

**JUVENILE OFFENDERS AND PRE-TRIAL DIVERSION OFFICERS'
EXPERIENCES AND CHALLENGES OF THE PRE-TRIAL DIVERSION
PROGRAMME: A CASE STUDY OF CHITUNGWIZA, ZIMBABWE.**

by

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DECLARATION

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DECLARATION

STUDENT NUMBER 5477927

I, Gamuchirai Luciano Gomera, declare that the JUVENILE OFFENDERS AND DIVERSION OFFICER'S EXPERIENCES AND CHALLENGES OF THE PTD PROGRAM IN CHITUNGWIZA is my own work and that all the sources that I have used or quoted have been indicated and acknowledge by means of complete references.


.....

Signature
G.L. Gomera

02/26/21
.....

Date

DEDICATION

This thesis is dedicated to my mom, Mrs. Gomera, for working hard to put me through school after the death of my father. Her actions inspired me to keep climbing the educational ladder.

This thesis is also dedicated to my wife (Mai Two), who kept encouraging me to reach my educational and professional potential.

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5. The Ministry of Justice, Legal and Parliamentary Affairs, for granting permission to conduct this research.
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ABSTRACT

The purpose of this study was to contextually describe and explore the experiences and challenges of the juvenile offenders and pre-trial diversion officers (PTD) involved in the pre-trial diversion programme (PTD) in the Chitungwiza community. In this study, the qualitative research methodology was applied. Research designs used were explorative, descriptive and contextual of nature. Furthermore, the multi-case studies design within the qualitative approach applied. The non-probability purposive and snow-balling sampling methods were used to select the sample from juvenile offenders and PTD officers who have been involved in the PTD programme. Qualitative data was collected using semi-structured interviews with an open-ended interview guide. The eight steps of Tesch (Creswell, 2009:186) were employed to analyse the data. To demonstrate the trustworthiness of the research findings, the researcher used Guba`s model (Krefting, 1991:214-222). The findings of the study established that most children commit criminal offences due to socio-economic reasons and that the pre-trial diversion programme is largely effective in the rehabilitation of juvenile offenders. Recommendations were made for the PTD programme to activate socio-economic interventions and improve resources allocation in order to enhance service delivery.

KEY WORDS

Restorative justice, pre-trial diversion (PTD), juvenile offender, pre-trial diversion officer, Chitungwiza, experiences, challenges, coping and resources.

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LIST OF ACRONYMS AND ABBREVIATIONS

DSS	Department of Social Services
EC	European Commission
MJLPA	Ministry of Justice, Legal and Parliamentary Affairs
NICRO	National Institute for Crime Prevention and the Rehabilitation of Offenders
UN	United Nations
UNICEF	United Nations International Children's Emergency Fund
UNCRC	United Nations Convention on the Rights and Welfare of the Children
SAPS	South African Police Service
PTD	Pre-trial diversion

CHAPTER 1

INTRODUCTION AND GENERAL ORIENTATION TO THE STUDY

This chapter focused on the general introduction, problem statement and rationale for the study. It also presented an overview of restorative justice and pre-trial diversion (PTD) as well as its implementation worldwide.

1.1 GENERAL INTRODUCTION, PROBLEM FORMULATION AND THE MOTIVATION FOR THE STUDY

1.1.1 General introduction

The rise of juvenile delinquency is one of the most critical child welfare issues in Zimbabwe (Ruparanganda & Ruparanganda, 2016:17). A number of forms of punishment have already been used to discipline juvenile offenders in Zimbabwe; most of these are punitive and retributive (such as corporal punishment and imprisonment), and not considerate of the risk factors and environmental issues that contribute to children committing crime (*Pre-trial diversion Consolidated Guidelines*, 2017:3). The involvement of children in criminal activities is often known to stem from a powerlessness standpoint of children in dealing with problems that they encounter in their tricky adolescence period. Studies conducted from 2008 to 2016 in Russia and Zimbabwe suggest that most juveniles are victims of cruel socio-economic conditions, violence and abuse, thus the need for a restorative approach as law enforcement measures singularly would not eradicate juvenile offending (*Pre-trial diversion Consolidated Guidelines*, 2012:3, Lelekov & Kosheleva, 2008:68).

The global development of the restorative justice approach to criminal justice has been part of a paradigm shift in the criminal justice system. Ng and Wong (2012:234) are of the view that restorative justice is a model of justice that focuses on the rehabilitation of the hurt brought about by the delinquent actions. It is crucially achieved via supportive procedures that involve all parties. Mulligan (2009:294) contends that PTD is a form of restorative justice that seeks to address in an educative manner the causes of criminal behaviour. It aims to remove the initiative

of vengeance by uncovering the need for society reconciliation; so, it appraises the harm in the provisions of community justice viewpoint that the community ought to take, in a bid to gain the paramount likelihood of stopping potential misdeed (Stamatakis & Vander Beken, 2010:289).

Despite overwhelming evidence indicating merits associated with PTD (such as a decline in re-offending; juvenile offenders not having a criminal record and learning to take accountability) as a means of restorative justice, this form of justice holds offenders accountable for their actions and protects them from criminal records (*Pre-trial diversion Consolidated Guidelines*, 2017:3). Be that as it may, issues have been raised on the viability of the notion in societies dominated by retributive justice. Wong (2000:8) questions the applicability of PTD in working with juvenile offenders, assuming that justice cannot be achieved outside the court system. In South Africa, studies done by Skelton and Tshehla (2008:70) and Kleinhans (2013:84) portray extreme success of PTD as a restorative approach to juvenile justice as well as in other parts of the world, especially Europe, North Americas and Australasia. The above-mentioned sources allude to the notion that PTD, as a restorative justice tool, can be successful in different parts of the world with different conditions. Jiri (2013:27) claims that there is a scarcity of information on the appraisal of juvenile justice programmes in the second and third world, and particularly in Southern Africa.

Consequently, it is important to explore the progress of a restorative justice system and the use of PTD in a worldwide context with consideration to the environmental issues and in what way they dealt with throughout the various restorative justice systems worldwide.

The concept of PTD comprises several diverse interventions, including, but not restricted to, the utilization of police judgment not to press criminal proceedings, police cautions, individual and household unit facilities and official pre-trial recommendations from the law court to planned interventions, utilized for rehabilitative commitments (Smit, 2011:5). The following section scrutinizes restorative justice and pre-trial diversionary systems in various parts of the world.

1.1.2 Restorative justice, juvenile offenders and pre-trial diversion from an international Perspective

In the Netherlands, a study done by Tonry and Bijleveld (2007:266, 276) found that the local crime rate is generally low, although higher than in other Western countries. The crimes committed by the juveniles include theft, vandalism, assault and disturbing the public order. According to Tonry and Bijleveld (2007: 266,276), in the Netherlands, boys are more criminally active than girls are, and they commit more serious and aggressive crimes. The restorative justice system in the Netherlands is generally defined in a broad sense with the emphasis on the interests of the victim (European Commission, 2013:4). Restorative justice is part of the normal criminal law proceedings, but is normally used in the victim offender mediation process. Juvenile justice in the Netherlands is administered through the Code of Criminal Procedure of 15 January 1921. Special provisions for juveniles are included in Article 486 of the Code. Social workers in the country are often trained as mediators in victim offender mediation cases.

Ombudsman (2012:1) shows that tens of thousands of children and juveniles are in the criminal justice system in Hungary. Hansen (2006:1) adds that restorative justice is not practised formally in Hungary as there is no separate legal system between children and adults, however pre-trial diversionary activities take place. Such pre-trial diversionary activities mostly include minor cases which involve parents, caregivers of victims as well as religious and community leaders. Zoltan (2006:9) suggests that the legal basis for the imposition of sanctions in Hungary is set out in the requirements of the Hungarian law. He adds that the criminal procedure legislation allows probationary services to take place for criminal offenders (both children and adult). Probation services in Hungary are centred on juvenile supervision to enable the reduction of the risk of recidivism.

In Hong Kong, authors such as Chui and Cheng (2017:57) point out that around 3,343 juvenile offenders (aged 10 – 15) and 4,350 juvenile offenders (aged 16 – 20) were detained in 2017. Hong Kong introduced restorative justice in 2002 with the aim of channelling juveniles away from the formal justice system (Wong & Wing Lo, 2011:8). Restorative justice in Hong Kong makes use of various interventions, such

as the school intervention programmes and family mediations for children with behavioural problems. The programme also makes use of community-based interventions that provide for the mediation platform between juvenile offenders and victims. The Hong-Kong restorative justice system utilises both the welfare-oriented and the traditional-court based model that produces a system whereby, after arrest, the Prosecution will sanction and monitor the prescribed punishment. It has been argued by Chui and Cheng (2017:57) that if the offences are minor, or if the child is aged 15 and below, the Child Services Department will come up with a treatment which involves probationary guidelines, communal service guidelines and institution seminars. Juveniles above 15 years of age who have been involved in grave felonies are committed to correctional institutions run by the Correctional Services Department. Wong and Wing Lo (2010:9) add that there is no official structure for restorative justice and PTD in Hong Kong. Social workers' roles in the system include the assessment of juveniles in order to design the appropriate treatment plans. The practitioners also conduct school counselling sessions, victim offender mediation programmes and community crime prevention initiatives. Below, the study looks at how the treatment of children in Europe differs from within the African context.

1.1.3 Restorative justice, juvenile offenders and pre-trial diversion from an African Perspective

Juvenile delinquency in Nigeria, as reported by Ogundipe (2011:15), presents a troublesome situation. This is because a large population of children in Nigeria has entered the juvenile justice system. Due to a weak legal and administration framework, the juvenile justice system in Nigeria is mostly focused on incarceration and retributive justice (Atitola, 2013:4-5). Accordingly, Atitola (2013:5) contends that this has led to a large chunk of adolescents being detained for insignificant crimes in congested youth establishments, and others being incarcerated in adult penitentiaries. The aforementioned author continues by pointing out that the use of a punitive theoretical method to punishing juvenile offenders with the law, especially for petty cases, often increases the delinquent behaviour.

Nigeria utilises two legislative frameworks when dealing with juvenile justice; the Provincial and the Government jurisdictions. The Provincial influence is

concentrated on juveniles in conflict with the law who are said to be out of control and is buttressed by the Borstal Institution and Remand Home Act of Nigeria (Atitola, 2013:6). Juveniles, under this Act, are sent to detention facilities administered by Nigeria Prison Services. The State authority is directed by the Children and Juvenile Offenders Act; the law stipulates those children with minor offences can be temporarily placed at a remand home.

In South Africa, Kleinhans (2013:25) are of the disposition that there is an alarming high rate of crime, and a significant proportion of them are committed by juveniles. Scholars such as Motshedi (2020:33) agree that most juvenile crime in South Africa is fuelled by poverty, gangs and prior victimisation. The punishment of juvenile offenders in the Apartheid era was based on a rigid and punitive system, as children were not viewed as being a unique group. The types of punishments integrated beatings, paternities being penalized for the misconduct of their offspring, or the juvenile offender being separated from the paternal household and located where authorities deemed appropriate. The family adopted even more stringent measures of regulation which they thought would resolve their adolescent's 'unusual' conduct. On the other hand, this put additional terror in children, a feeling of stigmatisation and rejection that resulted in more deviant behaviour. Consequently, the call for the curative justice paradigm increased inside the child justice structure to retain lawbreakers liable for their actions. Nevertheless, South Africa has been broadly applauded for its shift towards a child rights-based approach in its implementation of restorative justice for juvenile offenders (Galliretti, Kassin & Ehlers, 2006:9).

Restorative justice in South Africa in the form of pre-trial diversion was done informally before the introduction of the *Child Justice Act (No. 75) of 2008*. This enabled the pre-trial diversion of some juvenile offenders, i.e., those juveniles who accepted accountability for the offence done, plus have a close relative/custodian undertaking to take accountability for the adolescent's presence at court as well as to be personally present at the court of law for the scheduled appearances (Brink, 2010:22-23). However, not all juvenile offenders were diverted until the introduction of the aforementioned Act. The Act creates a system for the juvenile offender that is very different from the criminal justice system for adult offenders. According to Terblanche (2013:438), this piece of legislation targets to serve juveniles out of

custody and not in contact with the adult justice system - mostly through pre-trial diversionary methods. The author concludes that once these actions are deemed insufficient or ineffective, the legislation provides for the juvenile to be arraigned and punished in the juvenile courts.

In South Africa, pre-trial diversion programmes must adhere to certain requirements and include various activities such as life orientation; counselling or therapy and vocational education (*Child Justice Act, No. 75 of 2008*, Sections 52 & 55:60-61, 66). There are set minimum standards of pre-trial diversion in South Africa as stated in Section 55 of the Child Justice Act, 75 of 2008. These standards are as follows

- i) pre-trial diversion options must be designed in a way that balances the circumstances of the child,
- ii) the nature of the offence, and the benefit of society.
- iii) Besides not being exploitative, pre-trial diversion options should be appropriate to the age and maturity of the child, and it may not interfere with the child's schooling.
- iv) Children may not be excluded from pre-trial diversion options due to a lack of resources or finances.
- v) Sensitivity to the circumstances of the victim should be one of the focus points of the pre-trial diversion option.
- vi) Useful skills should be taught in the pre-trial diversion programme and a restorative justice element must be included that should focus on healing relationships, including that with the victim. An aim of the pre-trial diversion programmes will be to ensure that the child understands the impact of his or her actions on others.
- vii) The place where the pre-trial diversion programmes are presented must be accessible to the child.
- viii) Pre-trial diversion programmes must be suitable to be used in a variety of situations and for a selection of offences.
- ix) It is important that the effectiveness of the programmes can be measured.
- x) The promotion and development of pre-trial diversion programmes nationwide is essential, bearing in mind the special needs and circumstances of children in rural areas.

- xi) Parents, appropriate adults or guardians should be involved in pre-trial diversion programmes.

Pre-trial diversion programmes in South Africa are mainly implemented by social workers, the National Institute for Crime Prevention and the Rehabilitation of Offenders (NICRO), Mangaung One-Stop Child Justice Centre and other governmentally approved organisations (Terblanche, 2013:440). However, a multi-sectoral approach is employed with the prosecutor, the magistrate, the South Africa Police Services (SAPS) and the guardians of the child being involved in the process. Probation officers play a vital task in the pre-trial diversionary process, particularly in the early evaluation stage and in building approbations concerning the use of pre-trial diversionary and residency of the juvenile offender (*Child Justice Act No. 75 of 2008:48*).

The study, lastly, examined the history and current circumstances of juvenile justice in Zimbabwe, where the study was conducted.

1.1.4 Restorative justice, juvenile offenders and pre-trial diversion from a Zimbabwean perspective

Like many African countries, children in Zimbabwe during the colonial era were subjected to punitive measures when they were arrested. Such children were subject to arbitrary arrest, detention for long periods without trial and corporal punishment, among other penal excesses. Children detained due to political activism were subjected to torture and long-term imprisonment (Ruparanganda & Ruparanganda, 2016:7; Jiri, 2013:1).

At the outset of majority rule in 1980, the new government sought to put in place a better system for juvenile offenders. Kaseke (1993:13) argues that during that time, the system was hinged upon balancing two significant aspects, that is, the necessity to defend the public against illegal behaviour and to give extraordinary consideration to the individual situation of the delinquent with an outlook to promoting his/her welfare. Kaseke (1993:13) concluded that balance was greatly weighted in support

of shielding the public and, thus, emphasising retribution and reparation rather than rehabilitation.

Two main pieces of legislation were utilised in dealing with juvenile justice; these were the *Children's Protection and Adoption Act No. 23 of 2002* (Chapter 5:07) and the *Criminal Procedure and Evidence Act No. 37 of 2004* (Chapter 9:07). Consequently, there were two major branches that dealt with juvenile offenders - to be precise, the juvenile's courts and the magistrate's courts, which utilised the aforementioned legislations (Kaseke, 1993:14; Ruparanganda, 2016:11). Jiri (2013:2) adds that, "...when a juvenile was found to be in conflict with the law, he/she was detained by the police pending his/her appearance before a public prospector". The author goes on to add that the juvenile was then referred to a probation officer who would conduct a circumstantial inquiry to outline the situation of the juvenile. The social inquiry was then used to determine the punishment that the juvenile would be given. Punishment for juveniles included caning, institutionalization or compulsory school attendance. Kaseke (1993:12) points out that the juvenile courts suffered from an "identity crisis" as they were put in place as a semi-legal and semi-welfare arrangement. In this sense, the objectives of a criminal justice system and welfare system are frequently conflicting as the former focuses on vengeance whilst the latter focuses on reform and rehabilitation. Therefore, the quest for criminal justice was unsuited with the quest of welfare objectives.

Juvenile justice sentencing for offenders were limited. Only options such as reprimanding, committal to a children's home and corporal punishment were availed. The reintroduction of corporal punishment in the early 1990s as an option was in itself a backward move that had no place in juvenile justice. The system in use also led to many juveniles being remanded in custody before their cases could go before the courts. Such cases often took several months before the cases were heard. Institutionalization of juvenile offenders also presented its reasonable allocation of struggles that included the incapacitation of children's homes in rehabilitating the juveniles. Ruparanganda and Ruparanganda (2016:10) note that the government of Zimbabwe in the late 1990s realised the necessity for change in a bid to alter the criminal justice system from being a punitive establishment to a rehabilitative one.

Since the turn of the new millennium, there was a shift towards the adoption of an educational and rehabilitative approach to child justice in Zimbabwe (Ruparanganda & Ruparanganda, 2016:10). This came into being as a result of the country having ratified the *United Nations Convention on the Rights of the Child* (UNCRC: 1989) in 1992 and the *African Charter on the Rights and Welfare of the Child* (ACRWC) in 1995. These documents obliged the government to "... respect and ensure the rights set forth...to each child" (UNCRC, 1989: Article 2). This triggered the Zimbabwean Government to develop a separate child justice legislation. The UNCRC (1989: Article 2) points out that children have a right not to be discriminated against; to participate in any decision that affects their lives and to be heard; and introduced the best interest concept.

The new *Children`s Act No. 6 of 2005* (Chapter 5:6) introduced provisions to protect juvenile offenders. Section 15 of the aforementioned legislative piece stipulates that detention of juvenile offenders must be done in a special place called the Place of Safety. This is in sync with Article 40 (3) of the UNCRC, considered in tandem with Article 17 (2) (b) of the ACRWC, which point out how juvenile offenders must be dealt with in a children`s court. This Magistrate's court must be a unique law court in that it would be not be bound by whichever instructions concerning to civic or felonious actions. Instead, it would be conducted in such a method as to enhance the well-being of the juvenile offender. Section 63 paragraph 2 (d-e) of the *Children`s Act of 2005* aptly states juveniles/children are to be separated from alleged or convicted adults when in State custody. Article 40 of the UNCRC dictates that the individuality of the juvenile offender must remain undisclosed at all stages of the trial.

In 2013, Zimbabwe adopted another progressive constitution. *The Constitution of Zimbabwe Amendment (No. 20) Act 2013* epitomises the move to an educational and rehabilitative juvenile justice system. The document, unlike its predecessor, has enlarged to include, for the most part, all juvenile offenders as provided for under Article 40 of the UNCRC (1989) and Article 17 of the ACRWC (1995). Of great significance is the outlawing of physical penalty and death penalty for juvenile offenders. Nevertheless, the researcher notes that the consideration of juveniles in

conflict with the law is not mandatory; therefore, many juveniles may be subjected to the same procedures as adults.

The Government of Zimbabwe in 1999 had proposed for a PTD programme in order to fully implement restorative justice with juvenile offenders. However, in 1999 there was no funding for a pre-trial diversion programme in Zimbabwe, thus the plans were shelved. In November 2009, the Minister of Justice, Legal and Parliamentary Affairs (MJPLA) expressed concern to Cabinet about the number of juveniles being unnecessarily prosecuted. This prompted Cabinet to decide to launch a PTD pilot programme in Harare, Bulawayo, Chitungwiza and Gweru.

Between November 2009 and early 2013, no pre-trial diversion officers were employed, resulting in the reality that these pre-trial diversion services were not implemented. During this time, the PTD programme was done using the existing resources within the Zimbabwean system. For example, the Department for Social Services (DSS) took an active role. However, it quickly became clear that the DSS did not have the capacity to coordinate the pre-trial diversionary programme effectively. For example, between 2009 and the end of 2012, no case data was collected nor recorded for the PTD programme by social workers from the DSS (Curley, Khan & Kakunda; 2016:14).

The Zimbabwean Government, in the company of allies such as Save the Children and UNICEF, officially propelled the PTD programme in May 2013. Organizations such as Save the Children provided budgetary and technical support for the PTD programme. With this budgetary support, pre-trial diversion officers were employed in the following pilot areas: Bulawayo, Harare, Chitungwiza, Gweru and Murewa (Ruparanganda, 2016:11). The next discussion focuses on the problem statement of this study.

1.1.5 Problem formulation

A problem statement is a study statement that can be viewed as an initial guideline for the research, instead of a fixed starting point that determines the entire research procedure (Creswell, 2009:101). Porte (2010:12) adds that the research problem gives the researcher the direction from which the research study can be conducted.

Cottrell and McKenzie (2011:81) further summarizes that it is a proclamation avowal that evidently and adequately outlines the global effort of the research. A problem statement is, therefore, a statement that depicts the focus of the problem.

The PTD programme is a fresh model in the Zimbabwean juvenile justice system. As discussed in the previous section, the PTD programme was first implemented in May 2013. Vengesai (2013:24) states that there is an underestimation of the experiences and challenges of juvenile offenders and pre-trial diversion officers that could aid in the improvement of juvenile justice service delivery in Zimbabwe.

The problem statement for this study was that, in relation to the PTD programme, the experiences of juvenile offenders and PTD officers are unknown. Now, eight years later, it is essential to conduct an in-depth study of juvenile offenders and PTD officers' experiences concerning the PTD programme.

1.1.6 Rationale for the study

Based on related literature available to the researcher, i.e., Vengesai (2013:3) and Tsoka (2013:1), it is evident that the focus of these studies was on the retributive justice system and the statutory adherence of the nation to global agreements. However, the experiences of juvenile offenders who attended the PTD programme, together with the experiences of the PTD officers, are unknown.

As the researcher has personal experience through interaction with the juvenile offenders and fellow PTD officers in the PTD programme, thus emerged the motivation of the study. The researcher is a PTD Officer for the Ministry of Justice, Legal and Parliamentary Affairs in the Chitungwiza District in Zimbabwe. Through informal discussions with juvenile offenders and fellow colleagues, the researcher discovered that their experiences can inform the aforementioned ministry to streamline the PTD programme. Supported by Creswell (2009:98), the interpretation and meaning that participants attach to the programme can effectively be addressed qualitatively. Therefore, this study sought to harness the juvenile offenders and pre-trial diversion officers' innermost experiences of the PTD programme in order to help in future quality service delivery.

1.2 THEORETICAL FRAMEWORK OF THE STUDY

Theories are built to describe, envisage, and comprehend the subject at hand and, in numerous cases, to confront and broaden existing information inside the restrictions of vital bounding suppositions (Swanson & Chermack, 2013:44). The theoretical structure is the structure that can grasp or hold up a supposition of a research study (Torracco, 1997:114-137; Gabriel, 2013:173-199). In addition, it also presents and outlines the concept that elucidates why the study issue focus is there. In this sense, a theoretical outline should show perspectives of the various theories and concepts that underpin one's research study and relate to wider research information areas of the inquiry.

The researcher was of the well-considered view that the Ecological Systems Theory and the Reintegrative Shaming Theory were relevant to this study.

1.2.1 The Ecological Systems Theory

In 1979, Bronfenbrenner coined the ecological systems theory. The theory focuses on the development of the child as influenced by the dynamics of the system relationships in his/her environment. This viewpoint defines complex levels of the environment, every single one having an effect on the juvenile's growth. The family of the child and the community environment help to drive the juvenile's development. Fluctuations or ripples in any single layer will lead to a chain effect through other levels. In order to fully comprehend the child's behavioural influences, there is need to examine his or her current domain in harmony with the wider environment (Bronfenbrenner, 1979:16). Paquette and Ryan (2001:1) concur with the above assertion in its entirety.

The ecological systems theory is made up of five environmental systems, comprising of, micro, meso, exo, macro and chrono systems. The microsystem is made up of the connections and link that a juvenile has with his or her immediate domain. The microsystem encompasses the family, school and community. Structures in the mesosystem provide for links between the different environmental systems, and examples are the connection between the juvenile's teacher and his

caregivers, or his community. The exosystem outlines the broader social system in which the juvenile is not directly linked and these include community-based family resources. Macro-level which refers to the community and other functions that could also include health and religion. The interaction of the parents with the community and how they function holistically. The chronosystem is based on the connection of time and the juvenile's environment. This layer often contains foreign elements such as the death of a caregiver (Bronfenbrenner, 1979:16; Berk, 2007: 23-38).

The underpinnings of Bronfenbrenner's model is a supposition that the juvenile's physical, cognitive and intellectual growth is tied to their interactions within and between multiple surrounded ecological levels (Bronfenbrenner, 1979:16). He/she goes on to state that, human advance is a creation of interface among the rising organism and its surroundings. Consequently, one's behaviour evolves because of the interaction between the person and the environment.

Juvenile delinquency is usually fuelled by the macro system facets such as the traditional and productive framework of society, including guideline, legislature and court system. Family, peer or school factor cannot, thus, be scrutinized out of the macro system factors. The relevance of this theory in applying it to this study is the link between a juvenile offender and his/her environment (Tlale, 2013:6). The philosophy behind the PTD programme is, thus, to modify behavioural patterns of juvenile offenders. This change is crucial in a juvenile offender's life as recidivism is influenced by their ecosystem.

Regardless of the influence of the juvenile justice system on juvenile offenders, positive family and peer presence during the juvenile justice process is essential. This is in line with Bronfenbrenner's model as he supposes that care-givers and significant others have a pivotal role in changing the life of a juvenile offender through positive influences. Families and communities can assume a prominent role when addressing problems of deviancy, and emphasize the significance of family and society in the life of a juvenile offender. The ecological systems theory can be utilised with juvenile offenders, using the family, age group, educational and prison facilities as teachable domains that give the chance framework for behaviour

change. These can offer enough reinforcement, chances and resources for juvenile development in the right path (Bronfenbrenner, 1979:18).

The ecological systems theory was applicable to this study and was in line with the main goal of the research study. Juvenile offenders and PTD officers are sub-levels within the bigger system of the pre-trial diversion programme and the outside world at large. The delinquency of juveniles vis-à-vis role of the PTD officers in service delivery was analyzed in context within their interaction with the various sub-systems and how their actions sent ripples to other sub-systems. The ecological theory was the most relevant to this research due to it being centered on how the various eco-systems impact on juvenile delinquency and successful rehabilitation.

1.2.2 The Reintegrative Shaming Theory

From the researcher's assessment, the PTD programme itself is modelled on the reintegrative shaming theory (RST). Braithwaite (1989:102-103) writes that, the reintegrative-shaming theory differentiates between two types of shaming, namely, integrative and disintegrative shaming. The aforementioned author claims that disintegrative shaming is the stigmatization of a juvenile offender by the community and significant others, leading to isolation. This type of shaming often leads to juvenile offenders being shunned by their families and communities and end up causing self-fulfilling prophecies as the individuals are labelled as criminal subcultures. The scholar further elaborates that the disintegrative shaming creates outcasts in society who lack self-esteem within the conventional society-individuals and end looking for alternative behaviours that allow them to gain self-esteem (Braithwaite, 1989:56).

Integrative shaming, on the other hand, means that the community or the family's disdain at a criminal or delinquent act by a juvenile is followed by reintegration back into the family and community. Acceptance and forgiveness follow the shaming of the delinquent behaviour on its own; the juvenile is not shunned and stigmatized. Reintegrative shaming by the significant others of the juvenile brings about meaningful and important support to the juvenile offender (Braithwaite, 1989:55-56).

The PTD programme also works on the same principle of acceptance and forgiveness.

The PTD programme is modelled on the premise that the families and communities have a central part to play in reintegrative dishonouring of fellow misbehaving societal individuals. This holds true for Braithwaite (1989:77), as the author believes that there is community involvement in reintegrative shaming, thus community members have a crucial role in reintegrating juvenile offenders back into the community of law-abiding individuals. This is done through words, gestures of acceptance and forgiveness or atonement events to deregister the offender as deviant (Braithwaite, 1989:100). The PTD programme is similar to the Reintegrative Shaming Theory as it aims to empower and heal communities through a multi-sectoral approach of stakeholders in the criminal justice structure.

The relevance of this theory in this study is hinged on that the PTD programme castigates the criminal act but the juvenile offender is given his/her inherent dignity and respect in a safe environment. Again, the role of the family in fostering, tending and pardoning the juvenile offender while giving them help and direction on how to be a law-abiding citizen should not be underestimated (Braithwaite, 1989:87). The following section focused on the research question, goal and objectives.

1.3 RESEARCH QUESTION

As per Olson, Sameroff, Kerr, Lopez and Wellman (2005:120), a research question is “an indistinct, attentive and debateable question about the plan to core the investigation”. Creswell (2009:129) is in agreement with this definition. The research question driving this research was born from a literature review and the identification of work implications that emerged from the literature (Wood & Ross-Kerr, 2011:4; Creswell 2009:129). Therefore, the research question shall be construed as a comprehensive and global question that interrogates the examination of the fundamental issue.

The research question for the study was: What are the juvenile offenders and PTD officers’ experiences and challenges of the PTD programme in Chitungwiza?

1.4 THE PRIMARY GOAL AND OBJECTIVES OF THE RESEARCH

1.4.1 Primary goal of the study

A research goal constitutes extensive proclamations of the course transcribed in an unofficial language and utilized to clarify the overall determination of a research investigation to persons uninvolved in the study (Cottrell & McKenzie, 2011:217). Carey (2012:24) supports this notion by pointing out that the research goal is the aggressive influence to the research study signifying exactly what the researcher desires to study. De Vos, Delport, Strydom and Fouché, (2005:104) backs the above authors by pointing out that a goal pertains to an aspiration of future important results. Therefore, the research goal was seen as a declaration that encompasses the centre of the study.

The goal of this study was: to develop an in-depth understanding of the juvenile offenders and pre-trial diversion officers` experiences and challenges of the PTD programme in Chitungwiza. The achievement of this goal would generate data which will be utilised to enhance PTD service delivery.

1.4.2 Objectives of the study

A research objective is defined as “the measures to be realistically taken at a basic stage inside a given time limit in a bid to achieve the vision wanted” (Latham & Locke, 2006:265). Carey (2012:24) and Creswell (2009:12) complement this assertion by postulating that having objectives is like illustrating a strategy on how the researcher tries to react to the research question. To attain the above-stated goal, the objectives of this study were formulated into a blend of research and task objectives as follows:

1. To obtain samples of juvenile offenders and PTD officers involved in the PTD programme in Chitungwiza.
2. To conduct semi-structured interviews facilitated by open-ended questions contained in an interview guide.
3. To explore and describe juvenile offenders and PTD officers` experiences and challenges of the PTD programme in Chitungwiza.

4. To transcribe, sift, sort and analyse the data according to the eight steps of Tesch (cited by Creswell, 2009:186).
5. To describe the findings in relation to the explored experiences and challenges of juvenile offenders and PTD officers in relation to the PTD programme in Chitungwiza.
6. To interpret the research findings and conduct a literature control to verify the findings.
7. To draw conclusions and make recommendations regarding juvenile offenders and PTD officers` experiences and challenges of the PTD programme in Chitungwiza.

1.5 RESEARCH METHODOLOGY

This section focused on the research methodology that was employed in attaining the goals and objectives of this study, that is, the research approach and designs that were applied.

Research in social science comprises two major research methodologies; researchers can opt to use either a quantitative or a qualitative methodology. The quantitative methodology is mostly used in situations whereby the researcher is interested in testing and measurements; it also focuses on numbers and generalisation. The qualitative research approach, on the other hand, is more interested in people`s views and experiences (Creswell, 2009:48).

Deciding on the appropriate research approach to a study is further influenced by several factors. Creswell (2014:6) states that, before the researcher can take decisions connected to the study approach and inquiry designs to follow, it is important to identify the philosophical assumption(s)/ worldview(s)/ paradigm(s) on which the research study will be based. Such philosophical assumption(s) /worldview(s)/ paradigm(s) have an important influence on choosing the research approach and research designs for a study. In research studies, the post-positivist, pragmatist, constructivist and transformative worldviews are the most widely used philosophical assumptions.

In view of the above, it is needful to state that the researcher's approach in this study was from a post-modernist, constructivist and post-colonial indigenous worldview in employing the qualitative research methodology/approach while conducting this study. The concept of post-modernism in qualitative research is centred on the notion that there is no absolute truth (De Vos, Strydom, Fouche & Delpont, 2011:7-8)). Truth is viewed as a continued illusion that is misused by special interest groups. Post-modernist theorist such as Burns and Groove (2013:35) are of the view that traditional logic and objectivity are spurned, as people are less likely to follow a rigid ideology. Communities and individuals create their own structures and way of life as cultures, norms and values become fragmented. The distance between space and time has narrowed due to globalisation (Sellers, 1996:105). In this sense, a post-modernist worldview is the one that subjects to a fragmentation of social life and unpredictability.

Social constructivism holds that persons look for perceptions of the world in which they exist and work. Persons build meaning as they connect with and interpret the world, or environment, that they live in. Therefore, these meanings are attached to objects, people, things and experiences vary from person to person. Qualitative researchers use different data collection methods to document these meanings. Apart from observations, the individual's account of such meaning is collected in many different ways, such as interviews, documents, drawings, and informal conversations (Wagner, Kawulich & Garner, 2012:56; Creswell, 2009:26; Schwandt, 2014:15).

Research conducted from the postcolonial indigenous worldview are done in previously colonized societies, including previously disempowered or historically oppressed groups. The application of this worldview recognised the cultural communities, indigenous knowledge and relational experiences (Wagner *et al.*, 2012:58).

The section below examined the research approach and research design utilised by the researcher.

1.5.1 The research approach

From the research methodology literature, it is evident that some authors use the terms methodology and approach as synonyms. The succeeding discussion focused on the qualitative research approach, as this study was not interested in testing, measurements, or generalisations, but personal experiences of the target population, the researcher utilised the qualitative research approach (Creswell, 2012:43). The qualitative research approach is a type of academic enquiry that centres on the way the public understands and constructs logic of their experience and the environment in which they function. The focus of a qualitative research method is on words, not numbers, as expressions of individuals' lived experiences and views, with the goal to obtain an extensive comprehension of their opinions and judgments. The researcher, being the main data collector, thus, got closer to the participant's perspective (Creswell, 2009:49; Denzin & Lincoln, 2005:94). In light of these considerations, this study utilised a qualitative research approach.

Scholars such as Creswell (2009:176), Royse (2008:271) and Hennink, Hutter and Bailey (2011:10) agree that the use of a qualitative research approach is most valuable when the research focus is poorly understood and where it is hazy or sketchy.

