
REPORTS OF THE COURSE

GROUP 1

MEASURES TO STRENGTHEN ‘COMMUNITY REINTEGRATION FACTORS’ OF OFFENDERS WITH DIFFICULTY IN FINDING JOBS AND SECURING ACCOMMODATION AND/OR ESTABLISHING SOCIAL RELATIONSHIPS

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I. INTRODUCTION

On 24 May 2010 Group 1 commenced its workshop. The group appointed by consensus Mr. Tondop as its chairperson, Mr. Araújo its co-chairperson, Mr. Vega as its rapporteur and Ms. Nogami as its co-rapporteur. The group was assigned to discuss “Offenders with difficulty in finding jobs and securing accommodation and/or establishing social relationships” and agreed to conduct its discussion in accordance with the following agenda: 1) Basic/common obstacles to the reintegration of offenders into society; 2) New approaches for effective resettlement of offenders in the different stages of criminal proceedings.

II. SUMMARY OF THE DISCUSSION

A. Common Obstacles to Reintegration of Offenders

At the beginning of the sessions, it was agreed by the members of the group that the main objective of the discussion period should be the elaboration of proposals for the effective resettlement of offenders and how to provide them basic assistance for securing accommodation and obtaining a paid job. The group first made a request for each member to explain the actual situations in their countries in regard to the obstacles that offenders face in effectively reintegrating into society; this first attempt to understand the differences and similarities between legal systems and political realities was useful in the successive discussion sessions as each member had an overview of the rest of the group and could relate in a more direct way to their contributions. Nepal, Brazil, Japan, Iraq, Papua New Guinea, Hong Kong and Costa Rica all presented opening statements about how resettlement and reintegration of offenders is managed in their respective countries. At the end of this presentation by each member, the group agreed on the following obstacles to successful reintegration as common among participants:

1. Stigmatization
2. Overcrowded Prisons
3. Lack of Skills and Motivation
4. Economic Conditions.

The analysis is as follows:

1. Stigmatization

The group agreed as a whole that the problem of stigmatization of released offenders poses a serious threat to them and their chances to effectively resettle into their communities and find not only a steady paid occupation but also secure accommodation. It was discussed that, in some countries, most companies require prospective personnel to present an updated criminal record sheet, resulting in released offenders becoming ineligible for job openings.

2. Overcrowded Prisons

The group commented first of all on how prison overcrowding is indeed a common problem in the respective penitentiary facilities; in some cases the excess populations reach alarming levels while in others they barely exceed the maximum capacity. Nonetheless it remains a real problem that undoubtedly affects the in-prison treatment of offenders as well as stressing the prison staff when resources are insufficient.

3. Lack of Skills and Motivation

Regarding this particular issue, the group focused on how the lack of certain skills in offenders implies a threat to their effective resettlement and discussed the urgency of strengthening the skill level in many areas that are essential upon their release. For example, the group discussed how relationships and interpersonal skills can be a major factor in the successful reintegration of the inmate back into society; anger management, communication and self-esteem revalidation are just some factors that if reinforced, can help to minimize the risk of reoffending. Furthermore, on this topic, the discussion then turned to the lecture delivered by visiting expert from the National Offender Management Service, Ministry of Justice of the United Kingdom, Mr. Steve Pitts. In regard to this specific area, it was agreed by the members of the group that, as the visiting expert explained, skill development is a factor that sometimes is not properly addressed even though experiences from various countries steadily demonstrate the importance it has for the effective reintegration of a released inmate back into the community. In this particular area, the group discussed how inmates require skills for effective resettlement back into society and how this facilitates resettlement; references to Mr. Steve Pitts' lectures were submitted for examination and the overseas members of the group received an explanation of how Japanese penitentiary authorities consider the development of skills as one of the bases for treatment prior to release. The sharing of experiences among countries that effectively train their inmate population to develop skills was considered valuable to other members.

