

GROUP 2

EFFECTIVE MODELS FOR MULTI-AGENCY COOPERATION IN COMMUNITY BASED-TREATMENT OF OFFENDERS

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I. INTRODUCTION

On the 22nd day of January 2016, group two commenced its workshop. The group elected by consensus, Mr. Zachary SITBAN as the Chairperson, Mr. MIZUKAMI Taihei as its Co-Chairperson, Ms. Grace Achieng OJUNGA as its Rapporteur, and Mr. Nilton Joaquim de OLIVEIRA JUNIOR as Co-Rapporteur. The Group was assigned to discuss the theme of: "Effective Models for Multi-Agency Cooperation in Community-Based Treatment of Offenders".

II. SUMMARY OF THE DISCUSSION

The group reached a consensus that the best models to adapt to multi-agency cooperation in the community-based treatment of offenders should embrace a combination of evidence-based practices and empirically proven and supported treatments. The models must focus on "the best practices" and "what works". Evidence-based practices evolve in a continuum between practice and research. They also form a foundation of intervention programmes designed to reduce recidivism. From the presentations of participants in the 162nd International Senior Seminar on Multi-Agency Cooperation in Community-based Treatment of Offenders, there is a consensus that, no single community-based programme can significantly reduce recidivism on its own because many different factors affect it, hence the need to form a synergy and engage multi-agency cooperation in the community-based treatment of offenders.

A. Types of Offenders Who Benefit from Multi-Agency Cooperation

1. Assessment of Offenders

The model chosen for the assessment of these offenders is the Risk-Need-Responsivity Model which has three basic principles in the assessment of the offender.¹ The Risk Principle requires the matching of the multi-agency programme intensity with the offender's risk of reoffending. The Need Principle requires focusing the interventions on those factors that are directly related to offender's behaviour. These are the criminogenic risk factors that are dynamic. The Responsivity Principle requires that the service provider delivers interventions in a manner that matches the individual learning styles and needs of the offender.

For assessment of the offender, we can adopt the popularly referred to "straight eight" model used to identify the criminogenic risk factors and gather offender information including:

- Criminal Record;
- Antisocial personality;
- Antisocial attitudes, beliefs and values;

¹ Andrews, D.A. & Bonta, J. (2006-07). *Risk-need-responsivity model for offender assessment and rehabilitation*. Retrieved from http://www.publicsafety.gc.ca/res/cor/rep/risk_need_200706-eng.aspx 25 Jan. 2016.

- Antisocial associates;
- Dysfunctional families;
- Substance abuse;
- Poor performance in school or at work / lack of education;
- Lack of involvement in leisure activities or satisfaction in pro-social recreation.

In the assessment, all information regarding the offender's age, social background, skills, victim impact statement if any, and their place of residence after release from penal institution or on committal to a non-custodial sentence must be clearly spelled out.

2. Types of Offenders and Offences

The common types of offenders who should benefit from multi-agency cooperation in community-based treatment of offenders are those who do not pose risk or danger to the public. This approach follows Section 3.2 of the Tokyo Rules, which requires that "the selection of a non-custodial measure shall be based on an assessment of established criteria in respect of both the nature and gravity of the offence and the personality, background of the offender, the purposes of sentencing and the rights of victims". There is, however, an emerging trend where reformed serious offenders, drug offenders and sexual offenders are being given a second chance in community re-entry, like in the case of Multi-Agency Public Protection Arrangements in the United Kingdom. The group therefore recommends that the model of individualization of sentences should be encouraged.

- a) Petty offenders charged with misdemeanours should be considered for multi-agency cooperation in community-based treatment of offenders;
- b) Youthful offenders;
- c) Elderly offenders;
- d) Vulnerable Women;
- e) The physically challenged;
- f) The mentally handicapped;
- g) The current emerging trends are that offenders previously incarcerated for serious sexual and drug offences are given a second chance for re-entry in the community.

B. Ideal Structure of Multi-agency Cooperation

There are a variety of non-governmental organizations such as non-profit organizations, private companies, self-help groups and volunteers, and they have different objectives, roles and responsibilities. In addition, multi-agency cooperation exists where there is complementary and overlapping provision of services to the offender by both the government and the non-governmental organizations. Thus, it is important to distinguish between multi-agency cooperation and services that are commercially outsourced by government from the onset, and to distinguish between a variety of agencies and individuals according to the level of other agencies.²

1. Types of Agencies

- a) Cooperative employers (Japan) where an arrangement for employment is made for offenders before their release;

²Robert Canton 2016, *Observation by professor in Criminal Justice*, De Montfort University Leicester, UK in the 162nd Senior Seminar on Multi-agency Cooperation in Treatment of Non-Custodial Offenders.

