

***AN EXPLORATION OF THE FACTORS WHICH PROMOTE
AND IMPEDE CORRECTIONAL SUPERVISION
EFFECTIVENESS WITH REGARD TO THE JUVENILE OR
YOUTH OFFENDERS.***

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of the requirements for the degree of
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By

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(i)

ABSTRACT:

AN EXPLORATION OF THE FACTORS WHICH PROMOTE AND IMPEDE CORRECTIONAL SUPERVISION EFFECTIVENESS WITH REGARD TO THE JUVENILE OR YOUTH OFFENDERS.

Youth Crime is increasing at an alarming rate and imprisonment as the only measure of punishment has become a contentious issue for the South African Correctional Services. National and international awareness has been raised about young people at risk in the 1992 campaign "Justice for the children:

No child should be caged". In the words of Ruth Morris:

" Prisons are not the greatest.
They breed bitterness and crime, destroy
people who work and live in them and its
not nice to cage your fellow human beings.
Prisons cost more than the best university
education, while giving appalling results".
(1993 (1) SA 476).

The question that needs to be asked is whether imprisonment really does effect the punitive motives of deterrence, retribution, protecting the community and rehabilitation of the offender.

The introduction of correctional supervision as a sentencing option has ushered in a new phase in our criminal justice system. The South African Model of correctional supervision is described as a community-based sentence that is served within the community and the probationer is subject to stringent conditions such as house arrest, community service, monitoring and the attendance of treatment programmes.

The study aimed to:

- * identify the variables that appear to be operating in determining the successful and or unsuccessful correctional supervision sentences with young offenders;

(the terms effectiveness and successful are used interchangeably).

- * contribute to a better understanding of working with young offenders in the community and to make positive recommendations concerning their rehabilitation.

The design applied in this study was the exploratory-descriptive design. It was exploratory since the field of correctional supervision at this stage is not well developed and descriptive because the researcher described features of this phenomenon. This was combined with an empirical investigation that explored the youths experience on correctional supervision. Another component of the empirical investigation consisted of how the parents or significant other as well as the supervision committee perceived the respondents adjustment on correctional supervision. The findings of the empirical investigation clearly showed that although the respondents found house arrest extremely difficult to comply with, their overall functioning and adjustment in the community was positive. Factors that emerged from the study that can promote a successful correctional supervision sentence were factors such as positive support systems that can instill discipline, no involvement in gangsterism, no family pathologies such as alcoholism, family violence and financial problems. Factors such as negative attitude of staff members, familial problems, stringent house arrest conditions, financial problems impeded the youths functioning on correctional supervision.

The correctional social worker together with the multi-disciplinary team both have a cardinal role to play in the treatment of the young offender. The various professions with their expertise have a major role to play in the treatment programmes geared to assist the young offender to reintegrate and function positively in the community.

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This one is for you Dad!

Last but not least, Thanks to our Heavenly Father for all his mercy and grace.

GENERAL INTRODUCTION

SECTION A :

CHAPTER 1

GENERAL INTRODUCTION

1. MOTIVATION FOR CHOICE OF TOPIC

National and International awareness has been raised about the young people at risk in the 1992 campaign " Justice for the Children: No Child should be Caged ".

" The campaign called for the creation of a comprehensive juvenile justice system, for humane treatment of young people in conflict with the law, for diversions of minor offenses away from the criminal justice system and for systems that humanized rather than brutalized young offenders" (Morris M 1992: 3).

There are a number of youths in prisons. As illustration hereof during 1995 the South African Department of Correctional Services (previously known as the Prison Service) reported a total of 675 sentenced youths under the age of 18, and 8619 sentenced youths between the ages 18 and 21 in prison (Daily Dispatch 2 May 1995). Alternatives to imprisonment clearly require future exploration and utilization .

In the researcher's clinical experience, youth crime is increasing at an alarming rate and imprisonment as the only measure of punishment has become a contentious issue for the South African Correctional Services . There is a worldwide concern about the increasing growth rate of the imprisoned population and South Africa is no exception to the rule.

2.

In the 1994 (1) SACR 61 (pp. 219) The Honourable Judge said in S v Kotze:

"Imprisonment is constantly cited as a means by which to deter other members of the community from committing crime. It is therefore frequently seen as the best means of punishment as it serves the purpose of retribution, deterrence, rehabilitation and the protection of the society."

The approach in most developed countries, however, is to utilize alternative punishment options that still serve a retribution and community protection function (Klugel-Commission file 12/1/2/5/20). In the words of Ruth Morris in Creative Alternatives to Prison (Quaker's Committee on Gaols and Justice Toronto):

"Prisons are not the greatest. They breed bitterness and crime, destroy people who work and live in them, and its not nice to cage your fellow human beings. Prisons cost more than the best university education, while giving appalling results" (1993 (1) SA 476).

The introduction of correctional supervision as a sentencing option has ushered in a new phase in our criminal justice system. The term "correctional supervision" refers not so much to a sentence but is a collective term for a variety of measures which have in common that they are all applied outside a prison (S v R 1993 (1) SA : 478).

According to the Corrections Services and Supervision Matters Amendment Act 122 of 1991, correctional supervision consists of a variety of combinations of two or more of these measures. These measures which give content to the correctional supervision sentence are monitoring, community service, house-arrest, attendance of programs, and restriction of the offenders movement to the magisterial district within which he resides.

3.

Basic correctional supervision is the cornerstone of the Georgian Model in the United States of America. During the 1970's, Georgia experienced similar problems of overpopulated prisons as in South Africa and therefore resorted to community-based sentences. Research was undertaken by a multi-disciplinary task team to study their probation system in Georgia, United States of America. The main aim was to formulate a South African model based on the Georgian Model which consisted of intensive probation supervision, diversion centres, detention centres and special alternative detention which consisted of shock incarceration (Schmallegger 1995: 428). The alternative sentencing option which was derived from the Georgian Model by the task group became known as correctional supervision. Correctional Supervision will be discussed in detail in the next chapter.

The South African Model of Correctional Supervision is described in the Correctional Services Act, Act 8 of 1959, as a community based sentence that is served within the community and the probationer (that is someone who has been sentenced to correctional supervision) is subject to monitoring and compliance with the set conditions such as house arrest and community services with the aim of protecting the community and to prevent the relapse of crime by the offender. It has been the researcher's clinical experience as a correctional supervision assessment officer and social worker that during intervention and assessment of adult offenders who have been sentenced to correctional supervision, that this form of punishment serves as a successful alternative to imprisonment. Repeat offenses are avoided and personal problems are treated within the community. The Social Worker is not isolated in the treatment of the youth offender but there is a multi-disciplinary team involved.

4.

According to the Social Work Dictionary (1995: 520), a multi-disciplinary team (M-team) " is a small, organized group of persons each trained in different professional disciplines (for example, teaching social work, psychology, correctional officials) and each possessing her or his own skills and orientations working together to achieve a common goal". This team is directly involved with the young offender to improve his social functioning and rehabilitation within the community.

Research done by Nesor J.J, C.M.B. Naude, and M. Pretorius, in collaboration with D.P. van der Merwe and S.S. Terblanche (1993: 26) on adult probationers serving a correctional supervision sentence, concluded that besides prevention of crime, 96% of the respondents graded rehabilitation and personal deterrence as important punitive measurements when doing a house arrest sentence.

Cavanagh (1997: 16) studied the "relationship between social functioning and successful sentence serving of a correctional supervision case" and she concluded that it seems that there is a relation between social functioning and a successful correctional supervision sentence .

The involvement with the Inter-Ministerial Committee for the Youth at Risk (IMC) also motivated the researcher to look at an approach which can enable the youth, and specifically those who do not pose a risk to society, to be rehabilitated in the community. The Inter-Ministerial Youth at Risk Committee (IMC) consisted of a number of non- governmental organizations who have drawn attention to the plight of children awaiting-trial. The aim of the IMC was to ensure that in the majority of

cases, young people at risk would be released into the care of their parents or guardians to await trial, where this was not possible, they would be held at places of safety (IMC Document 1996). The IMC is of the opinion that it is important to move away from the medical model which focuses on weaknesses and curing, towards a developmental model which focuses on reframing problems in terms of strengths and competency building. This developmental approach is absorbed with placing emphasis on the treatment taking place in the daily living environment of the child (IMC Document Nov. 1996: 5).

There are clear advantages to community-based sentences for young offenders especially against the background of the fact that prisons are overpopulated and not conducive to the positive social functioning of the youth. Bruyn (1993: 278) writes that in contrast to imprisonment, the young offender can function positively in the community because he is not exposed to the negative influences of the hardened criminals and the prison subculture.

To compare the position of South Africa with the trends in the rest of the world, the average prison population per 100 000 of the general population was examined. Naser (1993: 415) concluded that South Africa has the highest per capita prison population in the world and that prison detention is expensive and will become increasingly costly (The Magistrate 1993).

According to the White Paper (1991) a sentence of Correctional Supervision aims to keep the young offender away from prisons and other places of detention, to rehabilitate and control them within the community.

6.

The researcher has formed the opinion during her clinical practice that the staff or correctional officials need special expertise in the handling of young offenders on the system. This research aims to identify the specific areas where expertise is required. Research is also important to establish the role and function of the professional social worker to enable effective service standards. At present, there is a paucity of research existing either confirming the effectiveness of correctional supervision or identifying factors which impede or facilitate its efficacy. It is this issue which forms the primary focus of this research report. Clearly, this knowledge can only promote the most efficient and effective implementation of a correctional supervision sentence and validates the study.

The researcher therefore essentially aims to explore some of the factors (variables) associated with successful or unsuccessful correctional supervision sentences with special reference to the young offender. This inevitably, impinges on the social worker's role in the correctional rehabilitative process with young offenders.

2. THE RESEARCH QUESTION IS ?

The essential question that the researcher is attempting to address is:

What factors impede or promote the effectiveness of a correctional supervision sentence with special reference to the young offender?

3. AIMS OF THE STUDY:

- 3.1 to identify the variables that appear to be operating in determining the successful and /or unsuccessful correctional supervision sentences with young offenders.**

3.2 to contribute to a better understanding of working with young offenders in the community and to make positive recommendations concerning their rehabilitation.

4. **ANTICIPATED VALUE OF THE FINDINGS:**

4.1 The researcher aims to increase knowledge concerning the correctional supervision option for the young offender.

4.2 The researcher hopes to contribute to better understanding of working with the young offenders in the community and to make positive recommendations concerning their rehabilitation.

4.3 **The research aims to identify the specific central variables that operate to promote or impede a successful correctional supervision sentence.**

4.4 The results should assist in identifying areas which training in the Department of Correctional Services should focus on i.e. with specific reference to the staff involved in the implementation of correctional supervision.

5. **RESEARCH DESIGN AND METHODOLOGY**

5.1 **Research Design:**

According to Kerlinger (1970) the concept "research design" includes the plan structure and strategy of the research (Smit 1995: 15). Grinnell (1988: 219) supports this view when he describes the research design as "a plan which includes every aspect of a proposed research study from the conceptualization of the problem

right through to the dissemination of the findings".

The design applied in this study was the exploratory-descriptive design. It was exploratory since the field of correctional supervision at this stage is not well developed and descriptive because the researcher was describing features of this phenomenon. Exploratory research is employed in situations where we know very little about a topic or problem (Yegidis, Weinbach 1991: 76). To obtain the desired phenomenological data, the researcher employed the technique of personal interviewing. Making use of personal interviews and open questions provided a means of getting beyond surface appearances to the respondents' experiences and perception of problems on the system and enabled an exploration of the factors promoting or impeding a sentence of correctional supervision.

According to Reid and Smith (1981: 209), the interview is capable of eliciting information in larger amounts and in greater depths. Grinnell R (1988: 268) cites that interviews usually create a natural situation for individuals to present information. Grinnell R (1988: 268) further emphasized that interviewing the respondent personally permits more flexibility. Bailey (1978: 157), contends that most researchers prefer interviewing to mailed questionnaires, simply because of the higher response rate, flexibility, ability to observe nonverbal behaviour, control over environment, control over question order and several other factors. Nonverbal responses such as the tone of the interviewee's voice, an interruption of eye contact, an unexpected smile or frown, can supply meaningful data in the research interview.

6 Methodology

6.1 Literature Study

Cozby (in Smit 1995: 9) states the following in connection with literature study:

" Before any research project is conducted, the investigator must have a thorough knowledge of earlier research findings. Even if the basic idea has been formulated, a review of past studies will aid the researcher to clarify his idea and to design the study (Smit 1995: 9).

The researcher undertook a comprehensive literature study of books, journals and court reports pertaining to correctional supervision, youth offenders and the role of the social worker in the legal setting working with young offenders.

6.2 Research Tool

A structured interview schedule and assessment schedule (comprising an appropriate mix of close and open questions), exploring the youths experience of Correctional Supervision, and the target area of the study in particular, was administered by the researcher.

A similar research tool was administered to one significant other (preferably a parent or guardian with whom the youth lives) as well as being completed by the Correctional Supervision Committee responsible for the monitoring of the youth's progress. The last named committee is responsible for the adjustment, extenuation and suspension of conditions. (Copies of the interview schedules are attached as Annexure 1).

6.3 Sampling Procedure

Smit (1995: 16) writes that the goal of sampling is to obtain valid answers to the research problem in the form of knowledge and insight. He states further that the sample must be representative of the population.

Purposive Sampling was chosen in that the population of youths on correctional supervision clients being monitored by the Department of Correctional Services in East London were interviewed. This was decided upon for convenience and economic reasons. Whereas this limits the representivity of the findings, the exploratory nature of the study renders such an approach adequate for the purpose of identifying possible variables and hypothesis for further research by later researchers.

The sampling size consisted of 15 young probationers who were serving a sentence of correctional supervision at the East London Community Corrections office.

7 SCOPE AND LIMITATIONS OF THE STUDY:

7.1 The researcher acknowledges a conflict between her role as therapist and researcher and the inevitable impact this had on the objectivity of the findings. Interviewing the family and the Correctional Supervision Committee was designed to offset this problem. Such an approach is applauded in the literature (Bailey 1978: 250).

7.2. The researcher made use of an interpreter for the use of interviewing certain respondents in the sample. The interpreter was a qualified social

worker also employed for the Department of Correctional Services and she was fully skilled and trained to interview the respondents. Nevertheless, the impact of the interviewing process and results cannot be denied. The same interpreter was utilized in those instances where such services were required.

- 7.3** Results cannot be generalized as the sample does not constitute a representative sample of all young offenders. All topics were addressed during the interviews, but not all the respondents explored them in the same depth and each respondent exhibited varying degrees of self-awareness. Nevertheless, the sample appears to have been adequate for exploratory research purposes.

8. TIME SPAN OF THE STUDY:

The research study was undertaken at the Department of Community Corrections Office, East London, during March 1997 to June 1998.

9. DEFINITIONS OF TERMS AND CONCEPTS CENTRAL TO THE STUDY:

9.1 Researcher:

This term has been used interchangeably to refer to the author and researcher of this thesis.

