

# EFFECTIVE COMMUNITY TREATMENT PROGRAMMES IN THE PROBATION OFFICE FOR VIOLENT JUVENILE OFFENDERS

*Akiko Tashiro\**

## I. INTRODUCTION

“The Advisory Council for the Regeneration of the Rehabilitation System,” set up in July 2005, submitted its final report, named “The Proposal of Reformation of the Rehabilitation System; Aiming to Build a Safe Country and Community”, on June 2006. The Rehabilitation Bureau of the MOJ and the Rehabilitation Service throughout Japan are now undergoing various reforms to improve and regenerate the rehabilitation system.

Because this Advisory Council was established in response to several serious tragic offences committed by adult probationers/parolees from 2004 to 2005, the new policies to reinforce the probation/parole treatment system were mostly focused on adult probationers/parolees. However, serious and violent reoffending by juvenile probationers/parolees still occurs. Therefore, reinforcing the treatment of serious and violent juvenile probationers/parolees is one of the crucial issues facing the Japanese rehabilitation system.

In this paper, I would like to outline for you the actual situation and the characteristics of the violent juvenile probationers/parolees that we handle in the Japanese rehabilitation service, and then I will introduce the two structured programmes which have been lately introduced to the Japanese Rehabilitation Service, i.e. the Atonement Programme and the Violence Prevention Programme.

## II. OUTLINE OF VIOLENT JUVENILE PROBATIONERS/PAROLEES

### A. Number of Violent Juvenile Probationers/Parolees

Table 1 shows the number of newly received juvenile probationers, by type of offence. According to this table, among the total number of newly received juvenile probationers in 2006, which was 19,475, the number of violent juvenile probationers (who committed an offence of homicide, injury, robbery, or violation of the physical violence law) was 3,236, constituting 16.6% of all juvenile probationers.

Table 2 shows the number of newly received juvenile parolees, by type of offence. According to this table, among the total number of newly received juvenile parolees in 2006, which was 4,711, the number of violent parolees (who committed an offence of homicide, injury, robbery, or a violation of the physical violence law) was 1,084, constituting 23% of all juvenile parolees.

### B. Characteristics of Violent Juvenile Probationers/Parolees

Various surveys and statistics show the characteristics of violent juvenile probationers/parolees as follows.

#### 1. Offence

In 2005, the Research and Training Institute of the Ministry of Justice made a survey of 86 case records of juveniles who had intentionally committed serious crimes (e.g. murder), by the amendment of the Juvenile Law, and had been placed on probation/parole. According to the survey, the offence can be classified into four categories, which are: (i) the Group Category (committing a crime with accomplices); (ii) the Single Category (committing a crime without accomplices); (iii) the Family Category (juveniles and victims are related, including cases where a juvenile kills his or her lover's child); and (iv) the Traffic Category. The

\* Senior Probation Officer, Yokohama Probation Office.

percentage of each category of the total is as follows: (i) Group: 59 cases (68.6%); (ii) Single: 7 cases (8.1%); (iii) Family: 17 cases (19.8%); (iv) Traffic: 3 cases (3.5%).

## 2. Complicity Rate

The statistics of the section above are limited to the most serious offences, such as intentional killing; however, other statistics show that many of the other violent offences by juveniles are committed with accomplices. Statistics from the National Police Agency (2004), which are not limited to probationers/parolees, show that the complicity rate of robbery is 57.8% and that of injury is 35.5%, which shows a reasonably higher rate of complicity than that of all types of offences (26.8%).

Moreover, all of the cases of serious reoffending by juvenile probationers/parolees committed in 2007 were committed by groups (Rehabilitation Bureau material).

## 3. Repetition Rate

Though not limited to probationers/parolees, the National Police Agency (2008) shows the repetition rate of juvenile offenders (the ratio of juveniles who have committed offences in the past to the total number of juveniles whose cases were handled by police). The repetition rate for all types of offences is 30.3%, whereas for serious offences (homicide, robbery, larceny, and rape) it is 59.4% and for of violent offences (violence, injury, carrying weapons, and extortion) it is 53.4%.

