Rehabilitation of Youth Offenders in South Africa

The Relevance of Ecological Model and Graduated Sanctions

Velile Notshulwana is Executive Dean in the Faculty of Arts at Nelson Mandela Metropolitan University.

Youth violence is a South African societal problem threatening the well-being of families and communities throughout the country. In 2009, a quarter of the sentenced offenders in public and private correctional facilities was the youth, an increase from 26 275 in 2006 to 33 796 in 2009. The high recidivism rate of youth offenders illustrates the need to develop comprehensive and effective interventions for them and their families. Although rehabilitation is a focus intervention for the incarcerated youth, it is often unclear how it works; this article discusses the ecological perspective and graduated sanctions as an intervention strategy that may have significant impact on transforming juvenile offenders into law-abiding citizens.

Introduction

The legacy of violence that has characterised South African communities can be traced back to the years of the apartheid government and the resistance to its oppression. The psychological ailments and irreversible damage caused to youth by apartheid experiences is evident in the high crime rate among youth in South Africa’s urban centres. (For the purposes of this article, youths are defined as people between the ages of 18 and 35.) Today’s offenders are young people born to township lifestyle with streets that are in a state of ungovernable turmoil. The legacy of the 1970s and 1980s when the apartheid regime poured police and troops into every township from Soweto to KwaZakhele, children living there grew up to be veterans of violence. Dodging bullets, the smell of teargas, the ‘necklacing’ of any suspected informer, and hurling stones and rocks as the security-force Casspirs drove along the burning township boulevards, were most township children’s daily experience.

Violence was the norm, an occurrence so routine that young people’s years of exposure to it has rendered them incapable of being responsible for their actions. Some young people in the townships suffer from post-traumatic stress
disorder (PTSD) and other psychological ailments stemming from their lifelong exposure to violence. PTSD was recognised as a malady in standard diagnostic texts more than a decade ago. It has been employed as a criminal defence for Vietnam veterans and battered women, and in many other trauma cases. Townships, however, could be worse than war, where there is at least a sense that someday there will be a resolution – some vision that things will be different. That is not the case in the townships. Even after the democratic dispensation and elections, living conditions and joblessness for many has remained the same. There is no vision of a brighter future.

Now, almost two decades later, the scars of the past are haunting the government of national unity. Predatory crime, in particular crimes committed by strangers on innocent victims, causes the kind of fear that drives people apart. It impedes the formation of a meaningful human community. Crime violates the social contract a new South Africa so desperately needs. Burglary, robbery and rape are not only dangerous, but immoral as well. Criminals either are so emotionally desperate or psychologically distressed that they do not care about the consequences of their actions – or they believe they are not going to get caught. The threat of punishment, regardless of the severity, is rarely a factor in determining their behaviour.

The rate of incarceration is ever increasing, without a commensurate improvement in public safety. These problems do not cease, no matter how many times we send juveniles and others to prison. The criminal justice system has no coherent plan to remedy this situation. Without a solution, we face the unthinkable prospect of incarcerating more of our children and youth in very destructive facilities. Children brutalised by the experience of confinement present serious problems when they return to our communities. Clearly, some in our society find it more expedient to purchase security than to guarantee justice. The huge expense of confining thousands of our fellow citizens has contributed more to the ominous national crisis than to an expectation of public safety.

Experience shows that while some are being imprisoned, others become violent offenders. However the South African criminal justice system, like the incorrigible criminals it abhors, appears unable to learn from these mistakes. Certain offenders cannot be returned to society, such as serial killers, serial rapists, child molesters and the like. Offenders who need to die in prison are an exception in the South African criminal landscape.

The author can say with considerable conviction that incarcerating criminals does not necessarily make the public safer. Offenders in prison will be replaced on the street by others, and when they eventually return to the community they are no more prepared to live a successful law-abiding life than when they were imprisoned. The problem with imprisonment is that it does not usually rehabilitate inmates. Offenders who enter prison illiterate will usually leave the same way. Our treatment of juvenile delinquents is a rotten apple in the barrel of corrections. Our juvenile justice system fails to correct, frequently harms, and often impairs the future of our children and youth.

Despite the peaceful transformation from the repressive apartheid government to a democratically elected one, levels of crime and violence have not abated. In the townships, in both rural and suburban areas, and even in small towns, South Africans are fearful of the crime and violence that have permeated the fabric of their communities and degraded their quality of life. Fear and anxiety are not unfounded.

In recent years, murder, robbery with ag
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Gravating circumstances, serious assault, rape, burglary and housebreaking, fraud and forgery have increased significantly, especially among the youth.

Youth violence deeply harms its victims, their families, friends and communities. Its effects are seen not only in death, illness and disability, but in terms of quality of life. Violence involving young people adds greatly to the cost of health and welfare services, reduces productivity, decreases the value of property, disrupts a range of essential services, and generally undermines the fabric of society.

