

THE ROLE OF CRIMINOLOGISTS AS SPECIALISED
PRACTITIONERS IN THE CHILD JUSTICE SYSTEM

by

MARYNA HUMAN

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SUPERVISOR: Professor MI Schoeman

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DECLARATION

I, the undersigned here declare that **“THE ROLE OF CRIMINOLOGISTS AS SPECIALISED PRACTITIONERS IN THE CHILD JUSTICE SYSTEM”** is my own work, and that all the sources used or quoted have been indicated and acknowledged with complete references.

MARYNA HUMAN

Signature

(Mrs. M Human)

Date:

DEDICATION

I dedicate this thesis to my wonderful and loving husband Hans, and my three gorgeous girls Melany, Claudy, and Mandy.

I love you with all my heart.

I would also like to dedicate this thesis to all children who are in conflict with the law.
May you receive the love, care, peace, and guidance you so dearly deserve.

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SUMMARY

The aim of this explorative and descriptive study was to develop an action plan for criminologists to become specialised practitioners within the South African child justice system. An exploratory, sequential, mixed-methods approach was used, where data was collected during the first phase using a self-administered, semi-structured questionnaire, including closed- and open-ended questions. The questionnaire was distributed to members of the Criminological Society of Africa (CRIMSA), as well as criminologists, magistrates, and other experts in the field of child law, known to the researcher. Sixteen questions were posed to collect data, consisting of nine Likert scale questions and seven open-ended questions. A semi-structured interview schedule was employed during the second phase of the study, to conduct 22 face-to-face and telephonic interviews with experts in the field of child law, probation officers, social workers, and criminologists.

Descriptive data analysis was utilised during the first, and thematic analysis during the second phase of this study. The findings indicate that the absence of a regulating, professional body, limits career opportunities for criminologists as far as exercising their skills in practice. Furthermore, it was established that the role and function of criminologists, and the academic field of criminology, remain unfamiliar to various practitioners in the human science professions. Subsequently, criminologists are often considered mere crime researchers with limited applied skills for use in the South African criminal justice system.

Though it was proven that, at least to some degree the academic training of criminologists is deficient, it was established that criminologists have a unique skill-set that places them in a unique position to execute various functions within the child justice sector as part of a multi-disciplinary team. Findings suggest that the Child Justice Act (75 of 2008) should be amended to facilitate the inclusion of criminologists in the South African child justice sector.

Key terms: criminologists, criminology, child justice, child justice practitioners, children who are in conflict with the law, the best interest of the child, multi-disciplinary approach, specialisation, action plan.

OPSOMMING

Die doel van hierdie verkennende en beskrywende studie was om 'n aksieplan vir kriminoloë te ontwikkel om hulle in staat te stel om gespesialiseerde praktisyne in die Suid-Afrikaanse kindergeregtigheidstelsel te word. 'n Verkennende, opeenvolgende, gemengdemetode-benadering is gebruik waar data gedurende die eerste fase ingesamel is deur middel van 'n selfgeadministreerde vraelys, wat geslote en oop vrae ingesluit het. Die vraelys is versprei onder lede van die Kriminologiese Vereniging van Suider-Afrika (CRIMSA), asook kriminoloë, landdroste en ander kundiges op die gebied van kinderreg wat aan die navorser bekend is. Altesame 16 vrae is gestel om data in te samel, wat uit nege Likert-skaalvrae en sewe oop vrae bestaan het. 'n Halfgestruktureerde onderhoudrooster is gedurende die tweede fase van die studie gebruik om 22 onderhoude van aangesig tot aangesig asook telefoniese onderhoude met kundiges op die gebied van kinderreg, proefbeamptes, maatskaplike werkers en kriminoloë te voer.

Beskrywende dataontleding is gedurende die eerste, en tematiese ontleding gedurende die tweede fase van hierdie studie gebruik. Die bevindings dui aan dat die afwesigheid van 'n regulatoriese, professionele liggaam loopbaangeleentheid vir kriminoloë beperk wat die uitoefening van hul vaardighede in die praktyk betref. Daar is voorts vasgestel dat die rol en funksie van kriminoloë, en die akademiese gebied van kriminologie, onbekend aan verskeie praktisyne in die geesteswetenskapberoep is. Kriminoloë word gevolglik dikwels bloot as navorsers met beperkte toegepaste vaardighede vir gebruik in die Suid-Afrikaanse strafregpleging beskou.

Hoewel bewys is dat die akademiese opleiding van kriminoloë in 'n mate ontoereikend is, is vasgestel dat kriminoloë 'n unieke stel vaardighede besit wat hulle in 'n unieke posisie plaas om as deel van 'n multidissiplinêre span verskeie funksies in die kindergeregtigheidsektor uit te voer. Bevindings dui daarop dat die "Child Justice Act" 75 van 2008 gewysig behoort te word om vir die insluiting van kriminoloë in die Suid-Afrikaanse kindergeregtigheidsektor voorsiening te maak.

KAKARETSO

Sepheo sa phuputso ena ya kutullo le tlhaloso e ne e le ho hlahisa morero wa ketso bakeng sa ditsebi tsa tsa botlokotsebe hore ebe basebetsi ba ikgethang sistiming ya Afrika Borwa ya toka ya bana. Ho latetswe katamelo ya kutullo, ya mekgwa e kopaneng e latellanang. Tlhahisoleseding e bokelleditswe nakong ya mokgahlelo wa pele wa phuputso ho sebediswa lethathamo le dipotso le iketsetswang, le nang le sebopeho se sa fellang le nang le dipotso tse kwetsweng le tse butsweng. Lethathamo la dipotso le fuwe ditho tsa Mokgatlo wa Ditsebi tsa tsa Botlokotsebe le Ditsebi tsa tsa ho ba Phofu wa Afrika e Borwa (*Criminological Society of Southern Africa (CRIMSA)*), hammoho le ditsebi tse ding tsa tsa botlokotsebe, bommasterata le ditsebi tse ding lekaleng la molao wa bana. Ho botsitswe dipotso tse 16 ho bokella tlhahisoleseding; di ne di kenyelletsa dipotso tse robong tsa Likert-scale le tse supileng tse butsweng. Tlhophiso ya sebopeho se sa fellang ya inthavu e sebedisitswe mokgahlelong wa bobedi wa phuputso ho etsa diinthavu tsa phuputso tsa batho ba shebaneng mahlong le tsa mohaleng le ditsebi lekaleng la molao wa bana, diofisiri tsa batshwaruwa ba sa tswa lokollwa, di-social worker le ditsebi tsa tsa botlokotsebe.

Manollo ya tlhaloso ya datha e sebedisitswe nakong ya mokgahlelo wa pele wa phuputso le manollo ya ditema nakong ya mokgahlelo wa bobedi. Diphetho di supa hore tlhokeho ya setheo se laolang sa seprofeshenale e sitisa menyetla ya mesebetsi ya ditsebi tsa tsa botlokotsebe hobane e kgina menyetla ya bona ya ho sebedisa ditsebo tsa bona tshebetsong. Ho feta moo, ho fumanwe hore mosebetsi wa ditsebi tsa tsa botlokotsebe, lekala la dithuto lefapheng la tsa botlokotsebe, di ntse di sa tsebahale ho basebetsi ba fapaneng diprofesheneng tsa mahlale a botho. Ka lebaka leo, ditsebi tsa tsa botlokotsebe hangata di nkwa e le bafuputsi feela ba tsa botlokotsebe ba nang le botsebi bo itseng ba ka nkang karolo sistiming ya Afrika Borwa ya toka ya botlokotsebe.

Leha ho ile hwa pakwa hore thupelo dithutong tsa ditsebi tsa tsa botlokotsebe e ya fokola ka tsela e itseng, ho fumanwe hore ditsebi tsa tsa botlokotsebe di na le bokgoni bo ikgethileng bo di behang sebakeng se ikgethileng sa ho etsa mesebetsi e fapaneng lekaleng la toka ya bana jwalo ka karolo ya dihlopha tsa mafapha a fapaneng. Diphetho di supa hore Molao wa Toka ya Bana (75 wa 2008) o lokela ho fetolwa ho

dumella kenyelletso ya ditsebi tsa tsa botlokotsebe lekaleng la toka ya bana Afrika Borwa.

Mantswe a bohlokwa: Ditsebi tsa tsa botlokotsebe, thuto ya tsa botlokotsebe, toka ya bana, basebeletsi ba toka ya bana, bana ba kgahlanong le molao, kgahleho e ntle bakeng sa ngwana, katamelo ya mafapha a fapaneng, ho ikgetha, morero wa ketso.

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LIST OF ACRONYMS AND ABBREVIATIONS

Adolescent transition programme	ATP
Attention Deficit Hyperactivity Disorder	ADHD
Bachelor of Arts	BA
Child and Youth Care Centres	CYCC's
Child Justice Act 75 of 2008	CJA
Criminological Society of Africa	CRIMSA
Department of Correctional Services	DCS
Department of Justice and Constitutional Development	DOJ&CD
Department of Social Development	DSD
Director of Public Prosecutions	DPP
Foetal Alcohol Syndrome	FAS
Health Professions Council of South Africa	HPCSA
Inter-Ministerial Committee on Young People at Risk	IMC
National Prosecuting Authority	NPA
Non-Governmental Organisations	NGO's
Probation Services Specialist	PSS
Risk-need-responsivity Model	RNR

South African National Institute for Crime Prevention and Reintegration of Offenders	NICRO
South African Police Service	SAPS
South African Qualification Authority	SAQA
South African Council for Social Service Professions	SACSSP
Southern African Journal of Criminology (<i>Acta Criminologica</i>)	ACTA
United Nations Convention on the Rights of the Child	UNCRC
United Nations Guidelines for the Prevention of Juvenile Delinquency	RIYADH
	GUIDELINES
United Nations Rules for the Protection of Juveniles Deprived of their Liberty 1990	UNJDL
United Nations Standard Minimum Rules for the Administration of Juvenile Justice	BEIJING
	RULES
University of Cape Town	UCT
University of Johannesburg	UJ
University of Kwa-Zulu Natal	UKZN
University of Pretoria	UP
University of South Africa	UNISA

CHAPTER 1

RESEARCH ORIENTATION AND MOTIVATION

1.1 INTRODUCTION

In 1949, the University of Pretoria (UP) introduced a formal qualification in criminology, followed by the University of South Africa (UNISA) in 1958 (Beukman, 2008:11; Erasmus, 1990:54). Thirty-six students enrolled for the first programme in criminology offered by UP (Erasmus, 1990:54). Currently, many universities offer formal programmes and modules in criminology to wit but not limited to, UNISA, University of Cape Town (UCT) – although only on post-graduate level - University of Pretoria (UP), Limpopo University, University of the Free State, and the University of Kwa-Zulu Natal (UKZN). The number of institutions offering criminology as a discipline in isolation, and/or as service modules in other formal programmes, confirms the relevance of criminology at both academic and applied level.

When criminology was first introduced by South African universities, the syllabus relied primarily on international theories and perspectives, with little to no acknowledgment of African context or theory; and therefore, largely ignored practices such as ‘muti-murder’ and witchcraft (Hesselink, 2013:136). Lack of African context aside, the ability to adjust and evolve in line with alterations and trends is clear in the expansion of focus, as well as course content of criminology as a discipline (Beukman, 2005:4). Beukman (2005:4), for example, posits that during the 1980s, the focus of criminology was on different forms of crime, criminals in general and the criminal justice process. By passage of time criminology progressed to include more in-depth studies of victimology, economic crime, crime prevention, political crime, and penology (Beukman, 2005:5; Erasmus, 1990:56). Similarly, modules relevant to the field of child justice were offered by South African Universities, such as Child and Youth Misbehaviour, Juvenile Justice, and Advanced Juvenile Criminology (University of Fort Hare 2107, University of South Africa 2018, University of Venda 2018). This is discussed in more detail in chapter 4.

As part of the evolution of the discipline, novel, and specialised Bachelors of Art (or *Baccalaureus Artium* (BA)) programmes were introduced by UNISA during 1999 and

2000, in the field of criminology that better reflected contemporary issues in the field (Beukman, 2005:5). Although criminology in South Africa can still be regarded as a 'young' discipline, at least when compared to the Western world, it has grown substantially as a discipline to the degree that its practices and theories are recognised within the academy, and within government and non-governmental policy-making circles (Hesselink & Booyens 2014:2; Singh & Gopal, 2010:11). It is against this background that the researcher examines the role of criminologists as potential specialised practitioners, within South African child justice.

This chapter aims to provide the reader with the study's motivation, underlying research problem, and proposed research contribution. Furthermore, the chapter content delineates the aim and objectives of the study, the rationale behind the methodology on which it rests, and clarifies the data collection methods employed. Lastly, this chapter will clarify and/or conceptualise the data analysis methods employed, provide definitions of key concepts, and address the importance of research ethics in the study.

1.2 RESEARCH RATIONALE

In 1986, criminology as an academic discipline received recognition via the establishment of the Criminological Society of Africa (CRIMSA) (Singh & Gopal, 2010:14). From the start of CRIMSA, one of its primary goals has been the establishment of a regulatory board for criminologists which would, inter alia, improve the work status of criminologists and provide for uniform training standards (Bezuidenhout & Minnaar, 2010:1; Naude, 2010). During the years that followed, various attempts were made to either establish a regulatory professional board for criminologists or to affiliate with other boards. The response of the councils approached was however disheartening. The majority argued that criminology degrees lacked "specific career focus" or a "clear career path" (Bezuidenhout & Minnaar, 2010:1). Resultantly, at the time of the writing, South African criminologists still do not have a professional regulatory board.

The lacuna described above is set to change in the near future via the proposed registration of a professional regulatory board for criminologists. CRIMSA approved

the establishment of a regulatory board at their Annual General Meeting on the 2nd of Augusts 2017 (Bezuidenhout, 2017). The professionalisation of criminology and criminologists is imperative to provide internships for criminology students, regulate the requirements for completion thereof, and prohibit unscrupulous people from damaging the reputation of the profession without consequence (Bezuidenhout, 2017). The time is ripe to place a renewed focus on the practical application of criminology in various areas of the criminal justice system, including, as is the focus of this study, the child justice system.

The researcher's choice of focus was three-fold. Firstly, the researcher pursues this topic in the continuance of her master's study which explored the role and function of criminologists in the criminal capacity assessment process. That study made a valuable contribution by confirming that a multi-disciplinary approach, which includes criminologists, should be followed in criminal capacity assessments (Human, 2015:119). Secondly, the choice of topic was influenced by recommendations made in the researcher's master's study, to explore a specialised qualification for child justice practitioners for criminologists (Human, 2015:127). Thirdly, the research focus was driven by a renewed focus on the professionalisation of criminology as alluded to above.

Although research exists which explores the general role of criminologists in the criminal justice system, none of these studies focus specifically on the role of the criminologist in the child justice process. Studies conducted by inter alia, Beukman (2005, 2008), Hesselink (2004, 2013), Hesselink and Herbig (2009), Hesselink and Joubert (2003), Ovens (2006) Van der Hoven and Ovens (2003), Joubert and Maree (2001), provide valuable insights into the general role and function of criminologists in various areas of the criminal justice system. The researcher further acknowledges the contribution of Sonnekus (1992), via the seminal work *Introduction to Juvenile Criminology as a Field of Specialisation*. Sonnekus (1992:63) argued that child offending is a unique and complex phenomenon which calls for sub-specialisation within the context of criminology.

Based on the above-discussed rationales, the researcher posits the necessity of an in-depth study fully exploring child offending, and there highlighting additional areas -

apart from criminal capacity assessment - where criminologists could provide practical contributions. The foreseen outcome, based on the findings of the study, was the development of an action plan. The formulation of the action plan as discussed in Chapter 8, was achieved on the back of an in-depth literature review, self-administered questionnaire, and semi-structured interviews. The aim of the action plan was to establish the steps necessary to ensure that criminologists can specialise in child justice and gain professional recognition as child justice practitioners.

1.3 RESEARCH PROBLEM

It is trite that crime is an everyday reality in South Africa. Many of South Africa's children grow up in communities characterised by unemployment, substance abuse, and widespread violence. Crime and violence have permeated areas traditionally perceived as 'safe zones' such as schools, homes, shopping malls, and public places (Burton,2008). Abundant opportunities exist in South Africa for youth to learn violent behaviour, while there is a deficiency in opportunities for them to learn prosocial behaviour and achieve their goals (Souverein, Ward, Visser & Burton, 2016: 1859). South Africa's youth has normalised illegitimate means, such as crime and violence, as a method to acquire status or to establish control over their environment (Pelser, 2008:8). Hence, South African children are in many instances' active participants in criminal activities, as evident in the recent violent protests at Universities and schools. For example, on the 11th of April 2019, primary school children from the Freedom Park Secondary School threw stones at police officials, whilst they were searching for contrabands (Head 2019). Exposure to crime and violence, tends to place children into a cyclical crime/violence pattern of behaviour, as either victims and/or perpetrators (Schoeman, 2010:12).

According to Keeton (2014), South Africa is also one of the most unequal countries in the world. Bhorat, concurring with Keeton argues that violence will occur at higher rates in societies with high-levels of economic inequality. It can therefore be argued that given the unique, and in some case extreme, socio-economic conditions it is not surprise that South Africa has high crime rates (Bhorat et al, 2017:1).

Furthermore, South African children are at high risk of being exposed to interfamilial risk factors including harsh and inconsistent parenting, violence in the home, single parenting, and criminality of family members (Souverein et al, 2016: 1864, Van Staden,2015:75, Ward et al:2012:215). Childhood trauma, not only during early childhood has lasting intergenerational effects and increases the risk for the child to become either a victim or perpetrator of crime (Mathews & Gold, 2017:63).According to Sauls (2018:7) the economic deprivation and poverty of families, alongside the exposure to family trauma and violence increases the child's risk of reoffending, even after they have completed diversion programmes. Diversion is discussed in more detail in chapter 5.

A further causal risk factor for delinquent behaviour highlighted in the research of Cheteni, Mah and Yohane (2018:16-17) is the relationship between poverty and substance abuse related offences. Souverein et al, (2016: 1876) concurs by acknowledging the significant causal risk of substance abuse in young people's criminal behaviour. The authors furthermore highlight the importance of substance abuse in crime prevention strategy. In addition, Cheteni et al (2018: 16-17) argue that preventive efforts should not only aim to address substance abuse related risk factors but also target family-linked and economic risks factors. The research of Mandisa (2007:73) confirm the importance of paying attention to the relationship between the child and parent in order to curb delinquency and criminality.

In addition to aforementioned factors, South Africa also has a high proportion of children that are exposed to the risk for neurological damage in early life, and the prevalence of fetal alcohol spectrum disorders are also amongst the highest in the world (Ward, Artz, Berg, Boonzaier, Crawford-Browne, Dawes, Foster, Matzopoulos, Nicol, Seekings, Van As & Van der Spuy 2012:216). Wartnik and Brown (2016:) point out that individuals, in this case children with fetal alcohol spectrum disorders exhibit a number of cognitive symptoms and behaviours for example, intellectual deficits, executing functioning issues, and learning disabilities. Hence, the children function significantly below chronological age, emotionally, intellectually, and behaviorally (Wartnik & Brown 2016:2). Such difficulties could then profoundly impact the child's ability to distinguish between situations where appropriate and inappropriate

behaviour (Ward & Brown 2016:2). Furthermore, children with Fetal alcohol spectrum disorders find it difficult to exhibit compassion or empathy. According to The South African College of Applied Psychology (2018 b) the absence of empathy is a risk factor associated with antisocial and violent behaviour and offending.

The research of Maree (2018:92) confirm findings from aforementioned South African authors such Keeton (2014), Mandisa (2007:73) Ward et al (2012:216), Wartnik and Brown (2016:00) and state that risk factors such as economically stressed families, poor parental monitoring and support, lack of supervision, poverty, gang membership brain disease and disorders are prevalent to South African children. Risk factors pertaining to South African child offenders are discussed in more detail in chapters 3 and 4.

The Child Justice Act 75 of 2008, (hereinafter referred to as the CJA) stipulates that children in conflict with the law shall be afforded the best possible interventions in line with the constitutional best interest standard. The researcher submits that, while the intention of the legislature is laudable, its intended protective mantle is often hampered by a lack of effective execution. In other words, the law is pro-active in intention but reactive in execution. For example, a study conducted by Human (2015), concerning the role of criminologists in criminal capacity assessment, established that the process used to determine the criminal capacity of children who are in conflict with the law was inadequate. That researcher therein proffered that the inadequacy was caused firstly, by a one-dimensional approach in the assessment of children's functioning by psychologists and/or psychiatrists wherein emphasis is placed on the psychosocial functioning of a child in lieu of, for example, environmental functioning during assessment and; secondly, due to a lack of standardise assessment tools to conduct assessments and; thirdly, due to the lack of expertise and adequate training of probation officers, specifically in relation to the causal nexus between criminality and psychiatric disorders (Geoffrey, 2016: 167,171-174).

Evident in section 97(3) the CJA, only recognises probation officers, psychologists and/or psychiatrists as suitably qualified professionals to execute interventions on child offenders. In this thesis, the researcher argues that the exclusion of criminologists from the CJA does not allow for the holistic assessment and delivering

of services to child offenders. This is predominately because aspects relating to delinquency and criminal caustion does not fall within the field of expertise of either psychologists or psychiatrists (Human 2015:115). In contrast, criminologists' expertise lies in the study of crime in its totality (Hesselink & Booyens 2014:15) as opposed to the syllabus and training of probation officers, social workers and psychologists which does not share the same focus (The University of South Africa, 2018, Nelson Mandela University 2018, The University of Johannesburg 2018, University of Stellenbosch 2018). From a criminological perspective numerous factors contribute to criminal offending such as, biological, individual, social, family, cultural, economic, psychological, and environmental factors, amongst others (Hesselink 2013:246; Sukyirun 2016:101). Schoeman (2016:40) concur and add that the evaluation of predisposing risk factors that influenced the child's ability to distinguish between right and wrong could only be achieved if a holistic approach is followed during the assessment of children who come into conflict with the law. As such, depending on the need of a specific child, professionals such as social workers, occupational therapists, psychiatrists/psychologists and criminologists should form part of an assessment team. Thus, the current approach that only utililse selected groups of professionals, namely probation officers, psychologists and psychiatrists, does not afford a child offender a holistic, individualised approach, which would assist to uphold the best interest of a child (Geoffrey, 2016: 166-181; Human, 2015:118; Schoeman 2016:40).

As discussed in more detail in chapter 2, criminologists are multi-dimensional behavioural specialists and schooled professionals equipped with the knowledge and skill necessary to analyse and assess crime, criminal behaviour, and offenders, in a scientific manner (Bezuidenhout & Minnaar, 2010:23; Hesselink 2012:135). Chapter 3 outlines the rich field of theoretical knowledge concerning the management and prevention of deviant and criminal behaviour (Hesselink, 2013:246). The skills and expertise of criminologists are thus relevant in child justice-related matters because human behaviour (and in this context child behaviour), especially criminal behaviour, is immensely intricate, multi-faceted and complex (Hesselink, 2012:135; Sukyirun 2016:101). Criminologists have a unique ability to individualise offenders by focussing

on causal risk factors of crime and criminal behaviour which could afford the role-players in the child justice system with a better understanding of, and insight into, child offender's behaviour (Hesselink, 2012:135; Hesselink & Booyens 2017:56). This in-turn will entrench the best interest standard for children in conflict with the law, which is a central premise of the CJA.

Specialisation in criminology draws on many disciplines, and has many applications in for example, but not limited to, environmental crime, victimology, cybercrime, pedophilia, serial murder, forensic criminology, and child justice, which could include victim and offender profiling. Despite criminology's wide range, and its evolution as a discipline discussed supra, there is no concrete evidence in South African legislation such as the CJA and the Childrens Act that criminologists are recognised for their expertise in crime related matters.

Researchers such as Joubert and Maree (2001:17), Hesselink (2013:136) and Human (2015:136) aver that criminology is often perceived as having little practical application and as confined to research, teaching, and professional advice. Although criminologists, such as the late Dr Irma Labuschagne and Professor Cornelius Roelofse, as well as Anna Van der Hoven, Beaty Naude, Michelle Ovens, Anni Hesselink, Johan Prinsloo, Jaco Barkhuizen and Christiaan Bezuidenhout, to name but a few, have paved the way and supplied proof of the practical contribution and application of criminologists, criminology is not recognised in the CJA as one of the professionals that can offer services to children that come into conflict with the law. It is against this background that this study aims to provide research-based evidence of the practical use of criminologists in the child justice sector.

1.4 RESEARCH CONTRIBUTION

The researcher submits that the study will contribute in several ways. Firstly, by identifying areas of the CJA where criminologists could apply their unique skill set; secondly, by establishing the minimum qualifications, relevant experience and competencies required for criminologists to specialise in child justice; and thirdly, by setting guidelines for universities to develop a curriculum for criminologists as

practitioners in child justice-related matters, which complies with the requirements of the South African Qualification Authority (SAQA).

1.4.1 Criminology as an applied profession

The primary contribution of this study is to identify areas/practices, regulated by the CJA, where criminologists could apply their expertise as practitioners. This will be achieved using a document analysis of the CJA, and via a data collection process. Dr. Brenda Beukman made a valuable contribution in this regard during 2005, however, the focus of her study was primarily to demonstrate that criminology can be viewed as a profession (Beukman, 2005:4) based on the characteristics thereof. This study aims to build upon the acknowledgment of criminology as a profession by creating awareness that criminologists are indeed professional practitioners, and factually documenting their potential contribution to the child justice arena.

Although the researcher focusses specifically on the role of criminologists as practitioners in child justice, she further aims to highlight criminology as an applied profession in general. It is expected that the action plan resultant from this research, could be used for other areas of specialisation, such as for example, victimology, environmental criminology, and correctional criminology, thus elevating the application of the profession in practice.

The researcher further argues that if criminologists were recognised as child justice practitioners, it would firstly create work opportunities for students, and secondly alleviate staff shortages in the sector. In addition, it could improve the status and recognition of criminologists as professional practitioners. Despite a shortage of probation officers, social workers, and psychologists in the child justice sector (Waterhouse 2008:3; Moloï 2012; Pillay 2011:43), criminologists are not recognised as equally skilled professionals capable of delivering services to children who are in conflict with the law, thus contributing to the best interests of a child.

1.5 CONCEPTUALISATION OF KEY RESEARCH CONCEPTS

In the section below, the researcher defines and/or conceptualises terms and/or concepts, selected from various disciplines, which form core concepts in this study. Operational definitions are provided "...to identify the indicators, the specific events or

phenomena that truthfully represent an abstract concept” (De Vos & Strydom, 2011:34). Gobo (2018:8) further elaborates that an operational definition conceptualises and contextualises the phenomenon under study. It is therefore of importance that researchers first need to understand the phenomenon under study, and the “situated meaning of concepts discovered” before attempting to formulate operational definitions (Gobo, 2018:9).

1.5.1 Child

The Constitution of the Republic of South Africa, 1996 (hereinafter Constitution) defines a child as any person below the age of 18 years (section 28(3)). The CJA defines a child as “...any person under the age of 18 years, and in certain circumstances, means a person who is 18 years or older but under the age of 21 years whose matter is dealt with in terms of section 4(2)”. This provision recognises that a child between the ages of 18 and 21 who committed an offence when he or she was under 18 years can still benefit from the procedures in the Act.

The Child Justice Act (section 7) acknowledges the rights of children within various age categories, and functions on a system of minimum age and rebuttable age of criminal capacity.

The age of the child is of relevance since this will dictate the procedure and legislative framework under which the child offender will be dealt, as stipulated the Child Justice Act. According to the Child Justice Amendment Bill (2018) a child under the age of 12 years is presumed not to have criminal capacity and cannot be prosecuted for an offence but must be dealt with in terms of section 9.

Section 7(2) of the CJA states that a child who is 12 years and older, but under the age of 14 years is presumed to lack criminal capacity, unless the State proves that the child has criminal capacity. According to section 11(1) of the CJA such proof that the child possess criminal capacity must be proved beyond a reasonable doubt.

Children older than 14 years is presumed to have criminal capacity.

1.5.2 Children who are in conflict with the law

Section 1 of the CJA does not define the meaning of the phrase ‘children who are in conflict with the law’. The Department of Social Development (2010:29) however

defines children who are in conflict with the law to include children suspected of committing a crime (arrested), awaiting trial and awaiting designation to a reform school.

Unicef (2008) asserts "...the term 'children who are in conflict with the law' refers to anyone under 18 who comes into contact with the justice system as a result of being suspected or accused of committing an offence".

International law and legislation refer to child offenders and children in conflict with the law as 'juvenile' or 'juvenile delinquents' (Badenhorst, 2011:1). However, in South Africa, the latter terminology has been labelled as having a negative connotation and is therefore not used (Badenhorst, 2011:1).

For this study, the phrase shall be taken to mean children (as defined supra) who encounter the criminal justice system as a result of the commission, or suspected commission of, a criminal offence.

1.5.3 Criminology

There are varied opinions who coined the term criminology. An insightful article by Wilson (2015) titled *The Word Criminology: A Philology and a Definition* explores the development of the term criminology and coinciding field of criminological studies. Focussing on the definition and debates about the meaning of the term criminology in the Twentieth and Twenty-First Century, Wilson (2015: 73) highlights how the definition of criminology evolved. Firstly, Thorsten Sellin (1938) viewed criminology as a pure science, not an applied science, which serves to designate the body of scientific knowledge and the pursuit of such knowledge for the purpose of the treatment and prevention of crime (Wilson, 2015: 73). Edwin Sutherland (1939), extended the scope of criminology to include studies of law and society. Sutherland viewed criminology as the body of knowledge pertaining to "crime as a social phenomenon" (Wilson, 2015: 73). Elliott and Merrill (1941), contradictory to earlier authors, sought to extend the scope of criminology from basic to applied research. Taft (1956) furthermore expanded the earlier authors viewpoints by characterising criminology as an interdisciplinary field "which includes all the subject matter necessary to the understanding and prevention of crimes together with the punishment

and treatment of delinquents and criminals” (Wilson, 2015: 74). Jones in 1965 like Sellin defined criminology as scientific but like Sutherland also viewed it as a social science. Expanding on Sellin’s definition, Wolfgang (1963:155) also viewed criminology as a science but expanded on this by saying that criminology is an autonomous discipline as opposed to a broadly interdisciplinary enterprise. As a science he viewed criminology as a field of study with its own body of scientific knowledge, its own set of organized data and theories as well as research methods. Concurring with Wolfgang, Garland (1994) defined criminology as “a specific genre of discourse and inquiry about crime—a genre which has developed in the modern period and which can be distinguished from other ways of talking and thinking about criminal conduct” (Wilson, 2015: 74).

These distinct views highlight the debates not only about the meaning of the term criminology, but also about the scope of criminology in general which is still relevant today. Arguments which questions if criminology is a basic or applied science, as well as if it is narrowly limited to the study of crime are still relevant today.

According to Case, Johnson, Manlow, Smith and Williams (2017:31) criminology can be viewed as an academic study of crime that can be divided into three interconnected areas, that each contribute to the understanding and knowledge of crime: “defining crime, explaining crime and responding to crime”. They define criminology as a “academic discipline, and an interdisciplinary meeting point of older, related social science subjects such as sociology, psychology, law, social policy, and law” Case et al, 2017:31).Felson and Eckert (2017:14) concurs stating that criminology is a “broad field of study, that looks beyond any particular features of any one justice system or society” which is applied to explain “how, why and when crimes occur and how fear and insecurity affect people”.

It is the authors opinion that the broad definition developed by Wilson (2015:77) encompasses all the previously mentioned facets, namely that criminology can be defined as “the systematic study of crime, criminals, criminal law, criminal justice, and criminalization - that is, the rigorous, organized, and methodical examination of making laws, breaking laws, and enforcing laws, including the adjudication of allegedly broken laws, as well as wrongdoing and injustices that could

or should be made illegal and the public discourse about the creation, violation, enforcement, and adjudication of the law—whether such study is ancient or modern, whether artistic, essayistic, scientific, or otherwise academic, be it quantitative or qualitative, be it empirical or theoretical, be it ‘pure research’ that is analytical and concerned with the causes of crime or ‘applied research’ that is ethical and/or political and addressed to crime control or the treatment of offenders”.

A South African criminologist, Hesselink (2013:140), defines criminology as an “integrated, multi-disciplinary field that amalgamates academic criminology with contemporary social concerns about crime with a practical outcome for example victim empowerment, pre-sentence evaluation reports, assessment profiling practices”. As such, she concurs in broad with the previous authors about the scientific and inter-disciplinary nature of criminology. Of specific relevance to this study is Hesselink’s emphasis on the practical application of criminology as an applied science.

Notwithstanding the views of Hesselink, within the context of the study, criminology shall be taken to be an inter-disciplinary body of knowledge encompassing a holistic study of crime and criminal behaviour which can be used to evaluate, and assess crime and criminal behaviour in order to make recommendations to ensure that the best interest of children who come in conflict with the law are upheld. This will be achieved by utilising contemporary evidence-based theories and research that includes the explanation of crime and criminal behaviour from an Afrocentric perspective unique to South Africa

1.5.4 Criminologist

Similar to the definition of criminology, it is also debated what the definition of the term criminologist is, as well as what the role, function and application of criminologists is in South Africa. Artz and Mout (2012:2), argue that “...we, as ‘criminologists’ first need to decide ‘who we are as ‘criminologists’”. The search for a universal definition is of specific relevance in the current move to apply for accreditation of criminologists in South Africa. A standard definition will be valuable as far as it could assist professional bodies to determine who is qualified to practice and conduct research under this banner, and therefore who should get jobs and funding.

According to Brown, Esbensen and Geis (2010:3), a criminologist can be defined as a professional who studies crime, criminals, criminal behaviour, and the causes of crime. In this regards the question is who can be viewed as such a professional? Another question is what should the academic field of study, qualification level and level of experience of such a person be? Although it is outside of the scope of this study to attempt to develop a standardised definition for criminologists, an operational definition will be developed.

Hesselink (2012:196) defines criminologists as “multi-behavioural specialists, forecasters and scientists who analyse, explain and understand the conditions and influences, behavioural antecedents and triggers to criminal actions, the causes of crime, and the different motives for crime”. Expanding on the definition, Hesselink and Booyens (2014:14) added that criminologists are applied professionals who are trained to analyse, explain, and understand the causation of, and motivation for crime and criminal behaviour.

In her masters study, focussing on the role of criminologists within the field of child justice, Human (2015:20) defined a criminologists as “a expert in the field of crime and criminal behaviour, and the explanation thereof, based on sound scientific knowledge and a practical execution thereof, which qualify the practitioner to examine, evaluate, explain and profile crime and criminal behaviour, and apply these practical skills within the child justice system assessing children in conflict with the law”. This definition is also relevant for this study. In addition, criminologist are viewed to be skilled professionals who have achieved specifically directed theoretical and practical training in aspects pertinent to child offenders, which will enable practitioners to apply their theoretical and practical training to child justice and therein execute interventions that aim to uphold the best interest standard for children who are in conflict with the law, and promote and facilitate rehabilitation and reintegration of the offender to curb recidivism.

1.5.5 Social worker/Social work profession

In terms of section 1 of the Social Services Professions Act (110 of 1978), a social worker is “...a person who is registered or deemed to be registered as a social worker in terms of the Social Services Professions Act”.

Holtzhausen (2012:2) is of the opinion that due to the diverse nature of social work and various practice settings, social work is difficult to define. Holtzhausen (2012:2) however points out that according to the National Association of Social work, a social worker is “a professional person specifically trained to do social work in order to achieve very specific goals such as enhancing and maintaining psychosocial functioning of individual, families, small groups and societies”.

According to Horner, (2012:3) the purpose of the social work profession is a “profession that promotes social change, problem solving in human relationships and the empowerment and liberation of people to enhance well-being. Utilising theories of human behaviour and social systems, social work intervenes at the points where people interact with their environments. Principles of human rights and social justice are fundamental to social work”.

The role that social workers play to execute interventions as set out by the CJA is of relevance in this study.

1.5.6 Probation officer

The Department of Social Development (2010:30) as well as the Western Cape Government (2018), define a probation officer as a person, appointed by a Minister, who has statutory authority to give evidence regarding children and adults to the children’s and other courts, to make recommendations regarding sentence and/or treatment, and to exercise supervision and control and draw-up measures to prevent crime. In terms of section 1 of the CJA probation officer “...means any person who has been appointed as a probation officer under section 2 of the Probation Services Act 116 of 1991”.

The use of the wording or phrase, “any person” is however misleading in the aforementioned definition as it is evident from section 2 of the Probation Services Act 116 of 1991, that only social workers may qualify to register as probation officers.

1.5.7 Multi-disciplinary approach

Songca (2006:223) argues typically a multidisciplinary approach would involve professionals from a number of disciplines to piece together their individual contributions towards solving a common problem. Songca (2006:223) furthermore

adds that a multi-disciplinary approach will add to a better understanding of the topic and could provide a holistic solution for a particular problem.

Alonge, Frattaroli, Davey-Rothwell and Baral (2016:127-136) define the concept trans-disciplinary as an approach which will include persons from a range of different disciplines, and or professions who share a similar interest, and which will work jointly to address a specific problem or create a new concept from a combination of their discipline.

In this study the terms 'multi-disciplinary' and 'trans-disciplinary' will be used interchangeably to refer to professions/professionals in the field of child justice which for example could include inter alia criminologists, probation officers, social workers and psychologists, with a unique and specialised skill-set that could apply their expertise collaboratively in the best interest of children who are in conflict with the law, as mandated by the CJA. This approach is underwritten by the aim of this study, which is to argue for criminologists to be included as part of a multi-disciplinary team of child justice professionals under the auspices of the CJA.

1.5.8 Assessment

The Probation Services Amendment Act (35 of 2002), defines assessment as a developmental assessment. In other words, "...an evaluation of a person, the family circumstances of the person, nature, and circumstances surrounding the alleged commission of an offence, its impact on the victim, the attitude of the alleged offender in relation to the offence, and any other relevant factors".

According to section 3 of the Children's Amendment Act (41 of 2007), assessment of a child "...means a process of investigating the developmental needs of a child, including his or her family environment or any other circumstances that may have a bearing on the child's need for protection and therapeutic services".

Hesselink and Dastile (2015:335) define criminological assessment as a "scientific practice that is based on the in-depht analysis of the causes, contributory factors, motives, triggers, offender needs, high-risk factors, and the modus operandi that formed, influenced and facilitated offending behaviour. The analysis is also directly

linked with recent research findings and relevant criminological theories to sustain and/or explain the behaviour in question”.

For the purpose of this study assessment is taken to mean an individualised, holistic process that includes evidence-based South African research findings amongst others, to analyse and explain high-risk factors, motives, and triggers that gave rise to the offence. The purpose of the assessment process would be to intervene and facilitate change in the life of the child and his or her family.

1.5.9 Child and youth care centres

According to section 1 of the CJA a child and youth care centre “...means a child and youth care centre referred to in section 191 of the Children’s Act”. In terms of section 191(1) of the Children’s Act, CYCC “...is a facility for the provision of residential care to more than six children outside the child’s family environment in accordance with a residential care programme suited for the children in the facility...”

For this study, the content of section 191(1) of the Children’s Act is taken as the meaning of CYCC.

1.5.10 Profession

The Professional Standards Council (Anon [sa]), define a profession as “...a disciplined group of individuals who adhere to ethical standards, this group positions itself as possessing special knowledge and skills in a widely recognised body of learning derived from research, education and training at a high level, and is recognised by the public as such. A professional is also prepared to apply this knowledge and exercise these skills in the interest of others”.

The Cambridge Dictionary (2018) defines a profession as, “...any type of work that needs special training or a particular skill, often one that is respected because it involves a high level of education”.

De Vos, Strydom, Schultze and Patel (2011:14), refer to the definition in the Webster’s Comprehensive Dictionary, which states: “... a profession can be regarded as an occupation, that will involve a liberal education, or its equivalent, and will comprise of mental rather than manual labour, especially one of the...learned professions such as law, and medicine”.

1.6 RESEARCH AIMS, OBJECTIVES AND QUESTIONS

The aim of a study describes what the researcher plans to do, attain, or achieve in the study (Doody & Bailey, 2016:22). Thus, the aim of a study indicates the central drive of the study, whereas the objectives identify the specific issues that the research proposes to examine; in other words, the steps that must be taken to achieve the aim of the study (Doody & Bailey, 2016:22; Fouché & De Vos, 2011b:94; Khoo, 2005:25; Kothari, 2004:2). According to Doody and Bailey (2016:22), research questions should also include action verbs for example 'to describe', 'to identify', and 'to measure', that can be evaluated.

1.6.1 Aims

The aim of this study is to develop an action plan for criminologists with a view toward specialisation in child justice. The aim of the action plan is to recommend the steps necessary to establish a specialised degree which could equip criminology students as specialised child justice practitioners.

1.6.2 Objectives

Forth-flowing from the aims discussed supra, the objectives of the study are to:

- explore areas where criminologist can contribute to or deliver services prescribe in the CJA, to children who are in conflict with the law;
- interrogate the current academic criminology curriculum to determine adequacy for specialisation, and if the result is negative, to offer a solution to equip students to become specialised practitioners in the child justice system;
- describe the process and procedures necessary to establish a specialisation in child justice for criminologists.

1.6.3 Questions

The exclusion of criminologists from the child justice sector underpins this study and directed the research questions, which in-turn emanated from the problem area. Thus, the researcher formulated clear research questions, which aided uncovering, discovering, and achieving, results to provide an action plan to establish a specialised degree aimed at qualifying criminologists as child justice practitioners (Fouché & De Vos 2011a:79). As Khoo (2005:25) rightfully argues, "...a question well-stated is a

question half-answered,” which in turn will dictate what type of data must be collected, the unit of analysis directing the required data collection, and the context in which the data ought to be collected (Davies et al, 2011:38).

Since mixed methods research, as used in this study, relies on information obtained in both narrative and numerical forms, Teddlie and Tashakkori (as cited in Delpont & Fouche, 2011:445) assert that it requires at least two research questions. This is to accommodate both the qualitative and quantitative aspects of the study. Graff (Sa:54), concurs and adds that at least one research question should justify the need for using both qualitative and quantitative methods. The following three research questions were employed in this study to address the two phases of the data collection process:

Question 1: *To what extent could criminologists as practitioners apply their expertise in the child justice system?*

Question 2: *How should an academic programme in criminology be structured to equip criminologists as specialised child justice practitioners?*

Question 3: *Which steps are required to facilitate the formulation of a degree for criminologists specialising in child justice?*

1.7 UNIT OF ANALYSIS

Fouché and De Vos (2011b:93), define a unit of analysis as the specific objects or elements whose characteristics we wish to describe or explain, or the entity that is being analysed for scientific research. In other words, the unit of analysis describes the intentions of the researcher with regards to whom the data will be collected from, where the sampling will take place, and what phenomenon is under investigation. The unit of analysis for a study could include individuals and/or groups (Khan, 2014:228; Fouché & De Vos, 2011b:93).

This study focussed on establishing steps necessary for criminologists to become specialists in the field of child justice. The unit of analysis was expert knowledge about the field of child justice and criminology and included subject experts such as criminologists, legal experts, academics, prosecutors, magistrates; and child justice practitioners such as social workers and probation officers. Social workers, as a unit

of analysis, refer only to practitioners currently executing interventions pertaining to child offenders, as stipulated in the CJA. For this study, the role of social workers is limited to managerial tasks performed in CYCC's and does not include any therapeutic interventions, which require a different skill-set than that required for assessment purposes under the CJA. In addition, the unit of analysis includes CRIMSA members, academics and magistrates who are knowledgeable about the foundation of criminology, the scope of practice and expertise of criminologists and the structure of various criminology curricula. Research participants were recruited nationally, thus the sample included experts from various provinces in South Africa.

1.8 RESEARCH PARADIGM

A study's paradigm refers to the conceptual lens through which the researcher examines the methodological aspect(s) of their research to determine the research method and how data will be analysed (Kivunja & Kuyini, 2017:28). All scientific research is conducted within a specific paradigm, and each researcher has a view of what constitutes truth and knowledge (Chilisa & Kawulich 2012:1).

A pragmatic research approach - or paradigm - was adopted here because, not only is it regarded "...as the philosophic partner of mixed methods research, but a pragmatic paradigm will offer a practical 'middle ground' to a multifaceted research problem" (Johnson & Onwuegbuzie, 2004:16). Thus, a pragmatic approach accommodates the use of any of the methods, techniques, and procedures typically associated with quantitative and qualitative research, which is important because all techniques have limitations, but different approaches can be complementary (Rahi, 2017:1). Pragmatism further breaks down the hierarchy between positivist and constructivist ways of knowing, to examine what is meaningful from both sides (Shannon-Baker, 2016:325). Pragmatism considers 'what works', to answer the research question rather than trying to make a choice between the positivist/post-positivist or constructivist paradigm (Brierley, 2017:15). In this instance, the study aimed to propose an effective action plan which could be subject to evaluation if implemented.

Ontology is concerned with assumptions that researchers make to believe that something makes sense or is real, or the nature or essence of the social phenomenon investigated (Kivunja & Kuyini, 2017:27). There is no right, or wrong, as different researchers view topics differently, depending on their role and values.

The ontological position adopted in this study is interpretivism, also termed the phenomenological approach (De Vos, Strydom, Schulze & Patel, 2011:3). According to Babbie and Mouton (as cited in De Vos et al, 2011:3); in order to make sense of the world human beings continuously interpret, create, give meaning to, define, justify and rationalise their daily actions. Knowledge is produced by exploring and understanding the social world of the people being studied and thus knowledge is personal, subjective and unique (Al-Saadi, 2014:6).

In the context of this study, the researcher avers that each of the participants brought a unique interpretation from their lived experiences, which contributed to the understanding of how their role fits into the whole - in other words- what the researcher needed to discover (De Vos et al, 2011:8).

1.9 RESEARCH METHODOLOGY

Research can have either an applied or basic purpose (Fouche & De Vos, 2011b:94; Leedy & Ormrod, 2010:141). Basic research also referred to as 'pure research', is consistent with criminological inquiries (Dantzker & Hunter, 2011:10). Fouché and De Vos (2011b:94) point out that basic research is not concerned with solving the immediate problems of the discipline, and thus the findings often have little or no applicable usage in the field studied; in this case the criminal justice system.

In contrast, applied research - as intended in this study - supplies answers that can improve and change a specific issue and solve problems (Dantzker & Hunter, 2011:10). The aim of applied research is practical and addresses problems that professionals experience in practice (Leedy & Ormrod, 2010:141). The research purpose for the study is applied.

The development of an action plan aims to address and identify steps and processes necessary to equip criminologists for specialised in the field of child justice. The action

plan, therefore, aims to find a multi-dimensional solution to establish criminologists as child justice practitioners.

1.9.1 Explorative research

Explorative research was employed in this study because little was known about the role that criminologists could play in the child justice sector, which required the researcher to gain insight into, and acquaint herself with the phenomenon (Fouche and De Vos, 2011:95).

1.9.2 Descriptive research

Descriptive research focuses on 'why' and 'how' questions and is likely to refer to deeper meanings, thus leading to 'thicker description' (Fouche & De Vos, 2011:95). It was important to establish why criminologists are not currently used in the child justice sector, and how the phenomenon could be addressed and rectified. Such an action plan could be beneficial to both the criminal justice system - where a severe shortage of probation officers and psychologists is experienced - as well as criminologists who have limited work opportunities within the current system of academic qualification.

Research methodology refers to the general approach in carrying out the research project. In other words, the procedures and instruments utilised to execute the research (Leedy & Ormrod, 2010:87). Two of the most well-known approaches are the qualitative and quantitative paradigms (Delpont & De Vos, 2011:63; Almeida, 2018:138). Each of the approaches has its own purpose(s), methods to conduct the inquiry, data collection methods, and data analysis approach (Delpont & De Vos, 2011:63) Qualitative researchers are concerned with understanding certain behaviours and collection of opinions, whereas quantitative research is intended to assess and measure the behaviour of either individuals or groups (Almeida, 2018:138).

A third method, namely a mixed-methodology approach, developed because of the 'limitations' of the sole use of either a quantitative or qualitative approach (Almeida, 2018:136; Doyle, Brady & Byrne, 2016:175). Ivankova et al (as cited in Delpont & Fouche, 2011:434) define mixed methods research as "...a procedure for collecting,

analysing and 'mixing' both quantitative and qualitative data at the same stage of the research process within a single study to understand a research problem completely".

Considering the research problem, research question(s), and related research aims of this study, the researcher considered a multi -or mix-methodological approach to be effective. Firstly, this approach allowed the researcher to use different data collection methods to obtain a complete and in-depth understanding of the research problem. In addition, a mixed-methodological approach increased the scope and range of the research by addressing many areas of the research problem resultant from the use of different data collection instruments (Delpont & De Vos, 2011:66; Delpont & Fouche, 2011:441; McKim, 2017:203). Secondly, a mixed-methodological approach counteracts the weaknesses of both qualitative and quantitative research, thus, it has the potential to supply stronger inferences (Delpont & Fouche, 2011:436; McKim, 2017:203). Thirdly, this method provided the researcher with the opportunity to elicit an assortment of views and perspectives which, when integrated, confirm the multifaceted aspects of the issue under investigation (McKim, 2017:203). Lastly, mixed methods research limited various forms of potential bias, thus presenting a true reflection of the phenomenon, and further improved various forms of validity, or quality criteria, which are important aspects to any study (Delpont & Fouche, 2011:436).

The following definitions of mixed-methods research are provided to clarify the research design employed in this study.

Mixed methods research is a class or type of research where the researcher(s) 'mixes' or combines quantitative and qualitative research techniques which includes viewpoints, data collection, data analysis and inference techniques in a single study, for the broad purpose of breadth and depth of understanding and validation of the findings. (Johnson & Onwuegbuzie, 2004:17; Schoonenboom & Johnson, 2017:2).

According to Schoonenboom and Johnson (2017:2), the use of at least one qualitative and one quantitative research component is typically associated with a mix methods design. The primary purpose of combining qualitative and quantitative research components in a single study is to expand and strengthen the conclusion(s) of the study - in other words - to present valid research findings (Schoonenboom & Johnson,

2017:2). In this study, it must, however, be noted that the aim was not to generalise findings but to develop an action plan that could be refined and tested by further research.

Johnson and Onwuegbuzie (2004:20), posit that to construct a mixed-methods design, researchers must consider two primary decisions:

- whether the researcher wants to operate largely within one dominant paradigm or not, and;
- whether the researcher wants to conduct the phases concurrently or sequentially.

A sequential mixed methods design was followed in this study where equal weight was given to the quantitative and qualitative aspects (Delport & Fouche, 2011:442; Creswell, 2003:16). This process involved the separate collection and analysis of data, using a mixed-methods questionnaire during the first phase; followed by interviews during the second phase (Onwuegbuzie & Collins, 2007:291). This sequential approach to data collection enabled the researcher to identify areas of practice for criminologists within the child justice system and to establish how academic criminology curricula could be formulated to allow for specialisation in child justice (Onwuegbuzie & Collins, 2007:292).

1.10 SAMPLING DESIGN AND SIZE

The population can be defined as all the individuals that the researcher wishes to understand, while sampling refers to the process of selecting a part of the population for the investigation process (Rahi, 2017:5). Likewise, Hair (as cited in Rahi 2017:5) opines that sampling is a process used to select a sample of units from a data-set to measure the characterises, beliefs and attitudes of people.

There are two major groups of sampling procedures, namely probability and non-probability sampling (Strydom, 2011b:228). Probability sampling is based on randomisation. In probability sampling, each unit has an equal chance, or probability, of selection (Rahi, 2017:5; Strydom, 2011b:228). Probability sampling can be further

divided into five categories: simple random sampling, systematic random sampling, stratified random sampling, cluster sampling and multi-stage sampling (Rahi, 2017:5).

Non-probability sampling, used in this study, occurs without randomisation (Strydom, 2011b:228). In non-probability sampling the researcher does not know the population size, thus, participants do not have an equal chance of selection (Strydom, 2011b:228). In non-probability sampling, randomisation is unimportant (Etikan, Musa & Alkassim, 2015:2). Non-probability sampling techniques can be used in both qualitative and quantitative research.

In this study the researcher made use of purposive and snowball sampling discussed infra.

1.10.1 Purposive sampling

Purposive sampling is also called judgemental sampling (Alvi, 2016:300; Strydom, 2011b:232). This type of sampling is based on the researcher's judgement that the sample is composed of elements that have the most characteristics, are representative or have specific attributes of the population that serve the purpose of the study (Aliv, 2016:300). In this study, the sample population's attributes were knowledge and experience regarding child justice and criminology. Participants for the study were recruited via an e-mail distributed to members of CRIMSA, academics and magistrates. In addition, the researcher approached social workers, and probation officers and requested their participation.

1.10.2 Snowball sampling

Snowball sampling- also called chain sampling - is normally used when there is no knowledge of the sampling frame and limited access to proper participants for the intended study (Alvi, 2016:33; Strydom, 2011b:232). This method was utilised in this study to identify other, non-CRIMSA participants.

The sample consisted of 65 subject specialists; 43 in phase one and 22 in phase two of the study. A challenge experience during the recruitment of the sample was that some participants, more specifically probation officers, were reluctant to take part in the study due to a perceived restriction based on their employment by the Department of Social Development. Gate-keeper permission were not sought from any

governmental department or other institution since the focus of the study was not the services delivered by any Department or institution but the opinion of participants about the role criminologists can play in delivering services as intended by the CJA. Hence, although many probation officers known to the researcher were contacted, limited numbers were willing to take part in a private capacity. The researcher, therefore, employed snowball sampling as it allowed her access to additional prospective participants.

1.11 DATA COLLECTION

A sequential approach in two phases was employed to collect data. The first phase consisted of self-administered questionnaires which made provision for added responses by participants. The second phase consisted of interviews, which built on the first phase of the study. The two phases are discussed infra.

1.11.1 First phase: Questionnaire

In the first phase of the study a self-administered questionnaire, consisting of 16 questions, was e-mailed to members of CRIMSA, and to individuals known to the researcher. The questionnaire consisted of Likert scale type and open-ended questions. In the rest of the questionnaire, participants were asked to comment or provide narrative opinions on relevant issues.

The aim of the questionnaire was to gain information from experts and practitioners in the fields of criminology, child law, and child justice regarding interventions currently executed by probation officers, social workers, and psychologists. After obtaining permission from CRIMSA, the CRIMSA secretary distributed the questionnaire to its members. In addition, the researcher emailed the questionnaire to participants known to her.

Although 350 questionnaires were distributed, only 43 questionnaires were returned to the researcher. Due to the diverse nature of specialisation fields in criminology, not all CRIMSA members had the required knowledge of either the development of a criminology curriculum and/or child justice or were unwilling to voice their opinion in this regard. Although only 43 responses were received, data saturation was evident where participants provided added opinions to the question posed in the

questionnaire. Regarding the quantitative aspect of the questionnaire Grinnell and Williams (1990:127), argue that 30 questionnaires are enough to perform basic statistical procedures. Grinnell and Williams (1990:127) add that researchers must bear in mind that it is not always possible to involve a minimum number of participants in the research. This is because, as in the case of this study, the population size is small, unclear and/or the researcher dealt with a unique and complex phenomenon, namely child justice on the one hand, and the development of a criminology curriculum on the other.

