

**"A CRIMINOLOGICAL INVESTIGATION  
INTO THE TREATMENT OF JUVENILE  
OFFENDERS AT VUMA REFORM SCHOOL"**

**by**

**LANGALIBALELE PRINCE MQADI**

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OFFENDERS AT VUMA REFORM SCHOOL"**

by

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**Submitted in fulfilment of the requirements for the degree of**

**MASTER OF ARTS**

**in the Department of Criminology**

**at the**

**UNIVERSITY OF ZULULAND**

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**DATE OF SUBMISSION: JANUARY 1992**

(i)

**DEDICATION**

This work is dedicated to my late parents Josiah Bodwa and Mary-Jane Phumzile, to my dear wife Phindi, and my loving children Lwandle, Nkanyezi, Nyanga, Phakade and Phesheya.

**DECLARATION**

I declare that the dissertation "*A criminological investigation into the treatment of juvenile offenders at Vuma Reform School*" is my own work both in conception and in execution. All the sources that I have made use of or quoted have been acknowledged by means of complete references.

L.P. MQADI

(iii)

### ACKNOWLEDGEMENTS

I wish to express my gratitude to the following :-

- my supervisor Prof. P.J. Potgieter whose guidance has made this work a success;
- Kwa-Zulu Department of Social Welfare and Pensions for granting permission to do research at Vuma Reform School;
- the Principal and Staff of Vuma Reform School for their co-operation and assistance during the investigation;
- Mrs. D. Viljoen for her skill and efficiency in typing the report; and
- the Research Committee of the University of Zululand for partly financing the investigation.

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### SUMMARY

The investigation aims at analyzing, describing and explaining the treatment of juvenile offenders committed to Vuma Reform School by various South African juvenile courts.

The analytical method of research is used to describe methods and programmes of treatment in order to gain insight into the treatment programme of Vuma Reform School. The documentary study technique, supplemented with an unstructured interview technique is used to analyse data consisting of one-hundred juveniles and sixty-six officials. The former were committed to the reform school between January 1988 and May 1990, and the officials are in employment by June 1990.

Two institutions form the basis of treatment of juvenile offenders, namely the juvenile court and the reform school. Findings of the investigations are as follows :-

- (a) The juvenile court has a significant role in adjudicating a convicted juvenile. The legal provisions of dealing with such juveniles and presentence investigation reports presented by social workers lay the foundation on which treatment should be based.
- (b) The majority of juvenile offenders under investigation were convicted of property related offences and, to a lesser extent, offences against persons and administration of justice.

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- (c) Vuma Reform School's internal structure consists of four divisions namely, the management, professional, administrative and auxiliary divisions.
- (d) The majority of personnel at Vuma Reform School are unqualified to carry out the treatment functions of the Reform School. Further, there is no psychological division to carry out psychological methods of treatment and psychological tests; and hence no vocational training programme is provided for.
- (e) The treatment programme of Vuma Reform School falls into three phases, namely: admission, treatment and education and preparation for release. Each of these phases has individual programmes. For example, the admission phase has the reception and orientation programme; the treatment and education phase has academic and educational programmes, recreational, religious instruction, food and clothing, and discipline and control programmes. Lastly, the preparation for release phase has leave of absence, family units and correspondence and reconstruction services within the scope of treatment.

Recommendations of the investigation are as follows :-

- (a) The status of the juvenile court should be upgraded, conditions of parental and legal representation of juveniles be reviewed and

presentation of the presentence investigation report be made obligatory to all juvenile court trials.

- (b) Alternative sentences other than whipping be employed more oftenly by juvenile courts.
- (c) The composition of the Board of Management be broadened and training of personnel be adopted as a matter of policy.
- (d) The treatment programme of Vuma Reform School be improved by employment of clinical psychologists; provision of literacy classes for juveniles who need functional knowledge; provision of vocational training, improved recreational facilities and employment of a chaplain and active involvement of juveniles into the religious instruction programme.

### OPSOMMING

Die ondersoek het ten doel die ontleding, beskrywing en verklaring van die behandeling van jeugoortreders deur verskillende Suid-Afrikaanse jeughowe wat na die Vuma-Verbeteringskool verwys is.

Die analitiese navorsingsmetode word gebruik om metodes en behandelingsprogramme te ontleed met die doel om insig te verkry aangaande die behandelingsprogram in die Vuma-Verbeteringskool. Dokumentêre studies aangevul deur ongestruktureerde onderhoude word gebruik om data betreffende eenhonderd jeugdiges en ses-en-sestig professionele en administratiewe amptenare te ontleed. Die eersgenoemde groep is tussen Januarie 1988 en Mei 1990 na die Vuma-Verbeteringskool verwys en die betrokke amptenare was in diens teen Junie 1990.

Twee instellings vorm die basis van die behandeling van jeugoortreders, naamlik die jeughof en die verbeteringskool. Die bevindings van die ondersoek is soos volg :-

- (a) Die jeughof speel 'n belangrike rol by die beoordeling van veroordeelde jeugdiges. Die wetlike bepalings om met sulke jeugdiges te handel en voorvonnis-ondersoekverslae wat deur sosiale werkers voorgelê word vorm die grondslag waarop die behandeling gebaseer moet word.



- (b) Die meerderheid jeugoortreders in hierdie ondersoek is veroordeel op grond van oortredings met betrekking tot eiendom en, in mindere mate, oortredings teen persone en teen die regspleging as sulks.
- (c) Die Vuma-Verbeteringskool se interne struktuur bestaan uit vier afdelings, te wete die bestuurs-, professionele, administratiewe en ondersteuningsafdelings.
- (d) Die meeste personeellede by Vuma-Verbeteringskool is nie gekwalifiseer om die behandelingsfunksie by hierdie skool te vervul nie. Verder is daar geen sielkundige afdeling om sielkundige behandelingsmetodes toe te pas of psigologiese toetse uit te voer nie; gevolglik word daar geen voorsiening gemaak vir 'n beroepsopleidingsprogram nie.
- (e) Die behandelingsprogram van die Vuma-Verbeteringskool bestaan uit drie fases, naamlik toelating, behandeling en opvoeding, en voorbereiding vir vrylating. Elk van hierdie fases behels individuele programme. Byvoorbeeld, in die toelatingsfase is daar 'n ontvangs- en oriëntasieprogram; in die behandelings- en opvoedingsfase is daar akademiese en opvoedkundige programme, asook programme gemik op ontspanning, godsdiensonderrig, voedsel en kleding en dissipline en beheer. Laastens word daar tydens die voorbereidingsfase vir vrylating voorsiening gemaak vir aspekte soos afwesigheid met verlof, familiebesoeke en korrespondensie, en rekonstruksiediens binne die bestek van behandeling.

Aanbevelings van die ondersoek is soos volg :-

- (a) Die status van die jeughof moet verhoog word, voorwaardes vir ouerlike- en regsverteenvoordiging van jeugdiges moet hersien word, en die voorlegging van die voorvonnis-ondersoekverslag verpligtend gemaak word in alle jeughofsake.
- (b) Alternatiewe vonnisse in die plek van lyfstraf moet meer dikwels deur die jeughof opgelê word.
- (c) Die samestelling van die Raad van Beheer moet verbreed word en die opleiding van personeellede as 'n kwessie van beleid aanvaar word.
- (d) Die behandelingsprogram van die Vuma-Verbeteringskool kan verbeter word deur die implementering van geletterdheidsklasse vir jeugdiges wat funksionele kennis benodig; die voorsiening van beroepsopleiding; die verbetering van ontspanningsfasiliteite; en die indiensneming van 'n kapelaan, met aktiewe betrokkenheid van jeugdiges by die godsdiensonderrig program.

## CHAPTER 1

### GENERAL ORIENTATION

#### 1.1 INTRODUCTION

The criminologists' interest in crime includes the study of juvenile crime, its causes and treatment. The criminologist is concerned with the role of the juvenile court in adjudicating the juvenile offender and the role of the correctional institutions in the treatment of the adjudicated juvenile offender.

The treatment of juvenile offenders thus revolves around the two above-mentioned institutions. Treatment within the correctional institution, a reform school, refer to the care provided for the juvenile offender, including both the rehabilitative and custodial measures (Jarvis, 1978:xiii).

The treatment personnel attached to a juvenile court include the probation officers who, because of their professional training, are expected to give an expert opinion on a suitable disposition of the juvenile offender, as well as legal representatives. Treatment personnel in a juvenile correctional institution might include social workers, group

counsellors, medical staff, psychologists and academicians. The success of any treatment programme of a juvenile offender depends on the collective functioning of them (Kratcoski and Kratcoski, 1979:335).

Siegel and Senna (1988:7) point out that the study of juvenile crime is interdisciplinary. Members of many other academic disciplines like psychology and medicine have contributed to the understanding of juvenile misbehaviour and its treatment. Other assisting professionals like educators, religious leaders and mental health workers have made significant efforts to devise rehabilitation programmes and monitored their success (Ndabandaba, 1986:5-6).

The present investigation is concerned with the treatment of juvenile offenders at Vuma Reform School. For a comprehensive understanding of this issue, the following aspects are analyzed -

- \* the role of the juvenile court because treatment within the reform school has a bearing on the nature of the offence, previous conviction(s) and sentence(s) imposed;
- \* the responsibility of the state in the promulgation of laws through the acts of Parliament; establishment of reform schools; and general maintenance and appointment of officials to reform schools; and

- \* the theoretical analysis of various methods of treatment of juvenile offenders.

## 1.2 RATIONALE FOR THE INVESTIGATION

Studies on the treatment of juvenile offenders in South Africa have been conducted elsewhere and none has been done directly with Vuma Reform School (cf. Grobler, 1941; Engelbrecht, 1952; Geldenhuys, 1985 and Brown, 1984).

Correctional institutions in South Africa are a concern of the state which has an effect on their financing; structure personnel and clientele. Their efficiency and goal attainment depends on the availability of funds from the state treasury (Zald, 1960:59).

Legislation on the handling of juvenile offenders in South Africa has a long history and has undergone changes since the formation of the Union of South Africa in 1910 (cf. Law on Prisons and Reform Institutions Act, Law No. 13 of 1911; the Children's Protection Act, Act No. 25 of 1913; the Children's Protection Act, Act No. 31 of 1937; the Children's Act, Act No. 33 of 1960; and the Child Care Act, Act No. 74 of 1983). This demonstrates the sensitivity of the legislators to the treatment of juvenile offenders.

It is of criminological interest to note that juvenile offenders are committed to a reform school by a criminal court - the juvenile court. They are essentially criminals that have been saved from prison by their age status. If treatment programmes are not successful, juvenile offenders today will be inmates of adult correctional institutions tomorrow. Glaeser (1964:8) remarks of the poor success rate for the treatment of juveniles in juvenile correctional institutions. He points out that because of poor treatment programmes recidivism (falling back into crime) remains high.

### 1.3 AIM OF THE INVESTIGATION

According to Van der Westhuizen (1982:2) the objectives of any criminological research are description; explanation, prediction and control over the incidence and fluctuation of the crime phenomenon. Criminological research must enable the criminal justice professional to comprehend and implement policy based upon valid information (Vito, Latessa and Wilson, 1988:3).

The present investigation thus aims at the following :-

- (a) Analysis and description of various treatment methods; their application and relevance to Vuma Reform School.

- (b) Explaining the functioning of the juvenile justice system of South Africa and its application as far as it affects juvenile offenders of Vuma Reform School.
- (c) Description of Vuma Reform School: its structural organization, its personnel and their role in the treatment of juvenile offenders.
- (d) Establishment and description of some demographic variables of the inmate population and their effect in determining the treatment programmes at Vuma Reform School.
- (e) Explaining the treatment programme of Vuma Reform School and the contribution of employed officials.
- (f) Bringing to the attention of legislators and social welfare practitioners the effects of such treatment for control and policy implementation.
- (g) Contributing to the study of juvenile crime by highlighting the role of the Reform School in the treatment of juvenile offenders.

#### 1.4 DELIMITATION OF THE INVESTIGATION

Criminological research, using its research methods, aims at establishing reliable and valid pronouncements. To achieve this, the investigator has got to define his field of study and groups being investigated, both qualitatively and quantitatively. This implies delimitation of investigation.

Van der Westhuizen (1982:39) says that: "... the rationale for such delimitations or reductions [are] perhaps that he lacks the means or the time to analyse all cases or that he is interested in only certain sub-groups within the global group".

The present investigation is based on the following delimitations.

#### 1.4.1 Spatial delimitation

The investigation is undertaken at Vuma Reform School, which is situated in a rural area, approximately 14 kilometres from the town of Eshowe, Natal. Vuma Reform School is built on a Government farm, north-west of Eshowe and off Nkandla road (Annexure A).

#### 1.4.2 Quantitative delimitation

The investigation involves two groups of the population, namely juvenile offenders that have been committed to Vuma Reform School by various South African Juvenile Courts between 1 January 1988 and 31 May 1990, and the personnel of Vuma Reform School. The latter group is included because it constitutes an integral part of the treatment programme.



The personnel are those persons employed at the Reform School at the time of investigation, namely June 1990. They include social workers, a nurse, administration staff, house-fathers and general or care assistants (Annexure B).

#### 1.4.3 Qualitative delimitation

The investigation is concerned with the treatment of juveniles who have been found guilty of various criminal offences and committed to Vuma Reform School for treatment for a minimum of two years as specified in the Criminal Procedure Act (Act No. 51 of 1977). All the juveniles involved are black males because this Reform School only caters for such a group.

### 1.5 RESEARCH METHODOLOGY

Vito et al (1988:4) regard research methodology as techniques for finding out what has taken place. It is a procedure (or a blueprint) for carrying out an inquiry.

Research methodology refers to the study of particular method(s) used by a researcher. Research methodology is essential because the researcher must account for his starting point, methods, findings and applications (Van der Walt, Cronje and Smit, 1982:159).

Research methodology aims at the following -

- \* studying of research procedures and setting of standards;
- \* selection of suitable research procedures and techniques; and
- \* facilitating the task of the researcher in the selection of subjects, clarification of terms, explication of research procedure, systematization of empirical findings and writing of reports (Van der Walt et al, 1982:160).

Research methodology thus enables the researcher to select his research methods and research techniques. The present investigation has specific methods and techniques that have been selected to achieve particular goals.

#### 1.5.1 Research methods

According to Dreyer (1983:31), the goal of every research is based on the assumption that all behaviours and events are orderly and that they are effects which have discoverable causes. Research is thus formal, intensive systematic

application of the scientific method of the study problem; a systematic attempt to provide answers to questions; and a search for truth.

The scientist in research employs scientific methods in order to explain, predict and control the phenomenon. The scientist's aim in research cannot be reached unless he uses research methods. A method of research is: "... a way of planned, verifying and systematizing action that serves as a method of work with the use of what is scientifically knowable to form a science (Van der Walt et al. 1982:168).

Research methods are of importance in any investigation. Through their use the researcher can realize the phases of the research process which are collection of data, systematisation, processing, and explanation (Van der Walt et al. 1982:168-169).

The choice of a method of research is of prime importance. The method of research chosen should, however, not lead to bias and research should not be forced into such a method for the sake of methodological design (Van der Westhuizen, 1982:3).

A criminological research method selected, should function as follows :-

- (a) Leave room for both individual and group approaches to crime.
- (b) Emphasize the achievement of objectives rather than the collection of data.
- (c) Allow enough play for the synthesis of the group and individual approaches.
- (d) Allow for the designing new and expanding existing definitive measuring data collecting, and data processing techniques (Van der Westhuizen, 1982:3).

The researcher in criminology has the choice of three research methods, namely, the method of case analysis, the method of mass observation and the analytical method (Van der Walt et al. 1982:167).

#### 1.5.1.1 The method of case analysis

The case analysis method is used when one regards crime as an individual-human phenomenon. The perceptible particulars of a case are studied with the aim of demonstrating the structural or functional factors responsible for its existence (descriptive); determination of its relation to other factors (explanatory); gaining new knowledge and

testing the validity of existing knowledge or hypotheses. The case analysis method could, therefore, be regarded as a particularistic method (Van der Walt et al. 1982:170).

#### 1.5.1.2 The method of mass observation

The method of mass observation is used when the researcher regards crime as a mass phenomenon. This method is also known as the statistical method. Statistics are indispensable for the criminologist and their value lies at the descriptive level, i.e. description of the extent, increase and decrease of crime. Statistics are also valuable on the explanatory level for comparative studies. Statistics serve an important function at the applicative level for control purposes (Van der Walt et al. 1982:172-174).

Like the case analysis method, the method of mass observation is particularistic. Both methods often compliment each other. Van der Walt et al. (1982:174) says: "... a case study is an attempt to define social processes ... whereas the statistical method provides deeper insight into the social situation by indicating the scope, regularity and degree of associations".

### 1.5.1.3 The analytical method

This method is used when the researcher sees crime as a combination of individual-human and social phenomena. This method is "unrelated" and thus known as a non-particularistic method. Under the analytical method, the case analysis and mass observation method are synthesized in which case they lose their status as methods and become techniques of the analytical method (Van der Walt et al. 1982:174-175).

Van der Westhuizen (1982:3-4) identifies four general functions of the analytical method, namely :-

- (a) Goal-achievement function. The analytical method is goal-directed and through relevant techniques provides for descriptive, explanatory and applicative investigations.
- (b) Adaptive function. Through the use of the analytical method the investigator can lay down a meaningful relationship between a fact and a theory.
- (c) Integrative function. The analytical method is non-particularistic. It enables the investigator to be neutral and enable him to study the crime phenomenon on both group and individual-human level.

(d) Pattern maintenance function. The analytical method respects recognized methodological principles and yet leaves room for change refinement and innovation (Van der Walt et al. 1982:4).

The present investigation views the treatment of juvenile offenders as influenced by individual-human factors and group factors. The analytical method in this investigation is used to describe various methods and programmes of treatment and the social structures that are involved in carrying out these programmes. These methods and programmes are explained with a view of gaining knowledge and insight into them and applied for purposes of evaluating the current treatment programme of Vuma Reform School. ✓

#### 1.5.2 Research techniques

Techniques in research are different from methods. Techniques are aids, used or developed by the investigator to enable him to observe a phenomenon that cannot be observed satisfactorily by senses alone (Johnson, 1956:192).

Research techniques are basically tools that must be evaluated in terms of how well they do the job for which they have been constructed (Suchman, 1967:320).

Techniques used in research are chosen or designed by the investigator with the sole purpose of securing the required data. This means that techniques used must be reliable, i.e. they must produce the same measurement upon repeated use, and valid, i.e. the results the techniques produce must be applicable to other populations under the same or different conditions.

Techniques in research are then subsidiary to research methods. Different types of techniques can be used jointly and supplement each other.

The following are techniques that are used in this investigation.

#### 1.5.2.1 The documentary study technique

The documentary study technique is otherwise known as the literature study technique. This technique is important for any investigation for the researcher must be aware of the activities of others before him (Leedy, 1980:69).

Documentary sources include reports, articles in periodicals, books, diaries, biographies, autobiographies and other unpublished material (Van der Walt et al. 1982:212-214).



The purpose of literature study in an investigation is as follows :-

- (a) To reveal similar investigations and show how collateral research have handled them.
- (b) To suggest a method or technique of dealing with the investigation.
- (c) Reveals sources of data which the researcher may not have known existed.
- (d) Enables the researcher to see his study in historical and association perspective in relation to more primitive attack on the problem.
- (e) Introduces the researcher to significant research personalities of whose research efforts he may have had no knowledge.
- (f) Provides new ideas and assist in evaluating ideas of others.

The present investigation makes use of this technique to a very large extent. The following documents were studied with the aim of understanding various approaches to the treatment of juvenile offenders.

(a) Acts of Parliament and Gazettes

The following Acts of Parliament and Gazette have been scrutinized :-

- The Criminal Procedure Act (Act No. 51 of 1977)
- The Children's Act (Act No. 33 of 1960)
- The Child Care Act (Act No. 74 of 1983)
- The Social and Associated Worker's Act (Act No. 110 of 1978)
- Government Gazette (No. 8458 of 1982)
- Government Gazette (No. 8765 of 1983)
- Government Gazette (No. 10546 of 1986)

These Acts have been studied with the aim of establishing the legislations that have affected the treatment of juvenile offenders in South Africa.

(b) Government Commissions of Inquiry

The two reports on Commissions of Inquiry that have been consulted are :-

- Report of the Penal and Reform Commission of 1947
- Report of the Commission of Inquiry into the Penal System of the Republic of South Africa of 1976.

Both these Commissions of Inquiry have a bearing on the treatment of juvenile offenders - also at Vuma Reform School.

(c) Unpublished dissertations and theses

Dissertations and theses have been studied with the aim of establishing how other researchers have analyzed the problem of the treatment of juvenile offenders in South Africa (cf. paragraph 1.2). From theses and dissertations research methods and techniques were established and have been adapted to the present investigation.

(d) Books and articles

Books and articles on various methods of treatment of juvenile offenders have been consulted. From these it is possible to evaluate the treatment of juvenile offenders at Vuma Reform School against what occurs in other parts of the world.

From South African books, the investigator has been able to establish the historical development of the juvenile justice legislation in South Africa (cf. Midgley, 1975).

(e) Official records and personal files

From the official records of Vuma Reform School information relating to the juvenile offenders and personnel was obtained. Documents relating to the whole treatment programme have been studied and offered a valuable source of information.

1.5.2.2 Statistical descriptive techniques

Statistical descriptive techniques are techniques by which certain characteristics or qualities of a phenomenon are quantified, processed, summed up and condensed with the object of constructing a numerical description or a statistical picture of a phenomenon (Van der Westhuizen, 1982:80).

The rationale for use of statistical descriptive techniques can be summed as follows :-

- \* Firstly, an endeavour to obtain scientific exactitude in the scientific practice of criminology. Traditional logic has failed to provide a satisfactory description

of the empirical differences between classes and categories. This is realized through statistical descriptive techniques.

- \* Secondly, the need to lay down a numerical ground plan on which higher order analysis can be built. The verbal-scientific and logical-formal descriptive techniques are inadequate to describe data accurately and generalizations cannot be made on unsystematic descriptions.
- \* Thirdly, the realization that to work with the total population is often either impossible or impractical.

In the present investigation the use of statistical descriptive techniques will enable the investigator to translate the facts about juvenile offenders and personnel of Vuma Reform School into some type of a language. The interrelationship of these factors will help to conceptualise what might otherwise be incapable of being understood (Leedy, 1980:27).

Data obtained from official records and personal files of juvenile offenders are analyzed through a statistical analysis system and presented in a relative frequency distribution, i.e. given in percentages.

### 1.5.2.3 Sampling techniques

Weiss (1968:220) defines a sample as a subset of the population and sampling as a technique of selecting a subset in a way that maximises the likelihood that it will serve as an adequate representative of the population as a whole.

Van der Westhuizen (1982:40) views a sample as the numerical reduction of the universe or population; a partial collection of the universe or population; and a valid representation of the universe or population. A sample consists of selected elements from a population that will be observed in order to learn something about the entire population (Fitzgerald and Cox, 1987:71).

Suchman (1967:318-319) points out that in selecting the sample, the investigator must have knowledge of the following :-

- (a) Population characteristics and some method of identifying them.
- (b) The purpose of the study.
- (c) The number of variables to be analyzed.

Sampling techniques are divided into random selection and non-random selection. Random selection rests on the probability that each unit of the population has an equal chance of being selected and non-random selection involves the use of all units within the investigator's immediate reach.

The present investigation does not present any selection problems because the size of the population is relatively small. All juvenile offenders resident with the institution constitute the sample. Twenty-two of these are, however, excluded because of insufficient or absence of vital data from their personal files. Eventually, one hundred units are arbitrarily selected to constitute the sample of this investigation.

The personnel establishment of Vuma Reform School reveals a total of sixty-six staff members. All units are included since each one of them has a role in the treatment of juvenile offenders.

#### 1.5.2.4 Data collection

Collection of data in this investigation has been facilitated by the permission to undertake the investigation which was obtained from the Department of Social Welfare and Pensions - KwaZulu Government Service (Annexure C).

Such a permission constitute an important element among the ethical issues in criminological research, i.e. the issue of informed consent of the subject(s) to be investigated. Vito et al. (1988:42) view informed consent as important to the research process in the following aspects :-

- (a) Informed consent increases the ability of subjects to make a decision to participate.
- (b) It screens out those subjects who believe might be harmed.
- (c) Trust and respect is increased by showing the subject(s) that they are valued.
- (d) It reduces the legal liability of the investigator (Vito et al. 1988:42-43).



(a) Source of data

Two sources have been used in collecting data for this investigation, namely personal files/records of juvenile offenders and personal records of personnel. Data collected from files of juvenile offenders has forty-six variables and pertain to personal and crime particulars. Such data are based on presentence investigation reports of social workers presented at the juvenile court during trial. There is no reason to doubt the reliability of such data since social workers are trained for such and have to present presentence investigation reports under oath during trial (Brown, 1984:65).

Data from the personal records of staff members pertain to sex; educational and professional qualifications; post, section where employed and length of service.

(b) Techniques of data collection

Fitzgerald and Cox (1987:89) identify three basic techniques for gathering information, namely direct observation, communication with others about what they have observed and learning from recorded sources.

Two techniques of data collection are used in the present investigation namely content analysis schedule and unstructured interviews.

(i) The content analysis schedule

The content analysis schedule is an important tool by which an investigator can obtain information from written documents, mass media reports and data kept by institutions for administrative purposes. This technique systematizes the use of documents and provides a coding scheme for tabulating the contents of documents (Fitzgerald and Cox, 1987:110).

Levine (1980:40) views a content analysis schedule as a research technique for objective, systematic and quantitative description of the manifest content of communication. She points out at two important steps in developing a content analysis schedule, namely clinical analysis and pretesting. Clinical analysis involves familiarizing oneself with the content of what is to be analyzed and pretesting is the objective determination of the validity of one's impressionistic reading of the material.

All data in this investigation is gathered through a content analysis schedule. Two schedules were devised: one dealing with juvenile offenders, (Annexure D) and one dealing with personnel of Vuma Reform School (Annexure E). The investigator familiarized himself well with the contents of the personal files and established the regularity of variables occurring in them.

(ii) Unstructured interviews

The interview technique of collecting data is one of the most widely used in criminological research. According to Bingham and Moore (1970:1) an interview is " ... a serious conversation directed to a definite purpose other than satisfaction in the conversation itself".

An interview can take different forms, the most common being the completely structured and the unstructured interview.

The present investigation makes use of unstructured interviews to supplement any information that cannot be obtained from the official records. Such

information refers to certain aspects in the treatment of juvenile offenders and opinions of the officials at Yuma Reform School. No interview schedule has been devised in this investigation, but interviews were truly purposeful and definite.

The respondent to such interviews in this investigation is mainly the principal with whom the investigator had a good rapport and could easily determine the truthfulness of his responses (Fitzgerald and Cox, 1987:102).

#### 1.6 DEFINITION OF CONCEPTS

Van der Westhuizen (1982:22) says that in undertaking research we have to define scientifically all the concepts we are working with. All the definitions must be true, unambiguous, must contain no contradiction, must be clear, must be positive, must be adequate, and must not be tautological.

Concepts are mental abstractions, representing mental constructions of reality. Concepts are abstracted from the physical material world (Hy, Feig and Regoli, 1983:2).

Definitions are statements of what something is and they take two forms, namely nominal and operational definitions (Hy et al, 1983:3).

Nominal definitions are those that describe a concept with terms of another and operational definitions are nominal definitions that are stated in measurable terms (Hy et al. 1983:3; Fitzgerald and Cox, 1987:41).

Thus, definition of concepts in criminological research implies making finer distinctions between terms, promotes conformity as far as possible to what is generally accepted, and realization that: "... without proper definitions we shall end up with a Babel-like confusion (Van der Westhuizen, 1982:22).

The following terms are thus defined to eliminate any possible distortion that might prevail.

#### 1.6.1 Treatment

Siegel and Senna (1988:588) regard treatment as a "... method used to effect a change of behaviour in an inmate, juvenile delinquent, or status offender. It may be in the form of therapy programs or educational or vocational training".

Abadinsky (1987:417) says that treatment is a term used in medicine to refer to a particular method of therapy based on a diagnosis.

Trojanowicz and Morash (1983:221) regard treatment as that which refers to strategies which attempt to change those conditions thought to be causative factors in juvenile crime. The strategies can be individual, group or community orientated. This involves the use of explicit tactics or procedures deliberately undertaken to change those conditions thought to be responsible for the violator's behaviour (Kratcoski and Kratcoski, 1979:336).

In the present investigation the concept of treatment involves the efforts, both traditional and contemporary, that are employed in dealing with juvenile offenders. It involves efforts of the whole juvenile justice system: from the juvenile court's decision to commit the juvenile offender to a reform school to his release from the reform school. These efforts include therapy programmes, education and vocational programmes, religious and vocational programmes, discipline and control, and any intervention to aid juvenile offenders cope with social problems.

### 1.6.2 Juvenile Offender

In the definition of the concept juvenile offender, it is necessary to differentiate between the criminological or sociological definition and the juridical or legal definition.

#### 1.6.2.1 Criminological definition

Criminologically, the concepts juvenile offender and juvenile delinquent are used interchangeably. The concept refers to a non-adult who violates the norms set by a controlling group. A juvenile can be considered offender or delinquent if for example he adopts a certain form of behaviour, a particular hairstyle, runs away from home; associates with an undesirable person, and his actions are not approved by those in authority (Kratcoski and Kratcoski, 1979:2).

Criminologically, the definition of the juvenile offender fits the criminological definition of crime in general. A juvenile offender is viewed as a non-adult who has committed an antisocial act not necessarily forbidden by law but not beneficial to the general welfare of the community. The criminological definition is broader and includes not only

contravention of existing laws but also all forms of antisocial behaviour (Mannheim, 1965:5; Van der Walt et al, 1982:30-31).

#### 1.6.2.2 Juridical definition

Juridically, a juvenile offender is anyone who is designated as a juvenile (non-adult) whose actions are subject to the juvenile court's action. This means that a juvenile offender is a person designated a juvenile who has committed an unlawful act, found guilty in a court of law and sentenced (Van der Walt et al, 1982:30).

The question of age in designating of an offender juvenile is important. The South African Criminal law provides that a person between 0-7 years is *doli incapax*. A person above the age of 7 years but below the age of 14 years is *doli incapax*, but this is rebuttable. The Child Care Act (Act No. 74 of 1983), further distinguishes between an infant and a child; the former being a person below the age of seven years and the latter being a person below 18 years, but in certain circumstances below 21 years (Cronje et al, 1982:10-11).