Since this repetition rate does not refer to what type of offence they committed in the past, it does not show that violent offenders more easily reoffend; however, the statistics do show that juveniles with an advanced level of delinquency and/or juveniles who committed offences in the past are more likely to commit serious and violent offences.

## 4. Motivation for Offending

A 2006 survey by Family Court probation officers of Osaka Family Court, Sakai Branch of 126 juveniles who committed violent offences classifies the cases by their motivation for offending. There are six categories, listed in order of their prevalence: (i) expression of unpleasant emotion; (ii) desire to be perceived differently; (iii) punishment; (iv) compulsion to subordinate others; (v) personal retaliation; and (vi) damage recovery and defence. This survey also shows that the ratio of type (iii) and (iv) decreases in juveniles over 17 years old, and that those over 17 years old are likely to use violence intentionally, for example to gain money or escape from police, etc. These statistics are not solely those of probationers/parolees, however, from my fieldwork experience as a probation officer, the tendencies seem to be the same for probationers/parolees.

## 5. Outcome of Probation/Parole Supervision

The reconviction rate is the ratio of those who were sentenced to penal sanctions or protective measures because of reoffending, or for delinquent behaviour during their probation/parole period. Compared to 17.9%, which is the reconviction rate for juvenile probationers in total, the reconviction rate of those who were placed on probation for causing injury is 18.1%, while for burglary the rate is 15%. Moreover, the percentage of those placed on probation for causing injury, and being reconvicted for the same offence during the probation period is only 4.2%.

Compared to the reconviction rate of juvenile parolees in total, which is 22.2%, the reconviction rate of those who were placed on parole for committing an injury is 22.4%; while for burglary it is 17.9%; and for homicide it is 6.3%. Moreover, only 5% of those placed on parole for causing injury were reconvicted for the same offence during the parole period.

These statistics show that the reconviction rate of juveniles who committed violent offences, which is one good indicator of the outcome of probation/parole supervision of violent juveniles, is not relatively higher than the rate of reconviction of juveniles who committed other types of offences.

### **III. THE ACTUAL SITUATION OF TREATMENT FOR VIOLENT JUVENILE PROBATIONERS/PAROLEES**

I will not refer in detail to the system or the process of probationary/parole supervision for violent juveniles in this paper. The Japanese probation service does not have specialized, exclusive treatment for violent juveniles. A categorized treatment system, which was introduced in 1990, groups offenders into 13 categories. Among those categories, there are five which include juveniles who have violent tendencies: (i) domestic violence; (ii) school violence; (iii) belonging to organized gangs; and (iv) joy-riding. However, for those juveniles who have violent tendencies, we do not have "structured" treatment programmes focusing on their violence. In the categorized treatment system, a probation officer and a volunteer probation officer co-operate in supervising the probationers/parolees, understanding the actual conditions of their daily lives, and giving necessary guidance and intervention. They also sometimes assist the probationer/parolee to utilize social resources.

In 2000, the Rehabilitation Bureau set forth the national guidelines for the treatment of the most serious juvenile offenders on probation/parole: those who caused the death of their victims. The outline of the guidelines is as follows:

- (i) (For parole cases.) The probation officer must be involved in the case from the inquiry into living conditions stage, while the juvenile is still in juvenile training school; strengthen co-operation with the juvenile training school; and make sure that treatment before and after release is sufficiently consistent.
- (ii) Pay attention to and take care of juveniles' mental health, guide their social nature, and deepen their introspection.
- (iii) Help the juvenile to consider the appropriate ways to communicate with others, and promote their adaptation to the community.
- (iv) Help the juvenile and their family to understand each other, arrange and adjust their family relationships, and maintain healthy emotions.
- (v) Cultivate the juveniles' awareness of their victims, and guide them and their families in how to face their victims.

Since juveniles to whom these guidelines were applied did not reoffend seriously during their probation/parole period, this treatment for such juveniles can be said to be successful to some extent; however, this policy indicates only the basic guidelines on how to treat those offenders, which is different from a so-called structured programme.