1.11.2 Second phase: Semi-structured interview schedule

During the second phase of this study, a semi-structured interview schedule consisting of 11 open-ended questions, facilitated data collection. Twenty-two interviews, consisting of 7 face-to-face, and 15 telephonic interviews, were conducted with academics, child law experts and experts in the field of child justice. The aim of the interviews was to explore the research problem on an in-depth level. Interviews were thus an appropriate method to obtain comprehensive information while allowing flexibility to explore participants' opinion(s) in more detail. Telephonic interviews facilitated the collection of data nationally.

1.12 DATA ANALYSIS

Data analysis is a process of bringing order, structure, and meaning to a mass of collected data (Schurink, Fouché & De Vos, 2011:397). In other words, data must be organised, arranged, and systematically prepared. Mouton (2005:108) refers to this process as the 'breaking up' of data into manageable themes, patterns, trends, and relationships. Descriptive data analysis and thematic analysis were used in the first phase of the study. In the second phase, the researcher employed a thematic analysis.

1.12.1 First phase: descriptive data and thematic analysis

Quantitative data analysis falls into four main categories: descriptive, association, causation, and inference (Fouché & Bartley, 2011:251). Descriptive statistics were used for data analysis. Descriptive analysis is used to organise and summarise data for the purpose of enhancing understanding of the phenomenon under study (Onwuegbuzie & Combs, 2015:5). Descriptive data analysis was used to interpret the

findings from the mixed-methods questionnaire during this phase. An Excel spreadsheet was used to tabulate and analyse the frequency distribution of central tendencies. Descriptive statistics were therefore used to describe the numerical data in that it assisted to organise, summarise and interpret the statistical data. The utilisation of statistical tests was not relevant since the purpose of the analysis was not to determine if the information can be generalised. Using descriptive analysis, the biographical information of the participants and their responses to questions were summarised in the form of a frequency table, bar-graph or pie-chart as presented in Chapter 6 of this study. Preparation of data entailed, coding, entering and cleaning. Thematic analysis was used during phase one to analyse the written narrative responses of the participants. This analysis corresponds to the analysis during the second phase of the study discussed below.

1.12.2 Second phase: a thematic analysis

In the second phase of the study, thematic analysis was used to analyse the semi-structured interviews. Thematic analysis is one of the most common forms of analysis and is also considered the most appropriate for qualitative research, which produces rich, detailed, and complex data (Alhojailan, 2012:42; Javadi & Zarea, 2016:3). Thematic analysis involves the identification, analysis, and reporting of patterns or themes embedded in the data. Thematic analysis is also used to reduce and manage large volumes of data, without losing context (Alhojailan, 2012:43; Javadi & Zarea, 2016:33).

- ***Familiarisation with data***

During the first step of the thematic analysis, the researcher listened to the interviews. During the second step, she transcribed the interviews. This phase involved the reading and re-reading of data to become familiarised with its content (Javadi & Zarea, 2016:33). At this stage, it is vital to immerse oneself in the data and to become familiar with the depth and breadth of the content (Braun & Clarke, 2006:16).

- ***Coding***

The primary purpose of the coding phase during the thematic analysis was to find connections between the various parts of the data (Alhojailan, 2012:42). This phase

consisted of the identification of key features in the data relevant to answering the research question(s). The entire data-set was coded, and relevant data extracts were organised together to be used during the later stages of the analysis (Javadi & Zarea, 2016:33).

- ***Searching for themes***

During this stage of data analysis, the researcher examined the coded codes, and then organised the data to find broader patterns of meaning - in other words - potential themes. Data was then organised relevant to each theme, to review the viability of each potential theme, and in-turn forms an overarching theme (Javadi & Zarea, 2016:33; Braun & Clarke, 2006:16).

- ***Reviewing themes***

During this phase, the researcher refined the themes and, in some cases, combined or split the themes (Javadi & Zarea, 2016:33; Braun & Clarke, 2006:16).

- ***Defining and naming themes***

During this phase, the researcher further refined the themes, named, and then analysed them with the rest of the data (Javadi & Zarea, 2016:33; Braun & Clarke, 2006:16).

- ***Writing up and producing the report***

The final phase involved weaving together the analytic narrative and data extracts, which was then contextualised and analysed in relation to the existing literature (Javadi & Zarea, 2016:33).

The phases were sequential, with the second phase building on the first. The analysis is typically a recursive process which involves moving back and forth between distinct phases.

This was the final phase which involved the final analysis and writing-up of the report presented in Chapter 7 of this study (Braun & Clarke, 2006:17).

1.13 VALIDITY AND RELIABILITY

Validity and reliability in scientific research are important because, as Davies et al (2011:172) aptly state, not only is good research valid research, but it is also "...the design of research that will provide credible conclusions".

Validity is concerned with whether a measure accurately reflects the concept it is designed to measure (Davies et al, 2011:355). Reliability refers to the degree or extent of the planning of the research, and the explanations offered to replicate the findings and confirmation thereof (Davies et al, 2011:355). Reliability is achieved when the research instrument consistently produces the same results each time it is used or used by other researchers.

1.13.1 Triangulation

Data triangulation is a method used to increase validity by examining something from various angles to research a question (Bekhet & Zauszniewski 2012:40; Heale & Forbes, 2013:1). Methodological triangulation was applied in this study. Methodological triangulation refers to the employment of more than one research method. There are two types of methodological triangulation: across-method and within-method triangulation (Bekhet & Zauszniewski, 2012:40). Across-method studies combine qualitative and quantitative data collection techniques, as in the case of this study (Heale & Forbes, 2013:1). Methodological triangulation has been found to be beneficial in supplying confirmation of findings, more comprehensive data, increased validity, and an enhanced understanding of the studied phenomenon (Bekhet & Zauszniewski, 2012:40; Heale & Forbes, 2013:1). Additionally, the sequential approach used during the triangulation of data collection instruments (such as interviews, document analysis, and questionnaires) allowed the findings of this study to be compared and confirmed.

1.14 RESEARCH ETHICS

Khan (2014:231) and Strydom (2011a:113) cautions researchers that although the aim of any research is to yield maximum benefits or results, the primary purpose should always be to protect the human rights and dignity of research participants. Khan (2014:231) points out that ethics begin and end with the researcher. Ethical issues can

be complex in social sciences and researchers should, therefore, be cautious not to obtain data at the expense of research participants (Khan, 2014;231; Strydom, 2011a:113). In this regard, Maxfield and Babbie (2011:54) stress that the researcher should aim to adhere to the highest possible ethical standards in a scientific inquiry. The researcher commits herself to the ethical principles as proposed by the Belmont Report published in 1979 (National Commission for the Protection of Human Subjects of Biomedical and Behavioural Research, 1979) hereinafter referred to as the Belmont Report. Thus, this study only commenced once ethical approval had been obtained from the College of Law Ethics Review Committee. Specific ethical aspects are discussed infra.

1.14.1 Respect for persons

The Belmont Report states that respect for persons is one of the basic ethical principles of any research (Belmont Report, 1979:4-7). In line herewith, the aims and objectives of the study were explained to participants. Participants were requested to sign an informed consent form once they showed their willingness to participate. The researcher acknowledges that the participants have the right to know what the purpose of the study is, the right to be treated as autonomous agents, and the right to decide what shall and shall not happen to them (Human Sciences Research Council, 2019; Strydom, 2011a:117). Participants were also informed that they had the right not to answer questions they felt uncomfortable with and that they could withdraw from the study at any stage (Strydom, 2011a:117).

1.14.2 Beneficence

Beneficence is referred to in the Belmont Report as 'doing good' to the individual (Belmont Report, 1979:4-7). This should be understood in a stronger sense than an obligation. According to the Belmont Report, researchers and their institutions should plan to maximise benefits and minimise risks involved (Belmont Report, 1979:4-7). The topic of this study did not deal with any issue that was potentially sensitive. The data collected focused on the participant's professional experiences and opinions and did not include any personal information. Further, documents consulted are available in the public domain.

1.14.3 Justice

The Belmont Report cautions researchers to monitor their selection of participants (Belmont Report, 1979:8-9). Participants should not simply be selected because they are easily available or vulnerable to manipulation. Participants should be selected for reasons causally related to the research problem identified in the study (Strydom, 2011a:117). For this study, participants were selected based on their knowledge of the topic and their practical expertise in aspects of the child justice sector (Strydom, 2011a:117).

1.14.4 Honesty and openness

Deception refers to 'participants being misled'. This occurs when information and facts are deliberately misrepresented, or when information is withheld from participants or colleagues (Human Sciences Research Council, 2019; Strydom, 2011a:118). The informed consent form which participants signed, informed, and explained the aims and objectives of the study, thereby excluding misrepresentation. Researchers are also ethically bound to report the full findings of their research and may not misrepresent or omit any data. The researcher's supervisor, Professor Schoeman will have full access to the raw data accumulated during the research process. The data will be stored for five years. These steps also contribute to ensuring the validity and reliability of the researcher's findings (Strydom, 2011a:126).

1.14.5 Avoidance of harm

The Belmont Report states "...do not harm, maximise possible benefits, and minimise possible harms" (Belmont Report, 1979: 4-7). As previously stated, this study was not of a sensitive nature. All arrangements made were honoured and the researcher tried not to impose on the participant's busy schedules (Strydom, 2011a:115).

1.14.6 Confidentiality

The recruited participants are recognised experts in the field of criminology and child law. The identities of the participants who chose to remain anonymous were protected during the study. The participant's professions were made known due to the relevance thereof to this study. Participants were approached and informed about their rights and were assisted to make an informed decision concerning their participation in the study. They were asked to sign an informed consent form (Annexure C). Only the

researcher and her supervisor, Professor Schoeman, have access to the raw data accumulated during the research. The researcher transcribed the interviews. Data collected will be stored in password protected files for a mandatory 5-year period.

1.14.7 Informed consent

Wasunna, Tegli and Ndebele (2014:58) stress that obtaining informed consent consists of more than obtaining the signature of the research participant. According to Wasunna et al (2014:58), as well as the Human Sciences Research Council (2019), the process to obtain informed consent should include conveying accurate and relevant information about the study, the purpose, potential benefits, and the risk of the research. In addition, the process should also involve answering questions and enabling the potential participant to make an informed decision whether he or she wishes to participate (Wasunna et al 2014:58).

As mentioned supra, participants were requested to sign an informed consent form to confirm their willingness to take part in the study. The voluntary nature of participation and the right to withdraw from the study were stipulated in the consent form. Participants were made aware that they would not receive compensation for their participation. The researcher made her contact details available to the participants. The findings from the study will be disseminated in this thesis, research articles, and presentation(s) at conferences and workshops. Participants were informed where the findings from the study could be accessed.

1.14.8 Achieving valid results

To ensure valid results, the researcher adhered to the following guidelines: relationships with the participants stayed professional, findings were reported objectively, and no findings or data were omitted. The following guidelines, as proposed by CRIMSA, were also be adhered to:

- the highest possible standards;
- recognition of one's knowledge, as this may affect the validity of the findings;
- report all the findings of the study, and not misrepresent or omit any data;
- report theories, methods and research designs that might have a bearing upon the interpretation of the research findings;

- provide adequate information, documentation, and citations, as well as conserving scales and other measures in the research;
- honour commitments. The principle suggests that researchers should always arrive on time and honour scheduled interviews. (Criminological Society of Africa 2017).

1.15 STUDY LIMITATIONS

Like any research this study encountered limitations. These are detailed infra.

- ***The paucity of previous research***

One of the limitations met by the researcher related to a paucity of previous research with regard to the role and function of criminologists in the child justice sector specifically. As discussed supra, although studies have confirmed the relevance of criminologists in the criminal justice sector, none have explored the possibility of criminologists professionally qualifying as child justice practitioners. This is likely because criminology is not recognised as an organised profession as, for example, social work and psychology. Further, apart from criminal capacity assessment, earlier studies have not specifically identified areas in the child justice arena where the skills and expertise of criminologists could be utilised, as is the case with probation officers. This is likely because criminologists were not given a specific role within the CJA which once again may relate to the lack of professionalisation and regulation of criminologists in South Africa.

- ***Limited sample size***

In addition, although saturation was achieved in both the first and the second phase of this study, the sample size during the first phase was admittedly limited in size.

1.16 LAYOUT OF THESIS

This thesis is presented in eight chapters to wit:

Chapter 1: Research orientation and motivation

Chapter 2: An overview of the development of criminology in South Africa: historical to contemporary

In this Chapter, the researcher firstly explores the developmental history of criminology and secondly, highlights the depth of theoretical knowledge from which criminologists draw and apply. The history of the development of criminology serves to provide evidence of the competency and expertise of criminologists in contemporary society.

Chapter 3: Theoretical underpinning of criminology and the use of theories during interventions with child offenders

In Chapter 3 the researcher aims to illustrate how the skills of criminologists can be applied in the child justice sector based on their theoretical training. This Chapter further highlights how criminologists' theoretical foundations can be used to interpret, predict, and explain offending behaviour in children.

Chapter 4: Academic training, skills and expertise of criminologists and other social science professionals

In Chapter 4 the researcher concentrates on elucidating the role, function, and academic training of selected key role-players involved in the child justice sector.

Chapter 5: Proposed role and function of criminologists as child justice practitioners

The central focus in Chapter 5 is to identify areas in the CJA where criminologists can make a practical contribution to child justice, with the aim of establishing a specialised academic child justice programme, within the South African criminology framework.

Chapter 6: Data analysis and research findings: Phase 1

The aim of Chapter 6 is to provide an analysis and interpretation of the data garnered from the self-administered questionnaire used during the first phase of the study.

Chapter 7: Data analysis and research findings: Phase 2

The aim of Chapter 7 is to provide an analysis and interpretation of the data garnered during interviews conducted during the second phase of the study.

Chapter 8: Conclusion and recommendations: An action plan for criminologists as specialised child justice practitioners

The aim of this Chapter is to provide the researcher's conclusion(s) and to present an action plan to establish criminologists as specialised child justice practitioners in South Africa.

1.17 CONCLUSION

South Africa has made significant progress in fulfilling the rights of children. She has one of the most progressive constitutions in the world, and a system of laws and programmes which ensure the best interests of children who are in conflict with the law. The child justice system in South Africa has a responsibility towards children who find themselves in conflict with the law. When children enter the child justice system, they are vulnerable, and in many instances, they are the victims of the very persons who were supposed to have protected them. Ensuring that children receive adequate care and attention they deserve, preventing them from further offending, and addressing their immediate risks and needs; requires dedication, skills, and resources, as well as a multi-disciplinary approach by professionals which include criminologists. Children assessed from a one-dimensional approach, reflecting the study field of the particular professional role-player, cannot be regarded as in the best interest of children who are in conflict with the law (Human, 2015) This study intends to propose a solution to the problem(s) stated supra and place emphasis on the professional role of criminologists and the professionalisation of criminology in South Africa, using child justice as a lens of focus.

CHAPTER 2

AN OVERVIEW OF THE DEVELOPMENT OF CRIMINOLOGY IN SOUTH AFRICA: HISTORICAL TO CONTEMPORARY

2.1 INTRODUCTION

Since Beccaria (1738-1794), challenged the traditional notion that crime was not the result of falling from grace (the devil), but of choice (free will), 'criminologists' such as Bentham (1748), Lombroso (1836) and others have occupied themselves with searching for the origins of crime and criminal behaviour (Schmallegger, 2012:59; Siegel, 2011:9). From the work of former theorists, who claimed that criminals make a choice to offend (Beccaria), or that offenders are physically different and inferior (Lombroso), criminology has expanded, matured, and become a scientific discipline that now incorporates environmental, social, psychological, and biological factors to explain the causes of and diverse nature of crime (Siegel, 2011:11; Williams & Mc Shane, 1999:36; Schmallegger, 2012:90). The evolution of criminology in South Africa is likewise noticeable. South African criminology developed from the work of Willemse and Cronje during the 1930s to 1940s, and Van der Walt in 1954 (Erasmus, 1990:54), to become an integrated multi-disciplinary field, that now amalgamates academic criminology with contemporary social concerns about crime, in a practical manner (Hesselink, 2013:140).

The historical exploration in this chapter serves to highlight the depth of theoretical knowledge from which criminologists draw and then apply to practice. The researcher traces the development from the first attempts by the Classical School to advocate for due process until the rise of developmental criminology, which integrates sociological, psychological, and biological characteristics. The historical development of criminology, read in conjunction with Chapter 4, serves to provide evidence of the competency and expertise of criminologists. It highlights that criminology is not a mere paper-based or academic discipline in which criminal behaviour is studied, but also one where theory can be applied in practice, as advocated for in this study.

This chapter will address a historical overview of the development of criminology globally, and thereafter explore the growth and evolution of criminology in South African. The purpose is to highlight that South African criminology has developed from a theoretical science into a practical discipline. Practical contributions by South African criminologists will, therefore, come to the fore. The researcher will thereafter turn her attention to the process of professionalisation in relation to criminology/criminologists in South Africa.

2.2 HISTORY OF CRIMINOLOGY: A GLOBAL SYNOPSIS

During the Middle Ages (1200-1600), harsh methods such as torture, whipping, branding, and public executions were used routinely to deter people from criminal activity (Siegel, 2011:9; Roufa, 2017). Resultantly, social philosophers, from the mid-eighteenth century, began to argue for a more rational approach to punishment. Cesare Beccaria (1738-1794), and his followers, who criticised the system, offered a solution to cruel punishment, and in-turn laid the first foundations of reform, which now form the core of classical criminology (Siegel, 2011:9; Schmalleger, 2012:60).

Though the origin of criminology is unclear, the Classical School is often mentioned as the genesis of criminology (Maguire, Morgan & Reiner, 2002:12; Bowling & Ross, 2006:12). Beccaria and Kant are often mentioned as the founding fathers of the discipline (Bowling & Ross, 2006:12). Criminology further expanded and began to study offenders 'scientifically', which is clear in the work of positivism, followed by sociological criminology, which incorporated the impact of the social and physical environment of the offender in the study of crime (Bowling & Ross, 2006:12). Conflict criminology in-turn brought about an innovative approach and argued for criminologists to also consider the influence of the economic system on the offender. At the same time, theorists such as the Gluecks' emerged and drew attention to additional crime causative factors that are contemporarily considered (integrated and developmental theories) important in the explanation of child offending behaviour. The brief synopsis supplied supra will now be discussed in more detail below.

2.2.1 Classical School

During the classical period, Beccaria and Bentham discarded superstitious beliefs, mythological influences, and spiritual shortcomings as the 'causes' of criminal behaviour. Beccaria believed that for punishment to be effective, it must be public, prompt, necessary, proportionate, and dictated by law (Siegel, 2011:9; Schmalleger, 2012:59). Beccaria opposed the imprisonment of alleged offenders, in other words, offenders not yet convicted for their crimes (Harcourt, 2013; Williams & MC Shane 1999:19), contemporarily referred to as remand detainees (Department of Correctional Services 2014:29)

Bentham (1748-1832), in turn, argued that men and women are self-determining entities, who have free will and can use reasoning skills to govern their lives (Harcourt, 2013:13; Schmalleger, 2012:59; Siegel, 2011:9). According to Bentham, people choose to commit anti-social acts, after they weigh the costs and benefits, believing that their actions will bring them pleasure and avoid pain. Beccaria concurred with Bentham and applied his principles, in his famous essay, *On Crimes and Punishment* published in 1764 (Harcourt, 2013: 13; Schmalleger, 2012:59; Binder, Geis & Bruce, 2001:87). The book gained Beccaria worldwide fame and provided a basis for laws enacted by the Constituent Assembly in France (Binder et al, 2001:87; Harcourt, 2013:15).

Some of the major ideas originating from the Classical School include that humans are free-willed, rational beings; utilitarianism (the greatest good for the greatest number); human rights; due process (a person is innocent until proven otherwise); various rules of evidence and testimony; determinate sentencing; and deterrence (Harcourt, 2013:16; Williams & Mc Shane, 1999:14). Specific contributions made by the Classical School, such as human rights and the presumption that a person is innocent until proven otherwise, are evident and contained within (but not limited to), international and national legislation such as the United Nations Convention on the Rights of the Child 1989 (UNCRC), the CJA, and the Constitution of the Republic of South Africa, all of which aim, inter alia, to uphold the rights of all children who are in conflict with the law.

In addition, the Classical School's heritage is contemporarily operative in the following five principles: rationality (free will and choice); hedonism (pleasure and pain or reward and punishment as determinants of choice); punishment (a deterrent for criminal behaviour); human rights (society owes citizens respect for their rights); and due process (Schmallegger, 2012:59). For example, the contemporary rational choice theory, which has its roots in the Classical School, (albeit adapted), still views people as rational choice-makers, who decide to risk breaking the law after considering both personal factors (the need for money, revenge, thrill, and entertainment) and situational factors (target, and the efficiency of the police) (Siegel, 2011:98; McCarthy & Chaudhary, 2014:2). Later studies by rational choice theorists, however, recognised offender individuality, and admit that criminal behaviour might flow from temptation, bad company, idleness, or provocation (Schmallegger, 2012:59; McCarthy & Chaudhary, 2014:5).

The principles mentioned above are evident in child justice where the individuality of child offenders is recognised and advocated for in the CJA. This is important because the role of emotion, situational, and other factors such as criminal capacity (to name a few), in the decision-making process vary as a function of age (Walters, 2015:3). As Walters (2015:3) argues, within a development context, which is key to the CJA, an 8-year old child cannot be expected to display the same level of decision-making ability as an 18-year-old adolescent.

The contributions by the above-mentioned theorists provide evidence of the growth in criminology and are significant because they illustrate that contemporary criminology has evolved from a 'single factor theory' to a wide-ranging, scientific discipline aware of an array of factors causative of criminal conduct. The growth is evident in theorists such as Thornberry and Krohn and Farrington who acknowledge criminal causative influences from 'womb to tomb'. These theorists, discussed in more detail in Chapter 3 and 5, illustrate how some of these theories are utilised in practice.

2.2.2 Positivist Criminology

By the end of the 1800s, the validity of classical criminology was challenged and gave way to another approach, namely, positivism (Siegel, 2016:141; Schmallegger 2012:62; Trojanowicz Morash & Schram 2001:41). Positivism rejected the rational choice and

free will approach and argued that the emphasis should be on the 'scientific treatment' of offenders, and not only on penalties after conviction (Siegel, 2016:141; McCarthy & Chaudhary, 2014:5). Positivism used 'scientific' methods to explain criminality and was based on an acceptance of hard determinism, which is the belief that crime results from forces beyond the control of the individual (Schmallegger, 2012:62). Some of the earliest scientific studies applying to the positivist school of criminology can be credited to the work of Lavater (1741-1801), who studied the facial features of criminals in order to determine whether the shape of ears, noses, and eyes, and the distance between them, could be associated with anti-social behaviour (Siegel, 2016:143; Weatherburn and Findlay, 1985:191). Like the work of Lavater, Gall (1758-1828) and Spurzheim (1776-1832) studied the shape of the skull, as well as the bumps on the head of criminals (Siegel, 2016:143; Williams & Mc Shane, 1999:35).

One of the best-known, early scientific biological theorists is, Cesare Lombroso (1836-1909) (Schmallegger, 2012:62). In his book, *The Criminal Man* (1870), Lombroso, posited biological causes of crime (Williams, 2012:15; Binder et al, 2001:94). He studied the cadavers of executed criminals to 'scientifically' establish how criminals' physical characteristics differed from non-criminals (Siegel, 2016:141; Schmallegger, 2012:90). Lombroso was convinced that serious and violent offenders had inherited criminal traits, were physically different/inferior; and referred to them as atavists or 'throwbacks' to more primitive times when people were savages (Siegel, 2011:11; Williams & Mc Shane, 1999:36; Schmallegger, 2012:90). Lombroso also referred to these atavists, or 'throwbacks' as born-criminals (Williams & Mc Shane, 1999:36; Siegel, 2016:155; Adler, Mueller & Laufer, 2013:65). He went as far as to postulate that offenders manifested traits of sensory impairment, tattoos, used slang and had a lack of moral sense (Williams & Mc Shane, 1999:36). Lombroso also categorised other types of offenders and named them the epileptic criminal, the insane criminal, and the occasional criminal. However, at one stage, Lombroso had to admit to many of his critics that there were also other causes of crime. Lombroso then also included social and economic factors to his list of causative criminal behaviour (Williams & Mc Shane, 1999:36).

Contemporarily Lombroso's work is considered a 'historical curiosity' rather than scientific fact. In addition, modern research suggest that biological traits considered by Lombroso as indicative of a 'born-criminal', can rather be ascribed to, amongst others, chronic abuse of alcohol during pregnancy, and deprivation (nutrition and otherwise) in the surroundings of children (Siegel, 2016:146; Wattendorf & Muenke, 2005:279). For example, children diagnosed with Foetal Alcohol Syndrome (FAS) display distinctive facial features such as short horizontal eye length, thin flat upper lips, and growth retardation, to name but a few (Verbrugge, 2003:1). Contemporary criminologists, in contrast to theorists such as Lavater and Lombroso, are aware of research findings, and the influence of FAS on children, and how FAS children often find themselves in conflict with the law because of psychological deficits associated with their disorder, which affect their ability to understand the consequences of their behaviour, and not because they are 'born-criminals' (Wattendorf & Muenke, 2005:279).

Though some contemporary trait-theorists still suggest that crime has some biological basis, they also now recognise the reciprocal interaction between environment and human behaviour (Siegel, 2016:143). Contemporary trait-theorists now also recognise that everyone is unique, physically, and mentally, and that there must be different explanations for each person's behaviour (Siegel, 2016:143). An example of the recognition of children's individuality is clear in the Interaction Theory by Thornberry and Krohn. Thornberry and Krohn assert that the causes of anti-social behaviour vary from child to child and differ in terms of the age when deviancy begins (Farrington & Ttofi, 2015:26). As aforementioned, this outlook is in line with the CJA which recognises the individuality of each child in conflict with the law which is upheld during the criminological assessment. In Chapter 3 the researcher provides a more detailed discussion of Thornberry and Krohn's theory and its contemporary applicability.

2.2.3 Sociological Criminology

By the beginning of the 20th century, strict biological determinism was no longer in vogue. During this time, Robert Park (1864-1944), Ernest Burgess (1886-1966), and Louis Wirth (1897-1952) secured the primacy of sociological positivism (Siegel, 2016:189). This view dominated American sociological positivism through the mid-

twentieth century, and the first sociological department was established at the University of Chicago, where Park, Burgess and Wirth taught (Siegel, 2016:189; Williams & Mc Shane, 1999:54). The impact of the social and physical environment rather than the genetic structure of the offender was recognised by the Chicago School (Williams & Mc Shane, 1999:54). The studies of the Chicago School steered researchers to examine neighbourhood conditions and established that poverty levels influenced crime rates (Siegel, 2016:189). Park, Burgess and Wirth believed that some neighbourhoods were 'natural areas' for crime, because of the social forces operating in those areas. To Park, Burgess, and Wirth, it was evident that in neighbourhoods with prominent levels of poverty, school and family life would unravel, and the only way to eradicate this was to improve social and economic conditions (Siegel, 2016:189; Williams & Mc Shane, 1999:58). The influence of environmental factors on the psychosocial functioning of children is of interest to this study due to the individualised, comprehensive approach required by the CJA during the assessment process. For the Chicago School, social disorganisation became the primary explanation for the emergence of crime, because they could simply not accept that a rational choice, and the concept of free will, explain behaviours perpetrated by socially and economically disadvantaged persons (Williams & Mc Shane, 1999:58).

Although Park, Burgess and Wirth are regarded as some of the earliest pioneers in sociological criminology, it appears that the Social Disorganisation Theory was popularised by theorists Shaw and McKay. Clifford Shaw and Henry McKay, applied the ecological approach to studying juvenile delinquency, conducting studies of Chicago's child offender arrest rates during 1900-1906, 1917-1923 and 1927-1933 (Schmallegger, 2012:154). Ecology - the study of plant and animal interrelation in their natural habitat - was also used by social ecologists to study the inter-relationship between people and their environment (Adler et al, 2013:125).

Shaw and McKay's ecological approach especially focused on the study of neighbourhoods in transition. Findings from their studies showed that rates of offending behaviour remained relatively stable over time within zones of transition (Siegel, 2016:220; Schmallegger, 2012:154). The theorists thus concluded that delinquency was caused by the nature of the environment, in which the immigrants

lived, rather than by the characteristics of immigrants themselves (Schmalleger, 2012:154; Siegel, 2016:220; Kubrin & Wo [sa]:122). The basis of the theory was, therefore, that neighbourhood disintegration and slum conditions are the primary causes of criminal behaviour (Schmalleger 2012:154; Kubrin & Wo [sa]:122). Subsequently, Shaw and McKay moved away from individualistic criminal causation and asserted that the development and persistence of delinquent behaviour are associated with social deprivation, disorganisation, and disadvantage (Kubrin & Wo, [sa]:122; Adler et al, 2013:125).

Modern theorists, such as Agnew, also recognise the influence of a dysfunctional environment on a person (Agnew, 2001:319; Agnew, Rebellon & Thaxton, 2016:5). Agnew (2001:319) however, points to the strain caused by dysfunctional environments and the effect thereof on the life of an individual. The latter theory is discussed in greater detail in Chapter 3.

From the modest beginnings as a sociological approach, the theoretical positions advanced by the Chicago School became the basis for much criminological work for the next three decades (1940's to 1960s) (Williams & Mc Shane, 1999:63). In addition, the Chicago School heritage can still be found in many contemporary criminological theories such as the Social Disorganisation Theory, the Differential Association Theory, and the Social Learning Theory. These theories are of significance to the exploration and explanation of criminal causation in child offenders.

These Eurocentric, theoretical views were also applied in South Africa, resulting in assumptions about social conditions being largely inferred from international research (Breetzke, 2008:202). The paucity of Afrocentric theories to explain criminal causation is still evident today. Wickström and Treiber (2016:1259) argue that, though a substantial proportion of child offenders come from disadvantaged communities, criminogenic exposure is a stronger and more consistent predictor of crime involvement when compared to social disadvantage. Like Borat, Lilenstein, Monnakgotla, Thornton and Van Der Zee (2017:35) Breetzke (2008:246), a South African researcher, posits that neighbourhoods characterised by poor socio-economic conditions are causal risk factors of offender development. According to Breetzke (2008:246), some communities have few recreational facilities and activities which

focus on youths, such as swimming pools and sports grounds, which might serve to occupy children. In addition, it is evident from the findings of Statistics South Africa (2018), that the unemployment rate among young people aged 15-35 is 38.2%. This implies that more than one in three young people in the labour force did not have employment in the first quarter of 2018. However, though the research of Borat et al (2017:35), indicates a relationship between property crime, robbery, and socio-economic variables, they also acknowledge that the motivation of violent crime is more complex and psychological in nature, and there is no relationship to inequality. However, according to Gold (2015:113), the combination of toxic factors which include biology, psychology, temperament, and environmental factors will produce life-course persistent offenders which include violent offenders. Gold (2015:113) for example suggest that interventions to reduce offending behaviour, which includes violent offenders, should be directed at families at risk living in poor, high-violence settings.

Breetzke (2008:246), Borat et al (2017:35), and Gold (2015:113) emphasise the unique socio-economic conditions pertinent to South Africa. Additionally, Ovens and Prinsloo (2010:30), point out that current criminological theories are based on a Western perspective which serves to analyse, predict, and control human behaviour. This contrasts with the more Afrocentric approach which strives towards intuition and integration (Ovens & Prinsloo, 2010:30). According to Ovens and Prinsloo (2010:30), if culture controls the way in which people think or function, it is important to study the effect that culture and traditions have on the behaviour of people.

The researcher, therefore, emphasises the need for research-based evidence of uniquely South African conditions, values and traditions that may play a prominent role in offending behaviour, and which should then be considered when practitioners deal with child offenders.

2.2.4 Conflict Criminology

Whilst most criminologists of the late 19th and early 20th century embraced either the ecological view (Durkheim's Theory) or the socialisation view of crime, Karl Marx (1818-1883) sowed the seeds for an innovative approach in criminology (Siegel, 2016:275; Adler, et al 2013:196). Marx believed that economic systems controlled all facets of human life and therefore people's lives revolved around means of production.

Marx argued that exploitation of the working-class would eventually lead to class conflict and the end of the capitalist system (Siegel, 2016:276). Marx also postulated that inequality creates a conflict of interest between those with, and those without, power (Williams & Mc Shane, 1999:169; Adler et al, 2013:196). Although Marx did not write much about crime and the criminal justice system, his ideas had an influence on several early criminologists such as Bonger, Rusche, Kirchheimer, Mills and on Sutherland's introduction of the concept white-collar crime (Williams & Mc Shane, 1999:169; Long, 2015:2; Adler et al, 2013:196).

In addition, even though the ideas and writings of Marx laid the foundation for Marxist criminology, it was not until the social and political upheaval of the 1960s, that criminologists began to analyse the social conditions in the United States that promoted class conflict and crime (Siegel, 2016:276). Critical criminology- also called radical criminology - emerged during the 1970s from this intellectual upheaval and established that the economic system was producing conditions which supported high crime rates (Siegel, 2016:276; Long, 2015:1; Adler et al, 2013:197).

Critical criminology is research on crime, law and deviance that challenges traditional criminology. The main belief of critical criminologists is that inequalities influence crime (Long, 2015:1; Adler et al, 2013:197). Critical criminologists have played a significant role in the field of criminology ever since, for example, feminists criminology arose as a response from critical scholars to the neglect of women; and peace-making criminology was developed in response to the 'war on crime' waged primarily by American presidents Reagan and Bush (Siegel, 2016:278; Long, 2015:2). In-turn, feminist criminology contributed by challenging criminologists to develop new theories to explain gender differences in offending, which is also relevant to child offending (Trappen, 2017). In this regard, Dastile (2010:104), a South African criminologist, made a unique contribution by examining risk factors specifically pertaining to black female offenders in a South African context. Dastile's (2010:104) study established that the influence of social, individual, and psychological risk factors may contribute to female offending and should be considered during the assessment to reduce female offending. Such findings are an example of how criminological science can contribute to identifying the needs and risks associated with different subsets of offenders.

During this period theorists such as the Gluecks' emerged and drew the attention to additional crime causative factors, as discussed below.

2.2.5 Developmental Criminology

During the 1940s and 1950s, criminologists Sheldon and Eleanor Glueck, stationed at the Harvard Law School, conducted numerous studies on delinquent and criminal behaviour (Siegel, 2016:305; Schmalleger, 2012:196). Their work integrated sociological, psychological, biological characteristics, family, school performances, work experience and economic elements, as well as other life events into a complex developmental view of crime causation (Benson, 2013:22; Siegel, 2016:306). The Glueck's research focused on the early onset of delinquency as a forerunner to a criminal career. They argued that the deeper the roots of childhood maladjustment, the smaller the chance of adult adjustment (Gozubenli & Unal, 2014:3). They maintained that children who are antisocial early in life, are the most likely to continue offending into adulthood (Gozubenli & Unal, 2014:3; Siegel, 2016:307). Several personal and social factors were also identified by the Glueck's which they postulated were related to persistent offending (Siegel, 2016:307). In addition, family relations were identified as one of the crucial factors to consider, especially in relation to discipline and emotional ties to parents (Siegel, 2016:307).

After the work of the Glueck's lay dormant for nearly two decades, Robert Sampson and John Laub recoded and computerised their original case files (Benson, 2013:22). After several years of reconstructing their work, Sampson and Laub used their work as a source of information in their book *Crime in the Making: Pathways and Turning Points through Life*. According to Benson (2013:22), it is arguably one of the most important works published on crime and the life-course. It is evident that the Glueck's work, now incorporated into research by Sampson and Laub, made major contributions towards the identification of causative factors influencing child offending. Sampson and Laub, in conjunction with other integrated and developmental theorists such as Moffit, Catalano and Hawkins and Farrington now provide contemporary criminologists with evidence-based research for use during the assessment of child offenders. This is discussed in greater detail in Chapter 3.

Throughout the history of criminology, there have been many clashes between emerging scientists. Adler et al (2013:75), for example, argue that there is no 'straight-line' that criminologists can follow from the start of the first criminological thought to the now, modern theories. In addition, it is evident that scholars in criminology took, and continue to take, different routes to explain crime and criminal behaviour (Adler et al, 2013:75).

Nonetheless, emerging ideas and paradigms, reflect the scientific growth of contemporary criminology from the first writings of Beccaria and Bentham to the present day. Criminologists no longer accept the idea that criminals can be distinguished from non-criminals by observing their physical features. Rather, contemporary criminologists draw ideas and empirical observations from a variety of disciplines such as biology, psychology, sociology, politics, and history to scientifically explain and identify criminal causation. As such, if compared to other professions, criminology is unique since it recognises and holistically incorporates information, to explain the multi-dimensional nature of the crime and crime causation. Criminology's theoretical foundation thus establishes it as a profession that can make valuable contributions to the prevention of, and reaction to, crime and criminality in, amongst other fields, the child justice sector.

Internationally, criminology as a discipline may still *prima facie* be regarded as a paper-based science, which lacks relevance to the 'real-world' such as child justice, for example (Hesselink, 2013:136) However, this view appears to be changing. In India, for example, criminology is recognised as a discipline in child justice (Jaishankar, 2018). Professor Jaishankar, the Head of the Department of Criminology at the Raksha Shakti University, confirmed that criminologists in India can become Child Protection Officers, or board members, that deal with children who are in conflict with the law. In addition, Jaishankar (2018) added that in certain cases (not specified), criminologists can also conduct assessments of child offenders in conflict with the law. This example, where criminologists play an active role in the judicial process and delivery of services to children who are in conflict with the law, serves as an inspiration to advocate for similar recognition and practice in South Africa.

2.3 THE DEVELOPMENT OF CRIMINOLOGY IN SOUTH AFRICA

The origins of criminology remain unclear and contested in South Africa (Dixon, 2012:4; Artz & Moutl 2012:3). According to Erasmus (1990:55), academics such as Willemse and Cronje made valuable contributions during the 1930s and 1940s to establish criminology in South Africa as an independent discipline. Willemse, a psychologist at UP studied in Germany, where he specialised in the study of crime and criminal behaviour (Erasmus, 1990:55). In 1932, he published *Constitution Types of Delinquency*, and in 1938, *The Road to the Reformatory* (Erasmus, 1990:55). In 1933, he wrote, '*Kriminologie*' in conjunction with Rademeyer, a sergeant in the South African Police. At that stage, although scholars such as Rademeyer and Willemse repeatedly referred to the field of '*kriminologie*' [criminology], no definition existed to conceptualise the field of study within a South African context (Erasmus, 1990:55). It remains unclear exactly when the situation changed in South Africa.

After Willemse's death in 1945, Cronje, who studied in the Netherlands took it upon himself to establish criminology as an independent discipline (Erasmus, 1990:55). On the 1st of January 1949, criminology was taught for the first time as an independent module, at the UP, wherein 36 students enrolled (Erasmus, 1990:55). Today, criminology, as an independent discipline is still presented at the UP, however, only on a post-graduate level. Nevertheless, students can major in criminology on an undergraduate level in order to enrol for a criminology honours degree, which in turn can lead to further post-graduate studies in criminology.

From humble beginnings during the 1930s and 1940s, South African criminology underwent a shift during the 1980s. Criminologists, who previously focused mainly on the incidence of different forms of crime, the criminal in general, and the role of the criminal justice process; moved towards critical criminology, which subsequently produced a new generation of crime researchers and criminologists (Singh & Gopal, 2010:14; Beukman, 2005:5). For example, according to Singh and Gopal (2010:14), and Artz (2005: i), criminologists started to address contemporary criminal justice issues, such as child justice. The surge of criminal justice reform in the form of new policies and legislation, such as the Child Justice Bill (now the CJA) also had a

profound influence on the focus and direction of South African criminological research, teaching, and theory (Artz, 2005: i).

After the ratification of the UNCRC (discussed in Chapter 5) the South African Law Reform Commission undertook an investigation into the South African child justice system. The purpose of the investigation was to make recommendations to the Minister of Justice for the reform of the child justice system. According to the South African Law Reform Commission (2000:x) consultations were held with governmental and non-governmental (NGO'S) organisations. The role-players included from NGO's and governmental departments were, for example, the Department of Justice and Constitutional Development (DOJ&CD), Department of Social Development (DSD), South African Police Service (SAPS) and the South African National Institute for Crime Prevention and Reintegration of Offenders (NICRO), which at that stage, provided services in the field of child justice (South African Law Reform Commission, 2000:x). From information gleaned from the South African Law Reform Commission Project (106) Report (2000:x), criminologists were not included during the consultation process.

It should be noted that initially, the South African Law Reform Commission made provision for the inclusion of other 'suitable' persons apart from the current role-players, to deliver services to children who are in conflict with the law (South African Law Reform Commission, 2000:89). It appears that during the consultative process (Project 106) the project team omitted to conduct a holistic consultative process thereby neglecting the multi-disciplinary protection of the best interest standard as afforded in the Bill of Rights (section 28). Currently, for example, the determination of criminal causation is viewed as the responsibility of probation officers. In cases of criminal capacity assessment, psychologists and/or psychiatrists are the only professionals mandated in terms of the CJA to undertake the same. The researcher, however, argues that criminologists, based on their field of expertise, are perhaps better equipped to assess, and explain offending behaviour by applying criminological theories (Maree, Joubert & Hesselink-Louw, 2003) as part of a truly multi-disciplinary team approach to capacity assessment.

Thus, despite the contributions of Labuschagne and other South African criminologists (discussed infra), which serve to prove the value of the services of criminologists, the role of criminologists as 'other suitable persons' did not materialise in the final act (CJA). The researcher posits that perhaps one of the reasons that criminologists were not considered may be because of their non-regulation and affiliation to a professional body.

2.4 THE CRIMINOLOGIST AS PROFESSIONAL PRACTITIONER IN SOUTH AFRICA

The theoretical development of criminology over decades and the practical contributions made by South African criminologists in recent years deliver concrete evidence of the ability of contemporary criminologists in theory and practice. As in the case of social workers and psychologists, South African criminologists can specialise (or have an interest in), different areas of crime and criminal behaviour. Hesselink (2013:142), refers to the advancement of practical criminology in South Africa as a "practical boom", and argues that various South African criminologists are currently actively practising in several fields such as the courts, corrections, SAPS, restorative justice initiatives, and the health care sector. Although not all the practical contributions by South African criminologists are factually documented, in contrast to the research output of regional and international scholars, *The Southern African Journal of Criminology* (Acta Criminologica) and other international journals, show a distinct contribution by South African criminologists to various sub-sectors of criminology as a discipline. For example, criminologists such as Van der Hoven and Labuschagne have made major contributions in the criminal justice system by compiling victim impact statements and pre-sentencing reports (Hesselink, 2013:140; Van der Hoven, 2006; Singh & Gopal, 2010). During Labuschagne's professional career she compiled more than 3000 criminological expert reports. Hesselink (2013:141), argues that Labuschagne successfully proved that criminologists are multi-dimensional behaviour specialists, analysts, and scientists. Apart from the recorded contributions made by aforementioned practitioners, equally important contributions were made by numerous other criminologists.

Another example of the practical contribution of South African criminologists can be observed in the work of Professor Hesselink. Hesselink is a highly regarded South African criminologist who has extensive knowledge of offender profiling, offender assessment, and compiling pre-parole reports for the Department of Correctional Services (DCS). Hesselink completed her Doctorate in 2004, on *Criminological Assessment of Prison Inmates: A Constructive Mechanism Towards Offender Rehabilitation*, where she made contributions towards criminology, and the assessment and management of offenders in corrections (Hesselink, 2004). Her work in DCS led to the establishment of an important alliance between DCS, UNISA and the UP (Hesselink & Booyens, 2014). The alliance between DCS, UNISA and UP has created opportunities for criminology students to gain valuable practical experience, during their honour's level training.

As alluded to above, despite previously mentioned contributions, criminology in South Africa is, to a considerable extent, still viewed as a theoretical discipline with little, or no practical application (Hesselink, 2014:184; Herbig & Hesselink-Louw, 2009:441; Human, 2015). In addition, and perhaps alarmingly considering the lack of professional recognition, Herbig and Hesselink-Louw (2009:445) argue that South African practising criminologists still resort under the category of "scarce skills/professions". According to Herbig and Hesselink-Louw (2009:445), in the absence of a professional regulating body, criminologists still must 'sell' and promote their services. Currently, South African criminologists do not have a regulating body, however, there is a movement towards the professionalisation of criminology as alluded to supra.

Since the inauguration of the CRIMSA in 1986, it has been one of their main objectives to establish a regulatory board for criminologists (Bezuidenhout & Minnaar, 2010:1; Naude, 2010: i). The objective aims, inter alia, to protect the discipline against plundering by other disciplines, and to prevent unscrupulous people from using the title (Naude, 2010: vii). The process to establish a regulatory board for criminologists is currently in progress (Barkhuizen 2018).

Additionally, though criminology is moving towards becoming an applied profession, the criminological assessment remains grounded in the use of theoretical explanations of causative factors of crime and criminal behaviour. Criminologists could, therefore,

together with probation officers, psychologists, and social workers, contribute to assessing offender risks and needs, based on research findings of researchers in the field of criminology (Maree et al, 2003:77). The assessment process calls for an in-depth discussion which the researcher undertakes in Chapter 4.

More recently, Human (2015,) established that criminologists could play a key role in the criminal capacity assessment of child offenders. In addition, two submissions were made by the *UNISA College of Law Criminal Capacity of Children who are in conflict with the Law Community Engagement Project for the Child Justice Act, 2008 (Act no. 75 of 2008): Draft Amendments to the Regulations relating to Child Justice* in which the inclusion of criminologist as service providers in the CJA was advocated for (Schoeman & Kruger, 2016).

The above discussions aside, unfortunately, at the time of writing none of the attempts to professionalise criminology seem to have been met with any success.

2.5 THE PROFESSIONALISATION OF CRIMINOLOGY IN SOUTH AFRICA

Comparing the information in the definitions of profession and professional discussed in chapter 1 it is clear that the definitions refer to aspects such as, special knowledge, skills, a widely recognised body of learning, education and training at a high level which is recognised by the public. However, without a regulatory statutory board for criminologists, even where criminology complies with the requirements of the definitions above, (except for the absence and or ignorance of the public to recognised the profession) it may not be regarded as a profession. See chapter 6 and 7 for the findings in this study. This is predominantly because of the absence of a regulating body for criminologist to govern the profession and protect the rights of those who use the services of criminologists (in this study child offenders).

2.5.1 The professionalisation of criminology

According to De Vos et al (2011:14), professionalisation would imply the extent to which occupation has developed towards the realisation of the ideal model of the full-fledged professions. The process of development of criminology as a profession commenced with a survey conducted in 1995, by the then CRIMSA Executive

Committee (Bezuidenhout & Minnaar, 2010:1; Naude, 2010: i). The findings of the study indicated that 91.8% of criminologists, final year and post-graduate students supported the idea of a regulatory board (Bezuidenhout & Minnaar, 2010:1; Naude, 2010: i). Therefore, when the Social Work Amendment Act 102 of 1998 made provision for the establishment of a regulatory board for other related professions, an opportunity arose for criminologists to gain professional status.

On the 13th of March 2006, CRIMSA applied to the South African Council for Social Sciences Professions (SACSSP), and approval was granted on the 5th of November 2008, to allow criminologists to register with the Council (Naude, 2010: i). SACSSP, however, decided that criminologists would not have a separate board but should be accommodated within the professional board for emerging occupations (Bezuidenhout & Minnaar, 2010:5; Naude, 2010: i). The Social Work Amendment Act 102 of 1998, made provision for the clustering of occupations under one board, but with separate registers for each profession. This was similar to the Health Professions Council of South Africa (HPCSA), which at that stage, consisted of 12 joint regulatory boards for 76 different occupations (Naude, 2010: i). The SACSSP further stipulated that criminologists would be expected to adhere to the same standards as all other occupations and professions under the auspices of the SACSSP.

Subsequent to the above numerous negotiations took place between CRIMSA and the SACSSP to professionalise criminology, however, it appears that several factors including uninformed perceptions and opinions, academic exclusivity, the standing of CRIMSA, and waning CRIMSA membership, hampered the process (Bezuidenhout & Minnaar, 2010:7). Despite the registration of a professional 4-year degree for criminologists, registered on SAQA, some universities were reluctant to accept and align their planning (i.e. adapt their curriculum) to the context of the new 4-year degree. In addition, a few institutions were sceptical about the professionalisation process in toto (Bezuidenhout & Minnaar, 2010:8).

CRIMSA conference representatives from different universities also raised concerns regarding loss of government funding if they were to present only a professional 4-year degree in criminology (Bezuidenhout & Minnaar, 2010:8) as opposed to a three-year BA, honours, and then post-graduate articulation. Bezuidenhout and Minnaar

(2010:9) however argued that a 4-year degree in criminology would increase the number of criminology students, precisely because they would then be able to register with a professional body and be regarded as professional criminologists (Bezuidenhout & Minnaar, 2010:8). Unfortunately, this initiative was not supported by all academic institutions and thus remains unimplemented at the time of writing.

However, at the CRIMSA Annual General Meeting of the 2nd of August 2017, which celebrated CRIMSA's 30th anniversary in 2018, the professionalisation of criminology was raised once again and approved by the board members (Bezuidenhout, 2017; Thobane, 2018). A renewed opportunity now exists to establish a professional body for criminologists and thereby create an opportunity for criminology to become recognised as an applied profession. The establishment of a regulating body for criminology will be an advantage since SAQA states that, a professional body will promote public understanding of, and trust in, a profession which is regulated by a recognised professional body (SAQA, 2016). Firstly, it would protect the public interest in relation to services by its members and reduce associated risks. Secondly, a professional body would publish a code of conduct, and operate mechanisms for monitoring, reporting, and investigating members who are alleged to have contravened the code. As Naude (2010: viii) argues, it will protect the discipline against plundering by other disciplines and prevent unscrupulous people from using the title of a criminologist. This, in addition, will also protect vulnerable offenders and victims against unethical conduct by criminologists (Naude, 2010: vii).

The researcher argues that a professional body for criminologists will also enhance work opportunities and increase access to education which serves a purpose after graduation. This, in turn, contributes to the governmental obligation to increase opportunities for graduates and reduce unemployment. In addition, it will promote uniform training and standards which will be based on theoretical and applied knowledge, as well as internships that prepare new graduates for the employment sector.

Although the process to establish a professional body could be a time consuming, vast, and expensive, the advantages of such a body outweighs the effort (Naude, 2010: vii). The promotion of pride in an association, raising of esteem, understanding

of, and trust in professionals, would be of specific significance for criminologists, who despite their expertise have limited opportunities to apply their skills in, for example, child justice.

In line with the aim of this study, which is to make recommendations for a specialised degree for criminologists in child justice, it is imperative to investigate the current options, and how the present 3-year criminology degrees compare institutionally.

Currently, a 3-year BA criminology degree at UNISA (qualification code 98681) consists of 360 credits (University of South Africa, 2018). In contrast, a 4-year social work degree at UNISA (qualification code 90088) consists of 552 credits. The 4-year social work degree is considered a professional degree and includes vocational training. According to the Council on Higher Education (2013:32), there are two types of BA degrees, namely; general and professional oriented. Both types may be structured as a 360-credit qualification with an exit on NQF level 7; or as a 480-credit qualification with an exit on NQF level 8. The 480-credit BA degree, exiting on NQF level 8, has a higher volume of learning and greater cognitive demand than the 360-credit degree exiting on NQF level 7. Currently, criminology exits on NQF level 7 and is a three-year degree programme (Council on Higher Education, 2013:32).

The differentiation between a 3-year general and a 4-year professional BA is the outcome of the degree (Council on Higher Education, 2013:32). In other words, a general BA degree will emphasise general principles and theory and prepare graduates for entry into general employment or a post-graduate programme. In contrast, a BA professional degree prepares students for professional training, post-graduate studies or professional practice in a wide range of careers (Council on Higher Education, 2013:32). A professional degree provides students with a thorough grounding in the knowledge, theory, principles and skills of the profession or career concerned, and the ability to apply these to professional or career contexts, as in the case of a social work degree. Some professionally oriented BA degrees are designed in consultation with a professional body and recognised as a requirement for entry into the organised profession concerned (Council on Higher Education, 2013:32). This is the case, for example, with the LLB (Bachelor of Laws) degree which is a requirement for entry into the legal profession. A similar structure may be an option in the case of

a specialised degree for criminologists as child justice practitioners as proposed in this study. In addition, it may provide for different streams of specialisation, as is the case with some B Com programmes which provide various tracks for specialisation.

According to the Council on Higher Education (2013:32), the primary purpose of both the general and the professional BA degree is to provide a well-rounded, broad education that equips graduates with the knowledge base, theory and methodology of the discipline and field of study. In addition, graduates should be able to demonstrate initiative and responsibility in an academic or professional context. Both the 360- and 480-credit BA degrees may require students to undertake research in a manner that is appropriate to the discipline or field of study in order to prepare them for post-graduate study (Council on Higher Education, 2013:32).

Thus, in order to equip criminology graduates with a well-rounded, broad education, that will equip them to apply their skills and knowledge in a professional context, the current criminology curriculum should be replaced by a BA professional degree as a 480-credit qualification exiting on NQF level 8. As previously stated, on NQF level 8 students garner a bigger volume of learning and greater cognitive demand is required when compared to a 360-credit BA degree exiting on NQF level 7, which is currently the case with criminology degrees (Council on Higher Education, 2013:32).

2.6 CONCLUSION

From this Chapter, the researcher avers that criminology has evolved substantially over time and that criminologists have much to offer within the child justice system. Criminology has been shaped and refined through the years and can now be regarded as a dynamic discipline which should be rightfully acknowledged as a profession in general and, in the context of this study, as a possible professional specialisation in child justice. However, a lack of recognition for the practical application of criminology is still evident in legislation pertaining exclusively to social professions such as social workers, probation officers and psychologists and/or psychiatrists. The researcher foresees the professionalisation of criminology, and uniformity of training offered by the various South African universities that offer criminology degrees, which will

promote and enhance work opportunities for criminologists, and augment the protection of the best interests of the child in the context of this study specifically.

CHAPTER 3

THEORETICAL UNDERPINNING OF CRIMINOLOGY AND THE USE OF THEORIES DURING INTERVENTIONS WITH CHILD OFFENDERS

3.1 INTRODUCTION

Founding theorists in criminology, such as Bentham and Beccaria initially only occupied themselves in finding solutions to cruel and harsh punishment methods as described in Chapter 2 (Siegel, 2011:9; Schmalleger, 2012:60). Later theorists, such as Lavater, Gall, Spurzheim and Lombroso studied the facial features of criminals and asserted that crime resulted from forces beyond the control of the individual (Schmalleger, 2012:63; Siegel, 2010:7; Williams & Mc Shane, 1999:35). Currently, theorists such as inter alia Gottfredson and Hirschi, Sampson and Laub, Akers, Agnew, and Farrington, follow an integrated and developmental approach to explain causative offending behaviour. In addition, theorists continue to question when offending behaviour begins, how long an individual will continue to offend, and why some people continue to offend, whilst others refrain from offending behaviour at a certain time (Piquero, Gonzalez & Jennings, 2015:75). Since criminology is now a field rich in theoretical explanations, there are many theories, or 'schools of thought' that offer explanations and insight into criminal causative behaviour.