The concept juvenile offender, juridically will mean that a person below the age of 21 who is guilty of an unlawful act whose offence, because of his youth, is heard by a juvenile court magistrate.

The present investigation deals with juvenile offenders in a juridical sense although the approach will be strongly criminological. Juvenile offenders under investigation fall under the juridical definition.

#### 1.6.3 Reform School

A Reform School denotes a school maintained for the reception, care and training of children sent thereto in terms of the Criminal Procedure Act (Act No. 51 of 1977) or transferred thereto by the Child Care Act (Act No. 74 of 1983). It is an institution established by the Minister of Finance out of moneys appropriated by Parliament for that purpose (South Africa, 1983:Section 1; South Africa, 1977:Section 290; South Africa, 1960:Section 39).

The criteria for admission is that a juvenile is treated and educated for a prescribed period (Nathan, 1982:385; Geldenhuys, 1985:31-32).

In the present investigation the Reform School in question is Vuma Reform School situated at Eshowe and which is under the control of the Department of Social Welfare and Pensions of the KwaZulu Government Services.

#### 1.6.4 Juvenile Court

A juvenile court is a criminal court which deals with offences committed by persons designated as juveniles. The juvenile court is usually held in a separate room away from other criminal courts which deals with offences committed by adult persons. Holding proceedings of the juvenile court in a separate room is, however, not a legal requirement but criminal trials in such a court are subject to limitations regarding public trial and publicity (South Africa, 1977: Section 153(4); Van Rooyen, 1982:400-401)

A juvenile court must be distinguished from a children's court. The latter is a welfare court which deals with children in need of care and whose presiding officer is a Commissioner of Child Welfare (South Africa, 1983:Section 5 and 6; Van Rooyen, 1982:400).

The juvenile offenders involved in the present investigation are those that have been tried in a juvenile court.

#### 1.6.5 Board of Management

A Board of Management refers to those persons appointed in terms of the Children's Act (Act No. 33 of 1960), consisting of not fewer than three and not more than nine persons (South Africa, 1960:Section 39(4); Nathan, 1982:384).

For the purposes of this investigation, the Board of Management in question is one of Vuma Reform School entrusted with duties according to the said Act.

#### 1.6.6 Social Worker

The concept social worker refers to a person registered as such under the Social and Associated Worker's Act (Act No. 110 of 1978), and who is in the service of a prescribed department of state or prescribed Welfare Organization (Van der Merwe, 1982:690).

The term includes persons who, prior to 13 July 1979, had been known and serving as probation officers but since then are social workers registered as such.

In this investigation social workers constitute the most important element of the treatment process of juvenile offenders. They are professional persons employed by

juvenile courts in preparation of presentence investigations. At Vuma Reform School they are also responsible for various programmes of treatment.

#### 1.6.7 Staff members and personnel members

Procter, Ilson and Ayto, (1978:1084, 810) define the concept "staff" as a group of workers who carry on a job or do the work in a particular department of an organization. The concept "personnel" is defined as persons employed by an organization which carries a particular job.

The above definitions imply that the term staff refers to a section of a personnel establishment and the term personnel refers to all persons employed by an organization irrespective of the section in which they are employed.

For the purposes of this investigation the concept "staff" refers to persons employed in a particular section, e.g. treatment staff, custodial staff, etc; and the concept "personnel" refers to all employees irrespective of the section in which they are employed.

### 1.7 PRESENTATION OF THE INVESTIGATION

The investigation is presented in the following sequence :-

Chapter two deals with the literature review regarding methods and models of treatment. These models have a theoretical basis to the treatment of juvenile offenders within an institutional setting.

Chapter three deals with juvenile justice in South Africa and specifically pays attention to the development of juvenile justice from 1910 until present time; the nature of the juvenile court; the nature of offences committed by juvenile offenders of Vuma Reform School; and the adjudication and disposal of such juvenile offenders.

Chapter four pays particular attention to Vuma Reform School: its structural organization; personnel; and their role in the treatment of juvenile offenders.

Chapter five deals with the admission and treatment phases of juvenile offenders. Attention is paid to various programmes like the orientation, academic education, vocational training, recreational, religious instruction, food and clothing programmes.

Chapter six deals with the preparation for release phase which involves leave of absence, reconstruction services and family visits.

Chapter seven deals with the most important findings and recommendations emanating from this investigation.

#### 1.8 SUMMARY

This investigation deals with the treatment of juvenile offenders who have been committed to Vuma Reform School by various juvenile courts of South Africa.

The period investigated resorts between 1 January 1988 to 31 May 1990 and the population involves juvenile offenders and personnel in employment by June 1990.

The investigation aims primarily at describing; explaining and evaluating the treatment programme of Vuma Reform School.

The technique used in obtaining data is mainly the documentary study technique and for this purpose, the content analysis schedule is used to analyse such data.

Information that could not be established by means of this technique, was obtained through unstructured interviews with personnel members.

The approach is criminological in nature and the juvenile offenders involved are offenders in a juridical or legal sense.

No research has ever been done with Vuma Reform School and such an investigation will help highlight important aspects of treatment of juvenile offenders in South African Reform Schools.

## CHAPTER 2

### THEORETICAL EXPOSITION OF TREATMENT METHODS OF JUVENILE OFFENDERS IN A REFORM SCHOOL

#### 2.1 INTRODUCTION

The objective of this chapter is to analyse methods of treatment that can be used in treating juvenile offenders that have been committed to a reform school. These methods have a theoretical orientation and relate to theories of crime causation and assumptions about human behaviour (Trojanowicz and Morash, 1983:221).

Treatment programmes in reform schools should be designed in the manner that they fit their theoretical constructs. The failure of most treatment programmes is due to the fact that programmers falsely assume that intervention can "cure" juvenile offenders in the same way as a dose of antibiotics can cure pneumonia. This simplistic view overlooks circumstances precipitating juvenile crime, social conditions affecting the offender, and the environment in which treatment is due to take place (Bartollas, 1985:169).



Treatment programmes also fail because of the inappropriateness of theoretical constructs of intervention for a particular group of offenders.

Knowledge of the theoretical constructs and treatment strategies or methods is important for the professional in the service of the juvenile justice system. Regardless of the phase of juvenile justice that the professional is involved in, an awareness of treatment methods will provide familiarity with many approaches and assumptions about human behaviour made by other professionals in the juvenile justice system (Trojanowicz and Morash, 1983:122).

The success of any treatment method depends largely upon the following -

- \* availability of a co-ordinated plan under which goals of each operation are established;
- \* skilful utilization and integration of the resources within the community;
- \* an orderly way of implementing them;
- \* proper designation of the treatment programme; and
- \* proper training of all those involved in their application (Kratcoski and Kratcoski, 1979:338; Jarvis, 1978:148).

Each method of treatment has or may have certain techniques which it employs. Also, the function of the professional can be similar for various methods, but may be called counsellor, therapist, caseworker, etc. (Trojanowicz and Morash, 1983:224).

Attention hereafter will be paid to strategies for designing a program of treatment, the decision to adopt a particular method of treatment, various methods and philosophies of treatment, and the principles underlying their use.

## 2.2 STRATEGIES FOR DESIGNING A PROGRAMME OF TREATMENT

The failure of most treatment programmes, as it has been pointed out, results from improper assumptions and considerations about appropriate theoretical constructs. The following strategies are thus important in designing a programme of treatment.

### 2.2.1 Biological or Physiological strategies

The biological or physiological strategies seek to remove, diminish or control physiological limitations of the juvenile offender. They include health promotion, nutrition and aid with possible genetic defects: "... They assume

that delinquent behaviour derives from underlying physiological, biological, or biopsychiatric conditions" (Bartollas, 1985:170)..

#### 2.2.2 Criminal influence reduction strategies

Criminal influence reduction strategies assume that antisocial behaviour is learned through the influence and contact with those who hold favourable attitudes and norms to such behaviour (Bartollas, 1985:170; Sutherland and Cressey, 1974:78). The assumption is that criminality or delinquency: "... stems from the influence of others who directly or indirectly encourage offenders to commit anti-social acts" (Bartollas, 1985:170).

#### 2.2.3 Social network development strategies

Hirschi (1969:16) assumed that criminal behaviour develops when bonds with anti-criminal elements of society become weakened. These strategies thus seek to help juvenile offenders develop a social network by increasing motivation, attachment and involvement between offenders and anti-criminal elements of society. Further, such strategies assume that criminality or delinquency is caused by weak attachment to prosocial others (Bartollas, 1985:170-171).

#### 2.2.4 Recreational strategies

Recreational strategies seek to provide non-deviant activities to delinquent activities. Although recreational strategies are not well grounded in theories of delinquency, they assume that delinquency arises from unoccupied time and that most juvenile offenders have had no experience of proper recreational activities (Venter, 1972:158).

#### 2.2.5 Power enhancement strategies

Some strategies seek to enhance the power of juvenile offenders to control their environments in which they live. According to Bartollas (1985:170), strategies designed to enhance individual's power assume that crime stems from absence or "... lack of power or control over impinge environmental factors".

#### 2.2.6 Skills development strategies

Skills development strategies include the following -

- \* cognitive education - acquisition of knowledge and intellectual skills;
- \* affective education - an increase of emotional skills for competent functioning in a complex social world;

- \* informational education - knowledge about specific topics related to crime and delinquency; and
- \* moral education - inculcation of norms for conforming participation in the social order.

Skills strategies assume that delinquency arises from a lack of the skills necessary to live in society without violating its laws (Bartollas, 1985:171).

#### 2.2.7 Clear and consistent social expectations strategies

Bartollas (1985:172) is of the opinion that: "... inconsistent expectations or norms place offenders in situations in which conformity to a given set of norms ... results in an infraction of another set of norms or expectations".

Clear and consistent social expectations strategies seek to provide clear and consistent social expectations for juvenile offenders rather than competing or conflicting demands from legitimate organizations and institutions.

#### 2.2.8 Economic resource strategies

Economic factors in crime causation have been for a long time considered important. Poverty and unemployment have always been associated with crime and delinquent behaviour. These result when the family as a unit fails to perform its economic function (Wilson and Ramphela, 1989:58; Chinkanda and Maphatane, 1990:308).

Economic resources strategies assume that crime or delinquency occurs when individuals do not have adequate economic resources. They seek to provide basic recourse to preclude delinquency and include resource maintenance and resource attainment programmes (Bartollas, 1985:172).

#### 2.2.9 Deterrence strategies

Deterrence strategies attempt to change low degree or risk associated with committing delinquent acts. According to Bartollas (1985:172) "... [T]hey seek to change the cost-benefit ratio in crime by increasing its cost and decreasing its benefit". Deterrence strategies assume that crime or delinquency results when the risk of crime is low and benefits are high.

#### 2.2.10 Psychological strategies

The purpose of these strategies is to change the psychological states of the individual juvenile offender so that he is no longer controlled by past emotional deprivations. Psychological strategies use transactional analysis, psychotherapy and behaviour modification approaches. Psychological strategies assume that criminal or delinquent behaviour originates in internal maladaptive or psychological pathological states (Bartollas, 1985:170).

#### 2.2.11 Abandonment of legal control or social tolerance strategies

Abandonment of legal control strategies aims at removing certain behaviours from the control of the juvenile system through administrative action. Abandonment of legal control strategies do not amount to diversion, i.e. permitting a person charged with an offence to avoid prosecution in exchange for participation in a rehabilitation or restitution programme (Abadinsky, 1987:511). It rather refers to decriminalization and involves informal agreements, and social tolerance for certain behaviours which have been viewed as delinquent or troublesome in the past (Bartollas, 1985:173).

Abandonment of legal control strategies is based on the labelling theory or perspective which assumes that deviance is created by society by the labels it gives to those who become involved in certain behaviours. "The central postulate of this theory is that deviance is created, the social audience its criteria of judgement; and the consequences of such judgement, the primary cause of deviance" (Cohen and Stark, 1974:26).

### 2.3 THE DECISION TO IMPLEMENT A PARTICULAR PROGRAMME OR METHOD OF TREATMENT WITHIN A REFORM SCHOOL

The fundamental question within a reform school is for the treatment staff to decide on a suitable method of treatment for each juvenile offender or a group of juvenile offenders. The decision is affected by two basic approaches, namely the individual and group orientated approaches. The group approach, for example, may be chosen by school teachers, the recreation specialist or a social worker. The individual approach may be chosen by psychiatrists, psychologists or social workers (Trojanowicz and Morash, 1983:222; Kratcoski and Kratcoski, 1979:341).

The decision may also be a product of the following factors :-



- (a) The caseload of the treatment officer.
- (b) The goals of the institution.
- (c) The educational and professional qualifications of the treatment staff.
- (d) The demographic characteristics of juvenile offenders.

Effective implementation of the programme of treatment depends also on research to provide the information on the following :-

- (a) Who gets what treatment: This involves creation of kinds of persons (juvenile offenders) who are likely to benefit from a particular treatment method. For example, juvenile offenders who are likely to gain from job training are those who do not have marketable skills or will be able to use the job skills relatively soon after learning them (Bartollas, 1985:173).
- (b) The timing of treatment: The timing of a treatment programme involves deciding as to when treatment is most helpful to a particular juvenile offender. To determine the best time to intervene in the life of a juvenile offender requires knowledge of: "... criminal career patterns, including the variables related to and the

situational antecedents of crime, patterns of entry into criminal activities, and factors related to distance from crime" (Bartollas, 1985:174-175).

- (c) The integrity of treatment: The implementation of a programme of treatment also depends on its integrity. The aspects of a programme are clear conceptualizations of what is to take place, ability to deliver to juvenile offenders correct services, good training of treatment staff in the execution of the treatment programme, and flexibility of the treatment programme to be modified according to the changing needs of juvenile offenders (Bartollas, 1985:175).

Juvenile justice treatment staff may assume a variety of roles in the treatment programme. They may serve as listeners, observers, service brokers, suppliers of emotional support, regulators of behaviour, and imposers of sanctions. The roles they assume may be non-directive, characterized by listening, giving information and offering of advice. The roles may also be directive and involving commands. A highly directive counselling might occur when a juvenile offender has violated certain rules within a reform institution (Stewart and Cash, 1974:190-193).

It may be expected that juvenile offenders in a reform school, like Vuma Reform School, need a more directive type of counselling on initial introduction of a treatment programme. Van der Walt (1958:29) implies this notion when he says: "... Dit word hom op [die] hart gedruk dat hy sy vryheid kan verdien indien hy gewillig is om saam te werk."

#### 2.4 THE PHILOSOPHICAL BASIS OF TREATMENT THEORIES

Treatment theories as applied in correctional institutions have their philosophical basis that have evolved with the development of criminology as a science.

The Classical and the Positive schools of criminology laid the foundations for these philosophies. Today, three distinct ideologies have emerged, namely the utilitarian punishment philosophy; the justice model philosophy; and the rehabilitative philosophy. These have laid the most important goals of our reform schools. A brief exposition of each will be given.

##### 2.4.1 The utilitarian punishment philosophy

The utilitarian punishment philosophy, also known as the punishment or custody model, is as old as the history of mankind itself. Religious laws, harsh environments and

disasters (natural) encouraged ancient people: "... to strike out vengefully against wrongdoers" (Bartollas, 1985:60; Jarvis, 1978:168). Up to the 18<sup>th</sup> century harsh punishments like transportation of offenders and the wide use of corporal punishment was the order of the day.

#### 2.4.1.1 Development of utilitarian punishment philosophy

The Classical school, represented by Beccaria and Bentham, did much to rescue punishment from the brutal and sadistic practices of the middle ages. Beccaria believed that the purpose of punishment should be deterrence, certain and swift, penalties be determined strictly in accordance with social damage, and crimes of property be punishable by fines. Beccaria rejected capital punishment and argued against it as "... irreparable and hence make no provision for possible mistakes and the desirability of later rectification" (Bartollas, 1985:62). Bentham advocated the view that: "... a rational human being would do what was necessary to achieve the most pleasure and the least pain" (Bartollas, 1985:62). Further, he maintained that punishment must fit the crime and the objectives being to prevent all offences, to persuade a person to commit less serious crime, and to prevent crime at as cheap rate as possible.

Both Beccaria and Bentham maintained that human beings were rational beings with a free will, punishment was justified only for its practical usefulness and that punishment's aim was to protect society as well as to deter prospective criminals (Barnes and Teeters, 1959:285; Jeffrey, 1960:367).

#### 2.4.1.2 Contemporary philosophy of the utilitarian punishment

Utilitarian punishment philosophy came under attack from the beginning to the middle of the 20<sup>th</sup> century. In the 1970's, however, Van der Haag (1975) and Wilson (1975) articulated a neo-utilitarian punishment philosophy (Bartollas, 1985:68). The philosophical tenets are that -

- \* the state has a duty to provide law and order;
- \* the purpose of punishment is to deter criminals by making the cost of committing crime high;
- \* the offender can reason and has freely chosen to commit crime;
- \* street crime is far more serious than white-collar crime, and therefore, should be the focus of the criminal justice system; and

\* the juvenile justice should not be de-institutionalized, and have little confidence in the *parens patriae* philosophy of the juvenile court (Bartollas, 1985:68).

The utilitarian punishment model has been criticized on the following grounds :-

- (a) Brutal treatment of offenders has not worked in the past.
- (b) Most crimes are committed by young persons who are poor, addicted to drugs, and from broken families.
- (c) The socio-structural conditions are of significance among juvenile offenders and: "... in blaming crime solely on offenders the utilitarian punishment model encourage policy makers to continue neglect social policies and conditions such as poverty and unemployment that lead to crime" (Bartollas, 1985:71).

#### 2.4.2 The justice model philosophy

The philosophy of the justice model is also of recent origin and its main exponent is David Fogel who was greatly influenced by the writings of Rawls (1972) and Schafer (1974) (Bartollas, 1985:47).

The philosophical foundations of the justice model are -

- \* that justice must move from the philosopher's chair to the real world of justice which is a much more viable goal of the criminal justice system;
- \* that free-will must underpin justice and offenders having free volition must be held responsible for their behaviour;
- \* that the punishment that the state inflicts upon offenders must be proportionate to the seriousness of the offence or the social harm inflicted upon society;
- \* that determinate sentences be used to curb the unbridled discretion of judges by which the state misuses its power over citizens;
- \* that the rehabilitative philosophy actually perpetuates punishment rather than rehabilitation, and should therefore be controlled; and
- \* that treatment of offenders be voluntary but necessary for all offenders (Bartollas, 1985:48-49).

#### 2.4.2.1 Defence of the justice model

The justice model philosophy is defended by its supporters on five important aspects. These are as follows :-

- (a) It advocates punishment of offenders in a humane way and offenders are regarded as volitional and responsible human beings.
- (b) Justice model supporters stress that justice-in-fairness is the only way of dealing with offenders and due process of law is of primary concern.
- (c) Contemporary criminal justice systems support the justice model but fail to understand that justice-in-fairness calls for determinate sentences, dismantling of rehabilitative procedures, limited use of confinement, and reduction of length of sentences.
- (d) The justice model is the only reform strategy today encompassing reform of the juvenile justice system through emphasis on the rights of victims.
- (e) The justice model's reforms: "... considers the brutality of institutional life, consequences of racism in corrections, financial loss, and emotional pain of being a victim" (Bartollas, 1985:52-53).



#### 2.4.2.2 Criticism of the justice model

Manany (1981:40) has levelled three serious criticisms against the justice model. He asserts, firstly, that the society will not accept the basing of justice process on retribution rather on some utilitarian principle such as deterrence or reformation of offenders. Secondly, determinate sentences that are short, are likely to be influenced by the hard-line mood of society in creating more punitive and prolonged sentences. Thirdly, the criminal justice systems are very slow to react fully to the required changes at law.

The justice model philosophy, although applied in many countries, appears to be idealistic in its approach. Its propositions do not appreciate the discretion used at arrest especially for juveniles which is a commendable act on the part of the justice system.

#### 2.4.3 The rehabilitative model philosophy

The rehabilitative model is a product of the medical, adjustment and reintegration models. It is a widely accepted model of treatment in the adult and juvenile

correctional systems. For the proper understanding of the philosophy underlying that of the rehabilitative model, its component models are discussed.

#### 2.4.3.1 Medical model

The medical model views human behaviour as a product of antecedent causes and discovery, and knowledge of these causes makes it possible to control human behaviour. Punishment should be avoided because it does not solve the offender's behaviour and the offender neither exercises freedom of choice nor reason.

The medical model recommends that juvenile criminality should be broadly defined to include victimless crimes and status offences, and should remain on the status book: "... Those competent in diagnosis and knowledge of human behaviour should have wide decision making authority in the juvenile courts" (Bartollas, 1985:26).

#### 2.4.3.2 Adjustment model

The adjustment model assumes that -

- \* offenders and treatment must conform to societal norms;

- \* offenders have the capacity to live a crime-free life and therefore: "... the emphasis of correctional treatment should be on the belief that offenders are responsible for their present actions" (Bartollas, 1985:26-27).
- \* the larger social environment and the interaction with this environment are important factors in understanding anti-social behaviour; and
- \* that punishment is seen only to increase offenders alienation and behavioural problems.

The adjustment model recommends the exposition of juvenile offenders to reality therapy, transactional analysis, group-guided interaction and social learning approach like behaviour modification. The adjustment model further accepts the broadening of the definition (legal) of crime and: "... holds that scientific experts should share in the authority to make decisions in juvenile justice systems.

#### 2.4.3.3 Reintegration model

The reintegration model assumes that the juvenile offender's problems must be solved in the community where they began that society has a responsibility for its own problems and can fulfil this responsibility by helping law violators

reintegrate themselves back into the social order, and that meaningful social or community contracts are of absolute necessity (Bartollas, 1985:27-28).

The reintegration model recommends community-based corrections for all but hard-core criminals, and offer a wide variety of re-entry programmes for those that need reinstitutionalization.

The philosophy of the rehabilitative philosophy still guides most of what take place in juvenile corrections. The scope covers the following :-

- (a) *Parens patriae* - where the purpose of the juvenile court is to become a surrogate parent to save children from a life of crime (Kratcoski and Kratcoski, 1979:233; Carey and McAnany, 1984:255-256).
- (b) The use of the social study or presentence investigation report for effective treatment of juvenile offenders.
- (c) The use of medical and dental surgery to eliminate diffiguring blemishes.

- (d) The introduction of the re-entry programmes to enable young offenders to gain work skills and easy adjustment to community life. .
- (e) Provision of educational, vocational and self-growth programmes to give inmates a chance to gain skills.
- (f) Periodic releases or family visits programmes to facilitate rehabilitation of offenders (Bartollas, 1985:28-30).

## 2.5 METHODS OF TREATMENT OF JUVENILE OFFENDERS

The methods of treatment of juvenile offenders in a reform school have their basis on the sound theoretical strategies and philosophical tenets. The methods of treatment that are analyzed in this investigation are divided into social work methods, vocational and educational rehabilitation methods, psychological methods, and religious training method of treatment.

### 2.5.1 Social work methods of treatment

Social work methods involve the use of qualified social workers as members of the treatment staff. Social workers play a significant role both in the juvenile court process and within the reform school. Their work involves the following -

- \* sociological study of the juvenile offender's social background;
- \* a review of conditions and nature of the juvenile offender's crime;
- \* maintaining contact between the juvenile offender and his family with the aim of determining his adjustment within the institution; and
- \* holding interviews and orientation sessions for juvenile offenders soon to be released (Jarvis, 1978:170).

The social work approach to the treatment of juvenile offenders employs two methods, namely social casework which is individual orientated, and social groupwork which is group orientated.

#### 2.5.1.1 Social casework method

According to Tappan (1949:402) this is a method or phase in social work which deals directly with the maladjusted individual to determine the kind of help needed in coping with personal problems.

Ferguson (1963:9) say that the social casework method is employed when social work is primarily concerned with the fullest possible degree of personality development.

Social casework is technically different from psychotherapy but both rely on developing a positive relationship with a juvenile offender in order to provide assistance in problem solving. In both cases the therapist or social worker relates on a one-to-one basis with the juvenile offender.

Using a social history report (presentence investigation report in case of juvenile offenders in a reform school) of the juvenile offender, the social caseworker is able to evaluate the personal strength and weakness as well as the environment of the juvenile offender.

This is done with the aim of designing a proper treatment programme (Trojanowicz and Morash, 1983:230).

Overton (1952:54-55) identified three phases which are followed in social casework with juvenile offenders, namely the -

- \* passive involvement phase, used with juvenile offenders who are less chronic;
- \* aggressive casework phase, engaged with chronic, resentful and cynical juvenile offenders; and
- \* authoritative casework phase, engaged when the first two have failed and involves the authoritative figure like the juvenile court. Intervention of an authoritative figure serves to ensure that the juvenile offender and parents see the problem realistically and attempt to seek a solution.

Social casework thus deals with juvenile offenders as a person with an individual problem. Social casework upholds the social work principle of individualisation in the treatment of juvenile crime.



#### 2.5.1.2 Social groupwork method

Ferguson (1963:13) defines social groupwork as social work focused on the individual in a group setting. Social groupwork attempts to help a group member function more effectively in a group context and derive satisfaction from such participation.

Dressler (1959:162) points out that this method differs from social casework by its additional goal of furthering the group's achievement of a social purpose as a goal, but similar in its goal of improving the individual's relationship with the social environment.

Konopka (1956:25) sees social groupwork as part of social work used as a method of dealing with human beings. This method of social work is based on the framework of values and includes concepts such as the individual, society and group process. The juvenile offender is viewed as an individual who has violated the norms and values of a group. His treatment depends, *inter alia*, on his re-adjustment to these group values.

The groupworker, in using the framework of values, has four basic tenets :-

- (a) The belief in the dignity and work of each individual.
- (b) The right of each individual to full development of his capacities.
- (c) The responsibility of each individual to contribute to the common welfare - within his abilities.
- (d) The responsibility of each individual not to harm or misuse others (Konopka, 1956:25).

#### 2.5.1.2.1 The role of the social worker in social groupwork

The social groupwork treatment of juvenile offenders in a reform school necessitates that the groupworker understands group dynamics in which the juvenile offender is involved - especially in his community and during his stay in a reform school.

In this context, the role of a groupworker is four-fold :-

Firstly, the groupworker deals with individuals who must be viewed as social beings and who cannot be separated from their human and social environment. This individual has the capacity to grow, and has values that influence his behaviour which are strongly supported by the primary group (Konopka, 1956:26).

Secondly, the groupworker understands that the individual is a member of a society and is concerned with how the specific individual relates to his culture. The groupworker recognizes the functions of social institutions which, in turn, affect the behaviour of the individual (Kane, 1966:37).

Thirdly, the groupworker must be aware of group processes and group dynamics. The groupworker must understand why certain people are rejected whilst others are accepted by groups.

Fourthly, the groupworker must be aware of conflicts in interpersonal relationships. For example, although juvenile offenders have clashed with the law, their behaviour's approval or disapproval varies between adolescents and adults.

#### 2.5.1.2.2 Social groupwork approaches to the treatment of juvenile offenders

In the preceding sections it has been noted that social groupwork is a group approach to the treatment of juvenile offenders. Three group therapeutic approaches are

considered important in social groupwork within the reform school. These are group psychotherapy, activity therapy and group guided interaction.

(a) Group psychotherapy

When compared with other social groupwork approaches, group psychotherapy is more ambitious in goals than others, and the major difference is the degree of probing and intensity of relationship.

Group psychotherapy is often employed because it is generally difficult to establish unity among individual juvenile offenders. Hersko (1962:170-171) notes that: "... this may be particularly true of delinquents who are notoriously self-centered. They form groups not out of friendship, but only for mutual security against the adult world which is perceived hostile".

Group psychotherapy is further necessitated by the fact that personal interaction, co-operation and tolerance lacks among juvenile offenders. To facilitate group identification which is positive and realistic, it is important to point out benefits than can be gained by all group members by their participation in the group. (Trojanowicz and Morash, 1983:255; Schulman, 1957:310).

For group psychotherapy to be effective, it is necessary to combine it with some treatment of the family. Trojanowicz and Morash (1983:255) point out that: "... it is discouraging to treat a youngster if the family [continues] to contribute to further delinquent behaviour. Parents who tend to subvert the efforts of the therapist ... have to be confronted and dealt with on the same therapeutic basis as their youngster."

Involvement of parents forms an important aspect in the preparation for release phase in South African Reform Schools.

(b) Activity therapy

In group therapy, the assumption is that verbal communication has a therapeutic value. Activity therapy, a therapy which involves the use of games, is thus suitable for juvenile offenders who do not have the verbal ability necessary to communicate effectively in a conventional individual or group situation. Certain types of juvenile offenders can utilize activity therapy as a substitute for the more verbal orientation of conventional group therapy (Trojanowicz and Morash, 1983:257).

Games are a suitable form of activity therapy. The rationale for their use is based on the assumption that juvenile misconduct is a failure of socialization and that games are the life miniature which reinforces conformity to given rules and self-control. Games may be used as a means of teaching problem solving behaviours; as a vehicle of teaching juvenile offenders how to channel and control aggression; and as a means to accept social responsibility and anticipate consequences for their behaviour (Serok and Blum, 1979:358).

Games, chosen in the activity therapy, have specific consequences which are determined by the nature of the game. The range of games that may be chosen are -

- \* games of physical skill, in which the outcome is determined by the players' motor activities;
- \* games of strategy, in which the outcome is determined by the rational choices among possible courses of action, are also popular forms of activity therapy. These require a rational process of problem solving and the control of reactions of players; and
- \* games of chance, in which the outcome is determined by guesses or uncontrolled artefact, such as a dice or wheel (Serok and Blum, 1979:360-361).

(c) Group guided interaction

Group guided interaction as a social group work approach is based on the assumption that through the group and its processes, juvenile offenders can solve their problems. Group guided interaction has the same basis as group psychotherapy. Indeed, some authors include various types of group orientated approaches under it and maintain that they are differentiated by the type of worker who performs the service (Sarri and Vinter, 1965:332; Peirce, 1963:86).

McCorkle (1970:518) defines group guided interaction as an approach of: "... using free discussion in a friendly supportive atmosphere to re-educate the [juvenile offender] to accept restrictions of society by finding greater personal satisfaction in conforming to social rules than following delinquent patterns."

In group guided interaction, the social groupworker is actively involved in the discussions; plays a supportive guiding role; and emphasizes the group and its development. Moreover, the social groupworker has to be aware of group dynamics which could involve resistance and ambivalence to authority (Allen, 1970:325).

