

GROUP 3

REHABILITATION AND CORRECTIONAL PROGRAMMES IN THE COMMUNITY TO PREVENT RECIDIVISM BY DISCHARGED PRISONERS: THE ACTUAL SITUATION, PROBLEMS AND COUNTERMEASURES

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I. INTRODUCTION

The search for effective measures for the rehabilitation of the offender has led the criminal justice world to look beyond the walls of the prisons for programs in the community, which are effective in complementing the rehabilitative efforts of the penal institutions.

Rehabilitation, the philosophy that has gained root in modern penology, is in itself a very useful concept. The prisons however, are choked with cases which could have been best dealt with outside it; either thorough alternative non-custodial sentences or by preventing the re-offending of some of the convicts through treatment programs while they were on release from prison. Studies and experience have shown that the prison setting is not always ideal for preparing the offender to reintegrate successfully into society. They can be worse-off on release.

It has also been felt that the ultimate aim of correctional programs is the

rehabilitation of the convict-prisoner in society. By keeping the prisoner away, they are further removed from society, thus making readjustment very difficult. Therefore, community-based treatment programs have been commended as having more hope for rehabilitation than the prisons.

Accordingly, some countries have evolved packages of community-based treatment programs. So much importance has been placed on non-custodial measures that various international forums have been convened to design and recommend measures for effective treatment programs in the community.

Rather than see issues as domestic, with the need to implement local prescriptions, the world community has, through various forums, treated the search for effective measures as a global concern. The efforts of the world community have resulted in the formulation of the Standard Minimum Rules for Non-custodial Measures (the

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Tokyo Rules) drafted by UNAFEI and subsequently adopted by the General Assembly of the United Nations, for the guidance of all communities in the treatment of offenders.

Since our scope of discussion is limited, we intend to discuss community-based programs for discharged prisoners. The group's plan is to conduct a comparative study of the various types of programs in actual use for preventing discharged prisoners from re-offending, and for promoting their reintegration into society. We will also consider the categories of discharged prisoners who benefit from specific programs and the roles played by formal and informal organization. An in-depth study of the problems of implementation follows. The group further attempts to propose pragmatic countermeasures that take the socio-political and economic situations of the various countries into consideration.

II. GENERAL ISSUES

A. Discharged Prisoners in Selected Countries

The scope of the discussion is on early and full-time release of prisoners as far as it relates to their supervision, aftercare and guidance. Whenever practicable, young offenders serving prison terms will be discussed in the course of the study. It will become apparent that different terminologies are used for systems and problems that are essentially similar.

The discussion is based on the practice of countries not only of group members; Fiji, Ghana, Japan, Kenya and Korea, but also four countries with programs of which information is available: Hong Kong, Papua New Guinea, Philippines and Thailand. These practices will be discussed for identification of shortcomings and countermeasures. The discussion on the early release of prisoners focuses on following systems:

- (i) Parole in Japan, Korea, Papua New Guinea, Philippines and Thailand;
- (ii) Remission in Ghana (with license), Kenya (for long-term prisoners) and Thailand;
- (iii) Release Under Supervision in Hong Kong;
- (iv) Extra Mural Punishment (EMP) and Compulsory Supervision Order (CSO) in Fuji;
- (v) Release on License in Kenya (for young offenders).

III. PROGRAMMES IN ACTION

A. Operation of Various Programs for Different Categories of Discharged Prisoners

1. Working Definition of Supervision, Aftercare and Guidance

Supervision in the context of community-based corrections involves the institution of control measures to prevent the offenders from re-offending. Aftercare involves measures to help them to reform and reintegrate into society by meeting the material and immaterial needs of discharged prisoners. Guidance generally involves counseling the discharged prisoners and teaching them life skills in order to overcome the many obstacles and frustrations they would come across after release.

2. Classification System

In Japan, the classification system has been in operation since 1971. Probation officers use Needs/Risk Assessment to classify parolees. This system was implemented to classify and treat individual discharged prisoners according to their limited resources of Professional Probation Officers. Parolees are classified into two groups: Groups A requires more attention and intervention by probation officers, and Group B does not present any

acute or serious problems. Factors in classification to be considered are: unemployment, no fixed residence, drug or alcohol abuse, recidivism, poor attitude toward supervision and association with organized criminals. Cases are reviewed occasionally for possible re-classification. As of December 1997, 22.3% of adult parolees throughout Japan were classified as Group A.

Meanwhile other countries do not have classification systems for parole and other forms of early release.

3. Supervision, Aftercare and Guidance for Early Released

Conditions

Supervision is largely based on conditions. The objectives that are supposed be achieved include the prevention of recidivism and facilitation of rehabilitation and reintegration.

(a) *Japan*

Articles 34 of the Offenders Rehabilitation Law of Japan stipulates the conditions for granting parole as:

- (i) To live at a fixed residence and engage in an honest calling;
- (ii) To be of good behavior;
- (iii) To keep away from persons who are of criminal or delinquent tendencies; and
- (iv) To ask their supervisor for permission in advance for changing residence or going on a long journey (exceeding a week).

In addition to general conditions, the parolee is also required to abide by special conditions such as no gambling, over indulgence in alcohol and dealings with drugs. Special conditions vary widely as they are designed to meet the individual needs of each parolee.

(b) *Korea*

The parolees of Korea are subject to

supervision these conditions:

- (i) Refrain from committing crimes;
- (ii) To live at a fixed residence;
- (iii) Report to probation office once a month and sometimes more if necessary; and
- (iv) To be of good behavior.

(c) *Papua New Guinea*

In Papua New Guinea, the parolee immediately reports to the office of the Parole Service. The other conditions are: reporting to a Parole Officer or Voluntary Parole Officer as and when required by the office of the Parole Service; keeping the peace and being of good behavior; following any direction or instructions given by a Parole Officer; and not changing the place of residence unless s/he has given the Parole Officer reasonable notice of the intention to do so, as well as the reasons for the proposed change.

The Parole Officer must give permission for the change of residence and the parolee must comply with any orders given by the Parole Officer in relation to the change of residence. The Parole Officer must be notified in reasonable time of the intention of the parolee to change their employment, the reasons for wanting to do so and the nature and place of his /her proposed employment.