The problem of youth violence cannot be viewed in isolation from other problem behaviours. Violent young people tend to commit a range of crimes. They often display other problems, such as truancy and dropping out of school, substance abuse, compulsive

lying, reckless driving, and have a high rate of sexually transmitted diseases. However, not all violent youths have significant problems other than violence, and not all young people with problems are necessarily violent. There are close links between youth violence and other forms of violence. Witnessing violence in the home or being physically or sexually abused, for instance, may condition children or adolescents to regard violence as an acceptable means of resolving problems. Prolonged exposure to armed conflict may contribute to a general culture of terror that increases the incidence of youth violence. Understanding the factors that increase the risk of young people being the victims or perpetrators of violence is essential for developing effective, preventative policies and programmes.

Violent behaviour can be distinguished by serious and extreme behaviour that is intended

### Table 1 Sentenced offender statistics: Age category and age group: 2006, 2007, 2008 and first half of 2009

<table>
<thead>
<tr>
<th>Age category</th>
<th>Age group</th>
<th>2006</th>
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<td>76 451</td>
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<td>865</td>
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to cause physical harm to another person. This differs from aggressive behaviour, which is often less extreme and more normative, and is not necessarily aimed at physical harm. From a practical perspective, however, studies have rarely differentiated between aggressive and violent behaviour, although some have indicated differences in the seriousness of the aggressive acts measured (e.g. pushing and shoving versus using a knife). Thus, we considered studies that focused on either aggression or violence, noting the seriousness of behaviours measured where possible.

Because violence is an extreme form of antisocial and delinquent behaviour—it often occurs as part of a general involvement in antisocial behaviour and is infrequently studied apart from other types of antisocial behaviour—we have also considered studies related to serious antisocial behaviour and delinquency. We acknowledge that not all antisocial and delinquent behaviour, such as use of drugs or burglary, is violent or aggressive, but such behaviours typically are highly correlated with violence and aggression. Also, we have confined our focus to violence that is not self-inflicted (e.g. suicide) or carried out as a societally sanctioned behaviour (e.g. police and military actions). These forms of violence are undesirable, but they are of a different nature with regard to impact, causes, outcomes and the need for intervention, than the behaviours we examined.

Understanding what works for reducing adolescent violence in South Africa today requires more than simply reviewing evaluations of programmes to identify those showing statistically significant changes in behaviour and then selecting the most valuable technique. The search for solutions hinges on a clearer picture of the scope and nature of teenage violence in this society. It is a complex social problem that takes on different forms and often co-occurs with other problem behaviours.

Following this review, we make suggestions for research, programme and policy actions to improve the effectiveness of anti-violence interventions and to significantly impact the problem of youth violence. Specifically, this article posits that Bronfenbrenner’s ecological perspective, a model of human development, which has four major components: process, person, context and time has essential components of youthful violence intervention. Proximal processes are the exchanges of energy between the developing organism and the persons, objects and symbols in the immediate environment of the organism, and are the major driving force for development. Parental responsiveness and teacher scaffolding of learning opportunities are two examples of proximal processes. ‘Person’ refers to characteristics of the organism, such as genetic composition, gender or temperament. Person variables can either directly shape proximal processes or modify their impact on development. An example of the former would be difficult temperament in an infant interfering with attentive, warm parenting. The moderation of a proximal process by a person variable is exemplified by high intelligence buffering some of the ill effects of a child living in a high-risk environment.

Context, probably the best known component of Bronfenbrenner’s model, refers to the multiple spheres of the social and physical environments that influence proximal processes, both directly and indirectly. For example, a higher day-care-provider-to-child ratio directly influences the quality of care. However, the sociocultural milieu in which the provider-to-child ratio varies can modify the relation of ratio to the quality of care. Bronfenbrenner’s model delineates four developmentally salient levels of context. The microsystem context, wherein proximal processes occur, encompasses the
immediate settings children and youth inhabit, such as home, school and neighbourhood. The mesosystem context focuses on the capacity of one microsystem (e.g. home) to influence proximal processes in another (e.g. neighbourhood). For example, proximal processes may affect the developing child differently in an impoverished versus a middle-class neighbourhood.

The next layer of context is termed the exosystem, which refers to microsystems that influence a child’s development even though the child does not directly encounter them. For example, characteristics of a parent’s place of work (e.g. complexity of work) might in turn affect parental views and expectancies for child self-directedness. The most distal contextual layer is termed the macrosystem. It incorporates large-scale cultural, political, economic and natural forces that can shape the quantity and quality of proximal processes, as well as the other levels of context (i.e. micro- to exosystem context) that surround the child. For example, income and race can dramatically influence risks and opportunities available to children, and harsh and unresponsive parenting is inversely related to parental levels of education.12, 13

The remaining major component of Bronfenbrenner’s model is time. Various aspects of temporal exposure are included in this component such as chronological age, duration and continuity of exposure, and historical period. As children age, their range of contextual experiences expands, particularly at the micro- and mesosystem levels. In addition, time can refer to the cumulative impact of proximal processes or context. For example, the impact of poverty on a child’s development is different, depending on whether it is chronic or transient.14

Therefore, it is our contention that the ecological model is an essential framework for prevention of youth criminal activities. The following section reviews a number of them to provide a comparison for recommending the ecological model.