- b) Special adjustment needs / social welfare agencies for social support to the elderly;
- c) Halfway houses / homeless;
- d) Labour organizations for skills / vocational training;
- e) Hospitals for the mentally ill;
- f) Special schools for difficult children;
- g) Alcoholic self-help groups, e.g., "AA";
- h) Community Settlement Support Centres;
- i) Community Justice Centres;
- j) Local government.

2. Challenges of Multi-Agency Cooperation

- a) There is generally no clear definition distinguishing between multi-agency and inter-agency cooperation, which are occasionally assumed to be one and the same thing;
- b) The group reached a consensus that there is generally a lack of information and communication among service providers on the exact services offered by individual organizations;
- c) Lack of proper coordination and cooperation among organizations is a major challenge; hence it is not clear as to who provides specific services. Many agencies fail to provide services in an accessible manner and leave out potential clients. Lack of proper coordination can also cause duplication of services because agencies do not know what services others provide;
- d) There is poor communication among agencies. Information sharing through multi-agency cooperation is complicated. There are times when we have to preserve specific information due to individual fundamental rights. Occasionally this causes a gap between who should be responsible for an offender's health and other information not provided;
- e) The group observed that generally there is a lack of expert knowledge to solve complex problems among the service providers within multi-agency cooperation. Sometimes people do not know where to get expert advice. Sometimes other agencies also feel that the other is not practicing as it should;
- f) Some organizations emphasize profit over provision of service. In these types of organizations, resources are diverted for purposes other than assisting offenders as expected;
- g) In some countries, there is unwarranted competition among agencies. Sometimes they experience sectionalism. As an example, penal institutions in Japan have experienced an increase of elderly and mentally handicapped offenders. In a way, these institutions are required to operate similar to nursing homes. Some penal institutions' staff members think that it is strange that they should treat elderly or handicapped offenders in penal institutions instead of providing welfare facilities;
- h) In practice there are different organizational cultures, where each agency has different objectives and key performance indicators about multi-agency cooperation. Differences between two or more organizations hinder service delivery;
- i) Bureaucracy causes difficulty in accessing the management of certain organizations to obtain service;
- j) In most countries there are very few organizations that can provide services to offenders within the

community compared to people who require help;

- k) In some developing countries there is a lack of political goodwill to encourage multi-agency cooperation in treatment of non-custodial offenders since priorities are set elsewhere.

3. Solutions to Multi-Agency Cooperation

- a) Multi-agency and inter-agency cooperation should be seen as forming interplay between the two since they provide complementary and overlapping services. The focus should remain on reintegration and provision of services to parolees and non-custodial or ex-offenders. According to professor Robert Canton (2016), “rather than seeing just two options of (multi- or inter-agency), it has been suggested that these are better seen as ends of a continuum and that there are other models that sit somewhere in between”³.
- b) A communication model should be formed in all jurisdictions to resolve complicated communication problems. A definite format of what kind of information should be shared between each agency and what cannot be shared due to legal issues must be designed. All agencies must recognize that they have a role to play in relation to each other in so far as reintegrating offenders within the community is concerned. Communication must therefore be streamlined. The communication may be one-way or two-way and involve full or partial disclosure of information for the benefit of the offender;
- c) A coordinated management information system of data should be developed to avoid duplication of services. Each section of related agencies should share the database;
- d) A cooperation model should be formed in all jurisdictions where agencies continue to maintain separate boundaries and identities, but agree to work on a mutually defined problems. This may involve joint action, or it may involve an agency consenting to another taking the initiative to act;
- e) A coordination model should be formed in all jurisdictions where agencies must work together in a systematic way. Coordinated training should be done such that there can be a positive response among competing agencies. Agencies can maintain their defined boundaries but may pool resources to tackle mutually agreed problems;
- f) To resolve problems of sectionalism among agencies, a federation model should be formed. In this model, agencies continue to retain their organizational distinctiveness but also share some central focus. Solutions such as personnel rotation between correctional bureaus and rehabilitation sections should be encouraged to widen officers’ concepts and visions of offender rehabilitation. If necessary, agency site visits should be made to understand the circumstances in which each organization is operating. Site visits can also be made for face-to-face networking. The agencies should finally realize that they actually operate integrated services;
- g) Consultative models should be established, where representatives of relevant agencies converge and discuss matters such as multi-agency cooperation. Relevant agencies may hold conferences for reviewing an offender’s treatment before or after release. Organizations should also be able to refer cases to other organizations according to their specialty;
- h) Organizations must employ people with expert knowledge to undertake specific services. Emphasis should be placed on a series of staff training of correctional and probation officers. Continuous on-the-job training, pre-promotion training and testing of officers to enhance knowledge and skills must be undertaken. Organizations should also embrace models of both “learning organizations” and “organization learning” to keep abreast of information on treatment of offenders;
- i) Encourage creation of more Non-Governmental Organizations for a wider coverage of service provision for offenders. Proper registration of these agencies should be done within the framework

