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WORKSHOP II: Institutional Treatment and Diversion

Summary Report of the Rapporteur

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Titles of the Papers Presented

1. The Need for More Meaningful Participation of the Police in Juvenile Diversion
by Mr. Reynaldo J. D. Cuaderno (Philippines)
2. Treatment Programs for Young Adult Offenders
by Mr. Sunao Satō (Japan)
3. Consideration of Pre-Parole Service Program in Japan
by Mr. Manabu Sakaida (Japan)
4. Contemporary Problems of the Juvenile Classification Home
by Mr. Masakane Suzuki (Japan)
5. Some General Considerations as to the Treatment of Juvenile Delinquents in Ecuador
by Mrs. Lupe Lasthenia Machado Paladines de Perez (Ecuador)
6. The Problem of Institutionalization in Ethiopia
by Mr. Assrat Belaye (Ethiopia)

Introduction

The group consisted of one prison officer, three specialists in juvenile institutions, one probation officer, and one assistant police commissioner. The discussion covered a wide range of contemporary issues and problems relating to juvenile diversion and institutional treatment programs for juvenile and young offenders. It was observed that effective and realistic treatment of juvenile delinquents necessitated the development of alternatives to formal juvenile court adjudication, such as the use of diversion for certain types of

offenders. The group then examined the current practices and programs in the institutional treatment of youthful offenders, the factors and problems involved and their impact on the trainees, and explored ways and means of improving institutional treatment measures. The discussion may be divided into two main categories: (1) Juvenile diversion and (2) Institutional treatment programs for juvenile and young offenders and their effectiveness.

Juvenile Diversion

In his paper entitled "The Need for More Meaningful Participation of the Police in Juvenile Diversion," Mr. Cuaderno (Philippines) noted that diversion of youthful offenders from the criminal or juvenile justice system took place most frequently at the police level, since in the process of apprehension the police were the first point of contact of juveniles with public authority. However, most police departments diverting youth to social welfare agencies neither have a systematic policy for screening juveniles out of the justice system nor a formalized set of criteria for referral. The degree and direction in which juvenile offenders are diverted are influenced by many factors such as the individual officer's conception of justice and his philosophy and theory of corrections, his personal assumptions, attitudes, biases, and prejudices, his knowledge of community resources, his relationships with other professional welfare workers both within and without his department, the size of his case load and the work load of his department.

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In order to insure more objective and judicious exercise of discretion in the matter of diversion, Mr. Cuaderno suggested the use of the following criteria in determining whether or not release to parents or social welfare agencies should be resorted to: (1) type and gravity of offense, (2) number of offenses committed, (3) presence or absence of high risk situations in the home environment, (4) parents-child relationship, (5) attitude of parents, and (6) needs of the child for authoritarian or non-authoritarian treatment. Mr. Cuaderno likewise stressed the need for encouraging the increased use of youth welfare agencies by law enforcement agencies, as well as the need for developing closer coordination between the police and welfare agencies.

The members of the group agreed with Mr. Cuaderno's position regarding the need for establishing formal criteria for determining appropriateness of diversion of juveniles from the criminal or juvenile justice system. The group was also of the opinion that, in order to insure an integrated approach, formulation of the criteria for diversion by the police be effected in collaboration with the social welfare agency, the family court and the police. On the other hand, some members suggested that diversion programs by the police should be limited to relatively minor cases because the police were not qualified to conduct socio-psychological investigation of juveniles and there was a possibility for the police to abuse their authority if given a wide discretionary power.

Institutional Treatment Program

The second paper which came up for discussion was that of Mr. Satō (Japan), entitled "Treatment Programs for Young Adult Offenders," in which he explored the problems involved in the treatment of prisoners categorized as YB class. This class, introduced as a prisoner allocation category by the new "Prisoner Classification Rules" of 1972, consists of young adult offenders under 26 years of age who have an advanced criminal tendency. Their behavior traits are as follow: (1) inclined to form groups,

especially gang faction groups; (2) apt to follow others blindly in group activities; (3) rebellious to official rules and orders; (4) aggressive, violent, impulsive and vainglorious; and (5) lacking in perseverance, will to work and hope for the future.