The parolee must give reasonable notice to the Parole Officer of any contracts, debts or financial undertakings they propose to incur or enter into which might have a significant effect on their income or family situation. They shall allow a Parole Officer or Voluntary Parole Officer to enter their home, during reasonable hours, in executing their duties. The parolee in Papua New Guinea may be further ordered by the Parole Board to follow special conditions of the Parole Order. The Board has discretion in imposing additional conditions. The goals of the Board are ensuring compliance of the order and the good conduct and welfare of the parolee.

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These additional conditions may include: residing in a named place for the period of parolee, refraining from entering a named town, actively looking for employment or for a legal means of supporting the parolee and their family, undertaking alcohol counseling, family counseling, marriage counseling and avoiding contact with a named person. They may also be ordered to refrain from using alcohol or illegal drugs, or be required to participate in other rehabilitative programs offered in the community and view videos on law and order.

The parolee is however, exempt from paying compensation, doing community work or paying a fine since these are alternative punishments at the sentencing level.

(d) *Thailand*

Prisoners who benefit from early release in Thailand, either through parole or remission, are given conditions on their early release. They are to refrain from committing crimes, from entering areas determined by the competent authority and are required to report in person to a competent authority as designated by the Director-General of the Department of Corrections.

They are to continue with the occupation arranged and supervised by the competent authority, to resume their former occupation or take the occupation arranged and supervised by close friends or relations, and to practice their religion.

(e) *Fiji*

The conditions of release in Fiji are: (1) the prisoner released on Compulsory Supervision Order shall at all times produce the order when demanded by a magistrate or police officer, (2) they shall abstain from any violation of the law, (3) they shall not habitually associate with notoriously bad characters such as reputed thieves, law breakers, receivers of stolen

properties and the like, (4) they shall not lead an idle or dissolute life, (5) they shall report personally to the person named as responsible for their supervision within seven days after release, (6) they shall not change their place of residence without prior notification of such change to their supervisor and (7) they shall, during the first week of every month, report in person to the person named as being responsible for their supervision.

(f) *Ghana*

There are only three conditions for release on license in Ghana. The licensee on their immediate release has to report to the police with their license. Thereafter they report to the police periodically on their movements and change of address. For the unexpired period of the original sentence, and while at liberty, the licensee must not be convicted of any criminal offense involving fraud or dishonesty.

(g) *Hong Kong*

The conditions of release under supervision in Hong Kong are: (1) the prisoner released shall comply with the conditions of their release specified in the order, (2) s/he shall comply with the directions of their supervising Probation Officer on matters concerning work placement and rehabilitation and (3) s/he shall immediately notify their supervising Probation Officer of any change in address.

(h) *Philippines*

The conditions for release in the Philippines are: (1) the released prisoner shall be placed under the supervision of a Parole and Probation Officer so that s/he may be guided and assisted towards rehabilitation, (2) s/he shall report in person to the Parole and Probation Office as specified in the Release Document for supervision, (3) s/he shall comply with the terms and conditions appearing in the Release Document and (4) s/he shall not

transfer from the place of residence designated in the Release Document without prior written approval of the Board.

Duration and Routine Process of Supervision

(a) Japan

In the case of a person serving life-imprisonment in Japan, the parole period is for the rest of their life unless s/he is paroled in the course of the parole period. In all other cases, the average duration of supervision is five months. There was no data on duration of supervision for most counties.

In Japan, the Probation Officer takes into consideration all information presented at the various interviews, together with the data in the case records, to assess the individual's needs and problems which require special attention, and to eventually work out a treatment plan. The Professional Probation Officer and Volunteer Probation Officer, who is working under the supervision of the Professional Probation Officer, work in tandem according to the treatment plan.

The methods of supervision are: (1) Volunteer Probation Officer is to observe the behavior of the parolee by maintaining close contact with parolee. The parolee visits the Probation Officer or the Volunteer Probation Officer twice a month. In turn the Probation Officer or the Volunteer Probation Officer visits the parolee once a month; (2) the Professional Probation Officer and the Volunteer Probation Officer give the parolee such instructions as are deemed necessary and pertinent to make them observe all the conditions given and (3) the Professional Probation Officer and the Volunteer Probation Officer take other measures necessary to make the parolee a law abiding member of society.

The Volunteer Probation Officer submits a regular monthly progress report to the

Probation Office. In the addition they send a report whenever an unusual incident occurs, in relation to the parolee. When considered necessary, judging from the report of the Volunteer Probation Officer or information of the police or parolee's family, the Probation Officer visits the parolee, sends a letter to the appear at the Probation Officer or other local offices. The Chief of Probation Office has power to summon and interrogate, even though s/he has no power of arrest. The Chief of Probation Office can have the parolee, who is in breach of the conditions of their parole, arrested under a warrant (in advance) by a judge.

(b) Papua New Guinea

In Papua New Guinea, supervision of parolee is conducted by a Parole Officer from the Attorney General's Department. If a parolee is going to stay far away from the probation centers, s/he is required to report to a volunteer parole office in their community. The Volunteer Parole Officer will then work closely with the Parole Officer. Supervision requires always ascertaining that the parolee is of good conduct and observes the conditions of parole.

(c) Thailand

Supervision in Thailand is conducted by the Probation Officers who belong to the Department of Corrections of the Ministry of Interior and Volunteer Probation Officers. They supervise the living conditions of the early release. They pay attention to the releasee's relationship with their family, neighbors and attitude towards work. The supervisors give guidance to the family and neighbors, as well as the releasee.

(d) Hong Kong

Supervision of the early released is done by Probation Officers of the Hong Kong Correctional Department's, Secretariat for

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Security. The objectives of supervision are to assist the early releasees to be rehabilitated and reintegrated into society, as well as to protect the public from the perils of re-offending.

(e) *Philippines*

The Philippines operates a system where the Probation Officer of the Department of Justice supervise the parolees. They are assisted by Volunteer Probation and Parole Aides whose task is to assist in supervising parolees, pardonees and probationers. They are specifically tasked to supervise their charges by devoting not less than 4 hours a week. They have a maximum of 5 clients and must prepare and submit to the Chief of Probation and Parole Office monthly reports on their clients.

They must keep all information about the job in strict confidence and in close consultation and cooperation with Chief, perform incidental duties periodically. The Probation and Parole Office where the parolee reports to, will issued with a copy of the release documents of the parolee. The office must then ensure that the parolee reports within 15 working days. They must also ensure that the parolee complies with the terms and conditions of the release and make immediate report to the Board of any breach of the conditions.

