

**EXPERIENCES RELATED TO VICTIM OFFENDER MEDIATION IN
JUVENILE JUSTICE AS AN INTERVENTION STRATEGY IN A
PRE-TRIAL DIVERSION PROGRAMME**

by

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submitted in accordance with the requirements for

the degree of

MASTER OF SOCIAL WORK

at the

UNIVERSITY OF SOUTH AFRICA

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FEBRUARY 2021

DECLARATION

I, Givemore Wurayayi student number: 60841672, declare that **Experiences related to victim offender mediation in juvenile justice as an intervention strategy in a pre-trial diversion programme** is my own work and all sources that I have used or quoted have been indicated and acknowledged by means of complete references.

Signature:



Date:

26/02/2021

DEDICATION

This dissertation is dedicated to my loving parents Mr and Mrs Wurayayi for their exceptional support and belief in me since I was a child. Their motivation made me believe in myself and hunger for success.

ACKNOWLEDGEMENTS

First and foremost, I would like to thank Almighty God for giving me the courage, strength and knowledge to write this dissertation.

Secondly, I would like to express my profound gratitude to the following individuals and institutions for their priceless sterling contributions and exceptional support to make this dissertation a success:

- Prof Desirée De Kock, my supervisor, for her support, dedication, guidance and shared expertise.
- Dr Nick. A. Pienaar for Independent coding and data analysis.
- Ms Margaret Grobbelaar for editing this dissertation.
- University of South Africa (UNISA) Department of student funding for funding my studies.
- Ministry of Justice, Legal and Parliamentary Affairs, in particular the Department of Pre-trial Diversion, for granting me permission to carry out my study without which this study would not have materialised.
- The study participants, that is, the victims of crime, juvenile offenders and Pre-trial Diversion Officers who shared their experiences to make this study a success.
- My lovely wife Gamuchirai and daughter Kim for their exceptional support and encouragement during the study.

ABSTRACT

The experiences of victims, juvenile offenders and pre-trial diversion officers (social workers) in victim offender mediation intervention applied in a newly implemented pre-trial diversion programme in Harare Province, Zimbabwe were unknown. Therefore, using the qualitative research approach, this study explored and described the experiences of the victims, juvenile offenders and pre-trial diversion officers with victim offender mediation as an intervention in a pre-trial diversion programme in Harare Province, Zimbabwe. A purposive sampling method was followed to select samples from the three target populations, that is, victims, juvenile offenders and pre-trial diversion officers. Data was collected using semi-structured face-to-face interviews and analysed using Tesch's eight steps, as cited by Creswell (2009:186). Trustworthiness of the research findings was ensured using Lincoln and Guba's model (Krefting, 1991:214-222). The findings of the study revealed that victims and juvenile offenders welcomed an opportunity to face each other, tell their stories, express their feelings and negotiate an amicable solution. The findings also revealed that pre-trial diversion officers played essential roles to prepare victims and juvenile offenders and mediate between them to enable them reach amicable solutions.

KEY WORDS

Victim; juvenile offender; victim offender mediation; pre-trial diversion (diversion); pre-trial diversion officer; experiences.

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ACRONYMS AND ABBREVIATIONS

ACRWC	African Charter on the Rights and Welfare of the Child
FGCs	Family Group Conferences
LSZ	Law Society of Zimbabwe
MJLPA	Ministry of Justice, Legal and Parliamentary Affairs
NICRO	National Institute for Crime Prevention and the Reintegration of Offenders
ODPP	Office of the Director of Public Prosecutions
UK	United Kingdom
UNCRC	United Nation Convention of the Rights of Children
UNISA	University of South Africa
UNODC	United Nations Office on Drugs and Crime
USA	United States of America
VOM	Victim offender mediation
ZLHR	Zimbabwe Lawyers for Human Rights

CHAPTER 1

INTRODUCTION AND GENERAL ORIENTATION TO THE STUDY

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

This section focuses on the introduction and background of the study, the statement of the problem, rationale for the study and the theoretical framework applied.

1.1.1 General introduction and background of the study

Since the turn of the new millennium, victim offender mediation (VOM) with juvenile offenders has gained prominence as a restorative justice intervention (Ruparanganda & Ruparanganda, 2016:7). Juvenile crime has been a societal problem across the globe since time immemorial (Mambende, Nyandoro, Maunganidze & Sawuti, 2016:27). Poverty, substance abuse, unemployment, urbanisation, armed conflicts, destructive and inconsistent parenting practices are, among other reasons, why children commit criminal offences especially in developing countries (Mbeki, 2011:12; Ruparanganda & Ruparanganda, 2016:8; Mambende et al., 2016:27). These problems are beyond children's control but children are treated as adults who deserve to be punished and subjected to the stigmatising formal criminal justice system (Vengesai, 2014:2; Ruparanganda & Ruparanganda, 2016:7).

The traditional justice system's focus on punishing offenders does not encourage offenders to be responsible for their actions and neglects the victim's involvement (Gumz & Grant, 2009:119). In the formal criminal justice system, crime is seen as an act committed against the state where victims are treated as witnesses of the state and this often leaves them feeling frustrated (Choi & Severson, 2009:813-814). This makes the formal criminal justice system to have little or no concern for the victim (Department of Justice and Constitutional Development, 2011:2). Ultimately, this leaves the victim on the periphery of the justice process (Choi & Severson 2009:813). As a result, victims are unable to move on and forgive their offenders when they are made to play the state witness role (Dzadya, 2016:87). Therefore, when they are made to play the state witness role, victims use alternative civil legal procedures instead of VOM to deal with their circumstances (Wemmers & Cyr, 2006:102). As the concept of restorative justice gained ground in criminal justice, it

triggered a gradual shift away from the traditional offender-centred punitive and retributive justice towards restorative justice in juvenile justice which empowers the victim to actively take part in the criminal justice (Choi, Bazemore & Gilbert, 2012:36; Buchholz, 2014:17). The following subsection focuses on VOM in juvenile justice within a global context.

- *Victim Offender Mediation in juvenile justice within a global context*

Juvenile justice is said to have begun at the turn of the 20th century and it developed from the formal justice system. A separate juvenile justice court is generally agreed to have been established in 1899 in Chicago, United States. Before the invention of the juvenile court, juvenile offenders were handled within the general criminal justice system. It is from 1945 onwards that the concept spread around the United States, Western European countries and Africa through colonisation (Whitehead & Lab, 2013:31-32; Vengesai, 2014:3; Dlamalala, 2018:56). It ushered in the dawn of a new age in juvenile justice.

Undoubtedly, the establishment of a separate juvenile justice court was an indicator for the beginning of a diversion programme. The late 20th century saw the entry of children's rights and restorative justice (Odhiambo, 2005:45). As restorative justice gained ground in the criminal justice system, it triggered a gradual shift away from the traditional offender-centred punitive and retributive justice towards restorative justice in juvenile justice which empowers the victim to actively take part in criminal justice. Hence, crime is seen as being committed against individuals (Choi et al., 2012:36; Buchholz, 2014:17). As such, countries across the globe came together to create international and regional laws and standards such as the Beijing Rules (United Nations Standard Minimum Rules for the Administration of Juvenile Justice) of 1985, the United Nations Convention of the Rights of Children (UNCRC) of 1989 and the African Charter on the Rights and Welfare of the Child (ACRWC) of 1990. These international and continental rules and standards aimed to reform and transform juvenile justice from being punitive and retributive to being restorative, accountable and rehabilitative in nature. Interestingly, these instruments acknowledged that children are still immature; thus, they need special treatment and consideration due to their age or stage of development (Odala, 2012:552; Dlamalala, 2018:46). The UNCRC has made diversion a binding feature on states (Nilsson, 2012:19; Odala, 2012:562). However, there are no specific details on how diversion is to be developed and implemented except for broad guidelines. As such,

diversion interventions have been developed and implemented somewhat differently from country-to-country (Odhiambo, 2005:192).

Diversion programmes have been present in Europe, North America and Australasia since the 1970s and various forms of diversion programmes became an essential part of juvenile justice (Spriggs, 2009:3; O'Mahony, 2012:88). In England and Wales, diversion was associated with the police's formal and informal cautions. These police cautions were strengthened in the United Kingdom (UK) by the introduction of the Crime and Disorder Act of 1998. The rise of restorative justice in the UK, especially in England and Wales in the 1990s, saw new diversion options being developed that focused on healing the harm caused by the offence and they included Family Group Conferences (FGCs) and VOM (Winterdyk, 2015:356, 358).

Diversion programmes had been developing in the United States of America (USA) in the 1970s as a way of reducing costs, getting better outcomes, holding the youth responsible and increasing public safety. The USA government approved the Juvenile Justice and Delinquency Prevention Act of 1974 to provide funds to states for diversion programmes (Warner, 2014:3-4). Indeed, this was an important piece of legislation that ultimately transformed and reformed the USA juvenile justice system and regularised various diversion interventions such as FGCs, Wilderness therapy, VOM and others. A survey in the USA found over 300 VOM interventions and over 1 000 in Europe. VOM is among the earliest and commonly practised expressions of restorative justice across many regions with around 25 years of experience in North America and Europe and frequently involving the offenders and victims of crimes such as assault and property (Labriola, Reich, Davis, Hunt, Rampel & Cherney, 2015:2, 4; Namuo, 2016:582; Hansen & Umbreit, 2018:101).

VOM began in Canada and was offered voluntarily to juvenile offenders as diversion, diverting them from the youth courts as an alternative sanction for minor offences. VOM in North America commonly brought the victims face-to-face with their offenders and was then mediated by one or two project officers with the intention of drawing up a plan to mend the harm caused by the crime (Hargovan, 2008:34; Bouffard, Cooper & Bergseth, 2016:3).

VOM is the most common and widely researched form of restorative justice practice in juvenile and criminal justice across the globe (Hansen & Umbreit, 2018:101). Previous studies on VOM mainly focused on fairness, satisfaction, restitution and

compliance as well as recidivism (Petrilla, Silva, Huggins & McNamara, 2020:5) and they showed the positive experiences of victims and offenders who participated in VOM as a restorative justice practice. Earlier studies in North America reported the offenders' high levels (80%-91%) of fairness and satisfaction with the VOM process and its outcome (MacDiarmid, 2011:4; Petrilla et al., 2020:5-6). Furthermore, studies in the USA and England also showed that more than eighty percent (84%) of the victims who participated in VOM with their offenders reported on high levels of fairness and satisfaction with the VOM process and its outcomes (O'Mahony, 2012:89; Choi et al., 2012:35-36; Namuo, 2016:585; Hansen & Umbreit, 2018:103).

Furthermore, VOM results in parties reaching agreements for restitution. Research in North America also shows that out of the cases that reached a VOM meeting, 90% of them achieved a restitution agreement of either money or a service to the victim. Out of these restitution agreements, it has been reported that 80% to 90% of the contracts were completed (Petrilla et al., 2020:6). Another study found that 81% of the participating youth in VOM completed their contracts as compared to 57% of those who were not in a VOM programme (Umbreit, Vos, Coates & Lightfoot, 2005:280; Bradshaw & Roseborough, 2005:16).

Research also shows that VOM contributes towards the reduction of recidivism. Early studies in North America and the UK show that offenders who participated in VOM had a smaller but notable decrease in reoffending than those who went through the formal courts (MacDiarmid, 2011:5). Another study in North America also confirmed that parties who were involved in VOM could be 30% less likely to repeat offending as non-participants (Choi et al., 2012:37; Buchholz, 2014:21; Hansen & Umbreit, 2018:105). A recent study shows that youth referred to juvenile court had a higher reoffending rate of 49,8% in contrast to youth referred to indirect mediation at 27.3% and direct mediation at 33.5% (Bouffard et al., 2016:10).

Indeed, these findings have highlighted the success of VOM in Western countries. Literature reviewed over 40 years of evaluation research on VOM shows abundant evidence that supports the use of VOM in the juvenile and criminal justice systems across the globe (Hansen & Umbreit, 2018:99; Petrilla et al., 2020:5). It is of great importance to note that most of the studies on VOM as a restorative justice practice were quantitative (MacDiarmid, 2011:5; Armstrong, 2012:40). As such, a qualitative approach was applied to this study to add a different dimension to the existing literature by providing an in-depth understanding of the experiences of victims,

juvenile offenders and pre-trial diversion officers with VOM within a pre-trial diversion programme. The next subsection discusses VOM in juvenile justice within the African context.

- *Victim Offender Mediation in juvenile justice within Africa*

On the African continent, Kenya, South Africa and other African countries developed and adopted the African Charter on the Rights and Welfare of the Child (ACRWC) in 1990. To date, the ACRWC is ratified by 45 out of 53 African Union states (Odala, 2012:563; 568). The ACRWC was developed to complement the UNCRC and take into account the social, cultural and fiscal realities of the African context and to suit the African social construction of childhood (Zimbabwe Lawyers for Human Rights & Law Society of Zimbabwe (ZLHR & LSZ), 2013:25-26; Vengesai, 2014: 24; Bhaiseni, 2016:4). African countries that ratified this treaty are bound by the terms of the treaty and have an obligation to take legislative steps, among others, to fulfil children's rights as contained in the treaty (Odala, 2012:570).

In 1990 Kenya ratified the UNCRC and in 2000 it also ratified the ACRWC. It then began a child law reform process by enacting the Children Act, No: 8 of 2001 that caters for both child welfare and justice and incorporates diversion provisions. The Kenyan government initiated a diversion pilot programme in 2001 which offered various diversion programmes such as police cautions, restitution, mediation and FGCs to children who committed minor offences (Rutere & Kiura, 2009:10-14; Office of the Director of Public Prosecutions (ODPP), 2019:3).

South Africa inherited its laws from the Apartheid era in which children were detained due to the absence of laws that ensured that they were treated according to their age. Consequently, some of the children were treated as adults and went through the formal justice system (Steyn, 2010:6; Berg, 2012:41). Diversion programmes began in the 1990s as options to formal justice with a non-governmental organisation, the National Institute for Crime Prevention and the Reintegration of Offenders (NICRO), beginning diversion activities in the Western Cape and KwaZulu-Natal provinces and later expanding to other provinces. The first programmes included the Youth Empowerment Scheme and Pre-Trial Community Service. Afterwards, more programmes were added and these included VOM, FGCs and counselling. In South Africa, diversion began to be implemented without a specific regulatory framework as it relied on the criminal law that allows the Director

of Public Prosecutions to drop charges against an accused person, with or without conditions (Boezaart, 2009:656; Rutere & Kiura, 2009:46; Berg, 2012:19, 30).

According to Steyn (2010:4), of the 17 786 juvenile offenders who went through diversion in 2007 only 7.9% used VOM compared to 55.3% using life skills, 24.1% community service and 2.5% FGCs. This can be attributed to the absence of a specific regulatory framework to guide the various diversion interventions. The government of South Africa approved the Child Justice Act 75 of 2008 which marked a new era in dealing with juvenile offenders. The Child Justice Act 75 of 2008 began to be implemented on 1 April 2010 to regularise the implementation of diversion programmes (Kleinhans, 2013:39) and chapters 6 and 8 established diversion within the South African juvenile justice system (South Africa, 2009:26-27, 32-41). The Child Justice Act 75 of 2008 was influenced by the UNCRC that was ratified in 1995, the new South African Constitution and the introduction of restorative justice principles (Berg, 2012:18). Findings by Kleinhans (2013:130) reported that 40% of social workers facilitated VOM and had experience in facilitating VOM while 60% did not facilitate VOM but facilitated other diversion programmes. Furthermore, the findings by Kleinhans (2013:130) also showed that VOM could change the perceptions that society probably had of juvenile offenders. In the next subsection, the researcher unpacks VOM within juvenile justice in Zimbabwe.

- *Victim Offender Mediation within juvenile justice in Zimbabwe*

Historically, Zimbabwe (previously known as Southern Rhodesia and later Rhodesia) inherited a justice and juvenile justice system equivalent to that of the United Kingdom. After obtaining independence from Britain in 1980, Zimbabwe's post-independence juvenile justice system remained retributive and focused on punishing juvenile offenders. The system continued to fail to perceive juvenile offenders as children who need support and help (Ruparanganda & Ruparanganda, 2016:7). Thus, the formal criminal justice system not only stigmatised juvenile offenders but it also stripped them of their dignity (Vengesai, 2014:2). Furthermore, the formal criminal justice system lacked the victim's involvement in the process of correcting the young offender. Once an arrest is made and the investigations are complete, the victim was left guessing as to what would happen (Dzadya, 2016:48).

The government of Zimbabwe ratified the UNCRC in 1990 and the ACRWC in 1992. This ratification obliged the Zimbabwean government to align all laws dealing with

juveniles to international standards of care and protection and the promotion of child rights (Bhaiseni, 2016:4). As a result, the Children's Act (05:06) of 2001 was passed to replace the Child Protection and Adoption Act of 1972 (ZLHR & LSZ, 2013:25-26). The Children's Act (05:06) of 2001 Section 3(1) establishes the children's court and every magistrate's court was made a children's court. A children's court is not bound by the rules of either civil or criminal proceedings and the magistrate considers the best interest of the child (Zimbabwe, 2013:48; Bhaiseni, 2016:4). Furthermore, when the juvenile offender is already appearing in the children's court, the Prosecutor-General or his representative, that is the prosecutor, can decide to send a child for diversion if the child's type of offence qualifies (Vengesai, 2014:34). The option of diversion can be used with offences such as theft, assault, receiving stolen property and malicious damage to property. Section 84(1) of the Children's Act (05:06) of 2001 protects juvenile offenders from unnecessary detention. A child charged with a minor offence who qualifies for a pre-trial diversion programme is referred for diversion and is not supposed to be placed in a detention facility at the police station but should be released into the custody of his/her parent or caregiver or to a place of safety (Zimbabwe, 2001:46). Therefore, pre-trial diversion diverts juvenile offenders from the stigmatising criminal justice system and protects them from an inhuman environment, such as lack of proper ventilation, flushing toilets, bedding, heating and diet, which characterise police cells or prisons (Vengesai, 2014:35-36).

The development of the Constitution of the Republic of Zimbabwe Amendment (No. 20) of 2013 was another milestone in adherence to international conventions. Section 34 of the Constitution of the Republic of Zimbabwe Amendment (No. 20) of 2013 states that "the state must ensure that all international conventions, treaties and agreements to which Zimbabwe is a party are incorporated into domestic law" (Zimbabwe, 2013:23). Thus, the Zimbabwean government has committed itself to fulfil international conventions, treaties and standards. Hence, it has made significant strides in honouring its international obligations by adopting the pre-trial diversion programme.

According to Rugaranganda and Rugaranganda (2016:8), in 2013 monthly averages of 263 children were arrested in the three largest cities of Harare, Bulawayo and Mutare. There were around 300 children in prison at any given time. Juvenile offenders are still incarcerated for serious crimes that do not qualify for pre-

trial diversion such as treason, theft, rape, malicious damage to property, assault and murder (ZLHR & LSZ, 2013:46). However, the introduction of the pre-trial diversion programme in 2013 was a noble idea that protects and saves children who commit minor offences from the harmful effect of formal criminal justice (Vengesai, 2014:2). The pre-trial diversion programme was designed in line with the UNCRC, the ACRWC and the Beijing Rules and very much relied on the experiences of NICRO, a Non-governmental Organisation in South Africa (Ministry of Justice, Legal and Parliamentary Affairs (MJLPA), 2012:3).

According to ZLHR and LSZ (2013:37), it is estimated that in 2013 there were 16 902 prisoners in Zimbabwe and 0.7% of them were children below 18 years. These statistics confirm that there is a gap in all Zimbabwean laws and there is insufficient legislation to regulate pre-trial diversion programmes (ZLHR & LSZ, 2013:26; Bhaiseni, 2016:4). In Zimbabwe, pre-trial diversion relies on the power of the Prosecutor-General to decline prosecuting any matter according to section 8 of the Criminal Procedure and Evidence Amendment Act (No:2) (Chapter 9:07) of 2016 (MJLPA, 2013:1; ZLHR & LSZ, 2013:25-26; Dzadya, 2016:37; Zimbabwe, 2016:14-15).

According to Curley, Khan and Kakunda (2016:14), as of 2012 the Zimbabwean population stood at 12 807 885 of whom 6 255 784 were children under the age of 18. Harare Province has the highest child population estimated to be 702 427. The pre-trial diversion pilot programme began in June 2013 for juvenile offenders below 21 years of age. The age was later revised to below 18 years in 2015 in line with the amended Constitution (MJLPA, 2012:3; Rugaranganda & Rugaranganda, 2016:10). The programme contains interventions that include counselling, police cautions, attendance at a particular institution for educational/vocational training, reparations, FGCs and VOM (MJLPA, 2012:66-83). During the period June 2013 to October 2016, 2 375 juvenile offenders were referred for pre-trial diversion in Harare, Chitungwiza, Bulawayo, Gweru and Murewa. Harare province accounted for 862, Bulawayo 515, Chitungwiza 402, Gweru 198 and Murewa 211 juvenile offenders (Curley et al., 2016:15).

A study of professionals who worked in the juvenile justice in Zimbabwe shows that, when given a passive role, victims are not satisfied, do not forgive and they move on (Dzadya, 2016:48). Dissatisfaction can dampen chances of healing and reconciliation amongst the concerned parties. Therefore, VOM within a pre-trial

diversion programme offers an alternative that empowers victims to actively participate in juvenile justice which promotes healing and reconciliation.

Although VOM was only manifested in policies and legislation in 2012, it has been the backbone of indigenous methods of resolving conflicts in Zimbabwe and across the globe (MJLPA, 2012:73). It has been used in rural Zimbabwe by village headmen to solve family disputes (Dzadya, 2016:89). Currently, children who have committed minor offences such as petty theft, minor assaults and criminal nuisance qualify for pre-trial diversion and VOM (MJLPA, 2012:74).

Following a successful three-year pilot programme, the pre-trial diversion programme for juvenile offenders in Zimbabwe was adopted in June 2016. It shaped a new area of social work practice with specialist social workers working as pre-trial diversion officers facilitating VOM in a pre-trial diversion programme (Ruparanganda & Ruparanganda, 2016:11).

The subsection below unpacks the situation or the problem that warranted this study.

1.1.2 Problem statement

A problem statement is a statement that adequately explains the focus of the study (Cottrell & McKenzie, 2011:81) and is the foundation upon which the study revolves (Leedy & Ormrod, 2013:27). A problem can be identified in practice and there is a need to solve it (Neuman, 2014:173). It is evident that a problem statement is a clear expression about the issue of concern that requires investigation.

In their research, Curley et al. (2016:50) found that from June 2013 to October 2016, 2 375 children were referred to the pre-trial diversion programme and 19% of the cases were dealt with through VOM as an intervention and were successful. As a pre-trial diversion officer in Harare, it is a concern that, despite the importance of VOM in repairing strained social relationships, Harare had the lowest percentage in the use of VOM which stood at 6% compared to Bulawayo at 25%, Chitungwiza at 37%, Gweru at 21% and Murewa at 29% (Curley et al., 2016:58).

Whilst pre-trial diversion shields children with minor offences from going through the formal criminal justice system and seeks to restore harmony with the harmed victim while reforming the perpetrator (Vengesai, 2014:2), these newly employed interventions have not been fully explored.

The problem statement for this study was that, *the experiences of the victims, juvenile offenders and pre-trial diversion officers with VOM, applied in the newly implemented pre-trial diversion programme were unknown*. Therefore, in view of the acceptance of the pre-trial diversion programme in 2016, it was essential to obtain a detailed understanding of the experiences of victims, juvenile offenders and pre-trial diversion officers with VOM.

In the next subsection, the researcher discusses what motivated the study.

1.1.3 Rationale for the study

The rationale for the study is an assertion that states the “essence” of the study (Creswell, 2016:301) and it speaks to issues of the significance of conducting the particular study, the benefits of the study and its contribution to academic research, practice and policy making (Creswell, 2012:119). Therefore, the rationale for the study is the motive for conducting a particular study.

Research findings in North America, Europe and Australia portray diversion programmes as successful. Ultimately, this supports the endeavour of social workers to work in VOM programmes (Choi et al., 2012:37; Namuo, 2016:585; Hansen & Umbreit, 2018:102-110). The environments in which a diversion programme is implemented and the type of clients dealt with are different from country-to-country (Steyn, 2010:6). It is essential to note that the diversion programmes that are the focus of this study are run in the different environments of African realities.

African countries such as South Africa and Zimbabwe have multiple challenges such as socio-economic challenges and underdevelopment. This results in a sharp rise in juvenile delinquency which affects society in general and families in particular (Steyn, 2010:6; MJLPA, 2012:3; Ruparanganda & Ruparanganda, 2016:8).

It is a concern that there is little information on the performance of diversion programmes in developing countries and in Southern Africa in particular. The pre-trial diversion programme is relatively new in Zimbabwe and the experiences of victims, juvenile offenders and pre-trial diversion officers with VOM as applied in the newly implemented pre-trial diversion programme were unknown. Besides being a new concept in juvenile justice, there are insufficient legal instruments to regularise

the implementation of the programme in terms of legal provisions. Hence, this warranted research on VOM in a pre-trial diversion programme in Zimbabwe.

Being employed as a social worker in a juvenile justice setting, the researcher also has a personal interest in this field. This study is a ground breaking, innovative work that paves the way for policy review, influencing constitutional reform, future research, improving practice and bridging an acute knowledge gap in the pre-trial diversion domain. The subsection below focuses on the theoretical framework that was applied to the study.

1.2 THEORETICAL FRAMEWORK

A theoretical framework is a consistent description of various events that includes a prediction of how the events relate to one another (Black, 2010:35). It is an explanation of a specific social experience that identifies a set of causally relevant factors (Neuman, 2014:56). A theoretical framework is a set of scientifically interconnected concepts, definitions and propositions that are highly developed to describe and envisage a phenomenon (Mahesh, 2011:10; Bhattacharjee, 2012:14). A theoretical framework also provides a conceptual framework for research (Mahesh, 2011:10). Hence, a theory offers a fundamental base on which a study can be erected. In this study, the Restorative Justice Theory, Ecosystems Theory and the Humanistic Theory provided the conceptual framework to explore and describe the experiences of victims, juvenile offenders and pre-trial diversion officers with VOM in a pre-trial diversion programme. The following subsection unpacks Restorative Justice Theory and contextualises it in the study.

1.2.1 Restorative Justice Theory

Restorative Justice was coined in the 1970s and initially focused on mediation between victims and offenders but was further developed in the 1990s to include communities of care (Wormer & Walker, 2013:34). It is a collaborative problem solving procedure that involves parties affected by a crime that is, the victim, offender, support networks, justice agencies and their community (United Nations Office on Drugs and Crime (UNODC), 2006:6-7; Nilsson, 2012:12; Umbreit & Lewis, 2015:9-10; Dlamalala, 2018:84). It is a process in which parties voluntarily, jointly and actively participate in solving a matter that arises from a crime with the aid of a facilitator (UNODC, 2006:6-8; Strang, Sherman, Mayo-Wilson, Woods & Ariel, 2013:8). In practice, restorative justice includes programmes such as FGCs, VOM

and impact panels (Odala, 2012:572). The researcher views restorative justice as a process that brings together the victim of a crime, the juvenile offender and their support networks to actively participate in solving a matter that arises from a crime with the aid of a mediator.

Restorative Justice sees crime as an infringement of individual and interpersonal relationships and not as a violation of the state. Crime is viewed as a clash between people and focus is placed on restoring human relationships, reunion of individuals and the community (Choi & Gilbert, 2010:4; Umbreit & Lewis, 2015:10; Panagos, 2017:1687). Restorative Justice emphasises the participation of parties as essential in social healing, reconciliation and the development of agreements around desired outcomes between the victim and the offender (Choi & Gilbert, 2010:5). The agreement may include referral to community services, counselling and reparation that intends to meet the needs of all parties concerned and reintegrate the victim and the offender. Focus is placed on redressing the harmed victim and makes the offender accountable for his/her actions (Umbreit & Lewis, 2015:9-10).

Restorative Justice has process values and principles that include:

- i. Voluntary participation, empowerment and respect for everyone involved
- ii. It prefers jointly agreed outcomes rather than imposing outcomes
- iii. It commits parties to any agreements reached
- iv. It views crime problems in their societal context
- v. Flexibility and responsiveness of process and outcomes
- vi. It seeks to support the community so as to avoid further harms
- vii. It observes the right of participants to legal advice any time before/after the restorative process (UNODC, 2006:8-33; Department of Justice and Constitutional Development, 2011:5; Odala, 2012:572).

The objectives of Restorative Justice are to:

- i. repair community order, harmony and broken relationships
- ii. condemn criminal behaviour as undesirable and reiterate community values
- iii. offer victim support, get them actively involved and attend to their needs
- iv. encourage all parties to take responsibility, mainly the juvenile offender
- v. adopt a preventative problem-solving orientation
- vi. prevent reoffending by encouraging change in individual offenders and facilitate offenders' reintegration into the community (UNODC, 2006:10)

Department of Justice and Constitutional Development, 2011:6; Nilsson, 2012:13).

Restorative Justice Theory was applied in this study as it emphasises the participation of victims, juvenile offenders and supporting relatives in the VOM meeting. The participation of all is essential for social healing, reconciliation and the development of written or verbal agreements to repair the harm caused by a crime. However, this theory does not take into account how the child's environment influences his/her behaviour and it does not give detailed guidelines on how the mediation should be conducted. Therefore, the Ecosystems Theory and the Humanistic Theory were used to bridge the gaps. In the next subsection, the researcher describes the Ecosystems Theory and contextualises it in this study.

1.2.2 Ecosystems Theory

An ecosystemic approach involves understanding the interconnected multifaceted reality in people's lives. Therefore, ecosystems theory views the child's development within an arrangement of multifaceted relationships within his/her environment (Gilgun, 2005:349; Tlale, 2013:54). An ecosystem approach is an understanding of the interaction between individuals and their environment (Schenck, Mbedzi, Qalinge, Schultz, Sekudu and Sesoko, 2015:96). Thus, an ecosystems approach focuses on how an individual's development is influenced by distinct ecological systems. The environment can be divided into several categories, that is, the micro-level, meso-level and macro-level.

The micro-level is the interpersonal environment and the most intermediate environment. It is composed of individuals who interact within their environment (Gilgun, 2005:349; Payne, 2014:189). These, among others, include the family, friendship networks and relationships in school (Tlale, 2013:56-58; Kiraly, Turk, Kalarchian & Shaffer 2017:131). In this study's context, children can be positively or negatively influenced by people with whom they interact, especially their friends. Children who grow up in dysfunctional families where they are not socialised in the manner they should be may end up depending on relationships with peers in their environment who may not always exert a positive influence, thereby exposing them to the risk of offending (Kleinmans, 2013:28). Children usually commit offences against the people they interact with or meet in their intermediate environment. A person's environment is also physical in that the presence or absence of schools,

businesses, recreational facilities, churches and others can have an effect on a person's quality of life and opportunities. The absence of recreational activities or dropping out of school can cause children to be idle and be easily influenced by friends or relatives to develop deviant behaviours such as substance abuse, petty assaults and theft (Gilgun, 2005:349). This can negatively affect the child's relationships within his/her interpersonal environment.

The meso-level is the relationship that exists between two micro-level settings, for example home-school and church-home. An isolated family has few meso-level relationships whilst a socially integrated family has many, rich and supportive relationships. The child's family should have a good relationship with the church and school for the child to receive spiritual and educational support and guidance respectively (Gilgun, 2005:349; Tlale, 2013:59; Payne, 2014:189-190; Ettekal & Mahoney, 2017:4).

The macro-level environment is the environment formed by norms and customs that may be fair to certain individuals but racist, ageist and sexist to others (Tlale, 2013:64; Liao, 2016:138). This can be issues at a national level such as policies and economic challenges that are beyond children but that exercise a great influence over children. The economic challenges faced by a nation result in unemployment, thereby causing some families to live in poverty. This can negatively affect the child and the child can resort to stealing from neighbours or friends to feed him/herself (Tlale, 2013:64). Economic challenges can also affect families, resulting in some children dropping out of school thereby limiting children's opportunities. Thus, more opportunities will be open to the more affluent (Gilgun, 2005:350; Tlale, 2013:64).

The Ecosystems Theory was applied in this study because it highlights the interaction between factors in the child's interpersonal environment, the family and the community environment (Gilgun, 2005:349). Change or conflicts on any level have effects on other levels. By committing offences against family members, peers, neighbours or community members, children are stigmatised and ostracised. This negatively affects children's relationships within their environments. As such, VOM within pre-trial diversion helps to mend damaged relationships between the victims and the juvenile offenders, thereby promoting reconciliation and social healing (Gilgun, 2005:349; Tlale, 2013:54).

Next the researcher unpacks the Humanistic Theory and its relevance to the study.

1.2.3 Humanistic Theory

The Humanistic Theory is an approach to mediation which was developed in the early 1990s and has been used in family and criminal conflicts involving offences such as burglary, theft and minor assaults (Umbreit & Lewis, 2015:192). It has been influenced by the legal profession's emphasis on procedural fairness and the need to develop settlement agreements in an efficient manner. Humanistic Theory is a dialogue form of conflict resolution. It is wholly aligned with the transformative approach which emphasises the need for parties to grow calmer, more positive, prepared and influential when they are empowered. Humanistic Theory adds new emphases that add to transformative mediation. These include the powers of preparing for a meeting, mediator attendance and conversation between involved parties. Authors agree that the Humanistic theory adds the human aspect at every level of mediation. The mediator adjusts to his/her own human issues and capacity and parties get into their deeper humanity and that of the other party. This humanises the whole process through deeper, uninterrupted conversations (De Mesmaecker, 2011:122; Umbreit & Amour, 2011:21-22; Umbreit & Lewis, 2015:192-193; Hansen & Umbreit, 2018:101). Therefore, a humanistic theory is a dialogue form of resolving criminal conflicts that guides mediators (social workers) working in VOM to follow in order to reach an acceptable resolution.

In a humanistic theory, mediators have to deliberately draw back into a non-directive stance with involved parties and guarantee their ownership of the process. This creates a safe space for parties to engage deeply and do their own fixing and mending. It results in the strengths-based approach to mediation that honours participants' self-determination (De Mesmaecker, 2011:385; Umbreit & Lewis, 2015:192-193; Hansen & Umbreit, 2018:101). However, despite parties having their own inherent strengths, they need mediators to be present to make sure there is harmless and productive interaction. Therefore, a preparation meeting is needed with each party to create confidence and a relationship with the mediator before joint dialogue. This can result in mediation which gives room for parties to have continuous dialogue. By being not directive during joint dialogue, the mediator is not inactively involved. His/her presence enables the parties to take the discussion to the results they want and vent their feelings. The mediator is able to intervene at

any point to re-direct the conversation in a meaningful direction (De Mesmaecker, 2011:385; Umbreit & Lewis, 2015:193-194).

In addition, minimal intervention requires a mediator to move from active listening to deep listening. Deep listening silences mediators' egos that may prefer to intervene. Moments of silence honour the listening party to make the next response. The humanistic theory recognises that communication is more than speaking and hearing and also includes the aspect of being heard. It further takes into account that most of individual communication operates further than words. Thus, it also gives greater weight to non-verbal and emotive communications and mediators have to read these in order to guide people towards full resolution (De Mesmaecker, 2011:122, 385; Umbreit & Lewis, 2015:192-193).

Humanistic Theory was applied to this study because it gives guidance to pre-trial diversion officers (social workers) working in VOM to follow in order for the victims and the juvenile offenders to arrive at a fully satisfying resolution.

The next section focuses on the research question, goal and objectives.

1.3 RESEARCH QUESTION, GOAL AND OBJECTIVES

The subsections below define, formulate and contextualise the research question, goal and objectives.

1.3. 1 Research question

A research question is what a researcher wants to comprehend by carrying out an investigation into an event (Maxwell, 2013:73). It is a narrowed research topic and has to be asked in a manner that can be answered by visible facts (Rubin & Babbie, 2010:78). It is a statement that states the research problem in a manner that can be investigated (Strydom, 2013:151). Thus, a research question focuses on asking about an investigation into a phenomenon.

The research question for this study was conveyed as: *What are the experiences of victims, juvenile offenders and pre-trial diversion officers with regards to VOM as an intervention strategy within a pre-trial diversion programme?*

The following subsection defines, formulates and contextualises the research goal.

1.3.2 Research goal

A research goal “refers to a dream” the researcher intends to achieve (Thomas & Hodges, 2010:38; Fouché & Delpont in De Vos, Strydom, Fouché & Delpont, 2011:95) This is what the research intends to accomplish through the research procedure (Hennink, Hutter & Bailey, 2011:34). It is a pushing factor for the study and indicates clearly what the researcher wants to study (Carey, 2012:24). As such, a research goal is that which the researcher aims to bring out about the phenomenon being investigated.

The goal of the study was: To gain an in-depth understanding of the experiences of victims, juvenile offenders and pre-trial diversion officers with VOM within a pre-trial diversion programme in the Harare Province, Zimbabwe.

The next subsection focuses on the research objectives.

1.3.3 Research objectives

Research objectives involve steps to be completed by the researcher at local level in a period of time so as to accomplish the research goal (Fouché & Delpont in De Vos et al., 2011:94; Denscombe, 2012:85). In other words, research objectives are plans of how the study will try to answer the research question (Carey, 2012:24). Therefore, research objectives are what the researcher strives to achieve or do to fulfil the goal of the research. The research objectives of this study were as follows:

1. To explore and describe the experiences of victims, juvenile offenders and pre-trial diversion officers related to juvenile justice VOM as an intervention strategy in a pre-trial diversion programme.
2. To draw conclusions about the experiences of victims, juvenile offenders and pre-trial diversion officers related to juvenile justice VOM as an intervention strategy in a pre-trial diversion programme and make recommendations to improve this intervention strategy.

To reach the above research objectives, the following task objectives were formulated:

1. To obtain samples of victims, juvenile offenders and pre-trial officers exposed to juvenile justice VOM as an intervention strategy in a pre-trial diversion programme.

2. To conduct semi-structured interviews facilitated by open-ended questions contained in an interview guide.
3. To transcribe, sift, sort and analyse the data according to the 8 steps of Tesch (in Creswell, 2009:186).
4. To describe the findings in relation to the exploration of the experiences of victims, juvenile offenders and pre-trial diversion officers related to juvenile justice VOM as an intervention strategy in a pre-trial diversion programme.
5. To interpret the research findings and conduct a literature control to verify the findings.

The following section focuses on the research methodology used to accomplish the research goal and the objectives.

1.4 RESEARCH METHODOLOGY

Research methodology is an approach to scientifically solve the research problem by logically implementing various steps (Patel & Patel, 2019:48) and the motives behind using the chosen research methods (Schneider, 2014:3). Research methodology provides information that deals with the overall principles of the creation of new information (McGregor & Murnane, 2010:420). Hence, a research methodology provides an explanation of the research methods utilised in the study. The following subsection focuses on the research approach and design applied to the study.

1.4.1 Research approach

In the social sciences, quantitative and qualitative research approaches are widely applied in research. The quantitative research approach mostly relies on positivist principles and uses hypotheses and variables (Neuman, 2014:167). It focuses on numbers and usually tries to verify or falsify a relationship already in mind (Kelly, 2016: 20). A qualitative research approach mostly relies on non-numerical data (Bhattacharjee, 2012:103) and tries to comprehend participants in their environment (Denzin & Lincoln, 2011:4). It can also be applied to explore a new area of study (Hennink et al., 2011:10). A qualitative research approach was applied to this study as interest was on the real life experiences of the target populations. Furthermore, studying the experiences of victims, juvenile offenders and pre-trial diversion officers in a pre-trial diversion programme creates a new area of study in Zimbabwe.

The qualitative research approach has the following features or characteristics as presented by Creswell (2009:176); Denzin & Lincoln (2011:4); Yin (2011:7-9); and Kelly (2016:19).

Table1.1 Characteristics of the qualitative research approach

No	Characteristics	Relevance to this study
1	Qualitative approach studies the meaning of people's lives in their natural environment.	The research focus was on understanding the meaning of the experiences of victims, juvenile offenders and pre-trial diversion officers with VOM within a pre-trial diversion programme. Hence, the researcher ignored his personal meaning of VOM and focused solely on making meaning from the data collected.
2	Qualitative approach presents a holistic account.	The researcher presented a holistic picture of the experiences of victims, juvenile offenders and pre-trial diversion officers with VOM by reporting information from their point of view, perspectives and factors involved.
3	Qualitative approach covers contextual conditions in which participants live.	The research covered the social, institutional and environmental conditions in which the participants live. Thus, the researcher collected data from victims, juvenile offenders and pre-trial diversion officers in their homes, communities and institutions.
4	Qualitative approach strives to use many sources of evidence and not rely on one source.	The researcher gathered, put together and presented data collected from various sources of evidence. As such, the researcher gathered, put together and presented data about the experiences of victims, juvenile offenders and pre-trial diversion officers with VOM within a pre-trial diversion programme.
5	Qualitative approach uses inductive analysis.	The researcher built patterns, categories and themes through rearranging data into separately organised units of information. As such, the researcher worked back and forth between data until a comprehensive set of themes was established.
6	Qualitative approach uses an emergent design.	The researcher did not tightly prescribe the initial plan for the research as all phases may change when the researcher enters the research site, begins data collection and analysis. Data

		collection and analysis were continually adjusted to the emerging data.
7	Qualitative approach uses the researcher as a key instrument.	The researcher was the key instrument for data collection. Hence, the researcher was the one who collected data directly from victims, juvenile offenders and pre-trial diversion officers.

Given these characteristics, qualitative research was appropriate for this study because the researcher wanted to capture and present a holistic picture of the experiences of victims, juvenile offenders and pre-trial diversion officers with VOM within a pre-trial diversion programme in their natural environment.

The characteristics of qualitative research, studying the participants' lives in their natural environments, were influenced by the worldview or paradigm of the researcher. The worldview applied to this study is constructivism and postmodernism. Constructivism is an effort to comprehend social phenomenon from a certain environment's point of view. It views reality as constructed by people in a society and this may result in multiple meanings (Creswell, 2009:26; Mertens, 2010:16; Kielmann, Cataldo & Seeley, 2011:7). Individuals can bring a variety of meanings to a situation based on their experiences. This influences what people see in a particular situation (Kielmann et al., 2011:7). Hence, the researcher was able to comprehend multiple meanings of participants' experiences and could present them from their point of view (Mertens, 2010:16; Kielmann et al., 2011:7).

Postmodernism lacks trust in brief explanations and holds that the researcher can never do more than describe. The researcher's description is equally valid and is not superior or inferior to any other person and explains the researcher's own experience (Neuman, 2014:119). Postmodernism sees information as taking various forms and is exclusive to certain individuals (Neuman, 2014:120; Witt, 2014:8317; O'Neil & Koekemoer, 2016:4). Therefore, constructing the truth of a certain phenomenon under study involves the participant, the researcher and the reader of the research (Neuman, 2014:120; O'Neil & Koekemoer, 2016:4). In constructing the truth about the experiences related to VOM in juvenile justice, it involved the victims, juvenile offenders and pre-trial diversion officers. The research designs applied to the study are discussed below.

1.4.2 Research design

Research designs are plans for scientific research (Yin, 2011:75; Creswell, 2013:49). A research design involves the connections between the research questions, the data to be gathered and the method of data analysis, so that the study's findings can answer the intended research questions. A research design gives a conceptual structure for gathering data and analysing it (Kelly, 2016:24). As such, a research design provides the direction and guidance that the research has to take. The research designs applied in this study were the explorative, descriptive, contextual and multiple case study designs. The explorative design applied to the study is discussed below.

- *Explorative design*

The explorative design is often used in new areas of enquiry and is aimed at gaining familiarity with a phenomenon or gaining new insights into the phenomenon (Rubin & Babbie, 2010:41; Bhattacharjee, 2012:6; Strydom, 2013:152). Explorative design is used in the first research on a particular problem that provides new knowledge (Sara Neena, 2011:39) and lays a foundation for future research (Strydom, 2013:152). As such, an explorative design is used to build knowledge about the phenomenon under study. An explorative design was applied in this study because pre-trial diversion is relatively new in Zimbabwe and VOM has not been explored as an intervention. Hence, the explorative design was used to explore the experiences of victims, juvenile offenders and pre-trial diversion officers with VOM within a pre-trial diversion programme. Next follows a discussion on the descriptive design applied in this study.

- *Descriptive design*

A descriptive design is often used in observing and providing detailed documentation of a phenomenon of interest (Bhattacharjee, 2012:6). Descriptive research records and reports a phenomenon under study (Strydom, 2013:153). This design aims to bring out a correct picture of the event under study by giving a detailed description (Remler & Van Ryzin, 2010:5; Rubin & Babbie, 2013:51; Strydom, 2013:153). As such, descriptive design gives a detailed account of situations under study. A descriptive design was applied to the study to enable the researcher to provide a detailed description of the experiences of victims, juvenile offenders and pre-trial diversion officers with VOM within a pre-trial diversion

programme. The subsection below focuses on the contextual design applied in the study.

- *Contextual design*

The research context is the natural setting that includes the societal, organisational and natural world conditions in which people are living (Yin, 2011:8; Hennink et al., 2011:9). These conditions influence human activities and shape participants' experiences, views and actions (Hennink et al., 2011:9; Randles, 2012:11). Hence, research context involves the home, community and institutional environment in which participants live (Yin, 2011:8). A contextual design was employed in the study to enable the researcher to explore and describe the experiences of the victims, juvenile offenders and pre-trial diversion officers with VOM in a pre-trial diversion programme in their homes, communities and institutions in Harare province. Next the researcher discusses multiple case study design, as applied in this study.

- *Multiple case study design*

A case study design is an approach to investigation that involves exploring in detail a programme, event, groups or individuals (Creswell, 2009:30; Swanborn, 2010:13). It investigates a small set of cases and focuses on many details within each case (Creswell, 2009:30; Neuman, 2014:42).

A multiple case study is an approach that allows the researcher to examine the variances within and between cases. It permits the researcher to replicate data collection across situations. The aim of using multiple case study design is to duplicate findings across situations (Anderson, Leahy, DelValle, Sherman & Tansey, 2014:89). The use of multiple case study design enables the researcher to have a clear understanding of cases through a comparison of relationships and distinctions between cases (Heale & Twycross, 2018:7) The sample size is informed by the quantity of cases needed to reach saturation, that is, gathering information until no substantial new information emerges (Strydom & Delpont in De Vos et al., 2011:391).

A collective case study design offers an arrangement to understand matters of interest across locations as it allows comparison inside and between cases (Adams, Jones, Lefmann & Sheppard, 2014:4). It involves studying cases concurrently or consecutively to create an extensive understanding of a specific problem (Crow,

Creswell, Robertson, Huby, Avery, & Sheikh, 2011:3). A collective case study design is the same as a multiple case study design (Heap, 2013:57).

A multiple case study design was applied in this study to explore and scrutinise cases inside and across situations. This design helped to concurrently explore and describe in detail the experiences of victims, juvenile offenders and pre-trial diversion officers with VOM in order to create an extensive understanding of their experiences with VOM within a pre-trial diversion programme.

In the next section a brief discussion of the research method employed in this study follows.

1.5 RESEARCH METHOD

Research method refers to clearly defined research techniques that are used in a qualitative or quantitative study (Silverman, 2010:110). Research method also refers to procedural stages engaged to carry out the research and includes discussing aspects of the research. (McGregor & Murnane, 2010:420; Schneider, 2014:3). A research method is informed by the research methodology (McGregor & Murnane, 2010:420). Hence, a research method focuses on aspects such as the target population, sampling and sampling techniques used. It also includes the data collection process from the preparation of participants to pilot testing; method of data collection, data analysis and ensuring the trustworthiness of the study. The next subsection focuses on the population of the study.

1.5.1 Population

Population is the unit of study with the features the researcher wants to study (Strydom in De Vos et al., 2011:223; Williman, 2011:94; Bhattacharjee, 2012:65). It is the larger group from which a sample is drawn by the researcher (Neuman, 2014:247). Thus, the population is the total group of people or potential participants in a specific study. The population of this study was threefold. It consisted of pre-trial diversion officers, juvenile offenders and their victims who facilitated or participated in VOM in a pre-trial diversion programme in Harare Province, Zimbabwe. As there were only five pre-trial diversion officers facilitating the pre-trial diversion programme at the Harare office, no sampling was done. All the pre-trial diversion officers (social workers) facilitating VOM at Harare office were included in the study. However, since five pre-trial diversion officers at Harare office were too

few participants for data saturation to manifest, the following criteria were used to include pre-trial diversion officers outside of the Harare office:

- pre-trial diversion officers who facilitated VOM in Chitungwiza district office in the Greater Harare province from 2013 to 2017.
- pre-trial diversion officers who facilitated VOM at the Harare office and Chitungwiza from 2013 to 2017 but resigned to go into private practice.

The exclusion criteria for the pre-trial diversion officers were as follows:

- pre-trial diversion officers who facilitated VOM outside Greater Harare Province (outside Harare and Chitungwiza).
- pre-trial diversion officers who did not facilitate VOM.

Each diversion officer is responsible for an average of 40 to 50 cases of juvenile offenders and their victims per year. However, due to time and money constraints, not all the juvenile offenders and their victims were included in the study. The researcher gathered a sample from these population groups. The following subsection focuses on the sampling and sampling techniques used in the study.

1.5.2 Sampling and sampling techniques

A sample is a few cases selected by the researcher from a larger number of cases (Neuman, 2014:246). It is a smaller number of cases or sub-group picked from the larger population to represent the larger population (Neuman, 2011:219; Carey 2013:46). As such, a sample is the research participants the researcher chooses to include from the larger population and from whom to collect information. The researcher has to sample in order to assemble specific cases that can bring a detailed understanding of the matter under study (Neuman, 2011:219). Sampling is the procedure of choosing a sample from the target population in order to make observations and inferences about the population (Holloway & Wheeler, 2010:137; Williman, 2011:93; Bhattacharjee, 2012:65). Sampling can either be probability or non-probability. Probability sampling is when each element has an equal opportunity to be chosen by the researcher (Dudley, 2011:140; Carey, 2013:46). Whereas non-probability sampling is when some units of the target population's chance of being selected cannot be correctly decided (Bhattacharjee, 2012:69) as it selects study units based on systematic value (Kelly, 2016:56).

Qualitative research employs non-probability sampling and the sampling techniques include convenient, snowballing and purposive sampling. Purposive sampling is

when the researcher specifically selects research participants who meet specific pre-selection criteria (Babbie, 2010:193). Purposive sampling is a non-random sampling technique used to identify certain kinds of cases for inquiry so as to gain a detailed understanding (Yin, 2011:88; Neuman, 2014:273-274). The purpose is to include cases that will give relevant and detailed information and must include those who might offer contrary views to avoid bias (Yin, 2011:88; Neuman, 2014:273-274). Hence, purposive sampling is when the researcher deliberately selects research participants who can provide relevant and detailed information. The purposive sampling technique was applied in this study to enable the researcher to gain a deeper understanding of the experiences of victims, juvenile offenders and pre-trial diversion officers with VOM as an intervention strategy in a pre-trial diversion programme. The researcher used the pre-trial diversion case registers and files to select sample units of victims, juvenile offenders and pre-trial diversion officers who met the selection criteria.

The selection criteria for the juvenile offenders were as follows:

- Participated in a pre-trial diversion programme in Harare Province from June 2013 to December 2017
- Participated in VOM
- Aged 18 years and above, but below 18 years when referred to attend a pre-trial diversion programme
- Residing in the Harare Province.

The exclusion criteria for the juvenile offenders were as follows:

- Not being an offender to one of the participating victims.
- Juvenile offenders who participated in a pre-trial diversion programme, but who no longer reside in Harare Province.

The selection criteria for the victims of crime were as follows:

- Aged 18 years and above in 2018
- Being the victim of one of the participating juvenile offenders
- Participated in VOM within a pre-trial diversion programme.
- Residing in the Harare Province.

The exclusion criteria for the victims were as follows:

- Not being a victim of one of the participating juvenile offenders.

- Participated in the pre-trial diversion programme, but no longer residing in the Harare Province.

In qualitative research, there are no rules for the size of the sample, and the size of the sample cannot be decided at the beginning of the study. The number of participants is determined by the focus of the study, what the researcher wants to know, the usefulness and the credibility of the data to be collected and the saturation of data to be collected. Data saturation manifests when no new information emerges. Therefore, the actual number of research participants to be included in the sample can only be known when the data reaches a point of saturation (Kielmann et al., 2011:22; Strydom & Delport, 2011:391; Merriam & Tisdell, 2016:101). In this study, the researcher did not determine the sample size before conducting interviews. As such, the researcher continued with interviews until data reached the point of saturation. This was done for all the target groups, that is, the victims, juvenile offenders and pre-trial diversion officers. It was anticipated that from the 40 to 50 cases of each pre-trial diversion officer, data saturation may manifest after 10-12 interviews. After following the principle of data saturation, data saturation manifested at the seventh interview for the victims and the juvenile offenders and the sixth interview for the pre-trial diversion officers. The researcher had to continue with interviews to make sure that no new information manifested which brought the sample size to ten victims, ten juvenile offenders and nine pre-trial diversion officers.

Before the onset of data collection, the researcher must contact the appropriate gatekeepers. A gatekeeper is a leader with the authority to control access to a research setting (Strydom in De Vos et al., 2011:333; Yin, 2011:46, 264; Neuman, 2014:441). As such, the researcher views a gatekeeper as an individual who is authorised to grant permission to access the research site. This authorisation may be based on the standing of the person in a community or his/her position of employment. Permission must be requested from gatekeepers through a written letter and a meeting in which the aims, objectives, research methods, issues of confidentiality and anonymity can be discussed. Following the approval of the proposal and granting of the research clearance, the researcher requested permission from the Head of the Ministry, that is, the Permanent Secretary in the Ministry of Justice, Legal and Parliamentary Affairs in Harare to conduct the research in Pre-Trial Diversion Department through a written letter (Annexure A). Permission was granted to conduct the study by the Head of the Ministry through

the National Coordinator who is the head of the Pre-Trial Diversion Department (Annexure E). The subsection below presents the data collection process.

1.5.3 Data collection process

Data collection refers to the process and tools used to gather information that aims to answer the research questions (Grinnell & Unrau, 2011:562; Kabir, 2016:202). It involves in qualitative research, interviewing, focus group discussions, observing, collecting and examining materials (Yin, 2011:129). Thus, data collection is the manner or way in which the researcher gathers information from the research participants. In this study, the process paid attention to the preparation for data collection, the data collection instrument and how the data was collected. The next subsection focuses on preparation for data collection.

- *Preparation for data collection*

The data collection process begins by making contact with participants in their natural settings, which is their home environment. The purpose is to explain the goal of the study, selection criteria and voluntary participation, seek informed consent, ask for permission to tape record interviews, write down notes of interesting points and observation and to establish rapport with research participants (Babbie, 2010:317; Neuman, 2014:441). The participants must be informed of the next step, that is, the actual data collection and appointments must be scheduled on the date, time and venue convenient to them (Hennink et al., 2011:121). As such, preparation for data collection is when the researcher contacts the research participants either physically or telephonically with the aim of preparing them for interviews should they consent to participate.

In this study, the research participants, that is, the victims, juvenile offenders and pre-trial diversion officers were contacted telephonically to request their participation and prepare them for data collection if they agreed. The researcher made appointments with the potential participants for a face-to-face meeting in order to give them the letter requesting their participation in the study, informed consent forms (Annexures A and B) and the interview guide. The aim was for the researcher to introduce himself, explain the goal of the study, selection criteria, voluntary participation and informed consent and to establish rapport (Babbie, 2010:317; Neuman, 2014:441). Establishing rapport is crucial during preparation in order to establish good relations with the participants which helps to improve their readiness

and capacity to cooperate (Nziyane, 2010:74). The participants who voluntarily agreed to be part of the study signed informed consent forms and appointments for interviews were made on the date, time and venue convenient to the research participants. Next is a discussion on the methods of data collection.

- *Methods of data collection*

Data are responses to open-ended questions in a schedule or first-hand information from people about their experiences or beliefs (Sara Neena, 2011:42). Data can be collected through interviews, focus group discussions, observation, collection and examination of materials (Creswell, 2009:178; Yin, 2011:129). Hence, data is information collected from the research participants. The researcher used interviews to collect data. The type of interview that was suitable for this study was the semi-structured interview.

A semi-structured interview is a detailed interview that is less structured, thereby permitting participants to respond in their own words in a meaningful and relevant way (Remler & Van Ryzin, 2010:64). It is when the researcher focuses the discussion on the actual effects of a given experience to which a participant has been exposed (Sara Neena, 2011:43). A semi-structured interview is one that has structured and unstructured sections with standard and open-ended questions (Williman, 2011:97). Therefore, a semi-structured interview involves the researcher going to collect information by means of a face-to-face discussion with participants. A semi-structured interview uses an interview guide, specifying topics relating to the research and it includes open-ended questions related to the study (Remler & Van Ryzin, 2010:64; Sara Neena, 2011:43). The researcher views a semi-structured interview as a less structured conversation guided by questions written down so as to guide the researcher in the discussion with the participant.

The use of semi-structured interviews, as less structured conversations guided by an interview guide with open-ended questions, was a relevant data collection method for the study. As the data collector, the researcher was able to build rapport with the participants, ensure confidentiality and allow the victims, juvenile offenders and pre-trial diversion officers to respond in their own words. The following are the biographical information and topic-related questions asked during the semi-structured interview with the victims, juvenile offenders and pre-trial diversion officers.

Population group 1: The victims

Biographical information

- a) Age _____
- b) Gender (observation) _____
- c) Offence committed _____
- d) Relationship with the offender _____
- e) Number of VOM meetings _____

Topic-related questions

1. Tell me about your involvement with the pre-trial diversion programme.
2. Tell me about your understanding of the meetings you attended with the offender and diversion officer.
3. What was your experience like in these meetings?
(Probe for positive, meaningful and negative if necessary)
4. What knowledge and support did you get during these meetings?
5. What coping mechanisms did you use in these meetings?
6. How did you feel about the outcome/result of these meetings?
(Probe for information regarding the relationship with the offender, any changes)
7. Based on your experiences during these meetings, is there anything you think should be added/changed to the discussions?
8. What do you think the social workers can do to support child offenders in this programme?
9. Is there any information you would like to add, or do you have any questions?

