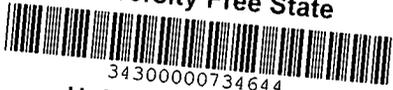


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**THE ROLE OF CRIMINOLOGY IN THE TRAINING
OF PROBATION OFFICERS SPECIALISING IN THE
MANAGEMENT OF YOUNG OFFENDERS IN THE FREE STATE**

Francois Steyn

**THE ROLE OF CRIMINOLOGY IN THE TRAINING
OF PROBATION OFFICERS SPECIALISING IN THE
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Francois Steyn

Submitted in accordance with the requirements for the

MAGISTER SOCIETATIS SCIENTIAE

degree in the

FACULTY OF HUMANITIES

(DEPARTMENT OF CRIMINOLOGY)

at the

UNIVERSITY OF THE FREE STATE

**MAY 2001
BLOEMFONTEIN**

Supervisor: H. Foster

The financial assistance of the National Research Foundation (NRF) towards this research is hereby acknowledged. Opinions expressed and conclusions arrived at, are those of the author and are not necessarily to be attributed to the National Research Foundation.

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DECLARATION

I declare that the dissertation hereby submitted by me for the **MAGISTER SOCIETATIS SCIENTIAE** degree at the University of the Free State is my own independent work and has not been previously submitted by me at another university/faculty. I furthermore cede copyright of the dissertation in favour of the University of the Free State.

ACKNOWLEDGEMENTS

Sincere gratitude is hereby expressed to the following persons for their assistance and support:

- Andre Viviers (Assistant Director: Department of Social Welfare, Section Child and Family Care), for authorising the survey and facilitating access to the various district offices and managers.
- All managers, social workers and probation officers from the Free State Department of Social Welfare who participated in the research and generously shared their knowledge.
- Herma Foster (Lecturer: Department of Criminology, UFS), for all her patience, insight and valuable guidance and supervision throughout the whole research endeavour.
- Prof. G.E. Mouton and Mr. A.W. Calitz, for authorising a survey among lecturers from the Departments of Criminology and Social Work, UFS - a word of appreciation is extended to all the lecturers who participated in the study.
- Prof. Dingie Van Rensburg (Director: Centre for Health Systems Research & Development, UFS) and my colleagues, for the various forms of support provided during the research.
- Michelle Engelbrecht, for editing the final report.
- My parents - nothing would be possible without your endless love and support!

Francois Steyn
Bloemfontein
May 2001

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PART 1: BACKGROUND, AIM AND OBJECTIVES

1.1 Introduction

During the past few years major progress has been made in legislation, criminal policy and the administration of justice, and the transformation of the criminal justice system extended itself to the humane treatment of youths in conflict with the law. By applying the principles of restorative justice, various initiatives and alternatives to imprisonment, such as diversion programmes, have been designed and implemented to deal more effectively with South Africa's young offenders. As such, personnel and officials responsible for the provision of welfare and rehabilitative services (i.e. social workers, probation officers, magistrates, and police and other justice officials) had to re-align themselves in ensuring and securing the variety of services required for the proper and efficient management of youths in conflict with the law. In this regard, the competencies and training of officials responsible for service delivery came under the spotlight.

This report sets out to determine and describe the training that probation officers dealing with youths in conflict with the law need, and what Criminology could contribute toward this training. Firstly, the background to the study will be provided and the aim, objectives and concepts used in the report will be presented.

1.2 Origin of the study

In November 1997 a meeting between lecturers from the Departments of Criminology and Social Work (UFS) and representatives from the Inter-Ministerial Committee on Young People at Risk (IMC) was held during which future training initiatives for social workers were discussed. Keeping in mind that (i) only registered social workers can be appointed as probation officers under the Probation Services Act (Act 116 of 1991), and (ii) that probation services in the Free State are rendered mostly by social workers, it was realised that Criminology can play a vital role in the training of both professions.

Moreover, the need for Criminology to become more involved in probation training was identified in the early eighties. As Blyth and Hugman (Nellis, 1992:136-137) note:

"... it is our impression that penal policy and Criminology feature insufficiently for the probation student".

Documents such as the IMC's *Interim Policy Recommendations* (1996), the South African Law Commission's *Juvenile Justice* (1997) and the Juvenile Justice Drafting Consultancy's *Juvenile Justice for South Africa: proposals for policy and legislative change* (1994) prompted deeper insight to the need for specialised professions responsible for the management of young offenders in South Africa.

Additionally, an article written by Van der Westhuizen entitled *The South African Qualifications Authority (SAQA) and the future role of the humanities - with special reference to Criminology* (*Acta Criminologica*, 1998) called attention to the need for tertiary education in the humanities to re-align itself with current practice and training needs. With this in mind it was decided to explore what Criminology as both scientific and academic discipline can contribute to probation (and therefore social work) training, focusing on the renewed emphasis of individualised development and early intervention in the case of youth offending.

1.3 Contextualisation

In light of the above and especially since this study draws predominantly on an explorative research design, it is not specifically destined to alter current training policy and curricula. Instead it aims to describe what training officials actively involved in the management of young offenders in the Free State need, and to what extent these training needs could be satisfied by contributions from Criminology.

When considering the various levels of policy making as described by Ritchie (1986:9-11), it is evident that this project is too small in nature to sufficiently inform policies aimed at implementing findings (strategic policy). Only if one takes into account that part of the empirical findings comments on current practices in and impediments to the efficient management of young offenders in the Free State (see **Appendix**), the study then, to some extent, informs operational policies (i.e. the practical workings of policy in reality). Moreover, since current literature suggests that the need for specialised probation officers exists, and that those involved in working with young offenders need specialised training in which Criminology can play a pivotal role, the study draws on primary/existing policy and practices to inform future developments in probation training.

1.4 Aim and objectives

In order to satisfy the general aim of the study, namely to determine Criminology's role in the training of probation officers specialising in the management of young offenders in the Free State, the following objectives are pursued:

- To determine, by means of a literature review, what training probation officers specialising in the management of young offenders need to fulfil their task.
- To investigate training needs in practice through consultation with social workers, probation officers and relevant welfare managers/decision makers in the Free State.
- To assess, with the aid of both the literature review and the empirical part of the study, the role which Criminology can play in the training of these specialised probation officers.

Although not a specific objective of this study, it was decided to explore the relation of crime prevention and victim support to probation and social work, as these two matters form part of social workers' (and to a lesser extent probation officers') duties. When the opportunity of undertaking explorative research among social workers and probation officers in the Free State presented itself, it was taken that, with the current emphasis on victim support and empowerment and crime prevention in general, the role (and training needs) of these professions working toward these imperatives needs investigation. Additionally, it is envisaged that Criminology could play a vital role in the training of social workers and probation officers for the purposes of crime prevention and victim support and empowerment. These issues are addressed in **Part 2: Literature review**.

1.5 Conceptualisation

The following list alphabetically presents the concepts, terms and definitions as used in the report. Although the list might seem too extensive, it was taken that, since they feature frequently throughout the whole report, it is necessary to undertake and present a comprehensive conceptualisation. Moreover, these terms and concepts surfaced during data collection and, as such, had to be incorporated in a consecutive research instrument administered to the study's secondary research population (i.e. lecturers from the Departments of Criminology and Social Work, UFS).

Child Care Act: Rules focusing on the protection and welfare of children/youths, e.g. the provision of legal representation, the reception and treatment of children/youths (Act no. 74 of 1983).

Children's court: Courts established with special jurisdiction over children, i.e. to see to their welfare and well-being (Louw, Van Heerden & Smith, 1978:38).

Communication skills: Skills displayed by social workers/probation officers to meaningfully communicate with young offenders.

Correctional supervision:	An alternative to imprisonment or a condition with regard to postponed or suspended sentence in terms of the Criminal Procedure Act (No. 51 of 1977).
Crime causation:	Factors/circumstances that contribute to criminality (Vetter & Silverman, 1986:20).
Crime prevention:	The philosophy of and strategies aimed at the reduction of crime (IMC, 1994:26).
Crime typologies:	The categorisation and classification of crimes according to their nature, characteristics and seriousness (Vetter & Silverman, 1986:23-24).
Criminal court proceedings:	Procedures followed in court during the dispensation of a criminal case (Louw, Van Heerden & Smith, 1978:79).
Criminal law:	Prescribes which actions are punishable by law, as well as what punishment could entail (Klein & Viljoen, 1998:109).
Criminal procedure:	Rules prescribing the procedure to be followed in the punishment of offenders (Klein & Viljoen, 1998:107).
Criminology:	The science/body of knowledge built around crime phenomena (Cloete, 1990:21-25; Louw, Van Heerder & Smith, 1978:43).
Cultural sensitivity:	Understanding cultural differences that could influence working with young offenders.
Developmental approach:	An approach focusing on the development of strengths, skills, motivation and support of young people (IMC, 1996:5).
Diversion:	The channelling of young offenders away from the criminal justice system, with or without conditions (Beijing Rule 11.1).
Family law:	Rules prescribing family relationships, i.e. between parents and their children or between minors and guardians (Klein & Viljoen, 1998:264).

- Juvenile court:** A criminal court that deals with young offenders (Juvenile Justice for South Africa, 1994:38).
- Juvenile criminality:** Crimes committed by persons between the ages of seven and eighteen (Louw, Van Heerden & Smith, 1978:37; Juvenile Justice for South Africa, 1994:38).
- Law of Evidence:** Prescriptions about how a case is to be proofed in court, e.g. how witness is to be presented (Kleyn & Viljoen, 1998:107).
- Mediation:** Programmes aimed at reconciling victims and offenders in a conflict resolution process that is fair to both parties (Umbreit, 1994:7).
- Prediction of crime:** Theories/models that aim to predict future criminality (Vetter & Silverman, 1986:410).
- Pre-sentence report (PSR):** A factual and diagnostic study of an offender focusing on his/her background, the nature of the crime committed and recommendations about treatment/sentencing (Prinsloo, 1991:105).
- Probation officer:** A registered social worker who has been appointed under the Probation Services Act (No. 116 of 1991).
- Probation Services Act:** Stipulates programmes aimed at combating crime and the rendering of assistance to and the treatment of offenders (Act no. 116 of 1991).
- Reception procedure:** Procedures followed after the apprehension of a young person (Juvenile Justice for South Africa, 1994:13).
- Referral:** Services to which young offenders can be referred for care or treatment (IMC, 1996:38). Such services are also available to crime victims.
- Report writing:** The compilation of reports such as the pre-sentence and desirability of prosecution reports.
- Resources:** The application of existing resources or the establishment of resources aimed at the treatment of young offenders.

- Restorative justice:** The approach to the management of young offending that focuses on restoring societal harmony and, instead of punishment, putting wrongs right (IMC, 1998:6).
- Rights of victims:** The rights of victims of crime as stipulated by the *United Nations Declarations of Basic Principles of Justice for Victims of Crime and Abuse of Power* (1985).
- Secure care:** The physical, behavioural and emotional containment of youths providing programmes of care and safety (Child Care Act, No. 74 of 1983).
- Secure care facility:** An institution where sentenced youths or youths awaiting trial are housed (Juvenile Justice for South Africa, 1994:38).
- Social work skills:** Skills applied by social workers and probation officers to effectively manage young offenders.
- Treatment of young offenders:** The participation of a young offender in a programme to promote/establish accountability and responsibility for his/her actions (Juvenile Justice for South Africa, 1994:38).
- Victim:** A person or body of persons who suffered physical and/or emotional harm through acts that are in violation of criminal laws (South African Law Commission, 1997a: 6).
- Victim empowerment:** Programmes aimed at promoting harmony between victims, communities and offenders (Camerer & Kotze, 1998:2).
- Victim support:** Strategies aimed at the humane treatment of victims of crime, which include, amongst others, informing them on the progress of a case, legal advice, protection and restitution (Cachalia, 1998:11).
- Youth rights:** The rights of young people as stipulated in the UN Convention and the SA Constitution (IMC, 1998:6).
- Youth subculture:** Values, practices and beliefs (maintained by youths) that stand in contrast with those values, practices and beliefs of the larger society (Little, 1989:271).

1.6 Layout and presentation

Part 1: Introduction, aim and objectives outlines what is intended with the study and describes its background, aim and objectives, as well as the concepts used in the report. **Part 2: Literature review** reflects on what the management of young offenders entails by broadly following the steps of dealing with youths in conflict with the law. Moreover, the literature review serves as a basis to deduce what training probation officers need to provide young offenders with the necessary supportive and intervention services. In addition to Criminology's fields of study being explored, issues related to future developments in probation training are also addressed. **Part 3: Methodology** reports on the (qualitative) research design opted for and addresses the issue of quantifying qualitative data as a means of determining and presenting priority areas that surface during data analysis. The pros and cons of the methodology, especially that of semi-structured personal and group interviewing as applied in this study, are discussed. Subsequently, **Part 4: Research findings** presents the empirical findings of the research. It depicts the training needs that social workers and probation officers working with young offenders experience. Their views regarding the initial involvement and perceived importance of Criminology in formal social work/probation training are also presented, followed by an amalgamation of the empirically identified training needs. The views of lecturers from the Departments of Criminology and Social Work (UFS) as to which subjects are to contribute to specialised probation training is also presented. **Part 5: Conclusion** marries the training needs identified by means of the literature review with those determined by the empirical research. The role Criminology can play in the training of probation officers specialising in the management of young offenders in the Free State is then extrapolated by casting these identified training needs against the discipline's areas of interest. An **appendix** presents a summary of the factors hampering the efficient management of young offenders in the Free State as identified by respondents, as well as the schedules used for the purposes of data gathering.

PART 2: LITERATURE REVIEW

2.1 Introduction

The importance of paying more attention to the needs of South Africa's increasing youth population, especially those in conflict with the law, arose with the development of a new strategy for crime management and prevention. This new strategy provides for a variety of mechanisms that could be employed to prevent a young offender from entering formal trial procedures. As aimed for with a youth justice system, professionalism will be needed to assist not only courts in decision-making, but also to provide the young offender with the necessary support and guidance through the system.

Many documents such as *Juvenile Justice for South Africa* (1994), the IMC's *South African Minimum Standards for the Child and Youth Care System* (1998) and the South African Law Commission's *Juvenile Justice* (1997) call for specially trained personnel to provide for the needs of young people in conflict with the law. As the literature will indicate, many impediments exist in ensuring appropriate and effective service delivery toward these youths. One of these impediments relates to personnel being inadequately trained to work with young offenders.

This overview aims to outline the different steps in managing young offenders, with the ultimate aim of informing what training probation officers need to provide for youths with the necessary supportive and rehabilitative services. These identified training needs, mostly deduced from available literature as little is currently known about the matter, will eventually be amalgamated with the empirical findings in an effort to extrapolate what role Criminology could play in the training of probation officers specialising in the management of young offenders. As with the future of probation training, issues such as probation's involvement in crime prevention and victim support, as well as the training needs in this regard, are briefly addressed in this review. Firstly, however, the aim of probation, its development in South Africa and the philosophy of restorative justice warrant a closer look.

2.2 The aim of probation services

Mathieson (1998:34) describes the role of probation as a service aimed at changing offenders' attitudes, motivation and behaviour primarily, although not exclusively, within the community, and thereby protecting the public. Bennie (1991:5) sees the aim of probation services as the rehabilitation of offenders and, together with the individualisation of

punishment, a reduction in the prison population. While Van Rooyen (1991:37) also considers the aim of probation to be the rehabilitation of offenders, he broadens probation's value to include programmes aimed at the families of offenders and the victims of crime. Other authors such as Vetter and Silverman (1986:533) describe the aim of probation as the combination of punishment and treatment in the form of community-based supervision that consists of guidance and counselling. The overall aim of the Probation Services Act (No. 116 of 1991) reads:

"To provide for the establishment and implementation of programmes aimed at the combating of crime; for the rendering of assistance to and treatment of certain persons involved in crime; and for matters connected therewith".

In essence the aim of probation services could therefore be seen as the rehabilitation or treatment of offenders within a community setting with the ultimate objective of preventing crime. The powers and duties of probation officers, as stipulated by the Probation Services Act (No. 116 of 1991) and the Manual for Probation Services (Barnard *et al.*, 1994:8-9), provide a clearer picture of the service's aims which include:

- The investigation of an accused person to inform the court about possible treatment and committal to an institution, as well as providing the offender's family with assistance.
- Assisting a probationer to comply with the conditions of probation aimed at improving his social functioning.
- Notify the necessary authorities in case a probationer steps outside the conditions of probation.
- Keep the court informed about the progress and supervision of probationers.
- Conducting information classes (i.e. providing guidance to those ordered by court to attend such classes).
- The planning and implementation of programmes aimed at crime prevention, community service, rehabilitation and treatment of offenders and victims of crime, assisting families of offenders, the establishment of shelters and victim compensation.

From these powers and duties one can conclude that the probation officer fulfils mainly an informative and supportive-rehabilitative function. This study, however, does not focus on probation work in general and the idea of specialisation within this occupation is predominantly addressed. Probation that involves working with young offenders entails a different set of rules - a different approach is needed as the probation officer is not only confronted with the task of rehabilitating an offender, but a minor, and therefore a person who is still developing. Moreover, aspects such as ensuring secure care, diversion and the various

programmes that follow from this decision (i.e. involving the young offender's family, community and the victim of crime) differ substantially from working with adult offenders.

Additionally, the developmental approach in the management of young offenders (as stipulated by the South African Law Commission, the IMC, national and provincial Departments of Social Welfare, the Juvenile Justice Drafting Consultancy) presents a challenge to probation officers - they have to be equipped with specialised knowledge to ensure that young offenders again become law abiding citizens. Little specialisation in the management of young offenders currently exists in the Free State and social workers are mostly tasked with this responsibility. As the literature study will indicate, professionalism and specialisation is needed when working with young offenders for the aim of probation to be achieved.

2.3 The development of probation legislation in South Africa

John Augustus, a nineteenth century Boston shoemaker, is described as the "father of probation". After spending much of his free time in courts he realised that it was inhumane and unnecessary to jail common drunks because they had no money to pay their fines (Augustus in Vetter & Silverman, 1986:534). After convincing authorities to allow him to pay for offenders' fines, he bailed out more than two thousand persons between 1841 and 1859. In addition to bailing them out he provided offenders with friendly counsel and supervision. Augustus's home state of Massachusetts passed the first probation statute in 1878 and the first law acknowledging probation officers and probation work was formulated in 1891. Probation then became a legal alternative to imprisonment and was given great importance with the establishment of the first juvenile court in 1899 (Jacobs in Bennie, 1991:5; Vetter & Silverman, 1986:533-534).

The appointment of probation officers and the delivery of probation services in South Africa has since its earliest beginnings been embodied in legislation. The First Offender's Act, 1906 (Act 10 of 1906) and the Prisons and Reformatories Act, 1911 (Act 13 of 1911) stipulated that first offenders and prisoners released on parole be put under the supervision of a probation officer. The latter Act for the first time provided for the appointment and remuneration of probation officers in South Africa (Van der Merwe in Bennie, 1991:5).

Probation services initially focused on the adult offender. The Children's Act of 1937 (Act 31 of 1937) and the later Children's Act of 1960 (Act 33 of 1960) redefined the responsibilities and duties of probation officers to include the provision of services for young offenders. Probation work involving young offenders was determined by section 58(1) of the latter Act.

Probation services for adult offenders were stipulated by section 1(d) that ordered probation officers to undertake duties as specified by other laws or the Minister, and section 2 that indicated a probation officer to be an officer of every magistrate court. Section 23 of the Probation Services Act (1986) replaced section 58 of the Children's Act (1960).

Since two different Acts stipulated the appointment and functioning of probation officers, the Probation Services Act (Act No. 116 of 1991) repealed Act 98 of 1986. The Act was amended by the Health and Welfare Matters Amendment Act (Act No. 118 of 1993) and the Welfare Laws Amendment Act (Act No. 106 of 1996). Section 2 of the Probation Services Act (1991) provides for the appointment of probation officers, while section 4 stipulates their powers and duties. The Act furthermore provides for probation officers' involvement in programmes aimed at combating crime (section 3), the appointment and registering of volunteers (section 9), and various other matters relating to probation work.

In addition to the Probation Services Act (Act No. 116 of 1991) that provides for the appointment of probation officers, the Criminal Procedure Act, 1977 (Act No. 51 of 1977) provides for statutory services to be provided by probation officers. Sections 290(1), 297(1)(a)(i)(ee) and 1(b) allow the court to place young and adult offenders under the supervision and control of probation officers (Bennie, 1991:5).

2.4 Recent developments in the field of youth justice

During the 1990's South Africa experienced major social, economic, and political changes, and the country's legal system was in dire need of transformation. In changing the previous system where law and politics were largely undifferentiated (repressive law) to a system that defines and protects public interest (responsive law) (Van Huyssteen in Howes, 1996:33-34), it became evident that a youth justice system was urgently needed to curb the escalating incidence of youth offending (Juvenile Justice for South Africa, 1994:2). Numerous impediments exist in dealing with youth deviant behaviour in South Africa, amongst others the following (IMC, 1996:13):

- Systems were fragmented between and among different ministries, departments and disciplines.
- Systems were pathology-oriented and did not focus on the strengths inherent to youths and their families, and communities had little or no role in decision-making.
- Statutory intervention received more attention than prevention or early intervention.
- Services were neglected in rural areas.

Previously thousands of youths awaited trial in abysmal conditions in prison and police cells where they were often held for months and received little to no legal representation or guidance and assistance through the legal system. Furthermore parents were not consistently informed about the whereabouts of their children while being caught up within the criminal justice system (Juvenile Justice for South Africa, 1994:2). Campaigns and initiatives such as *Justice for Children: No Child Should be Caged*, initiated by the Community Law Centre, Lawyers for Human Rights and the National Institution for Crime Prevention and Rehabilitation of Offenders (NICRO) placed increasing pressure on government to react to the inhumane management of young offenders.

It was only after 13-year-old Neville Snyman was murdered by his cell-mates in a Robertson police cell in October 1992 that the *National Working Committee on Children in Detention* was formed. The need for a comprehensive and effective youth justice system became imperative. Soon afterwards NICRO and state diversion programmes were implemented at a number of centres, and seminars and conferences planned future strategies for dealing with youths in conflict with the law. The main objective: prevention and early intervention to avoid young people unnecessarily entering the criminal justice system (IMC, 1996:13-14). As is noted in the document *Juvenile Justice for South Africa* (1994:4-5):

"To be comprehensive and effective, the new vision needed to encompass ideas for the charging, arresting, diverting, trying and sentencing of young offenders in a system that would spell out the roles of the police, the prosecutors, probation officers and others dealing with young people. It needed to take into account victim's rights. In short it needed to be innovative, inexpensive and creative".

Although the need for a separate juvenile justice system has been identified by the *National Crime Prevention Strategy* (NCPS) (1996) and the IMC, South Africa still has no cohesive juvenile justice system. Stipulations catering specifically for the management of young offenders are covered by a number of separate laws. These include the Criminal Procedure Act (No. 51 of 1977), the Probation Services Act (No. 116 of 1991), the Child Care Act (No 74 of 1983) and the Correctional Services Act (No. 8 of 1959) (South African Law Commission, 1997b:5).

Fortunately recent developments in the field of youth justice are speedily finding their way to South Africa's first bill on child justice. The South African Law Commission submitted its report on child justice to the Justice Minister in August 2000, a step that represents a milestone in the child justice debate (Muntingh, 2000:11). The bill is based on relevant international instruments and standards, and aims to provide for an effective juvenile justice

system. Such a system must hold the young offender accountable for his/her action, ensures proper treatment and intervention strategies, while at the same time safeguards the community (Bilchik, 1998:89). These goals form the basis of the restorative justice paradigm and will, together with the family and community's importance in the management of young offenders, briefly be highlighted.

2.4.1 Restorative justice

Restorative justice aims to replace the "treatment" model of the previous welfare system, as well as to redefine the "punishment" approach followed by the justice system. At its core are the concepts of conflict resolution and the active involvement of young people, families and communities in the decision-making process (IMC, 1996:24; Umbreit, 1994:2). Restorative justice emanated from the victim-offender mediation or reconciliation movement that originated in Canada and North America in the 1970's. In fact, Canada moved away from a youth justice system based on providing for the needs of young offenders toward a system that promotes youth accountability, deterrence and the protection of the community (Hylton, 1994:243). Restorative justice addresses the conflicts that arose from crime and tries to resolve the underlying causes of crime (South African Law Commission, 1997a:6). It aims to redefine crime, not as an offence against the state or of breaking the law *per se*, but as an injury or wrong done to another person and therefore the broader community. It involves the victim and the offender in addressing the conflict created by the offence, thereby involving relevant stakeholders in the justice process. The state and legal professionals then act as facilitators to ensure offender accountability, active participation of all parties concerned and the offender putting the wrong right (Ladikos, 1997:38). The philosophy of restorative justice stems from three beliefs, namely (South African Law Commission, 1997a:6):

- Crime causes harm to victims, offenders and communities at large.
- In addition to government, victims, offenders and communities should actively be involved in the criminal justice process.
- While the government should take responsibility for preserving law and order, communities should establish peace.

Restorative justice thus focuses on repairing the damages caused by crime (materially or symbolically) and promotes community involvement in the management of crime. Crime is best managed when community members act as "primary controllers" by means of active participation in ensuring not only that offenders accept responsibility for their actions, but also help in their reintegration into their communities (South African Law Commission, 1997a:6). Another important element of restorative justice is the involvement of the crime victim: victims

should be compensated for their losses by means of restitution, should be empowered throughout the criminal justice process, and should be assisted to regain a sense of control lost due to victimisation.

2.4.2 The role of family and community in youth justice

Van Rooyen (1991:38) argues that, in the past, social work and especially probation services have placed too much emphasis on providing services to the individual offender, thereby neglecting the family and environment in which the probationer functions. Since the local community plays a central role in the socialisation of youths through formal and informal networks that help to determine individual behaviour (Ohlin, 1998:149), it only follows that this agency also has a role to play in the management of young offenders. It is commonly accepted that the principles of restorative justice emphasise the role of family and community in the rehabilitation and reintegration of young offenders (Juvenile Justice for South Africa, 1994:5-6). The IMC, for example, recommends that diversion programmes be run within the community and family context (1996:44), and that juvenile justice should focus on family preservation (1998:6). Probation services therefore aim to implement programmes within the family and community context to facilitate reintegration and crime prevention.

However, the ecological perspective, which places the family within the wider realm of extended families, community life, and cultural/religious groups, states that the broader community determines a family's acceptance of and reaction to intervention strategies. It therefore follows that the influence of the broader community should be taken into account when planning intervention programmes (Van Rooyen, 1991:37). This does not imply that the community would be willing to participate in and support the reintegration and rehabilitation of a young person convicted of a particular offence. Additionally, the family might have specific needs in addressing issues relating to a young family member's offence, which should also be taken into account in the planning of intervention strategies.

Co-operation from both the family and its support systems in probation programmes for young offenders should receive high priority. Intervention programmes involving the family should be based on family functioning and development, and should involve all family members. Weiss and Jacobs (Van Rooyen, 1991:38) state that, in the development of interventions involving the family, the following should surface:

- Programmes should promote personal and interpersonal development within the family.

- Community-based programmes should be sensitive toward local needs, resources and existing services.
- Programmes should provide for social support (i.e. information and practical aid).
- Prevention of family dysfunctioning should be emphasised.
- Programmes should draw on innovative community resources, i.e. volunteer services and informal networks.
- The interdependent relationship between family and community, with emphasis on family preservation, should continuously be highlighted.

Needless to say, different programmes should be designed to satisfy the needs of individual families. Probation officers are therefore faced by these and other challenges (i.e. the identification of suitable offenders and the potential of their families to benefit from family centred interventions) to provide for effective and efficient programme formulation, implementation and evaluation. Detailed knowledge about the (dis)functioning of the family and community as socialisation agents is therefore required.

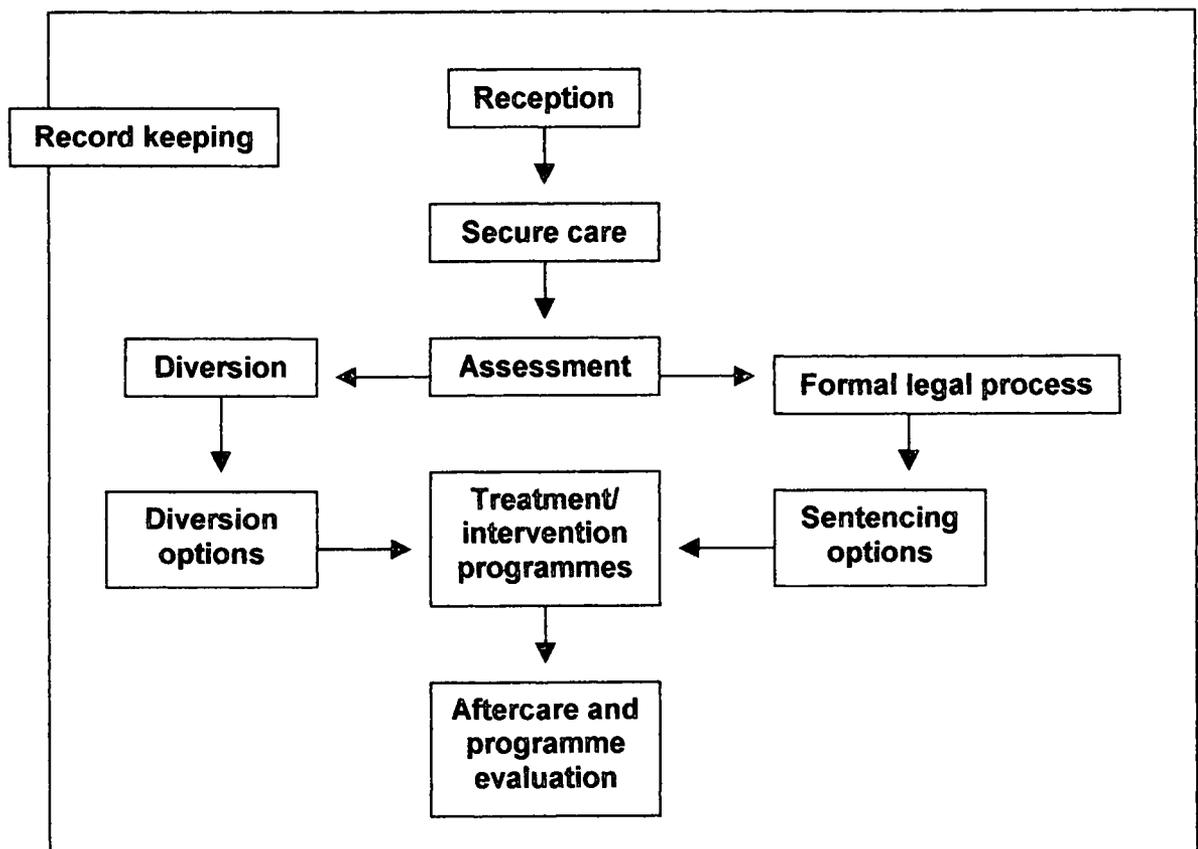
2.5 Services required for the management of young offenders

The following discussion outlines the services required to effectively deal with youths in conflict with the law, albeit by resorting to formal legal procedure or diversion and other alternative initiatives. The relation and aims of individual services within or steps of the criminal justice system are not discussed in detail, as it is envisaged that, by stipulating what each stage entails, deductions could be made as to what training probation officers require in the management of young offenders.

