I. INTRODUCTION

This paper provides an introduction to best practices in the assessment and treatment of juvenile offenders. Many of the guidelines presented in the paper derive from recent theory and research in criminology and psychology. Much of that research has been conducted in Western societies, and it remains to be seen to what extent conclusions from that research can generalize beyond those settings. However, clinical experience suggests that many of the principles of best practice do have application across a broad range of cultures.

This paper reflects a child welfare and rehabilitation orientation toward the treatment of the juvenile offender. As explained below, current theory and research from psychology and criminology support the position that juvenile justice systems focusing on the identification and amelioration of criminogenic deficits in youth and their circumstances produce more positive outcomes than other approaches, including those focusing on punitive sanctions. As well, the implications of the child welfare and rehabilitation model for the treatment of youth are fully consistent with the UNICEF Guiding Principles for Organizations and Individuals Dealing with Child Welfare and the United Nations Convention on the Child.

The paper begins with a discussion of alternative approaches to the treatment of offenders within juvenile justice systems. This is followed by a brief introduction to contemporary theory and research on the causes and correlations of youth crime and the most efficacious approaches for addressing this serious problem. A discussion of best practices in the assessment of juvenile offenders is then presented. This includes an identification of some useful assessment instruments and procedures as well as practical guidelines in the conduct of assessments. The following section presents a discussion of effective strategies for case planning and management, including the identification of evidence-based treatments.

II. ALTERNATIVE APPROACHES TO THE TREATMENT OF JUVENILE OFFENDERS IN JUVENILE JUSTICE SYSTEMS

Comparing juvenile justice systems across societies reveals considerable variations in philosophy, goals, practices, and attitudes (Winterdyk, 2002). Even within systems we often encounter variety and ambiguity about practices. For example, Canadian provinces, while all governed by the same federal Youth Criminal Justice Act, display some differences in the actual treatment of the offender.

While something of an oversimplification, juvenile justice systems can be characterized in terms of a continuum ranging from a child welfare and rehabilitation orientation to a crime control or punitive orientation (Corrado, 1992). The following is an elaboration based on that continuum.

A. Child Welfare and Rehabilitation Model

This model accepts controlling antisocial behaviour in young people as its goal, and the fundamental assumption of the model is that this can be best achieved by enhancing their behavioural and emotional competencies and by addressing deficits in their environment. This model is generally implemented within a formal justice system, but there may be less emphasis on legal processing and more concern with providing rehabilitative interventions. Legal sanctioning and punishment generally play a smaller role in systems guided by child welfare concerns than those located closer to the crime control end of the continuum. The system often reflects a parens patriae concept whereby the state reserves a right to assume responsibility for the well-being of the young person.

* Emeritus Professor of Psychology and Distinguished Research Professor, Carleton University, Ottawa, Canada.
B. Corporatist Model

This model has been presented by Corrado (1992), Corrado & Turnbull (1992), and Pratt (1989) as a variation on the Child Welfare Model. The model shares with the latter an emphasis on interventions aimed at specific deficits in the youth and his or her environment but departs from the Child Welfare Model by emphasizing the importance of integrating all services for children, whether they originate in the judicial or child welfare systems:

“The Corporatist Model emphasizes not the role of police (according to the Crime Control Model), nor the role of lawyers (according to the Justice Model), nor the role of social workers and other helping professions (according to the Welfare Model), but rather the role of all of these groups acting in an interagency structure which efficiently diverts minor offenders, requires less serious property offenders and violent offenders to participate in attendance programs and sentences the few serious offenders to custodial institutions.” (Corrado & Turnbull, 1992, p. 77)

The key to this model, then, is an emphasis on the integration of services for the young person and the diversion of youths from the justice system. The Corporatist Model represents an ideal type of system for those who embrace a child welfare and rehabilitation orientation and who are critical of the fragmented system of youth services seen in many jurisdictions. It is difficult to identify systems representing pure forms of a Corporatist Model, although the systems in Scotland and the Canadian province of Quebec at least approach this ideal.

C. Modified Justice Model

This model combines elements of both the Child Welfare and Justice Models. It reflects a child welfare orientation by recognizing that the control of youth crime depends ultimately on providing young people with the resources to lead a pro-social lifestyle, and that this is best achieved through the provision of prevention and intervention programmes. On the other hand, these rehabilitation efforts are delivered in the context of a legal system with its concerns for legal rights and judicial processing.

There is clearly an inherent tension within this model, and this concerns the relative emphasis placed on the child welfare and judicial processing components. There may also be pressure in this type of model toward the crime control end of the continuum, with its concern for immediate measures to control crime.

Manifestations of this tension may be seen in the American, Canadian, and British juvenile justice systems over the past 10 or 20 years. To illustrate, juvenile offenders in Canada were governed until 1984 by the Juvenile Delinquents Act of 1908. The latter reflected a modified justice orientation but with a strong child welfare component. It was based on a parens patriae orientation where the youth was denied basic legal rights and where it was assumed that the court would look after their best interests. There was some use of custodial sanctions for serious crimes, but the general approach was to attempt to intervene to remove whatever factors were contributing to the delinquency.

This act was replaced in 1984 by the Young Offenders Act which, while retaining some aspects of the child welfare and rehabilitation orientations, provided for protection of the legal rights of the youth and introduced judicial processing procedures similar to those of the adult system. Implementation of this act resulted in reductions in the use of rehabilitative interventions and increases in the use of legal sanctions, including probation and custody. This in turn has been supplanted by the Youth Criminal Justice Act (2003) which, while enhancing punitive sanctions for very serious crimes, places emphasis on diversion and rehabilitative services for less serious offenders.

D. Justice Model

The focus in this model shifts from a concern for the needs of the individual offender and towards the criminal act and appropriate legal responses to that act. The principal goals in this case are to ensure that the civil rights of the youth are protected, that prescribed legal procedures are observed, and that a disposition appropriate to the crime is achieved.

Juvenile justice systems reflecting this orientation will vary somewhat in terms of legal processing procedures, but the major source of variation probably concerns sanctioning procedures. The latter generally involves debates about the relative value of individual deterrence, group deterrence, or punishment as the
primary purpose of sentencing. Similarly, there is always debate in this type of system over the extent to which diversion, probation, or custody sanctions should be employed. There may be some provision for rehabilitation efforts in this type of system, but, because of the concern for due process, participation is usually voluntary.

E. Crime Control Model

This model shares with the previous model a dependence on formal legal processing procedures. However, while the focus in the Justice Model is on legal rights and procedures, the primary concern in this model is with the use of legal sanctions against offenders to ensure protection of society. There is, then, less concern with the individual offender in this model than in any of the others. Feld (1999), Schwartz (1992), and other observers have noted shifts in the direction of this orientation in many communities in the United States. It is also a model that guides the treatment of juveniles in many jurisdictions throughout the world (Winterdyk, 2002).

Both this and the preceding model derive largely from the Classical Theory of Crime. Criminal acts are viewed as willful, representing moral transgressions. The only appropriate response to these acts is to impose criminal sanctions, preferably involving incarceration. While more minor cases might be dealt with through diversion procedures, there is generally little concern in this approach with rehabilitation efforts.

F. Preferred Model

While arguments can be developed for and against all of the models described above, the fundamental assumption underlying this paper is that current theory and research supports a child welfare and rehabilitation orientation as the optimal means for addressing antisocial behaviour in youth. Ideally, this will be delivered in the larger context of the education, mental health, and social service systems (Corporatist Model), but it can be delivered in the context of a Justice Model as long as the primary focus is on addressing deficits and needs in the young person. Note that implementing such a strategy does not run counter to holding the youth accountable for his or her actions. Accountability does not require harsh punishment. It can take the form of close supervision, some restrictions of privileges, restitution, or other action that does not interfere with rehabilitation goals.

III. CONTRIBUTIONS FROM CONTEMPORARY THEORY AND RESEARCH

We are fortunate that we are now able to draw on a considerable body of theory and research from both criminology and psychology to guide us in our management of youthful offenders. One body of research derives from developmental psychology which is giving us valuable clues regarding the conditions contributing to the appearance of antisocial behaviour in children and adolescents (see Lahey, Moffitt, & Caspi, 2003; Rutter, Giller, & Hagell, 1998). Also useful are broad, integrative models such as those proposed by Andrews and Bonta (2006), Catalano and Hawkins (1996), and Elliott and Menard (1996). Research from criminology and forensic psychology is important because of guidance regarding factors specifically associated with criminal behaviour and evaluations of alternative strategies (see Guerra, Kim, & Boxer, forthcoming; Krisberg & Howell, 1998; Lipsy, 1995, 2006; Lipsy & Wilson, 1998). The following are discussions of some of the more important conclusions from this work.

A. General Conclusions from the Research and Theory

While there remain unanswered questions about youth crime and areas of controversy continue to exist, it is possible to state some general conclusions from this body of research.

1. Efficacy of Early Prevention Efforts

There is now ample evidence from evaluation research that early prevention efforts, as long as they are carefully targeted, begun early enough, and reflect best practices, can be effective in reducing negative outcomes in childhood and adolescence. The evidence is particularly strong in the case of early compensatory education and headstart type programmes. The best of these programmes can produce positive results regarding antisocial behaviour, school drop-out, and employment success many years after they are delivered (e.g. Schweinhart, Barnes, & Weikart, 1993). There is also evidence for the effectiveness of carefully targeted behavioural interventions for children at risk of criminal activity delivered during the early childhood years (Oifford, Chimura-Kraemer, Kazdin, Jensen, & Harrington, 1998; Tremblay & Craig, 1995). For example, a group of Canadian researchers has shown that a family and school-based intervention...
programme directed toward boys showing conduct problems during the pre-school years can be effective in reducing the likelihood they will continue to develop antisocial behaviour during later childhood and adolescence (Tremblay et al. 1995).

2. Ineffectiveness of Punitive Sanctions
   Evaluation research demonstrates conclusively that punitive sanctions such as incarceration, shock incarceration, or boot camps do not have positive effects on reoffending rates (Andrews & Bonta, 2006; Lipsey, 1995; Lipsey & Wilson, 1998). This research shows that under some circumstances, and for some youth, incarceration produces small decreases in reoffending rates. In most cases, however, imprisonment is associated with increased reoffending rates. There are likely a number of reasons for this. For one thing, incarceration of youth is generally not accompanied by meaningful interventions directed toward the deficits placing them at risk of criminal activity. Second, congregating antisocial youth together will generally have the effect of increasing the risk level of lower risk youth.

3. Efficacy of Appropriate Interventions
   The reviews and meta-analyses cited above clearly support the conclusion that interventions reflecting best practices and delivered with integrity can be effective in addressing youth crime and reducing the probability of reoffending. Note two important qualifications included in this conclusion. First, the intervention or treatment strategies we use must reflect proven intervention strategies. We will review these elements of best practice below. Second, the interventions based on best practice must be delivered with integrity. In many cases strategies proven effective in other settings do not work because they are not delivered well.

4. Cost Effectiveness of Interventions
   A growing body of sophisticated cost/benefit research has become available and is showing that programmes reflecting best practice and empirically shown as effective can also be cost effective (Aos, Phipps, Barnoski, & Lieb, 2001). In other words, money spent on these programmes can produce significant savings later in reduced criminal activity, improved school and employment performance, better mental health, etc. For example, the Functional Family Therapy programme for addressing problems of parenting and family dynamics yields an average return of $28.34 for every $1.00 invested. Aggression Replacement Training, a cognitive programme for addressing violence issues, yields on average a return of $45.91 for every $1.00 spent.

B. Identification of Risk and Need Factors
   Contemporary research has also made an important contribution by helping us identify the risk and need factors associated with youthful criminal activity (see Heilbrun, Lee, & Cottle, 2005; Lipsey & Derzon, 1998; Loeber & Dishion, 1983). This work is important because it forms the basis for much of the subsequent discussion of best practice.

   Risk factors refer to characteristics of the youth or his or her circumstances that place him or her at risk of antisocial behaviour. Need factors refer to the subset of risk factors that can be changed through interventions, and, if changed, reduce the chances of future antisocial behaviour. These are sometimes referred to as dynamic risk factors. To illustrate, a history of conduct disorder constitutes a risk factor; youths who exhibit such a history are at higher risk of criminal behaviour than those who don't. However, this is a historical variable and can't be changed. Antisocial peer associations is another risk factor, but this can be considered a dynamic risk or need factor. We can intervene to reduce these associations, and, if we succeed, will reduce the youth’s risk of reoffending (see Andrews & Bonta, 2006; Andrews, Bonta, & Hoge, 1990a; Hoge, 1999a for further discussions of these concepts).

   Table 1 provides a summary of the major risk/need factors involved in juvenile criminal activity. These are divided into two groups: proximal factors are those having a direct impact on the youth, while the distal factors generally operate indirectly through the proximal factors.

   Most research on risk and need factors has been conducted in Western societies, and a question can be raised about their generality across cultures. We do have support from research conducted in Western societies that the factors are relevant for both boys and girls and for various cultural groupings within those
societies. However, while their generality across geographically diverse cultures remains to be determined, clinical experience would suggest that they do have broad relevance.

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<td>Major Risk/Need Factors</td>
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**Proximal Factors**

- Antisocial attitudes, values, and beliefs
- Dysfunctional parenting
- Dysfunctional behaviour and personality traits
- Poor school/vocational achievement
- Antisocial peer associations
- Substance abuse
- Poor use of leisure time

**Distal Factors**

- Criminal/psychiatric problems in family of origin
- Family financial problems
- Poor accommodations
- Negative neighbourhood environments

The identification of risk and need factors is important because of two evidence-based principles of best practice (Andrews & Bonta, 2006; Andrews *et al.*, 1990a). The *risk principle of case classification* states that intensive intervention services should be reserved for high risk cases, while lower risk cases should receive less intensive services, or, in the case of youth with very few risk factors, no intervention at all. The *need principle of case classification* states that interventions should target the specific risk and need factors of the youth. In other words, interventions should be individualized and tailored to the youth. These principles will be explored more fully below.

One other concept should be introduced at this point, although there is less research on the issue. *Responsivity factors* refer to characteristics of the youth or his or her circumstances that, while not directly related to his or her criminal activity, should be taken into account in case planning. Examples include reading ability, motivation to change, and emotional maturity. We can also include here strength or protective factors, such as the availability of a co-operative parent or an interest in sport. The *responsivity principle of case classification* states that the choice of interventions should reflect these factors. For example, the youth’s reading ability may not have an effect on his or her antisocial behaviour, but it would have to be taken into account in selecting a treatment programme requiring the comprehension of written materials.

**C. Identification of Evidence-Based Best Practices and Evidence-Based Programmes**

*Evidence-based best practices* refer to intervention strategies shown in evaluation research to be associated with positive outcomes, including reduced reoffending rates. For example, research has demonstrated that interventions targeting concrete behavioural and attitudinal problems are more effective than those that focus on vaguely defined personality problems. Information about these best practices provide us with general guidance in developing interventions. *Evidence-based programmes*, on the other hand, are specific treatment programmes shown by research to be effective in addressing the needs of the juvenile offender. An example is Aggression Replacement Training. Reviews and meta-analyses of both the evidence-based practice and evidence-based programme literatures are available from Andrews & Bonta, 2006; Guerra *et al.*, forthcoming; Krisberg & Howell, 1998; Lipsey, 1995, 2006; Lipsey & Wilson, 1998. These principles will be introduced in our discussion of assessment and case management issues.
IV. RECOMMENDED ASSESSMENT PRACTICES

The careful assessment of the youth, including his or her risk, need, and responsivity characteristics, is important, and it is unfortunate that in so many juvenile justice systems there are either no assessment procedures at all or, if they exist, they are based on very unsystematic clinical procedures. In fact, in most cases assessments are conducted through brief, informal interviews with the youth. However, the research cited above shows clearly that programmes employing structured and standardized assessment procedures are more effective than those that do not. More specifically, the research shows that effective programmes employ structured assessments of risk, need, and responsivity. This is an important evidence-based principle of best practice.

A. Purposes of Assessment

Assessment involves collecting information about the youth and his or her circumstances, whether through interviews, administration of formal tools, or reviews of file information. One purpose of this activity is to form a risk assessment. That is, we want to evaluate the likelihood that the youth will continue to engage in some sort of antisocial behaviour. Evaluation of the youth’s level of risk is important because it can have a bearing on the level of supervision security we might impose on the youth and because, consistent with the risk principle, we should adjust the intensity of our interventions to level of risk. One problem we encounter is that many risk assessments are based on informal procedures and on a narrow range of risk factors (Hoge, 1999a, forthcoming; Hoge & Andrews, 1996; Wiebusch, Baird, Krisbert, & Onek, 1995). We will see below that considerable progress has been made in developing more valid risk assessment tools.

The identification of needs relevant to the criminal activity constitutes another purpose of assessment, and here we talk about needs assessment. Not only do we want to identify the factors placing the youth at risk of criminal activity, but we also want to identify those risk factors that we can address to reduce the propensity to engage in antisocial behaviour. These were identified earlier in Table 1. We will describe some risk/needs instruments below that are designed to provide a broad assessment of criminogenic risk and need factors.

B. Forms of Assessment Procedures and Instruments

Structured or standardized assessment procedures or instruments assume a wide variety of forms, but in general they employ structured format, scoring, and interpretation procedures. The Wechsler Intelligence Scale for Children and the Minnesota Multiphasic Personality Inventory – Adolescent are two standardized instruments many will be familiar with.

A variety of types of standardized tests and procedures are of potential value in assessing offenders. These include personality tests, behavioural checklists and rating scales, attitude measures, structured interview schedules, and test measures of cognitive and academic competencies (see Hoge, 1999b; Hoge & Andrews, 1996; Sattler & Hoge, 2006). Some of these measures require special qualifications and expertise and are normally used only by psychologists or other mental health professionals. These are appropriate where the youth exhibits evidence of serious emotional or behavioural disorder and where a full mental health assessment is recommended (see Appendix A for an example of a psychological assessment battery).

Other measures not requiring advanced mental health training can be useful in assessing the youthful offender. Measures of behavioural and emotional disorders such as the Child Behavior Checklist (Achenbach & Edelbrock, 1983) and the Massachusetts Youth Screening Instrument (Grisso & Barnum, 2003) and measures of antisocial attitudes such as the How I Think Questionnaire (Barriga, Gibbs, Potter, & Liau, 2001) are examples of measures that can be useful in gaining insight into the functioning of the youth. These do require some training in administration and scoring but do not require an advanced degree.

C. Comprehensive Risk/Needs Measures

Standardized risk/needs instruments constitute another category of assessment tools, ones particularly useful in juvenile justice systems. These are designed to evaluate the youth’s risk of reoffending and to identify his or her needs (dynamic risk factors) to aid in case planning. A number of comprehensive risk/needs measures have become available over the past few years (see Borum & Verhaagen, 2006; Grisso, Vincent, & Seagrave, 2005). These represent advances over the earlier, more primitive risk measures.
because they are based on a wider range of risk variables and provide a focus on needs as well as risks. Some of these are actuarial instruments yielding empirically based estimates of risk and need, while others are standardized clinical instruments. All of these help synthesize information about the youth and can help guide decisions about appropriate community or residential placements, level of supervision, and appropriate treatments. These are designed for use by a range of service providers, including mental health professionals, probation and parole officers, and child care workers. All do require some specialized training in administering, scoring, and interpreting the measures. To illustrate, two of these measures will be described.

**The Youth Level of Service/Case Management Inventory (YLS/CMI; Hoge, 2005; Hoge & Andrews, 2002)** is a standardized actuarial measure providing estimates of risk of reoffending and a framework for developing case plans based on a risk/needs assessment. The risk/needs section of the inventory contains 42 items reflecting characteristics of the youth (e.g., “truancy”, “chronic drug use”) or his or her circumstances (e.g., “parent provides inadequate supervision”). The section yields an overall risk/needs score and scores for the following domains: Prior and Current Offences/Dispositions; Family Circumstances/Parenting; Education/Employment; Peer Relations; Substance Abuse; Leisure/Recreation; Personality/Behaviour; and Attitudes/Orientation. An opportunity is also provided to indicate areas of strength. Subsequent sections provide formats for developing a case plan based on the risk/needs assessment. Reliability and validity research has been reported for the measure. An application of the measure will be described later in the paper.

**The Estimate of Risk of Adolescent Sexual Offence Recidivism-2 (ERASOR; Worling & Curwen, 2001)** is an example of a structured clinical assessment tool focusing on youthful sex offenders. It is designed to evaluate the risk of sexual reoffending on the part of individuals who have previously committed a sexual assault and to offer guidance in the development of treatment strategies. Twenty-five risk items are represented, including “deviant sexual interest,” and “antisocial interpersonal orientation.” The assessor categorizes the level of risk as low, moderate, or high based on the total number of items checked and the assessor’s judgments about the pattern of risk observed. Psychometric research has been reported for the scale.

Other instruments in this category include the Early Assessment of Risk List for Boys (EARL-20B; Augimeri, Koegl, Webster, & Levene, 2001); Structured Assessment of Violence Risk in Youth (SAVRY; Bartel, Borum, & Forth, 2005); and the Washington State Juvenile Court Assessment (WSJCA; Barnoski, 2004). Borum and Verhaagen, 2006 and Grisso et al., (2005) have provided extended discussions of these measures.

**D. Some Practical Considerations in Conducting Assessments**

While assessments of the youth are critical to the process of dealing with the youthful offender, there are a number of cautions to observe. First, it is important to employ the best standardized measures of risk, need, and responsivity available. This involves keeping current with the literature. Second, and related, care must be taken to ensure that individuals administering, scoring, and interpreting the measures have the required competencies and expertise. We have seen that some of the tools require advanced training in a mental health field. Others do not, but they do require specialized training in using the procedures.

Ensuring that assessment instruments and procedures are appropriate to the purpose of the assessment is also important. An instrument designed to estimate risk of general offending may not be useful in evaluating risk for violent offending. The appropriateness of the instrument for the youth being assessed should also be considered. A psychological test proven valid for children ages 6 to 10 may not be appropriate for an adolescent. Assuming that measures that work for adults will also apply to children is a common error. Similarly, instruments appropriate for one cultural group may not be of value for those from another group. This has to be established through research.

The sources of information on which the assessment is based must also be evaluated. An interview with the youth is nearly always required, and the more thorough and probing that interview the better. The following guides for conducting the interview are derived from Gratus (1988), Miller and Rollnick (2002), and Sattler and Hoge (2006):
• Establish rapport: Treating the youth with respect and expressing empathy will help in creating a positive relationship.
• Listen carefully: Eliciting good information from the client depends on listening carefully to what he or she has to say.
• Remain objective: While the interviewer should maintain a positive attitude and treat the youth’s responses in a respectful manner, this does not necessarily mean endorsing the youth’s responses.
• Facilitate communication: Ensure that questions and responses are clearly understood by the youth.
• Maintain control: The youth should be treated with consideration during the interview but not allowed to direct or divert the questioning.
• Avoid argumentation: Engaging the youth in lengthy arguments and confronting the youth in a hostile manner are usually counterproductive.

Interviews with collateral sources such as parents, teachers, or other professionals will be desirable as well, as is the use of information from the youth’s school, the police, the probation office or other type of file information. In general, the more information collected the better, although you will often be challenged with the necessity of resolving contradictory data.

Ethical and legal issues are always involved in conducting assessments in juvenile justice settings (see Borum and Verjaagen, 2006; Grisso et al., 2005; Hoge, forthcoming; Hoge and Andrews, 1996). Some guidelines will be imposed by professional associations within the jurisdiction. For example, the conduct of psychological assessments in the United States is governed by procedures of the American Psychological Association and state psychological associations. There will also be legal considerations. For example, the use of risk/needs assessments in adjudication and disposition decisions can be very problematic. Generally speaking, these assessments are most relevant to decisions about programming once a disposition has been imposed by the court.

V. SOME GUIDELINES FOR CASE PLANNING AND PROGRAMMING

This section will present some guidelines for case planning and programming with juvenile offenders. Some of the guidance is founded on the evidence-based principles of best practice and evidence-based programmes cited above. In other cases the guidelines will be based on clinical experience.

A. Evidence-Based Best Practices

Evidence-based practices or strategies identified in the reviews and meta-analyses cited above will be discussed in this section. One of the principles of best practice has already been discussed: Effective programmes utilize standardized assessments of risk, need, and responsivity. Other evidence-based principles are as follows:

1. Observe the Risk Principle
   Effective programmes provide intensive services for high risk cases and less intensive services for lower risk cases. For example, in the case of probation, close and intensive monitoring should be reserved for those at greatest risk of continuing antisocial behaviour. Similarly, lengthy and expensive treatment programmes should involve those with high levels of need. The principle is important for a number of reasons. First, we have limited resources and should not waste them on youth who do not really require the services. Second, over-involvement of lower risk youth in the system may have negative consequences (see Dishion, McCord, & Poulin, 1999; Dodge, Dishion, & Lansford, 2006). This is illustrated where low risk youth incarcerated with high risk youth begin to show increased levels of risk.

