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## PARTICIPANTS' PAPERS

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### INSTITUTIONAL TREATMENT AND MANAGEMENT OF ORGANIZATIONS FOR JUVENILE OFFENDERS IN MALAYSIA

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#### I. INTRODUCTION

This country report confines its scope to two challenges: institutional treatment and management of organizations of juvenile offenders. The institutional treatment programme we have today in Malaysia was only introduced after the Second World War. It has been shaped by many factors, including British colonial involvement, the teachings of Islam and distinctive geographical and population characteristics.

The infrastructure for the treatment of juvenile delinquents, as with social development in Malaysia, is closely linked to British colonial involvement in the region prior to independence in 1957. Many practices and some legislation governing the care and control of juveniles still date from this era of British colonial rule. This is most clearly evident in the Juvenile Courts Act 1947 which is still operational today. However, new comprehensive children's legislation will be introduced in Malaysia for the new millennium.

The Juvenile Courts Act 1947 was introduced essentially to prevent and to salvage children and adolescent who would have otherwise taken to a life of crime. Later in 1950, the Juvenile Court Ordinance (The Places of Detention Rules) was also introduced. Another Act, The Children and Young Persons Act,

1947 was intended to protect and prevent child abuse and neglect. The Adoption Ordinance 1952 and the Registration of Adoption, 1953 was intended to safeguard the rights and status of children.

All these Acts were introduced in response to the social upheavals brought about by the Second World War. In a transition from a traditional society to an industrial one, the communities in Malaysia (Malays, Chinese, Indians and others) experienced a disruption to their traditional balance, so these Acts came into being.

The Juvenile Court Act 1947 provides the legal and administrative infrastructure for the arrest, detention, trial and treatment of juvenile offenders. In the treatment of juvenile offenders, the concept 'child friendly' is given the priority where the well being of the inmate is of utmost importance. This is in line with the seventh strategic objective of Malaysian Vision 2020 where it seeks to establish "a fully caring society and a caring culture".

#### II. TREATMENT OF JUVENILE OFFENDERS IN MALAYSIA

In Malaysia, the treatment of juvenile offenders is placed under the preview of the Social Welfare Department, as it considers that the delinquents are a symptom of maladjustment. As such, a more humanistic approach is being used to deal with the delinquent behaviour. Based on this understanding, social work approach towards helping in the

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rehabilitation of the juvenile is by means of processes such as family centred case work, counselling, group work and community. The salient aspect of this approach is the inculcation of life skills that include coping skills and vocational skills for their ultimate social reintegration into society.

The programme as discussed earlier is supported by both legislative and administrative infrastructure to provide compulsory treatment. The treatment modalities contained in this programme have treatment facilities both within the community and in institutions. The process of treatment and rehabilitation of juvenile delinquents is shown in appendix A.

#### **A. Treatment Within the Community**

Community treatment for offenders has a positive effect on juveniles. The Probation Order given by the courts allows the Probation Officers or the Social Welfare Officers to carry out treatment and rehabilitation in the open. The Probation Officer, who is assigned the supervision of the case, works with the juvenile, his family and his immediate environment. There are instances where the Probation Officer has to work separately with the juvenile and his family because of strained relationships. While the juvenile temporarily resides in the hostel, the Probation Officer works hard to improve their relationship. Other case work efforts involved reinstating the juvenile back to school if possible, arranging for medical treatment, for training facilities and placing in employment, or enabling the juvenile to engage in some income-generating projects. While in the hostel, the juvenile is allowed to continue his formal education in a normal outside school.

Members of the public are encouraged to be involved by providing training facilities. They play a vital role in juvenile crime control apart from providing jobs and on-job skill training. Besides, they also contribute efforts in inculcating social, moral values and working habits in young offenders.

Under the Juvenile Courts Act 1947, and The Constitutions and Duties Regulations 1976, Juvenile Welfare Committees in all district levels have been appointed by the Minister to work with the Probation Officers. In this respect, probation orders are given priorities. The Juvenile Welfare Committees are entrusted with the responsibilities to guide and organize recreational, educational, medical, psychiatric and mental health facilities for the juvenile and the family as a whole. Besides, the juvenile is also encouraged to channel their energies with constructive and wholesome activities such as camping, jungle tracking and mountain climbing.

Service Clubs such as Lion Clubs, Rotary Clubs, and many others come forward to sponsor such programmes. The community awareness in promoting the concept of a "Caring Society" is important. With concerted efforts, the conditions of the family and the juvenile are assured of his rights and dignity of being part of the community. Recognizing the importance of non-institutional measures, the "adoption" scheme is a vehicle to encourage the participation by voluntary organizations and individuals in the community. The members of the Juvenile Welfare Committee who are normally well-known and well-respected members of the Community take in one or two juveniles into their supervision. The Juveniles will then be introduced to the residents associations, neighbourhood

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committees and religious bodies so that they will be under better supervision giving the Probation Officer more time for other complicated cases which require professional case work and counseling sessions. In this manner, the juvenile feels more accepted in the community with easy accessible and regular contacts with the neighbours and people who care. The rate of success is encouraging.