Authors such as Hennink *et al.*, (2011:10-11), Creswell (2009:176), and Royse (2008:271) agree on the subsequent features of a qualitative research approach, i.e.:

- Qualitative research occurs in a regular background. The researcher has to immerse him/herself in the setting of the people she/he wants to explore.
- Qualitative research is inductive in nature. In utilizing an inductive logic, the researcher co-operates with the juvenile offenders and pre-trial offenders in constructing outlines, groups and subjects from information composed (Creswell, 2009:175). The researcher is able to pinpoint the features intricate in the problem study, and to cultivate a multifaceted representation of the issue and to give back on various viewpoints (Creswell, 2009:176).
- Qualitative research is a rounded opinion of the societal problem. The above scholars argued that qualitative research seem comprehensive, helicoptered

interpretations rather than micro evaluates. The further multifaceted, collaborative, and surrounding the plot, the more superior the qualitative study. The researcher was interested in the issue being investigated, and pays particular attention to procedure, importance and comprehension gained through arguments or expressions as well as depictions (Hennink *et al*, 2011:10-11).

- The qualitative research approach is characterised by interaction and humanism. Qualitative research, thus, requires researchers to search for participation of the research members in the information gathering process and to construct affinity as well as integrity with the persons in the study. The researcher fosters a greater depth of interaction with his participants by portraying a relaxed and open environment during the data collection (Creswell, 2012:43).
- Qualitative research is emergent. This points to the issue that research queries might surround the data collection process, centred on the understandings confronted by the researcher. The array of comprehension will arise as it originates with primary codes, progresses into subjects, and merges into solid theory or all-encompassing understanding (Creswell (2009:176).
- Qualitative research is grounded on approaches of information collection, which are fluid and delicate to the communal situation in which information is created (instead of strictly consistent or organised, or totally abstracted from 'real-life' circumstances). The data, gathered by the researcher represents "real-life experiences" of the research participants who went through the PTD programme (Creswell, 2012:43).
- It is important to point out that qualitative research focuses on the researcher`s self-reflection. The researcher`s own biography shapes the study. This is another modern factor to qualitative studies. The researcher`s self-examination and acceptance of prejudices, standards and interests typifies qualitative research currently. The individual-self progresses to the researcher-self. Nevertheless, one is directed by ethical doctrines and principles in communal research (Royse, 2008:271).

- Lastly, qualitative research is the strategy of inquiry. The researcher assumes and uses a solitary, or multiple approaches, of investigation as led by the ethical philosophies and criteria in social inquiries (Creswell, 2012:43).

Taking into consideration the above-discussed features of qualitative research, the qualitative research approach was deemed appropriate for this research. The researcher was drawn into comprehending the experiences of juvenile offenders and PTD officers who were in the PTD programme. Their interpretation of the phenomenon is entirely based on them as individuals, and this allowed for a holistic approach to the inquiry, and an exhaustive understanding of the issues on hand.

1.5.2 Research design

The research design denotes the complete plan that you select to incorporate the diverse mechanisms of the study in a consistent and rational technique, thereby safeguarding efficient work on the ensuing research inquiry; it creates the design for the gathering, depth, and examination of information (Trochim, 2006:5). Authors such as Marshall and Rossman (2011:89), Polit and Beck (2008:209) complement the above assertion by pointing out that a study design outlines a plain, realistic and supple map with tangible and unambiguous information for conducting of the research. Therefore, a study design is a comprehensive map for how a study inquiry is conducted. According to Bless, Higson-Smith and Kagee (2006:47), a number of study designs can be utilised with qualitative research, namely, explorative, descriptive, and contextual and multiple case-study designs. Subsequently, the explorative, and multiple or collective case-study designs were utilised in this study.

Explorative design

According to Royse (2008:29), explorative studies are done after a recent phenomenon has been explored or when minute information is recognized about an area of curiosity. The researcher, thus, utilized the design to present a thorough comprehension of the experiences and perceptions of the study members (Hennink *et al.*, 2011:10; Babbie, 2010:93). Hence, the exploratory design was used to achieve a detailed understanding of the juvenile offenders and PTD officers`

experiences of the PTD programme in Chitungwiza. Such data was collected by doing semi-structured interviews with the participants.

Multiple case-study design

A collective case-study design denotes further than a solitary case that may or may not be physically bound with other settings. A collective case study may be conducted at one site (e.g., a school, hospital, or university) by examining a number of different settings (Baxter & Jack, 2008: 544). On the other hand, a multiple case study design is a systematic paradigm that includes the exhaustive investigation of a precise confined structure that uses numerous procedures of information gathering. In numerous case studies, the researcher will examine several cases and equate consistencies and comparisons amongst them. It is most vital when used in a tiny geological area or with a restricted number of participants. Baxter and Jack (2008:544) are of the view that the thorough qualitative interpretations frequently created in multiple case studies not only aid to discover or define the information in real-life setting but also aid to clarify the intricacies of real-life circumstances, which might not be recorded through experimental or survey research. Therefore, the multiple case-study framework was utilised to investigate the experiences of the juvenile offenders who completed the pre-trial diversionary programme and PTD officers who facilitated the PTD programme.

In the following section, the spotlight is on the research method that was followed in the study. This included unpacking aspects such as the research populace; sampling and sampling procedures utilised in the study; the data gathering procedure from the data collection process; the data analysis and ensuring the trustworthiness of the study.

1.5.3 Research process

Research methods reflect the several steps, actions and techniques utilized in qualitative studies (Hennink, Hutter & Bailey, 2011:10). Research methods are fundamentally deliberate and systematic in nature; they comprise sampling, information gathering and information scrutiny. This researcher utilized an applied

research method, which aims to develop the comprehension of a phenomenon in a bid to derive a solution (Bickman & Rog, 2008:4). The preceding authors further argue that applied research leads to the birth of fresh information and comprehension of real-life impediments. The researcher utilised this method of qualitative research in the collection of participants' experiences, behaviours and perceptions on the PTD programme through in-depth semi-structured interviews.

1.5.3.1 Population, sampling procedures and sampling

The research population represents the entire fundamentals that assemble the criterion for addition in a research study (Burns & Grove; 2003:234). Strydom (2011:223) adds that a populace is the entirety of individuals or further sampling units with which the research problem is concerned. De Vos *et al.*, (2005:204) refers to the populace as the persons in the setting who have unique traits or a set of units that are the generalised characteristics of curiosity to the researcher.

In terms of qualitative research, the population comprises of all individuals within the target group of the research domain. The population for this study was the juvenile offenders and PTD officers (*Pre-trial diversion Guidelines*, 2012:54; Ruparanganda & Ruparanganda, 2016: 14; Jiri, 2013:24).

In Zimbabwe, since 2013, the number of juvenile offenders who had to attend the PTD programme amounts to 421, but only 352 successfully went through the PTD programme. A number of 10 pre-trial diversion officers were involved in the execution of the programme.

Due to time, budgetary and resources constraints on the part of the researcher, it was inconceivable to incorporate the complete juvenile offender population in the research and the study was limited to the implementation of the programme in Chitungwiza. The researcher chose the district of Chitungwiza because it was easily accessible. Within Chitungwiza, there are eight PTD officers who implemented this programme since 2013, and from 352 of juvenile offenders referred, only 265 completed this programme from June 2013 to July 2017. Because of the low number of PTD officers in this population group, no sampling was applied. The researcher contacted pre-trial diversion officers in other regions to compensate for some of the

pre-trial diversion officers who could not be able to avail themselves, or when data saturation was not reached.

According to Vickers and Offredy (2010:131), a sample is a part of the populace. Leedy and Omrod (2001:144) confirm by pointing out that sampling is a procedure of choosing particular entities from a case in point, a pre-trial diversion of individuals, items, textual resources, and audio-visual and electronic records. Polit and Beck (2008:234) state that, in sampling, it is a part that characterises the entire populace that is designated. The researcher, thus, views sampling as the selection of research participants that represents the "true" traits of the research population.

Non-probability sampling was at the heart of qualitative research. This sampling method does not attempt to select a random sample from the population of interest but, true to the characteristics of qualitative research, rather uses subjective ways to determine the sampling of the participants (Monette *et al.*, 2013:149; Babbie, 2010:191; Mack *et al.*, 2005:4). Snowball and purposive sampling are two techniques in non-probability sampling employed to recognise possible members in a study.

Purposive sampling involves study participants being chosen for a research study due to them meeting a preselected criterion (Monette *et al.*, 2013:153; Babbie, 2010:193; Berg, 2004:50-51). De Vos *et al.* (2005:202) claims that this form of sampling technique is centred completely on the verdict of the investigator on how the sample is made up of features that comprise most characteristic and emblematic qualities of the universe.

Purposive sampling as a sampling technique was applied to select a sample of juvenile offenders in Chitungwiza who were successfully completed the PTD programme. Hereafter, the researcher used the PTD register, case files and own knowledge to identify juvenile offenders who can best serve the rationale of the research and meet the selection criteria (Babbie; 2010: 193).

The selection criteria for the juvenile offenders were as follows:

1. Juvenile offenders who, between June 2013 and July 2017, completed the PTD programme in Chitungwiza.
2. Juvenile offenders residing in Chitungwiza.
3. Juvenile offenders who, while attending the PTD programme, were underage, but in 2018 are above the age of 18 years due to the strict governmental restrictions on research involving children.

The exclusion criteria for the juvenile offenders were as follows:

1. Juvenile offenders who were unable to complete the PTD programme.
2. Juvenile offenders not residing in Chitungwiza.
3. Juvenile offenders who, while attending the PTD programme, were underage, and were still below the age of majority in 2018.

The selection criteria for the PTD officers were as follows:

1. PTD officers who implemented the PTD programme in Chitungwiza for at least a year.
2. PTD officers geographically close to the researcher.
3. PTD officers who have more than 2 years' experience implementing the PTD programme.

The exclusion criteria for the PTD officers were as follows:

1. PTD officers who implemented the PTD programme in Chitungwiza for less than a year.
2. PTD officers who have less than 2 years' experience implementing the PTD programme.
3. PTD officers who are geographically far from the researcher.

The researcher, before making contact with the pre-trial diversion officers and after the Research and Ethics Committee within the Department of Social Work approved the proposal, and an ethics clearance document was received, wrote to the Permanent Secretary of the Ministry of Justice, Legal and Parliamentary Affairs seeking governmental authorisation to do the research and consult the various participating groups. After authorisation was granted to do the research, the

researcher contacted the pre-trial diversion officers to request their participation in this research study and start with the process to identify potential participants from the juvenile offender population group. After the identification of possible participants, the researcher conducted a preliminary interview with the juvenile offenders to request their participation, and those who were willing to participate were asked to sign the consent form (See Annexure C).

As discussed above, when conducting qualitative research, the interest is not in the number of participants but the lived experiences of the participants. Therefore, the researcher cannot, from the onset of the study, tell how many juvenile offenders or pre-trial diversion officers would participate. De Vos *et al.*, (2005:328) and Wagner *et al.* (2012:88-89), concur that there are no conventions for sample size in a qualitative inquiry. The sample size hinges on the type of study and data collection method.

The principle of data saturation is used to determine when the data collection process may be ended. Holloway and Wheeler (2010:20) and, Saumure and Given (2008:2) concur that data saturation emerge when everything of importance to the research study, including relevant concepts, emerge in the data obtained. This means that no new information could surface during the remaining data collection interviews. The researcher continued to gather data from the 16 selected participants up to the point where the data collected became saturated. After interviewing nine participants the data became saturated.

1.5.3.2 Data collection

- *Preparation for data collection*

The researcher, following the approval from the Permanent Secretary of the ministry (Annexure B), sent a letter to the PTD officers requesting their participation for the study (Annexure C). Thereafter, a meeting to clarify the research methodology, goal, and objectives was held individually with each participant.

After the researcher had acquired access from the authority the PTD officers acted as gatekeepers to identified the would-be juvenile offenders, using the PTD

programme database in Chitungwiza. This was done using the selection criteria. Consecutive with this process the PTD officers obtained consent from the would-be participants for the researcher to access their files. Hereafter the participants were individually invited to the initial interview. The participants were told that the interviews would be done in English and all the participants indicated that they were comfortable in using the afore-mentioned language.

As alluded to by authors such as Babbie (2010:317) and Hennink *et al.*, (2011:121), it is crucial for the researcher to establish rapport with the prospective participants of the study. Hence, the researcher made sure that the would-be participants were fully aware of all aspects of the study to establish rapport and trust with the participants. Making the participants fully aware of the research aspects is crucial in determining the overall support of the study.

Individual sessions with the prospective participants constituted a formal introduction and elaboration on the information to be collected and on how, where when and why such data is required. This enabled the participants to measure the advantages and the dangers connected with partaking in the study (Annexure C).

The motivation of the research study, procedures and potential questions to be asked were clarified to the prospective participants. Authorization to digital-record the discussions and write notes, as well as transcribe recordings was requested. The participants were told that only the administrator, supervisor and the independent coder could have access to the recording device. The would-be participants were allowed to ask questions regarding the study in order to elucidate any grey area on the study (Annexure C).

Appointments to conduct interviews at a convenient time and place were arranged with the potential participants. The researcher liaised with the prospective participants on a place that would be conducive for interviews; the place would either be the participant's home or at the available community centre. The community centre sourced by the researcher enabled free interaction with no distractions. Coming up with an appropriate time for the interviews permitted for contributors to have sufficient time to be seated, relaxed and converse throughout the interviews.

- *Method of data collection*

According to Mouton (1996:107), the data collection method is viewed as a technique in which data's intrinsic properties will be captured or is the way a researcher is going to collect data. Data collection can also be described as a route of interaction connecting the researcher and the contributor that includes probing, attending and conversation (Hesse-Biber & Leavy, 2011:109). There are four methods of information gathering in qualitative research, namely, partaking in the situation, witnessing openly, analysing documents and material way of life (Mouton, 1996:107). Klenke (2008:120) is of the opinion that discussions are the dominant reserve through which existing communal science and communities engrosses with matters that involve it.

Unlike structured interviews, semi-structured interviews use open-ended questions. Klenke (2008:127) adds that this type of questioning allows for greater flexibility than the structured interview. De Vos *et al.* (2005:296), are of the thinking that semi-structured interviews are denuded as those planned in the region of particular significance, while still permitting substantial suppleness in outlook and complexity. Mack *et al.* (2005:4) complements the above assertion by suggesting that those semi-structured interviews allow participants to put through their thoughts and perceptions in their personal words in an important and communally appropriate behaviour. The content of the research interview is fixed on problems that are essential to the research aim. De Vos *et al.* (2005:296) further point out that researchers use semi-structured interviews in a bid to achieve a complete depiction of a participant's viewpoint on, or feelings or narratives of a specific phenomenon.

The information gathering method for this research was the employment of semi-structured interviews for both sets of participants. Semi-structured interviews allowed the research participants to retort in their own words, in a significant and communally appropriate way unexpected by the researcher that is rich and enlightening (Mack *et al.*, 2005:4).

The researcher used an interview guide in conducting the semi-structured interviews. A set of open-ended questions to direct interviews is named an interview

schedule or conductor. The interview schedule illustrates the significance of experiences and insights in the contributors' own words, which were recorded (Marshall & Rossman, 2011:93).

The researcher started the interview with the biographical questions as these are commonly close-ended questions that assist in collecting general information about the background of the participants in order to gain some perceptions about the participants (Hennink *et al.*, 2011:112-113).

The use of the interviewing skills as identified by De Vos *et al.*, (2005:289-290), Hennink *et al.* (2011:113) and Monette, Sullivan and De Jong (2011:183) enabled the researcher to conduct the interview in a manner which created an understanding with the participants to permit them to share their experiences. These interview skills included:

- **Probing:** the resolve of this method is to develop the reaction to a question. The researcher used this technique to enable the participants to give additional data on the topic under scrutiny, which may enhance a deeper meaning and explanation.
- **Verbal and non-verbal expression:** an oral answer that is linked with regular nodding. This provides a certain form of inspiration to the contributor and displays that what he or she is saying is well meaning and of worth to the investigation.
- **Reflection:** this method was employed to reveal back on something significant that the individual has just said in order to get him/her to magnify on that indication. The researcher employed this method particularly when a complex investigation is desirable for answers that are very important to the study.
- **Reflective summary:** this technique is employed to review the contributor's thoughts, feelings and outlooks voiced so far to see if the researcher comprehended what the participant was saying. This method was employed by the researcher at the conclusion of every question to guarantee that all significant opinions were comprehended in the way the contributor conversed it.

- **Clarification:** a procedure employed to get elucidation on uncertain proclamations. The researcher used this method to ensure that the contributors mean what they say in order not to deliver the inappropriate communication.
- **Listening:** researchers ought to have excellent heeding skills. This ability is very vital to the researcher and the study since it permits the contributors to converse further and for the researcher to collect more data.
- **Encouragement:** to boost the members to follow a line of thought. This is significant to this study to safeguard full partaking of contributors.
- **Comments:** to add the researcher`s own impression or sentiment to kindle the contributor into saying further. This was of worth to this study to inspire the contributors to say further on the matters being deliberated.

An interview schedule was employed to steer the researcher in specific questions to be answered by the participants. Holsten and Gubrium, cited in De Vos *et al.* (2005:296) argue that, this offers the researcher a set of prearranged questions that could be employed as a suitable tool to involve the contributors and elect the narrative topography.

INTERVIEW GUIDE FOR JUVENILE OFFENDERS

The researcher was able to gather some information from the case files and posed questions to gather the following biographical information from the juvenile offenders:

- A. Name:
- B. Gender (observed):
- C. Age:
- D. Race and ethnicity:
- E. Duration of PTD intervention:
- F. Employment:

The following topical questions were asked:

- Tell me about the offence/crime you committed?

- Tell me the reasons why you committed this/these crime(s).
(Probing skills to be used: uhm ...; “You said ..., tell me more about it? “... Please explain what you mean?”)
- Tell me what happened to you after your arrest.
(Aim is to get the child’s story from arrest up to the pre-trial diversion order. Use probing skills as needed.)
- How did you experience the PTD programme?
(The aim of this question is to collect data of all experiences – positive and negative.)
- What did you learn while you attended the pre-trial diversion programme?
(Purpose: collect data of contents and any knowledge and skills learned.)
- Based on your experiences, can you think of anything that can be done to better the PTD programme?
- What challenges did you experience while you attended the PTD programme?
- Is there anything you would like to add or ask?

INTERVIEW GUIDE FOR PTD OFFICERS

The researcher posed questions to gather the following biographical information from the pre-trial diversion officers:

- A. Name:
- B. Gender:(observation):
- C. Age:
- D. Racial and ethnicity affiliation:
- E. Employment experience as a pretrial pre-trial diversion officer:

The researcher asked the following topical questions to the PTD officers:

- Tell me about the PTD programme in Chitungwiza.
- What are the requirements to be appointed as a pre-trial diversion officer?
- What are your professional experiences in working in the PTD programme?
(The aim of this question is to collect data of all experiences – positive and negative.)

- How did you experience the co-operation of the children who were part of this programme?
- Please share with me your observations on how this programme contributed to change in the juvenile offenders. *(If needed, prompt for changes in behaviour, attitudes, values and knowledge.)*
- What is the involvement of parent(s)/guardians/primary caregivers involved in this programme?
- How do you think NGO's can be involved/are involved in the delivery of the PTD programme?
- In running this programme, what kind of challenges did you face?
- How did you manage these challenges?
- From your experience, what are your recommendations for the improvement of the programme? *(If needed, probe to aspects of special workshops for pre-trial diversion officers and not only to the contents of the programme.)*
- From your experience, how can social workers contribute to the success of this programme? *(If needed the researcher will probe and clarify possible roles of social workers other than the pre-trial diversion officers.)*

- *Pilot testing*

According to De Vos *et al.* (2005:206-211), a trial study that is done prior to the major research to decide the sufficiency of the methodology, sampling tools and examination. Bless and Higson-Smith (2000:44) complement this by highlighting that the pilot study exposes the practicability of the study and helps the researcher in becoming conscious of any issues. Mack *et al.* (2005:120) postulate that informed consent should first be obtained from the pilot study participants. The pilot study included two participants of each target group. These participants were not part of the empirical study. Therefore, the researcher enquired from two pre-trial diversion officers from nearby regions to be involved in the pilot testing.

The pilot testing allowed the researcher to verify whether the questions and language used in the semi-structured interviews are comprehensible to the prospective research participants. This allowed for necessary changes and

modifications. The pilot testing also served as an opportunity for the researcher to apply and improve on the relevant interviewing skills.

1.5.4 Data analysis

Data analysis is defined by Mouton (1996:106) as the process of information analysis involving piecing up the information into handy themes, forms, tendencies and relations. The assertion is echoed by Babbie (2007:418), who argues that qualitative data analysis is the non-mathematical assessment and analysis of observations. The researcher understands data analysis to be the classification, topics and categorization of research data into concrete findings, conclusions and recommendations.

The researcher made use of the eight stages in the data analysis process, as identified by Tesch, cited in Creswell (1994:70):

- At the outset, the researcher sought an understanding of the entire study by going through all transcripts prudently, and at the same time writing down along the border some thoughts as they originate in mind in joining with every theme.
- The researcher then chose the recording on top of the mass of the recorded interviews; read the transcription, asking himself what his interpretation of the data is. This phase includes rationalisation about the fundamental sense conveyed from the research information.
- The above procedure was repeated until a slate of all the subjects is developed. Themes will be grouped together into bags that will be branded as “main subjects”, “exceptional topics” and “left overs”.
- The researcher then re-examined the information with the list at hand. An acronym for each of the topics was made in the form of codes and those codes were transcribed, subsequent to the suitable sections of the texts. The researcher used this initial establishing arrangement to perceive if new categories and codes will arise.
- The researcher found the utmost expressive phrasing for the topics and turn them into categories. Struggles made to lessen the whole list of categories by grouping together topics that re-count to one another. The researcher then drew lines amongst categories to demonstrate interconnectedness.

- The researcher then made an ultimate verdict on the acronym for each category and alphabetized the codes.
- Hereafter, the researcher collected the material information and fit it into each category in one place and an initial analysis was performed.
- The interviews were recoded as necessary in making meaning of the collected data.

1.5.5 Validity and trustworthiness

All research must be able to reply to cannons that arise as criterion against which the trustworthiness of the investigation can be evaluated (De Vos *et al.* 2005:60). The researcher, thus, took responsibility in indicating that the research has been done in a reliable and meticulous conduct, whereas the readers try to understand the report to determine whether they are convinced that the researcher has indeed verified strictness (Porter, 2007:81). The researcher employed Guba`s model (cited by Krefting, 1991:214) to demonstrate the trustworthiness of the research findings. The model makes use of four modules of trustworthiness that are in line with qualitative research, namely, truth vale (credibility), applicability (transferability), consistency (dependability) and neutrality (conformability) (De Vos *et al.* (2005:351).

- **Credibility**

De Vos *et al.* (2005:345) noted that the ambition in a research investigation is to show that the investigation was done in such a method as to guarantee that the focus was correctly acknowledged and defined. The researcher utilized various interviewing skills and techniques such as paraphrasing, summarizing, probing and focusing to ensure that the research focus is correctly identified and described. Creswell (2009:192) suggests that, in order to enhance an inquiry`s credibility, the researcher should examine harmful and discrepant data that challenges the common viewpoint as real life is comprised of diverse viewpoints that always contradict.

The experiences and challenges of the research participants were validated through member checking. This allowed for the researcher, in the aftermath of the data

analysis, to go back to the participants to ascertain if data gathered was a true reflection of what they communicated during the interviews.

- ***Transferability***

It can be seen as a buffer in helping to enable the results of qualitative studies to be generalised in other environments (Trochim, 2006:44). The aforementioned author further elaborates that, from qualitative perception, transferability is paramount to the researcher doing the generalization. The researcher developed transferability by putting in place a comprehensive task of synchronizing the research circumstances and the assumptions that are important to the study. Shenton (2004:70) supports the assertion by pointing out that the researcher must put in place a research report with enough rich accounts of the area under study for the audiences to understand as well as juxtapose the phenomenon with their own experiences. Creswell (2009:194) complements the above assertions by pointing out that rich explanations of the position permit the inference to generate into a lot more empirical and thicker phenomenon which could transfer audiences to the location and give a piece of linked experiences.

The researcher in this study sought to give rich explanations on the experiences of juvenile offenders and PTD officers who had gone through the PTD programme in Chitungwiza. The researcher gave accounts of the participant`s demographics, age, gender and educational level. The thick accounts were envisaged to assist other researchers to transfer this research under the same environments.

- ***Dependability***

Dependability in qualitative research is distinct as the constancy of information across time and over circumstances (Bless & Higson-Smith, 2000:56). Dependability can, thus, be juxtaposed to reliability in quantitative studies. However, dependability is an assessment of the worth of the combined procedures of information gathering, data analysis, and theory construction. Dependability could be seen as the researcher`s description of the changes built into any background in accumulation to changes to the research design as learning stretches out.

As stated by Lincoln and Guba (2004:58), a dependable research study desires to be truthful and constant. Two ways of assessing dependability of information include stepwise and investigation review. Stepwise duplication entails a numeral of researchers who can be separated into a duo of teams to carry out disconnect inquiries with an outlook to juxtaposing information in totalling to conclusions. Investigation review means information and significant supporting papers being inspected by an outside reviewer. This is supported by Creswell (2009:192) who agrees that an outside examiner who is not familiar with the research can be used to review and provide an objective assessment of the entire research project.

To be capable to deal with the dependability matter more openly, the processes inside the research will need to be standardised at length, thus permitting a prospective researcher to replicate the work, and if not essentially to achieve the equal results. Thus, the research plan may be seen as a trial model. This type of in detail coverage also allows the reader to measure the level to which appropriate research practices are actually adopted. In order to permit readers of the investigation report to build up a widespread comprehension of the methods and their usefulness, the text will comprise components dedicated to:

- the research design as well as its execution, elucidating what was designed and done on a premeditated level;
- the operational phase of information collection, speak to the fine points of what was concluded in the field;
- Contemplative appraisal of the project, assessing the strength of the procedure of investigation done.

- ***Conformability***

The use of an independent coder in the data analysis addressed the issue of conformability or neutrality of the study, including the objectivity of the researcher (Shenton, 2004:72; Ryan-Nicholls and Will, 2009:79; Thomas & Magivly, 2011:154). In the research report, the researcher used a self-critical attitude in acknowledging his beliefs and predispositions to eliminate researcher bias (Shenton, 2004:72).

In addition, to meet neutrality of the research findings, the researcher used face-to-face semi-structured in-depth interviews and interviewing talents such as construction affinity, motivation and neutral probing and gestures to allow the research contributors to liberally donate their experiences and thoughts on their experiences of the PTD programme. The researcher also used self-critical attitudes through the research inquiry.

1.6 METHOD OF DATA ANALYSIS

Data collection is a vital element to conducting an inquiry. Polit and Hungler (2001:716) describe data collection as the assembly of data needed to address a study problem. Hennink *et al.* (2011:09) and Hesse-Biber & Leavy (2011:109) support the above definition; they propose that data collection is a procedure of communiqué amongst the researcher and the participants that includes querying, paying attention and exchange of words.

Data gathering techniques used in this qualitative research included semi-structured interviews employing the set aside interview guides (Greeff, 2011:352). In this sense, the data collection process was lengthy and time-consuming, Leedy & Omrod (2010:145).

The use of an interview guide by the researcher gave him more time to prepare on the contents of the interview due to a clear outline of the set guidelines. This helped in gathering the necessary information from the participants. The research interviews were done at a community centre in Chitungwiza following clearance from the Zimbabwean government and the UNISA Ethics Committee.

1.7 ETHICAL CONSIDERATIONS

Ethical practice in research, as defined by Strydom (2011:114), is a set of ethical doctrines which is recommended by a specific persons or collection which is, consequently, extensively acknowledged, and which propositions guidelines and interactive prospects about the utmost precise behaviour towards experimental

topics and participants, managers, guarantors, other, researchers, supporters and scholars. Authors such as Fouche and Delport (2011:75) and Walliman (2011:245) concur with this definition. Therefore, ethical considerations are a set of moral principles guiding the researcher on the most correct conduct towards study participants and in the execution of a research project.

Apart from obtaining ethical clearance from the Research and Ethics Committee in the Department of Social Work and then from the Zimbabwean Government, informed consent, confidentiality, anonymity, voluntary participation, the debriefing of participants, beneficence and the management of information as key elements when, in research, dealing with ethical matters. Next, the researcher discussed the ethical research practices relevant to this study.

1.7.1 Informed consent and voluntary participation

Informed consent is explained as the meaningful agreement of persons to contribute willingly, free of deception, treachery, pressure or comparable imbalanced stimulus for guidance, (Berg, 2004:87). Monette *et al.* (2011:54) adds that informed consent comprises of telling the research participants on the entirety of the study that sensibly influences their choice to partake. Strydom (2011:118) concludes that the researcher should give the participants' adequate occasion to enquire questions before commencing and throughout the research inquiry.

The researcher, as part of voluntary participation, informed the research members that they are able to depart from the study at any time without any negative consequences. As indicated above, within the letter to the prospective participants, all data concerning the purpose of the investigation, the actions to be trailed, rewards and possible shortcomings; right to leave and the credibility of the researcher, are communicated in Annexure C. Participants who agreed to be part of the study signed the Consent Form (Annexure D). This allowed the participants to put together a knowledgeable choice on their voluntary partaking.

1.7.2 Confidentiality, anonymity and privacy

Confidentiality and anonymity are generally used synonymously; however, a clear definition of each term was illustrated to show the slight differences. Confidentiality refers to handling data in a classified way. It furthermore, safeguards the participants from danger that can be as a consequence of their persons being connected with the data gathered (De Vos *et al.*, 2005:61; Yegidis & Weinback, 2002:40). The researcher actively tried to take away from the research data any rudiments that might link to the participants` identities.

According to Berg (2004:90) and Monette *et al.* (2011:58), anonymity entails that nobody, including the researcher, will recognise the identity of the participants. Anonymity, thus, implies a state of being unknown and entrusted with the confidence of containing information. In order to safeguard anonymity, the researcher collected data in such a technique that it is impracticable for anybody, including the researcher, to connect the data composed with the contributors. However, Monette *et al* (2011:58) disagrees, as this might not be feasible in many research situations.

With reference to ensuring confidentiality on data given by participants in an unidentified and secret way, the researcher undertook the following procedures as proposed by Holloway and Wheeler (2002:45-46):

- 1 The researcher retained the digital recordings safely at all times. They were sealed away in a media tool that the researcher only has access to.
- 2 During this research study, the supervisor and independent coder need access to the transcribed data, however, any identification information of the participants was not be revealed. The researcher made use of pseudonyms.
- 3 Lastly, the researcher expunged digital recordings after the conclusion of the research study. During this time, only the researcher had access to the recording and transcribed data. The supervisor and independent coder obliterated the transcribed data after the examination of the dissertation.

1.7.3 Debriefing of participants

Ethical consideration hinges with the researcher to shield the research participants within the sensible bounds from any form of distress that might be because of the study (De Vos et al, 2005:58). Strydom (2005:66) and Babbie (2001:475), are of the opinion that “the calmest technique to debrief contributors is to deliberate their moods about the task directly after the hearing or to refer a bulletin expressing them the plain intent or consequence of the research”. This research had the potential to harm participants, especially juvenile offenders who may experience the stress they endured when their criminal matters were still pending.

The researcher made certain that the participants were not hurt either physically or psychologically by telling them of the probable effect of the research before taking part in it. Additionally, the research participants were allowed to withdraw if they feel any discomfort.

Immediately after the interview, the researcher debriefed each participant by asking them how they experienced the interview, how he/she feels and work through, allow for venting of any emotions the participant may have experienced. This would minimize harm through solving problems exposed by the research itself. If need be, the researcher would refer the affected participants for therapeutic support to a specialist social worker.

1.7.4 Avoidance of harm

To, as far as humanly possible, a guard participant from any type of bodily uneasiness that may arise from the research is the moral responsibility that rests with the researcher. (De Vos, 2005:58). Monette *et al.* (2011:61) add to the notion that research ought to shun hurt to or suffering of the participants. Emotive damage to participants is frequently harder to envisage and to define than bodily uneasiness. This research could potentially evoke some bad experiences associated with their contact with the law, which can cause emotional harm to the juveniles who are participants in this study. The researcher already contracted with a specific practitioner to deliver specialist counselling services when needed (See Annexures D and E).

1.7.5 Management of information

Management of information is directly linked with anonymity and privacy. The researcher can give participants an opportunity to recognize and obliterate the information that they desire to stay confidential after information compilation (Monette *et al.*, 2011:58; Berg, 2004:90). Engels and Schutt (2009:64) add that, the researcher needs to be careful when giving out results to make sure that people are not known from the outcomes. Furthermore, Walliman (2011:260) suggests that, after data analysis, the research records should be destroyed. These include deleting audio tapes and shredding of documents to make sure that any identifying information is destroyed.

The researcher safeguarded the access to data collected by locking the research annals or using passwords security for information kept by electronic means. The transcriptions of the semi-structured interviews conducted did not contain any identifying information, as pseudonyms were created. Consequently, the transcription of the interviews was not done by a third person (Holloway & Wheeler, 2010:45-46).

Professionally, the supervisor and independent coder were also bound to uphold confidentiality (Annexure C).

1.8 CLARIFICATION OF KEY CONCEPTS

The following segment defines and contextualises the key concepts that were used to conduct the study.

1.8.1 Challenges

A challenge denotes a tough undertaking that assesses one`s capacity and ability (Hornby, 2006:213). It can, furthermore, be denoted as a problematic circumstance that appeals for a fight, exceptional strength of a hard task that is motivating to the one involved in it (*Cambridge Advanced Learner`s Dictionary*, 2013:16, *Collins English Dictionary*, 2010:13). The concept `challenges` is understood by the

researcher and was applied in this study as a situation which might hinder set-goal accomplishment and requiring ability to overcome it.

In this study, the researcher investigated the experiences challenges that juvenile offenders and PTD officers faced while completing and presenting the PTD programme in Chitungwiza.

1.8.2 Experiences

Experience is the sensation of change that an individual is aware of and participates in as it unfolds (Diller, Shedroff & Rhea; 2006:31; Highmore, 2002:4). *The Oxford dictionary* (2011:112) adds that experience is a procedure that an individual is aware of and is drawn in as it happens, this may shape or alter one`s life. The researcher understands experiences as lived memories, thoughts and hopes that an individual encounters through certain situations of their lives.

In this context, experiences referred to the conscious, lived encounters of the juvenile offenders and PTD officers during attending or presentation of the PTD programme.

