

GROUP 3

EFFECTIVE COMMUNITY TREATMENT PROGRAMMES FOR SERIOUS AND VIOLENT JUVENILE OFFENDERS

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I. INTRODUCTION

Group 3 was required to discuss effective community treatment programmes for serious and violent juvenile offenders released from institutions as well as those who receive non-custodial sentences. We were specifically asked to address the problems and challenges of continuous programmes from institutional care onwards, including the achievement levels of same. In addition, we were to examine the relationships between criminal justice institutions, government agencies and NGOs, as well as crime prevention strategies, such as screening in early childhood and treatment for boys and girls in high risk families.

It was the consensus that community-based treatment is very important in the prevention of crime. Robert Hoge, (2008) noted psychologist, suggests that because the treatment is in the juveniles' real-life setting it affords the opportunity to treat them in an authentic way.

Our discussion was informed by a general exploration of the topic and individual reports on the current situation in the different countries. Common problems were identified and their attendant issues discussed with a view to finding practical solutions and recommendations.

II. CURRENT SITUATION IN PARTICIPATING COUNTRIES

In order to provide a background for the discussion, the group considered it necessary to understand the perspectives of different countries.

A. Botswana

A Probation Order is one of the sentencing options available to courts in Botswana. However, there are no full time Probation Officers in Botswana. Supervision of juveniles (up to 18 yrs) who are on community-based sentences or extra-mural services are carried out by the local police and traditional leaders.

After release from correctional institutions, there is no statutory supervision. However, in situations where supervisees are serving non-custodial sentences, they are required to adhere to supervision requirements which involve performing extra-mural services for up to six months. Breach of conditions can result in the young offenders being taken to court.

Chiefs (traditional leaders) can exercise community-based jurisdiction. There was a time when the children were the responsibility of the entire community but such support is now diminishing.

B. Democratic Republic of Congo (DRC)

When juveniles (those under 18 years of age) commit infractions, the Judge of the Peace has two options. One is to return the young offender to the care of his or her family with the recommendation that the family ensures the juvenile's good behaviour. The other option is to send him or her to the Establishment of Guard and of Education of the State (EGEE). After release, no service is provided.

C. Hong Kong

The non-custodial sentencing options for juveniles/young offenders (those aged from 10 to 20 years) in Hong Kong are as follows:

- (i) discharge upon entering into a recognizance;
- (ii) a probation order;
- (iii) a bond of good behaviour;
- (iv) a care and protection order;
- (v) attendance at a reformatory school;
- (vi) fine, damages or costs (paid by offender or his or her family).

The Social Welfare Department is in charge of some of the non-custodial sentences.

The custodial sentencing options for young offenders (those aged from 14 to 20 years) in Hong Kong are:

- (i) commitment to a detention centre;
- (ii) commitment to rehabilitation centre;
- (iii) commitment to a training centre;
- (iv) commitment to a drug addiction treatment centre; or
- (v) imprisonment.

When an inmate is released from the institutions, statutory supervision by the Correctional Services Department is provided but the period of supervision varies according to the kind of programme the particular inmate receives.

D. Jamaica

The Community Probation Officers supervise adult and child offenders on community-based sentences; adults on parole; children on license and children on statutory supervision (whose Correctional Order expires before their 18th birthday). In Jamaica, the Probation Service is a part of the Department of Correctional Services (Ministry of National Security) which is responsible for the custody and rehabilitation of adult and child offenders. The non-custodial sentencing options include, but are not limited to, the following: Community Service Orders; Curfew Orders; Fit Person and Probation Orders.

Recipients of community-based sentences are expected to comply with the conditions of their order. Non-compliance may result in the matter being referred to the court. A breach of a Probation Order, for example, may result in the court upgrading the Probation Order to a Correctional Order. Conversely, a breach of the conditions for license may result in recall to the juvenile correctional centre. The latter is the purview of the Department of Correctional Services.

E. Japan

In Japan, the Rehabilitation Bureau of the Ministry of Justice (MOJ) is responsible for the overall administration of community-based treatment of juvenile offenders (those aged from 14 to 19 years). The Probation Officers (POs) and Volunteer Probation Officers (VPOs) provide guidance and support for juvenile offenders.

There are two types of community supervision for juveniles. One type of supervision involves juvenile probationers who are placed on probation by a decision of a Family Court. The other involves juvenile parolees who are granted provisional discharge from juvenile training schools.

