

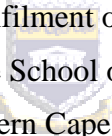
**THE CAPACITY BUILDING PROGRAMME FOR
YOUTH AT RISK IN THE WESTERN CAPE: A
COMMUNITY-BASED ALTERNATIVE FOR
REHABILITATION AND REINTEGRATION**

BY

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RESEARCH ABSTRACT

TITLE

Development of a skills training and capacity building programme for youth at risk in the Western Cape.

Increasing crime, violence, despair and the breakdown of the education system symptomises social disintegration in the Western Cape. Capacity building in the form of development and skills training is therefore required to empower disadvantaged communities and to counter stagnation and poverty. For the purposes of this research project, development can be defined as a set of programmes where skills and capacities of youth can be utilized on projects and activities which promotes development of the South African society as a whole.

Young people clearly comprise a substantial part of South African society. However, due to the discriminatory practices and policies of the past, a significant number of them have not been afforded the opportunity to develop their maximum potential. They have been exposed to poor housing conditions, racially skewed access to education and skills training, limited employment opportunities, high levels of crime and violence as well as the general disintegration of social networks and community. Abovementioned factors, combined with a lack of exposure to employment opportunities and a plethora of social and psychological stresses, have contributed to the fact that many young people are regarded as poor candidates for employment. This has subsequently caused an alarming increase in youth unemployment.

In addition, the previous government provided no specific policies or programmes to address the needs of young people in general, but more specifically, those hailing from disadvantaged communities. The creation of development opportunities in this vulnerable sector to enhance capacity and skills therefore becomes imperative for their future survival.

Limited information is available on young people currently involved in the judicial and correctional systems. A known fact however, is that increasing numbers of young people are becoming involved in the criminal justice system and that a large number of them have limited or no access to programmes that can adequately rehabilitate them into productive members of society.

A well structured skills training and development programme for youth at risk with the aim of promoting and strengthening their skills, responsibility, civic values and reintegration into the community, will therefore not only benefit the youth involved in the programmes, but also the community, labour market and our economy.

DECLARATION

I declare that The Capacity Building Programme for Youth at Risk in the Western Cape: a Community-based Alternative for Rehabilitation and Reintegration is my own work, that it has not been submitted before for any degree or examination in any other university, and that all the sources I have used or quoted have been indicated and acknowledged by complete references.

Michele Palmer

April 2004

SIGNED.....



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CHAPTER ONE

INTRODUCTION

The legacy of Apartheid includes the breakdown of family structures, unemployment, high levels of alcohol and drug abuse, widespread violence and despair. This process of marginalisation has led to the disintegration of especially Coloured and Black communities, where the youth in particular are deprived of positive role models. It has also excluded them from the education and employment opportunities that will enable them to develop to their full potential.

As a result they appear to have turned to crime in increasing numbers and ended up in prison and other forms of correctional institutions, with disastrous results. Many of their alleged crimes is of an economic and petty nature. (Munting: 2003) The plight of these children is currently highlighted everywhere: in the media, parliament and civil society and is therefore a very topical subject.

The main thrust of the process of the transformation of South African society from apartheid and inequality to democracy, has been the restructuring of the imbalances with regard to the provision of services and resources in South Africa. This process of transformation, however, has had an adverse effect on the South African society where socio-economic problems like unemployment, poverty and crime remain rife.

The National Crime Prevention Strategy (NCPR), a document initiated by Cabinet, explains the above irony as follows: “our own rapid transition had the unintended consequences of breaking down the existing (and illegitimate) mechanisms of social control without immediately replacing them with legitimate and credible alternatives. This weakness has been exacerbated by the historical breakdown of other vehicles of social authority, such as school, the family and traditional communities”.

NCPR (1996:15)

There is also evidence of an increase in the number of children awaiting trial in South African Prisons. This appear to be directly related to the links between anti-social behavior and dysfunctional family structures within poverty-stricken communities.

Scope and Limitations of the Study

The research project is subject to the following scope and limitations:

- The Western Cape Education Department confined the research to one residential institution, within a limited time period. In addition, this Department made it clear to the institution that their co-operation in this study is not obligatory.
- A lack of other community-based skills development programmes also limited the case study to one.
- Generalisability is therefore limited as a result of aforementioned challenges.

Problem Statement

The motivation for the research is based on the evidence of the increasing numbers in youth crime and recidivism. Causal factors that have been identified to explain this outcome can be linked to both individual inadequacies as well as to the historical, socio-economical and political background of the South African society.

There is a growing sense of apathy and lack of focus amongst the youth, which contributes to the threat of social disintegration. Constructive alternatives are therefore needed to curb gangsterism, drug abuse and other criminal activities among youth at risk. It has become imperative to challenge the present situation in which crime has become one of the most attractive options facing our youth. Through a programme of constructive engagement, a substantial difference can be made in their rehabilitation and ultimately their active participation in building a safer society. A strong emphasis should be placed on the development and implementation of effective restorative justice principles, alternative sentencing and community-based rehabilitation programmes, particularly for young people in marginalised communities.

The socio-economic development of these juveniles, play an essential part in the development of an economically sustainable and productive society. Poverty and unemployment are identified as the two primary causes of the escalating juvenile criminality in the Western Cape. In view of the increasing numbers of trial awaiting children it can be deduced that institutionalization as a rehabilitation option for juveniles has failed and that alternative sustainable rehabilitation measures should therefore be researched and implemented.

Harnessing the energy, innovation and development of youth, specifically those at risk, is an investment in their development, growth and reintegration. This will enable them to make a positive contribution and will also impact positively on the reconstruction of a self-sufficient and economically functional community. The participation and positive contribution of the community in these reconstruction efforts is of crucial importance in providing an environment that is conducive to their rehabilitation and reintegration. Development initiatives in the form of capacity building, skills training and job creation programmes for youth at risk in the Western Cape is therefore required to empower and develop disadvantaged communities and to counter stagnation and poverty.

This research is particularly relevant in view of the current transformation of the Juvenile Justice System from a punitive-based focus to a system that embraces the principles of Restorative Justice. The latter system is based on the principle of joint participation between the community and the offender, to restore the balance in the community that was disrupted by the criminal actions of its young people. This new paradigm is encapsulated in the Child Justice Bill, 2000, that is currently under review by the Justice and Constitutional Affairs Portfolio Committee in Parliament.

The hypothesis that is underlying the research is that community involvement is crucial for the successful rehabilitation and reintegration of youth at risk in the Western Cape.

That capacity building through skills training and job creation initiatives within the community is a viable option for the reconstruction and development of the youth at risk within the marginalised communities of the Western Cape.

Related Studies

Related literature studies are mostly in agreement about the causes and outcomes of youth criminality and their empowerment. The creation of various task teams underscores the seriousness with which the Government views the issue of the escalating crime rate.

The National Crime Prevention Strategy (NCPS) expressed its concern about the spiraling crime levels by stating that “some of the causes of crime are deep-rooted and related to the history and socio-economic realities of our society. To effectively reduce crime, it is necessary to transform and reorganize government and facilitate real community participation. We need to weave a new social fabric, robust enough to withstand the stresses of rapid change in a newborn society. The maximization of civil society’s participation [is needed] in mobilizing and sustaining crime prevention initiatives”. NCPS (1996:23) The NCPS document also acknowledges the fact that the historical disempowerment of youth, combined with the slow growth in the job market, has contributed to the creation of a large pool of “at risk young people”. NCPS (1996:25)

Muller and Ohlin(1985:11) concurs that delinquency is “a community problem’.

In the final analysis the means for its prevention and control must be built into the fabric of community life. This can only happen if the community accepts its share of responsibility for having generated and perpetuated paths of socialization that lead to youth crime.

Pinnock (1997: 4) suggests that delinquency is a response to poverty and the social stress created by apartheid’s social engineering, because the result of the uprooting and neglect is that the solid core of contributing adult members crumbles, and the institutions that provide the foundations of community fall apart. Parents, exhausted by long hours required to make ends meet or demoralized by their inability to cope with the hardships of poverty, may turn to drugs and alcohol. Kids are left on their own.... in adultless communities”. In other words, the community safety net is destroyed.

The RDP (1994: 11) also promotes youth development and states that the focus should be on “education and training, job creation and enabling young people to

realize their full potential and participate fully in the society and their future. The RDP also recommends that all development and job creation programme such as a National Public Works Programme must address the problem of youth alienation and unemployment.

However, Mokwena (1995:132) argues that, despite the aforementioned grandiose statement of intent, the Government of National Unity (GNU) does not provide “a definitive strategy for youth development. Many South African youth remain marginalised and disaffected. This has condemned them to a life without opportunity and contributes to ongoing social disruption. He therefore proposes a “large-scale, comprehensive and flexible national education supplementary programme, for the reintegration of marginalised youth”.

The Western Cape government can also learn from the Youth Scheme in Britain which has been a central feature in the restructuring of work and employment to “modernize” an ailing British economy. It provides school-leavers with the opportunity to acquire skills that employers need, gives them the ‘right’ attitudes to work [that is being] demanded by an internationally successful economy and the chance to undertake quality foundation training for jobs. Mizen, (1995: ix)

Matsepe-Casaburri (1991:9) proposes “an integrated, multi-faceted approach at various levels of intervention: the state at national and local levels, the communities and groups themselves within specific localities, supportive agencies and institutions, e.g. religious institutions, NGOs, cultural and recreational bodies, etc”.

Hawthorne (1991:13) argues that South Africa does not have an “education system that integrates all aspects of education – formal, non-formal and informal. Many other factors such as family upbringing, socio-economic milieu, socialization within peer groups, job-related training and work contribute towards an individual’s education.

Schooling is just one aspect of education and should not therefore be seen as a panacea to the serious educational and employment problem faced by youth”.

It is evident from above literature that the community is a crucial factor in the socialization of its youth. Negative elements in the community will result in general

degeneration of morals, institutions and capacities, with resultant deviancy. The provision of strong support structures within the community will therefore contribute profoundly to the empowerment and development of our youth and communities. The literature also supports an integrated approach that has implications for all role-players in the youth and child residential care system. The aforementioned literature therefore supports the idea that a link exists between an effective community-based capacity building, skills training and job creation programme and crime prevention and /or 'rehabilitation' of Youth at Risk. The establishment and sustaining of these types of projects/programmes in the Western Cape's marginalised communities can thus be considered as an effective alternative rehabilitation, prevention and capacity development strategy.

Objectives of the Research

The objectives of the research examined the extent to which community-based rehabilitation programmes are a viable and sustainable alternative to the institutionalization and incarceration of young people. This will be achieved by evaluating the impact of negative socio-economic conditions and institutionalisation on patterns of juvenile delinquency and recidivism in the Western Cape.

A second objective was to gauge the impact of the transformation of the juvenile justice and child and youth care system on existing institutional and community-based methods. This will be achieved by discussing relevant policies and frameworks pertaining to youth at risk and providing a comparative study to evaluate the effectiveness the two methods.

A third objective was to design an integrated community-based intervention strategy of capacity building, skills training and job creation for youth at risk in the Western Cape, and to provide guidelines and recommendations for reducing juvenile delinquency and recidivism.

The objectives of this research can be summed up as the search for a new model that will not only reduce the escalating youth crime rates, but also to promote a crime-free and economically productive society.

Research Methodology

The research is a combination of quantitative and qualitative information, gathered from focus group discussions with key role players, key informant discussions and random in-depth interviews.

Bless and Higson-Smith, (1995: 47) states that “the methods of social science can be used to assess the design, implementation and usefulness of social intervention. Social interventions are most often thought of as sophisticated... evaluation researches aim to test interventions to see how effective they are. The focus of this research will also be of a diagnostic nature since it will identify neglected areas of need.

The types of data-collection that were applied, include unstructured interviews and self-administered questionnaires, which were sent to the respondents. These methods allowed the researcher to access data that were not directly observable in the study. In addition, the researcher extensively reviewed secondary sources, including related textbooks, journal articles, policy documents, annual and quarterly reports and websites. Abovementioned interviews was held with a controlled group of role-players in the field of juvenile justice and youth development in the Western Cape, including justice personnel, social workers, development workers and researchers. Because the research is descriptive and evaluative this was the most appropriate method of data collection for this type of study. Bless & Higson-Smith, (1995:11) states that this method “...helps to clarify concepts and problems... it helps overcome misunderstanding and misinterpretations...it allows for the establishment of a list of possible answers and solutions which, in turn, facilitates the construction of multiple questions.” Most of the aforementioned government personnel are currently serving on the Interministerial Committees (IMC) for Youth at Risk and can therefore be described as experts on the subject matter.

The results of the research demonstrate that a definite link exists between effective physical and psychological recovery and the effective social integration of Youth at Risk and the reduction of crime and recidivism in marginalised communities in the Western Cape.

Significance of the Study

This research and its findings will hopefully contribute to the effective transformation of the juvenile justice system with regards to rehabilitation, reintegration, empowerment and their role in the sustainable reconstruction and development of communities.

Definition of Key Concepts

- **Capacity building:** the creation of an environment that support life long capacity and skill development of young people. Also recognizing the effects of the imbalances of the past on youth at risk in the marginalised communities of the Western Cape.
- **Restorative justice:** the approach that youth in trouble with the law should focus on restoring societal harmony. Young people should take responsibility and be held accountable for their actions and should be actively involved in reconciliation.
- **Youth at Risk:** refers to those young people, under the age of 18 years, who have committed crimes or whose circumstances and/or behavior places them at risk of committing crimes. Thus making them vulnerable to having to live away from their communities and/or families, on the street or under statutory care (institutions).

Chapter Outline

Chapter One embodies the introduction to the research report and also consists of an overview of the scope, approach, concepts and outline of the report.

Chapter Two provides the theoretical context of juvenile delinquency and its causal factors. This chapter also discusses relevant policy frameworks and legislation that shapes the current Juvenile Justice System.

Chapter Three analyses the challenges and different methods of juvenile delinquency treatment programmes, by evaluating their effectiveness and impact on reducing delinquency and recidivism.

Chapter Four proposes an intervention strategy for the reduction of juvenile delinquency and recidivism. This chapter also provides comprehensive recommendations with regard to effective implementation strategies.



Chapter Five presents the findings of the research, draws conclusions based on this information, and makes recommendations for enhancing the sustainability of youth development intervention strategies.

CHAPTER TWO

THEORETICAL OVERVIEW, POLICY FRAMEWORKS AND INSTITUTIONAL ARRANGEMENTS

Introduction

Juvenile delinquency and its myriad of causes are well researched and well known. However, it is important for the purposes of this study to discuss its nature and causal factors, as well as the different factors that contributes to effective treatment strategies. To think seriously about intervention programmes for juvenile delinquents, it is necessary to understand how patterns of delinquency develop. Current trends in the juvenile justice policy frameworks and institutional arrangements prioritises prevention strategies, promotes the deinstitutionalisation of juveniles as well as their socio-economic development. Restorative justice principles and youth development forms the cornerstone of aforementioned priorities. This chapter provides a broad overview of the various theoretical discourses pertaining to juvenile delinquency and its causal factors, as well as the policy frameworks and institutional arrangements of current intervention strategies in the Western Cape.