1.8.3 Juvenile Offender

Any person below the age of 18 years who has been arrested and charged as a consequence of being alleged to have committed a law-breaking act and has been arraigned before their country`s judicial system (United Nations Standard Minimum Rules for the Administration of Juvenile Justice, 1986:14; Barker, 2003:235). *The Pre-trial diversion Consolidated Guidelines*, (2012:5) defines a juvenile offender as a person who is below the age of majority (usually below 18), who is established to have committed a crime in states which have affirmed by law that a child lacks accountability and, thus, may not be sentenced as a grown-up. In the view of the researcher, a juvenile offender is any person below the age of majority and has been committing acts which break the law.

In this study, a juvenile offender referred to any person under the age of 18 who displays a pattern of anti-social behaviour that would be seen as being of an illegal nature if it were perpetrated by an adult. It is important to note that the persons involved in this study were above the age of 18 at the time of data collection because research permission for children is difficult to obtain in Zimbabwe.

1.8.4 Pre-trial diversion

This may be defined as the guiding or alteration of cases (where there is prima facie proof) from the official criminal justice system to extra-judicial programmes. It is a form of restorative justice (*Pre-trial diversion Consolidated Guidelines*, 2012:3; Gildenhuis, 2002:46). The United Nations Children's Emergency Fund (2009:22) adds that PTD is the provisional directing of adolescents in conflict with law absent from official justice actions to a dissimilar technique of determining the subject that allows numerous probabilities utmost to be dispensed with by non-judicial forms, thus evading the undesirable properties of formal legal actions and criminal record, providing that, human rights and permissible precautions are fully appreciated.

In this study, PTD referred to a justice programme aiming to stop juvenile offenders from being in contact with the criminal justice system. This included extra-judicial interventions such as counselling, community service and family group conferences.

1.8.5 Pre-trial diversion officer

The pre-trial diversion officer is a social worker, specifically appointed and trained to manage the various activities of the pre-trial diversion programme (*Pre-trial diversion Consolidated Guidelines*, 2012:54; Ruparanganda & Ruparanganda, 2016: 14; Jiri, 2013:24).

1.9 CHAPTER OUTLINE OF THE RESEARCH REPORT

This study consisted of five chapters, which outlined the inquiry and were as follows:

In the first Chapter, the researcher initiated the reader to the background information of the study to discuss further why the study was necessary to be undertaken; to introduce the background of the community involved; give the problem construction, explain problem statement, reason/rationale for the investigation, research questions, goal and objectives, give clear definitions; and explanation of important concepts, research approach and design, ethical considerations, the research layout and conclusion.

Chapter 2 focused on the literature review of the phenomenon being investigated. This was done from a historical, global and country perspective.

In Chapter 3, the researcher described in detail the application of the research method within the qualitative research approach, the adherence to the ethical standards and self-reflections from the researcher.

In Chapter 4, the researcher presented a thick description and meaning-making of the findings, which will be supported or contradicted with the literature control.

In Chapter 5, the researcher focused on the conclusions based on the research findings and formulated recommendations on the use of strategies used in the PTD in Zimbabwe.

1.10 DISSEMINATION OF THE RESEARCH FINDINGS

The findings on this investigation will be disseminated in the method of a research dissertation, and a report to the ensuing government department for possible policymaking, as well as to those persons who participated in the study. A reformative paper will be delivered leading to the writing of an article to be published in an accredited journal.

1.11 CONCLUSION

The chapter above outlined the details of the study undertaken, and how the study was carried out. This chapter looked at the general introduction, a worldwide overview of the research issue, rationale of the study, the problem statement, the objective of the study, the outline of the methodology used in the study, ethical considerations, clarification of key concepts and the chapter outline. The next chapter looks at the PTD literature that was consulted in this study.

CHAPTER 2

PRE-TRIAL DIVERSION: A LITERATURE STUDY

2.1 INTRODUCTION

This chapter was centred on discussing the historical background of pre-trial diversion, including a historical overview on the approach to children in conflict with the law and various forms of punishment and how it historically evolved. Furthermore, the researcher highlighted the implementation of pre-trial diversion from various countries in the Americas, Europe, Africa and Zimbabwe. Before ending the chapter with conclusions, the researcher lastly reflected on lessons from pre-trial diversion from South Africa.

2.2 PRE-TRIAL DIVERSION

PTD is regarded as the notion that juvenile offenders should be removed from the criminal justice system and be dealt with according to extra-judicial activities such as counselling (*Pre-trial Consolidated Guidelines*, 2017:3; Skelton & Tshehla, 2008:20). Gildenhuys (2002:46) supports the above assertion by defining PTD as an approach to prevent juveniles and children from being immersed into the adult justice system before being arraigned for court processes. In this study, pre-trial diversion was regarded as the setting aside of a criminal matter involving a child out of formal court proceedings before a judgement is handed out. Juveniles are also referred to reintegrative interventions when their cases are diverted from the criminal justice system.

2.3 HISTORICAL BACKGROUND ON PRE-TRIAL DIVERSION

The juvenile justice system has undergone great change since its inception in the European countries and Americas. Bezuidenhout and Joubert (2003:15) argue that before the advent of a separate justice system for juvenile delinquents, juvenile offenders in conflict with the law were not seen as a special group, but were instead

treated the same way with adult delinquents. In the 18th century, forms of dealing with delinquent children included whipping and fining of the children's parents. Bezuidenhout & Joubert (2003:15, 16) are of the view that children were relegated as the responsibility of the family and not the State. In African societies before the colonial era, the control of children was left to community rituals or events and, it was taken as a community responsibility (Waller, 2006:77).

The onset of increased urbanization due to the rapid industrialization that was taking place meant that many families moved away to cities. Whitehead and Lab (2013:29) point out those families were torn apart forcing children to even fend for themselves and be affected by issues of poverty, neglected education and homelessness. Smalleger (2001:539) suggested that this causes many children to resort to criminal acts as a means of survival. It is at this point that the plight of children as a vulnerable group was advocated by reformers known as Child Savers. Regoli, Hewitt and DeLisi (2011:368) argue that such groups advocated for separation of children from the adult criminal justice system as they were vulnerable members of society. Furlong (2009:452) agrees with the afore-mentioned assertion by pointing out that the advocacy for separate institution for juvenile offenders aimed to have rehabilitative programmes, educational and skills trainings for juvenile offenders.

However, the forms adopted in the juvenile institutions established at that time for the children were not child friendly as corporal punishment and overcrowding were some of the problems experienced. Whitehead & Lab (2013:31-32) point that in response to the failure of the afore-mentioned institutions, reformatory schools were set up to deal with education and parental discipline. These, again, experienced the same problems of overcrowding and corporal punishment. This led to the Illinois Juvenile Court Act of 1899 in America creating the first separate system for children in conflict with the law. Other States ended up following suit.

The creation of a separate juvenile court gave the State power to do what it thought was best for the juvenile offenders and could override the parent's wishes (Whitehead & Lab, 2013:31-32). For the first time, children were being treated differently to the adults. Skelton & Tshela (2008:7) contend that the courts were conducted in an informal way that paved way for the establishment and appointment

of probation officers to take care of such children. This was done to assist juvenile offenders and their families in dealing with the delinquent behaviour.

Jensen (2006:8) postulates that the notion of a separate justice system for juvenile offenders then spread to the United Kingdom, Australasia, and the Oriental countries and finally to Africa through colonialism.

2.4 A GLOBAL OVERVIEW OF PRE-TRIAL DIVERSION AND PRE-TRIAL DIVERSION PROGRAMMES

2.4.1 Pre-trial diversion in the USA

A separate criminal justice system between children and adults was first created in the United States of America in the early 19th century. Zabel and Nigro (2007:341) are of the view that the juvenile court system was put in place in order to humanize criminal charges for children. It also aimed at shielding children away from the rigours and trauma of going to penitentiaries. It was believed that the non-separation of juveniles and adults would result in their corruption, thus the need to preserve their innocence. Before the separation of the courts in 1899, various forms of punitive punishment existed in the USA. Children in the USA through the 19th century were subject to the same laws as adults and were tried using the same courts and, ultimately, similar forms of punishment. The law at that time permitted children as young as seven to be incarcerated (Abram, Charles, Longworth, McClelland and Dulcan, 2004:8). A group of child activists called the “child savers” tried to allude to the ineffectiveness of barbaric treatment of children in conflict with the law, but there was little concern to their advocacy at that point in time. Abram et al, (2004:8) states that the greater society in America at that time perceived childhood as an apprenticeship to adults and regarded children as mini-adults. The 19th Century American society did not differentiate between the emotional, psychological and cognitive vulnerabilities of children and adult offenders. The concept of childhood at that time was an emerging phenomenon in psychology and social sciences. Gebo (2002:20) argues that in the second of the 19th Century, America began to move children away from the prisons, but Judges also felt bad about letting children go scot-free after commission of an offence. The State also

began releasing children to private citizens and Christian organizations. These offered probation-like services.

However, the progress to juvenile justice was very slow; in 1901, 700 to 800 boys were still confined each year in the St. Louis City jail, without separation from older prisoners (Abram et al, 2004:12). In that sense, routine incarceration of children remained a constant feature in the 20th century (Abram et al, 2004:12). In 1931, a legislative body in Missouri pointed the squalid conditions in which children at the Boonville reformatory were being subjected to. In the 1970s it became clear that training schools were not conducive to the rehabilitation of children. In 1967 child activists filed a lawsuit challenging the right of due process for children as they often experienced violence and cruel punishment. Abrams et al (2004:15) points out that the Courts found out that conditions were as bad as the previous century. In this sense, in 1970 the USA Congress enacted the *Delinquency Prevention Act* to protect juvenile offenders.

The first concept of pre-trial diversion originally came into being in the United States of America in 1967. The President's Commission on Law Enforcement and the Administration of Justice in the United States in 1967 made recommendations to improve the youth justice practices, and policies, and to have organs that would have alternatives to formal court processing of juvenile offenders.

The number of juvenile offenders had markedly increased in the late 1960s in the United States of America, and the government was forced to take action. Formal implementation of pre-trial diversion activities dates back to the 1960s. As has been mentioned above, the American system had been previously based on a judicial-welfare system, and its shortcomings brought about the need for a restorative approach.

In America, programmes that utilize a pre-trial diversion approach are part of a juvenile justice system advocacy towards more community-based interventions and have become a widely used response to juvenile offending (Roberts, 2004:30). These programmes help children to avoid the negative effects of the criminal justice system (Roberts, 2004:31). Pre-trial diversion programmes in America differ in their

structure and operations (Hamilton *et al.*, 2007). These programmes include different kinds of pre-trial diversion programmes including youth courts, mental health interventions, and cultural interventions, options that hinged on mentoring and skill training.

Pre-trial diversion programmes in America are funded by a number of sources that include Federal, State, and local governmental agencies, grants, and private and corporate donations (Roberts, 2004:31). Some programmes levy families a participation fee for programme inclusion. However, it is not rare to allow a juvenile offender to partake in an intervention even if the family cannot pay the required fee. Pre-trial diversion activities that are practiced in America include wilderness adventure programmes on anti-social behaviour (Skelton & Tshehla, 2008:7). Authors Kratcoski and Edelbacher (2009:210) further state that pre-trial diversion schemes are presented through the police, school and court programmes. As in Australia, American police are charged with putting in place pre-trial diversion activities. The effectiveness of pre-trial diversion activities in America is surprisingly unobserved.

Pre-trial diversion activities in the United States of America are applied partially or totally (Kratcoski & Edelbacher, 2009:210). When it is applied in its entirety, the police do not get involved but issue a warning to the juvenile offender in question. In the partial implementation of pre-trial diversion activities in the USA, the police send the juvenile offender to non-judicial activities, but only juveniles who have committed non-serious offences qualify for the programme. The police, in this context, are the ones who are the responsible body in managing juvenile pre-trial diversion programmes.

A systematic examination of pre-trial diversion programmes is lacking in America, Livingston, Stewart, Allard and Oglivie (2008:18) are of the opinion that there is little to no guidance on programme outline, the use of staff, or universally accepted ways of how to assess programme aims and goals.

In the wake of pre-trial diversion programmes being utilised in the USA, other countries such as Australia and England adopted the concept for themselves.

2.4.2 Pre-trial diversion in Australia

In Australia, pre-trial diversion is mainly utilised at pre-court stage and juvenile offenders are redirected away from the formal justice proceedings of the juvenile justice system. According to Wundersitz (1997:45) Australian pre-trial diversion occurs when there are three assumptions, i.e., when the juvenile offender has been brought to the police; when they have been brought before the juvenile offender's court and proceedings have been initiated; and, lastly, the juvenile offender must be dealt with in a similar manner in which a person going through the court system had that person not been diverted (Little, 2015:13). The most types of pre-trial diversion programmes used in Australia are mostly police cautioning and youth justice conferencing and are prescribed by law (Little, Allard, Chzanowski & Stewart, 2011:20).

Police cautioning is said to be an option available in all Australian jurisdictions although variations might be found from area to area. Police cautions contain the following characteristics: there must be clear evidence on the commission of the offence, admission of guilt of the juvenile offender and consent to police cautioning. Police caution is also generally restricted to first time offenders and non-serious offences (Little, 2015:14). Australia also uses various variants of the family group conferencing in pre-trial diversion activities with juvenile offenders. The concept had originated from New Zealand but was adopted with every state having a legislated conferencing programme for offenders (Little et al, 2011:23).

Pre-trial diversion in Australia is mostly viewed as a success as studies from that country highlight it as being cost effective than formal court proceedings (Little, 2015:200). Police formal cautions are seen as being more economically friendly than a youth court appearance. The success of pre-trial diversion in Australia also hinged on the notion that most children grow out of crime and with indications that juvenile offenders after pre-trial diversion seldom reoffend (Little, 2015:19). Further, Little (2015:19) points out that pre-trial diversion has helped the courts to focus resources on more serious youth offenders. However, pre-trial diversion is not without its flaws in Australia.

Pre-trial diversion has been criticised for net widening. It is a concept that leads to persons who might not have been entering the formal justice system being referred for pre-trial diversion (Little, 2015:22). This is in contradiction with the goal of pre-trial diversion that is to reduce the overall level of social control unlike with the formal processes of the youth justice system. Denial of due process is also cited as being a drawback of pre-trial diversion in Australia, and it is suggested that juvenile offenders may be tempted to put a guilty plea to enter pre-trial diversion which they see as being less rigorous than a formal court appearance. Little (2015:24) also argues that the position that pre-trial diversion activities such as police formal caution include traditional criminal justice agents like the police might lead to stigmatisation. Little (2015:25) suggests that minorities in Australia have a possibility of being treated differently by the police.

Lessons drawn from the Australian pre-trial diversion activities are on the barriers to pre-trial diversion that the juvenile offenders might encounter. Little (2015:31) points out that some juveniles do not have a chance of being vetted for eligibility as they refuse to have police interviews. Also, only a small number of people from indigenous groups are in pre-trial diversion programmes (Clancey & Howard, 2006:381). The cycle of recidivism in those communities keeps continuing due to lack of opportunities for pre-trial diversion. Lessons on the lack of resources can also be drawn from Australia, with some components of PTD lacking persons with expertise on pre-trial diversion implementation and other pre-trial diversion options not being available in some communities. The duration between the commission of an offence and referral for pre-trial diversion is often too long resulting in the required parties having disputes.

2.4.3 Pre-trial diversion in Hong Kong

The juvenile justice landscape began to move towards restorative options in Hong Kong in the late 1980s (Wing Lo *et al.*, 2006:11). The move was aimed at having alternatives to the formal justice system and the need to cooperate community-based pre-trial diversion measures. A Police Superintendent Discretion Scheme is the one that operates the pre-trial diversion activities in Hong Kong in the redirecting of juvenile offenders who would have committed minor offences. The police usually

issue out warnings to such juvenile offenders who are then mandated to attend after supervision (Wing Lo et al, 2006:11).

Restorative justice was introduced in the territory in 2002 and was regarded as an avenue to further divert more juvenile offenders away from the formal system (Wong & Wing Lo, 2010:8). The forms of restorative justice were mostly implemented in schools and other welfare organisations with learners with disciplinary issues. The approach was often criticised as being too politicised as mediation had the risk of being hijacked by political entities in Hong Kong (Wong & Wing Lo, 2008: 8-12). Due to its unfamiliarity restorative justice as a form of pre-trial diversion was not readily accepted. Other pre-trial diversion options practiced were said to be lacking a restorative concept. Limited chances of pre-trial diversion for juvenile offenders due to the lack of a legal framework for pre-trial diversion is also a major of concern leading to a high number of juveniles missing out on pre-trial diversionary activities (Wong & Wing Lo, 2008:13).

2.4.4 Pre-trial diversion in Singapore

Pre-trial diversion activities in Singapore have gained traction in the last two decades in order to help children outside the criminal justice system. Someda (2009:82) postulates that various methods were used in the earlier years to redirect children away from the formal justice system. The author cites juvenile homes, and various services as being employed at that particular time.

Pre-trial diversion programmes used currently in Singapore to divert juvenile offender utilise the following pre-trial diversion options: guidance sessions, probation orders and community service. Chen Zhang, Choo & Lim (2009:82) are of the further view that the Singaporean pre-trial diversion option also includes the Street-wise programme and Youth Family Care Programme. Those with drug related issues are diverted through the drug court if they are not a danger to themselves or the society thereby reducing the number of juveniles in the adult criminal system (Someda, 2009:83).

2.4.5 Pre-trial diversion in Zambia

The National Pre-trial Diversion Framework (2016:12) points out that the purpose of pre-trial diversion in Zambia is to ensure that children and families get support to address causal factors of delinquency like poverty, violence and neglect. The document goes on to espouse that children and families should have access to the support and services to ensure they can stay together which enables development to full potential.

According to the above stated document, the criteria for pre-trial diversion in Zambia are as follows: the circumstances of the offence, degree of harm caused, repeat offending, culpability, extent of involvement in offence, extent of remorse, cooperation with authorities, vulnerability of the victim and failure to respond to previous pre-trial diversionary interventions.

The pre-trial diversion referral system in Zambia starts with the arrest of the juvenile offender and location of his or her guardians. In the event of unavailability of the parents/guardian, a social welfare officer would act as such for the juvenile offender during police procedures. In Zambia, the police are the ones who decide on the application of pre-trial diversion in their report following initial assessment. The Officer in Charge at that particular station has the final decision. Upon the final decision, the police shall refer the case to the social welfare authorities to carry out an assessment and ultimately come up with a pre-trial diversion plan (*National Pre-trial diversion Framework*, 2016:17).

The pre-trial diversion plan mostly includes pre-trial diversion options such as warnings (informal or formal caution), restorative measures (family group conferencing and victim offender mediation carried out by a social welfare officer, and rehabilitative programmes (vocational training, drug treatment programmes and psychotherapy), (*National Pre-trial diversion Framework*, 2016:17). At the present moment, pre-trial diversion is being done informally without any legal statute in Zambia which might affect the quality of service-delivery given to clients.

2.4.6 Pre-trial diversion in South Africa

Pre-trial diversion in South Africa was launched in the early 90s, offering juvenile justice alternatives such as victim-offender-mediation and family group conference. Muntingh (1997:1) suggests that pre-trial diversion initiatives were mainly utilised in urban areas without any set guidelines ensuring the safeguarding of children (Steyn, 2010:5). At the out-set, pre-trial diversion was mostly riddled with frailties such as infringement of children`s rights, selective pre-trial diversion, inadequate interventions and lack of monitoring and evaluation mechanisms. During that time, the pre-trial diversion activities were not standardised, let alone legislated.

The road to restorative justice in 1994 saw the outlawing of corporal punishment in South Africa (Skelton & Tshehla, 2008:32). As from 1994 to 2008, pre-trial diversion was done by NICRO, informally, to divert children away from the formal justice system. Before 1994, pre-trial diversion had been mainly implemented in the urban areas, but upon South Africa rectifying various international legislations, it was spread countrywide. Various policy documents were put in place to standardise the pre-trial diversion activities of NICRO. Policy documents included the Juvenile Justice for South Africa: Proposals for Policy and Legislative Change and in 1996 the National Crime Prevention Strategy.

In the years that the country operated pre-trial diversion without a legislative act, the criteria for inclusion was: the juvenile offender had to admit guilt, agree to participate in the programme, the offence was to be minor and show regret over one`s actions (Kleinhans, 2013:61).

In 2001, the consultations on an Act of Child Justice were put in place and this was to focus on pre-trial diversion activities in the country. Skelton and Tshehla (2008:53) point out that The Act, as it seems, was a vehicle to increase the pre-trial diversion of children away from the formal justice system. *The Child Justice Act (75 of 2008)* enabled for the highest spectre of equal access of pre-trial diversion and availability of pre-trial diversion in South Africa. The Act also meant that pre-trial diversion in South Africa was to be done in a consistent and standardised manner available for the whole country.

In its current guise, pre-trial diversion in South Africa has two levels: level one-pre-trial diversion options apply to offences in schedule 1 such as common assault, perjury, contempt of court, defamation and trespass (*Child Justice Act, 2008:72-74*), and these include verbal or written apology, and formal caution. Level one pre-trial diversion option also has school attendance order, family time order and good behaviour order. The juvenile offender may also be referred for counselling. On the other hand, level two pre-trial diversion options (*Child Justice Act, 2008:74*) include offences in schedules 2 such as extortion, public violence, arson and abduction, whilst schedule 3 includes offences like treason, sedation, robbery and sexual assault. The pre-trial diversion options centre on compulsory vocational attendance, educational therapeutic and placement of supervision under a probation officer. Level two includes community service and referral to a residential centre placement.

Pre-trial diversion in South Africa has been considered a success, measuring from various participant feedbacks, and various monitoring and evaluation exercises. Kleinhans (2013:45) is of the view that most participants pointed out that the programme had a positive impact on them. She goes to state that most participants were able to recall the content of the programme two years after the programme. The author concludes that the majority of participants pointed out that they experienced a positive change after attending pre-trial diversionary programmes.

However, a number of issues have been highlighted as being problematic in pre-trial diversion activities in South Africa. Van der Merwe and Dawes (2009:572) contends that some methods used in these programmes were unacceptable. The author goes on to state that pre-trial diversion programmes in South Africa are often riddled with inappropriate options, and the lack of quality checks on current interventions. Kleinhans (2013:122) laments that children with low cognitive development often struggle in pre-trial diversion programmes.

Given the global overview of pre-trial diversion and pre-trial diversion programmes given in point 2.4, the focus of the discussion now turns to PTD in Zimbabwe.

2.5 PRE-TRIAL DIVERSION IN THE ZIMBABWEAN CONTEXT

In discussing PTD in the Zimbabwean context, the researcher will present a brief historical overview, pre-trial diversion process, the purpose of PTD, how the programme is managed, the guiding principles of pre-trial diversion and ends with the types of pre-trial diversion programmes.

2.5.1 The development of pre-trial diversion in Zimbabwe

Zimbabwe, in the early 1950s during colonial rule the government of the day was mainly focused on the economic proceeds of colonial rule. Little interest was paid to the welfare of children, particularly African children. The brutality of the colonial government led to some children committing criminal offences in a bid to fight the system. Radebe (2007:32) points out that African children ended up joining gangs as formal economic systems were closed to them. Children who joined the Liberation Struggle for the independence of the country were treated as adults although the system was not as harsh. It was not until independence in 1980 that provisions for children and the child-offenders were prioritized.

The Zimbabwean child justice system had no separate legal systems for adults and children until 2013; however, the government recognised the vulnerability of juvenile offenders and tried to consider their rights using various international and regional instruments. The country domesticated some international and regional instruments such as the Beijing Rules, United Nations Convention on the Rights of the Child (UNCRC) and African Charter on the Rights and Welfare of the Child (ACRWR).

These outlined how children in conflict with the law would be dealt with in accordance with their rights. The introduction of the PTD programme was of crucial importance as children in conflict with the law were dealt with in a semi-legal and semi-welfare approach (Kaseke, 1993:12). Kaseke (1993:12) avers that criminal justice and welfare objectives seek opposite objectives. The lack of a separate legal system meant some children were being tried as adults, leading to recidivism due to none child sensitivity of the system at that time. In the late 90s, a shift towards restorative justice was being considered as it was viewed as being child-rights based.

The idea of a PTD programme in Zimbabwe was first mooted in 1999 but was shelved due to lack of funding at the time. Various NGOs and civic society groups advocated for a more child sensitive approach to the juvenile justice system, they highlighted the multiple vulnerabilities that children in conflict with the law face. A collective effort by civil society actors and numerous development partners was put in place as the courts were overloaded with young people charged with minor offences related to homelessness or crimes that are adolescents' reactions to difficult family conditions and need for survival (*Pre-trial diversion Consolidated Guidelines*, 2017:1). The PTD programme was proposed in 2009 and put forward to Cabinet. However, due to various reasons the programme was only put into being in 2012 and launched in 2013.

Currently pre-trial diversion in Zimbabwe is practised informally as a Child Justice Act is still to be put in place. The criteria for qualification of pre-trial diversion are as follows:

- i.* The juvenile offender must be below the age of 18.
- ii.* The juvenile offender must have committed a non-serious offence that would not attract a sentence of over twelve month's imprisonments.
- iii.* One must also be a first-time offender.
- iv.* The juvenile offender must be admitting to the offence and showing remorse (*Pre-trial diversion Consolidated Guidelines*, 2017:15).

2.5.2 Pre-trial diversion procedure

The pre-trial diversion procedure in Zimbabwe consists of different components that are instrumental in implementing pre-trial diversion for juvenile offenders. The stakeholders involved include the Zimbabwe Republic Police (ZRP), assessment by the pre-trial diversion officer, pre-trial diversion committee deliberations and closure of the case. The police are the first contact with the juvenile offender, whilst the assessment by the PTD officer determines whether the juvenile qualifies or not to be diverted, and the pre-trial diversion committee determines whether the juvenile is to be diverted and what activities will they be required to do for their treatment plans (*PTD Consolidated Guidelines*, 2017: 21).

The various stake-holders thus function holistically in order to provide the best service delivery in the rehabilitation of juvenile offenders. The stake-holders wholesomely complement each other in realising the goals of the PTD programme. The roles and responsibilities of each component in pre-trial diversion are outline in the following segment:

Police

The pre-trial diversionary process starts at the police station when a crime is allegedly committed by the juvenile. The police would then arrest the alleged juvenile offender and might detain then for a short time whilst documentation is being completed (*PTD Consolidated Guidelines, 2017:21*). However it is mandated that no juvenile should be detained in police custody. After arresting the juvenile the ZRP have the responsibility of taking the child to his/her (i.e. child's) home where a written notice will be served in the presence of their parent, guardian or other appropriate adult, and opening a docket (without arresting the child) so that the matter may be referred to the Prosecutor General's Office for a directive. The child may later be summoned for preliminary enquiry by the police, assessment by the pre-trial diversion officer, or trial (*PTD Consolidated Guidelines, 2017: 21*).

The *PTD Consolidated Guidelines (2017:25)* point out the police`s dockets involving children should be given preference and completed timeously. These should be submitted to the Prosecutor-General's Office urgently so that the prosecutor may be in a position to provide any additional information needed during the discussion by the pre-trial diversion committee regarding the suitability of the juvenile for pre-trial diversion.

The arresting officer will then ensure that the juvenile should be assessed within the shortest period possible and in any event within a week. He/she must immediately refer the matter to the pre-trial diversion officer for preparation of a report to be placed before the pre-trial diversion committee.

Assessment

In the aftermath of the juvenile being referred by the police to the pre-trial diversion officer the latter then traces and notify parents, guardians, the probation officer or other appropriate adults of the arrest (if not done already by the police) and the date and time and place for the assessment of the child (*PTD Consolidated Guidelines, 2017:24*). The parents then have the duty to take the juvenile for assessment.

Pre-trial diversion assessment involves an evaluation of the juvenile, his family set-up, the nature and circumstances surrounding the commission of the offence and whether or not the child accepts responsibility for the offence. Assessment may take place in any office at the police station or any other designated place. A pre-trial diversion officer, parent, guardian or other appropriate adult should always be available at the time of assessment. Following the investigation into the social circumstances surrounding the offence as well as the personal circumstances of the child. The PTD officer must prepare a report containing his/her recommendation and submit the same to the Prosecutor for consideration by the PTD committee. The report by the PTD officer includes the following aspects (*PTD Consolidated Guidelines, 2017:24*):

- Age of the child – the child must be under the age of 18 years.
- The personal circumstances of the child and contact details of relatives and guardians.
- The nature of the offence committed.
- The circumstances surrounding the commission of the offence.
- Whether the child is accepting responsibility of his/her actions and is willing to participate in the pre-trial diversion programme.
- The justification for pre-trial diversion.
- The proposed pre-trial diversion plan and associated activities.

During the assessment of juvenile offenders and going forth the pre-trial diversion officer works closely with the Department of Social Welfare`s probation officers. Probation officers mainly assist in providing technical support to the pre-trial diversion officer to compile the assessment report, to support the pre-trial diversion

officer to identify suitable pre-trial diversion options and support the young person to access any services identified, to ensure young persons on the pre-trial diversion programme are duly enrolled on the relevant register by the relevant Child Protection Committee for supervision and monitoring as well as to act as referral persons for young persons who have been referred to the formal justice systems so that proper support and documentation are prepared for the court and to finally walk the young person through the due process (*PTD Consolidated Guidelines, 2017:29*).

The Pre-trial diversion committee

The committee is comprised of the Area Public Prosecutor, District Child Welfare Officer, and District Head of the Zimbabwe Republic Police, Resident Magistrate and the PTD Officer. Following the receiving of the PTD report by the PTD Officer from the public prosecutor, the PTD committee should consider the following issues in deciding the suitability of the young person to be diverted: The demographic details of the child, the personal circumstances of the child, the nature of the crime committed and whether in all circumstances, the case is a suitable one for pre-trial diversion (*PTD Consolidated Guidelines, 2017:29*).

The PTD committee further decides the activity to be undertaken by the child, where, after consideration of the report, the committee agrees that the child should be diverted; such decision should be implemented immediately by the pre-trial diversion officer. The committee will ensure that its decision is forwarded to the pre-trial diversion officer.

Closure of pre-trial diversion cases

After the PTD committee's recommendation on the juveniles cases the PTD officer will monitor to see if the recommendations suggested are undertaken by the juvenile. Some of the recommendations that the committee usually suggest include community service, counseling, and reparation constructive use of leisure time and victim offender mediation (*PTD Consolidated Guidelines, 2017:30*).

On successful completion of the activity, the pre-trial diversion officer should forward official confirmation to the pre-trial diversion committee of such completion. The official confirmation of such completion should form part of the records of the PTD committee. The *PTD Consolidated Guidelines (2017:31)* suggest that if the juvenile fails to undertake the specified activity to satisfaction this fact should be communicated to the PTD committee and the prosecutor thereafter may proceed with the prosecution of the juvenile for non-compliance.

Once it is confirmed that the activity has been successfully completed, the Prosecutor may proceed to do one of two things (a) where the young person has not yet appeared in court, the prosecutor will decline to prosecute and endorse such decision on the police docket (b) where the young person has appeared in court, the prosecutor will immediately arrange for the charges to be formally withdrawn before plea before a magistrate (*PTD Consolidated Guidelines, 2017:31*).

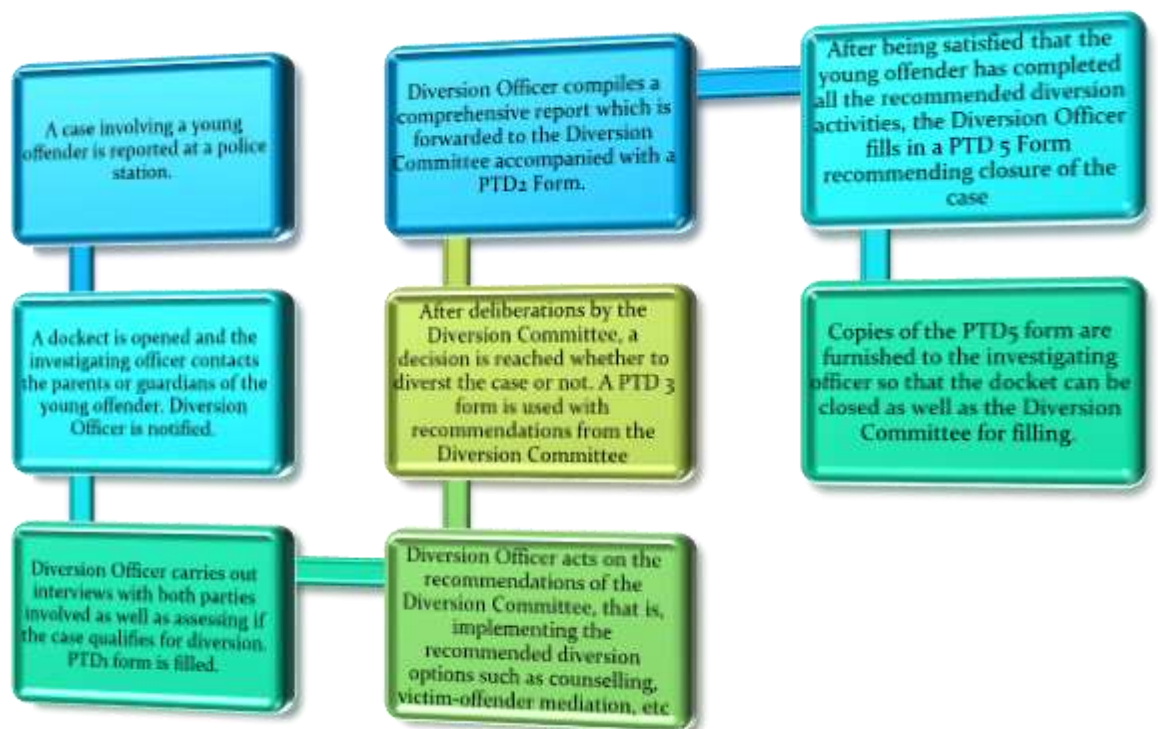


Figure 1: Outline of the PTD process and procedures in Zimbabwe

2.5.3 Purpose of pre-trial diversion

It is of pivotal importance to examine what PTD seeks to achieve as stated in the *PTD Consolidated Guidelines* of 2017. Skelton & Tshehla (2008:53) argue that pre-trial diversion is to prevent recidivism among juvenile offenders and help them to be law-abiding citizens of a country. They further state that pre-trial diversion helps offenders to be responsible and accountable for their own actions. Brink (2010:24) supplements that pre-trial diversion increases the level of empathy and understanding of the consequences of the juvenile offenders' actions upon completion of the criminal offence. They are able to observe the extent of their actions. Davis and Busby (2006:102) conclude that the pre-trial diversion programme also aims to motivate juvenile offenders to transform into law-abiding citizens.

The researcher understands the objectives of PTD to be that of promoting the dignity and wellbeing of the child as the criminal justice is often traumatizing to juvenile offenders, to repair relationships between the juvenile offenders and the victim as well as the community itself, reintegration of the juvenile offender into the community, and to prevent the juvenile offender from having a criminal record (*PTD Consolidated Guidelines, 2017:15*).