When placed on probation or parole, certain conditions are imposed on the offenders. On breaching such conditions, the juvenile offenders may be sent to court and be returned to the juvenile training school by the decision of the Family Court.

F. Philippines

In the Philippines, the community-based treatment system and supervision is carried out primarily by the Department of Social Welfare and Development (DSWD) through the Local Social Welfare Officers (LSWDO). However, once a child aged between 15 years plus one day but below 18 years of age has committed a serious and violent crime the court, instead of pronouncing the judgment of the child being in

conflict with the law, will place him or her under probation in lieu of service of his or her sentence taking into account the best interest of the child. The monitoring and supervision shall then be carried out by probation officers (of the Probation and Parole Administration).

The Child in Conflict with the Law (CICL) together with the parents will sign a contract which stipulates requirements such as the mode of reporting compliance, attendance at seminars and counselling, etc. If the CICL breaches the said undertaking, the Social Welfare Development Officer and/or Probation Officers supervising and monitoring the subject CICL will then make a written report addressed to the court with jurisdiction. Furthermore, the non-compliance on the part of CICL warrants the court to issue stringent measures.

G. Thailand

In Thailand, the Department of Probation is in charge of juveniles' (those aged from 10 to 18 years) non-custodial treatment. Probation Officers and Volunteer Probation Officers (VPOs) supervise juveniles. On the other hand, the Juvenile Observation & Protection Department is in charge of institutional treatment. When the juveniles are released from correctional institutions (training school, vocational training school, therapeutic community centre, etc.) very few of them are released with parole. If released with parole, offenders will be under the supervision of probation officers.

III. COMMON ISSUES AND CONCERNS

The members of the group agreed that there are several factors which contribute to the problems and challenges of community-based treatment. For those offenders released from institutions, the lack of a smooth assessment and treatment process into community-based treatment is a major factor, except in the case of Jamaica where probation and institutional treatment fall within the same Department. The group also identified negative influences, labelling and stigmatization as factors affecting juvenile offenders. High-risk families, exposure to drugs and guns, and problems in schools were identified as factors which could lead to serious and violent delinquency. In our discussions of these factors some common issues emerged.

A. Resources

The group saw this issue as critical to the continuity or success of all treatment programmes. The lack of resources is one of the prevalent issues which undermine the effectiveness of treatment programmes. Participating countries expressed that most of the time the resources needed were not regarded as priority funds by their government. It was also noted that some governments needed to be convinced of the importance of community-based treatments and this could be proven by research. However, non government organizations (NGOs) do provide support in some countries. Sadly, in some cases, the government is unable to procure the finances required for community-based treatment. In such instances there is no follow up or aftercare programme following the institutionalization of the juveniles.

B. Staffing - Probation, Supervision (Parole)/Social Workers/Corrections

An effective treatment programme requires adequate manpower. Staff members should be proportionally paid and well trained. In some countries, probation service or work is not a popular profession for graduates and job seekers because such work is not widely known to the general public. It does not attract the same remuneration as other comparable professions such as psychologists and social workers. Although in most countries probation officers require at minimum an undergraduate degree, it was agreed that based on the increasing complexity of juvenile offences, probation officers need to receive more comprehensive training.

C. Community Support (Education and Infrastructure)

In all treatment programmes, community support plays a vital role in achieving the desired goal. Its presence is imperative to the total rehabilitation of juvenile offenders. Although the laws exist to protect the rights and welfare of juvenile offenders the implementation of effective treatment is retarded when there is very limited education, infrastructure and support from community members. Both Japan and Thailand benefit from the service of Volunteer Probation Officers. For the other countries, this is a workable idea.

There are instances where juveniles are released and have no accommodation or community support is very fragile. It was agreed that the support of halfway houses as used in Hong Kong, Japan, the Philippines and Thailand is very important and a worthwhile consideration for other countries. In the case of the

Philippines these houses are managed by NGOs but supervised by the department of Social Welfare and Development.

Adult responsibility in the treatment of juveniles, a point mentioned during one of our individual presentations, is very important. The stigma attached to offending sometimes makes it difficult for offenders to get employment. Support for employment is important, especially for those serious and violent juvenile offenders who were in institutions and who were disconnected from their employment. Their risk of reoffending can be significantly reduced through gainful employment.