Theoretical Overview

Definitions

Juvenile Delinquency

Elliot et al (1994:12) define delinquency as “behavior that violates basic norms of the society and when officially known, it evokes a judgment by agents of criminal justice that such norms have been violated.” These ‘violated norms of society’ refer to offences and the ‘agents of criminal justice’ is the juvenile court. Since ancient times legal systems have distinguished between juvenile delinquency and adult criminal causes and treatment. Although the Child Care Act, 74/1983 stipulates the age of 17 years as the cut- off age for a child to be considered a minor, all offenders or convicted people between the ages of 7 and 20 years are counted as juvenile offenders in South African statistics. However, for the purpose of this research paper, juvenile

delinquency refers only to those offences committed by youths under the age of 18 years. Juvenile delinquency can therefore be defined as acts of behavior that would be considered crimes if committed by persons younger than 18 years or acts that places this age at risk of committing crimes.

Institutions

“ Places of residence and work where a large number of like-situated individuals, cut off from the larger society for an appreciable period of time, together lead an enclosed, formally administered round of life. They are the forcing houses for changing persons.” Goffman (1961:11)

In other words, institutions have been established to force juvenile offenders to change their behavior, by isolating them from their families and communities, incarcerating them with other ‘bad kids’ and subjecting them to harsh forms of discipline and “treatment”.



Community-based Care

Weil (1985:27) defines community-based care as “a set of logical steps and a process of interaction within a service network, which assure that a client receives needed services in a supportive, effective and cost efficient manner.” Community-based care therefore refers to a programme of service delivery that focuses on assisting juveniles to access multiple services according to their required needs, to enable them to achieve optimal personal and social functioning.

Skills Development and Training

Sharp et al (1995:452) defines skill development as “skills generally classified as preparation for independent living.” They assert further that these skills are “as close as we currently come to designing interventions that resemble rehabilitation.” Young people in trouble with the law finds themselves at a great disadvantage, due to their inability to reintegrate themselves as productive members of society. Skills

development programmes that is based within the community, will therefore address the rehabilitation and reintegration needs of these offenders, by equipping them with skills for an independent and productive lifestyle.

The Causes of Juvenile Delinquency

The Role of the Community

Over the past half century, delinquency theorists have developed a number of increasingly complex causal models to explain the involvement of youths in delinquent activities. Experts are of the opinion that juvenile delinquency can be located in the social context of these impressionable juveniles. Sharp et al (1995:153), proponents of the social development model, argue that the initial impetus towards delinquency comes from a weakening of the person's bond to conventional society, represented during adolescence by attachment to parents, commitment to school and belief in conventional value. Whenever these three links to conformity are attenuated, there is a substantially increased potential for delinquent behavior." Thus, according to the social development model, the major sources of social control for a youth during childhood and adolescence is found in the family, school, peers, and community. These four controls are responsible for shaping social controls, social learning, social values and social norms. This means that when communities are not functioning properly, delinquency can result. What this means is that delinquency is created within the community and by the community and the community should therefore be held accountable and responsible for their rehabilitation.

Theories focusing on the role of community in juvenile delinquency also suggest that children commit crimes in response to their failure to rise above their socio-economic status. The current realities of impoverished Western Cape communities is similar to Brown's (1998:13) description of British society in the 1880's, namely, that "the society was having to adapt to new forms of economic life and thought, long before it had absorbed the social consequences of industrial change and agrarian (rural) decline. The result was increasingly a society in which people felt themselves to be living in many different layers of historical time". This description can be directly applied to the current political and socio-economic realities of the political

transformation in South Africa as a whole and the Western Cape in particular. The “different layers” refer to the discrepancies in the levels of development that exists in the different Western Cape communities, where a minority group of people enjoys the privileges of the First World and a vast majority of the population are still battling to meet their basic needs. Juvenile delinquency can thus be said is caused by “rapid social change that weakened community and neighborhood controls over children and produced neighbourhoods characterized by high rates of crime.” Regoli (1994: 144)

Studies of communities where delinquency is rife highlight the continuous interaction between community cultures, policies, and politics in producing the criminality and criminalisation of young people. Regoli (1994: 145) explains that this cycle is caused by the fact that “dilapidated and deprived areas create social disorganization. Social disorganization gives birth to cultural conflicts. Cultural conflicts allow crime and delinquency to flourish to the point where it becomes a permanent phenomenon in the community.” The marginalised communities in the Western Cape is a case in point where entrenched customs, cultures, beliefs and deprivation has led to stunted community development. This has resulted in the escalation of juvenile crime as a response to the unsavory circumstances and influences that were embedded in the community. Because of the harmful and disruptive effects of juvenile crime on the community, the latter frequently disassociates itself from the juvenile delinquent and refuses to take responsibility for them. In the words of Brown (1998: 64) these communities do not see delinquents as “social casualties” but rather as “deliberate law breakers” and young criminals who must be held responsible for their actions. The opinions of these communities are that crime could only be controlled if it was punished more severely by tougher residential and non- residential sentences. This hard line attitude and the subsequent alienation of juvenile offenders usually increase their hostility and anti-social behavior in the community. This results in the spiraling of juvenile crime rates and the breakdown of communities. Communities should therefore be reminded that the responsibility for the rehabilitation of delinquents ultimately rests with them because it is they who provided the environment for delinquency to flourish.

Violence and Delinquency

Regoli (1994:32) defines violence as “a process which includes an intentional action or a series of actions by a perpetrator or group of perpetrators that is damaging, destructive or physically injurious or violates the rights or dignity of the victim.”

Certain areas in the Western Cape, has always been a violent, despite the perception held by many that it was a safe haven from the violence plaguing the rest of the country. In 1997, the Western Cape has emerged as the province with the highest murder rate and in 1998 there were over 1100 violent attacks in Cape Town alone. Just over 60% of the 1100 crimes referred to above were defined as gang-related. Marsh (199:184)

What this means is that there has been a complete breakdown of the normal socialization processes for youth in the marginalised communities of the Western Cape. They consequently lack the ability to function optimally and productively in civil society and this has resulted in the social chaos and deviancy that characterize their lives. During the apartheid era, the response to this situation was the removal of problematic youth from their communities and the creation of more institutions to regulate, contain and control young people. Family violence has become a daily occurrence in the lower socio-economic communities of the Western Cape. Marsh, (1996:184) confirms that the majority of murders committed in the Western Cape are connected to a culture of domestic violence, and that there appears to be a definite link between drugs, alcohol and violence. One of the most frightening consequences of constant exposure to violence, however, is a reduced sensitivity that allows people to accept it as an inevitable and entrenched part of their community.

Education and Training and Delinquency

The current generation of young people in the Western Cape bears the brunt of the long-term effects of the apartheid education and employment policies. There is no recognition of the needs of those who have missed important parts of schooling or of the need to address their illiteracy and innumeracy on a mass scale.

A whole generation of youth in the Western Cape has grown up believing that education and learning have no value. This has led to massive numbers of school dropouts, with little or no formal education.

Elliot et al (1974:14) defines a school drop out as “a pupil who leaves the school, for any reason except death, before graduation or completion of a program of studies and without transferring to another school.” The child who leaves school at an early age has reduced opportunities to obtain employment. This lack of satisfactory occupation can make him frustrated and anti-social and thus more susceptible to crime. A number of factors within the school also contribute to drop-out and delinquency, including, the expulsion of students from school for reasons that do not fit the crime or the organisation of gangs within the school system. Delinquency therefore results in the fact that the individual cannot make a full and productive contribution to the community. The high levels of economic crimes among youth in the Western Cape can thus be related to the fact that marginalised youth simply adopted delinquent means to fulfill their economic needs.

Employment and Delinquency



Elliot (1974:76) underscores the value of employment as a means of preventing an escalation of juvenile delinquency by stating that, “Employment serves as a basis for recognition and self-esteem, it furnishes first-hand knowledge about the world of work, instills work values and job discipline and perhaps provide the role models to follow.”

The effect of unemployment on the individual includes a lowering of self-esteem, a feeling of uselessness and a sense that life may be meaningless. For young people this means a struggle to find meaning and structure in their lives, and a sense of failure because they might feel that they have let their family down by not contributing to the family income. They therefore perceive themselves as being a burden rather than an asset in their families. Young people who are unemployed are thus more likely to become alienated and estranged from a society that fails to find a useful role for them and they are subsequently more likely to commit criminal acts and anti-social behavior.

Juvenile Gangs and Delinquency

After the democratic elections in 1994, crime became the single most damaging factor in economic reconstruction and development, and at the heart of this problem was flourishing gang syndicates, drugs and violence. The problems of crime and violence in the Western Cape are exacerbated by the so-called Cape gangs. Juvenile gangs and crime may be the biggest current concern in criminal law enforcement in the Western Cape. These gangs have been around for decades and appears to be entrenched in poor and marginalized communities in the Western Cape as benefactors and role models for young people to aspire to.

Pinnock, (1997: 81) suggests that " the effect of poverty and apartheid's massive social engineering created social stress to which gangs were a teenage response." Hence gangs offered displaced young people in the poverty-stricken communities in the Western Cape a measure of security, identity and 'sense of belonging' because the social world of adolescents revolves around their friends. They search for acceptance, status, identity and meaning through interaction with the same peer groups. This is how some youths are drawn into existing gangs.

Several studies have shown that youth are more likely to commit violent crimes as part of a gang than on their own. The reason for this can be that a gang makes the young person feel more powerful, secure, accepted and affirmed. This results in group loyalty and a powerful susceptibility to negative influencing. The breakdown of cultural and social values and norms and a lack of positive role models normally characterize marginalised areas. These juveniles are therefore without positive guidance that leads them on their way to a positive and responsible adulthood. For this reason they fall prey to the negative rituals of gangs in their communities.

Declining job prospects for urban youth, even in the unskilled labor market, accompanied by poverty, weak families and community cohesion causes even greater social alienation of youth. This makes them vulnerable to the negative attraction of criminal activities because gangs thrive in "socially disorganized and deteriorated neighbourhoods where youths engage in a variety of delinquencies." Regoli (1994: 446) Increasing amounts of official resources are therefore spent on addressing

problems related to organized criminal youth gangs, usually in the form of institutionalisation. This practice however increases their isolation and results in them clinging to the 'protection' and 'sense of belonging' that a gang provides in these types of institutions, and this in turn leads to increased levels of recidivism and delinquency.

What Works In Changing Delinquent Behavior

Deterrence, Rehabilitation and Recidivism

Changes in delinquent behavior are pursued through the mechanisms of deterrence and rehabilitation. Deterrence refers to the discouraging effect that threatened punishments have on potential offenders. Rehabilitation refers to the process of attempting to change the propensity of individual offenders to commit crimes through training, education and other services. In other words, rehabilitation is an attempt to restore juvenile delinquents to their original status in the community. Recidivism can be defined as a habitual or chronic relapse, or tendency to relapse into crime or deviant behavior. Communities and the authorities expect that treatment programmes that are applied to offenders must reduce the frequency and gravity of their future criminal behavior. In other words, these programmes must decrease recidivism; otherwise it would not be possible to conclude that the programmes were useful or effective.

Criteria for Effective Treatment Programmes

Recidivism into crime can be linked to such factors as academic failure, unemployment, certain psychological disorders, previous criminal behavior, consumption of certain drugs, and so on. This means that all of the above factors have a bearing on the successful rehabilitation of offenders. However, the most consistent predictor of recidivism that was found in literature, is age of first offence. Research indicates that the age of first the conviction and sentence will determine the likelihood of reincarceration. This means that the younger their age, the more likely they are to recidivate. Bonta (1995:277)

Thus, the more their needs are met, and the older they are when they are first arrested, the better the outcome for them in the long run. This has serious implications for current preventative and treatment intervention methods in communities.

Palmer (1995:131), adds that programmes that are linked to those based on behavioral and cognitive-behavioral, family-oriented theoretical models, also contributes to the reduction of recidivism rates and changing of delinquent behavior. Cognitive-behavioral restructuring programmes teach delinquents that their cognitive (perception, memory and judgment) skills will result in a change in their behaviour.

According to McGuire, et al (1995: 14-15), psychotherapy, medical treatment and punishment is ineffective in reducing crime. They provided the following key principles for effective treatment programmes: risk classification, criminogenic needs, responsivity, community-based programmes, treatment modality and programme integrity. Effective programmes are thus those that provides high levels of service intensity to the high risk offenders because several studies have found that intensive services are necessary to achieve a significant reduction in recidivism among high-risk offenders. Programmes must address offending behavior directly by focusing on those problems and needs of the individual that contributes to offending rather than other unrelated issues. This means that when critical needs in the lives of juvenile offenders are addressed, there is a decreased likelihood of recidivism. However, difficulties in accessing the full range of resources needed to assist youth and families with complex needs, primarily due to a lack of appropriate resources, will derail the treatment process of rehabilitation, deterrence and reduction of recidivism. Responsivity refers to the process of matching of offender learning styles and personality traits. For example, youth with high levels of anxiety do not respond well to programmes that emphasize confrontation, and youth with limited intellectual abilities do not do well in traditional cognitive skill programmes. Community-based programmes are more effective because the closer proximity to offenders' home environment will facilitate life-long learning. The community plays a crucial part in the success of intervention strategies, especially with regard to ongoing support, utilisation of resources, positive role modeling, inclusion of the juvenile, instead of alienation, monitoring, etc. Treatment programmes that are more effective are those that are multi-modal, in other words, that consists of different approaches and/or interventions, are skills orientated and are drawn from cognitive, behavioral or cognitive-behavioral sources. Lastly, the stated aims of a specific programme and the adopted methods must be linked to ensure programme integrity.

Studies have also shown that learning problems and behavioral disorders may occur simultaneously. A learning disability may often contribute to poor academic results, which in turn may contribute to low self-esteem. Low self-esteem might contribute to juvenile delinquency. Elliot (1994:205) suggests in this regard that...“[effective] education programmes must stress the fact that people being catered for are not “failures”, but those who have been failed by society. He argues for a common future national curriculum, which brings intellectual and manual labour closer together. He further argues that those with no schooling at all or who dropped out of school should be provided with compulsory government-provided primary schooling, concentrating on literacy and basic education programmes as well as skills training and morale building initiatives, in the form of state-mobilized youth brigades and community service corps.

If juvenile delinquents are therefore to change their habits of delinquency, they need to have success in finding jobs. For this to happen, the delinquent must have ample skills to compete with in the open job market. Because current job markets are highly competitive and technologically oriented juvenile delinquents need the academic skills of reading and writing to compete for jobs. If the juvenile delinquent has the desire to change but does not have the reading and writing skills to facilitate employment, he or she will turn again to crime. In other words, recidivism will return if juveniles have limited or inadequate reading and writing skills. Therefore, education and training, with an emphasis on basic literacy, must be an important goal for all juvenile delinquent service providers. The private sector and community structures should also be involved in the contribution of these initiatives.

