

RESTORATIVE JUSTICE AND CHILDREN IN SOUTH AFRICA

BALI - INDONESIA

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By

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nicro

FOR A SAFE SOUTH AFRICA

OVERVIEW

- NICRO in brief and interesting facts about crime in SA
- The situation of children in South Africa
- The Development of Restorative Justice
- The Implementation of Restorative Justice
- Challenges

 □ Recommendations



NICRO IN BRIEF

- 1910 – NICRO established as Prisoners Friend
- 1911 - First reference to probation in SA – First Offenders Act
- NICRO services encompassed probation (provided social work – welfare services to offenders
- 1930's – Probation becomes state responsibility
- NICRO first NGO to appoint black social workers
- 1980's – community service orders
- 1992 – Introduce and implement Diversion in SA – PMB & Cape Town
- Today – Country Wide



INTERESTING FACTS ABOUT CRIME IN SA

- ❑ Over 161 000 people murdered in South Africa since 2004
- ❑ 47% of all drug related crime in the country occur in the Western Cape
- ❑ 5900 crimes are reported by the SAPS everyday day!
- ❑ Over 43 people murdered on average everyday in South Africa
- ❑ The world average for murder is 7.6 per 100 000 people. Murder in South Africa is 36.5 per 100 000.
- ❑ 2nd Highest crime rate in the world



CHILDREN IN SOUTH AFRICA

- 2010 - 18.6 million children in S.A. – 37% of population
- 14 million children under 14 years – 29.2% of total population
- Child born in S.A. today – life expectancy of 53 years
- 7 million children lives in poorest of poor household which is less than R800 (\$81) per month
- 1.9 million children have lost one or both parents due to AIDS
- Family breakdown – major problem – and when working with delinquent behavior one of the biggest concerns – attachment and belonging

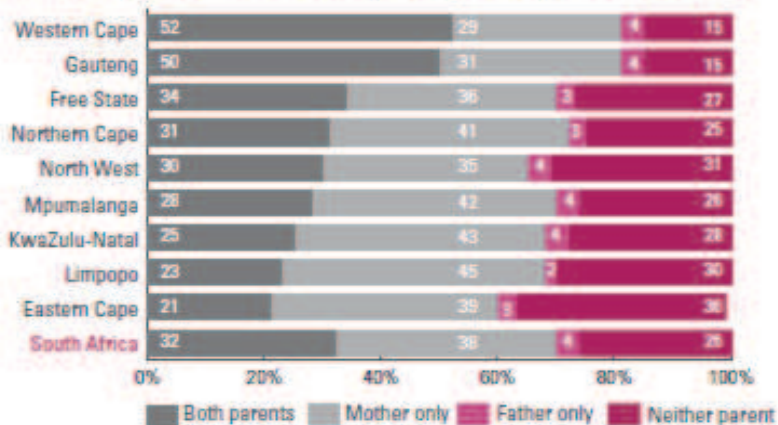


- To find accurate statistics about children and crime in SA is a challenge
- Have to depend on networks and relationships with stakeholders to get information
- Government Departments – inaccessible for stats
- Stats made public once a year – controversial – what we see on the ground not necessarily reflected
- Depend on reports of bodies and organizations such as UNICEF, CSIR (Council for Scientific and Industrial Research), SAHuman Rights Commission etc.



Only 1 in 3 children live with both biological parents

Percentage of children living in the same household with both their biological parents; their mother only; their father only; or neither biological parent by province, 2009



Note: Numbers may not add up to 100 due to rounding.

Source: Statistics South Africa (2010). General Household Survey 2009. Analysis by UNICEF South Africa.

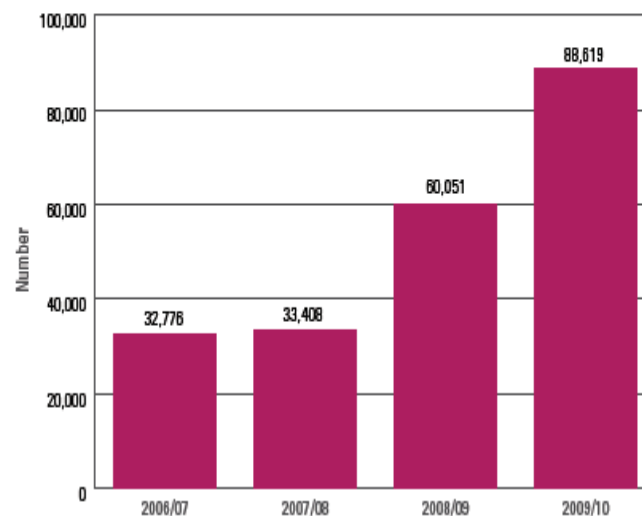
☀ Child abuse and neglect – rife

☀ Family breakdown – NB when considering delinquent behavior - attachment & belonging

Over 88,600 children were declared in need of care by a children's court during 2009/10

These children can be placed in foster care, in a children's home, in a school of industry or back into the parents' or guardians' care, under the supervision of a social worker. Orphaned and abandoned children may also be adopted.

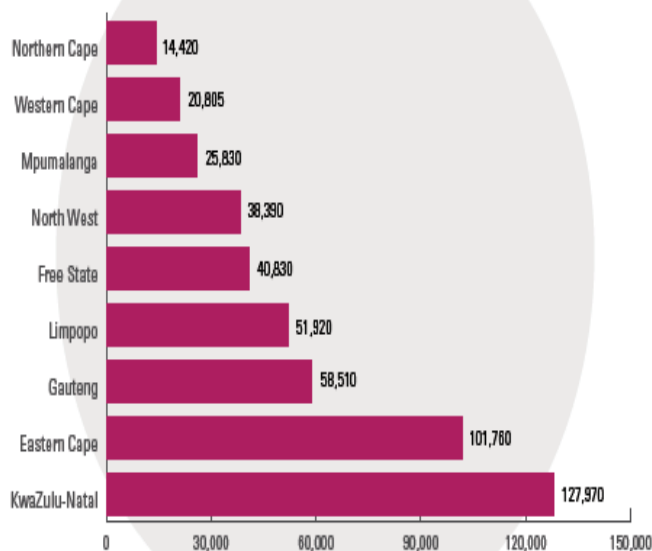
Number of children declared to be in need of care and protection by a children's court, 2006/07–2009/10



Source: Department of Justice and Constitutional Development (2007–2010). Annual Reports 2006/07–2009/10.

Close to 500,000 children live with foster parents and benefit from the Foster Child Grant

Number of Foster Child Grants by province, Jan. 2011



Source: South African Social Security Agency (2011). Statistical Report No. 38 on Social Grants (January 2011).

Rise above the scourge of rape and join the biggest country-wide march in SA

ONCE again we are horrified by the deplorable rape perpetrated on a defenseless young person.

The torture that she (Anene Booysse) underwent through the deliberate and shattering mutilation to her defenseless young body, defies understanding.

This violation of a young girl brings into stark relief a number of sociological issues that reflect a disturbing pattern in SA society: the parenting and support to families living in poverty with no material resources or health care; the stigma attached to mental health conditions especially in townships; the absolute lack of support for mental health conditions in poor communities; law enforcement responses to parents who call for assistance; the socialisation of male adolescents, the lack of any meaningful future for young boys; absent fathers, the list goes on. Many of these factors are present in this case.

Our social fabric is characterised by extreme social deprivation within which the problem of low esteem, hopelessness and helplessness, with nothing of value to live for, no aspiration and no inspiration, can fester. These elements ferment to form a lethal cocktail which is an explosion waiting to happen.

What must society do to combat this? We must rebel against it, we must own the problem of rape. Rapists come from within our society, our communities and our families. They are not aliens.

We must also recognise that rape is deeply entrenched and it will need concerted efforts by all in society, not only law enforcement, to combat it. Gender socialisation is society's primary tool in

changing this state of affairs. This is not the first of such brutal acts, nor the last, and typically the media is leading a cacophony of bloodthirsty voices comprising outrage, revenge, and a range of other knee-jerk reactions.

Have we had enough? As cold-hearted as it may sound, actions such as castration and the death penalty that the media and society are calling for will not prevent similar crime in the future. Neither does the wearing of skimpy clothes mean that women should be violated.

Are we sufficiently outraged that we can be mobilised into action to rise above crime and improve our society? No amount of narrowly focused government action, improvement of our justice system, effective law enforcement or longer jail time will in themselves eradicate the scourge of crime and rape in particular. It requires action from all of us.

South Africa is held up as a shining example of peaceful political transition – we did it then – let's harness the negative energy that this heinous deed has generated into a strong force for change. We challenge each member of society to rise above crime and join us in a sweeping country-wide positive Action for a Safer South Africa! Make Human Rights Day (March 21 2013) a force for change. Join us in the biggest country-wide march SA has seen to rise above the scourge of rape. Demonstrate our absolute vilification of this scourge and a commitment to socialise our young men and our young women to entrenched values that gender equality and respect

CELIA DAWSON, DEPUTY CEO, MICRO

"In South Africa the most common reasons are related to poverty and HIV and AIDS. Mental and emotional disorder as well as mothers who just cannot cope with the responsibilities that come with parenting."

Cry the unborn child: Baby dumping on the rise



Dr. Martin Makoto

After 10 years of public health work, Dr. Martin Makoto has a message for South Africans: "We need to stop blaming the victim and start looking at the root causes of the problem. Baby dumping is a symptom of a much larger problem of poverty and social inequality."

"We are seeing a lot of babies being dumped in the streets, and it's heartbreaking. It's a sign that parents are desperate. We need to provide support to parents, not just financial but also emotional and social support."

Dr. Makoto says that the problem is not just about the babies, but about the families. "We need to create a supportive environment for parents, where they can get the help they need without shame or stigma."



Some children are left alone in the streets, crying for help.



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Some children are left alone in the streets, crying for help.

Just 12 – and forced to sell their bodies on the streets

KARYN MAUGHAN
Staff Reporter

CHILD prostitution is on the rise in the Western Cape with increasing numbers of impoverished families – some as young as 12 – for

Elizabeth Steenberg, area manager for the Abalone health services, said there had been a "steady" increase in reported cases of sexually transmitted diseases and unwanted pregnancies in girls aged between 13 and 18 over the past few years.

She believed that a significant percentage of these cases were related to child prostitution, as they were less likely to demand that their partners use condoms.

Steenberg said medical workers only reported pregnant or STD-carrying minor girls if there was a "clear case of incest" involved.

"We treat the infections, but there is little else we can really do. If the child is under 16, then obviously it is statutory rape, but the mother or a member of the family must report it."

their children, but it is the responsibility of the police to investigate those cases.

While South Africa's rate for the successful conviction of reported rape is between 5% and 7%, the number of successfully prosecuted statutory rape cases against men who used child prostitutes is virtually non-existent.

A former child protection unit policeman said it was "very difficult" for authorities to determine whether sex workers were in fact underage, particularly when they were voluntarily working.

"When they are wearing lots of make-up and sexy clothes, you can't really tell that they're still children. They don't carry ID documents and very often they behave far older than they are."

"If you do manage to get a case to court, the chances are pretty good that the client will turn around



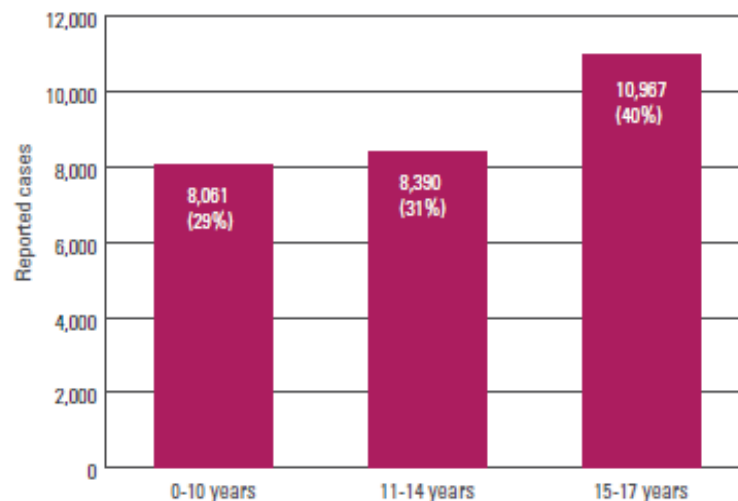
MY LIFE ON THE STREETS
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Sexual offences are often committed against young children

29% of all sexual offences against children involve children aged 0-10 years old

Reported sexual offences against children by age group, 2009/10



Source: South African Police Service (2010). Crime Situation in South Africa.

Gender and domestic violence

Violence against children

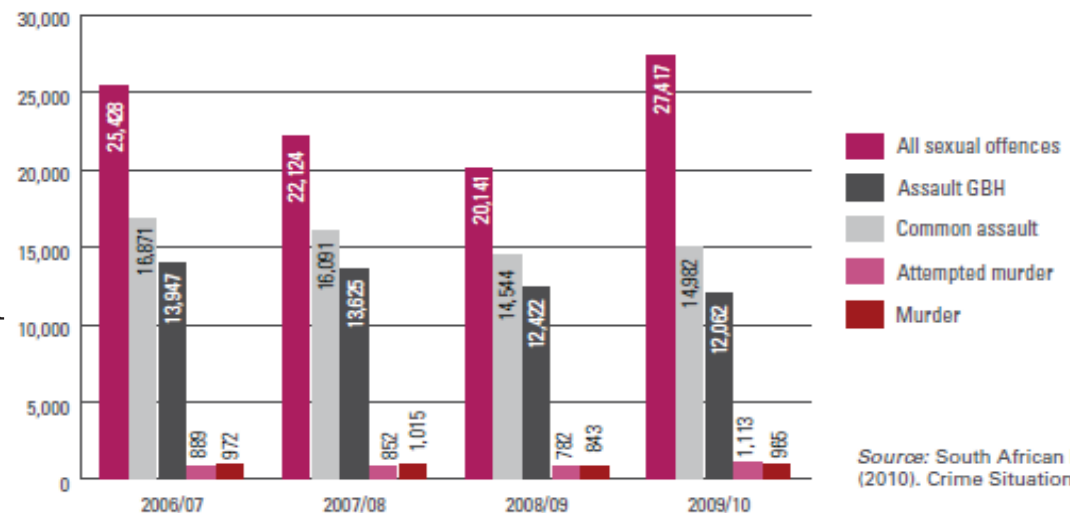
Of the 64 514 sexual offences reported, 40% (25 862) were committed against children <18

Violence against children is pervasive in South Africa

Over 56,500 children were reported to be victims of violent crime in 2009/10, yet many more crimes remain unreported. People closest to them perpetrate the majority of cases of child sexual and physical abuse.