### **B. Institutional Treatment**

In Malaysia, the system generally encourages treatment within the community. Institutional treatment is to be considered as a last resort. In addition to this, there are further protective provisions regarding institutionalizing a juvenile. They are:

- A child under the age of 10 years shall not be sent to an Approved School.
- A child under the age of 10 years cannot be made to reside in a Probation Hostel.
- An offender below the age of 14 years cannot be sent to a Henry Gurney School.

The institutional treatment for juveniles consists of two modalities in Malaysia. One being a closed institution or advanced Approved School, that is under the administration and management of the Prison department; and the second, an open institution or Approved School that is under the Department of Social Welfare.

Juveniles who have committed more serious crimes or those who have not made good in other modalities of treatment are normally admitted to the advanced Approved School for treatment under more rigid security. Even though under different departments, the treatment is geared towards preparing the juvenile from the very instant he

steps into the school for his ultimate reintegration to society.

The juveniles in the Approved Schools are subjected to rules and regulations in a structured environment. Daily routines are strictly adhered to. Nonetheless, child rights and treatment under the Child Right Convention is implemented carefully and monitored. This is also in line with the Malaysian concept of "Child Friendly" and "Caring Society."

Therefore, punishments in any form, are only given by the head of institution, strictly in accordance to the Approved School Rules. A record for all punishments is properly maintained for inspection. Corporal punishments are the last form of punishment when other forms of punishment are just as effective.

#### 1. Sekolah Tunas Bakti (STB)

This institution is an Approved School for the detention and rehabilitation of:

- (i) Juveniles who are involved in crime.
- (ii) Juveniles who are beyond parental control.

The Approved Schools are run on an open institutional concept maintaining as far as possible full access to the community at large. The School in reality is one component of the treatment continuum.

Referrals to STB are made under section 26 through 33 of the Juvenile Court Act 1947 and result in Court Orders placing boys as young as 10 in Approved School training for a mandatory period of 3 years.

A Juvenile is a person who has attained the age of criminal responsibility prescribed in section 82 of the Penal Code

and is under the age of eighteen according to the Juvenile Court Act 1947.

There are eight Approved Schools throughout Malaysia. Six in Peninsular Malaysia, one in Sarawak and one in Sabah. Out of these eight schools, six are for boys and two for girls.

The objective for these Approved Schools is to provide the juvenile offenders with education that is geared towards positive attitudes and character building, promoting and improving their capacities so that they can be reintegrated back into society as well as live a more independent and beneficial life. The programmes in these Schools are geared towards preparing the juvenile from the very instant he steps into the school for his ultimate return to his family and society.

## 2. Admission

Admission to the Approved School is by Court Order.

## 3. Period of Rehabilitation

Rehabilitation in this institution is for a period of 3 years. However, a resident may be released on licence before the expiry of his/her rehabilitation period by the Board of Visitors subject to his/her progress but not earlier than 12 months from the date of admission.

## 4. Administration

The administration of the Approved School is guided by the Juvenile Courts Act 1947 and Approved School Regulation 1981.

## 5. Services

### *Care and Protection*

The training and treatment in institutions are also directed towards the provision of adequate care and protection.

Eighty five percent of the institutional staff are full-time staff. The head of the institution is a professionally trained personnel with a team of social workers. Under the Approved School Rules, every inmate has to be supplied the following components:

### (i) *Facilities/Accommodation*

These juveniles are held in semi secure facilities designed to look less like prisons and more like high schools. Their living environment is designed to meet their needs. They live together in the dormitory where they have to learn to live together.

STB facilities include administrative buildings, dormitories, workshops for vocational training, classes for academic studies, a dining hall, a bakery, an indoor hall and a seminar room. STB is also equipped with other facilities like a library, computer room, gymnasium, sick bay, TV room, washing area and surau for prayers. With all these facilities, the individual treatment, education both vocational and academic, and daily needs of the juvenile offenders are more than met.

### (ii) *Food*

Adequate basic need such as food is provided. Juveniles are served 6 meals daily—breakfast, morning tea break, lunch, evening tea break, dinner and supper. Every inmate should be provided by the administration at the usual hour with food of nutritious value, based on scales recommended by the Ministry of Health. Food served varies from day to day according to the menu prepared by the staff and approved by the Director-General of Social Welfare Malaysia. The daily menu rotates every six months so as to provide a

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varied type of balanced and nutritious food to promote physical and mental development. This is a necessary requirement to be met.

(iii) *Clothing*

Articles such as clothing, shoes and slippers are provided by the administration. The inmates are however allowed to wear their own clothes during their leisure hours, so for those parents who can afford to provide such clothing, they are allowed to do so. These inmates are required to wash and keep their clothes clean as well as to observe personal hygiene. They are required to wash regularly and every once a week the juveniles' bed linen are washed. This is supervised by the House Master (Welfare Assistant) in charge of each dormitory. In some schools, washing machines are provided.