As the concept "*probation officers specialising in the management of young offenders*" indicates, these officers are required to provide a variety of services regarding the care and treatment of young offenders. Some of these duties, as well as steps in dealing with young offenders, are intertwined and therefore difficult to isolate from one another. For example, aftercare forms part of a young offender's treatment and rehabilitation programme, just as the option of diversion is central to the diagnostic process of assessment. Still, it has been taken that, by separating as many steps of dealing with youths in conflict with the law as possible, a clearer picture of probation officers' training needs will prevail. These training needs are deducted and presented after each step of young offender management has been outlined. Although overlapping occurs, the amalgamation of all identified training needs (as depicted under 2.8 Literature-based training needs) provides a summary of the literature-based training specialised probation officers need.

A number of policy documents, acts and local and international journals and magazines have been consulted in compiling the following discussion of steps of dealing with youths in conflict with the law. Important is to note that, although probation officers are required to provide these services, or, where appropriate, play a role in the provision thereof, they are not primarily trained therein. The steps of dealing with young offenders start with reception (i.e. arrest), after which secure care, albeit in secure care facilities or at home, has to be ensured. Assessment then has to be undertaken to decide whether a case will enter formal legal procedure or be diverted away from the criminal justice system. Subsequently, treatment and intervention strategies are to be provided, followed by aftercare and programme evaluation. Throughout the whole endeavour record keeping and administrative tasks prevail. The following flowchart (Figure 1) reflects the steps of dealing with young offenders.

Figure 1: Steps in the management of young offenders.



2.5.1 Reception

According to section 50 (5) of the Criminal Procedure Act (No. 51 of 1977) the police have to inform a probation officer after a minor has been apprehended. The main reason being that

young offenders dealt with in the current system frequently get lost between the arresting and the investigating officer (Juvenile Justice for South Africa, 1994:13). A youth can then end up in the justice system without an allocated person to look after him/her. The probation officer should thus be responsible for or to ensure that (IMC, 1998:6; Beijing Rule 10):

- The young person is informed about the charges brought against him/her.
- His/her rights have been explained in a language that he/she comprehends.
- His/her parents have been notified within the shortest time possible.
- He/she is treated in a way that respects his/her dignity, taking into account the youth's socio-cultural upbringing and milieu.
- The young person is provided with ample opportunity to relate his/her version of the events.
- The youth is not forced to make statements or confessions.
- The youth is dealt with within the shortest time possible.

Additionally, the probation officer should describe the extent to which alternatives to arrest, e.g. caution, were considered. It should also be indicated that all possible steps have been taken to inform the young person's parents about his/her arrest (IMC, 1998:7). If the arrested youth's parents could not immediately be traced and the youth has to spend the night in safe care, the probation officer has to decide on the most appropriate place (IMC, 1996:47). An allocated person or officer is needed to provide for the first-contact needs of the young person, such as basic support and the notification of his/her parents. More specifically, probation officers need to be skilled/trained in the following:

- Youth and legal rights.
- Cultural consciousness.
- Legal procedures and requirements, i.e. how the severeness of an offence determines detention and possible sentencing and outcomes, which offences warrant alternatives to arrest, etc.
- Recording or gathering information from arrested youths.
- How to meaningfully inform and communicate with arrested youths; proficiency in the local indigenous language could also prove valuable.

2.5.2 Detention and secure care

The detention of arrested youths in police or prison cells should be a measure of last resort. Accused youths should, where appropriate, be released into their families' care (this should also apply to young offenders awaiting trial). If it so happens that a child is detained in

custody, he or she should be kept for the shortest time possible and in no case for more than 48 hours after arrest (Barnard *et al.*, 1994:21; Roy, 2000:6). Youths in detention should also be separated from adults and kept in child-friendly rooms rather than conventional cells.

Cases going to trial where the young person is held in detention should receive priority and delays during investigations have to be prevented (IMC, 1996:51). The Justice Department should consider legislation that will limit the time lapsing between apprehension and the commencement of the trial in cases where young people are held in custody. Regarding detention and secure care, probation officers need to be skilled in and informed about the following:

- The availability and operation of secure care centres.
- Principles/guidelines for the detention of accused youths (this includes administrative tasks), as well as the evaluation of a youth's family to act as a secure care provider.
- How to negotiate appropriate care with relevant authorities.

2.5.3 Informing arrested youths of their rights

Arrested youths should as soon as possible after arrest be informed about their rights (Roy, 2000:6). Like adults, accused youths have, for example, the right to legal representation as from apprehension. Legal representation should be granted shortly after it has been established that a case will go on trial and that the young offender will be held in custody (IMC, 1996:51). Still, in over 80% of cases accused persons under 18 appear before the courts unrepresented. One of the main reasons was found to be that the offender was not informed about the possibility of free legal assistance (South African Law Commission, 1997b:11). Service providers should ensure that young people, shortly after apprehension, have had the right to legal representation explained to them in a language they understand. They have to be provided with sufficient information to make an informed choice and should be assisted with applications made to the legal aid board. Furthermore, young people are to have the opportunity to consult with legal representatives before plea, trial or inquiry, and their family members should be involved throughout the entire process (IMC, 1998:10).

Legal representation available to young offenders should also provide for participation and protection of their rights. This entails that service providers take steps to ensure that legal representatives are selected on the basis of their knowledge and ability to work and communicate effectively with young people. Additionally (IMC, 1998:7):

- Sufficient opportunity should prevail for proper consultation during which young people will have adequate time to actively participate.
- Young people should not be forced to make any statements against their will.
- An internal quality assurance programme should be implemented to monitor the appropriateness of legal representation provided to young people.
- Mechanisms should be available to deal with unsatisfactory legal representation.

It is therefore clear that trained personnel are needed to constantly inform young offenders about their rights, procedures of the justice system and matters such as referral, diversion, possible outcomes, etc. In working with young offenders, probation officers thus need to be skilled in performing the following tasks:

- Informing arrested youths about their rights (including the right to legal representation).
- The process of securing legal representation for arrested youths.
- Meaningfully communicate with arrested youths (in a language they comprehend), which includes assisting them in applying for legal representation and ensuring that they have opportunities to consult with their legal representatives.
- Act as advocates to ensure and secure quality legal representation.

2.5.4 Assessment

Assessment implies the diagnostic process focusing on the psychosocial and developmental background of the arrested young person. It is based on the developmental approach with emphasis on strengths and strengthening, and consists of information obtained from a youth's daily living, community and family environment (IMC, 1998:31). An assessment is essential in determining the appropriate course of action to be followed and should allow for referral to specific programmes. This demands a balancing of criteria that center on the seriousness of the offence, the potential risk of re-offending, the risk the offender holds toward the community, as well as the young offender's rehabilitation needs (Barnard *et al.*, 1994:19; Bilchik, 1998:91). Reception, assessment and referral should come to pass readily to expedite matters. Although it is aimed that assessment be done by a multi-disciplinary team, the role of the probation officer, with knowledge on the compilation of pre-sentence reports, should not be underestimated. The following principles should prevail throughout the entire process of assessment (IMC, 1998:32):

- Assessment should be conducted within the family setting, unless proved not to be in the best interest of the young person.

- Assessment should preferably involve the young offender and his/her family, as well as any other relevant role players.
- Assessment should optimise insight and competency.
- Assessment should result in an appropriate referral to intervention strategies.
- Observation and assessment should prevail in all phases of the system.

The IMC (1996:38) emphasised that, since probation officers are essential in the process of reception, assessment and referral, specialised training with regards to these duties is urgently needed. It is imperative that the probation officer be equipped with skills as to how assessment indicators are to be applied to determine appropriate outcomes. To effectively undertake this complex and intricate activity, probation officers need to be skilled in the following:

- The importance, value and purpose of assessment.
- The developmental approach and how it relates to the needs of individual youth offenders.
- The causes of crime/processes of causality (i.e. how certain factors could contribute to offending).
- In-depth knowledge on the impact of a young person's family, community, school, peers, etc. on his/her life, how these could contribute to crime, as well as how they could be applied in intervention strategies.
- How to undertake the diagnostic process of assessment (i.e. identifying and accessing sources of information, gathering the required information, communicating with contributors, how to interpret and relate the gathered information into a report stipulating the desired course of action, presenting the recommendations).

2.5.5 Diversion

Diversion can be seen as one of the practical outcomes of restorative justice. Beijing Rule 11.1 states that:

"[c]onsideration shall be given, wherever appropriate, to dealing with juvenile offenders without resorting to formal trial".

This is what is aimed for with diversion since it entails young offenders to be diverted away from the criminal justice system, with or without conditions. These conditions can vary from a simple caution, referral to the welfare system, participation in particular programmes and/or

reparation or restitution. Diversion can be considered prior to arrest, charge, plea, trial or sentencing (South African Law Commission, 1997b:18). As the NCPS (1996:61) indicates, diversion is especially appropriate where young offenders are at risk of re-offending and a life of crime if they are not provided with alternatives. Diversion programmes therefore support the restorative component of the justice system and utilise family and community resources in problem solving.

Diversion programmes should be aimed at young people charged with minor offences and who have not been charged more than twice. Other considerations for diversion is the young offender's acceptance of responsibility and the fact that the victim does not demand formal prosecution, but is willing to resort to other means than the justice system (NCPS, 1996:60). The philosophy of diversion is to make use of formal proceedings only in serious cases or where the nature of the offence demands the youth's isolation from society.

Since the criminal justice system is costly and does not necessarily address the causes of crime, diversion programmes prove to be a suitable way to prevent re-offending. Diversion services are mostly rendered by NICRO. During 1994/5 a total of 3 565 cases were referred to NICRO for participation in diversion programmes, of which 94% were accepted. Of these, 76% successfully completed the programmes. In some areas diversion programmes are run by probation officers. Still, opportunities for youths in conflict with the law are limited. The number of diversions handled by NICRO annually represents only a small percentage of potential cases (South African Law Commission, 1997b:18). The IMC (1996:35) notes that, under current justice practices in South Africa,

"... young people who are arrested on charges tend to go straight from this first contact with the system into a chain of events leading to conviction. There is generally no opportunity for proper assessment of young people, and diversion opportunities are very limited".

Although diversion was implemented some years ago, no formal legislative framework currently exists and the principal referral mechanism utilised has been the withdrawal of charges by the prosecutor. In addition to prosecutors rarely initiating diversion of their own accord (IMC, 1996:40), withdrawal has not been particularly effective since prosecutors are not specialised or trained to undertake the necessary assessment (South African Law Commission, 1997b:19). Since the decision to divert does not only depend on the specific nature of an offence but also on the personal circumstances and needs of the young person, it is aimed that assessment be done on a multi-disciplinary basis (IMC, 1996:31). The South African Law Commission recommends that (1997b:20):

"... a person with social work training such as a probation officer may be more suited to the task than a person with a purely legal background".

Additionally, the IMC emphasises the role of probation officers in diverting young offenders away from the criminal justice system (1996:25). Options for diversion include the withdrawal of charges, formal cautions, court inquiries or community based diversion programmes (IMC, 1996:38). Formal cautions are not yet used by the South African Police Services (SAPS) and the IMC (1996:39) recommends that this option be implemented as soon as possible. Formal cautions should be considered for first time offenders and could alleviate the current caseload of the criminal justice system. Records should be kept of all formal cautions made. If it has been decided that a case is not suitable for diversion (e.g. due to the seriousness of the offence, recidivism or denial of responsibility by the young person), the matter should be referred to the prosecutor for consideration. However, the prosecutor should still be able to refer the case back should circumstances change or new information prevail (IMC, 1996:50). The IMC further recommends that (1996:44-45):

- The capacity of programmes is to be rapidly expanded.
- Assessment procedures for referral should be standardised.
- All young offenders should have equal access to diversion services.
- Overseeing should be established to ensure effective services and personnel.
- Programmes should be implemented in the young offender's community.
- Specific programmes should facilitate reintegration into society.
- Available resources should be re-channelled into community based support options.
- Diversion programmes should aim to empower youths toward a constructive and contributing adult life.

Diversion programmes are to promote accountability and should adhere to the principles of restorative justice (IMC, 1998:8). This entails that service providers should ensure that the young offender comprehends the impact of the offence on him/herself and on others. Additionally, it should be ensured that the young person in conflict with the law has been provided with the opportunity, support and skills to right the wrong to the victim and/or community (IMC, 1998:9). The option of diversion is to be provided without any infringement on the youth's rights. Furthermore, service providers are to ensure that the young offender (IMC, 1998:8):

- Has had the option of diversion explained to them in a language they comprehend.
- Is not forced to accept the option of diversion.
- Is heard and his/her views are taken into account if considered for diversion.
- Is involved in discussions about the terms and conditions of the option.
- Is informed about the consequences of non-compliance with the terms and conditions set by his/her diversion programme.

A variety of diversion options exist for the disposition of a juvenile case. The following programmes are most often used in South Africa (IMC, 1996:42-43):

- **Youth Empowerment Schemes**, or YES programmes, which involves a six session life skills training programme, partially attended by the young person's parents. The programme helps young offenders to explore ways of reducing the possibility of re-offending.
- The **Family Group Conference** combines indigenous problem-solving techniques and victim-offender mediation schemes. It allows young people to take responsibility for their actions while being supported by the people most important to them. The victim of the offence has the opportunity to discuss the wrongdoing with the offender and a negotiated agreement is reached. This agreement ought to be in line with the principles of restorative justice.
- **Pre-trial Community Service**, which implies young people serving a certain number of hours (related to the offence) in the community. Twelve percent of cases referred to NICRO for diversion results in Pre-trial Community Service. This option is used in conjunction with family group conferences as a means of repairing the damage directly or metaphorically.

Petersen (1991:19) notes that, since roughly half of the prison population is younger than 25 years of age, it is this age group that needs to be targeted to prevent offending and recidivism. NICRO provides programmes for this age group and reaches an average of 1 440 persons per month. Programmes aim to reduce the risk of offending by providing information about the causes and impact of crime, legal rights and life skills training. Section 8 of the Probation Services Act (No. 116 of 1991) allows for the ordering of young offenders to attend information classes such as those provided by NICRO. The following projects are examples (Peterson, 1991:20):

- **Street Law** informs young people about their rights and responsibilities with regards to the criminal justice system and the legal procedures thereof.

- **After-school Care/Children's Enrichment Projects** provide alternatives to deviant group behaviour, as well as school holiday programmes.
- **Gang Intervention** aims at initiating creative strategies to provide alternatives to gang involvement.

NICRO also provide, as part of the **Arrested Persons and Offender Programme**, services to promote the rehabilitation of apprehended and released persons. The Programme provides access to alternative options for sentencing and task-centred individual and group counselling. Additionally, linkages with resource systems in society are established (Petersen, 1991:21). The following serve as examples:

- **Community Service Orders** entails the recruitment of placement agencies, screening of potential cases and communicating progress of clients to relevant government departments and courts.
- **Project for the Education of Drug Related Offenders (PEDRO)** aims to promote awareness of drug abuse amongst young drug offenders and to take responsibility for their drug offences.

Another example of diversion can be found in the **Pretoria Youth Offender School**. The School focuses on the well-being of young offenders and provides alternatives to formal criminal procedures. The main aim is to expose young offenders and their parents to the ramifications of shop theft with the goal to prevent re-offending. The School provides information in order for knowledge, insight and attitude changes concerning shoplifting to arise. The Magistrate's Court, at the discretion of the public prosecutor, refers cases to various Youth Offender Schools. Criteria for referral include age, involvement in first time shop theft and admittance of guilt. The young offender must also live in the Pretoria area to be liable for diversion. The daylong group programme is provided by a law officer, the police and social workers. Individual feedback to the court is given by a probation officer on the co-operation of each youth in the programme. The State then decides whether to proceed with prosecution or to withdraw the case. In case of withdrawal, the young person does not receive a criminal record (Erasmus & Van der Westhuizen, 1991:10-14).

It is evident that the concept of diversion lies at the root of the restorative justice philosophy. The option to divert presents a challenge to probation officers to ensure that young offenders be channelled away from formal prosecution into appropriate programmes and intervention strategies. Although the presence of a service provider such as NICRO would be the ideal to provide in most if not all programme and intervention needs, it should be kept in mind that this non-governmental organisation (NGO) operates mainly in large cities and centres. It thus

follows that persons responsible for the management of young offenders, especially those in rural areas, should be highly skilled in applying intervention initiatives such as those rendered by NICRO. For this to realise the literature suggests that probation officers be knowledgeable about the following:

- The aim and objectives of restorative justice.
- How the criminal/youth justice system operates.
- Criteria for diverting cases of young offending away from the criminal justice system, as well as the processes to be followed.
- Diversion programmes; this entails knowledge about the variety of programmes available, their contents, implementation and how to apply existing family and community resources to fulfil in the individual treatment needs of young offenders.

2.5.6 Court proceedings

Beijing Rule 14.2 states that court proceedings should be:

"... conducive to the best interests of the juvenile and shall be conducted in an atmosphere of understanding, which shall allow the juvenile to participate therein and to express herself or himself freely".

Once it has been confirmed that a young offender will go on trial, he/she should be informed and prepared for court proceedings in a way that ensures his/her understanding and maximum participation (IMC, 1998:2). All necessary steps should be taken to ensure that a safe and child friendly environment prevails for young people awaiting appearance in court. Moreover, service providers should ensure that (IMC, 1998:20):

- Appropriate personnel prepare accused youths for court in a way that takes into account their cultural and linguistic origin, age and capacity.
- Youths understand the information provided to them about their court cases.
- Support to deal with youths' anxieties before, during and after court appearances is provided.
- Youths are transported to and from court in a safe and respectful fashion.

During court proceedings, youths should be given sufficient time to express their opinions and significant others such as parents should be allowed to provide support and assistance (IMC, 1998:5). Parents should also be allowed to participate freely, for example by asking questions (IMC, 1996:52). The young offender should also be able to participate in decision-making and

all proceedings are to take place within the shortest time possible without any delays (South African Law Commission, 1997b:7). With regard to court proceedings, probation officers need to be trained/skilled in the following:

- Court proceedings.
- Preparing accused youths for court appearance.
- Ensuring that youths understand court procedures, as well as the information provided to them.
- Seeing to it that they actively participate in court proceedings.
- Ensuring that arrangements have been made to transport youths to and from court.
- Promoting parents' presence during and participation in court proceedings.
- Practical arrangements and proceedings of the court.

2.5.7 Legal reports

Providing courts with information about the circumstances of the offender is internationally seen as the primary duty of probation officers (Barnard *et al.*, 1994:22; Bennie, 1991:6). This provision of information is stipulated by section 4 (a) of the Probation Services Act (No. 116 of 1991). Probation officers are responsible for:

"... the investigation of the circumstances of an accused with a view to reporting to the court on his treatment and committal to an institution".

Section 276 A(1)(a) of the above mentioned act additionally provides for the compilation of pre-sentence reports (PSRs) by selected and trained officials. PSRs originated in the early 1930s and are considered to be the first major step toward individualised punishment and sentencing. Since it is generally accepted that an offender's social environment has a direct influence on his behaviour, Carter and Wilkins (Bennie, 1991:6) state that the main aim of the PSR is:

"... to focus light on the character and personality of the defendant, to offer insight into his problems and needs, to help understand the world in which he lives, to learn about his relationships with people, and to discover those salient factors that underline his specific offence and his conduct in general".

Prinsloo (1991:105) states that this factual and diagnostic study of an offender is especially needed in cases involving young offenders. Since the PSR focuses on the offender in his surroundings and how this relates to offending, it not only mirrors information, but also

provides the court with suggestions as to an offender's treatment, whether in the community, or in prison or reformatory (Bennie, 1991:4). Naser (Prinsloo, 1991:106) thus concludes that the aim and purposes of the PSR are to:

- Provide the court with a complete representation of the offender and his problematic circumstances.
- Help the court to decide on appropriate sanctions.
- Serve as basis for treatment.

Since the PSR is presented in court as evidence, it is subjected to strict criteria. Van der Merwe (Prinsloo, 1991:107) notes that these reports should, from a judicial view, be permissible, relevant, accurate and reliable. Relevant information includes the offender's values, attitudes, family and other relationships, history, cultural and religious background, and any other factors that could have influenced his development. Since the PSR aims to individualise punishment and sentencing, a probation officer has to show initiative in the processes of information gathering and presentation (Barnard *et al.*, 1994:24). Although PSRs follow no predetermined format, Klopper (Prinsloo, 1991:107) indicates that these reports consist of a factual part in which identifiable detail and information about the offender is presented, and an analytical/assessment part portraying the relevance of observations and facts in relation to the offender's behaviour. In order to be effective, PSRs should reflect an offender's positive and negative attributes, since matters relating to the safety of the community are also taken into account when deciding on an appropriate sentence.

Various sources of information can be used in the compilation of PSRs. These include, but are not limited to, the offender, family, friends, church, school, employers and welfare organisations (Midgley *et al.* in Prinsloo, 1991:106). Additionally, investigating officers and state prosecutors can be consulted since they already dealt with the offender and the circumstances of the offence. Interviews and records are mostly used during the process of information gathering, and probation officers often visit an offender's relatives and friends at home to determine the influence of situational factors. Usually three to four interviews are conducted with the offender (Prinsloo, 1991:106). It is the responsibility of the probation officer to verify the reliability of all information gathered for and presented in the PSR, since the report is subjected to cross examination (Prinsloo, 1991:108).

Since the compilation of PSRs requires skill and knowledge on the probation officer's part, especially in making recommendations as to appropriate sentencing, an important task is expected from them. Fortunately they receive assistance. Section 5 of the Probation Services Act (Act No. 116 of 1991) states that pre-sentence evaluation committees are to:

"... advise probation officers on recommendations to a court concerning possible ways in which any person awaiting his sentence can be dealt with".

These committees consist of a multi-disciplinary team of criminologists, social workers, educators, psychiatrists and psychologists, and provide a useful service regarding assessments and recommendations (Barnard *et al.*, 1994:43; Bennie, 1991:7). Pre-sentence evaluation committees should not be compared with probation officers, since the former consists of intellectual acumen established to assist the probation officer. These two entities are to function in harmony, and Nesor (Prinsloo, 1991:110) found a significant degree of consensus between probation officers and pre-sentence evaluation committees regarding sentencing recommendations.

However, few PSRs are submitted to the courts by probation officers and social workers, while those made available to courts are usually inadequate and sometime come late, thus delaying decision-making. Explanations usually consist of lack of personnel and excessive case-loads (IMC, 1996:80). Thus there is generally no opportunity for proper background assessment of young offenders (IMC, 1996:35), mostly due to a lack of qualified personnel. Still, it follows that the probation officer plays an important role in providing the court with sufficient and reliable information to facilitate sentencing. The probation officer should therefore display expert knowledge on sentencing options and situational/predisposing factors, which should be integrated with experience, skill and innovation in order for proper recommendations and interventions to surface. More specifically, probation officers specialising in the management of young offenders need to be skilled in the following:

- The principles of punishment individualisation and how this relates to young offenders.
- Sentencing options (such as the Criminal Procedure Act and related statutory provisions) and intervention strategies (e.g. diversion programmes) available for the treatment of young offenders.
- The compilation of PSRs. This entails (a) gathering of information about the background and upbringing of accused youths; (b) translating factual information into a report focusing on only information relevant to the case and required by the court; (c) analysing information to indicate how developmental factors contributed to offending; and (d) making recommendations as to appropriate sentencing and/or treatment intervention strategies.
- Collaborating with other professionals and pre-sentence evaluation committees to facilitate to the compilation of PSRs.

- Presenting PSRs to the court.

2.5.8 Sentencing

Young people in conflict with the law should receive appropriate sentences that conform to the principles of the least restrictive and most empowering option available (IMC, 1998:5). Sentences or placements should be based on the developmental assessment undertaken prior to sentencing and service providers are to be given appropriate training and support to maximise their ability to effectively implement policy and procedure relating to placements and sentences (IMC, 1998:6). Although the current range of available sentencing options in terms of the Criminal Procedures Act (No. 51 of 1977) are wide, magistrates rarely use them. Options include compensation, rendering of services toward the victim of the offence, community service (for youths older than 15 years of age), submission to instruction or treatment, submission to supervision (e.g. probation services), etc. (IMC, 1996:54). Awareness programmes need to be promoted to enlighten magistrates about the various options available. The Department of Correctional Services, Probation Services and NICRO could undertake such awareness campaigns. The IMC (1996:53) also recommends that the number and variety of programmes offered to young offenders as sentencing options should be expanded to ensure efficient alternatives to imprisonment. Additionally, an audit of local programmes useful for sentencing should be circulated amongst sentencers.

Since many of the sentencing options available involve the community, the local practices and behaviour control mechanisms of the community from which the young person comes should be taken into account when deciding on an appropriate option (IMC, 1996:54). Therefore, in addition to the views of the young offender and those close to him, community dynamics should also be considered during sentencing. Community service and supervision options call for people in the community to participate in receiving and monitoring young offenders. Information about community responses to youth offending is needed to determine whether communities are willing to accommodate and participate in the management of young offenders, especially without financial support from government (Ohlin, 1998:149-150). Compensation also implies the victim's active participation in the sentencing phase. A variety of role players could therefore be involved during sentencing, which require special skill on the part of the probation officer to mediate agreements.

Imprisonment of a young person should only be considered as a sentencing option in cases where the offender poses a threat to the community. The period of imprisonment should proportionately relate to the offence and should promote rehabilitation (IMC, 1996:55). During this time, the young offender's family might be in need of assistance. Probation services

should then implement strategies to ensure effective re-integration after prison sentences have been served. Still it is aimed for that community-based sentences, such as diversion programmes, be considered more readily in the disposition of cases (IMC, 1996:25). Initially it seems as if probation officers have an inferior role to play during sentencing. Still, this phase of the justice process does not occur in isolation and the probation officer specialising in the management of young offenders has to display relevant knowledge and skill in performing tasks prior to and after sentencing:

- Since sentencing is based on the developmental assessment of individual young offenders, probation officers need expert knowledge about different sentencing options, especially alternatives to imprisonment. Additionally, knowledge about the availability and pre-requisites for placement in institutions, such as reform schools or schools of industry, is essential.
- Probation officers should be skilled in negotiating and mediating agreements between sentencers, victims, young offenders, their families and communities.
- If the young offender is to be institutionalised, the probation officer needs to provide his/her family with assistance and also ensure the youth's effective re-integration into society after the sentence has been served.
- If the youth offender is to be placed in a community-based programme, knowledge about community dynamics is essential in determining how resources could be applied, as well as to ensure that the community accepts the programme and will actively participate in rehabilitating the young offender.

2.5.9 Treatment and supervision

Supervision can perhaps be seen as the main responsibility of probation officers. Various authors, e.g. Bennie (1991:4), note that the supervision and treatment of offenders in the community is an important function of probation services. Community sentences are considered to be the basis of probation services, since it provides the opportunity to rehabilitate offenders within the community context. According to section 4 (b) of the Probation Services Act (No. 116 of 1991), probation officers are tasked with:

"... the rendering of assistance to a probationer in complying with his probation conditions in order to improve his social functioning".

This duty is also emphasised in section 3 of the Act that states that probation programmes might be established with the aim to observe, treat and supervise persons released from prison or reform schools. This also includes offenders who are on probation or who have

been placed under the supervision of a probation officer. Supervision can thus apply to a person released from prison, in which case the probation officer facilitates the released offender's reintegration into society, or it can be imposed as a sentence.

Correctional supervision can be considered an example of supervision imposed as a sentence. According to the Criminal Procedure Act (No. 51 of 1977), a young or adult offender can be sentenced to correctional supervision as an alternative to imprisonment or as a condition with regard to a suspended or postponed sentence. The Department of Correctional Services could also convert a prison sentence to that of correctional supervision. Contrary to popular belief, correctional supervision proves to be a harsh penalty. It does, however, contain many advantages (Jones, 1993:982-983):

- The offender benefits from the normalising influences of the community.
- The isolation and stigmatisation of imprisonment is avoided.
- The offender is not exposed to the negative influences of the prison sub-culture.
- Treatment takes place in the community where the best results can be obtained.
- It is more cost-effective than imprisonment.
- Less pressure is placed on available prison space.

As the IMC (1996:55) notes, correctional supervision is a useful option in managing young offenders convicted of serious offences; restriction is placed on offenders' freedom and leisure time, but still allows them to continue with their studies and family life. However, the option of correctional supervision is under-utilised (IMC, 1996:55):

"Once again, this is due in part to the lack of infrastructure to underpin the legislation, and secondly due to the fact that the presiding officers do not appear to have accepted that this sentence is, in fact, a "tough" sentence. The option needs to be promoted by Correctional Services, Probation Services and by the Justice Training College".