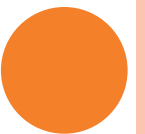
Reported crimes against children by crime category, 2006/07–2009/10

- High rates of teenage pregnancy
- Child Prostitution
- 3 Children a day killed – mostly by people they know



Source: South African Police Service (2010). Crime Situation in South Africa.

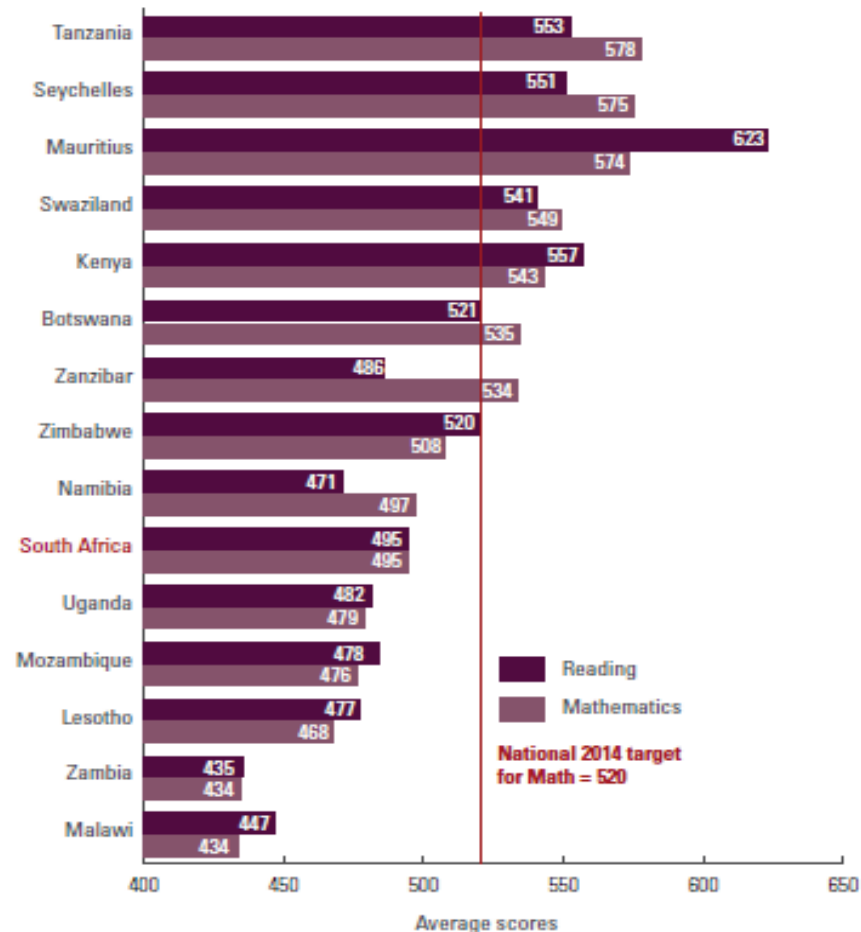
- According to the new crime statistics, of the 64 514 sexual offences reported, 40% (25 862) were committed against children under the age of 18. Over the same period, 800 children were murdered.



- The literacy-rate - 86.4% - 13.6% of S.A. people can't read or write properly
- State of education – problematic

South Africa's Grade 6 learner achievement levels are poor compared to many other countries in the region

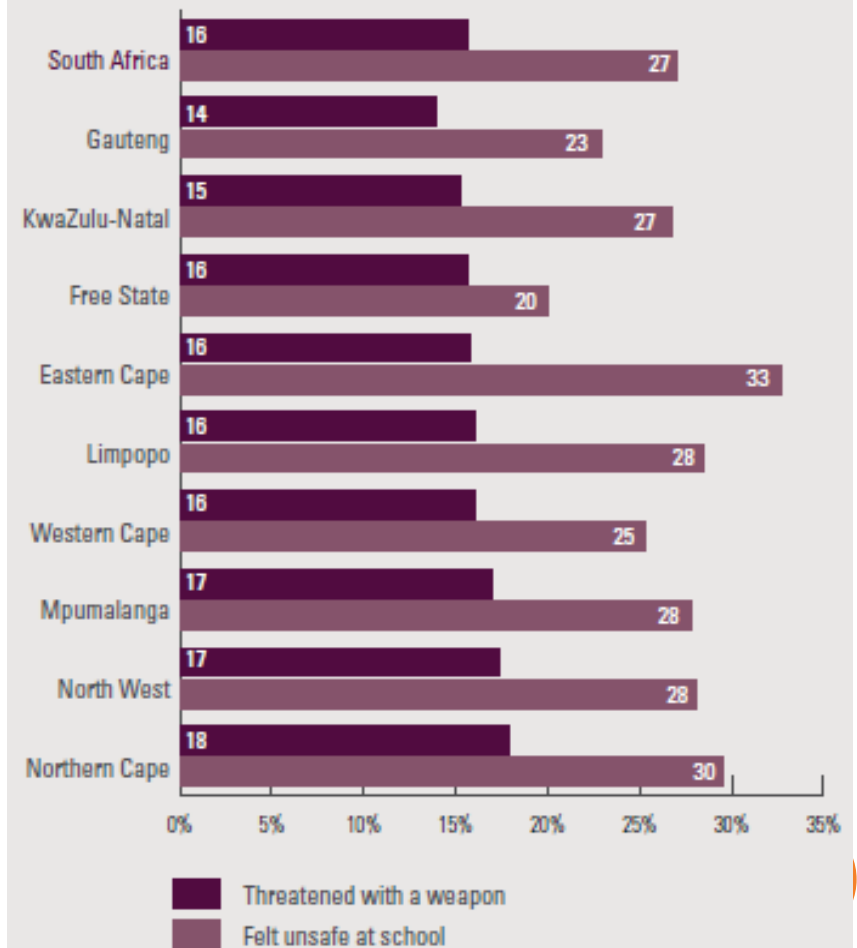
Average reading and mathematics scores for Grade 6 learners in SACMEQ countries, 2007



Violence at school is a barrier to quality education

27% of high school learners feel unsafe at school while 16% have been threatened with a weapon

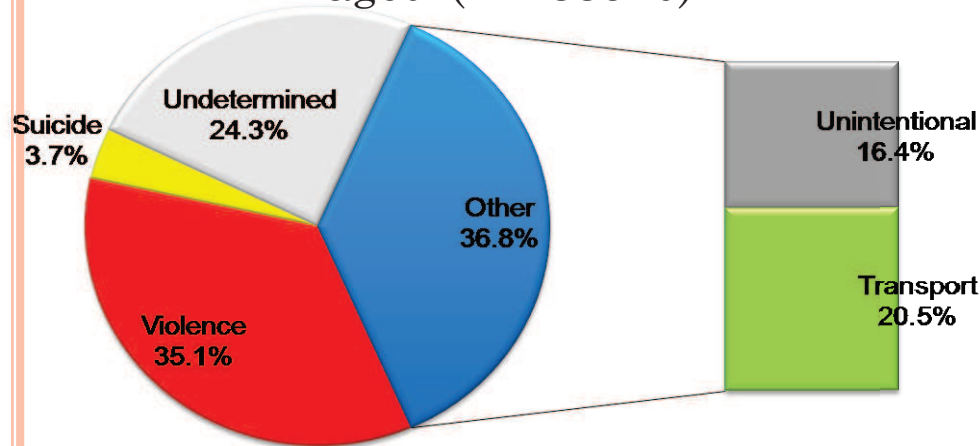
Percentage of high school learners who have been threatened /injured with a weapon; felt unsafe at school by province, 2008



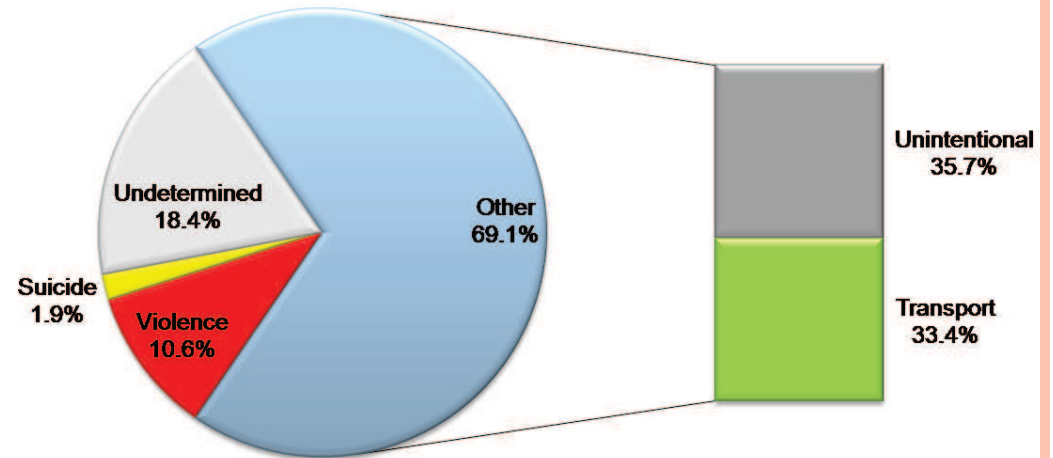
Source: Medical Research Council (2010). Youth Risk Behaviour Survey 2008.

- National Injury Mortality Surveillance System - launched in 1999 – inform extent of deaths due to non-natural causes

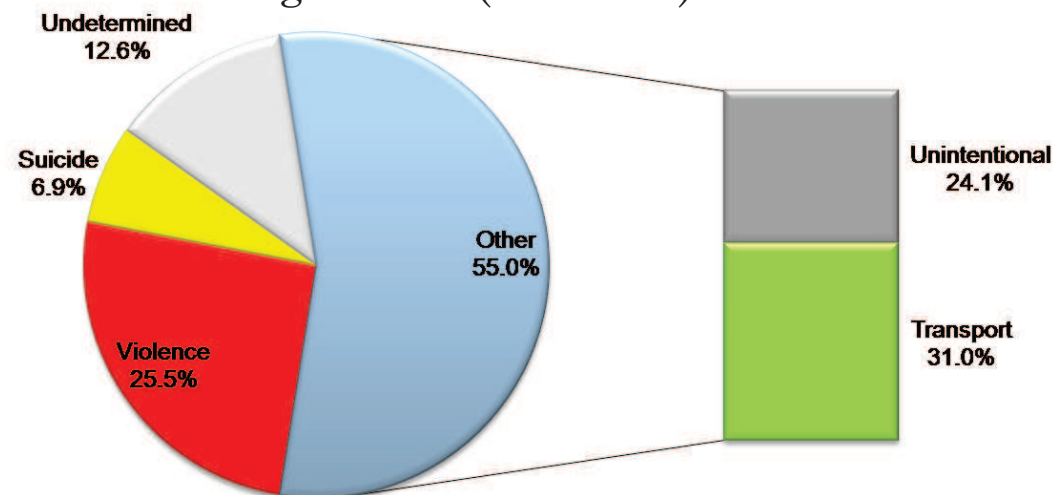
Apparent manner of death for all ages (n = 33520)



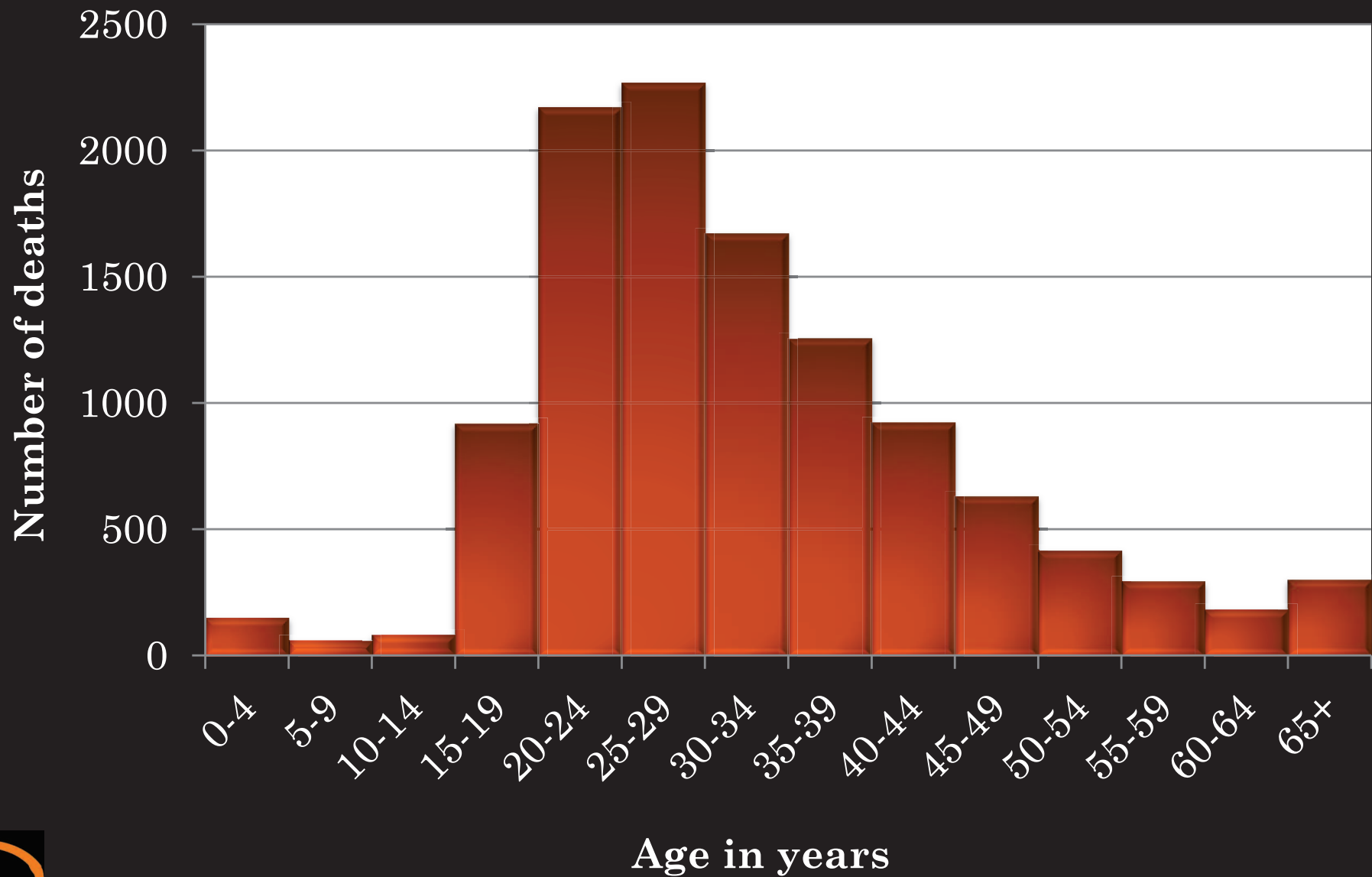
Apparent manner of death for children 0-14 (n = 2708)



