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MANGAUNG - the most recent One-stop Child Justice Centre

Ms A Senekal

The Centre's manager explains the process of establishing the Centre, its operational objectives and how the various role-players interact:

The probation officials of the Department of Social Development and the Department of Justice who work with children in conflict with the law, decided in October 1996 to form a committee to discuss ways to deal with children in conflict with the law. This committee invited officials from Nicro and SAPS to join them and they met on a monthly basis.

The committee decided to visit the One-stop Centre, Stepping Stones, in Port Elizabeth and after the visit in 1998 a business plan was compiled and submitted to the IMC (Inter-ministerial Committee) with the task to work out guidelines for the establishment of a centre in Bloemfontein.

The IMC approved the business plan and allocated R1,3 million for the project. The Monument Place of Safety in Bloemfontein was phased out and the premises were allocated for this project.

Mangaung One-stop Child Justice Centre

Two houses on the premises have been converted to form the Centre, and the Monument Place of Safety is in the process of being converted into a secure care facility. The latter will serve as a holding facility for children awaiting trial for serious offences. All personnel moved to the Centre in April 2002 and the Centre started operating in May 2002, with the official opening on 18 June 2002.

The Centre has a centre manager, probation officer, six child justice workers, one Nicro social worker, one magistrate, one prosecutor, one interpreter and an office for SAPS officials.

The Department of Social Development has a reception section where children and parents are assisted. The SAPS also has a reception section where children who have been arrested are assessed.

There are six holding facilities equipped with beds, bed linen, toilets and basins. There is underfloor heating for the winter. Each holding facility has a bell so that a child can call for assistance when necessary.

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The Centre functions on a 24-hour basis. All personnel except the police work normal office hours, but the Social Development officials are on stand-by on a rotation basis. If a child has been arrested after hours, the police will contact the official on the stand-by telephone and he will come to the Centre to assess the child.

Team-building sessions are arranged on a quarterly basis for all personnel - the second teambuilding session will take place in November 2002. In this teambuilding session emphasis will be placed on interdepartmental relationships. Specific activities will be embarked on in order to ensure the different role-players work in unison. The social worker at Nicro will assist with this programme and some of the activities that are used in the Journey programme will be presented in this session.

Evaluation sessions on the progress of the Centre are scheduled on a quarterly basis.

The objectives of the Centre include:

- To provide a child-friendly and rights-based service that adheres to the Minimum Standards for the Child and Youth Care System.
- To prevent the child from being kept in prison and/or police cells and to keep the child out of the mainstream criminal justice system.
- To increase the provision of appropriate early intervention programmes.
- To present developmental programmes for families.
- To involve parents in the programmes to enable them to support their children in taking responsibility for their behaviour.
- To gain the support and involvement of communities, to motivate them to take responsibility for the children and to receive them back in the community.
- To render preventative services in communities and schools to prevent children from involvement in crime.
- To act as a training centre for the Free State to empower all relevant role-players to upgrade the standard of services to children and to ensure that children in rural and poverty-stricken areas receive equal treatment and can benefit from restorative justice.

Conclusion

Working at the centre with children in conflict with the law is an enormous challenge but also an opportunity to think and work creatively. If we succeed in strengthening children's positive points, they will be able to take up the challenge of a crime-free future. This echoes the pledge signed at the official opening of the Centre by the heads of the four main role-players:

"I hereby undertake to give the full support and co-operation of my Department and my officials to enable the Mangaung One-stop Child Justice Centre to create a restorative justice environment which will result in children becoming law-abiding adult citizens!"

The role of Nicro at the Mangaung One-stop Child Justice Centre

Mr Raphael Rametse

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The National Institute for Crime Prevention and Reintegration of Offenders has been rendering diversion services to young people who are in conflict with the law for almost a decade. Currently, this organisation continues to render these services in Bloemfontein and its surrounding areas such as Mangaung.

Nicro has formed a partnership with departments such as Justice, Social Development and the South African Police Service. The role of Nicro at the Mangaung Centre is to ensure that young people who have committed petty offences are involved in programmes that will empower them with life skills and to give them exposure to aspects of restorative justice. Through our programmes, efforts are made to give them insight into the consequences of their behaviour and we try to motivate them to change.

Secondly, we lobby and advocate for those young people who have committed more serious offences to have the opportunity to access diversion programmes.

