

# Assessing the Impact of Diversion Programmes on Young Offenders in the Eastern Cape Province, South Africa



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## ABSTRACT

Diversion programmes have been found to be effective mechanisms to reduce crime and change the behaviours of youth globally and in South Africa. However, studies done on diversion programmes have focused more on factors influencing crime, rates of recidivism and treatment of the offenders. This paper thus explored the impact of diversion programmes on young offenders in the Eastern Cape Province. The paper used a qualitative research approach, and 30 participants took part. An interview guide was employed to collect data from the participants and analysed thematically. Key themes identified are the types of diversion programmes and the different ways the diversion programmes influence the offenders. It was revealed that life skills, wilderness therapy and community pre-trial programmes were the types of diversion programmes offered to offenders. The programmes provided the opportunity for offenders to obtain decision-making skills and rational thinking which enabled them to manage their own lives. The study concluded that the programmes have helped empower and change the behaviours of the offenders for the better. However, the offenders were plagued with challenges such as the lack of money for transport and food which hindered empowerment. It is therefore recommended that the government and other stakeholders should ensure that parents and community members continue to support offenders as this could lead to a change of behaviour for the better. This study will contribute to a deeper understanding of empowering and changing the behaviours of offenders.

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## INTRODUCTION

Crime has become a serious socio-economic concern in the world at large and most importantly in developing nations.<sup>1</sup> Among arrests for violent and petty crimes in 2020, youth including those under the age of 18 accounted for a larger proportion. Males accounted for 80% of all youth arrests for violent and petty crimes in 2020.<sup>2</sup> The United Nations Children Fund report shows that for all the arrests, robbery stands at (18%), rape (13%), murder (7%) and aggravated assault (5%).<sup>3</sup> In South Africa, crime amongst the young has been high since the attainment of democracy in 1994. Crime is of great concern as crime

<sup>1</sup> Charles Puzzanchera, "Juvenile Justice Statistics," *US Department of Justice. Office of Justice Programs*, 2022.

<sup>2</sup> United Nations Children Fund, *The State of the World Children* (New York: UNICEF, 2022).

<sup>3</sup> United Nations Children Fund, *The State of the World Children*.

among children is a serious threat to the country and to the children's lives.<sup>4</sup> Between January 2023 and March 2023, youth accounted for approximately 31% of all arrests. Poverty, Apartheid, unemployment, broken homes, peer pressure, poor parental guidance, coronavirus pandemic among others are some of the factors influencing youths to commit crimes.<sup>5</sup> Mangona adds that such a plethora of factors have combined to significantly contribute to an increased rate of ferocious crimes among the youth in the country.<sup>6</sup>

Studies have shown that diversion programmes play an important role in rehabilitating children and improving their lives.<sup>7</sup> Employing diversion programmes as an alternative way of sentencing for young offenders is important because they comprise 39% of the South African population and are thus an important resource for the economic development of the country.<sup>8</sup> Steyn and Mears et al. affirm that the programmes are meant to give juveniles in conflict with the law a chance to improve social behaviour and be responsible in their communities.<sup>9</sup> Diversion programmes were established through the National Framework of Child Justice Act of 2008 as part of a plethora of measures to curb the ever-spiralling problem of crime amongst youth.<sup>10</sup> Section 51 of the Child Justice Act, states that a child should be dealt with outside the formal criminal justice system in appropriate cases. The Act also encourages the child to be accountable for the harm caused by him or her. It also promotes the reintegration of the child into his or her family and community.<sup>11</sup>

Diversion is the process whereby the offender is put through an alternative process other than being subjected to a formal trial in a criminal justice proceeding. The offenders are required to perform services or tasks or to submit to training or other regimes. The process does not involve a formal trial, conviction, and sentence, as well as a criminal record.<sup>12</sup> For less serious offences diversion may involve a written apology, counselling, or therapy. For more serious offences diversion can be several hours or up to six months of community service, family group conferences or victim-offender mediation.<sup>13</sup> The types of diversion programmes offered are self-development programme, anti-substance abuse programme, wake-up calls, community pre-trials and life skills programmes.<sup>14</sup> These programmes are offered at the National Institute of Crime Prevention (NICRO) with branches all over South Africa's nine provinces. The offenders are provided with skills such as life skills training and community service.<sup>15</sup> Even though studies have been done on diversion programmes worldwide, including in South Africa, there is a paucity of information regarding the impact of diversion programmes on young offenders in South Africa and Eastern Cape. Besides, studies conducted on the diversion programmes concentrated on factors influencing crime, rates of recidivism and treatment of young offenders. Ignoring the impact of diversion programmes on offenders. This study sought to fill that gap. The purpose of the study was to explore the impact of diversion programmes on young offenders in the Eastern Cape Province. A study on diversion programmes may help the government together with other stakeholders in reformulating

<sup>4</sup> United Nations Children Fund, *The State of the World Children*.

<sup>5</sup> Statistics South Africa, *Mortality and Causes of Death in South Africa: Findings from Death Notification* (Pretoria: Government Printers, 2022).