(iv) *Medical Treatment / Care*

Inmates suffering from minor ailments are treated at the sick bay by staff. Those suffering from serious illnesses are taken to hospital for more intensive treatment. For those requiring dental treatment, they are also taken to the government dental clinic for treatment. Medical and Health Units also pay regular visits to the schools to give medical and health services.

(v) *Daily Needs*

Inmates are supplied with necessary items of personal hygiene such as toothbrushes, toothpaste, soap, towels, underwear, and others. Such articles are sometimes supplied by families who can afford to do so.

Every child is given a daily allowance of 50 sen for pocket money by the

Government for those not schooling, whereas for those who are schooling, they are given RM1.50 for pocket money. This money can be used to buy necessities such as the above or they can request to use the money to buy their favourite food stuff. Most of them go for fast food like Kentucky Fried Chicken.

*Counselling and Guidance*

The inmates are given counseling and guidance to overcome their emotional and psychological problems. Towards this end, the Principal and the Social Welfare Assistants regularly held individual and group counseling sessions and case conferences. Counselling is a very important component as it provides an opportunity for the juveniles to express their feelings openly with the goal of resolving personal issues and problems. This will help them to solve specific problems as well as to discontinue inappropriate, damaging, destructive or dangerous behaviour.

The focus of these counseling sessions is to enable the juvenile to overcome their emotional and psychological problems as well as to develop coping skills and life skills to function effectively in society. As these inmates require care and supervision 24 hours daily, each dormitory is put under the care of a House Master (Welfare Assistant) to offer more personalized care, social counseling and moral training.

*Academic Studies*

(i) *Inside Institutions*

The educational programmes include education and training, inside and outside the institution. Inmates who are still schooling are allowed to continue their formal education. Formal education is provided in the

institution till the primary and secondary level.

Inmates who are school dropouts and have not attained the educational level which allow them to attend normal schools outside are required to attend educational classes which are specially arranged for them to acquire sufficient literacy. For those illiterate inmates, they are taught based on the 3M curriculum in order to at least learn how to read, write and count. With these basic skills, it is hoped that they can at least acquire a training programme based on their educational level. Juveniles who cannot attend the normal school but have good potential are given correspondence courses and tuition within the institution.

Education is an important component of rehabilitation in the institution. It is clear that education is obligatory for all juvenile inmates by taking into consideration their different levels.

(ii) *Outside Institutions*

Inmates are allowed to attend normal schools during the day, outside their institution. Inmates who are eligible for upper secondary education are encouraged to do so. For those inmates who are interested in learning how to use the computer, they are taught so.

*Religious/Moral education*

Religious instructions and facilities are provided for all inmates irrespective of color, race and religious observance and persuasions. Muslims are escorted to prayers in mosques. For these Muslims, a special religious teacher is employed part-time to instruct them in their religious classes while non-Muslims are taken to temples and churches for weekly

prayers. Voluntary religious groups also give them religious and moral education within the institution from time to time.

*Vocational Training*

Vocational Training is another important component of rehabilitation. Taking into consideration that many of the juvenile offenders are school dropouts, the training programme drawn up for each inmate must be appropriate to their educational standard. The ability and preference of each inmate is also given due consideration for the type of employment likely to be available. Vocational training is provided with the hope that after their release from the institution, they will be able to secure employment based on the skills acquired by them.

Vocational training (for Boys) in different skills are as follows:

- Carpentry/wood carving/cane furniture and work
- Motor mechanics
- Welding
- Electrical wiring
- Handcraft
- Compressing bricks and brick laying
- Bread/cake making
- Plumbing
- Agriculture/Animal rearing

Vocational training (for Girls) in different skills are as follows:

- Domestic work/cooking
- Tailoring
- Embroidery
- Handcraft
- Catering

Institutions have embarked on the idea of inviting private companies to assist and participate in the training programmes to upgrade the standard to a

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marketable level not only standard of products but also the quality of training and skills which are in demand in the private sectors. The private sector is also encouraged to establish jointly in the factory situation for the on-the-job training and ultimately to absorb them into employment. This joint venture programme is known as Smart Partnership and has been carried out in many of these Approved schools. Under this smart partnership, inmates under training are paid a daily allowance of RM15 to 20. So far, this joint venture involved skills like carpentry, motor mechanics and bread/cake making.

*Sports and Recreation*

Inmates should be employed in outdoor work with at least one hour of suitable physical exercise in the open air daily. If they wish, they may play sports such as soccer, basketball, takraw, volleyball, table tennis, netball and badminton. There are football fields, a volleyball court, a badminton court, a sepak takraw court, a basketball court as well as a closed gym. They may also play indoor games like carom and chess. Sporting contests are sometimes organized between the juveniles in other states or other representatives of normal schools. Thus, they get an opportunity to be in contact with the outside world.

Recreational and cultural activities also include playing musical instruments and traditional musical instruments like the kompang, participating in brass bands and learning cultural dances. Besides that, juveniles may watch TV programmes and videos in the evening and at night as well as during the weekends and holidays. They may also listen to the radio till the time they should go to bed. They can read books, newspapers and magazines in their

library and also borrow books from the library.

