

Topic Five: Mobilizing the Community for Improved Criminal Justice Administration

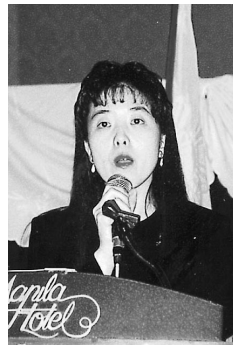
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MOBILIZING THE COMMUNITY FOR AN IMPROVED CRIMINAL JUSTICE ADMINISTRATION

By

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I. COMMUNITIES AND CRIMINAL JUSTICE — A POWERFUL ALIGNMENT

More than fifty years ago, author Alinsky made the observation that, “it is impossible to overemphasize the enormous importance of people’s doing things themselves.” The community mobilization he wrote about is evident today particularly in the responses people are making in major cities and towns in the USA, Europe, Australia and, in recent years, here in the Philippines, and other parts of Asia. These responses have attracted a great deal of interest in what the fully realized potential of community involvement – of people doing things themselves – to fight crime, might be. The potential within communities is seen in the many groups of people, who, through concerted efforts/action, march, collect signatures on petitions, pressure public officials, organize neighborhood street watches, open youth recreation centers, start street children’s tutorial programs, establish shelters for battered women, and most importantly, call the attention of the public to the very real toll that crime exacts on the quality of both personal and community life ... becoming thus, as organized communities, powerful, constructive forces for public safety.

In recent years, Criminal Justice Systems in many parts of the world, have begun to recognize this power, and to discover the potential for working with these communities and organized groups. (Although it is only in the Philippines I understand, that has included officially the Community Pillar, as a Pillar of the Criminal Justice System) The philosophy of community policing which envisions the community as a partner in problem solving (and crime prevention) has led not only to reinventing this core government function, but has also led the way for other criminal justice pillars or agencies to follow suit. Prosecution in the USA, for example, are assigning prosecutors to neighborhood-based offices and police precincts, to bring legal expertise closer to community residents. Public defenders are exploring the potential of offering more direct community access to legal representation. Courts are opening up their processes, creating a new legal culture that sees crime as eroding the quality of life of the communities where it is committed. Correctional agencies are now studying the consequences of viewing communities as partners in the imposition of criminal sanctions. The private sector has weighed in on a number of fronts, particularly with foundation support for anti-violence programs. The National Institute of Justice Journal took note in several issues, of the emerging, sustained alliances that communities are forging with the various components of the criminal justice system as partners in responding to crime and disorder.

II. RE-ENGINEERING THE CRIMINAL JUSTICE SYSTEM

In their article on Re-Engineering the Criminal Justice System, authors Woods and Vogl pointed out that despite the best efforts of criminal justice agencies, society remains concerned about crime, due to what critics emphasize as ineffective policing, slow wheels of justice, failures of rehabilitation, and high recidivism. Woods and Vogl, further pointed out that the traditional concept of criminal justice system is an inadequate model of crime suppression, and, the police, prosecution, courts and corrections, do not interact in a manner conducive to efficient social control. Agencies, even within each pillar, engage in competitive and sometimes irrelevant practices. They further lament that this leaves the system lacking in

coordination, with the agencies' actions unrelated and independent, thus having little effect on social control. (It was to prevent such from happening, and to ensure high level of trust and cooperation among the various CJS pillars, that the Technical Committee on Crime Prevention and Criminal Justice System was organized by Napolcom)

A critical re-examination of the criminal justice system is suggested, starting with the premise that the traditional criminal justice system can be made more effective, though an expansion of a more comprehensive social control model, towards more effective mechanisms of social regulation. The present concept in many parts of the world, of the criminal justice system with its narrow scope, specialization, competitiveness, and piece-meal strategies, burdens individual agencies with neither the skills nor resources, unprepared, to address larger issues, thus ensuring ineffectiveness in solving social problems. To make the criminal justice system more effective, alternative means of social control must be engaged in, including addressing criminogenic conditions, along with correcting expensive, counterproductive practices. The 1992 NIJ Journal states that the key to achieving success is early intervention. Most criminal justice efforts begin, after an individual has committed a crime or has been arrested for violent activity. By that time, he or she, has learned anti-social behaviors that are difficult to unlearn. Working with the community, to help high-risk individuals before they turn to crime, will give them a smoother start in life, reduce the number of crimes committed, and save money, effort and personnel that would be spent in pursuing, prosecuting and jailing offenders.

The police, as the principal gatekeeper of the justice system, are central to any criminal justice model. Towards the end of the 1970s, an association between community participation and crime reduction was acknowledged in various researches, and apparent to many social scientists. The police were no longer seen as the sole agent of crime control, and the importance of community bonding and the deleterious effects of physical and social disorder were being recognized. Moore and Torjanowicz in their 1988 study, stated that problem-oriented policing which recognized the limits of incident-based policing, emphasizes, addressing the underlying causes of crime, wherein it is not naturally assumed that crimes are caused by predatory offenders, but rather, could be caused by particular, continuing problems in a community, such as frustrating relationships, or a disorderly milieu. They aver therefore, that crimes might be controlled, or even prevented, by actions other than the arrest of particular individuals. Spelman and Eck earlier, in 1987, wrote that there would be increased police effectiveness by attacking underlying problems that give rise to incidents that consume patrol and detective time, relying more on the expertise and creativity of line officers to study the problems and develop innovative solutions, including closer involvement with the public in ensuring that the needs of the citizens are addressed.

Trojanowicz, then Director of the US National Center for Community Policing, stated in 1982, that as problem-solving policing was being developed, community policing was being implemented, an interactive process between the police and the community to mutually identify and resolve community problems, emphasizing the creation of an effective working partnership, whereby the police not only depends on the development of their own skills, but also in the creation of competent communities. This means, expanding the focus of policing to include the social conditions that generate crime, particularly quality of life issues, thus presenting a more accurate picture of the cost of crime. The need to help people feel comfortable in their communities is one legitimate and important goal which must be recognized and constantly worked for. The defensive measures in terms of time and money invested by citizens, turn from personal costs to social costs as they are aggregated. Besides, when individuals retreat behind high walls, closed doors, shuttered windows, in homes with burglar alarms or armed security guards, they make the streets and other areas more dangerous, and other people worse off, because, crime is deflected to others. Societies built on communal crime control efforts have more order, justice and freedom, than those based on individualistic responses. It is for these reasons, among others, that social control and the administration of justice becomes public rather than private functions.

III. COMMUNITY POLICING

At the center of community policing are three essential and complementary core components:

- a) *Community Partnership* which recognizes the value of bringing the people back into the policing process. Thus, all elements of society must pull together as never before, if the unacceptable levels of crime claiming our neighborhoods, are to be dealt with;
- b) *Problem Solving* identifies the specific concerns that community members feel are most threatening to their safety and well-being, which become priorities for joint police-community interventions;
- c) *Change management* which requires a clear recognition that forging community policing partnerships and implementing problem-solving activities will necessitate changes in the organizational structure of policing. Properly managed change, involves a recognition of the need for change, the communication of a clear vision that change is possible, the identification of the concrete steps needed for positive change to occur, the development of an understanding of the benefits of change, as well as the creation of an organization-wide commitment to change.

And, central to these components, are the requirements of communication, cooperation, coordination, collaboration and change, with both government and the private sector, cognizant that they must accept a share of the responsibility for problems caused by lapses in many areas of society. Far too long, have the police borne a disproportionate share of the burden. Today, various NGOs and people organizations in the Philippines, have been involved in helping the police particularly in the community-oriented-policing program. Representatives of these organizations sit as resource persons in planning and implementation activities. Business groups initiated the successful Street Watch Program (now known as Patrol 117). Drug watch groups such as MAD (Movement Against Drugs) and anti pornography groups such as the National Movement Against Pornography have been organized.

