Returning to a Reluctant Sender:

An Exploration into Community Attitudes Toward Diversion and Reintegration in South Africa

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Acknowledgements

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Contents

List of tables

List of figures

Acronyms

CJA   Child Justice Act (75 of 2008)
CJB   Child Justice Bill (49 of 2002)
DCS   Department of Correctional Services
DSD   Department of Social Development
FGC   Family-Group Conferencing
GP   Gauteng Province
KZN   KwaZulu Natal
NICRO   National Institute for Crime Prevention and the Reintegration of
           Offenders
NPA   National Prosecuting Authority
RDP   Reconstruction and Development Programme
SANCA   South African National Council on Alcoholism and Drug Dependence
SAPS   South African Police Service
VOM   Victim-Offender Mediation
WC   Western Cape Province

Executive summary

Child and youth crime continues to be one of the primary challenges facing post-apartheid South Africa. The increasingly high numbers of young, first time perpetrators incarcerated for various minor offences is an issue that raises infinite contention worldwide. It is estimated by the Department of Correctional Services that 4% of all awaiting trial prisoners are children younger than 18 years. Moreover, 2.5% of the sentenced prison population are comprised of children under the age of 18 years. The extent of young offenders awaiting trial in the country's correctional facilities is a considerable statistic when considering that many of their offences are suitable for diversion.

Advocates for children's rights have for long been engaged in the battle for the establishment of a separate system to deal specifically with first-time child and youth offenders of minor crimes. The birth of democracy in South Africa has aided the sustained action towards a new justice system which incorporates principles of restorative justice. The Child Justice Act 75 of 2008 (CJA) finally came into being in 2010. Prior to this, the implementation of alternative forms of sentencing such as diversion were conducted on a small and relatively unmonitored scale under the Child Justice Bill 49 of 2002.

The new act has been welcomed mainly because of the guidelines and legal framework it provides for child justice in South Africa. These guidelines include the regulations for diversion and alternative penalties for young offenders, and also outline suitable penalties based on the age, background and other factors such as the offence and religious beliefs of the young offender.

Children and youth who become involved in delinquent activities at a very young age, are generally more inclined to continue along this path later on in their lives; highlighting the need for interventions to target these youths before their delinquent acts become established behavioural patterns. Incarcerating young offenders for their criminal acts fails to curb crime since these youths are only temporarily removed from society, the root causes for their behaviours are

not addressed, and they often graduate to more serious offences following their time behind bars due to their exposure to other criminal elements.

With the high recidivism rates as a result of youth being exposed to the criminal justice system at an early age and following criminal careers because of the criminal records received from incarceration, the advent of alternative penalties have brought a new wave of hope for reduced recidivism rates.

Prior to the CJA, diversion was virtually unavailable in poorer communities and the rural areas. A shortage of diversion service providers and the lack of funding from the Department of Social Development (DSD), as well as the reluctance on the part of the criminal justice system practitioners (i.e. magistrates, prosecutors and probation officers) to refer young, first time minor offenders to diversion programmes, have exacerbated the problem of youth incarceration. An area lacking sufficient research is the extent to which communities are receptive to diversion and alternative penalties. Since the success of diversion rests principally in the community's ability to reintegrate the offender, the current dearth of literature on community experiences and attitudes toward offender reintegration, underscore the need for this small scale exploratory study.

In this monograph, a brief description of the history of child justice in South Africa and the steps taken in the process of launching the Child Justice Act (CJA) (75 of 2008) developed from the Child Justice Bill (CJB) (49 of 2002) will be provided. It will, in addition, explore the applicability of the Child Justice Act in South Africa through the lens of restorative justice, which is the pillar of the Act. There will be the analysis of diversion and how this has supported the objectives of restorative justice, to alleviate the criminal justice system and reduce recidivism.

Following this, the findings from the study conducted amongst 1802 participants recruited from 14 communities across three provinces in South Africa; namely Gauteng, KwaZulu-Natal, and the Western Cape, elucidating community members' perceptions of diversion and reintegration will be analysed. This analysis will be useful for painting a picture of the community responses to restorative justice since the community is highly contributory to the success or failure of such programmes.

Overall, the findings of the study show that across the three provinces there is a noticeable hesitancy to engage with young, first time minor offenders through restorative justice practices such as diversion on a community level. It must however be noted that participants did feel that family cohesion and support was necessary and practiced within their households to a large extent, but community responsibility to maintain peace and order and raise children well was not perceived in the same manner. Although participants were drawn from diverse communities, there is no discernible difference between responses based on community types, however, participants from KwaZulu-Natal were undoubtedly

the most unreceptive of diversion and related penalties.

While most participants had not experienced or witnessed crime, there were high levels of insecurity within the communities represented in this study. Two thirds (33.6%) of participants said that they felt unsafe while at home and some of these feelings of insecurity were attributed to young people's involvement in criminal activities in their communities. The findings present very interesting insight into the possible barriers towards reducing the incidences of youths engaging in crime and applying diversion and reintegration with positive outcomes within South Africa.

Introduction

The Department of Correctional Services (DCS) observes that the incidence of child and youth related crime has trebled since the new democratic dispensation. Currently, approximately 2.5% of the South African prison population is made up of those under the age of 18 years; while 4% of all awaiting trial prisoners are children younger than 18 years. The average age of the youth offender has declined in the last two decades; from 22 years in 1990 to 17 years in 2000 and continued to drop to 15 years in 2009.

The nature of the offences that bring children into contact with the criminal justice system is largely economic, with property-related crimes constituting nearly half (48%) of all offences committed by incarcerated youths. Aggressive crimes (32%), sexual crimes (15%) and drug-related crimes[1] comprise the remaining 50% of offences committed by these young offenders.

At the end of 2010, 326 individuals younger than 18 years were awaiting trial while 576 had already been sentenced; amounting to a total of 902 children incarcerated in South African prisons in 2010.[2] In February 2011, a total of 846 children under 18 years were in detention, of which two were younger than 14 years and 541 had already received sentences.[3]

It is well known that young people in South Africa are disproportionately at risk of being both the victims as well as the perpetrators of crime. (See Figure 1 for comparative statistics on recent youth and adult victimisation rates in South Africa).

Children and youth who first engage in delinquent activities at a very young age are generally more inclined to continue along this path later in their lives. Thus, any interventions to reduce and prevent youth violence and crime should be attempted prior to the delinquency becoming an established behavioural pattern. Traditionally, the state has assumed a retributive and punitive approach

Figure 1: Comparative youth and adult victimisation rates in South Africa
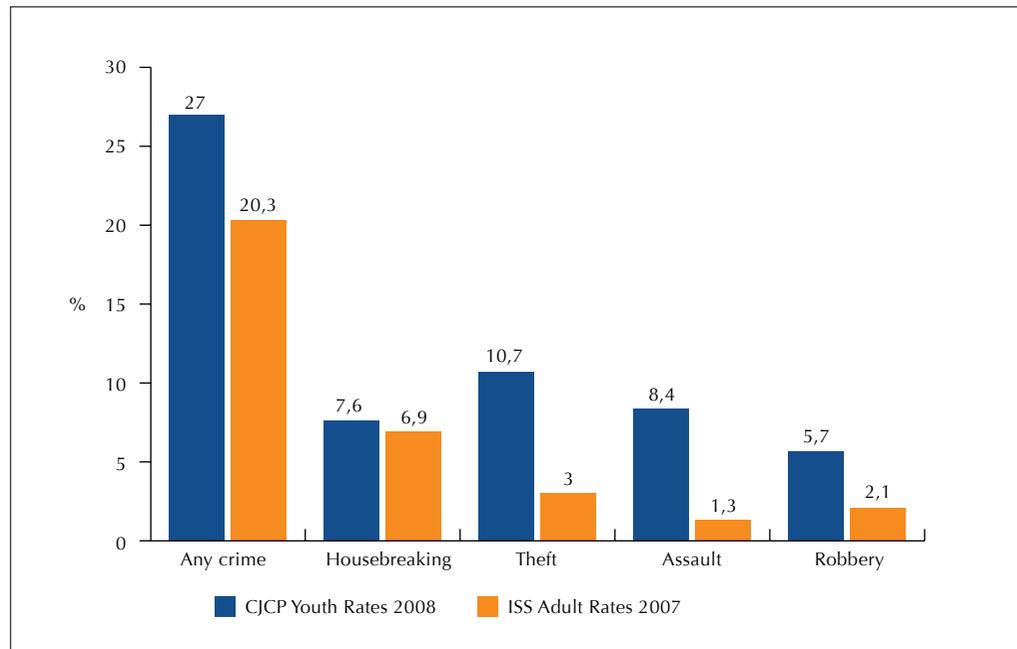
to dealing with the country's unacceptably high levels of crime and violence. Strict law enforcement and lengthy custodial sentences have, however, failed to stem the tide of crime, and has instead, resulted in overcrowding within the country's correctional facilities.[4]

Merely incarcerating offenders for their misdemeanours has been found wanting in curbing crime for various reasons, of which, only temporarily removing the perpetrator from society without the root causes of their behaviour being addressed, and failing to hold the offender accountable as an individual for his or her behaviour, are the most important. As a result, following their sentences, most prisoners are freed and many of them relapse into the cycle of crime after their release. Available statistics suggest that approximately 6 000 prisoners are released in the country every month, of which 80% or more are estimated to re-offend. [5]

This scenario has led to the call for reform in the criminal justice system and the state's response to child and youth crime. According to the new White Paper on Corrections in South Africa, the key responsibility of the Department of Correctional Services is to correct offending behaviour in a safe, secure and humane environment.[6] Correctional centres are now meant to function as places of rehabilitation where offenders receive the necessary skills that will enable them to be reintegrated into society as law-abiding citizens – an approach to corrections that is in stark contrast to the punitive and authoritarian penal system South Africans have long been accustomed to.

Table 1: Risk factors for offending

A young person's decision to become involved in crime is based on a range of complex and intersecting social, personal, and environmental factors.	
Broad area	**Specific risk factors**
Individual	Aggressiveness; early onset of violent and impulsive behaviour; beliefs and attitudes favourable to deviant behaviour; being male; engaging in antisocial acts such as substance use and stealing.
Family or home factors	An economically stressed family; child abuse and neglect; lack of parental interaction; poor parental supervision; single parent families; parents using alcohol and/or drugs; negative relationships with parents; exposure to high levels of family violence and conflict; delinquent or criminal behaviour by siblings; harsh or inconsistent disciplinary practices; parental criminality.
School factors	Lack of education; poor academic performance; school failure; truancy; problems at school; poor schooling; low bonding to the school; disruptive behaviour at school; bullying.
Community factors	Poverty; neighbourhood with high levels of crime; unemployment; availability of drugs and firearms; gang activity; lack of access to recreational opportunities and facilities; poor housing; neighbourhood adults involved in crime; exposure to community violence; a lack of job opportunities.
Extra-family relationships	Associations with deviant peers and gangs; lack of suitable role models.

Source: Taken from A. Maree[7] (2003) Hawkins JD, Herrenkohl TI, Farrington DP, Brewer D, Catalano RF, Harachi TW, and Cothern L. (2000).[8]

Factors that have been associated with recidivism include:

- Poor educational attainment;
- A lack of fixed, formal employment;
- Substance misuse;
- Attitudes tolerant of violence and crime;
- Poor life-skills;
- Lack of proper housing or accommodation;
- Poor financial support; and
- Poor family relationships or social networks.

Life after prison necessitates the ability to overcome an array of challenges that ex-prisoners will be confronted with, including discrimination, stigmatisation, finding sufficient housing and formal employment.[9] The extent to which South Africa's correctional facilities succeed in preparing offenders for their lives post-incarceration, hinges upon the provision of prison environments that are conducive to the process of rehabilitation. Currently, overcrowding severely undermines attempts at rehabilitation in the country's prisons.[10] This is further exacerbated by the fact that in-prison rehabilitation programmes are not compulsory for all offenders, as well as, a lack of adequate resources, gang violence, sexual violence, corruption and maladministration occurring in prisons.[11]

To circumvent this issue of overcrowding, and to address the high numbers of offenders who are incarcerated for petty crimes, a separate justice system was established to deal specifically with the lesser crimes perpetrated by first time young offenders in South Africa. In doing so, child and youth offenders are channelled out of the criminal justice system and are provided with programmes aimed specifically at their development and rehabilitation.[12] The Child Justice Bill 49 of 2002 paved the way for the Child Justice Act 75 of 2008 which formalised and incorporated diversion into the criminal justice system by comprehensively setting out guidelines and procedures for diversion and alternative penalties for young, first time minor offenders.[13]

The National Institute for Crime Prevention and the Reintegration of Offenders (NICRO) describes diversion as an all-inclusive concept that ranges from "the use of police discretion not to lay charges, police warnings, formal police referrals to rehabilitation, individual and family services and formal pre-trial referrals from courts (prosecutors, probation officers) to structured interventions, utilised for rehabilitative purposes".[14]

Up until 2010, the diversion of children in conflict with the law was conducted on a small scale and in the absence of a formal framework.[15] Diverted cases, however, between 1999 and 2000 were at a mere 10,500. Although a steady increase

A young person is legally defined as any individual under the age of 18 years *but* older than 10 years. While children below the age of 10 may commit crimes, they are considered to lack criminal capacity or the mental ability to adequately distinguish right from wrong. This inability to fully understand the nature and consequences of their actions implies that they cannot be held accountable for their actions. Hence, child offenders between the ages of 10 and 14 years are legally required, according to the CJA, to be assessed for criminal capacity by probation officers prior to appearing at the preliminary enquiry. Their older counterparts (those between the ages of 14 and 18 years) however, can be formally prosecuted.

Source: Sloth-Nielsen, J. & Muntingh, L.M. (2001). Juvenile Justice Review 1999-2000, South African Journal of Criminal Justice, No. 14, pp. 384-403.

from the few hundred cases in the early 1990s, this figure is still low.[16] Lengthy delays in prosecutions and the lack of alternative sentencing and diversion options available in South Africa have been faulted for this. Even where diversion has been available, young, first time minor offenders may already have spent a considerable amount of time behind bars while awaiting trial, before being diverted.

Alternative sentencing in the form of diversion is a practice that is born from restorative justice; the advent of which is fairly recent in South Africa. The first large-scale restorative justice initiative in South Africa was the Truth and Reconciliation Commission (TRC). This commission was developed to address the injustices and brutality suffered by the country's citizens during the 34 year period during 1960 to 1994 as a consequence of the apartheid regime.

The Western Cape Department of Social Development defines restorative justice as "*...a theory of justice...that relies on the idea that a well-functioning society operates with a balance of rights and responsibilities. When an incident occurs which upsets that balance, methods must be found to restore the balance, so that members of the community, the victim, and offender, can come to terms with the incident and carry on with their lives. In order for this to happen, the offender must accept responsibility for the fact that his or her behaviour has caused harm to the victim, and the victim must be prepared to negotiate and accept restitution or compensation for the offender's wrongdoing. In essence, restorative justice aims as far as possible to "put right the wrong". It is based on the idea that we are all connected, that crime is a violation of relationships, and that such violations create obligations...This includes outcomes such as an apology, restitution and reparation, and restoring relationships between offender and victim.*"[17]

Restorative Justice is "most easily understood in opposition to retributive or punitive justice"[18]. Instead of punishing offenders, restorative justice aims to undo the harm that has been caused by the crime by encouraging offender accountability, reconciliation and restitution through the involvement of the child, the child's parents, the child's family members, the victim and his or her family, communities as well as the state agencies.[19] This approach to dealing with crime is believed to restore human dignity, property loss, injury to person or health, human relationships, communities, the environment, emotional restoration as well as peace and empowerment of self-determination and the sense of duty as a citizen.[20]

Against this backdrop, diversion involves electing – in suitable and deserving cases – to dispose of a criminal case through alternative proceedings.[21] This election usually implies the provisional withdrawal of the charges against the accused, on condition that the accused participates in particular programmes and/or makes reparation to the complainant. In this way, restorative justice is understood to be a form of healing.[22] A young person may be diverted to one or a combination of different programmes which vary from the most favoured Family-

Group Conferencing (FGCs) to victim-offender mediation and other programmes such as creative arts, vocational skills programmes, peer or youth mentorship, counselling and therapeutic programmes, family based programmes, wilderness or adventure therapy, as well as creative arts programmes.

In addition to reducing recidivism and fostering accountability, what makes diversion even more appealing is the wiping out of the young offender's criminal record if they are diverted and successfully and satisfactorily complete their diversion order. The challenges related to having a criminal record as a result of a minor offence are thus avoided. This, therefore, further aids the reintegration of the child. Despite these benefits, diversion is often viewed by mainstream society as a soft approach to crime, and as a result, the use of diversion has been limited in South Africa.

The White Paper recognises corrections as a societal responsibility, identifying the family as well as the community, alongside the Department of Correctional Services, as key role-players in correcting the behaviours of offenders.[23]

The type of community that a young person stems from has a significant bearing on the success of the diversion process or the offenders' reintegration into society. While responsible for corrections, families and communities are also negatively affected by the crimes committed by offenders. Communities are for the purposes of this document defined as groups of interacting people who live within the same geographical space, and usually refer to a social unit larger than a household that share common values and is socially cohesive. Family and community members are often left to deal with the consequences of the offender's

actions as well as his or her incarceration, unaided. Upon release, they are expected to assist the offender in becoming accustomed to life post-incarceration. If they are unsuccessful in doing so, or are ill-prepared, this may increase the likelihood that ex-offenders fail to live up to the challenges of their "new lives" and revert back to their old habits.[24]

In communities, where members fail to demonstrate a commitment to preserving the values of restorative justice, and view diversion as a lenient or ineffective penalty, offenders may often be stigmatised further, rather than be successfully reintegrated into the community.

Given this significant role that communities play, this CJCP study intended to uncover community attitudes to offender reintegration. A random, systematic sampling method was used to recruit approximately 600 participants each from three provinces namely, the Western Cape, Gauteng, and KwaZulu-Natal. These three provinces were selected on the basis of the following criteria:

- Firstly, Gauteng and the Western Cape are the two provinces with the most established diversion services; and
- Secondly, most of the young people referred to NICRO, South Africa's main provider of diversion services, during the period December 2009 to May 2010 originated from Gauteng, the Western Cape, and KwaZulu-Natal.[25]

The data collection for this study took place simultaneously in all three provinces during the period of the 21st of October to the 12th of November 2010. The study sought to realise a sample which would represent a microcosm of each province thus participants 18 years of age and older were recruited from both urban as well as rural areas within each province.