9.2 Correctional Supervision:

According to the Correctional Service Act, Correctional Supervision is a community based sentence which is served by the offender in the community under the control and supervision of the correctional officials (Act 8 of 1959).

According to the Social Work Dictionary (1995), correctional is defined as " the legal specialty that seeks to change and improve the behaviours of convicted law offenders through incarceration, parole, probation and ideally through educational programs and social services (Barker 1995).

9.3 Probationer:

Neser (1993) describes the offender who is subjected to correctional supervision as a probationer.

9.4 Juvenile Offender/ Young offender

The juvenile offender is defined by the Criminal Procedure Act, Act 51 of 1977 as a " person under the age of 21 years who has been sentenced to imprisonment or correctional supervision". The juvenile offender will also be referred to in this thesis as a young offender or youth at risk.

9.5 Parole:

Adler (1991: 492) writes that parole is supervised conditional release of a convicted prisoners before expiry of the sentence of imprisonment.

9.6 Deterrence:

The researcher developed the following definition, largely due to consulting with Adler (1991: 488) i.e. that, generally deterrence is the theory of punishment that envisages that potential offenders will refrain from committing crimes for fear of punishment.

9.7 Rehabilitation:

According to Barker R (1995: 319), rehabilitation is defined as "restoring to a healthy condition or useful capacity to extent possible". Social Work uses this term in the context of helping people who have been impaired by injury, disease or dysfunction (Social Work Dictionary 1995) Adler (1991: 494) cites rehabilitation as a means whereby a criminal can be reformed into a law-abiding citizen through proper correctional intervention.

9.8 House Arrest:

With reference to the Correctional Service Act, 8 of 1959, house arrest involves that part of the day or night when the individual is not working and is compelled to be at home.

9.9 Community Services:

Spies (1994) contends that community services refer to the free service rendered to the community for a set number of hours by an individual who is serving a sentence of correctional supervision. It is in this sense that this thesis conceptualizes community services.

9.10 Monitoring

The Correctional Service Act, 8 of 1959, maintains that all probationers are subject to direct monitoring. This monitoring may occur in the following ways: telephonic control at work and home, physical visits at the place of employment, home and location where community services take place. This thesis accepts this exposition of the concept of monitoring.

9.11 Electronic Monitoring:

According to the annual year report of the Department of Correctional Service of 1996, electronic monitoring is a transmitter device in the form of an anklet which is attached to the ankle of the probationer and this allows the monitoring officials to monitor them electronically.

9.12 Inter - Ministerial Committee on Young People at Risk (IMC)

According to the IMC. Policy document, Nov.1996, this committee consists of the Ministries of Welfare, Justice, Safety and Security, Correctional Services, Education, Health and Welfare and other Non-Government organizations. Their main concern is the detention of children, the children in conflict with the law, and the care system for children needing care and protection.

9.13 Treatment Programms:

The Social Work Dictionary (1995) defines program as a

" plan and guideline about what is to be done or as an organization and procedure designed to meet the ongoing client needs". Treatment is further described as " correcting or alleviating a disorder, disease or problem" (Barker 1995: 316). This term is now used as intervention.

10. SUMMARY OF CHAPTER CONTENTS

The research study is presented in **Eight Chapters** as follows:

In **Chapter One** - A general introduction to the motivation, aims, research design and methodology of the study is presented.

Chapter Two of this study is a literature review which gives a summary of the theoretical background of Correctional Supervision and how it is implemented.

Chapter Three discusses the multi-theoretical contributions which try to explain criminal behaviour and outlines the relevance of these theories for correctional supervision.

The role of the Social Worker is depicted in **Chapter Four**.

The research design and methodology is presented in **Chapter Five**.

The empirical research findings, yielded by the interview-schedule are presented in and discussed in **Chapter Six**.

In **Chapter Seven**, a summary of the major findings of the study are presented.

Conclusions and recommendations are suggested in **Chapter Eight**.

LITERATURE REVIEW

SECTION B :

CHAPTER 2

LITERATURE REVIEW

2. CORRECTIONAL SUPERVISION: AN ALTERNATIVE SENTENCING OPTION FOR YOUNG OFFENDERS IN SOUTH AFRICA.

1. INTRODUCTION:

Spies (1994: 37) wrote that there is worldwide concern about the increasing growth rate of the imprisoned population and South Africa is no exception to the rule. Due to the continual outcry from the members of the community that the "community deserves protection against criminals", one of the most popular methods employed is imprisonment.

Schmalleger (1995: 367) states that the infliction of a prison sentence has become a standard practice and is supposed to serve the purposes of deterrent, retribution, protection of the community and rehabilitation.

The Sunday Times 13 November 1994 quotes Major-General Erica van Zyl of Correctional Services (as she was then) when she addressed the legal forum of the Department of Justice in Cape Town:

" Overcrowding of jails has become so bad that heads of prisons could refuse to admit any more prisoners on human and constitutional grounds. Prisons are overpopulated by 100%, which does not allow proper treatment and care of prisoners and thwarts rehabilitation programmes".

The general direction of sentencing theory development is highlighted in the Inter-Ministerial Document of 1996, which argues that in the light of numerous serious offenses by youths, more use should be made of sentencing options which do not involve incarceration. The researcher is of the opinion that in line with the rehabilitation approach, the courts should make use of community-based sentences.

Correctional Supervision as a community-based sentence can be regarded as a sentencing option for young offenders convicted of serious offenses. According to the Correctional Services Act, (Act 8 of 1959), Correctional Supervision is a sentence that is served in the community by the probationer. Terblanche (1994: 57) writes that a probationer is the offender who has been sentenced to correctional supervision.

Bruyn (in Glanz 1993: 283) mentions that the advantages of Correctional Supervision as a sentencing option can allow the young offender to continue with their studies and family life, whilst at the same time place strong restrictions on the liberty and leisure of the young person .

The researcher made inquiries concerning the various research done in South Africa and have found that there is very little research done in South Africa confirming the effectiveness of correctional supervision or identifying factors which impede or facilitate its efficacy since correctional supervision is a new concept in South Africa and there are limited sources of references.

Adler (1991: 355-364) contends that young offenders who are exposed to the subculture of imprisonment usually suffer from stigmatization, breakdown of family relations, lack of responsibility, involvement in gangs and the exposure to negative influences of hardened criminals (Criminology 1991).

The following statement was made by a 17 year old youth who was held at the Pollsmoor Prison in Cape Town.

" I am Ryan. I am awaiting-trial for nine months. I fear for my life. I know that in prison is a lot of gangs that assault and sodomise and rob minors. When I first came here, I was quite (sic) and scared. Now it feels as though this is my "home". I have seen and heard a lot of nasty things, happening to small children. Anything can happen to me here. I can be killed. My grandmother died since I'm here. I know that I did something wrong and deserve to be helped. Prison is no place for me, I don't want to be here" (Morris 1992: 53)

Neser (1993: 247) supports the view that the ideal situation for a youth offender is to be rehabilitated within the community where he can gain maximally from the normalizing influences of the community . Article 37 of the Convention on the Rights of the Child in support of Neser, provides that imprisonment of a person under 18 "shall be used only as a measure of last resort, and for shortest appropriate period of time" (IMC Document Nov.1996: 55).

The researcher will highlight in this chapter the factors on how correctional supervision is implemented.

2. THE PRACTICAL IMPLEMENTATION OF CORRECTIONAL SUPERVISION AS A SENTENCING OPTION FOR YOUNG OFFENDERS:

2.1 The Aim of Correctional Supervision:

According to Nesor, Naude, Grobbelaar (1993: 8) the following are main objectives of punishment:

- * **retribution** which implies that the offender must suffer for the damage caused to the victim or the community by the crime committed.
- * **deterrence** which Cole (in Nesor et al 1993: 8) states as
"discouragement of criminal behaviour on the part of the convicted offender and of the community".
- * **rehabilitation** as punishment element refers to a manner to change the offenders attitude and behaviour pattern .
- * **prevention of recidivism** is seen as the complete or partial elimination of criminal tendencies .

The main aim of correctional supervision is to control, monitor and rehabilitate those persons who are serving their sentence in the community under correctional supervision (Correctional Service Act 8/1959).

According to Ndebele (1995: 19) the probationer is subject to monitoring and compliance with set conditions with the view to protect the community and to prevent relapse into further crime.

The trend in the courts today is to make use of community-based sentencing options and it appears that correctional supervision is seen as a true alternative option (Klugel Commission 1991).

According to the White Paper on Correctional Supervision and Alternative Sentencing Options (1991: 8), correctional supervision allows the judicial officials, that is, magistrates and judges, to have an instrument to impose a community-based sentence with the aid of professional contributions on issues such as rehabilitation, programmes, victim compensation, house arrest, monitoring and community services.

2.2 DEFINING CORRECTIONAL SUPERVISION

The Honourable Mr Justice Kriegler (1993: 670) quotes Terblanche (1991 The Magistrate 150: 151) and says:

" Correctional Supervision is a community-based sentence which is prescribed by the courts and is served in the community under strict supervision and control of correctional officials" .

This means that this sentence is served in the community . Neser (1993: 416) contends that a correctional official is described as a member of the Department of Correctional Services. The word probationer is described in the Correctional Service Act, Act 8 of 1959, as a person who is subject to correctional supervision.

3. CATEGORIES OF CORRECTIONAL SUPERVISION:

A correctional supervision sentence can be imposed in terms of the Criminal Procedure Act 51 of 1977 on sentenced and unsentenced offenders in the following cases, according to the White Paper (1991).

* as an alternative to imprisonment.

- * as a condition to a postponed sentence.
- * as a condition to the suspension of a sentence.
- * as a substitute for imprisonment as an alternative to a fine.

Neser (1993: 418) states that Section 276 (1)(h) of the Criminal Procedure Act, Act 51 of 1977 allows the court to sentence the offender to a maximum of three years correctional supervision after a professional report from a correctional official is received.

Jones (1993: 22) further implies that the court can sentence an offender in terms of Section 276 (1) (i) of the Criminal Procedure Act (51 of 1977) to imprisonment and this will allow the offenders' sentence to be reviewed after a term of imprisonment, by the Correctional Officials to be converted to correctional supervision.

The Department of Correctional Services has broken new grounds with the inclusion of unsentenced youths within the framework of correctional supervision. Gerber (1995: 129) writes that to keep a young offender out of the negative environment of imprisonment, Section 50(4) of the Criminal Procedure Act (51 of 1977) forces the South African Police to report the detention of the young offender to the probation officer or correctional official. Gerber (1995: 129) emphasizes further that Section 62(f) and 71 makes provision for young offenders to be placed under correctional supervision as a condition of bail.

Terblanche (1992: 57) is of the opinion that earlier intervention to get the young offender under legal attention will allow for effective punishment .

The IMC Policy Document (1996: 55) also contends that the option of correctional supervision is a useful option for young offenders convicted of serious offenses as it allows them to continue their studies and family life, while at the same time their liberty and leisure is restricted.

4. THE APPLICATION OF CORRECTIONAL SUPERVISION

To reiterate, correctional supervision is a community-based sentence option which is prescribed by the courts and served in the community under strict supervision (Neser 1993: 427).

Bruyn (in Glanz 1993: 280) states that the application of correctional supervision is vested in the following principles namely:

- Imprisonment as sanction should be applied only as the last resort.
- The interest, involvement and expectations of the community must be taken into consideration.
- Meaningful social work should be provided.

5 CONDITIONS OF CORRECTIONAL SUPERVISION:

In terms of Article 84 and 84(e) of the Correctional Service Act, (8 of 1959) an offender can be subjected to correctional supervision under the following conditions, house arrest, monitoring, community services, victim compensation and restriction to the magisterial district . This Act further defines a person who is subject to correctional supervision as a probationer.

Ndebele (1995: 18) emphasizes that the supervision conditions are primarily aimed at exercising control over the probationer, protecting the community, upliftment and rehabilitation of the probationer.

These supervision conditions give content to the sentence of correctional supervision and are also referred to as "restrictive conditions" (S v Omar 1993: 15).

These restrictive conditions entails the following:

5.1 House-Arrest

House arrest can be summarized as the basis of correctional supervision.

According to S v R 1993, (1) SA 476 (A), " the punishment and retributive aspects of sentencing in relation to corrective supervision would lie in the totality and cumulative effect of elements of the sentence such as house arrest....".

Van Niekerk (1996: 86) states that one of the important objectives of the correctional supervision sentence is the element of punishment which deprives the accused of liberty.

The Correctional Service Act, 8 of 1959, emphasizes that house arrest is seen as that time of day and night when a probationer is not working and is compelled to remain at home. House arrest times differs from person to person depending on the serious nature of the crime.

The Act also makes provision that the young offenders who do not work but are engaged in studies, for their house arrest to be determined according to class attendance.

According to Jones (1993: 21) house arrest conditions are divided into three different categories namely maximum, medium and minimum. These categories allow the person compulsory house arrest hours, duration of sport and church times, compulsory programme attendance and free time where shopping can be done.

The Honourable Judge Tebbutt J. stated in the case of S v Omar (1993 (2)

SACR 5: 15) that:

" the major components of a sentence of correctional supervision are obviously house-arrest and community services. Both of these inroads into the liberty of the accused.....correctional supervision is designed to be a substitute outside the prison for the cardinal element of direct imprisonment, i.e. the deprivation of the accused's liberty". \

The probationer is limited to the magisterial district in which he resides as part of his house-arrest this means that the person is not to leave the area he resides in.

5.2 Monitoring

With reference to Nesor (1993: 429), monitoring forms the basis of house arrest. By monitoring it is ensured that the probationer complies with the conditions he is subjected to e.g. house arrest. Jones (1993: 21) writes that all probationers are subjected to monitoring.

According to the Correctional Service Act, 8 of 1959, to monitor a probationer, the correctional official makes personal visits to the probationer's home at least once a week in order to ensure that house arrest and other conditions, are adhered to. Monitoring also takes place by means of routine telephone calls at the work place or home. Physical visits to the home and compulsory visits by the probationer to the community corrections office also form part of the monitoring process.

Gerber (1995: 137) states that the grade of monitoring will be determined by the offender's risk to the community i.e. the serious nature of the crime and it can take the form of:

- * maximum intensive monitoring.
- * medium intensive monitoring.
- * minimum intensive monitoring.

The maximum monitoring category is gradually scaled down to minimum category of supervision depending on the probationers' co-operation (Act 8 of 1959).

Electronic monitoring has been introduced to South Africa. According to Van Wyk (1998: 11) electronic monitoring is a device designed to track down parolees and probationers. Schmallegger (1995: 431) states that in Florida,

most house arrest offenders are monitored via a computerized system of electronic bracelets. The Department of Correctional Service's annual report dated January 1996 to December 1996 discussed how electronic monitoring is implemented.