Theories of Youth Violence

The roots of juvenile delinquency have been a target of considerable formal theorising and informal speculation within several academic disciplines during the past century.15 Much of the early etiological thinking was constitutional–physiological in nature and emphasised purported anatomical differentiators of criminal and non-criminal individuals. Much the same seems to be the emerging destiny of one of the major early psychological perspectives on delinquency causation, the psychoanalytic. Psychoanalysis appears in general to be in broad eclipse, and so are its positions on the aetiology of juvenile delinquency. A second early psychological perspective centring on such notions as moral insanity, psychopathy and other distorted personality constellations lives on today, as we shall see later, in a considerably transformed and more data-based form.16

Following these initial constitutional–physiological and psychological speculations, sociology became heavily invested in diverse efforts to identify the core sources of juvenile delinquency.17 These various theory formulation attempts, which effectively moved the study of delinquent behaviour away from individual concerns and characteristics to the study of collective social forces, were concretised in a creative and diverse array of theoretical positions.

Their central concepts included such notions as strain or frustration growing from the discrepancy experienced by youths between aspiration and opportunity, assimilation into
subcultures promoting deviance, control deficiencies issuing from a failure of familial and social bonding, the effects of the delinquency labelling process, and the consequences of living in poverty in a capitalist society. These sociological strain, cultural deviance, social control, labelling and radical theories had an especially strong influence upon aetiological thinking about juvenile delinquency for many years, especially during apartheid, an era of heightened attention to many social problems in South Africa.

The author strongly applauds this development in the belief that juvenile delinquency is complex behaviour with multiple causes whose remediation is most likely to be advanced to the degree that both causative theories proposed and interventions offered, are similarly complex and reflective of the multifaceted nature of the behaviour we are seeking to understand and alter. This article will review a diverse array of constitutional, psychological, sociological and biogenetic views of juvenile delinquency.

**Constitutional theories**

Both the tenor and substance of each theory of delinquency causation that will be examined, reflects the temper of each theory’s respective scientific, moral and political times. The mid-1800s was an era of biological determinism, greatly influenced by Darwin’s theory of evolution, which by 1870 had begun to leave its imprint on both the biological and social sciences.

In 1911, César Lombroso, an Italian physician proposed that criminals were morally (by dint of their criminal behaviour) and physically a primitive form of human being. The specific anthropometric indices of criminality suggested by Lombroso included cranial asymmetries, large ears, sloping shoulders, short legs, flat feet, and numerous other facial and bodily characteristics. *Homo delinquens*, in psychological makeup, was held to be insensitive to pain, lazy, shameless, and tending toward cruel and impulsive behaviour more adapted to earlier, prehistoric eras.

Such physical and psychological qualities, Lombroso held, could aid not only in distinguishing criminals from non-criminals, but also in differentiating among types of criminals (e.g. sexual offenders purportedly had full lips; murderers very sloping foreheads). Lombroso was cognisant of the manner in which social forces also contributed significantly to the occurrence of crime, but his clear emphasis was upon the physical atavism as exemplified above. Lombrosian thinking eventually posited less a criminal–non-criminal dichotomy and more a criminality continuum, with people who were less atavistic than Mr Hyde but more so than Dr Jekyll. Criminalities, unlike born criminals, were not doomed to commit crime; they had a criminal tendency that may or may not be triggered by their experiences. The biological disposition to commit crime could, in other words, range from irresistible to non-existent, according to Lombroso.

Though some evidence later emerged in support of the existence of criminal–non-criminal physiognomic differentiations, and considerable historical and contemporary evidence has appeared for the criminality continuum notion of a biological predisposition toward criminality, the social Darwinist core of Lombrosian thinking has received little philosophical or empirical support and considerable methodological criticism. A similar negative result has emerged for early aetiological notions of crime and delinquency resulting from endocrine gland disorders.
Psychoanalytic theory
Freud33 spoke of criminal behaviour as originating from a compulsive need for punishment, stemming from unconscious, incestuous oedipal wishes. Crimes were committed, in his view, by the perpetrator in an effort to be caught, punished and thus cleansed of guilt. Alexander and Healy34 have stressed the criminal’s inability to postpone gratification. Bowlby35 points to the role of maternal separation and parental rejection. Johnson and Szurek36 have sought to explain criminal behaviour as a substitute means of obtaining love, nurturance and attention, or as a result of permissive parents seeking vicarious gratification of their own id impulses via their offspring’s illegal transgressions.