Brantingham and Faust (1976) first outlined a typology that distinguished between primary, secondary, and tertiary initiatives to the crime prevention approach.

A) PRIMARY LEVEL INTERVENTIONS

At a primary level, this approach aims to address the environmental factors that contribute to crime. Thus, such initiatives would range from target hardening, to environmental design, to urban renewal.

B) SECONDARY LEVEL INTERVENTIONS

At a secondary level, individuals or groups of people who are considered vulnerable to offending or victimisation become the target for interventions. Successful programmes at this level include skills training for parents and children, and early childhood development programmes.

C) TERTIARY LEVEL INTERVENTIONS

At this level, interventions are aimed at individuals who have already offended and/or are at risk of re-offending. The intention of these initiatives is to intervene before the individual re-offends. Much of these programmes are offered in prisons.

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VALUES THAT ARE FUNDAMENTAL TO RESTORATIVE JUSTICE PRACTICES

Participation

The experiences and needs of those most affected by an act of crime (i.e. victims, offenders and their communities) should be brought to the fore in this process.

Respect

All human beings have equal worth irrespective of their actions or demographic profile. Thus, all deserve to be spoken to and treated with respect in the restorative justice process.

Honesty

Honesty and truth are key to the success of restorative justice processes. For this reason, it is important that individuals be provided with the opportunity to communicate truthfully about their experiences – not only to establish guilt, but also to determine the impact that the incident has had on them, as well as their moral responsibilities.

Humility

Restorative justice is mindful of the limitations and shortcomings of human beings. This acknowledgement enables victims and perpetrators to place themselves figuratively in the shoes of the other party.

Interconnectedness

Restorative justice recognises that both the victim and perpetrator are members of a community that has some responsibility for its members and the occurrence of crime in the area. The community therefore has some part to play in seeking reparations for victims and reintegrating offenders.

Accountability

The perpetrator is obligated to accept full responsibility for the crime that has been committed against another individual. Offenders demonstrate acceptance of this obligation by showing remorse for their actions, by making reparations for the losses incurred by the victim and by seeking forgiveness from others. This is believed to contribute towards reconciliation.

Empowerment

Restorative justice aims to empower victims who have been disempowered by crime. This is done by ensuring that victims play an active role in determining what they need following the victimisation and how best their needs could be met. Similarly, perpetrators are empowered to take responsibility for their actions.

Hope

Restorative justice seeks to foster a sense of hope: hope of healing for victims, hope of change for offenders, and the hope of greater civility for society.

Source: Skelton, A. & Batley M, Charting Progress, Mapping the Future: Restorative Justice in South Africa. Restorative Justice Centre, Pretoria, 2006.

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Diversion in South Africa

2.1   INTRODUCTION

A brief description of diversion in South Africa is warranted here since offender reintegration and diversion programmes do share a few similarities, despite having different foci. While offender reintegration programmes are aimed at providing support to ex-offenders as they attempt to adjust to life following their release from prison, diversion programmes aim to assist youth in serving their alternative sentences within their communities.

Although it has been a year since the passing of the Child Justice Act and remarkable strides have been achieved in the child justice realm, diversion still remains a practice that requires much attention. Historically, NICRO, Khulisa, the Teddy Bear Clinic, Childline, the Restorative Justice Centre and the Youth Development Outreach were the only major service providers of diversion in the country. While this has now changed somewhat, certain provinces continue to this day, to lack even basic diversion services.

The implementation of diversion as an alternative form of justice for children and youth has been marred by an apparent reluctance on the part of prosecutors, probation officers and magistrates to divert young, first time minor offenders. This is attributed largely to the lack of a formal framework prior to 2010 as well as the inertia often felt by these criminal justice professionals since diversion has been associated with numerous concerns pertaining to the quality and impact of these services; most importantly, the concern that diversion was creating a platform for young offenders to get away with crime.[26]

To reiterate, through diversion, young offenders are diverted away from the court system, and in so doing, avoid a trial as well as a criminal record. According to NICRO, diversion orders generally last from one to two years, following which, offenders are tracked at regular intervals to prevent a relapse into criminal activities.[27]

INTERNATIONAL INSTRUMENTS RATIFIED BY SOUTH AFRICA FOR THE ADMINISTRATION OF CHILD JUSTICE
■ United Nations Convention on the Rights of the Child
■ United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Rules) 1990
■ United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules) 1985

THE MINIMUM STANDARDS APPLICABLE TO DIVERSION
In keeping with the objectives of diversion, diversion options must be structured in a way that strikes a balance between the circumstances of the child, the nature of the offence and the interests of the child and-
(a) may not be exploitative, harmful or hazardous to the child's physical or mental health;
(b) must be appropriate to the age and maturity of the child;
(c) may not interfere with the child's schooling;
(d) may not be structured in a manner that completely excludes certain children due to lack of resources, financial or otherwise; and
(e) must be sensitive to the circumstances of the victim.
Diversion programmes must, where reasonably possible-
(a) impart useful skills;
(b) include a restorative justice element which aims at healing relationships, including the relationship with the victim;
(c) include an element which seeks to ensure that the child understands the impact of his/her behaviour on others, including the victims of the offence, and may include compensation or restitution;
(d) be presented in a location reasonably accessible to the child;
(e) be structured in a way that they are suitable to be used in a variety of circumstances and for a variety of offences;
(f) be structured in a way that their effectiveness can be measured;
(g) be promoted and developed with a view to equal application and access throughout the country, bearing in mind the special needs and circumstances of children in the rural areas and vulnerable groups; and
(h) involve parents, appropriate adults or guardians, if applicable.
Child Justice Act 75 of 2008 s55 (1) and (2)

2.2   THE STAKEHOLDERS OF DIVERSION AND RESTORATIVE JUSTICE

A number of individuals or institutions are instrumental in the effectiveness of the diversion process. From the moment the child takes responsibility for the offence to the time the child completes whichever diversion option he or she is assigned to, a number of stakeholders are involved in the process. Diversion, unlike the usual criminal justice procedure, is an all-encompassing process which involves more than just the offender and criminal justice system and related officials. In this chapter, we take a succinct look at two of these stakeholders, who along with the criminal justice officials, play a crucial role in correcting the offending behaviours of young people who transgress.

Table 2: Types of diversion orders

LEVEL 1 ORDERS: s 53 (3)	LEVEL 2 ORDERS: s 53 (4)
• Formal caution, with or without conditions • Prohibition from visiting or frequenting places • Supervision and guidance order • Reporting order • Compulsory school attendance order • Family time order • Peer association order • Good behaviour order • Oral or written apology	• Compulsory attendance of vocational, educational or therapeutic programme, which may include a period of temporary residence • Referral to intensive therapy, which may include a period of temporary residence • Placement under supervision of probation officer on conditions which may include restriction of movement without prior written approval
• Referral to counselling or therapy • Compulsory attendance of vocational, educational or therapeutic programme • Symbolic restitution • Restitution of specified object • Community service • Provision of some service or benefit to persons, community, charity, welfare organisation • Payment of compensation • Family group conference or victim-offender mediation	

Adapted from source: Gallinetti, J. 2009[28]

2.2.1   Families

Diversion relies heavily on the participation of families; both that of the offender as well as the victim for it to be effective within itself and as a restorative justice measure. Since families constitute the first and closest social network within which a child or young person operates and learns how to relate to the rest of the world, it is an important stakeholder in diversion. During diversion, families are requested to be present not only to provide support to the young person, but also to facilitate the restorative process through coming together with the victim and his or her family for the purpose of healing and making amends.

The family's role in diversion may be impeded by several factors. Two of these are:

■ *The non-nuclear family structure of many South African households.* In several cases families are not comprised of the conventional two parents and siblings living in the same residence. Despite this, the need for the individual's next of kin to be involved in the diversion process remains; even if it is not a programme where families are directly involved for example a life-skills programme; and
■ *The social decay that has come to characterise many South African communities* may further compromise the support that families are able to provide to young offenders, and hence, may influence compliance or non-compliance with the diversion order on the part of the young person involved.

Figure 2: Stakeholders in the diversion process

2.2.2   Communities

Central to the notion of restorative justice is the recognition of the community rather than the criminal justice agencies as the prime site of control. The community is comprised of both family members as well as the rest of those who may be known to the young offender and who may influence the young person's life. Simply put, the community basically refers to every individual which the young person interacts with. In most cases, the diversion orders are given to young offenders to carry out in the areas in which they live.

The community is thus tasked with the duty of working alongside the offender – to assist and not to stigmatise – for the purpose of restoring and rehabilitating the young person, and providing a common ground for the young offenders and the victims to bring about harmony in the community – especially if this has been eroded as a result of the crime. Skelton (2006) observes that by giving communities a role in the process and outcomes of justice they are made more aware of their role in raising young people appropriately and responsibly.[29]

However, like families which are not always supportive or available in some instances, communities can be the breeding grounds for criminal activity or fail to offer support to the efforts of rehabilitation and restorative justice. Walgrave (1995) observes that an offence is not to be taken at its face value, but it should be taken as a sign of malfunctioning socialisation.[30] This in fact places a great responsibility on the community since the community itself may have contributed to the young person's criminal activity through its lack of control or sufficient moral standing.

The types of offences most commonly referred for diversion include:

■ Theft
■ Attempted Theft
■ Shoplifting
■ Assault with the intent to commit grievous bodily harm
■ Common assault
■ Possession of narcotics or alcohol

Diversion aims to give communities a stake in the rehabilitation of young offenders. This is not always a positive step since in some instances, communities have been excessively punitive or even unwilling to rehabilitate the offender perceiving that diversion was a lenient or ineffective penalty. This problem, in addition to disorganised communities plagued by social decay, work against the aims of diversion and restorative justice. Muntingh (1997) summarised the significant role families and communities play in diversion when stating that in

cases where the offending child or youth comes from a family and community that are supportive and closely-knit, commitment to the diversion programme is increased.[31]

This begs the question: "Are diversion programmes effective in curbing crime and reducing recidivism?" Skelton and Batley (2006) point out that there are certain criteria that restorative justice interventions such as diversion have to meet in order to have a high degree of effectiveness:

■ Interventions should address the harms and causes of the offence;
■ It should be victim-oriented;
■ Offenders should be encouraged to take responsibility for their actions;
■ All stakeholders should be involved in the restorative process (including families and communities affected by the harm that has been done);
■ A platform for dialogue and participatory decision making should be established; and
■ The intervention should be respectful to all parties.[32]

Table 3: The roles of other stakeholders in the diversion process

The South African Police Service (SAPS)	This is the group of individuals which first deals with young offenders after the offense has been committed. In some instances child offenders have been dealt with inappropriately and treated the same as older offenders in the formal criminal justice system. The CJA outlines appropriate guidelines for dealing with young offenders which the SAPS must adhere to.
Magistrates	This group of professionals is responsible for the actual diversion of the child. The main role of the inquiry magistrate as clarified by Muntingh (1997) and proposed in the Bill (now the CJA) is to preside over the preliminary inquiry in a manner that allows the gathered information to be shared and additional information to be elicited for the purpose of assisting the prosecutor to make an informed decision as to whether the young person should be diverted or not.[33] After due discussion, the inquiry magistrate must establish whether the prosecutor is willing to divert the child. If the decision is taken to divert the child, the inquiry magistrate is required to make an order regarding the most appropriate diversion option or options. The programme should be suitable for the child's age, linguistic and learning abilities and must be accessible to the child as is stated in the CJA. The inquiry magistrate must then also identify either a probation officer or another suitable person to monitor the child's compliance with the conditions of the selected diversion options.
Prosecutors	The prosecutor's decision is of paramount importance since it accounts for who is and who is not diverted. Wood (2003) observes that prosecutors are the main source of referrals with approximately 80% of all referrals being made by prosecutors.[34]
Social Workers	The roles of these individuals in diversion are mainly dealing with issues relating to the welfare of the young offender. Social workers have the responsibility of ensuring that the recourse taken is appropriate for the circumstances of the child such as the age and linguistic abilities of the child. The social worker, as noted by Badenhorst & Conradie (2004), also submits the report to the prosecutor and the probation officers. They are responsible for screening the candidate and recommending them for diversion.[35] Social workers also ensure that the youth offender serves the punishment they are given and monitor the progress of the young person while they are in the diversion programme.
Probation Officers	Probation officers have been granted a more central role especially in the initial assessment phase and in making recommendations regarding the use of diversion and placement of the child. The probation officer is expected to make every effort to locate the child's parents or an appropriate adult to attend both the assessment and later the preliminary inquiry. Having gathered all the appropriate information during the assessment interview, the probation officer is required to produce an assessment report that indicates whether the child accepts responsibility for the offence he or she is charged with and outlines the prospects of diversion.[36]

Service Providers	Once the youth has been diverted, the formal organisation that offers a diversion programme becomes a great role player in this process. In South Africa, NICRO is the main provider of such diversion programmes where over the last decade it has increased its service area and in 2000 accomplished its mission of offering diversion programmes in all nine provinces. Organisations like NICRO run such programmes but may tend to have associations with other groups in society to assist them with this. Examples of such organisations are 'DIME' which is a collaborative diversion initiative between the University of the Western Cape (UWC) and the University of South Florida that was established in 2001. The programme has been designed for children who live in Khayelitsha in the Cape Metropole and have committed a range of less serious offences.[37] Another organisation which Wood (2003) cites as working in diversion is the South African National Council on Alcoholism and Drug Dependence (SANCA)[38] which offers a variety of treatment services for children and young people with substance abuse problems. However, Wood and Ehlers (2000, cited in Palmary, 2003) note that there is a severe shortage of diversion service providers and a lack of flexibility in the criminal justice system.[39] There is a need for probation officers and other programme workers to be more flexible through perhaps running more intensive but shorter programmes, accommodating school holidays and providing transport.
Victims	Ashworth (2000) observes that victims have been inserted into the agenda of restorative justice. Family-group conferencing and victim-offender mediation which are two key restorative justice measures are highly dependent on the victim being actively involved in the processes. Victims are no longer the silent sufferers who have no say in the proceedings of diversion but restorative justice encourages dialogue between victims and offenders. In diversion, victims have the chance to engage in dialogue with the offenders and their families where harm dealt and problems caused can be discussed and dealt with accordingly. Despite this, some scholars such as Ashworth (2000)[40] and Fattah (2000)[41] are sceptical about whether this participation serves the interests of the victims or whether it poses a risk for the secondary victimisation of these victims.

Demographic Profile of the Communities Surveyed

SUMMARY OF KEY FINDINGS

- The household questionnaire was administered to a total of 1802 participants.

- Participants were sampled in approximately equal proportions from Gauteng (33.2%; n=598), KwaZulu-Natal (33.4%; n=602), and the Western Cape (33.4%; n=601).

- In Gauteng, respondents were drawn from Hammanskraal, Mamelodi, Vereeniging, and Klipspruit West.

- In KwaZulu-Natal, interviews were conducted with residents living in Pinetown, Ulundi and Chatsworth.

- For the Western Cape, participants were sampled from a greater number of communities given difficulties accessing participants. Thus, Mitchells Plain, Khayelitsha, Plumstead, Salt River, Atlantis, Observatory, Mowbray as well as Wynberg comprised the study sites for this province.

- Close to half of the participants (49.7%) were single and never married.

- More than three quarters (76.9%) of the sample had any biological children.

- The Western Cape had the greatest proportion of older participants, with nearly half (47.1%) of participants sampled in that province being older than 40 years.

- Gauteng (82.9%) and KwaZulu-Natal (83.4%) participants were largely black while Coloured residents accounted for more than half (50.6%) of the Western Cape sample.

- In all three provinces, there were a greater number of female than male respondents.

The demographic information presented here provides a glimpse into the types of communities from which the study data was generated. This data forms the backdrop against which to understand the similarities and differences observed with regard to participants' perceptions of their communities and their attitudes toward young offenders and applicable penalties for their misdemeanours.

3.1   OVERALL SAMPLE DEMOGRAPHICS

The household questionnaire was administered to a total of 1802 participants sampled in approximately equal proportions from Gauteng (33.2%; n=598), KwaZulu-Natal (33.4%; n=602), and the Western Cape (33.4%; n=601).[42] To generate the views of demographically different individuals, within each province, the respondents were drawn from several communities. For Gauteng, the research sites were Hammanskraal, Vereeniging, Klipspruit West and Mamelodi. Chatsworth, Ulundi and Pinetown comprised the research sites for KwaZulu-Natal, while Western Cape participants were recruited from Atlantis, Khayelitsha, Observatory/Mowbray, Plumstead, Salt River, Mitchells Plain as well as Wynberg. Access to participants from all racial groups deemed challenging in the Western Cape. For this reason, a greater number of neighbourhoods were relied on to realise the study sample of 601 participants.

Table 4: Provincial breakdown of the sample (n=1801)

Total Sample		
GAUTENG (%)	Hammanskraal	9.4
	Mamelodi	8.3
	Vereeniging	8.3
	Klipspruit West	7.1
KWAZULU-NATAL (%)	Pinetown	16.6
	Ulundi	8.4
	Chatsworth	8.3
WESTERN CAPE (%)	Mitchells Plain	8.4
	Khayelitsha	8.2
	Plumstead	5.8
	Salt River	4.2
	Atlantis	4.2
	Observatory/Mowbray	1.7
	Wynberg	0.9

Black South Africans accounted for two-thirds (66.8%) of the overall sample, followed by coloured respondents, who comprised slightly more than a fifth (22.9%) of those interviewed. Indian/Asian (5.5%) and white (4.8%) respondents constituted the lesser part of the sample; together accounting for just over one tenth of the study participants.

Ranging in age from 18 to 60 years and older, the 21-30 (26.9%) and 31-40 (24.7%) year categories were the age cohorts most represented in the study. See figure 3. Taken together, these two age groups accounted for one in every two study participants. A few participants (0.4%) refused to disclose their age. A greater number of females (59.2%) than males (40.8%) were interviewed for this study.