Theories are used by criminologists for several reasons, for example, in crime prevention strategies, or to guide and inform policymakers (Hesselink, 2013:137). However, in the context of this study, criminological theories will be used to illustrate how criminologists can apply theories during interventions with child offenders, which is in line with the aim of this study. The interventions referred to include, for example, preliminary assessment, criminal capacity assessment, the recommendation of diversion options, recommendations with the aim of rehabilitation, and during pre-sentencing. The mentioned interventions are outlined in sections 34, 35, 41, 52(1), 56(2), 71(1) of the CJA, which are discussed in detail in Chapter 5.

The use of theories, to provide an explanation for offending behaviour may appear to be a simplistic task, however, crime is multi-faceted, and shaped by a range of factors,

and thus, illuminating what causes crime becomes a daunting task. This is particularly apt because a variety of theories exist, which offer explanations for several types of criminal behaviour (Hesselink, 2004:214). In addition, there is no single theory that fully explains criminal behaviour, and there is no single cause for offending (Hesselink, 2004:214). Van der Hoven (2001:81) therefore argues that it is mandatory that crime causation is approached in a dynamic, integrated, and holistic manner. The theories explored in this study were therefore selected because they include multi-factor causative elements from social, psychological, and environmental factors which can address crime causation from an integrated and developmental approach. The integrated and developmental approach is evident in the theories of, for example, Gottfredson and Hirschi, Akers, Thornberry and Krohn, Agnew, Catalano and Hawkins, David Farrington, Terrie Moffit, Robert Sampson, and John Laub. These will illustrate how criminologists use theories to assess, interpret, predict, and explain child offending. In addition, the selected theories will be applied to illustrate their potential efficacy in the child justice sector.

Theorists are discussed in this study because of their inclusion of risk and protective factors that are important because they provide guidance during the assessment process of child offenders. Risk factor paradigm is discussed in more detail in Chapter 4. Risk factors identified, for example during the preliminary assessment of child offenders, can be used to address effective intervention strategies during diversion and rehabilitation. The use of risk factors during assessment also serves as an example of how a multi-disciplinary approach can be applied during interventions with child offenders, which is addressed in detail in Chapter 5.

Chapter 2 focused on the development of criminology in South Africa, and how criminology evolved from a theoretical discipline to a practical profession. Chapter 2 also provided evidence of the skill and expertise of criminologists. Chapter 3 will illustrate how this skill and expertise can be applied in child justice stemming from its theoretical underpinning(s). In this Chapter, the researcher will highlight how the theoretical foundations of criminology can be used to interpret, predict, and explain offending behaviour, which is in line with the overarching aim of this study.

The discussion will start with a theoretical exposition which supplies a description of what a specific theory entails. Attention will then shift to the various theories. Lastly, some of the major risk and protective factors will be addressed with the aim of emphasising an individual offender approach which is key to achieving the objectives outlined in section 2 and 3 of the CJA.

3.2 THEORETICAL EXPOSITION

A theory can be described as a set of abstract concepts regarding a group of facts, or events, developed to provide an explanation, therefore (Casey, 2011:13; Joubert, 2003:80). A theory of crime will, therefore, consist of a set of assumptions about human nature, social structure, principles of causation, a description of the phenomena to be explained, an explanation or prediction of the phenomenon, and definitions (Schmallegger, 2012:29; Casey, 2011:13). Casey (2011:13) and Siegel (2011:13) offer another approach, which posits that to meet the criteria of being scientific, theories must firstly be verifiable (based on empirical observation); secondly theories should be compatible (consistent with other well-established information) and have predictive power (can generate innovative ideas through research). Theories should also be parsimonious (account for the phenomenon in an uncomplicated way), and useful (assist in the everyday real world). Joubert (2003:80) adds, and argues that a good theory will firstly, supply a logical explanation and/or link between two or more facts; secondly, be based on empirical findings; and thirdly, can be tested, and has predictability. An example of the theoretical requirements asserted by authors such as Schmallegger (2012:29); Casey (2011:13); Siegel (2011:13); and Joubert (2003:80) can be observed, for example using Akers' theory (Social Learning Theory), as a point of reference. Akers and Jensen claim that the same learning process in the context of social structure, interaction, and the situation will produce both conforming and deviant behaviour (Akers & Jensen, [sa]:3). In other words, based on empirical observation, and principles of causation, Akers and Jensen explain the onset of criminal offending, which is useful (and of assistance in rehabilitation strategies) in the everyday world.

Most theories try to avoid overly complex statements about criminal behaviour. Theories seek instead to explain crime with concise, specific, and minimal hypotheses

about the primary causes of crime, and how they lead to offending behaviour (Fagan, van Horn, Hawkins & Jaki, 2013:347). The concise and specific explanation of crime is, for example, clear in the work of Gottfredson and Hirschi, (Self-Control Theory), who assert that offending behaviour can be ascribed to a lack of self-control. Although Gottfredson and Hirschi's theory is concise, it still merges concepts from the Control Theory, with the Rational Choice Theory, and offers biological and psychological explanations for criminal conduct (Barlow & Kauzlarich, 2010:136; Joubert, 2003:110). The lesson for child justice practitioners is that crime is complex, and overly simplistic theories lack precision and the ability to explain significant rates of criminal behaviour (Fagan et al, 2013:347). This is in line with integrated and developmental theorists who assert that child and adolescent offending behaviour are derived from multiple factors, and there is no specific factor which determines the cause of deviant behaviour (Sukyirun, 2016:101).

Furthermore, because diversion and rehabilitation are key to the CJA, child justice practitioners should be familiar with the work of theorists such as Thornberry and Krohn and Moffit, for example. Thornberry and Krohn address the development of anti-social behaviour at different ages, and Moffit differentiates between adolescence-limited, and life-course persistent child offenders which are significant when formulating recommendations concerning the release or detention of a child stipulated in section 35 of the CJA. The potential role of the criminologists during this process is also of significance and is addressed in Chapters 4 and 5.

The researcher now turns her attention to the development of criminological theories and the distinct types used by criminologists.

3.3 THEORY DEVELOPMENT AND TYPES OF THEORIES

The goal of criminological research is the construction of theories or models that allow for a better understanding of criminal behaviour. The construction of theories also permits the development of strategies to address the problem of crime (Schmallegger, 2012:29). Theories can also improve hypothesis testing and promote the revision of the theory considering new evidence (Schmallegger, 2012:29). Hoover (as cited in Schmallegger, 2012:29), has identified four practical applications for theories:

- providing patterns for the interpretation of data;
- linking studies with each other;
- supplying frameworks within which concepts and variables acquire special significance; and
- allowing for the interpretation of the larger meaning of findings for oneself and others.

As previously discussed, it is clear that criminology has evolved theoretically from the humble beginnings of Beccaria and Bentham, who focused on swift and effective punishment, to the work of theorists such as Gottfredson and Hirschi, Farrington, Sampson and Laub, Moffitt, Agnew, Akers, and others whose theories are now integrated and developmental. Barak (2009:1) argues that it is evident that the study of crime and punishment has broadened throughout the behavioural and social sciences. Thus, crime causation is now addressed from a multi-disciplinary, multi-factorial, and individualised approach. In addition, criminologists have increasingly adopted perspectives no longer grounded in 'classical' vs 'positivist' views of human nature and social interaction (Barak, 2009:1). In other words, criminologists do not view crime from an either-or approach but encompass wide-ranging influences and factors to address crime causation which is pertinent to the best interest of children in conflict with the law. The mentioned factors further depict and provide evidence of the growth of criminology as a discipline.

Integrated theories of crime attempt to bridge ideological differences between various theories by integrating variables from different theoretical approaches (Ontario Ministry of Children and Youth Services, 2016; Barak, 2009:1). The integrated theoretical approach uses multiple, social, personal, biological, economic, psychological, and other factors to explain crime, and criminal behaviour (Catalano & Hawkins, 1996:199; Ontario Ministry of Children and Youth Services, 2016; Barak, 2009:1). Integrated theories attempt to overcome the shortcomings of theories that argue that one causal variable is predominantly important as a cause of crime (Ontario Ministry of Children and Youth Services, 2016; Barak, 2009:1). In other words, integrated theories involve connecting the principles of various theories and models

and synthesising to form a new comprehensive approach to address crime causation and criminal behaviour (Barak, 2009:1).

Developmental theories are dynamic, rather than static, and are concerned with three key issues. Firstly, the development of offending and anti-social behaviour over time (from 'womb to tomb'), and the onset, activation, aggravation, and termination thereof. Secondly, the risk and protective factors at different ages, and thirdly, the effect of life events on the course of the child's development (Casey, 2011:14; Farrington & Ttofi, [sa]:38; Morizot & Kazemian, 2015:2). This contrasts with traditional criminological theories which examine individual differences in offending (Farrington & Ttofi, [sa]:38).

Employing an integrated approach, within a life course perspective, further recognises that factors which may have a causal influence, may change over the life course. For example, factors that may be important in influencing criminal activities in children may differ from those that are important in adulthood (Ontario Ministry of Children and Youth Services, 2016). In addition, criminal behaviour may take on distinct forms during different developmental stages (Morizot & Kazemian, 2015:3). Integrated life course theories, therefore, challenge the notion that criminality is stable over the life course and are concerned with factors that induce the onset and cessation of offending behaviour (Ontario Ministry of Children and Youth Services, 2016). Most importantly, the developmental model in criminology can inform prevention and treatment programmes (Morizot & Kazemian, 2015:3). Fundamental questions are answered in the developmental model, for example, 'when to prevent, when to treat, and with whom to intervene and lastly, which factors to emphasise'. Developmental criminology also emphasises knowledge of the impact of various risk factors at various stages of the life course of the offender, which can help to guide intervention measures (Morizot & Kazemian, 2015:3). Lastly, according to Morizot & Kazemian (2015:3), in order to understand the development of behaviour, a holistic-interactionist perspective of the synergic interplay between different determinants, such as biological, psychological, environmental, and cultural dimensions, is vital.

Advocacy for the inclusion of criminologists in the child justice process is important. Therefore, although there may be doubt as to the practical application of criminology in areas of the criminal justice system, its evolution is evident in the shifting of theory

acceptance and application. For example, criminologists no longer consider Lombroso's work, which theorised that offenders were 'throwbacks' (The Scottish Centre for Crime and Justice Research, [sa]:3; Williams & Mc Shane, 1999:36; Siegel, 2010:7). Criminologists now acknowledge the contributions made by Lombroso, which inspired further research into causative criminal behaviour. For example, how biochemical conditions (poor diet or hormone imbalance), neurophysiological conditions (learning disabilities caused by brain damage), genetic inheritance, and intelligence can contribute to factors Lombroso once considered hereditary (The Scottish Centre for Crime and Justice Research, [sa]:3). A further example of pioneering work in criminology can be found in the research of Professor Marc Le Blanc, a French-Canadian criminologist (Morizot & Kazemian, 2015:6). Le Blanc's comprehensive and multidisciplinary approach has established his research among researchers in psychology, sociology, social work, and several other disciplines (Morizot & Kazemian 2015:9). According to Morizot and Kazemian (2015:11), Le Blanc's repertoire of over 200 scientific articles is testament to his influential contribution in the field of criminology. He (Le Blanc) has been involved in applied and clinical work for more than 30 years, advocating that criminological research should be translated into efficient tools for clinicians and practitioners that work with child offenders (Morizot & Kazerman 2015:11). This bodes well for the expansion of the role of criminologists into related fields such as child justice.

Within the context of this study, integrated and life course theories are of relevance, because people do not function in isolation, and the influence of psychological, social relations (peers, social networks, families), socio-economic (unemployment, poverty) socio-cultural (government, schools, churches) factors are crucial and must be considered and addressed during interventions with child offenders.

Craig (2019:4) for example points out that the impact of traumatic events or adverse childhood experiences such as emotional, physical or sexual abuse, emotional or physical neglect, violent treatment towards the mother of the child, household substance abuse, household mental illness, parental separation or divorce and a household member with a history of incarceration during childhood; reduces the child's ability to form important social bonds. Mandisa (2007:64), a South African researcher

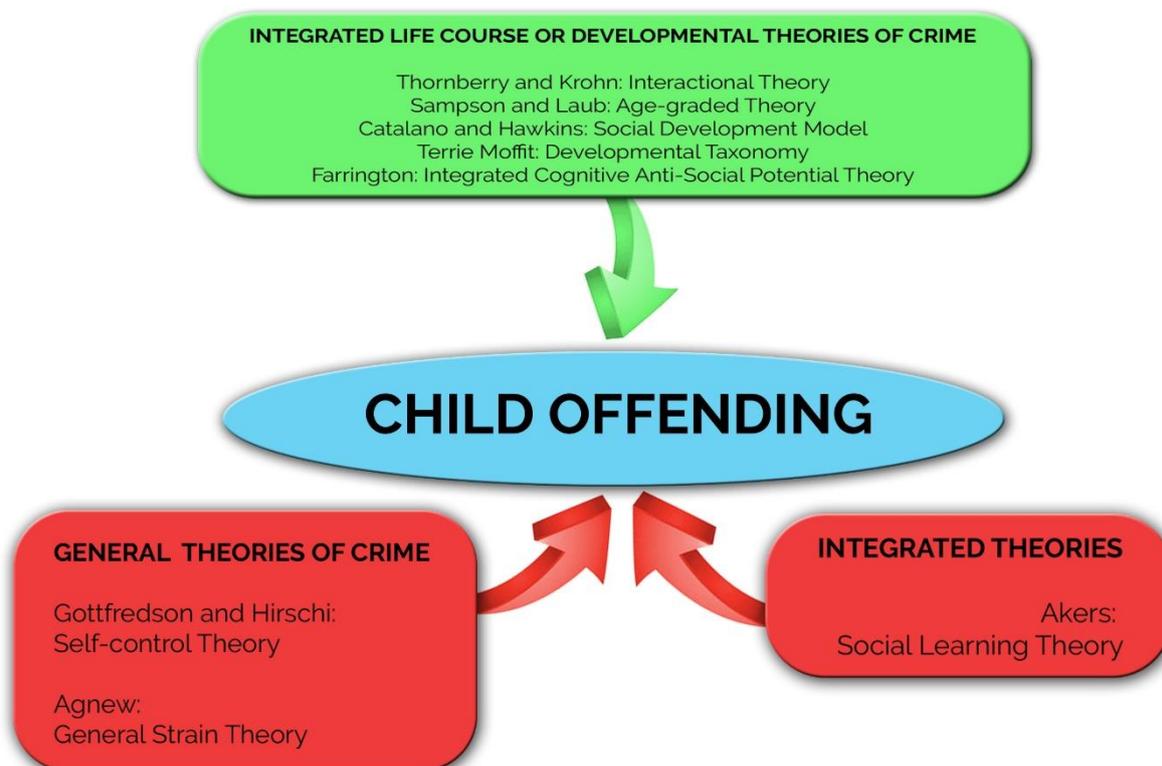
concur and argues that although multiple factors contribute to offending behaviour and that traumatic childhood experiences have an immense ability to destroy a child's chances for optimal social functioning. In addition, children with higher adverse childhood experience scores tend to re-offend more quickly after completing their sentences as opposed to those child offenders with a lower adverse childhood experience score (Craig 2019:4).

3.4 A PRACTICAL EXPLORATION OF THEORIES APPLIED TO INTERVENTIONS WITH CHILD OFFENDERS

The first theoretical exploration of this study concentrates on the work by Gottfredson and Hirschi. Secondly, Akers' Social Learning Theory is addressed. Thereafter the researcher interrogates Thornberry and Krohn's Interactional Theory, Agnew's General Strain Theory, Catalano and Hawkins' Social Development Model, the Integrated Cognitive Anti-Social Potential Theory by Farrington, Moffit's Developmental Taxonomy; and lastly Sampson and Laub's Crime and Life Course Theory. The application of above-mentioned theories will be illustrated during the discussion of each of the individual theories discussed henceforth.

The abovementioned theories pertaining to the explanation of child offending, are by no means exhaustive. The selected theories are provided as an example to illustrate how criminologists arrive at conclusions, and how the theoretical basis of criminology could be used during child justice interventions in order to assess, interpret and apply.

Diagram 1: Theoretical exposition to explain and address child offending



Source: Barlow & Kauzlarich (2010:136); Joubert (2003:110); Akers & Jensen ([sa]:3); Catalano & Hawkins (1996:202); Agnew (2001:319); Agnew, Rebellon and Thaxton (2000:5); Casey (2011:17); Farrington and Ttofi (2015:28).

The above provides examples of criminological theories used in this study to illustrate their applicability in assessing and addressing child offending. The theories of relevance are: Integrated Life Course or Developmental theories, for example, Thornberry and Krohn's Interactional Theory, Sampson and Laub's Age-graded Theory, Catalano and Hawkins' Social Development Model, Moffit's Developmental Taxonomy and Farrington's Integrated Cognitive Anti-Social Potential Theory. In addition, general and integrated theories such as Gottfredson and Hirschi's Self-

control Theory, Akers' Social Learning Theory and Agnew's General Strain Theory are discussed.

3.4.1 Gottfredson and Hirschi: Self-Control Theory

Piquero, Jennings and Farrington (2010:2) postulate that Gottfredson and Hirschi's Self-Control Theory can be regarded as one of criminology's most important theories of anti-social behaviour. The Self-Control Theory is also amongst the most widely cited theories and has been extensively tested since its publication in 1990 (Barlow & Kauzlarich, 2010:136; Joubert, 2003:110). The significance of this theory is that it merges concepts from the Control Theory, with the Rational Choice Routine Activity Theory, and offers biological and psychological explanations for criminal conduct (Barlow & Kauzlarich, 2010:136; Joubert, 2003:110). The inclusion of social, psychological, and biological factors is significant during the assessment of child offenders because the CJA mandates an individualised approach which considers the unique circumstances that gave rise to the alleged offence.

Central to Gottfredson and Hirschi's Theory is self-control, which is their key concept in the explanation of all forms of crime, and criminal behaviour (Schmallegger, 2012:184). Gottfredson and Hirschi argue that the tendency to commit a crime can be causally linked to a person's level of self-control (Siegel, 2016:321). Accordingly, people with limited self-control display, or tend to be impulsive, insensitive to the feelings of others, risk-takers, short-sighted, physical (rather than mental), and non-verbal (Siegel, 2016:321; Whitehead & Lab, 2013:236; Barlow & Kauzlarich, 2010:138). In addition, they are less likely to feel ashamed when they engage in deviant acts and are more likely to enjoy the act (Siegel, 2016:321). Rather than assume that behaviour is controlled by outside forces throughout an individual's life, Gottfredson and Hirschi argue that self-control is internalised early in life and can serve to keep a person from becoming involved in deviant behaviour (Whitehead & Lab, 2013:90).

Gottfredson and Hirschi further assert that low self-control develops early in life and will remain stable into and throughout adulthood (Siegel, 2016:321). Poor self-control in children can be ascribed to ineffective child-rearing practices, while good parenting requires exhibiting concern for the child (Barlow & Kauzlarich, 2010:138; Whitehead

& Lab, 2013:90; De Lisi 2001:1). Concern for a child entails that parents monitor behaviour consistently, identify problematic behaviour when it arises, display appropriate reactions to inappropriate behaviour, and have the time and energy to carry through with their parental responsibilities (Whitehead & Lab, 2013:90).

The causal risk associated with parental neglect is evident in the research conducted by Mandisa (2007). According to Mandisa (2007:73) due to limited formal education, busy schedules, and the accumulation of stress as a result of demanding jobs, some parents do not attach importance to supervising their children, and therefore neglect to interact with their children when they return from work. Research (Olutope et al, 2019) indicated that direct and indirect parental involvement through behavioural and emotional engagement improve children's emotional functioning. Parenting style significantly influences the development of either competent emotional functioning or dysfunctional emotional functioning in children through lifecourse (Olutope et al, 2019:7)

Gottfredson and Hirschi claim that once self-control has been internalised, it serves to modify an individual's behaviour throughout his or her life (Siegel, 2016:321). They, however, acknowledge that a positive influence (protective buffers) for example by teachers may influence low self-control (Barlow & Kauzlarich, 2010:138; Whitehead & Lab, 2013:90). Protective factors, or 'buffers', are characteristics or conditions that tend to reduce the negative effects of adversity (Office of Juvenile Justice and Delinquency Prevention, 2015:1). As in the case of risk factors, protective factors are organised into individual, family, peer, school, and community domains (Office of Juvenile Justice and Delinquency Prevention, 2015:1). These are discussed in Chapter 4.

The Social-Control Theory is however not without critique. Firstly, according to Moffit (as cited in Siegel, 2016:330), there are two 'classes' of offenders, namely; adolescent-limited and life-course-persistent offenders. Adolescent-limited offenders, for example, only partake in criminal activities for a brief period during adolescence and will then deter from committing further criminal activities. Secondly, Siegel (2016:321), points out that even though a lack of self-control is a prerequisite for the commission of a crime, so are other social, neuropsychological, and physiological

factors such as impulsivity and aggression. In addition, poor parenting skills, and a lack of monitoring cannot be ascribed exclusively to low self-control.

Thus, for example, it is equally important when discussing child offenders to consider the relationship between ADHD, low self-control, impulsivity, aggression, and violence, which is well documented in literature, and which cannot be ascribed to the role of the parents (Harpin & Young, [sa]:138; Ward, 2007:15). According to Unnever and Cornell (2003:131), children with low self-control manifest six characteristics, namely; impulsiveness, self-centricity, short-temper, choosing simple tasks over the more complex, enjoyment of risk, and a preference towards psychical activities over mental challenges. This substantiates the necessity of a multi-factor approach and consideration of different theories in the explanation of child offending.

The Self-Control Theory provides criminologists with an extensive exposition of the role of self-control and associated link to offending behaviour, which proves that crime is complex and multi-faceted and should be addressed as such. The next theory addressed in this chapter is the Social Learning Theory developed by Akers. Akers' theory serves as an illustration of how criminologists not only identify criminal causation but also address rehabilitation strategies based on criminological foundations.

3.4.2 Akers: Social Learning Theory

Akers' Social Learning Theory originated in 1966 as the Differential Association-Reinforcement Theory (Brauer & Tittle, 2012:2). The theory is general and explains the acquisition, maintenance, and change in criminal and deviant behaviour. General theories attempt to explain a broad range of criminal conduct through a single overarching approach (Ackers 2017:44; Barlow & Kauzlarich 2010:131). According to Scott-Parker, Watson, and King (2009:7), Akers' theory has provided explanations for risky behaviour amongst adolescents in a number of studies. The basic scheme of the social learning theory is that the same learning process in the context of social structure, interaction, and the situation will produce both conforming and deviant behaviour (Ackers 2017:46; Brauer & Tittle, 2012:3).

The theory is now an integration of differential association and behavioural learning theories and has made major contributions to the explanation, prevention and treatment of crime and offending behaviour (Ackers, 2017:47; Brauer & Tittle, 2012:4). This is of specific significance for criminologists not only to use during assessment but also during sentencing. In other words, not only will this Theory guide criminologists in identifying crime causative factors but could also be of use in recommending rehabilitation strategies. The Social Learning Theory provides criminologists with four major explanatory concepts for the onset of offending behaviour namely; differential association, definitions (and other discriminative stimuli), differential reinforcement, and imitation (Akers & Jensen, [sa:3]; Brauer & Tittle, 2012:3; Lee, Akers & Borg, 2004:18). In other words, the concepts could provide insight into which areas to focus on during intervention with the aim of rehabilitation.

Differential association refers to direct association and interaction with others who engage in certain kinds of behaviour, or express norms, values, and attitudes supportive of such behaviour (Akers & Jensen [sa:3]; Lee et al, 2004:18). The group, with which a person is in differential association (for example the family) provides the major immediate and intermediate social context in which all the mechanisms of social learning operate (Casey, 2007:4; Akers & Jensen, [sa:3]; Lee, et al 2004:18).

Definitions, on the other hand, refer to a person's orientations, rationalisations, justifications, excuses, and other attitudes that define the commission of an act as relatively right or wrong, good, or bad (Ackers, 2017:55; Akers & Jensen, [sa:4]; Lee et al, 2004:18). Definitions also include those learned from socialisation into general religious, moral, and other conventional values, and norms favourable to conforming behaviour and unfavourable to criminal acts. According to Akers and Jensen ([sa:4]), cognitively, these definitions provide a mindset that makes a person more willing to commit the act when the opportunity is presented. For example, children who have learned from socialisation that antisocial behaviour could be financially rewarding could use available opportunities (e.g. vulnerable victims) to commit offences.

Differential reinforcement refers to the balance of anticipated or actual reward and punishment that follows or is a consequence of behaviour (Ackers, 2017:56; Akers & Jensen, [sa:4]; Lee et al, 2004:18). Whether individuals refrain from or commit a crime

at any given time (continue or desist), depends on the balance of past, present, and anticipated future reward and punishment resulting from for their actions.

The Social Learning Theory also points to the tendency towards imitation or modelling, which is doing something because someone else is doing it (Carey, 2007:4; Akers & Jensen, [sa:4]). According to Akers (2017:57), models of deviant and conforming behaviour found within the primary group, for example, parents and friends, may also be found in secondary groups. Pelser (2008:7) supports Akers and posits that in a substantial proportion of young South Africans, crime and violence has become 'culturally acceptable', through consistent experience and exposure in the key institutions of socialisation. For example, in South Africa, it is common to see young children involved in riots and protests; throwing stones, looting, and burning schools or other buildings.

In addition, Holt, Bossler, and May (2010:4) have found the Social Learning Theory significantly valuable to explain the commission of various forms of cybercrime. Offenders must "...learn not only how to operate a highly technical piece of equipment, but also specific procedures, programming, and techniques for using the computer illegally" (Holt et al, 2010:4). At first, the significance of Holt et al's (2010:4) findings, may appear unrelated to this study, especially because numerous child offenders in South Africa come from poverty-stricken areas or families, and do not have access to computers. However, the use of cellular phones to access pornography websites, or to use for cyberbullying and sexting, has recently come to the fore. According to Sadleir, a social media law expert, "...sexting has actually become a societal norm for teenagers in South Africa" (Nhlapo, 2017). A 2017 study conducted in the United Kingdom confirmed the growing problem in South Africa and proved that South Africa is the foremost sexting nation in the world (Nhlapo, 2017). Therefore, based on the premise that children learn from one another, it can be deduced that children will also learn to use technology, which could add to the growing sexting problem in South Africa.

As previously noted, families are the principal primary groups included in the differential association process. It is therefore obvious that the association, and reinforcement of conforming or deviant behaviour, deviant or conforming modelling,

and exposure to definitions either favourable or unfavourable to deviance, can take place within the family (or family surrogate) prior to the onset of criminal behaviour (Akers & Jensen, [sa;5]). For example, Meena (2016:1647), argues that if children observe that aggression and aggressive behaviour such as slapping or punching during an argument (domestic violence), is approved of or rewarded, they will likely react violently during interaction with others. Meena (2016:1647) claims that children will then eventually master the techniques of aggression and become more confident that their own behaviour will bring tangible rewards. This is significant during intervention with child offenders because children that have been exposed to domestic violence exhibit higher rates of cognitive, psychological, and emotional challenges (Pingley, 2017:17). These children are also more likely to display violent, risky, or delinquent behaviour, and may have difficulty learning, have limited social skills, or suffer from depression or anxiety (Pingley, 2017:17). Children exposed to violence at home are at a greater risk for substance abuse, suicidal ideation, and a loss of empathy for others (Kimball & Keene, 2016:1). Therefore, with the aim of rehabilitation strategies, practitioners in child justice should be aware of the possible extended impact that modelled behaviour (different anti-social learned behaviour) can have on a child.

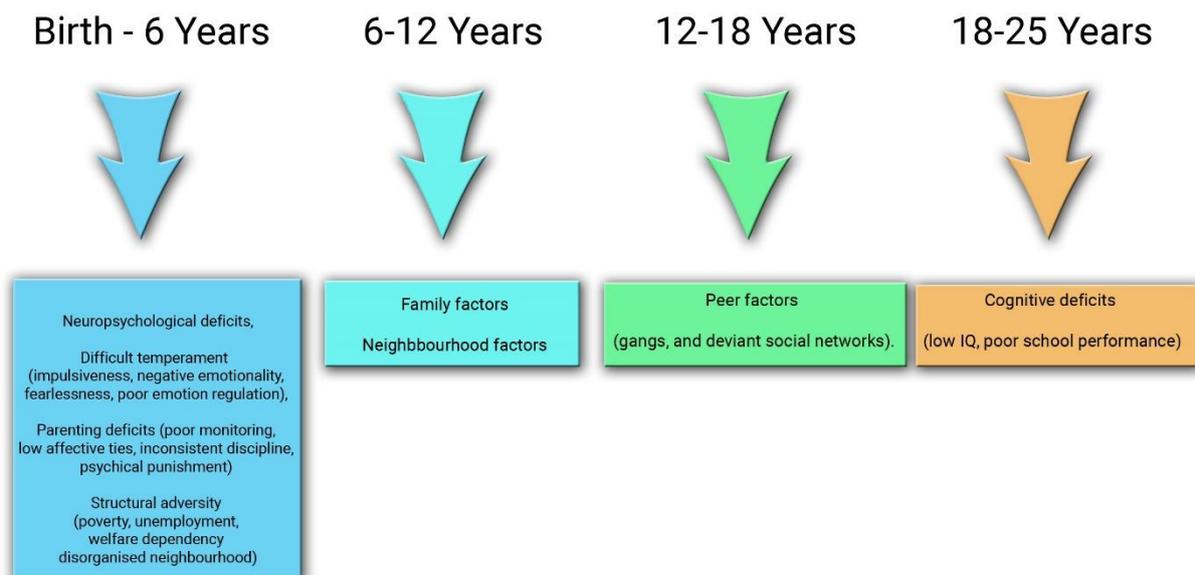
The significance of the theory to this study is that it has been successfully used to prevent and treat the occurrence of crime and delinquency (Braun & Tittle, 2012:3). One such example is the Oregon Social Learning Centre which developed a series of successful programmes based on the principles of social learning (Braun & Tittle, 2012:4). At first, the Adolescent Transition Program (ATP) exposes parents and their adolescent children to family management skills, for example, discipline, problem-solving, communication, and other socialisation skills. The goal is to improve communication skills, self-control, pro-social attitudes, and pro-social peer association (Braun & Tittle, 2012:4). Another programme links the interests of families and teachers. The intent of this link is to modify the child's interaction with teachers, parents, and peers via a three-pronged approach. The significance of these methods is that they entrench the use of a multi-disciplinary approach for child offenders. For example, and as discussed in Chapter 5, criminologists and probation officers can

assess and identify risks and needs and propose rehabilitation strategies. Social workers and psychologists, in-turn, can address family dysfunctionality and mental health problems.

3.4.3 Thornberry and Krohn: Interactional Theory

Thornberry and Krohn developed the Interactional Theory, which incorporates social learning theory, social bonding, cognitive theory, and social structure theories to explain criminal behaviour (Catalano & Hawkins, 1996:202). Thornberry and Krohn focus on factors that encourage anti-social behaviour at different ages (Farrington & Ttofi, 2015:26). They do not propose types of offenders but argue that the causes of anti-social behaviour vary from child to child, as well as in terms of the age when deviancy commences (Farrington & Ttofi, 2015:26).

Diagram 2: Factors influencing children at various stages (ages) of development



Source: Farrington and Ttofi (2015:26).

The Interactional Theory asserts that at the earliest age (birth to 6 years) the three most crucial factors are neuropsychological deficit and difficult temperament (impulsiveness, negative emotionality, fearlessness, poor emotion regulation), parenting deficits (poor monitoring, low affective ties, inconsistent discipline, physical punishment), and structural adversity (poverty, unemployment, disorganised

neighbourhood) (Farrington & Ttofi, 2015:26). At ages 6 – 12 years, neighbourhood and family factors are particularly relevant, whilst at ages 12 -18 years school and peer factors dominate (Farrington & Ttofi, 2015:26). During the ages 12 – 18 years deviant opportunities, gangs and deviant social networks become important. The Interactional Theory further postulates that adolescents pass through various stages of reasoning and sophistication as they mature (Farrington & Ttofi, 2015:26).

Thornberry and Krohn point to the major advantages of adopting a developmental life course approach to crime and argue that firstly, it offers explanations for many important aspects of crime, including prevalence, age of onset, duration of offending, escalation, and de-escalation, and finally desisting from crime (Casey, 2011:16). Secondly, it offers a way to explain that while most anti-social children are not destined to become anti-social adults, anti-social adults are most often anti-social children. Thirdly, non-developmental paradigms do not sufficiently examine precursor behaviour by young offenders, for example, conduct disorder and anti-social behaviour. Finally, non-development approaches neglect to relate developmental changes including trajectories and transitions of life course as it relates to delinquent behaviour (Casey, 2011:16).

The Interactional Theory suggests that the onset of crime can be traced to a deterioration of the social bond during adolescence, which may be marked by a weakened attachment to parents, reduced commitment to school and diminished belief in conventional values (Joubert, 2003:108). Youths' growing up in socially disorganised environments are at the greatest risk of having a weakened social bond and are subsequently more likely to commit crime, particularly when law-breaking values and attitudes can be learned and reinforced by peers, which is quite evident in South Africa (Benson, 2013:108; Joubert 2003:108; Kubrin & Wo, 2016:136). In turn, adolescents from stable environments may engage in crime, but their actions are better controlled by stronger social bonds and associations with peers who engage in more conventional behaviour (Benson 2013:108; Joubert 2003:108). During childhood and early adolescence, attachment to the family is the single most important determinant of whether a child will adjust to conventional society and refrain from offending behaviour (Catalano & Hawkins, 1996:203).

The theory also postulates that ineffective parenting may lead to criminal involvement, which in turn may result in parental responses that further increase the occurrence of delinquent behaviour (Catalano & Hawkins, 1996:203; Mandisa, 2007:71). In other words, what the child does at any point in time will affect attachment at a later point, and in turn, what the parents do affects the child's feelings of attachment (Benson, 2013:107). For example, parents of children who offend may respond by increasing harsh and erratic punishment, instead of proper intervention, which could 'push' the child towards further offending behaviour (Farrington & Ttofi, [sa]:40).

Mandisa (2007:71) for example found that in some South African communities' parents will send their children who display acting-out behaviour to social workers, because they believe only then will children become obedient. The parents of children who come into conflict with the law are also either not involved in rehabilitation of their children, or they believe it is someone else's responsibility (Mandisa 2007:76, Van Standen, 2015:92). Olutope et al, (2019:2) point out that some parents are not aware of the pivotal role parenting play in the development of the child's emotional intelligent. Emotional intelligence refers to the capacity to recognise feelings and those of others (Olutope et al 2019:3). According to Olutope et al (2019:10) it is vital that programmes are launched, aimed at educating parents on the effects of the various parenting styles on emotional intelligence, and the psychological health status of their children. It is suggested in this study that such programmes could be mandatory for the parents of children who come into conflict with the law and who are diverted or sentenced to secure care facilities.

The Interactional Theory is particularly important for criminologists in child justice because it emphasises an individualised approach during the assessment. Thornberry and Krohn further postulate that anti-social behaviour varies for children and that it can start at different ages. Another significant factor, which is a distinctive feature of the theory is reciprocal causation (Farrington & Ttofi, 2015:26). The Interactional Theory does not postulate a single key construct underlying offending behaviour in children but emphasises the fact that children who start offending tend to continue offending because of factors such as neuropsychological and parenting defects and structural adversity (poor parenting) and because of the reciprocal consequences that earlier

anti-social behaviour creates (Farrington & Ttofi, 2015:26). For example, children that are rejected by their peers, school, and parents because of their behaviour, will engage in more anti-social behaviour.

Thus, it can be deduced that it is insufficient to conduct interviews with only the child offender. A holistic assessment needs to include parents, teachers, and other significant persons in the life of the child.

3.4.4 Agnew: General Strain Theory

The General Strain Theory builds on earlier strain theories and now includes several new categories of strain (Agnew, 2001:319; Agnew et al, 2016:5). According to Brezina (2017: 1) it is also the only major theory of crime and delinquency that highlights the role of negative emotions in the causation of offending. Agnew focusses on three major types of strain. Firstly, a strain which occurs when individuals are unable to achieve their goals through legitimate channels. Secondly, a strain which occurs when people lose something, they value for example material possessions or relationships with valued others. Thirdly, strain can occur when individuals are presented with noxious or negative stimuli (Agnew et al, 2016:5; Piquero, 2016:227). These negative feelings create pressure for corrective action, of which delinquency is one possible response.

The theory argues that strains or stressors increase the likelihood of negative emotions such as, anger and frustration (Brezina, 2017:1). In turn, these emotions create pressure for corrective action, and crime may be a likely response (Agnew, 2001:319; Brezina, 2017:1). The pressure created by the negative feelings is significant when practitioners deal with child offenders. Firstly, because nearly half of South African children (47%), grow up in a household without a father (Masemola, 2017) and, as Sampson and Laub assert, crime is more likely when social bonds are weakened or broken, which occurs when a parent passes away, parents' divorce or children are raised in single-parent households (Casey, 2011:16; Catalano & Hawkins, 1996:204; Van Standen, 2015:72). Singh and Kiran (2014:867), and Brezina (2017:5), confirm the correlation between a broken social bond, for example, single-parent households, and the likelihood of child offending. In addition, Van Staden (2015:73) argues that a lack of close family relationships, emotional insecurity, lack of parental

involvement, lack of communication and abuse can weaken the social bond between the parent and the child.

Agnew et al (2016:7) also point to parental practices, and the emotional bond between parents and child, that can become a major source of strain. According to Agnew et al (2016:7), data suggest that delinquency is more likely to occur when firstly, there is a weak or negative emotional bond between parents and children, and secondly, parental supervision is lax, overly-strict, inconsistent, and/or harsh. The third factor addressed by Agnew is considered a major cause of strain. This occurs when an individual is presented with harmful or negative stimuli such as verbal and/or physical assault (Agnew et al 2016:5). It is trite that many South African children are the victims of different forms of abuse including sexual, physical, and emotional abuse. The correlation between children who offend and who have been physically abused or neglected is well-documented in criminological theories such as the social learning theory, social bonding theory and strain theory (Farrington, 2006:23). Independent studies such as the work of Widom (as cited in Farrington 2006:23), confirm this correlation. Widom's (as cited in Farrington, 2006:23) study consisted of 900 children who had been abused or neglected before the age of 11. A 20-year follow-up of the abused children indicated that those who were abused or neglected were more likely, in comparison to non-abused children, to be arrested. In addition, children who were victims of child sexual abuse were more likely to be arrested for sex crimes as adults (Farrington, 2006:23). These children also demonstrated lower cognitive and language abilities and exhibited behaviour problems, that could affect, or influence their development stages (Spratt, Friedenber, Swenson, La Rosa, De Bellis, Macias, Summer, Hulsey, Runyan & Brady, 2012:176).

According to Brezina (2017: 6) adolescents often lack conventional coping skills and have limited life experience to draw upon. Thus, adolescents are more likely to respond to strain in an immature and ineffective manner. As discussed, the absence of parental care and supervision can cause some adolescents to experience difficulty with the emotional consequences of strain (Brezina 2017:6). It is therefore important to assess the strains on a child who comes into conflict with the law in order to recommend and select effective diversion and/or rehabilitation programmes.

The general theory of crime recognises that only some strained individuals will turn to offending, however, according to Agnew et al (2016:6), at the most general level, the strain is most likely to lead to delinquency. This occurs when individuals are unable to cope using legitimate channels, and the cost of delinquency is low, and they are motivated to engage in delinquency. According to Agnew et al (2016:6), this occurs especially when individuals possess traits like impulsivity, irritability, have limited coping skills and resources, are low in conventional social support, are low in social and self-control, blame their strain on the deliberate acts of others, and have been taught to respond to strain with crime.

Agnew's theory, in conjunction with other theories discussed in this study, offers a wide explanatory insight into some of the major causative factors which must be considered in child offending (Agnew et al 2016:352). In addition, it offers two crucial factors to consider for the reduction of offending behaviour.

The first suggestion is to reduce the exposure of individuals (children) to strain, and secondly to reduce the likelihood that individuals will cope with strain through crime. One of Agnew's suggestions is to implement parent-training and school-based programmes structured in ways that reduce the likelihood that strains in the form of certain disciplinary measures will increase the likelihood of criminal coping (Agnew et al 2016:352). The latter suggestion is similar to the implementation of the Social Learning Theory, as far as it involves family members, and teachers.

Also, as previously discussed, the use of a multi-disciplinary approach involving criminologists, social workers, probation officers and psychologists, can address causative influences and curb recidivism.

3.4.5 Catalano and Hawkins: Social Development Model

The Social Development Model is consistent with a continuing tradition of integrated theories in the field of criminology (Catalano & Hawkins, 1996:155). The theory seeks to synthesise a coherent model from those propositions of existing theories of deviance, which have the strongest empirical support, in order to achieve greater explanatory and predictive power as opposed to one separate theory. Catalano and Hawkins' Social Development Model is a synthesis of the control theory, social

learning theory, and the differential association theory (Farrington & Ttofi, 2015:23; Joubert, 2003:109; Catalano & Hawkins, 1996:155). The Catalano and Hawkins model is comprehensive and encompasses a wide range of biological, psychological, and social variables.

The key assumption of the social development model is first, the inclusion of both delinquency and drug use, secondly, the developmental perspective which identifies salient socialisation units and etiological processes for each of the four phases of social development i.e. pre-school, elementary school, middle school, and high school (Catalano & Hawkins, 1996:154). The phases are separated by the major transitions of the environment in which children are socialised and are thus not conceived of as stages of cognitive or moral development. The theory further describes reciprocal processes of causation between developmental periods in terms of which behaviours during one period are expected to affect subsequent social development processes (Catalano & Hawkins, 1996:154; Farrington & Ttofi, 2015:29). For example, the model argues that in the first two periods, (pre-school, elementary school) interaction with pro-social or anti-social family members is most important. Whereas, in the next two periods (middle school and high school) interaction with anti-social or pro-social peers becomes more important (Farrington & Ttofi, 2015:29). Thirdly, the theory organises evidence regarding risk and protective factors for offending behaviour and substance use and hypothesises theoretical mechanisms through which these factors operate to increase or decrease the likelihood of anti-social behaviour (Catalano & Hawkins, 1996:154).

According to the Social Development Model, the primary socialisation units: family, school, peers, and neighbourhood influences, all play an increasing role as the child progresses through the elementary years (Farrington & Ttofi, 2015:29). It argues that children are socialised through processes involving four constructs:

- perceived opportunities for involvement in activities and interactions with others;
- the degree of involvement in activities and interactions;
- skills to participate in involvement and interaction; and

- reinforcement perceived resultant from involvement and interaction (Catalano & Hawkins, 1996:156; Farrington & Ttofi, 2015:24).

When socialising is consistent, a bond of attachment and commitment develops between the individual and the socialising unit (Catalano & Hawkins, 1996:156; Farrington & Ttofi, 2015:24). In other words, in the context of this study, when children are exposed to negative influences such as alcohol and/or drug abuse, a sense of entitlement, domestic and gang violence in the home, school, community and within peer groups, are denied opportunities to partake in pro-social life, and a lack of adequate skills, the child forms an attachment and commitment to anti-social behaviour. Hence, many South African children find “refuge” in gangs. Statistics indicated that there are approximately 130 gangs in the Western Cape alone with an estimated membership of 100 000 individuals (Wegner, Behardien, Loubser, Rykklief & Smith, 2016:53). Poverty and broken homes are recognised as a significant causal risk which motivates children to join a gang. One participant in the study of Wegner et al (2016:56) justified his membership of a gang by arguing that “you feel part of something, it is a nice life, every-day you have money and new clothes”. Membership of an anti-social group, such as a gang further weakens the bond between the child and his or her parents, and the bond with conventional society.

The contrary is, however, equally true regarding pro-social behaviour commitment and attachment. The theory, therefore, posits that behaviour will be pro-social or anti-social, depending on the predominant behaviours, norms and values held by those individuals or institutions to which a person is bonded (Farrington & Ttofi, 2015:24) Nevertheless, anti-social behaviour can occur even in the presence of pro-social bonding when the individual calculates the costs and benefits and determines the result to be in his or her self-interest (Catalano & Hawkins, 1996:158).

The significance of the Social Development Model is evident in this study because, as Farrington and Ttofi (2015:27) point out, the model has demonstrated an ability to explain variations in delinquency, violence, and alcohol abuse in late adolescence, as well as problem behaviour amongst primary school children. This theory would, therefore, be beneficial to criminologists if involved in the South African child justice system, to analyse and assess offending behaviour.

3.4.6 Farrington: Integrated Cognitive Antisocial Potential Theory

Farrington's theory postulates how early risk factors for anti-social behaviour - previously identified in longitudinal research - can be incorporated into a coherent developmental theory of crime (Casey, 2011:17; Catalano & Hawkins, 1996:201). Integration of ideas from a range of theories such as strain, control, learning, labelling, and rational choice theories form the key construct referred to as anti-social potential (Casey, 2011:17; Farrington & Ttofi, 2014:28).

The underlying assumption of Farrington's theory is that "...the translation from anti-social potential to anti-social behaviour" depends on cognitive (thinking and decision-making), processes that consider opportunities and victims (Farrington & Ttofi, 2014:28; Casey, 2011:17). According to Farrington, the key construct underlying offending, is anti-social potential, which refers to the potential to commit anti-social acts (Farrington & Ttofi, 2014:28). Anti-social potential can be viewed as both a long and short-term phenomenon, whereby long-term, persisting, between-individual differences can be distinguished from short-term within-individual variations (Farrington & Ttofi, 2014:29; Casey, 2011:17). For example, long-term anti-social potential depends on impulsiveness, strain, modelling, socialisation, and life events. Short-term anti-social potential variations are dictated by motivating and situational factors such as, for example, intoxication and anger (Farrington & Ttofi, 2014:29; Casey, 2011:17).

The theory further postulates that individuals with a tendency for long-term anti-social potential will commit diverse anti-social acts, and crimes (Farrington & Ttofi, 2014:29; Casey, 2011:17). The anti-social potential is also fairly consistent over time but peaks during the teenage years because of the effects of maturation, such as the increase in peer influence and a decrease in family influence, which directly influences crime rates (Farrington & Ttofi, 2014:29; Casey, 2011:17). Risk factors thought to influence long-term anti-social potential include the desire for material goods, status among intimates, excitement, and sexual satisfaction. Consequently, offending is the outcome of anti-social methods employed by those who find it difficult to satisfy their needs legitimately, because of, for example, low income, unemployment, and failure to achieve school success (Farrington & Ttofi, 2014:29).

Further, in terms of Farrington's theory, the method individuals select to commit a crime will depend on physical capabilities and behavioural skills. For example, a physically disabled individual (depending on the disability) may not be able to steal a vehicle, but he or she may be physically able to commit shoplifting or cybercrime. The long-term anti-social potential is further postulated to depend on attachment and socialisation (Farrington & Ttofi, 2014:29; Casey, 2011:17). In addition, the long-term anti-social potential is heightened in impulsive individuals and influenced by life events. Farrington furthermore established that parenting is a crucial factor in predicting future criminality (Catalano & Hawkins, 1996:201). Farrington argues, (Catalano & Hawkins, 1996:201) that poor parental supervision, including the use of harsh or erratic punishment, is predictive of future criminal behaviour the signs of which may manifest as early as 8 years of age and be displayed, for example, by dishonesty and aggressiveness. Farrington's findings with regard to poor parental supervision and its effect thereof coincide with those of Gottfredson and Hirschi.

In explaining offending behaviour and other types of anti-social acts, the theory points to the interaction between the individual (and level of anti-social potential) and the social environment (criminal opportunities and victims) (Casey, 2011;17). This implies, for example, that if a child comes into conflict with the law it is imperative to investigate his or her connection to anti-social peers or family, which can then be addressed to prevent future offending. At a theoretical level, Farrington's research contributes to understanding the origin, maintenance, and cessation of criminal behaviour (Catalano & Hawkins, 1996:201). Further, the theory identifies factors which predict discontinuity (protective factors) from criminal behaviour, and individuals from a background that puts them at risk of offending behaviour, yet who manage to either refrain from offending or desist after initial offending behaviour (Catalano & Hawkins, 1996:201).

3.4.7 Moffit: Developmental Taxonomy

Developmental Taxonomy posits two discrete types of young offenders: adolescence-limited, and life-course persistent offenders (Farrington & Ttofi, 2015:21). Adolescence-limited offender refers to the 'typical teenager' who engages in minor offences such as shoplifting, alcohol abuse, and vandalism, often considered to be rebellious behaviour motivated by increasing maturity and personal independence

(Siegel, 2010:277; Farrington & Ttofi, 2015:21). As adolescent-limited offenders reach their mid-teens, they begin to mimic the anti-social behaviour of more troubled teens, however, they tend to reduce the frequency of offending behaviour by the age of 18 (Siegel, 2010:277; Casey, 2011:16). Adolescence-limited offenders generally suppress anti-social impulses and are, on the whole, law-abiding citizens (Casey, 2011:16). Most young offenders can be considered adolescence-limited (Moffitt, 1993:676; Casey, 2011:15; Siegel, 2010:277; Catalano & Hawkins, 1996:200).

In contrast, life-course persistent offenders' manifest anti-social behaviour at an early age and continue to do so well into adulthood (Casey, 2011:16; Siegel, 2010:277; Farrington & Ttofi, 2015:21). Life-course persistent offenders constitute a small group (approximately 5%) and are characterised by the persistence of problem behaviour from childhood through adulthood with different manifestations of behaviour during various stages of development (Siegel, 2010:277; Casey, 2011:16). The life-course pattern of life-course persistent offenders is thought to be linked to pre- and perinatal factors associated with adverse child-rearing conditions during early childhood (Casey, 2011:16). The environmental risk domain expands beyond the family, as the child matures, to include poor relations with, for example, peers and teachers, and later, partners and employers (Catalano & Hawkins, 1996:200). According to Moffitt (as cited in Casey, 2011:16) two types of neuropsychological deficit, namely verbal intelligence, and executive functioning, give rise to an array of anti-social behaviours. Life-course persistent offenders are more likely to manifest abnormal personal traits such as low verbal abilities, impaired reasoning skills, limited learning abilities, weak spatial and memory functions, hyperactivity, and impulsiveness when compare to adolescent-limited offenders (Catalano & Hawkins, 1996:200; Siegel, 2010:277). Children with neuropsychological deficits are also restless, fidgety, destructive, and non-compliant, using violent outbursts rather than a verbal argument to deal with conflict (Casey, 2011:16). The persistence and entrenchment of anti-social behaviour over time is attributed to early problem behaviours which tend to limit the child's opportunities to learn pro-social behaviour during the formative developmental stages (Casey, 2011:16). Siegel (2010:277) points out that it is therefore not a surprise that life-course persistent offenders display elements of problem behaviour syndrome,

including mental health difficulties, psychiatric pathologies, limited school achievement, ADHD, and health issues.

Tuominen (2018:21), who examined the neurocognitive and academic performance of 72 sentenced male offenders in Finland, confirmed that a number of neurocognitive deficits was common among sentenced male offenders. Tuominen's (2018:21) study confirms that male offenders who are recidivists and who have been classified as life-course persistent offenders displayed impulsivity, had problems with verbal comprehension, verbal and visual memory, reading, spelling difficulties, substance dependence and mental disorders. Tuominen (2018:31) therefore recommended that neurocognitive deficits - for example ADHD - should be taken into consideration during the assessment of child offenders to ensure that the decisions made are in their best interest.

Farrington's theory supports a holistic and individualised approach to assessment in order to establish if children in conflict with the law may be prone to continue offending, and how this can be addressed.

3.4.8 Sampson and Laub: Crime and Life Course Theory

Sampson and Laub's theory is another example of an integrated life course theory grounded in the Social Control Theory (Catalano & Hawkins, 1996:204). Sampson and Laub, advance an age-graded theory of social control to explain trajectories in crime and delinquency (Benson, 2013:104). Sampson and Laub's theory is based on the findings of Sheldon and Eleanor Glueck, who collected data from over 500 delinquent boys (Benson, 2013:104). The theory postulates that the most important source of control is informal bonds between people (Benson, 2013:104; Brown, Esbensen & Geis 2010:380; Catalano & Hawkins).

In other words, Sampson and Laub assert that criminal behaviour is the result of weak or weakened bonds with society (Brown, Esbensen & Geis, 2010:380; Catalano & Hawkins, 1996:204). Based on the finding of Glueck and Glueck (1950) and a matched comparison group, the theory attends to the influence of informal social controls on the involvement in offending behaviour (Catalano & Hawkins, 1996:204). The theory furthermore postulates that the relevant institutions of informal social control vary by

age. It proffered that crime is more likely when social bonds are weakened or broken, and more specifically when informal social controls, which stem from social relations between individuals and institutions at each stage of the life course, are weakened or broken (Casey, 2011:16; Catalano & Hawkins, 1996:204).

According to the age-graded informal social control theory, the onset of a criminal career occurs early in life, but the theorists further assert that even after the establishment of a criminal career, offending behaviour can be interrupted during the life course (Catalano & Hawkins, 1996:204, Sampson & Laub, 2003:558). Marriage and career serve as examples of events that can create social capital (Schmallegger, 2012:196; Catalano & Hawkins, 1996:204). Social capital refers to the degree of positive relationships with other's and with social institutions (Schmallegger, 2012:196). Social capital can be an important strategy to use during the rehabilitation of child offenders. For example, children who have a keen interest in sport may find it more acceptable or easier to break old habits, if positive role models (protective factors or buffers) serve as a form of influence.

The variables influencing the onset of criminal causative behaviour in child offenders, as discussed supra, is by no means exhaustive. Further, it was also not the intent of this study to provide a comprehensive explanation of potential variables contributing to child offending. The study aimed to illustrate that criminologists consider a variety (social, psychological, biological, political) of potential causative indicators, to assess, explain and address offending behaviour in children. This approach could provide valuable insight during the assessment of offenders during the child justice process in South Africa.

3.5 CONCLUSION

The theories discussed in this chapter provide considerable evidence of the comprehensive and wide-ranging factors that criminologists could consider during the assessment of child offenders if they were to be so included in the process. An individualised assessment of child offenders is key to the CJA and supports the best interest of the child which is constitutionally mandated. The assessment process should be used to identify and gather information from a range of systems significant

to the child offender such as family, peers, school, and the community (Burman et al, 2007:52).

A child justice system supported by practitioners implementing scientifically proven assessment methods is essential to uphold the best interest of children in conflict with the law. Criminology's well-established theoretical foundation provides an ideal grounding for criminologists to act as specialised child justice practitioners as part of a multidisciplinary team.

CHAPTER 4

ACADEMIC TRAINING, SKILLS AND EXPERTISE OF CRIMINOLOGISTS AND OTHER SOCIAL SCIENCE PROFESSIONALS

4.1 INTRODUCTION

Chapter 2 focused on the historical development of criminology in South Africa. The aim was to factually illustrate how criminology developed from humble beginnings, evident in the Classical School, to contemporary South African criminology, where criminologists actively participate in a number of fields such as the courts, and corrections to name a few (Hesselink, 2013:142). Chapter 3 provided a synopsis of the theoretical underpinnings of criminology, and how theories, such as inter alia Gottfredson and Hirschi's Self-Control Theory, Akers' Social Learning Theory, and Thornberry and Krohn's Interactional Theory can be used to assess, interpret, predict, and explain child offending.

Focussing on the aim of this research, Chapter 4 alludes to the role, function, and academic training of selected key role-players in the South African child justice system. As discussed in Chapter 1, the aim of this study is to develop an action plan for criminologists to become specialised practitioners in the child justice system. Hence a comparison must be drawn between the skill and ability of social workers and probation officers and those of criminologists. The comparison will facilitate the identification of steps necessary to establish a specialisation area for criminologists, in the child justice arena. In addition, the comparison will establish if the current academic criminology curriculum is fit for the purpose of specialisation in child justice, and/or if it requires adjustment to accommodate such specialisation.