2.5.4 PTD programme management

It is crucial to understand the structure that operates the PTD programme in Zimbabwe as it affects the overall running of the programme. The following section highlights the administrative structure of Pre-trial diversion. This includes the National Steering Committee, Provincial Steering Committee, District Steering Committee and PTD Committee.

- *National PTD Steering Committee (NSC)*

The National Steering Committee is the overall body that controls the pre-trial diversion activities in Zimbabwe. It is made up of all the relevant government ministries, departments, and includes other key players in the field of Child Justice. The committee oversees the design and implementation of the programme in the

country and is responsible for policy guidance in the implementation of PTD. It comprises of members from the following key players (*PTD Consolidated Guidelines, 2017:2*):

- **Judicial Service Commission (JSC)** - Their main role is to co-chair the committee. They also assist in matters to do with the law in PTD.
- **National Prosecuting Authority**- They are also co-chair of the PTD committee together with JSC and they also assist in matters of prosecution for the committee.
- **Department of Child Welfare and Protection Services**- As the parent department responsible for children in Zimbabwe they are crucial in any discussion of children's matters.
- **Ministry of Justice, Legal and Parliamentary Affairs (National Coordinator of PTD, Policy Department, Community Service and Legal Aid Directorate)** - As the parent ministry they guide the committee on how the programme is functioning on the ground. They are also the link between the decisions from the NSC and the personal on the ground.
- **Police (Victim Friendly Unit, I.C Crime)** - They give feedback on how PTD is being implemented in their ranks and recommendations for better programme functionality.
- **Development partners**- Provide the committee with financial, technical and material resources during meeting and nation-wide programme implementation.
- *Provincial Steering Committee*

The role of the Provincial Steering Committee is to ensure the smooth implementation of the programme at a provincial level and to give feedback to the National Steering Committee. Its composition mirrors that of the National Steering Committee at provincial level (*PTD Consolidated Guidelines, 2017:4*).

- *District Steering Committee*

As per province, the role of the District Steering Committee is to ensure the smooth roll-out of the programme at district level and to give feedback to the Provincial

Steering Committee. The District Steering Committee must ensure that the PTD Committee is seating frequently to deliberate on cases brought before them, to coordinate awareness programmes in the district and provides policy guidance on the implementation of PTD in the district. Again, the structure is in alignment with that of the Provincial Steering Committee (*PTD Consolidated Guidelines, 2017:4*).

2.5.5 Guiding principles of pre-trial diversion

It is vital to discuss the guiding principles of pre-trial diversion in Zimbabwe to understand the framework that implements the pre-trial diversion programme. According to *the Pre-trial diversion Consolidated Guidelines (2017:13)*, the guiding principles are based on the international and regional agreements such as the UNCRC and ACRWC.

The Pre-trial diversion Consolidated Guidelines (2017:13) are of the view that the best interest of the child must be implemented in all actions by State actors. The best interest of the child principle recognises the view that children are very different from adults are more physically and emotionally vulnerable. In addition, such a basis necessitates that all actions of State actors be for the good of the juvenile offenders. These and other differences are the reasons for a separate juvenile system and requires different treatment of children. In practice, the protection of the best interest of the child means that:

1. The traditional objectives of criminal justice, such as repression/retribution, must give way to rehabilitation and restorative justice objectives in dealing with young people, and
2. Priority should be given to respecting the rights of the child or juvenile offender when determining the best solution or response.

Detention of juvenile offenders in police or any state custody should be of the last resort, and for the shortest possible period. Juvenile offenders will only be detained in extreme circumstances and most of those cases would not be qualifying for PTD. The guiding principles state that any child whose offence is considered minor should not be detained in police custody. The juvenile offenders would rather be placed in the custody of their parents or place of safety pending the finalization of their pre-trial diversion matter.

The principles also emphasise on minimizing to the greatest extent possible, a child's contact with the formal justice system. The formal justice system is very frightening and at time emotionally scaring to children thus the need to safe guard their well-being, in practice, this denotes that juvenile offenders who qualify for pre-trial diversion should:

- Not be detained in police custody or stations (or only for the shortest possible time),
- Not appear in a court,
- Have the time they spend in government offices severely limited and support services should be provided at their home and community environment.

Children in conflict with the law as discussed are highly vulnerable thus; it is of great importance to protect them from abuse, exploitation and violence. Children in conflict with the law often experience violence and abuse from older accused persons and various State actors. Punitive action against juvenile offenders might result in trauma and hardening of the juvenile offenders. In practice, this denotes that:

- Police officers should not use force on child,
- No child is to experience abuse or violence whilst in custody, or by a state actor.
- Corporal punishment is only permissible if court ordered and based on a conviction and are avoided in pre-trial diversion cases.

The Pre-trial diversion Consolidated Guidelines (2017:14) spell out that it is necessary to separate adult offenders and children at every stage of the judicial system itself. Detaining juvenile offenders together with adult offenders might result in abuse or violence for children at the hands of the adult offenders. It might also lead to juvenile offenders learning new criminal behaviours from the adult offenders.

According to the PTD guiding principles the State actors should not penalize juvenile offenders for capacity constraints that might be hindering the system. The State often faces a number of challenges in its implementation of judicial programmes such transport, fiscal resources and training, lack of these should not disadvantages the child from enjoying their full rights and protection. Meaning that:

- No child should be detained because the PTD officer is not available or does not have transport to find the juvenile offender's family.
- No juvenile offender will pay monetary bail because the police service does not have resources to conduct adequate supervision.

It is also a matter of principle that the wishes of the juvenile offender to go for due process be respected at all times. Pre-trial diversion is not a replacement for the formal justice system. Juvenile offenders have the right to have their innocence proved by a court of law if it be their wish. However, the juvenile offenders' right to due process is guided by the following pillars:

- Juvenile offenders who want their case heard in court are entitled to do so, and
- Juvenile offenders must be entitled to legal assistance and understand their legal rights.

Furthermore, boys and girls are to be treated differently, and where necessary, to ensure maximum benefit from their participation in the pre-trial diversion programme. Alleged girl offenders should be dealt with by female officers and other female officials. Detention must be in a place where there is separation from boys and men or girls and women and detention should be for the shortest time possible to avoid corruption as well as hardening for the juveniles themselves.

2.5.6 Types of pre-trial diversion options

There are a number of pre-trial diversion options to be utilised after diverting the juvenile offenders from the formal justice system. These options make provision for the various circumstances that the juvenile offenders come from. Davis and Busby (2006:103) point out that pre-trial diversion interventions must promote dignity and well-being of the juvenile offender as well as enhancing the juvenile offenders self-worth. Pre-trial diversion options they argued, must also stimulate the ability of the juvenile offender to be a law-abiding citizen and thus contribute positively to his/her society. *The PTD Consolidated Guidelines* (2017:2) add that pre-trial diversion options must impart useful life skills and education, that should be age and profile appropriate for the juvenile offender to allow for more effectiveness. The pre-trial

diversion options as stated in the *Pre-trial diversion Consolidated Guidelines* (2017: 26) are of the following:

- *Reparation*

This might be either community service/work for the benefit of the victim of the offence. It is usually utilised when the victim is the community directly rather than individuals. It may also include reasonable compensation in cash or kind to the victim of the offence.

- *Counselling*

This may be necessary depending on the nature of the offence and will be facilitated by persons trained in this field. This is used to help juveniles in behavioral change. A satisfactory number of sessions is often recommended.

- *Placement on Community Service*

Juvenile offenders can be seconded to an institution for community service. The individual would then perform specified tasks for the benefit of the community for a given timeframe.

- *Constructive use of leisure time*

This pre-trial diversion option is to allow juvenile offenders to occupy leisure time in such way that it will prevent the juvenile offender engaging in crime because of boredom. The use of leisure time might include activities such as sport, horticulture and church activities.

- *Victim offender mediation (VOM)*

Victim offender mediation is a meeting between the juvenile offender and the victim of his/her offence. The purpose of the VOM is to enable healing and communal

reconciliation. The VOM as an intervention focuses on dealing with feelings, thoughts and compensation.

- *Family Group Conferencing*

Family group conferencing is similar to victim offender mediation, but is more inclusive and comprehensive. It includes communal pillars such as the local leaders, the clergy and other community persons.

2.6 PRE-TRIAL DIVERSION IN SOUTH AFRICA - LESSONS FOR ZIMBABWE

The PTD programme in Zimbabwe was modelled on the South African model of pre-trial diversion, thus making it suitable to build upon using lessons from South Africa. Exchange visits were done with NICRO and Department of Social Development in order to launch the programme in Zimbabwe and essentially most of the aspects that the PTD programme is using are borrowed from South Africa.

Zimbabwe can draw lessons on the importance and impact of research on juvenile justice, particularly on pre-trial diversion (Gavrielides, 2014:11). Most of the research done about children in Zimbabwe is centred on HIV and AIDS, child labour and child abuse leaving the shelf of juvenile justice with scanty information. The various resources based on research studies available in South Africa have been able to highlight some of the shortfalls or successes of pre-trial diversion such as Kleinhans` (2013) thesis on the impact of pre-trial diversion programmes on juvenile offenders. Such documentation has also helped South Africa to learn from mistakes of the past because they would have been highlighted through research. In Zimbabwe, it would improve service delivery if juvenile justice research was increased; this would also document best practices and suggest recommendations on how effective pre-trial diversion services can be put in place. Advocacy for pre-trial diversion services in South Africa was also born out of research which highlighted the weaknesses of a punitive and utilitarian justice system for children (Brink, 2010:22, 23).

The importance of inter-organizational collaboration can never be over emphasized. Pre-trial diversion is a relatively new concept on which many non-governmental organizations have tried to assist the government in its implementation (*Pre-trial diversion guidelines*, 2017:3). However, South Africa clearly demonstrates to Zimbabwe the power of collaboration in the implementation of pre-trial diversion activities. The close cooperation of NICRO, other PTD implementing organizations and the Department of Social Development can be seen as a point of note (*Pre-trial diversion guidelines*, 2017:v). Furthermore, cooperation with other NGOs such as Khulisa South Africa highlighted the importance of multi-organizational collaboration (Gavrielides, 2014:12). At the start of the programme in Zimbabwe in 2013, many

NGOs joined to assist in the programme but in an ad hoc manner which was not long-term or dedicated to juvenile justice.

It is also of vital importance that Zimbabwe can draw lessons from its neighbour on the importance of a legal framework for pre-trial diversionary activities. Wood (2003:16) espoused that at the time when South Africa had no legal framework for pre-trial diversion, a juvenile that appeared in the Pokeng Magistrates Court will be treated very differently to one who finds him or herself before a magistrate in Mafikeng. Practicing of pre-trial diversion in an unregulated environment often leads to differentiated and inconsistent pre-trial diversion practices as well as exclusion on other juveniles (Kleinhans, 2013:43). *The Child Justice Act, no 75 of 2008* in South Africa brought much consistency on the manner in which pre-trial diversion activities were put in place. Zimbabwe should also learn lessons from the consultancy process before the implementation of the *Child Justice Act, no 75 of 2008* in South Africa. The consultations included organisations and institutions involved with various groups of children such as children not in conflict with the law, those in prison, places of safety and those already in pre-trial diversion programmes (Kleinhans, 2013:105). Consultations should also focus on children from different provinces, background, religion and cultural backgrounds (*Pre-trial diversion guidelines, 2017:1*).

Zimbabwe in 1980 had a lower rate of crimes committed by young persons, thus did not invest much in child justice infrastructure. This is one area that Zimbabwe can learn from South Africa which has institutions specifically for juvenile offenders. However, at the moment juveniles awaiting pre-trial diversion who are of no fixed abode or whose parents stay far have a difficult time getting a place of safety. In order for pre-trial diversion activities to be efficient, there is a need for infrastructure in terms of places of safety. Due to security risks, children in conflict with the law are often ineligible at a place of safety for children who are deemed to be in need of care thus the need for their own institutions.

As highlighted above, there are many lessons that Zimbabwe can borrow from South Africa which being implementing PTD for a longer period. Issues such as the

incorporation of a legal frame-work, inter-departmental collaboration and importance of research and documentation on juvenile delinquency as well as PTD.

2.7 CONCLUSION

In exploring the development of juvenile justice and pre-trial diversion services, it is clear that it is only in the last 55 years that countries realised that children cannot be treated as adults. The USA was the first to introduce pre-trial diversion activities in the late 1960s. The movement to restorative justice and a pre-trial diversion option for children who are first offenders, committed petty crimes and admit guilt to the crime committed is a movement in a positive direction to guide them away from the criminal justice system and to deliver services to prevent reoffending.

Pre-trial diversion programmes should not only focus on the crime committed but address the reasons why children come in conflict with the law. Pre-trial diversion and restorative juvenile justice services needs to involve the family and broader society to be successful. Although pre-trial diversion services may differ from continent to continent and states or counties the purpose and aim stay the same. It is better to render early diversionary options to juvenile offenders than to focus on punitive actions or to address their behaviour when they commit more serious crimes.

The following chapter focuses on the implementation of the research methodology, research designs and research method as applied by the researcher. It focuses on the conduct of the researcher and the principles of adhering to rigor and ethical principles in research.

CHAPTER 3

APPLICATION OF THE RESEARCH METHODOLOGY IN THE STUDY

3.1 INTRODUCTION

This chapter is centred on the application of the research methodology employed throughout the study, and how the research was conducted and structured. The research study sought to interrogate the juvenile offenders and pre-trial diversion officers' experiences and challenges of the PTD programme in Chitungwiza. Emphases was put on the research approach and design, population and sampling, preparation of participants for data collection, data capturing, pilot study, data analysis and data verification.

3.2 RESEARCH METHODOLOGY AND PROCESS

Blumer (in Alasuutan, Bickman & Brannen, 2008:1) argues that research methodology consists of the research approach, strategy and design employed in the research study. Sapsford (2006:176) agrees with the above assertion by highlighting that the research methods provide a picture of the empirical world through the interrogation of everyday aspects to come up with researchable areas of interest, choices about methods and data, the conception and use of concepts, and the interpretation of the study outcomes. Vogt (2005:192) further adds that methodology is the study of the research methods employed on abstract everyday problems. The researcher however defined the research methodology as the way in which one outlines the whole research process using the set techniques. The researcher outlined the guiding techniques employed following the research process. The researcher picked the qualitative research approach as a guide for the research study. The qualitative approach was considered appropriate in order to fully interrogate the experiences and challenges of the juvenile offenders and pre-trial diversion officers in the PTD programme.

Qualitative research seeks to comprehend and study how people interpret their experiences, thoughts, different aspects of their lives, world-view constructions, and

what meaning they give to those experiences (Merriam, 2009:5). Royse (2008:27) further add that in qualitative studies, the focus is mainly on the lived experiences, meanings, or feelings and obtain innermost understanding of the meaning that persons attach to those experiences.

The researcher chose to use the qualitative research approach because it focuses on the research process, understanding and interpretation (illustrated in Chapter 1, 1.5.4.1). The researcher was the primary instrument of data collection and analysis; the process is inductive and the outcomes are rich and in-depth descriptions of the area of interest`s social construct and meaning given to it (Merriam, 2009:14).

The chosen area of interest of the researcher had a distinct lack of information and, as such, a qualitative approach was considered suitable to gain in-depth understanding of the phenomenon. The study sought to explore and describe the experiences and challenges of the juvenile offenders and pre-trial diversion officers who were in the PTD programme in Chitungwiza (Mack et al, 2005:9). This was operationalized through semi-structured interviews which were conducted with all the research participants.

3.2.1 Research Design

The research design involves the outlined plan before the research participants' interviews would have been conducted. Marshall and Rossman (2011:89) further explained that it provides a clear, feasible and flexible plan with concrete and set details to conduct the study. Salkind (2010:1253) further adds that it is a logical structure that helps the researcher to deal with the research problems at hand and to find meaning to those questions. De Vos *et al.* (2005:271) concludes by pointing out that the research design is the entirety of conceptualizing the research problem to come up with the narrative. The researcher simplified the research design as being a blueprint structured for data collection, and provide data about the various aspects in the research study.

The research designs employed were exploratory descriptive and contextual of nature, and within qualitative research, the multiple case study design applied. The application of these research designs follows.

As previously stated in Chapter 1, (Babbie, 2010: 93) is of the view that an *exploratory* case study design may be used to research areas of interest in which the phenomenon being investigated has multiple set results. The researcher utilised semi-structured interviews in order to gain an understanding of the experiences of the juvenile offenders and pre-trial diversion officers with the pre-trial diversion programme. This enabled the exploration of the insights of pre-trial diversion officers and juvenile offenders on their PTD experiences to arrive at informed suggestions on practice.

Hereafter, these insights were described and analysed as discuss in chapter 4. The contextualisation of the study applied to juvenile offenders and PTD officers living in Chitungwiza, Zimbabwe. The interviews were also conducted at the Chitungwiza community centre.

A *multiple case study design* applied within the two sets of population groups as well as interviewing different participants from multiple settings (even though they might have been in the same geographical settings) to investigate the experiences and challenges of the juvenile offenders and PTD officers in Chitungwiza.

3.2.2 Research process

The research process focused on the actions of the researcher in the field from the onset of selecting participants until the data analysis stage. This was achieved through the selection of the research population and the process of sampling according to the specified techniques.

3.2.2.1 Population, sampling procedures and sampling

The research population refers to the entire target group, individuals and any other sampling units from which the sample is taken out by the researcher using the set guidelines (Monette *et al.*, 2011:136, Strydom, 2011:223). This coincides with Holloway & Wheeler (2010: 137) who argue that the research population consists of individuals to whom the researcher can gain access and have the specified criteria set out for the research study. In agreement, Yegidis and Weinbach (2002: 180) are of the view that the population is the entire collection of entities that the

researcher seeks to understand. The researcher defined the population as the entire set of persons who have the specified requirements to participate in the study on their direct link to the research topic.

The study population in this study was all the juvenile offenders and pre-trial diversion officers who participated and administered the PTD programme in Chitungwiza. These individuals had the specified knowledge and experiences for the study.

The research took place within a set time; thus, the researcher could not include each component of the research population due to the aforementioned time and resource constraints. The researcher, thus, drew out a sample from the research population. Yegidis & Weinbach (2002:180) define a sample as being a subset collected from the entirety of the population. David & Sutton (2011:623) and Daniel (2012:1) also point out that a sample represents a subsection of the total target population selected to participate in the research study. The researcher concluded that a sample is a portion taken out from the population with the requisite characteristics for inclusion in the study.

The sample for this study was drawn from juvenile offenders who participated administered in the PTD programme in Chitungwiza. As explained in chapter 1 the no sampling was done for pre-trial diversion officers.

The elements of a research study in non-probability sampling present a non-specific choosing of the target population thus it is difficult to generalise the chosen sample (David & Sutton, 2011:625). In non-probability sampling methods, the research participants had an unequal probability of being chosen to be part of the study, the researcher concluded.

The sampling method used to identify the possible juvenile participants was non-probability sampling. Non-probability sampling uses a number of sampling techniques, and these are purposive, snowball, quota sampling and self-selection. Purposive sampling was identified as the appropriate technique for the study as the

participants were selected based on the rich experiences they can provide on the phenomenon researched.

The sample size was guided by the principle of saturation. Holloway and Wheeler (2010:46) indicate that saturation is when the injection of new participants in the study no longer produces new data or experiences but leads to a repetition of already given data. The researcher realised that saturation had been reached in the study when no new information was being generated from the participants and became monotonous. The researcher earmarked to initially interview ten persons per each group.

The researcher ended up having ten juvenile offenders and nine pre-trial diversion officers who underwent or worked in Chitungwiza's PTD programme respectively. Data saturation during the interviews was reached at nine juvenile offenders and seven pre-trial diversion officers. The participants began to voice the same experiences even though they were described.

3.2.2.2 Data collection process

Mack et al (2005:6) agrees that the gatekeepers normally request a letter which outlines the entire research plan, the researcher had to negotiate his access to the research site and participants.

The researcher wrote a letter to the governmental representative which was to the office of the Permanent Secretary to request permission to conduct the study. In response, two months after the researcher's request, the Permanent Secretary obliged to the research study with a letter granting permission to the researcher to conduct the study.

Upon receipt of the permission from the Permanent Secretary to conduct the study, the researcher was able to start with the fieldwork. In the pre-contact phase with the research participants, the researcher contacted the gatekeepers (PTD officers) to first identify the potential juvenile offenders as participants in the study.

The researcher first individually invited the potential participants to a preliminary meeting at the Chitungwiza Community Centre where the researcher explained about the study, listened, responded to concerns and clarifying issues on the study. During the preliminary session the participants were able to familiarise themselves with aspects of the research study. The researcher explained the research study in such a way that the participants would be able to identify the benefits of the study and juxtapose them with the potential risks that might come with participation in the study. This enabled them to decide on their participation (See Annexure C).

The participants who agreed to participate in the study then signed the informed consent forms (Annexure D), with the researcher signing on his own part and behalf. In this sense Berg-Schlosser and De Meur (2009:88) point out that it enhances the researcher's efforts to establish an open and trusting relationship with the potential participants of the study.

The informed consent forms signed by the participants also clearly stipulated that they had the right to withdraw from the study without any actions taken against such persons (Creswell, 2013:153). The form also contained the research goal, objectives, and ethical guidelines, risks that might hinder the study and potential benefits associated with the study. The contact information of both the researcher and his supervisor were provided. The researcher and the participants signed on the same date on the informed consent forms in order to create an atmosphere of transparency (Babbie, 2010:317).

It was also important that the research interviews be done in a conducive environment in which the participants feel safe to divulge important information. The depth and richness of data also depends on how at ease the participants can participate freely without external or internal distractions such as other persons coming in and out, and noise (Hennink et al 2011:121). The researcher was able to ensure that the participants are at ease by allowing the participants some time before the start of the interviews to ease themselves and relax, and sit themselves comfortably. The researcher beforehand set a date, time and place for the semi-structured interviews to be conducted.

As agreed by the participant during the pre-liminary session, the interviews were conducted at the Chitungwiza Community Centre. The participants were informed that the interviews would be done in English. All cellular phones in the room were switched off. The participants were asked for permission to digitally record the interviews as well as to write notes on observations during the interviews. The researcher explained the way the recording would be stored and persons who would have access to them. He also clarified that the research would carry no monetary gain or incentives to the participants. The venue chosen for the interviews was close to most of the participants.

In addition, at the outset of recruiting the research participants the researcher introduced himself and the University that he is enrolled at. The researcher managed to recruit seven pre-trial diversion officers (nine before saturation) and nine (ten before saturation) juvenile offenders and none of them had taken part in the pilot testing phase.

3.2.2.3 Pilot study

A pilot study is a study that is a planned and purposeful role-playing exercise that is done by the researcher before the main study to test, learn about the methodology, questioning and skills to be utilised in the research (Salkind, 2010:1033). Bless and Higson-Smith (2000:44) points out that it is an opportunity to improve on aspects to be used in the major study. The researcher explained to the four participants (two from each research group) the purpose of the pilot study.

The researcher conducted the pilot study in Chitungwiza to enable him to have a trial run on the appropriateness of the research questions, data collection method and study population. The participants were thus interviewed on separate occasions.

The researcher used the office database to acquire the contacts of potential pilot testing participants who were briefed on the itinerary for the pilot test. All the participants were able to meet the researcher at the local community centre for their interviews during the day. The interviews were conducted with the set aside

interview guides and with the permission of the participants it was recorded on the researcher's cell-phone.

The four participants confirmed that the interview guide had been clear and precise to them during the interviews. The pilot study gauged on the appropriateness of the research apparatus for the main research study. The researcher discussed with the supervisor on the aftermath of the pilot study and agreed to proceed to the main study.

Data Collection

The researcher defined data collection in the study as a process of gathering documents, observations and digital recording for research information purposes.

The data in this research study was gathered by conducting semi-structured interviews with the sixteen participants of the study. A semi-structured interview, according to Remler and Van Ryzin (2011:64), allows participants the flexibility to answer the research questions in more detail, enabling richness and greater depth of the data itself without the researcher leading them on. The semi-structured interviews in qualitative research are described in thematic terms of themes, sub-themes and categories (De Vos et al, 2005:296).

Semi-structured interviews were done with the research participants in order to get meanings that they attach to their social construct and lived experiences. An interview guide was used by the researcher to conduct the interviews; the interview guide included open-ended questions seeking to answer the research questions and enabling the emergence of other areas of interrogation from the dialogue between the researcher and his participants (Marshall & Rossman, 2011:93).

At the outset of the research interviews, the researcher introduced himself again to the interviewees (juvenile offenders and PTD officers) and confirmed that the interview will be done in English and outlined the goal of the research study.

As stated earlier before the research interviews were done the researcher prepared an interview guide which contained all the questions that were to be asked in the semi-structured interviews. In order to capture details about the participants, the researcher collected the biographical information on the participants as highlighted in Chapter 1.

In the aftermath of gathering data on the biographical information from the chosen research participants, the researcher then proceeded to ask the participants the research questions. The research questions guide (refer to chapter 1) consisted of open-ended questions which would allow the participants to have flexibility in answering questions rather than a yes or no answer in closed-ended questions (Hennink *et al.*, 2011:120).

The section below discussed the data analysis conducted.

3.2.2.4 Data Analysis

Data analysis in qualitative studies is a non-mathematical assessment and analysis of observations (Babbie, 2007:418). Mouton (1996:106) concludes by pointing out that data analysis is the process of making sense of text, image data, preparation for data analysis and interpretation as well as representation of the data. The researcher understood data analysis as the grouping of themes, sub-themes and categories of research data into concrete findings, conclusions and recommendations.

The researcher in this study used the eight steps of data analysis as identified by Tesch, cited in Creswell (1994:70) and Creswell (2009:186).

- The researcher read the transcribed each interview individually; he made notes on the ideas that came to mind.
- The researcher then categorically worked through all the transcripts seeking to decipher the interpretation of the information conveyed by the interviewees.
- The process above was repeated by the researcher as he compiled a list of similar themes, which were categorized into blocks of themes, sub-themes and categories.

- The developed themes were abbreviated into code form and were tabled next to the corresponding pieces of text. The researcher used this initial establishment to see whether new categories and codes would appear.
- Each and every transcript was coded to correspond with the list of themes and subthemes.
- The researcher then coded the transcripts in alphabetical and numerical order.
- In the end, the researcher grouped the data material of each category and performed a preliminary data analysis.
- It was not necessary for the researcher to do any recoding.

The researcher, upon completion of the initial data analysis, sought the expertise of an independent coder for data analysis. The findings of the independent coder on the data analysis were forwarded to the supervisor for discussion with the researcher. The following section is based on the data analysis verification and quality checks.

3.2.2.4 Data verification

Data verification in qualitative research aims to establish confidence in the research findings and conclusions in a research project (Thomas & Magivly, 2011; 151-155). De Vos *et al.* (2005:60) supported the previous assertion by pointing out that a research study must comply with criterion against which its trustworthiness can be assessed. In order to ensure the trustworthiness of the study the researcher used Guba`s model (cited by Krefting, 1991:214).

Guba`s model addresses four components of trustworthiness synonymous with qualitative research; which are truth vale (credibility), applicability (transferability), consistency (dependability) and neutrality (conformability) which will be explained below (Thomas & Magivly, 2011:151-155).

- *Credibility*

Credibility is the guarantee that the research study was implemented in such a method that it guarantees that the subject matter was correctly acknowledged and defined (De Vos *et al.*, 2005:345). Anney (2014:276) argues that credibility establishes whether or not the research findings are a true representation of the data gathered from the interviewees, and has preserved its original and correct meaning as given by the participants. Creswell (2009:192) supports this view by pointing out that the researcher must examine carefully the discrepant data that poses a threat to the common viewpoint, as representation of the participants` data in real life is comprised of divergent interpretations and meanings. The researcher in this study ensured credibility of the study by employing the following credibility strategies: member-checking, peer debriefing, prolonged engagement.

In terms of member-checking, the researcher invited all the research participants to his office during preparations in order to build trust. The researcher asked the participants to seek clarification on issues regarding the research project. The participants were satisfied and agreed to participate in the study. In the research interviews, it allowed for a deeper understanding of the area of interest by the participants.

During the peer-debriefing sessions with colleagues to review the research project path, the researcher discussed multiple issues in order to ensure trustworthiness of the data. Polit and Beck (2008:548) state that a researcher during the research process can seek support from colleagues who might offer scholarly advice and guidance. Guidance and feedback from peers might give valuable information which could improve the quality of the research findings (Anney, 2014:276). The researcher discussed the research process and data collected with the supervisor, and two researchers who have utilised the qualitative research methods.

The researcher also ensured the credibility of the study because he was fully immersed into the participants` world as he was working in Chitungwiza. The researcher, through this, was able to have greater insight into the study environment. Prolonged engagement reduces the chances of receiving inaccurate

data due to the immersion of the researcher in the participant`s world. In this study, the researcher was heavily engaged in the research field.

- *Transferability of findings*

The degree to which the qualitative research project can be transfixed to other similar research environments with similar participants or groups (Trochim, 2006:44). Shenton (2004:70) further adds that transferability refers to the extent to which the research project`s findings and conclusions can be generalized to similar environments in qualitative research. Creswell (2009:194) concludes that the researcher should compile thick findings of the phenomenon so that individuals who were not involved in the study can deduce meanings and interpretations of the study. De Vos *et al.* (2005:351) dispute the above assertions by pointing out that universalization of findings in qualitative research is very problematic as the research takes place in rural and natural settings which might not be duplicable.

Due to the study population having similar traits, the researcher used non-probability sampling as method and purposive sampling as one of the techniques within non-probability sampling. In this sense, the researcher focused on participants who had rich experiences of the research topic. The participants were purposively chosen by the researcher as they could provide greater depth on the experiences of juvenile offenders and pre-trial diversion officers who underwent or administered the PTD programme in Chitungwiza.

- *Dependability of findings*

Dependability of a research study refers to the constancy of the research findings and conclusions over a period of time and under different environments. Bless and Higson-Smith (2000:56) state that dependability in qualitative research involves the stability of the information across time and multiple circumstances. Lincoln and Guba (2004:58) conclude that dependability refers to the transparency of the research process as well as truthfulness of the decision trail. They go on to argue that this can be achieved if another researcher not familiar with the research study agrees with its truthfulness at every stage of the research process.

The researcher, to ensure dependability in this study described the research methodology in greater detail to ensure that the study can be repeated in the future (Shenton, 2004:73). The researcher outlined the processes followed in detail so as for future researchers to duplicate the study (Shenton, 2004:71). The analysis of the data captured was done by the researcher, independent coder and supervisor independently. A consensus on the themes, sub-themes and categories was reached by all the parties.

- *Conformability of findings*

Conformability of research findings refers to the degree to which the findings can be endorsed by other researchers unrelated to the study (Ryan-Nicholls & Will, 2009:79; Shenton, 2004:72; Anney, 2014:279). Shenton (2004:72) adds that conformability confirms that the research findings represent the participants` responses and not the researcher`s biases. In order to enable conformability, the researcher highlighted the direct quotes from the participants in formulating the research themes. In this study, the researcher adopted a self-critical attitude in eliminating own biases (Shenton, 2004:72).

The conformability of data was also enabled through the use of the supervisor and independent coder in data analysis as well as the researcher (Thomas & Magivly, 2011:154). This enabled an independent interpretation of the research data. The digitally recorded data provided by the participants were verbatim transcribed by the researcher for confidentiality purposes and to prevent data loss.

3.2.2.5 Ethical considerations

Ethical standards were applicable to this study. They served as a guideline to the quality of the research, confidentiality and anonymity of participants, and their right to self-determination (May, 2011:61). Newman (2011:503) urges researchers to pay close attention to cultural, social and political issues which might impact negatively on the participants. The researcher summarized ethical considerations as an outlined set of principles that helps the researcher to separate what might be right

and wrong in the study implementation. The following ethical principles were utilised in this study:

- *Informed consent and voluntary participation*

The participants` right to know everything about the study was respected. The researcher informed them that they are free to withdraw from the study without any penalization, the goal and objective of the study, and any possible risks associated with participation in the study. Strydom (2011:118) and Marshall & Rossman (2011:47) argue that participants must know that refusal to participate will not carry any negative consequences.

The researcher clarified questions on the content of the Participant Information document that also specified that there will be no remuneration for participating. The researcher confirmed that English would be the language of communication. Hereafter, the participants who volunteered signed the consent form. The participants were given the option to choose the site for conducting the interviews, being at their homes or the community centre. The participants chose the community centre as it was private and within a walkable distance for them.

- *Confidentiality and anonymity*

The researcher informed the participants on their confidentiality rights. Mapurazi (2019: 59) suggests that confidentiality entails safeguarding that study information gathered from participants in the study cannot be linked to the research participants. The anonymity is seen as the covering of participants` real names with pseudonyms. The researcher used the steps below to safeguard participant confidentiality:

- The research audio recordings, writings and transcripts of the information collected were securely protected with a password only known to the researcher.
- The audio captures, notes and transcripts were put under lock and key for the non-digital items.
- Only the researcher himself and the supervisor, except for the recordings, had access to the afore-mentioned items.

- As per policy all these items will be destroyed after five years.

3.3 REFLECTIONS ON THE STUDY

The researcher experienced a number of things during the course of the research itself. The researcher relished the challenge of working on the research study, especially the challenges, own weaknesses, skills and lessons learnt. The researcher at some point was frustrated at the pace of the research itself due to numerous challenges, but enjoyed working with the research concepts. The research also helped the researcher to realise his own weaknesses, such as procrastination of tasks as well as strengths on quickly grasping research concepts and processes. The researcher also drew lessons from the study that would help him in the future. These include, among other things, the need to separate self from the study in order to fully comprehend the research and its findings.

3.4 CONCLUSIONS

The chapter focused on the research methodology that was used in carrying out the research. The discussion was centred on the sampling method, data gathered, and data analysis, as well as data verification. The chapter also revealed the steps for data analysis that were followed. The researcher also outlined the descriptions employed to safeguard trustworthiness. The following chapter discusses the presentation of research out-comes.

CHAPTER 4

RESEARCH FINDINGS ON THE EXPERIENCES AND CHALLENGES OF THE JUVENILE OFFENDERS AND PRE-TRIAL DIVERSION OFFICERS OF THE PRE-TRIAL DIVERSION PROGRAMME IN CHITUNGWIZA

4.1 INTRODUCTION

This chapter focused on the analysis of the research data as well as the way that the findings were confirmed or contrasted with existing literature. Various themes emanated from the interviews done with the juvenile offenders and PTD officers. The themes were grouped together with their sub-themes and the supporting quotes from the transcripts used. A consensus meeting was not possible due to distance and technological challenges however all the feedback from the independent coder, researcher and supervisor was shared with each other leading to an agreement on the themes and sub-themes to be utilised in the study. After the discussion by the afore-mentioned trio a final table of themes and sub-themes was drafted to explore the narratives of the participants.

