

NICRO DIVERSION OPTIONS

BY

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and

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National Institute for Crime Prevention and the

Rehabilitation of Offenders

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NOTE TO THE THIRD REVISED EDITION

Diversion in South Africa has come a long way since the early 1990s when the first formalised programmes were initiated. Several significant developments, such as the formation of the Inter-ministerial Committee on Young People at Risk (IMC), has resulted in the creation of new diversion options as well as the revision of existing ones. This booklet aims to update practitioners and other interested parties on new diversion options that have developed since 1994 as well as providing a basic introduction to diversion as an option for people in trouble with the law. NICRO would like to express its sincere appreciation to those individuals and organisations who have made diversion a reality in South Africa.

Lukas M. Muntingh

INTRODUCTION

L.M. MUNTINGH

Since 1994 South Africa has faced many challenges but none so widely experienced as crime. The day-to-day perceptions of living in South Africa are characterised by crime, violence and uncertainty. The criminal justice system is undeniably overloaded. Not surprisingly, the criminal justice system is seen by many to be biased, unrepresentative and unjust. However, there are signs of a shift away from punitive and retributive criminal justice practices towards rehabilitative, educational and restorative options.

It is within this framework that NICRO seeks to empower the offender, the victim, the criminal justice system and the community to move towards a more restorative justice system - one that repairs the damage of crime. Diversion is the one field in which rapid advances can be made in making the criminal justice system more humane and more effective. At present NICRO offers five diversionary options, mostly to juveniles, namely:

- **Victim Offender Mediation** brings together victims and offenders in an attempt to reach an agreement that addresses the needs of both parties
- **Pre-Trial Community Service** allows the offender to perform community service in lieu of prosecution
- **Youth Empowerment Scheme** is a life-skills training programme that involves young people and their parents or guardians
- **The Journey** is an intensive and longer term programme for those young people who are most at risk and who are challenged to engage in a long term process of working towards constructive and independent living
- **Family Group Conferencing** is similar to victim offender mediation but involves the family and friends of the young person in a process aimed at restoring the balance and to prevent re-offending.

The seven provincial offices of NICRO have varying capacity to offer some or all of the five options, and at present the organisation is engaged in a programme of expansion in order to ultimately provide all the services at all of the offices.

The aim of this booklet is to introduce and describe diversionary options available to the criminal justice system through NICRO. The booklet will simultaneously serve as an educational tool and a manual for

practitioners in the field of criminal justice. In addition it will enable practitioners to start diversionary options in their own regions.

This booklet was written on the premise that the formal justice system - with its familiar steps of arrest, trial and conviction or pardon - is not the only recourse to criminal and social justice. There are other ways in which to treat offenders and their victims which will serve them and society in a more constructive manner. In order to contextualise diversion it is necessary to review the positions and roles of victims and offenders in the criminal justice system.

The position of the **victim** in the judicial process is a strange one, especially if one considers that it is against him or her that a crime has been committed. Of all the role players in a criminal case, the victim is the one most marginalised. The victim is occasionally called in to provide testimony but usually remains, for the rest of proceedings, on the periphery. If the offender is ordered to pay a fine, it is paid to the state and not the victim. Compensation orders in criminal cases under Section 300 of the Criminal Procedure Act are rare and in most cases victims are left empty handed.

The victim is seldom, if ever, given the opportunity to air feelings or to question the offender. In the South African criminal justice system it is tradition, and in some cases obligatory, that communication between victim and offender is not encouraged. Stereotypical perceptions regulate the relationship between victim, offender and the state, making it formal, rigid and unimaginative. By means of formalised procedures the state seizes the role of the victim and monopolises the criminal justice process. Part of this monopoly is to exclude other decision-making processes which could act as negotiations between victims and offenders. The social distance enforced between victim and offender usually results in the offender being left unaware of the real and wider impact of the crime on the victim and society.

An **offender** standing trial is up against a whole system designed to punish him or her, if found guilty. Amidst officials and procedures strange to the accused, sentence is made which is often meaningless, costly and ineffective in terms of deterrence to crime. If the accused is so fortunate as to have legal representation, decisions are made at a level on which the offender has little impact. The trial and punishment process appear to be an alienating experience, not achieving the basic aim of curbing recidivism.

The offender, who has committed a crime against another person or property, is now an offender against the state and is dealt with by the bureaucratic procedures of the criminal justice system. It is thus not surprising that offenders are left ignorant about the human impact of their crimes on victims. The prison sentence or fine the offender receives, usually bears little relation on the crime. Offenders rarely have the chance to seek

forgiveness or to repair the damage. Many are sentenced to prison where they are exposed to lifestyles, values and norms that often lead to further conflicts with the law.

It is necessary to reflect on the intended purposes of punishment before diversion is discussed. They can be summarised as follows:

- to act as deterrent for the offender and society against involvement in crime
- to protect society against offenders
- to attain retribution
- to rehabilitate the offender
- to make restitution to the victim.

While these purposes are very noble, we can ask a few fundamental questions about current sentencing practices and critically re-examine our perception of what justice constitutes and whether sentences are in fact in line with their purposes. To do this we should evaluate sentences according to the following questions:

- what does the sentence aim to achieve?
- does the sentence in fact achieve its intended purpose?
- does the sentence benefit the offender, the victim, society and the criminal justice system?
- is the sentence humane in the sense that it recognises the personality and personal circumstances of the offender and the victim?

Unfortunately one has to conclude that very few sentences respond positively to these questions. It is by now common knowledge that prison sentences do not curb recidivism.

It is with these concerns in mind that creative diversionary options should be pursued and increasingly implemented expanded. Diversion can be described as **the channelling of prima facie cases from the formal criminal justice system on certain conditions to extra-judicial programmes, at the discretion of the prosecution.** Diversionary options in no way intend to make offenders less accountable or responsible for their actions but rather to provide offenders with the opportunity to re-think their lives without getting a criminal record.

In principle a case is eligible for diversion when it is not in the best interest of the offender, the victim (if present), the criminal justice system and society that he/she should be prosecuted and convicted.

AIMS OF DIVERSION

The following are the primary aims of diversion:

- to make offenders responsible and accountable for their actions
- to provide an opportunity for reparation
- to identify underlying problems motivating offending behaviour
- to prevent most first time or petty offenders from receiving a criminal record and being labelled as criminals as this may become a self fulfilling prophecy
- to provide educational and rehabilitative programmes to the benefit of all parties concerned
- to lessen the case-load of the formal justice system

These aims are achieved through careful assessment of each person referred for diversion by the public prosecutor to the diversion agency.

Diversion is however not without dangers and a fine balance needs to be achieved between appropriate diversion and what is known as *widening the net*. Chajkoski and Wollan (1989:219) describes this phenomenon as follows: *With the extension of the criminal justice system to persons who might not otherwise be captured, the system broadens its power even further to spread non-legal or extra-legal standards of behaviour which support the kind of world favoured by the managers of the system.* The control exercised through diversionary programmes should be limited to strictly curbing recidivism and not embark on a moral and normative crusade, specifying behaviour which falls outside the limits of the judicial process.

RESTORATIVE JUSTICE

The five diversionary options presently offered by NICRO are rooted in the paradigm of **restorative justice** which stands in contrast to **retributive justice**. The two paradigms can be summarised as follows:

Retributive justice:

- crime violates the state and its laws
- justice focuses on establishing guilt so that doses of “pain” can be measured out
- justice is sought through conflict between adversaries in which the offender is pitted against

- the state
- rules and intentions outweighs outcomes; one side wins and the other loses

Restorative justice:

- crime violates people and relationships
- justice aims to identify needs and obligations
- justice encourages dialogue and mutual agreement
- victims and offenders are given central roles
- justice is measured by the extent to which responsibilities are assumed, needs met and relationships healed.

NICRO aims to spread the five restorative diversionary options discussed in this booklet nationally. It is also necessary that more options be devised in order to more specific deal with the needs of offenders, victims, the criminal justice system and society. NICRO and the state are relying on other practitioners in the field to make suggestions with the aim of establishing additional diversionary options.

Recommendations pertaining to the following groups of offenders are encouraged:

- sexual offenders
- aggressive offenders
- offenders younger than 14 years of age
- street children
- drug related offenders.

Organised and structured diversionary options parallel to the formal criminal justice system have only recently been implemented in South Africa but they have been existence in some other countries for several decades with great success. Diversion as presently practised in South Africa is run on a fairly informal basis and as yet there is not a national policy by the government departments concerned.

We trust that you will find this booklet useful and that it will assist in your work. Should you have any comments or information you would like to share with us, please feel free to do so.

OVERVIEW OF THE DIVERSION PROGRAMMES WITHIN NICRO

by

Anne Monaheng

Programmes for young people in conflict with the law demand careful thought. Relevancy and a great awareness of these young people's social background are a useful lead to the development of programmes that aim to meet their special needs.

The socio-economic developments that came about because of political changes poses a challenge to most young people in the country. The traditional perceptions about young people are changing and therefore, working with young people cannot remain the same over time.

The NICRO diversion programme has undergone several stages of change to respond to the needs of young people in conflict with the law. There is a definite move towards programmes that are culturally appropriate, relevant to the young people's circumstances, that seek to involve the communities and the victims in a restorative approach.

The call for a new Juvenile Justice legislation is based on the principles of Restorative Justice. The two new programmes developed in NICRO from the beginning of 1996, The Journey and Family Group Conferences, cannot be far off the line as they are based on the principles of Restorative Justice. The aims of these programmes are to teach young people to take responsibility for their actions, to heighten their awareness of the impact their actions have on the victims and to use the available resources to deal with challenges and to involve the communities.

The Family Group Conferences and the Journey programmes are the new and rapidly growing programmes within diversion. These programme focus on the needs of the young person and while attempting to respond to the victim's needs, and fosters acknowledgement of their actions.

We can also see new developments within the oldest and more used programmes in diversion such as YES and PTCS. It is heartening to note that most of young people referred to the YES successfully complete. This programme accounts for 81% of the total cases that are accepted for diversion. The PTCS has been in operation since 1992 and has recently been re focussed to look not only at punitive measures, but to look at developmental options as well.

It is through restorative programmes that young people in conflict with the law will learn to take responsibility, deal with challenges without feeling lonely and defeated , and return to society gracefully without a negative stigma attached to them. More innovative programmes need to be developed and ideas will be welcome from the community members and experts in working with youth.