IV. COMMUNITY JUSTICE AND COMMUNITY DEFENSE

Clearly, social control and the reduction of crime extends far beyond the police, requiring coordinating the efforts of the criminal justice system, private and public agencies and the citizenry. The Prosecutor (or in the USA, the District Attorney) is traditionally, the second agency in the criminal justice model, to whom appropriate cases are referred for evaluation and prosecution, by the law enforcement agencies, thus necessitating that they work in harmony with each other. Defense Attorneys while rarely considered in the traditional criminal justice model, and if so recognized or acknowledged, only on an adversarial relationship, could be developed, for mutually beneficial partnership (as in client-as-informant, witness protection programs, community services, court sanctions, etc.). Equally important, these lawyers can remind their colleagues in the CJS, that communities experience problems with justice as well as crime. For, it is an unfortunate fact, that treatment of families and individuals by the criminal justice system, may sometimes be disrespectful or even criminal. Thus, it is, that there is now a worldwide (including in the Philippines), development of lawyers bonding together for a common cause, particularly in the elimination of problems that produce crime. The growing community justice movement, is best epitomized in the quote "Justice in the life and conduct of the State is possible only as first it resides in the hearts and souls of the citizens". For these lawyers, the transformation of the other parts of the criminal justice system from a series of offender-processing machines to a set of community justice services, presents both a welcome opportunity and a challenge. These services, aim to identify and solve the problems that foster crime and injustice, and, while most advanced in the law enforcement pillar, is also underway in the prosecution, court, and corrections pillars.

A wide range of new initiatives to help local communities take a more coordinated, comprehensive approach to crime control and prevention is now being experimented on in many countries, including the Philippines. Through these efforts, many communities are now thinking more strategically about crime. They are bringing together, government officials, service providers, business people, and residents themselves to attack crime by identifying crime-related problems and mobilizing a broad spectrum of community resources – including, law enforcement, the business community, schools, medical and mental health care, housing, etc., - to reduce crime and restore community vitality. A community-based, multi-disciplinary effort to provide a continuum of services and graduated sanctions for at-risk and delinquent juveniles, is also being tried, by some countries, which includes a broad range of components, such as after-school mentoring, family strengthening programs, value formation seminars, mental health services, gang prevention, intervention and initiatives for serious violent, and chronic offenders. Prosecution and law offices in the Western countries, are now adapting team approach in client representation, with each team consisting of attorneys, community or social workers, counselors, etc. Many traditional defense firms now encourage their lawyers to become involved in community education and mentoring as in an experimental site in the States (Harlem).

Aside from community education, community members, especially relatives, are being encouraged to help a relative in trouble (securing lawyer services, arranging voluntary surrenders, ensuring appearance in court, etc.). Relatively minor disputes between neighbors, are encouraged for mediation outside criminal courts as in the *barangay* courts or *Katarungang Pambarangay* in this country. There have always been in the Philippines and in some parts of the world, groups of lawyers providing free legal aid, particularly for indigent clients as well as for those victims of human rights violations. The better known groups in this country, are FLAG (Free Legal Assistance Group), Catholic Lawyers Guild, St. Thomas Moore and Associates. This has lead the way for encouraging of, the setting up of community-based legal services that provide both civil and criminal representation.

V. COMMUNITY COURTS

There is now a growing trend in many countries (although it has not yet manifested itself strongly in this country), to build attachments between communities and courts. Realistically of course, a truly community-focused court will need many years and more expansive effort including a mind-shift in those involved, requiring ongoing collaboration, between the Courts and the Community. The underlying premise for such, is that urban (or even rural) social problems manifest themselves as problems, which only the community can provide for, requiring therefore, the involvement of the community, with the courts. Presently, different models exist in other parts of the world, for such kinds of courts. These disparate models however, have commonalities, such as:

- (1) A community focused court, practices restorative justice (a new movement starting only 20 years ago, in the fields of victimology and criminology, which acknowledges that crime causes injury to people and communities, and insists that justice repair these injuries, deal with the aftermath of the offense and its implications for the future, and that the parties with a stake in a specific offense, be permitted to participate in the process. The restorative process of involving all parties is fundamental to achieving the restorative outcome of reparation and peace. It measures success not in how much punishment is inflicted, but on how many harms are repaired or prevented.).
- (2) A community court treats parties to a dispute as real individuals rather than abstract legal entities. Meetings between victims, offenders and members of the affected community are encouraged, as important ways of addressing the relational dimension of crime and justice. Several forms used in the USA, New Zealand and parts of Africa are:
 - (a) Victim-Offender Mediation, with a trained mediator, providing both with the opportunity to

develop a plan that addresses the impact of the crime and the resulting harm;

- (b) Family or Community Group Conferencing, which brings together the victim, offender, family, friends and key supporters of both in deciding how to address the aftermath of the crime;
- (c) Peacemaking or Sentencing Circles, which involve a process designed to develop consensus among community members, victims, offenders, their supporters, judges, prosecutors, defense counsels, police, on an appropriate sentencing plan that addresses the concerns of all interested parties.

In all these, two traditional criminal justice sanctions are used. Restitution (payment of a sum of money to compensate financial losses caused by the crime), and, Community Service (work performed by offender for the benefit of the community)

- (3) Community resources are used in the adjudication of disputes. More significantly, restorative justice recognizes and encourages the role of community institutions including religious communities as resources in teaching, and establishing the moral and ethical standards which build up community.

Although future courts of this nature, will assume various forms depending on the composition of the community and the nature of the problems brought before the courts, it will depend to a large extent on the legal profession, which may resist the challenge posed by the people, against professionalization of the courts and its domination by lawyers. Court and community collaboration, will consequently depend on balancing the role of lawyers and the formalism they bring, that militate against the influence of extralegal factors and the public expectations, for user-friendly, problem-solving courts. Ultimately, the challenge of creating community-focused courts will lie with communities themselves, who need to view the courts as a resource and a vehicle for change. To have community-focused courts, there must be court-focused communities. (In the Philippines, church-backed alliances, are now studying the trend of community focussed courts, and restorative justice)

VI. COMMUNITY CORRECTIONS AND INTENSIVE PROBATION

The popularity of incarceration has filled our prison walls, and is now becoming a drain on government resources. There is thus, a need, to search for less costly alternatives, such as community corrections, involving a cooperative relationship between community correction officers and community police officers, which would benefit both. Intensive probation in western countries has been shown as an effective alternative to incarceration. Of course in corrections, the term “community” merely indicates that an offender happens to be living outside a correctional facility.

The new “place” orientation in the criminal justice system and in criminological research, however, has had major implications for crime policy and practice, most evident in policing, where the rediscovery of crime “places” has formed a community-oriented, problem solving approach, and now pose various implications, to correctional programming. With the devaluation of rehabilitation in the 1970s and the corresponding “get-tough” movement that has dominated the correctional policies of many countries (but not the Philippines) it can be argued that in these countries, their correctional system has taken the posture of unreconstructed punitiveness. Correctional innovations including chain gangs, death penalty, hard labor, loss of amenities, etc., focuses on the offender or potential offender, and with the goal of conveying a reproachful, anti-crime message. A place orientation on the other hand, recognizes that the criminal motivation of offenders is only one possible crime prevention target, and the routine activities theory suggesting two other components: the existence of suitable targets and the absence of capable guardians, neither of which is dealt with through an exclusively punitive focus. Such an orientation, takes the offender

out of the center of the picture, opening up corrections to a large variety of interventions that promote safety for all citizens, broadening its focus beyond the supervision of offenders to include working with victims, organizing community support groups, developing crime prevention strategies for specific crime problems (tapping offenders themselves as crime prevention resource, whose knowledge of situations promoting criminality would be invaluable). Community involvement, in shaping correctional policies and participation in correctional programs, should of course go hand in hand with community safety concerns. In the Philippines, community involvement has been limited to prison ministry visitation, seminars by church groups and a growing interest in the parole of aging and sick prisoners. Included here, are organized church-based alliances, like Gomburza, Konsensiyand Pilipino, Coalition Against the Death Penalty which are very alert in ensuring that their issues and concerns, particularly those involving the death penalty, are heard.

VII. COMMUNITY NETWORK — MOBILIZING THE COMMUNITY

Crime is a complex social problem, and cannot be controlled by simplistic approaches nor left solely to the traditional pillars of the Criminal Justice System to address. A more comprehensive model of social control is needed, and developing healthier communities through a more effective systems paradigm will strengthen the mechanism of social control. Implicit here, is community decision-making particularly in identifying community problems and formulating problem-solving strategies. And community empowerment cannot occur without community organization use of community resources, including neighborhood businesses, resident skills, etc., which need to be further developed. Success will require citizen participation and a long-term commitment, from various sectors of the community (such as labor unions, media, local governments, churches, schools, charitable and religious organizations, civic clubs, family groups, social service agencies, non-governmental organizations, etc.)

Communities and community leaders must accept the responsibility for keeping their neighborhood safe, take a unified stand against crime, violence and disregard for the law, and the commitment to increase their crime-prevention and intervention activities.