The geographical data and research findings which emerged from the data analysis of the information obtained and semi-structured interviews conducted with the juvenile offenders are presented first. The way these findings were confirmed or contrasted with literature (literature control) are documented as well. Hereafter follow the pre-trial diversion officers' geographical information and research findings which emerged from the data analysis of the semi-structured interviews conducted together with the literature control of the findings.

4.2 DEMOGRAPHICAL DATA AND RESEARCH FINDINGS OF JUVENILE OFFENDERS

In this section, the researcher discussed the insights into the demographical data of the participants (juvenile offenders), and then continued with the discussion and literature control of the research findings.

4.2.1 Demographical data

The below table contains the demographical information of the first group of participants (juvenile offenders). In adhering to the ethical requirements of privacy and anonymity the names listed are pseudonyms.

Table 1: Biographical profile of the participants: Juvenile Offenders

Participant	Gender	Age	Racial and ethnic affiliation		Duration of PTD intervention	Employment
Mpumi	F	18	African	UmNdebele	8 sessions	Unemployed
Felix	M	18	African	Mushona	5 sessions	Unemployed
Mary	F	18	African	Mushona	6 sessions	Unemployed
Anesu	M	18	African	Mushona	4 sessions	Unemployed
Thando	M	19	African	Mushona	8 sessions	Unemployed
Nyasha	F	19	African	MuTonga	7 sessions	Unemployed
Kudakwashe	M	18	African	Mushona	9 sessions	Unemployed
Givemore	M	20	African	UmNdebele	6 sessions	Unemployed
Tonderai	M	20	African	Mushona	5 sessions	Unemployed

- *Age of the participants*

The age of the chosen juvenile offender participants ranged from 18 to 20 years of age. This was envisaged to be the stage when most of the juvenile offenders were able to look back with an objective view on their own experiences in adolescence as well the programme itself. However, all the juvenile offenders were under the age of 18 when they participated in the pre-trial diversion programme.

It was easier for the researcher to track the juvenile offenders at this stage of their lives since most of them would have finished Advanced Level studies or courses to help them and would still be at the same abode. Legally at this stage the participants were at a point when they can voluntarily participate in the study without strenuous governmental approval. As the years pass, it is not wrong to assume that the juvenile offenders might forget some of their experiences, thus the need to capture their stories whilst they are still fresh in their minds.

- *Race and ethnicity of participants*

The racial makeup of the participants was black in the sense that the town of Chitungwiza is inhabited by a predominantly black Shona population. The researcher did not choose the participants based on their ethnicity as this was not in the inclusion criteria for the study. However, the presence of other ethnicities allowed for the exploration of the study using multiple cultural lenses.

The group was dominated by Shona speaking people as the area is an ancestral home for most of them, and with other ethnic groups having come from other parts of the country. Members of the other ethnic groups were in small numbers, and those who committed criminal offences would also have been a minute number in comparison. Although the dominant home language was Shona, all the participants confirmed that they understand and can speak English.

- *Gender of the participants*

As shown in Table 1, two-thirds of the participants were males, and only three females were involved in the study. This illustrates that a higher number of juvenile offenders were mostly males (Curley et al, 2016: 5). In this sense, the researcher had more male offenders available than females in the participant selection process and, as a result, the findings on juvenile offenders might be gender biased as most of the experiences will be male-based by virtue of them being the default majority.

The male child is most likely to be involved in criminal activities due to his genetics` traits which include aggression and instincts to provide for themselves or their family. Research also shows that there are more male than female offenders due to their willingness to engage in risky behaviour (Kleinhans, 2013:21). In the African culture, females are seen as being subservient to authority than males (Curley et al, 2016:7).

- *Number of pre-trial diversion sessions*

The number of pre-trial diversion sessions that the participants went through were also of great importance in this study. Only those with a high number of sessions were considered for the study. The researcher reasoned that the more sessions that a participant had gone through the richer the data that they would provide.

In the following section, the researcher focused on the research findings by first giving an overview of the themes and subthemes that emerged from the data analysis process and then following up with an in-depth discussion of these findings.

4.2.2 Research findings

This section highlighted the findings relating to the juvenile offenders' experiences and challenges in the PTD programme in Chitungwiza. The research findings emerged from the data collected while conducting the semi-structured interviews. As stated in chapter 3. The researcher transcribed the data, followed by an analysis of the transcripts by the researcher, supervisor and the independent coder applying the eight steps developed by Tesch, cited in Creswell (2009:186).

Table 2 below gave a summary of the themes, sub-themes and categories that surfaced from the data analysis.

Table 2: Overview of the identified themes, sub-themes and categories

Theme 1: Juvenile offenders' offences explained		
Sub-themes	Categories	Sub-categories
1.1 Most offences were not pre-determined		
1.2 Offences were fueled by ignorance.		
Theme 2: Juvenile offenders' reasons for committing the offences		
Sub-themes	Categories	Sub-categories
2.1 Socio-economic conditions	2.1.1 Family Poverty	
2.2 Dysfunctional families	2.2.1 Lack of effective communication between parents and children	
	2.2.2 Absentee parents and inadequate parenting	

	2.2.3 Role of significant others - role models 'Ghetto culture'	
2.3 Other causal factors	2.3.1 Peer pressure/ influence	
	2.3.2 School dropouts	
Theme 3: Juvenile offenders' feelings about their offences		
Sub-themes	Categories	Sub-categories
3.1 Betrayal of significant other		
3.2 Blaming of self		
Theme 4: Juvenile offenders' experiences of their arrest		
Sub-themes	Categories	Sub-categories
4.1 Juvenile offenders' negative experiences	4.1.1. Gender mismatch of police officers and offenders	
	4.1.2. Police actions	4.1.2.1 Police Beatings
		4.1.2.2 Police Detention
		4.1.2.3 Police torture
		4.1.3.4 Verbal abuse by the police
	4.1.3 Mistreatment by police	4.1.3.1 Denial of toilet facilities
		4.1.3.2 Denied access to bathing facilities and sanitary wear
		4.1.3.3 Denial of access to food
		4.1.3.4 Denied access to bed linen
		4.1.3.5 Denied access to health facilities
		4.1.3.6 Denied access to significant others
		4.1.3.7 Inadequate holding facilities
	4.1.4 False accusations and threats	
4.1.5 Mental trauma		
4.2 Juvenile offenders' positive experiences	4.2.1 Being treated in a respectful manner	

Theme 5: Juvenile offenders' experiences of the pre-trial diversion programme		
Sub-themes	Categories	Sub-categories
5.1 Juvenile friendly environment		
5.2 Family reconnection		
5.3 Coping mechanisms		
5.4 Enhanced self esteem		
5.5 Clear conscience		
5.6 Reconciliation with victim		
5.7 Leant about the dangers of criminal behaviours		
Theme 6: Juvenile offender's recommendations on improving the pre-trial diversion programme		
Sub-themes	Categories	Sub-categories
6.1 Governmental actions	6.1.1 Child friendly policing behaviour	
	6.1.2 Facilities at charge office	
	6.1.3 Gender mainstreaming	
6.2 PTD interventions on economic skills		
6.3 Lack of follow-ups by PTD officers		
6.4 Assistance for family support during arrest & PTD		
6.5 Family & Community PTD interventions		
Theme 7: Juvenile offenders' views on how social workers can improve the programme		
Sub-themes	Categories	Sub-categories
7.1 Training of the police		
7.2 Community training on PTD and juvenile delinquency		
7.3 Advocate for child-centred programming		

The following discussion of the themes, sub-themes and categories is based on the voice of the participants and then followed by a discussion of the literature which confirm or contrast the research findings.

4.2.2.1 Theme 1: Juvenile offenders' offences explained

The participants were asked on the circumstances surrounding the offences that they committed. The two sub-themes which came out were that offences were not pre-determined and offences were fuelled by ignorance. The sub-themes are presented below:

Sub-theme 1: Offences were not predetermined

The majority of the participants voiced that they did not pre-determine the offences that they committed. The commission was mainly by chance without prior planning. This is supported by the following direct quotes:

“Yes, I was out with a couple of friends and we were shooting at some birds from the trees, and then I hit a car that was travelling in the road next to the tree. The frontal window screen was cracked. (Anesu)

Yes, I remember that I got home and my mum wasn't there. I saw her car keys on the table and I told one of my friends who said that maybe we should take a ride. There was no fuel, so another friend decided that we go to a local service station to get the fuel. We did that and took my mum's car and went off on a joy ride. (Kudakwashe)

We spend the whole night together, in the morning he refused to give me the agreed upon fee. He didn't want to pay me anything so I ended up stealing his phone and went way whilst he was bathing and sold it for \$15. The person I had stolen the cell-phone from then looked for me on my usual spot and dragged me to the police station. (Mpumi)

Most juvenile offenders are often involved in commit criminal opportunistically (*Pre-trial Consolidated Guidelines, 2017:15*). The information given above by the participants is supported by Ruparanganda and Ruparanganda (2016:7) who argue that delinquency is common among juveniles as they negotiate the transition from childhood to adulthood in an increasingly complex world. They went on to argue that most juveniles at that age should be channelled through for pre-trial diversion as they are not yet hardened criminals. An intervention is essential at this point for the healthy development of an adolescent's self-concept as it would have suffered following the commission of a criminal offence especially one which is not

predetermined (Fuller, 2009:18). The *PTD Consolidated Guidelines* (2017:1) recognises that such juvenile offenders if supported can grow out of a life of crime. This in line with the reintegrative shaming theory underpinning this study which encourages the reintegration of juvenile offenders following the commission of an offence as pushing them away at the first instance would lead to hardening.

Sub-theme 2: Offences due to ignorance

A large section of the participants postulated that whilst in the midst of committing a criminal act they were unaware that their actions constituted a criminal offence. They added that they were unaware of the impact of their actions. The following story lines dovetail the participants` experiences:

“I was caught using drugs...what happened is I bought some drugs from another house and used them. I think I took a lot of the pills...so as I was coming to school, I began to feel very groggy such that the police saw that...I had used drugs.”
(Tonderai)

“Yes, I remember that I got home and my mum wasn’t there. I saw her car keys on the table and I told one of my friends who said that maybe we should take a ride....” (Kudakwashe)

“Yes, I was out with a couple of friends and we were shooting at some birds from the trees, and then I hit a car that was travelling in the road next to the tree. The frontal window screen was cracked. The owner of the car apprehended me and went with me to the police station.” (Anesu)

Juvenile offenders often do not think like adults thus are involved in the commission of criminal offences not pre-planned. The views of the participants are in harmony with the *PTD Consolidated Guidelines* (2017:1) which outline that most juveniles do not have the intent to commit a criminal offence but are unable to thoroughly rationalize their actions before the criminal offence. This is also echoed by

Ruparanganda and Ruparanganda (2016:2010) who add that juvenile should be given a second chance as the circumstances of their criminal activities are usually linked to immaturity. The participants only realized the gravity of their offence on the victim, respective families and the community after committing the crime (PTD Consolidated Guidelines (2017:1).

4.2.2.2 Theme 2: Juvenile offenders' reasons for committing the offences

The participants were asked on what they thought drove them into a life of criminal activities. The four sub-themes which emerged were socio-economic conditions, parental and family matters and dysfunctional families, which are presented next:

Sub-theme 1: Socio-economic conditions

Most of the participants agreed that the socio-economic circumstances at their homes played an important role in their coming in to conflict with the law. They had to fend for either themselves or their family itself. This is supported by the following storylines from the transcriptions of the interviews:

"...my father was involved in a car accident, so he cannot walk and fend for our family. On the other hand, my mother depends on farming, but our area in the rural areas is very arid; so there hasn't been a good harvest in years. I had to leave school so that I can fend for them and my younger siblings. If I didn't come and work in Harare, my family would starve." (Mary)

"After my parents failed to pay for me to go to Form 1 (grade 8), I sat at home doing nothing. Then a lady from town came to our village looking for a house-maid. She asked my parents to go with me and I agreed as I was idle. When we got to Harare and I worked for her, she would get angry if I asked about my money. She then said she no longer needed me and told me to go back home in spite of not being paid. I had no choice but to leave her house." (Nyasha)

“But we were just playing and trying to get some dinner for my grandmother as when I left home, there was just mealie-meal with no relish. I was hoping that if I kill a bird then we could eat it with the mealie-meal for dinner.” (Kudakwashe)

“Since my parents died, things have been very difficult for my grandmother. You see, she is not formally employed, so it’s difficult for her to send me to school, she does not have the money and strength to adequately farm the piece of land that we have been given. And (eeeeh) sometimes the food at home is not enough, that’s why I go out to hunt and do piece jobs so that I can be able to take care of my grandmother.” (Anesu)

The PTD Consolidated Guidelines (2017:03) confirmed the assertions above by pointing out that most children in conflict with the law do so as a result of poverty and homelessness. Rugaranganda and Rugaranganda (2016:8), together with Nyazema (2018:38) agree that the majority of juvenile offenders are those who have experienced deep-rooted poverty. Curley *et al.* (2016:34) further contends that historically low-income and vulnerable families are prone to risky behaviours from its members especially the most vulnerable such as children. The participants stressed that they were left with no option thus; they committed the actions that they did because there was no any other way to achieve a livelihood. Alltucker, Bullis, Close and Yovanoff (2006:480) support the above scholars by pointing out that income troubles affect children negatively as they might have to fend for themselves. In a South African context Gildenhuis (2002:153) also found that juvenile offenders mainly emerge from poor and middle-class environments.

Sub-theme 2: Dysfunctional families

The participants contended that having a dysfunctional families played an important part in leading to some of them engaging in behaviours that led to being in contact with the law. The dysfunctional elements included poor communication, arguments with their parents and frequent disagreements in their families. They felt uncared for

as well as ignored by their families and had to face the rigours of adolescence on their own. The following direct quotes attested to this.

“They used to give me money that I could spend and remain with some, but nowadays I wasn’t being given money. I failed to understand it at that time. I was just used to getting money. When I did not have it, I felt like my parents had let me down and showed they did not care about me.” (Felix)

“I couldn’t believe that my own dad could get me arrested and put me at the mercy of the police and, also, I haven’t always had a good relationship with him. Since I was young, we would always fight. I did some things and he didn’t understand me. I felt uncared for and was on my own. He was always away with work and we would fight when he came back and was told things I did.” (Munashe)

“What happened is that, two weeks before the offence, I had a disagreement with my mum after I came home late from my friends and we had been having disagreements for some time on how I should behave. It came to a point whereby I felt overwhelmed as the lines of communication were broken. I would often not pay attention to what she would say and do as I please, thus I ended up running away from home to work as a house maid. In this time, I was very confused and felt unloved, that’s why I stole from my employer to try and get my parents` attention.” (Mpumi)

Adolescence is a very turbulent time for juvenile offenders and requires strong family support. The absence of concrete family support though guidance and comfort may lead to development of criminal behaviours in young people as a way of unconsciously lashing out (*Pre-trial Consolidated Guidelines*, 2017:3). Fuller (2009:4) confirms this line of thought by pointing out that most juvenile offenders emerge from dysfunctional families. Some of the participants stressed that their

parents or guardians were inconsistent and reactionary in their parenting approach as they did not see things from a child's perspective. This is in accordance with Waini (2015:90), who argues that proper parenting is of great importance during adolescence as there are frequent frictions with the young persons and if they are not dealt with properly, it may lead to juvenile delinquency. This is also in sync with Arthur (2006:8), who argues that poor parenting often leads to juvenile delinquency due to lack of guidance and proper rules. *The Pre-trial Consolidated Guidelines* (2017:3) and Arthur (2006:8) state that some juvenile offenders come from broken homes, are orphans or were neglected by their significant others and lack control because of weak family foundations. The latter is in line with the Ecological Systems theory at play whereby what happened in the meso-system would have an effect on the growth and behaviour of the juvenile. The Ecological Systems denotes that failure of one system affects the whole systems' health.

Sub-theme 3: Other causal factors

The participants identified other peripheral causal factors as having led to their commission of the criminal offences. These factors included peer pressure, school dropping out and the community environment. The following direct quotes substantiate this finding:

"I had to leave school so that I can fend for them and my younger siblings. If I didn't come and work in Harare, my family would starve." (Mary)

"What I mean to say is that people in my area do this all the time. You find that people who we look up to (pause) like community older peers are using drugs, so we end up just thinking it is nice to use drugs because those "big brothers" use them. Some of my friends do not go to school and are unemployed (pause) so maybe they want to escape all this by using drugs and maybe if they had something to do, they wouldn't have to turn to drugs for entertainment." (Tonderai)

“When I did not have it, I ended up stealing to keep up the spending habit. It’s bad (it’s bad) but I see some of my friends coming with lots of money to school and maybe that’s why I did what I did.” (Kudakwashe)

“Yes, I remember that I got home, and my mum wasn’t there. I saw her car keys on the table and I told one of my friends who said that maybe we should take a ride. There was no fuel, so another friend decided that we go to a local service station to get the fuel. We did that and took my mum’s car and went off on a joy ride.” (Givemore)

“I guess I was becoming selfish (pause) I wasn’t doing my house chores as I was the eldest girl left in the family. I was spending more time with my friends rather than my own family.” (Anesu)

The views of the participants are confirmed by McKeganey (2014:57) and Nyazema (2018:38) who are of the notion that juvenile offenders are more likely to find companionship with delinquent others, and that they are easily corrupted by these peers to commit further criminal acts. This often leads to family friction further driving them deeper into community criminal sub-cultures. Research done by Waini (2015:94) confirmed that young people abusing drugs are at high risk of offending due to them losing interest in school and living a vagrant life-style fuelled by criminality. Rugaranganda and Rugaranganda (2016:8) point out that peer pressure might cause delinquent behaviour as juveniles seek to fit in with their significant others. Alltucker *et al.* (2006:481) further support this assertion by pointing out that the proximity of a delinquent significant other often fuels the likelihood of juvenile offending due to juveniles modelling their significant other’s behaviours.

According to the Ecological Systems Theory which underpinned this study the environment of the juvenile might be a causal factor in the manifestation of delinquent behaviour (Coady & Lehmann, 2008:115). The authors further argue that

it is important for children to have healthy relationships with all these ecological levels.

4.2.2.3 Theme 3: Juvenile offender's feelings about their criminal offence

The participants were asked to verbalise their feelings following the commission of the offence. The two sub-themes, betrayal of significant others and the blaming of self, surfaced as feelings of the participants following the commission of the criminal offence, which are presented below:

Sub-theme 1: Betrayal of significant others

The participants voiced that after the commission of the offence they felt a sense of having betrayed their families and significant others. They felt a sense of vulnerability, not just from a physical sense but also from an emotional level. Most of the practitioners are mainly focused on the physical aspects yet the psychological ones are the most deep-seated and traumatising to them. The above sub-theme is supported by the following storylines:

"Yes, I was being treated well by my employer (pause) I shouldn't have done what I did because I was being treated well. (pause) I am hurt and ashamed because of what I did..."
(Mary)

"I wasn't sure how I would let my parents know about my situation. I was afraid that I would be going to prison after this."
(Felix)

"I was stressed though (pause) that I had let my mum down and that I was never going to see my family again because I would go to jail. I was scared because I was the only child who was there; that was unnerving for someone my age."
(Givemore)

The participants' storylines affirmed Rugaranganda and Rugaranganda (2016:8)'s avowal that if emotional trauma is unnerving to adults, then how much more so can its impact be on children. *The PTD Consolidated Guidelines* (2017:3) also point out that the juvenile justice system is unnerving for minors and that the adult justice system has higher rates of traumatic experiences for children, leading to a greater likelihood of mental health problems later on in life as compared to those who have not been in contact with the system.

It is important to, in PTD interventions, attend to the feelings of guilt and betrayal experienced by the participants. The *PTD Consolidated Guidelines* (2017:23) outlines interventions to deal with such feelings. Ntshangase (2015:49) alludes to the fact that if this is not dealt with in an effective way, it might become a self-fulfilling prophecy on the juvenile offender's own social construct negatively. Lack of strong support at this stage might lead to the juvenile offender failing to internalise the norms and values of his/her community, and thus negatively impacting his/her cognitive function – leading to a spiral of delinquent behaviour. Kleinhans (2013:36) affirms that some juvenile offenders may suffer from mental disorders. In this sense, this affirms the notion of the Reintegrative Shaming Theory (RST) that disintegrative shaming of juvenile offenders often results in juvenile seeking validation from criminal sub-cultures (Braithwaite, 1989:56).

Sub-theme 2: Blaming of the self

Some participants highlighted that upon commission of the criminal offence, they blamed themselves for the offence. They began to loathe themselves and could not separate themselves from their behaviour. The participants highlight their self-blame in the following quotes:

“I thus blamed myself and had an element of self-loathing. I hated to be me at that time really.” (Anesu)

“I felt bad being there, but I blamed myself because I had stolen from my parents and ran away from home. In the end, my dad left me at the police....” (Givemore)

“Whatever harm came about was caused by my action, so it is up to me fix it and be a better person so that I don’t repeat the same mistake in the future.” (Munashe)

The PTD Consolidated Guidelines (2017:03) confirms that juveniles experience different feelings following commission of an offence. Alluding to this document, it further highlights the vulnerability of children in that state and the need for them to receive holistic support to help them process such feelings. Barker (1999:1) adds that feelings of self-blaming might lead to psychological trauma resulting negative relationships and a poor self-concept. This might further result in delinquent behavior leading to one being further shunned by the community. Muyobela (2016:35) further states that it is important for governments to put emphasis on psychological services for juvenile offenders in conflict with the law as this area has been ignored for large periods of time.

According to the RST it is important for significant others in the aftermath of a juvenile committing a crime to engage in reintegrative shaming with gestures of forgiveness and unconditional acceptance. Braithwaite (1989:56) adds that it is important to condemn the deviant actions whilst respecting the juvenile’s own dignity. The author continue postulating that stigmatization often leads to recidivism.

4.2.2.4 Theme 4: Juvenile offenders’ experiences of their arrest

The participants were asked to voice their experiences following their arrest by the police. The two sub-themes, negative and positive experiences, came out as the participants’ experiences following their arrest were are presented below:

Sub-theme 1: Juvenile offenders’ negative experiences

The majority of the participants’ expressions about their arrests were mainly negative. They expressed their frustrations from not being protected from harm that might come from older inmates and violence from State parties. Some of them slept in police cells which were unhygienic and fraught with unpleasant smells, as well as rough treatment and not feeling safe in the State custody. This is reinforced by the succeeding story-lines:

“The officers then hit me using a baton stick. I was hit very hard and they were hitting me under the soles of my feet, I failed even to walk after being thumped by these people (pause) I was assaulted greatly. I will never forget that day. I was made to bend over whilst they hit my buttocks as they wanted me to reveal my accomplice.” (Mary)

“My parents were not allowed to see me but were told to wait till my papers were done. I was told to sign a statement, but I requested that the officer change some of the things (the statement implied that I sold drugs), however he refused and bullied me into signing the document.” (Munashe)

“Some of the adult people in the room would fight and trample on me, and there was lots of noise I couldn’t even attempt to sleep because of the noise and the brawls that were happening. I wished for it to be day-break because it seemed so far away, especially with the stench of urine and human waste.” (Kudakwashe)

Ruparanganda and Ruparanganda (2016:11) add credence to the presented storylines as they are of the view that juveniles are confined to State custody for long periods and are often mistreated by State actors. Muyobela (2016:33) further comments that there is a need to take a rights-based programming approach when dealing with juveniles in conflict with the law.

The participants expressed their frustrations from not being protected from harm that might come from older inmates and violence from State parties. Some of them slept in police cells which were unhygienic, and malodorous. The trauma of children in State custody is self-defeating to the ends of the pre-trial diversion programme as it aims to prevent the hardening of juveniles (*PTD Consolidated Guidelines*, 2017:20) which is caused by detainment in police custody. Confirming this Ruparanganda and Ruparanganda (2016:11) quoting Kaseke (1993:3) alluded to the

fact that those children kept in State custody are kept under dire conditions and often at high risk of reoffending due to the hardening nature of their experiences.

Taking into the context of the Ecological Systems Theory the systems are more than the sum of their parts, such that one level of PTD can only function interdependently to the other parts. A negative setting in one sub-systems as highlighted above would have also negative effects on the whole ecosystem and PTD process (Fisher & Harrison, 2013:190). Healthy functions for each and every sub-system would help in the positive existence of the juvenile`s holistic functioning.

Sub-theme 2: Juvenile offenders' positive experiences

From the group of nine participants, only a minority voiced positive experiences whilst being under arrest in police custody. Their expressions were based on feeling safe in police custody, not being subjected to violence and they generally felt that they were treated well. This is reinforced by the succeeding quotes:

“My statement was taken by the police officers and I was told that I did not have any parent or guardian, so I had to sleep on the bench in the charge office and my matter would be resolved tomorrow.” (Anesu)

“My father then asked the police to beat me so that I will be able to reform. I was very afraid, but the police refused pointing out that the government had outlawed that system of punishment.” (Munashe)

“The police officers generally treated me well except that they kept calling me names or referring to me as a bad example of a maid...” (Nyasha)

Maphila (2000:93) postulates that children under arrest should be dealt with in the presence of their parents and should be referred to a probation officer or pre-trial diversion officer timeously. Rugaranganda and Rugaranganda (2016:9) add that

juvenile offenders must not be held at a police station but should, instead, be put in a place of safety until their next of kin is found. *The PTD Consolidated Guidelines* (2017:20) affirms that no violence should come to a child in the hands of State parties. The before mentioned assertions are in line with the *Constitution of Zimbabwe Amendment (No. 20) Act* of 2013, too.

4.2.2.5 Theme 5: Juvenile offenders' experiences of the PTD programme

The participants described their experiences of going through the pre-trial diversion programme. The sub-themes which were derived from their experiences were a juvenile-friendly environment, family reconnection, coping mechanisms, enhanced self-esteem, clear conscience, reconciliation with victim and learning the dangers of criminal behaviour were presented below:

Sub-theme 1: Juvenile-friendly environment

The mainstay of the participants pointed out that the pre-trial diversion programme gave them a safe environment to air out their views, circumstances, fears and hopes. They added that they felt they were able to analyse their actions from different angles, availability of gender sensitive treatment for them and just being given a chance to tell their own story was weight-lifting. This is reinforced by the following story-lines:

“(Eeeeeh) for me this was a good thing because I was able to be counseled and put behind the trauma and stress that I had encountered at the hand of the law enforcements. I was able to feel much better because through, my counseling sessions I began to understand that we all make mistakes and mine was nearly fatal but it wasn't the end of the world.” (Anesu)

“Being given a platform to discuss my own point of view of what I had done went a long way in making me feel better. Talking to someone else besides my father made me gain more insight about the matter.” (Tonderai)

“I was also given to a female person to talk to me about what had happened. I was able to air out my thoughts (passed) such as feeling trapped by the fast life in Harare and the issue of going into prostitution to fend for myself. I was also encouraged by the love and support that I was given by the programme.” (Mary)

Muyobela (2016:37) is in harmony with the above responses by pointing out that practitioners in the pre-trial diversion programme should be well trained to handle minors in distressed situations. Ruparanganda and Ruparanganda (2016:10) contend that Zimbabwe’s juvenile system has been evolving to a child friendly format and moving away from punitive punishment methods. Cantwell (2013:8) further explains that social workers in pre-trial diversion have a duty to help the juveniles to complete the pre-trial diversion programme successfully by ensuring a conducive environment for their rehabilitation. Curley et al (2016:10) add that it is pivotal for all juveniles’ interventions to start with a foundation of counselling so as to help juvenile feel comfortable.

Sub-theme 2: Family reconnection

The participants were of the opinion that the pre-trial diversion process helped in reestablishing close family bonds for them and their significant others. They added that they got close emotional attachment to their family during the programme due to the support that they received. This is reinforced by the following quotes:

“This programme also is vital for me. It helped me to bond with my father. He now saw the need for him to be actively involved in talking to me about my teenage experiences. Family involvement made my family closer.” (Felix)

“The pre-trial diversionary process also helped to mediate between me and my father. It is good now that we have a better relationship with my father and my family. The pre-trial diversionary process also talked to my dad on how he should

always find time to talk to me and see where I am as a teenager and this would help in our relationship as well as noticing red flags which would be helpful in minimizing my reoffending. Also, I was happy that the programme showed me the kind of support and love that my family gave me.”
(Anesu)

“My elder brother kept encouraging me to stay strong; he is the one who negotiated with the commuter omnibus owner so that I wouldn’t be stressed. My mum also went with me everywhere I was supposed to go. At home everyone was just so supportive, and this helped us to closely bind as a family again.” (Munashe)

Choate (2015:466) suggests that families with delinquent young persons face unique challenges as they have to deal with different personalities at particular times from such a juvenile. McNeece and Di Nitto (2012:269) stress that interventions with juvenile delinquents should, thus, aim to improve the familial functions and its ability to cope with its own challenges. Clark, Donnellan and Robins (2016:1) argue that families of delinquent juveniles require as much intervention as the juvenile offenders themselves as the delinquent behavior impacts the whole of their ecosystem. The Ecological Systems Theory highlights the importance of the family environment to the well-being of a juvenile by showing its impact positively on the juvenile’s own inner system. Khaleghi (2008:152) further adds that the relationship between guardians and juveniles should be healthy as it is key to a functional family unit.

Sub-theme 3: Coping mechanisms

The participants voiced that the PTD programme helped them to acquire some coping mechanisms to deal with future strains in their environment. They learnt to choose better friends, self-introspection and be futuristic about their actions as well as choices. This is summarised in the following storylines:

“...to surround myself with friends who make me a better person rather people who do not add value to me but get me involved in dodgy things.” (Munashe)

“I think the issue to do with good friendship choices, the issue of spirituality and its role in my life, and how all this helps me to be a better person. (Eeeeh) another thing is the matter of self-introspection that I mentioned early. I am now inwardly able to look into myself. I feel stronger and more believe in myself than before.” (Givemore)

“I saw my own potential and how bright my future is. I realized that all I needed to do was to focus on my studies when I am back in school. I know now that I am mature enough to stand for myself and resist any peer pressure as I have seen the consequences of my own actions.” (Tonderai)

The development of insight and ability to make better choices after attending a pre-trial diversion programme is confirmed by Kleinhans (2013:139) who postulates that it is critical for pre-trial diversion programme to focus on the improvement of cognitive aspects of the juvenile offender through proper interventions. *The PTD Consolidated Guidelines* (2017:25) are in accord with the above view as it states that the pre-trial diversion process presents an opportunity for a juvenile offender to reevaluate their life and experiences culminating in their own teachable moment. Rugaranganda and Rugaranganda (2016:8) further explain that children usually get in contact with the law because they do not cognitively process their actions like adults. The lack of coping skills may often leave juvenile offenders and their significant others feeling a sense of helplessness against the challenges of adolescence (Choate, 2015:462).

Sub-theme 4: Enhanced self esteem

The participants consented that the PTD programme helped them to boost their self-esteem. They began to have a positive self-concept through the realisation of their

inner strengths and the support system around them. The following quotes encapsulate the voices of the participants:

“Through the counseling in the programme I think I gained a bit of maturity enabling me to be not rush. I guess the programme helps people on behavior change to be better persons.” (Tonderai)

“The people at the office helped me to raise my self-esteem. They showed the strengths that I have. It all encouraged me to be a better person.....Look, the programme made me look at life in a different manner (pause) I realized that I am good academically, I have loving parents...” (Nyasha)

“I knew that what I did wasn’t right. I was doing it but it wasn’t right (pause) the programme through its counseling sessions made me feel better about myself again. I didn’t feel any self-resent as I had done before. It’s like the programme picked me up when I was down.” (Anesu)

The boosting of one`s self-esteem came out strongly during the responses from the participants in this study. Juvenile offenders often have a poor self-construct and find solace in criminal activities (*PTD Consolidated Guidelines*, 2017:4). Fuller (2009:18) is in sync with the experiences of the participants by confirming that the adolescence period presents a myriad of challenges and that it is pivotal for the juvenile offenders to have a healthy self-construct of himself/herself in prevent delinquency later in life. Rugaranganda and Rugaranganda (2016:3) add that many juveniles in the child court system fall short in terms of psychosocial maturation, leaving them unable to deal with adolescent challenges and at risk of criminal behavior.

Sub-theme 5: Clear conscience

The participants` experiences also included them having clear consciences at the aftermath of the programme. At the end of the programme, they felt better about themselves and events that led to their arrest. This is highlighted by the direct quotes below:

“...it felt like it was a new hope for me to rewrite my life. I can also say that because of the new programme my conscience is clean.” (Mary)

“Sometimes I would be feeling low because I knew that what I did wasn’t right. I was doing it, but it wasn’t right (pause) the programme through its counseling sessions made me feel better about myself again.” (Mpumi)

“... a chance to apologize for my actions to the victims of my offence and to my mother also for stealing her car and the problems that came in the aftermath. I think this helped me to move from this chapter and to focus on the future. (Givemore)

It is crucial that juvenile offenders in the aftermath of the helping process feel that they are free from the burden of their criminal offence. This would enable them to move forward without a psychological weight dragging them down. McKeganey`s (2014:57) findings are in line with the stories from the participants as it was discovered that offenders who had no feelings of guilt were able to look to the future in a positive way than those with guilt. It is therefore of pivotal importance that the pre-trial diversion process fosters healing in juvenile offenders and help them to talk about their experiences both negative and positive. This was done through talking to the juvenile offenders and just giving them a chance to share their feelings about the offence. The lack of a clear conscience for the juvenile offenders might lead to recidivism as the feelings of guilty might lead to a delinquent self-construct if embedded for long periods of time. In light of the above participants` sentiments

Curley et al (2016:10) noted that PTD interventions are mainly based on counselling as most of the criminal offences are not hard-core.

Sub-theme 6: Reconciliation with victim

The participants pointed out that they were able to find reconciliation with the victims of their offences. They were able to find forgiveness and closure on the matter as well as a sense of moving forward. This is highlighted by the next quotes:

*“The programme gave me a chance to apologize for my actions to the victims of my offence and to my mother also for stealing her car and the problems that came in the aftermath.”
(Kudakwashe)*

“We also talked to the victim of the offence and my grandmother talked to him too, he pointed out she would not have to worry about paying for the glass as his company pointed out that they would foot the bill. The programme also gave me a sense of forgiveness as I was able to ask for forgiveness from the owner of the car.” (Givemore)

“The programme enabled me to meet my former employer so that I could ask for forgiveness on what I had done and on why I had committed the offence. She was also able air out her own feelings about the matter. I was able to learn about the repercussions of my actions to my employer. I was able to have a weight lifted off me. My relationship with my employer was also better after the incident.” (Mpumi)

The PTD Consolidated Guidelines (2019:37) points out that the victim offender mediation process aims to restore the relationship between the juvenile offender and the victim/s of the criminal offence. Ruparanganda and Ruparanganda (2016:8) allude to the importance of forgiveness and closure as most of the offenders commit offences in their communities and might struggle to process feelings of guilty and

rejection caused by the adult justice system. Some of the victims of the offence might be relatives, parents, friends or neighbors thus a lack of forgiveness might result in the juvenile offender carrying a huge burden of not being able to move on due to lack of closure. The participants also shared that the process enabled them to empathize with the victim of the offence as they were able to hear the impact of their criminal offence on the victims as well as apologize for their actions (Curley et al, 2016:2). Perpetrators of juvenile delinquency often are at risk of reoffending due to feelings of being unwanted, uncared and rejected by their community due to lack of dialogue and solution between the parties. This might be as result of lack of reconciliation with victims of the criminal offence, leaving them to be at odds with the whole community. This ties in well with the Reintegrative Shaming Theory which advocates for reconciliation between the juvenile offender and those that he/she have wronged through mutual understanding. It postulates that in order for the juvenile to move forward they must be reconciliation.