As treatment measures for YB class prisoners, Mr. Satō recommended: (1) improvement of institutional facilities and equipment; (2) use of relatively small workshops instead of big ones; (3) wider use of individual cells and the reduction of the number of inmates in community cells; (4) effective use of reward as well as punishment; (5) introduction of prisoners' self-government system under the guidance of the staff; (6) more emphasis on living guidance (guidance through psychological treatment such as self-observation method and individual and group counseling, recreational activities, reading and diary writing, etc.); (7) better planning of educational, vocational and physical training; (8) modulation of the relationship between the inmate and his family or relatives through visits and correspondence; and (9) reeducation of the staff to enhance their awareness of being educators. The members of the group agreed upon the propriety of such measures, but put a special emphasis on the needs of developing vocational training and living guidance in the treatment of YB class prisoners in order to promote their adjustment to social life after release as well as to institutional life.

On the other hand, Mr. Satō emphasized the need for serious consideration of security problems caused by YB class prisoners who often caused disorder and violated institutional discipline. Considering special characteristics of YB class prisoners, it was pointed out that correctional treatment must be conducted with a due regard to the maintenance of security in prison. Especially, continuous attention is necessary to the movements of grouped young prisoners trying to destroy the security of the prison. It can even be said that no correctional treatment is effective without the adequate maintenance of the order and security.

In his paper entitled "Consideration

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of Pre-Parole Service Program in Japan," Mr. Sakaida (Japan) explained that the purposes of the pre-parole service program, introduced in 1966, were to make a preliminary inquiry on the appropriateness of release on parole as well as to help the inmate rehabilitate himself more smoothly and to improve the relation between the correctional institution and the rehabilitation services. Under the scheme, a parole officer visits the inmate as soon as he becomes legally eligible for parole, in contrast to the conventional practice where a parole officer interviews the inmate only after the application for parole has been filed. The program is particularly indispensable for the short-term treatment program in Juvenile Training Schools, which was introduced in June 1977, to effectuate the rehabilitative function of institutions through short but intensified treatment as well as to reduce the negative effect accompanying the committal to institutions. Since an inmate placed on the short-term treatment program is expected to be released on parole within six months as recommended by the Family Court, it now becomes necessary for the parole officer to start the pre-parole investigation almost immediately after the commitment of a juvenile to an institution.

In order to facilitate the pre-parole service by a parole officer, the Training School is to send to the Parole Board a classification summary report within seven days after accommodating the juvenile in the institution, and thereafter to report on various problems observed at each stage in the process of treatment such as changes in his attitude and behavior, violation of rules, and visits of his family. To keep a closer relationship between the Parole Board and the Training School, the Chūbu Regional Parole Board and the Nagoya Regional Correction Headquarters have additionally entered into an agreement. Under the agreement, the Training School is further expected to inform the Parole Board of other personal problems of the inmate covering items such as his attitude toward his past anti-social career and institutional treatment, his life planning after release from the institu-

tion, and his relation with friends. While members of the group agreed that the pre-parole service program would work well for the rehabilitation of the juvenile and also elimination of negative effect resulting from institutionalization, Mr. Sakaida pointed out that it was still difficult for the parole officer to get a clue to understand the real problems of the inmate because of the short duration of interview necessitated by the shortage of personnel.

The "Contemporary Problems of the Juvenile Classification Home" was thereafter presented by Mr. Suzuki (Japan). According to him, the main roles of the Home are as follow: (1) to classify juveniles by the use of relevant sciences such as medicine, psychology, psychiatry, sociology and pedagogy, and to report the results obtained thereby to the Family Court with the recommendation regarding the disposition of juveniles; (2) to detain juveniles by the decision of the Family Court for a certain period not exceeding 28 days; and (3) to make treatment plans for juveniles who have been placed by the Family Court under protective measures. Keeping these roles in view, Mr. Suzuki explained that the coverage of the treatment programs for juveniles in the Home can be divided into five categories, namely: (1) security and custodial work; (2) arrangement of living conditions; (3) living guidance and social education; (4) treatment for reducing anxiety of the juveniles; and (5) special educational-therapeutic treatment (e.g., counseling, role playing, psychodrama, autogenic training, behavior therapy).

Some of the problems relating to the treatment of juveniles in the Home discussed by the group were the following: (1) the aims and effectiveness of treatment programs, particularly the educational-therapeutic treatment; (2) the feasibility of carrying out manifold treatment categories in the Home; and (3) the propriety of undertaking in the Home such special treatment as educational-therapeutic treatment, considering that the main role of the Home is to make classification examination for the Family Court.

In relation to the foregoing problems,

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Mr. Suzuki commented that the main objective of the educational-therapeutic treatment was not to attain the goal of ultimate reformation of juveniles but to help them improve their attitude and behavior; that the so-called over-treatment under which juveniles have no time to relax should be avoided; that the use of "priority treatment," in which core categories of treatment were set up according to the needs of juveniles and the actual situation of the Home, should be encouraged; and that conducting the educational-therapeutic treatment in the Home was advisable since it was useful for the improvement of juveniles, in addition to the enhancement of morale of the staff through greater involvement.

