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INTRODUCTORY NOTE

It is with pride that the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI) offers to the international community the Resource Material Series No. 84.

This volume contains the Annual Report for 2010 and the work produced in the 147th International Senior Seminar, conducted from 13 January to 10 February 2011. The main theme of the 147th Seminar was “Community Involvement in Offender Treatment”.

Community involvement is an important element of both institutional and community-based treatment of offenders. Detained offenders will sooner or later return to society. In order to smoothen the reintegration process and to make it sustainable, it is essential that offenders are provided with an opportunity to achieve economic independence and with a motivation to reintegrate.

The core elements of economic independence are a secure job and accommodation. As government or correctional authorities cannot directly provide these elements, this responsibility has to be shared with the community.

Similarly, measures to encourage offenders and keep them motivated throughout the process of reintegration are also essential, yet rehabilitation and social reintegration can take a substantial period of time, and hardships are to be expected. As families, friends, and colleagues can provide help and prevent offenders from becoming mentally isolated, restoring such relationships, or building new ones, will be a very effective crime prevention measure. Support from self-help groups and volunteers can serve similar functions, and measures to enhance their involvement are also worthy of consideration.

The advantages of community involvement are not limited to facilitating the reintegration process. Many of the correctional programmes and interventions, in both institutional and community-based settings, can be administered more effectively and efficiently with help from the community.

For example, the involvement of business entities in vocational training provided in prisons can increase the relevance of these programmes, updating their content and responsiveness to market needs, and in turn enhancing the employability of offenders.

NGOs, individual experts and volunteers may have more experience and expertise in dealing with particular types of offenders or offender needs, and therefore may be able to make a substantial contribution to their rehabilitation, such as via drug and alcohol addiction programmes, for example.

Other advantages can be derived from the participation of private enterprises in the administration of correctional institutions. They may have creative ideas and business know-how, otherwise unavailable to prison authorities, that can result in substantial cost-savings.

The importance of community involvement in offender treatment has long been recognized and repeatedly mentioned in various standards and norms of the United Nations, including the United Nations Basic Principles for the Treatment of Prisoners and the United Nations Standard Minimum Rules for Non-Custodial Measures (The Tokyo Rules). More recently, the Workshop on “Strategies and Best Practices against Overcrowding in Correctional Facilities”, organized by UNAFEI in the framework of the Twelfth United Nations Congress on Crime Prevention and Criminal Justice (Salvador, Brazil, April 2010), discussed and examined various measures against prison overcrowding such as diversion, sentencing alternatives to imprisonment, and early release programmes. The Workshop agreed that the co-operation and understanding of the community were essential in implementing these measures, and reflected these sentiments in the Workshop’s recommendations.

However, engaging the attention of the community and enhancing their involvement in the treatment of offenders is not an easy task. General fear of crime, aversion to offenders, and indifference are some major obstacles to be addressed. Creating incentives for businesses to employ offenders, and

providing them with coverage for potential financial loss caused by their reoffending, may have to be considered as well. Moreover, a framework within which the government and the community can create a partnership has to be established.

In order to achieve these goals, governments need to develop strategies to promote their communities' understanding that: 1) many offenders are willing to make good-faith efforts to re-enter society; and that 2) the ultimate beneficiary of successful offender rehabilitation is the community itself because it will achieve the important criminal justice goal of reducing crime.

UNAFEI, as one of the institutes of the United Nations Crime Prevention and Criminal Justice Programme Network, held this Seminar to explore various issues that relate to community involvement in the treatment of offenders.

In this issue, in regard to the 147th International Senior Seminar, papers contributed by visiting experts, selected individual presentation papers from among the participants, and the Reports of the Seminar are published. I regret that not all the papers submitted by the participants of the Seminar could be published.

I would like to pay tribute to the contributions of the Government of Japan, particularly the Ministry of Justice, the Japan International Cooperation Agency, and the Asia Crime Prevention Foundation for providing indispensable and unwavering support to UNAFEI's international training programmes.

Finally I would like to express my heartfelt gratitude to all who so unselfishly assisted in the publication of this series; in particular, the editor of Resource Material Series No. 84, Ms. Grace Lord.

July 2011



Masaki Sasaki
Director, UNAFEI

PART ONE
**ANNUAL REPORT
FOR 2010**

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UNAFEI

MAIN ACTIVITIES OF UNAFEI (1 January 2010 - 31 December 2010)

I. ROLE AND MANDATE

The Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI) was established in Tokyo, Japan in 1961 pursuant to an agreement between the United Nations and the Government of Japan. Its goal is to contribute to sound social development in Asia and the Pacific region by promoting regional co-operation in the field of crime prevention and criminal justice, through training and research.

UNAFEI has paid utmost attention to the priority themes identified by the Commission on Crime Prevention and Criminal Justice. Moreover, UNAFEI has been taking up urgent, contemporary problems in the administration of criminal justice in the region, especially problems generated by rapid socio-economic change (e.g., transnational organized crime, corruption, economic and computer crime and the reintegration of prisoners into society) as the main themes and topics for its training courses, seminars and research projects.

II. TRAINING

Training is the principal area and priority of the Institute's work programmes. In the international training courses and seminars, participants from different areas of criminal justice discuss and study pressing problems of criminal justice administration from various perspectives. They deepen their understanding, with the help of lectures and advice by the UNAFEI faculty, visiting experts and ad hoc lecturers. This so-called "problem-solving through an integrated approach" is one of the chief characteristics of UNAFEI programmes.

Each year, UNAFEI conducts two international training courses (six weeks' duration) and one international seminar (five weeks' duration). One hundred and forty nine government officials from various overseas countries receive fellowships from the Japan International Cooperation Agency (JICA; an independent administrative institution for ODA programmes) each year to participate in all UNAFEI training programmes.

Training courses and seminars are attended by both overseas and Japanese participants. Overseas participants come not only from the Asia-Pacific region but also from the Middle and Near East, Latin America and Africa. These participants are experienced practitioners and administrators holding relatively senior positions in criminal justice fields.

During its 49 years of existence, UNAFEI has conducted a total of 146 international training courses and seminars, in which approximately 3,521 criminal justice personnel have participated, representing 117 different countries. UNAFEI has also conducted a number of other specialized courses, both country and subject focused, in which hundreds of other participants from many countries have been involved. In their respective countries, UNAFEI alumni have been playing leading roles and holding important posts in the fields of crime prevention and the treatment of offenders, and in related organizations.

A. The 144th International Senior Seminar

1. Introduction

The 144th International Senior Seminar was held from 12 January to 9 February 2010. The main theme was "The Enhancement of Appropriate Measures for Victims of Crime at Each Stage of the Criminal Justice Process". In this Seminar, 14 overseas participants, seven Japanese participants and two Japanese observers attended.

2. Methodology

Firstly, the Seminar participants respectively introduced the current position regarding the role and function of criminal justice agencies in their country in regard to the main theme. The participants were then divided into three group workshops as follows:

Group 1: Measures for Victims of Crime at Each Stage of the Criminal Justice Process with Special Attention to Victims of Sex Crimes/Child Victims

Group 2: Measures for Victims of Crime at Each Stage of the Criminal Justice Process with Special Attention to Victims of Violent Crime, including Homicide

Group 3: Measures for Victims of Crime at Each Stage of the Criminal Justice Process with Special Attention to Victims of Organized Crime

Each Group elected a chairperson, co-chairperson(s), a rapporteur and co-rapporteur(s) in order to facilitate the discussions. During group discussion the group members studied the designated topics and exchanged views based on information obtained through personal experience, the Individual Presentations, lectures and so forth. Later, Plenary Meetings were held to discuss the interim outline of the Group Workshop reports and to offer suggestions and comments. During the final Plenary Meetings, drafts of the Group Workshop reports were examined and critiqued by all the participants and the UNAFEI faculty. Based on these discussions, the Groups further refined their reports and presented them in the Report-Back Sessions, where they were endorsed as the Reports of the Seminar. The full texts of these Reports are published in UNAFEI Resource Material Series No. 81.

3. Outcome Summary

(i) Measures for Victims of Crime at Each Stage of the Criminal Justice Process with Special Attention to Victims of Sex Crimes/Child Victims

Group One discussed the following issues with reference to their respective countries' experiences: (i) Collection/reception of evidence; (ii) Preservation of evidence; (iii) Improvement of Line Agencies Co-operation; (iv) Providing for the safety and wellbeing of victims.

The group reached a consensus regarding the recommendation of possible countermeasures in the investigation up to the trial stage to protect victims of sex crime, specifically rape.

1. Giving special consideration to the mental and physical needs of victims:

- Development of system/organization (an intake or emergency centre) dealing with medical, social, welfare and psychological needs, and the collection and preservation of evidence, including:
 - (i) Special sections for crime victims in police stations;
 - (ii) The establishment of a One-Stop support centre;
 - (iii) Collaboration with other concerned organizations: such as hospitals, NGOs, police offices, etc.;
 - (iv) Training line agencies' personnel as part of a collaborating mechanism.
- Development of guidelines on investigation methods such as collection of evidence, preservation of evidence, or interview.
- Core-group training among police officers (based on a training of trainers programme) on proper criminal investigation, which includes re-training in basic aspects of investigation as well as the following:
 - (i) Social measures;
 - (ii) Medical measures;
 - (iii) Psychological (mental and emotional) measures;
 - (iv) Religious/community measures (if need be).

2. Providing awareness and enlightenment programmes for vulnerable groups:

- Information dissemination:
 - (i) Raising the awareness of students by police officers and teachers;
 - (ii) Raising the awareness of the community, especially parents, by public health professionals or other officials;

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- (iii) General awareness raising and dissemination of information through the mass media.
3. Allowing for protection of privacy and dignity of victims:
 - Creation of special police units or stations designed for handling sex offences in which the majority of officers are female;
 - Non-disclosure of basic information which would reveal the identity of victims (such as name, address and nationality);
 - Behaviour modification of personnel who come in contact with victims directly in the criminal justice system.
 4. Rendering professional (including psychological) protection and services for crime victims by the State;
 5. Notifying victims and/or immediate family members (when they are not perpetrators) of the status of the case at every stage of the criminal justice process;
 6. Establishing legal frameworks for victim protection and for participation in judicial procedure (including providing the opportunity to make a victim impact statement);
 7. Developing victim advocate programmes for the community. A victim advocate may be one who volunteers to provide:
 - Legal support;
 - Liaison between agencies, etc.;
 - Case process monitoring;
 - Escorting of victims to the police station and to court;
 - Psychological support.

(ii) Measures for Victims of Crime at Each Stage of the Criminal Justice Process with Special Attention to Victims of Violent Crime, including Homicide

Group Two participants identified five major needs of the victims of violent crime including homicide:

The financial need of such victims; then the psychological need of such victims; the physical safety of the victim; access to information; and finally available facilities for medical treatment. The group discussed existing legal and regulatory frameworks specifically for victims, where such exist, in the participating countries.

They considered the treatment of victims at the investigation stage of the criminal process, including the ability of first responders to relate well to victims and to develop a bond of trust and confidence. The participants felt that such ability was lacking in many of their countries.

The group likewise considered measures for victims at the prosecution stage, as well as alternative methods of dispute resolution in addition to formal prosecution. They sounded a note of caution about the quality of justice rendered under certain historical methods of dispute resolution.

In most of the represented countries, with the exception of Japan, a codified mechanism for presenting the views and concerns of victims is lacking. In Japan, the victim is consulted in the case of probation and parole. The victim has also the right to express his or her grievances at the trial stage and also in the victim impact statement.

The issue of compensation and restitution was thoroughly discussed by each participant.

Finally, most of the participants agreed that there is a misconception in many countries that the role of victim is finalized at the sentencing stage when in fact there are many issues in the post-sentencing stage which are directly related to victims of crime.

