



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

SEMINAR REPORT





# **THE SEMINAR ON PROMOTING COMMUNITY-BASED TREATMENT IN THE ASEAN REGION**

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

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# **SUMMARY REPORT OF THE SEMINAR ON PROMOTING COMMUNITY-BASED TREATMENT IN THE ASEAN REGION (24 to 26 February 2015, Bangkok, Thailand)**

## **Introduction**

1. The 'Seminar on Promoting Community-Based Treatment in the ASEAN region' was organized by the Department of Probation, Ministry of Justice, Thailand (DOP), Thailand Institute of Justice (TIJ), Japan International Cooperation Agency (JICA), and the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI) in Bangkok, Thailand from 24 to 26 February 2015.
2. The purpose of the Seminar was to invite senior officials administering community-based treatment to discuss challenges and identify potential training programmes to promote and improve the implementation of community-based treatment in the ASEAN region as recommended by the 'ASEAN +3 Senior Officials' Meeting' held 19<sup>th</sup> August 2014.
3. The Seminar was attended by representatives from Brunei Darussalam, Cambodia, Indonesia, Japan, Lao People's Democratic Republic (Lao PDR), Malaysia, Myanmar, Philippines, Singapore, Viet Nam, and Thailand.
4. The Seminar was opened by Mr. Shuichi Ikeda, Chief Representative of JICA, Mrs. Kannikar Saengthong, Director General of the DOP and Dr. Kittipong Kittayarak, Executive Director of the TIJ. In the opening session, speakers encouraged representatives from the ASEAN region to increase coordination within their criminal justice networks, and to share best practices with ASEAN Member States to promote and improve the implementation of community-based treatment. It was stressed that community-based treatment should be promoted as an alternative to mass incarceration to reduce the burden on correction facilities and staff, to reduce re-offence, to improve reintegration of offenders, and to achieve in the long-term more peaceful societies.

## Keynote Presentations

5. Dr. Frank Porporino, senior partner of T3 Associates Training & Consulting and past member of the International Corrections and Prison Association (ICPA) and board member of the International Association of Correctional & Forensic Psychology (IACFP), delivered a keynote speech on community alternatives to imprisonment. The presentation drew attention to imprisonment as often the main punitive sanction used by criminal justice systems to maintain social order and address public safety. Instead, it can stigmatize ex-prisoners as dangerous and untrustworthy; it perpetuates inequality in accessing basic rights – from citizenship, employment, healthcare, to housing; it also disrupts community and family links. There is no proof that imprisonment will promote rehabilitation and deter re-offending. It was further discussed that imprisonment can also disadvantage special needs populations – from the mentally ill, women, youth, to elderly offenders who may require specific treatment. Attention was also drawn to the consequences of over incarceration and how it proves to be a costly option for States and creates pressure on correctional staff. It was encouraged for States to apply community-based measures with low risk and non-violent offenders at all levels of the criminal justice system and to use the United Nations (UN) Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules) as a guideline. It was further stressed that community-based treatment is not only an alternative or solution to solve prison overcrowding and reduce recidivism, but a humane approach that requires criminal justice agencies to enlist the support of the community to reduce stigma and increase the success of offender's reintegration. It was concluded that alternatives to imprisonment is not a soft option to deal with crime and criminals, but a smarter way to improve the correctional system and address public safety, and a better use of public funds.
  
6. Ms. Tomoko Akane, Director General of the Research and Training Institute (RTI) of Japan's Ministry of Justice, delivered the second keynote speech outlining the key principles of the Tokyo Rules which were adopted by the United Nations General Assembly on December 1990 as the first set of UN standards and norms to promote the use of non-custodial measures with offenders. She further highlighted Japan's experience and practice in Japanese criminal justice system including the Japanese Volunteer Probation Officer (VPO) programme as a successful non-custodial approach and community-based model for the supervision of probationers and parolees. VPOs are effective as a support to existing probation services where probation officers serve as facilitators for offender's reintegration into society. While there are several best practices in implementing the Rules in Japan and in the region, one of the main challenges is the perception that offenders should be imprisoned to protect society, resulting in over incarceration and prison overcrowding at a high financial and social cost for many

ASEAN countries. It was further encouraged to address these issues through community-based treatment as a means to rehabilitate offenders and to involve community members in the process to achieve a safer and better society.

7. Mr. Oliver Lernet, the Regional Adviser on HIV/AIDS at the UNODC Regional Office for Southeast Asia and the Pacific, delivered the third keynote speech on alternative approaches to compulsory centers for drug users (CCDU). It was highlighted that several countries in ASEAN have high incarceration rates due to drug related offences, and CCDUs have been created as an alternative to incarceration for drug-users. He emphasized that drug dependency should be treated as a health issue and treatment centers should not be compulsory; they need to provide appropriate voluntary treatment options that are both consistent with public health and respectful of human rights principles. Malaysia's efforts in transforming their CCDUs to voluntary treatment was recognized as one of the best practices in the region. It was further recommended for the treatment of drug addiction to be community-based by involving the community in the rehabilitation process to reduce stigma and to achieve successful integration into society. In this regard, UNODC has piloted community-based treatment with national governments and civil society in several ASEAN countries. However, challenges in the implementation of community-based treatment remain due to lack of political support and resources.

### **Community-based Treatment in ASEAN**

8. Representatives from the ten ASEAN countries presented on community-based treatment practices in their countries, outlining the legal frameworks, organization structures, and challenges (for more detailed description, see the next section). From the presentation, it has been revealed that the majority of ASEAN countries have a legal framework or a provision for community-based treatment, yet all countries face several challenges in the implementation of such measures. These challenges include the application of laws into practice by criminal justice officers and how to meet the needs of offenders to promote successful reintegration by engaging with the community.
9. Also identified was the difference in the legal frameworks of each country's criminal justice system. Some countries' probation and community-based systems are more advanced than others, with varying sets of needs to successfully implement community-based treatment.
10. While there exist legal frameworks for community-based treatment, several countries also highlighted the absence of probation offices. This applied to Cambodia, Lao PDR, and Vietnam. These countries also expressed their interest to establish probation offices.



11. As for Vietnam and Lao PDR, while they do not have probation offices, representatives shared that community-based treatment is implemented by local governance structures involving community leader and representatives.
12. Types of offences and the number of incarcerated persons also vary among ASEAN countries, with Brunei having a total of 500 in comparison to Thailand's 325,000 prisoners. Though a common trend in ASEAN's prison population is the high proportion of drug related offenders, particularly in countries with prison overcrowding as a result of mass incarceration.
13. The extent to which community-based treatment can be appropriately implemented depends on the type of offence such as first time and non-violent offences and the capacity to address the needs of vulnerable populations. Recommended was the need to design different community-based treatment according to type of offence and specific to vulnerable populations.
14. It was also identified that in many countries prison overcrowding and the need to reduce the costly and unproductive expenditures on prisons is a motivating factor in the development of community-based treatment measures including the use of probation services and suspended sentencing.
15. Almost every country identified the lack of resources as a primary challenge in implementing or improving the existing community-based treatment system. This lack of resource was not limited to funding or budgetary constraints, but also human resource with many countries facing shortages in qualified personnel and a lack of adequate training for staff.
16. There was also interest on how to engage communities in the delivery of community-based treatment and how to change people's mindset in relation to the stigma associated with ex-offenders.
17. In addition, several countries underscored the strength of civil society, NGOs and the private sector for providing quality and effective community-based treatment to support States to cope with their limited resources, particularly when services have been newly introduced or still not broadly accessible.

## Specific Needs for Capacity-Building

18. Several countries were interested to learn how to establish and manage a probation office. This includes Cambodia's interest on how to implement community-based treatment according to the law.
19. For countries where probation offices have already been established, there was interest in learning how to improve their systems and sharing best practices on alternatives to incarceration. This includes how to apply suspended sentences and non-custodial measures for first-time offenders and offenders of non-violent crimes and the management and supervision of these offenders.
20. Several countries also expressed their interest to establish a volunteer probation officers' model and to improve their probation system and supervision skills by learning from other countries' VPO model.
21. Several countries were also interested to learn how to recruit and engage community members in community-based treatment, how to motivate community participation, and how to enhance communities' supervision skills.
22. Several countries drew attention to addressing stigma associated with ex-offenders and how to change the mindsets of senior officials and the general public on this issue.
23. Singapore expressed the need to develop multi-cultural treatment approaches to use across the ASEAN region and highlighted the importance of investing in preventative measures, in particular preventing drug use among youth.
24. Countries emphasized a common need to train probation officers and volunteer probation officers particularly in the supervision of drug offenders and juvenile offenders. It was recommended to establish an online resource library to exchange best practices and to have available online training courses to build the capacity of probation officers.
25. In this regard, Thailand also encouraged for a regional forum to share and exchange best practices for the treatment of drug offenders and rehabilitation programs. Philippines also offered to share their best practices and will cover all local costs for the country visit.
26. In addition, Vietnam expressed interest to learn how to improve coordination between the community and police to reduce crime and improve reintegration of ex-offenders.
27. Lastly, participants expressed the need to further develop capacity on how to manage, monitor and evaluate the effectiveness of community-based treatments and how to apply community-based treatment with foreign nationals.

## Summary of Country Presentations

28. The delegation from **Brunei** presented probation as a new service established in 2010 under the Offenders (Probation and Community Service) Order of 2006 and the Children and Young Persons Act (CYPA) of 2010. In 2010 a juvenile court under the Magistrate's Court was also established. Probation and community-based treatment falls under the responsibility of the Probation and Community Service Unit in the Protection and Rehabilitation Division, the Department of Community Development, the Ministry of Culture, Youth and Sports.. It was further underscored that probation and community-based treatment in Brunei was designed to manage and rehabilitate juvenile offenders because there are only a few cases of adult probationers and drug offenders. There are only 500 prisoners in Brunei and between 10-20 persons a year on probation. Probation is typically 12 months with community service. Challenges in the probation system were identified as high staff turnover, lack of professional staff training, limited experience in addressing the needs of multiple offender groups, and lack of evaluating probation practices. Brunei is also currently exploring how to establish a network of Volunteer Probation Officers (VPOs).
29. The delegation from **Cambodia** noted there is no probation office and only alternative sentencing through judicial supervision. This is outlined in the Criminal Procedure Code of 2007, then expanded upon in the Criminal Code of 2009 which provides the legal basis for a variety of alternative sentencing options such as community service, suspended sentence, suspended sentence with probation, deferment of sentence, sentence served in installments and semi-liberty. It was underscored that currently community reintegration programmes are only available for children in conflict with the law where assistance are provided by NGOs in partnership with judicial police, local authorities, court officials, and relevant government agencies. Implementation challenges discussed was a lack of procedures in applying alternative sentences; lack of clear institutional mandate for the implementation of alternative sentences; judicial reluctance to implement such alternative sentencing measures mainly due to lack of knowledge on its application; and a lack of experience and resources to supervise offenders sentenced to community-based treatment. It was also noted that in 2014, an Inter-Ministerial Working Group on Alternative Sentencing drafted and circulated three guidelines on judicial supervision, suspended sentence with probation, and community service, to the court and law enforcement officials at the sub-national level, but a lack of resources prevented its widespread distribution. It was further recommended to establish a probation office to effectively implement community-based treatments.

30. The delegation from **Indonesia** highlighted that the duties and responsibilities of probation officers are outlined in the 1917 Penal Code and the Juvenile Justice System Act of 2012 and is under the responsibility of the Correctional Division of the Ministry of Law and Human Rights to implement. It was noted that there are 72 probation offices in Indonesia serving approximately 52,000 adult and 1,860 juvenile probationers. It was further underscored that while there is no legal framework for community-based treatment, it has been implemented resulting in increased community connection, reduced prison overcrowding, and a budgetary relief for the government. Challenges reported by Indonesia include the distance between probation offices and probationers' homes, the limited number of probation offices, the quality and quantity of human resources, budgetary constraints, and the absence of a voluntary probation officers system. It was expressed that a full implementation of probation offices in all of the 542 districts within Indonesia would help to address many of the current challenges to successfully implement community-based treatment for offenders.
31. The delegation from **Japan** explained Japan's community-based treatment system. Japan's 47,914 VPOs are appointed by the Minister of Justice to supervise offenders in the community, engage in crime prevention activities, assist offenders in job placements and liaise with social resources to assist offenders. There are also 103 privately owned offenders' rehabilitation facilities (or halfway houses) with a total capacity of 2,349 persons nationwide. Identified challenges in Japan include legislation, human resource, and weaker infrastructure for offenders. It was recognized that successful rehabilitation of offenders was a lengthy process. Therefore, to secure longer rehabilitation period for certain type of offenders (especially drug offenders), a new partial suspended execution of sentence system will be in place next year. Human resources challenges stemmed from a declining number of VPOs and the increased burden to them. Difficulties to provide housing and job placements for offenders under supervision and less solidarity in the community towards offenders also impact the success of community-based treatment in Japan. It was also recognized that the Ministry of Justice is working with the Ministry of Health, Labor, and Welfare on a scheme to subsidize employers who provide job opportunities for probationers and parolees. Encouraged is to increase the number of Offender Rehabilitation Support Centers assist the activities of VPOs and VPO Associations.
32. The delegation from **Lao PDR** explained that the Lao Constitution was adopted in 1991 with amendments made in 2003. Although some non-custodial measures are implemented, there is no probation system in Lao PDR, but the government's nation-wide establishment in 2003 of the Village Group Policing system under the supervision of the District Police Head quarter was highlighted. The Village Group Policing system involves

the community in the supervision of offenders and crime to maintain order and security within the community. Restorative justice measures through Village Mediation Units (VMU) have also been in place to deal with petty and non-violent crimes committed by juveniles and adults offenders as alternatives to incarceration. As a result, crime has been reduced due to the local communities' cooperation and mediation with the police. This has also enhanced the police and public understanding on how to address crime and drug trafficking at the local level. It was further identified that the Lao Police and other law enforcement agencies can still improve coordination and involvement of the community and family to successfully address crime and implement community-based treatments. It was also highlighted that there is no government agency responsible to oversee and implement community-based treatment in Lao PDR.

33. According to the **Malaysian** delegation, the Parole system was established in 2008 under the Ministry of Home Affairs. There exist two types of relevant community-based treatment programs for offenders in Malaysia: the Community Service program administered through the Prison System, and the new Parole system. Since 2008, 5,203 out of 9,542 prisoners have successfully completed their sentences on parole. It was explained that prisoners are eligible for parole after serving one half of their prison sentence and that the system operates with 3 parole boards evaluating inmates for release under one of three levels of supervision: Minimum (1x 3 weeks), Medium (Bi-weekly), and Maximum (Weekly). The Parole Board comprises of a chairperson from Judicial and Legal Service, a senior prison officer, a senior police officer, a senior welfare officer, and three members of the public. The Board reviews criminal records, the nature of the criminal offence, the risk of reoffending, and the likelihood of successful community reintegration, taking into account public safety and public opinion. It was further noted that the Parole system operates with 50 Parole Offices throughout the country to conduct home visits, employment visits, telephone check-ins, urine testing, and reporting.
34. The delegation from **Myanmar** discussed that probation measures are outlined in the Criminal Procedure Code 1898. To this date, non-custodial measures have been implemented in pre-trial and post sentencing stages with rehabilitation programmes. To be eligible for probation, the offender must either be a person not under the age of 21 sentenced to not more than 7 years, a woman not sentenced to death or transportation for life, or a person under the age of 21, and has no previous conviction. Probation services for juveniles have been implemented since the Child Law of 1993, and are under the responsibility of the Department of Social Welfare. The Myanmar delegation expressed their need for a non-custodial legislation in tandem with an effective law enforcement system.

35. The delegation from **the Philippines** highlighted the implementation of community-based treatment since the Adult Probation Law of 1976 and is under the responsibility of the Parole and Probation Administration under the Department of Justice. The legal basis of community-based treatment is also outlined in the following laws; Administrative Code of 1987, The Comprehensive Drug Act of 2002, the Juvenile Conflict with the Law, Revitalization of the Volunteer Probation Aid Program and Recognizance Act of 2012. There are three pillars of community-based treatment programs; Restorative Justice (RJ), Volunteer Probation Aide (VPA) and Therapeutic Community (TC) implemented nationwide across fifteen regional offices. Recognized as successful is the community participation in the rehabilitation of offenders and the involvement of the VPAs. It was further noted that the success of community-based treatment in the Philippines is due to the implementation of a combination of individual and family counseling, home visits, value formation seminars and client's family solidarity, skills training seminars, referrals for job placement and community service by offenders. The challenges identified by the Philippines' delegation included lack of human resources, inadequate funds, slow disposition of cases, lack of documentation, and issues in mobilizing VPAs.
36. The **Singapore** delegation drew attention to the amendment of the Prison Act in 2000 to allow home detention for low risk inmates and the recent development in a number of community-based treatment options made possible through legislative amendments. Community-based treatments include the establishment of Community Supervision Centers in 2009; implementation of Day Reporting Orders in 2011, and the Enhanced Supervision Scheme (ESS) in 2012. The presentation drew attention to Singapore's ESS implemented by Singapore's Prison Service that adopts evidence-based approaches to prepare high-risk offenders before their release and provide support after release where rehabilitation and reintegration is carried out from an InCare setting and continued to post-release. The ESS consists of four core components that begin 10 months prior to release and during 12 months post release, with Integrated Criminogenic Program (ICP) a psychological-based programme, InCare Case management, reintegration programs, and community correctional supervision. An evaluation of the ESS found that six-month breach, relapse, and reoffending rates were significantly lower than comparison groups and stable accommodation patterns were displayed after six months. In addition individuals participating in the ESS demonstrated longer job stability, more positive familial support, were more respondent to casework, and had a greater ability to articulate relapse prevention strategies. The current challenges faced by the Singaporean Prison System is the high cost to maintain InCare services.

37. The delegation from **Thailand** shared that community-based treatment of offenders is under the responsibility of the Department of Probation (DOP) established in 1992. The Department of Probation is responsible for the preparation of pre-sentence investigation reports to recommend appropriate measures for each offender to the court, for the supervision of offenders, for the promotion of community involvement and to monitor the rehabilitation process for drug users. Prior to 2001, the DOP was only in charge of probation services, but since 2001 the DOP is also responsible for the treatment of adult and juvenile offenders at pre-trial stage, post-trial stage, and for the implementation of the 2002 Narcotics Rehabilitation Act. Currently, the DOP has 2,498 probation officers and 15,381 Volunteer Probation Officers (VPOs) working with 41,650 parolees, 188,365 probationers, and 179,331 drug users. It was noted that the DOP is under-resourced and in need of professional staff training to improve the monitoring system and effectively promote family, community, and societies' involvement in offender rehabilitation programmes. DOP highlighted the importance of being well perceived by the Thai public as this would lead to more willingness to give a second chance to offenders and help them reintegrate into the society.
38. According to the **Vietnam** delegation, the Law such as the Criminal Code (1985), the Law on Amnesty (2008), the Law on Criminal Sentence Enforcement (2010) provides a legal framework for community-based treatment of offenders and the Government intends to implement a parole system by 2016. Vietnam utilizes suspended sentencing, non-custodial sentencing, fines and reintegration programs as non-custodial measures. It was highlighted that 47,000 people in Vietnam have received suspended sentences supervised by the Commune Peoples Committees (CPC) who are government employees responsible for local governance and leadership. It was further highlighted that currently 3,800 people are serving non-custodial sentences within the community. Identified challenges within the community-based system are those relating to the management of offenders, the lack of formal probation officers, and widespread discrimination against ex-offenders.

# **UNAEFI WORKSHOP**

## **“HOW PROBATIONERS AND PAROLEES ARE SUPERVISED IN JAPANESE PROBATION”**

Facilitator: Ms. Akiko Tashiro (Professor of UNAEFI)

Presenter1: Ms. Fumiko Akashi (Professor of UNAEFI)  
“Overview of the community-based treatment system in Japan”

Presenter2: Mr. Toru Nagai (Professor of UNAEFI)  
“Procedures of the reintegration into society for inmates in Japan”

Presenter3: Mr. Takao Sakae (Volunteer Probation Officer, Tokyo Probation Office)

### **Overview of community-based treatment in Japan**

In Japan, community-based treatment is used widely. Probation offices deal with approximately 40,000 adult and juvenile probationers and parolees at any given time. Community-based treatment (probation and parole) is conducted by the joint efforts of government and the community. Approximately 48,000 VPOs play a crucial role in facilitating rehabilitation of probationers and parolees.

Cooperation between probation services and correctional services is also crucial in promoting reintegration of inmates. In Japan, correctional institutions and probation offices work closely together. Soon after inmates start their sentences in correctional institution, probation offices start the coordination of social circumstances of inmates such as family situation, living environment and workplace so that the parolee can transition back into society smoothly after being released.

### **Case study**

A Japanese VPO, Mr. Sakae, introduced a case of one juvenile probationer whom he was in charge of. Mr. Sakae has served as a VPO for 27 years, and he is a professor emeritus of philosophy and ethics of Joshibi University of Art and Design. The outline of the case is as follows.

#### **Case of a Juvenile probationer**

##### **Profile of the case**

Name: Ken (15-year-old boy, high school student)

Family: Father, mother, 2 elder brothers, 3 younger brothers.

Family relations are good, but the 2 elder brothers also engaged in delinquent behavior.

Physical and mental conditions: No disorders. However, he stated that he occasionally drinks alcohol and smokes cigarettes.

Character: Active, short-tempered, rough



**Life history before being placed**

In junior high school, Ken joined the school's football club and came to know Mr. Sakae because Mr. Sakae was the coach. Mr. Sakae also met Ken's mother. Ken did well in football club activities, but his behaviour in school didn't improve much. His violent attitudes persisted. He was the leader of his delinquent peers.

Since Ken volunteered to be the captain of the football club, Mr. Sakae interviewed him and gave him many conditions to become a captain. Ken agreed and he became a captain. Although Ken's aggressive attitude still continued, he stopped disturbing the school classes. After he graduated from junior high school, he entered a so-called "evening high school". In the school, there were many delinquent students, and Ken became one of the leaders among them. Then, Ken committed a crime and he was placed on probation.

**Offence: Bodily injury**

At a shopping center, he and his group thought two boys of their age were laughing at them, so they felt it was an insult. Then, he and his accomplices (10 boys in total) surrounded the two victims, threatened them, and then punched them in the face, shoulder and abdomen, and injured the victim (injuries which required 1 week's treatment)

**Progress of the probationary supervision**

After the family court pronounced that Ken was placed on probation, Ken and his mother went to the Probation Office immediately. A probation officer conducted an intake interview and assigned Mr. Sakae as his supervising VPO.

Mr. Sakae met Ken and his parents on a regular basis. Mr. Sakae placed a priority on meeting Ken's father because Ken's father had a huge influence on his six sons (Ken and other siblings) in instilling rough and violent attitudes. Mr. Sakae talked to Ken's father and persuaded him not to resort to violence.

During probationary supervision, Ken complied with the instruction of the probation office and made regular visits (two times a month) to Mr. Sakae's home. Although Ken often was late for his appointments and sometimes forgot the appointments, he never intentionally neglected the visit to Mr. Sakae's house or refused to do so. Also, Ken's mother was very cooperative with Mr. Sakae. She often called Mr. Sakae to seek his advice. She changed her attitude and started attending community and school activities.

Ken's problematic behavior continued at high school, and he quit school after one year. Ken started working as a construction laborer. Although Ken changed jobs frequently, his work was highly evaluated by his superiors. Finally, he found a job he liked and continued his work for some months. His behavior had also stabilized, and soon after that, he was discharged early from the supervision of the probation office.

# COUNTRY PAPERS

## THE COMMUNITY BASED TREATMENT SYSTEM OF BRUNEI DARUSSALAM

### I. INTRODUCTION TO COMMUNITY-BASED TREATMENT IN BRUNEI DARUSSALAM.

#### A. Historical Development of Community-based Treatment

Brunei Darussalam had introduced two legislations which had provided non-custodial measures for young and adult offenders namely the Children and Young Persons Act, 2010 (CYPA 2010) and the Offenders (Probation and Community Service) Order, 2006 (OPCSO 2006).

On 1st March 2010, the juvenile court was established under the Magistrate's Court and was fully operational in 2010 using both CYPA 2010 and OPCSO 2006. The introduction of such a judicial system had made it possible for youth and adult offenders to undergo rehabilitation.

The OPCSO 2006 was enforced primarily to ensure the young and adult offenders to undergo probation as an alternative to other traditional orders such as imprisonment, while the CYPA 2010 is the law that sees the need for children and young person(s) to undergo rehabilitation in an approved home and approved school.

Thus, the OPCSO ensures that the offenders to undergo their rehabilitation within the community.

#### B. Legal Basis of Community-based Treatment

- a) Children and Young Persons Act, 2010 (CYPA 2010)
- b) Offenders (Probation and Community Service) Order, 2006 (OPCSO 2006).

## C. Organization and Personnel

### ii. RESPONSIBLE AGENCIES



Fig.1

#### **Police Department**

Arrests are made by the police, and they will decide whether to further charge the offenders or release them on bail. There has been a recent development in the role of the police this year. Since early this year, the police had been entrusted to become the prosecuting officers for road traffic acts violations.

#### **Prosecutors: Attorney General's Chambers**

For most cases, the prosecutors for youth and adult probationers are the Deputy Public Prosecutor (DPP) from the Attorney General's Chambers (AGC).

#### **Prosecutors: Narcotics Control Bureau**

The Narcotics Prosecuting Officers from the Narcotics Control Bureau are the prosecutors for drug cases. Usually drug cases that are referred for probation are cold case files in which the suspect is already clean from drugs. The Magistrate decides whether the cases brought to court should consider a probation order. In such situations, the probation officer will be ordered to prepare a pre-sentencing report to assist the courts in deciding an appropriate sentence.

#### **Magistrate's Court**

For cases which have potential to undergo probation, the magistrate will request for a pre-sentence report to be prepared by a probation officer.

#### **Probation and Community Service Unit, Department of Community Development, Ministry of Culture, Youth and Sports**

Currently, the Department of Community Development is the sole agency that deals with the management and rehabilitation of youth offenders in Brunei Darussalam. Probation and Community Service Unit has also been receiving adult cases since 2011

and is also the only agency that can ensure the compliance of a community service order imposed by the court under CYPA 2010 and OPCSO 2006.

### iii. Organization structure

The Department of Community Development, Ministry of Culture, Youth and Sports



Fig.2

The Department is headed by a Director and followed by a Deputy Director. Each of the 7 main divisions are headed by an Assistant Director respectively.

The Protection and Rehabilitation Division, Department of Community Development, Ministry of Culture, Youth and Sports



Fig.3

The Probation and Community Service Unit, Protection and Rehabilitation Division,  
Department of Community Development, Ministry of Culture, Youth and Sports



Fig.4

The Department of Community Development consists of 7 major divisions and headed by a director. The Probation and Community Service Unit is put under the Protection and Rehabilitation Division. The division is headed by an Assistant Director and a Chief Probation Officer is in charge of the Probation and Community Service Unit.

The Probation and Community Service Unit is teamed up by 4 people which include the Chief Probation Officer with 3 other Probation Officers as its members.

#### **D. Main tasks**

The main tasks of the Probation and Community Service Unit are:

- I. Assisting the courts in deciding the appropriateness of youth and adult offenders for probation;
- II. Supervising probationers;
- III. Arranging and managing community service and;
- IV. Developing and conducting rehabilitative programs.

Probation Officer responsibilities includes:-

- I. Preparing a pre-sentence report.
- II. Ensuring probationers abide to the rules and regulation set upon them.
- III. Preparing an individual case management plan (ICMP) for each probationer.

## E. Probationary and Parole Supervision

Types of Community Measures, Orders, Dispositions. Etc.

<b>Type (Category)</b>	<b>Description/eligible offenders</b>	<b>Sentencing authority</b>	<b>Supervision/Treatment Period</b>
Young probationers	<ol style="list-style-type: none"> <li>1. Road traffic offenders</li> <li>2. Theft</li> </ol>	<ol style="list-style-type: none"> <li>1. Police Prosecution</li> <li>2. Magistrate Court</li> </ol>	<p>12 months of probation with at least 40 hours of community service and not more than 240 hours.</p> <p>Curfew from 6 pm until 6 am.</p>
Adult Probationers	Persons under suspension of execution of sentence.	Magistrates Court	<p>If they undergo probation, the usual period would be 12 months with an amount of community service hours subject to court order.</p> <p>If found not fit for probation, will be sentenced according to the law of which the person has committed crime against.</p>
Misuse of drugs (Cold case files)	-	<ol style="list-style-type: none"> <li>1. Narcotics Control Bureau</li> <li>2. Magistrates Court</li> </ol>	If proven there is still misuse of drugs, they will be prosecuted under the Misuse of Drug Act, 1978.
Misuse of drugs (Admitting to taking drugs but negative during test)	-	<ol style="list-style-type: none"> <li>1. Narcotics Control Bureau</li> <li>2. Magistrates Court</li> </ol>	If they undergo probation, the usual period would be 12 months with an amount of community service hours subject to court order.

The Protection and Rehabilitation Division of the Department of Community Development specializes in handling juvenile offenders/delinquents.

Juvenile offenders will first undergo a trial before the judge in a juvenile court. The judge will then request for a pre-sentence report to be prepared by a Probation Officer. The probation officer will then make a further investigation about the juvenile offender's background. Juveniles who are not fit to undergo probation as per suggested by the Probation Officer, the Court will order the juvenile offender to undergo a rehabilitation program in an approved home and approved school (under the Welfare Home Complex). (Refer Fig.3)

For those undergoing probation, usually for 12 months, will have to do an amount of community service hours subject to court order (minimum 40 hours and maximum 240 hours).

Basically the probation system allows the juveniles to continue their daily life outside of a custodial setting and let them be integrated back to the society for their rehabilitation. That is why the Pre-Sentence Report (PSR) is really important in deciding whether a youth offender is suitable for probation or not. The PSR contains background information about the offender, family, school, employment history and other information pertaining to the case.

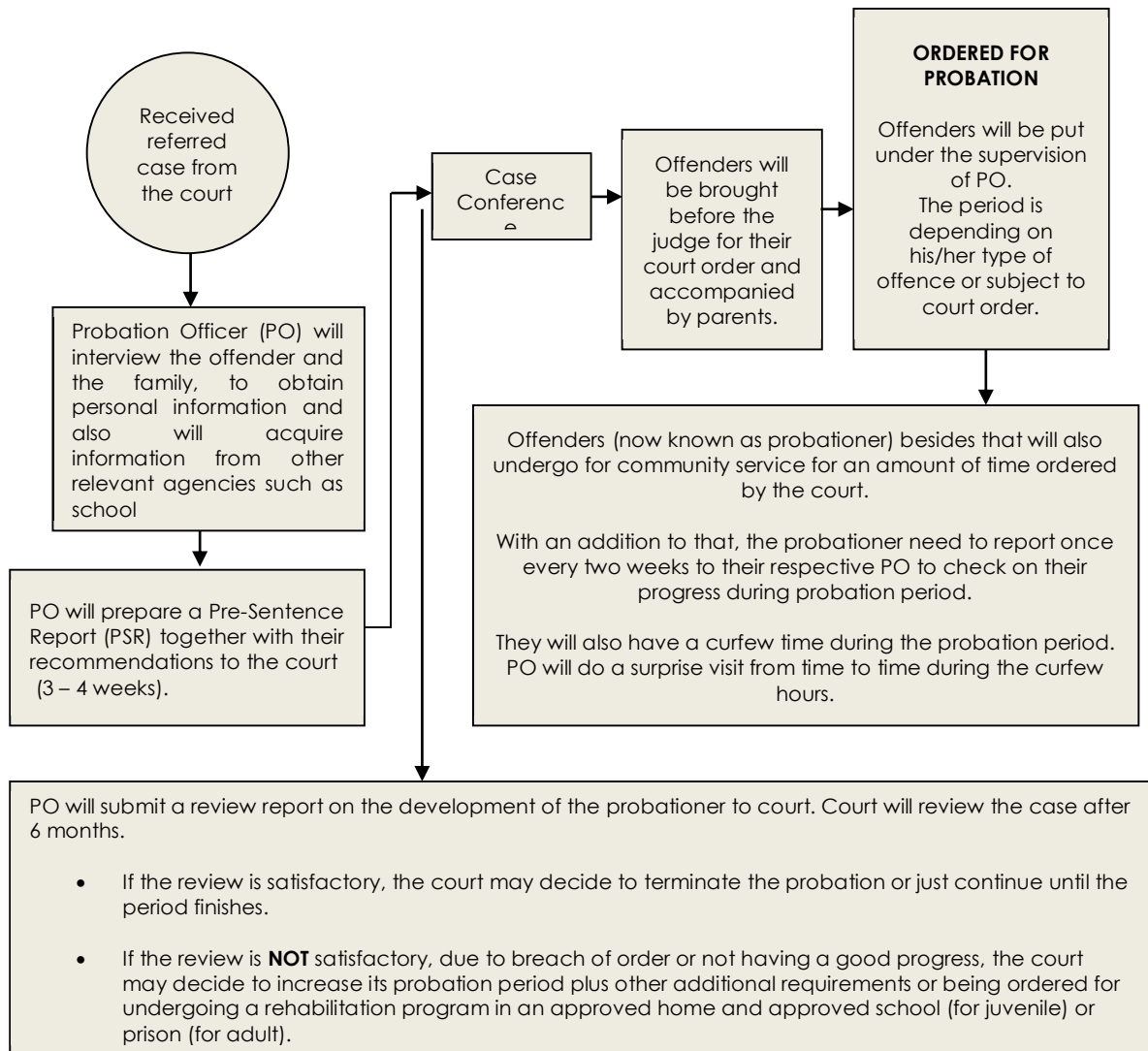
#### Conditions of Probation and Parole Supervision

Subject to the report prepared by the Probation Officer (PO). Usually a PO will assess the case based on the information they acquired and will suggest in their report whether that offender is suitable for probation or not.

The usual checklist for their decision is as follows:-

- School background (discipline, school attendance, academic progress etc.)
- Family background (parents (married, separated or divorced), home environment etc.)
- Nature of offence (how major is the offence committed)

## Probation and Parole Supervision



## Halfway Houses

There are no halfway houses currently being set up in Brunei Darussalam. We still believe in the idea of strong family support in the process of rehabilitation, thus most former offenders will be put into the responsibilities of the family.



## F. Specific Measures and Programmes for Community-based Treatment.

Treatment Programme	Targeted Offenders	Brief description
Misuse of drug treatment programme	Adult drug user (cold case files)	<ul style="list-style-type: none"> <li>• Community service</li> <li>• Counselling session</li> <li>• Joint work with Narcotics Control Bureau</li> <li>• Support group known as "Rakan Harmoni"</li> </ul>
Theft	<ul style="list-style-type: none"> <li>• Youth probationer(s) and family</li> <li>• Adult probationer(s)</li> </ul>	<ul style="list-style-type: none"> <li>• Community service</li> <li>• Counselling sessions</li> <li>• Victim Impact Programme</li> <li>• Engaging Parents in Court</li> <li>• Parenting skills</li> <li>• Delivered by Probation Officer(s)</li> </ul>
Road Traffic offence	Youth probationer(s) and family	<ul style="list-style-type: none"> <li>• Community service</li> <li>• Counselling sessions</li> <li>• Victim Impact Programme</li> <li>• Engaging Parents in Court</li> <li>• Parenting skills</li> <li>• Delivered by Probation Officer(s)</li> </ul>

## II. PARTICIPATION OF THE COMMUNITY

### Volunteer Probation Officers

Currently Volunteer Probation Officers (VPO) system has not yet been set up in Brunei Darussalam. We are still working on the establishment of VPO and hopefully it can be achieved in the near future.

We are targeting retirees from the Department of Community Development, NGOs such as Scouts Associations, and members of Social Welfare Councils to be a VPO once it has been established.

Their main role would be to assist PO in duties such as home visits, group counselling, offender treatment programme such as victim impact programme, community service.

Since we are still new to probation services, we still need further training and exposure for better services. We are looking forward to cooperating with our counterpart such as Singapore and Japan in enlightening us with their advanced work in probation services.

### **III. REFERENCES**

Websites:

Department of Community Development, Brunei Darussalam

[www.japem.gov.bn](http://www.japem.gov.bn)

#### IV. STATISTICS

#### CASES

PROBATION CASES FROM 2010-2014										
TYPE OF OFFENCE	YEAR									
	2010		2011		2012		2013		2014	
	M	F	M	F	M	F	M	F	M	F
THEFT	1	1	9	-	4	-	1	-	4	1
DRIVING WITHOUT LICENSE	9	-	4	1	-	-	8	-	4	-
DRUGS	-	-	2	-	5	-	5	-	7	-
FISHERIES ORDER	-	-	4	-	-	-	-	-	-	-
STATUTORY RAPE	-	-	-	-	-	-	1	-	-	-
BEYOND PARENTAL CONTROL	-	-	-	-	-	-	1	-	-	-
SOLICITING FOR SEXUAL SERVICES	-	-	-	-	-	-	1	-	-	-
OUTRAGING THE MODESTY	-	-	-	-	-	-	-	-	1	-
OTHER TYPES OF OFFENCE	-	-	-	-	-	-	3	1	1	-
<b>SUB-TOTAL</b>	<b>10</b>	<b>1</b>	<b>19</b>	<b>1</b>	<b>9</b>	<b>0</b>	<b>20</b>	<b>1</b>	<b>17</b>	<b>1</b>
<b>TOTAL</b>	<b>11</b>		<b>20</b>		<b>9</b>		<b>21</b>		<b>18</b>	

#### NUMBER OF PERSONNEL

Position	Number of personnel
Chief Probation Officer	1
Probation Officers	3
Volunteer Probation Officer	N/A

Average number of caseload (probation officer: offenders)

- Standard caseload 1: 10
- Actual caseload 1: 10

# THE COMMUNITY BASED TREATMENT SYSTEM OF BRUNEI DARUSSALAM: RECENT CHALLENGES

## I. INTRODUCTION

Brunei Darussalam had introduced two legislations which had provided non-custodial measures for young and adult offenders namely the Children and Young Persons Act, 2010 (CYPA 2010) and the Offenders (Probation and Community Service) Order, 2006 (OPCSO 2006).

On 1st March 2010, the juvenile court was established under the Magistrate's Court and was fully operational in 2010 using both CYPA 2010 and OPCSO 2006. The introduction of such a judicial system had made it possible for youth and adult offenders to undergo rehabilitation.