(f) *Fiji*

In Fiji, the early released prisoner under EMP will undertake public work for 6 hours each day, or not less than 30 hours per week, at any identifiable government department or provincial office near their residence until their term expires. They will be under the supervision of a government official appointed by the government department or provincial office during their extra mural labor.

The prisoner released on CSO is under no supervision but s/he must report to the police station nearest their place of residence during the first week of every

month, until their term expires. A life term prisoner will be released on pardon and s/he will be under CSO for the average duration of 12 months. In other cases of CSO release, the average duration of supervision is the unexpired portion of the sentence to the date of discharge.

(g) *Ghana*

A person released on license in Ghana is supervised by the police until the term of imprisonment expires. The prisoner reports immediately after s/he leaves the prison, with a copy of the license. The police are sent a separate copy by the prison authorities. The licensee must subsequently report on their movements to the police on fixed days. This works as a controlling and check mechanism against reoffending. The licensee is aware that the community is monitoring him/her. The community, knowing the offenders in a particular crime, is reassured. Of course there is a lot of goodwill between the police and communities in Ghana.

(h) *Korea*

The parolee in Korea is supervised by probation officers. The duration of supervision is the remaining days of the original sentence. This system of supervision was introduced in 1989. The parolees engage in community services like snow-clearance, rubbish collection at historical sites and palaces. They perform library services like bookbinding and also engage in ecological activities.

Suspension and Revocation

(a) *Japan*

The Regional Parole Board in Japan may suspend probationary supervision which means supervision can no longer be carried out because the Probation Office does not know the whereabouts of the parolee. The penal term shall cease to run and shall be restored on withdrawal of the ruling of

suspension of probationary supervision. Revocation takes place when the Regional Parole Board which has jurisdiction over the parolee, upon the request of the Chief of Probation Office, decides that the breach of conditions of the parole is serious enough to warrant revocation. The parolee is then recommitted to prison.

(b) *Papua New Guinea*

When a parolee is in breach of the conditions of parole in Papua New Guinea, by either committing another offence or failing to adhere to the parole conditions, s/he is taken to court and the parole is cancelled. Subsequently s/he is made to serve the unexpired period of the original sentence, and any new sentence that may be imposed for the subsequent offence. The consequence for breach of the conditions for early release is re-arrest without warrant and re-imprisonment for the remaining period of the original sentence. S/he will face additional disciplinary charges.

(c) *Hong Kong*

In Hong Kong a breach of supervision conditions or a relapse with drug use (under the drug treatment programs) would result in the parolees recall for further treatment for twelve months from the date of first admission, or four months from the date of recall. A general breach of the conditions for early release under supervision, or pre-release employment, may result in suspension of the order and committal into prison for the unexpired term of the original sentence.

(d) *Fiji*

In Fiji, a prisoner released on EMP, upon breach of a condition of release, would be returned to the prison to serve the remaining portion of the sentence; in addition to any other punishment the Commissioner of Prisons would impose for breaching the condition of release. In the case of CSO, the releasee who breaches a

condition of release, would be apprehended after their CSO is revoked by the Minister of Home affairs and Justice, and a magistrate issues an order of apprehension. They would then serve the unexpired portion of the sentence from the date of release on CSO, plus a sentence of three months imposed by a magistrate for breach of condition.

(e) *Ghana*

A person released on license in Ghana who breaches the conditions by being convicted of any criminal offence involving fraud or dishonesty, automatically forfeits their license and has to serve the unexpired period of the original sentence, in addition to any fresh sentence for the new case.

For failure to notify police of their movements, change of address or failure to report as a convict on license, the licensee receives a twelve-months term of imprisonment or serves the unexpired term of the original sentence.

(f) *Korea and Thailand*

Also in Korea and Thailand, if parolees fail to comply with any condition, they have to be re-imprisoned for the remaining period of their terms of sentence.

The statistics on revocation rates are available in Appendix one.

Aftercare and Guidance

(a) *Japan*

In Japan aftercare and guidance, referred to as the method of rehabilitation aid, is effected by helping the parolee to obtain the means of education, training, accommodation and vocational guidance. The discharged prisoner is helped to reform and adjust to their environment and is aided to return to a destination suitable for rehabilitation.

Parolees are specifically assigned to

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Volunteer Probation Officers who counsel them in various areas of life, for instance, their human relationship with friends, family members and neighbors. The Volunteer Probation Officers use their abilities and knowledge to impart social and living skills to the parolees. They are actively involved with the parolees and even assist them in finding jobs. Sometimes the Chief of Probation Office requests halfway houses accommodate parolees who have need or are designated by the Probation Office.

(b) *Thailand*

The service providers in Thailand are not clearly identified. Some organizations liaise with the Department of Public Welfare and Labor to help releasees. They are not restricted to prisoners, but help ex-prisoners who call for assistance.

(c) *Hong Kong*

Hong Kong's aftercare system is delivered by experienced aftercare works who use a dynamic, therapeutic and out-reach methods to monitor the programs or work of the releasees. During the period, regular contact is maintained between the supervisor and client. The aftercare agents provide timely and appropriate guidance and assistance. The agents are anxious that their success rate, which is measured by the percentage of releasees who complete supervision, is always high.

(d) *Philippines*

The Volunteer Probation and Parole Aides of the Philippines provide guidance, counseling and placement assistance for their clients. Since 1996, the Philippine's halfway house has been offering aftercare monitoring of its ex-residents in cooperation with the Department of Social Welfare and Development, the Department of Justice and the Department of Local Government.

(e) *Fiji and Ghana*

Although Fiji and Ghana have no formal aftercare systems, there are several attempts currently being made by the Presbyterian Church of Ghana and a few religious groups and district councils in Fiji to provide halfway house for releasees. In addition, in Ghana the society is so cohesive that a released prisoner who goes home, repentant, would be taken in quickly and helped to be financially independent. S/he is offered help in putting up a house or preparing a farm. The chiefs, elders, pastors, schoolmasters and the public are all agents for guidance and counseling. When a young person misbehaves, s/he is asked if there are any elders in their community to advise them. Guidance and counseling are expected to come from the elders of the community and the well-placed in society.

(f) *Korea*

Parolees in Korea receive help from the Probation Officers in terms of lodging, vocational training and job referrals. The Korea Rehabilitation Protection Foundation provides accommodation, food and commutation allowance to the parolee.