Once the court has determined the conditions of probation, the probation officer spells out the terms of probation to the offender. Conditions of supervision could include house arrest, victim compensation, community service and/or attending specialised programmes and lectures (Jones, 1993:983-984). Since it is accepted that probationers, in addition to offending, have other personal and social problems (Bennie, 1991:7), specialised programmes aim at addressing these needs. These programmes are thus utilised to help in the prevention of re-offending and the fostering of responsibility (Jones, 1993:984). Examples of these programmes are conflict management, communication and self-conduct, and social

and life skills development. Supervision takes place by means of direct monitoring such as telephonic supervision, home visits, or compulsory visits by the offender to the community corrections office for consultation. Visits are planned in such a way that the routine cannot be determined (Jones, 1993:985). Important to note is that the degree of monitoring depends on the risk the offender imposes to the community, and maximum, medium or minimum monitoring could be applied.

In order for the probation service to be effective in the treatment and reintegration of offenders, Bennie (1991:4, 7-8) notes that the service should utilise the following three primary social work methods: casework, groupwork and community work. Since community work is not directly involved in the treatment and supervision of offenders, it will be discussed as part of probation service's involvement in crime prevention.

Casework, or individual supervision, has two functions. Firstly, it entails that the offender be subjected to the conditions of probation as prescribed by the court. The probation officer therefore has to see to it that these conditions are followed and, if necessary, be enforced upon the probationer. The main aim here is to ensure the safety of the community and to report to the court if probation conditions are not strictly followed (Bennie, 1991:7). Secondly, the probation officer has to see to the treatment and rehabilitation of the offender. Support is provided and the probationer is guided to overcome any factors impeding his/her reintegration into society (Barnard *et al.*, 1994:95).

Although casework is still the dominant method of treatment used by probation officers, groupwork is increasingly seen as an effective way to treat offenders. Groupwork assumes that antisocial and criminal behaviour is more easily addressed in a setting where an offender can develop a positive relationship with other persons (Barnard *et al.*, 1994:97). Groupwork aims to teach offenders to replace deviant attitudes with positive norms and values. The offender is provided with an opportunity to share his problems with others in the group, thereby learning how others overcame their difficulties. It also equips the offender with skills he/she can apply in problem solving (Bennie, 1991:7-8). Groupwork thus aims to teach offenders how to develop and maintain healthy relationships in the broader community. Within this framework, courts can instruct young offenders to attend information classes run by probation officers (Probation Services Act, Act 116 of 1991). Classes deal with the causes of criminal tendencies, deviate behaviour and the consequences thereof. Separate information classes could also be established with regard to different categories of offenders, crimes or behaviour.

The literature thus suggests that probation officers specialising in the management of young offenders need specialised training to perform the following duties:

- Supervision and strategies to ensure that the young offender follows the conditions of probation as determined by the court.
- Implementing intervention strategies designed to facilitate and ensure an offender's re-integration into society. This entails detailed knowledge about the appropriateness, availability and content of different individual and group treatment programmes (e.g. correctional supervision), as well as how to implement and manage them since offenders often face a variety of impediments in addition to offending.

2.5.10 Aftercare

Aftercare relates mainly to sentences that are served out of the young offender's home setting and/or community. It implies that, once a young offender has successfully completed a treatment programme, he or she be provided with the necessary transitional support when returned to the environment/community where the misconduct occurred (Barnard *et al.* 1994:38; Bilchik, 1998:95). These "aftercare" or "community care" programmes are essential to ensure the continuum of services provided to young offenders. If implemented properly, aftercare serves to protect the public by monitoring the youth's reintegration into society while at the same time developing his/her capacity to overcome impediments (i.e. risk factors for youth offending) and obtain skills to become a law-abiding citizen.

If aftercare focuses only on social control and monitoring without any support available, the aim of reducing or eliminating re-offending might not be reached. Aftercare strategies need to be developed at an early stage of treatment to ensure that the offender's family supports and will participate in any steps taken to facilitate reintegration. The following five principles characterise any model of intensive aftercare (Bilchik, 1998:95):

- Young people should be prepared for responsibility and freedom in the community.
- Interaction and involvement between the community and the young person should be facilitated.
- The offender and the targeted community support systems (e.g. families and schools) should be involved to facilitate reintegration.
- Community support, resources and opportunities should be developed.
- Reintegration into the community should be monitored to ensure efficiency.

It therefore follows that aftercare, as the final step in the rehabilitative process, involves a broad range of public and community resources (e.g. health care, social services, recreation and education). Service providers should therefore have first-hand knowledge of existing resources and should be innovative in programme formulation and implementation. More specifically, probation officers need to be skilled in the following:

- Providing the young offender and his/her family with transitional support and assistance during and after institutionalisation.
- Designing and implementing programmes aimed at facilitating re-adjustment in the community.
- Utilising existing resources to provide aftercare.
- How to evaluate treatment and aftercare programmes with the aim to inform future intervention strategies.

2.5.11 Record keeping and programme evaluation

Since the justice system is information driven and quality information is of primary importance for effective investigation, prosecution and sentencing (NCPS, 1996:54-55), the probation officer should ensure efficient record keeping of each case handled by him/her. This should relate to all registers, sources of information to be compiled and decisions made with regards to a young person's case. Records and related information should be kept confidential and access to these should be limited to personnel directly involved with a case's disposition (Juvenile Justice for South Africa, 1994:35).

Probation officers specialising in the management of young offenders therefore need training on the completion and maintenance of all relevant registers. Moreover, probation officers need to display knowledge in the whole administrative process of dealing with young offenders.

2.6 Probation work and crime prevention

Although the main aim of probation revolves around the principles of crime reduction, questions have been raised as to the profession's involvement in crime prevention initiatives other than its present reactive approach. It is argued that probation has, to some extent, an active role to play in lower levels of crime prevention through, for example, participation in community policing. The following discussion sheds light on probation's role and importance in crime prevention, as well as ways in which the profession could become involved therein.

2.6.1 Probation work and the levels of crime prevention

The introduction of the Probation Services Act (No. 116 of 1991) reads that probation work should:

"... provide for the establishment and implementation of programmes aimed at the combating of crime".

Additionally, sections 4 (e) and 3 (a) provides for probation officers to be involved in or to establish programmes aimed at the prevention of crime. The profession's involvement in crime prevention is, however, complicated by two factors (Gilling, 1995:31):

- No clear understanding exists as to the service's involvement in prevention, which leaves considerable space for discretion over form and content.
- "Prevention" refers to different levels and could include action toward the community (primary prevention), toward people at risk of offending or victimisation (secondary prevention), and those who have been victimised or who have offended (tertiary prevention). The concepts of situational prevention (aimed at reducing opportunities) and social prevention (aimed at reducing motivations for offending) furthermore contribute to the problem.

In reviewing the Probation Services Act (No 116 of 1991), one is easily caused to deduce that under "*the prevention of crime*" legislation refers to intervention strategies on tertiary level. But should probation officers be involved in crime prevention at lower levels? Two viewpoints prevail, one especially prevalent in South Africa. Gilling (1995:35) notes that probation's involvement in situational prevention might be effective in combating the "nothing works" pessimism currently surrounding probation services and crime prevention strategies in general. Additionally, if the service could become involved in victim-oriented crime prevention, the public might prove to be more supportive of its work with offenders in the community (Gilling, 1995:32). With crime reaching epidemic proportions in South Africa, one might even argue that every resource be utilised in combating crime.

Gilling (1995:32) also provides a counter argument for the inclusion of probation work in primary and secondary crime prevention. He states that, due to probation services being under pressure for inclusion in lower levels of prevention in the United Kingdom, the service found a middle way in the shape of the comparatively new discourse of community social crime prevention (i.e. secondary prevention). Community social crime prevention entails

organising and representing probation services on inter-agency committees, often with a geographical focus. The author further notes that:

"... [t]he discourse of community social crime prevention is dangerous for the Service because there is nothing distinctively "probation" about it: organising and representing, and "working with" the community does not necessarily entail the skills of a professional agency such as the Probation Service. It therefore encourages de-professionalisation and the concomitant risks, without offering any of the tangible benefits".

Gilling (1995:33) further adds that, if probation services do become involved in lower levels of crime prevention, albeit by means of intersectoral collaboration, these endeavours to accredit the service will be difficult to assess. Would it be worthwhile for the service to become involved in primary and secondary prevention, even if its personnel are not primarily trained for these purposes? Probation service's involvement in lower levels of prevention could actually endanger its future existence. The service should court more constructive approaches in the fight against crime, which could include the following (Gilling, 1995:33-34):

- Distributing anonymous information about offending techniques to agencies implementing situational crime prevention. Additionally, if it is taken that crime is committed on the basis of opportunist rational choice, work with offenders should explore this in guiding them to choices other than criminal.
- Distributing data about offending motivations to other social agencies more apt in addressing these by means of secondary crime prevention, especially with regards to crimes linked to definable geographical communities.
- Offender-focused crime prevention, which should remain the point of departure for probation services.

Some South African authors note that broader social welfare institutions, services and agencies should be involved in the prevention of crime on a primary level. Howes (1996:33) and Barnard *et al.* (1994:104) state that, since crime solving demands a multisectoral approach, law enforcement agencies, the justice system, socialisation agencies, citizens and the social work profession should promote and instil a sense of community in society. As Howes (1996:33) note:

"The social work profession should examine the role it can play in addressing the crime problem and social work educators should examine whether their training

equips students only for changing the offender or for impacting on the crime problem".

Gilling (1995:33) notes that probation services, in this sense, are to be excluded from crime prevention by "broader" social welfare institutions:

"The Probation Service should be judged first and foremost on its crime reductive impact, and whilst social problems such as debt and unemployment undoubtedly contribute to crime, the primary rationale for tackling them should not be crime reduction. These are matters for social policy, not criminal justice policy, since they concern issues of social justice, social need and equity. The Probation Service does not belong here: the justification of social policies primarily in terms of crime reduction wakens these principles, both politically and practically, since it remains the case that most people suffering such social problems do not offend".

It therefore follows that primary and secondary crime prevention should be undertaken by agencies other than the probation service. It is important to keep in mind that probation involves the reduction of crime in a reactive way, while social welfare aims to improve life. Diversion of young offenders away from the criminal justice system serves as an example of "reactive prevention", while still incorporating elements of social work. Programmes are to be comprehensive, culturally sensitive, child centred, and family focused (Hatchett, 1998:87). Diversion programmes also focus on "at risk" factors during treatment, since many young offenders are confronted with multiple risk factors, e.g. truancy, incorrigible behaviour and economic, emotional and physical deprivation.

Any intervention strategy should aim to confront factors hampering the well-being of the young person. Prevention programmes focusing on "at risk" youths, such as after school programmes, form part of secondary crime prevention and should therefore be provided by agencies other than probation services. However, the value of probation services in informing lower levels of intervention should be emphasised and promoted.

2.6.2 Probation work's contribution to crime prevention

Within the developmental approach of social work practice described by Howes (1996:35-37), the following ways of probation work's involvement in crime prevention are deduced:

- Restorative justice, which aims to change the philosophy and operation of the justice system by involving the offender, victim and community in crime solving. Social cohesion

is promoted since the offender is not marginalised in the community. Probation's involvement amounts to the following:

- Establish panels with community representation from which assessors can be tasked to assist courts in imposing community based sentences. Section 1 of the Magistrates Court Amendment Act 118 of 1991 calls for sentencers to appoint assessors to assist in imposing community sentences. This endeavour aims to involve the community, obtain public opinion in sentencing and to impose culturally acceptable punishment.
 - Establish victim-offender mediation programmes in the community, during which the probation officer facilitates restitution between the victim and the offender.
 - Advocate for improved and alternative law enforcement with the aim to reduce fear of victimisation and resistance to community based sentences.
- Community based sentences, which are to be developed and monitored by probation officers. The provision of assistance and treatment to probationers remain the core purpose of probation work and the following objectives apply:
 - Community sentences as sentencing options should be promoted and expanded.
 - Treatment and training programmes are to be developed that can be used by sentencers in conjunction with suspended or postponed sentences.
 - Promote victim-offender mediation as a sentence option.
 - Monitor and evaluate community based sentences to determine their effectiveness.
 - Promote the credibility of effective community based sentences to sentencers.
 - Juvenile justice, where the proposed probation officers will play a central role. Although their responsibilities are discussed in depth, the most important objectives will be highlighted:
 - Divert young offenders away from the formal processes of the legal system.
 - Involve the young offender's family in all judicial processes by means of family group conferences and victim-offender mediation.
 - Develop and promote community based sentence options with a strong training and social integration component for young offenders.

Gilling (1995:33) notes that, due to the emphasis of crime prevention in probation services, a renewed interest in Criminology as training agent and the requirement to collaborate with other agencies and particularly the victims of crime, surfaced. It has to be emphasised that, although probation deals with crime prevention on a tertiary level, it should, due to its specific

knowledge of offending behaviour, play an important role in informing lower levels of prevention. Additionally, risk factors are not only identified during assessment, but also addressed during treatment strategies that involve the community, and might therefore be considered as the service's contribution to secondary crime prevention. It can also be taken that by involving the community in young offender management, primary crime prevention is promoted. Hill (in Bennie, 1991:8) identified three ways in which probation officers can become involved in a community setting, whether through community based treatment programmes or crime prevention initiatives:

- By introducing offenders to resources available in the community, or to develop required resources (e.g. support groups) in the community.
- By initiating, combining and co-ordinating services available in the community to address specific problems such as youth offending.
- By promoting community participation in the prevention of crime, for example, community policing forums (CPFs).

From the literature it is deduced that probation does have a role to play in crime prevention: first and foremost through fulfilling its task (tertiary prevention), and secondly by informing lower levels of crime prevention (primary and secondary levels). In addition to the training needed to undertake tertiary prevention (i.e. dealing with young offenders) that has already been identified, probation officers working with young offenders need training in the following:

- Primary and secondary crime prevention (including models aimed at preventing crime on individual and community level).
- Matters related to situational and social crime prevention.
- Working with victims of crime (Victimology), as well as the content and implementation of different victim-offender mediation programmes.
- Collaborating with other government departments and NGOs in preventing crime.
- Community dynamics and resources that could be applied in crime prevention.

2.7 Probation work and the victim of crime

In the past, victims of crime have profoundly been neglected; not only were they to a large extent excluded from criminal justice procedure, but assistance and support services and programmes were scarce. The plight of victims to be recognised in the administration of justice resulted in the establishment of various support and empowerment programmes and initiatives. Some of these programmes and services are rooted in the philosophy of restorative justice and surface in practical outcomes such as victim-offender mediation. As will

be indicated, probation officers are statutorily required to be involved in and actively provide victims of crime with support and assistance.

2.7.1 The need for victim support services

The past few years characterised changes and major reforms in South Africa, and, since a re-assessment of the past sheds light on a system's deficiencies, a lack of comprehensive support services available to the victims of crime and violence surfaced (South African Law Commission, 1997a:5). Seen within a broader African context, victims could be considered the "lost son" of the judicial system (Cachalia, 1998:11). Until recently, social workers, criminologists and the public focused mainly on the offender and the victim of crime remained in the background (Barnard *et al*, 1994:89). As the South African Law Commission (1997a:16) rightfully notes:

"In South Africa both the government and the public have become increasingly concerned about rising crime and accusations have been made that neither the State nor other social agencies are doing anything much about addressing the plight of victims of crime".

Legislation addressing the compensation of victims was developed in 1963 in New Zealand and in 1964 in Britain, and since then gave rise to the development of various services provided to victims of crime (Schurink, 1991:27). In South Africa, victimisation received little attention and lacked formal legislation. During the late eighties and early nineties, authors such as Nesor, Geldenhuys, Stevens, Grobbelaar and Ladikos, Pretorius and Glanz published empirical findings in the field of Victimology in South Africa (see for example publications in the *Acta Criminologica*). During the 1990's, various welfare organisations and NGOs developed victim support services such as rape crisis units, family and child abuse services, child line and refuges for victims of domestic violence. Support services to victims of violence (e.g. terrorism and robbery) and child protection units were also established. Presently there is a movement for the establishment of a co-ordinated victim support service in South Africa (South African Law Commission, 1997a:17-18).

Currently, various existing policies acknowledge the rights and needs of victims. For example, victims receive greater recognition under the Promotion of National Unity and Reconciliation Act (No. 34 of 1995). The Act provides victims with the opportunity to relate their victimisation experience and promotes reparation, rehabilitation and restoration of human and civil dignity of victims of human rights violations (South African Law Commission, 1997b:18). Additionally,

the Commission (1997a:22) states that the management of all judicial and administrative processes involving the victims of crime should:

- Constantly inform victims of their role and the progress, scope and timing of proceedings.
- Allow the victim's views and concerns to be presented and considered at appropriate phases of proceedings.
- Provide the necessary assistance throughout the legal process.
- Minimise inconveniences, protect their privacy and ensure their safety.
- Avoid unnecessary delay in the disposition of cases.

Furthermore, a victim should be informed about the nature of an offender's sentence and as to what it entails. In the case of a prison sentence, victims should also be informed about the date of release and in cases where the offender is considered for early release due to good behaviour, the circumstances are to be explained to the victim (South African Law Commission, 1997a:12). Sadly however is that victims still play an inferior role in the criminal justice system if compared to services available to offenders (South African Law Commission, 1997b:18). The words of Karmen (Schurink, 1991:27) thus still apply to a large extent:

"Offenders were provided with lawyers, medical care, recreational opportunities, schooling, job training and counselling. Victims were ... victimised twice, first by the offender and then by the criminal justice system".

The South African Law Commission also states that (1997a:17):

"... [a]lthough South Africa is a signatory to the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, community participation in the criminal justice process is almost non-existent, reparation to the victims of crime is inadequate and limited services are at present being provided to victims of crime".

Current victim support services are limited, fragmented, uncoordinated, reactive in nature, and to a large extent ineffective (South African Law Commission, 1997a:23). Some services, especially those catering for women and children, are over-utilised while others are inaccessible due to their location and poor marketing. Many victims therefore go unsupported, remain traumatised and risk further victimisation. Briefly stipulated, the need and advantages of victim-centred services amounts to the following:

- The provision of support to victims of crime promotes the prevention of secondary victimisation (NCPS, 1996:65).
- The absence of victim aid is central in the cyclical nature of violence and crime in South Africa: "*Victims of past or current criminal activity if untreated, frequently become perpetrators of either retributive violence or of violence displaced within the social or domestic arena*" (NCPS, 1996:20).
- Support to the victim of crime should aim to empower victims by means of their active participation in the criminal justice system (NCPS, 1996:65).
- Government has a legal and moral duty to recognise victims of crime throughout the justice system and to consider their interests in the sentencing process (South African Law Commission, 1997a:17).
- Victims need to be provided with information, since few have knowledge on legal proceedings and victim rights. For example, victims can call for criminal proceedings against an offender even though the attorney-general refuses to prosecute. The fact that this is rarely used in South Africa emphasises victims' lack of knowledge and issues relating to information needs should prevail in any victim centred service (South African Law Commission, 1997a:18).
- The victim plays a central role in applying the principles of restorative justice where victim-offender mediation and compensation are emphasised (South African Law Commission, 1997a:7).

2.7.2 Victim support services and restorative justice

Programmes available to victims of crime are diverse and vary from individual to group treatment, immediate and long term programmes. Services provided depend on the nature of the offence, the degree of victimisation and, in the case of going on trial, the stage of the criminal justice process. The following are examples of immediate and individualised support provided to victims of crime (Schurink, 1991:27-29):

- **Social service referral programmes** where victims of crime are referred to both public and private services (e.g. welfare departments, hospitals and mental health clinics) whose purpose is to mend mental and/or physical health.
- **Crisis intervention programmes**, which entails 24-hour on the spot support to prevent long-term emotional problems.
- **Victim-witness programmes** are designed to support and assist victims during different phases of the criminal justice process; it provides transportation, court escorts and a waiting area in the courthouse during trial with the aim to ensure the victim's commitment and co-operation during legal processing.

- **Victim advocacy programmes** strive to empower victims by providing information on legal proceedings and victim rights while at the same time maintaining personal contact and support.

The **Victim Impact Statement** is another step in the process of empowering victims of crime. The statement is made by the victim and is presented to the authority responsible for sentencing. It embodies a description of the physical, psychological, social and economical harms suffered, as well as the influence the offence will have in future. The statement is compiled with the aid of a criminal justice official, e.g. a prosecutor, police officer, probation officer or organisation involved in victim support (South African Law Commission, 1997a:12). Although victim impact statements are not formally recognised in South Africa, they ought to be generally admissible at sentencing hearing. These statements would function as a tool to reflect the seriousness of the offence and should be spelled out in legislation (South African Law Commission, 1997a:25).

Programmes for victims of crime, in which the offender also participates, underlines the principles of restorative justice. These programmes aim to directly and actively involve the victim in addressing the conflict caused by the offence, compensate them through restitution, while at the same time empowering them and holding the offender responsible for his/her behaviour (South African Law Commission, 1997a:7). One example of restorative programmes is **reparation** that could (Schurink, 1991:28):

- Compel the offender to reimburse the victim for any damages suffered.
- Imply probation or parole in place of other punishment.
- Involve punishment in addition to the court's decision.
- Constitute community service or services provided to the victim.

While it is mostly the victim of crime that benefits from reparation programmes, victim-offender mediation aims to reconcile victim and offender by bringing them together to negotiate a settlement (Schurink, 1991:28). Mediation should be promoted in cases where the victim and the offender wish to come to an agreement about future contact and/or where compensation or reconciliation is desired (South African Law Commission, 1997a:12). Agreements on restitution can be reached with regards to monetary compensation or community service without face to face contact between the two parties. Still, person to person communication can unease tension and the resolution of conflict takes a humanitarian form. Additionally, it promotes a more satisfactory experience of law practice. Victim-offender mediation forms part of the following measures to promote restorative justice (South African Law Commission, 1997a:12-13):

- The **Family Group Conference** during which the offender, the victim and supporters of each draw up a plan for dealing with the former. It is generally accepted (South African Law Commission, 1997a:12) that this conference should be used to deal with young offenders and apply instead of prosecution or prior to sentencing. The overall aim of the conference is reparation instead of retribution and provides a greater degree of community control.
- The **Community Youth Conference**, to which the police or the Children's Court may refer cases. Victim participation is strongly promoted. The outcomes of the conference involve an apology and/or reparation to the victim or community by means of community work.

2.7.3 The probation officer's involvement in victim support

Since the community trusts prosecutors to see to it that justice is done, as well as to ensure that its interests are taken into account, the South African Law Commission (1997a:11) argues that prosecutors can play a vital role in the prevention of secondary victimisation by promoting the interests of victims. Victims seldom understand the functioning and complex procedures of the justice system. However, since victims display a variety of needs (i.e. information and referral to support services), one might view prosecutors' training as inadequate to fully understand victims and their diverse needs.

Section 3(d) of the Probation Services Act (No. 116 of 1991) states that the Minister may establish, or cause to be established, programmes which aim to care and treat victims of crime. Additionally, section 4 (e) states that the powers and duties of probation officers are to include the planning and implementation of programmes referred to in section 3 in general or with regards to specific persons. It thus follows that treatment programmes aimed at supporting crime victims are not only confined to the work of social workers and volunteers, but also to the scope and practice of probation officers. Although defined by the Act as part of their duties, the lack of personnel might contribute to the absence of victim centred services provided by probation officers (South African Law Commission, 1997a:18).

Additionally, the Law Commission (1997a:23) states that a variety of service providers, including personnel working in the social services, should receive training in victim support. Training is mainly needed to sensitise personnel to the various needs of victims to ensure prompt and appropriate aid. Little is currently known about probation officers' role in victim support, whether they contribute to victim empowerment, or involve victims in dealing with offenders. Needless to say, the issue warrants investigation. The literature also suggests that, in providing victims of crime with the necessary support, probation officers need to be

skilled/knowledgeable about the following:

- Victim support services (i.e. health care and counselling), as well as the referral procedures to these services.
- Working and dealing with victims of crime (i.e. the victim as a source of information and also informing them about the legal process, their rights, etc.).
- Victim empowerment programmes, their content and implementation, especially with regard to programmes such as victim-offender mediation where the probation officer is to play a pivotal role.
- The importance of crime victims within the philosophy of restorative justice.
- Victims' rights.
- Promoting community participation in victim support and empowerment, as well as the identification and utilisation of community resources aimed at victim assistance.

2.8 Literature-based training needs

The ultimate aim of the literature overview was to inform what training needs probation officers have in providing youths in conflict with the law with the necessary supportive, informative and rehabilitative services. This information has been identified, and to a large extent been deduced, from various policy documents, articles and other literature. Under the present heading all identified training needs are amalgamated and grouped under appropriate sub-headings. Broadly seen, probation officers working with youths in conflict with the law need training in legal matters, court work, report writing, reception procedure, working with young people, assessment, treatment and intervention strategies, as well as crime prevention and victim support. More detail is provided under the following sub-headings:

- **Legal knowledge**
 - Sentencing options (i.e. various statutory provisions such as pre-requisites for institutionalisation, as well alternative options such as diversion programmes).
 - The principles of punishment individualisation and how this relates to young offenders, especially in terms of the developmental approach.
 - Legal procedures and requirements (i.e. how the severeness of an offence determines detention and possible sentencing outcomes, which offences warrant alternatives to arrest, etc.).
 - The organisation and functioning of the criminal/youth justice system.
 - The aim and principles of restorative justice.

- **Court work**
 - Practical arrangements and proceedings of the court.
 - Negotiating and mediating agreements between sentencers, victims, young offenders, their families and communities.
 - Ensure the active participation of accused youths and their parents/guardians during proceedings.
 - Preparing accused youths for court appearance.

- **Report writing and registers**
 - Compiling legal reports, for example PSRs; this entails, amongst others:
 - (a) Gathering of information about the background/upbringing of accused youths.
 - (b) Collaborating with other professionals and pre-sentence evaluation committees to facilitate the preparation and compilation of PSRs.
 - (c) Translating factual information into a report focusing only on information relevant to the case as required by the court.
 - (d) Analysing information to indicate how developmental factors contributed to offending.
 - (e) Making recommendations as to appropriate sentencing and/or treatment and interventions strategies.
 - (f) Presenting legal reports to the court.
 - The completion and maintenance of registers (including the administrative process related to the management of young offenders).

- **Reception**
 - Principles/guidelines for detention and secure care.
 - The availability and operation of secure care centres.
 - Recording and gathering of information from arrested youths.
 - Youth and legal rights.
 - Securing legal representation.

- **Assessment and diversion**
 - The importance and purpose of assessment.

- Criteria/principles for diverting cases of young offending away from the criminal justice process, as well the process of diversion.
 - The diagnostic process of assessment (i.e. identifying and accessing sources of information, gathering the required information, communicating with contributors, how to interpret and relate the gathered information into a report stipulating the desired course of action, presenting the recommendations, etc.).
 - The developmental approach and how it relates to young offending.
 - Crime causation (i.e. how certain factors could contribute to young offending).
 - The (dys)functioning of socialisation agents (i.e. the family, the community, peer groups, etc.), how these agents impact on behaviour, as well as how they could be involved/applied in intervention strategies.
- **Treatment and intervention**
 - Supervision and strategies to ensure that the young offender follows the conditions of probation as determined by court.
 - Treatment and intervention strategies, especially diversion programmes (i.e. the variety of programmes available and their contents and implementation).
 - How to utilise the family, community and other resources in treatment and intervention strategies (knowledge about family and community dynamics is essential in determining how resources could be applied, as well as to ensure that they accept and participate in intervention and treatment strategies).
- **Aftercare and programme evaluation**
 - Providing the families of young offenders with transitional support and assistance during and after institutionalisation.
 - Implementing strategies designed to facilitate and ensure proper re-integration into the community after sentences have been served; this entails detailed knowledge about the appropriateness, availability, content and implementation of different re-integration strategies.
 - How to evaluate intervention/treatment and aftercare programmes with the aim of informing future strategies.
- **Informing youths**
 - How to inform and meaningfully communicate with young people (i.e. to relay youths rights and court proceedings).

- Conversing in a language individual offenders understand (i.e. indigenous languages).
 - Cultural awareness and sensitivity.
- **Crime prevention**
 - Aims and strategies of primary, secondary and tertiary crime prevention, including models aimed at preventing crime on individual and community level.
 - Situational and social crime prevention.
 - Utilising and establishing resources for the prevention of crime.
 - Inter-sectoral collaboration toward crime prevention.
- **Victim support**
 - Victimology.
 - The rights of victims.
 - Victim empowerment and support programmes (i.e. the philosophy of victim empowerment within restorative justice, different programmes available, their content, implementation and functioning, etc.).
 - Referral services available to victims (i.e. health care and counselling services).
 - Working and dealing with victims of crime (i.e. the victim as a source of information, informing them about the legal process and case proceedings, etc.).
 - Promoting community participation in victim support and empowerment, as well as the identification and utilisation of community resources to facilitate victim assistance.

Additionally, officials primarily responsible for the management of young offenders should be able to negotiate and interact with a variety of service providers, authorities and persons (e.g. police officers, prosecutors, offenders' families, etc.) to ensure, for example, secure care, appropriate sentencing, admission to treatment programmes, etc. As such, probation officers should display adequate communication and negotiation skills.

2.9 The need for professionalism in probation work

In order to assess the importance of professionalism in the (youth) justice system, it is necessary to emphasise some rules set by the *United Nations Standard Minimum Rules for the Administration of Juvenile Justice*. It is stated that youth justice services should systematically be developed and co-ordinated with a view to improve and sustain the competence of personnel involved in these services, including their methods, approaches and

attitudes (Rule 1.6). In order for this to realise, professional qualifications are an essential element in ensuring the impartial and effective administration of youth justice. Thus it is necessary to improve the recruitment, advancement and professional training of personnel and to provide them with the means to enable the proper fulfilment of their functions (Commentary to Rule 22). Moreover, it is noted that police officials who frequently or exclusively deal with young offenders as well as personnel primarily involved with the youth justice system should be specially instructed and trained (Rule 12.1).