Figure 3: Age of overall sample (n=1794)
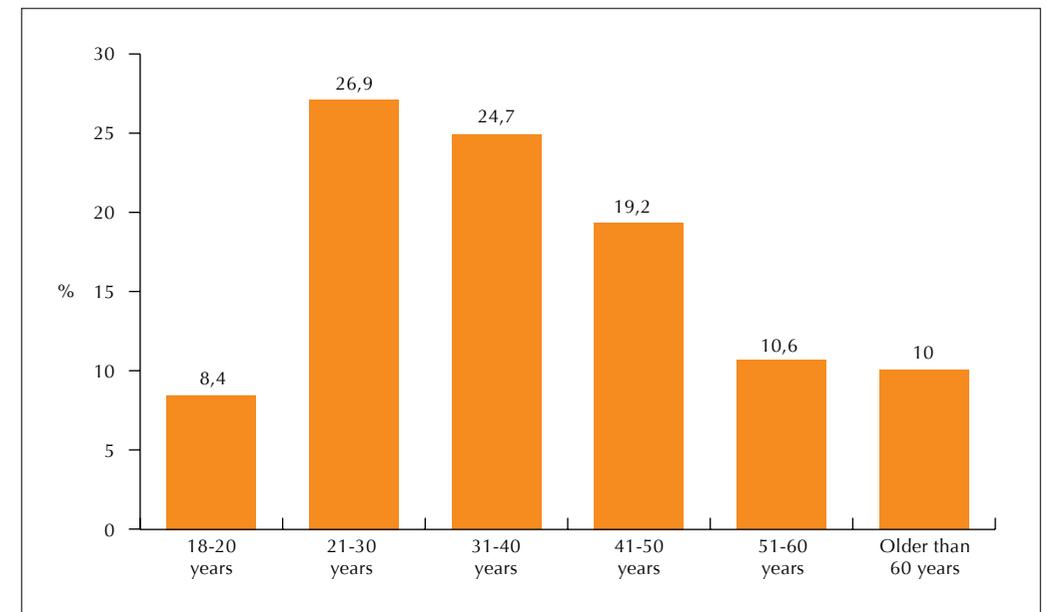
Given the fairly young age of the sample, it was not surprising to find that close to half of the participants (49.7%) indicated being single and never married. A total of 35% were married, while 6% were widowed and 4.2% were cohabiting or living with a partner. Further to this, less than 5% of the respondents were either divorced (3.6%) or separated from their spouse (1.2%). More than three quarters (76.9%) of those interviewed had any biological children while slightly more than a fifth (23.0%) had no children of their own.

The overwhelming majority of the participants were South African citizens (98.1%), while less than 2% of the sample comprised individuals from other countries including Zimbabwe (0.6%), the Democratic Republic of Congo (DRC)

(0.2%), Lesotho (0.2%), Zambia (0.1%), Somalia (0.1%), Kenya (0.1%), Angola (0.1%), Denmark (0.1%), Pakistan (0.1%), Rwanda (0.1%), Malawi (0.1%), the United Kingdom (UK) (0.1%), Burundi (0.1%) and Mozambique (0.1%). Most of the foreign nationals were resident in the Western Cape (1.5% of entire sample).

In line with this, the main home languages spoken by these respondents were diverse. The greatest proportion of participants (27.6%) identified Zulu as their main home language, followed by English (18.3%), Afrikaans (16.4%), and Xhosa (12.8%). Other languages spoken in participants' homes were Sotho (9.9%), Tswana (6.9%), Sepedi (3.9%), Tsonga (2.1%), Tshivenda (0.7%), Ndebele and Shona (0.4% each) and SiSwati (0.2%).

The housing situation proved to be diverse; with the largest percentage of the overall sample (40.2%) living in free-standing houses, followed by RDP/low income housing (24.4%), shacks or informal rooms (11.9%), and some other type of formal housing (10.3%). A further 8.2% lived in flats with multiple rooms, 1.9% lived in flats and 1.7% lived in semi-detached flats.

3.2   PROVINCIAL SAMPLE DEMOGRAPHICS

The provincial samples were demographically similar to the overall demographic profile of South Africans living in these three provinces when compared to the 2001 National Census data with regard to sex, age and race.[43] However, the overall Indian/Asian demographic in these three provinces on a national scale is fairly smaller than the percentage observed in the research sample.

On a provincial level, the age of respondents per category was largely uniform. Even so, the Western Cape had the greatest proportion of older participants, with nearly half (47.1%) of participants sampled in that province being older than 40 years; compared to only 38.3% in KwaZulu-Natal and 34.1% in Gauteng province. Conversely, respondents from Gauteng tended to be younger in age when compared to those from the other two provinces; with two fifths (43.1%) of the Gauteng sample being 30 years of age or younger. See Table 5.

Gauteng (82.9%) and KwaZulu-Natal (83.4%) participants were largely black while Coloured residents accounted for more than half (50.6%) of the Western Cape sample. In all three provinces, there were a greater number of female than male respondents.

Sotho (27.6%) and Tswana (20.6%) were the primary home languages identified by Gauteng respondents, while Zulu (73.4%) and English (16.4%) constituted the main home languages for the majority of KwaZulu-Natal participants. In the Western Cape, English (36.6%), Afrikaans (31.9%) and Xhosa (28.3%) emerged as the languages predominantly spoken in the homes surveyed.

Table 5: Demographic profiles of provincial samples (n=1801)

	Age %					
	18-20yrs	21-30yrs	31-40yrs	41-50yrs	51-60yrs	60+ yrs
GP	11.7	31.4	22.7	16.7	8.5	8.9
KZN	7.6	24.7	29.5	19.4	10.3	8.6
WC	6.0	24.6	22.1	21.5	13.1	12.5
	Race %					
	Black		Coloured		Asian/Indian	White
GP	82.9		26.7		0.2	0.2
KZN	83.4		1.3		15.0	0.3
WC	33.9		50.6		1.5	14.0
	Sex (%)					
	Female			Male		
GP	54.3			45.7		
KZN	65.0			35.0		
WC	58.2			41.8		

Community Perceptions of Crime and Exposure to Violence

SUMMARY OF KEY FINDINGS

- Although crime was common in all three provinces; it was perceived as more widespread in KwaZulu-Natal.

- Participants in Gauteng (69.6%) and KwaZulu-Natal (63.6%) were of the opinion that despite high levels of community crime, these levels had decreased in the last three years.

- Conversely, in the Western Cape, participants claimed that the crime situation in their communities had worsened during the last three years.

- Crime in the community was frequently attributed to the involvement of youth (73.5%) in crime, the use and abuse of substances by youth (73.2%), as well as the breakdown of the family structure (43%) in the communities represented here.

- Across these three provinces, nearly three quarters of respondents stated that most people in their community live in fear.

- In the Western Cape, residents were most likely to respond to this fear by erecting high walls while those in KwaZulu-Natal and Gauteng were more inclined to put up security fences, or get dogs or firearms as a means to feel safe.

- Robbery (24.1%), rape or sexual assault (17.6%), housebreaking (16.7%) and murder (16.3%) were the crimes these respondents feared most in their communities.

- The lowest levels of perceived safety were observed in KwaZulu-Natal – with two out of every five residents interviewed disagreeing (32.8%) or strongly disagreeing (8.8%) with the statement "I feel safe in my neighbourhood".

- A total of 46.9% of these households had been affected by some form of crime in the three years preceding the study. What's more, 47.6% of the respondents themselves had fallen victim to crime in the last three years.

- Theft (30.8%) was the crime most frequently reported by these respondents followed by robbery (26.2%).

- Respondents living in the Western Cape were the least likely group to have been affected by crime in the past three years (p<0.05).

- Alcohol and drugs were easily accessible in these communities.

- Weapons were not as easy to access within these neighbourhoods.

Research draws attention to several community-level risk factors known to increase the proclivity for offending (see textbox outlining risk factors for offending in Chapter 1). For this reason, certain communities are associated with elevated incarceration levels. It is these communities that offenders return to following the completion of their sentences. Individuals' levels of exposure to violence and the perceptions they hold of their communities have a great bearing on their views of the criminal justice system as a whole. Their direct experiences of crime and violence are crucial to understanding their reluctance or keenness to engage with young offenders in a restorative justice setting. For this reason, several questions aimed at gauging participants' exposure to violence both directly and indirectly, their perceptions of safety, as well as the extent to which they perceive crime as a threat to their livelihoods were posed to the participants.

4.1 PERCEPTIONS OF CRIME IN THE COMMUNITY

Crime was viewed as common (63.9%) across the three provinces. When taking a closer look at the responses, crime was believed to be more widespread in KwaZulu-Natal (73.9%, p<0.01), when compared to Gauteng (63.3%) and the Western Cape (54.6%).

Despite the high incidence of crime in these areas, residents in Gauteng (69.6%) and KwaZulu-Natal (63.6%) felt that the current levels of crime in their communities were lower than the levels experienced three years earlier. On the contrary, a different picture was observed in the Western Cape. Here, respondents tended to believe that the crime situation in their communities had worsened over the past three years.

Crime levels in the community were somewhat attributed to the involvement of the communities' youth in criminal activities. Nearly three out of five participants (73.5%) believed that a lot of youth in their area are committing crimes. What's more, substance use among these youth (73.2%) as well as the incidence of broken homes (43%) are also said to fuel the crime rates in the communities represented here.

Fights (38.6%) and other such violent incidents were found to be less common in these communities than crimes. As with crime, provincial figures varied, with Gauteng (50.1%) reporting the highest levels of fights, followed by KwaZulu-Natal (35.5%) and the Western Cape (30.5%).

4.2 PERCEPTIONS OF SAFETY AND FEELINGS OF FEAR

The impact that these elevated levels of crime and violence has had on community members become evident when considering the number of people living in the respondents' communities who are believed to live in fear of crime (74.9%),

Figure 4: Prevalence of crime and violence, per province (n=1799)
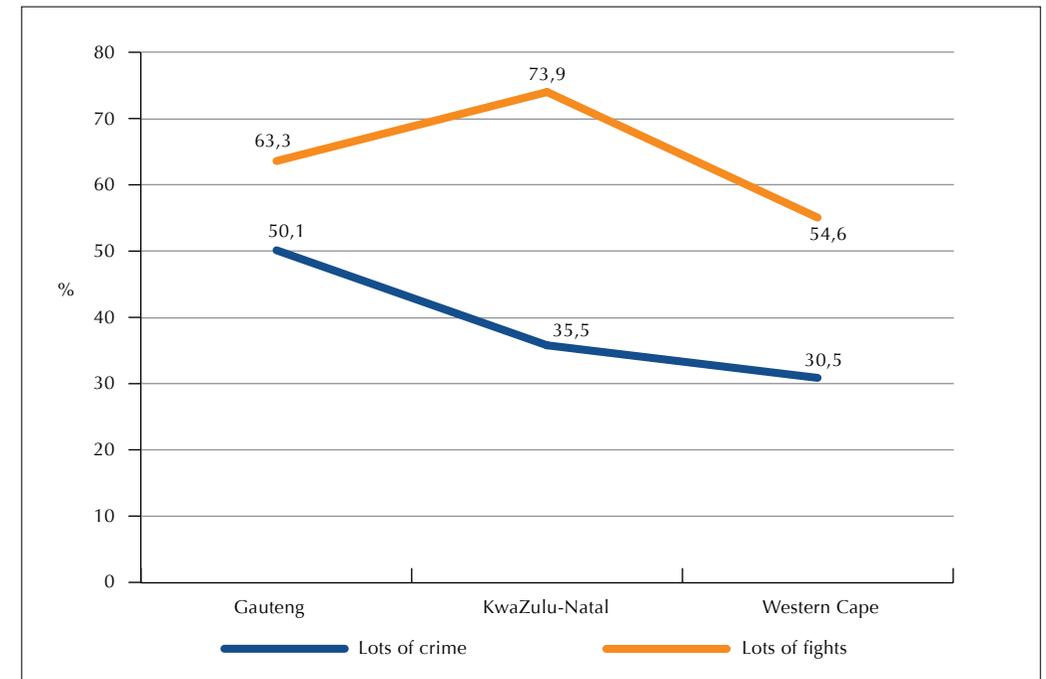
Figure 5: Crime in the community has increased, decreased or stayed the same, per province (n=1797)
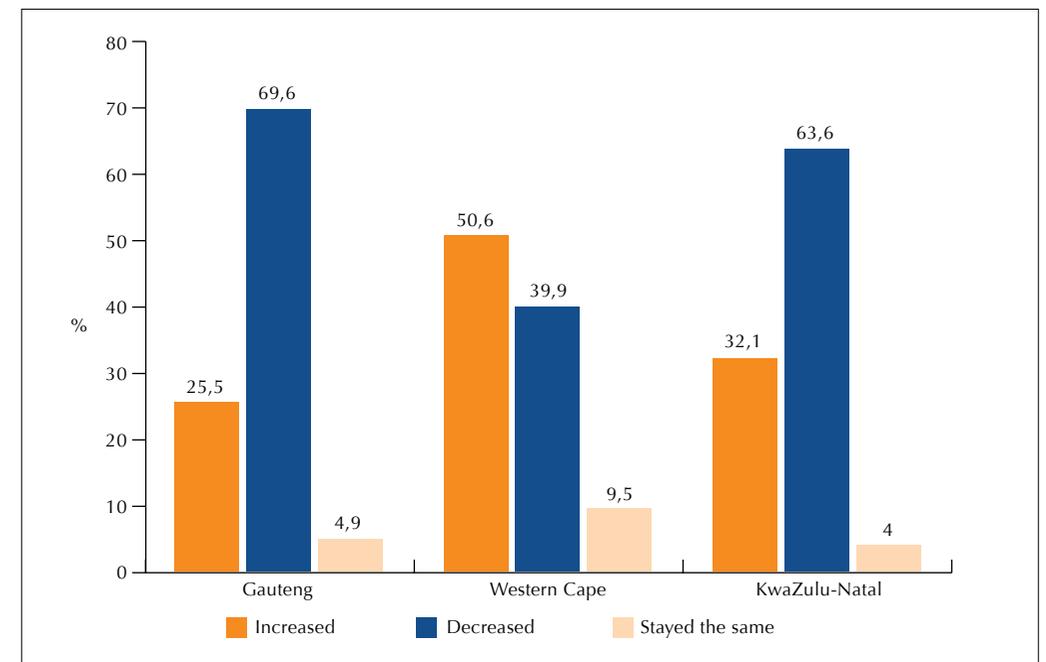
behind high walls (42.4%) and who have resorted to securing their properties by means of walls, security fences, guns or dogs (72.4%) to improve their personal feelings of safety.

Levels of fear were relatively similar across the three provinces with approximately three quarters of the sample asserting that most people in their community live in fear. In the Western Cape, residents were most likely to respond to this fear by erecting high walls while their counterparts in KwaZulu-Natal and Gauteng were more inclined to put up security fences, or get dogs or firearms as a means to securing themselves, their families, as well as their property. See Table 6 for comparative percentages.

Table 6: Community responses to fear of crime (n=1795)

	Strongly Agree	Agree	Disagree	Strongly Disagree
Most people live in fear in my neighbourhood (%)				
Total sample	30.8	44.1	20.0	4.5
• Gauteng	26.5	47.6	22.0	3.2
• KwaZulu-Natal	28.8	45.8	18.7	5.7
• Western Cape	37.2	39.0	19.2	4.7
Most people put up walls, security fences, or get dogs or a gun to feel safer (%)				
Total sample	34.2	38.2	19.4	8.1
• Gauteng	30.9	45.4	18.2	5.6
• KwaZulu-Natal	41.0	27.3	21.0	10.3
• Western Cape	30.6	41.9	19.0	8.5
Most households live behind high walls (%)				
Total sample	17.9	24.5	42.7	14.8
• Gauteng	7.1	25.2	48.3	19.4
• KwaZulu-Natal	17.8	40.6	32.8	8.8
• Western Cape	44.9	28.0	15.1	12.0

When asked what crimes they were most fearful of, robbery (24.1%), rape or sexual assault (17.6%) were most frequently identified, followed by housebreaking (16.7%) and murder (16.3%). See Figure 6 for a complete list of crimes feared.

Despite these crimes and community conditions, a great proportion of respondents themselves reported feeling safe in their communities, with approximately two-thirds responding affirmatively when asked whether they felt safe in the area in which they lived.

Figure 6: Crimes respondents are most fearful of in their community (n=1796)
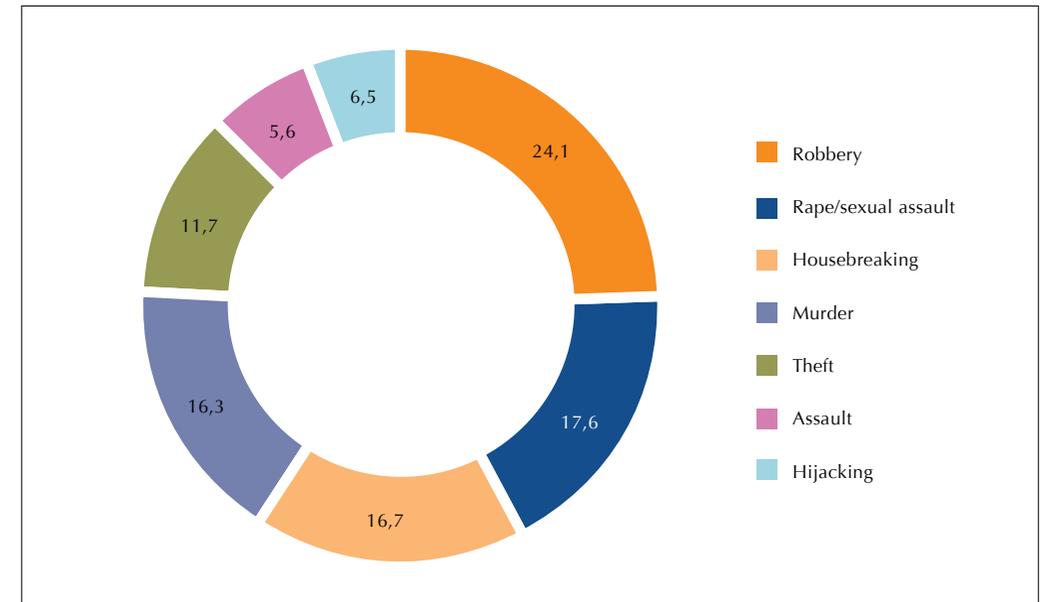
Although this finding may seem inconsistent with the high levels of fear spoken about earlier, it may be indicative of the extent to which crime and violence has become normalised within South African communities. Still, nearly a third of the sample responded negatively to this question. The lowest levels of perceived safety were observed in KwaZulu-Natal – with two out of every five residents interviewed disagreeing (32.8%) or strongly disagreeing (8.8%) with the statement "I feel safe in my neighbourhood".