2. Observe the Need Principle
   Effective programmes target the specific needs of the youth concerned; that is, they focus on eliminating or ameliorating those factors placing the youth at risk of antisocial behaviour. If the youth’s delinquency relates to inadequate parenting and associations with antisocial peers, then interventions should focus on those specific areas of need. There are two considerations underlying this principle. First, by observing the principle we make maximum use of our limited resources; we are going to target them where they are most needed. Second, research discussed in the reviews and meta-analyses cited above demonstrates that interventions have their greatest impact where they focus on the needs of the individual. Unfortunately, many juvenile justice systems are rigid in their programming and do not permit the needed levels of individualization.
3. Observe the Responsivity Principle

Effective programmes take account of responsivity factors in case planning; that is, characteristics or circumstances of the youth not directly related to their criminal activity are taken into account in planning interventions. For example, there is little point in placing a youth with limited reading skills in a cognitive behaviour modification programme requiring the reading of complicated material. As another illustration, consider a girl whose criminal activities are clearly related to her associations with an antisocial group of youths and drug abuse. However, she may also be suffering from depression and anxiety associated with past abuse, and those conditions would have to be taken into account in planning an intervention.

We have also included strength or protective considerations as responsivity factors, and it is important to consider these in case planning. For example, if a co-operative parent is available, they should certainly be involved in the intervention. Similarly, a risk related to poor use of leisure time could be easily addressed where the youth has an interest in a particular sport.

4. Utilize Community-based Interventions

Research demonstrates that delivering interventions to the offender in his or her community setting is more effective than intervening in institutional settings. This result should not be surprising. The young person’s risk of criminal activities relates to conditions in their home, neighbourhood, and school, and efforts to address those conditions are best addressed in those settings. We will see below that wrap-around programmes such as Multisystemic Family Therapy are particularly effective, and one reason for this is because they are delivered in the youth’s environment. The new Canadian law governing youthful offenders (Youth Criminal Justice Act) places considerable emphasis on diverting youth out of the criminal justice system and delivering interventions in community settings, and this is fully consistent with this particular principle. One caution though: the success of these efforts will depend on the availability of quality services in the community.

5. Address Needs in the Institutional Setting

Research demonstrates that, where institutionalization is necessary, success depends on providing interventions that will address the needs of the youth. Simply incarcerating youth without any efforts to address their behavioural, emotional, social, or educational needs does not reduce reoffending rates. In fact, it often has the opposite effect of increasing their anger and sense of alienation.

6. Treatments are Multimodal

Effective programmes address the entire range of interacting problems presented by the client. Youths do not come to us with isolated issues. Instead they often present to us a range of connected risk and need factors, and interventions that address the set of needs are more effective than those that have a narrow focus. This is why, for example, placing a youth in a substance abuse programme without acknowledging that the problem is linked with supervision problems in their home, an association with a substance abusing friend, and frustration with school failure, will not be very successful. The success of the wrap-around programmes can be explained by their goal of addressing the totality of the youth’s situation.

7. Structured Programmes with Concrete Behavioural and Attitudinal Goals

The efficacy of juvenile offender interventions that are highly structured and directed toward altering specific behavioural and attitudinal deficits in the youth is strongly supported by research. The most effective goals entail social problem-solving and decision skills, moral reasoning, and the development of pro-social attitudes, values, and beliefs. Programmes based on behaviour modification, cognitive-behavioural patterns, and skill training procedures are particularly effective. Additional information about effective programming will be presented below.

8. Aftercare Following Institutional Treatment

Effective programmes provide continuing services to the youth after release from custody or other institutional settings. This is essential to ensure that any gains made in the institution transfer to the youth’s home, community, and school environment. Release planning should be an important part of any residential programme.
9. Programme Delivery and Impact are Carefully Monitored

Effective programmes have in place formal procedures for describing and evaluating service delivery (process evaluation) and programme impact (summative evaluation). An expanding body of research demonstrates that the effectiveness of our interventions depends very directly on the care with which programmes are delivered. Ideally, evaluation efforts will be done internally and externally. The importance of independent external evaluations is particularly important.

B. Clinically-Based Best Practices

We can identify other principles of best practice which, while not empirically derived, have considerable support from clinical experience. These will be listed here without additional comment:

- Individuals responsible for the offender are selected with care and provided adequate training and support.
- The agency has clear guidelines regarding the treatment of clients.
- Treatment goals are realistic and attainable.
- Staff take care to ensure that they represent pro-social models.

One other potential guideline that has received relatively little attention concerns the use of strengths or protective factors within the youth or his or her environment in case planning. It is the risk factors that have received the most attention, but it is also very important to identify and utilize strengths in the youth. For example, the young person may confront problems in the home environment and be associating with a negative peer group, but the fact that they are bright and actually like school can be leveraged to help address their risk factors.

C. Evidence-Based Programmes

A growing body of research is focusing on the identification of effective programmes for the juvenile offender (Andrews & Bonta, 2006; Greenwood, 2005; Guerra et al., forthcoming; Krisberg & Howell, 1998). Those considered effective generally reflect the principles of best practice identified above. More specifically, they tend to be multimodal, delivered in community setting, take account of the risk, need, and responsivity characteristics of the youth, and depend on behavioural and cognitive-behavioural techniques.

The following are some structured programmes for which there is evidence of effectiveness:

- Functional Family Therapy
- Multisystemic Family Therapy
- Multidimensional Treatment Foster Care
- Aggression Replacement Therapy
- Coping Course
- Time to Think
- Viewpoints.

However, it must be acknowledged that these programmes have not been evaluated for all situations and all types of youth. For example, we are still somewhat limited in our understanding of effective programming for female juvenile offenders (see Hoge & Robertson, forthcoming). As well, there is a dearth of data on programmes for delivery in custodial settings.

Some of the programmes identified above are designed for delivery in a community setting and are multimodal in focus. Multisystemic Family Therapy (Henggeler & Bordoin, 1990) is one example. This family-based intervention provides services to the youth and his or her parents in the family, neighbourhood, and school settings. There is an effort to address the entire range of interacting problems presented by the youth. Other programmes identified in the table are narrower in focus, generally addressing specific behavioural or attitudinal issues. For example, Viewpoints (Guerra & Slaby, 1990) is a cognitive mediation training programme designed to improve the youth’s social problem-solving skills and develop more positive beliefs regarding aggression. The programme can be delivered in a community or institutional setting.

The research cited above also informs us of the types of programming that generally do not work with juvenile offenders:
• Client centred/non-directive therapies
• Psychoanalytic approaches
• Most drug education programmes
• Self-Help programmes
• Shaming strategies
• Enhancing self-esteem strategies
• Purely punitive strategies.

There may be individual circumstances where these approaches are appropriate, but generally speaking, they are neither effective nor economic in juvenile justice systems.

D. Case Planning and Implementation

Effective case planning depends on the careful matching of characteristics of the young person and his or her circumstances with appropriate programmes. As we have seen, assessment of risk, need, and responsivity are critical to this planning process. The recommended procedure is as follows:

• Assess risk, need, and responsivity in the client.
• Determine the level of service appropriate to the risk level of the youth.
• Identify goals of the intervention to reflect the needs identified.
• Identify barriers to achieving those goals.
• Identify strengths and incentives that will help in achieving the goals.
• Select interventions most likely to achieve the goals.

Appendix B illustrates an application of this procedure.

We now have some knowledge of best practices and information about the kinds of programming that works best for juvenile offenders. However, we will still encounter practical issues in implementing effective programmes. Guerra and Leaf (forthcoming) have identified political, economic, and practical barriers to implementing effective treatment programmes.

1. Political Barriers

Efforts to implement rehabilitative strategies for youth often run into pressure from some politicians and members of the public who advocate tough-on-crime policies. This is often associated with demands for use of incarceration and other forms of punitive sanctions, measures that run counter to a rehabilitation approach. The pressure is sometimes based on an exaggerated fear of crime and from a lack of understanding of the most effective ways of addressing youth crime. However, these fears are real and the only solution is to try to address the misapprehensions through education.

The political barriers may exist internally as well. Many employees in juvenile justice systems do not share an enthusiasm for a rehabilitative approach and may continue to advocate for harsh punitive measures. This can only be addressed through improved selection procedures and efforts to educate staff in the conclusions from recent research.

2. Economic Barriers

Economic issues become involved because many of the programmes effective in addressing the needs of the youth are expensive. Programmes such as Multisystemic Family Therapy are costly in terms of staffing and other resources. Similarly, implementing an intensive probation programme accompanied by interventions to address the youth’s educational and emotional needs may require considerable resources. These costs will be the basis for resistance to the efforts from politicians and policy makers. There may also be economic barriers associated with funding policies. For example, funding for treatment efforts may be designated only for institutional placements, discouraging the use of more effective community-based placements.

Two responses to these economic barriers are appropriate. First, many of the community-based programmes, even the more costly ones, are often less expensive than incarceration. Second, many of the programmes are cost effective. In other words, if the interventions are implemented effectively, the costs
will be recovered through future reductions in offending rates, lower school dropout rates, fewer demands on adult mental health facilities and other such outcomes. Fortunately, we are beginning to obtain good information from cost/benefit analyses that provide actual figures on the economic returns of the programmes (see Aos et al., 2001; Tyler, Ziedenberg, & Lokke, 2006).

3. Practical Barriers

There are a number of practical barriers to implementing effective programmes. First, the range of options may be limited by economic and resource considerations. We all have limited resources, and sometimes difficult choices must be made. The only response is to observe, as closely as possible, the principles of best practice. This also applies to those cases where the juvenile justice system contracts out services: efforts must be made to monitor the quality of services being delivered.

Another practical obstacle we encounter derives from the fragmented nature of many human service systems. Our youth often exhibit special needs in many areas and may have contacts outside the juvenile justice system, including special services in the schools, treatment in the mental health system, and services from child protection and other such service agencies. All of these systems must work together to effectively address the needs of the youth, but in too many cases barriers exist to that co-operation.

E. Examples of Integrated Programmes

The following are brief descriptions of some community and residential-based programmes that attempt to incorporate a variety of features of best practice in addressing the needs of specific communities.

1. A Different Street

   A Different Street is a residential programme created by The John Howard Society of Ottawa and Eastern Ontario Youth Justice Services. The programme is designed for young men released from custody who would normally be homeless; a group at particularly high risk of reoffending. The goal is to ease their transition to the community and address their behavioural, emotional, social, educational, and vocational needs. The programme is located in an apartment building housing 24 clients. The professional staff of the facility are responsible for providing individual counselling and arranging referrals to community services. Considerable emphasis is placed on developing life skills and vocational competencies. Appendix C provides an example of the type of case planning utilized.

2. Boys Town USA, Staff-Secure Detention Programme for Female Offenders

   Boys Town USA, Staff-Secure Detention Program for Female Offenders is a somewhat unusual programme since it is designed for high risk/need girls detained prior to trial. Although girls remain in the programme for relatively short periods of time, an intensive assessment is conducted at intake, and the plan developed on the basis of that assessment is designed to follow the client through subsequent placements. The plan encompasses both short and long term goals. The majority of the girls accepted for the programme are members of minority groups, come from high risk family environments, and exhibit a range of academic, social, behavioural, and emotional needs.

   The staff of the programme is predominantly female, and all are provided intensive training in gender-specific programming. Individual and group treatment focuses on addressing mental health and behavioural issues as well as developing life skills counselling. Treatments involve families wherever possible. The ultimate goal is to address deficits in the young woman and assist her in reintegrating into society.

3. The Ottawa Police Service Diversion Programme

   The Ottawa Police Service Diversion Programme, managed by the Boys and Girls Club of Ottawa and Ottawa Police Services, is designed to satisfy a provision of the Canadian Youth Criminal Justice Act requiring the diversion from the formal police and judicial system of youth committing relatively minor crimes. The initial referral is made by the police officer with initial contact with the youth and then an assessment of eligibility for the programme is made by programme staff. The latter involves an assessment of risk and needs of the youth. In many cases no further action is recommended beyond a warning, but in the case of youth exhibiting significant areas of risk or need, referrals are made to community agencies providing appropriate interventions. This is a prevention programme designed to address risks and needs before they lead to more serious antisocial behaviour.
4. Sexual Abuse: Family Education and Treatment Programme

The Sexual Abuse: Family Education and Treatment Programme was developed at the Thistletown Regional Centre for Children and Adolescents in Toronto, Ontario. This specialized community-based programme is directed towards children and adolescents with sexual behaviour problems, including those convicted of sexual offences. The treatment is based on individual, peer group, and family counselling, with therapeutic techniques based on cognitive-behavioural strategies. Emphasis is placed on altering dysfunctional cognitions and behaviour. The programme reflects the importance of beginning treatment of this condition early in development and the involvement of the family.

Examples of other exemplary programmes can be found in Howell (2003) and Loeber & Farrington (1998).

VI. SOME FINAL WORDS

This paper has emphasized the efficacy of a child welfare and rehabilitation approach to the treatment of youth in juvenile justice systems. I believe that this approach is supported by contemporary theory and research, is consistent with guidelines presented by the United Nations and other organizations concerned with youth, and reflects a humane concern for young people. However, it is important to acknowledge that this position represents only one of a number of positions regarding the appropriate treatment of youth in conflict with the law. Whatever position is favoured, the high personal, social, and financial costs associated with youth crime make it absolutely imperative that we recognize this as an issue of paramount concern and adopt a willingness to commit whatever resources are needed to address the problem. The potential profits from this commitment are immense.
REFERENCES


APPENDIX A
EXAMPLE OF A COMPREHENSIVE PSYCHOLOGICAL ASSESSMENT BATTERY

1. Review of File Information

2. Interviews
   Semi-structured interview with youth
   Semi-structured interview with mother
   Telephone interview with school principal

3. Measure of Cognitive Functioning
   Weschler Intelligence Scale for Children

4. Behavioural Adjustment Measure
   Child Behaviour Checklist (Parent)

5. Personality Test
   Basic Personality Inventory

6. Attitudinal Measures
   How I Think Questionnaire
   Criminal Sentiments Scale

7. Broad-based Risk/Needs Measure
   Youth Level of Service/Case Management Inventory
I. CASE SUMMARY

A. Sources of Information

This report is based on information from the following sources: review of file information (prior probation reports), interview with the mother, telephone interview with school principal, telephone interview with juvenile police officer, and a two and a half hour interview with Michael.

B. Background

Michael is a 17-year-old youth convicted of two felony assaults and one misdemeanor assault. He has a lengthy criminal history and has served periods of probation and custody. He has been held in detention since his arrest. As documented below, there are significant family problems in this case and associations with antisocial gang members.

There have been no disciplinary concerns during the current period of detention, and Michael seems to have adjusted well to this confinement. He presented as friendly and co-operative during the interview.

C. Prior and Current Offences/Dispositions

Michael has been convicted of two felony assaults and one misdemeanor assault. The assaults relate to two incidents where he was part of a group of four to five youths who forced themselves into homes and assaulted the occupants. Accused and victims are known to be involved in the drug trade in a small way. Michael neither admitted nor denied the offences.

Michael’s criminal history began at 12 years of age. He has been convicted of assault (seven times), robbery, burglary, and disorderly conduct (four times). Most of the crimes have been in association with a loosely organized gang. There is no evidence that any of the assaults produced significant physical injuries. He claims that most of the assaults have resulted from efforts to protect family or friends.

Michael has received four probation and one secure custody (eight months’ long) dispositions and has failed to observe court orders three times.

D. Family Circumstances/Parenting

Michael lives with his mother, three younger sisters, and two younger brothers. Although dysfunctional in many respects, the family members are close to one another, and Michael seems to have a very protective attitude toward his siblings. There has been no contact with the biological father for some years, and there are some indications that is Michael experiencing some psychological effects of his perception that the father deserted the family.

The mother is on probation for convictions for welfare fraud and possession of cocaine. She has a minor criminal history and a history of drug and alcohol abuse, although she has apparently been abstinent for several months. The two younger brothers have minor criminal histories and the biological father had served some time in prison. The family has been mainly supported through social assistance and has moved often because of evictions.

Although Michael and his mother appear to care for each other, the mother has provided very inadequate
parenting. Although she does try to set some rules, she rarely follows through consistently in enforcement. Her primary form of discipline is to yell at the children; their usual response is to ignore her and do what they please. On the other hand, the mother is committed to her children and is motivated to address family problems.

Special note should be made of the strong and cohesive bond that exists among the mother and siblings. This can be considered a potential strength factor in this case.

E. Education/Employment
Michael’s academic performance has generally been rated as poor to adequate. School personnel have usually felt that he has performed significantly below his capacity. There are no indications of attention span problems or learning disabilities. He is able to stay on task and perform well when he chooses or when the environment is structured and supportive. He was frequently truant when enrolled in school.

While Michael has presented no serious problems in the classroom setting, his relations with other students in other school settings have been contradictory. On the one hand he is capable of exhibiting good social skills and relating easily to others, while on the other hand he has been involved in some serious physical confrontations with some students. He claims these fights have been justified to protect his “honour” and that of his family. He has been recently expelled because of his assaultive behaviour and the school zero tolerance policy. Since his expulsion he has been urged to seek either full or part-time employment but has shown no interest to date.

F. Peer Relations
Most of Michael’s friends are three to four years older and are members of a loose-knit gang. Most of his friends and acquaintances have a criminal history. His most recent convictions resulted from actions carried out with this gang. He has virtually no positive associations. He claims he is not seriously involved with any girls at the present time.

G. Substance Abuse
Michael denies any problems with drugs or alcohol. Drug screens have consistently come back negative. He does admit to using marijuana on occasion. There are suspicions that he may be dealing drugs, but there is no evidence to support this.

H. Leisure/Recreation
Michael is not involved in any positive organized activities. Mostly he plays basketball with his friends or just hangs out with them. The family has limited funds and this has probably hindered efforts to involve him in organized sports or hobbies. Michael expresses some interest in sports, motorcycles, and photography but has not acted on those interests.

I. Personality/Behaviour
Michael has a history of verbal and physical assaults against youths. There are indications of poor frustration tolerance and the absence of skills for dealing maturely with perceived insults to himself and his family. He has shown little evidence of sympathy for his victims (feeling they have generally deserved what they got). On the other hand, Michael can behave in a pleasant manner and adults generally feel some sympathy for his condition and a willingness to help him deal with his problems. The latter could be considered a potential strength.

J. Attitudes/Orientation
Michael expresses a lack of respect for the police and judicial system. He feels that the system is biased against poor people. He feels that his assault convictions simply represented acts where he was defending the honour of his family or himself. While some of these attitudes and feelings may be justified, Michael must learn to respond to these situations with non-violent strategies. There is no evidence that he is incapable of feeling empathy; witness his attitude toward family members.

Michael is not actively seeking help, but he has generally seemed willing to participate in court directed programming. He has actually responded well to some previous intervention efforts.
II. YOUTH LEVEL OF SERVICE/CASE MANAGEMENT SUMMARY

Michael obtained a total score of 31 on the Youth Level of Service/Case Management Inventory (YLS/CMI), placing him in the High Risk category. He exhibits high needs with respect to: Family Circumstances/Parenting; Education/Employment; Peer Relations; Leisure/Recreation; and Attitudes Orientation. He exhibits moderate needs regarding Substance Abuse and Personality/Behaviour. Strengths are shown regarding Family Circumstances and Personality.

III. SUPERVISION PLAN

The Supervision Plan is based on the assessment of Michael’s risk and need factors. It is based on a sentence of Intensive Supervised Probation with the condition of a custodial sentence if the conditions of the Probation Order are not observed. Condition: attend and successfully complete adult/junior day treatment programme.

A. Goal 1
• Address anger management issues

Barriers
• Deep-seated anger over father abandonment & discrimination issues
• Poor insight
• Peers who support aggression

Strengths/incentives
• Family supports for addressing issue
• Michael seems to be tiring of conflicts

Means of achievement
• Attend individual counselling sessions in day programme
• Complete anger management programme in day programme

B. Goal 2
• Address peer relations and leisure/recreation issues

Barriers
• Peer associations are important to him
• Little opportunity to engage in leisure activities

Strengths/incentives
• Some members of group moving on
• Michael is beginning to recognize costs with current peer associations
• Has some interests: mechanics, photography

Means of achievement
• Continued attendance at day treatment programme
• Enroll in motorcycle mechanics and photography programmes
• Join programme basketball league

C. Goal 3
• Improve home situation/parenting

Barriers
• Financial problems in home
• Mother has history of drug abuse
• Family somewhat isolated

Strengths/incentives
• Mother seems generally motivated to address problems
• Mother has been abstinent for three months; making good progress in treatment
Family seems to have stabilized recently

**Means of Achievement**
- Mother will continue to attend drug treatment programme
- Mother and children will attend family service agency counselling programme

**IV. OTHER CONDITIONS**
- Submit weekend plans to probation officer or programme co-ordinator on Friday
- Observe all curfews
- Attend programme every weekday unless formally excused

The case plan is reviewed after three months.
APPENDIX C
EXAMPLE OF CASE PLAN FROM A DIFFERENT STREET PROGRAMME

I. CASE MANAGEMENT REVIEW PLAN

The information presented in this example is based on a review of case progress after three months.

**Name:** Samuel  
**Date of Admission:** July 8, 2003  
**Client’s age:** 17 years

**A. Background**

**Criminal Record**

- **Current convictions/sentence**
  - Assault and breach x 2
  - Mischief, breach x 2
  - Breach of undertaking
  - Uttering death threats
  - Eighteen months Secure Custody followed by six months’ probation

- **Past convictions/sentences**
  - Impaired driving, failure to remain at scene of accident and breach – 57 days pre-trial custody, three months’ open custody, 18 months’ probation.
  - Possession of controlled substance, possession of stolen vehicle x 2, breaches – 4 weeks’ open custody.
  - Assault x 2, mischief – conditional discharge.
  - 2000 - Probation for assault x 2 and mischief.

**B. YLS/CMI Risk/Needs Assessment**

- **Initial YLS/CMI Total Score Level** – 29 – High Risk
- **Three-month update YLS/CMI Total Score Level** – 27 – High Risk

**Domain Scores**

- Criminal History – High
- Family/Parenting – Moderate
- Education/Employment – Moderate
- Peers – High
- Alcohol/Drugs – High
- Leisure/Recreation – Moderate
- Personality/Behaviour – High
- Attitudes/orientation – Moderate

**C. Other Assessments**

Other assessments completed during initial intake indicated significant problems relating to pro-criminal attitudes and substance abuse.

II. CASE SUMMARY EXPLANATION

The attached form is a Case Summary for a four-week period. **Overarching Goals** reflect the goals identified on the basis of the intake and review assessments and indicate what the treatment team plans to accomplish prior to the youth’s release. The primary objective is to develop and implement interventions that will decrease the youth’s propensity for recidivism, and promote the acquisition of self sufficiency skills in preparation for living independently. **Intermediary goals (Means of Achievement)** identify how we intend accomplish the overarching goals. These interventions are implemented until success is achieved or when all possible interventions to gain change have been tried but we are unable to achieve a higher level of success. These intermediary goals are modified as we identify barriers to success and when progress is made in an intervention area.
III. CASE SUMMARY

A. Over-arching Goals
1. Diminish substance abuse
2. Improve anger management and impulse control skills
3. Diminish antisocial attitudes and beliefs
4. Increase prosocial structured time
5. Improve educational performance
6. Increase self sufficiency

B. Previous Intermediary Goals (Met [M], Partially Met [PM], Not Met [NM])
1. Enroll and stabilize in school programme
   i) enroll in remedial vocational education programme - M
   ii) assist Samuel in obtaining necessary school supplies - M
   iii) contact teacher, Mr. Omeara, and determine if he can assist in motivating Samuel to increase attendance - M
   iv) determine if there is value to incentive programme - NM
2. Increase ability to anticipate high risk triggers and plan to avoid them
   i) practice self management plans - M
   ii) complete daily activity sheets the day prior to assist in structuring day - M
   iii) enroll in Alternatives to Aggression group - M
   iv) complete exercises that identify high risk situations, risky thinking and reframed thinking - M
3. Increase ability to cope with reduction in alcohol use
   i) use coping skills exercises from Structured Relapse Prevention (SRP) - PM
   ii) widen support network by encouraging attendance at NA - PM
4. Increase ability to cope with stress and anger
   i) teach imagery techniques - PM
   ii) teach deep breathing techniques - PM
5. Increase budgeting skills
   i) use delay of gratification by holding money for him - PM
6. Increase understanding of thoughts, feelings, behaviour interaction, as well as pro-criminal beliefs
   i) complete Cognitive Self Change programme- postponed

C. Barriers to Intermediary Goals
   Continued rigid and distorted thinking, although some progress made in self management skills; poor motivation to address substance abuse issues; continued contact with gang members outside of the residence.