Emphasis on professionalism in working with children and youths in conflict with the law is also stressed by documents such as the *Free State Provincial Policy on Services to Street Children* (1997:37). Personnel and officials should be trained within a variety of disciplines in order to provide the necessary services. Knowledge on the needs and developmental experiences of young offenders is essential. Personnel should have access to appropriate and effective formal training, as well as in-service training. Training should be provided by an appropriate body/person with the relevant skills, knowledge and experience in child and youth related care work. The United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Rule 22.1) states that:

"... professional education, in-service training, refresher courses and other appropriate modes of instruction will be utilised to establish and maintain the necessary professional competence of all personnel dealing with juvenile cases".

Therefore, persons dealing with youths in conflict with the law should have an appreciation of youth rights and have to understand the backgrounds of youths appearing in courts. This can only be obtained by means of formal training within a variety of disciplines to ensure high standards of professionalism in the (youth) justice system.

2.10 Requirements for probation work in South Africa

Probation services in South Africa differ from other countries in the sense that, abroad, probation officers are linked directly to courts from where they provide probation services (Bennie, 1991:5). In South Africa, however, probation services are provided from a social welfare perspective and, in most cases, form part of social workers' duties. Strict academic requirements are set to register as a social worker and registration is statutorily managed (Prinsloo, 1991:105). The Probation Services Act (No. 116 of 1991) explicitly states that:

"No person shall be appointed as a probation officer unless he is (a) a social worker in the employment of the State; or (b) a social worker in the employment of a welfare Organisation".

It thus follows that, in order to act as probation officer, one has to have obtained a tertiary qualification in social work and be registered as a social worker. Regarding matters such as the assessment of young offenders' social well-being and the circumstances of the crime, the IMC (1996:31) states that personnel specially trained on a multi-disciplinary basis should be responsible for the process of reception, as well as that of assessment and referral procedures. Furthermore, support programmes for young people in conflict with the law should be undertaken and provided by competent workers from various disciplines, such as social or child and youth care workers (IMC, 1996: 33). One therefore has to deduce that, in order to effectively provide probation services in the management of young offenders, training in various disciplines is required.

Still, most full- and part-time probation officer have received minimal training with regard to probation, and 90% of all probation officers, dealing mainly with young people, have received no training in early intervention strategies, or work with troubled youth (IMC, 1996:68). As the following discussion will show, it is debatable whether the pure social work training that probation officers undergo is adequate for effective probation, and therefore working with young people in conflict with the law.

2.11 The future of probation training

Probation work has always been characterised by a steady process of change, but recently, change has been accelerated (Mathieson, 1998:34). During the past two decades, the role of social work as the sole educator of probation officers has been questioned, mainly because the nature of probation work is considered by some to be drastically different from that of social work.

2.11.1 An identity crisis

The debate about the philosophy, roots and training of probation work and its relation to social work has reached a stage where some proponents for changing probation training advocate altering the profession's name (i.e. Probation Service) to that of "Community Justice Service" (Mathieson, 1998:33). Two statements serve to illustrate the conflicting viewpoints:

- "Questions are now being raised again as to whether social work education possesses the proper credentials to provide an appropriate experience for trainee probation officers" (Ward & Spencer, 1994:96).
- "... it is essential that the Probation Service strives to preserve its social work identity. We are particularly concerned to oppose the idea that probation practice has outgrown its relationship with social work, and must forge a new and separate identity if it is to survive" (Buchanan & Millar, 1997:32).

Although this identity crisis that probation work is currently experiencing is on the foreground of probation developments in the UK, the matter needs to be explored in South Africa. This is imperative since probation training should be consistent with international curricula, while at the same time be relevant in principle and practice to local contexts (IMC, 1996:78). Additionally such exploration as the following is needed as:

- It is not clear whether probation services in South Africa are subjected to the same identity crisis.
- The emphasis on a multi-sectoral and inter-disciplinary approach to the prevention and management of crime in South Africa demands a constant evaluation of agencies involved in crime management training with the aim to employ possible alternatives.
- Justifications why probation training should remain in the domain of social work education, if this proves to be the case, should surface.

As previously mentioned, not only do probation officers receive minimal formal training with regard to probation, but nearly all officers dealing mainly with young people receive no training in early intervention strategies (IMC, 1996:68). Not only is the training of probation officers currently being questioned, but also the formal training of prosecutors and magistrates was drawn into question when considering the management of young offenders. Strategies, such as those proposed by the IMC (1996:54), were drafted to, for example, make magistrates more aware of sentencing options that are appropriate to young offenders. One reason why probation training is in an identity crisis, is that a shift in the delicate balance of care and control occurred, placing too much emphasis on the controlling function of probation work (Buchanan & Millar, 1997:33).

2.11.2 Shortcomings in current probation training

Coleman (Nellis, 1992:139) states that many courses provided by social work deal inadequately with specific elements of probation knowledge and practice. He attributes this to the following:

- The absence of Criminology or elements thereof in social work courses.
- It seems that, overall, social work training is not so much interested in the causes of offending as in the treatment thereof.
- Matters such as law and court practices, as well as different forms of disposal, receive insufficient attention for probation students.

A study regarding probation students' views and experiences of their formal training found that (Nellis, 1992:140-141):

- 61% viewed their formal training as insufficient in preparing them for probation practice. Many tasks they viewed as important, such as the preparation of social inquiry reports and courtwork, were neglected during training.
- 78% of former students stated that their courses paid insufficient attention to the interests and work of the probation profession.
- Most students stated that they would have preferred more training in Criminology, Penology, probation practice and sentencing.

It is also argued that probation officers, juvenile justice workers and crime prevention workers have more in common in terms of a general knowledge base, policy framework and managerial skills when compared to the diverse occupational knowledge bases of the social work discipline. Nellis (1992:154) concludes that:

"... [w]e have already seen that the lack of significant input on criminological matters lies at the root criticism of generic training for probation officers".

2.11.3 A multi-disciplinary approach to probation training

In stating that Criminology does appear to offer an appropriate disciplinary framework for the training of crime prevention workers and probation officers, Nellis (1992:154) does not deny the importance of social work training for the probation profession. In effect, skills to ensure rehabilitation and community safety derive from a variety of disciplines and agencies. As the Standing Conference on Crime Prevention, held in 1991, notes (Nellis, 1992:157):

"... those engaged in community safety should receive formal training, preferably in a multi-disciplinary setting and that the formal training should relate closely to the situation".

This multi-disciplinary approach is also advocated by the IMC (1996:31), especially since probation officers deal with the social well-being of young offenders throughout the processes of reception, assessment, referral and treatment. Authors, such as Parsloe, emphasises that probation training be maintained within the social work discipline, mainly due to the profession's rehabilitative/treatment line of work (Nellis, 1992:150). The original aims of probation, namely to advise and assist offenders to become responsible citizens, furthermore serves as justification why the profession should remain within the domain of social work training (Nellis, 1992:136). Ward and Spencer (1994:97) state that the removal of probation training from broad-based social work training would result in a serious loss. It is worthwhile to quote them at length on the issue:

"The Probation Service has a unique role in operating at many different stages of the justice process and in holding in proper balance the needs of the offender and the needs of the public. In this way probation is a moral activity ... To restrict an individual's liberty is of course an activity of considerable moral importance and to carry it out probation officers must be centrally concerned with issues of justice. Probation officers are required to intervene into people's lives and to assist them in reducing, or ideally desisting from, offending. This needs to be undertaken within a framework which pays particular attention to the individual in such a way that demonstrates respect and care and recognises hope for the future; the very values around which social work is centred. These basic humanistic concepts and the needs of justice require probation officers to be more than mere technicians. Being a probation officer is not just about placing limits on a person's behaviour and constraining their actions; it is about the active promotion of concepts such as rehabilitation and reform".

Probation officers, as social workers, deal with some of the most abstruse and difficult cases in the personal social services. They have to use their social work skills in a number of settings such as risk assessment and working directly with people suffering from mental health problems. Moreover, they work with people whose lives are chaotic and characterised by numerous emotional and material deprivations. The nature and extent of problems probation officers help offenders to face implies that they have to be equipped with social work skills to be effective. Otherwise the probation profession will be reduced to a mere supervisory function within the justice system. It is only logical that these necessary skills be acquired within the social work discipline. Moreover, Ward and Spencer (1994:98) state that this rationalism is reinforced by the increasing recognition of the need to undertake probation on a multi-disciplinary basis.

In conclusion therefore, it is evident that probation training needs to maintain its roots within the social work discipline. However, a re-appraisal and re-organisation of probation training is imperative to adequately fulfil in the profession's practical needs. The social work discipline has to acknowledge that probation entails specialised training and that certain courses need to be altered or additional courses be included to accommodate the probation student. As Millar & Buchanan (1995:195) rightfully states:

"... if the Service is to survive, it must adapt to new circumstances ... but there is, in addition, a pressing need for a coherent set of aims, linked to the values of social welfare, and the ideals of rehabilitation".

2.12 The role of Criminology in probation training

As reflected in this literature overview, a number of authors argue for the increased involvement of Criminology in probation training. The following serve as examples:

- *"It is our impression that penal policy and criminology feature insufficiently for the probation student"* (Blyth & Hugman in Nellis, 1992:149).
- *"It may be that criminology, as both discipline and profession, could have greater involvement in the training of probation officers than it has had hitherto"* (Nellis, 1992:137).

Yet little is said about what exactly Criminology could contribute to probation training; reference is mostly made to issues such as law, court practice and court work, sentencing, management of re-offending, the criminal justice setting in which probation services function, PSRs, Penology, crime prevention and juvenile justice. Ladikos and Stevens (1993:75-103), in a study undertaken among Criminology lecturers and students regarding the value and status of the discipline, provide the following interesting findings that could be related to Criminology's role in the training of probation officers specialising in the management of young offenders:

- Most lecturers (66%) and students (81%) felt that Criminology provides useful information for the rehabilitation of offenders.
- The majority of lecturers (70%) and students (80%) considered Criminology be useful in deciding on appropriate sentencing.
- Most lecturers (66%) and students (82%) considered Criminology to meaningfully inform the management of minor offenders within a community setting.

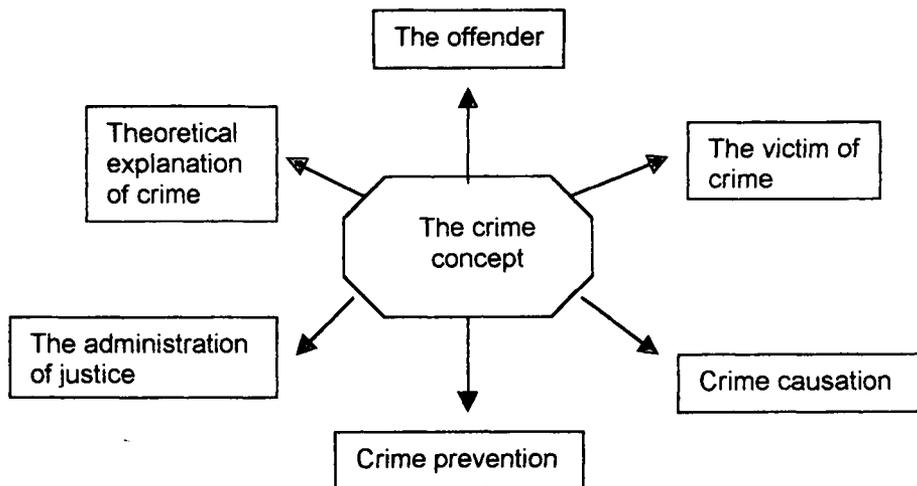
- Most lecturers (62%) and students (80%) considered Criminology to contribute to the timely prediction of potential young offenders.
- More than half of the lecturers (52%) and students (62%) considered Criminology to contribute to the prediction of criminal behaviour.
- Most lecturers (66%) and students (80%) considered Criminology to provide useful information in the pre-sentence evaluation of offenders.
- Most lecturers (68%) and students (75%) considered Criminology to meaningfully inform the management of victims of crime.
- The majority of lecturers (74%) and students (81%) felt that Criminology provides useful information for the prevention of crime.

Adhering to the overall aim of this study, clarity about Criminology's role in the training of probation officers specialising in the management of young offenders needs to surface and some theoretical anticipations of the discipline's role will be made in the summary of **Part 2: Literature review**.

2.13 The study field of Criminology

What does Criminology entail? What exactly does the discipline study? These questions need to be addressed to provide a clearer understanding of what Criminology could contribute to the training of probation officers specialising in the management of young offenders. A large degree of consensus exists among South African criminologists that the discipline's field of study entails the crime phenomenon in its totality. Van der Walt (Cloete, 1990:24) states that Criminology aims to provide valid knowledge, insight and understanding about the causes, relationship, prevention and consequences of crime in its totality. Central to the discipline is the concept of crime: it forms the main body of knowledge, as well as provides a basis for the different fields of study. Broadly seen a distinction can be made between theoretical and applied Criminology; the former aims to analyse and explain crime and the criminal by focusing on causation, while the latter deals with the management thereof (Louw, Van Heerden & Smith, 1978:xiii). In both cases the crime concept is of central importance and forms the starting point for all study and research. The following figure (Figure 2) is adapted from Cloete (1990:26) and schematically represents the study areas of Criminology.

Figure 2: The study fields of Criminology.



Since all study areas of Criminology are situated around the crime concept, it is possible to study the concept from a specific starting point without distorting its totality (Cloete, 1990:26). Each of the identified fields of study will briefly be clarified (Cloete, 1990:27-35).

➤ **The crime concept.**

Although it is generally accepted that Criminology focuses on the study of crime in its broadest definition, Criminologists disagree as to the definition of crime. Three dominant approaches prevail:

- The **judicial** definition that considers crime to be transgressions of state law and therefore punishable by the state;
- The **non-judicial** definition that, together with the former, encompasses a broader scope of behaviour to include any anti-social conduct that threatens the normal existence of an individual or group of people; and
- The **neo-criminological** definition of crime that sees offending as a result of a society or community's structure, especially its class structure.

➤ **The victim of crime.**

Victims of crime currently receive increased attention as they have previously been neglected too a large extent. Any crime has a victim, whether direct or indirect. Matters of interest

include for example victims' share in the victimisation process, victim profiles, their reactions to crime and services and programmes available to victims of crime. Victimology is already considered as a field of specialisation within Criminology.

➤ **The offender.**

This field of study aims to understand the criminal and focuses on the biophysical and psychological aspects of the offender as human being. Emphasis on the social environment in which the offender functions also provides contributions to the broader understanding of why some people commit crime and others not.

➤ **Crime causation.**

Since crime is human behaviour, criminologists are interested in the factors that give rise to offending. Not only does this study area try to explain crime, but provide valuable information as to how crime should be managed, as well as how it can be prevented. It is accepted that crime exists in the social environment and explanations are usually sought in the interaction between personal and environmental factors that could trigger offending.

➤ **Crime prevention.**

This area of study, which is also considered as a field of specialisation in Criminology, entails the philosophy and principles of preventing crime, as well as the development and practical implementation of models and strategies aimed at crime prevention. Strategies usually focus on offenders, victims, and the social and physical environment in which we live.

➤ **The administration of justice.**

Criminology's interest in the administration of justice lies primarily with the practical side, for example, the way in which the police investigate crime, certain facets of court proceedings, sentencing and the principles of punishment (as well as the consequences thereof), treatment, rehabilitation, etc. In this regard Penology and Police Science have already evolved to independent disciplines within the Criminology-realm.

➤ **Theoretical explanation of crime.**

This entails the processes, theories and models used by criminologists to explain the crime phenomenon. Toward this end various schools of thought developed over the passed

decades and can broadly be divided into personal and social environment theories of explanation. These schools include the classical, positivistic, sociological, socialistic and radical, each with its own approach to explaining crime.

The complexity of Criminology as a scientific discipline, as well as its continuous development and contributions from research, gave rise to various fields of specialising such as Victimology, Crime prevention and Traffic Criminology (Cloete, 1990:36). Another field of specialisation is that of Youth offending, which Sonnekus (Cloete, 1990:37) defines as the specialised, interdependent perspective within Criminology that studies crime in its totality as manifested among young offenders. In other words, the fields of study as described above correspond to that of Criminology. The issues of crime causation, explanation and prevention are applied to the unique situation of youth offending, while the treatment of young offenders requires specialised intervention. Moreover, the law makes specialised provisions for the management of young offenders.

Not only is Criminology's ever-increasing body of knowledge challenging (Cloete, Ladikos & Prinsloo, 1993:105), but it also demands a selection of the fundamental and appropriate aspects that would meaningfully contribute to the practical application of the discipline's body of knowledge (i.e. training needs of various occupations). Toward this end tertiary training institutions, from time to time, need to assess and evaluate the content of their curricula and training syllabi - the content of training courses in Criminology therefore differs among training institutions.

2.14 Summary

From the literature it is evident that, in order to adhere to the philosophy of restorative justice, professionalism and therefore specialised training should prevail throughout the various processes of dealing with young people in conflict with the law. More importantly is that training provided to persons responsible for the delivery of social services to young offenders and their families be undertaken on a multi-disciplinary basis. The literature furthermore suggests that probation officers have a duty to fulfil regarding crime prevention and victim support, for which additional and/or specialised training might prove valuable. Toward these ends Criminology could play a vital role. The literature review indicated that the skills that probation officers specialising in the management of young offenders need amount to training in the following areas: legal knowledge; court work; report writing and maintaining registers; reception protocols and procedures; treatment and intervention programmes; aftercare and programme evaluation; and working with and informing youths. Training in crime prevention and victim support and empowerment will also be of value.

Some justification for the following surfaced as the research proceeded. Initially it was decided to construct a comprehensive theoretical framework, based on the literature review, of the discipline's role in specialised probation training by casting the literature-based training needs against the discipline's fields of study. Such an attempt was later on aborted, mainly since it does not sufficiently inform one of the study's specific objectives. The main purpose of the literature review was to serve as basis for the deduction of what training probation officers working with young offenders need to effectively provide the required supportive and rehabilitative services¹. Moreover, the absence of empirical findings in outlining Criminology's role in specialised probation training would yield a one-sided view. The reader would therefore be burdened to read twice through the same analytical process once the empirical part of the study is amalgamated with findings deriving from the literature. To determine to what extent the literature differs from the empirical findings in informing Criminology's role in specialised probation training is thus considered inferior in light of the study's specific objectives and exploratory purpose.

Still, it might be worth while to create some anticipation of the discipline's role in specialised probation training. It is envisaged that the Offender, Crime causation and the Administration of justice as areas of interest, together with the specialised fields of Victimology and Crime prevention could meaningfully contribute to the training of probation officers specialising in the management of young offenders.

¹ This information was, however, necessary for the purposes of constructing research instruments, as well as that of data analysis and presentation (see Part 3: Methodology).

PART 3: METHODOLOGY

3.1 Introduction

Part 3 reports on the research strategy designed and followed for the purposes of data gathering, analysis and reporting. The study design opted for is predominantly explorative in nature, as little is currently known about the training needs of probation officers specialising in the management of young offenders in the Free State. All respondents (probation officers, social workers, social work managers and lecturers from the Departments of Criminology and Social Work, UFS) were purposively selected. Personal and group interviews were conducted with the aid of a semi-structured interview schedule, while structured self-administered questionnaires were utilised in gathering data from lecturers. All collected information was qualitatively analysed through a process of content analysis and deduction. An attempt was also made to optimise the data by quantifying the information gathered.

As the research progressed, it became evident that the study design, measuring instrument and logistics presented issues that not only affected the data gathering process, but also contributed toward factors detrimental to the actual data presented in this report. Where possible, the researcher attempted to counteract these factors and issues as they arose. Still, as is the nature of qualitative studies, the researcher had little control over realities such as unresponsive respondents and the validity of information some respondents provided. These and other hampering factors will be discussed under their appropriate headings.

3.2 Study design

The ultimate purpose of research is to find answers to posed questions (Dane, 1990:5), and various strategies can be followed to arrive at either answers, solutions, interventions or recommendations. Since a given study can pursue any of the purposes of exploration, description and explanation, or a combination of these (Babby, 1983:74), this study draws mainly on an explorative design. According to Dane (1990:5), exploratory research entails

"... an attempt to determine whether or not a phenomenon exists".

This coincides with the type of questions this study aims to answer, namely what Criminology can contribute to specialised probation training. An explorative study design was also opted for since little is currently known about the need for probation officers specialising in the management of young offenders in the Free State, as well as the role Criminology could play

in their training. The exploratory part of the study gained value since the research questions were approached from different angles simultaneously - social welfare managers, probation officers, social workers and lecturers participated in the study. Moreover, an exploratory design was required due to the following:

- As the study focuses on a relatively new interest in the field of probation and social work training, the feasibility and needs for follow-up and more in-depth and focused study or studies could be determined and stipulated. As such, an exploratory design could then demand and inform, for example, a (predominant) quantitative approach in follow-up studies.
- If the need for such follow-up studies was identified, the information and data gathered by this study could be utilised to construct hypotheses and structured questionnaires to be administered to social workers and probation officers, possibly on a national level.

This study also follows a descriptive design which Dane (1990:6) defines as an examination of phenomenon to more fully define it in terms of a broader picture or to differentiate it from other phenomenon. The role of Criminology in the training of specialised probation officers is therefore described against the subject's study field in an attempt to indicate which of its fields of interest (i.e. crime prevention, Penology, etc.) can meaningfully contribute to probation training. Moreover, an ideographic research strategy is followed as no existing theory or construct is applied to the data collected (Sonnekus & Nesor, 1996:14). The implications and conclusions of the research therefore do not inform criminological theory, but rather future probation training imperatives. The main purpose of this study therefore is empirical (i.e. explorative) rather than theoretical (Kvale, 1996:98).

3.3 A quantitative approach to qualitative analysis

While quality relates to the kind or essential character of something, quantity refers to "how often" or the number of something (Kvale, 1996:67). Although this study lends in essence towards a qualitative study design, an attempt was made to quantify the information gathered, although the absence of a quantitative research design makes it difficult to describe the envisaged role of Criminology in probation training in numerical terms. Still, the reader should bear in mind that this study is explorative in nature and therefore requires a qualitative approach before any quantitative attempts can be considered. As Kvale (1996:68) states:

"In the practice of social research, qualitative and quantitative approaches interact ... [a]n investigation starts with a qualitative analysis of the existing knowledge about a

phenomenon and the development of qualitative concepts and hypotheses for the specific study'.

In other words, adhering to this study's explorative approach, more emphasis is placed on "discovering" the role Criminology can play in probation training. Moreover, as Silverman (1985:140) and Morgan (1997:61) emphasise, by simple counting techniques more meaning can be offered to the information collected, otherwise lost in intensive, qualitative analysis:

"Instead of taking the researcher's word for it, the reader has a chance to gain a sense of the flavour of the data as a whole" (Silverman, 1985:140).

Furthermore, simple counting procedures counteract the mere use of direct quotations to support a study's recommendations and conclusions (Silverman, 1985:17). Combining different methods of analysis thus strengthens the validity of the conclusions reached about the data (Denzin in Brannen, 1992:13). As already stated, the quantitative attempt to data analysis is subservient and only supportive to the study's predominantly qualitative approach. One advantage of this approach is that quantified data could inform and contextualise larger (quantitative) surveys on probation training (i.e. on a national level). Hypotheses could then be drawn up and tested (Brannen, 1992:27).

In an attempt to address this matter, the frequencies of individual responses are indicated in **Part 4: Research findings**, to provide the reader with a rough indication as to "quantitative" values. It should, however, be kept in mind that these figures are not absolutes since (i) no structured questionnaire was administered to individual respondents and (ii) the data gathered was influenced by a variety of factors (e.g. not all respondents were sufficiently involved in the management of young offenders to relate appropriate views and experiences). Values provided only serve as rough guides as to the frequency of views, experiences and training needs as voiced by respondents. This process is also known as "descriptive counting" (Morgan, 1997:61) and proved especially helpful in indicating the frequency of problems respondents experienced with regard to working with young offenders, which in turn informed needs for probation training. Still, the research fails to a large extent to stipulate in quantitative terms the role of Criminology in the training of probation officers specialising in the management of young offenders in the Free State.

3.4 Study populations

As a (predominantly) qualitative study focuses on respondents or subjects in terms of their appropriateness to inform research questions (Drew, 1980:185; Brink in Maree, Joubert &

Prinsloo, 1997:101), it was taken that persons involved in the management of young offenders in the Free State be targeted to form the primary body from which the desired information could be obtained. These persons were thus identified as regional and district managers, social workers and probation officers from the Free State Department of Social Welfare². Additionally, it was decided to involve NICRO (Free State) as this NGO actively provides services for young offenders and their families.

On a different level it was considered important to consult with lecturers from the Departments of Criminology and Social Work (UFS) to obtain their views and opinions regarding the data collected from service providers (i.e. those involved in the management of young offenders). The lecturers consulted can thus be considered the secondary study population.

3.5 Sampling

Due to the specificity of the research questions (Babbie, 1983:178), the exploratory nature of the study (Dane, 1990:303) and a predominantly qualitative research methodology (Brink in Maree, Joubert & Prinsloo, 1997:101), purposive sampling in both study populations was opted for. Purposive or judgemental sampling refers to procedures directed toward the collection of specified information (Dane, 1990:303), i.e. information that only certain groups or individuals can provide. An attempt was made to interview all Social Welfare personnel involved in the management of young offenders. Information as to the number of social workers per district, as well as the number involved in the management of young offenders, was obtained telephonically from regional and district managers. A total of 38 service providers participated for the purposes of data gathering: 34 social workers, probation officers and auxiliary probation officers; three managers/decision-makers; and one service provider from NICRO. The following table (Table 1) represents the number of personnel involved in the management of young offenders per region and the number eventually interviewed.

² Although it was aimed for that all Social Welfare personnel involved in the management of young offenders be interviewed, it should be emphasised that the Department as a formal organisation is not the unit of analysis (Babbie, 1983:77-78), rather its individual personnel members in terms of their knowledge of, expertise in and experiences with the management of young offenders in the Free State.

Table 1: Number of Welfare personnel involved in the management of young offenders in the Free State and the number interviewed.

Region	No. of personnel involved	No. of personnel interviewed
A	18	9
B	5	4
C	6	2
D	9	7
E	8	4
F	10	8
Total	56	34

If taken into account that two persons involved in the management of young offenders were not available at the time of data gathering, a 63% interview success rate prevails. From the eight regional/district managers involved in the management of young offenders in the Free State only three were interviewed. Interview success rates were influenced by the resources available for fieldwork (see for example Kvale, 1996:103) and the availability of targeted respondents³ (e.g. work obligations, meetings, training sessions and leave). Additionally, as the maximum number of respondents available were targeted and interviewed (given the limitations on the part of respondents and resource availability), the issue of generalisability is addressed. It can therefore be taken that the findings, as far as they relate to views and experiences regarding working with young offenders, are representative of all officials involved in the management of young offenders in the Free State.

As already mentioned, purposive sampling was also applied to identify suitable respondents from the Departments of Criminology and Social Work (UFS). All lecturers (a total of three) from the Department of Criminology were included in the study compared to five from the Department of Social Work. The latter were included on the basis of the courses they lecture at the Department (i.e. only those that provide training in youth related matters were considered as suitable respondents).

3.6 Units of analysis

According to Babbie (1983:76-78), a unit of analysis refers to who or what the researcher targets as the source or provider of the information required for a particular study (i.e.

³ This pertains especially to respondents from regions A, C and E.

individuals, groups, organisations, etc.). With this understanding it follows that the units of analysis for this study would consist of individual respondents (i.e. social workers and probation officers). However, due to limited resources and the availability of respondents, a number of individuals had to be interviewed in groups. It is therefore not possible to refer to the information collected from these groups as individual units of analysis. A distinction had to be made between these units and will be referred to as group interviews (GI) in contrast to personal interviews (PI). It should be noted that key informants such as social welfare managers/decision makers were targeted as individual units of analysis (i.e. personal interviews were conducted).

Group interviews can be defined as a research technique that gathers information through group interaction on an issue identified by the researcher. The research topic thus stipulates the focus and the group interaction provides the information (Morgan, 1997:6). By ensuring that the maximum number of targeted respondents be included in the study, especially with regard to group interviews in which cases nearly if not all respondents from a particular region/district participated, it was aimed that the shared knowledge and views of a group of persons responsible for the management of young offenders might generate meaningful data (Morgan, 1997:35). Group interviews held for the purposes of this study can thus be considered as formal, since the research intent was stipulated and an interview schedule was followed (Morgan, 1997:6).

Although the decision to make use of group and individual interviews was guided by geographical location, respondent availability and resources, it is believed that the two methods of data gathering complemented the explorative design of the study (i.e. that all available information has been accessed and gathered). Still, each method of data collection presents its own advantages and disadvantages. From this research endeavour, the following surfaced:

- During (especially the larger) group interviews not all respondents actively participated in discussions and it is debatable whether they shared the views and statements voiced by their colleagues. It is interesting that in most cases it was "junior" and/or relatively young social workers who did not meaningfully participate in discussions. It is not clear whether their silence could be ascribed to inexperience in the field of young offender management, the presence of superiors (and therefore possible intimidation), or a combination of these. Attempts were made to counteract these dynamics by direct questioning.
- It should also be noted that not all respondents displayed sufficient knowledge on the matters under study, especially in cases where they were not regularly and/or actively

involved in the management of young offenders, although they indicated it to be a part of their work. Still, these persons provided services towards young offenders (and in some cases their families) from time to time and therefore had to be interviewed. Moreover, some respondents were to a large extent in the dark with regards to recent developments in the field of youth justice and thus provided little information of value. In some cases even extensive probing resulted in little success.

- Not all respondents had sufficient time available for a complete interview to be conducted. For example, one respondent had only ten minutes to spare despite the fact that an appointment had been made well in advance. Considering the limited time and resources available for data collection, it was not possible to re-schedule such appointments. Although these were few, they necessarily had to focus on the most important issues under research, which, to a large extent, neglected the overall aim of the study. Additionally, they had a negative impact on the quantification of the gathered (qualitative) information.