Should you wish to contact NICRO regarding its diversion programmes, please do so through our provincial offices as listed below:

Western Cape

PO Box 10034
Caledon Square
7905
Tel: (021) 474 000
Fax: (021) 474 616

N-Cape

PO Box 3207
Kimberley
8300
Tel (0531) 811 715
Fax (0531) 811 715

Free State

PO Box 351
Bloemfontein
9300
Tel (051) 447 6678
Fax (051) 447 6694

Eastern Cape

PO Box 22889
Port Elizabeth
6000
Tel (041) 542 611

Fax (041) 544 772

KwaZulu-Natal

Suite 711

Overport City

Ridge Road

Overport

Durban

Mpumalanga

PO Box 3533

Nelspruit

1200

Tel (013) 755 3540

Fax (013) 755 3541

Gauteng

PO Box 96757

Brixton

2091

Tel (011) 837 0320/1/2

Fax (011) 837 0010

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THE QUEST FOR JUVENILE JUSTICE

R. Shapiro

Too many young people pass through the criminal justice system in South Africa. Within the criminal justice system most young people are not held accountable for their actions in a way that allows them to apologise, repair the damage and make plans to prevent re-offending. Instead young people emerge hardened by the experience, all the more prepared to repeat their offending behaviour.

South Africa still does not have an comprehensive juvenile justice system. Since 1992 youth advocates have called for a juvenile justice system that deals with the needs of victims, offenders and the public. The campaign *Justice for the Children: No Child Should be Caged*¹ was launched after 13 year old Neville Snyman, being held in custody on a charge of shoplifting, was brutally murdered by his cell mates in a police cell the small town of Robertson. The campaign drew attention to the responsibilities of the various role players in the criminal justice system, and called on the government to put into place a system that was child centred and relied on restorative justice principles. The campaign called for involvement of members of the public in juvenile justice processes.

In May 1997, nearly five years later, another 13 year old was murdered in a holding cell in Butterworth. Lubabalo Mazeleni was being held on a charge of shoplifting and was murdered by his 21 year old cell mate who was being held after he viciously assaulted his sister. Five years later this serves as an awful reminder of the enormous risks that face any young person in conflict with the law being detained. People who have campaigned to keep young people out of lock-ups as far as possible have stated that locking a young person up with an adult, even for five minutes, mabe fatal. Lubabalo's murder proved this.

It is ironic that in government circles there has been a great deal of progress in the understanding of youth crime issues, and yet a murder of this kind could take place due to the negligence of the officers involved. New policies and processes are not stringently adhered to. Numerous workshops, meetings and conferences have taken place, various recommendations drawn up and countless documents tabled. However, very little progress on reducing the number of young people being detained awaiting trial can be recorded. In addition, although the numbers of young people diverted to NICRO diversion programmes have increased steadily, the

¹ This campaign was launched by Lawyers for Human Rights, the Community Law Centre at the University of the Western Cape and NICRO and received national and international attention.

numbers of young people diverted still remain below five percent of those being arrested.

Incarceration as a sentence has also increased in this time. Since whipping was abolished in 1995, there has been a 30% increase in incarceration as a sentence for juveniles. A commitment on paper to community based sentencing is not being exercised.

The lack of change in practice is testimony to a serious problem with implementation. Even the recommendations of the Inter-Ministerial Committee on Young People at Risk² have not been implemented across the board.

Progress in certain areas must be recognised. The Minister of Justice, Mr Dullah Omar, recently announced the appointment of the Law Commission's Committee to draft legislation for a juvenile justice system. The committee will utilise material from people who have been working in the field, and will ensure that the legislation is in line with national and international standards for juvenile justice. They are relying on the documents from the Interministerial Committee and from the Drafting Consultancy on Juvenile Justice's *Juvenile Justice for South Africa: proposals for policy and legislative change*³.

² The Committee is responsible for piloting aspects of the proposed system. The Interministerial Committee on Young People at Risk was set up in 1995 to design a comprehensive child and youth care system that responds to the needs of young people who find themselves caught up in the child care system or in the criminal justice system.

³ This document was drawn up by a number of non-governmental organisations relying on experience of numerous workshops and meetings in the field of juvenile justice. The document offers suggestions for draft legislation and a commentary based on a number of underlying principles including restorative justice, the involvement of the public and practices that are appropriate to children.

Secondly the number of young people being served by NICRO diversion programmes has increased. This is due to increased readiness on the part of the prosecution to refer cases, the training of NICRO staff and volunteers, and the generous help of our donors. Funds offered by a number of Dutch organisations and later by the Royal Netherlands Embassy have enabled NICRO to increase both the number of young people being served by diversion programmes and the variety of options available. Today diversion programmes are offered in all areas served by NICRO's twenty five offices in the seven provinces where NICRO has a presence⁴.

A number of exciting innovations have come to the fore in the past two years. NICRO has drawn on the expertise of a number of people and organisations to make the diversion programmes as exciting and impactful as possible. Staff make use of wilderness programmes, of Rites of Passage theory, of Youth at Risk theory and the Family Group Conference techniques.

The Minister of Justice and the Minister of Welfare and Population Development are increasingly being quoted publicly supporting diversion and stating that it is a priority. NICRO remains committed to steadily increasing the numbers of young people served by diversion programme, increasing the personnel (including volunteers and sessional workers) available to render the services, extending the reach of the service and improving the quality of the service consistently.

While some serious offences remain the domain of the court, there are thousands of cases where diversion is more suitable than formal court procedure. In such cases NICRO believes that young offenders need to take responsibility for their actions, repair the damage, make plans to prevent re-offending and move on to take up their rightful places in civil society.

* * *

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There are plans to start diversion services in Northern Provinces and North West, the two provinces where NICRO is presently not offering services, as soon as possible.

YOUTH EMPOWERMENT SCHEME

T. van der Sandt and N. Wessels

INTRODUCTION

The Youth Empowerment Scheme was established as a joint effort by NICRO and the Office of the Attorney General to divert young offenders. It is a constructive alternative to other methods used in dealing with young offenders e.g. cuts, fines and institutionalization. Ideally the programme should be used as a pre-trial option in order to avoid a criminal record at a young age which could jeopardize their future. However, it can also be used as part of a sentence. If the young offender meets the required criteria for referral the court with assistance of a probation officer, refers him/her to the programme.

The Youth Empowerment Scheme is a life skills programme comprised of six sessions held one afternoon per week over six consecutive weeks. The programme encourages the young offender to behave within broadly acceptable societal norms in order to prevent further involvement in criminal activities, encourages the involvement of parents or guardians in the first and last sessions.

On 10 December 1985 the general meeting of the United Nations accepted the standard minimum rules for the administration of juvenile justice, also known as the Beijing Rules. According to these rules it was decided that where juveniles are involved in deserving cases, alternatives to the existing formal criminal prosecution and sentence options must be followed.

Most offenders in South Africa, as in other countries, are young people between the ages of sixteen and twenty four. One of the objectives in NICRO'S constitution is to "determine and promote the most effective methods of the treatment of offenders". Thus one of NICRO'S key crime prevention foci should be the development of a treatment programme for juvenile offenders, as stipulated by the Beijing Rules.

Traditional sentencing options for juvenile offenders, such as whippings, warnings, suspended or postponed sentences, incarceration and in the past, whippings are lacking in educational or rehabilitative impact. They may encourage anger and recidivism, and indeed destructive. The Youth Empowerment Scheme provides the opportunity for young offenders to reflect on their behaviour and the consequences of their actions. Constructive means of taking responsibility for their own lives, the promotion of positive decision-making and the importance of behaving within acceptable societal norms, are encouraged.

SELECTION CRITERIA

AGE: The most suitable age of the juveniles included in the Youth Empowerment Scheme 12 to 18 years. Prosecutors may however use their own discretion to include juvenile of other ages e.g. 19 years and still attending school.

ADDRESS: Juveniles referred to the programme must have a fixed address. This allows a certain amount of control to be exercised over the whereabouts of the young offenders (the fixed address could be a Place of Safety).

GUARDIAN: A parent or guardian of the juvenile offender who is prepared to take co-responsibility for his or her attendance, must be present at court.

OFFENCE: Armed robbery, murder and rape offenders are excluded from the programme as are offenders with a long criminal record. However, juveniles do not have to be first-time offenders in order to qualify.

GUILT: The young offender must plead or be planning to plead guilty on the charges.

REFERRAL PROCEDURE

The procedures explained below act as an operational guideline, but can also be adapted to serve the needs of the various courts. The Youth Empowerment Scheme should ideally be used as a diversionary procedure, which minimises exposure to the criminal justice system and the negative consequences of being labelled as a "delinquent". It can also be used as a pre-condition with a sentence formally handed down through the court, eg. postponed or suspended sentences. Whether used as a diversion or an alternative sentencing option, attendance of the programme provides the young offender with an opportunity to take responsibility for his or her actions.

Pre-trial referral

One prosecutor should be designated at every Magistrates' Court to handle referrals. In most cases the

prosecutor of the juvenile court would be the logical choice. If the Magistrates' Court concerned does not have at its disposal a specific court that handles juveniles exclusively, any other experienced prosecutor can be appointed by that court.

The prosecutor concerned, as well as the investigating officer and social worker, should study the court roll before 9h00 every day to identify candidates for referral.

A probation officer (or social worker employed by the Dept of Welfare) should be appointed to every Magistrate's Court to assist young offenders and advise the prosecutor on their suitability for the programme.

It is of the utmost importance to note that it depends solely on the discretion of the prosecutor (as representative of the Attorney General) which juvenile offenders are referred for diversion. However, the advice of the investigating officer and social worker are often required.

The referral of a child for participation in the Youth Empowerment Scheme is but one of the options available. The prosecutor is free to stipulate further conditions, depending on the case. These might include transferring the case to a Children's Court Inquiry or withdrawing the charges altogether.

As soon as the young offenders are identified, they are presented to the senior prosecutor for approval, accompanied by the investigating officer and probation officer.

Hereafter, the young offenders and their parents or guardians are fully informed about the Youth Empowerment Scheme. Sworn statements are signed by the child and parents/guardians (Appendix 1: Admission of guilt and Appendix 2: Statement by parents).

It is important to state clearly that participation is totally voluntary. It should also be made clear to the persons concerned that the case would only be withdrawn if the offender meets all the requirements. The fact that the offender will not have a criminal record should be stressed.

It must be explained to the parents/guardians that they should attend the first and the last sessions of the programme with the young offender. They must also be informed that the alternative is to attend court until the case against the young offender is concluded.

The prosecutor should complete in duplicate the enclosed information forms (Appendixes 3 and 5). The original should be given to the parents/guardians who must present it to the course facilitator or contact

person when they attend the first session. The prosecutor should file the duplicate.