Conversely, those living in Gauteng and the Western Cape demonstrated significantly higher levels of safety than those residing in KwaZulu-Natal (p<0.05).

4.3   VICTIMISATION

The prevalence of crime in these areas is further attested to by the extent to which residents fall victim to crime. Overall, a total of 46.9% of these households had been affected by some form of crime in the three years preceding the study. What's more, 47.6% of the respondents themselves had fallen victim to crime in the last three years. Significant differences emerged within the three provinces (p<0.05) with regard to personal experiences of crime. The results showed that victimisation was highest in KwaZulu-Natal with 54.7% of respondents in this province indicating having themselves been a victim of crime, and 63.5% stating that someone else in their household had been a victim of some crime in the three years prior to the study.

Figure 7: Perceptions of safety, per province (n=1795)

Legend: Strongly Agree | Agree | Disagree | Strongly Disagree
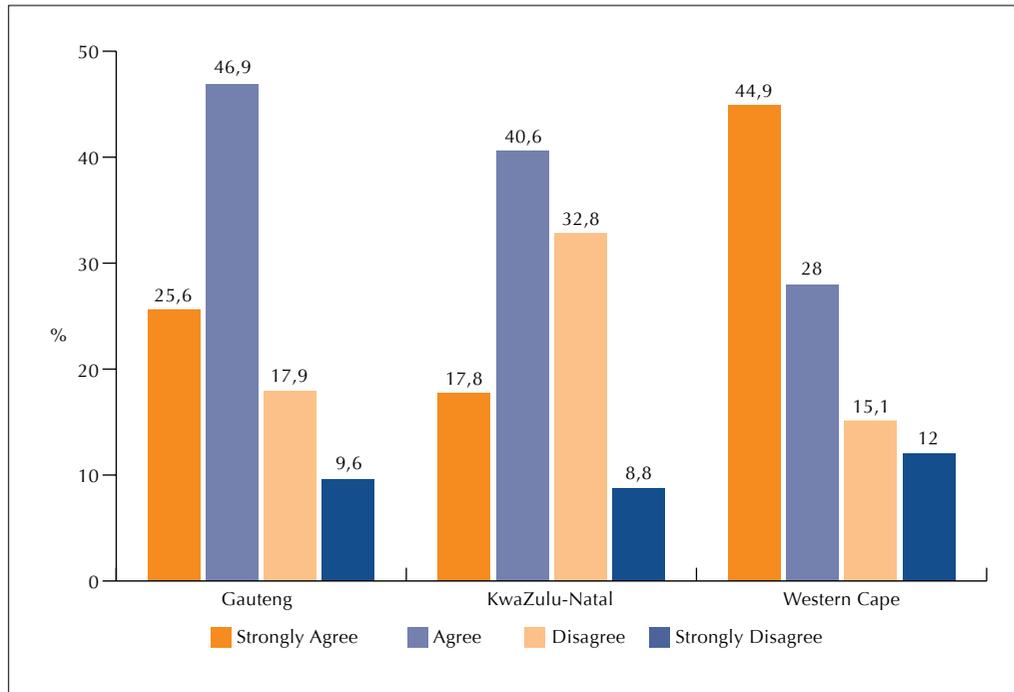
Key findings of South African National Victims of Crime Survey 2007

PERCEPTIONS ABOUT SAFETY, CRIME AND FEELINGS OF FEAR

■ Overall levels of safety were found to have declined since 1998.

■ The results of the 2007 NVCS survey suggest that feelings of safety vary between the main racial groups in South Africa. Indian residents were most inclined to report feeling unsafe (97%), followed by their African (80%) and coloured (79%) counterparts. White respondents (73%) reported the lowest levels of feeling unsafe.

■ Feelings of safety varied considerably between provinces; with the lowest levels of safety being observed among South Africans living in Gauteng, followed by Mpumalanga and the North West provinces.

■ Women were more likely to feel unsafe (83% compared to 74% of men).

■ When respondents were asked what crimes they were most afraid of, burglary was the crime most commonly identified, followed by the violent crimes of murder and sexual assault.

Even though the rates of victimisation observed in Gauteng and the Western Cape were similar, respondents living in the Western Cape were still the least likely group to have been affected by crime in the past three years (p<0.05). See Figure 8. Theft was the crime most frequently reported by these respondents; reported by 30.8% of interviewees who also indicated that 27.2% of their household members had also been affected by this crime. Following theft, robberies were the second most commonly experienced crimes reported by more than a quarter of both those interviewed (26.2%) as well as other members of their household (26%).

The violent crime of assault was the third most frequently experienced crime; reported by 17.2% of participants and 17% of their household members (see Table 7). Within the provinces, similar crime trends emerged. That is, theft, robbery and assault were the three crimes most likely to have affected these households. Victimisation rates for each of these three crimes were highest in KwaZulu-Natal, followed by Gauteng and lastly the Western Cape. See Table 8 for these percentages.

Figure 8: Personal and household victimisation rates (n=1801)

Legend: Respondent been a victim of crime | Other household members been victims of crime
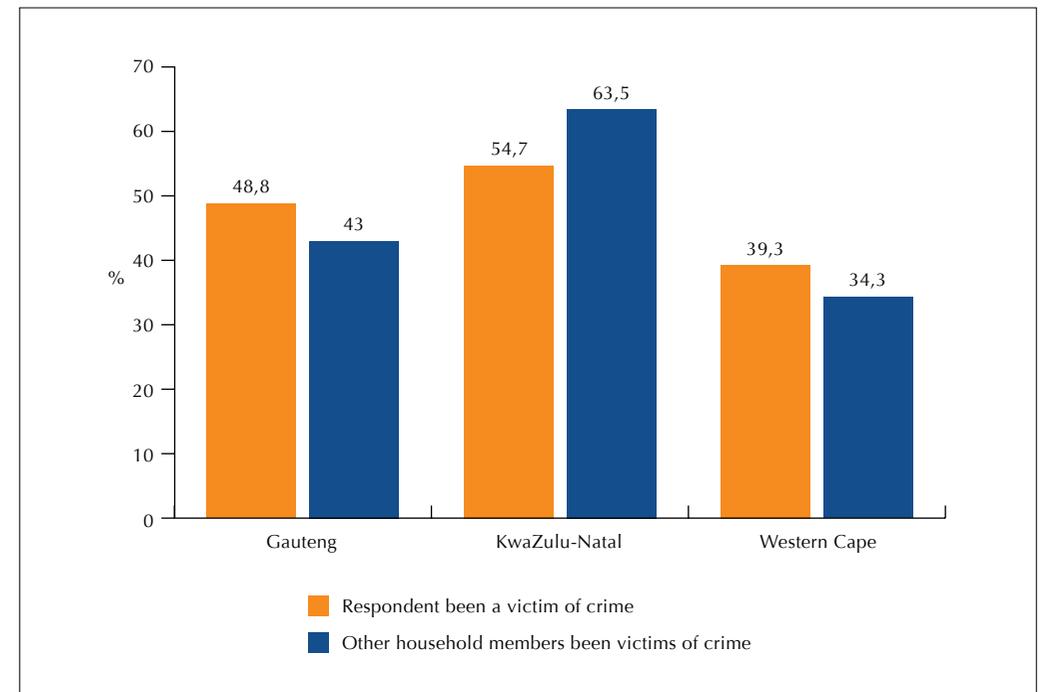
Table 7: Crimes experienced by the respondents and their household members (n=1802)

Assault (%)			
Respondent	17.2	Household members	17.0
Rape including sexual assault (%)			
Respondent	1.7	Household members	6.4
Robbery (%)			
Respondent	26.2	Household members	26.0
Theft (%)			
Respondent	30.8	Household members	27.2
Hijacking (%)			
Respondent	2.6	Household members	4.5
Murder (%)			
		Household members	7.1

4.4　ACCESS TO ALCOHOL, DRUGS AND WEAPONS

The ease of access to drugs and alcohol was also surveyed in the communities across the three provinces. In terms of access to alcohol there was consensus among participants in the three provinces that it was relatively easy to obtain in their communities. In Gauteng however, the levels of ease were perceived by participants to have been considerably higher than those cited by participants in KwaZulu-Natal and the Western Cape. Over four fifths (83.2%) of Gauteng participants said that accessing alcohol in their communities was very easy, while 52.2% said the same in KwaZulu-Natal and 69.7% of Western Cape participants reported very easy access to alcohol in their communities.

The ability to access drugs such as marijuana or dagga was perceived as slightly more difficult when compared to alcohol. Even so, one in every two (56.6%) Gauteng participants said it would be very easy for them to obtain this substance in the areas in which they live. Similarly, a large proportion of those interviewed in KwaZulu-Natal (46.4%) and the Western Cape (44.9%) reported very easy access to marijuana in communities, although this was to a lesser degree than observed in Gauteng.

Table 8: Types and levels of victimisation over the last three years (n=1801)

ASSAULT (%)		
	Participant	**Household member (s)**
GP	20.9	28.1
KZN	22.1	28.1
WC	8.7	5.5
RAPE (%)		
GP	0.3	3.7
KZN	4.0	14.0
WC	0.8	1.7
ROBBERY (%)		
GP	24.9	19.9
KZN	33.2	38.5
WC	20.5	19.6
THEFT (%)		
GP	25.4	17.1
KZN	40.1	45.2
WC	26.8	19.1
CAR-JACKING (%)		
GP	1.2	2.2
KZN	3.8	9.3
WC	2.8	2.0
MURDER (%)		
GP		6.7%
KZN		12.5%
WC		2.2%

Table 9: Access to alcohol and drugs, per province (n=1801)

Ease of access to alcohol in the community (%)				
	Don't know	Very hard	Hard	Easy	Very Easy
GP	13.1	31.8	17.3	12.6	25.2
KZN	6.0	14.0	13.2	20.4	46.4
WC	0.8	17.0	19.1	20.3	42.8

Ease of access to marijuana/dagga in the community (%)				
	Don't know	Very hard	Hard	Easy	Very Easy
GP	4.5	7.2	9.7	21.9	56.6
KZN	5.0	2.7	15.9	30.1	46.4
WC	1.0	10.6	23.5	20.0	44.9

Ease of access to nyaope (Gauteng), whoonga (KZN) tik (W/Cape) in the community (%)				
	Don't know	Very hard	Hard	Easy	Very Easy
GP	13.1	31.8	17.3	12.6	25.2
KZN	6.0	14.0	13.2	20.4	46.4
WC	0.8	17.0	19.1	20.3	42.8

Ease of access to other drugs (e.g. cocaine and mandrax) in the community (%)				
	Don't know	Very hard	Hard	Easy	Very Easy
GP	9.9	23.6	18.6	19.8	28.1
KZN	8.2	17.7	33.9	16.0	24.2
WC	0.8	20.1	24.5	20.0	34.6

Comparative analyses revealed specific trends within each province. In addition to alcohol and marijuana, "nyaope" emerged as an easily accessible drug for those living in Gauteng (28.1% said that it would be very easy to access this drug). In KwaZulu-Natal, however, "whoonga"[44] seemed to be a preferred drug of choice and was cited as very easily accessible by 46.4% of participants in this province. On the contrary, "tik" was more prominent in the Western Cape. Here, two out of every five (42.8%) residents asserted that it would very easy for them to access this substance in their community if they wanted to.

Other drugs such as cocaine, ecstasy and mandrax was also relatively easy to access with more than a third of residents in the Western Cape claiming very easy

access to these drugs, while approximately a quarter of respondents interviewed in Gauteng (25.2%) and KwaZulu-Natal (24.2%) mentioned that these drugs were very easily obtainable in their communities. Fairly low percentages of participants admitted to having tried drugs at any time in their lives.

Figure 9: Ever personally used any drugs (n=1788)
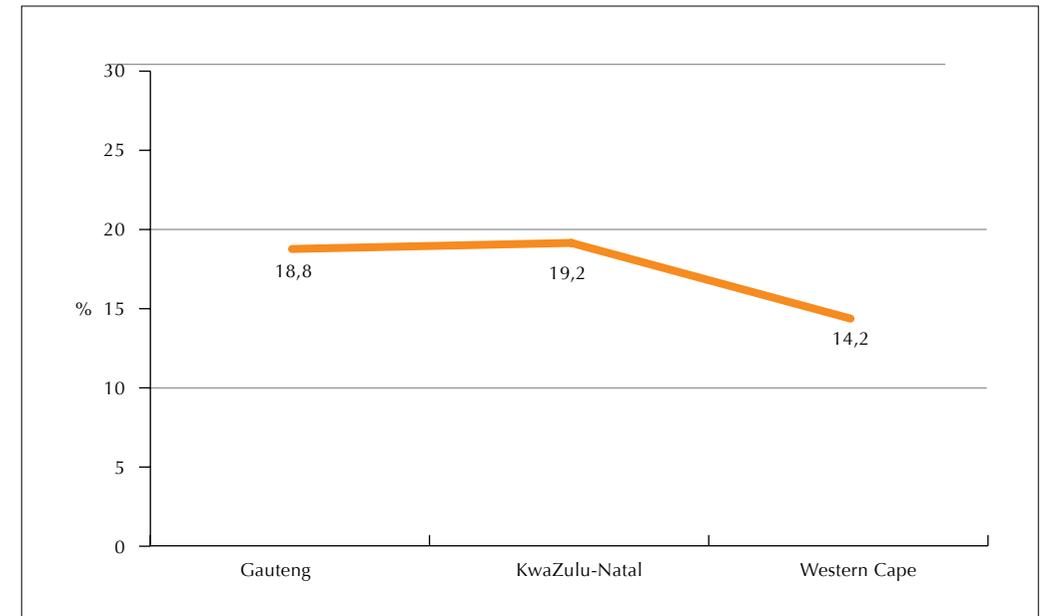
Weapons were not as easy to access within these neighbourhoods. Less than a tenth of Gauteng participants (9.1%) felt that they could very easily obtain a firearm in the area in which they lived. Their counterparts in KwaZulu-Natal (13.3%) and the Western Cape (15.1%) reported even easier access to these weapons. On the whole, knives and other weapons were perceived to be easier to access across all provinces in comparison to accessing guns. Close to half (49.8%), of Gauteng participants felt that it would be very easy to access knives and other such weapons in their communities. In KwaZulu-Natal, 29.5% of participants felt it would be very easy to access knives and other weapons and 32.1% of Western Cape participants reported the same.

Following the completion of their sentences, offenders almost always return to their communities. Bearing in mind that most youths recommended to NICRO for diversion for the period 2009 to 2010 originated from Gauteng, the Western Cape and KwaZulu-Natal, this chapter has demonstrated some of the challenges that these young people, as well as ex-offenders released from prison, may have to overcome in order to live a crime-free life. In addition to dealing with finding employment, former criminal acquaintances, suitable accommodation, re-building

family ties, easy access to drugs, substance use and addictions,[45] these youths would also have to face community members who themselves, and others in their households, have fallen prey to crime and who view crime as being on the increase in their area as a result of young people's involvement in crime; conditions that may impede the effective reintegration of young offenders.

Family and Home Environment

SUMMARY OF KEY FINDINGS

- Two out of three respondents (66.4%) reported feeling safe when in their homes.
- Approximately a third (33.6%) of the sample asserted feeling unsafe within their homes.
- Residents living in KwaZulu-Natal felt less safe in their homes when compared to those living in Gauteng and the Western Cape.
- Although the majority of participants supported healthy family relationships, Western Cape participants attached greater value on positive family relationships.
- Almost all participants felt that their family members look out for one another (96.1% in Gauteng, 96.3% in KZN and 97.7% in the Western Cape).
- Families in the Western Cape (79.5%) appear to be most involved in each others' lives as attested to by the frequency with which they engage in conversation around every-day matters and things that are important to them.
- Within most of these homes, attempts are made to correct the inappropriate behaviour of children on a regular basis. However, these attempts are often futile.
- More than a third of those interviewed admitted that their family members argue a lot (36%).
- One in every five participants reported that arguments and fights in their family are often influenced by the use of alcohol and other drugs (20.6%).
- A tenth of respondents (11%) admitted that people in their family sometimes hit each other when they are angry.
- Less than a tenth (7.1%) of the participants had ever witnessed people in their household intentionally hurting or attacking one another.
- Households in KwaZulu-Natal reported significantly higher levels of family violence (12%) while the lowest levels of family violence was observed among residents living in the Western Cape (2.8%, p<0.05).
- A total of 22.4% – a fifth of the sample – indicated having a family member who had been incarcerated for criminal offences.

Families are identified as key role-players in the reintegration of either ex-offenders following their release from prison, or youths guilty of committing crime who have been diverted away from the court system and are relegated to serving their sentences in their communities. While families play a crucial role in preventing the relapse into criminal activities, often they are not open to addressing or adequately prepared for the challenges associated with having an ex-offender reintegrated into their homes and societies.

5.1   PERCEPTIONS OF SAFETY WITHIN THE HOME

Given the perceived levels of crime and violence in these communities, the study attempted to gauge whether these social ills had permeated households. When asked about their feelings of personal safety, two out of three respondents (66.4%) reported feeling safe when in their homes, while the remaining 33.6% stated the contrary. Feeling unsafe within the home was predominately associated with the fear of criminals (97.4%), while other reasons cited for this apprehension included the fear of family members (1.7%) and the fear of other relatives (0.5%). Still, 0.3% of all respondents were uncertain as to why they felt unsafe while at home.