After the comprehensive discussions, the following recommendations were made.

1. Each state may establish a separate national institution responsible for planning and execution of national victim policy.

2. There is need for specific laws providing for victims' rights to information, compensation and restitution and other allied services.
3. Each state should create a victim support fund for all categories of victims of crime, but especially for women and children. Those states with the requisite financial resources are recommended to institute a system of fine surcharge; some percentage of fines collected from offenders must be added to the victim support fund.
4. Each state may incorporate victim impact statements in its criminal justice system.
5. General practitioners should receive training in issues which commonly arise in dealing with victims, and advanced training should be mandatory for specialized units, such as those dealing with crisis interventions.
6. There must be proper infrastructure and systems to provide information to crime victims, including separate offices and facilities.
7. The information-gathering procedure should be simplified with the provision of a "one-stop shop" service for crime victims.
8. The nation state must establish a balance between offenders' and victims' rights at each stage of the criminal justice process, without prejudice the rights of suspects or offenders.
9. Each state must inculcate sensitivity to the rights of victims in its national educational policies.
10. The media should avoid secondary victimization of crime victims by adhering to international codes of ethics for media practitioners.
11. Communities should be involved in victims' issues through awareness, motivation and participation campaigns.
12. Each state may encourage public-private partnerships for victim support.
13. Research on victims' concerns should be both governmental and academic, and modifications in the criminal justice system can be undertaken in view of given policy recommendations. Independent sources within each state should undertake a national survey of crime victims.
14. States should focus on the 3Ms Formula: man, material and method. Capacity building of human resources, separate infrastructure and modified procedure and practice will lead to a fairer and more just system for victims of crime.

(iii) Measures for Victims of Crime at Each Stage of the Criminal Justice Process with Special Attention to Victims of Organized Crime

Group Three participants considered this topic with particular reference to human trafficking and recommended both short-term and long-term measures. The group discussed: the current situation with regard to the treatment of victims of human trafficking in participating countries; and measures and counter-measures in place to alleviate the sufferings of victims of human trafficking.

Japanese participants were of the view that Japan could be a destination country for the victims of human trafficking, and that amidst growing global concern regarding the issue, the Japanese government should adopt a proactive approach in order to identify the victims thereof in Japan and provide them with necessary assistance before their respectful deportation to their countries of origin. The group shared the concern that the trafficked persons, when detained in transit or destination countries, are, invariably, treated as illegal residents (immigrants). They are subjected to the same kind of harsh and inhuman treatment that is meted out to the offenders, which make them victims of secondary victimization at the hands of law enforcement authorities.

The group unanimously agreed that existing laws are not sufficient to protect the victims and witnesses at all stages of criminal justice process with respect to organized crimes. Even if laws do exist, their enforcement is defective. The main emphasis of the law enforcement agencies is to arrest, prosecute and punish offenders (agents) of trafficking-related offences. Little attention is paid to the sufferings and plight of victims, particularly at the investigation stage, which renders them victims of secondary victimization. The group opined that new legislation was required which should be aimed at protecting the victims of this organized crime.

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The group made the following recommendations:

Short-term measures:

1. States should establish special units to protect victims of and witness to organized crime.
2. Criminal justice officials, especially investigators, should be sensitized to the suffering of victims of human trafficking.
3. Co-ordination and co-operation among various agencies and organizations, including NGOs, should be streamlined by a national commission for prevention of human trafficking.
4. Vulnerable groups should be targeted in awareness-raising campaigns which highlight the dangers to life and health caused by human trafficking.
5. Weak and vulnerable groups should in no way be treated as offenders. If and when detained, they should not be confined and should be afforded all possible material assistance and be informed of their rights.
6. Affected countries should post representatives on a reciprocal basis to liaise and oversee treatment provided in each country.

Long-term measures:

1. An administratively and financially autonomous national level committee should be established to ensure provision of immediate assistance to victims of organized crime, particularly human trafficking. The committee should address rehabilitation and restitution or compensation.
2. Best practices of treatment of victims should be replicated even if they do not relate specifically to victims of human trafficking.
3. A national committee for prohibition of human trafficking, comprising legislators, academics, intellectuals, representatives of I/NGOs and experienced criminal justice practitioners, should reassess existing anti-human trafficking laws and suggest amendments as necessary.
4. Countries of origin, transit and destination should maintain close co-ordination and should sign bilateral or multi-lateral MOUs to ensure that victims are treated with compassion and respect, even though they may be *prima facie* offenders.
5. These MOUs should provide for informal mechanisms of information-sharing to identify and protect victims of human trafficking.
6. Private sector participation should be ensured to extend social assistance to victims of human trafficking.
7. An independent national institute should be established to study victimology, with reference to human trafficking.
8. To compensate victims, governments should create a victims' fund from fines collected from all offenders.
9. Items recovered or confiscated from offenders should also be used to compensate victims.

B. The 145th International Training Course

1. Introduction

The 145th International Training Course was held from 12 May to 18 June 2010. The main theme was "Effective Resettlement of Offenders by Strengthening 'Community Reintegration Factors'". In this Course, 10 overseas participants, two international observers and eight Japanese participants attended.

2. Methodology

The objectives of the Course were primarily realized through the Individual Presentations and Group Workshop sessions. In the former, each participant presented the actual situation, problems and future prospects of their country with respect to the main theme of the Course. The Group Workshops further examined the subtopics of the main theme. To facilitate discussion, the participants were divided into two groups to discuss the following topics under the guidance of faculty advisers:

Group 1: Measures to Strengthen Community Reintegration Factors of Offenders with Difficulty in Finding jobs and Securing Accommodation and/or Establishing Social Relationships

Group 2: Community Reintegration Factors of Offenders with Addiction or Difficult Personality

The two groups elected a chairperson, co-chairperson(s), rapporteur and co-rapporteur(s) to organize the discussions. The group members studied the designated subtopics and exchanged their views based on information obtained through personal experience, the Individual Presentations, lectures and so forth. During the course, Plenary Meetings were held to discuss the interim outline of the Group Workshop reports and to offer suggestions and comments. During the final Plenary Meeting the drafts of the Group Workshop reports were examined and critiqued by all the participants and the UNAFEI faculty. Based on these discussions, the Groups further refined their reports and presented them in the Report-Back Sessions, where they were endorsed as the reports of the Course. The full texts of the reports are published in full in Resource Material Series No. 82.

3. Outcome Summary

(i) *Measures to Strengthen Community Reintegration Factors of Offenders with Difficulty in Finding jobs and Securing Accommodation and/or Establishing Social Relationships*

The group conducted its discussion in accordance with the following agenda: 1) Basic/common obstacles to the reintegration of offenders into society; 2) New approaches for effective resettlement of offenders in the different stages of criminal proceedings. The group agreed that the following four impediments were common to all countries in their attempts to reintegrate offenders:

1. Stigmatization
2. Overcrowded Prisons
3. Lack of Skills and Motivation
4. Economic Conditions.

Following its comprehensive discussions, which are detailed in full in Resource Material No. 82, some basic *conclusions* were agreed among the members of the group; these can be considered “common ground” between the countries and the basis of the results of the discussion.

Some legal systems of the countries represented inside the group pursue the punishment of offenders as a main objective whereas other countries focus on rehabilitation as the objective of the criminal system.

Methods for the treatment of offenders during their incarceration process and afterwards do exist and extensive experience has been gained in this regard. Differences in legal systems do not represent an unsurpassable obstacle for countries without these specific programmes to consider their adoption and adaptation to each one’s reality and characteristics.

Some countries lack reinsertion/rehabilitation specific programmes designed to provide offenders with basic needs upon their release from imprisonment and aimed at an effective decrease in recidivism, such as those provided in Hong Kong, Japan, Singapore and the United Kingdom, whose experience in this field can be traced back many years.

The group made the following recommendations:

Recommendations applicable to all stages of the criminal justice process:

The relevant authorities should:

1. Seek possible reintegration as early as possible.
2. Change the mindsets of staff members, inmates and the community.
3. Include re-education in the process of retribution.
4. Cultivate relationships or co-operation between all involved facilities.
5. Support suspects/accused/offenders in finding work and accommodation.
6. Create and/or utilize social resources.

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At the pre-adjudication stage, the relevant authorities should:

1. Impose non-custodial measures on first offenders.
2. Reinforce the role of the prosecution service, both in terms of the scope of its investigations and conclusions and the exercise of discretion in disposing cases.

At the adjudication stage:

1. Judges should consider the reintegration of the offender by consulting pre-sentencing reports and/or other information regarding the offender's background and personal circumstances.

At the post-adjudication stage, the relevant authorities should:

1. Seek to improve the inmate's skills (including basic education, motivation, vocational training, and relationship skills).
2. Seek to improve the skills of staff members to ensure that they execute their duties accurately) and re-evaluate social work techniques employed in the care of offenders.
3. Assess obstacles to promoting more effective reintegration of offenders.

In the community sphere, the relevant authorities should implement public relations campaigns and activities to raise the awareness of the general public about how the criminal justice system treats offenders and the correctional treatment provided to them, as well as encouraging the community's participation in reintegrating offenders.

(ii) Community Reintegration Factors of Offenders with Addiction or Difficult Personality

The agenda of Group Two's 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.

The group 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: 1. Investigation; 2. Prosecution; 3. Adjudication; 4. Institutional corrections/prisons; 5. Community corrections, which include probation, parole and aftercare services. The group then discussed each of these stages in turn, as well as the following: partnership or collaboration with other agencies within or without the criminal justice system; regulatory framework systems and human resources; and corruption.

The group identified existing beneficial measures for offenders with addition or difficult personality and recommended that such practices be strengthened. Such measures include: diversion; medical prisons; family units for overnight visits; voluntary probation officers; victim involvement/restoration; victim participation at trial; and victim compensation.

Regarding suggested effective measures, the group recommended the following:

1. Criminal justice systems should comply with established international standards such as the UN Standard Minimum Rules for the Treatment of Prisoners; the UN Standard Minimum Rules for Non-Custodial Measures (The Tokyo Rules); etc.
2. Governments should establish regulatory systems for partnership and collaboration that clearly spell out the roles of partners and that ensure the integrity of services delivered.
3. Introduce holistic assessment of offenders to facilitate appropriate classification and treatment, especially for offenders with addiction or difficult personalities.
4. Through continuous training, enhance human resources and capacity of staff throughout the entire criminal justice system to ensure and sustain the delivery of rehabilitation treatment programmes.
5. Establish an information sharing system and common database to ensure the flow of appropriate information regarding the offender.

6. Improve linkages between partners of the criminal justice system to facilitate “through-care”, enforce aftercare, and sustain a seamless system.
7. A pre-sentence report can be useful for offenders with addiction or personality problems.
8. Create special drug courts for offenders with drug addictions.
9. Employ stringent measures to curb the supply of drugs and other substances in prisons/correctional institutions and implement regular urine testing.
10. Identify potential private partners and develop their capacity to understand their role in rehabilitating offenders. Where possible, encourage community-based or faith-based groups to facilitate reintegration. (e.g. volunteer probation officers; co-operative employers (who should be given adequate subsidies); etc.
11. Where appropriate, the criminal records of ex-offenders should be expunged or protected and not used against them as an obstacle to employment or reintegration, especially where there is no recidivism.
12. Sensitize the community and gain its support in dispelling prejudices and stigma against offenders.
13. The community should be involved in all stages of the criminal justice system where it is appropriate for them to be so involved.
14. Where possible, introduce combined sentences, utilizing electronic monitoring, and night-time and weekend imprisonment for low-risk offenders.
15. Restorative justice that involves both 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 firstly aware of his or her offensive behaviour and secondly take responsibility for it.