<sup>6</sup> L. Mangona, "System Is Failing Youth," *Sowetan*, May 12, 2010, 13.

<sup>7</sup> Donald A. Andrews and James Bonta, "Rehabilitating Criminal Justice Policy and Practice.," *Psychology, Public Policy, and Law* 16, no. 1 (2010): 39.

<sup>8</sup> National Youth Development Agency, "The National Youth Policy 2015-2021," 2015. <https://www.schvaughn/downloads/NYP%20Policy%202020%20Report.pdf>.

<sup>9</sup> F. Steyn, "Approaches to Diversion of Child Offenders in South Africa: A Comparative Analysis of Programme Theories" (Bloemfontein, 2010); Daniel P. Mears et al., "Juvenile Court and Contemporary Diversion," *Criminology & Public Policy* 15, no. 3 (August 15, 2016): 953–81, <https://doi.org/10.1111/1745-9133.12223>.

<sup>10</sup> H. Hargovan, *Child Justice in Practice: The Diversion of Young Offenders in South Africa* (Cape Town: Sage Publication, 2013); S. Heidi, *An Evaluation of the Diversion Programmes for Child Offenders in Western Province* (Cape Town: Sage Publication, 2016).

<sup>11</sup> Department of Social Development, "Building a Caring Society: Together," 2022, <https://www.dsd.gov.za/index.php/documents>.

<sup>12</sup> Mark Assink et al., "Risk Factors for Persistent Delinquent Behavior among Juveniles: A Meta-Analytic Review," *Clinical Psychology Review* 42 (December 2015): 47–61, <https://doi.org/10.1016/j.cpr.2015.08.002>.

<sup>13</sup> C. Sebonka, "Diversion within South African Criminal Law," 2022, <https://www.bbplaw.attorney/diversion-south-african-criminal-law/>.

<sup>14</sup> Sebonka, "Diversion within South African Criminal Law."

<sup>15</sup> David B. Wilson, Iain Brennan, and Ajima Olaghare, "Police-initiated Diversion for Youth to Prevent Future Delinquent Behavior: A Systematic Review," *Campbell Systematic Reviews* 14, no. 1 (January 2018): 1–88, <https://doi.org/10.4073/csr.2018.5>; Department of Social Development, "Building a Caring Society: Together."

policies that will serve the best interests of offenders at risk, which will reduce the threats of the youths from re-offending and will empower them and their families. The findings are presented in this paper.

## LITERATURE REVIEW

The government in the world in general and South Africa has established diversion programmes with the aim of rehabilitating and empowering the offenders so that they could take responsibility for the harm they would have caused to other people.<sup>16</sup> Diversion programmes such as life skill programme, community service/pre-trial and vocational training skills programmes have been introduced to change the behaviours of offenders for the better.

Life skills programme increase young people's well-being and help them to develop into active and productive members of their communities.<sup>17</sup> Life skills are a comprehensive set of universal cognitive and non-cognitive skills and abilities, connecting behaviour, attitudes, and knowledge, which youths can develop and retain throughout their lives.<sup>18</sup> In England like in the case of South Africa, the programme takes twelve sessions to complete, as children in conflict with the law are impacted with different life skills training which include conflict resolution, anger management, self-awareness, and decision-making lessons, among others.<sup>19</sup> These skills are known to be key contributors to negotiating and mediating challenges that young people face in becoming productive citizens.<sup>20</sup> Life skills programmes are conducted with a focus on specific life skills, depending on the setting.<sup>21</sup>

Moreover, life skills programmes lead to a decline in the risk factors that could sway individuals into antisocial behaviours and felony, by developing social and interpersonal skills, as well as cognitive and intrapersonal skills.<sup>22</sup> More so, social, and intrapersonal skills allow the minors to identify and speak out against delusion about high-risk behaviours. These qualities are not always taught in the home setting, making it complicated for the minor to choose substitute deeds.<sup>23</sup>

A community pre-trial programme is a form of a sentence given to an offender where they should perform various services or work in the community or in public organizations to act for the harm they would have caused to others. Moreover, the offender will work for certain hours prescribed by the court and other parties involved.<sup>24</sup> According to Mujuzi et al., such programmes intend to offer individuals who have offended the chance to work for the community they have offended, to create an understanding of the consequences of their actions and to become conduits of transformation in these communities.<sup>25</sup> Community sentences (probation) are generally seen as an alternative option to imprisonment, which is appropriate for many offenders.<sup>26</sup> It offers a safe and inexpensive method for conveying punishment that fits less serious crimes while avoiding the detrimental effects of incarceration.<sup>27</sup> Community-based

<sup>16</sup> Mark W. Lipsey, "The Primary Factors That Characterize Effective Interventions with Juvenile Offenders: A Meta-Analytic Overview," *Victims & Offenders* 4, no. 2 (February 13, 2009): 124–47, <https://doi.org/10.1080/15564880802612573>.