Nicro renders the following services at the One-stop Child Justice Centre:

- Holding counselling sessions with parents/guardians and the child
- Involving young people in life skills programmes
- Giving young people an opportunity to render community services
- Exposing young people to restorative justice

Since the opening of the Centre, Nicro has involved 123 young people who have committed petty offences in diversion programmes. Ninety percent of them successfully completed these programmes and as a result their cases were withdrawn. Only 17 children were referred back to court for prosecution, owing to the fact that the young people either did not complete or did not attend the Nicro programmes. A total of eight young people who were diverted to Nicro seem to have reoffended, which is only 6,5% of all referrals.

The role of the probation officer at the One-stop Child Justice Centre

Mr Riaan du Plessis, chief probation officer, One-stop Child Justice Centre

At the Mangaung Child Justice Centre all personnel, and especially the probation officer (and assistant probation officers), are rendering a variety of services to young people in conflict with the law (up to age 17 years). All children arrested in the Bloemfontein area are taken to the One-stop Child Justice Centre, where an assistant probation officer is on stand-by 24 hours a day. He or she will immediately screen the child in order to determine if it is in the interest of the offender, community or victim to keep the child in the "on-site" holding facilities for the night (or weekend) until the child appears in court (on the premises) on the first working day thereafter. This process includes an interview with the offender and his/her guardians. The assistant probation officer also needs to ensure that the offender's guardians have been informed about his or her arrest. In less serious cases or where there is no immediate threat to the victim or the community, offenders will be released into the care of their guardians. The present Criminal Procedure Act prescribes that only the investigating officer of SAPS can release an offender, so the assistant probation officer makes a recommendation and engages in discussions with the investigating officer to release such children.

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Assessment

Before the first appearance in court, the assistant probation officer will also conduct a full assessment to determine whether the child is a first offender, known to the Department of Social Development or Nicro (as a result of previous treatment, behaviour problems etc). The officer will also examine the seriousness of the crime, ascertain the age of the child and establish whether the child takes responsibility for his or her actions. The assistant probation officer then makes a recommendation on whether or not there should be diversion and after a discussion with the prosecutor the case is either diverted or the child will be prosecuted. As the probation officer is available in the Centre, he will have knowledge of the cases in court as well as the recommendations made by the assistant probation officer. An average of 50% of all cases appearing in the youth court at the Centre are diverted for developmental interventions. From January 2002 up to September 2002 564 children were assessed at the centre and 231 of these have been diverted to diversion programmes at the Department and Nicro.

Programmatic responses

The Department of Social Development renders developmental services to offenders up to age 14 years, while the Nicro social worker works with children between the ages of 15 and 17 years. A developmental strength-based assessment will be compiled on each referral and the offender and his/her guardians will be involved in individual developmental interventions. Formal programmes like the Take a lead in life programme the From scars to stars programme are some of the programmes where offenders will be involved in group interventions in order to work developmentally with them. Programmes are presented by both the probation officer and the assistant probation officers.

After the six-week period, the probation officer or the Nicro social worker will report back to the prosecutor on the child's co-operation and insight development as well as the possibility of withdrawing the case or not. If it is withdrawn, further service provision will proceed in line with the individual developmental plan.

In some cases the prosecutor will request a more in-depth investigation into the contributing elements in the child's behaviour, as well as into the effect of the offence on the victim and also what resources exist within the accused's family to assist reform. This would normally be the case in cases of a sexual nature (where the offender and the victim might be very young). In these instances a desirability of prosecution report will be compiled and presented to court. If these cases are withdrawn, these children will also form part of the diversion caseload of the probation officer. Victims in these kinds of cases will usually be referred to a social worker for further interventions.

Matters proceeding to court

If, after assessment, a decision was made to prosecute and to detain a child in custody in Grootvlei Prison's juvenile section, the assistant probation officer must report the reason for this detention to the probation officer.

After conviction, the principle of the "least restrictive and most empowering sentence options" is followed when a recommendation on a sentence is made to the court at the Centre, as well as for matters appearing in the regional court. At the One-stop Centre, a very structured system presently exists to ensure effective service rendering to these sentenced offenders. These offenders have to

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do a specific number of hours of community service at certain police stations, and other community-based, non-profit organisations. They also have to report to an assistant probation officer, who will follow an individual care plan, compiled in collaboration with the offender, parents, school and the probation officer. They will also be involved in the Responsible Living Programme, which aims to develop them into responsible adults. In order to assist the probation officer and the assistant probation officer in monitoring these sentenced children, volunteers are recruited and trained to work with and support these young people in their own communities.