These recreational and cultural activities are provided for the benefit of the mental and physical health of the inmates. Inmates are encouraged to participate in the various forms of recreation to maintain good health, to utilize their leisure time and to cultivate good relationships among themselves.

*Privileges*

Inmates are occasionally taken for picnics, camping trips and visits outside. They are also allowed, under necessary supervision, to communicate with their family and reputable friends at regular intervals both by correspondence and by receiving visits.

*Discipline*

Discipline is encouraged through a system of rewards and privileges. Desirable behaviour is encouraged through a book system which is tied up with rewards and privileges. This system focuses on specific behaviour modification through deprivation of privileges. It has its positive element as it provides facilities to earn back lost privileges within a shorter period of time through the performance of some task job. The forms of rewards and privileges tied up with the system are pocket money, home-leave, outings, film shows, visits, early release, etc.

*Board of Visitors*

Each Approved school has a Board of Visitors, which comprises of not less than seven Members who are appointed by the Honourable Minister of National Unity and Social Development. The Board of Visitors is responsible for:

- Providing assistance towards the resident's rehabilitation programme

- Guaranteeing smooth and efficient management.
- Making recommendations on the management of the institution to the authorities.

#### *Follow-up Supervision*

A juvenile who has been released from the Approved School is placed under the supervision of the Probation Officer for one year. A juvenile who has been released on licence is placed on licence by the Probation Officer until the period of the order expires.

### **C. Case Management System**

Juvenile delinquency refers to the behaviour of non-adults which violates the rules and regulations set by the government or society. Juvenile delinquency globally has been a serious problem and the concern of all. The nature and magnitude of juvenile delinquency differs from place to place. The root causes are many and diverse.

Case studies reveal that the main contributing reasons are the consequences of economic, social, cultural and moral problems leading to the breakdown of families, poverty, domestic violence, polygamy, a degeneration of values and civility.

In Malaysia, juvenile delinquency is closely associated with poor family attachment and failings. The inclination towards juvenile crime often arises from factors at home. Poor parenting behaviour, lack of love and care as well as violence in the family are among the main reasons why children resort to crime. Having unsatisfactory relationships as well as having grown up in these neglected and poor environments, children are driven into delinquency problems. Deviant behaviour

is often the result of an unstable and unloving home life.

Delinquency violence is often linked to lack of parental supervision, parental rejection, lack of parental involvement and poor disciplinary practices. Child abuse or neglect, poor marital relations, parental absence and large family size are also among the factors that turn juveniles towards anti-social activities and eventually, crime. Juvenile crime is also attributed to lack of positive interactions with parents or others and inconsistent discipline as well as inadequate or inconsistent parenting skills.

A similar trend is found in Malaysian Society. It is evident the family plays a significant role in shaping the juvenile delinquents. The majority of our juvenile delinquents come from broken homes and are either illiterate or school dropouts. As such the methods of treatment and management of these juveniles can be fully understood only against the background of these important factors influencing them. Needless to say that in particular, the national crime picture and the national value system and that the economic structure and social system of our society play an important part in formulating policies, legal guidelines for the treatment and management of these juvenile delinquents.

In the implementation of the law, in accordance with the national legal system, the well being of the juveniles from their early childhood and cultural background should be the focus of any preventive and treatment programmes. The rapid increase of juvenile delinquency saw the introduction of some forms of legal system including penal laws. The system must ensure positive correlation and responsibilities, which



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help the development of young offenders with specific roles for the family and society. It is imperative for the system to strike a balance between the protection of the child and protection of society. The system has to devise innovative approaches to uphold the rights of children in conflict with the laws without undermining their needs. In this respect, the most significant legislation in this country was the enactment of the Juvenile Courts Act in 1947 and the Rules of the Approved School, which defined minimum standards for the treatment and rehabilitation in institutions.

1. Juvenile Courts Act 1947

This Act categorizes juveniles into Children and Young Persons. A "child" means a person under the age of fourteen whereas a "young person" means a person who has attained the age of fourteen years and is under the age of eighteen. Under the Juvenile Courts Act, a juvenile charged for an offence appears before a Juvenile Court where a Juvenile Court judge would preside. The age in question for the court to impose judgement is the age at the time of the offence.

Juvenile offenders are handled and treated separately from the adults. The detention of minors with adult suspects is in contravention of the Juvenile Courts Act 1947, which clearly prescribes the manner in which minors are arrested, detained and tried. Under the law, juveniles are recognized as being different from adults and as such are accorded different treatment.

A juvenile who is arrested can be detained for up to 24 hours and thereafter a court remand order is required. This is provided for under the Criminal Procedure Code. He has to be detained away from the adult suspect in a police

station or remand home or hostel. The Act also states that while under detention, a juvenile must be prevented from associating with an adult offender and if a girl offender must be under the care of a woman. The detention awaiting trial is restricted to a minimum period of time so that the case will be disposed as early as possible.

Immediately after his arrest, the police must inform a Probation Officer and parents or guardian of the arrest. Offences of a lighter nature are given bail or bailed by the parents or guardian who will ensure the juvenile offender's presence in court. More serious offences or those where parents are not found are remanded in the Remand Homes or Probation Hostels.