The assumptions adopted in group guided interaction are that -

- \* juvenile offenders will benefit if they discuss their problems with their peers without threats common in their previous learning experiences, and
- \* the mutual give-and-take of group discussion will stimulate the juvenile offender to some insight into the relationship between what takes place in this learning situation and his immediate problems of living (McCorkle, 1970:518-519; Empey and Rabow, 1966:541).

Empey and Rabow (1966:541-542) also maintain that the peer group, in a group guided interaction situation, has extensive power over the individual members and can impose sanctions on him if he does not become meaningfully involved. The group guided interaction implies a meaningful dialogue, communication and free expression of feelings.



#### 2.5.1.3 The value of social work methods of treatment

The social work model provides an important aspect in the treatment of juvenile offenders in the juvenile justice system. Social workers provide a complete file on each juvenile offender, filled with important and interesting information about individual and social needs.

Social workers provide an important source of information for the juvenile courts in the form of presentence investigations reports. This information serves to advise the magistrate with a view of an appropriate sentence regarding the juvenile offender. This information is also used by social workers within the reform schools for classification and treatment purposes (Naudé, 1989:5).

Within the correctional institution, social workers are available throughout the juvenile offender's incarceration. Jarvis (1978:170) say that the Social Worker knows the juvenile offender's problems and serves as an adviser and a friend. This enables the juvenile offender to speak out, to ask for special help, or even to make indirect contact with his family.

Social workers are important agents in devising a pre-release programme for each offender. This includes reviews of social situation outside the institution, group discussions, employment information, etc. (Jarvis, 1978:171).

#### 2.5.2 The psychological methods of treatment

Psychological models of treatment form part of the treatment programme within a reform school. Following are some of the psychological models of treatment.

##### 2.5.2.1 The reality therapy model

Reality therapy has two assumptions, namely, that every person has basic needs which, if unfulfilled, cause a person to act in an irresponsible manner; and that juvenile offenders, irrespective of what they did in the past and conditions that lead to such behaviour, are responsible for their present behaviour (Trojanowicz and Morash, 1983:232-233).

Reality therapy was founded by psychiatrist, Glaser, who stated that a person's disruptive behaviour stems from a feeling that he is not loved and has no one to love, and that he does not feel worthwhile to himself and to others.

Such a person becomes irresponsible and the goal of reality therapy is to inculcate responsibility by offering a meaningful relationship with someone who cares. This responsibility is viewed in reality therapy as the fulfilment of one's needs without depriving another person of his needs (Jarvis, 1978:181; Rachin, 1974:51; Kratcoski and Kratcoski, 1979:345).

#### 2.5.2.1.1 The practice of reality therapy within a reform school

Reality therapy as a treatment technique is valuable since its practice and principles of application are based on common sense, does not require preparatory theoretical training, and does not involve collection of historical data. Trojanowicz and Morash (1983:233) opine: "... What happened in the past is insignificant, because regardless of how much is known about past extenuating circumstances and parent-child relationships, the past cannot be changed".

Rachin (1974:51-53) outlines the steps followed in the reality therapy as follows :-

Firstly, personalization of the situation by becoming emotionally involved. Secondly, the therapist concentrates on the "here and now" and does not allow the juvenile

offender the use of the unfavourable past as a justification of the irresponsible present. Thirdly, the therapist emphasizes behaviour and is not interested in covering underlying motivations or drives; rather, he concentrates on helping the person to act in a manner that will help him meet his needs in a responsible way. Fourthly, the therapist rarely asks "why". To him, irresponsible behaviour is just that, regardless of any underlying reasons (Kratcoski and Kratcoski, 1979:345).

#### 2.5.2.1.2 Evaluation of reality therapy

The assumptions underlying reality therapy are too simplistic to be applicable to human behaviour and do not take into account factors such as emotional disturbances and cultural influences (Kratcoski and Kratcoski, 1979:346-347).

Reality therapy is heavily dependent on the individual therapist's interpretation of what constitute "irresponsible or responsible" behaviour. Juvenile offenders, in some cases, have turned to delinquency because they could not meet the continually stated expectations of teachers or parents in which case conflict between the therapist's and parents expectation might occur.

Lastly, harsh sanctions might be used by the therapist under the principle of "doing it for the juvenile offender's good". This can result in non-realization of intended goals. However, with certain exceptions, reality therapy does offer an approach that can prove useful in working with many types of juvenile offenders (Trojanowicz and Morash, 1983:233).

#### 2.5.2.2 The behaviour modification model

Behaviour modification involves a "cost-and-reward" approach to behaviour with the subject (juvenile offender) receiving reinforcements as a consequence of his behaviour. Jarvis (1978:174) says that the theory of behaviour modification: "... assumes that the human mind or personality is 'empty' and must be 'filled' through interaction with the environment".

The basis of behaviour modification is derived from Pavlov's conditioned reflex experiments with dogs which have been successfully applied to human beings (Kratcoski and Kratcoski, 1979:249-350).

Behaviour modification depends on identification by the therapist of observable aspects of behaviour so that objective conclusions and evaluations can be made (Shah, 1959:29).

In a Reform School, use of positive and negative reinforcer is made. This might involve an increase or decrease of certain privileges for either positive or negative behaviour (Trojanowicz and Morash, 1983:240-241).

Jarvis (1978:176) gives the following principles followed in the behaviour modification model :-

- (a) Behaviour is controlled or influenced in a major way by a person's environment.
- (b) The effects of the environment determine whether a certain type of behaviour will occur or not.
- (c) Pleasant results strengthen a person's tendency to repeat a certain type of behaviour. This is called positive reinforcement.
- (d) Unpleasant results weaken a person's tendency to repeat a certain type of behaviour. This is called negative reinforcement.
- (e) A behaviour pattern is learned in order to escape from a negative result or to move towards a positive result.

- (f) A behaviour pattern can be reinforced every time it occurs, or continuously; or once in a while, or not at all.
- (g) A behaviour pattern that is not enforced will 'fade' or weaken until it is extinct.

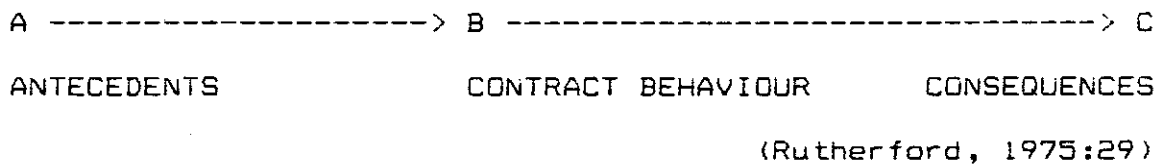
#### 2.5.2.2.1 Use of behavioural contracts in the behaviour modification model

Although behavioural contracts are frequently used outside institutional settings, they can be conveniently used within reform schools.

According to Rutherford (1975:29) behavioural contracting involves the systematic negotiation between the therapist and the juvenile offender about a behaviour pattern to be maintained, and the specific reinforcing consequences to be provided when required behaviour standards are met.

Behavioural contracts are written agreements between two parties that certain stated regulations will be followed by both the therapist and the juvenile offender. They are based on applied behaviour analysis models which consist of antecedents which are the contract behaviour, the contract

behaviour to be developed, and consequences which will maintain the contract behaviour. This can be illustrated as follows :-



Guidelines for establishing behavioural contracts with juvenile offenders within a reform school are as follows :-

- (a) A behavioural analysis of the juvenile offender must be made.
- (b) A behavioural contract must be fair to the contractor and contractee, precise, systematic and an arbitrator must be appointed.
- (c) It must be a formal written document which specifies all privileges and responsibilities involved.
- (d) Both the consequences which follow the completion of the contracted behaviour, and the consequences which follow the non-completion of the contracted behaviour must be specific.
- (e) Reinforcing consequences must always follow the completion of the contracted behaviour and must be delivered immediately.



(f) Behavioural contracts should progress from contractor-initiated to contractee-initiated efforts as rapidly as possible (Rutherford, 1975:29-30).

#### 2.5.2.2.2 Evaluation of behaviour modification model

Kratcoski and Kratcoski (1979:350) opine that although comparative research on the success of behaviour modification indicates that it is useful as a delinquency treatment technique, a number of its deficiencies can be noted. Criticisms against its use are that it has a dehumanizing quality and reduces regulation of human behaviour to the same level as training of an animal. Another fear is that behaviour modification can be used in reform schools as a punitive rather than a therapeutic measure.

Jarvis (1978:179-180) advances the following views :-

(a) Expense. Any worthwhile treatment programme is expensive and a behavioural modification model is expensive in terms of material, economic and staff resources.

(b) Resocialization. Supporters of the behaviour modification model claim drastic and swift changes in behaviour, and yet others claim that learned behaviour cannot be "internalized" and once reinforcement is withdrawn, learned behaviour fades away.

(c) Success. The juvenile offender's behaviour changes swiftly after the introduction of behaviour modification. Non-supporters of this model claim that the same amount of time and staff would produce equal success with any other model.

(d) Individualized contracts. Behaviour modification contracts require knowledge of each juvenile offender's behaviour at every given moment and demand constant monitoring.

#### 2.5.2.3 The psychoanalytical or psychotherapeutic model

Psychoanalytical or psychotherapeutic model grew out of the idea that human deviation is symptomatic of certain human "social illness", and can be cured if properly treated. Criminal or delinquent behaviour is, therefore, seen as sick behaviour that is curable (Jarvis, 1978:171).

Psychotherapy is an outgrowth of Freud's psychoanalytic theory and aims at removing symptoms or behaviour patterns that contribute to dysfunctional behaviour (Wolberg, 1967:3).

This model makes use of psychiatrists who treat the juvenile offender over an extended period of time. Treatment consists of probing the "patient's" free association of thoughts so that the psychiatrist and the "patient" can get insight into the "illness" (Jarvis, 1978:172).

The psychoanalytical model has failed for a number of reasons which includes *inter alia*: the limited number of psychiatrists employed in juvenile correctional institutions, lack or shortage of qualified psychiatrists and long term treatment which is expensive.

#### 2.5.2.4 Transactional analysis

Transactional analysis as a psychological model of treatment is concerned with evaluating and interpreting interpersonal relationships and dynamic transactions between the juvenile offender and the environment (Trojanowicz and Morash, 1983:235).

Berne (1961:19), the originator of transactional analysis, developed this form of behavioural therapy to help offenders understand better the dynamics of the interaction that takes place in human encounters.

The assumptions of transactional analysis are as follows :-

- (a) Human relationship consist of acts which serve a defensive function and yield important gratification, called games.
- (b) All persons manifest three "ego states": the child; the parent; and adult ego state.
- (c) Each ego state perceives reality differently: the child, prelogically, the parent, judgementally and the adult, comprehensively.
- (d) The three states operate constantly in response to the person's needs and the games in which he indulges at a given time (Siegel and Senna, 1988:536; Trojanowicz and Morash, 1983:235).

The transactional analysis model has been used among adult offenders but is also valuable for juvenile offenders in the following instances -

- \* pointing out the games the juvenile offender plays;

- \* strengthening the adult component of personality among juvenile offenders;
- \* displacing the immatures of the child component; and
- \* reduction of subjective judgement of the parental components (Trojanowicz and Morash, 1983:236).

### 2.5.3 The vocational rehabilitation method of treatment

Weiner (1964:366) points out that juvenile offenders have much interest in the world of work, which they perceive as an opportunity to experience independence, however, with little knowledge of job demands. Their job choices are usually unrealistic because of the lack of insight into their own capacities and are equally ignorant of the demands of the labour market.

The purpose of vocational training in a reform school is to prepare those juvenile offenders who, after release, would take active employment in the community. Vocational programmes include, *inter alia* training in welding, mechanic, painting, furniture repair, carpentry, etc. (Bartollas, 1985:143-144). In South Africa, the importance of vocational training was one of the objects of William Porter's bequest - the establishment of a reformatory and an industrial school - which was accepted by the Cape Government in 1879 (Grobler, 1941:177).

Two techniques are used in the vocational rehabilitation model, namely vocational counselling and vocational guidance.

#### 2.5.3.1 Vocational counselling

Vocational counselling does not attempt to understand the interpersonal dynamics of human behaviour or spend time on diagnosis. It emphasizes, however, on changing the youthful offender's attitudes towards job choices and preferences.

The purpose of vocational counselling is to increase the juvenile offender's knowledge of career choices, to help young people identify their interests, and questions juvenile offender's attitudes towards work in general and specific types of work that appeal to them (Trojanowicz and Morash, 1983:237).

Assuming that juvenile offenders in a reform school have never held jobs and hence have never experienced problems that exist or positive rewards, the necessity of vocational counselling becomes obvious.

#### 2.5.3.2 Vocational guidance

The purpose of vocational guidance technique in a reform school would be the following -

- \* increase the juvenile offender's staying power in school;
- \* assist juvenile offenders to develop sound vocational and educational goals;
- \* help juvenile offenders realize the importance of a high school education for the achievement of their vocational objectives and, as a result, improve their scholastic work; and
- \* promote them obtain better self-images (Weiner, 1964:367).

To achieve these purposes, the counsellor or groupworker has a specific role which can be realized in a group-guided interaction situation. His role in such a situation is as follows :-

- (a) Encouraging of discussions on the relationship between high school education and career opportunities.
- (b) Administration of aptitude and vocational interest tests.

- (c) Lecturing on good study habits and allocation of personal time in a daily schedule.
- (d) Holding of meetings with persons from employment bureaux, personnel managers from private industries; and representatives from academic institutions.
- (e) Presentation of typical problem situations to juvenile offenders in respect of certain careers (Weiner, 1964:368).

Vocational guidance thus stresses the importance of academic education in the choice of vocational careers. Further, it encourages the juvenile offenders' positive attitudes towards certain vocations in their life.

#### 2.5.4 Religious training

Lack of religious training has, since the development of criminology, been viewed by some as the cause of juvenile misconduct. This has, however, been criticized on the grounds that no sufficient distinction has been made between moral well-being and religiousness. Correctional institutions have, however, accepted the principle that juvenile offenders have a right to pursue their faith and be afforded opportunity to pursue their religion (Reid, 1981:431).



Religious training is essentially a learning approach stressing biblical and ethical precepts. Religious training takes the view that the minister of religion or counsellor, may not be considered effective, but rather a medium through which the spiritual power is transmitted (Fox, 1977:249).

Juvenile offenders in reform schools are generally affiliated to different religious denominations. The commonest practice is to divide them into either Protestant or Roman Catholics. Each group would receive religious instruction from its relevant minister, who is not necessarily a member of the personnel.

Principles generally followed in correctional institutions are that -

- \* religious instruction should be simple within the comprehension of a juvenile offender; and
- \* religious practice is a group affair but efforts should be made to involve juvenile offenders as individuals in a religious programme (Barnes and Teeters, 1959:617).

## 2.6 SUMMARY

The theoretical exposition of treatment methods reveals that any treatment programme must be properly designed and its strategies well formulated.

The theories of treatment have their philosophical origins and three philosophical models of treatment have been identified, namely the utilitarian punishment philosophy, the justice model philosophy, and the rehabilitative philosophy. All these philosophical tenets have been combined in the theoretical base of treatment.

Four methods of treatment have been analyzed, namely: social work methods, psychological methods, vocational rehabilitation methods, and religious training. These methods of treatment demand that personnel involved must be properly skilled and trained, they must have knowledge of dynamics of human behaviour, and must co-operate in their functions within the reform school.

The success of any method of treatment and the choice for its use will vary from one institution to another. This will be affected by the goals of the institution as set by the controlling authority, financial position of the

institution, availability of the relevantly trained personnel, and the demographic characteristics of the juvenile offender population.

## CHAPTER 3

### ORIGIN, NATURE AND FUNCTION OF THE JUVENILE COURT IN SOUTH AFRICA

#### 3.1 INTRODUCTION

In Chapter 1 mention was made of the fact that treatment of juvenile offenders in South Africa rests with juvenile courts and reform schools. Thus, the South African juvenile court plays a vital role in the treatment of juvenile offenders.

The juvenile court in South Africa forms part and parcel of the criminal justice system. The regulations guiding the criminal procedure in respect of adult offenders are also applicable to juveniles that have committed criminal acts. Young persons, however, do receive special treatment from the State and its legal organs. The criminal procedure of South Africa does, for example, acknowledge the role of social welfare in the treatment of juvenile offenders (Van Rooyen, 1982:399; Midgely, 1975:106-107).

In this chapter attention is paid to the origin of the juvenile court in South Africa: its present status and functions, and offences that have been committed by juvenile offenders of Vuma Reform School. The above aspects are important in understanding the strategies of treatment that are used by this Reform School since they are affected by the nature of orders that are characteristic of the juvenile court. Further to this, the previous convictions of juvenile offenders are analysed and correlated with some demographic variables which have a bearing on the treatment methods employed.

### 3.2 ORIGIN AND DEVELOPMENT OF JUVENILE JUSTICE IN SOUTH AFRICA

#### 3.2.1 Conditions prior to the Union of South Africa

Juvenile justice in South Africa can be traced back and compared with the emergence of the reformist movement in Europe where children, convicted of criminal offences, were dealt with no differently from adult convicts. Like adult criminals, they were brutally and cruelly punished, which was true of European countries and territories that had been explored and colonized (Midgely, 1975:51).

The British Colonial Administration at the Cape provided but little attention to the needs of young offenders. The Masters and Servants Act of 1856 provided little attention to juvenile offenders. It only provided for dependent children and gave magistrates power to place them under the guardianship of suitable persons. It was only through the Reformatory Institutions Act of 1879 that the plight of the young offender was attended to and the first reform school established - thus separating the young from adult offenders (Midgely, 1975:51-53).

The position was much the same in other colonies of Southern Africa. It was after the formation of the Union of South Africa in 1910 that the State, through legislation, paid serious attention to correctional institutions.

### 3.2.2 Development after the Union of South Africa

Development after the formation of the Union of South Africa in 1910 can be traced through various acts of Parliament. It is through these acts that the status and functions of the juvenile courts can be fully understood.

3.2.2.1 The Prisons and Reformatories Act (Law No. 13 of 1911)

In 1911, attention was paid to the administration of prisons and reformatories in South Africa. The Prisons and Reformatories Act (Law No. 13 of 1911) consolidated under one ministry and central authority services which had previously existed in four colonies.

This act, albeit its shortcomings, dealt with young offenders and provided for children who had not broken the law but whose lives were such that juvenile intervention would serve their interests and welfare (Van der Walt, 1958:27).

The promulgation of this act proved that the authorities had begun to realize that different methods of detention and treatment were necessary for juvenile offenders. Although prisons and reform schools were placed together under the ministry of Justice, various types of institutions were established. These included the following -

- \* reform schools for redemption and improvement of juvenile and young adults convicted of some other crime;
- \* local prisons;
- \* bandit prisons;

- \* hospital prisons;
- \* prisons for the treatment of hardened criminals; and
- \* farm or labour colonies (Engelbrecht, 1952:10-20).

The recognition, by the act, of the child in need of judicial intervention on grounds other than criminal conviction was an important development in South Africa. According to Midgely (1975:54): "...[it] led later to the legislative separation of these categories of need and has been maintained up to the present day".

#### 3.2.2.2 The Children's Protection Act (Act No. 25 of 1913)

Through the efforts of Sir Patrick Duncan, who later became the Governor-General of South Africa, the Children's Protection Act, (Act No. 25 of 1913) was promulgated (Van der Walt, 1958:27).

The act was divided into six chapters and dealt with issues of baby-farming; prohibition of begging; street-trading; and cruelty and neglect of young children. The innovations brought by this act included the following -

- \* the nature of the court hearings;
- \* the role of the police with regard to the handling of young offenders;



- \* conditions under which children may be sent to reform schools; and
- \* the establishment of places of safety (Midgely, 1975:57; Van der Walt, 1958:27).

Midgely (1975:56-57) points out that: "... [the act] enshrined in statute the fundamental rights of children. But it was essentially concerned with child welfare in the narrow interpretation of that term and paid little heed to the needs of the child who had transgressed the law."

#### 3.2.2.3 The Criminal Procedure and Evidence Act (Act No. 31 of 1917)

In 1917 the Criminal Procedure and Evidence Act (Act No. 31 of 1917) was passed and provided relevant sections for young offenders. However, this act did not treat the court, dealing with juveniles, anything more than a magistrate's court and did not provide for separate trials of young offenders. The idea of a juvenile court was not mentioned but in major cities the weight of hearings demanded a more or less permanently separate bench to hear juvenile cases. This later became known as the juvenile court and the term became institutionalized (Midgely, 1975:58).

The procedure applicable to adult offenders in the determination of guilt or innocence were applied to young offenders. The common law principle of *mens rea* namely, that children under 7 years were *doli incapax*, and between 7 and 14 years were *doli incapax*, but rebuttable was, however, accepted (Midgely, 1975:58-59).

One provision of the act that would have a significant impact in later years was the appointment of probation officers, to whom, according to Midgely (1975:59), may be entrusted with the care and supervision of offenders, whose sentences have been suspended (South Africa, 1917:Section 362).

The Criminal Procedure and Evidence Act (Act No. 31 of 1917) obviously laid the foundations of juvenile justice in South Africa. It prompted the amendment of the Prisons and Reformatories Act (Law No. 13 of 1911) which provided for the establishment of Children's Home in 1920. In 1921, the Children's Protection Act (Act No. 25 of 1913) was amended to provide for state support of children who had no visible means of support (Midgely, 1975:59-60).

#### 3.2.2.4 The Children's Protection Act (Act No. 31 of 1937)

Although it was clear that the crucial questions about the administration of juvenile justice were not answered, it was only in 1937 that the Children's Protection Act (Act No. 31 of 1937), was passed.

In 1934 the Union Government appointed an inter-Departmental Committee to consider the need for revising the laws relating to those children who had broken the law and those who were neglected (Midgely, 1975:61).

Under the chairmanship of Dr. L. van Schalkwyk, the committee set out its recommendations in three Bills namely, the Children's Protection Bill; the Young Offenders' Bill; and the Maintenance of Relatives Bill (Van der Walt, 1958:27-28).

Midgely (1975:62-75) makes the following remarks about the work of the inter-Departmental Committee :-

- \* Firstly, the Minister requested the committee to modify the Children's Protection Bill to include a number of sections of the Young Offenders' Bill. Thus, the latter never became a law. This meant that whilst children who were neglected or abused, could be dealt with and

protected in terms of specific legislation, young offenders were dealt with in terms of the general criminal law.

- \* Secondly, the committee was reluctant to speak out strongly on matters affecting criminal law. Consequently, criminal charges against young persons would still be held in a juvenile court, which in fact is a criminal court, and the death penalty would still be a competent sentence on a young person.

The act was, however, a step forward in juvenile justice and the following is noteworthy :-

- The administration of the reform schools was removed from the Department of Justice to the Department of Education.
- The concept of a child "in need of care" was clearly defined and the children with welfare needs were dealt with quite differently from juvenile offenders.
- The act provided for periods of probationary supervision and permitted the release of young offenders without bail (South Africa, 1937:Section 1; Midgely, 1975:66).

The act had shortcomings in that young offenders would still be dealt with in adult criminal courts and social conditions of such young offenders were not taken into consideration. Although even before the passing of the act, juvenile offenders were tried in private, sentencing applicable to adult criminal courts, was applicable to young offenders (Midgely, 1975:67).

#### 3.2.2.5 The Criminal Procedure Act (Act No. 56 of 1955) and the Children's Act (Act No. 33 of 1960)

After numerous amendments to the legislation in South Africa, a major revision was done with the promulgation of the Criminal Procedure Act (Act No. 56 of 1955) and five years later, the Children's Act (Act No. 33 of 1960). Neither of these pieces of legislation changed the status of the young offender.

The Criminal Procedure Act of 1955 affirmed the practices of handling juvenile offenders that had emerged over the years and the juvenile court was given no status different from the criminal court. The magistrate's discretion of referring any juvenile charged with a criminal offence to the children's court, was affirmed. Further, the act

permitted the use of supervisory sentences and committal to reform schools. None of these were new to the juvenile justice policy (Midgely, 1975:67).

The Children's Act of 1960 came into force on 7 April 1960. It brought certain changes with regard to Child Welfare policies but the status of juvenile offenders was not altered (Nathan, 1982:366; South Africa, 1960:Section 1).

The innovations provided by this act can be summed up as follows :-

- \* The age jurisdiction of childhood was reduced from 19 to 18 years and the maximum age of infancy was lowered from 10 to 7 years. Further, the act provided that in certain circumstances a child may also include a person between 18 to 21 years (McLachlan, 1986:31-32).
- \* The act further defined a child "in need of care" and provided for the appointment of probation officers and their duties.
- \* Institutional structures to deal with children in need of care and with behavioural problems were created. These included children's homes, schools of industries, reform schools, and observation centres.
- \* Leave of absence and rights of juveniles or children in institutions was provided for (McLachlan, 1986:39-40).

The provisions of the Children's Act of 1960 did not change the status of juvenile offenders. Probation services available for the children's court were not extended to the juvenile court and the use of probation or presentence investigation reports in the juvenile court remained a discretion of the presiding officer (Midgely, 1975:70; McLachlan, 1986:40).

### 3.3 PRESENT PROCEDURES AND THE NATURE OF THE SOUTH AFRICAN JUVENILE COURT

The Criminal Procedure Act (Act No. 56 of 1955) and the Children's Act (Act No. 33 of 1960) have been succeeded by the Criminal Procedure Act (Act No. 51 of 1977) and the Child Care Act (Act No. 74 of 1983). It is on the basis of these legislations that the nature and functions of the juvenile court, as far as it affects the treatment of juvenile offenders at Vuma Reform School, is discussed.

The Child Care Act (Act No. 74 of 1983) does not bring any change to the status of the juvenile offender. It repeals the whole Children's Act of 1960, except in so far as it relates to the appointment of probation officers and the establishment and maintenance of reform schools (South

Africa, 1983:58). Thus, the legal status of the juvenile offender is provided for by the Criminal Procedure Act (Act No. 51 of 1977).

### 3.3.1 The status of the juvenile court

The juvenile court in South Africa is a criminal court and procedures of the adult criminal court apply *mutatis mutandis*. Juveniles, when charged with criminal offences, are tried in a juvenile court. It is a criminal court which is merely held in a separate room, away from other criminal courts which try adult persons. As explained in Chapter 1, this is not a legal requirement (cf. par. 1.6.4).

The juvenile court recognizes, however, the provisions of the Child Care Act of 1983 and the use of non-punitive sentences as it was the case with the Children's Act of 1960 (Midgely, 1975:93; Van Rooyen, 1982:401; South Africa, 1977:Section 290).

Juvenile offenders apprehended for serious offences such as murder, rape or serious cases of robbery may initially be brought before the juvenile court for purposes of remand and reference to a higher court for trial. Midgely (1975:93) regards this as an anomaly, for while the proponents of



juvenile justice make much of the role of welfare for young offenders, the readiness for transferring cases to higher courts is often over-looked.

### 3.3.2 Pretrial criminal procedure

Juvenile court cases are brought before court by the police and the juvenile court deals with actual contraventions of the criminal law. The juvenile offenders of Vuma Reform School are thus no different from adult offenders in terms of securing attendance in court and arrest (South Africa, 1977:Section 38-53; Redgment, 1990:26-34).

The Criminal Procedure Act of 1977 provides for issuing of summons, granting of bail, release on warning and written notices to appear in court. These provisions are different from those of the Child Care Act of 1983, in terms of which a child may be brought before a children's court (Redgment, 1990:147; McLachlan, 1986:22; Calitz, 1979:93).

An arrested juvenile may be detained at a place of safety or kept in police custody. If there is no other suitable place of detention, he may be released on warning to the custody of the parent or a suitable person (Van Rooyen, 1982:400; South Africa, 1977:Section 72).

A parent or guardian of the accused juvenile must be warned to attend such a trial and failure to comply with that on the part of a parent or guardian is liable to a fine of R300.00 or three months imprisonment. This, however, depends on condition that the parent or guardian is known to be within the same magisterial district and may be traced without delay (McLachlan, 1984:24; South Africa, 1977:Section 74).

### 3.3.3 Prohibition to publicity and public trial and legal representation in the juvenile court

The Criminal Procedure Act of 1977 puts limits to publicity and public trial in respect of juvenile offenders. The trial of a person below the age of 18 years may not be attended by members of the public except the juvenile himself, his legal representative, and the parent(s). A similar provision exist where the juvenile appears as a witness (South Africa, 1977:Section 153; Van Rooyen, 1982:401).

Limitations to publicity and public trials further stipulate that no information that reveal the identity of a juvenile may be published except portions authorized by the presiding officer and *bona fide* law reports where the names of the accused and witness may not be revealed (South Africa,

1977:Section 154; Van Rooyen, 1982:401). These limitations are important in order to keep the identity of the juvenile secret. The stigma which might follow the juvenile, may have a more damaging effect on the psycho-social life of the juvenile than the criminal act itself.

Besides parental assistance in the juvenile court, legal representation is permitted. The State, however, does not provide free legal counsel to indigent persons except in capital offences where a *pro deo* counsel is appointed (McLachlan, 1984:23).

#### 3.3.4 Conversion of a juvenile court trial into a children's court inquiry

The trial in a juvenile court may be converted into a children's court inquiry if it appears that an accused under the age of 18 years is a child "in need of care". In such a case a verdict of guilty becomes null and void and no criminal record is entered (Midgely, 1975:95; Van Rooyen, 1982:402; South Africa, 1977:Section 154).

This procedure aims at protecting the children who are neglected and are in need of welfare interference.

### 3.4 THE DISTRIBUTION AND NATURE OF OFFENCES COMMITTED BY JUVENILE OFFENDERS OF VUMA REFORM SCHOOL

The distribution and nature of offences committed by juvenile offenders of Vuma Reform School is of great significance to the treatment staff of this reform school. It is on the knowledge of such information that a suitable programme of treatment can be devised. For example, a high concentration of a particular offence among the juvenile population in a reform school gives an idea of surrounding socio-psychological problems of the juveniles and the treatment methods that can be implemented.

In this section the distribution of offences committed by juvenile offenders and an explanation of each offence is given. The offences are particularly those that have led the juvenile court to order that juvenile offenders be sent to Vuma Reform School for treatment purposes.