Sub-theme 7: Learnt about the dangers of criminal behaviour

The participants strongly voiced that the pre-trial diversion programme assisted them to realise the pitfalls of criminal behaviours. They stated that they were not fully aware of the dangers of criminal enterprises and past delinquent behaviours, especially the negative effect it has on their significant others. This is buttressed by the following storylines:

“(Eeeeh) yes I learned that I could have a criminal record; I could also spend some time in jail and won’t be able to take care of my family. I was also able to rethink my actions because of this programme. I am really grateful.” (Mary)

“I learned that I could contract disease such as HIV and AIDS, even venereal diseases such as gonorrhoea and syphilis. It would be better to abstain from sex all together or use of condoms to protect myself. All this information is important so that you know and so that you do not act in an irrational manner.” (Mpumi)

“Things such as a criminal record whereby I wouldn’t be able to get a job or get a visa to go abroad. Things such as mob justice, you might be caught stealing and be given mob justice.” (Munashe)

Being unaware of the serious consequences of delinquent and criminal behavior is confirmed by Rugaranganda and Rugaranganda (2016:13), who emphasize that the juvenile justice system must enable children to learn the consequences of criminality but also to be given a chance not to acquire a criminal record at a tender age as it will lead to them turning to a life of crime in adulthood. *The PTD Consolidated Guidelines* (2017:32) further add that the primary goal of the pre-trial diversion programme is to prevent juvenile offenders from having a criminal record that would close all future economic avenues. Part of positive reintegrative shaming involves shaming of juvenile offenders whilst showing them the pitfalls of criminal behavior and cajoling them to shun such behavior.

4.2.2.6 Theme 6: Juvenile offenders’ recommendations on improving the pre-trial diversion programme

The participants were asked to suggest, based on their experiences, what they thought can improve the pre-trial diversion programme. The five sub-themes that emerged were: government actions, PTD interventions on economic skills, lack of follow-up by PTD officers, assistance for family support during arrest and PTD and PTD interventions for families and communities. These are now addressed below:

Sub-theme 1: Government actions

The participants voiced that governmental actions on certain issues were vital in order to enhance the programme. They wanted to see more gender sensitivity and humane treatment of juveniles in custody and the availability of basic utilities when in State custody. This is highlighted by the succeeding direct quotes:

“There were also few female police officers and it felt awkward dealings with male officers (pause) I would also want girls to

sleep in a room designed for girls because male offenders harassed me whilst I was in there.” (Mpumi)

“(Eeeeh) maybe they should (pause) remove the rough treatment to children because it scares them (pause) the police officers should treat children in a better way than they do. I am not saying we should be treated as kings but we are children we make mistakes. And also, I think they should not handcuff children.” (Felix)

“And also, I think to provide basic amenities when children are arrested as well as things such as soap, food and sanitary things.” (Mary)

Curley *et al.* (2016:9) postulates that gender sensitivity in the pre-trial diversionary process is vital especially to female offenders. Muggedya (2014:62) also recommended that the government should ensure gender sensitivity at every stage of pre-trial diversion programme. The author goes on to add that State actors must be pro-active in dealing with the issues of children`s rights. In spite of the participants` disappointment, they still hoped that the government would put in place the adequate measures needed to enhance PTD service delivery.

Sub-theme 2: PTD interventions on economic skills

The participants voiced the need to include or activate economic skills, such as horticulture, welding, knitting and gardening, as part of the pre-trial diversion interventions. They highlighted that it is difficult for them to not reoffend due to a lack of skills to enter other livelihood avenues besides criminal enterprise. This is highlighted by the following excerpts:

“(Ummm) I think there is need to empower young people like me with skills such as carpentry, electricals (eeeh) welding and even horticulture. Yes, I learnt from all this information (pause) great (pause) but my life and environment didn’t

change. If you are in that same environment, it is easy to slip back.” (Anesu)

“For those who cannot go to school (pause) to help them go to school or self-employment courses so they do not earn a living through crime.” (Tonderai)

“Maybe also people skills so that they do not have to rely on prostitution for a living..... (Ummmm) maybe things such as sewing, knitting, and gardening. Practical economic skills so that when you go out there you have something to rely on. That’s what I think.” (Nyasha)

The need for skills training for economic purposes such as horticulture, welding, knitting and gardening, is confirmed by Muyobela (2018:111), suggesting that juvenile justice programmes should include capacity-building options to help juvenile offenders at the end of the intervention. Kleinhans (2013:100) confirms that economic disadvantage can lead to juvenile delinquency and recidivism. The participants lamented that their economic circumstances did not change after they underwent through the PTD programme as they continued to be vulnerable to crime as a means of survival. *The PTD Consolidated Guidelines* (2017:56) extends this same line of thought by stating the attendance at a vocational centre as a pre-trial diversion option. It goes on to explain that this will assist children who can no longer go to school or are not academically gifted to leave a life of crime. Curley et al (2016:12) in their evaluation noted that economically linked PTD options are under used due to lack of funding to operationalize them.

Sub-theme 3: Lack of follow-up by PTD officers

The participants agreed that there were not enough follow ups from the pre-trial diversion officers to assist them in the aftermath of the pre-trial diversion process. They voiced that after discharge from the programme they lacked further support (aftercare services) in the midst of forth-coming vulnerabilities back in their communities. This is highlighted by the following story lines:

“I think also they need to put structures in the rural areas so that they could check upon us. I know that it is far to go to my rural area, but (yeah) it would be good.” (Mary)

“And also, after the pre-trial diversion programme (pause) the people did not come to check up on me, maybe it might be that they do not have the things to do the follow ups so as to give support to released children.” (Givemore)

“There is also (eeeh) the need to provide long periods of help after a child is been in custody because the amount of stress that you encounter in there is very traumatic you end up not feeling like you are human but an animal or something else.” (Felix)

The need for further support after discharge from a pre-trial diversion programme is emphasised by Nyazema (2018:45) and Muyobela (2018:105), who concluded that practitioners often fail to attend follow-ups due to mobility issues leaving juveniles at risk of reoffending. Rugaranganda and Rugaranganda (2016:8) shed some more light on this issue by pointing out that being in conflict with the law can result in traumatic episodes for adults, what more juveniles; thus there is the necessity for comprehensive social work interventions to help such children, especially after the end of the PTD programme. They added that juveniles who are in contact with the juvenile justice system have higher rates of traumatic experiences and are prone to mental health issues as such they might relapse in the absence of proper after-care sessions. Van der Merwe and Dawes (2009:572) state that, due to the traumatic circumstances of being in conflict with the law, aftercare support is important to assist juveniles in coping with their negative experiences. The aforementioned authors continue stating that pre-trial diversion options will be more effective if they are tailor-made by the different needs of the juvenile offender and to assist them after the termination of the helping process.

Sub-theme 4: Assistance for family support during arrest and PTD

The participants voiced that some of their families were unable to support them due to geographical space coupled with lack of resources for transport. Hence, they recommended family support during arrest and the duration of the PTD programme. This is supported by the following storylines from the transcriptions of the interviews:

“My parents could not come from the rural areas to support me because they did not have any money to travel. It would be good if the programme could provide such things so that children have the support of their parents.” (Nyasha)

“There is also (aahhh) need to provide transport monies to do the programme because my grandmother struggled to get us monies to come there.” (Givemore)

“There is also need for the provision of family support for every child, maybe monies for my family for example to travel so that they can be there to comfort me. They couldn't be there for me because they had no money to come here.” (Anesu)

According to Rugaranganda and Rugaranganda (2016:8), some of the juvenile offenders' families might not have the fiscal means to travel to the police station to be with and support the juvenile offender during arrest as well as a PTD programme. Furthermore, Curley (2016:11) noted that the involvement of the juvenile's family at each step of the juvenile justice system and pre-trial diversion is important in the rehabilitation of the juvenile. The Ecological Systems Theory provides a better comprehension of the importance of a juvenile's family during the PTD process as it is a highly influential sub-system in the overall health of the young person.

Sub-theme 5: Family and community PTD interventions

The participants heavily consented on the need for pre-trial diversion interventions that includes the full participation of one's family and community members which

included psycho-social interventions, as they did not receive adequate support from these two levels. This is supported by the following quotes:

“And also, family programmes so that parents know how to handle children at various stages of their lives especially at teenage years. I think this is vital since the collapse of the extended family in the African context. Also, at times, my family did not believe I had changed my ways and it would have been better if they had encouraged me” (Anesu)

“Maybe you should also have other programmes that help families like mine so that children who have the same scenario as me won’t have to work at a young age and leave school. It is also important that your programme help children to go back to school and in people with my case I could have gone to night school and be a better person tomorrow.” (Givemore)

There is need to include families in this thing because some of our families believe in tough love only and do not offer support to help become a better person. Communities as well, because they accused my family of fueling my behavior without knowledge of our living circumstances. (Mary)

“Maybe also in the community this programme could help them appreciate the differing circumstance of where juveniles come from and to assist in support such families and their delinquent members.” (Tonderai)

These sentiments are affirmed by Arthur (2006:8), who is of the view that parents/guardians who poorly perform their parental responsibilities, expose their children to criminal behaviors. The participants added that family and community self-help projects would assist to prevent recidivism amongst juvenile offenders by equipping the afore-mentioned communities with coping mechanisms to tackle juvenile delinquency. They further added that a community programme would help

ease their transition to a law-abiding life due to the community's positive influence. Kirst-Ashman (2015:469) also argued that family members of a delinquent child feel unwanted, ostracized and dismissed by their communities.

The participants verbalized that it is important for communities to understand the difficult circumstances that their families are in without condoning the criminal behavior. This is in line with the re-integrative shaming Theory which seeks for forgiveness and closure following positive criticism to move away from the delinquent behavior (Braithwaite, 1989:55-56). Community interventions, linking with the Ecological Systems Theory, would help in installing such a culture since historically they were more embedded in punitive justice gestures to delinquent society members. They shared their frustrations at not being supported in their families in spite of being repentant from their criminal ways.

4.2.2.7 Theme 7: Juvenile offenders' views on how social workers can improve the PTD programme

The participants were asked to suggest what social workers as a homogenous group can do to improve the service delivery in the pre-trial diversion programme. The three sub-themes that emerged were training of the police officers, community training on juvenile delinquency and advocate for child centred programming. These are presented below:

Sub-theme 1: Training of the police officers

Many of the participants suggested that improved police trainings should be incorporated in the pre-trial diversion programme. They verbalised that the police were unaware on how to handle children in conflict with the law leading to the ill-treatment of some juveniles. This is highlighted by the following quotes:

“And at the police (pause) educate them to treat children in a better way and not to harass us.” (Nyasha)

“(Ummmm) yes they can do a lot. I think they should help in the handling of children by police so that they are not called names or harassed when they are arrested.” (Mpumi)

“They should also protect children, encourage the police to adopt a softer stance.” (Kudakwashe)

Authors such as Curley, Nyazema and Rugaranganda and Rugaranganda confirm that the experiences of the participants are not unique. Curley (2016:45) referred to the possible ill-treatment of juvenile offenders by police officers, as they may treat them the same as adults. Rugaranganda and Rugaranganda (2016:8) and Nyazema (2018:49) indicated that there is need for special training especially the police as children who are usually in State custody continue to experience violence and mistreatment due to police negligence. The training can be utilised to help improve the policing approach involving juvenile offenders.

Sub-theme 2: Community training on pre-trial diversion

The participants suggested that social workers can help educate communities about criminality and their role in juvenile justice vis-à-vis pre-trial diversion. They highlighted that most communities are not aware about juvenile delinquency and pre-trial diversion as they still have a punitive view of criminality. By sanctioning communities with knowledge to unite in overcoming juvenile delinquency might help them to remove discrimination of juveniles and their families thereby reducing juvenile recidivism. This is supported by the following direct quotes:

“(Ummmm) I think they should play an active role in our education, doing community awareness programmes on these things. Knowledge is power (pause) the communities out there are not aware of these things. Everyone needs to be involved; from the schools, families and community and they can help in bringing all these people together.” (Felix)

“It would be good to have awareness campaigns in the rural areas. They should also educate communities in the rural areas and parents and guardians about the dangers of their children going to towns for hazy purposes. Please we also need opportunities.” (Givemore)

“I think maybe they should set up community programme to help juvenile offenders and to educate the community so that when juvenile offenders make mistakes they are not ostracized and driven to seek comfort in deviant groups in the community.” (Tonderai)

The African community beliefs are rooted in the sense that the child doesn't belong to his/her family alone, but it takes the community to raise him/her (Masombuka, 2013:109). This is in line with the ecological systems Theory which stipulates that juvenile delinquency in a family does not only engulf the juvenile and his/her parents or significant others only but the whole communities also feel the ripple effects by the child's behaviour (Fisher & Harrison, 2013:190). Making sure that the communities are well informed about juvenile delinquency & juvenile justice will better their livelihoods and reduce the number of offenders due to an increased level base of support. Curley *et al.* (2016:45) voiced that some backlash brought upon the programme as a sanctuary for criminals is often borne out of community ignorance. Coady and Lehmann (2008:115) insist that if juveniles are to thrive, they need relationships that are functional, accommodating them with the families and communities on which their lives hinge. Using the Reintegrative Shaming Theory it is crucial that communities are taught on the importance of reintegration and forgiveness to alleged delinquent members through positive shaming and reintegration back into the community.

Sub-theme 3: Advocate for child centred programming in PTD

The participants agreed that social workers should advocate for children's rights in terms of fair treatment, and protection from harm. They felt that they had been

treated like adult offenders in some parts of the system. The following excerpts support this finding:

“It is also important that they fight for the rights of children especially when they are in police custody or maybe also to have community support centre to help children who are on the edge.” (Mary)

“I think they can stand up for children when there are in police custody to make sure that they are treated fairly and as children. They should also advocate for other types of interventions in the programme such as horticulture and self-help projects.” (Kudakwashe)

“I think that they should advocate for their fair treatment in police custody and just help them to come to terms with being under arrest. Things such as protection from abuse, exploitation and violence.” (Tonderai)

Various authors agree on the value the social worker can bring in the community when working with juvenile offenders. Ruparanganda and Ruparanganda (2016:9) point out that social workers should embrace lobbying and advocacy in the improvement of juvenile justice. They went to explain that it is important that social workers influence all of those levels in order to get better service delivery for juvenile offenders. *The Consolidated Pre-trial Diversion Guidelines* (2017:20) highlight the roles of pre-trial diversion officers as involving the plight of children in conflict with the law at the various platforms they have access to through advocacy. These findings echo with Waini (2015:140), who is of the view that the government and other partners should ensure that there is sufficient support and workshops to assist the various partners, families and community to comprehend the importance of a support environment in the treatment for juvenile offenders.

4.3 DEMOGRAPHICAL DATA AND RESEARCH FINDINGS OF PRE-TRIAL DIVERSION OFFICERS

In this section, the researcher discussed the insights into the demographical data of the PTD officers as participants in the study. Thereafter, the research findings were shared and the use of literature to confirm or contradict such findings.

4.3.1 Demographical data

Table 3: Biographical profile of the participants: Pre-trial diversion officers

Participants	Gender	Age	Racial and ethnic affiliation		Employment experience as a pre-trial diversion officer
Chipo	F	29	African	Mushona	3 and a half years
Paul	M	30	African	Mushona	4 years
Mageja	M	28	African	UmNdebele	5 years
Getrude	F	31	African	MuTonga	3 years
Paul	M	36	African	Mushona	4 years
Ian	M	49	African	UmNdebele	6 years
Rudo	F	32	African	Mushona	4 years

- *Age of participants*

The age range for the PTD officers was from 31 to 49 years of age. Scholars such as Bastable, Gramet, Jacobs and Sopczyk (2010:175) state that it is at this stage that persons begin to build a career experience and contribute meaningfully to their profession. The age of the participants also would enable them to look at the research subject with a more mature manner rather than if they were younger. Their age also might mean that they have rich experiences in social work and PTD would thus provide much richer data on the subject being investigated.

- *Gender of the participants*

The majority of the participants were male, although the numerical difference was very small. The difference in the numbers of the sexes in this study was mainly coincidental. However, there are enough numbers on both sides to equally represent their views without bias. The researcher has also observed that most of the research done with practitioners might be female biased as most of them might be speaking about male offenders but from a female point of view (Curley, 2016:25).

- *Racial & ethnic affiliation of participants*

All the participants that were interviewed were of black ethnic groupings. There was a high number of Shona speaking people who participated in the study than other ethnic groups. The area of Chitungwiza is a predominantly Shona speaking area, thus explaining the high number of such an ethnic group over others. However, all the interviews as has been previously postulated were done in English. There are no any other races and ethnicities who have ever worked in Chitungwiza as pre-trial diversion officers.

- *Employment experience as a pre-trial diversion officer*

The participants all had over three years of experience whilst working as a pre-trial diversion officer in the target area. It seemed as if all of them had administered the programme for a reasonable time and as such were expected to provide comprehensive and thick descriptions on the study subject. The researcher also saw this expanding the limit of the participants` experiences on pre-trial diversion. In the end, all the participants that were interviewed had sufficient experience on the pre-trial diversion of juvenile offenders in Chitungwiza.

In the following section, the researcher focused on the research findings by first giving an overview of the themes and subthemes that emerged from the data analysis process and then follows an in-depth discussion of these findings. Table 4 give a summary of the themes, sub-themes and categories arrived at after analysing of data.

4.3.2 Research findings

This section brought out the findings relating to the PTD officers' experiences and challenges in the PTD programme in Chitungwiza. The research findings developed from the data collected while conducting the semi-structured interviews. As stated in chapter 3, the researcher transcribed the data, followed by an analysis of the transcripts by the researcher, supervisor and the independent coder applying the eight steps developed by Tesch, cited in Creswell (2009:186).

Table 4 below outlines a summary of the themes, sub-themes and categories that emerged from the data analyses.

Table 4: Overview of the themes, sub-themes and categories

Theme 1: Back-ground of the pre-trial diversion programme		
Sub-themes	Categories	Sub-categories
1.1 The nature of the pre-trial diversion programme	1.1.1. Ministries involved	
	1.1.2 Age of pre-trial diversion	
	1.1.3. Aim of pre-trial diversion programme	1.1.3.1 Difference between PTD and formal justice system
	1.1.4. Qualifications of PTD officer	
Theme 2: Factors contributing to juvenile offending		
Sub-themes	Categories	Sub-categories
2.1 Socio-economic conditions	2.1.1 Poverty	
	2.1.2 Effects of HIV& AIDS	2.1.2.1 Orphanage
	2.1.3 School dropouts	
	2.1.4 Unemployment	
	2.1.5 Lack of role models	
	2.1.6 Peer pressure	2.1.6.1 Delinquent significant others
	2.1.7 Idleness	
	2.1.8 Homelessness	

	2.1.9 Media & technology influence	
	2.1.10 Substance & drug abuse	
	2.1.11 Abuse of children	
	2.1.12 Genetic disposition	
	2.1.13 Inadequate parenting	2.1.13.1 Parents low levels of education
		2.1.13.2 Effect of divorce
		2.1.13.3 Breakdown of extended family
		2.1.13.4 Absentee parents
	2.1.14 Lack of community integration	
	2.1.14 Breakdown of traditional communitarian child upbringing structures	
Theme 3: Pre-trial diversion interventions with juvenile offenders		
Sub-themes	Categories	Sub-categories
3.1 Pre-trial diversion interventions	3.1.1 Types of PTD programmes offered to offenders	
3.2 Challenges of the pre-trial diversion interventions	3.2.1 lack of skills for victim-offender mediation	
	3.2.2 Family group conference	
	3.2.3 Counseling	
	3.2.4 Vocational trainings	
	3.2.5 Reparations	
	3.2.6 Constructive leisure	3.2.7 Preventing boredom
Theme 4: Impact of pre-trial diversion on juvenile offenders		
Sub-themes	Categories	Sub-categories
4.1 Being given a second chance		
4.2 Positive behaviour change	4.2.1 Deportment	
	4.2.2 Self esteem	

	4.2.3 Maturity	4.2.3.1 Sense of responsibility and accountability
		4.2.3.2 Showing remorse
	4.2.4 Truthfulness	
	4.2.5 Better family relations	
	4.2.6 Dressing	
	4.2.7 Abstinence from drugs	
	4.2.8 Reduction of cases of repeat offending	
	4.2.9 Regular school attendance	
	4.2.10 Participation in economic activities	
4.3 Better family functions		
4.4 Community benefits	4.4.1 Community acceptance	
	4.4.2 Community capacity building in conflict resolution	
Theme 5: Challenges to the pre-trial diversion programme		
Sub-themes	Categories	Sub-categories
5.1 Lack of resources	5.1.1 Monetary resources	5.1.1.1 Emergency funds
		5.1.1.2 Money to fund vocational activities
	5.1.2 Human Capital	
	5.1.3 Lack of vehicles	
	5.1.4 Lack of telephones	
5.2 Lack of community understanding	5.1.5 Lack of infrastructure	
	5.2.1 Community misconceptions	
5.3 Lack of police understanding	5.2.2 Persecution from community	
Theme 6: Current coping strategies against PTD challenges		
Sub-themes	Categories	Sub-categories
6.1 Coping strategies	6.1.1 Strategy to cope with lack of capacity	
	6.1.2 Strategy to cope with lack of resources	

	6.1.3 Use of local personnel. i.e., Pastors	
	6.1.4 Well wishers	
Theme 7: Role of stakeholders in pre-trial diversion		
Sub-themes	Categories	Sub-categories
7.1 Role of the community		
7.2 Role of the family		
7.3 Role of social workers	7.3.1 Research and documentation	
	7.3.2 Advocating & enforcing compliance	
	7.3.3 Raising awareness	
	7.3.4 Advocating legal reforms	
	7.3.5 Training of civil service and community	
	7.3.6 Advocating meaningful involvement of children	
	7.3.7 Advocating child friendly policing	
	7.3.8 Provision of comprehensive services	
7.4 Role of Non-governmental organizations	7.4.1 Complimenting Government efforts	7.4.1.1 Fiscal partners
		7.4.1.2 Research
		7.4.1.3 Programming to curtail child offending & humanitarian aid
		7.4.1.4 Lobbying for legal reforms
		7.4.1.5 Capacity building
		7.4.1.6 Advocating compliance
		7.4.1.7 Provision of rehabilitation facilities
Theme 8: Recommendations		
Sub-themes	Categories	Sub-categories
8.1 Adequate resource provision		
8.2 Juvenile justice legal reforms		

8.3 Training of the police	8.3.1 Training police department	
	8.3.2 Training Social Services department	
8.4 Documentation and research		
8.5 Community awareness		

The following discussion of the themes, sub-themes and categories was based on the voice of the participants, given as verbatim quotes/excerpts, and then followed by a discussion of the literature which confirm or contrast the research findings.

4.3.2.1 Theme 1: Background of pre-trial diversion programme

The participants were asked to discuss the background of the PTD programme. The two sub-themes which emerged were the nature of pre-trial diversion and types of juvenile offenders, which are presented next.

Sub-theme 1: The nature of the pre-trial diversion programme

The participants gave their views on what led to the PTD programme coming into being. They went on to highlight on the history and requirements of the pre-trial diversion programme. They also referred to the selection criteria that was used for choosing juveniles in conflict with the law. This is highlighted by the following storylines:

“In June 2013 it came into full being under the Ministry of Justice, Legal and Parliamentary Affairs after the Government of Zimbabwe accepted to do a pilot programme, Chitungwiza being one of the pilot stations. It began to divert juvenile offenders below the age of 21 but later reversed to the age 18 in line with the new constitution in 2016.” (Chipo)

“It aims to divert children below the age of 18 away from the criminal justice system into extra judicial activities, which are educative rather than punitive and revengeful.” (Mageja)

“For one to be a PTD officer, one needs to be a holder of a Bachelor of Social Work degree and needs to be registered with the Social Work Council of Zimbabwe.” (Lovemore)

Authors such as Ruparanganda and Ruparanganda (2016:10), Vengesai (2014:35), Curley (2016:12) and Nyazema (2018:3) have similar views to the nature and aims of pre-trial diversion such as to avoid stigma. The participants shared the persons that qualify to work as pre-trial diversion officers are degreed social workers. Such persons would be registered by the social workers council (Ruparanganda & Ruparanganda, 2016:11). *The PTD Consolidated Guidelines* (2012:3) added that the programme was a new phenomenon in social work where specialist social workers work as pre-trial diversion officers who are only focusing on children in contact with the justice system. The programme in Zimbabwe is built in a similar spirit to other African countries such as South Africa in its aims to prevent juveniles from turning to hardened criminals.

Sub-theme 2: Types of juvenile offender

The participants explained that they encountered two types of juvenile offenders. They outlined the distinct characteristics of the two groups. The two groups of juvenile offenders which were identified were the casual and habitual offender. They went on to explain that the casual offender is usually arrested after having committed a first-time offence and is usually a spontaneous act of criminality. They continued that the casual offender often is going to school and has a good family structure as well as support base to lean on. In highlighting a dichotomy with the habitual offender, it came out that this type of juvenile offender commits pre-planned criminal activities which might be for livelihood purposes. They added that this type of offender is often idle most of the times and coming from broken homes with a low support system. They were of the view that inadequate interventions especially for

the habitual offender might lead to one dedicating themselves to a life of crime due to their negative circumstances. This is supported by the following quotes:

“(Eeeeh) I mean to say that we have juvenile offenders who are casual offenders and those who are habitual offenders. Casual offenders are those who have committed any offence but are unlikely to reoffend because of favorable environmental conditions in their family. Habitual offenders are those who are likely to reoffend due their adverse background such that they are not going to school, no parental supervision, and presence of a delinquent significant other. It is most difficult for us to deal with the latter group because we do not have the adequate interventions and resources to pull them out of their environment such as going back to school and significant monitoring.” (Paul)

“As I said, they are mostly coming from impoverished households as most of them spend the days roaming the streets as they have nothing to do. They might be not in school due to lack of money or because they have left school. Such children end up being at a high risk of committing criminal activities because they might be bored and end up teaming up with older persons to commit crime. I have also observed that some of these children commit criminal activities because they have nothing to eat at home.” (Getrude)

“(Aaaah) some of the children that we deal with are not going to school because their parents are not able to pay for the school fees. This means that there will be issues whereby these juvenile offenders are in the streets with nothing to do leading to a life of criminal activities due to idleness. I think also some of them commit these crimes because of the need for survival. Some of the children might be destitute or street children but there are other issue underlying issues that are

causal factors to the criminality of juvenile offenders.”
(Mageja)

Kleinhans (2013:101) confirms that if no pre-trial diversion interventions are put in place the delinquency could become enhanced when the juvenile offender is getting older. The current literature of juvenile offenders does not make a distinction between the differing types of juvenile offenders. Most of the literature just describe juvenile offenders as a homogenous group with similar characteristics. The focus currently is then on prescribing interventions for them as a homogenous group and not as distinct needing specialized interventions. This would explain the failure of some of the pre-trial diversion interventions to avoid recidivism as it might defer with each individual` circumstances. The Ecological Systems Theory might also explain how these different types of juvenile offenders are shaped by the environment and how they mutually influenced each other. The ecological environment of a juvenile influences the criminal traits they end up possessing.

4.3.2.2 Theme 2: Factors contributing to juvenile offending

The participants were asked what they thought drove juvenile offenders into a life of crime. The one sub-theme which came out was social economic conditions which was presented next.

Sub-theme 1: Social economic conditions

Most of the participants were of the view that the socio-economic environment of the juvenile often drives them into a life of crime. They explained that some fend for either themselves or their families due to broken homes or neglect. The participants also added that orphanhood, impoverished families, drug-abuse and broken homes were also part of the contributive socio-economic conditions to delinquency in Chitungwiza. They continued to allude to the presence of a delinquent family member or significant others in a juvenile`s life. The participants voiced that due to the use of drugs, orphanhood and broken homes many children end up being uncontrollable-able and leaving them living as vagabonds as well as hoodlums who are not governed by any normal-life routine or norms. This is highlighted by the following quotes:

“(Ummm) there are a number of factors I can allude to, the issue of the death of the African extended families. The issue of HIV and AIDS leaving many orphans and the matter of whereby parents are migrating leaving children and a general sense of community loss in “hunhu.” (Mageja)

“As I said they are mostly coming from impoverished households as most of them spend the days roaming the streets as they have nothing to do. They might be not in school due to lack of money or because they have left school. Such children end up being at a high risk of committing criminal activities because they might be bored and end up teaming up with older persons to commit crime.” (Ian)

“And some children especially those from poor backgrounds have inadequate parental supervision and their parents are from a low education background. It must also be taken into consideration that due to the high divorce rate in the modern society there are a lot of broken homes. A lot of juvenile offenders have a single parent who sometimes works for long hours and is thus unable to adequately supervise the juvenile.” (Paul)

“(Ummm) I think things such as substance abuse are major factors. A lot of drugs are being used by the juvenile offenders which might impair them cognitively leading to the commission of an offence. I think also issues of peer pressure and the need to belong also leads to commission of criminal acts based on a mob psychology.” (Rudo)

“Some of the juvenile offenders have significant others involved in criminal activities and socially learn deviant behavior. They would think that it is a normal way to survive. Also the issue of lack of parenting, some of the parents are

divorced and children stay with one parent who is always working thus end up being involved in criminality because they are not being properly or adequately monitored to a point whereby they might have to find food for themselves.”
(Gertrude)

“And also, the issue of HIV/AIDS is a major factor as some parents have died due to this disease. Some children are staying with grandparents who are no longer economically active thus cannot send them to school and they are also at risk of committing offence so as to buy food for themselves. I think also peer pressure is there whereby the juvenile would want to belong to a certain group of people thus would commit act which might be criminal in nature. In the old days the community used to play a big role in the socialization of children. But I guess it’s all about one man for himself.”
(Lovemore)

“It’s also important to note the issue of drug abuse. It is very rife in the communities; young people might commit crimes when there are cognitively impaired or crimes to look for money to buy drugs. Some children are lacking parental supervision because either their parents are late or are working in a neighboring country, so there is no one to monitor or discipline these children. And lastly some have difficult family circumstances causing them to lash out and commit criminal activities.” (Mageja)

The above circumstances highlighted by the participants confirmed by authors such as Curley et al (2016:5), Gildenhuis (2002:153) and Nyazema (2018:38), who suggested that most juvenile offences are rooted in socio-economic conditions. Alltucker *et al.* (2006:481) also suggested that the presence of a criminally active family member increases the likely-hood of juvenile delinquency for a young person. The authors continue to contend that poor socio-economic conditions can badly

influence families' well-being and optimum development of its members especially children. Kleinhans (2013:107) reinforces these findings by pointing out that the abuse of illegal substances reduces the reasoning capacity of the juveniles thus leading to poor decision-makings often leading to criminal enterprise. The social-economic conditions highlighted prove the use of the Ecological Systems Theory in the study. The theory clearly outlines the relationship between the juvenile and his/her environment, and they mutually influence each other (Coady & Lehmann, 2008:92). A dysfunctional social-economic environment often leads to delinquent behavior.

4.3.2.3 Theme 3: Pre-trial diversion interventions with juvenile offenders

The participants were asked to explore on the various pre-trial diversion interventions for juvenile offenders. The two sub-themes which emerged were PTD interventions, and challenges of the PTD interventions, which are presented below.

Sub-theme 1: Pre-trial diversion interventions

The participants verbalized that they mainly used pre-trial diversion interventions such as victim offender mediation, family group conference, counselling, police formal cautions, constructive use of leisure time and reparation. This was highlighted by the following quotes:

“We have the interventions such as reparation; this refers to community work for the benefit of the victim. It also includes reasonable compensation in cash or kind. Then there is educational or vocational training. This is mostly a full time or part time intervention where the juvenile attends a programme where they can learn skills such as painting, weaving, sowing and building. We also utilize counseling whereby we refer the juvenile to trained stakeholders who deal with such issues.”
(Mageja)

“We also have reparation whereby the juvenile`s parents put across compensation to the victim of their child`s offence in cash or kind. It might also involve community work by the juvenile to benefit the victim of the offence. Lastly, we have constructive use of leisure time, this prevents juveniles in engaging in criminal activities due to boredom. This includes activities such as sport, church and youth group. (Eeh) or even agrarian activities.” (Paul)

“Constructive use of leisure time is also another one which involves the juvenile being immersed in sport, church or youth groups and horticulture. This helps the juvenile to prevent him/her from engaging in crime through boredom. Police formal cautions are utilized and are delivered by the Officer in Charge at police station and serve as a stern warning to the juvenile offender. We also use victim offender mediation sessions which involve the juvenile offender, his family and the victim of the offence.” (Chipo)

The above is similar to other regional trends, such as the research done by Kleinhans (2013:121), which confirmed that victim offender mediation as well as family group conference are the mainly utilised pre-trial diversionary interventions in South Africa.

Other pre-trial diversionary interventions alluded to by the participants include vocational training, community service and written apology. The participants` data showed that most of the options focused on removing idleness in the juvenile offenders. The options also seem to be universal with a shift towards current trends (Curley et al, 2016:7). This is unlike the needs-based approach in neighbouring countries such a South Africa (Kleinhans, 2013:121) and abroad in Australia (Luna, 2007:7 & Minor, 2007:40) whose interventions are based on individual client needs rather that interventions implemented universally to all juveniles in spite of differences in case prognosis.