2. Constitution of Juvenile Court

A juvenile can only be tried in a Juvenile Court, which is very different in composition and procedure from other courts. It is presided over by a Juvenile court judge who is assisted by two advisers, one of whom is usually a woman. These advisers advise the magistrate in the selection of the treatment programmes suitable for the juvenile. It is not an open court and comprises only of court officials, parties to the cases, parents/guardians, lawyers and witnesses. Newspaper reporters are allowed to be present with permission granted by the Magistrate. However, they cannot reveal the name, addresses or school or any particulars that may lead to the identification of the juvenile. Procedure in the trial also differs from the trial of an adult. The Court has to explain the charge to the juvenile in simple language and ask him whether he understands and admits the facts of the case presented. If he does not, witnesses will be called and the juvenile may question the witness.

He may also choose to make a statement instead of questioning the witness. The court will then ask questions. If the offence is proved, the court shall obtain a probation report to enable it to make a decision in the best interest of the juvenile. A juvenile cannot be sentenced to death by the Juvenile court. A young person who is jailed will not be allowed to associate with adult prisoners. Instead, he will be sent to an advanced approved school or suitably dealt with in other ways in society.

### 3. Manner of disposal of Cases

There are several dispositional options provided under the law to deal with juvenile offenders:

- To admonish and discharge the offender;
- To discharge the offender upon his entering into a bond to be of good behaviour and to comply with such an order as may be imposed;
- To commit the offender to the care of a relative or other fit person;
- To order his parents or guardian to execute a bond to exercise proper care and guardianship;
- Without making any other order, or in addition to an order under paragraph (c) or (d), make a probation order
- To order the offender to pay a fine, compensation or costs
- To order the offender to be sent to an approved school or Henry Gurney school (advanced approved school); and where the offender is a young person and the offence is punishable with imprisonment, the court may impose upon him any terms of imprisonment which could be awarded by a Sessions court, or if the court considers that its powers are adequate, commit him to the High Court for sentence. It is evident that the general trend in the court orders

is to allow the offender a second chance to correct himself/herself.

### 4. Probation Order

The Probation Order has the same effect as the suspended sentence for adults. The placement of the juvenile under the supervision of the Probation officer is an effective and alternative treatment to institutional treatment. The offender will be told and explained to in simple language the effect of the order and that if he fails to comply with the order and its conditions or commits another offence, he shall be liable to be dealt with for the original offence as well as for the other offence thereafter. A Probation Order could be made for a minimum of one year to a maximum of three years. Under certain circumstances, should the home environment not be conducive, the court can order the offender to reside for a period of twelve (12) months in a Probation Hostel for close monitoring of his behaviour and conduct

This approach involves his family and its environment. The family as the principal unit for transmission of values for social, moral and educational growth, should be regarded as the important agent of change for the offender. Since juvenile delinquency is viewed primarily as an offshoot of the breakdown of the family, therefore strong emphasis is placed on supporting and strengthening the family unit as a preventive device. At the same time the relationship of the police, the courts and probation officers are deemed crucial in working towards the same goal. The probation supervisee is brought back to the courts for review from time to time. The Probation report with detailed information pertaining to his behaviour and conduct is discussed. The duration of the probation supervision can be shortened if his behaviour is found

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to have improved and justified for such revocation of the original order.

5. Client Management System (CMS)

The juveniles admitted to the approved schools are subjected to specific rules and regulations under the Approved School Regulation 1981 as mentioned earlier. Besides that, the Department of Social Welfare has also drawn up some guidelines in a system known as Client Management System (CMS). CMS is used by the staff in the Approved School to help and guide them in the management of the inmates from the day they step into the school till the day of release. This is especially useful for those new and inexperienced staff.

Information and guidelines are provided on every aspect involving the management of the juvenile offender in the institution. Aspects such as registration of the inmate, the forms to be filled, medical check-ups for inmates, briefing on rules and regulations, basic necessities to be provided, etc. are drawn up carefully, keeping in mind the well being of the juvenile offender. CMS provides detailed information and instructions on the procedure of each and every aspect mentioned above. CMS also stresses on the duties of each and every officer. It has provision for the time frame of each task given to the staff for the management of each new case right from the first day the inmate steps into the school till his last day in the institution.

6. Behaviour Modification

The discipline of the Approved School is maintained by a system of reward, privileges and punishments. This system encompasses the fabric of behaviour modification using rewards to reinforce good behaviour and 'punish' undisciplined behaviour within a progressive grading system. It creates a

conducive atmosphere and positive change. Every inmate's behaviour is observed by the staff and recorded. Misbehaviour and undisciplined conduct receives some sort of punishment. The punishment in the form of forfeiture of privileges such as pocket money, deprivation of shopping, outing, home leave, etc. The most effective action is when points or marks are deducted for every misdemeanour or misconduct, preventing him from climbing up the ladder of grading from lower to higher grade. The juvenile depends solely on his grade for home leave and early release. This system, however, has its positive element to provide facilities allowing him to earn back lost privileges through the performance of some tasks. The system creates an atmosphere of competitive growth and positive check on misconduct. It is one of the most effective measurements of treatment programmes in institutions.