The OPCSO 2006 was enforced primarily to ensure the young and adult offenders to undergo probation as an alternative to other traditional orders such as imprisonment, while the CYPA 2010 is the law that sees the need for children and young person(s) to undergo rehabilitation in an approved home and approved school. Thus, the OPCSO ensures that the offenders to undergo their rehabilitation within the community.

Probation service in Brunei Darussalam was just established back in 2010. The probation service is managed by the Department of Community Development via its Probation Unit.

## II. CHALLENGES FACED BY BRUNEI DARUSSALAM

### A. Professional knowledge, skills of officers and human resources.

Our probation service is still new and need further enhancement so that we can have an exceptional probation service. While most probation officers in many countries need to have a Bachelor's degree, our probation officers here are just locally trained officers and no one has any background in any field pertaining to probation.

The current practice of probation in Brunei Darussalam follows the model done by our counterpart Singapore. Before probation services were set-up in Brunei Darussalam, in 2005 three officers were sent for a work attachment program to see and gather experience on how probation services were being done there and that is basically the only training that we have for probation, the rest of the officers who were not included in the work program only learnt it from their counterparts and this may have affected their professional knowledge on probation.

The challenges that we also face is staff turnover. Out of these three officers, only one is still **with probation services** while others have gained promotion.

Since there is also some minor reshuffling of officers in the Department of Community Development, this has also impacted the Probation Unit. **The reshuffling causes a great deal in skilled officers in Probation Unit.** We have to give training with the basic knowledge that we have to new officers.



**Fig.1 The figure above shows the current staffing that we have in our department.**

We are currently working on sending our current staff for short-term training to enhance our skills and knowledge in probation, especially to countries that have advanced skills in probation such as Singapore, Japan and Thailand.

Secondly, we will work on hiring staff that has professional background in social work to help improve the probation services.

We also need to establish the Volunteer Probation Officer (VPO) system as soon as possible to overcome the difficulties faced during curfew time visits. The establishment of VPO will enable more people to assist a PO throughout the visits and help increase security for POs that are vulnerable to threats either from probationers or families.

## **B. Challenges in treatment of specific types of offenders**

The reason why probation service was set up in Brunei Darussalam and being implemented by the Department of Community Development is to take care of the criminal offences committed by the **youngsters**. This was to prevent the youngsters from being imprisoned and have a bad track record which eventually will restrict their social development. Most cases that we managed and committed by the youth were theft and underage driving.

In the past two to three years, we have been receiving cases committed by adult offenders. Nature of cases varied from drugs, outraging the modesty, smuggling and civil wrong.

The challenges that we are facing were related to our lack of expertise in handling such cases especially cases in relations to drugs. Therefore we work together with the Narcotics Control Bureau who are assisting us by providing programs that are suitable for the offenders.

Another example was the case with outraging the modesty. The perpetrator was diagnosed with not having a healthy state of mind. This has led to the order for the offender to be put under the care of Probation Unit. We have no specialist in our Department that can cater person with mental disorders. Therefore we have to work together with the Ministry of Health especially the Psychiatry Department of the hospital(s) in order to receive an assessment on the probationer as this will help us in his rehabilitation.

Other interesting cases that we have received are the ones related with Fisheries Order of 2009. The offenders were underage foreign males that went fishing within the border of Brunei Darussalam. They were charged with illegal fishing, but since they were underage, they could not be prosecuted like an adult, thus they were put under the care of the Probation Unit, with the help of Welfare Home Complex who provided shelters for them, while they underwent probation supervision.

In other words, we need to have a proper planning on what program will be set up to tackle a specific issue, as we believe that each issue need to be managed differently.

### **C. Challenges in evaluating probation practices**

Section 4 of the Offenders (Probation and Community Service) Order 2006, stated about the appointment of probation committee(s) whom will review the work of probation officers and volunteer probation officers in individual cases. However this committee has not yet being established thus we were not able to evaluate our performances independently.

We believe that by having an independent committee to assess our probation services, will enable us to have a look at certain things that need improvement.

## THE COMMUNITY BASED TREATMENT SYSTEM OF CAMBODIA

### I. INTRODUCTION TO COMMUNITY-BASED TREATMENT IN CAMBODIA

#### 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 prisons; and weak management in some prison.

There were 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, establishing legal provisions concerning judicial supervision. In 2009, the Criminal Code had been enacted, establishing legal provisions on Alternative Measures such as community service, suspended sentence, suspended sentence with probation, semi-liberty, and deferment of sentence etc.

Although the Criminal Procedure Code and the Criminal Code had been enacted, but the implementation of these Codes, still face many challenges, particularly with regard to Alternative Sentencing such as Judicial Supervision, community service, and suspended sentence with probation etc. These difficulties arose because there are no clear procedures or guideline in implementing this provision; resulting in the non-application of these provisions by the judges. 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 as responsible institution within the provisions for effective enforcement of the provisions. It is necessary that government directives are put in place to provide practical steps for the 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 court officials throughout country of the existence of these three circulars through two other separate conferences. The Ministry of Justice has also 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 present, there are no mechanisms to look after offenders or ex-offenders in the society, except for offenders in the prison who 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 NGOs and IOs on domestic violence, child rights, health care, and others necessary kids and after their release 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 of 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 was conducted in collaboration with Judicial Police, local authorities, Court Officials, local NGO called Kalyan Mith in Svay Rieng Province as well as other local Non-Governmental Organizations (NGO), and with the Government such 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 who were provided with legal representation, counseling, skills training, reintegration back to community, rehabilitation and about 18 children diverted from Justice System to Community Based Treatment only for minor crimes as:

1. Minor theft (chicken, duck, dogs, fruits, wiring, and others)
2. Drug abuse, 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** as 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 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 level.

There is no practical probation service in Cambodia but in the Criminal Code, there are provisions concerning 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 to 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 community-based treatment but because of the lack of resources and mechanism at national level, provincial level as well in community, the courts rarely apply those provisions.

## **E. Probationary and Parole Supervision**

### **i. Types of Community Measures, Orders, Dispositions, Etc.**

There are many types of alternative measures provided 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);
- The court may order sentence served in installments (Art. 132 to 135 of the Criminal Code).

### **ii. 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, provided 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.”

### **iii. 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 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 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** stated 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 playing, pursuant to his or her means,
- (6) the amounts owing to the State as a result of the conviction;
- (7) Not to be present in specified places;
- (8) Not to frequent drinking establishment;
- (9) Not to associate with certain person as specified by the court, especially the co-perpetrators, instigators, accomplices or victims of the offence;
- (10) Not to have or carry any weapon, explosive or ammunition of any kind.

**Article 122** stated 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 First 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.

### **iii. Assessment, Classification, and Level of Supervision of Probationers and Parolees**

N/A

### **iv. 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 periods. 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 installments 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.

## II. REFERENCES

Legal Aid of Cambodia (LAC)

## III. STATISTICS

**Number of Offenders:** There are about 1,234 children provided legal representation, 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 COMMUNITY-BASED TREATMENT SYSTEM OF INDONESIA

### I. INTRODUCTION TO DIVERSION AND RESTORATIVE JUSTICE AS COMMUNITY-BASED TREATMENT FOR JUVENILES IN INDONESIA

#### A. Historical Development of Community-Based Treatment

Since the establishment of institutions reclassering in Indonesia at the time of the Dutch Government, the officer who became the front-liner in legal services to the public was known as *Ambtenaar der Reclasering* or *Bijzondere Ambtenaar* 'special servants', which means 'social justice worker'. Since 1968 both the title had been changed to "probation officer". The duties and responsibilities of probation officers had been set in *Wetboek van Strafrecht* in 1917 and changed under the title *The Book of the Criminal Justice Act*, hereinafter referred to as the Penal Code, which implemented starting on January 1st, 1918. In Article 14, paragraph (2) of the Penal Code states that the judge may require a special order from the *Ambtenaar* to bring relief and assistance to the legal system of the preferential agreements. In addition to the Penal Code, there is also the *Criminal Ordinance Conditional and Conditional Free*, *Stbl. No. 251* Date May 4, 1926 and *No. 18 of the General G. enacted July 9, 1926*, especially in Title 1 about the *Special Officer*, in Article 11, which explains that in every district court provided Probation officers who are appointed by the Minister of Justice.

The role of probation offices have been empowered by *Juvenile Justice System Act (2012)* which is enacted on August 2013. The functions of the probation offices have been extended into 4 ( four) main roles, which are : *Preparing Social Inquiry Report, Mentoring, Guiding and Supervision.*

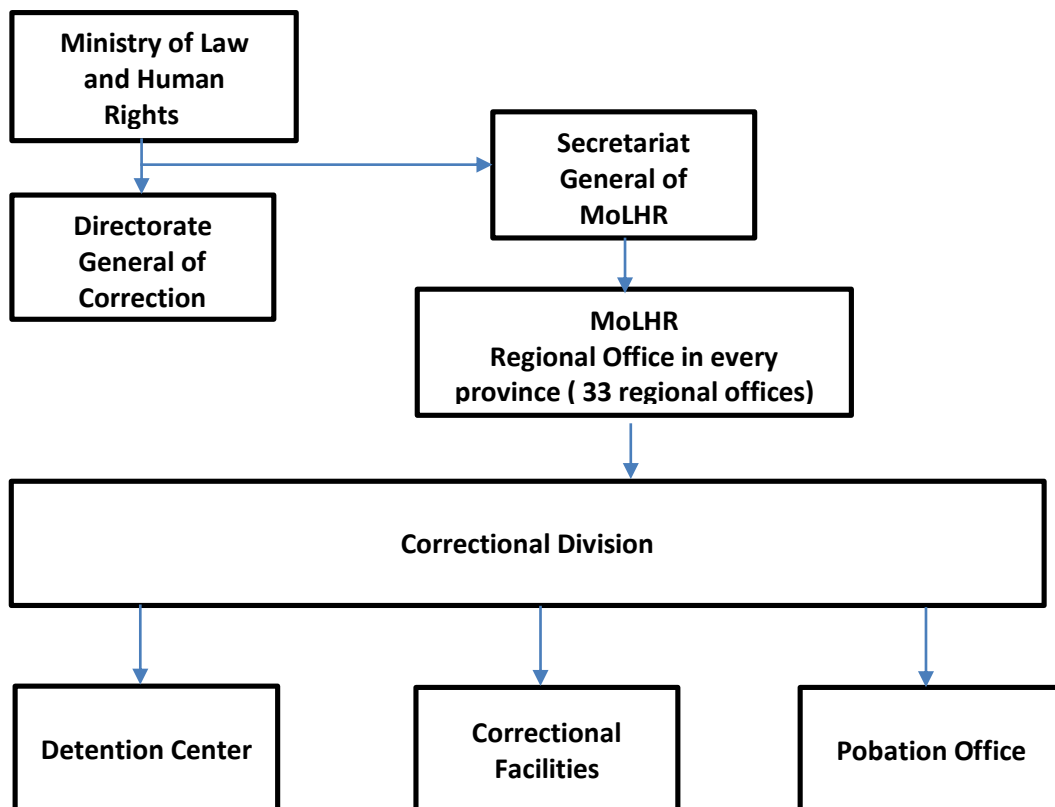
#### B. Legal Basis of Community-Based Treatment

- Penal Code 1946
- Correctional Act (1995)
- Juvenile Court Act (1997)
- Children Protection Act (2002)
- Juvenile Justice System Act (2012)

### C. Organization and Personnel

The correctional services in Indonesia are organized and administered by the Directorate General of Corrections under the ministry of Law and Human Rights. Governmental office that is concerned with the administration of the community-based treatment of offenders is Probation Office. Indonesia has 72 probation office who are engaged in probation/parole supervision, and investigation of and coordination of the social circumstances for adult and juvenile probationers.

Figure 1 Structure of Correctional System in Indonesia



#### 1. Directorate General of Corrections

The Directorate General of Corrections is one of the eleven Directorate Generals of the Ministry of Law and Human Rights. The main task of the DGC is to provide correctional policies for all the correctional facilities, detention centers, and probation offices.

#### 2. Secretariat General of MoLHR

The Secretariat General of MoLHR has rules in planning and providing budget to support the technical and facilitative needs for all the government offices under the MoLHR.

### 3. MoLHR Regional Office

MoLHR regional offices are the representative office in every province to provide the correctional and immigration service.

### 4. Correctional Division

Correctional divisions hold the functions as the coordinator and supervisor for the correctional facilities, detention centers, and probation offices in their region.

### 5. Probation Offices

Probation office is the frontline institution in the implementation of diversion and restorative justice. Probation offices are located in 72 counties and have the main responsibility to carry out the probation services in Indonesia.

### 6. Probation Officers

Probation officers are full-time government officials employed by the Ministry of law and Human rights who carry out the functions of preparing Social Inquiry report, mentoring, guiding and supervising probationers and parolees. They interact with offenders, victims, police and prison service colleagues on a regular basis.

## **D. Main Tasks**

### 1. Preparing Social Inquiry Report ( SIR)

Probation officers are obliged to prepare social inquiry report. The social inquiry report describes the facts and circumstances characteristic of the juvenile's way and style of living, and contains information related to his/her family circumstances, friendships, educations, state of health, addictions, housing circumstances, leisure time activities, and features characteristic of the time of the offence as well as the changes having occurred since then. The Juvenile Justice System Act states clearly and unequivocally that probation officers must prepare the SIR since the phase of the investigation until the supervision phase.

### 2. Probationary/Parole Supervision

Probationary/Parole supervision is performed by providing probationers/parolees with instruction/supervision and guidance/assistance for their social reintegration process. The rehabilitation services are in charge of community-based treatment of a). Juvenile Probationers, b). Juvenile Parolees, c). Adult Probationers, and d). Adult Parolees.

## E. Probationary and Parole Supervision

### Types of Community Measures, Orders, Dispositions, Etc

Type ( Category )	Description/Eligible Offenders	Sentencing Authority	Supervision/Treatment Period
Juvenile Probationer	Juvenile placed under probation	Regional Probation Office	Up to age of 18 or the remainder of the sentence ( whichever longer )
Juvenile Parolee	Juvenile permitted to be provisionally released from juvenile correction centre	Regional Probation Office and Juvenile Correctional Facilities	Up to age of 18 ( maximum ½ of their remainder of the sentence)
Adult Parolee	Offenders permitted to be provisionally released from penal institution.	Regional Probation Office and Correctional Facilities	The remainder of the sentence
Adult Probationer	Offenders who have had their execution of the sentence suspended and have been put under probation	Regional Probation Office	Period of suspension of execution of the sentence ( maximum 1/3 of their remainder sentence )

## F. Halfway Houses

Halfway houses in Indonesia actually are the other kind of Correctional Facilities with minimum security where offenders undergo their remaining sentence. They accommodate probationers and parolees and provide them with necessary training and vocational guidance to help them to adjust to their environment. As of January 2015, there are only 6 halfway Houses nationwide, and their total capacity is 109.

## II. PARTICIPATION OF THE COMMUNITY

There has not been any official and organized community participation in Indonesia. Correctional System in Indonesia has no volunteer probation officers or the other form of community participation.

## III. REFERENCES

Directorate General of Corrections, The Ministry of Law and Human Rights (website)  
<http://.ditjenpas.go.id>

## IV. STATISTICS

### A. Number of Offenders

<b>Number as of January 2015</b>	<b>Male</b>	<b>Female</b>	<b>Total</b>
Juvenile Inmates	742	14	756
Juvenile Offenders	2746	59	2805
Juvenile Probationers	1807	53	1860
Juvenile Parolees	421	14	435
Diversion			275

<b>Number as of January 2015</b>	<b>Male</b>	<b>Female</b>	<b>Total</b>
Adult Inmates	49800	2738	52538
Adult Offenders	103522	5706	109228
Adult Probationers	47339	2860	50199
Adult Parolees	4703	259	4962

### B. Recidivism Rate

<b>Juvenile Probationers</b>	<b>Juvenile Parolees</b>	<b>Adult Parolees</b>	<b>Adult Probationers</b>
66.3	23.4	4.54	46

**C. Number of Personnel**

**1. Governmental Staff**

<b>Directorate General of Corrections</b>	(staff total)	<b>24660</b>
Members of The Board		40
Senior Officers		3831
Security Officers		11813
Treatment Program officers		4766
Medical Care Officers		665
Other Officers		3545

**2. Probation Offices**

<b>Probation Offices</b>	(staff total)	<b>2021</b>
Head of Probation Offices		72
Senior Adult Probation Officers		589
Senior Juvenile Probation Officers		381
Adult Probation Officer's Assistant		209
Juvenile Probation Officer's Assistant		87
Administrative Officers		683

## **COMMUNITY BASED TREATMENT SYSTEM OF INDONESIA: CHALLENGES IN THE IMPLEMENTATION OF DIVERSION AND RESTORATIVE JUSTICE FOR JUVENILES**

### **I. THE CHARACTERISTICS OF COMMUNITY-BASED TREATMENT IN INDONESIA ACCORDING TO JUVENILE JUSTICE SYSTEM ACT (2012)**

The spirit of the Juvenile Justice System Act (JJS Act-2012) is to promote equitable relief effort (Restorative Justice) and prevent juveniles from judicial process (Diversion). Therefore, Article 7 (1) states that Diversion must be pursued in every level of investigation, prosecution, and court proceedings. However, it should also be understood that not all types of criminal acts can pursue for Diversion. There are several factors which determine if the criminal case can be carried out: a). the sentence is above 7 years; and b). not a repetition of criminal acts. Whereas if the child should be included in case the judicial process, then probation officers or other companion in accordance with the provisions of the JJS act have an obligation to provide assistance to juveniles in each level of examination.

The objective of this diversion program is to prevent further juvenile crime in the future. The prevention of delinquency shall be carried out through the programs such as: community supervision (supervision of society); Restitution (restitution); compensation (compensation); fine (fine); counseling (advisory); or activities involving the family (family intervention). All programs are expected to be useful diversion to prevent the commission of further juveniles. The objective organization of diversion programs is to prevent the commission of further juveniles in the future. Prevention of delinquency shall be in the program such as: community supervision (supervision of society); Restitution (restitution); compensation (compensation); fine (fine); counseling (advisory); or activities involving the family (family intervention). All programs are expected to be useful diversion to prevent the commission of further juveniles. Based on the above objectives of the diversion program, the concept of diversion can be used as a tool in criminal policy.



Diversion programs that are implemented in Indonesia led to the establishment of restorative justice that has benefits for juveniles, as follows:

- a. Encourage juveniles to take responsibility for his actions;
- b. Provide opportunities for juveniles to replace the mistakes made in doing good to the victim;
- c. Provide an opportunity for the victim to participate in the process;
- d. Provide opportunities for juveniles to be able to maintain a relationship with the family;
- e. Provide an opportunity for reconciliation and healing in communities harmed by crime.

Probation Officers, not only the agency that is given the task to prepare social inquiry report related to juveniles involved in criminal cases. The JJS Act states clearly and unequivocally that Probation officers should play their roles, since the phase of the investigation until the supervision phase. Particularly, refers to the JJS Act, it can be argued that Probation officers have a role in arranging treatment program of juveniles in conflict with the law. This treatment has several processes, which are the process of Diversion, the investigation stage, and the stage of trial.

In the process of Diversion, the Probation office should be involved in the diversion process at each level of examination. The Probation office's involvement is to give consideration to the investigators, prosecutors, and judges during the diversion process. These considerations are based on the SIR that has been prepared by the Probation officer. Other obligations of the Probation officer is to provide recommendations on the form of Diversion agreement made by investigators to resolve crimes such as violation, misdemeanor, and other criminal acts. There are several forms of Diversion, such as: a). indemnification in case there is a victim; b). medical and psychosocial rehabilitation; c). Return the juvenile to the parents / Guardians; participation in education or training in educational institutions or social institution no later than 3 (three) months; or d). Community service no later than 3 (three) months. After the Diversion agreement approved and implemented, probation officers must conduct mentoring, coaching, and supervision. In case the diversion agreement is not implemented within the time prescribed, probation officers must immediately report it to the responsible officials, within a period of 7 (seven) days.

At the stage of the trial, Probation officer strategic roles are: 1). providing assistance to juveniles in court, and delivering the Social Inquiry Report right after the indictment stating, and 2). Providing guidance to the Juvenile Victims and / or juvenile witness, and 3). Reporting the results of the SIR as a recommendation for the judge in his consideration to make decisions in the case of juveniles.

## **II. CHALLENGES IN THE ENFORCEMENT OF DIVERSION AND RESTORATIVE JUSTICE**

### **A. Challenges Related to the Law and the Rule of Law**

Indonesia still has no specific laws about Community-Based Treatment programs. Some of the laws and regulations that exist in Indonesia's correctional system, only regulates the prison system in general, prisoners and detainees' treatment, the organization and administration of prisons, detention and Probation office. The latest legislation that has been implemented in Indonesia is the JJS Act. This Act may be considered as a first step to the development of Community-Based Treatment system in Indonesia.

Implementation of Community-Based Treatment in Indonesia does not have a clear direction and shape, because there are no laws that underlie the implementation of the program. In the meantime, JJS Act was still only focusing on the implementation of diversion and Restorative Justice in the juvenile criminal justice process. There are still many obstacles in implementing the diversion and Restorative Justice 71 units probation office throughout Indonesia, because there has not been yet any guidelines about the technical implementation of diversion and Restorative Justice, nor regulations and guidelines on implementation, mentoring, guiding and supervising process.

### **B. Challenges in Resources**

Besides the issue of legislation, the implementation of Community-Based Treatment in Indonesia is also constrained to limited budget to support the development of new institutions are needed along with the provision of facilities and infrastructure, such as the provision of office equipment, communications equipment, technology system, etc. To carry out the full implementation of diversion efforts for juveniles in accordance with the mandate of the JJS Act, Probation office should be built in all districts and cities in Indonesia. Number of counties and cities in Indonesia reaches 542 (data as of May 2013), while the number of existing Probation office in Indonesia at the moment only 72 units. Thus, it still needs to build as much as 470 units Probation office more and that would require a very large budget. Meanwhile the correctional budget expenditures decreased almost every year. Even in the last 2014 year, the health care budget in prisons as well as the budget for treatment and education programs in juvenile prison

amount of Rp. 0, - (nil). So as to build more Probation offices with a very large budget seems to take longer than the target (5 years).

### **C. Challenges Related to Human Resource Availability**

Procurement in planning for recruitment in the Directorate General of Corrections at this time hampered because of the integrated nature of the system of the Ministry of Law and Human Rights organizations. The integrated nature of the role of DGC cause no impact on the procurement employees. The Proposal of employees needed by the DGC cannot be fulfilled in accordance with the real needs, due to the current recruitment system is done centrally by the Secretariat General of MoLHR.

Directorate General Corrections still has no Human resources in both quantity and quality in enough number. Currently, the number of existing Probation officers throughout Indonesia is only 970 people, and 381 among them are Juvenile Probation officers for Juveniles (data as of January 2015). While the number of juvenile probationers that should be handled by the Probation officers amounted to 4,919 people. According to this comparison it can be concluded that one probation officer must handle 12 juveniles in one month. Whereas in the execution of their duties, the probation officers must implement 4 (four) functions simultaneously on juvenile probationers which are: preparing SIR, mentoring, coaching and supervision. It can be concluded that Probation officer must carry out at least 48 probation services in one month. It can be seen here that the caseload of Probation officers is still very large. So the increasing of Probation officers are very necessary due to the development of Probation offices. The more Probation offices built, then the required amount of probation officers will also increase.

### **III. RECOMMENDATIONS**

As the effort to overcome the challenges and obstacles in the implementation of diversion and Restorative Justice, the Directorate General of Corrections has done the following steps which are: a). Revise the policies related to Juvenile Justice System Act, b). Proposing the addition of Probation officers, c). Building Coordination and cooperation between law enforcement and related agencies, and d). Building Cooperation with the third parties in the formulation of policies and regulations related to the implementation of diversion and restorative justice.

## **THE COMMUNITY BASED TREATMENT SYSTEM OF THE REPUBLIC OF THE UNION OF MYANMAR**

### **I. INTRODUCTION TO COMMUNITY-BASED TREATMENT IN MYANMAR**

Community-based treatment system is for offenders and juvenile delinquents in order not to commit crimes again and to ensure their reintegration to societies, standing on their own feet. The system of Prison Department of the Republic of the Union of Myanmar is, in the past, just to keep the prisoners safely, not to reform their character. But apart from keeping them safely, the Department of Prison is also trying to change its focus now; reforming the offenders' character, in momentum. The reforming tasks are so wide. We are trying to reform the offenders to become a good citizen again instead of ignoring them as they are also the citizens of the country. They are given vocational trainings for their living when they are released from prisons. Moreover, meditation training is also given to them for having clear and gentle mind for illiterate offenders, they are given training to be able to calculate, read and write. And also our Department has a plan for education of the prisoners from primary to university, cooperating with the Ministry of Education.

For the staff of Prison Department, besides the security of the offenders, Prison management, how to communicate with the prisoners and languages are being trained to the staff for the purpose of development of the community-based treatment system in this Department.

The standard minimum rules set by UN on how to communicate and behave to the prisoners used in Myanmar are as follow.

#### **The 18 standard minimum rules of UN are:**

1. Registration
2. Segregate the prisoners: male and female, children and adults
3. Building
4. Personal cleanliness
5. Clothes and bed
6. Food and drink
7. Sports and physical exercises
8. Medical care
9. Discipline and punishment
10. Controlling tools
11. Giving information and report
12. Books

13. Freedom of religion
14. Keeping things owned by prisoners
15. Informing about death, illness and transfer
16. Transferring prisoners
17. Staff
18. Check

While implementing the 18 standard minimum rules of UN, the objectives of Prison Department are also being implemented. They are:

1. Secure Detention
2. Correction
3. Training inmates in productive works
4. Serving for the interest of people

Among the objectives of Prison Department, for reforming character of the offenders, one of the sectors of the objectives of Prison Department, the following policies are being implemented.

1. To be a good person when the offender is released from prison
2. To be a self-confident person though he/she had been in prison
3. To have TV, newspapers and journal to keep abreast with up to date news
4. To implement for the development of their mind
5. To have a religious teaching for the offenders according to the respective religions and to open meditation centers
6. To have character reforming centers and to educate not to be in prison again
7. To consult and educate the offenders not to feel bitter, revenge and lessen depression

According to these policies, following is being implemented.

1. Vocational training is being given to the prisoners when they are released from the prison to earn a better living for them and for their family.
2. For illiterate prisoners, how to read, write and calculate are taught to them and to have chances for the prisoners who are still studying cooperating with the Ministry of Education. Moreover, pre-primary schools are opened for the children between 4 and 6 years together with their mother.

3. To gentle their mind, it tries to ensure teaching of any religions and have meditation centers

Although there is no special community-based treatment system in the Republic of the Union of Myanmar, administration offices are opened in wards and villages for implementing the development of the wards and villages and for the rules of law. And also administrators of these offices not only take duty for the social occasion of joy or grief but also educate the delinquents and the prisoners released from prisons not to commit the crimes again.

## **II. CONCLUSION**

In the Republic of the Union of Myanmar, probation and community-based Treatment System will be flourished, we hope, with the cooperation of Ministry of Social Welfare, Relief and Resettlement, Myanmar Police Force, Department of Prison, Prosecutor, Supreme Court of the Union and NGOs.

## COMMUNITY BASED TREATMENT SYSTEM OF MYANMAR: RECENT CHALLENGE

### I. INTRODUCTION

For treatment of offenders, Myanmar criminal justice system is based on the judicial principle "to aim at reforming moral character in meeting out punishment to offender. At present, some non-custodial measures are being implemented in pre-trial and trial stages, post –sentencing stages and rehabilitation programmes for this purpose.

### II. RECENT CHALLENGES

#### A. Probation under the Criminal Procedure Code

When any person not under twenty-one years of age is convicted of an offence punishable with imprisonment for not more than seven years, or when any person under twenty-one years of age or any woman is convicted of an offence not punishable with death or transportation for life, and no previous conviction is proved against the offender, if he appears to the Court before which, he is convicted, regard being had to the age, character antecedents of the offender, and to the circumstances in which the offence was committed, that is expedient that the offender should be released on probation of good conduct, the Court may, instead of sentencing him at once to any punishment direct that he released on his entering into a bond, with or without sureties, to appear and receive sentence when called upon during such period (not exceeding three years) as the Court may direct, and in the meantime to keep the peace and be of good behavior.

So he may be released without sureties. There is no man who control him. It is a challenge in legislation. And sureties for him is layman not trained on controlling method. Furthermore when the offender transfers from his residence, he is out of being controlled and managed. He has a chance to commit the crime in another town.

#### B. Probation service in Juvenile Justice System

The probation service for juvenile has been started in Myanmar in 1993. The juvenile Court may pass an order that may cause the child's supervision and management by the Probation Officer during a period not exceeding 3 years.

According to Child Law in Myanmar, Probation Officer means a person assigned responsibility under the Law as a probation officer. The Director General of the Social Welfare Department may assign responsibility as probation Officer to an employee of the Department or to a suitable citizen whether government employee or not.

The Department of Social Welfare is a governmental organization under the Ministry of Social Welfare, Relief and Resettlement. Judicial Department doesn't concern that organization. The Department of Social Welfare is carrying out Social Welfare Services through preventive, protective and rehabilitative measures focusing on children, Youth, Women, Disabled persons and the Aged who are a socially disadvantaged group. Under the Department of Social Welfare there are eight boy/girl training schools for children in need of special protection, including children in conflict with law. The schools provide formal and non-formal education, vocational training, social training, and counseling and reintegration services.

The probation officer also has a responsibility to the child's family and community members during his supervision period, by giving advice and counseling on child supervision methods and understanding the needs of the child.

The supervision and management of the probation officer cannot be widely used because of the shortage of the probation officers.

The Department of Social Welfare, Relief and Resettlement will say more about the challenge in resources.

### **C. Medical Treatment and Rehabilitation for Drug User**

One of the aims of the Narcotic Drugs and Psychotropic Substances Law, promulgated in 1993, is "To carry out more effectively measures for imparting knowledge and education on the danger of narcotic drugs and psychotropic substances and medical treatment and rehabilitation of drug user". Therefore the new drugs law emphasis is not only on reduction of the supply of drug and suppression but also on the medical treatment and rehabilitation of a drug user. To take medical treatment, a drug user shall register at place prescribed by the Ministry of Health or at a medical centre recognized by the Government for this purpose. In respect of medical treatment for a registered drug user, necessary programme shall be laid down and carried out by the ministry of Health.

But drug users are not sentenced offenders. They are persons who are registered at place prescribed by the Ministry of Health or at a medical centre recognized by the Government for this purpose only.



#### **D. CONCLUSION**

To strengthen community-based Treatment in ASEAN Region, all member countries need to develop the following:

- Legislation on non-custodial measures
- Effective law enforcement

## THE COMMUNITY-BASED TREATMENT SYSTEMS OF THE PHILIPPINES

### I. INTRODUCTION TO COMMUNITY-BASED TREATMENT IN THE PHILIPPINES

PD 968, otherwise known as the Adult Probation Law, created the Probation Administration, to conserve and/or redeem convicted offenders and prisoners who are under the probation and parole system.

At the onset, community-based treatment to probationers was focused mainly on individual and family counseling, home visits, monitoring and clients' family solidarity, conduct of various forms of seminars geared towards their reformation. Community service and tree-planting formed part of the clients' involvement in the community. With Executive Order 292, (The Administrative Code of 1987) the Probation Administration has been renamed to Parole and Probation Administration, with the added function of supervising the parolees and pardonees who are granted parole or pardon with parole conditions.

#### A. Historical Development of Community-based Treatment:

Community-based treatment to clients initially started with supervising clients by rehabilitating them through individual and family counseling, home visits, value formation seminars and clients' family solidarity, skills training seminars and referrals for job placement. Clients were likewise required to render community service and join tree planting activities as a sort of repairing the harm they have caused to the community.

The community-based treatment spread its wings when Therapeutic Community (TC) program for rehabilitation of offenders was introduced in 1998 by DAYTOP International, New York, U.S.A. TC, is a self-help Social Learning Treatment Modality that uses the TC Family/Community of staff (PPOs and VPAs) and clients as the primary therapeutic vehicle to foster behavioral and attitudinal change. Its rules and norms, shared beliefs, tools and processes combine to enable clients to actively work toward their individual goals for "right living".

Almost in simultaneous events, the Volunteer Probation Aide Program took its turn to revitalization to ensure the community participation in rehabilitation of clients especially in the implementation of the TC program. The TC integrates RJ (Restorative Justice) principles and practices, and mobilizes involvement of the general public through the Volunteer Probation Aides.

The TC (Therapeutic Community), RJ (Restorative Justice) and the Volunteer Program Aide (VPA) Agenda are harmonized but with separate and distinct objectives and functions geared towards the reformation of clients:

**RESTORATIVE JUSTICE (RJ)** is the philosophy and a process whereby stakeholders in a specific offense resolve collectively on how to deal with the aftermath of the offense and its implications for the future. It is a victim-centered response to crime that provides opportunity for those directly affected by the crime – the victim, the offender, their families and the community – to be directly involved in responding to the harm caused by the crime. Its ultimate objective is to restore the broken relationship among stakeholders. The RJ process provides a healing opportunity for affective parties to facilitate the recovery of the concerned parties and allow them to move on with their lives.

**VOLUNTEER PROBATION AIDE (VPA) AGENDA** is a strategy by which the Parole and Probation Administration may be able to generate maximum citizen participation or community involvement in the overall process of clients' rehabilitation.

**THERAPEUTIC COMMUNITY (TC)** is a self-help social learning treatment model used in a rehabilitation of drug offenders and other clients with behavioral problems. TC adheres to precepts of "right living" - Responsible Love and Concern, Truth and Honesty, the Here and Now, Personal Responsibility for Destiny; Social Responsibility (brother's keeper); Moral Code; Work Ethics and Pride in Quality. The Therapeutic Community (TC) is an environment that helps people gets help while helping themselves.

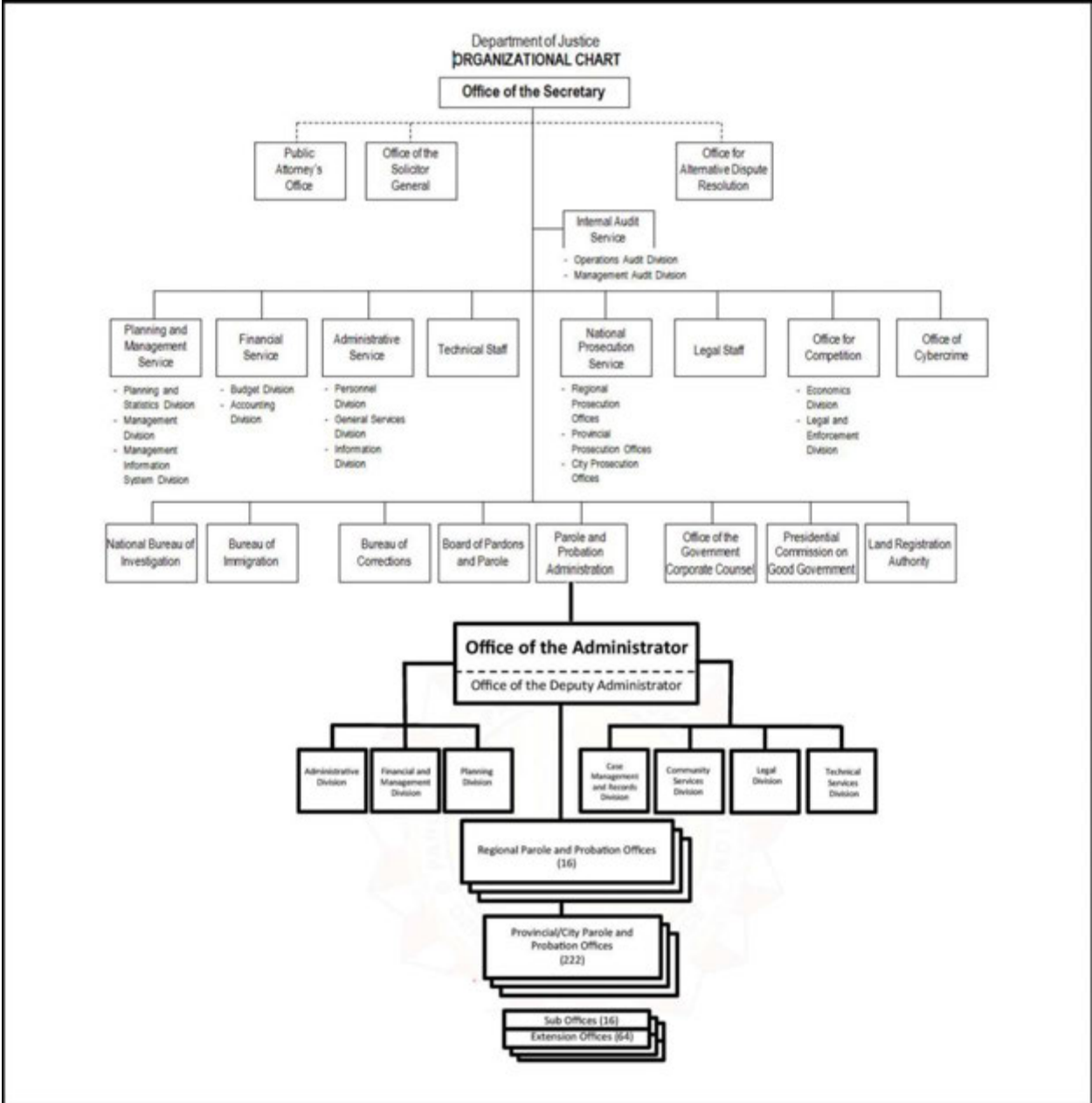
At present all the fifteen (15) regional offices throughout the Philippines and its field offices fully implement the three (3) programs.

