the respondents indicated that the programme is imperative for young people because it builds their self-esteem and contributes to their personal growth and development. The programme enabled them to create a clearer vision of the future.

Through this study, the researcher became aware of the fact that the community and other professionals who refer young people to the programme, is marketing it in a very negative way. As a result of this negative publicity, the respondents became very resistant to attend the programme. When taking the responses from the respondents into consideration, it is also very clear that the programme does not address the resistance from the respondents in the beginning phase. The fact that the respondents perceive the programme as punishment and not as healing, can lead to the rejection of the possible value that the programme may have for them.

The researcher also became aware of the fact that the respondents feel they have no input in the decision of them being diverted. Another cause for concern is the fact that respondents must get into the programme first before they realise that the programme is not that bad. Based on the above-mentioned responses of the respondents, the researcher wants to conclude by saying that the programme will have to be more visible at court.

It also became evident through this study that the respondents experienced the programme content as very useful, but the professionals who refer them, unnecessarily contaminated their initial views.

One of the primary aims of diversion, as outlined by Munting & Shapiro (1997:8), is for offenders to take responsibility for their actions. Some of the respondents, 60% of them, indicated that when they started with the programme, they acknowledged the wrongfulness of their actions but did not take responsibility for it. On the contrary, they justified their actions by using poverty or peer pressure as an excuse. The other 40% of them still claimed that they were innocent. They indicated that the probation officers asked them to make matters easy for everyone involved by admitting guilt so that they can be diverted.

Based on the above-mentioned responses it becomes clear that the programme needs to focus more on self-exploration as a way to assist the juveniles to become more aware of their inner strengths and weaknesses. This can lead more easily to a better understanding of their personal worlds, which may lead to acceptance of the self. If this does not happen, the young offenders will continue to hold other people as well as their circumstances responsible for their actions, and not themselves as they indicated during the empirical study. The programme managers of diversion programmes will also have to address probation officers who convince juveniles to admit guilt in order to be diverted. Based on the responses of the respondents, it

became clear that probation officers do not value the programme for what it is. In fact, they see it as a way to get rid of juveniles and to reduce their workloads. This will also have to be addressed.

According to the Child Justice Bill, diversion programmes should provide an opportunity to the victims to express their views regarding the impact of the crime on them. By creating this opportunity, reconciliation between the victim and the offender can then be promoted. Due to the fact that the respondents did not take responsibility for their actions as mentioned earlier, the programme facilitators arranged a Family Group Conference (FGC) during which the respondents had to face the victims.   The victims were given the opportunity to express their views on how the crime impacted on their lives. The respondents mentioned that the FGC was a difficult, but an important, part of their healing process, as they had never looked at the crime they committed from the victim's point of view. The respondents indicated further that after the FGC they were more able to take responsibility for their actions and felt they could not continue committing criminal offences. When taking these responses in consideration it became evident that the FGC is a powerful tool to aid the healing process. However, the researcher is of the opinion that if self-exploration could take place before the FGC experience, the healing process could even be of more value. FGCs alone are therefore not enough to achieve the latter.   The value of self-exploration in the programme therefore needs to be more emphasised.

Respondents were also very grateful that they did not end up with a criminal record. Six (6) of them indicated that after their arrests they were rejected by their families and the community. However, through FGCs, the Bokamoso Life Centre programme managed to repair the relationships between these respondents and their families. Respondents also mentioned that through the programme offered by Bokamoso Life Centre, they really learnt what it means to respect the rights of others.

When looking at the above-mentioned responses from the respondents, the researcher comes to the conclusion that the Bokamoso Life Centre programme is not completely in line with the most important aims of diversion as outlined by the Child Justice Bill, and as expounded by Munting & Shapiro (1997:8). The aspects described above need to be included in the programme to achieve more success during the healing process of the young people who attend the programme.

THEME 8: THE RESPONDENTS' RECOMMENDATIONS REGARDING THE BOKAMOSO LIFE CENTRE PROGRAMME

Based on their experiences of the programme, the respondents made the following recommendations regarding the improvement of this programme:

- The community and other professionals involved are misinformed about the programme and need to be educated in this regard. Respondents suggested that educating the community could be done in the form of awareness campaigns in the community regarding the existence of the Bokamoso Life Centre programme. Respondents suggested further that more marketing could be done in churches and in the local schools in the form of presentations and information booklets.