The members of the group appreciated the usefulness of the Classification Home and the educational-therapeutic treatment in the Home, on the ground that no chance should be overlooked for helping juveniles improve themselves even though the term in the Home was limited. Some members of the group opined, however, that it was difficult to introduce such a system in their own countries at the present time because of differences in cultural, social, and economic conditions.

In her paper entitled "Some General Considerations as to the Treatment of Juvenile Delinquents in Ecuador," Mrs. Perez (Ecuador) mentioned the following problems which hampered the treatment programs for juveniles in Ecuador: (1) centralization of service agencies in provincial capitals and key cities; (2) lack of overall planning and coordinated program at the national level; (3) dispersion of laws relating to juveniles in several statutes; (4) lack of research study and statistical data on juvenile delinquency at the national level; (5) scarcity of attention to the problems of juvenile delinquency at the community level; (6) insufficiency of recreational centers and meeting places for young people; (7) lack of social conscience in relation to juvenile problems; (8) lack of trained personnel in juvenile institutions; and (9) lack of coordination between judicial and police authorities and agencies dealing with juvenile delinquency. With the end in view of meeting these problems, Mrs. Perez recommended,

among others, that the government should establish a well-planned centralized service in accordance with the needs of localities; that planning be inter-ministerial, coordinated and on a continuing basis; that juvenile laws be updated and adapted to the needs of society; that an organization to carry out overall policy be formed at the national level; that a department be established at the national level to conduct research and statistical study on juvenile delinquency; that personnel in juvenile institutions be provided with better training; that ways and means of enhancing public awareness in juvenile delinquency be explored; and that a system of parole and post-release aid for juveniles be established.

Following the explanation of the general problems regarding the treatment programs of juvenile delinquents, she also explained that Ecuadorian society had been suffering from disorganization of family ties owing to the increase of working mothers, the lack of educational system suited to the present social conditions, and the degradation of morals caused mainly by the import of foreign cultures, especially through mass media. These social and economic factors have contributed to the increase of juvenile delinquency and prevented the introduction of effective countermeasures. While the developing countries like Ecuador should spend a greater ratio of national budget for the development of public enterprises and for the improvement of social and political conditions, she acknowledged that her country had been making every effort to improve the administration of criminal and juvenile justice in many respects.

Taking cognizance of the socio-economic problems faced by Ecuador, some members of the group suggested that correctional institutions be moved to the suburbs of cities where enough lands were available for conducting vocational training in agriculture, animal husbandry, poultry, etc. The added income derived from the sale of industrial products turned out by correctional institutions may then be applied to subsidize part of the expenses for institutional administration and for more effective vocational and educational training of inmates. It was

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further proposed that instead of trying to improve all juvenile institutions at the same time, it would be better to concentrate initially on the improvement of one or two institutions which can thereby serve as a model for others to follow.

The last paper which was taken up by the group was "The Problem of Institutionalization in Ethiopia" by Mr. Assrat (Ethiopia). Among the problems of institutionalization mentioned by him were: the lack of trained manpower; insufficient funding and resources for proper aftercare program; the negative attitude of the public towards juveniles who have been discharged from correctional institutions; the lack of employment opportunities; the lack of adequate family attention and proper care; escapes from the institution; and recidivism. He also pointed out that young people considered the correctional institution as a shelter rather than a rehabilitative agency, thus obliterating its basic objective.

Mr. Assrat felt that the problem of his country was more of a socio-economic nature rather than psycho-social. Accordingly, he said, treatment programs should be geared towards non-institutional type of services, vocational train-

ing, settlement schemes and development of cottage industry. He also felt confident that the current land reform program in his country would help to reduce the frequency of family disorganization and the number of juvenile delinquents. Some members of the group commented that more emphasis on vocational training in juvenile institutions would provide the youth with the necessary skills which can be utilized in contributing to the economic development of the country.

In summation, the group took cognizance of the need for the entire social institutions to make an utmost effort to strengthen family ties, produce better education, improve opportunities for employment and make the activities of law enforcement and social services more relevant to the needs of society. It is apparent that the multifaceted problems of delinquency cannot be solved by simple institutional programs. What is needed is a comprehensive effort to make changes in the system which produces juvenile delinquency and other forms of anti-social behavior, since one cannot isolate the treatment and prevention of a social problem which has its roots in the socio-economic conditions of society.



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