Policy Frameworks and Institutional Arrangements

The Transformation of the Juvenile Justice System of the Western Cape

It is important to look at the way in which our society deals with young people who have been in conflict with the law. The previous South African juvenile justice system was not designed with young people in mind and did not act in ways that were likely to change their attitudes. It was based on the retributive model where the offender is accused of an offence and tried by a court of law, allowed an opportunity to defend himself, convicted and often sent to an institution. The system was developed around the notion of denying and proving guilt. At no time is the offender required to take responsibility for his actions. Consistent with national transformational trends, a wave of juvenile justice reform commenced in the Western Cape jurisdictions after 1994. These reforms resulted from the recognition of the failures of the punitive model of intervention. The new justice model provided an added momentum for de-institutionalisation. It also emphasises offender responsibility and a fair justice administrative system.

This new juvenile justice system is based on the Restorative Justice approach, which aim to address "... the failure of previous justice models to take sufficient account of the social context of the offender and provide a mechanism for offender accountability, victim participation, offender remorse and reparation to restore community harmony. Restorative justice seeks to balance three goals by addressing not only accountability, but also public safety and competency development. Consedine (1999:101). The new juvenile delinquency prevention model can be broadly divided into three prevention categories: Primary prevention that refers to the strategies that stops or precludes criminality. Secondary prevention that refers to strategies adopted after there are indications or signs that imply a problem will occur if these secondary intervention techniques are not successful. Tertiary prevention comes after a problem has occurred, and the intervention strategies are intended to limit the damage or rehabilitate the individual so that the problem does not recur. Tertiary prevention programmes also attempt to deter individuals from returning to crime once released from the criminal justice system.

In the previous political dispensation, tertiary prevention programmes, was the preferred form of intervention. This included different methods of supervisory surveillance, such as supervised community service and detention of sentenced offenders. This method was based around punishment principles of retribution, restoration and reparation. The current juvenile justice system is reaching beyond the traditional tertiary level interventions. The new justice model now incorporates secondary measures, such as, diverting offenders from the court system with the aim of deterring them from reoffending. Another recent development is the increase in primary level interventions that aim to prevent vulnerable youth from offending by changing physical or social conditions conducive to crime, addressing developmental risk factors amongst vulnerable populations and increase opportunities for positive participation and empowerment of young people within their local communities. A positive outcome of the new system is the implementation of diversionary measures that aim to exclude minor and early offenders from tertiary intervention strategies. This ensures that more resources become available to develop more effective treatment interventions for the rehabilitation of high-risk offenders: those who present a greater risk to the community and are relatively more likely to reoffend.



Inter-ministerial Committee on Young People at Risk (IMC)

The Inter-ministerial Committee (IMC) was established in June 1995 in response to the crisis following the promulgation of section 29 of the Correctional Services Act, no 8 of 1959 (as amended by the Correctional Services Amendment Act, no 17 of 1995).

This legislation led to the release of over 1000 children from prisons and police cells, many of whom were transferred to places of safety that were unprepared for their admission. This exacerbated an existing crisis in the residential child care system in the Western Cape. The brief of this committee was to conduct an investigation into the Child and Youth Care system. This Committee consisted of the relevant government Ministries of Welfare, Justice, Safety and Security, Correctional Services, Education, Health and the RDP (Reconstruction and Development Programme), as well as a number of national non-governmental organizations (Lawyers of Human Rights, NICRO, National Association of Child Care Workers, National Council for Child and Family Welfare, National Children's Rights Committee, Criminology (UCT), and the

National Youth Development Project). It was chaired by the (then Deputy) Minister of Welfare.

Following above investigation, the IMC made comprehensive recommendations to transform the existing child and youth care residential system. These recommendations were accepted Cabinet. Due to the fact that the Western Cape was identified as the province with the most juvenile institutions (correctional and childcare), it was targeted as one of the priority areas for critical attention. The IMC worked in close proximity with other national processes of transformation, such as the National Crime Prevention Strategy and the National Youth Policy.

The framework of the IMC policy document is based on restorative justice principles where youth at risk were targeted through developmental, family oriented and community-based strategies to empower themselves, their families and ultimately, their communities to take control of their own lives. The basic tenet of this policy is that the process of the least restrictive and most empowering intervention option should always guide decisions regarding youth at risk or in need of care.

The policy document advocates diversion from the formal criminal justice system (where possible) as its cornerstone and also promotes reintegration, family support and community involvement. The policy document views institutionalisation as the most restrictive and least empowering intervention option and seeks to move away from this kind of punitive and segregatory programmes.

With regard to institutions and secure care facilities, the IMC acknowledged the fact that these types of facilities are needed in cases where the safety of the individual and/or community is at risk. They proposed however that these institutions be transformed in line with restorative justice principles and children's rights prescripts. An important recommendation is the fact that institutions must provide access to schools, education and skills training, in partnership with NGOs and other community-based structures to maintain the connectedness of the juvenile to his community and family support structures. This alternative service framework of the Inter-Ministerial Committee replaces control and punishment with a developmental and discipline approach. They emphasised prevention and early intervention

programmes as prerequisites for the reduction of residential care and reclaiming youth at risk.

This integrated framework for the child and youth care system prioritises prevention (primary intervention) and early intervention (secondary) programmes and minimised residential care (tertiary intervention). It proposes that programmes must be delivered within a developmental perspective and should be embedded within communities. The IMC argued that effective implementation depends on a multi-disciplinary team approach at each level and within every component that was involved in the youth care system. Their framework provides for an integrated system, involving Departments Justice, Social Services, Education and other role-players, to increase programmes of prevention and early intervention and reduce institutionalisation. The IMC designed a strategy to deal with youth at risk and those in conflict with the law. The strategy is designed to encompass all facets of prevention and developmental care based on a youth-centred approach. It aims to encourage accountable and responsible involvement of caregivers, participation of family and community and promotes a restorative justice approach in the resolution of conflict. The Child Justice Bill was drafted in 2000 to bring this approach into effect. IMC (1995-1999: 36)



Child Justice Bill, 2000

In July 2000, the South African Law Commission's Project on Juvenile Justice completed the proposed Child Justice Bill. This Bill deals with children under the age of 18 years who are accused of committing crimes. It recognises national and international Children's Rights Agreements (South African Constitution, African Charter on the Rights and Welfare of the Child, United Nations Convention of the Rights of the Child, United Nations Guidelines for the Prevention of Juvenile Delinquency [the Riyadh Guidelines], United Nations Standard Minimum Rules for the Administration of Juvenile Justice [the Beijing Rules] and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty). It covers procedures that must be followed from the time a child is apprehended until the passing of sentence. The Child Justice Bill proposes that the minimum age of criminal capacity be raised from seven to 10 years and that children between the ages of 10 and 14 years be presumed not to have the capacity to differentiate between right and wrong. It promotes the adoption of a restorative justice approach to crime, taking into

consideration the needs of the child, the victim and the interests of the community and also aims to prevent recidivism.

This approach facilitates reconciliation, accountability, active participation and re-integration of offenders as well as building the preventative capacity of communities. A central feature of the Bill is diversion programmes for less serious offences. Diversion means the referral of cases of children alleged to have committed offences away from formal court procedures with or without conditions. It is a way of getting children to take responsibility for their actions without taking them through courts and prisons. Instead they are required to do specific tasks, attend a programme or in some way made to put right what they have done wrong. This intervention will also encourage greater community participation as community members can be drawn into the development of diversion options. The objective of the Child Justice Bill is also to promote an integrated intervention programme by encouraging co-operation between all government and other role-players in the juvenile justice system. The South African Law Commission projects that the effective implementation of the Bill will result in a cost saving of 35% per year on current expenditure within the Juvenile Justice system. However this will only happen if Diversion programmes are expanded, children spend less time in the criminal justice system and in places of detention.

The Child Justice Bill was handed to the Minister of Justice in August 2000. The Bill was subsequently brought before the Portfolio Committee on Justice and Constitutional Development, who has recommended various changes. The drafting team revised the Bill and the redrafted Bill was handed over to the Committee during November 2003. It is anticipated that the Bill will soon be finalised and passed as an Act of Parliament before April 2004.

The South African Constitution

The South African Constitution, 1996, in section 28(1) (g) provides every child with the right not to be detained except as a measure of last resort, in which case; he or she may be detained only for the shortest period of time. This Act enshrines the rights of children and is guided by international developments, principles and initiatives. The South African Constitution is one of the most democratic documents in the world and

underscores the value of South African youth. It therefore endeavors to protect their interests in virtually every aspect of their lives. The Constitution also promotes the strengthening of families and communities as priority areas.

Despite this provision the problem of too many children being detained in prison has continued. This is mainly due to the fact that legislation makes it possible for magistrates to detain children 14 years and older in prisons. Another contributing factor is the limited secure care facilities available to accommodate high-risk children, the majority of who hails from broken families and under-resourced, crime-ridden communities. The persistent numbers of children in prison and other correctional institutions can also be attributed to the fact that there are cases that take too long to be finalized due to the congested criminal justice system. Magistrates do not always comply with the requirements of law pertaining to the custody of children. Alternatives to custody are not thoroughly explored. Unnecessary requests for postponements by legal representatives and the fact that children are committing more serious offences.

The National Youth Policy, 2000



The National Youth Policy 2000 document developed by the National Youth Commission (NYC) in 1997 is an attempt to transform existing national youth development initiatives into a government policy document. (NYC 1997).

The National Youth Policy, 2000, identified nine strategic areas for youth development. Under the strategy for education and training, the creation of a framework for the National Youth Service was mandated.

The National Youth Policy proposes the establishment of a national institution to coordinate the National Youth Service in consultation with community, private and public sectors. In line with the directives of the Reconstruction and Development Programme (RDP), the National Youth Service would play a significant role in creating an environment for youth empowerment and development initiatives, by involving youth in community service projects such as literacy, welfare, health, public works, peace monitoring and other priority national projects.

In this way, the National Youth Service aims to play its role in youth development, regeneration of communities, nation building and economic revival. Early school leavers and youth in conflict with the law are identified as key target groups, amongst others for participation in the National Youth Service.

Probation Services Act 116/1991

This Act allows for the assessment and screening of awaiting trial persons under the age of 18 years. Probation Offices are also required to present pre-sentence reports, undertake supervision services and are also supposed to meet the needs of victims of crime.

This Act also makes provision for the establishment of crime prevention programmes focusing on the needs of the offenders, family victim and community.

This Act allows for the appointment of volunteers who can assist probation offices with crime prevention and intervention strategies e.g. finding parents / guardians in whose care the juvenile offender can be released at the pre-trial stage.



Section 29 of the Correctional Services Amendment Act 17/1995

This section regulates the detention of unconvicted young persons and distinguishes between children below 14 years, and children between 14 and 18. In essence this piece of legislation emphasize the relevance of age when making a decision about detention in custody or release into the community, because what is adequate or appropriate for 17 year olds, is not necessarily adequate or appropriate for 12 year olds. According to this amendment, children under the age of 14 years may not be returned to a police cell or prison after their first court appearance.

The National Crime Prevention Strategy

The National Crime Prevention Strategy (NCPS) was drafted in 1996 as an inter-ministerial response to crime. This strategy is based on the restorative justice paradigm of crime prevention, rehabilitation, reintegration and community safety. It also views community safety and security as an enabling condition for economic growth. It recognizes that the non-delivery of effective social services contributes to crime and targets this as one of the areas of concern. The NCPS also recognizes that

ineffective victim support and empowerment programmes have an impact on the recurring nature of violence. In other words, if victims are not treated effectively today, they are likely to become victims in the future, or even out of frustration, they may become perpetrators.

What this means is that policymakers recognized that structural problems, such as the lack of adequate housing, education and employment opportunities, underpin the culture of juvenile delinquency. This strategy therefore supports the concept of an integrated approach in addressing the causes of crime.



Summary

Literature indicates that institutionalisation are harmful to juveniles and not an effective means of rehabilitation. It is obvious that the needs of youth at risk in the Western Cape should be addressed appropriately and as a matter of urgency to prevent the downward spiraling of young people into delinquency and more serious criminality.

What has do be done to combat the loss of our future generation in the Western Cape is to encourage self-reliance and a greater sense of responsibility in communities because juvenile delinquency is a societal responsibility. Timely action by the community has been shown to make the rapidly rising rate of juvenile delinquency decline. This is important because juveniles should be valued as adults in the making. It is important to note that the young serve as a great resource for progress in our politically transformed communities because of their boundless energy and idealism. It is also important to remember however, that they are greatly influenced by the conditions in which they live. Their style of life during the formative years of transition between childhood and adulthood are thus a crucial determinant factor in their socialization process towards becoming productive and responsible adults in their communities.

The trends reflected in current policy frameworks and institutional arrangements pertaining to juvenile justice and crime reconceptualises punishment itself by promoting development, reconciliation and social harmony within the family and community as effective measures of deterrant and rehabilitation.

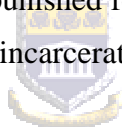
The current transformation initiatives are based on the principles of restorative justice, where the youth offender are taught to accept responsibility for their criminal actions in the most empowering means available. This philosophy sees institutionalisation as a last resort and community involvement and reintegration as the primary means of intervention. It promotes rehabilitation through cognitive and skills training to effectively reduce recidivism.

CHAPTER 3

JUVENILE DELINQUENCY TREATMENT: CHALLENGES AND METHODS

Introduction

Crime prevention research and policy have traditionally been concerned with offenders or potential offenders. Researchers have looked to define strategies that would deter individuals from involvement in crime or rehabilitate them so they would no longer want to commit criminal acts. In recent years crime prevention efforts have often focussed on incapacitation of high rate or dangerous criminals so they are not free to victimize law-abiding citizens. The central assumption about crime prevention here was that efforts to understand and control crime must begin with the offender, in other words, the focus is on people and their involvement in criminality. Consequently people (juveniles) are punished for their misdeeds, by segregating them from the law-abiding community and incarcerating them in institutions.



A different assumption, that seeks to shift the focus of crime prevention efforts not on the people who commit the crime, but on the context in which the crime occurs, is now challenging this offender-based perspective. The objective of this approach is to develop a greater understanding of crime. It also aims for the provision of more effective crime prevention strategies, through concern with the physical, organizational and social environments that make crime possible. It demands a shift in perspective, from one that looks primarily at why certain people commit crime to one that is primarily concerned with why crime occurs in specific settings or places. It shifts the context in which crime occurs to the central focus of theory, research, and practice. In other words, it emphasizes an understanding of the community contexts in which crime occurs, so that preventive community-based intervention strategies can be devised and applied. This chapter will compare these two approaches, with the aim of proving that the community-based approach is the more effective and appropriate and effective intervention strategy for youth at risk in the Western Cape.

Challenges

Challenges of Youth at Risk in the Western Cape

Due to the historical separation of different racial groups in the Western Cape, the sub-cultural formations of youths tend to be specific to each racial group. For instance, many marginalized youth in the Coloured community found the acceptance they desired within the structure of street gangs. Poverty, family stress and early school leaving characterize the lives of youth in marginalized Western Cape communities. Learning disabilities, chronic truancy, school failure and alienation are additional factors that accompany gang involvement. Incarceration among gang members is a normal part of their lifestyle, as are drug abuse, violence and criminal activities. Gang youth seldom finish school, have few prospects for gainful employment and have nothing to hope for. Consequently, they believe that they have nothing to lose. Increased gang activity can also be attributed to a growing loss of culture, family and community. The gang provides the same emotional and material security for its members that an extended family would. It is almost impossible to count how many individual gangs there are in the Western Cape but Pinnock (1996:12) estimates that the number of gang members are between 90 000 and 100 000, although many people feel that there are considerably more. Irrespective of the exact figure, the proportion of those who feel socially excluded enough to join the gangs is considerable and alarming.