Furthermore, although not introduced as a treatment focused especially on violent juvenile probationers/parolees, social participation activities were added to the rehabilitation system in 1994. Participating in nursing care activities and volunteer activities for the aged helps violent juvenile probationers/parolees to empathize and sympathize with other people as well as building a positive self image. Social participation activities have now become established in rehabilitation services throughout Japan.

### **IV. THE ATONEMENT GUIDANCE PROGRAMME**

#### **A. Introduction of the Atonement Guidance Programme**

Since March 2007, the Japanese rehabilitation service has implemented a new atonement guidance programme for probationers/parolees who seriously injured or killed their victim. (A serious injury is a physical injury that requires six or more months of treatment.) This programme is applied to adults too. The programme aims to have the probationers/parolees behave in accordance with their victim's wishes with consideration for the victim's feelings. This can only happen if the probationers/parolees realize how serious their offence is, and the damage and impact it has had on their victims. The probationers/parolees ought to develop empathy for their victims by understanding the offence from the victim's viewpoint. Ultimately, the programme aims to formulate within probationers/parolees a determination not to reoffend.

#### **B. Content of the Programme**

This programme consists of four sessions, and the object of each, from the point of view of the offender, is outlined below.

- Session 1: Look back over your offence, and recognize its seriousness.
- Session 2: Understand the actual situation of your victim, i.e. their feelings, their present situation.
- Session 3: Think from the viewpoint of your victim and realize the responsibility offenders have to apologize and make reparations.
- Session 4: Make your own atonement plan.

### **C. The Procedure of the Programme**

At the initial interview at the beginning of the probation/parole supervision period, the probation officer shall explain the content and the procedure of the programme to the offender. The probation officer shall specify when to start the programme and include it in the treatment plan. The probation officer decides when to start the programme taking into account the treatment given in the correctional facilities and the current work and educational situation of the offender, etc. Both professional and volunteer probation officers can deliver the programme, which is conducted on a one-to-one basis.

After starting the programme, the probationers/parolees must complete one session each month. The probationers/parolees must finish their homework every session and discuss it with the probation officer and volunteer probation officer.

### **D. Implementing the Atonement Plan**

When carrying out the Atonement Plan made by the probationer/parolee in Session 4 of the programme, the probation officer or volunteer probation officer gives guidance or advice to the probationer/parolee to be careful with the victim's feelings and to make sure that the victim is ready to receive the offender's apologies or reparation.

### **E. Points to Consider**

- (i) The probation officer or volunteer probation officer must be careful not to divulge the victim's information without consent.
- (ii) When delivering the programme, the probation officer or the volunteer probation officer shall explain the programme to the parents or guardians of the juvenile in order to gain their co-operation.
- (iii) When parolees have already participated in a victim awareness programme in a juvenile training school, the probation officer or volunteer probation officers must be consistent with the guidance given by the tutors of the juvenile training school.

### **F. The Actual Practice of the Programme**

From March to September 2007, 36 juvenile probationers and 31 juvenile parolees nationwide participated in this programme.

## **V. THE VIOLENCE PREVENTION PROGRAMME**

From 2008, the Rehabilitation Bureau will introduce the new Violence Prevention Programme to all Probation Offices. I took part in the Rehabilitation Treatment Programme Research Board hosted by the Rehabilitation Bureau, and was involved in developing the programme for violent offenders. Since this programme has not yet been implemented, it is still a little early to reference it; however, as it is a new challenge to cope with violent offenders, I would like to refer to the outline of this programme.

### **A. Basic Theory of the Programme**

The basic theory of the programme is cognitive-behavioural therapy, in particular, anger management methods and the relapse prevention theory.

#### **1. What is Cognitive-Behavioural Therapy (CBT)?**

CBT has been chiefly used as the background theory of this programme. Sakano (1995), defines cognitive-behavioural therapy as follows: "A structured therapy that focuses on the individual's behaviour and cognition, planned to solve behavioural problems and physical problems rationally, and the process of a teaching method of problem solving and self control based on self-understanding." In other words, concerning a certain problem of an individual, we must understand the circumstances they are in, and then structurally understand their self cognition, behaviour, emotions, and physical reaction. Secondly, the

client must be made to comprehend the mechanism by which their problem occurs to facilitate their self-understanding.