Sub-theme 2: Challenges of pre-trial diversion options

The participants were mainly displeased about the lack of resources in order to bank-rolle the pre-trial diversion options leading to inadequate interventions and poor service delivery. They touched on the issue of the non-standardisation of the pre-trial diversionary options from their own department and some of their stakeholders. This meant that pre-trial diversion interventions were administered based on the discretion of the pre-trial diversion officer. Some of the participants added that they were faced with challenges whereby they did not have adequate skills to conduct certain pre-trial diversion inventions such as victim offender mediation. This is supported by the following quotes:

“It’s difficult to implement the most important interventions such as vocational training and victim offender mediation. This is due to a lack of fiscal resources to send juveniles for vocational training due to the high fees, on the other hand we do not have the adequate skills to implement victim offender mediation in its proper way and entirety.” (Getrude)

“Yes, we are lacking resources to fully make an impact in juvenile offenders` lives, resources such as a motor vehicle would help us to do home visits and thorough background checks. Monies to send children who are in need of going back to school are not there or even an emergency fund to buy food for juveniles who come to us hungry. Human resource skills are also in short supply to do other interventions such as victim offender mediation and family group conferencing.” (Ian)

“(Ahhh) we try to implement some of these interventions but some are being hampered by lack of resources. I can point to the issue of vocational training whereby there are no funds to forward the juvenile offender to such institutions and we also do not have money to send children back to school in order to

prevent recidivism. It is difficult to also implement use of leisure time due to lack of resources and money.” (Mageja)

“It’s difficult to implement the most important interventions such as vocational training and victim offender mediation. This is due to a lack of fiscal resources to send juveniles for vocational training due to the high fees; on the other hand, we do not have the adequate skills to implement victim offender mediation in its proper way and entirety.” (Rudo)

Findings from Kleinhans (2013:131) and Curley (2016:7) are in accord with the participants` expressions as her research also had findings on the deficiency of skills to facilitate such interventions such as victim offender mediations in South Africa. Tränkle (2007:411) confirms this line of thought as universal by adding that social workers who administered victim offender mediation programmes in Germany also lacked the necessary skills. Muyobela (2018:104) and, Rugaranganda and Rugaranganda (2016:12) are of the view that organisational resources have a huge impact in the quality of service delivery rendered by practitioners to their clients. The researcher notes that the Ecological System Theory applies to the resource pool of the pre-trial diversion office as weakness in that system would impact on the larger quality service delivery rendered to the juveniles and their various environment components as well as the quality of service-delivery to those sectors.

4.3.2.4 Theme 4: Impact of pre-trial diversion on juvenile offenders

The participants were asked to discuss the impact of PTD on juvenile offenders. The four sub-themes which emerged were being given a second chance, positive behaviour change, healthy family dynamics and community benefits, which are presented next below:

Sub-theme 1: Being given a second chance

The participants agreed that they observed that most of the juvenile offenders were given a second chance to restart their lives. They continued to explain that most of the juveniles were ignorant and unaware about the results of criminal behaviors in

the first instance and might have been pushed by external factors. The participants further highlighted that after going through the programme it enabled juvenile offenders to take a pause in their lives and focus on doing positive things. This is supported by the following storylines:

“(Yees) and the first port of call is that these juveniles do not get a criminal record so there are free to chase their dreams. When the juveniles are first arrested, they are mostly stressed and worried but after finishing our sessions you can see that they are freshened and no longer look tense and worried.”
(Paul)

“The level of recidivism among juvenile offenders has drastically reduced meaning that it is having a very positive impact on the livelihood of these children. Juvenile offender from my own point of view have the opportunity to gain insight in to the real impact of crime.” (Rudo)

“We have also had testimonies of behavior change such as going to church regularly helping with household chores. Juveniles have also learnt behavioral skills such as anger management through our programme.” (Chipo)

The aforementioned findings are confirmed by Kleinhans (2013:154), whose findings stressed on the avoidance of a criminal record as one of the major pluses for the PTD programme. This point of view is in line with *PTD Guidelines* (2017:4), which illustrate that juvenile offenders like all children are not cognitively mature and, thus deserve a second a chance upon arrest. Ruparanganda and Ruparanganda (2016:9) further add that most juvenile offenders commit criminal acts due to the need for livelihood rather sheer malice without comprehending the deep-seated results of such actions. Skelton and Tshehla (2008:53) and (Curley et al, 2016:8) argue that a pre-trial diversion programme has the secondary effective of reducing the likelihood of offenders reoffending as juvenile offenders upon arrest reach a turning point. This is in line with the use of the Reintegrative Shaming Theory

in this study which believes that significant others of a juvenile delinquent should use the criminal offense to help the juvenile move away from criminal behaviors.

Sub-theme 2: Positive behaviour change

The participants also felt that the offenders who went through the pre-trial diversion programme mostly resulted in behaviour change such as to regularly attend school, having a healthier group of friends, better family relations and better hygienic outlook. This is supported by the following quotes:

“[Ummmmm] what I have observed is the issue of physical appearance, most of our former clients have a better outlook after the programme. They wear cleaner clothes, cut their hair and tuck in their shirts. We can also mention the issue of responsibility and accountability. Juvenile offenders become aware of the consequences of their actions and on themselves and those surrounding them.” (Lovemore)

“Some juvenile offenders have behavioral changes like to going to school, church regularly as well as helping out with household chores. Lastly, offenders display different traits, better traits like understanding, respect and maturity over anger, rudeness and stubbornness.” (Ian)

“Some also report to us that they feel much better about themselves and their demeanor betrays that they have acquired self-confidence and have a higher self-esteem. We have also observed through home visits, whereby some of our juvenile offenders have a change of friends and social groups and would be associating themselves with better peers.” (Paul)

“Some offenders would even desist from the lying and scheming they would have exhibited at the start of the

programme. The juvenile offenders also end up having a better relationship with their parents and family.” (Mageja)

Skelton and Tshehla (2008:53) confirm these observations by adding that the pre-trial diversion programme aims to impart juvenile offenders with positive behavior. The above experiences of the participants are confirmed by the findings of Kleinhans (2013:154), who found out that the pre-trial diversion programme can lead to juvenile behavior change in offenders. Steyn (2010:95) adds that pre-trial diversion programmes are there to help juveniles to be accountable for their behavior, attempt to impact positively on juvenile behavior change, teach juvenile offenders empathy that will aid them to choose better choices, and reduce the possibilities of recidivism. The Ecological Systems Theory in which this study is steeped in asserts that in order for healthy transactions to occur between the juvenile and his/her environment there is need for the physical level as the center to be functioning positively.

In this sense in order for the juvenile offenders to transit to being a law-abiding citizen there is need for their physical self to be healthy in order to effectively and positively transact with the other levers of their eco-system.

Sub-theme 3: Better family functions

The participants identified better familial functions as one of the impacts of the PTD programme on its participants. They observed that the juvenile offenders who went through the pre-trial diversion programme experiences better familial relationships at the end of the helping process. They added that some of the family`s involvement in the programme helped foster a bond for the families as well as openness by members to each other. They alluded to the notion of more constructive communication lines among family members. This is highlighted by the following storylines:

“It is also a fact that they started telling the truth about events and family relationships (in a genuine manner and not as a way to con the practitioner). Some of the juveniles began to

listen to their parents as they saw how much parental support they got during the pre-trial diversionary process.” (Mageja)

“We also notice that the programme helps families have much stronger bonds, juvenile offenders now have a healthy relationship with their families due to the PTD’s family-oriented interventions. We now are able to communicate effectively.” (Chipso)

“Some offenders would even desist from the lying and scheming they would have exhibited at the start of the programme. The juvenile offenders also end up having a better relationship with their parents and family.” (Paul)

The sentiments of the participants are echoed by Kleinhans (2013:156) that it is beneficial to include the juvenile and his family in the PTD programme as it assists the whole family system. Leaving out any component would still result in the malfunctioning of the family component. It will be difficult for the juvenile offender to be rehabilitated if his/her family is also not assisted. *The PTD Consolidated Guidelines* (2017:21) point to the family group conferencing as a way to assist both parties in the programme. Families of juvenile delinquent person also often rely on the support of family groups to help them cope with the situation (Mathibela, 2017:142). This is of great importance as most families might be unable to cope with rejection from the community and such assistance would provide a support system.

Sub-theme 4: Community benefits

The participants agreed that they observed community benefits influence by the PTD. The discussion of the community’s ills helped in coming up with its own solutions thereby fostering self-reliance that helps with delinquency issues. They felt that funds meant for incarceration of such persons could thus be diverted for community development and focus being put on community solutions. This is highlighted by the following quotes:

“I think it would empower them to resolve their own conflicts through interventions such as family group conferencing using community structures. The community also benefits because recidivism is reduced and more money can be available for communities because the programme is more cost effective than imprisonment.” (Getrude)

“Families and the community also are involved in removing stigma from the juvenile offender by inducting him back into the community via gestures and certain actions. These help young people to step away from criminal behaviors due to this support.” (Ian)

“The community plays a very important role in the socialization of children. The community institutions such as church are in contact with us, helping us in dealing with some of our caseloads through economic and spiritual support.” (Rudo)

This is seconded by Kleinhans (2013:51) who points out that negatives in the community can fuel delinquency. Curley et al's (2016:3) findings are in sync with the participants' views as the authors point out that pre-trial diversion helps the community by rehabilitation of some of its members contributing to community development. As stated by the Reintegrative Shaming Theory negative shaming by significant others such as the community might be more negative to the juvenile than from State institutions which are “impersonal” due to little contact between the juvenile and the State (Braithwaite, 1989:87).

4.3.2.5 Theme 5: Challenges to the pre-trial diversion programme

The participants also espoused on the challenges that they faced in implementing the PTD programme. The three sub-themes which emerged were lack of resources, lack of community understanding and lack of police understanding, which are presented next:

Sub-theme 1: Lack of resources

The participants agreed that the lack of resources for PTD, such as vehicles, human resources and fiscal muscle, limited the quality of service-delivery rendered. They could not make follow ups for their clients to improve their quality of service-delivery and do other things to improve their interventions. This is supported by the following storylines from the transcriptions of the interviews:

“We are facing challenges such as lack of resources to adequately do our job due to lack of things such as motor vehicles, telephone to get in touch with our clients, (eeeeh) the issue of the lack of resources to implement interventions such as vocational training and resources to send children out of school back to school...” (Chipo)

“We do not have resources to do follow up on cases due to a lack of a vehicle and not make follow ups to enhance their quality we also lack resources to implement interventions such as educational/vocational training. We also have limited skills in doing victim offender mediation. A lack of partners in the area means we cannot bridge where our resources can stretch.” (Ian)

“We do not have adequate resources to do our job such as a car, emergency funds and money to send juveniles for PTD interventions which require fees such as vocational training.” (Rudo)

Ruparanganda and Ruparanganda (2016:12) back this assertion by pointing out that juvenile justice in Zimbabwe is inadequately funded thus often leading to poor service delivery. This is further confirmed by Curley et al (2016:63) whose findings discovered that pre-trial diversion officers are unable to conduct home-visits and clients follow ups due to lack of transport. The study by Alpaslan and Schenck (2012:376) also confirmed that social workers are confronted with a legion of

challenges in relation to high caseloads, lack of transport, and shortage of staff. Kleinhans (2013:156) highlights that an absence of resources affects the morale of facilitators negatively and is apparent in the quality of service-delivery.

Sub-theme 2: Lack of community understanding

The participants voiced that community ignorance on the programme, opposition to the programme from various community pockets and mistreatment of juvenile offenders in the community are some of the challenges that they faced during their deployment. The participants agreed that the absence of community understanding leads to a higher likelihood of juvenile offender reoffending as they felt ostracized and uncared for by their community. This is supported by the following storylines:

“There is also lack of community awareness about the programme and its benefits to various stakeholders including the community and what part they can play.” (Lovemore)

“(Eeeeh) most of our community members at first are angry about the programme accusing it of harboring criminals. We have also seen the persecution of some juvenile offenders and their families in some communities. This is mainly due to lack of education on the benefits of the programme and what it stands for. This has led to some misconceptions and fueled mistrust.” (Ian)

“Most juvenile offenders from my own experience are shunned and ostracized by the communities thus become criminal subcultures. It seems as if the community has lost its “humanity”. In this sense such children embrace a life of deviance due to this multiple rejection in the community.” (Rudo)

Confirming the above, Mathibela’s (2017:102) research findings uncovered that professionals and families of delinquent children are often faced with distant friends,

relatives and community others. Rugaranganda and Rugaranganda (2016:12) also points out those communities are often rooted to penal forms of justice thus the need to take the programme to the grassroots. This was also highlighted by the juvenile research group.

It came to the fore that communities no longer assist its members due to the loss of “ubuntu”. Ubuntu is an African concept that the community looks after itself especially children, however, due to rapid urbanization such a spirit no longer exists. It also speaks of the duty of the community to nurture and support one another (Masombuka, 2013:109). This also buttresses the utilization of the Ecological Systems Theory in the study as the wider environment in the community helps in shaping the behavior of the young person.

Sub-theme 3: Lack of police understanding

The participants agreed that the police lack an understanding of the programme as well. They voiced that some police officers still mistreated children who had been arrested, resistance of senior police officers to the programme and disregard of set-out PTD guidelines. The following storylines stress this:

“A small number of police departments are still using force on juvenile offenders or engaging in juvenile detention there by defeating the programme. Maybe it is due to a lack of knowledge and the issue of the police protocols being against the pre-trial diversionary objectives.” (Gertrude)

“Some of the police officers are trying to implement the programme but pockets of resistance still remain as you find still that the detention of juvenile offenders is still rife in particular stations, police officers demand that the juvenile offenders produce proof of age when arrested but they can’t carry birth certificates on them I wonder. I think these people lack education on such issues. And also when interacting

with police senior officer you find that there is little support of the programme with them.....” (Mageja)

“Generally, they have performed well as they have treated the children in custody in accordance with the programme. It is just that structural issues remain, a number of things such as in particular cases whereby the PTD guidelines are not followed. The finger-printing and identification parades of juvenile offenders still occurs as the police officers end up pointing out that they will be following station protocol and that they have no option.” (Ian)

The above was observed by Muyobela’s (2016:112) as the findings of research done in Zambia brought out that most police officers lack training on child related issues. Curley et al (2016: 67) confirms the previous assertion in their evaluation report by noting that the police needed much more awareness as they did not understand the programme and the spirit that it was built on leading to poor performance. Mathibela’s (2017:29) findings on juvenile delinquency concluded that the police are not very cooperative in juvenile delinquency issues as they view it as being more work for them. Rugaranganda and Rugaranganda (2016:11) confirmed that children are often kept in remand prison for prolonged periods for flimsy reasons. During their jail time children are susceptible to abuse and being corrupted by hard-core criminals. In line with the Ecological Systems Theory the various PTD stake-holders such as the police are a sub-system in a much broader service delivery system which interacts with juvenile offenders therefore the importance to improve such PTD sub-systems.

4.3.2.6 Theme 6: Current coping strategies against challenges

The participants also elaborated on the coping mechanisms that they employed to tackle their challenges in the implementation of the PTD programme in Chitungwiza.

The participants agreed that they use various strategies to cope with the challenges that they are faced with in their service delivery. They argued that they had to

depend on well-wishers, use of own resources and making the best of what is available. This is reinforced by the following quotes:

“We just use what we have to do as much work with what we have or sometimes we use our own resources. We also accept well-wishers who want to help us here and there.” (Mageja)

“We get assistance from well-wishers and we just use what we have. Sometimes we use our own resources to do our job.” (Chipo)

“We also do our work according to how our resources allow us to go. We also use our own general knowledge to conduct some of the aforementioned interventions.” (Ian)

The participants and their colleagues are not alone in using the above-mentioned coping mechanisms to bridge the resource gap during the interventions. Mapurazi's (2016:112) findings include whereby practitioners ending up not fulfilling their duties or their cases taking longer to be attended to due to lack of adequate resources. This observation is also supported by storylines similar to the findings in Alpaslan and Schenck's (2012:407) study on the challenges faced by social workers employed in rural areas who end up coping with lack of resources by attending all their cases when a motor vehicle is available.

4.3.2.7 Theme 7: Role of stakeholders in the pre-trial diversion programme

The participants were asked on what they thought was the role of the various stakeholders in the pre-trial diversion programme. The four sub-themes which emerged were the role of the community, role of the family, role of social workers and the role of non-governmental bodies, which are presented next:

Sub-theme 1: Role of the community

The participants emphasised the role of the community in the realization of quality service delivery. They voiced the need for communities to support and encourage

juvenile offenders to turn away from a life of crime through words or actions, giving unconditional support to remove the offender stigma. This is supported by the following quotes:

“(Yaaaah) I meant that the community is where the children are based and plays a role in the rehabilitation or recidivism of such offenders. It would be crucial to have community support centers and other structures so that we are able to have support for such children within the community itself to prevent juvenile offenders and the reintegration of such offenders.”
(Rudo)

“...and the community also are involved in removing stigma from the juvenile offender by inducting him back into the community via gestures and certain actions. This helps young people to step away from criminal behaviors due to this support.” (Ian)

“I think this can be done by condemning the criminal behavior of the juvenile but not the juvenile themselves, by also showing them support through words, actions and gestures. Maybe (aaah) by also having community centers and structures to help at risk-children.” (Mageja)

Waini (2015:144) backs the findings of this study by pointing out that families rely on the church and their pastors for support which provides them with hope and courage. This is similar to Mathibela (2016:129), whose findings included active community participation in juvenile delinquency prevention activities. The assertions presented above are in line with the ecological system Theory underpinning this study, which recognizes that the individual is shaped by his/her environment as such destabilization in one part affects all parts. Kleinmans (2013:162) recommended for the community to offer support to its components that are under stress through community support groups.

Sub-theme 2: Role of the family

The participants also immensely believed in the role of the family in the programme. The family essentially plays a nurturing role in the road to have the juvenile offender turn away from a life of delinquency as they are more vulnerable after committing an offence and being arrested. It is important that the family support the juvenile offender through the pre-trial diversion programme and participate in any given pre-trial diversion options. Their words and actions should also offer positive encouragement to the juvenile delinquent. This is supported by the following quotes:

“They play an important role in the PTD programme. It is vital that they support the juvenile and encourage him during the process so that the juvenile offender know that they have somewhere to turn to if there are ever in distressed. Rejection and being driven away would lead to juvenile offender joining gangs and criminal persons for a need to belong and be appreciated.” (Mageja)

“They play an important role in the rehabilitation of the offender, because there are supposed to provide the love and support that the child needs during a difficult time. Their acceptance of the situation goes a long way in giving comfort to the juvenile offender. The family also helps and takes part in some of the juvenile PTD interventions which aid the juvenile offender to reform and reinforce family bonds.” (Chipo)

“They play an important role in the rehabilitation of the offender, because there are supposed to provide the love and support that the child needs during a difficult time. Their acceptance of the situation goes a long way in giving comfort to the juvenile offender.” (Lovemore)

The role of the family is very important in dealing with juvenile delinquency as most families with such children are often excluded in the helping process with focus being only on the juvenile (Mzolo, 2015:3). Most of the families are unable to support the juvenile as suggested by the participants because they are unaware of the importance of such support to the young person and are not understanding to the delinquent behaviour of the juvenile as being a normal part of adolescence. Kleinhans (2013:156) adds that ecological systems such as the juvenile`s family should support the juvenile, as this aids in his/her rehabilitation. The family should also constructively shame the juvenile when he/she is engaging in delinquent behaviour by setting up law-abiding socialization norms.

Sub-theme 3: Role of Social workers

The participants agreed on the non-negotiable role of social workers both those presenting the programme and those delivering other services. These include research and guidance on good practice with juvenile offenders, awareness issues and advocacy issues to do with the rights of children in pre-trial diversion for the betterment of the programme. This is buttressed by the following storylines:

“I think they can do a lot by advocating for a child-friendly policing. Generating pilot programme performance indicators, as well as documentation of good practices of the PTD programme.” (Paul)

“... advocating for relevant legal reforms; advocating for the implementation of national and international standards on juvenile offenders and carry out research and documentation of good practices of the pilot project.” (Rudo)

“They can do a lot for the programme, by doing research on child welfare issues to enable good practices of the programme advocating for the implementation of national standards (pause) running information and awareness

programme on PTD for community-based stakeholders.”
(Lovemore)

Ruparanganda and Ruparanganda (2016:13) echo the idea that social workers should add to their traditional roles by being proactive and innovative in coming up with new dispositions to enhance quality pre-trial diversion service delivery support. This is in line with the findings of Curley et al (2016:23) that social workers can also assist in providing specialist services when they are not available in the PTD programme itself. *The PTD Consolidated Guidelines* (2017:33) share the same views by pointing out that social workers in other spheres can assist the PTD programme by tending to the emerging need of juvenile delinquents such as poverty.

Sub-theme 4: Role of Non-governmental organizations

The participants agreed that the NGOs should support the programme through preventive measures for juvenile offenders, dealing with psychosocial issues of offenders, and assist in bridging the resources gap that government faces. The following storylines from the interviews attest to this:

“They can be instrumental in bridging the resources gap thereby assisting government with resources either fiscally or with specialist services. Also, the issue of dealing with secondary causal factors of juvenile offending such as HIV/AIDS, access to education and health care services...”
(Gertrude)

“We are talking of providing psycho-educational and rehabilitative programme in the community. They should also offer other interventions not offered by government such as Youth Empowerment Skills (YES). NGOs can also get involved by putting across humanitarian help to distressed families or start self-help projects in poverty-ridden communities.” (Rudo)

“They should also cover governmental departments in addressing causative factors of criminality by providing life-skills based interventions focusing on things such as poverty, violence, lack of education and broken homes.” (Chipo)

This is confirmed by the findings from a study done by Curley et al (2016:15) stating that NGOs can assist the government in dealing with secondary issues of juvenile delinquency through mutual partnerships that lead to quality service delivery. Adding on, Rugaranganda & Rugaranganda (2016:12) support the need for comprehensive partnerships between the government, and civic organizations to buttress the PTD programme. They also believed that there is an inherent need to help in bank-rolling some of the financially taxing pre-trial diversion options such as vocational training (Nyazema, 2016:46). Braithwaite (1989:87) points out that “impersonal” sub-systems such as NGOs should put in place more reintegrative shaming programmes in order to encourage removal of stigmatizing shame.

4.3.2.8 Theme 8: Recommendations

The participants were asked to provide their recommendations for the PTD programme. The five sub-themes which emerged were resource provision, legal reforms, training of police, documentation and research, community awareness, and meaningful juvenile participation, which are presented next:

Sub-theme 1: Adequate resource provision

As alerted to in the aforementioned discussion of stake holders in PTD programmes, the participants agreed that more resources, such as training options for pre-trial diversion officers and for specialist aspects of the pre-trial diversion programme, should be committed to the programme. This would unlock the potential of the programme and the PTD officers, enabling them to enhance the service delivery. Inadequate and the lack of resources reduces the quality output of service delivery. This is highlighted by the following storylines:

“Provision of resources across the board, things such as vehicles and emergency funding must be availed so that things run smoothly.” (Mageja)

“The availing of adequate resources for us to do our work and to proceed with other interventions which require money such as vocational training.” (Ian)

“Provision of adequate resources such as vehicle and emergency fund to fully run the programme.” (Gertrude)

In research studies done by Kleinhans (2013:155) and Vengesai (2014:43) the findings confirmed the need for training for practitioners doing PTD and victim offender mediation a lack of such skills was noted. Authors such as Skelton and Tshehla (2018:13) support this notion by recommending that professionals who are involved in the pre-trial diversion should receive thorough training on specialist pre-trial diversion services. Alluding to the assertions above Muyobela (2016:121) points out that professionals must be equipped with adequate resources such as office space, training, transport and remuneration in order to render the desired service delivery. Curley *et al.* (2016:10) agree by adding that the government should seek for more funding to equip practitioners to perform at their best.

Sub-theme 2: Legal reforms in juvenile justice

Some of the participants also recommended that legal reforms need to be put in place for the PTD programme to function effectively. They pointed out that a statutory instrument would make it easier to enforce and acceptance of the programme. Departments such as the police found it problematic to accept the programme without proper legislation in place. The following storylines support this:

“I would argue for a Child Justice Bill to enforce the PTD by law and outline the treatment of juvenile offenders, including PTD in police training and curriculum as well as aligning their

protocols to a child friendly manner when they are dealing with children.” (Chipo)

“There is need for legal reforms in order to fully cater for juvenile offenders through a Child Justice Bill as well...” (Ian)

“A Child Justice Act would make things easier to enforce, participation of children and nationalization of the PTD programme.” (Paul)

The above storylines are confirmed by Curley *et al.* (2016:9), who suggested for the incorporation of PTD in Zimbabwe’s legislation, in their evaluation report. These sentiments are also echoed by Rugaranganda and Rugaranganda (2016:12), who pointed out the negative effects of having fragmented legislation for children in conflict with the law and called for child justice legislation in order to harmonize juvenile justice. A study done by Muyobela (2016:121) in Zambia also found the need for a comprehensive juvenile justice law in order to have effective service delivery. This is in sync with the Ecological Systems Theory which alludes that even though juveniles have the least contact with the macro level of the system it often has a huge bearing on their livelihood with such things as governmental actions and policies which have ripples on their personal sub-system.

Sub-theme 3: Training of the police

The participants agreed that there is need to have a comprehensive training strategy for the police on pre-trial diversion. They added that it would be more effective if pre-trial diversion and juvenile justice were included into the police curriculum. This is supported by the following quotes:

“The need to incorporate PTD in the Zimbabwe Republic Police curriculum with every police officer knowing how to deal with child welfare issues regardless of where they are stationed.” (Paul)

“... Including PTD in police training and curriculum as well as aligning their protocols to a child friendly manner when they are dealing with children...” (Rudo)

“Police trainings must include dealing with children as well as putting PTD in the police curriculum itself...” (Mageja)

Reporting on research done, Curley (2016:11) states that the incorporation of pre-trial diversion in police curriculum would enhance the quality of service delivery all-round. This is also confirmed by Ntshangase (2015:149) who called for the training of all stakeholders who are in contact with juvenile offenders. Confirming this line of thought Muyobela (2016:124) recommended joint child justice training, involving the police in order to enhance their service delivery. Police officers will be able to appreciate and accept the spirit of the programme if they are taken through it. Police trainings are of great importance as pre-trial diversion starts in their hands (further pre-trial diversion might not be beneficial if the juvenile offender was not treated in a child-friendly manner in State custody).

Sub-theme 4: Documentation and research

The participants recommended that more documentation and research should be focused on PTD as well as juvenile justice in general. This would help in identifying gaps for good future practice in pre-trial diversion. This is presented by the following storylines:

“Generation of research on juvenile delinquency to improve documentation of good practices....” (Ian)

“... by doing research on child welfare issues to enable good practices of the....” (Paul)

“Generating pilot programme performance indicators, as well as documentation of good practices of the PTD programme.” (Mageja)

Confirming this recommendation, Curley *et al.* (2016:9) and Rugaranganda and Rugaranganda (2016:12) argue that more research on pre-trial diversion would help in enhancing future service delivery. With the literature search and review the researcher noted that most of the research done on children in Zimbabwe has been on HIV/AIDS, orphans, child labor and street-kids. The lack of documentation makes it difficult to keep abreast of current trends and dynamics on pre-trial diversion as no data on juvenile offenders will be available (Rugaranganda & Rugaranganda, 2016:12). The findings by Kleinhans (2013:151) demonstrated that research on pre-trial diversion would help in effective programme intervention as it would allow for future learning opportunities.

Sub-theme 5: Community awareness

The participants voiced that more community awareness needs to be done on the pre-trial diversion programme as this will also improve service delivery. The communities were still more inclined to a punitive response to juvenile offenders. This is highlighted by the following storylines:

“... setting up of communal structures to deal with juvenile offender issues, and ...” (Gertrude)

“(Ummm) there is need for community education on PTD so that it would get community support and see how the community can play an integral part in the programme.” (Chipo)

“....as well as community awareness and subsequent community structure to deal with juvenile offenders.” (Lovemore)

As highlighted in the deliberation on the findings relevant to challenges experienced by the PTD officers (Theme 5), most of the communities seem to have a misconception of pre-trial diversion and juvenile delinquency, and thus the PTD education should be extended to the community (Rugaranganda & Rugaranganda,

2016:12). Kleinhans (2016:155) affirms this thought by stating that the involvement of the juvenile's family and community increases his/her support system thereby reducing the chances of recidivism. Mapurazi (2016:11) in her findings discovered the importance of community participation in juvenile delinquency and rehabilitation of such persons. Curley et al (2016:83) also recommended for more awareness on juvenile justice and pre-trial diversion for the various communities because they also have a positive role to play in the success of the programme. Nyazema (2018:46) and, Coady and Lehmann (2008:115) added that this might improve cooperation of communities when dealing with delinquent members. This confirms the aims of the Reintegrative Shaming Theory that communities should assist juvenile offenders by highlighting to them that they are forgiven and welcomed back to the community however the deviant behaviour is unacceptable (Braithwaite, 1989:100).

4.4 CONCLUSION

As described in the goal of the research, the experiences of the juvenile offenders and pre-trial diversion officers were gathered. This chapter presented the findings of the study. Similarities in these experiences showed the most vital factors in leading to juvenile delinquency. The most crucial element for juvenile delinquency for both the juvenile offenders and the pre-trial diversion officers was the social-economic environment of the juvenile offender. The juvenile offenders had difficulty processing their feelings in the aftermath of committing an offence which were mostly negative. They also reported that the PTD programme helped them to a path of being law-abiding citizens through family reconnections, raised self-esteem and coping mechanisms.

A deficiency in aftercare for juvenile offenders after the pre-trial diversion process was highlighted by the participants as an area of improvement. They indicated that they would like to see PTD interventions on economic skills that would assist them with livelihood skills. Finally, they outlined on how social workers both from inside and outside can assist the PTD programme, and hoped that they would do more police trainings, community training and child advocacy.

For the pre-trial diversion officers, they felt that the pre-trial diversion interventions that they utilised were more due to convenience rather than needs based due to lack of resources and skills. The participants also referred to the positive impact of PTD on juvenile offenders in leading to behaviour change and healthier family dynamics. Lack of resources, community understanding, and lack of police trainings came out in the finding by the pre-trial diversion officers as challenges they were faced with. The pre-trial diversion officers recommended that more resource allocation is needed for the PTD programme. Legal reforms were also recommended to improve the functionality of the PTD programme. The pre-trial diversion officers accepted that training of the police, documentation and research, and community awareness can improve the PTD service delivery. This can strengthen the rehabilitation of juvenile delinquency as the being the best interest of juveniles.

The next chapter unpacks the summary of the outcomes, draw conclusions of the research and outline the recommendations.

CHAPTER 5

SUMMARY, CONCLUSIONS, AND RECOMMENDATIONS

5.1 INTRODUCTION

The research study and its outcomes from this research process were inspired by the researcher's experiences as a pre-trial diversion officer in Chitungwiza administering the PTD programme to juvenile offenders. The study aimed to explore the challenges and experiences of juvenile offenders and pre-trial diversion officers in going through or administering the PTD programme.

This chapter presented a summary of the previous chapters, conclusions drawn from the research done and recommendations for policy development, social work practice, social work educations and possible future studies, based on the research findings. As done in the former chapters, this chapter ends with a conclusion, which connects the dots on all aspects discussed in the chapter.

5.2 SUMMARY OF THE CHAPTERS

This study included five chapters with a summary of the former four chapters as follows:

In Chapter 1 the researcher discussed the general overview of juvenile delinquency, juvenile justice; problem statement and motivation for the research are outlined. The chapter also provides an abstract of the research methodology, theoretical framework, research goal, research objectives, data analysis, and chapter outline.

In Chapter 2, the researcher provided a broader literature review. This aimed to paint a clearer image of the nature of juvenile delinquency, pre-trial diversion and the current setting in the region, continent and abroad. The chapter further interrogated historical under-pinnings of pre-trial diversion worldwide as well as the facets of pre-trial diversion in Zimbabwe.

In Chapter 3, the researcher explored in greater depth the tenets of the qualitative research method, which was employed in the study. A qualitative research perspective with an exploratory, and multiple-case design was employed in the research after obtaining entry and readying participants. The researcher employed the semi-structured interviews to gather the information from the participants. In provisioning for data collection, the researcher compiled an interview guide. This was applied through the pilot test to gauge the suitability of the interview template to the intended interviews. The researcher then described in-depth how the interviews were conducted, the data analysis was done and the application of data verification. The researcher also reported how the ethical considerations were applied.

In Chapter 4 the researcher highlighted the research outcomes from the 16 participants that were interviewed. The information compiled was then examined by the researcher, supervisor and the independent coder. The data analysis that was conducted resulted in themes and subthemes. In supporting the research themes and sub-themes, literature control was employed with direct extracts from the transcripts.

5.3 CONCLUSIONS FROM THE RESEARCH STUDY

5.3.1 Conclusions relating to the goals and objectives of the study

The **goal of the study** was to develop an in-depth understanding of juvenile offenders and pre-trial diversion officers' experiences and challenges of the PTD programme in Chitungwiza. This goal was reached and in chapter 4 the researcher reported on these experiences given by the juvenile offenders and PTD officers.

The objectives in this study were:

1. After permission to conduct the study was granted by the Permanent Secretary of the Ministry of Justice, Legal and Parliamentary Affairs, the researcher obtained information of the juvenile offenders and PTD officers involved in the PTD programme in Chitungwiza. The researcher then used

the selection criteria (cf. Chapter1, 1.5.3) to select the participants for the study.

2. The researcher conducted nine semi-structured interviews with previous juvenile offenders and seven semi-structured interviews with the PTD officers, using the relevant interview guides. (Cf. Addendums E1 and E2)
3. The researcher used the semi-structured interview guides to explore the juvenile offenders and PTD officers` experiences and challenges of the PTD programme in Chitungwiza.
4. After the transcribing of the interviews conducted, the researcher, supervisor and independent coder used the eight steps of Tesch (cited in Creswell, 2009; 186) to sift, sort and analyse the data. The six themes, with their sub-themes and categories, which emerged from the data given by the juvenile offenders are summarised in chapter 4 in Table 2. Similarly, the eight themes with the sub-themes and categories which surfaced with the data analysis of the PTD officers are summarised in Table 4 of chapter 4.
5. In chapter 4, after presenting an overview of the themes, sub-themes and categories which emerged from the data analyses of the two target populations, the researcher described the findings in terms of the experiences and challenges of the juvenile offenders and PTD officers in relation to the PTD programme offered in Chitungwiza.
6. Together with the describing of the two sets of themes, sub-themes and categories that emerged from the data analyses the researcher interpreted the research findings and did a literature control to verify the findings.
7. In this chapter, the researcher is giving summaries and conclusions about the research study and the themes identified from the data given by the juvenile offenders and PTD officers about their experiences and challenges of the PTD programme as presented in Chitungwiza.
8. Recommendations in terms of social work practice, social work education and training and further research to be done, follows after the conclusions as described in aforementioned point 7.

5.3.2 Conclusions relating to the qualitative research approach and research designs

The qualitative research methodology/approach and research process, suited the option for this research as the approach and the design implemented led to study out-comes that gave a clearer comprehension of the experiences and challenges of juvenile offenders and pre-trial diversion officers who were in contact with the PTD programme in Chitungwiza in their respective capacities. This line of thought is backed by Creswell (2009:175-176).

The explorative, descriptive, contextual and multiple case study designs were appropriate to the aim of coming with a clearer understanding of the experiences and challenges of juvenile offenders and pre-trial diversion officers who were in contact with the PTD programme in Chitungwiza. The participants proved to be well versed on their own exploratory realms and were able to outline and sketch their experiences and challenges from their own understanding until the researcher attained an in-depth understanding of the subject being investigated.