In the Philippines, several distinct groups of what is defined as organized communities have emerged. The more visible ones are composed of families of victims of crime and violence who have banded together not only for mutual support but in ensuring that offenders are brought to justice. Another group, about 30 or so non-government organizations known collectively as FPAN or Federation of PNP Accredited NGOs, work closely with the police in its community policing program, as well as in their specialized areas of interest such as the battle against drugs, pornography, violence against women, etc. Then there are the family organizations and women groups who follow through gender-related and family cases and issues. Finally, the church groups, active mostly in prison ministry and concerned with the rehabilitation and formation as well as integration into the community of parolees and released prisoners.

As a pillar of the Philippine Criminal Justice System, the community is represented in the Technical Committee on Crime Prevention and Criminal Justice System under Napolcom, and has been engaged and concerned with raising the consciousness and awareness of the Filipino about the workings of the CJS pillars through its information, education and communication program. Programs of the Pillar include, among others:

- Communication Plan for the Criminal Justice System
 - › Airing of the “Bantay Katarungan” Radio Program
 - › Production, printing and distribution of the Criminal Justice System Posters and Primers
 - › Production of a 60 seconds TV and Radio Plugs dubbed as “Maging Listo 1 & 2”
 - › Production, printing and distribution of the “Broadcaster’s Manual”

- 1st National Conference Workshop on Drug Abuse, Prevention and Control
- Criminal Justice System Trainers' Training Program
- Echo-seminar on the Criminal Justice System Trainers' Training Program
- Integration into Grade School and High School Curricula of the CJS concepts

Experience and research have affirmed the fact that community institutions are the first line of defense against disorder and crime. Such a community involvement is democracy in action and requires the active participation of all who share a concern for the welfare of the community, who must therefore bear equal or co-responsibility for the safeguarding of its welfare. After years of being on the defensive against escalating crime and violence, communities need today to take the offensive by developing ambitious, multi-faceted strategies to reclaim and revitalize their neighborhoods. Unless the community is actively and meaningfully involved in the various aspects of the criminal justice system, its members critically aware, organized and empowered anti-crime activists and crime prevention strategists, its being the fifth pillar will have no significance.

But more than that, the challenge for all pillars, is to be willing to step back, think more broadly and boldly, about our justice system, and, start to develop a new framework of how we view justice ... What it means and should mean. The challenge for all of us, is to think and act creatively now... to launch a new era of cooperation, coordination and, meaningful change, so that, the administration of justice in our nations, more truly represents the "heart and souls" of its citizens... of the community.

MOBILIZING AND NETWORKING THE COMMUNITY THROUGH VOLUNTEER PROBATION OFFICERS AND THEIR ASSOCIATION IN CRIME PREVENTION AND REHABILITATION OF OFFENDERS

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I. INTRODUCTION

It has been said for long time that the volunteer probation officer system is one of the most distinctive features of the Japanese criminal justice system. Volunteer probation officers are charitable persons in the community and they are actually not paid for their service despite the fact that their status is a non-permanent national government official appointed by the Minister of Justice. Since the current volunteer probation officers system was established in 1950 when the volunteer probation officer law was enacted, the number of volunteer probation officers has been approximately 50,000 throughout across the country, whereas the number of professional probation officers in the field has been around 730. Volunteer probation officers have been playing a significant role in the field of rehabilitation of offenders and juvenile delinquents in the community, and it is fair to say that their service without financial reward has been supporting the Japanese criminal justice system in the background.

The primary role of volunteer probation officers has been considered to be helping and guiding individual juvenile delinquents or adult offenders in the community to aid his/her rehabilitation in partnership with professional probation officers under the direction of the director of the probation office. However, in recent years, expectations for volunteer probation officers' activities have been broadened and raised.

As a background to this change, there is a growing concern about juvenile delinquency in Japan. Every time we discuss the growing number of heinous crimes committed by juveniles, the state of the community that surrounds juveniles is pointed out as a major cause or a background to the problem of the juvenile. That is to say, our traditional community, where close relationships and warm human contacts among residents existed and supported the community, has been disintegrating as people move from one place to another more frequently with economic growth, and the proper function of the community, such as preventing crime and educating children, has also deteriorated.

In order to address the serious problem of juvenile delinquency and promote crime prevention, people are becoming more aware of the importance and necessity to recreate a healthy community supported by close residential relationships, by mobilizing the public and networking all bodies and agencies concerned, such as local schools, local governments, social welfare offices, volunteer organizations, workplaces, homes and so on.

It is very common that the volunteer probation officer is concurrently engaged in other volunteer activities in the community, such as volunteer work related to social welfare, education, or other administration activities in local government. Although their average age is relatively high (now the average age is 63.2), the core members of volunteer probation officers are people in their sixties who are still in good health and clear-headed and have enough time for such activities. They are found all over Japan and all of them have been deeply rooted in their communities.

In this context, volunteer probation officers and their associations have come to be expected to perform a central role in building up a network of various bodies concerned in the community to restore the proper community function, which is a good Japanese tradition, aiming to promote crime prevention and facilitating better rehabilitation of juvenile delinquents and offenders in the community.

In this paper, such volunteer probation officers' and their associations' activities will be focused on, specifically, some of their practices of networking various bodies concerned in the community and mobilizing the public for crime prevention and the rehabilitation of offenders.

II. AMENDMENT OF VOLUNTEER PROBATION OFFICERS LAW (1999)

The mission of volunteer probation officers is stipulated in article 1 of the Volunteer Probation Officer Law (1950) as follows.

~ The mission of the volunteer probation officer shall be to contribute to the welfare of the individual and the public by helping persons who have committed criminal offenses to improve and be rehabilitated and at the same time by enlightening public opinion for crime prevention and by cleaning up the community, in the spirit of the volunteer social service.

Among their missions, the former, helping offenders in their rehabilitation, has been clear in terms of forms and ways of activities as an official duty, since these activities are carried out under the direction of the director of the probation office individually.

On the other hand, the latter, enlightening public and "cleaning up" the community for crime prevention, has been ambiguous in terms of forms and ways of activities, therefore it has been difficult to draw the line to determine if their particular crime prevention activity is an official duty of the volunteer probation officer or not. As a result, volunteer probation officers and their associations have often encountered difficulties in gaining understanding and getting cooperation from the public whenever they organize crime prevention activities and so on.

In order to resolve this problem, the Volunteer Probation Officers Law was amended partly in 1999. There were three points of amendment to the law as follows;

- (1) Community organizing and networking activities for crime prevention and the mobilization of social resources for the rehabilitation of offenders planned and carried out by volunteer probation officers associations are defined as official duties of volunteer probation officers.
- (2) The Volunteer Probation Officer's Association is defined as a public organization certified by the Law, to which every VPO is affiliated, without exception, depending on their residence; and
- (3) It is stipulated that local governments can cooperate with volunteer probation officers and volunteer probation officers' associations in their activities.

As for (1), with this amendment, it has become easier to gain understanding about and get cooperation in crime prevention activities carried out by volunteer probation officers and their associations from the public and agencies concerned. This has contributed greatly towards making volunteer probation officers and their associations more active in the community.

As for (2), the entire country is divided into 903 respective areas for the service. In each area, a volunteer probation association is formed with all volunteer probation officers living in the area. This volunteer probation association has been playing a very important role in many ways, such as bridging the

probation office and volunteer probation officers, supporting individual volunteer probation officer's rehabilitation aid activities, organizing training, planning and implementing various kinds of crime prevention activities and so on. However, since this association did not used to have any basis in law, sometimes it was difficult to be recognized as a core organization for activities by outside agencies. On the other hand, the importance and necessity of carrying out activities as an organization has been increased since there has been a limit to what individual volunteer probation officers can do in mobilizing social resources for the rehabilitation of offenders and so on.

With this amendment, by giving a legal basis to volunteer probation officer association, all volunteer probation officers have been assisted in facilitating association's activities, and crime prevention activities and other activities organized and implemented by the association have been strengthened.

As for (3), goals of activities carried out by volunteer probation officers and their associations cannot be achieved without the cooperation and understanding of local governments. This amendment, by giving a legal basis to the cooperation of local government with volunteer probation officers and their associations, aimed at improving and further developing the relationship between volunteer probation officers or their associations and the local government in each district, as well as facilitating their crime prevention activities or other activities carried out in cooperation with local governments.

III. SOCIAL PARTICIPATION ACTIVITIES

Social Participation Activities is one of the rehabilitation programs primarily aimed at juvenile delinquents under probation or parole supervision, and was introduced in 1992. This program aims at cultivating a juvenile's sociability and developing a juvenile's capacity for adapting to society, by giving them opportunities to participate in various types of activities in the community.