Figure 10: Feeling unsafe or safe at home, per province (n=1801)
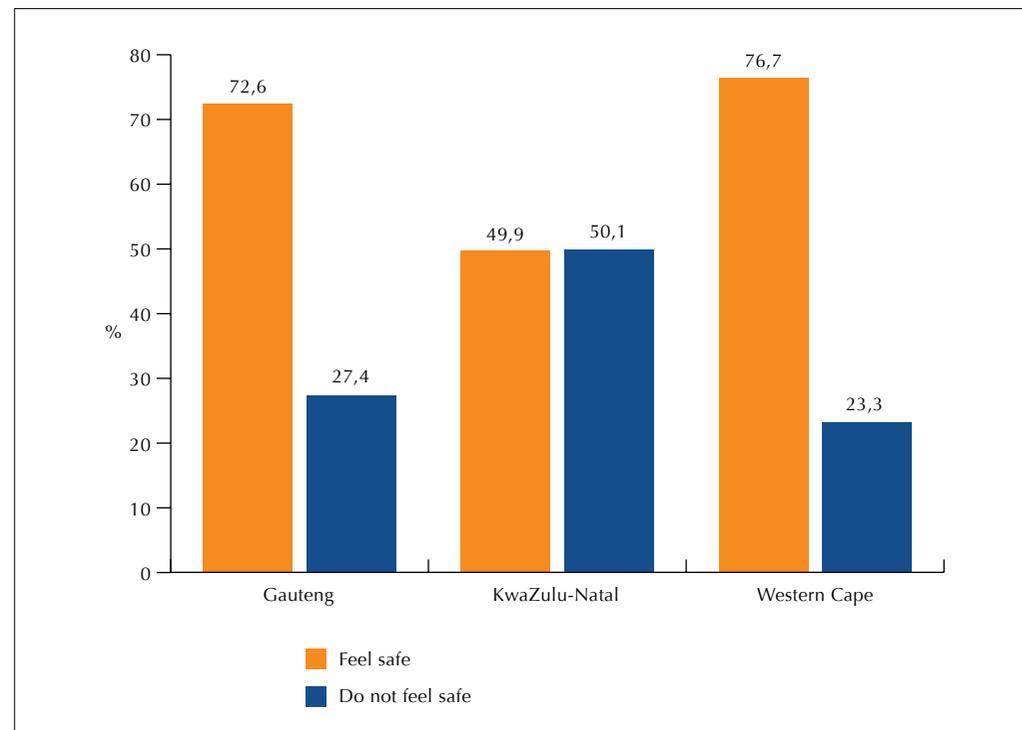
Perceptions of safety were highest in the Western Cape, with three out of every four (76.7%) respondents indicating that they feel safe within their homes, followed by Gauteng (72.6%). Significantly fewer residents in KwaZulu-Natal reported feeling safe when they are at home. More specifically, one in every two KwaZulu-Natal residents felt unsafe in their homes. See Figure 10 for the exact percentages.

5.2   RELATIONAL ASPECTS VALUED WITHIN THE HOME

The young offender's family is responsible for providing a home environment that is conducive for diversion to be effective. There was consensus among participants across the three provinces surveyed that family harmony was very important, with nearly all participants strongly agreeing (79.6%) or agreeing (20.2%) with this sentiment. Residents in the Western Cape appeared to feel more strongly about this issue as evident in the 92.3% who strongly agreed with this notion, compared to the 72.4% observed in Gauteng and the 74% observed among residents living in KwaZulu-Natal (p<0.05).

Table 10: Perceptions of family values (n=1796)

Family harmony is very important (%)			
	Strongly Agree	Agree	Disagree	Strongly Disagree
Total sample	79.6	20.2	0.2	0.0
GP	72.4	27.6	0.0	0.0
KZN	74.0	25.9	0.2	0.0
WC	92.3	7.3	0.3	0.0
No matter what, family members should stick together in all circumstances (%)			
Total sample	67.1	30.2	1.9	0.7
GP	66.2	32.1	1.5	0.2
KZN	53.8	43.1	1.7	1.5
WC	81.3	15.5	2.7	0.5
Family members should be able to speak their minds with one another (%)			
Total sample	66.9	32.3	0.4	0.3
GP	69.9	29.9	0.2	0.0
KZN	48.1	50.4	0.8	0.7
WC	82.7	16.6	0.3	0.3

Returning to a Reluctant Sender: An Exploration into Community Attitudes Toward Diversion and Reintegration in South Africa

Lezanne Leoschut & Tariro Mutongwizo

The overwhelming majority of participants also felt that it was important for family members to stick together regardless of the situation that they may be confronted with. Overall, 67.1% of the sample strongly agreed and 30.2% simply agreed with this opinion. Again, participants in the Western Cape felt most strongly about family members being a united front, evident in the more than 80% of respondents who strongly agreed to this, compared to only 66.2% of Gauteng participants and 53.8% of KwaZulu-Natal participants.

Communication between family members was also highly favoured by Western Cape participants with 82.7% of participants strongly agreeing that it was important for family members to speak their minds to one another. The same question yielded a percentage of 69.9% among Gauteng participants and 48.1% among residents of KwaZulu-Natal.

When exploring participant perceptions of parent-child relationships, interesting findings emerged. More than 90% of those interviewed were of the opinion that children should always talk to their parents with respect, and should obey their parents even if they don't agree with them. Comparative analyses revealed significant differences across the provinces with regard to these perceptions.

Table 11: Perceptions of parent-child relationships (n=1794)

Children should always talk to their parents with respect (%)			
	Strongly Agree	Agree	Disagree	Strongly Disagree
Total sample	72.4	27.0	0.3	0.1
GP	72.1	27.6	0.2	0.2
KZN	57.0	42.0	0.2	0.2
WC	88.0	11.5	0.5	0.0
Children should obey their parents even if they don't agree with them (%)			
Total sample	58.8	34.4	5.9	0.5
GP	58.1	30.3	10.6	1.0
KZN	42.3	54.8	1.5	0.2
WC	76.0	18.1	5.5	0.3

Even though, the majority of participants agreed with these two statements, those living in the Western Cape felt particularly strong about these statements, with three quarters of Western Cape residents strongly agreeing that children should obey their parents even if they don't agree with them, compared to only 58.1% of Gauteng participants and 42.3% of KwaZulu-Natal participants.

Further to this, more than 80% of Western Cape respondents strongly agreed when asked whether they thought children should always talk to their parents with respect. This percentage was significantly higher than the 72.1% observed in Gauteng and the 57% observed in KwaZulu-Natal (p<0.05).

The overwhelming majority (84.3%) of Western Cape residents felt strongly about parents knowing all of their children's friends. A noticeable decline in percentages was observed when comparing the percentages across the provinces. In Gauteng only 65.5% of participants strongly agreed with this statement, and an even lower percentage of 36.9% were noted in KwaZulu-Natal.

Table 12: Parental knowledge of children's friends (n=1790)

Parents should know all their children's friends (%)			
	Strongly Agree	Agree	Disagree	Strongly Disagree
Total sample	62.2	29.9	5.3	0.8
GP	65.0	31.3	2.9	0.8
KZN	36.9	46.3	10.9	0.3
WC	84.3	12.5	2.0	1.2

Although the majority of participants supported healthy family relationships, Western Cape participants by far proved to be the population which attached greater value to these elements.

5.3 FAMILY COHESION AND RELATIONSHIPS

Based on the results from the study, family cohesion seemed to be fairly high across these three provinces. Almost all participants across the three sites felt that their family members look out for one another (96.1% in Gauteng, 96.3% in KZN and 97.7% in the Western Cape). See Table 13.

Table 13: People in my family look out for one another (n=1795)

People in my family look out for one another (%)		
	Yes	No
Total sample	96.7	3.2
GP	96.1	3.9
KZN	96.3	3.5
WC	97.7	2.3

The findings suggest fairly healthy relationships within the households represented in this study. For the most part, friendly conversations between family members occur very often in most of these households (60.8%). Differences emerged within the provinces with regard to this variable – with families in the Western Cape (79.5%) appearing to be most involved in each others' lives, as attested to by the frequency with which they engage in conversation around everyday matters and things that are important to them. Significantly fewer households in KwaZulu-Natal (57.3%) and Gauteng (45.5%) reported that these conversations occurred very often in their households. The data, however, does show that these conversations do take place within KwaZulu-Natal and Gauteng, but to a lesser degree than households in the Western Cape. What's more, one in every ten households surveyed in KwaZulu-Natal reported that such conversations rarely or never take place within their households.

A similar pattern emerged when asked specifically about parental discussions with children concerning their schoolwork. Again, these parent-child interactions occurred more frequently in households in the Western Cape (60.5%), while respondents in the other two provinces indicated having these discussions with their children, albeit less frequently. In more than a tenth of households in Gauteng, parents reportedly rarely (14.7%) or never (1.0%) discuss schoolwork with their children. See Table 14.

Table 14: Communication within the family (n=1789)

The extent to which family members have friendly talks with one another (%)			
	Very often	Often	Rarely	Never
Total	60.8	33.6	4.7	0.7
GP	45.4	44.7	8.6	1.3
KZN	57.3	39.0	3.3	0.3
WC	79.5	17.5	2.3	0.5
The extent to which children in the home help with chores, errands and other work (%)			
Total	47.0	39.8	8.1	1.9
GP	42.2	42.2	13.3	2.0
KZN	40.9	50.8	4.8	1.5
WC	58.1	26.3	6.2	2.2

The extent to which parents talk to children about their schoolwork (%)			
Total	42.1	35.6	9.5	1.0
GP	28.2	32.9	14.7	1.0
KZN	37.6	49.0	9.9	0.5
WC	60.5	24.9	3.9	1.3
The extent to which the entire family spend time together doing things such as talking, playing games, having a braai, or going out (%)			
Total	37.3	40.6	18.3	3.7
GP	20.2	41.8	30.5	7.4
KZN	25.5	58.1	13.5	2.8
WC	66.1	21.9	11.0	1.0

To assess family unity, interviewees were also asked the extent to which the entire family, not just parents and children, spends time together doing things such as talking, playing games, having a braai or going out. On the whole, 37.3% of the sample responded that this occurs very often in their homes, while 40.6% reported often, 18.3% reported rarely and 3.7% indicated that their entire family never spends any time together engaged in these or similar activities. Provincial analyses revealed that families in the Western Cape were significantly more inclined to spend time together very often (66.1%), when compared to those in Gauteng (20.2%) and KwaZulu-Natal (25.5%) who reported the same ($p < 0.05$). By and large, most families across these provinces spend time together, although this occurs to a much lesser extent in households in Gauteng and KwaZulu-Natal. Families who indicated rarely or never spending time together talking, playing games, having a braai or going out tended to be resident in Gauteng – 30.5% of these households claimed to rarely spend time together while 7.4% stated that their entire families never spent any time together engaged in social activities.

To further explore family relationships, respondents were asked about the extent to which children in their household assist with chores, errands, and other such domestic work. In response to this question, 47% of the overall sample reported very often. The provincial breakdown provides interesting findings. A significantly higher proportion of residents in the Western Cape stated that children in their household assist with household responsibilities very often (58.1%), compared to only 42.2% of Gauteng and 40.9% of KwaZulu-Natal households where this is the case. Again, children living in households in Gauteng and KwaZulu-Natal do assist with household responsibilities, but to a much lesser degree than children in the Western Cape. There were a greater number of households in Gauteng who indicated that their children rarely or never assist with domestic chores.

Table 15: Corrections of child behaviours within the home (n=1785)

The extent to which attempts are made to correct children's bad behaviour (%)			
Total	42.9	38.4	13.0	2.2
GP	42.2	47.0	9.0	1.5
KZN	45.9	36.2	15.2	0.3
WC	40.3	32.1	14.8	4.9
The extent to which punishment works when children in the household are punished (%)			
Total	28.3	40.9	18.1	9.5
GP	19.7	41.5	22.4	16.0
KZN	26.8	48.2	17.1	6.0
WC	38.2	33.1	14.8	6.6
The extent to which rules are followed by the family (%)			
Total	46.2	39.2	11.3	2.2
GP	47.9	40.3	10.3	1.5
KZN	27.3	57.5	12.0	2.7
WC	63.6	19.7	11.5	2.5

Parental involvement in child-rearing was further assessed by gauging the extent to which attempts are made in the household to correct children's bad behaviour, and to what extent these forms of punishment are effective when used within the respondents' households.

With regard to the former issue, the majority of households claimed that within their homes, attempts are made to correct the inappropriate behaviour of children very often (42.9%) or often (38.4%). Provincial figures varied; with respondents in Gauteng reporting more attempts to correct their children's improper behaviours when compared to their counterparts in KwaZulu-Natal and the Western Cape. Households in the Western Cape emerged as the province where such attempts were least likely to happen – with close to a fifth of residents in this province stating that they rarely (14.8%) or never (4.9%) attempt to correct their children when they have behaved inappropriately. See Table 15.

In households where such attempts have been made, these attempts have often failed to have the desired effect. Overall, more than a fifth of households in the Western Cape and KwaZulu-Natal and close to two-fifths of households in Gauteng reported that punishments, when used in their homes, rarely or never effect successful behaviour change on the part of their children. See Table 15 for these percentages. Even so, a great number of households believed that they have successfully employed disciplinary methods in their homes that have changed the bad behaviour patterns of their children. Of the three provinces, KwaZulu-Natal emerged as the province where parents were most confident in the techniques used to discipline their children. See Table 15 for these percentages.

Linked to this, participants across the three provinces also said that they often have to ask children in the home to do the same thing more than once. Half of participants in Gauteng (51.9%) said children had to be repeatedly asked to do something, 72.1% of KwaZulu-Natal participants said the same and 48.8% of Western Cape participants also said children in the household often had to be given instructions more than once.

Even though children generally had to be given orders more than once, participants still felt that, for the most part, rules were generally adhered to in their homes. This trend was evident across the provinces, with more than 80% of residents in all three provinces surveyed indicating that household rules are adhered to very often or often by their children. Still, one in every seven households in the Western Cape and KwaZulu-Natal reported that rules in their homes were rarely or never adhered to. Slightly fewer interviewees from Gauteng reported the same. See Table 15.

5.4   EXPOSURE TO VIOLENCE

Family conflict and violence was also explored in this study. On the whole, more than a third of those interviewed admitted that their family members argue a lot (36%); one in every five stated that arguments and fights in their family are often influenced by the use of alcohol and other drugs (20.6%) and one in every ten (11%) admitted that people in their family sometimes hit each other when they are angry. See Figure 11.

Provincial figures pertaining to the incidence of family conflict varied. The Western Cape recorded the lowest levels on all three of these variables. A total of 28.8% of Western Cape participants said their family members argue a lot, compared to 37.5% observed in Gauteng and 41.7% observed in KwaZulu-Natal. See Table 16.

The influence of alcohol and drugs in incidents of family violence was admitted to by 11.1% of Western Cape participants; a percentage significantly lower than the 22.4% recorded in Gauteng and 28.5% recorded in KwaZulu-Natal (p<0.05). See Table 17.

In addition to this, 8.5% of those interviewed in the Western Cape disclosed that people in their family sometimes hit each other when they become angry. This percentage was only fractionally lower than the percentage noted in Gauteng but significantly lower than the percentage observed among residents surveyed in KwaZulu-Natal. See Table 16.

Figure 11: Levels of family conflict (n=1793)
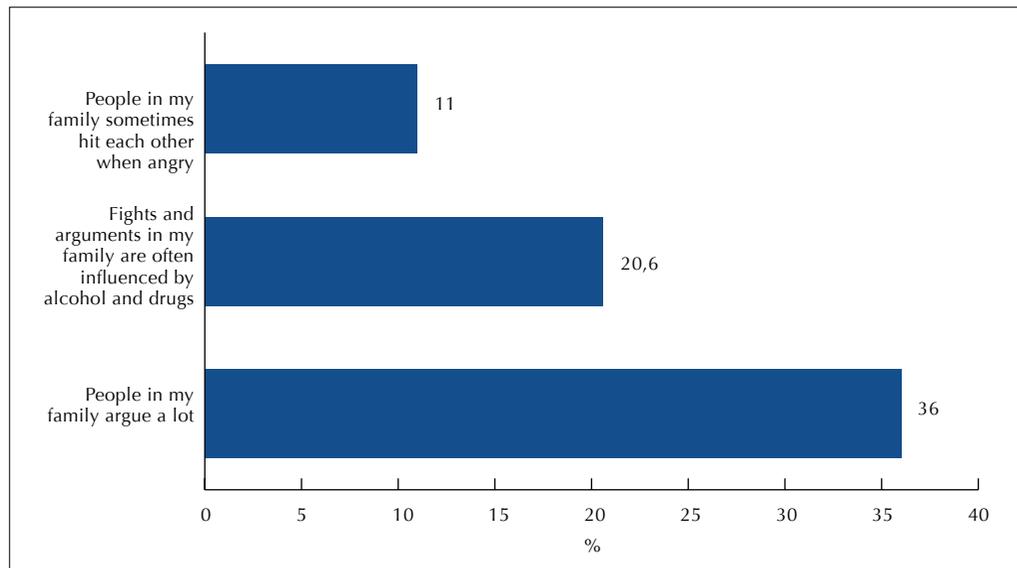
Table 16: Family violence and conflict, per province (n=1793)

People in my family argue a lot (%)		
	Agree	Disagree
Total	36.0	64.0
GP	37.5	62.5
KZN	41.7	58.1
WC	28.8	71.2
People in my family sometimes hit each other when they are angry (%)		
Total	11.0	89.0
GP	8.6	91.4
KZN	15.9	83.9
WC	8.5	91.5

Table 17: Family fights and arguments often influenced by alcohol and drugs (n=1790)

Fights and arguments in my family are often influenced by the use of alcohol and drugs (%)		
Total	20.6	79.3
GP	22.4	77.6
KZN	28.5	71.2
WC	11.1	88.9

When participants were asked whether they had ever witnessed a family member intentionally hurting or physically attacking another member of their household, less than a tenth (7.1%) of the sample responded positively. Households in KwaZulu-Natal reported significantly higher levels of family violence (12%) when compared to those living in the other two provinces. Conversely, the lowest levels of family violence was observed among residents living in the Western Cape (2.8%, $p<0.05$).

Where acts of violence were reported within the family, siblings (43.3%), children (17.3%), mothers (10.2%), neighbours (7.1%), as well as other relatives (6.3%) were cited as the most common victims in these assaults witnessed. Other victims also identified, although to a much lesser degree, included fathers (4.7%), friends (3.9%), husbands (3.1%), and participants themselves (2.4%).