Population group 2: The juvenile offenders

Biographical information

- a) Age _____
- b) Gender (observation) _____
- c) Offence committed _____
- d) Relationship with the victim _____
- e) Family composition and living circumstances _____

Topic-related questions

1. Tell me about your involvement with the pre-trial diversion programme.
2. Tell me about your understanding of why the meetings between you, your family and the victim as arranged by the diversion officer were held.
3. What was your experience like in these meetings?
(Probe for positive, meaningful and negative if necessary)
4. After the last meeting held, how did you feel?
(Probe for information regarding the relationship with the victim, any changes: learning which took place, insights).
5. Based on your experiences during these meetings, is there anything you think should be added/changed to the discussions?
6. What do you think the social workers can do to help children who committed a crime?
7. Have you been accused of any crime after the VOM meetings? (If yes, what....., when.....and what was the outcome?)
8. Is there any information you would like to add, or do you have any questions?

Population group 3: The pre-trial diversion officers (social workers)**Biographical information**

- a) Age _____
- b) Gender (observation) _____
- c) Tertiary Qualification(s) _____
- d) Number of years as registered Social Worker _____
- e) Number of years of experience as Pre-Trial Diversion Officer _____

Topic-related questions

1. Tell me about your involvement with the pre-trial diversion programme.
2. What is your role in the VOM intervention?
3. What are your experiences of the VOM process?
(Probe for positive, meaningful and negative if necessary)
4. From your experience, how does the VOM contribute to the mending of relations of the victim, juvenile offender and/or the community?

5. From your experience, how does the VOM contribute to the prevention of re-offending?
6. How do the VOM guidelines contribute to the effective rehabilitation and reintegration of juvenile offenders?
7. Besides your tertiary qualification(s), what type of staff capacity strengthening do you receive in relation to VOM and how does it help the implementation of victim offender mediation?
8. What type of collaboration or partnerships do you have in implementing VOM?
9. To improve on the VOM programme, what will your suggestions be?
10. Is there any information you would like to add, or do you have any questions?

Apart from using the interview guide, the use of interviewing skills by the researcher was important. During the semi-structured interviews, the researcher asked open-ended questions instead of closed questions or leading questions which limit the participants' response to a one-word answer or ones that influence the direction of the response. The researcher asked open-ended questions that allowed research participants to give any response in any direction (Yin, 2011:135; Williman, 2011:98). Although the researcher went to interviews with an interview guide that provided the focus of the interview, he followed up on participants' responses asking for clarification, concrete details and more stories. This required the researcher to listen actively by listening more and talking less. This enabled the researcher to build on what the participants began to share and understand the meaning of the participants' experiences. In following up, the researcher waited for the right opportunity during the interview to avoid interrupting participants when they were sharing their experiences (Yin, 2011:135; Strydom in De Vos et al., 2011: 345; Delpont & Roestenburg, 2011:345-346; Roulston, 2018:326). Also, the researcher asked for clarity when he did not understand what the participants were saying. It was not always easy to understand everything the participants said or the context and order of their experiences straight away. The researcher asked participants to interpret the meaning of their responses in order to get a clear and detailed understanding of their experiences (Strydom in De Vos et al., 2011: 345; Delpont & Roestenburg, 2011:345-346). This set of interviewing skills enabled the researcher to obtain detailed information that provided an in-depth understanding of the experiences of victims, juvenile offenders and pre-trial diversion officers with VOM

within a pre-trial diversion programme. The following subsection explains how the pilot testing was undertaken.

- *Pilot testing*

A pilot test is a pre-test on a few cases so as to examine the research questions, designs and quality of responses (Bhattacharjee, 2012:23). It is a trial run to prepare for the main study and can be done to test a research instrument before the main study (Yin, 2011:37; Dikko, 2016:521). It helps to see participants' reactions to the questions in the interview guide (Hennink et al., 2011:120) and helps to detect potential problems in the research (Williman, 2011:175; Bhattacharjee, 2012:23). This is an important exercise as it affords the researcher the opportunity to test and fine-tune any aspect of the research before actual data collection (Dikko, 2016:521). Hence, pilot testing involves testing the research instruments before the actual data collection in order to adjust any aspect of the study, when necessary (cf. section 1.5.3).

In this study, the researcher pilot tested the interview guide to ensure the content validity of the questions. The same sampling criteria were used to identify three victims, three juvenile offenders and one pre-trial diversion officer. These participants were not part of the main study. During pilot testing, it was noted that some of the questions on the interview guide needed adjustments and the researcher adjusted the questions before the actual data collection. Pilot testing also gave the researcher the opportunity to test his interviewing skills and it helped to improve them, especially probing more on participants' responses. The next subsection focuses on method of data analysis.

1.5.4 Method of data analysis

Data analysis is to scientifically arrange, put together and scrutinise data from the interview transcripts and look for relationships among specific details in order to understand a phenomenon (Creswell, 2009:183; Bhattacharjee, 2012:113; Neuman, 2014:477). During analysis, particular data is connected to concepts in order to identify themes. Data analysis helps improve understanding of a phenomenon and advance knowledge (Bhattacharjee, 2012:113; Neuman, 2014:477). Therefore, data analysis involves the researcher working backward and forward between data to identify themes, sub-themes and categories which helps to improve understanding of the phenomena under study.

The researcher has to analyse the collected data so as to improve the understanding of the participants' experiences being studied (Bhattacharjee, 2012:113; Neuman, 2014:477). In this study, the collected data was organised into themes, sub-themes and categories that describe and interpret the experiences of the victims, juvenile offenders and pre-trial diversion officers with VOM within a pre-trial diversion programme. The data was analysed by the researcher using Tesch's eight steps as cited in Creswell (2009:186):

1. The researcher read all the transcripts carefully to have a clear understanding of the phenomenon under study and wrote down ideas.
2. The researcher picked up a transcript, carefully read it to get the underlying meaning of the phenomenon and wrote down ideas in the margins to the right.
3. This procedure was repeated with all transcripts. A list of all the topics was made and similar topics were put together and labelled as major topics, unique topics and leftover topics.
4. The researcher took the list of topics, returned to the data and abbreviated the topics in the form of codes and the codes were written next to the appropriate segments of text.
5. The researcher then looked for the most descriptive wording for the topics and turned them into themes, combined similar topics to reduce the list of themes and drew lines between themes to show interrelationships.
6. A final decision was made about the abbreviation of each theme, sub-theme and category and these codes were put in alphabetical order.
7. Data materials for each theme, sub-theme and category were assembled in one place and a preliminary analysis was done.
8. After coding the data, the researcher waited for two weeks and recoded existing data to make sure that data materials were placed under the correct themes, sub-themes and categories.

The researcher also utilised the services of an independent coder with expertise and experience in research to do independent data analysis. A consensus discussion was held between the researcher, the independent coder and the supervisor and a final decision was reached on the themes, sub-themes and categories. The following subsection highlights the methods of data verification applied to the study.

1.5.5 Methods of data verification

Data verification is the true value, the applicability, the consistency and the neutrality against which the trustworthiness of the study can be assessed (Schurink, Fouché & De Vos, 2011:420). In scientific research, data needs to be verified and it is essential to establish data verification (Williams & Hill, 2012:175). The researcher used Lincoln and Guba's model (cited by Krefting, 1991:214-222) to demonstrate the trustworthiness of the study findings. The four components of trustworthiness are credibility, transferability, dependability and confirmability. In the subsections below the researcher discusses these components and how they are linked to the study.

- *Credibility*

Credibility is the true value of the study (Krefting, 1991:215). The truth value of the study can be acquired from exploring participants' experiences as they live them. A qualitative study is credible when it gives a correct account of the participants' experiences so that those who also share that experience will recognise it (Krefting, 1991:215; Streubert & Carpenter, 2011:48; Thomas & Magilvy, 2011:152). Therefore, the researcher ensured credibility of the study findings by giving a correct account of the experiences of victims, juvenile offenders and pre-trial diversion officers in VOM within a pre-trial diversion programme as they lived them. Credibility is achieved through triangulation; member checks; use of the supervisor and the independent coder; and the researcher's interviewing skills.

Credibility is demonstrated through triangulation. Triangulation is done by eliciting information collected from various points of view or informants. This is done in order for the researcher to make sure that every aspect of the event is taken into account. Therefore, the researcher has to collect information from different categories or groups of research participants (Krefting, 1991:219; Shenton, 2004:66; Merriam & Tisdell, 2016:259). The researcher achieved triangulation by interviewing a variety of victims, juvenile offenders and pre-trial diversion officers and the principle of data saturation was followed to determine the number of participants.

Member-checking is another strategy to ensure credibility in a study. Member-checking is done when the researcher goes back to the research participants and checks the correctness of both the data and the interpretation. This seeks to assess the intentionality of participants, to correct errors and provide information. This helps

to clear a researcher's mistakes and ensure the information is a true reflection of participants' experiences (Krefting, 1991:219; Maxwell, 2013:126; Holland & Rees, 2016:148). Hence, the researcher went back to some of the victims, juvenile offenders and pre-trial diversion officers to verify data.

Moreover, credibility is ensured through using the supervisor or peer examination. The researcher made use of a supervisor with great expertise and experience in qualitative research to review perceptions, insights and analysis. The researcher can also increase the credibility of the study by using an independent coder through checking themes that emerge from the data by looking at negative cases or not confirming cases (Krefting, 1991:219). In this study, the researcher used the services of an independent coder to do an independent data analysis which increased the credibility of this study's findings (cf. section 1.5.4).

Finally, the interviewing process can also help to ensure the research credibility. The use of the researcher's interviewing skills during the research process helps to ensure the credibility of the study. The reframing, repetition and expansion of questions on different occasions increase credibility of the study (Krefting, 1991:220). During the interview process (cf. subsection 1.5.3.2), the researcher's interviewing skills were used to improve the credibility of the study findings.

- *Transferability*

Transferability is the extent to which the research findings can be applicable to other settings or participants (Krefting, 1991:216; Mabudusha, 2014:38; Marshall & Rossman, 2016:261). Transferability is achieved when the findings are applicable to settings outside of the study situation that are determined by the nature of similarity between the two settings. Transferability can be achieved through thick descriptions of the research methodology and participants' experiences. Sufficient data should be collected to allow thick descriptions of participants' experiences in context to enable assessment of transferability to be established (Krefting, 1991:216; Shenton, 2004:69-70; Merriam & Tisdell, 2016:256). Thus, a detailed description of the research participants' experiences enables transferability to be assessed.

Furthermore, transferability of the study findings can be achieved through a detailed description of the research methodology and purposively sampling a variety of participants to obtain sufficient information that allows for thick description (Babbie

& Mouton, 2001:277; Shenton, 2004:69-70). To ensure the transferability of this study's findings, the researcher described in detail the research methodology and research method followed, the selection of the victims, juvenile offenders and the pre-trial diversion officers from different locations in Harare and the researcher collected sufficient information on their experiences with VOM within a pre-trial diversion programme by using the data saturation principle. Sufficient information enabled thick descriptions of their experiences and thick descriptions enabled assessment of transferability of the data to be made.

- *Dependability*

An excellent qualitative research is one which is dependable (Tracy, 2010:838). Dependability refers to the consistency of the study findings which can be repeated in another context with similar findings (Krefting, 1991:216; Morrow, 2005:252). Dependability can be achieved by providing a clear explanation of how the researcher collected data and analysed it (Anney, 2015:278). The research findings must produce facts that if the research is to be re-done with the same or similar participants or setting, it should produce similar or the same findings. The key to consistency is not to control the participants but to learn from them. Emphasis should be placed on the distinctiveness of the research participants' circumstances so that differences in experiences are looked for (Krefting, 1991:216). Hence, the dependability of the study's findings is achieved by providing a clear explanation of how data was collected and analysed so that when the study is repeated in a similar context or site it can produce similar results.

Dependability can be achieved through conducting coding and recoding the data throughout data analysis. The researcher, after coding a section of data, should wait for about two weeks and go back to recode the data and compare the results (Krefting, 1991:221). The dependability of this study's findings was achieved by coding the data, waiting for about two weeks and then recoding the data where necessary.

Additionally, dependability is achieved through discussions with the supervisor or a colleague (Krefting, 1991:221) (cf. credibility).

- *Confirmability*

Confirmability is the extent to which research findings are a result of the study area instead of the researcher's opinions (Krefting, 1991:216; Shenton, 2004:72; Morrow, 2005:252). The researcher has to clear all pre-formed opinions he/she may have and record information based on the participants' experience. Emphasis is not only positioned on the neutrality of the researcher but is also placed on the neutrality of the data (Krefting, 1991:217; Schmidt & Brown, 2015:235). Therefore, confirmability is achieved when the findings of the study are reported from the participants' point of view instead of that of the researcher.

Confirmability can be achieved through triangulation, that is, the use of multiple data sources and theories. The researcher should produce a written account of every interpretation from at least two sources to ensure that the data supports the researcher's analysis and interpretation of the research results (Krefting, 1991:2221). The confirmability of this study's findings was achieved by collecting information from the victims, juvenile offenders' and pre-trial diversion officers and presented from their point of view.

The confirmability of this study's findings was also achieved by using the services of an independent coder to do an independent data analysis (cf. credibility).

Next, the researcher unpacks the ethical considerations as applied in this study.

1.6 ETHICAL CONSIDERATIONS

Ethics is what is or is not legitimate to do in research. It is what moral research procedure requires (Yin, 2011:38; Bhattacharjee, 2012:137; Neuman, 2014:145). It requires the researcher to balance the search for knowledge and the research participants' rights such as dignity, privacy and freedom. Ethics impacts on the integrity of the research and the researcher needs to be trustworthy by presenting honest information (Yin, 2011:38-41; Neuman, 2014:145). The researcher views research ethics as moral research procedure. This researcher observed the following ethical considerations, namely informed consent and voluntary participation; privacy, anonymity and confidentiality; beneficence; avoidance of harm; and the management of information. The mentioned ethical considerations, in the order presented, are discussed in subsections 1.6.1 to 1.6.5.

1.6.1 Informed consent and voluntary participation

Informed consent is a written document elaborating every aspect of the study to participants and requesting their voluntary agreement to take part in the study before the study begins. To be informed means that participants have understood the purpose and nature of the research to be conducted (Holland & Rees, 2010:32; Yin, 2011:46; Neuman, 2014:151). The informed consent form should also clearly state the participants' rights not to participate or to pull out at any stage as they wish with no resultant consequences (Bhattacharjee, 2012:138). Voluntary participation is when the research participants agree to answer research questions or refuse to answer them in the study at any stage with no negative repercussions (Bhattacharjee, 2012:138; Neuman, 2014:359). The research participants should be knowledgeable of their right to voluntary participation in the study and this must be clearly stated in the informed consent form (Bhattacharjee, 2012:138). Thus, the research participants should be clearly and fully informed on all aspects of the study to enable them to make informed consent on their participation.

In this study, the researcher gave the victims, juvenile offenders and pre-trial diversion officers information letters requesting their participation which provided information about the purpose of the study and included informed consent forms to sign for their voluntary participation in the study (Annexure A and B). The next subsection highlights the issues of privacy, anonymity and confidentiality in the research.

1.6.2 Privacy, anonymity and confidentiality

In scientific research, research participants must be protected by the researcher. Their interests, well-being and identity must be protected (Bhattacharjee, 2012:138). As such, their details should remain private and not be shared with the public. The researcher may violate privacy only for legal research reasons (Neuman, 2014:154). Therefore, the researcher should protect participants' privacy by not disclosing their identities in a report or to the public. This study's participants' privacy was protected through anonymity and confidentiality.

Anonymity is when the researcher or readers of the research findings cannot associate certain given responses with a specific research participant (Bhattacharjee, 2012:138). Their identity remains unknown in order to protect participants (Yin, 2011:264; Neuman, 2014:154). The researcher must use

pseudonyms and pseudo locations to protect their identity (Yin, 2011:264; Neuman, 2014:154;). Thus, anonymity helps the researcher protect the participants' identities by using pseudonyms. In this study, the researcher used pseudonyms for the victims, juvenile offenders and pre-trial diversion officers.

In face-to-face interviews, anonymity was not possible. As such, the researcher guaranteed the participants their confidentiality. Confidentiality is when a researcher can know a participant's responses but promises not to expose that person's identity in any report or public forum (Bhattacharjee, 2012:138). It is to remain secret in a manner that does not link certain participants to particular responses (Yin, 2011:46; Neuman, 2014:155). Thus, the researcher must assure research participants that information is kept confidential (Yin, 2011:46). In this study, the researcher kept the information about the victims, juvenile offenders and pre-trial diversion officers confidential by not revealing their identities in this research report or to the public. Next is a discussion on beneficence of the study.

1.6.3 Beneficence

Beneficence refers to actions taken for the benefit or well-being of participants (Greaney, Sheehy, Heffernan, Mhaolrunaigh, Heffernan & Brown, 2012:40; De Beer, 2016:2). It is an ethical principle that guides the researcher to try maximising benefits to be produced by the research to the participants. This involves the direct or indirect benefits that can be obtained from the research study (Greaney et al., 2012:40; Weinbaum, Landree, Blumenthal, Piquado & Gutierrez, 2019:10). They may include improved access to services, improved skills, improved knowledge of the area under study and so on. Thus, beneficence involves the researcher maximising the benefits that come from the study and minimising risks. In this study, the researcher tried to maximise the possible benefits of the study for the victims, juvenile offenders and pre-trial diversion officers which included increased knowledge and understanding of VOM in pre-trial diversion, improved skills which may help to improve the implementation of VOM in pre-trial diversion and improved access to quality services for participants and the general populace. Next is a subsection focusing on avoidance of harm.

1.6.4 Avoidance of harm

Avoidance of harm is when the researcher has an obligation to make sure that the research is carried out in a manner that protects the participants from any harm

(Silverman, 2010:156). The researcher should ensure the environment is safe to avoid injuries, physical attacks or discomfort, stressful and embarrassing situations to participants and interviews must be terminated if there is no guarantee of participants' safety (Yin, 2011:44; Neuman, 2014:148-49). A participant who experiences stress as a result of participating in a research study should be referred for counselling if he/she agrees and follow-up should be done (Yin, 2011:44; Neuman, 2014:148-49). As such, avoidance of harm is the ethical responsibility of the researcher to protect the research participants from any harm during the data collection process. In this study, the researcher ensured the environment was safe to avoid injuries, physical attacks or discomfort, stressful and embarrassing situations for all participants. Prior arrangements were made with a social worker to refer any participant who experienced stress as a result of the study (Annexure C). Fortunately, none of the participants experienced stress as a result of their participation in the study. The following subsection focuses on the management of research information.

1.6.5 Management of information

Management of information is connected to anonymity and confidentiality. The researcher should safely keep participants' information in the transcripts, field notes and audio tape recordings by locking them in a secure place that can be accessed only by the researcher (Yin, 2011:46,264; Neuman, 2014:154). The researcher should also use a password to protect electronically stored research data (Flick, 2011:220). The researcher views management of information as the safe keeping of the collected information. In this study, the researcher kept all the transcripts, field notes and audio tape recordings in a safe place by locking them in a locker at home, accessible only to the researcher and used a password to protect electronically stored data and all records will be destroyed 5 years after the study (Flick, 2011:220; Yin, 2011:46,264).

The next section focuses on clarifying the key concepts or terms of the research.

1.7 CLARIFICATION OF KEY CONCEPTS

This section focuses on the key concepts or terms as they are applied in this research. They include *victim*, *juvenile offender*, *victim offender mediation*, *pre-trial diversion*, *pre-trial diversion officer* and *experiences*. The next subsection focuses on the victim.

1.7.1 Victim

A victim is an identifiable person against whom a crime has been committed. This is usually a person who suffers any damage or loss in non-violent property-related offences (MJLPA, 2012:73). It is a person harmed as a result of a crime (National Crime Victim Law Institute, 2011:1; Panagos, 2020:80).

1.7.2 Juvenile offender

A juvenile offender in Zimbabwe is a child below 18 years of age as stated in the Constitution who has committed a crime (Zimbabwe, 2013:47). A juvenile offender is a person under 18 years of age who has committed an offence (English Oxford Dictionary, n.d, sv "juvenile offender"). It also refers to a person below 18 years of age who is alleged to have contravened the criminal law (Odhiambo, 2005:4). Thus, a juvenile offender is a child who has committed an offence against a victim.

1.7.3 Victim offender mediation

Victim offender mediation (VOM) is a process handled by properly trained social workers between a juvenile offender and the victim, with their close relatives (MJLPA, 2012:58). It is when the victim and the offender come together in the aftermath of a crime to actively participate and, with the help of a neutral arbitrator, to work out an agreement that can consist of an apology, monetary or indirect compensation to the victim (MJLPA, 2012:73; Hogan, 2013:13; Panagos, 2017:1688). VOM is an alternative model of justice which strengthens the relations between the victim and the offender in order to promote and respect their dignity (Moran, 2017:1). VOM provides a platform for dialogue that promotes reconciliation and healing of the harm caused to the victim.

1.7.4 Pre-Trial Diversion or diversion

Pre-trial diversion is the removal of cases from the formal criminal justice system to extra-judicial programmes with certain conditions, at the discretion of the prosecution, and it also allows for rehabilitative programmes to come into play (MJLPA, 2012:3). It is a process that involves taking offenders who have committed offences out of the formal justice path to avoid prosecution and acquiring a criminal record which can affect access to future opportunities (Hansen & Umbreit, 2018:106). Diversion was created to reduce the effects of labelling linked to

offending by offering various programmes to young offenders instead of formal justice procedures (Schwalbe, Gearing, MacKenzie, Brewer & Ibrahim, 2012:27). This is when juvenile offenders are protected from the harmful effects of formal criminal justice.

1.7.5 Pre-Trial Diversion Officer

Pre-trial diversion officer is a social worker specifically appointed and trained to manage the various activities of a pre-trial diversion programme (MJLPA, 2012:54). A pre-trial diversion officer is a specialist social worker working with juvenile offenders (Ruparanganda & Ruparanganda, 2016:11). This is substantiated by Curley et al. (2016:78) who assert that a pre-trial diversion officer is an accredited social worker with a degree in social work.

1.7.6 Experience

Experience is the knowledge people get from events that occur to them which affects their actions or thoughts (Oxford Advanced Learner's Dictionary, 2011, sv "experience"). It refers to behaviour, values, emotions and perceptions unique to an individual (Grobler, Schenck & Du Toit, 2009:45). It "is the practical contact with and observation of facts or events" (English Oxford Dictionary, n.d,sv "experience").

In the following section, the researcher presents the dissemination of the research findings.

1.8 DISSEMINATION OF THE RESEARCH FINDINGS

The first dissemination of the research findings is to submit a copy of the dissertation to the University of South Africa in fulfilment of the Master of Social Work Degree. Thereafter, the research findings will be submitted to the Ministry of Justice, Legal and Parliamentary Affairs' Pre-Trial Diversion Department to influence policy formulation. Furthermore, the report will be cascaded down to Pre-Trial Diversion Officers in order to improve practice and service delivery. In addition, it will be presented to the participants in the study and the community where the research was done so that they clearly understand pre-trial diversion and victim offender mediation, thereby increasing their knowledge of the programme. The research findings will also be presented at conferences. Finally, the report will be prepared and submitted for review and possible publication in a professional and accredited journal.

1.9 CHAPTER OUTLINE OF THE RESEARCH REPORT

The research report is divided into five chapters and each chapter is briefly discussed below.

Chapter 1 of the research report introduced the reader to the background information of the study, the research problem under investigation, reasons for undertaking such a research study. It then gives clear definitions and explanations of important concepts, research questions, goals and objectives, the theoretical framework, research approach and design, ethical considerations, research layout, clarification of key concepts and a conclusion.

Chapter 2 of the research report presents a global perspective of diversion programmes. It focuses on the development and implementation of pre-trial diversion programmes globally and in Zimbabwe so as to obtain a deeper understanding of diversion processes, procedures, management and programmes.

Chapter 3 of the research report focuses on qualitative research. The researcher gives a comprehensive explanation of how the qualitative research approach was applied to this study.

Chapter 4 of the research report focuses on presenting and interpreting the research findings supported or contradicted by a literature control.

Chapter 5 of the research report presents conclusions and recommendations based on the research process and findings.

1.10 CONCLUSION

This chapter introduced the reader to the background information of the study by providing an overview of pre-trial diversion programmes in general and VOM in particular, tracing its origins from the 20th century in North America and how it spread to other parts of the world. It also presented an African account of how diversion programmes were developed with specific focus on Kenya, South Africa and Zimbabwe. The researcher presented the problem under investigation and the reasons for undertaking such a study. Clear definitions and explanations of the research questions, goals and objectives and theoretical framework were presented. The researcher introduced the research methodology by outlining the qualitative research approach applied to this study and the research designs. The

research designs applied were explorative, descriptive, contextual and multiple case study designs. The researcher also introduced the research method which focused on aspects such as the target population, sampling and sampling techniques applied. Furthermore, it also explained the data collection process from the preparation of participants to pilot testing; method of data collection, data analysis and the trustworthiness of the study. In addition, ethical considerations applied to the study included informed consent and voluntary participation, avoidance of harm, privacy, anonymity, confidentiality, management of information and beneficence. The researcher also clarified key concepts of the study and concluded by outlining the format of the research report.

In the following chapter, the researcher presents literature on the global perspective of diversion programmes.

CHAPTER 2

A GLOBAL PERSPECTIVE ON DIVERSION

2.1 INTRODUCTION

This chapter presents a global perspective on diversion programmes. It begins by clarifying diversion and Victim Offender Mediation (VOM). It then describes the historical background of diversion and VOM in diversion within juvenile justice, tracing its genesis and evolution in the Western juvenile justice system and how it spread to the rest of the world. It includes highlights of the position obtaining in Africa with regards to diversion programmes in general and VOM in particular.

2.2 DIVERSION

The concept diversion was introduced and defined in chapter 1 (cf. subsection 1.7.4). Diversion involves taking juvenile offenders who committed criminal offences away from the formal criminal justice system to extra-judicial programmes at the discretion of the prosecution (MJLPA, 2012:3). Diversion is offered preferably to first time offenders who accept responsibility for the offence without being coerced (MJLPA, 2012:51-52). There are different types of diversion programmes. They include police cautions, counselling, wilderness therapy, FGCs and VOM. A brief description of some of the different types of diversion programmes is provided below:

- *Police cautions*

Police cautions are warnings issued by police officers for trivial offences involving children. These cautions generally fall into two categories, namely informal and formal cautions. An informal caution can take place at the scene, for example a police officer of any rank comes across a child loitering with intent, he/she may choose not to charge the child but to caution the child with or without conditions (MJLPA, 2012:37; MJLPA, 2017:19). A formal caution is a formal and written warning administered by a senior police officer of a rank of a member-in-charge and an inspector or above at the direction of the pre-trial diversion committee. This type of caution is administered with or without conditions at a police station in private in the presence of pre-trial diversion officer and parents/guardians or legal

representative. A formal caution register should be maintained and kept for two years after which it should be expunged (MJLPA, 2012:37; MJLPA, 2017:19).

- *Counselling*

A juvenile offender can be referred for individual counselling depending on the nature of the offence. Counselling sessions should be facilitated by trained persons such as social workers and psychologists at a specified institution (MJLPA, 2017:27) to assist the juvenile offender to change his/her behaviour (MJLPA, 2012:86). Individual counselling sessions explores the juvenile offenders past and present life experiences, particularly as they impact engagement in criminal behaviours. The juvenile offender may attend one session per week until all required sessions are completed (Rampel, Lambson, Cadoret & Franklin, 2013:31; 51). The counselling sessions are intended to deal with the root causes of the individual criminal behaviour.

- *Wilderness therapy*

Wilderness therapy is a diversion programme which uses the healing power of nature, with intensive learning and therapeutic experiences to help the youth to reconnect with them (Smit, 2010:2; Kleinhans, 2013:81). It empowers the youth to deal with their traumatic events which led them to commit criminal offences. This helps them to rediscover their self-worth which help them in the choices they make (Smit, 2010:4; Berg, 2012:60-61; Kleinhans, 2013:81). The youth goes into a camp in the wilderness to spend five days taking part in therapeutic work. The participants take part in activities and experiences that focus on action-consequence learning and skills development. The facilitators of the wilderness therapy use therapeutic skills and experimental learning techniques to achieve the outcomes of the programme. It requires experienced facilitators to create such a therapeutic environment. The facilitators use obstacle courses, extreme activities and solitary experiences to create isomorphic connections to address aspects of the individual's behaviour. An isomorphic connection deals with the transfer of learning from a specific experience to other life experiences. After each activity, debriefing sessions are held to help individuals to link the learning experience to his/her own situation (Smit, 2010:4; Berg, 2012:60-61; Kleinhans, 2013:81-82).

- *Family group conferencing (FGCs)*

The focus of the FGC process is somewhat broader than VOM. FGCs involves bringing together the family and friends of the victim and the offender, and sometimes community members to participate in a process facilitated by a professionally trained facilitator to identify desirable outcomes for all parties, address the consequences of the criminal offence and to explore ways to prevent recidivism. FGCs aim to confront offenders with the consequences of crime and develop a plan that addresses the harm (UNODC, 2006:20-21; Department of Justice and Constitutional Development, 2011:9; Kleinhans, 2013:76). Furthermore, FGCs aims to provide the victims with an opportunity to be directly involved in responding to the crime, increase the offenders' awareness of the impact of his/her behaviour and providing an opportunity to take responsibility for it (Department of Justice and Constitutional Development, 2011:9; Kleinhans, 2013:77).

- *Victim offender mediation (VOM)*

VOM was defined and described in chapter 1 (cf. subsection 1.7.3) and in this chapter (cf. section 2.3). VOM is designed to address the needs of the victims while ensuring that the offenders are held responsible and accountable for their offences (UNODC, 2006:17). The victim is allowed to ask questions, express his/her feelings about the criminal offence and request information about the criminal offence (UNODC, 2006:18; Kleinhans, 2013:77). Thus, VOM aims to support the healing process of the victim and for the offenders to be aware of the impact of their criminal behaviour on the victims (Department of Justice and Constitutional Development, 2011:9; Kleinhans, 2013:78). As a result, VOM process humanises the criminal justice experience for both the victims and the offenders (Smit, 2010:2) as the offenders get an opportunity to develop empathy for the victims and the victims get an opportunity to gain closure about the criminal offence (UNODC, 2006:18; Kleinhans, 2013:78). Ultimately, the VOM process provides an opportunity for the victims and offenders to develop a plan that addresses the harm (Department of Justice and Constitutional Development, 2011:9).

On successfully completion of a diversion programme or activity, charges can either be withdrawn or prosecution declined. Failure to complete a diversion programme may result in the juvenile offender being referred back to the formal criminal justice or for prosecution (MJLPA, 2012:59; MJLPA, 2017:28). Diversion programmes are

somewhat different from country-to-country but they are united by the same purpose of offering a viable option to juveniles whose criminal activities can be addressed more effectively and efficiently outside the formal justice process (Kennedy, Brown, Darbey, Gatti, Klute, Maher & Peterca, 2009:33). The following section presents the international historical overview of the development of diversion.

2.2.1 International historical overview of the development of diversion

The origin or historical development of diversion has been introduced in chapter 1 (cf. section 1.1.1). The late 20th century saw the emergence of children's rights and restorative justice (Whitehead & Lab, 2013:31-32; Vengesai, 2014:3; Dlamalala, 2018:56). As children's rights and restorative justice gained traction in the criminal justice system, they brought about a gradual shift from the traditional offender-centred, punitive and retributive criminal justice to restorative justice in juvenile justice which empowers the victim to actively participate in the criminal justice process (Choi et al., 2012:36; Buchholz, 2014:17). This influenced countries across the world and regions came together to create and enact laws and standards such as the Beijing Rules of 1985, the UNCRC of 1989 and the ACRWC of 1990 with the aim to reform and transform juvenile justice from being punitive and retributive to being restorative, accountable and rehabilitative in nature. The Beijing Rules offered guarantees to juvenile offenders at every phase of the criminal justice process. The Rules emphasise the need to divert juvenile offenders from the formal justice system and for detention to be used as a last resort and for the shortest period possible. However, the Rules were merely a resolution that did not have a binding force, thereby leaving the need for a legally binding law. In 1989, the UNCRC was enacted and ratified by member states with the exception of the USA and Somalia. The UNCRC has a binding legal force and provides for the rights of children who have committed criminal offences. Article 37 guarantees juvenile offenders' rights to be protected from torture, cruel and humiliating treatment, life imprisonment and the death sentence, whilst article 40 includes several fundamental principles of the Beijing Rules in so doing making them lawfully compulsory on member states. Article 40 provides for the treatment of juvenile offenders from the time of arrest, charge, trial to sentencing (Odhiambo, 2005:192; Vengesai, 2014:11-13).

A year after the UNCRC was enacted, African countries enacted the ACRWC to complement the UNCRC, to take into account socio-cultural and fiscal realities of the African experience and be attuned to the African social construction of childhood

(ZLHR & LSZ, 2013:25-26; Vengesai, 2014: 24; Bhaiseni, 2016:4). Article 17 of the ACRWC repeats the provisions of articles 37 and 40 of the UNCRC. It provides for special treatment of children who have committed crimes, including respect for their dignity and essential rights. It obliges member countries to make sure that detained children are kept separately from adult offenders and protected from torture, cruelty and humiliating treatment (Vengesai, 2014:17). Interestingly, these international and regional instruments also acknowledged that children are still immature, thus, they need special treatment and consideration due to their age or stage of development (Skelton & Tshehla, 2008:41; Odala, 2012:552; Dlamalala, 2018:46). Member states that ratified the UNCRC and the ACRWC are bound by the terms of these treaties and have the duty to implement children's rights as provided in these legal instruments. However, the international and regional instruments do not provide specific details on how diversion is to be developed and implemented except for broad guidelines. As such, diversion interventions have been developed and implemented somewhat differently from country-to-country (Odhiambo, 2005:2, 192). It can be concluded that the Beijing Rules, the UNCRC and the ACRWC were influential during the transformation and development of juvenile justice systems across the world.

Diversion programmes have been established as a vital component of the juvenile justice system in Western countries in North America, Europe and Australasia since the 1970s. Diversion in the Western world began to be practised at the discretion of the police and other justice officials without legislative recognition for a long time. The lack of legislative recognition led to various factors that became obstacles to the effectiveness of diversion programmes (Odhiambo, 2005:204, 206-208).

In the USA, diversion programmes have been considered to offenders who acknowledges and accepts responsibility for the offence. The diversion programmes had been developing in USA around the 1970s as a way to hold offenders liable for their unlawful actions, rehabilitate offenders by addressing their problems, reduce offenders' reoffending, reduce the collateral consequences of conviction for offenders, provide offenders with an opportunity to gain insight into the damage their behaviour had caused, involve the victim and or the community in prosecutorial decisions and outcome, provide the opportunity for restitution, provide prosecutors with more plea bargaining options and use court resources more efficiently (Labriola et al., 2015:10).

Earlier diversion programmes in USA mainly focused on the very lowest level offence and they included FGCs, Wilderness therapy, VOM in lieu of conventional prosecution (O'Mahony, 2012:88; Labriola et al. 2015:2, 4). Thus, diversion in the USA was generally offered to juvenile offenders who commit felony and other misdemeanours whilst the programme generally excludes domestic violence, sexual offences, violent and gun crimes in some jurisdictions (Labriola et al., 2015:24). In addition, when a diversion programme is successfully completed in USA, charges are either dropped or expunged whereas when a programme is not completed, the case is taken back to the conventional prosecution (Labriola et al., 2015:2, 4). Furthermore, diversion in USA takes place at the police by the police before the case is taken for prosecution or by the prosecutor when the prosecutor decides not to file charges against the offender. The offender completes a diversion programme or it can also take place at the court after the prosecutor files a case with the court and the prosecutor, together with the court, suspends the normal adjudication process whilst the offender completes the diversion programme (Labriola et al., 2015:2, 4). The USA government approved the Juvenile Justice and Delinquency Prevention Act of 1974 to provide funds to states for diversion programmes (Warner, 2014:3-4). This legislation transformed and reformed the USA juvenile justice system and regularised diversion programmes (Namuo, 2016:582; Hansen & Umbreit, 2018:101). Currently, there are at least 80 diversion statutes in USA in 45 states with several statutes enacted before 1990 having been amended since the year 2000. These statutes are diverse because some are broad-brush, enabling legislation whilst others are extremely detailed, prescriptive formulas (Kennedy et al., 2009:13-14). Diversion programmes in USA have evolved since the 1970s and the current models of diversion are no longer exclusively focusing on the very lowest offence (Labriola et al., 2015:2, 4).

In Canada, the intention of diversion as provided in the Youth Criminal Justice Act of 2002 is to hold juvenile offenders accountable for their actions, repair damage done to the victim as well as the community, to give the victim a chance to participate in decision making and encourage the involvement of the victims, families and community members (Hatt, Melo, Ngugi, Suvilaakso, Totland, Van Der Huls, Vega, Zug, Morton, R & Van Keirsbikk, 2008:37; Greene, 2011:57). The Youth Criminal Justice Act of 2002 provided the legal framework to regularise extrajudicial programmes in the diversion programme for juveniles who committed minor offences and who admitted to the charges (Greene, 2011:52-54). The extrajudicial

programmes include police cautions, apology, educational programmes, and victim offender reconciliation programmes. The management of juvenile justice is the duty of provinces and territories and is carried out by government departments, NGOs and Justice Committees. Although extrajudicial sanctions are offered in all jurisdictions, they differ as to which programmes are available for extrajudicial sanctions. When the programme is successfully completed, it results in the offence being dismissed whereas failure to complete the programme results in the case continuing through normal court processes (Hatt et al., 2008:36-38; Greene, 2011:53).

Diversion spread across the world after other countries drew on this innovation in America and adapted it to their unique context. In the UK, diversion aimed to remove the unnecessary procedure of taking juvenile offenders through the normal criminal justice system; improve the life prospects of juveniles involved in offending behaviour, victims and the entire community; reduce repeat offending; and use resources efficiently (Tyrrell, Bond, Manning & Dogaru, 2017:10). Diversion was initially associated with police cautions. These police cautions were strengthened by the introduction of the UK Crime and Disorder Act of 1998. The rise of restorative justice in the UK in the 1990s saw new diversion options being developed such as FGCs and VOM that focus on healing the harm caused by an offence. They take place at different stages of the criminal justice system for juveniles who commit minor offences for the first time (O'Mahony, 2012:86; Winterdyk, 2015:356, 358).

Diversion in the UK has evolved over the years as it has been implemented in numerous jurisdictions for many years. However, diversion was not successful as it faced a number of implementation problems that resulted in failure to develop successful diversion models. It faced a lot of problems such as inadequate funding or geographical isolation and several critiques across jurisdictions. The primary complaint was that diversion under the Crime and Disorder Act of 1998 widens the net. Instead of reducing the number of children brought into the formal justice system, it widened that number as the mechanism was seen as being too soft. Judges delivered more severe sentences for children brought to them because subconsciously they believed they must have perpetrated serious offences as otherwise they would have been diverted. Worse still, the juveniles who were diverted were not diverted to something helpful which usually meant that their criminal behaviour was not addressed. As such, the probability of them continuing

to commit offences was not optimally reduced. Finally, some sections of the media believed diversion to be too lenient on the hoodlums and menaces in their communities. As a result, the UK government enacted the Legal Aid, Sentencing and Punishment of Offenders Act of 2012 to amend the Crime and Disorder Act of 1998 that made new provisions for diversion (Moffat, 2011:3-4; Cushing, 2014:141).

However, England and Wales recently brought back diversion and were fully aware of the previous issues when they developed their structures and procedural plans. There is no precise model developed at a national level but just a wider framework that allows for area specifics to be considered. The fundamental position is still to divert youths from the formal system but at the same time to use the process to get exact information about the youths so as to address their offending behaviour, thereby preventing future offending. Police officers, together with other justice agencies, assess juvenile offenders to determine eligibility for diversion taking into account the gravity of the crime and whether the juvenile is admitting to the charge. Assessment is done by a social worker, health care worker and qualified psychologist to distinguish all the welfare needs of the child, the problems they have and the potential causes of offending. A development plan is drawn up for the youths with their best interests at the heart of the process. The plans include educational programmes, referral to specific services to address specific problems and needs of the juvenile. In many circumstances the plan includes restorative justice elements for the youths to deal with the harm they have caused, provide victims with the chance to inform the offender on how they were affected by the offence with the hope of instilling a sense of repentance in the young offender and promote reintegration back into the community (Moffat, 2011:5-7).

2.2.2 The development of diversion in Africa

Diversion is a relatively new concept in Africa that was borrowed from the Western world. Just like the Western world, African countries such as South Africa, Kenya and Zimbabwe began to implement diversion at the discretion of the police and other justice officials without legislative recognition. These countries ratified international treaties such as the UNCRC and ACRWC and are obliged to take legislative steps to fulfil the rights of children contained in the treaties. A literature search has revealed little information on diversion programmes in Africa.

The following subsections focuses on the development of diversion programmes in Africa with specific focus on Kenya and South Africa.

- *The development of diversion in Kenya*

In Kenya, diversion is not new as police and prosecutors have applied it informally for many years whereby cases were resolved at police stations. Diversion began as a pilot programme in 2001 for children who have committed crimes (Rutere & Kiura, 2009:6-7; Office of the Director of Public Prosecutions (ODPP), 2019:3). However, lack of resources held back the full scale implementation of the diversion programmes as they are currently implemented only in the Karatina and Othaya areas (ODPP, 2019:3). The purpose of diversion was seen as a possibility of eliminating stigmatising children when they go through the justice system; reduce the congestion in children's remand homes or other institutions that hold the child before the determination of the case; and avoid criminal contamination of children (Hatt et al., 2008:59; ODPP, 2019:1).

Various structures composed of teams at the national level to the district level were created to manage the diversion programme. These teams were made up of heads of government departments and NGOs at various levels of government. They meet regularly in their various structures to deliberate on diversion issues (Rutere & Kiura, 2009:10). Under the existing Kenyan laws, there are no specific provisions for diversion programmes. Diversion programmes, such as police cautions, restitution and mediation were implemented on the goodwill arrangements of those involved in the criminal justice system (Rutere & Kiura, 2009:11; Moturi, 2018:14). The Children's Act (No: 8) of 2001 and the Constitution of Kenya of 2010 are the most important laws that deal with children and they incorporate the UNCRC and the ACRWC's essential principles of the best interest of children in every matter that concerns them and the use of detention as a last option. Article 53 of the Constitution of Kenya of 2010 and section 4(2) and section 18 of the Children's Act (No: 8) of 2001 provide for the best interest of children to be of paramount importance in every matter that concerns them; the rights of children to be protected from abuse, neglect, violence, inhuman treatment etcetera; the right not to be detained except as a last option; and to be separated from adults. As such, the principle of the best interest of the child and that of the use of detention as a last option were crucial in the establishment of pre-trial diversion in the juvenile justice system since diversion is one of the ways of de-institutionalising children who commit criminal offences in

appropriate cases. Therefore, one can accentuate that this is a component of diversion (Odongo, 2012:117; Waitherero, 2015: 68; Moturi, 2018:14; Agotse, 2018:57-60).

In practice, the diversion process begins with the police where juvenile offenders are dealt with by officers without uniforms to create a child-friendly environment for an interview and diverted from the common police procedure. They assess and classify children upon arrest to establish if they are eligible for diversion. After receiving a case that qualifies for diversion, the police officer contacts the children's officer or relevant social worker from the Department of Children's Services to decide on how the case should be handled. A meeting of the coordinating team of key stakeholders is convened with the aim of avoiding a criminal trial for children accused to have committed minor offences (Rutere & Kiura, 2009:11; Moturi, 2018:14). Furthermore, for the diversion process to take place, the juvenile must admit to having committed the offence. Thus, diversion is limited to children who admit to having committed a minor offence which includes minor theft, common assault, and malicious damage to property, loitering, truancy, using drugs, etcetera (Maroun & Grasso, 2006:34; Kinyanjui, 2008:234-235; ODPP, 2019:2).

- *The development of diversion in South Africa*

In South Africa, diversion programmes began in the 1990s as alternatives to formal criminal justice. They aimed to help children to be responsible for their actions; reintegrate the child back into his/her family and community; support the rendering of a symbolic benefit or recompense for the damage to the victim; support reconciliation amongst the parties involved; protect the child from being stigmatised; lessen the prospect of reoffending; prevent the juvenile from acquiring a criminal record; protect the dignity, well-being and growth of self-esteem; and the ability to effectively contribute in his/her society (Kleinhans, 2013:2, Hargovan, 2013:26). Diversion programmes such as police cautions, counselling, FGCs and VOM began to be implemented at the discretion of the prosecution without a policy regulating them (Berg 2012:30; Kleinhans, 2013:2). As a result, South Africa enacted the Child Justice Act 75 of 2008 which began to be implemented on 1 April 2010 to provide a legal framework to regularise the implementation of diversion programmes (Berg 2012:45; Kleinhans, 2013:39, 43).

Diversion takes place at three stages depending on the seriousness of the offence and the child's circumstances. Firstly, it can take place at the pre-trial stage through prosecutorial diversion for less serious offences. The prosecutor selects a diversion option or options after taking into consideration factors mentioned in section 52 of the Child Justice Act 75 of 2008. Once the prosecutor decides not to divert the child, the child will be taken to the preliminary inquiry (Nkosi, 2012:21; Hargovan, 2013:26). Secondly, diversion can take place at the preliminary inquiry through an order by an inquiry magistrate in a court or any appropriate place. Its objectives include to consider the probation officer's report; ascertain the eligibility of diversion before plea; select an appropriate diversion option; ascertain if the case can be taken to the children's court; take into consideration all relevant information and circumstances of the child before a final decision is made on diverting or placing the child (Nkosi, 2012:21; Doncabe, 2013:32; Hargovan, 2013:26). The people present at the inquiry include the child, the child's parent/s or guardian, a probation officer, a service provider identified by the probation officer (South Africa, 2009:28-31; Gallinetti, 2009:39, 40). Finally, diversion can take place at the child justice court during the trial or sentencing stage. Before the conclusion of the case, a child justice court can give an order to divert a child and suspend proceedings awaiting the child complying with the order. Once a probation officer's report indicates that a child has complied with the order, the child justice court, if satisfied, can order the trial to stop. Furthermore, a child justice court after convicting a child of a criminal offence can give the child a restorative justice sentence such as a FGC and VOM (South Africa, 2009:43, 45, 48; Hargovan, 2013:26).

The diversion process begins at the police after the child charged with a crime is summoned by the police to a preliminary inquiry through a written notice, summons or arrest. However, the law protects children from arbitrary arrest as the police are obliged to arrest a child if there is a belief that the child has no fixed address, will keep on committing crime and is a threat to anyone (South Africa, 2009:15-19; Berg 2012:47). Children are also protected from unnecessary detention as provided in section 28 (1) of the Constitution of South Africa and section 28 of the Child Justice Act 75 of 2008. Police officers are encouraged to firstly take into consideration the available options for releasing children before making a decision to detain them. They should firstly consider placing them in a child and youth care centre before making a decision to use detention (South Africa, 2009:19-21). Detention must only be used as a last option and children should be separated from adults, boys and

girls to be held separately and the conditions must take into account their vulnerability and any special needs such as appropriate health care, adequate food and blankets (South Africa, 2009:20; Berg 2012:44; Doncabe, 2013:32).

Every child charged with an offence is assessed by a probation officer at the pre-trial stage to establish whether the child is in need of care and protection; to estimate the age of the child; to ascertain prospects for diversion; to gather information in relation to previous convictions, diversion orders and pending cases; to consider all relevant information; and formulate unique recommendations that consider the best interest of the child (South Africa, 2009:23-25; Berg, 2012:71; Hargovan, 2013:26). As soon as the assessment is completed, the probation officer compiles a report with unique recommendations on the appropriateness of diversion, the possible diversion service provider and the possible diversion option or options and the criminal capacity of the child. The report should clearly state whether the child is admitting to the charge and should be given to the prosecutor prior to the preliminary inquiry (South Africa, 2009:25-26).

Diversion options are provided on two levels. Level one diversion options such as an apology, a formal caution, counselling and restitution are short-term, less intensive interventions for juvenile offenders accused of having committed less serious offences as listed in schedule one. These include for example, theft, receiving stolen property (amount not exceeding R2 500); fraud, malicious injury to property (amount not exceeding R1 500) and common assault. Level two diversion options, such as referral to intensive therapy, FGCs and VOM are for longer and more intensive interventions for juvenile offenders accused of having committed serious offences as listed in schedule two. These include for example, theft, receiving stolen property (amount exceeding R2 500); fraud, malicious injury to property (amount exceeding R1 500); robbery, assault, public violence and sexual assault and more serious offences in schedule three such as rape, treason and murder. These diversion options are adapted to address the specific needs of offenders so that they can be responsible citizens who can effectively contribute in their society (South Africa, 2009:32-33, 60-63; Department of Social Development, 2010:65; Berg 2012:57-59; Doncabe, 2013:30, 33; Kleinhans, 2013:46, 64-65).

Compliance with a selected diversion option or options granted in a diversion order by a magistrate, an inquiry magistrate or child justice court can be supervised by a probation officer or any suitable person. When the child has successfully complied

with the diversion order, the probation officer or the suitable person must submit a report to the relevant prosecutor. Likewise, when a child does not comply with the given order, the probation officer or suitable person notifies the relevant authority in writing to inquire into the reasons for such a failure. If the reasons for the failure are not due to the child's error, the relevant authority may order the child to carry on with an unchanged diversion option with changed or unchanged conditions; or add another option and create a suitable order to help the child and his/her family to fulfil the order. However, if the failure was as a result of the child's error, the prosecutor may choose to continue with prosecution (South Africa, 2009:37-39; Gallinetti, 2009:48).

The following subsection focuses on the development of diversion in Zimbabwe.

2.2.3 The development of diversion in Zimbabwe

In Zimbabwe, pre-trial diversion began in 2013 as a pilot programme and was adopted in 2016. It drew substantially from NICRO's experiences in South Africa. Diversion is implemented using various pieces of legislation as it is yet to be entrenched into law (MJLPA, 2012:3; ZLHR & LSZ, 2013:25-26; Bhaiseni, 2016:4). It relies on section 8 of the Criminal Procedure and Evidence Amendment Act (No: 2 of 2016) (Chapter 9:07) (Zimbabwe, 2016:14-15) which allows the Prosecutor-General or a prosecutor to decline to prosecute in any matter, including juvenile offender cases if the juvenile offender is below the age of 18, accepts to having committed the offence, and has committed a minor offence that does not attract a prison time of more than a year. The matter is then withdrawn before plea and referred to a pre-trial diversion programme. This allows the juvenile to be diverted to a pre-trial diversion programme before any formal contact with the formal criminal justice system. If a juvenile offender is already appearing in court, the Prosecutor-General or a prosecutor may withdraw the case before or after plea and send the child for diversion if the offence qualifies (MJLPA, 2012:5-6; Vengesai, 2014:34). The purpose of diversion is to make juvenile offenders accountable and responsible for their behaviour; give the chance for reparations payment; protect juvenile offenders from acquiring a criminal record and being labelled as criminals; and to open the court process for learning and rehabilitative measures to be applied for the advantage of all those involved (MJLPA, 2012:16, 51).

The Constitution of Zimbabwe Amendment (No. 20) of 2013 (Zimbabwe, 2013:48), as the supreme law of the country, is a significant milestone in the promotion and protection of children's rights. Section 81(1) (i) of the Constitution of Zimbabwe Amendment (No. 20) of 2013 (Zimbabwe, 2013:48) and section 84(1) of the Children's Act (05:06) of 2001 (Zimbabwe, 2001:46) protects juvenile offenders from unnecessary detention. These provisions clearly state that detention can be used as a last option if the juvenile offenders are kept separately from adults and taken care of in a manner and conditions that take their age into consideration (Zimbabwe, 2001:46; Zimbabwe, 2013:48; Vengesai, 2014:25). Police officers rely on the provisions of these sections when they arrest children charged with minor offences which qualify for a pre-trial diversion programme, they refer them for diversion and should not unnecessarily detain them in police cells but may release them to a place of safety (Zimbabwe, 2001:16, 46; Zimbabwe, 2013:48). The police also rely on section 135 (1) (c) of the Criminal Procedure and Evidence Amendment Act (No: 2) (Chapter 9:07) of 2016 (Zimbabwe, 2016:66) which guides police officers who arrest a juvenile offender with no parents or guardians or nowhere to go. In such cases they may place the juvenile offender in a place of safety in accordance with section 14 of the Children's Act (05:06) of 2001 (Zimbabwe, 2001:16). In addition, when the police arrest a juvenile offender who has a parent/guardian, the Criminal Procedure and Evidence Amendment Act (No: 2) (Chapter 9:07) of 2016 (Zimbabwe, 2016:66, 68-69) sections 135 (1) (b) and 142 (5) provides for the police to allow the juvenile offenders' parent/guardian to take him/her home with a warning to bring him/her to a specific place on a specific date.

In addition, section 53 of the Constitution of Zimbabwe Amendment (No. 20) of 2013 (Zimbabwe, 2013:37) protects any person from physical, psychological torture or brutal, inhuman or degrading treatment or punishment. Thus, juvenile offenders are also protected from any physical, psychological torture or cruel, inhuman or degrading treatment or punishment and a stigmatising criminal justice system (MJLPA, 2012:12; Zimbabwe, 2013:37; Vengesai, 2014:35-36).

Before the implementation of the pre-trial diversion programme, the government of Zimbabwe developed pre-trial diversion guidelines as a policy document to guide the implementation of the programme. According to the guidelines, for the juvenile offender to qualify for pre-trial diversion, he/she must be under 18 years of age; must be a first time offender (repeat offenders do not qualify); must accept responsibility

for the offence without being coerced (offenders who do not accept responsibility of the offences are not eligible and are entitled to go to formal justice); must have committed a non-serious offence which does not attract a jail sentence of more than a year, for example theft, assault, fraud, forgery, receiving stolen property and criminal nuisance (offences such as rape, murder, robbery and theft of bovine are not eligible); and must agree to take part in the programme of activities selected by the pre-trial diversion officer (MJLPA, 2012:51-52,103-104).

The pre-trial diversion guidelines also state the guiding principles to be followed in implementing the pre-trial diversion programme. These principles include the best interest of the child is of paramount consideration; using detention as a last option, minimising a child's contact with the formal justice system; safeguarding children's rights from abuse, exploitation and violence including protection from unlawful corporal punishment; ensuring children are separated from adult offenders in their contact with the justice system; respecting juvenile offenders' rights to due process; and ensuring that boys and girls are treated differently where required, accused girl offenders must, where possible, be addressed by female officers (Zimbabwe, 2001:46; MJLPA, 2012:11-13; Zimbabwe, 2013:37, 42, 48).

Furthermore, the guidelines outline various diversion options that are used as interventions in the diversion process. These include counselling, VOM, FGCs, reparations, police cautions and constructive use of leisure time. As soon as the police receive a case involving a juvenile they must compile a docket and immediately contact the pre-trial diversion officer. The pre-trial diversion officer's role is to have immediate access to the juvenile and conduct assessment interviews to investigate the family circumstances of the child as well as the circumstances surrounding the commission of the offence. After conducting assessment interviews, the pre-trial diversion officer will establish whether the manner in which the offence was committed and the gravity of the matter suit the eligibility criteria for pre-trial diversion. Once the pre-trial diversion officer concludes that the offence is eligible for pre-trial diversion, he/she moves further to select a suitable diversion option or options (MJLPA, 2012:57-59, 74).

Diversion in recent years across the world features a range of programmes which are more diverse than their predecessors. However, they are still united by the goal of offering a viable option to juveniles whose criminal behaviour can be addressed

more effectively and efficiently outside the formal justice process. The section below focuses on VOM in diversion.

2.3 VICTIM OFFENDER MEDIATION IN DIVERSION

The concept Victim Offender Mediation (VOM) was defined and described in chapter 1 (cf. subsection 1.7.3) and this chapter (cf. section 2.2). VOM involves direct or indirect mediation. Direct mediation is widely practised across the world. It commonly brings together the victim and offender who are then mediated by one or two project officers with the intention of drawing up an agreement to mend the damage caused by the crime. Whilst indirect mediation does not directly bring the offender and the victim together, it involves the mediator acting as a go-between, communicating separately with each party. (Bouffard et al., 2016:3; Panagos, 2017:1688; Jonas-van Dijk Zebel, Claessen & Nelen, 2020:952). It involves support persons such as parents or friends of victims or juvenile offenders (Petrilla et al., 2020:4). VOM can be implemented at all stages of the criminal justice system (Pali, Randazzo, Vanfraechen, Doherty, Heaney, Elonheimo & Flinck, 2018:33). The types of offences referred to VOM include theft, minor assaults and burglary (Hansen & Umbreit, 2018:102; Petrilla et al., 2020:5).

2.3.1 International historical overview of the development of VOM in diversion

VOM is one of the oldest and most commonly practised expressions of restorative justice across many regions with around 25 years of experience in North America and Europe and frequently involves the victims and offenders of juvenile property crimes and assaults (Labriola et al., 2015:2, 4; Namuo, 2016:582; Hansen & Umbreit, 2018:101). The first mediation for juvenile offenders began in Ontario, Canada in the early 1970s as an experiment and was offered voluntarily to juvenile offenders as diversion, diverting them from the youth courts as an alternative sanction for minor offences. It spread throughout Canada and then moved to the USA where the first programme was launched in Elkhart, Indiana in 1978. After that it then spread to other parts of the USA and Europe (Umbreit & Armour, 2011:10; O'Mahony, 2012:88; Hansen & Umbreit, 2018:100). Unlike other programmes that changed slightly, VOM remained unchanged in America and it helped communities and neighbourhoods resolve their problems with the help of a trained mediator (Labriola et al., 2015:247-48). From the 1980s to 1990s VOM began to be accepted

as a possible option for victims of crime and juvenile offenders in various communities, though it was still impacting on a small number of participants. It is also during this time that England initiated the first VOM programmes (Umbreit & Armour, 2011:10). During the early years, victim organisations were sceptical about VOM and other restorative justice programmes because of the early history of focusing on offenders and their needs. However, in the mid-1990s, as VOM and other restorative justice programmes continued to demonstrate a strong commitment to victims' needs and wishes, victim organisations began to become increasingly supportive. Studies showed that many states had enacted specific statutes that promoted VOM (O'Mahony, 2012:87).

Drawing on American innovation and experiences, extensive organised change initiatives were undertaken in many countries such as Austria, New Zealand, the UK and Sweden. Austria adopted federal legislation in 1988 to promote the implementation of VOM. In 1989 New Zealand also implemented legislation that totally restructured its youth justice base on Maori traditional practices that are consistent with restorative justice. The UK also undertook an extensive organised transformation effort through its policy commitment to implement restorative justice practices in the country. The change was determined to increase participation of victims of crime, youth accountability boards and VOM (Umbreit et al., 2005:260). There have been numerous VOM projects in the UK which were built up on an informal basis. However, they were moderately small local initiatives rather than national projects due to a lack of legislative endorsement and long-term national funding which hindered their expansion. The ones which existed have been developed as a result of good partnerships between criminal justice agencies. Although the UK government officially supported the development of pilot projects in the 1980s, financial support was limited and funding was discontinued. Of late, a series of mediation projects were propped up by the Youth Justice Board and victim support organisations (O'Mahony, 2012:88-89). Sweden began implementing VOM in the late 1980s on a limited scale without regulation. The Swedish government later enacted the Mediation Act of 2002 to regulate mediation and later on other regulations were passed to assist with VOM. The mediation process takes place at all stages of the justice systems for children below 18 years who committed offences with identifiable victims. The mediation takes place on a voluntary basis after the juvenile offender and the victim consent to it (Eriksson, 2008:19, 26-27).

