

Kids Behind Bars: Talking to young inmates.

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Over 1 000 children under the age of 18 are serving time in South Africa's prisons. Understanding their lives and motivations is essential to promoting rehabilitation, preventing recidivism, and protecting society from a growing wave of young offenders.

In order to better understand the children who are incarcerated in South Africa and the reasons for their imprisonment, the Centre for the Study of Violence and Reconciliation visited five prisons which accommodate convicted and sentenced children in Gauteng – Pretoria Central, Boksburg, Leeuwkop, Krugersdorp and Johannesburg.

Sixty-one juveniles were interviewed at the five prisons. Eleven of these juveniles were older than 17 years, but their responses have been included in the results of the study since most of them were sentenced while they were still children. All names mentioned are pseudonyms.

The offences for which the interviewees were convicted have been classified into three broad categories, following the Department of Correctional Services categories: economic offences (28 interviewees); aggressive offences (42 offences); and sexual offences (14).

In some instances, the children had committed more than once offence cutting across two or more of these categories. For example, two interviewees were convicted of rape and robbery – both a sexual and an aggressive offence. The 61 children interviewed were presently serving time for a total of 84 separate crimes.

In total, eight of the children at Johannesburg were serving sentences for two to twelve offences. All of these cases involved aggressive offences, such as assault, robbery, illegal possession of a firearm, murder, car hijacking and robbery. Eleven of the children in Boksburg had also been convicted on a number of crimes, with one child having been convicted of 10 offences. In most cases, the offences for which these children were convicted were subsidiary or related to the main offence.

Since official information was spotty, the interviewees were asked for details of the offences for which they were incarcerated.

Sentencing

It is perhaps misleading to draw comparisons between different sentences without full

analysis of the court record. However, it is apparent that the sentences given to the children vary widely, even where the nature of the offence appears to be quite similar. It would also appear that the value of the stolen goods does not necessarily affect the length of the sentence but aggressive cases not involving the theft of property received a markedly lighter sentence than where robbery was involved.

Surprising was the magnitude of the sentences handed down to the people who had been convicted of theft from a vehicle. None of the four children so convicted had previous convictions, and no extra violence was indicated. Relatively minor items had been stolen from the cars, such as a cell phone or a car stereo, yet sentences ranged between 12 months and three years. In most of the housebreaking cases, the items stolen were television sets, video or sound equipment, or clothing.

A sixteen-year-old child received a six-month sentence for shoplifting R700 worth of goods from a shop. In another case, a boy was found in possession of a crowbar believed to be intended for the purpose of committing an offence, and was sentenced to one year's imprisonment, without suspension.

There were two cases involving children convicted of multiple serious charges: possession of firearms and ammunition, robbery, hijacking, and murder. In one of these cases, the child received a 26-year sentence. In the other case, a child of seventeen years was also convicted of assault and was sentenced to life plus 23 years and six months.

Nine boys had been convicted of rape. In three of the cases, the victims had been much younger than the offenders themselves, at four, six and nine years old. In these cases, the boys said that they had not realised that the victims were so young, or they did not realise what harm they were doing through their actions.

Sentences handed down for rape varied between three and nine years. None of these boys had previously been convicted of any offence. The boy who had raped a six-year-old received the highest sentence (nine years, four of which were suspended).

A child convicted of car theft and rape received a ten-year sentence. He said he was stealing a car with an older man who told him to keep watch while the man raped the woman. He then instructed the boy to rape the woman when he was finished.

The sentences handed down for these offenders appear to be arbitrary. Only 50% of the children interviewed had been interviewed by a social worker for a pre-sentence report, which, in most instances, had recommended a community-based sanction, according to the interviewees. A community-based sanction had been recommended for all seven of the children seen by a probation officer in Boksburg prison, all of whom were incarcerated. Few of the children were legally represented in court, and it was unlikely that there was much argument on their behalf for a non-imprisonment sentence.

Most of the children (92,7%) were first offenders, and had no prior criminal convictions. Although this may partially be attributed to the youth of the children, it also indicates that the courts are quite willing to imprison children under 18 for a first offence. Even the sixteen offenders who had committed relatively minor economic offences – shoplifting, theft, theft out of a car, and being found in possession of an item for the suspected purpose of committing a crime – had been given imprisonment

sentences. Community-based sanctions could have been appropriately considered in these cases.

Prior convictions were the least prevalent among those sentenced for sexual offences. Only one offender in this category had a previous conviction, and this was also for rape. His current conviction was for rape and robbery.