In contrast, Black youth gravitated towards the emerging political groups that rose against apartheid and the government. These youth perceived themselves as frontline soldiers in the struggle for social and political change, and therefore as defenders of their communities. In fighting against the system with their stones and homemade weapons, they became the army for liberation. The political struggle thus provided them with an alternative structure, a sense of belonging and purpose, and a sense of identity in their new status as liberators.

Reporting on two academic researches into children's experience of violence on the Cape Flats, the Cape Argus stated that, "97% [of children surveyed] reported hearing gunshots, nearly half had seen the dead body of a stranger and nearly as many the dead body of a relative, or somebody they knew, who had died from unnatural causes.

Many had seen people being shot or stabbed, and more than a third of them had seen somebody shot or stabbed in their own homes. Several had themselves been shot, stabbed or raped, or been threatened with a gun or a knife. The study found that more than one in 10 of the children had been shot at while at a taxi rank, more than one in five knew somebody who had been shot and killed while in a taxi. Another earlier study showed nearly 17% of children and teenagers at school in a specific area of Khayelitsha, had suffered post traumatic stress disorders. This study again turned up unacceptably high levels of distress symptoms among a different group of children, resulting in disturbed eating, and sleeping patterns, as well as disturbed concentration and spontaneity.”

(Cape Argus, 29 March 2001).

Abovementioned extract clearly illustrates the structural violence that youth in marginalized communities are confronted with on a daily basis. The harmful impact that this has on their psyche, are immeasurable and long-term.

According to the National Crime Prevention Strategy youth related crimes have shown a dramatic increase since 1995. It states further that economic crimes are most frequently committed by youth (48%), followed by aggressive crimes (32%), sexual offences (15%) and lastly drug related offences (7%). (National Crime Prevention Strategy,1996:62)

According to an article in the journal, Article 40, June 2003, the average age of youth committing crime dropped from 22 years in 1998 to 17 years in 2000. The high levels of violence in these communities made the areas also menacing to outsiders, who fear street gangs, violent assaults or highjacking. The social and economic impact of this situation on increased rates of recidivism and delinquency is considerable and profound.

Despite aggressive policing tactics in the past five years, the situation has remained largely unchanged. Local authorities are increasingly turning to punitive measures to control areas deemed ‘ungovernable’. Consequently, large numbers of Coloured and African youths in the Western Cape are still institutionalized.

Challenges of Communities at Risk in the Western Cape

Western Cape communities provide some of the starkest examples of contrasts and social disorganization, low levels of social control and efficacy in South Africa. It was designed on the principles of Apartheid and still withstands the worst of this divisive system, socially, economically and spatially. The majority of the White population is still enjoying the affluent and privileged lifestyles of their First World counterparts, whilst the majority of African and Coloured people live in extremely impoverished areas.

A recent survey by Southern African Labour and Development Research Unit (SALDRU) of two communities in the Western Cape, namely, Khayelitsha and Mitchell's Plain, two of the most densely populated areas in the Province, reveals that the unemployment rate to be in the region of 46%. For those under the age of 30, unemployment was recorded at 61%. SALDRU (2000:78 -90)

This means that a vast number of people in these communities exist outside the formal economy and those who gain employment, earn low and insufficient wages. Urbanization in the Western Cape has been characterized by a history of oppression and increasing poverty of certain segments of the population. Poverty and homelessness is a well-documented phenomena, not only in the Western Cape, but everywhere else in the post-apartheid South Africa.

In addition to the low income of these people, the infrastructure in these communities is also poor, a sad legacy of Apartheid that channeled the lion's share of state funds into White areas. Thus in poor areas, local state schools and hospitals are still suffering severe over-crowding and under funding. Many areas in these communities have been left derelict. Very little outside investment is forthcoming from the private sector.

It is in this context that one finds the depressing social features shared by the numerous marginalized communities in the Western Cape. Most notable are ill health, stress, and the adverse effects of drug dependency, family fragmentation, school truancy, and exceptionally high levels of interpersonal conflict, domestic violence and assaults involving knives and guns. In the Western Cape the official homicide rate for the period 1999 – 2000 was 91 per 100 000 people. In the first five months of 2001 alone, there were 103 registered murders on the Cape Flats, while in May 2003 there

were 37 murders attributed to gang violence. In March 2003 on separate evenings, stray bullets from gang fights hit five children, four of whom died from their injuries. In Manenberg, a community comprising roughly 6000 people, the local school is surrounded by an electric fence to keep “gangsters” out, and barbed wire and bulletproof windows protect the few inhabited public buildings. (Cape Argus, 4 October 2001).

The policy of forced removals of Non-White racial groups to special locations/townships on the outskirts of major cities and towns, played an important role in the destruction of community cohesion, and the development of identities determined along racial and economic lines. Apartheid laws and discrimination against Non-White people also stunted their economic development. Driven by rural poverty, large numbers of people immigrated to urban areas in search of work. This led to the development of informal settlements and contributed to the existing poor living conditions, such as inadequate housing, poor infrastructural facilities and social services and exacerbated the destruction of traditional family structures. These marginalized townships share the following characteristics: limited economic activity, poor sanitation, inadequate infrastructure, poor education, and high rates of illiteracy and unemployment. Apartheid thus contributed to the destruction of traditional family structures and community cohesion. Extended family networks that extended the care, support and discipline to members of the family characterized these traditional families. The children and young people most profoundly felt the effect of the breakdown of the family. When the family becomes dysfunctional, the children leave home to escape violence and/or the effects of the alcohol abuse, which are prevalent in many of these homes. They may either abandon their homes permanently, or in some cases, begin to spend more time on the street, which gradually draws them into criminal associations and street gangs. One of the causal factors of marginalized youth is the fact that they find their home and sense of belonging on the street.

Pre-transformation Challenges Within the Institutional System

A Cabinet-requested investigation into the crisis in the residential childcare system in 1996 highlighted the plight of children in Reform schools, Schools of Industries and Places of Safety. The Western Cape was found to have the largest amount of Reform schools and Schools of Industry. Disciplinary methods at these institutions were found to be punitive, harsh and inappropriate. Children in these residential facilities claimed to be victims of emotional, physical and sexual abuse by staff members and other children. It was found that sodomy occurs in almost all facilities. Language is identified as a problem at a number of institutions as Afrikaans was found to be the dominant language at Reform schools and Schools of Industry.

Admission criteria for Schools of Industry include an IQ score of a particular range. The testing of IQ's for admission did not generally take into account cultural or language differences and this resulted in inappropriate placement or exclusion from a particular facility. This resulted in available beds becoming inaccessible to children of a certain estimated intelligence. Unequal educational standards were found at the different schools. Whilst some children were given education and training which equipped them to enter the job market or apprenticeship or mainstream education, others had a ceiling set for them. Institutions catering for mainly African children were found to have low educational standards. Although these schools claimed to have a high intake of illiterate and semi-literate children, there was no mother tongue instruction. The literacy classes were not specialised programmes for basic literacy, but merely a process of teaching teenagers the Grade One curriculum. Thus, children leaving these schools were unable to continue within the formal system after their release.

In these schools the children could not choose between academic or commercial or technical education. They simply had to do whatever is on offer. Developmental and therapeutic programmes to meet the needs of emotionally and behaviourally troubled children were found to be missing. Lack of contact with family members was also highlighted as a serious problem. The majority of schools were located in semi-rural areas, making it difficult for families to have access thus making it difficult or impossible for families to be directly involved in their care and treatment. In the majority of cases, contact with the local community was extremely limited. Going out

into the town or the village was not generally permitted, and few outings were arranged. It was also a common practice to take away holidays as a punishment. There was almost no reconstruction work with the families of the institutionalised children or plans to prepare young people for their return to their communities. No after care services were rendered to monitor and guide reintegration into their communities after release.

At Constantia Boys School (50%) and in Constantia Girl School (80%) of the pupils were transferred from Schools of Industry. Children are often transferred from Children's Homes to Schools of Industries (20% of children in Schools of Industry have been transferred from a children's home), and from Schools of Industry to Reform Schools by bureaucratic action. This is legal in terms of Section 34 of the Child Care Act 74 of 1983, although in contravention with international and national policy instruments with regard to recognized child and youth care practice. It was found that all children in Schools of Industry are victims of abuse and neglect and could have been kept in the community if community-based care and support or children's homes had been available, and if they had the ability and resources to work with them.



Post-Transformation Challenges Within the Institutional System

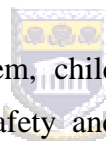
The investigation and recommendations of the IMC resulted in the transformation of the institutional system. Abovementioned recommendations resulted in a marked drop in enrollment numbers at these institutions because firstly, alternative placements were found and secondly, due to the fact that the Western Cape no longer accepted referrals from other Provinces, unless those provinces agreed to pay for services rendered. This drop in numbers resulted in overstaffed and under populated institutions that were becoming increasingly uneconomical to maintain. Institutions were subsequently rationalised from eleven to a current total of five and transformed into youth care centres (Schools of Industry) and special youth care centres (Reformatories).

The following facilities are currently receiving sentenced children in the Western Cape, namely, Eureka Special Youth Centre for Boys, Faure Youth Centre (for boys and girls), Ottery Youth Centre (for boys only), Wellington Youth Centre (for boys

and girls) and De Novo Special Youth Centre (for boys and girls). Each facility caters for a total number of 120 beds for sentenced children.

However, a serious shortage of beds is causing numerous children who have already been sentenced to Reformatories, to wait in prison pending designation and admission. This impacts negatively on the maintenance of discipline at the designated reformatories as many of the children have adopted the culture of prison gangs and lifestyle by the time that they are admitted to the institution. This results in regular fights between the rival gangs and non-members are forcibly recruited to join the different gangs. Sodomy and other prison practices, such as drug abuse, violence, etc. are also replicated at the different reform schools. Another problem at these facilities is the low levels of formal education of the learners. Normally they range between the ages of 14 and 17 years and are thus unsuitable to be incorporated into mainstream education facilities.

(The Teacher/Mail & Guardian Media, Johannesburg, October 2001).



In the current juvenile justice system, children are dealt with by five different government departments, namely, Safety and Security (arrest), Justice (sentence), Social Services (assessment and family reconstruction services), Education (institutionalisation) and Correctional Services (detention). This is an illustration of the persistent fragmentation of services. The institutions are also experiencing severe budgetary constraints due to the costliness of this form of intervention method. According to figures released by the Western Cape Education Department, approximately R89 000 per learner is spent on the province's troubled youth, as opposed to R7000 for mainstream learners (Mail & Guardian, Johannesburg, 3/10/2000). As proposed by the IMC, above institutions transformed their policies and mission statements in accordance with developmental and restorative principles. However, many learners in reform schools and schools of industries are still suffering from educational neglect, and are illiterate or semi-illiterate. No standardised educational material or norms on programmes to deal with the new approaches are yet in place. Although racial integration has taken place, Afrikaans is still the dominant medium of communication and instruction. This can possibly be attributed to the fact that the majority of the principals at these institutions are still White, Afrikaans-speaking men.

(Article 40 Journal, July 2003)

The above information clearly indicates that despite name changes of institutions and other 'transformation' initiatives, the legacies of the past still persist. It seems to be a case of 'the more things change, the more they stay the same'.

Challenges of Community-based Treatment

The primary challenge of community-based treatment lies in the fact that if deviant behavior goes unchallenged the stage is set for serious crime and violence to flourish. Schneider (1997:49) found that the largest single predictor of crime levels in the neighbourhoods studied was "collective efficacy". The author defines 'collective efficacy' as "mutual trust among neighbours combined with a willingness to intervene on behalf of the common good." Thus, communities with high rates of collective efficacy will have low crime rates and visa versa. Delinquency and criminality will therefore flourish in the conditions of social disorganisation that pervade marginalized communities in the Western Cape. Thus, as long as these social conditions persist, high rates of crime and delinquency will continue. Without effective intervention to change the negative social conditions, these communities will continue to reproduce deviance, social disorder and violence. The more recent research of Ellickson (1996:157), documented the "spiral of decay" a neighborhood can fall into with high rates of residential turnover, low rates of home ownership, family disruption, traditions of tolerance of deviant behavior and low levels of guardianship and informal social controls. What this means is that the structural challenges within communities can only be addressed effectively through means of an integrated approach by all the relevant role-players.

Cottrell (1977:548) states that a community is competent when the various components of that community: (1) are able to collaborate effectively in identifying the problems and needs of that community; (2) can achieve a working consensus on goals and priorities, (3) can agree on ways and means to implement the agreed upon goals; and (4) can collaborate effectively in the required actions. Hence, community-based treatment methods will only be effective if linkages within the community are strengthened so that the community can integratively.

Methods

Institutional Treatment

The establishment of institutions was in response to theoretical debates that juvenile delinquents could be exposed to different and more positive influences if placed within the correct disciplinary context. Chisholm (1984:5.) It was also propounded as a more appropriate and humane alternative to imprisonment, or “a rehabilitation programme of vocational training and limited schooling to nurse juveniles back to useful citizenship”.

Chisholm (1988:3). The detention of a juvenile in an institution is one of the most frequently used methods of punishment in the Western Cape juvenile justice system.

Objectives of Institutional Treatment

Youth facilities are the institutional branches of juvenile justice programmes. Their stated purpose is to hold juvenile offenders accountable for their actions and provide an opportunity for rehabilitation. The main goals that emerge as themes throughout the mission statements of Youth facilities are to hold youth offenders accountable, to emphasize public safety, to provide certain consistent sanctions for youth offenders, to support the concerns of crime victims, to provide comprehensive youth reformation programmes, to promote and support juvenile crime prevention activities, to encourage family involvement and to select, train, support and empower a competent and diverse work force. The overall goal of these facilities then is the rehabilitation and reintroduction of healthy individuals into society.

Effectiveness of Institutional Treatment

Elliot et al (1974:203) questions the effectiveness of institutionalisation by stating that “alienation, association with delinquent friends, and delinquent behavior appears to be bound together in a mutually reinforcing process...we must seriously consider the extent to which conventional delinquency treatment programs facilitate further delinquency by isolating youth from conventional peer associations. Efforts should be made to integrate youthful offenders in conventional activities with non-delinquent peers.”

Kemmis (1990: 45) confirms that “... institutional care is an insufficient and damaging form of care that should not be used in developing countries because the care of children in large institutions is an outdated Western model and does not meet their need for normal psychological development.” The introduction of institutions is particularly inappropriate because they compete with, and threaten to, destroy traditional family and community systems, the destruction of which would require institutional care for thousands of other youth in the future.

Eureka Youth Centre: An Institution Transformed?

