



THE SECOND SEMINAR ON PROMOTING
COMMUNITY-BASED TREATMENT
IN THE ASEAN REGION

SEMINAR REPORT





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The Second Seminar on Promoting Community-based Treatment in the ASEAN Region

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REPORT OF THE SEMINAR ON PROMOTING COMMUNITY-BASED TREATMENT IN THE ASEAN REGION

From 29 September to 1 October 2015, the Department of Probation, Ministry of Justice, Thailand (DOP), the Thailand Institute of Justice (TIJ), the Rehabilitation Bureau, Ministry of Justice, Japan, and the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI) hosted the Seminar on Promoting Community-Based Treatment in the ASEAN Region (hereinafter, the "Seminar"). This report summarizes the proceedings, country presentations, and general discussion held throughout the Seminar. (The list of participants is provided in Annex I.)

Proceedings

1. Mr. Yamashita Terutoshi, Director of UNAFEI, opened the Seminar by delivering a welcome address emphasizing the importance of community support in the rehabilitation and social re-integration of offenders as well as the importance of involving practitioners from all sectors of the criminal justice system and the private sector in the development of effective measures to reduce reoffending.
2. Mrs. Yossawan Boriboonthana, Director of Research and Development Institute of the DOP, delivered opening remarks stressing the positive steps taken pursuant to the ASEAN plus Three Roadmap to promote the sharing of information and experiences on community-based treatment in the ASEAN region.
3. Ms. Jane Holloway, Programme Specialist, Crime and Development of TIJ, delivered opening remarks stressing the importance of developing effective community-based treatment for the rehabilitation and reintegration of non-violent offenders, particularly for vulnerable groups such as women and children, and expressing her hope that the Seminar would facilitate the sharing of best practices and promote the implementation of non-custodial measures and capacity-building in ASEAN countries.
4. Mr. Imafuku Shoji, Director of the Supervision Division of the Rehabilitation Bureau, Ministry of Justice, Japan, delivered his opening remarks stressing Japan's high-level commitment to facilitating the re-integration of offenders into society and their acceptance by the community and encouraging the Seminar participants to embrace the opportunity to exchange information and practices for the improvement of community-based treatment.

5. Keynote speeches were delivered by: (1) Ms. Sonya Spencer, Executive Director of the John Howard Society of Toronto, on “Canadian Community Corrections: A Perspective from the Front Line”; (2) Mr. Yamada Kenji, Volunteer Probation Officer and Secretary General of the National Organization for Employment of Offenders, on “The Spirit of Offenders Rehabilitation (Community-based Treatment in Japan)”.
6. Country presentations were made by the delegations from Cambodia, Indonesia, Japan, Laos, Malaysia, Myanmar, the Philippines, Singapore, Thailand, and Viet Nam.
7. The Volunteer Probation Officers' Presentations were made by: (1) Mrs. Nongnuch Sornrach, Volunteer Probation Officer from Thailand; (2) Mrs. Seng Soo Hong Monica, Volunteer Probation Officer from Singapore; (3) Mr. Rey Paglinawan Modillas, Volunteer Probation Assistant in the Philippines; (4) Mr. Yamada Hiroshi, Volunteer Probation Officer from Japan.
8. At the conclusion of the seminar, participating countries discussed (1) the needs and interest for future training courses and (2) the ASEAN Plus Three Probation Association.

Keynote Speeches

1. **Ms. Spencer** shared examples of public/private partnership for community corrections in Canada. She introduced the background of the Canadian community corrections system and reported that the corrections system faces the challenge of increasingly complex needs of offenders. Challenges begin at the time of incarceration, and there is a need to focus on matters such as health care and reintegration efforts. In part, this could be addressed through the rebalancing of budgets that heavily favour the institutional setting, thus decreasing the capacity within the community corrections, both public and private efforts. In 2009, Correctional Services Canada (CSC) developed a community corrections strategy linking reintegration strategies with community partnerships. The *Federal Community Corrections Strategy: Vision to 2020* lays down strategic principles that will guide programme development, interventions, and practice. Despite CSC's 89.3 percent success rate for offenders granted early release, challenges facing community corrections include (1) community resistance to halfway houses and community group homes; (2) providing for the needs of offenders upon release such as housing and employment assistance; and (3) developing collaborative relationships with other governmental and community agencies. One practice in Canada is the use of supervised satellite apartments which provide independent living accommodations for offenders and offer supervision services at offsite locations. Another practice is “Klink Coffee” created by St. Leonard's Society of Toronto which utilizes the

social enterprise model to employ released offenders with challenging employment prospects in the gourmet coffee roasting business. Ms. Spencer introduced the activities of the John Howard Society of Toronto, which provides front line services to released offenders on the local level. These services help released offenders become contributing members of society. Front-line services include (1) pre-employment training and assistance; (2) post-incarceration housing support services; (3) residential support facilities; (4) the Partner Assault Response Programme which diverts suspects charged with domestic assault for counselling and treatment; (5) employment at social enterprises; and (6) pre-release institutional services. Further, the Crossroads Day Reporting Centre provides a one-stop-shop model for local monitoring and supervision, addiction and other counselling services, assistance (housing, employment, and education), crisis management and community referrals. Finally, the Reintegration Centre is modelled after the United Way's community-hub concept bringing together a variety of service providers that collaboratively work to address the needs of released offenders. For the future of community corrections, it is important to focus on the individual. Community corrections is vital to, among others, protecting the public and reducing reoffending, providing support for victims of crime, and building and maintaining public confidence in the criminal justice system.

2. **Mr. Yamada** explained the purpose of the offender rehabilitation system in Japan which includes providing support for the reintegration of offenders, protecting society, and enhancing the welfare of the public. Japan enjoys strong public support for offender rehabilitation, as evidenced by the significant involvement of the public: in Japan, roughly 48,000 volunteer probation officers (VPOs), 4,500 members of the Big Brothers and Sisters Association, 170,000 members of the Women's Association of Rehabilitation Aid, and 14,500 cooperative employers are actively involved in community corrections. Nevertheless, the recent decline in the number of VPOs shows that the system still faces challenges. Mr. Yamada reported that the majority of the Japanese public believe crime and delinquency result from social environment rather than the personal characteristics of the offender. Nevertheless, community resistance to the construction of new halfway houses is still a problem. The success of community corrections depends on the way society views crime and offenders. Historically, community-based treatment has its origins in the actions of concerned citizens in late nineteenth century in response to the understanding that rehabilitation during incarceration has no value if the offender is not supported upon his or her return to the community. During the post-war era, the Japanese national government assumed responsibility for offender rehabilitation through the enactment of legislation, recognizing the importance of protecting society and preventing crime and recidivism through cooperation between the government and the society. The mission of VPOs as set forth in the Volunteer Probation Officers Act

is to provide assistance to offenders and delinquents in the spirit of volunteer social services. To carry out this mission, Mr. Yamada shared lessons he learned from other Japanese VPOs, stating that to encourage change in others, it is necessary to let go of hate and to treat others as you would like to be treated. He concluded by urging that crime must be understood as a social problem, that the offender must be viewed separately from the offence, and that society must adopt the belief that people have the capacity to change and to recover.

Country Presentations

3. **CAMBODIA.** Alternative sentencing was introduced through legislation in 2007; however, such measures have not been used in practice, and offender rehabilitation is not a principal focus. Challenges include (1) the lack of judicial awareness and training for community-based treatment; and (2) the lack of clear guidelines on the use of alternative sentencing. In January 2014, the Inter-Ministerial Working Group on Alternative Sentencing issued guidance on the non-custodial measures of judicial supervision, suspended sentence with probation, and community service. The Working Group has been unable to issue further guidance, for example, on juvenile justice due to a lack of funding, technical knowledge, and cooperation with the judiciary. Regarding public participation, the Cambodian Law on Prisons requires relevant agencies to engage local communities to improve offenders' skills, enhance vocational training, and provide employment opportunities; however, implementation is lacking. Cambodia's prisons currently house 17,173 inmates, and this figure is increasing due to the prevalence of drug trafficking and related offences. There are 2,507 prison officers nationwide, but the ratio of inmates to prison officers continues to increase. Prison overcrowding is also a challenge because only 31.3 percent of inmates are convicted. The remaining inmates are pre-trial detainees or are still involved in the judicial process. Cambodia does not have halfway houses, but community engagement is facilitated through non-profit organizations and religious groups. Computer, cultural and vocational training courses are provided in the institutional setting. Cambodia faces a unique challenge in that, unlike developed countries, the cost of incarceration is less than the cost of community supervision. Additional challenges include insufficient understanding of the causes underlying criminal conduct, human resources, training, lack of experience in community corrections, technical support, poor inter-agency cooperation, and so on.
4. **INDONESIA.** Probation and parole were established by law in 1964, and the concept of punishment in Indonesia includes providing support to the offender and ensuring protection of society. Probation offices are the frontline units for the delivery of community-based treatment, and they have four main duties: preparing social inquiry

reports, accompanying juveniles in court, providing correctional treatment and providing supervision. Treatment programmes begin in prison, and they follow a progressive track through release. These programmes are continued in the community through aftercare programmes. Indonesia does not have a volunteer probation officer programme; community-based measures include assimilation, conditional release, furlough, and conditional furlough. One practical measure is a programme which helps released offenders make a high-quality soybean product, which is sold in the community for the benefit of the offenders. Indonesia's prisons house 107,507 convicted prisoners and 52,145 detainees. Meanwhile, Indonesia has 38,000 parolees and 52,059 probationers who are overseen by a staff of 1,338 probation and parole officers. Challenges facing community-based treatment in Indonesia include service delivery in a country with a dispersed population, the limited number of probation and parole officers, financial constraints, and the quantity and quality of human resources.

5. **JAPAN.** Community-based treatment is administered by professional probation officers serving in Japan's 50 probation offices. The activities of the probation officers are supported by Japan's 47,872 VPOs who facilitate the smooth reintegration of offenders into the community. Japanese law requires that VPOs possess sound moral character, have time to fulfil their duties, be financially stable, and be healthy and active. VPOs are commissioned by the Minister of Justice as part-time government officials. They receive no salary but are reimbursed for expenses incurred. They serve two-year terms and may be reappointed until the age of 76; the average VPO age is 64.7 years old. VPOs are assigned to probation districts which are subdivisions of the jurisdiction of each probation office. VPOs' duties include probationary and parole supervision; coordinating the social circumstances of each offender by meeting with the offender's family, coordinating family counselling, and coordinating living and employment assistance; and supporting crime prevention activities by promoting public awareness of the importance of community-based treatment. VPOs accomplish these tasks by liaising with relevant governmental agencies and drawing on community resources. The hierarchy of VPOs associations has been established from the local to the national level, and these associations facilitate VPO training and networking. Challenges facing the VPO system in Japan include recruitment and reinforcing the VPOs' working environment. In response, the Ministry of Justice has established offenders rehabilitation support centers to provide public meeting space for VPOs and offenders. Additionally, the compensation system for damages and injuries to VPOs has been expanded to include property damage and injuries to their family members.
6. **LAO PDR.** In Laos, the law provides the imposition of fines, confiscation of property connected to the offence, deprivation of election rights, house arrest, suspended

execution of sentence, conditional release, and court referrals for alcohol and drug treatment programmes administered by the state. For example, property crimes causing damages less than 65 USD are not considered offences, and children under the age of 18 are generally not processed through the traditional criminal justice system. Re-education without deprivation of liberty is a measure under which the offender continues his or her employment subject to garnishment of 5 to 20 percent of the offender's wages by the state. In Laos, there were more than 6,000 prisoners in 2014, and the number increases slightly each year. Drug-related offences account for 60 percent of incarcerated offenders. Rehabilitation is provided for by law; prisoners are encouraged to reform their lives and are provided with opportunities to learn marketable skills. However, rehabilitation and reintegration cannot succeed solely through treatment within the prison walls. Reintegration efforts must involve the community and must focus on enhancing family ties and securing employment opportunities. Upon release, offenders' families, relatives, and village authorities are invited to receive the offenders and to follow up on their rehabilitation. Prosecutors make recommendations to the offenders on how to live successful lives in the community, and the offenders promise not to commit crime in the future. Although the law permits suspension of execution of sentence, Laos does not have formal probation or parole. The Ministry of Justice are considering how to take the necessary legislative steps to introduce such systems.

7. **MALAYSIA.** Malaysia's current parole system for adult offenders is based on the Australian system, and it was implemented in 2008. Parole is administered by the Ministry of Home Affairs. Parole boards investigate and make parole decisions, suspend or revoke parole orders, and impose conditions of parole. Community-based treatment programmes include vocational training, employment assistance, community service activities, sporting events, and so on. Malaysia has recently involved the prisons in the identification of parole-eligible inmates who show exemplary behavior during incarceration. A parole officer stationed at the prison conducts an evaluation, including risk assessment, and submits reports to the Parole Department Headquarters before the application is referred to the Parole Board. Over the past seven years, the parole success rate is 97.87 percent, and the success of the programme is expected to encourage inmate rehabilitation, reduce recidivism, and result in more offenders serving their sentences outside the prison walls. The Department of Social Welfare provides social services to children and many other groups of persons that require social assistance. Children in conflict with the law typically commit property crimes, drug crimes, or crimes against persons. The age of criminal responsibility is 10 years old, and children under the age of 18 are diverted from the traditional criminal justice system. Treatment, formal education, and vocational training take place in approved schools for a period of three years; however, residents may be released early. Other measures include supervised probation and community

service orders. Supervision is conducted by 700 probation officers; 5,153 supervision cases were handled in 2014. Members of Child Welfare Committees are appointed by the Minister of Women, Family and Community Development, and they provide support to probation officers, similar to the role of volunteer probation officers.

8. **MYANMAR.** No formal probation system has been established in Myanmar although juveniles under 18 are placed on probationary supervision. However, the 2010 law establishing Myanmar's judicial system recognizes the aim of "reforming moral character in meting out punishment to offenders". Under the Code of Criminal Procedure, certain offenders may be released without serving the imposed sentence, depending on factors such as age, sex, or prior criminal history. Juvenile courts may direct probation officers to investigate and report on the background and conduct of a juvenile in conflict with the law, and juveniles may be referred for supervision for a period up to three years. During this period, the court may entrust the child to the custody of the juvenile's parents. In addition to addressing the needs of juveniles, special treatment is provided by the Ministry of Health for drug users under the Narcotic Drugs and Psychotropic Substances Law 1993. The Ministry of Social Welfare, Relief, and Resettlement provides housing, employment, and aftercare assistance. Although Myanmar has no formal community-based treatment system, the social workers from the Department of Social Welfare (DSW) provide assistance to vulnerable groups facing social problems, focusing on children and youth, women, the elderly, drug users, and the disabled; however, such assistance is not specifically designed to address the unique needs of offenders. The DSW also administers social welfare institutions (including rehabilitation centres and training schools), manages volunteer social workers, and collaborates with other departments to coordinate the provision of social welfare services. Some social workers are assigned as probation officers to provide a broad range of institution-based and community-based services to juveniles. Because of the broad scope of social welfare services, and the fact that they concern all members of Myanmar's society, community involvement is extremely important.

9. **THE PHILIPPINES.** The Parole and Probation Administration is responsible for providing individualized treatment to probationers, parolees, and pardonees with supervision and mainstreaming them back into the society. Community-based treatment involves three main activities: investigation, supervision, and rehabilitation. Volunteerism through the Volunteer Probation Aide Program is one of the key components in the rehabilitation of probationers and parolees. The VPA Program was authorized by law in 1976, and 13,056 Volunteer Probation Assistants (VPAs) have been currently appointed. VPAs supervise a maximum of five clients, work closely with probation officers to develop treatment plans, and submit monthly reports. Moreover, VPAs serve as counsellors, client sponsors,

mediators, and speakers on offender rehabilitation. Other activities in which VPAs participate include VPA training, client skills- and job-training courses, VPA associations, fundraising, award ceremonies, conferences on rehabilitation, and community service and outreach projects. In the Philippines, probation is an alternative to imprisonment that is only available for first time offenders and once during the offender's lifetime. Probation was originally implemented for adults, but the programme has been extended to minors who committed drug-related offences. Other non-custodial measures include extinguishment of criminal liability upon successful completion of probationary supervision as well as bail and personal recognizance to mitigate pre-trial detention.

10. **SINGAPORE.** Probation in Singapore is a court-ordered rehabilitation programme that offers the courts an alternative sentencing options for offenders who may otherwise be incarcerated. The Ministry of Social and Family Development administers probation. Volunteers were introduced to probation under the Community Probation Service in 1971, and the programme was renamed the Volunteer Probation Officer Scheme in 2012 to stress the volunteer nature of the programme. Singapore has 250 VPOs who engage in activities such as befriending, conducting curfew checks (Operation Night Watch), supporting offenders' completion of community service (ComServ), conducting school visits to support probationers (School Liaison Network), and facilitation/organization of group programmes. The probation system introduced community service in 1996 for the purposes of punishment, reparation, and rehabilitation. The success of community service has been facilitated by building mutually beneficial and creative partnerships among community-service agencies and Probation Service. The Singapore Prison Service implements community corrections strategies. Singapore is facing an increase in drug offences, thus increasing the need for rehabilitation and reintegration of drug offenders. Community corrections is crucial to preventing relapse upon release, and applies techniques such as determining appropriate interventions to support inmates' and supervisees' reintegration needs, ensure adherence to supervision conditions and interfacing with the community. The Community Corrections Command (COMC) has a staff of 200 officers and manages 1,500 supervisees in the community. The case management process has four steps: (1) assess and plan, (2) intervention, (3) review and evaluate; and (4) terminate. The case management team focuses on motivating the offender, enhancing the offenders' skills, and creating opportunities for offenders. In 2012, the recidivism rate for released offenders was 27.6 percent; in 2014, 96.7 percent of penal offenders, and 88.2 percent of drug offenders successfully completed community corrections programmes in Singapore.

11. **THAILAND.** The present VPO system was introduced in 1986 and has been providing support to juvenile and adult offenders. They are appointed by the Ministry of Justice, and their

duties include submitting reports to probation officers on probationers' performance, assisting in post-sentence investigations, supervising and monitoring probationers and parolees, assisting in drug rehabilitation, providing vocational training to probationers, and promoting public awareness of probation services. Eligible VPO candidates must be at least 25 years old, sufficiently educated, must not have served a prison sentence, and must complete a three-day training course. Although VPOs are not paid, they receive transportation allowances for home visits, receive free health care at government hospitals, and can be nominated for royal decorations. Thailand had 15,381 VPOs in 2014 which increased to 21,575 by August 2015. Challenges include increasing the active participation of VPOs in service delivery and improving training for newly recruited VPOs. Another challenge is developing VPOs' abilities to conduct supervision and rehabilitation such as improving report-writing skills and increasing VPO self-confidence. A strategy to enhance the abilities of VPOs is the use of a team model, under which one probation officer and three VPOs collaborate and share information and experiences. In the future, Thailand seeks to expand the duties of VPOs providing victim support, improving collaboration with local organizations and other volunteers, and recruiting younger VPOs.

12. **VIET NAM.** Although Viet Nam has not yet adopted a parole system, community-based treatment has been implemented as a measure to support probation. Under Vietnamese law, probation can be granted for a period of 1 to 5 years. Rehabilitation without detention is another measure imposed on offenders who have stable work and residences. The period of supervision ranges from 6 months to 3 years, and 5 to 20 percent of the offender's wages are garnished by the state; the garnished wages will be refunded upon successful completion of the programme. Probation and rehabilitation without detention are both administered by the commune in which the offender resides. Local resources are utilized to provide probationers with job assistance and other guidance. Offenders are required to submit self-review reports on their observance of the law to their supervisors quarterly. Viet Nam stresses the importance of community involvement in rehabilitation. Measures include regular contact with family members of the offender at the time of and during incarceration, cooperation with social organizations to teach offenders to live healthy lives, providing education and vocational training, and the establishment of the Fund for Reintegration to reward offenders for good conduct and to support stable reintegration into society. The government encourages all governmental agencies and social organizations to engage in reintegration efforts which has helped to provide employment opportunities to offenders. Viet Nam is seeking to establish a parole system which is hoped to be implemented by 2020.

Volunteer Probation Officers' Workshop

13. Mrs. Sornrach from Thailand presented on the activities of VPOs in Thailand and the use of VPO coordination centres. Coordination centres provide many activities such as drug treatment programmes, religious activities in support of rehabilitation, vocational training, and livestock rearing. Extraordinarily, Mrs. Sornrach self-funded the construction of her local centre, the Phra Phuttabat VPO Coordination Centre, and donated the land upon which it was built. To support the centre's construction, activities and maintenance, she engaged local associations such as the Rotary Club for assistance. With the support of the community, Mrs. Sornrach supervises an average of 75 offender visits per month with a maximum of 108 offenders, offering free lunches to those who attend.
14. Mrs. Seng from Singapore presented on a community service project at a hospital for the elderly in Singapore. The goal of the project is to promote intergenerational bonding and understanding by befriending the elderly, serving them meals, and encouraging them to participate in social activities. The programme is intended to develop leadership skills, compassion, as well as reflective-thinking and communication skills. Probationers also develop a sense of responsibility and commitment. The programme allows VPOs to observe the probationers as they work and develop their skills.
15. Mr. Modillas from the Philippines reported that he finds his work with offenders to be challenging, but has a feeling of self-fulfillment when his clients are successfully rehabilitated. The main activities of VPAs include offender supervision, conducting post-sentence investigations, attending and conducting regular VPA meetings, and conducting public awareness campaigns on crime prevention and related issues. Other activities include facilitating restorative justice through mediation and family/group counselling and conducting volunteer activities outside of the VPA framework such as housing and disaster relief projects.
16. Mr. Hiroshi presented a case study regarding attempted murder in which the offender was a 71 year old woman who stabbed her unemployed son in the neck with a kitchen knife. The son survived, and the mother was granted a suspended sentence. Mr. Hiroshi discovered that poverty and an unhealthy living environment were the causes of the crime, as the offender's home was filled with trash. He arranged for trash removal by the city government; he also coordinated new living arrangements for the offender through local social welfare services. Mr. Hiroshi also described the role of Offenders Rehabilitation Support Centers and VPOs activities such as social contribution activities (cleaning public spaces), cooperation with other organizations, and crime prevention activities.

General Discussion

17. During the discussion session, two agenda items were addressed: (1) the needs and interest for future training courses; and (2) the ASEAN Plus Three Probation Association. DOP summarized the outcomes of the conferences in Thailand and in the Philippines, and then reviewed the goals of the Roadmap for ASEAN Plus Three on Probation and Non-custodial Measures Cooperation. The Roadmap established three key areas of actions: knowledge sharing, capacity-building, and developing international cooperation on treatment of offenders. The final Phase IV goal for each key area, to be achieved by 2019, is as follows: for knowledge sharing, the establishment of the ASEAN Plus Three Probation Association; for capacity-building, the establishment of the ASEAN Plus Three Probation Training Institute; for international cooperation, the proposal of standards or principles on probation and non-custodial measures for adoption.
18. DOP and UNAFEI proposed a schedule for upcoming training courses and seminars that are planned in line with the Roadmap. It was announced that Indonesia will host the next ASEAN Plus Three Conference on Probation and Non-custodial Measures in June 2016. It was also announced that Thailand's Ministry of Justice will be sponsoring a three-day seminar focusing on the treatment of drug offenders tentatively scheduled to begin on 1 March 2016; another training course is planned for July 2016 in Thailand. For the next three years, UNAFEI will hold a three-day seminar in September, if the budget for those seminars is approved. It was also announced that Japan will host the third World Congress on Probation in 2017, and UNAFEI may host a seminar in conjunction therewith.
19. DOP introduced plans for holding the Training Course on Development of Effective Community-based Treatment *which will be held in the framework of JICA third country training*. The course will focus on capacity-building and will target the "CLMV" countries (Cambodia, Laos, Myanmar, Viet Nam). In year one, the course will address main concepts and principles. The target group is senior and mid-level officials such as judges, prosecutors, correctional officers, and policy makers. By the end of the course, participants should be able to design a system that suits their respective countries. Year two will address strategies for implementing community-based treatment. The target group is mid-level officials in order to create a roadmap to implement community-based treatment. Year three will focus on providing in-depth knowledge about treatment programmes and necessary skills for offender supervision and rehabilitation. The target group is mid-level officials. Participants will be able to design treatment programmes and address human resources. The course methodology includes lectures, workshop and discussion, presentations, and study visits. The proposed training period is two weeks.

Discussion Regarding Future Training Courses

20. DOP stated that the seminars planned in line with the Roadmap were proposed to last three days; the training courses were proposed to last two weeks. The delegates from Cambodia and the Philippines expressed concerns over the plan to hold two-week courses noting the difficulty for high-level officials to be away from work for extended periods. It was suggested that training modules should be planned carefully and course length should be considered on a case-by-case basis. Support was also expressed for limiting the training course to one week. The Philippines proposed a compromise involving a one-week training course focusing on theory followed by one week spent in the home country focused on practical application of the theory resulting in the submission of a report.
21. Several other ideas for future training courses were shared during the discussion. A delegate from Thailand noted that language is a barrier and that consideration should be given to providing interpretation services for other languages. A delegate from Indonesia identified the need for training that addresses high-risk offenders, drug offenders, corruption and terrorism as well as an anger management for correctional officers. UNAFEI noted that information sharing could be improved by collecting and disseminating laws, regulations, and handbooks related to community-based treatment.
22. UNAFEI asked the non-host-country delegations for comments on whether future training courses should focus on developing probation systems or treatment programmes. While there was no consensus, some countries stated that both are important. However, the responses suggested that countries without established probation systems would be interested in legislative and other guidance to develop probation systems. Meanwhile, countries with established systems seemed to express greater interest in treatment programmes.
23. DOP asked the delegations for comments on which government officials should be the target group for upcoming seminars. A delegate from Cambodia noted that in countries without a community-based treatment system in place, target groups are difficult to identify due to the lack of any responsible agency.

ASEAN Plus Three Probation Association

24. The Philippines stated that the goal of the knowledge-sharing prong of the Roadmap, as agreed during the Senior Officials' meeting at the Second ASEAN Plus Three Conference held in Thailand, is to establish an ASEAN Probation Association, noting that

a sample constitution and bylaws had been circulated for discussion purposes. Acknowledging that some countries had already expressed political concerns regarding the establishment of an association, it was suggested by the Philippines that the purpose of having an association would be to ensure unified interpretation and implementation of the Roadmap. If established, the association would strengthen relationships among ASEAN countries, develop members' competence and increase efficiency in the implementation of community corrections. It was also suggested that membership in the association could be open to countries, organizations and individuals. Finally, the role of the association would be to set an agreed direction and to keep moving forward with efforts to enhance community-based treatment.

25. UNAFEI stated that the ASEAN plus Three forum on probation and non-custodial measures is an informal framework. As China has never joined the forum, it makes it difficult for the "Plus Three" countries (China, Japan and Korea) to join the framework. It was noted that any association must be officially recognized by ASEAN Secretariat and that the Senior Officials' Meeting next year will decide whether the association will be moving forward.

1 OCTOBER 2015

TOKYO, JAPAN

COUNTRY PAPERS

COUNTRY PAPER ON BEST PRACTICES AND SUCCESSFUL EXPERIENCES FOR ACHIEVING COMMUNITY INVOLVEMENT IN COMMUNITY-BASED TREATMENT IN CAMBODIA

I. OVERVIEW

A. Historical Development of Community-based Treatment

Overcrowding in prisons emphasizes the importance of Community-Based Treatment offenders in Cambodia. It is caused by several factors including a large number of pre-trial detainees (over 30% of prison population); limitations to some prison infrastructure; poor coordination between police, court and prison; and weak management in some prisons.

There is no legal framework or regulations about the Community-based Treatment in Cambodia before the Criminal Procedure Code and Criminal Code had been enacted. In 2007, the Criminal Procedure Code had been enacted, there are legal provisions concerning the Judicial Supervision had been established. In 2009, the Criminal Code had been enacted, there are legal provisions of Alternative Measures such as the community service, suspended sentence, suspended sentence with probation, semi-liberty, and deferment of sentence etc. had been established.

Although the Criminal Procedure Code and the Criminal Code had been enacted but the implementation of these Codes, there are still many challenges, particularly with regard to Alternative Sentencing such as Judicial Supervision, community service, and suspended sentence with probation etc. These difficulties arise because there are no clear procedures or guideline in implementing this provision; making judges do not take these provisions to apply in reality. Even though the Criminal Procedure Code and Criminal Code allow Alternative Sentencing but judges rarely use such legal provisions. Two major reasons are:

(1) Lack of experience and necessary resources to supervise persons under Alternative Sentencing, and;

(2) Lack of clarity and details mechanism as well responsible institution within the provisions for effective enforcement. It is necessary that government directives be in place to provide practical steps for enforcement of those provisions.

To address these challenges, in October 2011, the Ministry of Justice, through its leadership has established the Inter-Ministerial Working Group consisting of the Ministry of Justice, Ministry

of Interior, and Ministry of Social Affairs Veteran and Youth Rehabilitation. The purpose of this working group is to prepare guidelines for the implementation of the Criminal Procedure Code and Criminal Code functioning fully, especially relating to Alternative Sentencing. As a result, in January 2014, the Inter-Ministerial Working Group on Alternative Sentencing issued three circulars on:

- (1) Judicial Supervision
- (2) Suspended Sentence with Probation, and
- (3) Community Service

The Ministry of Justice has informed to court officials throughout country of the three circulars through two other separate conferences. The Ministry of Justice also has disseminated the circulars to other law enforcement officials including police officers from all sub-national levels (province, district and commune council members). However, due to the lack of resources at the sub-national level, the implementation of the three circulars has been slow and could be much further improved.

At the moment, the Ministry of Justice is in the process of reforming the Inter-Ministerial Working Group on Alternative Sentencing, which was established in October 2011. The reform will be taking into account all the lessons learned related to its function as well as those about the drafting and development of the previous circulars.

The improvement in the function of the Working Group plays an important role in effective enforcement of Alternative Sentencing in Cambodia as well as Community-based Treatment of offenders. The Ministry of Justice plans to have more circulars to bring clarity in the steps to be taken for effective implementation of Alternative Sentencing in Cambodia such as (1) Suspended Sentence; (2) Semi-Liberty; (3) Deferment of Sentence etc.

At the present, there are no mechanisms to look after offenders or ex-offender in the society, except for the offenders in the prison received services like vocational training skills (motor bike repair, car repair, carpenter skill, hair dressing, haircut, sewing, drawing, computer training, music training, electronic and others) and the other training on knowledge mostly conducted by Non-Governmental Organizations (NGOs) and international organizations on domestic violence, child rights, health care, and others necessary kids and after released from prison, target children will get a package of training kid as they prefer in order to let them to live in their community as we called reintegration program but only for the child conflict with law by Legal Aid of Cambodia (LAC).

LAC is one non-governmental and non-profit organization that has a project on Community-based Prevention, Diversion and Rehabilitation Program for Children at Risk and Transition

Services. The Project was created in 2007-2014 and funded by the UNICEF, EU and Save the Children Norway. The Project was covered at Battambang, Banteay Meanchey, Seam Reap, Prey Veng, Kampong Cham and Svay Reing Province.

LAC has conducted in collaboration with Judicial Police, local authorities, Court Officials, local NGO called Kalyan Mith in Svay Rieng Province as well other local NGOs, and with the Government as the Ministry of Social Affairs Veteran and Youth Rehabilitation (MoSVY) at National Level, Department of Social Affairs Veteran and Youth Rehabilitation at Provincial Level (DoSVY), Office of Social Affairs, Veteran and Youth Rehabilitation (OSVY) at District Level, Ministry of Women Affairs and Department of Women Affairs, District Authorities and Commune Council Women and Children (CCWC).

There are about 1,234 children provided legal presentation, counseling, skills training, reintegration back to community, rehabilitation and about 18 children diverted from Justice System to community-based treatment only for minor crimes such as:

1. Minor theft (chicken, duck, dogs, fruits, wiring, and others)
2. Drug abused, who attempt to commit or commit petty crime under the drug influence.
3. Simple or light assault (gang fighting among youth)

The process of diversion method that LAC achieved through 7 stages:

- 1) Arrest or detention of a child offence by law officer for a minor crime
- 2) Interview and case history by social worker;
- 3) Assessment of the case to determine if child meets selection criteria;
- 4) If found qualified, provision of information to child and his/her family or guardian, and discussion of the diversion program;
- 5) Mediation with Commune Council for Women and Children (CCWC)
- 6) Preparation of the settlement agreement and execution of the diversion activities; and
- 7) Rehabilitation, reintegration and follow up.

B. Legal Basis of Community-based Treatment

Legal basis of community-based treatment is stipulated in the Criminal Procedure Code and Criminal Code but not clearly mentioned on the mechanism as well its functioning and to whom responsible, from this gaps, we are drafting the Law on Juvenile Justice with clearly defined and detail role, mechanism, functioning and the in-charge institution.