Prevention issues

In 1999 the personnel of the One-stop Centre realised that certain preventive interventions needed to be initiated in order to reduce the number of children and young people who are at risk of coming into conflict with the law. Individual and group intervention services are available to children and youths with behaviour problems. In many ways these services link up with services rendered to children and these children are also involved in the "behaviour management" programme. Presently the Centre's personnel are engaged with 135 young children and youths in order to prevent them from offending at all.

From scars to stars

Ms C Morata

Parents struggle to cope with children with uncontrolled behaviour. It happens that they come and ask the social workers to send their children away. Because some of these children end up committing crimes, the officials of the centre decided to start with programmes with these children. Social workers, schools and parents are referring these children to the one-stop centre for services.

Background Information On The Target Group

There have been 280 cases on the register since January 2002 involving both girls and boys. Most of the participants are between the ages of 14 and 17 years.

Kinds of problem behaviour noted include:

Boys:

- Coming home very late at night
- Smoking dagga
- Not attending school
- Stubborn at home

Girls:

- Sleeping out
- Playing truant at school
- Not attending school regularly
- Refusing to do home chores
- Using alcoholic beverages
- Stealing money at home

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From Scars To Stars

The programme we call From Scars to Stars is utilised both as a community-based programme and as a diversion programme for children in conflict with the law. This programme encourages children to be positive in life and attempts to boost their self-esteem. The programme also covers the following aspects:

- problem-solving;
- drugs;
- sexuality;
- decision-making - they are taught the dos and don'ts in life. They are also shown that it is easy to make decisions, but making the right ones requires skills and knowledge. They are also made aware that they must take responsibility for the choices they make;
- motivation programme - the programme teaches them how to be a winner in life, believe in themselves, know their values, have a vision, set goals and plan for the future.

The children are also taught that conflict is part of life and efforts are made to teach them to handle conflict without emotional outbursts and without hurting other people.

The programme involves group-work sessions and role-playing.

Evaluation

The success rate of the programme is difficult to measure. Out of the 280 cases handled, 70 ended up being in conflict with the law. But again, it is possible that more children would have become involved in crime if they had not participated in the above programme.

It has been realised that it is no use motivating children to change their behaviour if the parents do not co-operate and also change their behaviour. Many children come from broken homes or homes where alcohol abuse, domestic violence and family conflict occur. We are therefore in the process of involving the parents in programmes as well.

The police at the One-stop Child Justice Centre

Inspector Tumelo Mofokeng

Being appointed as the commanding officer at the One-stop Child Justice Centre was a very exciting challenge. I did not know exactly what was expected of me and how this Centre had to operate. But after a visit to Stepping Stones One-stop Centre and formal training of all stakeholders I felt more comfortable to tackle the challenge.

There are nine police officials and nine guards working on a 24-hour shift basis at Mangaung and the general tasks include:

- Receiving children after arrest and making immediate contact with the social development official.
- Making efforts to release the child into the care of his or her parents. The holding facility is utilised only as a last resort.

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- Providing food for the children in the holding facilities.
- Taking children to the doctor if the need arises.
- In cases where children cannot pay for transport they are taken back to the homes of their parents.
- The police transport children from Grootvlei Prison and back to prison or to the Tshiriletsong Place of Safety.

The police take responsibility for keeping the holding facilities in good order. A total of 194 children occupied the cells from 1 June to 20 October 2002 and we receive an average of ten children per weekend.

Evaluation

Although the police official cannot be the child's "buddy", it is important to handle these children with patience and respect. Children tend to tease the police - for instance, they keep on ringing the bells in the holding facilities and asking for assistance. They are also sometimes cheeky, arrogant and stubborn. They put obstructions in the toilets to block them, they write on the walls with the black ink used for taking fingerprints, they steal face-cloths and linen, and they shout and scream and sing in the shower.

Mostly this behaviour should be seen as their way of dealing with their uncomfortable situation. At our Centre the police officials put a lot of effort into accommodating the different moods of the children, even when it is not easy.

Training the police to empower them to deal with these children is of the utmost importance. The police have therefore been involved in all training and motivation sessions as presented by the Centre manager.