2.3.2 The development of VOM in diversion in Africa

In Africa, mediation has its roots in indigenous problem-solving methods (MJLPA, 2012:73; Steyn & Lombard, 2013:333). There is a dearth of literature on the VOM programme in Kenya. In South Africa, VOM began to be implemented as part of diversion in the 1990s by government departments and NGOs. It drew from American innovation and experiences and South Africa began to implement VOM without a legal framework regularising it until the Child Justice Act 75 of 2008 (Department of Social Development, 2010:40) was enacted. Section 62 of the Child Justice Act 75 of 2008 provides the procedure for the implementation of VOM. It states that VOM takes place only after the victim and the child consent to it or when a child has been ordered to do so with the aim of developing a plan to address the effects of the offence. It can be convened by a probation officer within 21 days after the order has been granted by setting and notifying all persons attending the mediation of the date, time and venue and can be mediated by a probation officer or accredited service provider who can regulate the process. The mediation may result in an agreement on a plan for the child. The agreed plan should clearly specify the objectives for the child; the time frame to be achieved; details of services and assistance to be offered to the child, parent or guardian; the persons or organisation to provide the required assistance or services; the responsibilities of the child; and mechanisms to monitor the plan. In the event the mediation does not take place or the child fails to comply with the agreed plan, the child will be dealt with in accordance with section 58 (Venter, 2005:25; Eriksson, 2008:41-42; Department of Social Development, 2010:40, 41).

2.3.3 The development of VOM in diversion in Zimbabwe

In Zimbabwe, VOM began to be implemented in diversion at the inception of a diversion programme in 2013. It drew from South African experiences and was initially implemented without legal recognition. The government, in the pre-trial diversion guidelines, included VOM guidelines to provide for the procedure to be followed when implementing it. The guidelines state that for a juvenile offender to qualify for VOM, he/she has to be assessed to establish if he/she satisfies the eligibility criteria for pre-trial diversion as mentioned above. Once the assessment of eligibility for pre-trial diversion is done and the juvenile offender qualifies, a pre-trial diversion officer may select VOM as a diversion option or intervention strategy. The pre-trial diversion officer conducts a further assessment to establish whether

this is the appropriate or the best option for the parties involved. As such, the pre-trial diversion officer conducts a further assessment to establish:

- Whether there is an identifiable victim and whether any loss or damage incurred is readily identifiable or definable.
- Whether the juvenile offender admits to the charge and is showing remorse.
- Whether the juvenile offender has a fixed place of residence and the level of support he is likely to get from family members.
- The attitude of the juvenile offender and his/her family to meeting the victim.
- The attitude of the victim and his/her family to meeting the juvenile and his/her family to discuss resolution of the matter.
- The mediator is locally available to assist. The pre-trial diversion guidelines clearly state that the role of the mediator is very sensitive and must be conducted by a trained person in this field (MJLPA, 2012:76-77).

As soon as the assessment is complete, the pre-trial diversion officer immediately compiles an assessment report containing the proposed diversion plan and associated activities and refers the juvenile offender, together with a copy of the assessment report, to the public prosecutor. The public prosecutor, after receiving the matter, refers it to the Pre-Trial Diversion Committee (Committee). The Committee is a multi-disciplinary team that comprises the Area Public Prosecutor, Provincial Magistrate, Provincial Social Welfare Officer, District Police Officer, Pre-Trial Diversion Officer and Civil Society Organisations. The Committee should meet to deliberate on the suitability of the juvenile offender to be diverted. When the majority of Committee members agree that the juvenile offender should go through VOM, the decision should immediately be communicated to the pre-trial diversion officer who will arrange for the mediator and for the parties to meet. If the majority members do not agree for the case to go through for VOM, the case can be referred back to the formal justice system. After the parties meet and agree on the conditions to be fulfilled by the juvenile offender and his/her parents, records of the agreement must be kept by the pre-trial diversion officer. As soon as the conditions are fulfilled, and the matter is resolved, the pre-trial diversion officer must inform the public prosecutor for the charges to be formally withdrawn or for prosecution to be declined. Records of these procedures and activities must be maintained for a period of two years and later be archived (MJLPA, 2012:22, 56-57, 76-77).

2.3.4 The use of VOM as a strategy in diversion

Information on the use of VOM as a strategy in diversion was presented in chapter 1 (cf. subsection 1.1.1). VOM is the most common and widely researched form of restorative justice practice in the juvenile and criminal justice, particularly in the Western world (Hansen & Umbreit, 2018:101). Previous studies on VOM in Western countries mainly focused on fairness, satisfaction, restitution and compliance as well as recidivism. The studies show positive experiences of the victims and offenders who participated in VOM as a restorative justice practice. The studies reported higher levels of fairness and satisfaction amongst the victims and the juvenile offenders who participated in VOM than those who went through formal justice (MacDiarmid, 2011:4; Hansen & Umbreit, 2018:103; Petrilla et al., 2020:5-6). Also, the studies reported that the majority of the parties who participated in VOM resulted in reaching mutually agreed upon solutions and most of the agreements or contracts were completed (Petrilla et al., 2020:6). Moreover, research reported that VOM contributes towards reduction of recidivism. Studies report a notable decrease on reoffending for juvenile offenders who participated in VOM compared to those who went through the formal courts (MacDiarmid, 2011:5, Bouffard et al., 2016:10). There is little information on the performance of diversion programmes such as VOM in the developing world, especially in Africa.

2.4 CONCLUSION

Diversion programmes such as counselling, police formal cautions, FGCs and VOM began in North America in the 1970s as a way to hold offenders liable for their unlawful actions; rehabilitate offenders; reduce offenders' reoffending; reduce collateral consequences of conviction for offenders; provide offenders with an opportunity to gain insight into the damage their behaviour has caused; involve the victim and or the community in prosecutorial decisions and outcome; provide an opportunity for restitution; provide prosecutors with more plea bargaining options; and use court resources more efficiently (Labriola et al., 2015:10). It later spread across the world after other countries in Europe, Australasia and Africa drew on innovation in North America. The diversion programmes were strengthened by international and regional instruments and standards such as the Beijing Rules of 1985, the UNCRC of 1989 and the ACRWC of 1990 which aimed to reform and transform juvenile justice from being punitive and retributive to being restorative, accountable and rehabilitative in nature. Many countries such as the USA, Canada,

UK, South Africa and others enacted various pieces of legislation that domesticated the international and regional instruments and standards and regularised the implementation of various diversion programmes. Diversion programmes evolved and became varied across the world as countries adapted it to their own context. As a result, diversion in recent years across the world features a range of programmes which are more diverse than their predecessors. However, the programmes are still united by the same goal of offering a viable option to juvenile offenders whose criminal behaviour can be addressed more effectively outside the formal justice process.

VOM began to be implemented in North America in the 1970s in diversion and frequently involved the victims and offenders of juvenile property crimes and assaults (Labriola et al., 2015:2, 4; Namuo, 2016:582; Hansen & Umbreit, 2018:101). It commonly involves direct mediation which brings together the victim, the offender, family members and community members, mediated by one or two project officers. The literature study portrays VOM as successful in the Western world as many participants reported high levels of fairness and satisfaction with the VOM process and its outcomes. There is little information on the performance of VOM in the developing world especially in Southern Africa.

The following chapter presents a comprehensive report of how the qualitative research approach was applied in this study.

CHAPTER 3

AN APPLIED DESCRIPTION OF THE QUALITATIVE RESEARCH APPROACH AND PROCESS AS USED IN THIS STUDY

3.1 INTRODUCTION

The main focus of this chapter is on the research methodology, designs and method applied in this study. In conducting a research study using the qualitative research methodology/approach, the researcher is the key instrument during the data collection process and in conducting the analysis of the data. Consequently, in contrast with the other chapters in this dissertation, this Chapter 4 is written in the first person.

In this chapter, I provide a detailed discussion on how the qualitative approach was utilised to gain an in-depth understanding of the experiences of victims, juvenile offenders and pre-trial diversion officers with VOM within a pre-trial diversion programme in the Harare Province, Zimbabwe. Specific focus is placed on the research approach, research design, population, sampling and sampling techniques, data collection process, method of data analysis, method of data verification and ethical considerations. Reference is made to the related theoretical discussions in chapter 1.

3.2 RESEARCH METHODOLOGIES AND DESIGNS

The theoretical discussions on the research methodology or approach and designs were provided in Chapter 1 section 1.4. A research methodology is an approach to scientifically solve the research problem by logically implementing various steps (Patel & Patel, 2019:48). In subsections 3.2.1 and 3.2.2 below I describe how the research approach and various research designs were applied in this study.

3.2.1 Research approach

A detailed theoretical discussion on the research approach utilised in this study was provided in chapter 1 (cf. subsection 1.4.1). I utilised a qualitative approach in this study so as to understand the real-life experiences of victims, juvenile offenders and pre-trial diversion officers with VOM within a pre-trial diversion programme in their environment (Denzin & Lincoln, 2011:4). Based on the characteristics of a qualitative study as described by Creswell (2009:176); Denzin and Lincoln (2011:4);

Yin (2011:7-9); and Kelly (2016:19), I chose the qualitative research methodology because:

- i. The information is emergent, not much is known about and researched on VOM within pre-trial diversion in Zimbabwe.
- ii. As the data collection instrument, I wanted to learn from the participants and not rely on my own assumptions, views and experiences or other research results.

Furthermore, I wanted to -

- iii. understand the meaning victims, juvenile offenders and pre-trial diversion officers attach to their experiences with VOM in a pre-trial diversion programme.
- iv. elicit a holistic account of the experiences of victims, juvenile offenders and pre-trial diversion officers with VOM in a pre-trial diversion programme.
- v. present the findings on the experiences of victims, juvenile offenders and pre-trial diversion officers in their specific context, in Harare Province and not to generalise.
- vi. collect and present information from many sources, that is, victims, juvenile offenders, pre-trial diversion officers and literature on VOM.
- vii. use the words of the participants to establish a set of themes, sub-themes and categories to describe their experiences with VOM within a pre-trial diversion programme.

This qualitative study was influenced by constructivism and postmodernism worldviews (cf. subsection 1.4.1). I applied a constructivism worldview in order to understand the multiple meanings the victims, juvenile offenders and pre-trial diversion officers attached to their experiences with VOM in a pre-trial diversion programme (Creswell, 2009:26; Mertens, 2010:16; Kielmann et al., 2011:7). I also applied a postmodernism worldview to construct the truth about the experiences related to VOM in juvenile justice as an intervention strategy in a pre-trial diversion programme by involving victims, juvenile offenders, pre-trial diversion officers and the readers (Neuman, 2014:120; O'Neil & Koekemoer, 2016:4).

3.2.2 Research design

In chapter 1, I provided a theoretical discussion on the research designs applied in this study (cf. section 1.4.2). A research design provides a plan that forms the basis of a study. It focuses on how I collected the data and analysed it (Yin, 2011:75;

Creswell, 2013:49; Kelly, 2016:24). The research designs I utilised in this study were the explorative, descriptive, contextual and multiple case study designs. A detailed discussion on the application of each of these designs in this study is presented below.

- *Explorative design*

An explorative design is frequently used in new areas of study in order to gain new knowledge and lay a foundation for future research (Bhattacharjee, 2012:6; Strydom, 2013:152). Given that a pre-trial diversion programme is relatively new in Zimbabwe and not much is known and researched on VOM, I utilised an explorative design to elicit information on the experiences of victims, juvenile offenders and pre-trial diversion officers with VOM in a pre-trial diversion programme in Harare Province.

- *Descriptive design*

A descriptive design is frequently used to develop a correct picture of the phenomenon under study by providing a detailed description (Remler & Van Ryzin, 2011:5; Rubin & Babbie, 2013:51; Strydom, 2013:153). I utilised a descriptive design in this study as it allows using the words of victims, juvenile offenders and pre-trial diversion officers to describe in detail their experiences with VOM in a pre-trial diversion programme in Harare Province.

- *Contextual design*

A contextual design takes into account the home, community and institutional environments where the participants live and how it influences their activities, experiences and views (Hennink et al., 2011:9; Yin, 2011:8; Randles, 2012:11). I utilised a contextual design in this study to present findings on the experiences of victims, juvenile offenders and pre-trial diversion officers with VOM in a pre-trial diversion programme in their specific context, namely Harare province.

- *Multiple case study design*

A multiple case study design allows the researcher to focus on investigating in detail a small set of cases so as to have a clear understanding of them by comparing the relationships and distinctions between them (Heale & Twycross, 2018:7). The aim of using a multiple case study is to duplicate findings across situations (Swanborn,

2010:13; Anderson et al., 2014:89). I utilised a multiple case study design in this study in order to present the information collected from victims, juvenile offenders and pre-trial diversion officers. This helps to create an extensive understanding of their experiences with VOM in a pre-trial diversion programme in Harare Province.

The next section focuses on the application of the research method utilised in this study. This includes the population; sampling and sampling techniques; the data collection process; data analysis; the data verification process; and adherence to the ethical implications of this study.

3.3 RESEARCH METHOD

The theoretical discussion on the research method applied to this study was provided in chapter 1 (cf. section 1.5). A research method provides the procedural stages taken to carry out a research and is informed by the research methodology (McGregor & Murnane, 2010:420; Schneider, 2014:3). It focuses on the target population, sampling and sampling techniques, data collection process, data analysis and method of data verification. The following subsection is focused on the population, sampling and sampling techniques applied in this study.

3.3.1 Population, sampling and sampling techniques

Population refers to people with characteristics the researcher is interested to study (Strydom in De Vos et al., 2011:223; Williman, 2011:94; Bhattacharjee, 2012:65). The target population of this study was threefold namely, victims, juvenile offenders and pre-trial diversion officers. I selected samples from these target populations for data collection by sampling from the three population groups. Sampling involves choosing a sample from the large group of the target population to make observations and inferences about them (Williman, 2011:93; Bhattacharjee, 2012:65). Therefore, I conducted sampling in order to assemble specific cases that would elicit rich and detailed information (Neuman, 2011:219). The sampling technique I applied in this study was purposive sampling. I utilised a purposive sampling technique in order to select the victims, juvenile offenders and pre-trial diversion officers who met the specific pre-selected criteria (Babbie, 2010:193) and would be able to provide relevant and detailed information so as to gain in-depth understanding of their experiences with VOM in a pre-trial diversion programme in Harare Province (Yin, 2011:88; Neuman, 2014:273-274). After permission to conduct the study was granted, I used the pre-trial diversion registers to select

sample units of victims, juvenile offenders and pre-trial diversion officers who met the selection criteria (cf. subsections 1.5.1 and 1.5.2 chapter 1).

Given that there are no rules on sample size in a qualitative study, I did not decide on the size of the sample at the beginning of the study or before interviews. As such, during data collection, I applied the principle of data saturation to determine the sample sizes of all three target populations, namely the victims, juvenile offenders and pre-trial diversion officers. Therefore, I continued with the interviews until data collected from the interviews reached the point of saturation, that is, became repetitive (Kielmann et al., 2011:22; Strydom & Delport, 2011:391; Merriam & Tisdell, 2016:101). After following the principle of data saturation, data saturation manifested at the seventh interview with the victims and the juvenile offenders and the sixth interview with the pre-trial diversion officers. I thus continued with the interviews to make sure that no new information manifested that brought the final sample size to ten victims, ten juvenile offenders and nine pre-trial diversion officers. This confirms the assertion by Newman and Hitchcock (2011:389) that data saturation generally manifests from the sixth to the eighteenth interview. The following subsection focuses on the data collection process.

3.3.2 Data collection process

A theoretical discussion on the data collection process was provided in Chapter 1 (cf. section 1.5.3). As the key instrument for data collection, I went to the field in Harare Province to collect information directly from the participants through interviews (Yin, 2011:129). I began the data collection process by gaining access to the study area and participants. The data collection process involves the method of data collection, pilot testing, preparation for data collection and the actual data collection. The following discussion focuses on how I gained access to the study area and participants.

- *Gaining access to the study area and participants*

In chapter 1, I provided a theoretical discussion on gaining access to the study area and participants (cf. subsection 1.5.2). In every scientific study, the researcher should firstly seek authority to access the study area and the participants from the appropriate gatekeepers. Gatekeepers are leaders with the authority to control the right of entry to the communities or institutions they lead (Strydom in De Vos et al., 2011:333; Yin, 2011:46,264; Neuman, 2014:441). After approval of my research

proposal and granting of the research clearance by UNISA Department of Social Work Research and Ethics Review Committee on 29 January 2018, I wrote a formal letter on 9 February 2018 (Annexure A) seeking authority from the Head of the Ministry, that is, the Permanent Secretary in the Ministry of Justice, Legal and Parliamentary Affairs in Harare to access the community to conduct interviews with the crime victims, juvenile offenders and pre-trial diversion officers. The letter clearly outlined the research topic, aims and objectives of the study, research methods, and issues of anonymity and confidentiality. As per the prescribed protocol, I delivered the letter by hand to the Human Resources Director's Office for onward submission to the Permanent Secretary. I did physical and telephonic follow-ups on my application and waited for two months to receive a response. Fortunately, permission was subsequently granted to conduct the study by the Head of the Ministry through the National Coordinator who is the head of the Pre-Trial Diversion Department on 10 April 2018 (Annexure E). Gaining access to the study area and the participants was critical for the success of the study. The next focus is on the method of data collection.

- *Method of data collection*

A discussion on the method used to collect data from the victims, juvenile offenders and pre-trial diversion officers was provided in chapter 1 (cf. subsection 1.5.3). The method I utilised to collect data in this study was semi-structured interviews. Semi-structured interviews require the researcher to collect information in a face-to-face discussion with the participants using an interview guide with open-ended questions which allows the participants to respond in any direction in their own words (Remler & Van Ryzin, 2010:64; Sara Neena, 2011:43). As the data collector, I went to the field to collect data with questions written down in an interview guide (cf. subsection 1.5.3 in chapter 1) which provided the focus of the interviews. Semi-structured interviews were appropriate to enable the victims, juvenile offenders and pre-trial diversion officers to respond in their own words in any direction. As a result, I successfully conducted 29 semi-structured interviews, with ten victims, ten juvenile offenders and nine pre-trial diversion officers. The following subsection focuses on pilot testing.

- *Pilot testing*

A theoretical discussion on pilot testing was provided in chapter 1 (cf. subsection 1.5.3). Pilot testing involves selecting a few cases to examine the research questions, research designs and the quality of responses before the main study. After permission to conduct the study was granted, I pilot tested the interview guide to ensure the content validity of the questions, see participants' reaction to the questions, see the quality of responses, test my interviewing skills and fine-tune any aspect of the research plan (Hennink et al., 2011:120; Bhattacharjee, 2012:23; Dikko, 2016:521). Furthermore, I conducted pilot testing with individuals with the same characteristics as those targeted for the main study (Hennink et al., 2011:120). I used the pre-trial diversion case registers to identify victims, juvenile offenders and a pre-trial diversion officer who met the stipulated selection criteria (cf. subsections 1.5.1 and 1.5.2 in chapter 1) for pilot testing. Also, I used a purposive sampling technique to select a sample of three victims, three juvenile offenders and one pre-trial diversion officer for pilot testing. The victims were aged 24 (male), 39 (male) and 42 (female) and were victims of assault, theft and assault and theft, respectively. Whilst the juvenile offenders were aged 18 (male), 18 (female) and 18 (female) who committed assault, theft and assault and theft offences, respectively. The pre-trial diversion officer was aged 32 (male) with a Bachelor of Social Work degree and had worked as a pre-trial diversion officer for 3 years.

Thereafter, I telephonically contacted the potential participants, introduced myself and informed them how I had obtained their contact details. I then scheduled appointments with each potential participant and on the day and time of each appointment, I met with the participants in their community or institution in Harare Province and gave them the information letter requesting voluntary participation in pilot testing, informed consent forms (Annexure A and B) and the interview guide. Then, I clearly explained the contents of the information letter to enable the participant to make an informed decision. Fortunately, all the potential participants voluntarily agreed to participate and signed the informed consent documents. After that, I scheduled appointments for interviews with each participant on a date, time and venue convenient to each of them in their communities and institutions. I followed up with each participant telephonically to remind him/her of the date and time for the interview. As the key instrument for data collection, I used semi-structured interviews to collect information directly from each participant; audio tape

recorded the interview and transcribed it. I then submitted the transcripts of the interviews to the supervisor for analysis. An analysis of the transcripts helped to detect some flaws or weaknesses on the interview guide and interviewing skills (Kim, 2011:193) and helped to fine-tune a few questions in the interview guide (Dikko, 2016:521). After pilot testing, I fine-tuned the following questions in the interview guide and left the others unchanged (cf. 1.5.3. in Chapter 1):

Topic-related questions for the victims

- 1 Tell me about how you got involved with the pre-trial diversion programme.
- 2 Tell me what was the purpose of the meetings you attended with the young offender and the diversion officer?
- 7 Based on your experiences during these meetings, what suggestions do you have for changes or to be included in these discussions?
- 9 Is there anything else you would like to add or ask?

Topic-related questions for the juvenile offenders

1. Tell me how you got involved with the pre-trial diversion programme.
2. Tell me what was the purpose of the meeting you attended with the victim and the diversion officer.
- 7 Have you been accused of any crime after VOM meetings? If yes, please tell me about it?
- 8 Is there anything else you want to add or ask?

Topic-related questions for the pre-trial diversion officers

- 10 Is there any information you would like to add or questions?

Furthermore, the pilot testing improved my interviewing skills, especially probing more so as to gain rich and detailed information. Probing was done using the following phrases: Tell me what you mean by fine? Can you explain what you mean by mediate? Tell me more about your experiences in the VOM process? Tell me more about how VOM contributes to the mending of relations? The data collected during the pilot testing was not included in the main study. The section that follows focuses on the preparation for data collection.

- *Preparation for data collection*

In chapter 1, I provided a theoretical discussion on the preparation for data collection (cf. subsection 1.5.3). I contacted the potential research participants in their environment to prepare them for data collection. I utilised the pre-trial diversion registers to obtain the contact details of the victims, juvenile offenders and pre-trial diversion officers. Thereafter, I telephonically contacted them to request their participation in the study and prepare them for interviews if they agreed to participate. This process had its own challenges as some of the juvenile offenders and victims had registered contact numbers of their relatives and it took time to obtain their contact numbers. Also, some of the contact numbers were not reachable. However, I kept on trying and managed to get in touch with most of the juvenile offenders except for a few whose contact numbers were not reachable. The victims of the juvenile offenders whose contact numbers were not reachable were not contacted as they no longer met the inclusion criteria.

I began the preparation of the potential participants by firstly introducing myself and explained how I obtained their contact details. During the initial contact, some of the juvenile offenders were reluctant to confirm their names as they held the suspicion that I was a police officer who wanted to question them over their cases. I quickly addressed this by scheduling appointments to meet face-to-face with each potential participant to establish rapport and give him/her a formal letter requesting his/her participation, informed consent documents and the interview guide. When I met with each potential participant, I gave him/her a formal letter requesting his/her participation in the study and informed consent forms (Annexure A and B). I then gave each potential participant time to read all the documents. Thereafter, I clearly explained the goal of the study, selection criteria used, voluntary participation, informed consent, confidentiality and the beneficence of the study (Babbie, 2010:317; Yin, 2011:46; Neuman, 2014:441). Some of the juvenile offenders and the victims had reservations about the audio tape recording the interviews as they suspected that the recordings may be used to harm them. I then reassured them of their privacy, anonymity and confidentiality. Also, I assured them that the data collected would be kept safe in a locked computer and would be used for legal academic purposes only. This assurance calmed their fears and cleared their suspicions and they agreed to be part of the study. By doing so, I was able to establish rapport with the participants and increase the level of trust (Babbie,

2010:317; Yin, 2011:46; Neuman, 2014:441). Establishing rapport was crucial in creating good relations with the participants and improved their readiness and capacity to cooperate (Nziyane, 2010:74). Also, I gave the victims, juvenile offenders and pre-trial diversion officers the interview guides containing the questions they were to be asked during the interviews (cf. subsection 1.5.3) so that they were fully informed about what they would be asked.

All the victims, juvenile offenders and pre-trial diversion officers who voluntarily agreed to participate in the study signed informed consent forms. I then scheduled appointments for interviews with each participant on a date, time and venue convenient to him/her. On a day before the interview date, I telephonically followed up to remind the participant about the appointment and at least five of the appointments were re-scheduled due to participants' other commitments. Also, at least two appointments with the victims were cancelled as they were no longer interested in participating in the study. This automatically excluded the juvenile offenders whose victims were no longer interested in participating in the study.

Moreover, as part of the preparations for data collection, I made sure that before each interview the phone audio recorder was working properly and the battery was well charged and had a spare battery. I also familiarised myself with the interview guides for the three target populations so that the interview process would flow smoothly. Consequently, I took time to read and become familiar with the questions to avoid making the interview process unnatural by searching for the next question in the interview guide.

- *Data collection*

During the actual data collection, I went to interview the victims, juvenile offenders and pre-trial diversion officers in the places of their choice where they felt comfortable and did not pose any harm or discomfort to them (Yin, 2011:44; Neuman, 2014:148-49). The places preferred for the interviews by the participants varied. Most of the juvenile offenders preferred to be interviewed outside their homes at the shopping or community centre whilst most of the victims preferred to be interviewed at their homes, work place and community centres. The pre-trial diversion officers preferred to be interviewed at their work places. Also, I offered an alternative venue for the interviews at my office for participants in town or near my office should it be convenient and comfortable for them. However, none of them

preferred that venue. Consequently, I conducted the interviews at the venues of the participants' choice as they were convenient for them and had an influence in shaping their experiences, views and activities (Yin, 2011:8; Hennink et al., 2011:9). Although the venues for the interviews preferred by the participants were safe to avoid any harm or discomfort (Yin, 2011:44; Neuman, 2014:148-49), I observed that some of the venues were not free of distractions from their clients, friends and family members. As such, I briefly paused the recording whenever there were distractions and resumed recording when there were no more distractions.

Before each interview, I began with social talk with each participant to maintain rapport and to enable the participant to relax and be comfortable (Josselson, 2013:59). Thereafter, I recapped the goal of the study, selection criteria, voluntary participation and informed consent, confidentiality and the beneficence of the study to remind the participant so that he/she could go into the interview with a clear understanding of all the information. Furthermore, I obtained informed consent to voluntarily participate and to audio tape record the interview from each research participant using a cell phone (Annexure B). All the participants were able to speak English fluently. Hence, I used English to conduct the interviews. In addition, I asked each participant if he/she had any concerns or anything that needed clarification and all the participants indicated having no concerns as all issues had been clarified. Then I asked each participant's readiness for the interview. As soon as each participant indicated readiness, I picked up the interview guide, diary and pen, sat closer to the participant, switched on the cell phone voice recorder, properly positioned it to record the interview and began asking the interview questions. Once all the interview questions were completed, I switched off the audio tape recording.

A qualitative study requires the researcher to have interview skills which are more advanced than the ones needed in an ordinary discussion (Fox & Bayat 2010:73). As such, I used my interviewing skills (cf. subsection 1.5.3 in Chapter 1) to ask open-ended questions and followed up on participants' responses to probe for more concrete details. I listened attentively by listening more, talking less and maintained proper eye contact with the victims, juvenile offenders and pre-trial diversion officers to show that I was paying attention to what they were saying which helped to stimulate the flow of the discussions (Yin, 2011:135; Strydom in De Vos et al., 2011: 345; Delpont & Roestenburg, 2011:345-346; Roulston, 2018:326). At the same time, I noted down non-verbal responses and interesting points. This was done in a

cautious manner to avoid taking too many notes which could have disrupted the flow of the discussion (Yin, 2011:156). I also used non-verbal cues such as nodding to stimulate the flow of the discussion. By using this interview skill set, I was able to gather rich and detailed information which allowed for thick description of the experiences of the victims, juvenile offenders and pre-trial diversion officers with VOM in a pre-trial diversion programme.

At the end of each interview, I thanked the participant for participating in the study and informed him/her that I would be in contact for any clarifications if the need arose. After the interviews, I kept the data secured in a personal computer (Yin, 2011:46,264; Neuman, 2014:154). More so, I successfully completed a total of twenty-nine semi-structured interviews and used a professional transcriber to transcribe the audio tape recorded interviews. After each interview, I wrote down field notes on how each participant responded to the interview questions. I observed that most of the victims, juvenile offenders and pre-trial diversion officers were composed and confident at the beginning of the interview whilst non-verbal cues of a few showed a bit of nervousness but they regained their confidence as they shared their experiences. All the victims, juvenile offenders and pre-trial diversion officers who participated in the study responded to the interview questions without hesitation. The subsection below focuses on the method of data analysis applied to this study.

3.3.3 Data analysis

In chapter 1, I provided a theoretical discussion on data analysis (cf. subsection 1.5.4). Data analysis involves working backward and forward between data in order to connect particular data to concepts so as to identify themes, sub-themes and categories. Analysing data helps to improve understanding of a phenomenon and advance knowledge (Neuman, 2014:477; Bhattacharjee, 2012:113). In this study, I analysed the collected data in order to understand the meaning victims, juvenile offenders and pre-trial diversion officers attached to their experiences with VOM in a pre-trial diversion programme. With the guidance from the supervisor, I took all the transcripts of the victims, juvenile offenders and pre-trial diversion officers and prepared them for data analysis. I utilised the services of an independent coder to do an independent data analysis to avoid bias. The independent coder has a wealth of experience and expertise in social work and research. At the same time, I also analysed the data using Tesch's eight steps as cited in Creswell (2009:186):

1. I began data analysis by reading the interview transcripts for all the victims to get an overall understanding of what they said and wrote down ideas that came to mind in the edges of the transcripts. Thereafter, I repeated the same process with all the interview transcripts of the juvenile offenders and pre-trial diversion officers. This helped me to get a sense of the whole of all the participants' experiences.
2. I then randomly picked a juvenile offender's transcript, carefully read it to understand the underlying meaning of the information. I wrote down ideas that came to mind in the right margin of the transcript.
3. I repeated this procedure with all the transcripts of the juvenile offenders, victims and pre-trial diversion officers. Thereafter, I listed all topics and put similar topics together, labelled them as major topics, unique topics and leftover topics thereby breaking down the data into different segments.
4. I took the list of topics, returned to the data and abbreviated the topics in the form of codes. Then I wrote these codes next to the appropriate segments of text.
5. I combined related topics together to reduce the list of topics and then looked for the most descriptive wording for the topics and turned them into themes, sub-themes and categories. I then drew lines between themes to show interrelationships.
6. I made a final decision about the abbreviation of each theme, sub-theme and category and wrote them in alphabetical order.
7. I then assembled data materials (excerpts from the transcripts) for each theme, sub-theme and category by copying and pasting the data materials in one place and did an initial analysis.
8. After coding the data, I waited for two weeks and recoded the data. I recoded the data to make sure that data materials were placed properly under correct themes, sub-themes and categories and to ensure that no useful data was lost.

Once the independent coder and I had completed the data analysis, a consensus discussion was held between the supervisor, the independent coder and I and a final decision on the themes, sub-themes and categories was made. The final themes, sub-themes and categories are presented in the next chapter, chapter four, as the findings of this study. The following subsection focuses on the method of data verification applied to this study.

3.3.4 Method of data verification

In Chapter 1, section 1.5.5 I presented the theoretical discussions on the method of data verification applied to this study. It is essential to ensure that data verification is established. I utilised Lincoln and Guba's model (Krefting, 1991:214-222) to demonstrate the trustworthiness of this study's findings. The four components of trustworthiness are credibility, transferability, dependability and confirmability. The following subsection is focused on the credibility of this study's findings.

- *Credibility*

It is the duty of the researcher to ensure that the findings of the study are credible by giving a correct account of the participants' experiences as they lived them (Krefting, 1991:25; Streubert & Carpenter, 2011:48; Thomas & Magilvy, 2011:152). I ensured the credibility of this study by triangulating data sources, member-checks; made use of the supervisor and the independent coder; and my interviewing skills.

I ensured the credibility of this study's findings by triangulating data sources. I collected data from a variety of victims, juvenile offenders and pre-trial diversion officers with diversity on gender, age, social and economic status. Furthermore, I applied the principle of data saturation to determine the number of participants and made sure that every aspect of the event was taken into account.

In addition, I ensured the credibility of this study's findings through member-checks. I took the transcripts for some of the victims, juvenile offenders and pre-trial diversion officers and went back to them to confirm if the information was a true reflection of their experiences (Krefting, 1991:219; Maxwell, 2013:126; Holland & Rees, 2016:148). This helped to verify the data and clear any errors.

Furthermore, I ensured the credibility of this study's findings by using my supervisor who has expertise and experience in qualitative research methods and has an understanding of the study to review perceptions, insights and analysis. Also, I ensured the credibility of this study's findings by utilising the services of an independent coder to do an independent analysis of the data to eliminate bias (Krefting, 1991:219) (cf. section 3.3.3). Finally, I ensured the credibility of this study's findings through the use of interview skills during the interview process (cf. Data collection). The subsection that follows focuses on the transferability of this study's findings.

- *Transferability*

Transferability is achieved when sufficient descriptive data is provided to allow for comparisons to be made with other settings or participants. A detailed description determines the extent to which the findings can be applicable to other settings or participants (Krefting, 1991:216; Marshall & Rossman, 2016:261). I ensured the transferability of this study's findings by collecting sufficient data from ten victims, ten juvenile offenders and nine pre-trial diversion officers which allowed for a detailed description of their experiences with VOM in a pre-trial diversion programme (cf. Chapter four). A detailed description of the experiences of victims, juvenile offenders and pre-trial diversion offices allows for comparison and application of the findings to other settings, contexts, groups or participants.

Furthermore, I provided a detailed description of the research methodology used to collect sufficient information on the participants' experiences in VOM within a pre-trial diversion programme to ensure the transferability of this study's findings. This involved a detailed description of many aspects of the research methodology such as population, sampling and sampling techniques, data collection process, data analysis and method of data verification. Also, I ensured the transferability of this study's findings through purposefully sampling a variety of victims, juvenile offenders and pre-trial diversion officers (Shenton, 2004:69-70). This allows for comparison and application of the research methodology or findings from one group or context to the other. The following subsection focuses on the dependability of this study's findings.

- *Dependability*

A qualitative study is dependable when the research findings produce facts that if the research is to be repeated in a similar context or with similar participants, it produces similar or same findings (Krefting, 1991:216). A clear explanation of how the data was collected and analysed is needed to help ensure the dependability of the study findings (Anney, 2015:278). To ensure the dependability of this study's findings, I provided a clear explanation of the steps taken during data collection and data analysis. After coding the data, I waited for about two weeks and then recoded the data to make sure that data materials were placed properly under correct themes, sub-themes and categories and to ensure that no useful data was lost. Furthermore, during data analysis, I made use of my supervisor to ensure the

dependability of this study's findings to review perceptions, insights and analysis. Also, I utilised the services of an independent coder (cf. subsection 3.3.3) which helped to ensure the dependability of this study's findings. As such, I believe that if research is to be re-done with the same or similar participants or settings, it will produce similar or the same findings. Below is a discussion on the confirmability of this study's findings.

- *Confirmability*

Confirmability of the study helps to eliminate bias to ensure the neutrality of the findings. As such, I cleared all my pre-formed opinion or views and recorded information on the victims', the juvenile offenders' and the pre-trial diversion officers' experiences with VOM in a pre-trial diversion programme and presented it from their point of view (Krefting, 1991:217; Schmidt & Brown, 2015:235). Furthermore, I ensured the confirmability of this study's findings by triangulating data sources. I collected information from a variety of victims, juvenile offenders and pre-trial diversion officers and presented the findings from their point of view.

Also, I used the services of an independent coder to do independent data analysis (cf. subsection 3.3.3) to ensure the neutrality of this study's findings. The following section presents the ethical considerations adhered to in this study.

3.4 ETHICAL CONSIDERATIONS

A detailed theoretical discussion on the ethical considerations observed in this study was provided in chapter 1 (cf. section 1.6). In a scientific study, the researcher must adhere to all the morally acceptable research procedures (Yin, 2011:38; Bhattacharjee, 2012:137; Neuman, 2014:145). Since this study involved interviewing people, namely victims, juvenile offenders and pre-trial diversion officers as participants, it was essential that I conduct this study in an ethical manner. As such, I adhered to the following ethical considerations, namely, informed consent and voluntary participation, avoidance of harm, privacy, anonymity, confidentiality, management of information and beneficence of the study. The following subsection focuses on informed consent and voluntary participation.

3.4.1 Informed consent and voluntary participation

Informed consent and voluntary participation require the researcher to clearly explain all aspects of the study to the participants including their rights to voluntary participation and to pull out of the study at any stage should they wish with no consequences (Bhattacharjee, 2012:138). It also requires the participants to clearly understand the purpose and nature of the study to enable them to make informed decisions about their participation in the study (Holland & Rees, 2010:32; Yin, 2011:46; Neuman, 2014:151). During the preparation for data collection, I gave the victims, juvenile offenders and pre-trial diversion officers information letters requesting their voluntary participation and providing informed consent forms (Annexure A and B). Thereafter, I clearly explained all the contents of the information letter and informed consent forms to make sure they clearly understood the purpose and nature of the study. This enabled them to make informed decisions and all the participants who agreed to participate voluntarily signed informed consent forms. The subsection that follows focuses on privacy, anonymity and confidentiality.

3.4.2 Privacy, anonymity and confidentiality

It is an ethical responsibility of the researcher to make sure that personal details and information shared by the participants during data collection remain private, anonymous and confidential (Bhattacharjee, 2012:138). Pseudonyms and locations must be used to protect the participants' identities. The participants' information may be shared for legal research reasons only (Yin, 2011:264; Neuman, 2014:154). In this study, I protected the privacy of victims, juvenile offenders and pre-trial diversion officers by not disclosing their identities in any research documentation or to the public after data collection. Furthermore, I used pseudonyms for the victims, juvenile offenders and pre-trial diversion officers when writing transcripts and other research documentation to ensure that their identities remained anonymous. Also, I kept the information of the victims, juvenile offenders and pre-trial diversion officers confidential by not revealing any information to anybody without their consent except for the supervisor, transcriber and the independent coder. The subsection below focuses on the beneficence of the study.

3.4.3 Beneficence

Beneficence involves the researcher trying to maximise the benefits that can be produced by the research and to minimise risks. The benefits can be direct or indirect and may include improved access to services, improved skills, improved knowledge of the area under study and so on (Greaney et al., 2012:40; Weinbaum et al., 2019:10). During preparation for data collection, I informed the victims, juvenile offenders and pre-trial diversion officers of the possible benefits of the study which include increased knowledge and understanding of VOM in pre-trial diversion, improved skills which may help to improve the implementation of VOM in pre-trial diversion and improved access to quality services for participants and the general populace. The following subsection focuses on avoidance of harm.

3.4.4 Avoidance of harm

It is the duty of the researcher to protect the participants from harm by ensuring that the interview environment is safe to avoid physical or psychological harm. Any participant who experiences stress as a result of participating in the study should be referred for counselling if he/she agrees (Yin, 2011:44; Neuman, 2014:148-49). During data collection, I protected the victims, juvenile offenders and pre-trial diversion officers from harm by conducting the interviews in their homes, communities and institutions where they felt safe and comfortable. Furthermore, I made prior arrangements with a social worker to refer any participant who experienced stress as a result of participating in this study (Annexure C). Fortunately, none of the victims, juvenile offenders and pre-trial diversion officers experienced stress during the interviews. The following subsection focuses on management of the research information.

3.4.5 Management of information

The participants' information in the interview transcripts, audio tape recordings and field notes must be protected and kept safe by locking it in a safe place only accessible by the researcher (Yin, 2011:46,264; Neuman, 2014:154). During and after data collection, I protected all transcripts, audio tape recordings and field notes by keeping them in a safe place and used a password known only to me to protect electronically stored data. The following section focuses on my reflection on the research process.

3.5 REFLECTION ON THE RESEARCH PROCESS

Reflecting on the research context, activities and experiences is also an important aspect in research. I was humbled by the kind-heartedness and support from the National Coordinator of the pre-trial diversion programme in gaining access to the participants. Gaining access to the participants was essential to the success of this study. Once access to the participants was granted, I identified the potential participants and telephonically contacted them. Some of the juvenile offenders initially suspected that I was a police officer who wanted to question them over their cases. In view of that, I found it important to schedule appointments for a face-to-face discussion with the potential participants to explain the goal of the study, selection criteria, voluntary participation and informed consent, confidentiality and the beneficence of the study and at the same time to build rapport with them. Establishing rapport helped the participants to become familiar with me and increased their level of trust and cooperation (Babbie, 2010:317; Yin, 2011:46; Neuman, 2014:441). Good rapport also helped me during the interviews as all the participants responded to the interview questions without any hesitation.

Furthermore, some participants had reservations over the audio tape recording of the interviews as they had a suspicion that the recordings may be used to harm them. I then reassured them of their privacy, anonymity and confidentiality. Also, I assured them that the data will be kept safe in a locked computer (Flick, 2011:220) and will be used for legal academic purposes only (Neuman, 2014:154). Reassuring participants of their privacy, anonymity and confidentiality helped to calm their fears and clear their suspicions which resulted in them agreeing to participate in the study.

This study was conducted in an urban context at a time when the socio-economic circumstances were unstable with the majority of the participants being self-employed. I greatly value and appreciate the sacrifice made by the participants (especially the victims and juvenile offenders) to spare their time under difficult socio-economic circumstances to share their experiences. Also, the socio-economic circumstances had a great influence on participants' choice of the venue for the interviews as most of them preferred to be interviewed at home or community centres where they either live or work. The venues preferred by the participants were safe to avoid any harm or discomfort (Yin, 2011:44; Neuman, 2014:148-49) but were not free of distractions from the participants' clients, friends and family

members. I briefly paused the recording whenever there were distractions and resumed recording as the interview continued.

As the key instrument for data collection, I brought my views and experiences to the research context. As such, I recognised the influence of my views and experiences to the study but did not let them influence the description of the participants' experiences. I always reflected on my own views and experiences with VOM which could have an impact on the findings of this study. Also, when I introduced myself, I informed the victims, juvenile offenders and pre-trial diversion officers that I am a social worker working as a pre-trial diversion officer in the pre-trial diversion department as well as a Master's student who is interested in understanding the meaning they attach to their experiences with VOM in a pre-trial diversion programme (Creswell, 2009:176; Yin, 2011:7-9; Denzin & Lincoln, 2011:4; Kelly, 2016:19).

Finally, good interviewing skills were critical to gather rich and detailed information. I followed up on participants' responses to probe for more concrete details which allowed for detailed description of their experiences of VOM. Furthermore, active listening also aided in my ability to know when to follow-up and probe for more concrete details without interrupting the flow of the discussions. (Yin, 2011:135; Strydom in De Vos et al., 2011: 345; Delpont & Roestenburg, 2011:345-346). Proper eye contact was maintained to show that I was paying attention to what they were saying which helped to stimulate the flow of the discussions. Concurrently, I noted down non-verbal cues and interesting points in a cautious manner without taking too many notes which could have disrupted the flow of the discussions (Yin, 2011:156; Strydom in De Vos et al., 2011: 345; Delpont & Roestenburg, 2011:345-346). The following section is the conclusion of this chapter.

3.6 CONCLUSION

This chapter provided a detailed description of how I applied the qualitative research plan provided in chapter 1 to this study. I placed specific focus on describing in detail the application of the research approach, research design, methodology, as well as the population, sampling and sampling techniques used, data collection process, data analysis and method of data verification. The description also included how I gained access to the research participants, how I conducted pilot testing, how the participants were prepared for the interviews and how the data was collected. I

analysed the data using Tesch's eight steps, as cited in Creswell (2009:186). At the same time, I utilised the services of an independent coder to do independent data analysis to eliminate bias which helped to ensure the credibility, dependability and confirmability of this study's findings. Also, I utilised Lincoln and Guba's model (Krefting, 1991:214-222) to demonstrate the trustworthiness of this study's findings. The four components of trustworthiness are credibility, transferability, dependability and confirmability. I concluded this chapter with a reflection on the research process.

The following chapter focuses on the presentation and discussion of the research findings verified or contrasted by literature control.

CHAPTER 4

THE PRESENTATION AND DISCUSSION OF THE RESEARCH FINDINGS

4.1 INTRODUCTION

The previous chapter focused on the qualitative research process and how the researcher applied it while conducting the fieldwork and the processing of data within the boundaries of ethical principles. The main focus of this chapter is to present and interpret the research findings confirmed or contrasted by literature related to the topic under study (cf. 1.9). The chapter starts by presenting the biographical profile of the participants, that is, the victims, juvenile offenders and pre-trial diversion officers in a table format. It then presents an overview of the themes, sub-themes and categories that emerged from the interviews with the three target groups in the study in a tabular format. These themes emerged during the data analysis process and consensus was reached on them, as facilitated by the supervisor. Thereafter, follows a detailed discussion of the findings from the voices of the victims, juvenile offenders and pre-trial diversion officers as given in the themes, sub-themes and categories. The chapter ends with the lessons learnt from the research findings and a conclusion.

4.2 BIOGRAPHICAL PROFILE OF PARTICIPANTS

The biographical information of the victims, juvenile offenders and pre-trial diversion officers (social workers) who participated in this study is presented below in Tables 4.1, 4.2 and 4.3 respectively. After each table the biographical information are interpreted.

Table 4.1: Biographical information of the victims

Participant *	Age in years	Gender	Offence committed against victim	Relationship to the offender	Number of VOM meetings held
VI1	39	Female	Theft	Community member	1
VI2	41	Female	Theft	Parent (mother)	1
VI3	40	Female	Theft	Parent (mother)	1
VI4	44	Male	Theft	Parent (father)	1
VI5	18	Female	Assault	Neighbour	1
VI6	18	Male	Assault	Neighbour	2
VI7	18	Male	Assault	Neighbour	2
VI8	19	Male	Assault	Neighbour	2

VI9	24	Female	Theft	Neighbour	1
VI10	33	Male	Theft	Community member	1

* Key–Interpretation of the participants' codes

VI means victim

VI1 means victim number 1 (Victims were numbered from 1 to 10)

Table 4.1 displays the victims' age, gender, offence committed against them, their relationship with the juvenile offender and the number of VOM meetings attended. The researcher has ensured anonymity and confidentiality by not revealing the victims' real names in the biographical information.

A total of ten victims participated in the study and their ages ranged from 18 to 44 years. Four of the ten victims were also juveniles under the age of 18 years when the offences were committed whilst six victims were adults over the age of 18 when the offences were committed. Although the majority of the victims were adults, any person regardless of his/her age can be the victim of an offence by a juvenile.

The victims consisted of five *males* and five *females*. Thus, being a victim of juvenile offending was not prompted by being male or female. In a study done by Wemmers and Cyr (2006:112) on Victim Offender Mediation (VOM), more than half of the study victims were males compared to females who were less than half of the victims' sample. Although the prevalence of males being victims was higher than in this study, it confirms the conclusion that gender does not play a role in becoming a victim of crime. It is about opportunity for the juvenile offender.

In terms of *offences*, the study's participants were victims of personal and property crimes with theft the most committed offence against six of the participating victims whereas assault was the other offence committed against four of the participating victims. Theft was the most committed offence, probably due to the socio-economic challenges the country has been experiencing for the past decades. Assault was committed against juvenile victims and it involved fists to inflict pain or suffering on the victims. The assertion by Hansen and Umbreit (2018:102) that VOM is implemented across the world, mainly in cases that involve minor assaults and property crimes, confirms these findings. Studies done by Jacobsson, Wahlin and Fromholz (2018:77) in Sweden and Spriggs (2009:4) in the USA, further augment the fact that VOM does not apply to serious offences.

The majority of the *victims knew the offenders* and only one did not know the offender. This is because most of them were the parents or neighbours of these

offenders and one was a community member. These findings are confirmed by findings in South Africa by Steyn and Lombard (2013:341) which showed that more than half (64.4%) of the victims were victimised by people they knew whilst a few (20%) did not know the offenders that well.

The findings in terms of the *number of VOM meetings attended*, demonstrate that in the majority of the cases where the victims knew the offenders, it was possible to negotiate and mutually reach an amicable solution during one meeting. Three victims attended the VOM meetings twice because of the nature of their cases, which needed more time for the juvenile offenders and their parents/guardians to consult with their relatives on whether they will assist in the payment of reparations.

Table 4.2: Biographical information of the juvenile offenders

Participant	Age in years	Gender	Offence committed	Family composition and living circumstances	Relationship with the Victim
JU1	18	Male	Theft	Family of three children living with both parents.	Community member
JU2	18	Male	Theft	Family of one child living with his mother and stepfather.	Child
JU3	18	Male	Theft	Family of three children living with both parents.	Child
JU4	19	Male	Theft	Family of three children living with both parents.	Child
JU5	19	Male	Assault	Family of four children living with both parents.	Neighbour
JU6	18	Male	Assault	Family of two children living with grandparents.	Neighbour
JU7	18	Male	Assault	Family of three children living with both parents.	Neighbour
JU8	18	Female	Theft	Family of two children living in child-headed household	Neighbour
JU9	20	Female	Assault	Family of four children living with both parents.	Neighbour
JU10	18	Male	Theft	Family of three children living with his mother.	Community member

* Key–Interpretation of the participants' codes

JU means juvenile

JU1 means juvenile number 1(Juveniles were numbered from 1 to 10)

Table 4.2 displays the juvenile offenders' age, gender, offence committed, family composition and living circumstances and relationship with the victim. To ensure

anonymity and confidentiality, the researcher has not revealed the juvenile offenders' real names in the biographical information.

A total of ten juvenile offenders participated in the study and their ages were between 18 and 20 years but were below the age of 18 years when they were referred for VOM. Neighbourhoods are victimised by crime committed mainly by teenagers (Venter, 2005:1). The findings of this study are confirmed by findings in Minnesota, USA by Abrams, Umbreit and Gordon (2006:246) who reported that the age group of juvenile offenders who took part in the VOM programme ranged up to 24 years. The age range differences may be a result of the different laws regulating VOM in different states or countries or a difference in defining youth.

The findings of this study in terms of *gender* show more male offenders than female offenders. These findings are confirmed in the study referred to by Abrams et al. (2006:246) who also reported more male offenders than female offenders. This relates well with an assertion that young male offenders perpetrate more offences compared to young female offenders (Kleinhans, 2013:30). The majority of the offenders were males because they commit offences in order to fit in with their peers. Thus, they engage in criminal activities in order to fit into some criminal sub-groups in their communities. The offences committed are already addressed above in the discussion of the victims.

The *family composition and living circumstances* of the juvenile offenders show that they live in small families with the majority of them living with their parents. These findings are in contrast with the assertion that juvenile offenders are likely to come from big families. Large families are believed to be associated with high levels of dysfunction resulting in conflicts which affect communication and relationships among the family members. This may result in juveniles depending on relationships with peers in their environment who may not always influence them positively. It is also believed that juvenile offenders are not socialised in a manner they are supposed to be as they are raised by step families, and single parent families, thereby placing them at risk of offending. Juvenile offenders may also come from families where other family members have a history of committing crimes or violence and they see criminal behaviour or violence as normal (Kleinhans, 2013:28). Thus, any child regardless of the size of his/her family, if not suitably socialised, can depend more on relationships with peers in his/her communities which do not always positively influence his/her behaviour.

In the discussion of the *relationship between the victim and offender*, the researcher has already alluded to the fact that the majority of the offenders knew the victims and only one did not know the victim. They knew the victims because the majority were their parents and neighbours and one was a community member. The findings are congruent with the Ecosystems theory which state that juvenile offenders (children) usually commit offences against people they interact with in their interpersonal and immediate environment like the family, friendship networks and relationships in schools (Abrams et al., 2006:246; Tlale, 2013:56-58; Payne, 2014:189; Kiraly et al., 2017:131).

As such, the majority of the juvenile offenders took advantage of their relationships or close ties with their victims and committed criminal offences when least expected.

Table 4.3: Biographical information of the pre-trial diversion officers

Participant	Age in years	Gender	Tertiary qualification	Number of years practised as a registered social worker	Number of years of experience as a Pre-Trial Diversion Officer
PO1	29	Male	Bachelor of Social Work	4 years	3 years
PO2	30	Male	Bachelor of Social Work	6 years	6 years
PO3	32	Female	Bachelor of Social Work	7 years	6 years
PO4	33	Female	Bachelor of Social Work	8 years	3 years
PO5	31	Male	Bachelor of Social Work	5 years	4 years
PO6	30	Female	Bachelor of Social Work	5 years	4 years
PO7	31	Male	Bachelor of Social Work	7 years	5 years
PO8	32	Male	Bachelor of Social Work MA in Development Studies	6 years	5 years
PO9	31	Male	Bachelor of Social Work	5 years	3 years

* Key-Interpretation of the participants' codes

PO means pre-trial diversion officer

PO1 means pre-trial diversion officer number 1 (The pre-trial diversion officers were numbered from 1 to 9)

Table 4.3 displays the age, gender, tertiary qualification, number of years as a registered social worker and number of years of experience in implementing pre-trial diversion programmes. Anonymity and confidentiality have been ensured by not revealing pre-trial diversion officers' real names in the biographical information.

A total of nine pre-trial diversion officers participated in the study. The *gender* distribution of these participants was six males and three females. Thus, pre-trial diversion as a field of service delivery in social work seems to be occupied by more male than female social workers. This is in contrast to the assertion that social work is occupied by more female than male social workers (Hicks, 2015:471).

In terms of *tertiary qualifications*, eight of the participants had completed a Bachelor of Social Work degree as their highest tertiary qualification. Only one of the participants continued with post-graduate studies and had a master's degree in Development Studies. The Bachelor of Social Work is deemed to be sufficient for service delivery as a pre-trial diversion officer.

The participants' *years of experience* as registered social workers varied from four to eight years. Thus, all the participants had sufficient experience to practise as pre-trial diversion officers. Sufficient experience is essential in order to achieve the aims and objectives of VOM within a pre-trial diversion programme. The importance of experience is confirmed by the assertion that social workers should be skilled and have experience to be able to address the needs of their clients (Kleinhans, 2013:96). The findings of this study are confirmed in a study done in South Africa by Venter and Rankin (2005b:38) on VOM reported that social workers had varying years of experience ranging from six months to 25 years. The participants' years of experience as pre-trial diversion officers also vary from three to six years. Thus, they may perhaps provide diverse accounts of their experiences due to different years of experiences with VOM within a pre-trial diversion programme.

4.3 OVERVIEW OF THE THEMES, SUB-THEMES AND CATEGORIES

The data was analysed using Tesch's eight steps as cited in Creswell (2009:186). An independent coder was used to do an independent data analysis. This resulted in the researcher developing the final tables of themes, sub-themes and categories. A discussion involving the researcher, the independent coder and the supervisor was held and consensus was reached on the final themes, sub-themes and categories. The findings are presented below in summarised table formats with

themes, sub-themes and categories in terms of the study's three target groups, that is the victims (table 4.4), juvenile offenders (table 4.5) and pre-trial diversion officers (table 4.6).