It should be noted that though psychologists and psychiatrist are also key service providers in child justice, their academic training and expertise will not be discussed here. This is because their skills and expertise differ in emphasis from those of criminologists. In comparison, the foci of social workers and probation officers are

more closely related to those of criminologists. This will become evident during the comparison of academic curriculums infra.

In addition, Chapter 4 focuses on the generic skills garnered from the academic training of criminologists in South Africa. The aim of this inclusion is to establish the current skill set and validate the potential future use of skills prevalent amongst criminologists. The latter will be practically demonstrated in Chapter 5.

4.2 SCOPE OF PRACTICE AND ACADEMIC TRAINING OF SOCIAL WORKERS

Currently, in terms of section 2 of the Probation Services Act (116 of 1991), only social workers qualify to register as probation officers. Thus, before the role, function and training of probation officers can be addressed, it is imperative to extrapolate the academic training of probation officers to wit the 4-year social work degree.

The South African Council for Social Services Professions (SACSSP), describe social work as a "...practise-based profession and an academic discipline that promotes social change and development, social cohesion, and the empowerment and liberation of people". Accordingly, social work as profession centres on social justice, human rights, collective responsibility, and respect for diversity. As pointed out in chapter 1, Holtzhausen (2012:2), argues that it is difficult to precisely define social work due to its diverse nature and various fields of specialisation.

The theoretical and practical training of social workers is geared towards the creation of knowledge and development of skills, which serve to maintain and enhance the social functioning of individuals, families, groups, and communities (SACSSP, 2018). The basic academic training for South African social workers is a 4-year professional degree exiting on NQF level 8. Numerous universities in South Africa offer qualifications in social work. The programmes offered in five universities, namely; UNISA, the UP, Nelson Mandela University (NMU), the University of Johannesburg (UJ) and Stellenbosch University (SU) are used here to comparatively demonstrate the academic training of social workers. This comparison will be used to provide insight into the academic training of social workers, and how it compares to that offered to criminology students, which is then discussed infra.

From the comparison, it is apparent that students at UNISA, the UP and NMU are required to choose between inter alia criminology, psychology, sociology, and communication sciences, during their undergraduate study. In other words, if a student selects psychology as a second major, the student cannot then elect criminology or vice versa. An exception is made where the student registers another module (like criminology) for non-degree purposes. However, even in this case, students are restricted by the number of modules that they may select for non-degree purposes in any given year. SU, by contrast, does not offer any modules in criminology within the social work programme. Thus, it can be inferred that once a social work student completes his or her qualification at SU he or she has no grounding in criminology (University of Stellenbosch 2018).

Apart from academic/theoretical training, social workers also gain extensive vocational training during their 4-year degree path. During the second-year, student social workers are required to register with SACSSP which then allows them to do practical work. The SACSSP is a statutory body for social workers, established in terms of section 2 of the Social Services Professions Act (110 of 1978).

The role of the SACSSP is to regulate the social work profession in aspects pertaining to registration, education and training, professional conduct, and ethical behaviour. Registration ensures continuing professional development and fosters compliance with professional standards (SACSSP, 2018).

Stated otherwise, from the early undergraduate phase, social work students become part of the social work profession – albeit in a limited capacity - and interact with qualified social workers on a professional level which guides professional conduct, ethical behaviour, and practical training in the field. The practical training provides students with an opportunity to build professional relationships and gain valuable vocational experience.

Concerning curriculum content, social work degrees offered by the different universities, vary in module content and overall structure. From the researcher's comparative analysis, it is, however, apparent that social work students gain comprehensive knowledge of their discipline, module structure and content

notwithstanding. It is, however, apparent that the curriculum structures may present limitations in the choice of electives, more especially so if the student wishes to pursue child justice as a field of specialisation. For example, the social work degree at UNISA (qualification code 99309) does not include modules pertaining to child offending. Furthermore, the student is restricted in his or her selection of criminology as an elective module due to module stream restriction, as discussed above (University of South Africa 2018).

It is trite that social workers often deal with issues relating to the social functioning of clients on multiple levels. For example, a child that may need care and protection may also be one who conflicts with the law. In this case, the social worker will require integrated knowledge of the general functioning of the child, causal risk factors associated with criminal behaviour and the prevention of future criminality. Therefore, if a social work graduate did not receive training pertinent to child offending, he or she is unable to address all the therapeutic and developmental needs of the child.

Despite the above, the theoretical training given to social workers via formal tertiary programmes equip them to assist and apply their knowledge and skills within the Department of Social Development, Department of Corrections, welfare organisations, NGO's, and faith-based organisations to name a few (Department of Social Work UNISA, 2018). Social workers can also apply their knowledge in human resource development, social planning and development, and the development and formulation of social policy (SACSSP, 2018). In addition, social workers are to be found in fields such as adoption, marriage and family counselling, the health sector, schools and child and family welfare (SACSSP, 2018).

Furthermore, on completion of an undergraduate 4-year degree, social work graduates have the opportunity to enrol for a post-graduate degree in a specialised field such as for example, probation work. A post-graduate qualification in probation allows social workers to be regarded as experts in areas such as child justice, where probation officers are crucial to execute and perform duties such as assessment. Although social workers may gain a specialised degree in probation work, in the form of an honours or master's degree, it is not a prerequisite or requirement in accordance with the CJA to deliver services to children in conflict with the law.

According to the SACSSP speciality refers to:

“A particular field of practice in social work in which specific activities take place for which **additional specialised and in-depth knowledge skills and expertise on the specific field of practice are required**, [my emphasis] and which could be regarded as the domain of the Social Work Profession”.

In addition, according to the SACSSP, a speciality in social work must meet the following criteria:

“The professional field of practice should be the **domain of social work, distinct to the social work profession and not form part of the field of services of another profession**, [my emphasis] and;

Additional knowledge, skills and expertise over and above the general knowledge and skills obtained to practice general social work are required [my emphasis]”.

In other words, based on the definition of a speciality field in social work it can be inferred that if a social worker works with child offenders then he/she should be familiar with, or have specialised in the field. Yet criminology is not a prerequisite in the social work curriculum. This raises the question to what extent social workers are equipped to meet the needs of child offenders when it comes to the management and prevention of criminality, and hence to delivering services in the best interest of children in conflict with the law.

4.3 SCOPE OF PRACTICE AND ACADEMIC TRAINING OF PROBATION OFFICERS

Probation officers are qualified social workers considered to have specialised knowledge enabling them to work with child offenders (Western Cape Government, 2018).

Probation services in South Africa can be traced back to the First Offenders Act, 1906 of the Cape Colony (Skelton & Tshehla, 2008:35). Even though the First Offenders Act did not make any provision for the appointment of probation officers, the regulations issued in terms of the Prisons and Reformatories Act, 1911, explicitly provided for the appointment of probation officers (Skelton & Tshehla, 2008:35).

During this period, probation services were only aimed at adult offenders, but it subsequently opened the door for probation services for child offenders. At first, it was mostly private organisations such as the Prisons Aid Association, set up in 1910, and the Probation League of South Africa, established in 1933, which rendered probation services (Skelton & Tshehla, 2008:35). In 1935 the two organisations merged and became known as the South African National Institute for Crime Prevention and Reintegration of Offenders (NICRO) (Skelton & Tshehla, 2008:35). NICRO continues to provide comprehensive crime prevention services and currently offers five diversion programmes for child offenders (Department of Social Development, 2018).

In 1995, the Inter-Ministerial Committee on Young People at Risk (IMC) was established, with the aim of leading transformation in the child and youth care system in South Africa (Skelton & Tshehla, 2008:35). During the developmental phase, probation officers were identified as key service providers for young offenders.

In terms of the Probation Service Act (116 of 1991), the probation officer has a number of duties towards offenders, their families, and communities, as well as towards victims of crime. According to the Act, probation officers have a duty, inter alia, to:

- investigate the circumstances of an accused person for the purpose of reporting to the court on his or her treatment and committal to an institution as well as to render assistance to the family;
- assist the probationer in complying with his or her probation conditions in order to improve his or her social functioning, which includes, supervision, pre-trial programmes for children, as well as community-based sentencing options, and;
- report to the court on progress and supervision of a probationer.

The Probation Services Amendment Act (35 of 2002) amended the 1991 Act. The amendment provides a legislative framework for a number of activities arising from the CJA and includes some new provisions. For example, the Act now provides for the mandatory assessment of every arrested child who remains in custody before his or her first appearance in court. Additionally, the Act requires that probation officers investigate the circumstances of an accused person (Skelton & Tshehla, 2008). However, according to Gxubane (2010:37) probation officers currently only afford the

courts with remedial support services. According to Gxubane (2010:37), this results in the absence of long-term interests of the child offender, the victim, and the community. It can, therefore, be inferred that probation officers only consider or address immediate actions, (interventions), without addressing the long-term consequences of the crime committed by child offenders. As discussed in Chapter 5, it is imperative that a multi-disciplinary approach is adopted by the CJA which includes criminologists. This multi-disciplinary approach will facilitate an amalgamation of skills and expertise to address all aspects (assessment to rehabilitation) conducive to curb recidivism of children in conflict with the law. For example, criminologists can assess, interpret, and analyse causative behaviour while probation officers work towards restoring family functioning and addressing the underlying risk factors in the child offender's life.

Currently, only one university, namely the University of Cape Town (UCT), offers an honours and master's degree in probation work. The honours programme includes five modules, namely; *Principles of Probation and Correctional Practice, Youth Justice, Assessment and Intervention, Social Research, and a practice research project*. According to the qualification offering, the objectives of the honours programme (2017) are to:

- provide students with a theoretical and practical grounding in programme planning, designing, monitoring and evaluation to promote evidence-based programmes and best practice;
- equip students with necessary skills to develop a funding strategy and ability to write a funding proposal for a given human service programme;
- acquaint students with an **in-depth understanding of the dynamics and factors that are associated with recidivism amongst young sex offenders, both in theory and research** [my emphasis];
- **provide an understanding of various critical issues in the reintegration of youth offenders from both theoretical and policy frameworks** [my emphasis]; and
- provide an understanding of various critical issues in family group conferencing in applying a restorative justice approach while working with young offenders, and their families within South African policy and legislative frameworks.

The Master of Social Science in Probation and Correctional Practice programme offered by UCT, includes five modules, namely; *Contemporary Issues in Probation and Correctional Practice, Forensic Social Work, Psychiatry for Social Service Practitioners, and a mini-dissertation which the choice of topic from within the field of probation and/or corrections, and/or forensic social work, and an internship.*

The Social Services Professions Act (110 of 1978) sets out the requirements for registration of a speciality in probation services and states:

“The Council shall on application register a speciality in probation services where a social worker has:

- (a) A recognised qualification in social work, and is registered as a social worker with the Council; and
- (b) An appropriate master’s degree approved by the Council related to probation services, plus at least two years appropriate and evidence-based practical experience within the scope of probation services; or
- (c) An appropriate postgraduate diploma or certificate in probation services approved by the Council, plus three years appropriate and evidence-based practical experience within the scope of probation services; or
- (d) Five years appropriate and evidence-based practical experience within the scope of probation services, provided that the applicant demonstrates expertise in probation services by meeting the assessment criteria of the Council for the purpose of determining whether the **social worker concerned is competent to practise probation services** [my emphasis]”.

A social worker who has registered a speciality in probation services may affix the designation ‘probation services specialist’ (PSS) after his or her name. Of importance the SACSSP stipulates that candidates, wishing to register for probation practice, should have either 2 years (section (b)), three years (section (c)); or 5 years (section (d)), evidence-based practical experience. Firstly, it is not clear how probation officers should obtain the evidence-based practical experience if they are only permitted, per the Social Services Professions Act, to work in child justice after they have obtained relevant experience. Secondly, it appears that in practice the requirements set out in the stipulations of Act, are not always adhered to. For example, participants (probation

officers) in studies by Sibisi, (2015) and Smith (2013:85) admitted to having inadequate experience and training in aspects such as legislation and assessment pertaining to child justice. In addition, the participants stated that they "...scheme, lie and cheat..." to complete assessment reports. Human (2015:10) further established that magistrates, in general, were not satisfied with assessment reports compiled by probation officers and were of the view that additional training is necessary.

Within the honours level training of probation officers, it is noticeable that only two criminology modules are included in the syllabus and focuses on the dynamics and factors associated with recidivism amongst young sex offenders, and critical issues in the reintegration of youth offenders. Though the former and latter constitute essential knowledge crucial to child justice, it does not provide knowledge depth necessary to work with child offenders in general (in terms of crimes committed in terms of all 3 schedules of the CJA). Schedule 1 offences for example includes criminal offences amongst others such as theft, trespassing, public indecency, and acts of consensual sexual penetration with certain children (statutory rape) or statutory sexual assault. Schedule 2 offences includes, arson, public violence, robbery, other than robbery with aggravating circumstances. Schedule 3 offences are regarded as the most serious offences and include murder, rape or compelled rape referred to in section 3 and 4 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act 32 of 2007) respectively.

As discussed supra, certain social workers do not have training in criminology due to the restriction in module choice at their institution of learning. In other words, probation officers are currently expected to execute tasks within child justice without the core theoretical foundation of criminology. Human (2015:118) confirmed a lack of training and established that probation officers lack certain knowledge associated with the field of crime and criminality. As further indicated above, not all social work students will elect criminology as a second major even where this is allowed within their institution of learning. Gxubane (2008:13) confirms the need for additional training and posits that it is essential that probation officers receive further training in certain aspects such as substantive and adjective criminal law, treatment of offenders, objectives of punishment and criminology.

Based on the CJA which mandates individualisation of child offenders, and the circumstances that gave rise to the alleged offence, within the best interest standard; the current training of probation officers is questionable. Gxubane (2010:37) argues for multi-disciplinary interventions, that not only focus on changing the symptomatic criminal behaviour of the child offender, but also on finding the underlying causal factors and systems that have an impact on the child's social functioning. Ascertaining the underlying causal factors of offending behaviour is the core field of criminologists.

From the above discussion, it is clear that qualifying as a probation officer is not dependant on academic specialisation but rather on appointment by the Minister in terms of the Probations Services Act (116 of 1991). In terms of the Act, probation officers are appointed by the Minister of Social Development and are officers of every magistrate's court (Western Cape Government, 2018). In cases, such as in rural areas, where the number of children in conflict with the law does not warrant the service of a full-time probation officer, social workers are used, to perform the duties of probation officers (Skelton & Tshehla, 2008:35). Probation officers thus play a pivotal role in the implementation of the CJA and contribute to the protection of the best interest of child offenders (Skelton & Tshehla, 2008:35; Badenhorst 2011:17). In instances where social workers, untrained in criminology, fulfil the role of probation officers (as discussed above) quality service delivery may be hampered.

4.4 ACADEMIC TRAINING OF CRIMINOLOGISTS

As in the case of a social work degree, there are a number of South African universities that offer degree-level programmes in criminology at either an undergraduate and/or post-graduate level. UNISA, the University of Limpopo (UL), the University of the Free State (UFS), the University of Fort Hare (UFH), and the University of Venda (VU) currently offer undergraduate degrees in criminology and are used here, in comparison.

Except for UL, all the aforementioned universities include modules in their criminology qualifications which focus on aspects of child justice. The UFS offers one module, on NQF level 7 which concentrates on understanding child justice. UNISA offers two

modules to wit *Child and Youth Misbehaviour* and *Dealing with Young Offenders* on NQF level 6. A module on *Juvenile delinquency* is offered by UV on NQF level 6.

The content of the criminology modules mentioned above focuses on key issues of child justice. For example, *Juvenile Delinquency* offered at the UV addresses aspects such as the nature and extent of juvenile delinquency, causes of juvenile delinquency, treatment and prevention of juvenile delinquency, and juvenile gangs. *Dealing with Young Offenders*, offered by UNISA, provides undergraduate students with insight into problem-solving skills and competencies regarding South African child justice (University of South Africa, 2018). The module, *Child and Youth Misbehaviour* equip students with knowledge of risk, pertinent issues, prevention, and policy, pertaining to youth offenders in a practical manner aimed at applying knowledge in practice to contribute to the intervention and control of young lawbreakers.

The researcher posits that the above discussed introductory modules would provide criminology students with some grounding in child justice, however students would require more advanced knowledge to specialise as child justice practitioners. However, in comparison to the training of probation officers criminology students are better equipped. The researcher, however, concedes that the current curriculum, at an undergraduate level, lacks training for criminologists in legal and psychological imperatives necessary to deal with children in conflict with the law. This lack is predominately due to the structuring of criminology curricula at different universities, as is the case with social workers. For example, criminology students at UNISA cannot select both law and psychology modules as electives within the criminology degree path. This limits exposure to, for example, legal or psychological knowledge necessary to equip students with knowledge specific for child justice. It could not be established with certainty if the same principles apply to other universities, although *prima facie* it appears to be the case (University of South Africa, 2018).

From a post-graduate perspective, the number of modules, degree structure and course content varies between universities. On a post-graduate level (honours degree), it appears that only two universities, namely the UFH, and UV, offer child justice related modules (University of Fort Hare 2018, University of Venda 2018). The course content of the module *Juvenile Justice*, offered by the UFH, consists of key

aspects such as the nature and incidence of juvenile delinquency, offences against the government, crimes against communal life, causes of gang formation, characteristics of gangs, treatment of juvenile offenders, and theoretical explanations for juvenile delinquency. The module content is wide-ranging and includes aspects essential for child justice practitioners. UV offers a module in *Advanced Juvenile Criminology*.

The exclusion of modules that focus on child offenders at the other Universities restricts the potential of specialisation in child justice. It should further be noted that, with the exception of research methodology modules at the honours level, none of the BA and honours modules include content aimed at vocational skills development (University of Fort Hare 2017; University of Venda 2018).

NQF level 9 and 10 degrees, specialising in criminology, appear to consist of a full dissertation (masters) and thesis (doctoral) in which specialisation depends on the student's research topic. UCT however, offers a course-work master's degree which includes a mini-dissertation. UCT's Master's Programme in Criminology, Law and Society is offered jointly by the Centre for Law and Society, and the Centre for Criminology. The programme is an interdisciplinary LLM/MPhil programme which likely appeals to students with an interest in law and society, criminology, and social justice. In addition to the compulsory modules, students can choose a specialisation in either criminology or law and society, by registering for *Theories of Crime and Social Control* or *Law and Society in Africa* respectively (University of Cape Town, 2018).

Although the master's programme at UCT appears to offer students a comprehensive understanding in the selected modules, it is the researcher's opinion that, due to the general focus of the content, the degree does not contribute to specialisation in child justice. A doctoral degree at UCT is in line with previously mentioned universities and comprises of a thesis (University of Cape Town, 2018).

Numerous academics, including Herbig and Hesselink (2009), Maree, Joubert and Hesselink-Louw (2003), Joubert and Maree (2001), Ovens (2006), and Van der Hoven (2006), advocate for the application of criminology in practice. Without compulsory vocational training, however, criminology graduates will find it difficult to apply their

theoretical knowledge in practice. Although UNISA and the UP offer an opportunity for honours criminology students to obtain practical experience at the Department of Correctional Services (DCS), this is the exception rather than the rule (Hesselink & Booyens, 2014). It should be noted that the work exposure at DCS is not compulsory, hence it does not form part of the formal curriculum for criminology students.

In general, from the discussions above, and in the context of this study, the training that criminology students receive is limited which will require amendment if specialisation in child justice is to become a reality. This is apparent when one considers the structure of the various degree programmes on offer, a lack of vocational skills development within curriculum content, and a lack of options for specialisation on BA and honours level. Within the content of this study, the lack of specialisation extends to child justice. Although students have the option to specialise in child justice at a post-graduate level, it is limited to research and theoretical application.

It can be concluded that general amendments to the current curricula for criminology at the different universities, would be a pivotal first step, to establish a specialised field for criminologists as child justice practitioners.

4.5 SKILLS PREVALENT TO CRIMINOLOGISTS

In Chapter 2, the practical contributions made by South African criminologists, provided evidence of their skill and expertise in areas of the criminal justice system, amongst others. This Chapter drew comparisons between criminology degrees offered by various South African universities. Though limitations in the training of criminologists were identified above, criminologists nonetheless possess vital skills that could be beneficial to children in conflict with the law. The section hereunder will demonstrate how knowledge central to the study of criminology, such as risk, and needs and protective factor assessment, can contribute to the child justice sector.

Underpinned by the Constitution of the Republic of South Africa, and international obligations such as the UNCRC, the CJA aims to uphold the best interest of children in conflict with the law. This implies, inter alia, that child justice practitioners should consider multi-factor causative variables when interventions are aimed at rehabilitation and curbing recidivism, in order to safeguard the interests of the community. Such a

multi-factor approach is key to criminological assessment, evident in the theoretical discussion provided in Chapter 3. In Chapter 3 the researcher discussed theories pertinent to this study including those of Gottfredson and Hirschi, Akers, Agnew, and Farrington which were selected based on their integrated, developmental life-course approach used by criminologists during an assessment.

Table 1 hereunder provides a reminder of the theoretical premise of the aforementioned theorists and their theories as used in this study as discussed in Chapter 3. Key risk, need and protective factors contained in the core of such theories are utilised to illustrate how they could be applied during assessment and intervention processes with regards to child offenders. Intervention and the role of criminologists in child justice are discussed in Chapter 5.

Table 1: Theoretical exposition: frame of reference during assessment

THEORY	PREMISE
<p>Gottfredson and Hirschi's Self-Control theory</p>	<p>The lack of self-control is the explanation of all forms of crime.</p>
<p>Akers' Social Learning theory</p>	<p>The basic proposition of the social learning theory is that the same learning process, in the context of social structure, interaction, and the situation will produce both conforming and deviant behaviour.</p>
<p>Thornberry and Krohn's Interactional theory</p>	<p>The theory focuses on factors that encourage anti-social behaviour at different ages.</p>
<p>Agnew's General Strain theory</p>	<p>The theory focuses on three major types of strain that could lead to deviant behaviour.</p>

<p>Catalano and Hawkins' Social Development Model</p>	<p>This model identifies salient socialisation units and etiological processes in four phases of social development such as pre-school, elementary school, middle school, and high school. The theory describes the reciprocal process of causation between the developmental periods and organises risk and protective factors for offending behaviour and how the factors operate to increase or decrease the likelihood of anti-social behaviour.</p>
<p>Farrington's Integrated Cognitive Antisocial Potential theory</p>	<p>The key constructs underlying offending is anti-social potential, which refers to the potential to commit anti-social acts.</p>
<p>Moffit's Developmental Taxonomy</p>	<p>The development taxonomy of antisocial behaviour posits two discrete types of young offenders, adolescence-limited, and life-course-persistent offenders.</p>

Source: Gottfredson and Hirschi, Piquero, Jennings and Farrington 2010; Barlow & Kauzlarich 2010). Akers, (Lee, Akers & Borg 2004), Thornberry and Krohn (Catalano & Hawkins 1996; Farrington & Ttofi 2015), Agnew, (Agnew 2001; Agnew, Rebellon & Thaxton 2000), Catalano and Hawkins (Farrington & Ttofi 2015; Joubert 2003); Farrington (Casey 2011; Catalano & Hawkins 1996), Moffit (Moffit 1993; Casey 2011; Siegel 2010).

As discussed in Chapter 3, the aforementioned theorists address multi-factor causative elements from social, psychological, and environmental perspectives which address crime causation from an integrated and developmental approach. Key risk, needs and protective factors are used during the criminological assessment, as discussed below.

4.6 CURRENT ASSESSMENT PRACTICE

Assessment is crucial to all decision-making in terms of section 34 of the CJA. Before a child can be diverted or prosecuted probation officers must conduct individualised assessments which consider factors such as the unique circumstances that gave rise to the alleged offence (Gallinetti, 2009:18). Such an assessment was intended, by the legislature, to provide a protective mantle for all children in conflict with the law (Gallinetti, 2009:18).

South African studies however point to both the lack of specifically formulated assessment tools from a South African context, and the ineffective use of present assessment tools (Hesselink, 2012:207; Smith, 2013:3) In addition, it has been found that child justice practitioners lack training in the use of assessment tools or are unwilling to use available assessment tools (Hesselink 2012:207; Smith 2013:3). Furthermore, according to Smith (2013:3), probation officers and social workers tend to regard interviews as the most versatile and effective tool to conduct a risk assessment of child offenders, even though clinical skill and expertise are important during the assessment. To maximise comprehensiveness and accuracy during the assessment, a more structured approach, informed by empirical research, should be employed in conjunction with clinical assessment (Burman, Armstrong, Batchelor, Mc Neill, and Nicholson, 2007:23). According to Vincent et al (2012:6), a comprehensive approach could minimise the potential for practitioner bias, and/or distortion.

Section 35 of the CJA speaks to the purpose of assessment. Section 35(d) and (e), state that the purpose of assessment is to formulate recommendations regarding the release, or detention and placement of the child, and where appropriate consider diversion. Since the purpose of assessment is to inform interventions, it can be deduced that this process is vital to curb recidivism and uphold community safety. This section is discussed in more detail in Chapter 5.

Thus, though there is not currently a specialised assessment tool designed for the South African context, the limitation can be minimised by a combination of the skill and expertise from both probation officers and criminologists. Such a holistic, multi-factor

approach would be beneficial for children in conflict with the law, because of the diverse expertise of these professionals. This is supported by professionals working with crime and correctional clients, who propose a 'burden sharing' (trans-disciplinary) approach to effectively deal with crime and recidivism (Hesselink, 2004:66).

In addition, Rule 59 of the United Nations Standard Minimum Rules for the Treatment of Offenders states that an institution should utilise all the remedial, educational, moral, spiritual, and other forces and forms of assistance which are **appropriate and available and should seek to apply them to** [my emphasis] the individual treatment needs of prisoners. Although the Rule specifically focusses on persons sentenced to correctional facilities, it could equally apply to children in conflict with the law such as children sentenced to CYCC's. The academic training of criminologists, which includes a strong theoretical basis, could be utilised to evaluate, identify, classify, analyse, verify, and examine certain behavioural aspects, and individual needs and risks, to gain insight into the offender (Hesselink-Louw & Joubert, 2003:99-110).

Key to the core of the criminological exposition in this study is risks, needs and protective factors, which could be utilised during the assessment to predict recidivism, and inform the choice of the most appropriate diversion and rehabilitation programmes for child offenders.

Burman et al (2007: vi) define risk assessment as: "...the process of estimating and evaluating risk, and a probability calculation that a harmful behaviour or event will occur, which involves an assessment about the frequency of the behaviour/event, its likely impact, and who it will effect". Farrington et al (2016:63) define a risk factor as a variable that predicts a high probability of offending. Risk factors are biological, environmental, and social factors that will contribute to the initiation and maintenance of anti-social behaviour (Harris & Bezuidenhout, 2010:28; Wasserman, Keenan, Tremblay, Coie, Herenkohl, Loebner & Petechuk, 2003:2). Harris & Bezuidenhout (2010:28), however, posit that although risk factors are not necessarily causative, they can be associated with specific behavioural patterns. In addition, even though some risk factors may be found in child offenders, the patterns and the combination of risk factors may vary from child to child (Wasserman et al, 2003:2). In contrast to risk factors, protective factors can be thought of as 'buffers' or conditions that may reduce

the negative outcomes of adversity in children (The Office of Juvenile Justice and Delinquency Prevention, 2015).

The use of risk, need and protective factors became influential during the 1990s when the risk factor prevention paradigm was imported from the public health sphere into criminology (Farrington, Ttofi & Piquero, 2016:63). The premise of the risk factor prevention paradigm is to identify key risk factors for offending behaviour and thereafter prevention methods can be designed and implemented to counteract them (Farrington et al, 2016:63).

The Risk-Need-Responsivity (RNR) model of rehabilitation is a theoretical framework which began with three core principles: risk, need, and responsivity and a fourth – professional discretion – was added at a later point (Polaschek, 2012:3).

The risk principle has two parts. First, at any point in time, people differ from each other in the likelihood of engaging in criminal behaviour, and this likelihood can be predicted from a wide range of factors including current attributes and earlier criminal behaviour (Polaschek, 2012:3). Therefore, offenders current risk level should be identified prior to making intervention decisions. Secondly, for a significant reduction in higher risk cases intensive interventions are required.

The need principle refers to the target of change. Criminogenic needs are dynamic attributes of offenders and their circumstances that, when changed, are followed by changes in recidivism. Andrew and Bonta (as cited in Polaschek, 2012:3) listed six, (and later eight) broad risk/need factors. These factors are divided into the 'big four', namely; anti-social attitude, anti-social associates, anti-social temperament and/or personality, and a static factor. Static risk factors are factors that are unamendable to change, for example, age of the child, past criminal history, mental health of the child and/or parents, and childhood abuse (Harris & Bezuidenhout, 2010:29; Canada National Crime Prevention Centre, 2008). Static risk factors can also be used to assess long-term recidivism potential (Bonta, 1999:1).

The third core principle is responsivity, which refers to adapting intervention strategies to accommodate difference and diversity among participants (e.g. age, gender, ethnicity, sexuality, language, learning styles). This ensures the delivery of treatment

programmes and interventions in a style and mode consistent with the ability and learning style of the offender (Hesselink-Louw, 2004:95).

Risk factors can furthermore be divided into categories, which include individual risk factors, community risk factors, and socio-level risk factors. Each of the categories includes sub-categories. The list of risk factors linked to delinquency is extensive and beyond the scope of this study. However, some of the major risk factors as identified in the theories of Farrington, Akers, and Agnew, for example, will be illustrated in diagram 4 below.

According to Hesselink-Louw (2004:146-147; James, 2018:2) offender risk assessment serves the following purposes:

- to identify the risk of reoffending;
- to identify the risk posed by an offender, for example, self-harm, escape, and vulnerability;
- to identify factors that contributed to the offending behaviour;
- to facilitate an understanding of an offender's background characteristics to enhance theory and aetiology;
- to identify factors and conditions under which an offender is likely to behave violently, aggressively, or criminally;
- to assist in offender case planning;
- to safeguard other offenders and staff from dangerous risky behaviour;
- to understand childhood risk factors and improve treatment planning and treatment responsiveness;
- to identify and select appropriate targets for effective service delivery;
- to manage offenders and decrease criminal activities;
- to determine the probabilities that offenders will engage in either dangerous or maladjusted behaviour;
- to identify and minimise negative and encourage positive events; and
- to assist in the safe reintegration of offenders;
- identify offenders who would need a higher level of supervision.

Hesselink-Louw (2004:148-150) argues that the probabilities above can be applied to placement, classification, management, intervention, programme design, and security decision-making. Although Hesselink (2004:148-150) focused on offenders in correctional facilities, her findings could apply equally to child offenders during diversion, rehabilitation and sentencing to CYCC's. This is evident in the stipulations contained in Regulation 27 and 35 of the Regulations to the CJA.

As indicated, currently there is no unique South African assessment tool that can address the risk factors associated with the diverse nature and characteristics of the population. Globally, however, there are several different risks and need assessment tools available to child justice practitioners (Office of Juvenile Justice and Delinquency Prevention, 2015:1). Some target the general population of juvenile offenders, whereas others centre on estimating the risk for a specific juvenile population, for example, sex offenders, or specific types of offending behaviours such as violent offending. Risk and need assessment tools are not only designed to inform and guide decisions about estimating a child's risk of recidivism but also to create proper treatment plans. Although a detailed discussion of the diverse types of assessment tools, and their applicability during the assessment, falls outside the scope of this study, it is important to note the availability of such tools.

According to Vincent et al (2012:5), it is not wise to simply select and adopt a risk assessment tool. Vincent et al (2012:5) argue that such an approach will not accomplish the desired objectives. As indicated, South Africans have diverse cultural differences and thus a 'one size fits all' approach will not accommodate such diversity. This was confirmed by Vincent et al (2012:5) who indicate that violent and sexual offenders may, for example, require a more specialised risk assessment for both adult and child offenders. In addition, contemporary risk assessment tools are not designed to identify psychiatric disorders and their influence on the criminality of children conflict with the law (Geoffrey, 2016:152). Resultantly, inadequate recognition is given to the influence of psychiatric disorders on, for example, the criminal capacity of child offenders (Geoffrey, 2016:145).

Apart from the fact that assessment tools are not a 'one size fits all' tool, child justice practitioners should be aware that risk assessment tools are not designed to specify

the actions of a court. In other words, practitioners in child justice are not able to infer from the assessment, whether a child should be sentenced or not. Risk assessment tools merely supply additional information, grounded in research, to enhance the decision-making process of practitioners and the courts (Vincent et al, 2012:6).

Most child offenders are not chronic offenders and it is, therefore, necessary to consider youth development in the implementation of any type of assessment tool (Catalano & Hawkins, 1996:2004; Vincent et al, 2015:5). According to Sampson and Laub (as cited in Catalano and Hawkins, 1996:2004) and Vincent et al (2012:5), most child offenders are low-risk offenders. Thus, they can be diverted while still protecting public safety. In addition, though certain child offenders may be at high-risk to re-offend, this does not mean that they should be incarcerated to protect public safety. For example, a child may be at an elevated risk to re-offend, for example in the case of theft because of his or her economic pre-disposition, however, this does not mean that he or she will physically harm anyone to achieve his or her goal (Vincent et al, 2012:5). According to Vincent et al (2012:5), case planning should be as individualised as possible. This implies that any assessment indicators used during assessment of child offenders should contain static and changeable risk factors (Vincent et al, 2012:6).

4.6.1 Key risk, need and protective factors considered during criminological assessment

As previously stated, criminological theories include risk, need and protective factors that criminologists could apply during the assessment. The use of such theories will then enable criminologists to make recommendations on interventions, such as suitable individualised diversion programmes and rehabilitation strategies for child offenders. The key risk factors included in a criminological assessment of child offenders will aid informed decision-making to the benefit of children in conflict with the law and thus serve the best interest standard.

Table 2: Key risk factors (static and dynamic)

DOMAIN	RISK FACTORS

<p>INDIVIDUAL</p>	<p>Premature birth Low birth weight Pre-natal brain damage Disabilities Birth injury Low intelligence Difficult temperament Hyperactivity Disruptive behaviour Impulsivity Lack of empathy Lack of self-control Poor social skills Poor-problem solving skills Poor morality (choose between pro-social and pro-criminal actions) Aggressive behaviour Bullying Psychical, emotional, and sexual abuse Antisocial beliefs Attitudes and behaviour in relation to the offence Substance abuse (possession, supplying) Leisure activities – where leisure time is spent Psychiatric disorders Criminal involvement and earlier offences The time of risky activities the child engages in</p>
<p>SCHOOL</p>	<p>Poor academic performance or failure Poor attachment to school Poor school attendance</p>
<p>FAMILY</p>	<p>Antisocial or criminal family members Antisocial or criminal parents Antisocial or criminal siblings Parent-child separation Parental conflict The bond between parent and child Poor parental monitoring</p>

	Harsh, inconsistent, and/or lax discipline Low parental support Rejection of the child Lack of affection Child maltreatment Large family size Single parents Absent father Teenage mother Low socioeconomic status and qualification of parents Psychiatric disorder(s) of parent(s) Substance abuse by parents Health status of parents
PEERS	Antisocial or criminal peers Peer rejection Gang membership
COMMUNITY/ENVIRONMENTAL	Exposure to community violence Norms concerning violence as an acceptable response to frustration Lack of support and services in the community Cultural beliefs Lack of proper housing

Source: Sampson and Laub, (Brown, Esbensen & Geis, 2010; Catalano & Hawkins, 1996; Benson, 2013), Farrington, (Casey, 2011; Catalano & Hawkins, 1996); Thornberry and Krohn, (Casey, 2011; Catalano & Hawkins, 1996; Joubert, 2003); Moffitt, (Siegel, 2010; Casey, 2011); Catalano & Hawkins, 1996; Moffitt, 1993).

In addition to aforementioned risk factors identified by international scholars, the following risk factors were identified as prevalent in the life of South African children.

- Family factors: economically stressed families, poor parental monitoring and support, loveless parents, lack of supervision, alcohol and drug use amongst parents, negative relationships with parents, and harsh and erratic discipline.

- Community factors: high crime rates in communities, unemployment, socioeconomic conditions, absence of shared decision-making power between sexes and races, illiteracy rate, violence (inclusive of political violence), absence of community involvement, disparity between rich and poor, conflict of norms, awareness of freedom and rights but not responsibility, absence of spirituality.
- School factors: lack of education, poor academic performance, failing, inconsistent discipline, inadequate or no school facilities, absence of role models, poor learner-educator relationship, lack of parental involvement.
- Extrafamilial relationship factors: associations with deviant peers; peer pressure; gang membership and;
- individual factors: early aggressive behaviour; emotional intelligence feeling that life is oppressive; lacking hope for the future; feeling alienated; difficult personality; brain disease or disorder; criminal activities (Maree 2018:92; Mandisa 2015:72-75; Olutope et al: 2019:1; Van Standen 2015: 70-85).

Some of the risk factors above are both dynamic and static and can also overlap although the outcome differs. For example, the need principle refers to the targets for change which can be addressed during rehabilitation strategies with child offenders. Criminogenic needs (changeable factors) are dynamic attributes of offenders and their circumstances that, when changed, are followed by changes in recidivism. It can, therefore, be deduced that if criminogenic need factors are not addressed during interventions, such factors may facilitate future offending. The following table provides examples of dynamic factors.

Table 3: Dynamic factors or criminogenic need factors

FACTORS	<ul style="list-style-type: none">• Self-esteem• Relationships with parents• Relationships with anti-social peers• Impulsivity• Antisocial attitudes• Substance abuse• Personal distress• Personal goals• Different community/neighbourhood• Change of school• Pro-social support structure• Problem-solving skills• Anger/aggressive behaviour modification• School experience with teachers and peers• Victim empathy• Skills in decision-making, conflict resolution, communication, assertiveness, self-regulation• Leisure and recreation hobbies and personal interest• In-depth psychological assessment and therapy• Medication (for example for ADHD)
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Source: Sampson and Laub, (Brown, Esbensen & Geis 2010; Catalano & Hawkins, 1996; Benson, 2013), Farrington, (Casey, 2011; Catalano & Hawkins, 1996); Thornberry and Krohn, (Casey, 2011; Catalano & Hawkins, 1996; Joubert, 2003); Moffit, (Siegel, 2010; Casey, 2011; Catalano & Hawkins, 1996; Moffit, 1993).

Only a minority of child offenders engage in sexual offending, and only a minority re-offend (Naidoo & Sewpaul, 2014; Jordaan & Hesselink, 2018:208). However, to be labelled as a sex offender may result in further offending of a more violent nature which in-turn can create persistent offenders seeking acceptance by anti-social gangs and peers (Jordaan & Hesselink, 2018:208).

To prevent further sexual offending, practitioners must pay specific attention to criminogenic factors during interventions to develop effective treatment criteria (Jordaan & Hesselink, 2018:217). Jordaan and Hesselink (2018:216) thus emphasise the need for early interventions with high-risk children and their families. Although the abovementioned risk factors, may also be applicable to child sexual offenders, there are additional risk factors that require attention in the case of child sexual offenders.

Table 4: Key risk factors pertaining to child sexual offenders

<ul style="list-style-type: none">• Victims of either sexual, physical, or emotional abuse• Combination of sexual, physical, or emotional abuse• Difficult family dynamics• Relationship problems with parents• Domestic violence• One or both parents abuse substances• Poor role-models• Poor parenting• Single parents• Fathers absent emotionally and physically• Exposed to pornographic material• Inappropriate sexual messages from peers and family• Knowledge and values about sex and relationship issues distorted and limited• Sexual abuse existed across several generations• Extended family members• Negative peer influences• Poor-self concepts• Low-self esteem• Anger hostility• Isolated• Difficulty maintaining relationships• Seeking support from gangs• Depression• Difficulties with impulse control and judgement• Learning disabilities• Mental illness• Deviant childhood sexual activities	KEY RISK FACTORS
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- Substance abuse
- Poverty and boredom
- Involvement in gangs
- Victims of bullying
- Deviant peer association

Source: Omar and Patel (2012:279-285); Finkelhor, Ormrod and Chaffin (2009:2-3); Charles and McDonald (2005); Naidoo and Sewpaul (2014), Jordaan and Hesselink (2018:208-216).

Not all children with a high-level of risk factors become offenders. According to Fraser, Kirby and Smokowski, 2004 (as cited in Reilly, 2012:8), this may be because of several factors, for example, resilience (Reilly, 2012:8). The term resilience/resilient describes children who experience normal or positive outcomes despite exposure to risk factors (Reilly, 2012:8). Resiliency suggests that children exposed to risk have adjusted or benefited from environmental support resulting in positive outcomes. For example, even though a child resides in a high-risk neighbourhood he or she may experience positive outcomes if he or she receives adequate parental support and supervision. This contrasts with a child in the same neighbourhood experiencing poor parental supervision (Reilly, 2012:8).

According to the Office of Juvenile Justice and Delinquency Prevention (2015) when practitioners consider the likelihood of youth engaging in delinquent behaviour, both protective and risk factors should be carefully assessed. According to the Social Control Theory, participation in pro-social activities such as class activities and school clubs may prevent children from engaging in criminal activities or deter them from future offending. The Office of Juvenile Justice and Delinquency Prevention (2015) assert that protective factors can be thought of as 'buffers' or conditions that may reduce the negative effect of adversity on children. In other words, where exposure to risk factors may increase the likelihood of adverse outcomes, protective factors or buffers reduce the likelihood of delinquency and other problem behaviours. Thus, it would be equally important to assess protective factors that could reduce the probability of delinquency or offending (Reilly, 2012:8).

Table 5: Protective factors

DOMAIN	PROTECTIVE FACTORS	
INDIVIDUAL	<ul style="list-style-type: none"> ✓ Social competence ✓ Social skills ✓ Life skills ✓ Communication skills ✓ Above average intelligence ✓ Attached to the family ✓ Empathy ✓ Problem-solving skills ✓ Feelings of self-worth ✓ Resilient personality 	<ul style="list-style-type: none"> ✓ Sense of purpose and positive future ✓ Optimism ✓ School achievement ✓ Easy temperament ✓ Low irritability and impulsivity ✓ Moral beliefs and values ✓ Cultural identity ✓ Positive leisure activities ✓ Academic aspirations
FAMILIAL	<ul style="list-style-type: none"> ✓ Supportive caring parents ✓ Family harmony ✓ Secure and stable family ✓ Supportive relationships with other adults ✓ (uncles, aunts, teachers, grandparents) 	<ul style="list-style-type: none"> ✓ Small family size ✓ Strong family norms and morality ✓ Consistent discipline ✓ Rewards and recognition for involvement in pro-social activities
SCHOOL	<ul style="list-style-type: none"> ✓ Positive school climate ✓ Pro-social peer group ✓ The sense of belonging or bonding ✓ Opportunities for the recognition of achievement ✓ Adherence to school policies and rules ✓ Safe, drug-free, and anti-violence school policies ✓ Involvement in extracurricular activities 	<ul style="list-style-type: none"> ✓ Involvement in school organisations ✓ Attachment to the teacher and other caring or supportive adults ✓ A safe and caring environment ✓ Parental support at school ✓ Low teacher turnover rate ✓ High teacher morale

PEERS	<ul style="list-style-type: none"> ✓ Support from friends ✓ Healthy relationships with peers ✓ Conflict resolution ✓ Non-delinquent peers ✓ Parental approval of peers 	<ul style="list-style-type: none"> ✓ Endorsement of conventional beliefs ✓ Peers with good grades ✓ Peers not involved in risky behaviour ✓ Peers with close relationships with their parents
COMMUNITY AND SOCIAL FACTORS	<ul style="list-style-type: none"> ✓ Meeting significant persons ✓ Moving to new areas ✓ Opportunities for turning points or major life transitions ✓ Access to support services ✓ Community networking ✓ Attachment to pro-social community ✓ Participation in church or community activities 	<ul style="list-style-type: none"> ✓ Community safety ✓ Neighbourhood cohesion ✓ Positive social norms ✓ Public education campaigns ✓ Neighbourhood associations ✓ Positive relationships with adults outside of the family

Source: Office of Juvenile Justice and Delinquency Prevention (2015:3); Casey (2011:19).

The consideration of risks, needs and protective factors are unique to criminological assessments. This approach to assessment is of value since it provides a detailed and multi-dimensional exploration and explanation of motives and causation of criminal behaviour. Further, such an approach can be used for sentencing decisions, rehabilitation, and development of care plans, and recidivism prevention. In addition, at the institutional level, it can assist with the care and placement of a child and risk analysis.

4.7 CONCLUSION

It is evident that social workers and probations officers, though highly skilled professionals, are not equipped to exclusively deal with child offenders. The current training offered at different universities throughout South Africa does not provide sufficient training for social workers and probation officers to deal with a complex clientele which requires specific individualised intervention. In addition, it is evident that criminology graduates require vocational training and a curriculum directed at specialisation in child justice (or other streams of specialisation outside of the scope

of this study). It is imperative that the Government realises that crime is a complex phenomenon and that all necessary professional expertise, including criminology, should be used during interventions for child offenders in order to combat crime, protect society and protect the best interest of a child offender.

CHAPTER 5

PROPOSED ROLE AND FUNCTION OF CRIMINOLOGISTS AS CHILD JUSTICE PRACTITIONERS

5.1 INTRODUCTION

During the 1990s the difficult conditions child offenders faced within the then criminal justice process became apparent. Advocacy for a separate child justice system began during this period and is clear in the current child justice legislation and constitutional protections. The best interest standard, entrenched by a child-centered approach, and the protective mantle provided by the CJA, and the Children's Act (38 of 2005) demonstrate State commitment to the protection of children in conflict with the law.

Further, the above national legislation lends support to international obligations such as those imposed in terms of the UNCRC, Beijing Rules, UNJDL, Riyadh Guidelines, and African Charter on the Rights and Welfare of the Child (UNICEF [sa:2]; Gallinetti, 2009:9).

The stipulations of the UNCRC bind South Africa as a signatory thereto. For example, within the scope of the best interest standard, article 3(1) and 3(3) emphasise the suitability of and required actions of role-players delivering services to children. Article 81 and 85 of the UNJDL also acknowledge the importance of trained staff. The Beijing Rules refer in 1.6 to "... a view to improving and sustaining the competence of personnel involved in the services, including their methods, approaches and attitudes". Rule 6.3 emphasises "...those who exercise discretion shall be specially qualified or trained". Lastly, Rule 22.1, mandates that practitioners receive professional education, in-service training, and attend refresher courses.

Skilled professionals such as social workers, probation officers, and psychologists, are central to the child justice system in South Africa. They are involved in inter alia assessment, diversion, and rehabilitation. The role-players assist with assuring the best interest standard which forms part of all national child-related legislation and policy and all international treaties regarding children.

It is, however, the researcher's opinion that the current CJA process, which excludes criminologists, undermines the otherwise high standard of child protection offered by the Constitution and legislation. She supports this averment based, firstly, on the multi-faceted nature of crime and criminality, which is the core expertise of criminologists; secondly the lack of focus in the training of social workers, psychologists, and probation officers, discussed in Chapter 4; thirdly, on the findings of Smith (2013:85), Casey (2011:14), Sibisi (2015:66), Gxubane (2008), Hyman (2010); Richardson (2008:39), Tenorio (2016:68), Moffat and Maurutto (2003:16), and Human (2015). She avers that the lack of training and skill of social workers and probation officers in areas such as criminology affect the execution of their responsibilities in child justice.

The CJA stipulates that children in conflict with the law should receive holistic, individualised interventions, thus a multi-disciplinary approach, which, the researcher avers, should include criminologists (Human, 2015:80). The practical contributions made by criminologists in the criminal justice system, and their theoretical training, support their importance within the child justice arena.

The central focus of this Chapter is to, therefore, identify areas in the CJA where criminologists could make a practical contribution with the aim of establishing a specialised child justice degree directed at such specialists. The researcher will depart from the preliminary inquiry, which includes interventions such as pre-trial assessment, criminal capacity assessment and prosecutorial diversion. Secondly, she will investigate the nature of diversion during preliminary inquiry and the role criminologists could play in pre-sentencing reports. She will address CYCC's and the potential role and function of criminologists therein. Lastly, the researcher examines the training of CYCC personnel and the potential role of criminologists in the development of a unique assessment tool for the South African context.

5.2 AIM OF THE CHILD JUSTICE ACT: SYNOPTIC OVERVIEW

On the 1st of April 2010, after decades of debate and many consultations, the CJA was officially launched at the Walter Sisulu Child and Youth Care Centre in Soweto (Badenhorst, 2011:9). The aim of the CJA was to establish a separate criminal justice system for children in conflict with the law (Badenhorst, 2011:9; Skelton & Tshehla,

2008:9). The Act further created special mechanisms, processes, and procedures for children in conflict with the law. These novel concepts are evident, in, for example, the introduction of diversion, restorative justice approaches, individualised assessment, submission of victim impact statements before sentencing, and pre-sentence reports, to ensure individualised and proportionate sentencing of child offenders (Badenhorst, 2011:10; Department of Justice and Constitutional Development, 2010:14; Terblanche, 2013:1). A further aim was to minimise children's contact with the justice system, and to use detention only as a measure of last resort, and for the shortest appropriate period. In addition, the CJA aims to break the cycle of crime (Le Roux 2004:15; Wakefield & Gallinetti, 2011:45). The necessity of pre-trial assessment, first raised at an International Conference on Juvenile Justice Reform held in 1993, became a reality in section 34 of the CJA. The intent is to individualise each child, taking into consideration his or her unique circumstances that gave rise to the alleged offence thus providing a protective mantle which takes the child's level of maturity and development into account during the assessment (Gallinetti, 2009:18).

Despite the immense changes that have taken place since the inception of the CJA, Sauls (2018:4) point out that there are still probation officer's that lack specialised skills with regard to assessment, which ultimately affects the quality and completeness of assessments. The assessment process is a crucial phase and should be executed with great care and caution because the findings are used to inform decisions such as diversion, diversion options, diversion programme selection, and sentencing options.

It is argued in this chapter that criminologists can make a valuable contribution to the child justice system. Various processes and phases of the CJA will be analysed for their suitability towards the inclusion of criminologists. A diagram will be used to demonstrate the proposed role of criminologists in the child justice system.

5.2.1 Child Justice Amendment Bill 2018

The Child Justice Amendment Bill (B 32B) was passed in October 2018 during the writing-up of this research. The purpose of the Bill was "...to amend the Child Justice Act, 2008 ..." and further regulate:

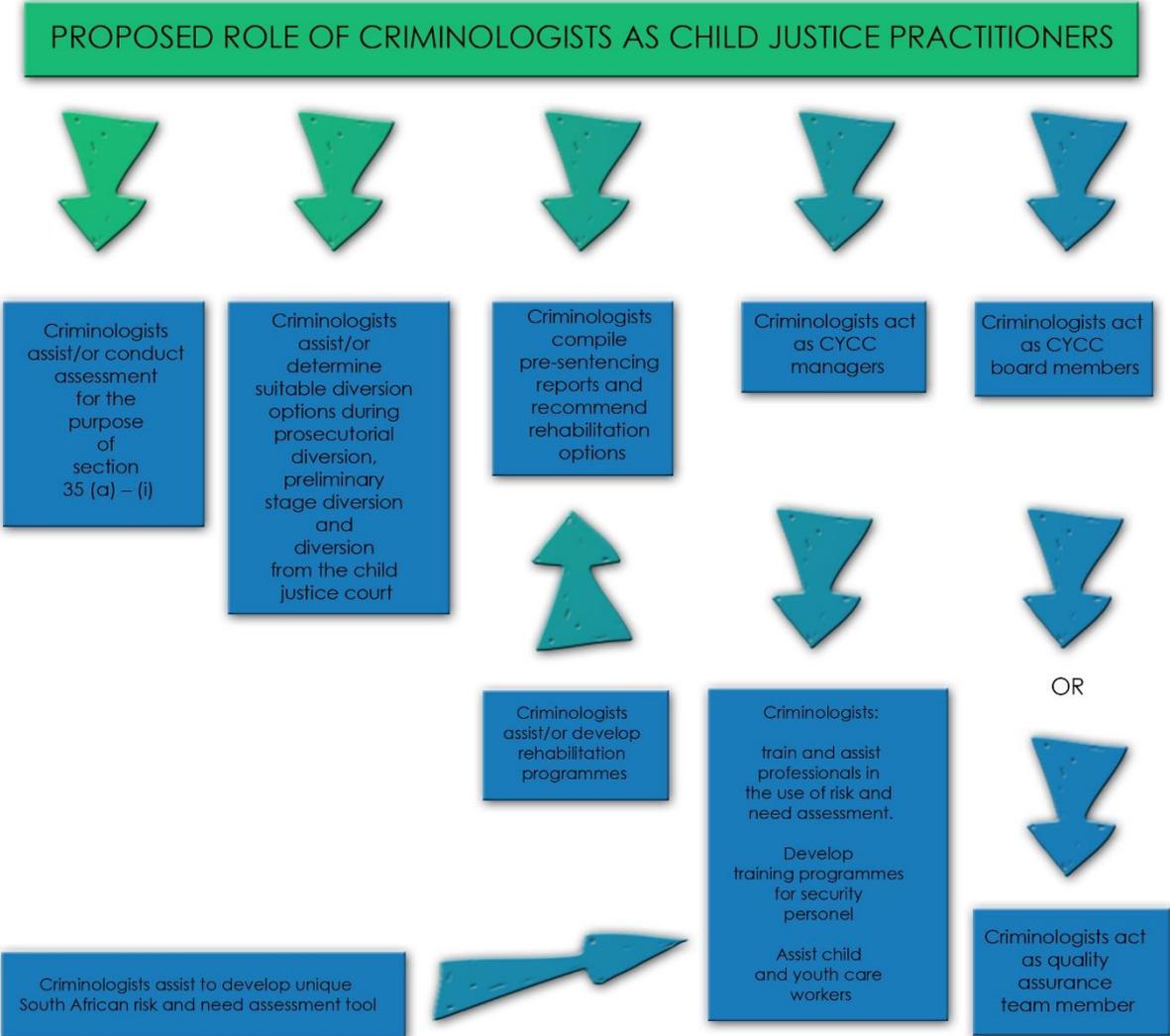
- the minimum age of criminal capacity (the minimum age of criminal capacity has been amended from 10 to 12 years);
- the provisions relating to the decision to prosecute a child 12 years or older but under the age of 14 years;
- the proof of criminal capacity;
- assessment reports by probation officers;
- the factors to be considered by a prosecutor when diverting a matter before preliminary inquiry;
- the factors to be considered by an inquiry magistrate when diverting a matter at a preliminary inquiry;
- amendment of certain wording in order to facilitate the interpretation of a phrase;
- the factors to be considered by a judicial officer when diverting a matter in a child justice court, and;
- to provide matters connected therewith (Department of Justice and Constitutional Development, Child Justice Amendment Bill, 2018:3).

Only amendments significant to this study will be explored below.

5.3 THE PROPOSED ROLE OF CRIMINOLOGISTS IN CHILD JUSTICE

Diagram 3 below provides insight into the proposed role of criminologists during interventions such as assessment, diversion, pre-sentencing reports, rehabilitation and sentencing to CYCC's. Each of these proposed roles is discussed below.

