

TREATMENT OF ILLICIT DRUG USERS IN MALAYSIA: FOCUS ON PAROLE

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I. INTRODUCTION

In the past, prisons were purely custodial and punitive but today the emphasis is on rehabilitation and treatment of offenders. Thus it is imperative that the prisons remain safe and secure to ensure that the prison can fulfil the multiple goals of punishment, deterrence and that of rehabilitation, reformation and reintegration. Over the past decade, prisons have progressively re-affirmed their role to take on the charge of being agents for rehabilitation, moving away from being mere custodians of the offenders under their charge. To discharge this mission effectively, prisons have embarked on a deliberate and rigorous review of their capabilities in operations, rehabilitation and community engagement.

The Prison Department of Malaysia has also moved forward and continuously innovates in order to assist the prison administration in dealing with modern culture through criminology, penology and overall social control. This includes developing programmes and treatments to help inmates change their criminal behaviour through evidence-based interventions, and preparing them for their eventual return to the community.

A. Scope of Prison Department

The Prisons Department is under the Ministry of Home Affairs (KDN) where it works in ensuring safe custody of prisoners and detainees, as well as continuous rehabilitation programmes for prisoners. The Prisons Department of Malaysia currently has 37 Prison Institutions, 4 Henry Gurney schools, 13 State Prisoners Offices and 52 Parole District Offices.

B. Scope of Parole and Community Service

When the parole system was first established by the Malaysian Prisons Department more than a decade ago, there were concerns over how the authorities would manage the risks involved, particularly those regarding public safety and security. The parole system in Malaysia was introduced in 2007 and the Prison Act 1995 was amended to establish the system in Malaysia. It received royal assent on 24th January 2008 and was published in the gazette on 7th February 2008. However, it only became enforceable on 30th June 2008. In July 2008, the pioneer batch of 64 convicted prisoners was released on parole.

The legislative intention of introducing the Malaysian parole system was to alleviate prison overcrowding and operating cost, reduce recidivism and to rehabilitate the prisoners to ensure successful reentry and reintegration into society through the role of the family, employers or community members. Thus, to realize the parliamentary intention, the values and principles of the Parole Division of the Malaysian Prison Department are embodied in its mission statement and are evidenced by its objectives to ensure a continuity of effective rehabilitation programmes and to give prisoners a second chance to go through the process of integration of their lives into the community. In addition, it is also the Department's vision to ensure the welfare of the society and to reduce recidivism by assisting and guiding the prisoners to live as individuals who respect the laws and regulations of the country.

The Prison Act 1995 defines "*parole*" as the release of prisoners to serve any part of the imprisonment sentence outside the prison pursuant to a parole order. By section 46A "*prisoners*" means a prisoner who is released on a parole order made by a Parole Board. Section 46I (*Prison Act*) provides that a prisoner is

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deemed to continue serving his sentence of imprisonment during the period of parole that begins on the date of release on parole as specified in the parole order and ends upon the expiration of his sentence of imprisonment, taking into account so much of his sentence as shall remain after deducting from it such part of remission of sentence granted, or when the parole order is suspended or revoked. As such, parole in Malaysia is viewed as an extension of the custodial period, as the prisoners will be placed in the community under the correctional authority and supervision of the parole officers.

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

1. The Parole Boards

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

- a) A Chairman, from amongst members of the Judicial and Legal Service;
- b) A senior prison officer;
- c) A senior police officer;
- d) Three members of the public.

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

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

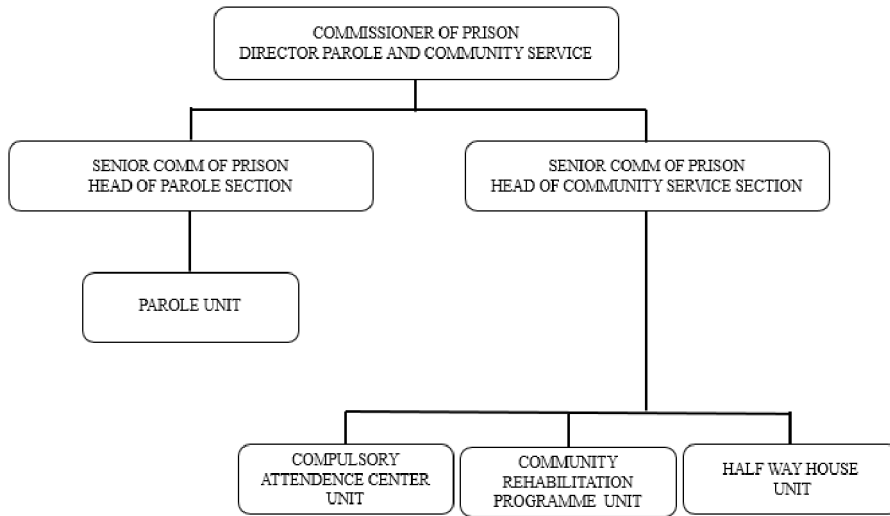
The Parole Board shall examine and evaluate the parole dossiers¹ received from a prison officer in respect of such prisoner and any other report prepared by any prison officer in relation to an application for release on parole.