By identifying the factor which perpetuates the problem or by searching for an easier way to solve the problem, the client learns the problem solving method, and determines the particular target using behaviour-modification and cognitive reframing, which results in solving the problem.

## 2. Use of CBT in Probation in Japan

Although CBT is a relatively new treatment theory in the history of clinical psychology, its development has nevertheless been remarkable. Its original objects were depression, obsessive compulsive disorder, panic disorder, PTSD, anxiety disorder, and schizophrenia, etc. In the 1980s and 1990s the judicial institutions, such as correctional services or probation services, in North America and Britain started using CBT as a treatment for offenders. For instance, from the 1990s, the Probation Service of the UK developed and practiced many evidence-based CBT treatment programmes for many types of offending behaviour. They named this policy the "What Works Initiative" and rolled out these programmes to all the probation offices throughout the UK (Takushima (2002)).

In Japan, some probation officers have attempted to utilize CBT individually with the probationers/parolees in their charge. However, in 2005, the Correctional Bureau and the Rehabilitation Bureau jointly set up the Sex Offender Treatment Programme Research Board, organized by outside psychologists and psychiatrists etc., and developed a sex offender treatment programme, for use in both prison and probation, based on CBT. This means that CBT has nationally and systematically become one important option in our probation/parole treatment. (Sex Offender Treatment Programme Research Board (2006)).

Following the sex offender treatment programme we decided to develop and introduce a programme targeted at violent offenders, using CBT as the basic theory.

## 3. Essential Principles of CBT

According to Ito (2005), there are six essential principles in CBT as follows.

- (i) It uses a basic model to understand the client.  
It is assumed that therapists must understand the client's experience using the basic model prepared for each programme.
- (ii) It uses co-operative positivism.  
The counsellor and the client will form a team and work together from an empirical viewpoint, which is different from traditional counselling where we expect the counsellor and the client to face each other. (Communications in CBT will not be of a "listen to" type, rather the counsellor and the client will interact.)
- (iii) It is problem solving oriented.  
The focus is applied to resolving "here-and-now problems". It doesn't mean that the method doesn't address the past, for instance, the counsellor listens carefully to the client's experiences of their infant stage and past trauma, and handles it by asking, "How does it influence the present problem?"
- (iv) It values psycho-education, and assumes as a consequence the client's self-treatment and self-counselling.
- (v) The procedure of the whole programme and each session is structured.
- (vi) It specifies the particular target of the counselling, and makes use of the package of various skills to achieve the target.

## 4. Anger Management

Anger management is a system of psychological therapeutic techniques and exercises based on the CBT framework mentioned above. It provides information on the nature of anger and coping skills for dealing with the emotion. It uses cognitive-reframing, behaviour-modifying and skill acquisitions to control anger.

Honda (2007) explains that anger is the impulsive energy derived from various chaotic feelings, and explains that anger management is to develop a consciousness of the process of accumulating anger and an appropriate method of resolving the problem. Honda also assumes that the object of anger management is not to endeavour not to be angry but to notice feelings of anger and to control those feelings using one's

mind, while acquiring the skill to express one's feelings.

#### 5. Relapse Prevention Theory (RP)

RP theory, known as one realm of CBT therapy, is proposed by Marlatt and Gordon in the field of addiction, such as alcohol and drug abuse. RP has been adapted to various types of behaviours which can be seen as addiction, including aggression. RP theory for violent offenders aims to have the client acquire particular skills to avoid violence. It does this by specifying an "early warning sign" and a "high risk situation" that increases one's distorted cognitions or inappropriate behaviour which results in violence. RP teaches the offender to notice physical reactions and his or her behavioural tendencies when they encounter an "early warning sign" and a "high-risk-situation" and helps them to acquire useful skills to extricate themselves from those situations.

### **B. Offenders Appropriate for the Programme**

The violence prevention programme (VPP), based on the theories mentioned above, is suitable for the offender whose violence has close relations with his or her poor emotional control, immaturity in emotional expression, or immature communication skills.

On the other hand, is the VPP is not regarded as appropriate for those who have acquired the peculiar thinking style or behavioural style of organized gangs (*yakuza*), or those who carefully, artfully uses violence as means of accomplishing of their objective. The programme is not effective with such offenders.