- The respondents had difficulty in identifying their inner strengths and weaknesses. This, according to the researcher, could be the reason why they do not want to take responsibility for their criminal acts. They recommended that the programme should be designed in such a way that they will be able to know themselves better by the time they leave the programme.

- The respondents also mentioned that the programme should be replicated in other areas in order to reach out to young people who are unable to benefit from it because of its location. Respondents indicated that they know of other young people who would definitely benefit from the programme, but live too far away and their parents could not afford to pay for transport.

- According to the respondents, the health and safety teaching component, where the focus is mainly on HIV/AIDS, should be combined with visits to hospices where people are dying of HIV/AIDS. Respondents indicated that despite the fact that they received a lot of information through the programme regarding the sexually transmitted diseases, HIV and AIDS, there is still a tendency among young people to deny the existence of HIV and AIDS. Young people still believe that it can not happen to them.

- Except for volleyball, netball and soccer, the programme should explore a wider variety of sports. Respondents indicated that the programme is limiting the talent search of young people to the above-mentioned sporting codes. They expressed a need to be exposed to other sporting codes, such as athletics, tennis, etc.

- The respondents also indicated that the programme should be more gender-sensitive. More emphasis is placed on female empowerment and very little on male empowerment. Respondents experienced this focus very negatively. Seven (7) of the respondents indicated that they were not part of the era when women were oppressed so it is not fair for the programme to generalise.   Three (3) respondents indicated that they witness relationships on a daily basis where men are oppressed by women, and yet the programme does not acknowledge it and try to empower men also.

- Respondents indicated that they were only assessed by the social worker when they entered the programme.   They therefore recommended that assessments should not only be done when they are admitted to the programme because their circumstances keep changing and so do their needs. Through constant assessment the programme can continually be adjusted in order to meet their developmental needs as these change.

- Respondents also indicated that they should be informed when their homes are visited.   If possible, they should accompany members of staff on home visits since they would like to hear what is said about them.   They mentioned that it impacts

negatively on their relationship of trust with the facilitators of the programme when home visits are done without them or without their knowledge.

4.4 CONCLUSION

Criminal activity committed by children and adolescents is a serious social problem. Young people are being diverted to diversion programmes in the community but still end up in conflict with the law despite the completion of these programmes.   It certainly raises questions and concerns regarding the effectiveness of such diversion programmes. Through the empirical study, the researcher explored the effectiveness of the diversion programme offered by Bokamoso Life Centre through the experiences of young people who attended the programme.   It became clear that there are certain developmental areas that need to be addressed by this programme and other programmes of this nature.

Conclusions and recommendations on the findings as explained in this chapter, will be formulated in Chapter 5.

CHAPTER 5

CONCLUSIONS AND RECOMMENDATIONS

5.1 INTRODUCTION

The focus of this study was to evaluate the effectiveness of the diversion programme offered by Bokamoso Life Centre through the experiences of young people who attended in the programme. When looking at the number of children who are in conflict with the law, and the ideal that children should not be detained in prison and police cells, but rather be diverted to community programmes, it becomes important to conduct scientific research regarding the effectiveness of such programmes. Through scientific research and feedback to the community and other partners regarding findings of the research, one can ensure that these programmes remain credible in the eyes of the community.

Explorative studies of this nature are imperative because it can give an indication whether the programme adds value to the lives of the individual who goes through it, but more importantly, the value of such programmes to the community at large. In this study the researcher conducted interviews with the respondents in order to collect data regarding the aim of this study and to integrate it with information as explored through the literature study. Based on the findings of the empirical data as explained in Chapter 4, the researcher formulated certain conclusions and

recommendations, which will be the main focus of this chapter. The aim, objectives, and the research question will also be addressed.

5.2 THE AIMS AND OBJECTIVES OF THIS STUDY

5.2.1 THE AIM OF THIS STUDY

The aim of this study was to explore the effectiveness of the diversion programme offered by Bokamoso Life Centre through the experiences of adolescents who attended the programme. The aim has been achieved through the explorative research process. Based on the responses of the respondents, it became evident that the Bokamoso Life Centre programme is not completely in line with the most important aims of diversion.

5.2.2 THE OBJECTIVES OF THIS STUDY

The objectives of the study were:

- To establish through a literature study and consultation with experts a theoretical foundation with regards to adolescence as a developmental stage with specific reference to the developmental tasks and factors that may contribute to juvenile delinquency. Diversion programmes as a form of intervention were also explored.