Table 4.4: An overview of the research findings from the victims with themes, sub-themes and categories

Theme 1: Victims' accounts of how they became involved in the VOM programme.	
<i>Sub-themes</i>	
1.1 Procedure for juvenile offenders' cases 1.2 Appointment to meet pre-trial diversion officer	
Theme 2: Victims' understanding of the purpose of VOM meetings	
Theme 3: Victims' experiences of VOM meetings	
<i>Sub-themes</i>	<i>Categories</i>
3.1 The victim and offender get the chance to face each other and negotiate a solution under the supervision of a pre-trial diversion officer	3.1.1 Telling their story 3.1.2 Feelings about the crime 3.1.3 Negotiating an amicable solution for restitution
3.2 The pre-trial diversion officer has a mediation role to help the victim and offender come to an acceptable solution	
3.3 Mending relationships	3.3.1 Apologising for the crime 3.3.2 Healing relationships with juvenile offenders
3.4 Counselling	3.4.1 Consequences of criminal behaviour and a criminal record 3.4.2 Discouraging criminal behaviour 3.4.3 Encouraging behaviour change
Theme 4: Victims' views on the kind of information (knowledge) and support received during the VOM meetings	
<i>Sub-themes</i>	<i>Categories</i>
4.1 Information received (knowledge)	4.1.1 Certain juvenile offenders' cases are not referred to court 4.1.2 Police no longer discipline children
4.2 Support received	4.2.1 Support for restitution 4.2.2 Support for behaviour change

Theme 5: Victims' expectations of the VOM meetings
<i>Sub-themes</i>
5.1 Victims wanted juvenile offenders to change their behaviour
5.2 Victims wanted restitution
Theme 6: Victims' feelings about the outcome of the VOM programme
<i>Sub-themes</i>
6.1 Victims felt happy
6.2 Victims felt unhappy and disappointed
Theme 7: Victims' relationship with the juvenile offenders after the VOM programme
Theme 8: Victims' suggestions for changes to be included in the discussions to improve the VOM programme
Theme 9: Victims' views on how social workers can support juvenile offenders through the pre-trial diversion programme
<i>Sub-themes</i>
9.1 Social workers should maintain their support to juvenile offenders
9.2 Social workers should run educational programmes on the consequences of criminal behaviour

Table 4.5: An overview of the research findings from the juvenile offenders with themes, sub-themes and categories

Theme 1: Juvenile offenders' accounts of how they became involved in the VOM programme	
<i>Sub-themes</i>	
1.1 Treatment by police	
1.2 Juvenile offenders were informed of the procedure to be followed	
1.3 Juvenile offenders were released into their parents'/guardian's custody	
1.4 Juvenile offenders' assessment interview experiences	
Theme 2: Juvenile offenders' understanding of the purpose of VOM meetings	
Theme 3: Juvenile offenders' experiences of the VOM meetings	
<i>Sub-themes</i>	<i>Categories</i>
3.1 The victim and offender get the chance to face each other and negotiate a solution under the supervision of a pre-trial diversion officer	3.1.1 Telling their stories 3.1.2 Victims' feelings about the crime 3.1.3 Treatment during negotiations 3.1.4 Negotiating an amicable solution for restitution
3.2 The pre-trial diversion officer has a mediation role to help the victim and offender come to an acceptable solution	

3.3 Reflective learning by revision of events	
3.4 Apologising for the crime	
3.5 Counselling	3.5.1 Consequences of criminal behaviour and a criminal record 3.5.2 Criminal behaviour discouraged
Theme 4: Juvenile offenders' feelings after the VOM meetings	
Theme 5: Juvenile offenders' relationships with the victims after the VOM programme	
<i>Sub-themes</i>	
5.1 Relationship improved 5.2 Relationship deteriorated	
Theme 6: Juvenile offenders' suggestions for changes to be included in the discussions to improve the VOM programme	
Theme 7: Juvenile offenders' views on how social workers can support children who commit a crime	
<i>Sub-themes</i>	
7.1 Social workers should maintain their support to juvenile offenders 7.2 Social workers should assist juvenile offenders whose parents/guardians are unable to pay restitution 7.3 Social workers should address the causes of criminality 7.4 Social workers should educate other children on the consequences of criminal behaviour	
Theme 8: Juvenile offenders' accounts on whether or not they had been accused of any crime after the VOM meetings	

Table 4.6: An overview of the research findings from the pre-trial diversion officers with themes, sub-themes and categories

Theme 1: Pre-Trial Diversion officers' accounts of their involvement with the pre-trial diversion programme
<i>Sub-themes</i>
1.1 Juvenile offenders' intakes and assessment 1.2 Pre-trial diversion options
Theme 2: The role of the pre-trial diversion officers in the VOM programme
<i>Sub-themes</i>
2.1 Pre-trial diversion officers' understanding of the concept "mediation" 2.2 Prepare members for the VOM programme 2.3 Facilitating the mediation programme 2.4 The role of the diversion committee

Theme 3: Pre-trial diversion officers' experiences of the VOM programme	
<i>Sub-themes</i>	
3.1 Parties involved in the VOM programme	
3.2 Creating a platform for parties to talk through their issues	
3.3 Negotiating an amicable solution for restitution	
Theme 4: Challenges pre-trial diversion officers experience during/and after the VOM programme	
<i>Sub-themes</i>	
4.1 Victims' attitudes towards the VOM programme	
4.2 Inability to pay restitution	
4.3 Resistance to participate and pay restitution	
4.4 Absence of legislation on VOM	
4.5 Methods of payment	
4.6 Consequences when parents do not pay	
Theme 5: Pre-Trial Diversion Officers' views on how VOM contributes to the mending of relationships	
<i>Sub-themes</i>	<i>Categories</i>
5.1 Mending of victim–offender relationship	5.1.1 Provides an opportunity for parties to vent their feelings/frustrations 5.1.2 Provides an opportunity for juvenile offenders to apologise and be forgiven 5.1.3 Provides an opportunity for restitution which makes healing easier
5.2 Mending of family relationships and relations with the community	
5.3 Community involvement in the VOM programme	
Theme 6: Pre-Trial Diversion Officers' views on how VOM contributes to the prevention of reoffending	
<i>Sub-themes</i>	
6.1 Provides an opportunity to discourage criminal behaviour	
6.2 Provides an opportunity for juvenile offenders to learn	
6.3 Provides juvenile offenders with the opportunity to apologise	
6.4 Provides an opportunity to hold juvenile offenders accountable for their actions	
6.5 Provides an opportunity for juvenile offenders to realise the harm caused by their actions	
Theme 7: Pre-Trial Diversion Officers' views on how VOM guidelines can contribute to the effective rehabilitation and reintegration of juvenile offenders	
<i>Sub-themes</i>	
7.1 VOM guidelines contribute to the effective rehabilitation of juvenile offenders	
7.2 The gap (incompleteness/inadequacy) in the guidelines for VOM	

Theme 8: Pre-Trial Diversion Officers' accounts of in-service training offered to capacitate them in the implementation of VOM	
<i>Sub-themes</i>	<i>Categories</i>
8.1 In-service training programmes to capacitate pre-trial diversion officers	
8.2 Implementation of VOM without staff capacity training and the resultant effects	8.2.1 Pre-Trial Diversion Officers use general knowledge and experiences 8.2.2 The effects of lacking training on VOM
Theme 9: Pre-Trial Diversion Officers' accounts of the types of collaboration/partnerships available when implementing VOM	
<i>Sub-themes</i>	<i>Categories</i>
9.1 Types of collaboration/partnerships when implementing VOM	9.1.1 Collaboration/partnerships through referrals 9.1.2 Collaboration/partnerships in facilitating VOM
9.2 The capacities of partnerships in implementing VOM	
Theme 10: Pre-Trial Diversion Officers' suggestions on how to improve the VOM programme	
<i>Sub-themes</i>	
10.1 Supportive legislation 10.2 Training of pre-Trial Diversion Officers 10.3 Detailed guidelines 10.4 Involve partners with professional expertise 10.5 Exchange programmes 10.6 Emergency funds 10.7 Tailor-made mediation model to fit the Zimbabwean situation 10.8 Community outreach 10.9 Research	

Having presented an overview of the themes, sub-themes and categories in the above tables, attention shifts to presenting an in-depth description and discussion of the research findings in the order as given in the above overview. Subsequently, literature was used to confirm or contrast the research findings of this study.

The following section is focused on presenting the research findings (voices) with reference to the victims.

4.4 VOICES OF THE VICTIMS

Nine themes emerged from the data analysed from the ten victims who participated in the study. Each theme with its sub-themes and categories is presented below. Furthermore, each theme, sub-theme and category is supported by participants' (victims') quotations or storylines with codes. Therefore, a key is provided below to interpret the codes.

Key–Interpretation of the participants' codes (cf. section 4.2 table 4.1 key)

- VI11 means victim 1. The second number 1 is the line number in the transcription.
- VI11-2 means victim 1, line numbers 1 to 2 (The quotation starting and ending line numbers).

4.4.1 Theme 1: Victims' accounts of how they became involved in the VOM programme

This theme emerged from the discussion of how the victims became involved with the VOM programme. The victims recounted that their involvement in the VOM programme began with their initial contact with the police and the booking of appointments to meet with pre-trial diversion officers. The victims' involvement with the VOM programme is discussed under the following sub-themes:

- Procedure for juvenile offenders' cases
- Appointment to meet pre-trial diversion officer

4.4.1.1 Sub-theme 1.1: Procedure for juvenile offenders' cases

The majority of the victims reported to have been informed of the new procedure of criminal cases for children below 18 years of age by the police officers when they reported their cases. They were informed of the pre-trial diversion programme available to help juvenile offenders instead of taking them to the formal justice system. The following excerpts confirm this:

"...the police officer told me that even if a docket had been placed, I mean had been opened against my child, he was not going to court because he is still under the age of 18 years. She said there is now a programme for children who commit crimes, crimes like the one my child did. So, this programme will help in this case, and then they called the officers to come to help..." VI225-29

"When we went to police they told us that, since the person who assaulted you is below the age of 18 years, they will not take her to court. So, they said they are

going to take her from their place and then they will call us and the Diversion Officers so that the Diversion Officers can help us to talk to try to fix our relationship...and to find a solution to the case.” VI512-17

“...when I reported to the police, they told me that children under the age of 18 years are no longer going to court when they commit crimes which are not serious...they told me that there are Diversion Officers who are going to come to help us negotiate so that the case will end at the police station ...” VI916-21

The above storylines confirm UNODC (2006:62) and Spriggs (2009:2) assertion that police play an essential role in criminal justice to explain the restorative justice process to the parties involved because they are the first to be contacted by victims when reporting their cases. The police use their discretionary powers (UNODC, 2006:62) to establish whether the matter is suitable for a diversion programme and describe the diversion process to the victims, offenders and other parties so that they are fully informed. Furthermore, the police serve as a referral source for diversion programmes such as VOM (UNODC, 2006:62). In other words, the victim and the offender are informed of the procedure for mediation as part of preparation for the mediation meeting (Umbreit, 2015:17; Jacobsson et al., 2018:72).

4.4.1.2 Sub-theme 1.2: Appointment to meet pre-trial diversion officers

Most of the victims agreed that police officers scheduled appointments for them to meet with pre-trial diversion officers at the police station on a particular date and time in order to find amicable solutions to the criminal offence. The following quotes confirm this in the following words:

“...nothing happened on that day, they told me...to go home and come back tomorrow to meet with the officers who will help me to talk with my child so that the case can end at the station.” VI234-36

“We were told to go home and come back tomorrow in the morning because that is when the Diversion Officer will come.” VI819-21

“...after a few days the police officer phoned me and told me to come to the police station at 8 o’clock in the morning to meet with the Diversion Officer.” VI931-34

The quotations above harmonise with the Restorative Justice theory in emphasising the importance of the role of police in explaining the restorative justice process to

all parties and make appointments with the parties to meet for further assessment to establish whether the case suits the criteria for a diversion programme such as (UNODC, 2006:62). According to Jacobsson et al. (2018:73), if the victim and the offender are ready to meet for mediation, the mediation should be conducted after consulting all appropriate stakeholders in the justice system. It involves the active participation of the victim and the offender in resolving the issue with the aid of a neutral mediator after they consent to participation (Panagos, 2017:1688). Therefore, if both parties consent to participate in the VOM meeting, a preparation meeting must be held and appointments for the meeting can be scheduled. The victims should not be informed to appear for mediation on a particular date and time without being fully prepared (Venter & Rankin, 2005a:23).

4.4.2 Theme 2: Victims' understanding of the purpose of VOM meetings

This theme came from the discussion of the victims' understanding of the purpose of the VOM meetings. All victims agreed that the purpose of the VOM meetings was to help them to negotiate with the juvenile offenders and their parents/guardians to find amicable solutions for the criminal offence. The excerpts below confirm this:

"...When we went to police, we wanted help to our child so that he change, so that he stops taking money that is not his, money he is not given and stop playing with friends who smoke. So, I think the meeting was to help us on that, so that he stops doing what he was doing..." **VI431-34**

"...the purpose of the meeting, I think, was for us to negotiate with the parents of the boys so that they can pay money so that I get treatment because I was injured and I was afraid that if they delay to pay for the treatment my teeth will (fall out)." VI829-32

"...the meeting was for the Diversion Officer to help me to talk to the girl so that she can give me my money that she took and that she gets back the grocery that was taken by the police officer." VI941-44

The above views of the victims are consistent with the Restorative Justice and the Humanistic theories in emphasising the importance of pre-meeting preparations to prepare the victims by giving them all the necessary information so that they are emotionally and psychologically prepared for the meeting (UNODC, 2006:59-60; Umbreit & Lewis, 2015:95). During the preparation meetings, both the offender and

the victim should be informed of what mediation means (Jacobsson et al. 2018:73). The preparation of parties is very important because it offers an opportunity to describe the mediation process to the parties involved so that they have a clear understanding of the process (Umbreit, 2015:112; Hansen & Umbreit, 2018:101).

4.4.3 Theme 3: Victims' experiences of the VOM meetings

This theme's findings came from the discussion of the victims' experiences of the VOM meetings and their experiences are presented in the sub-themes that follow:

- The victim and offender get the chance to face each other and negotiate a solution under supervision of a pre-trial diversion officer.
- The pre-trial diversion officer has a mediation role to help the victim and offender come to an acceptable solution.
- Mending relationships.
- Counselling.

4.4.3.1 Sub-theme 3.1: The victim and offender get the chance to face each other and negotiate a solution under the supervision of the pre-trial diversion officer

All the victims reported to have been afforded the chance to face juvenile offenders and their parents/guardians to negotiate a solution under the supervision of pre-trial diversion officers. The following categories emerged from the story lines:

- Telling their story
- Feelings about the crime
- Negotiating an amicable solution for restitution
- *Category 3.1.1: Telling their story*

The victims were able to give their narrative of events surrounding the criminal offence. The quotes below confirm this:

"...I told him my problem with my child that he is behaving badly and he was not changing, instead he was getting worse, so, I wanted some help maybe it can help so that he stop doing that." VI323-25

“...I told the officers the problem I was having with my child at home, I wanted them to help me so that he change his behaviour, we were tired of his behaviour and we thought maybe it was being caused by friends who smoke drugs.” VI425-28

“...we started to talk. I was given the chance to talk first about what had happened and the boy was also given the chance to say what happened and we began to talk about how we can solve the case.” VI719-21

The excerpts above correlate with the Restorative Justice and the Humanistic theories in emphasising the importance of giving the victims a chance to tell their stories (UNODC, 2006:60; Umbreit & Lewis, 2015:96). According to Umbreit and Lewis (2015:138) the telling and hearing of these stories can be empowering, healing and transformative to all the parties. In most VOM programmes across the globe, victims usually meet offenders face-to-face in a controlled setting where they get an opportunity to tell their stories, share their pain and answer each other's questions (Choi et al., 2012:36; Smith, 2015:26; Hansen & Umbreit, 2018:103). VOM, being a restorative justice practice, gives people affected by a criminal offence the chance to be actively involved in solving the conflict (Umbreit, 2015:10). This study's findings confirmed the findings of a study done in North America where victims reported that participating during the VOM meeting made them satisfied with the mediation process and its outcomes (Choi et al., 2012:35-36; Namuo, 2016:585; Hansen & Umbreit, 2018:103).

- *Category 3.1.2: Feelings about the crime*

The participants had the chance to face juvenile offenders during the VOM meetings and expressed feelings of disappointment and unhappiness about their criminal behaviour. The excerpts below describe this:

“...I also told the child that I was disappointed in what he did to me after what I was doing for him.” VI166-67

“...I was not happy in the way he was doing. He was coming back at home in the morning and steal money and food and return where he was. And besides stealing, he was not sleeping at home so I was afraid that anything bad might happen to him when he sleeps outside where I do not know.” VI343-47

“...I was not happy with that and the solution was for me to go to report to the police so that she can maybe return my money because I wanted to use it for something.”

VI912-14

The given storylines are congruent with the Restorative Justice and the Humanistic theories in emphasising the importance of parties expressing their feelings directly to each other during the VOM process (UNODC, 2006:18; Umbreit & Lewis, 2015:96). During the VOM process, victims get an opportunity to express their pain or feelings that resulted from the criminal activity (Choi et al., 2012:36; Smith, 2015:26; Hansen & Umbreit, 2018:103). The expression of feelings or emotions enables offenders to see the depth of the real harm experienced by the victim (MJLPA, 2012:74; Namuo, 2016:602). This study’s findings confirmed the findings of research done in North America by Umbreit et al. (2004:288) who reported that victims were able to express their pain or hurt about the criminal behaviour during the VOM meetings which made them satisfied with the process. However, the findings are also in contrast to findings in South Africa by Venter and Rankin (2005b:41) who reported that victims indicated feelings of loss of power to protect themselves and their property.

- *Category 3.1.3: Negotiating an amicable solution for restitution*

The victims reported to have faced juvenile offenders and their parents/guardians during the VOM meetings to negotiate an amicable solution about the criminal behaviour. The following statements confirm this:

“I told them...I wanted my money back and that was the reason I went to report to police...the mother of the child understood...she agreed to pay back the money but she said she was not able to pay all the money once because of economic hardships. So, she suggested that she can pay the money every monthly until she finished paying all the money, but the amount she said she was able to pay per month was a little bit low than what I expected so, I did not agree with it...I then asked her to increase the amount a little bit but she said that is what she can be able to get...I then agreed that they should give me the money...” VI145-64

“...I said that I lost my teeth and I wanted it to be replaced. The grandmother was saying it was too much for her because she is not working. And we suggested to her that maybe she should think of asking for help from her relatives...She went and talk with these relatives, so, when we saw her the second time she said she had

talked with some of her children and they said they will help her to pay. So, she agreed..." VI632-51

"...my mother and I talk with the parents of the boys to see if they can be able to pay for my treatment...they just asked us to produce some receipts for the money that we paid when I went to the hospital....we showed them and she also showed them the card that was written by the dentist on what was supposed to be done to my teeth...the doctor also wrote on the card that there was need to scan my private parts...the parents of the boys were asking us how they were going to know the amount of money they were going to pay...so they agreed that they will take me to the dentist first and they pay for the money so that they will see for themselves."
VI834-53

The aforementioned excerpts harmonises with the Restorative Justice and Humanistic theories which emphasises the importance of parties to negotiate a mutually agreed solution. The parties negotiating a solution should mutually agree on what has to be compensated, the value to be compensated and the manner in which compensation should be made (UNODC, 2006:9; Umbreit & Lewis, 2015:96, 137; Jacobsson et al., 2018:74). The agreement can be either verbal or written (Jacobsson et al., 2018:74). This requires parties to reach mutually agreed outcomes (UNODC, 2006:9; Hansen & Umbreit, 2018:101). This concurs with Smith (2015:26-27) assertion that once the victim and the offender finish telling their stories from their perspectives, attention shifts to negotiating a solution to the issue through restitution or other means. Therefore, the VOM meeting is crucial in coming up with suitable amounts for compensating the victim (Jacobsson et al., 2018:74) and the presence of the juvenile offenders' parents/guardians assists in ensuring that agreements reached have the necessary confirmation to be implemented (Petrilla et al., 2020:5). The findings of this study correlate with about half of the studies in North America which reported that 90% or more of cases that arrived at a VOM meeting resulted in agreements (Petrilla et al., 2020:6). The findings also compare with findings in South Africa by Steyn and Lombard (2013:342) who state that the victims reported an agreement being arrived at in most cases (86.4%) to correct the situation.

4.4.3.2 Sub-theme 3.2: The pre-trial diversion officer has a mediation role to help the victim and offender come to an acceptable solution

Most of the victims reported that pre-trial diversion officers played a role in helping to facilitate conversations between them and the juvenile offenders and their parents/guardians so as to reach an acceptable solution. The storylines below confirm this:

“So, the officer who was helping us requested that the child who took my money and his mother would wait outside as he wanted to talk to me alone...He then told me that if I cannot accept what they are offering, it was fine, but the case may end up going to court and at court you don’t know what will happen...So, he told me that, it is up to me to decide what I want ...he then called them to come back and I then agreed that they should give me the money they said they are able to find every month until they finish the amount.” VI154-64

“The diversion officer told us that their job is to help us as parents to talk to our children so that our relationship with our child returns to where it was before. So, when we were at police we talked with our child with the help from the officers.” VI439-41

“...there were Diversion Officers who were trying to help us to talk with this guy’s grandmother so that they listen to what I wanted. I wanted them to buy me those teeth that can be bought in hospitals so that the gaps can be closed, the gaps in my mouth.” VI610-13

The storylines above relate with the Restorative Justice and the Humanistic theories in emphasising the importance of the role of the mediator to create an environment for parties to have free and safe discussions (UNODC, 2006:65-66; Umbreit & Lewis, 2015:193) which can result in them reaching acceptable solution. The role of the mediator is to facilitate the discussion involving the victim and the offender (Choi & Gilbert, 2010:7). The mediator or facilitator helps the parties’ discussion to move towards a result without directing the content of the result (Venter & Rankin, 2005a:29). VOM can be facilitated by a professional or lay person provided that the mediator is an experienced and upright person (Jacobsson et al., 2018:74). This study’s findings confirm the findings of a study done in Sweden by Jacobsson et al. (2018:73) who found that 70% of the mediators were professionals, 17% lay persons and the rest were both officials and lay persons. The findings of this study also

confirmed the findings of research done on VOM programmes in North America and England reviewed by Umbreit, Vos and Coates (cited in Choi and Gilbert, 2010:9) which showed numerous roles were played by staff and volunteer mediators so as to provide mediation that is not directive and intrusive; that makes best use of the participation of parties involved; does not pressure or push decisions; is respectful; serves as a confirming role; treats parties fairly; and so forth. The findings of a study in the USA by Choi and Gilbert (2010:16) are also confirmed by this study's findings in that the mediators had a role to facilitate discussion between participants.

4.4.3.3 Sub-theme 3.3: Mending relationships

The victims reported that when they faced juvenile offenders to negotiate a solution, they were able to mend/heal their relationships. The following categories emerged from this sub-theme:

- Apologising for the crime
- Healing relationships with juvenile offenders
- *Category 4.3.3.1: Apologising for the crime*

The victims agreed that juvenile offenders apologised for their criminal behaviour during the VOM meetings as an expression of remorse. The following storylines confirm this:

"...he said sorry and I forgave him. So, after he said that, I forgive him because I also have children, I am a parent. It happens in children that sometimes they do wrong things but they (are) our children, and they need our forgiveness as parents at the end." VI1101-104

"...he realised his mistakes and he knelt down and he asked for forgiveness." VI393-94

"....she was told to apologise to me and my mother for what she has done. My mother just wanted her to apologise so that the issue can be over. So, she apologised to us...to me and my mother." VI546-47

The statements above correlate with Restorative Justice theory in emphasising the importance of restorative justice programmes in providing crime victims with an opportunity to receive an apology (UNODC, 2006:17). VOM as a restorative justice oriented intervention provides a chance for offenders to apologise and for victims to

accept the apology. Any solution arrived at without apologies and forgiveness cannot reduce the tension level and leaves parties with feelings of uncertainty and dissatisfaction (Dhami, 2011:46; Panagos, 2017:1689). Apologising involves the offender expressing remorse about the result of the criminal act for the victim and people affected by the crime (Panagos, 2017:1689). The offer and acceptance of apologies is vital for the victim to recover from the emotional effects of the criminal act and for the offender to resolve broken relationships (Dhami, 2011:47). This study's findings confirmed the findings of research done by Umbreit, (cited in Dhami, 2011:46) in North America and England, where the vast majority of victims (more than 70%) indicated that receiving and giving an apology was essential. Findings from another study done in England are confirmed by this study's findings as it reported that the majority of the offenders and victims anticipated an apology and the vast majority (90%) of the offenders apologised (Dhami, 2011:46). A study in South Africa by Steyn and Lombard (2013:342) on victims of juvenile crime is also confirmed by the findings of this study by reporting that nearly all (94.9%) of the offenders apologised for their behaviour.

- *Category 3.3.2: Healing relationships with juvenile offenders*

The victims reported they had been encouraged to put aside their differences with the juvenile offenders and restore their relationships. The following extracts confirm this:

"...he was asked to apologise for what he has been doing to me and his mother so that we can put all this behind us and go home and start a new chapter. That we rebuild our relationship so that we have the relationship that we had before all this."

VI455-58

"We were told that we should not hold grudges against each other and we should relate well when we go back home and forget what had happened between us."

VI547-49

"...we have been encouraged to have a good relationship between ourselves and that we should not keep grudge between ourselves...So, we were encouraged to have a good relationship like that we had before the money was stolen." VI965-70

The aforesaid quotes are in line with the Restorative Justice theory in emphasising the importance of social healing and reconciliation between the victim and the

offender (UNODC, 2006:6; Choi & Gilbert, 2010:5). As a dialogue-driven process, VOM puts the main importance on victim healing and the healing of relationships (Umbreit et al., 2004:280; Spriggs, 2009:1). When the offender is remorseful and offers an apology and the victim accepts it, the relationship between them is perceived to be less damaged (Dhami, 2011:48). Furthermore, VOM as a restorative justice practice also focuses on renewing and mending relationships after an offence has been committed (Venter & Rankin, 2005a:18; UNODC, 2006:10). The findings of this study compare with findings of a study in South Africa by Steyn and Lombard (2013:343; 345) who reported that some victims (37.5%) confirmed that mediation mended their relationship with the offenders.

4.4.3.4 Sub-theme 3.4: Counselling

The victims reported that they informed juvenile offenders of the consequences of criminal behaviour and criminal record; discouraged criminal behaviour; and encouraged them to change their behaviour during the VOM meetings. The following categories developed from this sub-theme:

- Consequences of criminal behaviour and a criminal record
 - Discouraging criminal behaviour
 - Encouraging behaviour change.
- *Category 3.4.1: Consequences of criminal behaviour and a criminal record*

Most of the victims reported that juvenile offenders were informed of the consequences of continuing to commit criminal offences which included going through the formal justice system that may result in acquiring a criminal record which would have a negative impact when they apply for employment opportunities. The following extracts attest to this:

“...he was warned that if he is found with dagga by police he will be arrested. So, if he gets arrested he will get a criminal record which will affect him to get a formal job in future.” VI448-50

“...the officer has told that girl that if she commits any other crime again she will go to court as she was given a chance to learn from her mistakes. And also I was told to learn from the girl, that I should stay away from criminal activities so that I avoid getting a criminal record.” VI551-54

“...the officer made it clear that it was the last time for her to be given a second chance by the government. So, if she commits another crime she will go straight to court where the issue can be solved.” VI960-63

The above storylines confirm that VOM as a dialogue-driven process gives parties the opportunity to talk about the consequences of the crime to the victim and the offender (Panagos, 2017:1689). According to Imiera (2018:94), restorative justice programmes educate offenders that their behaviour has consequences. The consequences include proceeding to the formal justice system and acquiring a criminal record early in life which restricts access to employment opportunities in the future. This is in contrast to the primary objective of the pre-trial diversion to prevent juvenile offenders from getting a criminal record early in their lives and being categorised as criminals (MJLPA, 2012:16).

- *Category 3.4.2: Discouraging criminal behaviour*

The victims reported that juvenile offenders' criminal behaviour was discouraged during the VOM meetings. The quotations below confirm this:

“...he was told to avoid committing any other crime, if he commits again, he will not be given another chance. He risk going to jail.” VI263-65

“...he was discouraged to steal or commit any crime as that will give him a criminal record which is not good for him. He was told that it was his chance to learn without getting the criminal record.” VI360-62

“...before the case was closed we also encouraged the child to stop stealing because it will result in him to be arrested again by the police. That will not be good for him as a child to be arrested over and over again. And that will result in him taken to court and there is a chance of going to prison.” VI1049-53

The excerpts above are congruent with UNODC (2006:10) statement that VOM as a vehicle for implementing restorative justice in diversion programmes, discourages criminal behaviour among juvenile offenders by denouncing the criminal behaviour. As parties negotiate a solution to the criminal act and try to repair relationships, they also take the opportunity to denounce the criminal act as unacceptable and reaffirm community values. Furthermore, open communications among parties build a dynamic that encourages emotional, cognitive and behavioural changes among

them (Goldman, 2011:4). This statement concurs with Imiera's (2018:92) assertion that restorative justice has psychological effects on juvenile offenders because it assists them to abstain from criminal activities.

- *Category 3.4.3: Encouraging behaviour change*

Besides discouraging criminal behaviour among the juvenile offenders, the victims also reported that juvenile offenders were encouraged to change their behaviour. The excerpts below confirm this:

"...he was also encouraged to talk to me if he wants something than to take what is not given to him because that is disrespectful to me as his mother...My child was given counselling, the officer talked to him so that he respect me as a parent and also for him to be a good child...who does not commit crimes. It was very important because it was something that I think he needed." **VI261-73**

"The officers also spoke to him to respect me as his mother and he should listen to me...he was told to change his behaviour...he was encouraged to be a role model to his young brothers so that they learn from him to do good things instead of them learning bad behaviour and being afraid of him because of behaving in a strange way." **VI359-68**

"...his behaviour was bad, so, I told him that he must change now, he must tell us the truth so that we can stay together as a family...the officers talked to him, they said a lot to try to help him, to try counsel him so that he can change his behaviour to be a good person..." **VI441-53**

The above-mentioned storylines harmonises with a restorative justice objective of reducing reoffending by encouraging behaviour change in juvenile offenders. The focus shifts from past behaviour to the offender's future behaviour as a vital part of an agreement reached through mediation. The offenders are held accountable and responsible for their actions so that in future they do not repeat their behaviour (UNODC, 2006:11; Gallagher, 2013:22; Hansen & Umbreit, 2018:105). The findings of this study confirm the findings of a study done in South Africa by Venter and Rankin (2005b:45) who reported that victims supported the principle of changed behaviour due to the acceptance of responsibility.

4.4.4 Theme 4: Victims' views on the kind of information (knowledge) and support received during the VOM meetings

This theme's findings came from the discussion on the kind of information (knowledge) and support the participants received during the VOM meetings. Consequently, this theme is presented in the following sub-themes:

- Information received (knowledge)
- Support received

4.4.4.1 Sub-theme 4.1: Information received (knowledge)

All the participants agreed that the VOM meetings were a learning process as they learnt that certain juvenile offenders' cases are no longer referred to formal courts and police officers no longer discipline children. The kind of information (knowledge) received is discussed under the following categories:

- Certain juvenile offenders' cases are not referred to court
- Police no longer discipline children.
- *Category 4.1.1: Certain juvenile offenders' cases are not referred to court*

Most of the victims learnt that certain juvenile offenders' cases are now referred to pre-trial diversion programmes instead of the formal court. The following storylines confirm this:

"...I learned that a child who commit a crime is not taken to court but there are people who are now helping on these cases so that we can talk to each other and solve the issues on our own and these children are helped so that they cannot have a criminal record and (are) given second chances." VI180-83

"...I learned that children when they commit certain crimes, they are given a second chance so that they do not get a criminal record. So, they are warned so that they do not commit any crime again...When we went to report to the police, I thought the girl will be taken to court or she will be asked to pay fine, but it did not happen like that." VI556-61

"...it was the first time for me to report a child to the police, so it was something new to me to hear that cases of children, who accept that they commit the crime are not taken to court. So, it was a new experience for me, so, that is what the knowledge that I think I got." VI1057-60

The quotations above correlate with MJLPA (2012:49) assertion that children who commit minor offences that do not attract a prison sentence of more than one year are diverted from the normal criminal justice to restorative justice-oriented diversion programmes on certain conditions at the discretion of the prosecution. The current findings confirm the earlier research findings in Zimbabwe by Curley et al. (2016:8) who reported that the general public remain generally unaware about diversion and more work needs to be done to increase awareness about the programme.

- *Category 4.1.2: Police no longer discipline children*

Some of the victims learnt that police officers are no longer allowed to discipline children who commit offences due to the existence of a pre-trial diversion programme to which children are referred for assistance. The following excerpts confirm this:

“...I used to know that police officers assist us as parents sometimes to discipline our children who misbehave or who steal at home. Now they are no longer allowed to do that, but there is diversion where these children are now being helped with counselling instead of being beaten.” VI370-74

“...long time ago we used to know that when a child is misbehaving a lot, you take him to police. So when you take him to police they used to discipline that child and every child they disciplined would not want to be taken there again. But because children’s rights are now being respected in recent years, things have changed a little bit. Children are now being corrected through talking instead of ...beating them.” VI468-74

The statements above confirm that children’s rights are evolving in Zimbabwe as corporal punishment that was used to discipline juvenile offenders for criminal behaviour has been outlawed in line with international best practices. One of the guiding principles of pre-trial diversion as a restorative justice-oriented programme is to ensure the protection of children from abuse, exploitation and violence, including protection from unlawful corporal punishment at the hands of those involved in the justice system (MJLPA, 2012:35). Therefore, the introduction of pre-trial diversion was an important and noble idea that provided an alternative to corporal punishment for children who commit minor offences (Vengesai, 2014:37-39). The ban of the use of corporal punishment is in sequence with section 53 of the Constitution of Zimbabwe Amendment (No. 20) of 2013 which protects any person,

including children, from any form of torture or brutal or degrading treatment or punishment (Zimbabwe, 2013:37).

4.4.4.2 Sub-theme 4.2: Support received

In addition to receiving information (knowledge), the victims received support during the VOM meetings. The kind of support they received is presented in the following categories:

- Support for restitution
- Support for behaviour change
- *Category 4.2.1: Support for restitution*

In the VOM meetings, most of the victims received support to recover their stolen money or property and money for medical expenses from the juvenile offenders' parents/guardians. The storylines that follow confirm this:

"...I wanted my money back so that I can be able to hoard other groceries to put back in my tuck shop. This tuck shop was my source of income...I was supported so that I get the money back and the mother of the child agreed to pay back the money." VI172-76

"...When teeth are lost, they are lost forever. So, the Diversion Officers said, it's difficult for them to close the case without an agreement fulfilled because there is loss of the teeth forever. So, that is the support that I can say that I get because they helped me to reach an understanding about the replacement of the teeth." VI655-59

"...I have seen parents trying to defend their children that, he was not the one who did this or that. But in my case, the mother of that child did not have the money to pay back the stolen money but she was not supporting her child's behaviour. She was supporting that I should get all my things back. Of course, everyone was supporting that but I was happy that his mother was also supporting me." VI1064-70

The aforementioned excerpts concur with the restorative justice objective to offer support for victims' views, interests and needs for empathy, redress and so forth (UNODC, 2006:10). Besides holding the offender accountable and making amends, the focus of VOM is also to offer victim assistance and support to deal with the

unmet needs of the victim and individuals affected by the crime (Umbreit et al., 2004:279; UNODC, 2006:10; Umbreit, 2015:9; Hansen & Umbreit, 2018:105).

- *Category 4.2.2: Support for behaviour change*

Besides receiving support for restitution, some of the victims received support for juvenile offenders to change their behaviour. The quotes below confirm this:

“My child was given counselling, the officer talked to him so that he respect me as a parent and also for him to be a good child...who does not commit crimes...So, that is the support that I think I can say I got.” VI270-72

“...the officers were very supportive to me, they helped to repair my relationship with my child. We had reached a point where (we) were no longer understanding each other well. But they tried their best to try to talk with him so that he can be a good child who sleep at home. So, the officers were supportive of what I wanted my child to be.” VI374-78

“...the Diversion Officers were supporting us as parents in our efforts to make our child to see that what he was doing was not good. So, they were supporting that he need to change his behaviour, he needs to listen to us and be a good child. It's something that we want as parents. I had tried to sit down with him as his father to be close to him...” VI460-64

The storylines above are congruent with one of the objectives of restorative justice practices such as VOM, which is to offer victim assistance or support to deal with the unmet needs of the victim and individuals affected by the crime (Umbreit et al., 2004:279; UNODC, 2006:10; Umbreit, 2015:9). As some of the participants were parents and neighbours of the juvenile offenders, they wanted the offenders to change their behaviour.

4.4.5 Theme 5: Victims' expectations during the VOM meetings

The victims reported that they had had various expectations of the VOM meetings which included wanting restitution and juvenile offenders to change their behaviour. The expectations of the victims are presented in the following sub-themes:

- Victims wanted juvenile offenders to change their behaviour
- Victims wanted restitution

4.4.5.1 Sub-theme 5.1: Victims wanted juvenile offenders to change their behaviour

The victims wanted juvenile offenders to be assisted so that they can change their behaviour. They wanted pre-trial diversion officers to talk with the juvenile offenders so they could see that what they were doing was not good and they would change their behaviour. The following excerpts confirm this:

“...I wanted them to talk with my child so that he sees [that] what he was doing was not good. He sometimes thinks that if he is my child and he is my one and only child he does what he wants. So, that heart of being a parent was in me because if I ignored that...it was not good for both of us as that habit would never change...So I had to try and find ways so that he can change.” VI286-92

“...taking your child to the police is not a decision that is taken for pleasure. There is something that you need as a parent to be corrected, that you think if you go there, it may be solved. So, I wanted my child to be a good child...” VI382-84

“...I wanted my child to be a good person, that was the reason I took him to police. So, leaving him doing what he was doing would have not been good for him. It's like watching your own child falling in a pit. So, I had to take action because if I did not do so, no-one would have done so.” VI476-79

The above victims' statements harmonise with the Humanistic theory's emphasis on the importance of preparation meetings to clarify participants' expectations of the mediation meeting (Umbreit & Lewis, 2015:198). Victims attend the VOM meetings with expectations and if their expectations are met, they are likely to be satisfied with the VOM programme. As such, victims need to be well prepared so that they go into the session with realistic expectations (Hansen & Umbreit, 2018:101). This study's findings compare with findings of several studies reviewed in North America by Umbreit, Coates and Vos (2002:2) who reported that victims decided to take part in the mediation because they were driven by the desire to help the juvenile offenders to change their behaviour. The findings of this study are also in contrast with findings in New Jersey, USA by Harasymowicz (2016:23) who reported that the victims wanted juvenile offenders to learn from the incident and to repair their relations with the offender. Furthermore, the findings are also in contrast with findings in South Africa by Venter and Rankin (2005b:42) which have shown that victims expected or wanted offenders to be initially kept in custody and made aware

of the harm they had done and they also wanted the juvenile offenders to apologise for their criminal behaviour.

4.4.5.2 Sub-theme 5.2: Victims wanted restitution

Most of the victims wanted to recover stolen property or money and money for medical expenses from the juvenile offenders and their parents/guardians. The excerpts below confirm this;

“I wanted my money back, so, I had to be strong otherwise my children were the ones who were going suffer as a result of the actions of someone. So, I had to be strong for the sake of my children. No one is helping me to look after them, I am taking care of them alone.” VI187-90

“...I wanted my teeth to be replaced so that I can look normal. You know when you lost your teeth people usually laugh...I did not want to continue to close my mouth so that people cannot see the gap. I just wanted to be normal, being able to smile without people laughing after.” VI672-77

“...I wanted my teeth to be treated. You know I am a man still growing up, I may have been laughed at by people like girls you know.” VI873-75

The quotes above connect with the Humanistic theory’s emphasis on the importance of preparation meetings to clarify participants’ expectations of the mediation meeting (Umbreit & Lewis, 2015:198). During the preparation work, the mediator ensures that the expectations of both parties are realistic and brainstorms viable forms of restitution (Hansen & Umbreit, 2018:101). The findings of this study compare with findings of a number of studies reviewed across the world which reported that victims agreed to participate because they were motivated by the desire to get compensation (Umbreit et al., 2002:2; Umbreit et al., 2004:290). This implies that some victims go into the VOM meeting with the expectation of receiving restitution from the juvenile offenders and their parents/guardians. However, the findings are also in contrast to findings by Borton (2008:73-75) who states that victims’ motivation for participating in VOM include the desire to communicate the harm caused by the crime, to know why, and to communicate forgiveness.

4.4.6 Theme 6: Victims' feelings about the outcome of the VOM programme

This theme's findings came from the discussion on victims' feelings about the outcome of the VOM programme. These feelings are presented in the following sub-themes:

- Victims felt happy
- Victims felt unhappy and disappointed

4.4.6.1 Sub-theme 6.1: Victims felt happy

The majority of the victims felt happy with the outcome or results of the VOM programme because they managed to reach amicable solutions to their cases. The following storylines confirm this:

"...I was happy that at least I was getting something than losing all the amount that I had worked for, even though the amount they said they are going to pay every month was not the one that I was expecting." VI196-98

"...I was happy that she apologised for what she did, at least that made me feel better. She was not supposed to have slapped me but tell me that she does not like that..." VI578-80

"...I was happy that at the end of the meeting. I managed to get back my stuff even though instead of spending that time doing my work, I spent the time talking to these people so that I try to get back my things. I was happy that at least after the effort that I put, I got something out of it." VI1081-85

The aforesaid excerpts concur with the Restorative Justice theory in emphasising the importance of participation as essential for the development of agreements around desired outcomes between victims and offenders (UNODC, 2006:6). Furthermore, victims who agree to participate in the restorative justice process can do so safely and come out satisfied (UNODC, 2006:9). This study's findings confirmed the findings of research done in USA and England showing that more than eighty percent (84%) of the victims who participated in VOM with their offenders reported high levels of fairness and satisfaction with the VOM process and its outcomes (O'Mahony, 2012:89; Choi et al., 2012:35-36; Namuo, 2016:585; Hansen & Umbreit, 2018:103).

4.4.6.2 Sub-theme 6.2: Victims felt unhappy and disappointed

Some victims felt unhappy and disappointed with the outcome or results of the VOM programme due to the failure by juvenile offenders and their parents/guardians to fulfil agreements for restitution. The following extracts attest to this:

“...few weeks after we agreed, she was saying she was not able to pay because her husband was sick and the relatives were no longer able to give her the money. ...she did not do what we agreed. So, I was actually disappointed.” VI684-88

“I cannot say I feel good because the parents of that boy, they agreed to pay the amount my parents used for my treatment but they only paid half of the money they agreed...my father said let us leave them like that because we work together with the father at the same company...” VI780-84

“...I was happy that they agreed to take me to be treated especially my teeth. But after we agreed that they are going to pay for...my treatment, they took a long time than what we agreed that my teeth must be attended to by doctor. And also, they took me to the scan after a long time...although they later took me for the scan, they failed to pay for the medication that was needed.” VI879-84

The victims' statements above are in contrast with Restorative Justice theory, which is concerned with eliciting genuine commitment from parties especially the offenders to fulfil the agreement reached (UNODC, 2006:9, 61). According to Jacobsson et al. (2018:75), a broken agreement has economic as well as emotional consequences for the victim as this may indicate that the offender's remorse was not genuine. This study's findings confirmed the findings of research done in North America which reported that failure to fulfil an agreement or taking longer than agreed to fulfil the agreement resulted in the victim not being satisfied with the outcome and feeling not properly compensated (Umbreit et al., 2004:288). Similarly, the findings also confirm the findings of a study done in South Africa by Steyn and Lombard (2013:243) who reported that some victims (3.6%) said the VOM meeting made them angrier because it did not help their situation and VOM does not work for people who do not know each other.

4.4.7 Theme 7: Victims' relationship with the juvenile offenders after the VOM programme

Most of the victims reported that their relationship with the juvenile offenders improved because they managed to mend their relationships and reach amicable solutions during the VOM programme. The following excerpts testify in this regard:

"Our relationship with my child has changed, it has improved a lot, if he wants anything, he asks for it. He no longer takes things on his own without permission from me. He has improved maybe because he is now understanding better than he used to understand. He is better now he respects me now." **VI2107-2111**

"...since he had asked for forgiveness, I forgave him...besides being a parent, I go to church...On our way home we were talking as if nothing has happened, we were talking in our normal way we used to do." **VI397-100**

"...our relationship has changed. He has apologised and we saw it not good to reject his apology, which could have pushed him away...we are relating well, we are staying together well although there may be a few misunderstandings here and there but we correct each other nicely." **VI4693-98**

The quotes above harmonises with the Restorative Justice theory in emphasising the importance of the victim and offender restoring their relationships when appropriate and bring closure to the issues that affected them (UNODC, 2006:17). VOM as a method of implementing restorative justice, gives an opportunity for offenders to correct their mistake and redeem themselves to the victims and the community thereby attempting to restore the relationship that was damaged through the criminal offence (Venter & Rankin, 2005a:17-18). The findings of this study confirmed the findings of research done in South Africa by Steyn and Lombard (2013:344) who reported that the relationship between the victims and juvenile offenders deteriorated in most cases before VOM with some terminating relationships. However, after the juvenile offenders apologised to the victims, agreement to correct the wrong reached and the broken relationships healed, and their relationships improved.

4.4.8 Theme 8: Victims' suggestions for changes to be included in the discussions to improve the VOM programme

The victims agreed that they were satisfied with the course of the VOM programme and had no suggestions for changes to be included in the discussions to improve the VOM programme. The excerpts below confirm this with these story lines:

"...I did not see anything wrong. Everything that was done, I did not have a problem with it." **VI1112-113**

"...I don't think there is anything that need to be changed. It was okay with me." **VI9109-111**

"The meeting was fine because it was not a court session where you are not given enough time to say all you want to say. Everyone was given the chance and we all agreed to let the case be closed for the benefit of the child." **VI10103-105**

The excerpts above correlates with the Restorative Justice theory in emphasising the importance of participation as essential in coming up with jointly agreed outcomes. As such, victims who agree to participate in the restorative justice process can do so safely and come out satisfied (UNODC, 2006:6, 9). Given that the juvenile offenders and the victims are actively involved in the VOM meeting where they freely express themselves, they feel that the process was fair and just (United Nations, 2016:28). The findings of this study confirmed the findings of research done in the USA and England that showed that more than eighty percent (84%) of the victims who participated in VOM with their offenders reported on high levels of fairness and satisfaction with the VOM process and its outcomes (O'Mahony, 2012:89; Choi et al., 2012:35-36; Namuo, 2016:585; Hansen & Umbreit, 2018:103). The findings also compare with findings in South Africa by Steyn and Lombard (2013:343) who reported that the vast majority (94.9%) of the victims who participated in restorative justice mediation would not change anything to the mediation programme they went through.

4.4.9 Theme 9: Victims' views on how social workers can support juvenile offenders through the pre-trial diversion programme

This theme's findings emerged from discussing the participants' views on how social workers can support juvenile offenders through the pre-trial diversion programme. The victims' views are discussed under the following sub-themes:

- Social workers should maintain their support to juvenile offenders
- Social workers should run educational programmes on the consequences of criminal behaviour

4.4.9.1 Sub-theme 9.1: Social workers should maintain their support to juvenile offenders

Most of the victims reported that social workers are doing their job well and they should maintain their support to juvenile offenders so that they can learn from their mistakes and change their behaviour. The following quotations testify to this:

“...they are doing their job well, so, they need to continue helping our children. These children you know, they need counselling, they do not know that committing a crime is not good. So if they are told by a different voice, they can listen...sometimes if we tell them as parents, they can say, that’s what my mother always say. So, they need to continue the good work.” VI2121-27

“...I think they are doing a good job, our children sometimes lose track so they need people like them...to try to help them so that they can come back to the right path. So, I think they need to continue doing their job as they are doing it, it can help these children...” VI46104-107

“...I think they should continue to help these children because when they commit these crimes they do not know how bad it is for them, so they may take that for granted. So, I think if you can teach these children about crime and how bad it is, it can help them as they learn something, so they can try avoid committing crimes.” VI9114-118

The above victims’ views are congruent with the Restorative Justice theory in emphasising the importance of participation as essential in coming up with jointly agreed outcomes which can increase chances of the parties coming out satisfied (UNODC, 2006:6, 9). Given that the juvenile offenders and the victims are actively involved in the VOM meeting where they freely express themselves, they feel that the process was fair and just (United Nations, 2016:28). This study’s findings confirmed the findings of studies done in USA and England which reported that more than eighty percent (84%) of the victims who participated in VOM with their offenders reported on high levels of fairness and satisfaction with the VOM process and its outcomes (O’Mahony, 2012:89; Choi et al., 2012:35-36; Namuo, 2016:585; Hansen

& Umbreit, 2018:103). This can be attributed to the fact that the social workers had sufficient experience and the ability to identify and address the needs of the victims (Kleinhans, 2013:96).

4.4.9.2 Sub-theme 9.2: Social workers should run educational programmes on the consequences of criminal behaviour

Some of the victims reported that social workers should run educational programs on the consequences of criminal behaviour so that children can learn the effects of committing crimes and avoid committing crimes. The following storylines attest to this:

“...maybe educational programs so that they can learn more about the effects of crime ...” VI1123-125

“...what I think is that, these children need to be educated about crime even before they commit the offence. Sometimes I think they do not have the knowledge that is the reason they end up stealing and all sort of things. So, to help them when they come into the programme is good, but I think helping them before they commit the crime is also helpful.” VI10109-113

The above-mentioned statements concur with the goal of restorative justice to mobilise the community to be involved in restorative justice programmes (UNODC, 2006:56). This goal is in line with one of the objectives of the pre-trial diversion programme to increase consciousness within communities on the importance of the pre-trial diversion programme. This helps to garner community participation and support in the restorative justice programmes which is crucial in sustaining the programmes (UNODC, 2006:56). The current findings confirm the earlier research findings done in Zimbabwe by Curley et al. (2016:8, 10, 14, 67) who reported that the general public was generally unaware of the programme as many people interviewed reported that the first time they became aware of the programme was when their children or the victims were recommended for the process. Furthermore, the findings also confirmed the findings of a study done in South Africa by Steyn and Lombard (2013:348) which recommended prioritising crime prevention educational programmes targeting children, youth and offenders.

The following section focuses on presenting the research findings (voices) with reference to the juvenile offenders.

4.5 VOICES OF THE JUVENILE OFFENDERS

Eight themes emerged from the data analysed from the ten juvenile offenders who participated in the study. Each theme with its sub-themes and categories is presented below. Furthermore, each theme, sub-theme and category is supported by participants' (juvenile offenders') quotations or storylines with codes. For that reason, a key is provided below to interpret the codes.

Key–Interpretation of the participants' codes (cf. section 4.2 table 4.2 key)

- JU11 means juvenile 1. The second number 1 is the line number in the transcription.
- JU11-2 means juvenile 1, line numbers 1 to 2 (The quotation starting and ending line numbers).

4.5.1 Theme 1: Juvenile offenders' account of how they became involved in the VOM programme

This theme came from the discussion of how the juvenile offenders became involved in the VOM programme. They reported that their involvement in the VOM programme began with their treatment by the police when they were arrested. They were informed of the new procedure of criminal cases committed by children. This involved being released into the care of their parents/guardians in accordance with the Zimbabwean law instead of being locked up in police cells and their cases being dealt with whilst they were living at home. The juvenile offenders' involvement in the VOM programme is presented in the following sub-themes:

- Treatment by police
- Juvenile offenders were informed of the procedure to be followed
- Juvenile offenders were released into their parents'/guardian's custody
- Juvenile offenders' assessment interview experiences.

4.5.1.1 Sub-theme 1.1: Treatment by police

The majority of the juvenile offenders reported to have been fairly treated by the police officers when they were taken to police stations. They were given decent places to sit in offices whilst they waited for the pre-trial diversion officer to come to attend them. The story lines below support this:

“...they took me to police. At police they told us that there are Diversion Officers who work with children who commit crimes. So, the police called them and told us that they are coming. So, they take us to an office where we seat whilst we waiting for the Diversion Officers. After some time, the Police Officers came with a man who

was introduced as the Officer who work with children who commit crimes.” **JU310-15**

“We were told by the Police Officer to sit outside on a bench and they will call us when they want us. We went to sit outside, and she later came to call us and we were taken to a room and we were introduced to the Officer who was not in uniform and the Officer was said to be the one who was going to help us on my crime.” **JU717-21**

“When we arrived, we were taken...to an office where we sit. We were told that we have to wait for the people who were going to help us to arrive. So, the Police Officer later came with the man she said is from Ministry of Justice to help us to find a way the issue can be solved.” **JU89-13**

The storylines above confirm restorative justice process value of respectful treatment of all parties involved. This creates a non-adversarial and non-threatening environment for the parties and ultimately promotes participation of all parties (UNODC, 2006:8, 9). This study’s findings also harmonise with section 53 of the Constitution of Zimbabwe Amendment (No. 20) of 2013 which protects any person from torture or brutal, cruel or humiliating treatment or punishment. This implies that the juvenile offenders are automatically protected from any form of torture or brutal, cruel or humiliating treatment or punishment. (MJLPA, 2012:12; Zimbabwe, 2013:37; Vengesai, 2014:35-36). The findings confirmed the findings of a study done in South Africa by Venter and Rankin (2005b:50) who reported that all the juvenile offenders were fairly treated by the police.

4.5.1.2 Sub-theme 1.2: Juvenile offenders were informed of the procedure to be followed

Most of the juvenile offenders reported that police officers informed them of the procedure of criminal cases committed by children below 18 years of age. They were informed about the pre-trial diversion programme available to help them instead of going through the formal criminal procedure. The following quotes confirm this:

“...the police told me that I was still under the age. By then when the case happened, I was 17 years old. So, they said the government want cases of children who commit

crime for the first time to negotiate with the people they commit crimes against so that they cannot go to court.” **JU619-23**

“...when we arrived at the police station the Police Officers told us that I was still below the age of 18 years and children who are below the age of 18 years who commit crimes that are not serious are now sent to diversion they are no longer going to court.” **JU711-14**

“...I was taken by the police officer to the station. My mother followed me to the police. I was told that I was a child so, I will not be going to court but there are Officers from the Ministry of Justice that work with children, who we will call today so that they will come and meet me and my parents and the person I assaulted so that they can help me solve the case with the person who I assaulted.” **JU95-10**

The above excerpts concur with UNODC (2006:62) and Spriggs (2009:2) assertion that police play an essential role in criminal justice to explain the restorative justice process to the parties involved. The police officers are the first to come in contact with victims and offenders when cases are reported. Thus, they are the referral source to a restorative justice oriented pre-trial diversion programme such as VOM (UNODC, 2006:62; MJLPA, 2012:36-37). The police describe the diversion process to victims, offenders and other parties so that they are fully informed of the next course of action. This implies that the victims and the offenders are informed of the procedure for VOM as part of preparation for the VOM meeting (Jacobsson et al., 2018:72; Umbreit, 2015:17).

4.5.1.3 Sub-theme 1.3: Juvenile offenders were released into their parents'/guardian's custody

After being informed of the procedure to be followed, the juvenile offenders were placed in the care of their parents/guardians as an alternative to being locked up in police cells and their cases were dealt with whilst living at home. The extracts below confirm this:

“...he said I must go home and my mother should come with me to the police the following day.” **JU131-33**

“...the Police Officer that day said we should to go back home and my mother should come back tomorrow with me to the police station.” **JU714-16**

“They said I must go back home with my mother and my mother should come back with me tomorrow...to the police station...” JU910-12

The aforementioned quotes are in line with the guiding principles of the pre-trial diversion program which emphasises that detention should be used for exceptional cases only, most of which would not be suitable for (restorative justice interventions) pre-trial diversion programmes (MJLPA, 2012:11). This is buttressed by the Zimbabwean laws protect children from unnecessary detention. Section 81(1) (i) of the Constitution of Zimbabwe Amendment (No. 20) of 2013 and section 84(1) of the Children’s Act (05:06) of 2001 protect juvenile offenders from unnecessary detention (Zimbabwe, 2001:46; Zimbabwe, 2013:48; Vengesai, 2014:25). Furthermore, sections 135 (1) (b) and 142 (5) of Criminal Procedure and Evidence Amendment Act (No: 2) (Chapter 9:07) of 2016 provides for the police officers to allow the juvenile offender’ parents/guardians to take the juvenile offender home and warn them to bring him/her to a specific place on a specific date (Zimbabwe, 2001:16; 46; MJLPA, 2012:6; Zimbabwe, 2016:66, 68-69).

4.5.1.4 Sub-theme 1.4: Juvenile offenders’ assessment interview experiences

The majority of the juvenile offenders reported that they went through assessment interviews on their initial contact with the pre-trial diversion officers and they were asked questions on what had transpired. The quotations below substantiate this in the following words:

“...the man started talking to me, asking me questions of what had happened... and also he asked some questions to my friend’s mother maybe he was thinking I was lying or I lied or something and he was writing down what we told him.” JU140-43

“The Police Officer came with a Diversion Officer where we were sitting on the bench. And he begin talking to us. He first asked my mother what had happened and then after that he also asked me what had happened. So, I told him what happened...” JU226-29

“...actually, we remained seated in that office and we responded to the questions he was asking us.” JU318-19

The above offenders’ statements are congruent with Restorative Justice theory in emphasising the importance of the need for new restorative justice programmes to

establish the assessment method or process that will be used to establish the eligibility of the cases for the programme (UNODC, 2006:42). Furthermore, the above quotes also harmonises with the Humanistic theory's emphasis on the importance of preparation meetings in order to collect information, assess the crime and explain the mediation programme (Umbreit & Lewis, 2015:198). According to MJLPA (2012:42), assessment entails an evaluation of the juvenile offender, his family set up, circumstances surrounding the offence and whether he/she is accepting responsibility of the crime or not. In Zimbabwe, juvenile offenders are interviewed and assessed by pre-trial diversion officers (social workers) so as to investigate their family circumstances as well as the circumstances surrounding the commission of the offence and to establish whether the matter can suit the eligibility criteria for pre-trial diversion (MJLPA, 2012:57). The current findings confirm the earlier research findings in Zimbabwe by Curley et al. (2016:8) who reported that pre-trial diversion officers in Bulawayo visited police stations where juvenile offenders and their parents/guardians were interviewed to collect information on their socio-economic, psychological and physical environment for assessment. This compares to South Africa where juvenile offenders are assessed by probation officers (social workers) to estimate their age; ascertain prospects for diversion; gather information in relation to previous convictions, diversion orders and pending cases; to consider all relevant information; and to formulate unique recommendations (Gallinetti, 2009:34; Berg, 2012:71; Hargovan, 2013:26).

4.5.2 Theme 2: Juvenile offenders' understanding of the purpose of the VOM meetings

All the juvenile offenders agreed that the purpose of VOM meetings was to help them and their parents/guardians to negotiate with the victims of the criminal offences so as to reach an amicable solution about the offence. The excerpts below confirm this:

"...the purpose of the meeting from my own understanding was to help me that I talk with my mother. We were told that a Diversion Officer will help us to talk so that my case can be resolved at the police station because of my age, I was still under the age of 18 years." JU233-36

“...it was to help me talk with my mother since I had been taking her things. So, they called those who work with children who commit crimes to help on the case so that I stop what I was doing.” JU322-24

“...the purpose was for us to negotiate with them since the government said that it wanted the cases of underage children to be solved without the children going to the court. So, I think the purpose of those meetings was for us to negotiate with the victims.” JU644-48

The excerpts above connect with the Restorative Justice and the Humanistic theories in emphasising the importance of pre-meeting preparations to prepare the offenders to be accountable by giving them all the necessary information (UNODC, 2006:61; Umbreit & Lewis, 2015:95). As part of preparing the parties for VOM, the offender and the victim should be informed of what mediation means (Jacobsson et al., 2018:73). Preparing parties for the VOM meeting is important as it provides the opportunity to describe the process to the parties involved so that they are fully informed (Umbreit, 2015:112). This enables the victims and the juvenile offenders to have a clear understanding of the purpose of the VOM meeting so that they make fully informed decisions on whether to participate or not. The findings of this study are in contrast to a study by Jacobsson et al., (2012) which reported that some offenders' lack of understanding of the VOM process impeded their participation (Hansen & Umbreit, 2018:104).

4.5.3 Theme 3: Juvenile offenders' experiences of the VOM meetings

This theme emerged from the discussion on the juvenile offenders' experiences of the VOM meetings. These experiences are presented under the following sub-themes:

- The victim and offender get the chance to face each other and negotiate a solution under the supervision of a pre-trial diversion officer
- The pre-trial diversion officer has a mediation role to help the victim and offender come to an acceptable solution
- Reflective learning by revision of events
- Apologising for the crime
- Counselling

4.5.3.1 Sub-theme 3.1: The victim and offender get the chance to face each other and negotiate a solution under the supervision of a pre-trial diversion officer

The majority of juvenile offenders reported they had been given the opportunity to face their victims to negotiate an amicable solution under the supervision of a pre-trial diversion officer. The following are the categories that emerged under this sub-theme:

- Telling their stories
 - Victims' feelings about the crime
 - Treatment during negotiations
 - Negotiating an amicable solution for restitution.
- *Category 3.1.1: Telling their stories*

Most of the juvenile offenders reported to having been given an opportunity to tell their stories during the VOM meetings. They were able to recount their stories on what had transpired when they committed the criminal offence. The following quotations support this:

"...a Diversion Officer asked me and my mother what had happened. So, I told him and my mother also told him her side as well." JU251-53

"...the officer asked us what had happened, and I told him my version of what had happened. I just told him that we had a fight with the boy." JU635-36

"...the officer was asking me what had happened, so, I told him that he was insulting me in front of others so I beat him on his face and he had a cut on his eye and he was bleeding." JU723-25

The aforesaid storylines harmonise with the Restorative Justice and the Humanistic theories in emphasising the importance of giving the parties a chance to tell their stories (UNODC, 2006:60; Umbreit & Lewis, 2015:96). According to Umbreit and Lewis (2015:138) the telling and hearing of these stories can be empowering, healing and transformative to all the parties. It is common practice in VOM programmes around the globe to bring the victims and the juvenile offenders face-to-face in a controlled setting where all people involved have the opportunity to tell their stories, share their pain and answer questions (Smith, 2015:26; Hansen &

Umbreit, 2018:104). This is augmented by Abrams et al. (2006:249) who pointed out that one of the characteristics of VOM is to give juvenile offenders the chance to tell their stories to the victims and to see how the crime affected them. VOM, as a restorative justice process, gives people affected by the offence a chance to actively participate in solving the matter (Umbreit, 2015:10). This study's findings confirmed the findings of a study done in Minnesota, USA by Abrams et al. (2006:248-249) who reported that the offenders had the chance of telling their stories to the victims and describing the experience as unique to them.