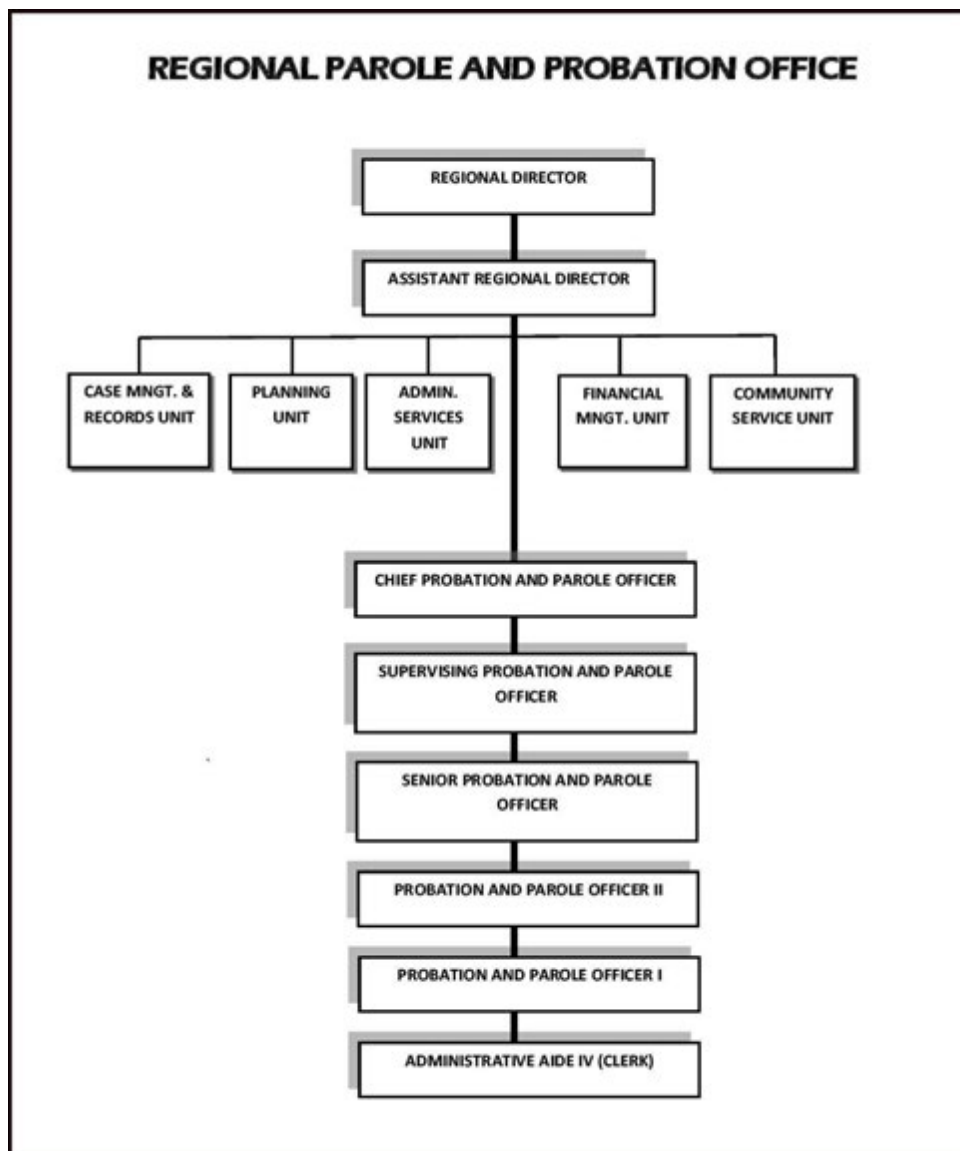
## **B. Legal Basis of Community-based Treatment**

- b.1) PD 968 – The Probation Law of 1976
- b.2) Executive Order 292 – The Administrative Code of 1987
- b.3) RA 9165 – The Comprehensive Drug Act of 2002
- b.4) RA 7890 – The Juvenile in Conflict with the Law (JICL)
  
- b.4) Executive Order 468 – Revitalization of the Volunteer Probation Aide (VPA) Program
- b.5) RA No. 10389 – Recognizance Act of 2012

### **C. Organization and Personnel**

The Parole and Probation Administration is one of the twelve (12) bureaus/agencies under the Department of Justice. The Parole and Probation Administration is headed by an Administrator and assisted by a Deputy Administrator. Under the Office of the Administrator are the sixteen (16) Regional Offices headed by a Regional Director with the assistance of an Assistant Regional Director. The Regional Director manages all the Field Offices within the region. The Field Office is headed by a Chief Probation and Parole Officer (CPPO). Under the management of the CPPO are the Supervising Probation and Parole Officer (SPPO), Senior Probation and Parole Officer (Sr.PPO), Probation and Parole Officer II (PPOII), Probation and Parole Officer I (PPOI) and the Clerk. There is a Field Office in every City and Province.





POWERS AND DUTIES OF ADMINISTRATOR

- 1) Act as the Executive Officer of the Administration
- 2) Exercise supervision and control over all probation Officers
- 3) Make annual reports to the Secretary of Justice in such form as the latter may prescribe concerning the operation, administration and improvement of the probation system
- 4) Promulgates subject to the approval of the Secretary of Justice, the necessary rules relative to the methods and procedures of the probation process;
- 5) Recommend to the Secretary of Justice the appointment of the subordinate personnel of his Administration and other offices established in this Decree and
- 6) Generally, perform such duties and exercise such power as may be necessary or incidental to achieve the objective of PD 968

#### POWER AND DUTIES OF THE DEPUTY ADMINISTRATOR

Shall assist the Administrator and perform such duties as may be assigned by the Administrator and as maybe provided by law, in the absence of the Administrator, he shall act as head of the Administration.

#### REGIONAL DIRECTOR

1. Implement laws, policies, programs, rules and regulations of the Administration in the regional areas.
2. Provide economical, efficient and effective probation services to the people in the region.
3. Coordinate with regional officers of the other Departments, Bureaus and agencies in the area.
4. Coordinate with local units in the area.
5. Perform such other functions as maybe provided by the law or maybe assigned to him by the Administrator.

#### ASSISTANT REGIONAL DIRECTOR

1. Assist the Regional Director in the supervision of provincial and city Probation Officer, Assistant Probation Officers and Probation Inspectors assigned in the region.
2. Supervise the operation of the local probation office.
3. Formulate programs, procedures, standards, methods and techniques to improve the administration of the probation system in the region.
4. Provides technical consultation and advice, promotes staff interest and directs the activities of all the Probation Officers, Asst. Probation Officers and Probation Inspectors in the region.
5. Evaluates programs and operations of the region.
6. Perform other related tasks.

#### CHIEF PROBATION AND PAROLE OFFICER

1. Supervise the Probation Officers in the investigation of all petitioners for probation referred by the Court or the Administrator.
2. Instruct all probationers under his supervision or that of volunteer probation aides on the terms and conditions of their probation.
3. Keep himself informed of the conduct and conditions of probationers and improvement in their conduct and conditions.
4. Maintain a detailed record of his work and submit such written report as maybe required by the Administrator or Court.

5. Utilize community resources and enlist qualified residents of the 4 province, district or city where he is assigned who are willing to act as volunteer probation aides.
6. Supervise the training of volunteer probation aides and oversee the latter's supervision of probationers.
7. Exercise supervision and control over all field assistants, volunteer probation aides and other personnel of the probation office.
8. Has miscellaneous powers within his territorial jurisdiction to administer oaths, acknowledgments and dispositions and with respect to probation under his care, the power of a police officer.
9. Perform such other duties as maybe assigned by the court of the Administration.

#### SENIOR PROBATION AND PAROLE OFFICE: DUTIES

1. Investigates petitioner/prisoners assigned by CPPO and submits corresponding reports.
2. Accomplishes/submits to CPPO case classification reports.
3. Supervises probationers/parolees and pardonees through:
  - 3.1 report-in-person
  - 3.2 visit at home and place of work
  - 3.3 preparation of supervision plan
  - 3.4 implementation of supervision plan
  - 3.5 makes a review of supervision plans that reach 1 year during the RP
  - 3.6 draws up with client a plan of payment of civil liability
  - 3.7 updates case files and Kardex
  - 3.8 Preparation and submission of: Violation/Infraction Report; Progress Report Final/Summary Report
4. Organizes/implements special project for rehabilitation
5. Conducts office-initiated formal information activities in support of the program developed.
6. Assists the CPPO in Administration and management by:
  - 6.1 Preparing the draft of Monthly Performance MPR/with Attachment and Year-End Report
  - 6.2 Preparing the agenda for staff meeting and material for professional reading
  - 6.3 Complying with issuances of the PPA/other authorized agencies



- 6.4 Coordinating with other agencies in the implementation of national government thrusts local/agency program
7. Performs such other functions as may be assigned by the CPPO

#### PROBATION AND PAROLE OFFICER II: DUTIES

1. To investigate all petitioners/prisoners assigned by CPPO and submits corresponding reports.
2. Accomplishes/submits to CPPO case classification reports.
3. Supervises probationers/parolees and pardonees through:
  - a. report-in-person
  - b. visit at home and place of work
  - c. preparation of treatment plan
  - d. implementation of supervision plan
  - e. makes a review of supervision plans that reach 1 year during the RP
  - f. draws up with client a plan of payment move civil liability
  - g. updates case files and Kardex
  - h. Preparation and submission of: Violation/Infraction Report; Progress Report

#### PROBATION AND PAROLE OFFICER I: DUTIES

1. To investigate all petitioners for parole and probation referred to her for investigation by the proper court or the Administrator.
2. Instruct all parolees and probationers under her supervision or that of volunteer parole and probation aides on the terms and conditions of parole and probation.
3. Keep him/herself informed of the conduct and condition of parolees and probationers under his/her charge and use all suitable methods to bring about an improvement.
4. Supervise probationers classified as medium or minimum supervision cases and parolees and pardonees reclassified to minimum supervision.
5. Maintain a detailed record of his/her work and submit such written reports as may be required by the Administrator or that court having jurisdiction over
6. Assist the CPPO in other operational duties where is assigned who are willing to act as volunteer parole and probation aide.
7. Perform such other duties as may be assigned by the court, the Administration and the Board of Pardons and Parole.

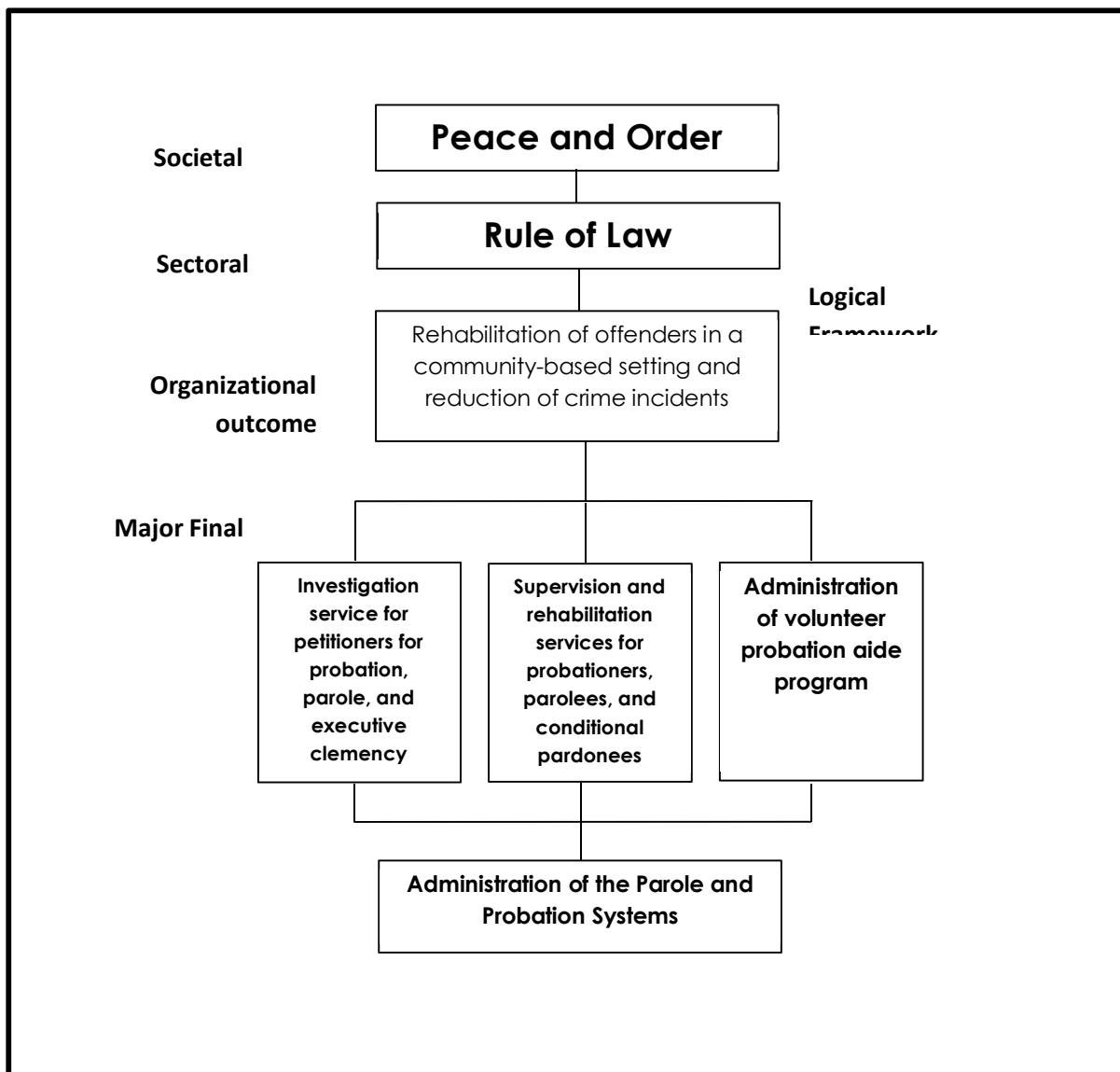
ADMINISTRATIVE AIDE IV: DUTIES

1. Prepare, type for approval of the CPPO the monthly reports: Monthly Performance Monitoring Report, PPA Forms 5.0 & 21, and MRAAU
2. Type monthly Narrative Report; PSIR's and other variety of skilled clerical tasks
3. Compile circulars, memoranda, orders, rules and regulation, documents for reference, etc.
4. Prepare routine office correspondence, endorsement, memoranda and type the same for review of the immediate supervisor

QUALIFICATION STANDARDS FOR PROBATION OFFICERS

Position Title	POSITION REQUIREMENTS			
	Education	Experience	Training	Eligibility
Administrator	Master's degree or its equivalent in either criminology, social work, corrections, penology, psychology, sociology, public administration, law, police science, police administration, or related fields	At least five (5) years of supervisory experience, or be a member of the Philippine Bar with at least seven years of supervisory experience	Not specified	Career Service Professional or RA 1080 or any appropriate eligibility ; preferably CESO
Deputy Administrator	Master's degree or its equivalent in either criminology, social work, corrections, penology, psychology, sociology, public administration, law, police science, police administration, or related fields	At least five (5) years of supervisory experience, or be a member of the Philippine Bar with at least seven years of supervisory experience	Not specified	Career Service Professional or RA 1080 or any appropriate eligibility; preferably CESO

Chief Probation and Parole Officer	Bachelor's degree in Social Work, Sociology, Psychology, Criminology, Penology, Police Science, Police Administration or other Related Fields	Four (4) years of progressively responsible experience in probation and other related work	Twenty-four (24) hours of training involving management and supervision	Career Service Professional or RA 1080 or any appropriate eligibility for second level position
Supervising Probation and Parole Officer	Bachelor's degree in Social Work, Sociology, Psychology, Criminology, Penology, Police Science, Police Administration or other Related Fields	Three (3) years of progressively responsible experience in probation and other related work	Sixteen (16) hours of relevant training	Career Service Professional (CSP) or RA 1080 or any appropriate eligibility for second level positions
Senior Probation and Parole Officer	Bachelor's degree in Social Work, Sociology, Psychology, Criminology, Penology, Police Science, Police Administration or other Related Fields	Two (2) years of responsible experience in probation or other related work	Eight (8) hours of relevant training	Career Service Professional (CSP) or RA 1080 or any appropriate eligibility for second level position
Probation and Parole Officer II	Bachelor's degree in Social Work, Sociology, Psychology, Criminology, Penology, Police Science, Police Administration or other Related Fields	One (1) year experience in probation and other related work	Four (4) hours of relevant training	Career Service Professional (CSP) or RA 1080 or any appropriate eligibility for second level position
Probation and Parole Officer I	Bachelor's degree in Social Work, Sociology, Psychology, Criminology, Penology, Police Science, Police Administration or other Related Field	None required	None required	Career Service Professional (CSP) or RA 1080 or any appropriate eligibility for second level position
Administrative Aide IV	Completion of two (2) years studies in college	None Required	None required	Career Service Professional (CSP) or RA 1080 or any appropriate eligibility for first level position



**D. Main Tasks**

**1. Investigation**

Pre-sentence investigation is not embodied in the Probation law or within the probation system of the Philippines. Probation Officers conduct post-sentence investigation upon receipt of the Court Order and to submit the Post-Sentence Investigation Report to the sentencing Court within sixty (60) days from receipt thereof. The court shall resolve the application for probation not later than fifteen (15) days after receipt of said report.

**2. Pre-parole Investigation**

In the case of those who apply for parole, a pre-parole investigation is conducted to assess and evaluate whether or not the applicant is qualified for parole. The Investigating Officer is given fifteen (15) days within which to conduct a pre-parole investigation. Information were gathered using a Pre-parole questionnaire which will

guide the Investigating officer in assessing and evaluating the eligibility of parolee's application/petition. A pre-parole report is then submitted to the Board of Pardons and Parole for further study.

### **3. Probation/Parole Supervision**

Probation/Parole supervision is performed by Supervising Officers with instructions/conditions and assistance for their rehabilitation. Generally, the Probation Officer with the assistance of the Volunteer Probation Aide, work hand in hand for the transformation of the client in collaboration with the Community.

### **4. Rehabilitation Program and Services for Clients**

The Parole and Probation Administration pursue its organizational objective that is the "rehabilitation of offenders in a community-based setting and the reduction of crime incidence" which are the anchor of its program and services are statement "as an individualized community-based three-pronged approach to crime prevention and treatment of offenders with Restorative Justice as its philosophical foundation, Therapeutic Community as the treatment modality and Volunteers as lead community resource".

#### **a. Restorative Justice – Peacemaking Encounter Model**

Restorative Justice (RJ) is a philosophy and a process whereby stakeholders in a specific offense resolve collectively on how to deal with the aftermath of the offense and its implication for the future to heal the wounds of those affected by the offense: victim, offender, family and the community.

Payments of Civil liabilities is one of the outcomes of Restorative Justice (RJ) process. As part of the client's rehabilitation program, their compliance with the legal and civil obligations to indemnify their victims as determined by the courts was enforced by field probation and parole officers.

#### **b. Therapeutic Community (TC) Modality**

Therapeutic Community (TC) is a socialized self-help learning treatment modality founded on such precepts as "responsible love and concern", "honesty", "humility", forgiveness", 'pride in quality", "no free lunch", and its overall goal is to move clients from "wrong living" to "right living".

**The program's major treatment categories or components and the expected Clients' Outcome**

Treatment Categories	Expected Clients' Outcome
Relational/Behavior Management	Complied probation/parole conditions Refrained from use of prohibited drugs Established bonding and trust with the TC family Involved some family members in their rehabilitation activities
Affective/Emotional-Psychological	Shown good grooming Begun to accept responsibility for their personal Change
Cognitive/Intellectual	Identified personal strengths and weaknesses and resolved to change specific negative behaviors and attitudes. Acquired knowledge of the TC concepts, tools and processes
Spiritual	Applied at least one TC Unwritten Philosophy Developed insights on their rehabilitation program through reflections Demonstrated understanding and appreciation of the TC philosophy Expressed insights on their faith in God as the primary source of help in order to change.
Psychomotor/Vocational-Survival Skills	Demonstrated responsibility through performance of assigned tasks.

For the period in review, all (226) field offices are implementing the Therapeutic Community modality for clients, involves all (100.00%) of clients who are capable of participating in the program during their period of supervision.

**c. Volunteer Probation Aides(VPAs)**

One of the factors in strengthening the governance reform initiative of the government is to heighten and maximize community involvement and participation specifically in the prevention of crime, treatment of offenders and criminal justice administration... It is on this light that Presidential Decree 968, otherwise known as the Probation Law of 1976, authorizes the appointment of citizens of good repute and probity to act as volunteer probation aides (VPAs) to help in the community-based program of the Agency. This was later enhanced by the implementation of Executive Order No. 468

which revitalizes the VPA program through the financial and technical assistance of Japan International Cooperation Agency. Several In-country Training Programs on Community based treatment of offenders was held in cooperation with UNAFEI and JICA. The revitalization spawned the establishment of a national umbrella organization, alliance of Volunteers for Peace Advocates of the Philippines (AVPAP) and 218 local associations for an effective promotion, utilization and sustainability of the program. To date there are 13,034 appointed VPAs whose appointment duly noted by the Secretary of Justice.

**Number of Volunteers Appointed, Trained and Deployed**

	<b>2012</b>	<b>2013</b>	<b>2014</b>
Number of VPA	11,851	12,953	13,034
Number of VPAs Trained	7,819	3,111	6,477
Number of VPAs Deployed	3,515	4,210	3,811

**d. Government Savings**

The Philippine probation and parole system is mandated to “provide a less costly alternative to the imprisonment of offenders”. Through this system, the government was able to save excluding expenses for the construction of additional prison facilities, additional number of guards among others. Likewise, it increases government income through tax paid by those clients who are employed and/or has other income.

**e. Jail Decongestions**

Pursuant to the Memorandum of agreement entered into by this Administration to Board of Pardons and Parole, Bureau of Jail Management and penology, Public Attorney’s Office and National Prosecution Services, the Probation and Parole Officers nationwide conducts regular jail visits, interview detainees and referrals them for legal assistance to avail the benefits probation, parole and other forms of executive clemency.

**f. Resource Generation**

Through linkages, information dissemination and participation in local and national programs the Administration through its local office, mustered enough support to warrant financial assistance from the national and local government units, business groups, civil society organization, religious sector, non-government organizations. To disseminate the benefits of community-based rehabilitation program for offenders was a joint undertaking of field officers and Volunteer Probation Aides.

**E. Probation/Parole Supervision**

**1) Types of Community Measures, Orders, Dispositions, etc.**

Type	Description	Sentencing Authority	Supervision/ Treatment Period
Juvenile probationer	Juvenile placed under probation per RA 7890	Family Court/ Sentencing court	Depend upon the conditions set by the Sentencing Court
Juvenile probationer	Juvenile placed under probation per RA 9165 (FTMDO)	Sentencing Court	Depend upon the conditions set by the Sentencing court
Adult Probation	Convicted 6 years and below; 18 years and above; 1 <sup>st</sup> time offender under Adult Probation Aw (PD 968)	Sentencing court	The period of probation of defendant sentenced to a term of imprisonment of not more than one year shall not exceed two (2) years, and in all other cases, said period shall not exceed six years
Adult parolee pardonee	Offenders permitted to be provisionally released from penal institution	Sentencing Court	Unexpired portion of his/her sentence

**2) Conditions of Probation and Parole Supervision**

Probationers and parolees are required to abide by the general and specific conditions of probation/parole. Failure to comply with the conditions may result to revocation.



**F. Mandatory Conditions:**

**PD 968 (Section 10).** *Conditions of Probation.* Every probation order issued by the court shall contain conditions requiring that the probationer shall:

- (a) present himself to the probation officer designated to undertake his supervision at such place as may be specified in the order within seventy-two hours from receipt of said order;
- (b) report to the probation officer at least once a month at such time and place as specified by said officer.

The court may also require the probationer to:

- (a) cooperate with a program of supervision;
- (b) meet his family responsibilities;
- (c) devote himself to a specific employment and not to change said employment without the prior written approval of the probation officer;
- (d) undergo medical, psychological or psychiatric examination and treatment and enter and remain in a specified institution, when required for that purpose;
- (e) pursue a prescribed secular study or vocational training;
- (f) attend or reside in a facility established for instruction, recreation or residence of persons on probation;
- (g) refrain from visiting houses of ill-repute;
- (h) abstain from drinking intoxicating beverages to excess;
- (i) permit to probation officer or an authorized social worker to visit his home and place or work;
- (j) reside at premises approved by it and not to change his residence without its prior written approval; or
- (k) satisfy any other condition related to the rehabilitation of the defendant and not unduly restrictive of his liberty or incompatible with his freedom of conscience.

**G. Other Conditions:**

1. to attend Therapeutic Community Modality Training
2. to render Community Work Service
3. to pay civil liability, if possible

### **3) Intake Interview and Treatment Plan**

Individuals placed on probation or parolees are required to report immediately to the Parole and Probation Office where an intake interview takes place. The conditions were discussed thoroughly for the clients to be understood and the consequences of its non-compliance and draw up an individualized treatment plan ideally with the presence of the Supervising Volunteer Probation Aide who assists the Probation Officer in the rehabilitation of the particular client.

### **4) Role of Probation Officers and Volunteer Probation Aides (VPA)**

Probation Officer is the one in charge in the supervision of client with the assistance of the volunteer probation aide who lives nearby the probationer/parolee, which makes regular contact and rehabilitative interventions much easier.

A copy of the treatment plan and Probation Order issued by the sentencing Court stating therein the probation conditions may be provided to the Volunteer Probation Aide as his/her guide while supervising the clients. In the case of parole supervision, the copy of Discharge on Parole issued by the Board of Pardons and Parole may be provided. Home visits will be conducted by the Volunteer Probation Aide and submit a monthly progress report to the probation office.

### **5) Compliance of conditions**

The probationers/parolees will be successfully terminated/discharged after at the end of the supervision period if conditions are substantially complied and has been assessed to be rehabilitated or transformed. This means no negative feedbacks have been received and client/s has been integrated into the mainstream of the society.

### **6) Non-compliance of conditions**

The Probation Officer may recommend probationer who failed to comply the conditions with the Court for revocation or modification of his/her probation conditions. In the case of parole supervision, a Report will also be submitted to the Board of Pardons and Parole.

## II. STATISTICS

### A. Number of Offenders

<b>INVESTIGATION</b>	<b>PROBATIONERS</b>	<b>PAROLEES, EXECUTIVE CLEMENCY</b>	<b>FIRST TIME MINOR DRUG OFFENDER</b>	<b>TOTAL</b>
INVESTIGATION CASES HANDLED AS OF NOV. 30, 2014	8,190	5,164	1	13,355
COMPLETED/ SUBMITTED TO COURTS/BPP	8,055	3,974	1	12,030
AGENCY'S DISPOSITION RATE	98.35%	76.96%	100%	
INVESTIGATION RATE OF SUSTAINED RECOMMENDATIONS	99.68%	N/A	N/A	99.68%
<b>SUPERVISION</b>				
Supervision Cases Handled	30,671	14,168	4	44,843
Terminated or Discharged	6.056%	1,285	0	7,341
Revoked or Recommitted	430	418	0	848
Revocation/ Recommitment Rate	1.40%	2.95%		
Other Dropped Cases	712	259	0	971

**TYPE OF OFFENSE**

<b>CRIMES AGAINST</b>	<b>Probationers</b>	<b>Parolees</b>	<b>Pardonees</b>	<b>Total</b>
Public Interest	342	1	0	343
Prohibited Drugs	8,976	55	26	9,057
Persons	6,468	8,500	210	15,178
Property	5,538	3,139	85	8,762
Chastity	1,523	452	28	2003
Security	690	0	0	690
Honor	538	55	0	593
Special Laws	4,937	1,431	37	6,405
Public Officer	67	98	6	165
Ordinance	28	21	22	71
Public Morals	22	1	0	23
Public Order	0	5	0	5
Multiple Crimes	107	0	0	107
<b>TOTAL</b>	<b>29,236</b>	<b>13,758</b>	<b>408</b>	<b>43,402</b>

**GENDER**

Male	26,208	13,448	392	40,048
Female	3,028	310	16	3,354
<b>Total</b>	<b>29,236</b>	<b>13,758</b>	<b>408</b>	<b>43,402</b>

**CIVIL STATUS**

Married	16,502	7,658	187	23,897
Common-Law	4,708	2,242	89	7,039
Separated	2,809	1,259	103	4,171
Widowed	1,518	576	23	2,117
Single	4,149	2,023	6	6,178
<b>Total</b>	<b>29,236</b>	<b>13,758</b>	<b>408</b>	<b>43,402</b>

Average Caseload per Probation Officer = 70.57 per SO

No. of Cases/No. of Supervising Officers

43,402 / 615 = 70.57 caseload per Supervising Officer

**B. Number of Personnel**

## a. Governmental Staff (as of December 31, 2014)

<b>DOJ-PPA CENTRAL OFFICE</b>	
Administrator	1
Deputy Administrator	1
Other Central Office Personnel	104
Total No. of Central Office	106
<b>REGIONAL PROBATION OFFICES</b>	
Directors	25
Chief Probation and Parole Officers	154
Supervising Probation and Parole Officer	147
Senior Probation and Parole Officer	112
Probation and Parole Officer II	98
Probation and Parole Officer I	104
Other Personnel	214
Total No. of Regional Personnel	854
<b>GRAND TOTAL (Central and Regional)</b>	<b>960</b>

## CLIENTS INVOLVED IN RESTORATIVE JUSTICE (RJ) PROCESSES

Mediation	2,515
Conferencing	4,740
Circle of Support	525

## VOLUNTEER PROBATION AIDES (VPAs)

Appointed VPAs (Since 2003)	13,634
No. of VPAs with clients	5,374
No. of clients supervised by VPAs	14,075
No. of VPA Associations	216

Out of 13,634 only 5,374 VPAs directly supervised clients or only 39.41%. However, there are 14,075 clients who were supervised by VPAs which means that each VPA handled more or less two (2) clients.

No. of VPAs Appointed, Trained and Deployed

	2012	2013	2014
No. of VPAs	11,864	12,953	13,034
No. of VPAs Trained	2,909	3,111	6,477
No. of VPAs Deployed	3,691	4,210	3,811

Other Services Rendered by Volunteer Probation Aides

<b>Particulars</b>	<b>Number</b>
Services Rendered by VPAs in Office Initiated Activities	6
Resources tapped by VPA	748
Services/Assistance Rendered by VPA	6
VPA as Resource Individuals	62

## 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**

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.

### **D. Main Tasks of COMC**

The roles of COMC can be classified into three areas:

#### **i. 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.

#### **ii. 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.



iii. 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 customized 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.

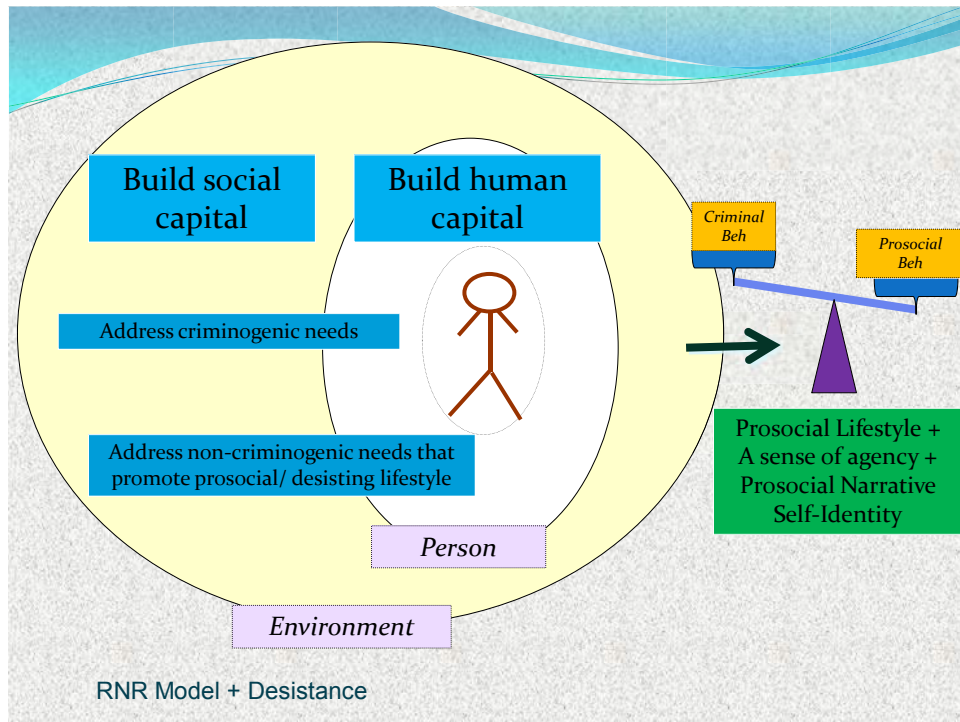
## **E. Community Supervision**

COMC manages around 1,400 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 operationalisation 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.

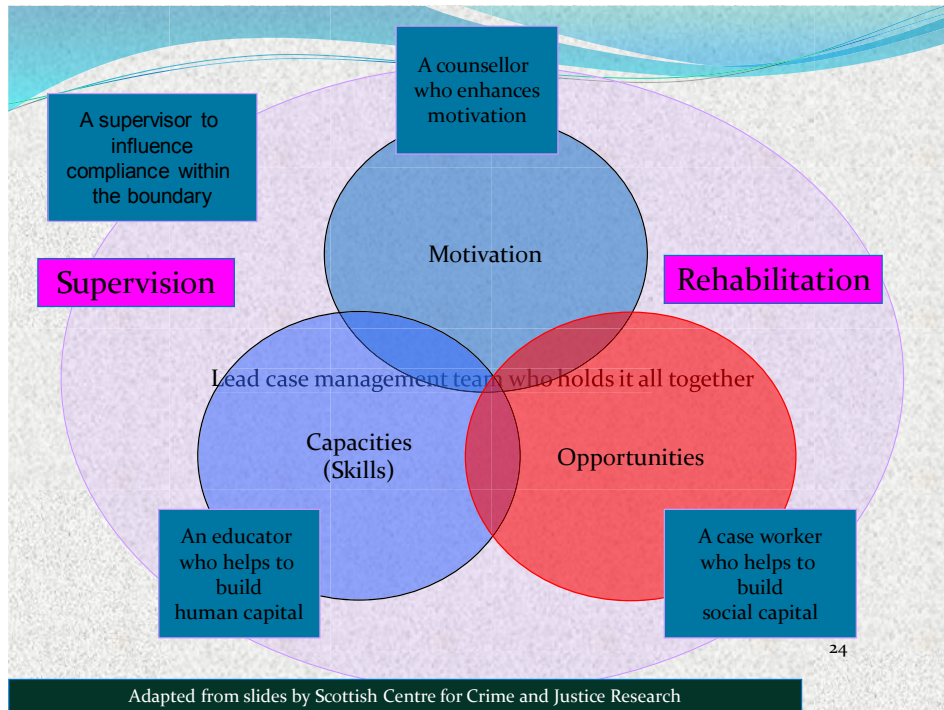


To effectively reform an offender to become a desisted, rehabilitation has to target two areas:

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 employed on a supervision order.

The CRS have two main focus 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 conceptualization of the case
  - c. Case conceptualization guides the Intervention Plan, including the prioritization 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:
      - 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 in care 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 in care 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](http://www.sps.gov.sg)

### **IV. STATISTICS**

The statistics are available online at [www.sps.gov.sg](http://www.sps.gov.sg) and also from our Annual Report 2013.

## COMMUNITY BASED TREATMENT SYSTEM OF THAILAND

### I. INTRODUCTION TO COMMUNITY-BASED TREATMENT IN THAILAND

#### A. Historical Development of Community-based Treatment

In Thailand, the probation services have its origin in 1952. It was unofficially started with juvenile supervision operating by juvenile detention centers. In 1956, the Penal Code was enacted and was also the first statutory foundation of the probation services in Thailand because the Section 56 – 58 of the Penal Code made it possible for judges to impose a suspended sentence with a probation condition. However, due to the lack of a responsible authority, during that initial period the courts hardly put this into practice. Not until 1979 the first probation office for adult offenders came into being, when the Probation Procedure Act 1979 was enacted. It was inaugurated on August 7<sup>th</sup>, 1979, directly accountable to the Criminal Court, under the Office of Judicial Affairs. The office was responsible for the pre-sentence investigation and supervision of adult offenders for the court in the Bangkok area. In 1983, it began to expand its work to other regions. In line with this expansion, a volunteer probation initiative was introduced. The first Volunteer Probation Officers (VPOs) was accordingly appointed in 1985. Undoubtedly, VPOs has since become our valuable local resource.

On March 15<sup>th</sup>, 1992 marked another remarkable reform in the Thai probation service when the Central Probation Office was officially supplanted by the new “Department of Probation” (DOP) under the responsibility of the Ministry of Justice. The DOP has continued to see many changes afterwards. One is that although for most of its history the probation services served simply adult probationers, it began to supervise other groups of clients within the community. The restructuring followed the recommendations of the cabinet resolution on July 10<sup>th</sup>, 2001 that the DOP should be the main agency in dealing with community corrections. The role of probation officers has consequently shifted from providing a service to merely adult offenders to all types of probationers. The services include the pre-investigation<sup>1</sup> of adult offenders; post-sentence investigation of parolees; the supervision of adult and juvenile probationers, and parolees; and the provision of after-care service for probationers, parolees, and ex-offenders.

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<sup>1</sup>The Department of Juvenile Protection and Observation, Ministry of Justice, is responsible for the pre-investigation of delinquents.



In 2002, Thailand witnessed further significant change as a result of the inception of the Narcotic Addict Rehabilitation Act 2002. The Act has introduced the drug compulsory treatment programs with a new concept in solving drug problems. That is, drug addicts should be considered as patients rather than criminals, according to government announcement '...In dealing with aggravating drug crisis, emphasis placed on the prevention, should not be less than the suppression. Drug addicts shall be treated, while drug producers or traffickers shall be harshly punished...' Therefore, the DOP has become the agency to enforce this act.

In 2003, the Penal Code 1956 was amended and enabled judges to impose the Community Service Order in lieu of fine, supervised by probation officers. In 2005, the DOP became a key part of the historic forming of local Community Justice Networks nationwide under the Ministerial Strategy - "Justice for All, All for Justice". Center to the initiative was to encourage the community to work in partnership with the DOP and other criminal justice agencies in preventing crime and protecting their own community.