Eureka Youth Centre is the first former Reformatory School in the Western Cape to officially make the full switch to a Youth Care and Special Education Centre for Boys. As part of the new paradigm of development and restorative justice, this Centre changed its name from Umzingisi Reformatory School for Boys to Eureka Special Youth Care Centre. The former Department of Education and Training originally built Umzingisi Reform School in 1998 as a juvenile penitentiary for Black youths in Rawsonville, Worcester. The emphasis then was on containment, not on rehabilitation. Although the school was built to accommodate 20 youths, school numbers have since swelled to 72. The new Centre (Eureka) accommodates 120 juveniles. Although it is officially multi-racial, in October 2000 there were only two white youths at the institution. Most white juvenile offenders were sent to Constantia School for Boys, in Tokai. According to the Education Department, however, referrals are determined by regional proximity, not race.

According to the social worker, discipline is maintained by working on positive reinforcement rather than “breaking down the boys” and practicing corporal punishment. In keeping with the school’s overall refurbishment plans, the canteen and dormitories were renovated. The Youth Centre resembles a well-manicured mainstream school. Sleep quarters (hostels) are however painted in dreary colors and have the same somber, cold and impersonal interior and atmosphere of prison cells. The doors of these hostels are locked from the outside, placing the learners at the mercy of night staff members during after-hour emergencies.

Morning classes take place until 13:30 and concentrate on numerical skills, English and environmental studies. Vocational skills are developed in areas such as, leather

works, using off cuts from a tannery. Shortage of funds resulted in three of the leather workshops closing down, but other vocational activities, such as carpentry, motor mechanics and brickwork continue. In line with the new developmental paradigm, the boys are able to have a much longer day of activities. Family visits are allowed more regularly, with sleepover facilities for those families from afar. Individually tailored development programmes are utilized that takes into account their learning disabilities and previous educational history. Staff however admits to being unable to regulate, contain and rehabilitate all aspects of the students' behavior. The boys are divided into two sections – the big one for the older, more hardened offenders and the smaller one for less serious offenders. The new boys are automatically placed in the small group. Fights break out regularly and incidents of sodomy have been reported, as well as cases where the older boys dominate, intimidate and bully the smaller ones. No follow-up counseling is rendered to juveniles after they have completed their sentences.



The response of the institution to the questionnaire (Appendix II) indicate the following:

Staff Component

For the period of 2000 until 2003 the institution is still without the services of a psychologist. This has serious implications for effective service delivery, especially in view of the fact that the majority of the pupils suffer from deep-rooted trauma and have been exposed to brutalization, neglect and violence for most of their lives. The services of psychologists are also crucial with regard to remedial academic interventions that most of these emotionally scarred children are in dire need of. Between 2000 and 2003 four new teachers were added to the staff component. This is a positive development as the current ratio of teacher to student is almost 1:5. This means that the special educational needs of these juveniles can be optimally met. In 2000 the institution had no social worker, but this situation have since been addressed. However, the absence of psychologists at the institution, will test effective service delivery of one social worker to the limit. The institution was only provided with the

services of an Occupational Therapist in 2003. This service will complement the intervention strategies of the social worker.

Capacity

For the period of 2000 until 2003 the capacity of the institution catered for 120 juveniles. For the same period the institution accommodated this same amount of learners. In view of the current increases in youth crime, this has serious implications for those juveniles who are kept in prison, pending availability of beds. This has dire consequences for discipline and recidivism.

Learners

According to feedback received from the institution, the 12 – 14 year age group showed an increase from 0.83% in 2000 to 6.67% in 2003. The significance of the 5.8% increase of age group lies in the fact that secure care facilities, especially reformatories, are traditionally reserved for the hardened, older juvenile. In the previous dispensation, this younger age group was mostly referred to the less stringent institutions, such as, children's homes or Schools of Industry. The new paradigm advocates that this age group should, as far as possible, are kept out of any form of institutional care. The presence and increase of this age group in the severely detrimental atmosphere of one of the most restrictive sentence options currently available for juvenile offenders prove that this paradigm, of imposing the least restrictive and most empowering intervention strategy is not being implemented effectively yet. In addition, as indicated earlier in this research study, the younger the child, the greater the chance of recidivism and recarceration. Exposure to the harsh penal conditions at such an early age, thus impact negatively on their future rehabilitation and reintegration.

The 15 – 16 age group shows a surprising decline from 71.67% in 2000 to 50.83% in 2003. This decline of almost 21%, is an interesting phenomenon, and should be thoroughly researched to determine contributing/ causal factors. These findings might be useful in the provision of future treatment interventions to reduce juvenile crime and recidivism. The 17 and older age group show the most significant increase of 15%, from 27.5% in 2000 to 42.5% in 2003. This is the group on the brink of adulthood, with little or no future prospects to return to upon their release from institutions. It is therefore clear that the youngest and oldest age groups should be targeted for intensive developmental and preventative community-based strategies.

From information received the recidivism rate at the institution for 2000 was 20% and for 2003 it was 35%. This significant increase is a clear indictment on the effectiveness of institutionalisation as an intervention strategy to address recidivism. The questionnaire indicate that for the period of 2000, no children were transferred from Children's Homes, 4.17% juveniles have been institutionalized at youth care centres (formerly known as schools of industry) prior to their admission to Eureka Special Youth Care Centre, 33.33% were held in a secure care facility (places of safety), 45.83% came from prison and 16.67% of the juveniles had no prior exposure to institutionalization.

In 2003 1.67% of the juveniles at the institution came from a children's home, 7.5% came from youth care centres, 57.5% were detained at places of safety and 25% at prisons. Only 8.33% of the juveniles at the institution had no prior exposure to an institutional setting. This phenomena proves that, despite transformation proposals of curtailing the process of moving juveniles deeper into the statutory system, much is still to be done in this regard. The high percentage of referrals from prison exacerbate the existing challenges in institutions with regard to discipline, prison practices, such as gangsterism, sodomy, drug abuse and the accrual of more sophisticated methods of criminality. The increase in referrals from Children's Homes goes against the grain of every restorative justice principle, because children who are usually placed in this kind of institution are those in need of care and not necessarily delinquent. Their referral to a Reformatory School serves to prove the inability of Children's Homes to effectively deliver on their promises of restorative and developmental treatment programmes. This statistics clearly indicate that the recommendations of the IMC regarding strengthening the families and creating community-based intervention structures are not being implemented optimally.

An encouraging phenomenon is the increase in annual contacts with the family of juveniles, from four per learner in 2000 to nine in 2003. However, this still fall far short of effective reconstruction practices. Increased amounts of contact with family will encourage involvement and support of rehabilitation initiatives and possibly leads to earlier release into the community. It will also lessen the juvenile's feeling of isolation and disconnectedness to his family and community. The more family and community contacts, the greater the chance for effective rehabilitation and reintegration. The inadequate amounts of contacts of the institution proves the point

that their continued isolation practices impacts negatively on effective rehabilitation and will therefore contribute to an increase in future recidivism rates.

With regards to after care, the institution reports that no services were rendered in 2000. However, this situation is slowly improving, because in 2003 an average of two contacts per learner has been recorded. The value of after care services with regard to optimal reintegration and prevention of recidivism is immeasurable. The inadequate after-care programme of the institution is therefore a further indictment on the lack of effective transformation strategies, relating to restorative principles, of this institution.

Budget

The Western Cape Department of Education funds the institution. In 2000 the institution received a budget of R1 326900 with an expenditure amount of the same value. In 2003 this amount was increased to R1 493700 and the expenditure amount was also the same. The average cost per learner for 2000 was R11037 and in 2003 it was R12447. These amounts is a clear indication that insitutionalisation is one of the most expensive forms of intervention in the field of juvenile delinquency. The lack of efficacy of institutionalisation in terms of reducing juvenile delinquency clearly demonstrates that there is no justification for spending these huge amounts of the provincial government's severely stretched budget on the institutionalisation of its youth.

Evaluation

Abovementioned challenges clearly demonstrate the ineffectiveness of the institution to address the deep-rooted causes and linkages of juvenile delinquency and recidivism. Superficial changes have been made, in the form of name changes and availability of policy documents. However, in terms of real changes, nothing concrete can be shown to indicate an improvement on any practical level. As an example, children are still transferred deeper into the institutional system, the numbers of the most vulnerable (youngest) age group is increasing, and inadequate reconstruction and after-care services are still in existence.

Community-based Treatment

Juvenile delinquency more often than not has to do with the juvenile's feelings of isolation, inadequacy and lack of focus. Opportunities should therefore be created in the community for them to belong, contribute, form close positive relationships, make responsible choices, develop skills and mentor others, while avoiding negative influences in the community. For the purpose of this research report, skill development is defined as the learning of skills that are valuable to the individual as well as to others.

According to Garland, (1990a: 8) there have been " important attempts to reintroduce questions that had previously been silenced by institutional methods, such as the role of the victim, and of the responsibilities of the community in causing and preventing criminality." This development is in line with what Cohen (1986:p37) terms as 'destructuring', or a move away from the institution towards normalisation, decarceration and community care, and from the individual back to justice, human rights and community focus.



Objectives of Community-based Treatment

The main objectives of community-based treatment are to maximise the personal and social functioning of clients. This is done by promoting their access to needed resources, relationships and services. Community-based treatment thus aims to empower clients toward a positive, fulfilling and sustainable lifestyle that does not depend on continued intervention. Its central philosophy, is a commitment to the worth and dignity of the individual. Community-based practice also aims to enhance the strengths in the client's personal functioning and social environment and to identify the limitations and barriers in their access to the necessary material, social and emotional supports.

This new paradigm proposes a shift in emphasis to a more holistic approach and proactive crime prevention, through community mobilisation and partnerships. In this way community-based treatment programmes will rebuild informal community social controls to protect the community from crime and delinquency.

In other words, it attempts to reverse community disorganization and decay, thereby immunizing the community to continued delinquency, crime, disorder and violence. The use of various community alternatives is emphasized to supplement the reactive

punishment-based criminal justice system. It proposes a new holistic, community-oriented approach to crime prevention and control.

Effectiveness of Community-based Treatment

Brown (1998:68-69) argues that a “wider and tougher range of community-based sentences would ... be potentially more effective than the often pointless and sometimes corrupting experience of institutionalization. The sentence will also achieve public protection and reparation from the offender. He argues further that institutionalization, in itself, is an ineffective means of reform and can be described as an expensive way of making bad people worse.”

Lipsey (1992: 83-126) concur by stating that “non-custodial justice programmes are more effective than any other methods of treatment.”

Juvenile offenders and those at risk should therefore be given opportunities to fulfil meaningful roles in their communities. This forms the basis of the concept of ‘community-based skills development’ where the juvenile develops skills to perform functions that are of value to others in the community. This sense of competency is fundamental for the maintenance of a healthy relationship with their family and community. Sentencing orientated towards putting offenders down, teaching harsh lessons through harsh sentences is ineffective. This approaches simply lower the self-esteem of the offender, hinder integration and increase disrespect for the law.

Cost Benefit Analysis of Institutional and Community-based Treatment

Cost benefit analysis is the economic realisation of a programme. It equates all benefits and costs of an intervention with monetary value. As Brown,(2000:66), has noted, cost benefit or efficiency evaluations are missing from most programme evaluations. The probable reason for this lack of efficiency evaluations is that it not easy to assign monetary value to some of the outcomes of a programme that can be construed as intervention benefits. This is because many of these benefits are intangible.

One impact of the neo-liberal economic strategy embraced by South Africa in general and the Western Cape, in particular, is the transformation of the arrangements for delivering human/ social services. A trend towards conservative government spending has led to outsourcing/privatization of services to private agencies and heightened the focus on economy, efficiency and accountability for outcomes and results. The cost of keeping one child in an institution has been estimated to be as much as providing total and comprehensive support for an average family of 5.2 persons or alternatively, assisting families of over 1000 children with income generating projects. Kemmis (1990: 88)

According to the Office of the Inspecting Judge, 2003, a community-based intervention programme works out to less than R 5 a juvenile per day, whereas the daily cost for a juvenile offender in custody is approximately R100 per day. Deinstitutionalization and community care therefore became preferred and more cost-effective service provision options. However, without the urgent provision of substantial alternative assistance by the state, to support extended families and communities in the care of their children, the need for institutional care will be increasing.

Summary

The Western Cape is incarcerating increasing numbers of juveniles, thus losing youth who could become productive adults to correctional institutions. These institutions are usually places for higher criminal learning and like the social problems it was supposed to solve, correctional institutionalism has become a chronic social problem in itself.

They are cost ineffective, concentrating scarce resources on the few that have access to them. They are psychologically damaging and alienate children from extended family support systems.

By creating more institutions, there is the danger of destroying the extended family support systems. In dealing with youth crime the emphasis should be on providing help and support for parents and families who find it difficult to cope, due to unmet needs in relation to housing, employment and training, leisure provision and drug and alcohol problems. In respect of programmes for persistent young offenders, intensive behavior-based and need-based programmes are needed. Several studies have shown that as delinquents change behaviors, recidivism diminishes. Becoming responsible is therefore an important lesson that needs to be taught to the delinquent. Effective community-based intervention should therefore integrate prevention and treatment strategies Rehabilitation and reintegration activities must therefore become part of the community, which is the natural world of the offender. Furthermore, with the help of correct prevention and early intervention methods, many youths would not require secure confinement to ensure public safety.

CHAPTER FOUR

PROPOSED COMMUNITY-BASED JUVENILE JUSTICE AND DELINQUENCY PREVENTION STRATEGY

Introduction

This chapter aims to provide proposals for an integrated community-based strategy of capacity building, skills training and job creation for youth at risk in the Western Cape. This chapter will also provide guidelines with regard to the roles and functions of the relevant role-players and effective implementation considerations and make recommendations with regard to obstacles impacting on the effective application of the strategy.

Proposed Strategy

Overview

This community-based Juvenile Justice and Delinquency Prevention Strategy is a conceptual model to coordinate and enhance youth-centered efforts in communities across the Western Cape Province. This comprehensive strategy is based on a philosophy of shared responsibility and coordinated action to prevent juvenile delinquency and promote positive development of youth. The aim of this proposed strategy is to become a region-wide effort to develop healthy, responsible youth through prevention, intervention and appropriate sanctions. All manners of indicators - from arrest rates to dropout statistics - indicate the pressing need to attend to the challenges and issues facing youth. These needs have spurred many diverse efforts, strategies and systems. However, the individual and collective effectiveness of these efforts has frequently been hindered by a lack of communication, collaboration and coordination. It is this challenge that this comprehensive strategy seeks to address. The implementation of this strategy has presented a unique opportunity to prevent duplication of services, identify systemic gaps and create a sound web of integrated supervision, service and support for youth.

This strategy has endeavored to create a blueprint for effective collaboration with sustainable and measurable results. However, this document does not contain the final word or the complete solution. Instead, it is expected that the philosophical

approach and constructive process that it reflects will continue to engender innovative cooperation and research, to secure a better future for our youth at risk in the Western Cape.

Vision

For youth at risk in the Western Cape to develop into caring, literate, educated and responsible community members.

Mission

The mission of the Comprehensive Strategy is to promote the positive development of youth, to prevent juvenile delinquency and reduce recidivism.

Strategies

The establishment of prevention programmes and resources that address community, family and individual risk factors, and enhance protective factors that will minimize the risk of delinquent behavior.

The provision of intervention programmes and resources that provide immediate and swift responses within the community for youth exhibiting delinquent behavior, before they enter the criminal justice system.