C. The 146th International Training Course

1. Introduction

The 146th International Training Course was held from 25 August to 1 October 2010. The main theme was “Attacking the Proceeds of Crime: Identification, Confiscation, Recovery and Anti-Money Laundering Measures”. Nine overseas participants, two overseas observers and nine Japanese participants attended.

2. Methodology

The participants of the 146th Course endeavoured to explore the topic of attacking the proceeds of crime. This was accomplished primarily through a comparative analysis of the current situation and the problems encountered. The participants’ in-depth discussions enabled them to put forth effective and practical solutions.

The objectives were primarily realized through the Individual Presentations and the Group Workshop sessions. In the former, each participant presented the actual situation, problems and future prospects of their country with respect to the main theme of the Course. To facilitate discussions, the participants were divided into two groups.

Each Group elected a chairperson, co-chairperson, rapporteur and co-rapporteur(s) to organize the discussions. The group members studied the situation in each of their countries and exchanged their views based on information obtained through personal experience, the Individual Presentations, lectures and so forth.

Group 1: Effective Measure to Deprive Criminals and Criminal Organizations of Crime Proceeds

Group 2: Effective Measure to Prevent, Detect and Punish Money Laundering

Plenary Meetings were later held to discuss the interim outline of the Group Workshop reports and to offer suggestions and comments. During the Plenary Meetings, drafts of the Group Workshop reports were examined and critiqued by all the participants and the UNAFEI faculty. Based on these discussions, the

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Groups further refined their reports and presented them in the Report-Back Sessions, where they were endorsed as the reports of the Course. The reports will be published in full in UNAFEI Resource Material Series No. 83.

3. Outcome Summary

(i) Effective Measure to Deprive Criminals and Criminal Organizations of Crime Proceeds

The group conducted its discussion in accordance with the following agenda: 1) Measures to encourage persons or bodies that have useful information on corruption, etc. to supply the information to, and co-operate with, investigative and prosecutorial authorities; 2) Proactive measures to collect information and/or evidence; 3) Identifying and tracing crime proceeds; 4) Seizure, freezing and confiscation.

Regarding topic 1) they began with a discussion of the current situation of each country with regard to Financial Intelligence Units (FIUs); Suspicious Transaction Reports (STRs); asset disclosure requirements; cooperation and information sharing among relevant authorities domestically and internationally; and international cooperation. With the exception of Tanzania, all participating countries are members of the Egmont Group, which facilitates international cooperation. However, international cooperation is also possible on a one-to-one, voluntary basis.

Regarding topic 2) the group discussed legislation for rapid freezing/seizure of property; protection of the rights of *bona fide* third parties; and again, international co-operation in freezing and seizure, which is conducted via mutual legal assistance or through previously concluded agreements.

Regarding topic 3) the group addressed conviction-based confiscation; non-conviction-based confiscation; administrative forfeiture; ex-parte confiscation; shifting the burden of proof to the defendant; the taxation of criminal proceeds; and finally international co-operation in the above procedures, where applicable. All participants agreed that in their countries international cooperation on confiscation is possible through MLA or previous agreements. In all countries, except Vietnam, a judicial order of confiscation from the requesting country is required to accompany the request.

Regarding topic 4), the participants discussed returning the proceeds of crime and asset sharing. All participants' countries have provisions to return the proceeds of crime to individual victims, but in Japan recovery is only possible for victims of organized crime and money laundering offences – the scope of recovery of proceeds of crime is limited. As to international asset recovery, with the exception of Thailand, all participants' countries have a system to return the proceeds of crime to requesting countries. Regarding asset sharing, only Sri Lanka has provisions for this procedure, while in other countries asset sharing is possible depending on the individual countries' agreement. However, in Thailand asset sharing is not possible.

The group agreed recommendations under the five subtopics, summarized below.

I. Measures to identify and trace proceeds of crime:

1. FIUs should be free of political interference.
2. FIUs should focus on analysis and dissemination of information, rather than investigation.
3. Threshold reporting requirements for financial institutions should be relative to the economy of each respective country.
4. Suspicious transaction reports should be clearly defined, either in law, or by guidelines.
5. Where appropriate, public officials should be required to disclose assets; the information should be at least accessible to the competent authorities.

II. Measures to freeze/seize proceeds of crime:

1. Competent authorities should be empowered to quickly but temporarily freeze property as an administrative measure; the owner of the property should have the right of appeal.
2. All countries should adopt a system of confidentiality regarding freezing and seizure. Court

procedures to register requests should be simple, and orders of competent authorities ought to be executable in requested countries.

III. Confiscation/deprivation of the proceeds of crime:

1. Countries should consider allowing the collection of sums of equivalent value where crime proceeds have been transformed, converted, or intermingled with legitimately acquired property.
2. All countries should consider adopting a system of non-conviction based confiscation.
3. If countries adopt administrative forfeiture, limitations similar to the US model should be considered, and if challenged, the government must bear the costs of the case.
4. If the burden of proof is reversed, the government should set certain requirements to be met by the prosecutor before the burden of proof can be shifted to the accused.
5. Countries are urged to consider either adopting or adapting a system of taxing the proceeds of crime.
6. Countries should lower their pre-conditions to providing international co-operation.

IV. Recovery of confiscated proceeds of crime:

1. Where necessary, countries should broaden the scope for returning recovered assets to victims and should consider a compensatory fund for victims similar to the USA model.
2. All countries should consider legislating to comply with Art. 57 of the UNCAC.
3. Countries should consider legislating for, or otherwise regulating, asset sharing.
4. If facing obstacles in international co-operation, countries should seek technical assistance from organizations such as the Basel Institute on Governance.

V. Capacity building:

Training is imperative, and turnover of personnel should be infrequent. The experience and expertise of organizations such as UNAFEI should be utilized.

(ii) Effective Measures to Prevent, Detect and Punish Money Laundering

Group Two discussed the above topic according to the following agenda: 1) the basic legal framework to address money laundering; 2) advanced legal frameworks and practices to prevent and detect money laundering; 3) investigation and punishment of money laundering; and 4) promotion of international co-operation.

Under topic 1), the participants compared the situation in each represented country with regard to the criminalization of money laundering; the retention of bank records for a substantial period of time; establishing and empowering FIUs; establishing a suspicious transaction reporting system and securing compliance with it; and utilizing information gathered and analysed by FIUs.

Under topic 2), the participants addressed the following matter: extension of the STR system to designated non-financial businesses and professions; increasing the capacities of FIUs and financial/non-financial institutions to detect money laundering, including development of typologies; conducting enhanced scrutiny of accounts of “politically exposed persons”; asset disclosure requirements for certain public officials; co-operation and information-sharing among relevant authorities; and measures to prevent and detect cash smuggling, including border control.

Under topic 3), the group covered three areas: effective and proactive enforcement of anti-money laundering legislation; special investigative techniques, including controlled delivery, communications interceptions and undercover/sting operations; and capacity building of investigators in financial investigation.

Under topic 4), the group focused on: international exchange of information among relevant agencies, including FIUs; mutual legal assistance and extradition in cases of money laundering; joint investigation with other countries or agencies; and obtaining technical assistance provided by international organizations.

MAIN ACTIVITIES OF UNAFEI

The group made the following recommendations under each of the four subtopics:

I. Regarding the basic legal framework:

1. FATF Rec. 1 should be used as a minimum standard to criminalize money laundering.
2. Bank records and other reports should be retained for at least five years.
3. To enhance their analysis, FIUs should have access to a wide variety of information; FIUs and law enforcement authorities (LEAs) should establish a good working relationship; FIUs must be spared political interference and must have adequate human resources and efficient organizational structure.
4. Reporting entities must be aware of STR requirements; legislation may be required to ensure compliance.
5. To ensure that information is fully utilized, FIUs should: (i) be staffed by personnel with varied specialist backgrounds; (ii) have their own permanent staff; (iii) provide their staff with adequate training; (iv) provide reporting entities with necessary information; (v) develop their IT systems; (vi) improve the quality of STRs disseminated to LEAs.

II. Regarding advanced legal frameworks:

1. The STR system should be extended to Designated Non-Financial Businesses and Professions.
2. FIUs and financial and non-financial institutions must be in open and continuous communication.
3. With regard to PEPs, every country should implement FATF Recs. 6 and 12, which should be extended to PEPs discharging prominent domestic public functions. It is important to have a more specific international definition of PEPs.
4. Investigative authorities should have access to asset disclosures by public officials.
5. To observe FATF Rec. 31, comprehensive co-operation and information-sharing mechanisms should be implemented between relevant authorities.
6. To detect cash smuggling, countries should implement information-sharing mechanisms between their respective border control agencies.

III. Investigation and punishment of money laundering:

1. Countries should effectively and proactively enforce anti-money laundering legislation.
2. Investigators need constant training on complex special investigative techniques; it is also critical that investigators utilize IT.
3. FIUs and LEAs should provide constant training to develop their human resources.

IV. Promotion of international co-operation: The group affirmed the importance of:

1. International exchange of information among relevant agencies, including FIUs, as urged under the UN Conventions and FATF Recs. 35-40.
2. Informal channels of communication; they should be utilized to make more effective use of the formal MLA channels.
3. The need for and usefulness of joint investigations such as Operation Mantis.
4. Receiving technical assistance from international organizations such as the International Centre on Asset Recovery.

D. The 13th International Training Course on the Criminal Justice Response to Corruption

The 13th International Training Course on the Criminal Justice Response to Corruption was held from 18 October to 12 November 2010. In this Course, 17 overseas participants and six Japanese participants, all of whom were officials engaged in corruption control, comparatively analysed the current situation of corruption, methods of combating corruption, and measures to enhance international co-operation.

E. The Fourth Regional Seminar on Good Governance for Southeast Asian Countries

The Fourth Regional Seminar on Good Governance for Southeast Asian Countries, jointly hosted by UNAFEI and the Department of Justice of the Republic of the Philippines was held from 7 to 9 December 2010 in Manila, the Philippines. The main theme was “Securing Protection and Co-operation of Witnesses and Whistle-blowers”. Twenty-two senior criminal justice officials from eight Southeast Asian countries, Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, the Philippines, Thailand and Vietnam, and two visiting experts attended. UNAFEI will publish a full report of the Seminar in the latter half of 2011.

F. Special Seminars and Courses

1. The Tenth Training Course on the Juvenile Delinquent Treatment System for Kenya

The Tenth Training Course on the Juvenile Delinquent Treatment System for Kenya was held from 15 February to 11 March 2010. The main theme of the Course was “Development of a Child Care and Protection Officers’ Training System”. Twelve criminal justice officials from Kenya and one Japanese JICA Long-Term Expert attended.

2. The Sixth Seminar on Criminal Justice for Central Asia

The Sixth Seminar on Criminal Justice for Central Asia was held from 3 to 18 March 2010. The main theme was “Effective Criminal Justice Measures against Drug Offences and Related Crimes and Prevention of International Drug Trafficking”. Nine criminal justice officials from Central Asian countries (Kazakhstan, Kyrgyzstan, Tajikistan, and Uzbekistan) attended.

3. The Fifth Country Specific Training Course on Community-Based Treatment of Offenders through the Holistic Approach to Volunteer Resource Development for the Philippines

The Fifth Country Specific Training Course on Community-Based Treatment of Offenders through the Holistic Approach to Volunteer Resource Development for the Philippines was held from 22 June to 2 July 2010. Ten participants, who comprised Parole and Probation Officers and Volunteer Probation Aides, discussed measures to improve the probation system, and the promotion of Volunteer Probation Aides.

4. The 16th Seminar on Crime Prevention and Criminal Justice for the People’s Republic of China

The 16th Seminar for Senior Criminal Justice Officials of the People’s Republic of China was held from 16 November to 3 December 2010. The main theme was “Expert Analysis of Forensic Evidence”. Fifteen criminal justice officials from the People’s Republic of China attended.