7. Behavioural Assessment

Initial behavioural assessment is conducted by observing the juvenile's conduct and personality during the period of one month orientation after the admission. The house parents counselors maintain and intensify rapport and confidence with the juvenile concerned. During the orientation, all behaviour, interests, weaknesses and strengths of the juvenile are recorded. At the end of the month, detailed records are produced for discussion for the purpose of planning training programmes for the juvenile.

The juvenile will then be placed in a workshop of choice in which he shows keen interest and potential. Simultaneously, the House parents and other Welfare assistants following the plan of action, continue to work with the juvenile to correct his weaknesses and encourage positive social development. At

this stage, the focus is on juvenile-worker centred relationships where the House parents are fully involved and participate in the juvenile's programme to ensure the success of the treatment plan.

Skill and behavioural assessments in respect of his behaviour, personality, attainment of education and vocational skills are conducted at regular quarterly intervals. Assessment and progress reports are forwarded to the probation officer for the information of the parents as to what transpired in the institution. In return, the probation officer submits a report to the institution regarding his home environment, parental response, employment and future plan.

It is evident that management of the juvenile in the institution is geared towards preparing the juvenile from the very instant he steps into the school for his ultimate return to his family and society. While the school works with the juvenile, the probation officer works with his family to bring about sufficient changes in his home environment for the juvenile's ultimate return. Throughout the juvenile's stay in the institution, a two-way feedback is maintained between the school and the probation officer.

#### 8. Release

Release is arranged after the probation officer who has been working with the family has provided a full report on the suitability of the juvenile's home condition and a suitable occupation has been arranged for him. A juvenile can be released on licence or on conditional discharge before his original period of committal expires. During this period, he can be recalled to the school, if he is not performing well outside, to complete the full period of his order and if necessary, his period of stay is extended by another six months. In addition to this, there is a

mandatory period of a year's after-care. During the licence and after-care period, the probation officer effects supervision over the dischargée and assists him to adjust to his environment.

With the concerted efforts of the probation officer and the School, it is hoped that once released, the juvenile is more than ready to be reintegrated back into society and to lead a more independent and beneficial life.

#### **D. Case File/Record System**

On the admission of the juvenile offender on his/her first day, the Welfare Assistant in-charge has to open a new personal file for the detainee. This personal file on the detainee contains the following information on the detainee:

- Personal particulars of the detainee
- Court Order
- Probation Report
- Charge Sheet
- Medical Report (to show detainee is fit for traveling)
- Parents' Written consent for Medical treatment.

This file is kept in the Administrative office and is maintained by the officer in-charge of the case.

A Record System is available to record the following:

- Admission of inmates
- Daily attendance book
- Log Book for Duty Officers
- Personal belongings and valuables of the inmates
- A Record to record punishments meted to them
- A Record to record Merit and Demerit Points

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- A Daily Record for each teacher teaching different academic and vocational skills.
  - A Monthly Report made by each teacher of academic and vocational skills.
  - A Record of fire drills conducted by the staff
- assistance. Parents or guardians of juvenile inmates who can afford it, are also required to contribute a certain amount of money through the Court Order. This amount may be small, about RM50 to RM100 that is depending on the income of the family but it may in a way help to make the family more accountable.

In keeping with the government's effort to establish an E-Government, all the STB are equipped with computers. The Social Welfare Department is in the process of setting up a database system in all the STB to keep and compile information on juvenile offenders. Some STB have set up a record system for these juvenile offenders in their institutions.

Normally, an institution consists of 35–40 staff, including both temporary and permanent staff to supervise about 150 to 200 inmates. As these inmates require care and supervision 24 hours a day, sometimes it may be difficult to offer more personalized care, social counseling and moral training as the staff are responsible not only for the care and counseling of the inmates but must also handle all administrative matters relating to the institution. Hence, the inmates are trained to help in the maintenance of the institution. Chores may include duties like gardening, cutting the grass, helping in the kitchen and maintaining the cleanliness of the school. By training them to be self-proficient, at the same time they also help to reduce the costs of maintaining the institution.

**III. MANAGEMENT OF  
ORGANIZATIONS ON  
INSTITUTIONAL TREATMENT**

**A. Strategic Utilization Of Limited  
Financial Resources And  
Maximizing Cost**

The continual development of residential care and control of juvenile offenders in Malaysia is closely linked to the available financial resources for management of these institutions. The allocation of resources to fund the infrastructural development and operations of the system is fundamental, but in a fast developing country like Malaysia where its government is faced with a multitude of other just as compelling priorities, sometimes it may not be adequately addressed. The financial costs associated with residential care of these juvenile offenders are high.

In some Approved Schools such as STB Taiping, the inmates are trained in the skill of making bread and cakes. Besides learning a skill, the bread they make is used to feed the other inmates in the institution as well as the inmates of the Old Folks' Home, another Welfare Institution. At the same time, this also helps to generate income from the sales of bread and buns to the public. The inmates learn to be self-sufficient as well as to minimize the cost of maintaining the institution.