Figure 12: Exposure to family violence (n=1798)
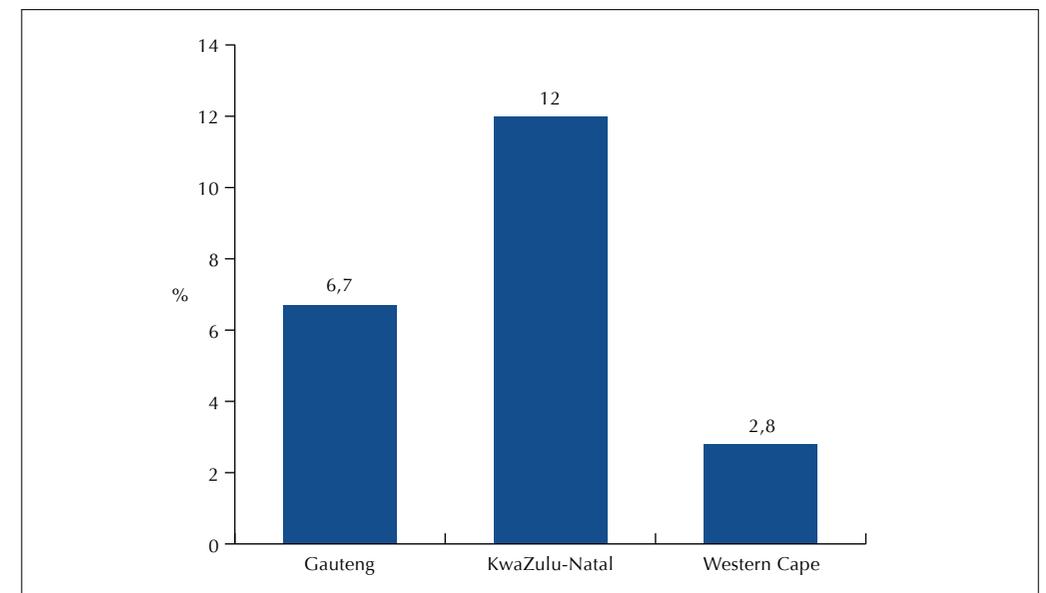
On the contrary, neighbours (26.8%), siblings (22.0%), fathers (12.6%), other relatives (12.6%), and friends (11.0%) were predominantly implicated as the perpetrators in these incidents of household violence witnessed. See Figure 13 for a complete list of perpetrators identified.

Figure 13: Perpetrators of family violence (n=127)

Figure 14: Weapons used in incidents of family violence (n=76)
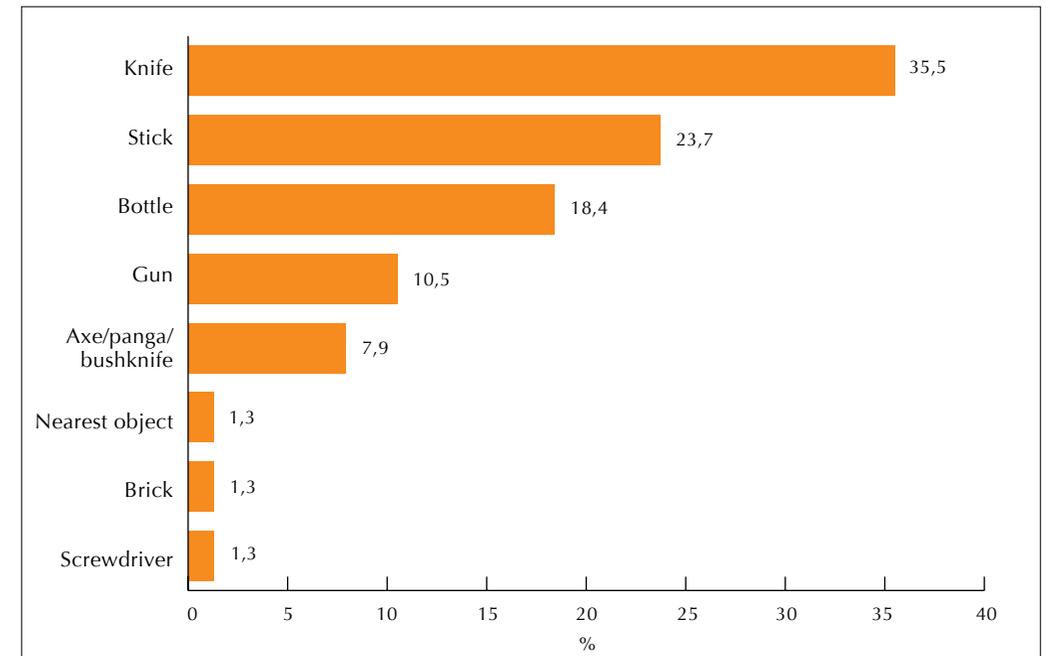
Figure 15: Family criminality, total sample and per province (n=1798)

Close to three fifths of these incidents (59.8%) involved the use of a weapon – most commonly knives (35.5%), followed by sticks (23.7%), and bottles (18.4%). Firearms were used in a tenth of cases (10.5%) involving weapons.

Other weapons cited were axes, pangas or bush knives (7.9%), screwdrivers (1.3%), bricks (1.3%), or anything else the attacker could find at the time of the attack (1.3%) to use against the victim. Thus, it was not surprising that nearly half of all victims of these attacks (48.0%) were said by participants to have required medical attention as a result of the attack. Moreover, 72.6% of participants said they believed or knew the attackers in these incidents to be under the influence of drugs or alcohol at the time of the incident.

5.5   FAMILY CRIMINALITY

A total of 22.4% – a fifth of the sample – indicated having a family member who had been incarcerated for criminal offences. Gauteng presented the most number of households (30%) which had at least one member having been in prison before, followed by KwaZulu-Natal (19.0%) and the Western Cape (18.1%).

In most cases it was either a sibling of the respondent (33.5% in Gauteng, 38.4% in KZN and 21.3% in the Western Cape) who had been to prison before or the respondent themselves (30.7% in Gauteng, 22.3% in KZN and 27.8% in the Western Cape). Furthermore, the participants' children (15.1% in Gauteng, 19.6% in KZN and 17.6% in the Western Cape), other relatives of the participant (9.5% in Gauteng, 4.5% in KZN and 13.9% in the Western Cape) as well as aunts and uncles of the respondent (5.6% in Gauteng, 5.4% in KZN and 4.6% in the Western Cape) comprised the most common household members identified who had been in prison before. See Figure 16.

Most of these household members first went to prison between the ages of 17 and 25 years.

Effective reintegration is not an easily achievable task. One of the conditions that facilitate this process is being accepted by one's family following release from prison. It is encouraging to find that most families represented in this study are aware of the importance of accepting and supporting one another as well as dealing with difficult circumstances (for example diversion) as a family unit. However, this becomes increasingly difficult to do when families have to negotiate a series of social factors that may put them at risk for violence. These factors include high levels of conflict and family violence, poor parenting skills and parental monitoring and supervision of children's activities, financial difficulties, and dealing with disciplinary issues with children who remain in the household.

Figure 16: Family members who have been in prison before (n=402)
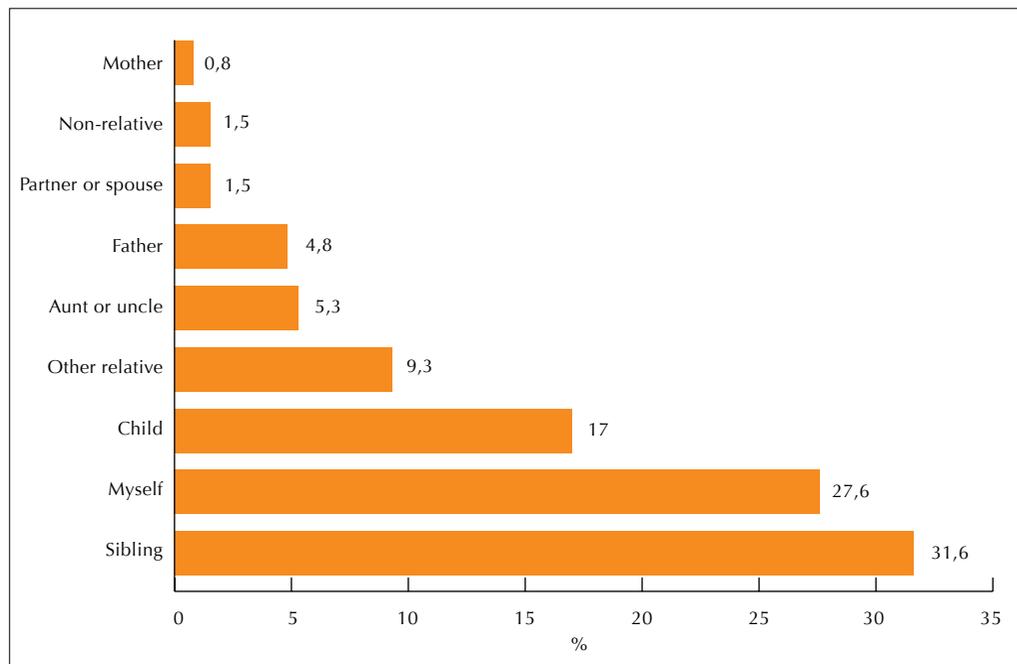
Attitudes Toward Offender Reintegration

SUMMARY OF KEY FINDINGS

- One in every two participants maintained that community members play a crucial role in raising law-abiding citizens. Those most in favour of this view were residents living in the Western Cape.

- Approximately a third of the participants believed that it is a community's duty to raise children well.

- The data suggests that most participants are in strong agreement with the idea of communal involvement in child rearing.

- Community members were also open to alternative forms of sentencing for first time child and youth offenders; more than 70% of the sample agreed that child and youth offenders should be granted a second chance, or an opportunity to make amends before being sent to prison.

- Apologising to the community for harm done was also an alternative form of sentencing that was perceived positively by community members.

- Nearly three quarters of the sample responded favourably when asked whether the criminal records of first time offenders should be expunged.

- More than 80% of the sample also felt that it was crucial to make every effort to reconcile a child, who has committed a minor offence for the first time, with the victims of the crime.

- Participants were most supportive of counselling and rehabilitation programmes as alternative sentences suitable for child offenders.

- The data showed no significant differences between households who had a family member incarcerated for criminal activities and those who had not, with regard

to their attitudes toward alternative sentencing for first time child offenders.

- Perceptions of safety and fear of crime were closely linked to participants' views of offenders and suitable punishments for crime. Those in KwaZulu-Natal had the lowest levels of perceived safety and in turn were less willing to grant offenders second chances and participate in restorative justice processes.

- There was no noticeable differences between responses from those participants who had been victimised in the past three years and those who hadn't, when attitudes towards offender reintegration were investigated.

- Participants showed a significant level of hypothetical tolerance for young first time minor offenders and a reasonably high level of confidence in diversion programmes.

- Overall, participants were of the opinion that first time child offenders should be sent to prison for their crimes from the age of 15 years and older.

Having outlined the tenets of child justice in South Africa under the new legislation as well as the road which has been taken to reach the current position on child justice, it is important to investigate the types of perceptions South African communities hold of young offenders and child justice, particularly diversion. Thus far, the demographics of the sample participants in the study and their perceptions of their communities and exposure to crime and violence have been outlined, the crux of the research lies in this chapter where we gauge community members' reception to diversion in South Africa.

6.1 PERSONAL BELIEFS REGARDING THE COMMUNITY'S ROLE IN RAISING RESPONSIBLE CHILDREN AND YOUTH

As previously mentioned, diversion is a practice borne from restorative justice which stresses the importance of a positively involved and supportive community for it to be effective.

Community members seemed to have differing views when it comes to the community's responsibility in ensuring that children and youth do not become involved in delinquent and criminal activities. On the whole, more than half of all respondents either strongly agreed (29.4%) or simply agreed (31.8%) with this idea that community members play a crucial role in raising law-abiding citizens. Those supporting this view were primarily residents living in the Western Cape, with approximately 80% of interviewees sampled supporting this notion (p<0.05), followed by their counterparts in Gauteng (almost two thirds [63.9%] of Gauteng participants felt that the community had a large responsibility to play in making sure the youth were not involved in criminal activities).

Contrary to this, less than two fifths of KwaZulu-Natal participants agreed with the community's responsibility in preventing children from engaging in crime. Respondents in KwaZulu-Natal demonstrated a higher proclivity to disagree or strongly disagree with the thought of community responsibility for preventing youth criminality (p<0.05). Interestingly, the majority of KwaZulu-Natal participants were women (65%) who had biological children (82.3%) themselves.

These findings seem to suggest that despite high levels of parenthood, this still did not in any way influence participants from this province responding favourably to safeguarding other children and youth in their community. See Table 18.

Table 18: Beliefs about the community's role in raising responsible children (n=1794)

It is the community's responsibility to ensure that children are not involved in criminal activities (%)			
	Strongly Agree	Agree	Disagree	Strongly Disagree
Total sample	29.4	31.8	26.6	11.8
GP	29.2	34.9	26.0	9.9
KZN	5.4	34.4	37.1	21.9
WC	53.6	26.3	16.5	3.7
It's the community's duty to raise children well (%)			
Total sample	10.9	23.5	41.0	24.3
GP	47.1	41.8	9.2	1.8
KZN	4.0	45.5	30.9	19.0
WC	56.5	28.0	12.0	3.5
If children behave badly, it is the community's fault for not raising them well (%)			
Total sample	36.0	38.4	17.4	8.1
GP	18.5	16.8	40.0	24.7
KZN	2.5	26.3	47.1	23.1
WC	11.6	27.3	35.8	25.1

Approximately a third of the participants believed that it is a community's duty to raise children well. Contrary to this, two out of every three respondents disagreed or strongly disagreed with this idea, indicating that the responsibility of raising children well is often viewed as a parental duty rather than a communal

responsibility. Participants interviewed in KwaZulu-Natal were significantly more inclined to abdicate the community from their responsibility in raising children productively (p<0.05), with 30.9% disagreeing and 19% strongly disagreeing with this statement.

When presented with the statement "If children behave badly, it is the community's fault for not raising them well" 36% – more than a third of the overall sample – strongly agreed and 38.4% simply agreed with this statement. This suggests that the participants are in strong agreement with the idea of communal involvement in child rearing. Still, 17.4% disagreed and 8.1% strongly disagreed with this notion.

Provincial analysis revealed that residents surveyed in the Western Cape were most in favour of entire communities being responsible for rearing children and youth who refrain from delinquent and other criminal activities. More than a tenth (11.6%) of these participants strongly agreed and 27.3% agreed with this idea, accounting for nearly two-fifths of the Western Cape sample. Second to the Western Cape, was Gauteng, where more than a third of residents indicated their agreement in support of this notion. Their counterparts in KwaZulu-Natal demonstrated a higher proclivity to reject this idea, with more than two thirds of those interviewed in KwaZulu-Natal, expressing their disagreement.

6.2   ATTITUDES TOWARD ALTERNATIVE SENTENCING OPTIONS

One of the primary objectives of this study was to ascertain communal perceptions and attitudes toward alternative penalties for first time minor offenders. To do this, respondents were asked to indicate their level of agreement or disagreement with a number of different statements constructed to gauge perceptions of commonly used diversion options.

Overall, more than 70% of the sample felt that children or first-time minor offenders should be granted a second chance before being sent to prison (26.3% strongly agreed and 46.5% agreed) or an opportunity to make amends (30.6% strongly agreed and 46.2% agreed). Even so, more than a quarter of the sample was not open to providing child offenders with second chances. Participants, who responded negatively when presented with these statements, were primarily residents from KwaZulu-Natal (p<0.05).

Four out of every five participants tended to agree that children who commit crimes should apologise to the entire community for their misdemeanours. The findings point toward a general consensus across the provinces that child offenders should apologise to their communities. In Gauteng, four-fifths of residents expressed this sentiment while in KwaZulu-Natal the response, although a little less firm was similar, with 70.6% of participants agreeing with the necessity for children to apologise to the whole community after committing an offence. In

Table 19: Attitudes toward child offenders (n=1795)

Children who commit crime should be given a second chance to make amends (%)				
	Strongly Agree	Agree	Disagree	Strongly Disagree
Total sample	30.6	46.2	15.5	7.6
GP	34.8	50.9	8.2	6.1
KZN	16.2	53.7	22.9	6.9
WC	40.6	34.1	15.5	9.8
Every child who commits a minor offence must be given a second chance and not be sent to prison (%)				
Total sample	26.3	46.5	19.6	7.6
GP	29.0	53.2	11.7	6.0
KZN	10.5	55.8	27.2	6.3
WC	39.1	30.6	19.8	10.5

line with this, a large proportion of Western Cape participants agreed with this statement. Despite this consensus, a greater number of residents in the Western Cape disagreed with this statement (p<0.05).

Linked to the issue of second chances came the question of criminal records and their being expunged for young, first time minor offenders. Nearly three quarters of the sample responded favourably to this statement. Those who were most in favour of expunging the criminal records of first time offenders were residents living in Gauteng, with four out of five interviewees agreeing or strongly agreeing with this statement (p<0.05), followed by their counterparts in KwaZulu-Natal. Here, close to 80% expressed their agreement with this notion. Respondents in the Western Cape however, were significantly less likely to agree that first-time minor offenders should not get a criminal record. In fact, more than a quarter of Western Cape residents disagreed (27.3%) and more than a tenth (12%) strongly disagreed when the statement "A child who commits a minor offence once should not have a criminal record kept" was posed to them (p<0.05).

Participants also felt that it was crucial to make every effort to reconcile a child who has committed a minor offence for the first time, with the victims of the offence. Such a belief was held by more than 80% of the total sample. Gauteng respondents accounted for the highest proportion of participants who were of this viewpoint, with four out of five residents living in Gauteng expressing their agreement with this statement (p<0.05). This notion of victim and offender reconciliation was also supported by the majority of residents living

**Table 20: Perceptions of child offenders, cont. (n=1795)**

Children who commit crime should apologise to the whole community (%)				
	Strongly Agree	Agree	Disagree	Strongly Disagree
Total sample	33.9	40.4	16.5	9.0
GP	37.2	45.4	10.9	6.5
KZN	25.4	45.6	19.2	9.3
WC	39.3	30.1	19.5	11.1
A child who commits a minor offence once should not have a criminal record kept (%)				
Total sample	30.0	43.9	18.4	7.6
GP	31.5	50.8	11.4	6.0
KZN	22.4	56.3	16.5	4.7
WC	35.9	24.8	27.3	12.0
Every effort should be made to reconcile children who commit minor crimes like theft and the victims (%)				
Total sample	22.5	57.8	15.6	4.1
GP	27.2	59.7	8.4	4.7
KZN	8.4	67.2	22.1	2.3
WC	31.8	46.8	16.3	5.2

in the Western Cape and KwaZulu-Natal, although to a lesser degree than their Gauteng counterparts. Those who were opposed to this idea, tended largely to be participants living in KwaZulu-Natal with a fifth (22.1%) of these residents disagreeing and 2.3% strongly disagreeing with this idea. See Table 20.

To further gauge community members' perceptions of alternative sentencing for children who commit minor offences, interviewees were asked whether they perceived various penalties as suitable responses to child offenses. Of the five different penalties asked about, participants seemed most in favour of counselling and rehabilitation programmes, with nine out of every ten interviewees responding affirmatively when questioned about the suitability of these two options as alternatives to prison sentences for young offenders. See Figure 17.