III. UNAFEI’S CONTRIBUTION TO THE TWELFTH UN CRIME CONGRESS

The Twelfth United Nations Congress on Crime Prevention and Criminal Justice was held in April 2010, in Salvador, Brazil. The over-all theme of the Congress was “Comprehensive strategies for global challenges: crime prevention and criminal justice systems and their development in a changing world”. More than 3,000 government and NGO representatives from approximately 100 countries, including Ministers of Justice and Attorneys General, participated.

UNAFEI co-ordinated the planning and implementation one of the five official workshops of the Congress. UNAFEI’s workshop addressed the topic of “Strategies and Best Practices against Overcrowding in Correctional Facilities”, and consisted of four presentations and three panel discussions by international experts representing countries from Africa, Asia, Europe, Latin America and Oceania, as well as some of UNAFEI’s sister institutes of the United Nations Crime Prevention and Criminal Justice Programme Network. In all, 16 prominent experts from all over the world contributed to the Workshop, which was attended by Congress delegates from across the globe. The delegates and panellists interacted via the panel discussions.

The workshop produced a 16-point set of conclusions and recommendations, which later contributed to the discussions of the Congress. Based on its discussions and deliberations, the Congress adopted the Salvador Declaration, which reflects the political will of the participating states, and which was submitted to the United Nations Commission on Crime Prevention and Criminal Justice as a policy recommendation.

UNAFEI published a comprehensive report of the Workshop in March 2011, which is also available on the UNAFEI website.

MAIN ACTIVITIES OF UNAFEI

IV. TECHNICAL CO-OPERATION

A. Regional Training Programmes

1. Short-Term Expert in the Philippines

Professor Sakonji was dispatched from 4 to 10 July 2010 as a JICA Short-Term Expert to participate in the Training Course for Volunteer Probation Aides.

2. Short-Term Experts in Kenya

Professor Kawaharada and Professor Wakimoto were dispatched to Kenya, from 31 July to 12 September 2010, to provide technical assistance to the Project for Capacity Building of Child Care and Protection Officers in the Juvenile Justice System of Kenya.

3. Short-Term Experts in Latin America

Deputy Director Ukawa and Professor Yanaka visited Costa Rica from 2 to 12 August 2010. In Costa Rica they jointly hosted, with ILANUD, a course on Criminal Justice Reform in Latin America in which seven countries were represented. Professor Yanaka then visited Honduras from 12 to 14 August 2010 to attend a follow-up seminar on the specific situation in that country.

V. INFORMATION AND DOCUMENTATION SERVICES

The Institute continues to collect data and other resource materials on crime trends, crime prevention strategies and the treatment of offenders from Asia, the Pacific, Africa, Europe and the Americas, and makes use of this information in its training courses and seminars. The Information and Library Service of the Institute has been providing, upon request, materials and information to United Nations agencies, governmental organizations, research institutes and researchers, both domestic and foreign.

VI. PUBLICATIONS

Reports on training courses and seminars are published regularly by the Institute. Since 1971, the Institute has issued the Resource Material Series, which contains contributions by the faculty members, visiting experts and participants of UNAFEI courses and seminars. In 2010, the 80th, 81st and 82nd editions of the Resource Material Series were published. Additionally, issues 131 to 133 (from the 144th Seminar to the 146th Course respectively) of the UNAFEI Newsletter were published, which included a brief report on each course and seminar and other timely information. These publications are also available on UNAFEI's web site <http://www.unafei.or.jp/english>.

VII. OTHER ACTIVITIES

A. Public Lecture Programme

On 29 January 2010, the Public Lecture Programme was conducted in the Grand Conference Hall of the Ministry of Justice. In attendance were many distinguished guests, UNAFEI alumni and the 144th International Senior Seminar participants. This Programme was jointly sponsored by the Asia Crime Prevention Foundation (ACPF), the Japan Criminal Policy Society (JCPS) and UNAFEI.

Public Lecture Programmes increase the public's awareness of criminal justice issues, through comparative international study, by inviting distinguished speakers from abroad. This year, Ms. Kim Herd, Chief of the Victim Witness Assistance Unit, United States' Attorney's Office for the District of Columbia, USA, and Ms. Martina Peter, Director of Division RB 2 of the Federal Ministry of Law, Germany, were invited as speakers. They presented papers entitled "Assistance for Federal Crime Victims at All Stages of the Criminal Justice Process" and "Measures to Protect Victims in German Criminal Proceedings: A Summary with Special Focus on the Key Points of the Second Victims' Rights Reform Act" respectively.

B. Assisting UNAFEI Alumni Activities

Various UNAFEI alumni associations in several countries have commenced, or are about to commence, research activities in their respective criminal justice fields. It is, therefore, one of the important tasks of UNAFEI to support these contributions to improve the crime situation internationally.

C. Overseas Missions

Ms. Ayako Sakonji (Professor), Mr. Toru Kawaharada (Professor), and Mr. Kenichiro Koiwa (Staff) visited Manila and Cavite, the Philippines, from 10 to 16 January 2010 to attend the “Monitoring, Evaluation and Interaction Workshop” held by the Parole and Probation Administration of the Philippines.

Deputy Director Haruhiko Ukawa and Mr. Masaaki Kojitani (Staff) visited Seoul, Korea from 1 to 5 March 2010 to visit the Korean Institute of Criminology (KIC) and other important criminal justice organs in South Korea, such as the Legal Research and Training Institute and the Supreme Prosecutors Office.

Professor Junichi Watanabe visited Salvador, Brazil and Vancouver, Canada from 13 to 21 March 2010 to make final preparations for the workshop on the topic of “Effective Countermeasures against Overcrowding of Correctional Facilities”, organized by UNAFEI, which was held during the Twelfth United Nations Congress on Crime Prevention and Criminal Justice.

Director Masaki Sasaki, Professor Junichi Watanabe, Professor Ayako Sakonji, Mr. Kazuyuki Nagata (Staff) and Mr. Hideo Takahashi (Staff) visited Salvador, Brazil from 9 to 22 April 2010 to attend the Twelfth United Nations Congress on Crime Prevention and Criminal Justice. Deputy Director Haruhiko Ukawa attended from 14 to 19 April. The UNAFEI delegation organized a Congress workshop on the topic of “Strategies and Best Practices against Overcrowding of Correctional Facilities”, held on 16 April 2010.

Mr. Ryuichi Nishitani (Staff) visited China from 16 to 21 March 2010 as a member of a delegation of officers from the Ministry of Justice of Japan. The delegation visited the Supreme Court, the Supreme Public Prosecutors Office, and Shantan Province Prison and Public Prosecutors Office. The delegation also visited Chinfa University, where they engaged in discussion with Chinese law students.

Director Masaki Sasaki and Mr. Fumihiko Yanaka (Professor) visited Vienna, Austria from 16 to 21 May 2010 to attend the 19th Session of the Commission on Crime Prevention and Criminal Justice. The Director made a statement to the Commission.

Deputy Director Haruhiko Ukawa and Mr. Yuichi Tada (Professor) visited China from 29 June to 8 July 2010 to meet Chinese criminal justice officials in preparation for the 16th Seminar on Crime Prevention and Criminal Justice for the People’s Republic of China, which was held at UNAFEI in November 2010.

Ms. Ayako Sakonji (Professor) was dispatched to the Philippines from 4 to 10 July 2010 as a Short-Term JICA Expert for the Training Course for Volunteer Probation Aides.

Mr. Toru Kawaharada (Professor) and Mr. Yuichiro Wakimoto (Professor) were dispatched to Nairobi, Kenya, from 31 July to 12 September 2010, and from 31 July to 7 September 2010, respectively, to provide technical assistance to the Project for Capacity Building of Child Care and Protection Officers in the Juvenile Justice System of Kenya.

Deputy Director Haruhiko Ukawa and Mr. Fumihiko Yanaka (Professor) visited Costa Rica from 2 to 7 August 2010, and 2 to 12 August 2010, respectively. In Costa Rica, they jointly hosted, with ILANUD, a course on Criminal Justice Reform in Latin America in which seven countries were represented. Professor Yanaka then visited Honduras from 12 to 14 August 2010 to attend a follow-up seminar on the specific situation in that country.

Ms. Ayako Sakonji (Professor) visited Beijing, China from 3 to 6 August 2010 to attend the International Forum on Halfway Houses.

Mr. Yuichiro Wakimoto (Professor) visited Vancouver, Canada from 2 to 10 October 2010 to attend the 30th Asian and Pacific Conference of Correctional Administrators. Professor Wakimoto delivered a presentation at the Conference.

Mr. Junichi Watanabe (Professor) attended the 12th International Corrections and Prisons Association Annual General Meeting and Conference in Ghent, Belgium from 23 to 31 October 2010.

MAIN ACTIVITIES OF UNAFEI

Director Masaki Sasaki, Deputy Director Haruhiko Ukawa, Mr. Naoyuki Harada (Professor), Ms. Kumiko Izumi (Professor), Ms. Yoshiko Chihara (Staff), Mr. Takayuki Suzuki (Staff), Mr. Shinichi Inoue (Staff), and Ms. Grace Lord (Linguistic Adviser) went to Manila, the Philippines, to attend the Fourth Regional Seminar on Good Governance for Southeast Asian Countries, which was held from 7 to 9 December 2010. The topic of the Seminar was “Securing Protection and Co-operation of Witnesses and Whistleblowers”. UNAFEI and the Department of Justice of the Republic of the Philippines co-hosted the Seminar.

Mr. Yuichi Tada (Professor) visited Courmayeur, Italy, from 9 to 12 December 2010 to attend the annual Co-ordination Meeting of the United Nations Crime Prevention and Criminal Justice Programme Network and the ISPAC International Conference.

D. Assisting ACPF Activities

UNAFEI co-operates and corroborates with the ACPF to improve crime prevention and criminal justice administration in the region. Since UNAFEI and the ACPF have many similar goals, and a large part of ACPF’s membership consists of UNAFEI alumni, the relationship between the two is very strong.

E. Country-Focused Training Course for Nepal

UNAFEI contributed to the programming of a Country-Focused Training Course for Nepal, entitled “Seminar for Comparative Study on Criminal Justice Systems and Criminal Procedure”, which was conceived by the International Co-operation Department of the Ministry of Justice of Japan. Deputy Director Ukawa, Professors Higuchi, Harada, Izumi, Yanaka, Tada, Watanabe and Sakonji delivered lectures on the Japanese criminal justice system. Two ad hoc lecturers from the Ministry of Justice of Japan also delivered lectures. UNAFEI also organized a visit for the participants to Fuchu Prison.

VIII. HUMAN RESOURCES

A. Staff

In 1970, the Government of Japan assumed full financial and administrative responsibility for running the Institute. The Director, Deputy Director and approximately nine professors are selected from among public prosecutors, the judiciary, corrections, probation and the police. UNAFEI also has approximately 15 administrative staff members, who are appointed from among officials of the Government of Japan, and a linguistic adviser. Moreover, the Ministry of Justice invites visiting experts from abroad to each training course and seminar. The Institute has also received valuable assistance from various experts, volunteers and related agencies in conducting its training programmes.

B. Faculty Changes

Mr. Tetsuya Sugano, formerly a professor of UNAFEI, was transferred and appointed Principal Expert of Nara Juvenile Classification Home on 1 April 2010.

Ms. Fumiko Akahane, formerly a professor of UNAFEI, was transferred and appointed Chief of the General Planning Division on Staff Attorneys, Japan Legal Support Center on 1 April 2010.

Mr. Jun Oshino, formerly a professor of UNAFEI, was transferred and appointed a judge of Tokyo District/Summary Court on 1 April 2010.