(g) *Papua New Guinea*

Papua New Guinea has no aftercare system.

4. Supervision, Aftercare and Guidance for Full-time Released

(a) *Japan*

Japan has no supervision system for prisoners who serve full time. It has aftercare for this category for a maximum period of six months from the date of release. The Chief of the Probation Office in Japan interviews and investigates the background of released offenders who request aftercare services. Decisions are based on the urgency of the situation and the willingness of the released person to

rehabilitate themselves. Aftercare services are temporary and cover meals, clothing, travel fares, lodging and referral to public employment of welfare services. Issues of accommodation are referred to halfway houses which can provide lodging, board and living guidance.

(b) *Thailand*

Thailand does not have programs for full-times released, except the invitation to settle in penal colony for those selected. This system allows discharged prisoners to treat parcelled-out land as their private property. While they are still serving time on the penal colony, they can invite their families to live with them. This arrangement continues after release, but due to the problem of land sharing, this system has been stopped.

(c) *Fiji, Ghana & Papua New Guinea*

Fiji, Ghana and Papua New Guinea have no programs of supervision or aftercare for the full-time released.

(d) *Kenya*

In Kenya, in the case of a high-risk offender, an order is sometimes made for supervision after completion of the sentence. The Court decides the period of supervision. When on supervision, the releasee is required to report to the police station or post nearest to their home at least once a month. The releasee's movement and actions are monitored closely during this time by the police.

5. Young Offenders

(a) *Japan*

In Japan, Article 58 of the Juvenile Law provides that parole may be granted to a young offender sentenced to imprisonment (with or without labor) when s/he was a juvenile, after the lapse of the following periods: seven years in the case of a penalty for life; three years in the case of a penalty

for a determinate term and one-third of the minimum period in the case of indeterminate sentence.

Also the young offender must show genuine reformation, which is judged by the Regional Parole Boards, taking into account the following factors: the degree of repentance; eagerness to rehabilitate; the likelihood of recidivism and the society's willingness to accept parole.

The following general conditions, as provided by law, are automatically imposed upon a parolee from juvenile prisons: to live at a fixed residence and engage in a lawful occupation; to be of good behavior; to keep away from persons who are of criminal or delinquent tendencies and to ask their supervisor for permission, in advance, for changing residence or going on a long journey.

In addition to these general conditions, the parolee is also required to abide by special conditions which the Regional Parole Board sets forth as a guide towards a law-abiding life. Guides to rehabilitation contain prohibitions, obligations and encouragement. Special conditions vary widely as they are designed to meet the individual needs of each parolee.

The parole board may terminate only indeterminate sentence. Clause 1 of Article 48 of the Offenders Rehabilitation Law provides that in case the minimum period of the penalty which has been imposed upon a person under the provisions of the Juvenile Law has passed while s/he is on parole from the prison, the execution of the sentence may be regarded as having been completed by a ruling rendered by the Regional Parole Board, at the request of the Director of the Probation Office, if it deems it proper in view of the merits s/he has achieved while under probationary supervision.

The Regional Parole Board revokes parole upon the application of the Director of Probation Office. The parolee may be confined in the prison for the original

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parole period, but s/he may be granted parole on the revoked sentence in the future.

(b) *Kenya*

Kenya has a well-designed treatment program for young offenders who go on release on license, either early or after serving a full-time sentence of maximum three years at the Borstal Institution (under prisons). In Kenya the After-Care Committee decides on early release issues. Probation Officers have been called upon to provide the above services, through an administrative arrangement, until the "Parole Bill" is enacted by Parliament. Supervision and aftercare services are provided by the Home District Probation Officer. The immediate aim of the program is to resettle them back home so they report to the Probation Officer immediately on release. Assistance usually ranges from tools (for various trades undertaken in the institution), counseling and ensuring that they go back to school if they are off formal school-going age. They are also assisted to get trade training in the local training institutions like polytechnics. The Probation Department has also established an aftercare resettlement fund that assist the released inmates with tools and payment for their training, depending upon the availability of funds. The probation officer actually helps the ex-inmate and their families in order to facilitate proper reintegration.

Kenya's conditions of supervision and aftercare for young offenders include: being of good behavior; being truthful; reporting to the Probation Officer at least once a month or as required, refraining from keeping bad company, especially bad peers; informing the Probation Officer of their movement; remaining in regular employment, school or training program; avoiding intoxicating liquor or drugs; and observing any other condition laid down by Probation Officer.

On failure to observe any of the conditions, the Probation Officer would first issue a warning. That failing, the releasee would be recalled by the Corrections Commissioner to the Borstal Institute where s/he would be detained for a period not exceeding three months. After this s/he would remain on suspension for the period s/he was originally committed to serve.

6. Specialized Programs for Solving Specific Rehabilitative Needs

(a) *Hong Kong*

Drug addiction treatment centers are used in Hong Kong to commit a minor offender who is found to be a drug user. S/he is committed for a period of not more than twelve months, with discharge depending on progress. The program aims at detoxifying and restoring the health of the offender, by attacking the basis of their drug use and re-integrating them into society. Treatment involves counseling, work and vocational training.

On release, such an offender is placed under a year's mandatory aftercare and supervision, aimed at assisting social reintegration. The correctional staff visit the offender's and work place to check on possible drug use. The Hong Kong Correctional Services Department requires the released prisoner to submit to urine tests and notify their supervisor on change of residence. On violation of the conditions, the Commissioner of Corrections, if satisfied, would issue a recall order. The prisoner would be recalled and required to serve the remaining sentence or serve four months imprisonment, whichever is longer.

(b) *Japan*

Referred to as categorized treatment in Japan, the Regional Parole Board classifies parolees with special situations into six groups; thinner sniffing, stimulant drug abusers, gang members, sex offenders,

mentally disturbed and long termers. Probation officers re-classify them during the supervision process.

(c) *Thailand*

Chemical substance abuse programs exist in Thailand's prison, but they have not been extended to the community to benefit discharged prisoners specifically. Non-governmental organizations run similar programs for the general public, although not discharged prisoners in particular.

(d) *Other Countries*

There are no drug or substance abuse treatment programs in the other countries. In the countries which have some form of treatment, the information gathered was not enough to warrant fuller discussion.