A number of other psychoanalytic theorists have sought to distinguish delinquent subtypes as a function of their hypothesised aetiology – for example latent versus behavioural delinquency;37 neurotic versus characterological delinquency;38 neurotic versus milieu delinquency;39 sociologic delinquency;40,41 fourfold categorisation of (a) essentially healthy youths who commit delinquent acts in response to environmental stresses; (b) youths who commit delinquent acts in response to acute adolescent growth crises; (c) the neurotic delinquent; and (d) the ‘genius’ delinquent who suffers from disturbances of impulse control/superego functioning. More generally, Binder42 suggests that the delinquent operates, like the infant, under the pleasure principle and can neither endure frustration nor postpone gratification. A poorly formed and ineffective superego, stemming from inadequate handling in infancy, cannot overcome the pleasure-seeking forces of the moment, and the result is truancy, sexual offences, theft and other delinquent acts.

Personality trait theory
As did the diverse psychoanalytic perspectives on criminal and delinquent behaviour, those promoting one or another explanation of crime and delinquency based upon the personality of the perpetrator essentially place the aetiological source of such behaviour exclusively within the delinquent youth. In comparison to non-delinquents, delinquent youths are, so we are told, more assertive, resentful, suspicious, narcissistic, ambivalent toward authority, impulsive and extroverted;43 less submissive, anxious, cooperative, dependent, conventional and compulsive; more egocentric, interpersonally disruptive and unfriendly;44 less shy, worried or timid;45 more deficient in attachment to social norms, alienated or unproductively hyperactive;46 more sensation seeking and externally controlled;47 and poorer in socio-moral reasoning, interpersonal problem solving, role taking and empathy.48

Social learning theory
Psychology’s major contribution to an understanding of the origins of juvenile delinquency has been its focus on the learning process – the learning of both offending and prosocial alternative behaviour. Bandura’s49 social learning interpretation of aggression, Feldman’s50 social learning analysis of criminal behaviour, and Patterson’s51 seminal work on coercive learning processes in families that are frequently criminologic, are three of the especially noteworthy offerings in this context. The strong emphasis on the learning process central to these perspectives reflects the recent major shift in psychology away from unobservable, purported inner determinants of behaviour – such as the superego-ego-id construct of psychoanalytic theory or the type and trait notions central to the personality
theories just cited – toward external, observable influences upon overt behaviour. We will examine these contributions later – of which several focus in part on the social learning process – in our discussion on integrative, multi-component theories.

Sociological theories
The discrepancy between economic aspiration and opportunity lies at the heart of strain theory, as do such discrepancy-induced reactions as frustration, deprivation and discontent. Strain theoretical notions first appeared in Merton’s article ‘Social structure and anomie’, in which he observed: It is only when a system of cultural values extols, virtually above all else, certain common symbols of success for the population at large, while its social structure rigorously restricts or completely eliminates access to approved modes of acquiring these symbols for a considerable part of the same population, that antisocial behaviour ensues on a considerable scale. Cohen’s reactance theory, and Cloward and Ohlin’s differential opportunity theory are both elaborations of strain theory. Each seeks to enhance that theory’s explanatory power, especially with regard to delinquent behaviour among low-income youths. Yet such an association between social class and delinquency is inconsistent.

Sub-cultural theory
Sub-cultural or cultural deviance theory holds that delinquent behaviour grows from conformity to the prevailing social norms experienced by youths in their particular sub-cultural groups, norms largely at variance with those held by society at large and including, according to Cohen, gratuitous hostility, group autonomy, intolerance of restraint, short-run hedonism, the seeking of recognition via antisocial behaviour, lack of interest in planning for long-term goals, and related behavioural preferences. Miller describes these sub-cultural norms or focal concerns as centring on trouble, toughness, (out)smartness, excitement, fate and autonomy.

In this view, the adolescent is ‘drawn or socialised into law violation in an attempt to live up to the perceived expectations of his or her deviant associates’. Sutherland’s differential association theory, Miller’s notion of lower-class culture as a generating milieu for gang delinquency, differential identification theory, cultural conflict theory, illicit means theory, and what might be termed situational determinism theory are the major concretisations of sub-cultural theory. Of these, differential association theory has clearly been the most influential.

Control theory
Although both strain and sub-cultural theories seek to explain why some youngsters commit delinquent acts, control theory operationalises its concern with the aetiology of delinquency by positing reasons why some youngsters do not. Everyone, it is assumed, has a predisposition to commit delinquent acts, and this theory concerns itself with how individuals learn not to offend. The central construct of control theory, the major mediator of such learning not to offend, is the social bond. Social bonds grow both from direct social controls (e.g. externally imposed restrictions and punishments) and from internal controls (resulting primarily from affection identification with one’s parents). Social bonds find overt expression, it is held, in attachment to other people, commitment to organised society, involvement in conventional activities, and belief in a common value system. Hirschi proposes, for example, that ‘the prospects of delinquent behaviour decline as the adolescent is controlled by such bonds.
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as affective ties to parents, success in school, involvement in school activities, high occupational and educational aspirations, and belief in the moral validity of conventional norms.69