TABLE 3.1: NATURE AND DISTRIBUTION OF OFFENCES COMMITTED  
BY JUVENILE OFFENDERS OF VUMA REFORM SCHOOL

NATURE OF OFFENCE	FREQUENCY (N = 100)	PERCENTAGE (%)
Theft	84	51,85
Housebreaking with intent	54	33,33
Robbery	11	6,79
Rape	3	1,85
Murder	1	0,61
Culpable homicide	1	0,61
Malicious injury to property	2	1,24
Possession of dagga	2	1,24
Escape from lawful custody	2	1,24
Assault	2	1,24
TOTAL	162*	100,00

\*N = 100: The frequency rises to 162 because of observations responding to more than one variable

Table 3.1 depicts the nature, frequency and percentage of offences committed by juvenile offenders of Vuma Reform School. Following is a discussion of each of these recorded offences.

#### 3.4.1 Theft

Table 3.1 reveals that 84 (51,85 %) of the cases under investigation fall into the category of theft. This can be expected if one considers that theft as a property offence is characteristic of juvenile offenders who mostly come from homes which are incomplete and characterized by unemployment and poverty (Glueck and Glueck, 1965:113-114; Kratcoski and Kratcoski, 1979:109).

Criminological studies on juvenile offenders in South Africa and elsewhere have shown that most juvenile offenders in reform institutions are convicted of theft and that this is related to the family background and its socio-economic conditions (Thornton, Voigt and Doerner, 1987:355; Engelbrecht, 1952:141-142).

Theft is a common law offence that is particularly difficult to define because it covers a wide field. It ranges from shop-lifting, theft of funds by an executive to stealing of goods belonging to another person (Van Rooyen and Snyman, 1982:99).

Legally, theft can be defined as the unlawful, intentional taking of a movable object that belongs to someone else or misappropriation of an object that belongs to an offender in circumstances where the possessor has the special right of possession. Theft can thus be committed on movable property which either belongs to an offender or to another person (Stevens, 1990:156).

#### 3.4.2 Housebreaking with intent to commit a crime

Table 3.1 reveals that 54 (33,33 %) of the cases under investigation fall into this category.

Housebreaking on its own is no offence in South African Law. The offence is housebreaking with intent to commit a crime - for example, theft, murder or rape (Van Rooyen and Snyman, 1982:105).

Housebreaking with intent to commit a crime is committed when a person breaks open a house or similar structure, enters the premises, or inserts part of his body or an instrument by means of which he wishes to control something inside the premises (Van Rooyen and Snyman, 1982:105).

The criminal law of South Africa provides that if, on a charge of housebreaking with intent to commit a crime, a specified offence cannot be proved, the accused may be charged alternatively with malicious injury to property (Redgment, 1990:152; South Africa, 1977:Section 262(2)).

TABLE 3.2: DISTRIBUTION OF JUVENILE OFFENDERS WHO COMMITTED HOUSEBREAKING WITH INTENT TO COMMIT THEFT

OFFENCE	FREQUENCY (N = 100)	PERCENTAGE (%)
Theft	30	35,71
Housebreaking and theft	54	64,29
TOTAL	84	100,00



From table 3.2 it is evident that of the 84 juvenile offenders who committed theft (cf table 3.1), 54 (64,29 %) committed housebreaking and theft while 30 (35,71 %) committed the offence of theft without committing housebreaking *per se*.

#### 3.4.3 Robbery

Van Rooyen and Snyman (1982:103) define robbery as the unlawful, intentional violent removal and appropriation of a movable thing belonging to another. It is theft by means of violence in which the perpetrator must have intent to overcome the victim's resistance by means of violence.

Robbery is a serious violent offence which is associated with murder and theft, and is committed mainly by male offenders. The offence implies some measure of force, courage, readiness to confront and dominate the victim, and murder of the victim if there is resistance with the aim of dispossessing him of property, usually money or a valuable possession (Glaser, 1974:77).

In this investigation, 11 or 6,90 per cent of juvenile offenders under investigation were convicted of robbery (Table 3.3). Roebuck and Cadwallader (1967:377) found that robbery is an offence committed mostly by young persons and that the majority would be under the age of 21 years.

TABLE 3.3: AGE DISTRIBUTION OF JUVENILE OFFENDERS WHO COMMITTED ROBBERY

AGE GROUP (YEARS)	JUVENILE OFFENDERS (N = 100)	FREQUENCY (N = 11)	PERCENTAGE (%)
11 - 12	1	-	0,00
13 - 14	10	1	9,10
15 - 16	49	6	54,50
17 - 18	39	4	36,40
19 - 10	1	-	0,00
TOTAL	100	11	100,00

Since robbery is associated with some physical force and physical maturity, age should play an important role. In table 3.3 only 1 (9,10 %) of juvenile offenders who committed robbery fall in the age group 13 to 14 years, 6 (54,50 %) in the age group 15 to 16 years, and 4 (36,40 %)

in the age group 17 to 18 years. No juvenile offender under the age group of 11 to 12 years and 19 to 20 years were convicted of robbery.

Despite the sparseness of population under investigation, it would appear that the intention to rob among juvenile offenders is that of obtaining some valuables which they would like to possess. Robbery, for practical purposes, among juvenile offenders can be grouped together with housebreaking and theft.

#### 3.4.4 Rape

Table 3.1 reveals that only 3 or 1,85 per cent of the juvenile offenders under investigation committed rape. This indicates that non-prevalence of this offence among juvenile offenders of Vuma Reform School.

Stevens (1990:153) defines rape as the unlawful sexual intercourse with a woman, with the use of violence without her consent.

Van Rooyen and Snyman (1982:106) define rape as the unlawful, intentional carnal connection with a female without her consent.

The following deductions can be made from these legal definitions :-

- (a) The perpetrator can only be a man. A woman who helps a man to have sexual intercourse with another woman without her consent, can be convicted as an accessory to rape.
- (b) There is a presumption that a male under 14 years of age is incapable of committing rape.
- (c) A man cannot rape his wife "... because by marrying him it is presumed that the woman has given him irrevocable consent to intercourse with her husband" (Van Rooyen and Snyman, 1982:106).

Legally, the element of consent is important for the following reasons :-

- (a) A female benumbed by drugs or liquor cannot give consent to sexual intercourse.
- (b) A person who intimidates a female to the extent that he deduces from her attitude that she submits to sexual intercourse is guilty of rape.
- (c) It is not necessary for the state to prove absence or presence of consent if a woman is under the age of 12 years. If a woman above 12 years, but below 16 years of

age gives consent, the male shall be guilty of contravening section 14 of the Immorality Act (Act No. 72 of 1985) (Van Rooyen and Snyman, 1982:107).

It is of criminological significance to note that most rape offences go unreported. Criminological studies on rape have searched and focused on this problem and blame has been laid on the validity and reliability of crime statistics as a method of quantitative analysis of mass phenomena (Van der Walt et al. 1982:55; cf. Ellis, 1989; Groth, 1979 and Amir, 1971).

#### 3.4.5 Murder and culpable homicide

These two offences are discussed together because of their close element of violence and their rarity among juvenile offenders of Vuma Reform School. Table 3.1 reveals that only 1 (0,61 %) of the total sample under investigation committed murder and culpable homicide respectively.

Murder is defined by Van Rooyen and Snyman (1982:99) as the unlawful, intentional causing of death of another person, whilst Stevens (1990:153) regards it as the killing of another person without any lawful excuse or justification.

Culpable homicide is the unlawful, negligent causing of the death of another person (Van Rooyen and Snyman, 1982:99). De Wet and Swanepoel (1960:211) define culpable homicide as: "... die wederregtelike, nalatige veroorsaking van die dood van 'n medemens".

Thus, the basic difference between these two offences is the presence or absence of intention and/or negligence in causing the death of a human being.

#### 3.4.6 Malicious injury to property

Malicious injury to property is one of the offences that has not interested the attention of criminologists and has a rare occurrence among juvenile offenders of Vuma Reform School.

According to table 3.1, only 2 (1,24 %) of the juvenile offenders under investigation committed the offence of malicious injury to property.

Louw, Van Heerden and Smith (1979:44) regard malicious injury to property as unlawful damaging, destruction, demolition or depreciation of value of another's property with intent to do personal damage. Malicious injury to

property is related to arson with the exception that in the latter case fire is used to destroy or damage property which is usually immovable (Van Rooyen and Snyman, 1982:106).

#### 3.4.7 Possession of dagga (marijuhana)

Possession of dagga is an offence related to the possession of drugs and is classified by Van Rooyen and Snyman (1982:113) as an offence against the community: "... because the abuse of drugs is a threat to the mental and physical health of the whole community". Indeed, Van der Walt (1964:215) classify the possession of dagga as a violation of communal relations.

Drugs are divided into three categories, namely -

- \* prohibited drugs,
- \* dependence producing drugs, and
- \* dangerous drugs.

Dagga fall under the category of prohibited drugs.

Possession of drugs, including dagga, bears a wide meaning which include keeping, storing or having in custody, or under control or supervision (Middleton, 1982:579).

The Drug Abuse Act (Act No. 41 of 1971) provides and has controversial provisions which are aimed at combating the distribution of drugs. For example, the owner of premises must report any person who uses or possess drugs within his premises and failure to do so is punishable by law (Middleton, 1982:579-580).

According to table 3.1, only 2 (1,24 %) of the juvenile offenders at Vuma Reform School were convicted of this offence.

#### 3.4.8 Escape from lawful custody

Escape from lawful custody can be classified as an offence against the administration of justice. Van Rooyen and Snyman (1982:111-112) defines it as an unlawful, intentional performance of any act by means of which the cause of justice is defeated or obstructed. In the South African criminal law a person who escapes or even attempts to escape from lawful custody is convicted in terms of section 48 of the Prisons Act (Act No. 8 of 1959) (Redgment, 1990:33; South Africa, 1977:Section 51).

Escape from custody can occur at anytime during the course of justice: from arrest by police, awaiting trial or in prison while the case is *sub judice*.



Table 3.1 reveals that only 2 (1,24 %) of the juvenile offenders of Vuma Reform School were convicted of this offence.

#### 3.4.9 Assault

Assault is legally defined as the unlawful and intentional direct or indirect application of force, or threat of immediate force to the body of another in circumstances in which the threatened person is prevailed upon to the extent that he believes that the person who is threatening has the intention and power to carry out his threat (Van Rooyen and Snyman, 1982:100-101).

Louw et al (1978:1) regard assault as the unlawful, intentional violence (or threat) against the body of another. Assault has it qualified forms in South African criminal law, such as assault to do grievous bodily harm, assault with intention to commit robbery, murder or rape (Van Rooyen and Snyman, 1982:101).

Only 2 (1,24 %) of the juvenile offenders under investigation were convicted of assault (Table 3.1).

### 3.5 THE JUVENILE COURT AND SENTENCING OF JUVENILE OFFENDERS

Like in any criminal trial, the sentencing stage in a juvenile court is very important.

In sentencing the juvenile offender, the basic triad of the offence, the offender and interests of society are of prime importance. Rabie and Strauss (1981:225) opine that: "... there can be no injustice where, in the weighing of the offence, offender and interests of society, more weight is attached to one or another of these unless there is overemphasis of one which leads to disregard of the other".

Naudé (1989:1) remarks of the importance of the suitability of sentencing and factors that play an important role in deciding a suitable sentence. This includes, *inter alia*, the training of presiding officers, knowledge of social circumstances of the offender, and the nature of the offence committed by the offender. In the juvenile courts of South Africa, the following are the basic considerations in the adjudication of juvenile offenders -

- \* the age of the offender;
- \* recorded previous convictions;

- \* the psycho-social background of the juvenile offender;  
and
- \* the legal provisions of dealing with juvenile offenders.

In the following sections attention is paid to the legal provisions of dealing with the convicted juvenile offender, the role of social welfare in the juvenile court, representation of juvenile offenders, and correlates of sentencing of juvenile offenders of Vuma Reform School.

### 3.5.1 Legal provisions of dealing with a convicted juvenile offender

The Criminal Procedure Act (Act No. 51 of 1977) provides that any court in which a person under the age of 18 years is convicted of a criminal offence may, instead of imposing punishment upon him order such a juvenile offender to -

- (a) be placed under the supervision of a probation officer;
- (b) be placed in the custody of a suitable person;
- (c) deal with him in terms of both (a) and (b);
- (d) be sent to a reform school as defined in section 1 of the Child Care Act, Act No. 74 of 1983 (South Africa, 1977:Section 290).

These provisions also apply to juvenile offenders who are above 18 years but under the age of 21 years convicted of any offence other than murder (Redgement, 1990:165:166).

It must be mentioned, however, that the discretion of the magistrate in adopting any of the above provisions plays an important role, although he may do so after receiving a presentence investigation report with recommendations from a probation officer (Midgely, 1975:106).

Referring a juvenile offender to a reform school is the bottom line of all other provisions in dealing with convicted juvenile offenders. The guidelines of referring juveniles to a reform school are as follows :-

- (a) A presentence report by a probation officer is required.
- (b) The juvenile's age must be determined as accurately as possible.
- (c) The accused's parent(s) must be present or reasons for their absence be noted (cf. par. 3.3.2).
- (d) A first offender will be sent to a reform school in exceptional circumstances.
- (e) It is inappropriate to send very young offenders to a reform school (Calitz, 1979:164; Van Rooyen, 1982:402).

### 3.5.2 Profile of juvenile offenders of Vuma Reform School

A profile of juvenile offenders at Vuma Reform School is analysed in terms of the role of social welfare, their ages and dates of admission, previous convictions, and the types of sentences they received on these previous convictions.

The purpose of such analysis is two-fold -

- \* to establish the correlates of sentencing on sentencing with previous convictions and orders to Vuma Reform School; and
- \* to establish a global view of criminal characteristics of the inmate population for treatment purposes.

#### 3.5.2.1 The role of social welfare in the juvenile court

The involvement of social workers in the juvenile court is an accepted practice in most countries as well as in South Africa (cf par. 1.6.7). The aim of involving social workers is to individualize punishment as far as possible so that the interests of both the juvenile offender and the society may be served. It is an underlying philosophy of juvenile justice in South Africa that the juvenile court may be a criminal court but the role of social welfare is recognized.

The formal recognition of the role of Social Welfare in courts was embodied in the South African legal system with the appointment of probation officers. The probation officers' (social workers) duties were laid down and included in the Child Care Act, Act No. 74 of 1983 (Midgely, 1975:110; South Africa, 1960:Section 58).

3.5.2.1.1 Duties and functions of probation officers in presentence investigations

The duties and functions of probation officers are as follows -

- \* to enquire into and report to the court upon the character of and the environment of persons under the age of 21 years with regard to the circumstances contributing to their offences;
- \* to devise and carry out measures for the observations and correction of tendencies to delinquency in children and for discovery and removal of conditions causing or contributing towards juvenile delinquency; and
- \* to supervise and control any child or person convicted of a criminal offence and placed under the supervision of the probation officer (South Africa, 1960: Section 58).

Thus, among other things, the duties of a probation officer are to prepare and submit a presentence investigation report. It is expected that the juvenile offenders under this investigation were, among court representatives, also represented by social workers who presented presentence investigation reports.

TABLE 3.4: COURT REPRESENTATION OF JUVENILE OFFENDERS AT VUMA REFORM SCHOOL

COURT REPRESENTATIVE	REPRESENTED IN COURT (N = 100)	PERCENTAGE (%)	NOT REPRESENTED (N = 100)	PERCENTAGE (%)
Attorney	1	0,56	99	30,93
Parent(s)	67	37,22	33	10,31
Social Worker	100	55,56	-	-
Guardian	9	5,00	91	28,44
Other	3	1,66	97	30,32
TOTAL	180*	100,00	320*	100,00

\*N = 100: The frequency rises as a result of observations responding to more than one variable.

Table 3.4 shows that all (100 or 55,56 %) of juvenile offenders under investigation were represented by a social worker who, in each case, presented a presentence investigation report. This is in accordance with the guidelines of referring a juvenile offender to a reform school (cf par. 3.5.1).

It is also significant to note that 99 cases (30,93 %) were not represented by an attorney; in 33 cases (10,31 %) parent(s) were not present in court; 91 cases (28,44 %) had no guardian and 97 cases (30,32 %) were not represented by other persons. Only 1 or 0,56 per cent was represented by an attorney; 67 or 37,22 per cent had parent(s); 9 or 5,00 per cent were represented by guardians; and 3 or 1,66 per cent were represented by other persons (cf. par. 3.3.2).

#### 3.5.2.1.2 The presentence investigation report

Carter and Wilkins (1970:69) see the primary objectives of the presentence investigation report as follows :-

- (a) Focusing light on the character and personality of the juvenile offender;
- (b) Offering insight into his problems and needs;
- (c) Helping to understanding the world in which he lives;
- (d) Learning about his relationship with people; and



- (e) Discovering salient factors that underlie his specific offence and conduct in general.

The Commission of Inquiry into the Penal System of South Africa (Viljoen Commission), noted that the presentence investigation report could act as a useful source for criminological research, for parole and release on licence and could aid probation services in their reconstruction and rehabilitation efforts.

Presentence investigation reports on juvenile offenders at Vuma Reform School contain invariably the information on the following aspects; namely :-

- (a) Particulars of the juvenile offender such as sex, age, standard of education and previous convictions.
- (b) Particulars of the family such as marital status of parents, employment, religious affiliation, and number of siblings in the family.
- (c) Socio-psychological aspects of the family.
- (d) Recommendations as to those methods than can be used in dealing with the convicted juvenile offender.

All these aspects assist the magistrate of the juvenile court in deciding upon an appropriate sentence and whether referring a juvenile offender to Vuma Reform School would serve the interests of the juvenile.

#### 3.5.2.2 Previous convictions and sentences of juvenile offenders of Vuma Reform School

The criminal law in South Africa considers the factor of previous convictions when passing sentences. The Criminal Procedure Act (Act No. 51 of 1977) provides that previous convictions are important - particularly where they are in respect of the same or similar offence, and if they are of a relatively recent occurrence (Rabie and Strauss, 1981:326).

In sentencing juvenile offenders, the factor of previous convictions is quite explicitly taken into consideration. Midgely (1975:119) in his study found that non-punitive sentences were usually imposed on juveniles with no previous convictions whilst a number of previous convictions resulted more frequently in custodial sentences.

The previous convictions of a juvenile offender play a definite role in the treatment programme of juvenile offenders. It serves as a measurement by which the treatment staff of a reform school can plan their treatment programme.

TABLE 3.5: NUMBER OF PREVIOUS CONVICTIONS AMONG JUVENILE OFFENDERS OF VUMA REFORM SCHOOL

NUMBER OF RECORDED PREVIOUS CONVICTIONS	FREQUENCY (N = 100)	PERCENTAGE (%)
None	10	10,00
1 - 2	52	52,00
3 - 4	23	23,00
5 - 6	1	1,00
Record not available	14	14,00
TOTAL	100	100,00

Table 3.5 reflects the distribution of previous convictions among juvenile offenders of Vuma Reform School. The majority of juvenile offenders, namely 52 (52,00 %), have one to two previous convictions; 23 (23,00 %) have 3 to 4; 1 (1,00 %) has 5 to 6 previous convictions and 10 (10,00 %)

have no previous convictions. In 14 (14,00 %) of the cases under investigation the records are not available either because they were not requested in court or have not been received by Vuma Reform School.

TABLE 3.6: DISTRIBUTION OF SENTENCES IMPOSED (BASED ON PREVIOUS CONVICTIONS) ON JUVENILE OFFENDERS OF VUMA REFORM SCHOOL

SENTENCE ON RECORDED PREVIOUS CONVICTION	NUMBER OF JUVENILE OFFENDERS (N = 100)*	PERCENTAGE (%)
Whipping	71	55,91
Suspended/Postponed	25	19,69
Probationary supervision	7	5,51
Cautioned and discharged	-	-
Record not available	14	11,02
No previous conviction	10	7,87
TOTAL	127	100,00

\* N = 100: Number of frequencies rise as a result of observations responding to more than one variable.

Table 3.6 reflects the distribution of sentences on any previous conviction of juveniles under investigation. These sentences are important for the purposes of treatment of juvenile offenders because they render an idea as to the efforts that have been employed and produced no effect on the behaviour of juvenile offenders. It is evident from table 3.6 that 71 (55,91 %) of the total respondents received whipping as a sentence; 25 (19,69 %) received suspended or postponed sentence; while only 7 (5,51 %) were imposed probationary supervision as a sentence.

3.5.2.2.1 Discussion of sentences received by juvenile offenders

3.5.2.2.1.1 Whipping

The Criminal Procedure Act (Act No. 51 of 1977) provides the following conditions with regarding to whipping as an approved sentence -

- \* may be applied only to juvenile males under the age of 21 years;
- \* shall be inflicted on the buttocks covered with normal attire;
- \* the parent of the juvenile concerned may be present when such sentence is executed;

- \* shall not be inflicted unless a district surgeon has examined the juvenile and certified that he is in a healthy state to undergo whipping; and finally
- \* no female or person over the age of thirty shall be sentenced to a punishment of whipping and shall not be imposed if it proved that the existence of some psychoneurotic or psychotic condition contributed towards commission of that offence (South Africa, 1977:Section 294).

This type of punishment appears to be very common in South Africa. Midgely (1975:107) found that whipping was imposed on all types of offences and for all age groups irrespective of legal representation and irrespective of previous convictions.

Corporal punishment (whipping) in South Africa has a long history although its effects in rehabilitation is very doubtful. The Lansdown Commission of 1947 noted that, although corporal punishment had been abolished in many Western countries, it was used in South Africa and that it was commonly used on black juvenile offenders primarily due to lack of alternative sentences available <sup>to</sup> presiding ~~to~~ X magistrates (Midgely, 1982:395). The recommendations that it be reduced or not made mandatory were not heeded by the government. The Viljoen Commission of 1976 also made

recommendations for the reduction of whipping and the present use of whipping on juvenile offenders is based on that commission's recommendations (Midgely, 1982:296; Sloth-Nielsen, 1990:198-199; Roberts and Sloth-Nielsen, 1986:224-229).

Despite the arguments against whipping as a sentence, juvenile offenders are sentenced to this type of punishment and it is the commonest type of punishment given to juvenile offenders of Vuma Reform School based on their previous convictions.

#### 3.5.2.2.1.2 Suspended or postponed sentence

A suspended or postponed sentence is another competent sentence for juvenile offenders or persons below the age of 18 years. The suspended or postponed sentence is non-punitive in nature and is designed to impose some degree of restraint on the juvenile offender's behaviour (Midgely, 1975:105-106). This type of sentence may, however, not be imposed for murder, rape, and offences where mandatory minimum sentences are prescribed (Redgment, 1990:169-170).

The Criminal Procedure Act of 1977 stipulates the conditions under which postponement or suspension of sentence may be given -

- \* compensation and rendering to the person aggrieved of some specific benefit or service in lieu of compensation for damage or pecuniary loss;
- \* submission to treatment or submission to supervision by a probation officer;
- \* good conduct; and
- \* compulsory attendance of a specific centre for treatment purposes (Rabie and Strauss, 1981:307-319; South Africa, 1977:Section 297).

#### 3.5.2.2.1.3 Probationary supervision

Probationary supervision is the least common type of sentence that was given to juvenile offenders of Vuma Reform School, in spite of the fact that it is provided for by the Criminal Procedure Act of 1977. Midgely (1975:106) found a similar tendency in his study and explained it in terms of discretionary powers given to magistrates and the unwillingness to call for social worker's presentence reports in juvenile courts.



### 3.5.2.3 Committal to a reform school : period of retention and protection of juvenile offenders of Vuma Reform School

In a previous sections (par. 3.5.1) of this chapter it has been mentioned that committal to a reform school is the bottom-line in dealing with a convicted juvenile offender by a juvenile court. Attention is also to be paid to the period of retention, date of admission and age categories or groups of Vuma Reform School.

#### 3.5.2.3.1 Period of retention and protection of juvenile offenders

The Criminal Procedure Act (Act No. 51 of 1977) provides that: "... any court in which a person under the age of 18 years is convicted of any offence, may instead of imposing any punishment upon him for that offence ... order that he be sent to a reform school" (South Africa, 1977:Section 290). Juveniles up to the age of 21 years may also be committed to a reform school. The exceptions are, however, that such committal is not for a conviction of treason, murder or rape (Calitz, 1979:119).

The following periods of retention of juvenile offenders that have been referred to a reform school apply :-

AGE AT TIME OF COURT ORDER	TO BE SUPERVISED OR RETAINED UNTIL
Under 16 years	18 years
16 - 18 years	21 years
Over 18 years	23 years

(Van Rooyen, 1982:402-403; Calitz, 1979:119).

After the expiration of the retention period at a reform school, the juvenile remains under the protection of the Board of Management of the reform school for the following periods :-

AGE AT TIME OF COURT ORDER	REMAINS UNDER PROTECTION UNTIL
Under 16 years	18 years
16 - 18 years	21 years
Over 18 years	23 years

(Van Rooyen, 1982:402-403; Calitz, 1979:119).

TABLE 3.7: DATES OF ADMISSION AND AGE DISTRIBUTION OF  
JUVENILE OFFENDERS AT VUMA REFORM SCHOOL

DATE OF ADMISSION	AGE GROUPS											
	11-12		13-14		15-16		17-18		19 +		TOTAL	
	N	%	N	%	N	%	N	%	N	%	N	%
Jan-June '88	-	-	1	10,00	9	18,40	6	15,40	-	-	16	16,00
July-Dec '88	-	-	2	20,00	11	22,40	6	15,40	-	-	19	19,00
Jan-June '89	-	-	5	50,00	12	24,50	17	43,60	1	100,00	35	35,00
July-Dec '89	-	-	2	20,00	13	26,50	5	12,80	-	-	20	20,00
Jan-June '90	1	100,00	-	-	4	8,20	5	12,80	-	-	10	10,00
TOTAL	1	100,00	10	100,00	49	100,00	39	100,00	1	100,00	100	100,00

Table 3.7 reveals the dates of admission at intervals according to age groups. The advantage of such a distribution is that it gives the retention and protection periods one can expect of juvenile offenders at Vuma Reform School.

The retention and protection period has a bearing on an effective treatment programme of a reform school. During the period January to June 1988, 16 juvenile offenders were admitted as follows: 1 or 10,00 per cent in the age group 13 to 14 years; 9 or 18,40 percent in the age group 15 to 16 years; and 6 or 15,40 percent in the age group 17 to 18 years.

During the period July to December 1988, 19 juvenile offenders were admitted as follows: 2 or 20,00 per cent in the age group 13 to 14 years; 11 or 22,40 per cent in the age group 15 to 16 years; and 6 or 15,40 per cent in the age group 17 to 18 years.

During the period January to June 1989, 35 juvenile offenders were admitted as follows: 5 or 50,00 per cent in the age group 13 to 14 years; 12 or 24,50 per cent in the age group 15 to 16 years; 17 or 43,60 per cent in the age group 17 to 18 years; and 1 or 100,00 per cent in the age group 19 years and above.

During the period July to December 1989, 20 juvenile offenders were admitted as follows: 2 or 20,00 per cent in the age group 13 to 14 years; 13 or 26,50 per cent in the age group 15 to 16 years; and 5 or 12,80 per cent in the age group 17 to 18 years.

For the period January to June 1990, 10 juvenile offenders were admitted as follows: 1 or 100,00 per cent in the age group 11 to 12 years; 4 or 8,20 per cent in the age group 15 to 16 years; and 5 or 12,80 per cent in the age group 17 to 18 years.

### 3.6 SUMMARY

Juvenile justice in South Africa from 1910 up to the present time, is characterised by the fact that it is legalistic and formal in nature. Juveniles charged with criminal offences are dealt with under the same criminal law as adult offenders. Although a number of provisions such as the presentation of a presentence report and parental obligation to attend the trial apply, juvenile offenders are not different from adult criminal offenders as far as the criminal procedure is concerned.

The majority of juvenile offenders at Vuma Reform School were convicted of either theft or housebreaking and theft. Other offences are not very common, although robbery, which is related to theft, is prevalent.

The juveniles at Vuma Reform School have a number of previous convictions and the offences they have committed on these are of a serious nature. Although no correlation of current offences to previous convictions has been made, it is safe to assume that they are related in their seriousness.

The most common type of sentence on previous convictions given to juveniles of Vuma Reform School is that of whipping. This is not surprising because it is a prescribed form of sentence and is not reviewable by a higher court in respect of juveniles.

The provisions of the Criminal Procedure Act (Act No. 51 of 1977) regarding committal of juvenile offenders to a reform school, and periods of retention and protection are of significance to the treatment programme. These periods determine the nature and effect of a programme that may be implemented to rehabilitate these young offenders.

## CHAPTER 4

## INTERNAL ORGANIZATION OF VUMA REFORM SCHOOL

4.1 INTRODUCTION

Reform schools share certain attributes with other organizations such as prisons and hospitals. They also belong to a class of large scale organizations that have multiple goals, and thus have similar functional problems. Reform schools, however, are of interest because of their critical role in our society - especially in their attempt to minimize and treat juvenile crime (Zald, 1960:57).

In this respect the internal organization of a reform school plays a significant role. Internal organization refers to the internal control, functioning, co-ordination and correlation of different parts or sections and divisions that constitute the whole. It implies the arrangement of the reform school's various divisions and the functions each division carries out in the treatment of juvenile offenders within its setting. Further, it relates to aspects such as qualifications and training of personnel, the degree of seniority, and responsibility towards inmates and the public in general (Engelbrecht, 1952:42; Zald, 1960:57).

Internal organization of a reform school is affected by its goals, and the goals themselves are affected by the controlling authority of the institution and the nature of the clientele it serves. Generally, all reform schools have two main goals, namely custody and treatment. Reform schools are, however, diverting from the idea of custody or incarceration in favour of treatment or rehabilitation. Together these two patterns create tensions and problems that are common in every correctional system (Jarvis, 1978:148; Zald, 1960:58).

The goal of treatment of juvenile offenders, which is emphasized in South Africa and elsewhere, is affected by the goal of custody. Custody, as a goal, is implied in the legislation through retention provisions and appointment of personnel (South Africa 1977:Section 280; South Africa, 1960:Section 39).

Nevertheless, the goals of custody and treatment, although diverse are not necessarily in conflict. In fact, they form the basis for a sound internal organizational set-up of a reform school. For the goal of treatment to be achieved custody is a necessary prerequisite for effective institutional treatment.



In this chapter the internal organization of Vuma Reform School is analysed with a view of establishing the following :-

- (a) The structural organization in terms of various divisions and sections and their interrelated role in the treatment of juvenile offenders.
- (b) The effects of control, by means of legislation in as far as the goals of Vuma Reform School are concerned.
- (c) The demographic characteristics of its personnel in terms of strength, educational qualifications and professional training in the treatment of juvenile offenders.