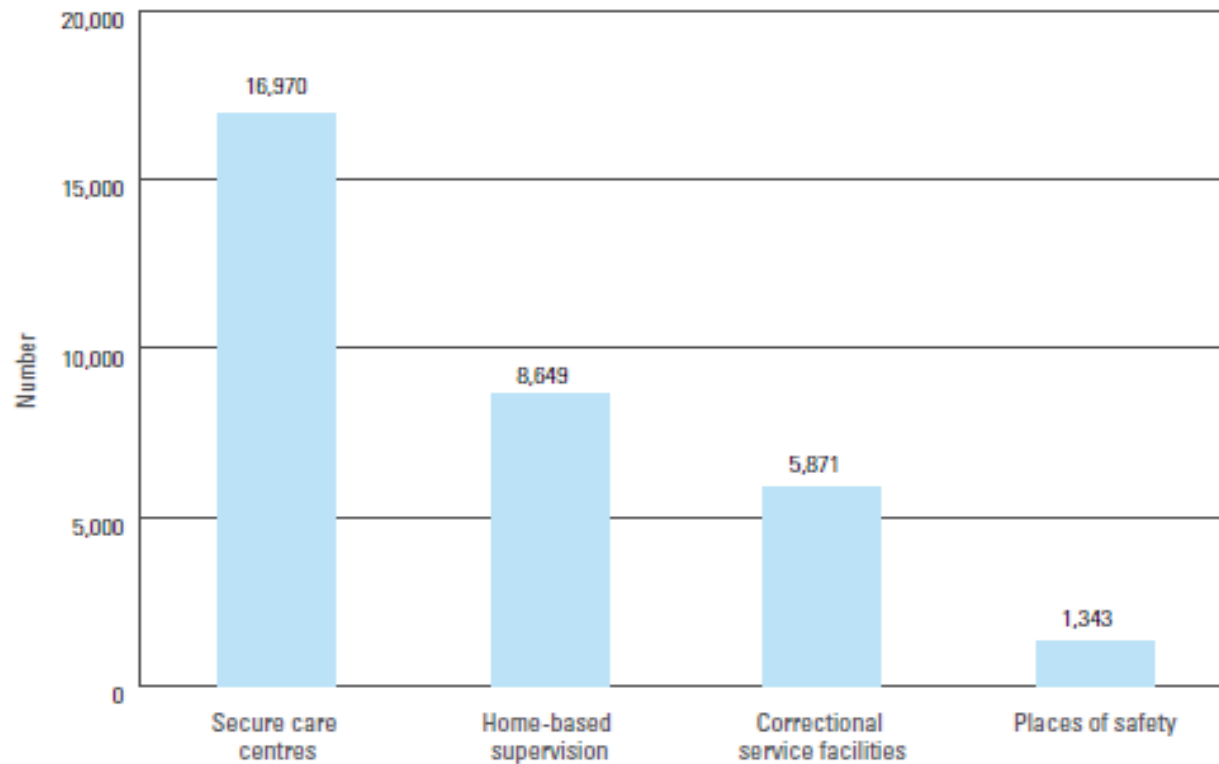
Apparent manner of death for youth aged 0-19 (n = 4727)



Violent deaths by age (N = 11 304)



- During 2008/09 – 33 000 children awaiting trial in detention

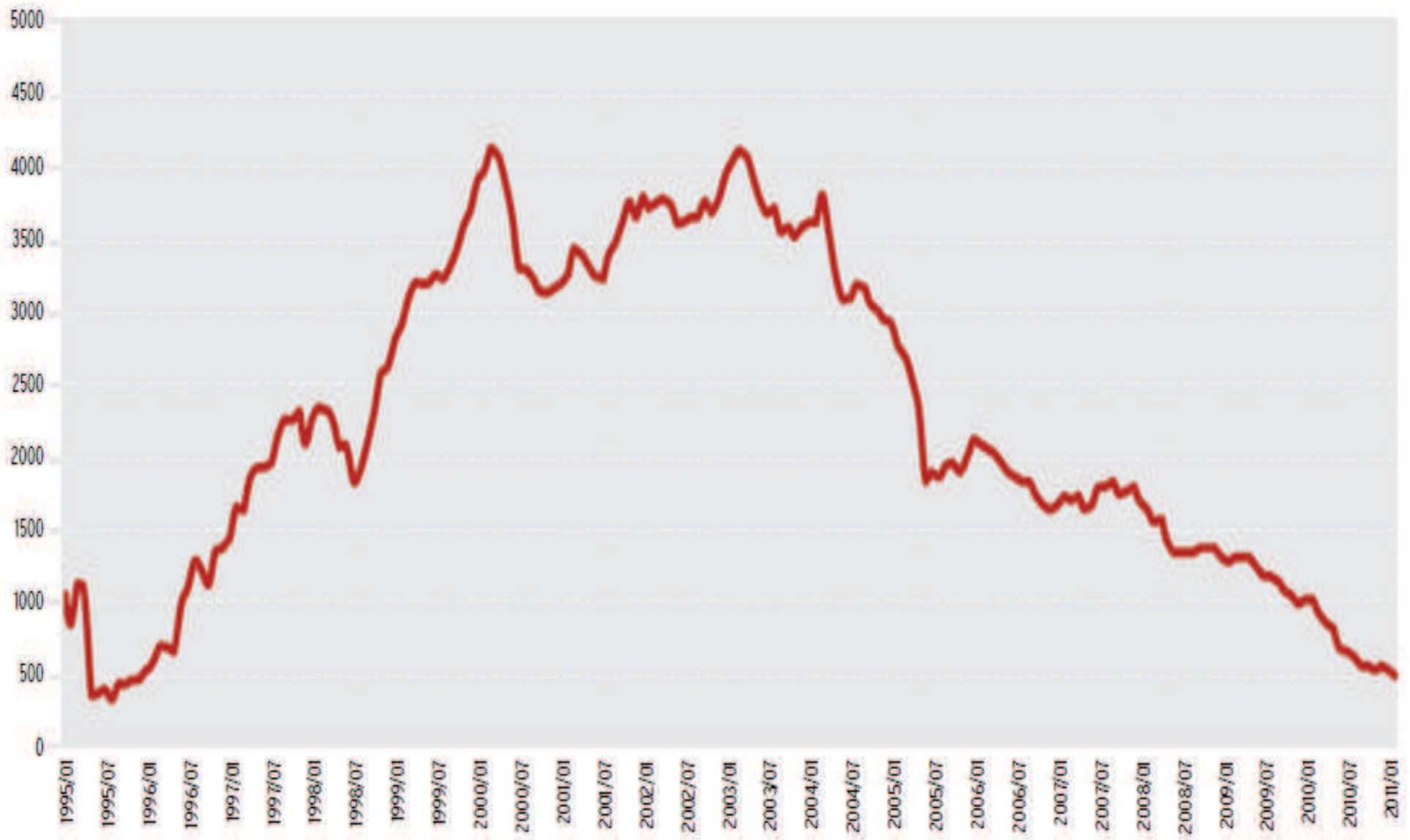


Source: National Treasury (2009). Provincial Budgets and Expenditure Review 2005/06 – 2011/12. Annexure B: Non-financial (performance) information.

- 75 453 children charged by the police from April 2010 to March 2011



Total Number of Children in Prison : 1995- 2011



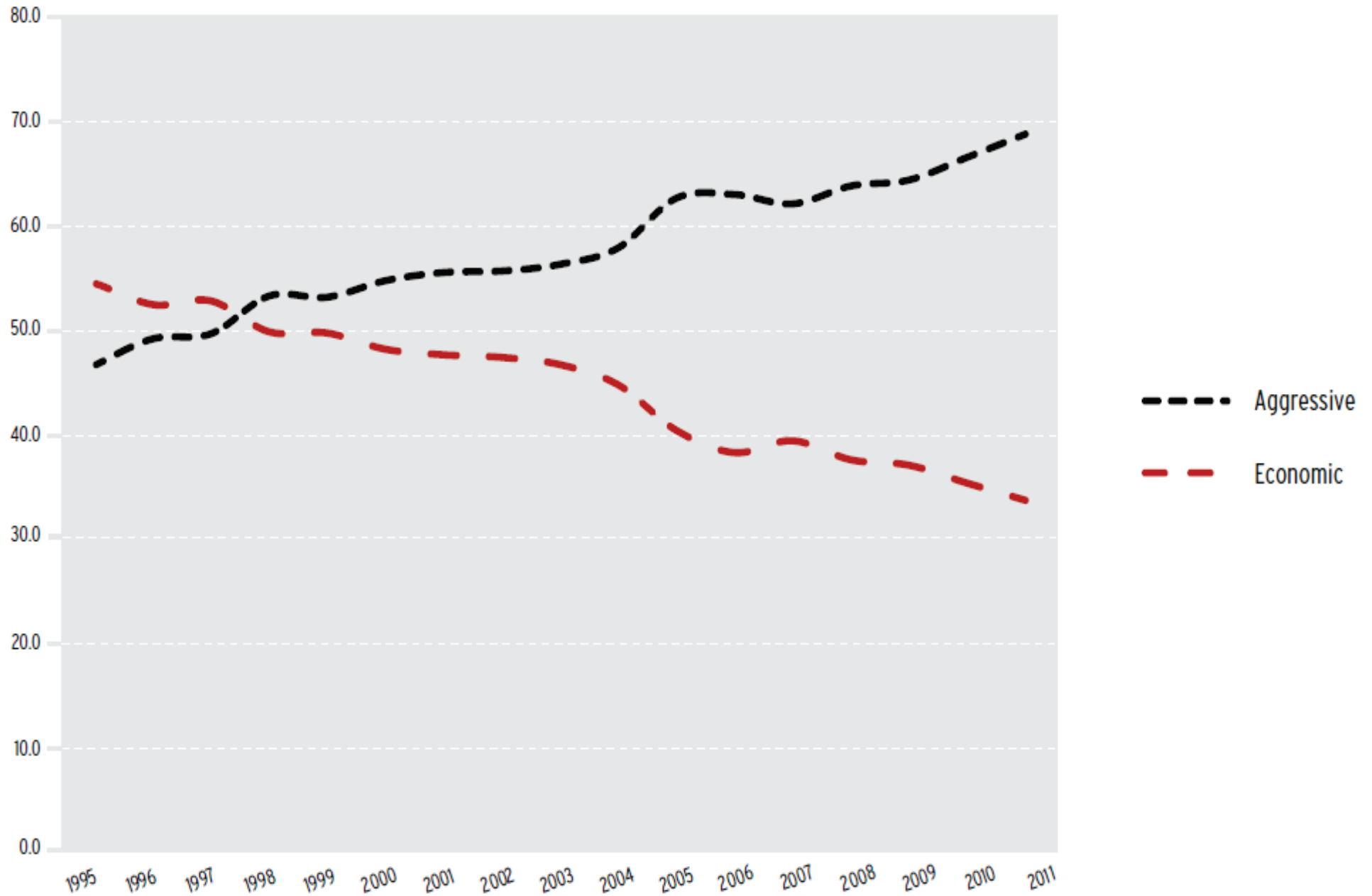
Source: Muntingh, L & Ballard, C (2012). Report on Children in Prison in South Africa

Offence Profile of Children in Custody

YEAR	ECONOMICAL	AGGRESSIVE	SEXUAL	NARCOTICS	OTHER	TOTAL
Average for 1995	51.5	32.6	10.0	1.5	4.3	100
Average for 1996	49.1	33.5	12.0	1.1	4.3	100
Average for 1997	49.5	32.2	13.8	1.3	3.2	100
Average for 1998	46.2	33.9	16.1	1.1	2.7	100
Average for 1999	46.0	35.0	15.0	0.8	3.2	100
Average for 2000	44.3	37.5	14.2	0.9	3.1	100
Average for 2001	43.7	39.2	13.4	0.8	2.9	100
Average for 2002	43.4	39.6	13.2	0.8	3.0	100
Average for 2003	42.6	41.2	12.3	0.8	3.1	100
Average for 2004	40.4	42.6	12.6	1.0	3.3	100
Average for 2005	35.5	46.4	14.2	0.9	2.9	100
Average for 2006	33.1	47.7	13.4	1.0	4.9	100
Average for 2007	34.4	46.7	13.3	1.2	4.3	100
Average for 2008	32.3	46.0	16.0	1.3	4.4	100
Average for 2009	31.7	45.2	17.4	1.3	4.4	100
Average for 2010	29.8	46.0	19.1	1.2	3.9	100
Average for 2011	27.9	44.7	22.9	1.1	3.3	100