The report outlines the following relevant points:

- Offenders who are under house-arrest are electronically monitored on a 24 hour basis.
- A computerized room send signals to and receive signals from field monitoring devices in the residences of offenders.
- A reaction unit at the control room for immediate response upon violation of house arrest.
- Where electricity and/or telephones are not available, a drive-by unit is used to monitor the offenders.

5.3 COMMUNITY SERVICES

Gerber (1995: 142) emphasizes that community services refers to a free service that the probationer performs for a fixed number of hours. According to Spies (1994: 39) this service may take any form as long as it is in the interest of the community. The community services vary from unskilled labour (cleaning streets, parks and gardening) to skilled labour such as building, administrative tasks and painting.

Section 84C of the Correctional Services Act (Act 8 of 1959), states that probationers should preferably perform their community service near their home so that the element of punishment is clearly brought home and the community can visibly observe that punishment has been imposed. The community is also compensated in a way for the damage done when the probationer does community services. All authoritative institutions and private institutions, e.g. churches and other organizations with a communal interest qualify for placement of offenders to do community service.

Neser (1993: 430) states that community services have the following advantages:

- * Essential tasks are executed freely to the advantage of the community.
- * The individual is enabled to " compensate" the community for damage done.
- * The community is satisfied as a punishment or sentence is being served.
- * Correct placement holds therapeutic advantages.
- * The community is involved in correctional judicature i.e. the administration of justice.

Spies (1994: 39) mentions some of the organizations eligible for placement of correctional supervision cases :

- * City councils/ municipalities.
- * Social work and other service organizations.
- * Homes for the aged / schools / universities / technical colleges etc.
- * Preservation institutions.
- * Societies for the prevention of cruelty to animals.
- * State Departments.

The Correctional Service Act (8 of 1959) writes clearly that children under the age of fifteen years may not perform labour or be subjected to community service. It

can also be noted that if community service cannot be performed at all, a report must be submitted to the court.

5.4 Correctional Programmes and Lectures:

According to Schmalleger (1995: 427) rehabilitation can take place most effectively in the community and not in prison. In the case of *S v Omar* (1993 (2) SACR (5)

The Honorable Judge Tibbutt cited:

" it is clear that in formulating the conditions of correctional supervision, the Court will wish to obtain whatever assistance it can from the report of the probation officer or correctional official. Such report will, therefore, in the future have to contain far more than a mere statement that the offender is a suitable candidate for correctional supervision. It will have to set out the reasons for that conclusion and a proposed programme for the offender concerned".

Correctional programmes and lectures are directly aimed to treat a typical problem area or behaviour of the probationer (Gerber 1995: 145).

These programmes and lectures are aimed at the following:

- * Preventing criminal acts
- * Instilling or fostering a sense of responsibility
- * Preventing the abuse of alcohol and drugs
- * Developing interpersonal relations and family responsibility
- * Learning social skills (Act 8 of 1959).

Gerber (1995: 145) mentions in his study that it is important to ensure the involvement of treatment programmes and lectures by making use of the multi-disciplinary team working at community corrections office such as social workers, educationists, psychologists and correctional officials who are trained to run programmes. The participation in programmes are usually compulsory as it is part of the sentence

conditions. The Correctional Service Act (Act 8 of 1959) also make provision for the vocational experts working at the prisons and other state departments to run programmes and or lectures for the upliftment of the probationers. There are various programmes available for the involvement of the probationer in treatment programmes either on an individual or group basis.

These programmes are:

- * Financial management.
- * Dealing with conflict.
- * Communication and self-conduct.
- * Alcohol and drug abuse programme.
- * Youth programmes (social skills).
- * Life skills programmes.

The Honourable Judge Kriegler said in a judgment he gave in the reported case of S v Ndaba cited in S v Omar 1993 (2) SACR5 (pp.15):

" correctional supervision was introduced in order to provide an excellent acceptable alternative, having regard to the present day emphasis on the rehabilitation and reformation of the offenders to direct imprisonment".

If a probationer has a dependency problem, the Correctional Service Act (8 of 1959) makes provision for the probationer to be admitted to a treatment centre. An important aspect of the rehabilitation process starts during the initial assessment when the correctional official has to assess whether the person is a suitable candidate for a sentence of correctional supervision. It is during this investigation that the correctional official assesses each case to establish it supervision and treatment needs. A recommendation is made to the court as to the type of programme the person has to undergo.

For the purpose of this study, the whole treatment process will be further discussed in Chapter 4 when the researcher will discuss the role of the social worker in the correctional setting.

5.5 Victim Compensation:

According to Spies (1994: 19), when the court orders an individual to compensate the victim, the correctional officer may set this as a condition of correctional supervision. After considering the persons income, expenditure, financial means, an agreement is made about the method of compensation. Tulloch (1991: 289) says that compensation means to repay or make amends (Oxford Dictionary 1991).

5.6. The Violation of Conditions:

Van Niekerk (1996: 86) quotes the following:

"Correctional supervision is in effect a sentence giving the the accused the opportunity to decide his own future - rehabilitate in the community or go to prison" (The Magistrate 1996).

There are various stipulated guidelines that must be taken into account when for some or other reason a probationer violates any of his conditions. A probationer will be notified either verbally, telephonically or in writing to be consulted concerning the violation. When a probationer is found guilty of an offense and his behaviour has deteriorated e.g. repeated violations, the correctional supervision sentence will be revoked and the person will get an alternative sentence (Act 8 of 1959).

The sentence of correctional supervision is not necessarily revoked when an

individual violates the set conditions. An inquiry is held to establish the circumstances of the individual, after which the following steps will be taken:

- * A verbal or written warning may be given.
- * The condition may be adapted to the changed circumstances of the individual.
- * The conditions may be elaborated.
- * The periods of community service may be prolonged.

7. THE ADVANTAGES AND DISADVANTAGES OF CORRECTIONAL SUPERVISION:

7.1. Advantages:

In the case of *S v R* (1993(1) SACR 4), the Judge highlighted the following advantages of correctional supervision:

- * that the appellant is able to undergo treatment to correct his deviancy.
- * that he would remain economically productive.
- * that the appellant is given the opportunity to increase his belief in himself by doing something positive in a community service type order.

Spies (1994: 38) writes that the physical and psychological degrading is eliminated as the individual is not exposed to the negative influences of the prison subculture and hardened criminals. She cites further that problems are addressed within the social context in which they manifest themselves and this implies that greater interaction between the perpetrator and the community.

Neser (1993: 432) discusses the benefits of the correctional supervision sentence when he suggests that its greatest benefit is that it is cost effective i.e. correctional

supervision is run more cheaply than the prison system. The fact that the probationer is able to maintain family and social bonds is an important psycho-social benefit.

The Correctional Service Act, Act 8 of 1959, outlines the advantages of correctional supervision as stating that to keep a young offender out of prison, the isolating and labeling effect of imprisonment is avoided. It mentions further that problems that are usually the result from imprisonment are eliminated such as family disintegration, deterioration of mental health, deprivation of the individual's responsibility to control his own life and the possibility that the young person may become dependent upon the institution.

7.2 Disadvantages:

Spies (1994: 39) cites that there are factors that can serve as disadvantages and problems in the application of correctional supervision. She highlights the increasing rate of unemployment in South Africa that may have a negative effect on the placement of individuals who are under correctional supervision.

Graser (in Glanz 1993: 289) stressed that correctional supervision is an excellent sentencing option but he experienced a problem with the fact that one of the preconditions are that the offender must reside in a stable community. He mentioned that the problem of the shacks in the informal settlements have no formal addresses for intensive monitoring to be effective.

Gerber (1995) concludes in his investigation that the people who are involved in the application of correctional supervision must be well trained so that they have the

skills and training to deal with the complex task of supervising offenders.

SUMMARY

The introduction of correctional supervision as a sentencing option has ushered in a new phase in our criminal justice system. Correctional supervision as a community-based sentence can be regarded as a sentencing option for **young offenders convicted of serious offenses who do not pose a risk to society**. This option is served in the community under strict conditions and has positive advantages such as allowing the young offender to continue with school work, remain at home and strong restrictions are placed on family life and leisure time. To promote the effectiveness of correctional supervision for the young offender, it is important that the infrastructure, correct manpower, resources in the community as well as a stable community is in place.

In the next chapter, the relevance of correctional supervision in terms of the factors which promote or impede correctional supervision with the youth will be discussed, namely the multi-theoretical contributions and causal factors explaining criminal behaviour.

CHAPTER 3

YOUTH OFFENDERS

THE RELEVANCE OF CORRECTIONAL SUPERVISION IN TERMS OF ADDRESSING THE CENTRAL CAUSES OF YOUTHS BECOMING OFFENDERS AND TO ASSESS THE FACTORS WHICH IMPEDE OR PROMOTE CORRECTIONAL SUPERVISION WITH YOUTHS .

1. INTRODUCTION:

Community experts focus on various causative factors and other potential influences in an attempt to unravel the complex phenomenon of youth crime. One has to consider that there is an increased influx of youth crime leading to the overcrowding of jails. The Daily Dispatch (1994) wrote that court cases on youth crime have escalated and the problem of detention of youths in prison and police cells received national attention. In South Africa in 1994 a Government of National Unity came into existence and it addressed the detention of awaiting trial children in prisons including children in conflict with the law who go through the Criminal Procedure Act, Act 51 of 1977.

The Department of Correctional Services regards all persons under the age 21 (young offenders) as an "extremely vulnerable category" and it is the Department's viewpoint that young offenders in our system of correctional supervision cannot be judged in isolation without regard for the fundamental characteristics of the South African Youth problem.

The President, in addressing Parliament on the 24 May 1994, stated. inter alia, the following:

"The youth of our country are the valued possessions of the nation. Without them there can be no future. Their needs are immense and urgent. They are at the centre of our reconstruction and development plan" (Departmental Literature 1995: 111).

According to the National Plan of Action (NPA) for the children of South Africa, specific actions for the survival, protection and development of the child involves children in difficult circumstances such as the young offenders previously referred to as juvenile delinquents.

The Department of Correctional Services as one of the Departments involved in dealing with young offenders, also have to provide for improved protection of such youths (Departmental Literature 1995: 60). Chapter 3 of the constitution of the Republic of South Africa sets out the fundamental rights of people. Section 25(1) to (3) deals with the rights of detained, arrested and accused persons, while section 30(1) to (3) deals with the rights of children. Section 30(2) in particular states that every child detained, arrested and accused persons, have the right to be detained under conditions and to be treated in a manner that takes account of his or her age.

The White Paper on the policy of the Department of Correctional Services in the new South Africa cites that the Department of Correctional Services has respect for the fundamental rights of all offenders, with the belief that young offenders have the potential to experience positive behavioural change to live as law-abiding citizens as stipulated in the constitution. It is therefore the Department of Correctional

Service's conviction that unconvicted children under the age of 18 years accused of having committed crimes, should not be admitted to prisons. Currently, according to Schmalleger (1995), there is great emphasis and need for a rehabilitation approach to deal with young offenders. Correctional Supervision is one option shifting towards this new paradigm. Adler (1991: 319) cites that rehabilitation in the community seeks to bring about fundamental changes in the young offender.

In this chapter, the writer wishes to outline the relevance of Correctional Supervision and highlights the factors that can promote or impede their functioning on correctional supervision in terms of their rehabilitation. In order to place the young offender in a rehabilitation programme during the initial assessment by the social worker, it is important to understand the causative factors that lead to crime.

2. REHABILITATION:

The rehabilitation of offenders on correctional supervision offer the criminal justice system a unique avenue of improvement. Adler F., Mueller G. and Laufer (1991: 461) defines rehabilitation as a right to an opportunity for offenders to remain or to return to society with an improved change of being useful citizens. The Social Work Dictionary (1995) uses this term in the context of helping people who has been impaired by injury, disease dysfunction. In the past, rehabilitation was considered one of the aims of imprisonment with the assumption that incarceration itself could be rehabilitative. Today, its relation to imprisonment is to counteract the negative and harmful effects it has on the young offender.

2.1. The Rehabilitation Model:

The Department of Correctional Services have developed a rehabilitation model which could be described as developmental and supportive. The basic principles of this model of rehabilitation is to guide professional staff to the development and support of the offender (Jordaan 1997: 27). According to Jordaan (1997: 27) "development is seen as a holistic approach towards the offender by making provision for the establishment of norms, personal skills, educational skills, opportunities, attitudes and occupational skills. He continues to describe "support" as a purposeful intervention into the offender's life by empowering the offender in order to help him to adapt, adjust and improve his social functioning (Nexus 1997) in the community.

Ferrara (1992: 7) argues that the treatment interventions that research would suggest for a correctional treatment program include behavioural therapy, cognitive behavioural therapy, guided group interaction, role-playing, structured family therapy and case management. By involving the young offender in the above treatment programmes and skills training will assist in promoting his social functioning on correctional supervision.

3. MULTI-THEORETICAL AND CAUSATIVE FACTORS EXPLAINING CRIMINAL BEHAVIOUR:

There are various theories and causative factors that the researcher explored in order to present a comprehensive understanding of the contributory factors which could have a bearing on the youth's criminal behaviour. Adler (1991) cites Haskell and Yablonsky when he says that delinquency is a complex problem that requires multiple explanations and interventions. He suggests further that it has been found

that no single theory can explain all types of behaviour (Adler 1991). For instance, explanations of why a youth runs away from home can be very different from an explanation of why another participates in a gang fight or robs a grocery store. This validates multi-theoretical contributions in the writer's view.

Rutter and Giller (1983: 163) highlights causative factors that are divided in individual characteristics and psycho-social factors. Correctional supervision addresses these factors by assessing the relevance it might have in promoting or impeding a sentence of correctional supervision.

3.1 Individual Characteristics:

Rutter and Giller (1983: 165) defines individual characteristics as :

" it could be that an individuals characteristics on some personality or other dimension might be associated with a greater or lesser predisposition to commit delinquent acts".

Personality can be seen as that part of the individuals' makeup that determines his character, behaviour and thoughts (Coleman 1988).

3.2 I.Q and Scholastic Attainment:

The young offender can have a problem if placed under correctional supervision if a low I.Q. has led to problems at school. Research findings suggested that a lower I.Q. was associated with troublesome behaviour. Rutter and Giller (1983: 164) refers to a study done by May (1975) that primary school truancy was significantly associated with a variety of other disturbances of conduct.

The writer has found since working with adult offenders with low I.Q's, that they find it extremely difficult to understand and comprehend the conditions that they have to be subjected to. This factor will definitely impede the young offender's adjustment on correctional supervision if experiencing such a problem.

3.3 Body Build, Physical Illness and disability:

Shelton (1940) as cited by Rutter and Giller (1983: 169) classified physique according to three components namely mesomorphy i.e. chunky and muscular, i.e. fat and rounded, and ectomorphy which is long and lean. According to research done by Gluecks and Gluecks (1956) the validity of these associations as a causal type of delinquency still remains doubtful (Rutter and Giller 1983: 169). It has been observed in practice by the writer, that the offender's build does not impede the offenders social functioning on correctional supervision.