C. Organization and Personnel

Even though Cambodia has legislation on community-based treatment in which stipulated in the Criminal Procedure Code and Criminal Code but we have not yet implemented since we do not have clear mandate as responsible institution, resources and mechanism from national level to provincial level and as well at community.

There is no practical probation service in Cambodia but in the Criminal Code, there are provisions concerning to the Suspended Sentence with Probation.

Art.117 (meaning of suspended sentence) stated that, "the court may combine a suspended sentence with probation if the sentence of imprisonment incurred is between six months and five years. A suspended sentence with probation subjects the convicted person, for a certain period, to probation measures and one or more specific obligation".

Art. 118 (probationary period) stated that, "the court shall determine the duration of the probationary period, which may not be less than one year nor more than three years.

Art. 119 (probation measure) concerning to the probation measure; A convicted person shall be subject to the following measures;

- (1) To appear when summonsed by the prosecutor or his or her designated representative;
- (2) To receive visits from any person designated by the prosecutor;
- (3) To provide the prosecutor or his or her designated representative with documents establishing his or her social reintegration;
- (4) To alert the prosecutor of any change of address;
- (5) To alert the Prosecutor of any change of employment; and
- (6) To obtain prior authorization from the Prosecutor before travelling abroad.

D. Main Tasks

According to the Criminal Procedure Code and Criminal Code, this work is responsible by judges and prosecutors. Even though there are provisions concerning to the community-based treatment but because of the lack of resources and mechanism since national level, provincial level as well in community, the courts rarely apply those provisions.

II. PROBATIONARY AND PAROLE SUPERVISION

(a) Types of Community Measures, Orders, Dispositions, etc.

There are many types of alternative measures provide in the Criminal Procedure Code and Criminal Code such as judicial supervision; community service; suspended sentence; suspended sentence with probation; deferment of sentence; semi-liberty; and sentence served in installments.

- In the Criminal Procedure Code, at an Investigating stage, an investigating judge may place a charge person under judicial supervision if the charged person is under investigation for an offense punishable by imprisonment. (Art. 223 to Art. 230);
- The court may order the convicted person to perform community service if an accused is liable to imprisonment for a maximum period of three years or more (Art. 72 to Art. 75 of the Criminal Code);
- The court may order suspended sentence (Art. 106 to Art. 116 of the Criminal Code);
- The court may order suspended sentence with probation (Art. 117 to Art. 123 of the Criminal Code);
- The court may order deferment of sentence (Art. 124 to 126 of the Criminal Code);
- The court may order semi-liberty (Art. 127 to 131 of the Criminal Code); and
- The court may order sentence served in installments (Art. 132 to 135 of the Criminal Code).

(b) Conditions of Probation and Parole Supervision

- **Condition for Probation:**

Article 117, in Criminal Code, stated that, "the court may decide a suspended sentence with probation if the sentence of imprisonment incurred is between six months and five years. A suspended sentence with probation subjects the convicted person, for a certain period to probation measures and one or more specific obligations". The court shall determine the duration of the probationary period, which may not be less than one year nor more than three years.

- **Condition for Parole:**

Article 512, in the Criminal Procedure Code stated that, "any convicted person who is serving one or more imprisonment sentences may be paroled, provide that he has shown good behavior during imprisonment and appears to be able to reintegrate into society".

Article 513, stated that, "parole may be granted to a convicted person who has served, (1) half of his sentence if the duration of the sentence is less than or equal to one year; (1) two-thirds of the sentence in other cases. A convicted person who has served at least 20 years of a life imprisonment sentence is also eligible for parole".

Article 522 of the Criminal Procedure Code stated that, “the modalities of monitoring, supervising, and reintegrating a convicted person into society shall be determined in the Prakas of the Ministry of Justice. This Prakas may entrust public or private institutions with the social reintegration of the convicted person”.

(C) Probation and Parole Supervision

In the Criminal Code:

Article 119 stated that, a convicted person shall be subject to the following probation measures:

- (1) To appear when summoned by the prosecutor or his or her designated representative;
- (2) To receive visits from any person designated by the prosecutor;
- (3) To provide the prosecutor of his or her designated representative with documents establishing his or her social reintegration;
- (4) To alert the prosecutor of any change of address;
- (5) To alert the prosecutor of any change of employment; and
- (6) To obtain prior authorization from the prosecutor before travelling abroad.

Article 120, stated that, the following specific obligation that may be imposed on a convicted person:

- (1) To remain in employment
- (2) To follow a course of instruction or vocational training
- (3) To take up residence in a specified place;
- (4) To undergo medical examination or treatment
- (5) To demonstrate that he or she is contributing to his or her family's expenses;
- (6) To repair, pursuant to his or her means, the harm caused by the offence;
- (7) To demonstrate that he or she is playing, pursuant to his or her means, the amounts owing to the State as a result of his or her conviction;
- (8) Not to engage in the professional or social activity as specified by the court which enabled or facilitated the commission of the offence;
- (9) Not to be present in such places as specified by the court;
- (10) Not to frequent gambling places;
- (11) Not to frequent drinking establishment;

(12) Not to associate with certain person as specified by the court, especially the perpetrator, co-perpetrators, instigators, accomplices or victims of the offence

(13) Not to have or carry any weapon, explosive or ammunition of any kind.

The court's decision shall include the specific obligation or obligation imposed on the convicted person.

Article 165 states that, in case of a suspended sentence with probation, only the following specific obligations shall be applicable to minors:

- (1) To follow a course of instruction or vocational training;
- (2) To take up residence in a specified place;
- (3) To undergo medical examination or treatment;
- (4) To repair, pursuant to his or her means, the harm caused by the offence;
- (5) To demonstrate that he or she is paying, pursuant to his or her means, the amounts owing to the State as a result of the conviction;
- (6) Not to be present in specified places;
- (7) Not to frequent drinking establishment;
- (8) Not to associate with certain person as specified by the court, especially the co-perpetrators, instigators, accomplices or victims of the offence;
- (9) Not to have or carry any weapon, explosive or ammunition of any kind.

Article 122 states that, a suspended sentence with probation may be revoked by the court:

- (1) If, during the probationary period, the convicted person does not comply with the probation measures or specific obligation;
- (2) If, during the probationary period, the convicted person is again convicted of a felony or misdemeanor.

The court may order that all or part of the suspended sentence with probation be revoked. In such case, the sentence shall be served in whole or in part.

Application therefore shall be made as provided for by the Code of Criminal Procedure.

In the Criminal Procedure Code;

Article 514 (Authority Competent to Grand Parole) stated that, "the president of the Court of First Instance at the place of detention has the authority to grant parole to a convicted person. He shall make this decision after having

received the opinion from a national commission which meets at the Ministry of Justice.

The national commission shall be composed of:

- Two member appointed by the Minister of Justice, one of whom shall serve as chairperson of the commission;
- The Chief of the Prison Administration or his representative, as a member

Article 515 (Opinion of National Commission) stated that, after an application for parole has been filed, the President of the Court of Frist Instance shall deliver to the national commission:

- The application;
- The sentencing judgment;
- All other sentencing judgment if the convicted person has been subject to several penalties;
- Bulletin No.1 of the criminal record;
- The opinion of the Royal Prosecutor;
- All other useful documents.

The national commission shall issue its opinion without delay. This opinion shall be in writing and include reason. The opinion shall be submitted to the President of the Court of First Instance immediately.

Article 516 (Decision on Parole) stated that, the President of the Court of First Instance shall not be bound by the opinion of this national commission. The decision of the court president may be appealed to the President of the Court of Appeal within 5 days. This appeal may be made by the General Prosecutor attached to the Court of Appeal or the Royal Prosecutor of the Court that made the decision. When the President of the Court of First Instance has granted parole, the decision shall not take effect in the first 5 days. If there is an appeal, the parole decision shall not take effect until the decision of the President of the Court of Appeal is issued. The President of the Court of Appeal shall make a decision including reasons and this decision cannot be appealed.

Article 517 (Enforcement and Conditions of Parole) state that, a decision granting parole shall designate the means by which it should be enforced and the requirements the convicted person has to follow. This decision shall

determine a probation period, which shall not exceed the term of the sentence which is not yet served.

Article 518 (Revocation of Decision) where a new sentence is imposed or if the convicted person violates the requirements determined in the decision to grant parole, the President of the Court of First Instance may revoke his decision.

Article 520 (Revocation of Parole) stated that, where parole is revoked, the convicted person shall serve the remaining sentencing term. The remaining sentencing term shall be calculated from the date of which the convicted person has received the parole decision. If the convicted person has been arrested, the period from the date of the arrest to the date of the revocation of parole shall be deducted from the remaining sentencing term.

(d) Halfway House (or other residential facilities within the Probation Services)

In the Criminal Code there are provisions concerning day release and sentence served in installments.

Article 127 (availability of day release) stated that, if a court imposes a sentence of imprisonment of six months or less, it may decide that the sentence is to be served on day release in order to enable the convicted person to practice a trade or profession, follow a course of instruction or vocational training, undergo medical treatment, or meet the needs of his or her family.

Article 128 (day release arrangements) stated that, a convicted person placed on day release shall be allowed to leave the penitentiary at prescribed period. The court shall, in its decision, set the days and times during which the convicted person shall be allowed to leave the penitentiary.

Article 130 (Terms and revocation) stated that, the court may, at any time, at the request of the prosecutor, set the terms of or revoke a day release arrangement.

Article 132 (circumstances in which sentence may be served in installments) stated that, if a court imposes a sentence of imprisonment of one year or less, it may decide that the sentence shall be served in installments because of serious family, medical, professional or social reasons.

Article 133 (service of sentences) stated that, none of the installment of the sentence may be shorter than one month. The total period for serving

the sentence, including interruptions, may not exceed two years. The decision of the court shall set out how the installments are to be served.

Article 134 (terms and revocation) stated that, the court may, at any time, at the request of the prosecutor, set the terms of or revoke an installment arrangement.

III. STATISTICS

Number of Offenders: There are about 1,234 children provided legal presentation, counseling, skills training, reintegration back to community, rehabilitation and about 18 children diverted from Justice System to community-based treatment only for minor crimes through the mediation of Commune Council for Women and Children Members at commune level via prosecutors by the local judicial police and other stakeholders etc.

THE ROLE OF THE COMMUNITY IN CRIME PREVENTION, OFFENDER REHABILITATION AND REINTEGRATION, AND THE PROSPECT OF IMPLEMENTING COMMUNITY-BASED TREATMENT IN CAMBODIA

I. INTRODUCTION

Cambodian legal framework supports community-based treatments, but in practice it is virtually non-existent. Currently there are no systematic community-based treatments in the country. The idea of non-custodial sentencing is by far very little understood, not just among our local communities, but also among law enforcement and judicial communities, thus this very noble idea literally receives significantly almost no support. Cambodian society perceives criminals as outcasts and should not be associated with. The notion of being convicted and sent to prison would often prevent a person from re-entering his/her society with a positive outlook because they would often be treated differently to any ordinary member of community. In term of political will, these cultural norms are by all accords encouraging our politicians to be inclined to overlook emerging role of community-based treatments, and instead adopting a more conventional way of law enforcement, i.e. imprisonment. Obviously like the rest of the world that has well written penal codes, Cambodian alternative sentencing allows punishments such as judicial supervision, community services, suspended sentence, suspended sentence with probation, deferment of sentence, semi-liberty, as well as sentence served in installments (half-way house). In practice, however it is entirely far from what're written in the law in terms of what we are able to implement.

II. THE ROLE OF THE COMMUNITY IN CRIME PREVENTION, OFFENDER REHABILITATION AND REINTEGRATION

Fortunately with the help from developing partners including the International Committee of the Red Cross (ICRC) as well as the UNOHCHR, the Royal Government of Cambodia (RGC) has been working in partnership to identify causes of prison overcrowding through reduced recidivism and encouraged practices of alternative sentencing as more holistic approach to correctional efforts by the RGC. 10 Round-table discussions (once every quarter or so) among relevant stakeholders have been carried out during the last three years in order to establish firm solutions and enhanced cooperation among law enforcement agencies, prison authority and the judiciary, but very little progress has been made. The initial purpose of the Round-table was to strengthen cooperation among key players and decision makers to try to shorten the average length of trials so that judgments are made in due course. In addition courts' administrative arrangements are improved so that offenders can receive their formal judgment papers (final verdict) on a more timely basis so that they can be eligible for

reduced sentence or parole when other requirements are fulfilled, meanwhile personal details of offenders are better managed so that it is possible to assist them to re-enter their respective communities effectively providing that legal conditions prescribed by judges are strictly upheld and monitored (Article 119 of the Penal Code). In reality, it has been simply a round-table discussion. No concrete results have been achieved apart from being simply conceptual measures or mechanisms. Evidently actual number of inmates receiving their sentencing from the courts amounts roughly to a mere 32% of the total number of inmates. And what does this figure indicates? Inevitably it is an indication that a huge number of accused or charged individuals are awaiting their very first trial which may take up to 8 months to secure their first hearing in court and that inefficiency of the court of appeal which literally there is only one in the capital city of Phnom Penh. As a result, convicted individuals from outside Phnom Penh who are appealing their sentences have to be moved to be temporarily housed in facilities within the city. It can either be Correctional Center 1, Correctional Center 2, or Phnom Penh Prison which are already facing dramatic overcrowding problem.

III. THE PROSPECT OF IMPLEMENTING COMMUNITY-BASED TREATMENT AND UTILIZING THE COMMUNITY IN A SYSTEMATIC MANNER

Cambodian correctional services to date have never been about relying on systematic community-based treatments as stipulated within Article 117, 118, and 119 of the *Penal Code*. Even the recent *Law on Prison* (particularly Section 7, Article 66 – Article 73) which was enacted in late 2011 aims merely at community involvements within prison walls preventing the prison authority from partaking in this unfamiliar endeavor. Without clear guidelines or supervised procedures from the judiciary the idea of alternative sentencing exists only on paper.

Undoubtedly there are many factors preventing the inception of the practices of alternative sentencing within Cambodian legal system despite our legal framework has allowed it to be enforceable. First and foremost is the public opinion and community acceptance that have played a pivotal role in determining whether or not convicted persons should be allowed to roam freely while their debts to society have not been paid through being locked away. Management of public security relies heavily on sound cooperation within the law enforcement circle whose efforts are commended through how many arrests they have made, local administration's assurance and awareness campaigns that some time drive the public to view crimes as individual social disease instead of social problems as a whole, judicial sentencing that is excessively sensitive to public opinions (media driven), and the ultimate solution, incarceration.

Unless public opinion and society as a whole starts to realize that crime prevention can only be effective, if all stakeholders could look beyond the current measures which are incarceration-based punishment, the prospect of utilizing involvement from the community remains virtually unknown. Even though current community-based involvements are allowed to be part of correctional process, it is limited to only be carried out within prisons' walls where long sentenced offenders mostly learn from what they are taught which could be irrelevant to what the outside world would have installed for them by the time they are released 10 or 15 years later per say, thus in addition the whole correctional efforts could be deemed useless. Because early releases on parole or practices of probation are not currently implemented in Cambodia, reintegration success rate as a result is relatively low. Offenders may receive sentence reduction or early release for good behavior and their contributions to correctional efforts plus other various natural causes such as terminal illness or old age, but once they are due to be released there are no clear procedures or responsible authorities to continue to monitor giving them guidance to stay clear from reoffending.

Another factor is related to technical handling and monitoring the results of correctional efforts which could lead to poor evaluation and decision-making resulting in both inaccurate budgeting and planning. Local and central law enforcement units are unorganized in terms of database management. When ex-offenders move from one province to another, it is very difficult to keep track. In case he or she reoffends authority would have to trace back the person's criminal history back and forth in such conventional fashion. Most of the time the offenders change their identity and it happens that prison authority actually has often been the one who can verify, not the police, but that after arrests were made. Consequently studies and researches on rate of recidivism end up at rough estimation at best which in turn reflect the fact that incarceration does not equate correction. Imprisoned criminals often use their time in prison to recruit other inmates establishing even more dangerous gangs of criminals when they are released without proper aftercare programs and prospects of becoming law-abiding citizens, and since they are so used to the system, their criminal behaviors hardly change. Prison overcrowding, poorly managed facilities, staff's inability to deal with emotional, mental, and psychological issues faced by many inmates can adversely affect their faith in correctional system and furthermore fuels their angers and discontent toward society as a whole who has forsaken them in the first place.

Severe lack of resources, experience, technical knowledge, structure, systematic procedures, and above all, the confidence in such concept is another critical factor in realizing community-based treatments being utilized as alternative sentencing in Cambodia.

In a country driven by political whirlwinds politicians who hold key positions to strategic reforms especially legal reform are not willing to put their popularity on the line concerning

this particular issue especially when public safety is involved. Because Cambodia went through many atrocities in recent history such as civil war, insurgency, and the struggle to reclaim national identity, crimes have never been kindly perceived as social problem. They are rather a person's fault or a person's sinful deed, and that is simply because they are naturally bad. When suspects are arrested and shown in the media it is a sign that the people's safety is well taken care of, but unfortunately it does not end there. In the long run it is counter-productive in the crime prevention efforts, if the community keep ignoring the fact that crimes are social problem and the wellbeing of the community itself depends on how individual member perceives crimes. But with mainstream ideas lingering on while no influential politicians or leaders initiate and purposefully support the idea of community-based treatment for those who have been condemned and punished, it is absolutely impossible in the near future to see a more holistic, humane and compassionate approach to change a person's destiny for a better tomorrow.

PROBATION AND PAROLE SYSTEM IN INDONESIA

I. OVERVIEW PROBATION AND PAROLE SYSTEM IN INDONESIA

Philosophically, the aim of treatment for offender is restoration of offenders' life or as we call social reintegration. The aim of punishment is not only to give punishment itself, but also to provide restoration and protection to the offender, victim as well as society. Therefore, the treatment for offender in Indonesia is directed at community-based treatment (CBT). In the principles of correctional in Indonesia, the role of the community is very important in the treatment process. In view of that, parole, probation and assimilation are forms of restorative justice which are developed in Indonesia. The role of Probation and Parole Office (Balai Masyarakat/BAPAS) has already started since phases of pre-adjudication, adjudication, and post adjudication. In those three phases, the assignment of Probation Officer (Pembimbing Masyarakat/PK) cover the composing of Social Case Study, mentoring, guiding and supervising.

Correctional system that is used by the Indonesian nation has the goal of social reintegration for offenders based on Pancasila and the Constitution of the Republic of Indonesia, 1945. In order for the creation of a coaching the clients, the issued Decree of the Presidium of the Cabinet Ampera 75 / U / Kep / II / 66. With the decree, the organizational structure of prison transformed into the Directorate General of Corrections who has two directorates that handle (1) coaching inmates in correctional institutions and (2) development of inmates outside the penitentiary which include coaching juvenile in correctional institutions. Directorate which handles probation and parole services called Directorate for Social and Child Poverty (BISPA).

In 1968 the Directorate General of Corrections educated sixty people who graduated from the School of Social Work to become community counselors. The training was held for six months. In 1970 the first Bispa office established in Jakarta who became one with the office building of the Directorate General of Corrections.

In 1995 after the enactment of Law No. 12 of 1995 on Corrections, the term BISPA turned into Bapas. This is corroborated also in Decree No. M.01.PR.07.03 of 1997 on the Organization and Work Institute of Corrections. In the Penal Law No. 12 of 1995 Article 2 Bapas explained that the community has the task of providing guidance and alleviate the child in accordance with the legislation in force. Bapas has a role to facilitate the task of investigators, prosecutors, and judges in the case of naughty juveniles, both inside and outside the hearing of juvenile, by making the Community Research Report (Purnianti, Mamik Sri Supatmi, and Ni Made Martini Tinduk, 2003).

Legally, the treatment of offender in Indonesia based on the Indonesian Correctional System refers to the following principles, namely:

- The five Principles of Indonesia (Pancasila)
- Indonesian Constitution of 1945
- Law No. 12 of 1995 concerning Correctional System
- Law No. 35 of 2014 concerning Children Protection
- Law No. 11 of 2012 concerning the Juvenile Justice System Act

Sociologically, duties and functions of correctional are to treat the offender and protect their rights which are guaranteed pursuant to the Law No. 12 of 1995 concerning Correctional.

II. BUSINESS PROCESS OF INDONESIAN CORRECTIONAL

In the Indonesian Criminal justice system and treatment of offender, the role of correctional is very strategic. The role of correctional starts since the phase of investigation, prosecution, examination, jurisdiction until treatment in correctional office. Shortly, the role of correctional starts since the phase of pre-adjudication, adjudication until post-adjudication. Treatment system of offender implemented according to process and stage of treatment which is conducted in a planned, progressive, and community based.

Preliminar treatment is conducted through oriented admission and observation to make sure the correct data and information related to offender. Further, planning and case management are arranged by the probation officer as case manager. The treatment covers personality and independency, along with fulfillment of rights in accordance with the regulation.

The implementation of the treatment program is conducted by prison, and each stage of treatment is supervised and evaluated by the probation officer through a social case report. The result of social case report is used to decide the next treatment for offender. For the offenders who do not fill the requirement, they will be given next chance to improve their attitude.

After undergoing half period, the offenders who fill the requirement are given assimilation and after undergoing two third period are given parole.

In the case of the offender needs further treatment, the probation office gives some facility and accesibility through aftercare program. Aftercare program is an integrated process which is started when the clients of Probation Officer finish their treatment, a year after release, they still become the Probation Officer's responsibility. As implementation of this program, the Probation Officer gives support to them such as a reintegration program, job skills and vocational training (Based on Government regulation No. 57 of 1999 concerning coaching and mentoring cooperation for offender).

In the Indonesian Justice System, probation is given for the offender in the form of sentence with provision, social work sentence, etc. In this process, probation officer has important role in the process of social case report making, mentoring, guiding, and supervising for their clients.

In the correctional process, the offender will receive a certain treatment. The treatment is divided into 4 stages, early stages (0 - 1/3 period), Stage 1 (1/3 – 1/2 period), stage 2 (1/2 – 2/3 period) and the final stage (2/3 – release). Each of treatment in each stage will be evaluated. This evaluation is executed by prison and probation officer. The Probation officer evaluates the treatment of offender by social case study. This paper is used as a consideration to decide the next treatment for the offender, from early stage treatment to final stage treatment (reintegration treatment). Forms of reintegration treatment are :

- **Assimilation**

Assimilation process is conducted according to the result of supervision and treatment provided by probation office. This program is given for offender who has already undergoing ½ sentence period. Assimilation is provided to prepare offender to return to the community (pre-release sentence). The forms could be schooling, assimilation with third party, inside or outside probation office.

- **Parole**

Parole is a treatment process for offender outside the prison after undergoing 2/3 sentence period, minimal nine months.

- **Leaves towards free**

Leaves towards is a treatment process for offender outside the prison after undergoing 2/3 sentence period, minimal nine months.

- **Leaves**

Leaves is a treatment process for offender outside the prison for (the sentence is below one year), after undergoing 2/3 sentence period, minimal six months.

III. THE SITUATION OF CORRECTIONAL IN INDONESIAN

Directorate General of Correction has some technical units to support the implementation of programs. Those technical units are divided into 4 boards with different duties and function, namely prison, detention, Probation Office and house of confiscated goods (Rupbasan). Up to this moment, the number of correctional technical units are 629, as follows:

- Prison : 245 units
- Detention : 206 units, 43 branches
- Probation Office : 71 units
- Rupbasan Office : 64 units

Correctional Data (end of 2014):

Data	Jumlah
Capacity of Prison/detention	113,623
Total prisoners	163,404
(Prisoner)	(52.145)
(Juvenile Prisoner)	(790)
(Inmates)	(107,507)
(Juvenile Inmates)	(2,962)
Parole	38,710
Leaves	23,414
Leave towards free	1,335

IV. JUVENILE JUSTICE SYSTEM

In the year of 2012, Indonesia has released a new Law, No. 11 of 2012 concerning Juvenile Justice System. The spirit of this new law is to promote equitable relief effort (Restorative Justice) and to prevent juveniles from judicial process (Diversion). This Law mandate that Diversion must be pursued in every level of the investigation, prosecution, and court proceedings. However, if the diversion is failed, then the probation officers or other companion have an obligation to provide assistance to juveniles in each level of examination.

The following programs that are implemented in Indonesia led to the establishment of restorative justice that has benefits for juveniles:

1. Encouraging juveniles to take responsibility for his actions;
2. Providing opportunities for juveniles to replace the mistakes made in doing good to the victim;
3. Provide an opportunity to the victim to participate in the process;
4. Provide opportunities to the juveniles to be able to maintain a relationship with the family;
5. Provide an opportunity for reconciliation and healing in communities harmed by crime.

V. CHALLENGES

The implementation of social reintegration program in Indonesia is hampered by the lack of technical units, Probation Officer particularly. As mentioned earlier, the number of probation office in Indonesia is 71 units. However, according to Juvenile Justice System act of 2012, ideally Probation Office should be built in every regency/city. In fact, Indonesia consists of 536 regencies/cities. It means that to accommodate the JJS Act, Indonesia should have 536 probation Offices. Thus, Indonesia still has to build 465 units of probation office. Besides the lack of Probation Office, the number of Probation Officer in Indonesia is only 994 personnels which should serve their clients in the amount of 203.145 offenders. In view of this complexity, the addition of the Probation Officer would be our utmost concern as the urgent neccesity.

Another challenge faced by the Indonesian Correctional is the participation of community. In the context of correctional program, the community frequently have misunderstanding of the Parole Program. Some of them think that retributif justice is better than the restorative justice. Therefore, sometimes, the parole program become a polemic in the community. As the anticipation, this program is transparantly conducted to avoid any polemic in the community.

PROMOTING COMMUNITY-BASED TREATMENT IN LAOS

Prisons are often described as places where bad people go to get worse. The Lao government takes a view that prisons must not be mere jailhouses, but transformational places, where crime is deterred even as strayed lives are steered back on course.

I. OFFENCE

All acts and abstentions deemed dangerous to the political, economic or social system of the Lao People's Democratic Republic, to the property of the State, collectives or individuals, to the lives, health, integrity, rights or freedom of the people, or to national security or public order as provided in the Penal Law or in other laws of the Lao People's Democratic Republic that define criminal penalties shall be considered offences.

All acts or abstentions with all the components of offences but resulting in damage under 500,000 Kip shall not be considered offences, except for acts of recidivism or acts performed as a profession. (Article 6 penal law 2005).

Child committing crime, who is below 18 of ages that causes minor damages as described by law with less than three years imprisonment and is not dangerous to the society and the child confessed and consent of other party to the mediation process, shall not allow to proceed criminal procedure (Article 12 Juvenile Criminal procedure Law 2013 and 53 Penal Law 2005).

II. CATEGORIES OF OFFENCE

Offences are divided into three categories:

- "Minor offences" are offences punished under the law by public criticism or fine;
- "Major offences" are offences punished under the law by re-education without deprivation of liberty, and imprisonment from three months to ten years, and fines; [and]
- "Crimes" are offences punished under the law by imprisonment from five years up to the death penalty. (Article 8 penal law 2005)

III. CATEGORIES OF PUNISHMENT

a. Principal penalties

1. Public criticism;
2. Re-education without deprivation of liberty;
3. Deprivation of liberty (3 months to 20 years and life imprisonment);
4. Death penalty.

b. Additional penalties

1. Fines (in certain circumstances, it might become a principal penalty);
2. Confiscation of items [connected to the offence];
3. Confiscation of property;
4. Deprivation of election rights;
5. House arrest.

The confiscation of property and house arrest shall be inflicted on the offender only when such penalty is provided in the specific part of this Penal Law.

[In addition to] the principal and additional penalties, the court can request relevant authorities to withdraw driving licenses or other permits, to relieve the offender from [performing] or forbid [the offender] to perform a function or duty, to withdraw orders, medals or titles, and to deport the offender. (Article 28 Penal Law 2005).

House Arrest

House arrest forbids the sentenced offender from leaving a place of residence or from entering other territories as assigned or forbidden by a decision of the court. [Where the offender has also been sentenced to deprivation of liberty,] house arrest must not exceed five years from the day after he has finished serving his sentence.

The sentence of house arrest may not be imposed on offenders who are less than eighteen years old and on women in the state of pregnancy or women in charge of small children who are less than eight years old at the time the offence is committed. House arrest is defined in the specific part of this law. (Article 36 Penal Law 2005).

Re-education without Deprivation of Liberty

Re-education without deprivation of liberty is a punishment inflicted upon the offender at his place of work or at other locations, [and pursuant to which] five to twenty per cent of his total salary is remitted to the State in accordance with the court's decision.

A penalty of re-education without deprivation of liberty must not exceed one year. (Article 30 Penal Law 2005).

Measures Towards Children

For children under fifteen years of age who have committed an act that is dangerous to society, the following measures may be applied:

1. Require [the child] to request the damaged party's pardon by appropriate means;
2. Require the parents or guardians to pay civil compensation;
3. Send [the child] back to the person(s) having charge of the child for re-education; or
4. Send [the child] to administrative authorities and social organizations for re-education.

The court may apply the above-mentioned measures to children between fifteen and eighteen years old who commit minor and major offences (Article 53 Penal Law 2005).

Measures Applied by the Court towards Offenders Addicted to Alcohol or Drugs

The court may apply measures of medical treatment in asylums or specific medical centers towards offenders addicted to alcohol or drugs who have committed offences and are not sentenced to deprivation of liberty 32. In the event that [such addicted] offender is sentenced to deprivation of liberty, the court must apply measures of medical treatment while such offender is serving his sentence, and if after completion of such penalties, the medical treatment is yet to be completed, the court may apply measures for medical treatment by sending the offender for cures in hospitals or entrusting him to the care of administrative authorities, social organizations or collectives to continue his re-education and medical treatment.

After recovering from such an addiction or abuse, the offender must be brought back and sentenced by the court or the sentence must be served if the lodged complaint or the court decision is still valid. The duration of medical treatment is to be included in calculating the (Article 55 Penal Law 2005).

Exemption of Penalties by Sending Offenders to Administrative Authorities or Social Organizations for Re-education

If it is determined that the offence constitutes a minor offence and that the offender's personality does not present any threat towards society, the court may send the offender to administrative authorities or social organizations for re-education. (Article 49 Penal Law 2005).

Stay of Execution of Penalty

The "stay of execution" of deprivation of liberty, re-education without deprivation of liberty or fines as the principal penalty, refers to the suspension of the execution of such penalties for a period of five years. If during such period, the offender is not convicted of any other intentional offence, the penalty shall be lifted. But in the event

of a second intentional offence, if the offender is sentenced to be deprived of liberty and such a sentence is final, the offender must execute the new penalty in addition to the one which has been suspended.

The suspension of the execution of a penalty can be in whole or in part. Recidivists, those offenders sentenced to three years of deprivation of liberty or more, or those sentenced for crimes cannot benefit from a stay of execution of penalties. (Article 47 Penal Law 2005).

IV. ORGANIZATION WHICH IMPLEMENT THE COURT'S DECISION ARE:

1. Prison of the polices of provincials and prison department of the Ministry of Public Security that implement of the court's decision about penalty of deprivation of liberty
2. Prison of the military office:
 - I. Villages for monitoring and educate offender which had punished by house arrest or stay of execution of penalty
 - II. Judgment enforcement offices of the provincial or city justice division, and judgment enforcement units of the district or municipal justice offices, that are in charge of enforcement of penalties relating to compensation of civil damages, fines, confiscation of assets, and re-education without deprivation of liberty (Article 237 Criminal Procedure Law 2012)

V. REHABILITATION AND INTERGRATION

Prisoner

Prisoner is the one who's implementing the court's decision in the prison after the court's decision become a final.

Statistic of prisoner 2014

The number of prisoners is slightly increased every year. According to statistics in 2014, there were more than 6,000 prisoners across the country. They were more than 1,000 female; foreign prisoners only 3% and about 60% of prisoners are drug related offences; compared to the number of the citizen of more than 6 million, the number of the prisoners is amounted to 1%.

Top 5 commit of prisoners

1. Drug trafficking
2. Thief
3. Embezzlement
4. Cheating
5. Road accident

Rehabilitation

According to the Article 27 of the penal law, penalties do not aim to punish offender, but also to re-educate punished individuals to bear a pure spirit toward work, to comply correctly and strictly with the laws, to respect of social life and to avoid recidivism on the part of punished offender and other individuals.

Serving time should never be a waste of time. The period of incarceration allows the Prison management authority an opportunity to work at reforming lives, showing them that crime does not pay, teaching them a marketable skill, giving them an education, all with one end in mind – to reduce the chance of an offender reoffending after release. One less recidivist means one less crime, which means one less victim of crime and one less harm caused, hence a safer Laos for all.

The Lao government attaches the importance to the prisoner's rehabilitation when they are entering the prisons. Rehabilitation and reintegration are the two key ingredients for successful offenders' reform. Both, however, cannot be confined to within prison walls. Rehabilitation involves not just programming for the individual criminogenic risks and needs of the offender, but must extend to enhancing his or her familial ties and future employability. Reintegration, by definition, must involve whole communities, starting with awareness, then acceptance and then practical action to make the inevitable re-entry of the ex-offender a positive one.