The family, as the primary and basic element of society, has a great impact on the reintegration of juveniles from institutions as well as those who are given non-custodial sentences. It is important that the home provides a stable environment with the necessary guidance which will help in keeping these offenders away from criminal activities. This task is made even more difficult because the family structure in many communities is not as strong as it used to be. A community collaboration of civil society groups, schools, courts, social welfare agencies and correctional institutions is important to provide support to the home.

D. Interagency Communication

Effective assessment and treatment can be made easier through interagency networking of relevant bodies, such as departments of corrections, probation, health, social welfare and education, as well as NGOs. However, the situation as reported in most countries is one that is fragmented. Because of this, there is a lack of communication and problems such as overlapping functions, mismanagement of resources and gaps in the flow of the services and treatment programmes.

One of the participants averred that although there are initiated or scheduled forums or meetings between these agencies only high ranking officials are required to participate. These persons are usually not in touch with what is happening on the ground. The prime movers or those directly involved on the ground would actually benefit more from those meetings because they have the practical and hands-on information and experience.

E. Assessment Procedures

The group discussed the fact that one of the major challenges to an effective community-based treatment is a lack of a reliable scientific assessment process. The practice in some countries is that treatment relies heavily on non-standardized assessment. Because of this, the results may vary according to the tool/method of assessment used. This unreliable source of assessment cannot adequately ascertain the risks posed by and needs of serious and violent juvenile offenders. The implication, we agreed, is that such unreliable assessment will not produce an appropriate treatment plan and the multi-modal programmes which research suggests should be in place for effective treatment. Special mention was made of the Youth Level of Service/Case Management Inventory (YLS/CMI), a risk assessment tool developed by Dr. Hoge to determine the criminogenic needs and risk of reoffending in serious and violent juvenile offenders. The group considers this a useful instrument and thinks that it could be used to provide a scientific means of assessment.

Another problem in the assessment process is that information is not shared or transferred to different treatment points. Family court or institutional assessment is not necessarily transferred to community-based treatment authorities, e.g. in Japan, the Family Court, Classification Homes/Juvenile Training Schools and Probation Office conduct separate assessments. This can also be seen in Thailand and perhaps in some developed countries. Because of this, results vary depending on the assessment tools applied. The situation however is worse in some countries where there are no assessment mechanisms in place at all.

F. Development of Treatment Programmes

This issue is very relevant since this is a great avenue for helping juveniles to cope with their society's norms through the development of more practical and result oriented treatment programmes. These norms are being influenced by forces such as globalization and the innovations in information and technology. The group agreed that programmes in institutions and in the community must be relevant to the needs of offenders in their rapidly changing societies.

The group therefore explored the gap which exists in offender training and market needs, particularly in the institutions, where some areas of vocational training are no longer economically viable. A similar gap

exists in matching the risk/need level with a specific individual plan in the community.

G. Evaluation of Treatment Programmes

The group acknowledged that a broad based multi-modal approach is also necessary to narrow the gaps between the assessment and treatment regimes. Most countries have no systematic way of knowing the extent to which their programmes or interventions help juvenile offenders, especially those juveniles who are considered serious and violent.

The group agreement was that programmes and activities were conducted repeatedly and with some beneficial results. However, better results could be achieved from an evaluation process which would determine the need to revise programmes, discard programmes or introduce other programmes. It was our belief that because most countries do not have standardized assessment tools it was difficult to evaluate the outcomes of their programmes because the outcomes of programmes which use standardized tools are usually specific and measureable. The same cannot be said for some non-standardized assessment procedures.

Furthermore, evaluation is very significant in communicating the effectiveness or non-effectiveness of the programmes to the public. It is usually difficult to persuade the public or the government to fund certain programmes without providing evidence of their success or potential for success.

H. Monitoring

One of the challenges to the treatment regime is the ability to monitor juvenile offenders. Most participants' jurisdictions had similar conditions which are imposed on the juvenile offenders in the community, which may result in the matter being referred back to the court for stricter options, including institutional treatment.

During the discussion it was noted that there are differences when it comes to monitoring those juveniles or children in conflict with the law. These differences vary in terms of the period of reporting; manner of supervision or monitoring; requirements or conditions stipulated by the court concerned; persons involved in the supervision and monitoring; and the mode of supervision or contact with the juveniles/CICLs. In some countries probation officers are responsible for supervision while in other countries it is the responsibility of the local police or the corrections department.

