

GROUP 2

MEASURES TO STRENGTHEN ‘COMMUNITY REINTEGRATION FACTORS’ OF OFFENDERS WITH ADDICTION OR DIFFICULT PERSONALITY PROBLEMS

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I. INTRODUCTION

The effective resettlement of offenders remains a general concern for all participating countries, with particular reference to strengthening community reintegration factors, because the community remains a key factor in the entire criminal justice process.

The fundamental goals for each criminal justice system, despite the diversities in each country, are *inter alia*, to achieve public safety and reduce recidivism.

Though discussions herein are governed by evidence-proven factors for effective community reintegration, which include accommodation, employment, education, drug and alcohol addiction treatment, adequate finances, family relationships, and addressing personality problems, our focus is mainly on offenders with addiction or personality problems.

The agenda of our discussions included:

- Challenges affecting measures to strengthen community reintegration factors of offenders with addiction or difficult personality;
- Existing measures or good practices that should be strengthened; and
- Suggested measures.

II. CHALLENGES AFFECTING MEASURES TO STRENGTHEN COMMUNITY REINTEGRATION FACTORS OF OFFENDERS WITH ADDICTION OR DIFFICULT PERSONALITY PROBLEMS

It was acknowledged that the flow of the criminal justice system of participating countries is diverse. However a consensus was reached to group procedures into the following five stages:

- Investigation
- Prosecution
- Adjudication
- Institutional corrections/prisons
- Community corrections, which include probation, parole and aftercare services.

¹ Ms. Lee left UNAFEI for official reasons on 9 June; she did not participate in the discussions after that date.

A. Investigation Stage

It was agreed that in most countries, reintegration is not a priority at this stage. However, investigation facts form a basis for assessment and further rehabilitation and effective reintegration of offenders. Therefore, fact finding should be solid in the investigation stage.

The offender at this stage is vulnerable as no particular attention is provided for difficult personality or addiction.

B. Prosecution Stage

Public prosecutors are not legally empowered to apply non-custodial measures in some of the represented states.

It was noted that in some countries the police undertake both the arresting and prosecution roles, while in others they play a complimentary role to prosecution.

This lack of clear legal mandate and undefined linkage does not allow for specific consideration of offenders with addiction or personality problems.

C. Adjudication Stage

There was a general agreement that there were several non-custodial dispositions available to facilitate reintegration at this stage. These include: verbal sanctions, conditional discharge, economic sanctions, confiscation, restitution, suspended sentence, probation and judicial supervision, and community service orders.

However some countries lack the legal provisions to apply all non-custodial measures, so opportunities to consider community reintegration for offenders with personality problems are insufficient.

In some of the participating countries there is a lack of clear guiding sentencing policy and the judge has the discretion to determine the sentence with or without the need for a pre-sentence report. This therefore does not guarantee that offenders with addiction or personality problems would be appropriately identified or given any consideration.

D. Institutional Corrections Stage

This stage includes the programmes provided in prisons, juvenile reformatory centres and treatment centres.

There is a general lack of effective assessment tools at intake that would adequately identify offenders with addiction or personality problems and classify them accordingly.

It was also noted that pre-release assessment is not undertaken thus creating a gap in through-care and community reintegration. This hampers proper professional follow-up on the treatment process and effective supervision.

Other barriers to community reintegration include:

- Lack of evidence-based treatment programmes that would adequately address the criminogenic needs and risks of an offender with addiction or personality problems;
- Continued gang loyalty among offenders in prisons interferes with their acceptance of and attitude towards programmes offered. As a result the offenders are not motivated to fully engage in the programmes as provided;
- Overcrowding, resulting in lack of individualized attention, especially for addicts and sex offenders. This leads to contamination of lower risk offenders and sometimes even abuse;
- Drug abuse continues within the prisons of some states and the cycle of addiction persists/continues;
- Lack of adequate resources and skilled personnel to deliver the programmes.

E. Community Corrections Stage including Probation, Parole and Aftercare Service

- Some of the member states lack legal backing for community corrections measures, and hence have no provisions for community reintegration;
- It was observed that information sharing amongst partners within the criminal justice system is limited and this hampers appropriate intervention or treatment when an offender is released. Consequently there is overlap in treatment and difficulties in supervision. This is detrimental for effective reintegration of the offender, particularly those with personality problems;
- High risk offenders may not always secure accommodation and are thus not easy to supervise when released and are therefore prone to recidivism;
- Lack of appropriate professional skills among service providers within the criminal justice system;
- Halfway houses are few and where they exist, they offer accommodation for a relatively small percentage of selected offenders. The offenders are offered accommodation for a limited period which may not be sufficient for offenders with personality problems or addiction. Some halfway houses are run solely by the government while others are run by the private sector though supported by government.

F. Partnership or Collaboration with other Agencies within or outside the Criminal Justice System

In most of the participating countries the private sector is yet to be encouraged into co-operation or partnership. This, accompanied with the general punitive community, is a great challenge to community reintegration resulting in stigma and discrimination.