Every movement of prison officer's operation is under regulation, law and legislation such as Criminal Law, Criminal Procedure Law and Decree of Minister of Public Security in order to educate prisoners to be a good citizen in society when they have completed serving their sentences.

For prisoner's management and rehabilitation, we have divided into many zones within prison campus such as for male, female, and older-Age zone of prisoners. In every zone, it comprises sport grounds, art performance, vocational training, kitchen, medical care, library to read newspaper, magazine. Moreover, there is a television, a toilet and showers, clean water access from public pipeline or borehole water into the room.

In addition, all prisoners were also provided with allowance, clothing, and others from the government such as amnesty, sentence reducing, parole (release before completion of sentence) under the Article 252 of criminal procedure law, received health check and treatment when they are ill.

Conditional Liberation Before Term:

Conditional liberation before term based on the suggestion of the reformatory Centre's responsible committee, may be granted to progressive, repenting, and exemplary working offenders, who have served half of their sentences in the case of offenders who were less than eighteen years old when the offence was committed, two thirds of the sentence in the case of adult offenders and fifteen years for offenders sentenced to life imprisonment.

The local people's court executing the sanction of sentences is entitled to consider the grant of conditional liberation before term and to outline the conditions to be imposed upon the liberated offender. If within a period of five years, the offender who is granted conditional liberation before term has correctly complied with the outlined conditions and has not committed any further offences, the remaining punishment shall be lifted.

In the event that the outlined conditions are not respected during such period [of 5 years], the offender who is granted conditional liberation before term [shall be liable] to serve the remaining sentence. In the event that a new offence is committed during such period [of 5 years], the offender [shall be] liable to serve the new sentence in addition to the former remaining sentence. Recidivist offenders or offenders sentenced to a death penalty commuted into imprisonment cannot be granted liberation before term (article 52 penal law 2005, 252, 253 and 254 criminal procedure law 2012)

The "stay of execution" 30 of deprivation of liberty, re-education without deprivation of liberty or fines as the principal penalty, refers to the suspension of the execution of such penalties for a period of five years. If during such period, the offender is not convicted of any other intentional offence, the penalty shall be lifted. But in the event of a second intentional offence, if the offender is sentenced to be deprived of liberty and such a sentence is final, the offender must execute the new penalty in addition to the one which has been suspended.

The suspension of the execution of a penalty can be in whole or in part. Recidivists, those offenders sentenced to three years of deprivation of liberty or more, or those sentenced for crimes cannot benefit from a stay of execution of penalties. (Article 47 Penal Law 2005)

When the prisoners have completed serving their sentence, the prison authority reports regarding to the public prosecutors and gives guidance and

recommendations to the prisoners on how to behave and live peacefully in the community. The prisoners will give their oath and promise not to commit any crime in the future.

At their release from the prisons, their parents, family, relatives and village authority are invited to receive them and related documents to be submitted to the local authority which will monitor and follow up their activities and help them to successfully reintegrate into the society, to be good citizens, be aware of respecting and implementing the laws. However, there are some prisoners who are returning to the prisons because they have recommitted an offense

VI. CHALLENGES

No period of time for the prisoner to become a normal people, who never commit a crime, after released or for offenders that are risk for re-offending (idea of penal code we put the period of time for them: 1 year for minor offence, 5 years for major offence and 7 years for crime which might reduce the risk of re-offending. Moreover, we add one kind of penalty this is working for the public but we do not make an agreement yet which agency will be responsible)

No probation or parole program after release. For this idea the Ministry of Justice would like to add to the law but do not know which law will be suitable or have to a draft new law.

VII. CONCLUSION

Any correctional service that hopes to reduce reoffending must make a concerted effort at preparing the community to receive the offenders that it is about to release. To achieve this goal, it requires multi-agency collaboration, family and local authority cooperation and support of the community as a whole.

BEST PRACTICES AND SUCCESSFUL EXPERIENCES FOR ACHIEVING COMMUNITY INVOLVEMENT IN COMMUNITY-BASED TREATMENT IN MALAYSIA

I. INTRODUCTION

Crime prevention occurs in several domains, one of these is the community. The community's participation in crime prevention represents the public's acceptance of its share of responsibility with the official sector for crime prevention. Malaysia have ever since handling the traditional concept of incarceration in detention until date of release. On 2 November 1995, the Prison Act 1995 was introduced to replace Prison Ordinance 1952 while Prison Regulations 1953 was updated to Prison Regulations 2000. The previous acts and regulations had been in use for a long time, thus changes and reforms were necessary to meet current needs and demands to streamline prison management and administration. With the amendment of Prison Act 1995, various aspects of rehabilitation including non-custodial measures were being taken into consideration. There is no probation in Malaysia, Prison Department introduce on the other hand another aspect of community rehabilitation that is Parole System and was finally approved in Parliament at the end of 2007. Other types of community rehabilitation programs are Prison Department's Community Based Rehabilitation Program, Compulsory Attendance Order and Halfway House.

II. PAROLE SYSTEM IN MALAYSIA

A. Background

Similar to many other countries, crime is a major social problem in Malaysia. The most worrying part, however, is the fact that the rate is increasing every year. Increase of criminal rate each year should be looked at seriously not only by government, but also by members of the community. Crime rate can be reduced through the support of many parties. The study of implementation of the parole system in Malaysia has been done since the 1990's. The idea of a parole system in Malaysia was mooted due to the benefits of parole system implemented by developed countries. In 2002 a series of visits and study tour had been carried out to some countries such as the United States, the United Kingdom, Canada and Australia. Parole system in Malaysia is established based on the parole system in Australia. The program have been implemented in July 2008 with initial 64 prisoners released. At present there are 11,024 (98.25 %) that have been successfully served their time outside the prison wall. Only 193 (1.75 %) of the totals have breached the parole order.

B. Organization

The parole system in Malaysia are administered by the Ministry of Home Affairs. Two governmental offices are concerned with the administration of the parole system: (1) the Parole Boards, (2) the Malaysian Prison Department.

1. The Parole Boards

Recently there was three Parole Boards in Malaysian parole system. A Parole Board shall consist of the following members who shall be appointed by the Yang di-Pertuan Agong:

- (a) a Chairman, from amongst members of the Judicial and Legal Service;
- (b) a senior prison officer;
- (c) a senior police officer;
- (d) a senior welfare officer;
- (e) three members of the public

With a view to encouraging good conduct and industry and to facilitate reformative treatment of a prisoner, a Parole Board shall have the following powers:

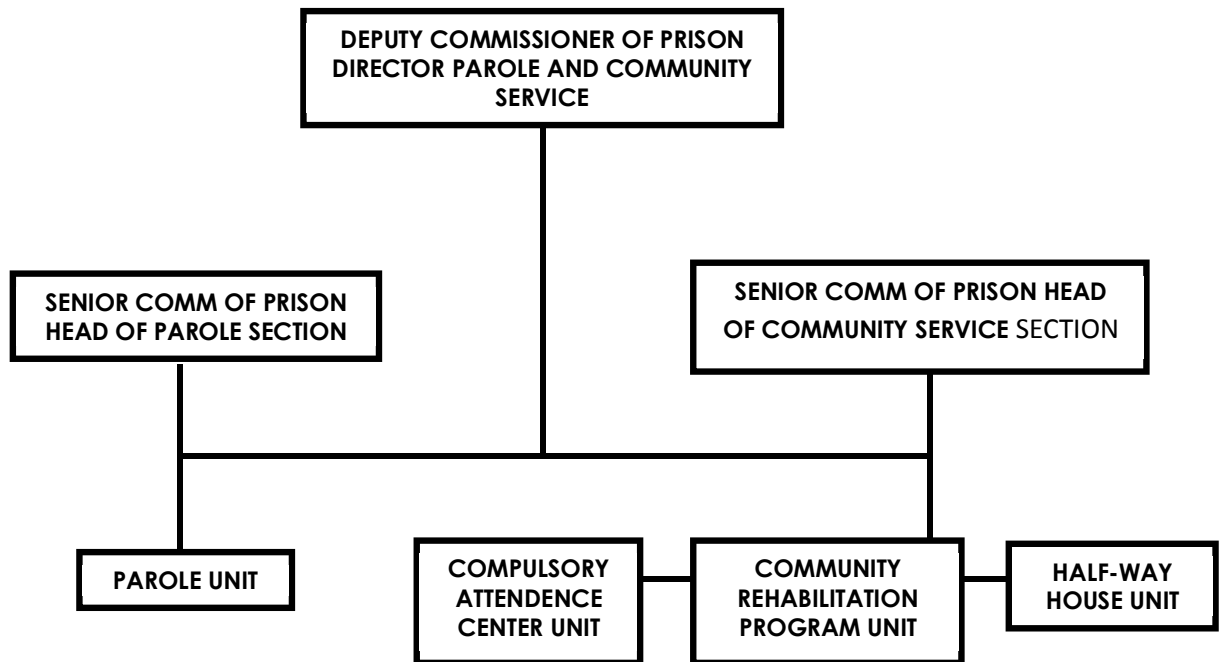
- (a) to make a decision whether to release on parole prisoner;
- (b) to suspend or revoke a Parole Order;
- (c) to add or vary any conditions of a Parole Order;
- (d) to hold an inquiry on any matter related to parole;
- (e) to examine any prisoner for the purposes of soliciting additional information related to a parole application or any other reason that the Parole Board deem fit; and
- (f) to exercise and perform such other functions and duties as the Minister may determine.

Parole Board shall examine and evaluate the parole dossiers received from a prison officer in respect of such prisoner and any other report prepared by any prison officer in relation to an application for release on parole.

2. Malaysian Prison Department

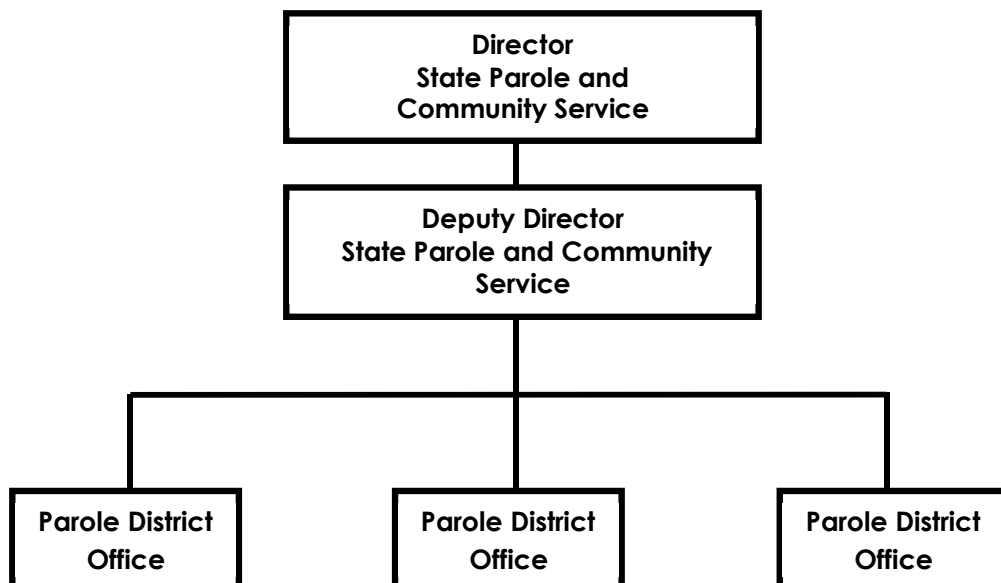
In Malaysia, parole system is newly established program in order to enhance the rehabilitation program for convicts. Parole system is designed for the inmate who shows exemplary behavior during incarceration. It is seen as incentive which inmate must earn in order to enjoy it through demonstrating positive adjustment and fulfil the requirements stated in the program.

Organization Structure Parole and Community Service Malaysian Prison Department



The Malaysian Prison Department through the Parole and Community Services Division has implemented the system with the setting up of 14 State Parole Office and 50 Parole District Office in the country.

Organization Structure of State Parole and Community Service



The parole system in Malaysia requires that to be considered for parole release, prisoners must be sentenced to a year and above of prison and have completed half of the amount punishment decided by any court. Subsequently, the parole officer placed in the prison institution is entrusted with preparing evaluation forms for submission to the Parole Department Headquarters for scrutiny and then passed on to the Parole Board. Once they have been identified the prisoners, they will be given a briefing. Briefing is given initially upon admission, later as part of the module in Phase 1, Human Development Program. A month before release, briefing is given through the Pre-release Parole Module. The parole officer will be entrusted with interviewing inmates selected to be released under parole to obtain a release plan, conducting fact finding and contacting the residence of family or relative and employers who agree to accept prisoners in their daily lives. After obtaining information on the prisoners, the parole officer at the prison institution will prepare complete report on whether the convicts qualified to be granted parole. If the convicts is found to be eligible for parole, the parole officer will determine the risk level, which is minimum, medium or maximum through risk assessment. This is intended to decide on the frequency of contact, meeting and trips to the residence and work place of the parolee by the parole officer. Besides this, the risk assessment also helps the parole officer outlining a suitable program for the parolee.

C. Main Objective

- (1) Reduce operational cost in prisons
- (2) Decreases the rate of recidivism
- (3) Reduce overcrowding
- (4) Promotes good conduct
- (5) Opportunity to obtain suitable employment
- (6) Encourages cooperation and involvement of society

D. Implementation

The purpose of parole system in Malaysia is to ensure inmate feel confident to re-join the community. It helps to reduce re-offending among prisoners and the continuity of rehabilitation program even outside the prison wall and to reduce overcrowded. The program will help integration process smoother for prisoners before they were release to the community and family.

The Malaysian Prison Department through the Parole and Community Service Division has implemented the system with the setting up of 14 State Parole Office and 50 Parole District Office in the country.

Parolee will be under the care and supervision of a parole officer during the period of parole. Among the main tasks of parole officer is to make a home's visit, visit to employers, intervention session and manage the community service. Parole officers also must have a good rapport with parolee and their families to ensure more effective rehabilitation and cooperation.

Monitoring of the person under parole to be based on the case and the level of rehabilitation obtained. Designated levels of supervision are minimum, medium and maximum.

E. Strength Of The Program

The effectiveness of parole system is very important in order to reduce the rate of returning offenders, maintain the safety of community, supervise and provide smooth transition of prisoners to the community. The process to be good mannered individual in a society need a lot of support from the prisoners' family, the attributes of offenders, the organizational pressure and the role of the parole officer.

1. Parolee

One of the most important factors contributing to the effectiveness of the parole system is the parolee himself/herself. Prisoners were given parole because of his/her good behavior. The prisoner has successfully undergone all rehabilitation programmes inside the prison will recommended for parole release. This program which is known as The Human Development Program. The Human Development Program takes into account three of the four Integrated Rehabilitation elements, which are physical, spiritual and, knowledge/skill. While in prison, all prisoners are required to follow Human Development Program, which serves to build their discipline, character and personal skills through phases 1 till 4. Each of these phases includes evaluations before moving on to the subsequent phases until parole is granted, depending on the assent of the Parole Board. Many successful parolees could be highlighted as a role model to others. This success is evidenced by engaging in the business, trade, agriculture, tailoring etc.

2. Family and Neighborhood Support

The saying "there is no place like home" symbolizes how important the role of family is within individuals. Within the context of the parolee, high support is always needed from among their closest contacts. The former prisoners who are able to re-join the labour market through previous employers or contacts from family or friends are more likely to have successful outcome after release. Successful outcome can be seen when the former prisoner manages to stay within their good behavior during the

parole period and this continued even after the parole period without ever returning to their misbehavior. One of the ways to reduce the number of recidivists can be terms of commitment and support given by the family members even during incarceration. Once the individual is released from prison, they will be back in their hometown with their family. There is a possibility that neighborhood will act as a medium that may influence the individual to repeat and hence getting involve in unproductive behavior. Structural features of neighborhood, residential stability, rates of organizational participation, and measures of informal and formal social control, have either direct or mediated effects on individual criminal activity. The public is able to receive parole system as part of the community with good acceptance from the families, communities and employers.

3. Non-Governmental Organizations (NGOs) Support

To make the Malaysian parole system a success, prisoners require all the help needed to make it easier for them to adapt to life in community. There are more and more members of society such as public and non-governmental organizations who can ensure the safety of society and increase society's such as trust in reaccepting prisoners in their residences. Besides that, this can also reduce the likelihood of prisoners reoffending. NGO help parolees by giving them support in the form of intervention, counselling services, preparing work locations and also collaborate with other departments in strengthening their bond with society.

4. Perceptions of Communities

In general, society can help make the parole programme practiced in Malaysia a success. Specifically members of society who communicate directly with parolees, such as family, neighbors, employers, colleagues and NGOs, should be more proactive and cooperate in helping parolees become useful members of society. As to date employees are supporting towards the Parole system by employing numbers of parolees to join in their organization. Parolees earn their wages similar to the other workers. Parolees are to be ready with works before they are released to serve the Parole Order. Malaysian Prison Department have some plan of engagement with big organisation such as FELDA, 7 Eleven, Mydin Hypermarket, factories, and shops. The percentage of the parolees who success in this programme is growing over the years.

This is shown from table:

YEAR	SUCCESS (%)	REVOICATION (%)
2008	97.99	2.01
2009	96.95	3.05
2010	97.28	2.72
2011	97.91	2.09
2012	98.03	1.97
2013	98.83	1.17
2014	98.18	1.82
AVERAGE	97.87	2.13

Statistic by Year

YEAR	2008	2009	2010	2011	2012	2013	2014	TOTAL
PAROLEE	199	722	1,029	1,482	1,417	2425	2,268	9,542

III. COMMUNITY-BASED REHABILITATION

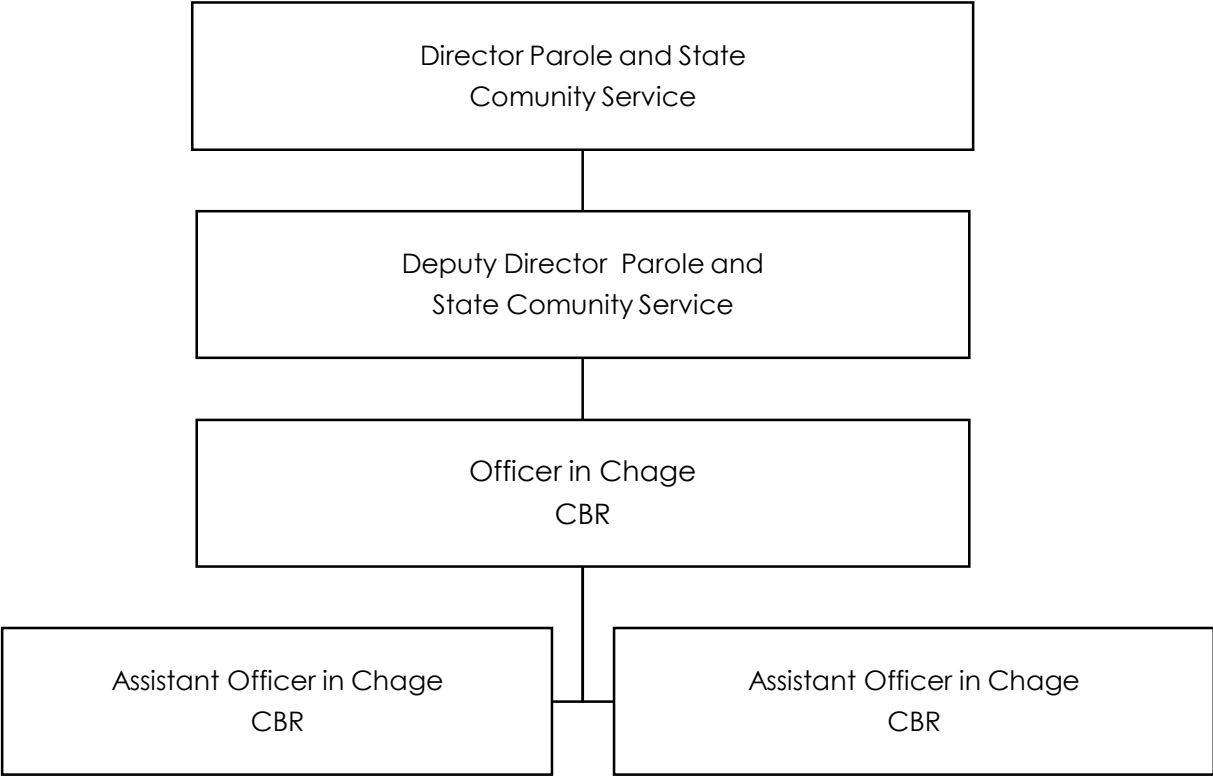
A. Organization

Community-Based Rehabilitation (CBR) extension program of educating the prison rehabilitation program. This programme is designed to provide early exposure to prisoners for readjustment into society groups for hire are released, the program before Community Based Rehabilitation program, is the result of 'National Implementation Strategy Summit' under the 'Blue Ocean Strategy'. This program was launched by the Prime Minister on March 26, 2011 in Correctional Rehabilitation Centre, Kluang Johor.

The Community-Based Rehabilitation Programme is implemented through the combined effort of Prison Department, Malaysian Armed Forces and other government agencies and NGOs. The programme emphasizes the importance of direct assistance of various parties to assist prisoners to prepare themselves before being and after released. It is focuses on how to increase opportunities for prisoners who show encouraging progress in rehabilitation to be able to survive once they walk out from prison. Through the collaboration with the Malaysian Armed Forces, inmates are placed in Correctional Rehabilitation Centre which is built inside the military camp, inmates' remains under the supervision of the prison staff. Inmates living in the Correctional Rehabilitation Canter work in an army camp before they are released into the society. Inmates are also able to pursue further rehabilitation

programme conducted by the Prison Department of Malaysia and the Malaysian Armed Forces personnel. In addition, they will also have the opportunity to pursue short-term courses conducted by the Labour Department of Malaysia and the Local Community College as well as opportunity to mingle or interact with the community around the camp while performing their daily activities.

Organization Structure



B. Main Objective

The 'Community-Based Rehabilitation Programme' objectives are:

- i. To help rebuild self-esteems among inmates
- ii. As a method of integration and customization the inmates into the community before they are released
- iii. Able to solve prison overcrowding
- iv. Ensure ongoing mentoring to inmates while they are in Correctional Rehabilitation Center to ensure prisoners are well-prepared to be released.
- v. To return inmates to their families and communities through ongoing rehabilitation programme in which it can generate more confidence among them.
- vi. Participation from other government agencies and NGO's in rehabilitation process for prisoners.

C. Recent Development

Since launching on March 26, 2011 up to now there are five CBR in Malaysia. At present, they are five Correctional Rehabilitation Centres throughout the country:

- I. Correctional Rehabilitation Centre Mahkota Camp in Kluang, Johor
- II. Correctional Rehabilitation Centre Sultan Abdul Halim Mu'adzam Shah Camp, Jitra Kedah
- III. Correctional Rehabilitation Centre Desa Pahlawan Camp, Kota Bharu, Kelantan
- IV. Correctional Rehabilitation Centre Syed Sirajuddin Camp, Gemas, Negeri Sembilan

IV. Correctional Rehabilitation Centre Batu 10 Camp, Kuantan, Pahang

A total of 1,200 male inmates ranging from various ethnic have the opportunity to participate in this programme at a time. They involve in maintenance work in the camp, landscaping and minor repairs while some of them participate in agriculture or fisheries activities. Inmates are paid an allowance of RM200 per month for their services. They also for order to provide personal protection.

ODS Statistics on 31 JULY 2015

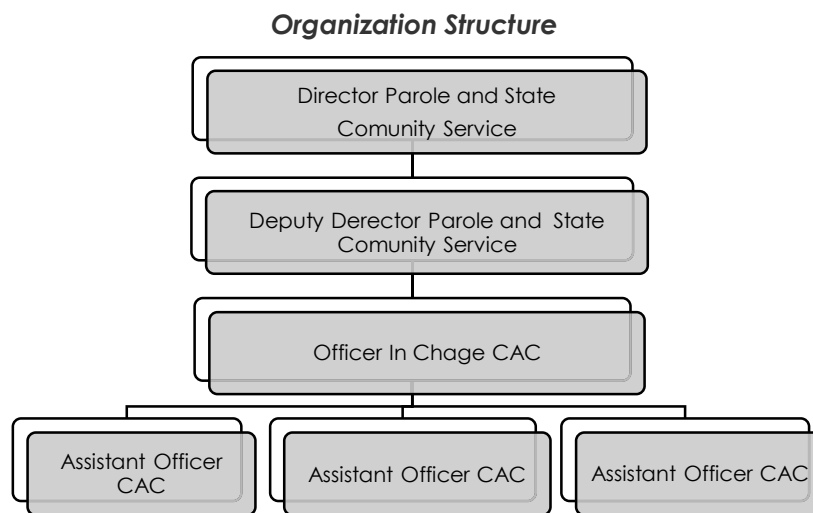
No.	Community-Based Rehabilitation Centre	Current ODS	ODS on Parole Order	ODS Released	Total	Recidivism
1	Mahkota Camp, Kluang, Johor	249	237	690	1,176	01
2	Sultan Abdul Halim Camp, Jitra, Kedah	238	254	897	1,389	-
3	Syed Sirajudin Camp, Gemas, N Sembilan	450	303	1,242	1,995	03
4	Desa Pahlawan Camp, Kota Bharu, Kelantan	249	241	864	1,354	-
5	Batu 10 Camp, Kuantan, Pahang	242	279	823	1,344	01
	Total	1429	1,314	4,516	7,258	05

V. COMPULSORY ATTENDANCE ORDER

A. Organization

Compulsory Attendance Order is an alternative sentence to imprisonment. The order issued by the court on offenders to undergo compulsory work not exceeding 3 months and 4 hours a day in locations determined by the compulsory attendance officer. In Malaysia the idea of Compulsory Attendance Order has been implemented by the Prison Department through 1954 Act.

The implementation of the Compulsory Attendance Order is divided into three main units.



A. Main Objective

The 'Compulsory Attendance Order' objectives are:

- I. To provide opportunities for offenders serving a sentence outside prison without disrupting daily life.
- II. To create awareness and instill a sense of responsibility of the offender to the community and the country as well as to benefit the community through compulsory work performed.
- III. To reduce the impact of prison on the offender for a light sentence.
- IV. To prevent the loss of jobs as a result of if being detained in prison.

B. Recent Development

In December 2009 the Prisons Department, under the auspices of the Division of Parole and Community Services has been commissioned to plan, prepare and coordinate the implementation procedures of CAC in the country. Implementation of Compulsory Attendance Order Prisons Department has been implemented in stages throughout Malaysia. The first stage of the implementation is the establishment of the

Compulsory Attendance Unit in the Division of Parole and Services. The second stage is to coordinate and implement training and courses to staff regarding CAC. The third stage is to put employees who had attended at locations throughout Malaysia compulsory labor.

The last stage is the implementation of a comprehensive CAC in all countries except Sabah and Sarawak. In October 2012, the implementation of CAC has been extended to Sabah and Sarawak.

Implementation of CAC by the Prisons Department has a positive impact on the State. Prison Department has been able to reduce operating costs as much as RM 7.6 million to accommodate 2433 CAC offender within 3 months if in prison. The Department also can reduce prison overcrowding in prisons. Besides, the implementation of CAC is seen to reduce the backlog of cases. Implementation of CAC, which gives the offender who committed minor offenses to realize the mistake they made, and contribute to the society, in which case the offender is in jail adverse effects on themselves, their families and society is enormous.

Statistic by Year

YEAR	2010	2011	2012	2013	2014
OFFENDER	120	405	369	545	628
REVOKED	10	30	41	48	35

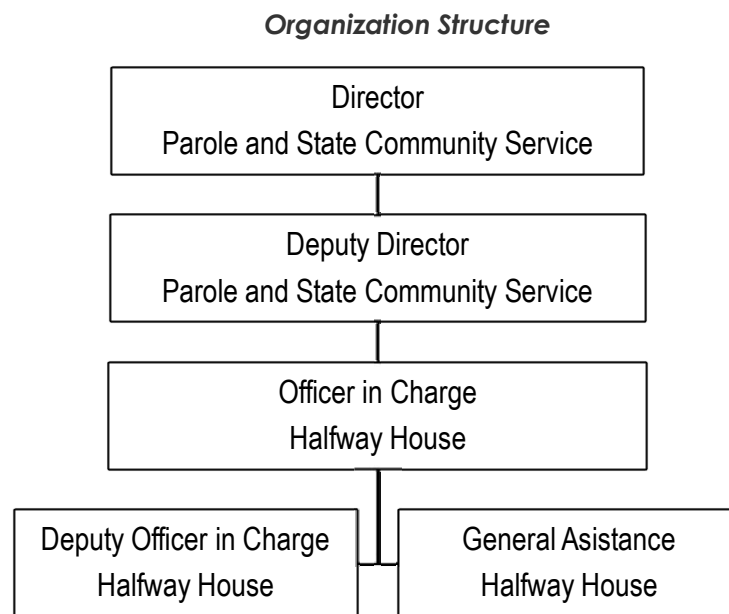
Statistics Compulsory Attendance Act Prison Department at July 31, 2015

NO	STATE	CURRENT	FINISH	TOTAL
1	PERLIS	6	87	93
2	KEDAH	7	189	196
3	P.PINANG	18	105	123
4	PERAK	19	362	381
5	SELANGOR	4	196	200
6	WILAYAH PERSEKUTUAN	7	302	309
7	NEGERI SEMBILAN	4	73	77
8	MELAKA	2	164	166
9	JOHOR	2	244	246
10	PAHANG	12	329	341
11	TERENGGANU	6	49	55
12	KELANTAN	3	90	93
13	SABAH	1	42	43
14	SARAWAK	20	90	110
TOTAL		111	2,322	2,433

VI. HALFWAY HOUSE

A. Organization

Halfway Houses are temporary offered by the Malaysia Prisons Department to house former prisoners from prisons. The first a launching of the Halfway House was held in September 29, 2011 in Kuala Lumpur by the Deputy Minister of Home Affairs. The establishment of Halfway House by Malaysia Prison Department is a collaboration between the Prison Department with non-governmental organizations (NGOs), entrepreneurs, employers and others. Residents work daily outside of the Halfway Houses. Residents in these houses are helped to get a jobs and other appropriate placement.



B. Main Objective

The 'Halfway House' objectives are;

- I. To provide opportunities for ex-prisoners in the process of re-integration in society
- II. To implement sustainability in the recovery process
- III. To provide greater opportunities for ex-convicts to jobs according to the skills possessed.
- IV. To provide temporary shelter to ex-prisoners before they get a proper home.

C. Recent Development

Since its launch on September 12, 2012 up to now there are 14 Halfway House which has been operating. Among them are;

- a) Penang Halfway House
- b) Perak Halfway House

- c) Pahang Halfway House
- d) Terengganu Halfway House
- e) Selangor Halfway House
- f) Perlis Halfway House
- g) Johor Halfway House
- h) Melaka Halfway House
- i) Negeri Sembilan Halfway House
- j) Kelantan Halfway House
- k) Kuala Lumpur Halfway House
- l) Kedah Halfway House
- m) Sarawak Halfway House
- n) Sabah Halfway House

Halfway House Prison Department Statistics on July 31, 2015

NO	HALFWAY HOUSE	CURRENT	FINISH	TOTAL
1	RP PERLIS	1	47	48
2	RP KEDAH	2	92	94
3	RP P.PINANG	5	206	211
4	RP PERAK	0	43	43
5	RP SELANGOR	6	161	167
6	RPWILAYAH PERSEKUTUAN	7	191	198
7	RP NEGERI SEMBILAN	6	87	93
8	RP MELAKA	2	66	68
9	RP JOHOR	11	97	108
10	RP PAHANG	5	157	162
11	RP TERENGGANU	7	75	82
12	RP KELANATAN	13	113	126
13	RP SABAH	2	50	52
14	RP SARAWAK	0	15	15
TOTAL		67	1,400	1,467

VII. SOLUTIONS AND IMPLEMENTATION

In order to reduce the incidence of recidivism, it is in need of a new rehabilitation programme. This new approach is done outside the prison wall and involves the participation of other agencies. The programme over the processes inmate's rehabilitation and integration into the society. Besides working in the camp, the inmates are also, enrolling in short courses or other activities as approved by the Commissioner General of Prisons.

The implementation of rehabilitation or intervention programme for inmates involves Prisons Department of Malaysia, Armed Forces through the Directorate of Education and Army Corps of Religion Unit (KAGAT) and Non-Governmental Organizations (NGO). Rehabilitation programme covering aspects of thinking, psychosocial, religious and cross-cultural modules. Family counselling and family-friendly programme also provided for persons under supervision so that they can continue to the nurturing of family values and responsibility. In addition some local NGOs have been also involved with religious lecture for persons under supervision in Islamic Teaching, Christianity, Buddhism and Hinduism.