In this respect, besides the Government Agency, different actors such as local NGOs, communal groups and volunteers also have a vital role to play in providing various forms of

Active participation is also practised at the lower management level in the

institutions through The Board Of Visitors. These gazetted board members are usually individuals of respectable standing and influence in the local society, professionals and experienced retired government officials. This board is usually very active in getting funds from the public through fund raising activities such as Jogathon, Food Fair, etc. Local NGOs like the Lion Club, Rotary Club etc., also play a part by donating some money or basic necessities for the use of the inmates.

### **B. Staff Training**

Since all the Approved Schools are under the jurisdiction of the Social Welfare Department, the well-being and the best interests of the juvenile offender in the institution are of utmost importance. This is in line with the government's concept of a caring society. Hence, staff training is very important in this aspect.

Sixty percent (60%) of the staff in these institutions are Social Welfare Officers so their training is mostly on social work and counseling. The Social Welfare Department's own Institute is available to train its own staff at the Federal level. At the State level, there is also a Training Unit each to assist in the training of staff in aspects such as admission and supervision procedures. Sometimes in-house training is provided in the institution itself.

The increasing nature and magnitude of juvenile delinquency require more specialized treatment and counseling. There is a need to have experienced and trained counselors to see to their different needs. In order to overcome this problem, more counselors should be trained. In this respect, the Social Welfare Department has taken steps to collaborate with a local university in its efforts to train its staff in

diploma counseling. However, it is scarce for any staff posted to the institutions, to have an opportunity to go for training overseas.

### **C. Managing Public Relations and Obtaining Public Trust**

Many in Malaysia have a misconception and negative attitude towards juvenile delinquents. In its efforts to bring these juvenile offenders back into the fold of society after their release, the staff in the institutions have to correct this misconception. At the same time, they must liaise with the public to gain public trust.

In the past, the technical processes of planning, management and implementation of programmes in the institutions were left in the expert hands of its staff. These processes were considered and regarded as out of bounds to members of the public, but today such trends are changing. It is not uncommon now for the government agency to seek assistance from the public. One such example is the collaboration of the institution and private sector in its training programmes for the inmates, whereby through a smart partnership programme, the vocational skills of the inmates are upgraded. With this joint effort between the two, the inmate can upgrade his skills as well as to prepare himself for a reintegration into society. Besides, it is hoped that with the training, Malaysia can achieve its dream and objective of obtaining more trained skilled workers in the future. However, the actual exercise of planning, managing and implementing is still in the hands of the government servants.

Community support and participation in the rehabilitative efforts is also drawn through the Juvenile Welfare Committees at district levels. These

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committees comprise members of the public who assist Probation Officers in supervising juveniles, finding them employment, arranging training facilities and most of all making them feel accepted into the community. The whole programme involves providing the juvenile not only with coping skills but also a stress-reduced environment to cope with.

The Department also has programmes for establishing more Probation Hostels amidst housing schemes in preference for long institutionalised treatment. This is in line with both its concept of a caring and child friendly society. In the case of the family of the juvenile offenders, help in the form of various financial aids from schemes administered by the department is also provided. With these efforts geared towards the well being of the juvenile offender, it is hoped that public trust is obtained.

Another effort to gain public trust is through the Client's Charter (as shown in Appendix B) for the Approved School. Through the Client's Charter, it is hoped that responsible and fully committed staff will help to improve the services provided to the inmates. This will help to make them more accountable to the public. With the improvement in quality, public trust is obtained.

The institution also tries to mobilize the expertise and resources of NGOs. Its close rapport with the NGOs would inevitably help them in terms of resource mobilization. The volunteers from international welfare-orientated NGOs such as the World Health Organization (WHO) and Japanese Overseas Cooperation Volunteers (JOCV) have resulted in the running of several social projects such as the Community Based Rehabilitation Programmes throughout