The prosecutor keeps a register of all juveniles whose cases are withdrawn (not only those who were referred to the Youth Offender Project). The following information should be written in table form: annual consecutive number, case number, name, gender, language, crime, way of settling (whether the case was withdrawn or prosecution continued), date of settling and comments (whether a young offender was referred to the Youth Offender Project and/or whether the withdrawal was coupled with another condition).

When using the Youth Empowerment Scheme as a diversion, the prosecutor can follow one of two procedures: the case can be withdrawn immediately or the case can be postponed to a date after completion of the Youth Empowerment Scheme. The prosecutor should be led by office policy as formulated by the senior prosecutor.

After the juvenile offender has completed the course, he/she returns to court with an evaluation from the course facilitator. The content is discussed with the senior public prosecutor and action is taken accordingly (Appendix 4). Usually the case is withdrawn and any other recommendations by the course facilitator are considered by the senior public prosecutor.

Sentences

Ideally first offenders should be dealt with as pre-trial cases and not be sentenced, but the Youth Empowerment Scheme can be used as part of sentence.

When a magistrate passes a suspended or postponed sentence to a juvenile offender, an added condition to the sentence could be that he/she attends the Youth Empowerment Scheme within the period of postponement, ie. before the stipulated return date to court. This added condition fulfils the rehabilitative component of the sentence. A copy of the court order is sent to the Youth Empowerment Scheme coordinator with the necessary details.

Attendance of the Youth Empowerment Scheme can be part of a **sentencing package**. This is explained below.

Through **community service** the offender serves the community, in reparation, for the crime he/she committed. The offender is required to work a certain number of hours at a non-profit organization in his or

her free time, without payment. If a young offender is given pre-trial community service or sentenced to community service, the server may be required to spend twelve of the allocated hours at the Youth Empowerment Scheme.

Through the **Victim Offender Mediation Programme** a face-to-face meeting is arranged between victim and offender if both parties are willing. The purpose of such a meeting is to discuss what happened and mediate an agreement for restitution between the two parties involved. This could be in the form of an apology, monetary compensation for losses suffered by the victim and/or indirect compensation. During victim offender mediation plans to prevent re-offending should be made and these might include attendance of the youth Empowerment Scheme.

Correctional supervision provides the structure for the offender to serve his or her sentence outside of prison. This form of sentencing may include monitoring, community service, house arrest, placement in employment, performance of service, payment of compensation to the victim, and rehabilitation or other programmes as may be determined by the court. The Youth Empowerment Scheme can serve as one of these programmes.

PROGRAMME CONTENT

The Youth Empowerment Scheme is a six session course, each session having specific objectives, topics and methods. The overall goal of the course is to encourage the juvenile offender to behave within acceptable societal norms through participation in a life skills training programme. The course deals with the causes of crime, the seriousness and consequences of the offence, the importance of a positive self-concept, the need for assertive behaviour and for responsible decision making. It also facilitates an opportunity for parents and children to understand one another better. The following section provides an overview of the total course.

Session 1: Crime awareness

Juveniles and their parents participate in this session which aims to inform and create awareness of:

- the aim and content of the programme

- the nature and causes of crime
- the effects of crime
- the seriousness and consequences of a criminal record
- the experiences and feelings resulting from their involvement in crime and the criminal justice system
- parents' experiences of the offence

Session 2: Self concept

Only juveniles attend this session which has the following objectives:

- to broaden the juvenile's self-knowledge
- to create awareness of factors that influence self-concept
- to allow juveniles to reflect on how their contact with the criminal justice system influenced their self concept
- to promote and motivate self-acceptance and a positive attitude towards oneself

Session 3: Assertiveness

Only juveniles attend this session which has the following objectives:

- to differentiate between aggressive, passive and assertiveness behaviour
- to create awareness of the advantages of assertive behaviour
- to provide an opportunity to act out ways of improving assertive behaviour

Session 4: Decision making

Only juveniles attend this session which has the following objectives:

- to make young people aware of the importance of responsible decision making
- to make connections between decision-making and crime, self concepts and assertive behaviour
- to examine the influence of peer pressure on decision making
- to begin the process of constructive decision making and planning for future goals

Session 5: Norms and laws

Only juveniles attend this session which has the following objectives:

- to examine societal norms and their influence on daily life
- to highlight the consequences of societal norms being ignored
- to promote an understanding of the law and the legal system which attempts to protect societal norms

Session 6: Parent-child relationships

Juveniles and their parents attend this session which has the following objectives:

- to create an awareness of the demands, problems and emotions prevalent in various stages of life
- to encourage communication and a better understanding between parents or guardians and their children
- to evaluate the parent's and child's attitude toward and experience of the Youth Empowerment Scheme

CONCLUSION

The Youth Empowerment Scheme has been in operation since 1992 and many young offenders have passed through it. The style and content of the course is popular with the juveniles and their feed-back has been very positive. It appears that for many of the juveniles the programme provides the first opportunity to speak about the issues that trouble them. Very often the crime they have committed is shrouded in a cloud of secrecy and shame. The Youth Empowerment Scheme provides the chance for them to open up and deal with what they have done and what has happened to them. The juveniles are encouraged to focus on the positive aspects of their personality in an attempt to improve their self-esteem which has been broken down by the crime, the events surrounding it and their family's and peers' reactions.

A 15 year old who shoplifted evaluated the course as follows: "There is no particular reason why I should have been given this chance. Because everyone I think should get given this chance because everyone has

some good parts in them and sending a person away does not solve anything, it just makes it harder for the person to find the good in oneself. No one is born bad, they just sometimes take the wrong road, and all they need are a few directions to come right again. Because you can't force a someone to change they must do it themselves. I think that is what the course was, my direction map and I think everyone needs one."

APPENDICES

APPENDIX 1 - SWORN STATEMENT BY JUVENILE OFFENDER

DECLARATION

SERIAL NUMBER: _____

I, the undersigned _____ hereby declare under oath as follows:

1.

The contents of this declaration are, to the best of knowledge, true and correct.

2.

On the _____ (date) I was referred by the Public Prosecutor of _____ with the purpose of participating in the Youth Empowerment Scheme.

3.

The Project Committee for Juvenile Offenders is given the power to apply to me all techniques or procedures that are necessary for the successful implementation of their programme.

4.

I hereby freely and without undue duress admit that on or about the _____ (date) in the district _____ I unlawfully and illegally _____

_____ knowing that it was wrong.

5.

I affirm that I am prepared to participate in this Youth Empowerment Scheme and that I have not been forced or compelled to do so, and view my participation in the Project as to my advantage.

6.

I am aware that if I am unable to attend any portion of the Project, only a valid medical certificate signed by a qualified doctor will be accepted as an excuse. I am also aware that if I am absent I must make prior contact with the Public Prosecutor at _____ to notify him/her thereof.

7.

I am aware that the prosecution by the State will only be withdrawn and merely suspended (and not terminated) until the satisfactorily completion of the Project.

8.

I am further aware that after I have completed the Project, I must report to the office of the Control/Senior Public Prosecutor at _____ on _____ at _____ with a copy of a report on my participation and behaviour during the Project.

9.

I am further aware that the Public Prosecutor, after my completion of the Project will decide if the investigation and prosecution against me will continue or be withdrawn. In making this decision the Public Prosecutor will be guided by the recommendation made by the Project Committee for Juvenile Offenders in this regard.

10.

I have been informed that if any of these conditions of this declarations are not complied with, the Public Prosecutor can continue with the prosecution against me.

11.

I further undertake to take no civil or criminal action of any nature against the Project Committee for Juvenile Offenders, their authorised officers or individual members of the committee.

Signed at _____ on this _____ day of _____ 19 ____

Parent/Guardian

Juvenile Offender

Signed and declared before me at _____ on this _____ day of _____ 19 ____ by the above mentioned who acknowledges that he/she is aware of the contents of this declaration and understands it, that he/she has objection to taking the oath, and that he/she considers it to be binding on his or her conscience.

Commissioner of Oaths

Place _____

Post _____

Date _____

**APPENDIX 2 - SWORN STATEMENT BY PARENT(S) OR
GUARDIAN(S)**

SWORN STATEMENT

I/We, the undersigned, _____
_____ in my/our capacity as the parent(s)/
guardian(s) of _____
hereby declare under oath the following:

1.

I/We have read through the undertaking of the Project Committee, which undertaking has duly been signed by
_____ and I/we accept that the said undertaking by
_____ is binding on me/us.

2.

I/We have explained the aspects of the undertaking to _____ in my/our capacity as
parent(s)/guardian(s) and am/are satisfied that _____ understands all contained therein.

Parent(s)

Guardian(s)

Signed at _____ on this _____ day of _____ 19 ____ by the parents of
_____ who acknowledge that he/she/they is aware of the contents of this declaration and understands it,
that he/she has objection to taking the oath, and that he/she considers it to be binding on his or her conscience.

Commissioner of Oaths

Place _____

Post _____

Date _____

APPENDIX 3 - CASE INFORMATION FORM

Youth Empowerment Scheme
INFORMATION FORM

Prosecutor's number: _____

1. Case number _____

2. District _____

3. Name _____

4. Address _____

5. Age _____

6. Parent/Guardian _____

7. Address of Parent/Guardian _____

8. Telephone number _____

9. Charges _____

10. Date of referral _____

11. Date of report back _____

to prosecutor/ post-
poned date to court

State Prosecutor

_____ (Place) _____ (Tel)

APPENDIX 4 - EVALUATION FORM

PENINSULA Youth Empowerment Scheme

Prosecutor's number _____

Project number _____

1. This serves to confirm that _____ has completed ____ out of six sessions of the Youth Empowerment Scheme which was run from the _____ until the _____

2. Comments:

Project Co-ordinator

PRE-TRIAL COMMUNITY SERVICE

L.M. Muntingh

INTRODUCTION

The Pre-Trial Community Service Programme is a diversionary option which allows the offender to serve a certain number of hours at a non-profit organisation in his or her free time without payment. Charges are withdrawn on condition that the service is completed within a given time at a minimum number of hours per month.

Since the early 1980s Community Service Orders have been in operation and served as the basis for Pre-Trial Community Service which started formally in Cape Town during 1992 at the request of senior public prosecutors. Their concern was that they are often confronted with cases in which prosecution is not the best option but wanted the offender to be held accountable and take responsibility for the crime. In co-operation with NICRO Cape Town the **Pre-Trial Community Service Programme** was started and has handled nearly 200 cases during the first 18 months. At the same time NICRO in Pietermaritzburg was encouraged by Lawyers for Human Rights to provide pre-trial community service for juvenile offenders and the programme was also launched there.