Finally, teamwork is essential, as we have to work with the stakeholders all day and every day. At this stage a very positive working relationship exists and we have every intention of keeping it up!

A focus on prevention

Anna Senekal, manager of the Mangaung One-stop Centre, explains the prevention services that have been built into the Centre's programmes:

Rendering of diversion and developmental programmes to children in conflict with the law can be seen as prevention services - in order to prevent reoffending. The personnel at the Centre have also decided to target children who have not been involved in crime, in order to have a greater impact. Our prevention programme should be seen as a long-term process. The results have not yet been tested. Only after a period of one or two years can an evaluation be made to verify the impact. Here are more details about this prevention project.

Planning Of The Project

Before the One-stop Centre materialised, the National Department of Social Development allocated funds for projects with the theme "Getting Smart in Being Tough" (2001) and our committee decided to utilise these funds for a prevention project.

We decided to deal with this project in the following ways:

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- Identify the target group - it was decided to target schools in areas where the most incidents of children in conflict with the law take place.
- Arrange a camp for the leaders of these schools.
- At this camp the leaders should be empowered to take the lead in their schools in establishing crime prevention clubs. The leaders should also be provided with knowledge regarding issues that cause crime, eg peer group pressure, drug and alcohol abuse and Satanism.
- After the camp, the leaders would be guided by the officials of the Department of Social Development and Nicro to develop and maintain these clubs.
- Follow-up sessions would be arranged to evaluate progress.

Presenting The Camp

Leaders from six schools in Bloemfontein, one youth group in Botshabelo and one school in Thaba 'Nchu were targeted, and a total of 33 children attended our camp. Topics such as self-esteem, leadership and relationships were covered, as well as drugs, alcohol abuse, crime, HIV/Aids and Satanism. The main aim was to make the participants aware of resources.

The leaders were also motivated to act as role-players in their schools, to start crime prevention clubs and to recruit more members for their clubs from their schools. A social development official and Nicro official were allocated to each school to follow up on the decisions made at the camp.

We realised, however, that too many issues had been put on the camp programme, which made it difficult to discuss them in great detail. The delegated staff were not able to visit the schools on a regular basis, which caused a drop in interest among the children. When we evaluated the progress at the end of 2001, only four clubs had been established and only one club had arranged any activities.

We realised that the children were not empowered enough to follow through on their own and that they needed more intensive and practical guidance. A follow-up camp was arranged, and was attended by children from the previous camp as well as new leaders from the same areas.

This camp was presented in a far more practical way. The children were given practical ideas and compiled action plans with specific objectives. A follow-up evaluation was organised six months later and it showed that significant progress had been made.

Six clubs were functioning and five clubs had already arranged one or other activity for the school. Only one club was not active. Significantly, a drop in the crime rate in one area where a club was established was recorded.

In devising new objectives, the children were inspired to:

- Recruit more members for the club (every club should have at least 15 children).
- Arrange at least two activities for the school - the activities should link with one or other aspect to prevent crime (it was hoped that at least 200 children would be reached).

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- Management of the club should meet fortnightly, and minutes of meetings as well as reports of the activities should also be filed.

It was envisaged that at the end of October 2002 these clubs would be visited and evaluated by the manager of the One-stop Child Justice Centre. If the club has met the objectives, the management of the club will be invited to a celebration event just before the school exams.

The following results have been noted:

- All six clubs have stabilised - they are functioning well and have all recruited more members. One club has already recruited 20 new members.
- The leaders of the club are still part of the clubs, while the previous leaders from the first camp dropped out. A possible reason for the stabilising effect could be the regular attention from the Social Development officials.

Conclusion

We believe that information sessions to schools cannot really have an impact on the prevention of crime. The influence of the club members on their peers is of more significance. Therefore a combination of information plus the behaviour and role modelling of the club members is what is needed to try to challenge the crime problem.

The parents and their co-operation are also very important. Parents should know what the children are encouraged to do to enable them to take it further. Reports on the camp's seminars and activities will be sent to the parents. If possible, parents should also attend a seminar. They could either attend a seminar with the teachers or perhaps they could attend part of the celebration event with the children. It is a big challenge to get parents involved, and this will be addressed next year.