7. Halfway Houses

Halfway houses can be defined as community-based centers where offenders can obtain basic necessities like food, clothing and shelter. They generally cater for probationers, parolees and discharged prisoners.

(a) *Japan*

In Japan, all halfway houses are run by a private association (Juridical Person for Offenders Rehabilitation Services). Halfway houses accommodate nearly a quarter of parolees lacking a suitable place to live.

Japan has 99 halfway houses which are under the authority of the Ministry of Justice. The capacity of each facility ranges from 10 to 110. Currently their total capacity is 2,267. During 1996, the number of adult parolees who received assistance from halfway houses was 4,595. The number of full-time discharged prisoners who received assistance was 3139. Residents comprised 61.4 percent of authorized capacity of all halfway houses,

countrywide. Average term of stay in halfway house is about 3-4 months. Resident's of halfway houses are spoken to and treated by staff in a homelike atmosphere. When the staff notice any slight change in the mood of the residents, the staff take it upon themselves to resolve the problem. Halfway houses offer vocational guidance to discharged prisoners and help them to find suitable employment. Most residents work outside the halfway house on a daily basis. Employment offers them financial independence and builds in them good work ethics. Guidance on life skills is also offered at the halfway house.

The Japanese system has a nationwide special type of supervision and aftercare for discharged prisoners whose sentences are eight years and above, including life sentenced prisoners. They are accommodated for the first month after release on parole and receive intensive group counseling, as assistance and guidance to help them cope with social life. The halfway house in Japan has historically been operated by private people.

(b) *Korea*

In Korea, if the discharged prisoners have no family or house, the Korea Rehabilitation Protection Foundation provides accommodation, money, food as well as training and job referrals for the discharged prisoners. There are 72 halfway houses in Korea. In 1995, the total number of discharged prisoners who received some kind of services mentioned above was 18,537 (capacity for the accommodation was not available).

(c) *Thailand*

In Thailand, there is only one halfway house run by the Rehabilitation Bureau. Referred to as "Baan Sawaddee" which means Greeting House in English, the Halfway house is available to all releasees.

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The assistance includes the offering of accommodation, meals, job placement and counseling services. This system has just started, so no assessment has yet been made of it.

(d) *Philippines*

1996 saw the operation of a real halfway house for adults in the Philippines. The Philippines-Japan Halfway House aims at providing residential facilities for released and pre-released prisoners. The occupants receive home life and group living experience. They acquire vocational and economic skills and are subsequently placed in jobs. A multi-disciplinary approach by social workers, psychologists, educators and people in allied occupations, create the opportunity for emotional, mental, physical and spiritual growth. They would require these ingredients in their eventual reintegration into the family and community.

(e) *Hong Kong*

In Hong Kong, accommodated in the halfway house as a condition of their Supervision Orders are those: released from prisons under the Pre-release Employment Scheme; young offenders identified as having special needs on discharge from training centers or detention centers; and those in need of temporary accommodation support immediately after release from drug addiction treatment centers. They are required to go out to work or attend full-time school during the day and return in the evening.

B. THE ROLE OF FORMAL AND INFORMAL ORGANIZATIONS

1. Public Institutions

While public institutions play a major role in community-based supervision and aftercare for discharged prisoners, different departments may be tasked with jobs

aimed at either controlling and incapacitating the offender, or providing for their needs after serving the term of imprisonment.

In Japan, the Rehabilitation Bureau of the Ministry of Justice has been performing such role and the Probation Service is part of the Bureau. Supervision is provided by Probation Officers and Volunteer Probation Officers working for the Probation Service. Probation Officers offer aftercare and guidance as well. The government gives not only financial support to the halfway house but also supervision, so that it can provide appropriate services.

In the Philippines, the Department of Social Welfare and Development plays a very important role in the area of community-based treatment of offenders. The Department was instrumental in creating the halfway house for adults.

In Ghana, the police have the mandate to supervise the discharged prisoners. In Fiji, public authorities supervise prisoners on EMP while the police supervise prisoners released on CSO. The particular institutions liaise with the prison authorities in this respect. In the same manner, breaches of the conditions are reported back to the prison authorities. In Korea, the Ministry of Justice controls the correctional service as well as the agency which governs parole and probation.

2. Private Institutions

The Cooperative Employers of Japan play an important role by employing released offenders in the construction, manufacturing, service, wholesale and retail sectors. This is a very important step in assuring reintegration, for with employment comes confidence and self-dignity. Thereby the discharged prisoner is able to meet their material needs, pay bills and live up to responsibilities. They can also have the means to make reparation to their victims.

In Papua New Guinea, it is the church

that plays a role in this regard by accommodating selected discharged prisoners whom they had been in contact within the prison. The church provides basic necessities like food and clothing. The discharged prisoners are given counseling and guidance, and after grounding in doctrine, they participate in anti-crime campaigns and sometimes take up the mantle of leadership in the churches.

3. The Community and Families of Victims and Discharged Prisoners

Before parole is granted, the probation officer conduct investigations into the families of the victims, the families of the prisoners and in the community. They can provide probation officers with relevant information for the rehabilitation plan.

Victim's acceptance of a releasee back into the community leads to the understanding and reintegration of the releasees. Compensation is a method used to facilitate victim's understanding and acceptance of releasees. If releasees recognize that the victim has suffered both physical and mental damage, they will recognize the seriousness of their crime.

The family of the offender, in developing countries like Kenya and Ghana, normally welcome the offender back, offer them their old accommodation in the family house or help to build a new one. Members of the family help to prepare a farm or start a business venture and generally to begin a new life. So long as the discharged prisoner goes back to their roots, there is enough goodwill for them to build on in rehabilitation. The chiefs and elders offer guidance and counseling together with the head teacher, the post-master and the local priest. With such tremendous support, the discharged prisoner has a great chance of reintegrating into society.

In addition, interchange between the families of the victims and the offender who is now discharged, can only happen in small communities where they are

expected to live together; in the urban sector the situation is different. It is often seen in small and traditional communities that the community leaders bring the two parties together, and peace is made after the offender and his or her family.

At the same time as s/he lives among the community, the released offender is monitored as they are known by everyone. S/he is thus inhibited and this serves as a check on the tendency to re-offend. At the community level, the policeman is regarded as kin and the community cooperates with the police in checking the movements of the discharged prisoner. Supervision, thus, is known as quite effective.