Some of the activities of this program are community service in social welfare institutions, such as assisting in nursing homes for the aged or the handicapped; labor on farms or in public areas, including cleaning public parks; observational tours of historical spots, public facilities or construction areas; and recreational activities such as skiing, soccer, cooking, fishing or camping.

This is a typical example of a program which volunteer probation officers and their associations are very actively involved in and in fact, in most cases, volunteer probation officers and their associations play a central role in planning, organizing, and implementing this program, by networking various other volunteer organizations concerned and mobilizing people in the community.

Unlike other countries, this Social Participation Activities program is not a court order used as a sanction or punishment, but an educational program for the rehabilitation of delinquents or offenders. The effectiveness of this program has been pointed out, because through this program, juveniles or offenders can get the chance to improve their low self-esteem by regarding themselves as productive and useful individuals in society; and also the program can give juveniles or offenders a trigger for reconsidering their way of life by meeting with people who have various views of life and various ways of thinking, who they usually cannot meet with in their normal life. Therefore, this program has become one of the most important rehabilitation programs for juveniles and offenders under probation or parole.

In the fiscal year of 2000, such activities were conducted 631 times nationwide with the participation of 1,777 juvenile delinquents and offenders under probation or parole supervision.

An example of this program is one organized by a volunteer probation officers association in a suburban city in Tokyo.

In their area, the volunteer probation officers association has been taking the initiative in organizing Social Participation Activities since 1998. That is to say, the association finds places and agencies that can receive delinquents or offenders for this program, considers the number of delinquents or offenders who are likely to participate in this program in consultation with staff in the probation office, makes concrete plans for the program, and puts the plan into practice. Throughout this entire process, seeking the cooperation and understanding from various volunteer organizations, private bodies, and people in the community is indispensable to realize the plan of this program. The volunteer probation officers association has been working very well at mobilizing various bodies in their community.

This volunteer probation officer's association has been organizing Social Participation Activities in a well-known temple in their community. Through their program, juvenile delinquents or offenders are engaged in sweeping up dead leaves in the temple and polishing up Buddhist altar fittings together with priests, volunteer probation officers, members of Big Brother and Sisters Association (a volunteer organization of youth who befriend delinquents youngsters and discourage their delinquency), members of Women's Association for Rehabilitation Aid (an association of volunteer women, mostly mothers and housewives, concerned about crime, delinquency problems and welfare of offenders and their families), and staff members from the probation office and so on.

They have been receiving quite positive responses from juveniles and offenders who participated in this activity, for example, one juvenile said it was enjoyable to work together with BBS members and other many people; an others said it was impressive that Buddhist fittings shone so much after polishing.

In one place, cooking classes have been organized as Social Participation Activities by the volunteer probation officer's association in collaboration with the Women's Association for Rehabilitation Aid in their community; in another place, planting sets of potatoes has been organized by the volunteer probation officers association with the cooperation of the public in the community and other volunteer organizations.

More and more types of activities have become available year by year for this social participation program to come up with various needs and interests of juveniles and offenders, and in most cases, the volunteer probation officer's associations have been taking a leading part in this project.

IV. CRIME PREVENTION ACTIVITIES

Volunteer probation officers and their associations have also been carrying out many forms of crime prevention activities for a long time in cooperation with other bodies concerned in their respective communities. However, after the amendment of the Volunteer Probation Officers Law in 1999, the cooperative connection between volunteer probation officer's associations with other bodies in respective communities, especially with local governments, has been greatly strengthened in implementing various kinds of crime prevention activities.

Some forms of crime prevention activities are public relations activities on the street; public symposiums about delinquency problems; small discussion meetings in local neighborhoods; and fund raising activities for rehabilitation aid.

In many places, executive committees involving a lot of agencies and bodies concerning the rehabilitation of offenders, education of children, community policing and so on, are set up under the leadership of the volunteer probation officers associations and the local governments for planning and implementing such crime prevention activities.

Here again, the volunteer probation officers and their associations have been performing a vital role in mobilizing agencies and concerned organizations and the public towards the communities that are less

likely to encourage crime. In addition, volunteer probation officers also play an important role in implementing crime prevention activities with their experience in helping offenders rehabilitate. For example, volunteer probation officers and their associations together with members of the Women's Association for Rehabilitation Aid hold small discussion meetings with residents in the local community. During these meetings, attendants, usually ranging from 10 to 50 persons per meeting, talk about the problems of crime and delinquency or other relevant themes such as education, family or the environment for children. Through such meetings, volunteer probation officers try to make people aware of the actual problems taking place in the community, many of which the general public may not be aware of. By relating their experiences in these discussions, the volunteer probation officers can effectively enlighten people as to issues concerning crime and delinquency in their community, which are close to all residents, not just isolated to a few people, and should be tackled by the whole community.

V. CLEANING UP THE COMMUNITY

It is said that for effective crime prevention, it is important to check the places in the environment that are likely to create crimes and improve those situations in the community.

The next example is an activity carried out by a volunteer probation officer's association in closer connection with a municipal government for cleaning up the community.

The activity introduced here is removing standing signboards and bills against municipal regulations, such as signboards advertising sex industries, in order to clean up the community.

Removing such signboards and bills are primarily the responsibilities of municipal government. However, for some reason, it has been difficult for staff members in the municipal government to take away those harmful advertisements immediately. As a result, such harmful advertisements remained visible in their community. For example, sometimes such signboards advertising sexual services were found even near the gates of primary schools.

In this context, the volunteer probation officer association there raised this problem as an issue, and proposed that the municipal government entrust the duty of removing those signboards and bills to the volunteer probation officers associations in their area on the basis of the amendment to the Volunteer Probation Officers Law 1999, which says that local governments and volunteer probation officers' associations can cooperate with each other for the purpose of crime prevention. Initially, the municipal government was reluctant to do so since they were concerned that volunteer probation officers do not have enough knowledge to differentiate signboards and bills that can be removed from ones that can not. But after having talks several times, the municipal government was convinced that they needed the assistance from the volunteer probations officers' association in cleaning up the community and a note was exchanged on this issue between the association and the government. Based on this note, volunteer probation officers got training on the related regulations and started removing those harmful billboards and bills wherever they found them. These volunteer probation officers' activities were reported in local newspapers and as a result, more attention has been paid to the activities of volunteer probation officers in general with in the community.

VI. COOPERATIVE EMPLOYERS

Cooperative employers are entrepreneurs and business owners registered at each probation office, who are charitable and willing to employ juvenile delinquents and offenders under probation or parole while knowing their past records. It is one of the most crucial points to provide delinquents and offenders with appropriate working opportunities for their rehabilitation. As of April 1, 2000, there were 4,606 registered

cooperative employers nationwide.

Volunteer probation officers and their associations play a leading role in finding new cooperative employers and organizing them in the community.

In one prefecture, the cooperative employers' association was organized at the prefecture level in 1992 and this association has been successfully working toward giving job opportunities to offenders and delinquents.

At the beginning of organizing the cooperative employers' association, probation office and volunteer probation officers' association at the prefecture level agreed to establish a cooperative employers' association by finding and organizing all cooperative employers throughout the prefecture. Then, with the initiative of the chairman of each volunteer probation officers' association in that prefecture, each individual volunteer probation officer made efforts to find cooperative employers to be registered and join the associations. The association was started with only 39 employers, but in ten years, the association grew into one with 150 employers in the prefecture. Since the establishment of the association, they have been regularly conducting liaison meetings or joint trainings with various bodies, such as volunteer probation officers associations, public job security offices, halfway house associations and so on.

VII. CONCLUSION

In Japan, as society has become more and more mobile, the community is entering a stage of drastic change. It is not too much to say that we are standing at a turning point of whether we can ensure public security by maintaining the positive aspects of Japanese tradition.

In these circumstances, whether volunteer probation officers and their associations, with a proud history of more than 50 years, can perform their roles fully in terms of recreating the proper functions of the community is one of the keys.

Activities carried out by volunteer probation officers and their associations in the community introduced here are only a few examples of their many activities. Various kinds of activities utilizing the characteristics of each community have been carried out by each volunteer probation officers' association with the cooperation of various bodies and people in the respective communities. It is expected that the function of volunteer probation officers and their associations in mobilizing, networking and organizing the community for effective crime prevention and the better rehabilitation of offenders will be strengthened more and more in the future.

UNITED NATIONS ACTION FOR COMMUNITY INVOLVEMENT IN CRIME PREVENTION

By

Mr. Keiichi AIZAWA
Deputy Director, UNAFEI

I. INTRODUCTION

The prevention of crime has been a long-standing agenda item in the United Nations' activities against crime.