Source: Muntingh, L & Ballard, C (2012). Report on Children in Prison in South Africa

Offence Profile : Aggressive vs Economic



Source: Muntingh, L & Ballard, C (2012). Report on Children in Prison in South Africa

OFFENCE PROFILE: NICRO REFERRALS

Crimes	1998-2001	2010
Victimless (incl. possession of drugs, dui where no accident)	21%	18%
Crime Against Person (any contact crime, crime involving weapon)	15%	37%
Economic/Property Crimes (incl. theft, shoplifting, housebreaking).	64%	45%



Age Profile of Children in Prison

Age	UNSENTENCED					SENTENCED				
	7-13 yrs	14 yrs	15 yrs	16 yrs	17 yrs	7-13 yrs	14 yrs	15 yrs	16 yrs	17 yrs
1995-2011	0.8	5.1	14.0	31.3	48.8	0.4	1.7	8.0	26.4	63.5
2010	0.2	1.5	7.9	25.6	64.8	0.1	1.9	8.3	25.4	64.4

Source: Muntingh, L & Ballard, C (2012). Report on Children in Prison in South Africa

- ✿ No Status Offences defined – although implied by laws such as no drinking under the age of 18 – enforcement problematic
- ✿ Minimum age of criminal responsibility
 - <10 years Doli Incapax
 - 10 -14 years (Rebuttable Presumption of Doli Incapax)
 - >14 Doli Capax

South Africa's child prisoners are being detained in appalling conditions - locked up for 23 hours a day, denied an education and access to social workers and psychologists, and being viciously assaulted. GRAEME HOSKEN | 09 January, 2013 23:59 The Times

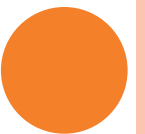


DEVELOPMENT OF RESTORATIVE JUSTICE

- Started in the late 1980's early 1990's – when detention of children became a major concern for NGO's
- Imprisonment and whipping - standard sentences handed down by courts. In 1992, 36 000 young people were sentenced to whipping
- In 1992 – Neville Snyman died in Police Custody – killed by adults in police cell in Robertson – Neville stole sweets
- 1992 - *Justice for Children: NO CHILD SHOULD BE CAGED*, initiated by the Community Law Centre, NICRO and lawyers for Human Rights
- Above report focussed on the following:
 - a comprehensive Juvenile Justice System.
 - diversion of minor offences away from the Criminal Justice System.
 - the humane treatment of young people in conflict with the law.



- The emphasis of the report was on moving away from retribution and moving toward a restorative (healing) process
- The National Network on Children in Detention was formed in 1993
- The campaign *Free a Child for Christmas* pressured the state departments to find effective and efficient methods in working with young people in conflict with the law.
- Diversion programmes were started by NICRO and state departments in a number of centres
- In May 1995 the support for a new Juvenile Justice System came from President Mandela, who called for the *release of children awaiting trial in police cells and prisons*



- 1995 - *Inter Ministerial Committee on Young People at risk* came into existence
- The IMC was established to manage the process of crisis intervention and transforming the child and youth care system over a time limited period
- Ministries of Welfare, Justice, Safety and Security, Correction Services, Education, Health, and RDP, Lawyers for Human Rights, NICRO, National Children Rights Committee, Community Law Centre, and the National Youth Development Project
- Endorsement of the concept – RJ – in policy documents came in the Welfare White Paper (1996), the National Crime Prevention Strategy (1996) and several reports by the South African Law Reform Commission
- RJ defined in legislation as early as 1991 – Probation Services Act no 116 of 1991
- Law Reform started in 1997



THE REFORM OF DOMESTIC LEGISLATION IN SA

- Began in 1997/8
- Included
 - Children in trouble with the Law
 - Sexual Offences Against Children
 - (Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007)
 - Children's Act No. 38 of 2005
 - Films and Publications Act



- Draft of Child Justice Bill was completed by SALRC in 2002 – Implemented in 2010
- The Child Justice Bill was costed during 2002
- Drafts of Children's Bill and Sexual Offences Bill completed in Dec/Jan 2003 – Implemented in 2010 and 2007
- All three Bills completed after a long period of
 - consultation with wide spectrum of role players and experts
 - Consultation with children
 - International comparisons
 - Research



PRESENT STATUS OF THE CHILD JUSTICE ACT No. 75 OF 2008

- At present the Act has been passed and signed into Law
- Implementation occurred in April 2010
- National Treasury allocated funds to set up the processes and programmes to facilitate the implementation of the legislation including the development of diversion programmes
- Terms of reference and norms and standards of good practice have been drafted and implemented for diversion programmes (NICRO and HSRC for DSD)
- Developed accreditation system for Diversion (NICRO for DSD)

AIMS OF THE ACT

- Establish a criminal justice system for children and child justice courts
- The possibility of diverting children away from the CJS
- Expand and entrench the principle of restorative justice
- Recognise the present reality of crime and focus on prevention via the rehabilitation of children
- Balance the rights of children with those of society
- Create mechanisms and processes that address the past injustices, are more in line with the needs of children and our international obligations

SOME SPECIFIC AIMS

- Raise the minimum age of criminal capacity
- Ensure assessment of individual needs
- Provide for special processes and procedures
- Create an informal, inquisitorial pre-trial procedure to enable diversion and the meeting of the best interests mandate
- Provide a wide range of sentencing options



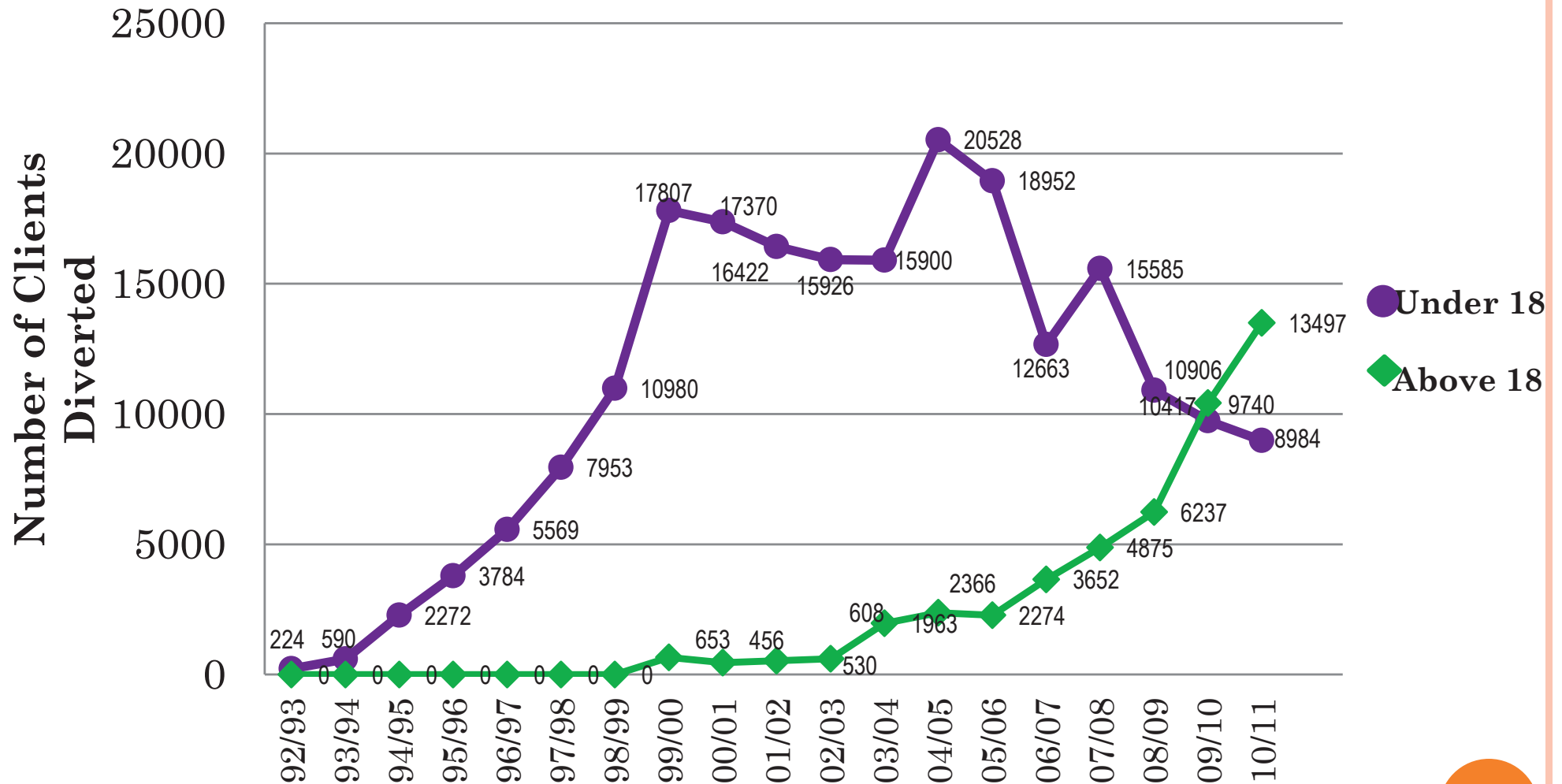
IMPLEMENTATION OF RJ

- Interesting – since implementation of CJ Act – referrals of Children for Diversion reduced
- Various NGO's, CBO's and State Department (Social Development) provide diversion interventions – but not without challenges



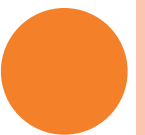
TRENDS AND CHANGES IN REFERRALS

Diversion Referrals



WHO DOES THE ACT APPLY TO?

- Children under the Age of 18 years
- Under certain circumstances the provisions can be applied to youths between 18 and 21 years
- Some provisions apply to/include/place responsibilities on parents and caretakers of children



THE ROLE OF PROBATION OFFICERS

- Central to almost all activities and processes in the Act
- Therefore the regulations (reg 2) provide that the DG of DSD (within 3 months of implementation) designate a probation officer for every police station
- Provide the national commissioner of police with the list and contact details of these PO's.



SERIOUSNESS OF OFFENCES

- Offences have been divided into 3 levels of seriousness in Schedules attached to the Act
- Where a child is charged with several offences, the most serious guides the application of the Act
- Schedule 1 – least serious - theft, perjury, contempt of court
- Schedule 2 – more serious – sexual assault, public violence, arson, culpable homicide
- Schedule 3 – murder, rape, treason.



SCHEDULES OF OFFENCES

Schedule 1

- Theft (incl. receiving stolen goods) below value of R2 500.
- Fraud, extortion, forgery and uttering or offence referred to in the Prevention and Combating of Corrupt Activities Act 12 of 2004 below value of R1 500.
- Malicious injury to property with value below R1 500.
- Common assault.
- Perjury.
- Contempt of court.
- Blasphemy.
- Compounding.
- *Crimen iniuria*.
- Defamation.
- Trespass.
- Public indecency.
- Engaging sexual services of persons 18 years or older [section 11 of the Sexual Offences Act 32 of 2007].
- Bestiality [section 13 of the Sexual Offences Act 32 of 2007].
- Acts of consensual sexual penetration with certain children (statutory rape) and acts of consensual sexual violation with certain children (statutory sexual assault) [sections 15 and 16 of the Sexual Offences Act 32 of 2007].
- Possession of illicit dependence-producing drugs below value of R500, but excluding any statutory offence where the maximum penalty determined by that statute is imprisonment for a period of no longer than three months or a fine for that period, calculated in accordance with the Adjustment of Fines Act 101 of 1991.
- Any other statutory offence where the maximum penalty determined by that statute is imprisonment for a period of no longer than three months or a fine for that period, calculated in accordance with the Adjustment of Fines Act 101 of 1991.
- Any conspiracy, incitement or attempt to commit any offence referred to in Schedule 1.



SCHEDULES OF OFFENCES: SCHEDULE 2

Schedule 2

- Theft (incl. receiving stolen goods) above value of R2 500.
- Fraud, extortion, forgery and uttering or offence referred to in the Prevention and Combating of Corrupt Activities Act 12 of 2004 above value of R1 500.
- Robbery, other than robbery with aggravating circumstances.
- Malicious injury to property above R1 500.
- Assault, involving the infliction of grievous bodily harm.
- Public violence.
- Culpable homicide.
- Arson.
- Housebreaking (common law or a statutory provision, with the intent to commit an offence).
- Administering poisonous or noxious substance.
- The abandonment of an infant with the intention to kill it (Crimen expositio infantis).
- Abduction.
- Sexual assault, compelled sexual assault or compelled self-sexual assault [sections 5, 6 and 7 of the Sexual Offences Act 32 of 2007 and grievous bodily harm was not inflicted].
- Compelling or causing persons 18 years or older to witness sexual offences, sexual acts or self-masturbation [section 8 of the Sexual Offences Act 32 of 2007].
- Exposure or display of or causing exposure or display of child pornography or pornography [sections 10 or 19 of the Sexual Offences Act 32 of 2007].