Radical theory
Radical theory, sometimes termed the new criminology by its proponents,70 is a socio-political perspective on crime and delinquency. Its focus is the political meanings and motivations underlying society’s definitions of crime and its control. In this view, crime is a phenomenon largely created by those who possess wealth and power in the United States. America’s laws, it is held, are the laws of the ruling elite, used to subjugate the poor, minorities and the powerless. The specific propositions that constitute radical theory71 concretise its socio-political thrust:
1. Society is based on an advanced capitalist economy.
2. The state is organised to serve the interests of the dominant economic class, the capitalist ruling class.
3. Criminal law is an instrument of the state and the ruling class, who use it to maintain and perpetuate the existing social and economic order.
4. Crime control in capitalist society is accomplished through a variety of institutions and agencies established and administered by a government elite, representing ruling class interests, for the purpose of establishing domestic order.
5. The contradictions of advanced capitalism require that the subordinate classes remain oppressed by whatever means necessary, especially through the coercion and violence of the legal system.
6. Only with the collapse of capitalist society and the creation of a new society based on socialist principles will there be a solution to the crime problem.

As can be seen, radical theory goes far beyond mere matters of social labelling, differential opportunity or like concerns. Its target is no less than the social and economic structure of South African society. Although its preferred solutions appear to have little likelihood of becoming reality, radical theory has rendered a not-unimportant consciousness-raising service resulting in increased awareness within the criminal justice system – and perhaps in society at large – of the degree to which social conflict, racism, exploitation and related social ills are relevant to the aetiology and remediation of criminal behaviour.

Each of the highlighted theories above have significant value in the South African correctional system landscape. For example, there are numerous kinds of prisoners with distinctive features. Sex offenders will work better in the combination of control theory and the ecological model we are recommending in this article. Thus, each of the theories in the view of the author will work well in combination with the ecological model in serving different offenders.

Methodology and Findings
In this study, a group of 100 juvenile offenders participated in a focus group. As a follow-up to the 256 juvenile offenders’ dialogue with their parents in the Eastern Cape, the author organised a focus group of 100 juvenile offenders. The study used a qualitative phenomenological design, conducting in-depth interviews on the research question: ‘How do incarcerated youth describe the experience of crime and violence in their lives?’ Interviews with 100 youths
(85% male, 15% female) within the age range of 14 to 20, who were incarcerated for various violent crimes, were transcribed and analysed phenomenologically using method. The findings were presented in the form of the essential structures of the participants’ lived experience of exposure to violence.

Findings
Extensive research has identified risk factors for crime and violence, and substance abuse. Some risk factors can be reduced, others cannot. After identifying and setting priorities of risk factors that can be changed, communities can design prevention efforts to reduce known risk factors. However, it is equally important to know which of these cannot be modified, because this helps identify populations requiring protective interventions.

First are community risk factors – the availability of drugs (in the case of participants in the study, drugs included alcohol, dagga and ‘tik’). The more easily available that drugs and alcohol are in a community, the greater the risk of drug abuse, violence and criminal activity occurring in that community. Furthermore, participants suggested that the availability of drugs was associated with school failure and eventual dropout.

Easy access to firearms, primarily handguns, is becoming the leading mechanism of violent injury and death in South Africa. The easy availability of firearms in a community can cause an exchange of angry words and fists to escalate into one of gunfire. Participants also suggested that communities with greater availability of firearms experience higher rates of violent crime, including homicide.

Community norms – the attitudes and policies a community holds concerning drug use, violence and crime – are communicated through laws, written policies, informal social practices, the media, and the expectations that parents, teachers and other members of the community have for young people. Laws, tax rates and community standards that favour or are unclear about substance abuse or crime put young people at higher risk of delinquency. One example of a law affecting drug use is the taxation of alcoholic beverages. Higher rates of taxation decrease the rate of alcohol use. Other examples of local rules and norms affecting drug and alcohol use are policies and regulations in schools and workplaces, for instance restrictions on the proximity of a tavern to a schoolyard.

Children exposed to extreme economic and social deprivation and those who live in deteriorating neighbourhoods characterised by extreme poverty, poor living conditions and high unemployment are more prone to delinquency, teenage pregnancy substance abuse and school dropout, and are more likely to engage in violence toward others during adolescence and adulthood. Children who live in these neighbourhoods and have behaviour or adjustment problems early in life are also more likely to have drug-abuse problems as they grow older.

Second are family risk factors – family history of high risk behaviour (substance abuse, delinquency, teenage pregnancy and school dropout). Children raised in a family with a history of addiction to alcohol or other drugs are at increased risk of having the same problem, and children born or raised in a family with a history of criminal activity are at increased risk of delinquency. Similarly, children born to teenage mothers are more likely to become teenage parents, and children of dropouts are more likely to drop out of school themselves.