SELECTION CRITERIA

The criteria set out below provide a guideline and can be adapted to suit the conditions of a specific case. The criteria are based on NICRO's experience with community servers in the past. Cases complying with some or all of the following criteria can be considered for Pre-Trial Community Service:

- the offence should be a fairly minor one
- the prosecution wants to withdraw the case but doesn't want the accused to walk away scott-free
- it is considered not to be in the best interest of the offender, victim or society that the offender is convicted
- there are special circumstances surrounding the case
- the accused accepts his or her guilt, shows remorse and responsibility
- the accused is a first offender (recidivists can also be accepted to the programme)
- the accused is over 14 years of age
- the accused has special skills which can be put to good use in the community
- the accused has a fairly stable lifestyle, for example a contactable address (work or home)

- the community service can serve some purpose of reparation and victim healing.

It is not the task of the prosecutor to make an in-depth assessment of the offender: this is NICRO's responsibility. The prosecutor should merely complete a basic assessment according to the above guidelines. Should NICRO find the person not suitable for community service this will be reported and explained to the prosecutor, who will usually proceed with the case.

In the prosecutor's assessment of the accused, additional guidelines can be employed to assess the person's suitability. These are:

- is the accused dependent on alcohol or drugs?
- is the accused mentally sane or are any personality disorders apparent?
- is the offender a violent person?

Should the response to any of these be positive, it is unlikely that he/she will be a successful community server.

REFERRAL PROCEDURE

The procedure for Pre-Trial Community Service starts with the prosecutor withdrawing the charge on the condition that the accused performs community service. It is imperative that the accused admits guilt on the charges otherwise Pre-Trial Community Service is not suitable and the case should proceed to court where the accused will have the opportunity to state his or her case. The prosecutor should then phone or fax the following details of the case through to NICRO:

- name
- address
- telephone number at home and work
- details of parents in case of a juvenile
- the charge and description of offence
- court case number
- SAP docket number
- the name and particulars of the victim if there is one
- any special comments or points of concern

The accused is then instructed by the prosecutor to contact NICRO within one week to make an appointment for an assessment interview. The interview with the offender determines his or her suitability for community service. If he or she is found to be suitable for community service, NICRO determines the number of hours that will be served as well as the placement agency.

After the assessment interview which normally lasts 30-60 minutes, NICRO selects a placement where the server will perform the service. A contract, stipulating the conditions of service, is drawn up. The most important points of the contract are that:

- the server will perform x number of hours of service at a specified placement
- the service will start on a certain date and has to be completed by a certain date
- should the server not comply with the conditions of the contract, the case will be referred back to the prosecutor for further action, ie. to continue with prosecution.

The server is then accompanied to the placement by a NICRO staff member to be introduced to the supervisor and to sign the contract. The contract is signed in triplicate by the server, the supervisor at the placement and the NICRO staff member responsible for the case. Each signatory receives a copy. The placement is also supplied with time sheets to record the hours worked by the server. The time sheets, which are the only valid records of service performed, are returned to NICRO every month until the service is completed. Once the service is completed, this is reported to the prosecutor and the case can be closed.

ASSESSMENT INTERVIEW

The assessment interview has the objective of determining the offender's suitability for community service. In a fairly short space of time the interviewer attempts to form an overall picture of the offender's personality and socio-economic circumstances. In general the following topics are covered during the interview:

- biographical information
- what happened at the crime
- why was the crime committed
- the offender's willingness to perform community service and understanding of the responsibility that needs to be taken
- the offender's interests, hobbies and skills
- the available time the offender has to perform community service
- support structures
- physical health
- emotional state of mind
- substance abuse
- the offender's contact with the police
- the offender's contact with the criminal justice process.

HOURS SERVED

There are no definite rules for the number of hours a certain offence will receive because each case is individualised. On average a pre-trial server is instructed to perform 40-60 hours of service. However 120 hours for serious fraud is not an exception. Minor property related crimes such as shoplifting normally receive 40 hours. Although we strongly advise prosecutors not to refer driving under the influence of alcohol cases for Pre-Trial Community Service, such cases, if accepted, will receive a minimum of 100 hours. Malicious damage to property can expect 60-75 hours of service and possession of dagga 30-50 hours. On average juveniles will serve 30-50 hours, although there have been cases of juveniles serving 20 hours in special circumstances.

REVIEW OF PRE-TRIAL COMMUNITY SERVICE

Nearly 95% of all the pre-trial servers comply with their contract. We ascribe this success rate to the personalised attention each client receives and to the fairly low number of hours offenders receive. We also try to accommodate the server's preferences and skills as far as possible to increase motivation and impact. Where necessary we will combine Pre-Trial Community Service with other options such as Youth Empowerment Scheme, Victim Offender Mediation, Family Group Conferences or The Journey.

PLACEMENTS FOR COMMUNITY SERVICE

Any non-profit organisation, agency or institution that delivers a service to the community can be considered as a possible placement for community service. Examples of existing placements include the following:

- homes or hospitals for the physically and mentally handicapped
- public general hospitals
- libraries
- municipalities
- children's homes
- old age homes
- police stations.

The success of community service largely depends on our placements and it is therefore imperative that the placements and their personnel are treated well and their wishes and preferences be respected. Community servers should not be used as free labour to replace potential paid jobs. They should also not be used to serve individual needs, except the needs of victims in special cases.

* * *

VICTIM OFFENDER MEDIATION

L.M. Muntingh

INTRODUCTION

Victim-Offender Mediation (VOM) is the process of facilitating communication between the victim and the offender after a crime has been committed. During mediation facts, feelings and restitution are discussed. VOM is sensitive towards the socio-relational aspects of crime and gives the victim a participatory role in resolving the conflict resulting from the offence. The objective of such communication is to work out, with the aid of a mediator, an agreement which could consist of an apology, monetary compensation and/or indirect compensation for losses suffered by the victim.

Although victim-offender mediation is a new concept to the South African criminal justice system it has been introduced successfully in Europe and North America. VOM as a concept is however not foreign to indigenous methods of conflict resolution practised in African township community courts. The forerunner of these programmes, known as "Victim Offender Reconciliation Programme" (VORP) was established in 1974 under the auspices of the Mennonite Central Committee in Kitchener, Ontario. The value of this project was soon realised by other interested parties and the idea spread rapidly through North America and later to Europe during the mid-1980s.

The following figures represent the international development of VOM programmes:

Austria	9	
Belgium		8
Canada	26	
England	18	
Finland	20	
France		40
Germany		25
Norway	64	
Scotland		1
United States		100

The research done on VOM during 1992 at NICRO, Cape Town, was made possible by the financial assistance of the Human Sciences Research Council. This article is the result of the research and the consequent pilot project which was launched during September 1992.

It is important to note that the principles underlying Victim Offender Mediation enables it to be applied to

other situations such as post-trial mediation or mediation between unrelated victims and offenders. However the discussion here will focus on pre-trial mediation.

CASE SELECTION GUIDELINES

VOM aims to function as a true diversionary mechanism and therefore has particular case selection guidelines.

The first set of guidelines are primarily designed for prosecutors and probation officers who review the case for the first time. These guidelines are the following:

- offenders should be over the age of 14 years
- criminal charges resulting from family conflict are to be avoided
- violent and sexual offenders are excluded
- the programme is accessible to imprisoned offenders but they are not a primary focus
- the offender is planning to plead guilty and accepts responsibility for his or her actions.
- the offender has already pleaded or is planning to plead guilty
- there is a prima facie case for conviction with the possibility of imprisonment and/or a fine
- the offender must be willing to participate in mediation
- there must be an identifiable victim
- losses or damages must be easily identifiable and definable.

In short, the programme focuses on **non-violent property related offences with a clear victim**. It is possible to use mediation following a violent offence but specialised training for the mediator is required.

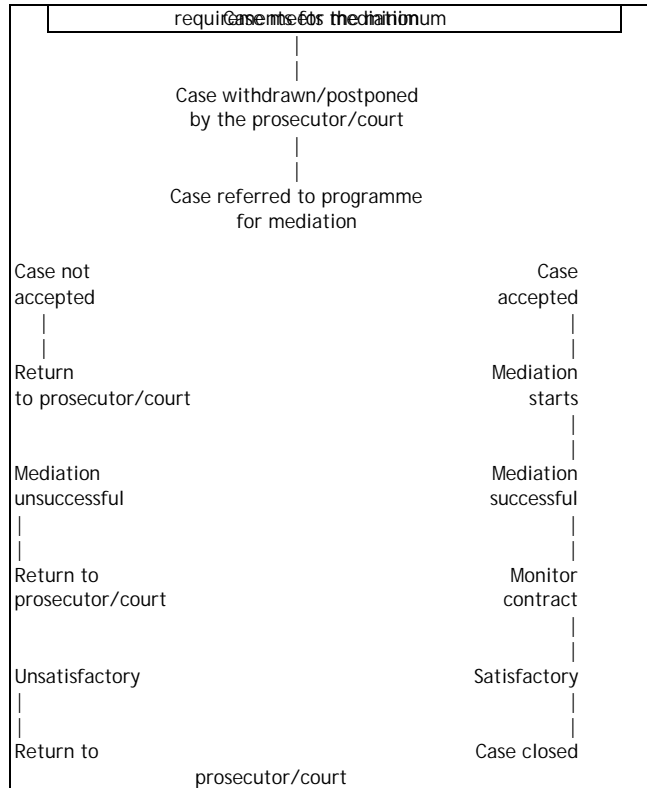
Further screening of the victim and offender will be done continuously throughout the process by the appointed mediator and is based on the second set of criteria:

- there must be something to negotiate about and feelings to be dealt with
- both parties must be willing to proceed
- there must not be ulterior motives for participation
- unduly high levels of conflict should not exist.

REFERRAL PROCEDURE

Local magistrates' courts are the main sources of referrals for the programme. Referrals can be made at two points in the criminal justice process, namely **pre-trial** and **pre-sentence**. However, the South African criminal justice process can more easily accommodate pre-trial referrals than pre-sentence referrals.

Due to various difficulties in the South African Criminal Procedure Act, it is intended that VOM will be most useful when utilised as a pre-trial diversionary measure. The two procedures are explained in Figure 1.