## **B. Legal Basis**

In Thailand, the probation services are served as the condition during suspension of sentence. Here are details of legislation related to the probation services;

- Criminal Code, Section 30, 30/1-30/3, section 56-58, and section 74-75
- Proceedings of Probation under the Criminal Code Act, B.E. 2522 (1979)
- Proceedings of Probation under the Criminal Code Act (No. 2), B.E. 2550 (2007)
- The Juvenile and Family Court Act B.E. 2553 (2010), section 90, 100, 132, 138/1, 138/2, 140, 143, and 142/2
- Correction Act, B.E. 2479 (1936), section 32/5-32/8, section 43
- Ministerial Regulation of Ministry of Interior issued under section 58 of the Correction Act, B.E. 2479(1936), section 46 and section 91-98
- Ministerial Regulation of Ministry of Interior No. 8, B.E. 2521 (1987) issued under the Correction Act, B.E. 2479 (1936)
- Ministerial Regulation of Ministry of Interior No. 13 B.E. 2550 (2007) issued under the Correction Act, B.E. 2479 (1936)
- Narcotic Addict Rehabilitation Act, B.E.2545 (2002)

## C. Organization and Personnel

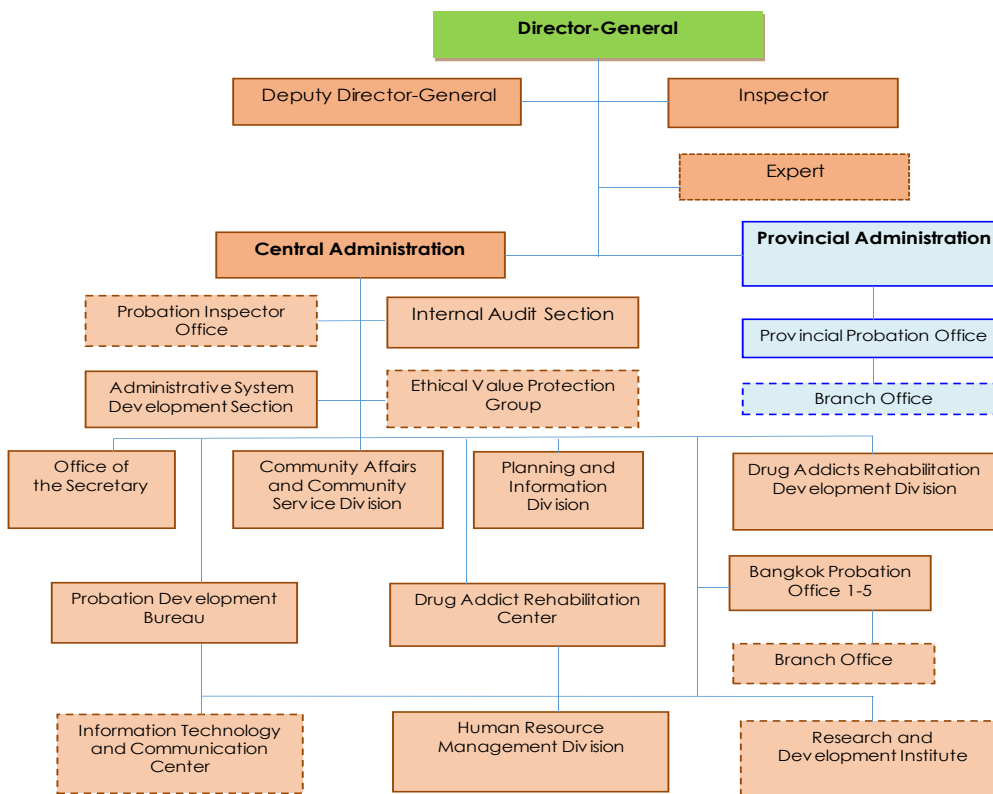
### 1. Responsible agencies

The Department of Probation, Ministry of Justice is the main agency for administering probation during pre-trial and post-trial stages and is assigned to assess and rehabilitate drug addicts in accordance with the Drug Addict Rehabilitation Act 2002. In 2015, the DOP' vision is to be professional in protection of society by rehabilitating and reintegrating offenders to the community.

According to the Ministerial Regulation on the Division of the Department of Probation 2008, the department has a duty to conduct social investigation, supervision, and rehabilitation; provide aftercare service for offenders and ex-offenders; provide drug rehabilitation for drug addicts in the compulsory treatment system in accordance with the Narcotic Addict Rehabilitation Act; develop the system and program for the treatment of offenders; administer according to the Ministry' policies and plan as well as monitor and evaluate the performance of the department's agencies; and coordinate the participation of the community in the treatment of offenders.

In 2015, there are 105 probation offices countrywide and 3,908 officers consisting of 2,498 probation officers and 1,410 administrative officers.

### Organizational Structure



## **2. Main Tasks**

- Preparing the pre-sentence investigation report with recommendations for appropriate measures for each of the offenders and submit to the court
- Supervising offenders, which includes monitoring and assisting offenders to comply with their conditions
- Promoting involvement of family, community, and network agencies in providing care, treatment, and rehabilitation services to offenders
- Monitoring the treatment process of drug users and reporting the rehabilitation results to the sub-committee
- Collecting and analyzing social background and related information of the prisoners who are eligible for parole or sentence remission. Then report this information to the parole board.

### **D. Probationary and Parole Supervision**

#### **1. Types of Community Measures, Orders, Dispositions**

<b>Type (Category)</b>	<b>Description/eligible offenders</b>	<b>Sentencing authority</b>	<b>Supervision/ Treatment Period</b>
<b>Adult Probationers</b>	Adult offenders aged 18 and above, who are imposed probation conditions: <ul style="list-style-type: none"> <li>• Suspension of Execution of Sentence</li> <li>• Suspension of Sentence Determination</li> </ul>	Criminal Courts	Suspension period Maximum 5 years but probation period is averagely 1 year.
<b>Juvenile Probationers</b>	Juvenile offenders aged over 10 years but below 18 years who are: <ol style="list-style-type: none"> <li>Sentenced not-guilty but probation is deemed necessary;</li> <li>Sentenced guilty but given a suspended sentence with probation;</li> <li>Conditionally released from a training center;</li> <li>Discharged from a training center but probation is deemed necessary.</li> </ol>	Youth and Family Courts	1 year and not exceed the offender's age of 24

Type (Category)	Description/eligible offenders	Sentencing authority	Supervision/ Treatment Period
<p><b>Parolees (Early-released prisoners)</b></p> <ul style="list-style-type: none"> <li>• <b>Offenders on parole</b></li> <li>• <b>Offenders granted Sentence remission</b></li> </ul>	<ul style="list-style-type: none"> <li>• <b>Offenders on parole</b> are prisoners being early released by the parole board and subject to be supervised by probation officers after release. Prisoners eligible for parole must be convicted prisoners who have served at least 1/3 of their sentence and are the first-time prisoners.</li> <li>• <b>Offenders granted sentence remission</b> are prisoners receiving good-conduct allowance time by the Good-Conduct Allowance Board. Two main approaches of the allowance are: <ul style="list-style-type: none"> <li>○ Good-conduct allowance which varies upon classes of prisoners – the eligible prisoners must be convicted prisoners who are imprisoned at least 6 months. In case of life imprisonment, prisoners must be imprisoned at least 10 years.</li> <li>○ Public Work Allowance can also be given in accordance with the number of public work days that prisoners spent for public work outside prison, leading to a reduction in imprisonment terms. To be eligible for public work, <ul style="list-style-type: none"> <li>- prisoners must have no more than 2 years remaining in his/her term;</li> <li>- prisoners must be convicted of crime other than that</li> </ul> </li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Parole Board</li> <li>• Good-Conduct Allowance Board.</li> </ul>	<p><b>Offenders on parole</b></p> <p>Supervision period is not more than 5 years and varies depending on their good conduct classes and their sentence.</p> <ul style="list-style-type: none"> <li>○ Excellent Class Prisoner will be under parole supervision for not more than 1/3 of their sentence;</li> <li>○ Very Good Class will be under parole supervision for not more than 1/4 of their sentence;</li> <li>○ Good Class will be under parole supervision for not more than 1/5 of their sentence;</li> </ul> <p><b>Offenders granted sentence remission</b></p> <ul style="list-style-type: none"> <li>○ Prisoners will be granted good-conduct allowance days</li> </ul>

Type (Category)	Description/eligible offenders	Sentencing authority	Supervision/ Treatment Period
	<p>against the King/ the Queen, the Heir-apparent and the Regent, offenses against internal/ external security of the Kingdom and Drug offense.</p> <ul style="list-style-type: none"> <li>- Prisoners must serve the minimum term which varies according to his/ her class as follows: <ul style="list-style-type: none"> <li>- Excellent Class: serve at least 1/5 of the original sentence term</li> <li>- Very good Class: serve at least 1/4 of the original sentence term</li> <li>- Good Class: serve at least 1/3 of the original sentence term</li> <li>- Moderate Class: serve at least 1/2 of the original sentence term</li> </ul> </li> </ul>		<p>varying upon their classes.</p> <ul style="list-style-type: none"> <li>- Excellent class receives 5 days/month;</li> <li>- Very good class receives 4 days/month;</li> <li>- Good class receives 3 days/month</li> </ul> <p>o Prisoners conducting public work will be granted sentence remission day equal to the period of their work.</p>

**2. Conditions of Probation and Parole Supervision**

**a. Probation Conditions for Adult Offenders** (Section 56 of the Criminal Code)

- Regularly report to the probation officer as directed;
- Seek lawful employment or vocational training;
- Refrain from, and not associate with any persons involving, criminal conducts;
- Attend drug, physical, mental, or other specific treatment programs as required by the court;
- Others in which the court aims to rehabilitate and prevent re-offending.

**b. Probation Conditions for Juvenile Offenders** (Section 138 of the Juvenile and Family Court and Juvenile and Family Procedure Act 2010)

- Do not enter into restricted areas;
- Curfews unless in the case of emergency or prior approval is obtained from parents or guardians;
- Do not associate with individuals not approved of by the court;
- Do not become involved in any activities leading to any offence;
- Report to the court or probation officer or social worker as directed;
- Seek lawful employment, training, or education.

In addition, Section 74(3) of the Criminal Code provides that the court can also impose any probation condition provided in Section 56 of the Criminal Code for young persons aged between 10 and 15 or 14 and 17 who are committing an offence but the court deem no punishment.

**c. Probation Conditions for Parolees**

- Do not enter into restricted areas;
- Do not associate with individuals with offending risks;
- Do not possess or involve prohibited drugs including guns or explosive weapons
- Do not involve with any misdemeanor.
- Report to probation officers as directed;
- Reside with the informed guardian in the specified address - any change of address requires approval from the probation officer;
- Comply with the probation officer's guidance and attend required programs;
- Obtain legal employment - any change of employment has to be acknowledged by the probation officer.

**3. Probation and Parole Supervision**

Probation and parole supervision consists of following processes:

**a. Inception**

After decision-making, if an offender is placed on probation supervision, the intake process will take place. The offender has to meet with an intake officer immediately. After that, the offender will be registered into the probation database system, and allocated to the responsible probation officer.

**b. Orientation**

Within 30 days, the probation officer will make an appointment with the offender for an orientation session. In this session, the offender will be thoroughly explained about the purpose, the requirement, and the compliance result of the court's order. In addition, the offender profile filing will be created, which all related information will be gathered. Appointments will be then scheduled for regular meetings with the probation officer.

**c. Classification and Planning**

Taking related information about the offender into consideration, the probation officer will undergo an offender classification process by focusing on the risks and needs assessment. Then, the probation officer will come up with a supervision plan for the individual. Afterwards, the officer will make sure the offender understand what he/she is required to do by the court or the parole board and instruct him/her how to complete the probation terms according to this plan.

**e. Supervision**

During the supervision period, the probation officer works to ensure that the offender keeps his/her appointments to meet with the officer as directed, perform community service as required, attend recommended rehabilitation programs, obtain legal job or training, and complete all other requirements placed on him/her. In this period, the probation office shall make a home visit or work closely with volunteer probation officers in the offender's residential area to optimize the probation supervision.

**f. Follow-up and Evaluation**

Every 1-3 months, the probation officer will review the supervision planning and progress. That is to conduct a regular review and adaptation of plans as appropriate.

**g. Reporting**

In the case of compliance, after completing the probation order, the responsible probation officer will make a compliance report to the sentencer or parole board. Vice versa, in the case of breach, the probation office will first investigate the incident and then report to the court or the parole board.

#### **4. Assessment, Classification, and Level of Supervision of Probationers and Parolees**

In Thailand, the approach of risks/needs assessment has been developed since 2000. It was started with a pilot project in 25 probation offices (25%) before implementing throughout the country in 2002. A follow-up research conducted in 2006 showed that the risks/needs factors in use for probation officers can significantly predict chances of probation completion. The risk factors are for instance.... The needs factors are ....

All offenders under probation are to be classified their levels of supervision by the probation officers' risks/needs assessment tool. This is conducted after the first meeting with the probationer when all personal information are gathered and evaluated. Moreover, probation officers are to re-assess risks/needs factors in order to adjust supervision plans for offenders over a period of time, basically every 1-3 months.

In other words, levels of supervision are consistent with results of the offender classification. Those are divided into 3 main categories: high, medium, and low risk. Consequently, probation officers are to set up supervision plans and allocate resources for each offender according to their needs and risk levels.

#### **Halfway Houses**

Department of Probation (DOP), Thailand, has recognized halfway houses as local transitional living places for offenders to be prepared for social reintegration into the community. We provide not only monitoring and support, but also necessary rehabilitation programs. DOP's Halfway houses were first initiated in 2005 at the Peaceful Home (called "Baan-Rom-Yen" in Thai) in Nakhonsawan Province and the Quality of Life Development Center ("Soon-Pattana-Kunabhap-Chiwit") in Amnatcharoen Province. Positive outcomes from the initiative led to continuous expansion of halfway houses in Mahasarakham, Chaiyaphum, Khamphaengphet, and Phattalung Province. At present, there are 8 officially-authorized halfway houses nationwide with totally over 1,000 residents.

Halfway houses are currently meant to assist probationers in various aspects. First is to home those who are homeless or need help with reintegration into their family or community. Second is to support mental recovery or rehabilitation process. Lastly,



halfway houses aim to support vocational training, or education to support residents with better career opportunities.

In the future, we attempt to locate or create more qualified halfway houses. In line with this, we also work to improve operating standards to be equipped to deal with probationers required to stay in halfway houses as an intermediate sanction by the court.

#### E. Specific Measures and Program for Community-based Treatment

Treatment Program	Targeted Offenders	Brief Description
1. Group Counseling Camps	<ul style="list-style-type: none"> <li>• Adult probationers</li> </ul>	<ul style="list-style-type: none"> <li>• Based on Reality Therapy covering self-esteem, goal setting skills, and healthy coping mechanisms.</li> <li>• 3 days</li> <li>• Delivered by probation officers</li> </ul>
2. Ethical Camps	<ul style="list-style-type: none"> <li>• Juvenile probationers</li> <li>• Adult probationers and parolees</li> </ul>	<ul style="list-style-type: none"> <li>• Based on religious perspective to encourage righteous living among offenders.</li> <li>• 3 days</li> <li>• Delivered by probation officers and VPOs</li> </ul>
3. Program for Driving Under the Influence Offenders	<ul style="list-style-type: none"> <li>• Adult probationers</li> </ul>	<ul style="list-style-type: none"> <li>• Based on Learning Theory</li> <li>• Once a month for 3-4 times. Conduct 1-2 activities each time.</li> <li>• Delivered by probation officers and VPOs</li> </ul>
4. Motivational Counseling	<ul style="list-style-type: none"> <li>• Probationers, Parolees, Drug Addicts</li> </ul>	<ul style="list-style-type: none"> <li>• Based on Motivational Interviewing, counseling perspective and Motivational Theory</li> <li>• Depend on offenders' problems and needs.</li> <li>• 40-45 minutes for each session</li> <li>• Delivered by probation officers</li> </ul>
5. Boy Scout Camp	<ul style="list-style-type: none"> <li>• Juvenile probationers</li> </ul>	<ul style="list-style-type: none"> <li>• Based on Boy Scout concept</li> <li>• 7 days</li> <li>• Delivered by Boy Scout teachers.</li> </ul>

Treatment Program	Targeted Offenders	Brief Description
6. Self-Development through Religious Program	<ul style="list-style-type: none"> <li>• Drug addicts who are classified to receive non-custodial rehabilitation programs.</li> </ul>	<ul style="list-style-type: none"> <li>• Integrated perspectives of Buddhism and Cognitive Behavioral Theory</li> <li>• 30 days</li> <li>• Delivered by Buddhist monks.</li> </ul>
7. Non-custodial Drug Rehabilitation Program	<ul style="list-style-type: none"> <li>• Juvenile Probationers</li> <li>• Adult Probationers and parolees</li> <li>• Drug addicts who are classified to receive non-custodial rehabilitation programs.</li> </ul>	<ul style="list-style-type: none"> <li>• Integrated perspectives of Counseling Psychology, emphasizing on Reality Therapy, Matrix programs and life skills.</li> <li>• Consists of core program and specific program.</li> <li>• 1) Core program: all offenders are required to participate in this program monthly for the period of 5 months.</li> <li>• 2) Specific program: only offenders who have specific problems and needs. The length of this program depends on each individual's needs.</li> <li>• Delivered by probation officers</li> </ul>
8. Custodial Drug Rehabilitation Program	<ul style="list-style-type: none"> <li>• Drug addicts who are classified to receive custodial rehabilitation programs.</li> </ul>	<p>Integrated perspectives of religions, Therapeutic Community, Matrix program and military discipline.</p> <p>120 days</p> <p>Delivered by probation officers, public health practitioners, and Thai military officers.</p>

## II. PARTICIPATION OF THE COMMUNITY

### A. Volunteer Probation Officers

#### 1. Mission

To make the public and community be aware of and participate in the rehabilitation and aftercare services for local offenders and to help create peace and order in the community.

## **Principle**

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.

## **2. 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 by the MOJ and other relevant agencies. A VPO whose works are obviously outstanding and meet certain qualification requirements may be nominated for Royal Decorations. This is subject to the regulations on the nomination 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).

## **3. Main Tasks**

- 1) Assisting probation officers in investigating relevant facts about prisoners before they are released on parole or sentence remission;
- 2) Assisting probation officers in supervising, visiting, rehabilitating and providing welfare for probationers, those who serve community service order in lieu of fine and those who are in needs of aftercare service;
- 3) Assisting probation officers in rehabilitating drug addicts and monitoring them after they finish the program in accordance with Drug Rehabilitation Act B.E. 2545 (2002);
- 4) Assisting probation officers in other duties as provided in the law; and
- 5) Helping disseminate knowledge in probation, publicize the works of the DOP and the MOJ, and assist other assigned tasks.

The term of service of VPO is 2 years and then he/she may be reappointed thereafter.

#### **4. Recruitment**

To be eligible for appointment as a VPO, an individual must meet the following qualification requirements:

- 1) Be at least 25 years old;
- 2) Live in a permanent residence;
- 3) 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;
- 4) Demonstrate honesty, integrity and dedication for the works of the DOP;
- 5) Hold an honest and permanent job with stable financial status;
- 6) Present good personality and behavior as well as receives trust and respect from the public or the community;
- 7) Not be in the monkhood or priesthood;
- 8) Not get involved in drugs activities;
- 9) Have no a mental disorder or illness;
- 10) Not be declared incompetent;
- 11) Not be declared insolvent;
- 12) Have no contagious diseases;
- 13) Never have been sentenced to serve prison sentence, except such case was committed with negligence or was a minor offense; and
- 14) Succeed in the 3 days-training courses on core knowledge and skills to provide probation service, such as Criminology, Psychology and Social Welfare, Fundamental Law, Ethics, Good Governance, Writing Skills for Probation Reports, Case Assessment and Case Management, etc., hosted by the MOJ or the agency authorized by the MOJ.

Prior to the appointment as a VPO, an individual has to take oath to the Minister of Justice or the person designated by the Minister of Justice that he/she will carry out duties as "a Volunteer Probation Officer, Ministry of Justice" with honesty, sacrifice and dedication as well as strictly uphold discipline and intelligence principles of the public service.

#### **5. Capacity Building**

Conferences, seminars, trainings, and other activities are promoted and encouraged continuously for VPOs to develop their knowledge and skills. Specific training courses in response to their needs and necessities for casework are provided, such as:

- Techniques and Methods on Drug Prevention and Solutions;
- Effective Working Practice;

- Program for Young Offenders and Their Families;
- Community Affairs; and
- Community Justice Network.

## **6. 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 memberships are comprised with:

- 1) Ordinary Members: those who are VPOs (according to the Regulation of the Ministry of Justice on Volunteer Probation Officers 2004)
- 2) Extraordinary Members: general public who are interested in and support the DOP's work.
- 3) Honorable Members

Furthermore, the members 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.

## **7. Legal Basis**

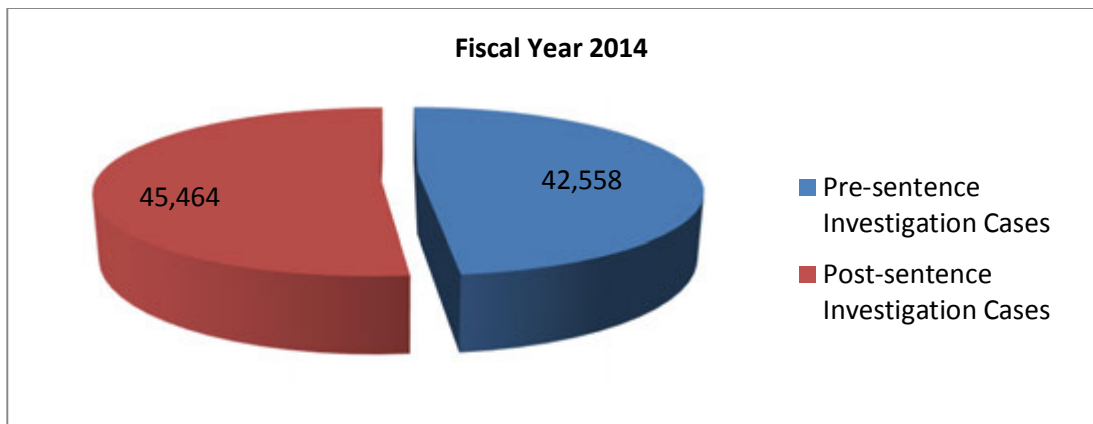
- Regulations of the Ministry of Justice on Volunteer Probation Officers B.E. 2547 (2004)
- Regulations of the Ministry of Justice on Organizational Administration of Volunteer Probation Officers, Ministry of Justice B.E. 2541 (1998)
- Regulations of Volunteer Probation Officers' Association, Ministry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

## **III. REFERENCES**

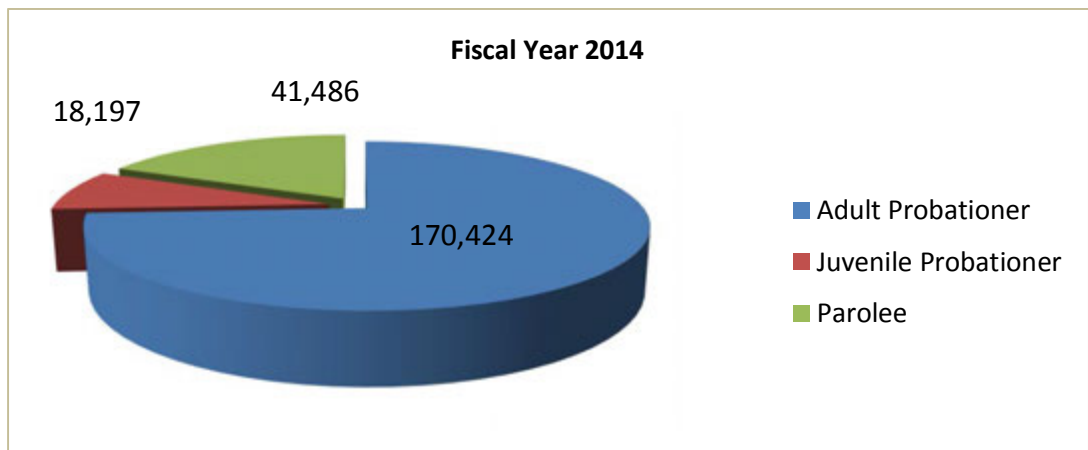
1. Department of Probation Booklet
2. Factsheet on Probation and Non-custodial Measures in ASEAN Plus Three Countries
3. Official Website: <http://www.probation.go.th/>

#### IV. STATISTICS

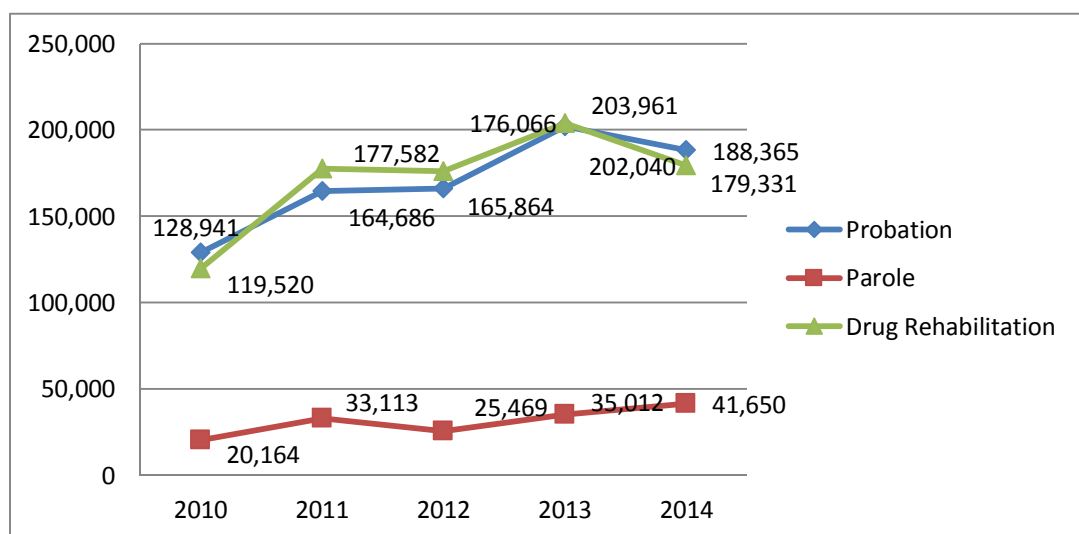
**Number of Offenders**



**Probation and Parole**



**Number by Type of Community-based Measure**



## Number by Gender

Fiscal Year	Probationers		Parolees		Drug Rehabilitation	
	Male	Female	Male	Female	Male	Female
<b>2010</b>	118,598	10,343	16,881	3,283	109,079	10,441
<b>2011</b>	152,214	12,472	27,849	5,264	161,204	16,378
<b>2012</b>	153,565	12,299	21,210	4,259	159,475	16,591
<b>2013</b>	188,709	13,331	28,797	6,215	186,501	17,460
<b>2014</b>	175,544	12,821	34,701	6,949	163,429	15,902
<b>2015*</b>	54,853	4,285	9,045	1,608	39,438	3,884

\*(As of 30 January 2015)

## Number by Age

Fiscal Year	Probationer			Parolees		Drug Rehabilitation		
	Below 18	18-24	Above 24	18-24	Above 24	Below 18	18-24	Above 24
<b>2010</b>	23,733	37,369	88,580	4,000	18,721	16,858	51,820	50,842
<b>2011</b>	23,548	41,027	100,066	6,088	27,026	19,434	75,569	82,579
<b>2012</b>	17,161	42,895	105,808	4,288	21,181	12,051	76,095	87,920
<b>2013</b>	20,436	51,657	129,947	6,405	28,607	15,936	85,089	102,936
<b>2014</b>	18,009	47,204	123,152	7,216	344,434	13,548	64,632	101,151
<b>2015*</b>	5,239	15,310	38,589	1,837	8,816	3,049	14,788	25,485

\*(As of 30 January 2015)

### Probation Population by Selected Types of Offence

Probationer					
Fiscal Year	Crime against				
	Persons	Property	Drug related	Traffic law	Sexual
2010	10,086	11,357	37,606	64,314	3,090
2011	9,004	11,089	53,703	66,204	2,652
2012	7,298	9,196	60,783	66,809	2,158
2013	7,423	9,663	94,333	66,809	1,953
2014	6,572	8,830	96,312	53,241	1,644
2015*	2,113	2,910	27,523	19,392	508

\*(As of 30 January 2015)

### Parole Population by Selected Types of Offence

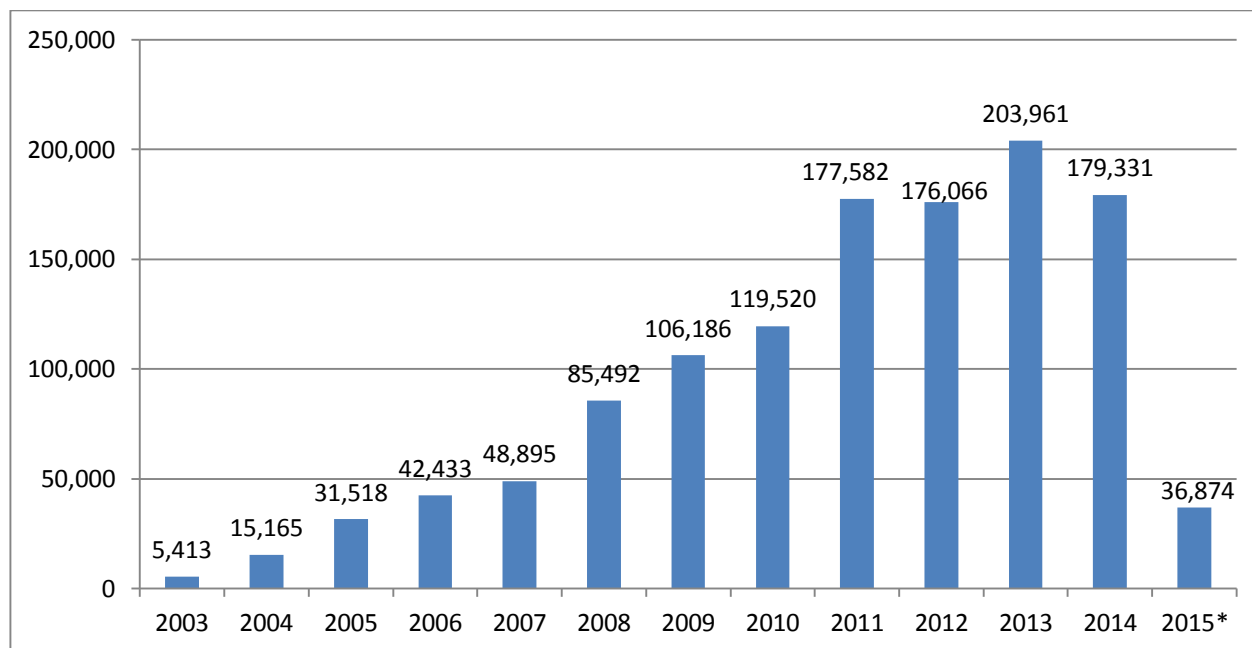
Parolee					
Fiscal Year	Crime against				
	Persons	Property	Drug related	Traffic law	Sexual
2010	2,184	4,750	13,270	26	909
2011	2,769	4,939	22,559	30	1,206
2012	2,540	3,076	17,428	26	958
2013	3,424	4,827	25,053	12	1,332
2014	3,408	5,384	29,275	33	1,262
2015*	1,134	2,012	6,301	9	348

\*(As of 30 January 2015)



## Drug Rehabilitation

### Drug Rehabilitation Cases in the Compulsory System



\*(As of 30 January 2015)

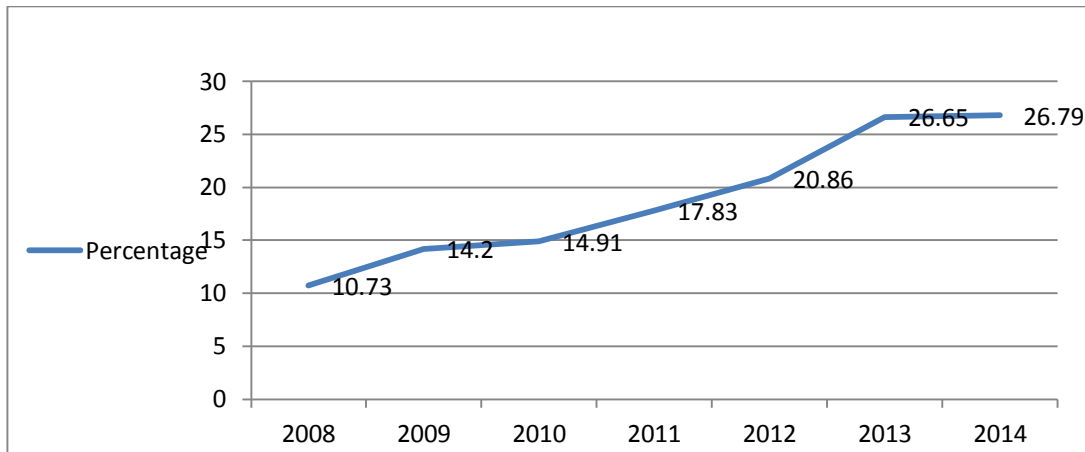
### Drug Rehabilitation Cases by Selected Types of Drugs

Fiscal Year	Heroin	Amphetamine	Opium	Marijuana	Inhalant	Crystal Meth
2009	540	94,653	252	3,398	7,025	180
2010	284	109,023	242	3,964	5,530	414
2011	346	167,335	284	3,484	4,486	1,568
2012	328	166,832	306	2,977	2,776	2,728
2013	516	193,563	370	4,849	2,815	1,762
2014	553	169,102	419	5,454	2,503	1,183
2015*	241	39,538	211	2,013	952	332

\*(As of 30 January 2015)

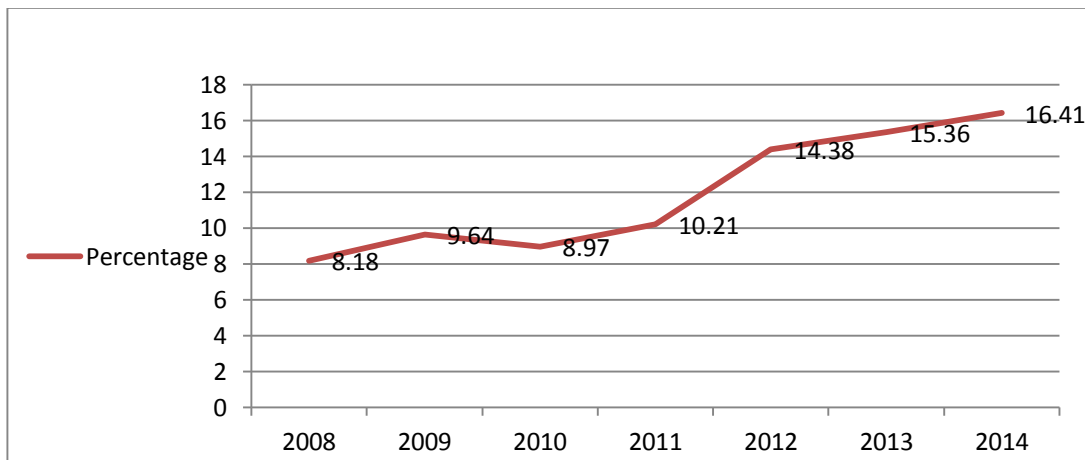
### **Recidivism Rate**

Definition: Reoffending within 3 years after termination.



### **Revocation of probation rate**

Definition: The acts of violating court orders while being on probation including not report to the office, re-offend, and not do community services.



### c. Number of Personnel

#### 1. Government staff (As of 30 January 2015)

<b>Position</b>	<b>Number</b>
Executive and managerial position	10
Directors of probation offices	82
Probation officers	2,401
Psychologist	1
Social workers	1
Nurses	3
Administrative officers	1,410
<b>Total</b>	<b>3,908</b>

#### 2. Volunteer Probation officers and Volunteer Probation Officer Coordinating Centers (Fiscal Year 2014)

<b>Types</b>	<b>Number</b>
Volunteer Probation Officers	15,381
Volunteer Probation Officer Coordinating Centers	673

### d. Average Caseload per Staff Member

#### Monthly Caseload (Fiscal Year 2014)

Standard Monthly Caseload per Staff	
<b>Investigation Case</b>	8.56 cases
<b>Supervision Case</b>	15.54 cases
<b>Actual Monthly Caseload per Staff</b>	30 cases

### e. Budget

The Department of Probation's overall budget in fiscal year 2015 is 60,047,034.375 US dollar. This budget is divided to operate two main tasks.

#### 1. Probation and Parole

Tasks	Budget (US dollar)
Investigation	13,630,106.25
Supervision and Rehabilitation	14,903,965.625
Information and Communication	119,334.375
<b>Total</b>	<b>28,653,406.25</b>

#### 2. Drug Rehabilitation

Tasks	Budget (US dollar)
Identification (drug users VS drug addicts)	9,231,534.375
Custodial Rehabilitation Program	16,049,696.875
Non-custodial Rehabilitation Program	6,026,146.875
Information System Development	86,250
<b>Total</b>	<b>31,393,628.095</b>

Note:

- Fiscal year in Thailand is from October 1<sup>st</sup>- September 30<sup>th</sup>
- Sources: Division of Planning and Information, Department of Probation, Ministry of Justice, Thailand

## **THE COMMUNITY BASED TREATMENT SYSTEM OF THAILAND: RECENT CHALLENGES**

### **I. CURRENT SITUATION OF THE CRIMINAL JUSTICE SYSTEM IN THAILAND**

The problem of excessively large caseloads, found at every stage of the Thai criminal justice system, especially prison overcrowding, and has driven criminal justice agencies to apply a range of alternative measures to divert cases from the system. This policy also greatly effects on the Department of Probation, which is the main agency responsible for community-based treatment. Since a Cabinet Resolution of 10 July 2001 followed by Decree on Transfer of Administration and Responsibility of Government Organizations, the Department is responsible for treatment of adult and juvenile offenders at the pre-trial and post-trial stage. In addition, when the Narcotic Addict Rehabilitation Act 2002 was enacted, the Department of Probation is responsible for drug rehabilitation in the compulsory treatment system.

More responsibility unavoidably increases in caseload. We have embraced the new responsibilities of rehabilitating and reintegrating the groups of drug addicts, adult and juvenile probationers, and parolees. As a result, the number of cases has increased more than 3 times in the past ten years. About 400,000 offenders have been admitted each year, consisting of 46% probationers, 10% parolees, and 44% drug addicts. Comparing with the number in 2003, the number of offenders remarkably increases about 70% which results from the increase of adult probationers and drug addicts.

The Department not only faced with high caseload but also demanded for better performance. Before 2001, probation officers focused on probation services only. Their main responsibility is to conduct pre-sentence investigation and supervision of adult offenders with minor offences. But when new tasks assigned in 2001, various cases were referred to the Department. These cases include more serious cases from early release prisoners and drug addiction problem from drug addicts under the narcotic law. Therefore, the Department has to develop new approaches and programs and increase staff capacity.

Public confidence is one of significant factors affecting the implementation of community-based treatment. The public has to be confident that the Department can promote community safety while treating offender in their own community. They have to believe in giving another chance to offenders and readily to help and support

offenders. To gain public understanding and trust, the Department needs to prove that we are professional in offender rehabilitation and protection of society.