D. Advances in Treatment
   Doing relatively well in the school programme; some progress in developing case management skills; positive visit from mother; early indications that he is beginning to recognize the harm he is causing himself with continued drug and alcohol use.

E. Revised Intermediary Goals
1. Continue attending vocational education programme
   i) explore options around apprenticeship programme for mechanics
   ii) introduce value to incentive programme
2. Increase ability to anticipate high risk anger/aggression triggers and avoid them
   i) practice self management plans
   ii) complete daily activity sheets the day prior to assist in structuring day
   i) complete exercises that identify high risk situations, risky thinking and reframed thinking
3. Increase ability to cope with reduction in alcohol use
   i) use coping skills exercises from SRP
   ii) widen support network by encouraging attendance at Narcotics Anonymous (NA)
   iii) provide pro-social alternatives to boredom as incentive to reduce alcohol use (e.g., participate in athletic equipment repair programme)

4. Increase Samuel’s ability to cope with stress and anger
   i) teach imagery techniques
   ii) teach deep breathing techniques
   iii) teach muscle relaxation techniques

5. Increase budgeting skills
   i) use delay of gratification by holding money for him
   ii) complete budget plan to distinguish wants versus needs and to prioritize costs per month

6. Increase understanding of thoughts, feelings, behavioural interaction, as well as pro-criminal beliefs
   i) challenge distorted thought patterns when used in daily inventory sheets
   ii) explore benefits and costs of distorted beliefs specific to high risk situation
   iii) commence Cognitive Self Change
COUNTRY REPORT: CAMEROON

Henry Asaah Ngu Ndama*

I. INTRODUCTION

Every society has laws that govern relationships between individuals. The violation of these laws leads to sanctions being meted out to defaulters. These violators, who are termed offenders, are generally of varied ages, from different social backgrounds and of both sexes. Offenders of different categories have problems which are peculiar to that category. Among these categories are young offenders, who are also termed minors.

Young offenders are generally considered in terms of their age at the date of commission of the crime. Every country has an age of penal majority below which any offender is termed a minor. Minors have always been considered to have special needs because of their relatively young age and immaturity and the impact of adverse socio-economic conditions which may drive them into crime. In addition, young offenders in custody are particularly vulnerable to poor conditions in correctional institutions such as overcrowding, poor nutrition, lack of access to adequate health care, bullying by older inmates and psychical and psychological disorders. The above situations, where they exist, necessitate planning for the special needs of this category in order to take appropriate action to ensure their protection and successful reintegration into society.

The protection of young offenders requires the formulation of government policies that take into account their particular needs and the effective implementation of same by all actors and stakeholders of the criminal justice system. Policy-making in this connection stipulates special procedures for the prosecution of young offenders, specialized probation services, legal assistance, and mitigation of sentences. On the other hand, correctional institutions which receive convicted minors have to adopt practices that will prevent minors from becoming victims of the negative effects of “prison culture” which generally result from poor custody conditions. It is only through an effective and efficient allying of these two aspects that successful social rehabilitation of the offender can be attained.

Social rehabilitation or reintegration of offenders has always been the difficult side of corrections. This is particularly true of young offenders who, before conviction, have relatively less developed criminal minds compared to their older counterparts. The prison environment can easily influence them and sometimes this takes a serious toll on them, making them worse at release. The question here is how can the prison environment be made more conducive to the social reintegration of young offenders, and all other offenders, as a whole? This question is particularly pertinent for developing countries who, because of the economic difficulties they face, allocate few resources for corrections. Correctional institutions in these countries generally face problems of overcrowding, a high rate of relapse and recidivism of offenders, resulting from poorly structured or insufficient rehabilitation programmes. Cameroon faces some of these problems today. Nevertheless efforts are being made within the context of penitentiary reform to reverse the situation.

II. LEGAL AND INSTITUTIONAL ENVIRONMENT FOR THE TREATMENT OF JUVENILE OFFENDERS

Legal and statutory instruments provide rules for the handling of juvenile offenders. These cover the specific definition of juveniles in the legal sense, regulations on their prosecution, and directives for their custody. In Cameroon these instruments are the Penal Code, the Criminal Procedure Code and the presidential decree bearing on the penitentiary regime in Cameroon.

A. Legal Instruments

These are the Penal Code and the Criminal Procedure Code.

1. Penal Code

The Penal Code of Cameroon in its section 80 sets the age at which a person attains full criminal...
responsibility at eighteen years. As such, a person aged eighteen years and over shall be responsible as an adult. It also provides that no criminal responsibility shall arise from an act or omission of a person of less than ten years. An offence committed by a person aged not less than ten years and not more than fourteen years may attract only such special measures as provided by law. Criminal responsibility is diminished for an offence committed by a person aged over fourteen and under eighteen. These ages are relevant at the date of commission of the offence. From the above, the age of penal majority in Cameroon is consequently eighteen years and there is no question of personal law. In practice, partial defence and mitigating circumstances may be applied to a young person under eighteen. A child over ten and under fourteen may be tried, but may not be sentenced to a penalty nor to a preventive measure provided by the criminal law for adults. He or she may be the subject only of such measures as are specially provided by the laws on juvenile delinquency. Finally, a child under ten has no criminal responsibility and may not even be tried for what he or she does. He or she may be the subject of special measures of care and protection but not of punishment nor of preventive measures applicable to older children.

Section 48 of the above code provides for parents, guardians or a person responsible under customary law for a person under eighteen who has committed an act defined as an offence to enter into recognizance to forfeit his right of guardianship over the said person if he or she shall commit a similar act within a space of one year, unless it is proven that he or she took reasonable steps to avoid the minor’s committing the offence. It should be noted here that in the case where the right of guardianship over the minor is forfeited, his or her care becomes the responsibility of the State alone. Section 82 also provides for responsibility to be diminished for an offence committed by a person under eighteen years under compulsion of his or her parents or the person having charge of him or her, or responsible for him or her under customary law.

Referring to separation of minors under detention, section 29 provides that “An offender under the age of eighteen shall serve his sentence in a special establishment, or failing such establishment, shall be separated from offenders over that age.”

2. Criminal Procedure Code

The law No 2005/007 bearing on the Criminal Procedure Code promulgated on 27 July 2005, which entered into force on 1 January 2007, was unanimously acclaimed as a significant and decisive advancement in the protection of human rights and the consolidation of the rule of the law in Cameroon. This Code provides rules specific to the prosecution and trial of minors, beginning from the institution of prosecution proceedings to criminal record and costs arising from measures for the protection and treatment of juveniles.

The legal framework of arrest and police custody for juveniles is the same as that for adult offenders given that the Criminal Procedure Code makes no distinction between the two categories in this domain. Arrest is subject to the presentation of a warrant or by virtue of the law in case of in flagrante delicto. The law also provides for the respect of the physical and psychological integrity of the person arrested (sections 30 to 38).

In the case of police custody, persons are detained in a police cell for a period not exceeding forty-eight hours and a person cannot be remanded into police custody on Saturdays, Sundays or public holidays. A person in police custody is guaranteed the right to health, visitors and legal aid (sections 118-126).

Referring specifically to the prosecution and trial of juveniles, in the domain of institution of prosecution, the law provides that a preliminary inquiry shall be compulsory for a felony or misdemeanour committed by minors aged under eighteen. An infant shall not be prosecuted by direct summons except in cases of a simple offence. The state counsel or the examining magistrate shall inform the parents, guardian or custodian of the minor that proceedings have been instituted against him or her (section 700). Also, the state counsel has to investigate fully to reveal the personality of the minor. This covers the material and moral situation of his or her family, his or her character antecedents, his or her attendance at school and general behaviour, and his or her conditions of upbringing. This investigation is entrusted to the social welfare service or a medical officer as the case may be. He or she may also by reasoned ruling be placed in a welfare reception centre (section 701). The examining magistrate may also entrust the custody of a minor to his or her parents, guardian, custodian, any trustworthy person, welfare centre, observation home, specialized institution, vocational training or health centre, as the case may be, and may specify the duration of such
custody in the best interests of the juvenile (section 702). A certificate of apparent age may be delivered by a medical officer in the absence of a birth certificate (section 703).

As concerns the temporary detention of juveniles after the institution of prosecution, the law provides that a minor from twelve to fourteen years of age shall not be remanded in custody except when he or she is accused of capital murder, murder, or assault occasioning death. It continues that a minor aged between fourteen and eighteen may be remanded in custody only if this measure is considered indispensable (section 704 and 705). Detention of infants can only be carried out in a borstal institution or a special section of a prison meant for the detention of minors. He or she may be detained in a prison for adults where the above are absent but must be separated from them (section 706). When a minor is transferred or brought before an examining magistrate or before the court, steps shall be taken to prevent any contact with adult detainees or the public (section 707). In the case of release on bail, the examining magistrate or the court may require a written undertaking to be of good behaviour and appear before the court when he or she is required to do so, a recognizance entered into by his or her father, mother or guardian to guarantee his or her appearance in court or an oral engagement by a person worthy of trust guaranteeing this appearance (section 708).

In the domain of trial of the juvenile, the Criminal Procedure Code provides that the court shall be cognizant of the social welfare report drawn by the examining magistrate only after the infant has been found guilty (section 717). Also, the presiding magistrate shall explain to the minor in simple language the charges brought against him or her. Irrespective of the infant’s reply, the court shall hear the testimonies of witnesses, enable the minor or his or her representatives to put relevant questions to the witness and hear any statement the minor may wish to make and in which case the presiding magistrate shall put questions to the witness, or to the minor as he or she deems fit (section 718).

In full trial the minor shall be assisted by counsel or by any other person who is a specialist in the protection of children’s rights. This is different to the procedure for adults. Where the minor has no counsel, the court shall on its own motion assign one to him or her (section 719). Under pain of nullity the trial of the juvenile shall be conducted in camera. This notwithstanding, persons entitled to attend the hearing shall be the infant’s parents, custodian or guardian, witnesses, counsel, the representatives of services or institutions dealing with problems relating to children and probation officers. The presiding magistrate may also authorize the presence of representatives of organizations responsible for the protection of human rights and the rights of the child at the hearing and read out the statement of the social welfare officer (section 720). The court shall stay trial only where the minor’s age cannot be ascertained, where it is deemed necessary to proceed to further medical examination, psychological examination or other inquiry, or if it is deemed necessary to fix an observation period. Judgment shall be pronounced at a public hearing in the presence of the minor but his or her name or initials or those of his or her family members shall not be mentioned in it (section 721). A minor may also be tried in default if he or she has absconded or disappeared and the court can in this case order measures to ensure his or her appearance by a reasoned decision demanding the infant to be brought and detained in a prison (section 723).

In connection to applicable measures and penalties, a minor aged fourteen years or younger, if found guilty, can be subject to the following measures:

- Entrusting the infant to the custody of his or her parents, guardian, custodian or any trustworthy person;
- Placing him or her on probation;
- Placing him or her in a vocational or health centre;
- Placement in a specialized institution;
- Requiring him or her to enter into preventive recognizance (section 724).

In the case of a minor aged more than fourteen years but less than eighteen years, if found guilty, the court by reasoned decision shall pass sentence. In the case of a non-suspended term of imprisonment, only probation may be ordered in addition. The probation order takes effect after the term of imprisonment has been served (section 725). When delivered, the measures and judgment provided above shall place the infant in custody for a period as is necessary for his or her education until he or she attains civil majority. Before decision on the merits, the court may order provisional probation for a length of time as an observation period.
Probation of the juvenile is provided as a means of support, protection, supervision and education under the trust of parents, guardians, or custodians (section 730). Regular probation officers shall be appointed by joint order of the Minister of Justice and the Minister of Social Affairs. They shall co-ordinate the action of voluntary probation officers (section 731). A voluntary probation officer is designated either in the judgment or decision of the court (section 732). The law also provides that probation measures may be reviewed at any time and at the request of the legal department, the infant himself or herself, his or her parents or guardian or the probation officer (section 737).

In the domain of appeals, appeals in juvenile cases can be brought before the Court of First Instance sitting on cases of juvenile delinquency (section 739). All judgments delivered against minors are entered in the criminal record (section 741). It is also worth noting that imprisonment in default of payment does not apply to infants (section 736).

Mentioning costs arising from trial and measures of protection of juveniles, the Code provides that all judgments delivered by courts sitting in cases of juvenile delinquency shall be exempted from stamp duty and shall be registered free of charge (section 727). Also, travelling expenses incurred by regular and voluntary probation officers in the course of their assignments shall be refunded and the fees of counsel assigned by the court on its own motion shall be paid as expenses incurred in criminal matters.

B. Statutory Instrument

The statutory instrument is Presidential Decree No 92/052 of 27 March 1992 on the penitentiary regime in Cameroon.

This instrument in its section 2 provides for the creation of five categories of prisons which are: orientation prisons, relegation centres, production prisons, school prisons and special prisons. School prisons and special prisons are of special interest to the correction of juveniles because the former are designed for the theoretical and practical training of minors in order to ensure their reintegration into society, while the latter are reserved for minors who are subject to a particular regime. Meanwhile, the application of this provision for the creation of the above correctional institutions for minors is still awaited.

Concerning custody within the penitentiary establishment, section 20 (4) provides that a special section be reserved for minors. They are not subject to the same punishment regime as adult offenders and they can only be assigned maintenance work within the correctional institution.

Other laws and rules and regulations exist for the treatment of juvenile offenders but these are applied by the social services of the Ministry of Social Affairs. Such juvenile cases are handed to them by the victims of the crime after negotiation with the parents or guardians. These are cases which are not under prosecution.

III. THE CARE OF JUVENILE OFFENDERS AND THEIR REHABILITATION

The Cameroon government has been taking measures to ensure care and reintegration of juvenile offenders, although these are usually limited by economic difficulties. These actions can be perceived at the level of policy-making and penitentiary practice. These notwithstanding, there still exist problems and challenges for the amelioration of juvenile corrections.

A. Policy-Making

Before December 2004, the Penitentiary Administration in Cameroon was attached to the Ministry of Territorial Administration and Decentralisation. This situation created many administrative bottlenecks and delays in the criminal justice system because files had to move between the Ministry of Territorial Administration and Decentralisation and the Ministry of Justice. The former managed convicts while the latter managed those awaiting trial and appellants. This situation led to discriminatory management of inmates in the same prison in favour of convicts. Minors with special needs were also sometimes neglected. This situation has been reversed since 8 December 2004, when the Penitentiary Administration was attached to the Ministry of Justice. Delays in justice, poor treatment of offenders and violation of prisoners’ rights have declined in penitentiaries.

The government has elaborated a five year plan (2007-2012) for increasing assistance to female and
juvenile offenders. In the case of juveniles, although financial resources are limited, partnership with civil society organizations, philanthropists and other persons of goodwill has greatly contributed to ameliorating the custody conditions of juveniles. An example is the recent commitment of the Cameroonian football star Samuel Eto’o to provide beds and bedding to minors in all ten central prisons in the country. This has already been done for the central prisons of Yaounde and Douala. The commitment by the government to create elementary, secondary and high schools in all prisons in the near future as need arises is another case in point. These will be used for the academic training of juveniles.

An important aspect of reintegration is professional training. In Cameroon most young offenders who find themselves in prison are from poor social backgrounds and/or broken homes; most lack elementary education and their involvement in crime basically stems from poverty and lack of care. They need professional training in order to acquire skills which they can use to make an honest living after release or probation. Not all prisons in Cameroon have workshops for this purpose but efforts are being made, with the help of stakeholders, to create them in all prisons.

B. Penitentiary Practice

Since minors are mostly first time offenders and victims of broken homes and peer pressure, their treatment in penitentiaries has to relate to their mentality and psyche as teenagers. Minors need psychosocial care, material assistance, educative talks, training, legal assistance and links with their families. Prisons should therefore have facilities for compulsory education and training given the fact that at their age, minors are untrained and most do not have basic education. In addition to the above they must be separated from adult offenders.

In Cameroonian prisons, minors are always separated from other inmates. In cases where there is no separate section in the prison reserved for minors, a ward is set apart for them and is specially guarded. This is to avoid bullying by older inmates, theft, drug abuse, etc. It should be noted that these illicit activities are perpetrated by some adult inmates. Superintendents in charge of prisons always have a ‘special eye’ on the minors’ section because they are particularly vulnerable. It is also worth mentioning that the practical application of discipline and punishment of minors is different from that of adult offenders. More emphasis is placed on sensitivity and education than on repression.

Cameroonian prisons have a Bureau of Socio-cultural, Educative and Leisure Activities and a Bureau of Training. Teaching and educative talks are provided for all inmates with particular attention given to minors. They are given lectures on topics such as the prevention of sexually transmissible infections and HIV/AIDS, personal hygiene, responsible behaviour, etc. Also, training in carpentry, masonry, and tailoring is carried out where workshops for these skills exist.

C. Problems and Challenges in the Care and Reintegration of Juveniles

Many problems plague corrections as a whole, and juvenile corrections in particular, in Cameroon. Among these are overcrowding in prisons and insufficient human, material, and financial resources to effectively and efficiently carry out penitentiary activity. Also, the government faces the challenges of setting up a correctional system adapted to political, economic, social and legal evolutions.

Overcrowding is a major problem in Cameroonian prisons because many prisons were constructed before independence, which was more than 47 years ago. Prisons built for 1,000 inmates today have 3,000 or more inmates. Although minors constitute a small quota of the number of inmates in Cameroon (2,600 out of 22,564 or 11.52% of the total number of inmates), they suffer from this situation because of the absence of special prisons for them. Overcrowding creates poor living conditions and facilitates the spread of contagious diseases. There is a need to build new prisons.

The insufficiency of human, material and financial resources affects the functioning of penitentiary establishments. There is a quantitative and qualitative shortage of penitentiary personnel. This has been caused by the prolonged lack of recruitment due to economic difficulties. The economic problems faced by the country makes it difficult to provide sufficient material for the functioning of vital penitentiary structures such as schools, playgrounds and training workshops. Also, the budgetary provisions for prisons are usually limited.
In recent years, corrections as a discipline has evolved, especially its legal framework and respect of human rights. The government has taken up the challenge to adjust the correctional system to these evolutions by elaborating a new penitentiary regime which will lay more emphasis on reintegration measures rather than the security of penitentiary establishments. The new regime will take particular care of the special needs of each category of offenders, of which juveniles are the most vulnerable. This falls within the reforms envisaged by the government.

IV. ENVISAGED REFORMS IN THE CORRECTION OF JUVENILES AND RECOMMENDATIONS

Under the auspices of the President of the Republic, a certain number of reforms of the penitentiary system as a whole and correction of juveniles in particular have been envisaged. These cover the areas of prison infrastructure, capacity building of penitentiary personnel, reform and organization of the National School of Penitentiary Administration and the development of a collaborative relationship between the Penitentiary Administration and stakeholders.

A. Reforms

Reform efforts are being undertaken in four initiatives.

1. Infrastructure

The need for new infrastructure has been emphasized as a means of solving the major problem in prisons, which is overcrowding. By building operational structures for the custody of inmates, conditions of detention shall be improved. This will offer inmates better living conditions and increase possibilities for the carrying out of activities favourable to reintegration. Some of these penitentiary structures will be used for the custody of minors and women, who represent special categories. The problem of the negative effects of the incarceration of juveniles with adult inmates will consequently be solved.

2. Capacity Building of Penitentiary Personnel

The training of Cameroon’s penitentiary personnel emphasizes the security aspects of their jobs and places less emphasis on resocializing activities. This has always led the Penitentiary Administration to resort to personnel of other ministries such as social workers, teachers, nurses, guidance counsellors, and clergy in order to carry out activities of resocialization such as training, counselling, education etc.

Proposed reforms in the above area are the improvement of performance through the reinforcement of the institutional capacities of the Penitentiary Administration, the reinforcement of the capacities of its human resources so as to enable them to respond to the demands of its missions, the modernization of management practices and methods and the development of a resocializing dimension of penitentiary activity.

In this connection, penitentiary personnel shall be trained in methods of treatment of prisoners which respect human rights, ensure discipline, and work towards social rehabilitation. This is necessary because the strength and major resource of any institution is its staff and the capacity building of personnel is instrumental in the attainment of objectives. Many penitentiary workers do not understand the job of corrections. They view their jobs as keeping inmates inside the prison so as to protect public safety. They do not understand that they have to work with inmates and be role models so as to encourage and assist them to correct their criminal behaviour. Juveniles in particular can be resocialized through this approach.

3. Reform and Organization of the National School of Penitentiary Administration

In Cameroon the National School of Penitentiary Administration is in charge of the training of penitentiary personnel. This institution therefore plays an important role in the orientation and application of the government’s penitentiary policy. The reform of the school covers the building of new structures in order to make it a sub-regional institution for central Africa, the adjustment of teaching syllabi to the evolution of knowledge, and the creation of specializations. Personnel will be better trained in human rights, vocational activities, social sciences, psychology, security, etc. With this we can expect greater responsibility and accountability from prison staff. The existence of specializations will also permit some personnel to train in the treatment of juveniles.
4. Collaboration Between the Penitentiary Administration and Stakeholders

Such collaboration existed in the past but it was insufficient because of the limited access to prisons generally allowed by the government to civil organizations who want to get involved in resocialization activities. One of the objectives of penitentiary reform is the development of collaboration between the Penitentiary Administration and other stakeholders involved in the care of inmates so as to favour collective action in the execution of penalties, promote mechanisms to evaluate the impact of treatment on the inmate, and from this, orientate criminal policy. In this perspective, the introduction of alternative forms of punishment as a means of reducing overcrowding in prisons has been envisaged. In addition, since public opinion is generally hostile to prisoners and even penitentiary personnel, sensitization of public opinion and the community is necessary. This can only be achieved with the help of stakeholders. Community complaints of lenient actions and procedures for particular categories will be reduced since the community will be made to understand the importance and necessity of such actions. It should be noted that complaints of lenient treatment of some offenders, most of the time minors, which in Cameroon usually take the form of public manifestations of dissatisfaction, lead judges to become harder on offenders so as to please the public. Increased collaboration will also facilitate community based care and reintegration programmes for juveniles. Such activities are presently absent in Cameroon.

B. Recommendations

Several recommendations can be made to complete the reforms to ameliorate penitentiary activity. These involve individualization, premature release measures (probation, parole, and release on licence), identification and computerization of information and indeterminate sentencing.

1. Indeterminate Sentencing

This does not exist in Cameroonian penal law. Indeterminate sentencing gives authority to judges to give a sentence range (minimum and maximum) to a criminal, within which, if he or she is of good conduct in prison, he or she serves the minimum period and in the contrary circumstance, serves the maximum period. The law here should be clearly defined to fix a sentence range for each offence. Judges will pronounce the specified sentences and prisoners will make an effort to change positively so as to spend less time in prison. If he or she feigns an improvement and goes on to repeat his or her crime when released, he or she will then be given the maximum penalty for the offence committed. This measure is particularly useful for juveniles who may have been lured into crime by peer pressure or psychological imbalance.

2. Identification and Computerization of Information

To effectively fight criminality there should be a mastery of information relating to it. The government should make sure convicted prisoners’ files have pictures and finger prints and these should be computerized. The manual calculation of sentences and keeping of files in Cameroonian prisons does not favour an effective follow up and monitoring of criminality. Record services in prisons should be computerized and there should be a network link between all prisons. With this, it will be easier to sort out recidivists and control the execution of penalties. Also the registry of the court should be computerized and linked to the computer network of prisons so as to ensure that all certificates of non-conviction delivered are given to persons whose criminal records are clean as provided by law.

3. Early Release Measures

These are probation, parole and release on licence.

Probation is provided by law in Cameroon but its effective application is limited because of the financial resources required. It is exclusively directed towards juveniles. Nevertheless there is a need to involve more penitentiary personnel in probation work in the future given that they, most of the time, have a better knowledge of the criminal, social and character antecedents of the juvenile. This is especially applicable when he or she is a recidivist.