Although limited to a number of cases, it appears as if personal interviews and small group interviews provided more valuable information than large group interviews. Overall this could possibly be ascribed to issues of confidentiality and intimidation from (often senior) colleagues and social welfare managers (Morgan, 1997:42). It should also be mentioned that, although the group interviews provided a broader scope of categories/answers, personal interviews ensured more in-depth (and often confidential) information.

3.7 Method of data gathering

The type of instrument or "research tool" used for the purposes of data gathering is to a large extent dependant on the study's unique methodology (Sonnekus & Nesor, 1996:14). Moreover, the study's overall and specific aims and objectives guided the method of data collection, rather than being derived from philosophical or methodological considerations (Brannen, 1992:xiv). Adhering to this study's predominantly explorative design, it was thus decided to employ semi-structured interview⁴ schedules as the mode of data collection (Brannen, 1992:5; Strauss & Corbin in Maree, Joubert & Prinsloo, 1997:102). The data gathering technique therefore had to generate the information needed, explore all facets of the issue under research, and also be able to allow for in-depth or secondary data analysis (i.e. informing Criminology's role in probation training) (Keegan, 1986:17).

⁴ An interview can be defined as a conversation with the purpose of collecting information (Dane, 1990:128).

The interview schedule was compiled by identifying relevant indicators stemming from a literature review. However, alterations to the interview schedule had to be made as the data gathering process proceeded. Gathered information was used in consecutive interviews and it is therefore possible that, given the opportunity, the first few respondents would have been able to provide information on those matters identified at a later stage during data collection. This inherently is a drawback of the (explorative) study design opted for, as well as the method of data gathering utilised.

The exploratory interviews were structured, although fairly open. A topic, in the form of a question, was introduced and follow-up based on the respondent's answers took place from different angles (Kvale, 1996:97). Some information, such as respondents' views about their formal training, was obtained in an unstructured manner. Thematically the questions posed were related to the issue under study, the theoretical concepts of the investigation, as well as to the subsequent analysis (Kvale, 1996:129). The same interview schedule was utilised with both individual and groups of respondents, and provided for flexibility (being adaptable to the respondent and the issue under research), interactive interviewing and probing (Keegan, 1986:18). The posing of leading questions was avoided as far as possible. Questions were mostly of an introductory ("*Could you describe in detail...*"), follow-up and probing nature (Kvale, 1996:133).

The interview schedule was pre-tested by interviewing a lecturer from the Department of Criminology (UFS) during two meetings which lead to subsequent alterations and the introduction of a flow chart depicting the stages of young offender management as identified from available literature (see Figure 1). The pre-test was furthermore helpful in determining whether the research instrument was reliable to gather the desired information and assisted in the refinement of question categorisation.

As Morgan (1997:23) notes, group and individual interviews can be complementary techniques to strengthen the research project, as well as to add value to the information gathered. Both methods of data collection were used in a preliminary and follow-up capacity with each other. For example, a number of personal interviews were conducted before encountering the first group interview. This helped with the proper familiarisation of terms used by respondents, their work ethics and attitudes toward working with young offenders. Moreover, this process allowed the researcher to explore and incorporate matters that arose during the first few personal interviews (Morgan, 1997:23). Additionally, information gathered by means of group interviews was applied during personal interviews to obtain more in-depth data (for example how police officials treat young offenders). In summary, the following advantages of interviewing were identified during data gathering:

- The interview is flexible and adaptable. For example, certain sections of the interview schedule received more attention whenever officials actively involved in working with young offenders were interviewed compared to the interviews conducted with welfare managers.
- "Closeness" with the respondents was easily established and first hand experience and contact realised during data gathering (Patton, 1986:2).
- Misunderstandings about questions and answers were immediately clarified.
- To facilitate respondents' comfort with the research situation, biographical information and general issues about training could be asked initially before proceeding to more confidential and/or personal matters (i.e. how young offenders are treated by police and court officials) (Huysamen, 1993:136).
- Questions could be grouped under specific headings to ensure that one topic was dealt with before shifting to a new one (i.e. moving the focus from providing young offenders with necessary services to working with the victims of crime) (Huysamen, 1993:137).
- Due to confidentiality being emphasised, rapport with respondents was established and, in most cases, sensitive information was provided. Opinions and views about working with young offenders and training needs were openly expressed (Heyink & Tymstra in Maree, Joubert & Prinsloo, 1997:101).

Still, some factors detrimental to the whole research endeavour surfaced as result of both group and personal interviews being employed as the method of data collection. These consist of the following:

- Probing, an essential part of qualitative interviewing, had to be undertaken. Although extensive probing had to be done regarding certain topics (for example diversion and diversion programmes which is seldom considered, especially in rural areas), some responses eventually had to be ruled out/ignored due to a lack of knowledge on the respondents' behalf. Needless to say, this furthermore hampered any attempt to quantify the (qualitative) data gathered.
- The extent to which the data gathering process influenced respondents' statements and views could, however, not be determined (Sonnekus & Naser, 1996:13). This problem also relates to respondents' knowledge about the issue under study and the interviewer's attempt to probing, a phenomenon that Patton (1986:1) describes as "*how and to what extent does the researcher affect – or even create – what is observed?*".
- Although not part of the study's main aim and objectives, the researcher acknowledges a lack of knowledge regarding disciplines' (other than Criminology) study fields/training programmes that could contribute to the training of probation officers specialising in the

management of young offenders. It was hoped to inform the role of other disciplines (such as Social Work, Sociology and Psychology) in the training of these officers, but this has been successful to a lesser extent (Keegan, 1986:20-21). The researcher's lack of knowledge about the specific training fields of other disciplines therefore fails to meaningfully inform their role in probation training. In other words, probing on these issues could not be undertaken.

- Welfare managers were not always able to respond to some questions posed since they were not actively involved in the management of young offenders. These interviews therefore focussed more on training needs than day-to-day experience with youth work.
- Due to the lengthy nature of both group and personal interviews (the average time of interviews was recorded to be between 45 minutes and one hour), some respondents seemed to tire, which could have had a negative influence on the value, extent and depth of the data they provided.
- The few interviews that were conducted in Afrikaans were translated to English and idiomatic expressions voiced during these interviews could not always be successfully translated. In such cases the context of statements is presented. Furthermore, linguistic and grammatical errors respondents made were not rectified as direct quotations are presented.

As to the gathering of information from the secondary study population, the training needs for probation work specialising in the management of young offenders, as identified by social workers and probation officers, have been converted to a structured questionnaire (Huysamen, 1993:132). This questionnaire provided options for the lecturers to indicate which discipline or combination of disciplines they considered best to meaningfully contribute to specialised probation training.

3.8 The research process

Biographical information gathered during personal interviews was noted by the researcher, while, in the case of group interviews, the respondents provided information by completing a form covering biographical details. Except for one, all interviews were conducted at Welfare offices.

Interviews were recorded by means of a voice recorder. Additionally, short notes were taken throughout all interviews as precaution to mechanical failure. However, all interviews were recorded successfully. By making use of voice recordings, it was possible to substantiate respondents' views and experiences in the form of verbatim quotations (Lofland & Lofland in Maree, Joubert & Prinsloo, 1997:102).

Although saturation, the point at which additional data gathering no longer provides deeper insight (Morgan, 1997:43), was reached toward the end of data collection, it was decided to nevertheless continue the gathering process to (i) optimise generalisability, (ii) gather sufficient information to facilitate the "quantification" of data collected and (iii) ensure that no alternative experiences or views related to the issue under study existed.

A third-year Criminology student, Alex Mokoena, acted as research assistant at selected welfare offices in the Free State. He was familiarised with the aim of the study and emphasis was placed on the study's methodology. His main duties consisted of taking down notes, acting as translator where needed, and conducting parts of the interview schedule alone.

3.9 Validity and reliability of findings

The following addressed the issues of validity (whether the interview study investigates what is planned to be researched) and reliability (how consistent results are) (Babbie, 1983:119; Kvale, 1996:88):

- All relevant groups/categories of informants were interviewed (i.e. probation officers, social workers, welfare managers and lecturers).
- All phases of dealing with youths in conflict with the law were incorporated in the measuring instrument and addressed during data gathering.
- All data was gathered systematically within a given period of time (two weeks).
- Limitations of the research design, the research process and data collected are demonstrated wherever they surfaced.
- Data is presented in terms of categories and interpretations, as well as supported by direct quotations and descriptive counting (Hyatt, 1986:35-37).
- All respondents, albeit personal or group interviews, have been subjected to the same measuring instrument (Kvale, 1996:65).
- In most cases, more than one respondent came up with roughly the same response.
- As previously mentioned, the measuring instrument was pre-tested prior to the commencement of data collection.

3.10 Data analysis and presentation

Based on this project's study design and overall methodology, the process of inductive reasoning (i.e. applying specific information to a situation or future events) resulted in the

conclusions and recommendations made for this study (Dane, 1990:23). In other words the information collected informed the role Criminology could play in the training of probation officers specialising in the management of young offenders in the Free State. This process is also referred to as analytic induction and is mostly concerned with explanatory research (Brannen, 1992:6-7; Hammersley, 1992:48; Van Maanen, Dabbs & Faulkner, 1982:16). The inductive characteristics of qualitative investigation thus allowed the researcher to remain open to whatever respondents replied, as information was needed to inform the research questions posed (Patton, 1986:5).

The four processes involved in qualitative analysis, as described by Hyatt (1986:38-39), are roughly followed. Firstly, the researcher familiarised himself thoroughly with the content of all interviews, mostly through the transcription⁵ (typing) of recorded interviews. Interviews were condensed and summarised (in other words, views expressed were abridged into shorter formulations), and noteworthy or supportive quotations were directly transcribed (Kvale, 1996:169-170, 192). Guided by the research instrument and the sequence of questions asked, core themes, issues and concepts were easily identified and categorised. It has to be noted that the literature study and the eventual pre-categorisation of interview questions (i.e. the interview schedule) facilitated this process to a large extent.

Gathered information that informed the research objectives was thus selected and ordered. Comparisons unfolded through analysis, which also aided in generating categories, dimensions and properties. Initially, as many categories as possible were created. Once all gathered information was categorised, similar categories were amalgamated under appropriate headings to present identified training needs (Maree, Joubert & Prinsloo, 1997:99). Toward this end, a process known as theoretical understanding, which Kvale (1996:215) defines as the application of a theoretical frame to data analysis, was followed. In other words, a "deeper" or "hidden" meaning was deduced from some responses to inform the role Criminology can play in probation training.

Eventually, the process of re-categorisation reduced and structured all gathered information into a table and figure reflecting the training needs, as well as the role Criminology can play in training. Both the manifest (especially the presentation of the frequency of identified training needs) and the latent content (the underlying sentiments, experiences and concerns of officials working with young offenders) were incorporated during data analysis (Babbie, 1983:279).

In adhering to the study's explorative design, all opinions and views expressed by the secondary study population as to which disciplines could best contribute to specialised probation training in the Free State is presented in **Part 4: Research findings**. A closer analysis of these views prevails in **Part 5: Conclusion**.

The interpretation of data (i.e. the re-contextualisation of interview statements into implications and recommendations for probation training) is also discussed in Part 5. Care has been taken not to overemphasise certain issues, but to focus on the role of Criminology in the training of probation officers specialising in the management of young offenders in the Free State. Other matters, such as social workers and probation officers' views of their initial training, are therefore discussed to a lesser extent.

Some respondents, after careful examination of their interviews, seem to have provided contradicting statements and information. This was especially true in cases where respondents were not actively involved in the management of young offenders and the information they provided had to be weighed against that provided by their colleagues. Where appropriate, misconceptions and contradictions are pointed out (**Part 4: Research findings**).

3.11 Research protocol and ethical considerations

Basic ethical considerations were maintained throughout the research process. Firstly, proper research protocol was followed. The right to proceed was obtained from the Assistant Director: Section Child and Family Care (Free State Department of Social Welfare) prior to data gathering. A letter of permission was obtained, which was also faxed through to district/regional welfare managers prior to making appointments. Voluntary participation, which entails the respondent's right to freely choose whether she or he wants to provide any information (Dane, 1990:39), was explained when appointments were arranged. Respondents were also informed about the purpose of the study, as well as the approximated duration of interviews or group discussions (Kvale, 1996:111; Babbie, 1983:452). No refusals surfaced. Appointments were made well in advance according to a predetermined travelling schedule.

Confidentiality and anonymity were stressed (Dane, 1990:51). Toward this end, respondents were informed that all information, once transcribed, would be pooled and that the identity of specific individuals or groups was therefore not possible. This also promoted a sense of anonymity. Not only did this process aid access to information, but also provided for in-depth

⁵ Data was transcribed by the researcher. Advantages of the researcher himself doing transcribing include: familiarity with the matters under research, pre-categorisation of statements and, as previously indicated, in some cases the weighing of a respondent's information with that of colleagues.

information (for example about how young offenders are treated by safety and security officials). The researcher's contact particulars were also availed to respondents, should they have the need to undertake any further enquiries about the study. Objectivity, or freedom from bias (Kvale, 1996:64) on the part of the researcher was promoted by a systematic process of data gathering, analysis and presentation.

As is often desired in qualitative interviewing, the inclusion of the transcribed interviews (in the form of an annexe) was initially considered, but at a later stage omitted due to reasons of confidentiality and anonymity. For example, even if all names were left out from individual interviews, the possibility still existed that individual respondents and/or welfare offices could easily be traced by knowledgeable persons (i.e. those providing social welfare services). This would place strong reservations on the ensured confidentiality and anonymity of the information gathered.

3.12 Summary

A total of 38 persons involved in the management of young offenders in the Free State were interviewed for the purposes of data collection. Additionally, eight lecturers from the departments of Criminology and Social Work (UFS) were consulted for input on the information gathered during fieldwork. It is taken that the main method of data collection opted for, namely semi-structured personal and group interviews, gathered the required qualitative data to sufficiently inform the aim and objectives of the study. Subsequently, **Part 4: Research findings** reports on the training needs that respondents identified for the efficient management of youths in conflict with the law. Their views regarding tertiary training and working with young offenders are also presented and will be discussed in **Part 5: Conclusion**.

Part 4: Research findings

4.1 Introduction

Part 4 reports on the findings of the personal and group interviews conducted with probation officers, social workers, social work managers and auxiliary probation officers in the Free State. The framework for data presentation used here corresponds to **Figure 1: Steps in the management of young offenders**, as described in detail in **Part 2: Literature review**. After presenting the background information of respondents, data related to the different phases within the process of dealing with young offenders will be described in terms of problems experienced within specific phases, followed by matters related to training and training needs. Subsequently data concerned with the need for specialised probation officers and related matters will be presented, followed by Criminology's role in training as experienced and recommended by respondents. Finally, an amalgamation of the various fields of study needed for the training of probation officers specialising in the management of young offenders will be presented in the form of a table.

Note that, for the purpose of data presentation, as well as for the sake of anonymity, all respondents are referred to as "social workers", unless otherwise indicated. The reason for coining social work managers as "social workers" was deemed necessary as those managers interviewed, albeit by means of personal or group interviews, considered themselves to be actively involved in the management of young offenders. Findings are as far as possible supported by direct quotations and where appropriate, these are provided with an indication whether they derived from personal (PI) or group interviews (GI). Additionally, in an attempt to quantify the (qualitative) data gathered, the "frequency" indicators PI for personal interviews and GI for group interviews are used.

As the reader will note, the findings indicate that substantial differences exist between the principles and policy of youth probation work, and the practical realisation thereof in the Free State. Since youth probation services do not always meet the standards stipulated by the Probation Services Act (No. 116 of 1991), and are in some areas almost non-existent, it was difficult to record exactly what training officials responsible for the management of young offenders require to fulfil their task. Some respondents displayed insufficient knowledge regarding probation work and were therefore not able to comment on specialised probation training. Thus it was deemed necessary to describe the broad scope of youth probation services in the Free State, not with the aim to ascertain deficiencies in service delivery *per se*, but to aid in the identification of training needs, as well as to assist in deducing training needs relevant to youth probation work.

4.2 Background information of respondents

As already mentioned, the body of people interviewed for the purposes of this study amounted to a total of 38 service providers and eight lecturers. Of the former, fifteen were social workers, ten senior social workers, nine chief social workers, two probation and two auxiliary probation officers. The highest qualification attained by these persons are depicted in the following table.

Table 2: Highest qualification attained by respondents.

Type of qualification	n
Certificate in Auxiliary Social Work	2
Diploma in Social Work	5
Senior Diploma in Social Work	1
B.A. (Social Work)	22
B.Soc.Sc. (Social Work)	6
B.Soc.Sc.Hons. (Social Work)	1
M.A. (Social Work)	1
Total	38

As can be seen from Table 3, the majority of respondents (n=23) obtained their highest academic qualifications between 1992 and 1997.

Table 3: Year (in 3-year periods) in which qualifications were obtained.

Year obtained (in 3-year periods)	n
1995 - 1997	10
1992 - 1994	13
1989 - 1991	4
1986 - 1988	5
1983 - 1985	1
1974 - 1976	2
1971 - 1973	1
1968 - 1970	1
1965 - 1967	1
Total	38

Table 4 indicates where the respondents obtained their qualifications from and it is evident that social workers/probation officers working in the Free State province received their academic qualifications from a spread of training institutions in South Africa. Note that the two auxiliary probation officers received in-service training (i.e. Certificate in Auxiliary Social Work) from the Free State Department of Welfare (Bloemfontein). Unfortunately, one respondent did not clearly indicate where he/she obtained his/her qualification.

Table 4: Training institutions where respondents obtained their qualifications.

University/college	n
Wellington Hugenote College	3
University of the Free State	6
University of South Africa	2
University of Fort Hare	5
University of Transkei	3
University of the North	4
University of Durban-Westville	2
University of Namibia	1
University of Zululand	3
Randse Afrikaanse Universiteit	2
University of Stellenbosch	1
Rhodes University	1
University of the Western Cape	1
Potchefstroom University for Christian Higher Education	1
Total	35

The following table (Table 5) depicts respondent's years of experience in probation and youth work. The data suggests that the majority of respondents have between one and six years of experience in probation (n=25) and youth work (n=22).

Table 5: Respondents' years of experience in probation and youth work.

Years of Experience (in two year periods)	Probation work (n)	Youth work (n)
Less than one year	2	2
1 - 2 years	7	5
3 - 4 years	9	7
5 - 6 years	7	8
7 - 8 years	4	5
9 - 10 years	3	4
11 - 12 years	2	3
15 - 16 years	2	2
20 years or more	2	2
Total	38	38

Some respondents received training in youth related matters in the form of in-service training and courses. Such training was indicated to include a course in assessment (n=7), the Criminal Procedure Act (n=1), Youth at Risk (n=1), the Probation Services Act (n=4), diversion (n=1) and youth work (n=9).

4.3 General comments on working with young offenders

Some of the problematic issues raised at the onset of the interviews are given below, although more details on these matters are provided later on.

The large **geographical service areas** make it difficult to provide young offenders with the required social services (PI=3; GI=1). Inadequate **resources**, especially personnel, further contribute to inadequate service delivery (PI=7; GI=6). Only one respondent noted that few young offenders pass through the justice system without being provided with welfare services (PI=1). Some respondents saw themselves as **inadequately equipped**, especially in a communicative way, to deal with young offenders (PI=2; GI=1) and some prefer not working with them at all (PI=2). It was additionally noted that people working with young offenders should be subjected to **selection criteria** (PI=3; GI=1).

The services that young offenders need cannot be provided since the Department's **comprehensive approach** does not allow for specialised service delivery (PI=2; GI=2). The

comprehensive **training model** followed by the majority of training institutions further contributes to the problem (PI=1; GI=3).

Working with young offenders demands specialised training, since "... a different approach is needed in working with young offenders than working with adult offenders" (GI).

"You are trained on a little bit of everything, but you don't know anything at the end of the day" (GI).

"Training is received on bits and pieces ... one cannot say it [specific areas] is part of you ... you don't have all the information" (PI).

"I would like to specialise. I'm tired of this little bit of knowledge of this and that. It is dangerous to have little knowledge. I've reached the stage where I would like to specialise ... to be excellent in one field, to have absolute expert knowledge in one field" (GI).

One respondent noted that social workers do not sufficiently make use of **other's knowledge and experience** to facilitate the management of young offenders. This happens mainly because they fear being labelled as "unprofessional" or "incompetent" (PI).

"Many social workers think that they are gods. We work in many areas and mostly think that we do not need to consult psychologists, criminologists and other specialists" (PI).

The provision of services to young offenders is to a large extent influenced by social workers' **working relationship** with personnel from other departments (PI=5; GI=3).

"As social workers we do understand juvenile delinquency, the development of a child ... but the problem is the court: they don't understand. They are only interested in the law" (GI).

One group of respondents noted that some young offender cases are **postponed** for several months and take a long time to finalise (GI=1). It was also noted that services provided to young offenders in **rural areas are neglected** since the region's social workers focus mainly on the needs experienced in larger peri-urban areas (GI=1).

4.4 Reflections on formal training

Some respondents noted that their formal training included **theories that are seldom if ever used** in practice (PI=3; GI=2).

"Shorter types of information [courses] should be provided to students ... the needed principles and knowledge, workable and interesting. You study things that will never be used" (PI).

" [Formal training was] too theoretical, too much emphasis on therapy for the work we do ... it does not realise. We in the public service work with people from rural areas ... they don't come to us with the expectation that 'I want to develop insight into my problem' as we were trained to do. They want you to tell them 'You have to do this and this and this' ... When I started here, I would sit for hours paying attention to what a person is saying and then you have all these ideas about how to handle the case because this is what you were taught. Now I know that, actually, I have to ask the person: 'What do you want me to do?' ... higher levels of therapy are seldom used" (GI).

Some respondents said that the training provided by universities does not **prepare students** for the work that they will eventually do (PI=5; GI=1).

"Social work students are not work-ready after training" (PI).

"Social work training is very narrow. When you start to work, you are thrown into the deep side and do not know where to go" (PI).

"Social work training should more definitely focus on skills development ... students do not acquire skills at the university" (PI).

"If the universities want to continue probation/social work training, they urgently need to change their curricula. Studies are needed to indicate that current training does not keep track with practical work" (PI).

Additionally, it was noted that pre-graduate training does not provide adequate **practical training** (PI=5; GI=4), amongst others, in court work (PI=4; GI=3).

"When I started working ... I didn't understand anything about the court and for the first few months I couldn't even hear myself when I was testifying ... I was so scared" (PI).

"... they don't specialise on the court. You come from the [training] institution not knowing exactly what happens out there. The information that you got [through training] is not directed to what you get [i.e. the practice]. So I think that, when they draw up curricula, they should concentrate on the different institutions that offer services" (G1).

One welfare office indicated that, although social work students do practical training there, they are not exposed to any form of probation work (GI=1). Some respondents considered themselves fortunate to have received exposure to court work during their formal training (GI=2). Regarding the latter quotation, it was also stated that **agencies approached for the provision of practical training** should clearly stipulate what training they can provide, since not all students have the same exposure conducive to their social work training (PI=3; GI=1). It was indicated, for example, that training in diversion programmes should be provided by organisations such as NICRO (PI=1). Respondents also indicated that **inadequate training** was provided on how to treat young offenders (PI=1), sentencing options (PI=10; GI=3) and the terminology used in court (PI=1; GI=2).

"You learn the hard way. Sometimes you have to study the whole night, reading the act, preparing for the court case, you don't know what this means, you make notes in order to consult people" (G1).

Some respondents viewed their social work training as **inadequate to do probation work** (PI=4).

"If I consider my pre-graduate training, I would say that probation training was neglected to a large extent".

"Four years of tertiary training and I did not know what happens in court".

"I would exclude the Department of Social Work totally [in training], because they are so rigid".

Moreover, some respondents noted that their inadequate training caused many young offenders to pass through the criminal justice system without the **social worker displaying and applying the needed knowledge** (PI=1; GI=1).

"It took me years of experience to get to know how the criminal justice process operates. We were not educated in this ... time was wasted ... many children depending on my knowledge had to go through the system" (PI).

"When you started and the mistakes that you made, that you realise now that twelve years ago I should have done it like this ... I just wonder, what was really the influence we had on those people" (GI).

It was also indicated that formal training does not provide a **broad picture** of which organisations and agencies are involved in the management of young offenders (PI=1). This results in novice social workers not being aware of services, agencies and persons that can be contacted for advice regarding young offender management. One group of respondents felt that **South African study material and programmes** should be used in formal training (GI=1).

4.5 Recent developments in the management of young offenders and training

Some respondents indicated that they have received **in-service training or refresher courses** as policies and services related to the management of young offenders have changed drastically during the past few years. Some respondents also identified the need to be **kept informed** about changes in policy and legislature (PI=4). It was indicated that training provided by the Justice College on sentencing options to a large extent **better equipped** some social workers (PI=1; GI=2), mainly due to the fact that the College is more **practically orientated** than universities (GI=1). Some respondents stated that the College provided valuable training with regards to court work (GI=1) and report writing (GI=2), while others felt that the training was not specific enough to better equip them (PI=2; GI=1). One respondent indicated that he/she contacts the College when advice regarding policy changes and sentencing options is needed (PI=1).

The fact that social workers **urgently need training** in sentencing options was also voiced (this issue will be dealt with in more detail later on). It was indicated that the Justice College should undertake this training, while NICRO be contracted to provide training on diversion and diversion programmes (PI=1). One group of respondents viewed recent changes and the training (provided by the Department of Welfare) that goes with it as **idealistic**, if one considers the number of cases they have to manage (GI=1). It was also noted that **expectations** have been raised when some social workers received training on probation work (PI=1; GI=1).

"We've had training on probation services ... they told us that there is going to be specialised probation officers at every district office but nothing has happened since ... You can't raise expectations and at the end of the day you just leave it" (G1).

"We were told that probation officers will receive specialised training" (PI).

4.6 Current practices and training needs

The following data (4.6.1 – 4.10) deals with respondents' experiences, views and the training needs as identified according to the different stages of managing youths in conflict with the law. The same layout as stipulated in **Part 2: Literature review** is followed (see Figure 1).

4.6.1 Reception

Some respondents reported that **inconsistent practices** exist with regards to detention (PI=4; GI=1). In some areas arrested youths are **detained in prison cells** regardless of first or second time offences (PI=3), while the option of release into the care of the family is never considered (PI=1). One group of respondents indicated that arrested youths spend on average at least one day in formal detention (GI=1), while others related that at some police stations young people are kept in detention for longer periods of time (GI=2).

"The court will also say that the number of cases ... they can't go through all the cases, so they keep postponing. But if they do that, we find that the child has been there [in detention] for more than three months".

It was noted that some police officials are harsh with arrested youths since they are seen as *"just another criminal"* (PI=1). Furthermore, it was mentioned that some police officials actually assault youths during arrest (GI=1). Respondents also stated that reception is **not child-friendly** (PI=4; GI=1). While some police officials are well informed about reception (i.e. time limits and places where arrested youths can be detained) (PI=1; GI=1), others are in need of training to promote child-friendly services (PI=2). It was also noted that some police officials intimidate arrested youths to plead guilty so that cases can be dealt with swiftly (PI=1).

At some police stations arrested youths are **kept in offices** instead of being detained in cells (PI=2), while some police officials call in the **services of NICRO** instead of arresting the young person (PI=1). It was also indicated that arrested youths are detained in cells only if an

arrest was made after hours (PI=1). One respondent stated that difficulties are experienced in trying to negotiate the release of an arrested youth. He/she indicated that a **poor working relationship** exists with the police and that the latter see him/her as "*being soft on criminals*" (PI=1). The practice of **notifying a social worker** of a young person's arrest is also **not consistently done** by some police officials (PI=4; GI=5).

"It happens that I will get to know about a case after two or three months that the child has been in detention" (GI).

"We still have problems with the police. Not all of them contact us [after arrest] ... we are still working on that" (GI).

Some respondents reported that they are only informed about the arrest of a young person when the **court requires a PSR** (PI=2; GI=3). Minimal, if any, welfare services are thus provided prior to this request.

"In most of the times, only when they want to refer the child to a reform school or a school of industry. Then they contact our offices, because then they want a report" (GI).

Some respondents reported that they are not notified immediately after an arrest (GI=1). One respondent indicated having to telephone police offices in his/her service area to determine whether any young people have recently been arrested (PI=1). Other respondents indicated that they are **not notified at all** (GI=1).

"The child is arrested; you are not notified. The child goes through the whole criminal justice system without the social worker being there".

While some respondents are involved in **locating the arrested youth's parents** (PI=2), others see it as the police's duty (PI=1; GI=1). It was reported that some police officials do not co-operate in trying to locate arrested youths' parents (PI=2; GI=1), while others always try their best to locate the parents (GI=1).

It was noted that a **lack of resources** causes many social workers not to be able to provide arrested youths with services after arrest (PI=1; GI=1). It was also stated that a **specialised person** is needed to address the needs of arrested youths (PI=1). This person should have excellent communication skills to work with both the police (to negotiate release) and the young person (to obtain information). Some respondents reported that **not all social workers are well informed about reception procedures** (PI=2). Although formal training on these

procedures is needed, knowledge can also be acquired through **in-service training** (PI=1; GI=1). It was also noted that all officials involved in the management of young offenders should be knowledgeable about procedures followed (GI=1).

"... it is the matter of procedure to be followed. Everybody who is involved from the beginning where the child is arrested, that person must be well informed, to the next person until the child is assessed or put into a programme ... procedures differ from town to town ... the more personnel involved, the more problems occur".

4.6.2 Secure care

While some respondents noted that secure care facilities available in their areas are **inadequate** (PI=1; GI=1), roughly half of the respondents stated that **no secure care facilities** exist in their areas (PI=5; GI=2). The unavailability of secure care facilities makes it especially difficult to provide for the needs of street children (PI=1) and young people whose parents stay elsewhere (PI=3). It was also noted that **people working at secure care facilities lack the needed skills** to work with arrested youths (PI=1; GI=1). Moreover, it was noted that, at some secure care facilities, children are abused and sexually molested by personnel (GI=1). One respondent indicated that persons involved in the provision of secure care should be knowledgeable about **legal aspects** such as the age of the young person and where and for how long he/she can be kept in detention and secure care (PI=1).