Due to the justice policy to divert cases from the system and use more alternative measures to imprisonment, the Department of Probation has become the focus of the criminal justice system. More offenders will be sentenced and referred to community-based measures and higher expectation for effectiveness will be from the public and other criminal justice agencies, especially the court. To cope with the external and internal change, the Department of Probation is facing with the new challenge, which is to develop our organization to the professional level.

## **II. RECENT CHALLENGES: TOWARD PROFESSIONAL ORGANIZATION**

The current situation explained above has driven the Department of Probation to deliver service more effectively and professionally. The organization has to increase its competence to cope with the internal and external pressure. We need to assure the public that we are capable of delivering the best practice as we state in our vision that *"To be professional in protection of society by sustainably rehabilitating and reintegrating offenders to the community"*.

Our vision is very challenging since we relate the term of 'professional' to an organizational level. It means that our goal is to be a professional organization. That Department of Probation must be professional in all tasks we are responsible. These tasks cover a wide range of services including probation services and drug rehabilitation.

The organization strategically plans to accomplish our goal. We took the first step by defining what the professional organization in community-based treatment is. We analyze that we must perform 3 tasks: *enforcing conditions of non-custodial sanctions, rehabilitating offenders, and promoting family, community, and social network involvement in offender rehabilitation.*

### **1) Enforcing conditions of non-custodial sanctions**

Offenders under responsibility of the Department of Probation consist of adult probationers, juvenile probationers, parolees, and drug addicts under the compulsory treatment system. These offenders have certain conditions to follow according to the and report back to the authorities if violation occurs. To enforce conditions of non-custodial sanctions, the Department must operate under laws and regulations. This task

has certain requirement, which is task must operate fairly, speedy, legally, transparently, and accountably.

## **2) *Rehabilitating offenders***

To be professional in community-based treatment, we must be able to rehabilitate offenders by implementing standardized and effective treatment program. This task requires different skill and knowledge because the Department treats various types of offenders. Additionally, the Department must develop programs which are evidence and knowledge based. Finally, it is challenging for us if we can gain public trust and confidence in offender rehabilitation.

## **3) *Promoting family and community involvement in offender rehabilitation***

Treatment of offenders would not be successful if there is no support from their family and community. The challenge in this task is how the Department could gain support and cooperation from the community. Probation officers could not work alone in offender rehabilitation because we do not have sufficient resource and we are not know-it-all specialists. So we need to use resources from the community and support from offender's family.

In conclusion, it is quite challenging for the Department of Probation to become professional organization which can operate all tasks fairly, accurately, speedy, in a standard manner and knowledge-based in order to reintegrate offenders into society and protect the society. Finally, to be professional organization, we need to gain acceptance from the public and other criminal justice agencies that we are professional.

### **Strategic Approaches to Professional Organization:**

To accomplish the goal of professional organization, the Department sets 4 strategic approaches to develop 4 pillars: 1) Work process standard 2) Monitoring system 3) Knowledge 4) Staff.

#### **a) *Developing work process standard***

Work processes refer both core process and supporting process. Core processes consist of social investigation, offender rehabilitation, condition enforcement, and promotion of community involvement. Supporting processes consist of management and development processes including research, human resource development, planning, etc.

All work process must be standardized to deliver effective, fair, and consistent services. The standard will be reviewed and revised regularly in order to respond to client's needs and external changes, such as criminal policy and law amendment.

**b) *Developing the monitoring system***

To monitor and evaluate all standard work processes, the Department employs the monitoring system including key performance indicators, inspection by departmental inspectors and senior officers in the probation offices, monitoring work performance through information system. Additionally, more effective tools will be developed to target critical issues, such as caseload monitoring, condition enforcement, standard assessment of affiliated agencies, such as drug rehabilitation network. Regular and effective monitoring will assure quality and standard of work processes and prevent errors at the operational level.

**c) *Developing special knowledge, skill, tool and technology***

Core knowledge both tacit and explicit must be identified and managed. These knowledge and skills include subjects, such as working with community and network, counseling, psychology, drug treatment, and criminal law. Best practices conducted in probation offices and from other countries should be collected and shared. More tools, such as technology and evidence based programs, must be developed and applied. Recently, the Department has introduced electronic monitoring system to improve our work with offenders. In the near future, more types of technology will be introduced because it will help us improve our work under situation of increased caseload and understaffed.

**d) *Developing professional staff***

Probation officers are required to be capable of various skills in order to conduct complex and difficult tasks. They must be developed to be professional, which means that officers not only follow the standard process but are also able to use their own discretion when needed. Probation officers recruited to the Department must have at least bachelor degree either in law, psychology, sociology, social or political science. To develop professional staff, the Department has implemented human resource development projects, such as special training courses for probation officers dealing with juvenile offenders and drug addicts, activities to promote ethics, and international training courses. The Department regularly dispatches senior probation officers to take courses in international academy or



training institutions every year. However, the Department has not had professional standard for probation officers yet so there are more to be done in the future.

### III. CONCLUSION

The DOP has faced challenges similar to community-based systems in other ASEAN countries but we need to move forward by aiming at higher goal so the DOP set the goal to be the professional organization in community-based treatment. Although it is more challenging, we believe that if we can accomplish it, the community and offenders will benefit most. We also hope that the model and approach of professional organization will be practical and useful for other systems and eager to share any learned lesson relating to this issue.



## THE COMMUNITY BASED TREATMENT SYSTEM OF VIETNAM

### I. INTRODUCTION TO COMMUNITY-BASED TREATMENT IN VIETNAM

Vietnam has not implemented a parole mechanism in the system of criminal sentence enforcement yet. In the coming time, we are launching a project on conditional release for offenders serving their time in prison through gaining the existing experience from the suspended sentence and non-custodial reforms as well as the experience and effectiveness from the reintegration for ex-offenders into the society.

#### A. The legal basis and forms of the probation in Vietnam

##### 1. The suspended sentence

The suspended sentence is a measure for the exemption of serving the imprisonment to some certain conditions stipulated in the Article 60 of the Criminal Code applied in case of the imprisonment is not exceeding 03 years. Based on the identity of offender and the extenuating circumstances (such as good personality, no criminal record, no administrative violations) it deems unnecessary for him/her to be serving sentence in prison, court may give a suspended sentence and set a probation period from 01-05 years supervised and rehabilitated by the Commune People's Committee (CPC). During the probationary period, if the person on probation commits an offence, the court has to revoke the probation and change it into the same previous imprisonment term left along with the new sentence committed.

The purpose of suspended sentence is not forcing anyone to serve his/her sentence in prison when there are certain conditions in order to encourage them to voluntarily rehabilitate in the community to become productive citizens of society. The criminal sentence enforcement agency at the district level and the CPC where offenders reside, live and work are responsible for conducting the suspended sentence. There have been about 47,000 people in Vietnam serving the suspended sentence so far.

The procedures for conducting a suspended sentence:

Within 03 working days from the date of the decision, the court shall forward the judgment and decision to the criminal sentence enforcement agency, the people procuracy of district, CPC for his/her residence, living and working to know. After receiving the decision of suspended sentence from the court, the criminal enforcement agency of district have to summon the persons to inform the decisions, the time of probation and ask them to write a warrant obeying the law, to report in person at a specific date at the CPC of the residence, living or working.

All files sent to the CPC. After receiving the profiles, the CPC calls on the suspended to let them understand about the provisions of probation, their rights and obligations and require them to abide all rules and regulations of laws. The CPC makes decision to assign the agencies, organizations, unions or individuals to directly supervise and educate them.

## **2. Non-custodial sentence**

Non-custodial reform is a main penalties specified in the Article 31 of the Criminal Code of Vietnam, applied for less serious offenders (the maximum penalty to 03 years) or serious crime (highest penalty to 07 years); applicable to offenders who have a right workplace and a stable residence. The Court finds it not necessary to separate offenders from society but handle them to the community where they work or live under the control and education. Families are responsible for coordinating with the CPC to manage them. Those offenders have the sentence stated by court from 06 months to 03 years and their income shall be deducted from 5% to 20% contributing to the state fund. In Vietnam, there have been about 3,800 people serving non-custodial sentence in the community.

The procedures for serving a non-custodial sentence:

In general, the procedures for conducting a non-custodial sentence utmost as same as the execution of the suspended one. The management, supervision and rehabilitation for offenders are conducted by an criminal sentence enforcement agency of the district (district police) and the CPC where he/she lives or works. A part from that, CPC must also cooperate with some civil sentence enforcement agencies to deduct part of her/his income as decided by court.

The obligation of offenders to the non-custodial sentence: During the sentence, he/she must comply with the rules and the regulations of the locality and workplace as well as positively work, study and perform the duty under the civil judgment prescribed. When summoned by the CPC, the offenders must be in person and has to ask for a permit before leaving the registered residence for a new place.

Offenders violate the Criminal Code at different level of severity shall be handled in accordance with the provisions of the Criminal Code. However, to the extent of not applying the criminal penalties, the CPC work with other agencies and organizations and the local people to have a meeting in order to review his/her records which will

be reported to the criminal sentence enforcement agencies of the district. In case offenders violate the law not seriously enough for applying the criminality, the CPC proceed him/her to the administrative penalties such as a warning or a fine (valued of some 100-150 USD) conducted by the law enforcement agencies.

The rights of non-custodial offenders: Legally, the offenders can work and be paid at the workplace where he/she ever works before the trial if they are capable to work and for the vocational training subjected to the policy on insurance. If they make progress and have eligible criteria proposed to the court of the district where the judgments are reviewed to strictly define the pardon or remission for the sentence term by law.

### **3. The community reintegration for offenders**

Vietnam law regulate the conditions for inmates to complete their imprisonment terms in order to re-integrate into the society which is one of the principles for handling crime in the criminal policy of the State of Vietnam: "Those who have complete penalty be facilitated to earn an honest living, community integration" (Article 3 of the Criminal Code). It is also consistent with the International Covenant on the civil and political rights, which Vietnam has signed: "The treatment of prisoners in the prison system is primarily aimed at rehabilitatating and bringing them back to the community "(Article 10).

Policy on community reintegration is stipulated in many legal documents of Vietnam, such as the Criminal Code, the Law on Amnesty, the Law on Criminal Sentenece Enforcement, the Decree N0 80/CP dated 16 / 9/2011 by Vietnam Government regulated the measures to ensure the community reintegration service for exoffenders. According to law, the policies and measures to ensure the reintegration for exoffenders into the community applied throughout the time of being convicted to serving in prison until expiring to leave prison and return to the community and have a stable life.

#### 3.1 During the incarceration

During the period of imprisonment, inmates are taught the legal education, the civic education, the employment skills, the vocational training, the illiteracy eradication, etc.; and are fully provided food, clothing, housing, medical rooms. Before the expiry of the sentence, the offenders are equipped with the knowledge, skills in order to re-entry into the community. Decree N0.80/CP by the Government dedicated one chapter (Chapter II) writing about the conditions that ensure the

inmates have been serving the sentence for the reintegration into the community including the implementation of some policies and measures as following:

The legal support for ex-offenders was carried out two months before the discharge from prison (Article 6. Offenders have to be aware of the policy, law, information about the social, economic situation, the employment and are helped with the life skills, equipped with the necessary knowledge and the legal support.

Offenders serving sentence in prison and detention centers should be consulted with a proper support to solve the difficulties by themselves for the positive reintegration into the community. Prisons, detention centers provide with a counseling service for the inmates (Article 7).

Consulting employment service for inmates who are about to complete sentence (Article 8): Based on the ability of the offender, the employment and specific conditions, the correctional facilities foster the vocational training service for them.

Ensure the involvement and communication with the community

The involvement of the community in the rehabilitation is considered the basic principles of criminal policy in Vietnam, Article 4 of the Law on criminal sentence enforcement: "Ensuring the involvement of agencies, organizations, individuals and families in the incarceration for inmates".

According to the law of Vietnam, policies and measures applied during this period must be made on the principle: "to create favorable conditions for exoffenders to reintegrate without recidivism or violating the law. "

The State of Vietnam encourages agencies, units, organizations and individuals involved in the service of counseling, vocational training, job placement; encourage people to receive them to work. The Agencies, units, organizations and individuals involve in the management, rehabilitation, helping the ex-offenders to be given priority for such as the land rent and the infrastructure of the State under the provisions of law.

The ex-offenders is provided with the vocational training, employment suitable with their health conditions, the expertise and considered to get a loan support from the bank of social policy, social funds and charity funds to do the business and learning. Legally, the ex-offenders are not considered a criminal anymore when the criminal record is removed and they are entitled to have equal rights as all other citizens.

## **II. PROJECT ON THE PAROLE IN THE FUTURE**

From the experience of the community based treatment such as the suspended sentence and non-custodial reform as well as the experience and the effectiveness of the community reintegration service for ex-offenders, we are going to launch a mechanism of parole in Vietnam with the core contents as following:

### **1. Cases and conditions applied**

Convicted persons who are serving sentence in the correctional facilities are required to meet the following conditions: the first time offenders have served at least half of the sentence term and are truly repentant with a good conduct in rehabilitation in prison. Beside that, He/she must complete the additional duty, pay damages (if any). The parole applied only when it does not affect the social security, order and safety.

### **2. Rights and obligations of parolee**

While on parole, the person was ensured of the basic rights of citizens (except those rights that the Court has restricted or deprived of, the certain judgment was imposed for each person on parole may be different) in accordance with the laws and regulations of the government and local residence. The person on parole has to regularly report in person at the CPC and is prohibited from participating in the political organizations; ban from holding authority in office, not allowed to exercise the right to vote or candidating to the People's Councils at all levels and the National Assembly.

During the time of parole if there are violations of the rules the parole decisions must be canceled and he/she is back to correctional facilities serving the remaining imprisonment term added to the new adjudicated one if any.

### **3. The supervision of parolees**

The General Department of police for criminal sentence execution and judicial support under purview of Ministry of Public Security is the agency to perform the management, supervision and rehabilitation against the person on parole. Meanwhile, the CPC is a grassroot unit for the direct management and supervision, and rehabilitation people on parole. The community police is the main advisory body to the CPC. The district police has responsibility for the guidelines and monitor. The social organizations, local residence, unions, entrepreneurs are the cooperation units for the rehabilitation and support to the parolees.

### III. CHALLENGES FACED BY VIETNAM

1. The majority of probationers are the breadwinners in the families and mostly free laborers, unskilled workers and they regularly change job, workplace and residence. Therefore, the management, supervision and rehabilitation for offenders during their absence are always difficult.
2. Some people are assigned to supervise probationers may be afraid to frank correct them when they make mistakes or violate the rules because those people do not want to challenge themselves with the trouble. This is the cause of the recidivism.
3. For the cases failing to comply with the obligations, the sanctions are rather mild. Under the law of Vietnam, only when they commit a new offense shall be dealt as criminal acts; violations of the law but not to the extent criminal penalties only be handled administratively by the authority of the CPC which shall be applied only in the form of a review, warning, a fine of between 100 – 150 USD.
4. The implementation of proposed measures for the conditional release in execution of the imprisonment are facing some difficulties and challenges such as: (i) This is a new approach, has not been stated in the system of Vietnam laws cause difficult to convince and get the consent of every one in society; (ii) Many people still discriminate against ex-offenders in general and those sentenced to imprisonment in particular make difficult to mobilize the participation of communities and individuals in management, monitoring, rehabilitation and help to facilitate the released persons from prison as well as to detect the violations of laws by the parolees to bring them back to correctional facilities as regulated.

## THE COMMUNITY BASED TREATMENT SYSTEM OF JAPAN

### I. INTRODUCTION TO COMMUNITY-BASED TREATMENT IN JAPAN

#### A. Historical Development of Community-based Treatment

The precursors of the present halfway houses (Offenders Rehabilitation Facilities) emerged in the 1880s, some of which appointed volunteer workers to provide ex-prisoners with counselling and assistance. When the old Juvenile Law established the probation system for juvenile delinquents, the shortage of regular staff was supplemented through an increased number of juvenile VPOs. In 1939, the Juridical Rehabilitation Service Law was enacted which provided a basic framework for "Rehabilitation Workers" (predecessors of the VPO). At the beginning, approximately 13,000 Rehabilitation Workers were appointed.

After World War II there followed a discussion over whether or not probation and parole services should be established as a professional service and the new organization (current system) came into being in the form of a combined system that consisted of professional staff (PPOs) and volunteer citizens (VPOs).

### II. LEGAL BASIS OF COMMUNITY-BASED TREATMENT

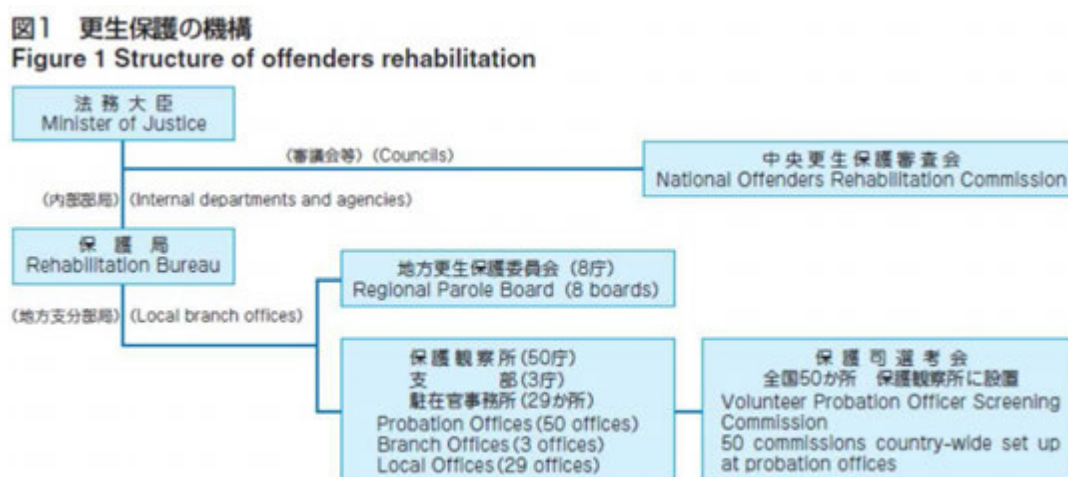
- Offenders Rehabilitation Act (2007)
- Anti-Prostitution Act (1956)
- Volunteer Probation Officers Act (1950)
- Offenders Rehabilitation Services Act (1995)
- Pardon Act (1947)
- Penal Code (1907)
- Juvenile Act (1948)
- Act on Medical Care and Treatment for Persons Who Have Caused Serious Cases Under the Condition of Insanity (2003)



### III. ORGANIZATION AND PERSONNEL

The rehabilitation services in Japan are organized and administered by the Ministry of Justice. Four governmental offices are concerned with the administration of the community-based treatment of offenders: (1) the Rehabilitation Bureau of the Ministry of Justice, (2) the National Offenders Rehabilitation Commission, (3) the Regional Parole Board and (4) the Probation Office (see Fig. 1).

The rehabilitation services in Japan are characterized by the extensive participation of volunteers and voluntary organizations, which consists of volunteer probation officers, the juridical persons for offenders' rehabilitation services approved by the Ministry of Justice; and other volunteers who contribute to the prevention of crime and rehabilitation of offenders.



#### 1. Rehabilitation Bureau, Ministry of Justice

The Rehabilitation Bureau is one of the six bureaus of the Ministry of Justice and is responsible for the overall administration of rehabilitation services, the main aspect of which is to provide community-based treatment to offenders. The Bureau handles planning and policy-making which are then implemented by 50 Probation Offices and eight Regional Parole Boards throughout country.

#### 2. National Offenders Rehabilitation Commission

The National Offenders Rehabilitation Commission is a council attached to the Ministry of Justice. The Commission's functions are to make recommendations to the Minister of Justice regarding pardons and to review the decisions of Regional Parole Boards upon a complaint filed by a probationer or a parolee.

### **3. Regional Parole Board**

Regional Parole Boards are found in the eight major cities in which the High Courts are located. The main responsibilities of Regional Parole Boards are to make parole decisions for prison inmates and juveniles committed to juvenile training schools, and to revoke parole when the legal requirements for revocation are met. They also decide when to terminate an indeterminate sentence imposed upon a juvenile offender. The number of board members varies in each region from three to fifteen.

### **4. Probation Offices**

The front-line duties of community corrections are carried out by the Probation Offices, which are located in each of the 50 District and Family Court jurisdictions. Their main responsibilities include the following: (i) supervision of both adult and juvenile probationers and parolees; (ii) co-ordination of social circumstances, such as family relationship, residence, and job-placement, prior to release; (iii) urgent aftercare of discharged offenders; (iv) promotion of crime prevention activities in the community; (v) recommendation of volunteer probation officers; (vi) support for the victims of crime; and (vii) mental health supervision pursuant to the Act on Medical Care and Treatment for Persons Who Have Caused Serious Cases Under the Condition of Insanity.

### **5. Probation Officers**

Probation officers are full-time government officials employed by the Ministry of Justice who are engaged in probation/parole supervision, and investigation of and coordination of the social circumstances for adult offenders and juvenile delinquents, as well as activities aimed at the prevention of crime and delinquency. Probation officers collaborate with volunteer probation officer, on the basis of medicine, psychology, pedagogy, sociology, and other expert knowledge concerning rehabilitation.

## **6. Rehabilitation Coordinators**

Rehabilitation coordinators are qualified psychiatric social workers, or other qualified persons, assigned to Probation Offices, who engage in mental health supervision and other responsibilities pursuant to the Act on Medical Care and Treatment for Persons Who Have Caused Serious Cases under the Condition of Insanity. Rehabilitation coordinators do not handle ordinary probation or parole cases.

## **IV. MAIN TASKS**

### **a. Probationary/Parole supervision**

Probationary/Parole supervision is performed by providing probationers/parolees with instruction/supervision and guidance/assistance for their rehabilitation. Generally, probationary/parole supervision is provided to a probationer/parolee by a collaborating team composed of a probation officer and a volunteer probation officer. The rehabilitation services are in charge of community-based treatment of (a) Juvenile Probationers, (b) Juvenile Parolees, (c) Adult Probationers, (d) Adult Parolees, and (e) Parolees from the women's guidance home.

### **b. Aftercare services for discharged offenders**

Probation Office could provide "urgent aftercare" to discharged offenders who are not under probation/parole supervision. Upon their application, probation office may provide aftercare services such as meals, clothing, travel fare, accommodation. When lodging is necessary, a probation officer may refer the case to a halfway house. The maximum period of aftercare is six months in principle but may be extended for up to another six months.

### **c. Parole**

Screening for release on parole is a major duty of the Regional Parole Board. When the Regional Parole Board receives a proposal from the warden of the correctional institution, or deems such parole necessary for the inmate, the board examine whether or not parole should be permitted to the inmate, and when the panel of three board members finds that the requirement for parole are met, they will make a parole decision specifying the date of parole, place of residence during parole, and special conditions.

**d. Coordination of the social circumstances for both adult and juvenile inmates**

In order to help inmates make a smooth return to the community, probation offices begin to carry out the assessment for the arrangement of living conditions as soon as the offenders' custody starts, and continue it until their release.

**e. Pardon**

The Pardon Act defines two types of pardon such as the pardon by Cabinet Order and the individual pardon. The pardon by Cabinet Order is divided into three categories and the individual pardon is divided into four categories with various effects. The Director of the Probation Office has the authority to make an application for an individual pardon.

**f. Victim Support**

The Offenders Rehabilitation Act stipulates that if there is a proposal from the victim or victim's family etc., the Regional Parole Board shall hear his/her opinion on making a parole decision and sentiments for suffering the damage inflicted by the offence, and the Probation Office shall convey his/her sentiments on the damage, and his/her life situation as a result of the offence or his/her opinion on the way of life or behavior of the assailant, to the probationer or parolee.

**g. Crime prevention activities**

An annual crime prevention campaign, called "Movement Toward a Brighter Society" is conducted under the auspices of the Ministry of Justice as a nationwide effort to promote public understanding of the rehabilitation of offenders, as well as to bring about a brighter society free of criminality and juvenile delinquency. Each prefectural, municipal or local government establishes a promoting committee to carry the Movement forward through various activities such as advertising campaigns, crime prevention meetings for residents in the community, educative meetings held in schools and so forth.

In Japan, the Probation Office does not produce pre-sentence reports. However, the Family Court produces the pre-sentence report for juvenile offenders.

## V. PROBATIONARY AND PAROLE SUPERVISION

### A. Types of Community Measures, Orders, Dispositions, Etc.

Type (Category)	Description/eligible offenders	Sentencing authority	Supervision/ Treatment period
Juvenile probationer	Juvenile placed under probation	Family court	Up to age of 20 or 2 years (whichever longer)
Juvenile parolee	Juvenile permitted to be provisionally release from juvenile training school	Regional parole board	Up to 20 years in principle
Adult parolee	Offenders permitted to be provisionally released from penal institution	Regional parole board	The remainder of the sentence
Adult probationer	Offenders who have had their execution of the sentence suspended and have been put under probation	Criminal court	Period of suspension of execution of the sentence (maximum 5 years)
Parolees from the women's guidance home	Offenders permitted to be provisionally released from the women's guidance home	Regional parole board	The remainder of the guidance/assistance period

### B. Conditions of Probation and Parole Supervision

Probationers and parolees are required to abide by the general and special conditions of probation. A failure to comply may result in adverse actions such as parole revocations.

#### (a) General Conditions

The general conditions of probation are specified in the Offenders Rehabilitation Act. General conditions are imposed on all probationers and parolees, and they cannot be changed or withdrawn during the probation or parole.

The general conditions are the following: (i) maintaining a sound attitude towards life; (ii) responding to summons or interviews by professional and volunteer probation officers; (iii) providing relevant information when requested by professional and volunteer probation officers; (iv) residing at the designated or registered residence; and (v) obtaining the permission of the director of the probation office before

changing residence or travelling for seven days or more.

### **(b) Special Conditions**

Special conditions necessary for improvement and rehabilitation may be set for individual probationers and parolees. In the case of adult and juvenile probationers, special conditions are determined by the director of the probation office after hearing the opinion of the court. In the case of adult and juvenile parolees, special conditions are determined by Regional Parole Boards on the basis of proposals by the director of the probation office. Special conditions are chosen from among the itemized list in the Offenders Rehabilitation Act. Unlike the general conditions, they may be added to, changed, or withdrawn during the probation or parole in accordance with changes in the circumstances of individual persons.

The examples of special conditions are: (i) prohibition of specific acts such as association with certain persons, going to certain places, reckless wasting of money for pleasure, and excessive consumption of alcohol; (ii) performing or continuing to perform certain acts such as engaging in work or attending schools; and (iii) attendance at certain treatment programmes specified by the Minister of Justice.

## **C. Probation and Parole Supervision**

### **Intake Interviews and Treatment Plans**

Individuals placed on probation or parole are required to report immediately to the probation office. At the office, an intake interview will be conducted, and the probation officer will explain the framework of supervision, notify him or her of the conditions of probation, register his or her residence, and draw up an individualized treatment plan.

### **(a) Role of Probation Officers and Volunteer Probation Officers (VPOs)**

Japanese probation officers are usually responsible for one or several local administration divisions, and they supervise all the cases within that division. In order to supplement their work, a volunteer probation officer [in this chapter, hereinafter VPO] will be assigned to serve as a day-to-day supervisor for the probationer or parolee. In many cases, the VPO lives nearby the probationer or parolee, which makes regular contact much easier.

After receiving the treatment plan and other relevant information, the VPO starts supervising the probationer or parolee. The VPO keeps in touch with the probationer

or parolee and his or her family by means of mutual visits and interviews and submits a monthly progress report to the probation office.

**(b) Measures for the Good Conducts**

Juvenile probationers are discharged early when the director of the probation office finds it no longer necessary to continue the probation. For juvenile parolees, the decision on early discharge is made by Regional Probation Boards upon proposal by the director of the probation office.

Parole supervision runs for the remaining term of the sentence, and there is no early discharge from probation. This means that offenders paroled from life imprisonment will be on probation for life, which can be terminated only through pardon. As for adult probationers, the period of probation corresponds to that of the suspension of execution of sentence as specified by the sentencing court, and cannot be shortened. However, the Regional Parole Board, upon proposal from the director of the probation office, may provisionally cancel the probation, in which case, the probationer will be treated as if not under probation.

**(c) Measures against Bad Conduct**

The director of the probation office may issue warnings. If the juvenile still does not comply and the degree of non-compliance is serious, the director may apply to the Family Court for a decision to commit the juvenile to a juvenile training school.

In the case of juvenile parolees who do not comply with the conditions, the Regional Parole Board, upon proposal from the director of the probation office, may apply to the Family Court for a decision to recommit the parolee to a juvenile training school.

If an adult parolee does not observe the conditions, the Regional Parole Board, upon proposal from the director of the probation office, may revoke parole. When parole is revoked, the parolee is confined in the correctional institution for the whole length of his or her parole period.

When an adult probationer does not comply with the conditions and the circumstances of non-compliance are serious, the director of the probation office shall submit a proposal in writing to the public prosecutor, who will then apply to the court for a decision to revoke the suspension of the execution of the sentence.

## **VI. Assessment, Classification, and Level of Supervision of Probationers and Parolees**

### **A. Progressive Treatment**

Probationers and parolees are classified into four grades in accordance with the results of their initial risk and needs assessments. The grade determines the required frequency of contact and the criteria for the measures against the bad conduct. Probationers and parolees are upgraded or downgraded depending upon the outcome of treatment.

### **B. Categorized Treatment**

Categorized Treatment is a system designed to treat probationers and parolees effectively based on their particular problems. Treatment manuals are prepared for each category, and are taken into consideration in setting up treatment plans for individual probationers and parolees. Currently, there are 13 categories.

## **VII. HALFWAY HOUSES (OR OTHER RESIDENTIAL FACILITIES WITHIN THE PROBATION SERVICES)**

### **A. Offenders Rehabilitation Facilities (Halfway houses)**

Halfway houses in Japan are officially termed Offenders Rehabilitation Facilities. They accommodate probationers, parolees, or other eligible offenders and provide them with necessary assistance for their rehabilitation such as: (1) help in obtaining education, training, medical care, or employment; (2) vocational guidance; (3) training in social skills; and (4) improving, or helping them adjust to, their environment. As of 1 April, 2014, there are 103 halfway houses nationwide, and their total capacity is 2,349.

### **B. National Centres for Offenders Rehabilitation**

National Centers for Offender Rehabilitation have been established to provide temporary accommodation, coupled with intensive supervision and job placement assistance by probation officers, for such offenders and juveniles. These Centers create opportunities for early release on parole, and ensure that these offenders and juveniles are not released into community without appropriate probationary supervision and support. As of 2013, four such Centers are in operation, and their total capacity is 58.



### VIII. SPECIFIC MEASURES AND PROGRAMMES OF COMMUNITY-BASED TREATMENT

Treatment Programme	Targeted Offenders	Brief Description
Sex offender treatment programme	- Adult parolees and probationers who committed sex offences	- Cognitive behavioural therapy - 5 sessions - implemented individually or in groups - delivered by probation officers
Stimulant drug offender Treatment programme	- Adult parolees who committed stimulant drug use and period of the parole is six months or longer  - Adult probationers who committed stimulant drug use and are strongly inclined to repetitive use of controlled drug	- Based on cognitive behavioral therapy - 5 sessions + follow up - Implemented individually or in groups - Delivered by probation officers - Simplified drug check test
Violence offender treatment programme	- Adult parolees who committed violence	- Based on cognitive

### IX. PARTICIPATION OF THE COMMUNITY

#### A. Volunteer Probation Officers

##### a. Mission

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 (Volunteer Probation Officers Act, Art. 1).

##### b. Status

Volunteer probation officers are citizens commissioned by the Minister of Justice. Legally, VPOs are defined as non-permanent government officials and are entitled to the benefit of national compensation when any bodily injury is inflicted on them in the performance of their duties. However, they are not paid salaries: only a certain amount of their necessary expenses is reimbursed.

The term of service of VPOs is two years with possibility of re-appointment. In practice, most of them are re-appointed repeatedly for number of years, and half of all VPOs have been working as such for more than eight years. In spite of the hard and complicated nature of VPO's duties, many continue to do this work enthusiastically.

c. Main Tasks, Duties, and Roles

The main activities of VPOs are (i) to assist and supervise probationers and parolees; (ii) to inquire and to coordinate the social circumstances of inmates; and (iii) to promote crime prevention activities in the community.

While the probation officer is involved in the case as a specialist in the treatment of offenders, as well as a law enforcement official, the VPO works as a neighbor to the offender, assisting them on behalf of the community.

d. Appointment, Recruitment

A VPO's character and personality have a great effect on their role. The VPO Act requires that VPOs should be:

- Evaluated highly with respect to their character and conduct in the community;
- Enthusiastic and sufficiently available to work;
- Financially stable and
- Healthy and active.

To recruit VPO, the directors of the 50 probation offices prepare a list of candidates based of the information gathered from various sources in the community. In effect, the list reflects to a great extent the opinion of representatives of the VPO's Association. Further screening is carried out by a VPOs Screening Commission, an advisory committee to the Ministry of Justice that is established in 50 locations corresponding to probation offices. This committee consists of representatives of the court, prosecution, the bar association, correctional institutions, other public associations in the community and learned citizens. The Minister of Justice then appoints the candidates who pass the screening process as VPOs.

e. Capacity building (training)

Probation offices regularly organize VPO training courses such as ones for those newly assigned VPOs, those who have served for less than two years and those who have served between two to four years. Each local VPOs association

occasionally holds case conferences and other study meetings which are led by probation officer.

f. Organization of volunteer probation officers (national and regional levels)

Volunteers are assigned on the basis of their place of residence to one of 886 Administrative Areas for Offenders Rehabilitation (Rehabilitation Area) throughout country (as of 1 April, 2013). VPOs have a VPO's Association in each area. Every VPO is affiliated with one such association depending on their residence. A PPO is normally assigned in charge of one to several areas. Presidents of local VPO's associations have organizations at the prefectural, regional and national levels, which play a crucial role in facilitating VPO activities by means of organizing systematic training, giving awards to outstanding VPOs and other services.

A variety of activities, including spreading of the concept of rehabilitation, crime prevention activities, support and encouragement for those on probation or parole, and cooperation with VPOs, BBS, etc.

1. Big Brothers and Sisters (BBS) Association

The BBS Association is a voluntary organization of young people who assist in the sound development of juveniles and prevention of delinquency among juveniles by relating to them as their older sibling, as well as engaging in activities for eliminating crime and delinquency from the communities.

2. Cooperative Employers

They help adult offenders and juvenile delinquents by offering stable employment in spite of their history of crime or delinquency. There are 11,044 cooperative employers who employ adult offenders and juveniles (as of 1 April, 2013). By type of industry, construction accounted for around half (47.1 %), followed by the service industry with 18.1%, and manufacturing with 15.1%. (as of 1 April, 2013)

## X. REFERENCE

1. Criminal Justice in Japan  
[http://www.unafei.or.jp/publications/CJSJ\\_2011.htm](http://www.unafei.or.jp/publications/CJSJ_2011.htm)
2. Rehabilitation Bureau, The Ministry Justice of Japan  
 (website) <http://www.moj.go.jp/ENGLISH/RB/rb-01.html>
3. White Paper on Crime 2012  
<http://hakusyo1.moj.go.jp/en/61/nfm/mokuji.html>

## XI. STATISTIC

### A. Number of offenders

	Total	Juvenile Probationers	Juvenile Parolees	Adult Parolees	Adult Probationers
Number as of Dec. 31, 2013	39,562	18,663	4,645	5,614	10,730
Number of Newly Received in 2013	42,117	20,811	3,428	14,623	3,255
Major type of offences					
Theft	12,580 (29.9)	(24.8)	(38.4)	(34.0)	(34.5)
Injury	4,436 (10.5)	2,763 (13.3)	725 (21.1)	601 (4.1)	347 (10.7)
Stimulants Control Act	4,605 (10.9)	32 (0.2)	79 (2.3)	4,028 (27.5)	466 (14.3)
Homicide	282 (0.7)	3 (0.0)	14 (0.4)	233 (1.6)	32 (1.0)
Road Traffic Act etc.	4,043 (9.6)	2,607 (12.5)	287 (8.3)	895 (6.1)	256 (7.9)
male*	30,585 (87.9)	11,813 (87.6)	3,118 (91.0)	12,897 (88.2)	2,757 (84.7)
female*	4,205 (12.1)	1,671 (12.4)	310 (9.0)	1,726 (11.8)	498 (15.3)
*Juvenile Probationers exclude those placed under short-term probation for traffic offences.					

**B. Recidivism Rate (As of 2013)**

Juvenile Probationers	Juvenile Parolees	Adult Parolees	Adult Probationers
17.6	21.2	4.6	29.3

•"Recidivism Rate" of Juvenile Probationers and Juvenile Parolees refers to the percentage of those who were subjected under new disposition during their probation/parole supervision.

•"Recidivism Rate" of Adult Parolees and Adult Probationers refers to the percentage of persons who received criminal dispositions, etc. during their probation/parole supervision or who had their parole/suspension of their execution of the sentence revoked.

**C. Governmental staff**

(As of April 1, 2014)

<b>Regional Parole Boards</b>	(staff total)	263
Members of the Board		57
Probation Officers		138
Other Officers		68
<b>Probation Offices</b>	(staff total)	1,497
Probation Officers		1,223
Other Officers		81
Rehabilitation Coordinators		193

**D. Community Volunteers**

(As of 2014)

Volunteer Probation Officers	47,914
Halfway houses	603
Women's Association for Rehabilitation Aid (WARA)	172,642
Big Brothers and Sisters (BBS) Association	4,514
Cooperative Employers	12,603

**E. Average Caseload per Staff Member**

(average caseload per Probation Officer as of Dec. 31, 2013)

Probationers/Parolees 40

Inquiry into and Coordination of Social Circumstances of inmates 61

# THE COMMUNITY BASED TREATMENT SYSTEM OF JAPAN: RECENT CHALLENGES

## I. INTRODUCTION

The Offenders' Rehabilitation System of Japan was shaped on the basis that had been built by private sector benefactors with enormous efforts and contribution since the nineteenth century. This is one of the characteristics of the Japanese Offenders' Rehabilitation System. The origin of modern offenders' rehabilitation dates back to the "Released Prisoners' Rehabilitation Company" established in 1888; the company was established by a businessperson renowned for his lifelong devotion to public interests. These activities are said to be the forerunners of the offenders' rehabilitation facilities and the volunteer probation officer system referred to later. In these days, community-based treatment in Japan is still supported by devoted activities of citizens.