Besides the cooperation from the Malaysian Armed Forces, two other departments are also activity in the programme. They are the Department of Agriculture and Department of Fisheries Malaysia to develop inmates in agricultural and fisheries skill. Prisons Department has also established cooperation with other agencies in providing vocational skill for inmates. Among them are the Department of Manpower, Ministry of Human Resources, Labour Department of Peninsular Malaysia and Local Community Colleges.

In implementing the Compulsory Attendance Order, is the Prison Department is not free from facility challenges. Between the challenges is to ensure that the program is running in accordance with the procedures which have been stipulated. Besides that, other challenges are;

- Public perceptions of the offender as well as doubts about the effectiveness of this programme.
- Cooperation from the agency to accept the offender to undergo a compulsory work orders they wrought.
- Conducting activities and modules should be in line with their offenses
- Level of knowledge and skills possessed by supervisors must achieve the required level

The Malaysia Prison Department has taken proactive steps in directly officer in the districts to communicate directly with government agencies, private sectors, NGOs and others to get feedback and collaboration. The result is overwhelm when nearly 95% support and assist in the implementation of the Prison Department Compulsory Attendance Order. The Prison Department also increase the knowledge of their in this field by conducting relevant course. Malaysia Prisons Department feels the need to be protect newly released prisoners who have problems adapting to the society. Thus, Halfway House provides services to help residents in transition or integration with the community.

Halfway House resident to be guided to adapt to society as productive individuals and adhere to the law. As such counsellors play a role in providing guidance and help solve the

problem of residents from time to time. This includes support groups, drug addiction counselling, individual counselling and others.

VIII. STRENGTH OF THE PROGRAMME

Since implemented in March 26, 2011 and to date (July 31, 2015) a total of 7,258 inmates have undergone the programme. About 4,516 inmates have been released from the Correctional Rehabilitation Center and a total of 1314 inmates has been released on Parole Order. From a total of 4,516 inmates released, 4,079 inmates or 90.34% have gained employment and 9.66% are still looking for jobs suitable and they will be assisted by Parole Officers. So far the number of recidivism among former inmates of this programme is relatively low, which is 0.24%.

Through this programme, the Malaysian government need not build new prisons where 1,200 inmates can be placed in Correctional Rehabilitation Center at one time. The cost of building five (5) Correctional Rehabilitation Center in a military camp is RM 22,884,300, and is far lower than building a new prison. For example, the construction of Perlis Prison with a capacity of 800 offenders costs RM 135 million. This programme has saved government expenditure and public fund.

Implementation of the Compulsory Attendance Order by Malaysia Prison Department has a major impact on the country and society. Positive effects that can be explained as a result of the implementation of compulsory attendance order are;

- I. Able to reduce operating costs of prisoner where the department can save RM 7,663,950 to accommodate a total of 2,433 offenders should they be in prison for a period of 3 months.
- II. Expand the role of the Prison Department in correctional programs and as a result managed to reduce the Recidivist rate and reduce congestion in prisons
- III. Help to speed up the trial for minor and reduce backlog cases.
- IV. Able to increase public trust and NGOs to ensure these offenders can be helped and will not repeat their offenses.
- V. Provide opportunities for offenders to give back to the community and realize the offense committed. Besides that offender are also able to continue leading normal life without affecting their income

Since first launched on September 29, 2011 until now 14 Halfway House has been successfully established. A total of 95% of the 1,467 residents who have been accommodated in the Halfway House has obtained employment. As a result, the rate crime has reduced.

IX. CONCLUSION

In conclusion, the parole system implemented by the Malaysian Prison Department was indeed effective. In addition, the attitude of parolees and parole officer, and the level of support from members of community and society played an important role to ensure effectiveness of the parole system. After six years of implementation, only 174 of revocation cases detected. The spirit of parole system will see more prisoners serving their sentence outside the prison wall. Release on parole could strengthen the family ties which may have broken or may have fragile connection due to imprisonment impact.

Through the implementation of the 'Community-Based Rehabilitation Programme', serving time is never a waste of time. The period of incarceration allows inmates to prepare themselves with skills and knowledge. Successfully rehabilitated inmates will be able to become productive citizens who are capable of working to stimulate the economy and reduce social problems. The safety of community is assumed because inmates have been successfully rehabilitated and able to face any challenges in life.

The benefits of CAC orders as opposed to short-term custodial sentences are manifold, including costs savings for the public purse, the fact that an offender's education or employment need not be interrupted, the fact that an offender's links with family and the community will not be inhibited, the possibility of reparation being made to victims, benefits to communities through the work undertaken and a reduction in overcrowding in Malaysia Prison system.

Looking at the present situation, the establishment of Halfway House was timely. Halfway Houses able to provide placement and recovery program that is organized according to the current needs of resident. This has also been implemented by a number of countries around the world and proves that it provides tremendous benefits to the country. Community can play a more expansive role in ensuring the successful re-entry and integration of ex-convicts into society.

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PROMOTING COMMUNITY-BASED TREATMENT IN MALAYSIA

I. INTRODUCTION

Children are an essential human capital to the country as they can be developed to their fullest potential by providing a safe and conducive environment. Malaysian has a total population of 30.5 million (based on statistics of 2014). Out of this 34% (10.2 million) are children. Children deserve a safe, healthy and conducive environment to grow. As a state party the Convention on the Rights of the Children, Malaysia has undertaken efforts in ensuring the rights of its children are protected. According to Article 37 and 40 of the Convention on the Rights of the Children, children in conflict with the law have the right to treatment that promote their sense of dignity and worth, taking into account their age and their reintegration into society. Also, placing children in conflict with the law in an institution should be a last resort.

Department of Social Welfare is one of the agency under the Ministry of Women, Family and Community Development which is responsible in handling and addressing all issues pertaining to children. Currently in Malaysia, the Children Justice System handles cases of delinquent children and the system allows for the protection of children in conflict with the law from human rights violations, focusing on their development in order to deter them from re-offending and to promote their rehabilitation and smooth their reintegration back into society. The Department of Social Welfare will continue to play a central role in ensuring that the philosophy and aim of the Child Act in the rehabilitation and prevention of children who come into conflict with the law are fulfilled.

1. SCENARIO CHILDREN IN CONFLICT WITH THE LAW IN MALAYSIA (2011-2014)

The statistics of children in conflict with the law from Department of Social Welfare shows that the number are decreasing from 2013 to 2014.

Children involved in Crime: data by Types of Crime and Sex, 2013 and 2014

No.	Types of crime	2013			2014		
		Male	Female	Total	Male	Female	Total
1.	Property – related crime	2,508	113	2,621	2072	70	2,142
2.	People –related crime	874	32	906	743	36	779
3.	Minor offence Act	74	4	78	85	6	91
4.	Infringement of supervision Terms	5	1	6	5	0	5
5.	Drug	860	108	968	1013	119	1,132
6.	Gamble	66	8	74	52	7	59
7.	Weapon/Fire arm	103	1	104	73	1	74
8.	Traffic	247	6	253	213	6	219
9.	Escape from an Approved School	5	1	6	1	0	1
10.	Others	512	56	568	580	71	651
	Total	5,254	330	5,584	4,837	316	5,153

Source: Statistic Information System Report, Department of Social Welfare 2014

Statistics shown that the vast majority of children in conflict with the law are boys. Types of crime related with property is found very high cases, followed by children involved in drug offences and crime related with people.

2. AN OVERVIEW OF JUSTICE SYSTEM FOR THE CHILDREN IN CONFLICT WITH THE LAW IN MALAYSIA

The principle Act governing the handling of children in conflict with law is the Child Act 2001. This Act consolidated three former Acts: The Juvenile Court Act 1947; The Child Protection Act 1991, and the Women and Girls Protection Act 1973.

The current Child Act governs four main categories of children: 1) children in need of care and protection; 2) children in need of protection and rehabilitation; 3) children "beyond control"; and 4) children in conflict with the law.

The Child Act outlines the main structure, processes and procedures for responding to children who commit criminal offences. Part X of the Act stipulated special procedures of arrest, bail or remand, trial, and sentencing of children, as well as defines the roles and responsibilities of police, probation officers, the Court of Children, and various institutions handling child offenders. The process for handling a children in conflict with the law is shown in appendix A.

As stipulated in the Child Act 2001 all welfare officer who handle children in conflict with the law are gazetted as Probation Officer under the Sec.(8).

3. TREATMENT FOR CHILDREN IN CONFLICT WITH THE LAW

3.1 Age and Criminal Responsibility

The definition under the Child Act 2001 states that a "child" means a person under the age of eighteen years and in relation to criminal proceedings, means a person who has attained the age of criminal responsibility as prescribed in section 82 of the Penal Code. The Penal Code states that the children under the age of 10 years are not criminally responsible for their action. It also includes a *doli incapax* provision, which states that any act of a child who is above 10 and less than 12 years old of age is not an offence if the child has insufficient maturity to understand and judge the nature and consequences of his/her conduct. If the Court of Children is in doubt as to the age of the child, an opinion should be sought from a medical officer. ¹

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

1. A child under age of 10 years shall not be sent to an Approval School.²
2. A child under the age of 10 years cannot be made to reside in

Probation Hostel.³

3. An offender below the age of 14 years cannot be sent to a Henry Gurney School.⁴

(a) Institutional Treatment

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

The children in conflict with law who have committed more serious crimes or those who have not made good in other modalities of treatment are normally admitted to the advanced Approved School for treatment under more rigid security. Even though under different departments, the treatment is geared towards preparing the children in conflict with law from very beginning of admission into the school until their reintegration to society.

- Child Act 2001, s.16
- Child Act 2001, s.66
- Child Act 2001, s.62
- Child Act 2001, s.74

(b) Approved School

This institution is an Approved School for the detention and rehabilitation of juvenile who involved in crime and juvenile who are beyond control. Children involved in crime such as crime related to property, crime related to people, drug, gamble, fire arms, traffic and others.

There are nine Approved School throughout Malaysia. Out of these nine schools, seven are for boys and two for girls. The approach of services provided by Approved School is based on 4 pillars which protection, rehabilitation, development and reintegration. Based this approach the objective for these Approved Schools is to provide for children in conflict with law an education that is geared towards positive attitudes and character building, promoting and improving their capacities so that they can be reintegrated back into society as well as live a more independent and beneficial life. The programmes in these schools are geared towards preparing the children in conflict with the law from the very beginning of admission into the school for rehabilitation intervention and equipped the children with necessary education or vocation for reintegration to their his family and society. Rehabilitation in this institution is for a period of 3 years.

However a resident may be released on license before the expiry of his/her rehabilitation period by the Board of Visitors subject to his/her progress but not earlier than 12 months from the date of admission. In monitoring the progress of rehabilitation programmes, the welfare officers constantly check the children with progress report submitted to Board of Visitors for consideration of Release on License if there is significant overall improvement of attitude, behavior. To assist in monitoring the progress, management of institution has implemented grading system and merit demerit system to monitor the progress of rehabilitation process. Once release the children will be under the supervision of Probation Officers who will organized various community based rehabilitation assisted by Child Welfare Community

The children in conflict with law in the Approved Schools are subjected to rules and Regulations in a structured environment. Daily routines are strictly adhered through the establishment of client management system (CMS) which guide the overall process of rehabilitation. Nonetheless, child rights and treatment under the Child Right Convention is implemented carefully and monitored. Therefore, punishment in any form, are only given by the head of institution, strictly in accordance to Approved School Rules.

The educational programmes in Approved School include education and vocational training, inside and outside. Inmate who are still schooling are allowed to continue their formal education. Formal education is provided in the institution till the primary and secondary level. Besides the institution practiced an open approach which allows students to have their education as well as vocational training outside the institution. The community are encouraged to organized community based activities with the children within or outside of the institution.

Children who are school dropouts and have not attained the educational level which allow them to attend normal school outside are required attend educational classes which are special arranged for them to acquire sufficient literacy. For those illiterate inmates, they are thought based on the learning, writing and counting. With this basic skill, it is hoped that they can at least acquire a training programme based on their educational level. Children who cannot attend the normal school or not interested in schooling, they are allow to attend vocational training. The Welfare and Social Department has taken proactive action to provide a certificate skill in vocational training in all children institution. With this skill certificate they will be able to secure employment based on the skills acquired by them. The skills training program includes a number of areas associated with the industry in the country such as automotive,

electrical, welding, civil, sewing and cooking. These areas are chosen to be implemented in the institution as it has a high employability potential for the trainees to get jobs after leaving the institution. Indirectly, the mission of the Department in introducing the Productive Welfare Program will be achieved. To ensure the quality of these skills education, the Department has used the standards set by the Department of Skills Development as the coordinator of skills training in Malaysia and is recognized by the industry. The Department is also working to ensure that the institutions involved are recognized by the Department of Skills Development as a Certified Centre (Accreditation Centre) to conduct the Malaysian Skills Certification Program.

The achievement as of 2014, a total of twenty (20) institutions have conducted skills training. A total of 1000 children have undergone training in a particular time. A total of eight (8) children's institutions under the department have been recognized as an Accredited Centre by the Department of Skills Development. Of all the institutions, 193 children had received the Malaysian Skills Certificate which is recognized.

(c) Probation Hostel

Probation Hostel was established under 61(1) of the Child Act 2001 for juvenile who committed light offences and beyond control children. There are 10 Probation Hostel throughout Malaysia. Out of these ten hostels, eight are for boys and two for girls. The objective for these Probation Hostel is to educate children towards positive attitudes and character changes, improving their capacities so that they can be reintegrated back into society as well as live a more independent and beneficial life. Rehabilitation in this institution is for a period not less than 1 years. However a resident may be released on licenses before the expiry of his/her rehabilitation period by warden. Nevertheless the rehabilitation for children under probation is one (1) year institutionalized rehabilitation and two (2) years under supervision of probation officer. Basically under the probation order require the probationer to submit to supervision of probation officer, reside at the probation hostel, at home the home of his parents or guardian or relatives, attend educational institution to be recommended by probation officer and shall be remain indoors at the place of residence, be it at the probation hostel or home during hours to be specified.

(d) Community Based Rehabilitation Programmes and Services in Malaysia

Under the child Act, the court order provides many alternatives for community based rehabilitation for children in conflict of the law as institutionalized rehabilitation is the last resort theta would be proposed by the probation officer. The available court order which the child be discharged upon his executing a bond to be of good

behavior and to comply with such condition as may be imposed by the court. In addition to the order, the parent or guardian to execute bond where parents or guardian accompanied by the child report at regular interval at welfare department of police station. Besides the parents or guardian accompanied the child to attend interactive workshops or the parents or guardian consult with the child's teacher on their education matter. Therefore the primary responsibility for supervising children who are subject to a community based order (bond of good behavior, probation order) lies with probation officers. Probation Officer are Social Welfare Officers or Assistant Social Welfare Officers who have been appointed and gazetted by the Minister⁵. The act also makes provision for the establishment of Child Welfare Committees⁶ in the district level to assist Probation Officers and oversee the welfare of children in conflict with the law.

General guidance with respect to their composition and functions is provided under the juvenile welfare committee (constitution and responsibilities) 1976. The function of Child Welfare is monitor children under supervision with the task of ensuring their well-being and progress through house visitation as well as convene a case conference if needed for appropriate intervention. Besides, the child welfare committee is assisting the probation officer in getting children under supervision to have continued education or gainful employment which is fundamental for reintegration of the children in the community. Various activities are organized and implemented for children under supervision or probation such as community service work, parenting, motivational course (role model), individual, group counseling, knowledge or capacity programmes, healthy mind and living workshops, and Interactive Workshop.

The Children's Division of the Department of Social Welfare currently has approximately 700 gazetted Probation Officers responsible for supervising child offenders who have been released from institutional care. However not all staff members who gazetted as probation officers are actively performing Probation Officer duties. In addition, many Probation Officer are also co-appointed as Protectors and also perform other general social welfare duties as and when required.

All Probation Officer have undergo a three month specialized induction training programme provided by the Social Welfare Institute. The institute also offers regular short-course and all staff members are required to attend a minimum of seven days of training per year. In addition rapid promotion has been used in recent years to fill gaps in middle management, resulting in some managerial-level staff having limited front-line experience and therefore difficulty in guiding and supporting field-level staff. Concern was raised by some stakeholders that Probation Officers sometimes lacked

the skills, confidence and personality to work effectively with children. Many Probation Officers themselves were of the view that they could benefit from more specialized training and skill development in handling children in conflict with the law, in particular regarding exposure to international models for addressing offending behaviors.

Most districts have a Child Welfare Committee was in place tasked with assisting probation officer and providing support to child offenders and their families. There approximately 126 districts Child Welfare Committees nationwide, each comprised of 7 to 15 volunteers appointed by the Minister of Women, Family and Community development (MWFCD). These gazette board members are usually individuals of respectable standing and influences in the local society, professionals and experienced retired government officials. The committees' members will assist Probation Officers in supervising juveniles, finding them employment, arranging training facilities and most of all making them feel accepted into the community. Each Child Welfare Committees was given some fund to plan and implement programmes and activities such as awareness programmes, seminars, parenting courses, youth amps, and motivational guidance or training on their role and function, though most are reportedly experienced in social welfare and / or children's issues.

II. WAY FORWARD IN IMPLEMENTING COMMUNITY-BASED TREATMENT

The Department of Social Welfare already has operated Community service work programmes to the youth offender. This community service work programmes include community service works, counseling and interactive workshop. The community service works is done at social welfare institution such as cleaning, painting, sweeping, gardening etc. This programme is suitable to implement for the children in conflict with law. However this community service work programmes was not stated in exiting Child Act.

In order to improve the range and effectiveness of community-based supervision and rehabilitation programmes for children in conflict with the law, it is recommended that Malaysia⁷:

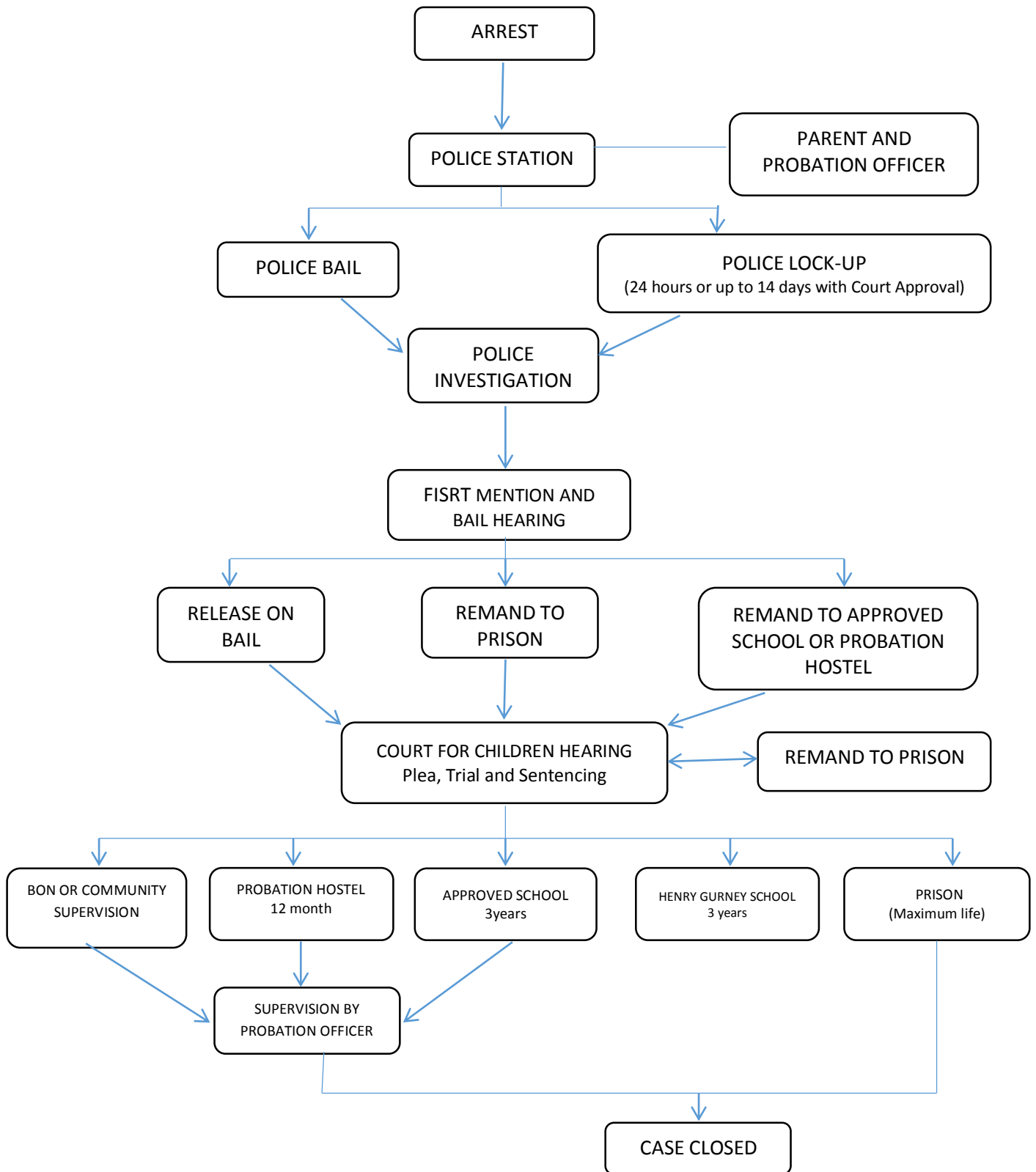
- i. Appoint more probation officer and/or amend the Child Act to allow trained volunteer probation officers to provide assistants. Consider appointing more support staff to relieve probation officers and counselors of administrative tasks so that they can focus more of their time on direct support to children and families.

- ii. Build the skill and capacity of probation officers to develop structured, written intervention plans for children subject to community orders, based on a comprehensive assessment of both the child and family.
 - 5 Child Act 2001, s.10
 - 6 Child Act 2001, s.70
 - 7 UNICEF Malaysia (2013), The Malaysian Juvenile Justice System, UNICEF
- iii. Consider introducing a more intensive support and supervision programme for high-risk children who need more guidance and support.
- iv. Design more structured, interactive experimental learning programme to replace existing ad hoc motivational programme. Programme could be developed in partnership with the Child Welfare Committees or NGOs.
- v. Reconsider the role and functioned of the Child Welfare Committees to assist and support probation officers to handle the children under in conflict with the law.

III. CONCLUSION

Department of Social Welfare in recent years have improved their community-based supervision and rehabilitation programmes for child in conflict with the law. However, these programmes still need improvement to ensure the effectiveness of the Welfare Committee in child conflicts with the law. Besides that, the family and child in conflict with the law also need to be empower to improve their parenting skills and to support their children's needs. In cooperation with also the stakeholders in relevant agencies, including amongst the police, magistrate, probation officers, lawyers and institution staff will determine the best interest of the child wellbeing in the future.

**APPENDIX 1
GENERAL PROCESS FOR HANDLING A CHILD IN CONFLICT WITH THE LAW**



COMMUNITY-BASED TREATMENT IN MALAYSIA

I. INVOLVEMENT IN CHILD WELFARE COMMITTEES IN REINTEGRATION OF CHILDREN IN CONFLICT WITH THE LAW IN SOCIETY

Under the Child Act, provision for the establishment of Child Welfare Committees in the district level to assist Probation Officers and oversee the welfare of children in conflict with the law. Is provided. General guidance with respect to their composition and functions is provided under the Juvenile Welfare Committee (Constitution and Responsibilities) 1976.

II. TREATMENT WITHIN COMMUNITY

The Child Act includes limited detail with respect to the supervision or support that should be provided to children who are under guidance of a Probation Officer. Children may require to "submit to the supervision of the Probation Officer", to report to the Probation Officer at regular intervals, to reside at the home of a parent, relative or some other fit person, to attend and educational institution recommended by the Probation Officer, and to follow a curfew. In addition, both the child and his/her parents are required to attend an "interactive workshop".

Most districts have a Child Welfare Committee in place to assist probation officers as well as providing support to child offenders and their families. There are approximately 126 districts Child Welfare Committees nationwide, each comprised of 7 to 15 volunteers appointed by the Minister of Women, Family and Community development (MWFCDD). These gazetted board members are individuals with respectable standing and influence in the local society, professionals and experienced retired government officials.

The committee members will assist Probation Officers in supervising juveniles, employment, arranging training facilities, visit and give support and advised to juveniles and parents, conducting conference among the committees to tackle juvenile issues and most of all making them feel accepted into the community. Each Child Welfare Committee is given funds to plan and implement programmes and activities such as awareness programmes, seminars, parenting courses, youth camps, and motivational guidance or training on their role and function, though most are reportedly experienced in social welfare and / or children's issues.

The Department of Social Welfare has implemented Community Service Work programmes to the youth offenders (18 – 21 years old). This community service work programmes include community service works, counselling and interactive workshops. The community service works is done at social welfare institution such as cleaning, painting, sweeping, gardening etc. Besides under the existing Child Act, the Children Court also provides alternative for

community service work through the provisions of additional order (supplementary) of parents or guardian to execute bond with one or more following condition which the Court For Children thinks fit. Therefore to ensure the Community Service Order as a provision it not as additional order, there is a proposal to put in this Community Service Order provision in the review of Child Act 2015.

The period of probation ranges are maximum 2 years with maximum 120 credit hour community service work. The level of service and supervision is determined by evaluation of the child. The factor may have to consider such as criminal history, motivation of change, school progress and family situation. The evaluation of the outcome programme can be conducted after 2-3 years implementation. General process for handling Community –based Treatment for a Child in Conflict with the law as in Annex II.

III. COMMUNITY SERVICE ORDER (CSO) AS A CODITION OF PROBATION

A CSO is an order of the court requiring an offender to perform unpaid work for a specific number of hours. The Community Service Orders (CSO) Program is a community-based sentencing option that permits the court to order offenders to perform community service hours as a condition of probation. CSO goal is to provide individualized community-based activities that offer clients an opportunity to become contributing members of the community. Placement opportunities raise self-confidence, enhance work skills, encourage responsible behaviour and provide constructive activities for leisure time.

The objectives of CSOs are:

- a) As a rehabilitation measure, CSO afford an offender a positive experience through community work and this in turn fosters the development of empathy and consideration for others. In the process, the offender gains meaningful social experiences, develops constructive social relationship skills, and regains self-esteem and confidence;
- b) As a punishment, CSOs deprive an offender of his/her leisure hours;
- c) As a form of reparation, CSOs provide the offender an opportunity to make amends for the wrongs/hurts caused by the offending behaviour through service to the community.

An evaluation of the programme have to achieve the objectives of the programmes and the offender benefits:

- a) Acquired a new skills;
- b) Improved communication in his/her family;
- c) Improved in behaviour change - more responsible, more considerate and mindful of others and positive changes that shown by offender.

IV. COMMUNITY SERVICE ORDER (CSO) PROGRAMMES

The CSO programmes consist of 4 trust that included:

- i. Community Services Work
- ii. Rehabilitation Programme
- iii. Capacity Building
- iv. Religious and Spiritual Knowledge

V. IMPLEMENTATION OF CSO

The offenders will have to follow:

- i. Time frame : not more than 120 hours (depend to court order) and not more than 8 hours per day:
- ii. Duration : within 6 month
- iii. Place : Department of Social Welfare institutions, Community Service Centre, place set by Local Authority and other relevant agencies
- iv. Schedule : depend to the offenders (school holiday, weekend, or when available)

Detail of the Community Service Work activities as in the Appendix 1.

VI. ROLES OF CHILD WELFARE COMMITTEES

For the time being, the Child Welfare Committees was involved in helping Probation Officer in the integration process into their society. In Future, this Welfare Committees needs to regulate their function in the Act to have a standard public commitment service and best practice in probation work, supervising and monitoring children in conflict of the law.

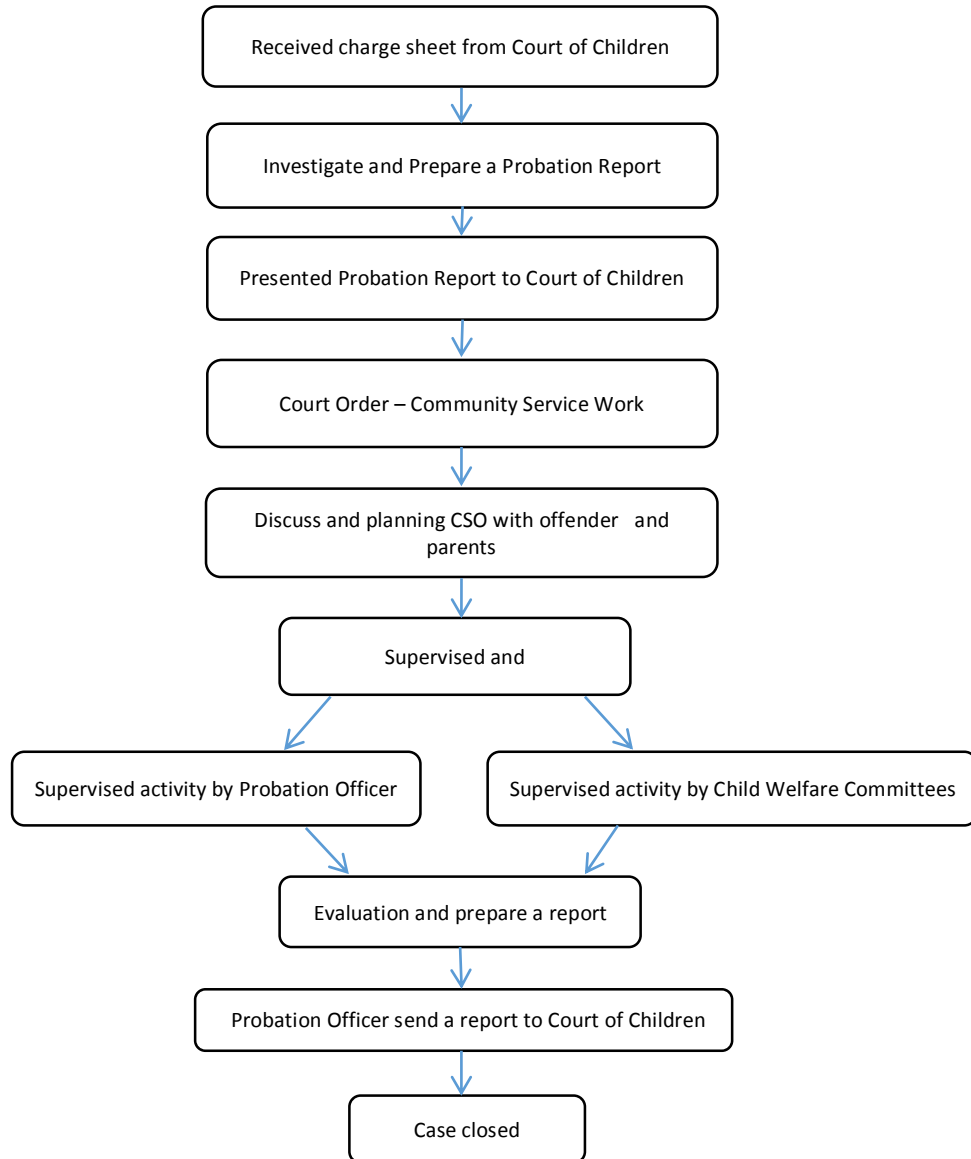
VII. CHALLENGES FOR THE FUTURE

To ensure the rehabilitation can prepare the offenders to get jobs and be gainfully employed and meaningfully engage in society;

- a. Needs commitment from parents, all government agencies, NGO and private sector to support the rehabilitation for the offenders;
- b. Needs to exchanges new information and best practices in others country.

ANNEX I

GENERAL PROCESS COMMUNITY-BASED TREATMENT FOR A CHILD IN CONFLICT WITH THE LAW



ANNEX II

DETAIL OF THE COMMUNITY SERVICES WORK ACTIVITY

Community Services Work	Rehabilitation Programme	Building Capacity	Religion and spiritual Knowlegde
<p>i. Contribution of skills - mural painting, repairing wheelchairs etc</p> <p>ii. cleaning of mosques or public hall</p> <p>iii. landscape conservation activities</p> <p>v.assist in the daily management of the institution residents</p> <p>vi.Home Help Services – old folks and people with disability</p> <p>(Supervised and handle by Probation Officer and Child Welfare Committees)</p>	<p>i. Counseling Programme - assessment and psychological testing</p> <p>ii. psychoeducation - group exercises, lectures</p> <p>iii. Psychotherapy</p> <p>(Supervised and handle by Probation Officers and Child Welfare Committees)</p>	<p>i. Modules for Parents and child – improving communications skills, parenting skills and coping skills</p> <p>(Supervised and handle by Probation Officers and Child Welfare Committees)</p>	<p>. Camp/ workshop/ lectures</p> <p>ii. Practical knowledge on religious ritual(solat, good deeds)</p> <p>(Supervised and handle by Probation Officers and Child Welfare Committees)</p>
Recommended hours of CSO – not more than 120 hours			

THE BSET PRACTICES AND SUCCESSFUL EXPERIENCES FOR ACHIEVING COMMUNITY INVOLVEMENT IN COMMUNITY-BASED TREATMENT IN THE REPUBLIC OF THE UNION OF MYANMAR

I. INTRODUCTION

Community-based treatment system is prevention crime in community by awareness rules & regulations, offender and young offender not to commit crimes again and to reintegrate their society and to stand their own feet. In our country Myanmar, although there is no special practices and successful experiences for community involvement in Community-based treatment.