2. Malaysia Prison Department

In Malaysia, the parole system is a newly established programme in order to enhance the rehabilitation programme for convicts. The parole system is designed for inmates who show exemplary behaviour during incarceration. It is seen as an incentive which inmates must earn in order to enjoy it through demonstrating positive adjustment and fulfilling the requirement stated in the programme.

¹ Dossier means document represent prisoner report all the activity and attitude in the prison.

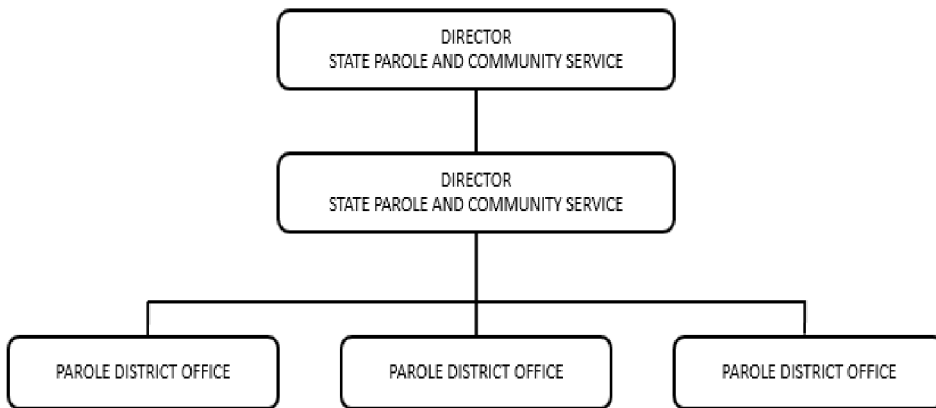
Organization Structure of Parole and Community Service, Malaysia Prison Department



Source: Malaysia Prison Department

The Malaysia Prison Department through the Parole and Community Services Division has implemented the system by setting up 14 State Offices and 52 Parole District Offices in the country.

Organization Structure of State Parole and Community Service



Source: Malaysia Prison Department

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

II. MONITORING & SUPERVISION

A parolee who is released by the parole order must comply with the conditions laid down in the parole order. The parole order will be issued by the board after being satisfied with the report lodged by the parole of the institute as well as the support of the Parole and Community Services Division, the Head Office. Terms of the parole order shall be read on the day of release and every condition shall be understood by the parolee. More than 20 conditions have been set by the Parole Board and among the conditions that the parolee must adhere to are as follows:

- i. Parolee is prohibited from engaging in criminal activity;
- ii. Parolee must not leave the designated area without the permission of a parole officer;
- iii. Parolee is prohibited from using any prohibited or intoxicating substance;
- iv. Parolee shall comply with any directions from parole officers;
- v. Parolee is prohibited from using any illicit drug.

Parole is granted to those inmates who have successfully completed and surpassed the comprehensive assessment by the prison authority and an internal committee evaluation followed by an external evaluation. While they are on parole, the parolees will be supervised and monitored by parole officers in their specific designated area². In the event of breach of terms and conditions imposed on them while under parole, it will lead to the revocation of their parole order.

Supervising and monitoring drug offenders is a big challenge to our officers compared to those with other criminal backgrounds. The current trend of drug abuse has changed; synthetic drugs are more commonly used compared to opiate-based ones. Although there has been rejection from their families and the society in the process of reintegration, there are many who are willing to support and cooperate. The parolees themselves need the driven power to adapt, be ready to change and enhance their resilience in order to determine and restore their success.

The parolee him/herself also shall have a job that guarantees earning a living; jobs are arranged or agreed by the District Parole Officer. They will also be involved with any personal training and development programs that fit into their respective capabilities.