It is important to observe the young offenders social emotional development to assess whether he is adjusting positively when doing a correctional supervision sentence. Aspects such as the young offenders self-image and sexual identity must be noted during the assessment phase.

4. PSYCHO-SOCIAL FACTORS:

As a result of the literature review, the researcher concluded that the psycho-social factors play an important role as a causal factor in committing crime. Rutter and Giller (1983: 180) highlights the following causal factors such as family influences, films and television, school, leisure time and peer groups.

4.1 Family Influences:

Numerous studies according to Rutter and Giller (1983) have shown that delinquency tends to be more frequent in young people coming from certain kinds of family and social backgrounds. Family variable studies have shown that the most important variables associated with both juvenile delinquency and adult criminality include parental criminality, poor parental supervision, cruel, passive or neglecting attitudes, erratic or harsh discipline, marital conflict and large family size (Rutter and Giller 1983).

Criminologists believe that the family is the first and most basic institution in our society for developing the child's' potential in all aspects namely, emotional, social, intellectual, moral as well as spiritual. The family's circumstances and the chain of events within the family is of utmost importance for the formation of a child's character. The family is therefore seen as the school for learning positive or negative behaviour (Department of Correctional Services Literature 1995: 28).

There are various factors that are mentioned by Karen Wilkinson (in Schmalleger 1995) that give rise to youth crime within the family. Factors such as the connection between crime and the broken family:

- Divorce and desertion, death of one or both parents, step-parent relationship, children born out of wedlock and poor communication between parent and child are all factors that can contribute to youth crime and also effect the young offenders functioning on correctional supervision if he is experiencing familial problems.

Adler (1991) contends that early training management of emotions, confrontation with rules and authority, development and responsiveness to others have been repeatedly related to the presence or absence of delinquency.

Rutter and Giller (1983) cites Patterson (1982) by summarizing his findings on the family features associated with delinquency under 4 headings namely:

1. lack of "house" rules (there is no clear indication of any rules in the house).
2. lack of parental monitoring of the child's behaviour (they do not know how to respond to deviant behaviour).
3. lack of effective contingencies (i.e. parents are not consistent in their response to unacceptable behaviour).
4. a lack of techniques dealing with family crises or problems (handling conflicts in a positive way to reach a resolution).

Various aspects of socio-economic disadvantages such as poverty, overcrowding and poor housing have also been cited as criminogenic factors. The basic functions of each family is to provide their family with physical care, education and guidance, development and support, control, protection and the provision of basic requirements for living (Departmental Literature 1995: 33). If these needs are not met, children seek replacement for unsatisfied needs such as gang activities.

Stable family support systems promote correctional supervision in a positive manner. As highlighted above, pathological behaviour in the home such as alcoholism, family violence, lack of authority and unemployment can and does impede the functioning on correctional supervision.

Other psycho-social factors that causes delinquency are seen as **films and television** where youths are frequently exposed to scenes of violence.

4.2 Labeling is defined by Rutter and Giller (1983: 196) as " a labeling which may influence how the individual views himself and in turn how he is being labeled by society. Due to getting involved in crime, the youth becomes stigmatized and this might affect his future. In practice, the researcher has observed that the young offender is concerned about the stigma attached to the sentence but has requested that the correctional officials monitor in a discreet manner where they are not exposed to the community.

4.3 School:

The young offender attending school while serving a sentence on correctional supervision can promote his adjustment on correctional supervision because community services as well as the progress are monitored. There are also factors at school that can impede the effectiveness of correctional supervision.

Cronje, Van Der Walt, Retief & Naude (1987: 189) refers to the school as an institution that can contribute to youth criminality especially because of the fact that it does not make sufficient provision for children who physically, emotionally and socially deviate from the norm. The school is the second most important place that exerts the greatest influences on the development of the individual. It assists in the development of any child's thoughts and behaviour.

According to Stullken (in Cronje et al 1987: 193) the role of the school as a factor in youth criminality is emphasized through the fact that research on youth behavioural dysfunctions shows that the type of behaviour at school usually precedes more serious forms of youth criminality.

Rutter and Giller (1983: 199) state that the school is the most important place that exerts the greatest influence on the development of the individual. It assists in the development of any child's thoughts and behaviour. The school can also be seen as the milieu where delinquency and crime can occur and can also be prevented through the correct guidance of the child.

According to Cronje et al (1987: 169), poverty is an important cause of delinquency. Research done by Elliot and Voss on "Delinquency and dropout" in 1994, found that youths tend to become involved in delinquency after they have left the school in comparison with those who were still at school. Other variables such as failure, truancy, low I.Q. and early school leaving are important factors to consider when assessing and dealing with young offenders on the system of correctional supervision.

4.4 Use of Leisure Time

One of the most important conditions that the young offender is subjected to is the restriction of liberty. Leisure time is addressed because of the relevance it has in terms of promoting and impeding correctional supervision.

Leisure time is an important factor in the socialization process of people. The driving force behind the way in which leisure time is spent, is related to factors such as gender roles, role expectations and peer relationships (Cronje et al 1987: 217).

Ferrara (1992:18) states that the delinquent like most adolescents, are full of energy. The high level of mental and physical activity usually gets the young offender into trouble because he acts impulsively. It provides the background for experimenting with social relationships and can provide an individual with opportunities to realize their full potential. Positive activities such as cultural and youth groups, especially during adolescence, can contribute significantly towards the adolescent's social integration and value system .

The relevance of correctional supervision is discussed here because the involvement of peer groups play an important role in correctional supervision.

4.5 Peergroup:

Cronje et al (1987: 273) states that most adolescents conform to peer groups during the adolescent years. Peer groups have a major impact on a juveniles development.

According to Pappala (1992), the adolescent identifies with his friends and feels that they understand him better. For instance, he uses words, puts on clothes, changes his hairstyle and does the things done by his peers. Certain behaviour can be viewed as negative for example using bad language, unacceptable behaviour and bullying others. Group formation can also have a positive affect on the youth's functioning, for instance participation in sport and cultural activities.

The peer group on Correctional Supervision who are involved in group work have expressed that "they are not isolated but can identify with other peers on Correctional Supervision . The researcher has observed in the group work sessions that the peers have identified with " what works and does not work" on correctional supervision to

promote their functioning. Through observation, the writer has seen how they exchange words and learn coping skills from each other to function adequately on the system. Involving peers in group work definitely promotes adjustment on correctional supervision.

4.6 Gangsterism:

The involvement of the young offender with gangsterism has relevance in terms of his functioning on correctional supervision. Children of families living under poor socio-economical circumstances tends to become involved in gangs. The family struggle with unemployment, have low moral standards, abuse alcohol and drugs and do not practice any form of discipline (Cronje et al 1987).

In the researcher's opinion, any young offender who is serving a sentence of correctional supervision will not adhere to the stringent conditions he is subjected to if he is involved with a gang because of the negative lifestyle and the fact that gangs rebel against all forms of authority (Cronje et al 1987). These factors play an important role in the violation of conditions of the correctional supervision sentence .

5. THEORIES:

Correctional supervision addresses the following theories to identify which factors are relevant to promote or impede correctional supervision. By addressing these theories, the writer's aim is to have the necessary knowledge to assist the correctional official with the correct diagnosis when assessing the young offender for a sentence of correctional supervision.

For several decades, the study of crime gave rise to a rich body of theorizing. The writer has chosen to comment on a few theories that might assist in the understanding of the youth offender's behaviour and social functioning in the community.

5.1 Psychological Development:

Berger R (in Adler et al. 1991: 108) states that psychological approaches attribute crime and delinquency to a defect in the mental, emotional, or personality make-up of individuals. A Freudian perspective argues that human personality consisted of three interdependent yet conflicting components, the **id, ego and superego**.

By way of simplification it can be stated that:

" the id is the unrestrained, primitive, pleasure-seeking component with which each child is born. The ego develops through the reality of living in the world and helps manage and restrain the id's need for immediate gratification. The superego develops through interactions with parents and other significant people and represents the development of conscience and the moral rules that are shared by most adults". Berger R. (1991:108)

Rutter & Giller (1983: 256) maintain that the psycho-analysts argue that children are born with unconscious primitive urges which are aggressive and destructive with the potential of being translated into delinquent behaviour. Further emphasis states that the importance of family relationships and upbringing during the early years is in rectifying these problems. This basic task of socialization is to develop a set of moral controls through positive parent identification which takes place in a warm, supportive family relationship.

5.2 Moral Development:

Lawrence Kohlberg (in Adler 1991: 84) pioneered moral development theory. He found that moral reasoning develops in three stages namely:

1. **Preconventional stage:** Kohlberg believed that at this stage children's moral rules and values consist of the 'Do's and Don'ts that avoid punishment. He studied that children between the age of nine to eleven reason for example " If I steal, what are my chances of getting caught or punished"? (Adler 1991: 84).
2. At the **Conventional stage**, adolescents have already developed the ability to reason. He suggests that individuals adhere to rules of society.
3. At the **Postconventional level**, Kohlberg maintains that the level of reasoning is seen in young adults where a sense of respect and responsibility for human rights have been inculcated.

Kohlberg emphasizes further that criminal behaviour occurs in the preconventional stage where the children who lack positive social interaction and bonding with significant family members. He further argues that " basic moral principles and social norms are learned through social interaction and role playing with others who have a higher level of reasoning" (Adler 1991: 84).

The writer is of the opinion that when the young offender's family support system has broken down and lacks positive social interaction, a correctional supervision sentence will not benefit the young offender as a stable support system is needed for the promotion of a positive correctional supervision sentence

Correctional Supervision addresses the following concerns by discussing the issues presented by the attachment theorists and social learning theorists to assess the relevance to factors which promote or impede a correctional supervision sentence.

5.3. Attachment Theory:

John Bowlby, a psychologist, as cited by Adler (1991: 84) proposed a theory of emotional bond or attachment. He argues that children who have been exposed to a safe environment and loving, supportive parents will adjust positively in society.

Bowlby contends that children need to experience a warm, intimate and continuous relationship with an important figure in his life so that they can form positive interpersonal relationship.

Studies have proven that the juvenile's basic personality structure and his physical and psychological traits are formed during his childhood. It is during this lifespan that the family and parental home plays a role in the child's behaviour and functioning. To re-iterate once again, it is therefore very important for the young offender to have built positive relationships with his family to enable to function adequately on correctional supervision.

5.4. Social Learning Theory:

Social Learning theorists disagree that internal functions alone give rise to delinquent behaviour. Adler (1991: 86) states that behaviour is learnt when it is rewarded and reinforced and not learned when not reinforced. This theory also emphasizes that delinquent behaviour is learned through the same psychological processes as all nondelinquent behaviour.

According to Adler (1991: 86) Albert Bandura argues that individuals learn family violence and aggression through behaviour modeling. That is, children copy behaviour from others. Studies on the effects of family violence on children have proved that parents who try to resolve their conflict by violence, teach their children similar ways of solving conflict. Gangsterism is an important contributory factor of observational learning. Other forms of social learning can take place through direct experience for instance when we learn through trial and error.

Social Learning Theory assists us in understanding why some youths engage in violent and aggressive behaviour but one cannot in the researcher's view lightly discard the fact that something within the personality of a criminal may make him susceptible to violence or aggression. It is therefore important to note that when it has been identified that the youth is involved in gangsterism, a correctional supervision sentence will be impeded. Correctional supervision can also address the offender's aggression and violence by subjecting the young offender to group therapy where these issues will be addressed.

5.5. Personality:

Various research studies on personality traits and criminality have been undertaken to attribute distinctive personality characteristics to a delinquent. Although these issues have been debated, one cannot generalize that all criminals have the same personality traits common to all. Adler (1991: 89) highlighted studies done by Yochelson and Samenow (1976) that delinquents share " abnormal thinking patterns " that can lead that decisions to commit crimes.

5.6 Mental disorders and Crime:

Sarason (1996: 587) writes that psychopathy or anti-social personality is defined as " a personality that is characterized by an inability to learn from experience, lack of worth and no sense of guilt". The psychopath enjoys perfect mental health therefore studies have shown that a good assessment of the young offender must be made to identify his character traits with reference to his criminal behaviour. It is for this reason that correctional supervision discusses the relevance of mental disorders and crime .

SUMMARY

In summary, it is important to be aware of the contributory and multi-theoretical factors that contribute to crime when dealing with a young offender who is subjected to a correctional supervision sentence .

Hence, by looking at the psycho-social factors such as the family, school, leisure time, peer group and gangsterism one can clearly assess whether these factors will promote or impede the young offender's functioning on correctional supervision.

The next chapter will look at the important role the social worker plays with reference to the young offender on correctional supervision.

CHAPTER 4

THE ROLE OF THE SOCIAL WORKER WITH REFERENCE TO THE YOUTH/JUVENILE OFFENDER ON CORRECTIONAL SUPERVISION

1. INTRODUCTION:

According to the Barker R. (1995) Social Work

"seeks to enhance the social functioning of individuals singly and in groups, by activities focused upon their social relationships which constitute the interaction between man and his environment. These activities can be grouped into three functions: restoration of impaired capacity, provision of individual and social resources prevention of social dysfunction " (Social Work Dictionary 1995).

The criminal or young offender is a person in need. When such a person comes in contact with the law he experiences a crisis which could have resulted in the social dysfunctioning in the community. Elliot Studt mentions that social work in the correctional setting is a " field of social work practice". This means that the correctional social worker must be fully conversant with the culture, sub-culture and values of an offender (Van der Merwe 1975).

2. SOCIAL WORK AND THE LAW:

The actual contact between the Social Worker and the law begins usually on a practical level where the social worker is involved directly or indirectly with law for e.g. The Child Care Act or the Criminal Procedure Act.

There has been a shift of focus from the crime to the criminal with emphasis on individualized sentencing with reference to punishment. The increase in the prison population coupled with the loss of manpower and the cost involved in this type of institutionalization, has contributed to the individualization of sentencing. This and other factors have highlighted the need for alternatives to imprisonment where the offender not only can be rehabilitated but can be useful in the community. One of the professions which can contribute to this new approach is surely the social worker working in the legal setting (Van der Merwe 1975).

Elliot Studt states the following of Social Work in the Correctional Setting:

" No separate specialty seems required in order to prepare social workers to take their place in correctional service. The basic social work approach to service is uniquely appropriate for dealing with the human problems which are presented in the correctional assignment. Enrichment of the curriculum, however, is needed if social workers are to be as ready to enter correctional employment as any other field of service (Van der Merwe 1975: 80).

3. FACTORS WHICH BIND SOCIAL WORK AND THE LAW:

There are various factors such as the offender, understanding of the human being, prevention and rehabilitation and the association with the law are all factors that connect Social Work to the Law.

Van der Merwe (1975: 80) highlights the following aspects:

- 1) The Offender: The offender is a person in need. When a person clashes with the law a crisis as well as social dysfunctioning exists. This crisis and dysfunctioning usually directly or indirectly results in the crime.