#### 4.2 ORGANIZATIONAL STRUCTURE

The organizational hierarchy of Vuma Reform School is divided into four organizational levels, namely -

- \* management division;
- \* professional division;
- \* administrative division; and
- \* auxiliary division

TABLE 4.1      INSTITUTIONAL DIVISIONS WITHIN VUMA REFORM SCHOOL

DIVISION	FREQUENCY (N = 66)	PERCENTAGE (%)
Management*	1	1,51
Professional	11	16,67
Administrative	10	15,15
Auxiliary	44	66,67
TOTAL	66	100,00

\* Management division is represented by the principal as an *ex-officio* member of the Board of Management.

Table 4.1 reveals that the personnel establishment of Vuma Reform School consists of 66 employees. The management division consist of 1 (1,51 %) official; the professional division of 11 (16,69 %); the administrative 10 (15,15 %); and the auxiliary division of 44 (66,67 %) officials. At the apex of the hierarchy is the post of the principal in whom all authority and executive powers are vested. The principal represents the Board of Management, which is a statutory body governing the affairs of Vuma Reform School (Diagram 4.1).

The professional division consists of social workers, house parents and health staff. There is also an academic section responsible for the academic training programme of juvenile offenders. This section is not analyzed in this investigation since its staff do not fall under the control of Vuma Reform School.

The administrative division consists of a Senior Administrative Officer, Administrative Officers, Assistant Administrative Officers, Stores Officer, Transport Officer, Typist and the Switchboard Operator.

The auxiliary division consists of the kitchen staff, laundry workers, yard and office cleaners, drivers and gate or entrance controllers. This division is, however, for practical reasons, not an independent division. It is, for control purposes, a responsibility of the administrative division, but supervised by the house-parents (Diagram 4.1).

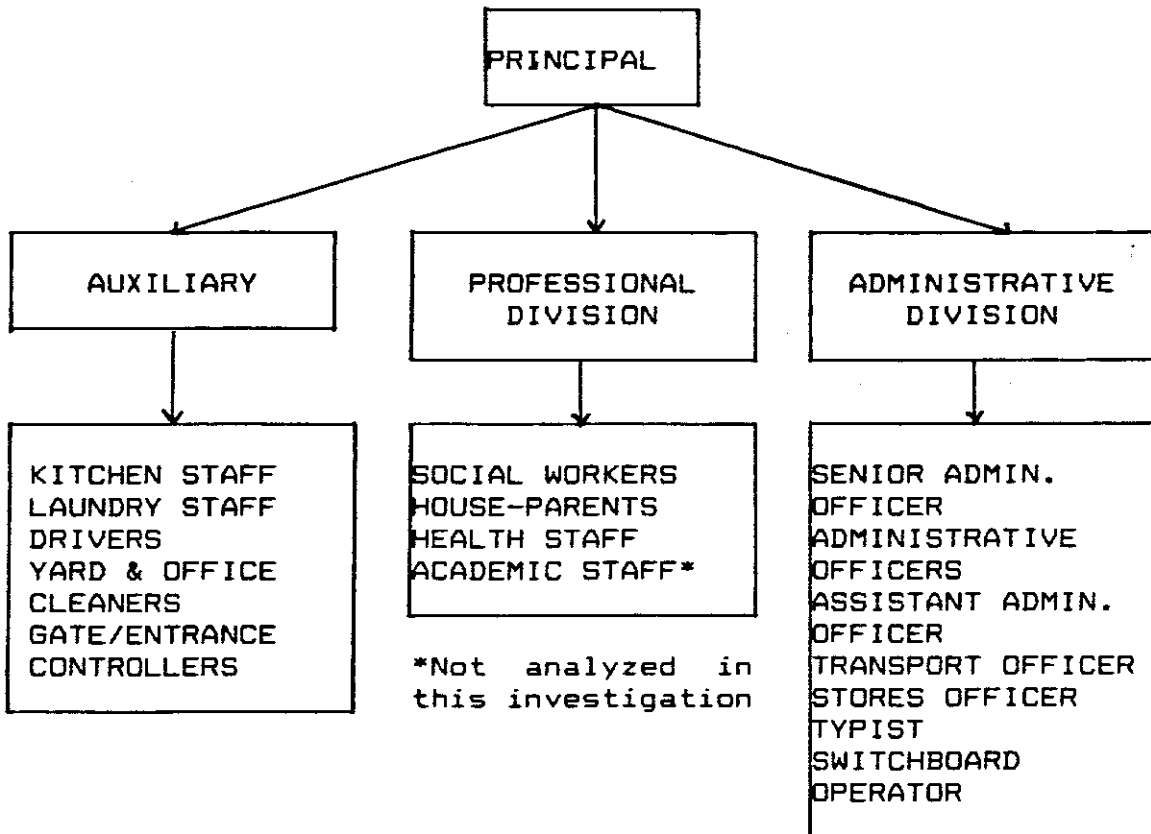
BOARD OF MANAGEMENT

DIAGRAM 4.1: ORGANIZATIONAL STRUCTURE OF VUMA REFORM SCHOOL

4.2.1 Board of Management4.2.1.1 Legal provisions for the appointment of the Board of Management

Reform schools are established in terms of the Children's Act (Act No. 33 of 1960), which provides for the appointment of the Board of Management (par. 3.3; South Africa, 1983:58).

In terms of the said Act, the Minister of Social Welfare and Pensions shall appoint for every reform school a Board of Management which shall consist of not less than three but not more than nine members. The Minister also has powers to withdraw any such appointment and appoint a member in the place of any member who has died or resigned his appointment or whose appointment has been withdrawn (South Africa, 1960:Section 39, 4(a) and (b); Geldenhuys, 1985:71-72).

The rationale for the appointment of such persons is two-fold -

- \* to perform duties imposed on the Board of Management by the Act; and
- \* to afford parents or families of the juvenile offenders some representation in the running of the reform school.

Geldenhuys (1985:74) points out that: "... [D]it sou eerstens onprakties wees om die ouers te probeer betrek omdat hulle letterlik oor die hele land versprei is. Tweedens sal hulle waarskynlik nie bevoeg wees om in so 'n Raad te dien nie..." since it is their children that have been found guilty of crime.

#### 4.2.1.2 Constitution of the Board of Management

According to Engelbrecht (1952:51-52), the practice of appointing a Board of Management in South Africa was inherited from the British Penal System of appointing a 'Board of Visitors' for every correctional institution.

The Board of Management is chosen from persons of different occupations who will have some influence in the functioning of a reform school.

The chairperson of the Board of Management is the magistrate of the district who is a person: " ... wat op hoogte van sake met die Kinderwet en die bepalings omtrent behandeling, tug en so meer van kinders onder staatsorg is" (Engelbrecht, 1952:51).

The magistrate, appointed by the Minister, for the district in which the reform school is located, shall be a member of its Board of Management and a chairperson thereof (South Africa, 1960; regulation 3 and 4; Jonker, 1973:81).

The Act (Act No. 33 of 1960) stipulates that no person who hold an office within a reform school shall be a member of the Board of Management (South Africa, 1960:Sub-Regulation 3(21)). The principal has, however, administrative and

secretarial duties of the Board of Management. He attends the meetings of the Board as its secretary and takes part in its deliberations but has no vote (South Africa, 1960:Sub-Regulation 13(1)).

The Board of Management of Vuma Reform School is constituted by the following persons :-

- Chairman : Magistrate - Inkanyezi District\*
- Secretary : Principal - Vuma Reform School
- Appointed Members :
- Two chiefs from Inkanyezi District
  - A principal of a local public school
  - A minister of Religion
  - A lay preacher
  - One Tribal Councillor
  - A School Inspector

\* This district is under the control of a KwaZulu magistrate and serves people residing in areas under the control of the KwaZulu Government Services.

Besides the chairperson and the secretary, who hold ex-officio membership according to specific regulations, all other members are nominated at a Regional Authority meeting of Inkanyezi district. Their names are subsequently submitted to the Minister of Social Welfare and Pensions of KwaZulu Government Service for approval and official appointment.

The meetings of the Board of Management of Vuma Reform School are held bi-monthly. The members of the Board receive no remuneration for their services except subsistence and travelling allowance. The officials of Vuma Reform School who attend meetings of the Board of Management are the social worker(s), a house-parent (house father), school-circuit inspector, the principal of Vumulwazi School\*, a representative of the Department of Works, and the Administrative officer concerned with admissions in the reform school. These officials are not members of the Board of Management but the nature of their work affects the business of the Board. They have no vote but, however, do take part in deliberations.

\* This school serves juveniles of Vuma Reform School. It is situated within the premises of the Reform School.



#### 4.2.1.3 Functions and responsibilities of the Board of Management

The fact that the members of the Board are appointed from persons of different occupations means that each member must be able to make a contribution that will fulfil the social, physical and spiritual care of juvenile offenders.

The Department of Health and Welfare, in its manual, recommends that members of the Board of Management must have training in social work, psychology, education, theology, law and medicine. In addition, the Board of Management: " ... should be balanced in its composition and be representative of the community" (South Africa, 1981: Section 4). Ideally, the Board of Management in a reform school, must have somebody who has knowledge of juvenile crime causation and treatment strategies.

The legal functions of the Board of Management and particularly that of Vuma Reform School are as follows :-

- (a) Grant a release on licence in writing to any pupil to live in the custody of a suitable person or training institution and conditions thereof (South Africa, 1960:Section 44).

- (b) Cancel or vary such a licence and substitute therein for the name of the said person, the name of any other suitable person or training institution (South Africa, 1960:Section 45).
- (c) Report to the Minister any pupil whose licence has been granted, varied or cancelled (South Africa, 1960:Section 46).
- (d) Grant leave of absence to any pupil in the institution (South Africa, 1983:Section 35).
- (e) Cancel at anytime such leave of absence and direct the pupil to return to the institution or custody from which he was granted leave (South Africa, 1986:Regulation 35).

Besides the legal responsibilities, the Board of Management has responsibilities which emanate from the fact that the community contributes towards services rendered to juvenile offenders through taxation. The Board should thus be motivated to the successful functioning of the Reform School in treating juvenile criminality. In its meetings the Board of Management hears reports on admissions, absconds, releases and undertakes decisions subject to the approval of the Minister of the controlling department (Engelbrecht, 1952:54-57; Nathan, 1982:384).

#### 4.2.1.4 The Principal as the head of the Reform School

The Children's Act (Act No. 33 of 1960) stipulates that:  
 " ... the head of ... a reform school ... established under subsection (3) shall be styled the 'principal' (South Africa, 1960:Section 39(7)).

Diagram 4.1 indicates that the Principal of Vuma Reform School forms a link between the Board of Management and all divisions within the institution. The Principal co-ordinates the activities of the Board of Management and those of the services rendered within the Reform School. He is an executive officer charged with overall responsibility related to the treatment of juvenile offenders (South Africa, 1981:Section 5; Geldenhuys, 1985:120).

The duties of the Principle are as follows :-

##### (a) Duties towards the Board of Management

The Principal duties towards the Board of Management are -

- \* attending the meetings of the Board in his capacity as secretary;

- \* contributing to such meetings by advising on the execution of the policy of the Department of Social Welfare and Pensions;
- \* guiding the Board of Management on the psychosocial development and spiritual care of juvenile offenders; and
- \* reporting on the activities of personnel in the treatment of juveniles within the Reform School (South Africa, 1981:Section 5).

Thus, the duties of the Principal of Vuma Reform School are that of co-ordinating the functions of the Board of Management and the treatment programmes of the Reform School.

(b) Duties towards the community and professional resources

The Principal liaises with the government departments and in particular with the Department of Social Welfare and Pensions; the Departments of Justice and of Law and Order. These departments have a major role to play in respect of juvenile offenders (cf. Chapter 3).

Further, the Principal forms a link with the government institutions and communicates with public and welfare bodies. He is also responsible for conveying a positive image of the institution to the external public interests into the activities of the Reform School.

(c) Duties within the Reform School

Institutional duties of the Principal within the Reform School are direct and entail the following -

- \* planning and exercising of supervision and control over supply functions such as equipment acquisition and maintenance;
- \* in conjunction with the Department of Social Welfare and Pensions provides and utilizes staff by allocating duties, delegating authority, interpreting policy, training and developing staff, initiating, co-ordinating and controlling treatment programmes and executions of the provisions of the Children's Act (Act No. 33 of 1960) and the Child Care Act (Act No. 74 of 1983) or any other related law (South Africa, 1981:Section 5).

#### 4.2.2 Professional Division

The professional division of Vuma Reform School consists of the social welfare staff (social workers) health staff (a nurse) hostel staff (house-fathers). This division constitutes 11 (16,70 %) officials of the whole personnel establishment (Table 4.1).

Table 4.2 reflects the distribution of personnel per section. Vuma Reform School has 6 (9,10 %) social workers from a total of 66 employees; 1 (1,50 %) nurse; and 4 (6,10 %) house-fathers. The house-fathers supervise the auxiliary division and are classified under custodial/care section in table 4.2.

Following is a discussion of the functions of all staff members employed under the professional division of Vuma Reform School which, for the purpose of this investigation, are deemed necessary in order to reflect a global view of the activities of Vuma Reform School in so far as the treatment of juvenile offenders is concerned.

TABLE 4.2 SECTIONAL DIVISIONS WITHIN VUMA REFORM SCHOOL

SECTION	FREQUENCY (N = 66)	PERCENTAGE (%)
Management	1	1,50
Social Welfare	6	9,10
Health	1	1,50
Custodial/care	45*	68,20
Staff	4	6,10
Registry	1	1,50
Transport	4	6,10
Stores	1	1,50
Stationery	1	1,50
Typing & switchboard	2	3,00
TOTAL	66	100,00

\* Includes personnel employed under the auxiliary division and house-fathers.

#### 4.2.2.1 Social Welfare Section

The social welfare section of Vuma Reform School comprises of qualified social workers around whom the whole treatment programme revolves.

##### 4.2.2.1.1 Legal provision for the appointment of social workers

The appointment of social workers is controlled by the Social and Associated Workers' Act (Act No. 110 of 1978). According to this Act a person who can practice and hold the title of a social worker shall be -

- (a) a person who has been registered as a social worker by the Council of Social Work;
- (b) a person who was registered as a social worker in terms of the National Welfare Act (Act No. 79 of 1965) before 1 September 1979;
- (c) a person who practices the profession of social work for gain while he undergoes practical training in social work under supervision of a social worker;
- (d) any person who practices social work without gain directly or indirectly;



- (e) any person who has satisfied all the requirements for the prescribed qualification and whose application for registration as a social worker is under consideration by the council; and
- (f) a person who was permanently employed by a welfare organization, registered as such prior to 1 September 1979 (Van der Merwe 1982:694-695); South Africa, 1978:Section 15).

Thus, the social workers at Vuma Reform School are employed under the above provisions and are registered as such in terms of the said act under the South African Council for Social Work.

#### 4.2.2.1.2 General duties of a social worker

Having a social worker within a reform school's personnel establishment is an important factor in the treatment of juvenile offenders. The qualifications in subjects of social work, psychology, sociology and/or criminology enables the social worker be equipped in dealing with the treatment of juvenile crime. The duties of a social worker in a reform school can be divided into four areas.

(a) Liaison with the Board of Management

Duties of a social worker within a reform school with regard to the Board of Management are as follows -

- \* holding of discussions with the principal on matters affecting individual juvenile offenders whose cases are to be brought before the board;
- \* planning with the principal on psychological, social, physical and spiritual care and development of the juvenile; and
- \* where necessary, attend meetings of the management to clarify and inform on individual juvenile offenders (South Africa, 1981:Section 5).

(b) Duties within the Reform School

Duties of a social worker within a reform school entail -

- \* collaboration with the principal on the carrying out of policy including matters affecting the rendering of social work services to juvenile offenders;
- \* liaise with public and private institutions with reference to released juvenile offenders;

- \* rendering of assistance to screening of offenders for transfer and placement of juvenile offenders on vacation leave or release on licence; and
- \* planning the total treatment programme of a reform school (South Africa, 1981:Section 5).

(c) Direct social welfare services to juvenile offenders

Social welfare services rendered directly to juvenile offenders include -

- \* analyzing and evaluating available information on children who have been committed to the reform school;
- \* drawing up of treatment programmes and undertaking of casework and groupwork with juvenile offenders;
- \* drawing up of the necessary progress report on juvenile offenders in consultation with house-parents;
- \* co-ordinating of internal treatment services with the reconstruction services offered by social workers outside the reform school; and
- \* liaise with parents and relatives of juvenile offenders with a view of involving them in the treatment of juvenile offenders and after-care services.

From what has been said so far regarding the general duties of social workers within a reform school, the following can be deducted :-

- \* Social workers are professionals who, because of their particular training, execute the treatment methods of juvenile offenders.
- \* Social workers are "brokers" whose primary function is that of matching juvenile offenders with treatment facilities available within a reform school and those in the community (Kratcoski and Kratcoski, 1979:269).
- \* Social workers are the interpreters of the policies of the controlling authority and executors of the legal provisions with regard to the treatment of juvenile offenders.

TABLE 4.3 BREAKDOWN OF POSTS OF THE PERSONNEL ESTABLISHMENT  
OF VUMA REFORM SCHOOL

POST	FREQUENCY (N = 66)	PERCENTAGE (%)
Principal	1	1,50
Social Welfare	6	9,10
Senior Admin. Officer	1	1,50
Administrative Officer	4	6,10
Asst. Admin. Officer	2	3,00
Nurse	1	1,50
Stores Officer	1	1,50
House-Father	4	6,10
Driver	3	4,60
General Care Assistant	41	62,10
Typist	1	1,50
Switchboard Operator	1	1,50
TOTAL	66	100,00

#### 4.2.2.1.3 Duties attached to social workers' posts

Table 4.3 reveals that from a total of 66 posts of Vuma Reform School, only six or 9,10 per cent are held by social workers.

Their duties are prescribed by the Department of Social Welfare and Pensions of the KwaZulu Government Service. The duties are divided into administrative and professional duties.

##### (a) Administrative duties

Administrative duties of social workers include *inter alia* the keeping of -

- \* admission registers;
- \* allocation cards of individual juvenile offenders;
- \* personal files of juvenile offenders and;
- \* submission of monthly statistics to the head office and the preparation of monthly programmes.

(b) Professional duties

Professional duties of social workers are as follows :-

- (i) Rendering of professional welfare services through application of social work methods, namely case work and groupwork methods.
- (ii) With reference to casework, social workers are responsible for -
  - \* acceptance and induction of juvenile offenders into the Reform School in order to acquaint them with rules, regulations and lines of communication;
  - \* introduction of juvenile offenders to other staff members and pupils;
  - \* making a thorough study of juvenile offenders' background as contained in the probation officer's presentence investigation reports;
  - \* planning a treatment programme with the juvenile offender and adjusting it from time to time according to the reconstruction report from the social worker at home; and

- \* arranging for the placement of the juvenile offender who has been granted leave of absence or released on licence.

#### 4.2.2.2 Health Section

Table 4.3 and 4.3 reveal that health section of Vuma Reform School has one (1,50 %) official in charge of this section in the whole establishment.

Generally, the juvenile offender must, on admission, be referred to this section for medical examination to ascertain whether he suffers from any contagious or infectious disease or not. This is ascertained from the medical report supplied by the district surgeon prior to the admission of the juvenile to the reform school. Engelbrecht (1952:87) opines that: "... dit is noodsaaklik dat elke verbeteringskool ook sy mediese dienste moet hê. Behoorlike mediese versorging is een van die eerste vereistes. 'n Sieklike liggaam is nie slegs ondermynend vir die betrokke persoon nie, maar dit kan aansteeklike en besmetlike siektes rondra wat die hele inrigting aan gevaar blootstel".

The nurse in charge of the health services at Vuma Reform School has duties that entail issuing of medicine for minor ailments; checking and reporting on health aspects of



juveniles, and referring juvenile offenders who need intensive medical attention to nearby hospitals. Medical supplies for the reform school are supplied by the Mbongolwane Mission Hospital\*.

#### 4.2.2.3 Custodial/General Care Section

The custody and general care of juvenile offenders are important only in so far as it enables the treatment goal to be realised effectively as possible. This means that keeping juvenile offenders in safe and secure custody is justified only if treatment is superimposed on it.

The custodial section in a reform school has as its aim the keeping of the juvenile offender apart from the community which was offended and possibly one that contributed to the offence. In this section of the reform school, juvenile offenders are conditioned to some type of behaviour, namely obedience and conformity (Thornton, Voigt and Doerner, 1987:351).

\* This is a public hospital at Inkanyezi District under the control of the KwaZulu Department of Health.

Custodial and general care duties are the responsibilities of house-parents in the case of Vuma Reform School, the house-fathers. These officials have an important duty and function as far as treatment of juvenile offenders is concerned. They are expected to create a homely atmosphere for juvenile offenders and be "parents" for young persons who: " ... in meeste gevalle nie ouerliefde ervaar het nie" (Geldenhuys, 1985:123).

The duties attached to the house-fathers' posts call for people who are well schooled in social and academic fields. Experience has shown, however, that in most residential institutions no minimum qualifications are adhered to on the appointment of such personnel (South Africa, 1982:57).

Diagram 4.2 indicates that house-fathers work hand in hand with and are immediately below the social workers. They are also in charge of the auxiliary division of the personnel establishment.

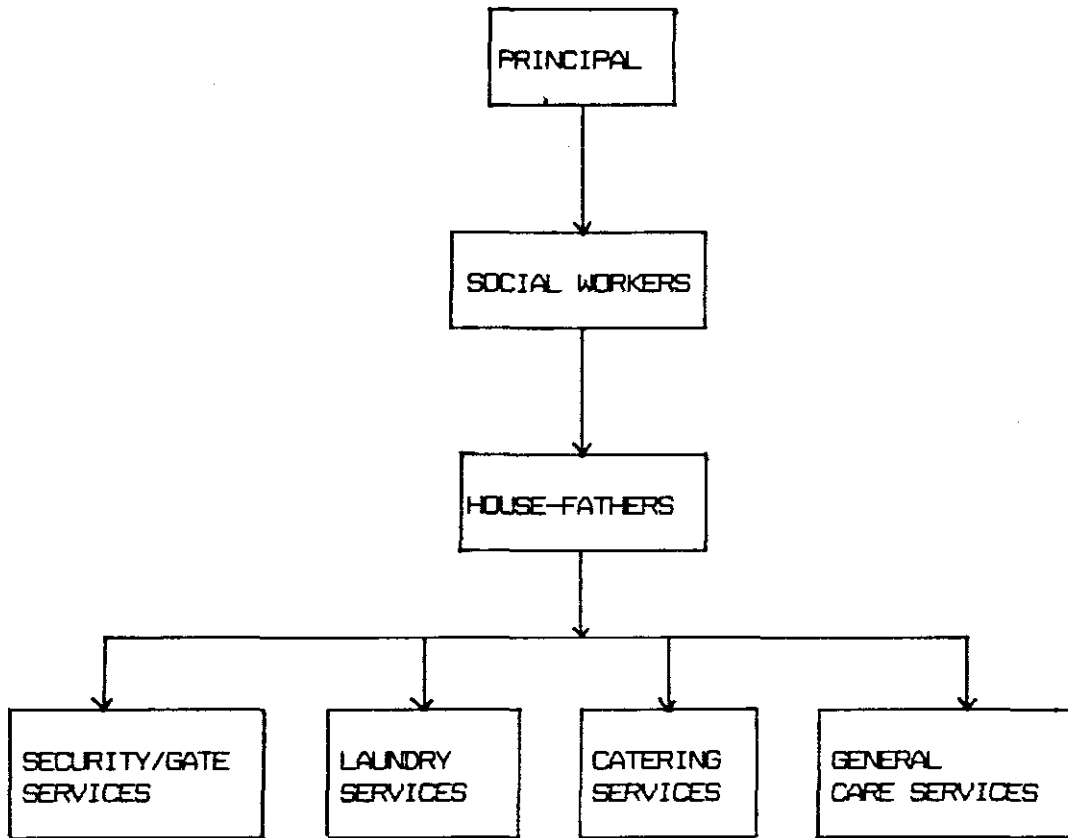


DIAGRAM 4.2: THE CUSTODIAL/GENERAL CARE SECTION OF VUMA REFORM SCHOOL

Table 4.2 reveals that this is the largest section of the personnel establishment consisting of 45 (68,20 %) officials. There are four (6,10 %) house-fathers and 41 (62,10 %) general and care assistants' posts (Table 4.3).

4.2.2.3.1 General duties of house-parents in a reform school

General duties of house-parents in reform institutions are as follows :-

- (a) House-parents assist social workers in drawing up and evaluating treatment programmes, and focusing attention to problem behaviour.
- (b) They have to take care of the health conditions of juvenile offenders and, if necessary, consult the health staff regarding the necessary treatment in cases of illness.
- (c) House-parents have to supervise the scholastic progress of each juvenile and assist him with his school work if necessary.
- (d) They are also responsible for organizing and preparing of recreational facilities and religious services of juveniles.
- (e) They also provide clothing, pocket money, toiletries, etc. to juveniles who have been granted leave of absence, released on licence or transferred to other institutions (South Africa, 1981:Section 5).

The duties outlined here, demand that the incumbent of such a post be qualified in orthopedagogics. This necessity has been realized by South African Technicons which offer a National Higher Certificate in Residential Child Care (Geldenhuys, 1985:124).

#### 4.2.2.3.2 Duties of the custodial and general care section

Diagram 4.2 reveals that house-fathers are physically controlling all staff members in charge of the care of juvenile offenders. These are grouped under the gate or security services, laundry services, kitchen or catering services and general care services.

The duties attached to this section and vested in house-fathers are as follows :-

- (a) Provision of clothing and allocation of dormitories to juvenile offenders on admission.
- (b) Making orders from stores, planning and preparation of food.
- (c) Maintenance of discipline and keeping of a punishment register in the hostel (South Africa, 1986:Reg. 32(7)).
- (d) Referring and caring of sick juveniles in the hostel.
- (e) Organization of recreational and religious services for juveniles within the hostel.

(f) Supervision of subordinates, namely, laundry, kitchen, gate-control and general maintenance staff.

#### 4.2.3 Administrative Division

The administrative division of Vuma Reform School is an important element of the internal organization. It is a division that renders a support service in the treatment programme of juvenile offenders.

Table 4.1 shows that this division has a personnel strength of 10 (15,10 %) officials out of the whole personnel establishment. The following sections are under this division: staff section, registration section, stores section, transport and equipment section, stationery section, and typing and telephone section. The Senior Administrative officer is responsible for this division (Diagram 4.3).

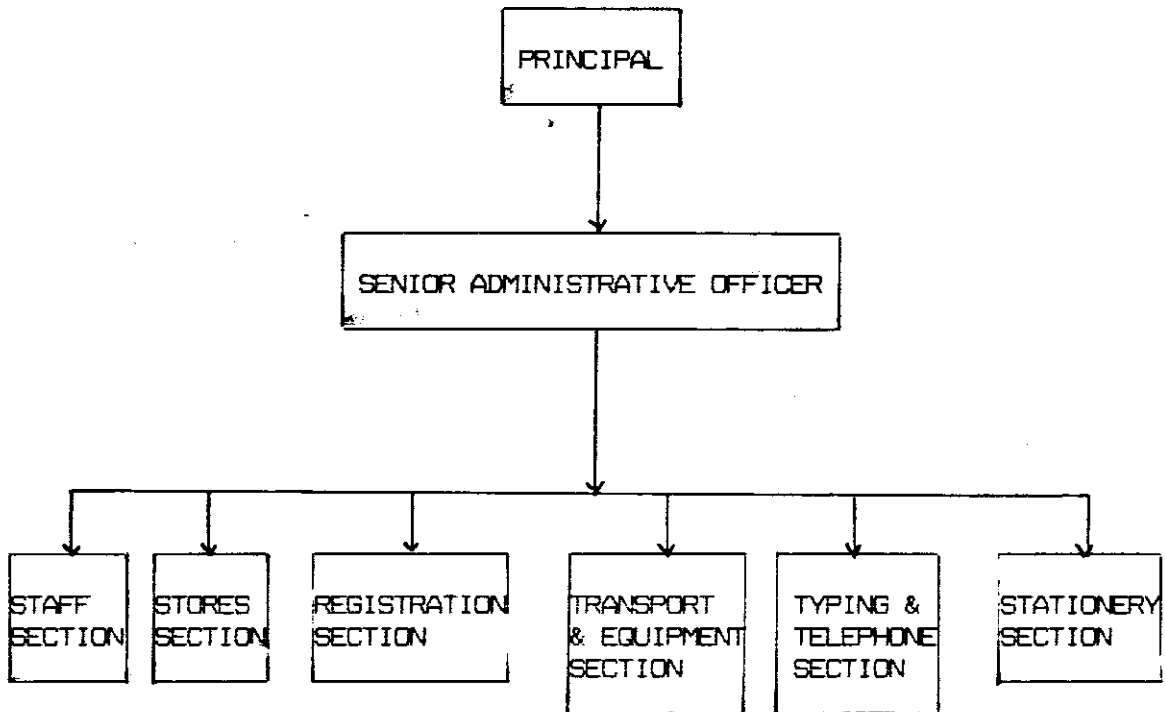


DIAGRAM 4.3: THE ADMINISTRATIVE DIVISION OF VUMA REFORM SCHOOL

The functions of the different sections under the administrative division are as follows :-

#### 4.2.3.1 Staff section

The staff section is responsible for staff matters of the personnel establishment of Vuma Reform School. This include the following -

- \* keeping and controlling of leave registers and balancing of leave records;

- \* admission of newly appointed staff members to the pension fund;
- \* preparation of resignation documents for staff members who tender to terminate their services;
- \* attendance to correspondence from head-office which pertains to staff members; and
- \* preparation of pay-sheets for staff members who's salaries are not paid directly from head-office and subsistence allowance claims for any member of staff.

#### 4.2.3.2 Registration section

The registration section of Vuma Reform School is responsible for the following -

- \* attends to the general correspondence from controlling departments;
- \* requisition of outstanding documents, namely medical reports, court records, presentence investigation reports, etc., pertaining to the admissions of juvenile offenders;
- \* opening of personal files for juvenile offenders;
- \* submission of personal files of newly admitted juvenile offenders to social workers;
- \* deals with the remittance registers for certified and registered mail;



- \* keeping of a register for personal belongings of juvenile offenders and storage of completed registers; and
- \* compilation of lists of all discharged juveniles and disposal of such documents to the relevant department.