In this paper, we will first share information on the characteristics of community-based treatment in Japan, mainly focusing on the commitment of citizens; then, we will share the recent challenges in community-based treatment in Japan, especially focusing on challenges involving community resources.

## II. THE CHARACTERISTICS OF COMMUNITY-BASED TREATMENT IN JAPAN

### A. General Information about Community-based Treatment in Japan

In Japan, the major element of community-based treatment is "Rehabilitation Services". The services consists of 1) Probation, 2) Parole, 3) Aftercare services for discharged offenders, 4) Pardon and 5) Crime prevention activities, and their main purpose is to protect society and enhance the welfare of individuals and the public by:

- 1) preventing the offenders and juvenile delinquents from re-offending;
- 2) assisting them to become self-reliant as sound members of society and improve and rehabilitate themselves by treating them properly within society;
- 3) ensuring the suitable operation of pardons;
- 4) promoting crime prevention activities etc.

The practical state agencies in charge of offenders' rehabilitation in Japan are Regional Parole Boards and Probation Offices. There are 8 Regional Parole Boards and 50 Probation Offices. The principal commission of Regional Parole Boards is permitting release on parole, or revoking parole. Probation Offices supervise and support both probationers and parolees, juveniles and adults. Generally, probation is provided to a

probationer or parolee by a collaborative team composed of a probation officer and a volunteer probation officer.

## **B. Commitment of Citizens in the Work of Community-Based Treatment**

In the work of community-based treatment in Japan, one of the remarkable characteristics is the commitment of citizens. Various associations and groups conduct offenders' rehabilitation, and most of them work gratis.

Volunteer Probation Officers are the volunteers who seek to help offenders or juvenile delinquents to become self-reliant as sound members of society in collaboration with local communities. There are 47,914 Volunteer Probation Officers (as of January 1, 2013) throughout Japan. No salary is paid to them, but actual costs incurred are reimbursed. The capacity rate to complement is 91.4%, and their average age is 64.3 years old.

Volunteer Probation Officers work together with Probation Officers. They take different roles in working for probationers and parolees. Volunteer Probation Officers take advantage of their status as local citizens. They cover interviews on a regular basis, work with probationers' and parolees' families, help probationers and parolees find jobs and liaise with local social resources. Each Volunteer Probation Officer records daily assistance provided and incidents involving probationers and parolees, and then reports the information to a Probation Officer, who works together with the Volunteer Probation Officer. In receiving monthly reports, the Probation Officer with expert knowledge offers guidance or, if necessary, arranges a consultation for the Volunteer Probation Officer.

Offenders' rehabilitation facilities are privately run halfway houses. They provide probationers and parolees who have difficulty in achieving immediate self-help with accommodations and meals for a certain length of period. The officers and staff of the halfway houses also give assistance for job hunting and guidance for self-help in society. In many cases, probation offices entrust probationers and parolees to offenders' rehabilitation facilities and pays the costs incurred. There are 103 facilities in Japan. Most of these are in urban areas. There are only one facility in many areas except big cities like Tokyo and Osaka. Total capacity is 2,349 residents (as of 1 July 2014) and the total number of persons accommodated was 8,640 throughout 2013.

There are other citizens committed to the work of community-based treatment. The "Women's Association for Rehabilitation Aid" is composed of volunteer associations that work for the prevention of crime and delinquency, and they offer support to help offenders and juvenile delinquents to be self-reliant as sound members of society. "The

Big Brothers and Sisters” association is a youth volunteer association that engages in delinquency prevention activities toward the realization of a crime- and delinquency-free, brighter society. “Cooperative Employers” are employers committed to community-based treatment by supporting probationers and parolees. They employ probationers and parolees regardless of their prior acts and are committed to their stable employment.

### **III. RECENT CHALLENGES IN JAPAN**

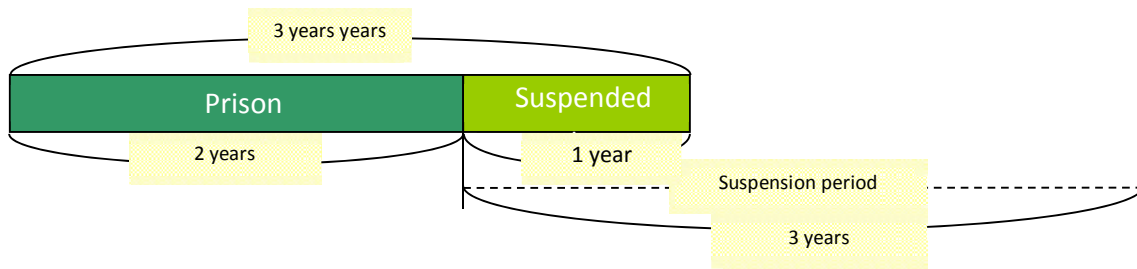
#### **A. Challenges in Legislation — Partial Suspended Execution of Sentence**

Successful rehabilitation of drug offenders requires a long process, various community resources such as medical institutions and welfare services, smooth transition from institutions to the community, and follow-up. Thus, Japan will introduce a new type of sentence in 2016. Under a new law, when a court orders a sentence of imprisonment of up to three years, a part of the sentence can be suspended for one to five years. For drug offenders, no matter whether it is his or her first offence, this type of sentence can be applied. And for first-time prisoners with otherwise clean records or those on suspended prison terms, irrespective of crime type, this type of sentence also can be applied. Figure 1 shows an example. In this example, for a three year sentence of imprisonment, the offender serves two years, and the final year of imprisonment is suspended for three years. The drug abusers (repeat drug offenders) who receive this sentence must be placed on probationary supervision. Therefore, this person has to receive three years’ supervision by the probation office after serving a two-year sentence of imprisonment.

This is what is referred to as the partial-suspended-execution-of-sentence system. In this way, sufficient time is allocated to assist drug offenders to rehabilitate in the community after being released from prison. The offenders that receive this sentence will be obliged to complete the drug offender treatment program as one of their special conditions. The new law passed the Diet in June 2013, and it will take effect in 2016.



**Figure 1. An example of partial suspended execution of sentence**



**B. Challenges in Human Resources—Volunteer Probation Officer System in Japan**

Volunteer Probation Officers play crucial roles in offenders' rehabilitation as mentioned above. However, the burdens of the activities of Volunteer Probation Officers have increased these days. Treatment services of probationers and parolees have been more difficult due to diversified problems, and providing housing and job opportunities have been more difficult these days. Recruiting and retaining of Volunteer Probation Officers has been also difficult. A weaker sense of solidarity faced by local communities has also affected the activities of Volunteer Probation Officers.

In an effort to reducing such burdens on Volunteer Probation Officers, Offenders Rehabilitation Support Centers were established across the country in 2008 with the aim of strengthening the alliance between offenders' rehabilitation associations, including Volunteer Probation Officers Associations and local related agencies, associations and residents. There are experienced Volunteer Probation Officers on weekday business hours in the centers, and they help the activities of Volunteer Probation Officers. For example, the center provides Volunteer Probation Officers with a place to interview for probationers and parolees, and also provide Volunteer Probation Officers Associations with places to hold meetings and crime prevention activities. Many of the centers rent space in the facilities owned by municipal government or other public bodies.

**C. Challenges in Involving Community Resources—Creating Appropriate Schemes to Provide Job Opportunities**

To help offenders and delinquents lead stable lives and prevent recidivism, employment of offenders and delinquents is highly important. The rate of recidivism among unemployed probationers and parolees is four times as high as that among employed probationers and parolees. And the rate of unemployed persons among repeat prisoners is almost 70 percent.

In view of such circumstances, in 2006, the Ministry of Justice and the Ministry of Health, Labor and Welfare began to cooperate to provide job opportunities to offenders and delinquents. One of the characteristics of this measure is that support is provided by coordination of related organizations, such as correctional institutions, probation offices and public employment security offices, in a well-organized and planned manner. Monetary support systems have been implemented to promote employment of jobless probationers and parolees. One of the monetary systems is the "Trial Employment Program": a program designed to promote the permanent employment of probationers and parolees. In this program, when an employer registers at a Public Employment Security Office and employs a probationer or parolee on a trial basis, the employer will be receive payments for a three-month period from the national government.

In addition to the above-mentioned employment assistance, the Ministry of Justice also has been actively engaged in expanding the number of Cooperating Employers. Also, the Ministry of Justice intends to encourage the business community to cooperate with activities for employment of probationers and parolees. As a part of this action, the "National Organization for Employment of Offenders", a nonprofit organization, has been established, in an effort to ensure that probationers and parolees are employed in various type of businesses.

#### **D. Challenges in Involving Community Resources—Creating Appropriate Schemes to Provide Housing**

As well as stable employment, stable housing helps offenders and delinquents lead stable lives and prevent recidivism. The rate and the number of prisoners released with no place to go back to on completion of prison term have been high in recent years. Also, the rate of discharged prisoners who had no home to return to at the expiration of their last term, tends to be high when the term, from the expiration of the last term to re-imprisonment, is shorter.

The Ministry of Justice developed the scheme to provide housing to tackle these problems. As mentioned above, Offenders' Rehabilitation Facilities have been carried out as a provider of accommodations and meals for such probationers and parolees with no home. The Ministry of Justice intends to enhance offenders' rehabilitation expanding accommodation capacity, by enhancing support capacities for elderly and handicapped persons and by giving opportunities to build the capacity of staff members who work for the facilities. Since 2001, the Ministry of Justice has also tried to provide housing using a new framework called the "Emergency Housing and Self-Help

Assistance Program". In this program, probation offices entrust nonprofit organizations to provide accommodations for probationers and parolees.

#### **IV. CONCLUSIONS**

Offenders Rehabilitation in Japan has been implemented by the active participation of citizens who cooperate with community-based treatment, like Volunteer Probation Officers. In this regards, Article 2(1) of the Offenders Rehabilitation Act of Japan addresses legal basis for community-based treatment:

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.

However, the activities of these citizens have not been easy because of recent changes of Japanese society and difficulty in treatment of probationers and parolees. Thus, it has become more important that the practices of the citizens should be supported by government as well as the community.

## LIST OF PARTICIPANTS

### **BRUNEI DARUSSALAM**

Awangku Mohammad Najib Pengiran Haji Mulek, Chief Probation Officer,  
Department of Community Development, Ministry of Culture, Youth, and Sports

Pengiran Mahdi Pengiran Haji Salleh, Assistant Director, Department of Community  
Development, Ministry of Culture, Youth, and Sports

### **CAMBODIA**

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

Maj. General Chum Phalla, Deputy Director of Central Police Justice, National  
Police, Ministry of Interior

### **INDONESIA**

Priyadi, Director of Probation and Juvenile Reintegration, Directorate General of  
Corrections

Septy Juwita Tobing, Staff of Juvenile Probation and Reintegration Directorate,  
Directorate General of Corrections

### **JAPAN**

Takeshi Morikawa, Chief of Legal Unit, Rehabilitation Bureau, Ministry of Justice

Junji Ito, First Secretary (Political Affairs), Japan Embassy in Thailand

Takao Sakae, Volunteer Probation Officer, UNAFEI

### **LAO PDR**

Phongsavanh Sengmany, Deputy Cabinet of Prison Department, Ministry of Public  
Security

Inthilard Sonekeo, Head of Judgment Enforcement Unit, Department of Justice,  
Ministry of Justice

### **MALAYSIA**

Alias Mamat, Under Secretary, Ministry of Home Affairs

### **MYANMAR**

Kyaw Nyunt, Director, Prisons Department Ministry of Home Affairs

Soe Lwin, Director, Criminal Justice Department, Supreme Court of the Union

**PHILIPPINES**

Jeorgette Paderanga, Regional Director, Parole and Probation Administration,  
Region VII  
Department of Justice

Tarcisia Tampos, Regional Director, Parole and Probation Administration, Region IX  
Department of Justice

**SINGAPORE**

Haslindah Binte Shonib, Manager, Community Corrections Command Singapore  
Prison Service

Olivia Shepherdson, Senior Assistant Director, Community Corrections Command  
Singapore Prison Service

**VIETNAM**

Xuan Du Hoang, Deputy Director of Rehabilitation and Reintegration Department,  
General Department of Police for Criminal Sentence Execution and Judicial

Hong Lam Phan, Deputy Superintendent of Xuan Loc Prison, General Department of  
Police for Criminal Sentence Execution and Judicial

Ngoc Dzung Bui, Deputy Superintendent of Song Cai Prison, General Department of  
Police for Criminal Sentence Execution and Judicial

Van Dao Le, External Officer, General Department of Police for Criminal Sentence  
Execution and Judicial

**THAILAND**

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

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

Phiset Sa-ardyen, Director of External Relations and Coordination Office, Thailand  
Institute of Justice

Krongthong Wattanapirom, Director of Bangkok Probation Office 1, Department of  
Probation, Ministry of Justice

Tuptapon Lansai, Director of Bangkok Probation Office 2, Department of Probation,  
Ministry of Justice

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

Waraporn Chompoothong, Senior Probation Officer, Department of Probation,  
Ministry of Justice

Puangtip Nuankhau, Chief of Community Service Group, Department of Probation, Ministry of Justice

Santi Rittirat, Supervision Expert, Department of Probation, Ministry of Justice

### **LIST OF KEYNOTE SPEAKERS**

Tomoko Akane, Director-General, Research and Training Institute, Ministry of Justice, Japan

Frank J. Porporino, Senior Partner, T3 Associates Training & Consulting Inc.

Olivier Lermet, Regional Advisor HIV/AIDS, UNODC

### **LIST OF ORGANIZERS**

#### **DEPARTMENT OF PROBATION, MINISTRY OF JUSTICE, THAILAND**

Taruata Klaewkla, Probation Officer

Sangduen Saengbua-ngamlom, Probation Officer

Thanittanan Meksamrit, Foreign Relations Officer

#### **THAILAND INSTITUTE OF JUSTICE (TIJ)**

Jane Holloway, Advisor Crime and Development

Emilie Prache, Rapporteur

Benjamin Chin, Rapporteur

Panpisut Thammavisitkul, Project Assistant

Wanvilas Nittayasuthi, Administrative Officer

#### **JAPAN INTERNATIONAL COOPERATION AGENCY (JICA), THAILAND OFFICE**

Takenaka Masanori, Senior Program Officer

Chayanun Artakul, Program Officer

#### **UNITED NATIONS ASIA AND FAR EAST INSTITUTE FOR THE PREVENTION OF CRIME AND THE TREATMENT OF OFFENDERS (UNAFEI)**

Akiko Tashiro, Professor

Fumiko Akashi, Professor

Toru Nagai, Professor

Ayako Ema, Officer

Yoichi Ozawa, Officer

## ANNEX I

### KEYNOTE PRESENTATIONS

#### Implementing Community Alternatives to Imprisonment: Answering the why, what and how?

Frank J. Porporino, Ph.D.<sup>2</sup>  
T3 Associates Inc.  
International Corrections & Prisons Association &  
International Association of Correctional & Forensic Psychology

*"Penal populism promises to solve society's problems by punishing crime instead of pursuing social justice*

*... it suggests that by means of that punishment we can obtain benefits that would require the implementation of another type of social policy, economic policy and policy of social inclusion ... it offers up sacrificial victims, accused of the disgraces that strike the community."*

*Pope Francis, October 2014<sup>3</sup>*

#### **Introduction**

When we look at prison services worldwide, we can note some obvious and significant disparities. There is wide disparity in rates of incarceration, in the resources available to manage and provide correctional services, the adequacy and modernization of facility infrastructure, the breadth of programs and services for addressing prisoner needs, training and professionalization of staff, the entrenchment of respect for basic human rights, and a host of other differences we could highlight. The disparities are often difficult to surmount, tied as they are quite often to the particular social and economic circumstances of any given country. It is difficult to compare Norway to South Sudan, for example. But there is one disparity that in my view makes little sense and that I would argue could be relatively easily corrected with determined action guided by some respect for evidence. In most developed nations of the world, there is more than one option for the 'judiciary' to apply as a sanction against criminal conduct. For sentenced offenders, there is also often the option to consider a

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<sup>2</sup> Senior Partner T3 Associates Inc.; Chair of Research & Development Committee & Past Board Member for International Corrections and Prisons Association; Board member for International Association of Correctional & Forensic Psychology; E-mail contact is: fporporino@rogers.com.

<sup>3</sup> Taken from <http://ncronline.org/blogs/francis-chronicles/pope-francis-calls-abolishing-death-penalty-and-life-imprisonment>

reduction in the length of the prison term through early release on parole. And in many instances, there are even options at the front end for law enforcement to make use of alternatives to arrest. Community alternatives to sanction law breaking have been documented historically in the European context dating back to the 4<sup>th</sup> century and, prior to colonization, most indigenous cultures around the world were making use of some form of community-based punishment or banishment to deal with rule breaking. Interestingly, however, when we look at the situation in the beginning of the 21<sup>st</sup> century, in many developing nations around the world there is now but one punitive option to sanction criminal conduct – imprisonment!

I am going to argue today that this exclusive reliance on incarceration is not only cost-ineffective and unnecessary but that it de-legitimizes the ultimate aims of the criminal justice system to preserve the social order. In the end, it narrows the scope of our efforts to 'rehabilitate' or 're-socialize and re-integrate' offenders and it fails to contribute in any significant way to public safety. Those are strong opening sentiments to express so I am going to moderate my views by saying that implementing community alternatives successfully is also a very difficult challenge, perhaps the most difficult challenge that any correctional service can embark upon. Moreover, if pursued without careful planning, with only lip service consultation to gain support of other stakeholders, in a rushed or shoddy fashion, and without adequate resources, the consequences can be detrimental for the justice system as a whole, eroding public confidence and sparking conservative political backlash to get 'tough on crime'. Implementing community alternatives successfully involves more than simply transplanting practice borrowed from some other jurisdiction. It involves building strong community partnerships and modifying or re-designing strategies to suit a particular cultural or social context. There may be best practice *models* that can guide us, but there are no universal best practice *methods*. Community alternatives have the potential to significantly enhance the efficiency and effectiveness of every arm of the criminal justice system – law enforcement, the judiciary and the correctional system. But when framed or introduced without considering the varying priorities of these criminal justice partners, conflict and disagreement can spread and jam progress. First and foremost, community alternatives have to be explained and understood not as a 'soft' option for dealing with crime and criminals, but as a 'smart' option, at least for some offenders, some of the time. Just getting 'tough on crime' without getting 'smart' about how we do it is a fool's path. It leads to a depletion of economic resources that could better target other social issues that breed crime (e.g. education, employment, poverty, health ... etc.) – a hard lesson that has been learned in America after several decades of mass incarceration that is now being challenged as unsustainable and ineffective by both Republicans and Democrats.



So there is my introductory rant – which I hope has piqued your interest to listen to the rest of my lecture. What I would like to do to expand on these points is the following:

*First*, I want to summarize what I see as some of the unintended and collateral consequences of an over reliance on incarceration. Some of these are obvious but others less so. Taken together, I believe they present a strong argument to promote the greater use of community-based alternatives, at least for many of the lower risk and non-violent offenders who we incarcerate.

*Second*, I want to highlight the fact that deliberate efforts to 'de-incarcerate' are not just a theoretical possibility. There are some real world examples we can look at and some straightforward strategies that can be adopted.

*Third*, I want to review some of the evidence supporting the efficacy of community-based intervention and turn to a brief description of the range of community-based alternatives we can consider. Probation at the front-end, and Parole at the back end, are the most common. But there are many other options and many variations and permutations on the general strategy of supervision and support within the community context.

*Fourth*, I would like to present some rationale for which types of offenders are best suited for community-based treatment, and especially for some categories of special needs offenders where community-based supervision and support is not only the most humane but also the most effective approach to manage or reduce re-offending.

*And finally fifth*, I want to try and rise above 'paradigm conflict' in how we should work with offenders and discuss a few overriding principles we should attend to in structuring practice for community supervision. In particular, I want to highlight some recent developments in one-to-one work with offenders, including findings from several system-wide evaluations of the impact of training probation officers to refine and apply a more 'skillful' approach in their interactions with offenders.

So let me turn first to an analysis of the consequences of over-reliance on incarceration and ask the question -- does it really give us any 'bang' (social or public safety benefits) for the dollar?

## **1. The Side Effects of Mass Incarceration**

### **Incarceration stigmatizes and disconnects**

It has always been difficult for me to reconcile how we can sell the idea to offenders that we wish to help them reintegrate when from their perspective we are the representatives of the same state authority that has erected all kinds of barriers to hold them back. In every culture in the world, ex-prisoners are both feared and labeled as untrustworthy and potentially dangerous. The only culture that warmly welcomes the ex-criminal returning home from prison is the criminal sub-culture – gangs bestow the ex-prisoner a badge of honor but most societies ostracize and stigmatize the ex-prisoner, imposing constraints that often propel an inevitable return to a criminal lifestyle. In a recent impassioned treatise, Michelle Alexander makes the case that the criminal justice system in America has mutated into a racial caste system -- perpetuating discrimination and disadvantage for people of color on a grand scale. The mass incarceration of blacks, she argues, serves to sustain a pattern of deep and persistent social inequality. It has been estimated that almost six in ten black males who do not finish high school go to prison during their lifetimes (Western, 2006). In some poor neighborhoods in America, one of every three youth aged 16–24 is sent to prison or jail each year (Cadora, 2007).

But imprisonment perpetuates inequality even more pervasively and subtly, regardless of race or color. In all but 15 States in America, ex-offenders cannot exercise their right to vote. Among other restrictions wrapped in a myriad of laws, rules and regulations at the State and local level that block ex-offenders from civic life, a felony conviction in America makes you ineligible for many federally funded health and welfare benefits, food stamps, public housing, federal education assistance, obtaining a driver license, enlisting in the military, obtaining a federal security clearance, and serving jury duty. The indirect consequences of imprisonment, commonly described as 'collateral' or 'invisible', are in many ways neither unintended nor hidden. The restrictions and constraints may not be as blatant as in America, but ex-offenders continue to be severely limited in most countries in accessing even the most basic rights of citizenship – work and decent shelter. It has been shown that going to prison reduces lifelong annual earnings by about one-third since ex-prisoners can mostly access only bad jobs with high turnover and limited potential for advancement (Western, 2006). Social networks are the fabric of communities. When someone goes to prison they are disconnected – from employers, friends, family members, friends of family members, casual acquaintances. When they return to their communities, their social capital is limited. They are left only with their links to the prison world.

### **Incarceration destabilizes communities and creates 'custodial citizenship'**

The term 'million dollar blocks' has been coined to refer to the fact that it costs upwards to a million dollars annually in America to incarcerate individuals originating from only one inner city residential block. Other than the ridiculous expense, there is evidence to support the idea that this kind of concentrated removal of adult male role models breaks families apart and destabilizes communities significantly (Clear, 2008). High rates of incarceration, in essence, have a knock off effect in reducing community-level informal social control, spiraling into less rather than more public safety. With potential male breadwinners removed, poverty increases and dependence on social welfare increases. The de-facto female head of family can get easily emotionally and socially isolated, strained to maintain ties with her imprisoned male partner, and forced to endure the judgment and retreat of support from other family members. Young children may begin experiencing serious behavioral problems, drug use increases, dropouts and rates of delinquency rise, teenage pregnancies occur more frequently, and alienation from pro-social norms becomes more common (Clear, 2008). Parental incarceration has been documented as a significant risk factor for later delinquency, increasing the likelihood by 3 to 4 times (Murray, 2005).

But the de-stabilizing effects of high incarceration are exacerbated by yet another phenomenon in disadvantaged communities. Criminologists are focusing increasingly on the role of 'legitimacy' in reducing crime (Tankebe & Liebling, 2013; Tyler & Fagan, 2005).

In neighbourhoods where incarceration rates are highest it has been shown that citizens are more likely to view the police as unfair and disrespectful. When the law is seen as unfair, there is less willingness to comply with it, thereby generally eroding the rule of law lessening respect for governmental authority, and withdrawing from social institutions and political life. In a recent wide-reaching and important analysis of the issue, the term 'custodial citizenship' has been coined to describe how the broad (and often discriminatory and arbitrary) reach of the criminal justice system in America and elsewhere has fundamentally recast the relationship between citizen and state, creating a large minority of disempowered, second class citizens who share a ubiquitous stream of cynicism and loss of faith about how democratic political institutions can respond to their concerns (Lerman & Weaver, 2014)

### **Incarceration is expensive and doesn't 'deter' re-offending**

Incarceration is expensive – no matter how we do it – in modern single-cell facilities or in overcrowded dormitories. There are costs for facility maintenance, to provide for prisoners' welfare, salaries for staff to ensure an adequate level of security and safety, transporting and processing prisoners and managing record keeping, mental and physical health care, and various other professional and administrative costs. The costs of imprisonment will obviously vary dramatically around the world. But let's use America once again as one example. The

rate of incarceration in America doubled each decade since 1970 reaching over 700 per 100,000 in early 2000, a rate that translates into approximately one in every 140 American citizens being incarcerated. In 1970, spending on prisons accounted for 1.5 per cent of state and local spending compared to 4.3 per cent in 2000 (Steen & Bandy, 2007). Correctional authorities spent \$38.2 billion to maintain the nations state correctional systems in fiscal year 2001 with an average annual operating cost per State inmate of \$22,650 (Figure 1).<sup>4</sup> State spending for corrections increased from \$65 per US resident in 1986 to \$134 in 2001. Annual increases in the cost of adult incarceration (6.4%) outpaced those of health care (5.8%), education (4.2%), and natural resources (3.3%) (Stephan, 2004). In the UK, the National Offender Management Service has estimated the average cost per prisoner in the 2012-13 financial year to be £34,766 (NOMS, 2013), with the cost in private sector contracted prisons being even higher at close to £42,000. The annual average cost of keeping an inmate incarcerated in a Federal prison in Canada has increased significantly from \$93,030 per year in 2006-07 to \$114,364 in 2010-11. To incarcerate the relatively small number of female offenders we have in Canada, the cost has risen to \$214,614 annually, or a staggering \$587 per day – more than your average five star hotel suite!

The cost of keeping an offender under quite intensive community supervision in Canada is less than 1/3 the cost of incarceration (\$31,148 per year versus \$114,364 per year). In the US, the Federal Bureau of Prisons has calculated recently (US Courts, 2011) that it costs \$28,284 annually to keep someone incarcerated versus \$3,938 to be supervised in the community, a factor of more than 7 to 1. For criminal defendants who have not yet been tried, the daily cost of pretrial detention services is \$70.56 compared to \$6.62 for supervision by pretrial services officers.

Of course, community corrections costs can vary widely. Obviously, approaches will be more expensive when there is more surveillance and frequent contact, use of technology such as Electronic Monitoring, residential options such as community correctional centers, or when community alternatives include, as they should, delivery of treatment programs led by professionals. Fundamentally, however, even some of the most expensive community alternatives will be much less costly than incarceration (see Figure 2 for several examples of cost estimates).

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<sup>4</sup> A more accurate estimate of correctional costs should include expenses that may be outside of correctional budgets (e.g., employee health and pension contributions, legal judgments and claims, broader government administrative costs ... etc. The Vera Institute of Justice in the US recently attempted to include these costs in calculating the total taxpayer cost of prisons in 40 US states. The estimates were 13.9 % higher than the costs represented by their combined corrections budgets (Henrichson & Delaney, 2012).

Regardless or despite the cost, however, we seem to commonly justify incarceration as punitive sanction because it can have a deterrent effect. Interestingly, this is an area where research and evidence conflicts significantly with apparent commonsense. The proof that incarceration in and of itself can deter future offending is not to be found. The following are just a few examples of research data to illustrate this. In a review of 222 comparisons involving over 70,000 offenders, a contrast was made among similar types of offenders who spent more versus less time in prison (e.g., an average of 30 months versus 17 months). The offenders were matched on various risk factor

Offenders who spent more time in prison were actually more likely to recidivate, not less (on average 3%). Similarly, the researchers looked at another set of comparisons involving close to 270,000 offenders and examined the outcomes for similar offenders who were sent to prison versus given a community-based sanction. Those sent to prison recidivated at a rate of 7% higher than those receiving community penalties (Gendreau et al., 2000). Re-offending is a predictable occurrence from an understanding of criminal history and other risk factors. It has been shown repeatedly that in and of itself the actual sentence of the court, be it imprisonment, probation, community service or other community alternative, has little bearing on the outcome. There is no differential impact or deterrent effect that results from severity of punishment alone (Lloyd, Mair & Hough, 1994). Behavioural psychology can easily explain this phenomenon since punishment only works effectively when it is both certain and quick, and when there is the possibility of achieving a desired goal in some other way. For those offenders we wish to deter through punishment, we have to accept that they are neither easily 'deterable' owing to their impulsive and narrow reasoning, nor does the CJS set the conditions well for them to reasonably anticipate punishment (McGuire, 2012; Walker, 1991).

The few arguments I've presented so far I believe already challenge our over reliance on incarceration quite reasonably. But let me quickly outline a few more:

- An exclusive reliance on incarceration fundamentally contradicts an important principle of justice to administer proportionality in punishment. Though we may assume that a short prison sentence is less punitive than a longer one, the subjective nature of punishment means that no single prisoner's experience of punishment can possibly be known before it is experienced. Indeed in some recent groundbreaking work looking at the severity and salience of punishment in the daily lives of offenders ('penal consciousness'), it has been suggested that there is a significant gap between how punishment is experienced by the prisoner 'on the ground' and conceived by lawmakers 'on the books'. To have a normalizing and humanizing effect on offenders, we should strive to limit their experience of punishment as both just and proportional to their offending (Nadine & Sexton,

2014).

- Over incarceration clearly strains the functioning of correctional facilities in immeasurable ways. Overcrowding is a preoccupation for prisons and prison staff all over the world – where they are caught in a game of squeezing more bed space for prisoners in circumstances that are already unsafe, unhealthy and often inhumane.
- Correctional staff working in these environments will get increasingly demoralized, understandably stressed, and often impatient and punitive or retributive in interaction with prisoners.
- There is only so much that can be accomplished in prisons in terms of innovative correctional programming and practice. Evidence points consistently to the fact that community-based treatment is more effective -- as I will discuss in more detail a little later.
- A growing concern in jurisdictions around the world is the way incarceration seems to 'disadvantage' particular special needs populations – especially the mentally ill, women, youth, female offenders, and the ever growing numbers of elderly offenders. Community alternatives are indispensable to stem the flow of these special needs populations into our prisons.
- And finally, I would argue that corrections becomes singularly self-defeating when it fails to engage communities as partners in efforts to reform offenders. The 'Prison Works' mythology is perpetuated and communities mistakenly attribute sole responsibility to prisons to somehow 'cure' offenders. At the end of the day, prisons are part of the community and they need to be community facing and community-inclusive to serve more than a temporary incapacitation function. Broadening correctional aims towards reintegration hinges on community involvement and the scope of community services to support and assist offenders.

## **2. Is De-Incarceration Achievable?**

Let me turn to my second point – and discuss whether deliberate efforts to reduce the use of incarceration are practical and realistic – or simply a theoretical possibility. Fortunately, we have examples of countries that have managed to de-incarcerate both deliberately and effectively. We've seen it in Asia, for example, where both Singapore and Hong Kong have reduced their rates of incarceration by about 1/3<sup>rd</sup> in the last decade. De-incarceration has happened, as in the well-documented case of Finland, even when crime rates were on the increase. Other Nordic countries have kept their rates either low (Norway) or in a modest decline (Sweden, Denmark), while both Germany and the Netherlands have led the pack in the last decade with substantial decreases of close to 20% and over 30% respectively (see Figure 3).

Headlines are appearing all over the world and even in America, where the grand experiment of mass incarceration took its strongest foothold a celebration of the country's de-incarceration momentum is beginning. In the UK, perhaps one of the most far-reaching correctional experiments of the last several decades is currently unfolding - - with a 'Transforming Rehabilitation' government agenda that is attempting to mobilize the efficiencies of the private sector to deliver probation and other community correctional services, targeting in particular the large numbers of highly recidivistic short-term offenders (those serving less than 12 months) clogging UK prisons (about 10% of their prisoner population).

In a report from the Criminal Justice Alliance in the UK, Rob Allen (2012) has nicely analyzed some of the key practice and policy levers that could lead to a wiser approach for limiting use of imprisonment. I have borrowed unashamedly for this listing, which you can review yourselves as I continue.

- Greater quasi-judicial prosecutorial discretion to dismiss charges and divert offenders, including wider application of Restorative Justice options and use of Community Service, even with some relatively serious cases, when there is no public interest in conviction;
- Greater reliance on suspended sentences;
- Purposeful replacement and use of alternatives for short prison sentences, as in the Netherland's combination of work and training as a 'Task Penalty';
- A more widely available provision of treatment options for individuals with drug dependency and mental health issues;
- A rise in the use of early conditional release;
- A higher threshold for invoking breaches or recalls to prison (in Germany, for example, the offender must 'grossly or persistently' violate the directions of the Probation Officer in order to be breached); and finally,
- Greater government acceptance of, and respect for, the views and expertise of non-governmental organizations, scholars, and practitioners in formulating crime policy.

Based on their extensive work in introducing community alternatives in Africa, Prison Reform International has summarized a workable, and broad-based ten-point plan to reduce the use of imprisonment (PRI, 2012). Similarly, the UNODC has produced a very useful and comprehensive Handbook on 'Alternatives to Imprisonment' that presents a compelling discussion of both the challenges and the prospects for community alternatives (Van Zyl Smit, 2007). Finally, the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules; resolution 45/110 of 14 December 1990) outline the underlying principles for

promoting the use of alternatives as a way of maintaining a proper 'equilibrium' between the rights of individual offenders, the rights of victims and the concerns of society. Few issues in the field of corrections enjoy such widespread unanimity of opinion. There is no debate as to 'why' we should make greater use of alternatives, only as to 'how' to make it happen.

### **3. The Scope of Community Alternatives**

The evidence supporting the effectiveness of community-based correctional treatment is clear and unambiguous. As one example, several years ago the Washington State Institute for Public Policy reviewed the findings of 291 rigorous evaluations of correctional programs to determine 'what works' best in reducing re-offending (Aos et al., 2006). Their findings pointed clearly to the superiority of intensive, treatment oriented community supervision (see Figure 4). Over a period of more than a decade, the well-respected Urban institute conducted perhaps one of the most comprehensive evaluations ever of prisoner reintegration initiatives across America. They explored the pathways of successful reintegration and concluded that when key elements are addressed – in the areas of employment, housing, substance use, physical and mental health, family, and community supports – success is consistently improved.<sup>5</sup> A summary of some of their findings is attached as an Appendix to this report.

But let's turn to looking quite practically at what kinds of community alternatives may be possible to promote and implement. Policy and/or legislative provisions can be relatively easily introduced to spur the use of alternatives at every stage in the criminal justice process. Importantly, however, success or failure in actual penetration and appropriate use of these alternatives will hinge on clear guidelines and supportive administrative mechanisms, stakeholder agreement, adequate resource infrastructures, and ultimately, public acceptance. Figure 5 outlines one possible way of categorizing the scope of alternatives that can be developed.

#### **Pre-Arrest**

Law enforcement clearly exercises considerable discretion in classifying behavior as 'criminal' in kind or intent, and thereby meriting an arrest. Alternatives at this phase hinge on various ways to first, structure police discretion (e.g., through training and/or enforcement guidance or protocols), and secondly, allow for the application of various diversion or de-criminalization options (e.g., warnings, mediation or dispute resolution, alternative measures such as referral to a child welfare or mental health agency). Options at this phase have been especially successful in not further 'criminalizing' certain kinds of unacceptable behavior (e.g., shoplifting, youth truancy, domestic violence, disorderly conduct owing to alcohol abuse ...etc.) and in

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<sup>5</sup> For a summary listing of research reports, see: <http://www.urban.org/center/jpc/returning-home/publications.cfm>



diverting certain special needs populations from getting further caught in the net of the criminal justice system (e.g., youth, the mentally ill and drug addicted ...etc.).

### **Post-Arrest But Pre-Conviction**

The UN Tokyo rules stipulate that “Pre-trial detention shall be used as a means of last resort in criminal proceedings, with due regard for the investigation of the alleged offence and for the protection of society and the victim.” Unfortunately, the problem of bulging numbers of pre-trial detainees all over the world has been well documented repeatedly. It has been estimated that there are over 14 million people in pre-trial detention worldwide, or 1 of every 3 people behind bars (Schönteich, 2014). The problem arises from a multifaceted set of causes, but it is especially exacerbated (and perpetuated) because of the inefficiencies and limitations in law enforcement, prosecutorial and court resources to process cases<sup>6</sup>. Pre-trial detention is seen as the ‘easy’ and safest option even in countries where other avenues are legislatively permissible or available (e.g., restrictions in movement or conduct, surrendering of identification papers, supervision under bail, electronic monitoring ... etc.). But in some less well-resourced criminal justice systems, monitoring or enforcement of options is problematic, and when advocacy pressure from defense lawyers or paralegals is non-existent, pre-trial detention becomes the de-facto choice. The chicken and egg issue rises to the forefront where lack of focus on possible alternatives creates pressures on the system, and pressures on the system constrains innovation and focus on the possible alternatives. Some key proposals to escape this conundrum have been put forward recently in a comprehensive study of pre-trial detention practices by the Open Society Foundation (Schönteich, 2014):

- Invest strategically in the ‘front end’ pre-trial phase of the criminal justice process, in order to generate improvements and savings throughout the system.
- Modernize the legal framework and associated institutional practices governing pre-trial detention – including quality legal aid provision and requiring prosecutors to demonstrate before a court that pre-trial detention is an appropriate option of last resort;
- Develop coordinated inter-agency efforts at every level of government to regularly review weaknesses and related challenges in the pretrial justice process;
- Collaborate with civil society organizations to improve the delivery of pre-trial services—both to pre-trial detainees directly and to criminal justice agencies.

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<sup>6</sup> The Minister of Justice in Namibia recently noted that by the end of December 2014, only 4,765 cases were finalized in the district courts from a total of 225,440 cases. He went on to suggest that this backlog was ‘bringing the justice system to its knees’ and that improvement was needed desperately if ‘we are to regain public confidence in the justice system’ ([http://allafrica.com/stories/201502061394.html?aa\\_source=nwsltr-namibia-en](http://allafrica.com/stories/201502061394.html?aa_source=nwsltr-namibia-en)).