Ensuring that programmes and resources encompass the entire range of sanctions for youth and their families, from community service to incarceration in appropriate juvenile institutions, in accordance with the proposals contained in the current child justice legislation and policy frameworks. These programmes and resources must provide for prevention, intervention, supervision, treatment and incarceration, depending on the needs of the juvenile, his family and/or his community.

Promoting strong working relationships between organizations, institutions and individuals (public and private as well as government and community) to make the most of resources and share information in support of services and programmes for youth. In this regard, protocols and information infrastructure must be developed and strengthened to allow data sharing between collaborative agencies, to better serve youth and their families, while maintaining confidentiality.

Principles

As a blueprint for community action and collaboration, this strategy is designed to offer a broad spectrum of recommendations that will assist in mobilizing communities to promote the positive development of caring, literate, educated and responsible youth to prevent juvenile delinquency and reduce recidivism. This strategy is thus guided by the following principles:

We must strengthen families. It is important to provide families with resources, skills and knowledge to assist them in providing for and nurturing their children.

We must support core social institutions. It is important that core social institutions, such as schools, churches, youth clubs, etc., offer community-based and family-focused services that enhance the development of capable, mature and responsible youth.

We must promote delinquency prevention. It is important to aggressively develop, promote and fund effective and coordinated prevention strategies.

We must intervene immediately and appropriately when delinquent behavior occurs. It is important to act swiftly when initial delinquency behavior occurs, to impress upon all parties the seriousness and consequences of this behavior, and provide positive alternatives.

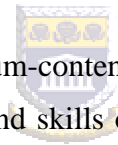
We must identify and sanction the most chronic and serious juvenile offenders. It is important to identify and isolate this population, as we work to break the cycles of criminal behavior.

Abovementioned principles and guidelines are clearly in line with the current developments in the juvenile justice field, where the focus is on strengthening the social environment of the juvenile, by involving the community as the principle role player.

Risk Factors

A number of significant risk factors that affect the lives of youth and their families have been clearly identified. Although no one risk factor can be taken in isolation, the following statistics must be considered when working towards prevention and intervention:

The Western Cape has some of the highest crime rates in South Africa. The Western Cape has an active gang population of between 80 000 and 100 000 active members. Their influence is growing and areas of operation are spreading into rural towns. The vast majority of members are young males. Young men between the ages of 16 and 22 years perpetuate the majority of violent crimes. The majority of victims of violent crimes fall into the same category. Initial involvement in gang activity and petty crime in general, is most likely to result from peer pressure. Positive male role models are often absent, due to a wide range of circumstances that may have a cumulative effect on how young men develop.



The absence of appropriate curriculum-content in many schools, high pupil-teacher ratios, the absence of exposure to hand skills or creative skills to assist and improve career choices and opportunities and the absence of truancy officers at schools, are added risk factors. The disintegration of family life due to a variety of influences, which may include both parents working, unemployment, sexual or substance abuse, the decline of spiritual (church) influences, and increase in intrusive and negative influences, like television and arcade games as well as an increasingly more visible profile of gangsters with glamorous lifestyles and possessions, leads to an accelerated decline in discipline and an increased susceptibility to gangs. An absence of positive peer group activity to act as an alternative to gang camaraderie also leads to gang involvement. The loss of self-confidence and self-esteem leads to an increase in hopelessness amongst youth. The ready availability of drugs and alcohol to youth is also increasing.

Objectives of the Strategy

To provide the courts with an extensive pre-sentence assessment for non-violent, non-habitual juvenile offenders who can be retained in the community with a structured sentence.

To reduce by 60% the number on non-violent, non-habitual offenders committed to state youth centres or prisons.

To provide more sentencing alternatives for the magistrates.

To extract restitution from 70% of the offenders sentenced to community programmes, through direct payment to victims for their losses or through court-ordered community service when no victim has been identified, or when monetary restitution is not feasible. To reduce the costs of crime by avoiding the expense of institutional confinement and by requiring offenders to repay victims for their losses and to pay court costs.

Target Population

Juvenile non-violent offenders who are first or second offenders and have no prior history of convictions for violent offences.

They must have no history of serious psychological disorders that would render them a danger to the community.

They would be likely candidates for institutional commitment, in the absence of a structured community-based sentence option.

Juvenile non-violent offenders, who have characteristics similar to those youths who, in the past, have been committed to juvenile institutions.

Juvenile offenders who are first-time violent crime offenders.

Programmes within the Proposed Strategy

An evaluation team, consisting of the case manager (social worker), prosecutor and other relevant youth workers, to identify institutional or prison bound offenders and prepare alternative sentence plans for the courts.

Intensive supervision involving five to ten contacts per month to be made to high-risk juveniles, during the court-specified period of supervision.

Restitution or community service plans to be arranged for each offender, and monitored by the case manager.

Employment programmes, including job readiness training, appropriate vocational training and job search assistance to be provided to each juvenile.

Education services to be provided to assist offenders to acquire basis skills, achieve functional literacy, or complete school.

Counseling and treatment options to be made available for individuals or their families, in cases of substance abuse problems.

The case manager must assist offenders to develop suitable living arrangements, realistic household budgets and effective and constructive time management plans.

Child abuse and neglect intervention services and resources must be made accessible to the juvenile.

Home-based services, where counselors visit families at home and educate them on effective parenting skills, anger control and household management.

An effective crisis intervention must be available for youth and families at risk..

Roles and Functions of Role players

Residents in community

Individual members can participate directly in the activities of the programme, assist with fundraising efforts and/or form pressure groups to lobby for the strengthening and promotion of the programme. The success of community-based programmes depends on the commitment and active participation of its members.

Volunteer Groups

Volunteers in the different communities have knowledge of, and access to, community resources and can assist offender in finding work, constructive

recreational activities and vocational or educational programmes. Volunteers can also fulfill a mentorship role, in terms of peer guidance and positive role modeling. Volunteers can align with full-time staff of specific programmes, by providing specialised skills, assisting with fund raising projects and addressing the individual needs of clients.

Civic Organisations and Leaders

The support of respected community leaders will enhance the image of the community-based project, because many citizens look to their leaders to gauge the value of programmes. Community leaders can also assist with the co-ordination of projects that use offenders to perform community service. Community leaders can also use their clout and reputation to influence legislative actions that impacts on community-based projects and youth development.

Law Enforcement

By co-coordinating services, law enforcement officers can act as additional monitors and supervision agents. Police officers are geared towards community protection and control of offenders, which will enhance the programmes' ability to provide adequate surveillance and monitoring.

Churches

The churches have always been an influential form in the lives of its members. The assistance and backing of local churches will alleviate the doubts of the residents in the area and promote support. The church may offer counseling and/or religious services to the offender and his family that could rebuild family ties and community connectedness. Church leaders can also act as a direct link between the community and other service providers.

Colleges and Universities

Tertiary education institutions can provide assistance in programme and offender research to solve identified problems and to evaluate current policies and operations.

This will result in more effective policies and procedures and more need-specific programmes. Outreach internships in community-based projects provide not only valuable learning and working experiences for students, but are also important human resources. Internship programmes can include monitoring of compliance with individual treatment plans, by making home visits, work and school visits, assisting in recreational activities and informing staff of all important case developments. Senior psychology students can also provide treatment programmes. Colleges and Universities can also provide programmes for practitioners in these programmes to continue their formal education.

Business

The business sector can sponsor vocational and apprenticeships programmes, provide training for the offenders and eventually employ them. Tax incentives can be used to reward businesses for hiring these workers, who are traditionally difficult to place in employment. These jobs will enable the offenders not only to support themselves but also to ensure their ability to pay outstanding debts regarding fines, legal costs, restitution, supervision fees, etc.



The Media

The media can assist with the building of a positive image of community programmes through balanced and fair reporting. Positive reporting on accomplishments of juveniles does much to enhance good relations between the programme and the community at large. The media should avoid sensational headlining of unfounded speculation about the risk of community-based programmes. Project officials should keep media correctly informed of the successes of participants, including restitution and fines paid, community service successfully completed, and graduation from educational, vocational and treatment programmes.

Landlords of Group Homes

For youths that need to be placed out of their homes, but do not represent such a risk that they need to be placed in a secure care institution, group homes can be the placement of choice. They can be designed to provide as much structure as necessary,

while allowing youths to attend school and/or participate in other community programmes. Because group homes can take advantage of existing community resources such as education, job training, and medical services, they are less costly to the juvenile justice system. An organisation of community property owners can ensure that decent affordable housing is available to homeless offenders, to promote adequate supervision and reintegration. Whilst under supervision, the offenders' financial obligations will be strictly monitored and enforced, therefore making them good risks as tenants.

Legislature

The legislature plays a crucial role in directing the development of effective community-based programmes. They are responsible for the passing of bills, laws and policy directives that dictate which offenders receive what kind of sentences for each kind of crime. These sentences should take cognizance of the specific developmental needs of juveniles. They can vote that certain kinds of offenders, such as violent or habitual criminals, may be denied access to community-based sentence options. The legislature establishes minimum sentences and approves funding for community-based projects, which they can either increase or decrease. The legislature may also specify the ways in which they believe funds should be used.

It can also establish commissions and boards to oversee and regulate certain correctional procedures or to develop minimum standards for implemented projects and programmes.

Parliament

Parliament sets priorities for the kinds of rehabilitation programmes to be developed in the different jurisdictions. Parliament is also involved in the appointment of persons who serve on boards, departments, institutions and community services.

Their primary task, however, is the responsibility of constructing budgets. Their initial appropriation of funds, later voted on by the legislature, determine what funds each programme receives.

Courts

The courts play a direct role in the use and evaluation of community-based programmes. The courts may pass judgment on the constitutionality of policies and procedures used in carrying out programmes. The Appeal Court reviews the appropriateness of sentences that are issued by the lower courts and may determine that some requirements of the programme are unconstitutional. Such conditions can then be ruled as void and unenforceable. Community-based programmes enhances networking between court officials, police, correctional offices and social workers and promotes joint efforts to protect and serve the interest of the community and fulfill rehabilitation goals as well.

Local government

Local government authorities can act as the coordinating body in the targeted communities. Its role will therefore be to create a unified structure for all the youth development service providers in the community. The Integrated Development Plans (IDPs) of local government authorities should be conceptualized, implemented and evaluated in close cooperation with affected communities. This strategy also proposes the decentralization of power to enable local authorities to deal more effectively with the structural challenges that are faced by marginalized communities in the Western Cape.

Proposals for Job Creation Initiatives

Subsidised programmes can be used as an incentive for local governments to accept partial financial responsibility for the rehabilitation of offenders. Local governments are thus awarded grants to fund community-based rehabilitation projects. Projects are given monetary awards when their implementation strategy complies with minimum standards set by the state, regarding space and design guidelines, staff development, record management and supervision guidelines. Local government receives compensation for a certain percentage of costs spent on community-based programmes. Local governments are paid a calculated sum of funds, based on the level of reduction in the number of youth in institutions, resulting from these community-based programmes. This serves as an incentive to establish and maintain community-based programmes, because the more offenders that are diverted from the state, the more funds local government receive.

System Needs and Gaps

Substance abuse treatment for youth and their families at all steps of the continuum, i.e. primary, secondary and tertiary are needed. After school programmes, both on and off school premises and appropriate programmes that specifically target girls. More drug and alcohol services and treatment programmes in the rural areas as well as day treatment and supervision programmes to combat the increasing patterns of juvenile delinquency. Access to affordable and high quality childcare to reduce and prevent practices of child abuse and neglect. Family preservation services and home support (including parenting classes) to those families who are in danger of disintegrating. Job training opportunities for youth and their families and transportation for youth and their families to any necessary services. Cross-system training so that youth service providers understands programmes outside their focus or scope of expertise. Information and communication systems that allow accurate and efficient collection, compilation and sharing of data, to occur across multiple agencies. Risk and needs assessment tools need to be designed, to assist service providers and collaborating agencies in identifying and serving at-risk youth at all stages of the continuum and across programme boundaries.

Recommendations to Fill Identified Gaps

Increase the number of community members (individuals, families, schools, businesses, organizations, service providers, etc.) engaged to mobilize and promote crime-free, healthy communities that are safe places for children to learn and grow. Social support is vital to reintegration, and communities have resources that can contribute to the prevention of recidivism. Public support should therefore be garnered through public participation in the child justice system, volunteers in community-based treatment programmes, avoiding stigmatisation through public relation exercises and providing services and security to the community. The biggest challenge of any effective community-based rehabilitation programme is to recreate adult and mentor support programmes. In the development of youth at risk, there is a need for adults to serve in many roles, such as leader, liaison, resource provider, teacher, facilitator, speaker, mentor, sponsor and revered elder. These tasks, and the need for adult training in adolescent work, point to the need for a Provincial Mentorship Programme. This programme can incorporate parents, teachers, religious leaders, community and programme leaders, respected elders and those with specialised skills such as martial arts, history, culture, sport and outdoor education. Instruments need to be adopted to assess and identify local community needs, resources and priorities for development of community-based prevention programs that target at-risk youth and juvenile offenders. Institutional treatment, especially secure care treatment, is much more expensive than community-based treatment. In the field of community-based treatment for young offenders, finding new resources from the community level is the most effective cost-reduction method. NGOs, communities, peers and employers at the community level can be prospective benefactors, once a risk assessment has been done. Whether community resources are governmental agencies, the efficient use of allocated money should aim to reduce the cost of treatment.

Support integrated approaches for the prevention of youth alcohol and substance abuse. Support development and adoption of community laws and norms that guard against substance abuse, weapon possession and all aspects of juvenile delinquency, and encourage positive alternatives. Adopt shared, structured decision-making instruments for assessing individual at-risk youth and their families. This standardised risk assessment tool can help with the classification of a young offender with regard

to the degree of supervision and level of service he or she needs to strengthen the prospect of successful reintegration in the community. Preventive measures should focus on reducing risk and enhancing protection and should target individuals exposed to high levels of risk and lower levels of protection. Risk and protective factors should be addressed at developmentally appropriate stages and, whenever possible, intervene at an early age. Preventive interventions should use data to identify and select priority risk and protective factors in the designated communities.

As far as possible, at least under a certain age, the preferred option should be to divert at the pre-court or court stage. Multidisciplinary teams should work on the best treatment option to address the needs of young offenders to help them remain in the community and should influence the availability of community resources to support young offenders. The system should be one that encompasses the continuity of care and supervision of these young offenders. The overall goal of the team is to identify programmes that decrease criminal behavior and increase personal responsibility. The basic function of the evaluation team is to collectively assess the young offenders, and to devise a treatment plan that meets the best interests of the young offender. This treatment plan/ resocialisation system should be aimed at preventing the behavior of young offenders from progressing to further offending should be established. This system for institutional and community-based rehabilitation needs to be supported with a training system that will equip each juvenile justice worker with core competencies to execute proper care and supervision of young offenders according to best practice standards. Staff should receive proper training to clarify their roles and responsibilities, with regard to the rehabilitation of offenders and to ensure that the offender's rights, as well as those of society, are protected. Besides this generic training, at a basic level, there is also the need for further training, depending on the areas of specialisation and specific treatment issues that community-based programme staff need to address. The consensus of all involved public and private agencies on the use of these instruments should therefore be promoted and secured.