Diagram 3: Criminologists as part of a multi-disciplinary approach in the child justice system



5.4 THE ROLE OF CRIMINOLOGISTS DURING ASSESSMENT WITH THE AIM OF PREPARING FOR PRELIMINARY INQUIRY

The first pre-trial procedure starts on the apprehension of an alleged child offender. In terms of section 34 of the CJA, every child alleged to have committed an offence, including those under the age of criminal capacity, must be assessed, unless the assessment is dispensed in the best interest of the child. Section 34(1) stipulates the duties of probation officers, while section 35 prescribes the purpose of assessment. The intent of the legislation with regard to assessment is to individualise each child and take into consideration his or her unique circumstances giving rise to the alleged offence. Assessment thus provides a protective mantle under which the child's level of maturity and development are considered during the assessment (Gallinetti, 2009:18). Section 40(1) prescribes the manner in which an assessment report should be compiled and the recommendations that can be made.

In terms of 35(c) probation officers are charged with gathering information relating to prior conviction(s), previous diversion, and/or pending charges. Such information is of great significance because it provides relevant background information (history) which is significant during any new intervention. Prior offences could, for example, indicate risk factors that may steer a child towards repeat offending. For example, Moffit's Developmental Taxonomy Theory (discussed in Chapter 3) distinguishes between two types of offenders to wit adolescent-limited and life-course-persistent offenders. Although the majority of offenders are classified as adolescence-limited, meaning they will engage in minor offences and deter from criminal activities by the age of 18 years, life-course persistent offenders manifest anti-social behaviour early in life, which continues into adulthood (Siegel, 2010: 277; Casey, 2011:160, Farrington & Ttofi, 2015:21). In addition, prior offences may indicate that previous rehabilitation strategies were not geared toward individual targeting of the risk factors present in the child's life.

In terms of section 35(d) probation officers are required to formulate recommendations regarding the release, or detention and placement, of the child, and address the prospect of diversion. In addition, Regulation 27(b) of the CJA Regulations requires that the report contains information about the child's development and competencies, the child's history, family circumstances, and whether the child poses a danger to him

or herself. Regulation 27(c) stipulates that probation officers must express an opinion as to the possible reasons the child committed the offence. In this regard Maree et al (2003:77) argue that anyone can determine the criminal history of a child offender, however, criminologists are best suited to understand and explain the offending behaviour by applying criminological theories. The diagram hereunder illustrates some of the risk factors considered by criminologists during the assessment. For a more detailed discussion of risk and protective factors, see Chapter 4.

Diagram 4: Examples of risk factors to consider during the preliminary inquiry



Source: Sampson and Laub, (Brown, Esbensen & Geis, 2010; Catalano & Hawkins, 1996; Benson, 2013), Farrington, (Casey, 2011; Catalano & Hawkins, 1996); Thornberry and Krohn, (Casey 2011;

Catalano & Hawkins, 1996; Joubert, 2003); Moffitt, (Siegel, 2010; Casey, 2011; Catalano & Hawkins, 1996; Moffitt, 1993).

The theoretical foundation instilled during the academic training of criminologists (discussed in Chapter 3), provides them with a unique perspective which could be used during assessment. Criminogenic factors, such as a lack of self-control (Gottfredson & Hirschi), difficult temperament, impulsiveness, fearlessness, poor emotional regulation, parenting deficits (Thornberry & Krohn) and impulsivity, suspected to play a role in the causative behaviour of child offenders, are familiar to criminologists and are rooted in numerous criminology theories. Theories such as Akers Social Learning theory, for example, could be successfully applied to child offenders to formulate recommendations with regard to release, diversion or detention. Anti-social factors learned through socialisation with delinquent peers or parents, can, for example, be modified using individualised and focused intervention programmes.

The researcher suggests that criminologists could assist with the assessment process with the exception of section 35(g) of the CJA, which refers to section 11(3). However, section 43(2)(a)(ii) of the CJA is now amended by the Child Justice Bill (B 32B). This section previously required probation officers to express a view on whether expert evidence would be required with regard to the criminal capacity of a child. This was amended due to concerns that probation officers are not qualified to express a view on issues relating to the criminal capacity. In addition, the DOJ&CD (2018:8) stated:

“...the poor quality of assessment reports by some probation officers has been of concern as this impact negatively on the efforts to effectively deal with children in conflict with the law”.

The concerns above were likewise raised by Human (2015:117) where it was confirmed that the criminal capacity process could benefit from a multi-disciplinary approach and that the current methods used to express ‘a view of a child’s criminal capacity’ are inadequate, lack depth and are not sufficiently detailed to meet the requirements stipulated in the CJA. In addition, proforma documents used during assessment are problematic (Human, 2015:117). In contrast with criminal capacity assessment reports compiled by psychologists and/or psychiatrists, probation officers are not obligated to include an assessment of the child’s cognitive, moral, emotional,

psychological, and social development. According to Schoeman (2016:37), it can, therefore, be inferred that such reports lack an in-depth analysis of the child's psychosocial developmental functioning. In addition, Schoeman (2016:37) questions if criminal capacity could be proven beyond a reasonable doubt based on the exclusion of vital aspects as mentioned above. Human (2015:117) concurs with Schoeman and argues further that assessment reports compiled by probation officers do not allow for a comprehensive, holistic, individualised picture of a child in conflict with the law.

Where the NPA, however, considers prosecuting a child, criminal capacity must be proven. This is achieved through a psychological evaluation of the child's cognitive and conative ability which goes towards demonstrating criminal capacity. Section 11(3) of the CJA stipulates that currently only psychologists and psychiatrists registered under the Health Professions Act (56 of 1974), may conduct criminal capacity assessments on children in conflict with the law.

Pillay (2011:43) indicates that the current assessment tools employed by psychologists, and/or psychiatrists, are Western imports and lack reliability in a multi-cultural, South African context. In addition, though psychologists were found qualified to conduct criminal capacity assessments, they lack familiarity in areas such as criminology and thus employ a one-dimensional approach during the assessment (Human, 2015:111; Geoffrey, 2016).

Although the unique expertise of each profession contributes to criminal capacity assessment in a multi-dimensional system, the researcher cautions that the process requires a multi-disciplinary approach. It is against this background that criminologists may play a significant role in criminal capacity assessment.

5.4.1 Preliminary inquiry

The preliminary inquiry is an informal, pre-trial procedure, which is inquisitorial in nature and aimed at preventing children from becoming 'lost' in the system (Badenhorst, 2008:23). The pre-trial procedures consist of a number of actions which must be executed before the preliminary inquiry can take place within 48 hours of the child's arrest. As discussed, during the initial assessment period, probation officers

must consider section 35 (a)-(i) of the CJA. One of the interventions that can be taken before the preliminary inquiry is, prosecutorial diversion.

Diversion by the prosecution is regulated by section 41 of the CJA, which stipulates that prosecutors have the authority to divert certain matters before the preliminary inquiry. This, however, applies only to schedule 1 offences (minor offences), and only a level 1 diversion option may be applied. Level 1 diversion may not exceed 12 months, in the case of children under the age of 14 years, and 24 months for children 14 years of age or older. Certain requirements must be met, for example; the child must acknowledge responsibility for the offence; there must be a *prima facie* case against the child; and if the child is between 10 and 14 years of age; the prosecutor must be satisfied, that criminal capacity could be proven. Section 41(10)(b) has now been amended to allow the prosecution to divert a child 12 years and older but under the age of 14 years if the child will benefit from diversion. In other words, prosecutors no longer have to consider if criminal capacity is likely to be proved in terms of section 11 of the CJA. In addition, the child must be assessed, however, as previously indicated, the prosecutor can dispense with the assessment if it is in the best interest of the child. The CJA does not stipulate when it would be in the best interest of a child to dispense with the assessment.

During the assessment phase, when prosecutorial diversion is considered, criminologists could potentially advise prosecutors if the child (although diverted for a minor offence) poses a risk for additional offending based on the findings of the assessment. For example, according to Farrington, the key construct underlying offending, is anti-social potential, which can be viewed as both a long and short-term phenomenon. The model furthermore postulates that individuals with a tendency towards long-term anti-social potential will commit diverse anti-social acts, and diverse crimes (Farrington & Ttofi, 2014:29; Casey, 2011:17). Criminologists would further be able to assist with the recommendation of appropriate diversion options, which are individualised, and could address the root cause of the child's anti-social or criminal conduct.

5.5 DIVERSION

Diversion may be used to ensure that a child avoids formal court action and the stigmatisation of a criminal record, and has the potential to prevent re-offending (Gallinetti, 2010:43). The CJA regulates diversion and presents three possibilities for implementation. Firstly, by way of prosecutorial diversion for minor offences as addressed above. Secondly, at the preliminary inquiry, through an order of the presiding officer, and thirdly, during the trial through an order of the court (Gallinetti, 2010:43).

Diversion at the preliminary inquiry is regulated by section 52(1) of the CJA. If diversion is recommended by a probation officer in the assessment report at this stage, it is merely regarded as a recommendation. The decision to divert is made by the prosecutor in terms of section 52 of the CJA. In terms of section 52(2) a prosecutor may divert a schedule 1 or 2 offender if the views of the victim, or any other person who has a direct interest in the affairs of the victim, are considered (unless not reasonably possible to do so), and he or she has consulted with the police official responsible for the investigation of the matter.

Schedule 3 offenders may be diverted; however, such matters can only be diverted if exceptional circumstances exist as determined by the National Prosecuting Authority (NPA), and the Director of Public Prosecutions (DPP) must indicate the decision to divert in writing. The CJA furthermore stipulates that the DPP must afford the victim an opportunity to express his or her views regarding diversion and must also consult and consider the views expressed by the police official responsible for the investigation of the matter.

Criminologists could contribute to the diversion process in terms of determining suitable diversion options. As discussed in Chapter 3, criminologists utilise numerous theories to address offending behaviour. Evidence-based research indicates risk, need and protective factors pertinent to child offending. Such risk and protective factors can be used to assist prosecutors, the police and the DPP. Badenhorst (2006:230) concurs and argues that determining diversion suitability is an area where the expertise of criminologists can be applied.

Diversion at the child justice court can occur at any time before the conclusion of the case. In the case where a diversion order is made, the proceeding is postponed, pending the child's compliance with the diversion order (Gallinetti, 2009:48). If the child completes diversion, and the court is satisfied that diversion has indeed been successfully complied with, the proceedings before the child justice court may be stopped and will not be reinstated in court (Gallinetti, 2009:48).

Two of the objectives set out in section 51 of the CJA, are of significance to this study. The first objective is to meet the needs of the particular child, and secondly to reduce the potential for re-offending. Kleinhans (2013:138), and Badenhorst (2006:230) argue that diversion could only be successful if, firstly, the risks and needs of the particular child are correctly identified, and secondly, the diversion programme meets the needs of the child. Unfortunately, this does not appear to be the case at present.

According to Steyn (2010:151), many diversion programmes only accommodate a certain category of child offenders. In addition, Steyn (2010:151) argues that the effectiveness of such an approach (group approach) is debatable, and it should be questioned whether the individual needs of child offenders are fully addressed. According to Sauls (2018:4), the needs of certain child offenders exceeded what could be offered during diversion, and the effectiveness of "generic" programmes such as the life skills programmes are questioned.

Kleinhans (2013:148) and Steyn (2010:151), concur that diversion programmes should be specialised, and child offenders should be categorised according to the type of offending behaviour. Vincent, Guy & Grisso (2012:5) add that violent and sexual child offenders also require a specialised risk assessment.

Such determinations are dependent on an in-depth multi-dimensional assessment of the child and his or her social environment. Currently, recommendations are made based on the assessment report submitted by probation officers at the preliminary enquiry. Such one-dimensional assessments do not assess the child's functioning and tend to lack depth (Schoeman, 2016:37).

It is imperative that probation officers have a comprehensive understanding of the causes of offending behaviour and how to effectively address this behaviour. Research by

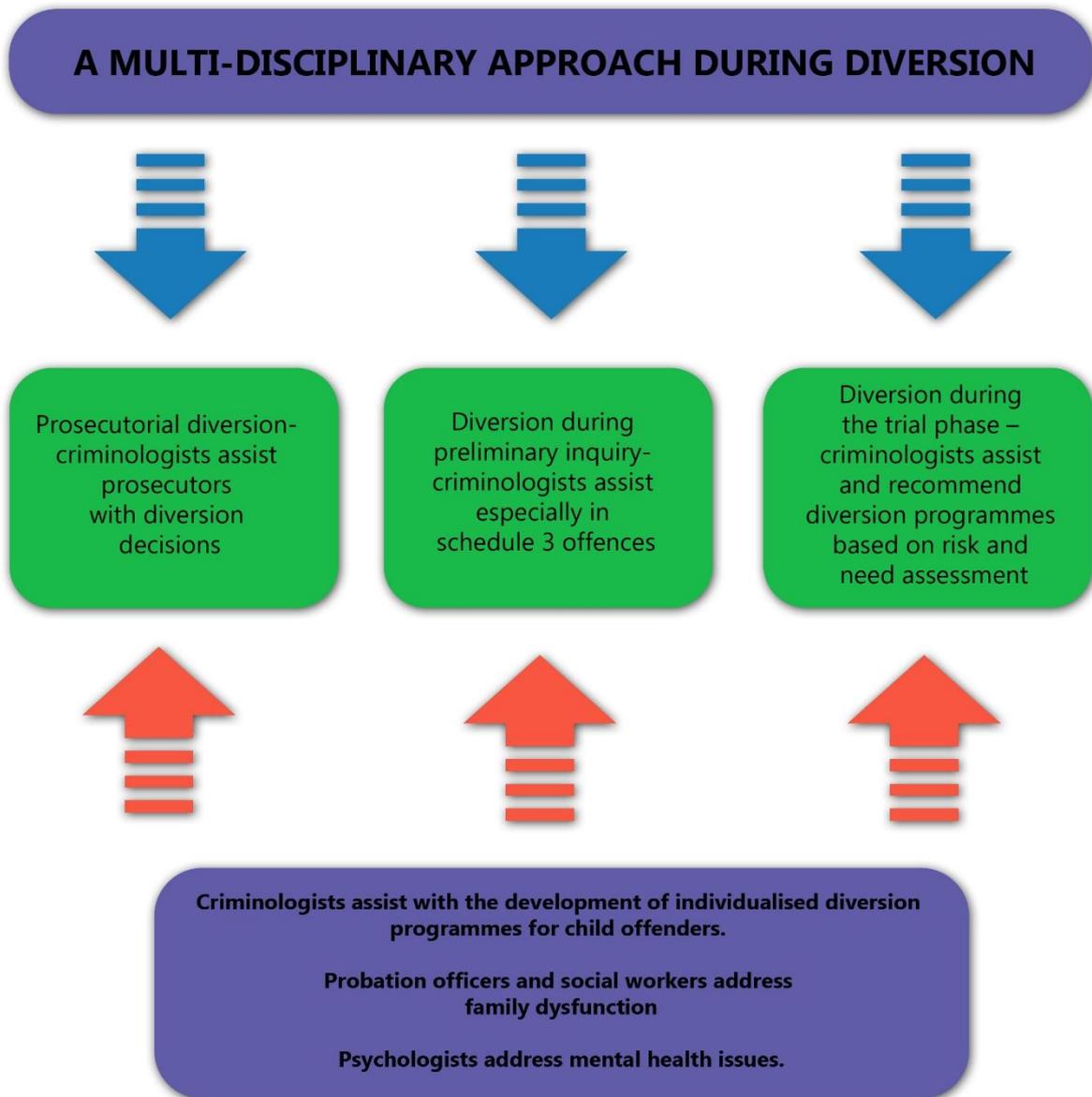
Sauls (2018: 6) for example points out that the training of probation officers is a major challenge because it is not in touch with the needs of children who come into conflict with the law. For example, although there is an increase in violent child offenders, probation officers are not trained to deliver need directed programmes - they are only trained to facilitate specific accredited programmes (Sauls, 2018:6).

In addition, not all of the accredited programmes are offered in all the different regions (Sauls 2018:5). Factors such as the availability of trained facilitators, the nature of the offences committed as well as the number of child offenders referred to diversion programmes, influenced the type, frequency and availability of diversion programmes in different regions (Sauls 2018:5).

In contrast, criminologists aim to "...understand the offender and focus on the biophysical and psychological aspects of the offender as a human being", as well as the social environment in which the offender functions (Steyn & Foster, 2003:81). In other words, criminologists use a holistic, individualised approach regarding offender assessment (Hesselink & Booyens, 2014:4; Van der Hoven, 2006:156), which will afford other role-players in the criminal justice system a better understanding of and insight into, offender behaviour motivation (Hesselink, 2012:135; Hesselink & Booyens, 2014:4).

In Chapter 4 the researcher paid attention to the necessity of a multi-factor approach by criminologists during the assessment. The necessity and significance of such an in-depth, multi-dimensional approach, which considers all factors that may have influenced a child's offending behaviour, is of specific importance during the assessment and may influence diversion consideration and completion. As Vincent et al (2012:5) rightfully argue, risk assessment estimates the likelihood of re-offending in the absence of intervention, determines high or minimal risk offenders, and guides intervention planning in areas such as mental health, and family functioning. The diagram below provides an illustration of the proposed role of criminologists during the diversion phase.

Diagram 5: The potential role of criminologists during diversion



The next section will pay attention to the role-players in diversion programmes, and the potential role of criminologists in the quality assurance of diversion programmes.

5.5.1 Development of diversion programmes

Section 56(2)(b)(i-iv) of the CJA addresses the content of diversion programmes. In addition, Regulation 32(1)(a-e) of the Regulations to the CJA states:

- (a) A quality assurance process referred to in section 56(2)(g) of the CJA must be conducted by a quality assurance panel appointed by the Cabinet member responsible for social development;
- (b) The panel must consist of not less than three and not more than seven members but at least one member must be an independent person;
- (c) The members of the panel must have **knowledge and experience relating to diversion programmes and children's issues** [my emphasis].
- (d) An official employed in the State may be appointed as a member of the panel;
- (e) The panel must determine its own procedures having regard to sound administrative practices and just administrative action.

In addition to Regulation 32(1)(c), the Riyadh Guidelines argue: “Comprehensive prevention plans should be instituted at every level of Government and include **specialised personnel at all levels**” [my emphasis].

In his Doctoral thesis, *Approches to Diversion of Child Offenders in South Africa: A Comparative analysis of diversion programmes*, Steyn (2010:151) argues that it is important that diversion programmes form part of other developmental initiatives if they wish to succeed. Steyn (2010:151) questions the effectiveness of some of the current diversion programmes, and the impact they have on the contributing factors for offending behaviour in children. For example, poverty and adversity are realities for many South Africa children, and many households find it difficult to provide for the daily needs of children which could ultimately turn children towards crime (Steyn 2010:151). Further, despite the focus on preventing crime through cognitive processes (diversion programme), this may not be effective. For example, life skills training makes use of written exercises to promote planning abilities, however, many participants (children) have difficulties with reading and writing, which open the door “...for some children to fall through...” (Steyn, 2010: 145,161). Additionally, Steyn (2010:161) argues that coupled with the absence of parents; the short duration of diversion programmes may give rise to significant questions regarding the current diversion model used to effectively address child offending. The masters study of

Kleinhans, *The views of Social Workers on Diversion Programmes for Male Juvenile Delinquents*, Kleinhans (2013:138) concurs with Steyn (2010:161) and argues that 75% of the respondents (social workers), indicated that diversion programmes were not adequate to reduce re-offending.

In contrast Muntingh's (2001:49), study to determine the effectiveness of diversion services yielded positive results indicating that 50% of the sample did not re-offend. It is however debatable whether a 50% success rate can be regarded as effective. In 2012, Nkosi's masters study, *The Impact of Diversion Programmes on Behaviour Modification to Diverters in Umhlathuze-Richards Bay*, had similar findings to Muntingh's, with only 25% of the participants re-offending after a 12-month period (Nkosi 2012:84). Nkosi's (2012:63) study only included 20 divertees, hence the generalisability of the study is questioned.

From a criminological point of departure, it is argued, based on aforementioned findings, that though certain successes are recorded, the child justice system could benefit from the skill and knowledge of criminologists with regard to risk and need assessment. In addition, because criminology is an interdisciplinary behavioural science, criminologists take influences such as causal factors that contributed to the criminal event, predisposition (personality make-up, genetic factors), precipitating factors, and triggering factors (humiliation, isolation, anxiety, conflict at home) into consideration (Van der Hoven, 2006:156). These factors are central to rehabilitation efforts. In addition, criminologists can aid the development of diversion programmes. In this regard, it is proposed that social workers, for example, address aspects associated with the child's social functioning, whilst psychologists assist in the identification and treatment of personality disorders and psychiatric issues. Criminologists in-turn could focus on the motives, causation, and prevention of criminal behaviour.

The next section will address the potential role and function of criminologists in the sentencing process.

5.6 SENTENCING PHASE: THE POTENTIAL ROLE OF CRIMINOLOGISTS

Hesselink and Booyens, (2017:56), argues that the main purpose of a pre-sentence report is to assist the presiding officer (court), and to provide an individualised picture of the offender and the risk the offender poses to reoffend, future dangerousness and rehabilitation possibilities. Maguire and Carr (2016:7) concur and add that the aim of a pre-sentence report is to inform presiding officers with information about the personal circumstances, background and attitude of a defendant, an assessment of the risk of reoffending, and a will typically also include sentencing recommendations.

Maguire and Carr (2017:8), argue that pre-sentence reports represent a key point of exchange between two distinct professional groups within the criminal justice system, each with vastly different professional backgrounds and training as well as different views and perspectives. During the decision-making process courts require guidance on how to deal with an offender; in order to protect the public against the risk of re-offending; therein re-victimising members of the community. In other words, pre-sentencing reports must provide courts with some answers to address the behaviour and needs of each individual (Maguire & Carr, 2016:7). Hesselink and Booyens (2017:56) point out that it is pivotal that pre-sentencing reports contain adequate and detailed offender information for correctional criminologists to expand on. The aim is to identify unique offender risk and needs in order to facilitate effective and intensive rehabilitation efforts (Hesselink & Booyens 2017:56).

According to Maguire and Carr (2016:98), judges generally state that a good pre-sentence report is comprehensive, insightful, and coherent, and includes all relevant background information, including details of personal circumstance, previous convictions, and current health issues. A pre-sentence report should also provide both an understanding of the person and the crime they have committed. A good report will furthermore provide insight into how the expert views the client in relation to motivation to change (Maguire & Carr, 2016:98).

According to Van der Hoven (2006:160), the content of a criminological pre-sentence report will typically include factors such as: the character of the accused, level of

intelligence, health and physical appearance, mental health, habits such as alcohol consumption, motivation leading to the criminal event, possible provocation, trigger factors, the possibility of intimidation, remorse, cultural factors, the degree of participation in the criminal act, the prospects of rehabilitation and other personal factors. This comprehensive picture of the accused is evidence-based and grounded in theories that consider individual-oriented factors, milieu-oriented factors, the motivation for committing the crime, facilitating factors, and instigating factors (Van der Hoven, 2006:161). In addition, Hesselink and Booyens (2017:199), argues that the ideal offender assessment scenario would consist of an in-depth holistic criminological assessment where unique criminological offender needs and risks are identified for treatment, therapy, development, and offender management purposes.

It is evident that pre-sentencing reports should be comprehensive and are vital to assist presiding officers during the sentencing phase. However, it appears that the CJA has not paid much attention to this process, and merely refers to the duties of the courts in this regard. No attention is paid to the importance of a well-executed pre-sentencing report.

In section 71(1)(a) the CJA states simply:

“...a child justice court imposing a sentence must, subject to paragraph (b), request a pre-sentence report prepared by a probation officer prior to the imposition of sentence”.

Even though a child justice court may dispose with a pre-sentence report where a child is convicted of a schedule 1 offence, or where the report would cause undue delay in the conclusion of the case, section 71(1)(b) states:

“...no child justice court may impose a sentence involving compulsory residence in a child and youth care centre providing a programme referred to in section 191(2)(j) of the Children’s Act or imprisonment unless a pre-sentence report has first been obtained”

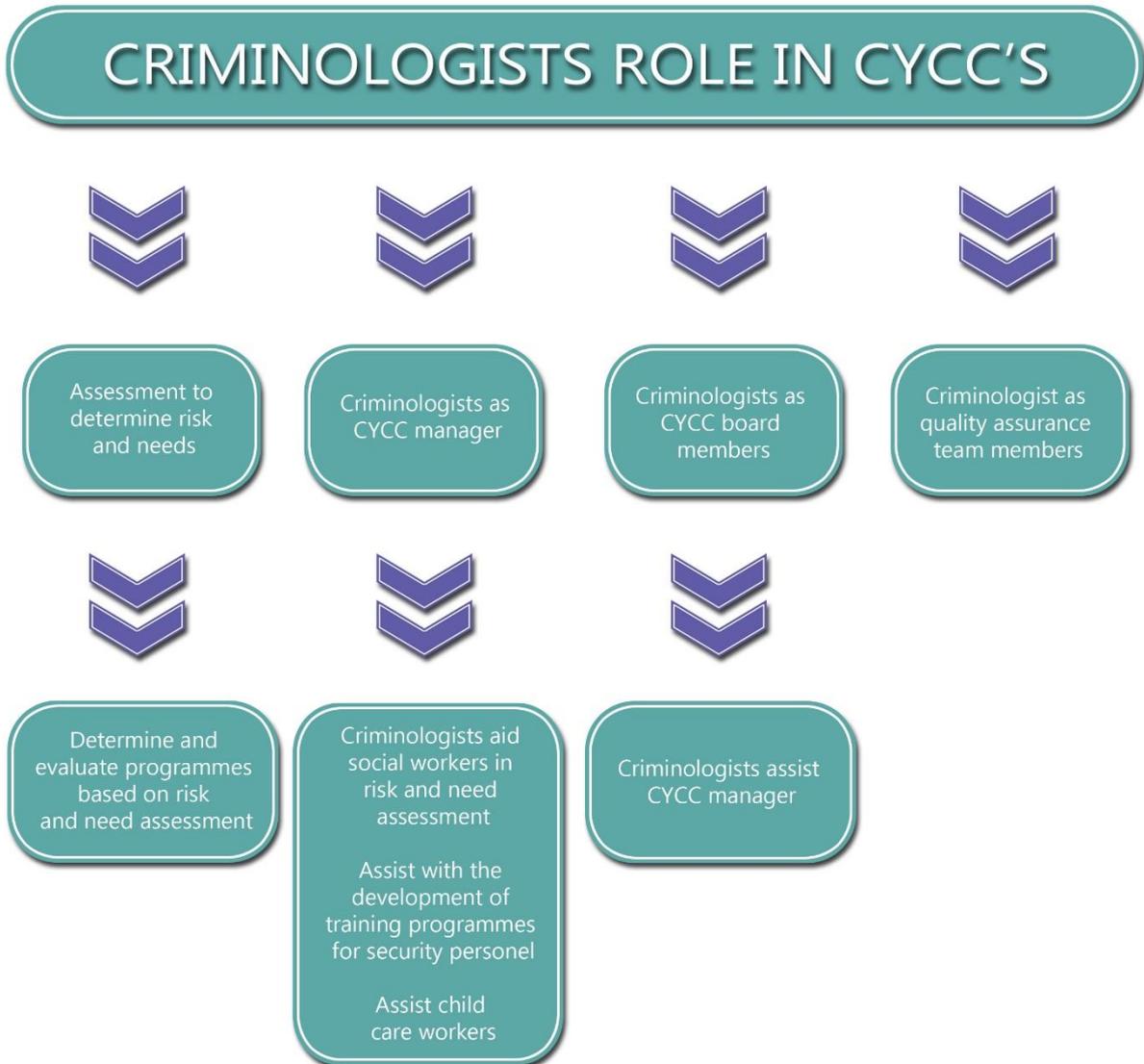
It is evident that assessment is essential to identify the risks and needs of child offenders with the aim of rehabilitation. It is therefore vital that pre-sentencing assessments are conducted with great care and caution to maximise the opportunity

to effectively address the risks and needs of a child in conflict with the law. Children should be afforded a second chance which can only be achieved through effective rehabilitation programmes aimed at the root causes of offending behaviour. As previously stated, it is clear that criminologists could play a vital role during the pre-sentencing phase. In Chapter 3 attention was paid to the contributions made by Dr Labuschagne who conducted more than 3000 pre-sentencing reports before her death which substantiates the researcher's argument in this regard. However, the role of the criminologist should not be restricted to report writing during the sentencing phase but should be further utilised to provide recommendations regarding interventions that could be considered for inclusion in the development of the care plan for the child.

5.7 PROPOSED ROLE OF CRIMINOLOGISTS IN CHILD AND YOUTH CARE CENTRES

This section commences with a diagram of the proposed role of criminologists in CYCC's. Evident from the diagram is that criminologists can assist in numerous areas in CYCC's to assist social workers, probation officers and child and youth care workers during interventions with child offenders.

Diagram 6: The proposed role of criminologists in CYCC's



According to the DOJ&CD annual report (2017:106), 7673 children came into conflict with the law. Though not all children who commit offences are detained in CYCC's, in some cases children are detained as a measure of last resort.

According to chapter 13, section 191 of the Children's Act;

“A child and youth care centre (CYCC) is a facility for the provision of residential care to more than six children outside of the child's family

environment according to a residential programme suited for the children in the facility”.

The objectives of sentencing (amongst others) in section 69(1) of the CJA is to:

- encourage the child to understand the implications of his or her actions and be accountable for the harm caused:
- promote an individualised response which strikes a balance between the circumstances of the child, the nature of the offence, and the interest of society; and
- promote the reintegration of the child into the family and community:

Section 29 of the CJA stipulates that any child charged with an offence may be detained in a CYCC. Pre-trial detention is also one of the options to secure a child's attendance at the preliminary enquiry. The CJA deals with two situations regarding pre-trial detention. Firstly, the release and detention before a child's first appearance at the preliminary inquiry, and secondly, the release and detention after the child's first appearance at the preliminary inquiry.

However, when the presiding officer takes a decision to place a child in a CYCC he or she must, in terms of section 29(2) take the following factors into account:

- (a) the age and maturity of the child;
- (b) the seriousness of the offence in question;
- (c) the risk that the child may be a danger to himself; herself, or any other person or child in the CYCC;
- (d) the appropriateness of the level of security of the CYCC's with regard to the seriousness of the offence allegedly committed by the child; and
- (e) the availability of accommodation in an appropriate CYCC.

Section 29(2)(a-e) is of specific relevance and importance to criminologists because, though criminologists are prohibited from diagnosing mental illness, they are trained to identify risk factors that can indicate future dangerousness (Van der Hoven, 2005:65). As argued in Chapter 3 and 4, the skills and training of criminologists regarding risk factors for the causation of criminal behaviour in child offending should not be excluded but become a necessity within the CJA.

Once children have been found guilty of an offence the CJA provides that a court must, after conviction, pass sentence in accordance with the CJA. The types of sentences provided for in the CJA can be divided into two basic categories, namely: custodial and non-custodial sentences. Custodial sentencing to a CYCC is of relevance in this study.

Regarding sentencing children to CYCC's, section 69(1) of the CJA states:

“...in addition to any other considerations relating to sentencing the objectives of sentencing in terms of this Act are to:

- (a) encourage the child to understand the implication of and to be accountable for the harm caused;
- (b) **promote and individualised response** [my emphasis] which strikes a balance between the circumstances of the child, the nature of the offence and the interest of society;
- (c) promote the reintegration of the child into the family and community;
- (d) **ensure that any necessary supervision, guidance, treatment, or services** [my emphasis] which form part of the sentence assist the child in the process of reintegration; and
- (e) use imprisonment only as a measure of last resort and only for the shortest appropriate period of time”.

Section 69(3) states:

“when considering the imposition of a sentence involving compulsory residence in a child and youth care centre in terms of section 76, which provides a programme referred to in section 191(2)(j) of the Children's Act, a child justice court must, in addition to the factors referred to in subsection (4) relating to imprisonment, consider the following:

- (a) whether the offence is of such a serious nature that it indicates that the child has a tendency towards harmful activities;
- (b) whether the harm caused by the offence indicates that a residential sentence is appropriate;
- (c) the extent to which the harm caused by the offence can be apportioned to the culpability of the child in causing or risking the harm, and;

(d) whether the child is in need of a particular service provided at a child and youth care centre”.

Section 69(1) and 69(3) are of importance and identified as areas where the skill and expertise of criminologists could be utilised, specifically in terms of the identification of risk factors associated with self-harm or the harm of others. Regarding self-harm, many South African children are victims of physical, sexual, and emotional abuse. Children exposed to violence in homes are at a greater risk of suicide (UNICEF, 2006; Kimball & Keene, 2016:1). In addition, according to Akers, children learn to model violent behaviour, and are therefore more likely to exhibit violent behaviour which could cause concern for the safety of children and staff in CYCC's as addressed in section 69(3)(a) of the CJA (Akers & Jensen, [sa]:5) Unicef, 2006; Kimball & Keene, 2016:1). Section 69(3)(d) refers to services that may benefit the child. Section 69(1)(d) points to the **necessary supervision and guidance to ensure that the previously mentioned sections are achieved** [my emphasis].

As mentioned previously, article 3(3) of the UNCRC explicitly states that “State parties shall conform to ... in the number **of and suitability of staff, as well as competent supervision** [my emphasis]”. However, despite all the changes in South African legislation prescribing how matters should be addressed and dealt with in CYCC's, it appears that in practice difficulties still prevail. During a situational analysis of DSD conducted in 2009, it was established that security personnel lacked training, and staff directly involved with child offenders were either not qualified or lacked experience (Department of Social Development, 2010:35). On the 15th of January 2017, 31 boys escaped from the Bonnytoun Secure Care Centre in Kraaifontein, Western Cape. The incident occurred when the group assaulted and over-powered care staff, and all of them managed to escape (Dolley 2017). Some of the escapees were later found in the care of their parents, but all of them were eventually apprehended and returned to the centre. Criminological risk assessment, as discussed in Chapter 4 could have identified these children as candidates (risk factor) to commit further offences.

Though there could be numerous reasons why, and how the children managed to escape, from a criminological point a question can be raised whether the risk posed by the children was indeed identified. If not, it could be regarded as a breach of section

69(3) of the CJA. Smith (2013:168-9), indicated that certain assessments may not receive the necessary attention. For example, participants in the study (Smith, 2013:168-9) argued that assessment forms are; "... just very cumbersome", or "...the forms are too long", and "...we work with foreign tools that do not work". Apart from the deduction that risk assessment could have been neglected in the case of the escapees, it appears that there may be a lack of understanding of what risk assessment entails. For example, during a study by Smith (2013:85), a participant indicated that her understanding of risk assessment was the child's immediate need, such as making a phone call to a parent. Findings such as this highlight the lack of training in areas that fall within the criminological sciences.

DSD (2009), also indicated that no standardised or national guidelines exist regarding the required qualifications of management staff in secure care facilities (Department of Social Development, 2010:35). DSD also stated that the qualifications of CYCC's managers varied from a grade-12 qualification and a certificate in basic childcare to a degree in social work or a general degree. This despite section 209(1) of the Children's Act which states that: "... **a sufficient number of staff or other appropriate persons [are] to assist in operating the centre** [my emphasis];

Section 209(2) requires the following regarding the appointment of CYCC staff:

- (a) after following an interview process as prescribed;
- (b) if that person has the **skill and training as prescribed** [my emphasis]; and
- (c) if that person is a **fit and proper** [my emphasis] to assist in operating a child and youth care centre.

Section 209(3) refers to the **suitability of a person working with children and prescribes that** [my emphasis]: "A person unsuitable to work with children is not a fit and proper person to assist in operating or serving at a child and youth care centre".

Section 82 of the Regulations to the Children's Act refers to section 209(1) and states:

"The persons contemplated in section 209(1) **must have some of the training and skills** [my emphasis] referred to in regulation 75 (1): Provided that where any such person is a professional whose profession requires

registration; such person must be registered with the relevant professional body”.

Regulation 75(1) however does not stipulate or refer to specific qualifications that a centre manager must hold but refers to the knowledge of programmes stipulated in the section pertaining to CYCC's. In other words, a CYCC centre manager is not required to have any specific qualification, if he or she **has some knowledge** [my emphasis] of programmes offered at CYCC's. Further, terminology such as '**fit and proper person**' [my emphasis] is routinely used, however, the Children's Act does not provide examples of such persons as in the case of persons **unsuitable to work** [my emphasis] with children. Persons **unsuitable to work with children** [my emphasis] are persons whose name appears in the National Child Protection Register (Mahery, Jamieson & Scott, 2011:15). As Mahery et al (2011:15) rightfully argue if the name of a person does not appear in a register it does not mean that the person can be considered as a fit and proper person.

The next section of pertinence to this study is section 76 of the CJA which regulates the sentencing options to CYCC's. In terms of section 76(2) of the CJA, a child justice court may sentence a child to a CYCC for a period not exceeding five years, or the date on which the child turns 21 years old (whichever comes first). Section 76(3) refers to a sentencing period completed in a CYCC followed by an additional period in a correctional facility. In such a case, the head of the CYCC must submit a report to the court on whether the child reached the objectives of sentencing. If the CYCC head found that the child did indeed meet the aims of sentencing, he or she must stipulate same in the report and the head can make a recommendation to either reintegrate the child into the community or that the child must serve an additional period of imprisonment at a correctional facility.

This places immense responsibility on the shoulders of a CYCC manager and should be approached with caution. Wakefield and Gallinetti (2011:3) point out that CYCC heads should be conscious of the effect of sentencing on children, which could affect the life of the child. The importance of skilled CYCC managers cannot be overemphasised. It is unclear how CYCC managers, with, for example, a grade-12 qualification could be permitted to evaluate if a child has indeed met the objectives of

sentencing stipulated in section 69 of the CJA. In this regard, a criminological pre-release report could assist the decision-making process and recommendation to the court. The purpose of such a report will, for example, indicate the possibility of the child's re-integration into society without serving the additional term of imprisonment according to Regulation 44(2)(c) of the Regulations to the CJA.

5.7.1 The criminologist as a management board member of CYCC's

Section 208 of the Children's Act (38 of 2005) addresses the operation and management of CYCC's and states:

- (1) Each child and youth care centre must have a management board consisting of no fewer than six and no more than nine members;
- (2) The members of a management board are appointed by:
 - (a) The MEC for social development in the relevant province in accordance with a prescribed procedure, in the case of a child and youth care centre which is operated by the province; and
 - (b) The registration holder in accordance with a prescribed procedure, in the case of a privately-operated child and youth care centre.
- (3) In appointing members of the management board, equitable representation by all stakeholders, including the community in which the child and youth care centre is located, must be ensured.
- (4) No person unsuitable to work with children may be appointed or continue to serve as a member of a management board;
- (5) A management board functions in terms of the regulation and may exercise the powers and must perform the duties conferred on it in terms of this Act;
- (6) The management board must create a children's forum as part of the management board to ensure the participation of resident children in the operation of the centre, taking into consideration the age, maturity, and stage of development of the children.

Regulation 84 of the Regulations to the Children's Act provides guidelines regarding the appointment of board members. In terms of a privately-operated facility, the registration holder may appoint any person that he or she considers appropriate. However, in the case of a facility operated by the DSD, the following applies: not more than two members from the public service; not more than three from the community in

which CYCC's is situated; one member from the health profession; one member of staff; one member who is a representative of residents of the CYCC; and the manager of the CYCC.

Regulation 85 of the Regulations to the Children's Act describes the functioning of a management board. Regulation 86 stipulates the responsibilities of management boards:

86(1) The management board must ensure that:

- (a) Its members are trained in the legal framework in terms of which child and youth care centres operate; and
- (b) Its members perform their duties in good faith and in a manner, they reasonably believe to be in the best interest of the children residing in the child and youth care centre.

86(2) A management board must:

- (a) Provide support and advice to the manager;
- (b) Evaluate the performance of the manager;
- (c) Review and approve the annual budget for the child and youth care centre;
- (d) Monitor, review and approve the business plan of the centre; and
- (e) Ensure that assets of the centre are maintained and protected.

86(3) A management board must ensure that it receives regular written reports from the manager.

Although reference is made to the screening and vetting of proposed candidates, no mention is made of specific qualification requirements to be appointed as a board member. It is highly unlikely that a board member with no qualification in any area of social work, probation work and/or criminology, would be able to provide support and advice, and evaluate the performance of the centre manager as prescribed in Regulation 86(2). The requirements set out in Regulation 86(2) indicate skilled, competent, committed, and well-trained board members, who will ensure that the mission of each CYCC facility is achieved. The sentiment is echoed by President Cyril

Ramaphosa who stated in the 2018 State of the Nation Address, that "...we will change the way that boards are appointed so that only people with expertise, experience and integrity serve in these vital positions". It is evident that management boards can benefit from the use of criminological support because the child justice system in South Africa has a responsibility towards children who find themselves in conflict with the law. Ensuring that children receive adequate care and intervention, requires various skilled professionals which should include criminologists (Human, 2015:80).

5.7.2 The criminologist and the quality assurance process for CYCC's

Section 211(1-4) of the Children's Act addresses the quality assurance process for CYCC's. Per section 211(1) the provincial head of social development must ensure that a quality assurance process is conducted in respect of each CYCC in the manner and at the interval prescribed.

The quality assurance process must be performed in the following manner:

- (a) A team connected to the child and youth care centre must conduct an internal assessment of the centre;
 - (b) A team not connected to the centre must conduct an independent assessment of the centre;
 - (c) An organisational development plan for the centre containing the prescribed particulars must be established between the teams by agreement; and
 - (d) The team not connected to the centre must appoint a mentor to oversee implementation of the plan by the management of the centre;
- (3) The management board of a child and youth care centre must without delay, after completion of the quality assurance process, submit a copy of the organisational development plan established for the centre in terms of the quality assurance process to the MEC for social development in the province.
 - (4) A provincial head of social development may assist a child and youth care centre in conducting the quality assurance process as contemplated in subsection (1).

Regulation 89 of the Regulations to the Children’s Act prescribes the quality assurance process and further stipulates in 89(4) that the provincial head of social development must appoint an independent quality assurance team. Regulation 89(5) refers to the composition of such a team and states it must:

- (a) included members from the government and the non-governmental sector;
- (b) include at least one individual who has specific knowledge, skill, and practical experience in the provision of designated child protection services;
- (c) has a team leader appointed by the provincial head of social development, and;
- (d) include any person the provincial head of social development may deem appropriate.

A wide range of international standards is concerned with the independent monitoring of detention facilities of children. For example, the UNCRC declared in General Comment No 10 that:

“Independent and qualified inspectors should be empowered to conduct inspections on a regular basis and to undertake unannounced inspections on their own initiative; they should place special emphasis on holding conversations with children in the facilities in a confidential setting”.

The above guideline is echoed by the UN Rules for the Protection of Juveniles Deprived of their Liberty (Havana Rules). According to the standards, the following factors are imperative when inspecting a detention facility:

- independence (this implies not being part of the administration of the detention facility);
- professionally qualified teams of inspectors that include medically trained inspectors as part of the team;
- the inclusion of women especially where girls are detained;
- regular visits;
- access to all places;

- access to all information and records about the treatment and conditions in the detention centre;
- access to conduct interviews with children;
- access to all employees of the centre;
- systematic follow-up reports, and;
- ability to follow-up allegations of abuse or violence.

Institutions, where children are detained, are normally isolated from the community and therefore when their rights are violated it is more likely to go unnoticed. In March 2016, the Centre for Child Law approached the Bhisho High Court to obtain an order rescinding a transfer order for boys from a CYCC to prison. In this case, the caregivers of a CYCC went on strike and left the boys unattended, which led them to misbehave and trash the centre. The court also ordered that a quality assurance process is conducted on the Bhisho CYCC to evaluate the quality of services and programmes (Centre for Child Law, 2016:13; Hansungule, 2018). The report yielded alarming results, for example, the CYCC had no operational policies that required appropriate service delivery, child and youth care workers neglected their duties; and some personal showed no interest in working with children (Centre for Child Law, 2016:13; Hansungule, 2018). The Centre for Child Law has also identified irregularities in the way in which children at the Soshanguve CYCC has been treated. The report indicated the following: the CYCC had no hot water for showers, inadequate and poorly trained staff, a lack of education and inadequate programmes for children awaiting trial or sentenced for rehabilitation (Centre for Child Law, 2016:13). Such findings are a cause for concern and do not exhibit a transformed child justice system. This highlight the need for the appointment of professionally trained staff and persons who have adequate knowledge about child offenders.

5.8 TRAINING OF PERSONNEL

The researcher proposes that criminologists could assist in and develop a training programme for security personnel at CYCC's. It is furthermore proposed that criminologists assist child and youth care workers, centre managers, and social workers with knowledge and skill regarding offending behaviour.

5.9 CONCLUSION

The conclusion drawn from Chapter 3, 4 and 5 is that a multi-disciplinary approach to child justice should be non-negotiable. The current exclusion of criminologists cannot be regarded to be in the best interest of children in conflict with the law. It is evident that social workers and probations officers, though highly skilled professionals, are not equipped to deal exclusively with child offenders. The researcher argues that the current training offered at different universities throughout South Africa, does not provide enough training for social workers and probation officers to deal with a complex clientele, such as child offenders with multi-faceted social, individual, and psychological adversities which require specific individualised interventions. Though probation officers and social workers are routinely used in matters pertaining to offenders, it does not imply that this approach is necessarily correct. It is thus argued that criminologists could, in collaboration with probation officers, psychologists, and other equally qualified professionals address and identify specific target driven interventions directed at the individualised needs of the child in conflict with the law.

CHAPTER 6

DATA ANALYSIS AND RESEARCH FINDINGS: PHASE 1

6.1 INTRODUCTION

This chapter provides an analysis and interpretation of the data collected in the first phase of the study. The aim of the study was to develop an action plan for criminologists to become specialised practitioners in the child justice system. The first objective addressed in the first phase was to explore areas where criminologists could contribute to child justice-related matters and to identify the steps required to establish a specialisation area for criminologists in the child justice system. A further objective was to identify how the current criminology curriculum could be formulated to equip students to become specialised practitioners in the child justice system.

As discussed in Chapter 1, non-probability sampling was used in the study. Convenience sampling, also known as haphazard sampling, or accidental sampling, used in this study is a type of non-probability or non-random sampling. This type of sampling is used where members of the target population meet certain practical criteria, such as easy accessibility, geographical proximity, availability, or willingness to participate in the study (Etikan et al, 2015:2). In the case of this study, members of CRIMSA, academics, and magistrates known to the researcher, who met the sampling criteria were recruited to participate. Snowball sampling was employed to identify additional appropriate participants for the intended study. The sample consist of practitioners involved in either the child justice sector in a practical capacity, and/or researchers, and academics, criminologists, and criminology students.

Data was collected in two phases. The first phase (Chapter 6) involved a self-administered, semi-structured, mixed-methods questionnaire, which included closed and open-ended questions. Section A of the questionnaire consisted of biographical information. Section B comprised of 16 questions, which included nine Likert scale questions. The questionnaire was distributed by CRIMSA, and additional e-mails were sent to child justice practitioners known to the researcher. A total of 350 questionnaires were distributed (e-mailed) to respondents and 43 were returned.

It was difficult to determine a sample size because the number of child justice practitioners and criminologists, who practise in child justice is not easily determinable, however, saturation was achieved. It was assumed that the approximately 9% response rate reflects the number of practitioners in the field.

Descriptive and thematic data analysis was used for the purpose of data analysis. Descriptive statistics are procedures that "...describe numerical data..." and assist with organising, summarising, and interpreting sample data (Fouché & Bartley, 2011:251). Whereas thematic analysis, according to Miles and Huberman (as cited in Alhojailan, 2012:41), provides the researcher with an opportunity to categorise data into themes. The process involves coding, categorisation and noting patterns (Alhojailan, 2012:41). In other words, the information that was collected in this study was summarised for ease of understanding in the form of graphs, frequency tables and pie-charts (Fouche & Bartley, 2011:255).

6.2 PRESENTATION OF FINDINGS

Section A of the questionnaire requested biographical information. Participants in the study were first requested to state the nature of and to list their academic qualification(s). The second question required participants to list their occupation and the position they currently hold. This information was important because it confirms the expertise of the participants, which in-turn provides credibility to the study.

Respondents were given the choice to remain anonymous or to waive their rights to anonymity. The names of the participants who waived their right to anonymity were included in the presentation of findings. Although the professions of the participants were used in certain sections to provide credibility to the study and to highlight the different opinions between professions, the researcher was cautious not to use details that could potentially identify participants who wished to remain anonymous.

Section B comprised of 16 questions. In nine Likert scale type question's, participants had to select between options such as; yes, uncertain, or no, or strongly agree, agree, uncertain, disagree and strongly disagree. In the remainder of the question's respondents were asked to express any further opinion.

The responses from participants are presented here verbatim, without editing.

6.2.1 Presentation of findings from section A

As stated, section A of the questionnaire requested biographical information. It was important to compare educational backgrounds to determine if the different professions held different views based on their education and/or occupation. The biographical information is further important considering the objectives of the study as stated in the introduction. The different views expressed by the participants, based on their educational level, as well as their occupation, provided the researcher with a diverse range of modules to be included in the proposed specialised curriculum for criminologists which are presented later in this Chapter.

6.2.1.1 Level of education

In this section, the educational/academic background of the participants is depicted. As represented in Chart 1 below, 31% of the participants (n=27), hold a three-year degree qualification and 22% (n=19) a 4-year degree. In addition to their 3-year and/or 4-year qualifications, 21% (n=18) of the participants hold an honours degree, and 16% (n=14) a master's qualification. Ten% (n=9) of the participants hold a doctoral degree. In addition to the qualifications, 5% (n=2) of the participants indicated that they were near completion of either a master's or doctoral degree. The types of qualifications



held by the participants varied between degrees in criminology, law, social work, and probation work.

Chart 1: Level of qualifications of participants

It must be noted that some of the participants hold more than one degree, for example, a 3-year degree as well as a 4-year degree, and the chart above thus depicts a total of 87 degrees held by 43 participants.

6.2.1.2 Positions held by participants

Participants in the study were requested to indicate their position in the child justice sector, and then indicate their role and function therein. Most of the participants, 35%, (n=15) are researchers and/or academics. 12%(n=5) hold positions in probation work, 5% (n=2) in social worker, 9% (n=4) are presiding officers, 5% (n=2) prosecutors, and 2% (n=1) candidate attorneys.

The remaining participants hold positions as a court official, 2%(n=1), detectives, 2% (n=1), consultants, 2% (n=1), correctional officers, 2% (n=1), and crime analysts, 5% (n=2). 7% (n=3) indicated that they were near completion of either a master's or a doctoral study. 12% (n=5) of the participants held other positions or are not currently employed.

OCCUPATIONAL POSITIONS

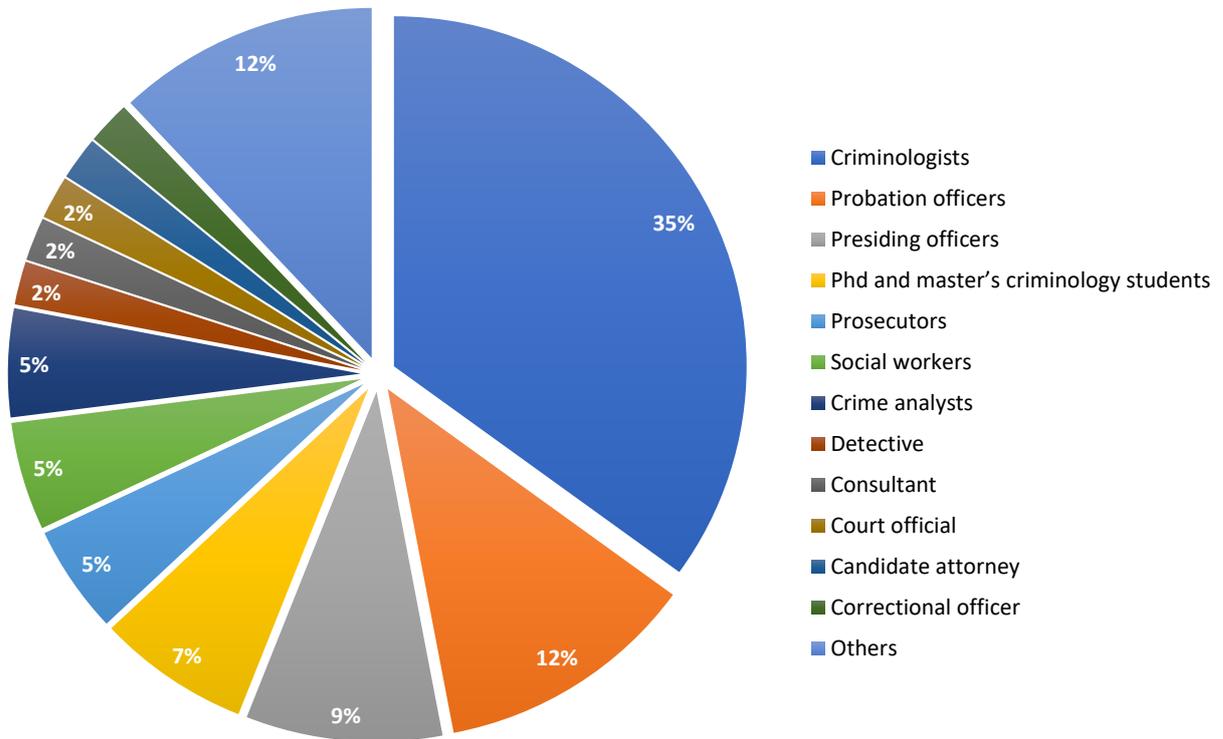


Chart 2: Types of positions held by participants

The study's sample is representative of the practitioners working in the child justice sector. It should be noted that the study is exploratory, and the purpose was not to generalise the findings but to explore if participants believed that criminologists could exercise their expertise in a practical manner within the CJA.

6.2.2 Presentation of the findings from section B

Section B contained information pertinent to the development of a specialised degree for criminologists in line with the aim of this study. This section further aimed to address the objectives of the study which are to:

- explore areas where criminologists could contribute in child justice-related matters;
- identify steps necessary to establish a specialisation area for criminologists in the child justice system, and

- identify how the current academic criminology curriculum should be formulated to equip students to become specialised practitioners in the child justice system.

As mentioned, this section consisted of 9 Likert scale questions and participants were requested to reflect their responses in the options provided (yes, no, unsure); or (strongly agree, agree, not sure, disagree, strongly disagree). Participants were provided with an opportunity to further elaborate on their responses.

6.2.2.1 The relevance of in-depth criminological knowledge to interventions contained in the Child Justice Act 75 of 2008

The purpose of this question was to determine if participants were of the opinion that an in-depth knowledge of criminology should be a requirement to execute interventions pertaining to child offenders, such as criminal capacity assessment, assessment with the purpose of diversion, assessment for the purpose of identifying suitable rehabilitation programmes, pre-sentencing assessments, risk and need assessment, and assessment for the purpose of compiling a pre-sentencing report. The rationale for the inclusion of the question was to establish if participants were of the opinion that an in-depth knowledge of criminology should be a requirement as currently, such training does not necessarily form part of the training of practitioners specialised in child justice, as in the case of probation officers. Participants were requested to indicate their response with yes, no, or uncertain.