Moreover, because this programme urges intellectual understanding through language, an offender with intellectual disability (LD) must be individually evaluated to decide whether or not he or she can understand the ideas of this programme.

### **C. Assessment**

The assessment before starting the programme is crucial to its effective delivery. Not only is selecting the right person for the programme vital, but by pointing out where and how serious the offender's problem is, you can also clarify which element of the programme requires focus, and can make use of the result of the assessment when practicing the programme.

As risk assessment tools for violent offenders, STAXI and HCR20, both developed in North America, are well known. In the rehabilitation services of Japan, according to the proposal of the Board mentioned above, probation officers are given the opportunity to take the training course for using HCR20 during their professional training. Although the use of HCR20 is not compulsory in the rehabilitation services, it is recommended before starting the VPP programme.

### **D. Programme Procedure**

This programme will be practiced on a one-to-one basis in Japan. Similar programmes for violent offenders are usually delivered in groups in prisons and probation offices in North America and the UK, etc., because it is assumed to be effective to deliver these programmes in groups, making best use of the group dynamics and the mutual communication of the programme participants to come upon their own cognitive distortions. However, in the probation offices of Japan, it was assumed that it would be very difficult to adjust the schedules of probationers/parolees who go to work or school, and there was anxiety about probationers/parolees acquiring further problematic traits or forming new delinquent friendships through group sessions. Finally, probation officers in Japan are not used to group therapy.

### **E. Content of the Programme**

#### 1. Necessary Elements of the Programme

According to the report of the Board mentioned above, there are four necessary elements for a programme for violent probationers/parolees.

- (a) Analysis of their own problem  
It is necessary to make the participant thoroughly and precisely analyse their environment, situation, ideas, feelings, and body when they feel anger and behave violently.
- (b) Psycho-education and knowledge  
It is necessary to make the participant understand intellectually why the state referred to above in

- (a) happens and teach the participant how to avoid using violence.
- (c) Particular behavioural training  
It is necessary to make the participants practice the particular skills repeatedly and acquire the skills that they learned intellectually in (b) mentioned above.
- (d) Self monitoring  
It is necessary to make the participants use the skills they have learned to avoid violent behaviour in their daily lives, and to teach them to check that they are using the right skills.

## 2. Composition of the Programme

The composition of the programme is as follows. The session contains the elements mentioned in 1 above. We referred to the content of the violence prevention programmes in other countries, mainly the VPP programme used in Canada. The programme requires the offender to do the following.

- (a) Introduction: Look back over your own offence  
Through looking back over the participant's own offence in detail, including the damage caused to the victim, the offender must sincerely acknowledge their own offence and strengthen his or her determination not to use violence again. They must also be motivated to attend the programme.
- (b) Session 1: Violence Analysis  
Through analysing your violent behaviour in three stages: event, idea, and consequences, learn that an event or situation which arouses anger does not always result in violence. This means that you can control yourself and refrain from violence.
- (c) Session 2: Attitude Modification  
Understand that even if the trigger occurs, if you have attitudes that do not lead you to violence, your behaviour will change accordingly. Modify your thinking patterns from that of a violence-inducing-attitude to a violence-avoiding-attitude.
- (d) Session 3: Violence "Danger Signals"  
Specify the events or ideas that could be a trigger to violence, or a bodily reaction that informs you of rising stress, causing you to become angry easily, and signalling you to become violent. After specifying your own "danger signals", repeatedly practice the coping skills you have learned to lessen or eradicate the signal and acquire coping skills that are useful and appropriate for you.
- (e) Session 4: Improve Interpersonal Skills  
Use role-plays to observe your own behaviour and communication style objectively by adopting the perspective of other persons. Learn the appropriate ways to express your feelings, and how to communicate with others without using violence.
- (f) Session 5: Relapse Prevention Plan  
Using all the knowledge, information and skills you've learnt through this programme, build a relapse prevention plan which includes your "danger signals" and effective coping skills.  
To end the programme, motivate the participant that it is important to carry out their own relapse prevention plan in order not to reoffend in the future.