Traditional delinquency prevention efforts must be abandoned in favour of community-based alternatives, such as diversion for minor offences and supervision as the first and most frequent sentencing option. That efforts to scare juveniles straight be abandoned and that community treatment programmes be expanded to accommodate nearly all chronic offenders. That institutionalisation is used as a last

resort, reserved primarily for chronic offenders and/or serious offences. An offender-based information system should be developed that starts from risk and needs assessment, followed closely by a process of formulating an individualised supervision or treatment plan for each young offender to steer him or her away from future offending.

Challenges for Implementation of the Strategy

Communities in the Western Cape are still plagued with the social, economical and spatial challenges inherited from the Apartheid era. This impact on the degree of competency and efficacy that are needed to restore social controls as a strategy to prevent juvenile delinquency and reduce recidivism. The trust of communities in their local law enforcement agencies has been eroded by Apartheid policies, and is still lacking. Law enforcement officials will need re-training in child-centred restorative justice approaches, as opposed to their current punitive and confrontational methods. The business sector needs to be mobilised to buy more fully into the concept of youth development through the provision of job opportunities and skills training. The media are still perpetuating mass hysteria with sensationalist and irresponsible emphasis on “escalating youth crimes”, by highlighting isolated incidents as the norm. The positive achievements of youths in the Western Cape are seldom mentioned and highlighted in the media. The Child Justice Bill was submitted in 2000 to Parliament and has still not been passed as an Act. This overly long drawn out process serves to confirm the lip service that government pays to youth-related issues and the lack of urgency that prevails in this regard. This piece of legislation is crucial to the bona fide transformation of the juvenile justice system to a restorative, community-based and empowering system. In view of the lack of a compulsory and standardised assessment tool, juvenile court officials apply current diversion and restorative sentence options in a subjective, fragmented and inconsistent manner.

Local governments are currently experiencing great financial difficulties and are complaining that they are unable to afford to offer proper financial support for their programming needs. Communities earmarked for Urban Renewal Strategies should have clear community service projects as job creation initiatives for youth at risk in the area. Integrated Development Plans (IDPs) for individual communities should be based on the principles of this proposed strategy, namely, the community as the core

role-player, with all the other participants collaborating as a collective towards the reduction of juvenile delinquency and the promotion of youth development.

Recommendations for Implementation, Management and Evaluation

There are necessary implementation, management and evaluation strategies that must be in place to ensure a sustainable framework for efforts to reduce juvenile crime and delinquency. This proposed strategy provides the following recommendations to address critical infrastructural needs:

Promote a balanced approach to funding prevention, early intervention and statutory programmes that considers both the safety needs of the community and treatment needs of at-risk youth, juvenile offenders and their families.

Develop a comprehensive, countywide public outreach strategy that continuously engages the public and policy makers in the prevention and reduction of juvenile crime and in the promotion of healthy and crime-free lifestyles.

Provide cross-system training between public and private agency providers to acquire common language, methodologies and collaborative efforts.

Develop formal interagency agreements (e.g. working agreements) that explicitly state the relationship, roles, responsibilities and expected outcomes for all parties in collaborative efforts to reduce juvenile crime and delinquency, and promote positive development of youth.

Develop a case management system that follows each youth through the various stages of the continuum of care. Designate a case manager with the responsibility and resources needed to coordinate an interagency, centralized intake process, case management and programme control (including assessment, monitoring and feedback) for identified at-risk youth and juvenile offenders.

Build on existing management information systems efforts to facilitate relevant and integrated communication and data sharing by all criminal justice agencies and collaborating entities (public and private), consistent with appropriate protection of privacy and confidentiality rights.

Provide for relevant and ongoing evaluation of programmes, agencies and strategies to ensure effectiveness and to allocate resources based upon need and documented effectiveness.

Expected Outcomes

The increased capacity of youth at risk will enable them to contribute productively to their communities. Their valuable contributions and reparation efforts will increase the community's willingness to accept and reintegrate delinquent youth. Skill development programmes will increase the youth's educational, occupational, social and decision making abilities. Relationships will be fostered with positive role-model adults in the community. Skill development programmes will also improve the youth's self-image and also the image that the community at large has of him. These programmes will also contribute to the enhancement and development of communities. It will also motivate increased interest, support and involvement for the community in the juvenile justice system.

Community-based skills development programmes are a cheaper and more cost-effective intervention programme than institutional care. Community-based skills development will also enable the juvenile to function as a productive, responsible citizen within his community.



Progress to Date

Agencies, organizations and individuals have not waited for the Child Justice Bill to be promulgated to begin to fill the needs and gaps for our youth. Specific programmes and strategies, that are based on the restorative approach have been developed, funded and implemented as the identified needs of the youth became more pressing. Evidence of a restorative approach must include several components. First, it must demonstrate the consistent involvement of all affected by the crime – the victim, the community and the offender. Second, there must be documentation that the programme fits into an overall justice system framework that is focused on the development, implementation and maintenance of restorative goals and values. Such values must emphasize healing and reparation rather than retribution and punishment. Thirdly, there must be evidence of satisfaction of both the process and the outcome on the part of both the victim and the offender. To date however, there has been no systematic research effort which aims to evaluate the presence or absence of these elements in the variety of programmes that label themselves, or be labeled, restorative.



Summary

The Juvenile Justice and Delinquency Prevention Strategy represent an unprecedented collaborative effort to prevent juvenile delinquency and promote positive development of youth. This model will only be effective if there is a movement in juvenile community-based rehabilitation programmes away from the control and surveillance type of programmes favored by the Departments of Correctional Services, to those whose programmes are more child-centered, such the Department of Social Welfare.

However, more important than any single issue or concept contained in this proposed strategy, is the philosophical commitment to shared responsibility and coordinated action. Sustained organization and agency support, community action and individual empowerment consistent with this philosophy, can help Western Cape youth at risk to become caring, literate, educated and responsible adults.



CHAPTER FIVE

FINDINGS, RECOMMENDATIONS AND CONCLUSION

Introduction

Juvenile delinquents often comes from situations where they have little chance of succeeding, yet we blame them, and not their parents or society. Treatment is effective but not available to much of this youth, and movement towards treatment instead of incarceration would go a long way to improve the quality of life for these children. For this reason, future legislation needs to move away from the punitive approach to a restorative approach where the benefits of community support and development can be optimally utilised. The challenges facing the treatment of young offenders in the new millennium are multiple and differ from country to country and community to community. A successful treatment strategy therefore requires an integrated approach from all agencies, supported by individual treatment programmes and sophisticated information databases. In this chapter the researcher will restate the objectives of the study, evaluate the findings in order provide recommendations, and to draw the necessary conclusions with regard to the causes, effective intervention strategies and reduction of juvenile delinquency and recidivism in the Western Cape.

Re-statement of the Objectives

By restating the objectives of the study, the researcher will be able to evaluate the findings against the stated objectives and determine whether these objectives were attained. This will also enable the researcher to make relevant recommendations pertaining to the enhancement of community-based intervention programmes to address juvenile delinquency and recidivism.

One of the objectives of this research was to examine the extent to which community-based rehabilitation programmes are a viable and sustainable alternative to the institutionalisation and incarceration of young people. This has been achieved by evaluating the impact of negative socio-economic conditions and institutionalisation on patterns of juvenile delinquency and recidivism in the Western Cape. A comparative study that evaluated the benefits and cost-effectiveness of community-

based restorative justice programmes, as opposed to punitive methods, such as institutionalisation, also proved the viability and sustainability of the community-based method.

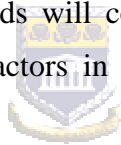
A second objective was to gauge the impact of the transformation of the juvenile justice and child and youth care system on existing institutional and community-based methods. This has been achieved by discussing relevant policies and frameworks pertaining to youth at risk and providing a comparative study to evaluate the effectiveness of the two methods. This research found that, in line with the transformation of the juvenile justice system towards more restorative and community-based intervention, several programmes, frameworks and models have been developed. Some are currently being implemented to great effect. This research found, however, that empirical findings regarding their efficacy and appropriateness are lacking due to the fact that very little research has been done in this regard.

A third objective is to design an integrated community-based intervention strategy of capacity building, skills training and job creation for youth at risk in the Western Cape. The researcher designed a comprehensive integrated intervention strategy to achieve this last objective. This community-based strategy provides guidelines and recommendations for addressing the socio-economic needs of youth at risk in the Western Cape.

The objectives of this research that can be summed up as the search for a new model to deal with the escalation of youth crime in order to promote a crime-free and economically productive society, have thus been achieved.

Findings and Recommendations

Unfortunately, there are no clear-cut answers to the cause of juvenile delinquency. Many different things contribute to juvenile delinquency. Literature and research shows a clear link between poor socio-economic circumstances and juvenile delinquency. This study provided historical evidence that these poor socio-economic conditions were perpetuated by the racist and discriminatory policies of the Apartheid regime. Differentiated and unequal resourcing of racially separated communities has resulted in social disorganization and ineffective social controls, such as family, church, school, law enforcement, etc. In many parts of the communities, the traditional role of the family is collapsing. This has resulted in high rates of crime and delinquency within these communities. The effects of social disintegration are also affecting rural communities, where crime rates are showing an alarming increase. Consequently, as long as these social conditions persist, no matter what type of intervention programme is initiated in this neighborhood, high rates of crime and delinquency will continue. Without effective interventions to change these negative social conditions, these neighborhoods will continue to reproduce deviance, social disorder and violence. These risk factors in the communities thus have a serious negative impact on recidivism.



Increasing pressure is also coming from embattled communities to deal more appropriately and effectively with these youths. The cost of offender treatment in residential care is also under pressure to be reduced, so that the community can get a greater share of the national budget. A major problem lies in the way older people interpret the behavior of youth. Community-based alternatives therefore provide an opportunity to educate resistant and uninformed community members about the value of decarceration and its long-term effect on the reduction of juvenile delinquency.

Current developments in the Western Cape juvenile justice system is based on a combination of international principles and standards and traditional African methods of conflict resolution. Based on the spirit of Ubuntu, or community involvement, these strategies encourage the participation of the juvenile, family and community. Families, churches, schools, communities can be utilised as social platforms to debate community issues and develop networks in society. In this way, the moral decay within communities will be destroyed by. The role of the family in respect of

responsibility to youth needs to be strengthened and emphasized. A possible solution to violence of gangs and street children lies in the strengthening or recreation of the family. This can be achieved through tribal concepts and traditional African value systems of the “extended family”, where caring family or neighbours accept responsibility for the juvenile. In this way providing those without family or with a fragmented family, with a place where they feel wanted and a sense of belonging. Street children must be afforded the same social status as other groups of at risk young people.

Intervention programmes should thus actively form partnerships with other youth stakeholders, create opportunities for the maintenance of kinship ties, promote personal and communal values and provide quality education, both formal and informal to these marginalised group of young people. Churches continue to play a crucial role in the lives of many young people. For programmes to achieve significant outreach among youth, the churches are thus critical partners. Moral regeneration in communities needs to be urgently supported and strengthened. Religious institutions must therefore be encouraged to become actively involved in crime prevention.



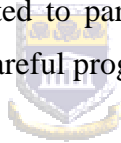
The juvenile residential care system remains a costly and poorly managed setting, where control and punishment measures are still contributing to the general decay. These institutions are also producing criminals who have been trained in prisons in the art of criminal activity. Above factors have all contributed to the mutation of ‘places of care’ into miniature prisons where the prison culture of gangsterism, sodomy, substance abuse, criminal activities and recidivism are deeply rooted. Despite transformation efforts by the Department of Education, with the assistance of other collaborators, the conditions of these institutions remain hazardous. This could in part be attributed to the fact that staff members from the previous regime are still firmly embedded within these institutions.

The general circumstances of learners in these institutions appears to be largely unchanged in terms of their cognitive and vocational development. Traditional vocational skills are still provided with no regard for their appropriateness, developmental value and transferability after the juvenile’s release back into communities that are plagued by unemployment and poverty. None or very little effort is made to understand and derive positive benefits from the relationship between people, their home and community.

It is evident that those in charge of the treatment of youth at risk face many challenges and are overwhelmed by their great numbers.

Younger offenders are at higher risk for further delinquency. Appropriate interventions will usually involve the parents and provide a mix of activities, services and community sanctions. Considerations of public safety and appropriate treatment should not be confused. While a youth's offence may be a useful indicator of his potential risk to the community, it is not a good indicator of what kind of programme or service is required to change his behavior. Treatment programmes that are run in community settings are more effective in reducing recidivism than similar programmes provided in institutions.

Comprehensive and systematic research is lacking to identify the effectiveness of community-based restorative justice programmes in terms of their impacts on individuals, victims and communities. The effectiveness of any one particular programme is unknown unless it is evaluated. However, little is known about which correctional approaches are best suited to particular types of youths because there have been only a limited number of careful programme evaluations and research.



The concept of youth empowerment within a caring community requires a variety of services and resources to expand community-based options and alternatives. Effective rehabilitation programmes for youth at risk in the Western Cape need to build resilience so that young people can withstand peer pressure. Preventative, proactive and problem solving approaches need to be actively pursued, expanded and created. Prevention programmes must be in schools, preferably at primary school levels, and must contain a strong moral content. These programmes should build links with the family, strengthen the family so that it will be able to support young people and promote family values.

The serious lack of positive community role models need to be addressed. Leaders should therefore be inspirational and be seen as role models in communities. The training of trainers and leaders in communities to skill them as role models in communities are therefore of the utmost importance. In this regard government leaders should also set standards.

By empowering the community, people and communities will be equipped to deal with their own problems. This requires their access to and control of proper resources. Empowerment is about redistribution of power to those who have been powerless thus far. Poverty, while not an excuse to criminality, must be addressed through entrepreneurial programmes. The primary thrust for the poor should be the development of their own capital and labour, so they can acquire real economic and political power. To push the criminal economy out of poor communities, the formal economy must be made more accessible and accommodating. In short, the majority of people who are exploited in the criminal economy need decent employment and sufficient welfare. The state must wrestle power back from the criminal elite and reintegrate communities who are currently perceived as ungovernable. Simply giving more power to the police to imprison a greater number of the socially excluded is unlikely to succeed in this regard.

The levels of crime and violence are on the increase in marginalized Western Cape communities. Young people, involved in political formations during the previous regime, were often highly trained, both in political and military strategy. They were also focused and highly disciplined. These skills and attributes can thus be effectively utilized to defend the community against crime, as a form of alternative policing, like, Community Police Forums, neighborhood watches, etc. This will provide youth in these communities with a positive sense of identity, purpose and mastery.

Effective youth development and crime prevention strategies need to be developed with sensitivity to the diverse needs of local communities. In any particular community intervention needs to be comprehensive, integrating a range of different approaches... a community development framework is very important. Community development strategies aim to assist communities develop their own programmes in ways that will be self-sustaining in the long term. The key ingredient to community development is the integral involvement of community members in the planning, decision-making and implementation of programmes and activities. In other words, community members are the driving force behind the key project or key partners along with service providers.