SCHEDULES OF OFFENCES: SCHEDULE 2

Schedule 2 (continued)

- Incest and sexual acts with a corpse [sections 12 and 14 of the Sexual Offences Act 32 of 2007].
- Exposure or display of or causing exposure or display of genital organs, anus or female breasts to any person ("flashing") [sections 9 or 22 of the Sexual Offences Act 32 of 2007].
- Violating a dead body or grave.
- Defeating or obstructing the course of justice.
- Any offence referred to in section 1 or 1A of the Intimidation Act 72 of 1982.
- Any offence relating to criminal gang activities referred to in Chapter 4 of the Prevention of Organised Crime Act 121 of 1998.
- Any contravention of section 2 of the Animals Protection Act 71 of 1962.
- Possession of illicit dependence-producing drugs above the value of R500 but below R5 000, but excluding any statutory offence where the maximum penalty determined by that statute is imprisonment for a period exceeding three months but below five years or a fine for that period, calculated in accordance with the Adjustment of Fines Act 101 of 1991.
- Any other statutory offence where the maximum penalty determined by that statute is imprisonment for a period exceeding three months but less than five years or a fine for that period, calculated in accordance with the Adjustment of Fines Act 101 of 1991.
- Any conspiracy, incitement or attempt to commit any offence referred to in Schedule 2.



SCHEDULES OF OFFENCES:

SCHEDULE 3

Schedule 3

- Treason.
- Sedition.
- Murder.
- Extortion, where there are aggravating circumstances present.
- Kidnapping.
- Robbery, where there are aggravating circumstances or it involves the taking of a motor vehicle.
- Rape or compelled rape [sections 3 and 4 of the Sexual Offences Act 32 of 2007].
- Sexual assault, compelled sexual assault or compelled self-sexual assault [sections 5, 6 and 7 of the Sexual Offences Act 32 of 2007] involving the infliction of grievous bodily harm.
- Sexual exploitation of children, sexual grooming of children and using children for or benefiting from child pornography [sections 17, 18 and 20 of the Sexual Offences Act 32 of 2007].
- Exposure or display of or causing exposure or display of child pornography or pornography to children [section 19 of the Sexual Offences Act 32 of 2007], if that exposure or display is intended to facilitate or promote
 - the sexual exploitation or sexual grooming of a child [sections 17 or 18 of the Sexual Offences Act 32 of 2007].
 - the use of a child for purposes of child pornography or in order to benefit in any manner from child pornography [section 20 of the Sexual Offences Act 32 of 2007].
- Compelling or causing children to witness sexual offences, sexual acts or self-masturbation [section 21 of the Sexual Offences Act 32 of 2007].
- Sexual exploitation of persons who are mentally disabled, sexual grooming of persons who are mentally disabled, exposure or display of or causing exposure or display of child pornography or pornography to persons who are mentally disabled or using persons who are mentally disabled for pornographic purposes or benefiting therefrom [sections 23, 24, 25, and 26 of the Sexual Offences Act 32 of 2007].
- Trafficking in persons for sexual purposes referred to in section 71(1) and involvement in trafficking in persons for sexual purposes referred to in section 71(2) of Sexual Offences Act 32 of 2007.
- Any offence referred to in Parts 1, 2 and 3 of Chapter 2 of the Protection of Constitutional Democracy against Terrorist and Related Activities Act 33 of 2004.
- Any offence relating to racketeering activities referred to in Chapter 2; or the proceeds of unlawful activities referred to in Chapter 3, of the Prevention of Organised Crime Act 121 of 1998.
- The crimes of genocide, crimes against humanity and war crimes referred to in the Implementation of the Rome Statute of the International Criminal Court Act 27 of 2002.
- Any offence under any law relating to the dealing in or smuggling of ammunition, firearms, explosives or armament; and the possession of firearms, explosives or armament.
- Any offence referred to in section 13(f) of the Drugs and Drug Trafficking Act 140 of 1992.
- Any offence of a serious nature if it is alleged that the offence was committed by a person, group of persons, syndicate or any enterprise, acting in the execution or furtherance of a common purpose or conspiracy.
- Any offence under any law relating to the illicit possession of dependence-producing drugs, other than an offence referred to in the following item of the Schedule, where the quantity involved exceeds R5 000 in value.
- Any other statutory offence where the maximum penalty determined by that statute is imprisonment for a period exceeding five years or a fine for that period, calculated in accordance with the Adjustment of Fines Act 101 of 1991.
- Any conspiracy, incitement or attempt to commit any offence referred to in Schedule 3.



THE AGE OF CRIMINAL CAPACITY

- Before implementation of the Act, a child under 7 years was under the age of criminal capacity
- 7-14 – rebuttable presumption of “doli incapax”
- Recommendation - 14 years in line with most countries internationally
- Increased to 10 years – irrebuttable presumption of criminal incapacity – children under the age of 10 years cannot be held responsible for criminal behaviour
- 10 – 14 years – rebuttable presumption – child is presumed to lack criminal capacity and the state must prove criminal capacity
- The PPC JCD is considering an increase in the age of irrebuttable criminal incapacity and this will be reconsidered 5 years after the commencement of the act.



HOW TO DEAL WITH CHILDREN UNDER 10 YEARS ALLEGED TO HAVE COMMITTED OFFENCES

- Children under 10 years, alleged to have committed an offence MUST be referred to a probation officer
- Children u 10 may not be arrested.
- Police must hand over these children to parents or an appropriate adult or guardian and must notify the probation officer.
- PO must assess
- May refer to the children's court
- Refer the child for counselling or therapy
- Refer the child to an accredited programme specially for this age group.
- Arrange a **meeting** with child and parents to discuss child's needs
- May take no action.

CHILDREN UNDER 10 YEARS - THE PURPOSE OF THE MEETING

- To understand the circumstances of the behaviour
- To formulate a written plan – specify objects and time lines of action
- Detail services and assistance to child
- Specify who will provide the above
- State responsibilities of child/parent/caregiver



THE MEETING

- PO must record outcomes of assessment and decisions
- If plan not complied with then child MUST be referred to the Children's Court.
- If the child fails to comply the PO MUST refer to the Children's Court.
- Thus suppose to be close link between Child Justice and Child Protection/Care System - Challenge



DECISION TO PROSECUTE CHILDREN 10- 14 YEARS

- A prosecutor who is required to make a decision whether to prosecute a child between 10 and 14 years must take the following factors into consideration:
 - (i) the educational level, cognitive ability, domestic and environmental circumstances, age and maturity of such child;
 - (ii) the nature and gravity of the alleged offence;
 - (iii) the impact of the alleged offence upon any victim of such offence and the implications thereof;
 - (iv) a probation officer's assessment report;
 - (v) the prospects of establishing criminal capacity if the matter were to go to trial;
 - (vi) the interests of the community; and
 - (vii) any other relevant factor



PROOF OF CRIMINAL CAPACITY

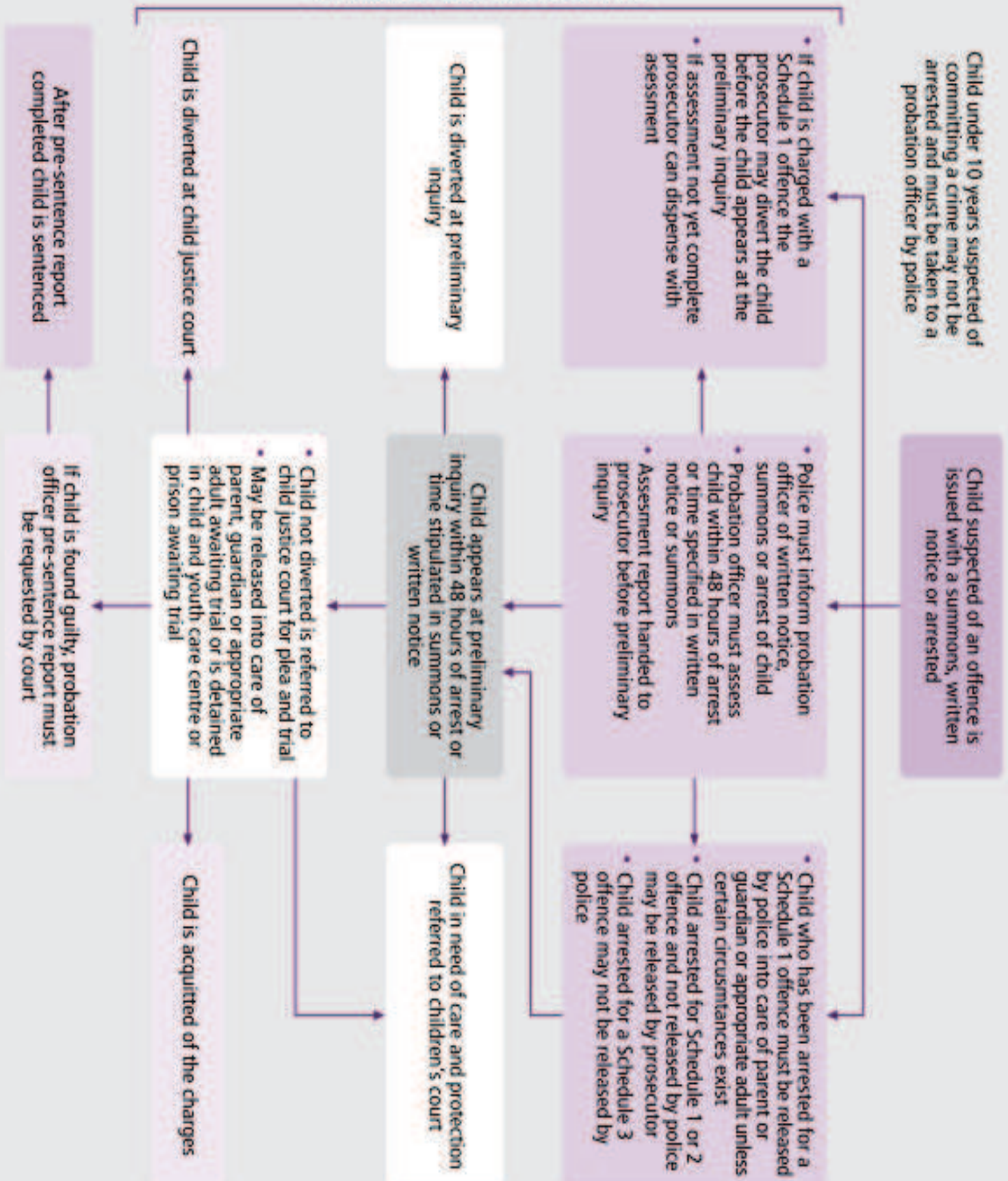
- Magistrate must consider PO's report
- Can order an assessment which includes the cognitive, moral, emotional, psychological and social development of the child.
- Criminal Capacity must be beyond reasonable doubt for diversion or trial
- Only psychologist/psychiatrist can assess criminal capacity at present – challenge





THE DIVERSION PROCESS

DIVERSION AT DIFFERENT STAGES



DIVERSION BY PROSECUTOR

- Before the preliminary inquiry
- Schedule 1 offence
- Child has criminal capacity
- May dispense with the assessment
- Must consider if previous diversions
- If not diverted then organise child to appear at a preliminary inquiry.
- If thinks the child may be in need of care – must order the Preliminary Inquiry for consideration for referral to the Children's Court.



THE PRELIMINARY INQUIRY

- Informal pre-trial procedure - prosecutor, magistrate, child, and ideally by the parent(s), probation officer and legal representative if appointed, a diversion service provider if diversion to be recommended, any other person considered appropriate.
- People can be excluded if in child's best interests
- Can proceed without parents if in child's best interests
- May be held in a court or other suitable place
- Identity of child to remain confidential
- Parents and the child may be summonsed to appear and arrested if they fail to do so.
- Inquiry magistrate must keep a record of proceedings



OBJECTIVES OF THE PRELIMINARY INQUIRY

- Consider the PO's report with reference to age estimation if age uncertain, the view of criminal capacity, the need for a more detailed assessment
- Establish if diversion appropriate before the plea
- Identify a suitable diversion option if appropriate
- Ensure all information needed is available
- Ensure all views are considered
- Encourage participation of child
- Determine release or placement



DIVERSION

- If the inquiry magistrate is satisfied that –
 - (a) the child acknowledges responsibility for the offence;
 - (b) the child has not been unduly influenced to acknowledge responsibility;
 - (c) there is a *prima facie* case against the child;
 - (d) the child and his or her parent, or an appropriate adult, consent to diversion; and
- The prosecutor indicates the child can be diverted then a diversion order may be given.
- The Magistrate may also refer to the Children's Court at this stage if the child appears in need of care.



DIVERSION IN SCHEDULE 3 OFFENCES

- May be ordered by the Director of Public Prosecutions (who may not delegate this power) if
 - exceptional circumstances exist
 - There has been consultation with the victim or a person with a direct interest
 - Consultation with the investigating police official



S 53 DIVERSION OPTIONS (OTHER THAN PROGRAMMES)

- (a) “a compulsory school attendance order” means an order issued in the prescribed manner requiring a child to attend school every day for a specified period of time, which attendance is to be monitored by a specified person;
- (b) “a family time order” means an order issued in the prescribed manner requiring a child to spend a specified number of hours with his or her family;
- (c) “a good behaviour order” means an order issued in the prescribed manner requiring a child to abide by an agreement made between the child and his or her family to comply with certain standards of behaviour;



- (d) “a positive peer association order” means an order issued in the prescribed manner requiring a child to associate with persons who can contribute to the child’s positive behaviour;
- (e) “a reporting order” means an order issued in the prescribed manner requiring a child to report to a specified person at a time or at times specified in such order so as to enable such person to monitor the child’s behaviour; and
- (f) “a supervision and guidance order” means an order issued in the prescribed manner placing a child under the supervision and guidance of a mentor or peer in order to monitor and guide the child’s behaviour.