- 2) Understanding of the Person: There is usually a lack of balance or an imbalance in the person's value system which causes a crisis or need to exist. The person does not adhere to the norms and rules of society and this results in breaking the law.
- 3) If the law wants to meaningfully judge and wants justice to prevail then there is a need for insight into the individual, structure and dynamics of the person. With its knowledge of the person, social work is able to contribute to the Law and this is thus a binding factor.
- 4) Prevention and Rehabilitation: In a broad sense punishment has four aims namely, retribution, deterrence, prevention and rehabilitation. Social Work therefore plays a major role in prevention and rehabilitation of an offender in the community.

According to Van der Merwe (1975), the Law and Social Work are both theoretically and practically anchored in the principle of responsibility. He maintains further that since one is dealing with human lives there are pre-requisites that need delicate decisions, actions and judgements that must be made.

4. THE CORRECTIONAL SETTING

Wagner (in Suppes & Wells 1996: 427) writes that part of the Criminal Justice System

" seeks to change and improve the behaviours of convicted law offenders through imprisonment, parole, probation and ideally educational programs and social services".

The two major components of the correctional system are prisons and correctional supervision. The Department of Correctional Services adopted supportive and developmental model of intervention to address the needs of prisoners and offenders to try and reduce the crime and recidivism (Jordaan 1997: 26). Barker (1995: 316) describes recidivism as a means to relapse or return to crime.

According to the Annual Year Report 1996-1997:

" due the overcrowding of prisons i.e. 96 000 sentenced prisoners and 12 306 offenders on correctional supervision and the lack of professional staff ".

5 principles underlining the supportive and developmental model was identified namely:

- * Provision of opportunities to offenders for development;
- * Recognition of the offender's choice to utilize these services;
- * Emphasis on the offender's ultimate responsibility to change their own behaviour;
- * Involvement and utilization of the community as supportive partners;

Support within the context of Correctional Services is described by Jordaan (1997: 27) as a purposeful intervention by social workers, educationists, psychologists and other assisting role players to:

- * encourage, assist, enable and empower in order to meet the needs of the offenders;
- * improve their total functioning;
- * assist offenders to correct and control their criminal behaviour;
- * optimize the offender's potential (Department of Correctional Services: Social Work Manual).

Development on the hand is seen in the Correctional field by the multi-disciplinary team as a whole approach which is directed at the establishment of opportunities for development such as:

- * values, norms, attitudes, relations and behaviour that are conducive to law-abiding lifestyle's;
- * social, personal, occupational and educational skills;

According to the Jordaan (1997: 27) the focus will be on professional services such as rendering a supportive and developmental service to offenders in order to contribute to their behavioural change and community's stability and development (Nexus 1997).

Social Work with a prisoner differs from the social work services that are rendered to a probationer. Clients in the prison setting participate voluntarily in social work services in contrast to the case of correctional supervision where the probationer must participate in social work services as part of their conditions set by the court (Department of Correctional Services: Social Work Manual 1995).

For the purpose of this study, the researcher will highlight the role of the social worker working in the community corrections field. Emphasis will be placed on the social worker's role as assessment officer, as expert witness and as therapist.

5 THE ROLE OF THE SOCIAL WORKER AS ASSESSMENT OFFICER:

The assessment officer employed at the Community Corrections office plays a similar function as that of a probation officer. A probation officer is an officer of the court.

He must submit reports as ordered by the court about the offender's background and social functioning in the community (Van der Merwe 1975).

Parsloe sees this specialized field as follows:

" What is special to the Probation Officer is the field in which he works, which comprises the probation, court and prison structure the statutes which govern his work and the problems and needs of criminals with whom he works" (Van der Merwe 1975: 73).

The assessment officer has to determine the accused's suitability for a sentence of correctional supervision and submit a pre-sentence report to the court.

The Social Worker's task begins when the court request a social worker to evaluate the accused and to present an assessment report (i.e. a pre-sentence report) to the court.

According to Van der Merwe (1975) the purpose of the pre-sentence report is to provide the court with available information which will enable the court to better understand the accused so that a sentence which is imposed will have maximum value for the rehabilitation of the accused as well as protecting the community.

Hoffman (1975: 3) contends that the pre-sentence report is not merely an aid, but also may form the basis for the future treatment of the defendant either as

probationer, in-mate of an penal institution, or a candidate for parole (Van der Merwe 1975). According to the Social Work Manual (1995), the social work investigation consists of studying the charge sheet i.e. the dossier where the crime is depicted as well as the SAP. 69 (copy of the previous criminal record).

The Social Worker will conduct various interviews with the accused and consult with all relevant parties who can assist the social worker with information about the accused's personal circumstances and factors concerning the crime (PMSWS Chapter 1, par 3.1).

The aim of an intensive assessment is to determine whether the accused is a suitable candidate for a sentence of Correctional Supervision in terms of Section 276 (1) (h) of the Criminal Procedure Act 51/1977.

Each case is assessed to establish the supervision and treatment needs. The following areas need to be addressed when compiling the pre-sentence report. The criteria is taken from Department of Correctional Services: Social Work Manual 1995. The criteria is mentioned as follows:

- * The accused must not be considered to be a danger to the community;
- * A sentence of correctional supervision should be acceptable to society;
- * The accused must be willing to participate in treatment programs;
- * The accused must have no previous convictions of aggression or sexual crimes against children;
- * The accused must be self-supportive if unemployed, have enough funds to supports himself or have a family to support him or her;

- * The accused's behaviour and adaptation in society must be stable and co-operative.
- * The accused's work record/ past employment record must give evidence of responsibility. Unemployment is not a disqualifying factor.
- * The accused must have a stable residential record where he can be monitored. This is an important factor.
- * The accused must, as far as possible, have stable support systems (family and friends).
- * During the interview there must
 - be acknowledgment of remorse
 - insight with regard to criminality
 - some commitment to a responsible and crimefree future
 - assess whether the accused has learnt from previous experience

An important stage of the social worker's role during the investigation is the submission of the pre-sentence report to the Pre-Sentence Committee. This committee consists of a multi-professional team . This multi -professional team is discussed in chapter one. At this meeting, the social worker presents the case for discussion and each member will contribute to assist the social worker to make a positive recommendation to court.

According to Marais (1996: 24) it is the social worker's task to give a recommendation to the court concerning suitability and the programmes that must be attended (Rossouw 1997).

The original pre-sentence report (assessment report) is handed over to the court whereas the copy is channeled to the community corrections office should the accused be sentenced to correctional supervision (Department of Correctional Services: Social Work Manual 1995).

If the accused is sentenced to imprisonment in terms of Article 276 (1)(i) the copy is sent to the Head: Social Work Services of the prison where the prisoner will be detained.

6. THE SOCIAL WORKER AS EXPERT WITNESS:

In order to function within the legal setting the social worker requires knowledge of the different professional roles in the court . The role of the social worker in court is that of an expert witness which implies that he has to comply with the requirements of an expert witness. The expert witness will be cross-examined like any other witness and this fact places high demands on the knowledge, intellectual ability and communication skills of the social worker (Howes 1990: 70).

Schmidt (in Howes 1990: 70) mentions the following requirements that the expert witness must subscribe to:

a) Competency of the witness.

The court must be convinced that the witness is competent to talk about the topic concerned and has the necessary qualifications and experience;

(b) Grounds for the opinion made: i.e. the court must be fully informed as to how the expert witness came to make the opinion;

(c) Subjecting the court to the witness:

Howes (1990: 70) writes that it is important that the court does not only subject himself to the expert witness opinion, but to be able to reach an independent decision taking all the factors into account.

Saltzman and Proch (1990: 46) stresses the fact that social workers provide vital information to courts. The social worker's task is not to persuade the court but to inform the court about the accused's suitability.

6.1 The Social Work Report:

According to Howes (1990: 71) the social worker report is the "work product" of the social work services to the court. The report that is presented to the court is a reflection of the quality of the social worker's profession. For the purpose of this study the pre-sentence report (assessment report) as the "work product" will be discussed. The report that is written is in terms of section 276A(1) of the Criminal Procedure Act (51/1977) i.e. Consideration of Correctional Supervision as a sentence.

Aspects that should be included in the pre-sentence report is discussed according to the (Correctional Service Act (Act 8 of 1959):

1. Identifying Details or Personal Details:

The accused's name, surname, date of birth, identity number and status is written in this column.

2. **Work Environment:**

Discuss the offender's work environment in terms of work address, period of employment, reliability at work, frequent job changing and the financial position. If the person does not work as a result of circumstances such as unemployment, age, housewife, scholar, the reasons must be pertinently stated and whether the person is cared for or not must be mentioned.

3. **Residence:**

It is important to discuss whether the accused has a stable residential address and where it is situated. Mention must be made whether the area can be monitored or not.

4. **Family Ties:**

The Social Worker should discuss the client's marital status, mutual bonds within relations as well as whether the family is supportive of the offender.

5. **Other:**

In this column any other relevant aspects can be mentioned.

6 **Likely Risk Factors:**

Present Crime:

According to the Social Work Manual, it is important to discuss the present crime in terms of the risk of repetition.

Previous Convictions:

Discuss the nature, similarity, frequency of previous convictions. It is important to have a copy of the SAP 69 (i.e. previous convictions).

Suspended /postponed sentences:

Discuss previous suspended /postponed sentences which were put into operation as a result of violation of conditions in order to get a reliable image of the accused as well as suspended /postponed sentences which could be put into operation.

Violation of parole conditions/ escapes/ abscond:

To get a true reflection of the accused, it is important to discuss previous parole violations, escapes from detention and abscond from reformatory school or police cells.

7 **Physical/ Psychological conditions:**

Discuss the accused's physical and psychological factors that increases the riskiness of placing on a community-based sentence.

8 **Use of Alcohol/Drugs:**

Highlight the accused's use of drugs or alcohol and whether sobriety maintained.

9 **Care:**

Note must be taken here as to the care or lack of care as a risk factor to further crime involvement.

10 **Other:**

The accused's general misbehaviour, rebelliousness, co-operation, the present status e.g. youth offender must be discussed under this column.

11 Treatment Possibilities:

Individually Orientated Treatment:

Mention whether the accused as an individual would benefit from treatment in the community versus treatment within the prison.

12 Family System:

Discuss the extent to which the accused and the family would be disadvantaged if the sentence is served in the community versus serving the sentence in prison.

13 Prevention of Further Criminality:

It is important to discuss how correctional supervision is discussed in the community with reference to the conditions.

14 Evaluation.

The cryptic summary of the facts contained in the report is presented. A complete picture of the accused is given with all the important points mentioned.

15 Recommendation

According to the assessment officer, the accused must qualify according to the criteria to find someone suitable for correctional supervision. When making recommendations or conclusions, the social worker must be objective and stick to the facts gathered during the assessment. The social worker must believe in herself as a professional because she will be tested on her professional expertise. It is therefore important that you know your topic. The social worker must maintain her professional dignity when in court and be accountable for her behaviour (Braye 1992: 127).

7. THE ROLE OF THE SOCIAL WORKER AS THERAPIST:

When the young offender (probationer) is admitted on the system of correctional supervision, the first task of the social worker is to assess the client after sentencing and plan the intervention program (PMSWS Chapter 1, par. 3.2).

The treatment program is planned in co-operation with the probationer and in compliance with the court order. It is a known fact that offenders, besides their criminal behaviour experiences personal and social problems. Problems such as alcohol or drug abuse is often the causal factors for criminal behaviour (Rossouw 1997). The social worker must therefore implement a social work intervention program according to the needs of the client by making use of the three primary methods of social work namely, casework, groupwork and community work.

Social work intervention occurs according to a specific programme. Barker (1995) states " a programme is seen as a structured action according to the need of the client system to bring about change in a client by involving him either individually, group or in the community" (Social Work Dictionary 1995).

Examples of the programmes rendered by the professional staff are:

- Life skills programmes
- Family and marriage care programme
- Alcohol and drug abuse programme
- Orientation programme

The social worker has to identify during the planning if the need for other programmes are needed.

7.1 Social Casework:

Casework is a social work method whereby a variety of skills, techniques and other aids are used to improve the social functioning of a client (Defining Social Work Dictionary 1984: 60). Since the probationer is subjected to undergo treatment programmes as ordered by the court, it is the social worker who is in the employ of community corrections to see that the young offender understands and complies with the conditions. The probationer is given by admission compulsory condition forms where he is compelled to attend all sessions planned. The structured interview forms the basis of casework.

According to Barker (1995) an interview is a

" purposeful conversation between the social worker and the client, or skill used in casework, to secure particulars about the client's problem and personality in order to make a diagnosis, while at the same time being a therapeutic process within the therapeutic relationship" (Social Work Dictionary 1995).

The above information imply that the social worker in the legal setting must be fully equipped with knowledge about the legal processes, the court setup, the acts and regulations, and the knowledge of crime and the criminal. The social worker therefore finds himself in a specialized setting.

Parsloe sees this specialization as follows:

"What is special to the Probation Officer is the field which he works, which comprises the probation, court and prison structure the statutes which govern his work and the problems and needs of criminals with whom he works " (Van der Merwe 1975: 88).

Dunn (in Suppes & Wells 1996: 8) states "intervention process or planned changed process" is also known as the problem solving process. This intervention process is about preventative work. He writes that when the young offender is admitted for the first time, an assessment takes place to gather data from all relevant sources. Once this data has been collected, the social worker and the client identifies possible plans of action, develop a contract and draw up a treatment plan according to the problems identified (Suppes & Wells 1996: 8).

Dunn (1996: 9) emphasizes that the intervention plan is divided into 5 steps namely:

- * Initial engagement with clients
- * Assessment
- * Planning and preparation
- * Implementation
- * Evaluation of the process and termination

Different skills are used to accomplish the tasks of each one of the above phases. The skills that are identified during the implementation phase can be utilized for many roles to bring about change in individuals. The social worker is used as an enabler of change, as a teacher to modify behaviour and promotes insight and awareness of feelings within the young offender.

7.2. Social Groupwork:

According to Wagner (in Suppes & Wells 1996: 438) group work is a primary problem-solving or therapeutic approach used in community-based programmes.

Group Work is cited " as a social work method whereby groups of individuals, through the handling of group processes and group relationships, as afforded the opportunity of improving their social functioning according to their capabilities (Social Work Dictionary 1995).

Wagner (1996: 437) writes that group work has shown to be useful in prisons and in the community-based setting. During group work sessions, groups are helped to verbalize upsets and dissatisfaction. Skills training is used in the groupwork setting to help groups of probationers to communicate problems such as anger and to assist to deal with issues such as problem-solving, conflict management and assertiveness (Suppes & Wells 1996: 437).

Hartford conceptualizes group phases as follows:

1. Pregroup Phases
2. Group Formation Phase
3. Integration, Disintegration and Conflict, Re-integration, or Re-organizational Synthesis Phase
4. Group Functioning and Maintenance phase
5. Termination Phase

Hartford mentions that it is important that one has an understanding of the phases of group development so that it can help the worker to prepare events and plan ways to be helpful (Garvin Charles and Seabury Brett 1984).