Delinquents need to become more responsible and decide what role they want to play. Traditional incarceration needs to be changed so that a delinquent's attitude or

cognitive thinking can be restructured. Delinquents need to become more responsible and decide what role they want to play. Traditional incarceration needs to be changed so that a delinquent's attitude or cognitive thinking can be restructured.

Juvenile delinquents can change the outcome of a situation by changing how they perceive it, and then how they react to that situation. They can learn to act responsibly by choosing acceptable norms and values. Delinquents need to learn how to deal with conflicts. They need to resolve problems through communication and diplomacy. The role of education in the development of civic education in programmes in schools must be encouraged in all education systems. A greater use of peer counselors to ensure that children are supported not stigmatized and isolated, must also be encouraged in the school system. If learning disabilities and juvenile delinquency are linked, then the treatment of learning disabled students can help prevent juvenile delinquency.

Juvenile delinquents therefore need more skills training in vocational types of career. This can be done by implementing a provincial system of non-paying or minimally subsidised apprenticeships for juveniles. These apprenticeships can include (1) training in vocational skills, such as, carpentry, brickwork, basic motor mechanics and electronics, livestock rearing, meat production, commercial agriculture, etc. This can be done through learning sponsored by private individuals and local companies. (2) basic Information Technology skills or (3) a "fast track training programme for secondary school leavers that focus on a specific high-demand career, such as Information Technology. To prevent delinquency and to contribute to a more positive outcome, school remediation programmes are essential for all children who display a learning disability. Reading failure can also be prevented through proper instruction, thus doing away with the frustration of the delinquent. Teachers of delinquent youth should therefore be facilitators of learning and not authority figures. These teachers thus need to have special training, because traditional school curriculums and policies are not geared for delinquent youth. Further research is needed on all types of youth, namely, juvenile delinquents, learning disabled and academically-abled youth, to understand the association that academic failure and low self-esteem has on delinquency.

Schools need to look at positive influences such as drama, music, athletics, etc. because life skills can be learned through participating in extramural activities. These activities can build cultural awareness and instill sense of community and national pride. It can also promote citizenship, peer responsibility and building positive values in communities.

Strengthening team spirit through positive peer-to-peer group settings, such as Boys Scouts, rather than anti-social groups, can provide students with peer approval and adult modeling through participation.

The link between substance abuse and crime cannot be disputed. Evidence of this is seen on a daily basis. It is critical that all role-players involved in rendering services to youth to develop a coordinated, effective strategy aimed at the prevention of addiction and the promotion of a drug and crime free lifestyle. The need for early identification of addiction and swift, appropriate intervention is essential to empower young people to live their lives positively, to fulfill their potential and to develop the citizenship crucial to the future not only of this Province, but the rest of this country and continent.



The emphasis of substance abuse programmes should thus be on prevention, with input from youth with regard to the content of these programmes. Strengthening of relations with international law enforcement agencies regarding drug trafficking and sharing of best practice prevention and treatment models on a national and international basis will also add to an effective intervention strategy.

Legislation should separate welfare issues from justice issues to ensure sensitivity to the needs of juvenile offenders. The special needs of young people should be recognized by involving family members in the justice process and bringing in outside agencies that can offer real rehabilitation alternatives. The majority of youth should be diverted from the criminal courts and institutions. However, programmes should not be required to retain youths that will not abide by or cannot adjust to the programmes rules and conditions. Otherwise, the integrity of the programme will be damaged for all the youths involved.

To achieve an optimal balance between effective treatment, accountability and community treatment the available evidence suggests that juvenile courts require access to a broad array of sentence options/alternatives. These extend from formal diversion to local accountability boards or social services, through in-home

supervision and day treatment to a variety of out-of-home placements providing different levels of security and types of treatment. Methods that concentrate on changing individual behavioral patterns, which lead to delinquency, and improving pro-social skills are more effective than individual counseling or general education.

Detention should therefore be a last resort and only for the shortest appropriate period. Appropriately functioning residential care facilities should thus be used only as a last resort for control and containment, in circumstances where the safety and protection of the community and/or the juvenile concerned, are a priority. Programmes need to be integrated into juvenile prisons and other institutions so that preventative work is not lost if a young person is sentenced to a prison term.

The largest impediment to effective intervention and continuity of care is the lack of interagency communication, collaboration and fragmentation. A cross-jurisdictional, cross-agency cooperation must therefore be nurtured and developed. Strong working ties with a variety of community organizations, including special focus groups, the business sector, labor organisations, sympathetic politicians, non-governmental organisations (NGOs), etc. is therefore needed. By involving all role-players, including young people and their families, the juvenile justice system remains an open process. This openness reinforces something that young people need to know: the door into that system swings both ways – it does not lock forever behind them.

The lack of a cohesive and uniform youth development structure in the Western Cape is an indication that every major youth-centered initiative since 1990 has collapsed. All these youth-focused institutions – the National Youth Commission, Provincial Youth Commission, the South African Youth Council and others should be critically evaluated with regard to their lack of cohesion and delivery. Appropriate government departments must more forcefully represent youth interests, including thorough allocation of resources to organizations involved in youth work. NGOs and youth organisations have a critical role to play in helping society as a whole to understand what is happening with and to youth, and in helping design programmes that attract and benefit young people. This has resulted in a greater need for training and capacity building of all service providers, in respect of youth in conflict with the law.

Greater advocacy and promotion of restorative justice principles must be included in the training of all service providers. Adoption of strength-based terminology of youth in conflict with the law and youth offenders must be encouraged by all stakeholders. For example, youth in conflict with the law, instead of juvenile offender and youth at risk instead of juvenile delinquent. There should also be a strengthening of the legal aid framework for youth to ensure adequate defense in the criminal justice system. To combat the alarming increase in rural youth crime, the urban-bias in terms of resourcing and service provision must be bridged.

A greater commitment from government is needed to include youth development in broader policy and programme initiatives, and not just as an addition to programmes rendered by existing government department, but by putting youth in the centre of each action. Government should include youth as part of all youth-targeted central policymaking bodies. Youth needs to be involved in democratic debate and must also form part of civil engagement, and should therefore be given responsibilities in this regard. A Youth Ministry should therefore be considered to provide an institutional base for effective structural transformation. Because as long as single-issue programmes are provided from separate government departments, which fail to acknowledge the multiple needs of youth, they will fail to meet their targets. This Youth Ministry must be an integrated youth development strategy that will provide youth, within their community contexts, with a single programme to address their multiple needs, such as health, education, skills training, and life skills and so on. Skills and experience, rather than political affiliation and closeness to the youth by age, should be the requirement for the management, programme design, planning and costing of resultant youth policies. This Ministry can also promote the exchange of experiences and information on youth initiatives between cities, across the country and the continent. It will ensure the sustainability and recognition of youth structures of governance and local youth councils as statutory bodies, who are involved in policy formulation and the development of youth programmes. It will disseminate information about the contribution they can make in governance processes and create awareness of these structures among youth.

Systematic research is needed to identify the extent to which existing programmes are truly restorative in nature and not simply transformed retributive or rehabilitative

approaches. It must clarify precisely what characterizes a restorative processes or outcome and present such findings in terms that are meaningful to policymakers.

Research must clarify whether recidivism, following a restorative intervention, is significantly reduced, the same as or worse than what occurs, following traditional juvenile justice interventions and what programmatic factors tend to result in lower recidivism rates. Research is needed to examine levels of compliance with restorative programmes or outcomes and second, the relationship between compliance rates and recidivism. If higher completion rates result in lower recidivism, then programmes should obviously concentrate resources on increasing compliance as a means of reducing juvenile crime rates and increasing public perceptions of safety. Specific outcome measures here should include programme and sanction completion rates, time to completion, and the relationship of programme compliance to recidivism, and offender satisfaction and reasons for programme non-completion. If satisfaction is an important aspect of gauging the “restorativeness” of a programme, then consistent indicators across different types of programmes and jurisdictions must be developed between perceptions of the process and of the outcome and precisely define the parameters of victim, offender and community satisfaction. A research agenda for the next decade must therefore focus on filling the gaps between what is and is not known, and importantly, developing a series of questions and indicators designed to illuminate whether restorative justice “works”.

The proposed community-based strategy will only be effective if the decentralization of power to local authorities (government) is based on adequate resources and support from the provincial and national government. For effective cross-jurisdictional, cross-agency cooperation, the coordination of all the stakeholders should be the responsibility of the local authorities. Good local governance should therefore be transparent, efficient and action-orientated and should allocate resources in accordance with the needs of the community. Effective service provision demands that Local Authorities is cognisant of the problems and needs of youth, based on information in the criminal justice system, crime, violence and other needs within the community. The provision of social services should also be the responsibility of local authorities. To ensure that any programme is being run effectively, a monitoring body should monitor the recidivism rate and pro-social accomplishments (educational certificate, employment, etc.) of its graduates and compare them with graduates of other programmes that handles similar youths.

Conclusion

One message has emerged very clearly from this process of research and consultation is that young people in the Western Cape have the potential to contribute to the development of their stunted communities. However, this process will only be successful if they are provided with the necessary skills and community support.

The proposed intervention strategy in this research paper does not represent the panacea to all the problems of the juvenile justice system. Yet it is timely to experiment and refine alternative approaches. Unless we restructure our juvenile justice programmes now, this new wave of adolescents will produce even higher levels of incarceration than is currently the case. It is foolish to believe we can simply build enough new juvenile correctional facilities to stay ahead of this problem. For youth employment schemes to have an impact, what is needed are not necessarily new programmes but a new and effective implementation. Generally, current policies have good statements of intention, but poor or ineffective implementation structures and strategies. Many programmes are variously situated under labour, culture, education or industry. This leads to fragmentation and duplication of services, which impacts on their effectiveness. Youth development must therefore be conducted in an integrated and holistic manner that addresses those social, economic, medical and psychological aspects.

For the informal sector to really work as a sponge for unemployment young people, training must be re-orientated towards a greater emphasis on skill development and training. Community mobilisation forms the cornerstone of vocational training programmes suitable for the informal sector. If rehabilitation (reintegration) requires adjustment to community standards, if the factors that create juvenile deviance lie inside various community institutions, and if potentially more effective rehabilitative experiences lie in community settings, then the inescapable conclusion is that there must be more aggressive development of community-based rehabilitation efforts. Such efforts will require more than creating ways for offenders to remain in the community.

Alternative institutional arrangements will be required as well as structural changes that offer new options for educational work, recreation and political involvement. The central task will be to provide delinquents with meaningful opportunities to succeed in normal social and economic roles. We therefore need to bolster community resources so those delinquents can truly be reintegrated. It is critical to combat the major social forces that contribute to delinquency such as unemployment, poverty, racism and inadequate educational systems. This would require programmes aimed at transforming our society, for example, the grim employment situation facing delinquents can be altered significantly only if major changes in the employment structure of society occur, accompanied by new patterns of occupational and educational training for the deprived. Such integration mechanisms, linking the worlds of work and education would be a basic component of any such employment strategy.

This research proved therefore that, to increase the efficiency of crime reduction and offender control for youth at risk in Western Cape communities, a system of integrated community-based preventative and capacity-building programmes is required. The proposed intervention strategy is therefore based on the principles of communal responsibility and a sense of valued citizenship based on empowerment, participation, integration, normalization, effective and efficient programmes, respect for the rights of children and restorative justice, for the rehabilitation of youth at risk in the Western Cape.

The emphasis on effective prevention strategies presupposes that the risk of reoffending can be identified early in life and can be reduced through various interventions and resources that should be made available in communities.

In current political debates where crime and justice take centre stage and cries of “get tough” dominate the policy agenda, it is important to develop and present methodologically sound, generalisable research that can be used politically support a restorative agenda. Restorative justice can only transform the justice system into one that simultaneously promotes healing, reparation and accountability by presenting incontrovertible facts of its benefits. A set of clearly defined “restorativeness” indicators, as well as simple and straightforward social and economic impact data, will ultimately serve as the best tools for promoting the concept and effective application of restorative justice. In addition, translating findings into language that is

understandable and politically salient will be critical for bringing restorative justice to the forefront of the policy agenda in the decade ahead. Identifying successful outcomes is relatively easy (e.g. decreased recidivism, increased school/employment attendance, compliance with the sanction, victim satisfaction with the outcome). Policy makers should however, be reminded that it makes economic sense to spend a few thousand rand to keep young children on the right track – as opposed to waiting and getting a bigger bill to deal with them in the criminal justice system. Government must learn that youth development is multi-faceted and complex and that it should commit significant resources to the task.

The task of tackling the problem of reclaiming at risk youth in the Western Cape is enormous and the need for youth development is clear. It needs a unified approach by government on a national level. Solutions to particular problems need to be developed, on a local level, involving different sectors of the community in problem solving. Decisive participation by the private sector in this regard, is indispensable. There are no simple solutions or magic cures to apply to solve the problems of juvenile delinquency. The most effective systems and processes will be flexible and continuously experimental in their approach, provide a wide range of treatment and placement options, and be accountable for their results. The path to adulthood is uncharted. As young people travel it, they must negotiate around more obstacles than ever before. Sometimes they stumble and fall. When they come into conflict with the law, they have the right to fair treatment by a justice system designed for rehabilitation, not retribution. The creation of that system is a responsibility that we must all carry on our shoulders. If we do not, who will?

LIST OF ABBREVIATIONS

IMC	Inter Ministerial Committee
NCPS	National Crime Prevention Strategy
NGO	Non-Governmental Organisations
NICRO	National Institute for Crime Prevention and the Reintegration of Offenders



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APPENDIX

QUESTIONNAIRE

THE CAPACITY BUILDING PROGRAMME FOR YOUTH AT RISK IN THE WESTERN CAPE: A COMMUNITY-BASED ALTERNATIVE FOR REHABILITATION AND REINTEGRATION

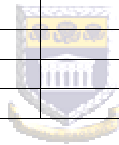
1. NAME OF THE INSTITUTION:.....

2. COMPILED BY.....

3. STAFF COMPONENT

How many staff members were employed at your institution for the period indicated below?

PROFESSION	2000	2003
Psychologists		
Teachers		
Social Workers		
Occupational Therapists		
Auxiliary Social Workers		
Other (specify)		



4. CAPACITY OF INSTITUTION

4.1 How many learners could the institution accommodate for the period indicated below?

2000	2003

4.2 How many learners were accommodated for this period?

2000	2003

5. LEARNERS

5.1 What was the age group of abovementioned learners for the period indicated below?

AGE GROUP	2000	2003
12 – 14 Years		
15 – 16 Years		
17 - older		

5.2 How many of abovementioned learners committed new criminal offences during their stay at your institution?

2000	2003

5.3 How many learners have been institutionalized before their admission to your institution for the period indicated below?

TYPE OF INSTITUTION	2000	2003
Children's Home		
Youth Care Centre		
Other (specify)		

5.4 On average how many contacts per learner have been made with the family/ significant others of the learner?

2000	2003

5.5 On average how many after-care contacts per learner have been completed by the institution after their release?

2000	2003



6 BUDGET

6.1 What was the annual budget allocated to the institution by the Department of Education?

	2000	2003
Income		
Expenditure		

6.2 What was the average cost per learner at the institution?

2000	2003

THANK YOU FOR YOUR TIME AND ASSISTANCE.