Conventionally, States have sought protection from crime principally through the operation of the law enforcement and criminal justice systems. These "formal" systems of control serve the dual purpose of deterring law-breaking among the population and of apprehending, punishing and treating those who commit crimes. Governments have tried to improve the effectiveness of those systems by such means as strengthening the police force, streamlining the judicial process, diverting less serious offenders from the system, increasing the severity of punishment for serious crimes and widening the range of penal treatments for recidivist offenders.

Complementing the formal system of control is so-called "informal" social control. This includes measures taken by parents, schools and religious bodies to instil respect for the law among children and young people, to regulate the conduct of people as they go about their daily lives and to afford protection to persons and property through routine precautions and security measures.

The formal and informal systems of social control depend upon each other for their effectiveness. Without informal social controls, the criminal justice system would soon be flooded a multitude of crimes, and would cease to function effectively. Equally, without the existence of the criminal justice system to provide the means of arrest and punishment, informal social control would face a constant challenge to its credibility.

As well as strengthening formal controls, Governments have tried to encourage informal controls with pronouncements about the duty of parents, schools, communities and other social institutions to promote the rule of law. More recently, as they have come to recognize the limitations of the formal system in controlling crime, and have had to meet its escalating costs, Governments have begun to explore more direct ways of improving informal social controls. Such activity falls under the general heading of "crime prevention".

Taking into account the aforementioned rationale, the United Nations has been considering community involvement in crime prevention with a view to assisting State responses in this field. Some of the recent United Nations initiatives include: firstly, the convening of the workshop on community involvement in crime prevention as an integral part of the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (in Vienna, Austria, 10-17 April 2000); secondly, the adoption of a political declaration of the Tenth United Nations Congress entitled "Vienna Declaration on Crime and Justice"; and thirdly, the drafting of the elements of responsible crime prevention.

I would like to take this opportunity to introduce these major United Nations activities.

II. WORKSHOP ON COMMUNITY INVOLVEMENT IN CRIME PREVENTION

A. Tenth United Nations Congress

Within the framework of the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, the workshop on community involvement in crime prevention was held in Vienna on 12 and 13 April 2000.

United Nations congresses on the prevention of crime and the treatment of offenders are among the biggest and most historical international conferences in the field of crime prevention and criminal justice with the highest participation from the United Nations Member States. The quinquennial conferences provide a forum for the Member States to exchange views and experiences on various issues pertaining to crime and justice as the consultative body to the United Nations Crime Prevention and Criminal Justice Programme.

The workshop on community involvement was convened as one of the four practical-oriented workshops that were held on the occasion of the Tenth United Nations Congress. It was organized by the International Centre for Crime Prevention based in Montreal, Canada, which is a member of the United Nations Crime Prevention and Criminal Justice Programme network, and, as such, a sister institute of UNAFEI. Twenty-nine (29) panelists addressed the workshop, followed by representatives of 13 States, observers for 2 non-governmental organizations and 2 individual experts.

The workshop was intended to be the forum:

- firstly, to present practical ways for Member States to reduce crime through investment in crime prevention;
- secondly, to present the case for investing in community crime prevention, and to provide examples of prevention involving local government, schools, parents and citizens, police and justice agencies and private sectors;
- thirdly, to provide an overview of the trends in government support for crime prevention and to identify successful benchmarks
- fourthly, to conduct case studies selected and presented in a manner that is suggestive in terms of methods and techniques that are in practice and of possible use to Governments in enhancing their success with crime prevention; and
- fifthly, to focus on a mechanism for investing in effective prevention transnationally through a learning-based strategy.

More specifically, the workshop was meant to focus on two issues:

- identification of models of best practice in community involvement in crime prevention; and
- how States and communities could share their experiences in successful crime prevention.

B. Reasons to Invest in Community Crime Prevention

As I stated at the outset of my presentation, crime prevention has been, primarily, a responsibility of the criminal justice system of each nation. However, crime is a social phenomenon which is costly both for the victims and the communities concerned, and it affects the quality of people's lives. Through the participation of the local community in crime prevention activities, they can be more effective. At the same time, the wider involvement of the community in crime prevention would be conducive to the reduction of the financial costs required for crime prevention efforts. To reduce the level of crime and increase the public's sense of security, a well-balanced approach between the traditional responses to crime and preventive measures involving the community is indispensable.

C. Examples of Community Crime Prevention Programmes

1. Local government and cities

Action at the local level is usually the most effective means of addressing the challenges and problems. Integrating crime prevention and community safety considerations into each of the various sectors of administration also contribute to good governance.

For example, in countries in west Europe and in New Zealand, municipal governments have undertaken to support a partnership process that brings together agencies concerned with diverse issues, including education, health, social services, housing and law enforcement, in order to collaborate on efforts aimed at attacking the causes of local crime problems.

2. Schools and educational programmes

It has become widely accepted that the most effective means of addressing violence in schools is through preventive methods.

3. Parents and citizens

Many of the problems of youth criminality are ascribed to problems with parenting. Many problems associated with property crime are ascribed to a lack of surveillance of property. Crime prevention efforts are often focused, therefore, on parents and citizens.

D. General Discussion

1. Cost of crime

The cost of crime represents 5 per cent of gross domestic product (GDP) in some developed countries and as much as 14 per cent of GDP in developing countries. To reduce the level of crime and increase the public's sense of security, a well-balanced approach between the traditional responses to crime and preventive measures that involve the community is required.

2. Causes and risk factors

Knowledge about the causes and risk factors associated with crime and victimization is now well developed. Many countries have established effective crime prevention programmes and policies, and promising results have been obtained in a number of projects. One challenge to societies was to develop sustainable responses to crime.

3. Responsiveness to the requests and expectations

In devising measures for community safety, it is necessary to go beyond assessing crime figures. Responsiveness to the demands and expectations of the population by means of consultative mechanisms, victimization surveys, crime audits and action plans are also keys to mobilizing local communities. Policy development should be based on solid research, and strategies must be based on the analysis of social and urban development indicators, such as levels of unemployment, exclusion of youth, proportion of immigrants or type of housing.

4. Effective response

Governments and communities should work together to respond effectively to such challenges.

Integrated policies that involve crime control, crime prevention and social solidarity measures are required. Inter-ministerial cooperation at the national level and the horizontal integration of partners at the local level are also encouraged. Action at the local level is viewed as the engine of prevention, since it involves the affected population and this type of action is most familiar with the local issues.

In this regard, various tools have proved to be effective. These include the establishment of community councils and safety and security contracts between central and local governments. Integrated and knowledge-based approaches should involve situational, social development and community reorganization measures that target risk factors. The establishment of true partnerships between key agencies and community is a long-term process, requiring the sharing of information and power. Some of the key elements are political leadership and commitment, ensuring the involvement of local officials, the need to integrate local and national strategies, and the importance of taking local concerns into account and providing proper training for practitioners.

E. Outcome of the Workshop

1. Conclusion

Through the extensive discussion at the workshop, a number of core issues for the involvement of the community in crime prevention were identified. It was emphasized that there were no simple or short-term solutions to the nexus of crime, victimization and insecurity, which were complex realities with multiple causes. There were, however, numerous promising crime prevention strategies and programmes that had been effective. Integrated, comprehensive and sustainable responses could be formulated on the basis of examples of good practice, such as those shared by the participants in the workshop. Identifying key elements of successful prevention models would help to ensure their transferability and sustainability. It was agreed that such models would need to be adapted to the specific needs of interested countries and communities, bearing in mind their respective social conditions and cultural norms. There was also a need to develop more knowledge-based approaches by monitoring and evaluating ongoing initiatives, and their cost-effectiveness, and replication studies.

2. Recommendations

Participants in the workshop on community involvement in crime prevention called for action in the following areas:

- (a) Firstly, local communities should be recognized as the focal points for the effective delivery of crime prevention initiatives. Member States should be encouraged to implement programmes for building the capacity of community to respond effectively to local concerns;
- (b) Secondly, governments and relevant international funding organizations should be invited to provide increased financial and technical assistance to countries and communities in support of their crime prevention efforts;
- (c) Thirdly, anti-crime strategies in which a crime prevention policy is an integral part offer more sustainable responses to crime and insecurity problems. Governments should be called upon to intensify their efforts to identify the successful elements of effective community mobilization, and the benefits of crime prevention programmes and initiatives. Governments should cooperate in the development of a common set of indicators of community safety which could serve as benchmarks in this regard;

- (d) Fourthly, more systematic efforts should be made to implement successful prevention actions and strategies. International support networks for crime prevention should be assigned the task of furthering the development of knowledge-based strategies, identifying elements of their transferability and making such knowledge available to communities throughout the world;
- (e) The Expert Group Meeting on Community Involvement on Crime Prevention, held in Buenos Aires from 8 to 10 February 1999, identified some key elements of successful and responsible strategies to prevent and reduce crime and enhance community safety, while fully respecting human rights and the rule of law. Those recommendations should be given appropriate consideration by the Commission on Crime Prevention and Criminal Justice, Member States and all relevant entities;
- (f) And lastly, member States, intergovernmental organizations and non-governmental organizations and the institutes of the United Nations Crime Prevention and Criminal Justice Programme network should be invited to consider the present recommendations in their activities and plans of action.