## Sentencing Alternatives

Although pre-arrest and pre-conviction alternatives have considerable potential to reduce use of imprisonment, they have not received much 'correctional' attention. Sentencing options, on the other hand, have been studied extensively, especially Probation and the use of Community Service Orders, the latter now routinely being reframed as 'community punishment' or 'community payback' to make it more palatable to both governments and the public. A quarter century ago, the UN Tokyo Rules listed a wide range of sentencing dispositions that could be deployed other than imprisonment. How these options are administered (e.g., by whom and with what level of resourcing) can vary substantially across countries. With most there has also been quite a degree of 'experimentation' to refine and optimize cost-effective impact. But the list provided in the Tokyo Rules continues to be the more or less standard menu of sentencing alternatives. These are:

- (a) **Verbal sanctions, such as admonition, reprimand, and warning** – used less often as an initial disposition but quite often, for example, to avoid a breach of probation;
- (b) **Conditional discharge** – where there may be certain conditions the offender must abide by (e.g., no further contact with a victim);
- (c) **Status penalties** – e.g., where the offender loses certain rights to practice a particular profession such as law or medicine;
- (d) **Economic sanctions** and monetary penalties, such as fines and day-fines, but this clearly risks discrimination depending on the offender's economic situation;
- (e) **Confiscation or an expropriation order** – related to the proceeds of crime;
- (f) **Restitution** to the victim or a compensation order (as is practiced informally to this day in many African and other countries; in modern practice often used in combination with other restorative justice methods)<sup>7</sup>;
- (g) **Suspended** or deferred sentence (typically tied with conditions to a probation order and intended to serve as an additional deterrent to future offending);
- (h) **Probation** and/or judicial supervision (such as in drug or mental health courts that have become quite popular in recent years in America and elsewhere; probation is perhaps the most common sentencing alternative used around the world but it of course presupposes the existence of a probation service capable of implementing the probation order of the court by providing the appropriate service support and supervision of offenders and monitoring of other conditions that the court might impose);
- (i) **A community service order** either as a condition on a probation order, or a separate disposition which requires the offender to 'give back' a certain number of hours of work

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<sup>8</sup> In Canada, the Criminal Code provides that restitution can be ordered as an additional sentence to cover "readily ascertainable" losses.

and/or service in the community;

(j) **Referral to an attendance or day-reporting center** (which can provide access to therapeutic or employment training support);

(k) **House arrest** (or the more recent variation of electronic monitoring);

(l) **Any other mode of non-institutional treatment** such as for drug or alcohol abuse, anger management training, domestic violence, drunk driving, sexual offending ...etc.;

(m) **Some combination of the measures listed above** (which is common practice to individualize the community penalty to suit the needs/risk of the offender);

Quite clearly, legislative, policy and administrative structures are needed to define and implement all of these alternatives as realistic sentencing options, and for some the administrative or resource burden can be quite considerable. Several issues stand out. First, both the punitive and public safety elements of alternative sanctions should be defined and predictable, under both a legal framework and an acknowledged and transparent practice framework. Prosecution authorities and the judiciary will not embrace the use of alternative sanctions to the extent that they remain uncertain about how these will be administered or enforced. Second, prosecutorial and judicial decision making to favor use of these alternatives will hinge on the nature and relevance of information they may have about the offender's circumstances, criminal history, level of risk and needs, motives for offending, community support the offender can access ... etc. In practice, it is Probation Service social inquiry or pre-sentence reports that serve as the crucial vehicle for providing guidance to the courts in 'choosing' an alternative sanction. In essence, then, both in terms of more effectively defining and administering alternative sanctions, and in terms of giving the courts the information they need to make informed use of these sanctions, some form of Probation Service is required – as the backbone from which more use of community alternatives can flourish. Indeed, many criminal justice systems around the world would be brought to their knees if they were unable to make quite extensive use of Probation. The US is well known for its high rate of imprisonment, for example. But less well known is the fact that the US also makes considerable use of Probation; almost three times as many offenders are under Probation orders versus serving custodial sentences (2.7 times). Though the numbers are much smaller, the proportions under Probation orders versus prison are similar in the UK (2.6 times). In Canada, there are relatively fewer offenders under correctional supervision and the ratio of those on Probation versus prison is even higher (3.8 to 1) (see Figure 4)<sup>9</sup>. The underlying aims and proper vision for Probation, and the way probation supervision should be practiced, seems to be heatedly debated routinely (Annisson, 2013; Raynor, 2012) (I will discuss this more a little later). But no one debates probation's integral role in striving for a more efficiently functioning, fair and effective criminal

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<sup>9</sup> See <https://www.gov.uk/government/collections/prisons-and-probation-statistics#prison-population-figures>; <http://www.statcan.gc.ca/pub/85-002-x/2014001/article/14007/tbl/tbl03-eng.htm>

justice system.

### **Post Imprisonment**

Regardless of the scope of community alternatives that may be available, imprisonment will remain as a preferred sanction for the most serious offending. Worldwide, prison sentences are getting longer and use of indeterminate life sentences is increasing. In America, for example, it is estimated that 1 out of every 9 prisoners is serving a life sentence, with a significant proportion serving a term of 'life without parole'.<sup>9</sup> But most prisoners will eventually return to the community and the use of some form of conditional release mechanism, early release on parole or remission, is standard practice in many developed nations. However, compounding the disparity noted earlier in the introduction, in many developing nations neither the legal mechanisms nor the resource infrastructure is available for gradual and early release of sentenced prisoners<sup>10</sup>.

The most common argument put forth for greater use of early release is that it can support much needed 'prison decongestion'. But this is neither the best nor most evidence-informed argument. Used judiciously, with fairness and structured discretion bounding release decisions, and with focused attention to public safety concerns, early release should serve the function of gradual 're-entry' and support for successful reintegration.<sup>11</sup> It is now a well-accepted axiom in the field of corrections that an ex-prisoner's chance of 'making good' can be significantly improved if they receive the right mix and matching of support services, supervision, interventions responsive to their needs, and a connection to some stable pro-social community influences (e.g., employment, accommodation, family reunification, faith-based supports ... etc.). As just one example, Safer Foundation in Chicago, has been in existence for over forty years and has capitalized on a model of collaborative, whole community involvement in creating new employment and housing options for ex-offenders. With more than 4,200 job starts in 2011 alone, Safer estimates they saved the State of Illinois more than 80 million in prison costs, with their clients who remain employed for at least 30 days being 58% less likely to return to prison.<sup>12</sup> The well-resourced country of Norway offers offenders a 'reintegration guarantee' that provides for 'central life conditions' like housing, work, education, health services, addiction treatment, etc. Norway also reports one of the lowest re-offending rates in the world – at around 20%. In the US the multi-site *Serious Violent Offender Re-Entry Initiative (SVORI)* that was referenced earlier, a federally funded project that began in 2003 to improve re-entry

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<sup>10</sup> See <http://www.sentencingproject.org>. Since just 2008, the rise in sentences of life without parole has risen by 22.1%.

<sup>11</sup> The exception of course is the use of pardons, amnesty or compassionate release but these typically do not provide any support or services to offenders post-release.

<sup>12</sup> As prisons become increasingly the depositories for the most serious and violent offenders, an emphasis on safe reintegration becomes even more important. But as well we know that prisons are the depositories for the poor, disenfranchised, mentally ill and addicted who have committed relatively minor offences (Subramanian, 2015).

Early release for these individuals is not just a matter of 'safe reintegration' but morally proper humane reintegration.

<sup>13</sup> See <http://www.saferfoundation.org>

outcomes, program participation was found to reduce re-arrest for adult males by 14%, for adult women by 48%, and for juvenile males by 25%.<sup>13</sup> There have been numerous careful evaluations of structured re-entry schemes and programs and the verdict is clear – reintegration or re-entry programs **work** when they are well designed and concentrate simultaneously on the entire set of factors that can lead to 'desistance' from criminal lifestyles (Bair et al. 2006; Maruna & Immergreen, 2004; McNeil, Raynor & Trotter, 2010). The corollary of course is also true. They make no difference when they are badly designed, inadequately resourced, unfocussed or too narrow in scope.<sup>14</sup> Whether within the controlled environment of a community residential centre (Halfway House), work release or re-entry centre, under the ongoing parole supervision of case management professionals, or with the support of community volunteers or mentors as has been so well orchestrated in Japan and elsewhere, a determined and structured approach to assist offenders at the post-release phase as they re-enter the community is a public safety necessity – not just a way to help decongest prisons.

#### **4. Who Should We Manage With Community Alternatives?**

We come to my fourth theme of who should be managed with community alternatives – which kinds of offenders are best suited for these community based approaches and why? A quite recent report from the Vera Institute in the US, *'Incarceration's Front Door: The Misuse of Jail in America'*, reports some startling findings. There are nearly 12 million individuals admitted into the nation's local jails in a year and on any given day there are over 700,000 individuals held in these jails. Nearly ¾ of these individuals are in jail for nonviolent traffic, property, drug, or public order offenses. In New York City over a five-year period, 473 individuals were admitted more than 18 times each, accounting for more than 10 thousand admissions; a classic example of the revolving door. African Americans are jailed at nearly 4 times the rate of whites, and serious mental illness affects men and women in jails at 4 to 6 times the rate in the general population. As the report emphasizes, "Underlying the behaviour that lands people in jail, there is often a history of substance abuse, mental illness, poverty, failure in school, and homelessness" (Subramanian, 2015; p.11).

Risk of re-offending has perhaps been one of the most well researched issues in the field of corrections in the last several decades (Andrews & Bonta, 2010). We know that offenders vary reliably and predictably in risk to re-offend, something we can determine relatively easily by

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<sup>14</sup> See <http://www.nij.gov/topics/corrections/reentry/Pages/evaluation-svori.aspx> for various comprehensive reports on this initiative.

<sup>15</sup> See <http://www.reintegrationpuzzle.com.au/conference/> for an exceptionally thorough discussion of the key issues related to reintegration in the proceedings of the recent international "Reintegration Puzzle Conference" held in Singapore in July 2014. For a thoughtful analysis of international practice examples in offender reintegration, see Malloch, M.S., Mclvor, G., Schinkel, M. and Armstrong, S. (2013), 'The Elements of Effective Through-Care Part 1: International Review', SCCJR Report No. 03/2014.

looking at a set of criminal history and other risk-related factors (e.g., substance abuse). A first lesson to apply in answering who should be managed with community alternatives is therefore:

- *Identify the lowest risk offenders and consider them for the least intensive forms of community alternatives (e.g., warning or conditional discharge, community service order, restitution, various restorative justice approaches ...etc.).*

What we also know, however, is that prisons are filled with large proportions of non-serious and non-violent offenders, many of whom have been sanctioned with relatively short prison terms. This applies especially to non-violent, property, drug related, or public order offending, often sanctioned with relatively short prison sentences. In the UK for example, about 10% of the sentenced prisoner population are serving terms of 12 months or less, with 65% of these serving sentences of 6 months or less. This is one of the factors that sparked the government's recent 'Transforming Rehabilitation' agenda. In the US it has been estimated that nationwide, over a quarter (27%) of those sentenced to prison or jail each year are for nonviolent, non-serious offenses. If 80% of these offenders were sentenced to effective community programming as an alternative to prison, states and localities could save at least \$7.2 billion (Hartney & Marchionna, 2010). Interestingly, the public (even in America) actually supports the use of alternatives with these types of offenders.<sup>15</sup> A second lesson to apply in answering who should be managed with community alternatives is therefore:

- *As much as possible, replace short prison sentences with community sanctions that are properly calibrated to suit the severity and nature of offending (e.g., probation orders with enforceable conditions, referral to day-reporting centres, electronic monitoring or restriction in movement such as evening house arrest).*

But there is a further issue we have to attend to. Paradoxically, because they have multiple needs in varied areas of their lives (e.g., chronic unemployment, homelessness, substance abuse, mental health issues ...etc.) the least serious offenders are also often at highest risk for re-offending. Without the addition of supports and interventions, community options in and of themselves will be ineffective. Violation of community supervision conditions will trigger imprisonment as a response, and the revolving door will continue revolving. A third lesson to apply in answering who should be managed with community alternatives is therefore:

- *Work towards delivering services and community supports to offenders that are commensurate with their level of need (the Needs principle within the RNR paradigm).*

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<sup>15</sup> Even in America, eight in ten (77%) adults believe the most appropriate sentence for nonviolent, non-serious offenders is supervised probation, restitution, community service, and/or rehabilitative services. If an offender fails in these alternatives, then imprisonment may be appropriate.

An enduring challenge in working with offenders is to help them develop both their level of motivation (commitment to change) and their sense of self-efficacy (belief in their ability to do it). Community based treatment will be more effective if it is oriented towards 'building offenders up' rather than 'keeping them down' through only surveillance and monitoring. We will discuss this further in the next section, but the point here is that for many first time offenders, the prison experience can become quite de-motivating and damaging -- actually serving to solidify a lengthy criminal career as they graduate with more education in the ways of crime. A fourth lesson to apply in answering who should be managed with community alternatives is therefore:

- *Consider giving even the more serious and violent first-time offender an opportunity to respond to an intensive community-based alternative (e.g., intensive probation supervision with strict conditions).*

Before leaving the question of *who* we should manage with community alternatives, I want to focus briefly on a few categories of what have come to be seen as 'special' needs offenders. It is ironic in some ways that we refer to these offenders as 'special' since the term typically implies 'rare' or 'out of the ordinary'. But the truth is that the mentally ill and the elderly offender, for example, are no longer special within corrections but rather common (Porporino, 2014 a&b). Moreover, even if we look at youth or female offenders, or the broad category of visible minorities, their numbers are growing disproportionately in our prisons.<sup>16</sup>

All of these populations beg for the greater use of appropriate community alternatives. Of course the recently adopted UN 'Bangkok Rules', spearheaded in large measure by Thailand's Royal Princess's Enhancing Lives of Female Inmates (ELFI) initiative, represents an important milestone for a more gender-sensitive response to the needs of female offenders. The new rules strongly promote the development of community alternatives and will hopefully mobilize both governments and penal reform organisations to advocate for more and better gender sensitive community care and diversion schemes for women.<sup>17</sup> The UN has equally expressed strong views regarding avoiding the 'criminalization' and/or 'institutionalization' of youth before a certain age.<sup>18</sup> This is full agreement with the empirical evidence which is clear both

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<sup>16</sup> The rate of incarceration of aboriginal women in Canada, for example, has increased by 80 per cent in the past decade and the proportion of prisoners belonging to visible minorities (mostly indigenous offenders) has increased by 75% while the proportion of Caucasian offenders has declined. See <http://www.cbc.ca/news/canada-s-prison-population-at-all-time-high-1.2440039>.

<sup>17</sup> Her Royal Highness Princess Bajrakitiyabha of Thailand is broadly credited for spurring action in developing the new United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules). Section 5 of the pre-amble "encourages Member States to adopt legislation to establish alternatives to imprisonment and to give priority to the financing of such systems, as well as to the development of the mechanisms needed for their implementation".

<sup>18</sup> The Beijing Rules advise that the "Deprivation of personal liberty shall not be imposed unless the juvenile is adjudicated of a serious act involving violence against another person or of persistence in committing other serious offences and unless there is no other appropriate response" (Rule 17.1(c)). The United Nations Convention on the Rights of the Child further underlines the importance of seeking welfare-oriented community alternatives for youth by proposing that: "The arrest, detention or imprisonment of a child shall be ... used only as a measure of last resort and

in terms of the potentially damaging and criminalizing impact of imprisonment for youth, and the fact that there are family-centred, community-based alternatives for youth that have clearly proven their worth (Lambie & Randell, 2013).<sup>19</sup> Several decades of research have shown that factors relating to risk for offending among youth are multi-systemic in nature, involving complex interactions between individual, family, community, school, work, and peer group systems. Community-based treatment is the only way to address all of these factors in some effective combination. Availability of a graded set of community options is critical and when put in place with carefully managed, youth-sensitive and evidence-informed quality of care, the results can be rewarding. As just one standout example of this kind of approach, the Singapore Ministry of Social and Community Development reports a 3-year re-offending rate for the youth under their care of only 18.9%.<sup>20</sup> Re-offending rates reported for youth released from custody in America and elsewhere are typically in the vicinity of 70% or higher<sup>21</sup>. Before ending this section, I want to make some few comments about two particular 'special needs' populations – the mentally ill and the elderly. In both cases, the growth in numbers is reaching crisis proportions in many prison systems around the world (Porporino, 2014, a&b). Community alternatives are desperately needed to deal with this situation, but interestingly, most critically at different stages in the criminal justice process for these two particular populations. For the mentally ill, the primary issue is at the front-end -- to stem the flow of these individuals ending up in prison unnecessarily in the first instance, often for minor nuisance or public order offences. With the psychiatric de- institutionalization movement beginning in the 1960s, the promised community care for the mentally ill has not materialized, and prisons have become the de-facto 'new asylums'. It has been estimated that there are at least *ten times* the number of individuals with serious mental illness in American prisons and county jails compared to the nation's few remaining mental hospitals (Torrey et al., 2014). But there are practical alternatives to just picking these mentally ill off the streets and confining them in our prisons. *Project Link* in New York is a good example of an *Assertive Community Treatment* approach where a multi-site consortium of five community agencies provides a mobile treatment team for pre-arrest diversion of people with mental illness who would otherwise be caught in the net of the justice system. Evaluations have demonstrated significant reductions in arrests, days spent in jail, and subsequent hospitalizations. A follow up of clients serviced during the first year of *Project Link* found a reduction in both the average number of days in jail (from 104 to 45) and hospital (114 to 88), with the average cost of care per individual falling

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for the shortest appropriate period of time" (Art. 37b).

<sup>19</sup> Multisystemic Therapy (MST) (Henggeler & Schoenwald, 2011) and Functional Family Therapy (FFT) (Alexander, Pugh, Parsons, & Sexton, 2000) are two of the evidence-based treatments that are most commonly advocated.

<sup>20</sup> See <http://app.msf.gov.sg/Research-Room/Research-Statistics/Juvenile-Delinquents-Recidivism-Rate>. The figure is for cases closed in 2009. I have had the privilege of conducting extensive training of juvenile probation officers in Singapore and can attest to their incredible level of professionalism and commitment, no doubt one explanation for the level of success that the MSFD is enjoying.

<sup>21</sup> In the UK it has been reported that 72.3% of youth released from custody re-offend within 12 months. See more at: <http://www.cypnow.co.uk/cyp/news/1077905/youth-reoffending-rates-rise#sthash.gZJPHosv.dpuf>. In New York State, it has been reported that 81% of male youth released from custody were re-arrested within 3 years (Frederick, 1999).



from US\$74,500 one year prior to enrolment to US\$14,500 one year after (Weisman, Lamberti & Price, 2004). Many similar ACT-based programs have been developed throughout America (see <http://www.nami.org>) as well as in the UK, Europe, Canada, Australia and elsewhere (Ogloff et al., 2004b).<sup>22</sup> Considerable success has also been shown in various programs where specialized training of law enforcement officers encourages diversion of the mentally ill towards mental health care rather than further criminal justice involvement. One excellent example is the New South Wales Police *Mental Health Intervention Team* (MHIT) model in Australia (Laing et al., 2009) based on the *Crisis Intervention Team* approach that emerged originally in America in Memphis, Tennessee. These kinds of training approaches to alter police response have been found to significantly reduce arrest rates for mental health crisis incidents; to as low as 2% (Steadman et al., 2000).

The front-end of the criminal justice process, on the other hand, is not the culprit in accounting for the bulging numbers of elderly offenders in prison. There are of course some individuals who are convicted and imprisoned for the first time as senior citizens.<sup>23</sup> But for the most part the problem of the elderly in prison is attributable to the growth in offenders 'aging' while in prison, obviously because of our increasing reliance on very lengthy prison terms (Porporino, 2014a). Community reintegration at the back-end of the system becomes the key correctional challenge for this population. Fundamentally, it is unlikely that the varied needs of the typical elderly offender can be met simply as an adjunct or afterthought in the normal course of most community corrections programs. For the elderly, there is a compounding of factors, with one barrier after another tossed their way – serious health and/or mental health issues to contend with, lack of any family or peer support, no financial resources, inability to access social welfare benefits, no available transportation, and no place to live. Some level of specialization and focus is required and there are now some growing examples of a more geriatric-sensitive approach for reintegration of the elderly offender – like for example, the RELIEF program in Canada (Stewart, 2000) where younger ex-offenders serve as caregivers for older offenders in a custom-built residential and recreational complex of small, single-floor cottages, with access to specialized community medical services, and where ex-offender caregivers gain vocational training credits so that they can be subsequently employed as geriatric workers. It is a model

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<sup>22</sup> The ACT approach that originated in America is of course heavily driven and managed by mental health professionals. In contrast to this, many European jurisdictions focus much more deliberately on lay community involvement and support for reintegration of the mentally ill. A world-renowned example is the oldest continuous community mental health program in the Western world in Gheel, Belgium, a small town of 35,000 located in the province of Antwerp. Gheel is internationally known for the centuries old tradition of foster family care for the mentally ill associated with the legend of St. Dymphna, the patron saint of the mentally ill. Gheel and other similar initiatives in Belgium and elsewhere in Europe promote the concept of 'community recovery' where communities should strive to live with rather than fear the realities of mental illness. Hundreds of mentally ill individuals live their daily lives in Gheel without any stigmatization of any kind, and with broad based community acceptance and ongoing support.

<sup>23</sup> As far as serious offences are concerned, it is often either for a sex offence (e.g., pedophilia) or murder (e.g., of a spouse). At the other extreme, there is a minority of the elderly who may turn to petty crime out of desperation and social isolation.

that innovatively serves two goals.

## 5. How Should We Deliver Community-Based Treatment?

So far we have covered the questions of 'why' we should make more use of community alternatives and with 'whom'. We still need to address the 'how' – is there a 'best practice' way for delivery of these services that will have the greatest impact. The answer here is not simple, but let me try to get to the gist. There are currently two competing theories for guiding the 'rehabilitation' or 'reintegration' focus in corrections– competing perhaps unnecessarily for scholarly attention since there is ample room for merging and integrating the two paradigms (Porporino, 2010; 2014). The RNR or risk management framework, Canadian-originated, well tested and dominant for the last several decades, points to the need to address 'dynamic' risk factors – changeable pre-dispositions or circumstances of offenders that propel them into crime (e.g., anti-social attitudes, impulsivity, emotional volatility, proneness to substance abuse ... etc.). The newly emerging 'desistance' paradigm, on the other hand, tells us to concentrate not just exclusively on what causes crime in the first instance, but what can 'undo it' – the forces and influences that can underpin a turn to 'doing good'. Though this is simplistic in some ways, the RNR paradigm essentially suggests that offenders have weakness or deficits that we should try to help them change, while the desistance paradigm would argue we are more likely to succeed if we work on removing barriers to offenders' attempts to change, and allow their strengths to come to the forefront. The two paradigms diverge considerably in the 'form and focus' of community based intervention and supervision they would support (e.g., the desistance framework, for example, would argue there is too much emphasis on programmatic attempts in 'fixing' offenders when we should instead be 'fixing' the circumstances that ex-offenders are forced to endure – e.g., chronic under- and un-employment, poor housing, impoverished communities). This of course is only a superficial analysis of the divergence of the two paradigms and if you wish more in depth discussion you can refer to the considerable debate of the issue in scholarly journals (Andrews, Bonta & Wormith, 2011; McNeil, 2006; Ward, Melser & Yates, 2007). But for our purposes today, I want to bypass the differences and outline what I believe are some common elements or principles where both paradigms would agree.

The first is the notion that we should be '**matching**' the level and type of intervention to the level and type of offender needs that are apparent – and this encompasses all three principles of Risk, Needs and Responsivity in the RNR paradigm.<sup>24</sup> But what those three admittedly

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<sup>24</sup> Very simply, the RNR model tells us that: (a) some offenders are at higher risk to reoffend than others and so we should try to give them more intensive and/or enhanced levels of service. (Risk Principle); (b) some areas of need in offenders are more important than others to attend to because they relate more reliably and predictively to risk for re-offending (e.g., substance abuse). (Need Principle); and finally (c) though a principle that still remains relatively under-developed, the concept of 'responsivity' points to the fact that offenders, like people more generally, will respond better in receiving certain kinds of support or help, and certain types and styles of intervention. In other words,

important principles fail to address is 'how' exactly to do it – what approach or overture of support is most likely to: (a) spark some initial interest in abandoning a life of crime (i.e., desistance), and (b) best support the offender in his efforts to do so. I referred to this earlier as the combination of 'motivation' and 'ability'. The correctional field errs in my view when it gets stuck in being too efficient and formulaic in how we think we can turn offenders around – for example, by slotting them without choice into our available cognitive-behavioral treatments – what I've referred to as the Big Bang Theory (Porporino, 2014). We should more fully accept that there may be many different fulcrums for change for offenders -- educational, vocational, artistic, spiritual, a redemptive turn to volunteerism, strengthening of family ties -- and we should become more alert in noticing, more adept in amplifying, and more consistent in following through on, these varied kinds of influence that may be occurring.

We know, for example, that the *experience* of community service work can make a difference but likely only under particular circumstances – when it is perceived as providing some opportunity for learning, the building of a trusting and reciprocal bond with others, and some level of insight into other people's struggles that can lead to a different understanding of ones own (McIvor, 1990). One of the most cost-effective ways for exerting some level of pro-social influence is through reliance on volunteers, especially in mentoring relationships, as is done so impressively in Japan, for example, with their sizeable army of volunteer probation officers. We know what doesn't work with mentoring schemes and it shouldn't be surprising. Schemes that are too short-term, under-resourced, not well coordinated or supervised, where mentors are inadequately trained, and where there is inconsistent and/or lack of any intensive contact with offenders (Jolliffe & Farrington, 2007). But reverse all of these conditions and impact begins to appear, as has been shown, for example, in Canada with the *Circles of Support and Accountability* (C.O.S.A.) framework where a group of well trained and carefully screened volunteers (up to 5 or 7) become a 'circle' of 24/7 support for a given offender, and where the offender meets with the circle as a group and then again individually with each circle member at least once a week (Wilson et al., 2009). The family is another sphere of influence we can rely on with offenders, but something we all know is exceedingly difficult to channel. But when some serious effort is made to both involve (and offer some meaningful support) to the families of offenders, we can begin to evidence the benefits (Taylor, 2013). An example is La Bodega de la Familia model that began as a storefront, family-support center located on the Lower East Side of New York City, which has now morphed into a national Family Justice Initiative managed by the Vera Institute of Justice in the US. The model makes innovative use of family-centered case management and mapping tools to assess family rather than just individual

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one size will not fit all. (Responsivity Principle).

needs and resources of substance abusing offenders. Results have shown convincing evidence for significant and sustained reductions in both drug use and likelihood of re-arrest. In some more innovative prison settings, like Parc Prison in Wales, the boundaries are being pushed in terms of early engagement of families in the resettlement of offenders --- where specialist parenting and relationship programs are provided for the whole family, advice about family debt, physical health and fitness and meaningful assistance in moving towards better housing and employment. At the most basic level, fathers are encouraged to build a relationship with their children before release, in helping them with their schoolwork, for example. I can't imagine that this kind of realignment with identity as fathers couldn't serve as a fulcrum for change, for at least for some offenders.<sup>25</sup> Leveraging the potential of ex-offenders as credible and dedicated community justice professionals in their own right is another area of influence we could capitalize on. One of the most innovative programs mounted in Canada, provided employment, with reasonable pay, to a network of dozens of ex-offenders who had served life sentences in order for them to now help case manage other ex-offenders serving life sentences before and after release. Social return investment analysis has shown about two pounds in savings for every one pound invested in an initiative along the same lines in Scotland, *Routes out of Prison (Roop)*, with a focus on short-term offenders. The incredible variety and reach of bottom up initiatives spear headed by ex-offenders to assist other offenders, with little or no resources to help kick start their efforts, deserves some day to be documented. I suspect it would surprise most of us.

The second element or principle I want to emphasize for community corrections, irrespective of the particular rehabilitation paradigm we might subscribe to, is the notion of purposefully '**structuring**' our service delivery rather than letting it unfold piecemeal -- accepting that it is not necessarily the one thing we do that will count, but how we do it, the context in which we do it, and the process we follow. There has to be a cohesive 'binding together' of efforts in order for offender support and supervision to make a difference. Let me give you an example to illustrate my point. In the US, where fads take off like jet planes, an approach that was initiated by Judge Steven Alm in 2004 in Honolulu, referred to with the catchy acronym **H.O.P.E.** (Hawaii's Opportunity Probation with Enforcement) is now being widely regarded in America as the latest 'hope' for probation. Judge Alm wanted to reduce the frequency of community supervision failures that he saw as feeding the carceral system. "It's crazy", he said, "Offenders were being churned through a chaotic system that let some off the hook repeatedly, threw the book at others, reformed too few people and cost taxpayers way too much money". So Judge Alm designed what he described as a commonsense alternative, akin to parenting your

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<sup>25</sup> See positive media coverage of the Invisible Walls Wales initiative at <http://www.bbc.com/news/uk-wales-south-east-wales-19660928> and <http://www.theguardian.com/society/2013/jul/23/family-important-young-fathers-prison>.

teenagers, where certainty and swiftness of consequences would be used instead of reliance on severity, with clear rules and expectations being set out from the start in a Warning Hearing that he presided over. Probationers would be monitored carefully and there would be graded, but swift and certain consequences for not complying (e.g., missing an appointment, or testing positive for drug use). H.O.P.E. participants ended up being arrested less frequently, using drugs or missing appointments with their PO's less often, and were better than 50% less likely to have their probation breached. The approach was literally consumed by the media with headlines like 'tough love for cons' but here are some features that weren't highlighted in the media because they make for far less catchy bylines. The H.O.P.E. initiative worked, in my view, because it was able to consolidate a number of core correctional practice principles that are often articulated but less often bound together cohesively.

- A Warning Hearing and persistent judicial oversight of the process allowed for both *effective use of authority*, and a *relationship* to be established with the offender with emphasis on --
  - ✓ *Personal responsibility and taking charge of your life;*
  - ✓ *A strong assertion of hope and goodwill that the probationer would succeed;*
  - ✓ *Pro-social, family-oriented values; and*
  - ✓ *An offer of problem-solving support at the offender's choosing;*
- The approach concentrated on a sub-group of substance abusing offenders where there was recent '*demonstrated*' risk and not merely '*assumed*' risk (i.e., a recent history of missed appointments and/or positive drug tests);
- Delay in mandating treatment allowed for *agency* and *self-efficacy* to emerge, where a treatment order was invoked only for those offenders who could not desist under sanction pressure alone (about 10%);
- The behavioral contract set out clear expectations for both consequences and rewards (*structure*); Certainty and swiftness of sanctions reinforced perceptions of *fairness*;
- Consistency and gradation preserved perceptions of *legitimacy*;

H.O.P.E. succeeded as well, of course, because of the charismatic, straight talking and very well networked and credible leadership of Judge Alm. On the small island of Oahu, he was able to:

- Enlist the cooperation and willingness of other key criminal justice players to change their work practices – police, court clerks, prosecutors, and judges! "Changing addict behavior is easy", he said, "Changing judge behavior is hard".

- Assist in creating some greater capacity to tolerate initial increases in workload (e.g., for police to locate probationers who failed to report; for court clerks to process Motion to Modify orders);
- Secure adequate drug treatment resources in the area;
- Gradually implement the model (over some 4 years) to smooth out and refine the process from experience; and finally,
- Work with a Probation Service of well trained, dedicated Probation Officers (all with MSW's and trained in CBT and MI) who could capitalize on the 'windows of opportunity' presented when offenders begin to comply.

The key lesson here is that in community-based supervision of offenders, external controls, structure, and clarity of expectations should aim to *spark* intrinsic motivation for change – where offenders perceive sanctions as legitimate, fair, and presented in a context of genuine support for change. Configuring a probation system to do this effectively requires a complex and inter-related adjustment to the work practices and priorities of the entire range of criminal justice players. It is not only a probation service challenge.

The final element I want to underscore for how we should deal with offenders under community supervision is the notion of '**seeding**' rather than just enforcing or prescribing. A key precept in motivational theory in psychology is that we should 'seed' ideas to influence change – not try to 'sell' them. Propaganda and persuasion doesn't typically influence change, at best it only engenders hesitant compliance, and only in the short-term. And trying to force change only results in active resistance. The work of community corrections professionals at the core is about capturing and capitalizing on moments to influence offenders, and this happens mostly in 'interaction' or 'conversation' with these individuals, typically under circumstances that are not designed inherently for exerting positive influence. Importantly, however, we now know that there is both a *good* and a *bad* way to do this. Again let me illustrate with an example. A dear old colleague of mine, Professor Peter Raynor from Swansea University in Wales, has been doing some wonderful work on the small island of Jersey in the Channel Islands, guiding (and encouraging) probation officers to refine their skills in interacting with offenders. Professor Raynor carefully rates the skill level of probationer officers on a variety of dimensions (i.e., by listening to audio-taped interactions). What he finds first, quite reliably, is that those offenders who interact with less skilled probationer officers re-offend at a substantially higher rate compared to those interacting with the more skilled (58% versus 26%). But what is perhaps even more captivating is the clear pattern that seems to be emerging regarding what is most critical in this 'influence of interaction' on re-offending – appropriate verbal and non-verbal communication (e.g., warm, empathic, respectful, enthusiastic), skill in assisting offenders to problem-solve (e.g., in accessing community resources), and the ability to seed ideas

'motivationally' (i.e., creating a therapeutic alliance). Overall, probation officers who made use of these skills had a clearly significant impact on re-offending (Raynor, Ugwudike, & Vanstone, 2014). As the authors note "The difference in reconviction outcomes is marked, and greater than many treatment effects reported for programmes (McGuire, 2002)" (p. 241). A recent qualitative study of probation practice (Lewis, 2014), that is fully consistent with other studies looking at probation officer qualities influencing desistance (Rex, 1999; Robinson et al. 2014), has narrowed in on 5 key dimensions (*acceptance, respect, support, empathy and belief*). It is this adroitness in enabling a positive relational climate with the offender that in turn can effect a significant change in the probationer's beliefs and behaviour.

There is a recent resurgence of interest in ways to structure and transform one-to-one supervision of offenders, at least in part, into some form of ongoing intervention – turning the probation officer into an 'agent of change' and not just an 'offender manager' focused on assessing, monitoring, and brokering (Porporino & Fabiano, 2010; Bourgon et al. 2011). Some other excellent examples include the evidence of impact that is coming out of the work of Jimmy Bonta and his colleagues with STICS (Strategic Training Initiative in Community Corrections), a particularly comprehensive and well-designed training and follow-up support initiative that has been delivered thus far to over 500 probation officers. Re-offending rates have been found to drop to about 25% after staff have received training compared to 46.7% before (Bonta et al., 2011). Similarly in the US failure rates of 16% have been reported for moderate risk offenders supervised by appropriately trained staff compared to 30% for a randomly assigned comparison group (the STARR study, '*Staff Training Aimed at Reducing Re-arrest*', Robinson et al., 2012). And in the UK, a multi-faceted training approach appropriated called SEED (*Skills for Effective Engagement Development*) is now being delivered to probation officers across the country.<sup>26</sup> The work of line probation staff and other community corrections professionals is perhaps among the most difficult, and easily exacerbating work in the area of human service delivery. It is high time that we devote some attention to how best to support these professionals.

Presenting to a group of senior managers, the people who can effect organizational change in community corrections, I would be remiss if I didn't extend the principle of 'seeding' not just to the way we should deal with offenders, but also to the way we should interact with our front-line staff. This is a topic that brings us down a path of discussion for another day, how to align the commitment of our staff who do the hard work of offender supervision. Designing and implementing more effective strategies for community corrections should not derive from

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<sup>26</sup>[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/224308/probation-views-seed-pilot.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/224308/probation-views-seed-pilot.pdf) provides a summary of staff reaction to the project.

'managerial' prescription of solutions. We are much more likely to succeed, as I'm sure you are all quite aware, if we instead 'seed' new ideas for line staff to absorb and embrace. Another growing movement in the field is the turn towards respecting not just evidence-informed practice, but practice-informed evidence. At the end of the day an effective practitioner is a reflective practitioner (Eadie, Wilkinson & Cherry, 2012) and the experience and wisdom of our front-line workers should be listened to and built upon (Robinson et al. 2014).

## Conclusion

Let me close quickly with a few points on how we might overcome 'inertia' in developing a 'smarter' approach for corrections – one that includes a central role for community alternatives rather than just overuse of imprisonment. I am going to suggest that in large measure we fail to create momentum because of our reticence to counteract the views, which we perceive (or possibly miss-perceive) as unsupportive, among three key audiences: (a) politicians and legislators who we need critically to enable the greater use of alternatives; (b) law enforcement and the judiciary, our criminal justice partners whose support we desperately require to put them in place, and finally, (c) the general public whose public safety concerns we don't wish to aggravate or magnify. In each case, I believe the message we give has to be bold, confident and consistent – community alternatives are not just necessary to save money, or to reduce prison overcrowding, or to be more just and humane in how we treat offenders. Community alternatives are fundamentally the 'smarter' way to do the work of corrections – and the only way to ultimately arrive at some greater degree of public safety. The details of the message for each audience may vary a little but this has to be the gist. We are held down when we believe we cannot change political or populist 'punitiveness'. But the truth is that this 'punitiveness' is not really that indiscriminately punitive. Even providing only minimal, accurate and relevant information can affect public attitudes quite dramatically and lead to more targeted endorsement of community alternatives.<sup>27</sup> And we should as well remind politicians that 'punitiveness' is not as much linked with people's experiences of victimization or fear of crime per se, but with more generalized discontent about the social-economic circumstances of their lives – something that politicians need to address in ways other than just getting 'tough on crime'!

A number of countries are now following the example of Singapore with their far reaching annual Yellow Ribbon Campaign, co-opting the media, celebrities, government officials, the

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<sup>27</sup> See the following for thorough discussions: Mike Hough and Julian V. Roberts, "Sentencing trends in Britain: Public knowledge and public opinion" (1999). *Punishment and Society* 11-26; Julian V. Roberts, et al, *Penal Populism and Public Opinion: Lessons from five countries*, Oxford University Press: Oxford and New York, 2003. Lappi-Seppala, T. (2003) "Enhancing the Community Alternatives—Getting the Measures Accepted and Implemented" in *UNAFEI Annual Report for 2002 and Resource Material Series No. 61*, Fuchu, Japan. pp. 88-97, [http://www.unafei.or.jp/english/pdf/PDF\\_rms\\_all/no61.pdf](http://www.unafei.or.jp/english/pdf/PDF_rms_all/no61.pdf).



private sector and an impressive array of community based organizations in celebrating the theme of giving offenders a 'second chance' by 'helping unlock the second prison'. After only four years, by 2008, over 800 new employers had registered to offer jobs for ex-offenders and a national survey showed that 9 out of 10 Singaporeans were aware of the aims of the Yellow Ribbon Campaign. In a more focused way, here in Thailand a few years ago, a successful campaign was mounted to deal with drunk drivers with probation and community service rather than short-term imprisonment. Interestingly, the community service was designed to sensitize these drunk drivers to the consequences of their behavior (e.g., working in hospitals, and volunteering for road accident emergency rescue units). A subsequent public opinion poll found that 91% of the public agreed with the idea that drunk drivers should receive community service orders. Moreover, in contrast to before the campaign, it seemed that the public had become much more generally aware and supportive of the work of the Probation Service.<sup>28</sup> The old adage applies, we don't know what we can achieve until we try. Community alternatives have to be well defined, properly executed, monitored for outcomes and adequately resourced. But even a modicum of political and judicial support may be enough to unleash the energy and creativity needed to engage our communities and assuage them that not only do not all offenders present a danger, but indeed many can become an asset instead of a liability if we deal with them commensurate with their risk, and attending to their needs.