5.3.3 Conclusions relating to the research process

Population and sampling

Participants for the study were mainly recruited through a non-probability purposive sampling method. In this sense, the target population was familiar to the researcher and met the criteria to address the study aim. The juvenile offenders and pre-trial diversion officers who took part in the research were in line with the criteria of inclusion demarcated by the researcher which included offenders who, between June 2013 and July 2017, completed the PTD programme in Chitungwiza and PTD officers who implemented the PTD programme in Chitungwiza for at least a year (cf. Chapter 1, 1.5.3). The procedures employed by the researcher to recruit the research's participants were appropriate and reliable for data gathering. Utilizing the PTD database as well as the parent ministry employment register helped to make certain that the correct participants were recruited.

The sample size for both groups was very small with juvenile offenders having nine participants, and pre-trial diversion officers having only seven participants. This enabled for the data gathering in the study to be unstructured. Strydom and Deport (2011:390) are of the view that the qualitative research approach is more suited to smaller groups of research participants. The two groups were given a chance to put forward questions on the structure and content of the research, and were duly answered by the researcher. The researcher concluded that the sampling method employed was successful as it enabled for the selection of persons with the desired characteristics for the study.

Data collection

The researcher first contacted the juvenile offenders and thereafter the PTD officers to introduce them to the purpose of the study, how it would be conducted and to get their informed consent to use the data collected as indicated on the forms (Annexure C)..

During the pilot study with both groups of participants, the researcher discovered that the semi-structured interviews were appropriate and beneficial as it enabled the participants to fully explore the subject at hand without needless boundaries. Rich and thick real-life descriptions emerged from the pilot study.

After conducting the pilot study, the researcher arranged with the participants who voluntarily agreed to be part of the study the appointments to conduct the semi-structured interviews for the main study.

The researcher employed his own smartphone`s tape recorder in line with the agreement of participation that the participants had signed. The use of a recording device enables the researcher to solely centre their attention on the participants and to fully observe any non-verbal communications without distraction. The transcription of the interviews was also done using the recording from the aforementioned device. The transcripts assisted the researcher in analysing the data collected as stated in chapter 3.

Data analysis

The researcher followed Tesch`s framework in order to ensure quality data analysis of the research findings (cited in Creswell, 2009:186). The eight procedures were utilised to enhance the dismemberment and unity of the research data. This was instrumental to the researcher to breakdown large forms of information into themes and sub-themes which could then be juxtaposed side by side with the available literature control.

Data verification

Guba`s model of data verification assisted the researcher to achieve the trustworthiness in the study, Krefting (1991:215-222). The researcher concluded that this study was in line with the four aspects of trustworthiness in qualitative research, namely credibility, transferability, conformability and dependability (cf. Chapter 3, 3.2.2.4).

Ethical considerations

The researcher took steps to ensure that the research study adhered to the ethical demands of scientific research. Scientific conformability was enhanced by interaction with fellow peers, and researchers about the study at hand. The researcher`s proposal was submitted for examination to the Departmental Research and Ethics Committee of the Department of Social Work Ethics Committee to safeguard its requirements on ethically correct scientific research. The ethical dictates such as confidentiality, avoidance of harm, management of information and debriefing of participants were enforced in this study. The researcher concluded that this study adhered to the ethical principles of scientific research.

5.4 SUMMARY AND CONCLUSIONS RELATING TO THE RESEARCH FINDINGS

5.4.1 Summary and conclusions of research findings with the juvenile offenders

Theme 1: Juvenile offenders` offences explained

The participants highlighted the following circumstances on the commission of their offences:

- The participants reported that the offences that they committed were not predetermined but opportunistic.
- They postulated that the offences were committed unconsciously without fore-sight on their actions and the impact there after.

The participants shared more on how the commission of their offences were often innocuous as they failed to negotiate the circumstance that they were faced with. They alluded to how at times they did not have any knowledge that their actions would later lead to the commission of a criminal offence. The participants also told of how they struggled to rationalize what the results of their actions would be. The juvenile offenders also highlighted that they only realise the gravity of the situation once the criminal offence was done. Based on the participants' accounts it is concluded that juvenile offenders do not have the maturity of adulthood and that their delinquency often stems from ignorance of one`s actions on themselves and others. The researcher concludes that at this stage it is vital to help juvenile offenders to redevelop a healthy self-construct which would have been eroded by the criminal act. Importantly at this juncture juveniles also do not ultimately see themselves as deviants when the commission of the offence was not pre-planned.

Theme 2: Juvenile offenders' reasons for committing the offence

The following were the experiences as verbalized by the participants:

- The participants voiced out that they committed criminal offences when they became idle, as they had left school due to fiscal problems in their families.
- They reported that the dysfunctionality in their families made them feel ignored leading to struggling to deal with such pressures at a young age.

- The participants also cited peer pressure and community cultures as leading to delinquent behaviour.

The participants voiced out what led to them being in conflict with the law. Socio-economic conditions emerged as a predominant factor in fuelling the criminal acts. The participants aired on how due to fiscal problems they dropped out of school and were also of the view that they felt neglected by their families and the breakdown of communication in the families. They also expressed that some of their parents were not available to look after them in all spheres of their lives. The participants shared on their struggles to deal with peer pressure as well as the lack of positive role models in their society.

In relation to the above findings from the study the researcher concluded that socio-economic conditions are the major cause of children being in conflict with the law in Chitungwiza.

Theme 3: Juvenile offender's feelings about their offence

The below points highlight the feelings of the juvenile offenders upon commission of the offence participants:

- The juvenile offenders experienced thoughts of having betrayed a significant other in committing the offence.
- Juvenile offenders sought comfort in blaming them-selves for the commission of the offence and the subsequent consequences of their actions.

In summarising their detailed descriptions, the participants voiced out that they felt that they had let down their significant others in having been arrested by the authorities. They highlighted how they felt ashamed of their actions, as they were against what their significant others had expected of them. They aired that the fear of disappointing their guardians or significant others made them feel stressed. It was apparent that it was a coping mechanism of dealing with the situation. Participants reported that they had thoughts that they would go to prison. Juvenile offenders also gave their views concerning how they turned their anger and frustrations inwards by blaming themselves for being arrested.

It is apparent that children find it difficult to cope with stressful events and might end up using negative coping techniques that might be harmful in the long-run. These experiences could be minimised when social workers educating communities about juvenile offending as they recommended with Theme six.

Theme 4: Juvenile offenders` experiences of their arrest

The below experiences were voiced by the shared participants:

- A few participants voiced feedback on positive experiences throughout their arrests.
- Most of the participants voiced that they received negative experiences during their arrest.

With reference to the experiences of the participants in the course of their arrests, they had some fair share of positives experiences. Some of the participants aired that they were placed in a safe place before they underwent the PTD programme. These participants shared that they did not experience violence in the hands of the police and other State actors. The young persons expressed their fear of experiencing bad experiences prior to their experiences.

The issue of negative experiences during arrest was very prominent amongst the shared experiences of the juvenile offenders. They expressed their horror about experiencing violence and assault during the course of their arrest. The participants shared on the emotional and physical scars that the negative experiences that they experienced. They also shared their denial of basic human rights such as toilet facilities and hygiene issues. The participants shared how they would not want anyone else to experience what they had experienced.

Most of the participants quipped that the negative experiences had a negative and dark after effect on them and made them feel criminal and animal like. They elaborated that they struggled to adapt to the dehumanising issues that they had experienced through their arrest.

The researcher thus concluded that juvenile offenders who experience negative treatment during their arrests may struggle to deal with both physical and emotional after-maths of the experiences. Juvenile offenders experienced the horrors of bad treatment hence the shock and harrowing pain. Consequently, the conclusion that the ill-treatment of the participants in State custody defeats the pre-trial diversionary process as the young person maybe be deeply traumatised or hardened already.

Theme 5: Juvenile offenders` experiences of the PTD programme

The participants highlighted the following PTD programme experiences:

- The programme was highlighted as being child friendly.
- They highlighted that it assisted in family reconnections.
- They voiced that they got coping mechanisms.
- They talked about enhanced self-esteem.
- Dealing with guilty.
- Reconciliation with victim.
- Dangers of criminal behaviours.

In summary, the participants expressed the view that they felt that the PTD programme was very helpful to the multiple spheres of their lives. They voiced out that the programme helped them to air out their own voice about their stories. They went on to point that it was an environment that they felt free and non-judgemental place to speak. They added that such an environment helped them to be able to reconnect with their families as they all had a chance to speak and evaluate the situation. Participants reported that they were able to acquire coping mechanisms and developed resilient towards future stressful events.

Some of the participants revealed that they learned how to deal with feelings of guilt and reconciliation with victims of their offences. It is apparent that the participants found the pre-trial diversion programme very helpful.

Basing on the presented data, the researcher concluded that the PTD programme was helpful to participants in conflict with the law in multiple spheres of their lives.

Theme 6: Juvenile Offenders` recommendations on improving the PTD programme

Juvenile offenders suggested the following actions:

- Governmental actions.
- They recommended the incorporation of economic skills in PTD.
- They felt PTD officers` follow-ups must be increased.
- Assistance for family support during arrest and PTD process.

The participants voiced the need for governmental actions in order to fully improve the PTD programme. They voiced the need for the government to introduce gender mainstreaming in department that deal with juvenile offenders in PTD. They pointed to the issue of the need for economic skills to be incorporated into the pre-trial diversion options or at least be tailor-made to meet their case prognosis. The options would focus on skills for juvenile offenders such as metal work, horticulture and vocational training. The participants highlighted the need for constant follow-ups to prevent recidivism and give much needed post-PTD support.

Participants also aired the need for family support during the arrest of the young person and PTD process. This will increase the support system of the young person during a vulnerable time.

Theme 7: Juvenile offenders` views on how social workers can improve the PTD programme

Juvenile offenders recommended the following for social workers:

- They recommended police trainings.
- They recommended community training on juvenile delinquency.
- They recommended for advocacy on child centred programming.

The participants emphasised on the need to train the police department on how to deal with children in conflict with the law. They highlighted the current frailties that are in the system and the importance of the police in the juvenile justice system. The need to have children treated as “children” came out strongly. The juvenile

offenders believed that training of police officers on child sensitivity would improve the treatment of children in police custody.

They also expressed the importance of the role of the community in matters to support rehabilitate juvenile offenders. Community education would improve its understanding of delinquency issues as well as improve the support base for the juvenile offender and their families. The juvenile offenders were of the thought that community education would help alleviate issues to do with stigmatisation and ostracising of juvenile offenders. It would also correct the social construct of societies about young people in conflict with the law.

The participants recommended that social workers should help in the education of police officers on pre-trial diversion. They should assist in making sure that each of these stakeholders is aware of their duties and responsibilities in the programme. The participants highlight the current frailties that are in the system and the importance of the police in the juvenile justice system.

Social workers should help in the education of the community on pre-trial diversion. The participants were of the opinion that community education would help alleviate issues to do with stigmatisation and ostracising of participants.

Social workers assigned for child welfare issues should use the various platforms to assist in advocating for the need for a juvenile friendly environment.

5.4.2 Summary and conclusions of research findings with the PTD officers

Theme 1: Background of PTD

This theme is mainly concerned with the nature and structure of the PTD programme in Zimbabwe. The outcomes of the study showed that formalised pre-trial diversionary activities came into being in 2013 as anything before that was informal as well as not being institutionalised. The pre-trial diversion officers had similar experiences on the nature and structure of PTD in the country. They reported also a similar understanding of what they entailed to be pre-trial diversion in the country.

The outcomes of this theme also showed that pre-trial diversion officers encounter different types of juvenile offenders with distinct characteristics.

Analysing the findings of the study the researcher summarised that pre-trial diversion officers fully understand the background of pre-trial diversion and that all juvenile offenders are different and unique. The researcher goes on to also conclude that juvenile offenders should not be viewed as a homogenous group, but their interventions must be tailor-made to their intervention needs.

Theme 2: Factors contributing to juvenile offending

The participants shared socio-economic conditions as the factor contributing to juvenile offending.

The issue of socio-economic conditions in Chitungwiza were voiced as being the key factor in juvenile delinquency. Bronfenbrenner's Ecological Systems Theory highlights the effects of stress on the various parts in a person's life. The pre-trial diversion officers voiced their experiences on what they observed as being the causal factor/factors in juvenile offenders. The participants shared that most of the juvenile offenders come from low-income households and have dropped out of school, they added that such children become bored and later engage in criminal activities due to idleness. The participants expressed that absent-parents and the HIV/AIDS pandemic are also huge determinants as some of the participants had to fend for themselves.

Based on the above findings, the researcher concludes that socio-economic factors are responsible for the majority of the juvenile offences that are committed in Chitungwiza. The researcher further concludes that children are more vulnerable to socio-economic conditions thus delinquency should be seen as a call for help.

Theme 3: Pre-trial diversion options with juvenile offenders

The following expresses the pre-trial diversion options that were employed by the pre-trial diversion officers:

- PTD programme.
- Strengths and challenges of the PTD options.

The participants highlighted that they mainly utilised pre-trial diversion options such as reparation, vocational training, formal police cautions and victim offender mediation. They pointed out that they mostly avoided using resource intensive options, even though they might be appropriate to a particular case due to lack of adequate resources.

They also voiced the difficulties and frustrations they faced in implementing the pre-trial diversion options. The participants reported that some of the pre-trial diversion options were unable to be rightfully employed due to lack of resources and these include vocational training etc. They also further pointed out that they do not have the human resources skills to implement programmes such as victim offender mediation.

Based on the above, it is concluded that the pre-trial diversion officers prescribed pre-trial diversion interventions based on them being low-cost rather than appropriateness. The researcher also concludes that the effectiveness of such interventions is diluted, as they are not married to the case prognosis. The researcher also surmises that the pre-trial diversion options are not universally standardised as the participants voiced that they were not trained on pre-trial diversion options such as VOM but they employ them at their own discretion.

Theme 4: Impact of the Pre-trial diversion on juvenile offenders

The participants highlighted the following impact of the PTD programme:

- Being given a second chance.
- Behaviour change
- Better family functions
- Community benefits

The participants reported that the pre-trial diversion programme has been generally positive in dealing with juvenile offenders. The participants elaborated that they observed that the programme gave a second chance for the juvenile to redo their

lives. They pointed out that it embraced the notion that children do not think as adults hence are given a second chance without a stain on their criminal sheet. Almost all of the participants reported that behaviour change manifested in most of the juvenile offenders who went through the programme.

The researcher concludes that the PTD has been effective approach in dealing with juvenile offenders who have been referred to the programme.

Theme 5: Challenges to Pre-trial diversion

The participants discussed the following challenges:

- Lack of adequate resources
- Lack of community understanding
- Lack of police training

The participants highlighted on the challenges that they faced in implementing the pre-trial diversion programme. They pointed out that they are often faced with inadequate resources such as transport, funds for pre-trial diversion options and human resources skills. They later on also shared about lack of police and community knowledge on PTD itself. They reasoned that this presented bottlenecks in rendering service delivery.

The researcher, following the above findings concluded that the challenges faced by the pre-trial diversion officers in the pre-trial diversion programme hinder the quality of service-delivery that they render to their clients.

Theme 6: Current coping strategies against the challenges

The participants utilised various coping mechanisms even though they were not a good solution. They at times highlighted that they used resources which were there and go as far as it limits them. They also shared that they used their own resources at times but that also can only go so far. They highlighted that the coping mechanism were not very effective in dealing with the challenges. Based on the findings the

researcher concluded that it is very difficult for the participants to cope with the challenges that they faced as they employed short-term measures.

Theme 7: Role of stakeholders in Pre-trial diversion

The following roles of stakeholders came out of the interviews:

- Role of the community
- Role of the family
- Role of social workers
- Role NGOs

The research participants were very vocal about the role that the families and communities can have in PTD. They highlighted the importance of such support for young person in conflict with the law. The support and caring for each other would help in the rehabilitation of a young person, as they would have a wider support net. The participants spoke of the social workers also working with the duo entities mentioned above on understanding juvenile delinquency and PTD, and how they can use Hunhu/Ubuntu to help juvenile offenders.

The researcher concludes that families, communities, NGOs and social workers play an important role in the PTD programme and help improve the quality of service-delivery.

Theme 8: Recommendations

The participants recommended the following aspects:

- Resource provision
- Legal reforms
- Training of police officers
- Documentation and research on PTD
- Community awareness on PTD
- Meaningful juvenile involvement in PTD

The participants highlighted the importance of community support in offering a support net to juvenile offenders. They emphasised how legal reforms can provide a better footing on the implementation of pre-trial diversion. The participants believed that police trainings would help in the handling of young person upon arrest. The participants shared the need for resource mobilization to enable quality pre-trial diversion programme implementations.

The researcher concludes that the findings of this research focused on the aim of the research which was to discuss and describe the experiences and challenges of juvenile offenders and pre-trial diversion officers in the pre-trial diversion programme in Chitungwiza.

5.5 RECOMMENDATIONS

Based on the research findings the researcher presents the following recommendations relating to social work practice, social work education and training and future research.

5.5.1 Recommendations for social work practice

Based on the findings of the study the researcher formulated the following recommendations for social work practice:

- Based on the finding that children commit criminal offences due to socio-economic conditions, it is recommended that pre-trial diversion interventions be more focused on preventive interventions focused on primary causal effects. The research findings found out that the majority of the interventions were secondary and initiated only after arrest.
- Pre-trial diversion officers and/or other social workers orientate police officers and wardens about juvenile offending, the PTD programme and children's rights.
- Regarding the finding on the ill-treatment of children in the current juvenile system, it is recommended that the PTD programme be fully in-cooperated into the key departments in the child justice system. This is particularly pertinent to the police and prison department as seen in other countries such as South Africa to enforce children's rights whilst in State custody.

- To strengthen the economic pre-trial diversion options in practice, it is recommended that intervention, programmes, and workshops be designed to cater for children in conflict with the law whose contact with the law was based on economic conditions.
- On the issue of lack of resources in social work practice, it is recommended that more resources should be channelled towards practice in order to improve the quality of the interventions. Based on the research findings it was found out that practitioners lack adequate resources to fully do their work.
- To strengthen social practice`s awareness in the communities and families, and to have juvenile and parent interventions are aimed to cater for juvenile delinquency issues. The study findings show that community and family support systems are currently weak.
- To bolster the multi-disciplinary perspective in practice, it is recommended that government-private partnerships, trainings, and workshops be held to educate the pre-trial diversion officers and keep the staff abreast on current global trends.

5.5.2 Recommendations for social work education and training

Given the challenges the PTD officers as participants experienced and their recommendations, the following recommendations are made to prepare newly qualified social workers and those already in practice for working in the PFD field:

- The inclusion of an introduction course on PTD in the undergraduate degree in social work.
- A module on PTD programmes developed for the honours degree.
- A post graduate short course/diploma in PTD programmes.
- Workshops on PTD programmes and interventions for various stakeholders to stay abreast with the latest developments in this field.
- Training of personnel on victim offender mediation and family group conferencing as well as other specialist interventions.

5.5.3 Recommendations in terms of future research

- This research was done in a town setting and mainly in a high-density area. Research focussing on rural, mining or border settings is recommended to obtain a thicker understanding of juvenile delinquency in multiple settings.
- There is an urgent need for more research on juvenile justice issues in Zimbabwe because in spite of the study the area is still massively under-researched.
- Research on how families with juvenile delinquency cope with the phenomenon, based on the study family is very important in issues of juvenile delinquency and is vital to explore how they cope, and improvements that can be put in place to assist them.
- To conduct a quantitative research study on the same topic to be able to meet the needs for PTD programmes across Zimbabwe.

5.6 LIMITATIONS OF THE STUDY

- The limitations of the research experienced by the researcher are centred on the small sizes of both the sample and, in that sense, the generalisation of the findings might not be transferable.
- All the interviews were done in English however this might have caused some of the participants to not fully communicate their thoughts as it isn't their first language.

5.7 CONCLUSION

This final chapter outlined the conclusions and recommendations as dictated by the findings of the research. Firstly, the research findings and conclusions were careful done. The various chapters preceding also were thoroughly recapped. The research question underpinning the study was explored and exhausted to its entirety. It surfaced that the participants` experiences and challenges on the pre-trial diversion programme in Chitungwiza were fairly uniform and conclusive.

The research question pertaining to the participants' experiences and challenges on the PTD programme was sufficiently answered. The causal factors and positive impact of the PTD interventions in regard to juvenile delinquency were discussed. With reference to the participants' experiences and challenges on what lessons for social work practice are, it was brought out that there was lack of multi-disciplinary approach in the rehabilitation of juveniles. The participants were of the view that a multi-sectoral approach would enable for quality service delivery to the clients.

The aim of the research was uncovered and explored to fulfil the objectives of the study. The research approach utilised in the study was summarised unpacking the methodology buttressing the study, especially the use of the exploratory, and multiple case-study designs. The ethical principles underpinning of this study were summarised.

It was discovered that the factors given by the participants as having led to juvenile delinquency were fairly uniform as they pointed out similar circumstances. The opinions of participants on their arrest experiences were varied, however, the majority pointed out that they had been treated badly. This was mostly based on threats of violence, having to sleep in police cells and denial to contact one's guardians/parents. It was noted that some participants had positive experiences of their arrest of not sleeping in police cells and feeling safe, however, they were confronted with sleeping at the police station, and verbal abuse. It was observed that the participants were affected differently through these experiences.

A number of recommendations were forwarded, underpinned on the conclusions of the outcomes and research process. The recommendations included increasing resources for PTD interventions, deeper family and community involvement in the programme, and training of key stake-holders on PTD. Statutory recommendations were also made to the government to introduce a fully-fledged Child Justice Bill.

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ANNEXURES

ANNEXURE A: ETHICAL CLEARANCE LETTER



**DEPARTMENT OF SOCIAL WORK RESEARCH AND ETHICS REVIEW
COMMITTEE**

29 January 2018

Ref#: R&EC: 06/12/17/54779227_13 Name of Applicant: Gomera, GL Student#: 54779227

Dear Mr GL Gomera

DECISION: ETHICAL APPROVAL

Name: **Mr GL Gomera**

Address & contact details: **16833 Sunningdale, Harare**

Cell phone number: **+263 713595817**

Supervisor: **Prof D de Kock**

Title of Proposal: **JUVENILE OFFENDERS' AND DIVERSION OFFICERS' EXPERIENCES AND CHALLENGES OF THE PRE-TRIAL DIVERSION PROGRAM. A CASE STUDY OF CHITUNGWIZA, ZIMBABWE**

Qualification: **Master of Social Work**

Thank you for the application for research ethics clearance by the Department of Social Work Research and Ethics Review Committee.

The application was reviewed in compliance with the UNISA Policy on Research Ethics by the abovementioned Committee at a meeting conducted on 6 December 2017.

Final approval is granted for the duration of the project.

The proposed research may now commence with the proviso 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, as well as changes in the methodology, should be communicated in writing to the Department of Social Work's Research and Ethics Review Committee. An amended application could be requested of there are substantial changes from the existing proposal, especially if those changes affect any of the study-related risks for the participants.
- 3) 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.


Kind regards,



Signed by: _____ Date: 29 January 2018

Professor AH Alpaslan

Chair: Department of Social Work Research and Ethics Review Committee
 alpasah@unisa.ac.za



Signed by: _____ Date: 29 January 2018

Prof MPJ Madise

Manager Postgraduate Studies: College of Human Sciences



ANNEXURE B: GOVERNMENTAL APPROVAL TO CONDUCT RESEARCH STUDY

Reference: A/14/5

Telephone: 750808
Fax: 750670



ZIMBABWE PRE-TRIAL DIVERSION PROGRAMME
MINISTRY OF JUSTICE, LEGAL AND PARLIAMENTARY AFFAIRS
Private Bag 7751
Causeway
Harare
Zimbabwe

10 April 2018


Mr Gamuchirai L. Gomera
16833 Sunningdale
HARARE

RE: APPLICATION FOR PERMISSION TO CARRY OUT RESEARCH ON PRE-TRIAL DIVERSION IN CHITUNGWIZA: MR GAMUCHIRAI GOMERA.

The above subject matter refers.

Please be advised that the Head of Ministry has approved your application for authority to carry out research on the Pre-Trial Diversion Programme. You are therefore notified by way of this minute to commence your research in the Department as soon as you are ready.

Wish you the best in your research and we commit to providing you with all the support for the fulfillment of your research.


S.C. Sanyanga (Ms)
**ACTING NATIONAL COORDINATOR
PRE-TRIAL DIVERSION**

Min. of Justice, Legal And
Parliamentary Affairs
Pre-trial Diversion Nat. Coordinator
10 APR 2018
TEL: 04-750808

ANNEXURE C: INFORMATION AND INFORMED CONSENT DOCUMENT



INFORMATION AND INFORMED CONSENT DOCUMENT

Dear _____

I, Mr Gamuchirai Luciano Gomera, the undersigned, am working for the Ministry of Justice (Pre-Trial Department) in Chitungwiza. I am a registered student with Unisa, doing a Master's degree in Social Work. To obtain this degree, it is an academic requirement that I have to undertake a research project and compile a report (dissertation) on this project. The title of my research study/project is:

THE JUVENILE OFFENDERS AND PRE-TRIAL DIVERSION OFFICERS' EXPERIENCES AND CHALLENGES OF A PTD PROGRAMME. A CASE STUDY OF CHITUNGWIZA, ZIMBABWE

For this study to be successful some individuals involved in this program are requested to participate. As the topic is of particular importance. I will provide you with all the necessary information for you to take a voluntary decision to part take in this inquiry. I will further explain to you fully what the aim of the study is, the risks and benefits involved, with absolutely, no hidden agenda.

I have to do this study in order to assess the experiences of juvenile offenders who attended the pre-trial diversion programme in Chitungwiza. This includes the full process from arrest until the last pre-trial diversion session.

A maximum of two months, involving conversations with juvenile offenders, and diversion officers will enable me to obtain the information I need for this study. Confidentiality; self-determination and respect for the participants will be maintained. With your permission, audio tapes will be used to record the interviews. The researcher ensures you that, privacy; keeping the information gathered safe is guaranteed to you as all the apparatus will be safely locked in the premises of the researcher. Audio tapes and transcripts will all be destroyed five years after completion of this study and identified information will be disguised and codes will thus be used to ensure anonymity. Only the researcher as a student, and a few individuals, that is, my supervisor and the independent coder who will be exempted to the information collected. The said individuals will also be strictly involved for academic reasons and they will also be made to sign an undertaking that they will treat the information shared by you in a confidential manner.

According to the principle of voluntarism, you will be free to withdraw from the study or terminate your participation at any stage of the inquiry and will be free to withdraw and

discontinue participation without any penalty incurred. Your rights will be protected at all times and signing the consent form does not mean you are forced by the rules, you will be referred for counselling or debriefing services should the information shared leave you emotionally upset and perturbed. You are free at all times to ask questions concerning the study and anytime you can contact these numbers: Mr Gamuchirai Luciano Gomera (the researcher at 0713595817) or Professor De Kock at 00 27124296535 (research advisor/supervisor).

Please note that this study has to be approved by the Research and Ethics Committee in the Department of Social Work at UNISA. Without the approval of this committee, the study cannot be conducted. Should you have any questions and queries not sufficiently addressed by me as the researcher, you can always contact the Chairperson of the Research and Ethics Committee of the Department of Social Work at UNISA. His contact numbers are as follows: Prof. A.H. (Nicky) Alpaslan, telephone number: 012 429 6739, or email alpasah@UNISA.ac.za. If you are not satisfied, you might direct your concerns and queries to the Chairperson, Human Ethics Committee, College of Human Science, P.O. Box 392, UNISA, 0003.

Concerning the information provided to you above, and for being let aware of your rights you are asked to give your written consent should you want to participate in this research study by signing and dating the information and consent form provided herewith and initiating each section to indicate that you understand and agree to the conditions.

Thank you for your participation.

Kind regards

Mr Gamuchirai Luciano Gomera
Researcher
Contact details: 071 3595817
E-mail: g.l.gomera@gmail.com
PRINCIPAL INVESTIGATOR: Mr Gamuchirai Luciano Gomera
ADDRESS: 4055 Cold-stream Chinhoyi
Contact Cellular phone number: 0777833841

<p>help in the improving of tailor made PTD interventions for juveniles, families and communities.</p>	Initial
<p>2.2. I understand the following:</p> <ul style="list-style-type: none"> • The goal of the study, the need for the study and the benefits it will have for the participants and any other stakeholders (i.e. the researcher, the profession). • I, was chosen to participate in this study because, of my duties as a pre-trial diversion officer presenting the PTD programme. • My participation is voluntary. • That I will be asked for a face-to-face interview of which the duration may be between two hours and two hours and 15 minutes. • The information shared by me will be recorded on an audio/video tape and then be verbally transcribed. • With the transcription of the information I gave, a pseudonym will be used and no identifying information will be used in any means of publication. • The information provided will be published in the format of a dissertation; made known in a research paper and might be used in subsequent scholarly presentations, printed publications and/or further research. • My rights as participant are as follow: <ul style="list-style-type: none"> ▪ I may terminate or withdraw from the study if I want to. ▪ I may ask for clarification or more information throughout the study. • I may contact the relevant people, mentioned in the consent request letter, if I have any questions about the conduct of the researcher or the study's procedures. 	<p>Initial</p> <p>Initial</p> <p>Initial</p> <p>Initial</p> <p>Initial</p> <p>Initial</p> <p>Initial</p> <p>Initial</p> <p>Initial</p> <p>Initial</p> <p>Initial</p>
<p>2.3. Risks</p> <p>There are no foreseeable risks to my participation in this study.</p>	Initial

<p>2.4. Possible benefits Because of my participation in this study, I will have an opportunity to contribute to the improvement of the PTD programme in Chitungwiza and Zimbabwe in general.</p>	Initial
<p>2.5. Confidentiality My identity will not be revealed in any discussion, description scientific publications by the researcher and/or other professionals involved in this study.</p>	Initial
<p>2.6. Access to findings I will be informed of any new information/benefit that develops during the course of the study</p>	Initial
<p>2.7. Voluntary participation/refusal/discontinuation The decision taken to participate in this study is out of my own free will. My decision whether or not to participate will in no way affect me or other people, now or in future.</p>	Initial
<p>3. The information above was explained to me, _____ (participant) by the researcher, Mr Gamuchirai Luciano Gomera in English/Chishona or in both English and Chishona. I am in command of English/Chishona/both languages. I was given an opportunity to ask questions and all these questions were answered to my satisfaction.</p>	Initial
<p>4. No pressure was used on me to consent to participate and I understand that I may withdraw at any stage from the study without any penalty.</p>	Initial
<p>5. Participation in this study will not result in any additional cost to me.</p>	Initial
<p>B. I HEREBY VOLUNTARILY CONSENT TO PARTICIPATE IN THE ABOVE PROJECT/STUDY.</p> <p>Signed at _____ on the _____ of _____ 20____.</p> <p>Signature of participant: _____</p> <p>Witness (if necessary)</p> <p>Full name and Surname: _____</p> <p>Signature: _____</p>	

CONSENT FORM REQUESTING PERMISSION TO PUBLISH, AUDIOTAPES AND/OR VIDEOTAPES OR VERBATIM TRANSCRIPTS OF AUDIOTAPE/VIDEOTAPE RECORDINGS	
<p>As part of this study, I have made an audio and/or video recording of you. I would like you to indicate (with ticks in the appropriate blocks next to each statement below) what uses of these records you are willing to consent to. This is completely up to you. I will use the records only in ways that you agree to. In any of these records, names will not be identified.</p>	<p>Place a tick [✓] next to the use of the record you consent to</p>
<p>1. The records can be studied by the research team and quotations from the transcripts made of the recordings can be used in the research report.</p>	
<p>2. The records (i.e., quotations from the transcripts made of the recordings) can be used for scientific publications and/or meetings.</p>	
<p>3. The written transcripts and/or records can be used by other researchers.</p>	
<p>4. The records (i.e., quotations from the transcripts made of the recordings) can be shown/used in public presentations to non-scientific groups.</p>	
<p>5. The records can be used on television or radio.</p>	
<p>_____</p> <p>Signature of participant</p>	<p>_____</p> <p>Date</p>

ANNEXURE E: SEMI-STRUCTURED INTERVIEW GUIDE FOR THE JUVENILE OFFENDERS

- A. Name:
- B. Gender:.....
- C. Age:,.....
- D. Racial ethnic affiliation: :.....
- E. Duration of PTD sessions:
- F. Employment:

The following topical questions were asked:

- Tell me about the offence/crime you committed?
- Tell me the reasons why you committed this/these crime(s).
(Probing skills to be used: uhm ...; “You said ..., tell me more about it? “... Please explain what you mean?”)
- Tell me what happened to you after your arrest.
(Aim is to get the child’s story from arrest up to the pre-trial diversion order. Use probing skills as needed.)
- How did you experience the PTD programme?
(The aim of this question is to collect data of all experiences – positive and if negative.)
- What did you learn while you attended the pre-trial diversion programme?
(Purpose: collect data of contents and any knowledge and skills learned.)
- Based on your experiences, can you think of anything that can be done to better the PTD programme?
- What challenges did you experience while you attended the PTD programme?
- Is there anything you would like to add or ask?

ANNEXURE F: SEMI-STRUCTURED INTERVIEW GUIDE FOR THE PTD OFFICERS

- A. Name:
- B. Gender:
- C. Age:
- D. Racial and ethnic affiliation:
- E. Employment experience as a pre-trial diversion officer:

The researcher asked the following topical questions to the PTD officers:

- Tell me about the PTD programme in Chitungwiza?
- What are the requirements to be appointed as a pre-trial diversion officer?
- What are your professional experiences in working in the PTD programme?
(The aim of this question is to collect data of all experiences – positive and if negative.)
- How did you experience the co-operation of the children who were part of this programme?
- Please share with me your observations on how this programme contributed to change in the juvenile offenders. *(If needed prompt for changes in behaviour, attitudes, values and knowledge.)*
- What is the involvement of parent(s)/guardians/primary caregivers involved in this programme?
- How do you think NGO's can be involved/are involved in the delivery of the PTD programme?
- In running this programme, what kind of challenges did you face?
- How did you manage these challenges?
- From your experience, what are your recommendations for the improvement of the programme? *(If needed probe to aspects of special workshops for pre-trial diversion officers and not only to the contents of the programme.)*
- From your experience, how can social workers contribute to the success of this programme? *(If needed the researcher will probe and clarify possible roles of social workers other than the pre-trial diversion officers.)*

ANNEXURE G: CONFIRMATION LETTER FROM SOCIAL WORKER

2419 New Bluff Hill

Harare

Tel +263 772 516 120/+ 263 716 616 101

Email: waynemuyananismoyo@gmail.com

PARTICIPANT COUNSELLING FOR RESEARCH FIELD WORK: G L GOMERA
Student No: 54779227

At the request of Mr G L Gomera I am willing and available for research participant counselling during the research field work entitled: The Pre-Trial Diversion Program- the experiences of juvenile offenders and diversion officers in Chitungwiza.

Yours sincerely



W M Moyo

30 November 2017