Community service was also perceived favourably by 85% of the participants interviewed, while bringing the families of both victims and offenders together in an attempt at reconciliation was viewed as a suitable punishment for first time minor offenders by a total of 81.6% of the respondents. Apologising and

Figure 17: Suitable alternatives for children who commit minor offences (n=1798)
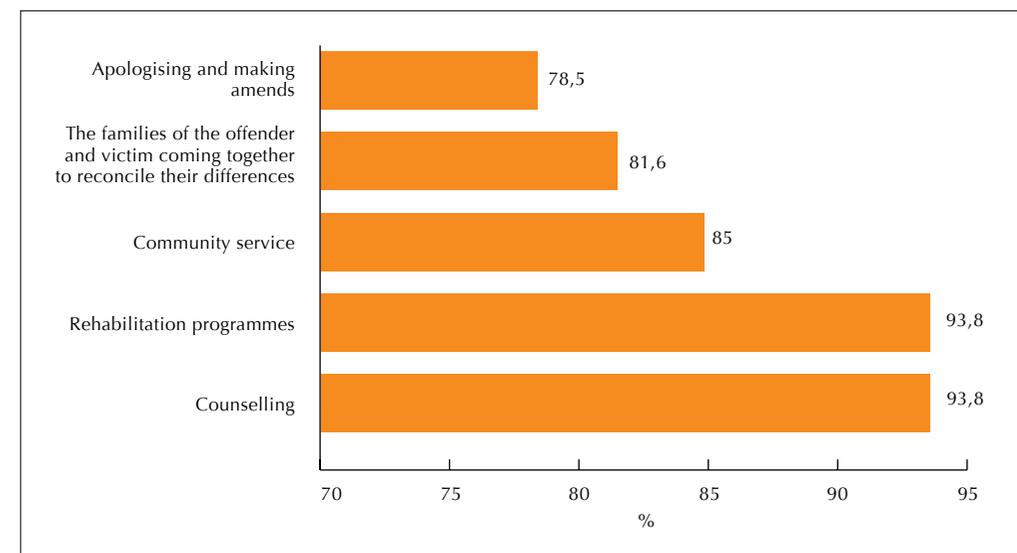
making amends – although less favoured than the other three alternatives – was considered appropriate by 78.5% of the sample.

Although still considered as suitable by 87.3% of Gauteng participants, 76.5% of KwaZulu-Natal participants and 71.6% of Western Cape participants, apologising and making amends with the victim received less support from the participants as an alternative to imprisonment for young offenders committing first time minor offences.

When comparing the views of households where a family member had previously been incarcerated for criminal offences to those where no members had ever been imprisoned, the data showed no significant differences between these two groups with regard to their attitudes toward alternative sentencing for first time child offenders. See Table 21 for these percentages.

Even so, households where no members have been previously incarcerated appeared to be slightly more supportive of counselling and rehabilitation programmes as alternatives to custodial sentences when compared to households where someone had previously been jailed for crime.

The perceptions of safety and fear of crime are in this case closely linked to participants' views of offenders and community cohesion. Those in KwaZulu-Natal had the lowest levels of perceived safety and in turn were less willing to grant offenders second chances and participate in restorative justice processes. Conversely, residents from Gauteng and the Western Cape reported higher levels of safety, and thus, were more inclined to favour the reintegration of young, first time minor offenders.

The fear of crime therefore has a great impact on society's willingness to engage with offenders. Fear and lack of trust in community members drastically reduces community cohesion and diminishes any chance of restorative processes achieving its primary objectives.

Table 21: Perceptions of suitable alternative penalties for child offenders, by family incarceration (n=1798)

Community service is a suitable alternative penalty for children who commit minor offences (%)			
YES		NO	
H/Hold member been to prison	No H/hold member been to prison	H/Hold member been to prison	No H/hold member been to prison
85.5	84.9	14.5	15.0
Apologising to victims is a suitable alternative penalty for children who commit minor offences (%)			
H/Hold member been to prison	No H/hold member been to prison	H/Hold member been to prison	No H/hold member been to prison
78.1	78.6	21.9	21.4
Counselling is a suitable alternative penalty for children who commit minor offences (%)			
H/Hold member been to prison	No H/hold member been to prison	H/Hold member been to prison	No H/hold member been to prison
90.5	94.7	9.2	5.2
Rehabilitation programmes are a suitable alternative penalty for children who commit minor offences (%)			
H/Hold member been to prison	No H/hold member been to prison	H/Hold member been to prison	No H/hold member been to prison
90.5	94.8	9.2	5.1
Victim and offender families reconciling is a suitable alternative penalty for children who commit minor offences (%)			
H/Hold member been to prison	No H/hold member been to prison	H/Hold member been to prison	No H/hold member been to prison
81.2	81.8	18.8	18.1

Table 22: Perceptions of suitable alternative penalties for child offenders, by victimisation (n=1798)

Children who commit crime should apologise to the whole community (%)		
	Experienced	Did not experience
ASSAULT	75.5	73.8
THEFT	71.8	75.2
RAPE	71.0	74.2
ROBBERY	71.6	75.0
Children who commit crime should be given a chance to make amends (%)		
ASSAULT	76.1	76.5
THEFT	75.8	76.8
RAPE	71.0	76.6
ROBBERY	72.7	77.8
A child who commits a minor offence must be given a second chance and not be sent to prison (%)		
ASSAULT	75.5	71.9
THEFT	70.4	73.5
RAPE	83.9	72.3
ROBBERY	69.3	73.7
A child who commits a minor offence once must not have a criminal record kept (%)		
	Experienced	Did not experience
ASSAULT	75.8	73.2
THEFT	75.6	72.9
RAPE	74.2	73.7
ROBBERY	72.0	74.3
Every effort should be made to reconcile a child who has committed a minor offence with the victim (%)		
ASSAULT	81.3	79.7
THEFT	80.9	79.7
RAPE	83.9	80.0
ROBBERY	82.8	79.0

There was no noticeable differences between responses from those participants who had been victimised in the past three years and those who hadn't, when attitudes towards offender reintegration were investigated. Three quarters (75.5%) of those who had experienced assault in the past three years and 73.8% of those who had not experienced this crime, felt that children who commit crime should apologise to the whole community.

Similarly, those who had been assaulted in the past three years and those who hadn't, shared the perception that children who had committed minor offences should be given a second chance to make amends. Again, large percentages 76.1% of those who had been assaulted and 76.5% of those who hadn't, felt that it was necessary to grant young, minor offenders the chance to make amends.

It is clear that in some cases, such as theft and rape, those who had been victimised over the past three years were more compassionate towards young offenders.

Participants showed a significant level of hypothetical tolerance for young first time minor offenders and a reasonably high level of confidence in diversion programmes. This was evident in the more than 50% of respondents who indicated that they would themselves employ a young person who had been found guilty of theft or robbery and had completed a rehabilitation or diversion order.

Table 23: Attitudes toward the employment of child offenders (n=1796)

I would employ a young person who had committed theft and had participated in a rehabilitation or diversion programme (%)			
	Strongly agree	Agree	Disagree	Strongly disagree
Total sample	14.4	39.0	25.2	21.2
GP	14.6	42.7	21.3	21.1
KZN	9.0	37.1	31.8	21.7
WC	19.5	37.2	22.5	20.7
I would employ a young person who had robbed someone and participated in a rehabilitation or diversion programme (%)			
Total sample	14.5	36.1	25.7	23.6
GP	13.7	37.4	24.8	23.8
KZN	10.0	32.1	31.3	26.4
WC	19.6	38.6	21.1	20.6

Significant differences were observed within the provinces with regard to these perceptions. Participants who responded favourably to these statements were significantly more likely to be residents of Gauteng and the Western Cape, with more than half of these samples agreeing or strongly agreeing when asked whether they would employ offenders who had completed a diversion order (p<0.05). On the contrary, those interviewed in KwaZulu-Natal were least likely to indicate that they would employ young offenders.

The data highlighted differences in perceptions depending on whether the child offender had committed a violent or non-violent offence. The statistics presented in Table 23, clearly shows that although a great number of participants are still in favour of employing individuals who had completed a diversion order, those living in Gauteng and KwaZulu-Natal were less inclined to employ individuals who had perpetrated violent offences (i.e. robbery rather than theft). Interestingly, there were no significant differences in responses by those living in the Western Cape; similar percentages of residents here would employ a young offender who had completed a diversion order regardless of the violent or non-violent nature of the offence committed.

6.3   PERCEPTIONS OF THE SUITABILITY OF INCARCERATION AS PUNISHMENT FOR VARIOUS OFFENCES

The call for lengthier and harsher sentences for offenders has often been the outcry from the public in response to South Africa's high levels of crime. However, lengthier custodial sentences as a standalone measure, has been insufficient in curbing crime. Nevertheless, this attitude still persists. Interesting responses were generated when participants were asked at what age they thought a first time child offender should be sent to prison for various offences. The offences asked about included property crimes such as theft of personal belongings and housebreaking, as well as violent crimes such as assault, robbery, rape, hijacking and murder.

For the most part, the participants' perceptions were quite similar regardless of the offences. Overall, participants were of the opinion that first time child offenders should be sent to prison for their crimes from the age of 15 years and older; with more than 60% of the total sample's responses falling within the 15 to 16, 16 to 18, and 18 years and older age cohorts. Still, the greatest proportion of these percentages (usually between a quarter and a third of the sample) was recorded in the 18 years and older category.

Although participant responses were fairly similar for most of the offences, shifts in the perceptions of the participants were noted for the violent crimes of rape and murder. With these two crimes, an increased number of participants felt that first time child offenders should be sent to prison at ages younger than 15. See Table 24 for these percentages.

Table 24: Age at which first time offenders should be sent to prison for... (n=1793)

	7-8 years	8-9 years	9-10 years	10-12 years	13-14 years	15-16 years	16-18 years	18 years and older
Theft	2.3	0.3	1.3	5.8	16.4	24.2	18.4	31.0
Assault	2.1	0.6	1.0	5.6	15.2	24.4	18.0	32.7
Robbery	2.0	0.3	0.9	6.4	16.7	24.3	19.2	30.1
Rape	3.4	0.4	0.8	8.2	18.1	26.6	16.9	25.4
House-breaking	2.5	0.3	1.0	6.0	17.3	25.4	17.7	29.6
Hijacking	1.9	0.3	0.7	5.0	13.8	24.7	18.8	34.7
Arson	2.1	0.4	0.7	5.9	15.3	25.2	17.9	32.3
Murder	4.8	0.7	0.9	6.7	18.6	24.5	17.0	26.7

Provincial figures followed much of the same trends as evident from the figures depicted in Table 25.

Comparative analyses revealed that Gauteng interviewees generally thought that first-time child offenders should be older before being sent to prison for crimes they have committed. More specifically, two out of every five residents in this province felt that children guilty of committing crimes, regardless of whether they were violent or property-related crimes, should be sent to prison at the age of 18 years and older.

This trend was different to that observed in the other two provinces. In KwaZulu-Natal significantly more respondents were in favour of first-time child offenders being sent to prison at a younger age. The results outlined in Tables 25 and 26 shows that a large percentage of the KwaZulu-Natal sample (usually between a quarter and a third of the sample) asserted that children who offend should be sent to prison even if they are between the ages of 13 and 14 years. Their view remained the same for both property and violent crimes.

In the Western Cape, most residents felt that children could be sent to prison for offending from the ages of 15 years and older. When compared to the other provinces, residents in the Western Cape were more likely to indicate that children could be imprisoned for offending between the ages of 7 and 8 years of age.

There were no marked differences between participants who had either been to prison or had a household member who had been incarcerated with regard to their ideas about suitable ages for first-time child offenders to be sent to prison.

These results suggest that many participants are of the opinion that young children should be imprisoned for crimes despite their criminal capacity.

Table 25: Age at which first time offenders should be sent to prison, by province (n=1793)

	7-8 years	8-9 years	9-10 years	10-12 years	13-14 years	15-16 years	16-18 years	18 years and older
Theft								
GP	0.5	0.0	0.3	3.0	9.9	25.0	17.9	43.4
KZN	2.0	0.3	2.9	8.4	31.5	30.5	11.4	12.5
WC	4.5	0.5	0.8	6.0	8.0	17.3	25.8	36.9
Assault								
GP	0.7	0.0	0.2	2.8	10.2	26.1	17.4	42.5
KZN	2.0	0.8	2.5	7.6	28.0	28.7	10.8	18.9
WC	3.7	0.8	0.3	6.5	7.7	18.6	25.8	36.4
Robbery								
GP	0.3	0.2	0.2	2.8	9.7	26.3	17.1	43.4
KZN	1.7	0.5	1.9	9.4	31.8	28.1	13.6	12.5
WC	3.8	0.3	0.7	7.0	8.7	18.5	26.8	34.3
Rape								
GP	0.7	0.2	0.2	2.7	7.5	29.1	18.3	41.4
KZN	2.4	0.3	1.3	13.2	35.8	29.7	9.1	7.8
WC	7.2	0.8	1.0	8.8	11.1	21.1	23.1	26.8
Housebreaking								
GP	0.5	0.2	0.0	1.3	9.7	27.6	18.3	42.4
KZN	2.0	0.3	2.2	9.5	32.6	29.1	9.5	14.4
WC	5.0	0.5	0.8	7.3	9.7	19.6	25.3	31.8

Participants did not seem to have much clemency for even those committing petty crimes such as theft.

The offence of rape received less leniency for the young offender amongst the participants since children as young as 10 years old were said by 2.7% of Gauteng participants, 13.2% of KwaZulu-Natal participants and 8.8% of Western Cape participants to be old enough to be sent to prison for committing a rape even if it was their first offence.

Table 26: Age at which first time offenders should be sent to prison, by province cont. (n=1793)

	7-8 years	8-9 years	9-10 years	10-12 years	13-14 years	15-16 years	16-18 years	18 years and older
Hijacking								
GP	0.7	0.0	0.0	1.3	6.2	26.2	21.0	44.6
KZN	0.8	0.3	1.5	6.6	26.6	27.8	8.8	27.1
WC	4.2	0.7	0.5	7.0	8.8	20.1	26.5	32.3
Arson								
GP	1.0	0.2	0.0	2.0	6.7	27.9	19.0	43.3
KZN	1.0	0.3	1.5	8.8	28.6	28.8	8.1	22.0
WC	4.2	0.7	0.7	6.8	10.8	19.0	26.5	31.4
Murder								
GP	1.3	0.3	0.0	3.0	5.9	26.5	20.3	42.7
KZN	4.5	1.0	2.0	8.6	39.6	27.1	8.2	8.2
WC	8.5	0.8	0.7	8.5	10.5	20.0	22.3	28.8

Social Cohesion

SUMMARY OF KEY FINDINGS

- More than 80% of respondents reportedly like the community in which they live.

- Moderate levels of trust were observed in these communities.

- Nearly two thirds of the sample claimed that people in their community could generally be trusted.

- Activities that respondents, as well as household members were most likely to participate in were church activities (45% and 48.8% respectively), burial societies (38.7% and 41.7% respectively), stokvels (19.3% and 24.3% respectively), sports teams (13.2% and 31.7% respectively), and choirs or singing groups (11.1% and 21.6% respectively).

- With the exception of the Western Cape, participation in neighbourhood watches was low amongst participants and their household members.

- Overall, the study data pointed toward a reasonable sense of community that exists in terms of participation in social and recreational activities within these residential areas.

Social capital refers to "the attitude, spirit and willingness of people to engage in collective civic activities."[46] This notion is crucial to social research studies since positive community networks and connections are believed to result in collective action that is mutually beneficial to the community members. In this case, positive social networks are believed to encourage community involvement in crime prevention initiatives including the reintegration of individuals guilty of perpetrating crimes.[47]

7.1　ATTITUDES TOWARDS THE COMMUNITY

Despite the feelings of fear, and levels of victimisation, an overall sense of appreciation for their neighbourhoods was observed among the study participants, evident in the more than 80% of respondents who agreed or strongly agreed with the statement "I like the area in which I live" and the more than 50% who disagreed or strongly disagreed with the statement "I'd like to move out of my neighbourhood".

Comparative analyses revealed that while similar proportions of Gauteng and the Western Cape participants reported liking the areas in which they live and wanting to remain in those areas, those from KwaZulu-Natal were significantly more inclined to state the converse i.e. to express a dislike for their community and the desire to move from their area (p<0.05). See Table 27 for these percentages.

Levels of trust within these communities were moderate. Table 27 clearly demonstrates that, on the whole, nearly two thirds of the sample was of the opinion that people in their community could generally be trusted. Even with these fairly high levels of trust, one in every three respondents interviewed felt that one was unable to trust people living in their areas. Linked to the levels of trust, close to 70% of the total sample felt that there were lots of people in their community who they could talk to if they had a personal problem.

Contrary to this, more than a quarter felt that the support networks within their community were limited. Higher levels of trust and greater community support networks were observed among those living in KwaZulu-Natal while the views of those living in Gauteng and the Western Cape were fairly similar. See Table 27 for these exact percentages.

7.2　PARTICIPATION IN COMMUNITY ACTIVITIES AND SOCIAL CAPITAL

Community cohesion, or the possibility for it, can be measured through the extent to which community members participate in socio-cultural activities within their community. For this reason, the communities surveyed in this study were also questioned about their participation in social activities in the areas in which they lived. Overall, residents' as well as household members' participation was highest for any type of church group (45% and 48.8% respectively), burial societies (38.7% and 41.7% respectively), stokvels (19.3% and 24.3% respectively), sports teams (13.2% and 31.7% respectively), and choirs or singing groups (11.1% and 21.6% respectively).

Participation in any type of religious group was popular across all three provinces, specifically the Western Cape where a total of 62.1% of respondents were found to be socially involved in any such activity, followed by Gauteng (49.1%), and KwaZulu-Natal (23.8%).