All parolees are prohibited from possessing or using drugs and also associating with criminal associates who are in the public domain. The conditions contained in the parole order depend on the prisoner's offence and the criminal effect committed by the prisoner against the surrounding community. The more likely the prisoner will return to drug abuse, the more stringent the conditions will be allocated to them.

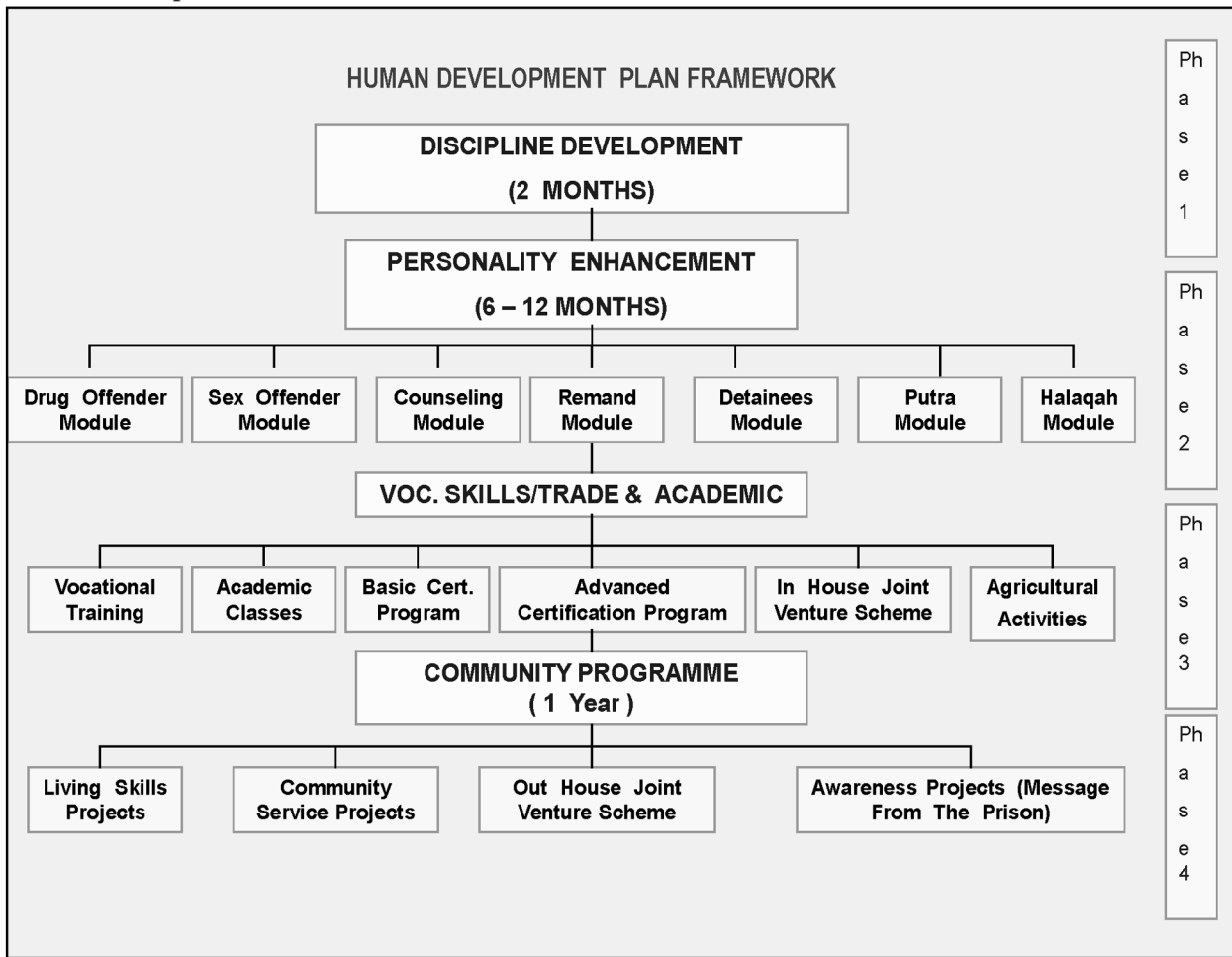
Each parolee must also undergo a prescribed recovery programme as stated in the parole order. Parole Officers shall arrange rehabilitation programmes either in individual, group or rehabilitation programmes within the community. Parolees must report once a week as arranged by the parole officer. The presence of intervention is compulsory and action will be imposed if the parolee fails to attend the Parole Office. For parolees involved in drugs must undergo urine testing as part of their intervention programme.