#### 4.2.3.3 Stores section

The stores section is responsible for the following -

- \* submission of orders for equipment necessary for the reform school and dealing co-operatively with suppliers;
- \* checking and controlling of stock supplied to the reform school by different suppliers;
- \* issuing of stock to different sections of the institution;
- \* controlling and dispatching of statements of accounts to the Department of Finance, KwaZulu Government Services for payment; and
- \* maintenance of store-rooms and safekeeping of all store-room material.

#### 4.2.3.4 Transport and equipment section

The transport and equipment section is administered and controlled by a transport officer and is responsible for the following :-

##### (a) Transport

With regard to transport, the transport officer calculates monthly log returns on distances covered and fuel consumed by all official vehicles allocated to the reform school, compiles accident reports and maintains vehicles and tools in good conditions, and instructs and supervises drivers in respect of all itineraries to be made.

##### (b) Equipment

With regard to the administration of equipment, the transport officer has to control the use of tools and other equipment of the reform school, condemning of all unservicable tools, and keeping of stock-record of all tools.

(c) Maintenance

Maintenance of the buildings of the reform school also falls under the control of this section. The transport officer reports all damages and necessary repairs to be done to the Department of Works, and liaises with artisans who undertake such repairs.

4.2.3.5 Stationery section

The stationery section is responsible for the following -

- \* ordering, controlling and issuing of stationery to administrative and professional divisions of the reform school; and
- \* maintenance of surplus and shortage of stationery.

This section is administered by the assistant administrative clerk who falls directly under the administrative officer. In addition to the above duties, the assistant administrative clerk may perform any other administrative duty assigned to him by a senior official.

#### 4.2.3.6 Typing and telephone section

This section is controlled by a typist and a switch-board operator who fall under the control of an administrative officer. The following are the duties attached to this section -

- \* typing of all correspondence and information;
- \* safe-keeping of all confidential correspondence of staff and juvenile offenders;
- \* receiving of incoming and outgoing telephone calls; recording of private calls, and control of the use of the telephone within the reform school; and lastly
- \* the keeping of a service register of typewriting machines and reporting to the telecommunications department all defects to the telephones used by the reform school.

#### 4.3 FACTORS IN PERSONNEL PATTERNS AND THEIR SIGNIFICANCE FOR VUMA REFORM SCHOOL

Factors that affect the personnel patterns in a reform school are significant in its internal organization because they have a direct bearing on the treatment programme designed for that reform school.

These factors are, the sex and race of the inmate population, the location of the reform school, the educational and professional qualifications of the personnel establishment, and the length of service of each staff member (Engelbrecht, 1952:43; Geldenhuys, 1985:120).

The traditional role of all correctional institutions, namely custody, has played a significant role in the selection of personnel. While in this investigation the goal of custody has been accepted as necessary for effective treatment, it is necessary also to point out that it has been responsible for the qualification structure, sex distribution and job satisfaction of employees of Vuma Reform School. Traditionally, job skills and training have not been emphasized. Like-wise, high educational standards have also not been considered very important. Except for certain professionals, the main qualities looked for have been that employees should be male, in good health and large (Jarvis, 1968:61-62). This practice has resulted in sub-standard educational levels, low salaries that have attracted poorly educated employees to the reform school since better experienced and better qualified employees are either departmentally transferred or try to better their economic standing by leaving the correctional institution (Jarvis, 1978:62).

Following is an analysis of the length of service, educational professional qualifications, and sex distribution of the personnel of Vuma Reform School.

#### 4.3.1 Length of service

The length of service among any personnel establishment reflects motivation and enthusiasm for the job, satisfaction with pay and conditions of service, and the ability to fulfil the role (Jarvis, 1978:63). This is supported by Maslow (1954) who presented a "hierarchy of needs" which explain the reasons for employee turnover. These needs are physiological needs, security, love, self-esteem and self-actualization (Jarvis, 1978:73-74).

TABLE 4.4 LENGTH OF SERVICE OF PERSONNEL OF VUMA REFORM SCHOOL

YEARS	FREQUENCY (N = 66)	PERCENTAGE (%)
1 - 2	5	7,60
3 - 4	13	19,70
5 - 6	10	15,20
7 - 8	27	40,90
9 - 10	2	3,00
Above	9	13,60
TOTAL	66	100,00

Table 4.4 reveals that the majority, i.e. 27 (40,90 %) of the personnel of Vuma Reform School has a service record of between 7 to 8 years; 13 (19,70 %) between 3 to 4 years; 10 (15,20 %) between 5 to 6 years; 9 (13,60 %) has more than 10 years of experience; 5 (7,60 %) between 1 to 2 years; and 2 (3,00 %) has a service record of 9 to 10 years.

TABLE 4.5 LENGTH OF SERVICE ACCORDING TO INSTITUTIONAL DIVISIONS

LENGTH OF SERVICE (YEARS)	INSTITUTIONAL DIVISIONS									
	MANAGE- MENT		PROFES- SIONAL		ADMINIS- TRATIVE		AUX- ILIARY		TOTAL	
	N	%	N	%	N	%	N	%	N	%
1 - 2	-	-	-	-	3	4,60	2	3,00	5	7,60
3 - 4	-	-	4	6,10	3	4,60	6	9,10	13	19,70
5 - 6	-	-	2	3,00	3	4,60	5	7,60	10	15,20
7 - 8	1	1,50	3	4,60	-	-	23	34,90	27	40,90
9 - 10	-	-	-	-	-	-	2	3,00	2	3,00
Above	-	-	2	3,00	1	1,50	6	9,10	9	13,60
TOTAL	1	1,50	11	16,70	10	15,30	44	66,70	66	100,00

Table 4.5 shows that the management division (principal), 1 (1,50 %) has a length of service of 7 to 8 years. The professional division has 4 (6,10 %) personnel with 3 to 4 years; and 2 (3,00 %) with a service of more than 10 years. The administration division has 3 (4,60 %) personnel members with 1 to 2 years; 3 (4,60 %) with 5 to 6 years, and 1



(1,50 %) with service of more than 10 years. The auxiliary division with its highest concentration of employees is represented in all categories: 2 (3,00 %) with 1 to 2 years experience; 6 (9,10 %) with 3 to 4 years; 5 (7,60 %) with 5 to 6 years; 23 (34,90 %) with 7 to 8 years; 2 (3,00 %) with 9 to 10 years; and 6 (9,10 %) with service of more than 10 years.

The deduction that could be made is that personnel in the auxiliary division are distributed in all year-categories and have the lowest turnover in the reform school. This should have a positive effect on Vuma Reform School because a high turnover has negative effects on the training process and overall stability in the reform school (Jarvis, 1978:74). It can also be deduced that turnover within the auxiliary division is low because personnel in this division are not easily departmentally transferred.

#### 4.3.2 Educational and professional qualifications

In the analysis of duties of different divisions and sections (4.2.1, 4.2.2 and 4.2.2.3) of Vuma Reform School, it emanated that treatment of juvenile offenders requires a certain degree of literacy and that each division or section requires the necessary skills.

Traditionally, in correctional institutions where the custodial role have been emphasized, the standard of education have been equally low. In his study, Jarvis (1978:62-63) found that 23,60 per cent did not complete high school education; 29,90 per cent did not complete college training; 30,00 per cent did some work beyond college education; and 16,50 per cent possessed university degrees.

TABLE 4.6 SCHOOL QUALIFICATIONS OF THE PERSONNEL OF VUMA REFORM SCHOOL

HIGHEST STANDARD PASSED	FREQUENCY (N = 66)	PERCENTAGE (%)
SSA* - Standard 5	11	16,67
Standard 6 - 8	12	18,18
Standard 9 - 10	16	24,24
Illiterate	27	40,91
TOTAL	66	100,00

\* Sub-Standard A

Table 4.6 shows that 11 (16,67 %) of personnel did not study beyond standard five; 12 (18,18 %) did not study beyond standard eight; 16 (24,24 %) had passed standard nine or ten

as their highest educational qualification; while 27 (40,91 %) had no formal school education at all. The figures include employment categories where a university degree is a prerequisite for employment, e.g. social workers.

TABLE 4.7 POST-SCHOOL QUALIFICATIONS OF THE PERSONNEL OF  
VUMA REFORM SCHOOL

POST-SCHOOL QUALIFICATIONS	FREQUENCY (N = 66)	PERCENTAGE (%)
Illiterate	27	40,91
None (School qualifications only)	28	42,42
College / Technicon	1	1,51
University	7	10,61
Other	3	4,55
TOTAL	66	100,00

Table 4.7 reveals that 27 (40,91 %) and 28 (42,42 %) of the personnel have no post-school qualification; 1 (1,51 %) has a college or technicon qualification; 7 (10,61 %) have university degrees; and 3 (4,55 %) have other post-school qualifications. Incidentally, the university (7 or 10,61 %)

category coincides with the posts of principal and social work and the none (55 or 83,30 %) category coincides with the custodial/general care and administrative posts.

TABLE 4.8 PROFESSIONAL QUALIFICATIONS OF THE PERSONNEL OF  
VUMA REFORM SCHOOL

PROFESSIONAL QUALIFICATIONS	FREQUENCY (N = 66)	PERCENTAGE (%)
Social Work	7	10,61
Nursing	1	1,51
Typing	2	3,03
Driving	3	4,55
Switch-Board	1	1,51
None	52	78,79
TOTAL	66	100,00

Table 4.8 indicates that 7 (10,61 %) have a social work profession; 1 (1,51 %) nursing; 2 (3,03 %) typing; 3 (4,55 %) driving; 1 (1,51 %) switch-board; and 52 (78,79 %) have no professional qualifications.

These findings reveal that at Vuma Reform School the highest percentage of its personnel establishment have no professional qualifications, for the jobs they perform. This fact may be explained in terms of traditional views concerning the roles of reform schools and correction philosophies. Jarvis (1978:68) opines that although new treatment programmes have entered the picture, the emphasis on custody and the lack of trained and qualified treatment personnel will keep this percentage high for many years. He further maintains that the expectations of society and the legal requirements make the custodial role the main function of the juvenile correctional system. He goes on to say that: " ... the control of juvenile offenders must be maintained, or else no treatment programme can produce good results. Effective treatment requires that offenders be both present and under control" (Jarvis, 1978:68-69).

#### 4.3.3 Sex distribution of personnel

Sex distribution as a factor affecting personnel patterns in a reform school is not significant as far as treatment of juvenile offenders is concerned. Indeed, as it shall be observed, personnel involved professionally in the treatment of juvenile offenders at Vuma Reform School (social

workers), are predominantly female. The notion, however, that correctional institutions that serve male offenders should be managed and administered by males still dominates.

TABLE 4.9 SEX DISTRIBUTION OF PERSONNEL AT VUMA REFORM SCHOOL

SEX DISTRIBUTION	FREQUENCY (N = 66)	PERCENTAGE (%)
Male	52	78,79
Female	14	21,21
TOTAL	66	100,00

Table 4.9 shows that 52 or 78,79 percent of the personnel are male and only 14 or 21,21 per cent are female.

Regarding the representation of sexes in juvenile institutions, the Department of Health and Welfare is of the opinion that: "... irrespective of whether a [reform school] is ... for boys only or girls only or for both sexes, the [personnel] should consist of representatives of both sexes. Because of the division of roles between men and women, there are aspects of the management function that

are more appropriate to a particular sex. For instance women are more probably better equipped than men to deal with domestic matters such as catering and the provision of clothing" (South Africa, 1981:Section 4).

TABLE 4.10 SEX DISTRIBUTION OF PERSONNEL ACCORDING TO INSTITUTIONAL DIVISION

SEX DISTRIBUTION	MANAGE- MENT		PROFES- SIONAL		ADMINIS- TRATIVE		AUX- ILIARY		TOTAL	
	N	%	N	%	N	%	N	%	N	%
Male	1	100,00	5	45,45	6	60,00	39	88,64	51	77,27
Female	-	-	6	54,55	4	40,00	5	11,36	15	22,73
TOTAL	1	100,00	11	100,00	10	100,00	44	100,00	66	100,00

Table 4.10 gives the sex distribution of personnel according to institutional division. The management is represented by 1 (1,50 %) male; the professional division by 5 (45,45 %) males and 6 (54,55 %) females; the administration division by 6 (60,00 %) males and 4 (40,00 %) females, and the auxiliary division by 39 (88,64 %) males and only 5 (11,36 %) females.

It could be expected that since Vuma Reform School is a institution for boys only, the personnel will be predominantly male. Such a pattern is common and researchers in criminology have remarked about it. Price (1977:101-102) noted that: " ... no part of our society has been exclusively a male domain as criminal justice system. The criminal law has been modified by male legislators; enforced by male police and interpreted by male judges. Rehabilitation programmes have been administered by males. The [correctional] system has been managed by men, primarily for men".

#### 4.4 SUMMARY

In this chapter an effort has been made to bring into perspective the internal organization of Vuma Reform School in respect of its organizational structure and functions of different divisions and sections significant in the treatment of juvenile offenders.

It has been pointed out that the goals of custody and treatment are important in the nature of the internal organization of a reform school. Attention has been given to the management, professional, administration and auxiliary divisions of the reform school. With reference to



the management it has been established that this is a statutory body which represents the interests of the controlling authority in terms of legislation and the interests of society in general. The management functions are executed through the principal within Vuma Reform school. The professional division consists of the social workers, the health staff, and the house-fathers. The latter are in charge of custody and general care services. The professional division through the social workers form the focal point of the treatment of juvenile offenders. The administration division plays a supportive role. It caters for equipment, staff matters and communication channels in the reform school.

Three factors affecting personnel patterns of Vuma Reform School have been analyzed, namely: length of service, educational and professional qualifications, and sex distribution of personnel. It has been established that personnel in the auxiliary division have the lowest turnover than the other divisions. Probably this is the result of differentiated conditions of service and their low qualifications. It has also been established that the traditional view of custody has affected educational and professional qualifications of personnel. A very high percentage of personnel at Vuma Reform School have no qualifications for the jobs they perform and generally low

standards of education. Lastly, it has been established that Vuma Reform School is managed and administered by predominantly male personnel. Although this has little to do with treatment as such, it shows the long held view in the selection of correctional system personnel.

By and large, the Vuma Reform School's internal organization is treatment orientated, although custodial orientation obviously resides in the personnel and organizational patterns.

## CHAPTER 5

ADMISSION AND TREATMENT PHASES OF JUVENILE OFFENDERS AT VUMA  
REFORM SCHOOL5.1 INTRODUCTION

The investigation has thus far established that juvenile offenders are referred to the Reform School for a specified period of retention by the juvenile court, after having been found guilty of a criminal offence. Such a committal is accompanied by a ministerial order designating a reform school to which a juvenile should be sent.

The task of Reform Schools in South Africa is that of admitting, caring and training of juveniles referred to them according to the Criminal Procedure Act (Act No. 51 of 1977) or any other law. Juvenile offenders at Vuma Reform School are thus committed for the purpose of rehabilitation and re-education through psycho-social and educational methods. Within a reform school a juvenile offender is educated and taught that an honourable hard working and useful life will help him fit into normal human society (Van der Walt, 1958:28).

For this objective to be achieved within a reform school, the following programmes and services are considered important :-

- (a) Provision of a well-planned programme of treatment with individuals well-schooled in theoretical psycho-social etiology and treatment of juvenile crime.
- (b) Provision of professional clinical services with individuals qualified by training in psychology, medicine, social work, religious instruction, and recreational fields (Twain, 1965:39).
- (c) Provision of physical structures like medical and health units, food and distribution units, academic and vocational training units the chapel and sport and recreational fields (Aderhold, 1965:52-53).

In the analysis of the programme of treatment at Vuma Reform School the following has been taken into consideration :-

- \* Firstly, that treatment of juvenile offenders follows a treatment plan that can be categorized into phases, namely, the admission, treatment and educational, preparation for release, and the post-release phases. For the purposes of this investigation, the admission and treatment phases are discussed in this chapter and

the preparation for release phase in chapter six to effect clarity. The post-release phase does not form part of this investigation.

- \* Secondly, the treatment programme of any reform school is affected by the size of the institution, the sex of the juvenile population, the nature of offences that have been committed by juveniles, the qualifications and training of the personnel, and the availability of resources (Twain, 1965:139-140).

The phases that are discussed in this chapter, i.e. the admission and treatment phases, have in each case, their own individual programmes. For example, the admission phase consists of a reception and orientation programme (diagnostic interview, psychological testing and classification). The treatment phase include educational and vocational training, recreational, religious instruction, food and clothing, and discipline and control programmes.

## 5.2 THE ADMISSION PHASE

The admission phase is the most important phase in the treatment of a convicted juvenile offender. His pre-occupied attitudes, prejudices, and expectations play an

important role when being admitted to the Reform School. The juvenile experiences detention in a reform school which is disruptive and fearful. He feels guilty, defiant and bewildered over what brought about his commitment, and likewise, he has mixed feelings concerning his separation from his family and community (Pitts, 1990:120; Blackburn, 1965:64).

The admission phase embeds the reception and orientation programme of a reform school. Its philosophy entails the following :-

- (a) Every juvenile offender committed to a reform school must be considered as an individual who has failed to adjust to his community.
- (b) Through his behaviour, the juvenile has shown that:  
" ... he needs help in becoming a well-adjusted member of society and a thorough diagnosis is necessary to determine his needs" (Blackburn, 1965:64).
- (c) The Reform School as a public welfare institution, and should provide whatever is necessary to meet these needs through a flexible treatment programme. This treatment programme should expose the juvenile offender to a friendly environment which respects him and provides opportunities for achievement and recognition (Blackburn, 1965:64-65).

To implement this philosophy the reception and orientation programme should provide the following -

- \* prepare the juvenile offender for institutional living;
- \* introduce him to positive and acceptable behaviour mechanisms;
- \* provide opportunities to gather the necessary diagnostic material upon which effective treatment is based; and
- \* provide a dynamic staff training and development curriculum (Blackburn, 1965:65).

#### 5.2.1 The reception and orientation programme of Vuma Reform School

The reception and orientation programme involves admission and registration procedures, diagnostic interview, psychological tests, academic and/or vocational classification, and hostel placement.

##### 5.2.1.1 Admission and registration

A juvenile offender is brought to Vuma Reform School under police escort from respective juvenile courts which referred them to the Reform School.

On arrival, he is brought to the admissions clerk who checks on official documents, which include court documents like the presentence investigation report, the medical certificate, the review record, and the record of previous convictions, i.e. the S.A.P. 69 (Annexure F).

The personal particulars of the juvenile are verified and entered into the admissions register. All the personal belongings of the juvenile like money, clothing and other valuables are recorded for safe keeping in an appropriate register and entered into his file.

#### 5.2.1.2 Diagnostic interview with the social worker

After completing the admission and registration process, the juvenile offender is allocated to a social worker for an initial diagnostic interview.

The purpose of this interview is two-fold, namely -

- \* bringing together of all information that will help the treatment staff understand the juvenile offender's problems; and



- \* giving the treatment staff an opportunity to help the juvenile offender gain some self-understanding and convince him that his commitment has a rational and a constructive purpose rather than punishment.

During the diagnostic interview the social worker employs social casework method and seeks to create a less tense atmosphere (cf. par. 2.5.1.1). A skilled social worker must: " ... initiate and sustain the best possible relationship and effectively interpret the institutional program" (Blackburn, 1965:67).

The juvenile offender is, during this interview, given an opportunity to consider his offence in terms of its consequences on the society. The programme of treatment is explained and the expectations of the Reform School are discussed. The confidence of the juvenile is won and is encouraged to accept his commitment to the Reform School with the hope that upon his release he will be a better person.

The social workers at Vuma Reform School are further expected to be channels of communication between the juvenile and the outside world; in particular his family (Chinkanda and Maphatane, 1990:316).

#### 5.2.1.3 Psychological tests

Analysis of psychological methods of treatment, which include reality therapy, behaviour modification, transactional analysis, and psychoanalysis have already been made in this investigation (cf. par. 2.5.2). The psychological testing of juvenile offenders forms an initial part of psychological treatment. The psychological division in a reform school is responsible for the application of psychological tests to determine the aptitudes and psychological factors that have a relationship to the misbehaviour of the juvenile offender. Aptitude tests serve to indicate the interests and possible classification of the offender in terms of academic or vocational training.

According to records, Vuma Reform School has no psychological tests division. Upon interview with the Principal, social workers, although not specifically trained in clinical psychology, are expected to act as brokers and refer any juvenile who needs such service to an outside psychologist.

During the investigation it emanated that such a service does not exist at Vuma Reform School and no juvenile offender has ever been referred to a psychologist for testing and classification.

#### 5.2.1.4 Classification or placement

The reception and orientation programme also involves the classification of the juvenile offenders in terms of academic, vocational and residential groups. Obviously, this involves the use of psychological tests and social classification. Since Vuma Reform School has no psychological services, it becomes the duty of the social worker to establish such classification.

Using the presentence investigation report, the social worker establishes the highest standard of education attained by the juvenile offender. He is thereafter allocated to an academic class which he is going to attend. It is the duty of the social worker to advise the newly admitted juvenile that academic education will form part of his treatment programme and is necessary for his future adjustment to society. The same applies to the classification in respect of vocational training, but Vuma Reform School does not offer that programme as will be observed in the treatment phase.

Hostel placement is the duty of the house-father. The house-father allocates a dormitory, issues out bedding and clothing, introduce the newly admitted juvenile to other inmates, enters his name in the hostel register, and advise him of the routine and rules applicable to hostel behaviour.

Classification according to the type of crime committed is not followed, possibly because juvenile offenders who committed similar crimes like theft, are in the majority. During the interview with house-fathers it emanated that special precaution is taken on the following :-

- (a) Juveniles of the same age are grouped together in order to avoid victimization of younger juvenile offenders.
- (b) Juveniles from the same area of origin are separated with the aim of avoiding gang formation and absconding which is common among juvenile offenders.

These precautions are of criminological significance. Gang formation can be the result of poor socialization that has been experienced by juveniles which, in turn, lead to the subcultures of conflict (Cloward and Ohlin, 1960:86).

### 5.3 TREATMENT AND EDUCATION PHASE

The treatment and education phase follows directly after the completion of the admission phase. Treatment programmes offered at reform schools constitute, *inter alia*, the academic education programme, the vocational, religious instruction, recreational activity, food and clothing and discipline and control programmes. Following is a discussion of each programme and its application at Vuma Reform School.

#### 5.3.1 Academic Educational Programme

Academic educational programmes are remedial in nature. They provide opportunities for successful achievement and enable each juvenile offender to obtain some feelings of himself as worthwhile and capable. Kane (1966:41) says: "... [that] in today's educationally centred society, a successful school experience is essential for a positive concept of self".

An academic educational programme forms the basis of related programmes for example, the vocational training programme. It further serves to increase the juvenile attachment to school. Hirschi (1969:120) hypothesized that attachment to school increases the likelihood that the person will remain

for a longer time within the school. Further, the lack of such a bond with the school is related to delinquency. Young persons who have a stake in school are less inclined to engage in delinquent activities (Hindelang, 1973:481).

#### 5.3.1.1 The task of the school teacher

In the application of an academic educational programme, the school teacher has the most important task. The following are the most obvious duties that the school teacher, serving a reform school should perform :-

- (a) The school teacher has to remedy educational deficiencies of long standing within a relatively short period. This task has to be accomplished without adding to the already considerable frustration of the juvenile offender.
- (b) Being observant and knowledgeable of each juvenile offender, he can assist in his overall growth and development of socially acceptable patterns of behaviour.
- (c) The school teacher has to place the juvenile offender in a situation where he can achieve academic qualifications, remedy academic deficiencies, and enable him to move to higher levels of education skills.

- (d) Finally, the school teacher has to pay attention to those juveniles who are either illiterate or can read up to low levels, and give consideration to those who arrive during the course of the school calendar year by devising programmes suitable for them (Childers, 1965:76).

#### 5.3.1.2 The design of an academic educational programme

Childers (1965:76-77) remarks that: " ... [before] any planning can be done for the [juvenile offender] education and intelligence testing must be completed and evaluated for the purpose of determining the needs and capabilities of the new [juvenile offender]". Such an exercise would eliminate any problems that may arise in the application of the academic educational programme.

The design of the academic educational programme must further consider two aspects in respect of the juvenile, namely: that the juvenile might be fearful and hostile towards the learning process and that he will have to return to the community. Every effort should be made to allay the fears of learning; and for a juvenile who is likely to return to a public school it is beneficial to offer a curriculum which will lead to a satisfactory completion of the public school programme (Childers, 1965:77).

Equally important to the above aspects are the necessities of the school serving a reform school. These are not necessarily different from those of any public school. The following are some of the basic features :-

- (a) Teachers serving such a school must be well-trained in the understanding of juvenile crime and its causal factors. In addition, they must have compassion, love of people, boundless energy, and an earnest belief that people can be changed.
- (b) The school should not be used as a point of banishment for the public school teachers who, for a number of reasons, have proved themselves to be less than satisfactory instructors or who have incurred ill-favour of those in authority.
- (c) Teachers should be encouraged to become members of external educational organizations. Childers (1965:80) observes that there is always a danger that the teachers in such a school will abstain from professional affiliation or fail to keep current with educational progress and methods.



- (d) The school must have a library in an effort to encourage reading and promote constant use of library services among juvenile offenders. Other extra-curricular activities that fall within the interest of juveniles must be provided for.

5.3.1.3 Some special problems with regard to academic educational programme

Jarvis (1978:201-203) observed in his study that juvenile offenders entering reform schools displayed the following characteristics :-

- (a) They have lower grades than those in public schools.
- (b) They are older than formal school groups.
- (c) There is a relationship between a young person's inability to read and juvenile crime.

Special problems that may interfere with the juvenile offender's school progress within the Reform School are as follows :-

(a) Antipathy

Juvenile offenders committed to a reform school have had trouble in their school career and their education has been a failure. Grobler (1941:169) opines:

" ... if a child has passed his 17<sup>th</sup> year of normal intelligence, and has not passed his sixth standard, which the average child passes when about 13 years old, then there must be something radically wrong".

Dislike for school results in dropping out of school, which is related to juvenile crime. The reasons for dropping out are related to the following -

- \* a desire for the youth to get a job and have more money;
- \* a feeling of failure and hopelessness resulting from failing grades;
- \* lack of individual or group counselling or other supportive services;
- \* inability to relate the curriculum to future employment needs;
- \* influence of out-of-school friends and clashes with teachers and authority figures; and
- \* lack of basic necessities like books, and clothing (Kratcoski and Kratcoski, 1979:175:176).

Juvenile offenders, besides the fact that they do not like schooling, have been out of school for a long time, and their attitudes is that the school is there to punish them.

(b) Retardation

According to Grobler (1941:170) a youth is retarded if he is older than eleven years and still in standard one, and older than twelve years and still in standard two, etc. He thus concluded that juvenile offenders have some form of social retardation when compared to those in public schools. This retardation can be explained by the following factors -

- \* interruption between the attendance of their last public school and the reform school;
- \* truancy;
- \* poor economic conditions;
- \* broken homes; and
- \* lack of opportunity of attending school in their locality (Grobler, 1941:170-171).

Kratcoski and Kratcoski (1979:167) say that the inability to succeed academically can be correlated to juvenile crime development. Most delinquents, they observed, come from homes where the degree of environmental disorganization is of such a nature that any sort of serious intellectual pursuit is a near impossibility. They cite overcrowding, lack of proper

housing, inexperience with books and general low living standards as responsible factors for retardation among juvenile offenders.

Although there is no reason to suggest that juvenile offenders are mentally retarded, the academic educational programme should provide for such instances.

(c) The shifting nature of the reform school population

Another problem with any academic educational programme is the shifting nature of the reform school population. Juvenile offenders are committed to a reform school at any time of the year and may be discharged during the course of the school calendar year. It thus becomes difficult for any juvenile to find his feet in a subject in which his fellow pupils have learnt all the basic principles in which he has to start later in the year (Grobler, 1941:171).

5.3.1.5 Academic educational programme of Vuma Reform School

TABLE 5.1 STANDARD OF EDUCATION OF JUVENILE OFFENDERS AT VUMA REFORM SCHOOL ON ADMISSION

STANDARD OF EDUCATION	FREQUENCY (N = 100)	PERCENTAGE (%)
SSA* - Standard 2	43	43,00
Standard 3 - 5	35	35,00
Standard 6 - 8	6	6,00
Standard 9 - 10	-	-
None	16	16,00
TOTAL	100	100,00

\* Sub-Standard A

Table 5.1 reveals that 43 (43,00 %) of the 100 juvenile offenders under investigation had a standard of education of below standard two; 35 (35,00 %) below standard five; 6 (6,00 %) below standard eight while 16 (16,00 %) had not attended school at all.

TABLE 5.2      AGE GROUPS ACCORDING TO STANDARD OF EDUCATION  
OF JUVENILE OFFENDERS ON ADMISSION

AGE	SSA* - 2		STD 3 - 5		STD 6 - 8		NONE		TOTAL	
	N	%	N	%	N	%	N	%	N	%
11 - 12	1	2,33	-	-	-	-	-	-	1	1,00
13 - 14	5	11,63	3	8,57	-	-	2	12,50	10	10,00
15 - 16	17	39,53	21	60,00	2	33,33	9	56,25	49	49,00
17 - 18	19	44,18	11	31,43	4	66,67	5	31,25	39	39,00
19 - 20	1	2,33	-	-	-	-	-	-	1	1,00
TOTAL	43	100,00	35	100,00	6	100,00	16	100,00	100	100,00

\* Sub-Standard A

Table 5.2 reveals that 1 (2,33 %) of the 43 juvenile offenders who have a below standard two education are in the 11 to 12 years age group; 5 (11,63 %) in the 13 to 14 years age group; 17 (39,53 %) in the 15 to 16 years age group; 19 (44,18 %) in the 17 to 18 years age group; and 1 (2,33 %) in the 19 to 20 years age group.

Of the 35 juvenile offenders who have a standard of education of below standard five; 3 (8,57 %) are in the 13 to 14 years age group; 21 (60,00 %) in the 15 to 16 years age group; and 11 (31,43 %) in the 17 to 18 years age group.

Of the juvenile offenders who have a standard of education below standard eight, 2 (33,33 %) are in the 15 to 16 years age group and 4 (66,67 %) are in the 17 to 18 years age group.

Lastly, of the 16 juvenile offenders who have no formal education at all, 2 (12,50 %) are in the 13 to 14 years age group; 9 (56,25 %) are in the 15 to 16 years age group; and 5 (31,25 %) in the 17 to 18 years age group.