III. VIENNA DECLARATION

As the final document of the Tenth United Nations Congress, it adopted unanimously the declaration entitled “Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century”, which was subsequently endorsed by the United Nations General Assembly resolution 55/59 of December 2000. The declaration contains several paragraphs dealing with the issue of community involvement in crime prevention.

Amongst others, paragraph 13 states as follows:

We (the Member States of the United Nations) emphasize that effective action for crime prevention and criminal justice requires the involvement, as partners and actors, of Governments, national, regional, interregional and international institutions, intergovernmental and non-governmental organizations and various segments of civil society, including the mass media and the private sectors, as well as the recognition of their respective roles and contributions.

The strong political message contained in this paragraph clearly demonstrates the emerging international commitment to the mobilization of community and other civil sectors for promoting crime prevention activities.

IV. DRAFTING OF THE ELEMENTS OF RESPONSIBLE CRIME PREVENTION

The Expert Group Meeting on Community Involvement on Crime Prevention was held in Buenos Aires from 8 to 10 February 1999. The Meeting produced a revised draft elements of responsible crime prevention, in which community involvement in crime prevention is largely considered.

In this draft, crime prevention is regarded as the strategies and initiatives that seek to promote safety and security and do not resort to formal criminal justice sanctions.

Some of the basic principles stated in the draft are as follows:

- Governments should play a leadership role in the promotion of safer communities through the creation and implementation of a national strategy that acknowledges crime prevention as an essential component of social development.

- Crime prevention strategies at national, regional and local levels should be characterized by a multisectoral approach that includes members of the community as integral and essential partners in all stages of the planning and implementation of a crime prevention programme and that respects different social realities, cultures and genders.
- Crime prevention strategies at the national, regional and local levels should address the root causes and risk factors of crime and victimization through social, economic, health and educational policies. Where appropriate, crime prevention programmes should be linked to comprehensive programmes addressing social marginalization and exclusion, with particular emphasis on families and children at risk. Crime prevention strategies targeting groups at risk of becoming offenders, especially youth, should be promoted and should include educational opportunities, employment, housing and leisure facilities.
- The prevention of crime and violence and the promotion of community safety should be a horizontal priority in the planning and management of cities.

With regard to the tools and methodologies, we can see the following messages in the draft:

- Governments should establish special councils or other agencies specifically mandated to exercise the necessary leadership to draw up plans of action that define priorities, establish linkages and coordinate with relevant ministries, foster partnerships with non-governmental organizations and the business, private and professional sectors at the national, regional and local levels and develop and provide the tools necessary for communities to address crime problems.
- A national crime prevention strategy should possess the capacity to identify trends and risk factors and forward-looking by encouraging the development of early-warning systems and/or indicators that Governments might use to better anticipate various forms of community, taking into account both their local and their global dimensions.

Most recently, the United Nations Economic and Social Council resolution 2001/11 of 24 July 2001, entitled, “Action to Promote Effective Community-Based Crime Prevention”, *inter alia*, requested the Secretary-General to convene a meeting of experts for the purpose of further revising the draft elements of responsible crime prevention.

V. CONCLUSION

In order to promote community involvement in crime prevention, exchange of experience and information as to best practices is of vital importance. The aforementioned United Nations efforts are meaningful for the Member States to share this practical knowledge and information. In this connection, it is my firm belief that the present joint seminar adds one step to our collective efforts in this field.

REACTION

By

Mr. Florante A. SERIL

Chairman, Philippine Association of Colleges and Universities

Let me just point out certain things which to my mind we may add or qualify to some of the things that were said earlier. First, the Community as a pillar of the criminal justice system. Heretofore it has been said that we Filipinos, at the risk of perhaps washing our dirty linen, are very good copiers from other countries, we copy here we copy that, make some innovations hoping its for the better but sometimes its for the worst. But there is one thing which we did not copy which other countries hoped to copy from us and that is making the community a pillar of the criminal justice system. Heretofore, the criminal justice system is merely the base, I mean the community is the sounding board, the clientele of the criminal justice system practitioners. In our country, I do not know exactly when but I think it was during martial law, ironically, that we made the community the fifth pillar, not the fourth.

You noticed that in other countries, they have only 3 pillars of the criminal justice system, the community is not one of those pillars. Yet now they are starting to realize, you can scan books on policing and whatever, and you will see all the projects and the programs they are suggesting could very well be made more effective if only the community is a well-organized pillar of the criminal justice system. This brings me to the point that perhaps during the workshop you will kindly discuss how we can really organize the community into a pillar and not just a base of the criminal justice system. No matter how we call it a pillar it is still a base, to me as of now, because to me a pillar is that which acts independently but in collaboration and coordination with the other pillars of the criminal justice system. What am I saying is that the community should have equal responsibility with the other pillars of the criminal justice system but what does the community do? I come from the community, what does the community do in the criminal justice system?

Every now and then we have, under the guise of volunteerism, participated in some kind of program, cooperated with the police in certain projects that they are implementing. But what we would like to see is a community that is really organized one that has a head, also which can represent the entire community in the process of making the criminal justice system work. Like for instance the community is needed in order to make effective certain projects and programs, like we need more neighborhood watchmen. Now we can do that purely through volunteerism but can you imagine if it is something that is forced upon the community because they accepted it as a responsibility to society and not just because they want to be of help out of their innate desire for fulfillment, for being able to help others. Perhaps we can explore that, how we can make it really organized. You look at our community now, we have several organizations but they go their way, they have their own separate objectives and purposes. We can never unite or integrate all these which should happen if the community is really a pillar of the criminal justice system. Here is one thing that a particular pillar, the courts for instance, would like from the criminal justice system, cooperation as witnesses and whatever. Who do they talk to from the community pillar, they select one of the group of the community. Is that community as the pillar of the criminal justice system?

Another thing that perhaps we should give emphasis to is the indifference of many of the members of our community. However we think about it, whatever programs we prepare, no matter how elaborate these matters are intended for their own good, you will agree with me, many of our countrymen are still indifferent when we talk of crime prevention, law enforcement, etc. etc. Can you blame them when even men in government sometimes, and I would not make a general indictment, cannot even commit for instance to participate in a simple crime prevention program that is organized by an agency charged with the activity of celebrating for instance a crime prevention week. As you've noticed first hand, because I am also a

member of the Technical Working Committee for Crime Prevention that when we start inviting speakers from among the higher government officials, because we are going to launch a big program of crime prevention in some big area that we have to fill up, not one of the big wigs have time to come. I don't know, I said this is not an indictment. I'm talking through experience. I maybe wrong but I pray that I am wrong because this is what we mean, if we cannot expect models coming from those who are supposed to be models in these areas what else can we expect of the public?

We see corruption, we see violations, we see rudeness of the police, we see complacency in law enforcement and all perhaps the other pillars of the criminal justice system. Whenever we meet at the National Peace and Order Council, we discuss these matters, we come up with some solutions and I have been there for more than 10 years as a member representing the Association of Colleges and Universities, but I would like to tell you that frankly I have yet to feel fulfilled and satisfied being a member because there is still something lacking, sorely lacking in the organization. Oh, by the way, they have finally, upon our suggestion, organized a committee, I think, I don't know who the members are, some are saying every place there is a member, a Committee to amend Executive Order that created the National Peace and Order Council. I know that during your workshops you have been observing the workings of the National Peace and Order Councils in your areas, from the national, regional, city and provincial POC. You give us your suggestions please to make this effective. This is the more direct way of being able to check immediately and make effective some programs to improve our crime prevention and crime prevention enforcement.

It has been said that there are certain matters which must also be given attention. Politics for instance, we have a unique kind of politics in the Philippines. We know that politics is an important ingredient to our way of life, in our system of government. But sometimes the ugly head of politics rears its head in the wrong places, even among policemen, law enforcers, in the courts pillar, and whatever. Its time perhaps that we think of certain suggestions that will minimize if not totally eradicate this because I think we cannot. How can we minimize the intervention of ugly politics into our work, honest work and commitment at law enforcement.