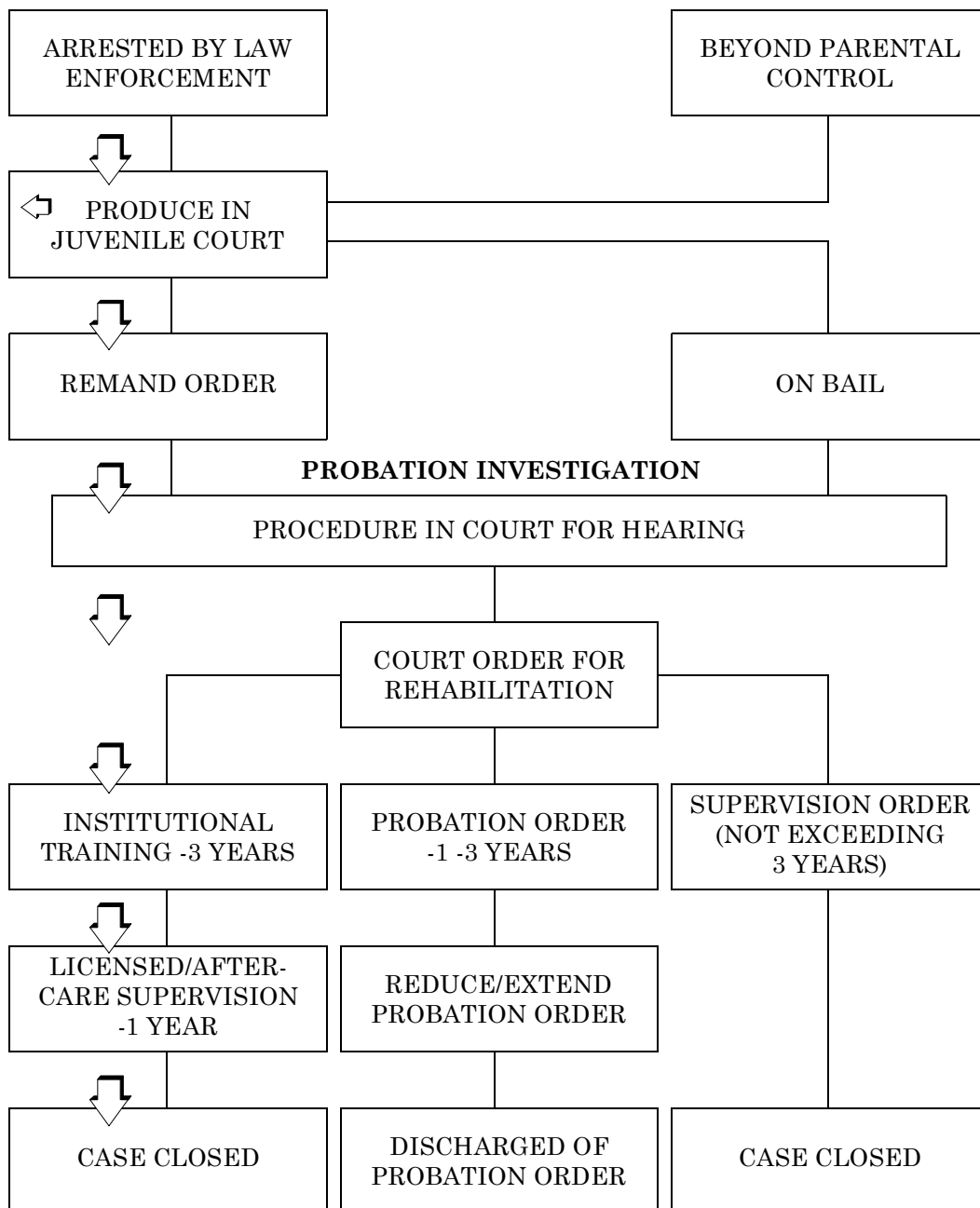
the country. This has helped to improve tremendously the quality of professional input in the institutions involved. In terms of financial aid or grants, through their international parent bodies, local NGOs could hold seminars and conferences on social issues. These seminars and conferences have also helped to sustain family participation in the care, education and control of their children.

#### IV. CONCLUSION

In summary, an attempt has been made to review the practice in the institutional treatment of juvenile offenders as well as the management of organizations providing institutional treatment to the juvenile offenders as practised in Malaysia. Specific mention has been made to programmes carried out in institutional treatment of the juvenile offenders in the Approved Schools (STB). Reference was also made to practices used in the care and control of juvenile inmates referred to the residential Approved Schools by a Juvenile Court system that still reflects the influence of British colonial traditions. Mention was made to the New Bill which is expected to be implemented sometime in the near future. Finally, issues relating to the management of organizations providing institutional treatment to the Juvenile offenders were also highlighted for the ongoing development of juveniles in Malaysia for the 21st Century. It is hoped these issues will contribute to ongoing professional and social policy debates as the nation enters the new millennium and as efforts are made to translate Vision 2020 into reality for all Malaysia's children.

Appendix A

**PROCESS OF TREATMENT AND REHABILITATION FOR JUVENILE DELINQUENTS**





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**Appendix B**

**CLIENT'S CHARTER  
(For Approved School)**

We are committed to provide services of quality at all times to inmates under our care by:

- Giving care, protection, guidance, counseling and service for the well being of the inmates.
- Strengthening the image and identity of each inmate
- Ensuring the physical and mental development and growth of each individual under its care in a comfortable, safe and harmonious environment.
- Carrying out beneficial and motivational activities.
- Providing academic studies and vocational training in keeping with their potentials and age as well as providing adequate guidance and facilities.
- Providing religious and moral education as well as facilities in accordance to their own religion and beliefs.
- Helping to facilitate job opportunities for inmates as well as adequate support
- Providing balanced diet, medical and dental services as well as basic necessities
- Being ready to help inmates in times of emergency and difficulties
- Concentrating on good moral values and conduct.
- Ensuring the confidentiality of inmates
- Striving and facilitating a closer relationship and rapport among the inmates themselves as well as inmates and family/staff.
- Providing facilities and a safe environment for the care and protection of the inmates
- Encouraging self-discipline
- Advocating a healthy lifestyle.