Indeed, the involvement of all the role-players in the programme is important. The children take the word of the magistrate and the prosecutor very seriously when crime is discussed, and also understand the police's role as a protector better once they make contact with them in another setting.

Presenting a prevention programme needs thorough planning and creative thinking. A prevention programme cannot be a one-off event like a camp or an awareness campaign. It should be seen as a process and constant follow-up is necessary. With our programme we are trying to give children what they need most - roots and wings.

Changing the mind-set

Lize Fivaz, prosecutor at the Mangaung One-stop Child Justice Centre, shares her views on the causes of children's offending and her perception of her prosecutorial role:

The role of the prosecutor

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I have been a prosecutor for almost ten years, but have been engaged with children exclusively for a relatively short period of time. Only now do I really experience a feeling of job satisfaction. For the first time I now believe that I am involved in a process where I am actually making a positive difference in the lives of others. Children and their parents leave our court with a sense of hope.

I have learned that young people today face many challenges in their personal lives, at school and at home. These are challenges that most of us know little about because we had the benefit of a secure and protected childhood. On the other hand I have seen the frustration and hurt on the faces of many disappointed parents who walk into my office. I realise only too well that parenthood is a challenge in itself. How often have I heard the line: "I don't know what to do with this child any more." Therefore I find myself, on a daily basis, in a position where I am not only a prosecutor, but also a counsellor and friend.

Economic poverty has been accepted as a major causal factor for criminality - especially in poor and developing countries. However, research has shown that emotional poverty is also a potential factor that needs consideration. Emotional poverty can be defined as the deprivation of emotional resources that normally come from healthy, nurturing and supportive human interaction.¹ The unfortunate truth, however, is that many families in our communities are dysfunctional. Broken homes, the so-called "absent parent syndrome", the total lack of family structure and lack of education are the order of the day.

Psychiatrists are of the opinion that a young person deprived of emotional needs is likely to experience feelings of shame, rejection, anger and fear, which in turn constitute causal factors for negative behavioural patterns. Once such negative behaviour is unattended, it can lead to crime.

Young people in conflict with the law are often only troubled children and not criminals in the true sense of the word. The Child Justice Bill is designed to promote interventions proven to support children's capacity to redirect negative behaviour and achieve their potential. Diversion is a form of such intervention.

Through diversion programmes young people will acquire knowledge and skills needed to become responsible citizens. Diversion is meant to empower them to cope with life's challenges. In the diversion programmes children are taught skills such as identifying their feelings, how to handle those feelings and how to cope with stress, rejection, failure, conflict and sexuality.

Traditional justice - retributive justice - engages in a shame-based approach stigmatising young people. It focuses on retribution: believing that delivering pain to the offender will somehow create restoration to the victim and the community. On the other hand, restorative justice seeks to actually restore the relationship between the victim and the offender and enable the offender to be reintegrated into his or her family and community, now a changed young person.

Diversion at Mangaung

Since the Centre started operating in June 2002 an average of 47% to 50% of cases have been withdrawn after diversion interventions.

With the Child Justice Bill, which will hopefully come into operation soon, there will be scope for diverting even more cases. The preliminary inquiry could be one

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factor that will lead to many more cases being diverted. Another factor could be the different levels of diversion that the Bill provides for. If I interpret this correctly, one will be able to divert the case of a child who has re-offended by placing him on the next level of diversion programmes. I believe that second- and third-level programmes will be more intensive and can be used for children involved in more serious offences.

I foresee that service providers such as Nicro and the Department of Social Development will have no option but to re-evaluate their programmes. New programmes will be needed and this in turn will require the facilitators of these programmes to receive additional training.

I believe there is also the need to put some form of formal programme in place for the parents of these children. At present Nicro involves parents in some of the diversion sessions. I am also aware that the Department of Social Development involves parents through individual meetings between the parents and the social worker. If one hopes to successfully reintegrate the child into his or her family and really focus on preventing negative behaviour in future, the interaction at home and the possible factors that might lead to the child's behaviour patterns need to be identified and addressed. This will also give the parents an opportunity to learn some skills regarding communication and coping with conflict. In a nutshell this type of intervention could restore the relationship between parent and child.

One could argue that educating children and teaching them socially acceptable values is not the task of the justice system and the courts, but in light of the government's policy of ubuntu, the whole community needs to embrace its role in the development of children.

¹ *Adopted from J'Liese's research dissertation, 2002*