Mr. Yuichi Tada, formerly a judge of Osaka District Court, was appointed a professor of UNAFEI on 1 April 2010.

Ms. Kumiko Izumi, formerly a prosecutor of Tokyo District Public Prosecutors Office, was appointed a professor of UNAFEI on 1 April 2010.

Mr. Fumihiko Yanaka, formerly a prosecutor of Yokohama District Public Prosecutors Office, Odawara Branch, was appointed a professor of UNAFEI on 1 April 2010.

Mr. Yuichiro Wakimoto, formerly a psychologist at Hiroshima Juvenile Classification home, joined UNAFEI as a professor on 1 April 2010.

IX. FINANCES

The Ministry of Justice primarily provides the Institute's budget. UNAFEI's total budget for its programmes is approximately ¥70 million per year. Additionally, JICA and the ACPF provide assistance for the Institute's international training courses and seminars.

UNAFEI WORK PROGRAMME FOR 2011

I. TRAINING

A. The 147th International Senior Seminar

The 147th International Senior Seminar was held from 13 January to 10 February 2011. The main theme of the Seminar was “Community Involvement in Offender Treatment”. Ten overseas participants and six Japanese participants attended.

B. 148th International Training Course

The 148th International Training Course was held from 11 May to 17 June 2011. The main theme of the Course was “Drug Offender Treatment: New Approaches to an Old Problem”. Eight overseas participants, two overseas observers and eight Japanese participants attended.

C. 149th International Training Course

The 149th International Training Course is scheduled for 25 August to 30 September 2011. The main theme of the Course is “Securing Protection and Cooperation of Witnesses and Whistleblowers”. Ten overseas participants and nine Japanese participants will attend.

D. The Eleventh Training Course on the Juvenile Delinquent Treatment System in Kenya

The Eleventh Training Course on the Juvenile Delinquent Treatment System for Kenya was held from 15 February to 10 March 2011. Fifteen participants from Kenyan criminal justice agencies reviewed their progress in regard to improving their country’s juvenile delinquent justice system.

E. The Seventh Seminar on Criminal Justice for Central Asia

The Seventh Seminar on Criminal Justice for Central Asia was held from 1 to 14 March 2011. The main theme of the Seminar was “Addressing Corruption which hinders Countermeasures for Drug Offences and Other Crimes: Especially, Ethics and Codes of Conduct for Judges, Prosecutors and Law Enforcement Officials”. Seven government officials from three Central Asian countries, Kazakhstan, Tajikistan, and Uzbekistan, attended.

F. The 14th UNAFEI UNCAC Training Programme: “Effective Legal and Practical Measures against Corruption”

The 14th UNAFEI UNCAC Training Programme: “Effective Legal and Practical Measures against Corruption” will be held from 13 October to 10 November 2011. In this Course, Japanese and overseas officials engaged in corruption control will comparatively analyse the current situation of corruption, methods of combating corruption and measures to enhance international co-operation.

G. The 17th Seminar on Crime Prevention and Criminal Justice for the People's Republic of China

The 17th Seminar on Crime Prevention and Criminal Justice for the People's Republic of China is tentatively scheduled for late November 2011. The main theme of the seminar will be “Public Dissemination of Legal Knowledge.” The tentative number of participants and counsellors, who will be high-ranking criminal justice officials, is 11.

H. Fifth Regional Seminar on Good Governance for Southeast Asian Countries

The Fifth Regional Seminar on Good Governance for Southeast Asian Countries will be held in early December 2011, at UNAFEI, in Tokyo, Japan. The main theme of the Seminar will be “Preventing Corruption: Administrative and Criminal Justice Measures”. Approximately 25 participants from Southeast Asian countries will attend.

II. TECHNICAL CO-OPERATION

A. Regional Training Programmes

1. Short-Term Experts in Kenya

Two UNAFEI professors will be dispatched to Kenya in August and September 2011. The professors will assist the Children’s Department of the Vice-President and Ministry of Gender, Children and Social Development in the Project for Capacity Building of Child Care and Protection Officers in the Juvenile Justice System.

APPENDIX

MAIN STAFF OF UNAFEI

Mr. Masaki Sasaki
Mr. Haruhiko Ukawa

Director
Deputy Director

Faculty

Mr. Motoo Noguchi
Mr. Haruhiko Higuchi
Mr. Naoyuki Harada
Ms. Kumiko Izumi
Mr. Fumihiko Yanaka
Mr. Yuichi Tada
Mr. Yuichiro Wakimoto
Mr. Toru Kawaharada
Ms. Ayako Sakonji
Mr. Junichi Watanabe
Ms. Grace Lord

Professor
Professor
Professor
Professor
Professor
Chief of Training Division, Professor
Chief of Research Division, Professor
Chief of Information & Library Service Division, Professor
Professor
Professor
Linguistic Adviser

Secretariat

Mr. Masahiro Iida
Mr. Koji Kobayashi
Mr. Katsuhiko Jimbo
Ms. Yoshiko Tani
Ms. Yoshiko Chihara
Mr. Kazuyuki Nagata

Chief of Secretariat
Co-Deputy Chief of Secretariat
Co-Deputy Chief of Secretariat
Chief of General and Financial Affairs Section
Chief of Training and Hostel Management Affairs Section
Officer, International Research Affairs Section

AS OF 31 DECEMBER 2010

APPENDIX

2010 VISITING EXPERTS

THE 144TH INTERNATIONAL SENIOR SEMINAR

Prof. Cho Kyoong Seok	Professor School of Law Ehwa Woman's University Republic of Korea
Ms. Kim Herd	Chief Victim Witness Assistance Unit United States' Attorney's Office for the District of Columbia, USA
Ms. Martina Peter	Regierungsdirektorin Referentin (Legal Officer), Division RB 2 Law of Criminal Proceedings Federal Ministry of Law Germany
Prof. John P. J. Dussich (USA)	Director Tokiwa International Victimology Institute Tokiwa University Japan
Prof. Dr. Kumaravelu Chockalingam (India)	Deputy Director Tokiwa International Victimology Institute Tokiwa University Japan

THE 145TH INTERNATIONAL TRAINING COURSE

Mr. Steve Pitts	Head of International Relations and External Programmes, National Offender Management Service Ministry of Justice England and Wales United Kingdom
Dr. Chris Trotter	Associate Professor Department of Social Work Monash University Victoria Australia
Mr. Stanley Tang	Director Operations Division Singapore Prison Service Ministry of Home Affairs Singapore

THE 146TH INTERNATIONAL TRAINING COURSE

Ms. Jean B. Weld	Senior Trial Attorney International Unit Asset Forfeiture and Money Laundering Section US Department of Justice
Mr. Daniel Thelesklaf	Executive Director Basel Institute on Governance Switzerland
Mr. Wayne Patrick Walsh	Head of the Mutual Legal Assistance Unit International Law Division Department of Justice Hong Kong SAR

THE SIXTH SEMINAR ON CRIMINAL JUSTICE FOR CENTRAL ASIA

Ms. Olga Zudova	Senior Regional Legal Adviser United Nations Office on Drugs and Crime Regional Office for Central Asia
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**THE 13TH INTERNATIONAL TRAINING COURSE
ON THE CRIMINAL JUSTICE RESPONSE TO CORRUPTION**

Mr. Demosthenes Chryssikos	Crime Prevention and Criminal Justice Officer Treaty Affairs Corruption and Economic Crime Branch United Nations Office on Drugs and Crime
Mr. Koh Teck Hin	Deputy Director Corrupt Practices Investigation Bureau Singapore
Mr. Steven Lam	Acting Assistant Director Independent Commission Against Corruption Hong Kong Special Administrative Region China

2010 UNAFEI PARTICIPANTS

THE 144TH INTERNATIONAL SENIOR SEMINAR
Overseas Participants

Mr. Md. Awlad Ali Fakir	Superintendent of Police Faridpur District Police Bangladesh
Ms. Valéria Raquel Pereira Martirena	Head of Police Officers on Duty 5th District Regional Police Station Civil Police Department of the Federal District Brazil
Mr. Conrado A. Reyes	Lawyer Criminal Cases of the National Property Register, Register Security Department Guatemala
Mr. Wawan Muliawan	Chief of Operational Unit Security Intelligence Division Indonesian National Police Indonesia
Mr. Balarabe Nayaya Sulaiman	Assistant Commissioner of Police Legal Section Force Criminal Investigation Department Nigeria Police Nigeria
Mr. Shakeel Ahmed Durrani	Director of Balochistan Province Interior Division Federal Investigation Agency Pakistan
Mr. Muhammad Athar Waheed	Senior Superintendent of Police Regional Investigation Branch Rawalpindi Regional Police Force Pakistan
Mr. Donald Yamasombi	Director of Criminal Investigations Crimes Division Royal Papua New Guinea Constabulary, Papua New Guinea
Mr. Eduardo José Tristán Castro	Analyst and Advisor of Important and Relevant Information, General Secretariat National Police of Peru Peru

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Mr. Manuel Goloso Co	Regional Director National Capital Region Parole and Probation Administration Philippines
Ms. Mari Elvira Bote Herrera	State Prosecutor (Prosecutor II) National Prosecution Service Department of Justice Philippines
Mr. Shem Philip	Coordinator for Liaison Officers Crime Prevention and Community Safety Unit Vanuatu Police Force Vanuatu
Mr. Nam Ha Vu	Head of Police Communication and Command Center Police Staff Department General Department of Police Ministry of Public Security Vietnam
Mr. Musaed Dhaifallah Qaid Al-Dhaheri	Deputy General Manager General Department of Tourism Police Ministry of Interior Yemen

Japanese Participants

Mr. Mahito Araki	Public Prosecutor Tokyo District Public Prosecutors Office
Mr. Yoshiaki Furukawa	Chief Planning and Co-ordination Department Tokyo Probation Office
Mr. Masahiro Muroshashi	Judge Tokyo District Court
Mr. Hiroshi Sato	Public Prosecutor Osaka District Public Prosecutors Office
Mr. Ko Takano	Special Assistant to the Superintendent Naniwa Juvenile Training School
Mr. Ryoji Terado	Senior Researcher Research Division Research and Training Institute Ministry of Justice
Mr. Masaki Yokose	Police Inspector Personnel Division Commissioner General's Secretariat National Police Agency

APPENDIX

Ms. Emiko Nishimura	Government Attorney International Cooperation Department Research and Training Institute Ministry of Justice
Mr. Takeshi Nishioka	Government Attorney International Co-operation Department Research and Training Institute Ministry of Justice

THE 145TH INTERNATIONAL TRAINING COURSE

Overseas Participants

Mr. Marcelo de Paula Araújo	Police Chief The 23rd Police Department Civil Police of the Federal District Brasília Brazil
Ms. Cynara Figueirêdo da Rocha	Police Officer Civil Police of the Federal District Brasília Brazil
Mr. Esteban Vega Calvo	Prosecutor Supervision Division Attorney General's Office Costa Rica
Dr. Ricardo Enrique Cook Renaux	Director Toxicology Institute Ministry of Justice and Public Security El Salvador
Mr. Ahmed Kamal Al-Azzawi	Chief of Investigation Baghdad Police Ministry of Interior Iraq
Mr. Saad Hammad Al-Qaraghuli	Chief of Investigation Baghdad Police Ministry of Interior Iraq
Ms. Christine Achieng' Okoth Obondi	Senior Assistant Director Department of Probation and Aftercare Service Office of the Vice-President and Ministry of Home Affairs Kenya
Mr. Durga Prasad Dhungel	Under Secretary Legislative Drafting Division Ministry of Law and Justice Nepal

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Mr. Gehendra Raj Pant
Legal Officer
Administration Section
Supreme Court of Nepal
Nepal

