



CRIME, YOUNG OFFENDERS AND CHILDREN AT RISK

Crime, young offenders and children at risk

This article seeks to address questions parents may have about their children at a stage where they may come into conflict with the law. Parents of adolescents spend sleepless nights wondering what their children get up to when parents and teachers are out of sight. Bullying and pranks are some of the unfortunate activities which children engage in unbeknown to them that they could lead to a criminal investigation especially if they result in injury or death.

Here are some of the frequently asked questions parents and teachers need to address from time to time even before an unfortunate incident occurs:

Who are young offenders?

A child that is between the age of 10 and 18 and has been found guilty of committing a crime is a young offender.

Do young offenders go to prison?

Yes they do but only under exceptional circumstances. The Child Justice Act makes provision for children whose ages range from 14 to 17 that custodial (prison) sentence be served in sentenced care centres.

What is sentenced care?

Sentenced care is when children are sentenced by a court to serve time in a secure child and youth care centre such as BOSASA Youth Development Centre. Here they receive therapeutic programmes, attend formal school and vocational skills training.

The sentence can last between 2 and 5 years. It combines time in a secure child and youth care centre and time in the community under the supervision of a probation officer.

What is a probation officer?

A probation officer is a social worker with intense legal training that focuses on the Child Justice Act. He or she is involved in monitoring the child's behavior while the child awaits trial and his or her reports on the child will assist the court to come to a decision.

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When is a child sent to a correctional centre (prison)?

When a child in a secure child and youth care centre poses a serious and violent threat to other children and educators, social workers and child and youth care workers within the centre, he or she may be removed and placed in a youth section of a correctional facility (prison).

If not sentenced care or prison, what then?

Diversion

Often, a first time young offender that pleads guilty may be given a diversion order. In this case a young offender meets with a panel to agree on a contract to repair any harm done which is also known as restorative justice. This is aimed at stopping such behavior that will put him in conflict with the law again.

Community service

For 16 or 17 year old children, the courts may impose a penalty of community service in which children are required to perform a set number of hours cleaning public facilities or caring for victims of crimes similar to those he has committed.

Sex offences

Next to murder and armed robbery, sex offences are some of the most serious offences. Adults are sent to prison for a long time for these offences. However, children who are below the age of 14 may not be held criminally liable as criminal intent cannot be proven. Such children are viewed as having Anti-Social Behaviour (ASB).

In case of gang rape by children whose ages range from 14 to 17, criminal intent is evident and such children can be prosecuted and the law allowed to take its course.

Youth classification

When children are in sentenced care or diversion and turn 18 up to 21, they are not sent to prison but are considered as youth and are kept in a child and youth care centre. However, if arrested and charged aged from 18 years and older, he or she can be prosecuted as an adult and not a youth.

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Children at risk

Children who are at risk of being in conflict with the law fall into two distinct categories:

- Children with behavioural problems
- Children with substance abuse tendencies

There are preventative programmes in Diversion that can help prevent a child from finding himself or herself from being brought before a court magistrate to answer criminal charges.

True stories of children at risk

The following stories are told by parents of children at risk. Judging by their behavior, urgent intervention is required:

Case 1: *I am a mother of 3 girls, aged 16, 12 and 6. The 16 year old has recently changed her behavior. She is stubborn, too demanding and lazy. She is a bright girl. But now she is drinking alcohol, though she does not do it openly, not in front of me. She is going to be in Grade 10 next year. She borrows clothes from her friends. She doesn't respect me or anyone else. She is too defensive and is good at lying. I need her to be committed in a school, where she will be taught respect and to take care of herself as a teenager. She used to be a sweet normal child back in the years. Please help. She might be even stealing. Help me please*

Case 2: *Please advise. I see you are a youth development centre. I have a 14yr old in Grade 7 with behavioural and discipline problems. His school is ready to give up on him and I don't want him to go the life of crime route. What kind of programmes do you offer? Do you know of any schools that will help?*

Case 3: *Hello I have a son who is 25 and has major anger and depression issues. Will you be able to assist with this situation? If not can you refer me to an institution I can approach?*

Case 4: *i have a younger brother who was declared a slow learner but the other factor is that he is very naughty and has started using minor drugs like cigarettes and glue.*

Case 5: *I am a single parent with 2 boys age 16 & 13. They have been smoking dagger for some time now, dodging school misbehaving and not doing well at all in their school work. I tried my best with them my brothers as well as my mother did intervention but nothing is helping. I even*

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informed my HR and was referred to see the department social worker. Can you please help me with my kids as I want them to get better future and also want to prevent them from getting involved with other drugs and end up committing crime as I feel like I can't handle them myself anymore.

Case 6: *My son is 18 years old doing grade 10 diagnosed this year with severe depression and hooked up with dagga abuse' he's not coping well at school as he's repeating grade 10 and he's been admitted 3 times at the hospital twice with depression and once tried to commit suicide' can u please find in your heart to help my son.*

Case 7: *I wanted to ask if you can help me as she has joined a gangster and I believe that she's no longer attending school as she now disappears for days and drinks alcohol and when she comes back she doesn't want to even explain herself to anyone. I'm currently 7 months pregnant and need immediate help as I become nervous and afraid that something might happen to her.*

Case 8: *I have a brother who is a drug addict (nyaope) I would like please to get more information on the programme that you offer and also the charges*

Institutionalisation

Simply put, it is committing a child into a controlled centre where he will undergo therapeutic programmes aimed at correcting his behavior and helping him or her deal with his substance abuse.

1. Secure care centre – here institutionalization is not voluntary
2. Substance abuse rehabilitation centre – here institutionalization is voluntary

Diversion in the new child justice system

Diversion is the central feature of the new child justice system. According to the Act, diversion aims to:

- encourage the child to be accountable for the harm caused;
- meet the particular needs of the individual child;
- promote the integration of the child into the family and the community;
- provide an opportunity to those affected by the harm to express their views of its impact on them;

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- encourage the rendering to the victim of some symbolic benefit or the delivery of some object as compensation for the harm;
- promote reconciliation between the child and the person or persons or community affected by the harm caused;
- prevent the stigmatisation of the child and the adverse consequences flowing from being subject to the criminal justice system; and
- prevent the child from having a criminal record

With the help of a social worker, parents can obtain a court order that will compel a child to correct his or her behavior or face detention time. Here are some of the orders as contained in the Child Justice Act:

- Compulsory School Attendance Order
- Family Time Order
- Good Behaviour Order
- Peer Association Order

Second chances

Reintegration into the community after serving is not easy. Other than rejection by the community, there could be stigmatization where you could be labeled with all kinds of belittling or insulting names.

The second chance someone who has spent time in prison or in a secure care centre begins with winning back the trust of the community.

Being linked with community based projects creates a much suitable environment to reenter the community than to go it alone.

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The following organisations are dedicated to offering services to parents and children who need help:

1. LIFELINE

FREE COUNSELLING. Feeling stressed? Need to talk?
Call the 24-hour line on 011 728 134

2. LOVELIFE

LOVELIFE Toll Free Parent Line 0800 121 100
LOVELIFE Toll Free Parent Line 0800 121 900

Please call me

from an MTN number:
*121*0833231023#

from a Vodacom number:
*140*0833231023#

from a Cell C number
*111*0833231023#

- 3. FAMSA – FAMILIES SOUTH AFRICA Tel: (011) 975 7106/7
- 4. NICRO +27 (0)21 462 0017
- 5. Girls and Boystown 0861 58 58 58

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