In a study of 71 convicted rapists in the Eastern Cape, conducted by Rhodes University, it appeared that in most cases, the first time an offender was convicted of rape would be in late adolescence. It was found that the average age of gang rapists on first conviction was 15.7 years, while that of serial rapists was 20.2, and 23.5 for single rapists. Most criminal rapists (those who committed rape during the course of some other criminal activity) were first convicted at 17.1 years (The Star, 1998).

Motivations

The interviewees were not directly asked what motivated them to commit crimes, but some spontaneously gave this information, or it was apparent from discussions around their family backgrounds.

The motivations for property offences, in the perspective of the boys, could be classified into three categories: those who committed the offences for their own material gain; those who committed a crime in order to earn a subsistence; and those who had other motivations.

'Samuel', convicted of car theft, stated that his friends also steal cars and that many of them have been sent to prison. He himself was recruited into stealing cars by his friends who, at 20 years of age, were older than him. He said that had stolen cars several times before he was caught, and with the profit he had purchased nice clothes. He had not given any of this money to his parents for living expenses. He said that the cars were stolen on order from a scrap dealer.

'Sipho' illustrated the role materialist culture plays in acquisitive crimes. He said that he lived with his father and mother who is a nurse, but his father had been arrested and imprisoned for robbery. Since his father was imprisoned, Sipho felt it was his duty to support his mother.

However, rather than using the fruits of crime for food and maintaining the household, he used the profits to buy attractive goods. He said that he knew several friends who were successful in housebreaking and theft and who had "decorated their homes with music systems and video machines. I thought that I can do the same because my mother wasn't earning enough to furnish our home and support us." Although Sipho has not been convicted of any previous crimes, he admitted to having committed several before his arrest.

'Lucas' related the story of how he became involved in crime after he moved to Tembisa to look for his mother. For a while, in Gauteng, he was staying alone and had no means of income or support. He said that he met up with a 21-year-old man who had a nice car and who asked him whether he wanted a job. "Because I had no money I agreed."

His friend took him to a wealthy area where he pointed out a target car which he was to steal. He was informed that there was already a buyer for that BMW car and that

they would be paid R10 000 for it. Lucas was given a pistol and ammunition and told to steal the car. He waited for the owner of the car to come out of the restaurant, and then pointing the gun at her head, told her to give him the keys. She gave him the keys, but he and his friend were stopped and apprehended at the exit of the parking lot.

'Vusi', convicted of armed robbery of a bottle store, said that he had committed the crime because his parents were suffering and they didn't have enough money. Before this crime he had been smuggling drugs ("shining tops") where he had earned enough money to buy firearms from people in a hostel near where he lives. He and several of his friends had robbed the store.

Vusi stated that he had committed the robbery because he wanted to get money to go to school. He said that there were so many people at home and no-one was working. His brother was in prison for rape.

We came across few offenders (other than the sexual offenders) who had committed crimes against people they knew. One child, 'Kehla', convicted of a host of violent offences, said that one of his murder victims was an acquaintance of his and they had become involved in an argument. "He had stolen some of my things." His friend had pulled out a gun, which prompted Kehla to fatally shoot him. He also assaulted another of his friends during the same incident.

'Mandla', aged fourteen, said that he had been fighting with a boy. They both took out their knives and Mandla stabbed his opponent until he died.

Sexual offenders are the most difficult group of offenders to categorise, and only a few gave information relating to their crimes. 'Pakiso', convicted of raping a child of nine, said that at the time he had been unable to control his adolescent sexual urges. 'Mduduzi', who raped a six-year-old girl said that he had not realised the unlawfulness of his act as he had thought the child was older. He said "it was only when I was tried and saw the bitterness of the family that I realised the consequences of my action."

The children had a curious view of rape, and it appeared that many did not view this offence as a crime, or at least as a serious one. Vusi was asked whether any of his family members had committed any crimes, to which he replied "my brother is in prison, but that is not for a crime...He is in prison for rape."

'Joseph', convicted of rape, said that he was "working" with a 46-year-old man. This man was monitoring the children who were supposed to be robbing people on the street. This older man apparently became attracted to a woman and asked Joseph to continue monitoring the other children. When the man was finished raping the woman, he called Joseph to come and rape her too. At that time the alarm went off and they were apprehended by the police.

From our interviews it was apparent that most of the crimes, particularly those in the economic category, were pre-planned. Also notable is that most of the crimes had occurred together with one or more accomplices. Only fourteen (or 22%) of the interviewees said that they had been alone when committing the crime. In 53% of the cases where an accomplice was present, the other perpetrators had been older than the interviewee.