To achieve this objective, the researcher made use of existing local and international literature, as well as the Internet. The search for information was conducted at the Academic Information Service of the University of Pretoria. Information was structured to include magazines, books and electronic magazines. Information from interviews with certain experts in the field was used as background information to this study. (See **Pilot Study** in Chapter 1 for more information regarding the experts.)

- To conduct an empirical investigation regarding the effectiveness of the diversion programme offered by Bokamoso Life Centre through the experiences of adolescents who attended the programme.

To achieve this objective the researcher made use of a semi-structured interview schedule to explore the respondents' views. The schedule contained themes that were supported by several questions, which were asked in a particular way to cover all the relevant topics.

5.3   THE RESEARCH QUESTION

The research question for this study was formulated as follows: To what extent does the diversion programme offered by Bokamoso Life Centre address the needs of the adolescents who attend the programme?

The research question can be answered as follows: Through this study it became evident that there are developmental areas in the programme, which still need to be addressed. Certain aspects need to be included in the programme to achieve more success during the healing process of the juveniles.

5.4   CONCLUSIONS

The following conclusions can be drawn from this study:

- Supportive members of the extended family can play an important role in the supervision of children whose parents are employed. This will ease the burden of the eldest child in the family who has to take responsibility for the care of younger siblings.

- The extended family is also the traditional safety net that young people could rely on in order to meet their basic needs. However, through this study it became evident that urbanisation weakens extended family networks. This

study confirmed the statement made by Pelser & De Kok (2000:86) who are of the opinion that, although the majority of young people are unemployed in overcrowded rural areas, they can rely on the extended family to meet their basic needs. The role of the extended family members should therefore not be underestimated in the prevention of juvenile delinquency.

- Marital separation, and divorce definitely lead to a decline in the living standard of families, which in turn encourages delinquent activities. Through this study it became evident that families suffer huge financial losses after a divorce or marital separation to the extent that mothers had to find employment in order to support the family financially.   The study also confirmed that families had to move into smaller houses which, were mainly two-roomed houses where the mother had to share the bedroom with younger siblings while the eldest had to sleep in the kitchen. As a result of a lack of privacy, young people are ashamed to take friends home. They would rather desert their homes, hang around shopping malls and become tempted to steal.

- Young people who come from families with a low income are more likely to become involved in criminal activities. In this study, the young people who are heading households, had to provide food for the younger siblings. Due to the fact that they are not equipped to enter the labour market, they become involved in unlawful practices in order to survive.

- Circumstances of poverty and the conditions in school can lead to dropping out of school, which in turn encourages criminal behaviour on the part of

young people. The respondents in this study indicated that their parents could not afford to pay their school fees or transport to school. Conditions in schools, such as vandalism and suspension from school, lead to dropping out of school, which contributes to juvenile delinquency.

- When taking the criminal offences of the respondents in consideration and their perceptions regarding these offences, one can come to the conclusion that the offences were mainly committed as a result of conditions of poverty and peer pressure. Bezuidenhout and Joubert (2003:59) mention that juvenile delinquency is higher in economically deprived communities. Above-mentioned authors also indicate that available research data does not consistently support a relationship between social class and crime. This study supported it clearly.

- Respondents were not representative of all diversion programmes across the country. The findings of this study can therefore not be generalised to other diversion programmes.

- Since the focus of the study was limited to adolescent boys, the experiences of adolescent girls regarding the Bokamoso Life Centre programme could not be captured. The experiences of the girls could also reflect the effectiveness of the programme.

- The findings of this study cannot be viewed as multi-cultural because the study was limited to adolescents in a specific black community.

5.5   RECOMMENDATIONS

The following recommendations can be formulated:

- The Bokamoso Life Centre programme should be more visible at court. Visibility can be in the form of presentations to prosecutors and probation officers who refer juvenile offenders to the programme. These presentations can improve the value that prosecutors and probation officers attach to the programme.

- Professionals who refer juveniles to the programme should allow them to participate in the decision to divert them. Juveniles and the parents or guardians should be presented with information about all the available options, as well as the advantages and the disadvantages of every option. This will enable them to make an informed choice.

- The programme should have an information desk just outside the court where juveniles can find out more about the programme immediately after being referred.

- Juvenile offenders who are referred to the programme should be allowed to visit the programme prior to attendance, in order to reduce anxiety and to address the initial resistance. A proper programme orientation plan should then be in place to give juveniles a clear picture of what to expect. The programme must preferably not be marketed as only a form of punishment.