Mr. Joseph T. Tondop
Provincial Police Commander
Simbu Province
Royal Papua New Guinea Constabulary
Papua New Guinea

Observers

Mr. Man-lung Chung
Principal Officer
Lai Sun Correctional Institution
Hong Kong

Ms. Yun Young Lee
Inspector
Cheongju Women's Correctional Institution
Republic of Korea

Japanese Participants

Mr. Tomonori Ishii
Probation Officer
Nagoya Probation Office

Mr. Yukihiro Kato
Public Prosecutor
Mito Public Prosecutors Office

Ms. Nao Nogami
Family Court Probation Officer
Osaka Family Court, Sakai Branch

Mr. Akira Onodera
Public Prosecutor
Osaka District Public Prosecutors Office

Mr. Kazuyuki Otake
Section Chief
General Affairs Division
General Affairs Section
Kitsuregawa Rehabilitation Program Center

Mr. Takeshi Tahira
Probation Officer
Kumamoto Probation Office

Mr. Shinji Todoriki
Section Chief
Medical Care and Classification Division
Sendai Regional Correctional Headquarters

Mr. Kanji Tomita
Assistant Judge
Tokyo District Court

THE 146TH INTERNATIONAL TRAINING COURSE

Overseas Participants

Mr. Ubiratan Cazetta
Federal Prosecutor
Federal Public Prosecution Service
State of Pará Office
Brazil

APPENDIX

Mr. Fazil Abdool Karimbaksh	Assistant Superintendent of Police Police Court Prosecutor Guyana Police Force Guyana
Mr. Anthony Adverse Vanderhyden	Assistant Superintendent of Police Police Court Prosecutor Guyana Police Force Guyana
Mr. Yehu Wangsajaya	Chief Sub-Division of the Administration Operation Operational Division Metropolitan Jakarta Police Indonesian National Police Indonesia
Mr. Rene Daniel Aldana Ramírez	Sub-Director of Area Unit of Criminal Analysis State of Mexico Security Agency Mexico
Mr. Chethiya Goonesekera	Senior State Counsel Criminal Prosecution Division Attorney General's Department Presidential Secretariat Sri Lanka
Mr. Gampaha Mudiyansele Hiranthha Buddhika Siriwarhana	Superintendent of Police Criminal Prosecution Division Attorney General's Department Presidential Secretariat Sri Lanka
Mr. Ramadhan Ali Nassib	State Attorney/Public Prosecutor Office of the Director of Public Prosecutions Ministry of Good Governance Tanzania
Ms. Tuyet Mien Duong	Senior Lecturer/Researcher Department of Criminal Law Hanoi University of Law Vietnam
Course Counsellors	
Ms. Julia C. Bacay-Abad	Deputy Director Head, Legal Services Group Anti-Money Laundering Council Secretariat Philippines
Mr. Jumpon Phansumrit	Expert Public Prosecutor Office of Policy and Strategy Office of the Attorney General Thailand

Japanese Participants

Mr. Naoki Fukuda	Criminal Investigator Tokyo Regional Taxation Bureau
Mr. Takashi Hashimoto	Narcotics Control Officer Narcotics Control Department Ministry of Health, Welfare and Labour
Mr. Toshiyuki Igusa	Public Prosecutor Sendai District Public Prosecutors Office
Mr. Tetsuya Konno	Superintendent of Police Japan Financial Intelligence Center Organized Crime Department Criminal Investigation Bureau National Police Agency
Mr. Katsuhiko Manabe	Deputy Chief of Security Division Security and Rescue Department Seventh Regional Coastguard Headquarters Japan Coast Guard
Mr. Koji Morishita	Chief Public Prosecutor Okayama District Public Prosecutors Office Kurashiki Branch
Mr. Akihiro Motomura	Assistant Judge Osaka District Court
Ms. Shinobu Okada	Public Prosecutor Osaka District Public Prosecutors Office
Mr. Kazuyoshi Tsuji	Assistant Judge Tokyo District Court

**TENTH TRAINING COURSE ON THE JUVENILE
DELINQUENT TREATMENT SYSTEM FOR KENYA**

Overseas Participants

Ms. Carren Morangi Ogoti	Assistant Director Department of Children's Services Ministry of Gender, Children and Social Development
Mr. Livingstone Amboko Oruuko	Senior Education Co-ordinator Department of Children's Services Ministry of Gender, Children and Social Development
Ms. Jacynther Achieng Omondi	Chief Children's Officer Department of Children's Services Ministry of Gender, Children and Social Development
Mr. Moses Kimani	Children's Officer Department of Children's Services Ministry of Gender, Children and Social Development
Ms. Rhoda Khevali Misiko	Children's Officer Department of Children's Services Ministry of Gender, Children and Social Development
Ms. Teresia Njeri Nugugi	Principal Magistrate The Judiciary
Mr. Benson Nyaga Ileri	Resident Magistrate The Judiciary
Mr. Matunnga Clement Okech	Assistant Director Probation Department Ministry of Home Affairs
Ms. Florence Mueni Muema	Senior Probation Officer Probation Department Ministry of Home Affairs
Ms. Carolyne Atieno Adero	Probation Officer (Legal Officer) Probation Department Ministry of Home Affairs
Ms. Jane Wanjiri Kirii	Superintendent of Prisons Prison Department Ministry of Home Affairs
Ms. Teresia Wangui Muchemi	Superintendent of Police Police Department

JICA Long-Term Expert

Ms. Mina Hashiba

SIXTH SEMINAR ON CRIMINAL JUSTICE FOR CENTRAL ASIA

Ms. Baibossynova Gulshara	Head Secretariat on Collegium for Criminal Cases Supreme Court Kazakhstan
Mr. Kultaev Kubanychbek Zuluevich	Deputy Head Chui Oblast Department of Internal Affairs Ministry of Internal Affairs Kyrgyzstan
Mr. Moldobaev Almazbek	Judge Pervomaiskiy District Court of Bishkek City Kyrgyzstan
Mr. Nabiev Nurkamal Burkhanovich	Head Department for Supervision over Criminal Procedural and Investigative Activity, General Prosecutors Office Kyrgyzstan
Mr. Kholmurodov Askarjon Abdurasulovich	Head of Investigative Division Investigative Department Ministry of Home Affairs Tajikistan
Mr. Mahmudov Khalim	Head Criminal Investigation Department Drug Control Agency under the President Tajikistan
Mr. Kuchkarov Sherali Pulatovich	Deputy Head Department on Supervision over the Implementation of the Laws by the Ministry of Internal Affairs, General Prosecutors Office Uzbekistan
Mr. Muratov Nodirbek Sherzodovich	Chief Investigator Investigation Department Ministry of Internal Affairs Uzbekistan
Mr. Shukurov Khurshid Suratovich	Chief of Division for Combating Illicit Drugs Dealing, Department for Combating Illicit Drug Trafficking and Circulation, Ministry of Internal Affairs Uzbekistan

APPENDIX

**THE FIFTH COUNTRY SPECIFIC TRAINING COURSE ON
THE COMMUNITY-BASED TREATMENT OF OFFENDERS THROUGH
THE HOLISTIC APPROACH TO VOLUNTEER RESOURCE
DEVELOPMENT FOR THE PHILIPPINES**

Mr. Allan Jose Bibal Alcala	Regional Director Parole and Probation Administration Department of Justice
Ms. Amites Bragat Butiong	Chief Probation and Parole Officer Davao City Parole & Probation Office No. 3 Parole and Probation Administration Department of Justice
Ms. Janette Santos Padua	Chief Probation and Parole Officer Mandaluyong/San Juan Parole & Probation Office, Parole and Probation Administration Department of Justice
Mr. Jener Cariodo Supnet	Senior Probation and Parole Officer Parole and Probation Administration Department of Justice
Mr. Clark Niño Nacario Cagigas	Probation and Parole Officer II Cebu City Parole & Probation Office Parole and Probation Administration Department of Justice
Ms. Genovava Ricardo Relado	Probation and Parole Officer II Cavite City Parole & Probation Office Parole and Probation Administration Department of Justice
Ms. Maria Borillo Añonuevo	Press Relations Officer Volunteer Probation Aide Parole and Probation Volunteers Association Inc. San Pedro, Laguna Chapter
Mr. Allan Tenefrancia Supnet	Vice President External Volunteer Probation Aide Parole and Probation Volunteers Association Inc. San Pedro, Laguna Chapter
Ms. Teresa Banayanal Fernandez	Volunteer Probation Aide Cavite City Volunteer Probation Aide Association
Mr. Rey Constancio Jr. Giducos Cataluña	Volunteer Probation Aide Mandaue City Volunteer Probation Aide Association

**13TH INTERNATIONAL TRAINING COURSE
ON THE CRIMINAL JUSTICE RESPONSE TO CORRUPTION**

Overseas Participants

Mr. Sayed Wali Sadat	Auditor Interior Inspection Department Ministry of Justice Afghanistan
Mr. Rehman Khan	Assistant Director of Public Prosecutions Directorate of Public Prosecutions Attorney General's Chambers Botswana
Mr. Stavos Diniz Douglas Moreno	State Attorney (Legislative) Legal Department House of Representatives of Pernambuco State Brazil
Ms. Vicky Kabiku Muanji	Judge County of Matete Ministry of Justice and Human Rights Democratic Republic of the Congo
Mr. Adalberto Julio Abarca Delcid	Sub Chief of the Unit of Disciplinary Investigation General Inspector's Office National Civilian Police El Salvador
Mr. Idha Endri Prastiono	Anti-Corruption Police Chief Directorate of Criminal Detective Indonesian National Police Indonesia
Mr. Sami Sleman Faqi Al-Surchi	Deputy Public Prosecutor Public Prosecution Directorate Ministry of Justice Kurdistan Iraq
Mr. Ponce Arturo Velasco	General Director of Internal Affairs Attorney General of the Republic Mexico
Mr. Rajkumar Koirala	District Government Attorney District Government Attorney, Morang Attorney General's Office of Nepal Nepal
Mr. Tariq Pervez	Assistant Director Interior Division Federal Investigation Agency Pakistan

APPENDIX

Mr. José Anthony Portillo
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Ms. Ranjani Madavita
Patabandige Seneviratne

Assistant Director General
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Commission to Investigate Allegations
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Srisanit

Public Prosecutor
International Affairs Department
Office of the Attorney General
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Ms. Phuong Thi Do

Judicial Inspector
Criminal and Administrative Department
Institute for Judicial Science of the
Supreme People's Court of Vietnam,
Vietnam

Mr. Dumisani Mthombeni

Law Officer
Regional Public Prosecutor
Attorney General's Office
Ministry of Justice and Legal Affairs
Zimbabwe

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Mr. Toshio Hirano

Public Prosecutor
Osaka District Public Prosecutors Office

Mr. Atsushi Maekawa

Investigator
Investigation Division, Executive Bureau
Securities and Exchange Commission

Mr. Masanori Mizuno

Judge
Sapporo High Court

Mr. Shinji Yamaguchi

Public Prosecutor
Tokyo District Public Prosecutors Office

Japanese Observers

Mr. Hiroyuki Ito

Government Attorney
International Cooperation Department
Research and Training Institute
Ministry of Justice