<sup>17</sup> A.N. Babatunde, "Influence of Reinforcement Technique in Reducing Student's Classroom Undesirable Behaviours as Expressed by Secondary School Teachers in Ilorin Metropolis, Kwara State: University of Ilorin" (2016); T. S. Motshedi, "The Impact of a Diversion Programme on the Pro-Criminal Attitudes of Youth in Conflict with the Law" (North-West University (South Africa), 2020).

<sup>18</sup> Gina Vincent, Laura Guy, and Thomas Grisso, "Risk Assessment in Juvenile Justice: A Guidebook for Implementation," November 13, 2012.

<sup>19</sup> Jennifer S. Wong et al., "Can At-Risk Youth Be Diverted From Crime?," *Criminal Justice and Behavior* 43, no. 10 (October 9, 2016): 1310–29, <https://doi.org/10.1177/0093854816640835>.

<sup>20</sup> Elizabeth Seigle, Nastassia Walsh, and Josh Weber, *Core Principles for Reducing Recidivism and Improving Other Outcomes for Youth in the Juvenile Justice System* (Council of State Governments, 2014); Motshedi, "The Impact of a Diversion Programme on the Pro-Criminal Attitudes of Youth in Conflict with the Law"; Wong et al., "Can At-Risk Youth Be Diverted From Crime?"

<sup>21</sup> J.D. Mujuzi, *Diversion in the South African Criminal Justice System: Emerging Jurisprudence* (Pretoria: Government Printers, 2022).

<sup>22</sup> Susan Young, Ben Greer, and Richard Church, "Juvenile Delinquency, Welfare, Justice and Therapeutic Interventions: A Global Perspective," *BJPsych Bulletin* 41, no. 1 (February 2, 2017): 21–29, <https://doi.org/10.1192/pb.bp.115.052274>.

<sup>23</sup> Karina Weichold and Anja Blumenthal, "Long-Term Effects of the Life Skills Program IPSY on Substance Use: Results of a 4.5-Year Longitudinal Study," *Prevention Science* 17, no. 1 (January 24, 2016): 13–23, <https://doi.org/10.1007/s11121-015-0576-5>.

<sup>24</sup> Young, Greer, and Church, "Juvenile Delinquency, Welfare, Justice and Therapeutic Interventions: A Global Perspective."

<sup>25</sup> Mujuzi, *Diversion in the South African Criminal Justice System: Emerging Jurisprudence*.

<sup>26</sup> H. Hargovan, *An Evaluation of the Diversion Programme for Child Offenders Aged 12 – 17years Old in the Western Cape (Phase 1)* (Cape Town: Sage Publication, 2016).

<sup>27</sup> Motshedi, "The Impact of a Diversion Programme on the Pro-Criminal Attitudes of Youth in Conflict with the Law."

programs that meet youth needs, build critical skills, and promote positive development can more effectively get the youth back on track to successful adulthood.<sup>28</sup>

Vocational training skills and entrepreneurial programmes offer hands-on training such as business training skills, craftsmanship, entrepreneurial skills, computer skills, mentorship and small business development and follow-up training.<sup>29</sup> These vocational programmes offered to the children help them to live a better life while taking responsibility for their lives. Evidence holds that vocational skills have managed to empower the youth and assist them to become employed, hence keeping them busy, away from the streets. About one-third of those aged 15–24, or 3.4 million people, are not formally employed nor in education or training in South Africa.<sup>30</sup> Cho and Honorati confirm that combining skills-building and Technical Vocational Education Training (TVET) with bigger capital investments might generate higher returns, but the evidence for this is mixed as the impacts of programmes like this need further long-term testing.<sup>31</sup>

Family group conferences are procedures that gather all stakeholders to the problem, including the offender, the victim, their respective families, and friends where necessary, in deciding how to tackle the cost of the crime.<sup>32</sup> These sessions aim at affording the injured party a chance to be expressly engaged in reacting to the crime, heightening the offender's understanding of the brunt of his or her conduct and offering a chance to take responsibility for it. Evidence holds that most crimes except rape, theft, burglary, murder, and attempted murder can be referred to Family group conferences.<sup>33</sup> Weichold and Butt corroborate and state that family group conferencing with youth sex offenders will not only have long-term benefits to the parties in conflict but will also help to promote healthy families and communities in general.<sup>34</sup>

Family group conferencing is particularly successful with juvenile offenders who have committed nonviolent crimes but is recognized to be used for some violent juvenile and adult offenders. Mujuzi argues that FGC actively encourages youths to take liability for their conduct as they are directly faced with their actions.<sup>35</sup> Furthermore, young offenders are therefore given the chance to ask for forgiveness and be ready to answer questions from the victims of the crime. It gives the young offender a chance to plead for forgiveness; investigates the offender's needs and situations; and develops a platform where questions can be asked and answered, and concerns voiced.<sup>36</sup> Despite the importance of diversion programmes on young offenders highlighted by extant literature, however, much emphasis has been put on factors influencing crime, rates of recidivism and treatment of the offenders. There is still a gap in the impact of the diversion programmes on offenders to see if these programmes have successfully managed to empower them, change their behaviour, and reduce reoffending in the future.