Parole is not provided by law in Cameroon, but it can be introduced as a measure for adult inmates. Release on parole should be accorded to adult inmates who exhibit good conduct in prison. In such circumstances, they should promise to be of good behaviour. If they do not abide by that undertaking, they will be reincarcerated.
Release on licence is provided by Cameroonian penal law. Its grant and revocation is by presidential decree. This makes it a difficult process for the inmate. There is a need to create regional commissions for the grant and revocation of release on licence to ease the process.

4. Individualization

In order for custody and reintegration to succeed, they should take into account the individual capacities, abilities, behaviour and antecedents of each prisoner. All prisoners do not have the same needs. The case of minors shows that their age makes them more vulnerable to prison culture. Individualization can only succeed if there is a good observation strategy within the prison to identify inmates of good behaviour and allow them to benefit from early release. It is also necessary to adapt the education and training provided within the prison to the needs of each prisoner.

V. CONCLUSION

The legitimate objective of penitentiary activity is reintegration. In order to achieve this, individual situations and capacities should be taken into account. Juveniles constitute a particular category within the prison milieu. The issue of accomplishing a positive character change through immersion in the ‘criminal society’ that is prison has always been raised. Any reforming or reshaping under such circumstances will probably be in a negative direction. Most of the time, when inmates begin to behave in a socially acceptable manner, it is largely as a result of their own initiative and not because of the system. Ideally, the factors that lead to these circumstances should be understood and controlled. Poor individualization is one of them. In the case of minors, rigorous separation and discipline is necessary in order that probation and other special measures of protection can lead to reintegration.
EFFECTIVE MEASURES FOR THE TREATMENT OF JUVENILE OFFENDERS AND THEIR REINTEGRATION INTO SOCIETY

Shu-kan Kenny Cheung*

I. INTRODUCTION

This paper aims to give an overview of the core treatment programme components provided by the Correctional Services Department (CSD) of the Government of the Hong Kong Special Administrative Region in the correction of young offenders. It is prefaced by a brief definition of a young offender and the spectrum of sentencing options for this particular group of offenders. The discussion then focuses on the major components of the programmes catering for young offenders and the role of the community in rehabilitation work and concludes by offering a glimpse of the way ahead.

II. DEFINITION OF YOUNG OFFENDERS

According to Article 1 of the United Nations Convention on the Rights of Child, a “child” means every human being below the age of 18 years. The Interpretation and General Clauses Ordinance defines “adult” as a person who has attained the age of 18 years. The legal age of criminal responsibility in Hong Kong is seven years and a “child” is interpreted as a person under the age of 14 years. A “young person” refers to a person of between 14 years and 16 years of age.

The CSD of Hong Kong considers those under the age of 21 years to be young offenders. The Criminal Procedure Ordinance specifies that no court shall sentence a person of or over 16 years and under 21 years of age to imprisonment unless it is of the opinion that no other method of dealing with such person is appropriate. In the management of penal institutions, the Commissioner of Correctional Services has the statutory duty and power to set aside a prison or a portion of a prison to accommodate inmates under 21 years of age. The Prison Rules and the newly enacted Long-term Prison Sentences Review Ordinance require a regular review of sentences of prisoners who are under 21 at the date of conviction. Prisoners under 21 may be required to attend compulsory educational classes. Persons sentenced to imprisonment of three months or more before attaining the age of 21 years and released before attaining the age of 25 years are subject to statutory post-release supervision. Only persons aged not less than 14 and not more 21 years of age may be sentenced to detention in a training centre. Those under 25 years of age may be sent to a detention centre. Accordingly, the term “young offender” is generally adopted to include offenders aged seven to 20. In Hong Kong, the CSD and the Social Welfare Department (SWD) are responsible for providing services for this group, but no person under the age of 14 years shall be placed in the custody of the CSD. Notwithstanding the slight variation in definitions, it is manifestly clear that the legislature intended to provide differential treatment in the correction of young offenders.

III. SENTENCING OPTIONS FOR YOUNG OFFENDERS

The criminal justice system of Hong Kong provides the courts with a wide range of options in dealing with offending youths, each of them operated by the CSD or the SWD under different ordinances. Due to the limited length of this paper, only the programmes under the purview of the CSD will be discussed in the following sections.

A. Pre-sentencing Assessment

For any programme to be effective, whether institution-based or community-based, an essential factor is giving a young offender an appropriate sentence. To determine the appropriateness of a particular programme, or to match the rehabilitative needs of a young offender to a programme, the court obtains and considers information about their circumstances, taking into consideration any data which is relevant to the character of the young offender and his or her physical and mental condition. In the case of the CSD, any young offender who is considered for training in a detention centre, a training centre, or a drug addiction treatment centre must be remanded for a period not exceeding three weeks to undergo assessment.

* Chief Officer, Correctional Services Department, Hong Kong SAR.
In the process of pre-sentencing assessment, an intake officer interviews the young offender and conducts field and home visits before compiling a report on the social history of the young offender. In 2006, a total of 4,633 assessment reports were written for the consideration of the courts. The major criterion for admission to a drug addiction treatment centre is drug dependence at the time of admission. For the detention centre, the young offender must be physically fit to take part in rigorous physical exercises, mentally sound and intellectually able, with no previous experience in a prison or a training centre. Those who, for a variety of reasons, are found to be unsuitable for the detention centre or drug addiction treatment centre, primarily due to their criminal sophistication or physical, mental, or intellectual deficiencies, which require a longer period of comprehensive correctional training, may be considered for admission to a training centre. Though the law stipulates explicitly that no court shall sentence a person under 21 years of age to imprisonment unless it is of the opinion that no other method of dealing with him or her is appropriate, a considerable number are still sentenced to a term of imprisonment because of the gravity and seriousness of their offences.

In other words, the CSD runs an informal system of first receiving the young offenders at the detention centre at the earliest stage of their deviation from the law, their graduation from the training centre, perhaps a diversion to a drug addiction treatment centre due to drug dependence, and eventually prison, mainly in accordance with the advancement of their criminal careers and incorrigibility.

In recognition of the significance of pre-sentencing assessment and the need for a comprehensive enquiry into the most appropriate programme of treatment for convicted young offenders between 14 and 25 years of age, the CSD and the SWD jointly established the Young Offender Assessment Panel in 1987. With the services provided by the Panel, the lower courts of law (magistrates) may first refer a convicted young offender to the Panel for comprehensive assessment before passing sentence. In 2006, the Panel received a total of 194 referrals from magistrates and 82% of its recommendations were accepted.

There are five major correctional programmes catering for the treatment of young offenders, all of which are of institution-based residential modality.

B. Treatment Programmes
1. Sentence-oriented Main Programmes

The CSD is managing a detention centre, rehabilitation centres, training centres, drug addiction treatment centres and prisons, i.e. a spectrum of criminal sanctions and correctional programmes for offenders aged 14 or over, who cannot be otherwise dealt with in the community. Tailor-made sentence-oriented treatment programmes are devised to cater for the different needs of offenders with different backgrounds. They are briefly illustrated below.

(i) Detention Centre

An alternative to imprisonment for male young offenders aged between 14 and 25, who do not have a long string of previous convictions and whose offences are not serious in nature. The rigorous programme provides young offenders with ‘short, sharp, shock’ treatment emphasizing strict discipline, hard work, physical training and foot-drill. It aims to teach offenders respect for the law, self respect, an awareness of neglected capabilities in legitimate pursuits, and an ability to live with other people in harmony.

(ii) Rehabilitation Centre

This is another alternative to imprisonment for young offenders aged between 14 and 21, particularly those who are not physically fit for the Detention Centre programme. Discipline training in Phase I (2-5 months) is followed by a period of residency in a half-way house setting in Phase II (1-4 months).

(iii) Training Centre

This is an intermediate sanction between imprisonment and the Detention Centre or a Rehabilitation Centre for young offenders aged between 14 and 21. The orderly and structured training programme aims to develop the character of a young offender. It combines with the personal influence of members of staff and education and vocational training to form the basis of the programme. All inmates undergo half-day education classes and half-day vocational training in accordance with their levels of educational attainment and vocational skills. They are also encouraged to take an active part in indoor and outdoor extra-curricular
activities, for example, Scouting, Guiding, Outward Bound courses, the Hong Kong Award for Young People (the former Duke of Edinburgh’s Award Scheme), etc. Offenders shall be subject to three-year statutory supervision after discharge.

(iv) Drug Addiction Treatment Centre
This is for drug addicts who are convicted of minor criminal offences. The aims of this programme are threefold: detoxification and restoration of physical health; treating the inmate’s psychological and emotional dependence on drugs; and preparation for the inmate’s reintegration into society.

After admission, every inmate is given symptomatic treatment for drug withdrawal syndrome. The treatment of psychological dependence is effected through the work programme as well as individual and group counselling aimed at improving the inmate’s health and courage, cultivating positive work habits, and establishing self confidence and a sense of responsibility. Inmates also attend compulsory remedial educational classes and participate in various recreational activities. A specially designed Relapse Prevention Programme, aided by tailor-made videos, assists inmates in gaining better insight into their drug problems and prepares them psychologically prior to their release.

A progressive system is devised for the above programmes and a Board of Review assesses the progress, attitude, effort and response of each inmate every month. An inmate must have secured suitable employment or a place in a school before he or she is determined by the Board to be released, to be followed by a 12-month statutory aftercare supervision period (except Training Centre supervisees). During the post-release supervision period, the ex-offender can be recalled for a further period of detention if any of the supervision conditions are breached.

(v) Imprisonment
Young offenders, male or female, sentenced to imprisonment are accommodated in institutions purposely set aside for them. These institutions operate a programme based on half-day education classes and half-day vocational training with the term of imprisonment subject to good conduct and industry. Their sentences are regularly reviewed to ensure that they are receiving treatment in their best interests. A supervision order with provision for recall is made against a young prisoner who, before his or her 21st birthday, is sentenced to serve a term of imprisonment of three months or more and is released from prison before his or her 25th birthday.

2. Needs-oriented Supplementary Programmes
Apart from the aforementioned sentence-oriented treatment programmes, the CSD has also developed a variety of needs-oriented supplementary programmes to cope with the unique rehabilitative needs of specified groups of offenders. Some such programmes are explained below.

(i) Substance Abuse Awareness and Recidivism Prevention Programme
This programme aims to encourage offenders with substance abuse problems to receive necessary intervention and to facilitate their reintegration into the community.

(ii) Violence Prevention Programme
The purpose of this programme is to provide violent offenders with comprehensive psychological treatment services to reduce violent reoffending, tailored according to an evidence-based, specialized risk-needs assessment.

(iii) Offending Behaviour Programme for Young Offenders
This course helps young offenders to develop positive attitudes and skills instrumental to rehabilitation.

(iv) Relapse Prevention Course for Inmates Undergoing Drug Addiction Treatment
This programme focuses on improving inmates’ efficacy in dealing with problems of substance abuse and minimizing relapse through increasing their motivation to change their drug-taking behaviour, identifying high risk situations relating to drug-taking, and developing skills to deal with these high-risk situations.
(v) **Sex Offender Evaluation and Treatment Programme**

This programme aims to provide comprehensive and systematic psychological evaluation and treatment services for sex offenders in a therapeutic environment with a view to enhancing their motivation for treatment.

(vi) **Educational Programme**

This programme is to provide offenders, both young and adult, with opportunities to better themselves through education and to assist them in participating in public examinations.

(vii) **Vocational Training**

This programme is to assist offenders in acquiring vocational skills which may help them seek gainful employment after discharge and thus start a new healthy life.

IV. FACTORS CRITICAL TO THE SUCCESS OF TREATMENT PROGRAMMES

The various treatment programmes mentioned in the last section have been devised to cope with the different rehabilitative needs of different groups of offenders. How successful these programmes are depends on to what extent they are able to achieve the community expectations or their pre-set aims. In this section, the critical success factors of treatment programmes are to be elaborated, which naturally form the basis or standard of measuring their success. We thereafter take a look at the measures currently used and then try to see if there is any inspiration to be taken from this review.

A. **Reoffending Behaviour**

The ultimate objective of all treatment programmes is to assist rehabilitated offenders to reintegrate into the community as law-abiding citizens. Leading them not to reoffend is the core critical success factor of treatment programmes. Should this mission not be achieved, the longer the interval between discharge and reoffence, the more successful is the concerned treatment programme.

Certain treatment programmes are tailor-made to help offenders change their offending behaviour and promote their psychological wellbeing, such as those targeting sexual offenders and violent offenders. Whether these rehabilitated offenders recommit crimes of a similar nature determines the effectiveness of these treatment programmes.

B. **Other Rehabilitative Needs**

Believing that having a healthy lifestyle impacts positively on rehabilitated offenders, the Department has been introducing various educational and vocational training programmes to assist their rehabilitation. Therefore, public examination results and vocational training that helps rehabilitated offenders to seek employment after discharge are ways of measuring the programme’s success.

C. **Stakeholders’ Perspective**

Our existence is to satisfy stakeholders’ needs or to meet expectations of various parts of the community. If this is true, how our stakeholders, such as the public and even the offenders, assess the success of our treatment programmes seems to be of paramount importance.

D. **Current Measures to Ensure the Effectiveness of Treatment Programmes**

1. **Success Rates**

   Persons released from the detention centre, rehabilitation centres, training centres and drug addiction treatment centres, certain young prisoners, and prisoners released under various supervision schemes, are required to receive statutory supervision from CSD aftercare officers. Such requirement is to ensure continued care and guidance, thus is conducive to their rehabilitation. The success rate of these aftercare services is defined as the percentage of supervisees who have completed the statutory supervision without reconviction of a criminal offence. Drug addiction treatment centre supervisees must also remain drug free.

   The following figures reflect the success of various treatment programmes.

   As shown in Figure 1, a total of 2,786 persons completed statutory supervision in 2006 and the overall success rate was 71%. Success rates for various programmes were 95% for detention centres, 96% for rehabilitation centres, 70.8% for training centres, and 56.3% for drug addiction treatment centres.
2. Recidivism Rates

The recidivism rate refers to the percentage of readmission within three years of discharge of all local convicts released from CSD custody. Different time spans may sometimes be used to take a look at the time it takes the recidivist to reoffend after discharge. It provides a simple and easy-to-understand figure to summarize the performance of local offenders in leading a law-abiding life after discharge from CSD custody. Apart from providing timely feedback to facilitate CSD programme planning and monitoring, it helps other criminal justice components monitor the recidivism trend so that prompt action can be taken to contain the problem and fight crime, thereby contributing to keeping Hong Kong a safe city.

In order to better reflect the actual reoffending behaviour of rehabilitated offenders, we compare the recidivism rates of different categories such as by gender, age and type of offence. This is to allow administrators to better allocate scarce resources and to identify room for improvement. The recidivism rate in 2005 was 45.1% and in 2006 was 43.3%.

3. Target Achievement of Various Needs-oriented Programmes

Thus far, this paper has described various needs-oriented treatment programmes devised to achieve different rehabilitative targets. The CSD has developed different measurement tools to check their effectiveness. Basically, for the programmes aiming at changing offending behaviour and promoting offenders’ psychological wellbeing, the tools used may be classified into two categories. One is to compare the recidivism rates of those who have attended the treatment programme with those who have not. The other is to check whether rehabilitated offenders re-commit the offences for which they underwent treatment e.g. sex offender treatment. The observations greatly assist in refining our programmes.

4. Education

Education helps offenders improve their academic standards and interpersonal skills, and restores their self-esteem and confidence, i.e. it is good for their future reintegration. The CSD provides half-day compulsory education programmes for young offenders (under 21) and guidance to adult offenders who participate in educational studies on a voluntary basis. They are encouraged to sit external and public examinations such as the Hong Kong Certificate of Education Examination, the Hong Kong Advanced Level Examination, the London Chamber of Commerce and Industry Examinations and other public examinations required by distance learning courses at degree, diploma or certificate level.
Thus, their examination results, shown in Figure 2 below, tell how successful the educational programmes are. In 2006, offenders attempted a total of 952 public examination papers and obtained an overall passing rate of 83%.

5. **Vocational Training**

Young offenders (under 21) receive compulsory half-day vocational training in industrial or commercial skills to facilitate their smooth reintegration into the community after discharge. Vocational training is also extended to adult offenders on a voluntary basis. A wide variety of courses keeping pace with developments in the community are conducted to prepare offenders to obtain accredited qualifications by taking the City & Guilds International or the Pitman Qualifications Examinations.

Apart from the examination results, whether rehabilitated offenders may apply the skills acquired through vocational training to obtain job opportunities in the same field reflects, at least to a certain extent, the success of the vocational training programmes. Such data are therefore maintained.

6. **Inspiration**

It is vital to listen to stakeholders in order to address the problems we face. Although we have constant contact with the public and have been listening to their expectations of correctional work, a more in-depth or scientific approach, i.e. survey, may help us understand the community more and inspire us to further develop our stakeholder-oriented treatment programmes. If we can accommodate possible unpredictable outcomes and unfavourable comments, conducting public surveys to understand community expectations of us and the public assessment of our performance is useful.

The Department has also collaborated with the School of Continuing and Professional Education of the
City University of Hong Kong in embarking on a new project entitled “Continuing Education for Offenders” with the intent to stimulate participants’ interest in pursuing further studies. A further two programmes, comprising a reading programme to promote reading culture and a mentor scheme providing learning support to individual offenders, will be launched soon.

The family, as an important agent for change and a powerful protective factor for offender rehabilitation, is well-recognized by the CSD, especially in the treatment of young offenders. An Inmate-Parent Centre opened in 1999, and with the launch of the Inmate-Parent Programme in the same year, demonstrates the scope of family work in an educational as well as interactional format. The programme aims at facilitating the reintegration of young inmates into their families by enhancing communication between them and their parents.

Besides video seminars on communication and parenting with complementary VCD, other measures are also implemented. Some examples are using posters and reminder cards; talks on enhancing children’s self-efficacy; emotional handling and understanding children’s substance abuse; and reducing inmates’ risks of reoffending by strengthening their parents’ capability in supervising their children. Familiarization visits are arranged for family members to acquaint themselves with the institutional training programme. The Never Again Programme aims to cultivate a rehabilitative relationship between inmates and their families through the work of group dynamics. Birthday gatherings for young inmates are held in correctional institutions with the inmates’ immediate family members.

For the convenience of aged, pregnant or physically disabled family visitors, a video visit system was introduced in 2001. This video conferencing equipment links centres in the city with a number of institutions in remote areas.

V. FOSTERING REINTEGRATION

A. Staged Release to the Community

According to existing legislation, all young offenders, drug addicts, those who have committed offences related to violence, sex or triad activities and been sentenced to two to six years in jail, as well as prisoners whose term of imprisonment exceeds six years, are required to be put under CSD supervision for a period of several months to a few years after release, during which time the Department will provide supervision services for them. In preparation for effective supervision, rehabilitation officers on supervision duties strive to foster a trustful relationship with inmates as well as their families and significant others during the period of detention. They also provide inmates with appropriate support and guidance to adapt to the institutional programme, and to become aware of their inadequacies and the difficulties ahead. Through regular contact and visits, prisoners discharged under supervision are assisted in leading law-abiding and decent lives.

The Halfway House Programme of the CSD is an extension of the rehabilitative efforts carried out within the penal institutions. Following release, supervisees in need of a period of transitional adjustment reside in a halfway house from which they go out to work or school during daytime and to which they return at night. The programme seeks to cultivate a sense of self-discipline and positive work habits within a structured and supportive environment.

B. Removing Hurdles

A gainfully employed ex-offender is much less likely to commit crimes. However, some prospective employers may harbour misunderstandings about rehabilitated offenders and their lives during incarceration. To overcome such obstacles, in 2001, 2003 and 2004, the CSD organized, in conjunction with the Centre for Criminology of the University of Hong Kong, three symposia on employment for rehabilitated offenders. Through experience-sharing by rehabilitated offenders and their employers, we have been able to cultivate a deeper understanding of rehabilitated offenders in employers of various trades and appeal to them to provide equal job opportunities for rehabilitated offenders.

In addition to a number of employers contacting the CSD after the symposia to make enquiries about the employment of rehabilitated offenders, some enthusiastic organizations in the private sector have promoted the “One Company, One Rehabilitated Offender” campaign since 2004 in three local districts, whereby job placements are made feasible for some rehabilitated offenders. This worthwhile campaign will be extended
to all 18 districts in the territory. As of 30 June 2006, we have a database of some 300 employers who have offered to rehabilitated offenders more than 600 job vacancies in 100 different trades resulting in 300 rehabilitated offenders having been successfully employed.

Being the major employer in the territory, the Hong Kong Government has established guidelines in taking the lead in employing rehabilitated offenders so long as this is not inconsistent with the public interest. The question on criminal convictions in the application form for government posts was deleted in 2003 and all applicants are subject to the same set of open and fair selection procedures. Candidates are selected based on their ability, potential and performance, as well as the qualifications, experience and level of integrity required for the post under recruitment.

As regards legislation, the Rehabilitation of Offenders Ordinance (Chapter 297, the Laws of Hong Kong) provides for the conditions under which a conviction will be spent. Such conditions include situations where:

a) the person was not sentenced to imprisonment exceeding three months or to a fine exceeding HK $10,000 in respect of a conviction in Hong Kong;
b) he or she has not been convicted in Hong Kong previously; and
c) a period of three years has elapsed and he or she has not been convicted in Hong Kong of a further offence.

The term “spent conviction” means the following:

a) the conviction is not admissible as evidence in any proceedings save for the exceptions set out in sections 3 and 4 of the Ordinance;
b) there is no obligation to disclose that previous conviction if asked; and
c) failure to disclose that conviction cannot be a ground for dismissing or excluding the person from any office or employment.

It is considered that the above approach, encompassing both public education and legislation, strikes a proper balance between helping rehabilitated offenders return to the community and protecting the public interest.

C. Preparing the Community

A survey covering some 1,600 discharged offenders and serving prisoners was conducted in 2000 by the CSD to heighten public awareness of the problems and needs of rehabilitated offenders and to facilitate effective planning and delivery of rehabilitative services. The survey revealed that the most immediate problems at the initial stage of their release were securing employment, improving family relationships, seeking financial assistance and looking for a dwelling place. Measures and initiatives that have been put forward to address these needs include:

• conducting suitable training to assist offenders in securing employment after release and soliciting employers to offer fair job opportunities to them;
• organizing more structured activities for offenders and their families to rebuild their relationships;
• establishing a telephone hotline manned by social workers to provide timely guidance and crisis intervention services for discharged offenders;
• providing information on non-government organizations (NGOs) and trust funds which discharged offenders with pressing financial needs can approach for short-term cash assistance;
• identifying those offenders in need of longer-term aid and referring them to the Social Welfare Department (SWD) for support under the Comprehensive Social Security Assistance scheme;
• providing financial assistance to discharged offenders to pursue education programmes and employment-related courses.

While the CSD is committed to providing the best possible opportunity for all offenders to make a new start in life upon release, the efforts made by the government and the offenders themselves are not adequate. The potential for success largely depends on how ready the community is to help and support them. Common misconceptions about offenders and, to a certain extent, the prison regimes, are mainly due to lack of information and public education. This not only creates obstacles to the smooth reintegration of
Recognizing that community acceptance and support are essential to the successful reintegration of rehabilitated offenders, we set up the Committee on Community Support for Rehabilitated Offenders in late 1999, comprising community leaders, employers, education workers, professionals, and representatives of NGOs and government departments to advise on rehabilitation programmes and reintegration and publicity strategies. On the advice of the Committee, a series of publicity and public education activities have been organized to help the community better understand the needs and problems of rehabilitated offenders and to appeal for their support. These include community involvement activities jointly held with various District Fight Crime Committees, special TV and radio programmes, roving exhibitions, uploading the well-received and prize-winning TV docu-drama on rehabilitated offenders “The Road Back” to the CSD website for public viewing, the appointment of local celebrities and public figures as Rehabilitation Ambassadors, etc.

To assess the effectiveness of the publicity strategies, we carried out opinion polls in 2002 and 2004. The findings were encouraging, revealing that 59.5% of the respondents in 2004 agreed that publicity activities could enhance their understanding of rehabilitated offenders, and that 91.9% considered it worthwhile for the Government to continue to conduct publicity activities to appeal for community support for rehabilitated offenders. In 2002, the percentages were 43% and 83.6% respectively.

A new initiative to enhance public understanding and support of our work is the Hong Kong Correctional Services Museum. Opened in late November 2002, the museum serves to preserve and showcase the history of the Department and the evolution of local corrections from a closed system that focused on punishment to the present one that emphasizes rehabilitation and community partnership. The museum helps lift the veil on correctional work, dispel the misconceptions held by the public about prisons, enhance the Department’s public image and serve as an interactive platform for our staff to share with visitors their experience in helping prisoners start afresh and the difficulties they encounter in their daily work. Up to April 2007, over 370,000 people had visited the museum.