G. Regulatory Framework Systems and Human Resources

It was observed that the concept of offender treatment and consequent community reintegration is not statutory in some of the participating countries and where it is, clear policy guidelines and their implementation are lacking.

Financial and skilled human resources constraints remain a challenge.

H. Corruption

In some countries offenders buy their release and can access drugs and other substances, etc. regardless of the gravity of the offence, risk of recidivism and community perception.

This has injured public confidence in the benefits of community reintegration of offenders.

III. EXISTING MEASURES AND GOOD PRACTICES THAT SHOULD BE STRENGTHENED

It was observed that there are existing good practices and measures in some states that should be institutionalized and strengthened. Some of these are:

- **Diversion:** in one of the participating countries the prosecution service is legally mandated to suspend prosecution if appropriate and thus promote early reintegration through diversion. The decision to suspend prosecution must be taken with consideration for the facts of the offence, the circumstances of the offender, such as repeat offence, family support and personal history, including the risk of recidivism. Besides this, diversion also covers the application of proper trial procedure which includes powers to choose full, summary or instant trial;
- Medical prisons that accommodate drug addicts presenting with personality and mental disorders;
- Established units for family overnight visits;
- The concept of voluntary probation officers who live in the same community as offenders and thus have more contacts with them and can offer intensive/closer supervision;
- Victim attention to restore or enhance relationships between the offender and the community. Involvement of the victim is important because the offender has an opportunity to understand the victim's feelings and take responsibility for the offence, be remorseful and make reparations;
- Victim participation during the trial is allowed to have them articulate their feelings and hurt. In one country, the offender while incarcerated is allowed to send monetary support to the victim's family;
- Compensation of the victim is considered a component of the entire criminal justice system and may

be included as appropriate if it is a condition. However this remains tricky and may be limited to certain or few cases;

- Compensation value is determined at the end of the trial process and in some cases is the basis of consideration for parole.

**IV. SUGGESTED MEASURES TO STRENGTHEN COMMUNITY
REINTEGRATION FACTORS FOR OFFENDERS WITH ADDICTION
AND PERSONALITY PROBLEMS**

- Criminal justice systems within the participating countries should comply with established international standards such as the UN Standard Minimum Rules for the Treatment of Prisoners, UN Standard Minimum Rules for Non-Custodial Measures (Tokyo Rules) and the UN policies on drugs and crime prevention. The implementation of legal reforms would facilitate the adoption of relevant good practices;
- Governments should introduce and establish regulatory systems for partnership and collaboration that clearly spell out the roles of partners and ensure the integrity of services and programmes delivered;
- Rehabilitation treatment programmes should be domesticated to make appropriate consideration of the offender's intelligence level (IQ) and ability to understand;
- Institute holistic assessment of offenders to facilitate appropriate classification and treatment, especially for offenders with difficult personalities or addiction;
- Enhance human resources and capacity of staff in the entire criminal justice system, through continuous training, to ensure and sustain the delivery of rehabilitation treatment programmes;
- Establish information sharing systems and a common database to ensure flow of appropriate information regarding the offender. Information is the foundation of corrections and treatment, especially for offenders with addiction or personality problems;
- Improve linkages between partners of the criminal justice system to facilitate continuity of 'through-care', enforce aftercare and sustain a seamless system;
- A pre-sentence report can be useful for offenders with addiction or personality problems. A comprehensive pre-sentence report provides information on the offender's background or family history, his or her peers and neighbourhood and other factors related to the offence. This is important for reintegration;
- Create or establish problem oriented courts, such as drug courts, to handle offenders with drug addiction;
- Employ stringent measures to curb supply of drugs and substances in prisons or institutional corrections and establish regular urine testing;
- Government and criminal justice partners should identify potential private partners and develop their capacity to understand their role towards offenders. Where possible encourage the establishment of community-based or faith-based groups to facilitate reintegration, such as Volunteer Probation Officers, halfway houses, self-help groups, co-operative employers and other private organizations. The co-operative employer should be given subsidies to cushion damages by the ex-offender as appropriate;
- Establish linkages among central government agencies and other levels.
- The criminal records of the ex-offender, where appropriate, should be eliminated or protected and not used against him or her as an obstacle to employment and reintegration, especially where there is no recidivism;
- The government should promote community sensitization to gain and maintain community support and dispel prejudice and stigma against offenders;
- The community should be involved in all stages of the criminal justice system, where appropriate; from reporting of crime right through the prosecution, trial, adjudication, and corrections (both institutional and community);
- Introduce combined sentences where possible such as electronic monitoring, weekend imprisonment and night-time imprisonment for low risk offenders;
- Restorative justice that involves the community and victims is important to facilitate community reintegration. This encompasses both the individual or particular victim and the community or society and makes the offender not only aware of his or her offensive behaviour but also take responsibility for it.

V. CONCLUSION

Effective resettlement of offenders with addiction or difficult personality entails a systematic implementation of legal frameworks with comprehensive social support that involves central government and other levels of government, criminal justice partners, private enterprises and the community.