## **F. Problems in Effective Practice of the Programme**

The violence prevention programme of Canada shows a 16% reduction in the reconviction rate of middle-risk offenders, and a 30% reduction in the reconviction rate of high risk offenders (Correctional Bureau BC 2005).

We have only very little pilot practice of this programme in Japan, so we cannot refer to the effectiveness of the programme developed by the Japanese rehabilitation services. We must continuously monitor the programme, and try to clarify both its effects and limitations. We must improve and modify the programme based on empirical data.

### 1. Improving the Skill of Probation Officers

Improving the practical skills of the probation officers who will implement the programme is indispensable. It is necessary to provide training for the skills required in the programme, besides understanding the theory of CBT. Anger management skills, relaxation skills, behavioural training, and role-play methods are relatively new for probation officers. Training courses for these skills should be required for probation officers.

2. Obligatory Attendance

At present, there are no plans to designate this programme as a special condition for probationary supervision for juvenile probationers/parolees. The number of juvenile probationers/parolees attending this programme voluntarily is estimated to be quite low.

However, recently, the Rehabilitation Bureau has been instructing probation officers to supervise serious violent juveniles directly, without the support of volunteer probation officers. Therefore, it is expected that probation officers will use the VPP programme for the treatment of serious violent juvenile offenders who are placed under their direct supervision so that they can establish regular direct contact with the offenders.

**VI. CONCLUSION**

As I have shown above, the Rehabilitation Bureau has just introduced two new programmes which are expected to be effective in the treatment of violent offenders.

I must emphasize here that even after these programmes have been introduced, the traditional style of Japanese probationary supervision, namely, probation officers and volunteer probation officers working together, observing the daily lives of probationers/parolees by means of one-to-one interviewing, visiting their families, and intervening quickly when problems occur, will continue as the basic method of probation treatment in our country.

Particularly important is treatment to adjust the daily lifestyle of violent juvenile offenders who mostly lead unhealthy and unwholesome lives, e.g., loitering outdoors at night with their delinquent friends, coming home only several times a week, etc. I would say that the volunteer probation officers living in the juveniles' neighbourhoods, observing them very closely, and interviewing them frequently have a significant influence on them.

Moreover, as I mentioned in section II above, many juveniles commit violent offences in groups. To deal effectively with gangs of local youths, co-operation between probation officers, junior high schools and/or local police stations can be effective, based on past experience.

I suppose the effectiveness of these new programmes depends on how probation officers will combine these new structured programmes with the traditional methods of our community-based practices.

Rather than replacing our traditional Japanese rehabilitation system, I imagine that these new programmes will instead be effective in strengthening it.

**REFERENCES**

- Ministry of Justice (2006) Annual Report of Statistics on Rehabilitation for 2006
- Research and Training Institute, Ministry of Justice (2005) White Paper on Crime 2005 –Juvenile Delinquency–
- National Police Agency (2004) 警察庁「少年非行等の概況」平成16年1月～12月
- National Police Agency (2008) 警察庁「少年非行等の概況」平成19年1月～12月
- Osaka Family Court Sakai Branch (2006) 粗暴少年に対する保護的措置「家裁調査官研究紀要 第7号」平成20年2月
- Sakano (1995) 坂野雄二「認知行動療法」日本評論社（1995）
- Takushima (2002) 多久島晶子英国における一般的犯罪行動プログラム「犯罪と非行」
- Sex Offender Treatment Programme Research Board (2006) 性犯罪者処遇プログラム研究会「性犯罪者処遇プログラム研究会報告書」（2006年3月）
- Ito (2005) 伊藤絵美「認知療法, 認知行動療法カウンセリング初級ワークショップ」星和書店（2005）
- Honda (2007) 本田恵子「キレイやすい子へのソーシャルスキル教育教室でできるワーク集と実践例」ほんの出版
- Correctional Bureau of Canada (2005) Violence Prevention Program Evaluation with Community and Custody Sentenced Group
- Rehabilitation Treatment Programme Research Board (2008) 更生保護処遇プログラム研究会「更生保護処遇プログラム研究会報告書」（2008年3月）日本更生保護協会