THE MEDIATION PROCESS

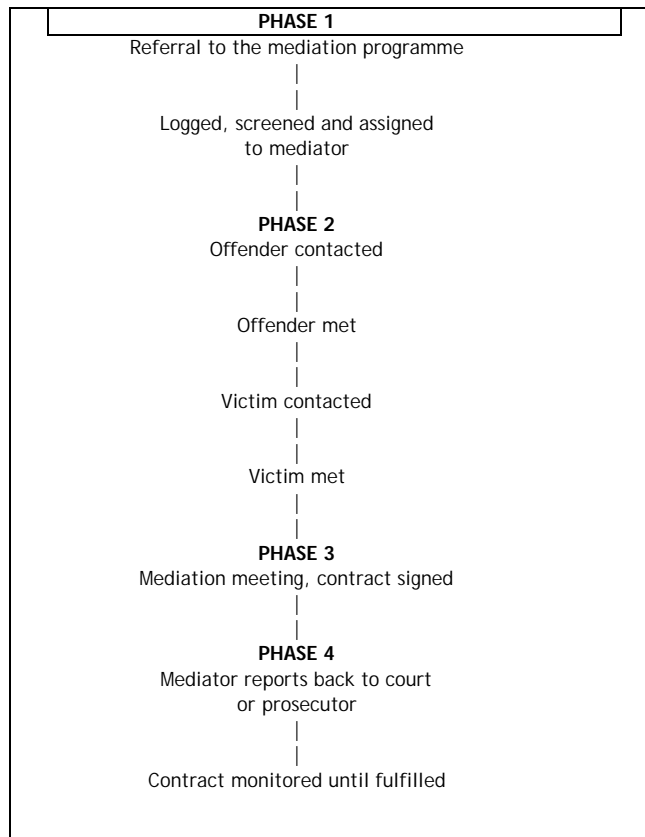
VOM is designed to deal as swiftly and efficiently as possible with empowering victims and offenders to handle the conflict they are involved in. The victim-offender mediation process consists of four consecutive phases set out in Figure 2.

Phase 1: Intake, screening and assignment to mediator: When a referral is received it is checked for complete information and evaluated for suitability to the programme. If the specific case meets the requirements of the programme, a mediator is assigned to it. These requirements are explained in the following section.

Phase 2: Preliminary meetings with the victim and offender: Separate meetings are held with the victim and the offender in order to obtain consent for a joint meeting. During the separate meetings the mediator attempts to reach six specific objectives namely to:

- introduce him- or herself and the programme
- listen to the person's story and get a better understanding of the crime. At this stage the final screening is also made in order to confirm that the case is suitable to continue with
- explain the mediation process, including the role of the mediator, the other participant(s), and the benefits for everyone involved
- secure agreement to meet the other party
- make arrangements for the time and place of the meeting
- explore restitution possibilities.

The offender is usually met first, so that restitution possibilities can be investigated. This information can then be presented to the victim. It also prevents a situation of gaining the victim's consent to the meeting only to discover that the offender is not willing to meet the victim. Participation in mediation is completely voluntary and this is emphasised.



Phase 3: The mediation meeting between the victim and offender: The meeting between the victim and

the offender has three basic components namely **facts, feelings and restitution**. The meeting begins with the mediator explaining the ground rules, the procedure and the roles of each participant as well as emphasising the confidentiality of the meeting. It should be emphasised that information from the VOM meeting is not admissible as evidence in court.

The meeting then proceeds by the victim and offender in turn giving their version of the factual information on the crime. It is common practice that the victim has the first opportunity to speak. This is followed by stating emotional experiences around the crime. Once the process of "story telling" is completed, the mediator gives each participant the opportunity to ask the other party any questions about the crime. At this stage the victim should understand why the offender committed the crime, the impact of arrest and court proceedings (if they took place) on the offender and the offender's response to the victim's story. In turn, the offender should understand the various levels of impact of the crime on the victim, including physical loss, fear, anxiety, mistrust, suspicion, anger, secondary victimisation by the judicial system; and the victim's response to the offender's story.

An apology and basic consensus to a written agreement should be reached at this stage. Once the factual and emotional aspects have been covered, and reconciliation of some sort has occurred, the focus of the meeting shifts to drawing up a written agreement.

The mediator asks the offender what he or she can offer in terms of reparation and the victim decides whether this is acceptable. If necessary a process of bargaining can follow. There is no rule stating that reparation should be monetary, but it must be in some tangible form. To a large extent restitution can be symbolic, depending on the losses the victim has suffered. If the reparation is monetary, details are laid down concerning the terms of payment and a completion date as well as the monitoring of the contract. Any other specifications concerning the agreement must be included in this contract. Copies of the agreement are signed and given to each party. Depending on the specific position of the programme and the case in relation to the criminal justice system, a report is given to the state prosecutor and/or court.

The joint meeting has the objective of creating a climate of open communication without passing judgement. In this climate it is possible to break down stereotypical perceptions of both parties and to reach new understandings of the other person. Restitution is not the only goal of the process, but one major component of the desired resolution of conflict. Tangible reparation also often embodies the less tangible verbal resolutions attempted in the victim-offender meeting.

Phase 4: Reporting, monitoring and follow-up: After the meeting the mediator writes a report with four sections: (1) preliminaries, (2) reconciliation meeting, (3) restitution agreement, (4) evaluation and summary. It is essential that the agreement be monitored by the mediator and should any problems occur, that the necessary follow-up work be done by the mediator.

ADVANTAGES OF PARTICIPATING IN VICTIM OFFENDER MEDIATION

Participation in VOM has significant advantages for all concerned parties, namely the victim, offender, community and criminal justice system. The advantages for the respective parties are listed below.

Victim benefits:

- The victim has the opportunity to participate actively in the criminal justice process.
- Victims have the opportunity to receive restitution in the form of cash, labour or return of goods as compensation for losses incurred as result of the crime. For the victim who does not have the resources to file a civil suit, this might be the only way to be compensated.
- The victim has the chance to confront the offender with their feelings and queries. Victims are often left frustrated because they do not have the opportunity to ask the offender certain questions such as "Why was my house burgled? Did you have something personal against me?" By getting answers to these questions from the offender, frustration and anxiety about the crime can be reduced.
- Victims often feel marginalised because they are not informed about the progress of their case. In this regard the personnel of the programme can provide the victim with the information he or she requires.
- In some situations the offence is part of an on-going inter-personal conflict and it is likely that the victim and offender will be in contact again. VOM can assist both parties in reaching a satisfactory agreement and thus encouraging victim healing.
- The meeting between victim and offender could increase the victim's understanding of crime, its causes and complexities. As a result of this, stereotypical perceptions can be changed and alienation reduced.

Offender benefits:

- The meeting between the victim and offender provides the offender with the opportunity to gain insight into the real impact of the crime. Offenders are often left ignorant of this aspect, not understanding the real consequences of victimising another person. VOM provides an opportunity for victim empathy.
- Meeting the victim and making restitution allow offenders who have repented and apologised, to experience a sense of forgiveness and of making it right.

- Restitution and apology give the offender the opportunity to be reconciled with society and the community instead of being ostracised and alienated.
- VOM provides an alternative method of conflict resolution and in certain cases can provide an alternative to the detrimental effects of incarceration.
- VOM gives the offender the chance to have some role in determining his or her future instead of only responding to decisions made by people who are not directly involved in the conflict.
- VOM can increase the offender's sense of responsibility in fulfilling the agreement with the victim.

Community benefits:

- A community based victim-offender mediation programme empowers that community to resolve its own conflicts and problems. The skills and mechanisms developed around a victim-offender mediation programme need not be limited only to crime related conflicts. These skills and mechanisms can be utilised to resolve other forms of conflict underlying crime, such as family and interpersonal disputes.
- The programme is more cost effective than imprisonment and the offender is given the option of performing a useful function within the community.
- Recidivism rates can be reduced in two ways. Firstly, offenders can avoid the damaging effects of imprisonment which often leads to further crime. Secondly, increased understanding of victims as persons and of the cost of their offences can act as deterrent for further crime.

Criminal Justice System benefits:

- VOM offers the criminal justice system an alternative to incarceration and other sanctions.
- The victim-offender mediation process is less expensive than many other forms of sentencing.
- This form of diversion creates a sensible mechanism for handling specifically first offenders

involved in property crime.

- Regarding pre-trial cases, victim-offender mediation can function as a time saving device because the cases are referred to another agency, thus decreasing the workload of court officials.
- A mechanism for establishing restitution is created outside the court, lessening the burden on the formal criminal justice system in this regard.
- Involvement in the criminal justice system by volunteers and victims increase their understanding of that system and also decreases distance between the public and the criminal justice process.
- A mechanism is created for handling cases that are often insoluble in the formal criminal justice process, such as personal and family disputes.
- VOM provides an environment and opportunity for victim support and may actively change victims' attitude to the criminal justice system.
- VOM gives a more humane contents to the handling of crime and thus alienation, as experienced in the formal justice process is decreased.

* * *

AN INTRODUCTION TO FAMILY GROUP CONFERENCES (FGCs)

BY

NIGEL BRANKEN

NICRO PRETORIA

INTRODUCTION

A Family Group Conferences is a restorative justice process which brings together young people who offended, their families and victims to explore ways to correct the wrong for both the victim and the community; and to make plans to prevent the young people from re-offending. Family group conferences are based on the notion that traditionally families and communities have dealt with offending and that they are the people who know best about how to deal with this behaviour. Victims need to have their story heard and the wrong they felt needs to be validated. Family Group Conferences allow this to happen.

There are three key phases of Family Group Conference's:

- the preparation phase
- the facilitation phase
- the monitoring phase.

Each of these phases are equally necessary and important for the success of other phases and to the Family Group Conference to achieve all of it's aims and objectives. A “family” is defined in the broadest sense and apart from including direct kin, it includes the extended family and also people, unrelated, whom the young person feels are important in his or her life.

PREPARATION FOR THE FAMILY GROUP CONFERENCE

Thorough preparation is critical phase if the Family Group Conference is to succeed. Without proper preparation of all of the parties in the Family Group Conference numerous problems may arise and problems arising later can often be attributed to poor preparation. The participants who should be prepared are the families of offenders, victims, the young person, the police, and the facilitator.

The average time used in preparation of each of these parties is:

Family	2-3 hours
Victim	1 hour
Facilitator	2 hours paperwork, preparation and creative thinking.

Family Preparation

The preparation of families can be broken down into three components:

- procedures
- family issues
- possible outcomes.

Procedures

It is the task of the facilitator to create an understanding of the broad framework within which Family Group Conferences fit. The facilitator outlines what general procedures are followed in the Family Group Conference and ascertains what kinds of procedures the family would feel comfortable with. This assists in making the process culturally appropriate, which is central if the family is to own the process. The family needs to know the following:

- The overall legal procedure (how has this Family Group Conference been convened, what will happen if it succeeds, what will happen if it fails)
- The procedures during a Family Group Conference
 - information and advice giving
 - discussion
 - decisions, recommendations, plans
- The family's preferred procedures
 - what cultural practices would the family like included
 - what religious practices would the family like to include
 - what languages may be spoken
 - who speaks when
 - a convenient time, date and venue

Family Issues

The following need to be covered in the preparation:

- Who is who in the family (a genogram can be useful)
- When did the young person's behaviour start to change?
- When did the offending start?
- Have there been previous problems with the young person getting into trouble with the law?
- Has the family or young person had any contact with welfare in the past?
- What are the family support networks (extended family who can be influential, close friends etc)?