CATEGORY	INTERVENTION, PERCENTAGES (%) AND FREQUENCY	YES	NO	UNCERTAIN	NOT ANSWERED	TOTAL
A	Criminal capacity assessment					
	Percentage	88%	5%	7%	0%	100%
	Frequency	33	2	3	0	43
B	Assessment for the purpose of diversion					
	Percentage	93%	5%	2%	0%	100 %

	Frequency	40	2	1	0	43
C	Determination of a rehabilitation plan					
	Percentage	93%	5%	2%	0%	100%
	Frequency	40	2	1	0	43
D	Risk and need assessment					
	Percentage	91%	2%	7%	0%	100%
	Frequency	39	1	3	0	43
E	Pre-sentencing reports					
	Percentage	98%	2%	0%	0%	100 %
	Frequency	42	1	0	0	43
F	Assessment for the purpose of prevention and management of crime and delinquent behaviour					
	Percentage	91%	2%	5%	2%	100%
	Frequency	39	1	2	1	43

Table 6: Criminology as a pre-requisite to execute identified interventions as set out by the CJA

Most of the participants (95.5%) in all the aforementioned areas believed an in-depth knowledge of criminology should be a pre-requisite to execute all the mentioned interventions pertaining to child offenders. Only participants that were unsure or did not agree that criminology should be prerequisite to executing the aforementioned interventions were requested to provide further clarification.

One probation officer, who indicated that an in-depth knowledge of criminology should not be a requirement, indicated:

“All practitioners need a reasonable criminological knowledge in aforementioned areas. In cases where in-depth knowledge is required a criminologist should be consulted” (Participant 25: Probation officer).

It is not clear how such consultation with criminologists could occur, if the CJA currently only mandates certain professionals, not including criminologists to deliver services to children in conflict with the law. The exclusion of criminologists is questioned in the study since the Beijing Rules (6.3), for example, require that “...those who exercise discretion shall be specially qualified or trained”. Furthermore, the UNCRC in article 3(1) and 3(3) emphasises the actions and suitability of role-players delivering services to children in conflict with the law. It can be deduced that ‘qualified’, ‘trained’ and ‘suitable as referred to in the Beijing Rules and the UNCRC imply that practitioners should have an in-depth knowledge of the diverse nature and causation of offending behaviour in order to address each and every aspect of the child offender pertaining to the criminal event, individually and holistically. The diverse nature and causation of offending behaviour can be found in the study of criminology.

Other participants who believed an in-depth knowledge of criminology should not be a prerequisite to executing interventions were participants 2, 3, 22, 28 and 34.

“As in the case of prevention of crime [sic] delinquent behaviour, I see it as the role of the social worker as well [as] in the case of risk and need assessment” (Participant 2: Social worker).

“Probation officers and psychologists are able to conduct these functions as behavioural scientists trained in their specialised field of service” (Participant 3: Probation officer).

“It depends what ‘child justice practitioners’ refer to. Criminal capacity evaluations are a specialised field performed by Clinical, Educational and Counselling psychologists and psychiatrists (Participant 22: Child Law expert).

“Criminal capacity remains the arena of medical science which can be ‘aangevul’ [supplemented] with information from persons who have interacted with the child perpetrator in other areas such as school, church or interventions by social workers” (Participant 28: Presiding officer).

“Children who are in need of care should be identified during assessment. Not when they appear in the child justice court, because in most cases children would be identified in child justice court, that they are in need of care, which is wrong” (Participant 34: Prosecutor).

It is evident from the response of participant 2 and 3 that they were of the opinion that the areas addressed, such as criminal capacity assessment, pre-trial assessment, pre-sentencing assessment, should remain the domain of probation officers, social workers, and psychologists. However, the participants were not asked to establish if criminologists were suitable role players, and/or if they could assist and address interventions as discussed in section 6.2.2.1. The aim of the question was merely to establish if an in-depth knowledge of criminology could be regarded as important and not to indicate that other social science professions should be excluded from the child justice sector.

Regarding the responses of participant 2 and 3, it can be deduced that the practitioners are of the opinion that their training in either social or probation work has provided them with the necessary expertise. Unfortunately, as depicted in Chapter 4, this may not be the case. The fundamental training of probation officers is a 4-year social work degree. In other words, unless a probation officer obtains additional academic and practical training in probation work, he or she will enter the field of probation work with a social work degree, and a certain amount of practical training as set out by the Social Service Professions Act. Currently, an additional qualification in probation work is not a prerequisite to performing services as stipulated in the CJA.

Information obtained from several universities in South Africa that offer an undergraduate degree in social work indicated that social workers do not necessarily obtain any academic knowledge of criminology (see Chapter 4). This is due to the restriction in stream selection at various universities. Another example can be seen in the qualification code: 90088 offered at UNISA. In this example, social work students may select one criminology module during their first year. During the second, third and fourth year, the student is required to choose between psychology or sociology as a second major. In other words, if the student chooses sociology, he or she will have no

knowledge of criminology or psychology, and yet they may apply for a postgraduate qualification in probation work (University of South Africa, 2018).

In addition, even if the social worker referred to in the aforementioned example wishes to obtain an additional qualification in probation work, UCT only offer two modules related to criminology for probation work students namely: *Dynamics and Factors that are Associated with Recidivism amongst Young Sex Offenders*, and *Critical Issues in the Reintegration of Youth Offenders*. Based on section 35 and 40 of the CJA, an individualised picture of the child offender, and the circumstances that gave rise to the alleged offence, serve and the best interest standard. The researcher, however, avers that the current training of social workers and probation officers is questionable if they wish to specialise in child justice.

The opinion of participants 22 and 28, regarding criminal capacity assessment, are in line with the findings of Human (2015:84). In Human's study, participants initially indicated that psychologists and/or psychiatrists are the only professionals trained to conduct a criminal capacity assessment (Human, 2015:84). Though this study recognises the expertise of psychologists as mental health experts, the findings by Human (2015:113), indicate that psychologists lacked certain expertise relating to child offending and child justice. Geoffrey (2016) produced similar findings and established that the one-dimensional approach of psychologists, whereby the emphasis is predominantly on the psychological functioning of a child, is not in the best interest of child offenders.

6.2.2.2 Could criminologists perform similar duties as probation officers and social workers pertaining to interventions with child offender?

The intention of this question was to establish if participants believed criminologists could perform similar duties currently reserved for probation officers and social workers in the context of the child justice sector. To avoid confusion between terminologies such as probation officers and social workers, as well as the duties performed by probation officers and social workers dealing with child offenders, the following definitions are provided.

The CJA stipulates that the term probation officer refers to: "...any person who has been appointed as a probation officer under section 2 of the Probation Services Act, 1991 (Act 116 of 1991)". The term probation officer thus refers to a qualified social worker with either additional practical or theoretical training in probation work. As previously stated, probation officers are qualified social workers and are mandated by the CJA to execute various interventions pertaining to child offenders.

In contrast, the Children's Act refers to both probation officers and social workers when referring to the delivery of services to children. In chapter 1 of the Children's Act, the definition of a social worker refers to: "...a person who is registered or deemed to be registered as a social worker in terms of the Social Services Professions Act, (110 of 1978)". In the context of this study, the term social worker is only utilised when reference is made to interventions pertaining to child offenders and not to any other areas where a social worker may execute their therapeutic expertise.

Neither the CJA nor the Children's Act, currently specifies which duties should/could be performed by which practitioners except for psychologists in the context of criminal capacity assessment. In other words, though the CJA refers to probation officers as the primary role-players; social workers are routinely used in areas of rehabilitation, diversion and in CYCC's. This is, for example, evident in research by Kleinhans (2013) and DSD (2010:59) where reference is made to social workers executing duties with regard to child offenders. In addition, social workers may also be used when probation officers are not available, such as is often the case in rural areas (Skelton & Tshehla, 2008:35). As previously argued, when referring to social workers as service providers in the context of this study, the researcher refers only to the managerial tasks performed by social workers in CYCC's and not their role during therapeutic interventions, which require a separate set of skills which fall outside the scope of criminologists.

In this question, participants were given selected options to indicate if criminologists, in general, could perform similar duties to probation officers/ and social workers currently stipulated in the CJA.

Most participants either strongly agreed 56% (n=24) or agreed 21% (n=9) that criminologists could perform similar duties to probation officers/ social workers. In other words, a total of 77% (n=33) of the participants believed criminologists could perform similar duties as aforementioned. 12% (n=5) of the participants were unsure. 9% disagreed (n=4) and 2% (n=1) strongly disagreed. Chart 3 depicts the responses of the participants.

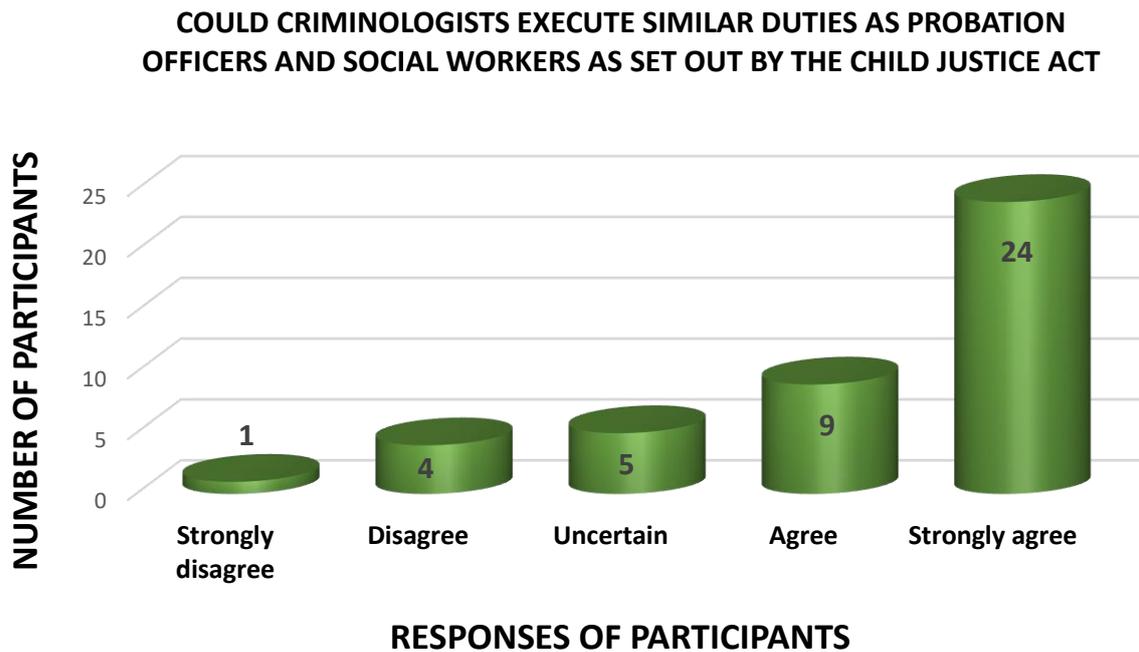


Chart 3: Could criminologists execute similar duties as probation officers and social workers as set out by the CJA

The following responses reflect the reasons why participants believed that criminologists could perform similar duties to probation officers and social workers within the child justice system specifically.

“Specialists in crime are needed now more than ever. Without criminologists as recognised experts, there is a void in the criminal justice system. Criminology has proven to be far from arbitrary and South Africa’s criminal justice system has to keep up with global trends” (Participant 4: LLB degree).

“Criminologists are equipped with all the necessary skills to perform duties of other practitioners [social workers and probation officers]. In fact, the criminologist possesses advanced skills; social workers and probation officers conduct a basic assessment while criminologists conduct a well-detailed assessment including assessment for future offending” (Participant 5: Former probation officer).

“Having worked with juvenile offenders at...I would strongly recommend the services and skills of criminologists. As specialists in criminal behaviour and risk assessments – assessing children for criminogenic factors as well as the propensity to commit a crime – could redirect rehabilitation strategies to be more individual-fit [sic] than the current broad stroke” (Participant 9: Former probation officer).

“With a stronger understanding of the elements of crime and criminality as well as the criminal justice system and the law I am of the opinion that criminologists are often better qualified and placed to perform duties within the child justice system, than social workers are, especially if they hold specialist degrees with majors in psychology” (Participant 11: Criminology student, honours qualification).

“In most cases, criminologists understand crime and diversion better. Working together with other professionals [social workers, psychologists, etc] proper diversion and crime prevention programmes could be implemented. Often other professions lack the proper knowledge to successfully design and implement crime prevention and diversion programmes” (Participant 19: Criminology student).

“Because of the nature of their training and expertise in crime and offending behaviour, criminologists are excellently qualified to perform the duties normally reserved for social workers and other criminal justice officers” (Participant 24: Professor of Law).

“Criminologists are just as qualified and skilled as the other practitioners to perform similar duties. They would approach the problem from a different angle, which would contribute to the holistic handling of child justice” (Participant 27: Criminologist).

“Criminology focuses on the study of crime and criminal behaviour. Thus, Criminologists can focus on the criminal element and the criminal behaviour of the child. I feel a Criminologist will bring a totally different aspect to the table than the other role-players owing to the different study field” (Participant 29: Criminologist).

“Due to the huge child offending issue, South Africa needs criminologists to assist the courts in crime and child offending behaviour” (Participant: 40 Probation officer).

“If trained in child justice in particular, criminologists could add to the multi-disciplinary approach necessary in the pre-trial, trial and post-trial [phase] of child justice. Their expertise would be most useful in assessment and sentencing as well as diversion decisions. These decisions on diversion are currently made very haphazardly” (Participant 41: Independent Child Law expert).

It is of interest that a number of probation officers recognise that criminologists are capable of performing similar duties.

In contrast to the above, participants who did not agree that criminologists could perform similar duties to probation officers and social workers argued:

“A criminologist does not have a social work degree” (Participant 1: Probation officer).

“They [criminologists] cannot perform the same duties, but they do have a role to play” (Participant 2: Social worker).

“Criminologist role with child offender may become prejudicial to the child within the child justice system. My understanding is that the role of a criminologist will investigate and determine the nature of criminal [sic] linked to the mindset of the child offender, this may not favour the premise that the Child Justice System is created to be child friendly and deals with an acceptance of responsibility on the child’s part” (Participant 3: Probation officer).

“Clinical, Educational and Counselling Psychologists and psychiatrists conduct criminal capacity evaluations of children between the ages of 10

and 13 years. These assessments include the psychological development of the child and this fall outside the scope of criminologists. Probation officers, not social workers play an important role and they specialise in dealing with children whereas the focus of criminologists are [sic] more general” (Participant 22: Child Law expert).

“Each of the role-players has different skills along the criminal justice system. Each of the role players has a solid, practical grounding in the provision of services to children in conflict with the law. I am of the opinion that criminologists can more meaningfully be of assistance in the development of approaches on Child Justice which could enhance the work of the role-players in their particular disciplines” (Participant 28: Presiding officer).

“I am not certain to what extent criminologists are knowledgeable about child development and developmental psychology, which in my opinion is of crucial importance. [I am] not sure what knowledge and training and experience criminologists have in terms of this” (Participant 31: Social worker).

“Focus of [sic] Child Justice System focus on child offenders, not adult offenders. Crimes committed by child offenders are at large social and economic crimes, as a result of social and socio-economic circumstances” (Participant 39: Court Official).

It is evident from the responses that participants held different opinions as to why criminologists would be unable to conduct similar duties to social workers and probation officers in the child justice sector. Participant 1, for example, implies that without a social work degree, practitioners in the child justice sector are not equipped to execute interventions. Participant 31 is rightfully concerned about the training of criminologists with regard to factors such as child development and developmental psychology. The concern about the current criminology curriculum, at UNISA for example, which restricts criminology students in terms of stream selection was also raised by the researcher in Chapter 4 as an area of academic training that requires amendment.

With regard to the response of participant 3, it is not clear why the participant opines that the role of criminologists could be prejudicial to children in conflict with the law. Though the CJA aims to create a child-friendly system and to provide a protective mantle for children in conflict with the law, Regulation 27(2)(b) also emphasises that the intent with assessment is to individualise each child, taking into consideration his or her unique circumstances which gave rise to the alleged offence.

With regard to the response of participant 39, although there may be a high incidence of children committing social and economic crimes in the specific community where participant 39 exercises his expertise, such generalisation of the causes of crime is not advisable. There is no single theory that can fully explain offending behaviour, and there is no single cause for offending behaviour (Hesselink, 2004:214). Children do not function in isolation, and the influence of psychological, social relations (peers, social networks, families), and socio-cultural (government, schools, churches) factors are all crucial and must be considered and addressed during interventions with child offenders. In addition, theories used by criminologists to explain causative behaviour, such as for example Thornberry and Krohn's Interactional Theory discussed in Chapter 3, argue that the causes of anti-social behaviour vary from child to child and in terms of the age when deviancy begins (Farrington & Ttofi, 2015:26). Theories and research about the casual risks and motivation for child offending behaviour is well documented, and evident inter alia in the work of Gottfredson and Hirschi's Self-control Theory, Akers' Social Learning Theory, Thornberry and Krohn's Interactional Theory, and Agnew's General Strain Theory (Barlow & Kauzlarich, 2010:136; Joubert, 2003:110; Akers & Jensen, [sa:3]; Akers, [sa]:24; Lee, Akers & Borg, 2004:18; Farrington & Ttofi, 2015:26; Agnew, 2001:319; Agnew, Rebellon & Thaxton, 2016:5).

With regard to the response of participant 22, the question addressed to participants did not only focus on criminal capacity assessment, but also on other areas set out by the CJA, currently executed by probation officers and social workers. Though it can be argued that the training of criminologists presently is 'more general' as argued by participant 22, the same applies equally to the training of other practitioners such as social workers and psychologists. For example, psychologists and social workers also obtain 'general knowledge' during their undergraduate qualifications and obtain

additional training in specialisation areas of their choice at honours or post-graduate level. It is the intent of this study to recommend steps necessary to establish such specialisation for criminologists in the child justice sector.

Lastly, it must be noted that it is not the intent of this study that criminologists should replace probation officers and social workers, but rather acknowledge the unique contribution that criminologists could make in the child justice system as part of a multi-disciplinary team.

6.2.2.3 Could criminologists assist in areas as identified in the Child Justice Act 75 of 2008

The intent with this question was to establish if criminologists could assist in areas identified by the researcher as depicted in the CJA. Chart 4 depicts the responses.

AREAS IDENTIFIED WHERE CRIMINOLOGISTS COULD PROVIDE ASSISTANCE

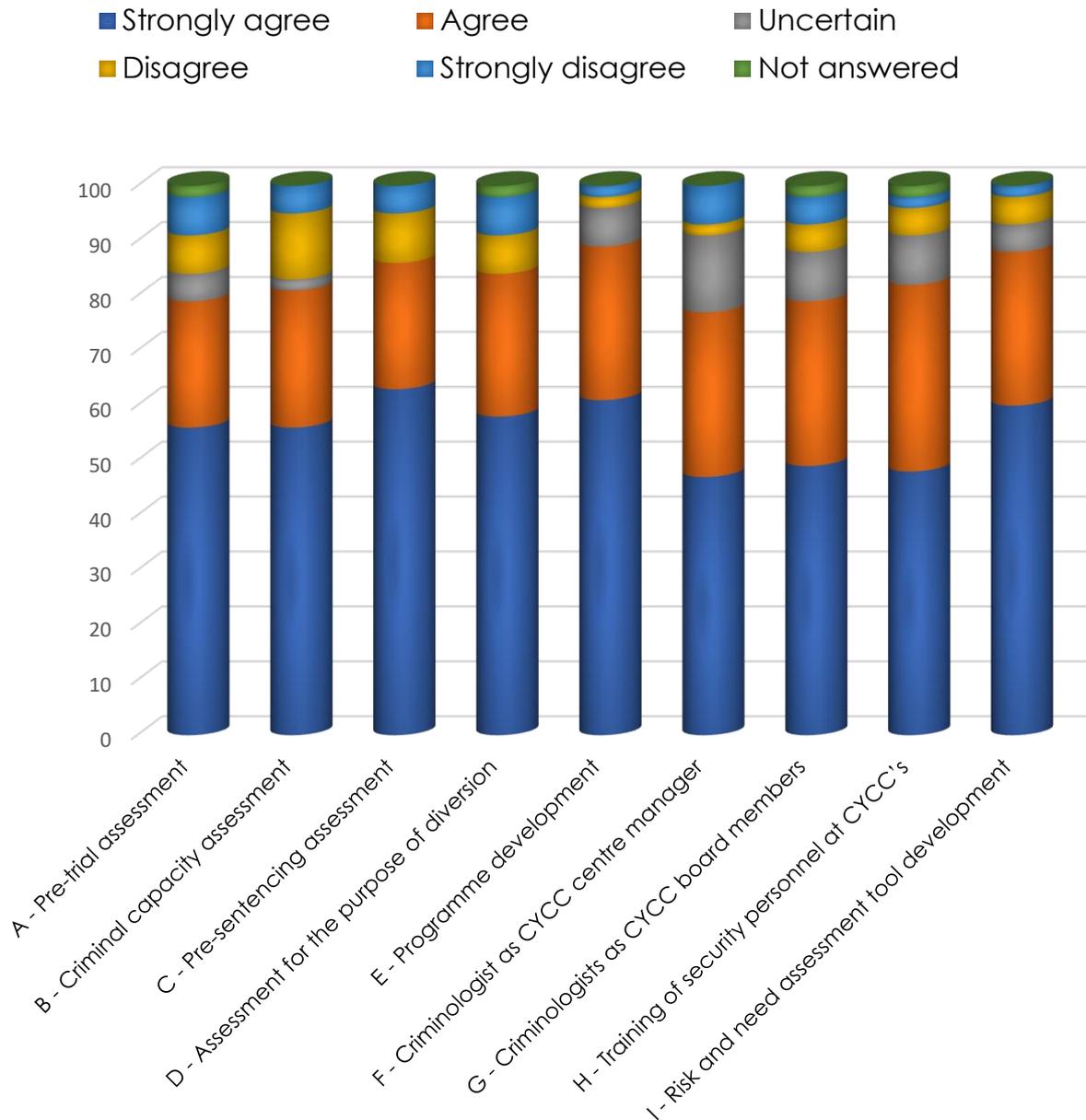


Chart 4: Areas identified where criminologists could provide assistance

It is evident from the above that the majority of the participants in all the areas identified, either strongly agreed or agreed that criminologists could deliver services to children in conflict with the law.

In this section, participants were not requested to provide additional information as to why they agreed or disagreed with the areas identified. Participants already indicated in paragraph 6.2.2.2 if they were of the opinion that criminologists could deliver similar services to probation officers to children in conflict with the law. The intent was rather to explore if participants were of the opinion that criminologists could deliver service in the specific areas as identified.

From the responses depicted that a high number of participants believed criminologists could deliver services in many of the areas in the child justice sector pertaining to child offenders. In contrast, only a small number of participants were unsure if criminologists could deliver services to children in conflict with the law. The highest number of participants who were unsure 14% (n= 6) responded same with regard to the role of criminologists as CYCC centre managers. The second highest number, 9% (n=4) occurred in the area of CYCC board members, as well as the training of security personnel, 9% (n=4) responsible for children in CYCC's. The uncertainty may be ascribed to a general lack of research in these areas and was thus unfamiliar to the participants. For example, during the literature review, the researcher only came across one article, where DSD raised concern regarding the training of security personnel (Department of Social Development 2010:37).

The area where participants most disagreed that criminologists could deliver services were criminal capacity assessment at 17% (n=7). Participant 22, for example, argued that psychologists and/or psychiatrists should conduct the criminal capacity assessment.

A small percentage, 14 % (n=6), of participants indicated that they disagree that criminologists could, for example, compile pre-sentencing reports. As discussed in Chapter 4, though limitations in the vocational training of criminologists were identified, criminologists nonetheless possess vital skills that could be beneficial to children in conflict with the law. Criminologists are, for example, aware that a pre-sentencing report should contain information that will furnish the presiding officer with the personal circumstances of the accused, background and attitude of a defendant, an assessment of the risk of re-offending, and will typically also include sentencing recommendations (Maguire and Carr, 2016:7). As Van der Hoven (2006:160), a South

African criminologist argues, the content of a criminological pre-sentence report will typically include factors such as: the character of the accused, level of intelligence, health and physical appearance, mental health, habits, such as alcohol consumption, motivation leading to the criminal event, possible provocation, trigger factors, the possibility of intimidation, remorse, cultural factors the degree of participation in the criminal act, the prospect of rehabilitation and other personal factors. This comprehensive picture of the accused is supported by evidence-based theoretical underpinnings that consider individual-oriented factors, milieu-oriented factors, the motivation for committing the crime, facilitating factors, and instigating factors. It is therefore clear that criminologists could play a vital role during the pre-sentencing phase.

With regard to the role of criminologist during diversion, 14 % (n=6) of the participants were of the opinion that criminologists could not assist children in conflict with the law. Two of the objectives set out in section 51 of the CJA, are of significance in this study. The first is to meet the needs of the child, and the second is to reduce the potential for re-offending. Kleinhans (2013:138), and Badenhorst (2006:230) argue that diversion can only be successful if, firstly, the risks and needs of the particular child are identified correctly, and secondly, the diversion programme meets the needs of the child. The lack of such an individualised approach was confirmed by Kleinhans (2013:148), and Steyn (2010:151). The necessity and significance of an in-depth, multi-dimensional approach, that considers all factors that may have influenced a child's offending behaviour is of specific importance during the assessment, and the influence thereof would be visible during the diversion. As Vincent et al (2012:5) rightfully argue, the risk assessment will estimate the likelihood of re-offending and guide intervention planning in much-needed areas of, for example, mental health and family functioning.

9% (n=3) of the participants indicated that they did not agree that criminologists would be suitable CYCC centre managers. As argued in Chapter 5, section 29(2)(a-e) of the CJA is of specific importance to criminologists. For example, when the presiding officer takes a decision to place a child in a CYCC he or she must consider factors such as the seriousness of the offence in question, the risk that the child may be a danger to him or herself or to other persons, and the appropriateness of the level of security at

the CYCC in question. Children exposed to violence in homes are at a greater risk of suicide (Unicef, 2006; Kimball & Keene, 2016:1). In addition, according to Akers (discussed in Chapter 3), children model violent behaviour, and are therefore more likely to exhibit violent behaviour which could cause concern for the safety of children and staff in CYCC's (Akers & Jensen, [sa]:5; Unicef, 2006; Kimball & Keene, 2016:1). Thus, Child Rights International Network (2012) argues, especially in cases where children have committed serious offences, that an extensive multi-disciplinary inquiry should be undertaken. As argued in Chapter 3 and 4, the skills and training of criminologists regarding risk factors for the causation of criminal behaviour in child offending should not be excluded, but rather become a necessity for protecting the best interest of children in conflict with the law.

Based on the complex multi-faceted nature of crime and criminality, which is core to the study field of criminologists, it can be concluded that the development of a specialised degree for criminologists in the child justice sector should be considered a priority.

6.2.2.4 Should child justice practitioners consist of a multi-disciplinary team?

The aim of this question was to discover if participants believed a multi-disciplinary team, consisting of probation officers, social workers, psychologists, and criminologists, could uphold the constitutional best interest standard for children in conflict with the law.

Multi-disciplinary Approach In Child Justice

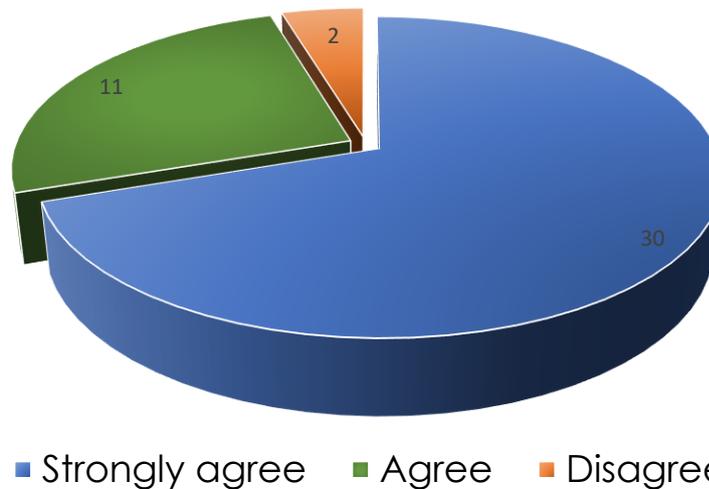


Chart 5: Should criminologists form part of a multi-disciplinary approach in Child Justice?

The majority of participants, 95% (n=41) strongly agreed and agreed that service providers in the CJA should consist of a multi-disciplinary team. Only 5% (n=2) of the participants were against it. Participants in favour of a multi-disciplinary approach in child justice argued:

“Multi-disciplinary approach will best serve the best interest of a child. If assessment is conducted thoroughly different avenues of intervention can be identified and more services can be provided and deter children from reoffending” (Participant 5: Former probation officer).

“Multi-disciplinary teams are integral for proper crime prevention. While a criminologist can ensure that the causes and factors leading up to criminal activity are identified and removed, social workers and psychologists need to be able to counsel the youth offenders” (Participant 19: Criminology student).

“In order to holistically meet the best interest of the child and to holistically assess and treat child offenders, a trans-disciplinary or multi-disciplinary approach is essential. Currently, the child justice system functions on a single-dimensional approach whereby children are assessed from a psychiatric/psychological and social/probation officer perspective. It is my opinion, and against the background of extensive research, that this

approach does not holistically assess all factors influencing the child's behaviour and subsequently, treatment thereof does not attend to all factors affecting the child and predisposing him/her to criminal behaviour. With this method of assessing and treatment, the risk of recidivism is high as the factors that contributed to the child's criminal behaviour would not be attended to" (Participant 15: PhD criminology student).

"This would be one of the first steps in formalising the criminology profession in South Africa. Further, it would allow for more insightful knowledge on crime, crime prevention, and criminal diversion to be implemented. Something the other professions do not necessarily have" (Participant 19: Masters criminology student).

"Each of the practitioners listed above has a particular skill set to offer. In my opinion, this multi-disciplinary team is the only way to achieve the paramountcy of the best interests of children" (Participant 24: Professor in Law).

"An MDT (multi-disciplinary team) expands the holistic impact of assessment, rehabilitation, and reintegration into society. The collective knowledge of professionals will add value to the process of assisting juveniles to deter from [sic] crime and possibly rehabilitate completely. Each professional brings a different dynamic to the MDT. The process is then not aimed at a single origin of delinquency but a poly-centric process of understanding the individuals and their interaction with the environment" (Participant 9: Criminologist).

"Criminologists are experts in the field of crime and the understanding of why and how criminal behaviours develop and are acted out. In the sphere of Child Justice, including the expertise of the Criminologist would only be a positive addition to the strategies, initiatives, and existing procedures in terms of Child Justice. Excluding the expertise of the Criminologist would deem the CJS ill-prepared in dealing with Child Justice in a holistic manner. Criminologists possess a specific set of skills and knowledge which is imperative in providing insight for policies, strategies, programmes for rehabilitation, reformation, [and] deterrence of deviant behaviours in young people" (Participant 37: Criminology graduate, Honours degree).

“The study of criminology specifically revolves around the factors that cause or contribute to crime, for a unique view as compared to the role of Probation Officers, Social workers and Psychologists. These other professionals form part of the process that helps inform the Criminologist’s research and point of view and, work together with criminologists to find solutions to the problem of children in conflict with the law. Our justice system is already lacking. Each of these practitioners has a unique take on crime and need to work together to uphold the best interest of the child” (Participant 4: LLB graduate).

“A multi-disciplinary team would be an excellent chance for the child/adult to be assessed and more professionals would be able to be part of the intervention planning of [sic] the client. This way all aspects of the client and the offending behaviour could be addressed” (Participant 1: Probation officer).

Though one participant strongly agreed with a multi-disciplinary approach, the participant also had the following reservations:

“It would serve the child and his/her family better. The problem is practicality since these multi-disciplinary teams will not exist in rural areas or the ‘platteland’ [farm areas]” (Participant 22: Child Law expert).

In addition, though participant 28 agreed with a multi-disciplinary approach to child justice, she argued:

“As part of the multi-sectoral team-yes. Doing what though?” (Participant 28: Presiding officer).

The response of participant 28 is in line with Human (2015:123) who indicated that practitioners in the child justice sector only acknowledge the value which criminologists could add after they had been informed what the study field of criminology entails. The findings by Human (2015:123) at that stage correlated with a study by Maree et al (2003:80) which indicated that criminologists are excluded from the criminal justice system due to a general lack of understanding of the discipline, and what criminology has to offer. The general lack of understanding of the role and function of criminologists was also established and confirmed by participants in Chapter 7.

Regarding the response of participant 22, operational difficulties may be experienced in rural areas with regard to a multi-disciplinary approach. Similar operational difficulties, regarding the availability of psychologists and probation officers, were also raised by Human (2015:120), Waterhouse (2008:31); Skelton and Tshehla (2008:35) and Gxubane (2008:12). In addition, Loffell, Allsopp, Atmore, and Monson (2008:50) argue that there are not enough social workers in South Africa to deal with the enormous demand for services to address issues currently caused by widespread social problems. The shortage of criminologists that may arise in rural areas can, for example, be overcome by assigning available criminologists as an interim measure to specific districts which can serve several courts.

In contrast to the above responses, one participant was not in favour of a multi-disciplinary approach and argued:

“As stated above [referring to a previous comment by the participant] involvement of a criminologist would expose the child within the system to several professional opinions. The focus will be the crime itself and risk of re-offence. This factor can be assessed by a Probation Officer” (Participant 3: Probation officer).

From the response of participant 3, it can be deduced that the participant is of the opinion that during assessment criminologists only focus on certain aspects of the child offender as pointed out i.e. “...the crime...and risk of re-offence”. In order to facilitate effective interventions, such as diversion programmes or rehabilitation interventions, and/or recommend sentencing options, criminologists need to establish crime causation and the risk of re-offending. However, the above could likewise address and recommend further interventions such as individualised rehabilitation strategies or therapeutic interventions, that would require extensive cognitive behaviour modification or medication. In addition, performing an assessment with the aim of finding causation and addressing re-offending requires specialised skills which are present in the training of criminologists.

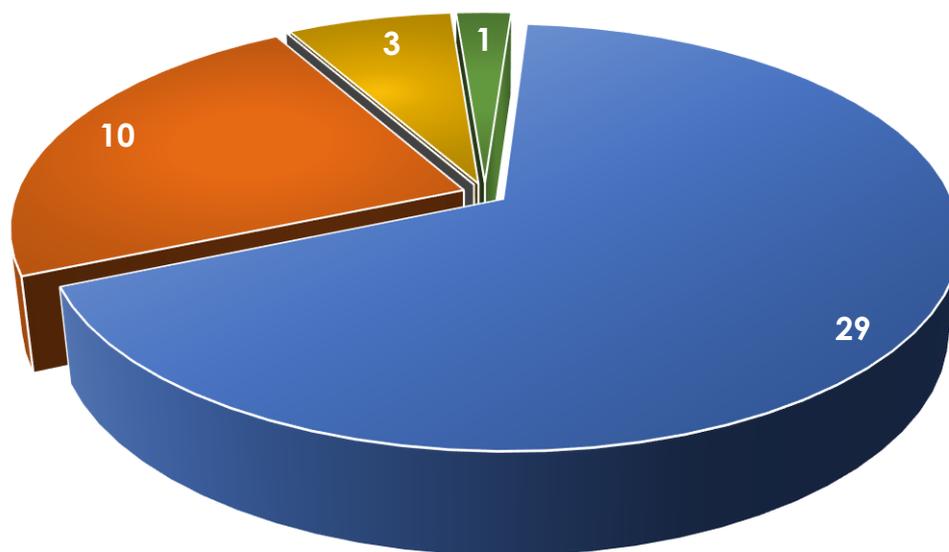
It became evident from aforementioned comments that participants were of the opinion, firstly, that criminologists could make a unique contribution in the child justice sector, and secondly, that children in conflict with the law would benefit from such a

multi-disciplinary approach. The opinions of participants regarding the inclusion of criminologists as a part of a multi-disciplinary team in child justice were also confirmed in phase 2 (Chapter 7), of the study.

6.2.2.5 Amendment of the Child Justice Act 75 of 2008 to include criminologists

This question required participants to indicate their preference towards a multi-disciplinary approach in the child justice sector. The intent with this question was to establish if the CJA should be amended to recognise criminologists as child justice practitioners. Participants were asked to select one of 5 options namely: agree, strongly agree; uncertain, strongly disagree and disagree. It was noticeable that none of the participants selected the uncertain option; in other words, they either agreed or disagreed.

SHOULD THE CJA BE AMENDED



■ Strongly agree ■ Agree ■ Uncertain ■ Disagree ■ Strongly disagree

Chart 6: Should the CJA be amended to recognise criminologists as child justice practitioners?

The majority of the participants, 90% (n=39) opined that the CJA should be amended to include criminologists as role-players. In contrast, only 7 % (n=3) disagreed, and 2% (n=1) strongly disagreed.

The following are responses from participants in favour of amendment of the CJA to include criminologists:

“The CJA is premised on the best interest of the child, but in reality, is little more than a faux criminal process. True multi-disciplinary (which takes behaviour and motivation into account) would better serve the best interest standard. Child justice cannot be a once-off [sic] situation. It calls for long-term intervention and monitoring. The criminality or potential criminality of child offenders is currently undervalued (and often ignored) when assessing child offenders. This is not in keeping with the CRC, AC or Beijing Convention” (Participant 41: Child law expert).

“There are already not enough practitioners available. This hampers the system negatively. They have the necessary expertise and can contribute to the effective use/implementation of the system” (Participant 7: Law academic).

“It should be amended for them [criminologists] to be able to work as practitioners in child justice, in the criminal sector specifically” (Participant 33: Candidate attorney).

“Not all professional practitioners in child justice necessarily have the in-depth knowledge of criminology that might be needed to ensure the best practice at all times” (Participant 31: Social worker).

“Probation Officers only is not able to serve [sic] the court as professionals in child justice” (Participant 40: Probation officer).

“Professionals like social workers and psychologists use criminological knowledge to perform their duties. This means the role of criminologists is important in child justice” (Participant 42: Former probation officer).

“Probation officers and social workers focus on the Children’s Act and not on the Child Justice Act” (Participant 35: Presiding officer).

“Probation officers and social workers focus primarily on the Children’s Act and not on Child justice and lack legal knowledge to objectively make punitive conclusions” (Participant 32: Presiding Officer).

“Children also commit more serious offences for example rape, murder and house robbery. It [sic] is where criminologists would [sic] come in to look into their behaviour” (Participant 34: Prosecutor).

“The aim of the criminal justice system is to break the cycle of the child’s criminal activities. Criminologists understand the essence of crime and criminals. They will, therefore, be in the best position to deal with the child and to act in the best interest of the child, also taking into account the risk factors related to the suspect (child), victim and society” (Participant 20: Police detective).

“Criminologists, who are experts in child justice, should be recognised in the Child Justice Act as we hold the speciality and expertise of assessing child offender’s behaviour, conducting criminal capacity assessments and rehabilitation programme development. The skills of the Criminologist should be utilised in the child justice and criminal justice system” (Participant 15: PhD criminology student).

“The ideal situation would be criminologists, social workers, probation officers and psychologists all working together towards a common goal and not in isolation from one another. Each practitioner bringing their skill strengths and expertise will enhance the multi-disciplinary approach and minimise or better eliminate any gaps in the needs of victims and offenders” (Participant 21: MA criminology student).

“Yes, it should be amended. The criminologist has the knowledge to be included and has not received enough accreditation [sic] for their work in the criminal justice field” (Participant 12: MA criminology student).

“Criminologists are recognised in first world countries as being pivotal in child justice. It is vital to understand the motivators for youth delinquency and crime. Criminologists are equipped with this knowledge and can provide a holistic understanding of certain behaviour and can, in turn,

provide the relevant solutions” (Participant 17: Criminology honours graduate).

“Criminologist’s are experts in the field of crime and the understanding of why and how criminal behaviours develop and are acted out. In the sphere of Child Justice, including the expertise of the Criminologist would only be a positive addition to the strategies, initiatives, and existing procedures in terms of Child Justice. Excluding the expertise of the Criminologist would deem the CJS ill-prepared in dealing with Child Justice in a holistic manner. Criminologists possess a specific set of skills and knowledge which is imperative in providing insight for policies, strategies, programmes for rehabilitation, reformation, deterrence of deviant behaviours in young people” (Participant 37: Criminology honours graduate).

Participants that were of the opinion that the CJA does not need to be amended argued:

“The basis on working with children and adults in conflict with law is the social work foundation. The perpetrator is holistically assessed in terms of his social functioning and not just in terms of their role in the offence” (Participant 1: Probation officer).

“Criminologists role in understanding the crime in the context of nature and seriousness of the crime and the mindset of the child offender may serve to be bordering on more punitive measures rather than restorative measures in terms of the Child Justice System. Criminologists would provide motivation and explanation in respect of the commission of the crime and seek to explain intent/ motivation which will be in conflict with the premise that child offenders are in effect children and the need to consider growth and development and maturity needs to be taken into consideration which [is] done during the compilation of the assessment reports and the pre-sentence reports by Probation Officers. A Probation Officer can be trained on aspects of criminological perspective and this may be incorporated into the assessment process. However, to entrust the care and protection of child offender to the sole assessment of a criminologist would defeat the purpose of having Probation Officers with a background entrenched in the care and protection of children in the country. To

minimises or redefine this role would mean the purpose of child justice which is still entrenched with the best interest of the child may become inconsequential to the process should criminologists become involved in a child justice system process as a norm” (Participant 3: Probation officer).

“Legislation already provides for the use of external stakeholders to assist government departments in the completion of their duties” (Participant 18: Criminologist).

“I do not know what their role would be” (Participant 22: Child law expert).

“Doing what exactly” (Participant 28: Presiding officer).

It is evident from the responses of participant 1 and 3, both probation officers, that they are of the opinion that the domain of child offending belongs to social work. As previously stated, the intent of this study is not to minimise the role of social workers and/or probation officers in the child justice system, but rather to advocate for the recognition and inclusion of criminologists as equally competent practitioners who could contribute to the best interest of children in conflict with the law.

Participant 3 was of the opinion that the CJA should not be amended to include criminologists because criminologists *“...would provide motivation and explanation in respect of the commission of the crime...”* Participant 3 also argued that such an assessment provided by criminologists would *“...exclude equally important factors, such as the development of the child.”* In order to individualise, and holistically assess child offenders, all factors should be considered, which include motivational factors, and the development of the child. For example, children exposed to forms of abuse, may demonstrate lower cognitive and language abilities, and exhibit behavioural problems, that could affect, or influence their developmental stages (Spratt et al, 2013:176).

In addition, as previously stated, it is equally important to establish the child offender’s motivation. Diversion or rehabilitation programmes cannot be recommended if the intent or motivation for the crime is neglected. Section 35(l) of the CJA stipulates that a probation officer may gather relevant information regarding the child which may be necessary for the best interest of the child, or which may further any objective which

the CJA intends to achieve. Participant 3 also refers to the fact that probation officers can be trained in “...*criminological aspects*...”, however, these ‘aspects’ are unclear from the response. As evident from the aforementioned findings practitioners in the child justice sector require a thorough knowledge of crime causation. The aim of the CJA is to provide children in conflict with the law with a protective mantle and to ensure that they are afforded a second chance via diversion and/or rehabilitation. To achieve this aim, criminologists cannot be excluded from the child justice sector.

Participant 18 refers to legislation that makes provision for the use of additional expertise, however, the CJA is clear with regard to the role-players and does not refer to any other suitable role-players that can be utilised. For example, in the case of criminal capacity assessment, section 11(3) of the CJA stipulates that psychologists and psychiatrists registered under the Health Professions Act (56 of 1974), are the only professionals designated to conduct criminal capacity assessments on children in conflict with the law.

The response by participant 22 and 28 does not come as a surprise, as research by Hesselink (2014:184) and Herbig and Hesselink-Louw (2009:441) indicated that though criminologists have made major contributions in the criminal justice sector (amongst others), criminology is to a large extent still viewed as a theoretical discipline with little or no practical application. According to Herbig and Hesselink (2009:445), in the absence of a professional regulating body, criminologists still have to sell and promote their services. The general lack of knowledge with regard to the role and function of South African criminologists was also established in Chapter 7 of this study.

6.2.2.6 Modules to be included as part of a specialised criminology curriculum

The intention of this question was to delve into the expertise of participants with regard to modules pertinent to a proposed specialised degree for criminologists in the child justice sector. The intention was further to address the limitations of the current criminology curriculum that could hamper effective service delivery.

Participants were required to indicate their choice by selecting strongly agree, agree, uncertain, disagree or strongly disagree with regard to the modules proposed. The

modules were selected based on interventions required by the CJA and currently executed by child justice practitioners.

MODULES TO INCLUDE IN SPECIALISED CURRICULUM

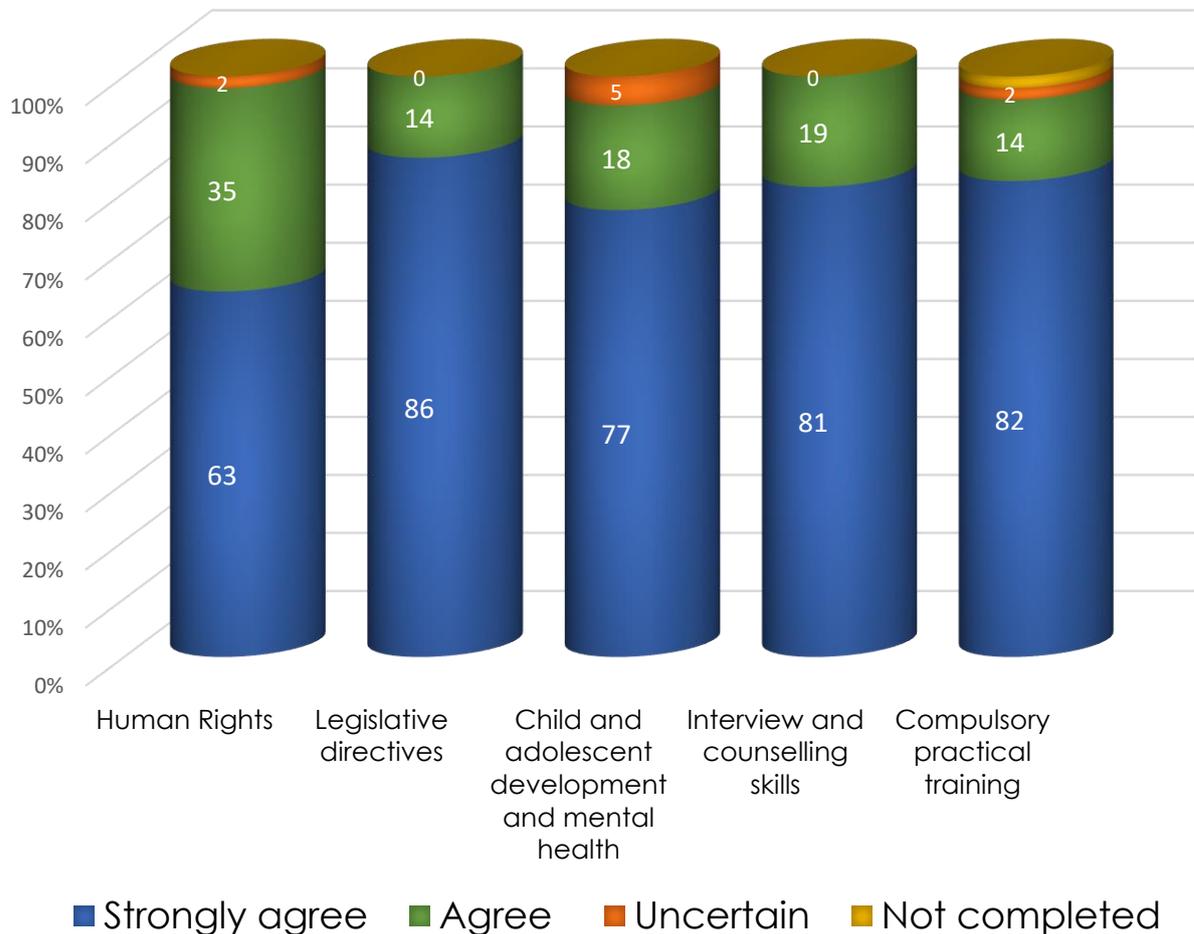


Chart 7: Modules to include in the specialised curriculum

It is clear from the above that all participants 100%, (n=43) were of the opinion that legislative directives such as the CJA, Children’s Act and the Criminal Procedure Act were pivotal for practitioners in child justice. Participants who participated in the 2nd phase of the study were also significantly in favour of the aforementioned legislative directives, but additionally recommended modules such as family law, criminal law and law of evidence amongst others. A wide-ranging knowledge of legislative directives pertaining to child offenders is imperative for child justice practitioners. In all the actions and interventions pertaining to child offenders, the CJA and the Children’s Act

provide guidelines for practitioners as to how the intervention should be executed. For example, Regulation 27(b) of the Regulations to the CJA requires that the report by probation officers must contain information about the child's development and competencies, the child's history, the family circumstances, and if the child poses a danger to him or herself. Regulation 27(c) stipulates that probation officers must express an opinion as to the possible reasons why the child committed the offence.

Section 71 of the CJA refers to sentencing and requires that probation officers furnish the court with a report and therein recommend suitable sentencing options for the child in question. Two participants, 35 and 32, both presiding officers, indicated that probation officers currently lack knowledge regarding the CJA and Children's Act.

In addition to the legislative directives, 100 % (n=43) of the participants indicated that they were in favour of the inclusion of modules such as interviewing and counselling skills.

Dealing with child offenders can be challenging, and practitioners in child justice will require specialised skills. In many cases, as discussed in Chapter 5, child offenders may require care and protection and may have been victims of either/or physical, sexual, or psychological abuse. Adolescents who may have been victims of abuse can suffer from anxiety, depression, and social withdrawal (Odhayani, Watson & Watson, 2013: 832). In such cases, child justice practitioners may find it difficult to establish rapport with the child. To accomplish the aim of the CJA which is, inter alia to individualise the circumstances that gave rise to the offence, child justice practitioners must gather as much information as possible which will facilitate decision-making during diversion and sentencing. It is imperative to establish rapport with a child and to gather as much information as possible to individualise the circumstances that gave rise to the offence. As depicted from the responses, 95% (n=41) agreed that a specialised degree in criminology would ensure that such specialised skills were in place.

In addition, psychiatric disorders are often present in adolescents who have been abused. According to Odhayani et al (2013:832) in one long-term study, 80% of adolescents who have been victims of abuse, met the diagnostic criteria for at least

one psychiatric disorder by the age of 21 years. Breen (2011:6) and Trytsman (2016:5) concur and argue that children with psychiatric disorders are at an increased risk of criminal offending. These findings in-turn, emphasise the inclusion of modules such as child and adolescent development and mental health, which 95% (n=41) of the participants concurred with. Lastly, 95% (n=41) of the participants were in favour of compulsory practical training for criminologists. The need for compulsory training for criminologists was also established in Chapter 7 infra. All the participants in phase 2 believed it is imperative to provide criminologists with and expose them to, aspects of the criminal justice system during their training.

6.2.2.7 Additional modules identified by participants

As discussed, participants were provided with the opportunity to indicate a preference of modules set out in the questionnaire. In this section, participants had the opportunity to suggest additional modules they regard as important in a specialised degree for criminologists.

PARTICIPANT	MODULES IDENTIFIED
1	Principles of probation and correctional practice, group work training, forensic social work
3	Sexual Offences Act
4	Family law, customary law, refugee law and international support, international human rights
5	Child psychology and development, criminal assessment, evaluation and profiling, sentencing
6	Psychology, group pressure, substance abuse and dependence
8	Social Context
9	A module that informs criminology students about the correctional centre environment. There is a stark difference between care facilities and detention centres regarding the level of nationalization and culture. A specific multi-discipline module that encompasses criminology, corrective science, social science, and law
11	Abnormal psychology in young offenders

14	Juvenile delinquency assessment and profiling
16	Children in rehabilitation facilities
17	Statistics
18	Restorative justice (theory and practice – identify stakeholders in the criminal justice system and their roles and responsibilities)
19	Modules on policing would be beneficial, as understanding how youth offenders travel that system is integral in ensuring that youth offenders are not victimised and have the most chance at 'succeeding' in life
20	Trauma counselling
24	Sexual trauma
25	Program development and group work
27	Child abuse and substance abuse
28	I would strongly suggest some practical exposure to courts and the way matters are dealt with in courts – adult courts and child justice courts.
30	Psychology, the criminal justice system, security in terms of the causes of crime, correctional matters.
33	Psychology and introduction to social work
34	Psychology and family law, criminal law sexual offences and related matters
37	Specific content related to victimisation and the effects thereof in terms of domestic violence, street children, HIV/Aids, drug, and alcohol abuse (by children and the effects) gang-related deviant behaviour.
38	Psychology and social work modules relevant to children
42	Penology

Table 7: Additional modules to include in a specialised criminology curriculum

The suggested modules as well as the modules identified by the researcher in section 6.2.2.6 fall within two distinct categories: law, and psychology. Participants were of the opinion that certain law modules, apart from modules discussed such as criminal law, the law of evidence, human rights, family law, customary law, sentencing and the Criminal Law (sexual offences and related matters) Act, should be included in a criminology curriculum. Further, participants addressed numerous aspects pertaining to child psychology and child development, as well as factors such as child abuse, gangsterism, bullying, violence in the family, sexual trauma, and trauma counselling. Participants were also of the opinion that criminology students could benefit from modules in sociology and penology. Most of the participants indicated that vocational training should form part of the criminology curriculum. As previously indicated, the current criminology curriculum would require amendment, if criminologists wish to specialise in child justice, as is further established in Chapter 7.

6.2.2.8 Academic level at which specialisation should occur

The majority of the participants were of the opinion that specialisation should either occur at an undergraduate level, 39% (n=16) or an honours level, 39% (n=16). 12% (n=5) were of the opinion that specialisation should occur at both undergraduate and honours level. The minority of the participants 2% (n=1) believed specialisation should occur at either honours or master's level, or honours, master's, and doctoral level, 2% (n=1). 5% (n=2) of the participants indicated that specialisation could occur at all levels of tertiary study.

6.3 CONCLUSION

This chapter presented the findings collected from questionnaires distributed to 43 participants. The study indicated that the majority of the respondents were in favour of the inclusion of criminologists, within a multi-disciplinary team, assisting probation officers and psychologists with their duties in the child justice sector. The findings are furthermore in favour of an amendment of the CJA to facilitate the inclusion of criminologists in order to serve the best interest of children in conflict with the law. Chapter 7 will present findings from data collected in the second phase of the study

which consisted of face-to-face and telephonic interviews, with experts in the field of child justice law, criminology, and child justice practice.

CHAPTER 7

DATA ANALYSIS AND RESEARCH FINDINGS: PHASE 2

7.1 INTRODUCTION

As stated in Chapter 1, this study was approached from an explorative and descriptive perspective. Based on the topic, which has not been researched before, the approach was explorative. The aim of this study was to develop an action plan for criminologists to become specialised practitioners in the child justice system. The focus of the second phase of the study was the remaining two objectives: to establish how a curriculum should be formulated to equip criminologists as child justice practitioners; and to identify steps necessary to establish a specialisation area for criminologists in the child justice system.

7.2 METHODOLOGY

Probability sampling, specifically convenience and snowball sampling, was employed to select the participants in the study. 22 semi-structured interviews, seven face-to-face and 15 telephonic were conducted. The semi-structured interview schedule (Annexure D) served to guide the interview, rather than dictate it (Greeff, 2011:353). The sample consisted of practitioners, experts involved in the child justice sector and/or in the field of criminology and child law. Participant responses are dictated here verbatim without editing.