TABLE 5.3 DATES OF ADMISSION OF JUVENILE OFFENDERS AT  
VUMA REFORM SCHOOL

DATE OF ADMISSION	FREQUENCY (N = 100)	PERCENTAGE (%)
Jan - June 1988	16	16,00
July - Dec 1988	19	19,00
Jan - June 1989	35	35,00
July - Dec 1989	20	20,00
Jan - June 1990	10	10,00
TOTAL	100	100,00

Table 5.3 shows that of the 100 juvenile offenders under investigation 16 (16,00 %) were admitted between January and June 1988; 19 (19,00 %) between July and December 1988; 35 (35,00 %) between January and June 1989; 20 (20,20 %) between July and December 1989; and 10 (10,00 %) between January and June 1990 (cf. table 3.7, par 3.5.2.3.1).

Data from tables 5.1, 5.2 and 5.3 reveal noteworthy information regarding the task of the academic educational programme of Vuma Reform School. The following are the most important observations :-



- (a) The majority (59, or 59,00 per cent) of the juvenile offenders under investigation have either education of below standard two or none at all.
- (b) The majority of those who have education of below standard two (17 or 39,50 per cent and 19 or 44,20 per cent) fall between the ages of 15 to 16 and 17 to 18 years respectively.
- (c) The 16 (16,00 %) of those who have no formal education at all have gone past the beginners age at school.
- (d) Only 6 (6,00 %) are in the secondary school level and can be expected to undergo vocational training after completing their secondary school.
- (e) The dates of admission do not coincide with the school calendar year.

Brown (1984:172) found that there was a high proportion of illiteracy in class 1-2 level among older juveniles. She points out that : " ... [this] poses difficulties for their rehabilitation as they are unwilling to attend normal schools at their age with seven or eight year old pupils, and yet at this stage of economic development it is a handicap to be illiterate". This would be even more so in a time of political change towards the so-called new South Africa.

#### 5.3.1.5.1      Enrolment at Vumulwazi School

Vumulwazi School offers academic education to juvenile offenders of Vuma Reform School (cf. par. 4.2.1.2). All juvenile offenders are expected to attend the school.

The social worker, having established the standard of education of a juvenile from the presentence investigation report, refers him to this school. The teacher at the school establishes whether the juvenile fits into that particular class, and is then admitted.

Should it happen that the juvenile arrives during the course of the year or when it is too late to catch up with other pupils, he is not admitted until the following year. No academic provision is made to occupy such cases.

#### 5.3.1.5.2      Curriculum, syllabus and promotions

The curriculum followed at Vumulwazi School is similar to any of the public schools under the control of the KwaZulu Department of Education and Culture.

The curriculum includes subjects of Zulu, English, Afrikaans, History, Geography, Mathematics and General Science. Although Brown (1984:173) says that the juveniles who are illiterate and yet in the age groups of 16 and 17 years were offered literacy classes of the "Operation Upgrade", no such could be established in this investigation.

Since Vumulwazi School caters from SSA up to Standard seven, juveniles who have obtained standard seven are sent to a nearby secondary school on a daily basis with no official supervising them.

Like any other public school examinations and tests are used for promotions to higher classes. School reports are provided at the end of each school term. These reports are used for further treatment like reconstruction services and continuation with education in a public school.

### 5.3.2 Vocational Training Programme

The rationale for the provision of a vocational training programme within a reform school is that when social, cultural and educational preparation for employment is

inadequate; the result is job instability, frustration and unemployment. These are excellent contributors towards committing juvenile crime (Jarvis, 1978:204).

Grobler (1941) asserts that vocational training in a South African Reform School would aim at character formation; preparation for a better living, provision of a utilitarian purpose in the community, and " ... is a powerful means of adjustment in the community. If a juvenile offender leaves the Reform School equipped to earn an honest living, much temptation to acquire things through theft, housebreaking and robbery would disappear" (Grobler, 1941:180). Vocational training is thus an economic resource strategy of treatment (Bartollas, 1985:172; Chinkanda and Mapnathane, 1990:308).

#### 5.3.2.1 The design of a vocational training programme

The vocational training programme should take the premise that -

- \* vocational education involves those activities which, when properly presented, equip the learner with skills and related information in a trade or occupation; and

- \* juveniles committed to reform schools arrive there with no work skills (being too young to have full-time employment), a retarded standard of education, little motivation for work, and no firmly established work patterns (Childers, 1965:84).

The design of the vocational training programme should otherwise provide for the following :-

- (a) Tests and interviews to determine vocational aptitudes, interests and possibilities for employment.
- (b) It must be allied with academic education programme which will supplement it with remedial work and related subjects.
- (c) It must equip the juvenile offender " ... to become a productive member of society who can operate successfully without becoming entangled in subsequent law violations (Childers, 1965:89).
- (d) Courses offered should not be above the ability of the juvenile offender to achieve.
- (e) The design should be constantly reviewed to determine if the changing nature of the school has minimized the value of any area of training (Childers, 1965:89-90).

The vocational training programme should thus be able to instil useful work-habits, be flexible enough to accommodate individual needs of juvenile offenders, and be able to fit the employment market.

#### 5.3.2.2 Vocational training programme at Vuma Reform School

Brown (1984:173) in her study says that boys at Vuma Reform School were taught trades like bricklaying, carpentry and welding; no such training has been established by this investigation.

Discussions with the Principal revealed that a vocation training programme, although desirable, is unlikely to be introduced in the immediate foreseeable future. Lack of instructors in vocational training and absence of basic facilities like an equipped workshop were cited as the main problems for providing such a service.

#### 5.3.3 Recreational Programme

The importance of recreation (activity therapy) as a method of treatment has been discussed in chapter 2 (par. 2.5.1.2.2). It is necessary to mention that a recreational

programme today is ranked on the same level with educational, religious and other clinical programmes (Gorlich, 1965:110).

#### 5.3.3.1 The value of a recreational programme at a reform school

The value of a recreational reform programme at a reform school can be realized in the following areas :-

(a) Disciplinary value

Recreation encourages discipline by absorbing the superfluous energy that might have been utilized in wrong behaviour.

(b) Educational value

Recreation has a socializing effect and helps young persons discover or develop a positive self-concept if, for example, they discover that they are outstanding in sport. In addition, recreation forms an outlet for the instinct of self-assertion, develops teamwork and a sense of social solidarity.

(c) Physical value

Recreation plays a role in developing healthy physical development, agility and alertness (Grobler, 1941:186-187).

5.3.3.2 The design of a recreational programme

Although a recreational programme is essentially a social groupwork technique, it must however, must take into consideration individual needs of juvenile offenders. The following are the most important considerations :-

- (a) The recreational programme should, to a large extent, be a voluntary programme and it must be conceded that some juveniles will not want to participate to any degree. Efforts should, however, be made to involve them.
- (b) Caution should be exerted over juveniles who, because of medical reasons, cannot participate.
- (c) Other juveniles, because of their personality make-up would prefer to be involved in games of physical activity. Games such as boxing, karate and wrestling should however, be avoided because "... such may be used by [juveniles] as a means of revenge for actual or imagined skirmishes" (Gorlich, 1965:116).



Basic facilities to carry out recreational programme within a reform school are necessary. The following are the most important ones :-

(a) Play-room

A play-room is necessary to carry out indoor sport activities like table tennis and chess. Such games cater for needs of both individuals and groups. Gorlich (1965:113) remarks that: "... since institutional living must of necessity focus on group living, it is essential that some thought be given to the individual or one to two person program[me] which some children need".

(b) Central gymnasium

A gymnasium is essential for a properly balanced recreation programme to cater for seasonal intramural games, play nights which provides several activities at one time in different areas, and social dancing.

(c) Open-air sport complex

This complex would cater for out-door sport activities like soccer, baseball, basketball, lawntennis, track and field events. Other facilities that may supplement open air sport activities include swimming

pools for relaxation and an auditorium for guest artists that may be invited by the institution from time to time (Gorlich, 1965:113-114).

The recreation programme should, in the last instance, provide for off-campus activities. Each juvenile in a reform school need to have experience of what occurs in the community. He must continue some contact with a normal way of life rather than remain isolated in an institution which is not part of the main stream of life. Juvenile offenders can be taken to community recreation centres to watch movies, plays and other sporting events. These may be planned to coincide with school studies, thus giving concrete evidence of the interrelated aspects of the reform school programme and the community (Gorlich, 1965:117).

The recreation programme should thus be planned or designed in such a way that it furthers the treatment goal of a reform school.

#### 5.3.3.3 The recreational programme of Vuma Reform School

Recreation and the use of leisure time, has received attention in South Africa and elsewhere. Its use has been viewed as a double-edged sword. It can be healthy, positive, formative and prepare an individual to develop a

normal balanced personality and to fill his position in society with distinction in accordance with the generally prevailing norms and values. On the other hand lack of adequate recreation facilities or when an individual spends his time unproductively and recklessly, boredom and idleness sets in which might contribute to juvenile criminality (Cronje, et al, 1982:207).

Cronje et al (1982:208) cites studies of Smith (1980) and Louw (1973) where it was shown that juvenile offenders spend their time harmfully when compared to non-juvenile offenders. Further, such juvenile offenders came from areas which did not provide enough recreational facilities.

Juvenile offenders at Vuma Reform School should, as part of their treatment, be provided with recreational facilities. Basic facilities and trained personnel have to be provided. The following constitute the set-up of the recreational programme :-

(a) Recreation facilities

Vuma Reform School does not have advanced recreational facilities, but basic facilities are provided. These include soccer, volley-ball and netball fields. A lawn tennis court is also available but is not oftenly used.

There is no gymnasium or an auditorium except a hall which is generally, used for providing meals to inmates.

(b) Recreation officials

Vuma Reform School has no trained person employed for this purpose. The house-fathers are generally involved in recreation and are responsible for such activities. School teachers at Vumulwazi School are responsible for recreation which falls under the curriculum provisions of the school.

(c) Recreation activities

Recreational activities include soccer, volley ball, netball, karate and gumboot dancing. Soccer appears to be the most popular sport among juveniles and most of them take part in it during their spare time. Soccer competitions are held with other local schools. Only those who are players are permitted to go out for the purposes of competitions. Indoor games include film shows, playing cards, table-tennis and darts. The dining hall is used for these activities (Brown, 1984:139).

#### 5.3.4 Religious Instruction Programme

Effective treatment of the juvenile offender within a reform school would be incomplete without a religious instruction programme. This treatment programme should be designed to fit the juvenile offenders and be related to the community from which they come, and will return (Ginder, 1965:20).

Stark et al. (1980:43) view the importance of religion and its relations to crime in terms of social bonds which religion creates between individuals and their communities. In their study they note that although Durkheim (1915) placed religion at the centre of his conception of moral order, such view has not been pursued by modern criminologists in research on crime and delinquency. The fact then, that juvenile offenders deviate from norms of society, is that the religious bond has been weakened and this probably leads to their deviance.

The religious instruction programme of a reform school should thus aim at the following :-

- (a) It must reflect the nature of religion practised by the family of the juvenile offender and his community.

- (b) It must be closely intergrated with educational, recreational and other therapeutic services offered by the reform school ,

#### 5.3.4.1 The design of a religious instruction programme

A religious instruction programme of a reform school should be characterized by the following :-

##### (a) Appointment of a chaplain

The functions of a chaplain in a reform school are -

- \* contribution to the diagnosis and treatment of the juvenile offender because of his understanding of the effects of sinning;
- \* availing himself to the newly admitted offender and maintaining contact with him;
- \* attending management or case analysis meetings and participate in policy formulation;
- \* maintaining contact with ministers of religion of churches of juvenile offenders in preparation for their eventual return to the community; and
- \* organizing religious services for juvenile offenders (Ginder, 1965:126).

(b) Chapel for worshipping

Ideally separate worshipping chapels for Catholics and Protestants should be provided. However, where this is not possible because of financial implications an interdenominational chapel may be used. Ginder (1965:123) is of the opinion that even where a separate chapel cannot be provided, it is quite essential that the room or hall in which religious services are conducted, be reserved strictly for religious services and that the atmosphere of the hall be kept religious in nature.

(c) Compulsory attendance to religious services

This procedure is common to most religious instruction programmes in reform schools. In a situation where juveniles claim to belong to a denomination, a habit of church attendance should be created. A juvenile should be provided with an opportunity that he will be able to transfer this habit when he returns to his community.

(d) Curriculum for religious instruction

A religious instruction programme should provide a curriculum that has a simple subject matter, realistic and within the juvenile offender's understanding.

(e) Juvenile offender's role in the religious instruction

The involvement of juvenile offenders in the religious instruction programme is of utmost importance. They should be encouraged to take part in church choirs, cleaning of the chapel, and be involved in role-playing and scripture readings. The design of a religious instruction programme should thus be made to suit the needs of a juvenile offender and resemble what occurs in his community.



5.3.4.2 The Religious Instruction Programme of Vuma Reform School

TABLE 5.4 RELIGIOUS AFFILIATION OF JUVENILE OFFENDERS AT VUMA REFORM SCHOOL

DENOMINATION	FREQUENCY (N = 100)	PERCENTAGE (%)
Roman Catholic Church	23	23,00
Protestant Church*	17	17,00
Independent Church**	46	46,00
Other***	14	14,00
TOTAL	100	100,00

\* Includes Anglican, Methodist, United Congregational, Presbyterian, Lutheran and Swedish Holiness Churches.

\*\* Includes Uthopian, African Gospel, Nazareth and St. John's Apostolic Churches.

\*\*\* Refers to those respondents who follow Zionist sects of worship.

What is noticeable in table 5.4 is that every juvenile offender belongs to one or other denomination. Twenty-three (23,00 %) belong to the Roman Catholic Church; 17 (17,00 %)

to the Protestant churches; 46 (46,00 %) to the Independent churches; and 14 (14,00 %) belong to "other" churches. Thus, Vuma Reform School is characterized by a diversity of church affiliation among its inmates.

There is no full-time chaplain appointee at Vuma Reform School. Volunteer ministers of religion take turns in conducting services at the Reform School. The services are interdenominational and no special services are held for either Protestant or Roman Catholic church members. Grobler (1941:190) noted that this practice in South Africa is maintained because "religious particularism" is not favoured in government institutions.

Vuma Reform School has no chapel specially built for religious services. Church services are held in the same dining-hall where indoor sports take place.

The involvement of juvenile offenders in religious services is minimal with the exception that it is compulsory for all juvenile offenders to attend them. Brown (1984:139) observed that boys at Vuma Reform School seemed far less enthusiastic than girls at Ngwelezane Reform School\* about

\* See Chapter 6, p.258

religious activities and did not seem to give spontaneous support to these.

A curriculum for religious instruction is provided by Vumulwazi School as a non-examination subject. For control and security reasons, juvenile offenders are not allowed to attend church services outside the Reform School.

#### 5.3.5 Food and Clothing Programme

Madison (1965:129) say that effective institutional treatment of delinquent youths " ... depends to a certain extent, upon tangible and material program[me] tools, like clothing and food". The management of the reform school should understand that adequate physical care programme which include food and clothing play a vital role in the treatment of delinquent youth.

##### 5.3.5.1 Clothing Programme

The philosophy of a clothing programme should be reflected in the treatment orientation of a reform school, i.e. it should be functional and individualized in colour and style (Madison, 1965:129-130).

The clothing programme should be based on the principle that each juvenile offender should be provided with clothing that fits his personality..

Consideration must be given to the fact that juvenile offenders might have been neglected before coming to the reform school. A clothing programme must, therefore, inculcate positive values and be designed in such a way that good training occurs in selection, care and use (Madison, 1965:130).

In providing clothing, dual responsibility is necessary. Juvenile offenders must learn not to abuse or destroy clothing and the Reform School must provide adequate maintenance facilities through laundry and mending services.

At Vuma Reform School clothing is supplied by KwaZulu Department of Social Welfare and Pensions. School uniforms include two pairs of long grey trousers and two blue shirts; two pairs of black socks; one pair of shoes; a set of underwear; and a navy jersey. For campus care activities overalls are supplied for each juvenile.

No clothing is provided for extra-mural activities and for free-time use. Juveniles are, however, allowed to have clothing supplied from their homes.

Mending and laundry services are provided by Vuma Reform School. Juveniles are allocated duties in the laundry services as part of their overall treatment programme.

#### 5.3.5.2 Food Programme

The food programme of a reform school should take the following into account -

- (a) that rapid and individualized growth among juveniles affect their eating habits which gets worse than better as they grow older;
- (b) food can be used as a source of stabilization of emotions and should nourish both the body and spirit; and
- (c) that food preparation and food service are regarded by youth as tangible evidence of love (Madison, 1965:133-134).

The place where food is prepared and served in a reform school is of strategic importance. Madison (1965:134) opines that if food is to be enjoyed, it must be of good quality. This does not mean that it must be expensive, but it does mean food with good taste and flavour, well-prepared

and attractively served. The dining-room where this food is served should be attractive without being luxurious and expensive.

A food programme should afford an opportunity for vocational training of juvenile offenders. A reform school can appropriately incorporate food serving classes in vocational instruction programme. Such a course should include menu planning, food preparation, cooking, baking, table service and related functions (Madison, 1965:134).

In a reform school where the juveniles have a responsibility of food preparation and food serving, somebody to supervise must be appointed. Juveniles who may act as servers can either intentionally or unintentionally limit the portions to various individuals. According to Madison (1965:135), an easiest way to provoke a disorder in an institution is for a person to be slighted on his portion of food.

At Vuma Reform School the food programme is considered as one of the important aspects of treatment. The Department of Social Welfare and Pensions has employed the services of a catering firm, "Hospitality", which is responsible for the food preparation. A modern kitchen unit is used for food preparation and experienced, qualified chefs are employed to do the cooking.

Juveniles are involved in various activities like cleaning of dishes and pots; cleaning of the dining hall and serving of food to other inmates, which is done under the supervision of prefects and house-fathers. These activities are, however, not done with the aim of any vocational training.

The menu at Vuma Reform School is an accepted and approved menu which is supervised by government health inspectors. It includes porridge, eggs, beans, meat, fish, fruits and vegetables. The intention of providing such a diversified but balanced menu is to provide food which gives enough protein, starch and various vitamins to the juvenile offenders.

#### 5.3.6 Discipline and Control Programme

Research in juvenile crime has shown that the type of discipline the child is subjected to in his family is a contributory factor to juvenile criminality. Juvenile criminology has brought to the fore the significance of parental attitudes and love (or lack of it) on the one hand and their disciplinary methods on the other (Mannheim, 1965:113-114).

Juvenile offenders of Vuma Reform School have been, prior to their committal, subjected to various types of discipline and control. Their parents have subjected them to destructive parental discipline which may have been weak; indifferent; inconsistent; indulgent; over-protective; and none at all (Cronje et al, 1982:104-110). Most of the juveniles have received previous convictions from juvenile courts and sentenced on these previous convictions. These include whipping, suspended sentences, probationary supervision; and cautioned and discharged sentences (Table 3.6).

Discipline and control thus forms a major task of the treatment programme of a reform school. Therapists should be aware that juvenile offenders hate any form of discipline and control, whilst the need for discipline forms part of their delinquent subculture. They vary between love and hatred of those who seek to control them (Sykes and Matza, 1970:296).

The programme of discipline and control should be constructive and therapists must ensure that juveniles are not destroyed by negative disciplinary methods.



#### 5.3.6.1 The design and nature of a disciplinary and control programme

In this investigation the concepts of discipline and control are preferred to punishment and security because they are more in line with the idea of treatment than custody. They refer to the discipline which involves physical inculcation of values into the individual and maintenance of those values internally by the individual, respectively.

There is a controversy concerning the philosophy of discipline and control in a reform school. Two schools of thought are identifiable :-

- \* One stresses a maximum amount of permissive activity. This school overlooks the fact that juveniles want discipline and are anxious to know what they can do and what they are not permitted to do. Discipline helps strengthen their inner controls.
- \* Another school that has been in existence for many years is that of "spare the rod and spoil the child". Correct thinking is not part of this school since such institutionalized violence created individuals who have little concern of others (Sharp, 1965:162). The

programme of discipline and control of a reform school should not adhere to either of these, in their extremes, because no constructive discipline will be maintained.

The discipline and control programme should be directed at three segments of a reform school, namely the individual juvenile, the groups of juveniles, and the disciplinary tone of the entire institution (Sharp, 1965:163).

Basic to the above considerations is that discipline and control must benefit each juvenile offender. The imposition of any discipline and control measures must recognize the motives of each transgression. The juvenile offender under treatment must experience discipline as directed at transgression and not personally at him.

5.3.6.2 Discipline and control programme at Vuma Reform School

TABLE 5.5 BEHAVIOURAL PROBLEMS PRESENTED BY JUVENILE OFFENDERS AT VUMA REFORM SCHOOL

NATURE OF MISBEHAVIOUR	FREQUENCY (N = 100)	PERCENTAGE (%)
Absconding	42	36,21
Fighting	9	7,76
Theft	11	9,48
None	54	46,55
TOTAL	116*	100,00

\* N = 100: Frequency rises to 116 because of observations responding to more than one variable.

Table 5.5 reveals that 42 (36,21 %) of juvenile offenders under investigation have absconded from the institution; 9 (7,76 %) have involved themselves in fighting; 11 (9,48 %) have committed petty theft; and 54 (46,55 %) have no record of any misbehaviour whilst at Vuma Reform School. It must, however, be noted that since the information regarding these

behavioural problems was obtained from entries in personal files, there is a strong possibility that not all instances of misbehaviour were recorded.

Behavioural problems presented by juvenile offenders in a reform school are symptomatic of suppressed aggression, fear, poor self-image and a need for recognition (South Africa, 1981:Section 8).

Following is a brief analysis of the behavioural problems presented by juvenile offenders whilst at Vuma Reform School.

(a) Absconding

Research on absconding indicates that it is not related to personality abnormalities of juvenile offenders (South Africa, 1981:Section 8; Grobler, 1941:202). Absconding from a reform school by juveniles has also different reasons from the escapes which one can find from adult correctional services. The environmental factors such as location of the reform school, climatic conditions, and influence of other juveniles seem to play an important role in absconding tendencies of juvenile offenders (Neser, 1989:153-154; Lötter and Schurink, 1984:151).

(b) Theft

The majority of juvenile offenders at Vuma Reform School were convicted of theft (Table 3.1). It seems, however, that this type of behavioural problem is not prevalent within the Reform School.

Within an institutional setting, a juvenile may steal from other inmates for various reasons which include love to own something he or his parents cannot afford, compensation of feelings of insecurity, and need for recognition (South Africa, 1981:Section 8).

(c) Fighting

Fighting among juvenile offenders, within and already committed to a reform school, may be expected to be a common phenomenon. For example, juveniles may fight over some objects or to display physical prowess to others. It is, however, impossible for officials within a reform school to receive a report of such incidence for various reasons including a fear of victimization by other juveniles.

### 5.3.6.3 Legal provisions of discipline and control as applied at Vuma Reform School

The Child Care Act (Act No. 74 of 1983) provides for discipline and control of juvenile offenders in reform schools. Specifically, provision is made for methods of dealing with absconders, maintenance of good order and discipline and regulations of punishment that may be imposed (South Africa, 1983:Section 38; South Africa 1986: Regulation 32).

#### 5.3.6.3.1 Absconding from the Reform School

According to the Child Care Act (Act No.74 of 1983) absconding include absconding from a reform school or from the custody of any person in whom he has been placed by the Child Care Act of 1983 or Criminal Procedure Act of 1977, and failure to return to a reform school after having been granted leave of absence or when the release on licence has expired or cancelled (South Africa, 1983:Section 38(1)).

Such a juvenile may be apprehended by any policeman or probation officer without any warrant " ... and may until he can be brought before a commissioner be kept in any place of safety or place of detention" (South Africa, 1983: Section 38 (1)).

A commissioner before whom an absconded juvenile is brought, after having established the reasons for absconding, may give the following orders -

- \* that the juvenile be returned to the reform school, or
- \* that he be kept in a place of safety or place of detention pending an action by the Minister (South Africa, 1983:Section 38(2)).

The Minister, after having considered the report of the commissioner, may deal with the juvenile in the following manner -

- \* order that he be returned to the reform school from which he absconded;
- \* deal with him in terms of section 36 of the Child Care Act (Act No. 74 of 1983); or
- \* discharge him from the provisions of section 290 of the Criminal Procedure Act (Act No. 51 of 1977)(South Africa, 1983:Section 38(3)).

#### 5.3.6.3.2 Maintenance of good order and discipline

Regulation 32 of the Child Care Act (Act No.74 of 1983) provides for the methods of maintaining order and discipline within a reform school. The following, according to this regulation, constitute disorderly behaviour :-

- (a) Obstructing any person in authority in the execution of his duties.
- (b) Refusing to carry out or complying with a lawful order.
- (c) Inciting, encouraging another juvenile to create, cause or participate in any disturbance or commit an act of insubordination.
- (d) Inciting or encouraging any other juvenile to acts of violence that interfere with the good order or administration of the reform school.
- (e) Using or intentionally destroying property not belonging to him.
- (f) Bringing to the reform school alcohol or habit-forming drugs.
- (g) Behaving in an improper manner inside or outside the reform school (South Africa, 1986:Regulation 32(1)).



5.3.6.3.3 Regulation of punishment that may be imposed

The punishment that may be imposed on the juvenile offender is determined by the Principal of the Reform School, after having considered the nature of the transgression, the age of the juvenile, and the general instructions that the Board of Management of the Reform School may give from time to time. This, however, excludes the use of isolation, confinement and refusal of leave as a form of punishment (South Africa, 1986:Regulation 32(2)).

Corporal punishment (whipping), which is applicable to boys only, is used on condition that -

- \* it shall not be inflicted on a boy in respect of whom a social worker, a psychologist or a medical practitioner has forbidden the infliction of such punishment;
- \* before any corporal punishment can be inflicted, the Principal or his appointee shall satisfy himself that the juvenile on whom such punishment is inflicted will not be mentally or physically affected by such punishment;
- \* an instrument for inflicting such punishment shall be approved by the Board of Management for such purpose on the buttocks in the presence of such a person designated by the Board of Management; and

- \* abandonment of legal control strategies (Bartollas, 1985:170-173).

The adoption of these strategies influences the decision to adopt a particular programme of treatment and its implementation.

Secondly, three philosophical bases of treatment theories have been identified namely, the utilitarian punishment model, the justice model, and the rehabilitative philosophies. These philosophical tenets can be compared on their approach to the offender, purpose of sentencing, type of sentencing, role of treatment, and crime control strategy (Bartollas, 1985:75).

#### 7.3.4.2 Programme of treatment of juvenile offenders at Vuma Reform School

Firstly, four categories of treatment methods have been found in the present investigation, namely: social work methods, vocational and educational rehabilitation methods, psychological methods, and religious methods.

Secondly, for the objective of treatment to be successfully achieved, the reform school has to provide the following :-

- (a) A well-planned treatment programme with individuals who are well-schooled in the theories of juvenile crime.
- (b) Clinical services manned with qualified persons in medicine, psychology, recreation, social work, etc.
- (c) Physical units in the form of, for example, sport facilities, medical clinics, chapel, etc.

Thirdly, the findings of the investigation have identified three phases of treatment within Vuma Reform School, namely admission, treatment and education, and preparation for release phases. Theoretically, these phases are separate but in practice they overlap to a certain extent.

Following are the findings of the investigation with regard to each phase of treatment at Vuma Reform School.

#### 7.3.4.2.1 The admission phase

The admission phase entails the reception and orientation programme which involves admission and registration, diagnostic interview, psychological testing, academic and/or vocational placement, and hostel allocation (par. 5.2.1).

Findings of the investigation are that Vuma Reform School totally lacks a psychological testing section and that social workers, admission clerks and house-fathers play an important role during this phase.

#### 7.3.4.2.2 The treatment and educational phase

The treatment and education phase consist of an academic educational programme, vocational training, religious instruction, recreational, food and clothing, discipline and control programmes.

Findings of the investigation in this regard :-

##### 7.3.4.2.2.1 Academic educational programme

- (a) The juvenile offenders of Vuma Reform School display problems that are characteristic of any academic educational programme within a reform school, namely antipathy, social retardation, and the shifting nature of the reform school population. For example, their standard of education on admission is low; they have a low degree of literacy; and they are admitted at any time of the year to the reform school (Grobler, 1941:170-171; Tables 5.1, 5.2 and 5.3).

- (b) Vumulwazi School offers a curriculum and syllabus followed by public schools. No provision is made for literacy classes for juveniles who, because of their ages, do not fit into lower classes (par. 5.3.1.5.2).

#### 7.3.4.2.2.2 Vocational training programme

Vocational training is essential in so far as development of skills improvement of economic resource strategies are concerned. Further, if juvenile offenders leave the reform school, equipped to earn an honest living, temptation to get involved in property related offences would disappear or minimized (Bartollas, 1985:172).

A vocational training programme is non-existent at Vuma Reform School.

#### 7.3.4.2.2.3 Recreational programme

Recreational programmes are important in the treatment of juvenile offenders, especially with regard to their disciplinary, educational and physical value (Grobler, 1941:186-187).

The design of a recreational programme should include facilities such as play-rooms, a central gymnasium and an open-air sports complex (par. 5.3.3.2).

Although Vuma Reform School offers soccer, volley-ball and net-ball, no gymnasium or a fully equipped sport complex is available. Further, no full-time recreational officer is employed to compensate for this shortcoming.

#### 7.3.4.2.2.4 Religious instruction programme

The role of a religious instruction programme in creating social bonds between juvenile offenders and their families is regarded a very important factor to curb deviant behaviour (Stark, et al. 1980:43; Hirschi, 1969:16).

In this investigation it has been pointed out that a religious instruction programme should be characterized by a full-time employed chaplain, a chapel for worshipping, compulsory attendance of religious services, a curriculum for religious instruction, and active involvement of juvenile offenders in the religious instruction programme (par. 5.3.4.1).

Findings of the present investigation in regard to Vuma Reform School are as follows :-

- (a) The following denominations are represented: Roman Catholic Church, Protestant Churches, Independent Churches and "other" churches. The data reveal that the majority of juvenile offenders belong to Independent Churches, followed by Roman Catholics, the Protestant Churches and lastly "other" churches (Table 5.4).
- (b) Only volunteer ministers of religion take turns in conducting religious services. Involvement of juveniles in religious instruction and church attendance is, therefore, minimal.
- (c) Vuma Reform School has no chapel for conducting religious services. Instead, a dining-hall is used for this purpose.