Mr. Syusaku Tatara

Assistant Judge
Saitama District Court

APPENDIX

**16TH SEMINAR ON CRIME PREVENTION AND CRIMINAL JUSTICE FOR
THE PEOPLE'S REPUBLIC OF CHINA**

Mr. Xian-Dan Huo	Director Forensic Expertise Administrative Bureau Ministry of Justice of the People's Republic of China
Mr. Wen-Hui Xi	Deputy Director-General Forensic Expertise Administration Bureau Ministry of Justice of the People's Republic of China
Mr. Xin-Zi Zhang	Director General Office Ministry of Justice of the People's Republic of China
Ms. Lan Lu	Deputy Director Division of Prison Work Institute for Crime Prevention Ministry of Justice of the People's Republic of China
Mr. Yi-Bao Li	Officer Political Department Ministry of Justice of the People's Republic of China
Ms. Jie Shang	Officer Forensic Expertise Administration Bureau Ministry of Justice of the People's Republic of China
Ms. Xiu-Li Tian	Program Officer Mutual Legal Assistance and Foreign Affairs Department, Ministry of Justice of the People's Republic of China
Mr. Zhi-Hua Du	Deputy Director-General Legislation Department Legislative Affairs Commission of the Standing Committee of the National People's Congress People's Republic of China
Ms. Bin Liu	Consultant Research Department Legislative Affairs Commission of the Standing Committee of the National People's Congress People's Republic of China
Mr. Hong-Bin Wang	Senior Judge The First Division of Criminal Trial The Supreme People's Court of the People's Republic of China
Mr. Wei-Chun Ao	Senior Judge The Third Division of Criminal Trial The Supreme People's Court of the People's Republic of China

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Mr. Yun-Tao Gao	Deputy Director General Department of Duty Crimes Prevention The Supreme People's Procuratorate of the People's Republic of China
Mr. Lei Chen	Office-Level Procurator General Bureau of Anti-Corruption and Bribery The Supreme People's Procuratorate of the People's Republic of China
Ms. Xiao-Li Liu	Consultant Administrative Re-examination The Bureau of Legislative Affairs Department Ministry of Public Security of the People's Republic of China
Mr. Jing-Jie Liu	Section Chief Criminal Investigation Department Ministry of Public Security of the People's Republic of China
Mr. Gong-Yi Wang	Director-General Judicial Research Institute Ministry of Justice of the People's Republic of China
Mr. Hua Guo	Associate Professor Central University of Finance and Economics

APPENDIX

DISTRIBUTION OF PARTICIPANTS BY PROFESSIONAL BACKGROUND AND COUNTRY

(1st International Training Course – 146th International Training Course)

Professional background Country/Area	Judicial and Other Administration	Judge	Public Prosecutors	Police Officials	Correctional Officials (Adult)	Correctional Officials (Juvenile)	Probation Parole Officers	Family Court Investigation Officers	Child Welfare Officers	Social Welfare Officers	Training & Research Officers	Others	Total
Afghanistan	7	9	6	4									26
Bangladesh	21	13		17	5		4			5		2	67
Bhutan				9									9
Brunei	4				2								6
Cambodia	1	2	1	7	1								12
China	13	5	5	10							8		41
Georgia				1									1
Hong Kong	16			12	29	3	9		1	3	1		74
India	15	10		53	7	1	1			2	6	4	99
Indonesia	23	22	33	28	14		3			6		2	131
Iran	5	12	8	8	6						2	1	42
Iraq	6	3	3	7	5	5					2		31
Jordan		1	1	5									7
Korea	13	3	53	6	28	4					3		110
Kyrgyzstan	1			1									2
Laos	10	6	7	10									33
Malaysia	21	2	7	46	35	8	3		1	5	3	1	132
Maldives	1	3	2	1									7
Mongolia	1		1	2									4
Myanmar	7	1	1	4	1								14
Nepal	34	13	12	32								3	94
Oman			1	4									5
Pakistan	20	10	2	41	8	1	2				2	2	88
Palestine	2		1	1			1			1			6
Philippines	18	9	25	39	9	3	13	3	1	7	5	7	139
Saudi Arabia	5			7	3						1	1	17
Singapore	10	18	5	12	10	3	10			3	1	1	73
Sri Lanka	22	20	17	22	20	1	11		1	3		1	118
Taiwan	12	4	2	2	1								21
Tajikistan	1												1
Thailand	24	40	40	17	18	9	12	1		8	5	1	175
Turkey	2	1	1	2							1	1	8
United Arab Emirates	1												1
Uzbekistan												1	1
Vietnam	14	5	3	8	1					4	2		37
Yemen	1			2									3
A S I A	331	212	237	420	203	38	69	4	4	47	42	28	1,635
Algeria		4	2										6
Botswana	2		1	5	1					1			10
Cameroon	4		1										5
Cote d'Ivoire		2		1									3
Democratic Republic of the Congo	1	1	1	1									4
Egypt	1	3		3							3	1	11
Ethiopia	3			2									5
Gambia				2									2
Ghana	1		1	5	1								8
Guinea			1	3									4
Kenya	7	4	1	12	7		7				2		40
Lesotho				1			2						3
Liberia											1		1
Madagascar				1									1
Malawi			1										1
Mauritius		1											1
Morocco			1	4								1	6
Mozambique	1			1	1								3
Namibia			1		1								2
Niger			1										1
Nigeria	1			6	5							1	13
Seychelles				4	3					1	1		9
South Africa				3			1						4
Sudan	2		1	13	1						2		19
Swaziland				2									2
Tanzania	4	3	5	7	2								21
Tunisia		1		1									2
Uganda			1	5								1	7
Zambia		1		6									7
Zimbabwe	1		3	8									12
AFRICA	28	20	22	96	22	0	10	0	0	2	9	4	213

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Professional background Country/Area	Judicial and Other Admin- istration	Judge	Public Prosecutors	Police Officials	Correctional Officials (Adult)	Correctional Officials (Juvenile)	Probation Parole Officers	Family Court Investi- gation Officers	Child Welfare Officers	Social Welfare Officers	Training & Research Officers	Others	Total
Australia			1				1			1			3
Fiji	6	1	9	21	17					1			55
Kiribati	1												1
Marshall Island	1			4									5
Micronesia				1			1						2
Nauru				1									1
New Zealand	1			1									2
Palau				1	1								2
Papua New Guinea	10	1	4	19	10		4			1		2	51
Samoa	1			2			1					1	5
Solomon Islands	3		2		1								8
Tonga	2	1		7	3		3				1		17
Vanuatu				4									4
THE PACIFIC	25	3	16	63	32	0	10	0	0	3	1	3	156
Antigua and Barbuda				1			1						2
Argentina	2	2		2								1	7
Barbados				1			1						2
Belize	1			2									3
Bolivia		1										1	2
Brazil	2		6	26	2				1	1			38
Chile	1		1	4	2								8
Colombia	3	1	2	4					1			1	12
Costa Rica	3	5	5								1	2	16
Dominican Republic				1									1
Ecuador			1	4		1							6
El Salvador	1	1		2	1						1	1	7
Grenada				1									1
Guatemala	1			1	1							1	4
Guyana				3	1								4
Haiti				1									1
Honduras			1	8									9
Jamaica	3			1	3	1							8
Mexico	1			2								1	4
Nicaragua		1											1
Panama			4	3								1	8
Paraguay	1		1	9		1							12
Peru	4	10	4	4	1						1	2	26
Saint Christopher and Nevis			1	1									2
Saint Lucia	1				1								2
Saint Vincent				2									2
Trinidad and Tobago	1				1								2
U.S.A.								1					1
Uruguay				3									3
Venezuela	1		1	12							1		15
NORTH & SOUTH AMERICA	26	21	27	98	13	3	2	1	2	1	4	11	209
Albania	1			2									3
Bulgaria				1									1
Estonia			1										1
Former Yugoslav Republic of Macedonia	2												2
Hungary	1												1
Lithuania				1									1
Poland				1									1
EUROPE	4	0	1	5	0	0	0	0	0	0	0	0	10
United Nations Office on Drugs and Crime												1	1
JAPAN	115	181	289	99	95	88	203	66	38	2	48	73	1,297
TOTAL	529	437	592	781	365	129	294	71	44	55	104	120	3,521

PART TWO

RESOURCE MATERIAL SERIES

No. 84

Work Product of the 147th International Senior Seminar

“Community Involvement in Offender Treatment”

UNAFEI

VISITING EXPERTS' PAPERS

COMMUNITY INVOLVEMENT IN THE CANADIAN CRIMINAL JUSTICE SYSTEM

*Yvon Dandurand**



I. INTRODUCTION

Over the last 25 years or so, in Canada, there has been a substantial growth in the number and an improvement in the quality of the opportunities available to the community to become involved in the treatment of offenders. That growth paralleled the growth of community involvement in crime prevention and the advent of problem-oriented policing. These trends are all interrelated. In Canada, there is a strong non-governmental sector in the country and that sector now plays a crucial role in crime prevention, victim assistance and the delivery of assistance, treatment and supervision services for offenders. There are also numerous community-based agencies providing mental health and substance abuse services in the community, often to offenders.

I cannot here give a detailed account of the different ways in which community members can be and are involved in offender treatment. Instead, I would like to focus on five main areas which I think are interesting for international counterparts. They are: (1) participatory justice and, in particular, the role of the community in what we call “sentencing circles”; (2) the involvement of the community in our youth justice system; (3) the role of citizens’ advisory committees within the federal penitentiary system; (4) the role of community members in what we refer to as “circles of support”; (5) the role of the Aboriginal community in supporting the rehabilitation and reintegration of Aboriginal offenders.

II. PARTICIPATORY JUSTICE

The Law Commission of Canada noted the emergence of a community justice movement in Canada:

“Disillusionment with the formal criminal justice system has led to a willingness to innovate and experiment in an effort to do things better. This is reflected in the history of neighbourhood justice centres, the continuing development of new programmes and processes (such as healing circles and group conferencing), a strong commitment to seeing results in action, and a growing interest in programme evaluation that is faithful to the consensus-based goals of community restorative justice.”¹

The expression “participatory justice” is not used very frequently in Canada, but it refers generally to a number of community-based initiatives that promote and facilitate the involvement of the community in problem solving, responding to crime and dealing with the offenders. The emphasis is often on the offender (and the victims) rather than only on the offence. Depending on the scheme, the community acts more or less autonomously from the criminal justice system.

Aboriginal communities, in particular, have shown an interest in becoming involved in what we could refer to as “aboriginal community justice”. Aboriginal offenders are very much overrepresented in the Canadian correctional system. Aboriginal communities have developed initiatives in response to an overwhelming need for emotional and spiritual healing in their communities. Furthermore, for many Aboriginal communities,

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¹ Law Commission of Canada (2003). *Transforming Relationships through Participatory Justice*. Ottawa: Law Commission of Canada, p. 28.

such initiatives are part of a larger movement to assert control over their own governance and over justice institutions.

A. Sentencing Circles

Circle sentencing is perhaps one of the best Canadian examples of participatory justice. In that process, members of the community can become directly involved in responding to incidents of crime and social disorder. In Canada, this is usually done through the formation of a Community Justice Committee (CJC) that may also include representatives from justice agencies. The common objective of the members of such a committee is to find more constructive ways to respond to conflict in their community. Cases are referred to the committee, generally from the police, prosecutors and judges, although cases may also come from the schools, victim services programmes and families.

The Committee plays an integral role in the overall circle process, including liaising with criminal justice agencies and community organizations as well as with the various stakeholder groups in the community.² The operation of the circle sentencing process is community-specific, meaning that it may (and should) vary between communities. In fact, the circle sentencing process relies heavily upon community volunteers for its success.³

The circles are also applied in situations involving juvenile offenders. The committee can often mobilize community support for the victim and the young offender throughout, and following the circle process. Restorative programmes offer some very real and effective alternatives to more formal and stigmatizing youth justice measures. In particular, because of their educational value, they are particularly useful for promoting diversionary measures and for providing alternatives to measures that would deprive a youth of his or her liberty. Many such programmes offer unique opportunities to create a community of care around children and youth in conflict with the law. Public support for restorative justice programmes for youth is usually relatively easy to garner.⁴

B. Community Conferencing

Community conferencing is also used sometimes as an alternative measure programme to which an offender can be diverted from the criminal justice system. Such programmes tend to be managed by community groups or agencies, with or without financial support from the government. The conference usually involves those most concerned about the offender and the victim and any other member of the community with an interest in the process (e.g. a school teacher in the case of a young offender, or an employer). The agency or community group to which the offender is referred is also responsible for monitoring the offender's compliance with the terms of the agreement and may or may not function under the direct oversight of law enforcement or justice officials.