It was also noted that some youths kept at secure care facilities are not supposed to be there (GI). One respondent who has access to a secure care facility felt that arrested youths are **too easily placed** in places of safety (PI=1). This also results in the **overcrowding** of facilities.

"It is easy to house arrested youths in a place of safety. Alternative possibilities are not sufficiently considered or explored ... We still think 'institutional': let's send the children away to schools of industry, let's place them in a house of safety ... alternatives are not considered. If the principle that only dangerous youths are to be placed in houses of safety is followed, formal secure care facilities would be adequate".

One group of respondents noted that formal or institutional care is considered only as a **last resort** in ensuring secure care (GI=1). Some respondents stated that not all **parents** want to take their (offending) children back in (PI=3; GI=4). In these cases the social worker should have excellent **negotiating skills** to facilitate secure care in the family set-up (PI=1). It was also reported that **communities** are reluctant to provide secure care to offending youths

whom they, in most cases, know by name (PI=2; GI=3). In these cases the social worker has to have **hands-on knowledge** about the community to identify families that could be approached to serve as foster families (PI=1).

It was also noted that, by placing arrested youths in the care of their families, **further criminality** is promoted since no control/discipline exists in many households (PI=2). One respondent stated that training is needed on **how to establish and ensure** secure care for arrested youths (PI=1), while one group of respondents voiced concern about a magistrate in their service area being the only person who decides on secure care (GI=1).

"They decide on their own, which I think is the responsibility of the social worker ... the whole system, I think, has no structure".

4.6.3 Informing arrested youths

Respondents reported that, in some service areas/towns, arrested youths are **never informed** about their rights or the procedures following arrest (PI=2; GI=1).

"Most of the time not ... The right to a phone call, all those basic rights, they are mostly not [informed]" (GI).

Some respondents ascribed this to a **lack in resources and large geographical service areas** (PI=2). While the **police** only sometimes inform arrested youths (PI=3; GI=1), some respondents considered it to be the police's duty (PI=2; GI=2).

"In reality, the arresting officer should inform the child, but this happens in a small percentage [of cases] ... it is not what it should be" (PI).

"I think it is the police [that informs the youth], because we meet the child maybe a week or two after the arrest" (GI).

Others were **uncertain** whether and to which extent arrested youths are informed (PI=1; GI=1).

"I don't think so ... we don't know what they [the police] communicate [to the arrested youth]" (GI).

It was also indicated that the **magistrate or prosecutor** always informs arrested youths (PI=1; GI=1), while only some of these officials in other areas do likewise (PI=3; GI=1). Some respondents stated that they always inform arrested youths (PI=2; GI=2).

"We actually motivate them to get a lawyer ... we tell them" (GI).

While some respondents sometimes inform arrested youths (PI=3; GI=1), others indicated never doing so (PI=1; GI=2).

"As social workers, no ... I think the police should, after arrest" (GI).

One group of respondents stated that they always ensure that there is someone who can inform the arrested youth in his/her **home language** (GI=1). Still, it was noted that arrested young people do not always understand what is being said to them (PI=2; GI=2). This could be ascribed to the **unfriendly court environment** youths are exposed to (PI=1). It was related that young people should be informed about the right to **legal representation** as soon as possible after arrest, since it often happens that they get to know about this right at too late a stage in the justice system (PI=2). One group of respondents indicated always doing this (GI=1). One respondent said that arrested youths sometimes view lawyers appointed to them as a threat, since they are often seen socially interacting with magistrates (PI=1). Additionally, state appointed lawyers should be subjected to selection criteria, since not all are skilled and/or motivated to work with young people (PI=2).

Asked whether one group viewed their knowledge on youth rights as sufficient, they replied:

"Not really. There is still a need. We may think we know everything, but ...[here the respondent just shrugged]".

One respondent felt that, since novice social workers lack the necessary skills, **specialised training** is needed to inform arrested youths about their rights as well as the procedures that follow arrest (PI=1). It was indicated that skills on how to properly inform arrested youths is needed (PI=1; GI=1). Furthermore, knowledge on **child and youth rights** (PI=1; GI=5) and **criminal and court proceedings** (PI=1) will be required. Training on these matters could be provided through **in-service** training (as was the case with most of the respondents' training) (GI=3), but could also be provided during **formal education** (GI=1).

"It can also be included in the curriculum ... because it is the 'in-thing'. Then from schooling you are informed about all those things".

4.6.4 Assessment

Some respondents noted that assessment is not consistently done due to **inadequate resources** (PI=2; GI=3). One respondent stated that he/she is only able to assess arrested youths once a week, when he/she visits the towns in his/her service area (PI=1) while others stated that **not all arrested youths are assessed** (PI=2). In these cases, the court continues without an assessment. In addition to assessments taking a **long time to complete** (PI=2; GI=4), it was emphasised that social workers are afforded (by amongst others, prosecutors) **insufficient time** to undertake complete assessments (PI=3; GI=2). Therefore,

"... some of the aspects are left out in the report" (GI=1).

It was also indicated that some arrested youths are not assessed as soon as possible due to time limits (GI=1).

"Too many cases ... so we go to the docket and see which of the cases are not so serious and we go back and we assess only those children we know we can [divert]. We still assess them [i.e. the more serious cases], but not on that day" (GI).

If it so happens that all cases can be diverted, it was noted that the quality of assessments is jeopardised (GI=1). Some respondents felt that they are informed about assessments that need to be done at **too late a stage in the legal process** to undertake it properly (PI=2). Others indicated that, although assessments are undertaken, they are not complete (PI=1; GI=1). While some respondents stated that their assessments determine whether cases should be diverted or prosecuted (PI=3; GI=2), others reported that assessment is only done **to determine what to do immediately** with the arrested youth. Assessments of this nature do not focus on the psychosocial development or background of the young person (PI=3; GI=2), and mostly do not indicate whether the youth is in need of care or not (GI=1). For these purposes **basic social work training** would be adequate (PI=1; GI=1). Some respondents considered themselves **inadequately equipped** to undertake proper assessment (PI=3).

"If I can be honest with you, I cannot do an assessment of a young person ... if I can skill myself or receive training it would be no problem".

"I'm not adequately equipped, but I have the potential and need some more training".⁶

One group of respondents who are trained and confident in assessing young offenders noted that major problems regarding assessment in rural areas are experienced (GI=1).

"They suffer. They don't know how to do it, they don't know what to do, they don't know anything. They can't draw up a care plan".

In addition to the fact that difficulties are sometimes experienced in obtaining information for the purpose of assessment (PI=1; GI=1), some respondents felt that the **prescribed assessment format** does not fully mirror sufficient information about a case. Too much emphasis is placed on the young offender alone which causes other factors to be left out or ignored (PI=1; GI=1). Moreover, as the format is **time consuming** to follow, it is **not always used** (PI=1; GI=2).

"They are so long ... they are a repetition of facts. I don't know, we try to assimilate it to make it meaningful for ourselves" (GI).

"You don't have the time to do it, especially the assessment ... I don't have the time to do the assessments they gave us to do. It takes one to two hours to do one assessment" (GI).

"It takes three to four hours to complete. Its very tedious" (PI).

Some social workers make use of their own assessment formats (GI=2) and **uncertainties regarding the content** of assessments prevail (GI=1).

"The only problem I have is with the content of the assessment ... our assessment reports differ ... we are not sure about the contents".

Clearer guidelines on assessment are therefore needed (PI=1; GI=1). One respondent noted that, although social workers can undertake proper assessments, they are not knowledgeable enough about the developmental approach (PI=1).

"I believe that, once completed, you are knowledgeable about what is going on. But it doesn't help you complete the form and write the report but you still don't know what developmental work is about, and this is the problem. Social workers complete the developmental

⁶ Note that this respondent graduated in 1996.

"It is terrible for me to say, but the money is not there ... our hands are cut off ... it is frustrating to think that there are children with criminal records [who could have been diverted]" (PI).

"We can start support groups and everything ... but we really don't have the time and personnel" (GI).

"We don't have access to NICRO in Bloemfontein" (GI).

One respondent mentioned that, in her service area, most **first time and even some second time** offenders are diverted away from formal prosecution (PI=1). Another noted that diversion programmes are urgently needed to address the problem of re-offending in certain towns (PI=1). One group of respondents had **no knowledge at all** about diversion or diversion programmes (GI=1)⁸. While one respondent voiced concern about the **acceptability of diversion programmes in the community** (PI=1), others indicated that the community does not want to participate in diversion programmes (GI=1).

It was also noted that some social workers **lack knowledge on how to undertake diversion** (GI=1).

"... they don't have any direction, what to do with this specific child, what must I do to develop this child to become a responsible adult ... they don't know nothing".

One respondent stated that social workers' lack of knowledge on diversion and diversion programmes causes many young offenders to (unnecessarily) go through the formal legal process (PI=1). It was noted that, although the **Department of Social Welfare and NICRO provided training/awareness** on diversion, social workers still do not know how to implement and manage diversion programmes (PI=2; GI=1). One respondent noted that this training/awareness created better confidence to undertake diversion (PI=1). One group of respondents was still awaiting training from the Department of Social Welfare.

Some respondents indicated the need for **specialised training** to provide young offenders with diversion services (PI=3; GI=1).

"You cannot have anyone doing diversion. You need to know what it is about, you must be able to explain how it happens, the dynamics of the programme" (PI).

Only one group of respondents felt confident about their knowledge to establish and implement diversion programmes (GI=1). It was indicated that **training is needed** on diversion programmes (PI=2; GI=2), and more specifically on the availability of different programmes (PI=1; GI=1), how they operate (PI=2), how to establish such programmes (PI=3; GI=1), what treatment is involved (PI=1), how to present programmes (PI=1) and what the expected outcomes should be (PI=2).

"For example, it is stated that we should provide programmes on assertiveness, but it is not clearly indicated what this entails, how one should go about in doing it" (PI).

It was noted that skills/knowledge are needed to obtain information about the background of young offenders (PI=3), how to **communicate meaningfully** with them (PI=2) and the utilisation of **community resources** (PI=3).

Some respondents also stated that **theoretical and practical training on diversion should be provided at pre-graduate level** (PI=2; GI=2).

"I think it must be trained at varsity level, sometimes it comes too late ... we had to learn the hard way" (GI).

4.6.6 Court work

Some respondents noted that novice social workers and probation officers appear **unprofessional** in court (PI=3) due to **inadequate formal training** on court work (PI=6; GI=3). It was also indicated that social workers' first court appearance is **traumatic** (PI=2; GI=1).

"[training is needed on] how to keep to the information in your reports, how not to be intimidated" (GI).

"[training is needed on] ... the whole court process ... if I go to court, what is my role, what are my duties ... here is the magistrate ... here is the state prosecutor: what are their roles and responsibilities, what do they do specifically. If you walk into the court, who to lower your head to, things like that" (PI).

⁸ No one in this particular group has ever heard of a family group conference.

"I had many difficulties in doing court work when I started working. ... Current training does not provide confidence to do court work ... initially court work was straining ... I started to panic the moment I learned that I had a juvenile case to handle" (PI).

"All social workers are afraid to go to court ... they are afraid to testify ... the lawyers and the environment" (GI).

Another impediment to proper court work was indicated to be **poor working relationship** with justice officials (PI=1; GI=1). Some respondents indicated that the Justice College provided valuable training with regards to court proceedings and court work (PI=1; GI=1). It was also noted that a **specialised person** is needed to do court work, since irregular court appearance causes one to *"loose grip on it"* (PI=1; GI=1). One group of respondents stated that they find it difficult to do court work in the presence of the accused youths since the latter do not always understand why the social worker (who is supposed to be on their side) is recommending a certain punishment. This often has a **negative influence on their relationship with the young person** (GI=1).

"They are trying to be in the good books of the children, so it is very difficult to testify against them in court ... they don't like it at all".

One respondent reported that **specialised legal knowledge** is needed to do court work, since social workers do not have "authority" in court (PI=1).

"A social worker does not have that much authority in court ... you need more information [i.e. training] to be taken seriously in court. For example, if a doctor testifies in court everything is wonderful, lovely and right, but if the social worker testifies everything is taken with a pinch of salt because we are seen as emotional and unable to act objectively ... this is the court's view of social workers: social workers are soft and pathetic. I think it relates to our training, especially the social work training ... more legal knowledge is needed ... this is a major gap" (PI).

One respondent emphasised the need for **specialised training to do court work** (PI=1). He/she reported that his/her office at one time had a social worker who did a post-graduate degree in court work and that this person had **expert knowledge on and experienced no problems in doing court work**. She also equipped her colleagues by teaching them how to do court work effectively. The respondent concluded that pre-graduate training in court work would be inadequate to ensure professionalism.

"I think with four years social work training one would be able to do the work, but not as professional as a person with specialised training" (PI).

4.6.7 Legal reports

One respondent noted that, since PSRs are requested after the young person has been found guilty, **insufficient background information** is taken into account during the trial (PI=1). Some respondents experience problems in **obtaining information** for legal reports from other departments (PI=2; GI=3). It was furthermore reported that **insufficient pre-graduate training** is provided on the compilation of legal reports (PI=4; GI=4). Some respondents felt that they were not trained on exactly what the court expects from legal reports (PI=3; GI=2).

"The information that we were given was naïve. You did not know exactly what information was needed, because you will do an investigation and go to court. They want specifics and those are not in your report. So now it poses a problem as it seems that you did not do the work thoroughly. Whereas you did get the information but it was not reflected by your report. As such it seemed as if you did not do the investigation" (GI).

Others mentioned that the Justice College provided valuable training on the content of legal reports (GI=2), as well as how to compile them (GI=1). It was also emphasised that some **justice officials do not consider all the information** legal reports provide (PI=1; GI=2).

"When you give them the report they turn to the back and look at the recommendation. Then you have a huge fight" (GI).

4.6.8 Legal knowledge

The greater part of respondents stated that they received **insufficient formal training** on legal matters pertaining to young offenders (PI=7; GI=5).

"It is like trial and error: for this one you recommend that, you get there [at court] and the magistrate says 'Okay, next time don't use this recommendation'" (GI).

"I thought that correctional supervision is a lighter punishment than imprisonment, advised this to the court and made a fool of myself. I did not know that both carry the same weight" (PI).

"...it is only now after many years of court work that the magistrates start to consider my recommendations" (PI).

One group of respondents emphasised the **need for legal knowledge** by relating the following (GI=1):

"We should also know the side of the prosecutors, because if you don't know how they operate ... [here the respondent pulled up her shoulders]. We need to know our enemy, because they are always grilling us in court ... if we could also understand their side and work with them towards the welfare of the child".

The greater part of respondents thus felt that training on the various **sentencing options** applicable to young offenders, as well as the contents thereof, is needed (PI=10; GI=4).

"[Training is needed on matters such as] what is a suspended sentence, what is a postponed sentence, what is correctional supervision ... you don't have an idea what it is about, you don't have the bigger picture" (PI).

"Because when you go to court, those are the most important things. You have to know the sentencing options and you have to make recommendations. And if you don't know this ... [here the respondent shook her head]" (GI).

One respondent was asked whether he/she ever considered community service as a sentence option and replied (PI=1):

"No, it is the first time I hear of something like that".

It was also noted that **training on sentencing options should have been provided during formal training** (PI=2; GI=3). One respondent was asked whether he/she felt that he/she had sufficient knowledge on sentencing options and replied:

"Not always, because I'm still new in the field. I'm not as old as other social workers. It has been five years now" (PI).

Some respondents noted that they had to **empower themselves** on legal matters (PI=1; GI=3).

"It is only now that we are studying the Criminal Procedures on our own ... we received training from the Department, but again you have to sit down [and study]" (G1).

Others find it difficult to **justify their recommendations** in court (PI=2; GI=1).

"The court reminds you that the child has committed a crime. They always remind you that he has committed a crime. Sometimes you will think of diverting the child, but they would want you to go through [the formal legal process]" (G1).

While one respondent noted that **social workers lack creativity** in recommending a sentence (PI=1), others stated that they are to a large extent creative in their recommendations (GI=1). One respondent mentioned that he/she contacts the **Justice College** when assistance is needed in recommending a sentence (PI=1). While some respondents said that the training provided by the Justice College broadened their knowledge about sentencing options to a large extent (PI=1; GI=2), one respondent felt that even this training was not specific enough (PI=1). One respondent viewed her legal knowledge as sufficient since she **meets with the prosecutor** to negotiate a sentence (PI=1).

One respondent stated that she is **not that confident in recommending a sentence** since she does not work regularly enough with young offenders (GI=1).

"Sometimes months go by without being asked for PSRs and then suddenly you are confronted with quite a number of reports. If you do not constantly work with recommendations you are not confident in making them. You forget details of the [Criminal Procedure] act".

One respondent indicated that (PI=1):

"A broad knowledge on criminal law is needed".

It was indicated that knowledge is needed on the **Criminal Procedure Act** (GI=2), the **Welfare Act** (GI=1), the **Child Care Act** (GI=1), and acts related to **road transport and firearms** (PI=1), since these can be used in recommending a sentencing option. One respondent said that he/she does not always understand the **terminology** used in court (PI=1), and another finds it difficult to relate legal terminology to accused youths (PI=1).

4.6.9 Treatment, intervention and aftercare

Some respondents indicated that, after the initial contact with the young offender during assessment and/or the gathering of information for the PSR, **no further involvement regarding treatment and aftercare realises** (PI=6; GI=5). One respondent related the following:

"There was one case that will properly haunt me for the rest of my live. The youth was arrested for house breaking and theft and was subsequently found guilty by the court. I recommended a suspended sentence with aftercare services to be provided by myself. I never got around to provide these services or to monitor whether he was attending school. Within a short period of time he was again arrested, I again made a recommendation to keep him in the community, but the magistrate did not want to hear anything. The youth was sent to prison and received a criminal record. Perhaps if I provided the initial aftercare services, things would have turned out differently" (PI).

Moreover, it was noted that, although recommendations for treatment are made that involve community programmes or group work, these never realise (PI=2; GI=2). Even **recommended treatment that involves the social workers themselves never realises** (PI=1; GI=1). This lack of involvement in treatment/intervention was attributed to **insufficient resources** (PI=5; GI=1).

"The last time you meet the child is at the court of law when the child is released but you never render any services - you don't have resources" (GI).

It was furthermore indicated that certain forms of treatment are only considered if the **needed resources are available** (PI=3; GI=2). For example, correctional supervision will only be used if the pre-requisite programmes can be provided by correctional services staff (PI=1; GI=2).

"We don't have programmes in place about prevention or counselling programmes or support programmes for these children" (GI).

Some respondents voiced concern about the fact that the absence of intervention programmes **contribute to further offending** (PI=1; GI=1).

"Once you do the assessment that you are supposed to do ... you come back to the office and do your usual foster care and everything ... you are going to leave the child there and

there are no programmes, there is no nothing that you are going to do. It is frustrating to see the same person ... it forms that vicious circle. Every time the same child will go to court again" (G1).

"Sometimes you get the same child that you have recommended to stay with his family committing another crime again" (P1).

One respondent noted that, perhaps three months after sentencing, he/she would check on the young person (PI=1). Still, no intervention or aftercare is provided.

"Where is the child, how does he cope".

Another respondent stated that no intervention is provided **since no one monitors it** (PI=1). It was also reported that young offenders, whenever possible, are **referred** to other organisations (i.e. FAMSA) for treatment (GI=1). Some respondents stated that they sometimes provide some form of treatment (i.e. **reconstruction**) (PI=1; GI=2), especially if the youth is sent to a school of industry (GI=2). The need to provide support and treatment to the families of young offenders was also identified, although never provided (GI=1).

"We are supposed to do it [i.e. work with the family], but the time limits ...".

While some respondents indicated that **schools** (PI=2) and local **communities** (PI=1) are **reluctant** to participate in the treatment of young offenders, others mentioned that **access to treatment facilities such as schools of industry is limited** (PI=1; GI=1). It was emphasised that the Department of Social Welfare could not provide treatment and intervention to young offenders on its own (PI=1).

It was also noted that **standardised programmes and procedures** are needed to provide treatment, since social workers have different approaches thereto (PI=1). Additionally, it was emphasised that not all social workers have the skills to provide treatment and intervention to young offenders (PI=1).

One group of respondents indicated that **specialised personnel** are needed to provide treatment and intervention (GI=1). It was noted that social work students need more training on **how treatment works** (PI=2), for example, **how to treat** young offenders (GI=1) in his/her **family setting** (PI=1), how to conduct **group work** (PI=1), and how to treat **different offences** (PI=1; GI=1).

"We have to do everything [relating here especially to treatment] on our own, but we don't have the training" (GI).

Skills and knowledge needed to ensure effective treatment and intervention were noted to include:

- Treatment of young offenders (PI=5; GI=3).
- How to communicate with young offenders (PI=2).
- Treatment and the family (PI=3; GI=2).
- How to make use of existing resources (PI=4).
- Referral services (PI=1; GI=1).

4.6.10 Record keeping and programme evaluation

It was noted that information on individual cases is **fragmented and kept by various government departments** and agencies (PI=4). Additionally, the available sources does not always provide sufficient information for social workers' purposes (i.e. PSRs) (PI=2) and computerised **statistics are seldom updated** (PI=2). One welfare officer noted that statistics kept by the Department of Social Welfare differ drastically from those kept by the SAPS (PI=1).

The need for **centralised information** was therefore identified (PI=4; GI=1). While one respondent indicated this to be social workers' responsibility (since they are involved in most stages of the justice process), others stated that it should rest with the Justice Department (PI=1; GI=1)⁹. One respondent felt that record keeping should be done by any other department as social workers have high case loads to manage (PI=1). It was noted that **in-service training** would be adequate to keep records and statistics (PI=3).

While some respondents experience **difficulties in gaining access to records** and other sources of information from other departments and agencies (PI=2; GI=1), others have no difficulties at all (PI=1). Some respondents stated that **no programme or treatment evaluation** is done (PI=1; GI=1). One group noted that the outcomes of recently finalised intervention/treatment programme were taken up in quarterly and annual reports, but that **no feedback is ever received from management** (GI=1). Another group has formally evaluated a recently finalised intervention/treatment programme and will apply this evaluation in future

⁹ Important to note is that these respondents indicated their involvement in young offender management to terminate directly after sentence has been passed (i.e. they are not involved in the provision of treatment or intervention).

planning (GI=1). One group of respondents, as well as the respondent from NICRO stated that all programmes are thoroughly evaluated by various role players (PI=1; GI=1).

4.7 Probation work and the victim of crime

Some respondents noted that victim support services in their service areas are **neglected, inadequate and urgently needed** (PI=3).

"The investigation has certain things to do, the police have certain things to do and the probation officer has certain things to do [referring here to informing the victim], and each one waits for the other to provide the service. You have all the information on paper, but still you wait for someone else to do the work".

It was noted that, generally, **social workers have little contact with victims** of crime and that they need to become more involved in working with them (PI=5; GI=5).

"Victims should be taken into account, but this seldom happens ... to my shame I have to admit that I seldom work with them" (PI).

"You should also know their side of the story, not only the offender's" (PI).

It was noted that the social worker's main concern after a crime was committed, is the offender (GI=1). One respondent felt that **conflict could arise** by dealing with both the victim and the offender of a specific offence (PI=1). While some respondents stated that they have **no contact at all** with victims (PI=2; GI=1), others reported that they avoid any work that involves the victim of crime due to **insufficient knowledge** (PI=2).

"Working with victims is such a large gap that we avoid it altogether".

Some respondents stated that they cannot become involved in any form with the crime victims due to a **lack in resources** (GI=2). While some respondents stated that they act as a **source of information** to victims (PI=2; GI=1), others related not doing so sufficiently (GI=1). It was noted that victims need to be informed about proceedings following a crime (PI=3), why a specific sentence was opted for (PI=2), services available to them (PI=1; GI=1) and crime prevention (PI=2; G=1).

Some respondents indicated that their **involvement** in victim services **depends on the type of crime** that has been committed (i.e. serving as a source of information in the case of theft,

but providing support to, for example, rape victims) (PI=1; GI=2). It was also noted that victims are **referred** to services available for crime victims (PI=1).

In contrast to some respondents who sometimes consult victims in the compilation of legal reports (PI=2; GI=1), others never make use of **victims as a source of information** (GI=1).

"... you write a PSR and you don't even know the victim".

Some respondents are involved in the recently established **Victim Empowerment Programme** (PI=2; GI=3). Although the Programme was still in its implementation phase, social workers are to provide victim **support and counselling** services (PI=2; GI=2), services toward the **families** of victims (PI=1) and **mediation in child abuse cases** (PI=1). It, however, seems as if social workers need training on providing these services. During one group interview it was indicated that one of the duties of social workers in the Programme would be to identify gaps in the provision of victim support services. When asked whether they viewed their knowledge and skills to be sufficient in this regard, one respondent replied:

"Maybe not, now that you say it" (GI).

One respondent stated that **protocols and guidelines** on how to provide services for victims of crime are needed (PI=1) and another indicated that **few social workers have the skills** to work with victims of crime (PI=1). One respondent confirmed this by stating that, although he/she has to provide support to the victims of child abuse, he/she is not skilled therein (PI=1).

"... you will do it just because you are a social worker, though you will not be very skilled".

It was noted that **training** on how to work with victims and offenders (i.e. **mediation**) is especially needed by social workers operating in rural areas, since they do not have access to NICRO's services (PI=1).

"If you know what diversion entails and that restorative justice involves the victim ... and you have a probation officer there who can co-ordinate a family group conference ... this will mean that less cases will go through the formal justice system - this would be the ideal".

The need for **specialised training** on the victim of crime was identified (PI=2).

"If you render a service, you focus on the person, the client. You forget about other factors that contributed to him being a victim".

"I would like to specialise [in victim support]. I'm tired of this little bit of knowledge of this and that. It is dangerous to have little knowledge. I've reached the stage where I would like to specialise ... to be excellent in one field, to have absolute expert knowledge in one field".

More specifically, training should consist of the following: how to **support and work with victims** (PI=9; GI=5), how to **identify** (PI=2; GI=2) and **address different needs** experienced by victims (PI=1; GI=1), **referral services** available to victims (PI=1; GI=2), the victim as a **source of information** (PI=1; GI=1), **mediation** (PI=2; GI=1), **victims' rights** (PI=1) and **victim empowerment** (PI=1).

It was also indicated that training on victim related issues should be provided at **pre-graduate level** (PI=1; GI=4). One group of respondents noted that, at the time of their formal training, the current emphasis on the victim of crime did not exist. This group also indicated that they received **in-service training** on victim support.

4.8 Probation work and crime prevention

Some respondents indicated that their participation in crime prevention consists of **information sessions at schools** (PI=1; GI=1) and **awareness campaigns** (PI=2; GI=2). It was indicated that social workers should work **hand-in-hand with crime prevention agencies** since the two professions are related (PI=2).

"Social workers should provide life skills training to young people at risk, inform them about the consequences of having a criminal record ... now they say that it is the role of the police, but children don't listen to the police, because they have a negative image in the community ... social workers, together with the police or volunteers should work at schools ... the age of sixteen is too late to start informing a child, you need to start earlier. But no one currently wants to do it because it is not 'high profile' ... the Department's social development service is supposed to undertake these services ... but actually the work is not done. This is terrible".

While some respondents noted that the **social work profession features insufficiently** in crime prevention (PI=3; GI=2), one respondent stated that probation officers have a definite role to play in crime prevention (PI=1).

"We are supposed to [participate in crime prevention] ... I know that there is a need for us to participate" (G1).

"We are supposed to [participate] - whether we like it or not" (G1).

Although it was indicated that social workers are **supposed to be involved** in community policing (G1=4) a lack of **resources** prevents active involvement (PI=1; G1=2). Some respondents noted that it is especially difficult to attend **CPF meetings in rural areas** (i.e. towns in their service areas) (G1=1). One group of respondents noted that they used to attend CPF meetings, but that nothing of meaning came from it (G1=1). It was indicated that, in some regions in the Free State, initiatives for **social crime prevention** are currently being established in collaboration with CPFs (PI=1; G1=1). Although one respondent was uncertain as to social workers' role therein (PI=1), others indicated that they do have an important role to play (G1=1):

"... social workers are the most knowledgeable people ... when we attend the meetings, we are informed about the Criminal Procedure Act, the Child Care Act ... it is something that is intertwined with our work ... most of the things are relevant to us".

Additionally, it was reported that social workers' theoretical knowledge, practical experience and knowledge about the communities they serve should be applied in crime prevention (PI=4). **Poor working relationships** with safety and security agencies, however, hamper effective participation in crime prevention (PI=3; G1=1). One respondent hopes that a better working relationship will prevail once a 24 hour victim support centre was established in her service area (PI=1).

Furthermore it was noted that **fragmentation and poor co-ordination of services** hamper the flow of crime related information between different departments and agencies (PI=3; G1=1). This causes available (social work) information and knowledge not to be applied in the fight against crime (PI=3; G1=4). Some respondents felt that this information and knowledge should at least be passed on to crime prevention agencies (PI=2). Moreover, it was noted that **few social workers keep statistics** (PI=1). This could be attributed to time constraints and the fact that, as one respondent indicated,

"We are lazy" (PI).

One respondent noted that she will need training on crime prevention if she is to become more involved therein (PI=1) and others noted that **in-service training** and inter-department collaboration is required for active participation in crime prevention.

4.9 The need for specialised probation officers and training

The **greater part of respondents identified the need for probation officers specialising in the management of young offenders** in their service areas (PI=8; GI=5).

"We need a person who will specialise in that, because if you only concentrate on that, it becomes more efficient and your service delivery will improve" (GI).

One respondent emphasised the need for specialised training and a specialised occupation by stating that persons responsible for the management of young offenders not only advise the court on appropriate action to be taken with regards to the young offender, but also that they determine, to a large extent, the **future of these young people** (PI=1). It was also noted that this specialisation should still provide for other services to be rendered (i.e. to the families of young offenders) (PI=1).