## THEORETICAL FRAMEWORK

### Empowerment Theory

The Empowerment theory underpinned this study. The rationale for using this theory was that it gives an insight into how empowerment is crucial to individuals (youth) and the community at large to overcome the economic and social challenges they face. The theory also provides the platform to understand the promotion of young offenders to live a better life through partaking in diversion programmes.

<sup>28</sup> Sophe Zantsi, Gabriele Mack, and Stefan Mann, "Cultural Innovation, Aspirations and Success among Smallholders in Former Homelands of the Eastern Cape Province of South Africa," *International Journal of Social Economics* 47, no. 3 (February 23, 2020): 404–22, <https://doi.org/10.1108/IJSE-05-2018-0226>.

<sup>29</sup> Joseph J Cocozza et al., "Diversion from the Juvenile Justice System: The Miami-Dade Juvenile Assessment Center Post-Arrest Diversion Program," *Substance Use & Misuse* 40, no. 7 (2005): 935–51; Andrews and Bonta, "Rehabilitating Criminal Justice Policy and Practice.," United Nations Children Fund, *The State of the World Children* (New York: UNICEF, 2022)..

<sup>30</sup> Heidi, *An Evaluation of the Diversion Programmes for Child Offenders in Western Province*.

<sup>31</sup> Cho and Honorati, *Entrepreneurship programs in developing countries: A metaregression analysis. Policy research working paper*, (2013), 6402.

<sup>32</sup> Peter Greenwood, "Prevention and Intervention Programs for Juvenile Offenders," *The Future of Children*, 8 no.1 (2008): 185–210; Young, Greer, and Church, "Juvenile Delinquency, Welfare, Justice and Therapeutic Interventions: A Global Perspective."

<sup>33</sup> Wilson, Brennan, and Olaghere, "Police-initiated Diversion for Youth to Prevent Future Delinquent Behavior: A Systematic Review."

<sup>34</sup> Weichold and Blumenthal, "Long-Term Effects of the Life Skills Program IPSY on Substance Use: Results of a 4.5-Year Longitudinal Study"; Jeffrey Butts, "Critical Diversion," *Criminology & Public Policy* 15, no. 3 (August 27, 2016): 983–89, <https://doi.org/10.1111/1745-9133.12243>.

<sup>35</sup> Mujuzi, *Diversion in the South African Criminal Justice System: Emerging Jurisprudence*.

<sup>36</sup> Mujuzi, *Diversion in the South African Criminal Justice System: Emerging Jurisprudence*.

Empowerment refers to the ability of people, especially vulnerable and weak groups so that they have the strength or ability to fulfil their basic needs, have freedom, and reach productive resources that enable them to be empowered and change behaviour positively.<sup>37</sup> Steyn upholds that, through empowerment, the intention should be to augment the potential for people (youth) to manage their own lives.<sup>38</sup> The empowerment approach should discover, develop, and use the untapped power within the child. This is done by enabling people to partake in decision-making processes that concern themselves and their societies, thus people realise the power in them as they gain information about themselves and their surroundings.<sup>39</sup>

## **METHODOLOGY**

### ***Research Domain and Selection***

The study was conducted in Eastern Cape Province in South Africa which has a population of 6,562,053 inhabitants. The Eastern Cape Province covers an area of close to 169,000 square kilometres (13.9% of SA's land area), making it the second largest province in South Africa after the Northern Cape.<sup>40</sup> The research focused on the following towns in the Eastern Cape Province: East London and King Williams's Town. The towns were chosen for the study because it is the poorest province in the country, and has experienced an increase in crime rates, HIV/AIDS, illiteracy, poverty, and unemployment.<sup>41</sup>

### ***Research Approach***

The study adopted the qualitative approach in answering the objective of the study. The rationale for adopting the qualitative research approach was to provide the podium for the participants to express their feelings, attitudes, and behaviours in natural situations. In other words, a qualitative approach was employed to provide a better understanding of the impact of diversion programmes on empowering young offenders and how it has changed their behaviour and reduced the number of juveniles going to prisons.

### ***Sample Size and Sampling Methods***

A sample size of 30 participants was selected for the study. They comprised 25 young offenders, aged 8-17 years, male or female educated or not who went through the diversion programmes. Five (5) social workers working with the NICRO were also selected for the study. The social workers were part because they work closely with the offenders going through the diversion programmes. In relation to sampling, the purposive sampling method was employed to recruit the participants for the study. Purposive sampling was used in selecting participants because it helps improve and provides knowledge on the different experiences of diversion programmes on offenders. Also, a snowball technique was utilized to recruit young offenders who were difficult to reach. The snowball technique was employed to identify those offenders who had gone through the diversion programmes but had moved to other areas.