In this particular area, the group discussed how the inmate requires motivation for an effective resettlement back into society and how this motivation covers very diverse aspects of the individuals; references to Mr. Steve Pitts' lectures were again submitted for examination and the overseas members of the group received an explanation of how Japanese penitentiary authorities also consider the motivation of their criminal population as another of the bases for treatment prior to release, and the proven relevance of the efforts to positively motivate the inmates as a first step to their successful reintegration into the community.

4. Economic Conditions

The economic conditions of a significant part of the world's population often cause certain individuals to fall into offending. The members explained that indeed poverty is a common factor among the criminal populations of each country.

B. Analysis of the Obstacles

The following paragraphs summarize the group's agreement on each of the topics, at the end of the discussion.

1. Stigmatization

The group concluded that the best way to help offenders to successfully erase the stigma of their previous criminal actions is to involve the community in the rehabilitation programmes available in each country so people with a criminal past can be perceived as individuals who made a mistake and who are ready to take all available measures to prevent the same mistake from happening again.

2. Lack of Skills and Motivation

The group agreed that in fact the positive motivation of the offender should not be viewed as a personal matter for each inmate but rather as a strategic approach for the authorities to commence a real transformation in the behaviour of the criminal population. In this area, the general agreement was that countries without this specific programme should recommend its immediate adoption, and in the case of countries that currently apply it, to strengthen it.

As a conclusion on this particular matter, the group agreed that most of the countries represented here have no active programmes for the specific purpose of developing skills of incarcerated inmates; the

experience of those countries that do have them in operation should be transmitted accordingly.

3. Prison Overcrowding

No country represented in the group has succeeded in a steady decrease of its criminal population; the tendency appears to be an increase of admitted inmates over the years. No specific measure was discussed to make a formal proposal but instead it was agreed that alternate measures to imprisonment can produce good results in reducing criminal populations.

4. Economic Conditions

The group considered that global economic conditions cannot be effectively addressed from within the topic of resettlement of offenders back into society and that the only viable measure to promote effective reintegration is to assign resources for the securing of jobs and accommodation for the offender once released.

C. Measures for Resettlement during Different Stages of Criminal Proceedings

The group discussed a proposal presented in one of the sessions regarding the assessment of offenders at a very early stage and how certain measures can have great impact on positive reintegration of offenders back into community; this approach focused on all stages of the criminal procedure beginning with the investigation of the crime up to the correctional stage once an inmate has been sentenced to incarceration. Basically, the discussion was focused on specific measures and how they relate to the other members' own legal systems; while some differences appeared almost immediately, they were not of such magnitude as to make agreement impossible. The main structure of the proposal referred to three specific stages of criminal procedures:

1. Pre-adjudication Stage
2. Adjudication Stage
3. Post-Adjudication Stage.

The approach to the analysis of this model was how the implementation of certain legal tools can enhance the chances of success in finding a job and secure accommodation. Before the breakdown of each of these stages began, a discussion was proposed in which each member offered their point of view of the reality of each stage in their own country. The main objective of the discussion was to find common denominators; the group then decided to organize the discussion of each stage as a first step towards achieving final conclusions and to find common ground between all members, despite their different legal systems.

1. Pre-Adjudication Stage

With regard to this topic, the group discussed the role of both police agencies and public prosecutors in their respective countries and how they relate to the topic of the discussions; the intention of this introductory exercise was to determine if in their activity some measures can be adopted to minimize recidivism and promote effective reintegration of first time offenders.

First of all, and in the case of police officers, there were more similarities than differences between the members that belong to those agencies; some of them even have the authority to employ alternative solution of conflicts thus supporting resettlement and a lower rate of imprisonment.

(i) Papua New Guinea

The representative of this country explained that the police have the authority to bring offenders before a Village Court for examination by local judges; if the issue is resolved between all parties, the case is not sent to the prosecutors office, thus minimizing the imprisonment of offenders and at the same time favouring resettlement.