4. Volunteer Probation Officers and Other Volunteers

Japan utilizes the services of volunteers in an extensive manner. With 50,000 Volunteer Probation Officers, supporting 700 Probation Officers, who are directly working with parolees in the field, it is obvious that volunteers perform the bulk of the work in controlling and monitoring the discharged prisoners, as well as in assisting the family through counseling and guidance.

Voluntary Probation Officers in Japan promote crime prevention programs, as well as educate individuals and the general public on rehabilitative measures and the needs of the discharged prisoners. They also promote cooperative efforts to eradicate environmental conditions which lead to crime.

Another feature of the voluntary spirit of the Japanese is the existence and activities of the Women's Association for Rehabilitation Aid. With a membership of 194,000 nationwide, the Association is concerned about matters of crime, delinquency, and the problems and welfare of offenders and their families. They provide financial, material and moral support to Volunteer Probation Officers, half way houses and also help the public to

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understand the rehabilitative ideas and efforts through discussions at meetings. Their activities are supported by Probation Officers in the neighborhood.

With the introduction of the parole system in 1991, Papua New Guinea has been using Volunteer Probation Officers to assist the regular Probation Officers in supervising the parolees. Until then, Volunteer Probation Officers were assisting in looking after probationers. They receive training in counseling and interviewing skills and are very effective in their roles. Coming from the same community as the parolee, the Volunteer Probation Officer has good rapport with their client. By 1986, there were 300 active Volunteer Probation Officers. Through their activities, they help in getting the community to support the parolee in ways which facilitate rehabilitation.

Thailand's Volunteer Probation Officers who number 14,000 work with Probation Officers of the Department of Corrections of the Ministry of Interior. They are drawn from among local people who have stable jobs and fixed addresses and no criminal record.¹ The parolees who are supervised by the Volunteer Probation Officers are subject to observation of the conditions attached to their release. Although, most of the countries studied have no Volunteer Probation Officers who substitute for regular Probation Officers, it should be noted that volunteers in many countries implement informal supplementary programs.

**IV. PROBLEMS OF
IMPLEMENTATION AND
SOLUTIONS**

In the implementation of community-based programs for the treatment of offenders we considered whether the needs of discharged persons and the needs of the community have been met by the programs. We further considered if the problems are the result of flaws in the design of the programs or that the programs are not suitable for the needs they seek to address.

A. Inadequacy of Personnel

The issue of inadequate staff to carry out community-based programs was recognized as common to all the countries studied. Japan for instance, was cited as having only 700 Probation Officers directly working with parolees throughout the nation. Supported by 50,000 Volunteer Probation Officers, the number is still not enough to offer top level service for, parolees especially, those with high risk/needs such as drug offenders, mentally disordered offenders, sex offenders and violent offenders who require special treatment programs.

This problem extends to all other agencies involved in community corrections in the nine countries represented, and conceivably all over the world. Many probation officers are young and inexperienced. Combined with other problems such as lack of good supervisory systems, shortage of staff and poor training opportunities, the quality, of fieldwork and casework suffer. Specialization is missing, especially in relevant fields like psychology and sociology. Administration of probation services, generally suffers from lack of managerial and supervisory skills on the part of some administrators. At the root of the problems of treatment staff is the lack of adequate compensation, incentive and good conditions of service.

¹ They are distinguished from the Volunteer Probation Officers who work for the Department of Probation. While the former supervise parolees, the latter takes care of probationers.

B. Lack of Aftercare Programs

Many countries are obsessed with security at the cost of developing treatment programs for the reintegration of the offender. The countries studied gave the impression that the needs and concerns of the discharged prisoner are less important.

For instance, a common phenomenon throughout the countries we studied reveals the crippling disadvantage the discharged prisoner faces in the job market. A bedrock of rehabilitation, employment enables the discharged prisoner to meet their responsibilities, yet, the lack of skills and the stigma of imprisonment play negative roles in ready absorption into the job market; as most prisoners are in the first place unskilled and do not receive adequate training in the prisons.

Programs like vocational training and job placement are limited. It is very difficult to fully implement and develop resources for programs of such kind. This phenomenon is attributable mainly to the values of the society. Kenya, for instance, has focused on protecting society from the activities of the criminal. Aftercare services are hampered by lack of funding for programs. Many useful programs have had to be shelved because of this problem.

It is perceived by the group that development of aftercare programs in the community may require the modification of administrative organizations. For instance, further involvement of social welfare agencies or the rehabilitation of released offenders is necessary. With probation officers as service providers, they are not always oriented towards rehabilitation and aftercare, instead focus is towards control and monitoring.

C. Inadequacy of Supervision

Supervision tends to create loopholes for the released offender bent on committing another offense. The releasee is only controlled and monitored for a short part of the day and in cases like Fiji, Ghana and

Kenya, reports on average once a month. Releasees are virtually on their own. Particularly, more effective and intensive ways to supervise offenders posing high risk to the society should be explored including adequate conditions.

It is very easy for parolees and others under supervision to run away. So many parts or these countries are virtually inaccessible and record-keeping is very poor. It is difficult to track them. In the absence of citizen registration or identification systems, chances of re-arresting an escapee are bleak.

Some participants expressed the view that increasingly complex cases saddle supervisors with heavy workloads. Though statistics are not readily available, it is obvious that they find it impossible to pay the necessary attention to detail. With logistical support not forthcoming, especially vehicles and monitoring devices, the supervisors are crippled in their work.

D. Lack of Programs for Specific Rehabilitative Needs

Countries do not seem to pay much attention to programs which address the specific rehabilitative needs of the offenders, outside the prison. Though there are many categories of offenders who require specific treatment, like psychiatric cases, sexual offenders, violent offenders and alcoholics, we could only identify drug and substance abuse programs in the communities of three countries; Hong Kong, Japan and Thailand.

The programs do not address the specific rehabilitative needs of the offender who is in the community for treatment which would complement their progress to eventual social reintegration. Although there appears to be no need for such programs, it is our view that the lack of treatment for specific types of offenders is attributable to some forms of ignorance. Several factors, such as limited awareness of the seriousness of the harm done by

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those offenders due to non-availability of data, and limited faith in criminal justice administration, can contribute to the ignorance about special treatment measures.

Even though the necessity for these treatment measures is acknowledged by practitioners and policy-makers, considerations such as the following, deter them from implementing these treatment measures:

- (i) Absence of established and effective treatment programs.
- (ii) Prohibitive cost of programs.
- (iii) Lack of community support for the implementation of such programs.