While one respondent felt that her in-service training did not equip her well enough to work with young offenders (PI=1), it was also indicated that the **comprehensive approach** does not sufficiently meet the needs of young offenders (PI=3; GI=2).

"Most of the time when you come across a pre-sentence request you don't do it lengthy. You just do it so that it is done ... aftercare services become a problem ... we have reached a stage where we don't recommend things like suspended sentence, things that will want us to have a relationship with the child because there is so much work to do. To introduce specialisation will do justice to the people we serve" (PI=1).

It was also noted that, although **auxiliary social workers** and probation officers can provide services such as treatment programmes to young offenders, a specialised probation officer would be needed to handle the **legal matters** of cases going through the formal legal process (PI=2). Additionally, efficient and effective service delivery with regards to young offenders demands specialised training (PI=7; GI=4) since the service provider is to build up a **relationship** with the young person (PI=1) and should be well equipped to ensure **proper treatment/intervention/aftercare** (GI=4).

"You need special training in order to intervene, to make progress treatment for them" (G1).

"For probation services you need more skills. Social workers lack the skills to do probation work" (G1).

"... specialist training is definitely needed ... they can't just throw you in the deep side since then you will cause more damage to the child" (G1).

Some respondents noted that probation work implies specialisation and social work students should have this option available during their **pre-graduate studies** (PI=3; GI=1).

"Specific training is needed. On the one hand you need social work training and on the other training on legal issues" (PI).

4.10 Type of qualification needed for specialised probation work

Some respondents indicated that a professional qualification provided by universities (i.e. a **degree**) would be needed for effective young offender management (PI=3; GI=1), but, as already indicated, it was strongly stated that **more practical training** should prevail (PI=1; GI=1).

"... we cannot anymore have people who start working with this tunnel vision ... students need practical training" (PI).

While still emphasising the need for more practical training, others felt that, in view of their initial training, a **degree would not be needed** (PI=3).

"I think that we should move away from degrees. It is not to say that by holding a degree better services would be provided. Practical courses are of greater value than theoretical knowledge".

One respondent felt that, although anyone devoted to youth work can, through in-service training, provide young offenders with the services they need, training on **legal aspects** related to youth justice would be needed (PI=1). It was stated that this can be provided by the Justice College.

4.11 Criminology's role in specialised probation training

Some respondents noted that **Criminology did not meaningfully contribute** to their training and that it should be **made more relevant** to the work they as social workers and probation officers do (PI=5; GI=1). Additionally, training on legal issues, especially the different acts, was **introductory in nature and therefore insufficient** (PI=2).

"I think that that will be an advantage, because look at the universities: their curriculum is such that we do Criminology first year only. You forget about it. And in this Criminology you do the basics ... the born criminal, how do you see a criminal, that kind of stuff. You don't go into the acts themselves. You don't go into the sentences themselves. And you don't go into the various categories ... what sentences are applicable to which ages. It is best if you can, from the word "Go", know what you are going to be dealing with ... most of the things you come across in practice make it difficult for a beginning social worker" (PI).

"I took Criminology and was told about the Criminal Procedure Act, but you don't know the content of the Act" (PI).

"Maybe Criminology could be made more relevant. It was not really relevant to what we as social workers have to know ... it is general, it is not specific ... the way of working with young offenders. Especially on intervention, our intervention regarding the law, when social workers need to intervene" (GI).

Some respondents felt that Criminology should be **imperative for probation training** (PI=1; GI=1). One respondent who took Criminology during her formal training and today deals with most young offender cases in that specific region stated:

"I would say that Criminology should be compulsory during training" (GI).

One of this respondent's colleagues who received in-service training on youth justice replied:

"I can feel the gap of not having taken Criminology. Sociology now means nothing to me ... Criminology would have meant more to me ... we did not have it as a subject" (GI).

Another respondent who also had Criminology during her formal training stated:

“Criminology falls in the scope of our work with young offenders ... Criminology should provide training on things like rights and interdicts ... it should bring the legal aspects of crime home to social work, to provide a bit more ‘umf’ (PI).

4.12 Amalgamation of empirical-based training needs

As discussed in **Part 3: Methodology**, a process of re-categorisation reduced and structured all gathered information into a table depicting the training needs respondents identified regarding the management of young offenders. Toward this end the categories made during the literature overview and the subsequent structuring of the research instrument were employed to a large extent. The sub-headings of legal matters, court work, report writing, reception and secure care, assessment, treatment and intervention, working with youths and working with victims are therefore utilised. The frequency of identified training is also presented in terms of personal and group interviews.

Table 6: Amalgamation of empirical-based training needs.

Training with regard to:	Specific training need:	PI	GI
Legal matters	Criminal law/sentencing options	10	4
	Criminal Procedure Act	5	5
	"Legal knowledge"	4	4
	Child Care Act	3	1
	Probation Services Act	1	2
	Welfare laws	1	1
	Family law	1	-
	Law of Evidence	1	-
	Correctional supervision	-	1
	Organisation of the Justice System	1	-
Court work	Court proceedings	8	4
	Legal terminology	2	4
	The Children's/Juvenile Court	1	-
Report writing	Report writing	5	4
	Contents of legal reports	1	3
	Sources of information	2	1
Reception and secure care	Youth rights	1	5
	Reception procedures	2	-
	Establishment of secure care	1	-
Assessment	Family dynamics	7	3
	Community dynamics	7	-
	Youth development	6	3
	Juvenile delinquency	6	2
	Crime causation	7	2
	Crime typologies	1	1
	Prediction of crime	1	-
	Youth sub-cultures	2	-
Treatment and intervention	Treatment of young offenders	5	4
	Establishment and utilisation of resources	5	-
	Diversion and diversion programmes	4	2
	Crime prevention	4	-
	Social work skills	3	2
	Referral services for young offenders	1	1
	Developmental approach	2	1
Working with youths	Communication skills	5	-
	Language proficiency	3	1
	Cultural sensitivity	1	-
Working with victims	Victim support/working with victims	10	5
	Referral services	2	2
	Victim empowerment	2	1
	The victim as a source of information	1	2
	Victim profiles	1	1
	Identification of victims' needs	1	1
	Victims' rights	2	-
Mediation	1	1	

4.13 Comments from the Departments of Criminology and Social Work, UFS

As stated in **Part 3: Methodology**, the views expressed by lecturers from the departments of Criminology and Social Work as to which disciplines could best contribute to specific probation training needs are presented without any interpretation or discussion. A closer analysis of these views prevails in **Part 5: Conclusion**. The following table therefore only depicts what disciplines were considered as central in contributing to the specific training needs of probation officers specialising in the management of young offenders. Toward this end **Table 6: Amalgamation of empirical-based training needs** was employed.

Table 7: Lecturers' views about which disciplines are to contribute to specialised probation training.

Training with regard to:	Specific interest:	Discipline(s) to provide training:
Legal matters	Criminal law/sentencing options	Criminology alone, or in conjunction with Social Work
	Criminal Procedure Act	Criminology alone, or together with legal disciplines
	"Legal knowledge"	Criminology alone, or in conjunction with Social work and legal disciplines
	Child Care Act	Criminology together with Social Work and legal disciplines
	Probation Services Act	Criminology alone, or together with Social Work
	Welfare laws	Criminology with Social Work, or the latter with legal disciplines
	Family law	Criminology with Social Work, or the latter with legal disciplines
	Law of Evidence	Criminology, or Social Work with legal disciplines, or the latter alone
	Correctional supervision	Criminology alone, or with Social Work and legal disciplines
	Organisation of the Justice System	Criminology or legal disciplines
Court work	Court proceedings	Criminology with legal disciplines, or the latter alone
	Legal terminology	Criminology with Social Work and legal disciplines
	The Children's/Juvenile Court	Criminology and Social Work, or Social work and legal disciplines
Report writing	Report writing	Criminology alone or with Social Work or the latter with legal disciplines
	Contents of legal reports	Criminology with Social Work, or Social Work alone
	Sources of information	Criminology alone, or in conjunction with Social Work
Reception and secure care	Youth rights	Criminology with Social Work and legal disciplines
	Reception procedures	Criminology alone or with Social Work
	Establishment of secure care	Criminology alone or with Social Work

Table 7 (continued)

Training with regard to:	Specific interest:	Discipline(s) to provide training:
Assessment	Family dynamics	Criminology, Psychology, Sociology and Social Work
	Community dynamics	Criminology, Social Work and Sociology
	Youth development	Psychology, Social Work and Criminology
	Juvenile delinquency	Criminology
	Crime causation	Criminology
	Crime typologies	Criminology
	Prediction of crime	Criminology
	Youth sub-cultures	Criminology, Sociology and Social Work
Treatment and inter-vention	Treatment of young offenders	Criminology alone, or with Social Work, or the latter alone
	Establishment and utilisation of resources	Criminology with Social Work, or Social Work alone
	Diversion and diversion programmes	Criminology alone, or with Social Work, or the latter alone
	Crime prevention	Criminology alone, or with Social Work
	Social work skills	Criminology with Social Work or the latter alone
	Referral services for young offenders	Criminology alone, or with Social Work, or the latter alone
	Developmental approach	Criminology with Social Work and Psychology
Working with youths	Communication skills	Communications and Social Work
	Language proficiency	African/Indigenous Languages
	Cultural sensitivity	Sociology, Anthropology, Psychology and Social Work
Working with victims	Victim support	Criminology alone, or with Social Work, or the latter alone
	Referral services	Criminology alone, or with Social Work, or the latter alone
	Victim empowerment	Criminology alone, or with Social Work
	The victim as a source of information	Criminology alone, or with Social Work
	Victim profiles	Criminology alone, or with Psychology
	Identification of victims' needs	Criminology alone, or with Social Work and Psychology
	Victims' rights	Criminology
Mediation	Criminology alone, or with Social Work and Psychology	

4.14 Summary

The main findings of the empirical research are embodied in **Table 6: Amalgamation of empirical-based training needs** and **Table 7: Lecturers' views about which disciplines are to contribute to specialised probation training**. These two tables will form the basis for interpretation and discussion in **Part 5: Conclusion**. Since it is not incorporated in the study's aim and objectives, respondents' views and experiences regarding the day-to-day management of young offenders are presented as part of the Appendix.

PART 5: CONCLUSION

5.1 Introduction

Part 5 reports on the conclusions reached to inform the overall aim of the study. Issues and questions raised in other parts of the report will also be emphasised and commented on. More specifically, the role of Criminology in probation and social work training will be reviewed in light of the empirical findings, while the discipline's involvement in crime prevention and victim support will also be discussed. An assessment of the role that Criminology can play in the training of probation officers specialising in the management of young offenders is presented after an amalgamation of the empirical and literature-based training needs. In order to achieve the overall aim of the research, the study field of Criminology, as discussed in **Part 2: Literature review**, is employed.

Where applicable, the frequency of statements is provided to reiterate and/or emphasise remarks made, especially regarding training needs (see **Part 3: Methodology**). This quantification of the qualitative data serves as a guide to indicate the most frequently mentioned and desired training needs that service providers experience when working with young offenders. Additionally, the frequencies support the claims made with regard to the training needs and other matters related to probation work. The reader is reminded that a total of ten personal and five group interviews were conducted for the purposes of data gathering. It should also be kept in mind that wherever the term "social worker" is employed, it inherently refers to probation officers as well since probation services in the Free State are predominantly rendered by social workers (see also **4.2 Background information of respondents**).

Although not a specific objective of the study, it was decided to provide the reader with a summary of the factors, as identified by respondents, that hamper the effective management of young offenders in the Free State. This summary is presented in the **Appendix** (Impediments in the management of young offenders in the Free State).

5.2 Probation work and crime prevention

The findings indicate that **social workers do have a role to play in crime prevention** since the two fields are related (P=1; GI=1). Unfortunately this does not come to pass sufficiently (PI=3; GI=2), as only few social workers are involved in primary crime prevention initiatives such as information sessions at schools (PI=1; GI=1) and awareness campaigns (PI=2;

GI=2). Although **inadequate resources hamper their participation** in initiatives such as community policing (PI=1; GI=2), social workers could use these (primary and secondary) crime prevention initiatives as platforms to distribute information about social dysfunctioning and offending motivations and techniques to agencies that are more apt in addressing this (Gilling, 1995:33-34). In this regard, respondents noted that **their theoretical knowledge, practical experience and knowledge about the communities they serve could prove beneficial in any crime prevention initiative** (PI=4). This furthermore serves as justification for social and probation work's active involvement in the multi-sectoral approach to crime prevention (Howes, 1996:33). The fact that social work could play a vital role in primary (and to some extent secondary) crime prevention through inter-sectoral collaboration is therefore acknowledged (Gilling, 1995:33).

Social workers' willingness and aptness to be involved in and inform lower levels of crime prevention therefore exist, but are impeded by factors such as **poor working relationships with safety and security agencies** (PI=3; GI=1) and **the fragmentation and inadequate co-ordination of services** (PI=3; GI=1). The former is especially detrimental to the flow of crime related information between different departments and agencies, which causes available (social work) information and knowledge not to be applied in the fight against crime (PI=3; GI=4).

Still, tertiary crime prevention, in the form of assisting and treating offenders, remains the core purpose of probation work (Howes, 1996:36). Of great concern, however, is social workers' contribution to this level of crime prevention (i.e. tertiary prevention) since the data suggests that, **once initial assessment and the writing of legal reports were undertaken, no further involvement regarding treatment, intervention and rehabilitation prevailed** (PI=6; GI=5). As already mentioned, probation services in the Free State are predominantly rendered by social workers. When taking into account that probation work thus forms part of their total workload, it is not surprisingly that these **services are, to a large extent, neglected**. As such the principles of restorative justice do not come to pass and it is recommended that more specialised probation occupations be made available in the Free State to ensure effective tertiary crime prevention in the form of treatment, intervention and rehabilitation.

It is therefore concluded that social (and therefore also probation) work in the Free State fails to a large extent to actively participate in and ensure the realisation of crime prevention at all levels. A question that warrants investigation is whether these probation service providers are sufficiently informed about crime prevention. Is their unfamiliarity with this role not so much due to inadequate resources, but rather to insufficient knowledge and training?

5.3 Probation work and the victim of crime

The data suggests that victim support services in the Free State are **neglected, inadequate and urgently needed** (PI=3), and could therefore still be seen as ineffective to a large extent (South African Law Commission, 1997a:23). In this regard few social workers foresee in the needs of crime victims, for example, to act as sources of information to crime victims (PI=2; GI=1). A limited number also consult crime victims in the compilation of legal reports (PI=2; GI=1). The findings furthermore indicate that most **social workers have little to no contact with victims** (PI=5; GI=5) due to **insufficient resources** (GI=2) and a **lack of knowledge and skills** (PI=2). Still, the Probation Services Act (No. 116 of 1991) leaves room for probation officers to become more involved in victim support. However, both the findings (PI=9; GI=5) and the literature (South African Law Commission, 1997a:23) strongly suggest that **victim-centred training** be undertaken to meet this objective. The findings confer that such training should be available during pre-graduate training, and that social work and probation students should be afforded the opportunity to specialise in the management of victims at this level of formal training.

Social workers' (and therefore probation officers') involvement in and contribution toward the realisation of restorative justice, specifically regarding crime victims' active participation in all relevant judicial processes (South African Law Commission, 1997a:22), is furthermore questioned since the findings indicate that inadequate services exist regarding the effective management of young offenders. If inadequate service delivery prevails regarding the treatment and rehabilitation of young offenders, it only follows that **diversion options such as Reparation and the Family Group- and Community Youth Conference, where the crime victim plays a pivotal role, are seldom if ever utilised** (see 2.7.2 Victim support services and restorative justice). Victims are therefore denied the opportunity to not only voice their experiences and concerns directly or indirectly to the offender through mediation and participation in the judicial process, but they also do not benefit from any of the positive outcomes of restorative justice.

The recently established **Victim Empowerment Programme** in the Free State could prove not only beneficial in ensuring appropriate victim support services, but could **also promote the application of relevant social work skills** to provide crime victims with the necessary supportive and informative services. It was indicated that social workers are to provide crime victims with support and counselling services (PI=2; GI=2), as well as services for the families of crime victims (PI=1).

It is therefore concluded that, although victim support services are still inadequate in the Free State, a positive move toward the plight of victims is made through the establishment of the Victim Empowerment Programme that entails the provision of support and counselling services by social workers. Victim-centred training is however required and should figure in both formal and in-service training. The latter is especially applicable to persons currently providing social welfare and probation services.

5.4 A "training" rather than "identity" crisis

The findings suggest that **social work students are inadequately trained for the probation work they do** (PI=5; GI=1). Formal training **includes theories that are seldom if ever used** in practice (PI=3; GI=2) and **focuses insufficiently on practical probation work** (PI=5; GI=4), specifically with regard to court work (PI=4; GI=3). Social workers who were exposed to probation and court work during their formal training are better equipped to deal with (young) offenders and the criminal justice system (GI=2). It was recorded that social work students who undertake their practical training at a specific welfare agency in the Free State are never exposed to probation work (GI=1), although this agency actively provides probation services. In this regard, it is important that agencies approached for the provision of practical training should clearly stipulate what training they can provide. All students should have exposure to probation work and practice if they are recruited to agencies that deliver such services (PI=3; GI=1).

Noteworthy is that **some social workers question their qualifications**, and therefore their ability, to provide the necessary supportive and rehabilitative services for young offenders. Inadequate training causes many young offenders to pass through the justice system without the appointed social worker displaying and applying the required knowledge (PI=1; GI=1).

This questioning of formal probation training also surfaced when respondents commented on the type of qualification that probation officers need to fulfil their task. Some respondents indicated that a **professional qualification provided by universities** would be needed for the effective management of young offenders (PI=3; GI=1), while more emphasis should be placed on practical training (PI=1; GI=1). Others felt that, in view of their initial training, a degree would not be needed (PI=3). It is taken that the latter respondents rely more on their practical in-service training, compared to the formal training that they received. As such, social work and probation students should have **the option of specialising in probation work during their formal training** (PI=3; GI=1).

The empirical findings furthermore indicate **that the need for probation officers specialising in the management of young offenders exists** in the Free State (PI=8; GI=5). A main reason for this was found to be the professional nature of probation work in relation to social work training. A specialised occupation is needed, for example, to advise the court on sentencing options and to design and implement intervention and treatment programmes. Specialised knowledge and skills are required to take responsible action in cases of youth offending, as intervention impacts on their future lives and family. Moreover, the findings indicate that **the need for specialised probation work relates more to issues of skills, competencies and training than to a lack in resources**. In reviewing the data, the reader is constantly drawn to the issues of competencies and resources in the administration of youth justice. To a large extent, the findings reveal social workers to be uncreative in deciding on sentencing options and intervention programmes, and also show them to display a lack of initiative to actively pursue and enforce recent developments and legislature regarding youth justice. As recorded, **"insufficient resources" is frequently used as justification for current inadequate service delivery** for young offenders and crime victims. Still, some respondents acknowledged that a lack of knowledge and skill on their part contribute to inadequate service delivery. Professionalism, and moreover specialisation, based on grounded knowledge and skills will not only ensure a thorough understanding and enforcing of probation officers' powers and duties, but might even influence the working relationships with and practice of fellow justice officials. **Knowledge is power**. Educators in general and social workers in the Free State specifically should take cognisance of this to act as catalysts for the realisation of restorative justice and the effective management of young offenders, crime prevention and providing victims with the necessary supportive services.

As discussed in the literature review, probation work relies on social work skills to effectively advise and assist offenders to become responsible citizens (Nellis, 1992:136). The nature and extent of problems that probation officers help offenders to face implies that they have to be equipped with social work skills to be effective in their work (Ward & Spencer, 1994:98). This serves as justification why, in South Africa, the law states that no person shall undertake probation work without being a registered social worker (Probation Services Act, no. 116 of 1991). Although this report's findings support the Act to some extent (PI=3; GI=2), it is also found that current social work training does not sufficiently equip students to undertake probation work. Given the fact that, at present, probation services in the Free State are predominantly rendered by full-time social workers, it is imperative that these social workers receive additional training to ensure the effective management of young offenders.

It is therefore concluded that, as statutory supported, **probation training is to remain within the domain of social work training**. This is mainly due to the relatedness and shared ethical

approach of probation and social work practice. Probation work in the Free State is not characterised by an identity crisis, but rather a crisis in training. Students should be trained in **theories applicable to local probation demands** and, equally important, be subjected to **appropriate practical training** such as court work and the compilation and presentation of legal reports. Training should embrace the latest developments in the dispensation of justice and should centre around the practical application of restorative justice (i.e. incorporate and focus on the developmental approach and diversion in dealing with youths in conflict with the law). It is also recommended that **best practices for probation training in South Africa be assessed and distributed** to all formal and practical training institutions and agencies.

5.5 Criminology's involvement in formal social work training

The empirical findings suggest that Criminology was not a major subject in social workers' formal training and that it could be made more relevant to social work, and more specifically, probation practice (PI=5; GI=1). Of concern is that the criminological training that social workers and probation officers need, such as knowledge about the etiology of crime, was mostly introductory in nature and to a large extent neglected¹⁰ (PI=2).

One therefore has to conclude that, in the words of Blyth and Hugman (Nellis, 1992:149):

"... Criminology feature insufficiently for the probation student".

Their comment is thus applicable to South Africa, since social workers currently providing probation services in the Free State come from a variety of tertiary training institutions (see **Table 4: Universities/colleges where qualifications were obtained** - most of these do not provide Criminology as a subject). Still, **some of those respondents who studied Criminology during their formal training considered it to form an essential part of social work and probation training** (PI=1; GI=1). It was noted that Criminology should be the primary training agent on matters such as youth rights and the acts relevant to probation work. As one respondent reported:

"...it should bring the legal aspects of crime home to social work".

It is therefore concluded that, although Criminology has a definite role to play in social work and probation training, **it should focus more on these professions' practical and legal**

¹⁰ Presumably it is not obligatory for social work students to enrol for courses that various Departments of Criminology provide. Additionally, not all tertiary training institutions have the option of Criminology as a subject available.

needs to equip students with the skills and knowledge to effectively deal with youths in conflict with the law.

5.6 Amalgamation of empirical and literature-based training needs

The following discussion marries the training needs that were deduced from the literature review with those that surfaced from the empirical part of the study. Toward this end **Table 6: Amalgamation of empirical-based training needs and 2.8 Literature-based training needs** are utilised. Training needs that were identified by a limited number of respondents were, where applicable, considered as isolated/individual in nature; these comments were not ignored but seen as "inferior" to those training needs that prevailed during the literature review in addition to those most frequently mentioned by other respondents. It is interesting that the most frequently identified training needs correspond largely to those that surfaced from the literature review.

- **Legal knowledge**

Both the literature review and the empirical part of the study suggest that officials responsible for the management of young offenders require training in **sentencing options** (PI=10; GI=4) and **legal procedures (i.e. the Criminal Procedure Act)** (PI=5; GI=5), as well as the **organisation and functioning of the justice system**. The inclusion of legislature such as the Child Care Act, the Probation Services Act and welfare laws could also prove beneficial to the training of service providers.

- **Court work**

The empirical findings and the literature review indicate that persons actively involved in the management of young offenders require training in **proceedings and arrangements related to court work** (PI=8; GI=4). A number of respondents also regarded knowledge about **legal terminology** (PI=2; GI=4) to be essential. On the practical side, it is anticipated that officials should be able to prepare youths for court appearance, as well as ensure that they and their parents actively participate in court proceedings.

- **Report writing**

Both the literature review and the empirical findings emphasise training in the **compilation of legal reports** (PI=5; GI=4). Of concern are **sources of information** (PI=2; GI=1) and the **contents** (PI=1; GI=3) of legal reports.

- **Registers**

The literature suggests that persons actively involved in the management of young offenders should be able to complete all registers relevant to cases of young offending. Furthermore, the empirical findings suggest that this could be acquired through in-service and practical training (PI=3).

- **Reception**

The empirical findings, together with the literature review, revealed that officials dealing with youths in conflict with the law need training in **youth rights** (PI=1; GI=5), **reception procedures** (PI=2) and **guidelines for detention and other forms of secure care** (PI=1).

- **Assessment**

Both the empirical findings and the literature review suggest training in a variety of developmental matters. These included the **(dis)functioning of the family and community** (PI=7; GI=3), **youth development** (PI=6; GI=3), **juvenile delinquency** (PI=6; GI=2), **crime causation** (PI=7; GI=2), **crime typologies** (PI=1; GI=1), the **prediction of crime** (PI=1) and **youth subcultures** (PI=2). Additionally, the literature suggests training in the **diagnostic process of assessment**.

- **Treatment and intervention**

Training in **treatment and intervention strategies** (PI=5; GI=4), especially **diversion procedures and programmes** (PI=4; GI=2), was identified as crucial for proper service delivery. This entails being skilled in implementing strategies, as well as **utilising resources** (PI=5) such as the family and larger community for intervention purposes. **Social work skills** (PI=3; GI=2) will prove essential throughout this process. Knowledge about **crime prevention** (PI=4) and **referral services** (PI=1; GI=1) available to youths in conflict with the law will also be an advantage.

- **Informing/working with youths**

The literature and the empirical findings suggest that the ability to **meaningfully communicate** (PI=5) with youths, **language proficiency** (PI=3; GI=1) and **cultural awareness and sensitivity** (PI=1) be included in the training of officers responsible for the management of young offenders.

- **Aftercare**

Although little information about aftercare surfaced from the empirical part of the study, the literature suggests a need for training in providing youths and their families with **transitional support and assistance**. This includes knowledge about **programmes aimed at facilitating a youth's reintegration** into society.

- **Programme evaluation**

The literature notes that **programme evaluation** be undertaken once an intervention has been completed. Toward this end, training on how to **implement evaluation procedures** for individual and group intervention is needed (GI=1).

- **Working with victims**

Both the literature and the empirical findings suggest that, in order to work with victims of crime, the following should be included in training: the **rights of victims** (PI=2); **victim empowerment and support** including programmes aimed at this (PI=10; GI=5); and **referral services** (PI=2; GI=2). Additionally, some respondents noted that training regarding **victim profiles** (PI=1; GI=1) and the **identification of their needs** (PI=1; GI=1) is needed for proper support and service delivery.

- **Crime prevention**

Although the empirical findings only mention crime prevention, the literature stipulates the prevention of crime as a training imperative in a broader sense: **primary, secondary and tertiary crime prevention; situational and social crime prevention; how to utilise resources** in preventing crime; and **inter-sectoral collaboration** toward crime prevention. It seems that respondents included the practical application of this theoretical knowledge by commenting on issues such as "treatment" and "diversion programmes" as ways of dealing with young offenders. Still, a theoretical background will prove imperative for the desired crime prevention outcomes to realise.

Important is to note that, to some extent, it is not always possible to isolate the knowledge that specialised probation officers require and to translate this in terms of individual training needs. For example, an understanding of the developmental approach and legal issues form part of the total body of knowledge that probation officers need to display throughout the

process of working with youths in conflict with the law. Training needs therefore overlap in practice, but were not indicated as such in this discussion.

5.7 Criminology's role in specialised probation training

The role of Criminology in the training of probation officers specialising in the management of young offenders in the Free State is stipulated and described in the following discussion. As previously mentioned, this is done through analysis of the data gathered from lecturers from the Departments of Criminology and Social Work (UFS) (see **Table 7: Lecturers' views about which disciplines are to contribute to specialised probation training**), as well as an appraisal of Criminology's fields of interest (see **2.13 The study field of Criminology**). Wherever Criminology was indicated as instrumental in providing training regarding specific (literature and empirical-based) probation training needs, the discipline's role was further explored by indicating exactly which field of study would be appropriate for the provision of such training.

It is important to keep in mind that the different study fields of Criminology do not exist in isolation, but they feed from and build upon each other's knowledge. As such, more than one study field could provide in a specific training need (i.e. Crime causation and the Offender as areas of study could both inform the treatment and rehabilitation of young offenders). This also concurs with the interactive nature of Criminology's areas of interest (see **2.13 The study field of Criminology**). The discipline's fields of study could play a pivotal role in the training of probation officers working with youths in conflict with the law in the following ways:

- **The crime concept¹¹**

It is taken that this field of study will prove essential in the provision of training regarding **crime typologies**. It would also aid in the understanding of legal matters related to probation work.

- **The Offender**

This field of study, which aims to understand the criminal in terms of his/her biophysical, psychological and social functioning, will play a central role in ensuring knowledge about the following:

¹¹ The reader should keep in mind that all study areas of Criminology revolve around and inform this field of interest (Cloete, 1990:26-27).

- **The prediction of future (criminal) behaviour.**
- The offender as a **source of information** for the compilation of legal reports.
- **Youth development/the developmental approach** and how it relates to offending (especially for the diagnostic process of assessment).
- The youth offender and his/her **social environment** (i.e. the influence and the contribution of the family, community, peer groups and subcultures on criminal behaviour).
- **Treatment and intervention programmes** (especially those that involve diversion) aimed at individual offenders, as well as their aftercare and rehabilitation needs.
- **Referral services** available for young offenders.

It is also taken that Youth offending as a field of specialisation within Criminology could make meaningful contributions with regard to training in the above mentioned imperatives. The Offender as a study field of Criminology is therefore essential in establishing a knowledge base from which the probation officer could work with and assess the young offender. Social work disciplines could also play a role in the training on treatment and intervention strategies, while Psychology will prove beneficial in training related to youth development and the developmental approach.

- **Crime causation**

Crime causation, which focuses on the factors that give rise to crime and how these factors could be managed, will prove essential in ensuring knowledge about the following:

- **Youth development**, as well as **family, community and sub-culture dynamics and dysfunctioning** for the purposes of assessment.
- The **treatment of young offenders**, since any intervention strategy needs to take into account the causes of individual and group criminal behaviour to be effective. Knowledge of crime causation will therefore contribute toward a better understanding of diversion and sentencing needs.
- **The prediction of future (criminal) behaviour.**
- **Persons/agencies that can provide information** for the compilation of legal reports.