Delivery of correctional services will be increasingly pressured, with governments expecting more but giving less. But there is opportunity to nurture growth of community alternatives, where we get our communities on side, find ways to follow a smarter correctional agenda, and do what's right, rather than just keep adjusting to the short-sighted government policies that might come our way. The road may be bumpy, but I am ever hopeful -- and I'm incredibly proud to have been able to devote my career to this admirable profession we are all part of.

I thank you sincerely for your patience in listening.

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<sup>28</sup> See, for example, "Hospital duty for drink drivers" in *The Nation*, March 11, 2005; "Drunk driving: Bars ought to lay on cars" in *The Nation*, April 10, 2005, (<http://www.nationmultimedia.com>).

## References

- Alexander, J. F., Pugh, C., Parsons, B. V., & Sexton, T. L. (2000). Functional family therapy. In D. S. Elliott (Ed.), *Blueprints for violence prevention, book three* (2nd ed.). Center for the Study and Prevention of Violence, Institute of Behavioral Science, University of Colorado, Boulder, CO.
- Allen, R. (2012). *Reducing the use of imprisonment: What can we learn from Europe*, London, UK: Criminal Justice Alliance.
- Andrews, D. A., & Bonta, J. (2010a). *The psychology of criminal conduct* (5<sup>th</sup> ed.). New Providence, NJ: LexisNexis Matthew Bender.
- Andrews, D. A., & Bonta, J. (2010b). Rehabilitating criminal justice policy and practice. *Psychology, Public Policy and Law*, 16, 39–55.
- Andrews, D. A., Bonta, J., & Wormith, S. J. (2011). The risk-need-responsivity (RNR) model: Does adding the good lives model contribute to effective crime prevention? *Criminal Justice and Behavior*, 38, 735-755.
- Annisson, J. (2013). Innovation in probation practice: Past, present and future. *Probation Journal*, 60(3), 227–241.
- Aos, S., Miller, M., & Drake, E. (2006). *Evidence-Based Adult Corrections Programs: What Works and What Does Not*. Olympia: Washington State Institute for Public Policy.
- Baer, D., Bhati, A., Brooks, L., Castro, J., La Vigne, N., Mallik-Kane, K., Naser, R., Osborne, J., Roman, C., Roman, J., Rossman, S., Solomon, A., Visher, C., & Winterfield, L. (2006). *Understanding the challenges of prisoner reentry: Research findings from the Urban Institute's prisoner reentry portfolio*. Washington, DC: The Urban Institute, Justice Policy Center.
- Bonta J., Bourgon G., Ruggie T., Scott T., Yessine A.K., Gutierrez L. and Li J. (2011). An experimental demonstration of training probation officers in evidence-based community supervision. *Criminal Justice and Behavior*, 38(11): 1127–1148.
- Bourgon, G., Gutierrez, L. & Ashton, J. (2011). The evolution of community supervision practice: the transformation from case manager to change agent. *Irish Probation Journal*, 8, 28-48.
- Braman, D. (2004). *Doing Time on the Outside: Incarceration and Family Life in America*. Ann Arbor: University of Michigan Press.
- Cadora, E. (2007). *Structural Racism and Neighborhood Incarceration*. Paper presented at the Aspen Roundtable on Mass Incarceration, Aspen, CO, June 3.
- Christian, H. & Delaney R. (2012). *The Price of Prisons: What Incarceration Costs Taxpayers*. New York: Vera Institute of Justice, 2012.
- Clear, T. (2008). The Effects of High Imprisonment Rates on Communities. *Crime and Justice*, Vol. 37, No., pp. 97-132.
- Cromwell, P.F., Alarid, L.F., & Del Carmen, R.V. (2005). *Community-Based Corrections, 6th Ed.* Belmont, California: Thomson Wadsworth.
- Eadie, T. Wilkinson, B., & Cherry, S. (2012). 'Stop a minute': Making space for thinking in practice. *Probation Journal*, 60(1), 9–23.

Frederick, B. (1999). *Factors Contributing to Recidivism Among Youth Placed with the New York State Division for Youth: Technical Report*. Albany, NY: New York State Division of Criminal Justice Services.

Gendreau, P, Goggin, C., Cullen, F.T. & Andrews, D. (2000). The effects of community sanctions and incarceration on recidivism. *Forum on Corrections Research*, May, Volume 12. Ottawa: Correctional Service of Canada.

Gendreau, P. Goggin, C., & Cullen, F.T. (1999). *The Effects of Prison Sentences on Recidivism*. Report prepared for the Solicitor General Canada, cat. no. J42-87/199E. Ottawa: Public Works and Services of Canada.

Glaze, L.E. & Herberman, C. (2013). *Correctional Populations in the United States, 2012*. Washington: U.S Department of Justice, Bureau of Justice Statistics

Hartney, C & Marchionna, S. (2010). Attitudes of US Voters toward Non-serious Offenders and Alternatives to Incarceration. Oakland, Ca.: National Council on Crime and Delinquency.

Henggeler, S. W., & Schoenwald, S. K. (2011) . Social policy report: Evidence-based interventions for juvenile offenders and juvenile justice policies that support them. *Sharing Child and Youth Development Knowledge*, 25(1), 1–16.

Jolliffe, D. and Farrington, D. (2007) . A Rapid Evidence assessment of the impact of mentoring on re-offending a summary. London: *Home Office RDS*.

Laing, R., Halsey, R., Donohue, D., Newman, C., & Cashin, A. (2009). Application of a Model for the Development of a Mental Health Service Delivery Collaboration Between Police and the Health Service.

*Issues in Mental Health Nursing*, vol. 30, no. 5, pp. 337-34

Lambie, I., & Randell, I. (2013). The impact of incarceration on juvenile offenders. *Clinical Psychology Review*, 33, 448–459

Lewis, S. (2014). Learning from success and failure: Deconstructing the working relationship within probation practice and exploring its impact on probationers, using a collaborative approach. *Probation Journal*, vol. 61 no. 2, 161-175.

Lerman, A. E, & Weaver, V. M. (2014). *Arresting Citizenship: The Democratic Consequences of American Crime Control*. Chicago: The University of Chicago Press.

Lloyd, C., Mair, G. and Hough, M. (1994). Explaining Reconviction Rates: A Critical Analysis. Home Office Research Study No.136. London: HMSO.

Malloch, M.S., McIvor, G., Schinkel, M. and Armstrong, S. (2013). *The Elements of Effective Through-Care Part 1: International Review*, SCCJR Report No. 03/2014.

Maruna, S & Immarigeon, R. (2004). *After Crime and Punishment: Pathways to Offender Reintegration*. Cullompton: Willan.

McGuire J (2002) integrating findings from research reviews. In: McGuire J (ed.) *Offender Rehabilitation and Treatment*. Chichester, Wiley, pp. 3–38.

McGuire, J. (2012). *Crime and punishment: What works?* In: Davies, G. and Beech, A. R., eds *Forensic Psychology*. John Wiley & Sons, Chichester, pp. 308-326.

McNeill F (2006). A desistance paradigm for offender management. *Criminology and Criminal Justice*, 6(1): 39–62.

McNeill F., Raynor P. & Trotter C. (eds.) (2010). *Offender Supervision: New Directions in Theory, Research and Practice*. Abingdon: Willan.

Murray, J. (2005). The Effects of Imprisonment on the Families and Children of Prisoners. In *The Effects of Imprisonment*, edited by Allison Lieblich and Shadd Maruna. Cullompton, Devon, UK: Willan.

Nadine, F. & Sexton, L.(2014). *Through Their Eyes: How Prisoners Make Sense of Their Incarceration*, NIJ Journal 273 (2014): 60-65, available at <http://www.nij.gov/journals/273/Pages/through-their-eyes.aspx>.

National Council on Crime & Delinquency. (2009). Attitudes of US Voters toward non-serious offenders and alternatives to incarceration. Available at [http://www.nccdcrc.org/nccd/pubs/2009\\_focus\\_nonserious\\_offenders.pdf](http://www.nccdcrc.org/nccd/pubs/2009_focus_nonserious_offenders.pdf).

National Offender Management Service (2013). *Costs per place and costs per prisoner*. Annual Report and Accounts 2012-13 Management Information Addendum, Ministry of Justice.

Ogloff, J. R. P., Ferguson, A.M., Davis, M. R., & Somers J. M. (2004). *Mental disorders, substance use, and criminal justice contact: Key informant survey*. British Columbia Ministry of Health Services.

Porporino, F. (2010). Bringing Sense & Sensitivity to Corrections: From Programs to 'Fix' Offenders to Services to Support Desistance. In Brayford,J., Cowe F., & Deering,J. (Eds.) *What Else Works? Creative Work With Offenders*. London: Willan Publishing

Porporino, F. (2014). Programs in Corrections: The 'Big Bang Theory' Revisited. In M. Volla (Ed.) *Knowledge, Directions & Internationalization: A Book of Lectures Dedicated to Harald Fosker*. Oslo: Norwegian Prison Service.

Porporino, F. (2014a). *Managing the Elderly in Corrections*. Invited Address to the participants of the 157<sup>th</sup> International Training Course of the *United Nations Asia and Far East Institute (UNAFEI)*, May 2014.

Porporino, F. (2014b). *Correctional Services for the Mentally Disordered Offender: A Challenge That Merits an Integrated Response*. Invited Address to the participants of the 157<sup>th</sup> International Training Course of the *United Nations Asia and Far East Institute (UNAFEI)*, May 2014.

Porporino, F. & Fabiano, E. (2007). Case Managing Offenders Within a Motivational Framework. In G. McIvor & P. Raynor (Eds.) *Developments in Social Work With Offenders*. London: Jessica Kingsley.

Porter, R., Lee, S., & Lutz, M. (2011) . Balancing Punishment and Treatment: Alternatives to Incarceration in New York City. *Federal Sentencing Reporter* **24** (1): 26–29. doi:10.1525/fsr.2011.24.1.26.

Public Safety Canada (2012). 2012 Corrections and Conditional Release Statistical Overview. Ottawa: Public works and Government Services Canada.

Raynor, P., Ugwu-dike, P. and Vanstone, M. (2010). Skills and strategies in probation supervision:

the Jersey study, in McNeill, Raynor and Trotter (Eds.) *Offender Supervision: New Directions in Theory, Research and Practice*. Abingdon: Willan.

Raynor, P., Ugwu-dike, P. and Vanstone, M. (2014). The impact of skills in probation work: a reconviction study. *Criminology and Criminal Justice*, Vol. 14, No. 2. 235-249.

Raynor P. (2012a) *Community penalties, probation, and offender management*. In: Maguire M, Morgan R and Reiner R (Eds), *The Oxford Handbook of Criminology*, 5th edn. Oxford: Oxford University Press.

Raynor P. (2012b) Is probation still possible? *The Howard Journal of Criminal Justice*, 51(2): 173-189.

Rex, S. (1999). Desistance from offending: Experiences of probation. *The Howard Journal*, 38(4), 366-383.

Robinson C.R., Lowenkamp C.T., Holsinger A.M., VanBenschoten S., Alexander M. & Oleson J.C. (2012). A random study of Staff Training Aimed at Reducing Re-arrest (STARR): Using core correctional practices in probation interactions. *Journal of Crime and Justice*, April, 1-22.

Robinson, G, Priede, C., Farrall, S. Shapland, J. & Fergus McNeill, F. (2014). Understanding 'quality' in probation practice: Frontline perspectives in England & Wales *Criminology and Criminal Justice*, 14: 123-142.

Schönteich, M. (2014). *Presumption of Guilt: The Global Overuse of Pre-trial Detention*. New York: open Society Foundations.

Steadman, H.J., Deane, M.W., Borum, R. & Morrissey, J.P. (2000). Comparing Outcomes of Major Models of Police Responses to Mental Health Emergencies. *Psychiatric Services*, vol. 51, no. 5, p. 645-649.

Steen, S. & Bandy, R. (2007). When the policy becomes the problem: Criminal justice in the new millennium. *Punishment & Society*, 9(1), 5-26.

Stephan, J.J. (2004). *State Prison Expenditures, 2001*. Bureau of Justice Statistics, US Department of Justice (NCJ-202949)

Stewart, J. (2000). The Reintegration Effort for Long-Term Infirm and Elderly Federal Offenders (RELIEF) Program. *Forum on Corrections Research*, Vol. 12, No. 3.

Subramanian, R. et al. (2015). *Incarceration's Front Door: The Misuse of Jail in America*. New York, NY: Vera Institute of Justice.

Tankebe, J. and Liebling A. (2013) (eds.) *Legitimacy and Criminal Justice: An International Exploration*. Oxford: Oxford University Press

Tapio Lappi-Seppälä, (2001). Sentencing and Punishment in Finland: The Decline of the Repressive Ideal. In *Sentencing and Sanctions in Western Countries*, edited by Michael Tonry and Richard Frase, New York: Oxford University Press.

Taylor, C. (2013). The Supervision to Aid Reentry (STAR) programme: Enhancing the social capital of ex-offenders. *Probation Journal*, 60(2), 119-135.

Torrey, E.F., et al. (2014). *The Treatment of Persons with Mental Illness in Prisons and Jails: A State Survey*. Treatment Advocacy Centre and the National Sheriffs Association. Virginia: USA

Tyler, T. R., & Fagan, J. (2005). Legitimacy and Cooperation: Why Do People Help the Police Fight Crime in Their Communities? Columbia Public Law Research Paper, no. 06-99. <http://www.ssrn.com/abstract>.

US Courts (2011). Retrieved from:  
[http://www.uscourts.gov/news/newsView/11-06-23/Newly\\_Available\\_Costs\\_of\\_Incarceration\\_and\\_Supervision\\_in\\_FY\\_2010.aspx](http://www.uscourts.gov/news/newsView/11-06-23/Newly_Available_Costs_of_Incarceration_and_Supervision_in_FY_2010.aspx).

Van Zyl Smit, D. (2007). *Handbook of basic principles and promising practices on Alternatives to Imprisonment*. Vienna: United Nations Office of Drugs and Crime.

Viglione, J., Rudes, D.S. & Taxman, F.S. (2015). Misalignment in supervision: Implementing Risk/Needs Assessment instruments in probation. *Criminal Justice and Behavior*, 42: 263-285.

Ward, T., Melsner, J., & Yates, P. M. (2007). Reconstructing the risk-need-responsivity model: A theoretical elaboration and evaluation. *Aggression and Violent Behavior*, 12, 208–228.

Walker, N. (1991). *Why Punish? Theories of Punishment Reassessed*. Oxford: Oxford University Press.

Weisman R.L., Lamberti J.S. & Price N. (2004). Integrating Criminal Justice, Community Healthcare, and Support Services for Adults with Severe Mental Disorders. *Psychiatric Quarterly*, 75(1): 71–85.

Western, B. (2006). *Punishment and Inequality in America*. New York: Russell Sage.

Wilson, R. J., Cortoni, F., & McWhinnie, A. J. (2009). Circles of Support & Accountability: A Canadian national replication of outcome findings. *Sexual Abuse: A Journal of Research & Treatment*, 21, 412-430.

## **Evidence About What Makes For Successful Re-Entry...**

### **Urban Institute Re-Entry Initiative**

#### **EMPLOYMENT**

Prisoners who participate in job training and educational programs in prison are less likely to return to prison after release;

Participation in work release programs while in prison has a positive impact on the likelihood of finding full-time employment after release;

An increase in levels of employment for returning prisoners is a strong predictor of reductions in drug dealing, violent crime, and property crime;

Case-managed re-entry services increase the likelihood of finding and maintaining employment after release from prison;

While prisoners believe that having a job is an important factor in staying out of prison, few have a job lined up after release (only 1 in 5) and few find work their first year out (only about 50%);

#### **SUBSTANCE USE AND REENTRY**

A majority of prisoners have extensive substance use histories (up to 80%)

Prisoners identify drug use as the primary cause of many of their past and current problems;

Consensus in the field is that in-prison treatment is much more likely to effectively sustain a decline in substance use if it is tailored to an individual's need and level of risk, integrated across all stages of the justice system, and linked to drug treatment aftercare in the community;

Participation in A/A and N/A treatment after release is associated with significant reductions in substance use among offenders;

Offenders with substance use histories and those who engage in substance use after release are at a much higher risk to reoffend within their first year out;

## **HOUSING REENTRY**

The majority of prisoners believe that having a stable place to live is important to successful re-entry;

Returning prisoners with stable accommodation live mostly with family members and/or inmate partners upon release;

But many former prisoners return home to living arrangements that are only temporary;

Housing options for returning prisoners who do not stay with family members or friends are extremely limited;

## **HEALTH AND REENTRY**

A substantial number of prisoners have been diagnosed with a serious physical or mental health conditions (about 30%);

Less than 1/2 of those diagnosed actually receive treatment while in prison;

Many corrections agencies lack discharge planning and preparation for addressing health care needs upon release, making continuity of care difficult;

Securing health care is a major concern for many released prisoners; the vast majority of returning prisoners do not have any form of medical insurance.

## **FAMILY**

Most 'successful' ex-offenders report that family support was a critical factor in helping them stay out of prison (i.e., emotional and financial support);

Prisoners who reported more positive family relationships were less likely to be reconvicted after release;

Close family relationships significantly improved employment outcomes for returning prisoners (30% better chance);

Returning prisoners who are married are more likely to find employment after release, and those with children to whom they are closely attached enjoy better employment and substance use outcomes;



## **COMMUNITIES AND REENTRY**

A relatively large number of prisoners return to a small number of cities in each state in the US;

Returning prisoners are often clustered in a few neighborhoods within those cities (Million Dollar Blocks!)

... where there is high level of social and economic disadvantage;

Former prisoners who relocate after they are released tend to move to neighborhoods similar to the ones they left;

Prisoners returning to neighborhoods that they perceived to be unsafe and lacking in social capital were at much greater risk of recidivism (and of not remaining drug free or employed);

## The Tokyo Rules: for the Better Implementation of Non-custodial Measures

Tomoko AKANE  
Director-General,  
Research and Training Institute,  
Ministry of Justice, Japan

### I. Introduction

Almost twenty-five years have passed, since the United Nations General Assembly, in its resolution 45/110 of 14 December 1990, adopted the Standard Minimum Rules for Non-custodial Measures (known as “The Tokyo Rules”). Since then, numerous endeavors for implementing non-custodial measures in line with the Tokyo Rules have been made around the world. The Tokyo Rules can be applied for all kinds of offenders, including juveniles and women.<sup>29</sup> However, there still seem to be some problems in implementing the Tokyo Rules in many countries. Custodial measures are still overused in the treatment of offenders, which prevents many offenders from rehabilitating and reintegrating into society.

Thus, please allow me to take a fresh look at the Tokyo Rules. I would like to re-emphasize the significance of non-custodial measures and propose how they may work if we fully utilize them in line with the Tokyo Rules.

### II. History of the Tokyo Rules and UNAFEI’s contribution<sup>30</sup>

The Tokyo Rules are the first United Nations Standard Minimum Rules for non-custodial measures in dealing with offenders. It was a meaningful achievement not only for the United Nations and the Member States, but also for UNAFEI and UNAFEI “family members”.

UNAFEI initiated the global discussion and exchange of experiences pursuant to Economic and Social Council resolution 1986/10, section XI, of 21 May 1986. UNAFEI held its 75th International Training Course from April 20th to June 20th, 1987. The main theme of the Course was “Non-institutional treatment of offenders”. The 24 participants from all over the world (11 countries and one administrative region), including Malaysia, the Philippines, Thailand, and Japan discussed non-custodial measures for the purpose of formulating the first draft of the proposed United Nations Standard Minimum Rules for the Non-institutional Treatment of Offenders. The participants were divided into four

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<sup>29</sup> The Beijing Rules (1985) and the Riyadh Guidelines (1990) specifically cover the issues of juveniles, and the Bangkok Rules (2010) address women’s specific needs and care.

<sup>30</sup> See “Horitsu No Hiroba” vol. 43 no. 12. From p. 18, Mr. Masaharu Hino, who is a former Director of UNAFEI, a retired public prosecutor, and the Chairperson of the Board of the Asia Crime Prevention Foundation (ACPF), and from p. 47, Mr. Yutaka Nagashima, who is a retired public prosecutor, describing the history of the Tokyo Rules and contribution of UNAFEI and UNAFEI alumni.

groups and had in-depth discussions on each sub-topic, namely, “Available forms of non-institutional treatment measures”, “the Role of non-institutional treatment of offenders”, “Measures to implement non-institutional treatment programs in a more effective way”, and “Merits and demerits relating to the practical use of volunteers in non-institutional measures”. The results of these discussions were incorporated into the report of the Course, as the title of the first draft of the Tokyo Rules. The report can be found from page 179 to 214 of UNAFEI's Resource Material Series No. 32, published in 1987. The report is meaningful even now, partly because it includes many actual situations in the respective countries based on the rich experiences of the participants. In the first draft, as well as the final one, the Tokyo Rules include the pre-trial stage. For example, in the Philippines, the “*barangay court*”, pursuant to the Barangay Laws, has authority to settle disputes among the residents of the *barangay* without applying standard criminal procedure. Also, the Japanese and Korean participants touched upon how “suspension of the prosecution” is utilized. So the measures in the report include not only the “treatment of prisoners” but also “measures for offenders” at all stages in the criminal justice system. The first draft, in addition to describing conventional measures being implemented, describes relatively advanced measures at the time, such as the work release (known as “day parole”, or “work furlough”) and community service orders. The report states that, among the participating countries, community service orders were already introduced for petty-crime offenders in Fiji, Hong Kong and Sri Lanka. The report also states that Japanese participants led the group discussion on utilization of volunteers, such as Volunteer Probation Officers, the Women's Associations for Rehabilitation Aid (WARA), the Big Brothers and Sisters Movement (BBS), and so on.

The first draft developed by UNAFEI and UNAFEI participants was subsequently discussed by UNAFEI alumni all over the world, and UNAFEI made a revised draft and submitted it to the United Nations. The Committee on Crime Prevention and Control and various intergovernmental and non-governmental organizations, in particular, the International Penal and Penitentiary Foundation (IPPF) with the help of Asia Crime Prevention Foundation (ACPF), contributed to the final version of the draft United Nations Standard Minimum Rules for Non-custodial Measures. At its tenth session, the Committee decided to submit the draft rules to the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders<sup>31</sup>, held at Havana from 27 August to 7 September 1990. The Eighth Congress *discussed the issue under agenda item 4, “Criminal justice policies in relation to problems of imprisonment, other penal*

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<sup>31</sup> The United Nations Congresses on the Prevention of Crime and the Treatment of Offenders (Congress) have been held every five years since 1955. Since 2005, they have been held under the name of the United Nations Congress on Crime Prevention and Criminal Justice.

*sanctions and alternative measures*". On the recommendation of the Eighth Congress, the General Assembly, in its resolution 45/110 of 14 December 1990, adopted the United Nations Standard Minimum Rules for Non-custodial Measures and approved the recommendation of the Committee that the Rules should be known as "the Tokyo Rules".

### **III. Overview of the Tokyo Rules<sup>32</sup>**

#### **A. General principles of the Tokyo Rules**

General principles of the Tokyo Rules are shown in the first clause of Section One. According to Rule 1.1, the Tokyo Rules provide a set of basic principles to promote the use of non-custodial measures, as well as minimum safeguards for persons subject to alternatives to imprisonment.

So it is obvious that the Tokyo Rules encourage the Member States to use and implement non-custodial measures as broadly as possible. At the same time, they should be implemented in a fair and just manner, protecting the human rights of offenders. The balance between the two aims is most important. Developing new non-custodial measures and promoting existing measures is important, but enthusiasm for non-custodial measures should not lead to developments that infringe human rights or subject offenders to more control than is justified or proportionate.

#### **B. The structure of the Tokyo Rules**

The Tokyo Rules consist of 8 sections, and 23 clauses. They constitute a comprehensive guide to the operation of non-custodial measures at all stages of the criminal justice process. Following Section One on "General Principles" which was mentioned above, Section Two on the "Pre-trial Stage" encourages measures to avoid detention before trial. Then, Section Three deals with considerations that should be taken into account at the trial and sentencing stages; it is argued that non-custodial measures rather than imprisonment should be used whenever possible in sentencing offenders. Section Four on the Post-sentencing Stage presents ways of reducing the length of terms of imprisonment by substituting community-based treatment measures at some point during the prison sentence. Section Five on the "Implementation of Non-custodial Measures" presents requirements for supervision, treatment, and breaches of conditions. Section Six addresses "Staff", covering the recruitment and training of staff, and Section Seven on "Volunteers and Other Community Resources" describes the

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<sup>32</sup> See generally, "Commentary on the United Nations Standard Minimum Rules for Non-custodial Measures (Tokyo Rules)". The Commentary was prepared by the United Nations, pursuant to the request of the General Assembly, in its resolution 45/110.

involvement of volunteers and the general public. Finally, Section Eight deals with research, planning, policy formulation and evaluation.

### **C. Implementation of the Tokyo Rules in the Japanese criminal justice system**

The relevant provisions of the Tokyo Rules shall be applied to all persons subject to prosecution, trial or the execution of a sentence, at all stages of the administration of criminal justice (Rule 2.1).

In the pre-trial stage, Japanese criminal justice agencies, such as the police and the prosecution service apply the principle under which custodial measures, such as arrest and detention, are last resorts. Two thirds of Japanese offenders have their cases resolved without utilizing custodial measures.

Suspension of prosecution, as a method of diversion, is widely utilized by public prosecutors in Japan, with due consideration of the gravity of the crime, impact on the victims, compensation, possibility of self-rehabilitation in the community, the situation of the family who take cares of the offender upon re-entry, and other circumstances. More than 758,000 offenders, among 1.3 million, or near 57% of offenders who were referred to the public prosecutors offices in 2013, had their cases resolved by suspension of prosecution.

In the sentencing stage, only 23,000 among 365,000 convicts (around 6.3%) received actual custodial sentences in 2013. This means that the rest of the convicts received either suspended execution of the sentence with or without probation or monetary sanctions. For your reference, nearly 3,300 offenders were given suspension of execution sentence with probation in 2013.

In the post-sentencing stage, parole is well utilized in Japan, and more than half of Japanese prisoners (55.2% in 2013) are released on parole. Parolees are put on parole supervision, and the revocation rate of parole is rather low (4.4% in 2013).

In the cases of juveniles who are under the age of 20, juveniles are separated from the adult offenders from the beginning, and they are put into the juvenile justice system for the purpose of fulfilling their care and protection. In 2013, more than 106,000 juveniles in conflict with the law were referred to the family courts, but more than 70,000 of them were adjudicated as "no need for further protective measures", and they remained with their families for their care and protection. Around 3,200 juveniles were sent to juvenile training schools, whereas 24,000 juveniles were put on probation. Only around 5,000 juveniles were referred to prosecutors for prosecution. Overall, a majority of the juveniles, including those who were sent to the prosecutors, were not placed in

custody, and the adjudication of their cases resulted in the imposition of non-custodial measures.

Regarding implementation of non-custodial measures, probationary/parole supervision in Japan is conducted in line with the two main purposes of the Tokyo Rules, which are to reduce reoffending and to assist the offender's integration into society (Rule 10.1). Of course, such supervision is conducted within an appropriate legal framework. Various types of treatment programs have been developed and implemented by professional probation officers, under the leadership and periodic review of the Rehabilitation Bureau of the Ministry of Justice (Rules such as 10.2, 10.3, 13.2, and 13.4).

Regarding staff matters, we all know that recruiting and training staff is very important. I will just touch upon one point about the training system in Japan. The Research and Training Institute (RTI) of the Ministry of Justice, which I now belong to, is responsible for the training of probation officers and other staff of the Rehabilitation Bureau. Our institute provides them with necessary knowledge and skills, from basic to advanced levels in various courses. All staff must go through several mandatory courses in accordance with their experience and professional background. Additionally, selected members who will serve in leadership roles are recommended to go through additional courses.

Regarding volunteers, as you may already know, Japan has a very strong network of volunteer probation officers, or VPOs as we call them. In Japan, there are approximately 40,000 probationers and parolees including juveniles and adults. The supervision of probationers and parolees is performed by only 1,000 professional probation officers, who are full-time officers employed by the Ministry of Justice. Probation officers' efforts are supported by 48,000 VPOs, who are literally volunteers, and they are recruited from among private citizens. The promotion of VPOs' activities is key for efficient probationary supervision in Japan. Explaining the role of VPOs in the rehabilitation of offenders in the community is an essential part of this seminar.

Finally, I will touch upon research on non-custodial measures. Regarding the research on crime trends, the experience of dealing with crimes, and lessons learned from the treatment of offenders, it is very important from the viewpoint of criminology and related studies to develop a strategy on crime prevention and treatment of offenders. The Research and Training Institute is responsible for research on crimes and criminological study. Our research includes the field of probation and non-custodial measures, and I hope our research will help probation officers to develop more effective measures to rehabilitate offenders in the community.

On the whole, I believe that the Japanese criminal justice system is administrated according to the Tokyo Rules. As a result, and with some fortunate circumstances, Japanese prisons have not suffered from overcrowding, except some short, isolated periods over the past 70 years. I hope sharing Japan's experiences will be of some help to the participating countries in this seminar.

#### **IV. Challenges in implementing the Tokyo Rules**

At the Fifth UN Congress in 1975, Mr. Atsushi Nagashima<sup>33</sup>, the then Director-General of the Correctional Bureau of Japan's Ministry of Justice was shocked by words of a colleague from the United States. The United States totally changed its attitude and policy on how to rehabilitate offenders. According to Mr. Nagashima, the participant from the United States said that rehabilitative treatment for prisoners only works when the offenders actively participate, so from now on, only such offenders will receive such treatment programs. This means that when prisoners are not eager to participate in the programs, they will just be confined and excluded from the treatment programs. Some other participants from western countries agreed with the idea, but many Asian and African participants were against the idea. Although such prisoners had violated the law, they were also ordinary citizens, and most of them would ultimately re-enter society.<sup>34</sup>

In fact, there has been a widely held belief that offenders are different from ordinary citizens, that they should be alienated from society and that they should be imprisoned to protect society. However, the community cannot refuse their return home after completing the prison term, and so people in the community may face the offender sooner or later. If prison services and other relevant authorities, or the community, are ignorant of the need for offender rehabilitation, it will badly affect the community, and will subsequently be detrimental to the community, partly because it is often suggested that sending offenders to prison can turn them into worse criminals.

So imprisonment should be reserved for the more serious and dangerous offenders. Imprisonment, which is itself a costly undertaking, brings with it other social costs. Prison overcrowding is a problem faced by many countries, including Asian countries. In

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<sup>33</sup> Mr. Atsushi Nagashima was the third (first Japanese) Director of UNAFEI. He was later appointed as a Justice of the Supreme Court, and after retirement, served as the Chairman of the Board of ACPF. He told this story in an interview to a Japanese magazine "Tsumi to Batsu", or "Crime and Delinquency" in 1991.

<sup>34</sup> Mr. Nagashima's story from 1975 is an important reminder of the long, turbulent history that preceded the adoption of the Tokyo Rules. Shortly before Mr. Nagashima's encounter with the American official, the Martinson Report (1974) was released in the United States. The Martinson Report—in a "meta-analysis" of 231 evaluation studies—claimed that treatment programs were ineffective at reducing recidivism. Martinson later admitted that his study was wrong, but the damage had already been done as many offender treatment programs had been quickly eliminated. (Prescott, David S. "Principles and Programs for Young Offenders." *Resource Material Series No. 91*. UNAFEI, 2013.)

severely overcrowded prisons it can be impossible to train prisoners to lead law-abiding lives following their release.

In this sense, non-custodial measures may constitute a better way, providing penalties that are proportionate to the offence committed by the offender and that carry greater possibilities for the rehabilitation and constructive reintegration of the offender into society.

We understand that rehabilitative treatment for offenders, including non-custodial measures, calls for the understanding and cooperation of the community. At the same time, community involvement will help the community members to understand offenders and their needs, which may help members of the community and offenders generate compassion for one another.

However, it will not be an easy task. We have to make every endeavor to change the mind-set of community members and the authorities who believe that custodial measures are the primary solutions to protect society. It is not an easy task for us to involve many citizens in rehabilitating offenders and reintegrating them into society. However, I believe in the power of community and the community members. They love the communities where they live with their families, and must be eager to work for the betterment of the community, if they are given a good chance.

## **V. Conclusion**

The Commentary of the Tokyo Rules<sup>35</sup> conveys a very strong message on implementing the Rules and leads us to great hope for the future. Before ending my presentation I would like to quote some of the notes from the Commentary.

...[N]on-custodial measures should not be taken to mean that custody or imprisonment is the primary penal sanction and that measures or sanctions that keep an offender in the community are secondary or less important than imprisonment. On the contrary, developing views around the world about the problems of imprisonment have led to increased interest in finding effective ways of helping offenders in the community without resorting to imprisonment.

Non-custodial measures do not restrict offenders' liberty as much as imprisonment. They do not require offenders to leave their families or

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<sup>35</sup> Regarding the Commentary of the Tokyo Rules, see footnote 4.



communities, relinquish their responsibilities or give up any employment they might have had.

There is a great variety of political, economic, social and cultural conditions in the world; the Tokyo Rules have been formulated so as to be applicable in a wide range of legal systems and to help those systems in the promotion of fair and equitable use of community sanctions and measures. The Tokyo Rules represent the minimum standards that should prevail in the use of non-custodial measures. The Tokyo Rules should, therefore, promote efforts to overcome practical difficulties in the application of such measures.

I hope you are convinced—now more than ever—that the Tokyo Rules still have an impact and great significance in this changing and complicated contemporary world. Excluding offenders from society and confining them in prisons will not invite better futures for the communities to which offenders return. So we must consider the importance of inclusiveness.

In many countries, as I already mentioned, efforts have been taken to promote non-custodial measures. We cannot stop here. We have to develop more effective treatment programs to rehabilitate offenders in the community, based on appropriate research and experiences in other countries. And we also have to continue our efforts to involve more community members in rehabilitating offenders and integrating them into society. It is my great hope that such continuous efforts will lead to a safer and better society.

In closing, I would like urge you to exchange your experiences, information and views during this seminar. I believe that such efforts will lead you to future breakthroughs in rehabilitating offenders in society.

Thank you very much for your attention.

## ANNEX II

### Seminar Program



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

Thailand Institute of Justice, Bangkok Thailand  
February 24 – 26, 2015

TUESDAY FEBRUARY 24, 2015		
8.30-9.00	<b>REGISTRATION</b>	<b>Venue</b>
9.00-9.30	Welcome Remarks: <ul style="list-style-type: none"> <li>• Mr. Shuichi Ikeda                      Chief Representative of JICA</li> <li>• Mrs. Kannikar Saengthong            Director-General of Department of Probation</li> <li>• Dr. Kittipong Kittayarak              Adviser to the Prime Minister and Acting Executive Director of Thailand Institute of Justice</li> </ul>	TIJ
9.30-10.00	Coffee Break <b>GROUP PHOTO &amp; PRESS INTERVIEW</b>	
10.00-11.00	<b>KEYNOTE SPEECHES:</b> Dr. Frank Porporino    Senior Partner of T3 Associates Training & Consulting, Past Board Member of the International Corrections and Prisons Association (ICPA) & Board Member International Association of Correctional & Forensic Psychology (IACFP)	TIJ
11.00-11.30	Title: <b>Implementing Community Alternatives to Imprisonment: Answering the Why, What, and How</b>  Ms. Tomoko Akane    Director-General of the Research and Training Institute Ministry of Justice, Japan  Title: <b>The Tokyo Rules: for the Better Implementation of Non- custodial Measures</b>	
11.30-12.00	Mr. Olivier Lermet    Regional Advisor HIV/AIDS of UNODC Regional Office Title: <b>Transition from Compulsory Centre for Drug Users to Community-based Treatment</b>	
12.00-13.00	Lunch	
13.00-15.00	<b>COUNTRY PRESENTATIONS:</b> <ul style="list-style-type: none"> <li>• Brunei</li> <li>• Cambodia</li> <li>• Indonesia</li> </ul>	TIJ
15.00-15.30	Coffee Break	
15.30-17.00	<b>COUNTRY PRESENTATIONS:</b> <ul style="list-style-type: none"> <li>• Japan</li> <li>• Lao PDR</li> </ul>	TIJ

WEDNESDAY FEBRUARY 25, 2015		
9.00-10.20	COUNTRY PRESENTATIONS: <ul style="list-style-type: none"> <li>Malaysia</li> <li>Myanmar</li> </ul>	TIJ
10:20-10.40	Coffee Break	
10.40-12.00	COUNTRY PRESENTATIONS: <ul style="list-style-type: none"> <li>Philippines</li> <li>Singapore</li> </ul>	TIJ
12.00-13.00	Lunch	
13.00-14.20	COUNTRY PRESENTATIONS: <ul style="list-style-type: none"> <li>Thailand</li> <li>Vietnam</li> </ul>	TIJ
14.20-14.40	Coffee Break	
14.40-16.10	WORKSHOP: How Probationers and Parolees are supervised in Japanese Probation by UNAFEI	TIJ
18.00-21.00	WELCOME DINNER hosted by Department of Probation	Asiatique the Riverfront

THURSDAY FEBRUARY 26, 2015		
09.00-10.00	PARALLEL SESSION Session I and Session II	TIJ
10.00-10.30	Coffee Break	
10.30-11.30	PLENARY SESSION	TIJ
11.30-11.40	Closing of Seminar	TIJ
11.40-12.30	Lunch	
13.30-15.30	FIELD TRIP	VPOs Coordinating Center of Klong Ladmayom Community
15.30	End of Program	