### ***Data Collection Methods and Analysis***

An interview guide was used to obtain data from the participants including the social work officials. The interview guide consisted of open-ended questions used to collect data from the 30 participants. The interview guide was designed in such a way as to elicit responses on the impact of diversion programmes on young offenders. The study also employed secondary data to supplement information in this study. Secondary sources such as legislation, books, unpublished and published articles, and Journals in relation to diversion programmes and young offenders provided more insight. Such documents on the impact of diversion programmes on young offenders were obtained from the Department of Social Development, Statistics South Africa, and the Department of Justice and Correctional Service. In relation to data analysis, the interviews were audio-recorded and transcribed before active engagement and sustained reflection on the participants' shared experiences. The transcriptions were thoroughly interrogated by

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<sup>37</sup> Mujuzi, *Diversion in the South African Criminal Justice System: Emerging Jurisprudence*.

<sup>38</sup> Steyn, "Approaches to Diversion of Child Offenders in South Africa: A Comparative Analysis of Programme Theories."

<sup>39</sup> M. Pasrsonage, *A Better Way for Criminal Justice and Mental Health* (London: Centre for Mental Health, 2021).

<sup>40</sup> Zantsi, Mack, and Mann, "Cultural Innovation, Aspirations and Success among Smallholders in Former Homelands of the Eastern Cape Province of South Africa"; Statistics South Africa, *Mortality and Causes of Death in South Africa: Findings from Death Notification* (Pretoria: Government Printers, 2022).

<sup>41</sup> Statistics South Africa, *Mortality and Causes of Death in South Africa: Findings from Death Notification*.

reading the text to identify categories and themes inductively and systematically. Emerging significant components and recurrent themes or narratives were described.

### **Ethical Considerations**

An ethical clearance certificate was obtained from the University Research Ethics Committee (REC-270710-028-RA Level 01) to conduct the study. Informed consent was assured by ensuring that participants got a full understanding of the possible risks involved, the intention, nature, and the duration of the study. Confidentiality was guaranteed by ensuring that answers from the participants should not be revealed in public. Anonymity was assured by ensuring that neither the researcher nor the readers of the findings could identify a given response with a given participant.

### **PRESENTATION OF FINDINGS AND DISCUSSION**

This section presents the findings and discussion of the impact of diversion programmes on young offenders in the Eastern Cape Province. The themes that emerged are the types of diversion programmes and the different ways the diversion programmes influence young offenders. The findings and discussion are presented in line with the themes.

#### **Theme 1: Types of diversion programmes**

All the participants revealed that various types of diversion programmes are offered to young offenders in the area at NICRO. According to the participants, wilderness therapy, community outreach programme and substance abuse therapy programme. Also, family group conferences, life skills programme and community pre-trial programme are offered to offenders to get back on track to successful adulthood. One of the young offenders had this to say:

*“The various types of diversion programmes (life skills programme) offered meet the young offenders’ needs and build skills which promote socio-economic development.”*

Another social worker stated:

*“The various diversion programmes such as community pre-trial programme offered provided the platform for young offenders the chance to work for the communities; they have offended which improves trusting relationships.”*

The participants above indicated that various types of diversion programmes help provide skills to the offenders which enabled them to obtain interpersonal, communication and self-employment skills. Community outreach programmes are meant to mend relationships between the offender and the community in which a crime would have been committed. Family conferencing sessions assist in drumming-up family support for the young offenders, as they go via the life skills programme in the area. Wilderness therapy and an after-care programme were offered to support and monitor the progress of offenders who would have finished their diversion programme. The diversion programmes are offered at three different levels, with the last level meant for serious crimes, serial offenders, and serious defaulters of the other two levels of diversion. They went further to explain that the community pre-trial programme allowed them to work in the community they offended. This creates an understanding of the consequences of their actions and the opportunity to become conduits of transformation in these communities.

The diversion programmes are effective in the sense that they bring a measure of accountability to the offenders. These programmes enable the juvenile court to intervene actively with youth and to hold them accountable. The types of diversion programmes were designed to reduce the risk of criminal socialization by providing role models and positive peers, instilling discipline, improving school engagement, and increasing levels of overall youth functioning. The introduction of the different types of programmes has helped the offenders to address social problems and the conflicts they face in their communities and in their families, thus promoting good community relations. This finding agrees with Zantsi et al. and Wilson et al. which states that various types of diversion programmes do not only provide long-term benefits to the parties in conflict but also help to promote healthy families and communities’

relationships in general.<sup>42</sup> This finding also supports the empowerment theory used in the study.<sup>43</sup> The introduction of various types of diversion programmes permitted offenders to be empowered and provided the podium for them to generate and build trusting relationships with communities they have offended. The different kinds of diversion programmes augment the potential of the young offenders and allow them to manage their own lives.<sup>44</sup>

## **Theme 2: Different ways the diversion programmes influence young offenders**

### **Sub-theme 1: Life Skills programme**

Most of the participants reported that diversion programmes such as the life skills programme provided at NICRO empowered them as they learnt a lot about being responsible people. The young offenders shared their experiences:

*“The programmes have helped and motivated me to live my life in a dignified manner. The life skills programme is one of the best programmes that allowed me to obtain skills such as rational thinking, self-employment, conflict resolution and decision-making. This has enabled me to overcome life challenges. Hence, economic independence.”*

*“I discovered myself again through the life skills and community service programmes as I become aware of whom I want to be in the future. I learnt that if I continue to live a life of deviant behaviour I would tarnish my family’s image and go to prison for the rest of my life.”*

Another social worker added that,

*“Largely, the self-concept taught to them has positively changed their criminal behaviour as they used the skills gained to make informed decisions. Youths do not have self-awareness, they don’t know themselves, before knowing other people and making decisions, but life skills change all that. The programme was very helpful to offenders, as they have learnt a lot about being responsible people.”*

The data above revealed that the life skills programme helped empower offenders and change their behaviours. Skills such as conflict resolution, rational thinking, informed decisions, anger management, self-awareness, and decision-making lessons obtained by the offenders empower and change their behaviours for the better. Also, the life skills programme has helped them to become self-reliant as they have been cultured with skills such as decision-making skills. Self-concepts taught to them at the programme allowed them to have confidence in themselves; this improves their motivation not to re-offend in the future. Education on how to become well-behaved enabled them to choose better friends, hence becoming more mature. The life skills programme has been very effective in improving the behaviour of young offenders and empowers and educates them. It has also allowed the offenders to discover themselves again so that they know who they are and what they want to be in the future. They have also gained self-employment skills which have allowed them to be their own boss, create their own schedule and work towards their dreams.

They went further to explain that they learnt to make informed decisions, especially on the importance of education in improving their wellbeing. Education on crime increases the likelihood of living a crime-free life. In other words, the more education an individual has, the increased likelihood that the offenders will avoid crime. Education permitted the offenders to make better decisions on self-perceptions and positive behaviour on crime. On self-awareness, the participants explained that, as they went through the programmes, they became conscious of the bad things they had done, which included committing crimes and were ready to take charge of the harm they had caused to others. The life skills programme results in the reduction of the causes of criminal behaviours which include harmful

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<sup>42</sup> Zantsi, Mack, and Mann, “Cultural Innovation, Aspirations and Success among Smallholders in Former Homelands of the Eastern Cape Province of South Africa”; Wilson, Brennan, and Olaghere, “Police-initiated Diversion for Youth to Prevent Future Delinquent Behavior: A Systematic Review.”

<sup>43</sup> Artur Steiner, “Assessing the Effectiveness of a Capacity Building Intervention in Empowering Hard-to-Reach Communities,” *Journal of Community Practice* 24, no. 3 (July 2, 2016): 235–63, <https://doi.org/10.1080/10705422.2016.1201561>.

<sup>44</sup> Steiner, “Assessing the Effectiveness of a Capacity Building Intervention in Empowering Hard-to-Reach Communities.”

behaviours as the young offenders improve in their thinking capacity and personality. The participants further reported that through the programme they were empowered through the community service programme, and they learnt to be responsible and make sound decisions in their lives, as they went through the programme in the community. Community service programme teaches the offenders the importance of helping the ones in need. It also connects the offenders with community members by improving it and making it a better place for all to live in.

The life skills approach is a cost-effective strategy for supporting the development of young persons. The finding is in consonance with Lipsey and Mujuzi's studies which assert that meta-analysis of interventions for youth offenders found that skills-building programmes were more effective in reducing recidivism than programs like boot camps, prison-visiting, and surveillance/monitoring programmes.<sup>45</sup> Also, this finding supports that of Hiedi who affirms that social and life skills training promotes the development of a social setting that has lesser antisocial behaviours, crime, and delinquency.<sup>46</sup> The finding also agrees with the empowerment theory utilised in the study.<sup>47</sup> The ability of young offenders through the diversion programmes to be empowered through skills provided the ability for them to meet their basic needs and reach productive resources that enable them to manage their own lives.<sup>48</sup> Also, some of the participants reported that the life skills programme was more operative than the community pre-trial service programme because it helps the young offenders to identify themselves and thus create self-awareness.

Nevertheless, a few of the social workers indicated that the offenders encountered challenges such as a lack of money for transport and food while going through the diversion programme that distorted the progress to score the required points where their various lessons and sessions would be held. Money for transportation was one of the main issues facing the offenders going through the diversion programmes. Lack of money for transport could increase social isolation, depression, and frustration. Also, the young offenders' parents rarely get their children to attend the sessions. They revealed that most parents refused to bring their children on scheduled dates stating that they have important commitments. However, some offenders indicated that they got help in terms of finances and food from the social workers and NICRO officials so that they could continue to attend their sessions. The lack of support such as food when attending their sessions hindered the progress of young offenders. Either out of seeking punishment for their children, as a way of giving children a lesson in responsibility or out of sheer lack of care for their children, parents and responsible family members did not give children food or money to buy food to ensure they attended their required sessions. The lack of food for young offenders stalled their progress towards rehabilitation as they hardly concentrated during the sessions due to hunger. According to Hargovan and Stats SA, young offenders are plagued with economic challenges such as lack of transport and food that hampered attending the sessions with commitment, thereby affecting the diversion programmes' effectiveness in changing the behaviour of young offenders.<sup>49</sup> This finding does not support the empowerment theory which is the ability of people, especially vulnerable and weak groups (young offenders), to develop strength or ability to fulfil their potential.<sup>50</sup> The empowerment process becomes successful if the people (young offenders) have the resources and the ability to achieve something in their lives. Therefore, the economic challenges brought out in the findings reveal that the outcome of the empowerment of the diversion programmes for the offenders to change behaviour cannot be successful.<sup>51</sup>