Department of Social Welfare (DSW) under the Ministry of Social Welfare, Relief and Resettlement has been implementing eight types of social services for vulnerable groups; children, youths, women, persons with disability, older people by direct and indirect means. They are as follows;

- (i) Early Childhood Care and Development Services
- (ii) Child and Youth Welfare Services
- (iii) Women Welfare Services
- (iv) Care of the Aged
- (v) Rehabilitation of Ex-drug Addicts
- (vi) Rehabilitation of the Person with Disability
- (vii) Grants in Aids to Voluntary Organizations
- (viii) Public Welfare Services

Early Childhood Care and Development Services, DSW opens pre-primary schools in States and Regions. DSW, These primary schools nurture children who are under 5 years old by caring ECCD methods in day time and also open ECCD Training to be born new pre-primary school teachers. And also, DSW provides technical and financial support for voluntary pre-primary schools which established in community annually. DSW establish (7) Residential Nursery in State and Regions. In these schools, DSW nurture children at the age of (0-8), and most of children are orphans, destitute, children in need of special protection and care according to Child Law article 32. Besides, DSW promulgated ECCD Law and policy. In our pre-primary schools and Residential Nursery, children have been nurtured in line with ECCD methods.

Child and Youth Welfare Services, DSW implements preventive, protective and rehabilitative measure. In preventive measure, Voluntary primary night schools opened in States and

Regions for children who cannot attend primary schools in day time due to various reasons and youth center also opened in States and Regions to fully utilize their leisure time. DSW provides technical and financial supports (honor fees for teachers, Electrical charges, Stationary and furniture) for these voluntary primary night schools & youth centers annually. In protective and rehabilitative measure, DSW established (10) Youth Training Schools and take care children who are under 18 years old. In these training schools, DSW has been taking care children (orphans, destitute, street children, children in conflict with the law, in need of special protection and care in line with Child law (1993). DSW has been implementing fulfilling basic needs, teaching formal education & non-formal education, open the vocation training and seeking the job placement to stand their own feet, listening their voice to reduce their stress & feeling, behavior changing, inviting famous writers and persons to speech knowledgeable talk, opening religious training to be polite & clever, meditation, celebration for novice ceremony, excursion or field visit to learn external knowledge and experience. Our country, Myanmar ratified United National Convention on the Rights of the Child (UNCRC) in 1991, and then Myanmar Child Law promulgated in 1993. Therefore, our department, DSW protect and care in line with Myanmar Child Law (1993) & UNCRC.

Women Welfare Services, DSW opened women training schools but also carry out women empowerment & development. In preventive measure for women, DSW established (8) Schools for Home Science and it opens vocation training (sewing, knitting, baking, flower decoration, painting etc. for community members, and then, DSW opened Women training schools. In these women training schools are also same function of youth training schools. Besides, DSW opens (1) temporary shelter for trafficked women. In this shelter, DSW carried out medical check-up, counseling, psycho social support, teaching vocational training and reintegrate their family. At present, DSW has been developed "The Prevention and Protection of Violence against Women Law" (Draft). DSW has laid down National Strategic Plan for Advancement of Women (2013-2022). At present, DSW has opened Gender perspective Training not only Departmental Official but also in States & Regions.

Care of the Aged Services, DSW provide technical & financial support to Home for the Aged in community. And then, DSW established Day Care Center for the Aged in 2013. In community-based program, DSW in collaboration with Help Aged International (HAI) has been carried out older people self -Help Group (OP-SHG) in community.

Rehabilitation of Ex-drug Addicts, DSW opens (12) rehabilitation Center for Ex-drug Addicts. In these centers, DSW take care drug user who cut off narcotic drug from sending Hospital. And then, DSW trained voluntary supervisor for drug-user in community annually. Activities of these voluntary supervisor for drug-user are as follow;

- ❖ To avoid narcotic drug by awareness raising and advocacy programme disadvantage of narcotic
- ❖ To send youth who want to cut off narcotic drug to hospital and rehabilitation Center
- ❖ To follow-up youth who go back rehabilitation Center and monitor not to reuse.
- ❖ To send situation of rehabilitated youth report to DSW

Rehabilitation of the Person with Disability, DSW open training school for Person with Disability. At present, DSW has been developed "Person with Disability Law".

Grants in Aids to Voluntary Organizations, DSW subsidize financial & technical supports for voluntary organizations which established in community; voluntary pre-primary schools, youth development centers, schools for blind & deaf and disabled persons, women centers and home for the aged etc. annually.

Public Welfare Services, DSW opened (2) Center for Women Care and take care prisoner women with affected HIV/AIDS. In this Center, DSW has been cooperating with Prison Department and Health Department. And then, DSW opens (1) Social Care Center for homeless family, adult persons who need of protection and care (above 18 years) including older people, PWDs. In this center, DSW has been cooperation with General Administration Department, Yangon City Development Committee under the Ministry of Home Affair.

II. OVERVIEW OF VOLUNTEER PROBATION OFFICER (P.O.) SYSTEM

In our country Myanmar ratified UNCRC (United Nations Convention on the Rights of the Child) in 1991 and promulgated Child Law in 1993. According to Child Law (1993), child means a person who has not attained the age of (16)years and Youth means a person who has attained the age of 16 years but has not attained the age of 18 years.

In our country, According to Child Law article 61, The Director General may assign responsibility as probation officer to an employee of the Social Welfare Department or to a suitable citizen who is not a government employee. The duties and power of a Probation Officer are as follows;

- (i) Making necessary investigations and submitting a report, when assigned responsibility in respect of the child by the Juvenile Court.
- (ii) Managing and supervision a child who is ordered to submit to his management and supervision, in the manner prescribed.

- (iii) Reporting to the relevant Social Welfare Officer, if it is found that a child is in need of protection and care this Law.
- (iv) Informing the relevant police officer or the Juvenile Court, if it is found that there is likelihood of danger befalling any child or that a child is in a danger.
- (v) Arresting the child without a warrant and handing him over to police officer , if a child who has escaped from a training school, home, temporary care station or custodian is found.
- (vi) Co-ordination and co-operation with the parents or guardians concerned, local elders and persons from social organization for the benefit of children.
- (vii) Carried out duties relating to the child ,which are assigned by the Social Welfare Department

In our department, Probation Officers (P.O) are assigned DSW staffs but also volunteer social welfare officers in States and Regions. In 2009, our department, has assigned (126) volunteer social welfare officers in States and Regions. Beyond Nargis, DSW in cooperation with UNIEF has been carried out community-based child protection system as pilot project in 2009. According to this system, our department DSW, Township level social welfare officers are assigned in (25) township. They also take responsibility of probation officer and also coordinator, mediator, referrer for child cases in community. They educate community awareness raising program (Child Law, CRC etc.) to departmental officials, stakeholders, community members.

Our department, DSW implements Center-based or Institution-based system mainly. DSW established different types of training schools or institutions. Different types of Institution are also opened various objectives and taken care various types of vulnerable groups. DSW has not carried out community-based treatment widely. But, probation officer from DSW Staffs in collaboration with Voluntary Social Welfare Officers handle child affair/cases in community. Activities of probation officers are as follow;

- Firstly, Probation Officer (P.O) educate stakeholder, departmental officials, community members, parents & children about child rights & responsibility, child protection system and to prevent Juvenile delinquency.
- Secondly, when the juvenile delinquency break out in community, Probation Officer (P.O) negotiate between child and other side. Although O.P negotiate among child, family and community, if he cannot solve the problem, child offender is sent to Child Court.

- When Juvenile Judge call out P.O for Juvenile delinquency, he or she investigate child case and probation officer's report reply to Juvenile Court within two weeks.
- In community, P.O investigate situation of children, child's environment, cause of Juvenile delinquency and then negotiate between children and child' parents, community members, authorized person from wards, village, track & township level and educate child & their family not to be cause Juvenile delinquency or conflict again.. After he or she investigate cause of Juvenile delinquency, he submit report with his recommendations, suggestions, findings, within two weeks. Just in case, juvenile cases caused among children. Children are not only offender but also victim. At this time, role of probation officer is important. P.O accompany with child offender has to coordinate law officer, Juvenile Judge, police officer as per procedure. Besides, P.O has to protect child victim (e.g. medical check-up & psycho social support and compensation).
- P.O may handle or negotiate child cases not to be bigger (not to reach Child Court) and educate children, their family, guardian & their community again. First of all, P.O handle juvenile delinquency to be solved in community only. Both of Probation Officers and volunteer social welfare officer only implement the best interest of child. By gaining strength of probation officers, DSW has been implementing Child Protection System. These probation officers in cooperation and coordination with Juvenile Judge, Law Officer, Myanmar Police Force (police Officer & policeman, Doctors & Medical Staffs, community leaders & members has been handled child Protection services in institutions and also opened awareness raising or perspective child Protection training in community as preventive measure. In implementing of child Protection services, probation Officers has to manage child affair in line with UNCRC and Child Law (1993).

Mission

To prevent Juvenile delinquency and reduce Juvenile cases in community and to educate child protection system.

Main task of probation officers are monitoring & supervision on child case, reporting, cooperation with relevant Government organizations & NGOs, counseling & psycho social support, refer to concern organizations and awareness raising programme in community.

DSW is mainly implementing Center-base Rehabilitation system for vulnerable groups and no special program for community-based treatment. According to Myanmar's

political and economic reform process, Our Ministry, Ministry of Social Welfare, Relief and Resettlement has laid down Myanmar National Social Protection Strategic Plan in December 2014. In this Social Protection Strategic Plan contains eight flagship programmes. Among flagship programmes, Integrated Social Protection Services is also one of the programme. Case management system will be used as a vehicle to implement Integrated Social Protection Services (ISPS). In December 2014, Our Department started Case management system in 27 townships. As per Case Management system procedure, we, our department, (81) case managers in 27 townships are assigned and they will be handle statutory child case in community. At present, DSW carry out case management system as pilot programme. Later, we will be extend this system.

III. CONCLUSION

In our country, The Republic of the Union of Myanmar, community-based treatment & community involvement system will be developed, We do hope, cooperation with Department of Social Welfare under the Ministry of Social Welfare, Relief and Resettlement, General Administration Department, Department of Prison, Myanmar Police Force under the Ministry of Home Affair, Supreme Court of the Union, Community member and NGOs successfully.

BEST PRACTICES AND SUCCESSFUL EXPERIENCES FOR ACHIEVING COMMUNITY INVOLVEMENT IN COMMUNITY-BASED TREATMENT OF THE PHILIPPINES

I. INTRODUCTION

The PAROLE AND PROBATION ADMINISTRATION (PPA) under the efficient leadership of the Department of Justice was created in 1976 by virtue of Presidential Decree No. 968 or the Probation Law of 1976 to administer the probation system. It is responsible for promoting first-time offenders' correction and rehabilitation. It serves as a guiding rule in the implementation of an effective community-based approach to correction which allows sentenced individuals to redeem themselves from the stigma of conviction. To date, the Administration has its shared task of promoting social justice and prevention of crime by providing a less costly alternative to imprisonment of those who were found guilty of an offense through effective individualized community-based treatment programs¹.

To ensure the reformation of those who are likely to respond through non-institutional corrections, the DOJ-PPA with its 16 regional and 227 field offices nationwide commendably conducts its three major functions namely, INVESTIGATION, SUPERVISION and REHABILITATION. To strengthen its capability to perform its mandated tasks,

Volunteerism program was implemented as early as 1977. The Volunteer Probation Aide (VPA) program heightened and maximized community involvement and encouraged participation of trained VPAs to assist Probation and Parole Officers nationwide in effectively supervising clients in a community-based setting.

II. OVERVIEW OF VOLUNTEER PROBATION AIDE SYSTEM IN THE PHILLIPPINES

The Volunteer Probation Aide System is a strategy by which the DOJ-PPA generates proactive involvement of the community in pursuing the rehabilitation of its clients. Competent VPAs were appointed and take more active role in supervising clients and establishing best practices in the pursuit of their rehabilitation.

Sec. 28 of Presidential Decree 968, as amended, signed into law by the former President of the Philippines, Ferdinand E. Marcos, authorized the appointment of citizens of good repute and probity to act as probation aides and assist in the supervision of probationers. This was

¹ Program paper submitted to DOJ, statement made by Administrator Manuel G. Co, DOJ-PPA

later expanded to include parolees, pardonees and first time minor drug offenders placed on suspended sentence.

Sometime in 2001, after the Philippine-Japan Joint Seminar on "Enhancing Community Involvement in Crime Prevention" held in Manila, then DOJ-PPA Administrator Gregorio F. Bacolod, in consultation with the visiting official of the United Nation Asia and Far East Institute (UNAFEI) based in Japan, submitted a project proposal on the "Revitalization of the VPA System" to Japan International Cooperating Agency (JICA), for consideration.

Series of consultation with UNAFEI friends continued and in 2003, series of seminars via teleconferencing were conducted through the use of JICA-Net facilities. Several visitations to Japan and Philippines were conducted by Filipino and Japanese Probation Officers and VPAs which enhanced their knowledge in community- based corrections and other related practices.

On October 11, 2005, Executive Order No. 468 was signed by the President of the Philippines and revitalized again the VPA Program. A Memorandum of Agreement to pursue one goal of reinforcing VPA system was forged between the different agencies of the Philippine government including the DOJ-PPA, Department of the Interior and Local Government, Department of Social Welfare and Development, Philippine National Police, Philippine Volunteer Coordinating Agency, Liga ng mga Barangay, Volunteer Service Overseas, Rotary Club of Valenzuela, Lions Club-Manila and the Philippine Association for Volunteer Effort. The government push the development of the VPA program in Republic Act 9418 or the Volunteer Act of 2007 which provides for the National Government Agencies and Local Government Units to establish volunteer probation programs in their respective offices to encourage volunteerism in government initiatives and projects.

UNAFEI and JICA played vital roles in the successful implementation of VPA Program in the Philippines. Their technical and financial assistance to the Philippine government, noteworthy community based corrections practices were introduced and boost public servants and volunteers' confidence to innovate and work sincerely together for public interest.

To date, DOJ-PPA has more or less 13,056 appointed VPAs nationwide and continuously giving significant contributions for the implementation of its noteworthy endeavors.

III. THE ACTIVITIES OF VOLUNTEER PROBATION AIDES WITH REGARDS TO OFFENDERS

The VPA System in the PPA is being mobilized through a massive yet quality means of recruitment. To be a VPA, one has to be at least 35 years old, with a stable source of income, with good reputation in the community, without criminal record, with adequate good health, willing to prepare reports and render service without monetary compensation. Background investigation shall be conducted and necessary clearances are required before appointing a VPA. Briefing, trainings and other related skills management activities are conducted for VPAs proficiency in working hand in hand with Probation and Parole Officers in rehabilitating clients.

VPAs are actively participating in the successful implementation of DOJ-PPA's rehabilitation program's three components, (1) Restorative Justice – the conceptual framework, (2) Therapeutic Community Ladderized Program the treatment modality and (3) Volunteerism.

The role of *Direct Supervisor* allows the VPA to monitor and supervise at least five (5) clients with minor offenses. As a *Resource Individual* they may lecture on topics relevant to clients' rehabilitation. Serving as a guidance counselor to the client, donor of help in any form and valid means such as medical assistance and providing scholarship and educational assistance for deserving children of poor clients, program coordinator, mediator, RJ implementer and TC facilitator, are other tasks may be performed.

Through the National Praise Committee, VPAs are given due recognition in two (2) award categories, Outstanding VPA and Outstanding VPA Association in view of their significant accomplishments and noteworthy benchmark practices which created an impact of upgrading the level of community responsiveness. This year 2015 winners include VPA assisted Mangrove Reforestation - an environment saving project, and Cattle Dispersal Project benefiting clients and providing new hope for them..

Truly, Volunteer Probation Aide System is working in the Philippines and indeed helping in the rehabilitation and restoration of offenders and in the prevention of reoffending.

IV. CHALLENGES

- Resistance on the part of the community to accept convicted offenders to live with them in the community. Even relatives by blood sometimes refuse their convicted kin.
- Abuses made by VPAs - excessive use of authority and misrepresentation.
- Lack of funds to sustain VPAs' trainings, transportation and minimal meal allowances.

V. RECOMMENDATION TO ENHANCE AND DEVELOP VOLUNTEER PROBATION

AIDES SYSTEM

- Sustain and strengthen recognition of VPAs accomplishments.
- Tap linkages and donor agencies for their skills training and knowledge enhancement.

Recent Significant DOJ-PPA BENCHMARK PRACTICES

Several Senate and Lower House hearings were attended by Hon. Administrator Manuel G. Co regarding the proposal of the Probation Law expansion. Under his directive, the DOJ-PPA Legislative Committee was created and initiated studies and proposals to amend several sections of PD 968. Administrator Co, in spite several difficulties, brilliantly presented the plight of the agency and defended during a bicameral hearing, proposed necessary amendments that heightened the essence of Probation Law including the benefits of VPAs and the following were given considerations:

- Volunteer Probation Aides will now have a new identification and will be called VOLUNTEER PROBATION ASSISTANTS;
- Transportation and Insurance for VPAs were granted.

COMMUNITY PARTNERSHIPS IN THE PROBATION SYSTEM SINGAPORE

I. INTRODUCTION

The Probation system in Singapore is a Court-ordered community-based rehabilitation programme for suitable offenders. It offers the Courts with an alternative sentencing option to deal with offenders, who may otherwise be committed to a juvenile rehabilitation centre or prison. It aims to instil in offenders a strong sense of social responsibility and self-discipline so that they could lead a crime free life. The Probation Service comes under the purview of the Ministry of Social and Family Development.

The Probation Service has continually sought to involve the community, both individuals and organisations, in the provision of support and services, and integration of offenders into mainstream society. To augment the efforts in the rehabilitation of juvenile and adult offenders on probation, partnerships with the community has to be targeted and purposeful.

This paper will showcase how Volunteer Probation Officers and Community Service Order agencies have played an integral role in enhancing the rehabilitation experience for the probationers and their families.

II. VOLUNTEER PROBATION OFFICER SCHEME

The Community Probation Service was introduced in 1971 to promote volunteer participation and community awareness in the rehabilitation of offenders placed on probation. It was renamed the Volunteer Probation Officer (VPO) Scheme in December 2012 to strengthen its representation as a volunteering scheme.

About 250 Volunteer Probation Officers complement our work with offenders. The functions and roles of VPOs are spelt out under the Probation of Offenders Act (1985). Upon their appointment, all VPOs are gazetted by having their names published in the Government Gazette and are issued with an identification card to identify them as VPOs. All VPOs are appointed on a two-year term. An annual performance review and a biennial re-screening exercise for all VPOs are conducted to determine their suitability to continue as a volunteer and before their re-appointment for a new term. Regular dialogues and specific training sessions are organized for the VPOs to gather feedback from them and to equip them with skills specifically relevant to their area of engagement. To ensure a meaningful volunteering experience and the active engagement of VPOs, the Probation Service continually looks at different ways to organize, motivate and empower the VPOs.

Areas of Engagement

The different areas of engagement are designed to tap on the VPOs' strengths and to complement the role of the Probation Officers (POs) in the rehabilitation of the probationers. A VPO may be involved in more than one area of engagement at any one time, depending on their availability and interest.

The areas of engagement for VPOs are as follows:

a) *Befriending*

VPOs serve as befrienders and positive role models to the probationers, and mentor them towards being socially responsible individuals. They build a personal relationship with the probationers and provide support to them in their probation journey, through maintaining regular contact with them and engaging them in pro-social activities.

b) *Operation Night Watch (ONW)*

VPOs conduct physical curfew checks at the probationers' homes during their curfew hours to ensure they abide by the Court-ordered time restriction as stated in the Probation Order. Having the VPOs assist in this area relieves the POs from having to make these checks at night; and enables the POs to focus their effort on direct intervention work with probationers and families.

c) *Community Service Volunteers (ComServ)*

About 85% of offenders on probation are required to perform community service as a condition of probation. VPOs assist to plan and implement meaningful community service projects for probationers.

The VPOs work alongside the probationers to guide and support their completion of the community service hours. They also process the community service experience with the probationers and help them to meet their service learning objectives for the projects. There is much value in having the VPOs lead the probationers during such projects, as the VPOs are on-site to provide the direct supervision and timely encouragement to the probationers as they fulfil their community service hours.

d) *School Liaison Network (SLNP)*

With 85% of probationers in schools, it is important to ensure they are monitored and supported while in school. The goal is for them to value education and have a positive schooling experience. VPOs serve as a primary contact person with selected secondary schools to facilitate supervision and management of schooling probationers.

They are assigned to schools and visit the designated schools once in two months to gather updates on the progress of probationers in the schools. This feedback is then shared with the POs to allow timely follow-up on school-related issues faced by the probationers.

e) *Facilitation/ Organisation of programmes*

VPOs co-facilitate group programmes for probationers and parents together with the Pos; or they may organise activities for the probationers eg. cycling,, sports etc. Some of these VPOs are trainers by profession and they have the skills and expertise to enhance the way the programmes are conducted.

III. COMMUNITY SERVICE ORDER AGENCIES

Purpose of CSO

The Community Service Order (CSO) was first implemented in Singapore in 1996 as a probation condition for juvenile offenders. Since then, it has been expanded to include adult offenders, both as a condition of probation and as stand-alone sentencing option, and also for persons who default the maintenance orders in the Family Courts.

CSO involves well-prepared and meaningful activities. Assignment to projects/agencies take into consideration the offender's offence, risks and needs issues, strengths, interests, availability of placements at agencies and proximity to agencies, among others.

CSO Agencies

Starting off with 10 community service agencies in 1996, the Probation Service now has a network of more than 130 partners. Community agencies have opened their doors on a goodwill basis to accept offenders and created opportunities for them to make a difference in the lives of others and the community.

These community agencies share a strong belief in our work and are open to exploring creative placements and tapping on probationers' strengths and interests,

eg: allowing probationers with hair dressing skill to cut the hair of the elderly, allowing probationers with interest in music to perform at agency events. Partnership with various community service agencies allow our probationers to have meaningful experiences on community service and go on to give back to society.

Role of CSO Agencies

When a probationer is assigned to a CSO agency, he/she will be briefed by the agency representative on the agency's rules and regulations and nature of work. In addition, the offender will also be given a briefing/training on managing the agency's clients.

Agency staff helps to monitor the attendance, performance and progress of the offenders/defaulters under their charge and update the Community Service Officer regularly. Challenges faced with the offenders/defaulters will be surfaced to the Community Service Officer for follow-up action.

Sustaining Partnerships with CSO Agencies

a) Co-creation of CSO projects

As we progress in rehabilitation efforts and seek support from our community agencies, we recognize that it is also critical to seek inputs on the changing needs of the agencies in creating projects to sustain our partnerships. Thus, we place greater emphasis on creating projects with them to add value to the services they provide for their beneficiaries, eg: a project where probationers made photo passes for the residents of a Home so that they can be easily identifiable; a project where probationers made customised game sets for the dementia patients of a Centre.

b) Clustering of Agencies

To ensure there is closer contact and better rapport between CSO officers and CSO agencies, the community agencies are divided into 5 clusters with 2 officers in charge of each cluster. Officers' conduct regular site visits to the agencies to gather feedback and support agency staff in managing offenders.

c) Cluster Networking Sessions (C-net)

This platform provides opportunities for CSO officers and CSO agencies to interact with one another. It also allows for networking between CSO agencies who could discuss collaboration opportunities for joint CSO initiatives. C-Net also serves as a platform for sharing about the developments of the Probation Service and CSO work; and for agencies to hear from probationers' the impact of their enriching CSO

experiences. We believe hearing personal accounts of these probationers would reinforce agencies' belief in our work and be a form of motivation.

IV. CONCLUSION

To stay ahead of changes and achieve better outcomes for higher risk offenders, we recognize the need to build mutually beneficial and creative partnerships with the community. Together with many helping hands from the community, this provides a great opportunity to do more and do better in intervention work with offenders during and post probation.

OUTLINE OF THE COMMUNITY-BASED TREATMENT SYSTEM OF SINGAPORE

I. INTRODUCTION TO COMMUNITY-BASED TREATMENT IN SINGAPORE

A. Historical Development of Community-based Treatment

Community corrections in Singapore Prison Service (SPS) have been evolving over the years. The main developments could be traced through legislative amendments which introduced and expanded various rehabilitative initiatives in the community over the last 15 years. Beyond the scope of legislative amendments, SPS also established the Selarang Park Community Supervision Centre (SPCSC) in 2009 and Community Rehabilitation Services Branch (CRSB) in 2012 to carry out post-release supervision and rehabilitation in the community.

On 1 August 2014, SPS established the Community Corrections Command (COMC) to better help ex-offenders reintegrate into society after their release by strengthening aftercare support and enhancing their rehabilitation in the community under statutory provisions.

B. Legal Basis of Community-based Treatment

In 2000, the Prisons Act was amended to introduce the Home Detention Scheme for low risk inmates to facilitate their reintegration back into society. In 2010, the Criminal Procedure Code amendments included the introduction of Community Based Sentences, such as the Day Reporting Order (DRO), for first-time low risk offenders. DRO was subsequently implemented in 2011.

With the implementation of Enhanced Supervision Scheme (ES), under Misuse of Drugs Act Chapter 185, Regulation Rule 15, other than compulsory supervision by the Central Narcotics Bureau (CNB), additional conditions of counselling, electronic monitoring and curfew were included in the ES for offenders in the community, upon release from prisons.

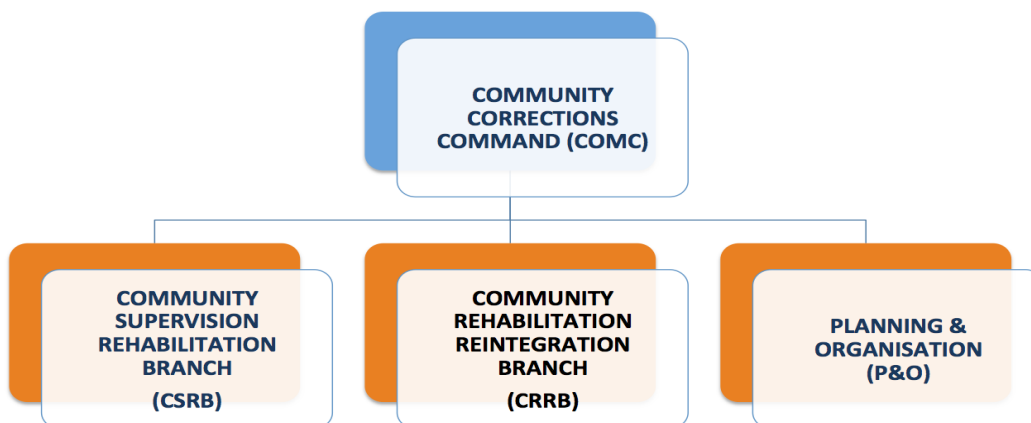
The Prisons Act amendments, made in July 2014, introduced the Mandatory Aftercare Scheme (MAS) whereby certain categories of released inmates were mandated to come under SPS's supervision. The amendments further extended SPS's mandate beyond prison walls, and was a key milestone in SPS's development into a correctional agency.

C. Organization and Personnel

The staff strength of COMC stands at 192 as at 17 Oct 2014 and the organisation chart is in Diagram I. Both uniformed and civilian staff make up the COMC and the roles are differentiated according to the tasks involved.

Staff involved in the management of the offenders are the Reintegration Officers (RO) and Correctional Rehabilitation Specialists (CRS). Supporting the administrative function is the Planning and Organisation (P&O) arm. The combined skills and knowledge of Reintegration Officers (ROs) and Correctional Rehabilitation Specialists (CRSs) are critical factors in the success of the Command. Collaboration with the Community Action for the Rehabilitation of Ex-Offenders (CARE) Network (see section II A), community partners, law enforcement agencies and volunteers is also essential in reducing re-offending and enhancing efforts in crime prevention.

Diagram I



D. Main Tasks of COMC

COMC is responsible for : preparing pre-sentence reports for the Courts to evaluate the suitability of offenders to be placed on DRO; assessing the risk levels of the inmates on community-based treatment; provision of community-based programmes for offenders and clients serving these orders.

The roles of COMC can be classified into three areas:

Supervision

Supervision involves enforcing mandatory conditions put in place to aid offenders in leading a pro-social and law-abiding life. During the supervision phase, it is essential for ROs to maintain strict levels of supervision and discipline to ensure compliance by offenders. Offenders are scheduled for reporting sessions with their ROs so that the ROs are able to monitor their charges' rehabilitation and also intervene if their charges face any issues. Offenders are also subjected to other conditions such as electronic monitoring, phone reporting, phone checks, surprise urine tests, and home and worksite visits by their ROs.

Rehabilitation

In the rehabilitation process, CRS are the lead case workers for offenders with high risks of re-offending. CRS conduct counselling and casework to help offenders reintegrate back into the community. CRS also work together with ROs to support offenders through challenges that many would inevitably face, including those in the areas of family relations, financial management and coping with addiction. In order to better meet the reintegration needs of the offenders, appropriate referrals to community resources would be made so that offenders are able to receive the required assistance from community partners. Through their therapeutic relationships with their clients, CRS aim to inculcate a sense of responsibility in their charges through interventions, and also encourage them to contribute back to society through engagement in community service activities. This will inspire them to take responsibility of their own lives and change for the better.

Aftercare

As COMC operates in the community, it is essential that good working relationships are fostered with CARE Network and community partners, law enforcement agencies and volunteers. One platform to forge closer ties is the CARE Network Learning Journey which allows COMC to identify new initiatives for development, ways to improve existing services and programmes, and channels to enhance professionalism.

Also, as reintegrating into the community could be a daunting challenge which poses different difficulties for different individuals, every offender requires a customised support plan. As such, it is important to develop a holistic overview on how more can be done to rehabilitate offenders in the community and better meet their reintegration needs.

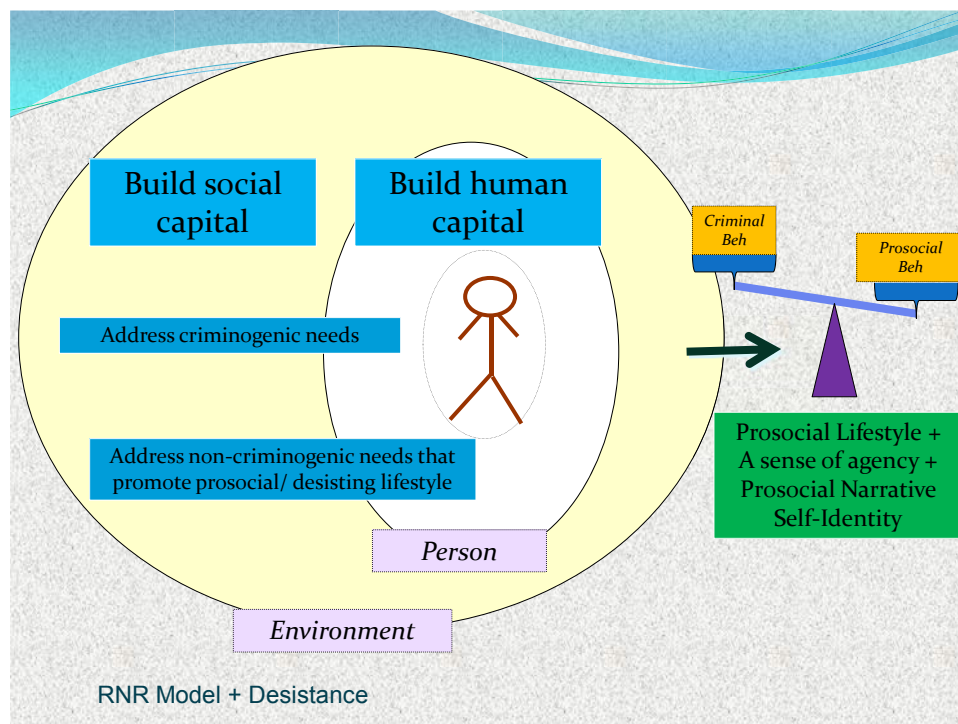
E. Community Supervision

COMC manages around 1,300 offenders in the community daily. These offenders are made up of those on DRO, in the Community Rehabilitation Centre (CRC), undergoing Community Based Programmes (CBP), and on the Enhanced Supervision Scheme (ESS). The number of offenders undergoing supervision and rehabilitation in the community is projected to increase to approximately 3,000 in the steady state with the operationalization of MAS.

Principles in the Treatment of Offenders in the Community

The Desistance theory and the Risk Needs Responsivity (RNR) model underscore the Community Corrections Rehabilitation Framework used within SPS rehabilitation framework.

The main theoretical framework is rooted in the General Personality Cognitive-Social Learning Perspective and desistance-based perspectives, represented in the diagram below.