- *Category 3.1.2: Victims' feelings about the crime*

The juvenile offenders reported that victims were not happy with their criminal behaviour. The quotes below confirm this:

"...my friend's mother was not happy with what I have done." JU126-27

"She was not happy about what I was doing and she said I must respect her." JU348

"...we were talking about what I have been doing at home. My father was buying me almost everything that I wanted at home. So, he was not happy about what I have been doing...my father said it's better if I tell him what I want so that he can look for it and give me than to lie or steal. He was not happy with that, he wanted me to be honest." JU447-54

The quotations above compare with Restorative Justice and the Humanistic theories in emphasising the importance of parties expressing their feelings directly to each other during the VOM process (UNODC, 2006:18; Umbreit & Lewis, 2015:96). One of the process goals of restorative justice is to make offenders gain an insight into the effects of their behaviour especially on the victims (UNODC, 2006:8-9). The VOM programme gives an opportunity for the victims to communicate their pain or emotions that resulted from the criminal activity (Umbreit, 2015:115; Panagos, 2017:1688). The expression of feelings or emotions enables offenders to see the depth of the real harm experienced by the victim (MJLPA, 2012:74; Namuo, 2016:602). This study's findings again confirmed the findings of research done in Minnesota, USA by Abrams et al. (2006:248) who indicated that juvenile offenders reported that victims show emotions of disappointment with the juvenile offenders because they were previously friends.

- *Category 3.1.3: Treatment during negotiations*

The juvenile offenders expressed satisfaction with the way they were treated during negotiations to solve the criminal offences. The extracts below confirm this:

“We were talking without harassing each other. So, the meeting was good.” **JU444-45**

“...it was my first time to be taken to the police station as a person with a crime, I was not treated badly there. We were given the chance to talk to each other, [eeh] to say what we wanted to say.... the treatment that I can say we got there was right.” **JU744-47**

“...there was no favour to one side. I think we were treated the same when we were solving the case.” **JU934-35**

The above offenders' statements concur with restorative justice process value of respectful treatment of all parties involved. This creates a non-adversarial and non-threatening environment for the parties and ultimately promotes participation of all parties (UNODC, 2006:8, 9). These storylines of the offenders confirm that the pre-trial diversion officers apply the Humanistic theory during the VOM meetings. The Humanistic theory emphasises that mediators should clear all the clutter and possible biases about the parties (Umbreit & Lewis, 2015:199). The VOM programme can be described as a way of resolving conflict that is meant to be fair to all the parties involved (Venter & Rankin, 2005a:26). During the VOM meeting, if parties actively participate, they feel that the practice was fair. Furthermore, once the involved parties are treated with respect and dignity, they are likely to report that they were fairly treated (Wemmers & Cyr, 2006:107). The above findings confirmed findings of research done in the USA which reported that 80%-90% offenders were highly satisfied with the VOM process and its outcomes (MacDiarmid, 2011:4; Petrilla et al., 2020:5).

- *Category 3.1.4: Negotiating an amicable solution for restitution*

The juvenile offenders, accompanied by their parents/guardians, faced their victims in the VOM meetings to negotiate an amicable solution to their criminal offences. The quotes below confirm this:

“...at first it was okay, but I think the money she was saying I took from the cash box was much high than what she found in the cash box when I threw it under the car...maybe it was a way of fixing me by increasing the figure to the police so that she gets more money...my mother said it was my fault because I was not supposed to go to the tuck shop and took the money without my friend’s mother’s permission. So, because I was the only person who opened the tuck shop and took the tin of money. I should not doubt or disagreeing with the figure. But she (my mother) agreed to pay back the money...So, she talked with my friend’s mother so that she could pay half-half every month until the debt is cleared...at first she wanted to refuse but later she said she was fine...” **JU163-82**

“...we began talking. Everyone was given the chance to say what they think should be done...the mother of my teammate said she went with him to clinic and she paid for the medication that he received. So, she wanted her money back that she used. My mother was talking to her how much she used...My mother was not able to pay there the money that was needed so, she told them that she was waiting for month end, that is when she can be able to pay back...So, my teammate’s mother agreed with my mother on that.” **JU731-58**

“...I can say it was good in the sense that the woman was understanding my situation. So, she was not angry at me. She just said she wanted... money back. So, we talked to each other so that I return the money that I had taken. I did not have the money anymore since I had bought groceries so, I phoned my mother and she talked with the woman. My mother agreed to send her, the woman, the money that I took...Then the woman agreed with what my mother said...” **JU830-39**

The storylines above are congruent with Restorative Justice and the Humanistic theories which emphasises the importance of parties to negotiate a mutually agreeable solution (UNODC, 2006:9; Umbreit & Lewis, 2015:96, 137; Jacobsson et al., 2018:74). The parties negotiating a solution should mutually agree on what has to be compensated, the value to be compensated and the manner in which compensation should be made (UNODC, 2006:9; Jacobsson et al., 2018:74). The agreement can be either verbal or written (Jacobsson et al., 2018:74). This requires parties to reach mutually agreed outcomes (UNODC, 2006:9; Hansen & Umbreit, 2018:101). This concurs with Smith (2015:26-27) assertion that once the victim and the offender finish telling their stories from their perspectives, attention shifts to negotiating a solution to the issue through restitution or other means. Therefore, the

VOM meeting is crucial in coming up with suitable amounts for compensation for the victim and getting the offenders' assurance to fulfil the agreement (Spriggs, 2009:1). The findings of this study confirm Petrilla et al (2020:6) assertion that about half of the studies in North America on VOM which reported that 90% or more of cases that arrived at a VOM meeting resulted in agreements.

4.5.3.2 Sub-theme 3.2: The pre-trial diversion officer has a mediation role to help the victim and offender come to an acceptable solution

Most of the juvenile offenders reported that pre-trial diversion officers played a role of helping to facilitate conversations between the victim and the juvenile offenders and their parents/guardians so as to reach an acceptable solution. The following quotes confirm this:

*"...the police officer said they were no longer allowed to beat me by the law, the Diversion Officer was the one who was going to assist us -me and my mother - so that we can talk, so that I can talk with my mother on the issue of the money I took that made her to bring me to the police station" **JU238-41***

*"...the Diversion Officer came and he told us that his job is to guide us so that we can negotiate with the person who was beaten up and his parents so we could reach an understanding." **JU627-29***

*"...the officer who came to help us encouraged us to forgive each other and start a new page and also to assist each other when one of us need something." **JU764-65***

The above-mentioned quotes harmonise with the Restorative Justice and the Humanistic theories in emphasising the importance of the role of the mediator to create an environment for parties to have free and safe discussions (UNODC, 2006:65-66; Umbreit & Lewis, 2015:193) which can result in them reaching acceptable solution (UNODC, 2006:65-66; Umbreit & Lewis, 2015:193). The role of the mediator is to facilitate a discussion involving the victim and the offender (Choi & Gilbert, 2010:7). The facilitator helps the parties' discussion to move towards a result without directing the content of the result (Venter & Rankin, 2005a:29). The VOM meeting can be facilitated by a professional or lay person, provided that the mediator is an experienced and honest person (Jacobsson et al., 2018:74). This study's findings confirmed the findings in Sweden by Jacobsson et al. (2018:73) who found that 70% of the mediators were professionals, 17% lay persons and the rest

included both officials and lay persons. The findings of this study further confirmed findings on VOM programmes in North America and England reviewed by Umbreit, Vos and Coates (cited in Choi and Gilbert, 2010:9) which have shown the numerous roles played by staff and volunteer mediators so as to provide mediation that is not directive and intrusive; that makes the best use of the people involved; does not force decisions; is respectful; serves as a supporting role; treats parties fairly; and so forth. Findings of a study in USA by Choi and Gilbert (2010:16) are also confirmed by the current findings that mediators had a role to facilitate dialogue between participants.

4.5.3.3 Sub-theme 3.3: Reflective learning by revision of events

The juvenile offenders reported to have learnt to exhibit good behaviour and manners so as to have good relationships with other people in their environments. The following quotes support this:

“...I should admit that I have learned that stealing is not a good way to get anything I want as a child. So, if I want money or something, I must ask for it in a good way other than stealing.” **JU1106-108**

“...I learn I should respect my father and listen to him and not listen to my friends’ influences.” **JU478-79**

“...I have learned that, we should talk to each other as a way of solving our issues without beating each other because you may end up injuring someone and be arrested.” **JU564-66**

The excerpts go well together with Restorative Justice theory in emphasising the importance of restorative justice programmes as appropriate educational response to minor offences without formally criminalising the behaviour or the person (UNODC, 2006:26). VOM has been generally considered an educational programme for juvenile offenders giving them the opportunity to appreciate the effects of their conduct on the victim and the general public (Panagos, 2017:1689). This study’s findings confirmed the findings of a study done by Shearar (2005:106) who indicated that two juvenile offenders reported that the restorative justice-oriented mediation was a learning experience. The current findings confirm the earlier research findings in Zimbabwe by Curley et al. (2016:71) who reported that

one of the juvenile offenders interviewed reported to have learnt to make a good choice of friends, be content with what she has and be a role model to her siblings.

4.5.3.4 Sub-theme 3.4: Apologising for the crime

The juvenile offenders reported that they apologised to their victims as an expression of remorse for their behaviour. This is expressed in the following story lines:

*“...I apologised to her and she said okay but she said I must not do that again because she sees me like her child that is why she was treating me as her child by letting me sleep at her house.” **JU188-90***

*“...I knelt down with my knees and I say sorry to my mother for what I have been doing to her. I promised her to be a good child.” **JU345-46***

*“...during the talking I was asked to apologise, to say sorry to my teammate for what I did to him so that we can forgive each other and we can have a good relationship. So, I apologised to him and he accepted my apology. And also, the Officer who came to help us encouraged us to forgive each other and start a new page...” **JU760-64***

The quotations above concur with Restorative Justice theory in emphasising the importance of restorative justice programmes in providing juvenile offenders with an opportunity to apologise to their victims (UNODC, 2006:17). The VOM programme provides the chance for offenders to apologise and victims to accept the apologies. Any solution arrived at without apologies and forgiveness cannot decrease the tension level and leaves parties with feelings of uncertainty and dissatisfaction (Dhimi, 2011:46; Panagos, 2017:1689). Apologising involves the offender showing remorse about the result of the criminal act to the victim and people affected by the crime (Panagos, 2017:1689). The offer and acceptance of apologies are vital for the victim to recover from the emotional effects of the criminal act and for the offender to resolve broken relationships (Dhimi, 2011:47). The current findings again confirm the earlier research findings in Zimbabwe by Curley et al. (2016:71) who reported that a juvenile offender interviewed reported to have apologised to the victim for her actions.

4.5.3.5 Sub-theme 3.5: Counselling

The juvenile offenders reported that they received counselling on the consequences of criminal behaviour and a criminal record with criminal behaviour also being discouraged in the VOM meeting. Below are the categories that came from this sub-theme.

- Consequences of criminal behaviour and a criminal record
- Criminal behaviour discouraged
- *Category 3.5.1: Consequences of criminal behaviour and record*

Most of the juvenile offenders reported that they were informed of the consequences of criminal behaviour and a criminal record in the VOM meetings. They were informed that criminal behaviour may result in acquiring a criminal record which has a negative impact when applying for employment opportunities. The extracts below support this:

“...the officer told me to choose good friends and not have friendship with people who influence me to smoke marijuana because it can result in me being arrested by the police. So, if I get arrested again, it will result in me getting a criminal record which can make it difficult for me to get a formal job...” JU426-30

“...I was told that (this) was my chance to learn since it was my first case, it was the first case I had committed. So, if I commit another again, I will no longer be treated the same way and I will go to court. And if I go to court, I will get a criminal record. A criminal record can make me not able to find a job in future.” JU943-47

“...I was also warned by the Diversion Officer that it was my last chance to be forgiven. If I commit any other crime again, I will not get this chance again. I will be treated as an adult and I will get a criminal record that will prevent me from getting a formal job...” JU1050-53

The above quotes confirmed Panagos (2017:1689) statement that VOM meeting gives parties an opportunity to explain the consequences of the criminal offence to the victim and the offender. The development of this insight ties well with the Ecosystems theory that different systems in the community influence each other. This assertion concurs with Imiera (2018:94) who states that restorative justice practices such as VOM educate offenders that their behaviour has consequences.

Furthermore, Kleinhans (2013:132) emphasises that it is essential to inform juvenile offenders about the consequences of their actions which can promote the chances of not reoffending in future.

- *Category 3.5.2: Criminal behaviour discouraged*

The majority of juvenile offenders interviewed reported that criminal behaviour was discouraged in the VOM meetings. The excerpts below are evidence of this:

“...we talked about what happened, and he told me to stop taking things that is not mine. So, I was warned that I should not take what is not mine.” JU247-49

“...I was talking with my mother and the officer who work with children who commit crimes. As I have said, they were encouraging me to stop taking things from my mother or anyone” JU337-39

“We were told that if we commit other offences there is no any negotiations like these, we will go to court straight. So, we were told to stay away from the criminal activities.” JU545-47

The excerpts above harmonise with the objectives of restorative justice to discourage criminal behaviour among juvenile offenders through denouncing the behaviour as undesirable and reiterating societal values (UNODC, 2006:10). According to Kleinhans (2013:78), one of the objectives of the VOM meeting is to try to effect behaviour change amongst the juvenile offenders thereby preventing the likelihood of future offending. Open communication among the people involved creates a dynamic that encourages emotional, cognitive and behavioural changes (Goldman, 2011:4). This statement is augmented by Imiera (2018:92) who asserts that restorative justice has psychological effects on juvenile offenders as it assists them to abstain from criminal activities.

4.5.4 Theme 4: Juvenile offenders’ feelings after the VOM meetings

The juvenile offenders experienced different emotions after the termination of the VOM programme. Most of them felt happy because they were given a second chance to change their behaviour without acquiring a criminal record. The following quotes are cited:

“...I was happy because I was given a second chance without getting a criminal record. I could have spoiled my future if they did not give me the second chance.”

JU353-55

“...I was also happy that I was given a chance to change as a child. It was a mistake I was doing, so I wanted to change...friends, you know, who influenced me to start smoking. At first I just thought it was just for fun.” **JU469-72**

“...I was happy in the sense that I was given a chance to learn from the mistake I did. And also, I was told about a criminal record that one can get when he or she committed a crime. I did not know about a criminal record. So, I was happy that I was saved from getting the criminal record because of the help I got.” **JU852-56**

Whilst most of the juvenile offenders reported to having felt happy because they got a second chance, some reported to having felt good and relieved because their cases were concluded without being beaten or taken to court. The following statements confirm this:

“...I was thinking what would happen to me when I was taken by police but when I was told that I was not going court, it made me relax a bit. It was my first time to be in the situation. So, when we talked about the case, I felt good that the case was over.” **JU194-97**

“I felt relieved. When I was taken to police, I had this feeling of regret, I regretted why I did what I did. I did not know whether I will be fined or beaten. So, I did not know what will happen to me. So, I felt relieved.” **JU949-51**

Some of the participants reported to having felt worried because they did not know what was going to happen to them. The quotations below express this:

“I felt good at first because I thought my parents were going to pay and our case be close but it did not happen. I did not think that my parents will not find money to pay for the treatment. So, in the end I did not know what will happen...” **JU549-53**

“...after my grandmother agreed with them to pay for the teeth. My grandmother since she had no money, she was no longer able to pay for the teeth. So, I did not know what was going to happen to me if I was to go to court.” **JU676-79**

“...my parents did not manage to pay all the money they agreed to pay. They only paid half of the money they agreed to pay. So, I was now worried, I did not know what will happen.” JU774-77

The aforementioned quotes confirmed the findings of research done in Minnesota, USA by Abrams et al. (2006:251) who reported that five out of six juvenile offenders were satisfied with the VOM experience and one of them experienced a huge sense of relief. The findings of this study also confirmed the findings of a study done in Jersey by Harasymowicz (2016:10, 16) who reported that a group of offenders reported different feelings about the outcome of the mediation/VOM.

4.5.5 Theme 5: Juvenile offenders’ relationship with the victims after the VOM programme

This theme emerged from the discussion of the participants’ relationship with the victims after the VOM programme and is presented under the following sub-themes:

- Relationship improved
- Relationship deteriorated.

4.5.5.1 Sub-theme 5.1: Relationship improved

The majority of the juvenile offenders reported that their relationship with the victims improved after they mended their relationship during the VOM meetings as expressed in the following quotations:

“...after the meetings our relationship was fine...when I visit my friend there, we greet each other even though I am no longer sleeping there. So, I should say it was fine.” JU1102-104

“It was good. My father does not hold any grudge. He has been treating me like nothing had happened. We talk to each other very well.” JU475-76

“...at first, he was not talking to me as we sometimes used to do, we just greet each other, maybe he still had a bit of anger because of the wound that he had. But after some days it was okay. We were talking when we met for our soccer training.” JU785-88

The above storylines confirm Gallagher’s view that VOM provides an opportunity for parties to talk through their issues, repair their relationship and attend to the desires

of both parties (Gallagher, 2013:20). Furthermore, VOM as a method of implementing restorative justice, gives an opportunity for offenders to correct their mistakes and redeem themselves in the eyes of the victims and the community thereby attempting to restore the relationship that was damaged through the criminal offence (Venter & Rankin, 2005a:17-18). Findings from this study show the achievement of one of the objectives of restorative justice of repairing relations harmed by the criminal behaviour (UNODC, 2006:10). The findings of this study supported the findings of a study done in Denver, USA by Gallagher (2013:27) where 80% participants were satisfied and 75% of the participants felt that the other party fulfilled the agreements. The findings reported restoration of personal relations and other personal results (Gallagher, 2013:27).

4.5.5.2 Sub-theme 5.2: Relationship deteriorated

Although the majority of the juvenile offenders reported that their relationship with the victims improved after the VOM programme, some reported that their relationship deteriorated because the victims were still angry due to failure by the juvenile offenders and their parents/guardians to fulfil restitution agreements. The extracts below support this:

“It was not the same as before because he was not happy with us when we beat him and also, he was not happy when our parents failed to pay for his treatment. So, I think it also affected our relations in a negative way...I mean that he was angry to us because our parents did not pay for his treatment. So, he was kind of holding a grudge against us...” **JU555-62**

“...I think his mother has influenced him to hate me because he had lost his teeth and my grandmother could not find money. In fact, she failed to find money to buy him the teeth...we were not friends before the fight but we could greet each other and say hi because we lived in the same neighbourhood. So, now we do not even greet each other...” **JU684-90**

The above excerpts are in contrast with the objective of restorative justice of repairing relations harmed by the criminal behaviour (UNODC, 2006:10). This statement is augmented by Presser and Van Voorhis (2002:162) who state that restorative justice programmes are guided by principles that put emphasis on healing and the social well-being of those affected by crime. Furthermore, Borton (2008:1) concurs and asserts that the eventual goal of a mediation meeting is to

repair the victim's and the offender's relationship. Although VOM provides a chance for the parties to talk through their issues, repair their relationship and attend to the desires of both parties (Gallagher, 2013:20), the findings of this study show that parties failed to mend their relationship due to failure on the offenders' side to fulfil the restitution agreement. A broken agreement has economic as well as emotional consequences for the victim as it may indicate that the offender's remorse was not genuine (Jacobsson et al. 2018:75).

4.5.6 Theme 6: Juvenile offenders' suggestions for changes to be included in discussions to improve the VOM programme

The juvenile offenders agreed that they were satisfied with the conduct of the VOM programme and had no suggestions for changes to be included in the discussions to improve it. The quotations below confirm this:

"I think it is okay. I do not see anything bad." **JU1115**

"...nothing, everything was okay for me." **JU7103**

"...the discussions were fine. I don't have anything that I think should be changed."
JU1074-75

The above offenders' statements are congruent with the Restorative Justice theory in emphasising the importance of participation as essential in coming up with jointly agreed outcome (UNODC, 2006:6). Given that the juvenile offenders and the victims are actively involved in the VOM meeting where they freely express themselves, they feel that the process was fair and just. The above findings confirmed the findings of research done in the USA, which reported that 80%-90% offenders and victims were highly satisfied with the VOM process and its results (MacDiarmid, 2011:4; United Nations, 2016:28; Petrilla et al., 2020:5). In contrast, Harasymowicz (2016:34) conducted a study in New Jersey, USA and these participants suggested that they needed to be provided with more information during preparation for the meetings so that they would be prepared for any outcome as a suggestion for changes in the VOM meeting.

4.5.7 Theme 7: Juvenile offenders' views on how social workers can support children who commit a crime

This theme's findings came from a discussion on the participants' views on how social workers can support children who commit a crime. The participants' views are presented under the following sub-themes:

- Social workers should maintain their support to juvenile offenders
- Social workers should assist juvenile offenders whose parents/guardians are unable to pay restitution
- Social workers should address the causes of criminality
- Social workers should educate other children on the consequences of criminal behaviour

4.5.7.1 Sub-theme 7.1: Social workers should maintain their support to juvenile offenders

The majority of the juvenile offenders interviewed suggested that social workers should maintain their support to juvenile offenders so that they do not commit criminal offences and they change their behaviour. The following quotations confirm this:

"...I think you need to continue to help other children who are also committing crimes so that they learn that committing crimes is not good." JU1118-119

"...they should continue talking to the children as you did to me. I think talking with them and maybe encouraging them to stay away from criminal activities...It can help them to avoid, you know, committing these offences." JU297-100

"...from what I have seen, I think they are people who know their work, so, they should not do what they did to me only, but they should also do that to others, other children who have committed a crime so that they can help them so that they do not do that again." JU1078-81

The quotes above concur with the Restorative Justice theory in emphasising the importance of participation as essential in coming up with jointly agreed outcomes (UNODC, 2006:6, 9). The juvenile offenders' responses portray their satisfaction with the conduct of social workers in helping juvenile offenders. Given that they were actively involved in the VOM meeting, where they could freely express themselves,

they were of the opinion that the process was fair and just (United Nations, 2016:28). The findings of a study done in North America are confirmed by the findings of this study as the offenders were highly satisfied with the VOM process and its outcomes (MacDiarmid, 2011:4; Petrilla et al., 2020:5). They suggested that social workers should continue doing their good work to help juvenile offenders to reform. This can be attributed to the social workers having sufficient experience to work with the juvenile offenders (Kleinhans, 2013:96).

4.5.7.2 Sub-theme 7.2: Social workers should assist juvenile offenders whose parents/guardians are unable to pay restitution

Some of the juvenile offenders interviewed reported that social workers should assist juvenile offenders with parents/guardians without the capacity to pay for restitution so that they are forgiven and avoid going through the formal criminal justice system. The extracts below articulate this:

“I think there is need to find a way to assist children whose parents fail to pay for the agreed money so that the children cannot go to court because their parents fail to pay. I think it can help us as children. I think maybe to forgive these children because it is not their fault for the parents to fail to pay. They are just children who also do not have money.” **JU574-79**

“...they wanted my grandmother to pay. I do not have parents...So, I think they should try to help us if we are not be able to pay and I think also at least the government should do something for children like us because my grandmother, she is old, and she could not find the money that was wanted...” **JU6111-116**

The storylines above go well together with the Ecosystems theory in emphasising the influence of the macro-level environment on individuals, families and communities. Economic challenges faced by a nation at national level may result in some families to live in poverty which can limit opportunities for children living in these families (Gilgun, 2005:350; Tlale, 2013:64). Children who commit criminal offences are frequently victims of poverty, violence and other negative factors beyond their control. Most of the crimes they commit (theft, unlawful entry and theft and fraud) are economically motivated (MJLPA, 2012:3). Poverty in Zimbabwe is high in urban and rural areas and it is reasonable why restitution is wanted. Besides poverty being one of the reasons why restitution is wanted, it may also be the reason

why some of the juvenile offenders' parents/guardians are unable to pay financial compensation (Curley et al., 2016:59).

4.5.7.3 Sub-theme 7.3: Social workers should address the causes of criminality

The participants also reported that social workers should investigate and deal with the cause of juvenile offenders' criminal behaviour. The following quotations support this:

"...I think we should be given something like skills so that we can do our own things to generate income. I think it will be helpful because now I don't have skills that I have to help me to generate income." JU6119-122

"...I think after helping the child not to have a criminal record, I think maybe there is need to help to solve the causes that made the child to commit the crime. So, I think if the child is helped in that, it will also be good to the child." JU874-77

The above quotes corroborated that VOM as a restorative justice practice seeks to address factors that may cause the juvenile offenders' criminal behaviour so as to reduce the chances of future offending (UNODC, 2006:7; Bouffard et al., 2016:3). This is augmented by Imiera (2018:101) who states that restorative justice programmes emphasise the significance of addressing the exact causes of criminal behaviour.

4.5.7.4 Sub-theme 7.4: Social workers should educate other children on the consequences of criminal behaviour

Some of the participants reported that social workers should educate other children on the consequences of criminal behaviour so that they avoid committing crimes. The excerpts below describe this:

"You should inform other children as well so that they have that information that stealing is bad." JU1120-121

"But they should also make children in schools to know about this because I just knew about it when I committed a crime. If they know about it, they will benefit from it as well." JU7107-109

“...I think maybe they should educate children about the effects of crime and the effects of having a criminal record in their lives. It can help the children to avoid committing the offences.” JU966-68

The above excerpts correlate with the goal of restorative justice to mobilise the community to be involved in restorative justice programmes (UNODC, 2006:56). This goal is in line with one of the objectives of a pre-trial diversion programme is to increase consciousness in communities on the importance of the pre-trial diversion programme. The findings of this study confirm earlier research findings in Zimbabwe by Curley et al. (2016:8, 10, 14, 67) who reported that the general public was basically unaware of the programme as many people interviewed stated that the first time, they became aware of the programme was when their children or the victims were recommended for the process. Furthermore, the findings of this study confirmed the findings of a study done in South Africa by Steyn and Lombard (2013:348) which recommended prioritising crime prevention educational programmes which target children, youth and offenders. The educational and awareness programmes aimed at increasing consciousness in communities with the intent to prevent future criminal behaviour amongst children links well with the Ecosystems theory.

4.5.8 Theme 8: Juvenile offenders’ accounts on whether or not they had been accused of any crime after the VOM meetings

All the participants in this group interviewed reported that they had not reoffended after the VOM meetings. The story lines below confirm this:

“No. I did not commit any other offence since then.” JU1126

“...no, I haven’t committed any crime since that incident of the fight. I haven’t done anything else.” JU6125-126

“No. I will not do that again, I am now selling my own things so that I get money on my own. Even though there are no jobs, I am doing something on my own that is giving me money...” JU1086-88

The above-mentioned excerpts are consistent with one of the goals of restorative justice programmes such as VOM to prevent reoffending in the future amongst offenders (Choi et al., 2012:37). According to United Nations (2016:3) restorative justice practices such as VOM and conferencing have great potential to reduce

reoffending amongst juvenile offenders. The findings of this study confirmed the findings of research done in Minnesota, USA by Abrams et al. (2006:252) which reported a significant life change among juvenile offenders as five out of seven juvenile offenders did not commit crime after the VOM meetings. The current findings also fortified findings in USA by Bouffard et al. (2016:3) who reported that participating in VOM decreases reoffending by 34% compared to those who did not take part in the programme. None of the participants of this study had reoffended since the VOM meetings. This can be attributed to the nature of the VOM programme in which the participants are held accountable for their actions and are informed of the consequences of having a criminal record.

The following section focuses on presenting the research findings (voices) with reference to the pre-trial diversion officers.

4.6 VOICES OF THE PRE-TRIAL DIVERSION OFFICERS

Ten themes emerged from the data analysed from nine pre-trial diversion officers who participated in the study. Each theme with its sub-themes and categories is presented below. Furthermore, each theme, sub-theme and category is supported by participants' (pre-trial diversion officers) quotations or storylines with codes. For that reason, a key is provided below to interpret the codes.

Key–Interpretation of the participants' codes (cf. section 4.2 table 4.3 key)

- PO11 means pre-trial diversion officer 1, The second number 1 is the line number in the transcription.
- PO11-2 means pre-trial diversion officer 1, line numbers 1 to 2 (The quotation starting and ending line numbers).

4.6.1 Theme 1: Pre-Trial Diversion Officers' accounts of their involvement with the pre-trial diversion programme

This theme's findings emerged from the discussion on how the pre-trial diversion officers became involved in the pre-trial diversion programme. The pre-trial diversion officers' involvement with the VOM programme began from the juvenile offenders' intakes and assessment for the facilitation of the VOM programme. The following are the sub-themes under this theme:

- Juvenile offenders' intakes and assessment
- Pre-trial diversion options.

4.6.1.1 Sub-theme 1.1: Juvenile offenders' intakes and assessment

Most of the pre-trial diversion officers reported that they undertake juvenile offenders' intakes after receiving their cases from the police and assess them to establish whether they qualify for pre-trial diversion in general and VOM in particular. The following quotes illustrate this:

"...when a police officer receives a case involving an offence committed by a child, the police officer calls a pre-trial diversion officer. When I am called as the pre-trial diversion officer, I visit the police station and the first thing I do is to assess if the child is a candidate for pre-trial diversion. If I see that child qualifies, I then proceed to investigate the circumstances surrounding the offence and the personal or family circumstances of that child." **PO12-17**

"...my involvement is...in pre-trial diversion programme the police are the port of call, when they do have a pre-trial diversion case. They contact the pre-trial diversion officer. Then maybe immediately that's when I am involved to attend to that case to see if it qualifies on pre-trial diversion, if it meets the eligibility criteria...we do some assessments maybe to ascertain that eligibility criteria. That's when we also conduct some interviews to find out which diversion option suits that certain problem." **PO33-20**

"...as a Diversion Officer or Pre-Trial Diversion Officer I get called out to police station when there is a young offender or rather a child who is in conflict with the law...rather our initial contact happens at the police station. We get to interview the child to find out the circumstances regarding the case. Talk to the family of the accused as well as the complainant just to have a sort of assessment what is going on and to map a way forward on what we need to do." **PO42-10**

The aforementioned storylines are congruent with the Restorative Justice theory in emphasising the importance of police as the referral source to a restorative justice programme (UNODC, 2006:62). Furthermore, restorative justice also emphasises the importance of developing a procedure for assessing the suitability and risks for every case being considered for a restorative justice programme (UNODC, 2006:75). According to Smith, (2015:25) intake is the first process in a VOM programme which involves referral of cases to the VOM programme. In Zimbabwe, once the police officers receive a case involving a child below 18 years of age who has committed a minor offence that qualifies for pre-trial diversion, they investigate the matter and refer the case to the pre-trial diversion officer (MJLPA, 2012:36). The

pre-trial diversion officer (social worker) then conducts an assessment to investigate the circumstances surrounding the offence and that of the juvenile offender to establish the manner in which the offence was committed and whether the gravity of the matter fits the eligibility criteria for pre-trial diversion (MJLPA, 2012:57). Similarly in South Africa, probation officers (social worker) conduct an assessment to assess the child's age; ascertain eligibility for diversion; gather information in relation to previous convictions, diversion orders and pending cases; to consider all relevant information and formulate unique recommendations (Gallinetti, 2009:34; Berg, 2012:71; Hargovan, 2013:26). This study's findings confirmed the findings of a study done in the USA where city police officers were one of the referral sources for the VOM programme (Gerkin, 2009:231). The current findings again confirm the earlier research findings in Zimbabwe by Curley et al. (2016:45) where pre-trial diversion officers reported that the police officers referred cases of children below 18 years for pre-trial diversion programmes such as VOM, FGCs and counselling.

4.6.1.2 Sub-theme 1.2: Pre-trial diversion options

The pre-trial diversion officers reported having various diversion options as interventions in the pre-trial diversion programme such as counselling, police cautions, restitution or reparation, FGCs and VOM. The extracts below confirm this:

"...we have counselling...police formal cautions, reparations, victim offender mediation, constructive use of leisure time, attendance at a particular institution for educational training or vocational training." PO112-15

"...we have counselling, victim offender mediation, referral to vocational training, family group conferencing etc." PO322-23

"We have options such as counselling, police cautions, reparations, victim offender mediation and family group conference." PO511-13

The above excerpts fortify Odhiambo (2005:193) and MJLPA (2012:3) assertion that diversion options are alternative measures or extra-judicial programmes offered to children who commit crimes as a substitute for the formal criminal justice process. These are diversion programmes designed in juvenile justice to prevent children from facing the formal criminal justice process and from committing further crimes (Wood, 2003:1). This study's findings strengthened earlier research findings in Zimbabwe by Curley et al. (2016:45) who reported that diversion options included

counselling, police cautions, reparations, VOM, constructive use of leisure time, enrolment for a vocational training and FGCs. Their findings also showed that counselling, reparations, police formal cautions and VOM were implemented regularly. Furthermore, the findings also confirmed the findings of a study done in South Africa by Kleinhans (2013:121) who asserts that social workers in South Africa reported that VOM, FGCs, life skills programme and pre-trial community services are used as diversion options.

4.6.2 Theme 2: The role of the pre-trial diversion officers in the VOM programme

This theme emerged from the discussion on the role of the pre-trial diversion officers in the VOM programme. Their role is presented in the following sub-themes:

- Pre-trial diversion officers' understanding of the concept "mediation"
- Prepare members for the VOM programme
- Facilitating the mediation programme
- The role of the diversion committee.

4.6.2.1 Sub-theme 2.1: Pre-trial diversion officers' understanding of the concept "mediation"

Most of the pre-trial diversion officers reported to understand the concept mediation as a process that brings together the victims, the juvenile offenders and their parents/guardians to help them solve their issues in an amicable way. The excerpts below confirm this:

"...it's like helping the child who committed the offence and his parent to talk with the person who is wronged to find a solution about the offence that has been committed." PO125-27

"...I think is to help...I think that the reason the complainant report a case to the police is maybe that they tried to talk with the young offender and his or her parents but got angered by the young offender's parent's reactions or responses. So, these people need help from the Diversion Officer so that they talk to each other and to solve the issue." PO535-40

"...by mediate I mean that I will be going back and forth between the two parties...I am also able to mediate in the sense that some of the parents might not be talking

to each other due to a previous argument. So, I am able to liaise with them so that they are able to sit down and to talk to each other.” PO721-27

The quotes above harmonise with the Humanistic theory in emphasising the importance of dialogue, with the participants directly sharing their stories and deeply listening to each other, with the mediator being present, non-directive and making sure there is harmless and productive interaction (Umbreit & Lewis, 2015:193-194; Hansen & Umbreit, 2018:101). According to MJLPA (2012:73), VOM brings together the victim, the offender and their parents/guardians to actively participate in working out an agreement that can consist of an apology and monetary or indirect compensation to the victim. It is a process that brings the parties together after an offence has been committed so as to make the juvenile offender accountable for the offence as well as giving important help to the victim (Umbreit & Armour, 2011:13; Hansen & Umbreit, 2018:105). Therefore, the findings of this study are consistent with the definition of VOM (MJLPA, 2012:73).

4.6.2.2 Sub-theme 2.2: Prepare members for the VOM programme

Two of the participants reported that their role involved preparing members for the VOM meeting. The statements below illustrate this:

“...usually, as a way of trying to make them understand and trying to create an ample room for dialog, from the onset we try to explain to them what the programme is about and then before we could even maybe go further we make it clear that participation is voluntary and they are not being coerced to take part of the process if they feel that they are not comfortable...So, as part of the initial stage we also try to establish some ground rules when it comes to mediation, which is very pertinent because we are saying that for it to be successful it needs to be on a common understanding in terms of the do’s and don’ts...So, also of importance is to make them aware of their rights around the issue in question as well as the options which are available to them that at the end of the day they are able to make an informed decision on whether to participate or not...” PO872-85

“...just to make them understand that we are trying to solve the issue and not in a way of revenging one another or settling scores...” PO930-32

The above excerpts are congruent with the Restorative Justice and the Humanistic theories on emphasising the importance of preparation meetings with each party to

give them all the necessary information so that they are emotionally and psychologically prepared for the meetings (UNODC, 2006:59-61; Umbreit & Lewis, 2015:95). Furthermore, the excerpts above are also consistent with the Humanistic theory in emphasising the importance of preparation meetings with the parties involved so as to build trust and rapport with the mediator and get assurances in themselves and the process (Umbreit & Lewis, 2015:192-193). The preparation for VOM begins with a pre-mediation meeting with the victim and the offender. At this meeting, the offender is informed of the meaning of the mediation, the offender tells the mediator about the occurrence of the crime, the consequences, feelings and other relevant information. Once the offender shows an interest to participate in the mediation, the mediator contacts the victim for a preparation meeting and the meeting happens in the same manner as that with the victim (Jacobsson et al., 2018:73; Pali et al., 2018:42). As soon as the victim and the offender show interest to meet for mediation, the mediation should be conducted once consultation is done with relevant stakeholders in the justice system (Jacobsson et al., 2018:73). It is during preparation that the mediator ensures that the expectations of the victims and the offenders are realistic (Hansen & Umbreit, 2018:101). The findings of this study again ratified the findings of a study done in USA where the victims and the offenders who agreed to take part in the VOM meeting attended preparation meetings with their mediator to be prepared for the VOM meeting (Gerkin, 2009:231-232). The current findings also confirmed the findings of research done in South Africa by Venter and Rankin (2005b:57) who reported that probation officers were of the view that preparation is the key to a successful VOM meeting as it ensures that the victim, juvenile offender and their supporting members understand the process and go into the VOM meeting with realistic expectations of the outcome.

4.6.2.3 Sub-theme 2.3: Facilitating the mediation programme

All the interviewed pre-trial diversion officers reported that their role in the VOM programme was to mediate between the victim and the juvenile offender to reach an amicable solution. The following quotations confirm this:

“My role is mainly to mediate between the child who committed the offence, his parent and the person who maybe has been assaulted or whose property has been damaged.” PO121-23

“...my role in the victim offender mediation is to mediate between the two parties, that is my role so that they can come up with an amicable solution which is acceptable to both parties.” PO715-17

“...my role in victim offender mediation was [mainly focused on facilitating mediation. So, I was mainly a facilitator so that two parties will be able to reach a common ground...” PO87-9

The storylines above go well together with Restorative Justice theory in emphasising the importance of the role of the mediator to facilitate a discussion between parties in a fair and neutral manner (UNODC, 2006:100). This is augmented by the Humanistic theory on emphasising the importance of the mediator presence and the mediator being non-directive and making sure there is harmless and productive interaction (Umbreit & Lewis, 2015:193-194; Hansen & Umbreit, 2018:101). The role of the mediator is to facilitate a conversation involving the victim and the offender (Choi & Gilbert, 2010:7). According to Venter and Rankin (2005a:29), the facilitator helps the parties' discussion to move towards a result without directing the content of the result. This study's findings confirmed the findings of research done on VOM programmes in North America and England reviewed by Umbreit, Vos and Coates (cited in Choi and Gilbert, 2010:9) which have shown numerous roles being played by both staff and volunteer mediators so as to provide mediation that is not directive and intrusive; that makes best use of the people involved; does not force decisions; is respectful; serves as a supporting role; treats parties fairly; and so forth. Furthermore, the current findings also sanctioned the findings of a study done in USA by Choi and Gilbert (2010:16) who reported that the mediators had a role to facilitate conversations between participants.

4.6.2.4 Sub-theme 2.4: The role of the diversion committee

Most of the pre-trial diversion officers reported they referred juvenile offenders' cases to the pre-trial diversion committee for consideration. This committee's outcome is final and is implemented by the pre-trial diversion officer. The following quotations substantiate this:

“...there is a diversion committee for children who commit crimes, so I compile a report to the committee on what happened during the negotiations and the committee will then sit and then make a decision on what action to be taken. So, if

the committee say the child offender should be taken to court that is what will happen.” PO169-73

“...we compile what we call a report that we send out to the diversion committee. So, the diversion committee consist of the Commissioner at the police, the Area Magistrate, Prosecutors... the Social Welfare Department who then sit to deliberate on the case... I would have given recommendations to the sort of activities a child has to undertake as part of their rehabilitation process. So, the diversion committee will give confirmation on these recommended activities or they might have adjustments” PO420-28

“...if the value of the amount involved is a bit high, I then compile a report containing the outcome of the negotiations to the Pre-Trial Diversion Committee to discuss about it and see if the child can be diverted on the outcome of the negotiation or the committee can adjust it. Usually, the outcome of the committee is final. So, I then implement the outcome of the pre-trial diversion committee.” PO677-82

The quotations above are congruous with the Restorative Justice theory in emphasising the importance of strategic and innovative initiatives that build on collaboration of government departments, non-governmental organisations and communities (UNODC, 2006:39). The importance of the collaboration between these sectors fits well with the interconnectedness of the Ecosystems theory. In Zimbabwe, the prosecutor as a representative of the Prosecutor General has the power to decline to prosecute any matter. Experiences in countries such as South Africa which implement diversion programmes have shown uncertainties about the desirability of the prosecutor to decide alone on the appropriateness of a juvenile offender for diversion in an unbiased way. For this reason, a multi-disciplinary committee has been formed in these countries to make the decision (MJLPA, 2012:21-22). The diversion committee consists of the district public prosecutor, provincial magistrate, district police officer, the provincial social service officer and the pre-trial diversion officer acting as the secretary. This committee is chaired by either the provincial magistrate or the district public prosecutor. The main task of the committee is to convene and deliberate on the pre-trial diversion officer’s report and its recommendations. If the committee agrees with the recommendation that the juvenile offender should go for VOM with the victim, this outcome is communicated to the diversion officer who will arrange for the parties to meet (MJLPA, 2012:55, 76). The findings of this study strengthen earlier research findings in Zimbabwe by

Curley et al. (2016:47-48) who reported that VOM must be implemented after the diversion committee sits and recommends it. However, in practice the process is more fluid. The pre-trial diversion officers in Bulawayo reported that the VOM meeting starts right away on an informal basis when the cases are referred to pre-trial diversion officers by the police and is formalised when the committee recommends it but the process would have begun already.

4.6.3 Theme 3: Pre-trial diversion officers' experiences of the VOM programme

The findings of this theme emerged from the discussion on the pre-trial diversion officers' experiences of the VOM programme. Their experiences of the VOM programme are presented under the following sub-themes:

- Parties involved in the VOM programme
- Creating a platform for parties to talk through their issues
- Negotiating an amicable solution for restitution

4.6.3.1 Sub-theme 3.1: Parties involved in the VOM programme

Some of the pre-trial diversion officers interviewed reported that VOM meetings usually include the victims, juvenile offender and their parents/guardians and sometimes the community members depending on the set up where the offence was committed. The extracts below confirm this:

"...to be honest, the community is not directly involved in the victim offender It is just the child offender, the parents or guardians and the person who an offence is committed against." **PO176-78**

"...in terms of who is involved, basically this is determined by where the case is committed. For example, maybe if the case was committed within the school environment, then maybe you required to involve for example the teachers...the headmaster and sometimes the prefects." **PO2173-77**

"Those in the victim offender mediation comprise of the victim, the offender, their guardians and me as their mediator." **PO342-43**

The aforesaid statements concur with Restorative Justice as an approach to problem solving and the Ecosystems theory, which in its various forms, involves the victim, the offender, their family, friendship or social networks, justice agencies and the community (UNODC, 2006:6; Kiraly et al., 2017:131). The participants in VOM, as a restorative justice programme, depend on the model or context in which the programme operates. The participants may include the victims, offenders, police, prosecutors, community members and the judiciary (UNODC, 2006:59-66). VOM is a meeting that involves the child, the victim and their close relatives (Curley et al., 2016:57). The VOM guidelines highlight the benefits to VOM participants such as

the victim, the juvenile offender, and the community (MJLPA, 2012:74-75). The presence of the juvenile offenders' parents/guardians assists in ensuring that agreements reached have all the support to be implemented (Petrilla et al., 2020:5). The findings of this study validated findings of a study done in South Africa by Venter and Rankin (2005b:57) who reported that probation officers indicated that the victim, the juvenile offender and their family members and the mediator are members who should be involved in the VOM meeting.

4.6.3.2 Sub-theme 3.2: Creating a platform for parties to talk through their issues

The majority of the pre-trial diversion officers reported that they created a platform for the victims, juvenile offenders and their parents/guardians to talk through their issues so as to reach an amicable solution. This is confirmed by the following story lines:

"I think what I find most important is to give both parties an opportunity to speak their head or to sort of put across their feelings because most often I find everybody wants to be heard, there is no one doing the listening. So, it's a matter of giving both parties a chance to freely speak out their feelings...what they think should happen...at the same time also give them the opportunity to hear what the other party is saying." PO483-89

"...when a crime has been committed usually there are some serious damages which happens to people's relations. So, as a Pre-Trial Diversion Officer you will be giving them an opportunity to air out their feelings, their perceptions in relation to the crime which would have been committed so that at the end of the day, they will be able to reach a consensus and have their relations maintained." PO811-16

"...it enables the complainant to get closure in whatever situations, especially crime, no matter how small it is. It's always traumatic to the complainant and as a result of this process...they get an opportunity to ask questions...to the accused. So, this is an opportunity for the accused and the complainant to answer each other's questions on those questions whereby they might need clarity on the behaviour of the child. So, during the process my position is being neutral...it also allows the complainant and the accused to engage each other and I had to intervene in situations whereby there will be disagreement and emotional involvement so that there are no emotions that arises." PO954-64

As the VOM meeting brings together the victim and the offender directly in a controlled setting, both parties get the opportunity to talk about the criminal offence from their perspectives, share their pain/feelings and answer each other's questions (Choi et al., 2012:35; Smith, 2015:26). Consequently, VOM as a restorative justice-oriented process gives people affected by an offence the opportunity to be actively involved in solving the conflict (Umbreit, 2015:10). According to the Humanistic theory, the mediator has to deliberately withdraw to a non-directive stance with the parties involved and guarantee their ownership of the process. This creates a safe space for parties to engage deeply and do their own fixing and mending. The presence of the mediator enables parties to take the discussion to the results they want and vent their feelings. The mediator is also able to interject at any time to re-direct the conversation in a better direction (Jarrett, 2009:25; Umbreit & Lewis 2015:192-194). This study's findings again authenticated the findings of research done in South Africa by Venter and Rankin (2005b:58) who indicated that probation officers reported that the VOM meeting should be allowed to flow on its own with the mediator being able to intervene if the conversation gets out of control due to intense emotions or anger.

4.6.3.3 Sub-theme 3.3: Negotiating an amicable solution for restitution

Most of the pre-trial diversion officers interviewed reported that the victims negotiated with the juvenile offenders and their parents/guardians to reach an amicable solution for restitution. The excerpts below confirm this:

"...I have also met parties who are understanding, especially the complainant. There are certain young offenders' parents who do not refuse to compensate for loss or damage done but due to their means of living, they can afford to pay smaller amount of money on a monthly basis until all the money that is supposed to be paid is enough and it may take maybe six months or so to complete the payment and the complainant accepts that." PO556-61

"...parties usually agree easily on the need to compensate each other but what I have noticed is that, agreeing on the amount and how to pay for the loss takes a lot of talking and convincing. In certain cases, the child offender's parents may request for quotations to see if the amount said is the true." PO673-76

"...victim offender mediation...has some positive outcomes in the sense that in situations that I mediate, the victim and the offender [they] will end up on the same

page, they come into an agreement, that is, a mutual understanding...which I can say as a facilitator I am not in a position to force them but there will be a mutual understanding between the two groups.” PO332-37

The excerpts above are consistent with the Restorative Justice and Humanistic theories which emphasises the importance of negotiations amongst the concerned parties so as to reach a mutually agreed solution. Those parties involved in negotiating a solution should mutually agree on what has to be compensated, the value to be compensated and the manner in which compensation should be made (UNODC, 2006:9; Umbreit & Lewis, 2015:96, 137; Jacobsson et al., 2018:74). According to Smith (2015:26-27) once the victim and the offender begin talking about their issues, they also negotiate a solution to the issues through restitution or another means. In the event that restitution forms part of the solution to address the issues at hand, restorative justice values state that the parties themselves negotiating a solution must agree on what has to be compensated, the value of the compensation and the manner in which compensation should be made (Jacobsson et al., 2018:74). This requires the victim and the offender to reach mutually agreed outcomes rather than imposed ones. As such, the VOM meeting is crucial in coming up with a suitable amount to compensate the victim and get the offender's assurance to fulfil the agreement (Umbreit et al., 2004:290; Spriggs, 2009:1). Consequently, negotiations between the involved parties are crucial to reach a resolution that is acceptable to both parties.

4.6.4 Theme 4: Challenges pre-trial diversion officers experience during/ and after the VOM programme

Most of the pre-trial diversion officers reported that they experienced various challenges during and/or after the VOM programme. These challenges are presented under the following sub-themes:

- Victims' attitude towards the VOM programme
- Inability to pay restitution
- Resistance to participate and pay restitution
- Absence of legislation on VOM
- Methods of payment
- Consequences when parents do not pay

4.6.4.1 Sub-theme 4.1: Victims' attitude towards the VOM programme

The participating pre-trial diversion officers reported that some of the victims show a negative attitude towards the VOM programme at the beginning. The victims view VOM as a soft option for juvenile offenders and want them to be taken to the formal criminal justice system. The quotes below confirm this:

"...just a few who say at the beginning of the negotiations this process is too soft ...for the child offenders and they must go to formal court where they maybe send to prison than just to return the stolen property or money and be released." **PO657-60**

"...in certain instances, you would find that the victim would always need to see the accused suffering the consequences of the crime through due process, that is the judicial court system...some would at the first point...show some negative attitude to participate." **PO852-59**

The excerpts above blends with the Restorative Justice theory on emphasising the importance of pre-meetings with the victims to give them all the necessary information so that they are emotionally and psychologically prepared for the meetings (UNODC, 2006:59-61). One of the roles of the pre-trial diversion officer is to ascertain the attitude of the victim and his/her family to meet with the juvenile offender and his/her family to discuss a solution to the matter arising from the offence committed (MJLPA, 2012:75). The attitude of the victim and his/her family to meet with the juvenile offender and his/her family is ascertained during preparation meetings. Again, the findings of this study endorse earlier research findings in Zimbabwe by Curley et al. (2016:67) who reported that the general public was basically unaware of the VOM programme as many people interviewed reported that the first time, they became aware of the programme was when their children or the victims were recommended for the process. As such, the pre-trial diversion officers reported that many of them said the option is too soft as they were expecting the child to be punished (Curley et al., 2016:67).

4.6.4.2 Sub-theme 4.2: Inability to pay restitution

The pre-trial diversion officers reported that some of the juvenile offenders and their parents/guardians were not able to pay restitution to victims due to their socio-economic status. The following extracts confirm this:

“...some parents acknowledged the wrong of their children but unfortunately due to their economic status, they do not have the money to pay and the person who has been committed an offence against sees that this women I have been to her place and for sure she cannot afford to pay back the money. I can see that even her child is not going to school...that person who is wronged says I also have a child and I only wanted this child to be corrected.” PO139-46

“...this issue of reparation is also problematic from my experience in some areas or in some police stations or some communities that are poverty stricken...it’s very hard given the economic situation in Zimbabwe for the offender’s family to (find) the needed money.” PO350-54

“...let me just be quick to point out that the situations whereby there is no parent or guardian to pay for the restitution, sometimes it’s very difficult for the restitution for the child to pay restitution, it is so difficult. So, in the end we try to explain to the complainant that we are trying to protect the child and whatever we are doing, we are trying to do so in a way that is in the best interest of the child.” PO9105-110

The above-mentioned storylines go well together with the Ecosystems theory in emphasising the influence of the macro-level environment on individuals, families and communities. Economic challenges faced by a nation at national level may result in some families to live in poverty which can limit opportunities for children living in these families (Gilgun, 2005:350; Tlale, 2013:64). Children who commit criminal offences are often victims of harsh social and economic circumstances, violence and other negative factors beyond their control (MJLPA, 2012:3). Most of the criminal offences committed by the juvenile offenders such as theft, unlawful entry and theft and fraud are economically motivated. Poverty in Zimbabwe is high in urban and rural areas and it is reasonable why restitution is wanted. As such, poverty may be the reason why some of the juvenile offenders’ parents were not able to pay financial compensation (Curley et al., 2016:59).

4.6.4.3 Sub-theme 4.3: Resistance to participate and pay restitution

Pre-trial diversion officers reported that some of the juvenile offenders’ parents/guardians resisted participating and paying restitution in the VOM programme because of being tired of juvenile offenders’ behaviour. The quotes below confirm this:

“...there are also guardians who also say that they are now tired of the child’s behaviour. So, even if he goes to court or prison, they don’t even care.” PO660-62

“The first thing that I noticed is that, some of the parents are very resistant when they come to the office for the first time...So, there are some parents who refuse to participate in the process...” PO735-41

“...some say their child was not the only one who stole the property or the cell phone...there is a few parents that say they cannot pay for the offence they did not commit maybe it’s because they are tired of the child’s behaviour...there is also those who do not want to pay, saying for example I do not have money.” PO151-57

The above quotes are in contrast with UNODC (2006:8) assertion that participation in restorative justice programmes such as VOM is voluntary. During the preparation meetings, the victim and the offender must consent and express their interest to take part in the VOM meetings (Jacobsson et al., 2018:73). Furthermore, once the victim and the offender begin talking about their issues, they also negotiate a solution to the issue through restitution or other means (Smith, 2015:26-27). If restitution is part of the solution, VOM as a restorative justice-oriented program favours mutually agreed outcomes rather than imposed ones. As such, the outcome should be a product of the negotiations and should not be imposed (UNODC, 2006:9).

4.6.4.4 Sub-theme 4.4: Absence of legislation on VOM

Some of the participants reported that there is no legislation on VOM that compels parents to pay restitution for their children’s offences or to make parties participate in the VOM programme. The extracts below illustrate this:

“...there is no law that can be enforced to make them (parents) pay for their children’s offences.” PO166-67

“...there are some parents who refuse to participate in the process and there is no legal mechanism or any enforcement to force them to participate in those victim offender mediation sessions.” PO740-43

“...the other setback which we used to have is the issue of failure by the government maybe to come up with some statutes which reinforce the implementation of the pre-trial diversion in Zimbabwe because as it stands, we don’t have such legal

instruments...which can actually stipulate the responsibilities of the parents to participate programme. The responsibilities and obligations of children, the...Diversion Officers and other professionals who are being involved in the justice system in general and pre-trial diversion programme in particular.” PO8166-176

The above excerpts concur with the Restorative Justice theory on underscoring the importance of legislation in setting standards and providing some mandatory legal safeguards for the participants (UNODC, 2006:51). This study’s findings, as previously indicated, confirmed the statement of Curley et al. (2016:8) that there is no explicit legislation on diversion programmes in Zimbabwe. Similarly, South Africa began implementing diversion programmes such as VOM, FGCs, counselling and community services in the 1990s without specific legislation to regulate the programmes (UNODC, 2006:50). However, the diversion programmes in South Africa were later legislated by the Child Justice Act 75 of 2008 (Badenhorst, 2010:1-3). This study’s findings are in contrast with findings reported in Belgium where restorative justice practices such as VOM and conferencing are well established by law throughout the whole country (Pali et al., 2018:47).

4.6.4.5 Sub-theme 4.5: Methods of payment

Some of the participants reported that there was no alternative payment method for restitution other than paying money. The extracts below describe this:

“...sometimes the victim will have incurred some expenses maybe in the process of taking the child to the hospital for medical examination or treatment then sometimes the accused person and his or her parent sometimes will end up paying in monetary terms...” PO289-92

“...I cannot say due to lack of trust but I can say loss of trust especially in cases of theft, I have tried to negotiate with the complainants that if they may allow to maybe provide piece jobs to the parents of the young person but they do not agree...usually there is no alternative way to compensate for loss or damage other than paying.” PO565-70

“...one issue that we might look into, is the issue of the young person working for the person they have caused damage to. But however, if the young person is a habitual thief, that person might be unwilling to take the young person on board because he might steal from them.” PO788-91

The quotes above are in contrast with the MJLPA (2012:58; 74) assertion that the payment method for restitution in Zimbabwe can be either in the form of cash, return of stolen goods or provision of a service or work for the benefit of the victim. This statement is echoed by Curley et al. (2016:59) who state that the pre-trial diversion guidelines in Zimbabwe clearly state that the payment of restitution or reparations can be broader than paying money as it can include community service or work or service for the benefit of the victim. Similarly, in Hungary Clamp (2011:3) states that compensation can be material reimbursement, a service, physical repair of the damage and any other agreed solution. However, the findings of this study compare with those found in Finland where reparation for the victims was only monetary as other alternatives were not utilised (Pali et al., 2018:93).

4.6.4.6 Sub-theme 4.6 Consequences when parents do not pay

The pre-trial diversion officers reported that they referred juvenile offenders' cases to the formal justice system when their parents/guardians do not want to pay or failed to pay restitution. The excerpts below confirm this:

"...we can refer the case to due process if someone doesn't want to pay." **PO779-80**

"So, by doing this (signing records) by involving parties, all the parties and the Area PP [Public Prosecutor] and the Police Commander and the Diversion Officer, it becomes binding whereby the parent fails to fulfil what they would have agreed and the complainant can take the matter to the civil court if the parent of the child fails to pay what would have been agreed to be paid in an agreed date." **PO995-100**

According to Gallagher (2013:9, 32-33), failure to complete an amicable solution or restitution plan can lead to the juvenile offender's case being taken back to the formal juvenile justice court. The findings of this study compare with a practice in Austria whereby when the offender fails to fulfil the agreement reached during VOM, the case is referred to the social worker or mediator responsible and the reasons for such failure are queried. If there is no response, regardless of numerous efforts made, the matter is referred back to the formal criminal justice system (UNODC, 2006:78). According to MJLPA (2012:42), the pre-trial diversion officer should clearly explain to the juvenile offender that failure to carry out a specific activity will result in him/her being prosecuted in the formal justice system.