## **Sub-theme 2: Community pre-trial programme**

Most of the participants indicated that the community pre-trial programme has a positive impact on rehabilitating the offenders which has led to good community rapport. According to the participants,

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<sup>45</sup> Lipsey, "The Primary Factors That Characterize Effective Interventions with Juvenile Offenders: A Meta-Analytic Overview"; Mujuzi, *Diversion in the South African Criminal Justice System: Emerging Jurisprudence*.

<sup>46</sup> Heidi, *An Evaluation of the Diversion Programmes for Child Offenders in Western Province*.

<sup>47</sup> Steiner, "Assessing the Effectiveness of a Capacity Building Intervention in Empowering Hard-to-Reach Communities."

<sup>48</sup> Matthew H Morton and Paul Montgomery, "Empowerment-Based Non-Formal Education for Arab Youth: A Pilot Randomized Trial," *Children and Youth Services Review* 34, no. 2 (2012): 417–25; Steiner, "Assessing the Effectiveness of a Capacity Building Intervention in Empowering Hard-to-Reach Communities."

<sup>49</sup> Hargovan, *Child Justice in Practice: The Diversion of Young Offenders in South Africa*; Statistics South Africa, *Mortality and Causes of Death in South Africa: Findings from Death Notification, 2022*.

<sup>50</sup> Morton and Montgomery, "Empowerment-Based Non-Formal Education for Arab Youth: A Pilot Randomized Trial."

<sup>51</sup> Steiner, "Assessing the Effectiveness of a Capacity Building Intervention in Empowering Hard-to-Reach Communities."

working in the community allowed them to have good communication skills as they interacted with people. The social workers indicated the following:

*“Our success rate is 96%, at the national level. Locally, in the Buffalo city municipality, there are no known re-offenders.”*

*“Most of the young offenders used to be rude, and rough when they started the programmes but as they went through the programmes you could see a great improvement up to date, they can now communicate well with community members.”*

Another young offender revealed:

*“The community pre-trial programme has helped educate me a lot and improve the way I communicate with people in the community. I can make informed decisions regarding my life. I am shocked that my family members are supporting me throughout the process.”*

According to the participants, they have no re-offenders locally and a 96% success rate at the national level through the community pre-trial programme. The participants also mentioned the support they have received from their family members throughout the process. Consequently, it has helped the offenders to change their behaviour and avoid crime. They went further to explain that through the community pre-trial programme, the offenders have learnt to have good community rapport and communication skills. The community rapport paved the way for offenders to build trust and positive relationships with community members. Communication skills help the offenders to understand people and situations in the community. It also helps overcome diversity, build trust, and respect, and create conditions for sharing ideas. Mixing and meeting new people in the community have allowed offenders to socialise and learn new behaviours through the guidance of other people in the community. The programme provided is effective as it educates and empowers offenders to effect change in their lives. Young offenders going through the programme have improved their relationships with their family members. Being loved, accepted and cared for by community and family members might motivate offenders to change for the better. This finding is in line with the findings of Hargovan, NICRO and Zantsi et al. who acknowledged that community pre-trial programme offers individuals (young offenders) the chance to work for the community they have offended and create an understanding of the consequences of their actions.<sup>52</sup> The finding is in tangent with the empowerment theory employed in the study. The introduction of the Community pre-trial programme leads to empowerment for offenders to overcome the economic and social challenges they face.<sup>53</sup>

However, some participants revealed that the effectiveness of the programme depends largely on the offender's willingness to be helped and to reform. As a result, there is a need to be cautious when evaluating the effectiveness of such programmes. For the few that do not comply or re-offend, there are still more remedial steps taken, but they are not easily given up on. One of the social workers reported that:

*“If one does not comply, they always come back. We have experienced children who have re-offended and when they come back for diversion 2, they go to a minors' prison. It is a reformed school, but they stay there for 6 months. Diversion 3 they go straight to prison.”*

Even though useful, the community pre-trial programme was not as effective as the life skills programme because it did not involve the parents and more community members in supporting and empowering the young offender. The probation officers (social workers) elaborated that the programme cannot stand alone to rehabilitate young offenders as it needs another programme to back it up. In addition, the refusal of some juveniles to take responsibility for the harm they would have caused to others was impacting the programme negatively. In other words, according to some of the participants,

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<sup>52</sup> Hargovan, *An Evaluation of the Diversion Programme for Child Offenders Aged 12 – 17years Old in the Western Cape (Phase 1)*; National Institute for Crime Prevention and Reintegration of Offenders, *Research Report. Cases Diverted to NICRO* (Bhisho: Government Printers, 2011); Zantsi, Mack, and Mann, “Cultural Innovation, Aspirations and Success among Smallholders in Former Homelands of the Eastern Cape Province of South Africa.”