It is usually at this point that families begin telling of some of the other problems they are encountering. It is important to remember that we are dealing with the offence as a first priority and with care and protection issues as they impact on the possibility of re-offending. This is usually also a good time to talk about what resources are available in the community (counselling, programmes etc.) Previous interventions should be discussed to ensure that unsuccessful intervention strategies are not repeated.

The Family Group Conference should address the following:

- telling the story of the offence from the perspective of all concerned
- putting the wrong right
- restoring the balance in the community
- plans to prevent re-offending.

Preparing the young person

The young person should be part of the family preparation although some time should be spent with him or her alone. There are a number of questions that should be discussed, such as:

- What are relationships like in the home?
- Where is he or she going in life?
- What does he or she enjoy?
- What happened during the offence? Finding out about what happened during the day is a useful way of finding out how the situation occurred, and whether the child was a follower or a leader in the offence.
- Has the child picked friends who was a bad influence over him or her?
- The facilitator could cover other topics such as making appropriate choices, the consequences of actions and issues around victim empathy.

Preparing victims

The victim/s of crime need to be treated with care and respect. When the facilitator contacts the victim it is important to ensure that a careful introduction takes place and that this is followed by a thorough explanation of the purpose of the contact before requesting whether a home visit is possible. A personal visit will increase the chances of the victim participating in the Family Group Conference.

If permission for a home visit is granted, there are a number of issues that need to be addressed with the victim:

- Explain the Family Group Conference process
- Discuss the offence
 - how the victim feels
 - what were the implications of the crime

- how the crime affected him or her
- what he or she wants the child to do, to put the wrong right
- what was the value of the property (if it was a property crime)
- does he or she want reparation
- Dealing with the need for harsh outcomes:
 - they need to talk through the issues
 - they need realistic alternatives
 - they need to look for achievable goals
- It may be necessary to refer victims to a victim support agency or other specialised agency
- Victims may want to take support people with them
- If the victim is not attending the conference, the facilitator should assist the victim in writing down his or her feelings and desires for outcomes
- Can the victim draw a line between the offence and the outcome?
- Negotiate about time, date and venue
- Victims need to know
 - if they want to be angry they can, but no violence or abusive language is tolerated
 - by their attending it will help the child to understand what it is like to be on the receiving end
 - the Family Group Conference is their only chance to have a say
 - they have a chance to ask why the crime happened (the present criminal justice system does not answer this question)
 - they will be safe in the Family Group Conference (the police will be there and if the situation gets out of hand the facilitator will stop the Family Group Conference)

Preparing the police

The facilitator should discuss with the police:

- whether a Family Group Conference is the best route or are there other alternatives
- the charge details and summary
- victim's details
- Police officers who are to attend the conference may need to be briefed on their role, the purpose of Family Group Conference's and the principles - they need to be informed that this too is their only chance to contribute to the outcome of the case.

Preparation of the facilitator

The facilitator needs to spend some time thinking about the Family Group Conference and its various possibilities before doing the Family Group Conference. The following issues should be considered in

preparation:

What does the victim want?

- Usually victims want an apology, but an apology needs to be meaningful and how this can be achieved should be given careful consideration.
- Some form of reparation is also often required.

Putting things right

- It is useful to break down the components of the offence and ask what do we need to do to put things right.

Warnings

- Warnings can be done by the police or by any other person. Young people respect some people more than others and warnings can thus involve families, victims, religious leaders and sporting heroes.

Using resources

- The facilitator needs to be aware of the resources in the community and within the family that can be utilised.

THE FAMILY GROUP CONFERENCE

Arrival

If conflict levels are high it may be sensible to have separate waiting rooms for victims and offenders. Contingency plans in the event of late arrivals need to be in place.

The process

The following is guideline for the Family Group Conference:

- Welcome
- Introductions and apologies
- Explain the rules, including:
 - confidentiality
 - no violence or abusive language
- Explain the principles of the Family Group Conference
 - it is based on restorative justice
 - it is the family who makes decisions
 - if no agreement can be reached, then the case will be referred back to the prosecutor or magistrate
- Process outlined

- The police is asked to read out the charge(s) and the juvenile has the opportunity to admit or deny committing the offence. If the juvenile admits to having committed the offence, then the Family Group Conference proceeds. If the juvenile denies committing the offence, the case is referred back to court.
- The victim then has the opportunity to speak and express his or her feelings. Victims who are not present may express their views through letters.
- The young person and the family then has the opportunity to discuss the facts and feelings of the case.
- The victim, juvenile and the family discuss possible outcomes of the Family Group Conference.
- Everybody, except the family, then leave the room to allow them to discuss restoration and plans to prevent re-offending.
- When the family is done with this, the conference reconvenes and the decisions of the family are read out. Everyone then has the opportunity to comment of these and make suggestions. The family can change their decisions accordingly or they can stand by their original decisions. If everyone agrees, the decisions are written up and everyone receives a copy. If someone does not agree, the decisions are written up as a disagreed conference and this is referred to the prosecutor or magistrate who can either re-convene the conference or accept the decisions of the family.

OUTCOMES

There are a number of questions that should be answered with relation to the outcome of the Family Group Conference:

- how can an apology be meaningful in the given circumstances?
- what can be done to put the wrongs right?
- what needs to be learnt in order for the crime not to happen again?
- what can be done to help or strengthen the juvenile and his or her family?
- what creative means can be used in these circumstances?

MONITORING

Monitoring is an essential part of Family Group Conferences, both for its own success and for building confidence in this method:

- Different components of the plan can be given to different family members or other participants to monitor.
- One person should be responsible for the overall monitoring of the plan and for reporting

- back to the participants and the court about progress.
- Plans should be put in place for how often report backs should occur, bearing in mind that with regular contact will increase the chances for the successful completion of the plan will increase.
 - The decisions taken at the conference should be implemented within a short and relevant time frame (3 - 4 months is suitable).
 - If the plan seems to be breaking down, the Family Group Conference should be reconvened to ascertain what the problem is and implements new measures.
 - Monitoring contracts should be positive rather than coercive
 - The consistent message to the young person and his or her family should be “these people care for us”.

LOGISTICS AND STATISTICS OF FAMILY GROUP CONFERENCES

On average, one facilitator can hold 4-5 conferences per week. The average duration of a conference is 2 - 3 hours but it can last for as long as 6 hours. For the monitoring and evaluation of the service over time, it is vital that accurate case files are kept that covers all the relevant information as well as the reports of the facilitators.

SUPERVISION OF FACILITATORS

Facilitators should be supported and supervised, and a good method would be in supervisory groups. The supporter or supervisor should:

- consider the offence and the facilitator's plans
- give feed back to the facilitators
- study the evaluation sheets filled in by the participants
- discuss the conference with the facilitator after it has taken place
- check that the facilitator is guided by the principles of Family Group Conferences
- check that the facilitator is in fact fulfilling his or her role as a facilitator and not partial to any group or trying to rescue certain participants.

CONCLUSION

A Family Group Conference is a way of ensuring that young people take responsibility for their own actions and that the damage of the crime is healed. Family Group Conferences, perhaps more than any of the other diversion options, ensures that all parties concerned are involved in the decision-making process and have their needs met. For a further discussion of how Family Group Conferences are envisaged in a future juvenile justice system, please see: *Juvenile Justice for South Africa: Proposals for Policy and Legislative Change*.

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THE JOURNEY PROGRAMME

BY

KARIN VAN EEDEN

INTRODUCTION

This report is based on research done for a Masters Degree⁵ in Criminology focussing on the development of practical programmes as alternatives to sentencing for youth at risk in South Africa. The research involved spending time with young people at risk who were participating in a rites of passage pilot project called "The Journey". This project was established by the Inter-Ministerial Committee on Young people at Risk towards the end of 1995, and was co-ordinated by NICRO. The Journey pilot that was evaluated took place in Pretoria and preparatory sessions with the participants began in February 1996.

SELECTION PROCESS

NICRO in Pretoria selected seventeen young people at risk to participate in The Journey programme. The selection criteria used were as follows (Branken 1995:12):

- * all males
- * between the ages of 15 and 18 years
- * mostly school drop-outs
- * no previous record of a sexual or violent offence
- * no recidivists
- * youth deemed most likely to benefit from an adventure-based outdoor experiential programme.

The boys selected, resided at Jabulani Place of Safety in Shoshonguve township near Pretoria.

INTRODUCTION OF YOUTH TO PROGRAMME

Participants were introduced to the design and structure of the programme and made fully aware of what The Journey entailed. They were given an overview of the time demands of The Journey as well as an opportunity to define their goals for the programme.

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The full title of the theses is " Rites of Passage as a basis for programme development for young people at risk in South Africa".

AIM OF THE JOURNEY PROGRAMME

The aim of The Journey programme is to “present problems to the youth through an adventure-based experiential outdoor intervention model in order to empower the youth to take control of their own lives” (Branken 1995:3).

THE THREE PHASES OF THE JOURNEY PROGRAMME

In 1909 a French anthropologist, Arnold van Gennep, coined the phrase *rites de passage* when he undertook a study of the various life-crises which an individual experiences during a life-time. He examined the ceremonies which accompany these crises and discovered that it was possible to classify the order and content of such ceremonies into three different phases: **separation, transition and incorporation**. Together, the pattern of these three phases forms a *rite of passage* (Van Gennep 1960:vii). The structure of The Journey pilot was in keeping with this pattern.

The Separation

The program began with a two-week retreat into the wilderness of Hogsback in the Outeniqua region. Ideally, Separation should take place away from that which is familiar to the young person, away from people he or she knows, and away from any usual securities. As the majority of youth at risk reside in urban areas, a retreat into nature is a good option.

This part of the course was co-ordinated and managed by a trained Outward Bound team in conjunction with NICRO staff. During the two weeks in Hogsback, the Journey group participated in outdoor activities such as abseiling, river-rafting, rock-climbing, hiking, and a solo experience where individuals spent a night alone in the forest. These activities were often more of an ordeal than a pleasure for the participants as most of them had never experienced anything of this kind before. In the process, many limits were tested. The youth were challenged and encouraged to confront their fear - fear of the unknown, fear of failure, fear of making a fool of themselves in front of their friends, and fear of being hurt (both physically and emotionally).