4.6.5 Theme 5: Pre-Trial Diversion Officers' views on how the VOM programme contributes to the mending of relationships

This theme's findings emerged from a discussion on the participants' views on how VOM contributes to the mending of relationships between the victim, juvenile offender and/the community. The views held by the officers on this are presented within the following sub-themes:

- Mending of victim-offender relationship
- Mending of family relationships and relations with the community
- Community involvement in the VOM programme.

4.6.5.1 Sub-theme 5.1: Mending of victim–offender relationship

Most of the pre-trial diversion officers reported that VOM contributes to the mending of the victim- offender relationship. Their responses are given under the following categories:

- Provides an opportunity for parties to vent their feelings/frustrations
- Provides an opportunity for juvenile offenders to apologise and be forgiven
- Provides an opportunity for restitution which makes healing easier
- *Category 5.1.1: Provides an opportunity for parties to vent their feelings/frustrations*

The majority of the participants reported that VOM provides an opportunity for the victims and the juvenile offenders to sit down and talk about the offence. As the parties talk about their issues, all the feelings/frustrations are expressed to the juvenile offenders, thereby contributing to the mending of their relationship. The quotations below substantiate this:

“...by bringing together the child offender and the person he or she committed an offence against, it enables the person who has been committed an offence against to vent out his or feelings or frustrations directly to the child offender. This can make the child offender to see the effects his or her actions has on that person. So, maybe next time he or she cannot do that again.” PO184-88

“...victim offender mediation gives a platform on which the young person with his parent or guardian and the complainant sit down and talk about the offence and how it affected the complainant. The parties speak out on their issues and their feelings.

These people like...may have tried to talk to each other on their own without any success. So, I encourage them to put behind that which had made them to fail to reach agreement especially anger.” PO573-79

“...victim offender mediation gives a chance for the victim and the child offender to talk about their issues and find a way to address them, all the frustrations, anger may have been expressed during the talking. So, the parties may have offloaded maybe their anger and forgive each other during the negotiations. So, when there is no more anger, they can start now talking on a new page and start new friendships.” PO686-91

The excerpts above harmonise with the Restorative Justice and Humanistic theories on emphasising the importance of parties expressing their feelings or emotions and gaining a greater sense of closure (UNODC; 2006:17; Umbreit & Lewis, 2015:96). VOM as a restorative justice-oriented programme offers a chance for the victims to express their feelings and receive answers about the offence from the juvenile offender and for the juvenile offender to express his/her remorse about the offence (UNODC; 2006:17; Umbreit, 2015:115; Smith, 2015:26; Panagos, 2017:1688). The expression of feelings or emotions during the VOM meeting enables offenders to see or learn about the real harm experienced by the victim as a result of the crime (MJLPA, 2012:74; United Nations, 2016:11; Namuo, 2016:602). When appropriate, the parties can restore their relationship and bring the issue to a conclusion (UNODC, 2006:17).

Category 5.1.2: Provides an opportunity for juvenile offenders to apologise and be forgiven

Most of the pre-trial diversion officers reported that the VOM programme provides a chance for juvenile offenders to apologise to their victims, which helps to heal the wounds created by their actions and for the victims to see that the juvenile offenders are remorseful about their actions and forgive them. The extracts below confirm this:

“...by bringing the child offender and the person he or she committed an offence against face-to-face can enable them to negotiate and the child offender can maybe apologise. Apologising can help to heal the rift or wounds that would have been created by the actions of the child offender. So, that can help to mend their relations, the person who has been committed the offence against usually after receiving an apology does forgive the child offender.” PO190-95

“...usually allowing the offenders that opportunity to take responsibility and maybe apologise for their actions but also giving the victim an opportunity to be a bigger person to be able to forgive the offender, that I think that facilitates the healing. Because where there is acknowledgement of a wrong that has been done, that’s the first step to healing...” PO4105-110

“...the young person can see how his actions have caused maybe suffering to the complainant. So, the young person when he or she realise the harm he or she caused may acknowledge his mistake and ask for forgiveness. I think it makes easy for the complainant to forgive the young person when he or she acknowledges mistake and apologised. Maybe the next time they see each other in their neighbourhood they can talk to each other because their issues would have been solved.” PO579-84

The above quotations blend with the Restorative Justice and Humanistic theories in underscoring the importance of repairing the material and emotional harm which resulted from the crime (UNODC, 2006:10, 17; Umbreit & Lewis, 2015:96, 137). The focus of VOM as a restorative justice-oriented programme is to focus not only on the criminal activity but also on repairing the damaged relationship which begins through the rendering of an apology by the offender and for the victim to receive the apology (UNODC, 2006:10, 17). Once the offender shows remorse and offers an apology and the victim accepts it, the relationship between them is perceived to be less damaged (Dhami, 2011:48). The offering and acceptance of apologies are vital for the victim to heal from the emotional effects of the criminal act and for the offender to resolve broken relationships (Dhami, 2011:47). Any solution arrived at without apologies and forgiveness cannot reduce the tension level and leaves parties with feelings of uncertainty and dissatisfaction (Dhami, 2011:46; Panagos, 2017:1689).

- *Category 5.1.3: Provides an opportunity for restitution which makes healing easier*

Some of the pre-trial diversion officers reported that the VOM programme provides an opportunity for the victims to recover whatever they have lost and when they recover whatever they have lost through restitution, it becomes easier to forgive the juvenile offenders and to heal their relationships. The following story lines confirm this:

“...I understand the reason why people report cases to the police is mainly because they want to recover whatever they have lost in the process. So, once someone recovers whatever they have lost maybe the accused person has managed to retribute the stolen property or the damaged property...it opens now the way for mediation and for healing to come into play because before you can maybe cool someone’s tempers down, first of all they need to see that they have recovered whatever they have lost and then they can now come to talking terms. So, I think restitution is crucial in the process of bringing societal healing...” PO2158-167

“...I think if the victim is compensated for the loss and this makes the victim happy and it removes all the grudges towards the child offender. So...compensation for the loss can also make it easy for the victim to forgive because he or she would have recovered what was lost. In a way, it can help to mend the relations and the offender will also ask for forgiveness and they come to an agreement.” PO694-99

“If someone gets compensation for something lost or for an assault, that person is likely to forgive the victim than someone who gets nothing.” PO7109-111

The quotes above correlate with Restorative Justice theory in emphasising the importance of restorative justice oriented programmes such as VOM in creating an opportunity for the juvenile offender to mend relationships through restitution and for the victim to receive restitution and as soon as it is appropriate, they restore their relationship and bring the issue to conclusion (UNODC, 2006:17). However, this study’s findings are also in contrast with the findings of empirical studies which reported that several victims regard the symbolic restitution of an apology more or equally essential than receiving financial compensation (Choi & Severson, 2009:814). In other words, monetary restitution may not be the main concern for a number of victims if the juvenile offenders admit to the charge and genuinely apologise for their actions as several victims might be expecting restitution as emblematic of the offenders’ awareness of the harm done to the victim and be aware of their responsibility to right their wrongs (Choi et al., 2012:40).

4.6.5.2 Sub-theme 5.2: Mending of family relationships and relations with the community

The majority of the pre-trial diversion officers reported that the VOM programme provides a chance for the parties to sit down and solve their issues in an amicable way which makes all parties happy and the juvenile offenders will not be seen as

outcasts or labelled as criminals in the community. Therefore, this contributes to the mending of relationships between the victims, the juvenile offenders, the family and the community. The following excerpts substantiate this:

“...it helps in bringing closure to issues and ... for the community it also helps in doing away with issue of labelling and stigma because when this issue is not handled properly, the child may be labelled by people in the society maybe as a thief and stuff but in this case, if there is victim offender mediation maybe involving some members of the community, they get to know that they should not go about labelling this child because it was a mistake.” PO2136-143

“...it helps the juvenile to be free if the amount is paid or if the matter is closed with all parties being happy, the juvenile...will not feel as being a criminal in the community since the issue... has been paid for. The juvenile is able to...go about his business in the community without any labelling since the matter will be behind the parties, since they have talked about it... most of the people that we meet in terms of victim offender mediation, they stay close together or they are relatives. So, pre-trial diversion allows them to come together and to solve their grievances and to continue with their relationship as before the crime took place. So, victim offender mediation helps in mending relationships which would have been broken by the criminal offence...” PO7114-119

“...whilst crime can be harmful to individuals who in this case might be perceived as victims, it also harms relations at family level and also...with a significant damage to the society or community at large where for instance the accused young persons will be labelled as a criminal within society and as such children will be seen as outcast within the society or community...it is only through mediation that such children, there will be a spirit of tolerance, acceptance and also accountability on the part of the accused. So, to me victim offender mediation forms an integral part of pre-trial diversion programme as a healing process.” PO8105-114

The above excerpts confirm the findings of Spriggs (2009:1) who state that VOM, as a dialogue-driven process, places emphasis on the healing of relationships. Furthermore, VOM as a restorative justice practice also focuses on renewing and mending of relationships between the victim and the offender (Venter & Rankin, 2005a:18; UNODC, 2006:10) as well as with family members (Mohammad & Azman, 2018:998) after an offence has been committed. As the broken relationships

between the juvenile offender, the victim, the family and the community are mended, the juvenile offender becomes reconciled and is not ostracised (MJLPA, 2012:75).

4.6.5.3 Sub-theme 5.3: Community involvement in the VOM programme

The pre-trial diversion officers reported that the community is sometimes involved in the VOM meeting depending on the case and the environment in which the offence was committed. The quotes below explain this:

“...it depends from one case to the other but in terms of who is involved, basically this is determined by where the case is committed. For example, maybe if the case was committed within the school environment,t then maybe you’re required to involve, for example the teachers...and the headmaster and sometimes the prefects. So, within this school community you would discover that you have already averted the issue of labelling because these teachers and prefects who are involved in the victim offender mediation process, they will now go out and spread this information that we are not supposed to label this child...” **PO2173-82**

“And also, victim offender mediation involves in other areas, communal leaders. This empowers the community to solve their own problems and to come up with their own prevention mechanisms. Therefore, the community on its own without help from government is able to solve its own problems and to guide away juveniles from criminal behaviour because they will be seeing that the community is condemning the criminal behaviour and not the person himself or herself” **PO7137-43**

The above quotations sanction earlier research done by Schiff (2007:229) that restorative justice practices use the concept of community care which includes any person linked directly or indirectly to individuals caught up in criminal behaviour. This fits well with the Ecosystems theory’s emphasis on the importance of the interconnectedness of individuals, families, social or friendship networks, and institutions within a community and how they influence one another (Kiraly et al., 2017:131). The mobilisation and involvement of the community starts with identifying individuals or groups affected by conflict and are in a position to take part in solving them. As the communities are involved and assume an active role in responding to crimes and conflicts, their capacities for problem solving, informal social control and social cohesion are strengthened (UNODC, 2006:56-57). This empowers communities to find solutions to their problems that may have arisen as a result of an offence (MJLPA, 2012:75).

4.6.6 Theme 6: Pre-Trial Diversion Officers' views on how VOM contributes to prevention of reoffending

This theme came to the fore from the discussion on the participants' views on how the VOM programme contributes to preventing reoffending. The views of the pre-trial diversion officers are presented in the five sub-themes:

- Provides an opportunity to discourage criminal behaviour
- Provides an opportunity for juvenile offenders to learn
- Provides juvenile offenders with the opportunity to apologise
- Provides an opportunity to hold juvenile offenders accountable for their actions
- Provides an opportunity for juvenile offenders to realise the harm caused by their actions

4.6.6.1 Sub-theme 6.1: Provides an opportunity to discourage criminal behaviour

The pre-trial diversion officers reported that the VOM programme provides an opportunity for parties involved to discourage juvenile offenders from committing criminal offences which makes the juvenile offenders less likely to reoffend. The quotes below confirm this:

"...as the mediation process takes place, the talking, this child offender will be encouraged to stay away from maybe criminal activities and learn from his mistakes as most people say experience is the best way to learn...I think this can also make the child offender not to re-offend as well." PO1105-108

"...during the mediation itself besides me as Diversion Officer discouraging criminal behaviour to the young person, everyone else in that gathering including the complainant or even the parent also discourage criminal behaviour. I think if the young person is discouraged from everyone, can also see that criminal behaviour is not a good thing and I must change and...I think may help to prevent the young offender from committing other offences." PO5116-122

"...during the negotiations all the parties right from the victim to the juvenile's parents would have encouraged the juvenile to desist from the criminal activities. This can have an impact on the juvenile offender's mind that he or she is encouraged to stay away from criminal activities from everyone and the juvenile is less likely to do it again." PO6102-107

The excerpts above confirm the UNODC (2006:10) statement that during the VOM meeting, as parties negotiate a solution to the criminal act and repair relationships, they also take the opportunity to denounce the criminal act as unacceptable and reaffirm community values. This is consistent with the objectives of VOM meetings to try to bring out behaviour change amongst the juvenile offenders, thereby preventing the likelihood of future offending (Kleinhans, 2013:78). Furthermore, Imiera (2018:92) asserts that restorative justice has psychological effects on juvenile offenders because it helps them to abstain from criminal activities.

4.6.6.2 Sub-theme 6.2: Provides an opportunity for juvenile offenders to learn

The majority of the pre-trial diversion officers reported that the VOM programme provides a chance for juvenile offenders to learn the consequences of criminal behaviour and a criminal record which makes them less likely to reoffend. The following excerpts confirm this:

“...during the victim offender mediation process, the child or the accused person gets to learn of the consequences that are associated with committing offences because as a diversion officer, it is my duty to explain maybe what it means to have a criminal record, what are the effects of the criminal record to this child and to his or her parents as well.” PO2191-196

“...as a mediator that’s also my opportunity to highlight the repercussions of having a criminal record to the offender. Hence, it will contribute to the prevention of re-offending.” PO3101-103

“...victim offender mediation, I think it also contributes to the prevention of re-offending because the child gets to learn how bad their behaviour they exhibited was, that maybe as a person living in this community, I am not supposed to do A B C D. So, it will go a long way in preventing reoffending by this child because they have learned from their mistakes and they really want to change from being a bad person who has committed an offence to someone who wants to change.” PO2196-202

The above quotes endorse Panagos (2017:1689) assertion that VOM as a dialogue-driven process gives parties a chance to discuss the consequences of the criminal offence with the victim and the offender. This corresponds with Kleinhans’ (2013:132) assertion that it is essential for the juvenile offender to be educated about

the consequences of his/her actions which can promote the chances of not reoffending in future. Furthermore, Imiera (2018:94) states that restorative justice programmes educate offenders that their behaviour has consequences.

4.6.6.3 Sub-theme 6.3: Provides juvenile offenders with the opportunity to apologise

Most of the pre-trial diversion officers agreed that the VOM programme provides juvenile offenders with an opportunity to apologise to their victims. Apologising with sincerity shows that the juvenile offenders are remorseful and acknowledge their mistakes and it reduces the chances of them committing other criminal offences. The following extracts substantiate this:

“...provides an opportunity for someone to ask for forgiveness and if they do this from the bottom of their heart, they are asking for forgiveness with sincerity then it will also go a long way in preventing re-offending because they did this asking for forgiveness with sincerity knowing what I did was wrong, and I need to change.”
PO2202-206

“...not to say it brings shame per se but I think when an offender has taken responsibility and has apologised and things are well, I think the chances of them having to hurt again the same person to who they might have promised that will not happen again that alone might be a deterrent to committing the same thing because when you come to victim offender mediation it’s a pretty whole process where all feelings are laid bare on the table.” **PO4117-123**

“...since we are saying victim offender mediation as a dialogue which involves both parties, the accused and the victim with the involvement of their families and probably in some instances the community at large. You find that the first step as a pre-requisite for young persons to be able to participate in the programme is to admit that they really committed an offence and they should show that they are remorseful. So, that on its own, it says a lot in terms reduction of recidivism as one would have acknowledged and taken responsibility of their actions and also try to go a step further maybe rendering an apology to the victim.” **PO8117-125**

The above quotations go with the UNODC (2006:17) statement that VOM, as a restorative justice-oriented programme, provides juvenile offenders with the chance to render an apology to the victims and express their remorse. This is echoed by

Panagos (2017:1689) who asserts that VOM involves the offender expressing remorse about the outcome of the criminal act to the victim and people affected by the crime. This can result in the juvenile offenders attempting to correct their wrong through completing restitution or an agreed solution, thereby reducing the chances of repeating the same behaviour in future (Gallagher, 2013:23).

4.6.6.4 Sub-theme 6.4: Provides an opportunity to hold juvenile offenders accountable for their actions

Some of the pre-trial diversion officers reported that the VOM programme provides an opportunity to hold the juvenile offenders accountable for their criminal offences. This is confirmed by the following story lines:

“...victim offender mediation contributes to the prevention of re-offending...in the sense that the whole process will help the young offender to be accountable and responsible for his or her actions which is restorative in nature.” PO389-92

“...I think it is a very effective way of dealing with the case of young offenders in the sense that the child is being held accountable. Hence, they will remember the process of dealing with some instances of reparations. So, by so doing they get to understand that...it's not good for them to continue doing those criminal behaviours. . So, we are trying to dismiss the notion that when we do the pre-trial diversion programme, we are just letting the child to walk away with the crime that was committed but in this way we are holding that child accountable, they have to explain for themselves.” PO949-73

The storylines above are congruent with the Restorative Justice theory in underscoring the importance of VOM as a restorative justice initiative which is intended not only to concentrate on the needs of the victims but also to make the juvenile offenders accountable for their offences (Umbreit & Armour, 2011:13; Hansen & Umbreit, 2018:105). Accountable implies that juvenile offenders take responsibility for their behaviour (Gallagher, 2013:22). The VOM programme, as part of the pre-trial diversion programme, is not meant to make juvenile offenders less accountable for their behaviour. Rather, it provides a chance for them to re-think about their lives without getting a criminal record (MJLPA, 2012:49). According to Curley et al. (2016:69-70), diversion interventions such as VOM, FGCs, counselling and reparations makes sure that children are held responsible for their behaviour and the root cause of their offending is dealt with. This statement is

augmented by Skelton and Batley (2006:15) who state that juvenile offenders are held accountable by bringing them into the presence of those affected by the offence and being informed of the way it has affected them.

4.6.6.5 Sub-theme 6.5: Provides an opportunity for juvenile offenders to realise the harm caused by their actions

Most of the pre-trial diversion officers reported that the VOM programme brings the victims directly together with the juvenile offenders and feelings are expressed. The juvenile offenders get an opportunity to see the magnitude of the harm or impact of their criminal behaviour on the victims and this makes it possible for them to feel remorseful and less likely to do the same again in future. The following quotations substantiate this:

“...when you bring the child offender face-to-face with the person he may be stolen from or he had assaulted...feelings are expressed to each other. The child offender will see the anger or hurt he has caused to the person he has stolen property from. So, he or she is likely not to do it again.” PO198-102

“...for one to have gone through that, the chances of doing the same thing after that when you realise how much you have hurt the other party there are very little, if any. I think in a sense, the offender gets to appreciate and to understand the impact that their actions have had on the victim and that alone plays a part in prevention of re-offending.” PO4123-127

“...I think victim offender mediation plays a vital role in preventing re-offending in that when you see the reality of the effects of your actions, I think you can maybe also feel guilty yourself or remorseful that your actions have maybe disfigured another person, especially in cases (of) assault where someone has lost a tooth. So, I think that feeling of remorseful when you see reality can make someone not to repeat that again.” PO5109-114

The aforementioned quotations go well together with one of the common attributes of restorative justice initiatives such as VOM to allow offenders to hear about the impact of their offences on the victims and enable them to take responsibility for their behaviour (UNODC, 2006:17). This concurs with MJLPA (2012:74) which states that the VOM meeting affords juvenile offenders the chance to develop insight into the actual impact of the crime and provides a sense of making things right. This

can result in the juvenile offenders attempting to correct their wrong through apologising, restitution or an agreed upon solution, thereby reducing the chances of repeating the same in future (Gallagher, 2013:23).

4.6.7 Theme 7: Pre-Trial Diversion Officers' views on how the VOM guidelines can contribute to the effective rehabilitation and reintegration of juvenile offenders

Findings in terms of this theme came from the discussion on participants' views on how the VOM guidelines contribute to the effective rehabilitation and reintegration of juvenile offenders. Their views are presented in the following sub-themes:

- VOM guidelines contribute to the effective rehabilitation of juvenile offenders
- The gap (incompleteness/inadequacy) in the guidelines for VOM

4.6.7.1 Sub-theme 7.1: VOM guidelines contribute to the effective rehabilitation of juvenile offenders

The pre-trial diversion officers reported that the VOM guidelines outline the role of the pre-trial diversion officers which informs them of their duties in the VOM programme. This contributes to the effective rehabilitation and reintegration of juvenile offenders. The following extracts confirm this:

"...the victim offender mediation guidelines state the role of the Diversion Officer. This I think can contribute to the effective rehabilitation and reintegration of the juvenile offender because he or she is informed about what he or she should do in victim offender mediation." **PO1121-124**

"...they also give the role of the Pre-Trial Diversion Officer. So, I can say the guidelines on victim offender mediation contributes to the effective rehabilitation and reintegration of a child offender in that they provide the role of the Pre-Trial Diversion Officer that I think we have already talked about it." **PO6114-117**

The above-mentioned excerpts are compatible with the basic principle of Restorative Justice which emphasises the importance of the adoption of policies and clear guidelines to guide new programmes and establish the required normative structure (UNODC, 2006:35). The VOM guidelines in Zimbabwe clearly spell out the duties the pre-trial diversion officer ought to fulfil for the VOM meeting to be successful. These duties include ascertaining if the juvenile offender is admitting to

the charge, the personal and family circumstances of the child, the attitude of all parties towards meeting, the ideal place for mediation and the identity of mediators locally available (MJLPA, 2012:75-76). However, the findings are also in contrast with findings in Greece by Panagos (2017:1696) who reported that besides allowing the prosecutor to divert and indicating that probation officers have a duty to conduct VOM, there are no detailed guidelines on their roles as to how the VOM is conducted and the rights and obligations of parties involved.

4.6.7.2 Sub-theme 7.2: The gap (incompleteness/inadequacy) in the guidelines for VOM

The vast majority of the pre-trial diversion officers reported that the VOM guidelines do not contribute to the effective rehabilitation and reintegration of juvenile offenders because they lack specifics or details on how the VOM programme should be implemented. The following quotations substantiate this:

“...I think there is also a gap in which they do not talk about how the mediation itself should be conducted. [This sort of dilutes the effectiveness of the guidelines in helping to maybe effectively rehabilitate and reintegrate our child offenders because there is no specific details that needs to be followed.” PO1126-130

“...our guidelines don’t really get into the specifics of how we should be carrying out mediation process. So, it’s more playing it by, you know, the ear or just seeing how it’s going but we don’t have specifics on exactly what we are supposed to be doing.” PO4139-142

“...there are no concrete details on how we should do the victim offender mediation and I think that can affect the effectiveness of the guidelines in contributing to effective rehabilitation and reintegration of the young offenders.” PO5127-130

The excerpts above are contrary to the basic principle of restorative justice which encourages the adoption of clear policies and guidelines to guide new programmes to assist in decision making by those involved in the implementation of the programme (UNODC, 2006:35, 46). However, the findings also partner with findings in Greece by Panagos (2017:1698; 2020:94) who reported that there is no official guideline about how VOM should be conducted and probation officers are conducting VOM according to what they feel is appropriate in each case.

4.6.8 Theme 8: Pre-Trial Diversion Officers' accounts on in-service training offered to capacitate them in the implementation of VOM

This theme arose from the discussion on pre-trial diversion officers' accounts of in-service training offered to capacitate them in the implementation of the VOM programme. Their accounts are presented under the following sub-themes:

- In-service training programmes to capacitate pre-trial diversion officers
- Implementation of VOM without staff capacity training and the resultant effects

4.6.8.1 Sub-theme 8.1: In-service training programmes to capacitate pre-trial diversion officers

All the pre-trial diversion officers reported that they did not receive in-service training on VOM. The following quotes substantiate this:

“Unfortunately, I haven’t yet received any training related to victim offender mediation besides my degree in Social Work. We had trainings in other areas but not in victim offender mediation.” PO1142-144

“...besides my tertiary qualifications as a social worker, on the job, we have never received any capacity strengthening regarding victim offender mediation.” PO2238-240

“Besides my social work qualification, I did not have any training related to victim offender mediation.” PO6138-139

The above quotes are in contrast with UNODC (2006:47) statement that facilitators/mediators of restorative justice-oriented programmes should be trained so as to acquire skills to carry out their roles because the success of the programmes depends on their skills. This statement is augmented by the MJLPA (2012:32, 77) which states that the role of the mediator is very sensitive, and it must be done by a properly trained social worker or properly trained person in this field. This study's findings sanction earlier research findings in Zimbabwe by Curley et al. (2016:58) who indicated that pre-trial diversion officers reported they did not receive training on VOM. The findings of this study again endorse the findings of a study done in Greece by Panagos (2017:1698) who reported that probation officers did not receive training on VOM.

4.6.8.2 Sub-theme 8.2: Implementation of VOM without staff capacity training and the resultant effects

All the participants reported that they were implementing the VOM programme without having received any in-service training. The following categories arose from this sub-theme:

- Pre-Trial Diversion Officers use general knowledge and experiences
- The effects of lacking training on VOM
- *Category 8.2.1: Pre-Trial Diversion Officers use general knowledge and experiences*

The pre-trial diversion officers agreed that they are using general knowledge from their tertiary qualification and experiences from practice to implement the VOM programme. The following extracts substantiate this:

“...I am using my own experiences from practice and just using common sense. Because I have been doing it for years now and that’s how I implement it.” PO1147-149

“It has been through our experience as social workers and maybe some researches that we conduct that we have been using in the facilitation of victim offender mediation process.” PO2240-242

“I am just using my social skills and the skills that I gained during my education.” PO7196-197

The quotations above are in contrast with Restorative Justice theory as restorative justice emphasises the importance of the facilitators/mediators training to equip them with the required skills to carry out their roles because the success of the programmes depends on their skills (UNODC, 2006:47). The findings of this study verify the findings of a study done in South Africa by Venter and Rankin (2005:53-54) who reported that of the six probation officers interviewed, the majority of them did not have the needed skills and experience in facilitating a VOM programme, with only one probation officer and a student having had experience in implementing the programme. These findings also authenticate the findings in South Africa of Kleinhans (2013:131) whose results reported that social workers lack skills to facilitate VOM. Furthermore, the current findings also endorse earlier research done

in Zimbabwe by Curley et al. (2016:58) who indicated that pre-trial diversion officers reported that they did not have the needed skills and experience to facilitate VOM.

- *Category 8.2.2: The effects of lacking training on VOM*

Most of the participants reported that lack of training on VOM affects their ability to handle certain cases or situations properly, thereby compromising the quality of the VOM process and its outcomes. The quotes below confirm this:

“It simply means I am not sort of providing the best that I can give to my parties. Obviously, it would be, I think most ideal if I had some sort of further training in victim offender mediation that would not only boost my skills when I come to the mediation process but also, I think it would enable me to have best outcomes in each case.”

PO4177-181

“...it negatively affects my abilities as the mediator to properly do what I am supposed to in a particular case. So, as I have mentioned earlier, I sometimes think we are taking a risk that we may re-victimise the victim if we cannot be careful about what we do during the mediation process.” **PO6149-152**

“...it has an effect in that we are bound to make errors. Sometimes you make mistakes and that can maybe make a participant feel emotional when you try to solve these issues. So, sometimes we risk making them walk away.” **PO9234-237**

The excerpts above go well together with Chapman (2015:32) and Pali et al. (2018:15) statement that poorly managed restorative justice process, especially one that brings participants into direct contact, can lead to traumatising and re-victimising the victims. This statement concurs with Choi and Severson (2009:813) who argue that if restorative justice programmes such as VOM are not correctly employed, it can cause secondary victimisation. The findings of this study again verified the findings from a study done in South Africa by Venter and Rankin (2005b:59) who state that probation officers reported that an attempt by practitioners to use VOM without the required knowledge is harmful to the parties involved and may result in many programmes not succeeding because of lack of training.

4.6.9 Theme 9: Pre-Trial Diversion Officers' accounts on the types of collaboration/partnerships available when implementing VOM

This theme's findings emerged from the discussion on the pre-trial diversion officers' accounts of the types of collaboration/partnerships available when implementing VOM. These types are discussed under the following sub-themes:

- Types of collaboration/partnerships when implementing VOM
- The capacities of partnerships in implementing VOM.

4.6.9.1 Sub-theme 9.1: Types of collaboration/partnerships when implementing VOM

The pre-trial diversion officers reported that there were various types of collaboration/partnerships when implementing VOM. These types are discussed under the following categories:

- Collaboration/partnerships through referrals
- Collaboration/partnerships in facilitating VOM
- *Category 9.1.1: Collaboration/partnerships through referrals*

Some of the pre-trial diversion officers reported that they had collaboration/partnerships through referrals with the police, department of social welfare, non-governmental organisations (NGOs) and faith and local leaders. The following excerpts confirm this:

"We work with pastors and other organisations who I can say we refer cases for further management or for example counselling and psychosocial support maybe after the victim offender mediation." **PO1159-162**

"We do have partners that I cannot say work with but sometimes work with on certain cases, maybe that we can refer cases. We do work with organisations such as Catch Trust, Justice for Children Trust, Department of Social Welfare, pastors and also police chaplains." **PO5156-159**

"...there are partners who we can work with but most of the times it is through referrals." **PO6158-159**

The aforementioned excerpts correlate with the UNODC (2006:41) statement that VOM as a restorative justice-oriented diversion programme's development is best

when it is built on a collaborative basis. It must involve criminal justice departments, social service departments, NGOs and other players, where appropriate. Without collaboration, it is likely to experience difficulties in securing referrals and the required support from the police, prosecution and other agencies. According to Curley et al. (2016:70), pre-trial diversion officers should be empowered to provide on-going support to juvenile offenders and their families such as regular home visits and referrals to other organisations such as the Department of Child Welfare and Probation Services to access services up to a year after the juvenile offender is diverted. The findings of this study relate to the Ecosystems theory and to the practice in Belgium where there is a coherent and coordinated approach amongst stakeholders in the juvenile justice system in implementing various restorative justice models such as VOM and conferencing (Pali et al., 2018:43). However, the findings of this study are in contrast with findings of a study done in South Africa by Kleinhans (2013:114) who indicated that social workers reported little collaboration between civil society organisations and government which resulted in challenges such as fewer resources and referrals.

- *Category 9.1.2: Collaboration/partnerships in facilitating VOM*

Whilst some pre-trial diversion officers had collaboration/partnerships through referrals, some had collaboration/partnerships in facilitating the VOM programme with the police, department of social welfare, prosecutors, NGOs and faith and local leaders. The following story lines confirm this:

“...our collaboration when implementing victim offender mediation is with the police...The officer in charge sometimes is usually involved because they also come in, informing the child on the consequences associated with committing offences. We also have the local leaders like the councillors; also, sometimes rope in the faith leaders like the pastors...if the pastor comes in, it also helps in cooling down the tempers of the parties involved. Also, they come in from the spiritual side of things, we are talking of counselling...and also may be coming in to pray for the parties, to pray for the child. So, this has some healing effect on the mediation process...”

PO2277-300

“...we do work with Justice for Children Trust...Department of Social Services and we have maybe in some families we have either community leaders from the community or pastors from the communities who are sometimes part of the

mediation process depending on the setup. So, this type of partnerships sort of help for the mediation process because we can take it from a different perspective something maybe that I am not necessarily looking at as a Diversion Officer but say a community leader would know best how to bring a different perspective or different angle depending on what is happening in the specific community.” PO4190-198

“We do partner with the Zimbabwe Republic Police, particularly the police commanders, the officers-in-charge of the police stations and we also do partner with the Social Welfare department. [What we also do is, we are trying to involve the NPA [National Prosecuting Authority] and the Zimbabwe Republic Police in victim offender mediation in trying to solve the issues and especially the issues of payment of reparations and restitution when we try to have an agreement on how the damage is going to be paid, with their stamp and signature. It actually validates the agreement with the accused...” PO9252-260

The storylines above blend with the Restorative Justice theory on emphasising the importance of collaboration/partnerships as restorative justice-oriented diversion programme’s development is best when it is built on a collaborative basis. It must involve criminal justice departments, social service departments, NGOs and other players, where appropriate (UNODC, 2006:41). Furthermore, the importance of collaboration between the criminal justice departments, social service departments, NGOs and other players in facilitating VOM fits well with the interconnectedness of the Ecosystems theory. The findings of this study are in contrast with findings reported in South Africa by Kleinhans (2013:114) who indicated that social workers reported little collaboration between civil society organisations and government which affected the successful implementation of the Child Justice Act 75 of 2008 as it depends on collaboration between the South African government and civil society organisations (Badenhorst, 2010:1-3). Furthermore, the findings of this study are also in contrast to findings in the USA by Ames (2007:79) who reported that most of the participants (nine out of ten) reported that collaboration was a challenge in implementing restorative justice programmes such as VOM.

4.6.9.2 Sub-theme 9.2: The capacities of partnerships in implementing VOM

Although some of the pre-trial diversion officers reported that they have collaboration/partnerships when implementing VOM, some of them reported having

no collaboration/partnerships with experts in mediation. The excerpts below confirm this:

“...in facilitating or mediating in victim offender mediation we do not have partners who I can say are experts in mediation.” PO1158-159

“...the capacity varies at various levels depending on who the collaboration or the partner or the collaboration is with, who the partner is...take for example if it say it's a pastor, their capacity might be more not so much there, the professional mediation but it's more pastoral based. They are looking at the victim and offender living together in the same community, taking it from a spiritual perspective. Whereas if I am working with Justice for Children, they have a legal basis...” PO4204-211

“...we find that most of the...professional counsellors that we used to work with, they had some training in the field of mediation in its generic sense and those used to do some kind of damage control where we feel that probably we won't be able to handle such a case ...” PO8211-215

The above excerpts are in contrast with Restorative Justice theory as restorative justice encourages the use of professionally trained/accredited mediators to facilitate VOM without employing them on a full-time basis is important for the success of the programme (UNODC, 2006:48). The pre-trial diversion officers' statements confirm Hargovan's (2008:73) assertion that collaboration between government and non-governmental organisations is still in its infancy in South Africa. Similarly, findings in South Africa by Kleinhans (2013:114) indicated that social workers reported little collaboration between civil society organisations and government which resulted in poor quality services in diversion programmes such as VOM.

4.6.10 Theme 10: Pre-Trial Diversion Officers' suggestions on how to improve the VOM programme

This theme came from the discussion on the pre-trial diversion officers' suggestions on how to improve the VOM programme. The suggestions are discussed under the following sub-themes:

- Supportive legislation
- Training of Pre-Trial Diversion Officers
- Detailed guidelines

- Involve partners with professional expertise
- Exchange programmes
- Emergency funds
- Tailor-made mediation model to fit the Zimbabwean situation
- Community outreach
- Research.

4.6.10.1 Sub-theme 10.1: Supportive legislation

The pre-trial diversion officers suggested that enacting supportive legislation on VOM could help improve the VOM programme. The following quotations confirm this:

“...maybe if there was some legal framework whereby, we can refer to when administering the victim offender mediation process then it was going to be better and maybe it was going to yield positive results.” PO2231-234

“...I said legislation by the government to compel able parents to compensate the victims in the VOM [victim offender mediation] can also be helpful.” PO7233-235

“...we need legal frameworks of victim offender mediation to be included in the criminal law and also included in the guidelines on what action to be taken when parties are not cooperating.” PO9280-282

The above quotations endorsed the assertion of UNODC (2006:50) that restorative justice-oriented programmes such as VOM are initiated as an alternative reaction to juvenile offending and new legislation is essential to append to the perceived legality of the programme. Lack of a legal basis creates risks and insecurity for the sustainability of the programmes. The absence of legislation may result in an unbalanced or incoherent application of restorative justice programmes. Therefore, a clear legal framework is essential to institute and legitimise viable restorative justice programmes (United Nations, 2016:35-36). Diversion programmes in South Africa have been entrenched in law by the Child Justice Act 75 of 2008 (Badenhorst, 2010:1-3).

4.6.10.2 Sub-theme 10.2: Training of Pre-Trial Diversion Officers

All the pre-trial diversion officers suggested that training on VOM can improve the implementation of the VOM programme. The quotations that follow confirm this:

“...there is need for Diversion Officers training, there is need for training on victim offender mediation so as to improve on handling of the mediation process and to act appropriately in particular cases and situations that needs proper handling.”

PO1171-174

“...I think we need the training on victim offender mediation, whether it’s done through workshops or to enrol for a certificate in mediation at a tertiary institution, whatever way that gives us the knowledge or skills we require.” **PO5177-180**

“I think...it is important that the staff get some more training in mediation in general and victim offender mediation in particular. I think that can even raise the quality of work and it can yield positive results if that is to be done.” **PO8221-224**

The excerpts above are congruent with the Restorative Justice and Humanistic theories in underscoring the importance of VOM facilitators/mediators training to equip them with the skills (mediation and facilitating skills) needed to carry out their roles (UNODC, 2006:47; Umbreit & Lewis 2015:192-194) Therefore, the recruitment and training of the facilitators/mediators is crucial to a new programme as its success depends on their skills. The training should include child sensitive skills that promote dialogue and managing emotions and conflict (United Nations, 2016:40). The findings of this study validate earlier research findings in Zimbabwe by Curley et al. (2016:74) who state that pre-trial diversion officers reported that training on VOM helps to improve the VOM programme. This study’s findings also substantiate research findings of a study done in South Africa by Venter and Rankin (2005b:59) who indicated that all probation officers reported that specific training on VOM is needed by practitioners. Furthermore, the findings of this study endorse research findings by Kleinhans (2013:155) who indicated that 25% of the social workers interviewed suggested that facilitators of diversion programmes such as VOM should receive proper training.

4.6.10.3 Sub-theme 10.3: Detailed guidelines

Most of the pre-trial diversion officers suggested that detailed guidelines on how VOM should be implemented are very important in order to improve the VOM programme. The excerpts below substantiate this as follows:

“...also, detailed guidelines on how the Diversion Officer should implement victim offender mediation are very critical and very important...” **PO1174-314**

“...I also suggest victim offender mediation guidelines which are detailed or the detailed ones.” PO3144-146

“...I think there is need to have the guidelines which provide the basics on how the mediation is supposed to be done.” PO6173-176

The above quotes are consistent with the basic principle of restorative justice which recommends the adopting clear policies and guidelines to guide the new programmes (UNODC, 2006:35). As such, clear guidelines and standard operating procedures must be developed for the professionals involved (United Nations, 2016:40). This study’s findings confirmed research findings in Greece by Panagos (2017:1700) who reported that probation officers suggested the need for a detailed guiding framework outlining the goals, the different stages of VOM, rights and duties of involved parties. The current findings also corroborated research findings of a study done in South Africa by Kleinhans (2013:171) who recommended that VOM programme guidelines be put in place and be monitored.

4.6.10.4 Sub-theme 10.4: Involve partners with professional expertise

Some of the pre-trial diversion officers suggested that looking for partners with expertise in VOM could improve the VOM programme. The following extracts confirm this:

“...we need to look out for partners who have the professional expertise in mediation to come on board to help us maybe especially in cases that requires more skills in mediation and maybe close the gap that we have now.” PO1178-181

“...we also need to look for partners who will assist us in implementing victim offender mediation so that we can reach that quality or attain that quality we desire.” PO3148-150

The aforementioned statements agree with the Restorative Justice theory in emphasising the importance of using the services of professionally trained/accredited mediators on a part-time basis to facilitate new restorative justice programmes without many cases that require mediation is important for the success of the programme (UNODC, 2006:48). This also offers an alternative to the recruitment and training of facilitators/mediators on a full-time basis. In Zimbabwe, the government partnered with civil society organisations to complement

government efforts in service delivery. Civil society organisations have the technical skills and knowledge to confirm some of the diversion options such as counselling and VOM (MJLPA, 2012:90).

4.6.10.5 Sub-theme 10.5: Exchange programmes

Some of the pre-trial diversion officers also suggested organising exchange visits where pre-trial diversion officers go to learn from the experiences at other locations could help improve the VOM programme. The following quotes confirm this:

“...maybe also just to do some sort of exchange programmes where maybe say Diversion Officers from Harare can sit in and go through victim offender mediation in a different setting like say maybe Chitungwiza or Gweru just to see how they have been doing it, regardless that we all don’t have that training.” PO4245-249

“We also need to share notes with other Diversion Officers in other areas so that we get to know the experiences of other districts or other areas and the practical knowledge.” PO9282-284

This study’s findings again verify those of earlier research done in Zimbabwe, by Curley et al. (2016:46) who reported that pre-trial diversion officers in Bulawayo visited other pilot districts and learnt about the way they are implementing pre-trial diversion programmes which improved their implementation of pre-trial diversion programmes.

4.6.10.6 Sub-theme 10.6: Emergency funds

One of the pre-trial diversion officers suggested having emergency funds to assist juvenile offenders without money to attend the VOM meetings could help improve the VOM programme. The following quote is given to substantiate this:

“The issue of an emergency fund, maybe the juvenile has to go somewhere for the VOM process and they have no money. We can take the money from there.” PO7232-33

The excerpt above goes well together with restorative justice in emphasising the importance of a restorative justice programme design to include a realistic assessment of costs involved by the nature of tasks or proposed number of cases to be handled within a specified period of time (UNODC, 2006:47). According to

MJLPA (2012:12-13), juvenile offenders in Zimbabwe should not be punished for capacity limitations that are in the system which are beyond their control. These include lack of transport and financial resources. Again, this study's findings strengthen research findings of a study done in South Africa by Kleinhans (2013:156, 168) who has shown that participants suggested that diversion programmes should be adequately resourced. This suggestion concurs with the South African Child Justice Act 75 of 2008's minimum standards which state that children cannot be disqualified from diversion programmes such as VOM, pre-trial community service and life skills because of a lack of resources such as finances (South Africa, 2009:76, 78).

4.6.10.7 Sub-theme 10.7: Tailor-made mediation model to fit the Zimbabwean situation

Some of the pre-trial diversion officers suggested the development of a tailor-made mediation model that fits the Zimbabwean situation by utilising lessons learnt about best practices from neighbouring and overseas countries that can help to improve the VOM programme. The quotes below substantiate this:

"...the only issue that I would like to add is that maybe our government can go to other areas, maybe other countries like our neighbours South Africa and Zambia and Malawi, maybe even overseas New Zealand, Australia so that they can look at their victim offender mediation model. So that we can come up with our own model which is tailor made to our own Zimbabwean situation but utilising the best aspects from around the world which have worked in similar conditions as ours like South Africa, Malawi and Zambia." **PO7258-65**

"...whilst the guidelines offer a foundational base but you will find that the way the guidelines were developed, they were developed with some pre-conceived perceptions way before the implementation of the programme on the ground...you find some of those guidelines they need to be tailor made to try and suit the context, particularly in Zimbabwe, given that this is a borrowed concept, which have been borrowed from mainly from the developed countries and when we are now trying to implement it on the ground you will find that there are other issues emanate along the way and these issues need to be embraced in our guidelines so that they become more and more viable and more relevant in addressing issues around pre-trial diversion in Zimbabwe." **PO8153-163**

The above quotes are in line with the restorative justice principle in emphasising the importance of restorative justice programmes design to include the ability to adjust to the varying conditions and needs and learn from its own experiences (UNODC, 2006:43). The findings of this study substantiated the research findings from a study done in South Africa by Kleinhans (2013:166) which recommended learning more from other countries concerning the implementation of diversion legislation through visits to other countries. Learning from other countries with well-established practices on what they have done, what did not work and what they should have done better is very important. The aim is to take into consideration innovative ideas and experiences and create a system that works properly in the local context (Pali et al., 2018:109-110).

4.6.10.8 Sub-theme 10.8: Community outreach

One of the pre-trial diversion officers suggested having community outreach programmes that can help improve the VOM programme. The quotation below confirms this:

“...by community outreach programmes, I mean that as professionals we go out in community, we set up structures where the community with their leaders can come together and solve their own maybe disputes. They can also come up with prevention mechanisms to prevent juvenile offending. They can also be told by us and their leaders about the importance of the PTD [Pre-Trial Diversion] programme and the victim offender mediation process in terms of them as the community and the government...So, we are able to outline to them the cases which lead to criminal behaviour and how they can counteract those without driving the juveniles over the edge and becoming fully grown criminals.” PO7245-56

The aforesaid quotation endorses the UNODC (2006:56-57) statement that when communities are involved and assume an active role in responding to crimes and conflicts, their capacities for problem solving, informal social control and social cohesion is strengthened. This calls for awareness campaigns at national and local levels with all stakeholders involved to develop a better understanding of restorative justice practices and promoting child friendly attitudes among stakeholders involved, and to sensitise the community on the importance of restorative justice programmes such as VOM (United Nations, 2016:40). As indicated previously, this study’s findings strengthened the findings of previous research done in South Africa by

Kleinhans (2013:171) which recommended the promotion of public education and awareness on restorative justice programmes such as VOM to increase community support and reduce the harmful labelling of the offenders.

4.6.10.9 Sub-theme 10.9: Research

Some of the pre-trial diversion officers suggested that conducting research on VOM can generate new knowledge that can help to improve the VOM programme. The following excerpts substantiate this:

“...there is also need for government, universities and other private players, research institutions to encourage people to do research on victim offender mediation process. That is the only way new knowledge can come to light and new solutions and recommendations can be put forward.” **PO7267-271**

“Maybe only to say that you are doing a very good project that we would want to read your research upon completion maybe it will also help us improve in victim offender mediation.” **PO9294-296**

The above excerpts confirmed Gumz and Grant (2009:123, 125) assertion that there is little social work research on restorative justice programmes so far because of difficulties in evaluating the programmes due to each programme’s distinctive management, structure and the participation of parties involved. Consequently, the ability of restorative justice programmes such as VOM and FGC to succeed depends mostly on the findings of evaluation research. Furthermore, action research in which researchers and practitioners develop the practice in close cooperation is important as it helps to identify gaps and the strengths of the system. This helps to improve practice and address the gaps (Pali et al., 2018:108). Research is crucial to build sound evidence, confirmed by data gathering, analysis and dissemination which are essential to scale up positive experiences, refine policy and law and strengthen implementation. In addition, it is also important to drive away misconceptions (United Nations, 2016:40). This study’s findings authenticated the findings of research done in South Africa by Kleinhans (2013:166) who also recommended research on restorative justice practices (such as VOM) and experiences in other countries to identify and learn from good practices. The following section is focuses on lessons learnt from the research findings.

4.7 LESSONS LEARNED FROM THE RESEARCH FINDINGS

Several lessons are drawn from the research findings namely, participants should have a clear understanding of the VOM process in advance of the meeting; VOM provides a platform for parties to face each other, talk through their issues and negotiate a solution; VOM is a healing process; VOM offers support for the needs of the people affected by crime; VOM is focused on preventing reoffending; pre-trial diversion officers play pivotal roles in VOM; pre-trial diversion officers encounter various challenges with VOM; and in-service training in VOM for pre-trial diversion officers is essential.

4.7.1 The victims and juvenile offenders should have a clear understanding of the VOM process in advance of the meeting

At the preparation stage, both the offender and the victim should be informed of what mediation means (Jacobsson et al., 2018:73). The preparation of parties is very important because it offers an opportunity to describe the process to the parties involved so that they have a clear understanding of the process in advance of the meeting (Umbreit, 2015:112; Hansen & Umbreit, 2018:109). The victims and the juvenile offenders should have a clear understanding of the purpose of the VOM meetings at the preparation stage in advance of any meetings which will then enable them to make informed decisions about their participation in the programme.

4.7.2 VOM provides a platform for parties to face each other, talk through their issues and negotiate a solution

The victims and juvenile offenders were able to face each other and tell their stories around the criminal offence. The victims were able to express their disappointment and unhappiness about the juvenile offenders' criminal behaviour. This enables the juvenile offenders to see the depth of the real harm experienced by the victim (Namuo, 2016:602). Once the victims and the offenders finish telling their stories and expressing their feelings, they begin to negotiate a solution to the crime through restitution or another means under the supervision of a mediator (Smith, 2015:26-27). During the negotiations, the victims and juvenile offenders should mutually reach a verbal or written agreement on what has to be compensated, the value to be compensated and the manner in which compensation should be made (Jacobsson et al., 2018:74). The agreement should be a product of negotiations and not an imposed one.

4.7.3 VOM is a healing process

VOM, as a dialogue-driven practice, provided a chance for offenders to apologise and victims to accept the apologies. Apologising involves the offender expressing remorse about the result of the criminal act to the victim and people affected by the crime (Panagos, 2017:1689). Most of the juvenile offenders acknowledged that they apologised as a sign of remorse and their victims accepted their apologies. The offer and acceptance of apologies was an important step towards the healing or mending of relationships between the victims and the juvenile offenders (Dhami, 2011:47). Most of the victims-offenders' relationships improved because they mended their relationships through the offer and acceptance of apologies and mutually reached amicable solutions. However, failure to fulfil mutually agreed solutions by the juvenile offenders and their parents/guardians resulted in the deterioration of their relationships. Most of the pre-trial diversion officers also indicated that VOM helps to mend relationships between the victim and the offender, mend family relationships and relations with the community. As the broken relationships between the juvenile offender, the victim, the family and the community are mended, the juvenile offender becomes reconciled with the community and is not ostracised (MJLPA, 2012:75). This being said, VOM is a process that helps to heal relationships between the victim and the juvenile offender, the juvenile offender and his family and the juvenile offender and the community.

4.7.4 VOM offers support for the needs of the people affected by crime

VOM also aims to offer assistance or support for the needs of the victims and individuals affected by the crime (UNODC, 2006:10; Umbreit, 2015:9). Most of the juvenile offenders' victims were their parents and neighbours who wanted the juvenile offenders to change their behaviour and to receive compensation. As such, the VOM meetings were supportive of their needs for the juvenile offenders to change their behaviour and for compensation.

4.7.5 VOM is focused on preventing reoffending

As a dialogue-driven process, VOM gives parties the chance to talk about the consequences of the crime especially to the offender (Panagos, 2017:1689). This assertion is augmented by Imiera (2018:94) who states that restorative justice programmes educate offenders that their behaviour has consequences. Most of the juvenile offenders highlighted that they were informed of the consequences of

criminal behaviour and a criminal record on their lives. The consequences of going through the formal justice system and acquiring a criminal record earlier in life which will restrict their access to employment opportunities in the future were highlighted. This makes them less likely to re-offend in future.

Furthermore, the majority of the victims, juvenile offenders and pre-trial diversion officers indicated that criminal behaviour was denounced as unacceptable and community values were reaffirmed (UNODC, 2006:11; Gallagher, 2013:22). Focus was shifted from the past behaviour to the offender's future behaviour as a vital part of an agreement reached through mediation. In addition, offenders are held accountable and responsible for their actions so that in future they do not repeat their behaviour (Umbreit & Armour, 2011:13; Gallagher, 2013:22; Hansen & Umbreit, 2018:105). Therefore, this makes it less likely for the juvenile offenders to re-offend in future.

4.7.6 Pre-trial diversion officers play a pivotal role in VOM

Some the pre-trial diversion officers highlighted that their role as mediators/facilitators involves preparing the victims and juvenile offenders and their parents/guardians for the VOM meeting. During preparation the parties are informed of the meaning of the mediation (Jacobsson et al., 2018:73). Preparation meetings are needed with each party to create confidence and a relationship with the mediator before a joint meeting (Umbreit & Lewis, 2015:193). The preparation of parties is an essential part of the VOM process so that parties go into the session with realistic expectations and ensures the best possible outcomes (Hansen & Umbreit, 2018:101, 108).

Pre-trial diversion officers indicated that their role in the VOM programme was to mediate between the victim and the juvenile offender so as to help them move towards an amicable solution. Thus, their role was to facilitate conversations in a fair and neutral manner (UNODC, 2006:100; Choi & Gilbert, 2010:7). They withdrew into a non-directive stance and let the victims, the juvenile offenders and their parents talk through their issues and do their own fixing and mending (Jarrett, 2009:25; Umbreit & Lewis 2015:192-194). Thus, the parties were assisted to move the conversations towards reaching a mutually agreeable solution.

4.7.7 Pre-trial diversion officers encounter various challenges in VOM

The pre-trial diversion officers encountered various challenges with VOM as mediators/facilitators. They encountered victims who showed a negative attitude towards the VOM programme in its initial phase. These victims viewed VOM as a soft option for juvenile offenders as they wanted them to go through the formal criminal justice system. It is important for pre-trial diversion officers to ascertain the victim's attitude towards the VOM programme at the preparation stage (MJLPA, 2012:75) and clearly explain the benefits of the VOM programme to them. This can help victims develop a better and more positive attitude towards the VOM programme.

Furthermore, the pre-trial diversion officers highlighted that harsh economic and social challenges made it difficult for some juvenile offenders and their parents/guardians to be able to pay restitution when their victims insisted on wanting restitution. This became a challenge for the mediators as they tried to move parties towards an amicable solution. Thus, they ended up referring the cases to the pre-trial diversion committee to make a final decision on those cases or to the formal justice system.

In addition, pre-trial diversion officers indicated that there was no supportive legislation that outlines the responsibilities of the juvenile offenders' parents on the payment of restitution. Some of the juvenile offenders' parents/guardians refused to pay restitution for their children's offences regardless of their social or economic status. This created a challenge for the pre-trial diversion officers because the victim would insist on restitution and the mediator became powerless and unable to solve the impasse. The pre-trial diversion officers do not have an option but to refer the cases to the pre-trial diversion committee to make a final decision on those cases or to formal justice. For that reason, supportive legislation is essential to append to the perceived legality of the programme (UNODC, 2006:50).

4.7.8 Training of pre-trial diversion officers is essential in VOM

The pre-trial diversion officers admitted that they rely on general knowledge and experiences to implement VOM as they did not have any form of in-service training on VOM. The pre-trial diversion officers should get training so as to acquire skills to carry out their roles because the success of the programmes depends on their skills (UNODC, 2006:47). The role of the mediator is very sensitive, therefore it must be

done by a properly trained social worker or properly trained person in this field (MJLPA, 2012:32, 77). Therefore, pre-trial diversion officers' in-service training on VOM is essential for the success of the programme.

4.8 CONCLUSION

This chapter presented research findings from ten victims, ten juvenile offenders and nine pre-trial diversion officers. These findings were presented with direct quotes taken from participants' responses and were confirmed or contrasted with a literature control. Most of the victims and juvenile offenders indicated that they received vital information on their initial contact with the juvenile justice system which enabled them to make informed decisions. Furthermore, they had the opportunity to face each other during the VOM meeting and talk through their issues. The victims expressed their feelings directly to the juvenile offenders so that they developed an insight into the depth of the real harm they had caused. The juvenile offenders expressed their remorse by apologising for the actions and the victims accepted their apologies. The offer and acceptance of apologies were vital in the healing of their relationships. The victims and the juvenile offenders and their parents were also able to negotiate and reach amicable solutions to their problems under the supervision of the pre-trial diversion officers. The victims also received vital information and support to meet their needs and expectations whilst the juvenile offenders' criminal behaviour was discouraged.

Pre-trial diversion officers played crucial roles in the pre-trial diversion programme such as conducting assessment and intakes, preparing the victims and juvenile offenders for VOM meetings and facilitating the VOM meetings. They created a platform for the parties to talk through their issues and negotiate amicable solutions for restitution. As the pre-trial diversion officers prepare members for VOM meetings and facilitate the VOM meetings, they faced a number of challenges such as victims displaying a negative attitude towards the VOM programme at first; juvenile offenders' parents/guardians resisting participation in the VOM programme; and the absence of legislative support for the VOM programme. The pre-trial diversion officers indicated that the VOM guidelines provided some guidance on the implementation of the VOM programme. However, they also mentioned that the guidelines lack specifics on how they should implement the VOM programme. This affected their ability to effectively implement the programme as they had to rely on their general knowledge and experiences.

The pre-trial diversion officers were of the view that VOM contributes towards preventing re-offending as it offers the opportunity to hold juvenile offenders accountable for their actions; discourage criminal behaviour; and for juvenile offenders to learn from their mistakes and apologise. Although the pre-trial diversion officers played a pivotal role in facilitating the VOM programme, they did not receive any type of training in VOM. They relied on their general knowledge and experiences which affected their abilities to effectively handle certain cases or situations. The pre-trial diversion officers collaborated with various government departments and civil society organisations in facilitating VOM and through referrals. However, they did not have any form of collaboration with experts in mediation. As a result, the pre-trial diversion officers put forward various suggestions that can help improve the VOM programme such as supportive legislation, training on VOM, detailed guidelines, partnership with professional experts, exchange programmes, emergency funds, a tailor-made mediation model that fits the Zimbabwean context, community outreach programmes and research.

The next and last chapter provides the summaries, conclusions and recommendations based on the research process and findings.

CHAPTER 5

SUMMARIES, CONCLUSIONS AND RECOMMENDATIONS

5.1 INTRODUCTION

In the Western world, literature portrays diversion programmes such as VOM as being successful. However, there is little information on the performance of diversion programmes such as VOM in the developing world, especially in Southern Africa. The introduction of a pre-trial diversion programme is relatively new in Zimbabwe. As a result, the experiences of victims, juvenile offenders and pre-trial diversion officers in VOM were unknown. Therefore, this study aimed to obtain an in-depth understanding of the experiences of victims, juvenile offenders and pre-trial diversion officers with VOM within a pre-trial diversion programme in the Harare Province, Zimbabwe.

This chapter presents a summary of the previous chapters, conclusions drawn from the research study and recommendations for policy development, social work practice, social work education and possible future studies, based on the research findings. Similar to previous chapters, this chapter ends with a conclusion which connects all the dots on the aspects discussed in the chapter.

5.2 SUMMARY OF THE CHAPTERS

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

Chapter 1 presented the introduction and general orientation of the study. The background information of the study, the research problem under investigation, reasons for undertaking such a research study were described using applicable literature. Thereafter, the research question, goals and objectives which guided this study were also defined and described. A description of various theories used to provide the conceptual framework for the study was provided in the chapter. These theories included the Restorative Justice Theory, Ecosystems Theory and the Humanistic Theory. Furthermore, a detailed theoretical discussion of the qualitative research approach and designs applied to the study was offered. In addition, the various ethical considerations adhered to in this study were provided. These ethical considerations included informed consent and voluntary participation; privacy

anonymity and confidentiality; beneficence; avoidance of harm; and the management of information. Moreover, the key concepts such as victim, juvenile offender, victim offender mediation, pre-trial diversion, pre-trial diversion officer and experiences were defined and described as applied in this study. The chapter concluded by providing a layout of the chapters.