Participants were given the right to remain anonymous or to waive their right to anonymity. The names of participants who waived their right to anonymity were included and are depicted below. The following participants formed part of this study:

PARTICIPANT	NAME	OCCUPATION, QUALIFICATIONS, AND AFFILIATION
A	Anonymous	LLD Independent Child Law Expert
B	Anonymous	MA Social work – Probation officer
C	Dr C Badenhorst	Director: Child Justice and Family Law. Department of Justice and Constitutional Development
D	Professor J Barkhuizen	President of CRIMSA. Professor in Criminology at the University of Limpopo.
E	Mr M Batley	BA Social Work, MPhil Applied Ethics, Restorative Justice Expert.
F	Professor C Bezuidenhout	Former President of CRIMSA. Professor in Criminology at UP
G	Professor H Fouche	Former Professor in Criminology at UNISA. Extraordinary Professor Stellenbosch University.
H	Anonymous	PhD Law. Child Justice Expert.
I	Professor B Häefele	Professor in Criminology, UNISA.
J	Professor H Kruger	Professor in Private Law, UNISA.
K	Dr G Labuschagne	PhD. Former Section Head of the SAPS. Clinical Psychologist, Additional degrees: LLB and Criminology
L	Ms C Malherbe	A former lecturer at UNISA. Social worker. Holds honours degree in criminology.
M	Professor A Minnaar	Professor in Criminology, UNISA.
N	Ms E Moore	BA Social Work. Hons Probation and Corrections-Supervisor probation officers.
O	Professor M Ovens	Professor in Criminology, UNISA
P	Ms E Pieterse	BA Social Work – Probation Supervisor.

Q	Professor J Prinsloo	Professor in Criminology, UNISA.
R	Professor A Skelton	Director, Centre for Child Law, University of Pretoria. UNESCO chair. Education Law in Africa. Member of the Committee on the Rights of the Child.
S	Professor J Sloth-Nielsen	Professor, Department of Public Law and Jurisprudence, University of the Western Cape, and Professor of Children's Rights in the Developing World, University of Leiden. Also holds an MA Criminology.
T	Mr E Smith	MA Social Work, Probation Officer.
U	Dr T Thobane	PhD Criminology. Vice President Crimsa. Senior Lecturer, UNISA.
V	Professor A Van der Hoven	Emeritus Professor in Criminology, UNISA.

As discussed in Chapter 1, thematic analysis was used during the second phase of this study. This process involves the identification, analysis and reporting of patterns or themes embedded in the data (Javadi & Zarea, 2016:33). Data analysis involved a six-phase process: familiarisation with the data, coding, searching for themes, reviewing themes, defining, and naming themes, and finally the writing-up and production of the report (Javadi & Zarea, 2016:33; Braun & Clarke, 2006:16).

7.3 PRESENTATION OF FINDINGS

Ten questions were used to collect the data from the participants in this phase of the study. The questions were aimed at the last two study objectives. The first objective, which explored areas where criminologists could contribute in child justice-related matters, was addressed in Chapter 6. As previously stated, the two objectives addressed in this chapter are:

Objective one: to identify how the current criminology curriculum should be formulated to equip students to become specialised practitioners in the child justice system.

Objective two: identify steps necessary to establish a specialisation area for criminologists in the child justice system.

This chapter commences with an exploration of factors that currently prevent criminologists from being recognised professionals that could be mandated by the CJA to deliver services to children in conflict with the law. This step was essential to establish the reasons behind the exclusion of criminologists as perceived by the participants. Further, the question could facilitate solutions to address and overcome obstacles that currently hamper the exclusion of criminologists.

7.3.1 Factors that currently hamper the provision of services to children in conflict with the law by criminologists

Participants were requested to provide an opinion as to why criminologists are currently excluded from delivering services to children in conflict with the law. Participants expressed wide-ranging opinions as to the possible reasons and resultantly, seven themes were identified and discussed below.

7.3.1.1 The absence of a professional legislative body

Participants A, F, G, Q, O, and I share an opinion that the predominant reason criminologists are currently excluded from delivering services to children in conflict with the law is that of the absence of a regulatory body for criminologists.

“I think the most obvious thing is logistical issues, the fact that criminologists are not recognised as a profession as such, reduces the government’s ability or the legislatures ability to give them a definite role in protecting the best interest of the child. The Act itself has not given them a definitive role, but that stems for the fact that they are not a profession”
(Anonymous: Participant A).

“First of all, criminology is not professionalised yet, the problem with that is, as soon as a criminologist represents somebody in court the opposing

party, or the court asks are you registered with a professional body?"
(Professor Bezuidenhout: participant F).

"They themselves need to professionalise in terms of that specific direction that the value can be seen, that it can be on the table and be mandated"
(Professor Fouche: Participant G).

"Professional body and empowerment of criminologists" (Professor Prinsloo: Participant Q).

"Professional body and the reason we can't professionalise is that there are too few of us.... but if we professionalise, we will get more criminologists" (Professor Ovens: Participant O).

"Ek dink senior studente dink daar is nie loopbaan geleenthede vir hulle nie". [I think senior students think there are no career opportunities for them] (Professor van der Hoven: Participant U).

"Vir soveel jare al praat en praat en praat die mense (criminologists) net oor die registrasie van kriminologie soos sielkundiges. Niemand het ooit daaruit gekom nie, dis begin, maar dis nooit verder gevat nie. Dit het van ons kriminoloë laat, ek sal nie se opgee nie, maar moed laat verloor" [For many years the registration of criminologists, in the same fashion as psychologists, has been a talking point. But it has remained there – no one has managed to reach the point of registration. The process was started but abandoned. As a result, criminologists have lost faith in the process]
(Professor Häefele: Participant I).

In addition to the arguments raised by the participants, Professor Prinsloo (participant Q), highlighted the importance of empowering criminologists. This correlates with theme 7.3.1.4 and 7.3.1.5 where participants indicated that criminology is unfamiliar to role-players in the criminal justice sector, and the public and that criminologists' are not viewed in the same professional light as for example, social workers and probation officers.

Professor Ovens (participant O) stated additionally that the current number of criminologists may not warrant a professional body, however, she also added that if criminology is professionalised, it will draw more criminology students. In other words, the absence of a professional body limits career opportunities for criminologists as argued by Professor Van der Hoven (participant U). In addition, Professor Häefele (participant I) mentioned that criminology students often ask what they can do with a criminology degree. This statement refers to the remark by Professor Prinsloo (participant Q) that criminologists are not empowered.

As previously discussed, the absence of a regulating body for criminologists and its consequences has been raised for many years. Subsequently, in the absence of a professional body, criminologists must still promote their services, which is evident where participants indicated that the public, and role-players in the criminal justice sector, are in general unfamiliar with the role and function of criminologists. In addition, participants indicated that criminologists do not have the same professional status as, for example, social workers and probation officers.

It becomes evident from the responses that criminologists may be at a cross-road. The renewed effort to create a professional body for criminologists as discussed in Chapter 2, is thus opportune. However, as participants (E, Q, I, T and U) mentioned below the establishment of a professional body will only come to fruition if criminologists and other social sciences professions work collectively towards a common goal not only to elevate the professional status of criminology but also to promote a change in legislation as discussed in Chapter 6. This concurs with the findings in Chapter 6 where 90% of the participants indicated that the CJA should be amended to include criminologists. The researcher proposes that the professionalisation of criminology could facilitate such a change in legislation as indicated by participant A above.

7.3.1.2 Current legislation does not recognise criminologists as service providers

In addition to the absence of a regulating body for criminologists, participant R identified the current legislation (CJA) as a factor that hampers the inclusion of criminologists in the child justice sector.

“Well, I think the only problem are [sic] the definitions within the Act itself. There is a sort of tightness in the definition, which at the moment might prevent criminologists unless they were appointed for example as probation officers. That doesn’t mean that I think that it should remain that way” (Professor Skelton: Participant R).

As discussed in Chapter 6, the participants concurred with the argument of Professor Skelton (participant R) and indicated that the CJA requires amendment. Dr Badenhorst (participant C) was however of the opinion that criminologists were excluded from the CJA due to their own absence during the negotiation process of the Child Justice Bill. Thus, it appears that the absence of a professional regulating body for criminologists may have influenced criminologist’s absenteeism during the negotiation process. However, the absence of criminologists during the negotiation process of the Child Justice Bill may also have been influenced by the deficiency of a clearly defined role and function for criminologists as identified by participants D, K, M, G and T discussed below.

7.3.1.3 Criminology and criminologist undefined

An additional reason for exclusion identified by participants was the absence of a definition of South African criminologists and clarification of their role and function. The following arguments were raised:

“Who do you consider to be a criminologist at this stage” (Professor Barkhuizen: Participant D).

“I think criminology has not defined itself, it is too broad as a profession” (Dr Labuschagne: Participant K).

“Because we have this problem at the moment that anybody can call themselves a criminologist, I have a PhD in History, and with the new professional board, you will be looking at things like RPL (recognition for prior learning), because I was in the early 1990’s doing research on political violence and violent crime and my research has been used in criminology

modules, so it is research on crime, I would be RPL as a professional experienced criminologist, although I am more seen as an expert in policing science” (Professor Minnaar: Participant M).

“At this stage, I think criminologists regard themselves more as academics. But there is a role that they can play in the operational side, which still has to be exploited, but to do that, one will have to professionalise, and say, this is what we can do” (Professor Fouche: Participant G).

“In my humble experience, and in my experience working with criminologists for many years, is that they appear to be more private-oriented, and I am not even sure if we have criminologists in South Africa working for the Government. So, because of that, and their very high status, as to say for example probation officers, they are called upon to testify in the high courts” (Mr Smith: Participant T).

It is evident that participants believed the role and function of criminologists are not clearly defined, and in some instances, criminology is still perceived as an academic discipline which could hamper the recognition of criminologists as practitioners in the child justice sector. Such suspicions were confirmed by Hesselink (2014:184); Herbig and Hesselink-Louw (2009:441) and Human (2015) as discussed in Chapter 2. The aforementioned studies indicated that despite the numerous contributions made in practice by criminologists, criminology is to a considerable extent still viewed as a theoretical discipline with little, or no practical application.

The absence of clear parameters and definitions pertaining to criminology and criminologists may also have an influence on perceptions such as criminology being a support to other disciplines, as pointed out by Mr Batley (participant E). Dr Badenhorst (participant C) believed criminology could be regarded as a supporting discipline for disciplines such as law, social work, and probation work. It becomes obvious that criminology may be perceived by certain individuals as a mere support structure for other disciplines, if criminologists only perceive themselves as academics, or if criminology is not clearly defined and professionalised.

Professionalisation will promote a clearer understanding of criminology and criminologists, to the public, as well as other law and social sciences professions, as discussed below.

7.3.1.4 The study field of criminology is in general unfamiliar to the public and role players in the criminal justice system

Participants J, U, N, L, I, B and P indicated that the study field of criminology is unfamiliar to the public, and role-players in the government and criminal justice system, which could contribute to the absence of services performed by criminologists in the child justice sector.

“There is still ignorance with regard to criminology, and what criminologists actually does [sic]” (Professor Kruger: Participant J).

“People, in general, have no idea what criminologists do” (Dr Thobane: Participant U).

“I think maybe a lack of knowledge, most of my colleagues in social work, we don’t understand what criminology entails. If they (criminologists) are especially known to us (probation officers), by known to us I mean the intersectoral committees with different disciplines. If we have them on that forum the criminologists, it would be much better for other disciplines to know their role in terms of the child justice act”. (Ms Moore: Participant N).

“My ondervinding is kriminologie is ‘n professie wat nie wyd bekend is nie. Ek dink hulle (publiek) is oningelig en mense weet nie wat kriminoloë doen nie”. [In my experience, criminology as a profession is not well known. I think people are uninformed and have no idea what criminologists do]. (Ms Malherbe: Participant L).

“Die gemeenskap en staats departemente hoe sien hulle ons? As jy nou byvoorbeeld mense ontmoet, en hulle vra jou, wat doen jy? Ek is ‘n kriminoloog. Ooh dis interessant, wat doen jy presies? Baie sal vir my vra, wat is ‘n kriminoloog? So ek dink, uit die kant van die samelewing daar is werklik onkunde oor wat ‘n kriminoog is. En as ek vir hulle vertel wat ek

doen, jissie maar dis interessant, wat kan jy alles met kriminologie doen? Die mense is dan geprikkel, maar die aanvanklike woord kriminoloog, is nie bekend nie". [How does and community and government departments view us? If you meet people, for example, they would ask what you do I am a criminologist. Oh, that is interesting, what do you do exactly? Many people will ask, what is a criminologist? I think there is still a lot of ignorance amongst the public. If I tell them what I do, people find it very interesting, but also ask, what can you do with criminology? People are then stimulated, but the word criminologist, is not familiar] (Professor Häefele: Participant I).

"I don't know that much about criminology and what criminologists do, but I do think they have a role to play, because they have knowledge of criminality, and why children offend, and the personality of the offenders, they will be able to fulfil a specific role" (Anonymous: Participant B).

"Ek dink daar is 'n sekere persepsie van wat hulle (kriminoloë) doen, maar mense weet nie regtig nie, ons kom nog uit Dr Irma Labuschagne se dae, dit is ons persepsie van 'n kriminoloog, ons het baie met haar gewerk, maar sederdien is daar bitter min kriminoloë". [I think there is a perception of what criminologists are, however, people do not really know what they do. We had the opportunity to work with Dr Irma Labuschagne, that is our perception of a criminologist, however, since her, there have only been a few criminologists] (Ms Pieterse: Participant P).

"I guess that would be the age-old problem that only social workers can be probation officers, and only probation officers (legislation) can render services to children in conflict with the law" (Mr Batley: Participant O).

Mr Batley (participant O) was also of the opinion that criminologists have much to offer in the child justice sector.

From the responses of the above participants, it clear that they are of the opinion that the study field of criminology and the role and function of criminologists remains

unfamiliar to the general public, and role-players within the criminal justice sector. In Chapter 6, it also came to the fore that role-players in the child justice sector were unclear as to where criminologists could fit into the child justice sector, and what their role would be. For example, a presiding officer (participant 28) agreed that criminologists could be included within a multi-disciplinary team but additionally added: *“Doing what though?”* Another participant, a probation officer (participant 3) was of the opinion that criminologists focused on the child justice sector and would tend towards punitive rather than restorative measures as intended by the CJA.

The absence of general knowledge regarding the role and function of criminologists has a direct impact on how criminologists are perceived by the public and other role-players in the criminal justice system. In addition, this general lack of understanding may be ascribed to the absence of a professional body for criminologists, which in turn affects their professional status as discussed below.

7.3.1.5 Criminology does not have the same professional status as other professions such as social work and psychology

A fifth reason for the exclusion of criminologists in the child justice sector was ascribed to the fact that criminologists are viewed in a different professional light, or status, to other social sciences professionals.

Professor Bezuidenhout (participant F), was of the opinion that certain advocates and courts do value the expertise of criminologists and their theoretical background, however, he also argued:

“Criminology is the only science that studies, the crime phenomenon in its relativity, meaning its totality. Our broad scope of crime makes us very handy for the legal fraternity, we [criminologists] have a completely different view of the crime phenomenon. However, they [criminal justice sector] do not deem us on the same status, [referring to the absence of a professional board]. For the average person [new criminology graduate] to start in courts, it will be very difficult” (Professor Bezuidenhout: Participant F).

Mr Batley (participant E), pointed out that he is aware of the debate about whether criminology could be regarded as an academic discipline, or whether it is a profession. He stated that there are people of the opinion that the current value of criminology is only to provide support to other disciplines such as probation work and psychology.

However, in contrast, Mr Smith (participant T), argued that the courts consider criminologists in higher regard than, for example, probation officers and social workers.

Crystallised from the findings is the fact that criminologists may be viewed differently by different role-players in the criminal justice sector. This 'professional status' or rather absence thereof, may again be ascribed to the absence of a professional body that could clearly define roles, functions, and boundaries for criminologists, which would then promote and enhance the professional status of criminologists. This, in turn, could lead to a better understanding of criminology as a profession, or discipline, by the public and role-players in the criminal justice system. In addition, the absence of a professional regulating body may also be ascribed to the lack of uniform training by South African universities, which is the next factor highlighted by participants in the study.

7.3.1.6 A lack of uniform training for criminology students at universities across South Africa

The lack of uniform training offered by the different universities to students, as well as the absence of a practical component in the training of criminologists, were also raised as probable reasons for the exclusion of criminologists in the child justice sector.

"We don't train them all in the same way – there is no proper professional skill set, so you have 20 people all calling themselves criminologists with massively huge differences in terms of what they are capable of, what they are trained to do" (Dr Labuschagne: Participant K).

"Criminologists don't have specialised training as in the case of probation officers" (Dr Badenhorst: Participant C).

“My understanding is that some degrees or University programmes are more theory orientated. In other words, they promote an understanding of human behaviour, as opposed to other programmes (practical)”
(Anonymous: Participant H).

The current criminology curriculum provided to undergraduate, and honours students by the different South African universities differs vastly with regard to programme structure, and the number of modules offered to students as was discussed in Chapter 2. In section 7.3.2.1 participants unanimously argued that the curriculum would require an amendment to facilitate a specialised degree for criminologists in child justice. Professor Ovens (participant O) for example raised her concern and stated that the current curriculum has “moved away from theory”.

As argued in Chapter 2, a professional body for criminologists could promote uniform training and standards amongst universities. Criminologists will have to have a strong theoretical base which can lead to applied knowledge, and in turn, will provide new graduates with career opportunities.

7.3.1.7 Opportunities missed by criminologists to be included in the Child Justice Act 75 of 2008

In addition to the arguments raised in the previous sections, participants C and T argued that criminologists ‘missed’ the opportunity to be included in the child justice sector due to their inaction.

“Niemand het opgestaan nie, (Criminologists) en gesê hoekom sit julle ons (criminologists) nie teminste by nie” [None of the criminologists stood up and argued for their inclusion in the Child Justice Act] (Dr Badenhorst: Participant: C).

“With the drafting of the Child Justice Act, many of them (criminologists) did not come to the table, they were not prominent enough to be included. So, an accumulation of those factors might have led [sic] that they were not included” (Mr Smith: Participant T).

As stated previously the fact that criminologists were not included in the consultation phase during the drafting of the Child Justice Bill, was also raised by the researcher in Chapter 2. According to the South African Law Reform Commission (2000:x) consultations were held with governmental and non-governmental organisations. The role-players included from NGO's and government departments were, for example, the DOJ&CD, DSD, SAPS, and NICRO, which at that stage, provided services in the field of child justice (South African Law Reform Commission 2000:x). According to the information provided in the South African Law Commission Project 106 Report (2000:x), criminologists were excluded during the consultation process. It is however not clear if this was due to criminologists not being prominent enough to advocate for their inclusion, or if criminologists were excluded due to other unknown reasons. However, initially, the South African Law Reform Commission made provision for the inclusion of other 'suitable' persons apart from the current role-players (i.e. social workers, probation officers and psychologists and/or psychiatrists) to deliver services to children in conflict with the law (South African Law Reform Commission 2000:89).

It further appears that criminologists may have missed the opportunity to be included in the CJA because they deem themselves more as academics than practitioners and did not realise the opportunities for criminologists in the child justice sector. These reasons aside the findings in Chapter 6 indicate that 77% of the participants were of the opinion that criminologists could perform similar duties to probation officers and social workers. In addition, 95% of participants indicated that the CJA should be amended, and 95% argued that the child justice sector could benefit from the inclusion of criminologists as a part of a multi-disciplinary team. In other words, participants are of the opinion that criminologists could put theory into practice.

Though participants expressed diverse opinions with regard to the reasons for the exclusion of criminologists from the child justice sector, it appears that the absence of a regulating body for criminologists, the fact that the role and function of criminologists are not defined, criminology curriculums at universities across South Africa differ immensely, and that criminologist do not have the same professional status as other

social science professions, and are therefore not recognised by other role-players and the public, are the main reasons for their exclusion from the child justice sector.

7.3.2 Exploring an action plan for the development of a specialisation in child justice

As discussed above this chapter addresses two objectives. Firstly, to identify how the current criminology curriculum should be formulated to equip students to become specialised practitioners in the child justice system. Secondly, to identify steps necessary to establish a specialisation area for criminologists in the child justice system.

With the aim of developing an action plan to establish a specialised degree for criminologists in child justice in mind, it was important to establish if the current criminology curriculum is fit for specialisation. It was further necessary to demonstrate how such a specialised qualification should be constructed, and how the curriculum content should be composed. Moreover, the researcher sought to establish if, how, and when a practical component should be implemented in the training of criminology students.

The responses from participants are discussed below and quoted verbatim without editing.

7.3.2.1 The current criminology curriculum will require a change

The majority of the participants i.e. H, D, F, V, U, Q, O, T, A, G, I, and M opined that the current undergraduate 3-year degree offered to students at the different universities is not suitable for specialisation in child justice and will require amendment.

“I think first, what will inform that is [creating a specialised degree], decide what they can and what they cannot do. Based on that, we can decide which curriculum would be required for whatever kind of a degree. Decide what it is you want them to do in the child justice system [as in the case of the

functions currently executed by probation officers as mandated by the CJA]” (Anonymous: Participant H).

“I think if we adapt or align our curriculum, we might address that need in the course, but we will have to get all the Universities together that opens the gate for a specialised course” (Professor Bezuidenhout: Participant F).

“Daar is te min spesialisering rigtings wat ‘n student sal vat na ‘n hoër vlak van expertise” [There is currently not enough specialisation streams for criminologists that can enhance or elevate the expertise of criminologists to higher levels] (Professor Van der Hoven: Participant V).

“I feel that there are so much [sic] improvements that we still have to make where our curriculum is concerned, there is definitely room for improvement” (Dr Thobane: Participant U).

“There must be a standardised curriculum for everybody that everybody agrees to, at the moment it is too haphazard, fragmented and all over the place” (Professor Prinsloo: Participant Q).

“Criminology has moved away from theory – you got to have a theoretical foundation” (Professor Ovens: Participant O).

“It would be required to be adjusted or amended to include relevant modules, such as psychology, and I would strongly recommend that within the curriculum somewhere, they need to find a place for the Child Justice Act. My experience in court, even prosecutors and presiding officers in magistrate courts, they do not understand the Child Justice Act” (Mr Smith: Participant T).

“I think it would require adjustment, as it is at its current level, and especially at the honours level, that you could perhaps create a stream specifically in criminology for children or delinquent children, but as it is at the moment, I don't think it would be suitable” (Anonymous: Participant A).

“It will have to be specifically designed for that aspect in child justice, compulsory components specifically focused, and it will have to be designed in consultation with practitioners” (Professor Fouche: Participant G).

“Ons huidige curriculum volgens my, is glad nie op standaard nie, hoeveel studente vra nie, what can I do with criminology?” [According to me, our current criminology curriculum is not up to standard at all. How many students ask the question what I can do with criminology?] (Professor Häefele: Participant I).

“Kyk ek dink kriminologie, dit is nodig dat jy ‘n wye agtergrond het van die vakgebied maar soos sielkunde en maatskaplike werk, jy moet op ‘n stadium begin spesialiseer, as jy sou wou spesialiseer”. [I think it is important to have a wide knowledge of criminology, but as in the case of psychology and social work, students have to start with specialisation, that is, if they want to specialise] (Ms Malherbe: Participant L).

Professor Minnaar (participant M) opined that the current curriculum does contain aspects relevant for criminologists to function in the criminal justice sector, but with the aim of addressing child justice aspects the curriculum will require focus, and possibly a specialised study unit in specific modules.

Notwithstanding the arguments above, several participants (37, 17, 12, 21, 15, 20, 4, 24, 19, 27, 29 and 41), as depicted in Chapter 6, stated that criminologists do possess specific skill and expertise that make them suitable role-players in the child justice sector. Thus, though the current curriculum will require amendment, criminologists already have a number of skills and expertise. The next section depicts participant opinions regarding the amendment and lengthening of the current BA degree as it pertains to criminologists.

7.3.2.2 Constructing a 4-year professional degree in child justice

Participants were of the opinion that the current 3-year criminology degree requires amendment. In this section, participants were required to provide an opinion as to whether a 4-year specialisation (professional) degree is a viable option. As will become evident, some participants, in favour of a 4-year degree, also offered alternative options as to how the current 3-year degree can be adjusted to become a specialised degree for criminologists in child justice.

The responses of participants Q, D, G, N, A, U, T, V, and I were in favour of developing a 4-year professional degree as depicted verbatim below.

“It should be constructed to be a 4-year professional degree, which is already registered at SAQA” (Professor Barkhuizen: Participant D).

“I think a four-year degree is necessary, but I will make allowance for stream selection, so the student have [sic] a choice” (Professor Prinsloo: Participant Q).

“If you want to professionalise the profession of criminology you would need a professional degree, which is a 4-year degree” (Professor Fouche: Participant G).

“You know I think it would be best to go for the 4-year degree, the reason being, to be a specialist you need to go deeper into a specific subject. If it is a 4-year degree, I think it would be an intensive study. It would provide someone with confidence and knowledge that they are now specialists in their field” (Ms Moore: Participant N).

“I think if you want to professionalise criminologists it is the only way to go”. (Anonymous: Participant A).

“Oh yes, yes, especially if we are going the route of professionalisation the prospects of criminology students to get employment is much higher” (Dr Thobane: Participant U).

“I would recommend the 4-year degree” (Mr Smith: Participant 20).

“Dit kan werk, dit kan definitief werk as a 4 jaar graad” [Developing a 4-year degree can definitely work] (Professor Häefele: Participant I).

“As dit ‘n praktiese component insluit”. [A four-year degree would be an option if it includes a practical component] (Professor van der Hoven: Participant V).

Though Professor Van der Hoven (participant V) was in favour of a four-year degree she highlighted the fact that a 4-year professional degree should include a vocational component. As depicted in 7.3.2.5 and Chapter 6, the majority of participants concurred with Professor Van der Hoven and argued for practical training of criminologists.

In addition, participants U, D and G opined that a 4-year degree would be synonymous with the professionalisation of criminology. In other words, if criminology is professionalised, a 4-year professional degree would be the route to go. Professor Barkhuizen also pointed out that a 4-year qualification is already registered with SAQA and could be adapted to child justice, or any other such form of specialisation if one makes use of specialisation streams within the same qualification.

In contrast to the above, participants F, and C argued:

“Your universities will not buy into that, you will have to select students into a coursework degree, or a specialised degree, in other words like in social work degree. There are hundreds of first years. The cost implications, venue implications, hardware implications for the training. You must have a universal standard with this type of degree. All Universities will have to buy into that” (Professor Bezuidenhout: Participant F).

“I don’t know if that will fill the gap, constructing or changing the degree to a 4-year degree. There have not been done [sic] enough in South Africa to elevate criminology to a profession. Currently, criminology is only fit for a support structure for other professions such as the police, social work, law and psychology” (Dr Badenhorst: Participant C).

In contrast to the findings of participants in favour of constructing a 4-year professional degree, Professor Bezuidenhout (participant F) highlighted that there may be enormous cost implications for universities because of the number of students who would wish to enrol for the degree. It is evident that such operational difficulties could discourage universities from developing a 4-year degree.

As however, established and depicted in Chapter 2, a professional degree would provide students with a thorough grounding in knowledge, theory, principles, and skills of the profession, and, in addition, the ability to apply these in practice. Some professionally oriented BA degrees are also designed in consultation with a professional body and recognised by that body as a requirement for a licence to practice that profession (Council on Higher Education, 2013:32). The current BA degree offered at UNISA (qualification code 98681) for example consists of 360 credits with an exit on NQF level 7 and is considered a general degree (Council on Higher Education, 2013:32). This contrasts with a 480-credit professional qualification which exits on NQF level 8 and has a higher volume of learning and greater cognitive demand than the current BA degree for criminology students. A professional BA degree, as envisioned in this study, would prepare students for professional training, post-graduate studies or practice in a wide range of careers (Council on Higher Education, 2013:32). The next section will explore the option of adjusting the current 3-year degree in order to facilitate specialisation.

7.3.2.3 Adjustment of the current 3-year BA degree to accommodate specialisation in child justice

In this section, participants were requested to indicate how the 3-year general degree could be reconstructed into a professional degree, and which post-graduate options

would be viable. The section is in line with the objectives of this study. The following responses were received and dictated here verbatim:

“Ek dink die 3-jaar BA graad is fine, as mens dan will spesialiseer kan ‘n mens dalk ‘n honeurs doen in child justice, of in ander velde. Maar hierdie honeurs moet ‘n voltydse honeurs wees, dit is hoe ek dit sou sien. Studente moet wye interne training doen, byvoorbeeld by CYCC’s, of die gevangenis, of by Kulisa, sulke plekke. Keur byvoorbeeld vyf of ses studente. Kry vir hulle plasings by organisasies waar die moontlikheid bestaan dat hulle daar kan aanbly. Keuring is baie belangrik, dit [working with child offenders] is ‘n emosionele werk, ek dink jy het baie meer skills nodig, jy moet ook ordentlike onderhoude kan voer” [I think the BA degree is fine, if students wish to specialise it can be done during the honour’s year, either in child justice or other fields. However, the honours degree should be a full-time degree, that is how I see it. Students need to receive wide-ranging exposure to practice at for example CYCC’s, correctional services or Kulisa. Students also need to be selected, say five or six. It would also be a good idea to get placements for students at organisations with the aim to later occupy a full-time position. Student selection is very important, to work in child justice with children in conflict with the law can be emotional, and students will have to have advanced skills. In addition, it is important that they will be able to conduct thorough interviews] (Ms Malherbe: Participant L).

“I think ultimately If you want to be taken seriously, you have to have professional training up to a master’s level. You don’t learn skills in your BA degree (just background theory), actual skills training only take place at honours and the master’s level” (Dr Labuschagne: Participant K).

“If a 3-year degree is maintained, specialisation should occur afterwards, but not at the honours level. I do not think you can have the honours as the specialisation because of the different selection of fields for other students. In addition, you need more than 4 modules, apart from your mini-dissertation in a specialised field” (Professor Fouche: Participant G).

Professor Bezuidenhout (participant F) opined that specialisation can occur at master's level and argued further for two types of master's degrees, one pure research, and the other, a specialised course-work degree. Professor Bezuidenhout pointed out that one university could initiate such specialisation, however, he was not sure if it would receive recognition without a professional body.

In contrast, Professor Kruger (participant J) was of the opinion that specialisation at the master's level is too late, and that specialisation should occur on honours level as depicted by Ms Malherbe (participant L). According to Professor Kruger, students must acquire a proper foundation and then choose to specialise at an honours level.

Professor Prinsloo (participant Q) provided another option and argued that students could complete a general BA degree and then a post-graduate diploma can then be developed with the aim of specialisation. Apart from the fact that Professor Fouché (participant G) argued that specialisation should occur after an honour's degree, he concurred with Professor Prinsloo (participant Q) and stated that a postgraduate diploma could be a viable option.

Professor Minnaar (participant M), opined that there are not enough child justice-related matters to warrant a specialised degree. Professor Minnaar mentioned that factors relevant to child justice are already contained in the criminology curriculum, for example, pre-sentencing reports, victim impact statements and criminological assessment. Professor Minnaar referred to the work of the late Dr Labuschagne which was continued and expanded on by Professor Hesselink. He argued that the current evidence-based knowledge can be customised to fit child justice-related matters. In addition, he emphasised a tripartite relationship between social work, probation officers and criminologists.

Though Dr Labuschagne (participant K), was in favour of developing a 4-year specialised degree for criminologists, he pointed out that a BA degree can be structured in such a way so as to include a sufficient number of law, criminology, and psychology modules to equip criminology students. Dr Labuschagne argued that such

a degree can be 'sold' to students as a multi-functional degree. If the degree is structured in such a way that students receive sufficient academic training during their undergraduate years, they can, for example, continue with specialisation at an honours level in either criminology, or psychology, and/or law. He further argued that such a degree would be a major advantage for psychology students because psychology undergraduate training lacks the focus of criminology regarding offending behaviour. According to Dr Labuschagne, the criminology modules offered to him during his undergraduate training provided him with an advantaged insight.

It is evident that participants held different views as to when specialisation should occur. The differences in opinions were noticeable in both the first and the second phase of the data collection process. As in the case of the first phase of the study, participants were of the opinion that specialisation should begin either at an undergraduate level and/or during the honours level. 39% of participants indicated that specialisation should occur at an undergraduate level, and 39% stated it should occur during honours training. In addition, 12% indicated that specialisation could occur at either the undergraduate and honours level, or at both levels. The minority of participants indicated that specialisation should occur at an honours and master's level. 2% were of the opinion that it should occur at honours, master's, and doctoral level, and the last 5% said that specialisation could occur at all levels.

It can be deduced from the above findings that a specialised degree could be created and that there are a few options as to how such a degree could provide criminology students with the option to specialise in child justice.

7.3.2.4 Module selection for a specialised degree in child justice

With the aim of establishing a specialised degree, participants were requested to indicate which modules should form part of a specialised degree fit for specialisation in child justice. The following themes were identified:

Participants O, G, P, and J averred that modules must be specifically designed for a specialisation degree and that professionals from other disciplines such as

psychology, social work, and law, as well as child justice practitioners, should be consulted during the design of such modules.

“Get various role players involved to design specific modules” (Professor Ovens: Participant O).

“It will have to be a specialised design degree, not just taking subjects from other disciplines. There will have to be compulsory components in a specialised degree. You will need to hold a serious [sic] of workshops with people responsible with different disciplines, and with corrections, the police, social services, they all have to sit together in a workshop” (Professor Fouche: Participant G).

“Omdat dit ‘n spesialis veld is, moet modules gefokus wees. Jy moet die modules spesifiek maak, ek dink baie keer die Universiteite equip jou met baie goed, maar hulle maak jou nooit ‘n spesialis in een ding nie, op die ou end van die dag, het jy ‘n klomp kennis, maar jy kan eitlik niks doen nie. Ek voel elke keer my eie gebrek aan kennis net in terme van die law, in probation work is daar dinge soos minimum vonnis, criminal procedure act, daai is wetgewing wat ons elke dag in ons verslae gebruik, en jy het nie genoeg kennis daarvan nie. Jy moet nou gaan oplees, dit guide jou aanbevelings, dit is konstante self studie. Maar my persoonlike opinie is ek wens ek het daai kennis gehad. Regsvakke wat betrekking het op child justice moet geinkorporeer word, en dan ook sielkunde. Op die ou end integreer jy daai goed, en dit maak jou dan ‘n spesialis” [Because probation work or child justice is a specialised field, modules needs to be focused. You need to compile specific modules. Universities may equip you with general knowledge, however, you are never a specialist in a certain area, at the end of the day you have a lot of knowledge, which you cannot apply. I daily experience my own lack of knowledge of the law. Minimum sentencing and the Criminal Procedure Act are legislations that we use, they guide us when we have to make recommendations. You have to acquire additional knowledge in this regard, it is a matter of self-study, I wish I had the knowledge. Law modules that are pertinent to child justice

need to be incorporated in the degree, as well as psychology. At the end of the day, all that knowledge will equip you to be a specialist] (Ms Pieterse: Participant P).

Professor Kruger (participant J) argued that the curriculum should “...at the very least...” include modules such as criminal law and criminal procedure. In Professor Kruger’s opinion, a combination of law, criminology and psychology modules would be imperative for criminology students who wish to specialise in child justice. She added that modules should be developed that can address aspects pertinent to child justice, and which will include, and address specific legislation such as the CJA. Professor Kruger provided an example of a module that she teaches, *Selected Aspects of the Children’s Act* – and argued that this module or something like it could be adapted for criminologists.

Participants L, S, E, A, J, Q, V, K and M believed certain law, psychology, and other modules such as social work, and sociology, pertinent to the child justice system, should be included in a specialised curriculum.

“Ek dink die teorie van kriminologie, ek dink Child and youth misbehaviour, alle modules te doene met gesinne, victimology, child abuse, violence in the family, daai tipe goed, jy moet baie daarop fokus. Student moet teminste 3de jaar in sielkunde doen. Die Child Justice Act en die Children’s Act loop hand aan hand, jy kan nie hulle skei nie. Ek dink jy sal moet ‘n regsmodule hê wat vir jou goeie onderbou gee, en basiese familiereg” [I think the theory of criminology, child and youth misbehaviour and all modules relating to families, victimology, child abuse, violence in the family and such things, must be the focus. Students must at least complete 3rd-year psychology. The Child Justice Act and Children’s Act function hand in hand – you cannot separate them. I think you will need to have a law module which gives you a good foundation and also basic family law] (Ms Malherbe: Participant L).

“The reality is that many of the children in the child justice system in the country and in other countries are facing those kinds of issues (psychological issues), that led them to get into trouble into the first place, or led them to get caught, so I would say the modules on dealing with psychological issues, are important, because if you are going to asses or improve anything in the child life you will have to deal with those things. Past instances of abuse, gangsterism, bullying, and also certain law modules”. (Professor Sloth-Nielsen: Participant S).

Anonymous, participant A opined that family law, criminal law, human rights, criminal procedure, and other legislative directives such as the Children’s Act and the Child Justice Act are important to include in a specialised child justice degree. In addition, participant A alluded to psychology modules, for example, interviewing and counselling skills, as well as child and adolescent development and mental health aspects.

Professor Ovens (participant O), believed students need aspects of sociology and penology, debriefing and counselling skills and argued that criminologists should *“...leave...respondents in a good state”*. In addition, Professor Ovens suggested various law modules.

“How can you function as a criminologist if you don’t even know how to address the presiding officer”. (Professor Ovens: Participant O).

Professor Prinsloo (participant Q), proposed criminal law, criminal procedure and law of evidence modules which currently form part of the LLB curriculum. According to Professor Prinsloo, it is not necessary for students to complete or address all the aspects in the LLB syllabus, but rather, for example, to focus on the pre-trial and trial stages in the case of the law of evidence. He also emphasised the importance of psychology modules for students who wish to specialise in child justice.

Professor Van der Hoven (participant V) highlighted child psychology, child development and mental health, and aspects of the criminal justice system which would include the Children's Act and the CJA.

Dr Labuschagne (participant K) focused on the importance of law modules such as family law, criminal law, and criminal procedure. He argued that for example in his own experience, on completion of his degree in psychology he enrolled for an LLB degree, because: *"...you do have to understand how the process works (criminal justice system) and the rules associated with the courts"*. He argued that his training in psychology did not provide him with the necessary knowledge of the criminal justice system.

Though Professor Minnaar (participant M), argued that it would not be viable to create a specialised degree that only focused on child justice, he did not foresee any disadvantages in the creation of a stream of modules to choose from. In other words, Professor Minnaar suggested adding to the existing modules and including more aspects of child justice.

"Then when you go into practical training you will just focus on the aspects relevant to child justice" (Professor Minnaar: Participant M).

In contrast to the views expressed above, participant H argued that before any decisions can be made with regard to compulsory modules in a specialised degree:

"First decide what it is you want them (criminologists) to do. For example, do you want them to assist in the age estimation of the child, do you want them to assist in assessment, you know all those interventions. Once you have decided on that, yes you need that, yes we can design the curriculum" (Anonymous: Participant H).

Modules selected by participants during this phase of the study (phase 2) correspond with the findings in phase 1. Participants in phase 1 were also of the opinion that

certain law and selected psychology modules would be important in a specialised degree focused on children in conflict with the law. It is evident from the findings that participants are of the opinion that criminology students who wish to specialise in child justice would require an in-depth knowledge of certain aspects of the law, as well as selected areas of psychology. Dr Labuschagne (participant K) and Ms Pieterse (participant P) highlighted the current lack of training in legislative directives and understanding of court procedures. Participants were, however, clear that modules will have to be designed to accommodate such specialisation in child justice. Table 8 summarises some of the modules selected by participants during this phase of the study.

Table 8: Modules selected by participants

LAW (LEGISLATIVE DIRECTIVES)	PSYCHOLOGY MODULES	OTHER MODULES AND ASPECTS OF IMPORTANCE
CRIMINAL PROCEDURE ACT – PARTICIPANTS: K, P, A, Q	CHILD DEVELOPMENT – PARTICIPANT: V	CRIMINOLOGY THEORIES - PARTICIPANT: L
CHILD JUSTICE ACT – PARTICIPANTS: P, V, L, A	CHILD AND ADOLESCENT MENTAL HEALTH – PARTICIPANT: V	CHILD AND YOUTH MISBEHAVIOUR – PARTICIPANT: L
FAMILY LAW- PARTICIPANTS: K, L, A	INTERVIEW SKILLS – PARTICIPANT: O	VICTIMOLOGY – PARTICIPANT: L
CRIMINAL LAW – PARTICIPANTS: K, A, Q	COUNSELLING SKILLS – PARTICIPANT: O	CHILD ABUSE – PARTICIPANT: L
CHILDREN'S ACT – PARTICIPANTS: V, L, A		GANGSTERISM – PARTICIPANT: E
LAW OF EVIDENCE – PARTICIPANT: Q		BULLYING – PARTICIPANT E
HUMAN RIGHTS – PARTICIPANT: A		VIOLENCE IN THE FAMILY – PARTICIPANT: L
SEVERAL TYPES OF LAW MODULES – PARTICIPANTS: O, L, E		PENOLOGY – PARTICIPANT: O

7.3.2.5 Introducing compulsory practical training for criminology students

In this section, participants were requested to indicate at which stage of the training, a practical component should be introduced. The opinions of the participants are noticeably diverse.

“I don’t think it is as easy as that (deciding when to introduce the practical component), because bodies, which are responsible for, what we are discussing, standards regulating body which allow for people to register, for instance, SAQA, those people are quite experts in terms of figuring out what is required” (Anonymous: Participant H).

In contrast to the opinion of participant H, participants K, B, T, U and C, opined that the practical component in a specialised degree should be introduced as early as possible, in other words from a 1st-year level.

“The social work degree has a lot of practical training, especially in the fourth year” (Mr Batley: Participant E).

“The more practical [sic] you have, the more advantage you will have” (Dr Labuschagne: Participant K).

“I think practical training started with us (social work degree) at a first-year level. I think practical training should occur throughout the degree” (Anonymous: Participant B).

“I would say for any profession, the sooner you can start the better” (Mr Smith: Participant T).

“Introduce it slowly, from the first year to expose student to how you can apply criminology but in the second year they can go into the field and get experience, third and final year students will be required to spend a certain amount of time for a couple of months” (Dr Thobane: Participant U).

“Practical training is not something you can do in one year, or in short space or period of time.... To establish report [sic] with a child is much more difficult than with adults” (Dr Badenhorst: Participant C).

In contrast participants, N, J, I and P argued that practical training should be introduced on a 3rd-year level.

“I think practical training should start at a 3rd-year level. The person (student) will have more knowledge of the direction he is going to. At a 2nd year level, you are still busy with theory and trying to adjust. At a 3rd year level, they (students) can apply their mind on what they have learned on the 1st and 2nd-year level. The integration of theory will then make sense” (Ms Moore: Participant N).

“I think practical training is important, but I am just not sure (for example in the case of social work students) if practical training from a [sic] second year is not too early. Practical training should only occur from the 3rd year onwards. Then continue into the fourth year, or if specialisation occurs in honours it would also continue there” (Professor Kruger: Participant J).

“Prakties op ‘n eerste jaars vlak maak nie altyd vir my sin nie. Hier by jou 2de of 3de jaar, dan begin prakties vir jou sin maak. Self in die 2de jaar is dit nog baie moeilik. Praktiese aspekte moet spesifiek praat met jou spesialiteits rigting, as ons praat in terme van probation” [A practical component at 1st year does not always make sense to me. Practical training only starts making sense on a 2nd or 3rd year level. Even in the 2nd year, you may still experience difficulties. Practical components in the training must be specific and directed at the specialisation, with the aim of

probation work (specialisation for criminologists in child justice)] (Ms Pieterse: Participant P).

“Ooh absoluut! Praktiese opleiding is nodig, maar is dit uitvoerbaar? Kom ek gee nou die voorbeeld van die UNISA student, dit is afstandsonderig. Ja by ‘n ander Universiteit gaan dit honderd persent werk. Maar ek sou se op 3de jaars vlak al, jy berei die student eers teoreties voor in die eerste en 2de jaar” [Practical training is absolutely necessary, but would it be possible in practice? Using the example of UNISA, it is a distance learning institution. It could work one hundred per cent at other Universities. But I would say (introduce practical training) at the 3rd-year level, we first need to provide students with a theoretical background on the 1st and 2nd-year level (Professor Häefele: Participant I).

In contrast, participants B, G, M, and L believed practical training should occur on a 4th-year level or at the honours level.

“Specialisation should occur at a fourth-year level. Students first need the foundation, you have to do your basic level first, that is important” (Anonymous: Participant B).

“Not at a 3rd year level, after the 3rd year in the post-graduate specialisation year” (Professor Fouche: Participant G).

“Usually that type of practical training occurs at the honours level, so you will have aspects of child justice for criminologists” (Professor Minnaar: Participant M).

“Ek sou sê, as ek nou dink aan my maatskaplike werks graad, ons het vanaf eerste jaar prakties gedoen. Ek sal nogal daarvan hou, sê maar die honours graad is 2 jaar, moet jy na 6 maande begin prakties doen. Dan in jou laaste jaar moet daar sekere goed wees waaraan jy moet voldoen, en wat jy afgehandel het” [If I think of my own social work degree, we started with a practical component already at a 1st year level. I would be in favour

of, say for example the honours degree consisting of two years, that students start with the practical component after they have completed the first six months of the honour's degree (Ms Malherbe: Participant L).

“As ek dink aan ‘n 4 jaar graad sou ek sê in die laaste jaar, die 4 de jaar”
[If I think of a 4-year degree, I would say in the last year, the fourth year]
(Professor van der Hoven Participant V).

Participants were further asked to indicate what the practical component should consist of and how it could be introduced to equip criminology students in the child justice field.

“They (criminology students) must get involved in the field of juvenile justice, juvenile courts, attend court cases, attend assessment, observe assessment, preliminary inquiries, how the system works, how to do assessments, interviewing, to see how the court system works is important”
(Anonymous: Participant B).

“Also bring in assignments and let them go and shadow role-players, which will provide them with a clear idea of where they want to work” (Professor Ovens: Participant O).

“In jou laaste jaar moet daar sekere goed wees waaraan jy moet voldoen, en wat jy afgehandel het” [In the last year of their honours training students will then have to complete certain tasks, and there should be a specific criterion which they will have to comply with.] (Ms Malherbe: participant L).

“Yes, practical internships for criminologists need to be done, together with your probation officers and social workers, there should be that tripartite working team to better serve the interest of children in conflict with the law”
(Professor Minnaar: Participant M).

“Ek dink dit kan definitief werk as studente bootgestel word aan die hof, hulle kan protocol en prosedures opserweer. Studente kan ook meer

ervare probation officers vergesel. Blootselling kan 'n persoon 'n beter guidance gee” [I think it is a feasible option if students can be introduced to the courts, they can observe protocol and procedures. Students can also shadow more experienced probation officers. Exposure to aspects of child justice will provide guidance for students] (Ms Pieterse: Participant P).

“Have them (criminology students) attending court cases, prisons. Start at [the] second-year level. Go and attend for example 20 different court cases, for example, a murder trial, child abuse case where the prosecutor can sign a log book, they not doing anything from observing”. (Dr Labuschagne: Participant K).

As depicted, participants held different views, as to when the practical training should be introduced for criminology students. However, of more importance is that all of the participants were in favour of practical training and argued that a practical component in a specialised degree is essential. This was also in line with the findings in the first phase of the study. Results indicated that 96% (n=41) of the participants were in favour of a practical component, 2% (n=1) were unsure, and 2% (n=1) did not answer the question.

As identified and addressed in Chapter 5 and 6, child justice practitioners will need to address and execute a number of interventions from the first time the alleged child offender enters the child justice system, for example during pre-trial assessment, to his or her exit whether by diversion, rehabilitation, or assessment for the purpose of sentencing. During all these phases, practitioners will have to display an elevated level of expertise to make individualised decisions that will facilitate the best interest of children in conflict with the law. In other words, it would be imperative to equip students with all the necessary tools in the form of thorough academic training and practical expertise that would equip them in the execution of child justice related duties.

7.3.3 Challenges associated with the establishment of a specialised degree

In this section, participants were invited to identify challenges that may impede the establishment of a specialised degree for criminologists in child justice.

“Political will and money” (Professor Barkhuizen: Participant D).

“Bureaucracy, especially from SAQA is the biggest challenge, afterwards, I think the buy-in from professionals” (Professor Prinsloo: Participant Q).

“How to get the resources, getting the right people, the experts, getting funds, everything is about money” (Ms Moore: Participant N).

“The whole thing of academic protection and jealousy, people (other professions) are going to be protective, they will have to see the value of it” (Mr Batley: Participant E).

“Ek dink een van die groot challenges is om organisasies daarbuite te kry wat die mense (criminologists) in diens gaan neem. So mens moet hierdie graad bemark, dit moet ‘n graad van kwaliteit wees, waar jy in samewerking sê maar met gevangenis, en Department of Social Development die graad ontwikkel. En dan moet die mense (kriminoloë) die kwaliteit werk lewer dat die mense kan sien. Jy gaan ook nie sonder die professionalisering van kriminologie vooruit kom nie” [I think, one of the biggest challenges would be to get organisations who would employ criminologists. It would be important to promote the degree, it should be a degree of high quality, you should develop a degree in conjunction with for example with the Department of Corrections and Social Development. And then, criminologists will have to deliver quality work, for other professionals to see. Without the professionalisation of criminology it is also not possible to move forward] (Ms Malherbe: Participant L).

“I think one of the hurdles would be, (as in the case of registering probation officers) getting a buy-in, it is huge, it is a challenge, but it does not mean you must give up, when you have a vision when you can sell the idea.

Resistance will always be there, people want to protect their territory, you can expect that. You don't have to lose hope, especially if you have a clear vision, how this can work" (Anonymous: Participant H).

"Prosesse wat gevolg moet word wat moontlik lank kan duur. En dan die inkoop van ander partye (criminologists). Jy gaan heelwaarskynlik teenkanting kry van mense wat dalk mag voel hulle word bedryg. Gaan ons studente getalle nie dalk afneem? Maar jy gaan ook mense kry wat baie entoesiasies gaan wees. Ek dink die grootste uitdaging is tyd op hierdie stadium" [Processes that need to be followed may take time. And then the buy-in of other parties (criminologists). You may experience opposition from other professions that may feel their professions are threatened, they may ask will their student numbers not decline. But you will also get people (criminologists, and other professionals) that will be very enthusiastic. However, I think the biggest challenge at this stage is time) (Professor Häefele: Participant I).

"Daar is 'n groot voordeel in terme van die kursus (Specialised degree for criminologists). Jy gaan ouens (new graduate criminology students) in die praktyk kry wat direk kan begin werk, wat klaar die kennis en ervaring het. Ons kry nou outjies (new graduate social workers) uit die Universiteite wat nie eers weet wat probation werk is nie. Jy moet hulle begin ontwikkel, en dit vat baie tyd. Jy moet mense kry wat weet hoe dit werk" [There is a huge advantage to develop a specialised degree. You will get criminology graduates that are equipped, and which have received sufficient practical training during their studies, which will enable them to start work immediately. You will not get new social work graduates, fresh out of university that does not know what probation work is. You have to train them, which does require time] (Ms Pieterse: Participant P).

"Maybe old habits die hard, your own professionals, namely criminologists, that want to keep to the old, that can be a challenge for you. Our Government itself which is a major role-player, if it is not quick out of the block, they might not want to invite you to come with your new proposal, you need to keep that at the back of your mind. There will be professional

jealousy, but that will be based on the professional maturity, of say, for example, a social worker, and a probation officer. Talking about my profession, probation officers are overwhelmed, I believe there would not be any probation officer saying, I do not need your help” (Mr Smith: Participant T).

Professor Van der Hoven (participant V) also made mention of academic and/or professional jealousy and stated that it might be difficult to get their involvement in the development of such a degree. In addition, another challenge may be to involve professionals willing and able to teach specialised modules.

Dr Labuschagne (participant K), agreed with Professor van der Hoven (participant V) and argued that one of the external challenges will be to get the ‘right’ professionals to teach the courses. Another challenge would be to ensure that the students are sufficiently trained. He added that though this course may be developed and considered an advantage in the criminal justice sector; without professionalisation, “...will the courts and the justice system recognise the course?”

Professor Kruger (participant J), was also of the opinion that it might be difficult to find professionals that would be able to conduct the practical training because criminology has not developed as such. Professor Kruger was also in favour of involving experts from other fields such as psychology, law, and social work to work with criminologists in this regard.

The deduction made from the responses of the participants in the study was that though some of the participants were of the opinion that the development of such a degree will encounter operational difficulties and may be viewed as a threat to other professionals, the advantages outweigh the challenges. As stated in Chapter 4, underpinned by the Constitution, and international obligations such as the UNCRC, the CJA aims to uphold the best interest of children in conflict with the law. This would imply, those child justice practitioners should consider multi-factor causative variables

when interventions with child offenders are aimed at rehabilitation, curbing recidivism, and safeguarding community interest.

In addition, as argued in Chapter 5, the exclusion of criminologists from the CJA raises concerns as to whether the best interest standard is fully protected by the Act. It is evident that the best interest of children in conflict with the law would be better protected if criminologists could enter the child justice sector and execute duties in conjunction with social workers and probation officers. The advantages of such a multi-disciplinary team will become evident below.

7.3.4. Advantages and disadvantages of establishing a specialised degree in child justice

In this section, participants were asked their opinion of the advantages and disadvantages of establishing a specialised degree for criminologists in child justice. The advantages are discussed hereunder:

“I will always argue why not if you can get more hands, we have to get rid of our fears...to add to a very limited pool, as I said, as long as people (criminologists) have the necessary skills. Additional insight will promote a multi-disciplinary approach to work with child offenders, that is, by the way, the international trend, they are going for a multi-disciplinary approach. It takes a village to raise a child” (Anonymous: Participant H).

“I think criminologists can also apply the services in a much bigger sector than just the academic sector” (Professor Sloth-Nielsen: Participant S).

“Potential jobs for graduates – help with children in conflict with the law. I don’t see actual disadvantages, only too many people specialising in one field, but then again, the world is small, it does not stop someone graduating with this degree to take it overseas, and to specialise there. I do not see a potential problem...You need to start with something somewhere, what stops South Africans from developing a degree that people in other

countries would not like to implement there” (Professor Barkhuizen: Participant D).

“You will also have to create a specialisation in other areas” (Professor Fouche: Participant G).

“I think there are only advantages – from my perspective, there are simply not enough people equipped, for example, to do a criminal capacity assessment – it will just add to the pool of people who can do a criminal capacity assessment. It will also assist in developing the profession of criminology to its rightful place” (Professor Kruger: Participant J).

“The advantages will be enhancing a multi-disciplinary team, we will be able to serve the child offender better, they (criminologists) will be there assisting us in fulfilling our duties, you know, to fulfil our constitutional mandate, because the right of the child is of paramount importance. I myself wonder are we doing the assessment correctly, because of the pressure on probation officers, the time factor, there is a quality concern, when you work under such an amount of pressure, you are bound to make mistakes” (Mr Smith: Participant T).

“Ek dink die advantages is dat jy kriminologie as ‘n professionele beroep bemark, en dat as jy so ‘n spesialis graad het dat jy ordentlike dienste kan lewer aan hierdie kinders en hulle gesinne in ‘n multidisciplinary span, want jy as kriminoog gaan dit nie alleen regkry nie” [I think the advantages would be that criminology as a profession would receive recognition, and with such a specialised degree, role-players would be able to deliver elevated services to children and their families within a multi-disciplinary team, because criminologists alone will not be able to achieve that] (Ms Malherbe: Participant L).