Table 27: Perceptions of the neighbourhood, by province (n=1801)

I like the area in which I live (%)			
	Strongly Agree	Agree	Disagree	Strongly Disagree
Total sample	54.7	30.5	8.4	6.3
GP	49.6	37.5	5.7	7.2
KZN	45.3	35.4	13.3	6.0
WC	69.2	18.6	6.3	5.8
I'd like to move out of my neighbourhood (%)			
Total sample	21.7	20.7	31.7	25.8
GP	17.8	21.8	30.3	30.1
KZN	24.9	24.3	40.7	10.1
WC	22.5	16.1	24.1	37.3
Most people in my neighbourhood can be trusted (%)			
Total sample	20.4	44.1	20.3	15.1
GP	16.0	44.6	21.1	18.2
KZN	15.1	56.9	21.1	6.9
WC	30.0	31.1	18.6	20.3
There are lots of people I can talk to about things that are important to me (%)			
Total sample	20.1	49.7	18.9	11.2
GP	15.4	48.5	18.6	17.6
KZN	19.8	64.5	12.8	2.5
WC	24.8	36.2	25.3	13.7

Burial societies, similarly, were also popular among the participants. More than a third of residents in Gauteng (39.1%) indicated belonging to a burial society, while 46.4% of households in KwaZulu-Natal and 30.4% in the Western Cape also belonged to burial societies in their communities.

Stokvels were particularly common among residents from KwaZulu-Natal. Here, close to a third of households had at least one member who belonged to a stokvel. Stokvels were, however, less popular among those living in Gauteng (18.6%) and even less so in the Western Cape (7.8%).

Sporting activities were found to be the fourth most common social activity respondents participated in, as reported by more than a tenth of respondents (13.2%), while nearly a third of others living in their household (31.7%) also

Table 28: Household participation in social activities (n=1800)

Activity	Respondent (%)		Other household members (%)	
	Yes	No	Yes	No
Youth group	7.3	92.7	17.3	82.0
Stokvel	19.3	80.7	24.3	75.4
Burial society	38.7	61.3	41.7	58.3
Neighbourhood watch	7.1	92.9	7.1	92.9
Sports team	13.2	86.8	31.7	68.2
Drama or theatre group	1.4	98.6	6.1	93.9
Choir or singing group	11.1	88.9	21.6	78.4
Any other type of church group	45.0	55.0	48.8	51.2
A community safety project	7.7	92.3	7.8	92.1
Klopse	1.6	98.4	3.9	72.5

participated in some sports team in their community. Sporting activities were more often observed among residents interviewed in Gauteng (18.4%), while those from the Western Cape (13.3%) and KwaZulu-Natal (7.8%) were less inclined to do so.

Less than a tenth of respondents participated in the other activities asked about, including a youth group and drama or other cultural group.

With the exception of the Western Cape, participation in neighbourhood watches was low amongst participants and their household members. Just 5.2% of Gauteng participants were members of a local neighbourhood watch, while a mere 1.3% of KwaZulu-Natal interviewees were involved in such a group in their local community. In the Western Cape a total of 14.6% – more than a tenth of the provincial sample – participated in a neighbourhood watch. Western Cape participants' household members (11.5%) too, were more likely than their counterparts in the other provinces, to be involved in a local neighbourhood watch.

Compared to neighbourhood watches, participation in other community safety projects in the community were slightly higher in all three provinces. In Gauteng 7.2% of participants reported being part of a local community safety project while 6.0% of KwaZulu-Natal and 10% of Western Cape participants reported the same. Participants' household members were also more involved in community safety projects than in neighbourhood watches (10% in Gauteng, 5.8% in KwaZulu-Natal and 7.7% in the Western Cape).

These findings are important for contextualising the willingness of community members to participate in community activities including community initiatives to assist in the reintegration of child or youth offenders. Since a fair number

Figure 18: Number of activities involved in (n=1800)
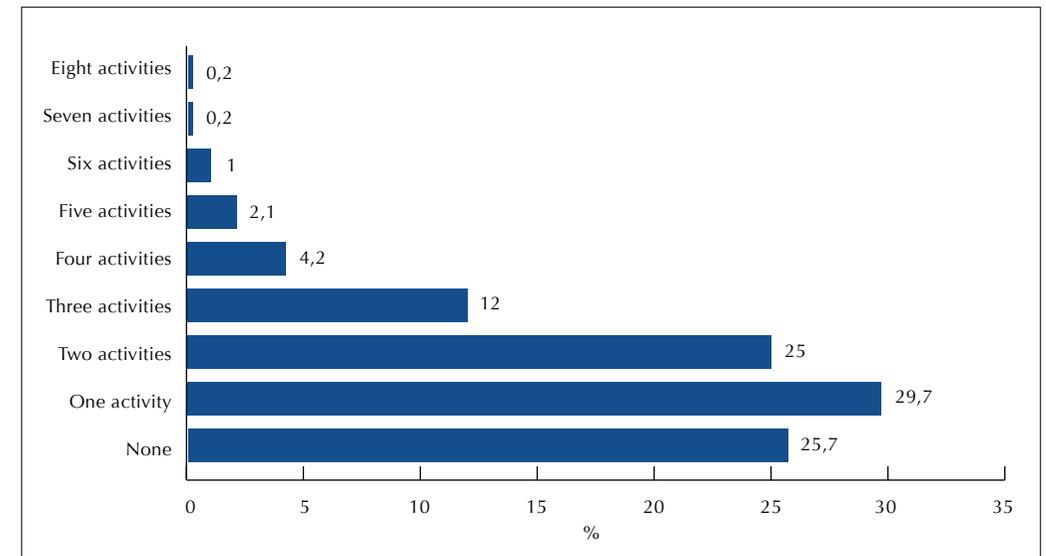
of participants and other members of their household are engaged in social activities in their community, this could indicate a willingness to participate in the reintegration of offenders. A reasonable sense of community exists in terms of participation in social and recreational activities and this is something which, if not already working to diversion's benefit, could be nurtured to produce such an outcome.

It was interesting to note that many participants took part in more than one community activity. Although, one in every four (25.7%) individuals interviewed indicated not participating in any social activity offered in their community, nearly three out of four residents did in fact participate in one or more social activities available in the area in which they lived. More than a quarter (29.7%) participated in at least one community activity, 25% participated in two activities, while 12% of respondents reported being involved in three different social activities in their community. Furthermore, 4.2% participated in four activities in their community and 2.1% participated in five community activities. It was also pleasing to observe that 18 participants (1%) participated in six community activities and three participants each took part in seven and eight activities. The participation levels are shown in Figure 18.

The levels of participation in community activities and social cohesion per province are related closely to the attitudes towards offender reintegration and the willingness to participate in restorative justice processes. The lower levels of social cohesion and membership in social activities observed in KwaZulu-Natal can be used to partly explain the minimal levels of support for the reintegration of young offenders observed in preceding chapters of this report.

Conclusions and Recommendations

Crime and violence continues to be one of the primary challenges facing democratic South Africa. The traditional penal approach assumed by the state to curb crime, has proven ineffective, largely because it is reactive and fails to address the myriad social factors underlying criminal behaviour. The continued use of this approach has also been underscored by the public's demand for stricter laws and lengthier sentences in response to the perceived increase in violent crimes and insecurity permeating South African homes and communities country-wide.

Young people are the most common perpetrators of crime in the country. With the average age of the young offender having decreased from 22 years in 1990 to 15 years in 2009, there is growing recognition that efforts to prevent delinquency from becoming established behavioural patterns among the country's youths are desperately needed. Thus, there is an urgent need for a crime-reduction approach that not only addresses crime before it happens, but is also more effective and sustainable; an issue recognised by practitioners, the public and policy-makers alike.

Diversion and offender reintegration has been hailed as two such crime-reduction approaches. However, they should be viewed as two interventions included in a comprehensive package of interventions aimed at addressing the environmental and contextual factors giving rise to crime (primary prevention); availing services to address the needs of individuals who are considered at risk of both victimisation as well as offending (secondary prevention); and lastly to provide activities for those who have already entered the criminal justice system that will rehabilitate them and enable the ex-offenders to pursue a crime-free existence following the completion of their sentences.

Diversion and offender reintegration cannot occur without the acceptance and commitment of families and communities. These stakeholders have to

Returning to a Reluctant Sender: An Exploration into Community Attitudes Toward Diversion and Reintegration in South Africa

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demonstrate a willingness to assist the ex-offender to adjust to life after prison. Similarly, with diversion orders (sentences that are served outside of correctional facilities and often in the very communities in which these young offenders live or even committed their crimes) the support of families and communities in facilitating compliance with diversion orders, cannot be stressed enough.

A total of 22.4% – a fifth of the entire sample – indicated having a family member who had been incarcerated for criminal offences. Although the study data was collected from a segment of the South African population, and does not represent the views of the entire population, the findings emerging from this study remain telling. Data presented in this monograph provides a somewhat realistic picture of some of the common characteristics and issues experienced by the families and communities that offenders have to return to, following their sentences. What is evident is that these familial and community environments are often plagued by the risk factors for offending, creating social contexts that are conducive to criminal activity. Ex-offenders, as well as youths completing diversion orders in their communities, are thus more often than not compelled to surmount an array of challenges as they attempt to live a crime-free life.

Data in this monograph point toward high levels of community violence, easy access to alcohol and drugs, easy access to weapons, high incidence of substance misuse among other youths living in these communities, elevated levels of fear, high levels of victimisation, poor parenting and familial relationships, as well as poor parental monitoring and supervision of children's activities and peers. These, coupled with several other issues including stigmatisation and discrimination, may undermine the quality of support families are able to provide to young offenders, and hence, may make effective reintegration a very difficult feat.[48]

Even so, it is encouraging to find that families who participated in this study expressed the importance of supporting one another, particularly in difficult situations, and have attempted to correct the bad behaviours of children in their household. The percentages of households that have indicated that their attempts at discipline have failed to achieve the desired effects clearly highlight the urgent need for interventions specifically targeted at parents to equip them to better raise their children.

Communities have to accept responsibility for assisting offenders to return to society following their sentences and to facilitate the serving of community sentences for child and youth offenders diverted from the criminal justice system. Although one in every two residents believed that communities play a crucial role in raising law-abiding children and youth, and nearly a third maintained that it is a community's duty to raise children well, a significant proportion of the sample did not recognise their communal responsibility to children growing up in their area. If the perception continues to hold that communities have nothing to do with crime prevention and raising responsible children and youth, then society

is in a difficult situation. Thus, the need exists for raising public awareness about the important role that families and communities play in the rehabilitation and reintegration of offenders, but also in raising responsible children and youths. Here, the involvement of non-governmental organisations is crucial.

Safety and security is evidently an important issue for many of these participants as shown in the percentages of people who are currently involved in neighbourhood watches or other crime prevention initiatives in their area. This interest, along with a fairly strong sense of community cohesion in terms of participation in social and recreational activities, is something which, if not already working to diversion's benefit, could be nurtured to produce such an outcome.

Moreover, it is also encouraging to note that the majority of residents are already in support of alternative penalties for first-time child offenders. More than 70% agreed that first time child offenders should be granted a second chance before being sent to prison or an opportunity to make amends: more than 80% of respondents felt that every effort should be made to reconcile the child offender with the victims of the crime, and close to three quarters agreed that the criminal records of first time offenders should be expunged. With regard to particular forms of alternative punishments, participants were most in favour of counselling (93.8%) (thereby recognising that many offenders have themselves been victimised in some way), rehabilitation programmes (93.8%), and community service (85%).

Despite these favourable attitudes, participants still maintained that at times, custodial sentences were suitable punishments for child offenders, particularly for violent crimes such as rape and murder. These also constituted two of the crimes participants were most likely to identify when asked about the type of crimes they feared most in their communities – suggesting that perceptions of safety and fear of crime were found to be closely linked to participants' views of offenders and suitable punishments for their crimes. These findings again provide support for the idea that diversion and offender reintegration should not be standalone measures to address crime. Instead, these measures should accompany other strategies to address crime, and fear of crime, as well as improve overall levels of safety within communities. This idea is further supported when considering that KwaZulu-Natal was undoubtedly the most unreceptive of diversion and related alternative penalties for youth crime. Participants in this province demonstrated the lowest levels of safety, higher levels of fear, as well as higher levels of personal and household victimisation when compared to those living in Gauteng and the Western Cape.

The tendency to view incarceration as a suitable punishment for even child offenders is not entirely surprising, since the public's knee-jerk response to crime has traditionally been the demand for stricter laws and harsher punishment of offenders. This highlights the need for both support services to be made available

to communities affected by crime and also the need for awareness around the criminal capacity of children to commit crimes, specifically those younger than 15 years, as well as the benefits of diversion for child offenders as well as the broader community.

Alongside families and communities, the Department of Correctional Services is responsible for corrections in the country, specifically for youths who have entered the court system. According to the new White Paper on Corrections in South Africa, the key responsibility of the Department of Correctional Services is to correct offending behaviour in a safe, secure and humane environment.[49] This, however, necessitates the availability of prison environments that are conducive to rehabilitation efforts should young people be incarcerated, i.e. reduced numbers of inmates, lower levels of mal-administration and corruption, correctional officers that are adequately trained on the principles of restorative justice, addressing staff shortages as well as the lack of resources inside these facilities;[50] – conditions that South African correctional facilities are a long way off in achieving.

Effective rehabilitation and reintegration should extend beyond merely creating correctional environments that are conducive to rehabilitation, any efforts to prepare offenders for life after prison should commence as soon as the offender enters the correctional facility, rather than towards the completion of his or her sentence,[51] if he or she is to be appropriately prepared for life after prison. Further to this, the participation of offenders in rehabilitation programmes available in prison should also be compulsory. Currently, their involvement is voluntary, unless it is specified in the offenders' sentencing plan. There have been numerous calls from practitioners and researchers alike for participation to be compulsory, since many offenders are released from prison without having accessed and benefited from any rehabilitation initiatives while behind bars.[52]

Families are important stakeholders in the reintegration of offenders since they constitute the primary source of support for offenders released from prison. In many cases, during incarceration offenders lose contact with family members. Thus, there is a need for the state to involve families in the reintegration processes occurring in correctional facilities. This familial involvement will assist in maintaining family ties, will help address some of the trauma associated with the absence of the family member as a result of imprisonment, and will facilitate the later process of integration back into the families once their sentences are complete. The findings show that participants were of the opinion that family cohesion and support were necessary in aiding the young offenders and practiced this within their households to a large degree.

Apart from DCS, there are many non-governmental organisations providing diversion services in South Africa's correctional facilities. Since these organisations operate at a community level, they are able to increase the awareness of family members as well as the broader community on their all important roles in offender reintegration and raising children and youth who abide by the laws of the country. Families and communities, who may also have been negatively affected by the incarceration, may also access support services from these non-governmental organisations that could assist in preparing families and communities for the offenders' release.

Diversion is a process of channelling first time child offenders away from the court system to programmes that are reintegrative in nature. South African society appears to have grown harmfully accustomed to youth crime. The criminal justice system and service providers are mere actors which facilitate the processes, but communities need to be viable environments for justice to be served and for restoration to take place.

The results from the household survey are an indication of the potential for South African society to be more welcoming of diversion and other such restorative justice practices if more knowledge about such developments is made available. It is evident from the findings that diversion's formalisation – where it is known – has been received with mixed feelings.

It is apparent that these communities' levels of leniency towards young offenders are not comparable to other countries which encourage restorative justice practices. Although family cohesion is largely strong, cohesion dwindles on a community level, which perhaps explains the moderate levels of support for community participation in taking responsibility for their young and the reintegration of offenders.

There is a need for diversion to be taken more seriously as a means of addressing the petty crimes committed by youths as well as reduce the numbers of incarcerated youths. However, the communities need to be receptive to non-custodial sentences and so it is important that the key facets of restorative justice are understood and deemed as worthwhile by the community.

An in-depth qualitative exploration into the reasons for the perceptions of the participants should be considered as a future endeavour on the same topic so as to gain a wider understanding of community members' keenness or reluctance to engage in diversion options. There is also a dearth of literature on the characteristics and experiences of families and communities with regard to the incarceration of offenders, and the subsequent reintegration of these offenders. Thus, there is a need for further research into this topic so as to fully understand the challenges that families encounter when a member is incarcerated for criminal activities as well as the difficulties ex-offenders may encounter upon their release.

Appendix A

Since diversion has a number of stakeholders which have been outlined earlier on in this monograph, several recommendations for a select few of these are outlined below.

Recommendations for the Department of Social Development

Since this is the lead department with regard to diversion, the following recommendations are put forward:

- Improved co-ordination of diversion activities so as to ensure all stakeholders are aware of their roles;

- Develop and implement mechanisms to monitor children's participation and compliance with diversion orders;

- Publicising and making known the need to divert young first time minor offenders to all stakeholders, particularly those of the criminal justice system such as probation officers, prosecutors and magistrates and also the communities;

- Provide sufficient resources to service providers offering diversion;

- Make provision for more diversion services, particularly in the rural areas;

- Additionally, more diversion options should be made available; and

- Ensure victims are included in the diversion process to be acknowledged and reconciled with or to receive apologies or compensation.

Recommendations for diversion service providers

- To develop a wider selection of programmes for different offences and ages of young offenders;

- The wider selection of programmes should also cater to the needs of rural communities;

- Diversion service providers should raise the awareness of community members about the significance of diversion as well as the services available to the community.

Endnotes

Recommendations for Criminal Justice system practitioners (SAPS, Magistrates, Prosecutors, Probation Officers and Social Workers)

■ There is an apparent need for South African police officials to be more knowledgeable of the CJA and the associated legal provisions available for the diversion of young, first time minor offenders.

■ There is also a need for the improved training of criminal justice system practitioners that will equip them to conduct assessments of young offenders and their suitability for diversion.

■ The assessment skills should be coupled with an increase in knowledge of diversion options available and specific relation to offences.

■ Improved coordination between the different stakeholders is also necessary.

■ This coordination must involve the development of shared time frames with the DSD and other stakeholders as well as mechanisms to monitor children's participation and compliance with diversion orders.

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33. Ibid.

34. Wood, C. (2003), op cit.

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37. All the children referred to this diversion programme first complete the NICRO "YES" programme. They are then invited to participate in DIME as a reintegration programme (Sloth-Nielsen and Mathitli (1999). *Sloth-Nielsen, J. and Mathitli, V. September 2002 'DIME (Diversion into Music Education): Final Report to the Open Society Foundation', Child Justice Project Diversion Database*.

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42. One participant did not indicate the province he was from on the questionnaire. Therefore, while a total of 1802 participants were interviewed, data was only obtained for a total of 1801 participants with regard to the provinces in which they live.

43. National Census Data 2001.

44. Nyaope and Whoonga are two drugs common in Gauteng and KZN. Nyaope is a mixture of heroin, marijuana and household scouring powders. Whoonga is made from a blend of marijuana, chemical detergents and it is suspected that anti-retro virals (ARVs) are included in it too.

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