Chapter 2 presented an international historical overview of the development of diversion. It began by providing the genesis and evolution of diversion programmes such as VOM, FGCs, police cautions and counselling in Western countries such as the USA, Canada and the UK and how they spread to the rest of the world. Thereafter, it provided a description of the development of diversion programmes in Africa with specific focus on Kenya and South Africa. It then offered a description of the development of diversion programmes in Zimbabwe. Furthermore, the chapter also gave an international historical overview of the development of VOM in diversion. It then provided a description of the genesis and development of VOM in diversion in Canada and how it spread to the USA, the UK and the rest of the world. It also described the development of VOM in diversion in Africa with specific focus on Kenya and South Africa. It finally provided a description of the development of VOM in diversion in Zimbabwe.

Chapter 3 offered a detailed description of how the researcher applied the qualitative research approach and methods in the study. The researcher focused on how the characteristics of a qualitative research approach were applied in the study, together with the relevance of the research designs, such as the explorative, descriptive, contextual and multiple case study designs. Thereafter the researcher gave an in-depth description of the application of the research method in this study. The latter included the population, sampling and sampling techniques, data collection method, the use of Tesch's eight steps in the analysis of the data, the application of the data verification method as developed by Guba and Lincoln, as well as an account of adherence to the various ethical aspects in research.

Chapter 4 presented the research findings on the experiences of victims, juvenile offenders the pre-trial diversion officers with VOM within a pre-trial diversion programme, confirmed or contrasted by relevant literature. It provided the biographical profiles of the participants and then presented the findings in the voices of the three groups of participants.

From the data analysis of the voices of the victims, the following nine themes emerged: victims' accounts of how they became involved in the VOM programme; victims' understanding of the purpose of the VOM meetings, victims' experiences of the VOM meetings; victims' views on the kind of information (knowledge) and support received during the VOM meetings; victims' expectations of the VOM meetings; victims' feelings about the outcome of the VOM programme; victims' relationship with the juvenile offenders after the VOM programme; victims' suggestions for changes to be included in the discussions to improve the VOM programme; and victims' views on how social workers can support juvenile offenders through the pre-trial diversion programme.

Furthermore, from the data analysis of the voices of the then juvenile offenders, the following eight themes emerged: juvenile offenders' accounts of how they became involved in the VOM programme; juvenile offenders' understanding of the purpose of the VOM meetings; juvenile offenders' experiences of the VOM meetings, juvenile offenders' feelings after the VOM meetings, juvenile offenders' relationships with the victims after the VOM programme; juvenile offenders' suggestions for changes to be included in the discussions to improve the VOM programme; juvenile offenders' views on how social workers can support children who committed a crime; and juvenile offenders' accounts on whether or not they had been accused of any crime after the VOM meetings.

In addition, from the data analysis of the voices of the pre-trial diversion officers, the following 10 themes emerged: pre-trial diversion officers' accounts of their involvement with the pre-trial diversion programme; the role of the pre-trial diversion officer in the VOM programme; pre-trial diversion officers' experiences of the VOM programme; challenges pre-trial diversion officers experience during and/or after the VOM programme; pre-trial diversion officers' views on how VOM contributes to the mending of relationships between the victim, juvenile offender and/or the community; pre-trial diversion officers' views on how VOM contributes to prevent re-offending; pre-trial diversion officers' views on how VOM guidelines can contribute to the effective rehabilitation and reintegration of juvenile offenders; pre-trial diversion officers' accounts of in-service training offered to capacitate them in the implementation of VOM; pre-trial diversion officers' accounts of the types of collaboration/partnerships available when implementing VOM; and pre-trial diversion officers' suggestions on how to improve the VOM programme.

5.3 CONCLUSIONS DRAWN ON THE RESEARCH PROCESS

In this section, the researcher formulates conclusions based on the outcomes of the qualitative research process followed and the ethical considerations. The aspects of the qualitative research process include the research question, goal and objectives of the study, the research approach, and research designs.

5.3.1 Research question, goal and objectives

At the beginning of the study, the researcher sought to answer the following research question: ***What are the experiences of victims, juvenile offenders and pre-trial diversion officers with regards to VOM as an intervention strategy within a pre-trial diversion programme?***

The research question was used to formulate the research goal and objectives. The goal of the study was ***to gain an in-depth understanding of the experiences of victims, juvenile offenders and pre-trial diversion officers with VOM within a pre-trial diversion programme in Harare Province, Zimbabwe.*** The research question was adequately addressed and the goal of the study was achieved as the researcher was able to gain an in-depth understanding of the experiences of victims (cf. section 4.4 voices of the victims and a detailed description of their experiences with VOM - chapter 4); juvenile offenders' (cf. section 4.5 voices of the juvenile offenders and detailed description' of their experiences with VOM - chapter 4); and pre-trial diversion officers (cf. section 4.6 voices of the pre-trial diversion officers and detailed descriptions of their experiences with VOM - chapter 4) with VOM within a pre-trial diversion programme.

The victims voiced that they were informed of the procedure to be followed at police stations, had a clear understanding of the purpose of the VOM meeting ahead of the meeting, and were able to face their offenders, tell their stories, express their feelings and negotiate an amicable solution under the supervision of pre-trial diversion officers. Furthermore, most of the victims were juvenile offenders' parents and neighbours. They accepted offenders' apologies and forgave them which helped in mending their broken social relationships. The participants' needs and expectations for restitution and for the juvenile offenders to reform were supported during the VOM meetings. Most of the participants were happy with the outcome of the VOM meetings because they reached amicable solutions for restitution.

However, other participants were disappointed and not happy because the juvenile offenders and their parents/guardians failed to fulfil the agreements for restitution.

The voices of the juvenile offenders confirmed that they were informed of the procedures to be followed at police stations, had a clear understanding of the purpose of VOM in advance of the meetings, and were able to face their victims, tell their stories, see the depth of the harm suffered by their victims, apologise for their offences and negotiate a solution under supervision of the pre-trial diversion officers. Most of the juvenile offenders acknowledged that criminal behaviour was discouraged, and they were informed of the consequences of criminal behaviour and a criminal record which makes them less likely to re-offend. The juvenile offenders had different feelings after the VOM meetings. Some felt happy and relieved because they got a second chance and their matter had been closed without going through the formal justice system. Others were worried because their parents/guardians were unable to fulfil agreements for restitution. Furthermore, most of their relationship with their victims improved after the VOM meetings except for three juvenile offenders whose relationships with their victims deteriorated due to their parents'/guardians' failure to fulfil agreements for restitution. None of the participants had been accused of any other offence after the VOM meetings.

Moreover, the voices of the pre-trial diversion officers confirmed that they conducted intakes and assessment of juvenile offenders at police stations to determine their eligibility for diversion and to select appropriate diversion options. They played essential roles to prepare parties for the VOM meetings and to mediate between parties to enable them to move their discussions towards an amicable solution. Most of the participants encountered various challenges which included victims showing a negative attitude towards VOM; the juvenile offenders' parents/guardians resisting to participate and to pay restitution; and absence of supportive legislation to make juvenile offenders' parents/guardians pay restitution for their children's offences. All the participants were of the view that VOM contributed to the mending of victim-offender relations, family relationships and relations with the community by providing a chance for the parties to vent their feelings or frustrations and apologise. Furthermore, all the officers were of the view that VOM contributes to prevent re-offending by holding the juvenile offenders accountable for their actions, discouraging criminal behaviour, enabling juvenile offenders to see the depth of the harm they had caused and make them learn from their mistakes. Some of the pre-

trial diversion officers were of the view that the VOM guidelines contribute to the effective rehabilitation and reintegration of the juvenile offenders by outlining the role of the diversion officers. However, the majority were of the view that the VOM guidelines do not contribute to the effective rehabilitation and reintegration of the juvenile offenders due to the lack of specific details on the steps to be taken to implement VOM. More so, most of the officers acknowledged that they collaborated/partnered with government departments and civil society organisations in facilitating VOM whilst others collaborated/partnered with government departments and civil society organisations when they refer cases for further management. Unfortunately, the pre-trial diversion officers had no collaboration/partnerships with professional experts in mediation. Finally, none of the officers had received any in-service training on VOM which affected their abilities to properly handle certain cases and situations.

The research and task objectives of this study were achieved as follows:

- To obtain samples of victims, juvenile offenders and pre-trial officers exposed to juvenile justice VOM as an intervention strategy in a pre-trial diversion programme. The researcher used purposive sampling to identify potential participants of victims, juvenile offenders and pre-trial diversion officers who met the selection criteria (cf. subsection 3.3.1 in chapter 3). Purposive sampling enabled the researcher to select victims, juvenile offenders and pre-trial diversion officers who met specific pre-selected criteria and provide relevant and detailed information.
- To conduct semi-structured interviews facilitated by open-ended questions contained in an interview guide. The semi-structured interviews conducted enabled the researcher to hear the victims, juvenile offenders and pre-trial diversion officers verbalising their experiences with VOM within a pre-trial diversion programme offered in Harare Province, Zimbabwe (cf. subsection 3.3.2 in chapter 3).
- To explore and describe the experiences of victims, juvenile offenders and pre-trial diversion officers related to juvenile justice VOM as an intervention strategy in a pre-trial diversion programme. The interviews gave the researcher the opportunity to explore the experiences of the mentioned target groups. The researcher then described their experiences (cf. chapter 4).

- To transcribe, sift, sort and analyse the data according to the 8 steps of Tesch (in Creswell, 2009:186). With participants' consent, the researcher digitally audio recorded the interviews that aided in transcribing the interviews verbatim. The transcripts provided the data analysed by the researcher and an independent coder to enhance the credibility of the study's findings.
- To describe the experiences of victims, juvenile offenders and pre-trial diversion officers related to VOM as an intervention strategy in a pre-trial diversion programme. A detailed description of the participants' experiences was provided in chapter 4.
- To interpret the research findings and conduct a literature control to verify the findings. The presentation and interpretation of the findings confirmed or contrasted by relevant literature was presented in chapter 4.
- To draw conclusions about the experiences of victims, juvenile offenders and pre-trial diversion officers related to juvenile justice VOM as an intervention strategy in a pre-trial diversion programme and make recommendations to improve this intervention strategy. These aspects are proffered in this chapter.

5.3.2 Research approach

- As not much was known about and researched on VOM within a pre-trial diversion programme in Zimbabwe, the qualitative research approach enabled the researcher to develop new knowledge on VOM within a pre-trial diversion programme in Zimbabwe.
- Furthermore, a qualitative research approach enabled the researcher as the instrument for data collection to learn from the participants' unique and lived experiences in VOM within the pre-trial diversion programme, and not from the researcher's assumptions, views and experiences or other research results.
- In addition, the qualitative research approach enabled the researcher to understand the meaning the participants attached to their experiences with VOM.
- The qualitative approach enabled the researcher to use the words of the participants to establish a set of themes, sub-themes and categories and to describe their experiences of VOM within a pre-trial diversion programme (cf. chapter 4).

- More so, a qualitative approach enabled the researcher to present the findings of the participants' experiences in their specific context, in Harare Province and not to generalise.
- Finally, the qualitative approach enabled the researcher to present a holistic account of the participants' experiences in VOM within a pre-trial diversion programme.

5.3.3 Research designs

The researcher applied the explorative, descriptive, contextual and multiple case study designs.

- The **explorative design** enabled the researcher to elicit information on the participants' experiences with VOM within a pre-trial diversion programme.
- The **descriptive design** enabled the researcher to use the participants' words to provide a detailed description of their experiences with VOM within a pre-trial diversion programme.
- The **contextual design** allowed the participants to voice their experiences with VOM as presented in a pre-trial diversion programme in their environment, namely the Harare province.
- The **multiple case study design** allowed the researcher to collect information from multiple victims, juvenile offenders and pre-trial diversion officers to elicit a thorough account of their experiences with VOM offered as part of a pre-trial diversion programme.

5.3.4 Ethical considerations

The researcher adhered to the stipulated ethical considerations, namely informed consent and voluntary participation, avoidance of harm, privacy, anonymity, confidentiality, management of information and beneficence of the study. All the participants consented and agreed voluntarily to participate in the study. The researcher assured the participants of anonymity, confidentiality and the protection of their privacy. Pseudonyms were used to protect the participants' identities and ensure that they remained anonymous.

In addition, the participants were protected from harm as the interviews were conducted at different places of the participants' choice. The places included the participants' homes, communities and institutions where they felt safe and

comfortable. The participants' information such as transcripts, audio tape recordings and field notes were kept in a safe place with a password to protect electronically stored data accessible only to the researcher.

Moreover, the participants were informed of the possible benefits of the study which included increased knowledge and understanding of VOM in pre-trial diversion, improved skills which may help to improve the implementation of VOM and improved access to quality services.

5.4 CONCLUSIONS ON THE RESEARCH FINDINGS

Based on the research findings related to the three different target groups (cf. chapter 4), the conclusions drawn and presented in terms of the themes and sub-themes of each target population.

5.4.1 Research findings from the victims

The conclusions based on the research findings from the victims (cf. chapter 4 section 4.4) are presented below.

Conclusions based on the victims' accounts of how they became involved in the VOM programme

- The participants received vital information on the new pre-trial diversion programme for children under the age of 18 years who have committed a criminal offence.
- The information was important to help them make informed decisions on whether to participate or not.

Conclusions based on the victims' understanding of the purpose of the VOM meetings

- The victims clearly understood the purpose of the VOM meetings.
- They understood the purpose of the VOM meetings was to help them negotiate with their offenders and their parents/guardians to find amicable solutions to the criminal offence.

Conclusions based on the victims' experiences of the VOM meetings

- The victims welcomed the opportunity to face the juvenile offenders and their parents/guardians during the VOM meetings.
- The opportunity to tell their stories as victims, and express their disappointment and unhappiness about juvenile offenders' criminal behaviour helped to bring closure to issues that affected them and enhanced the chances of their satisfaction with the VOM process and its outcomes.
- The opportunity to negotiate an amicable solution for restitution enabled the participants to actively participate in coming up with the value for restitution and the manner in which the restitution was going to be paid.
- The victims appreciated the role played by the pre-trial diversion officers to facilitate conversations between them and the juvenile offenders and their parents/guardians so as to reach an amicable solution.
- The victims received apologies from their offenders as an expression of remorse which helped them to recover from the emotional effects of the criminal behaviour and to mend broken social relationships.
- The victims' offenders were informed of the consequences of criminal behaviour which included going through the formal justice system and acquiring a criminal record which has negative effects when they apply for employment opportunities in future. This helped to reduce the offenders' likelihood of offending in the future.
- The victims' offenders' criminal behaviour was discouraged and denounced as unacceptable and community values were reaffirmed which helped to reduce the likelihood of future offending.

Conclusions based on the victims' views on the kind of information (knowledge) and support received during the VOM meetings

- VOM provided a learning experience for the victims. They learnt that children who commit certain criminal offences are now referred for pre-trial diversion programmes (such as VOM) instead of being disciplined by the police and being referred to the formal justice system.
- The VOM meetings were supportive of the victims' needs. They received vital support for their needs which included support for restitution and for the juvenile offenders to reform.

Conclusions based on the victims' expectations of the VOM meetings

- The victims had differing expectations from the VOM meetings.
- Most of the victims wanted juvenile offenders to reform because they were the parents/guardians and neighbours of the offenders.
- At the same time, some of the victims wanted restitution in order to recover whatever they had lost as a result of the criminal offence.

Conclusions based on the victims' feelings about the outcome of the VOM programme

- The victims expressed different feelings about the outcome of the VOM meetings. Most of them expressed their happiness about the outcome of the VOM meetings due to the fact that they managed to reach amicable solutions on their cases. However, some of the participants expressed their unhappiness and disappointment due to failure by the juvenile offenders and their parents/guardians to fulfil the agreements for restitution.

Conclusions based on the victims' relationship with the juvenile offenders after the VOM programme

- The victims' relationship with their offenders improved due to the fact that when they faced each other, they talked through their issues and did their own fixing and mending.

Conclusions based on the victims' suggestions for changes to be included in the discussions to improve the VOM programme

- The victims actively participated in the VOM meetings which resulted in them being satisfied with how the meetings were conducted.
- They had no suggestions for changes to be included in the discussions.

Conclusions based on the victims' views on how social workers can support juvenile offenders through the pre-trial diversion programme

In order to support juvenile offenders, the victims recommended that social workers should:

- Maintain their support to juvenile offenders to enable them to learn from their mistakes and change their behaviour.

- Educate children on the consequences of criminal behaviour in order to prevent them from committing criminal offences in future.

5.4.2 Research findings from the juvenile offenders

The conclusions based on the research findings from the juvenile offenders (cf. chapter 4 section 4.5) are presented below.

Conclusions based on the juvenile offenders' accounts of how they became involved in the VOM programme

- The juvenile offenders were offered a decent space to sit by police officers at police stations whilst waiting for the pre-trial diversion officers. This made them feel they were treated fairly by the police.
- The juvenile offenders received vital information on the new pre-trial diversion programme for children under the age of 18 years who have committed a criminal offence.
- They were released into the custody of their parents/guardians as an alternative to detention in order for their cases to be dealt with whilst living at home.
- Moreover, they were assessed by pre-trial diversion officers in order to gather vital information which was necessary to establish whether their cases qualified for pre-trial diversion in general and VOM in particular.

Conclusions based on the juvenile offenders' understanding of the purpose of the VOM meetings

- The juvenile offenders had a clear understanding of the purpose of the VOM meetings.
- They understood the purpose of the VOM meetings was to help them and their parents/guardians to negotiate with their victims in order to reach amicable solutions to the criminal offences.

Conclusions based on the juvenile offenders' experiences of the VOM meetings

- All the juvenile offenders welcomed the opportunity to face their victims during the VOM meetings.
- The opportunity to tell their side of the story and see their victims' feelings of unhappiness about their criminal behaviour helped them to see the real impact

of their criminal behaviour on the victims and bring closure to the issues that affected them.

- The chance to negotiate an amicable solution for restitution enabled the juvenile offenders to actively participate in coming up with the value for restitution and the manner in which the restitution was going to be paid.
- Furthermore, they felt fairly treated during the negotiations to find a solution to their criminal offences. They felt treated with respect and dignity.
- The juvenile offenders appreciated the role played by pre-trial diversion officers to facilitate conversations between them, their victims and their parents/guardians in order to reach amicable solutions.
- In addition, they learnt to exhibit good behaviour in order to maintain cordial relationships with other people in their environment.
- The juvenile offenders apologised to their victims as an expression of remorse for their behaviour in order to mend the broken social relationships.
- Their criminal behaviour was discouraged and denounced as unacceptable and community values were reaffirmed which helped to prevent the likelihood of future reoffending.
- Moreover, the juvenile offenders were informed of the consequences of criminal behaviour which include acquiring a criminal record which can negatively affect them when they apply for opportunities in the future.

Conclusions based on the juvenile offenders' feelings after the VOM programme

- The juvenile offenders expressed mixed feelings after the VOM meetings due to various reasons or circumstances.
- Most of them expressed their happiness due to the fact that they were given a second chance to change their behaviour without acquiring a criminal record.
- Some of the juvenile offenders expressed their feelings of relief due to the fact that their cases were concluded without being given corporal punishment or being taken to the formal justice system.
- Three of the juvenile offenders expressed their concern due to the fact that they did not know their fate as their parents had failed to fulfil agreements for restitution.

Conclusions based on the juvenile offenders' relationship with the victims after the VOM programme

- Most of the juvenile offenders' relationship with their victims improved due to the fact that they mended their relationships during the VOM meetings. However, some of the participants' relationships with their victims deteriorated due to the fact that their victims were unhappy after their parents/guardians failed to fulfil the restitution agreements.

Conclusions based on the juvenile offenders' suggestions for changes to be included in the discussions to improve the VOM programme

- All the juvenile offenders actively participated in the VOM meetings which resulted in them being satisfied with how the meetings were conducted. They had no suggestions for changes to be included in the discussions.

Conclusions based on the juvenile offenders' views on how social workers can support children who commit a crime

In order to support children who commit criminal offences, the juvenile offenders recommended that social workers should:

- Maintain their support to the juvenile offenders to enable them to learn from their mistakes and change their behaviour.
- Assist juvenile offenders whose parents/guardians have no capacity to pay for restitution due to harsh socio-economic circumstances by giving them a second chance without paying restitution or going to the formal court.
- Investigate and deal with the root causes of juvenile offenders' criminal behaviour in order to reduce the likelihood of future offending.
- Educate children on the consequences of criminal behaviour in order to prevent them from committing criminal offences in future.

Conclusions based on the juvenile offenders' accounts of whether or not they had been accused of any crime after the VOM meetings

- All the juvenile offenders had not had any official contact with the police or any record of being arrested again after the VOM meetings.

5.4.3 Research findings from the pre-trial diversion officers

The conclusions based on the research findings from the pre-trial diversion officers (cf. chapter 4 section 4.6) are presented below.

Conclusions based on the pre-trial diversion officers' accounts of their involvement with the pre-trial diversion programme

- The pre-trial diversion officers received juvenile offenders' criminal cases from the police.
- They conducted intakes and assessment in order to determine the cases' eligibility for a pre-trial diversion programme in general and VOM in particular.
- They used diversion options such as counselling, police cautions, restitution or reparation, FGCs and VOM as their recommendations or intervention plans.

Conclusions based on the role of the pre-trial diversion officers in the VOM programme

- The pre-trial diversion officers had a clear understanding of the concept "mediation".
- They understood the concept "mediation" as a process that brings together the victims, juvenile offenders and their parents/guardians to help them solve their issues in an amicable way.
- Some of the pre-trial diversion officers' role in the VOM programme included preparing the parties for the VOM meeting to ensure that they were emotionally and psychologically prepared to meet.
- They also played a fundamental role in the VOM programme to mediate between the victim, juvenile offender and their parents/guardians in order for them to reach an amicable solution.
- The pre-trial diversion officers referred juvenile offenders' cases to the pre-trial diversion committee for consideration with the committee's outcome being final and to be implemented by the officers.

Conclusions based on the pre-trial diversion officers' experiences of the VOM programme

- The pre-trial diversion officers usually involved the victims, juvenile offenders and their parents/guardians and sometimes community members in the VOM

meetings, depending on the set-up where the offences were committed. In most instances, the community was not represented during VOM meetings.

- The officers created a platform for the victims, juvenile offenders and their parents/guardians to talk through their issues and negotiate an amicable solution that brought closure to the issues that affected them.
- The negotiations between the victims, juvenile offenders and their parents/guardians usually resulted in an amicable solution as to the value to be paid for restitution and the manner in which the restitution should be completed.

Conclusions based on the challenges pre-trial diversion officers experience during and/or after the VOM programme

- The pre-trial diversion officers encountered various challenges during and/or after the VOM programme.
- Some of them encountered victims with a negative attitude towards the VOM programme at the beginning of the process. The victims viewed VOM as a soft option for the juvenile offenders and wanted them to go through the formal criminal justice system.
- Furthermore, some of the participants encountered juvenile offenders and their parents/guardians who were not able to pay restitution to the victims due to poverty and other social ills when the victims insisted on restitution.
- In addition, some pre-trial diversion officers encountered a number of juvenile offenders' parents/guardians who resisted participating in the VOM meetings and paying restitution because they were tired of the juvenile offenders' criminal behaviour.
- The officers were concerned by the absence of supportive legislation to compel parents/guardians to pay restitution for their children's offences which created challenges in cases that involved restitution.
- Lack of trust between the victims and their offenders resulted in the victims preferring restitution in cash rather than other payment methods such as provision of service or work that would benefit the victims.
- Some of the juvenile offenders' parents/guardians failed to complete the amicable solutions reached or the restitution plans which resulted in some pre-trial diversion officers referring the cases to the formal justice system.

Conclusions based on the pre-trial diversion officers' views on how VOM contributes to the mending of relationships

- The pre-trial diversion officers put forward various views on how VOM contributed to the mending of victim-offender relationships and offender-community relations.
- They viewed VOM meetings as an opportunity for victims and juvenile offenders to sit down and talk about the offence where all the feelings/frustrations are expressed directly to the juvenile offenders thereby mending their relations.
- The juvenile offenders take this opportunity to apologise to their victims as an expression of remorse which helps to heal the wounds caused by the juvenile offenders' criminal behaviour.
- Apologies enable the victims to see that the juvenile offenders are remorseful about their actions and forgive them.
- The victims take this opportunity to try to recover whatever they had lost. When they recover what they had lost through restitution, it becomes easier for them to forgive the juvenile offenders and to heal their relations.
- The opportunity for the parties to sit down and solve their issues in an amicable way makes all parties happy which helps juvenile offenders to not be seen as outcasts or labelled as criminals in the community.
- The pre-trial diversion officers sometimes involve the community in the VOM meeting depending on the environment in which the offence was committed. Involving the communities and giving them an active role to respond to crimes strengthens their capacities for problem solving.

Conclusions based on the pre-trial diversion officers' views on how VOM contributes to the prevention of reoffending

- The pre-trial diversion officers put forward various views on how VOM contributes to preventing reoffending.
- They viewed VOM meetings as an opportunity for the parties involved to discourage and denounce juvenile offenders' criminal behaviour as unacceptable and reaffirm community values which makes the juvenile offenders less likely to reoffend.
- Some of the pre-trial diversion officers viewed VOM meetings as an opportunity for the juvenile offenders to learn about the consequences of criminal behaviour

and a criminal record. The latter restricts their access to future employment opportunities, which makes them less likely to reoffend.

- They viewed VOM meetings as an opportunity for the juvenile offenders to apologise as an expression of remorse which reduces the likelihood of them committing other criminal offences.
- Some pre-trial diversion officers viewed VOM meetings as an opportunity to hold the juvenile offenders accountable for their criminal offences which makes them less likely to repeat the same behaviour in future.
- They also viewed VOM meetings as an opportunity for the juvenile offenders to see the impact of their criminal behaviour on the victims which makes it possible for them to feel remorseful and less likely to do the same again in the future.

Conclusions based on the pre-trial diversion officers' views on how the VOM guidelines can contribute to the effective rehabilitation and reintegration of juvenile offenders

- Some of the pre-trial diversion officers were of the view that VOM guidelines contribute to the effective rehabilitation and reintegration of juvenile offenders by outlining the role of the pre-trial diversion officers which informs them of their duties in the VOM programme. This role includes ascertaining if the juvenile offender is admitting to the charge, the personal and family circumstances of the child, the attitude of all parties to meet and the ideal place for mediation.
- Unfortunately, the majority of the officers were of the view that the VOM guidelines do not contribute to the effective rehabilitation and reintegration of juvenile offenders due to a lack of specifics on how the VOM programme should be implemented.

Conclusions based on the pre-trial diversion officers' accounts of in-service training offered to capacitate them in the implementation of VOM

- The pre-trial diversion officers did not receive in-service training on VOM which led them to rely on general knowledge and experiences to implement the VOM programme.
- Lack of in-service training affected their ability to properly handle certain cases or situation which compromised the quality of the VOM process and its outcomes.

Conclusions based on the pre-trial diversion officers' accounts of the types of collaboration/partnerships available when implementing VOM

- The pre-trial diversion officers collaborated/partnered with government departments and civil society organisations in facilitating the VOM meetings and referring cases to the said departments/organisations for further management.
- Unfortunately, they had no collaboration/partnerships with professional experts in mediation.

Conclusions based on the pre-trial diversion officers' suggestions on how to improve the VOM programme

To improve the VOM programme, the pre-trial diversion officers recommended:

- Enacting supportive legislation on VOM to append to the perceived legality of the VOM programme.
- Training on VOM as fundamental for the success of the programme.
- The development of detailed guidelines on how the VOM programme should be implemented.
- Looking for partners with professional expertise on VOM.
- Organising exchange visits where pre-trial diversion officers go to learn from experiences at other locations.
- Creating an emergency fund to assist juvenile offenders without money to attend VOM meetings.
- The development of a tailor-made mediation model that fits the Zimbabwean context by utilising lessons learnt of best practices from neighbouring and overseas countries.
- Conducting community outreach programmes to educate the communities about the pre-trial diversion programme in general and VOM in particular. This helps to obtain more community support and reduce the harmful labelling of offenders.
- Conducting research on VOM to generate new knowledge.

5.5 RECOMMENDATIONS

Based on the research findings the researcher has formulated the following recommendations in terms of juvenile justice policy, social work practice, social work education and future research.

5.5.1 Recommendations for policy

- The development of a juvenile justice policy to guide relevant legislation.
- Due to the absence of legislative guidelines, the Children's Act (05:06) of 2001 to be amended to provide legislative guidelines in terms of the pre-trial diversion process and programme, including VOM as an intervention strategy.

5.5.2 Recommendations for social work practice

- In view of the need for specific skills in the implementation of VOM, the employer of pre-trial diversion officers needs to develop an in-service training programme.
- A Post-Graduate Certificate in VOM should be a requirement for a person to be appointed as a pre-trial diversion officer.
- The development of clear and detailed guidelines on the steps to be taken in implementing the VOM programme.
- Establish collaboration/partnerships with professional experts in mediation.
- Organise exchange programmes to exchange notes and learn from the experiences of other districts in the VOM programme.
- Create an emergency fund to assist juvenile offenders without money to attend VOM programmes.
- Develop a tailor-made mediation model that fits the Zimbabwean situation utilising lessons learnt on best practices from neighbouring and overseas countries.
- Conduct community outreach programmes to educate and raise awareness amongst members of the public on pre-trial diversion programmes such as VOM and the consequences of criminal behaviour.
- The pre-trial diversion officers (social workers) should identify and address the root causes of juvenile offenders' criminal behaviour in order to reduce the likelihood of reoffending.

5.5.3 Recommendations for social work education

- VOM should be included in the social work training curriculum.
- The development of a Post-Graduate Certificate in VOM.

5.5.4 Recommendations for future research

- Conduct research on a similar topic in other districts or provinces where VOM is implemented to generate new knowledge.
- Conduct a large-scale study at national level on a similar topic to increase the knowledge base on the experiences of victims, juvenile offenders and pre-trial diversion officers with VOM within a pre-trial diversion programme.

5.6 CONCLUSION

This chapter gave summaries of the chapters as presented in this report. The researcher drew conclusions on how the research question, goal and objectives were achieved. Thereafter, conclusions on the qualitative research approach and research designs, namely explorative, descriptive, and contextual and multiple case study designs were presented.

Furthermore, conclusions on how the researcher adhered to the various ethical aspects in this study, namely informed consent and voluntary participation, privacy, anonymity and confidentiality, avoidance of harm, beneficence of the study and management of information were described.

The researcher offered the conclusions based on the research findings from the victims, juvenile offenders and pre-trial diversion officers. From the research findings on the victims, the researcher concluded that the victims received information on the new pre-trial diversion programme which helped them to make an informed decision on their participation in the programme. They understood that the purpose of the VOM meetings was to help them arrive at an amicable solution with the offender and their parents/guardians. The victims welcomed the opportunity to face their offender, tell their stories, express their feelings, negotiate and reach amicable solutions on restitution, receive apologies, denounce criminal behaviour as unacceptable, learn about the pre-trial diversion programme, receive vital support for their needs and expectations and inform the offender of the consequences of criminal behaviour and a criminal record. The victims also appreciated the role played by the pre-trial diversion officers to facilitate conversations between them and their offenders.

Furthermore, from the research findings on the juvenile offenders, the researcher concluded that they felt fairly treated by the police, received vital information on the

new pre-trial diversion programme, were assessed to ascertain eligibility for pre-trial diversion and VOM and released into the custody of their parents/guardians as an alternative to detention. Furthermore, the participants had a clear understanding of the purpose of the VOM meetings. The juvenile offenders welcomed the opportunity to face their victims and negotiate amicable solutions. This opportunity enabled them to see the real impact of their criminal behaviour, apologise, learn from their mistakes and learn about the consequences of criminal behaviour. During negotiations, the juvenile offenders felt fairly treated and respected. Their criminal behaviour was denounced as unacceptable and community values were reaffirmed. They had different feelings after the VOM meetings due to various reasons or circumstances. Most of them felt happy because they were given a second chance, some of them felt good and relieved because they were not beaten or referred to courts but three of them were worried because they did not know their fate after they broke the agreements reached. Most of the juvenile offenders' relationship with their victims improved after the VOM meetings. Unfortunately, their relationships with three of the victims deteriorated after they broke the agreements reached. Not one of the juvenile offenders had a record of being arrested again after the VOM meetings.

From the research findings on the pre-trial diversion officers, the researcher concluded that they conducted juvenile offenders' intakes and assessment at police stations to ascertain the juvenile offenders' eligibility for pre-trial diversion and to select appropriate diversion options. The pre-trial diversion officers played essential roles to prepare parties for the VOM meetings and to mediate between the parties. They created a platform for the parties to talk through their issues, negotiate and reach amicable solutions. The pre-trial diversion officers encountered various challenges which included victims showing a negative attitude towards VOM, the juvenile offenders' parents/guardians resisting to participate and to pay restitution and the absence of supportive legislation to make juvenile offenders' parents/guardians pay restitution for their children's offences. The officers were of the view that VOM contributes to the mending of victim-offender relationships and relations with the community.

Furthermore, the pre-trial diversion officers were of the view that VOM contributes to prevent reoffending by holding juvenile offenders accountable for their actions, discouraging criminal behaviour, making juvenile offenders see the depth of the

harm they have caused and learn from their mistakes. Some were of the view that the VOM guidelines contribute to the effective rehabilitation and reintegration of juvenile offenders by outlining the role of the pre-trial diversion officers. However, most of the pre-trial diversion officers were of the view that the VOM guidelines did not contribute to the effective rehabilitation and reintegration of the juvenile offenders due to a lack of specifics on the steps to be taken to implement VOM. More so, most of them collaborated/partnered with government departments and civil society organisations in facilitating VOM whilst some of the participants collaborated/partnered with government departments and civil society organisations where they referred cases for further management. Unfortunately, the pre-trial diversion officers had no collaboration/partnerships with professional experts in mediation. Moreover, all the officers had not received in-service training on VOM which affected their ability to properly handle certain cases or situations.

Finally, recommendations were put forward in terms of juvenile justice policy, social work practice, social work education and future research.

BIBLIOGRAPHY

Abrams, LS, Umbreit, M & Gordon, A. 2006. Young offenders speak about meeting their victims: Implications for future programs. *Contemporary Justice Review*, 9 (3): 243-256.

Adams, R, Jones, A, Lefmann, S & Sheppard, L. 2014. Using a collective case study systems theory mixed methods approach: A rural health example. *BMC Medical Research Methodology*, 14(94):1-9.

Agotse, CD. 2018. *Juvenile justice in Africa: An assessment of adherence to international law on preserving the rights of child offenders*. Master's thesis. University of Manitoba.

Ames, JC. 2007. Restorative justice: Including victims, offenders and communities in criminal justice dialogue. *Theses, Dissertations, and Projects*. 1323.

Anderson, CA, Leahy, MJ, DelValle, R, Sherman, S & Tansey, TN. 2014. Methodological application of multiple case study design using modified consensual qualitative research (CQR) analysis to identify best practices and organisational factors in the public rehabilitation program. *Journal of Vocational Rehabilitation*, 41(87-98). IOS Press.

Anney, VN. 2015. Ensuring the quality of findings of qualitative research: Looking at trustworthiness criteria. *Journal of Emerging Trends in Educational Research and Policy Studies (JETERAPS)*, 5(2):272-281.

Armstrong, J. 2012. Factors contributing to victims' satisfaction with Restorative Justice Practice: A qualitative examination. *British Journal of Community Justice*, 10(2): 39-54.

Babbie, E. 2010. *The practice of social research*. Australia: Wadsworth.

Babbie, E & Mouton, J. 2001. *The practice of social research*. Cape Town: Oxford University Press.

Badenhorst, C. 2010. *Launch and Implementation of the Child Justice Act*, 12(1):1-3.

- Berg, S. 2012. *Child diversion programme minimum standard compliance in Western Cape: An explorative study*. Master's thesis. University of South Africa, Pretoria.
- Bhaiseni, B. 2016. Zimbabwe children's act alignment with international and domestic legal instruments: Unravelling the gaps. *African Journal of Social Work*, 6(1):1-6.
- Bhattacharjee, A. 2012. Social science research: Principles, methods, and practices. *Textbooks Collection*. Book 3. Scholar Commons: University of South Florida. http://scholarcommons.usf.edu/oa_textbooks/3 (Accessed on 03/03/17).
- Black, K. 2010 *Business statistics: Contemporary decision making*. 6th edition. Chichester: John Wiley & Sons.
- Boezaart, T. 2009. *Child law in South Africa*. Claremont: Juta.
- Borton, IM. 2008. *Victim offender communication in felony cases: An archival analysis of Ohio's office of victim services dialogue program*. PhD thesis: Graduate College of Bowling Green State University.
- Bouffard, J, Cooper, M & Bergseth, K. 2016. The effectiveness of various restorative justice interventions on recidivism outcomes among juvenile offenders. *Youth Violence and Juvenile Justice*, 15(4):465-480.
- Bradshaw, W & Roseborough, DJ. 2005. Restorative justice dialogue: The impact of mediation and conferencing on juvenile recidivism. *Federal Probation*, 69(2):15-21.
- Buchholz, MM. 2014. *Effectiveness of restorative justice programs in the prevention of juvenile crime*. Masters Dissertation. North Dakota State University of Agriculture and Applied Science.
- Carey, M. 2012. *Qualitative research skills for social work: Theory and practice*. Burlington: Ashgate Publishing limited.
- Carey, M. 2013. *The social work dissertation: Using small scale qualitative methodology*. Burlington: Ashgate.

- Chapman, T. 2015. *European research on restorative juvenile justice. Volume II. Protecting rights, restoring respect, and strengthening relationships: A European model for restorative justice with children and young people*. Brussels: International Juvenile Justice Observatory.
- Choi, JJ & Severson, M. 2009. What! What kind of apology is this? The nature of apology in victim offender mediation. *Children and Youth Services Review*, 31:813-820.
- Choi, JJ & Gilbert, MJ. 2010. Joe every day, people off the street: A qualitative study on mediators' roles and skills in victim-offender mediation. *Criminal Justice Review*, 1-38.
- Choi, JJ, Bazemore, G & Gilbert, MJ. 2012. Review of research on victims' experiences in restorative justice: Implications for youth justice. *Children and Youth Services Review*, 34:35–42.
- Clamp, K. 2011. Victim offender mediation in Hungary. *European Forum for Restorative Justice*, 12(2):1-3.
- Cottrell, RR & McKenzie, JF. 2011. *Health promotion and education research methods: Using the five-chapter thesis/dissertation model*. Sudbury: Jones and Bartlett.
- Creswell, JW. 2009. *Research design: Qualitative and quantitative approaches*, 3rd edition. London: Sage.
- Creswell, JW. 2012. *Qualitative inquiry & research design: Choosing among five approaches*. 4th edition. Thousand Oaks: Sage.
- Creswell, JW. 2013. *Qualitative inquiry and research design: Choosing among five approaches*. Lincoln: Sage.
- Creswell, JW. 2016. *30 essential skills for qualitative research*. London: Sage.
- Crow, S, Creswell, K, Robertson, A, Huby, G, Avery, A & Sheikh, A. 2011. A case study approach. *BMC Medical Research Methodology*, 11:100.
- Curley, N, Khan, OP & Kakunda, J. 2016. *Pre-trial diversion programme in Zimbabwe: end of pilot programme evaluation*. Harare: Penal Reform International.

- Cushing, K. 2014. Diversion from prosecution in England and Wales: reconsidering the admission criteria. *Youth Justice*, 14(2): 140-153.
- De Beer, M. 2016. *Assessment centre study group: Introduction to research workshop*. <http://www.acsg.co.za/archives/2016-conference-archives/2016-ACSG-Research-Workshop-Marie-De-Beer.pdf> (Accessed on 23/03/2017).
- Delpont, CSL & Roestenburg, WJH. 2011. Quantitative data collection methods: questionnaires, checklists, structured observation and structured interview schedules, in *Research at grassroots: For social sciences and human service professions*, Edited by AS De Vos, H Strydom, CB Fouché & CSL Delpont. 3rd edition. Pretoria: Van Schaik
- De Mesmaecker, V. 2011. *Perceptions of justice and fairness in criminal proceedings and restorative encounters: Extending theories of procedural justice*. PhD dissertation. KU Leuven.
- Denscombe, M. 2012. *Research proposals: A practical guide*. Berkshire: Open University Press.
- Denzin, NK & Lincoln YS. 2011. Introduction: The discipline and practice of qualitative research, in *Collecting and interpreting qualitative materials*, edited by NK Denzin & YS Lincoln. 3rd edition. Los Angeles: Sage.
- Department of Justice and Constitutional Development, 2011. *Restorative justice: The road to healing*. www.justice.gov.za h (Accessed on 23/04/2019).
- Department of Social Development, 2010. *The Child Justice Act 75 of 2008*. Pretoria: Juta Publications.
- Dhami, MK. 2011: Offer and acceptance of apology in victim-offender mediation. *Critical Criminology*, 20 (1): 45-60.
- Dikko, M. 2016. Establishing construct validity and reliability: Pilot testing of a qualitative interview for research in Takaful (Islamic Insurance). *The Qualitative Report*, 21(3):521-528.
- Dlamalala, CN. 2018. *The role of a probation officer in diversion of children from the criminal justice system: a Penological perspective*. Master's dissertation. University of South Africa, Pretoria.

Doncabe, SP. 2013. *The implementation of the Child Justice Act 75 of 2008: A case study of the diversion programme (vocational, educational or therapeutic) offered by Khulisa in the Ugu District*. Master's thesis. University of KwaZulu-Natal, Durban.

Dudley, JR. 2011. *Research methods for social work*. 2nd edition. Boston: Pearson Education.

Dzadya, S. 2016. *Perspectives on the effectiveness of a Zimbabwean youth justice framework in meeting the needs of both young offenders and society*. Master's thesis. UNITEC New Zealand.

English Oxford Dictionary, n.d. sv. "juvenile offender". <https://en.oxforddictionaries.com>. (Accessed on 23/03/2017).

English Oxford Dictionary, n.d. sv. "experience". <https://en.oxforddictionaries.com>. (Accessed on 23/03/2017).

Eriksson, F. 2008. *Victim offender mediation in Sweden and South Africa*. Master's thesis. University of Gothenburg.

Ettekal, AV. & Mahoney, JL. 2017. Ecological systems theory, in *The Sage encyclopaedia of out-of-school learning*, edited by K Peppler. Thousand Oaks: Sage.

Flick, U. 2011. *Introducing research methodology: A beginner's guide to doing a research project*. London: Sage.

Fouché, CB & Delpont, CSL. 2011. Introduction to the research process, in *Research at grass roots for the social sciences and human service professions*, edited by AS, de Vos, H, Strydom, CB, Fouché, CSL, Delpont. Pretoria: Van Schaik: 89-100.

Fox, W. & Bayat, MS. 2010. *A guide to managing research*. Cape Town: Juta.

Gallagher, L. 2013. Detour ahead: Victim-offender mediation as a mandatory deviation program for juveniles. <http://ssrn.com/abstract=2225301> (Accessed on 11/11/2019).

Gallinetti, J. 2009. *Getting to know the Child Justice Act*. Bellville: The Child Justice Alliance.

- Gerkin, PM. 2009. Participation in victim–offender mediation: Lessons learned from observations. *Criminal Justice Review*, 34(2): 226-247.
- Gilgun, JF. 2005. An ecosystemic approach to assessment, in *Social work process*, edited by BR Campton, B Galaway & BR Cournoyer. 7th edition. Pacific Grove: Thomson and Brooks/Core.
- Goldman, W. 2011. Therapeutic victim-offender mediation within the criminal justice process: Sharpening the evaluation of personal potential for rehabilitation while righting wrongs under the ADR philosophy. *Harvard Negotiation Law Review*, 65:1-19.
- Greaney, AM, Sheehy, A, Heffernan, JM, Mhaolrunaigh, SN, Heffernan, E & Brown, G. 2012. Research ethics application: A guide for the novice researcher. *British Journal of Nursing*, 21(1):38-43.
- Greene, CT. 2011. *Creating consensus: An exploration of two pre-charge diversion programs in Canada*. PhD thesis. University of Toronto.
- Grinnell, RM. & Unrau, Y. 2011. *Social work research and evaluation foundation of evidence-based practice*. New York: Oxford University.
- Grobler, H, Schenck, R & Du Toit, D. 2009. *Person-centred communication*. 3rd edition. Cape Town: Oxford University Press.
- Gumz, EJ. & Grant, CL. 2009. Restorative justice: A systematic review of the social work literature. *Families in Society*, 90(1):119-126.
- Hansen, T. & Umbreit, M. 2018. State of knowledge: Four decades of victim-offender mediation research and practice: The evidence. *Conflict Resolution Quarterly*, 36:99–113. <https://doi.org/10.1002/crq.21234>. (Accessed on 12/02/2020).
- Harasymowicz, I. 2016. *Evaluation of effectiveness and sufficiency of the Restorative Justice (RJ) scheme – victims’ and offenders’ views on the process*. <http://probation.je/mdocs-posts/evaluation-of-effectiveness-and-sufficiency-of-the-restorative-justice-rj-scheme-victim-and-offenders-views-on-the-process/> (Accessed on 12/11/2019).

- Hargovan, HK. 2008. *Restorative approaches to criminal justice: An exploratory study in KwaZulu-Natal*. Doctoral thesis. University of KwaZulu-Natal, Durban.
- Hargovan, H. 2013. Child justice in practice: The diversion of young offenders. *SA Crime Quarterly*, 44: 25-35.
- Hatt, A, Melo, E, Ngugi, L, Suvilaakso, T, Totland, T, Van Der Huls, I, Vega, R, Zug, K, Morton, R & Van Keirsbikk, B. 2008. *Protecting the rights of children in conflict with the law. Research on alternatives to the deprivation of liberty in eight countries*. Master's thesis. University of Fribourg.
- Heale, R. & Twycross, A. 2018. Research made simple. *Evidence Based Nursing*, 21(1):7-8.
- Heap, HMB. 2013. *A collective case study of the perceptions and implementation of self advocacy from four educators of students with disabilities*. Doctoral thesis. Liberty University, Lynchburg.
- Hennink, M, Hutter, I, & Bailey, A. 2011. *Qualitative research methods*. Los Angeles: Sage.
- Hicks, S. 2015. Social work and gender: An argument for practical accounts. *Qualitative Social Work*, 14(4):471-487.
- Hogan, N. 2013. *Repairing the harm: Restorative justice and its implications on the criminal justice system*. Degree thesis: SPEA. Bloomington.
- Holland, K & Rees, C. 2010. *Nursing: Evidence-based practice skills*. New York. Oxford University Press.
- Holloway, I & Wheeler, S. 2010. *Qualitative research in nursing and health care*. London: McGraw-Hill Education.
- Imiera, PP. 2018. Therapeutic jurisprudence and restorative justice: Healing crime victims, restoring the offenders. *De Jure*, 82-101.
- Jacobsson, M, Wahlin, L & Fromholz, E. 2018. *Victim offender mediation in Sweden: An activity falling apart?* Nordic Mediation Research, 67- 79.
- Jarrett, B. 2009. The future of mediation: A sociological perspective. *Journal of Dispute Resolution*, 1(3):49-75.

Jonas-van Dijk, J, Zebel, S, Claessen, J & Nelen, H. 2020. Victim offender mediation and reduced reoffending: Gauging the self-selection bias. *Crime & Delinquency*, 66 (6-7):949-972.

Josselson, R. 2013. *Interviewing for qualitative research: A relationship approach*. New York: Guilford Press.

Kabir, SMS. 2016. *Methods of data collection*. (Online). From: <https://www.researchgate.net/publication/325846997>. (Accessed: 06 January 2021).

Kennedy, S, Brown, J, Darbey, B, Gatti, A, Klute, T, Maher, MP & Peterca, D. 2009. *Pre-trial state of the art practice. Promising practices in pre-trial diversion*. Washington DC: National Association of Pre-Trial Services Agencies (NAPSA).

Kelly, AP. 2016. *Social research methods: Undergraduate study in Economics, Management, Finance and the Social Sciences*. London: University of London.

Kielmann, K, Cataldo, F & Seeley, J. 2011. *Introduction to qualitative research methodology*. DFID: Write-Arm.

Kim, Y. 2011. The pilot study in qualitative inquiry. Identifying issues and learning lessons for culturally competent research. *Qualitative Social Work*, 10:190

Kinyanjui, SM. 2008. *A genealogical analysis of the criminal justice system in Kenya. Rebirth of restorative justice for juveniles?* Doctoral thesis. University of Leicester.

Kiraly, C, Turk, M, Kalarchian, MA & Shaffer, C. 2017. Applying ecological framework in obesity intervention studies in Hispanic/Latino youth: A systematic review. *Hispanic Health Care International*, 15(3):130-142.

Kleinhans, LA. 2013. *The views of social workers on diversion programmes for male juvenile delinquents*. Master's thesis. Stellenbosch University.

Krefting, L. 1991. Rigor in qualitative research: The assessment of trustworthiness. *The American Journal of Occupational Therapy*, 45(3):214-222.

Labriola, M, Reich, WA, Davis, RC, Hunt, P, Rempel, M & Cherney, S. 2015. *Prosecutor-led pre-trial diversion: Case studies in eleven jurisdictions*. New York: Centre for Court Innovation.

- Leedy, PD & Ormrod, JE. 2013. *Practical research: Planning and design*. New Jersey: Pearson.
- Liao, M. 2016. Factors affecting post-adjustment of children in adoption or guardianship placements: an ecological systems analysis. *Children and Youth Services Review*, 66(1):131-143.
- Mabudusha, SA. 2014. *The policing of undocumented foreign nationals in South Africa*. Master's dissertation. University of South Africa, Pretoria.
- MacDiarmid, L. 2011. *Restorative Justice Programs in Ontario: Views of Offenders*. Master's dissertation. University of Ontario Institute of Technology.
- Mahesh, C. 2011. *Social research methods: Fundamentals of research*. Kerala: University of Calicut.
- Mambende, B, Nyandoro, T, Maunganidze, L. & Sawuti, A. 2016. Factors influencing youth juvenile delinquency at blue hills children's prison rehabilitation centre in Gweru, Zimbabwe: An explorative study. *International Journal of Humanities Social Sciences and Education (IJHSSE)*, 3(4): 27-34.
- Maroun, V & Grasso, C. 2006. *Rights of children in Kenya: An alternative report to the United Nations Committee on the rights of the children on the implementation of the convention of the rights of children*. Switzerland: OMCT. www.omct.org (Accessed on 05/06/2019).
- Marshall, C & Rossman, GB 2016. *Designing qualitative research*. 6th edition. London: Sage.
- Maxwell, JA. 2013. *Qualitative research design: An interpretive approach*. London: Sage.
- Mbeki, M. 2011. *Advocates for change: How to overcome Africa's Challenges*. Johannesburg: MacMillan.
- McGregor, SLT. & Murnane, JA. 2010. Paradigm, methodology and method: Intellectual integrity in consumer scholarship. *International Journal of Consumer Studies*, 34(4): 419-427.

- Merriam, SB & Tisdell, E. 2016. *Qualitative research: A guide to design and implementation*. 4th edition. San Francisco: Jossey-Bass.
- Mertens, D.M. 2010. *Research and evaluation in education psychology: Integrating diversity with quantitative, qualitative and mixed methods*. 3rd edition. Loss Angeles: Sage.
- Ministry of Justice, Legal and Parliamentary Affairs (MJLPA). 2012. *Zimbabwe pre-trial diversion for young persons: Consolidated guidelines*. Harare: Government Printers.
- Ministry of Justice, Legal and Parliamentary Affairs (MJLPA). 2013. *Zimbabwe pre-trial diversion*. <http://www.justice.gov.zw/index.php/2013-11-11-14-18-31> (Accessed on 13/02/2017).
- Ministry of Justice, Legal and Parliamentary Affairs (MJLPA). 2017. *Zimbabwe pre-trial diversion for children: Consolidated guidelines*. Harare: Government Printers.
- Moffat, S. 2011. Youth diversion in England and Wales. *The Effectus*. Newsletter issue 12.
- Mohammad, T & Azman, A. 2018. Perspectives of juvenile offenders undergoing victim-offender mediation with their own family members: A qualitative study. *Victims and Offenders*, 13(7):995-1012.
- Moran, KL. 2017. Restorative justice: A look at victim offender mediation programs. *21st Century Social Justice*, 4(1):1-5.
- Morrow, SL. 2005. Quality and trustworthiness in qualitative research in counselling psychology. *Journal of Counselling Psychology*, 52(2):250-260.
- Moturi, MG. 2018. *The pertinence of restorative justice in Kenya's penal laws*. Master's degree thesis. Stratmore University.
- Namuo, C. 2016. Victim offender mediation: When divergent paths and destroyed lives come together for healing. *Georgia State University Law Review*, 32(2):577-602.

National Crime Victim Law Institute. 2011. Fundamentals of victim's rights: An overview of the legal definition of crime "victim" in the United States. *Victim Law Bulletin*, 1-38.

Neuman, LW. 2011. *Social research methods: Qualitative and quantitative approaches*. Boston: Allyn & Bacon.

Neuman, L. 2014. *Social research methods: Qualitative and quantitative approaches*. 7th edition. Essex: Pearson Education.

Newman, I. & Hitchcock, JH. 2011. Underlying agreements between quantitative and qualitative research: The short and tall of it all. *Human Resource Development Review*, 10(4):381–398.

Nilsson, M. 2012. *Restorative justice - An approach to reduce youth crime in South Africa: A trans-national perspective*. Master's dissertation. University of Gothenburg.

Nkosi, SS. 2012. *The impact of diversion programmes on behaviour modification to divertees in Umhlathuze – Richards Bay*. Master's thesis. University of Zululand, Richards Bay.

Nziyane, LF. 2010. *Practice guidelines for the integration of child-headed households into extended families*. DPhil thesis. University of South Africa, Pretoria.

Odala, V. 2012. The spectrum for child justice in the international human rights framework: From reclaiming the delinquent child to restorative justice. *AM. U. INT'L L. REV*, 27(3): 543-579.

Odhiambo, OG. 2005. *The domestication of international law standards on the rights of the child with specific reference to juvenile justice in the African context*. Doctorate Thesis. University of the Western Cape, Cape Town.

Odongo, G. 2012. Caught between progress, stagnation and a reversal of some gains: Reflections on Kenya's record in implementing the children's rights norms. *African Human Rights Law Journal*, 2:112-141.

Office of the Director of Public Prosecutions (ODPP), 2019. *Diversion policy, Kenya*. www.odpp.go.ke. (Accessed on 16/09/2020).

- O'Mahony, D. 2012. Restorative justice and youth justice in England and Wales: One step forward, two steps back. *Nottingham Law Journal*, 21: 56-106.
- O'Neil, S & Koekemoer, E. 2016. Two decades of qualitative research in Psychology, Industrial and Organisational Psychology and Human Resource Management within South Africa: A critical review. *SA Journal of Industrial Psychology/SA Tydskrif vir Bedryfsielkunde*, 42(1):1-16.
- Oxford Advanced Learner's Dictionary, 2011. Sv "experience" International student's edition. Cape Town: Oxford University Press.
- Pali, B, Randazzo, S, Vanfraeche, I, Doherty, K, Heaney, C, Elonheimo, H & Flinck, A. 2018:13. *Practical guide: Implementing restorative justice with children*. Brussels: International Juvenile Justice Observatory (IJJO).
- Panagos, KI. 2017. *On being a mediator in victim offender mediation: The case of the Greek juvenile justice system*. Athens: Ant. N. Sakkoulas Publications L.P.
- Panagos, KI. 2020. Victims' interests and the role of probation officers in victim-offender mediation: Theoretical analysis and the Greek juvenile justice system. *TEMIDA*, 23(1):79-106.
- Patel, M & Patel, N. 2019. Research methodology: Review article. *International Journal of Research Review*, 6 (3):48-55.
- Payne, M .2014. *Modern social work theory*. 4th edition. Palgrave: Macmillan.
- Petrilla, CM, Silva, DJ, Huggins, SL & McNamara, R. 2020. Healing lives and communities: How can NGOs support restorative justice involving youth? *Journal of Applied Juvenile Justice Services*. New Jersey: National Partnership for Juvenile Services. <http://npjs.org/jajjs/>. (Accessed on 23/09/2020).
- Presser, L & Van Voorhis, P. 2002. Values and evaluation: Assessing processes and outcomes of restorative justice programs. *Crime and Delinquency*, 48(1):162-188.
- Randles, C. 2012. *Phenomenology: A review of the literature*, 30(2):11-21.
- Remler, DK & Van Ryzin, GG. 2010. *Research methods in practice: Strategies for description and causation*. Thousand Oaks, CA: Sage.

Rampel, M, Lambson, SH, Cadoret, CR & Franklin, AW. 2013. *The adolescent diversion program: A first year evaluation of alternatives to conventional case processing for defendants ages 16 and 17 in New York*. New York: Centre for Court Innovation.

Roulston, K. 2018. Qualitative interviewing and epistemics. *Qualitative Research*, 18(3):322-341.

Rubin, A & Babbie, E. 2010. *Research methods for social work*. 7th edition. Belmont: Cengage Learning.

Rubin, A & Babbie, ER. 2013. *Essential research methods for social work*. 3rd edition. Boston: Cengage Learning.

Ruparanganda, B & Ruparanganda, L. 2016. Reformatations in Zimbabwe's juvenile justice system. *African Journal of Social Work*, 6(1): 7-13.

Rutere, SK & Kiura CM. 2009. *The diversion program in Kenya*. Nairobi: Sida Review.

Sara Neena, TT. 2011. *Social research methods: social research and stages in social research*. Kerala: University of Calicut.

Schiff, M. 2007. Satisfying the needs and interests of stakeholders, in *Handbook of Restorative Justice* edited by G Johnstone & DW Van Ness. Cullompton: Willan Publishing.

Schenck, R, Mbedzi, P, Qalinge, L, Schultz, P, Sekudu, J & Sesoko, M. 2015. *Introduction to Social Work in the South African context*. Cape Town: Oxford University Press.

Schurink, W, Fouché, CB & De Vos, AS. 2011. *Research at grassroots for the social sciences and human service professions*. 4th edition. Pretoria: Van Schaik Publishers.

Schmidt, NA. & Brown, JM. 2015. *Evidence-based practice for nurses: Appraisal and application of research*. 3rd edition. Burlington: Jones & Barlett Learning.

Schneider, F. 2014: *What is research methodology? The differences between methods, methodology and theory and how to get the balance right* www.politicseastasia.com/studying/whats-methodology/ (Accessed on 05/01/2018).