The Department values partnership with community organizations and continues to receive support, both financial and in kind, from them to take forward projects for the benefit of offenders and rehabilitated offenders. These organizations include the Lions Clubs, Rotary Clubs, Zonta Clubs, Yan Oi Tong, Lok Sin Tong Benevolent Society, Pok Oi Hospital, Yuen Yuen Institute, Care of Rehabilitated Offenders Association, International CICA Association of Esthetics and Tung Sin Tan.

To further encourage the involvement of the general public in our rehabilitation work, we formed the CSD Rehabilitation Volunteer Group in 2004 to conduct interest groups on languages, computers and other cultural pursuits for offenders in various correctional institutions and on occasion, to assist in publicity campaigns to promote the message of acceptance of rehabilitated offenders. The Group now consists of more than 180 volunteers who are mostly university students and serving teachers, and has conducted some 270 classes and served over 3,000 inmates.

D. Continuity and Inter-Agency Collaboration

Community participation in various aspects of the correctional and rehabilitative process builds a bridge between the community and the offenders. As a result, community attitudes towards offenders begin changing and supportive connections are formed that are more conducive to an offender’s re-entry to society. At present, there are more than 60 religious bodies and non-government social services agencies working with us in providing services to help prisoners reintegrate into the community. These organizations, through the employment of social workers, peer counsellors and volunteers, render counselling, employment and accommodation assistance, and recreational and religious services for persons under our custody as well as rehabilitated offenders. Also, the Continuing Care Project implemented in early 2004 engages seven NGOs to follow up on supervisees who, after completing the statutory supervision, are still found to be in need of, and are willing to receive, counselling services.

With a view to strengthening co-operation amongst NGOs and providing all NGO partners with an opportunity to exchange views on matters relating to rehabilitation services, forums with NGO representatives have been held in the past. Besides, a web-based messaging platform has been set up to provide users with an interactive site to post up topics for open discussion.
E. Outreach Approach for Juvenile Crime Prevention

Apart from detaining offenders in a decent and safe environment, the CSD also strives to provide comprehensive rehabilitative services and programmes to offenders with the long-term objectives of protecting the public and reducing crime. In line with the Department’s outreaching strategy to support the District Fight Crime Campaign, the CSD has undertaken a number of public education initiatives for youth over the years. The purposes of these initiatives are two-fold, namely to help prevent juvenile delinquency through better understanding of the harmful effects and untoward consequences of committing crimes, and to promote youth support for offender rehabilitation through encounters with rehabilitated offenders who have determined to turn over a new leaf in life. Some such initiatives are outlined below.

1. Personal Encounter with Prisoners Scheme (PEPS)

The CSD has been running PEPS since 1993, with a view to generating attitudinal and behavioural changes among youth at risk. Under this Scheme, participants will visit one of the designated correctional institutions, and have face-to-face discussions with reformed prisoners. The objective is to prompt the participants to think about the consequences of committing crimes. At the same time, the participating prisoners can develop a positive self-image and build up confidence through the experience sharing sessions. In 2006, 207 visits were arranged for a total of 3,399 young people and students under PEPS.

2. Green Haven Scheme (GHS)

The Department started the Scheme in January 2001 to promote anti-drug messages and the importance of environmental protection among young people. Under the Scheme, participants will visit the mini drug museum at the Drug Addiction Treatment Centre on Hei Ling Chau and meet with young inmates there to learn about the harmful effects of drug abuse. They will also take part in a tree planting ceremony to pledge support for rehabilitated offenders and environmental protection, and as a vow to stay away from drugs. In 2006, 33 visits were arranged for 904 participants under GHS.

3. “Options in Life” Student Forum

To demonstrate the willingness of rehabilitated offenders to contribute to society, the CSD organized a series of student forums in all 18 districts from late 2003 to late 2005 to provide opportunities for secondary school students to interact with rehabilitated offenders, and to discuss with them the detrimental consequences of committing crimes. A total of 20 student forums have been organized with 3,300 participants. In line with the CSD’s community involvement strategy, arrangements have been made for similar forums to be run by 12 non-government organizations (NGOs) since 2006. The CSD provides the necessary support and guidance to the NGOs.

VI. CONCLUSION

Societies are now focusing on how best to reintegrate offenders into society and to reduce their chances of reoffending, for the good of society and the offenders themselves. The young offender rehabilitation programmes of Hong Kong Correctional Services Department aim to help young offenders develop socially acceptable behaviour and improve their interpersonal skills; strengthen their confidence and abilities to cope with stress and difficulties arising from their reintegration into society; and enhance their potential for productive and decent employment. As responsible correctional administrators, we exercise care in putting the right proportion of discipline, sanction and constraints together with rights, privileges, and measures which facilitate the young offender to change for the better, while at the same time providing for him or her protection and security, and securing a way to re-enter mainstream society. The CSD will endeavour to become a pioneer in meeting society’s expectations, fulfilling our mission in the correction of offenders, and rehabilitating them as law-abiding citizens.

It is most encouraging to see that an increasing number of community organizations and the general public share the view that the community as a whole would benefit from the successful transition of rehabilitated offenders, and many have expressed interest in rendering support to them after learning of their needs and rehabilitation efforts through our publicity activities. Notwithstanding this, the CSD will continue to focus efforts on cultivating the desired corporate culture in order to match our VMV statements, empowering prisoners and rehabilitated offenders to face the challenges of reintegration into the community and enlisting community support in the rehabilitation of young offenders.
EFFECTIVE MEASURES FOR THE TREATMENT OF JUVENILE OFFENDERS AND THEIR REINTEGRATION TO SOCIETY

Loupu Kuli*

I. INTRODUCTION

The Kingdom of Tonga (also known as “The Friendly Islands”) is a monarchy with King George V as the Head of the State. It is comprised of three main island groups, Tongatapu, Vava’u and the Ha’apai group. There are minor islands such as ‘Eua and the two Niuas located further to the North.

The 1875 Constitution of Tonga is still the country’s Supreme Law and is also one of the oldest Constitutions in the world. The Criminal Offences Act (COA) governs criminal activities within the Kingdom. This law applies equally to everyone regardless of their age, race, religion or status. The law of Tonga does not stipulate the youngest age at which a person may be charged with a crime.

The Kingdom still has no Probation Act to guide the work of its probation officers. However, those within the Crown Law Office who are responsible for drafting legislation are addressing this matter. Therefore the probation officers’ duties are authorized and guided by the following directives:

(i) Court Orders, particularly under section 25A of the COA. This is in relation to Community Service Orders;
(ii) Cabinet Decisions, particularly the new rehabilitation programme for youth known as the “Youth Diversion Programme”;
(iii) Traditional procedures formulated by Ms. Grigg, a volunteer from the UK who founded the probation service in 1994;
(iv) Legal advice from the Crown Law Officers.

The Probation Division in Tonga handles adult and youth (juvenile) cases, both through the justice system and outside it.

In addition, the Probation Division is under the supervision of the Secretary for Justice and it employs five officers. This is a major development because last year, there were only three officers. These five officers are based at the main island, Tongatapu. The Probation Service is yet to be extended to the outer islands. There are five Magistrate Courts as well as the Supreme Court in Tongatapu, two Magistrate Courts at Vava’u and one at Ha’apai. The Supreme Court has Court Circuits to Ha’apai and Vava’u, once and twice respectively every year. There are also monthly Magistrate Court Circuits to ‘Eua from the Tongatapu Magistrate’s Court and the Niuas from Vava’u Magistrate’s Courts. The Probation Division’s work is limited to the courts on the main island unless there is an urgent need for an officer on the other islands.

As a result of the riot in Tonga on 16 November 2006, the implementation of the now major youth rehabilitation programme commenced. The name of this programme is the Youth Diversion Programme. First time offenders aged seventeen and under are diverted to this programme at the discretion of the Prosecution Service. The details of this new programme will be discussed later in the paper.

With the limited staff and infrastructure of the Probation Division, we do our best to cope with the increasing workload and to provide the highest quality service possible.

II. SERVICES PROVIDED BY THE TONGA PROBATION DIVISION

A. General Services

The following are the services provided by the Probation Division in Tonga in relation to juvenile rehabilitation and reintegration into Tongan society:

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* Probation Officer, Probation and Youth Justice Division, Ministry of Justice, Tonga. Please note: the use of the word “youth” in this paper also refers to juveniles.
(i) Preparation of pre-sentencing reports as directed by the Court;
(ii) Arrangement and supervision of Community Work;
(iii) Co-ordination and Supervision of the Youth Diversion Programme;
(iv) Counselling;
(v) Supervision of Probation Orders;
(vi) Outreach programmes for youths e.g. “Youth Crime Awareness”.

Services (i), (ii) and (v) have been implemented since the establishment of the Probation Division in Tonga. Service (iv) began in April 2007 with the recruitment of an Officer with knowledge of counselling. Service (iii) commenced in early December 2006 after the riot in Tonga. This is a new development in the rehabilitation of youths and will be discussed in detail later in the paper. Service number (vi) is currently in formulation and is to commence in July 2007.

B. Youth Diversion Programme (YDP)

This is the first time this rehabilitation programme has been implemented in Tonga. After the riot in November 2006, the Honourable Minister and Attorney General decided that it was time for Tonga to allow offending youths a second chance, starting with the youths who were involved in the riot. The objectives of this YDP are:

(i) To divert criminal issues from the courts in cases where young people are involved;
(ii) To enable those who played a role in causing the damage to develop a full understanding of the harm they have caused and acknowledge their responsibility for it;
(iii) To enable those who played a role in causing the damage to contribute to repairing the harm;
(iv) To increase community involvement in the justice process, and community commitment to restoring peace and harmony in Tonga.

These incorporate some of the core objectives of the criminal justice system. The YDP also intends to resolve matters quickly, and to avoid imposing a life-long record of conviction on youths which could prevent travel and limit employment opportunities. The Prosecution Service has the discretion to nominate eligible youths to be diverted to the YDP and the qualifications are:

(i) That he or she is 17 years old or under;
(ii) That he or she is a first time offender; and
(iii) That the case in which he or she is involved is a minor one (under the jurisdiction of the Magistrate’s Court).

III. TREND OF YOUTH OFFENDING IN TONGA

There has been a gradual increase in youth crime in the last four years. The following table is taken from the Tonga Police Force’s statistics and shows what type of criminal activities youths have committed from 2002 to 2005.
Major offences committed by young offenders (15-24 years) in Tonga (2002-2005)

<table>
<thead>
<tr>
<th>Offences</th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
<th>2005</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grievous Bodily Harm</td>
<td>2</td>
<td>5</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>Bodily Harm</td>
<td>15</td>
<td>11</td>
<td>24</td>
<td>11</td>
</tr>
<tr>
<td>Common Assault</td>
<td>106</td>
<td>102</td>
<td>82</td>
<td>74</td>
</tr>
<tr>
<td>Indecent Assault on a child</td>
<td>7</td>
<td>2</td>
<td>6</td>
<td>2</td>
</tr>
<tr>
<td>Theft</td>
<td>57</td>
<td>113</td>
<td>191</td>
<td>39</td>
</tr>
<tr>
<td>Receiving</td>
<td>3</td>
<td>7</td>
<td>–</td>
<td>–</td>
</tr>
<tr>
<td>Robbery</td>
<td>1</td>
<td>–</td>
<td>3</td>
<td>–</td>
</tr>
<tr>
<td>Embezzlement</td>
<td>1</td>
<td>4</td>
<td>1</td>
<td>–</td>
</tr>
<tr>
<td>Forgery</td>
<td>–</td>
<td>–</td>
<td>99</td>
<td>–</td>
</tr>
<tr>
<td>Obtain money by false pretences</td>
<td>2</td>
<td>6</td>
<td>68</td>
<td>–</td>
</tr>
<tr>
<td>Housebreaking</td>
<td>5</td>
<td>15</td>
<td>8</td>
<td>7</td>
</tr>
<tr>
<td>Unlawful entry into a building</td>
<td>9</td>
<td>12</td>
<td>17</td>
<td>9</td>
</tr>
<tr>
<td>Willful damage to properties</td>
<td>13</td>
<td>9</td>
<td>13</td>
<td>12</td>
</tr>
<tr>
<td>Disturbance</td>
<td>24</td>
<td>36</td>
<td>59</td>
<td>30</td>
</tr>
<tr>
<td>Abusive language</td>
<td>40</td>
<td>31</td>
<td>45</td>
<td>39</td>
</tr>
<tr>
<td>Drunkenness</td>
<td>348</td>
<td>274</td>
<td>443</td>
<td>417</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>633</strong></td>
<td><strong>627</strong></td>
<td><strong>1063</strong></td>
<td><strong>645</strong></td>
</tr>
</tbody>
</table>

The trend indicates a gradual change with a significant increase in 2004. In 2005, the average age for using any type of alcohol was 17, which correlates to the increase in drunkenness in Tonga for that year.

In general, the PYJD works closely with non-governmental organizations (NGOs). These NGOs include the Tonga Salvation Army, the Tonga Center for Women and Children, the Tonga National Youth Congress, and Legal Literacy. The referral of youths from the PYJD to each NGO for appropriate rehabilitation programmes is based on the probation officer’s assessment of what kind of guidance and assistance the youth needs. For example, a youth who stole something to trade for liquor will be referred to the Alcohol and Drugs Awareness Course of the Salvation Army and perhaps the Life Skills Training course also.

For the PYJD to use the NGOs’ allowances, each NGO must seek permission from the Chief Justice of Tonga by submitting an application. The Chief Justice must also endorse their respective rehabilitation programmes.

IV. CHALLENGES FACING THE PROBATION DIVISION IN RELATION TO YOUTH REHABILITATION SERVICES

A. Financial

Because the national budget is limited, the PYJD can barely meet the existing costs of manpower and equipment. This prevents the extension of services to the outer islands. The equipment required includes a reliable vehicle, maintenance tools such as lawnmowers, and administrative tools such as computers, etc. This is the greatest challenge in the work of the PYJD.

B. Cultural

It is the traditional belief of Tongans that a criminal will be punished by a court. Society is therefore questioning the effectiveness of this new YDP programme. Some Tongans challenge the YDP and say that it is unfair that prior to the establishment of the YDP some youths were sentenced to hard labour whilst present offenders are not.
C. Social

Youths who were committing offences are still mingling with other members of society and may have a negative influence on their peers. There have been a few cases where a young offender living with peers has encouraged the others to commit further offences. There are also a few cases where young offenders have been before the Courts since the age of 12 for stealing and housebreaking. Having attained the age of 21 and been to prison a number of times, their behaviour has not improved. Despite attending various NGOs’ rehabilitation programmes, the offenders still are not employed.

D. Lack of Legal Infrastructure

First of all, Tonga is yet to establish a separate court for juveniles and is yet to enact a separate Juvenile Act. Discussion of this very important issue is currently proceeding. It was only in April 2007 that the Convention for the Rights of Child was launched in Tonga.

The arresting procedure of a juvenile is the same with that of an adult. There is no difference whatsoever. The juvenile is also detained in exactly the same way as adults. After the 16 November riot in Tonga, many people, including juveniles, were arrested. In fact, these juveniles were detained with the adult offenders from overnight to a week or more.

Additionally, the same prosecution procedure is applied to juveniles in Tonga and the same sentences are also applicable.

E. Problem Families

The number of juveniles from broken families is increasing. In some cases, both parents have migrated overseas leaving the juvenile with relatives who equally neglect their guardianship of these minors. There is also a lack of guidance for parents who have difficulty raising their children. In some cases, juveniles have been known to commute between both parents, finally ending up living with a peer group from whom he or she can pick up all sorts of criminal activities.

There are also some juveniles who left school at a very young age; some are engaged in hard labour to earn a living whilst others roam the streets seeking other ways to earn an income.

Some interviewees lie to the probation officer when questioned about the juvenile, making it very difficult for the probation officer to make a correct risk assessment of the juvenile.

F. Specific Challenges in Introducing the Youth Diversion Programme

There are no additional staff to co-ordinate this newly established diversion programme, nor has the salary scale increased to reflect the extra workload. There is also a lack of funds for resources such as vehicles. There is an absence of any official regulation or law for the guidance and protection of the Diversion Programme.

So far the repayment of victims’ losses is via compensation ordered in the Courts. Attempts have been made for some offenders to execute their Community Work hours to the victim’s benefit, but in most cases there is lingering ill-feeling between the two parties.

V. EFFECTIVE MEASURES IN THE TREATMENT OF JUVENILE OFFENDERS

So far, Tonga lacks the facilities for institutional treatment. However, the close relationship and co-operation of the NGOs makes the rehabilitation and reintegration of juvenile offenders much more possible. Below is a sample of the Tonga Salvation Army rehabilitation programmes for juveniles:

- Assessment
- 12 Step Comprehensive Treatment Programme
- 12 Steps to Good Health
- Life-Skills
- Healthy Anger
- Smoking Cessation Programme
- Psychology of Winning
- Family Focus Group
A. Community-based Treatment of Juvenile Offenders

An unofficial restorative justice programme is in practice in one of the villages in Tongatapu. In this restorative justice system, the complaint is verbally submitted by the complainant to the Noble or his representative and the elders in the village at the fono meetings. There is an apology from the person who is the subject of the complaint and some kind of agreement is negotiated by that person and the offended party as to how the relationship will be restored.

The main objective of this unofficial restorative justice is to maintain peace and harmony in the village by the efforts of the community members themselves. According to the members of the village, it is very effective.

B. Effective Measures to Promote the Reintegration of Juveniles into the Community

The best method practiced in Tonga is when parents and elders include young offenders in their community gatherings, such as kava parties, and give them good advice and let them know they are not outcasts.

In the YDP, there is a family conference where the parents are present and involved in the discussion of what is best for their child. With the 16 November cases, the victims were not invited, mainly because of the political unrest in Tonga. Inviting the victims may have caused more problems for everyone rather than finding a peaceful solution to what happened.

There is still a lack of hostels and other rehabilitation aid places in Tonga. There are however some people who take in delinquents and try to help them become better people and citizens. Some are successful and some are not.

VI. CONCLUSION

In conclusion, Tongans have now realized that sending people to prison to punish them for their crimes is not the only way to create a better Tonga. The introduction of the YDP proves this. Parents and community members are surprised that the Government who passed the law is now giving another chance to criminals, especially the youth, to realize what they did was wrong and to save them from any limitations on future employment and travel opportunities. It is the foremost duty of the Tonga PYJD to oversee any rehabilitation programmes within the Ministry and NGOs and to oversee the reintegration of youths into the community.

The main task of the Probation Division is to make youths feel accepted by including them in rehabilitation programmes so that they will understand the causes and the consequences of their wrongful actions and will make better choices.

This is also why the Tonga PYJD is formulating and will implement the Crime Awareness Programme to inform juveniles of what they should and should not do in order to abide by the law, because most juveniles admitted that they did not know that by perpetrating a specific act, they actually committed an offence.

In summary, the Tonga PYJD is doing its best with present staff and infrastructure to assist the vision of the Ministry of Justice for a “Better Tonga Tomorrow”.

[136TH INTERNATIONAL TRAINING COURSE]
[PARTICIPANTS’ PAPERS]
HANDLING JUVENILE OFFENDERS
UNDER CRIMINAL LAW IN VIETNAM

Chu Thanh Quang*

I. INTRODUCTION

In Vietnam, juveniles committing crimes are not handled by a separate court system, but the general criminal court system. However, as well as many other countries, Vietnam has special provisions, stipulated in the Penal Code and Criminal Procedure Code, which are applicable to juvenile offenders. They provide the age subject to penal liability, principles for handling juvenile offenders, judicial measures and penalties applicable to juvenile offenders, the order and procedures of investigating, prosecuting, and adjudicating juvenile offenders and executing judgments. These provisions ensure that the handling of juvenile offenders aims mainly to educate them and help them redress their mistakes, develop healthily, and become citizens who contribute to society.

Within the scope of this paper two main points will be presented. In Section I, the statistics of the Supreme People’s Court of Vietnam will be outlined to show the situation of juveniles committing crime and the handling of same in recent years in Vietnam. In Section II, the current legal framework applicable to juveniles committing crime as well as challenges and disadvantages arising from legal proceedings will be discussed. My personal opinion on more effective measures will be given in the conclusion.

II. STATISTICS OF JUVENILE OFFENDERS IN VIETNAM

According to the statistics of the Supreme People’s Court of Vietnam, the number of juveniles committing crime has not declined in recent years, but has continuously increased; specifically:

- In 2004 there were 2,540 juvenile offenders;
- In 2005 there were 5,305 juvenile offenders (twice as many as 2004);
- In the first nine months of 2006 there were 4,438 juvenile offenders.

The figures show that the number of juvenile offenders adjudicated each year constitutes from 6.5% to 6.9% of the total number of defendants adjudicated by the Vietnamese Courts. The majority of them were between 16 and 18 years old. Although there is no exact data on the application of penalties to juvenile offenders (warning, fine, non-custodial reform, termed imprisonment) recorded by the courts, in practice, many of them were sentenced to fixed terms of imprisonment. Also, the statistics show that juvenile offenders usually commit certain crimes, namely: intentionally inflicting injury on or causing harm to the health of other persons; plundering property (robbery); extortion of property; robbery by snatching; stealing property (theft); and breaching regulations on operating road vehicles. Specific figures are given in the following chart.

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* Legal Specialist, Supreme People’s Court of Vietnam.
1 Article 18 of the Civil Code of Vietnam, “juveniles” are individuals under eighteen years of age.
2 This Code was passed by the National Assembly of the Socialist Republic of Vietnam, Xth Legislature, at its 6th session on 21 December 1999, replacing the Penal Code of 1985.
3 This Code was passed by the National Assembly of the Socialist Republic of Vietnam, XIth Legislature, at its 4th session on 26 November 1999, replacing the Criminal Procedure Code of 1988.
4 Article 69(1) of the Vietnamese Penal Code.
5 Juvenile offenders who are given less than three years’ imprisonment may be entitled to a suspended sentence if they meet the requirement of Article 60 of the Penal Code.
According to a 1994 survey carried out by the Institute of Law Research of the Ministry of Justice, among 1,983 juveniles prosecuted, there were 377 recidivists; in 1995, the number of recidivists was 302 of 2,269 juveniles prosecuted; in 1996 the number of recidivists was 287 of 2,337 juveniles prosecuted. There is no exact data on the recidivism of juveniles in recent years recorded by the Vietnamese Courts. However, in practice, it is clear that the number of juveniles offending in recent years has risen. Also, many of them are drug addicts or alcoholics.

III. PROVISIONS APPLICABLE TO JUVENILES COMMITTING CRIMES

A. Age Subject to Penal Liability

Article 12 of the Penal Code stipulates that:

1. Persons aged 16 or older shall have to bear penal liability for all crimes they commit.
2. Persons aged 14 or older but under 16 shall have to bear penal liability for very serious crimes intentionally committed or particularly serious crimes”.

The very serious crimes mentioned in Article 12 above are those which cause very great harm to society and the maximum penalty bracket for such crimes is fifteen years’ imprisonment. Also, particularly serious crimes are those which cause exceptionally great harm to society and the maximum penalty bracket for such crimes shall be over fifteen years’ imprisonment, life imprisonment or capital punishment.6

In accordance with Article 12 of the Penal Code, Article 302(2) of the Criminal Procedure Code requires that in the process of investigation, prosecution and trial, the exact age of the juvenile offenders shall be identified. The identification of a juvenile offender’s age can be based on his or her personal documents such as a birth certificate or a family household book. If the exact age cannot be found in such documents, the identification can be made in the locality where he or she was born or resides.

However, a problem arising from practice is that, in some cases, juvenile offenders do not have any type of personal documents. Also, the local authority does not have evidence to confirm the age of such juveniles. In order to deal with this problem, the Supreme People’s Court issued the Official Letter No: 81/2002/TANDTC on 10 June 2002 to guide as follows:

(i) If a specific month is identified, but not a specific day, his/her date of birth shall be determined as the last day of such a month;
(ii) If a specific quarter of a year is identified, but not a specific day and a specific month, his/her date of birth shall be determined as the last day of the last month of such a quarter.
(iii) If the first half or second half of a year is identified, but not a specific day and specific month, his/her date of birth shall be determined as the 30 June or 31 December respectively.

B. Principles for Handling Juvenile Offenders

The principles for handling juvenile offenders are provided in Article 69 of the Penal Code, accordingly:

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<tr>
<td>Intentionally inflicting injury on or causing harm to the health of other persons</td>
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<td>653</td>
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<td>Plundering property</td>
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<td>Breaching regulations on operating road vehicles</td>
<td>99</td>
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6 Article 8(3) of the Penal Code.
“1. The handling of juvenile offenders aims mainly to educate and help them redress their wrongs, develop healthily and become citizens useful to society.