Family management problems (substance abuse, delinquency, violence, teenage pregnancy and school dropout) include poor family
Table 2 Risk factors identified from the 100 participants in the focus groups on juvenile offenders in South Africa

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<td>Availability of firearms</td>
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<td>Favourable parental attitudes and involvement in the problem behaviour</td>
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<td><strong>School</strong></td>
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<td>Early and persistent antisocial behaviour</td>
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<td>Academic failure beginning in primary school</td>
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<td><strong>Individual/peer</strong></td>
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<td>Rebelliousness</td>
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<td>Friends who engage in problem behaviour</td>
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<td>Early initiation of the problem behaviour</td>
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management practices, which are defined as not having clear expectations for behaviour, failing to supervise and monitor children, and excessively severe, harsh or inconsistent punishment. Children exposed to these poor family management practices are at higher risk of developing all of the health and behaviour problems listed above.\(^8^4\)

Of the participants, 82 per cent described witnessing family conflict. Although youth respondents whose parents are divorced have higher rates of delinquency and substance abuse in this study, it appears that it is not the divorce itself that contributes to delinquent behaviour. Rather, conflict between family members appears to be more important in predicting delinquency than family structure. Further, domestic violence in a family increases the likelihood that young people will engage in violent behaviour themselves.\(^8^5\) Children raised in an environment of conflict appear to be at risk for all of the problem behaviours that have been noted in this section.

Third are school risk factors. Of the participants, 69 per cent suggested early and persistent antisocial behaviour. Boys who are aggressive in grades R-3 or who have trouble controlling their impulses are at higher risk for substance abuse, delinquency and violent behaviour.\(^8^6\)

Beginning in the late elementary grades, academic failure increases the risk of drug abuse, delinquency, violence, teen pregnancy and school dropout. Children fail for many reasons, but it appears that the\(^8^7\) experience of failure itself and not necessarily a lack of ability increases the risk of problem behaviours.

Children who are not committed to school have ceased to see the role of student as a viable part of their lives and are at higher risk for problem behaviours.\(^8^8\)

Individual risk factors are rebelliousness. Young people who feel they are not a part of society nor bound by its rules, who do not believe in trying to be successful or responsible, or who take an actively rebellious stance toward society are at higher risk of drug abuse, delinquency and school dropout.\(^8^9\)

Young people who associate with peers who engage in problem behaviours such as delinquency, substance abuse, violent activity, sexual activity or dropping out of school, are much more likely to engage in the same behaviours.\(^9^0\)

The earlier young people drop out of school, begin using drugs, commit crimes and become sexually active, the greater is the likelihood that they will have chronic problems with these behaviours later in life.\(^9^1\)

Research conducted over the past half century has clearly documented five categories of causes and correlates of juvenile delinquency, which are (a) individual characteristics such as alienation, rebelliousness and lack of bonding to society; (b) family influences such as parental conflict, child abuse and family history of problem behaviour (substance abuse, criminality, teen pregnancy and school dropout); (c) school experiences such as early academic failure and lack of commitment to school; (d) peer group influences such as friends who engage in problem behaviour (minor criminality, gangs and violence); and (e) neighbourhood and community factors such as economic deprivation, high rates of substance abuse and crime, and low neighbourhood attachment. These categories can also be thought of as risk factors.

Ecological Model and Graduated Sanctions: Toward the Prevention of Youth Crime and Violence

The ecological model of the prevention of youth crime and violence in South Africa is based
on evidence that no single factor can explain why some people or groups are at higher risk of interpersonal violence than others. Instead, the model views interpersonal violence as the outcome of interaction among many factors at four levels: the individual, the relationship, the community and the societal. In this model the interaction between factors at the different levels is just as important as the influence of factors within a single level.

To counter these causes and risk factors, protective factors must be introduced. These are qualities or conditions that moderate a juvenile’s exposure to risk. Research indicates that protective factors fall into three basic categories: (a) individual characteristics such as a resilient temperament and a positive social orientation; (b) bonding with pro-social family members, teachers and friends; and (c) healthy beliefs and clear standards for behaviour. Although individual characteristics are inherent and difficult to change, bonding and clear standards for behaviour work together and can be changed. To increase bonding, children must be provided with opportunities to contribute to their families, schools, peer groups and communities; skills to take advantage of opportunities; and recognition for their efforts to contribute. Simultaneously, parents, teachers and communities need to set clear standards that endorse pro-social behaviour.