(ii) Brazil

The participant of this country explained that police officers have the power in cases of minor theft to give the offender an official warning instead of arresting him or her due to a disposition that enables police to drop the case if no aggravating circumstances are present; this favours the offender's return to the community instead of being sent to prison.

(iii) Iraq

The member from this country explained that police officers must arrest the suspects of a crime and present them before a judge regardless of the type of offence, resulting in a legal system that currently allots no specific role to the police to solve minor crimes before they are presented either to a prosecutor or a judge.

(iv) Prosecutorial Discretion

Regarding the public prosecutors' authority to take measures for better resettlement of the offender instead of formal indictment, two opinions were discussed.

(a) Suspension of Prosecution

In the case of Japan, as explained by one of the members, public prosecutors have the power to authorize the suspension of prosecution as a primary measure to effectively resettle an offender when assessment of his or her personal conditions show possibilities for resettlement and reintegration; these conditions include the working status of the offender as well as family support and a fixed address. When the detailed analysis of these variables determines that the offender presents no risk to the community and that the suspension of prosecution can prevent the individual from losing his or her job, family or housing, and the gravity of offence is not prohibitive, this measure is authorized and has an immediate impact on effective resettlement of offenders back into the community.

(b) Mandatory Prosecution

In Costa Rica, it is mandatory for public prosecutors to indict offenders regardless of their personal characteristics and of their chances of favourable reintegration, such as a fixed job and accommodation. The only exception to this principle is when the victim exercises his or her right to require an alternative measure to formal prosecution and agrees to suspend the proceedings against the offender in exchange for his or her compliance with a series of conditions that the victim can demand. This exclusion to formal prosecution, however, is restricted to specific characteristics of the crime reported.

2. Adjudication Stage

In the case of the adjudication stage, the group first commented on the lecture of Dr. Chris Trotter, Visiting Expert, from Monash University, Victoria, Australia.

During his presentation, he analysed the sentencing options for adults in his country, which include Imprisonment, Combined Custody and Treatment Orders, Drug Treatment Orders, Home Detention, Intensive Correction Orders, Suspended Sentence, Youth Justice Centre or Youth Residential Centre Orders, Community Based Orders, Dismissal, Discharge and Adjournment and Fines. The group began the discussion of the adjudication stage issue with the lecture from Dr. Trotter as background and analysed how in this particular stage some measures can be proposed to increase the chances of released offenders finding steady jobs and securing accommodation. It was noted that certain countries also have additional measures, such as:

- Suspension of execution of sentences instead of incarceration when certain conditions are met and requirements are filled: with the exception of Iraq, all other countries have current regulations on this matter;
- Pre-sentence reports: these were suggested as one measure that might be considered as they offer a follow-up process on the inmate and provide useful information that can help decide which treatment is more suitable;
- Summary trial: this promotes speedy resolution of cases and as such, resettlement can begin before the conditions of the offender deteriorate in aspects such as family support, job conditions and housing.

After discussion, an agreement was reached that to prevent recidivism and successfully reintegrate offenders back into society, judges must exercise the tools provided by each legal system, such as those explained by Dr. Trotter and referred to by the members; this will greatly increase the possibilities of offenders finding steady jobs within their own communities and securing fixed accommodation. Other measures such as bail and electronic monitoring were briefly discussed but no specific agreement was reached on these topics because of the obstacles they might face within the different legal systems.

3. Post-Adjudication Stage

In this particular area of discussion, the group decided to analyse more thoroughly the measures that can be adopted for the adequate correction of inmates during their imprisonment and the rehabilitation that supersedes it once the inmates are released. The lectures by visiting experts provided a new perspective on how certain countries have been able to establish strong rehabilitation programmes for offenders while in penitentiary facilities as a first step towards definitive reinsertion back into society. It was agreed that offenders require adequate treatment before they are released, and after, in order to minimize recidivism. The case in point that opened the discussion was the case of Singapore and the Singapore Prison Service (SPS) presented by Mr. Stanley Tang, Director, Operations, Singapore Prison Service. Mr. Tang's opinion is that the time spent in prison must not be wasted, but be a chance for prisoners to be involved in programmes targeted to dissuade reoffending. Mr. Tang's presentation first addressed sentencing options aimed at a more direct reintegration back into society; furthermore he explained the purposes of imprisonment in Singapore as Punishment, Reformation, Incapacitation and Deterrence.