The most important aim of groupwork is to assist the probationer to form meaningful relationships and to enable positive social functioning in the community to prevent criminal behaviour (Department of Correctional Services: Social Work Manual).

7.3 Release Preparation:

Social workers in the correctional setting must run pre-release programmes in accordance with the needs of the probationers to assist them to accept the stigma and problems attached to their sentence.

7.4 Utilization of Resources:

According to the Social Work Manual for Social Workers, social work staff should make use of resources in the presentation of helping programmes. Funds are estimated for the purchase of helping aids to assist with treatment programmes.

The social worker must also be fully aware of the resources in the community to assist with rehabilitation of the young offender such as training institutions and other services that are being rendered. According to Craven (1994: 32), it is the role of the social worker to bring the probationer in contact with the resources in the community and if resources are lacking, it must be developed by the social worker (Rossouw 1997).

According to the Bruyns (in Glanz 1993: 285) an important task of the social worker is to assist with the co-ordinating of services with various organizations such as SAPS, external welfare organizations, and schools. The aim of this co-ordination is to give assistance to major problems that are experienced by example youth.

The marketing of Correctional Supervision at forums, symposiums, information career days is an important task that the social worker is faced with because positive community involvement in correctional matters is of utmost important for the

THE EMPIRICAL STUDY

SECTION C :

CHAPTER 5

DESIGN AND METHODOLOGY

5.1 INTRODUCTION

This chapter contains the core of this study. An exposition and argument of how the research is going to be done is depicted in this chapter. Smit (1995: 1) describes scientifically based knowledge as a "pure, critical knowledge that is methodically obtained and factually and conceptually verifiable". Smit (1995: 1) further writes that scientifically based knowledge can therefore be described as a result of a search for new insight and understanding.

5.1 AIMS OF THIS RESEARCH STUDY

The aims of the present study are:

- 5.1.1. to identify the variables that appear to be operating in determining the successful and / or unsuccessful correctional supervision sentenced with young offenders;
- 5.1.2. to gain a better understanding of the facts and events that have a bearing on the youth's social functioning during the Correctional Supervision sentence;
- 5.1.3. to contribute to a better understanding of working with youth offenders in the community and to make positive recommendations concerning their rehabilitation.

promotion of correction supervision (Ndebele 1995).

SUMMARY:

Social Work has a long association with the legal field and thus the social work profession is paying more attention to the rendering of services in the field.

The valuable role the social worker in the correctional setting namely correctional supervision plays can be clearly seen by this chapter discussed. It is clearly visible that the social worker plays a variety of roles in the rehabilitation process of the young offender. To re-iterate what Braye (1992: 127) wrote:

" The social worker must believe in herself as a professional because she will be tested on her professional expertise. It is therefore important that you know your topic and maintain one's professional dignity when in court".

In the next chapter, the researcher will present a detailed description of the research design and methodology.

5.2. RESEARCH DESIGN:

The investigation documented in this thesis can best be described as exploratory - descriptive design. This design was chosen as very little is known about this topic (Grinnell 1988: 237). According to Yegidis and Weinbach (1991: 76), exploratory research is employed in situations where we know very little about a topic or problem.

Due to the fact that Correctional Supervision is a new community-based sentence, the researcher chose an exploratory research design. As the field is not well developed the descriptive approach is favoured because the researcher intended describing features of the phenomenon.

In short, the purpose of this research study is to explore some of the factors (variables) associated with the successful or unsuccessful Correctional Supervision sentences with special reference to young offenders.

The **literature review** formed a large part of the research process.

A comprehensive study was made of books, journals and court reports pertaining to Correctional Supervision and the youth offender. The literature review firstly discussed the statutory framework of Correctional Supervision and how it is implemented. Thereafter, the relevance of correctional supervision to theories of delinquency and the causes of crime was explored. Special emphasis was placed on the factors identified as promoting or impeding a sentence of correctional supervision. Finally, the role of the social worker in the community corrections field was described and discussed.

5.3. METHODOLOGY:

5.3.1. Pilot Study:

The researcher created a pilot interview schedule that was derived from the information gathered when speaking to the Correctional Supervision Committee whose task is to evaluate the youth offender on correctional supervision on a quarterly basis.

Grinnell (1988: 314) writes that the pilot study is also commonly known as the pretest or field study. Grinnell further maintains that pretesting of the instrument using individuals who will not be used included in the final study is needed in order to examine clarity. This therefore clears the question of any ambiguity and also established clarity.

The pilot study was administered to five respondents at the Community Corrections Office in East London. During the interviews, the researcher probed for the respondent's understanding of the various questions. After minor changes, the final interview-schedule was drawn and administered to the research sample.

5.3.2. The Sampling Procedure:

The samples were chosen using the **purposive sampling procedure** (Rubin & Babbie 1997: 266). See Chapter 1.

According to Bailey (1978: 83) the advantage of purposive sampling is that the researcher can use his or her research skills and prior knowledge to choose respondents. The sampling size was based on 15 young offenders who had been

sentenced to correctional supervision at the East London Correctional Supervision Office. Grinnell (1988: 251), explicitly states that " a large proportion of social work research and evaluation relies on this type of sampling procedure where studies are based on the caseload of an individual social worker".

5.4. THE INSTRUMENTS OF DATA COLLECTION:

A structured interview-schedule (comprising an appropriate mix of close and open questions) and an assessment schedule which explored the said sample of youth's experience of Correctional Supervision, and the target area of the study in particular, was administered by the researcher.

A similar research tool was administered to one significant other (normally and preferably a parent or guardian with whom the youth lives) as well as being completed by the Correctional Supervision Committee responsible for monitoring the youth's progress on the system of Correctional Supervision.

The last named committee is also responsible for the adjustment, extenuation and suspension of conditions. The researcher observed the 15 youths who were used as the sample to gather information on their overall social functioning on the system by consulting with their correctional officials.

The researcher compiled assessment reports on the youth's background which formed part of the data collection. Progress reports were also drawn up to assess the respondents progress on the system of correctional supervision in terms of all the "conditions " which the court had subjected them to.

To enhance the reliability of the study, the researcher administered an evaluation report to the Supervision Committee who comprised of the Correctional Official, the Social Worker and a Monitoring Official. The questions in this evaluation report were based on the respondents progress, adjustment and behaviour on the system of Correctional Supervision. (See Appendix 2)

The researcher interviewed each respondent individually over a period of three weeks by means of personal interviews and was assisted by the researcher's colleague who was able to translate the questions posed so that the respondents could understand the questions fully. Making use of personal interviews produced more valid information than the survey method would produce and it provided a means of getting beyond surface appearance to the respondents' experiences and problems on the system.

According to Reid & Smith (1981: 209), the personal interview is capable of eliciting information in larger amounts and in greater depths. Lee (1993: 104), contends further that personal interviewing permits greater sensitivity to the meaning contexts surrounding what the respondent tells the researcher.

5.5 SCOPE AND LIMITATIONS OF THE STUDY:

The researcher acknowledged a conflict between her role as therapist and researcher and the inevitable impact this had on the objectivity of the findings. Interviewing the family and the Correctional Supervision Committee offset this problem.

The researcher made use of an interpreter for the use of translating certain questions posed to the respondents in the sample. The interpreter was a qualified social worker also employed for the Department of Correctional Services. She was fully skilled and trained to interview the respondents and to translate the questions posed.

Results cannot be generalized as the sample does not constitute a representative sample of all young offenders doing a community-based sentence. All topics were addressed during the interviews but not all the respondents explored them in the same depth and each respondent exhibited varying degrees of self-awareness.

5.6 DATA ANALYSIS:

All data analysis was done by hand according to responses to each individual question.

5.7 PROBLEMS ENCOUNTERED:

A problem that was encountered was that the interview-schedule was written in English which had to be interpreted for the respondents to understand the questions fully. This could have resulted in the meaning of certain terms being construed and getting false responses. This shortcoming reduces reliability of the research tool and findings cannot be generalized.

Limited South African literature concerning the topic could be found which created a problem.

SUMMARY:

A step-by-step exposition of the whole research process is given in this chapter. The aim is to inform the reader how the research was carried out. As mentioned, correctional supervision is a new sentencing option and very little research has been done in South Africa. Problems were experienced in obtaining relevant literature pertaining to the topic researched.

In the next chapter, i.e. chapter six, an exposition of the analysis of data will be discussed.

DATA ANALYSIS

SECTION D :

CHAPTER 6

ANALYSIS OF DATA

1 INTRODUCTION

This chapter will review and discuss the major analysis of the respondents' interviews and how these relate to the literature with special reference to the factors that promote and or impede a correctional supervision sentence. The purpose of this is to identify the variables that appear to be operating in determining the successful and or unsuccessful correctional supervision sentences with young offenders. The structure will follow the framework of the interviews using the questions as headings as depicted in the interview-schedule. The sample group used for the study is 15.

2 ANALYSIS:

2.1 Personal Details:

(a) Gender:

All the respondents', except for 4 were females.

(b) Age:

The sample ages ranged from 14 to 20 years.

Of these 6.6% (1) were 14 years, 13% (2) were 16 years old,

13% (2) were 17 years old, 40% (6) were 18 years old, 20% (3) were 19 years old, and 6.6% (1) were 20 years old.

From the above statement, it can be concluded that the majority of the respondents i.e. 40 % in the age group 18 years were actively involved in crime.

crime. The findings correspondent with Kohlberg's study (in Adler 1991: 84), the delinquency and criminal behaviour occur in the pre-conventional stage. It was also prominent that 73% of the respondents were males and 27% females. Cronje, Van der Walt, Retief & Naude (1987: 314) contends that males are more incline to commit certain types of crimes such as theft housebreaking, robbery etc. than women.

(c) Occupation:

33% were school going youths, 20% employed, 6.6% of the youth's dropped out of school, 26.6% are unemployed and 13.3% had their sentence revoked and is presently serving their sentences in prison.

(d) Support Systems:

74 % reside with their parents - be it one or both biological parents.

13 % reside with substitute parents e.g. grandmother, aunt etc.

13 % are presently in prison because their support systems have broken down.

(e) Family of Origin:

26% are from a family with a single parent

13.3% are from a family where the parents are divorced.

60.7% are from nuclear families.

According to the Correctional Services Act, Act 8 of 1959, the young offenders must have a positive support system in the community to be able to be placed under correctional supervision. All the respondents' have positive support systems in the community.

(f) Financial circumstances of the family of origin:

33% are from families which find it difficult to cope financially .

67% are from families who seem to be coping financially.

The majority of the respondents' come from families that are coping financially and according to the criteria when placing an offender on correctional supervision, he must be self-sufficient or have family that is able to support him (Neser 1993).

(g) Status of the Offenders:

- All the respondents are young offenders i.e. they all fall within the definition of a youth offender as defined by the Criminal Procedure Act, 51 of 1977 as " a person under the age of 21 years who has been sentenced to imprisonment or correctional supervision".
- All the respondents are first offenders. This means that all the respondents have no previous convictions of any crime against them.
- None of the respondents have committed new offenses while serving their sentence.
- All the respondents were sentenced to correctional supervision namely: 80% were sentenced to 276 (1) (h) of the Criminal Procedure Act, 51 of 1977, i.e. the young offender is sentenced to serve his sentence at home under house arrest while being monitored and supervised by the Department of Correctional Services and, 20% were sentenced to 276 (1) (i), this means that the young offender first goes to prison to do a portion of his sentence before being placed under correctional supervision.

(h) **Types of Crimes committed:**

- 20% committed murder
- 20% theft
- 26.6% robbery
- 13.3% rape
- 6.6% possession and pointing a firearm
- 6.6% culpable homicide
- 6.6% extortion

Of these crimes committed 13.3 % of the females committed murder, 6.6% culpable homicide and 6.6% extortion. The types of the crimes committed range from a serious to a less serious nature. Rutter & Giller (1983:125) state that observational studies show that boys are more aggressive than women and yet this study has shown that all the women placed on correctional supervision have been found guilty of violent crimes such as murder and culpable homicide. Important to note that aggression is influenced by social learning and situational factors (Rutter & Giller 1983).

3 **IMPRESSION ON THE EFFECTIVENESS OF THE SENTENCE:**3.1 **Rate the effectiveness of your sentence with regards:**

- (a) Table 1 depicts the impressions of preventing a repeat of sentence:
N = 15

Comment:	Frequency	Percentage
Very Effective	6	40%
Effective	50	33.4%
Neutral	2	13.3%
Ineffective	2	13.3%
Very ineffective	0	0%
Total	15	100%

- **Impressions on the Effectiveness of the sentence included the following comments:**

40% of the respondents felt that the sentence was "very effective". The following comments were made:

- * I am not able at night to go out and drink with friends.
- * I am able to go to school and I am not in prison.
- * I don't go anywhere without permission and I am compelled to do community work and I feel that this sentence is like " a prison without walls".
- * I don't have time to do anything. My liberty is restricted.
- * I have changed due to the tough sentence and avoid mixing with " bad friends".
- * Liberty is restricted as I am placed under house arrest and have to ask for permission.

33.3% respondents felt that the sentence was "effective". The following comments were made:

- * There are people who helped me and showed me what I must do. The rest of the staff is like my family. Everything they say is what my parents say.
- * Since I have been placed under house arrest I am not allowed to go to places without permission.
- * Because I haven't found any problems with this sentence.
- * Although I do not go out, I am able to get permission.

13.3% respondents who remained "neutral" gave the following comments:

- * It does not work for me.
- * It is a problem because it clashes with my sporting activities.

13.3% respondents felt that the sentence was "ineffective". The following comment were made:

- * It is very strenuous and tough and I cannot do it.

From the above statement, it is clear that the respondents who found it ineffective was unable to cope with this sentence.

(b) Impressions given on Treating of Personal Problems:

Treating Personal Problems:

N = 15

Comment	Frequency	Percentage
Very effective	6	40%
Effective	7	46.7%
Neutral	2	13.3%
Ineffective	0	0%
Very Ineffective	0	0%
Total	15	100%

40% of the respondents who felt that their personal problems were being treated as "very effective " gave the following comments:

- * Personal problems are dealt with by the social worker.
- * One can speak openly about ones problems.
- * I am assisted when I request help e.g. " I had problems with my mom and the social worker assisted me.
- * Whenever I experience problems it was always addressed by the official and the social worker.
- * My problems were always addressed.
- * If I want to talk to the social worker my problems are always addressed.

Of the 47% respondents who felt that their personal problems were being treated as "effective" the following comments were made:

- * I am referred to the social worker when I experience problems.
- * Whenever I experienced problems it was addressed.
- * The officials were able to help me when I had problems e.g." When I had to go to a funeral.
- * The social workers assisted me.
- * I come to the social workers when I have a problem.
- * If I want to talk about what is bothering me, the social workers assist me.
- * When I come in to sign, the social workers always asked whether I had problems

Of the 13.3% respondents who felt "neutral" concerning the treatment of personal problems mentioned the following reasons:

- * When I had problems with my mother I first had to get permission to move out. Although the social worker tried to help me the officials always targeted me.
- * I dealt with my own problems.