<sup>53</sup> Morton and Montgomery, “Empowerment-Based Non-Formal Education for Arab Youth: A Pilot Randomized Trial.”

the community service was not effective in changing the behaviour of the young offenders because most offenders refuse to take responsibility for the harm they would have caused to others.

Nonetheless, a small number of the participants including the social workers and NICRO officials reported that young offenders were faced with psychological problems. This prevented them from being empowered and changing their behaviours. According to them, the offenders lack emotional support and trustful relationships with the social workers. They also indicated that lack of parental support and care affects the offenders' progress going via the programme. The parents of the offenders were not involved enough in these programmes, thus the offenders lacked emotional support. It is a huge challenge for young offenders to be neglected and lack the necessary material and emotional support. The lack of emotional support for the offenders leads to difficulty in maintaining relationships. Also, this leads to a lack of social skills or difficulty empathising with other people in the community.

The lack of parental support through the processes of the diversion programmes leads to demotivation of offenders to fully partake in the programmes which will affect the success of their behaviour change. Emotional support is crucial for offenders as it can play a significant role in improving the effectiveness of the diversion programmes. The empowerment theory hence does not support the findings by revealing that the lack of parental or professional support during the empowerment even before the programmes results in thwarting the process of the empowerment and can even result in young offenders re-offending in the future.<sup>54</sup> However, the finding agrees with UNICEF's study which confirms that the lack of parental care and monitoring for young offenders during diversion programmes results in economic and financial challenges.<sup>55</sup>

## RECOMMENDATIONS

The study has revealed that there are challenges plaguing the diversion programmes for young offenders in South Africa in general and Eastern Cape; therefore, hence, there is a need to provide solutions to improve the services that are being offered to offenders because they are the future leaders. Assisting these youth to become beneficial to society will ensure the growth of the economy. It is thus recommended that the government and other stakeholders (NICRO) should ensure that more qualified social workers are employed in these programmes. These social workers should be knowledgeable and have the skills regarding the programmes, most particularly skills on the importance of positive relationships with offenders. This could successfully improve the lives of offenders and their relationships with social workers, families, and community members. In addition, when dealing with these young offenders, their family backgrounds should be assessed in order to deal with the root cause of committing the crime.

The second recommendation is that the government and other stakeholders (NICRO) should work hand in hand with the social workers to ensure that families and parents continue to support offenders as this can lead to a change of behaviour and reduce psychological problems. Also, stakeholders and the government should educate parents and community members through workshops and seminars about the importance of diversion programmes to offenders. Furthermore, they should facilitate programmes that teach parents and all community members about the consequences of crime to children if they are not supported and prevented from criminal acts. The probation officers (social workers) need to do follow-ups on the children they would have referred, to see the progress.

Finally, the government should make adequate budgetary allocations to the Department of Justice and the Department of Social Development. These two departments should in turn be compelled to release a certain percentage of their budgetary allocations to service diversion programmes. This percentage of the budget could be used to provide transport and food for the offenders. The Department of Justice and implementing stakeholders like NICRO need to work together and provide more funding for the programmes for them to impact change on the juveniles rather than just leaving the role to the implementing organisation only.

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<sup>54</sup> Steiner, "Assessing the Effectiveness of a Capacity Building Intervention in Empowering Hard-to-Reach Communities."

<sup>55</sup> United Nations Children Fund. *The state of the world children*.

## CONCLUSION

The study has explored the impact of diversion programmes on young offenders in South Africa with a focus on the Eastern Cape Province. The findings have revealed that diversion programmes are crucial in empowering and changing the behaviours of the offenders in the Eastern Cape and can be extended to other countries across the globe. The study found that programmes such as community pre-trial and life skills programmes are offered by the NICRO. Life skills and community pre-trial programmes have changed the behaviour and empowered the offenders for the better. Young offenders have been empowered to change their behaviour through skills such as rational thinking, self-employment and communication skills. These have allowed offenders to fulfil their basic needs and reach productive resources, hence, managing their lives better. Through the community pre-trial programme, the offenders have learnt to have good community rapport. The programme has helped the offenders to change their behaviour and avoid crime through mixing and meeting new people. However, the study revealed that the offenders encountered challenges such as a lack of money for transport, food, and psychological problems while going through the diversion programmes that distort their progress to get to the required points where their various lessons and sessions would be held. The authors have made several recommendations to assist the government and other stakeholders develop strategies to enhance the diversion programmes. Enhancing the diversion programmes for young offenders would be of benefit to all societies across South Africa and can be extended to other countries across the globe.

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The authors reported no conflict of interest.

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