Knowledge of crime causation, in its broadest sense, will therefore aid in obtaining a better understanding about crime motivations, and will furthermore assist the probation officer to

make appropriate recommendations regarding steps/sanctions to be taken against the young offender.

- **Crime prevention**

Crime prevention as a study field (i.e. the development and implementation of models and strategies aimed at preventing crime) will prove essential in ensuring the following:

- An understanding of the various **levels of crime prevention**, as well as the philosophy and approaches that are followed at various levels; here, probation work as a form of tertiary crime prevention will play a pivotal role.
- The **treatment of young offenders** (i.e. the content, implementation and practicalities of diversion and other treatment programmes as methods of crime prevention).
- The role of the probation officer in **inter-sectoral crime prevention**, as well as methods (i.e. community policing) of collaborative crime prevention.
- How to **utilise resources** in the fight against crime.

In general, the probation student should be equipped with an understanding of where and how probation work combines with other initiatives and professions in combating crime. Specifically, probation students should display adequate knowledge about the strategies that are aimed at tertiary crime prevention. The most important among these are the suitability, practical implementation and management of different diversion programmes.

- **The administration of justice**

Knowledge of the administration of justice, which deals with practical elements of the justice process such as court proceedings, sentencing, treatment and rehabilitation, will prove beneficial in ensuring adequate knowledge and skill in the following:

- **Criminal law/sentencing options** (i.e. what different options exist, what they imply, the pre-requisites for institutionalisation, criteria for diversion, how to decide on appropriate sanctions and how these will impact on individual offenders as intervention arrangements).
- **Legal procedures**, toward which an in-depth understanding of the **Criminal Procedure Act** is imperative.

- Knowledge about the **Probation Services Act**, as well as knowledge about probation-related laws such as the **Child Care Act**, various **welfare laws**, **correctional supervision** and **family law**.
- The **organisation and operation of the justice system**.
- The **functioning of the Children's/Juvenile Court**.
- **Practical arrangements and proceedings of the court**.
- The **compilation and presentation of legal reports**, especially that of the **PSR**.
- **Youth rights**.
- **Reception procedures** and the establishment of **secure care**.
- The philosophy and realisation of **restorative justice, treatment and rehabilitation**.
- The **legal terminology** used during the administration of a minor's case.

Training in the administration of justice, and in the specialisation of Penology specifically, could meaningfully contribute to equip probation students with the legal knowledge and practical skills required to effectively work with youths in conflict with the law. Regarding training in legislation, Criminology and Penology as training agents should focus on the probation components of relevant laws and acts. It should accentuate those parts of legislation that are applicable to youth probation work. Training in these legal matters thus needs to be provided from a social work/probation point of view. The same applies to training in the legal terminology used during the dispensation of a minor's case. It is envisaged that legal disciplines could assist in this process.

- **Theoretical explanation of crime**

The findings indicate this field of study, which entails the processes, theories and models used by criminologists to explain the crime phenomenon, to play a lesser role in specialised probation training. Still, it is anticipated that its inclusion will prove valuable to ensure an understanding of crime and its causes.

- **The victim of crime**

The victim of crime as criminological field of study, together with its specialisation within Criminology, will play a central role in ensuring knowledge and skills about the following:

- **Victim support and empowerment**.
- **Referral services** available for victims of crime.
- **Victim profiles**.

- **Victims' rights.**
- The victim as a **source of information** in the compilation of legal reports.
- The crime victim and **restorative justice** (i.e. their importance and participation in the justice process and relevant diversion/mediation programmes).

Knowledge and skills in the above will ensure that the probation student is able to support and assist victims of crime through relevant judicial processes, as well as to empower them through participation in restorative justice initiatives (e.g. diversion and mediation programmes).

When considering the initial categorisation of probation training needs, the following table (Table 8) provides a summary of how Criminology's areas of interest could contribute to specialised probation training.

Table 8: Overarching probation training needs and Criminology's fields of study.

Study field	Overarching training need
The offender	<ul style="list-style-type: none"> ▪ Assessment ▪ Treatment and intervention ▪ Report writing
Crime prevention	<ul style="list-style-type: none"> ▪ Treatment and intervention
Crime causation	<ul style="list-style-type: none"> ▪ Assessment ▪ Treatment and intervention ▪ Report writing
The administration of justice	<ul style="list-style-type: none"> ▪ Legal matters ▪ Court work ▪ Report writing ▪ Reception and secure care
The victim	<ul style="list-style-type: none"> ▪ Working with victims

It is therefore clear that Criminology, as both a scientific and academic discipline, has a primary role to play in the training of probation officers specialising in the management of young offenders. Both its theoretical and applied sides are relevant to specialised probation training (Louw, Van Heerden & Smith, 1978:xiii). The former will focus more on crime causation, legal matters and legislation related to probation work, while the latter addresses the practicalities of court work, report writing, reception, treatment and intervention. Both sides interact and complement each other throughout the process of dealing with youths in conflict with the law and should therefore not be seen in isolation.

The research therefore largely corresponds to the findings of Ladikos and Stevens (1993:75-103) and the main findings regarding Criminology's role in the training of probation officers specialising in the management of young offenders in the Free State indicate the discipline to:

- Meaningfully inform the rehabilitation and treatment of young offenders.
- Provide useful information for deciding on appropriate sentencing.
- Aid in the prediction of future criminal behaviour.
- Assist in the compilation of legal reports.
- Inform the pre-sentence evaluation and assessment of young offenders.
- Prescribe ways toward victim support and empowerment.
- Instruct crime prevention.
- Inform court practices, arrangements and proceedings.
- Educate victim and youth rights.
- Ensure the practical application of restorative justice.

5.8 Summary

This dissertation sets out to determine the role that Criminology could play in the training of probation officers specialising in the management of young offenders in the Free State. Toward this aim, it was found that the discipline has a definite role to play in specialised probation training. More specifically the study fields of Crime causation, the Victim, the Offender, Crime prevention and the Administration of justice will be instrumental in ensuring the effective management of youths in conflict with the law. The research also shows that inadequate training combined with the absence of probation-specific occupations in the Free State is detrimental not only to the management of young offenders, but also impacts negatively on the provision of victim support services and crime prevention. Persons currently responsible for the management of both young offenders and crime victims require additional training to secure proper service delivery.

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Synopsis

During the past few years major progress has been made in legislation, criminal policy and the administration of justice. The transformation of the criminal justice system extended itself to the humane treatment of youths in conflict with the law. By applying the principles of restorative justice, various initiatives and alternatives to imprisonment, such as diversion programmes, have been designed and implemented to deal more effectively with South Africa's young offenders. As such, personnel and officials responsible for the provision of welfare and rehabilitative services (i.e. social workers, probation officers, magistrates, and police and other justice officials) had to re-align themselves in ensuring and securing the variety of services required for the proper and efficient management of youths in conflict with the law. In this regard, the competencies and training of officials responsible for services came under the spotlight.

With this in mind, it was decided to undertake research to determine and describe the training that probation officers dealing with youths in conflict with the law require, and specifically what Criminology could contribute thereto. Various international and local authors comment on the role that the discipline has thus far played in probation training, but little research exists as to the scope and nature of such contribution. While pursuing this imperative, probation work's contribution to and involvement in crime prevention and victim support was also explored and investigated.

Toward informing these aims and objectives, a total of 38 service providers (i.e. probation officers and social workers) in the Free State and eight lecturers from the Departments of Criminology and Social Work (University of the Free State) were consulted. The study design opted for was predominantly explorative in nature, as little is currently known about the training needs of probation officers working with young offenders. All respondents were purposively selected. Personal and group interviews were conducted with the aid of a semi-structured interview schedule, while structured self-administered questionnaires were utilised in gathering data from lecturers. A literature review informed and guided the process of instrument development. The different forms of data collection complemented each other and promoted the validity and quality of the data gathered.

The main findings indicate specialised probation training to consist of matters related to the following: court work; report writing; legislature; maintaining registers; reception procedures; assessment and diversion; treatment and intervention; informing and working with youths; aftercare; and programme evaluation. The empirical findings also emphasise that students should acquire sufficient practical experience during formal probation and social work training.

Additionally, students should be trained in theories applicable to local probation demands. Furthermore, it was found that probation officers and social workers have an active role to play in crime prevention, mainly due to the nature of probation work, as well as to their theoretical knowledge, practical experience and knowledge about the communities they serve. The findings also indicate that, although victim support services are still inadequate in the Free State, a positive move toward the plight of victims is made since social workers are required to provide victims with support and counselling services. In this regard, victim-centred training is urgently needed.

Overall, the research indicates Criminology to play a primary role in the training of probation officers specialising in the management of young offenders. Both its theoretical and applied sides are relevant to such specialised training. More specifically, the study fields of Crime causation, the Victim of crime, the Offender, Crime prevention and the Administration of justice will be instrumental in ensuring the effective management of youths in conflict with the law.

Opsomming

Die afgelope paar jaar is deur drastiese vooruitgang op die gebied van wetgewing, misdaadbeleid en strafregspeling gekenmerk. Die transformasie van die regsisteem het ook die menslike behandeling van jeugoortreders meegebring. Deur die toepassing van versterkende reg is verskeie inisiatiewe en alternatiewe tot gevangenstraf daargestel om Suid Afrika se jeugoortreders meer effektief te beheer en behandel. Gevolglik was persone verantwoordelik vir die voorsiening van welsyn- en rehabilitasiedienste (bv. maatskaplike werkers, proefbeamptes, polisie- en ander regsbeamptes) genoodsaak om hulself tot hierdie inisiatiewe te rig ten einde die verskeidenheid dienste wat benodig word te verseker. In hierdie verband het die geskiktheid en opleiding van persone gemoeid met die behandeling van jeugoortreders onder die soeklig gekom.

In hierdie verband is besluit om navorsing te onderneem om die opleiding wat proefbeamptes benodig vir die behandeling van jeugoortreders te bepaal en te beskryf. Meer spesifiek is die navorsing op die rol wat Kriminologie in hierdie opleiding kan speel gemik. Verskeie internasionale en plaaslike outeurs het reeds op die onderwerp kommentaar gelewer, maar onvoldoende navorsing bestaan wat hierdie rol genoegsaam toelig. Terwyl hierdie imperatief nagevolg is, is proefdienste se betrokkenheid en bydrae tot misdaadvoorkoming en die ondersteuning van slagoffers ook ondersoek.

Ten einde hierdie doel en mikpunte te bereik is 38 diensverskaffers (proefbeamptes en maatskaplike werkers) in die Vrystaat en agt dosente verbonde aan die Departemente Kriminologie en Maatskaplike Werk (Universiteit van die Vrystaat) geraadpleeg. Die studieontwerp was oorwegend verkennend van aard omrede min bekend is oor die opleidingbehoefte van proefbeamptes wat met jeugoortreders werk. Alle respondente is doelgerig geselekteer. Individuele en groepsonderhoude is met behulp van 'n deels-gestruktureerde onderhoudskedule gevoer, terwyl gestruktureerde self-gedadministreerde vraelyste gebruik is om inligting van dosente te bekom. Die verskillende metodes van data opname het ook tot die geldigheid en kwaliteit van die versamelde inligting bygedra.

Die hoofbevindinge dui daarop dat die opleiding van gespesialiseerde proefbeamptes uit die volgende elemente moet bestaan: hofwerk, verslagskrywing; wetgewing; handhawing van registers; ontvangsprocedure; evaluering van jeugoortreders en wegwending; behandeling en intervensie; hoe om met jeugdige te werk en in te lig; nasorg; en program evaluering. Die empiriese bevindinge beklemtoon verder dat studente voldoende praktiese ondervinding gedurende formele maatskaplike en proefdienste opleiding moet bekom. Boonop moet studente opgelei word in teorieë wat plaaslike proefdiensverwagtinge aanspreek. Verder is bevind dat proefbeamptes en maatskaplike werkers 'n aktiewe rol in die voorkoming van misdaad kan vervul. Hierdie aanname is op die aard van proefdienste, asook op diensverskaffers se teoretiese kennis en praktiese ervaring van die gemeenskappe wat hulle bedien, gebasseer. Die bevindinge dui ook aan dat, alhoewel dienste gemik op die ondersteuning van slagoffers in die Vrystaat steeds onvoldoende is, vordering op hierdie gebied gemaak word sedert daar van maatskaplike werkers verwag word om slagoffers van misdaad met ondersteunings- en beradingsdienste te voorsien. Slagoffer-gesentreerde opleiding word egter dringend benodig.

Die bevindinge dui oorwegend aan dat Kriminologie 'n primêre rol in die opleiding van proefbeamptes wat vir die beheer en behandeling van jeugoortreders verantwoordelik is, het. Beide die dissipline se teoretiese en toegepaste dele is relevant in hierdie opleiding. Dit is veral die studiegebiede van Misdaadveroorsteking, die Slagoffer van misdaad, Misdaadvoorkoming en Strafrechtspleging wat tot die effektiewe beheer en behandeling van jeugoortreders kan bydra.

Key terms

Probation officer

Social worker

Probation training

Criminology

Restorative justice

Assessment

Diversion

Youth development

Victims of crime

Crime prevention

Appendix

- (i) Impediments in the management of young offenders in the Free State
- (ii) Background information sheet
- (iii) Personal and group interview schedule
- (iv) Lecturers' questionnaire

Impediments in the management of young offenders in the Free State

The following discussion provides a description of factors hampering the efficient management of young offenders in the Free State, as identified by respondents. The same ordering is followed as in **parts two and four**. Training needs that surface here have already been taken up under appropriate headings in **parts four and five**. Impediments that were stated too broadly to be categorised under the different phases of dealing with young offenders, will firstly be highlighted:

- Geographical service areas, combined with insufficient personnel resources, do not allow for young offenders to be provided with the required social welfare services (PI=3; GI=1).
- Some service providers are inadequately equipped to provide youths with the appropriate services (PI=2; GI=1) and some youths go through the justice system without the social workers/probation officer displaying and applying the needed knowledge about managing young offenders (PI=1; GI=1).
- Officials tasked with working with young offenders are not subjected to selection criteria (PI=3; GI=1).
- The comprehensive approach promoted by the Department of Social Welfare does not allow for specialised service delivery, i.e. the management of young offenders (PI=2; GI=2).
- The provision of services to young offenders is to a large extent determined by social workers/probation officers working relationship with personnel from other departments (PI=5; GI=3).
- Formal social work training include theories that are seldom if ever used in practice (PI=3; GI=2). Regarding training, universities do not prepare students for the work they will eventually do (PI=5; GI=1) and inadequate practical training prevails (PI=4; GI=3), amongst others, in court work (PI=4; GI=3). Moreover, agencies targeted for practical training do not always provide the needed social work exposure (PI=3; GI=1).
- Social workers/probation officers are not kept informed about changes in policy and legislature pertaining to the management of young offenders.

➤ **Reception**

Respondents noted that practices inconsistent with policy guidelines exist with regard to the detention of youths (PI=4; GI=1). Some arrested youths are detained in prison cells regardless of first or second time offending (PI=3) while others are kept in detention for

extended periods of time (GI=2). One respondent noted that some police officials treat arrested youths harshly (PI=1), while others actually assault youths during arrest (GI=1). Some respondents viewed reception as not being child-friendly (PI=4; GI=1) in addition to police officials requiring training to promote child-friendly services (PI=2). Additionally, some police officials do not consistently notify a social worker/probation officer about the arrest of a minor (PI=4; GI=5). As such some social workers/probation officers only get to know about the arrest of a minor when the court requires a pre-sentence report (PI=2; GI=3). It was also noted that some police officials do not co-operate in trying to locate arrested youths' parents (PI=1; GI=1). Some respondents also saw themselves as insufficiently informed about reception procedures (PI=2).

➤ **Ensuring secure care**

Nearly half of respondents noted that secure care facilities are non-existent in their service areas (PI=5; GI=2). Additionally, in areas where such facilities were available, some were described as inadequate (PI=1; GI=1). The absence of secure care facilities, especially in rural areas, hampers the provision of social services to youths whose parents live elsewhere (PI=3). Overcrowding also prevails as youths in conflict with the law are sometimes unnecessarily placed in secure care facilities (PI=1). Furthermore, not all parents want to take their offending youths back in (PI=3; GI=4) and some communities are reluctant to provide secure care to youths in conflict with the law (PI=2; GI=3).

➤ **Informing arrested youths**

Respondents noted that, in some service areas, arrested youths are never informed about their rights or the procedures following arrest (PI=2; GI=1). Only some magistrates/prosecutors (PI=3; GI=1) and social workers/probation officers always inform arrested youths (PI=2; GI=2). Additionally, arrested youths do not always understand what is being said to them (i.e. they are not informed in a language they fully comprehend) (PI=2; GI=2).

➤ **Assessment**

It was emphasised that assessment is not consistently undertaken due to inadequate resources (PI=2; GI=3). Moreover, some arrested youths are not assessed at all (PI=2). Respondents indicated assessment to be hampered mostly by insufficient time afforded them to undertake the process (PI=3; GI=2). Assessments also do not always encompass the psycho-social development or background of youths in conflict with the law (PI=3; GI=2).

Additionally, the prescribed assessment format does not allow for all relevant information to be presented (PI=1; GI=1) and was also viewed as time consuming (PI=1; GI=2). Uncertainties regarding the content of assessments prevail (GI=1) and clearer guidelines thereon are needed (PI=1; GI=1).

➤ **Diversion**

Some respondents noted that young offenders are seldom if ever diverted away from the criminal justice system (PI=4). Of great concern is that the greater part of respondents stated that no diversion programmes exist in their service areas (PI=8; GI=3). Some stated that this is mainly due to insufficient resources (PI=3; GI=3). Communities are also reluctant to participate in diversion programmes (PI=1; GI=1). Some respondents felt that they need training on the implementation and management of diversion programmes (PI=2; GI=1).

➤ **Court work**

It was noted that novice social workers and probation officers appear unprofessional in court (PI=3), which could be ascribed to inadequate formal training on court work (PI=6; GI=3). Some respondents also mentioned that poor working relationships with justice officials hamper proper court work that involves young offenders (PI=1; GI=1).

➤ **Legal reports**

One respondent noted that, since pre-sentence reports are requested mostly after a youth has been found guilty, insufficient background information is taken into account during the trial (PI=1). Problems are also experienced in obtaining information from government departments for the compilation of legal reports (PI=2; GI=3). Many respondents emphasised that insufficient formal training is provided on the compilation of legal reports (PI=4; GI=4) and others felt that they were not trained on exactly what the court seeks from legal reports (PI=3; GI=2). It was also indicated that some justice officials do not consider all the information legal reports provide on accused youths (PI=1; GI=2).

➤ **Legal knowledge**

The greater part of respondents stated that they received insufficient formal training on legal matters pertaining to young offenders (PI=7; GI=5). In this regard, most respondents felt that training on the various sentencing options applicable to young offenders, as well as the contents thereof, is needed (PI=10; GI=4). As a result of insufficient training, difficulties are

experienced in justifying sentence recommendations in court (PI=2; GI=1).

➤ **Treatment, intervention and aftercare**

Most respondents indicated that, after initial contact with young offender during assessment and/or collecting data for legal reports, no further involvement regarding treatment and aftercare realises (PI=6; GI=5). In some cases, not even the intervention that social workers themselves recommend realise (PI=1; GI=1). This could possibly be ascribed to a lack in resources (PI=5; GI=1). As such, some forms of intervention are only considered if the required resources are available (PI=3; GI=2). Of concern is the view that the absence of appropriate intervention strategies contribute to further offending (PI=1; GI=1). Access to treatment facilities such as schools of industry is also limited (PI=1; GI=1), and schools (PI=2) and communities (PI=1; GI=1) are reluctant to participate in the treatment of young offenders.

➤ **Record keeping and programme evaluation**

Some respondents noted that information kept on individual cases is fragmented and managed by various government departments and agencies (PI=4) and difficulties exist in accessing this information (PI=2; GI=1). Additionally, available sources do not always provide sufficient information for social workers' purposes, i.e. legal reports (PI=2), and computerised statistics are seldom updated (PI=2). The need for a centralised information system on young offenders was thus identified (PI=4; GI=1). Furthermore, programme or treatment evaluation is not always undertaken (PI=1; GI=1). In cases where programme evaluation is communicated to management, it was mentioned that no feedback is ever received (GI=1).

Background information of respondents

Organisation/ department	Occupation/ position held	Highest qualification attained	Year obtained	Obtained from	Additional courses in youth work	Years of experience in proba- tion work	Years of experience in youth work

Personal/group interview schedule

Introduction

1. What problems, in general, do you experience in working with young offenders?
2. Do you have any specific training needs when it comes to working with young offenders?

Services/responsibilities

- 3.1 What skills are needed to provide the following services?
- 3.2 Are they currently provided?
- 3.3 If yes, who provides these services?
- 3.4 What training is needed to provide these services?
 - Reception
 - Secure care
 - Access to legal representation
 - Assessment
 - Diversion
 - Formal legal process
 - Treatment/monitoring
 - Aftercare/programme evaluation
 - Record keeping
- 3.5 Would one person/occupation be able to provide all these services? (If not, which of these?)
- 3.6 Is this region in need of such an occupation/person?

Victim support

- 4.1 Do you think probation officers should be involved in support services to victims?
- 4.2 What training would be needed?
- 4.3 When should this knowledge be acquired?

Crime prevention

- 5.1 Do you think that probation officers should be involved in crime prevention?
- 5.2 How could they be involved?
- 5.3 Would training be needed? (If yes, of what nature?)

Conclusion

6. In summary, what training should be of primary importance to equip people working with young offenders?

17 Oktober, 2000

Geagte Dosent

Ek is tans besig met 'n nagraadse studie getiteld "The role of Criminology in the training of probation officers specialising in the management of young offenders in the Free State" en het u hulp nodig. Aangeheg is 'n vraelys wat die opleidingsbehoefte, soos geïdentifiseer deur proefbeamptes en maatskaplike werkers, vervat. Die inligting moet nou verder verwerk word en die menings van Kriminoloë en Maatskaplike Werkers word daarvoor benodig, aangesien dit blyk dat hierdie dissiplines deurgaans sterk figureer.

Die vraelys dui die geïdentifiseerde opleidingsbehoefte aan (die linkerkolom), gevolg deur drie kolomme vir u om aan te toon watter dissipline aangewese sou wees om spesifieke opleidingsbehoefte te voorsien: Die drie antwoordmoontlikhede om te oorweeg is: Slegs Kriminologie (KRM), Kriminologie (KRM) in samewerking met 'n ander dissipline, of slegs 'n ander dissipline. Noem asseblief ook die dissipline wat u sou voorstel. Voorsiening is ook gemaak vir kommentaar. Hou asb. in gedagte dat hierdie opleidingsbehoefte deur maatskaplike werkers en proefbeamptes geïdentifiseer is.

Vir terugbesorging van die vraelys, kontak my asb. by 4013208 of 0832904224. Die keurdatum vir die voltooiing van vraelyste is 22 Oktober 2000.

U hulp en deelname word hoog op prys gestel.

Vriendelike groete en by voorbaat dank.

Francois Steyn
Na-graadse student

Herma Foster
Studieleier

Opleiding in:	KRM alleen	KRM saam met 'n ander dissipline (spesifiseer asb. lg.)	'n Ander dissipline (spesifiseer asb.)	Opmerkings
Strafreg (dui aan watter daade op misdaad neerkom is en wat straf kan behels)				
Strafprosesreg (reëls wat voorskryf watter prosedure gevolg moet word om oortreders te straf)				
Regskennis (kennis wat proef-beampes genoegsaam in staat sal stel om hul geregtelike pligte uit te voer)				
Kinderwet (aspekte van dié wet gemik op die beskerming en welsyn van kinders/jeugdiges, bv. toesig, die oprigting van instellings vir die opname en behandeling van kinders/jeugdiges)				
Wet op Proefdienste (stipuleer programme gemik op misdaadvermindering en behandeling van oortreders in gemeenskapsverband)				
Alle dele van die wetgewing rakende Welsyn wat betrekking het op jeugoortreders				

Opleiding in:	KRM alleen	KRM saam met 'n ander dissipline (spesifiseer asb. lg.)	'n Ander dissipline (spesifiseer asb.)	Opmerkings
Familiereg (voogdyreg) (reëls ten opsigte van die verhouding tussen 'n kind en sy/haar ouer of voog)				
Bewysreg (voorskrifte oor hoe 'n saak in die hof bewys moet word, asook hoe getuies hanteer moet word)				
Korrektiewe toesig (gemeenskaps-gebaseerde straf ooreenkomstig bepalings van die Strafproseswet)				
Strafproseswet (maak voorsiening vir prosedures en verwante aangeleenthede in strafregtelike verrigtinge)				
Strafregpleging (alle aspekte rakende die organisasie en toepassing van die reg)				
Strafhofverrigtinge (prosedures wat in howe gevolg word tydens die beregtiging van 'n saak)				

Opleiding in:	KRM alleen	KRM saam met 'n ander dissipline (spesifiseer asb. lg.)	'n Ander dissipline (spesifiseer asb.)	Opmerkings
Regsterminologie (terme wat in wette en howe gebruik word waarvan proefbeampes kennis moet dra, bv. latynse terme)				
Die kinderhof (die funksies, jurisdiksie en werking van howe daargestel om na die beskerming en welsyn van kinders om te sien)				
Verslagskrywing (die samestelling en skryf van verslae, bv. oor die gewensdheid van vervolging- en voorvonnisverslag)				
Die inhoud van regsverslae (verwys hier na die vermoë om slegs relevante inligting, soos deur die hof benodig, in verslagvorm weer te gee)				
Bronne van inligting (m.a.w. enige persoon of instansie wat om inligting genader kan word, veral met die oog op regsverslae)				
Regte van jeugdiges (regsverhoudings waarin jeugdiges te staan kom teenoor andere)				

Opleiding in:	KRM alleen	KRM saam met 'n ander dissipline (spesifiseer asb. lg.)	'n Ander dissipline (spesifiseer asb.)	Opmerkings
Ontvangsprosedure (verwys na die prosedure wat gevolg word direk na die arrestasie van 'n jeugdige)				
Veilige aanhouding (reëlings vir en die organisasie van residensiële fasiliteite waar verhoorafwagende jeugdige aangehou word)				
Gesinsdinamika (die wyse waarop die gesin en die individuele lede daarvan funksioneer)				
Gemeenskapsdinamika (die wyse waarop gemeenskappe en die substrukture daarvan funksioneer)				
Jeugontwikkeling (groei/verandering kenmerkend tydens adolessensie)				
Jeugmisdaad (misdaad gepleeg deur jeugdige tussen die ouderdom van sewe en agtien jaar)				

Opleiding in:	KRM alleen	KRM saam met 'n ander dissipline (spesifiseer asb. lg.)	'n Ander dissipline (spesifiseer asb.)	Opmerkings
Misdaadveroorsteking (faktore/ omstandighede wat aanleiding gee/kan gee tot die pleeg van misdaad)				
Misdaadtipes (die kategorisering en klassifisering van misdade volgens aard en kenmerke)				
Jeugsubkultuur (houdings, waardes, verwagtinge en kommunikasie wat deur jeugdige geopenbaar word)				
Voorspelling van misdaad (teorieë/ modelle wat poog om misdaad te voorspel)				
Behandeling van jeugoortreders (programme gemik op die rehabilitasie/ reïntegrasie van jeugoortreders)				
Hulpbronne (die aanwending van bestaande hulpbronne of die daarstel van hulpbronne gemik op die behandeling van jeugoortreders)				

Opleiding in:	KRM alleen	KRM saam met 'n ander dissipline (spesifiseer asb. lg.)	'n Ander dissipline (spesifiseer asb.)	Opmerkings
Wegwending (programme wat daarop gemik is om die formele vervolging van jeugoortreders te voorkom)				
Misdaadvoorkoming (programme/strategieë wat gemik is op die vermindering/voorkoming van misdaad)				
Maatskaplike werk vaardighede (verwys hier na vaardighede aangewend deur maatskaplike werkers in die hantering van jeugoortreders)				
Verwysingsdienste vir jeugoortreders (dienste waarna jeugoortreders verwys kan word vir sorg/behandeling)				
Ontwikkelingsbenadering (model wat fokus op die ontwikkeling van sterkpunte, vaardighede, motivering en ondersteuning van jeugdige en jeugoortreders)				
Kulturele sensitiwiteit (die verstaan van kulturele verskille wat proefbeampes se werk met jeugdige kan beïnvloed)				

Opleiding in:	KRM alleen	KRM saam met 'n ander dissipline (spesifiseer asb. lg.)	'n Ander dissipline (spesifiseer asb.)	Opmerkings
Kommunikasievaardighede (verwys hier na die vermoë van proefbeampes/ maatskaplike werkers om betekenisvol met jeugdiges te kommunikeer)				
Taalvaardighede (kommuniking in jeugdige se huistaal, bv. Sotho)				
Slagofferondersteuning (dienste gemik op die ondersteuning en behandeling van slagoffers)				
Verwysings vir slagoffers (dienste waarna slagoffers vir behandeling/ ondersteuning verwys kan word)				
Slagofferbemaagtiging (programme gemik op die vermindering van die negatiewe effekte wat misdaad vir die individu mag inhou)				
Die slagoffer as bron van inligting (inligting wat van slagoffers bekom kan word vir die skryf van bv. regsverslae)				

Opleiding in:	KRM alleen	KRM saam met 'n ander dissipline (spesifiseer asb. lg.)	'n Ander dissipline (spesifiseer asb.)	Opmerkings
Slagofferprofiel (eienskappe of tipiese gevolge/oorsake van viktimisasie)				
Identifisering van slagofferbehoefte (m.a.w. behoeftes wat slagoffers na viktimisasie openbaar, bv. die behoefte na inligting of trauma ondersteuning)				
Die regte van slagoffers (regsverhoudings waarin slagoffers te staan kom teenoor andere)				
Mediasie (die beregtiging van 'n oortreding waar die klem op die "regmaak" van die oortreding val)				

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