In all cases of investigation, prosecution and adjudication of criminal acts committed by juveniles, the competent State agencies shall have to determine their capability of being aware of the danger to society of their criminal acts and the causes and conditions relating to such criminal acts.

2. Juvenile offenders may be exempted from penal liability if they commit less serious crimes or serious crimes which cause no great harm and involve many extenuating circumstances and they are received for supervision and education by their families, agencies or organizations.

3. The penal liability examination and imposition of penalties on juvenile offenders shall only apply to cases of necessity and must be based on the nature of their criminal acts, their personal characteristics and crime prevention requirements.

4. The courts, if deeming it unnecessary to impose penalties on juvenile offenders, shall apply one of the judicial measures prescribed in Article 70 of this Code.

5. Life imprisonment or the death sentence shall not be imposed on juvenile offenders. When handing down sentences of termed imprisonment, the courts shall impose on them lighter sentences than those imposed on adult offenders of the corresponding crimes.

Pecuniary punishment shall not apply to juvenile offenders who are from 14 to under 16 years old. Additional penalties shall not apply to juvenile offenders.

6. The judgment imposed on juvenile offenders aged under 16 years shall not be taken into account for determining recidivism or dangerous recidivism."

The judicial measures set out in Article 69(4) include: education at communes, wards or district towns, or sending juveniles to reformatory school. However, in reality, these measures are rarely applied. Why judges decide not to use these measures is a controversial issue. There are some who state that these measures are often applied to less serious cases by the executive before the legal proceedings. Others suppose that some judges impose a penalty instead of judicial measures as they are afraid of taking a risk. Whatever the reason, this fact reduces the effectiveness of Article 69(4) and Article 70.

C. Arrest, Custody, Temporary Detention and Other Deterrent Measures

Article 303 of the Criminal Procedure Code provides:

“1. Persons aged between 14 years and under 16 years may be arrested, held in custody or temporary detention if there are sufficient grounds prescribed in Articles 80, 81, 82, 86, 88 and 120 of this Code, but only in cases where they commit very serious offenses intentionally or commit especially serious offenses.8

2. Persons aged between 16 years and under 18 years may be arrested, held in custody or temporary detention, if there are sufficient grounds prescribed in Articles 80, 81, 82, 86, 88 and 120 of this Code, but only in cases where they commit serious offenses intentionally or commit very serious or especially serious offenses.

3. The bodies ordering the arrest, custody or temporary detention of juveniles must notify their families or lawful representatives thereof immediately after the arrest, custody or temporary detention is effected”.

Besides the provisions on arrest, custody and temporary detention, the Criminal Procedure Code allows

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7 Under Vietnamese administrative law, juveniles violating laws may be subject to a form of sanctioning, administrative violation or other administrative handling measures, including: warning; fines; education at communes, wards, or district towns; sending to reformatory schools, educational establishments, or medical treatment establishments; or administrative probation. These sanctions and measures are decided by the executive.

8 Articles 80, 81, 82, 86, 88 and 120 of the Criminal Procedure Code are applied to criminals in general.
the investigating bodies, procuracies or courts to assign juvenile offenders to their parents or guardians for supervision so as to secure their appearance in response to summonses of the procedure. Persons assigned to supervise the juvenile offenders are required to do so closely, to oversee their behaviour and ethics and to educate them. This measure can be seen as a special deterrent measure applicable to juvenile offenders. It also increases the responsibility of juvenile offenders’ parents and guardians to educate and help juveniles to redress their wrongs.

D. Defence

Under Article 57(2) of the Penal Code and Article 305 of the Criminal Procedure Code, juvenile accused or juvenile defendants must be assisted by defence counsel. Where they or their lawful representatives refuse to select defence counsel, the investigating bodies, procuracies or courts must request bar associations to assign lawyers’ offices to appoint defence counsel for them or propose the Vietnam Fatherland Front Committee or the Front’s member organizations to appoint defence counsels for their members. Where defence counsel is assigned, the counsel’s fee shall be paid by the investigating bodies, procuracies or courts.

Although the provisions mentioned above ensure that the juvenile offenders are assisted by defence counsel in proceedings, the legal interests of juveniles may not be well protected. The problem arising is that, due to the low fees paid by the investigating bodies, procuracies or courts, the defence of juvenile offenders is often assigned to inexperienced lawyers. Also, in some cases, such lawyers may work irresponsibly. This fact badly affects the defence of juvenile offenders.

E. Trial

At first-instance, the trial panel shall be composed of one judge and two people’s assessors. For serious and complicated cases, the trial panel may be composed of two judges and three people’s assessors. According to Article 307 of the Criminal Procedure Code, where the defendants are juveniles, the composition of a trial panel must include a people’s assessor (juror) who is a teacher or a Ho Chi Minh Communist Youth Union cadre. In addition, Article 302(1) requires that judges who handle juvenile defendants must possess the necessary knowledge of the psychology and education of juveniles as well as knowledge of activities to prevent and fight crime committed by juveniles. However, currently, there are no judges specializing in handling juvenile offenders in Vietnam. Therefore, personally, I think the provision of Article 302(1) is ineffective.

F. Participation in the Procedure by Families, Schools and Organizations

Under Article 306 of the Criminal Code, participation of families, schools and organizations in the criminal procedures of juvenile offenders is not only a right, but also an obligation; accordingly:

1. Representatives of the families of persons kept in custody, the accused or defendants, teachers or representatives of schools, the Ho Chi Minh Communist Youth Union or other organizations where the persons kept in custody, the accused or defendants study, work and live shall have the right as well as obligation to participate in the procedure under decisions of the investigating bodies, procuracies or courts.

2. Where the persons kept in custody or the accused are between 14 years and under 16 years old or juveniles with mental or physical defects, or in other necessary cases, the taking of their statements and interrogation must be attended by their families’ representatives, except for the cases where their families’ representatives are deliberately absent without plausible reasons. The families’ representatives may inquire about the persons kept in custody or the accused, if the investigators so agree; they may produce documents, objects, make requests or complaints, and read the case files upon the termination of the investigation.

3. At the court sessions to try juvenile defendants, the presence of their families’ representatives, except for the cases where their families’ representatives are deliberately absent without plausible reasons, of their schools’ and/or organizations’ representatives is compulsory.

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9 Article 304 of the Criminal Procedure Code.
10 A people’s assessor, selected by the courts, is a person who meets the requirements set out in Article 29 of the Ordinance on Judges and Assessors of the People’s Courts.
Representatives of the defendant’s family and representatives of their school and/or organization attending the court sessions shall have the rights to produce documents, exhibits, to request or propose to change the procedure-conducting persons; to join in the arguing process, and lodge complaints about procedural acts of the persons with procedure-conducting competence, and court decisions”.

G. Penalties Applicable to Juvenile Offenders
According to Article 71 of the Penal Code, juvenile offenders shall be subject to one of the following penalties for each offence:

(i) Warning
(ii) Fine
(iii) Non-custodial reform
(iv) Termed-imprisonment.

The Penal Code also has special provisions relating to fines, non-custodial reform and termed imprisonment applicable to juvenile offenders. Accordingly, a fine shall be applied as a principal penalty to juvenile offenders aged between 16 years and under 18 years, if such persons have income or private property. The fine levels applicable to juvenile offenders shall not exceed half of the fine level prescribed by the relevant law provision.\(^\text{11}\)

In respect of the non-custodial reform penalty, Article 73 of the Penal Code stipulates that when applying non-custodial reform to juvenile offenders, the income of such persons shall not be deducted. The non-custodial reform duration for juvenile offenders shall not exceed half of the term prescribed by the relevant law provision.

In relation to the termed imprisonment penalty, Article 74 of the Penal Code provides as follows:

“The juvenile offenders shall be penalized with termed imprisonment according to the following regulations:

1. For persons aged between 16 and under 18 when they committed crimes, if the applicable law provisions stipulate life imprisonment or the death sentence, the highest applicable penalty shall not exceed eighteen years of imprisonment; if it is termed imprisonment, the highest applicable penalty shall not exceed three quarters of the prison term prescribed by the law provision;

2. For persons aged 14 to under 16 when committing crimes, if the applicable law provisions stipulate life imprisonment or the death sentence, the highest applicable penalty shall not exceed twelve years; if it is the termed imprisonment, the highest applicable penalty shall not exceed half of the prison term prescribed by the law provision”.

As mentioned above, although the Penal Code provides four types of penalties applicable to juvenile offenders, in practice, a penalty of termed imprisonment is regularly applied. In some cases the courts decide to impose a warning, fine or non-custodial reform on juvenile defendants.

H. Augmentation of Penalties in Cases of Multiple Crimes
Under Article 75 of the Penal Code, for a person who has committed more than one crime, of which the most serious was committed before he or she reached the age of 18 years, the common penalty shall not exceed the highest level prescribed in Article 74 mentioned above. If the most serious crime is committed after such person has reached the age of 18 years, the common penalty is the same as that applicable to adult offenders.

I. Serving of Imprisonment Penalties
Article 308 of the Criminal Procedure Code provides:

“1. Juvenile offenders shall serve their imprisonment penalties according to a separate detention regime prescribed by law.”

\(^{11}\) Article 72 of the Penal Code.
It is forbidden to keep juvenile offenders together with adult offenders.

2. The juvenile convicts must be provided with job training or general education while they are serving their imprisonment penalties.

3. If the juveniles reach the age of 18 years while serving their imprisonment penalties, they shall be moved to be subject to the imprisonment regime applicable to adults.

4. For juveniles who have completely served their imprisonment penalties, the superintendence boards of their prisons shall have to coordinate with the administrations and social organizations in the communes, wards or townships in helping them to lead a normal life in society.”

The Penal Code also stipulates a special provision to reduce penalties served by juvenile offenders as follows:

“1. If juvenile offenders, who are subject to non-custodial reform or imprisonment, have made good progress and already served one-quarter of their term, they shall be considered by the court for a penalty reduction; particularly for imprisonment, their penalty can be reduced each time by four years but only if they have already served two-fifths of the declared penalty term.

2. If juvenile offenders who are subject to non-custodial reform or imprisonment have recorded achievements or suffered from dangerous illnesses, they shall be immediately considered for penalty reduction and may be exempt from serving the remainder of their penalty.

3. For juvenile offenders who are subject to a fine penalty but fall into prolonged economic difficulties due to natural calamities, fires, accidents or ailments or who have recorded great achievements, the courts, at the proposal of the directors of the procuracies, may decide to reduce or exempt them from the remainder of the fine penalty.”

J. Remission of Criminal Records

The time limit for criminal record remission for juvenile offenders shall be half of the time limits applicable to adult offenders. Juvenile offenders subject to judicial measures shall be considered as having no criminal records.12

IV. CONCLUSION

In spite of a quite good legal framework provided in the Penal Code and the Criminal Procedure Code, the number of juvenile offenders has continuously increased. It could be a result of poor implementation of existing relevant legislation. In my opinion, to make the juvenile justice system more effective, it is necessary to train the investigators, prosecutors and judges who specialize in handling juvenile offenders. Enlightening lawyers on their responsibility and necessary skills is also an effective remedy to protect juveniles’ rights and prevent them from committing crimes.

12 Article 77 of the Penal Code.
APPENDIX A
Court System of the Socialist Republic of Vietnam

Supreme People's Court

People’s Courts of provinces, cities directly under the central authority

Central Military Court

People’s Courts of districts, prefectures, towns and cities under provincial authority

Regional Military Courts and equivalents

Area Military Courts
APPENDIX B
Organization of the Supreme People’s Court of Vietnam

Judicial Council
of the Supreme People’s Court

- Criminal Court
- Civil Court
- Economic Court
- Labour Court
- Administrative Court

Court of Appeals in:
- Hanoi
- Da Nang City
- Ho Chi Minh City

Supporting apparatus:
1. Institute for Judicial Science
2. Judicial Training School
3. Personnel and Organization Department
4. Secretariat Board
5. Inspection Bureau
6. Budgeting and Financing Department
7. Administrative Department
8. People’s Court Journal
9. Justice Newspaper

Central Military Court
I. INTRODUCTION

Group 1 agreed to discuss the following agenda:

1. Current situation and challenges in regard to the legal framework of arrest, detention, transfer between related agencies, prosecution and trial.
2. Current situation and challenges in regard to (i) information gathering (legal investigations and social inquiry) of offences and/or the background of delinquency; (ii) information sharing; and (iii) cooperation amongst stakeholders.
3. Assessment of the degree of risk of reoffending and the factors important for the rehabilitation of each juvenile (i.e. their needs) before disposition.
4. Measures for ensuring the appropriate adjudication or disposition of juveniles, including the introduction of diversion programmes.
5. Adjudication or disposition considering the restitution or minimization of damage to the victim and/or community and effective measures to restore the damage caused by juvenile offenders.

The discussions of the group were mainly centred on ensuring due process in the juvenile justice system and the appropriate adjudication or disposition of juveniles through considering the current situation and challenges facing member countries. The group agreed that some member countries are already adhering to the United Nations standards, norms and guidelines.

II. CURRENT SITUATION AND CHALLENGES

The group discussed the following topics and agreed that they posed great challenges in ensuring due process in the juvenile justice system.

A. Arrest and Detention

The group observed that member countries had laws in place that provide for the arrest of offenders but noted that certain countries did not have specific separate laws dealing with the arrest of juveniles as distinct from adults. A further challenge was the issue of detention before a juvenile can be brought to court.

In some countries, where such laws exist, in certain circumstances or cases, they are not specifically followed by the courts and law enforcement agencies. Where the law provides that a juvenile must be detained for a minimum period of time, the juvenile is not brought to court in a timely manner. This can arise due to practical and individual reasons. Probation reports are not thorough or detailed and are not submitted on time. In certain instances, presiding officers consider the gravity of the offence more than the basic requirements of rehabilitatating and reintegrating the juvenile into society.
B. Trial

Zimbabwe and Vietnam have fragmented legal provisions on juvenile justice such as the right to be represented by a parent or guardian when police record a caution and during trial. However, there are no specific courts to deal with juvenile offenders and insufficient facilities for their detention.

While educative measures are very effective for juvenile offenders, in Japan there is a social movement which criticizes the Family Court as being too lenient on juveniles and which calls for severe punishment. This is mostly attributed to the fact that there is a lack of awareness of the gains of the juvenile justice system.

In respect of the right to a speedy trial, the group agreed that justice delayed is justice denied. In certain circumstances, there is an inordinate delay before juvenile cases are disposed of and this causes actual prejudice in that a juvenile, due to the delay, is dealt with as an adult when matter is tried (Sri Lanka, Zimbabwe). Japan has strict time limitations for detention not only in the investigation stage (arrest and referral to Family Court must occur within a maximum of 23 days) but also in the juvenile hearing stage (the Family Court has to make a final disposition, usually within four weeks, but up to a maximum of eight weeks). These limits are provided for by law.

In relation to the right to legal representation, in some countries, it is available only at the juvenile’s expense. The result is that most juvenile cases are disposed without them being properly represented by legal counsel. In Zimbabwe, legal representation is only provided by the State in indictable cases. In Panama, offices of public defenders of adolescents provide legal representation for juveniles. In Japan, an attendant (lawyer) will be appointed by the State for detained juveniles in felony cases by the 2007 amendment of the Juvenile Law.

C. Probation Officers and their Assessment

All participants explained the situations of probation officers in their respective countries. In Sri Lanka, probation officers are required to have a background in sociology. Japanese participants found it interesting that while in some countries probation officers do not have a background in juvenile psychology, in Japan they are expected to be specialists in psychology, sociology, and education.

In Vietnam the law does not provide for probation officers. Instead, police officers make an assessment during their investigations and send the information to the prosecutors who in turn place this information before the judge. The judge will proceed to deliver his or her judgment after considering this assessment.

In Japan, the law provides for the juvenile classification home officer and the Family Court probation officer to carry out assessment of juvenile offenders. Family Court judges must consider two aspects of the matter before them: the criminal facts of the case and the necessity for educative measures. The judge gives serious consideration to the report by the family court probation officer in his or her assessment of the risk of reoffending. The underlying principle is that since juveniles act out of immaturity, and because of their high placidity, they may be corrected. The great challenge lies in educating citizens to understand the all-important role played by probation officers in juvenile justice.

A Japanese participant stated that in Japan, a challenge exists in the quality of probation officers. It is believed that the quality is not low. However, information gathering is a vital yet difficult task. Therefore, in his opinion, there is still room for Japanese family court probation officers to improve their ability.

The Zimbabwean position is that probation officers, who fall under the Department of Social Welfare in the Ministry of Labour and Social Welfare, are called upon by the police and the courts to carry out assessments of juvenile offenders. The police make such a request in all cases involving juveniles below the age of 14 years. The assessments are passed to the Attorney General in order for him or her to decide whether or not to prosecute a juvenile offender. If a docket is referred to the Attorney General without this report, it will be returned to the police to enable them to obtain the report. The courts request probation officers to provide an assessment report on the risk of recidivism and rehabilitation before passing sentence. Probation officers are professionals and presiding officers are accordingly guided by their recommendations in passing sentence.
In Sri Lanka, supervising police officers and probation officers assist judges in assessing the risk of re-offending by juveniles in minor cases. Since probation officers play a vital role in delivering juvenile justice, they must be given adequate time and resources to enable them to come up with comprehensive reports. Regarding rehabilitation, the chairperson’s personal opinion was that Family Group Conferencing (FGC) of New Zealand and the Family Court of Japan were good models in minor cases. FGC allows the offender and the victim to come face to face and has a provision for restorative justice. As for serious offences, Sri Lanka is bound by national and international laws in such dispositions. Judges should consider probation officers’ reports even in serious offences and mostly pass rehabilitative sentences.

D. Diversion

The group wanted to come up with a working definition of this word and adopted the international best practice of diversion as the channelling of juveniles away from the formal court system into reintegrative programmes. If a juvenile acknowledges responsibility for his or her wrongdoing, he or she can be ‘diverted’ to such a programme, thereby avoiding the stigmatizing effects of the criminal justice system. It gives juveniles a chance to avoid a criminal record, while at the same time aiming to teach them to take responsibility for their actions and to avoid getting into trouble again.

In Vietnam there are provisions in both criminal and administrative procedures in which courts play no part. In the administrative procedure, the police take the juvenile to the local government or authority for it to take appropriate measures to send the juvenile to a training school. Alternatively, the police can send the case to a prosecutor who may also decide to refer the matter to the local authority for the juvenile to receive treatment.

In Panama, other than in cases of murder, rape, kidnapping, terrorism and drug trafficking, a judge of adolescents deals with issues of diversion. A judge of adolescents can prescribe social or educative measures for a juvenile offender in non-serious cases. A prosecutor can also dispose of the case in his or her office and may choose not to send it to a judge of adolescents where the victim has been compensated and in cases where there is no threat to society.

In the Philippines, there are various programmes in place which provide for diversion of children in conflict with the law such as the Barangay Court (village court system), police, prosecutors and lastly, the courts. Decision makers are guided by the juvenile law. Diversion is allowed in minor cases where the possible penalty for the offence is less than six years. Some other factors include such things as the nature and consequence of the offence and circumstances of the child. The disposition must be made with consideration for the best interests of the child.

Current laws in Zimbabwe do not specifically provide for diversion of juvenile offenders. However, there is provision for prosecutors to decline prosecution in trivial cases using the de minimis non curat lex principle (the law does not concern itself with trivialities). The problems or challenges with this system are that it has no provision for the juvenile offender to take responsibility for what he or she has done; thus, the offender is not sent for corrective and/or rehabilitative treatment. The diversion programme proposed by the National Committee on Community Service has provision for the victim and offender to meet under victim offender mediation (VOM) and Family Group Conferencing (FGC). This will provide a platform for the victim to be heard.

The Family Court in Japan can be seen as special model of diversion (more than 70% of all juvenile cases are dismissed without any disposition). In the Family Court procedure, victims can request the Court to hear their opinion. However, in some cases, it is difficult for the Court to fully reflect the victim’s voice in its disposition.

Sri Lanka at present does not have a specific diversion programme. However, the present law enables a Juvenile Court judge to proceed with protective measures and diversion in cases of a minor nature. Even though a juvenile offender is brought before a court, a formal hearing does not take place because magistrates are empowered and it is within their jurisdiction to act in appropriate cases resulting in diversion.
III. RECOMMENDATIONS FOR IMPROVING AND STRENGTHENING JUVENILE JUSTICE SYSTEMS

With regard to the topics, the participants agreed that the following recommendations could be necessary for improving and strengthening juvenile justice systems:

1. A special court system competent to deal with juvenile offenders is necessary. The Family Court in Japan, and also the model of the Criminal Child Court in South Africa as proposed in the Child Justice Bill, or the model of the Barangay Court in the Philippines are considered good models;
2. The formulation of (or improvement an existing) fundamental framework on arrest, detention, prosecution and trial, applicable to juvenile offenders and based on United Nations standards, norms and guidelines, must be taken into account;
3. Judges must have proper information in the form of comprehensive reports to enable them to make appropriate decisions;
4. Probation officers, as specialists of human sciences such as psychology, sociology and education, should be involved in the process of decision-making. Their reports and recommendations should have significant bearing on the final dispositions of cases;
5. The involvement of volunteer probation officers, volunteer social workers, etc. as community support resources in dealing with juvenile offenders should be encouraged;
6. The competent authorities, in their determination, should, as a rule, give priority to the juvenile offender rather than the offence;
7. Restorative justice, where the victim meets the juvenile offender to understand why the latter committed the offence and for possible compensation to be agreed upon, should be encouraged;
8. Many participants emphasized the importance of recording, properly and methodically, statistics on juvenile offenders.
GROUP 2

EFFECTIVE INSTITUTIONAL TREATMENT OF JUVENILE OFFENDERS FOR THEIR SUCCESSFUL REINTEGRATION INTO SOCIETY

Chairperson  Mr. Shu-kan Kenny Cheung  (Hong Kong)
Co-Chairperson  Ms. Ayumi Ishikawa  (Japan)
Rapporteur  Mr. Karma Sonam  (Bhutan)
Co-Rapporteurs  Mr. Herath T. N. Upuldeniya  (Sri Lanka)
Mr. Masaru Kiuchi  (Japan)
Members  Mr. Min Than Kyaw  (Myanmar)
Mr. Hee-Ho Park  (Korea)
Mr. Kenji Nagaike  (Japan)
Visiting Experts  Judge Stephen O’Driscoll  (New Zealand)
Dr. Robert Hoge  (Canada)
Advisers  Prof. Tetsuya Sugano  (UNAFEI)
Prof. Koji Yamada  (UNAFEI)
Prof. Shintaro Naito  (UNAFEI)

I. INTRODUCTION

Group 2 agreed to base its discussions on the following agenda.

1. The current situation and problems of organizations treating juveniles.
2. Measures of assessing the individual characteristics of juveniles.
3. Development of effective treatment programmes in accordance with the results of the risk and needs assessment:
   (i) Characteristics and circumstances of each juvenile to be considered for developing a treatment programme;
   (ii) Utilizing the risk, need and responsivity principles of case classification to design treatment programmes, with provision however, that such programmes are subject to professional override;
   (iii) Type of resources for treatment.
4. Development of an effective treatment programme considering victims and/or restitution of the harm caused to victims.
5. Continuous collaboration and maintaining links with community-based treatment services and/or related organizations for the effective treatment of juveniles and their rehabilitation (through-care):
   (i) Participation of private companies, NGOs, social workers, volunteers, government organizations;
   (ii) Need for a monitoring system;
   (iii) Residential programmes and halfway houses.
6. Aftercare systems which help maintain the effect of correctional treatment and which reduce the risk of reoffending and enhance the juvenile’s ability to reintegrate into the community:
   (i) Supervision by a government authority (probation officer, welfare officer or prison/correctional officer);
   (ii) Involving community resources (volunteer probation officers, volunteer welfare officers, NGOs);
   (iii) Need for experienced and professional staff;
   (iv) Pre-release arrangements;
   (v) Close contact or communication with family members before and after discharge.