#### 7.3.4.2.2.5 Discipline and control programme

The discipline and control programme takes the premise that -

- \* juvenile offenders have, prior to their admission to the reform school, been subjected to poor forms of discipline;

- \* juvenile offenders hate any form of discipline and control, yet, the need for such programmes form part of their subculture;
- \* from their previous convictions, juvenile offenders have been subjected to legal sanctions; and
- \* any form of discipline they receive within the reform school should be positive in nature and aimed at the inculcation and internalization of values.

The following findings are noteworthy :-

- (a) Discipline and control in the South African Reform School is, to a large extent, influenced by legal provisions (cf. par. 5.3.6.3; South Africa 1983:Regulation 32).
- (b) Juvenile offenders at Vuma Reform School do present some behavioural problems during their incarceration, namely absconding, fighting and theft. Absconding, in particular, occurs when they have been granted leave of absence (Table 5.5).
- (c) Vuma Reform School has, in addition to legal provisions, some built-in control measures in the form of appointed prefects.



#### 7.3.4.2.3      The preparation for release phase

The preparation for release phase takes the premise that juvenile offenders to be gradually prepared for their eventual return to their communities. It involves contacts with the outside world through parental visits, granting of leave of absence, correspondence with the families, tours to places of interest, and reconstruction services to families by social workers.

In this regard findings are that the preparation for release in so far as the involvement of juveniles in and out of the reform school is concerned, is controlled by legal provisions. Further, with regard to reconstruction services, the families of juvenile offenders under investigation present a complex multi-problem picture. For example, parental unemployment is high, families are overcrowded, and most juveniles come from broken families (Tables 6.1; 6.2; 6.3 and 6.5). Lastly, family visits to Vuma Reform School are greatly hampered by its geographical or physical location which falls outside the major transport routes of the region.

#### 7.4 RECOMMENDATIONS

Recommendations of this investigation rest on the following aspects, namely -

- \* functioning of the juvenile court;
- \* sentencing of juvenile offenders;
- \* internal organization of Vuma Reform School; and
- \* treatment of juvenile offenders.

##### 7.4.1 Functioning of the juvenile court

Recommendations regarding the functioning of the juvenile court have an implication to an amendment of the present Criminal Procedure Act. These are as follows :-

- (a) The juvenile court should be given a separate but equal status to other courts, e.g. the children's court. This would mean that the juvenile court can deal with juvenile offenders with its own infrastructure and procedure.
- (b) The "place of safety" as defined by the Child Care Act (Act No. 74 of 1983) should not include police custody (South Africa, 1983:Section 1). However, should police custody be the only option available,

efforts should be made to detain juvenile offenders separate from adult offenders and there should be specified regulations guiding such instances.

- (c) The conditions of parental obligation to attend a juvenile trial should be changed and free legal representation should be provided for juvenile offenders (cf. par. 7.3.1.2).
- (d) The pre-sentence investigation report presented by social workers should be made obligatory to all juvenile court trials.

#### 7.4.2 Sentencing of juvenile offenders

Sentencing of juvenile offenders, based on their previous convictions, has an effect on later treatment within the reform school and the following is the recommended :-

- (a) Whipping as a competent sentence in the juvenile court should be made reviewable by a higher court before it is administered, and be prohibited as a form of discipline and control within a reform school.
- (b) Alternative sentences like probationary supervision be used more frequently, and diversion and more treatment centres, other than reform schools, should be provided for.

#### 7.4.3 Internal organization of Vuma Reform School

Recommendations with regard to the internal organization are :-

- (a) The composition of the Board of Management should be broadened to include at least persons from other parts of Natal and KwaZulu in order to make it more representative of parents. Further, the Act should specifically provide for the appointment of persons qualified in social work, psychology, juvenile criminology, etc.
- (b) The employment of trainable persons, i.e. persons who either have or can enrol for a National Higher Certificate in Residential Care offered by the South African Technicon, should be given due consideration.
- (c) As a matter of policy, the Department of Social Welfare and Pensions of KwaZulu should offer pre-entry-, in-service-, and on-going training services. This could be done in conjunction with Universities offering Criminology up to third year level as a B.A. course. The proximity of the University of Zululand make it a suitable place to achieve this goal. The training programme should include the following -

- \* the law and juvenile justice in South Africa;
- \* crime and delinquency;
- \* psycho-sociology of delinquency;
- \* counselling and treatment of juvenile offenders;
- \* police role in dealing with juvenile offenders;
- \* community resources and juvenile offender treatment; and
- \* training in pre-sentence investigation report writing and interviewing (cf. Jarvis, 1978:238-241).

#### 7.4.4 Treatment of juvenile offenders

Regarding the treatment of juvenile offenders within Vuma Reform School, the following conclusions can be drawn.

Firstly, Vuma Reform School follows a rehabilitative philosophical approach in treating juvenile offenders. The use of social welfare, health and reconstruction service staff underlies the adjustment, medical and reintergration models of the rehabilitative philosophy.

Secondly, the justice model philosophy of justice-as-fairness is obvious in the legal controls or provisions in treating juveniles undermines the ideal programme.

Recommendations to the improvement of the treatment programme are on the following areas :-

- (a) Clinical psychologists should be employed to serve a psychological division.
- (b) Literacy classes should be provided for juveniles who, because of their ages, and educational backwardness, need functional knowledge.
- (c) Recreational activity programmes could be improved by provision of fully-fledged sports facilities and employment of a qualified recreation officer.
- (d) Vocational training should be provided for and should include vocational guidance and vocational counselling.
- (e) The religious instruction programme should provide for a chaplain, a chapel and active involvement of juveniles in religious services.

#### 7.5. SUMMARY

Findings and recommendations of this investigation have paid attention to the effect of the documents used in the study; the nature and functions of the juvenile court; the offences committed by juvenile offenders of Vuma Reform School and sentences based on previous convictions; and treatment programme of juvenile offenders.

The investigation has successfully described the structural make-up of the juvenile justice in South Africa and its effects on the treatment of juvenile offenders at Vuma Reform School.

The recommendations that are proposed in the investigation have a bearing on juvenile legislation in general and call for a review of the policy of treating juvenile offenders in South African Reform Schools.

Finally, the investigation has successfully satisfied the general aims of describing, explaining and contributing to the study of juvenile crime by highlighting the treatment of juvenile offenders at Vuma Reform School.

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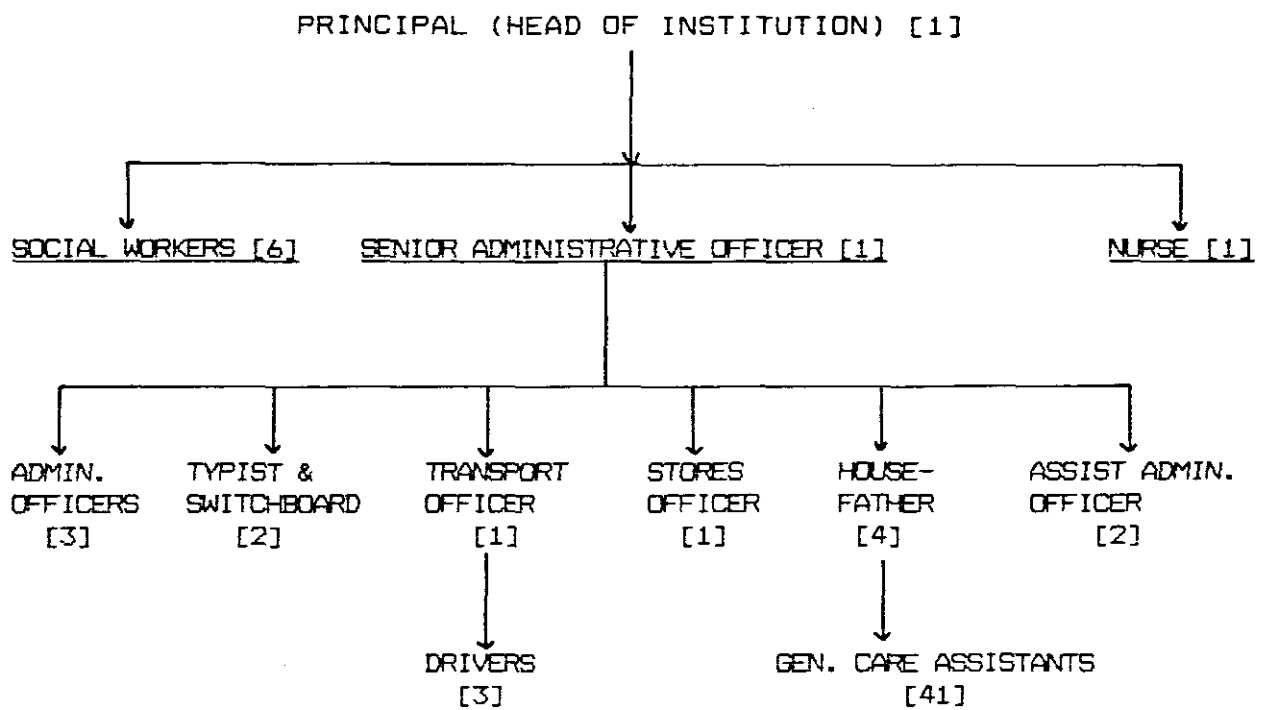
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## 4-2-1964



PERSONNEL ESTABLISHMENT OF VUMA REFORM SCHOOLTOTAL 66



**UMNYANGO WEZENHLALAKAHLE  
NEMPESHENI****DEPARTMENT OF WELFARE  
AND PENSIONS**

IHOVISI LIKA:—

**NOBHALA WEZENHLALAKAHLE NEMPESHENI**

OFFICE OF:—

**THE SECRETARY FOR WELFARE AND PENSIONS**

Ikheli Locingo	Isikhwama Seposi:	Ucingo :
Telegraphic Address: <b>INHLALAKAHLE</b>	<b>X27 ULUNDI</b>	Telephone: 0358-203703
	Private Bag : 3838	
Imibuzo :	Usuku:	Inkomba :
Enquiries: <b>A.S. SITHOLE</b>	Date : <b>11.05.90</b>	Reference: 6/1/P

Mr L.P. Mqadi  
University of Zululand  
Department of Criminology  
P/Bag X1001  
**KWADLANGEZWA**  
3886

Dear Sir

**APPLICATION FOR PERMISSION TO CONDUCT RESEARCH**

1. Please be informed that your application to undertake research at Vuma Reform School has been approved.
2. The conditions for approval are that:
  - 2.1 information obtained should be handled confidentially.
  - 2.2 table the document at the desk of the Secretary for Welfare and Pensions, Ulundi before it can be published.
  - 2.3 the Department reserves the right to refuse perusal of some documents for security reasons.
3. The Department takes this opportunity to wish you success in your studies.

*S. Sithole*  
**SECRETARY FOR WELFARE AND PENSIONS**  
ASS/den

**CONTENT ANALYSIS SCHEDULE - JUVENILE OFFENDERS OF VUMA REFORM SCHOOL**

SCHEDULE NO: .....

**1. PARTICULARS OF THE JUVENILE**

**1.1**

DATE OF ADMISSION	CODE	
JANUARY - JUNE 1988	01	
JULY - DECEMBER 1988	02	
JANUARY - JUNE 1989	03	
JULY - DECEMBER 1989	04	
JANUARY - JUNE 1990	05	

**1.2**

AGE OF ADMISSION	CODE	
11 - 12 YEARS	01	
13 - 14 YEARS	02	
15 - 16 YEARS	03	
17 - 18 YEARS	04	
19 - 20 YEARS	05	

**1.3**

AREA OF ORIGIN	CODE	
RURAL	01	
URBAN	02	

STANDARD OF EDUCATION**	CODE	
SSA* - STANDARD 2	01	
STANDARD 3 - STANDARD 5	02	
STANDARD 6 - STANDARD 8	03	
STANDARD 9 - STANDARD 10	04	
NONE	05	

\* SUB-STANDARD A

\*\* ON ADMISSION

## 1.4

OFFENCE	CODE*	
THEFT		
HOUSEBREAKING WITH INTENT		
ROBBERY		
RAPE		
MURDER		
CULPABLE HOMICIDE		
MALICIOUS INJURY TO PROPERTY		
POSSESSION OF DAGGA		
ESCAPE FROM LAWFUL CUSTODY		
ASSAULT		

\* OFFENCE RELEVANT = CODE :01

\* OFFENCE IRRELEVANT = CODE :02

2. FAMILY PARTICULARS OF THE JUVENILE

## 2.1

PARENTAL MARTIAL STATUS	CODE	
MARRIED	01	
DIVORCED	02	
LIVING TOGETHER	03	
SEPARATED/DESERTED	04	
WIDOWED	05	
SINGLE MOTHER	06	
PARENTS DECEASED	07	

2.2 PARENTAL EMPLOYMENT

EMPLOYMENT CATEGORY		CODE	
FATHER	EMPLOYED	01	
	UNEMPLOYED	02	
	SELF-EMPLOYED	03	
	NOT APPLICABLE*	04	
MOTHER	EMPLOYED	01	
	UNEMPLOYED	02	
	SELF-EMPLOYED	03	
	NOT APPLICABLE*	04	

\* REFERS TO JUVENILES WHO STAY WITH EITHER OF THE PARENTS, OR HAVE BOTH PARENTS DECEASED, OR ARE ILLEGITIMATE

2.3 RELIGION OF THE FAMILY

RELIGIOUS AFFILIATION	CODE	
ROMAN CATHOLIC CHURCH	01	
PROTESTANT CHURCH*	02	
INDEPENDENT CHURCH**	03	
OTHER***	04	

\* INCLUDES ANGLICAN, METHODIST, UNITED CONGREGATIONAL, PRESBYTERIAN, LUTHERAN AND SWEDISH HOLINESS CHURCHES.

\*\* INCLUDES UTHOPIAN, AFRICAN GOSPEL, NAZARETH AND ST. JOHN'S APOSTOLIC CHURCHES.

\*\*\* RESPONDENTS WHO FOLLOW ZIONIST SECTS OF WORSHIP.

2.4 SIZE OF THE FAMILY

NUMBER OF SIBLINGS	CODE	
1 - 3	01	
4 - 6	02	
7 - 9	03	
10 - 12	04	

3. PREVIOUS CONVICTIONS AND SENTENCES

## 3.1

NUMBER OF RECORDED PREVIOUS CONVICTIONS	CODE	
NONE	01	
1 - 2	02	
3 - 4	03	
5 - 6	04	
RECORD NOT AVAILABLE	05	

## 3.2

SENTENCE ON RECORDED PREVIOUS CONVICTIONS	CODE*	
WHIPPING		
SUSPENDED/POSTPONED		
PROBATIONARY SUPERVISION		
CAUTIONED AND DISCHARGED		
RECORD NOT AVAILABLE		
NO PREVIOUS CONVICTION		

\* PREVIOUS CONVICTION RELEVANT = CODE :01

\* PREVIOUS CONVICTION IRRELEVANT = CODE :01

4. COURT REPRESENTATION (CRIMINAL PROCEDURE ACT, ACT NO. 51 OF 1977: SECTION 73)

COURT REPRESENTATIVE	CODE*	
ATTORNEY PARENT(S) SOCIAL WORKER GUARDIAN OTHER		

\* PREVIOUS CONVICTION RELEVANT = CODE :01

\* PREVIOUS CONVICTION IRRELEVANT = CODE :02

5. BEHAVIOURAL PROBLEMS PRESENTED WHILST AT VUMA REFORM SCHOOL

NATURE OF MISBEHAVIOUR	CODE	
ABSCONDING	01	
FIGHTING	02	
THEFT	03	
NONE	04	

CONTENT ANALYSIS SCHEDULEINTERNAL ORGANIZATIONAL STRUCTURE OF VUMA REFORM SCHOOL

SCHEDULE NO: .....

1. INSTITUTIONAL DIVISION

DIVISION	CODE	
MANAGEMENT	01	
PROFESSIONAL	02	
ADMINISTRATIVE	03	
AUXILIARY	04	

2. INSTITUTIONAL SECTION

SECTION	CODE	
MANAGEMENT	01	
SOCIAL WELFARE	02	
HEALTH	03	
CUSTODIAL/CARE	04	
STAFF	05	
REGISTRY	06	
TRANSPORT	07	
STORES	08	
STATIONERY	09	
TYPING AND SWITCHBOARD	10	

3. BREAKDOWN OF POSTS OF THE PERSONNEL ESTABLISHMENT

POST	CODE	
PRINCIPAL	01	
SOCIAL WELFARE	02	
SENIOR ADMINISTRATION OFFICER	03	
ADMINISTRATION OFFICER	04	
ASSISTANT ADMINISTRATION OFFICER	05	
NURSE	06	
STORES OFFICER	07	
HOUSE-FATHER	08	
DRIVER	09	
GENERAL CARE ASSISTANT	10	
TYPIST	11	
SWITCHBOARD OPERATOR	12	

4. LENGTH OF SERVICE

YEARS	CODE	
1 - 2	01	
3 - 4	02	
5 - 6	03	
7 - 8	04	
9 - 10	05	
ABOVE	06	

5. SCHOOL QUALIFICATIONS

HIGHEST STANDARD PASSED	CODE	
SSA* - STANDARD 5	01	
STANDARD 6 - STANDARD 8	02	
STANDARD 9 - STANDARD 10	03	
ILLITERATE	04	

\* SUB-STANDARD A



6. POST-SCHOOL QUALIFICATIONS

INSTITUTION	CODE	
SOCIAL WORK	01	
NURSING	02	
TYPING	03	
DRIVING	04	
SWITCHBOARD	05	
NONE	06	

8. SEX DISTRIBUTION OF PERSONNEL

SEX DISTRIBUTION	CODE	
MALE	01	
FEMALE	02	



UMNYANGO WEZENHLALAKAHLE  
NEMPESHENI

DEPARTMENT OF WELFARE  
AND PENSIONS

IHOVISI LIKA:—

OFFICE OF:—

NOBHALA WEZENHLALAKAHLE NEMPESHENI

THE SECRETARY FOR WELFARE AND PENSIONS

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INHLALAKAHLE	X27 ULUNDI	
Telegraphic Address:	Private Bag : 3838	Telephone: 0358-203721
Imibuzo :	Usuku:	Inkomba :
Enquiries:	Date :	Reference:

ATTENTION: THE PRINCIPAL

.....  
.....  
.....  
.....

CRIMINAL PROCEDURE ACT 51/1977

ADMISSION TO REFORM SCHOOL

NAME: .....

FROM: .....

Attached, please find copies of:

Court Documents J15  
Professional Report  
Medical Certificate

Review J4  
SAP 69

Will Vuma/Ngwelezane Reform School please admit .....

Remarks .....

.....

.....

Please reply as soon as possible.

SECRETARY FOR WELFARE AND PENSIONS

ZWP 33

**KWAZULU GOVERNMENT**  
**DEPARTMENT OF WELFARE AND PENSIONS**

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 Date \_\_\_\_\_

**A. The Secretary**  
 Welfare and Pensions  
 Private Bag X13  
 ULUNDI  
 3838

**NOTICE OF MOVEMENT OF PUPIL:**

**1. PERSONAL DETAILS:**

(a) Name of Pupil: \_\_\_\_\_ (b) Date of birth \_\_\_\_\_  
 (c) Committed by court of \_\_\_\_\_ (d) On \_\_\_\_\_  
 (e) Per enquiry number \_\_\_\_\_

**2. MOVEMENT:**

(a) Date of movement \_\_\_\_\_  
 (b) Nature of movement \_\_\_\_\_

**N.B. NATURE OF MOVEMENT SHOULD BE ONE OF THE FOLLOWING:**

- |  |   |
|--|---|
| (1) Admission by Allocation/Referral         | (8) Release on licence (ZH 361 and ZH 356 attached) |
| (2) Re-admission after abscondment           | (9) Proceeded on vacation leave                     |
| (3) Re-admission from hospital               | (10) Admission to Hospital                          |
| (4) Re-admission after vacation leave        | (11) Imprisoned                                     |
| (5) Re-admission after revocation of licence | (12) Absconded                                      |
| (6) Re-admission from Prison                 | (13) Transferred to _____ (specify)                 |
| (7) Any other movement (specify)             |   |

\_\_\_\_\_  
**PRINCIPAL**

**B. The Commissioner of Child Welfare**

For your information, please. Your reference number is \_\_\_\_\_

The prescribed forms ZH 361, ZH 356/ZH 386 are hereby attached.

\_\_\_\_\_  
**PRINCIPAL**

**UHULUMENI WAKWAZULU  
KWAZULU GOVERNMENT SERVICE**

UMNYANGO WEZENHLALAKAHLE NEZIMPESHENI  
DEPARTMENT OF WELFARE AND PENSIONS

**UMBIKO OYIMFIHLO NGOMFUNDI/NGENGANE  
CONFIDENTIAL REPORT ON PUPIL/CHILD**

Umthetho Wezingane, 1960  
(Umthetho 33 ka 1960)

Children's Act, 1960  
(Act 33 of 1960)

(Ukhululwe ngelayisense; ngokukhishwa; ngokuqhubeka nokugcinwa; ngokudluliswa noma ngokweqa. (At release on licence; discharge; further retention; transfer or abscondment. To be completed Makugcwaliswe yisikole noma igatsha elivunyiwe.) by an institution or approved agency).

1. Igama eligcwele lomfundi/lengane  
Full name of pupil/child .....
2. Inamba kamazisi  
Identity No.....
3. Usuku lokuzalwa  
Date of birth.....
4. Ubulili  
Sex .....
5. Uhlanga  
Race group.....
6. Ibandla  
Church affiliation .....
7. Izinamba zenkomba  
Reference numbers  
(i) Isikole  
Institution .....
- (ii) Ukhomishinali Wenhlalakhle Yezingane  
Commissioner of Child Welfare.....
- (iv) Inhlango  
Society.....
- (i) UMnyango  
Department.....
8. Izizathu zokunikezelwa/zokudluliswa  
Reasons for committal/transfer .....
9. Isikole: (i) Ibanga okufinyelelwe kulo Usuku  
School: Standard attained..... Date .....
- (ii) Ukuziphatha/nenqubekela-phambili  
Conduct and progress .....
10. Ukuqeqeshwa ngokomsebenzi  
Vocational training .....
11. (i) Izinkinga zokuziphatha ngesikhathi sokunikezelwa nokuthi zixazulwe kanjani kwafikwa  
Behaviour problems at time of committal and how and to what extent these have been  
kuliphi izinga.  
overcome.....
- (ii) (a) Weqa kangaki?  
How many times absconded? .....
- (b) Nini?  
When? .....
- (c) Ngasizathu sini?  
Why? .....

12. Isimilo somfundi/sengane ngolwazi lwakho nangokumbona kwakho:-  
 Personality of pupil/child according to your experience with an observation of him/her:-  
 (Insert Good, Fair, Reasonable or Bad)

(a) Ukuzisusela Initiative .....	(b) Ukuzethemba Self-confidence .....
(c) Ivuso lomsebenzi Sense of duty .....	(d) Ukubekezela Perseverance .....
(e) Ukuzihlanganisa nabantu Social adaptability .....	(f) Inhlonipho Manner .....
(g) Ukuhlanzeka Tidiness .....	(h) Ukwethembeka Reliability .....
(i) Isidalo Nature .....	(j) Ukucabangisisa Concentration .....

13. Isiphiwo esingavamile, izinto azithandayo nobuthakathaka.  
 Special aptitude, interests and shortcomings. Give reasons  
 Nikeza isizathu

.....  
 .....

14. Ingane nekhaya labazali bayo:-  
 Child and his parental home:-

- (1) Ikheli labazali/lomphathi  
 Address of parents/guardian .....
- (2) Uthando olukhonjiswa yingane/umfundi kubazali/kumphathi kanye nasekhaya  
 Interest which child/pupil shows in his parents/guardian and home .....
- (3) Uthando olukhonjiswa ngabazali/ngumphathi  
 Interest shown by parents/guardian .....
- (4) Ingane/umfundi wake wavakashela yini ekhaya labazali/lomphathi ngeholidi; kwaba yini  
 Has child/pupil been for holiday to his parent home/guardian and with what result?  
 umphumela walokho? .....

15. (i) Isimo-jikelele sempilo yomfundi/yengane. Chaza noma usahlengwa ngodokotela nokuthi uhlengelwani.  
 The general state of pupil's/child's health. (11) State whether still under medical treatment and  
 Phawula okungajwayelekile ezithweni zomzimba wakhe kanye/kumbe nezikhalo.  
 nature. (ii) Specify any physical abnormalities and/or complaints .....

16. Ngokubona kwethu umfundi (ingane) \*angakhululwa ngelayisense/ angakhishwa/angaqhubeka nokugcinwa/  
 In our opinion the pupil/child should be \*released on licence/discharged/further retained/  
 angadluliselwa e  
 transferred to.....

Izizathu zombono wethu yilezi  
 Reasons .....

17. \*Mayelana nokuqeqeshwa kwakhe, isiphiwo, uthando, njll. kufanele aphumelele kulezizikhundla noma  
 According to his/her training, aptitude, interests, etc. he/she should make a success of the  
 kulezizinhlobo zomsebenzi  
 following occupations or kinds of work .....

18. \*Uma kuphakanyiswa ukuba akhululwe ngelayisense, kuyodingeka ukuba kuqashelwe lokhu mayelana  
 If released on licence is recommended, it will be necessary to have regard to the following  
 nokuphathwa  
 in connection with supervision .....

Usuku  
 Date .....

UTHishanhlolo/UNobhala  
 Principal/Secretary

Igama nekheli lesikole/leNhlangothi:  
 Name and address of Institution/Society:

.....  
 .....  
 .....

**KWAZULU GOVERNMENT SERVICE**  
**DEPARTMENT OF WELFARE AND PENSIONS**

Ref. No. \_\_\_\_\_

**RELEASE ON LICENCE OF A PUPIL FROM AN INSTITUTION**

(Section 44, Children's Act, 1960)

(To be completed in quintuple)

WHEREAS \_\_\_\_\_ (full name)

born on \_\_\_\_\_ (date), identity number \_\_\_\_\_, is a male/female

pupil in the \_\_\_\_\_

\_\_\_\_\_ (name and address of institution).

AND WHEREAS, in terms of Section 44 of the Children's Act, 1960 (Act 33 of 1960), the management of the said institution may permit the pupil by licence to live in the custody of a suitable person;

NOW, THEREFORE, I \_\_\_\_\_

Chairman of the management of the said institution, do hereby permit the said pupil to live in the custody of

\_\_\_\_\_ (full name and address) for a period of \_\_\_\_\_ until \_\_\_\_\_ (date), and

on the condition that the said pupil be under the supervision of the \_\_\_\_\_

\_\_\_\_\_ (designation).

The management may at any time cancel by written notice this licence and direct that the pupil be returned to the institution provided that any interested person may within one month from the date of that notice appeal to the Minister.

The Minister may at any time by written order cancel this licence if he deems it necessary in the interest of the pupil.

The custodian is required to notify the Principal of the abovementioned institution immediately of any change in his address and, where the pupil has left his custody, the pupils new address, if known.

The custodian must, in any case, notify the Principal as well as the Supervisor without delay whenever the pupil leaves his custody.

In the event of the death of the custodian or of the pupil, notification should be given immediately to the Principal.

This licence is subject to the further following conditions: \_\_\_\_\_

SIGNED THIS \_\_\_\_ DAY OF \_\_\_\_\_ 19 \_\_\_\_

\_\_\_\_\_  
 CHAIRMAN OF THE MANAGEMENT

**DEPARTMENT OF WELFARE AND PENSIONS**

Reference Number: Supervisor ..... Department ..... Institution .....

**REPORT BY A SUPERVISOR ON A PUPIL RELEASED ON LICENCE**

(Section 44, Children's Act, 1960)

(in terms of regulation 31 a report must be submitted every six months)

**TO THE PRINCIPAL** (insert the name and address of the institution)

.....  
 .....  
 .....

1. (a) Full name of pupil \_\_\_\_\_  
 (b) Identity number \_\_\_\_\_
2. Name of custodian \_\_\_\_\_
3. Address of custodian (district, residential area, headman, etc., if not in town or city) \_\_\_\_\_  
 \_\_\_\_\_
4. Is pupil in good physical health? \_\_\_\_\_
5. If of school-going age, does pupil attend school? \_\_\_\_\_
6. If employed, state: (a) Nature of employment and reliability \_\_\_\_\_  
 \_\_\_\_\_  
 (b) Name and address of employer: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
7. If not at school or in employment, give reasons \_\_\_\_\_  
 \_\_\_\_\_
8. (a) Have you seen the pupil recently in person? \_\_\_\_\_  
 (b) State dates of contacts during the past six months \_\_\_\_\_  
 \_\_\_\_\_
9. Has the pupil brought any specific complaints to your notice? \_\_\_\_\_  
 If so, state the nature of the complaints: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

10. Has the custodian made any complaints regarding the pupil? \_\_\_\_\_  
If so, state the nature thereof \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

11. Is the pupil provided with adequate clothing, food, accommodation, and  
when necessary, medical treatment? \_\_\_\_\_

12. How does the pupil and custodian react to instructions from the super-  
visor and institution? \_\_\_\_\_

13. (a) Do you think that:-

(i) the licence should continue? YES/NO

(ii) the pupil should be discharged from the effects of the order  
of court? YES/NO

(iii) the licence should be revoked? YES/NO

(b) State reasons for your recommendation \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date \_\_\_\_\_

\_\_\_\_\_  
SIGNATURE OF SUPERVISOR

\_\_\_\_\_  
CAPACITY OF SUPERVISOR

Address of supervisor:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Checked

.....  
Chief/Senior Social Worker

Date \_\_\_\_\_



ZWP 97



DEPARTMENT OF WELFARE & PENSIONS

ORDER OF DISCHARGE — FROM AN INSTITUTION: CRIMINAL PROCEDURE (ACT NO. 51 OF 1977)

By virtue of the powers vested in me as Minister of Welfare and Pensions by Section 38 of the KwaZulu Child Care Act, 1987 (Act 14 of 1987), it is ordered that the undermentioned pupil(s) who is/are in the institution .....

- ☐ be DISCHARGED from the effect of the order of Court
- ☐ be FURTHER DETAINED until .....
- ☐ be TRANSFERRED to the supervision/control/custody of .....

(Use X mark where applicable)

NAME OF PUPIL	BIRTH PARTICULARS	REFERENCE
1. ....	.....	.....
2. ....	.....	.....
3. ....	.....	.....
4. ....	.....	.....

MINISTER FOR WELFARE AND PENSIONS

Kingspress A2/019320

PLACE: .....

DATE: .....