In some of these cases, the accomplices had become co-accused in the same cases, and some had been convicted. Often the children complained that these people had been given different sentences. In other cases, the accomplices had run away before arrest, or had absconded during the trial process. In one case, the co-accused had been killed by the police during the arrest.

Backgrounds

In order to gain an understanding of the children who were in prison, they were asked questions to determine their backgrounds, and education. However, the questions posed were of a preliminary nature, and a second or more detailed type of study would be necessary to elicit greater information on this subject.

Most of the children interviewed came from deprived families, where one or less members of the household was employed, often in the informal sector. In most cases, the interviewees lived with more than four people in the house. Often, the boys were living with other relatives. For example, one child was living with his grandmother and twenty others in Atteridgeville.

The response of 'Calvin' was typical: "I live with my granny and my relatives. We are twelve at home. Only my aunt is working and she does not earn enough money to support us all."

One boy had been living in KwaZulu-Natal. He moved up to Johannesburg to look for work. Since he did not know where his family were living, he stayed in a shelter in Soweto until he located his family. At the time of the offence, he had been living with his mother. Several of the children had left home because of disputes with their families, or they had lost contact with their parents.

In a study conducted by Dr Gwyneth Boswell (1995) on the prevalence of abuse and loss in the lives of young offenders in the United Kingdom, it was found that 57% of respondents had experienced "significant loss via bereavement or cessation of contact" or both. "It constitutes a major source of childhood trauma which, depending on how it is handled, may later contribute to disordered behaviour, including aggression or violence." The loss or absence of a strong family member may influence the child's engagement in crime.

One interviewee said "Before I was arrested I was staying in a flat in town with a friend. I left home because I did not get on with my stepmother. I lived in town for eight years. I lived with three other boys in town." 'Joseph', a sixteen-year-old, said that the only family member he knew was his grandmother. For three years he had been living on the streets, and he had also spent some time in a shelter for street children in Hillbrow. Joseph used to earn his living washing cars, begging for money at robots, and stealing food at supermarkets.

'Tsepiso', the youngest child interviewed, was living in a shack with his mother, stepfather and two younger siblings. He said that his mother was doing piece jobs, but his stepfather was an alcoholic.

Several of the children indicated that one or several members of the family were involved in crime, and that sometimes this was a form of subsistence for the family. One child living with his mother, brothers and sisters, said that no-one in his home

works, and that they are only able to live through shoplifting food. "We used to make crime. My mother used to go to town to make shoplifting."

While the study would indicate that it is primarily poor children who are sentenced to imprisonment, it cannot be concluded that it is only these children who engage in crime. These children probably do not have adequate resources to pay for expert legal representation to argue on their behalf in court, nor do they have eloquent parents who can intervene with the police and try and negotiate an alternative method of dealing with the crime situation.

Poverty may precipitate these children to become involved in crime, but it is merely one of many factors to be taken into account. One of the interviewees came from a particularly privileged background, although, in his case, much of the family wealth had been accrued through crime.

Community

In order to gain an understanding of the children's peer culture, they were asked questions about their friends. Most of them alleged that their friends were 'good people' or 'school-going people'. But loss of connectedness to parents or other role models can lay the foundation for the development of negative relationships with peer groups, through which exposure to criminal activity may be a possibility (Duncan & Rock, 1997).

Many of these children identified with or wished to identify themselves with a 'deviant' sub-culture, where involvement in criminal activities or taking drugs was the norm rather than the exception. Many said that their friends used to use drugs (chiefly marijuana) or alcohol, and they sometimes admitted to doing the same. "I used to smoke drugs and be involved in crime." One child said that he used to take drugs before committing crime in order to build up his courage.

Many children said that they often used to steal. "I used to steal cars and I would sell them to anyone who wanted them. We used to sell them for up to R6 000. My friends also used to steal cars. Many of my friends are in prison." One child said of his friends, "some stab people, some of my friends are nice people, and some are involved in crime."

Solutions?

Once released from prison these children will be re-entering the same community with largely unchanged circumstances. No matter how good their intentions while in prison, or immediately afterwards, for most it will be hard to make an honest living back in society, and it will be hard to resist the temptation to make quick cash through criminal means. In the words of one child, "I know that I will steal cars again when I get out of prison. Where else can I earn so much money in such a short time? What else is there for me to do?"

While this study is only of a preliminary nature, it does point to the many factors driving children towards committing crime. Further research is needed to prevent recidivism. It is not feasible to expect the correctional institutions alone to be responsible for dealing with the problems. These have to be tackled in conjunction with welfare agencies, and with other institutions of public safety and security.

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