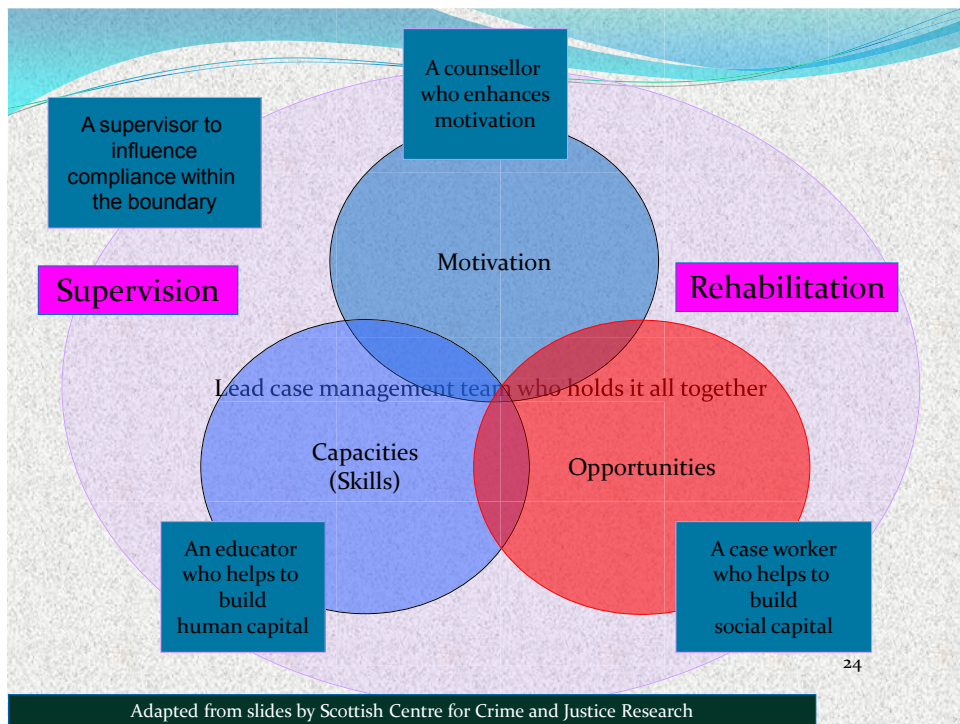
To effectively reform an offender to become a desister, rehabilitation has to target two areas:

1. Criminogenic needs
2. Non-criminogenic needs that are pivotal to helping an offender live a life of desistance, such as access to acceptable accommodation and skills in sourcing, acquiring and if necessary securing continual help from the community, with the purpose of enhancing the individual's human and social capitals.

To enhance the individual's human and social capitals, there are two main rehabilitative tasks:

1. To counsel the individual and his/her immediate systems (e.g. family members and significant others).

2. To leverage on community resources via referral, brokering and if necessary advocacy.



Based on the theoretical framework presented earlier, the above diagram indicates the specific conditions that are necessary for effective management of offenders emplaced on a supervision order.

The CRS have **two** main foci – to *Supervise* and *Rehabilitate* the offender, in line with the goals of promoting his or her compliance to the supervision order and mitigating his/her risk of re-offending respectively. The role of the RO is to supervise and check on offender's compliance to Supervision Orders.

The case management process

Every case requires case management process. Case management process is a cyclical process involving:

1. Assess and Plan

- a. Continuously collect data using actuarial instrument, such as Level of Service/Case Management Inventory (LSCMI) which is an assessment to measure the risk and need factors of the offender; and Dynamic Risk Assessment Offender Re-entry (DRAOR) tool, interviews and information from other sources (e.g. feedback from RO and CNB officers)
- b. Based on data, continuously update and review the case conceptualisation of the case

- c. Case conceptualisation guides the Intervention Plan, including the prioritisation of intervention goals
- 2. Intervene:** Based on Intervention Plan, provide both direct (i.e. counselling) and indirect (casework) intervention
- a. Direct intervention: The tasks performed by CRS and RO in the session with offender
 - RO plays the role of supervisor to promote compliance to the supervision order
 - CRS plays the role of counsellor/ educator to:
 - 1. Enhances offender's human capital by increasing his/her *Motivation* and *Capacities* (i.e. targeting pro-criminal attitude and skills deficit, including the beliefs, knowledge and skills that empower an offender to seek help from community resources)
 - b. Indirect intervention: The tasks performed by CRS/RO outside of sessions
 - CRS plays the role of caseworker by enhancing offender's social capital via liaising, brokering and advocating with community resources
 - CRS plays the role of co-ordinator by bringing professionals from different disciplines to conference on cases and work out intervention plans (by various parties)
- 3. Review and Evaluate**
- a. Review and evaluate the progress and outcome of (direct and indirect) interventions
 - b. Based on the review and evaluation, relook at the case conceptualisation and intervention plans (go back to Assess and Plan; a cyclical process)
- 4. Termination**
- a. Terminate case when offender is suspended or discharged from the supervision order

F. HALFWAY HOUSES

In the 80s and 90s, there was serious drug problem in Singapore. To tackle the drug abuse situation, the Singapore government adopted a 3-pronged approach in 1994. Government agencies took the lead in 3 major areas. CNB took charge of enforcement and preventive education, SPS took charge of treatment and rehabilitation while Singapore Corporation of Rehabilitative Enterprises (SCORE) looked into the aftercare and continued rehabilitation of drug abusers. Recognizing the role that halfway houses (HWHs) can play in helping drug addicts kick their habit, the government implemented the Prisons HWH scheme in April 1995.

Currently, there are 10 HWHs on the Scheme. In Nov 08, Ministry of Home Affairs directed SPS and SCORE to review the need for HWH services. As a result of the review, a HWH service model was developed to enable HWHs to operate a consistent and dedicated programme to better meet offenders' reintegration needs. The model was jointly developed by SPS and SCORE, in consultation with the Ministry of Social and Family Development (MSF), the National Council of Social Services (NCSS) and HWHs. The Halfway House Service Model contains the following key features:

a. Transitional Care Framework

This framework details the 4 stages of transitional care from pre-HWH placement to post-HWH support. This is to ensure continuity of care to offenders. At the Pre-HWH Placement Phase, HWHs will build rapport with emplaced inmates, encourage them to set goals and develop an Individual Service Plan (ISP). At the HWH-based Structured Transition Phase, HWHs will conduct therapeutic activities in a family/community setting that will enable clients to understand re-entry issues and build self-esteem. At the Work-based Transition Phase, clients will gradually pick up necessary skills for independent living through employment in actual work environments. Finally, at the Community-Based (post-HWH) Support Phase, clients are discharged with the appropriate mindset, skills and support enabling them to sustain longer-term independent lives. The goals, duration, programme components and minimum service requirements are specified at each phase.

b. Outcome-Based

The HSM emphasises on the practical application of skills taught to offenders. Interventions will also target specific criminogenic needs. A menu of desired client outcomes pertaining to the re-entry needs of offenders has been drawn up based on the 5 key domains of employment/education, accommodation, social support, coping skills, and positive lifestyle.

G. Specific Measures and Programmes for Community-based Treatment

COMC employs a host of treatment measures and programmes in our efforts to rehabilitate offenders. Different programmes depending on the profile of the offender, employ different treatment modules based on RNR principles. Some of the treatment programmes are :

- Group Counselling : Offenders are placed in groups for counselling sessions facilitated by CRS.
- Case Management : One-to-one counselling and supervision of offenders carried out by CRS and RO.
- Routine Urine Test : This is a mandated programme for drug-offenders carried out by the CNB on a once a week or twice a week cycle to ensure that the offenders abstain from drugs.

- Electronic Monitoring : To ensure that the offenders are home within curfew hours as well as to promote family bonding.
- Residential Care : Drug offenders are placed in HWH or CRC where they undergo a more stringent programme while being out in the community.

II. PARTICIPATION OF THE COMMUNITY

A. CARE NETWORK

The transition from prison to the outside world is fraught with difficulties. It is with this in mind that the CARE Network was set up in 2000 to garner greater community involvement and support. This is the first formal structure that brings together key community and government agencies to promote seamless in-care to aftercare support for ex-offenders. The current network of 8 member agencies aims to engage the community in rehabilitation, coordinate member agencies activities and develop innovative rehabilitative initiatives. The CARE Network is a grouping of public and non-government agencies involved in re-entry management.

Responsibilities:

- Set guidelines and direction for the comprehensive provision of aftercare support services to discharged ex-offenders and their families.
- Co-ordinate the efforts of the member agencies and external agencies to provide a seamless transition between incare and aftercare.
- Raise the level of public awareness and concern about the needs or problems faced by ex-offenders and their families.
- Identify and recommend funding for appropriate CARE Network initiatives run by aftercare agencies.

Objectives:

- To improve the quality of rehabilitative services through knowledge-sharing
- To build awareness and understanding of the rehabilitative process amongst the general public
- To increase efficiency by reducing duplication of work and services between member agencies
- To create a seamless transfer for offenders from incare to aftercare
- To mobilise and facilitate the community to take action toward rendering appropriate support services to help ex-offenders and their families reintegrate into the society

CARE Network Partners

CARE Network brings together the major community and government organisations responsible for the rehabilitation of ex-offenders. The CARE Network members are:

- Ministry of Home Affairs (MHA)
- Ministry of Social and Family Development (MSF)
- Singapore Prison Service (SPS)
- Singapore Corporation of Rehabilitative Enterprises (SCORE)
- National Council of Social Service (NCSS)
- Industrial & Services Co-Operative Society Ltd (ISCOS)
- Singapore After-Care Association (SACA)
- Singapore Anti-Narcotics Association (SANA)

Mission and Vision of the CARE NETWORK

Community Action for the Rehabilitation of Ex-offenders (CARE) Network

III. REFERENCES

For more information on the programmes under the COMC and SPS, please refer to our website at www.sps.gov.sg.

IV. STATISTICS

A. Number of offenders and types of offenders

The total number of offenders placed on CBP stands at 1896 for 2014. Out of these, 885 are drug offenders and 1011 are penal offenders. The majority of offenders placed on the programmes are male.

B. Recidivism Rate

COMC measures the success of its programmes by the rates of successful completion of the respective programmes and re-offending after completion. The recidivism rate is also monitored up to a period of 2 years upon case closure.

In 2014, the completion rate for Penal offenders on CBP is 96.7%, and for offenders from the Drug Rehabilitation Centre (DRC) on CBP it stands at 88.2%.

For the offenders released in 2012, the recidivism rate of 27.6% was reported for 2014.

C. Number of Personnel

The staff strength stands at 200 in total, made up of 128 RO, 65 CRS and 7 officers from P&O. The average caseload of CRS is 30, and for RO it ranges from 30 to 40 cases per officer depending on the programme.

BEST PRACTICE AND SUCCESSFUL EXPERIENCES FOR ACHIEVING COMMUNITY INVOLVEMENT IN COMMUNITY-BASED TREATMENT IN THAILAND

I. OVERVIEW OF THE VOLUNTEER PROBATION OFFICER SYSTEM

The Volunteer Probation Officer (VPO) Scheme was introduced in 1985 under the principle that the community should be empowered to establish the system and mechanism for protecting their own community from crime and reoffending along with the criminal justice system. The mission of VPO scheme is to make the public and community be aware of and participate in the rehabilitation and aftercare services for local offenders and also to help create peace and order in the community. Volunteer probation officers are community members who voluntarily work with the Department of Probation (DOP) in providing probation services in their local communities. Those applying for a VPO are to be carefully screened, recruited, and specifically trained on core knowledge in rehabilitating and supervising offenders. Afterwards, they will be formally appointed and entitled to the volunteer regulation. Therefore, VPOs are our valuable local resource in helping the offenders reintegrate into the community. Considering the importance of such work, the Cabinet declared March 16th each year to be "Volunteer Probation Officer Day."

A. Recruitment

Working with the offenders is a vital duty. Not only the task is very challenging, it also requires high responsibilities, patience, and compassion. Thus, people who want to become VPOs shall be willing to dedicate themselves and their time for the public benefit, have public consciousness, have positive attitudes towards the offenders, and receive trust and respect from other community members. The recruitment is the most important step of all in order to find good people to work as VPOs. The term of service is 2 years and he/she may be reappointed thereafter. To be eligible for appointment as a VPO, an individual must meet the following qualification requirements:

- Be at least 25 years old;
- Live in a permanent residence;
- Graduate with secondary school certificate or equivalent; or has experience in social rehabilitation, social work and social development for at least 2 years; or used to be a community leader;
- Demonstrate honesty, integrity and dedication for the works of the DOP;
- Hold an honest and permanent job with stable financial status;

- Present good personality and behavior as well as receives trust and respect from the public or the community;
- Not be in the monkhood or priesthood;
- Not get involved in drugs activities;
- Have no a mental disorder or illness;
- Not be declared incompetent;
- Not be declared insolvent;
- Have no contagious diseases; and
- Never have been sentenced to serve prison sentence, except such case was committed with negligence or was a minor offense.

B. Legal Basis

The VPO scheme is administrated and executed in accordance with the following regulations:

- Regulations of the Ministry of Justice on Volunteer Probation Officers B.E. 2547 (2004)
- Regulations of the Ministry of Justice on Organizational Administration of Volunteer Probation Officers, Ministry of Justice B.E. 2541 (1998)
- Regulations of Volunteer Probation Officers' Association, Ministry of Justice (enacted on March 16th 2008)

C. Capacity Building

VPOs must receive appropriate professional training, practical experience and regular assessment on their work performance. New VPOs shall complete the 3-day training courses on core knowledge such as Criminology, Psychology and Social Welfare, Fundamental Law, Ethics, Good Governance, Writing Skills for Probation Reports, Case Assessment and Case Management. Moreover, conferences, seminars and other activities are promoted and encouraged continuously for VPOs to develop their knowledge and skills. Provided specific training courses include techniques and methods on drug prevention and solutions, effective working practice, working with community and program for young offenders and their families.

In addition, each provincial probation office will hold the local VPOs' meetings not exceed twice a year in order to inform policies and practical guidance regularly and continuously.

D. Rights and Benefits

VPOs will not be paid but will get some benefits and honor. A VPO with good reputation dedicating him/herself for probation works and social works may be appointed as an Honored Volunteer Probation Officer by the MOJ or the person designated by the Minister of Justice. He/she is entitled to decorate the probation pin or insignia. A VPO who meets certain qualification requirements may be selected and announced as a Distinguished Volunteer Probation Officer. A VPO whose works are obviously outstanding and meet certain qualification requirements may be nominated for Royal Decorations.

VPOs receive 240 Baht per one visit for remuneration and are also exempt from health service fee in accordance with the Regulations of Ministry of Public Health on Health Service Welfare B.E. 2556 (2013).

E. Organization of Volunteer Probation Officers

The Volunteer Probation Officers' Association was established with a view to be the coordinating center where the VPOs share knowledge and experience, support tasks and activities of probation offices, and assist offenders. The Association is operated by the Committees of the VPOs' Association. The members of the Association are provided with welfare as follows:

- In case of hospitalization resulting from illness or accident, the Association's representative will pay a visit with a get well gift basket;
- In case of natural disaster, the financial aid relief for the affected will be granted; and
- In case of death, a funeral allowance will be provided.

II. THE ACTIVITIES OF VOLUNTEER PROBATION OFFICERS WITH REGARD TO OFFENDER REHABILITATION

The roles and duties of VPOs are as follows:

1. Conducting post-sentence investigation to collect relevant information of the prisoners who are eligible for parole or sentence remission
2. Supervising and Monitoring both adult and juvenile probationers to ensure their compliance with the probation conditions
3. Making home visit and provide aftercare services to the released offenders and the ex-probationers who completed their probation.
4. Rehabilitating drug addicts and making sure that they follow their treatment plans. After drug addicts completed the treatment program, VPOs shall follow up with them only if the offenders agree to it.

5. Participating in the activities held by the provincial probation offices and the VPO coordinating centers
6. Disseminating knowledge and understanding in probation services and publicizing the works of the DOP and the MOJ

Apart from participating in the activities hosted by provincial probation offices to provide community-based rehabilitation and aftercare services for local offenders, such as vocational trainings and employment opportunities, VPOs themselves may organize activities to promote crime prevention and public security in their own communities. Moreover, they bring in the public and community to establish the VPO coordinating centers where they coordinate and collaborate with the provincial probation offices for the great benefit to the whole society.

III. CHALLENGES FACING THE VOLUNTEER PROBATION OFFICER SYSTEM AND

RESPONSES

A. Increasing the number of participating VPOs

In the fiscal year of 2014, there are 15,141 VPOs nationwide; however, only 11,326 VPOs (74.63%) actively participated in providing services to the offenders. To increase the number of participating VPOs, DOP must encourage VPOs to be more active and equip them with necessary knowledge and skill. Activities, such as seminar, meeting, and social activities, between probation offices and VPOs should be conducted on the regular basis. In addition, trainings should be provided to VPOs such as those on core skills and building motivation. Such training will help remind VPOs of how important their roles are in promoting social reintegration of the offenders and what inspired them to become VPOs in the first place.

B. Training the newly recruited VPOs

Even though new VPOs are recruited and trained every year, there are only a few compared to the excessive number of caseloads supervised by the Department of Probation. Moreover, many of our VPOs are the elderly, so each year some of this group resigned and some passed away. To address the problem of a shortage of VPOs, in 2015 the Ministry of Justice (MOJ) has assigned the Department of Probation to recruit VPOs in every sub-district in Thailand. This policy not only helps increase the number of VPOs, but also ensures that every offender, especially those who live in rural areas can access to assistance needed. At present, there are a total of 21,575 VPOs (as of 18 August 2015).

Given such policy, 5,500 VPOs from sub-district levels are now added to the system and needed proper trainings before being able to perform their duties. As a result, in July 2015 all new VPOs have completed their trainings organized by 109 probation offices in their local areas.

C. Developing VPOs' capability to conduct offender supervision and rehabilitation

Offender supervision and rehabilitation is not an easy task, not all volunteers could do this work. Some may be reluctant to pay the home visit alone, the others may feel this work is too difficult. Even writing the report to probation officers could be a complicated work. To address such problem, TEAM model was proposed and pilot to enhance the VPOs' capability and the effectiveness of the supervision system. One team is comprised of 1 probation officer who acts as the team leader and 3 VPOs as team members. The probation officer and 3 VPOs in each team will work in collaboration and regularly conduct case conferences to update each other on how the assigned offenders are doing. This model will ensure that VPOs always get support from the probation officers.

IV. RECOMMENDATION TO ENHANCE AND DEVELOP THE VOLUNTEER PROBATION SYSTEM

A. Expanding the roles and duties of VPOs to cover other justice affairs

According to the Thai MOJ's new policy, VPOs are considered to be volunteers of the Ministry and expected to be able to help in other justice affairs. Therefore, VPOs should be aware of all tasks responsible by the MOJ so that they can help address problems in their local community inclusively. Besides offender rehabilitation and supervision, the roles of VPOs could be expanded to cover other justice affairs such as involving in crime prevention activities, conflict resolution, providing victim support, and enabling offenders' access to legal aid services, especially those living in poverty. It is probably fair to say that VPOs are considered as key linkages between the State (MOJ) and citizens.

B. Collaboratively working with other local agencies/organizations and volunteers

VPOs should be encouraged to work closely with local agencies in helping the offenders successfully reintegrate into society. To rehabilitate offenders, VPOs could seek help from local agencies, such as Sub-district Administrative Organizations, the Office of Employment and Skill Development, Office of Social Welfare, and community health care services. Additionally, other volunteers in the community such as Village Health Volunteers (VHV) which have millions members, could be partners of VPOs. It is planned that when Village Health Volunteers do the home visit, they can help in monitoring offenders in terms of health issues and other problems and

reporting to VPOs. Probation offices and VPOs are now building mechanism for working with these local agencies and volunteers.

C. Recruiting young generation to be VPOs

As mentioned above that the majority of Thai VPOs are old people and even though these people seems to gain more trust and respect from the community members compared to the younger one, there might be generation gaps between old VPOs and the offenders, especially young adult offenders. It might be a good idea to expand the work of VPOs to these young generation and they can assist the young offenders in a form of peer support.

PROMOTING COMMUNITY-BASED TREATMENT IN VIET NAM

Now in Viet Nam, we have not yet adopted parole system in criminal sentence execution; in this report, we only refer to the community-based treatment; the role of community in the rehabilitation and re-integration; and the prospect of enhancing community-based treatment in Viet Nam.

I. COMMUNITY-BASED TREATMENT

According to Vietnamese Law, there are sentenced prisoners who have to execute sentence imprisonment; the others who violate less dangerous crimes granted serving community-based treatment, including: the persons serving probation, rehabilitation without detention.

(a) Probation

It is stipulated by the Vietnamese law that probation is a measure to exempt sentence imprisonment provided with condition. Base on the historical profile of criminals and extenuating circumstances (e.g. good profile, have no criminal record, have not yet been administrative punished) when criminals are punished sentence not exceed 03 years imprisonment, if it is not necessary to force them to be put into prison, the Court issue Decision to grant probation and fix the time of testing from 1 to 5 years. During the time of testing, if the persons serving probation violate other crimes, the Court force them to execute prior punishment plus punishment of the latter violation of crime in accordance with the law. The time frame of testing may be shortened, if they make progress during serving sentence.

The management of probationers in community:

According to the law of Viet Nam, the commune National Committee where the persons serving probation reside, live and work have the duty of management of them.

- The commune national committee issue Decision to assign offices, organizations or individuals to supervise and rehabilitate probationers (those organizations having high prestige to probationers located in the place where the probationers reside, live and work).
- The offices, organizations or individuals which have been assigned to supervise and rehabilitate probationers have responsibility to co-ordinate with the local residents and family to regularly meet, encourage, understand their thought and wish as well as difficulties of probationers to have appropriate measures in rehabilitation; ask the business to help job opportunity; instruct

probationers to observe the regulations of the law and local disciplines as well as the obligations of the persons serving sentence.

- In addition to the regulations of the law and local disciplines that probationers have to observe, they must be present when the commune national committee call them; must declare to be temporary absent when leave from their residence; once per three months submit the Review themselves about the observance of the law to the supervisors. If the probationers are entitled to work in the offices, they are provided salary and other priorities in accordance with the job that they have been assigned to be calculated to the time of working as stipulated by the law.

(b) Rehabilitation without detention:

Rehabilitation without detention imposed upon the persons who violate less dangerous crime (the highest punishment level of the punishment frame up to 7 years) or violate dangerous crime (the highest level of punishment up to 7 years) imposed on the persons who have stable place of working or residence, if it is not necessary to isolate criminals from society. The time of adopting punishment from 6 months to 3 years and their incomes through labor is deducted from 5-20% for confiscation.

The management of the persons serving sentence without detention:

- The management of the persons serving sentence without detention like the management of probationers that the commune national committee have the duty of supervision and rehabilitation. The commune national committee assign the offices, organizations or individuals where the persons serving sentence without detention reside, live and work to supervise and rehabilitate them.
- The probationers not only have to strictly observe the regulations of the law and local principles but also must be present as the commune national committee request; have to declare of temporary absent when leave from their residence; have to submit self-review about the observance of the law to the supervisors once per three months.
- The persons serving rehabilitation without detention are entitled to work and receive payment at their prior office if they are accepted; entitle to participate in vocational training; enjoy insurance system if they are in the priority policy as stipulated by the law.

- During the time of sentence execution, if they make progress and meet the requirements, they are granted remission of sentence or exemption of sentence in accordance with the law.

II. THE ROLE OF COMMUNITY IN REHABILITATION AND RE-INTERGRATION

The law of Viet Nam attach the importance of the role of the community and consider it as one of the principles in criminal sentence execution that is: *“Ensure the involvement of the offices, organizations and individuals in the rehabilitation of the persons serving sentence”* (Article 4- The Law of Criminal Sentence Execution).

In order to ensure the community involvement in rehabilitation and re-integration, now we are proceeding to implement the following measures:

(a) During the period of serving sentence:

- We establish, regular contact with family of offender’s right after they are admitted to prison and inform their family the results of their sentence execution.
- During the time of sentence execution, our prisons keep maintain the involvement of their family in rehabilitation through relative visits; telephone, receive and send letters, presents, money. Every year, we hold Family Meeting with the partition of the local government, offices and social organizations as well as prisoners’ relatives in which to inform the results of sentence execution of offenders and discuss the measures to co-ordinate in management, rehabilitation and help them during custody and after release.
- According to the law, prison often contact with the educational, cultural and medical office, the Youth and Women Association...to participate in teaching, disseminating, consulting in law, civil education, prevention measures against drugs, HIV/AIDS...; hold activities to exchange cultural and arts, sports and gymnastics... to create healthy environment and encourage offenders.
- Labor, orientation education and vocational training: Now in Viet Nam, prison is proceeding labor for offenders follow the trend of developing occupation, changing ways of production to the trend of planting forest, planting industrial trees; associate with the business and production centers to enhance the industrial occupation and manufacture to attract work force to work inside factories to ensure safety in management and diffusion of vocational experience. Now we are carrying the pilot project: *“Enhancing the capacity of education and vocational training for*

offenders in prisons", approaching to the establishment of vocational training centers with the co-ordination and involvement of the economic organizations, business centers to train and issue certificate for offenders for them to have better occupational opportunity to stable their own life.

- According to the law, the production outcome of offenders is extracted one part to raise the Fund for Re-integration. This Fund is used to reward offenders who have good conduct, support illness or who have special difficulties and those who have finished their sentence imprisonment to help them to stable life.

(b) The period when the sentenced prisoners return to society:

According to the human policy, our Government always attach the importance of re-integration of ex-offenders. In 2011, our Government adopted the Protocol No 80 in which regulated the responsibility of the authority at all level (from the central to the local), the offices, organizations, social grass root groups in practicing re-integration as well as the conditions and measures to ensure re-integration for ex-offenders.

To implement the task assigned by the Government, the authority at all levels actively carry out multiple measures, mobilize the engagement of various organizations, therefore the results achieved very significantly, many ex-offenders have jobs, lead stable life and re-integration.

Now in Viet Nam, we have set up many effective models in rehabilitation of the persons serving community-based treatment sentence and help them in re-integration with the co-operation of multiple organizations and individuals. The aim of these models is to deal with challenges and facilitate the persons serving community-based treatment sentence, in which attention has been focused on employment to help them stable lives and prevent recidivism. In many cities and provinces such as Thanh Hoa, Dong Nai, Da Nang, Kon Tum, Dien Bien...have established the models for the persons serving community-based treatment to loan money (the Fund raising from the offices, organizations and community). These models are now in good processing and have lended thousand of the persons serving community-based treatment for making production and doing business. We have the model such as: "*The Business Fund with the Social Order of Dong Nai province*" with the amount of over 13 billion Vietnamese dong.

III. PROSPECT OF DEVELOPING COMMUNITY-BASED TREATMENT

With the permission of our Government, now we are proceeding to set up the project of parole system for the persons serving sentence imprisonment. We have learned experience from several countries which participate in the Parole System Association of Europe and over the world that may be able to adopt in Viet Nam. Now we are submitting to our National Assembly to adjust some Articles of the relevant law that can make legal base for implementing parole system. It is anticipated that the project will be carried out before 2020.

In general, to implement the community-based treatment and re-integration of ex-offenders is not only to fulfil the human policy and protect the human rights but also one of the "strategy" that most of the countries on the world are approaching. With the importance and significance of this initiative, we hope to receive experience from various countries in the region.

VOLUNTEER PROBATION OFFICER SYSTEM IN JAPAN

I. INTRODUCTION

The history of modern offender rehabilitation in Japan dates back to 19th century, when a businessperson and the vice warden of Shizuoka Prison established a company that provided discharged offenders with accommodation and job opportunities and had 1,700 volunteer workers assigned across the prefecture to be engaged in supporting discharged offenders. These volunteer workers are the origin of volunteer probation officers (hereafter referred to as "VPOs"). Then, in response to encouragement by government, similar associations were established nationwide by the private sector. Based on this history, offender rehabilitation in Japan is still supported by citizens' active participation.

Of course for sure, offender rehabilitation is now administered by the national government. These governmental offices are: (i) the Rehabilitation Bureau of the Ministry of Justice; (ii) the National Offender Rehabilitation Commission, (iii) the Regional Parole Board and (iv) the Probation Office. The Probation office is the basic organization that implements community-based treatment of offenders. There are 50 probation offices and 3 branch offices. They also collaborate with citizens and related groups/organizations in local communities. Among these citizens, particularly, VPOs have played crucial roles for facilitating rehabilitation of offenders and juvenile delinquents as volunteers working in local communities. So, in this paper, I will share some information on the VPO system in Japan as one of the best practices of community involvement in community-based treatment.

II. OVERVIEW OF VPOs

A. Characteristics of VPOs

In 1950, the basic law for VPOs, the Volunteer Probation Officers Act (hereafter referred to as "the VPO act"), was enacted. The VPO act provides that the mission of all VPOs shall be, in the spirit of volunteer social service, to assist persons who committed crimes and juvenile delinquents to improve and rehabilitate themselves, and to enlighten the public on crime prevention, thereby enhancing the local community and contributing to the welfare of both individuals and the public.

As VPOs play a crucial role in offender rehabilitation, the VPO Act requires VPOs to be:

- (1) highly evaluated in terms of character and conduct in the community;
- (2) enthusiastic and have enough time available to accomplish the necessary duties;
- (3) financially stable; and
- (4) healthy and active.

Legally, VPOs have status as non-permanent government officials and are eligible to receive compensation under the national compensation scheme for public officials when any bodily injury is caused to them in performance of their duties. VPOs are not paid any salary, but are paid all or part of expenses required for their duties. The term of office is two years, and a VPO can be re-appointed if he/she is under 76 years old.

B. Recruitment Procedure

VPOs are appointed by the Minister of Justice. Firstly the director of each probation office makes a list of candidates by collecting information from VPOs' Association or other sources. These candidates are usually recommended by present VPOs. Then the director of the probation office receives an opinion on the appropriateness of each candidate from the VPOs' Screening Commission, which is established at each probation office by the VPO Act. This committee consists of representatives of the courts, prosecution, the bar association, correctional institutions, other public associations in the community and learned citizens. The director of the probation office then recommends acceptable candidates to the Chairman of the Regional Parole Board. Finally, the Minister of Justice appoints the candidates to serve as VPOs.

C. Statistics on VPOs

Here is some statistical data on VPOs as of January 1, 2015. The maximum number of VPOs allowed by the VPO Act is 52,500 throughout the country. The actual number is 47,872 and 26% of them are females. Although the capacity rate still exceeds 90%, the rate is decreasing, especially in urban areas. The average age of VPOs is 64.7 years old, and the majority (51.4%) is 60 to 69 years old, followed by 70 years old and over (28.5%), 50 to 59 years old (15.7%) and under 50 years old (4.5%). In terms of occupation, VPOs are commissioned from various fields. The largest group (27.1%) is the unemployed including housewives, followed by employees or officials of companies or other organizations (22.6%), religious professions (11.1%), those engaged in commerce or the service industry (9.2%), those engaged in agriculture, forestry or fisheries (7.6%), and other occupations, which include manufacturers, schoolteachers, those who are engaged in social welfare and so on.

III. ACTIVITIES OF VPOs

A. VPOs, Probation Officers and Probation Districts

In Japan, all VPOs are assigned to one "probation district" and are involved in activities within the district. Probation districts are administrative areas set by the Minister of Justice by subdividing the jurisdiction of each probation office, and 886 probation districts have been established nationwide as of January 1, 2015. In addition, VPOs in each probation district shall establish a VPOs' Association to

facilitate their activities.

On the other hand, probation officers are in charge of one or more probation districts. They serve as district case managers and are responsible for community-based treatment in the district they are assigned. They also work collaboratively with VPOs and the VPOs' Association in the assigned district as well as other related groups/organizations.

B. Main Activities of VPOs

The main activities of VPOs are: (i) supervision and assistance for probationers/parolees; (ii) coordination of social circumstances; (iii) promotion of crime prevention activities in the community.

(i) Conducting Probation and Parole

Probation and parole form the core system of offender rehabilitation in Japan that provides supervision and assistance under the purview of the national government, so that those who have committed crimes and juvenile delinquents can be reintegrated into society. In Japan, types of persons put under probation and parole include:

- (1) Juveniles on probation
- (2) Parolees from juvenile training schools
- (3) Parolees from penal institutions
- (4) Persons on probation with suspension of execution of sentence
- (5) Parolees from women's guidance homes

Probationary/parole supervision and assistance of one probationer/parolee are normally conducted in collaboration with a probation officer and a VPO who are assigned in the district where the probationer/parolee lives.

When probation/parole starts with the decision by a court or release on parole, the director of the probation office assigns one VPO, though in some cases multiple VPOs can be assigned, to be in charge of supervision and assistance of a probationer/parolee. Probation officers, with expert knowledge, are engaged in making treatment plans, conducting special treatment programmes to improve certain criminal tendencies, crisis intervention, revocation and other appropriate measures, while VPOs, with the advantages of citizens, conduct interviews with probationers/parolees and their families on a regular basis and give them instructions and advice. The interviews with probationers/parolees are carried out by inviting them to the VPO's home or visiting their homes. The frequency of interview is usually 2

to 3 times per month on the basis of the treatment plan made by probation officers.