Concerning the breach of conditions or requirements, in Japan and Hong Kong, the probation officers/corrections officers are entitled or vested with the authority and legal premise to arrest the juvenile who is in breach or fails to comply with the conditions and requirements expected of them. On the contrary, in most of the participating countries, the probation or corrections service do not have such authority as this is the purview of the law enforcement agencies.

In the final part of the discussion on monitoring, the group examined electronic monitoring, which is considered to be a harsh option for monitoring juvenile offenders. For instance, the United Kingdom utilizes the electronic monitoring system specifically for violent and serious offenders but its use is combined with intensive supervision. In Thailand, they are considering a pilot programme of electronic monitoring, while in Hong Kong, after a long debate, the city decided not to introduce the system because of the debate about human rights considerations.

Some participants were not in agreement with applying electronic monitoring to juveniles and thought that it could be suitable for adult offenders as a diversion from imprisonment. In strengthening this argument it was observed that using electronic monitoring with serious and violent juvenile offenders might result in reduced motivation to rehabilitate and stigma which may carry undesirable effects.

Another point raised was that although the use of electronic monitoring is useful to locate the offender physically, it is not necessarily effective to prevent them from reoffending. Some participants considered the electronic system ideal as an intermediate sanction for serious and violent juvenile offenders rather than imprisonment. Although it cannot prevent reoffending, because the offender can be easily tracked down and monitored, it may serve the purpose of protecting the public and appease their cry for stricter penalties for juvenile offenders.

The group could not reach a single conclusion concerning the issue of electronic monitoring. However, using electronic monitoring in restricted conditions, i.e. clarifying the purpose, selection of the subject juvenile and combination with other treatment measures, could be an option for the treatment of serious and violent offenders.

IV. CRIME PREVENTION PROGRAMMES IN THE COMMUNITY

A. Early Detection

In looking at crime prevention, we recalled Dr. Hoge's lecture on "Issues in the Treatment of Juvenile Offenders Part II", and his reference to "Life-Course Persistent Delinquency". He identified several factors for our understanding of crime prevention. The factors are: (i) that signs of difficult temperament appear very early in childhood; (ii) levels of conduct disorder escalate through early childhood and adolescent years; (iii) antisocial behaviour may be expressed in violent or nonviolent forms; and (iv) in many cases, it will persist into early adulthood. The challenge is that these signs may go undetected in the home and in the school because of lack of knowledge. It was agreed that the medical screening of children in early infancy and early childhood provided in most countries is intended mainly to ascertain their physical wellbeing and is not aimed at psychological or behavioural problems.

Another view was that these check ups are meaningful in identifying children who have developmental disorders or mental disorders. Although the objective of health checkups is not to predict future offences, it might be of some help to intervene early before disorders become very serious. For example, in Japan, the officers concerned have a legal obligation to report to a Child Guidance Center when they detect children whose situation requires intervention.

B. Relationship Building

Children at risk are common to all countries because they are faced with similar issues of divorce, domestic violence, abuse and other situations which put them at risk. Our group's examination of these factors pointed us to Dr. Ozawa's presentation and his emphasis on relationships and how these children should be treated. We agreed with his idea of a holistic approach (individuals, families and community) which is needed to forge relationships, identified as a critical support mechanism. In support of this idea we discussed his philosophy that at the root of crime is the breakdown in relationships and unanimously agreed that strong and healthy relationships at home and in the community are important for crime prevention.

C. Interventions for Families

All members of the group agreed that the family is regarded as the basic unit of society. However, because of the high rate of divorce, domestic violence, lack of supervision by parents, abuse and other factors, in many cases the family unit is not able to function effectively. This situation puts at risk those children who are not in conflict with the law, and it is therefore necessary to give support as a means of crime prevention. Such support may come in the form of interventions. Some participants however cautioned that there are legal issues when it comes to intervening in families which have children who are at risk. Other forms of support include the education of parents on how to be better parents. In some countries, the Probation Service conducts seminars with parents who experience problems with their children as well as those who lack parenting skills.

D. Interventions for Schools

Some participants pointed out that the schools can be very useful in crime prevention. Some juveniles exhibit offending tendencies at school, but these are sometimes ignored or not viewed as potential problems. In some cases for example, students who show symptoms of *autism and attention deficit hyperactivity disorders* are regarded as rude or difficult to manage. These types of behaviour sometimes worsen into delinquency and offending. The conclusion was that the lack of information among teachers and the absence of experts (psychologists) are contributing factors to juvenile offending which surfaces in the classroom.