“Ek kan nie dink aan ‘n nadeel nie, al nadeel wat ek aan kan dink is dat dit tyd en geld gaan vat om daar uit te kom. Maar ek sien baie meer voordele as wat ek nadele sien – ek is absoluut ten gunste hier van (developing the

degree). *Vir ons studieveld vir kriminologie gaan dit ongelooflik baie beteken. Ek dink die hele samelewing gaan daarby baat vind, ons sit met so hoë misdaad syfer* [I cannot think of any disadvantages; the only disadvantage will be that it will take time and require money. However, I see more advantages than disadvantages. I am totally in favour of the development of such a degree. This degree will benefit the profession and criminologists. I think the whole community will benefit from the degree, as we have such a high crime rate] (Professor Häefele: Participant 9).

The participants raised the following disadvantages:

“The issue of duplication, you might find yourself on the territory of probation officers or psychologists” (Dr Badenhorst: Participant C).

“Ek dink nie daar is disadvantages nie, maar professionele jaloesie kan ‘n rol speel, ons beleef dit elke dag, jy moet absoluut oop wees vir dit” [I cannot think of any disadvantages; however, professional jealousy may play a role, we experience it daily, you have to be open] (Ms Pieterse: Participant P).

“The disadvantages will only be a bit of confusion, how do we implement it, it should be very clear. Power-play will come into play because certain courts would view a criminologist higher than a probation officer and that is not true” (Mr Smith: Participant T).

“No, I can’t think of any disadvantages, except that it will take long [sic]. I just see advantages of having a 4-year degree with in-service training” (Dr Thobane: Participant U).

“You will have to specialise in other areas as well. I think for the affordable future we will remain at a 3-year degree. It will take a long time to develop such a degree. You can start off with a postgraduate degree or a diploma for the specialisation” (Professor Fouche: Participant G).

From participant responses, it can be deduced that the development of a specialised degree would hold an immense advantage for the profession and for students in criminology. As discussed in Chapter 6, participants indicated that numerous functions, currently executed by probation officers and social workers, could successfully be performed by criminologists. In addition, participants were of the opinion that functions in the child justice sector should be executed by a multi-professional team that includes criminologists.

Once criminology is professionalised, such as a specialised degree in child justice could potentially contribute to the recognition of the profession. Because criminologists would be more noticeable in practice, criminology as a profession could be elevated and the recognition of criminology to the public and role-players in the criminal justice system could be promoted.

7.3.5 Would the professionalisation of criminology improve the status of criminologists?

In this section, participants were invited to indicate if professionalisation would improve the status of criminologists and criminology as a professional vocation. It is evident that participants were mainly of the opinion that professionalisation would elevate the status of criminologists, some participants had reservations.

“Yes, and there are multiple reasons, it will regulate those that are unethically [sic], we can do things to people, statutory, things that [sic] is not conducive to the science, we can reward people, ... it will also make criminology in a greater sense more acceptable, more understandable to the general population” (Professor Barkhuizen: Participant D).

“Dit sal definitief die status van kriminologie verhoog” [It would definitely increase the status of criminology] (Ms Malherbe: Participant L).

“Professionalisation is imperative because then you can pressurise Universities to say, if you want your students to register, you will have to change your thinking” (Professor Bezuidenhout: Participant F).

“I think to establish a regulating body is a key first step. I would like to see it happen, and that criminologists get the recognition they deserve” (Professor Kruger: Participant J).

“I definitely agree, when we are a regulated body, then criminologists will be better recognised” (Dr Thobane: Participant U).

“Ons kry huidiglik baie ‘fly by night ‘kriminoloë’, wat hulle self verkoop as kriminoloë, wat geld maak. Ek sê nie hulle doen slegte werk nie, deur die professionalisering gaan ons daai ding uitskakel, daar moet vereistes wees. Jy kan nie net met ‘n honours graad ‘n kriminoloog wees nie, jy moet navorsing gedoen het, teminste op ‘n M-vlak. Daar het al voorheen mense voorvonnis verslae aan die howe aangebied, wat afgeskied is as gevolg van die swak standaard” [At the moment there are many ‘fly by night’ ‘criminologists’, who sell themselves as criminologists, that make money. I am not implying that their work is not of good quality, but if we professionalise, we will be able to eliminate the problem, there must be rules. You cannot be a criminologist with only an honours degree, you need to do research, at least to a master’s level. There are cases of ‘criminologists’ compiling pre-sentencing reports, but they are rejected by the courts, because of their bad quality] (Professor Häefeke: Participant I).

“What you will have if you regulate it and have a specific curriculum you will not see these huge blunders in court that we do see in the courts, that will address the status and you will get the recognition of other professionals, but it cannot happen overnight” (Professor Bezuidenhout: Participant C).

“Not causing more damage to the profession. There are too few of us, the cost is too big for such a small group of people” (Professor Ovens: Participant O).

“Yes, of course, it would! It will indeed elevate it to professional status, my opinion, I do not think that is going to happen in the foreseeable future” (Professor Fouche: Participant G).

“Ek stem een honderd persent daarmee saam. Die enigste probleem is net, daar is te min kriminoloë” [I agree one hundred per cent, the only problem is there are too few criminologists] (Professor van der Hoven: Participant V).

From the findings, it is imperative that criminology is professionalised. As discussed in Chapter 2, although the process to establish a professional body can be a time consuming, and expensive, the advantages outweigh the efforts (Naude, 2010: vii). The promotion of pride in an association, and the raising of esteem for professionals, understanding of, and trust in the profession, would be of specific significance for criminologists, who despite their expertise have limited opportunities to apply their skills in, for example, child justice.

As previously mentioned, there are numerous challenges that currently hinder the recognition of criminologists. As stated by SAQA, a professional body will promote public understanding of, and trust in the profession if it was recognised by a professional body (SAQA, 2016). In addition, it would protect the public interest in relation to services by its members and the associated risks. As Naude (2010: viii) argues, it will protect the discipline against plundering by other disciplines and prevent unscrupulous people from using the title, an issue raised by numerous participants. This will also protect vulnerable offenders and victims against unethical conduct by criminologists (Naude, 2010: vii).

7.3.6 Additional information pertinent to the study

The necessity of a multi-disciplinary approach in child justice was addressed in the first phase of the study. Though this aspect did not formally form part of the interview schedule in the second phase, the aspect came to the fore. Participant responses are discussed below and dictated verbatim without editing.

- ***The multi-disciplinary approach in child justice***

The need for a multi-disciplinary approach was raised especially by practitioners in the child justice sector. Participant B, N, and T opined:

“That is exactly how it should work, I think every role-player should have sufficient knowledge of the functions of other role-players expertise, and they must know when to use the expertise of the other role-players, that is very important, because you do not know everything, and you cannot assess everything sufficiently. You will have to know when it is in the child’s best interest to bring in another party to help with that specific area of assessment. If the nature of the offence is more serious, yes, I definitely think criminologists should be involved, but also in other offences, where the child’s behaviour is very problematic, where you can see it could be a dangerous child, also to sentence effectively, you want the problems to be addressed” (Anonymous Participant B).

“Definitely, I support it one hundred per cent, if we have a one-stop centre where we work in the same environment, working holistically, it will broaden our scope of thinking, also making us think out of the box with other professions or other resources, and also empowerment on our side” (Ms Moore: Participant N).

“Daar is ‘n leemte in terme van die Act (CJA), van mense wat mag betrokke wees. As gevolg van ons werkslading kan ons nie altyd uitkom wat moet address word nie, daar kan ‘n kriminoloog definitief ‘n rol speel. Ja definitief, ja definitief vir ‘n multi-disciplinary approach. Onthou baie van die kinders wat in die sisteem kom is nie eerste oortreders nie. Ek dink ons mis baie van die early interventions. lewers verloor ons die kinders in die sisteem, dalk kan hulle (kriminoloë) daardie leemte vul. Jou assessment tyd is beperk, sê maar so ‘n uur en ‘n half, want daar is nog drie ander kinders in die tou. Op die ou end van die dag fokus jy net op die relevante goed, en jy mis baie van die inligting. En partykeer mis ons goed, want ons het nie altyd die skills om dit te doen nie. Dan sit jy met burnouts, die ouens (probation officers) kan nie cope nie. Die werk is te veel. Probation work is ‘n totale ander veld, en as social workers het ons nie daardie skills nie” [I think there is a gap in terms of the CJA with regard to professionals who may be involved in the child justice process. As a result of our heavy workload, and factors that need to be addressed, criminologists could play a definite role. There are many children in the system that have offended more than once. I think we miss certain early interventions, and as a result,

the children get lost in the system, criminologists can fulfil that role. Your assessment period is very limited, more or less hour and a half because then there are for example another three children waiting to be assessed. At the end of the day, you only focus on relevant factors, and you can miss crucial factors. Probation officers then experience burnouts, because they cannot cope. We also miss crucial factors because as social workers we do not always have the necessary skills. Probation work is a totally different field in comparison to social work, and social workers don't have the skills] (Ms Pieterse: Participant P).

"I am totally for a multi-disciplinary approach. That cross-fertilisation will enhance both professions" (Mr Smith: Participant T).

The findings in this phase correlate with the views expressed by participants in phase 1 of the study were 95% (n=41) of the participants were in favour of a multi-disciplinary approach. It is evident from the aforementioned findings that participants are concerned that probation officers lack training in areas relevant to child justice which hinders the execution of their duties and potentially the child's best interests.

- ***The caseload of child justice practitioners***

The second additional factor that came to the fore was concern regarding the workload of probation officers, as well as the diversity of their disciplines which compel them to address a number of issues, from assessment to therapeutic interventions with the offender, as well as the family.

Participant H and L expressed the following views:

"...At the moment it is not helping children if their cases get postponed, because the probation officer has not submitted the report, and then the poor child gets frustrated, obviously, it is an injustice, and unconstitutional. ...We have huge challenges in the child justice system presently" (Anonymous: Participant H).

"Maatskaplike werkers wat in sulke high-risk omgewing werk, daar is te veel goed waarop hulle moet fokus, hulle moet programme in plek kry, hulle moet met die gesinne werk, hulle het te veel ysters in die vuur. As jy kyk op die oomblik na die misdad probleem soos bendes, dwelmissbruik in

plekke soos Manneberg, hier in Johannesburg nou kan jy mense gebruik om programme van stapel te stuur, en werklik interdisiplinêr te werk. Ek voel ons moet begin werk aan gesinne, die probleme van kinders wat in conflict with the law is kom uit die gesin uit, en uit die omgewing” [There are too many aspects that social workers have to focus on when they work in these high-risk environments. They need to establish suitable programmes, work with the families, they have too many irons in the fire. If you look at the current crime problem for example gangs and drug abuse in areas such as Mannenburg, and here in Johannesburg, you can use the professionals to establish programmes and really work interdisciplinarily. I feel we need to start working with families, children who come into conflict with the law come from families, and the community] (Ms Malherbe: Participant L)

It is clear that participants are of the opinion that probation officers have an immense workload that will influence the quality of their interventions with child offenders and, that a multi-disciplinary approach could alleviate the workload of probation officers and social workers

- ***Inadequate training of child justice practitioners***

The third additional factor that came to the fore was probations officers not adequately trained to perform certain tasks as obligated by the CJA.

“Not at all, not at all [did not feel equipped after a 4-year social work degree]. Remember when you are a social worker you just have a general knowledge, you don’t think of a person being called an accused person” (Ms Moore: Participant N).

“I was invited to conduct a few guest lectures, and your 4th-year social work students, they don’t know what a probation officer is” (Mr Smith: Participant T).

“What happens now is, which I think is a step in the right direction, that probation officers should be registered as such, that is a new direction. You cannot go into the field with no experience. But when you enter the criminal justice system, it is a specialised field, and you need specialised knowledge

to be able to operate effectively. For example, in my masters where I focused on child justice” (Anonymous: Participant B).

“Well, my experience of teaching social workers is, at my University (UWC), I don’t think they do more than an hour in their 4-year training on child justice, and that is the hour I teach them” (Professor Sloth-Nielsen: Participant S).

It is evident from the above-mentioned findings that participants are concerned that probation officers lack training in areas relevant to child justice which will hinder the execution of their duties and potentially the child’s best interest.

The concerns raised above were confirmed in Chapter 2 of the study, where it was established that the current training of social workers specialising in probation work is deficient in certain areas, for example, aspects of law, and criminology. It is the opinion of the researcher that this deficiency must be addressed with urgency if the constitutional best interest of children in conflict with the law is to be upheld. As Gxubane (2008:13) rightfully argues, being a social worker does not necessarily equip a practitioner to execute probation work. Graser (as cited in Gxubane 2008:13) also points out that probation work is a specialised field, which requires specialised knowledge. Gxubane (2008:13) states that it is essential that probation officers receive further training in certain aspects such as criminal law and procedure, treatment of offenders, the objectives of punishment and criminology.

Human (2015:122) also pointed to numerous operational challenges in the child justice sector, for example the time allocated to conduct assessments as stipulated in section 43(3)(b)(i) of the CJA, a shortage of probation officers, the lack of training of probation officers in general, the quality of assessment reports compiled by probation officers, and the lack of training and skills of probation officers to ‘express a view’ on the criminal capacity of a child as stipulated in section 40(1)(f). Clause 14 of the Child Justice Amendment Bill amends section 40 of the CJA because it became clear in practice that probation officers are unqualified to express a view on the criminal capacity of a child in conflict with the law.

Although it is acknowledged that criminologists will have to receive additional training to prepare them for a career in child justice, criminologists have a unique skill-set that could benefit children in conflict with the law. The contributions that criminologists could provide in the child justice sector, in terms of interventions such as assessment, diversion, rehabilitation, compiling of pre-sentencing reports, and assisting in CYCC's was established in Chapter 5 and is acknowledged throughout this study.

7.4 CONCLUSION

Though the findings in this study cannot be generalised, it can be deduced from the responses received from participants that the absence of a professional/regulatory body for criminologists has an enormous impact on all areas where criminologists currently execute duties. It was established that the absence of a professional body, was the primary reason that criminologists are currently excluded from delivering services to children in conflict with the law in terms of the CJA. From the aforementioned findings, it is clear that the absence of such a body influences the status of criminologists, the recognition of criminologists as experts, the lack of uniform training, a clearly defined role and function and the recognition of the profession amongst the public and the role-players in the criminal justice sector.

There will be challenges associated with the development of a specialised degree such as professional jealousy, time constraints, and financial burdens. Nevertheless, it is clear from the responses received that such a degree could elevate the status of criminologists. In addition, a multi-disciplinary approach in child justice could potentially alleviate some of the current challenges and therein assist to uphold the best interest of children in conflict with the law. However, as Artz and Moulton (2012:2) rightfully argue, "...we, as 'criminologists' first need to decide 'who we are as 'criminologists'".

CHAPTER 8

CONCLUSIONS AND RECOMMENDATIONS

8.1 INTRODUCTION

Conclusions and recommendations, including an action plan to establish criminologists as specialised child justice practitioners, will be presented in this Chapter. The action plan emanated from data collected from a mixed-method questionnaire (phase 1) where 43 participants participated, and semi-structured interviews with 22 participants (phase 2) in the field of child justice i.e. probation officers, social workers, presiding officers, prosecutors, child law experts, and researchers and/or academics in the field of criminology. This section will commence with a discussion on how the aim and objectives of the study were achieved. The findings and conclusions will follow thereon. The next section will present the action plan and the three principles underpinning the plan. This chapter concludes with recommendations.

8.2 AIM AND OBJECTIVES OF THE STUDY

The results and findings identified in Chapter 6 and 7 were interpreted in order to address the research questions which asked: *to what extent can criminologists as practitioners apply their expertise in the child justice system, and how should a professional criminology degree be structured to accommodate child justice as a field of specialisation.*

8.2.1 Aim

In correlation with the research questions, the aim of this study was to: *develop an action plan for criminologists to become specialised practitioners in the child justice system.* The aim was addressed and achieved through the realisation of the objectives discussed below.

8.2.2 Objectives

The respective objectives will be discussed by indicating how they were achieved in this study.

8.2.2.1 Objective 1: explore areas where criminologist can contribute to or deliver services prescribe in the CJA, to children in conflict with the law

The first objective was reached, as reflected in Chapter, 2, and 5 by means of an in-depth literature review. Chapter 2 reflected the growth in South African criminology and the practical contributions made by criminologists to several fields. Findings provided evidence for the fact that criminologists could, apart from other specialisation areas, also deliver services in the child justice sector. In Chapter 5 the objective was achieved by identifying specific areas as stipulated by the CJA where criminologists could deliver services to children in conflict with the law.

This objective was further realised during the first phase of the data collection process depicted in Chapter 6. Findings indicate that criminologists could assist and deliver services as identified in Chapter 5.

8.2.2.2 Objective 2: interrogate the current academic criminology curriculum to determine adequacy for specialisation, and if the result is negative, to offer a solution to equip students to become specialised practitioners in the child justice system

The second objective was achieved firstly via an in-depth literature review depicted in Chapter 4, of the current BA curriculum for criminologists and related social sciences professions. This comparison established the necessary steps to establish and formulate a degree fit for specialisation in child justice.

In Chapter 6, the objective was achieved when foci directed modules were identified, and vocational training was acknowledged as key to practitioners in child justice. Further steps needed to introduce specialisation at different academic levels were identified.

In Chapter 7, the need to adapt the current BA degree for criminologists was identified. It was furthermore established that either a 3-year degree, with post-graduate specialisations options, or a 4-year professional degree could be introduced. The 4-year professional degree option was however established as the more viable option in light of the proposed professionalisation of criminology.

Findings furthermore indicated that a specialisation degree should include vocational training, which could be introduced at either a 2nd or 3rd-year level, or during post-graduate training. The findings in Chapter 7, furthermore concur with Chapter 6 with regard to the development of inter-disciplinary, foci directed modules that could facilitate specialisation.

8.2.2.3 Objective 3: describe the process and procedures necessary to establish a specialisation in child justice for criminologists

The third objective was reached in the action plan depicted below. The steps needed to establish and achieve a specialisation area for criminologists were reached during the first and second data collection phases.

8.3 KEY FINDINGS AND CONCLUSIONS

The following key findings emanated from an extensive literature review reflected in Chapter 2,3,4 and 5 and data collection in two phases depicted in Chapter 6 and 7. The interpreted findings are discussed below.

- ***Establish a regulating body for criminology***

The absence of a regulating body for criminologists was identified and confirmed as one of the primary reasons for the exclusion of criminologists in the child justice sector. Findings suggest that the absence of recognition, and the fact that criminology is unfamiliar to the public and role-players in the criminal justice sector, can be directly linked to the absence of a professional/regulatory body for criminologists.

It can, therefore, be concluded that the establishment of a regulatory body will aid the promotion and recognition of the profession and provide criminologists with a wider career choice.

- ***Establishing criminologists as child justice practitioners***

Findings indicate that criminologists should be included as part of a multi-disciplinary team and that the child justice sector could benefit from an approach where each of them contributes to the best interest of a child offender based on their particular training and skill-set.

In conclusion, criminologists and other social science professionals could benefit from a burden-sharing approach, but ultimately children in conflict with the law should be afforded an array of experts who entrench and further the protection of the best interest standard.

- ***Adapt and/or construct a specialised degree for criminologists***

The lack of focus of the current BA degree in criminology was identified. Findings indicate that the degree should be amended and could be re-constructed as either a 3-year degree with a post-graduate option or a 4-year professional degree. It was furthermore established that vocational training should form part of a specialised degree, and in addition, modules should be foci directed and compiled from an inter-disciplinary approach.

It can, therefore, be concluded that a specialised degree, would equip criminologists as specialised child justice practitioners, and further facilitate recognition of the profession. The researcher further acknowledges that specialisation should not be confined to child justice, but that child justice could form a specialisation stream within a degree programme directed at criminology students.

- ***Establish partnerships with stakeholders in DSD, DCS, DOJ&CD and SAPS***

The need for an inter-partner relationship with stakeholder from DSD, DCS, DOJ&CD and SAPS, was highlighted to aid with the construction of a specialised degree for criminologists.

In conclusion, stakeholders could also benefit from the mutual arrangement because criminology students could alleviate staff shortages, and in-turn students could benefit from the expertise of practitioners in the field of child justice and gain valuable practical exposure.

- ***Establish inter-disciplinary partnership***

Findings suggest that a qualification fit for specialisation in child justice should be constructed inter-disciplinarily by specialists in the field of law, psychology, and social work.

It is concluded that this partnership will elevate the quality of the training of practitioners, which in turn will benefit children in conflict with the law.

- ***Raise awareness for the role and function of criminologists***

Evident from the findings is the need for awareness campaigns to promote the role and function of criminologists. It was established that such awareness should be raised with role-players in the criminal justice sector, the public, and governmental officials in key positions.

It is evident that awareness campaigns would create cognizance of the role and function of criminologists, which in turn would promote the profession and encourage trust in the role of criminologists in child justice (or indeed any area of specialisation in which criminologists operate).

- ***Amend the Child Justice Act 75 of 2008***

Lastly, findings indicate that the CJA should be amended to recognise criminologist as suitable role-players in the child justice sector.

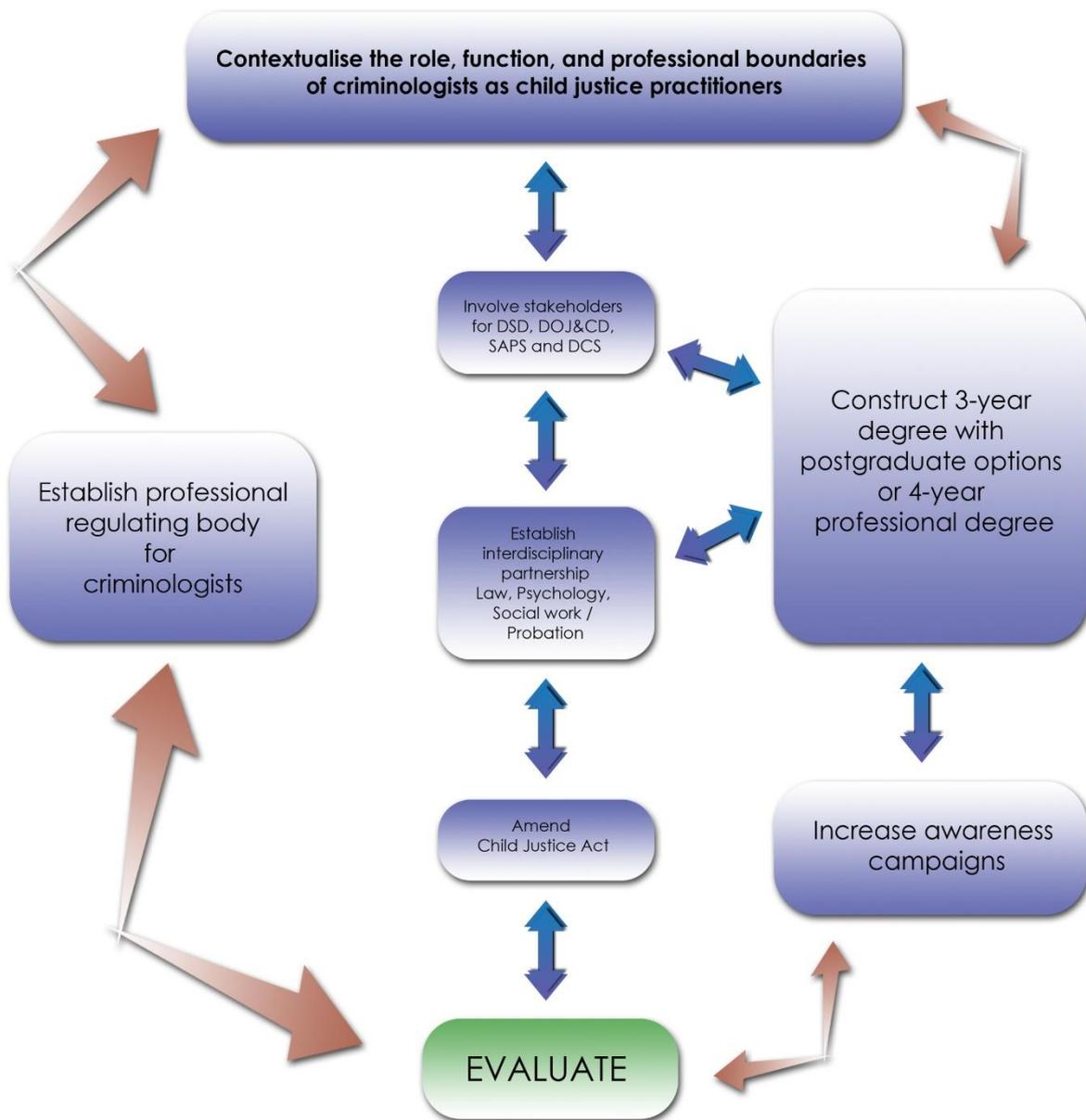
Such an amendment would be mutually beneficial for criminologists, and the child justice sector where practitioners are overburdened, and staff shortages hamper effective service delivery.

8.4 PRESENTATION OF AN ACTION PLAN TO ESTABLISH CRIMINOLOGISTS AS SPECIALISED CHILD JUSTICE PRACTITIONERS

The primary aim of the action plan is to establish criminologists as specialised practitioners in the child justice sector. The following three principles underpin this action plan:

1. the best interest of children in conflict with the law;
2. a multi-disciplinary approach to child justice; and
3. to contextualise criminology as a practical discipline.

Diagram 7: Action plan to establish criminologists as child justice practitioners



As depicted above, an action plan to establish criminologists as child justice practitioners would require certain steps. It must be noted that though certain key steps would be required, the process is not linear, and each of the steps can be achieved simultaneously. The action plan is discussed in more detail below:

Step 1 and 2:

- ***Define role, function, and professional boundaries for criminologists as specialised child justice practitioners.***
- ***Establish an interdisciplinary partnership with academics and stakeholders in child justice***

ACTION PLAN:

Arrange workshop with stakeholder from DSD, DCS, DOJ&CD, SAPS, and experts in the field of criminology, psychology, social work, probation work and law, to:

- contextualise the role, function, and professional boundaries of criminologists as specialised child justice practitioners;
- identify the possibility of bridging courses for students (previously qualified);
- identify the aim and objectives of the proposed specialisation for criminologists in the child justice system;
- identify the benefits of a multi-disciplinary approach to child justice;
- identify the benefits for the development of a specialised degree in criminology;
- identify professionals that could contribute to the development of specialised modules;
- identify professionals that could assist in the vocational training of criminology students; and
- identify the student selection process.

OUTCOME:

- A multi-factor and interdisciplinary approach that will identify key factors necessary to equip criminology students with skills and expertise to practice as child justice experts.
- Potential candidates identified (academics and practitioners) that could assist in the development of a criminology curriculum.
- Potential candidates identified (practitioners) that could assist and provide guidance with respect to the vocational training of criminologists.

- The first step accomplished to promote awareness of the role and function of criminologists
- The benefits of a specialised degree for criminologists is established.
- Potential obstacles identified.

Before a specialised degree for criminologists can be constructed, it is necessary to identify and define the role, function, and professional boundaries of potential criminology candidates. As depicted, it would be necessary to include stakeholders from the different departments who are currently delivering services to children in conflict with the law. Role-players in DSD, DOJ&CD, DCS, and SAPS could identify areas that currently hamper the best interest standard for children in conflict with the law, which would require special attention in the development of a criminology curriculum.

It is additionally important to include key role-players from the field of criminology, psychology, law, social work, and probation work with the necessary expertise in child justice-related matters to establish an inter-disciplinary relationship. Firstly, this would provide input into the demarcation of the field of criminology in child justice, and secondly, it would provide expertise as to which aspects in the field of law, psychology, and others to include in the design of modules. Lastly, it would assist with the development, design, and oversight of vocational training for criminology students. This step will, in addition, raise awareness amongst the role-players of the contributions, skills, and expertise of criminologists, which in-turn could help establish the degree and lead to the amendment of the CJA to include criminologists.

Step 3:

Construct 3-year degree with postgraduate specialisation or adapt current 4-year professional degree (registered with SAQA) for specialisation in child justice.

ACTION PLAN:

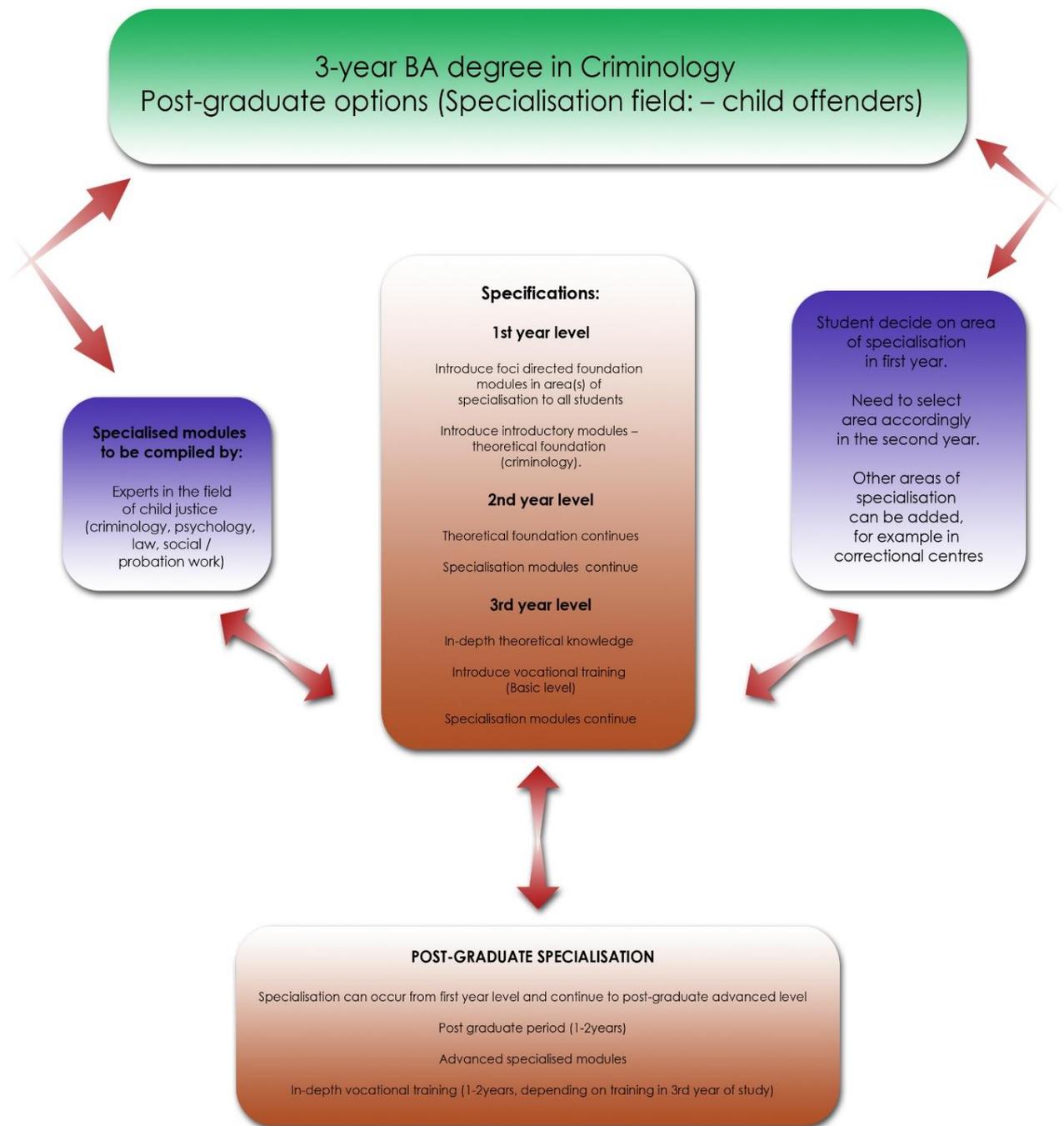
- Identify role-players that could assist in the development of a specialised degree (law, criminology, psychology, social work, probation).
- Identify role-players that could assist in the vocational training of criminologists (psychology, criminology, social work, probation work).
- Identify key modules suitable for specialisation in child justice (inter-disciplinary approach).
- Establish which degree would be the more viable option, 3-year degree with postgraduate training, or 4-year professional degree.
- Identify at which academic level specialisation should occur.
- Identify at which academic level vocational training should be introduced.
- Identify the aim and objectives of vocational training in line with the stipulations set out in the CJA.
- Identify the length or period of vocational training.
- Identify areas suitable to execute the vocational component of the training (courts, CYCC's, correctional centres).

OUTCOME:

- Key role-players identified to develop curriculum
- Key role-players identified to assist with vocational training
- Key modules identified.
- Construction of curriculum established.
- Period and aims for vocational training defined
- Areas in child justice sector identified in which to implement vocational training.

The following two diagrams depict the minimum requirements to establish a degree with a specialisation in child justice. Table 9 below provides a summary of the modules identified as relevant for child justice practitioners.

Model 1: 3-year degree with post-graduate specialisation options



Model 2: 4-year professional degree



Table 9: Summary of modules pertinent to specialisation in child justice

LEGISLATIVE DIRECTIVES (LAW MODULES)	PSYCHOLOGY MODULES	OTHER MODULES AND ASPECTS PERTINENT TO CHILD JUSTICE
<p>Family Law Customary law Refugee law International human rights Sentencing Criminal Law (sexual offences and related matters) Children's Act Child Justice Act Criminal Procedure Act</p>	<p>Child psychology and development Group pressure Substance abuse and dependence Abnormal psychology in young offenders Sexual trauma Trauma counselling Child abuse HIV/Aids Street children Interview skills Counselling skills</p>	<p>Forensic social work Penology Restorative justice Group work (social work) Principles of probation and correctional practice Criminal assessment Evaluation and Profiling Introduction to Criminology Crime, offenders, and criminal behaviour Victims and reduction of crime Reaction to crime Child and youth misbehaviour Dealing with youth offenders An introduction to research methodology The explanation of crime Typologies of crime Formal reaction to crime Victimology Qualitative research methodology</p>

The modules above depict findings from this study. As discussed, findings indicated that the current 3-year BA degree for criminology students would require amendment for specialisation (in streams or otherwise). In addition to a proposed 3-year degree

with post-graduate options, findings suggest a 4-year professional degree is a viable option/alternative.

With regard to the content of the curriculum, students in criminology will have to receive a strong theoretical foundation which will form the basis to facilitate specialisation – in streams or otherwise. It is vital that students are equipped with a comprehensive knowledge of the schools of thought in criminology, theories of crime and punishment and their application value in practice. This theoretical foundation is applicable for both models, 3-year degree as well as the 4-year professional degree. In addition to the theoretical foundation, criminology students will have to receive training in areas that specifically focus on child offending, which could, for example, include aspects such as bullying and gang dynamics and violence. Such specialisation modules could be introduced at a basic level during the 1st year, to provide students with the opportunity to make informed decisions regarding the area of specialisation. It would additionally be important to provide students with a broad overview of the functioning of the child justice sector, and how each sector interacts. For example, the role of the police, probation officers, presiding officers, prosecutors, and attorneys once a child has been accused of an offence.

Modules need to be foci directed and include elements of specific reference to children in conflict with the law. The main idea behind this specialisation is to equip students to such an extent that they could be regarded as experts in their field. It is thus important that experts in the field of child justice, (inter-disciplinary) compile modules and carefully select the aspects to address the needs of children in conflict with the law, individually and holistically.

A further aspect of importance is the vocational training of students. The practical component of the curriculum could be introduced at a 2nd-year level. Students could, for example, can attend various court cases. This would be a 'safe' option to expose students to the criminal justice sector yet protect the best interest of children in conflict with the law. Vocational training should continue at 3rd year and 4th-year level and should become more advanced. In the case of a 3-year degree with post-graduate options, vocational training can occur at that level. However, findings suggest that it

would be advisable to expose students to practical training for a number of years, with a minimum of 2 years.

Lastly, it would be important to establish if student selection should occur, and how students will be selected. Another factor to consider is the fact other already 'qualified' students may wish to pursue a career in child justice. In other words, a bridging course could be developed to accommodate such students. Lastly, it is important to establish the status of such a degree, especially in light of the specialisation component, and if students, as in the case of social workers, could be regarded as criminologists with a specialisation degree in child justice.

Step: 4

Raise awareness campaigns: Government, Schools and Communities

ACTION PLAN

- Establish awareness programmes in communities.
- Create awareness of the role, function, scope and expertise of criminologists, and their fields of specialisation.
- Offer scholarship programmes or bursaries for previously disadvantaged school children to specialise in the field of child justice.
- Launch pilot projects at 'problem' schools to address socio-economic, and psycho-social and other crime causative factors.
- Create awareness of the benefits of criminologists in the child justice sector for the community and children in conflict with the law.
- Raise awareness that international instruments and legislation binding on South Africa mandates suitably qualified practitioners.
- Raise awareness of multi-disciplinary 'burden sharing' benefits and the current shortages of qualified child justice practitioners.

OUTCOME

- Public and governmental awareness of the role, function, and scope of practice of criminologists.

- Awareness will lead to the recognition of criminologists which in turn will extend career opportunities.
- Awareness will lead to the recognition of the importance of a multi-disciplinary approach in child justice.
- Awareness will facilitate feasibility to create a specialised degree for criminologists.
- Awareness will lead to the development of other specialisation degrees/streams.
- Awareness may lead to the amendment of the CJA.

It is imperative to raise awareness at various levels, which would have to include the government, the general public and at the school level, to promote the role and function of criminologists. This could be achieved as outlined aforementioned for example by offering school children the opportunity to receive a bursary to study in such a specialised field. The awareness in-turn will facilitate recognition for the profession, which in turn could lead to the amendment of the CJA as discussed below.

Step 5:

Amendment of the CJA

ACTION PLAN:

- Utilise awareness campaigns to advocate for the amendment of the CJA.
- Utilise inter-disciplinary partnerships and stakeholder participation to advocate for the amendment of the CJA.

OUTCOME:

- Best interest standard enhanced.
- Facilitate employment opportunities for criminologists
- Burden-sharing amongst practitioners
- Alleviate human resource shortages.

It is imperative that the CJA be amended to accommodate other suitably qualified practitioners, such as criminologists, to deliver services to children in conflict with the law. Such an amendment would ultimately lead to employment opportunities for criminologists, which in-turn would create awareness of the role of criminologists, and in-turn then provides recognition of the profession. Lastly, the best interest standard could be better adhered to and enhanced, and human resource shortages could be addressed.

Step: 6
Evaluate

ACTION PLAN:

- Each step outlined above must be evaluated and amendment accordingly.

8.5 RECOMMENDATIONS

The primary recommendation in this study is that the action plan as set out in this Chapter should be implemented. Findings indicate that criminologists could benefit from a specialised degree in child justice to equip them to exercise a number of interventions as skilled professionals. This step would be beneficial to the recognition of the profession, and in-turn proves that criminology is not a mere paper-based or academic discipline.

It is also recommended that the professionalisation of criminology is made a priority in order to elevate the profession and that criminologists should receive recognition as social science professionals.

The continued advocacy for the recognition and the inclusion of criminologists as service providers in the CJA is recommended.

It is recommended that the qualification criteria for practitioners designated to deliver services stipulated in the CJA be reviewed to ensure that they have the necessary expertise to act in the best interest of children who come into conflict with the law.

Further research should be conducted in the following areas:

- An evaluation of specific actions, amongst others, preliminary assessment, criminal capacity assessment, diversion practices and so forth to ensure compliance with the best interest of child offenders.
- An analysis of the knowledge and skills needed for practitioners who work with children who come into conflict with the law.
- An evaluation of the action plan for the specialisation of criminologists as child justice practitioners to determine the effectiveness and transferability of the plan for the development of other specialisation areas/streams in the field of criminology.

8.6 CONCLUSION

It is evident that the professionalisation of criminology will firstly elevate the profession, and secondly, criminologists will receive the recognition they deserve as equally qualified social science professionals that have much to offer in various areas of the criminal justice sector. To develop a specialised degree for criminologists in the child justice sector is one of the first steps that could achieve acknowledgement of criminologists as experts in the field of crime and highlight the practical application of the profession. However, to achieve these goals it is imperative that all criminologists approach the possibility of professionalisation with the same goal in mind.

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Interviews

Anon: Child Law expert. 11 September 2018.

Anon: Retired Probation Officer. 11 October 2018.

Anon: Child Justice expert. 17 October 2018.

Barkhuizen, J. Prof. Professor in Criminology. 18 September 2018.

Badenhorst, C. Dr. Director Child Justice and Family Law. 12 September 2018.

Batley, M. Mr. Restorative Justice expert. 10 October 2018.

Bezuidenhout, C. Prof. Professor in Criminology. 21 September 2018

Fouche, H. Prof. Extra ordinary Professor. 15 September 2018.

Häefele, B. Prof. Professor in Criminology: 20 September 2018.

Kruger, H. Prof. Professor of Law. 12 September 2018.

Labuschagne, G. Dr. Independent expert in Psychology. 1 October 2018

Malherbe, C. Ms. Social worker. 2 October 2018.

Prof. A Minnaar: 21 September 2018.

Moore, E. Ms. Supervisor Probation officers. 11 October 2018

Ovens, M. Prof. Professor in Criminology. 3 October 2018.

Pieterse, E. Ms. Supervisor Probation officers. 12 October 2018.

Prinsloo, J. Prof. Professor in Criminology. 3 October 2018

Skelton, A. Prof. Director, Centre for Child Law. 12 September 2018.

Sloth-Nielsen, J. Prof. Professor of Law. 2 October 2018.

Smith, E. Mr. Probation Officer. 10 October 2018.

Thobane, M. Dr. Criminologist, Lecturer Unisa. 2 October 2018.

Van der Hoven, A. Emeritus Professor in Criminology. 10 September 2018.

ANNEXURE A: ETHICAL CLEARANCE CERTIFICATE



UNISA CLAW ETHICS REVIEW COMMITTEE

Date 20180403

Reference: ST26 of 2018

Dear Mrs Human

Applicant: M Human

**Decision: ETHICS APPROVAL
FROM 3 APRIL 2018
TO 2 APRIL 2021**

Researcher(s): Maryna Human

Supervisor (s): Prof MI Schoeman

The role of criminologists as specialized practitioners in the child justice system

Qualification: PhD (Criminology)

Thank you for the application for research ethics clearance by the Unisa CLAW Ethics Review Committee for the above mentioned research. Ethics approval is granted for 3 years.

*The **low risk application** was reviewed by the CLAW Ethics Review Committee on 3 April 2018 in compliance with the Unisa Policy on Research Ethics and the Standard Operating Procedure on Research Ethics Risk Assessment. The decision was ratified by the committee.*

The proposed research may now commence with the provisions that:

1. The researcher will ensure that the research project adheres to the values and principles expressed in the UNISA Policy on Research Ethics.
2. Any adverse circumstance arising in the undertaking of the research project that is relevant to the ethicality of the study should be communicated in writing to the CLAW Committee.
3. The researcher will conduct the study according to the methods and procedures set out in the approved application.



4. Any changes that can affect the study-related risks for the research participants, particularly in terms of assurances made with regards to the protection of participants' privacy and the confidentiality of the data, should be reported to the Committee in writing, accompanied by a progress report.
5. The researcher will ensure that the research project adheres to any applicable national legislation, professional codes of conduct, institutional guidelines and scientific standards relevant to the specific field of study. Adherence to the following South African legislation is important, if applicable: Protection of Personal Information Act, no 4 of 2013; Children's act no 38 of 2005 and the National Health Act, no 61 of 2003.
6. Only de-identified research data may be used for secondary research purposes in future on condition that the research objectives are similar to those of the original research. Secondary use of identifiable human research data require additional ethics clearance.
7. No field work activities may continue after the expiry date of 2 April 2021. Submission of a completed research ethics progress report will constitute an application for renewal of Ethics Research Committee approval.

Note:

The reference number ST26 of 2018 should be clearly indicated on all forms of communication with the intended research participants, as well as with the Committee.

Yours sincerely,



PROF N MOLLEMA

Chair of CLAW ERC

E-mail: mollena@unisa.ac.za

Tel: (012) 429-8384



PROF CI TSHOOSE

Executive Dean: CLAW

E-mail: tshooci@unisa.ac.za

Tel: (012) 429-2005

ANNEXURE B: INFORMED CONSENT LETTER

Dear Participant,

My name is Maryna Human, I am a student at the University of South Africa, (UNISA). As a requirement to complete my degree towards a PhD in Criminology at the University of South Africa, I will be conducting a research project. You are invited to participate in a study titled: **THE ROLE OF CRIMINOLOGISTS AS SPECIALISED PRACTITIONERS IN THE CHILD JUSTICE SYSTEM.**

PURPOSE OF THE STUDY

The aim of this study is to develop an action plan for criminologists to become specialised practitioners in the child justice system.

WHY AM I BEING INVITED TO PARTICIPATE?

You are invited to participate in the study because of your expertise in criminology, law, and/or child justice.

WHAT IS THE NATURE OF MY PARTICIPATION IN THIS STUDY?

The nature of your participation in this study will be in the form of an interview.

CAN I WITHDRAW FROM THIS STUDY EVEN AFTER HAVING AGREED TO PARTICIPATE?

Participation in this study is voluntary and you are under no obligation to consent to participate. You are free to withdraw from the study at any time and do not need to give a reason for your decision. All data will be destroyed and not used in the study if you should choose to withdraw from it.

WHAT ARE THE POTENTIAL BENEFITS OF TAKING PART IN THIS STUDY?

It is foreseen that this study will assist with advocacy and the creation of an action plan to establish criminologists as child justice practitioners.

ARE THERE ANY NEGATIVE CONSEQUENCES FOR ME IF I PARTICIPATE IN THE RESEARCH PROJECT?

The topic of this study does not deal with any personal and/or emotional issue that could be potentially sensitive. The data collected in this study will focus on your Professional experience and opinion and will not include any personal information.

WILL THE INFORMATION THAT I CONVEY TO THE RESEARCHER AND MY IDENTITY BE KEPT CONFIDENTIAL?

You have the right to anonymity and confidentiality. If you wish to remain anonymous your answers will be provided with a pseudonym and will, therefore, be referred to in this way in the study, or any other research reports. Only my research supervisor, Professor M Schoeman, and I will have access to the raw data accumulated during the research. The researcher will transcribe the interviews.

HOW WILL THE RESEARCHER PROTECT THE SECURITY OF DATA?

Data collected in this study will be stored in password protected files for the mandatory 5-year period. After the five-year period, hard copies of the questionnaire and data will be shredded, and electronic copies will be permanently deleted from the hard drive of my computer using a relevant software programme. Future use of the stored data will be subject to further Research Ethics Review and approval if applicable.

WILL I RECEIVE PAYMENT OR ANY INCENTIVES FOR PARTICIPATING IN THIS STUDY?

All participation is voluntary, there is no compensation or remuneration for partaking in this study.

HAS THE STUDY RECEIVED ETHICS APPROVAL?

This study received ethical clearance from the College of Law Research Ethics Review Committee, UNISA. A copy of the ethical clearance certificate can be provided upon request.

HOW WILL I BE INFORMED OF THE FINDINGS/RESULTS OF THE RESEARCH?

Findings from the study will be available after completion of the examination process. You are welcome to contact me if you wish to be informed of the research findings or require any further information about the study. My contact details are Maryna Human, Cell phone number: 0845117329 Email address: marynahuman@ymail.com Should you have concerns about the way in which the research was conducted, you may contact Professor M Schoeman, Department of Criminology and Security Science, College of Law, University of South Africa, Pretoria, South Africa, Telephone Number: +27 124339491, Email: schoemi@UNISA.ac.za. Alternatively, contact the research ethics chairperson Professor N Mollema at mollen@UNISA.ac.za.

Thank you for taking the time to read this information sheet. Your participation in the study will be highly appreciated.

Yours sincerely
Maryna Human

ANNEXURE C: CONSENT TO CONDUCT INTERVIEW AND QUESTIONNAIRE

THE ROLE CRIMINOLOGISTS AS SPECIALISED PRACTITIONERS IN THE CHILD JUSTICE SYSTEM

CONSENT AND CONFIDENTIALITY

I, the undersigned, confirm (tick as applicable):

INFORMED CONSENT TO PARTICIPATE

	YES	NO
I have read and understood the supplied informed consent information provided in the information sheet.		
I voluntarily agree to participate in the research.		
I understand that I may withdraw at any time without prejudice, and without providing reasons and that I will not be penalised for any decision to withdraw, or omission to give reasons, therefore.		
If applicable, separate terms of consent for interviews, audio, video, or other forms of data collection were explained and provided.		
Data use in subsequent research, publication(s) sharing, and archiving has been explained to me.		
I understand researcher will have access to this data on the condition of confidentiality preservation and the terms specified here.		

CONFIDENTIALITY

Please select **one** of the following:

	YES	NO
I waive my right to anonymity and give consent for my name to be used. I understand that what I have said, or written, as part of this study will be used in reports, publications, and other research outputs, and everything I have contributed to this project will thus be attributed to me.		
I do not want my name used in this study		

I, _____ (participant name), confirm that the researcher requesting my consent to participate has informed me about the nature, procedure(s), potential benefits, and anticipated inconvenience which may result from my participation.

	YES	NO
I have been informed (in writing and verbally) and understand the purpose of the study and what will be expected of me. I have had sufficient opportunity to pose questions and am willing to participate in the study. I understand that my participation is voluntary and that I am free to withdraw any time without penalty/prejudice.		
I am aware that the findings of this study will be processed into a research report(s), journal publication(s) and/or conference proceeding(s), but that my participation will be kept confidential unless otherwise specified above. I		

agree to audio recordings of the interview(s).		
I have received a signed copy of the informed consent agreement.		

Participant Name & Surname (please print)

Participant Signature

Date.....

Researcher's Name & Surname: **Maryna Human**

Date: **September 2018**

Child justice, in the context of this research, refers to children in conflict with the law and their interaction with the court system and/or intervention(s) related thereto, and not to child victims.

PART TWO: QUESTIONNAIRE

A: BIOGRAPHICAL INFORMATION

1. Initials and surname: **(only include this information if you choose to waive your right to anonymity above).**

--

2. I hold qualification(s) in:

3. List your qualifications below:

Qualification	Year Attained

4. State your current occupation and position below.

Occupation	Position

B: QUESTIONNAIRE

1. Are you currently involved in child justice?

Yes	
No	

2. If yes, indicate your current position in the child justice sector.

Presiding officer	
Prosecutor	
Researcher/Academic	
Social worker	
Probation officer	

Other (please specify)	
------------------------	--

3. What is the nature of your involvement in child justice?

Assessment	
Pre-sentencing reports	
Diversion	
Rehabilitation	
Child and youth care centre practitioner	
Presiding officer	
Prosecutor	
Other (please specify)	

4. Are you familiar with the content of the Child Justice Act 75 of 2008?

Yes	
No	

5. Probation officers, social workers, and psychologists are key role players in the child justice system. Do you think criminologists could perform similar duties as the aforementioned practitioners based on their level of skill and expertise in crime and offending behaviour?

Strongly agree	Agree	Uncertain	Disagree	Strongly disagree

6. Kindly motivate and/or further clarify your response to question 5.

7. Based on your experience, do you think that child justice practitioners require in-depth criminological knowledge in the areas identified below, to be able to effectively execute their function as per the Child Justice Act 75 of 2008?

	Yes	Uncertain	No
Criminal capacity assessment			
Assessment with the aim of diverting			

Assessment with the aim of establishing a suitable rehabilitation programme(s)			
Risk and need assessment			
Assessment with the aim of compiling pre-sentencing reports			
Prevention and management of crime and delinquent behaviour			

8. If you answered 'uncertain' or 'no' to any of the areas identified in question 7 above, kindly elaborate your response below.

9. In your opinion, should the Child Justice Act 75 of 2008, be amended to incorporate and recognise criminologists as professional practitioners in child justice?

Strongly disagree	Agree	Uncertain	Disagree	Strongly disagree

10. Kindly elaborate on your answer to question 9 above.

11. In your opinion, should practitioners in child justice consist of a multi-disciplinary team including probation officers, criminologists, social workers, and psychologists to uphold the constitutional best interest standard for children in conflict with the law?

Strongly agree	Agree	Uncertain	Disagree	Strongly disagree

12. Kindly elaborate on your answer to question 11 above.



13. In your opinion, could criminologists assist with the delivery of services in the following areas identified in the Child Justice Act 75 of 2008?

	Strongly agree	Agree	Uncertain	Disagree	Strongly disagree
Pre-trial assessment					
Criminal capacity assessment					
Pre-sentencing assessment					
Assessment for the purpose of diversion					
Programme development for the purpose of diversion					
Child and youth care centre manager					
Child and youth care Board membership					
Assistance and training of security personnel at Child and Youth Care Centres					
Assist in the development of a uniquely South African risk and need assessment tool for child offenders					

14. In your opinion which of the following modules should form part of an academic curriculum designed for criminology students who wish to specialise in child justice.

	Agree	Uncertain	Disagree	Disagree	Strongly Disagree
Legislative directives: Children's Act 38 of 2005					
Child Justice Act 75 of 2008					
Criminal Procedure Act 51 of 1977					
Child and adolescent development and mental health					
Interview and counselling skills					
Compulsory practical training					

15. What other modules (if any) would you consider relevant for criminology students wishing to specialise in child justice as per question 14 above.

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16. In your opinion, at what academic level should child justice specialisation modules be incorporated into the academic curriculum.

BA degree level	
Honours degree level	
Master's degree level	
Doctoral degree level	

THANK YOU FOR YOUR PARTICIPATION IN THIS STUDY

If necessary, may I contact you to clarify your answers, or otherwise obtain additional information regarding the topic of this research?

Yes	
No	

If you agree to be contacted, kindly provide your contact details below:

Email address:	
Cell number or office number:	

ANNEXURE D: SEMI-STRUCTURED INTERVIEW SCHEDULE

Semi-structured interview schedule

1. In your opinion, what currently prevents criminologists from being recognised as one of the professions that could be mandated by the CJA to deliver services to children in conflict with the law?
2. Do you think the current criminology curriculum is fit for the purpose of specialisation, or does it require adjustments to accommodate a specialisation in child justice?
3. In general, the current criminology curriculum consists out of a 3-year BA degree. With the aim of specialisation, do you think the degree should rather be constructed to be a 4-year vocational degree?
4. If the criminology degree remains structured as a BA, followed by post-graduate options, which of the following options do you think is viable for specialisation in child justice?
 - (a) Including child, justice-focused modules as part of the general honours degree with specialisation happening in the master's degree
 - (b) Having a specialised honours degree in child justice?
 - (c) Specialisation should happen during a lectured vocational MA degree?
 - (d) Specialisation should be done via a multi-transdisciplinary course in child justice.
 - (e) Specialisation should be done during an internship with extensive work and exposure in the child justice system.
5. Do you think it is important to include practical training in a criminology degree focused on specialisation in child justice?
6. In your opinion, at what stage should the practical component be introduced?
7. How long should the practical training be?
8. Which modules do you think should be included in a degree specialising in child justice?

9. In your opinion what are the challenges for the development of a criminological degree for specialisation in child justice?
10. What would the advantages and disadvantages be of developing a criminological degree specialising in child justice?
11. Do you think that the recognition of criminology as a profession would improve if criminologists can register at a regulating body similar to social workers and psychologists?