**Individual characteristics**

Our children must be taught moral, spiritual and civic values. The decline in inculcating these values has contributed significantly to increases in juvenile delinquency, therefore opportunities for teaching positive values must be increased. The components of a youth leadership and service programme may include the following activities:

- Youth service initiatives
- Adventure training (leadership, endurance, and team building)
- Mentoring
- Recreation
- Winter and summer camp opportunities
- After school and weekend initiatives
- Literacy and learning disability assistance
- Law-related education

**Family influences**

The family is the most important influence in the lives of children, and the first line of defence against delinquency. Programmes that strengthen the family, and foster healthy growth and development of children from prenatal care through adolescence should be widely available. These programmes should encourage the maintenance of a viable family unit and bonding between parent and child, and they should provide support for families in crisis. Such programmes should involve other major spheres of influence such as religious institutions, schools and community-based organisations. By working together, such organisations will have a pronounced impact on preserving the family and preventing delinquency. To have the greatest impact, assistance must reach families before significant problems develop. The concept of the earliest point of impact therefore should guide the development and implementation of prevention programmes involving the family. Researchers in the area of juvenile delinquency and the family have found that the following negative family involvement factors are predictors of delinquency:

- Inadequate prenatal care
- Parental rejection
- Inadequate supervision and inconsistent discipline by parents
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- Family conflict, marital discord and physical violence
- Child abuse

The following programmes directly address negative family involvement factors and how to establish protective factors:
- Teen abstinence from sexual activity and pregnancy prevention
- Parent effectiveness and family skills training
- Parent support groups
- Home instruction programmes for pre-schoolers
- Family crisis intervention services
- Surrogate families and respite care for families in crisis
- Permanency planning for children in foster care
- Family life education for teens and parents
- Services for runaways and homeless youth

School experiences
Outside the family, the school has the greatest influence in the lives of children and adolescents. The school profoundly influences the hopes and dreams of youth. Many of South Africa’s children bring one or more of the aforementioned risk factors to school with them, and these may hinder the development of their academic and social potential. School-based prevention programmes may include the following:
- Drug and alcohol prevention and education
- Bullying prevention
- Violence prevention
- Alternative schools – schools that are open to non-traditional learners
- Truancy reduction
- School discipline and safety improvement
- Targeted literacy programmes in the primary grades
- Law-related education
- After-school programmes for latchkey children
- Teen abstinence and pregnancy prevention
- Values development
- Vocational training

Providing youth with structured opportunities to develop skills and contribute to the community during non-school hours is particularly important for at-risk youth who have lower levels of personal and social support. The following programmes reflect these principles:
- Gang prevention and intervention
- Conflict resolution – peer mediation
- Peer counselling and tutoring
- Self-help fellowship for peer groups
- Individual responsibility training
- Community volunteer service
- Competitive sports team participation
- Community youth development initiatives

Community experiences
Children do not choose where they live. Children who live in fear of drug dealers, street violence and gang shootings cannot enjoy childhood. Children are dependent on parents, neighbours and the police to provide a safe and secure environment in which to play, go to school and work. Community policing can play an important role in creating a safer environment. Community programmes include the following:
- Community policing
- Safe havens for youth
- Neighbourhood mobilisation for community safety
- Drug-free school zones
Figure 1 Ecological model

Poverty
High crime levels
High residential mobility
High unemployment
Local illicit drug trade
Weak institutional policies
Inadequate victim care services
Situational factors

Victim of child maltreatment
Alcohol/substance abuse
Psychological/personality disorder
History of violent behaviour

Rapid social change
Economic inequality
Gender inequality
Policies that increase inequalities
Poverty
Weak economic safety nets
Poor rule of law
Cultural norms that support violence
High firearm availability
Conflict/post conflict

Society
Community
Relationship
Individual

Poor parenting practices
Marital discord
Violent parental conflict
Low socioeconomic household status
Friends that engage in violence
• After-school programmes, sponsored by community organisations, in tutoring, recreation, mentoring and cultural activities
• Community and business partnerships
• Foster grandparents
• Job training and apprenticeships for youth
• Neighbourhood watch
• Victim programmes

Communities must be created that support families, educate adolescents for a global economy, and provide opportunities to develop skills during non-school hours. Numerous research studies found that many youths are adrift during non-school hours and can be actively involved in community-based programmes that provide opportunities to develop a sense of importance, well-being, belonging and active community participation. Through such programmes, risks can be transformed into opportunities.

Graduated sanctions
An effective juvenile justice system programme model for the treatment and rehabilitation of delinquent offenders is one that combines accountability and sanctions with increasingly intensive treatment and rehabilitation services.

Each of these graduated sanctions components should consist of sub-levels, or gradations, that together with appropriate services constitute an integrated approach. The purpose of this approach is to stop the juvenile’s further penetration into the system by inducing law-abiding behaviour as early as possible through the combination of appropriate interventions and treatment sanctions. The juvenile justice system must work with law enforcement, courts and correctional services to develop reasonable, fair and humane sanctions.

At each level in the continuum, the family must continue to be integrally involved in treatment and rehabilitation efforts. Aftercare must be a formal component of all residential placements, actively involving the family and the community in supporting and reintegrating the juvenile into the community. Programmes will need to use risk and needs assessments to determine the appropriate placement for the offender.

Risk assessments should be based on clearly defined objective criteria that focus on (a) the seriousness of the delinquent act; (b) the potential risk for re-offending, based on the presence of risk factors; and (c) the risk to public safety. Effective risk assessment at intake, for example, can be used to identify those juveniles who require the use of detention as well as those who can be released into parental custody or diverted to community-based programmes.