Among the members of the group and in regard to the post-adjudication stage, a distinction was made between the correctional and rehabilitation stages.

(i) Correctional Stage

The Japanese participants stressed the need for secure custody of inmates as well as the need for investigation and classification of inmates as a necessary step prior to the beginning of treatment; furthermore, the strengthening of the skills in each individual remain a fundamental step towards reducing recidivism. Also, a view of the obstacles that inmates face during imprisonment and the best way to overcome them was explained during the sessions and thoroughly detailed; these include low motivation, few skills (academic, vocational knowledge, interpersonal relationships), physical and mental conditions, difficulty in finding steady jobs, and difficulty in securing stable accommodation. In his opinion, the proven measures to overcome the obstacles in his opinion were:

- **Prison Work:** The objective of prison work for all inmates is to promote hardworking habits among the criminal population and at the same time, achieve motivation in the inmates for labour. In the experiences discussed in the group, it was explained that prison work helps smooth reintegration of offenders back into society once working habits have been established as part of daily activity.
- **Guidance for Reform:** The purpose of this particular measure is to make inmates aware of their responsibility for the crimes for which they are imprisoned. It is also established that the insight process of inmates begins in this stage as a first measure to prevent recidivism. Pioneer measures such as the "Puppy Program" in Japan explore the possibilities of new ways to motivate prisoners.
- **Academic Guidance:** The goal is to give inmates certification of basic studies as a useful tool to obtain a steady job upon release.

Professor Watanabe's lecture on "Institutional Corrections in Japan" reflected and supported this opinion: the general trend in modern treatment of offenders states that a more in-depth evaluation of the inmate upon their arrival at the criminal facilities is an accelerator of the successful rehabilitation process of released inmates. The discussion then became an exchange of experiences in this matter and as a first step to establish if the countries represented in the group provide some attention for incarcerated inmates as a measure to reduce recidivism. With the exception of Iraq, whose political and military situation makes implementation of any reintegration programmes impossible, all members concluded that depending on each country's particular circumstances, some minimum degree of treatment for the prevention of offending is given inside their respective prison facilities. In Japan and Hong Kong, a fully functional and successful programme for the treatment and reintegration of offenders is already in operation, as evidenced in the individual presentation made by the observer from Hong Kong.

(ii) Rehabilitation Stage

The discussion among the group members then required that the Japanese participants who were directly involved in the area of correction and rehabilitation share their experiences with the group and explained the challenges that offenders face once released. Factors such as no accommodation, no fixed job, no family support, lack of communication for social relationships and a tendency to reoffend were addressed and explained. The measures to overcome these obstacles include:

- *Support in finding and securing jobs:* One of the most important factors in the rehabilitation stage, as agreed during the discussions, was the urgent need to provide the offenders with opportunities to obtain and keep a steady job. By accomplishing this measure, the group commented, the chances for successful resettlement will be greatly improved.
- *Accommodation:* Stable accommodation is necessary for the effective resettlement of released offenders once they are back into society and into civilian life with conditions shared by most members of the community. Even though not all countries represented in the group currently contemplate specific measures in order to achieve this particular goal, the lectures by visiting experts as well as the experiences of members provided a general view on how steady housing contributes to the effective resettlement of offenders. Although the manner in which each country accomplishes this measure varies, it remains a useful tool for securing reintegration.
- *Social welfare for ex-offenders:* This measure was the most controversial for it implies the use of funds to support ex-offenders once they are released back into civilian life; furthermore, the economic situation of many of the countries represented in the group prevent most of the nations from adopting this measure. In that sense no concrete conclusions or agreements were obtained in this matter.
- *Probation:* The role of probation officers should be further examined in those countries that currently do not have this measure as the success of this programme in the follow-up process of resettling offenders back into society is proven.