It seems from the responses that most of the offenders received some assistance in dealing with their personal problems. Gerber (1995: 145) mentions in his study that it is important to ensure the involvement of treatment programmes when a probationer is placed under correctional supervision.

3.2 Description of the overall effect of the sentence on individuals:

- (a) Overall Effect:
N = 15

Comments	Frequency	Percentage
Very Helpful	6	40%
Helpful	3	20%
Harmful	5	33.4%
Very Harmful	0	0%
Neutral	1	6.6%
Other	0	0%
Total	15	100%

The 40% respondents who found it "very helpful" made the following comments:

- * I do not experience problems with correctional supervision.
- * Since the death of my father, I use to be irresponsible - I am now responsible.
- * This sentence taught me a lesson. It is very difficult because I did not know how to function in the community.
- * I was given a chance to complete my schooling and I no longer mix with negative friends.
- * I used to stay out of the house in the evenings but I now find that I spend more time at home.
- * It is a tough sentence but it taught me to be responsible.

Those 20% respondents who found it "helpful" made the following comments:

- * At night it keeps in the house at all times. In the past I always used to involve myself in fights but I no longer do that.
- * At first it was difficult but it is teaching me to adhere to conditions.
- * It has given me the opportunity to complete my schooling and prevented me from mixing with negative elements in the prison.

Spies (1994) agrees with the above statements when she highlights one of the advantages of correctional supervision as allowing the probationers to remain productive and either remain at school or allow him to keep his job.

The 33.3% respondents who described the effects "as harmful" the following comments were made:

- * It had a harmful effect because whatever I did, got me into trouble. My siblings applied a stigma to me and also the officials seem to be targeting me.
- * The house arrest restricts my liberty as I use to enjoy going around with my father.
- * I am not a free man anymore. I must comply with conditions and it feels as if I am forced to do this because I committed a crime.
- * This is a tough sentence and I just cannot do it. (This client was referred back to prison)
- * House arrest is tough.

6.6% of the respondents gave a "neutral" comment stated the following:

- * My whole life has come to a standstill. This sentence has been the hardest thing for me - but it is easier than prison.

4 WHAT HAS BEEN HELPFUL IN YOUR SENTENCE:

Various reasons have been put forward for what has been **helpful** in the sentence:

33.3% of the respondents highlighted the fact that they were able to continue their schooling.

33.3% respondents felt that their sentence was helpful because they were given the

opportunity to be with their family. Bruyns (1993) supports this statement when he writes that correctional supervision assists in maintaining family ties.

The other reasons given by 13.3% of the respondents were:

- * It made me become aware of Community service i.e. "to do a good deed".
- * The fact that they are able to work and look for work was also given as a reason by 2 respondents.

6.6% of the respondents felt that when he was sentenced to Correctional Supervision sentence in terms of Section 276 (1) (i) i.e. he was subjected to the negative influences in the prison and since he had been released and place on correctional supervision in terms of Section 276(1) (h). He has found it very helpful.

5. WHAT HAS BEEN OBSTRUCTIVE IN YOUR SENTENCE:

- 20% respondents felt that they had experienced no obstructions in their sentence.
- 47% respondents felt strongly that the house arrest was a major problem.
- 13% respondents found difficulty with the community service.
- 20% respondents faced problems with the attitude of the staff.

Other reasons given were that they had been threatened by the officials, some enjoyed community service but felt little consideration was given to their financial circumstances as they often did not have money for transport to report to the office, and to their community service placement.

6 WHAT FACTORS HAVE BEEN MOST BENEFICIAL TO YOUR SENTENCE:

20% respondents felt that attending programmes was "**most beneficial**", they gave the following reasons:

- * I was taught to be responsible.
- * I am able to handle conflict.
- * I was taught about the consequences of alcohol and drug abuse.

33.3% of the respondents who felt that they " benefited" from house arrest gave the following reasons:

- * Kept me away from negative friends and from alcohol and drugs.
- * Kept me away from mixing with negative friends.
- * Kept me out of trouble.
- * Taught me to stay at home.

A few of the reasons given for " benefiting " from community services were as follows:

- * Made me aware that I can do something for the community.
- * I became aware of other peoples' disabilities.
- * I enjoyed the " special projects" i.e. combined cleaning up operations at schools with all the probationers on the system.

6.6% of the respondent's felt that the fact that he could not use alcohol and drugs improved his social functioning. He has now overcome his drug problem.

7. IN WHAT WAY CAN CORRECTIONAL SUPERVISION BE IMPROVED?

The general feeling was that the correctional supervision staff should be more flexible to individuals needs.

8. CHANGES RECOMMENDED:

86.6% i.e 13 of the respondents felt that they should be given more community service and less house arrest.

9. **ASPECTS PROBATIONERS FOUND DIFFICULT TO COMPLY WITH:**

14 of the respondents i.e. 93% felt that house arrest was the most difficult condition to comply with and 6.6% of the respondent's felt that he "hated community service". He felt "humiliated and embarrassed".

10. **THE PRESENT LIFE IN TERMS OF PROBLEMS:**
N = 15

Rating	Frequency	Percentage
Always problem free	2	13.3%
Mostly problem free	2	13.3%
Seldom problem free	6	40%
Never problem free	5	33.4%
Other	0	0%
Total	15	100%

Of those who were still experiencing problems, the following reasons are quoted:

- * I live in a poor environment and still experience peer pressure.
- * I need money to take care of my child.
- * I experience problems with my family.
- * I am afraid that they will check on me at work.
- * Although I have changed, my circumstances have not i.e. my family still struggles financially. I still live in a pathetic environment.

It seems that most of the issues which are regarded as problems have to do with the social circumstances of the respondents and problems in the family home.

11. **HAS YOUR SOCIAL FUNCTIONING IMPROVED?**

86% says that their functioning has improved i.e. they all experienced change for the better, e.g. " I am more responsible, my behaviour has improved, they had

gained knowledge, I am more in control of my behaviour, I am not involved in anti-social behaviour, I have experienced personality changes e.g. I am less withdrawn since doing community service.

12. FACTORS WHICH WERE HELPFUL IN IMPROVING YOUR SOCIAL FUNCTIONING:

Family support, house arrest and the attendance of programmes were considered helpful factors.

13. FACTORS WHICH OBSTRUCTED IMPROVEMENT IN YOUR SOCIAL FUNCTIONING:

87% of the respondents felt that the correctional supervision staff members were not flexible, they had no understanding of youth development and that they were too rigid. 13% respondents felt that their family systems disintegrated which resulted in their sentences being revoked i.e. referred back to court for an alternative sentence.

14. THE ROLE OF SOCIAL WORK IN THE FACILITATION OF THE SENTENCE:

Most of the respondents liked the idea of an individual assessment as they felt that their own needs were identified. It seems obvious from the answers that social work services have an important role to play in the facilitation of this sentence because time is used to explain the sentence to the probationers, they were assisted throughout the process to understand what is expected of them.

The respondents felt further that the officials needed to liaise with the social workers as they are more aware of the problems they experience.

15. PROGRAMMES WHICH RESPONDENT'S WERE SUBJECTED TO:

All 15 i.e. 100% of the respondents were subjected to a Reality Orientation Programme (i.e. responsibility programme) which aims to orientate the probationer in terms of the sentence and also to instill in them a sense of responsibility (Departmental Literature).

Other programmes included: Lifeskills training in - conflict management, decision making, problem-solving, self-concept and assertiveness.

Alcohol and drug programmes as well as sexuality programmes were also given.

The respondents were also referred to other service organizations e.g. Nicro or Sanca, if a need was identified to undergo therapy or skills training.

B. ANALYSIS OF THE PARENTS/ SIGNIFICANT PERSON:

87% of the parents were interviewed to assess how they viewed correctional supervision as a suitable sentence.

Of the 87%, 13% were significant parents and 74% were 1 of the biological parents whom the respondents live with.

13% of the parents did not turn up for the interview. They were the parents of the 2 respondents who were referred back to prison to complete their sentence.

1. PARENTS VIEWPOINTS CONCERNING CORRECTIONAL SUPERVISION.

87% of the respondents parents felt that correctional supervision was a suitable sentence.

The reasons fell within the following categories.

- * instilled self-discipline and control,
- * more time spent with the family,
- * that they were not allowed to use alcohol or drugs,
- * I have found that my child has changed his negative behaviour into a very positive one.
- * It gives them a second chance in life to mend their ways and build a career for themselves.

1 parent wrote that " I am happy because my boy has time to be at home, he spends time with his studies and he does not loiter any more".

Another parent felt that her son became " time conscious". There was a definite change in his behaviour e.g. " he became more helpful and his behaviour changed to the best".

2. FACTORS THAT HELPED WITH THE IMPROVEMENT OF YOUR CHILD'S BEHAVIOUR AND FUNCTIONING:

The 87% of the parents felt that **House Arrest** played a major role in improving their children behaviour and functioning in the community. They mentioned the following reasons:

- were forced to remain at home,
- restriction on their liberty,
- monitoring and the fact that they were given time to do certain things.

13% of the parents felt that the fact that they were not allowed to use substances played a major role with their functioning in the community.

6.6% of the parent's wrote that " his duties at the police station (i.e. community service) has given him a different outlook on life. he now knows the difference between right and wrong. His behaviour has improved tremendously and he has become more caring towards family, neighbours and friends.

3. FACTORS THAT OBSTRUCTED THE PROBATIONER'S PROGRESS ON CORRECTIONAL SUPERVISION:

The 62% of the parents experienced no problems that obstructed their children's progress on the system of correctional supervision. 38% parents stated that there were times that they experienced problems financially e.g. taxi-fare to report to the office and to report to the community-service.

4. CHANGES IN THE PROBATIONERS BEHAVIOUR SINCE BEING SENTENCED TO CORRECTIONAL SUPERVISION:

The 87% of the parents felt that their children have changed since being placed on correctional supervision. These were the type of comments made:

" her son is a changed boy. He now chooses his company very carefully. He prefers to stay home and attends church services regularly. He stopped smoking and attending disco's. I am extremely grateful for the positive change in my son".

6.6% said that " he is more accountable about his movement. I have seen him decide not to go with friends when a potential of mischief existed".

13% of the probationers who were referred back to prison experienced major family problems and not problems with the system itself.

C. ANALYSIS OF THE SUPERVISION COMMITTEE:

The Supervision Committee consists of a group of correctional officials namely the correctional official who is in charge of the young offender, the community service official who is responsible for the community services, the monitoring official who is responsible for monitoring the offender during his house arrest times, the director of the community corrections office and the social worker. The aim of this committee is to evaluate the probationer's progress with reference to the conditions the court has ordered. The conditions are: house-arrest, community service, monitoring and attendance of programmes. The supervision committee is also responsible for the adjustment, extenuation and suspension of condition.

According to the supervision committee, **75%** of probationer's violate **house-arrest**. The community service is seldom violated and therefore most of the young offender's community-service has been suspended due to doing it very well. It was also found that the young offender seldom violates attendance of programmes.

One can detect from the 3 analysis that there is a definite link between how the parents and the probationers experience their correctional supervision sentence. The parents found that their children have undergone a major change with regard their functioning and behaviour in the community. They highlighted factors such as the restriction of their liberty (house-arrest), monitoring and the community-service as contributory factors.

The probationer's themselves felt that correctional supervision was an effective sentence because it gave them the opportunity to do their sentence at home and not in

prison and the fact that they were allowed to continue with their schooling. Although they all said that they experienced problems with house-arrest, they felt it was better than going to prison. The supervision committee during their evaluations found that youths mostly violated house-arrest and seldom community service and attendance of programmes.

SUMMARY

This section has explored all the questions which emerged from the interviews and presented it as the respondents gave it. It is clear from the answers received that the respondents experience house arrest as a problem and that various issues and problems that were highlighted need to be explored. Most of the parents felt that correctional supervision was a suitable sentencing option because their children's liberty was restricted and they were not allowed to use alcohol or drugs. By subjecting them to stringent conditions brought positive changes in their behaviour and adjustment in the community. The supervision committee revealed that most of the youth violated house arrest but seldom the other conditions that they were subjected to.

In the next chapter, the researcher will present a summary of the important findings made from this chapter.

CHAPTER 7

SUMMARY OF MAJOR FINDINGS:

To recapitulate, the purpose of the study is to explore some of the factors (variables) associated with the successful or unsuccessful correctional supervision sentence with special reference to the young offender.

The specific aims of the study are as follows:

- * To identify the specific central variables that operate to promote or impede a successful or unsuccessful correctional supervision sentence;
- * To gain a better understanding of the facts and events that have a bearing on the youth's social functioning during the correctional supervision sentence;
- * To contribute to a better understanding of working with youth offenders in the community and to make positive recommendations concerning their rehabilitation.

In accordance with the aims of the study, the literature study concerning the theoretical framework of correctional supervision, the theories and causative factors explaining criminality and the role of the social worker was reviewed.

7.2 DISCUSSION OF FINDINGS:

It serves to be noted that the total number of respondents namely 15 is not representative of all the young offenders on the system of correctional supervision.

Therefore, the results cannot be generalized. However, the results does show a tendency concerning the variables that promote and impede a successful correctional supervision sentence.

All the respondents are young offenders who according to their court records were first offenders. 26.7 % (4) of the respondents are from a family with a single parent, 13.3% (2) are from a family where the parents are divorced and 60 % (are from nuclear families. The majority of the respondents have positive support systems in the community although 33% are from families who were finding it difficult to cope financially. None of the respondents have committed new offenses while serving their sentence in the community. Graser (in Glanz 1993: 288) mentions that the problems of the offender lie in the community and that is the best place for them to be dealt with. From the results, one can conclude that a sentence of correctional supervision can be implemented to alleviate the problem of young offenders who do not pose a risk, and who have a stable support system being sent to prison or any other custodial institution. Pappala (1992: 362) stressed that adolescence is a "period of great storm and stress as well as having an immense physical, mental and emotional potential".

Cronje et al (1987: 21) comes to the conclusion that there are "no unit cause for crime" but many causative factors. These factors have clearly been discussed in chapter three. The researcher is of the opinion and supports the above statement that there are various key variables such as personal pathology, undesirable peer relationships and general socio-cultural factors (Rutter & Giller 1983)

involved in the development of the young offenders' behaviour.

The empirical findings are based on the data received from the interview-schedule.

The research study explored the following areas as depicted in the interview-schedule namely:

- (a) Effectiveness of the sentence in terms of
 - preventing a repeat offence
 - treating personal problems
 - Factors that were helpful;
 - Factors that were obstructive;
 - Factors that were most beneficial during correctional supervision
- (b) Factors that improved the respondents social functioning.
- (c) The role of the Social Worker.
- (d) The programmes the respondents are subjected to.

To demonstrate how effective the respondents rated the sentence, 75% (11) said that it was " very effective" and " effective" because it allowed them to remain at home, continue their schooling, liberty is restricted, sentence is tough, could not do anything without permission and became responsible. These factors corresponds with the advantages of correctional supervision that Spies (1994) highlights as problems that are the result of imprisonment is eliminated such as family disintegration, deprivation of the individual's responsibility and institutionalization.