E. Absence of Inter-Departmental Cooperation and Support

Various organizations are involved in the running of community-based correctional programs. Since they have similar objectives, they are expected to cooperate with each other. While state and private institutions are likely to cooperate with each other, for instance, the prisons and the churches, the same cannot be said about governmental bodies, particularly probation and prison officials.

The exchange of information between the two is not smooth; yet the two bodies could complement the work of each other; the prison officer letting the probation official know about the nature and peculiarities of the offender before release, and the probation officer letting the prison authorities know in advance the peculiarities of the convicted person as they are being brought in to serve their sentence. The interchange of information would help both bodies plan their treatment measures in respect to the offender. Many countries reported this problem of lack of inter-departmental cooperation and mutual support.

It was observed that the prisons are reluctant to offer information about the attitudes, health situation and other

details the probation officers need, to work out case plans. Several reasons for this situation were pointed out. In some countries, restrictions are legally placed on the giving of information and prison officials have to be careful.

Though it is desirable that programs instituted in the prisons for the rehabilitation of prisoners should be carried through to the community, there is a lack of cooperation between the correctional and probation agencies on the program design. Many countries pointed out the lack of coordination among supervisory agencies, social welfare and social development services engaged in similar rehabilitation efforts.

F. Unfulfilled Expectations

1. Victims and Families

Victims and their families cannot accept discharged prisoners easily. Inadequate compensation is a major source of the victims and their families' inability to tolerate the releasee. Generally speaking, discharged prisoners lack funds and the support systems for them are insufficient.

Although some countries such as Hong Kong, Japan and the Philippines have some official compensation systems for the victim and the family, other countries like Fiji, Ghana and Kenya do not have clearly structured compensatory systems for victims of criminal activities.

The victim needs to see the offender pay for the crime, and observing them come back in the community without having paid for their criminality does not satisfy the psychological craving of the victim. The urge is for the victim and their family to visit retribution on the offender. The victim and their family are appeased when they see the offender making restitution through their earnings in the prison, or during the period s/he is on the community correctional program. Post-release programs in the community however, do

not address the psychological needs of the victim. The victim is also not protected from re-victimization by the offender. The programs fail to impose conditions which would restrict the offender from coming into contact with the victim.

2. Community

The community's first need is to be protected from re-offending by the released prisoner. The recidivism rates all over show that this need is not satisfied by the treatment of the discharged prisoner in the community. The need to appreciate change and reformation in the discharged prisoner is of great importance to the community. If the community-based programs do not address this need and released offenders are held in trepidation and fear by the community, it would be impossible for discharged prisoners to reintegrate into the community.

Society also expects the discharged prisoner to find employment and contribute their quota to the efforts to improve the community. Without the requisite skills to obtain jobs, the discharged prisoner becomes a burden on the community. This is the case all over. Stigmatization is a difficult tag to cope with. Many discharged prisoners cannot cope and prefer hanging at the fringes of society, afraid to come in and be rehabilitated.

To carry out successful community-based schemes, the community is expected to support materially and non-materially, but all the countries represented complained about the absence of such community help.

G. Lack of Social Assistance for Discharged Prisoners

1. Volunteer

Volunteerism in Japan is traditionally high. Apart from the Volunteer Probation Officers, the Juridical Person for Offenders Rehabilitation Services and Women's Association for Rehabilitation Aid have

been supporting the operation of the halfway house system. Declining fortunes have created financial problems for these associations and their support has suffered as a result. Membership of the WARA has declined as younger people are not interested in rehabilitation goals.

Mobilizing public interest is not easy and requires resources which are not available. There is a lot of potential in the informal sector and such resources must be tapped for community support of the programs.

2. Private Institutions

The problem of lack of skills of the discharged prisoner is endemic. Most prisoners have no skills before incarceration. They acquire no skills in the prisons nor in the rehabilitation programs in the community. Coupled with the stigma of imprisonment, they are heavily disadvantaged.

Business establishments in the community are unwilling to offer jobs to released offenders because they lack the requisite skills and face antagonism of the public towards discharged prisoners. The economic slump has worsened the situation in many countries. Private institutions which give job opportunities to discharged prisoners are scarce in many countries.

V. RECOMMENDATIONS

Our recommendations are divided into two parts. The first part consists of program design for general and specialized packages for rehabilitation of the early released offender. The halfway house is also considered in this part. Some of the prescriptions are suitable as programs for full-time releasees. The second part touches on prescriptions for implementation of programs, stressing personnel, inter-departmental cooperation and community involvement.

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A. Program Design

1. General Program

- It is desirable that programs are designed in such a way as to have the functions of supervision, aftercare and guidance.
- As much as possible, programs are to be based on research. It is necessary that they have clear objectives of offender rehabilitation and reintegration.
- In designing programs, factors such as consistency, adaptability, feasibility, suitability and affordability ought to be given prime attention.
- Management information systems may have to be improved to keep and maintain up to date records of releasees. As far as practicable, computers should be utilized.
- Citizen identification systems could be improved by taking advantage of tried and tested methods like social security numbers and national identification cards, so that the chance of re-offending can be reduced.
- It is important that program designers recognize that employment is the key to rehabilitation for the released offender. With the prisons having failed to equip the prisoners with employable skills, it is incumbent upon the community-based programs to focus on skills training to increase the chance of the released prisoner in getting a job.
- At various stages of implementation, programs ought to be evaluated and adapted to suit the objective conditions.

2. Specialized Program

- Policy makers would have to explore the special needs of the community which require solution-including types of offences/offenders,

prevalence of these offences and seriousness of harm done by them-through the collection of data.

- Practitioners have to contribute to identification of the problems by expressing their views and experiences to policy makers, as they are in the front line and know the realities of these problems.
- Programs should be planned to address the criminogenic needs of particular offenders. The subjects, approaches, duration and providers of services should be elaborated on in the programs.

11. Priority would have to be placed on programs for the high risk/need offenders in order to reduce the chances of reoffending and effectively utilize limited resources.

12. Government organizations involved in forensic science, health and social welfare services, particularly those specializing in the treatment of offenders with multi-faceted and serious psycho-social problems, could further exchange information and collaborate with each other in implementing treatment programs for special categories of offenders.