VPOs also coordinate job opportunities or other social resources for probationers/parolees as they are familiar with social resources in their communities. VPOs' activities for probationers/parolees are reported monthly to the probation office. If there are any issues to be resolved regarding the probation/parole, VPOs have consultations with probation officers about the issues, and necessary measures are taken by probation officers if needed.

(ii) Coordination of Social Circumstances

Coordination of social circumstances is also one of the VPOs' activities. Since social circumstances surrounding offenders and juvenile delinquents are critical factors to lead them to or prevent them from recidivism, it is significant to make their social circumstances stable. The probation office conducts coordination of social circumstances for inmates before release to facilitate their smooth integration into their communities.

When an offender or a juvenile delinquent is incarcerated in a correctional institution or a juvenile training school, coordination of social circumstances is undertaken and continuously conducted until release of the offender or the juvenile delinquent. The VPO conducts coordination by means of visiting the inmate's family or other relevant persons to investigate/coordinate residence, place of work and their cooperation after release, or by visiting the inmate in the correctional institution or juvenile training school to encourage him/her to rehabilitate. In many cases, the VPO appointed to coordinate social circumstances is also appointed to supervise the offender or the juvenile delinquent on parole after release. This kind of pre-release coordination can lead to a smooth start of community-based treatment as the inmate, his/her family and the VPO have already made relationships in advance of parole supervision.

(iii) Promoting crime prevention activities in the community

VPOs also promote crime prevention activities in their communities. Rehabilitation of offenders or juvenile delinquents is the process of being reintegrated into the community, including neighbours, schools, employers, governments and related groups/organizations. Therefore, it is necessary to obtain the community's understanding and support for offender rehabilitation and to enhance the local community's capacity to prevent crimes and delinquencies. As it requires continuous nationwide efforts to foster the understanding and support of local communities, in July each year, a nationwide movement, called the "Movement for a Brighter Society", is implemented and a variety of activities are carried out across Japan.

Crime prevention activities are mainly conducted by offender rehabilitation authorities and related groups/organizations including VPOs' Associations, and each VPO actively participates in these activities. Particularly during the month of the "Movement for a Brighter Society", they conduct or participate in a variety of activities to highlight the movement in collaboration with probation officers, the Ministry of Justice, local government, schools, police, other volunteers and voluntary organizations such as the Women's Association for Rehabilitation Aid (WARA) and the Big Brothers and Sisters (BBS) Association. The activities include patrol in the community, holding classes at schools, parades, symposiums, community meetings, distribution of materials, displaying posters, writing competitions and so on.

C. Advantages of VPOs

Although both probation officers and VPOs conduct the above-mentioned activities, the advantage of VPOs over probation officers are their voluntary spirit, positions as private citizens, locality and so on. VPOs make the most of these advantages for their activities. They love the communities they live in and are willing to contribute to the community. They are trusted members of the community, have attractive personalities based on a variety of backgrounds and are familiar with community resources. Possessing these characteristics, they are engaged in offender rehabilitation services and face each probationer/parolee enthusiastically as a good neighbour and maintain warm relationships with them.

Treatment based on these personal interactions between offenders and volunteer citizens is the essence of Japanese community-based treatment. These characteristics are difficult to be covered by public officials, so it is important for the government to take a role in developing the environment for volunteers' activities and to remove obstacles.

IV. VPOs' ORGANIZATIONS

A. VPOs' Associations and Federations

As mentioned above, VPOs perform their duties within the probation district where they were assigned and a VPOs' Association is established in each probation district. It is said that the associations similar to VPOs' Associations had been organized when "volunteer workers", the forerunner of VPOs, were engaged in offender rehabilitation services. This demonstrates the necessity of organizing associations for providing services had been already recognized in those days. VPOs' Associations were provided for by law when the VPO Act was amended in 1998.

While a VPOs' Association is established in each probation district, relevant federations have also been established on a broader level: prefectural federations of

VPOs' Associations for every prefecture corresponding to the jurisdiction of the 50 probation offices; regional federations of VPOs in every region corresponding to the jurisdiction of 8 regional parole boards; and the National Federation of VPOs as a national organization. These broader federations play important roles in facilitating the activities of VPOs and the effective functioning of VPOs' Associations by liaising and coordinating with related organizations and collecting materials and information concerning the duties of VPOs.

B. Activities of VPOs' Association

VPOs' Associations function as supporting organizations that help VPO members to perform their duties effectively and efficiently by offering members opportunities to network with other VPO members and assist individual VPOs systematically. They also organize various social activities, maintaining relationships with probation offices and other groups/organizations such as municipal governments. The VPO Act stipulates that VPOs' Associations shall draft the bylaws of the association, which include the name, location, members, board members, meetings, accounting and amendment procedures. Each VPOs' Association has a chairman, a vice chairman and other board members. General meetings, which all VPO members are expected to attend, are held at least once a year, where annual plans, budgets or other important issues are discussed and determined, while board meetings are held by the chairman when needed. In addition, VPOs' Associations usually organize several sectional meetings which engage in certain activities such as general affairs, training of VPOs, community activities and publicity. All VPO members belong to one of these sections, and each sectional meeting is committed to conducting activities based on the annual plan.

Though VPOs' Associations were officially recognized by law through the amendment of VPO Act in 1998, it should be noted that the associations had been organized and managed voluntarily by VPOs for long time. Thus, in collaborating with VPOs' Associations, it is important to regard and respect the history, circumstances and characteristics that each association holds.

C. Capacity Building of VPOs

Although VPOs play a crucial role in community-based treatment, many VPOs are not familiar with offender rehabilitation nor have they been trained in treatment skills. Securing opportunities for capacity building of VPOs is necessary to enhance the offender rehabilitation services provided by VPOs. The VPO Act provides that VPOs shall be conscious of their mission, make efforts to develop a noteworthy character and broad vision and acquire the knowledge and techniques necessary for performance of their duties, while carrying out their duties with a positive attitude.

With respect to capacity building, probation offices provide VPOs with training opportunities systematically on the basis of guidelines set by the Rehabilitation Bureau of the Ministry of Justice. These training programmes are as follows:

- (1) Initial training course for newly appointed VPOs
- (2) Training course on basic treatment skills for those who have served as VPOs for less than 2 years;
- (3) Training course for reinforcing VPOs' leadership abilities for those who have served as VPOs for 2 to 4 years;
- (4) Special training courses for acquiring specific treatment skills; and
- (5) Regular training at each probation district.

These training courses, except the regular training at each probation district, are organized on a large scale as many VPOs attend the training courses from various probation districts within a jurisdiction of a probation office. The contents of the initial training course, which is held immediately after the appointment of VPOs, are mainly basic knowledge of the offender rehabilitation system, but the upper two training courses, which are held once a year, contain more practical knowledge and skills. Special training courses for acquiring specific treatment skills are held when needed and contain various topics considering the needs of VPOs such as treatment for sex offenders, drug offenders and the mentally disordered. Probation officers usually serve as trainers/lecturers in these training programmes. In addition, the training guidelines require probation offices to provide training for VPOs on a regular basis at each probation district. These regular trainings are provided by probation officers who are in charge of the district in about every quarter or so and various themes are treated in the training. These trainings provided by the probation office help VPOs maintain and develop their knowledge and treatment skills.

On the other hand, VPOs' Associations themselves also plan seminars or other activities for capacity building in accordance with the needs of VPOs. For example, they invite lecturers such as police officers, schoolteachers, etc., visit correctional institutions for study, hold meetings for case studies, and hold seminars for newly appointed VPOs.

D. Commendation and Recognition of VPOs

VPOs engage in their activities in the spirit of volunteer social service without any salary, and these activities should be highly admired publicly. So commendations are given to the VPOs who have performed outstanding activities. Both government and

VPO organizations have commendation systems. In general, VPOs are firstly commended at the prefectural level, and they receive higher commendations according to their performance and length of service. These commendations are mainly as follows:

- (1) Commendation from the Chairman of the Prefectural Federation of VPOs' Association;
- (2) Commendation from the Director of the Probation Office;
- (3) Commendation from the Chairman of the Regional Federation of VPOs;
- (4) Commendation from the Chairman of the Regional Parole Board;
- (5) Commendation from the Chairman of the National Federation of VPOs; and
- (6) Commendation from the Minister of Justice

Furthermore, some of those who are commended by the Minister of Justice receive the Decorations or Blue Ribbon Medal, which is considered to be a great honour. The ceremonies for commendations are held nationwide on a large scale every year. The recipients and those who are involved in offender rehabilitation assemble and admire the activities of the recipients.

V. RECENT CHALLENGES

Although the VPO system has been the core element in Japanese offender rehabilitation, several challenges have emerged as the social and criminal environment has changed. These are aging society, the increase of offenders with complex problems, weakening of solidarity in local communities and so on. In these situations, VPOs are facing difficulty in performing their duties, and the number of VPOs has been declining, as well as aging of VPOs. The Ministry of Justice and related organizations have been making genuine efforts to recruit VPOs and develop the environment for VPOs activities. Here I would like to explain some of these efforts.

A. Offender Rehabilitation Support Centers

The Ministry of Justice has encouraged probation offices to establish "Offender Rehabilitation Support Centers" to assist VPOs' and VPOs' Associations' activities. The centers are located in the space rented from municipal government offices or other agencies and are staffed by experienced VPOs on weekdays. VPOs can use these centers as places to interview probationers/parolees, hold meetings of VPOs' Associations, cooperate with related agencies and consult with citizens. The centers are expected to lessen the burden on VPOs who have difficulties in using their homes as places to meet with probationers/parolees, to facilitate collaboration with

municipal governments and other related agencies, and to foster the understanding of citizens for the activities of VPOs. 345 centers have been established nationwide as of March 31, 2015.

B. Expansion of the Compensation System for VPOs.

VPOs have legal status as part-time officials, so they are eligible to receive compensation through the national compensation system for public officials. But considering the special environment in serving as VPOs, such as inviting offenders to their homes or visiting offenders, the range of compensation for VPOs activities should not be limited to personal injuries, which are covered by the national compensation system when the injuries occur in the course of VPOs activities. Thus, in April 2012 the Ministry of Justice and the National Federation of VPOs jointly introduced a new compensation system that covers property damage as well as injuries to VPOs' family members. This system covers the damages which are attributed to the acts of probationers/parolees or their families.

C. Committee for Candidates of VPOs

Listing of candidates for new VPOs had been largely dependent on the recommendations of retiring VPOs. The Ministry of Justice has encouraged probation offices to establish "Committees for Candidates of VPOs". The committee consists of members from various fields such as persons involved with residents' associations, social welfare, education, municipal government etc., and the mandate is not to screen appropriate VPOs but to collect and share information on possible candidates of new VPOs from various fields as well as to promote public understanding of VPOs' activities. The committees were established in all probation offices in 2013.

D. Consideration in Assignment of VPOs

VPOs develop their knowledge and skills, grow confident and come to feel some fulfillment by gaining experience of supervision of probationers/parolees and seeing them rehabilitate in the community. Without these positive experiences, to serve as VPO would become less attractive and in fact some of newly appointed VPOs retire early. Thus, probation officers seek to ensure that new VPOs have opportunities to take charge of probationers/parolees in their early career.

Moreover, it is an effective way to assign an additional experienced VPO if the new VPO who is assigned to supervise a probationer/parolee feels anxiety. The experienced VPO gives the new VPO advice, which decreases his/her anxiety. This kind of team assignment is also used when probationers/parolees' problems are so complicated or diversified that taking charge of the probationers/parolees alone

imposes significant burdens on the VPO, even if he/she is experienced, for example, in the case of probationers/parolees with drug addictions, complicated family problems, mental disorders etc. The Ministry of Justice is now encouraging probation offices to make team assignments of VPOs to lessen the burden of VPOs or to make supervision of probationers/parolees more effective.

VI. CONCLUSION

Offender rehabilitation in Japan is supported by the active participation of citizens, as shown above. Especially, VPOs play crucial roles as volunteers in local communities. They are appointed by the Minister of Justice and engage in their duties within the district they are assigned, cooperating with probation officers who serve as district managers. VPOs conduct supervision of probationers/parolees, coordinate social circumstances for pre-release inmates and promote crime prevention activities.

VPOs establish VPOs' Associations in each probation district and federations of these associations are also organized on prefectural, regional and national levels. These associations facilitate the activities of VPOs. In addition, VPOs are provided with opportunities for capacity building and commendations systematically by the government and related organizations.

As the VPO system has been facing several challenges due to the change of social circumstances, securing the recruitment of VPOs and reinforcing the environment for VPOs' activities are urgent issues. The government and related organizations are struggling to address these challenges by implementing various measures.

LIST OF PARTICIPANTS

CAMBODIA

PEN Pichsaly, Director-General,
General Department of Prosecution and Criminal Affairs, Ministry of Justice

NOUTH Savna, Deputy Director General,
Directorate General of Prisons, Ministry of Interior

INDONESIA

I Wayan Kusmiantha Dusak, Director General,
Directorate General of Corrections, Ministry of Law and Human Rights

Septy Juwita Agustin Tobing Assistant Manager for Juvenile Probation and
Reintegration Section, Directorate Probation, Parole and Juvenile Reinregration,
Directorate General of Corrections, Ministry of Law and Human Rights

Darmalingganawati, Head of Probation and Parole Office in Bogor City, West Java

LAO PDR

Vilaysinh Daenhansa, Director Division,
International Cooperation Division, the Office of Supreme People's Prosecutor
(OSPP)

MALAYSIA

Muhammad Nazri Bin Nasrudin, Director of Seremban Prison

Nor Asikin Binti Ibrahim, Senior Principal Director,
Children's Division, Social Welfare Department,
Ministry of Women, Family and Community Development

MYANMAR

Zaw Min Aung, Deputy Director,
Office of the Union Chief Justice, Supreme Court of the Union

Khin Thuza, Assistant Director,
Department of Social Welfare, Ministry of Social Welfare, Relief and Resettlement

PHILIPPINES

Perlita S. SILVEDERIO, Regional Director,
Parole and Probation Administration, Department of Justice

Janette Santos PADUA,
Chief Probation and Parole Officer/ Special Assistant to the Administrator,
Parole and Probation Administration, Department of Justice

Rey Paglinawan MODILLAS, Volunteer Probation Aid,
President, Regional VPA Region IX

SINGAPORE

Rodziah Binte AHMAD, Senior Manager, Probation Service,
Rehabilitation and Protection Group, Ministry of Social and Family Development

Muzafar Muneer Bin Mustafa, Manager (Interventions),
Correctional Supervision and Rehabilitation Branch, Community Corrections
Command, Singapore Prison Service, Ministry of Home Affairs

SENG Soo Hong Monica, Volunteer Probation Officer,
Chairperson, Volunteer Probation Officer Committee

VIET NAM

HO THANH Dinh, Deputy Director General,
General Department for Criminal Sentence Execution and Judicial Support,
Ministry of Public Security

DO TA Hao, Director, Rehabilitation and Re-integration Department,
General Department for Criminal Sentence Execution and Judicial Support,
Ministry of Public Security

HO PHI Thang, Superintendent, Xuan Loc Prison
General Department for Criminal Sentence Execution and Judicial Support,
Ministry of Public Security

PHAN DINH Thanh, Superintendent, Prison No 3, Nghe An Province,
General Department for Criminal Sentence Execution and Judicial Support,
Ministry of Public Security

DAO THI Vinh, Deputy Head, International Relations Division
General Department for Criminal Sentence Execution and Judicial Support,
Ministry of Public Security

THAILAND

Korakod NARKVICHETR, Probation Inspector,
Department of Probation, Ministry of Justice

Anchalee PATTANASARN, Director of Probation Development Bureau,
Department of Probation, Ministry of Justice

Yossawan BORIBOONTHANA, Director of Research and Development Institute,
Department of Probation, Ministry of Justice

Puangtip NUANKHAU, Chief of Volunteer Probation Officer Scheme and
Community Network Development Group, Ministry of Justice

Tatima NUYCHIM, Chief of Community Service Group, Community Affairs and
Community Service Division, Department of Probation, Ministry of Justice

Taruata KLAEWKLA, Probation Officer, Practitioner Level,
Foreign Affairs Group, Research and Development Institute,
Department of Probation, Ministry of Justice

Thanittanan MEKSAMRIT, Foreign Relations Officer,
Foreign Affairs Group, Research and Development Institute,
Department of Probation, Ministry of Justice

Nongnuch SORNACH, Volunteer Probation Officer

Jane HOLLOWAY, Programme Specialist, Crime and Development,
Thailand Institute of Justice

Emilie PRACHE, Project Coordinator, Thailand Institute of Justice

JAPAN

OTSUKA Takeaki, Senior Officer, Amnesty Office,
General Affairs Division, Rehabilitation Bureau, Ministry of Justice

YAMADA Hiroshi, Volunteer Probation Officer, Yokosuka Volunteer Probation
Officers' Association, Kanagawa Prefecture

ANNEX I

KEYNOTE PRESENTATIONS

Canadian Community Corrections: A Perspective from the Front Line

Sonya Spencer
Executor Director John Howard Society of Toronto,
Past President of the International Community Corrections Association

I. INTRODUCTION

Let me begin by expressing my appreciation for the efforts expended to organize this conference and for the invitation to participate in the proceedings. I am honored to be invited and give a keynote address on community corrections from the perspective of a frontline service agency. I trust that the few thoughts I will share with you will be a catalyst to dialogue and discussion on how we all can improve our approaches to managing offending behaviour and assist offenders in their reintegration into society as contributing citizens. I am not an academic but rather a practitioner with over 20-year experience in residential and non-residential services for offenders released from our Canadian prisons. It is from this perspective that I wish to discuss what is being done to promote a change in offending behavior and in striving to make our communities safer. As an example I will highlight the work at my agency, the John Howard Society of Toronto (JHST).

Before explaining the role of my agency in the provision and delivery of rehabilitative services, let me briefly put some context around the issues we will be addressing. Canada as you may know is a large, expansive country with the majority of people living in a few large urban areas. In our country there are approximately 35 million people, my province of Ontario has a population of about 14 million and the city where my agency is situated has a population of 2.7 million. This results in an access and distribution problem for the delivery of correctional services, especially in rural areas. This is a topic for another day. Let me now narrow our focus a little by briefly describing the Canadian Correctional Structure. Canada has a unified criminal code that applies to every jurisdiction in the country, but from that point on it gets complex and sometimes complicated! The sanction responsibilities are divided between the Federal Government and the Provincial and Territorial Governments. The shortest way to explain this is to note that responsibility for the administration of the sanction is based on the length of the sentence. For example for every offender sentenced to a term of imprisonment of 2 years or more is the responsibility of the Federal Government represented by the Canadian Correctional Services (CSC) while all other terms of imprisonment of 2 years or less are the Provincial and Territorial Governments' responsibility. There is another Federal Act that governs correctional services at the Federal level; the *Corrections and Conditional Release*

Act. This legislation provides for the Parole Board of Canada that authorizes the conditional release of federally sentenced offenders. Detention, prior to and during the trial, is a Provincial and Territorial responsibility. All other sanctions levied by the Courts, such as probation, fines and bail orders are also administered by the Provincial and Territorial authorities. Currently there are over 14, 000 offenders serving sentences (2 years to Life) in federal prisons. The sentenced population in the provinces and territories is over 11,000 while the remand population (the fastest growing population) is over 13,000. With recent legislative changes these numbers are expected to continue to grow making it necessary to have a serious conversation about community options. From these brief contextual remarks let me outline for you what I intent to cover in my lecture.

First, I want to summarize the general scope of community corrections in Canada and to note some of the challenges and opportunities facing both government and non-government agencies in the provision of services in the community.

Second, I will discuss the work of the agency that I represent and stress the value of developing partnerships to deliver both correctional and prevention services locally.

Third, and at the heart of my lecture today, a description of our specialized programmes designed to forge new pathways in community corrections. The Crossroads Day Reporting Centre and our Reintegration Centre are examples of strong local partnerships with both the governmental and voluntary sectors working together to reduce offender recidivism.

Fourth, I want to share what may be needed in the future and what new programmes might be required if we are to become serious about reducing reoffending. I want to also touch on the importance of sustainability and integrity in our programming.

Finally in my closing remarks I wish to stress the value of exchanges such as this summit. I will draw upon my experiences with the International Community Corrections Association to illustrate how useful the development of a broad network is for professional growth and programme development in community corrections.

So let me turn to my first point dealing with the scope of community corrections in Canada and some of the challenges concerning the field.

II. COMMUNITY CORRECTIONS IN CANADA

As I noted earlier, the provision of services related to community sanctions is divided between the Federal Government and the Provincial and Territorial Governments. To the Provincial and Territorial Governments falls the bulk of the offender supervision in the community either on probation or in specific bail programmes. I will address what my agency does in regards

to the provincial sector in Ontario when I discuss my agency's programmes. For this portion of my presentation I will concentrate on the efforts of the Correctional Services of Canada and its role in providing community correctional programming.

In my paper written with David Pisapio entitled "Partnerships to Enhance Public Safety: A Canadian Model" published in the *Executive Exchange* (Spring 2010) we summarized CSC's role as follows: "CSC is a department of the federal government responsible for the custody of individuals convicted of crime and sentenced to two years or more. In addition to the provision of custodial services, CSC is also responsible for the supervision of all offenders released from federal custody. This includes those released on 'conditional releases' (including discretionary releases such as temporary absences, day parole and full parole) as well as 'statutory release' (a non-discretionary release at two-thirds of a sentence)."

The mandate of the CSC is directed by the *Corrections and Conditional Release Act* and contributes to the maintenance of a just, peaceful and safe society by:

- Carrying out sentences imposed by the courts through the safe and humane custody and supervision of offenders
- Assisting the rehabilitation of offenders and their reintegration into the community as law-abiding citizens through the provision of programmes in prisons and communities.

Under this legislative framework CSC is responsible for the following activities:

- The care and custody of inmates
- The provision of programmes that contribute to the rehabilitation of offenders and to their successful reintegration into the community
- The preparation of offenders for release
- Parole, statutory release supervision and long-term supervision of offenders
- Maintaining a programme of public education concerning the operations of the Service.

Given the projected increase in federal prison populations and an interest in developing a more robust supervision model for released prisoners CSC, in 2009 developed a community corrections strategy. This strategy was developed in collaboration with partners and stakeholders that included staff, offenders, victims, traditional partners and non-traditional partners through various engagement activities. The process resulted in the *Federal Community Corrections Strategy: Vision to 2020* and is an overarching strategy that links CSC's primary reintegration strategies and activities with enhanced partnerships to encourage positioning community corrections to the year 2020. The key elements of this

strategy are: defining community corrections, a vision statement and strategic principles that would guide programme development, interventions and practice.

Community Corrections Definition

For purposes of this federal strategy, community corrections was defined as: “a shared responsibility to provide effective reintegration to achieve public safety. Correctional Service of Canada, the Parole Board of Canada and community reintegration partners collaborate to enhance public safety by providing a range of activities, services and interventions, including supervision, to facilitate the structured release of offenders back to the community and to assist them with acquiring skills and supports to maintain them beyond the end of the court imposed sentence. The services and interventions are available starting at admission and are aligned with the individual risk and needs of the offender to enhance their capacity to return to the community and live as law-abiding citizens.” Later, when I discuss the Crossroads Day Reporting Centre you will see how this definition is realized in a specific intervention.

Vision and Principles of the Community Corrections Strategy

Two other elements of this strategy that will also be noticeable in my discussion of the Day Reporting and the Reintegration Centre are the vision statement and the five principles governing community reintegration. First let's look at the vision put forward by the strategy and note that it provides for engagement and collaboration with community reintegration partners to ensure a network that:

- Enhances linkages between CSC and community-based resources
- Facilitates successful reintegration
- Reflects the diversity of the community
- Reduces reoffending
- Provides value for money.

The principles were identified during the partner and stakeholder engagement activities that were undertaken during the development of the strategy. Again these principles, together with the vision and the definition, have become very useful signposts for community partners preparing funding proposals for programmes to assist with the supervision of offenders in the community. The five principles are as follows:

- Community reintegration begins at intake
- Community reintegration requires dynamic assessment and intervention
- Community reintegration is achieved through collaboration
- Community reintegration is measured by public safety results
- Community reintegration is enhanced through engagement and communication.

With the introduction and dissemination of the strategy there has been, in general terms, an improvement in: the definition of priorities for staff and partners, operational consistency in service and programme delivery, release planning and an increased level of collaboration with partners.

Some challenges and concerns facing community corrections providers

Often challenges begin during the period of incarceration and recently Howard Sapers, our Correctional Investigator highlighted, in his presentation that our correctional system must work harder at improving health care, improving services for, and the treatment of, the mentally ill, and ensure the safe and timely reintegration of offenders. He went on to note that the institutional and community funding imbalance needs to be addressed. These points are often endorsed and reiterated by community practitioners, however, for the purpose of today's lecture let's focus on the period of time after an individual walks beyond the walls of a prison or jail.

Having a community corrections strategy is a wonderful guideline and a useful directional tool to allow community corrections providers to have some sense of what is needed to facilitate public safety and reductions in reoffending. However, there are always obstacles and barriers in the way of the smooth development of a consistent and national approach to managing released prisoners in community settings.

Let me isolate some of the challenges we are attempting to overcome as we move forward in the provision of services.

The first challenge relates to the need for more residential services for those returning home. There has been a decline in discretionary release grants resulting in an increase in statutory released offenders who have been given a residency condition. This is putting strain on existing resources within governmental and community agencies. Our efforts to date, to expand our residential capacity have been fraught with challenges. There is a lack of capital for investment in property, the geographic locations that comply with local/legal restrictions are few and far between, and finally, community resistance from some neighbourhoods simply exclude our programs. In fact just maintaining existing residential resources is a challenge!

Changes in the offender profile and their needs upon release is the second challenge facing providers today. I can briefly summarize these needs by noting that the released offender requires the following: adequate housing, employment, managing criminal record exclusion issues, managing requirements of public notification for specific offences, getting the proper

identification documents, dealing with untreated substance abuse issues and getting adequate treatment for mental illness.

Third, community providers need to find the appropriate balance between providing residential services that are more than a rooming house yet do not represent a replication of the prison environment. This requires that we have well trained staff teams with case management skills that are able to consistently recognize the fine line between community support and community supervision. It is this kind of program that will separate community residential facilities from shelters, rooming houses and large institutional facilities.

The last challenge I would like to highlight is the importance of developing collaborative and cooperative relationships with other governmental and community agencies. Strong and effective relationships with other human service organizations, local police, releasing authorities and community groups is important in minimizing the risks and supporting successful reintegration.

Rather than running from these challenges, community corrections professionals are looking for opportunities that might emerge from seeking solutions. I will briefly discuss some initiatives that are currently under exploration, and in some cases being delivered within my organization.

One alternative approach to meeting the accommodation needs of offenders is to explore the development of supervised satellite apartments. This approach allows an agency to keep its investment in property at a comfortable level while increasing their internal housing resources. The apartment concept provides for independent living arrangements with supervision provided at offsite locations such as reporting centres.

Service providers are being more thoughtful about the delivery of employment services. We, at JHST recognize the need to move beyond the job readiness approach and focus on employer engagement. We connect directly with potential employers and seek their support in placing offenders in appropriate and meaningful jobs. The recent interest in Canada and elsewhere is the creation of social enterprises, as a means of creating job opportunities for offenders, and is another avenue for exploration. We established a social enterprise called "Klink Coffee" and although it is still in its infancy, it is an attempt to develop a business selling coffee that will contribute financial resources in support of employment related programming

Another possible opportunity that is derived from the expertise gained from years of practice is to provide training and development services to other organizations. This can be a means

of augmenting our revenues while furthering the professional growth of our staff. JHST has launched, Anger Management Toronto. It provides workshops geared to assisting professionals to develop skills both for client interventions and for interpersonal use in the workplace.

In thinking about additional opportunities that should be considered I draw your attention to the need for advocacy and research. A neglected aspect of community-based work relates to advocating on behalf of the community for more effective reintegration policies and programmes. My agency tries to do as much as it can in the area of public education by providing information about the criminal justice system and its impact on society. However, to do good advocacy work, we need to be informed by research into the issues, barriers and effectiveness of current reintegration practices and programmes. We need to do our part in building a solid evidence-base for community corrections and as a result we have sought out partnerships with local universities and colleges and participated in correctional associations. One other example of our efforts to develop a reflective practice is to contribute to correctional conferences by presenting workshops and contributing to correctional publications.

Let me now address the role my agency the John Howard Society of Toronto plays in community corrections.

III. COMMUNITY CORRECTIONS AND THE JOHN HOWARD SOCIETY OF TORONTO

We can talk about the policies and programmes at the macro level and even get excited about new and innovative programme announcements, but what really matters is much closer to the front line of service. Given the enormity of trying to solve issues at the macro level I have chosen to try and provide a perspective from the local level. This is where the emphasis is not on the masses but instead on the individual. Eventually the majority of individuals sentenced to periods of confinement are released and it is what is provided for them at this juncture that determines whether they "make it" in society or become recidivists. JHST understands the importance and the impact they have on individuals when assisting them in becoming contributing members of society.

I am excited to share with you that we recently amalgamated one smaller agency, the St. Leonard's Society of Toronto with the larger entity, the John Howard Society of Toronto. On July 21, 2015 we officially became one agency and I am in the midst of managing the transition and merging all of our programmes - a task that is indeed a work in process. This amalgamation is very unique to community corrections in Canada and I am sure I will be able, at a later date, to present a paper on the lessons learned from this experience! I will

now present the major programme areas at the new JHST and relate them to the big picture earlier discussed.

JHST is a non-profit (charitable) organization committed to providing and developing programmes that reduce the social, economic and personal cost of crime. We are dedicated to assisting individuals who have been in conflict with the law or who are at imminent risk of coming into conflict with the law through service, education and community programmes. The thrust of our efforts are towards: prevention, intervention and reintegration. I hope I can demonstrate how our programme efforts meet the needs described earlier regarding the released offender and also how some of these efforts are offered in partnership with government and other agencies.

The scope of our activity

We have a number of services whose main intent is to address the pressing problems of offenders released from prison or on conditional releases. These include the following:

1. **Pre-employment:** focus is on assisting clients to develop the skills and tools necessary to enter the work force and to successfully obtain and maintain employment. Individuals meet with Goal Coordinators who will assist them in meeting and reaching both their short and long term goals related to employment. If necessary, assistance is also provided to clients who wish to acquire further training, education or skills development.
2. **Post Incarceration Housing Support Services:** Services are provided to men recently released from prison in order to reduce the risk of homelessness. As individual circumstances dictate, housing assistance will be available through partnerships and referrals to private landlords, public housing providers and other agencies that offer housing assistance. This team also provides follow-up support services for a one year period and is based on evidence based research focused on Housing First policy solutions.
3. **Crossroads Community Residential Facility:** This is a 15 bed residential facility for men released on either day parole or statutory release from federal prisons. The program offers structure, support and supervision with the goal of achieving successful reintegration into the community.
4. **Partner Assault Response (PAR) Program:** Treatment services are delivered to men who have been mandated by the courts due to domestic assault charges. This program is offered 6 days per week throughout Toronto to ensure accessibility for participants. The partners of the men in the PAR program are provided with support including safety planning and information on relevant community resources. There is also a partner safety component which is integral for the program.

5. Social Enterprises: The need for unique sources of both funding and employment is being met by our two social enterprises, KLINK Coffee and our Asbestos Abatement service in partnership with Rideau Social Enterprises.
6. Institutional Services: Our Institutional team provide services to men incarcerated at the Detention Centres within and surrounding Toronto. These services include: pre-release information and support and relapse prevention counselling. Our Aboriginal team deliver the NILO Program where Traditional Circles and services are provided.

Not everyone agrees as to what is meant by being community-based. In most instances, if your program is not situated in an institution, you are by definition community-based. At our agency we are governed by a voluntary board of directors who set the goals and objectives of the agency and provide oversight to ensure that we are fulfilling our mission. This group represents a broad spectrum of the community but are not the only volunteers supporting our activities. We have developed a volunteer service that affords community members the opportunity to participate in meaningful and innovative work in their community. Their contribution enhances our programs and services due to their expertise, knowledge and commitment. We at JHST believe there should be an effort made to involve the larger community in our work.

For many years I believed that no media equalled good media, however today I believe we should be in communication with our local communities and provide information about what we do and why we do it. After all, an informed public is our best ally in our efforts to provide meaningful programmes that will enhance community safety. I no longer shy away from the media reporter calls but instead reach out to them often with our good news stories. We are currently exploring how we might more effectively use our website and other social media techniques to further our efforts at engaging a larger public.

I will now discuss two additional programs operated by JHST that have received local, national and/or international recognition.