Criticos (1989:83) relates a description of adventure education as “a state of mind that begins with feelings of uncertainty about the outcome of a journey and always ends with feelings of enjoyment, satisfaction or elation about the successful completion of that journey . . . The initial feeling of uncertainty of outcome is fear: fear of physical or psychological harm. There can be no adventure in outdoor pursuits without this fear, (for without it) there would be no challenge”. Without challenge there can be no transformation.

It should be noted that in a rite of passage, discipline is necessary in order to teach the value of self-control. This can be taught experientially using dietary restrictions or fasting as fasting is often used to heighten one’s sense of awareness and spirituality (Warfield-Coppack and Coppack 1992:100-101). During the Outward Bound course the participants in The Journey programme were forbidden to smoke. When asked whether

abstaining from cigarettes had been difficult, one boy answered that he had been tempted to smoke, but another boy in the group had encouraged him not to. The rest of the group were visibly impressed by this. Cairns and Cairns (1994:90) suggest that it is not often that peer influence gets any respect, in fact mostly peers get blamed for deviant behaviour, drugs and other 'developmental disasters', and it is overlooked when peer influence transmits moral values and courageous acts.

The Transition

This phase of the programme began when the group returned from their adventure at Hogsback. The group met at a centre in Atteridgeville, near Pretoria, once a week for two hours. It was important to have a special place or 'sacred ground' to which the initiates could retreat to begin their work of separation through ritual and symbolism (Warfield-Coppack and Coppack 1992:99). For this purpose The Journey group were given the use of the Atteridgeville Centre, a house which at the time was in the process of being renovated by NICRO. This was supposed to serve as a base, a sacred ground, for the group which the young people could adopt as their own. However, although it was possible to use, lack of funds and poor building management meant that it was far from finished thereby preventing the involvement of the participants in creative activities in a team effort to decorate the centre as they would have liked it.

During the transition phase, the programme continued with the rites of passage theme. Life skills were taught by means of experiential learning which enabled participants to be involved in their own self-awareness and skills development through a process of group interaction. This began with a process of group formation in an attempt to promote a sense of unity among the participants. It was therefore important to choose a group name.

Choosing a group name proved to be difficult. At first gang names were popular - the more feared the gang, the better the name. Eventually the supervisor from Jabulani suggested the name 'Bravo' meaning 'brave'. The majority wanted the name, but two members disagreed claiming that it was not a name thought up by the group as a whole. Tempers started to rise and the facilitator was forced to split the opposing groups with a board as a wall between them. Each group was given the task of getting the other group over the 'wall' and back on to their side. It was emphasized that neither group was wrong, nor was the name wrong - the problem being, simply, that the name had not been chosen by the group itself which threatened group cohesion and unity. It was important that the name reflect something about the group, and be representative of something for which they stood. After several hours (this particular session ran overtime) no consensus had been reached and it was decided that the group should come up with a solution during the week and the exercise would be resumed in the next session. By the following session the group had decided to stick with the name 'Bravo'.

Ultimately, this was a useful exercise in conflict management. The young people were able to see that there are other ways to resolve conflict than through violence. They also learnt the value of respect by realizing that

it is important to listen to what others have to say instead of immediately jumping to conclusions in a heated situation. An important objective of the programme involves encouraging participants to develop their capacity to combine different perspectives or points of view which will enable them to think objectively about both themselves and others. By the time they have reached the age of about eighteen years, adolescents should be able to recognize and understand “that others are also selves with fears, doubts and hopes and strengths that may be similar to or different from their own” (Phillips 1991:57).

For this reason, one of the rules of the programme was ‘no physical violence’. When confronting fears, if emotional tensions arise or ‘wounds’ are re-opened, then, as mythologist Michael Meade points out, in order for the troubles of the culture to be faced and challenged, physical violence cannot be turned to as a solution. As an alternative, story and mythology should be used to provide space for emotions to ‘erupt’ in the form of images rather than physical acts.

During one Journey session ‘story telling’ began with an attempt to get each young person to use each other as props in a picture-acting form where each would tell a story using the human props to demonstrate. This proved very difficult both for the facilitator to explain, and for the participants to understand. As a result, it was democratically decided that every one would sit in a circle and listen as each group member told a story about his experiences (good and bad) during the Outward Bound adventure. This worked really well. There were no problems with talking or admitting to emotions like fear, crying, and pain. The group seemed to support each person as they spoke - chipping in when details were forgotten and encouraging those who were hesitant. No one was mocked or jeered at for admitting that they had been scared or had cried. (Fieldnotes:February 1996).

According to Meade (1993:9), story telling provides opportunities for people to “relive and re-examine personal traumas” as well as a chance to experience the meaning of community. In his experience, the analysis of myths and fairy tales encourages people to share their own personal stories and re-experience the emotions associated with them. “Storytelling is designed to provoke emotional reactions in the listener, and these reactions awaken images that the listener must try to capture. The story comes to life through emotions and memories so that the two aspects of remembering and making continue in the listeners” (Meade 1993:114).

After each story was told, the group discussed what each member had learnt from their individual experience and then affirmed what the member had learnt in a ritual that they created for the occasion. For example, if Siphon overcame fear then Siphon would stand in the middle of a circle with all the others gathered around him sitting on their haunches. They started chanting “Siphon overcame fear” very softly and gradually got louder and louder eventually jumping up in the air (Fieldnotes: February 1996). This ritual proved to be very meaningful for the group. Everybody was enthusiastic and each individual affirmed practically burst with pride.

Once group formation had taken place, it was necessary to reinforce unity with a group motto and group rules.

Two sessions were used for this, and involved the use of creative games and activities in order to stimulate thought concerning the need for interpersonal support and interdependence. Group values were decided on and a ritual was created and performed to pledge loyalty to the group and what it stood for. From here onwards, the group expected the behaviour and attitude of each group member to reflect the values which the group as a whole supported.

A primary theme of the Journey sessions involved encouraging participants to think about their past, present and future. In an effort to avoid limiting the personal development of the participants it is important not to focus on the past in isolation, but rather to focus on the past “in relation to the present and future” (Fine 1996:19). Two sessions were dedicated to this theme.

Questions that were focussed on included:

- Where am I going?
- What are my goals?
- What do I need to attain my goals?
- What do I want my life to be like?
- What is my life like now?
- What do I need to change in order to fulfil the above?

An activity relating to this involved taking the participants for a drive in a combi and allowing them to randomly change direction. When they eventually stopped they realized that no particular destination had been reached. They were then asked to direct the driver back to the centre. After reaching the centre, the difference between the two routes was discussed. Driving aimlessly without any thought given to direction of destination simply resulted in getting lost. It was acknowledged that one has to have goals and a plan of how to achieve them if one wants to accomplish something. This example was used as a metaphor for life: one has to think about one’s future and the goals one wants to achieve. This involves taking time out to consider where one is heading in terms of where one is coming from.

Another experiential activity which made a big impact on participants was the ropes course. Group members took part in a high and low ropes course at the University of Pretoria. This involved various physical activities which required group participation, co-operation and responsibility in order to be successfully completed. One of the high ropes activities consisted of two vertical poles (about 15 - 20 metres high) joined together at the top by a horizontal pole of approximately the same length. The activity involved climbing to the top of one of the vertical poles and walking across the horizontal pole without holding on to anything. On a safety note, each participant was harnessed and belayed by two experienced people on the ground (Fieldnotes: March 1996).

This activity aroused much fear and anxiety in the participants, and following through with the activity required a lot of courage. This taught the value of trust, co-operation, responsibility, encouragement and support. Afterwards, during the debriefing process, the activities were discussed in terms of what group members had felt and how it had affected them. They pointed out that it was important to trust others and to

let others trust them. This involved confronting and overcoming fear. Speaking about the high ropes, one participant said: “You must take your heart and put it up there”.

The Reintegration

Ceremonies of reintegration serve to celebrate the achievements of the young people. “They should not be used for the self-aggrandizement, developing or reinforcing political alliances or otherwise purposes of a self-serving nature for the adults” (Warfield-Coppack and Coppack 1992:102). Meaningful tokens or symbols of accomplishment should be presented to the young people to honour the success of their journey.

A celebration was held for the Bravo group at Jabulani Place of Safety on 29 March 1996. Friends and parents of the group members were invited as well as various people from NICRO and Child Welfare. Each group member was given an opportunity to tell the guests what he had learned from the programme and how it had affected him. Some of the participants described The Journey programme in the following ways:

“In our group we have values. The first value is love. We came together to talk about that. Second, there must be no fighting. If there is fighting no one will enjoy their life. Another value was trust. Another value was support. Everybody was responsible for a value.”

“At Outward Bound I learnt to love, trust, rock climb and canoe. It was hard, but I did it.”

“At Hogsback I’ve learnt expedition and abseiling and to stop people fighting. Most people think I am a fool, but now I have learnt to trust and love.”

“Some people thought we were going to have a good time. But it was very hard to do all those things. We were very interested to do those things because there were people there to encourage us.”

“I was thinking that I could give up. But because I stayed you can call me General.”

The Bravo group gathered together in one part of the room while everybody present (about sixty people) formed a semi-circle around them. Everybody went down onto their knees with one fist in the air while those who wanted could speak to the group, acknowledging their successful completion of the programme and their personal growth. With each affirmation the group seemed to swell bigger and bigger with pride.

The Bravo group ended the formalities with the following message:

“Society we thank you for giving us another chance. We commit ourselves to loving you and showing you respect and we ask you, society, to stop fighting, to begin to love and to begin to care.”

The Journey programme did not simply end for the youngsters once the celebration was over, but continued with a mentoring program for the next six months. This programme was co-structured by NICRO and the University of Pretoria which placed students, majoring in third year Psychology and Experiential Education, as mentors. The mentors met with the Journey participants approximately once a week to facilitate experiential activities such as games and community projects, and to fulfil a supportive role.

SOURCES

Branken, N. (1995) **The Journey - a programme for youth at risk**, NICRO, Pretoria.

Cairns, R.B. and Cairns, B.D. (1994) **Lifelines and risks : Pathways of youth in our time**, Harvester Wheatsheaf, London.

Critics, C. (1989) **Experiential learning in formal and non-formal education**, University of Natal, Durban.

Fine, N. (1996) **Through the Walls - transforming institutional thinking**, Community Law Centre, University of the Western Cape, Cape Town.

Meade, M. (1993) **Men and the water of life - initiation and the tempering of men**, Harper Collins, New York.

Phillips, S. (1991) **Beyond the myths**, Penguin, London.

Van Gennep, A. (1995) **The rites of passage**, Routledge, London.

Warfield-Coppack, N. and Coppack, B.A.(1992) **Afrocentric theory and applications, Volume II: Advances in the adolescent rites of passage**, Boabab Associates, Washington D.C.