3. Halfway House

13. Countries which have halfway houses are to utilize them extensively. Countries which do not have these are invited to consider introducing them.

14. Halfway houses in addition to providing boarding and lodging, may offer mental care, living skill guidance and job placement services to the discharged prisoner.

B. Program Implementation

1. Personnel

15. To raise the level of efficiency, the conditions of service of personnel

involved in community-based programs, for example probation and parole officers, may have to be improved to motivate them and also to attract highly qualified personnel.

16. Training facilities require improvement to offer Probation/Parole workers access to new techniques in carrying out their tasks. The staff would have access to institutions where they can acquire higher knowledge and qualifications. Incidentally, the various clauses of article 16 of the Tokyo Rules¹ advocate making training part of the conditions of service to attract and to retain staff for the demanding requirements of the job, and offering opportunities for improving their professional competency.
- To reduce the burden on Probation/Parole Officers, countries which do not have the Volunteer Probation Officer system may consider its introduction.
 - To complement the staff strength, capable Volunteer Probation Officers may be appointed permanent Probation Officers. Incentives to

Volunteer Probation Officers must be substantive, even if non-material.

- Efforts have to be made to seek the involvement of volunteers with relevant specialization to implement specialized programs at minimum cost.
 - To achieve greater efficiency, it is important to maintain a close relationship between Volunteer Probation Officers and Professional Probation Officers.
2. Inter-departmental Cooperation
- To resolve the issue of non-cooperation and lack of inter-departmental support, top management of correctional and probational departments may have to recognize the necessity for cooperation with each other, particularly when they belong to the same parent organization. This requires having continuous dialogue and regular meetings.
 - It is necessary that personnel engaged in the delivery of programs, exchange information with each other.
 - Private institutions could be approached to contribute towards offenders' rehabilitation by offering vocational training and employment to discharged prisoners.
 - The government may want to motivate private institutions by offering incentives like tax breaks.

3. Community Involvement

- In the designing of programs, public relations outfits may be incorporated to tap the informal resources in the community. The public relations units have to survey the community and network with groupings and organizations, that can be asked to contribute to the rehabilitation efforts and which can mobilize

¹ 16. Staff training

16.1 The objective of training shall be to make clear to staff their responsibilities with regard to rehabilitating the offender, ensuring the offender's rights and protecting society. Training should also give staff an understanding of the need to cooperate and coordinate activities with the agencies concerned.

16.2 Before entering on duty, staff shall be given training that includes instruction on the nature of non-custodial measures, the purposes of supervision and the various modalities of the application of non-custodial measures.

16.3 After entering on duty, staff shall maintain and improve their knowledge and professional capacity by attending in-service training and refresher courses. Adequate facilities shall be made available for that purpose.

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community support, especially in small communities where programs are sited.

- It is desirable that responsible state agencies respect informal activities done in the community in pursuit of offender rehabilitation, give public recognition and where necessary, recommend improvements.
- It is important that the victim is firstly compensated by the offender by means of public or private assistance. Then the victim and offender can be reconciled, to prevent retaliation by the victim or society. This would make the offender recognize their antisocial behavior and assume responsibility for the damage they have caused the victim.
- It is important to avoid re-victimization through effective supervision. It is equally important to offer adequate psychological care and counseling to help the victim overcome the trauma of victimization.
- Reduce stigmatization from the society by involving the offenders in various local community activities like sports and cultural events.

to reintegrate these releasees through effective programs. Emphasis should be on effective and efficient aftercare programs if the goal has to be achieved. The essential question to ask ourselves is how we can improve the existing supervision and aftercare methods applicable today. There is need for international cooperation and more research on these issues.

VI. CONCLUSION

The goal of the group was to discuss effective rehabilitative programs for the released prisoners for their proper reintegration into society. It must be recognized that the kind of rehabilitation treatment given to offenders differs from country to country. The group has realized that there are no well-structured programs in most countries, as discussed in the paper. Emphasis is mainly placed on observance of conditions of parole or license, rather than on specialized treatment for the different categories of releases. There is, therefore, the need to come up with comprehensive plans and strategies on how

APPENDIX 1

TABLE I

BREACHES OF CONDITIONS OF EARLY RELEASE IN FIJI

Year	EMP	Breach of EMP	Percent of breach	CSO	Breach of CSO	Percent of breach
1986	508	122	24.0	40	2	5.0
1987	637	91	14.3	42	0	0.0
1988	456	47	10.3	6	0	0.0
1989	460	86	18.7	88	2	2.3
1990	424	60	14.2	25	2	8.0
1991	358	41	11.5	55	8	14.5
1992	349	30	8.6	39	2	5.1
1993	296	31	10.5	45	1	2.2
1994	211	10	4.7	13	1	7.7
1995	204	5	2.5	11	0	0.0
1996	387	23	5.9	12	1	8.3

Source: Research in Planning Section, Prison Headquarters, Fiji

TABLE II

NUMBER OF PAROLES IN JAPAN

Year	Termination of Parole	Expiration	Percent of Expiration	Revocation	Percent of Revocation
1987	17,396	15,783	90.7	1,438	8.3
1988	17,262	15,607	90.4	1,489	8.6
1989	16,427	15,017	91.4	1,207	7.3
1990	15,393	14,119	91.7	1,109	7.2
1991	14,272	13,118	91.9	979	6.9
1992	13,098	11,995	91.6	891	6.8
1993	12,745	11,655	91.4	908	7.1
1994	12,556	11,485	91.5	915	7.3
1995	12,312	11,244	91.3	891	7.2
1996	12,202	11,223	92.0	846	6.9

Source: Annual Report of Statistics Rehabilitation, Ministry of Justice, Japan

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TABLE III
NUMBER OF EARLY RELEASEES AND BREACHES OF CONDITIONS IN THAILAND

Year	Sentence remission granted	Parole granted	Breach of condition	Percent of breach conditions
1987	11,490	2,778	88	0.6
1988	10,871	787	20	0.2
1989	9,721	1,220	48	0.4
1990	10,392	1,768	43	0.4
1991	9,363	956	44	0.4
1992	11,321	945	54	0.4
1993	12,020	1,282	50	0.4
1994	14,003	2,088	86	0.5
1995	17,460	2,114	88	0.4
1996	17,543	805	62	0.3
1997	19,824	1,114	42	0.2

Source: Department of Corrections, Ministry of Interior, Thailand, 1998