II. SUMMARY OF DISCUSSION

A. Current Situation and Problems of Organizations Treating Juveniles

Most of the participants agreed that specialization of services is necessary. Staff assigned to different tasks should take responsibility for specified duties e.g. security, discipline, education, welfare. There may be some conflicts because of varying areas of responsibility. Most participants agreed that work assignment
deviations are necessary, and at the same time, smooth inter-sectional communication and co-operation should be practiced to solve the difficulties we face in each field. Participants from Sri Lanka, Hong Kong, Korea, and Bhutan mentioned that they had introduced the separated section system to give special attention in training, counselling and education on one side, and security on the other. Mr. Nagaike stated that Japan had introduced a whole unit concept for effective management. In that system, all staff are required to be familiar with all programmes, including security matters, as well as educational or psychological treatments.

Regarding the negative effects of keeping juveniles in custody, group members indicated that there is a high possibility of stigmatization. Most of the participants agreed that TV or radio publicity is important to redress the negative image of inmates. We also need to announce that the acceptance of inmates is indispensable not only for the rehabilitation and reintegration of juveniles, but also for building a supporting and caring social atmosphere.

All the participants agreed that overcrowding in juvenile training centres has a negative effect on rehabilitation programmes in relation to health, hygiene, and discipline. Overcrowding can cause terrible conflicts among inmates, and because of this problem, institutions cannot implement programmes smoothly and thereby fail to meet UN standards. Ms. Ishikawa said that in Japan, for example, in order to cope with overcrowding issues, the parole system is a good solution to reduce the population of an institution. Mr. Upuldeniya, participant of Sri Lanka, noted that the parole system alone might not be an effective way to reduce the numbers of offenders. In Sri Lanka, the parole system does not function well enough to succeed in alleviating overcrowding conditions.

Regarding family support systems and parenting assistance systems, most of the group members agreed that these helping schemes for parents and guardians are very important for the stabilization of juvenile behaviour and emotions. Most societies face the problems of broken and dysfunctional families which aggravate juveniles’ misbehaviour. It is very difficult to prevent re-offending when juveniles have serious family problems. In this regard, all the participants agreed that parental meetings and education conducted in probation offices or correctional institutions under the instruction of staff members are good solutions.

Group members indicated that introducing volunteer family activities or youth supporting activities is very useful. It would provide access for juveniles to healthy social activities. Mr. Park, the Korean participant, explained the video meeting system which allows juveniles accommodated in institutions and parents in the community to remain in contact, providing an opportunity to maintain and improve their relationships.

In addition, the group discussed the fact that the correctional systems of most of the represented countries are suffering from a lack of sufficient human and financial resources. Shortage of staff may cause deterioration in the quality of treatment programmes, inadequate service implementation, and unsustainable activities. Most members experienced difficulties in upgrading their agencies’ equipment and facilities because of a lack of financial input.

B. Measures of Assessing Individual Characteristics of Juveniles

All agreed that probation officers, psychologists, and social workers should participate in the assessment of individual characteristics. The important factors for assessment and classification have been meta-analyses or other statistical research, and the group members shared information on these factors from the articles of Dr. Hoge and Dr. Bonta. The Corrections Bureau of Japan has just begun the improvement of its risk and need assessment tools based upon these meta-analytic studies:

(i) Prior or current offences/disposition  
(ii) Family circumstances/parenting  
(iii) Education/employment  
(iv) Peer relations  
(v) Substance abuse  
(vi) Leisure/recreation activities  
(vii) Personality/behaviour patterns  
(viii) Attitudes/values/cognitions  
(ix) Health condition.
The Korean and Japanese members explained that they have developed standardized personality inventories and attitude tests. Mr. Cheung said that in Hong Kong, intake assessment for offenders is conducted after their admission into correctional institutions for the purpose of deciding placement and rehabilitative programme planning.

Judge O’Driscoll stated that the criminal history of juveniles could be analysed to learn more about crime commission patterns and the development of reoffending behaviour. All participants agreed that home visits or parents’ interviews are indispensable in order to get accurate information on the juvenile’s criminal history, general life history, family background, and living environment.

Mr. Upuldeniya said that in Sri Lanka, risk assessment is conducted for the purpose of separating low-risk inmates from high-risk inmates. He mentioned that categorizing offenders according to levels of drug abuse and the tendency to commit criminal or delinquent acts is important for effective programme management. Assessment of criminal history and types of offence are important elements not only for sentence adjudications or placement of offenders, but also for individual programme planning.

All the participants agreed on the importance of staff education in the assessment and identification of juvenile characteristics and their risk/need levels. Well trained and experienced staff should be assigned to assess juveniles. Regarding monitoring and evaluation of risk assessment, the group member from Sri Lanka explained that social workers and probation officers have to submit reports on released offenders every six months. The superintendents of institutions have to examine these reports coming from different sections. All the participants agreed that sharing information among different organizations is very important for exchanging views on the results of risk assessments and also for double-checking evaluations.

Most group members agreed that professional workers from different parties should exchange opinions on the identification of juveniles’ characteristics. In institutions, close and careful behavioural observation of juveniles in group settings is very effective in identifying natural and innate personalities and behaviour patterns.

C. Development of Effective Treatment Programmes in Accordance with Risk and Needs Assessment

All participants agreed that the factors mentioned in the previous section and some additional need (dynamic) factors should be taken into consideration for the design of treatment programmes.

Factors to be considered are:

(i) Criminal history
(ii) Education/employment
(iii) Financial circumstances
(iv) Family/parents’ marital situation (attitude of parents)
(v) Accommodation
(vi) Leisure/recreation
(vii) Gang/triad society background/social relationships
(viii) Alcohol/drug/gambling problems
(ix) Physical/emotional/psychological condition
(x) Attitude/orientation
(xi) Heath condition.

Dr. Hoge explained the concept of assessments based on the risk/need/responsivity principle, and also emphasized the importance of professional override in individual cases. Participants shared information on effective treatment from the reference material and concluded that it is necessary to construct theoretical frameworks such as:

(i) Insight oriented therapies
(ii) Humanistic therapies
(iii) Behavioural treatment - behavioural modification
(iv) Cognitive behavioural strategies
(v) Family and parenting intervention
(vi) Medical and drug treatments.
Mr. Cheung pointed out that in Hong Kong some social skills and prevention of antisocial behaviour training are provided by officers of the Rehabilitation Unit (RU), and sexual offender and drug relapse prevention programmes are conducted by psychologists. The participants from Hong Kong and Sri Lanka said that special programmes for drug addicts are held in separate drug rehabilitation institutions. Drug addicted inmates receive not only relapse prevention programmes or cognitive behavioural treatments, but also vocational training, family group counselling, and post-release follow-up supervision to achieve stable social reintegration.

All participants agreed that special treatment should be provided for offenders with mental or emotional disabilities. Also, they all agreed to the need to establish separate independent juvenile training schools, juvenile prisons, and juvenile classification centres for better management of treatment programmes.

Mr. Upuldeniya said that in Sri Lanka mirror room therapy is used for offenders to express their views and to tell life stories. It is the basic requirement of drug addiction treatment centres in Sri Lanka that all staff be selected from among those who do not smoke or drink alcoholic beverages. He also said that Sri Lankan correctional institutions conduct meditation programmes, vocational training programmes, and counselling programmes in juvenile treatment institutions.

Mr. Cheung pointed out that in Hong Kong there are two training centres for different age groups. One is for juveniles under the age of 17 and the other is for young adults under the age of 21. They are separated for efficient management and rehabilitative purposes.

Ms. Ishikawa stated that in Japan probationers with a drugs history are required to undergo a medical follow-up examination. Voluntary urinanalysis was adopted to motivate probationers to keep away from drugs and prevent relapses.

Professor Sugano raised the issue of effectiveness. He mentioned that from the statistical study, programmes which focus on self-esteem alone have been evaluated as ineffective in reducing rates of re-offending. Ms. Ishikawa said that from her experience, dealing with the self-esteem of juveniles is very effective. Mr. Kiuchi agreed with Ms. Ishikawa, and said that among Japanese juveniles, most suffer from a lack of self-esteem which contributes to their troubled behaviour. Professor Sugano agreed that most staff working in the treatment of juveniles believe that a lack of self-esteem is related to juvenile delinquency; however, he mentioned that when we focus on the most effective way to reduce troubled behaviour, we need to precisely measure the results of teaching methods. To narrow down the targeted goals, the training schemes are important for developing effective treatment methods.

All members agreed that the following training programmes are good for juveniles:

(i) Changing antisocial attitudes and feelings
(ii) Reducing antisocial peer association
(iii) Promoting family affection and communication
(iv) Improving parenting skill and supervision
(v) Increasing self control, self management, problem-solving skills
(vi) Reducing drug dependencies
(vii) Sex offender treatment.

Most of the group members also agreed that the following types of resources for treatment should be considered:

(i) Human resources: experts, staff and training resources
(ii) Social resources: community support, private companies, volunteers
(iii) Hardware and equipment, computerization
(iv) Assessment tools (standardized formats).

All participants agreed that anger management programmes, social skills training programmes, relapse prevention programmes, and family education programmes are important. In addition, publicity through projects such as TV programmes is important for promoting smooth reintegration into society and avoiding stigmatization.
D. Development of Effective Treatment Programmes which Consider Victims and/or Restitution

At the beginning of the discussion of this issue, all group members agreed that this topic is difficult to practice in institutional settings. Most members agreed that programmes concerning the damage caused to victims should cover the following:

- Preparation programmes for the direct participation of victims
- Videos
- Family group conferencing with victims
- Letters to victims
- Training programmes.

Mr. Kiuchi from Japan introduced the practices implemented in Japanese juvenile training schools. He mentioned that the victims and victims’ family members are regularly invited to give speeches to the inmates of juvenile training schools. He added information concerning institution-based treatment programmes, e.g. training for inmates to learn how to write apology letters to the victims before real mediation. All agreed that direct mediation should occur only after proper guidance to help inmates deepen their feelings of remorse toward victims.

All participants agreed that family group conferences might be a good way for inmates to think more about the feelings of and damage caused to the victims, and also the consequences of their crimes.

Mr. Upuldeniya from Sri Lanka said that video programmes for all offences other than sexual offences would be conducted as training programmes to enhance awareness of the victim’s loss, damages caused and a sense of remorse.

E. Continuous Collaboration and Maintaining Links With Community-Based Treatment Services or Related Organizations (Through-Care)

All participants agreed that participation of private companies, NGOs, volunteers and related government organizations could provide more resources and assistance for the rehabilitation of young offenders.

Mr. Cheung reiterated that in Hong Kong, NGOs and private companies are actively involved in rehabilitation services. Publicity campaigns encourage employers to employ discharged inmates. Volunteers are invited to provide support and assistance for released offenders. Ms. Ishikawa from Japan stated that the protection of confidential information should be considered at the time of community involvement or employment referrals. Mr. Upuldeniya said that in Sri Lanka the welfare association in each prison, including government officers and welfare officers, is directly involved in post-release treatment. The participants from Korea and Myanmar stated that volunteers and religious groups are actively involved in the rehabilitation services in their countries. Mr. Upuldeniya said that in Sri Lanka the Discharged Prisoners Co-operative Association provides jobs to discharged juveniles. Activities include carpentry and masonry training and employment. The association has also undertaken some government construction projects.

All participants agreed that a monitoring system for the performance and functions of the volunteers and NGOs is important to maintain the quality of their services. The privacy of inmates must also be considered and monitored. Besides, all agreed that accommodation assistance or halfway house services are essential for some juveniles. Moreover, NGOs could provide assistance in the arrangement of accommodation before discharge and close contact between welfare or parole officers and the NGO could be maintained.

F. Aftercare Systems which Help Maintain the Effect of Correctional Treatment

The group members spent more time on this topic as all agreed that aftercare supervision is significant in monitoring the progress of discharged juveniles and in providing assistance.

Mr. Nagaike said that in Japan aftercare supervision is provided by probation officers or parole officers. He mentioned that the most essential matter is how to create a law-abiding spirit within probationers. Group members agreed that probation officers need to develop programmes to enhance the spontaneous will to respect the rules and regulations of society. Mr. Upuldeniya said that in Sri Lanka aftercare supervision is provided by prison welfare officers, probation officers or parole officers.
Mr. Cheung stated that in Hong Kong, aftercare supervision is provided by the officers from the Rehabilitation Unit, and they closely supervise and counsel supervisees and their family members and also maintain contact with employers (if applicable). Besides, they have the involvement of some community resources and NGOs to provide needed services to young offenders, e.g. halfway houses, recreational activities and employment guidance.

All participants agreed that trained and professional staff are essential for providing aftercare services and that motivation of juveniles, strict regulations, monitoring and effective counselling are also important for supervision. Ms. Ishikawa reiterated that linkage between institutions and community-based treatment should be established to enhance the effectiveness of parole and probation supervision. All participants agreed that pre-release programmes for young offenders and future discharge plans play an important role in social reintegration. Mr. Kiuchi said that in Japan more practical and updated training in institutions should be provided for meeting social change.

All participants agreed that the co-operation and active participation of parents are important for the rehabilitation of juveniles. Mr. Cheung stated that in Hong Kong regular family group and individual counselling services are provided for family members before discharge. He added that a multi-modality approach is used and also that different types of programmes are conducted by related parties to enhance the effectiveness of the supervision.

Prof. Sugano shared some relevant information on the idea of Multisystemic Family Therapy, which was developed in the USA and Canada. This therapy involves intensive observation sessions in a domestic family setting by professional volunteers. The observations last for two to three weeks and are used to identify persons who have a significant role in the juvenile’s life and who can become a positive resource for the juvenile.

All participants agreed that supervision should be conducted by a government authority (probation officers, parole officers, welfare officers or prison aftercare officers), and that volunteers should play an assisting role.

Mr. Cheung stated that Hong Kong adopted the outreach approach whereby a supervising officer conducts surprise home and workplace visits to supervise the released offender closely and effectively. The participants from Japan, Myanmar and Sri Lanka said that in their countries probationers or parolees are interviewed in the probation office by appointment. Family visits are conducted if necessary. Mr. Sonam said that in Bhutan police and regional community leaders provide some assistance for discharged juveniles.

All participants agreed that there were some challenges and difficulties regarding aftercare supervision, such as handling of VPOs and some uncontrollable factors arising from bad peer group influence, finding employment, lack of family support and drug addiction.

### III. CONCLUSIONS AND RECOMMENDATIONS

All participants agreed on the following conclusions and recommendations:

1. To obtain more genuine and accurate information, the different aspects and characteristics of juveniles should be taken into consideration when conducting risk/needs assessment;
2. Treatment programmes should be updated regularly by inviting the opinion of experts and related parties. Consideration should also be given to the ideas of participating staff and juveniles. Introduction of new programmes should be implemented in a step-by-step manner and the scale of reform should depend on available resources;
3. Objective and scientific measurements should be used for assessing the effectiveness of treatment programmes, such as the rate of recidivism and change of behaviour. Accurate and updated research and statistics should be rigorously maintained;
4. Restorative justice mediation programmes provide good opportunities for the juvenile to think more about the feeling of his or her victim and the consequences of crime. Juveniles should be guided and trained before attending victim mediation programmes;
5. Before discharging juveniles, greater pre-release training and preparation should be provided. For
this purpose, parole board officers or probation officers should be involved in the treatment of the juvenile during his or her stay in an institution. The through-care concept could be applied;

6. Stable employment is indispensable for the juvenile to lead a law-abiding life. Therefore, we need to seek more co-operation and assistance, from private companies as well as the community, through publicity campaigns;

7. Effective systems to monitor volunteers and NGOs are necessary;

8. In order for the juvenile to maintain his or her motivation to rehabilitate after release, it is necessary to provide some innovative and creative programmes;

9. Family plays an important part in the rehabilitation process; greater effort should be made to encourage the juvenile to build up trusting relationships with his or her family members. This should begin upon the juvenile’s admission to an institution. The juvenile should also be encouraged to maintain close contact with his or her family during the parole or supervision period;

10. Aftercare supervision with control and care elements significantly influences a juvenile’s re-integration. For this purpose, juveniles’ needs should be assessed before release;

11. Training and education for staff on the rationale and mission of rehabilitation of juveniles should be strengthened. Some cultural change and motivational programmes could be good ways to enhance team spirit and levels of co-operation amongst staff members.
I. INTRODUCTION

Group 3 elected by consensus Ms Loupua Kuli as its chairperson, Mr. Braam Paul Korff as its co-chairperson, Mr. Henry Asaah Ngu Ndama as its rapporteur, and Ms. Suwa Imai and Ms. Iacy Monteiro Braga Caracelli as its co-rapporteurs. The group, which was assigned to discuss “Effective Measures in the Community-Based Treatment of Juvenile Offenders and Enhancement of the Juvenile’s Ability to Reintegrate into Society”, agreed to conduct its discussion according to the following agenda:

1) The current situation and problems faced by organizations that treat juveniles.
2) Measures of assessing the individual characteristics, degree of risk and individual needs of juveniles and classification accordingly.
3) Development of an effective programme in accordance with risk and needs assessment.
4) Development of an effective treatment programme considering victims and/or restitution of the harm caused to victims.
5) Continuous collaboration and maintaining links with institutional treatment services and/or related organizations for the effective treatment of juveniles and their rehabilitation (through-care).
6) The creation of an aftercare system which helps maintain the effect of correctional treatment, reduces the risk of reoffending and enhances the juvenile’s ability to reintegrate into the community.

II. THE CURRENT SITUATION AND PROBLEMS FACED BY ORGANIZATIONS THAT TREAT JUVENILES

The group first reviewed the current situation and problems faced by organizations treating juveniles in participants’ countries. The participant from Honduras, Mr. Rodriguez, said that in his country juvenile gang activity is a problem, as is their stigmatization by society. He added that some Christian groups and NGOs support juveniles but there are only eight such groups and they work with few juveniles. Also, one of these NGOs has conflict with the police making it difficult to have complete trust in NGOs because of the difficulty in reaching an agreement. He concluded that cultural and educational change, plus a sense of value, is needed. Reacting to this, the visiting expert from South Africa, Dr. Skelton, said some NGOs have an adversarial position to the government while others do not and actually assist the government in providing services. She said all these roles were important but the government will find it easier to make agreements with the second group of NGOs.

Ms. Caracelli, from Brazil, said that in her country, institutions are overcrowded and the aftercare system is not good, leading to a high rate of recidivism. Dr. Skelton responded that community-based treatment is less costly than institutional treatment and it is therefore easier to convince the government to establish and utilize such treatment.
Mr. Al-Taher said that in his country there is the problem of war orphans and civil organizations which do not do their work properly. These orphans are at great risk of turning to juvenile crime because they have no one to take care of them. The present government is making efforts to take care of juvenile offenders and rehabilitate them.

The participant from South Africa, Mr. Korff, said that in his country police officers are not well trained to deal with juvenile offenders. He also raised the problem of prison overcrowding and the need for more facilities in urban areas for juveniles. Reacting to this statement, Dr. Skelton noted that there is at present a good relationship between NGOs and the government for community-based treatment in South Africa. The only problem, she said, is that accessibility varies greatly between rural and urban areas. She emphasized that NGO activities should be financed by the government since they provide public services. She finally revealed that South Africa is preparing a detailed standard for restorative justice and NGO activities.

The participant from Cameroon said that in his country there is too much emphasis on institutional treatment and there are no policy guidelines or rules for community-based treatment. Probation officers have no legal power to conduct aftercare programmes and they work on a voluntary basis for a few community-based programmes, which are in turn initiated by NGOs and religious organizations.

The participant from Tonga, Ms. Kuli, said her country relied mainly on community-based treatment with good support from seven NGOs. According to her the only problem is accessibility since all NGOs are located on the mainland. The participant from Iraq also raised the issue of reliance on religion. To this Ms. Kuli said home training is more important than religion. The participant from Cameroon added that, religion being a sensitive issue, separation of religion from politics (secularism) is important.

Ms. Imai said about 80% of juvenile offenders’ cases are dismissed after Family Court probation officers’ investigations (which function as protective measures) so diversion is accomplished and Family Court probation officers, professional probation officers and volunteer probation officers are all well trained. She added that the future need is additional professional assistance for probation officers because cases have become, with regard to juveniles and victims, increasingly difficult to handle.

Mr. Imamura said that there has been a recent discussion of the increasing level of family problems and school problems which have necessitated the revision of the educational system, including the amendment of the Fundamental Law of Education. According to him, the problem lies with probation officers. Also, inquiry by Family Court probation officers is not fully utilized in aftercare and training also requires improvement.

The group afterwards discussed the countermeasures taken by governments to solve the problems raised above. Ms. Caracelli said in her country, age and type of offence are being considered but correction measures are not enough to take care of juvenile offenders and the educational level of offenders is very low.

Mr. Rodriguez said that his government has not established any concrete correction measures. Treatment measures are not adapted to the needs of offenders and personnel in juvenile centres lack training.

Mr. Al-Taher mentioned that young people constitute 60% of the population of Middle Eastern countries. Education, religion, tribe and rehabilitation are therefore important in the treatment of juveniles. He said there are childhood, employment, education and rehabilitation problems.

Mr. Ndama said that in his country a family code has been elaborated and will be sent to Parliament, and a Department of Child Protection has been created in the Ministry of Social Affairs to help pre-delinquent and street children and child protection has become an important aspect of the National Human Rights Commission’s job. All of these he said will give probation officers a wider sphere of influence in the treatment of juveniles.

Ms. Kuli said that in her country, there are rehabilitation programmes such as training seminars and workshops, an alcohol and drugs treatment programme and unofficial practice of restorative justice at the fono, which is a village meeting where nobles and elders of the village gather to solve community problems.
The participant from South Africa said that in his country, there is need for improvement or creation of more facilities for the custody of juveniles, especially in urban areas, and lectures by the Department of Education to increase children’s level of education. There are two One-Stop Child Justice Centres and nineteen other facilities for juveniles. Donors finance learning programmes for the police on domestic violence and child protection and people from the community provide police services on a voluntary basis.

Dr. Skelton said that training on diversion has been provided by the government for judges and prosecutors. The number of people in custody has been decreasing through inter-sectoral collaboration and legal representation. The problem of the budget required for enforcement has been solved by donors convincing the government to continue funding NGO activities and assistant probation officers earn a relatively low salary. Mr. Imamura said the Japanese government is reviewing the professional probation officers’ training system and is working on increasing their numbers and criteria of employment. There is also the development of expert, clear, unified and specified services to be provided to clients.

Prof. Sugiyama added that in Japan professional probation officers have three years’ training, consisting of lectures and on the job training, and another one month’s training after ten years of service to become senior probation officers. Training is also provided six times a year for volunteer probation officers on matters such as the treatment of offenders and juveniles who have difficult problems. She also mentioned that social requests for effective community-based treatment are increasing.

Mr. Imamura said the Japanese government is reviewing the professional probation officers’ training system and is working on increasing their numbers and criteria of employment. There is also the development of expert, clear, unified and specified services to be provided to clients.

The participant from Brazil said volunteers for several projects, such as the Midnight Programme, come from the Public Safety Secretariat, the police and the community.

III. MEASURES OF ASSESSING INDIVIDUAL CHARACTERISTICS, RISK AND NEEDS, AND CLASSIFICATION ACCORDINGLY

Under this topic the group permitted each participant to mention what elements are assessed in his or her country, the methods of assessment, and how this assessment is used.

Mr. Korff said age, type of offence, family background and personal history constitute elements of assessment in his country. To this, Dr. Skelton said emphasis should be placed on the juvenile’s abilities and interests. Professor Sugiyama added that considering the juvenile’s abilities and interests is very important for reintegration. Ms. Caracelli, from Brazil, said that in her country the type of offence and age are the primary factors for consideration. The mental and physical development of the juvenile and his or her family situation are also taken into account. For the participant from Honduras, family background is a very important factor. The participant from Cameroon said assessment by probation officers is based on the traditional elements of age, type of offence, criminal history etc. The medical approach is used in age determination and type of offence is important in determining diversion.

Ms. Kuli said that in Tonga there are two kinds of assessments; one for pretrial diversion programmes and the other for court. Six elements are used: family background, health status, criminal history, social circumstances, educational status and economic status. Marks are allocated as follows; 0-9 is low risk; 10-17 is moderate risk; 18-25 is high risk. Drug abuse is a subtitle under the social circumstance category.

The participant from Iraq said the political situation is an important element in assessment in his country. Mr. Imamura said the social and economic situation should be also considered.

Concerning methods of assessment, the participant from South Africa said that in his country the assessment is conducted via interviews with the juvenile. The interviewers are probation officers, schoolteachers and parents. This is the same for Brazil.