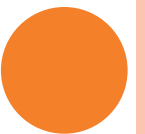


DIVERSION OPTIONS FOR SCHEDULE 1 CRIMES

- ❑ Oral or written apology
- ❑ Formal caution
- ❑ Placement under supervision/guidance order
- ❑ Placement under reporting order
- ❑ Compulsory school attendance order
- ❑ Family time order
- ❑ Peer association order
- ❑ Good behaviour order
- ❑ Prohibition from visiting a specific place
- ❑ Referral to counselling or therapy



- Compulsory attendance at a specific place
- Symbolic restitution
- Restitution of a specified object
- Community service
- Provision of a service or benefit
- Payment of compensation to a person/community/charity

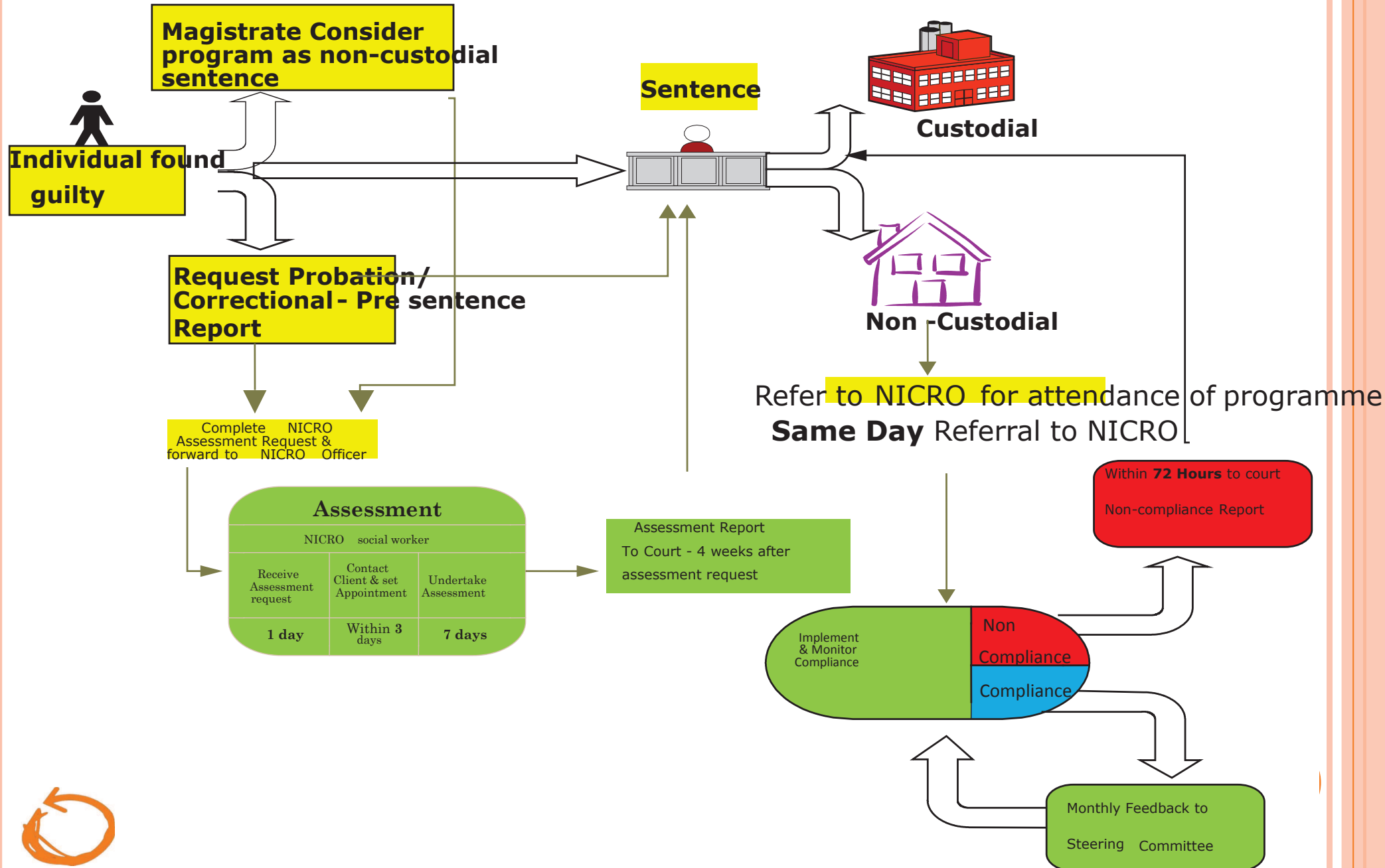


DIVERSION OPTIONS FOR SCHEDULE 2 AND 3 CRIMES

- Any of the level one
- Compulsory attendance at a place or programme including residential attendance
- Referral to intensive therapy
- Placement under the supervision of a probation officer.



ALTERNATIVE SENTENCES - SENTENCING



Implementation of Restorative Justice

- Diversion and RJ is not regarded as synonymous
- Diversion - a pre-trial process as used by courts to dispose of cases to prevent further involvement in the system and to access social work services to develop individuals and change offending behaviour (interrupt pathway).
- RJ is not a programme in NICRO but a set of philosophical principles that underlies interventions and programmes
- Programmes designed along continuum – fully restorative to not restorative. All interventions acknowledge the relationship between the offender, victim and community – some provide direct engagement with victim other's indirect



Programs/Interventions

DIVERSION

REINTEGRATION

LIFE SKILLS
COMMUNITY SERVICE
VICTIM OFFENDER MEDIATION
FAMILY GROUP CONFERENCING
THE JOURNEY
SAFETY AMBASSADORS PROGRAMME
PERPETRATOR PROGRAMME
TOUGH ENOUGH PROGRAMME
SEXUAL OFFENDERS PROGRAMME
SUBSTANCE ABUSE PROGRAMME
FAMILY SERVICES- Parenting programmes
RECEPTION SERVICES
ECONOMIC OPPORTUNITIES PROGRAMME

NON CUSTODIAL SENTENCING

RESTORATIVE JUSTICE PRINCIPLES

Do no more harm
Repair the harm
Take responsibility for my actions

Respect and listen to the voice of the victim
Clear the path
Allow human connections to take place



- In NICRO :
 - Goals & Objectives of Diversion/ RJ – two perspectives
 - Criminal Justice Goal – Speedy disposal of cases where children are involved , and prevent them from penetrating the CJS
 - Human Development & Social Justice Goal – To develop the potential of individuals, change their behaviour and protect the rights of children
 - Utilizes the 3 primary methods (with unique interventions and techniques) of social work
 - Case Work
 - Community Work
 - Group Work
 - Intervention
 - activity/action the social worker undertakes in collaboration with the client to facilitate change in an individual or s system in a systematic way
 - Guided by professional knowledge, values & skills
 - Purposeful, goal directed & client centered

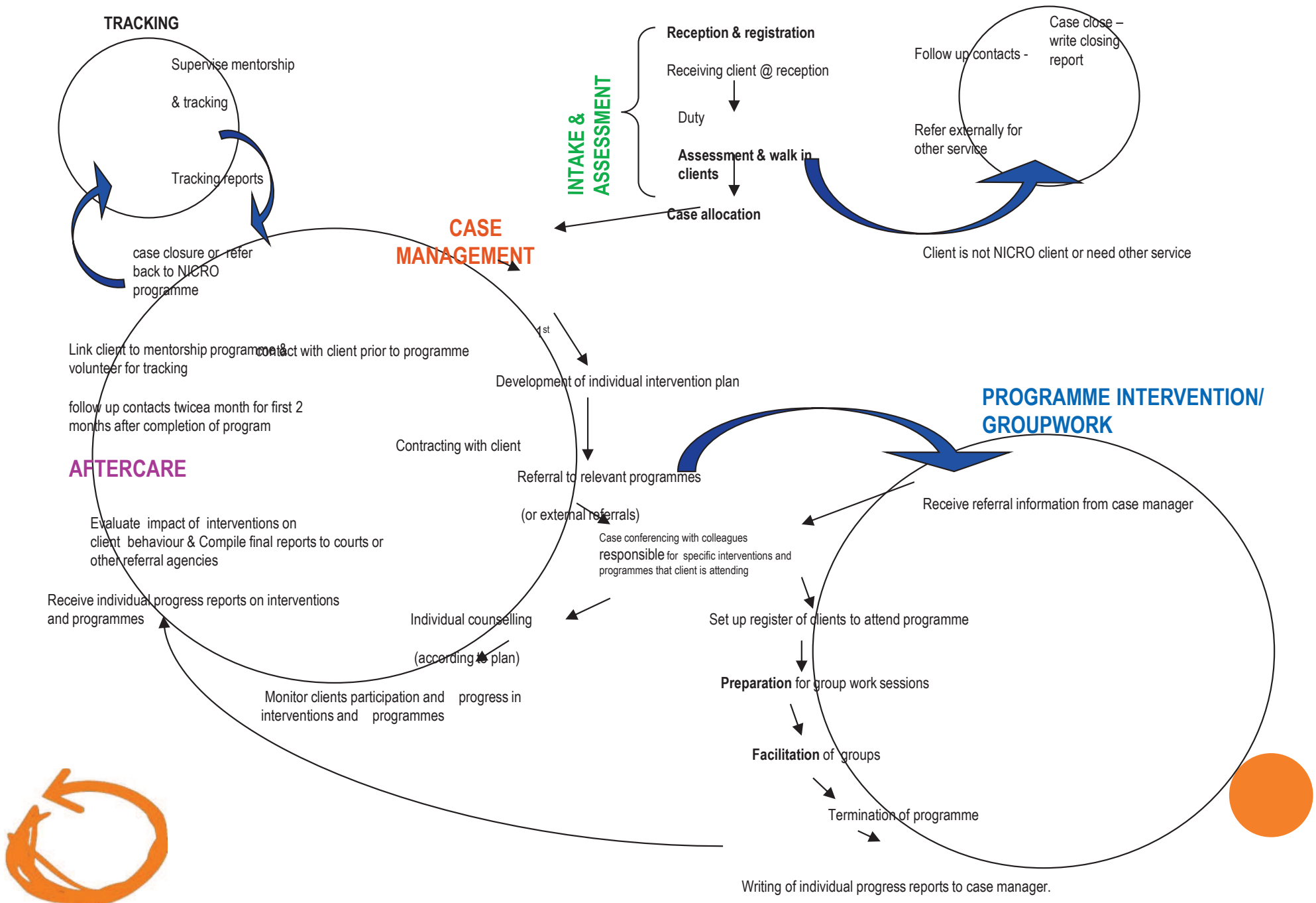


SERVICE DELIVERY MODEL

- Based on social work profession with social justice and human development as its goal
- Have available basket of interventions (services) to use for purposes of intervening with Children in conflict with the law
- The helping relationship stands primary to the change processes of individuals – supported by structured interventions
- Holistic and comprehensive interventions & services pursued during the period of diversion – combination of interventions necessary to adequately address behaviour change objectives



SERVICE DELIVERY MODEL



INTAKE & ASSESSMENT

- Administrative and professional process
- Includes receiving of formal referral, registration of client on e-cms & assessment of client
- Assessment critical to formulate a risk and treatment profile and intervention matching, to monitor and evaluate progress and to ensure relevancy of interventions
- Assessment is NOT ONCE OFF – continuous and dynamic process that takes place as long as client is receiving service
- Only the purpose of assessment that change
- Various data collection instruments & assessment tools are used for purposes of assessment ie. CARE, CAGE, Bonding to conventional instruments, VS



CASE MANAGEMENT

- Professional activity undertaken by sw'ers
- Overall management of & responsibility for services to the individual for duration of involvement (monitoring & evaluation included).
- Administrative & behavioural management of case and individual
- Ongoing analysis, decision-making and record keeping – interactive and dynamic process
 - Contracting with client & Motivation to change
 - Development of case/treatment plan
 - Service Implementation and Doordination
 - Continuous assessment of capacities & change
 - Monitoring & Evaluation
 - Aftercare & Evaluation
 - Termination and Case Closure



PROGRAM/INTERVENTION

- Case Manager refer
- Program Facilitator
 - Receive referral
 - Program response – action in response to referral
 - Preparation
 - Facilitation
 - Administration & Monitoring
 - Termination & Evaluation (Feedback to CM, CM report to CJS)



AFTERCARE & TRACKING

- Provision of support services to clients after completion – depending on evaluation and need of client
- Monitoring & tracking for research purposes
- Diversion deemed complete by NICRO only once the client is completed with this phase
- If needed client can be re-absorbed in services/ referred to other services
- CHALLENGE – Court orders “expire” before aftercare and tracking completed



PROGRAM OUTLINES

YES

- Early Intervention
- LIFE SKILLS - influencing criminogenic & non-criminogenic (psychosocial) risk factors that contribute and promote the early involvement & onset of a delinquent and high risk life style.
- Social and interpersonal skills: enable to recognize and challenge common misconceptions about high risk behaviour communicate these to avoid high risk situations.
- Cognitive skills- process of acquiring processing and acting on information or knowledge in various situations and environments.
- 20 hours of psycho-social skills training, structured into 12 sessions
- First & last session 2.5 hours & 1.5 hours for sessions 2-11.
- Frequency dependent on group characteristics

ADAPT

- Prevention – Early Intervention
- 24 – 30 hours – depending on responsivity and cognitive characteristics of group
- 12 topics structured into minimum of 24 sessions over 12 weeks – sessions 45 minutes
- Individuals 12 – 18 years, or adults with lower cognitive and verbal functioning levels
- Address drug abusive & experimental behaviours
- Low to medium risk for developing addiction disorders
- series of psycho-social life skills building sessions - integrated structured social learning approach, with elements of drug education, social and personal skills training and cognitive behavioural therapy.