In some countries personnel from the criminal justice system participate in intervention strategies. In Jamaica, for example, Probation Officers are involved in school programmes and the Department of Correctional Services facilitates requests from schools to visit adult and juvenile institutions as a part of crime prevention activities. Likewise, in the Philippines, the Women and Children Protection Centers and Police Community Relations Division conduct information drives or advocate in schools and universities.

E. Community Corrections/Community Awareness

Correction is about community awareness. The Asian proverb “It takes a village to raise a child” speaks of the need for community involvement in the correction process. Community correction is our ultimate test and it is the part of corrections which has the highest visibility for the public and about which the public cares most. We firmly believe that the safest release is a supported, supervised, conditional release (parole/aftercare supervision). Just as the serious and violent offender/CICL must become integrated with the community, so must the relevant government departments/agencies and NGOs be integrated with the community they serve.

The group recognized that there is indeed a need for continuous improvement to enhance co-operation in bringing about successful integration. This is because communities are not static, and interaction with them must be continuous and progressive. We require our probation officers, parole officers, aftercare officers and social welfare officers to be experts and active in their communities, but we also believe it is important to take a strategic approach to this critical part of corrections.

V. CONCLUSION

From our discussion, there are many problems and challenges which affect the effectiveness of community-based treatment programmes for serious and violent juvenile offenders. One of the major problems for these offenders released from institutions is the lack of continuity from institutional treatment into community based treatment. This disconnect, which arises chiefly from a lack of communication and a fragmented approach, requires a networking of the relevant personnel so that a better understanding of juvenile cases and their appropriate assessment and treatment can be achieved.

Community support has been identified as having a major impact on community-based programmes. It is not always easy to get the support of the community because some peoples’ attitudes toward juvenile offences have become hardened and this is sometimes reflected in the lack of employment opportunities for juvenile offenders. However, in our group, we believe that an effective community treatment system cannot be realized through forcing severe punishment alone. We believe that humane treatment, in a warm and co-operative community setting is the best way to help juvenile offenders.

Although juveniles in conflict with the law require special attention, an effective community programme is one which is also geared towards crime prevention. There are many factors which prevent the early detection of signs and which can lead to offending. Although public education, screening and other methods can help, it was the consensus of the group that relationship building is not only important when juveniles offend, but is a critical success factor in crime prevention. The group endorsed Dr. Ozawa’s philosophy that “crime is primarily an offence against human relationships and secondarily a violation of law.” It is this relationship building that will reduce the level of risk in families, schools and in the community and will help to achieve the goals of rehabilitation which is to reduce the risk of reoffending as well as to prevent first offences.

VI. RECOMMENDATIONS

Having examined the challenges of effective community-based treatment for serious and violent offenders, the following recommendations were considered useful. The intent is that as much as is possible participants will seek to implement them or at best refer them to those in authority.

1. Every country should introduce non-custodial sentences as well as aftercare services for juveniles released from institutions;
2. Seek support from government and politicians on funding for community-based treatment systems, e.g. an offending behaviour programme, an assessment programme, and monitoring systems, through the introduction/implementation of statistically proven research;
3. Build up networking of NGOs/the community, and the business sector, to raise funding and support (donations and expertise), etc. and to encourage them to employ former juvenile offenders;

4. Enhance public awareness of the work of probation officers and social workers so as to attract and recruit bright and able staff, since a limited number of personnel may deter the smooth application of the treatment programmes;
5. Implement extensive training (train-the-trainer methodology). This will enable the office to train a pool of trainers, especially those who directly handle juvenile offenders or Children in Conflict with the Law (CICLs);
6. Establish halfway houses. These institutions or establishments may be the initiatives of the government or supported by NGOs. This will lessen the problems of overcrowding which hampers the effectiveness of treatment programmes;
7. Empowerment of the family to become a primary source of support;
8. Establishment of a joint approach or an interagency committee to design and develop consistent treatment programmes; co-ordinate the treatment services, e.g. case conferences; sharing of database of inmates amongst probation offices, correctional institutions and social welfare services, with utmost respect for confidentiality of the given information;
9. Effective analysis of risks/needs and programme planning (in relation to the needs of individual inmates);
10. Review of vocational training with consideration for its relevance to the current job market to make it easier for former juvenile offenders to find a job;
11. Benchmarking with established practices and programmes and the development of a common assessment tool for correctional institutions;
12. Early intervention programmes and planning for high-risk families and high-risk children to look after their needs and to help them to cultivate good relationships.