At the end of the discussions of this matter, the group agreed that indeed, crime in itself is a social problem that requires that all authorities involved in addressing it choose the best approach for each case.

D. Community

At this stage, the group addressed the role of the community in the process that offenders face upon release. Additionally, it was noted that a positive attitude from community leaders can help offenders find steady accommodation and secure a fixed job. Furthermore, one of the common obstacles that were addressed during the first part of the sessions is closely related to this issue: stigmatization. Experiences from visiting experts as well as lectures from volunteer employers and co-operators showed the importance of strong community support.

1. Change of Mindset

This particular approach presents the most favourable options in community involvement: with specific measures directed to change the way that offenders are perceived and how successfully they can be reintegrated back into society, a true change can be accomplished. The measures that were deemed more useful to obtain this goal were:

(i) Open Facilities for Better understanding of Treatments

Disclose information regarding aspects of treatment in correctional institutions to change the perception of offenders by the public and convey successful reintegration experiences.

(ii) Obtain Support of the General Public

It was explained by visiting experts that public opinion can raise awareness of specific topics, rehabilitation of offenders being one of them. As such, the main approach that members considered can present better chances in obtaining support from the public was the mobilization of social resources to favour the establishment of partnerships with the private and voluntary sectors, such as private employers and related agencies.

III. CONCLUSIONS AND RECOMMENDATIONS

A. Conclusions

After the discussions ended, some basic *conclusions* were agreed among the members of the group; these can be considered common ground between the countries and as the basis of the results achieved in this process.

Some legal systems of the countries represented inside the group pursue the punishment of offenders as

a main objective whereas other countries focus on rehabilitation as the objective of the criminal system.

Methods for the treatment of offenders during their incarceration process and afterwards do exist and extensive experience has been achieved in this matter. Differences in legal systems do not represent an insurmountable obstacle for countries without these specific programmes to consider their adoption and adaptation to their respective situations and characteristics.

Some countries lack reinsertion/rehabilitation-specific programmes designed to provide offenders with basic needs upon their release from imprisonment and aimed at an effective decrease in recidivism, such as are provided in Hong Kong, Japan, Singapore and the United Kingdom, whose experience in this field can be traced back many years.

B. Recommendations

At the end of the discussions the Group reached a consensus to make the following recommendations to assist reintegration of offenders in society in terms of securing jobs, accommodations and social relationships.

After discussing the community reintegration factors, the group moved to make recommendations on how to overcome the obstacles for offenders with difficulty in finding jobs and securing accommodation and/or establishing social relationships.

The recommendations are made in the same process as the group discussion:

1. Pre-Adjudication Stage

- To enforce the role of prosecution;
- To impose non-custodial measures.

2. Adjudication Stage

- To recommend judges to consider reintegration of offenders by utilizing pre-sentence reports or other information.

3. Post-Adjudication Stage

- To arrange for offenders to have assessment of the obstacles which contribute to their reoffending, if any;
- To offer treatment/training courses to improve prisoners' skills (basic education, motivation, vocational training, relationship skills);
- To improve the skills of involved staff members to discharge their duties for an accurate execution of mission;
- To have an evidenced-based evaluation of the treatment/training courses and of the social work techniques.

4. Community

- To promote public relations activities to educate the general public.

Apart from the recommendations in accordance with the four stages in the process of the discussions, the rest of the recommendations are somehow common to all stages or could not easily be classified:

- To search for the possibility of reintegration;
- To change the mindsets of staff members, prisoners and community;
- To promote the relationship/co-operation between all involved facilities;
- To support finding jobs and secure accommodation in all stages;
- To add the perspective of 're-education' to 'retribution'.