PROGRAM OUTLINES

MATRIX IOP

- Therapeutic/Treatment
- Adolescents and adults who are addicted
- Low risk danger and medium to high risk re-offending profile
- Combination of biological and behavioural approaches :
 - Motivational Interviewing & Motivational Enhancement Therapy
 - Cognitive Behavioural Therapy
 - Contingency Management
 - 12 Step Support
- 48 Week treatment Individual Sessions (before ERS, during and after) & group combined
 - First 16 Weeks intensive
 - Early Recovery 2X per week (8 sessions)
 - Relapse Prevention 2x p week (32 sessions)
 - Family Education 1 x p week (12 sessions)
 - Social Support 1xp week from week 12

The Journey

- Therapeutic/treatment
- 150 hours structured into 3 phases
- Higher risk and high treatment need profile, exhibiting desctructive, emotional and behavioural problems
- Eclectic therapeutic model
 - systems work
 - rites of passage,
 - cognitive behavioural treatment
 - experiential learning
 - Social skills training
- Major focus – action consequence learning and social skills development



Courts must not just punish: judge

Kamogelo Seekoet
Bloemfontein

SOUTH Africa's justice system should lean more towards corrective and therapeutic sentences aimed at rehabilitating rather than merely punishing the offender, according to acting Appeal Court judge Justice Nathan Erasmus.

Justice Erasmus said the justice system "needed to change its approach on how it dealt with offenders, saying courts needed to have at their disposal all the factors that led to people committing a crime and should consider all these when sentencing convicts."

"We need to act in a preventative manner and in the sentencing we need to have a therapeutic approach because this will ultimately lead to us being able to deal with offenders in a way that allows them to work and live in society," he said.

Erasmus said the justice system was "in a state of crisis" and that the courts were "failing" to deal with offenders in a way that allows them to work and live in society.

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help her not to do it," Justice Erasmus said.

He said once the courts were able to get behind a crime they would be able to give much-needed guidance to the correctional officers on the required treatment for each offender.

The judge pointed out that the challenge with the current way of doing things is that people with money were able to buy justice.

We do not want to only read about the blood and scandals, but also about the success stories about offenders who were rehabilitated

"They buy justice, not the courts. And they can do this because they have the means to provide the court with information required to make a judgment," Justice Erasmus said.

"But without any background information a person may easily go to prison for stealing bread."

Marita van Kraayenburg, the area manager for Nicro in the Free State and the Northern Cape, said they wanted to encourage communities to get involved in crime prevention.

She said their programmes at Nicro enabled rehabilitation and reintegration into society and those were the stories that they wanted told so that people kept the hope of a crime-free society.

"We do not want to only read about the blood and scandals, but also about the success stories about offenders who were rehabilitated," van Kraayenburg said.

"Through our programmes of rehabilitation we play a unique role when it comes to crime prevention."



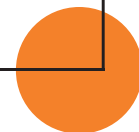
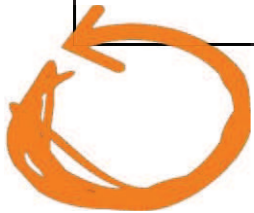
that would prominently reduce the number of unnecessary sentencing of petty crimes.

He said there was no point in sentencing people who stole bread only because they did it more than three times.

"A woman who walks into a shop to steal a piece of clothing for a child will still need that piece of clothing even after being in court and getting a suspended sentence — the real issue is why she is doing this and how can we as the society



Programme Phase			Duration
Preparation Phase	Life Skills 20 sessions		20 hours (2x per week for six weeks)
	Pre Adventure Orientation 4 sessions		8 hours (2x per week for 2 weeks)
Adventure Phase	Cleansing Phase	Day 1	15 hours continuous
	Personal and Social Responsibility Phase	Day 2	15 hours
		Day 3	15 hours
		Day 4	15 hours
	Transition Phase	End day 4 & day 5	15 hours
Reintegration Phase	1 Individual family meeting with each individual	Within first week of return	2 hours per family (one week)
	6 Group follow up sessions	1 st session within first week of return inclusive of parents, thereafter once per week	12 hours (2x per week, for 6 weeks)
	Group Community Service Project	Depending on Nature of project	30 hours
	Graduation and Celebration		4 hours



PROGRAM OUTLINES

Restorative Group Conferencing

- Continuing Care / Reintegration
- No duration placed on this – as individual's readiness to engage (particularly the victim) differs
- Minimum of 60 hours of engagement during this process
- Where serious trauma dynamics exists this can take years
- basic principle - cause no more harm therefore if the assessment indicates a high risk of dangerousness and secondary victimization, the process will not go ahead
- Utilize direct as well as indirect victim engagement
- Primarily with children from 10 years up – children under 10 more indirect victim work
- Apply different models of restorative group conferencing (as relevant to different target groups, settings and purpose):
 - Victim Offender Mediation

- Victim Offender Conferencing
- Family Group Conferencing
- Victim Impact Panels

□ Goals:

- To humanize the criminal justice experience for both victim and offender
- To hold offenders directly accountable to the individuals they victimized, and
- Positively impact on offender behaviour change.

□ Objectives:

- Develop victim empathy in offenders
- Empower the victim to participate in the process and tell their story
- Support the offender to take responsibility for the harm done
- Promote a sense of healing, reconciliation and social justice.



Phase	Total Hours	Processes	Minimum duration in hours
Preparation	40 hours	Receive referral and make contact with all parties	8 hours
		Pre-conference Assessment and Preparation Meetings with victims and offenders separately	3 hours assessment with victim 3 hours assessment with offender 3 hours of preparation with victim & relevant persons 3 hours of preparation with offender & relevant persons
		Logistical Arrangements	8 hours
		Preparatory Administration	12 hours
The Conference	7 hours	Pre conference/dialogue briefing Actual conference • Opening and Introduction	15-60 minutes 45 minutes Estimated – 2-5 hours
		• Story telling/ Information sharing	
		• Deliberations/ Responses	
		• Reaching out/ agreement	
		• Way Forward, Closure Post Conference briefing & Eval.	15-60 minutes
Post Conference Follow up	12 hours	Administration (agreements, report, correspondence)	4 hours
		Agreement Monitoring (where applicable) and general follow up	ongoing until objectives reached. If no deliverables in terms of an agreement was set, at least 8 hours of follow up meetings still need to happen

Community Service Learning

- Early Intervention & Continuing care / reintegration

- Children 13 – 18 years as well as adult

- Focus is on service learning and not just work

- Aim to build sense of community and responsibility


- McMillan & Chavis (1986) - sense of community is "...a feeling that members have of belonging, a feeling that members matter to one another and to the group, and a shared faith that members' needs will be met through their commitment to be together."

- modern society- decline in sense of community in the survival struggle – disconnectedness from self, environment and others – seeks alternative to address needs, frequently to the detriment of the larger group (community)

Goals:

- To offer individuals who have committed crime the opportunity to serve the communities they have offended, to develop a deeper understanding of the impact of their behavior on society at large and to become agents of change in their communities

Objectives:

- gain a sense of their own value within a community and as a citizen of the country
 - foster the development of a sense of caring for others (empathy)
 - Motivate participants to become proud and caring members of their communities, helping to identify and create solutions to community social problems.
 - To develop insight and understanding of what constitutes a community and the role that they play in their communities
 - To through community service address real needs in communities
 - To develop insight and understanding into the causes and effects of community problems
 - recognize and develop an understanding of what it means to be a responsible, participating and productive citizen of the country
 - develop competencies and skills that will enable them to become responsible and productive citizens
 - develop a personal stake in the well-being of their communities.
- 

Programme Phase	Activity			Frequency and Duration
Preparation & Contracting Phase	Individual Consultation			2 hours
	Preparation session 1 - 4			10 hours
Service in Action	Community Service work hours and reflection assignment (vary from 20 – 300 hours)	Build your Own	Done in a day or two	
		Training session (3hrs)	Group Session (2 hours)	
		Project planning & implementation (17 hrs)	Group session (2hrs)	
Reflection and Celebration	Closing group session (3 hrs)			



Positive Parenting Partners

- Early Intervention/Therapeutic
- Involve parents - build skills, support & assist parents to understand and maintain change in children
- Multi faceted & developmental – based on a systemic model with CBT elements
- 24-30 hours structured over 12 weeks – frequency depending on characteristics of participants
- Address reduction of family system and parental risk factors that predispose & contribute to involvement of crime

Other Programmes/Interventions

- Sex offender programmes
- Violent offender programmes
- Individual Cognitive Behavioural Therapy
- Family work & Therapy

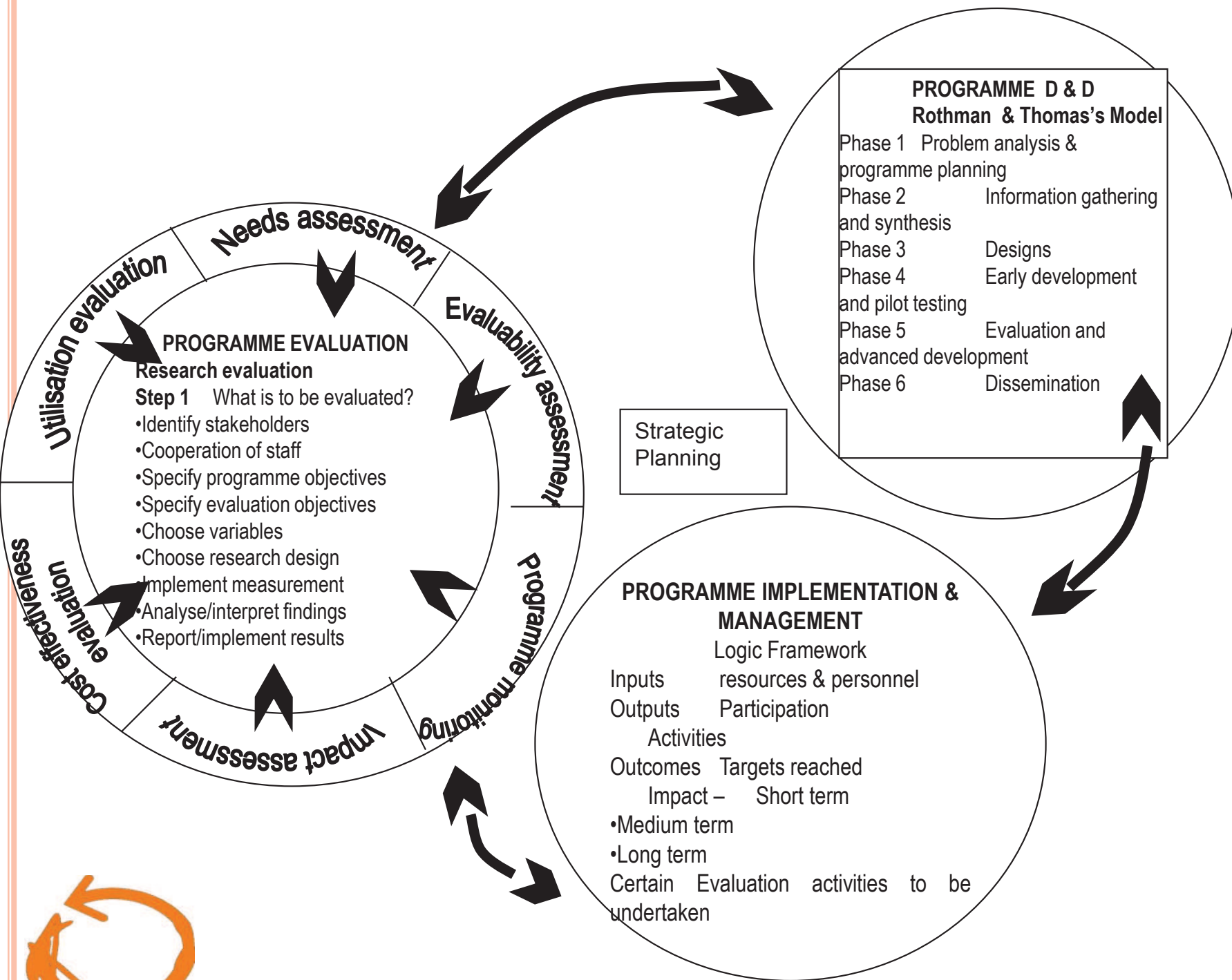


HOW DO WE UPHOLD OUR STANDARDS

- Comprehensive Policy, Standards and Procedure Manual that was developed over the last 15 years
- Inclusive of high level frameworks, practice and professional standards (international & local), service and organizational procedures
- Dynamic, scientific & professional processes of design, development, implementation, monitoring, evaluation and review linking back to design and development



NICRO Programme Design, Implementation and Evaluation Model



PROFESSIONAL WORKFORCE & PROFESSIONAL DEVELOPMENT

- Workforce of 214 professionals that is responsible for direct work with clients (excluding management)
- 127 social work qualified - 123 degrees, 4 Diplomas
- 7 General Social Science with Specialization
- 38 Social Auxilliary Work Qualification
- 26 Grade 12
- 8 Other Qualifications – varying theology to public administration
- Supervision – central and critical to effective and impactful interventions/programmes



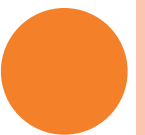
SUPERVISION

- ❑ Overall implementation & management of services – quality assurance and professional development – Scientifically based process – enhancing capacity and effectiveness
- ❑ Situational Leadership Supervision Model – Administrative, Supportive , Motivational and Modeling



EVIDENCE BASED PRACTICES & QA

- All work evidence based – data & information generated in day to day work by practitioners, used in scientific way to feed into the development, monitoring, and evaluation of programmes
- Based on what works principles – generated from practice guided by research evidence & literature
- All social work practices, have elements of research specifically in relation to evaluation designs



TRAINING

- 2 aspects – continuous professional development and capacity building/ organizational development
- Internal training as well as external (stakeholders)
- External usually on request – focus on broader aspects of diversion, also some requests for content & specialized training
- Learning from internal training– training most effective – focuses on professional development rather than procedural and structure
- Consider purposes & functions of stakeholders when doing training
- Training – basic (core), intermediate and advanced – specifically for content and process work – informed by training needs analysis
- Training topics are based on what the group needs
- Careful not to load training - rather more frequent with continuous application monitoring
- Challenge – application of learned knowledge & skills in practice
- Understand that standardization can only be developed to a certain extent – careful to be procedural and prescriptive – compromise the professional discretion and expertise of content specialists