- The programme should focus more on self-exploration as a way to assist juveniles to become more aware of their inner strengths and weaknesses. This can lead to a better understanding of their personal worlds, which may lead to an acceptance of the self. In turn, this will encourage juveniles to take responsibility for their actions and not blame it on other people or their circumstances.

- The Family Group Conference (FGC) is a powerful tool, which can aid the healing process of juvenile offenders. However, self-exploration must be done before the FGC in order to make the FGC experience even more valuable.

- Parental guidance workshops should be designed for the parents. Such workshops could give parents some insight into the reasons why young people commit crime. It will also equip parents to deal effectively with challenging adolescent behaviour.

- Communities should be educated regarding diversion, the aims of diversion, as well as existing diversion programmes in the community, in order to deal more effectively with misconceptions regarding such programmes.

- Juvenile diversion is a specialised field, which requires specialised training. All the people who are therefore working with the children in these programmes need to be trained accordingly in order to enhance the effectiveness of such programmes.

- The results of this study must be shared with potential donors in order to obtain more funding to replicate such programmes in other areas.

- A proper after-care programme for young people who complete the diversion programme needs to be designed and implemented. In this way, the young people will receive the necessary support and guidance afterwards. It can also be a way of preventing them from re-offending.

- Further research in this field is recommended because of the fact that this study was limited to a specific geographical area.

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ANNEXURE 2: LETTER OF CONSENT FOR PARENTS

Name of Parent   :   _____

Name of Respondent   :   _____

Researcher   :   **Nellie van der Westhuizen**

Address   :   **1345 Nyamakazi stand**

Date   :   _____

Informed Consent

1.   Title of the study

The experience of adolescents in the diversion programme offered by Bokamoso Life

Centre.

2.   Aim of the study

The aim of the study is to explore the effectiveness of the diversion programme

offered by Bokamoso Life Centre through the experiences of adolescents who are in

the programme.

3.   Research procedure

I hereby give consent that my child can be included in this research. I understand that my child will be invited for an interview during which questions will be asked regarding his/her experience of the programme offered by Bokamoso Life Centre. I give consent that my child can be interviewed. I understand that his input during the study will form an important part of the study. I understand that the duration of the interview will be approximately one hour. My child will be advised of the time of the interview and the interview will be scheduled at his convenience. I understand that the interview with my child will be recorded. The records will be kept in a safe place and will only be used for the purpose of the research by the researcher. Once the research has been completed, all records will be destroyed. I understand that records will not be used to victimise my child in any way.

4.   Risks and discomforts

I understand that there are no known medical risks or discomforts associated with this project. My child will be given as many breaks as he wants during the interview.

5.   Benefits

I understand that that there are no direct benefits for my child for his participation in the study. However, the results of this study may lead to the possible adjustment of the programme in order to make it more effective.

6.   Participation rights

I hereby indicate that my child will participate in this study voluntarily. I understand that he has the right to withdraw at any stage.

7.   Confidentiality

I understand that the researcher will protect the anonymity of my child and that all information will be kept strictly confidential. If there is any information that the researcher would like to reveal, she will have to get my permission, as well as that of my child beforehand. The results of this study may be published in professional journals or presented at conferences. However, the records of my child, as well as his identity may not be revealed at all. If I have any questions or concerns, I will call Nellie van der Westhuizen at 082 337 4484.

8.   Financial compensation

I understand that my child will not receive any compensation for participating in this study.

By signing this consent form, I confirm that I have read it and that the study has been explained to me. I do not give up any rights by signing this consent form.

Participant's Parent/Guardian: _____

Researcher   **:**   _____

Date   **:**   _____

ANNEXURE 3: LETTER OF CONSENT FOR RESPONDENTS

Name of Respondent **:** _____

Researcher **:** Nellie van der Westhuizen

Address **:** 1345 Nyamakazi stand

Date **:** _____

Informed Consent

1.   Title of the study

The experience of adolescents in the diversion programme offered by Bokamoso Life Centre.

2.   Aim of the study

The aim of the study is to explore the effectiveness of the diversion programme offered by Bokamoso Life Centre through the experiences of adolescents who are in the programme.

3.   Research procedure

I hereby give consent to be included in this research. I understand that I will be invited for an interview during which questions will be asked regarding my experience

of the programme offered by Bokamoso Life Centre. I give consent to be invited for the interviewed. I understand that my input will form an important part of the study. I understand that the duration of the interview will be approximately one hour. I will be advised of the time of the interview and the interview will be scheduled at my convenience. I understand that the interview will be recorded. The records will be kept in a safe place and will only be used for the purpose of the research by the researcher. Once the research has been completed, all records will be destroyed. I understand that records will not be used to victimise me in any way.