III. COMMUNITY-BASED TREATMENT FOR DRUG OFFENDERS

The implementation of prison rehabilitation programmes is an important basis in overall recovery where every prisoner needs to go through several phases and have his progress evaluated in each phase to be elevated into the next phase.

² Designated area means the gazette area that gives the authority to the parole officer to supervise.

Human Development Plan Framework



Source: Malaysia Prison Department

In an effort to achieve the said mission and objective, the Malaysian Prison Department has introduced *Pelan Pembangunan Insan* (Human Development Plan), a comprehensive and integrated rehabilitation system. The new system targeted mainly on the rehabilitation of spiritual and physical needs of inmates through change in attitude and increase in skills and knowledge. The Human Development Plan is a rehabilitative process for inmates that is conducted through four key programmes, namely, Induction Program (Phase 1: 2 months), Personality Enhancement Program (Phase 2: 6 to 12 months), Skills Program (Phase 3: duration is subjected to Period of Imprisonment) and Pre-Release / Community Program (one year before release). In addition, several rehabilitative modules are used for the different categories of offenders such as Drug Offenders Module for drug-related offenders and Sexual Module for sexual offenders.

However, in contrast to the parolee recovery that has been released through the parole system where the approach adopted is based on Community-Based Treatment where the approach used is based on social support group that helps in the recovery of parolee outside the prison wall. Factors that encourage the implementation of Community-Based Treatment are the following:

- a. To ensure the stability of society through rehabilitation and to reduce repeated criminal behaviour;
- b. To provide support and guidance to inmates in respecting law and order of the country;
- c. To ensure continuity of the rehabilitation programme and more effective supervision in the hope of giving prisoners a second chance to carry on life through the process of reintegration into society.

The involvement of Non-Government Organizations (NGO) and the involvement of private companies in the Corporate Smart Partnership is a programme that assists in the Community-Based Treatment in which the support provided to help a parolees be more confident.

There are several approaches used in assisting parolee recovery for those involved with drug activities. The method of recovery is also different from the type of drug used and also the level of drug use over a period of time. Each parolee needs to undergo a psychological test for the purpose of knowing the level of addiction for a parolee. Each parolee needs to undergo 2 phases, which are during imprisonment and when it is beaten. Parole officers should review both test reports before determining the level of intervention that each parolee needs to go through.

A. Cure and Care Programme: Social Support Groups Module / Recovery Programme in the Community

This Programme is designated for drug users or drug-related offenders especially for parolees. All parolees must be involved in weekly sessions run by Parole Officers in collaboration with the National Anti-Drug Agency.

The main objectives are:

- i. Providing a safe haven for discussion group clients to practice social skills;
- ii. Having recovered clients serve as role models;
- iii. Promote and expand the support system;
- iv. Provide education so that clients have the skills to cope with social problems faced.

Among the modules and technique are Cycle Stop (Stop The Cycle), identifying techniques used to reduce addiction and its effects, Thought-Stopping skill to cut (block) triggers facing the parolees and External Trigger. Components and elements contained in the Recovery Module will help the Parole Officer to better plan implementing the C & C to parolees. This programme can be a reference to the Parole Officer in the execution to parolees to undergo the programme smoothly and adapt to society after serving of the Parole Order after release.

B. Methadone

Parolees with a history of heroin-type drugs will be helped to overcome addiction using the method of methadone. The parolee involved in the programme has been identified during the rehabilitation programme in the prison again and when undergoing parole order, this methadone programme will proceed based on the record obtained from prison. Parole officers will ensure the parolee recovery involved with the methadone will continue until the sentence is completed or until the dose is reduced. Parole officers will also work with pharmacists from government hospitals to ensure a parolee who join the programme daily and will be in accordance with established procedures.

C. Interventions

Parolees need to undergo an intervention programme scheduled once a week as set forth in the rules. Parole officers shall prepare and organize a programme schedule for each parolee in the recovery phase; the planned monitoring of the parolee is under the parole officer. Intervention is a method of reviving parolees and recognizing the level of parolee recovery under the supervision of parole officers. Among the activities are individual counselling³, group counselling, support programmes and other appropriate parole programmes.