There are many programs that we can mention which we can copy from other countries. The citizen patrol which we have but again is based on pure volunteerism, the citizen police academy in some countries and I tried this when I was in the US when I headed a team of professionals under the exchange visitors program of the Rotary International. During our visit to the police, we were given a chance to ride in the mobile cars to see actually how patrol is being done in the US, they bring us along and familiarize us and it is a project that they have and they call this the citizen police academy. It is actually teaching the people how police work is being done, this hits two birds with one bullet. First, the citizen becomes familiar with what the police is actually doing and to understand that the police is not sleeping and is not committing acts which usually we hear from mouth to mouth as always being bad for the reputation of the policeman. First hand they have learned about this and first hand they were taught also how patrolling is going to be done even if they are not going to be a policeman, just by being merely a citizen of their area. Well, I don't know what we can do with corruption, but everyday there are exposes and counter exposes of these things and it only points to one thing, that we are not united. Perhaps a united community is also much to be desired because without it there can be no progress in the implementation of any project that we can think of.

I hope we can replicate here in the Philippines what you are doing in Japan with the volunteer probation program. You know what is wonderful about this program of theirs, it started merely as volunteer probation work, until it spread into the other activities of crime prevention and other social activities which helped solve crimes. They don't have to organize so many kinds of community members into certain groups, and so forth and so on, simply probation volunteers. To think of it you will see that it is very simple, very unassuming, no such thing as crusade against this crusade against that, simply probation volunteer, and yet when you go to see how it works, it has spread throughout and it has become institutionalized in Japan. That's what's wonderful. If they can do that in their communities and yet this is based on pure volunteerism also. Although, I was told by our Assistant Deputy Director, there is some government support that is given

to the volunteers and I think this is the work that is cut out as was mentioned by Mr. Salvoza, cut out for men like myself already, the older ones.

So I think that all of us present here have that commitment. So in our workshop, let us put together all our talents, all our good intentions, and come up with something good. The success of this seminar will be judged by the quality of your report in your different workshops. So in closing I would like to express my heartfelt thanks especially to UNAFEI and the National Police Academy of Japan.

REACTION

By

Professor Rey Dean SALVOZA

President, Child and Family Service, the Philippines

Good morning to our distinguished panel, ladies and gentlemen. My name is Rey Dean Salvoza and I have been asked to react to the very comprehensive presentations of our three speakers this morning. This has always been a problem for me because I've never really understood what a reactor does especially when, having read the papers, the presentations are quite comprehensive, and have practically left no stone unturned in addressing many of the issues that need to be addressed specially in a forum like this.

If I maybe allowed to do so I'd like to start first with the paper on the Volunteer Probation Officer Program that is being done in Japan and the paper presented by Professor Kakihara is certainly an eye opener for us just looking at their statistics, 68,000 clients in the Japanese probation system and they only have 730 Probation Officers to serve those 68,000 clients, that is a range of 98 clients to 1 probation officer. By the presence of 59,000 volunteers whose average age is 63 coming mostly from the retired community and willing to work with the offenders who have been released from prison is a very commendable approach. While others will ever wonder how applicable this is in societies like the Philippines, Japan is a unique country a very unique country in that it is culturally homogenous, they don't have the same multi-gathering, multi-cultural, multi-linguistic situation that we have in this country. But the principle of volunteerism is what is important is the fact that even with their limited resources they were only able to employ 730 Probation Officers and I'm sure they probably have the budget to hire more except that if any of you understand the work of a Probation Officer you know how difficult and frustrating sometimes that work can be.

In a system like ours where we do not have the resources, for example, we have a Bureau of Probations and Corrections under the Department of Justice. We are not being able to devote the right resources for comprehensive and meaningful probation programs. It is even more difficult to harness the volunteers mainly because of the stigma that comes with working with offenders. So I think the main essence of Professor Kakihara's paper is the commitment being made by the community to address their particular situation. There was one aspect of her paper that particularly interested me and that was the section on the volunteer probation officers working with and sometimes being part of a corporation of employers who are entrepreneurs and business owners who registered at each probation office and who are charitable and willing enough to open up and employ many of these juvenile and adult offenders under probation or parole despite the knowledge of their past records. The statistics cited are quite significant, as of the year 2000 some 4,600 cooperative employers registered under this program. This is very commendable program in that it will really provide a second chance to many of these adult and juvenile offenders.

While many offenders, even in our prison system, are released we do not have enough half-way houses to help them reintegrate back into our society. Nor do we have the system to follow up on what happens to them or whether they will re-offend or whether they are given the support system that they need like, for example, in generating jobs for them somewhere along the line we have to pass a law in our own country that will prohibit an employer from asking, "have you ever been convicted of any crime" because once you have served your sentence you should be able to answer "no" because when a prospective employer sees your answer to the question have you ever been convicted of a crime despite of the fact that you have already served your term and pay for that crime and you answer yes to that provision, 7 out of 10 employers will turn you down. That's why that particular portion of Professor Kakihara's presentation was significant to me.

What is interesting is that that it is a program not only unique to Japan we have prove that, Judge Lopez has mentioned that, for example that she was a recipient of our fellowship program when we sent her to the United States to observe programs that work best practices and one of the programs we sent her to was a program called “Right of Passage” - this is a juvenile detention facility in Minden Nevada, where there are 3 levels of program for juvenile offenders where they offer a prison without guards, without walls and where they have complete restorative justice system going, meaning to say they make the offender accountable, they guarantee the public safety but most important they have a competency development program within the prison. So right in that facility these children who are in conflict with the law who are serving their sentence are trained, educated, so that at a certain point during their stay in the prison they are allowed to go out and work in the community earn money, to pay restitution to the victims of their crimes because they have expressed remorse for their crime and go back to prison at night.

In Ireland, Dublin, for example, they have a program called the Bridge Project, and in the same thing the juvenile prison in the area has contracted with several employers in the community who provide jobs for the juvenile offenders incarcerated in the prisons and in many cases the people who run these offices. These employment agencies serve as mentors and in effect parole and probation officers for that program. So that is to me what is particularly significant about Professor Kakihara’s paper.

I am also gratified to find that Professor Kakihara mentioned the growing concern for juvenile delinquency in Japan which is a growing concern everywhere particularly here in our own country. If you look at the statistics of crime you will begin to see that the ages of those who perpetrate crimes in this country are getting lower and lower. I am looking at some statistics on the situation of, for example, Filipino children and what it tells us is that there are now 41 million children and youth in this country aged 18 and below. If only 10 percent of these commit a crime or come into conflict with the law you are talking 4 million potential criminals or juvenile offenders. If only 1 percent of these commit a crime you are talking 400,000. And the tragedy is we do not have the system, the facilities, the training of personnel or even a justice system that can quite cope with such a situation.

Deputy Director Aizawa spoke about risk factors. Well if you begin to look at the statistics affecting our kids what would begin to worry you for example in the Philippines are these kinds of risk factors that create crimes. For example, 3 out of every 5 children in this country live in poverty. One out of 11 below the age of five are under weight that affects brain development. One in three are deficient in vitamin A. One in seven do not have access to safe water. If you are following up the studies being done in the US, in the west, in Japan, in Singapore, on the impact of abuse and neglect on juveniles you will begin to see that there is a direct correlation between abuse and neglect and delinquency. If we do not intervene in the process and provide a treatment necessary for many of these kids who are abused or neglected partly because of poverty, partly because of family dysfunction, you will begin to see a growing crime problem. Of the 40 million kids we have, do you know that 39 percent are out of school, that is some 16 million kids are out of school, what happens to these kids? Those who are in the public schools are not all that better off mainly because of the failure of our government to provide the basic necessities that many of these public schools need. For example in the south, the book ratio is 7 pupils to 1 book and so many of these kids end up dropping out of schools, many end up becoming more frustrated in the system because even if they do graduate from a substandard public school, they are not able to enter universities because they can never even pass the UP college admission test which provides a socialized scheme for poor students to receive scholarships, but if they could not pass the test it doesn’t work.

The papers of Attorney Zafra and Deputy Director Aizawa are quite similar in that they have the same conclusions in many cases. For example, Attorney Zafra’s review of the literature is quite impressive in terms of highlighting the problems and in terms of highlighting the best practices. She spoke of partnership and so did Deputy Director Aizawa. Partnerships are very critical, collaboration, multi-agency task forces, multi-disciplinary task forces these is the trend that many of us have been encouraging and the trend that we’re beginning to see happening today because if you only see crime as a police problem as was mentioned

earlier then you do not see the problem. Crime is not just a police problem, it is a community problem, it is the community that suffers most when a crime occurs.