³Ibid.

and the purpose of registration;

- j) For the purpose of smooth reintegration of offenders into society we should put emphasis on providing educational programmes to offenders, as well as opportunities to work in prison;
- k) National Professional Standards should be adopted to include international standards and norms such as the Standard Minimum Rules for the Treatment of Prisoners and the Tokyo Rules;
- l) The merger model should be developed among agencies. In this model agencies become indistinguishable from one another in working on a mutually defined problem, and they form a collective resource pool (Liddle and Gelsthorpe 1994)⁴. For example, this may occur where there are two or more types of support for offenders: the rehabilitation money for offenders discharged from prison and amount of support money provided temporarily. Some offenders keep receiving rehabilitation money even after they are stable. There should be a merger for one organization to provide rehabilitation money to avoid a situation where those who have been successfully rehabilitated continue receiving funds.

4. Legislation

The current legislation situation is different from country to country. Some countries have legislation establishing legal frameworks for partnerships between government and civil society organizations in a mutually supportive way. Other countries do not have specific legislation governing NGOs.

5. Current Situation

a. Japan:

Legislation on NGOs and individuals in the private sector dealing with offenders is embedded in the Offenders Rehabilitation Act No 88 of June 15, 2007. Article 2(1), (2), (3) and 30 empowers the Japanese government to promote activities which contribute to the rehabilitation of offenders to be carried out by organizations or individuals in the private sector. The government shall coordinate and cooperate with such persons and shall endeavour to deepen the understanding of the general public and attain their cooperation for the rehabilitation.

Local governments may, considering that the activities set forth in the preceding paragraph contribute to improving the safety of the local community and the welfare of residents, provide necessary cooperation for such activities. The citizens shall endeavour to contribute, according to their position and capability, in order to achieve the purpose of rehabilitation.

The director of a probation office may request public agencies, schools, hospitals, organizations relating to public health and welfare, and other persons to provide necessary assistance and cooperation for the purpose of performing the affairs under its jurisdiction.

b. Brazil:

The Brazilian Law N° 13.019/2014 establishes the legal framework for partnerships between government and civil society organizations in a mutually supportive basis for the attainment of public and mutual interest. For these NGOs to rehabilitate or assist in re-entry employment of offenders, they need to participate in a selection process through public hearings. They must have, at least, three years of existence before they can enter into partnerships with the government, and must demonstrate previous experience in the area where they intend to act.

c. Kenya:

In Kenya, there is the NGOs Coordination Act no 19/1990, which allows for the facilitation and coordination of all national and international Non-Governmental Organizations operating in Kenya. This includes NGOs dealing with rehabilitation and re-entry programmes for offenders. There is an NGOs Board which advises the Government on the activities of the Non-Governmental Organiza-

⁴Liddle or Gelsthorpe – “Inter-Agency Crime Prevention: Organizing local delivery, Home Office Crime Prevention Unit Paper 52. London: Home Office.

162ND INTERNATIONAL SENIOR SEMINAR
REPORTS OF THE SEMINAR

tions and their role in development within Kenya. They also provide policy guidelines to the Non-Governmental Organizations for harmonizing their activities to the national development plan for Kenya.

d. Thailand:

In Thailand there is no specific legislation governing the registration of non-governmental organizations. The NGOs working with juvenile offenders and vulnerable women must register their activities with the relevant ministries.

e. Democratic Republic of Congo:

In Congo, there are not special laws which establish the terms and functioning of NGOs; each NGO works and cooperates according to the field of each government department, e.g., education, health, agriculture.

f. Papua New Guinea

In Papua New Guinea the legislation regulating NGOs, FBOs and CBOs is embedded in various acts of parliament, e.g., the Probation Act 1979, the Parole Act 1979, the Juvenile Court Act 1991 and the Correctional Services Act 1995. They work under the Investment Promotion Authority Act.