13% respondents remained neutral and 13% respondents found it completely

ineffective and their comments were "they found it very difficult because it was tough and strenuous". This comment is in line with what Labuschagne (1994) said in the reported case of *S v Kotze* that "Community service is not a soft option".

From the findings, the young offenders found house arrest to be very difficult and it did serve as a deterrent. Judge Tibbutt (1993: 13) cites in the reported case of *S v Omar* "one of the objectives of correctional supervision sentence is the imposition of a sentence, which because of the extent it deprives the accused of his or her liberty, is sufficiently severe, and is seen by society to be sufficiently severe, to meet the deterrent and retributive needs of society".

The research study also indicated that although the respondents found house-arrest extremely difficult, their overall social functioning and adjustment on the system was positive. The respondents' gave reasons such as "I am more responsible, my behaviour has improved, they have gained knowledge and in control of their behaviour". The respondents also felt that the factors that helped with their social functioning was their family support systems, stringent conditions of house arrest and the attendance of programmes. It is here that one can clearly see that stable family support systems and discipline (Rutter & Giller 1983) promote a correctional supervision sentence. This factor also goes hand in hand with the criteria stipulated in the Correctional Service Act, 8 of 1959, of placing an offender on the system of correctional supervision i.e. that the offender has to have a positive support system.

2 of the respondents sentences were revoked when their family support system disintegrated. The findings also highlighted that familial problems played an important role in impeding correctional supervision.

The respondents also felt that by being sentenced to correctional supervision, they benefited mostly "by being allowed to remain at home, kept away from the negative influences of imprisonment, they gained knowledge and became more disciplined, they were able to continue their schooling and remained productive.

It can be clearly concluded that the majority of the respondents do not experience a problem with community service. In fact, 1 respondent who experienced a problem with community service alleged that "the placement should be near their home so that it alleviates the transport problem".

It is clearly identified in this research study that the social worker plays an important role in the rehabilitation process of the young offender. Most of the respondents liked the involvement in programmes as they felt that they were able to develop and learn skills to equip them with problem-solving, conflict management, assertiveness and positive decision making. It is clear from the answers given on involvement in programmes that social work services have an important role to play in the facilitation of correctional supervision. All the respondents indicated the willingness to attend rehabilitation programmes.

The problem areas the respondents experienced as factors that could impede their functioning on correctional supervision were highlighted: as house-arrest, financial problems and the attitude of the staff. Reasons given for their problems were "they were being threatened by the staff, officials were not flexible in terms of their needs, financial problems and that the community service was done far from their home,

not having enough money to phone or have transport to report on a weekly basis at the office. All the parents interviewed felt that the correctional supervision is an ideal sentence because it had a positive impact on their children. They felt that the house arrest conditions, community services and the fact that they were being monitored served as a deterrent.

The parents alleged that they were able to see a major change in their children's behaviour such as being "time conscious" and more "responsible".

7.3. SUMMARY

In conclusion, the research study has proven that correctional supervision is a very beneficial sentence for the young offender because they are not exposed to the hardened criminal and negative influences of imprisonment (Adler 1991).

The findings have shown that most of the problems experienced by the youth have to do with their social circumstances such as living in a poor environment, familial problems, financial problems, peerpressure and unemployment.

It is clear from the discussion of findings that there are important factors and issues that need to be addressed to alleviate problems that can hamper the successful implementation of a sentence of correctional supervision.

Neser J (1993) cites that it is generally accepted that rehabilitation within the community is more effective than imprisonment.

From the above discussion of the research findings, there are distinct factors such as positive support systems, no involvement in gangsterism, no family pathologies such as alcoholism, family violence and financial problems that can promote a successful correctional supervision sentence.

The correctional social worker must be at all times aware of the role she plays in the rehabilitation process so that success is reached in ensuring that the young offender is able to function positively in the community.

In the light of the above empirical study, the writer, in the next chapter will make a number of recommendations and conclude.

CHAPTER 8

RECOMMENDATIONS:

In view of the research study done and the purpose of identifying the variables that appear to be operating in determining the successful or unsuccessful correctional supervision sentence with young offenders, the following recommendations are made which can be useful when working with the young offender.

The recommendations include the following:

1. In order for the young offender to adjust successfully under 24 hour house arrest, and to alleviate the high rate of house arrest violations, the correctional officials should actively provide recreational and cultural activities. It is important to make an effective contribution to see that the young offender utilizes house arrest time constructively. This is already occurring but on a comparatively small basis. The Social Worker in the community corrections setting will be able to guide, advice and liaise with the community to assist in providing the above resources. The continuous violation of house arrest can impede the adjustment on correctional supervision.
2. A sentence of correctional supervision can alleviate the problem of young offenders being referred to prison. According to the reported case of S v R 1993 (1) SA 476:

" the danger of imprisonment would lead to a breakdown of family ties, it would decrease the offenders personal sense of value and furthermore allow the offender's dysfunction problems to flourish in an environment conducive to such a dysfunction... "

Correctional supervision allows the offender to remain economically productive and gives him the opportunity to increase his belief in himself by doing something positive in a community service type order. Positive community involvement in this regard is of cardinal importance for the probationers to successfully integrate, rehabilitate and prevent recidivism.

Graser (1994: 288) contends that the problems of the offender lie in the community and that is the best place for them to be dealt with.

The community can be involved in the following ways:

* Involvement of the community as **Volunteers** i.e. the officials can create an infrastructure to get volunteers from the community to assist with the monitoring and presentation of treatment programmes.

3. The Correctional Officials must adopt an assertive approach to create community involvement through education and training. It is therefore recommended that the educational staff be fully utilized to train and educate the young offender on correctional supervision to better their studies and also to equip them with training skills. Gendreau and Ross (1984) found that skills training for young offenders was found to be an effective intervention especially training them to negotiate and handle criticism (Ferrara 1992: 3).

4. A broad conceptualization of the client system will enable the community corrections social worker to take a pro-active approach to problem-solving.

It is therefore recommended that the young offender should be involved in a multi-disciplinary team approach to improve the overall social functioning in the community. Family related problems must be identified and immediately addressed to prevent family disintegration which can lead to problems on correctional supervision.

5. In order for community services to make an effective contribution to correctional supervision with the young offender, it is recommended that the community services should meet the needs of the young offender i.e. it must be educational and should take place within their social context (neighbourhood). This factor should alleviate the problems highlighted in the findings that some parents experienced financial problems and were not able to give their children money to go to their community placements.

6. All correctional officials working with the young offender should be fully skilled and trained in the behavioural sciences so that they have a complete understanding of the dynamics of the young offenders' development. The correctional officials must also be subjected to interpersonal skills because they become the link between the Department and the community. Problems such as "negative attitude of staff" which was highlighted in the findings will be alleviated if members are highly skilled to work with young offenders.

7. For the community corrections social worker to address issues at a macro level, participation on interdisciplinary teams and services should be offered on a consultative basis. In order to participate on these teams the community corrections social worker should foster a social marketing focus, educating the community and liaising with the external welfare organizations.
8. The community corrections social worker should work closely with the monitoring officials because they gather vital information about the young offender's family circumstances as well as their adjustment on the system.
9. The community corrections social worker should give focused attention to individual problems and involve the young offender in treatment programmes throughout the sentence period to enable the young offender to improve his social functioning. A comprehensive assessment analysis must be done immediately after admission to enable the young offender to be placed in a therapeutic programme.
10. It is imperative that all the community corrections social workers' must receive formal training with regard to court proceedings, writing of court reports and giving evidence as an expert witness. Howes (1990: 6) cites that in order to function within the legal setting, the social worker requires knowledge of the different professional roles in the court as well as of the court proceedings.

11. The judicial officials should be trained in terms of correctional supervision sentencing option as they lack the knowledge of how correctional supervision is implemented. It is imperative that the judicial officials realize that the punishment and retributive aspects of sentencing in relation to corrective supervision would lie in the totality and cumulative effect of the elements of the sentence such as house-arrest, community service, the carrying out specific tasks, the subjection to psychological aid and group therapy.

12. Correctional supervision as a community-based sentence is here to stay and it is recommended that the community be educated in all aspects relating to correctional supervision sentence as the courts are sentencing offenders not only for the crime that is committed but in terms of their personal circumstances.

CONCLUSION:

Both the literature study and the empirical study has indicated and encouraged the use of community-based treatment to eliminate the need to remove a young offender from the family.

Correctional supervision as a community-based sentence option has become a reality in South Africa. It is a useful sentence for young offenders as it allows them to continue their studies, remain with their family, whilst at the same time places strong restrictions on liberty and leisure time of the young offender.

Although the sample population of the study was small and the findings could not be generalized, the importance of these findings can neither be overlooked nor disregarded. As an exploratory research project, the study has highlighted certain factors that can be useful for **further research such as involvement of volunteers, community awareness, judicial awareness and that the recidivism number with regard to the young offender who has completed correctional supervision be researched.**

The writer concludes that it seems that there are factors that can promote and impede successful correctional supervision sentence which should be addressed by the correctional officials when dealing with a young offender.

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APPENDICES

INTERVIEW SCHEDULE

TOPIC: AN EXPLORATION OF THE FACTORS WHICH
PROMOTE AND/OR IMPEDE CORRECTIONAL
SUPERVISION EFFECTIVENESS WITH
REGARD TO THE JUVENILE OR YOUTH
OFFENDERS.

SUPERVISOR: MR. P. CLARKE-McLEOD
RHODES UNIVERSITY

NAME OF THE STUDENT: MS. C.D. VAN ZYL
882G3701
DEPARTMENT OF SOCIAL WORK
SOCIAL WORK DEPARTMENT

INTERVIEW SCHEDULE

1. IDENTIFYING INFORMATION:

File number:

Date:

Age/Date of birth.

Gender:

Date of Sentence:

Sentence:

Crime/Offence:

Confirm respondent is a young offender: Yes/No

Confirm whether respondent is sentenced to Correctional Supervision:

Yes/No

Confirm respondent is a first offender: Yes/No

Confirm respondent has not committed an offence or been convicted of one since being sentenced to correctional supervision: Yes/No

GENERAL:

Outline your sentence in broad detail, that is, date, sentence, sentence components.

DO YOU HAVE ANY GENERAL COMMENTS TO MAKE CONCERNING CORRECTIONAL SUPERVISION AS A SENTENCING OPTION?

2. EFFECTIVENESS OF SENTENCE:

2.1. Rate the effectiveness of your sentence with regards:

- a) preventing a repeat offence by you.
- very effective
 - effective
 - neutral
 - ineffective
 - very ineffective

Motivate your answer.

- b) Treating your personal problems.
- very effective
 - effective
 - neutral
 - ineffective
 - very ineffective
 - other

2.

Motivate your answer.

- 2.2. Describe the major overall effect on you in respect of having been sentenced to Correctional Supervision?

Very Harmful
Harmful
Neutral
Helpful
Very Helpful
Other

Motivate your answer

3. What has been helpful in your sentence?

Motivate your answer.

4. What has been obstructive in your sentence ?

Motivate your answer.

5. (a) What (3) factors have been most beneficial to you during Correctional Supervision?

- (b) Were any of these factors beneficial to you?

House Arrest
Community Services
Attendance of Programs
No use of alcohol or drugs

Motivate your answer.

6. In what way could Correctional Supervision be improved?

Motivate your answer.

7. If you have to advise changes to the system of Correctional Supervision - what would you recommend?

Motivate your answer.

8. What for you are the most beneficial elements of Correctional Supervision?

Motivate your answer.

9. Outline aspects of Correctional Supervision that you think "probationers" find difficult to comply with?

Motivate your answer.

3.

10. (a) Besides serving a sentence of Correctional Supervision, how would you rate your life now on the following scale?
1. Always problem free
 2. Mostly problem free
 3. Seldom problem free
 4. Never problem free
 5. Other
- (b) Please motivate your answer?
11. When Social Workers talk about "social functioning", what do you think it means?
- Motivate your answer.
12. (a) Do you think that your social functioning in the community has improved?
- Yes
No
Other
- Motivate your answer.
- (b) If yes, in what way(s)
- (c) If no, did the behaviour -
- stay the same
get worse
other
- Motivate your answer
13. What factors were helpful in improving your Social Functioning?
- Motivate your answer.
14. What factors obstructed improvement in your social functioning?
- Motivate your answer.
15. In what ways can social work services facilitate a successful Correctional Supervision sentence.
16. (a) State the programs you have attended?
- (b) Rate the overall major effect each of these programs had on you?
- Very harmful
Harmful
Neutral
Helpful
Very helpful

4.

(c) Motivate your answer

17. (a) Besides your sentence, are there any important issues that are

(a) hindering your progress,

Yes

No

Other

Motivate your answer

(b) helping your progress

Yes

No

Other

Motivate your answer

18. Which of these factors, if any, belong to the past?

Motivate your answer

19. Which of these factors, if any, belong to the present?

Motivate your answer,

20. Besides your sentence, are there any issues that are helping your progress?

Yes

No

Other

Motivate your answer.

THANK YOU VERY MUCH FOR SHARING YOUR EXPERIENCES WITH ME, IS THERE ANYTHING ELSE THAT YOU WOULD LIKE TO SAY?

RHODES UNIVERSITY: SOCIAL WORK DEPARTMENT.

**TO BE COMPLETED BY THE PROBATIONERS PARENTS/
SIGNIFICANT PERSON**

**Please complete the following questions in an honest manner.
Circle the correct answer where applicable.
Your assistance is highly appreciated.**

1. NATURE OF RELATIONSHIPS:

1.1 What is your relationship with the probationer?

- Mother
- Father
- Grandparents
- Fosterparents
- Other

1.2 Does the probationer reside with you?

- Yes
- No

2. In your opinion, is Correctional Supervision a suitable sentence for the young offender?

- Yes
- No

Expand on your answer.

.....

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.....

.....

3. What factors in your opinion has helped in the improvement of your child's behaviour and functioning in the community

.....

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.....

Expand on your answer.

4. What factors in your opinion has obstructed the probationer's progress on Correctional Supervision?

.....

.....

.....

.....

Expand on your answer.

5. Have you noticed any change in the Probationer's behaviour since being sentenced to Correctional Supervision?

- substantial positive
- positive
- neutral
- poor
- very poor
- other

Expand on your answer.

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6. Is the progress/ lack of progress due to the sentence itself or due to other factors such as the probationer's environment or personality?

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THANK YOU!

CORRECTIONAL SUPERVISION COMMITTEE

PROBATIONERS EVALUATION

DATE :

REGISTRATION NUMBER:

NAME:

MULTI-DISCIPLINARY TEAM:

CORRECTIONAL OFFICIAL:

MONITORING OFFICIAL:

COMMUNITY SERVICE:

SOCIAL WORKER:

PSYCHOLOGIST:

EDUCATIONIST :