Needs assessments will help ensure that (a) different types of problems are taken into account when formulating a case plan; (b) a baseline for monitoring a juvenile’s progress is established; (c) periodic reassessments of treatment effectiveness are conducted; and (d) a system-wide database of treatment needs can be available for the planning and evaluation of programmes, policies and procedures. Together, risk and needs assessments will help to allocate scarce resources more efficiently and effectively. A system of graduated sanctions requires a broad continuum of options.

A way forward: Effective sentencing options
Traditional probation services and sanctions have not had the resources to effectively target delinquent offenders, particularly serious, violent and chronic ones. The balanced approach to juvenile probation is a promising approach that specifies a clear and coherent
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framework. The balanced approach consists of three practical objectives: (a) accountability; (b) competency development; and (c) community protection. Accountability refers to the requirement that offenders make amends to the victims and the community for harm caused. Competency development requires that youth who enter the juvenile justice system should exit it more capable of being productive and responsible citizens. Community protection requires that the juvenile justice system ensures public safety. The following programmes apply to these offenders:

- Neighbourhood resource teams
- Diversion
- Informal and/or at home probation
- School counsellors serving as probation officers
- Mediation (victims)
- Community service
- Restitution
- Day-treatment programmes

**Conclusion**

Incarceration is not a cure, and incarcerating criminals does not necessarily make the public safer. Rehabilitation could work. Everyone changes over time, and the directions that those changes take should be influenced positively. Effective sentencing practices which include a range of options that provide graduated levels of supervision and harshness, could benefit South Africa. Simple probation is at one end, traditional incarceration at the other, with a variety of community-based sanctions, such as electronic monitoring, work release, mediation, community service, day centres, and intensive supervision, bridging the middle ground. A continuum comprising of five levels of increasingly restrictive sanctions as well as cost-control mechanisms will benefit South Africa’s criminal justice system. As a dynamic and fluid system, it allows offenders either an opportunity to earn their way out of prison with good behaviour and conformity to rules, or to work their way further into the system by repeated non-conformity or additional offences.

- **Level 5** is full imprisonment with complete institutionalisation in the correctional facility aligned with the requirements of a minimum length of time served prior to parole considerations.
- **Level 4** is a quasi-imprisonment where a person is supervised for 10–23 hours per day in programmes such as a halfway house, alternative sentencing, electronically monitored house arrest and residential treatment.
- **Level 3** is intensive supervision involving one to nine hours a day of direct supervision, in which offenders are subject to curfew and employment checks, and closely monitored attendance in treatment programmes.
- **Level 2** is community supervision with daily contact. Community work and other services form a part of this level.
- **Level 1** is the lowest level of supervision.

This structure allows for evaluating existing or future programmes that deal with offenders’ punishment in a broad and logical framework. On a human scale these levels work as follows:

Sipho N has been sentenced for unlawful sexual intercourse, has a prior history of violence and burglary, and is obviously a threat to public safety. Under our system, Sipho N was sentenced to six years of full incarceration followed by one year at level 3 and two years at level 2. Not only is Sipho kept out of the
community for a long period of time, he is also gradually integrated back into society under careful supervision.

On the other hand, Jabu H was convicted of shoplifting and has a prior offence for misdemeanour. Obviously, Jabu does not pose the same threat to society that Sipho N did, so he was sentenced to one year of intensive supervision under level 3, with the additional conditions of acquiring skills and enrolling in a learning institution, getting a job, and not entering the store where the crime occurred.

These examples illustrate how the continuum can work to put Sipho behind bars for a long time, but then ease him back into the community; and how it works to punish Jabu according to a less serious crime and not requiring him to sit needlessly in prison. Using a sentencing scheme of this sort enables magistrates, prosecutors and judges to reserve expensive prison cells for the confinement of violent criminals.

Simultaneously, less-restrictive community-based treatment programmes and restitution-focused sentences punish non-violent offenders, while teaching them accountability for their actions and heightening their chances for rehabilitation. An expanded range of sentencing options gives judges, defence lawyers and magistrates greater latitude to exercise discretion in selecting punishment befitting the scope of the crime and the offender’s circumstances. Such an approach uses prisons as a backstop rather than the backbone of the corrections system. Intermediate sanctions are most often used for offenders who are considered non-violent and low risk. Such punishments require the offender to lead a productive life in the community by finding work, doing unpaid community service, learning new skills, paying restitution to victims, enrolling in a remedial or educational programme – or all of the above.

Mature coping skills are possible in the intermediate sanctions; staff and programme services tailored to meet individual needs can facilitate this maturity. This approach may result in the rehabilitation of juvenile and adult offenders. Intermediate sanctions can thus be decent, constructive and humane; serving time can be a constructive—even though painful—experience to offenders. Criminals are not victims and they cannot be absolved from personal responsibility. However, society and the criminal justice system in South Africa must unite to stop these daily depredations upon our citizens.

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