Schwalbe, CS, Gearing, RE, MacKenzie, MJ, Brewer, KB. & Ibrahim, R. 2012. A meta-analysis of experimental studies of diversion programs for juvenile offenders. *Clinical Psychology Review*, 32:26–33.

Sheerar, A. F. 2005. *A new approach to child justice: Exploring challenges and opportunities for restorative justice in the Western Cape from the perspectives of victims and perpetrators of youth crime*. Master's thesis: University of Cape Town, Cape Town.

Shenton, AK. 2004. Strategies for ensuring trustworthiness in qualitative research projects. *Education for Information*, 22:63–75. IOS Press.

Silverman, D. 2010. *Doing qualitative research: A practical handbook*, 3rd edition. London: Sage Publications.

Skelton, A & Batley, M. 2006. *Charting progress, mapping the future: Restorative justice in South Africa*. Pretoria: Restorative Justice Centre.

Skelton, A & Tshehla, B. 2008. Child justice in South Africa. *Institute for Security Studies Monographs*, 150:72.

Smit, A. 2010. *Restorative group conferencing program*. Cape Town: NICRO.

Smith, G. 2015. *Recommendations for utilizing victim offender mediation programs*. Master's dissertation, University of Wisconsin, Platteville.

South Africa, 2009. *The Child Justice Act 75 of 2008*. Pretoria: Government Printers.

Spriggs, V. 2009. *Victim offender mediation programs in Texas*. Texas: Texas Juvenile Probation Commission.

Steyn, F. 2010. *Approaches to diversion of child offenders in South Africa: A comparative analysis of programme theories*. PhD thesis. University of Free State, Bloemfontein.

- Steyn, F & Lombard, A. 2013. Victims' experiences of restorative mediation: A developmental social work perspective. *Social Work/ Maatskaplike Werk*, 49(2):333-353.
- Strang, H, Sherman, LW, Mayo-Wilson, E, Woods, D & Ariel, B. 2013. Restorative justice conferencing using face-to-face meetings of offenders and victims: Effects on offender recidivism and victim satisfaction. A systematic review. *Campbell Systematic Reviews*, 12. DOI: 10.4073/csr.2013.12.
- Streubert, HJ & Carpenter, DR. 2011. *Qualitative research in nursing: Advancing the humanistic imperative*. Philadelphia: Lippincott Williams & Wilkins.
- Strydom, H & Delport, CSL. 2011. *Sampling and pilot study in qualitative research*, in *Research at grassroots: For the social sciences and human service professionals*, edited by AS De Vos, H Strydom, CB Fouché & CSL Delport. Pretoria: Van Schaik: 390-396.
- Strydom, H. 2011. Sampling in qualitative paradigm, in *Research at grassroots: For the social sciences and human service professions*, edited by AS De Vos, H Strydom, CB Fouché & CSL Delport. Pretoria: Van Shaik Publishers:
- Strydom, H. 2013. An evaluation of the purposes of research in social work. *Social Work/Maatskaplike Werk*, 49(2):149-164.
- Swanborn, PG. 2010. *Case study research: what, why and how?* London: Sage.
- Thomas, DR & Hodges, ID. 2010. *Designing and managing your research project: core skills for social and health research*. Thousand Oaks: Sage.
- Thomas, E & Magilvy, JK. 2011. Qualitative rigor or research validity in qualitative research. *Journal for Specialists in Pediatric Nursing*, 16:151-155.
- Tlale, LDN. 2013. *Understanding and giving support to children in conflict with the law: A socio-ecological perspective*. PhD thesis. University of South Africa, Pretoria.
- Tracy, SJ. 2010. Criteria for excellent qualitative research. *Qualitative Inquiry*, 16(10):837-851.

Tyrrell, K, Bond, E, Manning, M & Dogaru, C. 2017. *Diversion, prevention and youth justice: a model of integrated decision making. An evaluation of the Suffolk youth offending service diversion programme*. Suffolk: Suffolk University.

Umbreit, MS., Coates, RB. & Vos, B. 2002. *The impact of restorative justice conferencing: A review of 63 empirical studies in 5 countries*. Centre for Restorative Justice and Peace making. Minnesota: University of Minnesota.

Umbreit, MS, Coates, RB. & Vos, B. 2004. Victim offender mediation: Three decades of practice and research. *Conflict Resolution Quarterly*, 22(1–2):279-303.

Umbreit, MS, Vos, B, Coates, RB. & Lightfoot, E. 2005. Restorative justice in the twenty-first century: A social movement full of opportunities and pitfalls. *Marquette Law Review*, 89:251-304.

Umbreit, MS & Amour, MP. 2011. *Restorative justice dialogue: An essential guide for research and practice*. New York: Springer.

Umbreit, MS. 2015. *Restorative justice through victim offender mediation*. Centre for Restorative Justice and Peacemaking. Minnesota: University of Minnesota.

Umbreit, MS & Lewis, T. 2015. *Dialogue-driven victim offender mediation training manual. A composite collection of training resource materials*. Centre for Restorative Justice and Peace making: University of Minnesota.

United Nations Office on Drugs and Crime (UNODC). 2006. *Handbook on restorative justice programmes*. New York: Criminal Justice Handbook Series: New York.

United Nations. 2016. *Promoting restorative justice for children*. United Nations Publications: New York.

Vengesai, S. 2014. *Juvenile justice in Zimbabwe: A contradiction between theory and practice: an analysis of Zimbabwe's compliance with article 37 and 40 CRC and article 17 ACRWC*. Doctoral thesis. Tilburg University, Netherlands.

Venter, A. 2005. *Guidelines for victim-offender mediation for probation officers in South Africa*. Master's thesis. North-West University, Potchefstroom.

- Venter, A & Rankin, P. 2005a. *Victim offender mediation – A literature review. Article 1*. Master's thesis. North-West University, Potchefstroom.
- Venter, A & Rankin, P. 2005b. *Victim offender mediation – The perceptions, expectations and experiences of victims, offenders and social workers. Article 2*. Master's thesis. North-West University, Potchefstroom.
- Waitherero, KE. 2015. *Strengthening access to justice for a child in conflict with the law: A case for law reform*. Master's thesis. University of Nairobi, Nairobi.
- Warner, CR. 2014. *Juvenile diversion programs: High-risk youth and their effect on offense targeting*. Master's thesis. Bemidji State University, Minnesota.
- Weinbaum, C, Landree, E, Blumenthal, MS, Piquado, T & Gutierrez, CI. 2019. *Ethics in scientific research: An examination of ethical principles and emerging topics*. California: Rand Corporation.
- Wemmers, JA & Cyr, K. 2006. What fairness means to crime victims: A social psychological perspective on victim-offender mediation. *Applied Psychology in Criminal Justice*, 2(2):101-128.
- Whitehead, JT & Lab, SP. 2013. *Juvenile justice: An introduction*. 7th edition. Beijing: Anderson Publishing.
- Williams, EN. & Hill, CE. 2012. Establishing trustworthiness in consensual qualitative research studies. In *Consensual qualitative research: A practical resource for investigating social science phenomena*, edited by CE Hill Washington, DC: American Psychological Association: 175-185.
- Williman, N. 2011. *Research methods: The basics*. London: Routledge.
- Winterdyk, JA. 2015. *Juvenile justice: International perspectives, models, and trends*. Boca Raton: CRC Press.
- Witt, AH. 2014. Rethinking sustainable development: Considering how different worldviews envision development and quality of life. *Sustainability*, 6, 8310-8328.
- Wood, C. 2003. *Diversion in South Africa: A review of policy and practice, 1990-2003*. Pretoria: Institute for Security Studies.

Wormer, KS & Walker, L. 2013. *Restorative justice today: Practical applications*. Loss Angeles: Thousand Oaks: Sage.

Yin, RK. 2011. *Qualitative research from start to finish*. New York: The Guilford Press.

Zimbabwe, 2001. *Children's Act (Chapter 5: 06)*. Harare: Government Printers.

Zimbabwe, 2013. *Constitution of Zimbabwe Amendment Act (No.20) of 2013*. Harare: Fidelity Printers and Refiners.

Zimbabwe, 2016. *The Criminal Procedure and Evidence Amendment Act (No: 2 of 2016) (Chapter 9:07)*. Harare: Government Printers.

Zimbabwe Lawyers for Human Rights and Law Society of Zimbabwe (ZLHR & LSZ), 2013. *Pre-trial detention in Zimbabwe: Analysis of the criminal justice system and conditions of pre-trial detention*. University of Western Cape, Cape Town.

ANNEXURES

ANNEXURE A: UNISA ETHICAL APPROVAL LETTER



**DEPARTMENT OF SOCIAL WORK RESEARCH AND ETHICS REVIEW
COMMITTEE**

29 January 2018

Ref#: R&EC: 06/12/17/60841672_17 Name of Applicant: Wurayayi, G Student#: 60841672
--

Dear Mr G Wurayayi

DECISION: ETHICAL APPROVAL

Name: **Mr G Wurayayi**

Address & contact details: **10 004 Glenview 7, HARARE**

Cell phone number: **+263 774 423 009/ +263 735 047 739**

Supervisor: **Prof D de Kock**

Title of Proposal: **EXPERIENCES RELATED TO VICTIM OFFENDER
MEDIATION IN JUVENILE JUSTICE AS AN INTERVENTION STRATEGY
IN A PRE-TRIAL DIVERSION PROGRAM**

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: LETTERS REQUESTING PERMISSION AND PARTICIPATION**APPLICATION LETTER FOR PERMISSION TO CONDUCT RESEARCH FROM GOVERNMENT**

10 November 2017

The Permanent Secretary

Ministry of Justice, Legal and Parliamentary Affairs

6th Floor, New Government Complex

Corner Simon Muzenda Street and Samora Machel Avenue

Harare

Dear _____

RE: APPLICATION FOR PERMISSION TO CONDUCT RESEARCH IN THE PRE-TRIAL DIVERSION PROGRAMME IN HARARE PROVINCE

I Givemore Wurayayi, the undersigned, am social worker in service of Ministry of Justice, Legal and Parliamentary Affairs – Pre-Trial Diversion Department in Harare and also a part-time Master’s Degree student in the Department of Social Work at the University of South Africa (UNISA). In order to fulfil the requirements of the Master’s Degree, I have to undertake a research project and have consequently decided to focus on the following research topic:

Experiences related to victim offender mediation in juvenile justice as an intervention strategy in a pre-trial diversion programme

In view of the fact that you are informed about the topic, I am kindly requesting for permission to carry out a study in Pre-Trial Diversion Programme in Harare Province. Pre-trial diversion being relatively new in the juvenile justice in Zimbabwe, interventions used such as victim offender mediation have never been explored

resulting in the experiences of the participants to remain unknown. The aim of the study is to gain an in-depth understanding of the victims, juvenile offenders (18 years and above but were under the age of 18 years when referred to pre-trial diversion programme) and Pre-Trial Diversion Officers' experiences of victim offender mediation within pre-trial diversion programme. Victim offender mediation in pre-trial diversion provides a platform for dialogue that promotes healing and reconciliation between parties involved in the aftermath of crime. Being employed in Pre-Trial Diversion Programme, the researcher has personal interest in this field. The study will help to improve practice, generate knowledge and influence policy making of victim offender mediation in pre-trial diversion programme.

Participation in the research is completely voluntary. The research has been approved by the Research and Ethics Committee of the Department of Social Work at UNISA. Should you have any questions or queries you are more than welcome to contact the Chairperson of the Research and Ethics Committee of the Department of Social Work at UNISA. His contact details are as follows: Prof A.H (Nicky) Alpaslan, telephone number 012 429 6739, or email alpasah@unisa.ac.za.

I am looking forward to a favourable response. Attached is a supporting letter from UNISA as per requirements of the studies.

Yours faithfully

Givemore Wurayayi


Contact details: +263 774 423 009 / +263 735 047 739.

Email: gwurayayi@gmail.com

ANNEXURE C: PERMISSION LETTER TO CONDUCT THE STUDY

Reference: A/14/5

Telephone: 750808
Fax: 750670


 ZIMBABWE

ZIMBABWE PRE-TRIAL DIVERSION
PROGRAMME
MINISTRY OF JUSTICE, LEGAL AND
PARLIAMENTARY AFFAIRS
Private Bag 7751
Causeway
Harare
Zimbabwe

10 April 2018

Mr Givemore Wurayayi
10004 Glenview 7
HARARE

RE: APPLICATION FOR PERMISSION TO CARRY OUT RESEARCH ON PRE-TRIAL DIVERSION IN HARARE: MR GIVEMORE WURAYAYI.

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
 Pre-trial Diversion
 10 APR 2018
 TEL: 04-750808

ANNEXURE D: LETTER FROM SOCIAL WORKER

ISAAC BVURIRE

8003 20th road

Glenview 8

Harare

Zimbabwe

Contact no: +263 78 320 0558

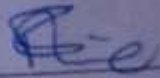
Email: isaacbvurire@gmail.com

**COUNSELLING SERVICES DURING THE RESEARCH FIELD WORK: G
WURAYAYI Student No: 60841672**

At the request of Mr G Wurayayi, I am willing and available to render counselling services during the research fieldwork of the thesis entitled:

Victim offender mediation in juvenile justice: Lessons for Social Work practice.

Yours sincerely



I. Bvurire

03 December 2017

ANNEXURE E: INFORMATION AND INFORMED CONSENT DOCUMENTS**A PREAMBLE TO AN INFORMATION AND INFORMED CONSENT DOCUMENT**

Dear _____

I Givemore Wurayayi, the undersigned, am social worker in service of Ministry of Justice, Legal and Parliamentary Affairs – Pre-Trial Diversion Department in Harare and also a part-time Master’s Degree student in the Department of Social Work at the University of South Africa. In order to fulfil the requirements of the Master’s Degree, I have to undertake a research project and have consequently decided to focus on the following research topic:

Experiences related to victim offender mediation in juvenile justice as an intervention strategy in a pre-trial diversion programme

In view of the fact that you are well-informed about the topic, I hereby approach you with the request to participate in the study. In order for you to decide whether or not to participate in this research project, I am going to give you information that will help you to understand the study (i.e. what the aims of the study are and why there is a need for this particular study). Furthermore, you will be informed about what your involvement in this study will entail (i.e. what you will be asked/or what you will be requested to do during the study, the risks and benefits involved by participating in this research project, and your rights as a participant in this study).

Pre-trial diversion is relatively new in Zimbabwe and Interventions employed such as victim offender mediation have never been explored. Hence, the participants’ experiences are unknown. Therefore, the aim of the study is to gain an in-depth understanding of the victims, juvenile offenders and pre-trial diversion officers’ experiences of victim offender mediation in pre-trial diversion programme. Information gained from this study will help increase knowledge of victim offender mediation in pre-trial diversion, improve practice and influence policy making.

Should you agree to participate, you would be requested to participate in one face-to-face interview that will be conducted at a venue and time convenient for you. It is estimated that the interview will last approximately two hours.

With your permission, the interview will be audio taped. The recorded interviews will be transcribed word-for-word. Your responses to the interview (both the taped and transcribed versions) will be kept strictly confidential. The audiotape will be coded to disguise any identifying information. The tapes will be stored in a locked office at the premises of the researcher in Harare and only I will have access to them. The transcripts (without any identifying information) will be made available to my research supervisor, transcriber, translator (if they need to be translated into English) and an independent coder with the sole purpose of assisting and guiding me with this research undertaking. My research supervisor, transcriber, translator and the independent coder will each sign an undertaking to treat the information shared by you in a confidential manner.

The audiotapes and the transcripts of the interviews will be destroyed upon the completion of the study. Identifying information will be deleted or disguised in any subsequent publication and/or presentation of the research findings.

Please note that participation in the research is completely voluntary. Your decision to participate, or not to participate, will not affect you in any way now or in the future and you will incur no penalty and/or loss to which you may otherwise be entitled. Should you agree to participate and sign the information and informed consent document herewith, as proof of your willingness to participate, please note that you are not signing your rights away.

If you agree to take part, you have the right to change your mind at any time during the study. You are free to withdraw this consent and discontinue participation without any loss of benefits. However, if you do withdraw from the study, you would be requested to grant me an opportunity to engage in informal discussion with you so that the research partnership that was established can be terminated in an orderly manner.

As the researcher, I also have the right to dismiss you from the study without regard to your consent if you fail to follow the instructions or if the information you have to divulge is emotionally sensitive and upset you to such an extent that it hinders you from functioning physically and emotionally in a proper manner. Furthermore, if

participating in the study at any time jeopardises your safety in any way, you will be dismissed.

Should I conclude that the information you have shared left you feeling emotionally upset, or perturbed, I am obliged to refer you to a counsellor for debriefing or counselling (should you agree).

You have the right to ask questions concerning the study at any time. Should you have any questions or concerns about the study, contact these numbers: +263 774 423 009 / +263 735 047 739.

Please note that this study has been approved by the Research and Ethics Committee of 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 are more than welcome to contact the Chairperson of the Research and Ethics Committee of the Department of Social Work at UNISA. His contact details are as follows: Prof AH (Nicky) Alpaslan, telephone number: 012 429 6739, or email alpasah@unisa.ac.za.

If, after you have consulted the researcher and the Research and Ethics Committee in the Department of Social Work at UNISA, their answers have not satisfied you, you might direct your question/concerns/queries to the Chairperson, Human Ethics Committee, College of Human Science, PO Box 392, UNISA, 0003.

Based upon all the information provided to you above, and being 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 initialling each section to indicate that you understand and agree to the conditions.

Thank you for your participation.

Kind regards

Givemore Wurayayi

Contact details: +263 774 423 009 / +263 735 047 739.

Email: gwurayayi@gmail.com

<p><i>2.2 I understand that</i></p> <hr/> <hr/> <hr/> <hr/>	<p><u>Initial</u></p>
<p><i>2.3 Risks:</i></p> <hr/> <hr/> <hr/> <hr/>	<p><u>Initial</u></p>
<p><i>2.4 Possible benefits: As a result of my participation in this study</i></p> <hr/> <hr/> <hr/> <hr/>	<p><u>Initial</u></p>
<p><i>2.5 Confidentiality:</i> <i>My identity will not be revealed in any discussion, description or scientific publications by the researcher.</i></p>	<p><u>Initial</u></p>
<p><i>2.6 Access to findings:</i> <i>Any new information/benefit that develops during the course of the study will be shared with me.</i></p>	<p><u>Initial</u></p>
<p><i>2.7 Voluntary participation/refusal/discontinuation:</i> <i>My participation is voluntary. My decision whether or not to participate will in no way affect me now or in the future.</i></p>	<p><u>Initial</u></p>
<p><i>3. The information above was explained to me/the participant by Givemore Wurayayi in English and Shona and I am in command of these languages. I was given the opportunity to ask questions and all these questions were answered satisfactorily.</i></p>	<p><u>Initial</u></p>

<p>4. No pressure was exerted on me to consent to participate and I understand that I may withdraw at any stage from the study without any penalty.</p>	<p><u>Initial</u></p>
<p>5. Participation in this study will not result in any additional cost to me.</p>	<p>Initial</p>
<p>B. I HEREBY CONSENT VOLUNTARILY TO PARTICIPATE IN THE ABOVE PROJECT.</p> <p>Signed/confirmed at _____ on _____ 20_____</p> <p>_____</p> <p>Signature or right thumbprint of participant Signature of witness</p>	

<p>CONSENT FORM REQUESTING PERMISSION TO PUBLISH, AUDIOTAPES OR VERBATIM TRANSCRIPTS OF AUDIOTAPE RECORDINGS</p>	
<p><i>As part of this project, I have made an audio and 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.</i></p>	<p><i>Place a tick [✓] next to the use of the record you consent to</i></p>
<p><i>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.</i></p>	
<p><i>2. The records (i.e. quotations from the transcripts made of the recordings) can be used for scientific publications and/or meetings.</i></p>	

3. <i>The written transcripts and/or records can be used by other researchers.</i>	
4. <i>The records (i.e. quotations from the transcripts made of the recordings) can be shown/used in public presentations to non-scientific groups.</i>	
5. <i>The records can be used on television or radio.</i>	
<hr/> Signature of participant	<hr/> Date

STATEMENTS AND DECLARATIONS

STATEMENT BY THE INVESTIGATOR

I, Givemore Wurayayi, declare that

I have explained the information given in this document to _____ (name of participant)

He/she was encouraged and given ample time to ask me any questions;

This conversation was conducted in English and Shona and no translator was used.

Signed at _____ on _____ 20__

(place) (date)

Signature of investigator/representative

Signature of witness

IMPORTANT MESSAGE TO PARTICIPANT

Dear Participant/Representative of participant

Thank you for your/the participant's participation in this study. Should at any time during the study

an emergency arises as a result of the research, or

you require any further information with regard to the study,

kindly contact Givemore Wurayayi directly at +263 774 423 009 / +263 735 047 739 or email at gwurayayi@gmail.com.

ANNEXURE F: SEMI-STRUCTURED INTERVIEW GUIDES**Population group 1: The victims****Biographical information**

- a) Age _____
- b) Gender (observation) _____
- c) Offence committed _____
- d) Relationship with the offender _____
- e) Number of VOM meetings _____

Topic-related questions

1. Tell me about your involvement with the pre-trial diversion programme.
2. Tell me about your understanding of the meetings you attended with the offender and diversion officer.
3. What was your experience like in these meetings?
(Probe for positive, meaningful and negative if necessary)
4. What knowledge and support did you get during these meetings?
5. What coping mechanisms did you use in these meetings?
6. How did you feel about the outcome/result of these meetings?
(Probe for information regarding the relationship with the offender, any changes)
7. Based on your experiences during these meetings, is there anything you think should be added/changed to the discussions?
8. What do you think the social workers can do to support child offenders in this programme?
9. Is there any information you would like to add, or do you have any questions?

Population group 2: The juvenile offenders**Biographical information**

- a) Age _____
- b) Gender (observation) _____
- c) Offence committed _____
- d) Relationship with the victim _____
- e) Family composition and living circumstances _____

Topic-related questions

1. Tell me about your involvement with the pre-trial diversion programme.
2. Tell me about your understanding of why the meetings between you, your family and the victim as arranged by the diversion officer were held.
3. What was your experience like in these meetings?
(Probe for positive, meaningful and negative if necessary)
4. After the last meeting held, how did you feel?
(Probe for information regarding the relationship with the victim, any changes: learning which took place, insights).
5. Based on your experiences during these meetings, is there anything you think should be added/changed to the discussions?
6. What do you think the social workers can do to help children who committed a crime?
7. Have you been accused of any crime after the VOM meetings? (If yes, what....., when.....and what was the outcome?)
8. Is there any information you would like to add, or do you have any questions?

Population group 3: The pre-trial diversion officers (social workers)

Biographical information

- a) Age _____
- b) Gender (observation) _____
- c) Tertiary Qualification(s) _____
- d) Number of years as registered Social Worker _____
- e) Number of years of experience as Pre-Trial Diversion Officer _____

Topic-related questions

1. Tell me about your involvement with the pre-trial diversion programme.
2. What is your role in the VOM intervention?
3. What are your experiences of the VOM process?
(Probe for positive, meaningful and negative if necessary)
4. From your experience, how does the VOM contribute to the mending of relations of the victim, juvenile offender and/or the community?
5. From your experience, how does the VOM contribute to the prevention of re-offending?
6. How do the VOM guidelines contribute to the effective rehabilitation and reintegration of juvenile offenders?
7. Besides your tertiary qualification(s), what type of staff capacity strengthening do you receive in relation to VOM and how does it help the implementation of victim offender mediation?
8. What type of collaboration or partnerships do you have in implementing VOM?
9. To improve on the VOM programme, what will your suggestions be?
10. Is there any information you would like to add, or do you have any questions?

ANNEXURE G: EDITORIAL LETTER

*Margaret Grobbelaar
589 Opstal Street
The Willows Pretoria 0041
Tel (012) 807 1249
E Mail: mwmrg@africa.com*

26 February 2021

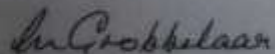
RE: Editorial Certificate

This certificate serves to state that I have edited numerous theses for Master's and PhD students for more than 15 years as well as many other research reports and articles. I was born in the United Kingdom, English is my home language and I attained a BA (Social Work) degree from the University of the Witwatersrand.

I have edited Givemore Wurayayi's (Student No. 60841672) MSW dissertation entitled: *Experiences related to Victim Offender Mediation in juvenile justice as an intervention strategy in a pre-trial diversion programme*. This entailed editing the language, making sure it was correct and clear, querying aspects that were unclear, correcting spelling, punctuation and referencing. Layout was also considered and corrected, as needed. The author's content was not altered but amended to ensure clarity and consistency. I did not check for plagiarism.

Whilst I have edited the document to the best of my ability, it is the responsibility of the student to decide whether or not to implement my suggestions and to implement them correctly.

Yours sincerely



M Grobbelaar
26 February 2021

ANNEXURE H: ANONYMISED AND CODED TRANSCRIPTS**G1 INTERVIEW TRANSCRIPT FOR THE VICTIM 2****VI2****Key**

- **VI means Victim**
- **VI2 means Victim 2**
- **VI21 means Victim 2 line/sentence number (1)**

VI21 **R** Tell me about how you got involved with the pre-trial diversion program?

VI22 **P** [Okay]. I went to South Africa to buy goods to come and resell, which is what

VI23 I do to support my family. I left my money, [umm] it was rand notes in my

VI24 bedroom at a usual place I keep my money. So, when I came back wanted

VI25 to use the money so I went to my bedroom to take the money, I was surprised

VI26 to see that there was no money, I thought I am not seeing properly. So [umm]

VI27 I searched the place many times but I did not see it. I then asked my child if

VI28 he had seen the money but he said he did not see the money. I kept quiet for

VI29 a while and I was trying to think where the money is, it cannot just disappear

VI210 from nowhere. But I was suspecting my child that maybe he was the one

VI211 who took it. [Umm] after a while I saw my child with a phone that was different

VI212 from the one I know it was different from the one I gave him. I asked him

VI213 where he got it, but you know these children what they do, he was telling

VI214 me different stories about how he got the money. So I wanted to see if he

VI215 is the one who took it, so I told him that I am now going to the police, maybe

VI216 then he would be afraid, that is [clears throat] when he told me that he was

VI217 the one who took the money and went to black market in town to exchange

VI218 it with bond notes and he went on buy the phone he was using. So, I decided

VI219 to go with him to the police so that he will not do it again. But at police they

VI220 told me that I have to place formal a charge against my child so that they

VI221 can help me to trace the money and investigate the case to try to recover

VI222 [umm] the other money that my child did not have because he did not use

VI223 all the money. He was not telling me where he had put the money. He was

VI224 left with \$100-00 bond notes from the \$500-00 bond notes he got.

VI225 **R** [Uhuh] and?

VI226 **P** [Umm] the police officer told me that even if a docket had been placed, I

VI227 mean had been opened against my child, he was not going to court because

VI228 he is still under the age of 18 years. She said there is now a program for
VI229 children who commit crimes, crimes like the one my child did. So that this
VI230 program will help in this case, and then they called the Officers to come to
VI231 help me on my case with my child. And [umm] the police said they will
VI232 investigate the person who exchanged the rands to bonds for the child and
VI233 the one who sold the phone to the child and try to recover all my money.

VI234 **R** [Uhuh, umm] tell me what then happened?

VI235 **P** [Mm] nothing happened on that day, they told me that [umm] to go home
VI236 and come back tomorrow to meet with the Officers who will help me to talk
VI237 with my child so that the case can end at the station. And we came back the
VI238 next day at the station and we talked to the Officer.

VI239 **R** [Okay]. Tell me what was the purpose of the meetings you attended with
VI240 the young offender and the diversion officer?

VI241 **P** [Umm] it was to help me on my case with my child, on the case of money
VI242 he has stolen.

VI243 **R** [Uhuh], anything else?

VI244 **P** No. that's all.

VI245 **R** [Okay]. What was your experience like in these meetings?

VI246 **P** My experience was good. We talked about the case from what happened
VI247 at first until that day. What was boring me is that he had given me the \$100
VI248 that was left when he bought the phone but he was saying that he don't know
VI249 where the other \$100 went, that was also the reason I went to the police
VI250 that maybe he will tell me where he put it. We tried to ask him to tell where
VI251 it was so that I can go and take it but he kept insisting that, [umm] that money
VI252 he was given by the person who he exchanged money with. So we thought
VI253. maybe he was deceived by the person who exchanged the money and was
VI254 given less money than what they had agreed.

VI255 **R** [Uhuh], tell me what then happened?

VI256 **P** I saw that maybe he was deceived for sure by the person who exchange
VI257 money and there was nothing we can do. So I said to him, if you want the
VI258 new phone it was fine, he can keep the new phone but he must give me the
VI259 one that he was using so that I can sell it. So he gave me the phone and he
VI260 took the new one.

VI261 **R** [Uhuh] tell me more?

VI262 **P** [(Sigh of relief) eeh] as I always tells him, he has also encouraged, sorry
VI263 he was also encouraged to talk to me if he wants something than to take
VI264 what is not given to him because that is disrespectful to me as his mother.
VI265 And also he was told to avoid committing any other crime, if he commits again
VI266, he will not be given another chance. He risk going to jail.

VI267 **R** [Okay] anything else?

VI268 **P** [Umm] as a parent you wouldn't want your child to go to jail.

VI269 **R** [Okay, umm] what knowledge and support did you get during these
VI270 meetings?

VI271 **P** My child was given counselling, the officer talked to him so that he respect
VI272 me as a parent and also for him to be a good child, [umm] to be a good child
VI273 who does not commit crimes. It was very important because it was something
VI274 that I think he needed. So that is the support that I think I can say I got.

VI275 **R** Okay. And?

VI276 **P** No, [umm] that's it.

VI278 **R** [Okay]. Tell me what you learn from these meetings?

VI279 **P** [Umm] I can say that, when a child is encouraged to change [umm] when
VI280 talking with him about the crime, [eeh] it's something that can help the child
VI281 to change, my child has changed. Of course he makes mistakes here and
VI282 there but we are correcting each other and understand each other. I can say
VI283 he has learned from his mistakes.

VI284 **R** [Okay]. What coping mechanisms did you use in these meetings?

VI285 **P** You know it's not easy to lose a lot of money that you have worked for a
VI286 long time, you know, I travel for long distances so that I can get that money.
VI287 So I was hoping that the police will help me recover all the money that was
VI288 missing. And also I wanted them to talk with my child so that he sees that
VI289 what he was doing was not good, he sometimes thinks that if he is my child
VI290 and he is my one and only child he does what he wants. So that heart of
VI291 being a parent was in me because if I ignored that and say he is my only
VI292 child and let him do what he wants, it was not good for both of us that habit
VI293 would never change. He was going to be a problem to me and other people.
VI294 So I had to try and find ways so that he can change.

VI295 **R** [Uhuh], anything else?

VI296 **P** No.

VI297 **R** [Okay]. How did you feel about the outcome/result of these meetings?

VI298 **P** [Umm] they were good. At least he was counselled and encouraged to
VI299 respect me as his mother which is very important to me. So [umm] I felt
VI2100 better because at least he was able to hear from a voice that was different
VI2101 than mine. As a parent you try to talk with him but he maybe not do as you
VI2102 say as he take that easy. But I was happy that this time around he saw
VI2103 that it's no longer something to take lightly because he was now at police.
VI2104 [Eeh] you know, that helped me because he is no longer taking anything
VI2105 without asking me.

VI2106 **R** Anything else?

VI2107 **P** [Umm] no, nothing.

VI2108 **R** [Okay]. Tell me about your relationship with the juvenile offender after
VI2109 these meeting?

VI2110 **P** [Okay]. Our relationship with my child has changed, it has improved a
VI2111 lot, if he wants anything, he asks for it. He no longer takes things on his
VI2112 own [eeh] without permission from me. He has improved maybe because
VI2113 he is now understanding better than he used to understand, he is better
VI2114 now, he respects me now.

VI2115 **R** [Okay]. Based on your experiences during these meetings, what
VI2116 suggestions do you have for changes or to be included in these discussions?

VI2117 **P** [Shaking head mmm] nothing.

VI2118 **R** [Okay]. What do you think the social workers can do to support child
VI2119 offenders in this program?

VI2120 **P** [clears throat umm] you talked about social workers, who are the social
VI2121 workers?

VI2122 **R** [Umm] social workers are the ones who helps the children who commit
VI2123 these crimes.

VI2124 **P** [Ooh okay, I see. Umm] they are doing their job well, so they need to
VI2125 continue helping our children. These children you know, they need
VI2126 counselling, [eeh] they do not know that committing crime is not good. So if
VI2127 they are told by a different voice, they can listen. As I have said, [umm]
VI2128 they may listen more from a different person than from a parent. So
VI2129 sometimes if we tell them as parents they can say, [aah] that's what my
VI2130 mother always say. So they need to continue the good work.

VI2131 **R** Thank you. Anything else?

VI2132 **P** [Umm] no.

VI2133 **R** Is there anything else you would like to add or ask?

VI2134 **P** [Umm] no. Only that my child now knows the consequences of the actions
VI2135 he takes.

VI2136 **R** Okay. If you have any information or questions after this interview you
VI2137 can contact me at my contact numbers written at the bottom of the
VI2138 information letter I gave you. Once again, I thank you for your participation
VI2139 in this interview.

VI2140 **P** Okay.

VI2141 **R** Be blessed.

G2 INTERVIEW TRANSCRIPT FOR THE JUVENILE 1

JU1

Key

- **JU means juvenile**
- **JU1 means Juvenile 1**
- **JU11 means juvenile 1 line/sentence number (1)**

JU11 **R** [Okay]. Tell me how you got involved with the pre-trial diversion program?

JU12 **P** [Alright. Umm I], I used to have a friend whom I used to go with for soccer

JU13 training sessions. So, I stayed a bit far from the place where we trained for

JU14 soccer, so it was a bit difficult for me to travel on daily basis from the place

JU15 where I was staying because it was a newly built area and it was far, far away

JU16 from where we were training for soccer. So, I had to take two kombis a day

JU17 in order for me to get there. I told my friend about my situation and he

JU18 sympathised with me and he told his mum about my situation and his mum

JU19 understood and she said it was okay for me to sleep at his place whilst we

JU110 are going for our soccer training sessions as usual. But there was a problem

JU111 that we were supposed to go for a soccer tournament the coming month

JU112 end. So, in order for us to go for the soccer tournament there was money

JU113 which was needed there and my parents could not afford paying the fee

JU114 which was requested. So, I was so hurt and I felt helpless that I could miss

JU115 the tournament. So, at my friend's place her mother had a tuck-shop where

JU116 she sells groceries for daily use and they keep the money inside there. So

JU117 one day when she was not around, I took the keys for the tuck-shop and

JU118 I went inside and found a tiny box of cash which had a few coins inside

JU119 and then I took it. As I was going out suddenly, I met eyes to eyes with

JU120 my friend's mum and she started yelling at me and that moment when she

JU121 saw me carrying the cash box she started yelling at me and I panicked

JU122 and ran away. As I was running, I noticed that she was following me, yelling

JU123 at me and she was coming fast that I couldn't go far so I threw away the box

JU124 under a nearest vehicle which was parking near the road and then I fell

JU125 down. As I throw the cash box, as it lands on the ground, some of the coins

JU126 which were inside the cash box, they go outside and some of it was lost

JU127 under there. So, my friend's mother was not happy with what I have done.

JU128 So she went to the police and reported the case. A few days after the

JU129 policeman came to our house and he took me and my mum and said come

JU130 with him to the police station. Once we were there, they processed our
JU131 papers but the policeman said that I was still under the age of 18 years.
JU132. So, I could not go through the court trials. So, he said I must go home
JU133 and my mother should come with me to the police the following day. After
JU134 that day, the next morning we went to the police station again together
JU135 with my mum and we saw the policeman and he took us to a certain room
JU136 where we meet my friend together with his mother and we were sitting
JU137 at the same bench. A few minutes after the policeman came with a man
JU138 whom he said that we should talk to so that he could help us solve my crime
JU139 so we began talking with the man. We began talking with him about what
JU140 I had done.

JU141 **R** [Okay. Umm] tell me what happened then?

JU142 **P** [Umm] the man started talking to me, asking me questions of what had
JU143 happened. [Umm] and also, he asked some questions to my friend's mother
JU144 maybe he was thinking I was lying or I lied or something and he was writing
JU145 down what we told him.

JU146 **R** [Okay]. Tell me what was the purpose of the meetings you attended with
JU147 the victim and the diversion officer?

JU148 **P** [Umm] at first I wasn't sure, I wasn't sure what was the purpose of the
JU149 meeting but the police officer said it was to help me resolve my crime so
JU150 that I do not go to court since he said I was still under the age of 18. So
JU151 they wanted to help me on what I have done.

JU152 **R** [Okay. Eeh] tell me what you mean by help me solve my crime?

JU153 **P** [Umm] since my friend's mother said there was money that was missing
JU154 when I took the cash box and throw under the car as I was running. My
JU155 friend's mother, [silence] alright I was saying, my friend's mother, the police
JU156 officer wanted us to talk to my friend's mother, so that we can give her back
JU157 some of the money that was lost as I threw the cash box when I was running.
JU158. Because she said she only found, the money she found in the tin after I
JU159 threw the cash box under the car was few than what was lost during the act
JU160 so the policeman wanted us to talk to her so that we can [give] her, her money
JU161 back.

JU162 **R** [Okay] anything else?

JU163 **P** No.

JU164 **R** [Okay. Let's go to the next question]. What was your experience like in JU165 these meetings?

JU166 **P** [Umm] at first it was okay but I think the money she was saying I took JU167 from the cash box was much high than what she found in the cash box when JU168 I threw it under the car. I did not have chance to take any money from the JU169 tin as I threw it when I was running. So I was thinking she was kind of taking JU170 advantage that I took her money so maybe it was a way of fixing me by JU171 increasing the figure to the police so that she will get more money as we JU172 pay.

JU173 **R** [Okay]. Tell me more?

JU174 **P** [Mmm] my mother said it was my fault because I was not supposed to go JU175 to the tuck shop and took the money without my friend's mother's permission. JU176. So, because I was the only person who opened the tuck shop and took JU177 the tin of money, I should not doubt or disagreeing with the figure. And my JU178 mother said she cannot disagree with the figures which she is claiming JU179 and my mother said she could not also disagree with the figure of the money JU180 because she was not there as well. But she agreed to pay back the money JU181 though she said she cannot afford to pay it, to pay the money at the same JU182 time. So, she talked with my friend's mother so that she could pay half-half JU183 every month until the debt is cleared.

JU184 **R** and then?

JU185 **P** [Umm] at first she wanted to refuse but later she said she was fine with **R** JU186 [Okay] and then?

JU187 that as long as she got her money back.

JU188 **R** [Okay] anything else?

JU189 **P** [Umm] I was told to apologise for what I have done to my friend's mother JU190 since I was sleeping there at her place and I should not have stolen from JU191 her. So I was told to apologise for what I have done to her.

JU192 **P** [Umm] I apologised to her and she said okay but she said I must not do JU193 that I again because she see me like her child that is why she was treating JU194 me as her child by letting me sleep at her house.

JU195 **R** [Okay. Eeh] after the last meeting held, how did you feel?

JU196 **P** [Umm] I felt good, I should admit I felt good.

JU197 **R** [Okay]. Tell me what you mean by felt good?

JU198 **P** [Alright umm] I was thinking what would happen to me when I was taken
JU199 by police but when I was told that I was not going court, it made me relax a
JU1100 bit. It was my first time to be in the situation so when we talked about the
JU1101 case, [eeh] I felt good that the case was over.

JU1102 **R** [Okay] anything else?

JU1103 **P** And also, I did something that was not good at my friend's place, I
JU1104 embarrassed them so I asked for forgiveness.

JU1105 **R** [Okay]. Tell me about your relationship with the victim after the meetings?

JU1106 **P** [Umm] after the meetings our relationship was fine, our relationship was
JU1107 fine then, when I visit my friend there we greet each other even though I
JU1108 am no longer sleeping there. So I should say it was fine.

JU1109 **R** [Okay]. Tell me what you have learned from the meetings?

JU1110 **P** [Umm] I should admit that I have learned that stealing is not a good way
JU1111 to get anything I want as a child. So if I want money or something, I must
JU1112 ask for it in a good way other than stealing. And also if my parents do not
JU1113 have it I must not steal because the police can arrest you.

JU1114 **R** [Uhuh] tell me more?

JU1115 **P** [Right umm] I think if you have done something wrong saying sorry or
JU1116 apologising is good so that the person can forgive you.

JU1117 **R** [Okay]. Based on your experiences during these meetings, is there
JU1118 anything you think should be added/changed to the discussions?

JU1119 **P** [Umm] I think it is okay. I do not see anything bad.

JU1120 **R** [Okay]. What do you think the social workers can do to help children
JU1121 who committed a crime?

JU1122 **P** [Umm] I think you need to continue to help other children who are also
JU1123 committing crimes so that they learn that committing crimes is not good.
JU1124 Maybe you should inform other children as well so that they have that
JU1125 information that stealing is bad.

JU1126 **R** Thank you. Anything else?

JU1127 **P** No.

JU1128 **R** [Okay]. Have you been accused of any crime after victim offender
JU1129 mediation meetings? If yes, please tell me about it?

JU1130 **P** No. I did not commit any other offence since then.

JU1131 **R** [Uhuh], Is there anything else you want to add or ask?

JU1132 **P** [Mmm] no.

JU1133 **R** [Okay]. Please feel free to ask me any questions that you may have
JU1134 at any time on my contacts written at the bottom of [eeh] the information
JU1135 letter. [Eeh] once again, thank you for your time for this interview.

JU1136 **P** Okay.

JU1137 **R** Enjoy the rest of your day.

G3 INTERVIEW TRANSCRIPT FOR PRE-TRIAL DIVERSION OFFICER 4**PO4****Key**

- **PO means Pre-trial diversion officer**
- **PO4 means Pre-trial diversion officer 4**
- **PO41 means Pre-trial diversion officer 4 line/sentence number (1)**

PO41 **R** Tell me about your involvement with the pre-trial diversion program?

PO42 **P** Okay as a Diversion Officer or Pre-Trial Diversion Officer [umm] I get called
 PO43 out to police station when there is a young offender or rather a child who
 PO44 is in conflict with the law. We don't receive cases directly from the community
 PO45 so there should be a docket has been opened for the child who is accused
 PO46. So we are called by the police we attend, rather our initial contact happens
 PO47 at the police station. We get to interview the child to find out the circumstances
 PO48 regarding the case. Talk to the family of the accused as well as the
 PO49 complainant just to have a sort of assessment what is going on and to map
 PO410 a way forward on what we need to do. So, depending on the case, normally
 PO411 when it doesn't resolve on the day, we ask that the child is released in the
 PO412 custody of the parents and then we continue and then we continue to have
 PO413 sessions when they are coming from home and they are no longer in police
 PO414 custody but in the custody of the parents.

PO415 **R** [Okay]. Can you please tell me more about your involvement?

PO416 **P** After the initial?

PO417 **R** Yes.

PO418 **P** Normally we get to assess maybe why, sort of doing psychosocial
 PO419 assessment as to find out maybe the push factors that might have pushed
 PO420 the young child to commit the offence. We do this through home visits,
 PO421 talking to the family and then we compile what we call a report that we
 PO422 send out to the diversion committee. So the diversion committee consist of
 PO423 the Commissioner at the police, the Area Magistrate, Prosecutors, we have
 PO424 Officers from the Social Welfare Department who then sit to deliberate on
 PO425 the case whether it should go through the diversion process or not. So if
 PO426 the case is to be diverted, as a Diversion Officer I would have given
 PO427 recommendations to the sort of activities a child has to undertake as part
 PO428 of their rehabilitation process. So the diversion committee will pass give
 PO429 confirmation on these recommended activities or they might have

PO430 adjustments depending on the case. So we then get the child to go through PO431 the set of activities that we might have recommended. These usually include PO432 things like reparations, counselling, [aah] it could be police formal cautions, PO433 it could be maybe re-enrolment at school if the child was a dropout, it could PO434 be vocational education. It's on a case-to-case basis, so we don't put all the PO435 diversion options or the recommendations at one goal but it depends on PO436 what fits for that child. That's what we recommend and we go through those PO437 activities and we assess to see if there is any change or rehabilitation to a PO438 certain extent and then finally once these activities to be completed the case PO439 will then come to a close.

PO440 **R** [Okay], what is your role in the victim offender mediation intervention?
PO441 You have mentioned about the diversion options or interventions.

PO442 **P** [Uhu], so victim offender mediation that's another option that we use PO443 where maybe both parties are not in agreement or there is usually, where PO444 there is a child in conflict with the law, it's either they have committed an PO445 offence against somebody or it could be the state in some matters but PO446 there is always a victim. So when we are mediating as one of the diversion PO447 options we are trying to come to appoint where both the victim and the PO448 accused come to a place where they understand maybe what has PO449 happened to heal the relationship between the victim and the offender. Say PO450 for example if a child has maybe stolen something, a phone from a PO451 neighbour you find there is a break in the relationship because the PO452 neighbour is at a point where there have suffered loss at the hands of this PO453 child so they might not be seeing eye to eye. So my role as the Diversion PO454 Officer is more of a mediator in the sense that you are trying to get them to PO455 a place where the offender [umm] realising what he has done takes PO456 responsibility of his actions but at the victim is able to forgive to mend that PO457 relationship with the child. So that when they go back into the community PO458 life goes on as it was before. Because normally if that doesn't happen there PO459 is some sort of friction where if they were to meet say in the street or as their PO460 neighbours' words can be exchanged because of the hurt maybe caused PO461 by the offence that has been committed. So my place as the Diversion PO462 Officer is to give them a place where we facilitate healing of the relationship
PO463 **R** [Okay]. What are your experiences of the victim offender mediation
PO464 process?

PO465 **P** [Umm] I think my experiences [umm] it's a very, I think emotionally draining
PO466 process sometimes, like what comes to mind for me is a case that we did
PO467 in Sunningdale where a grandmother was trying to, she had a grandson
PO468 who has been stealing from her, like from home and was selling the property
PO469 and the grandmother had come to a point where she didn't want to have
PO470 this child living with her anymore. So there was a lot of hurt that was coming
PO471 across like in the process when you are talking to both the accused who
PO472 didn't have any place to turn to and no one else except for his grandparents
PO473 as well as the grandparents having realised that maybe the cause of their
PO474 trouble or the cause of their pain was their grandson but they have come
PO475 to a point where they didn't want to have this child anymore and they didn't
PO476 care what happen to him. It was positive in a sense that we finally got to
PO477 a place where at the end of it all love I suppose prevailed and the
PO478 grandmother was able to forgive and to take back this child but even though
PO479 it had conditions. So I think it's sometimes difficult to sort of leave your
PO480 emotional involvement because sometimes its matters that are close to the
PO481 heart that will be taking place and you are trying to distance yourself and act
PO482as a professional but at the same time you have an expected outcome
PO483 or something that you want to achieve and you are trying all avenues to
PO484 make sure you get to expected outcome.

PO485 **R** [Yeah (clearing throat)]. Tell me more about your experiences, you have
PO486 mentioned that your role is that of a facilitator or mediator, how do you go
PO487 about the mediation?

PO488 **P** I think what I find most important is to give both parties an opportunity to
PO489 speak their head or to sort of put across their feelings because most often I
PO490 find everybody wants to be heard, there is no one doing the listening. So
PO491 it's a matter of giving both parties a chance to freely speak out what their
PO492 feelings, freely speak out what they think should happen, freely speak out
PO493how they are feeling but at the same time also give them the opportunity to
PO494 hear what the other party is saying. So it's more about giving them the
PO495 space because I believe whenever you are doing victim offender mediation
PO496 I am not the expert but the accused and maybe the victim because they
PO497 have walked in those shoes of victim and offender that I may not walked.
PO498 They are more of an expert so it's about allowing them to go through that
PO499 process where certain things have to change within them. So it's a matter

PO4100 of giving them an opportunity to freely speak but at the same time you
PO4101 need to hear and acknowledge what the other party is saying. Whilst
PO4102 keeping our emotions in check.

PO4103 **R** [Okay. So eeh] anything else on your experiences?

PO4104 **P** That's what is coming on top of my head.

PO4105 **R** [Okay]. From your experience, how does the victim offender mediation
PO4106 contribute to the mending of relations of the victim, juvenile offender
PO4107 and/or the community?

PO4108 **P** How does the victim offender mediation contribute to the mending of
PO4109 relations?

PO4110 **R** Yes

PO4111 **P** [Umm] I think like I was trying to explain, usually allowing the offenders
PO4112 that opportunity to take responsibility and maybe apologise for their
PO4113 actions but also giving the victim an opportunity to be a bigger person to
PO4114 be able to forgive the offender that I think that facilitates the healing.
PO4115 Because where there is acknowledgement of a wrong that has been
PO4116 done, that's the first step to healing but when there is no engagement or
PO4117 there is no talk about what has happened that might leave questions that
PO4118 are unanswered that might cause the friction to keep on that hurt, to keep
PO4119 fostering that when you acknowledge that somebody has been hurt and
PO4120 you apologise for it and you taking responsibility that often I think is the
PO4121 first step to bringing healing.

PO4122 **R** [Okay]. From your experience, how does the victim offender mediation
PO4123 contribute to the prevention of re-offending?

PO4124 **P** [Umm] not to say, it brings shame per se but I think when an offender
PO4125 has taken responsibility and has apologised and things are well, I think
PO4126 the chances of them having to hurt again the same person to who they
PO4127 might have promised that will not happen again that alone might be a
PO4128 deterrent to committing the same thing because when you come to victim
PO4129 offender mediation it's a pretty whole process where all feelings are laid
PO4130 bare on the table. So for one to have gone through that the chances of
PO4131 doing the same thing after that when you realise how much you have hurt
PO4132 the other party there are very little, if any. So I think in a sense, the offender
PO4133 gets to appreciate and to understand the impact that their actions have
PO4134 had on the victim and that alone plays a part in prevention of re-offending.

PO4135 **R** [Okay]. How do the victim offender mediation guidelines contribute to PO4136 the effective rehabilitation and reintegration of juvenile offenders?

PO4137 **P** [Umm] I think our guidelines are basically talking about maybe [aah] the PO4138 people that need to be present when we are going through the mediation PO4139 process. [Aah so] I think maybe that the guidelines are basically to say PO4140 who should be there so we are talking about maybe the accused, we are PO4141 talking about their parents, we are talking about the victim, and in some PO4142 cases it involves the other parties like saying the community leaders. So PO4143 in a sense that guideline on who should be there produces some sort of PO4144 effective rehabilitation in the sense that if somebody was lacking, if it PO4145 happened without the victim or without the offender being present we PO4146 would not necessarily be doing anything. But even though I think our PO4147 guidelines they don't really get into the specifics of how we should be PO4148 carrying out [eeh] mediation process. So it's more playing it by you know PO4149 the ear or just seeing how it's going but we don't have specifics on exactly PO4150 what we are supposed to be doing.

PO4151 **R** [Okay]. You have referred to the issue of lack of specifics within the PO4152 guidelines on how to go about or to implement victim offender mediation, PO4153 what effect does it have on the victim offender mediation process?

PO4154 **P** [Umm] I think in some cases it may mean maybe we are short changing PO4155 the participants to some degree because I think with maybe more PO4156 comprehensive guidelines it will sort of guide the process more on what PO4157 needs to happen. But when I am doing it maybe from my own say PO4158 qualifications or my own understanding maybe there are other things that PO4159 I could perhaps use or other tools that I could perhaps use in the victim PO4160 offender mediation that I might not PO4153 necessarily have because it's PO4161 not laid out in the guidelines but it's more about PO4154 how I feel it PO4162 should go or just taking a lead from the participants that I have.

PO4163 **R** [Okay], tell me more about the effects?

PO4164 **P** So maybe it means if we had more comprehensive guidelines maybe PO4165 the level of mediation or maybe the outcomes could probably be better PO4166 than maybe what I am currently giving my participants because I don't PO4167 really know are you doing the right thing or are you not doing the right PO4168 thing but I guess at the end of it or when both parties walk away from the PO4169 process being satisfied, largely I would say it has been successful to what

PO4170 extent and whether it can carry on or whether its sustainable, that's still
PO4171 something maybe that is unanswered.

PO4172 **R** [Okay]. Besides your tertiary qualification(s), what type of staff capacity
PO4173 strengthening do you receive in relation to victim offender mediation and
PO4174 how does it help the implementation of victim offender mediation?

PO4175 **P** [Umm] besides my Social Work degree I think I haven't received any
PO4176 formal training in victim offender mediation but I think I sort of borrow from
PO4177 other trainings that we had like recently we had the psychosocial support
PO4178 element and some elements of victim offender mediation might come in.
PO4179 So we tend to borrow from those trainings and I think those have helped
PO4180 to some extent in the implementation of victim offender mediation just by
PO4181 understanding maybe the dynamics of what is happening not only for the
PO4182 offender but also with the victim. Victims like their circumstances that sort
PO4183 of give me an understanding of how best to approach the mediation.

PO4184 **R** Tell me the effects the lack of capacity strengthening have on the victim
PO4185 offender mediation process?

PO4186 **P** It simply means I am not sort of providing the best that I can give to my
PO4187 parties. Obviously it would be I think most ideal if I had some sort of
PO4188 further training in victim offender mediation that would not only boost my
PO4189 skills when I come to the mediation process but also I think it would enable
PO4190 me to have best outcomes in each case. But without that training, we make
PO4191 do with what is there.

PO4192 **R** [Okay]. What type of collaboration or partnerships do you have in
PO4193 implementing victim offender mediation?

PO4194 **P** When you say collaborations or partnerships as in other organisations
PO4195 that we work with?

PO4196 **R** Yes.

PO4197 **P** [Okay]. So we do have [eeh] like, I think it depends on which pre-trial
PO4198 diversion station but say with Harare we do work with Justice for Children
PO4199 Trust, [umm] we also work with the Department of Social Services and we
PO4200 have maybe in some families we have either community leaders from the
PO4201 community or Pastors from the communities who are sometimes part of
PO4202 the mediation process depending on the setup. So, this type of
PO4203 partnerships sort of help for the mediation process because we can take
PO4204 it from a different perspective something maybe that I am not necessarily

PO4205 looking at as a Diversion Officer but say a community leader would know
PO4206 best how to bring a different perspective or different angle depending on
PO4207 what is happening in the specific community. So we sometimes do bring
PO4208 pastors, community leaders or like I am saying Justice for Children or we
PO4209 can even refer to places like Connect when it's something maybe that
PO4210 needs more of a professional intervention than I can offer.

PO4211 **R** [Okay] tell me about the capacity of the partners that you have
PO4212 mentioned to implement victim offender mediation?

PO4213 **P** [Aah] the capacity varies at various levels depending on who the
PO4214 collaboration or the partner or the collaboration is with who the partner is
PO4215 said take for example if it say it's a pastor, their capacity might be more
PO4216 not so much there, the professional mediation but it's more pastoral
PO4217 based. They are looking at maybe the victim and offender living together
PO4218 in the same community, taking it from a spiritual perspective. Whereas if I
PO4219 am working with Justice for Children they have a legal basis but even
PO4220 though they also have social workers working with them. So the level of
PO4221 capacity maybe depends with a specific partner. So we have both the
PO4222 elementary right to the professional [umm] partnerships.

PO4223 **R** So with regards to the issues that you have highlighted about the lack
PO4224 of specifics or lack of detail or lack of staff capacity strengthening within
PO4225 the staff,

PO4226 **P** Sorry within the staff as within the collaborating partners or Diversion
PO4227 Officers?

PO4228 **R** Diversion Officers. What effect does having partnerships had in the
PO4229 victim offender mediation process?

PO4230 **P** Well, I can't speak for all Diversion Officers to say whether or not they
PO4231 have the capacity because we all coming from different backgrounds
PO4232. But working with partners or with other people with whom you are
PO4233 collaborating simply means where its above our maybe knowledge
PO4234 base, we can always refer and they can do more of mediating if it's
PO4235 something maybe beyond our skills set but by the way that we are coming
PO4236 from different backgrounds I am sure maybe there are others who might
PO4237 have the training that I may not necessarily have even though it might
PO4238 not be pre-trial based. But we coming from different backgrounds so the
PO4239 level or our skills set may not be at the same level.

PO4240 **R** [Okay]. So, to improve on the victim offender mediation program, what
PO4241 will your suggestions be?

PO4242 **P** [Umm] obviously I think number one I would say [umm] for all Diversion
PO4243 Officers I guess to go through training on victim offender mediation process
PO4244 where regardless of where we coming from we are sort of, we all have a
PO4245 baseline on what should happen in a mediation process or what should
PO4246 happen through the victim offender mediation process rather than just to
PO4247 say we have got some knowledge from our basic degrees from our tertiary
PO4248 qualifications but it brings us to a point where we have the same baseline
PO4249. So we can sort of compare amongst one another because we have one
PO4250 common thing to refer to and I think it will give us maybe skills that we are
PO4251 lacking. So I think top of the list I would say victim offender mediation
PO4252 training be required for Diversion Officers.

PO4253 **R** [Umm] tell me more suggestions?

PO4254 **P** [Umm] maybe also just to do some sort of exchange programs where
PO4255 maybe say Diversion Officers from Harare can sit in and go through
PO4256 victim offender mediation in a different setting like say maybe Chitungwiza
PO4257 or Gweru just to see how they have been doing it regardless that we all
PO4258 don't have that training. So just maybe experiencing it from a different
PO4259 perspective because I think say with Harare, with people in Harare or
PO4260 Diversion Officers in Harare we now have a certain way of doing things
PO4261 but it's not necessarily maybe the same maybe that is happening in other
PO4262 stations. So just having that opportunity to watch and learn from other
PO4263 people as well as how they doing it so that we can maybe get some
PO4264 positives that maybe can help us to change how we deal with things
PO4265 or how we handle certain circumstances I think will also PO4268 be good.

PO4266 **R** [Okay]. Is there any information you would like to add or questions?

PO4267 **P** I don't have any questions but I think what I can simply not so much in
PO4268 addition but just to reiterate that victim offender mediation is very much a
PO4269 necessary tool when we are trying to rehabilitate children or young
PO4270 offenders. So for us to get the necessary support in training would also
PO4271 mean better outcomes for the people that we are working with, that is,
PO4272 maybe I would say it's in the best interest of any child so that when we
PO4273 mediate or when we go through that process we giving the best that we
PO4274 can and we are assured that whatever options or solutions that we come

PO4275 up with in the process are sustainable and that healing process can carry
PO4276 on even when they go back to their communities. I think that's all.

PO4277 **R** [Okay]. Thank you very much for your participation in this interview. I

PO4278 thank you very much.

PO4279 **P** Thank you.

PO4280 **R** Enjoy the rest of your day.