I am very gratified that Attorney Zafra spoke about Community Policing, because to me that is one of the major solutions and all the reason why we are the proponent of a community-oriented police system, something we've been trying to get the police to adopt and in many cases we have in various municipalities, and if I might just cite an interesting statistic because I do a lot of research in this area, Community Policing is credited for example by a major forward cover story that came out in Time magazine on January 15, 1998. This major forward story on crime in the US stated that crime rates, especially major crimes, such as murder and rape dropped by as much as 50% in 15 US cities - why? Mainly because these 15 major cities where community policing initiatives started as early as 10 years ago and they are now beginning to see the benefits of that change in approach and strategies. What makes community policing unique because it turns the police officer into a community service officer, not just a fighter of crime, not just a law enforcement officer but as someone who looks at his community, who partners and makes an inventory of the resources available in his community. Because a policeman, as stated earlier by both Attorney Zafra and Deputy Director Aizawa, a police officer cannot do his job alone. That is the concept of team work to serve as a social worker. That is precisely the job imparts as a policeman and anyone else who understands the rule of crime. And that's why being a part of this major effort to address this by conducting training programs and if I may cite one of our members is a police officer by the name of Chief Inspector Brandy Usana of the Police Directorate for Community Relations. He has been our partner in setting up training programs, making police officers work with guidance counselors with child protection workers, with civic clubs in the community so he is not alone in creating schemes that will address the very nature of crime. In the end TEAM stands for Together Everyone Achieves More. So I am very pleased to see the community as part of Attorney Zafra's presentation.

The other point, and again this was mentioned in Professor Kakihara's paper and Deputy Director Aizawa's paper, is the focus on youth crime prevention. I mentioned to you the statistics we have in this country. The other part of the statistics I have not mentioned is the part that you do not see, the fact that while 15% of our crime rate now is being committed by juveniles, because 15% of our population is already composed of youth under 25. The really disturbing part we do not see is that there is a strong probability that the other half of the current crime rate is being committed by adults and by adults who have started out as juveniles, who have never been given the proper intervention and treatment by the justice system. On August 20, 2001, Newsweek magazine came out with a full page article describing the Philippine juvenile justice system as a criminal justice system. It is an indictment of our system. And that is an issue that we are trying to address for the last 7 years, together with our partners. One of them is UNICEF, the Ateneo Center for Child Rights, Asia Foundation, the Commission on Human Rights, the Philippine National Police, the Bureau of Jail Management, the DSWD, the Council for the Welfare of Children. We have come up with a comprehensive juvenile justice and delinquency prevention bill that we have filed in the House of Representatives and in the Senate. As I speak today, there is a technical working group of 15 people from these various agencies who are meeting in my office right now flashing out the final details of the 3 consolidated bills on juvenile justice that the house committee on justice has asked us to do. Why is this significant, it is significant because again the concept of partnership, the concept of team work, the concept of multi-sectoral approach is being done right here in this technical working group which is composed of officials of the DOJ, PNP, Bureau of Jail Management, of the Council for the Welfare of Children and several NGOs.

It will also interest you to know that 2 years ago when we started preparing the draft of this bill, the bulk of the work was done by the collaborative effort of 44 NGOs who were already working with children in prisons together with seven other government agencies who decided to work with us and work on this issue of juvenile justice. The bill on juvenile justice is called the comprehensive bill on juvenile justice and delinquency prevention is what we are discussing today the whole issue on prevention. Deputy Director Aizawa, for example, mentioned the cost of crime representing 5% of the gross development product of

social developed countries and as much as 40% in developing countries. You are talking there in terms of dollars and cents, and pesos and centavos or yen. We have not even began to discuss the cost in terms of human losses. My youngest brother was murdered ten years ago by a criminal syndicate of 7 men, two of which were juveniles. Deputy Director Aizawa is correct because, based on the corporation stand, if you want to lower your cost change into early intervention program, prevention programs. If you intervene early by setting up after school programs, setting up child abuse programs, addressing prevention programs for delinquent youths, addressing the problems of domestic violence in our families, the basic principle is correct. If you intervene early enough you not only save the cost of incarceration, you also save the cost of crime in terms of monetary and human terms and gain the benefits if you are able to reform the individual who can become an asset to society.

In the last National Conference on Juvenile Justice that was held in the US, they presented 4 former juvenile offenders to speak to the body. All of these individuals served their time in juvenile facilities. But because an insightful judge had a vision to look at these young men and divert them to programs that truly rehabilitated them, the 4 speakers turned out to be 1 U.S. Senator, 1 Congressman, 1 Marine General and 1 U.S. Astronaut. And I am sure in Japan and even in our own country we have examples of such success stories. But such success stories do not happen in a vacuum, it means teams of people working together to make these things a reality.

I was in Bacolod yesterday to address a UNICEF sponsored National Youth Commission seminar, wherein they gathered 50 young legislators, the newly elected members of city councils and provincial board members of the various provincial governments. Deputy Director Aizawa spoke of the need for local government and cities to get involved. The purpose of the conference that UNICEF and the NYC sponsored in Bacolod yesterday was to turn these young legislators into advocates for juvenile justice. To introduce to them programs that they can initiate in their own communities, to prevent youth from becoming delinquent. One of the highlights of that particular seminar was a visit to a program, and I would encourage any of you if you are in Bacolod to see this. It's called the Bahay Pag-asa Youth Center which was built by the University of St. La Salle. It is the Bahay Pag-asa Youth Center or the House of Hope, it is the first model juvenile detention and rehabilitation facility of its kind that can compare with the U.S. and to what any of the western countries have. It is a facility that can house 60 to 120 detainees or sentenced prisoners, the whole project cost 20 million to build, solely from donations and funds solicited by the brothers of St. La Salle. The City of Bacolod have agreed to support this program, together with the family court judge who will now begin diverting young men rather than sending them to jail and getting them mixed with adult criminals. They will now be sent to this facility and this facility will be staffed by people who are trained in child development, counseling, etc. And so this is what I call a ray of hope. This is a local initiative that was started by the private sector and these are things that we can begin to do in our local communities.

In closing I would just like to sight the importance of something that both Professor Kakihara and Deputy Director Aizawa have mentioned. They spoke about restorative justice. It will interest you to know that restorative justice is the operating philosophy of the comprehensive juvenile justice bill that has been filed in the congress and which our technical working group is working on today. It will also interest you to know that restorative justice has become the operating philosophy for the training of the new family court judges as well as the training of the BJMP, Police and other court personnel that is now being established by the Philippine Judicial Academy and the Supreme Court. For the last 12 months Professor Candelaria and I have been part of the training team that has been formed by the Philippine Judicial Academy. A multi-sectoral training team composed of people from the private and public sectors to train and expose family court judges, court social workers, police officers, BJMP personnel, public attorneys in how to implement a truly restorative justice philosophy that will begin to make our system more humane and truly give our kids a second chance.

I'm focusing, I know, a lot on juvenile justice mainly because this is where it begins. If we do not address the issue of crime and delinquency at the level of the youth, then you'll be too late by the time they

are adults. There is a saying that goes, “it is better to build children than to repair men.”

In closing I would like to cite a story that I often use in my presentations. In 1870, the founder of the American Public School System, a man by the name of Horris Mann was invited to address the dedication and inauguration of the first juvenile reformatory in Boston, this was in the year 1870. During his speech, Mr. Mann said even if only 1 child will be saved by this facility then the tens and thousands of dollars that were spent to build this juvenile reformatory will have been well worth it. After his speech a reporter came up to him and said, “Surely Mr. Mann you must have said that for dramatic effect because your cost effectiveness is not very practical. To spend hundreds of thousands of dollars to build 1 facility to save 1 child how can that be cost effective?” Mr. Mann’s answer was, but what if that child is yours? So in the end they are all our children and it is very important especially in forums like this that we begin to think about how to address those issues that affect children at risk and that are now beginning to affect families at risk. The latest PNP report tells us that 6 out of every 10 Filipino families are experiencing domestic violence. We are now beginning to see how those impact on crime, the studies are beginning to show that. In a year, our foundation together with UNICEF and the Asia Foundation will be sponsoring a national conference, the first ever national conference on juvenile justice to address the issue of youth crime. In Attorney Zafra’ s paper she mentioned several initiatives on the last page about what is going to be held. I would like to ask her to include this national conference as part of an initiative to address this whole issue on crime and delinquency. I thank you.