TRAINING

□ Current essential topics

- Assessment Practice
- Etiology & Nature of Offending behaviour, criminality & developmental pathways
- Offender specific – sex offenders, drug addiction & treatment, Violent offenders
- General concepts – Diversion, RJ, Sentencing
- Etiology & nature of changing behaviour – professional skills
- Etiology & nature of victim trauma dynamics and impact specifically in relation to RJ involvement



NETWORKING & STAKEHOLDER INVOLVEMENT

- Central to community work as social work method
- This is how entrance into communities are gained and how solutions are assimilated into communities
- Generally challenging – beliefs and attitudes of individuals & collective values and norms
- Involvement of traditional authorities – particularly challenging in rural communities – different paradigm and approach to offending behaviour
- Debate – euro centrism, westernized ways of doing vs traditional – whether a child is abused by family in Europe, America or Africa – the emotional and psych impact on the child is the same – it is the availability and effectiveness of resources to appropriately support the child to resolve the problem appropriately that is different
- Role – should be as of any other – facilitative, motivational and enabling



SAMPLE OF CASES

Geographical Distribution

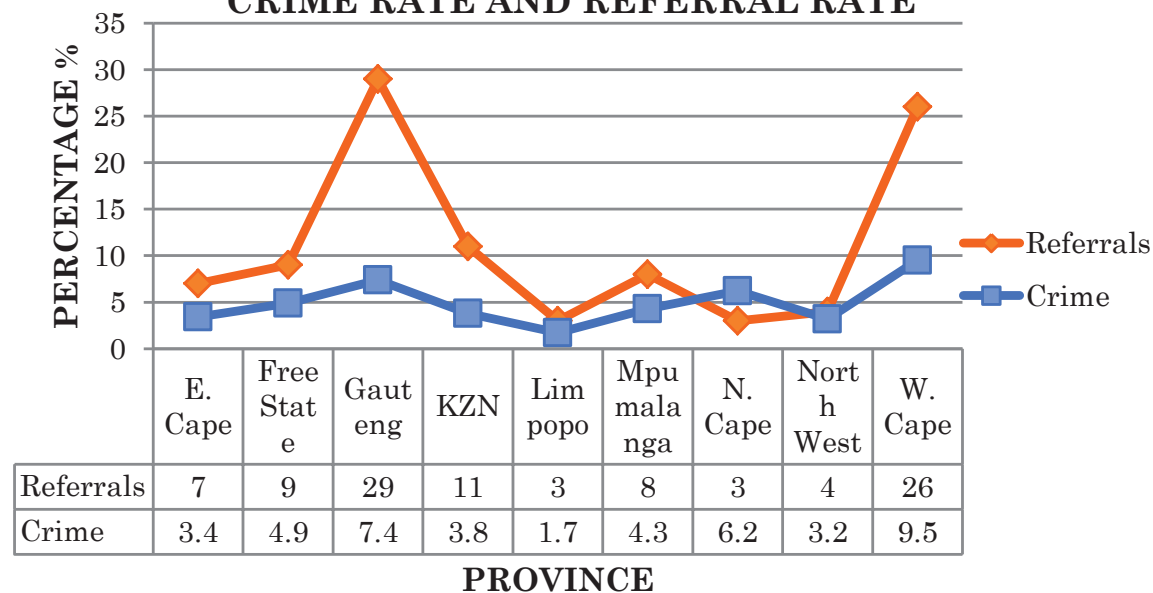
	June 09- November 09		December 09- May 10		Total Nr of Clients	
Province	%	Number	%	Number	Number	%
Eastern Cape	6.5%	95	7.7%	85	180	7%
Free State	9.2%	114	8.3%	79	193	9%
Gauteng	31.1%	453	25.4%	313	766	29%
KZN	8.4%	138	13.3%	162	300	11%
Limpopo	2.3%	30	4.4%	38	68	3%
Mpumalanga	6.2%	95	9.4%	112	207	8%
Northern Cape	3.2%	49	3.8%	46	95	3%
North West	4.9%	72	3.5%	40	112	4%
Western Cape	28.2%	431	24.3%	248	679	26%
Total	100%	1477	100%	1123	2600	100%



PROPORTIONATE COMPARISON: CRIME RATE & REFERRAL RATE

Province	Crime Rate Ranking	Referral Rate Ranking
Western Cape	1 st (highest)	2 nd
Gauteng with	2 nd	1 st (highest)
Mpumalanga	5 th	5 th
Limpopo	9 th (lowest)	8 th (lowest)
Free state	4 th	4 th
North West	8 th	7 th
Eastern Cape	7 th	6 th
KZN	6 th	3 rd
Northern Cape	3 rd	8 th (lowest)

**FIGURE 5 : PROPORTIONATE COMPARISON:
CRIME RATE AND REFERRAL RATE**



DEMOGRAPHIC PROFILE

Age

Age Group	Eastern Cape	Free State	Gauteng	KZN	Limpopo	Mpumalanga	Northern Cape	North West	Western Cape	Total
<12			12	4		3	2	1	21	43
13-14	12	3	63	11	6	7	13	1	71	187
15-16	54	41	178	50	24	51	31	27	122	578
17-18	73	55	195	74	32	68	28	41	143	709
19-20	8	25	50	30	5	22	6	8	37	191
21-22	3	8	36	20		4	1	3	43	118
23-25	5	18	37	18		6	2	5	54	145
26-29	7	15	42	23		11	5	3	47	153
30-39	11	12	84	38	1	13	5	10	70	244
40-49	7	8	47	23		17	2	9	57	170
50-59		5	16	8		3		4	9	45
>60		3	4	1		2			4	14
Unknown			2						1	3
Total	180	193	766	300	68	207	95	112	679	2600

Age Average: 16.6

58% 18 and younger, 42 % 18<



DEMOGRAPHIC PROFILE

Gender

Gender	Eastern Cape	Free State	Gauteng	KZN	Limpopo	Mpumalanga	Northern Cape	North West	Western Cape	Total	%
Female	22	67	174	85	5	46	14	17	137	567	21.8%
Male	158	126	589	215	63	161	81	95	542	2030	78.1%
Unknown			3							3	0.1%
Total	180	193	766	300	68	207	95	112	679	2600	100%



DEMOGRAPHIC PROFILE

Race

Race	Eastern Cape	Free State	Gauteng	KZN	Limpopo	Mpumalanga	Northern Cape	North West	Western Cape	Total	%
African	115	171	613	253	65	187	35	105	160	1704	65.5
Asian	2	1	12	24	1	1	2		1	44	1.69
Coloured	60	12	34	12		1	57	4	449	629	24.2
White	3	9	106	10	2	18	1	3	68	220	8.46
Unknown			1	1					1	3	0.12
Total	180	193	766	300	68	207	95	112	679	2600	100



DEMOGRAPHIC PROFILE

Educational Status

	Eastern Cape	Free State	Gauteng	KZN	Limpopo	Mpumalanga	Northern Cape	North West	Western Cape	Total	%
No Schooling	1		6	4		11		3	1	26	1
School Drop Out	68	62	174	119	7	45	32	31	268	806	31
Schooling	71	82	383	118	60	111	52	46	215	1138	43.8
Completed School	12	17	88	36	1	29	9	13	66	271	10.4
Tertiary Education	4	20	39	16		9	2	5	55	150	5.77
Unknown	24	12	76	7		2		14	74	209	8.04
Total	180	193	766	300	68	207	95	112	679	2600	100

70% educated



DEMOGRAPHIC PROFILE

Employment Status

Employment Status	Eastern Cape	Free State	Gauteng	KZN	Limpopo	Mpumalanga	Northern Cape	North West	Western Cape	Total	%
Casual Employment	9	15	34	23		13	4	5	35	138	9.21
Formally Employed	9	17	105	31	1	24	5	15	126	333	22.2
Self employed	14	13	21	8		9	1	2	15	83	5.54
Unemployed	27	57	131	92	4	37	16	29	211	604	40.3
Unknown	59	1	107	33	1	15	14	15	96	341	22.7
Total	118	103	398	187	6	98	40	66	483	1499	100

40/40 unemployed & employed
 24% unemployed for more than 3 years, 1
 month – 3 years



SERVICE DISTRIBUTION

Programmes Attended

	Assessment	Adapt	Anger Management	CSO/PTCS	Financial Crimes Prog	Journey	Life Skills	Matrix	Parenting Program	Perpetrator	RGC	Sex Offender	VOM	Specialised Assessment	Total
Eastern Cape	180	39		11		13	114			6	5		2	63	433
Free State	193	5		86		45	105		10		18		3	78	543
Gauteng	766	39	61	119		10	494		1	62	19	10	32	141	1754
KZN	300	8	8	123	2	6	85		4	4	8	1	71	31	651
Limpopo	68	5		1		28	54				2	3		38	199
Mpumalanga	207	2	32	5		11	146		12		11	4	1	40	471
Northern Cape	95	7		14			67		2		7		3	16	211
North West	112	1	1	2		5	86		8	14	1		5	29	264
Western Cape	679	26		265	1	57	319	25	15	47	9		2	181	1626
Total	2600	132	102	626	3	175	1470	25	52	133	80	18	119	617	6152

REFERRAL SOURCE

Referral Source	Eastern Cape	Free State	Gauteng	KZN	Limpopo	Mpumalanga	Northern Cape	North West	Western Cape	Total	%
Community corrections			1						2	3	0.2
Legal Aid /Private Lawyer			1						1	2	0.13
Magistrate	39		50		1	9	1	9	27	136	9.1
Other	7	7	3	1		7	8	3	4	40	2.7
Place of Safety			5							5	0.3
Prison			3						1	4	0.3
Probation Officer	65	85	446	24	61	119	69	1	90	960	36.9
Prosecutor	64	98	191	268	1	55	10	95	529	1311	50.4
SAPS			6	1						7	0.3
School	3	2	43	1		11	6		22	88	3.9
Family/Self referred		1	13	1	5	6	1	3	3	33	1.3
Unknown	2		4	4				1		11	0.4
Total	180	193	766	300	68	207	95	112	679	2600	100

CRIME PROFILE

Offender Status	Eastern Cape	Free State	Gauteng	KZN	Limpopo	Mpumalanga	Northern Cape	North West	Western Cape	Total	%
First Offender	158	173	690	294	59	178	71	92	608	2323	89.3
Recidivist	9	9	41	5	4	6	11	13	61	159	6.12
Unknown	13	11	35	1	5	23	13	7	10	118	4.54
Total	180	193	766	300	68	207	95	112	679	2600	100



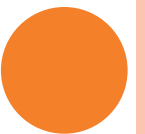
Type of Crime	Eastern Cape	Free State	Gauteng	KZN	Limpopo	Mpumalanga	Northern Cape	North West	Western Cape	Total	%
Culpable Homicide			1	1		1				3	0.1
Kidnapping			1			1				2	0.1
Child Abuse		1	2			5		6		14	0.5
Assault GBH	17	25	134	81	24	40	18	31	64	434	16.7
Common Assault	22	11	97	34	3	40	11	9	66	293	11.3
Domestic Violence	7	1	7	1		11		12	13	52	2.0
Murder/Attempted Murder	2	2	4			4	1		27	40	1.5
Weapons related crimes	1		2	3		2			2	10	0.4
Robbery/Armed Robbery	12	6	34	11	3	3		3	9	81	3.1
Rape/Attempted Rape			9	1	3	4	4		2	23	0.9
Other Sexual Crimes	2	3	2	1	1	2			1	12	0.5
Violent Crimes Total	63	49	293	132	34	113	34	61	184	963	37.0
Dealing in Dagga/Alcohol/Other Narcotics			6							6	0.2
DUI	1	1	4	1		1	1		61	70	2.7
Possession of dagga/alcohol/other narcotics	18	4	52	15	2	6	8		123	228	8.8
Dug Related Offences	19	5	62	16	2	7	9	0	184	304	11.6
Fraud		1	8			3		4	4	20	0.8
Shoplifting	32	63	106	16	1	17	17	3	116	371	14.3
Theft of/from M/Vehicle			1				1	2	3	7	0.3
Theft/Attempted Theft	20	30	123	101	7	30	10	11	77	409	15.7
Arson/Attempted Arson			1						1	2	0.1
Economic Offences	52	94	239	117	8	50	28	20	201	809	31.1

Housebreaking& Theft/Attempted Housebreaking/Possession of housebreaking equipment	13	13	40	14	12	9	3	18	33	155	6.0
Possession of Stolen Property	3	2	7	2	1	4	3	2	2	26	1.0
Unauthorized Use of M/Vehicle				2					1	3	0.1
Malicious damage to property/trespassing	12	12	33	4	1	4	2	1	32	101	3.9
Property Crimes	28	27	80	22	14	17	8	21	68	285	10.9
Reckless Driving; Driving without licence	3	2	7		2	2			4	20	0.8
Other Victimless Crimes		5	6			2	2		6	21	0.8
Victimless Crimes	3	7	13	0	2	4	2	0	10	41	1.5
Other	1	2	54	11	7	13	14	9	26	137	5.3
Unknown	14	9	25	1	1	3		1	6	60	2.3
Total	180	193	766	300	68	207	95	112	679	2600	100



CHALLENGES

- Fear of crime
- Perception of who offenders are and how to correct behavior
- Skills of people to implement
- Political Agendas
- Weak Services – lack of resources



CONCLUSION

- ❑ Structured programmes are only one type of action/activity that can be undertaken – it is not the be all
- ❑ Programmes are not magic bullets – implemented by individuals – if the individuals are not professionally skilled, passionate and competent programmes will not be effective
- ❑ One needs all the ingredients