IV. THE CROSSROADS DAY REPORTING CENTRE

Effective community correctional programming, for obvious reasons, has become an increasingly important issue for public safety, policy makers, practitioners and researchers. Since the “What Works” literature emerged in the late 1980s the field of community corrections – scholars and practitioners alike – have a framework by which they can better study and understand criminal behavior, recidivism and the effectiveness of community based correctional programs. Since the fall of 2008 we have been operating one such effective community based program – The Crossroads Day Reporting Center, commonly referred to as the CDRC.

In the absence of reasonable alternatives to Statutory Release with Residency the decision-maker is more likely to impose residency in order to mitigate the risk posed by an offender to the community. The CDRC is now considered a reasonable alternative and represents a critical component in the continuum of care within the context of community based corrections. The program targets high risk/need offenders in the community by delivering a program that integrates evidence-based components resulting from up to date research in community corrections and offenders rehabilitation.

The underlying objectives of the CDRC are four-tier:

- 1.) To enhance community safety and decrease victimization through the reduction of offender recidivism.
- 2.) To improve the ability of offenders to lead pro-social lifestyles through the development and implementation of individualized goal plans within a non-residential program.
- 3.) To provide a cost effective alternative to offender incarceration for those deemed manageable in the community.
- 4.) To collaborate with local agencies to increase and expedite the supports and services offered to offenders reintegrating into the community.

In an effort to achieve these aims, the CDRC offers increased accountability and regular observation (daily if required) alongside counselling to support offenders with correctional plan compliance, such as employment and substance abuse counselling.

Public Safety Canada and Correctional Service of Canada partnered with my organization in 2010 and 2011 to expand the knowledge base about the function of Day Reporting Centres (DRC) nationally. The results suggest that CDRCs can be an effective alternative to assist Correctional Service of Canada with the safe and timely reintegration of offenders. Several key findings underline the responsiveness and comprehensive nature of the supervision and intervention strategies implemented by DRC program staff. For example, the short duration of time that elapses between date of referral and date of first contact with the client, strengthens the ability to supervise clients and address both risk and need levels. This is particularly important during the critical 45 – 90 day transition period from institution to community. The fact that DRC staff can ensure that clients have services provided within a few days is a reassuring fact for the public.

Additionally, the ability of DRC staff to quickly intervene if a client experiences some stressor, or engages in a behaviour that requires immediate intervention, speaks to the value of this program. Parole Officers who would otherwise have to suspend an offenders' release to the community can now consider the option of release maintained. Returning a client to the

institution is a short-term solution for potentially a long-term challenge and does not in any way provide a long-term plan in support of public safety.

V. THE REINTEGRATION CENTRE

On January 27, 2014 the South Detention Centre was opened by the Ministry of Community Safety and Correctional Services in Toronto's west end and in November, 2014 the Reintegration Centre opened its doors. This Detention Centre has a capacity of 1,620 and houses male inmates provincially sentenced and those on remand. JHST understood that at full capacity this institution would be releasing approximately 180 men every week. JHST completed a report that identified the needs of released offenders and felt obligated to be part of the solution to mitigate these needs.

In the report *Homeless and Jailed: Jailed and Homeless*, authored by JHST, 363 participants who were incarcerated and soon to be released, were interviewed about their housing situation. It was found that 23% of participants were homeless at the time of incarceration, and that following release, 32% of participants expected to be homeless. It was also found that 43% of those who were homeless had some sort of health-impairment in one form or another (i.e. physical, psychiatric, or chronic illness). Upon release, participants anticipated requiring assistance with finding transportation, subsidized housing, furniture, and replacing identification documents. Additionally, more than half of participants anticipated requiring assistance with upgrading their education, and enhancing employment skills. In addition 40% and 48% of participants also anticipated requiring help with their addictions, psychological counseling, and help finding a doctor. JHST recognized that one agency alone could not address to multiple and complex needs of those released so took the lead on developing a hub model across the street from the new super jail.

The Reintegration Centre is modelled after the United Way's community hub concept. JHST is the lead agency, however this Centre brings together a variety of service providers that collaboratively work to address the needs of the released offender. This model decreases the likelihood of agencies working within service silos and the offenders' need for travel to acquire services/referrals.

Although our Centre is not without its challenges (partners coming and going, releasing rates have not met initial projections, and higher operating costs) all early indicators show this to be a valuable example of community best practices. We are fortunate to have the support of all levels of government, the partners located in or providing support to the hub, as well as the local community.

The Reintegration Centre is an example of how shared resources, expertise and a willingness to collaborate can go a long way in supporting the offender and the community as a whole.

VI. THE FUTURE OF COMMUNITY CORECTIONS

From my perspective, as the leader of an agency engaged in supporting released offenders in their efforts to change their behaviour I will make a few comments about the future directions in community corrections.

First I would stress that a focus on the individual matters and it is important that we are serious about developing supervision plans that assist the offender to change. This means making sure that our staff are well trained in core correctional practices that include: effective use of authority, prosocial modelling and reinforcement, problem solving, use of community resources through brokerage and advocacy and improving the quality of interpersonal relationships between staff and clients. Again these are skills, that when embedded in the Risk-Need-Responsivity model, have proven to be effective in assisting offenders to change and therefore reduce the rate of reoffending.

In 2010 the John Howard Society of Ontario, in partnership with the Wellesley Institute, authored a research report entitled, "Effective, Just and Humane: A Case for Client-Centered Collaboration". This was a case study of my agency's Housing Program and I believe a paragraph in the conclusion of this report reinforces the importance of individualized case management. Let me share this paragraph with you,

"The results of this research were striking: simply participating in the Housing Program was enough to improve clients' self-reported health, regardless of whether or not housing had been successfully obtained. A major contributing factor to the efficacy of the program was based on the experience staff provided for clients, in that staff were perceived as knowledgeable, trustworthy, accessible, respectful and perhaps most importantly, offered the clients a sense of continuity. This finding has tremendous implications, both for agencies serving high-needs and high-risk clients, as well as the broader social service sector; namely, the pressing need for strengths-based and client-centered case management models. Clients with complex issues are too often viewed as the sum of their parts, having to re-tell over and over again their personal stories, which can lead to alienation from and a sense of disillusionment with the process. It is worth repeating how essential it is that human services retain their human element".

The other aspect going forward is to be open to the evaluation of our programs and to be part of the movement that builds evidence for effective interventions. We are developing good relations with local colleges and universities and we hope that this will provide us with an excellent source of assistance in our local efforts. I believe that it is essential that practitioners take an active role in developing the knowledge base about "what works" in community corrections.

At the macro level of policy and legislative reform, the voice of the practitioner in the field of community corrections definitely needs to be heard. The John Howard Society of Toronto is an affiliate member of the John Howard Society of Ontario (JHSO) and the John Howard Society of Canada (JHSC). Both of these organizations have distinct roles to play in affecting change in our criminal justice and correctional systems. JHSO provides the affiliate organizations in Ontario with a number of services and I would encourage you to visit their websites to learn more about the important research they have recently done and their many fact sheets that provide information regarding a variety of social and criminal justice issues. These are excellent examples of how we attempt to inform the public and influence the decision-makers.

At the beginning of this presentation I identified some difficult challenges facing corrections in Canada, problems with remand population growth, use of prisons to warehouse those who have substance abuse issues or who face mental illness, and lack of treatment options in our prison systems. The JHSC advocates on behalf of its member agencies and has recently produced a "5 Point Plan" aimed at fixing the corrections systems by:

- Respecting the presumption of innocence by an effort to reform our remand procedures and policy.
- Developing a new national Drug Strategy that emphasizes harm reduction, prevention and treatment of the illness of addiction
- Treating rather than punishing the mentally ill
- Reform our sentencing regime by developing more proportionate and constructive penalties
- Encourage more effective corrections by meeting essential needs of the confined, develop more effective prison programs and encourage success in the community through graduated, safe and supported reintegration.

We need to collectively do all we can to ensure the future of community corrections is vibrant and effective because the impact on community safety has been proven time and time again. Community corrections matters in so many ways and if delivered with integrity, is evidence-based and evaluated it can serve to:

- Protect the public and reduce reoffending
- Provide support for victims of crime
- Build and maintain public confidence in our justice system
- Provide post-custody supervision and support to offenders released to the community
- Lead the way in the delivery of justice in our communities
- Reduce the need for post-sentence supports
- Engage the community and build capacity to assist those requiring our help.

VII. CONCLUSION

This has been a very valuable experience for me and your kind invitation and hospitality has reinforced for me what I have learned from my experiences as President and now Past President of the International Community Corrections Association. The value of international forums and the exchange and sharing of information among us is imperative if we hope to advance the field of Community Corrections. I always come away from events like this more knowledgeable and motivated to promote the necessary changes in our field locally, nationally and internationally. It is good to see and hear the perspectives of others facing similar challenges and who are pursuing ways to be more effective and efficient in serving their communities by assisting individuals capitalize on second chances.

The more we can do to promote these forums, especially ones that include practitioners and academics in the exchange of ideas, the better our sector will become. The result will be a more vibrant, robust approach to delivering community correctional services. Fortunately, for practitioners the use of the internet allows more and more of us to keep in touch and share our expertise and knowledge to the betterment of our field of service. That said, ICCA hosts an annual conference and I know that the next World Congress on Corrections will be hosted in your fine country, so perhaps we will meet again in person.

I will close with one of my favorite quotes in support of community corrections. Paul Kelly from Little Rock, Arkansas said, "Fighting crime by building more jails is like fighting cancer by building more cemeteries". Together we may not be able to find a cure for cancer but I truly believe we can reduce the need for building more prisons and jails.

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The Spirit of Offenders Rehabilitation

Yamada Kenji
Volunteer Probation Officer and
Secretary General
National Organization for Employment of Offenders

Examining from the Historical Standpoint the Significance of Community Volunteers including Volunteer Probation Officers Participating in and Cooperating with the Rehabilitation of Offenders

I. Introduction

I was involved in the field of offender's rehabilitation as a probation officer. I joined the Ministry of Justice in 1972 and worked at the Rehabilitation Bureau of the Ministry of Justice, a regional parole board and a probation office. After retiring in 2012, I began to serve as the Secretary-general of the National Organization for Employment of Offenders. I am also a visiting professor at the Japan College of Social Work and a volunteer probation officer in Saitama Prefecture.

Based on the knowledge gained through my career as mentioned above, in this document, I would like to explain about the Japanese "offenders rehabilitation system," mainly about the volunteer probation officer system, including the reasons why volunteers participate in offenders rehabilitation, by looking at the history and significance of the system.

Today let me give a lecture titled "The Spirit of Offenders Rehabilitation" for an hour or so. I'll talk about the "offender's rehabilitation system" in Japan centering on volunteer probation officers, and the reason why volunteers take part in the system as well as the history, significance and spirit of the system.

II. What Is Offenders Rehabilitation?

Firstly, I would like to clarify the meaning of "offender's rehabilitation."

The Offenders Rehabilitation Act (hereinafter referred to as "the Act"), which is the basic law for offenders rehabilitation, stipulates the purpose of the Act in Article 1. From the stipulation, the purpose of offender's rehabilitation can be understood as follows: "supporting and guiding those who have committed crimes to rehabilitate themselves in the real world to become sound members of society without re-offending, thereby protecting society from risk of crimes and enhancing the welfare of individuals and the public." The point I would like to highlight here is that it aims to "enhance the welfare of individuals and the public." Offender's rehabilitation tends to be understood as the protection of and support for offenders, but it

has a larger purpose of protecting both victims and offenders, i.e. protecting society from crime.

The core of offender rehabilitation service in Japan is probation, but it is not limited to probation. Article 1 does not use the term "probation" and says "treating them properly within society." The types of treatment within society (community-based treatment) other than probation stipulated in the Act include urgent aftercare of discharged offenders (Article 85-87) which aims to protect ex-convicts, etc. as well as the protection of persons under stay of sentence (Article 88). These can be considered to be part of offender's rehabilitation. Therefore, my understanding is that offender's rehabilitation refers to the community-based treatment of offenders and that it includes other measures than probation, although probation is the core part of offender rehabilitation service.

In Japan, probation officers, who are national public officers, engage in offender's rehabilitation. Article 31 of the Act stipulates the duty of probation officers as follows: "Based on medicine, psychology, pedagogy, sociology and other expert knowledge relating to rehabilitation, probation officers shall engage in the work of probation, research, coordination of the social circumstances and other work relating to the rehabilitation of persons who have committed crimes and juvenile delinquents, and the prevention of crime." Probation officers are allocated to the secretariats of regional parole boards and probation offices. There are about 1,300 probation officers nationwide.

Offender's rehabilitation in Japan is characterized by the fact that many citizens participate in and cooperate with rehabilitation in addition to probation officers who are public officers.

For example, there are the following types of volunteers.

Volunteer probation officers engage in probation and crime prevention activities in their local areas. There are about 48,000 volunteer probation officers nationwide. Article 1 of the Volunteer Probation Officers Act (1950) stipulates the mission of volunteer probation officers as follows: "The mission of all volunteer probation officers shall be, in the spirit of volunteer social service, to assist persons who have committed crimes and juvenile delinquents to improve and rehabilitate themselves, and to enlighten the public on crime prevention, thereby enhancing the local community and contributing to the welfare of both individuals and the public."

There are 103 offender's rehabilitation facilities nationwide which shelter those who have been released from detention facilities who have nobody to rely on and help them to smoothly reintegrate into society. These facilities are private facilities.

There are about 170,000 members of Women's Associations for Rehabilitation Aid nationwide

who assist with offenders' reintegration into society from women's standpoint.

There are about 4,500 members of BBS Associations nationwide who support rehabilitation of juvenile delinquents from young people's standpoints. BBS refers to the Big Brothers and Sisters Movement.

There are about 14,000 cooperative employers nationwide who employ previous offenders and help them to reintegrate into society.

As shown above, in the Japanese offender's rehabilitation system, apart from probation officers who are national public officers, local residents also help the rehabilitation of offenders by participating in and cooperating with their reintegration into society, based on the spirit of volunteer social service and love of humanity. This characterizes offender's rehabilitation in Japan.

III. The Significance of Offenders Rehabilitation and the Foundation Which Supports Offenders Rehabilitation

When comparing offender's rehabilitation with imprisonment with or without work (also sometimes expressed as "freedom-restricting punishment") which is "institutional treatment," offender's rehabilitation can be called "non-institutional treatment," but it is generally referred to as "community-based treatment." I find that there is a slight difference in nuance between "non-institutional treatment" and "community-based treatment." The terms "institutional treatment" and "non-institutional treatment" focus only on the physical places (inside or outside institutions) where the treatment of offenders takes place. In contrast, in addition to the meaning that the treatment takes place outside institutions, "community-based treatment" implies that offenders are treated by utilizing and integrating all kinds of resources in society, i.e. it is supported by society, in my understanding. In English, the Ministry of Justice uses the term "community-based treatment," which I think is an appropriate translation.

In order for offender's rehabilitation to work, firstly, there has to be an idea among local residents that crimes and delinquency are the problems of the local communities and that local communities must tackle the problems. In other words, there has to be an understanding that local communities should consider crime control as their own issue because crimes are generated from within local communities. This is opposite of the idea that all citizens have to do to fulfill their obligation is to pay tax, with which the government employs public officers, who then take crime control measures.

Secondly, how citizens view crimes or offenders affects whether community-based treatment

works or not. If a majority of local residents have unforgiving attitudes towards offenders and think that offenders should be excluded and isolated from local communities and discriminated against, community-based treatment would not function effectively. It would be difficult to recruit volunteer probation officers and there would be no offender's rehabilitation facilities.

Fortunately, in Japan, there is a spirit of tolerance where people welcome those who finished paying for their crimes or those who repented of their crimes, while the crime itself is criticized. Although this is a somewhat old survey, in an opinion poll conducted by the Prime Minister's Office in 1989, 77% of people answered that causes of crime are in the social environment rather than in the nature of individuals, when they were asked the question, "When comparing the number of offenders and delinquents who tended to commit crime by nature and the number of offenders and delinquents who gradually became involved in crime due to adverse environments rather than due to their nature, which do you think is the larger in number?" When being asked what they would do if those who have committed crimes or delinquency in the past visit them and ask for jobs, as many as 65% of the people answered that, if they were business owners, they would not mind employing the ex-offenders or delinquents. As seen above, in Japan, there is the idea that problems lie in the social environment which generates crime and delinquency rather than within the individual. This is perhaps why there are some people who stand on the said idea and volunteer to help to prepare the appropriate conditions and conduct support activities, because people can be rehabilitated if they have the willingness and the appropriate environment. However, according to the results of an opinion poll conducted in 2009 (20 years after the above-mentioned opinion poll), when people were asked whether or not they want to cooperate with activities to support the rehabilitation of those who have committed crimes and to prevent re-offending, the number of people who answered "No" (51%) exceeded the number of people who answered "Yes" (42%). Therefore, it is becoming more difficult to obtain specific cooperation for the reintegration of offenders into society. On the other hand, in a survey conducted in 2013, those who said "Yes" (59.1%) exceeded those who said "No" (33.2%) to the question, "Do you want to cooperate with the rehabilitation of those who have committed crimes or delinquency?" Those who would employ them positively account for about 60%.

As mentioned above, offender's rehabilitation is a system supported by society. Therefore, changes in society affect community-based treatment. When local communities are shaken, the foundation of offender's rehabilitation is also shaken. For example, if citizens' anxiety about public safety increases when heinous crimes occur in succession and people start to look for severer punishments for offenders, this shift in view will affect offenders rehabilitation. It will also affect various aspects of the system, from the recruiting of volunteer probation officers to how parole should be applied, as well as perceptions concerning the need for

offender's rehabilitation. Various changes in society often have unseen influences on the offenders rehabilitation system.

IV. The Development of Offenders Rehabilitation in Japan

In the US, the probation system originated from the activities of a shoemaker in Boston called John Augustus. He took on an offender and rehabilitated him after observing a trial by accident. Since then, he took on about 2,000 offenders from the courts in his lifetime, placed them in his custody and guided them to rehabilitate themselves. His activities were valued highly and it led to the enactment of the world's first probation law by the Commonwealth of Massachusetts in 1878. John Augustus is known to be the world's first volunteer probation officer.

Similarly, offender aftercare services in Japan were also pioneered by a citizen volunteer. His name was Meizen Kimpara, who founded an organization in Shizuoka Prefecture in 1888 which provided aftercare for those who had been released from prison. The following episode has been passed down regarding how he launched offender aftercare services.

An utter villain amended his conduct, left the prison and returned home, but his wife, who he expected would warmly welcome him had already married another man. None of his relatives received him, either. He had no home to live in nor did he have work to earn money so that he could eat, but he could not commit crime either because he promised the warden of the prison Kyoichiro Kawamura not to re-offend when he left the prison, and he ended up committing suicide by drowning himself in a pond. Learning about these developments, Meizen Kimpara and the warden of the prison Kyoichiro Kawamura realized that, even if good lessons are given in the prison, the effort will be for nothing if people around the offender do not reach out after the offender leaves prison. This prompted them to establish a facility which provides aftercare for discharged offenders who have nobody to rely on (the Shizuoka Prefecture Discharged Offender Protection Company) and deploy 1,700 volunteer workers across Shizuoka, so that they could offer consultation services to discharged offenders. This facility and their activities are believed to be the forerunners of the current Japanese offender's rehabilitation facilities and the volunteer probation officer system.

Since then, offender rehabilitation facilities were established and volunteer workers (the forerunners of volunteer probation officers) were deployed in various parts of Japan, and judicial volunteer workers were enshrined in law for the first time, in 1939 when the Act on Judicial Aftercare Services was enacted.

After the Second World War, the Offenders Prevention and Rehabilitation Act was put in force (1949), based on which the Japanese offenders rehabilitation system was created. After the war, as a defeated nation, Japan came under the occupation policy of the General

Headquarters (GHQ). Concerning the draft revision of the Act on Judicial Aftercare Services which stipulates postwar crime control measures, GHQ argued that paid and full-time national public officers should be in charge of probation rather than private judicial volunteer workers.

In response, the Japanese counterparts argued that judicial volunteer workers had been engaged in public service as volunteers without pay and had performed well. They also argued that judicial volunteer workers (who are citizen volunteers) who are active in local communities are suitable for conducting probation which requires appropriate levels of contact with offenders, while a small number of full-time staff members alone would have difficulty conducting probation appropriately. This resulted in an approved system where "Judicial volunteer workers will engage in probation when probation officers alone are insufficient."

The following year (1950), the Volunteer Probation Officers Act was enacted and 52,500 people were given statutory status. This year marks the 65th year since the enactment of the Volunteer Probation Officers Act.

V. Offenders Rehabilitation Systems – the Final Destination of Criminal Justice Systems

Crime and punishment have existed since the birth of mankind. The history of penal systems can be expressed by the following three lines.

*"Punishment started as revenge,
then moved on to justice,
and then reached benevolence."*

The Code of Hammurabi, which is known as the earliest code, accepted revenge, as a provision "An eye for an eye, a tooth for a tooth" was included in the code. Also in Japan, revenge (*adauchi*) was accepted in the Edo Period (1600-1868), but it was prohibited in 1873.

"Moving on to justice" refers to the emergence of the principle of legality where crime and punishment are determined by law, rather than the powers that be giving punishment at their discretion.

"Benevolence" which comes at the end is offender's rehabilitation, in my understanding.

The Japanese criminal justice system moved on from atrocious punishment (capital punishment, physical punishment and exile) to freedom-restricting punishment, due to the emergence of human rights awareness, the establishment of a democratic nation, etc.

However, with the start of the Meiji Era, warrior rule ended and the nation aimed at building a modern state. The prison rules established in 1872 proudly stipulate the principle of modern prison administration as follows: "Prisons are not where people are treated brutally but where people are treated benevolently. Prisons are not where people are given pain but where people are disciplined."

Mr. Saburo Saito, who was the director-general of the bureau in charge of the matter at the time of the enactment of the Offenders Prevention and Rehabilitation Act, said the following.

"Offenders rehabilitation is humanity's earnest wish, because it attempts to avoid, as much as possible, punishment which gives suffering to humans, rehabilitate those who have committed crimes using probation which originates from love and wisdom, and achieve a society without crime."

The offender's rehabilitation system, for which the state should be responsible as a criminal policy after the war, was the last to show among criminal justice systems after the development of different laws. With current criminal justice as well, the system plays the final part as an anchor.

VI. The Principles of Offenders Rehabilitation

The principles and characteristics of offender's rehabilitation in Japan can be summarized into three points.

The first point is that it aims to protect society.

Article 1 of the Act stipulates the purpose of offender's rehabilitation. When summarizing the purpose, two things are written here: preventing offenders and juvenile delinquents from re-offending; and assisting them to improve and rehabilitate themselves. It also says, through achieving these two things, the Act aims "to protect society and enhance the welfare of individuals and the public." People often misunderstand that offenders rehabilitation only aims to protect offenders, but it actually aims to protect society (including offenders and victims) from crime.

The second point is that offender's rehabilitation aims to create a society without crime or delinquency through the efforts of the whole society. People tend to think that controlling crime is the job of the police and the courts and nothing to do with citizens. They tend to think that what citizens have to do is to pay tax and the public officers employed using the tax take the crime control measures, but that is not the case in reality. Crime and delinquency are generated from within society and each individual citizen holds the key to controlling crime and delinquency. The Act stipulates that the citizen shall endeavor to contribute,

according to their position and capability, in order to achieve a society without crime (Article 2, paragraph (3)).

The third principle of offender's rehabilitation is that offender's rehabilitation activities should be conducted through public-private collaboration and that the responsibility of the state is to promote private activities, as shown below.

"The Government shall promote activities which contribute to the realization of the purpose under the preceding Article and which are voluntarily carried out by organizations or individuals in the private sector, shall coordinate and cooperate with such persons and shall endeavor to deepen the understanding of the general public and attain their cooperation for the rehabilitation" (Article 2, paragraph (1) of the Act).

VII. The Spirit of Offenders Rehabilitation That I Learned

I have learnt the spirit of offender's rehabilitation from various people. Here, I would like to introduce two people.

One is the Japanese-style painter Ikuo Hirayama. Mr. Hirayama was born on Ikuchi Island in Hiroshima in 1930. He was exposed to radiation from the atomic bomb when he was a third grader at the Hiroshima Shudo Junior High School under the prewar education system. He is the acknowledged master of Japanese-style painting. He graduated from Tokyo University of the Arts and received the Order of Culture. Mr. Hirayama supported the Movement for a Brighter Society and provided his work for offender's rehabilitation calendars free of charge. This year, the 22nd calendar with his work on it was published. Mr. Hirayama's work was also donated to offender's rehabilitation facilities across Japan. He passed away on December 2, 2009 at the age of 79, but his wife carries on his wishes.

About 25 years ago, I asked Mr. Hirayama a very impolite question. I asked, "Why do you take part in offender's rehabilitation?" He answered, "One cannot paint out of hatred. You can say the same thing about offender's rehabilitation, right?"

Another person is Mr. Mitsuo Setoyama, who served as the Chairperson of the National Federation of Volunteer Probation Officers for 16 years. When making an address at meetings of volunteer probation officers, he used to start his speech by saying, "I am glad to meet gods and Buddhas today." I used to think that he was a unique old man, but I now understand what he meant. When he was asked to write calligraphy, he would write "慈悲以為本利他以為先." It means, "Offenders rehabilitation is an altruistic action. It is for the benefit of others, not for your benefit. Do what you want others to do for you to others."

Mr. Setoyama passed away on June 23, 1997 at the age of 93. Four days before he passed away, he wrote the following text in his sickbed.

“The job of volunteer probation officers is indeed unglamorous, nerve wracking and troublesome. However, I see the true practitioners of gods’ love and the incarnations of Buddha’s compassion in volunteer probation officers, because they set aside their own interests and out of a true love of humanity, they guide and rehabilitate the people who made their own lives miserable as well as committing crime or taking to delinquency, doing harm to others and disturbing society’s peace. They also put their hearts and souls into the establishment of a peaceful and bright society without crime or delinquency.”

Article 1 of the Volunteer Probation Officers Act states, “The mission of all volunteer probation officers shall be, in the spirit of volunteer social service, to assist persons who have committed crimes and juvenile delinquents to improve and rehabilitate themselves, and to enlighten the public on crime prevention, thereby enhancing the local community and contributing to the welfare of both individuals and the public.” I do not know any other law that states a mission in its Article 1.

The Principles of Volunteer Probation Officers established in 1994 say the following.

In the spirit of volunteer social service, we, the volunteer probation officers, will:

- * endeavor to rehabilitate those who have made mistakes fairly and faithfully;*
- * work with all the people to prevent crime and delinquency in order to create a bright society; and*
- * constantly study diligently in an effort to improve our personalities and good judgment.*

From the above-explained content of the Volunteer Probation Officers Act and the Principles of Volunteer Probation Officers, you might be able to imagine what it means to be a volunteer probation officer.

Let me introduce a memoir of a volunteer probation officer I know.

“Three years ago, a volunteer probation officer Ms. A died of a disease. The following year, her husband passed away due to the aggravation of his chronic disease, as if he followed her to the grave. I miss them very much. The husband used to mourn and said, ‘Probationers and parolees do not trust anyone. Their trust in others is low and they are cold-hearted. They do not keep their word and they are not above lying. They are very difficult. I do not understand why my wife took on the job of a volunteer probation officer.’ However, when I visited him to see how he was doing with his disease, I heard an unexpectedly delightful episode from him and I was touched.

One day, a young man in a suit who looked like a company employee suddenly visited his home and said, 'I learned that Ms. A passed away. I would be grateful if I could pray for her at your family Buddhist altar.' He guided the young man to the altar.

After a while, the young man burst into tears and cried loudly in front of the altar. He did not try to move from the spot. The young man said, 'At the time, I was in despair and did not care what might happen to me, but Ms. A always listened to me sincerely, warmly looking straight into my eyes. I could not have become independent and stick to working as a member of society if it had not been for Ms. A. in response to the young man's remarks, Ms. A's husband repeated many times, 'I have never been moved as much as I just was in my entire life. I want to thank my wife. I am glad that she was a volunteer probation officer. I will report this right away.' When I heard this episode from Ms. A's husband, I could not help but feel a sense of mission as a newly recruited volunteer probation officer."

48,000 volunteer probation officers nationwide sacrifice their private lives and devote all their energy to improving and rehabilitating probationers and parolees. They are sending a warm wind of love to the broken hearts of probationers and parolees and helping them to get back on their feet.

VIII. The Evaluation and Prospects for Offenders Rehabilitation

Some countries are considering the introduction of community-based treatment or non-institutional treatment as an alternative to detention or freedom-restricting punishment. These measures are being considered as a diversion in response to the increasing number of crimes. However, there are not many inmates at correctional institutions in our country. On the other hand, in Japan, there is an idea that community-based treatment is needed for the rehabilitation of offenders and their smooth reintegration into society, rather than considering community-based treatment as a diversion from the current measures, in my understanding.

The *saiban-in* (citizen judge) system (where judges and citizen judges make decisions together) was introduced in Japan in 2009. When compared to conventional trials with judges alone, under the *saiban-in* system, a larger number of trials resulted in rulings stipulating the suspension of a sentence with probation, rather than a simple suspension of a sentence. It seems to me that, under the *saiban-in* system, appropriate treatment for the rehabilitation of the accused in addition to how they should be punished for the crime they committed comes under consideration.

While developed countries in the West suffer from a large amount of crime, Japan has a relatively small amount of crime. The incidence of homicide in Japan is less than one fifth that of the US. The geographical or natural conditions that Japan is an island country surrounded

by the sea and the social conditions that it is a nation with a single language are often raised as the factors contributing to the low incidence of crime in Japan, among others. In addition, I think that the participation of the public in criminal justice, particularly in community-based treatment, is another major factor.

This is possible perhaps because of the Japanese national characteristics where people believe in “detesting crime, not people” while they temporarily separate offenders from society, and people believe in the idea of “**social inclusion**” or “re-entry” where they are willing to reintegrate and welcome ex-convicts into society. These ideas are based on trust in people, i.e. the belief that people can change.

People's awareness that crime is a community problem and that there is a need to tackle crime through a community-wide effort is perhaps the driving force for the participation and cooperation of volunteers including volunteer probation officers in community-based treatment.

The existence of volunteer probation officers and other volunteers who participate in and cooperate with the rehabilitation of offenders is the power of local communities which supports community-based treatment, and they bridge offenders and local communities.

However, in Japan, some point out that more people have become mean-spirited and personal relationships have weakened gradually, and there have been reports of increasing numbers of solitary deaths, suicides and child abuse cases. I would like to conclude my article by mentioning that the role of offender's rehabilitation personnel including volunteer probation officers is becoming more important than ever, for achieving a society where socially isolated people are included, each individual person is respected, people can live fulfilling lives and feel grateful that they are living thanks to others.

ANNEX II SEMINAR PROGRAM



MONDAY SEPTEMBER 28, 2015		
AM	<i>Arrival of participants</i>	VENUE: UNAFEI
12.00	<i>LUNCH (UNAFEI)</i>	
PM	<i>Arrival of participants</i> Registration Orientation	
TUESDAY SEPTEMBER 29, 2015		
09.00	Opening Remarks (UNAFEI, DOP, TIJ, MOJ) Keynote Speech	VENUE: UNAFEI
10.00	Ms. Sonya Louise Spencer	
11.00	Mr. YAMADA Kenji	
12.00	<i>LUNCH (UNAFEI)</i>	
13:30	Country Presentations Cambodia	
14:10	Indonesia	
14:50	Japan	
15:30	<i>(Break)</i>	
16:00	Lao PDR	
16:40	Malaysia	
17:20	Myanmar	
18.00	End of Day 1	
WEDNESDAY SEPTEMBER 30, 2015		
09:00	Country Presentations (cont.) Philippines	VENUE: UNAFEI
09:40	Singapore	
10:20	<i>(Break)</i>	
10:40	Thailand	
11:20	Viet Nam	
12.00	<i>LUNCH (UNAFEI)</i>	
13:30	Country Presentations (cont.) Workshop (VPO's activities) Thailand, Singapore, Philippines, Japan	
15:30	<i>(Break)</i>	
16:00	Discussion 1) Needs and Interest for future training courses 2) ASEAN Association	
18.00	End of Day 2 *** Welcome Reception (Hosted by ACPF)***	

THURSDAY OCTOBER 1, 2015		
09:00 10:30 11:30	Field Trip Leave UNAFEI Halfway house for women Ryozenkai Leave Ryozenkai	
12.00	<i>LUNCH (Ministry of Justice)</i>	
13:00 13:15 15:00 16:00 16:30	Field Trip Courtesy call to Director General of Rehabilitation Bureau, MOJ Tokyo Probation Office Leave Tokyo Probation Office Arrive at UNAFEI Feedback Session	
	Closing	
FRIDAY OCTOBER 2, 2015		
10:00	Tokyo Tour Leave UNAFEI – ASAKUSA Social with Japanese Volunteer Probation Officers	
12.00	<i>LUNCH</i>	
17:30	Social with Japanese Volunteer Probation Officers Arrive at UNAFEI	
SATURDAY 3 OCTOBER 2, 2015		
<i>Departure of Participants</i>		