4.   Risks and discomforts

I understand that there are no known medical risks or discomforts associated with this project. I will be given as many breaks as I want during the interview.

5.   Benefits

I understand that that there are no direct benefits for my participation in the study. However, the results of this study may lead to the possible adjustment of the programme in order to make it more effective.

6.   Participation rights

I hereby indicate that I will participate in this study voluntarily. I understand that I have the right to withdraw at any stage.

7.   Confidentiality

I understand that the researcher will protect my anonymity and that all information will be kept strictly confidential. If there is any information that the researcher would like to reveal, she will have to get my permission, as well as that of my parents, beforehand. The results of this study may be published in professional journals or presented at conferences. However, my records and also my identity may not be revealed at all. If I have any questions or concerns, I will call Nellie van der Westhuizen at 082 337 4484.

8.   Financial compensation

I understand that I will not receive any compensation for participating in this study.

By signing this consent form, I confirm that I have read it and that the study has been explained to me.   I do not give up any rights by signing this consent form.

Respondent   :   _____

Researcher   :   _____

Date   :   _____

ANNEXURE 4: INTERVIEW SCHEDULE

1. FAMILY BACKGROUND OF THE RESPONDENT

Where do you live? In a rural area, township or urban area?

How long have you been residing at this present address?

Did you ever move in the past 10 years?

Where did you move to and why?

Were you raised by your biological parents or grandparents?

Provide a brief marital history of your parents (single, married, separated, divorced, death).

If your parents are divorced, who got custody over the minors?

After the divorce, did the non-custodial parent support the family financially?

How did the divorce impact on your family?

How many children are there in your family?

Do you have extended family members living with you in the same house?

If not, do you have any contact with extended family members?

What kind of support do you get from extended family members?

Are your parents employed?

If yes, what kind of positions do they occupy?

If no, who is supporting your family financially?

If your parents are employed, how do they get to work (walking distance from home, drive by car, bus, train or taxi)?

Do they come home every day after work?

If not, how often do they come home?

Who takes care of you and your siblings when your parents are at work?

In your opinion, is the financial income sufficient to fulfil in the family's most basic needs?

The house you living in, does it belong to your parents or are they renting it?

How many rooms are in the house?

How many people live in the house?

2. THE EXPERIENCE OF THE RESPONDENT REGARDING THE QUALITY OF THEIR FAMILY LIVES

What do you regard as important for your family?

Do your parents value the same things as important for the family?

Do you spend time with your parents? How often?

Do you think it is important for children to spend time with their parents?

What do you do together as a family?

How would you describe the relationship amongst members of your family?

How is your relationship with your parents?

How does your parent's employment or unemployment impact on your family and the time you spend together?

3.EMOTIONAL SUPPORT OF THE RESPONDENTS

Do you talk to your parents about things that bother you?

If no, who do you talk to?

Who do you turn to when your parents are not available?

Do you have friends?

How often do you spend time with your friends?

How would you describe your relationship with your friends?

4. EDUCATIONAL BACKGROUND OF THE RESPONDENT

Did you complete grade 12?

If not, please explain!

5.CRIMINAL OFFENCE OF THE RESPONDENT

What were the charges against you?

At the time of the offence, were you aware of the fact that you were violating the law?

Were you aware of the fact that you could be caught?

Were you aware of the consequences of your actions should you be caught?

If you were aware of the above-mentioned, why did you continue with the offence?

6.THE RESPONDENT'S PERCEPTIONS REGARDING HIS CRIMINAL OFFENCES

What is your perception regarding the crime you have committed?

7.THE RESPONDENT'S EXPERIENCES REGARDING THE EFFECTIVENESS OF THE BOKAMOSO LIFE CENTRE PROGRAMME

How did you come to know about Bokamoso Life Centre?

Were you part to the decision to attend the programme?

How did you feel about coming to Bokamoso Life Centre?

How was your first day there?

How did the staff members treat you?

Did they ever visit your home?

How did you feel about the home visits?

How did you experience the programme content?

What did you enjoy most?

What did you enjoy least?

Would you recommend the programme to other young people? Please motivate!

If you could change anything about the programme, what would it be and why?

8.THE RESPONDENT'S RECOMMENDATIONS REGARDING THE BOKAMOSO

LIFE CENTRE PROGRAMME

Based on your experience of the programme, what would you recommend in order

for it to be more effective?