6. Ideal Legislation on Multi-Agency Cooperation

- a) There should be monitoring and controls instituted by the government on how resources are spent on offenders;
- b) There must be information sharing between agencies
- c) Financial auditing/financial reports must be provided by NGOs to the government. They should also give monthly progress reports and feedback.
- d) Each ministry directly related to the services being provided by an NGO should take direct control.

The management of NGOs usually attracts controversy due to autonomy, so we should develop mutual relationships with organizations since it is not easy to fully control the activities of private entities. It is important to acknowledge that NGOs have different priorities. It is not easy to obligate an independent NGOs unless they are willing. The relationship should be mutual not obligatory. We should therefore endeavour to establish a scheme of notification through a circular of institutional cooperation, after which we should abide by cooperation.

Sharing information is a very big issue. We have to give information and at the same time preserve information. There is a contradiction with the individual's rights and feelings. For example, in Japan, when a probation office asks for other agency's cooperation, the probation office seeks the offender's consent. However, in the case of an emergency or the necessity to protect the public from a heinous crime, it might not be necessary to obtain an offender's consent for multi-agency cooperation.

7. Evaluation of Treatment Provided through Multi-Agency Cooperation:

a) What is successful cooperation?

Successful cooperation means constant communication and information sharing properly done among relevant agencies. Successful cooperation is also action between civil society and governmental agencies together with the general public. When offenders are incarcerated we must think of offenders' needs. Satisfaction of criminogenic needs is very critical, such as employment, housing and medical care. It is important for agencies to liaise with one another for placement of offenders.

b) How can multi-agency cooperation be evaluated?

The recidivism rate is essential in the assessment of rehabilitation success and is one of the important measures to evaluate the success of multi-agency cooperation. On the other hand, the recidivism rate is based on a variety of factors, such as economic, social situation, family support and individual issues. Thus, other measures are also effective to evaluate the success of multi-agency cooperation. If offenders are not employed, their recidivism rate is higher; if they are not housed, re-

cidivism is also high. Hence, one of the measures of evaluation can be the counting of the number of offenders who find accommodation on re-entry into a community as a result of cooperation and coordination. The numbers of offenders who can start working and continue to work is also another measure. Another standard of benchmarking is the retention of the same job and the same employer for a lengthy period of time.

c) Who should be responsible for offender rehabilitation?

Responsibility for offender rehabilitation is for offenders themselves and every related agency. This cannot be left to only the actors in the criminal justice system. Everyone in society has the responsibility, but the last intervener on the offender has the responsibility for the offender's proper transition to further rehabilitation. Thus, it is crucial to employ the "through care" model to refer offenders to other appropriate agencies or individuals.

III. CONCLUSION AND RECOMMENDATIONS

Crime remains a perennial problem. Hence, to achieve effective rehabilitation of offenders, it is inevitable that we must adopt multi-agency cooperation in community-based treatment of offenders. In order to establish effective multi-agency cooperation, the following four pillars are important.

1. Mutual Understanding

It is important to understand which agencies and individuals we can cooperate with for offender rehabilitation. We must understand their role, mission and responsibility for mutual understanding and for effective cooperation. For example, periodic meetings, conferences, personnel exchanges and staff training, including on-the-job training, among agencies are effective to enhance mutual understanding among organizations. What is most important is 'face-to-face' relationships. Thus, site visits are critical to get to know each other.

2. Information Sharing

Information sharing is the main point of multi-agency cooperation. A common data management information system of offenders should be established as an ideal plan among criminal justice agencies. Before release of offenders, case conferences between agencies dealing with the offenders must take place to address the needs of the offenders. Use of the 'through care' model at this stage is important.

3. Legislation

Development of legislation that promotes rehabilitation of offenders within the community should be encouraged. It is also important to establish a structure for multi-agency cooperation. For example, some countries make use of memoranda of understanding (MOU) or circular notifications among agencies to put multi-agency cooperation into practice.

4. Budget

For effective practice of multi-agency cooperation, we need enough monetary resources. For example, recurrent funding for holding conferences, training, establishing a data management system and recruitment of expert staff must be secured. Organizations handling offenders should seek political goodwill, support and public understanding. They should be able to persuade politicians that they need monetary support for the purpose of multi-agency cooperation. Politicians should be invited to visit penal institutions and other related agencies, halfway houses to promote understanding of the importance of offender rehabilitation.