In the case of Iraq, interview is carried out after identifying the juvenile suspect. The Honduras participant said police officers in his country carry out such investigations. In Cameroon and Tonga assessment is carried out through interviewing of juvenile offenders, family members, teachers, friends, church leaders, employers or any person who can provide useful information.
In Japan, as revealed by Mr. Imamura, interviews and questionnaires are used. Professor Sugiyama added that psychological tests are used by the juvenile classification home officer. To this, Professor Higuchi said psychological tests are not always effective because they do not guarantee that juveniles will speak the truth; therefore, professional judgment is very important. Still on assessment methods, the visiting expert from Canada, Dr. Hoge, said assessments should be standardized, the people who administer them should be well trained, and assessment of juveniles should be different from that of adults. He gave the example of the Case Management Index method which gathers and mixes information. In addition there should always be room for professional judgments and flexibility, and he emphasized that school officers should be taught basic risk/needs assessments because there is a danger that they may overestimate risk, especially risk of violence.

On the use of assessment, the participant from South Africa said the scoring sheets are used to determine level of delinquency, peer influence and other characteristics. In Cameroon probation officers have discretion to decide on the use of assessment results. This decision influences future determinations on diversion and premature release. In the case of Tonga, assessment results are used to evaluate the juvenile’s characteristics and from this make an individualized treatment plan. They also enlighten on the composition of the panel members who will attend the juvenile hearing, the appropriate disposition and the elaboration of an appropriate rehabilitation programme. In Japan assessment results are used to determine the appropriate disposition and elaboration of treatment programmes.

IV. DEVELOPMENT OF AN EFFECTIVE TREATMENT PROGRAMME IN ACCORDANCE WITH RISK AND NEEDS ASSESSMENT

Under this topic the participants discussed the characteristics and circumstances of each juvenile which ought to be considered in order to develop a treatment programme, the kind of treatment programmes that could be introduced, and the kinds of resources that could be used.

Concerning the characteristics of the juvenile, the participant from Honduras said the juvenile’s abilities and interests should be a primary factor for consideration, to which all participants agreed. Mr. Ndama added that in complement to the juvenile’s skill and ability, community opinion should be considered since the community’s acceptance of the juvenile favours his or her reintegration. Therefore, in determining risk there is a need to strike a balance between juvenile risk and social risk.

In Japan, as expressed by Mr. Imamura, evaluation of a juvenile’s characteristics are based on the following classification elements: drug dependency, relationship with gangs, sex offences, psychological disorders (including mental disability), unemployment, level of education, school violence, and domestic violence. Professor Sugiyama mentioned that emotional maturity was also an important characteristic to assess.

Ms. Kuli explained that in addition to needs, skills, and the disposition of the community, the juvenile’s health, physical condition and possible changes in his or her circumstances if he or she moves from one community to another, should be considered. All participants concurred.

Regarding treatment programmes to be introduced, participants agreed that they should be individualized as much as possible. This is the case in Japan where there are different treatment programmes according to different behavioural patterns and characteristics, such as sex offender treatment programmes, drug treatment programmes, vocational training, etc.

In addition, many participants admitted the insufficiency or poor enforcement of treatment programmes in their countries. In the case of Honduras there are 12 programmes for at-risk juveniles and a passive minors’ programme. These programmes face problems such as lack of finances and inadequately trained personnel. They therefore need to be improved. In Cameroon, there is a need for a treatment programme for girls and drug offenders as the numbers of such offenders are increasing.

Finally, participants agreed that in addition to taking into account juveniles’ abilities and interests, such as sports or music, treatment programmes should incorporate, as much as possible, elements of juveniles’ former environments. For example, for juveniles who have links with gangs, the rites and role types that
feature in gang life can be used in the elaboration of a treatment programme for them.

Referring to possible resources the group unanimously agreed that institutional and community resources are necessary. In Japan, this involves professional probation officers and VPOs; in South Africa, it means assistant probation officers and probation officers; and in other countries it refers to probation officers.

Mr. Imamura asked what material is to be used by these officials and proposed the establishment of unified manuals to provide the same quality of treatment across all institutions. Mr. Ndama thought such a manual could minimize differences in knowledge and experience of probation workers, while Professor Higuchi thought that since crimes are varied, an excessively detailed manual would discourage independent thinking and initiative, thereby promoting incompetence. Professor Sugiyama expressed the view that a guideline rather than a manual was necessary and this should be associated with experience and discussion between professionals. This was agreed upon by participants.

The use of community resources was considered very important in community-based treatment, for example, in Iraq community treatment involves religious and tribal leaders with strong influence in the community. This may require political and financial aid. The fono in Tonga, where nobles and elders in the village meet to solve the juvenile’s problems, is a further example.

It was noted that in many countries NGOs and religious organizations are the major providers of community-based assistance to juveniles. Workers in these bodies usually assist offenders on a voluntary basis and the organizations themselves usually face financial problems and lack of access to information. Given the above situation group members were unanimous on the fact that it’s important for governments to provide necessary information and financial aid to these bodies. The role of the government in providing incentives to companies who employ juveniles and that of the mass media in sensitization of communities on the need, importance and advantage of community-based treatment as against prejudice and rejection of juveniles was highlighted. To this end, the Japanese example regarding incentives for employers was considered an example to emulate.

In relation to this topic certain difficulties were raised. Dr. Hoge mentioned that although community opinion is important, it is difficult to consider it in a large community where there are few or no relationships between community members.

Another problem raised by Professor Sugiyama was sectionalism, which makes it difficult for PPOs, VPOs and police to co-operate with schools. Nonetheless, she said this is changing due to co-operation from the community. In reaction to these difficulties presented, the group unanimously agreed that the use of opinion leaders within the community is crucial, coupled with media sensitization of the community. Nevertheless, the difficulty of how to sensitize the media to advance this aim remains.

V. DEVELOPMENT OF AN EFFECTIVE TREATMENT PROGRAMME CONSIDERING VICTIMS AND/OR RESTITUTION OF HARM CAUSED TO VICTIMS

Under this topic, the group discussed the victim’s feelings, expectations and needs; how, where and when offenders and victims should relate; and the third parties that should be involved in victim-offender contact.

On the aspect of victim’s feelings, Dr. Hoge said anger and sorrow were common emotions experienced by victims. Also, victims may blame themselves, lose interest in their lives and isolate themselves from society, as mentioned by the participant from South Africa. Other concerns are cases where victims don’t want to talk at all, even after a minor offence. This has happened in many cases in Brazil. With the victims having these feelings it is important to know what they want. The participant from Cameroon in relation to this said some victims may want justice to be done while others may not bother much about the offence. Still on this, Professor Higuchi said victims want severe punishment and they expect the government to provide such punishment. In order to take the victim’s interest into consideration, compensation is important. Dr. Hoge said this could be monetary compensation or community work. Also, Mr. Ndama mentioned that victims may require only symbolic compensation, such as an apology. Professor Sugiyama added that victims want some information about the offender, the circumstances and facts constituting the offence. It is
noteworthy, as Ms. Imai mentioned, that in cases where the victim is seriously injured as a result of the offence and needs continuous medical assistance, or is permanently handicapped, the issue of receiving compensation becomes very serious.

Referring to how offenders and victims should relate, Dr. Hoge said that face-to-face meeting is the most useful but it is very difficult and needs to be applied carefully. In some cases, victims do not want to see the offender. Ms. Caracelli said that in Brazil, communities are shown a video on how juveniles are serving the community through voluntary work. Some victims feel more satisfied and less afraid after watching the video. Dr. Hoge added that although compensation is very important, restorative justice has to continue after restitution because there are needs of juveniles which need to be addressed.

The discussion that followed was on the matter of where victims and offenders should meet. Mr. Al-Taher said that in his country, they meet in a tribe guesthouse, a countryside place called the “Senate”, or tribe police affairs where meetings are organized in conformity with the desires of the victim. Other participants proposed that the meetings should be held at the victim’s house and or an administrator’s office. Participants finally agreed on Ms. Kuli’s proposal that a neutral place where both parties could relax, chosen through consensus and accepted by them both, was preferable.

Ms. Kuli also asked whether offenders could write letters to victims. Participants agreed that this was possible where victims were ready to read the letters. Participants discussed the inability of many offenders to write comprehensive letters due to their low level of education. It was unanimously agreed that face-to-face meeting between victims and offenders in a convenient place accepted by both parties is most desirable. Speaking on when victims and offenders should meet, Mr. Imamura said that victims’ feelings usually show the following progression: firstly confusion; secondly anger and revenge when he or she finds out the facts constituting the offence; and thirdly wanting to act to achieve solutions. As such, the best time for the meeting between the victim and the offender is after the second stage. This opinion was unanimously accepted by all group members. Talking about third parties who should be included in victim-offender meetings, Mr. Rodriguez said the victim should be accompanied by a friend or somebody he or she trusts. The participant from Cameroon continued that in cases of sexual offence victims are often in a very sensitive situation and in the case of murder the bereaved family’s feelings are very severe and this should be considered when deciding on the presence of third parties. Dr. Hoge highlighted the fact that the healing of the victim is a process and should be considered as such. Ms. Kuli was of the opinion that the victim’s and offender’s choices should be considered when deciding on the presence of third parties.

The group finally agreed that third parties were necessary for the successful conduct of victim-offender meetings but stipulated that they needed to be chosen carefully, taking into account the desires of both victims and offenders.

VI. CONTINUOUS COLLABORATION AND MAINTAINING LINKS WITH INSTITUTIONAL TREATMENT SERVICES (THROUGH-CARE)

Under this topic the group discussed three issues: how to strengthen the relationship between related treatment agencies to create an integrated system; the efforts communities can make before they receive the juvenile, and the institutional change that can be introduced to enhance inter-agency co-operation.

Relating to the first issue, participants agreed that communication and exchange of information between treatment agencies and the community was crucial in increasing collaboration and co-operation between them. This nonetheless requires due regard for the juvenile’s right to privacy and should be done in the juvenile’s best interests. In this regard, information should not be given to just anybody and should be given for a good reason. Ideally information will be provided only to persons or bodies who have a positive stake in the juvenile’s rehabilitation. In the case of Japan, there is a juvenile support team in which VPOs, police officers, child welfare centre officers and school teachers discuss juvenile aftercare treatment.

In Honduras, officials and bodies involved in treatment have access to only part of the information on the case of the juvenile; full access is the exclusive preserve of the judge. Ms. Kuli proposed in this regard that the probation officer should be responsible for information on the juvenile.
Mr. Korff said depending on the country situation, the courts of the Social Welfare Department could be in charge of information on the juvenile. No matter what the facts of the case, it is desirable and in the best interests of the juvenile that the probation office has a perfect mastery of this information. Professor Sugiyama, from her Kenyan experience, posited a situation in which different agencies may use differently formatted documents, thereby creating misunderstanding. In this case the challenge of ensuring the use of identically formatted documents by all agencies is very important, because this enhances co-operation and collaboration. The participant from Honduras said this situation exists in his country, where NGOs use differently formatted documents, but agencies exchange information with them and everything works well. Exchange of personnel between agencies as a means of enhancing collaboration was also mentioned by Professor Sugiyama.

Concerning the efforts communities should undertake before they receive the juvenile, participants focused on community sensitization in order to ensure preparedness. The participant from South Africa said that in his country there is a “police forum” involving police officers, community members and invited experts, where juvenile offenders’ issues are discussed and common solutions are sought. This makes the community more prepared to receive and accept the juvenile, and prevents stigmatization. Social events are also organized in the community for sensitization.

The participant from Brazil revealed that the above-mentioned approach is also used in her country and this raises community awareness of and co-operation with the reintegration of juveniles. To this, the participant from Tonga said that police officers and probation workers have connections with people who are influential in the community, to whom they can turn for help in sensitizing the community. She also underscored the important role of the mass media in community sensitization. Enhancing community preparedness also requires that the community has some information about the juvenile that they will receive. In this connection, Professor Sugiyama said the community needs to know what the juvenile wants to do after release, and it needs to understand what training the juvenile has received by visiting the institution or exchanging letters with staff.

Mr. Ndama proposed that the community be involved in activities of vocational training and living guidance within the institution. This will ready the community to receive and accept the juvenile because it can already identify with the juvenile when he or she is released.

With reference to what institutional change should be introduced to enhance inter-agency co-operation, the group had a heated discussion.

Mr. Ndama highlighted the fact that the link between the institution and the community is difficult to establish, but it is nonetheless desirable to continue treatment after the juvenile’s release. It is therefore necessary to establish a formal public institution for aftercare. He continued that in Japan there is a formal link between institutional treatment and community-based treatment, but this is not the case in many other countries, like his, where commissions have been proposed in each province to act as a link between the institution and the community. Professor Sugiyama said that in Japan, the parole board decides whether or not the juvenile will be paroled. Also, in some systems, such as that of Hong Kong, correctional institutions have a section in charge of aftercare activities such as job searching. Ms. Kuli said that in Tonga, the probation office is the link between institutional treatment and community-based treatment. Mr. Imamura mentioned the fact that establishing a good system of information was most important given that providing information to the community is more necessary than setting up a new government institution. Regarding the juvenile’s right to privacy, he said information can be provided on an anonymous basis, on request. For example, when a company requests information for recruitment, the juvenile’s name is not disclosed.

Mr. Ndama next proposed the establishment of a government agency which co-ordinates several community resources regarding the juvenile because he believes that an overly complicated system would be unclear and vague. He also said that the Japanese system is too dependent on volunteers. The participant from South Africa said to change institutions you must have good benchmarks and communication between agencies and everyone has to assume responsibility. In relation to the proposal to establish another institution which is mainly in charge of aftercare, the participant from Cameroon said it was an excellent idea, but mentioned one difficulty. According to him, most of the time corrections tend to be regarded as a consuming department and to convince the government to provide a budget for institutional change, it is
important to use cost-benefit analysis. This opinion was also shared by Mr. Imamura. To this, the participant from South Africa said that before carrying out institutional change it is necessary to carry out an impact study to show how corrections can decrease recidivism and save money.

VII. AN AFTERCARE SYSTEM WHICH HELPS MAINTAIN THE EFFECT OF CORRECTIONAL TREATMENT AND PROMOTES REINTEGRATION

Under this topic, the group dwelt firstly on how aftercare should maintain the effect of correctional treatment; secondly on how it reduces the risk of reoffending; and finally how it enhances the juvenile’s ability to reintegrate into the community.

Relating to the first subtopic, Ms. Caracelli said that in her country finding a job for juveniles is very difficult, and there is no aftercare treatment. She continued that there is an agricultural training school but it is not for juveniles. This school, she said, may be useful for juveniles and does not require a large government budget.

Ms. Kuli said continuous communication with the juvenile’s family, school authorities and community is necessary. To this end, in her country, probation officers continue to keep in touch with family members and school members for at least six months. Ms. Caracelli mentioned that it is possible to work on continuous aftercare where the community can collaborate with the police and schools to help juveniles.

Mr. Korff said an impact study is very important to see whether the treatment was effective and if juveniles have re-offended. The participant from Cameroon was of the opinion that there is a big gap between community-based treatment and institutional treatment, and it is necessary to make efforts to reduce this gap since treatment has to be a continuous process.

Ms. Caracelli next highlighted the fact that it is important for juveniles to attend community-based activities, while for Tonga’s participant it is also important to solve family problems before release and it is desirable for juveniles to attend counselling once or twice a week.

Professor Sugiyama said that in Japan it is necessary to provide many medical follow-up programmes such as hospital or clinic visits to treat the juvenile’s mental disorder or psychological problem. Additionally, there is need for professional support to supervise the juveniles after release because supervising them is difficult for their family members. According to Professor Sugiyama, family support is very necessary and VPOs work in liaison with families, medical doctors, counsellors and other experts. The problem here is that very few of these professionals provide these services and the insufficiency of medical follow-up programmes makes it difficult to release the juvenile. Some people are thus of the opinion that a juvenile should remain in the institution for a longer period so as to get full treatment before he or she is released.

To this the participant from Cameroon said that a longer stay in the institution defeats the very purpose of juvenile justice which demands that juveniles be in institutions for the shortest possible time. This, according to him, is a controversial issue and should be a matter of public policy.

For the participant from Iraq, whether or not the juvenile has the support of family members after his or her release is very important. If he or she has no family member there is a need to provide a particular programme. This in his opinion is because when the juvenile is released, he or she may be taken care of by the probation officer for a few months but if there is no family member to take over he or she will go back to the streets and resume a criminal or delinquent lifestyle. The government therefore has to take care of such juvenile offenders and oversee their rehabilitation. He added that in his country the government provides counselling to increase the self-esteem of juveniles and the community has to accept him or her. Also, the government provides money to juveniles without jobs to get married and to start a small business.

Professor Sugiyama was of the opinion that establishing facilities requires a large budget. She said that in Japan the government gives compensation or financial aid to companies which employ juveniles. This was proposed as a good approach by the participant from Tonga.
The participant from South Africa revealed that his government gives subsidies to certain organizations which provide free accommodation and food to released juveniles and the juveniles in turn do community work. Also, most churches carry out weekend activities where social workers and other professionals provide counselling, communication and social skills to juveniles.

The participant from Cameroon said that public opinion is sometimes very critical of government provision of facilities for offenders which are much better than those available to the law-abiding community. It is therefore necessary according to him to provide minimum service; this is the responsibility of the government because over-reliance on volunteer systems does not set a solid basis for aftercare.

He added that private individuals or companies can provide aftercare services and manage them under the supervision of the government, like the privatization system underway in Hong Kong and Japan. To this, Professor Sugiyama said halfway houses in Japan were established by private persons, but now the government provides about 70% to 80% of their budgets. She added that Japan is now planning to establish national halfway houses for offenders who are difficult to deal with and this may be useful to other countries.

For Mr. Imamura, the important thing is improving the juvenile’s ability or awareness rather than giving any particular kind of aid. Also, Ms. Kuli said a post-release legal system is needed because most aftercare activities are carried out through personal or group initiatives.

On how aftercare can reduce the risk of reoffending the participant from South Africa asserted that the probation officer’s role is very important. He continued that his country has a programme for adult and juvenile sex offenders called “Say Stop”. This is an NGO programme, which aims at preventing offenders from committing further sex offences. He also emphasized the importance of stopping juveniles from engaging in relationships with peers, especially adults, who influence them negatively. The above-mentioned programme provides advice and counselling to them in this regard.

Mr. Rodriguez said that in Honduras there is no aftercare system. Co-ordination between NGOs and the government is therefore necessary. In his opinion, police officers could call such meetings. Ms. Imai said it is also important for NGOs to receive budgets from the government. This is because without such budgets, it is difficult for the government to supervise NGOs and they can’t work effectively.

According to Ms. Kuli, an aftercare system has to accommodate the problems of the juvenile. This needs continuous assessment after release and the information has to be shared with family members. She added that aftercare has to continue until the juvenile is completely corrected or becomes an adult.

To this Mr. Korff reaffirmed the importance of continuous assessment to see if the juvenile is progressing and the crucial role of the probation officer.

Mr. Imamura said when we assess the risk and needs of the juvenile both before and after release, not only family problems but relationships with supportive persons are important. In addition, whether or not the juvenile has a job is important, not only because of money but also because it is important for him or her to contribute to society.

Mr. Al-Taher agreed with Mr. Imamura’s opinion and added that the juvenile should also feel forgiven and not have a sense of guilt anymore in order to consider himself or herself accepted and admitted into the community.

Mr. Ndama was of the opinion that bad peer influence and recidivism can be reduced by changing the way the juvenile uses his or her free time. In this connection, treatment programmes should involve juveniles using their free time for healthy distractions and hobbies, such as the Midnight Programmes in Brazil. In this regard it is important to take the juvenile’s interest into consideration and not impose on him on her activities which will not work.

Professor Higuchi said that in his experience, the juvenile is relatively psychologically, mentally and even physically weak. This makes him or her want to belong to a group and he or she tends to return to detrimental peer groups after release. It is therefore necessary to provide the juvenile with another group,
such as legal motorcycle riders or an agricultural activities group, which is involved in constructive activities.

Following this the participant from Brazil said that in her country, juveniles always talk about groups and they say the group is waiting for them. She agrees therefore, that it is very important to provide them with another group.

On aftercare enhancing the juvenile’s ability to reintegrate into the community, Professor Sugiyama said the juvenile’s parents always need continuous support because they tend to conceal the juvenile’s case from their wider social circle. They are also afraid to ask for help because they are always criticized by other community members. She mentioned that in the case of Japan each prefectural police office has a support centre which the juvenile’s parents can consult at no cost. Ms. Caracelli also added that the juvenile’s family needs support in looking for a job and counselling by probation officers is very important for them. For Ms. Kuli, to make aftercare treatment effective, connecting with family and community members is very important and there is need for a legal system of aftercare treatment.

The participant from South Africa said that in his country, there is a “Skill Development Programme” which provides juveniles with skills so that they can find employment.

Referring to the family, the participant from Cameroon said it is one of the most important elements in ensuring that the juvenile is reintegrated into the community. According to him, counselling parents increases their ability to help the juveniles after release, making it a vital element of aftercare treatment. He went ahead to underscore the role of the victim in aftercare treatment. He said when the victim and offender are in the same community, the victim will be an important element in facilitating the juvenile’s reintegration in cases where he or she has forgiven the juvenile. The victim can convince the community members to accept the juvenile as he or she has done.

Mr. Al-Taher said the volunteer system is very important because it has a direct influence on the community. He added that Iraq has a child adoption system which works very well.

VIII. RECOMMENDATIONS

1. Community-based treatment measures must be in line with the needs of offenders. A board or governmental institution may screen these programmes before allowing implementation by NGOs and other community organizations. By doing this, the government may also need to set guidelines or regulations;
2. A treatment programme for the type of risk and need assessment should be developed by specialists and role players in co-operation with the police and departments of justice, social welfare, correctional services and prisons;
3. Considering the protection of the human rights of juveniles, governments must prioritize financial support of treatment programmes and concerned organizations;
4. Aftercare agencies should co-operate and collaborate with all institutional organizations. Communication and exchange of information and community resources between treatment agencies and the community is crucial in increasing collaboration and co-operation between them. This should take into consideration the juvenile’s right to privacy, and should be in the juvenile’s best interests. Identically formatted documents should be used by all agencies to enhance co-operation and collaboration among stakeholders;
5. The use of community resources such as religious groups, community leaders and police community forums should be highly considered for community-based treatment;
6. Third parties are necessary for successful victim-offender meetings but they need to be chosen carefully, taking into account the desires and situations of both victims and offenders;
7. Aftercare residences (halfway houses, etc.) should be established or increased to continue effective treatment of the juvenile within the community;
8. Continuous supervision, assessment and treatment of juveniles, and supports to their parents and families, should be maintained;
9. Treatment programmes should provide juveniles with healthy distractions and hobbies in which they have interest so as to reduce negative peer influence and recidivism.
APPENDIX

COMMEMORATIVE PHOTOGRAPH
• 136th International Training Course

UNAFEI
The 136th International Training Course

**Left to Right:**

**Above:**
Dr. Hoge, (Canada), Prof. Noguchi, Prof. Higuchi, Prof. Naito, Mr. Park (Korea)

**4th Row:**
Ms. Shibuki (Staff), Ms. Uenishi (Staff), Mr. Ohashi (Staff), Mr. Matsumoto (Chef), Mr. Iwakami (Staff), Mr. Takagi (Staff), Mr. Kitada (Staff), Mr. Nakayasu (Staff), Mr. Kosaka (Staff), Mr. Yamagami (Staff), Ms. Obayashi (JICA), Mr. Shirakawa (Staff)

**3rd Row:**
Ms. Ota (Staff), Ms. Tomita (Staff), Ms. Tsuruoka (Staff), Mr. Nagaike (Japan), Ms. Ishikawa (Japan), Ms. Kuli (Tonga), Mr. Kapila (Sri Lanka), Mr. Upuldeniya (Sri Lanka), Mr. Parodi Pugliese (Panama), Ms. Caracelli (Brazil), Ms. Imai (Japan), Mr. Ndama (Cameroon)

**2nd Row:**
Mr. Al-Taher (Iraq), Mr. Senot (Philippines), Mr. Sonam (Bhutan), Mr. Kyaw (Myanmar), Mr. Rodriguez (Honduras), Mr. Korf (South Africa), Mr. Cheung (Hong Kong), Mr. Chu (Vietnam), Mr. Kiuchi (Japan), Mr. Imamura (Japan), Mr. Nakazawa (Japan), Mr. Katsuda (Japan), Mr. Makwakwa (Zimbabwe)

**1st Row:**
Mr. Kawabe (Staff), Prof. Ishihara, Prof. Yamada, Prof. Sugiyama, Deputy Director Seto, Judge O’Driscoll (New Zealand), Director Aizawa, Dr. Skelton (South Africa), Prof. Oshino, Prof. Tatsuya, Prof. Sugano, Mr. Fuji (Staff), Mr. Cornell (LA)