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AN INTRODUCTION TO WORKSHOPS

R. Shapiro

We have found that workshopping is a useful way to share ideas and to build skills. This chapter looks at:

- some ideas on workshopping
- a workshop format
- workshop methods and techniques.

IDEAS ON WORKSHOPPING

1. What is a workshop?

A workshop is a participatory learning meeting that empowers people through active sharing of knowledge, skills and experience. Each person has the chance to express their opinions and to play with ideas in a non-threatening environment. Everybody is expected to take responsibility for the success of the workshop, for their own learning and that of the group. It is not a top-down learning process.

A workshop should be skilfully facilitated so that knowledge , skills and experience can be pooled, reworked and owned to be utilised by each participant.

2. You don't have to be an expert to run a workshop.

Anyone can run a workshop. To be a facilitator you need to be prepared to take all opinions seriously and to encourage everyone to participate. In fact, you do not have to know very much about the topic. It is important to draw from people's own knowledge, skills and experience. The group can decide on a set of group rules to be used in the workshop.

3. What is expected of a participant?

Each participant must want to be at the workshop and is expected to take responsibility for his or her own learning. He or she should be prepared to respect opinions, challenge constructively, give others a chance to talk, take risks and be able to air conflicts.

4. How do you plan a workshop?

A workshop should be carefully planned but the format must be flexible. When planning, consider the

following:

The audience: How many people will be participating? What work do they do? Why have they come to the workshop? What ages are they? Will there be men and women? Will there be adults and children? Can you use reading and writing exercises? What verbal abilities do the people have? Have workshops been run with this group before?

The topic: Who requested the topic? Why do they need the information? How much do you know about the topic?

Aims and objectives: Are you clear about the aims and objectives? Have you been realistic in setting goals?

Length of the workshop, venue and equipment: How much time do you have? Are there enough breaks? Is there space for small group discussions? Are the chairs movable? What equipment do you need?

Funding: Do you need to charge participants? Can you get funding to cover the costs?

Format: People need to feel at ease in the workshop and their attention must be held. Be careful of using techniques that do not fit the audience or the topic.

Pitch: Be sure to pitch the workshop at the level of the group. You will only be successful if you really listen to their needs during the expectations exercise. Participants should leave the workshop knowing that their opinions were heard and that they learnt from others.

EXAMPLE OF A WORKSHOP FORMAT

Ice-breaker

It is often best to have a short ice-breaker, even before introductions to capture the attention of the group (eg. turn to the person next to you and discuss the worst punishment you ever received).

Introduction

- the topic
- the facilitators and the organisation
- the participants

- the workshop methodology

Expectations exercise

- discussion in 2's or 3's about each participant's experience of the topic
- discussion about what is needed from the workshop

Although you will have planned the workshop, it is important that the material the group has asked for will be covered. The expectations exercise encourages the participants to take responsibility for their own learning. In groups, participants discuss in what way they have had experiences related to the topic and what they expect from the workshop. The groups give feedback on their expectations and the facilitator can explain what will and what won't be covered in the workshop.

The body of the workshop

Most of the work is done in this section. It is good to include a mixture of exercises that draw on personal knowledge and experience, allow for sharing of opinions and impart skills. If the workshop is aimed at problem-solving, the following can be used:

- problems currently experienced related to the topic
- what needs to be done
- present action being taken to deal with these problems and progress to date
- skills training

Plan of action

Taking into account the issues that have arisen in the body of the workshop, a plan of action is discussed and drawn up. This may include what needs to be done, by whom, how, when and who will monitor it.

Conclusion

The workshop is summarised by the facilitator or a participant.

Evaluation

An evaluation, either written or spoken, gives feedback to both the facilitator and the participants.

Wind down

To complete the workshop you might like to do something that allows participants to leave feeling contained.

Techniques and exercises for workshops

A workshop should use a variety of techniques that encourages participation and are enjoyable. The exercises are chosen according to the Aims of the workshop. A facilitator and the majority of participants must be comfortable with the techniques used, otherwise they will not work.

Examples of exercises

Ice-breakers: These are used to relax participants. They could focus on the topic. A popular ice-breaker is telling a partner " anything that is on your mind.

Discussions: There are a variety of ways in which these can take place depending on the purpose of each exercise:

- Buzz groups: Discussion takes place in small groups of two or three people. Participants spontaneously "buzz" about ideas.
- Small group discussions: Discussion takes place in groups of three to seven participants. Here they focus on specific questions and concepts. Small groups allow everyone a chance to participate.
- Large group discussions: The whole group discusses the issues. These are is often used to consolidate ideas and information gained in the small group discussions and buzz groups.

Feedback: Feedback is used to share whatever was discussed in the small groups. Feedback can be given verbally or it can be drawn up on a sheet of newsprint. The feedback can also be put up on paper on the wall where everyone can read it. When obtaining feed back from a number of small groups, the facilitator can ask each group to give one point only and not repeat whatever has been mentioned. Any extra points can be added at the end. Be careful of boring feedback techniques, they can collapse a workshop. Decide whether feedback is really necessary.

Brainstorming: By brainstorming ideas, participants say or write down the first thing that comes to mind. These can be written up on flip charts. Answers are not regarded as right or wrong. This method is used to pool ideas.

Word Wheels: The participants are asked to sit in two circles - one facing inwards and one outwards.

Each person will be facing another participant. The inside circle is asked to speak to their partner in the outside circle for half a minute on a word (concept or question) called out by the facilitator. The partner listens. The facilitator asks the partner to do the same for a half a minute. The inside circle moves one place to the left and thus faces a new partner. It is now the outside circle's turn to start. The process is repeated 4-7 times using words that relate to and introduce the topic. The exercise is used to focus the participants, to introduce them to one another and as a "first thought" exercise.

Inputs: Sometimes the facilitator or a member of the group provides information for the group.

Imagining and fantasy exercises: These exercises personalise whatever is being discussed. Participants are asked to imagine a situation similar to the one under discussion, or to remember such a situation.

Role-plays and drama: Acting out experiences or feelings can be useful to make that situation understandable or can serve to deal with feelings. Role-plays and drama bring life experiences into the workshop.

Questionnaires and hand-outs: Questionnaires help to facilitate small group discussions. Hand-outs encourage people to participate rather than write everything down.

Music, dance and drawing: Evocative techniques can be very useful, especially if reading and writing is not appropriate.

Graffiti boards: Comments and questions can be written by all group members on a large piece of newsprint.

Building blocks of ideas: Each person or group is given a piece of paper shaped like a building block on which to write ideas. These blocks can be built into a wall. In this way you have a summary of everyone's ideas.

A go-around: A go-around allows each participant a chance to say something. It can be used to mention a feeling, make a comment or to make peace when you have a heated discussion.

Evaluation: An evaluation can be done verbally or in a written form. Some questions that are useful to ask are:

- What was most useful?
- What was least useful?
- How could the workshop be improved?
- What other action needs to take place?

Well timed tea and smoke breaks: These help to relax people and also serve as an opportunity to network.

Introductions and summaries: These help to create a good flow and to focus the workshop.

Visual and audio-visual aids: You can use slides, videos and music to make your workshop more interesting and to provide the necessary information.

Appropriate seating: Sitting in a circle allows for better communication. The group can be asked what they think about sitting in a circle

Workshops are an essential educational tool in the creation and expansion of diversion: people are encouraged to look to their own professions and life experiences to understand the need for diversion; skills are shared and a plan of action can be adopted.

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ADDITIONAL SOURCES

Bonafé-Schmitt, J.-P.: Alternatives to the judicial model *in* M. Wright and B. Galaway: **Mediation and Criminal Justice**, SAGE Publications, London, 1989.

Christie, N.: Conflicts as property, **British Journal of Criminology**, 1977, 17, 1.

Czajkowski, E.H. & Wollan, L.A.: Creative sentencing - a critical analysis, **Justice Quarterly**, Vol. 3 No. 2, June 1986.

Duckworth, A.M.E.: Restitution - the victim-offender relationship, **Australian and New Zealand Journal of Criminology**, Vol. 13, 1980.

Gross, I.G.: **Community Service Orders - its history and development**, Paper delivered at NICRO training seminar, Braamfontein, 1986.

Haley, J.O.: Confession, repentance and absolution *in* M. Wright and B. Galaway (eds): **Mediation and Criminal Justice**, SAGE Publications, London, 1989.

Inter-Ministerial Committee on Young People at Risk: Interim Policy Recommendations, Pretoria, 1996.

Juvenile Justice Drafting Consultancy: Juvenile Justice for South Africa - Proposals for Policy and Legislative Change

Morris, M.(ed): **Letting in the Light**, Community Law Centre, Bellville, 1993.

Morris, M. , Shapiro, R. & Skelton, A. : **Justice for the Children - No Child Should be Caged**, NICRO, Cape Town, 1993

Muntingh, L.M.: **The Development of a Victim Offender Mediation Programme**, HSRC, Pretoria, 1993.

Muntingh, L.M.: **Perspectives on Diversion**, NICRO Research Series No. 2, NICRO, Cape Town, 1995.

Muntingh, L.M.: Community Service Orders - an evaluation of cases supervised in Cape Town between 1983 and 1994, HSRC, Pretoria, 1997.

Nott, L. e.a.: **Gangs - The Search for Self Respect**, University of Cape Town, Cape Town, 1990.

Peachy, D.E.: The Kitchener experiment *in* M. Wright and B. Galaway (eds): **Mediation and Criminal**

Justice, SAGE Publications, London, 1989.

Perlstein, G.R. & Phelps, T.R.: **Alternatives to Prison**, Goodyear Publishing Company, California, 1975

Shapiro, R and Morris, M.: **Towards Juvenile Justice - Advocacy for Youth in Trouble with the Law**, NICRO and Community Law Centre, Cape Town, 1992.

Skelton, A.: **Children in Trouble with the Law - a guideline**, Lawyers for Human Rights, Pretoria, 1993.

Tee, L.: **Children have Rights**, NICRO, Cape Town, 1988.

The VORP Book - an organisational and operations manual, PACT Institute for Justice, Michigan City, 1991.

Umbreit, M.S. & Coates, R.B.: **Victim Offender Mediation - an analysis of programmes in four states of the U.S.**, Minnesota Citizens Council on Crime and Justice, Minneapolis, 1992.

Victim Offender Mediation Trainer's Manual, Frazer Region Community Justice Initiatives Association, Langley (Can), 1991.

Zehr, H.: **Mediating the victim-offender conflict**, Mennonite Central Committee, Akron, 1990.

Zehr, H.: **Changing Lenses**, Herald Press, Scottdale (Pennsylvania), 1990.

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