D. Spiritual Programmes

One of the forms of recovery that can affect the parolee recovery is to have a spiritual recovery programme. Parole officers should plan this spiritual programme as a continuation of parole recovery in prison. The spiritual approach is very important in parolee recovery because it helps in enhancing identity as well as the parolee's confidence in drawing closer to the Creator. In order to run this programme, parole officers need to cooperate with volunteer religious teachers or religious departments to run the spiritual programme for parolees based on a weekly schedule.

E. Others Programmes

In addition to the programmes mentioned above, there is another programme for collaboration with local companies. The *Corporate Smart Internship* (CSI) programme was created for the purpose of enhancing

³ Counselling sessions run by counsellors from the prison department or by rehabilitation officers.

parolee skills in the field of work. Indirectly, this programme provides parole space to build confidence to recover where continuous recovery is the department's primary objective in ensuring the parolee can be rehabilitated. Among the fields of employment are agriculture, manufacturing and other fields that have an impact on the job sector. The programme started in 2017, and up to 661 parolees have participated in the programme.

Indirectly, this programme has benefited the company especially in the cost savings of operations and labour which involves foreign workers who need a lot of costs in the documentation process. For parolees, as well as enhancing skills in the employment sector, moral support and guidance have had a positive impact on the ongoing recovery.

IV. THE CHALLENGES

A. Dual Roles of Parole Officers

In Malaysia, the dual roles in surveillance and rehabilitation process do potentially pose challenges in trying to achieve their goals of helping the prisoners successfully reintegrate into the community and protecting the society from at-risk individuals i.e. Section 46K (e) of Prison Act 1995 provides that it is a duty of a parole officer to organize or direct a prisoner to undergo a programme for rehabilitation. As a parole officer, early planning for each programme should take into consideration all the requirements for the recovery of the parolee.

B. Providing Social Services

In line with the social service model which focuses on the client's needs such as employment and housing, parole officers often have difficulty to reconcile their role with the conflicting objective of the surveillance and control approach. It is a challenge for parole officials to ensure that all the requirements and rules set may be implemented at a time.

C. Willingness of Parolees to Participate in Treatment

The willingness and openness of parole in receiving treatment is an important aspect of recovery. This factor needs to be in every parolee and not just fill in the programme slot without the need to change. The role of parole officers is also important where continuing support in ensuring the parolee can follow the appropriate recovery programme. This support actually helps to increase confidence in parolees to recover and avoid negative thoughts.

D. Support from the Community

A study reveals that the main reasons for detainees floating with the wrong influence are due to lack of support from community networking and friendship. Recent studies by the parole department show that prisoners return to their old habits due to the unwillingness of the community to accept them, as well as refusal by family members. One of the challenges faced by parole officials is to deal with the public stigma of former prisoners despite knowing that they have been restored. Eventually the former prisoner had to accept the fact that they were not needed by the community and returned to friends who better understood them.

E. Translating Theories or Principles into Practice

It is a challenge for parole officers to design a programme and supervision plan to hold prisoners accountable and focus on their change as they need to address the prisoner's specific criminogenic need factors, i.e. early identification with a predilection for criminal behaviour risk. Another factor that needs to be thought about is the psychological development among the criminal or drug user whereas for parole officers, skills in psychology are needed to understand the character of the parolee.

F. Right Philosophies, Attitude and Background

The background of parole officers in the rehabilitation and surveillance of prisoners must possess the right philosophies and attitude to balance their dual roles in facilitating successful reintegration of prisoners into the society. Parole officers with background in social work and behavioural sciences were more likely to report that prisoner treatment needs were integrated into supervision requirements and activities. However, certain characteristics of staff working in correctional environments such as appropriate educational qualification, experience in working with prisoners, professional values such as empathy, tolerance, integrity and flexibility, a firm but fair approach, good listening and communication skill, may result in successful

reintegration of the parolees into the community.

V. CONCLUSION

One of the challenges faced by the authorities is the use of alternatives to imprisonment. Challenges are inevitable but for the sake of public safety and peace, various alternatives to imprisonment should be implemented. A comprehensive initiative has to be undertaken to ensure success. Programmes involving strong community participation have to be implemented. Although alternatives to imprisonment are comparatively inexpensive and efficient, they must be imposed carefully. Besides the well-being of the offender, the safety of the public should be of paramount concern.

REFERENCE

1. Malaysia Prison Department
2. Prison Act 1995 (Act 537) And Regulation
3. Human Development Plan Module, Malaysia Prison Department
4. Cure & Care Module, Malaysia Prison Department
5. Rehabilitation Module for Parolees, Malaysia Prison Department