C. Issues of Fairness

The involvement of the community in shaping a response to an offender's behaviour can sometimes work at the expense of the procedural safeguards that would normally be in place to protect the rights of that offender. There are obviously issues of fairness that cannot be neglected. The Law Commission of Canada has offered some general recommendations on developing fair participatory processes.⁵ There does not exist yet a comprehensive regulatory framework for such initiatives. In the absence of a Canadian regulatory framework, one may rely on the *United Nations Basic Principles on the Use of Restorative Justice Programmes in Criminal Matters*. Among other things, these standards emphasize the need to obtain the consent of both the offender and the victim before applying such measures.

² Bazemore, G. and C. T. Griffiths (1997). "Conferences, Circles, Boards, and Mediations: Scouting the 'New Wave' of Community Justice Decision Making Approaches." *Federal Probation* 61, (June), pp. 25-38.

³ Pranis, K., Stuart, B., and M. Wedge (2003). *Peacemaking Circles—From Crime to Community*. St. Paul (Minn.): Living Justice Press.

⁴ Dandurand, Y. and C. Griffiths (UNODC) (2006). *Handbook on Restorative Justice Programmes*. New York: United Nations.

⁵ Law Commission of Canada (2003). *Transforming Relationships through Participatory Justice*. Ottawa: Law Commission of Canada, p. 217.

III. YOUTH JUSTICE

The *Canadian Youth Criminal Justice Act* (YCJA) encourages the use of provisions to keep young offenders from being processed in the formal juvenile justice system. Provisions in the Act encourage juvenile justice officials to use what are called 'extrajudicial measures' for juvenile offenders who have committed less serious offences.

The Act also sets out very clear objectives for the use of such extrajudicial measures. These objectives are: (1) to encourage family, victim, and community involvement in the process; (2) to provide the opportunity for the victim to participate in the decision-making process; (3) to repair the harm caused to both the victim and the community; and, 4) to ensure that the extrajudicial measures used are proportionate to the seriousness of the offence.

Under the Act, police officers and prosecutors are encouraged to use pre-charge and post-charge diversionary measures. The following is a list of diversion measures that police and prosecutors are authorized to use under the YCJA: (1) taking no further action; (2) warnings (informal warnings by police officers); (3) police cautions (more formal warnings by the police), and (4) police referrals of young persons to community programmes or agencies that may help them not to commit offences. The referral may be to a wide range of community resources, including recreation programmes and counselling agencies.

Although the Act states that the police must consider referring troubled youth to community programmes, the option tends to be underutilized. There remains a need to strengthen police-community partnerships by providing programmes and tools to encourage such referrals. As first responders, police are well situated to prevent youth from continuing down criminal pathways. They need to be connected to the community resources.

The BC Centre for Safe Schools and Communities, at my university, has just launched a database on community resources which can be used directly and easily by front line police officers. The tool provides front line police officers with easy access to information that can assist them in referring young offenders to mental health and drug addiction services in their communities. The database will also enable greater citizen/community participation in the youth justice system through community programmes and services for drug addiction and mental health services targeted specifically at youth.

The Act provides a variety of opportunities for justice system personnel to divert youth from the formal criminal justice process. One of these possibilities is the "family group conference" or the "community group conference". The utility of conducting conferences is also acknowledged by the Act. The law authorizes and encourages administrators to use conferences in the decision-making process for young offenders. Under the Act, 'a conference is defined as a group of people brought together to give advice to a police officer, judge, justice of the peace, prosecutor, provincial director or youth worker who is required to make a decision under the Act'.

Conference groups typically involve a variety of people and may include the youth's parental figures, the victim(s), community members or community agency personnel or other professionals whose expertise is needed in the decision-making process. Conference groups have the ability to make various recommendations about the following decisions: (1) extrajudicial measures to be used; (2) conditions for release from pre-trial detention; (3) sentences; and, (4) reintegration (re-entry) plans for the juveniles once they have been released from custody and are ready to return to their family and the community.

Conferences conducted within the YCJA legislative framework tend to take one of two forms: they are either restorative in nature or are conducted as professional case conferences. When used as a restorative mechanism, conferences address the harms caused by the juvenile's offence to both the victim and the community. A professional case conference on the other hand is conducted to develop and implement strategies for addressing the young offender's needs, in addition to determining how community services may be used to assist the young person.

IV. CITIZEN ADVISORY COMMITTEES

Citizen Advisory Committees (CACs) are autonomous committees that reflect the interest of citizens in contributing to the quality of Canada's federal correctional services and programmes. The mission of each CAC is "to contribute to the protection of society by interacting with staff of the Correctional Service of Canada (CSC), the public and offenders by providing impartial advice and recommendations about correctional services and by acting as a liaison with the community" (CSC website). They have been in operation since 1965 (and became mandatory for all penitentiaries in 1977).

According to CSC, close to 600 citizens participate in 106 committees across the country. Committee members represent various social, cultural, and demographic backgrounds and occupations, and usually reside in proximity to the operational unit for which the committee serves. They are appointed for a period of two years.

The role of the committees is defined in *Commissioner directive No. 023, 2003-03-17*: "Citizens' Advisory Committees: (a) provide advice to the Correctional Service of Canada (CSC) regarding correctional operations, programmes, policies, and plans; (b) act as impartial observers of and provide feedback on the day-to-day activities and operations of the CSC; (c) liaise with staff and offenders and their representatives, other organizations including criminal justice and advocacy groups and the community to address correctional issues; and, (d) in performing these roles, local committees should establish clear objectives and undertake activities that will support them. (...) These objectives should be reviewed and updated yearly."

These committees are involved in numerous activities, involving the institutions, the offenders and the community. I can perhaps give you some examples.

V. CIRCLES OF SUPPORT AND ACCOUNTABILITY

A circle of support and accountability is a form of community reintegration programme that seeks to reduce the risk of reoffending by sex offenders who are re-entering the community without supervision at their warrant expiry date. Based in the religious community, the circle aims to enhance public safety by working in cooperation with the police, neighbourhood groups, victims and treatment professionals.

This programme was originally conceived in Canada as a means to fill a gap in services left by government policy that is, regarding those individuals that had served their entire court sentence in prison and were released at the expiration of their warrant. These individuals were being released without a formal process of aftercare and without any assistance or supervision. The programme was initiated out of necessity to work with released offenders who were most likely to fail to successfully reintegrate society, presumably because of a lack of community support or other resources. Many of these individuals were untreated sex offenders and their return to the community was very likely to attract significant media attention.⁶

The programme is a fine example of community participation and of successful partnerships between the community and the justice system. The volunteers involved in the programme are carefully selected from the community, professionally trained, and aptly supported. An agreement is established between the core member (the offender) and up to seven circle volunteers. Participation is voluntary on both sides. However, once the agreement is agreed to, it becomes the road map for both the support and the accountability that can be expected by all participants. The outer "professional" circle refers to the support, guidance and interventions that are provided by professionally trained participants and representatives of official law enforcement or correctional agencies.⁷

⁶ Brown, R. E. and Y. Dandurand (2007). "Successful Strategies that Contribute to Safer Communities", in Maio, S. (Ed.), *Selected Papers on Successful Crime Reduction and Prevention Strategies in the Urban Context*. Riyadh: Naif Arab University for Security Sciences, pp. 77-88.

⁷ See also: Wilson, R., McWhinnie, A., Picheca, J., Prinzo, M., and Cortoni, F. (2007). "Circles of Support and Accountability: Engaging Community Volunteers in the Management of High-Risk Sexual Offenders," *Howard Journal*, Vol. 46 No 1. (February 2007), pp. 6-7.

An evaluation of a pilot project based on this model was conducted by Wilson, Picheca and Prinzo.⁸ It compared the offenders supported by the programme to 60 offenders from a matched comparison group. The 60 high-risk sex offenders who received the support of the programme reoffended at a rate 50 to 60% below the expected rate. Furthermore, the offences committed by the Circle supported offenders were less brutal, less invasive, and less injurious than the index offence – a harm reduction effect.

VI. ABORIGINAL COMMUNITY INVOLVEMENT

As I mentioned before, Aboriginal offenders continue to be disproportionately represented at all levels of the Canadian criminal justice system. According to CSC, at the end of March 2007, Aboriginal people comprised 17.0% of federally sentenced offenders although the general Aboriginal population is only 2.7% of the Canadian adult population.

A little over ten years ago, the Correctional Service of Canada and the National Parole Board of Canada developed a framework for enhancing the role of Aboriginal communities. Special funds were allocated to the initiative (\$18.6 million over five years; 2000-01 to 2004-05). Research had demonstrated that reconnecting the offenders with families and communities improved outcomes and reduced recidivism. A lot of that funding was therefore used to develop additional Aboriginal healing lodges with Aboriginal communities. Healing lodges are minimum security Aboriginal community facilities that offer culturally appropriate services and programmes to offenders in an environment that incorporates Aboriginal peoples' values, traditions and beliefs.

This was to be the beginning of greater involvement of Aboriginal communities in the reintegration of offenders. Initially, while many Aboriginal communities were interested in developing healing lodges, they often lacked the capacity and/or expertise to engage in the planning, development and implementation of community-based alternatives.

Aboriginal communities are also involved through the work of Elders. First Nations, Métis and Inuit Elders contribute throughout the sentence to meeting the cultural and spiritual needs of diverse Aboriginal offenders. They provide guidance and leadership in correctional planning/intervention for those who wish to follow a traditional healing path.

Finally, community involvement is also fostered through the work of Aboriginal liaison officers who help ensure that the unique histories and needs of individual Aboriginal offenders in institutions and of their communities are understood and met. They also facilitate interactions between offenders and non-Aboriginal staff to ensure that the offenders' spiritual and cultural needs are addressed.

VII. CONCLUSION

As shown above, there is no shortage of opportunities for community members to get involved in the treatment of offenders. Hundreds of groups and thousands of volunteers get involved each year. The Correctional Service of Canada alone reports that approximately 9,000 Canadians, from all walks of life, volunteer at the Service, helping in the penitentiaries as well as in the community. Volunteers contribute to a variety of institution-based programmes, including chaplaincy, recreation activities, classroom and workshop instruction, social events and cultural activities. In the community, they support the families of offenders and help released offenders readjust to life in the community.

Many services have effectively become dependent on the help of community members and non-governmental organization partners to deliver offender rehabilitation and reintegration programmes. The commitment to public safety and offender treatment that these community-based agencies and organizations have demonstrated has greatly enhanced the ability of the justice system to offer correctional programmes. These groups have assisted the system in dealing with the increasingly complex needs of today's offender population.

The experience community members have of their involvement in the justice system varies. Some of

⁸ Wilson, R., Picheca, J.E., and M. Prinzo. 2005. "Circles of Support and Accountability: An Evaluation of the Pilot Project in South-Central Ontario". Ottawa: Correctional Service of Canada.

them comment from time to time on the trivialization of their role and the unnecessarily limits and constraints imposed on the involvement by the justice and correctional institutions. However, generally speaking, the experience of these community members seems to be largely positive and rewarding. They, for the most part, feel that their own contribution makes a difference not only in the life of the offenders, but also in terms of public safety.

We certainly can deplore the general lack of research to assess the impact of community involvement in the treatment of offenders. In Canada, certainly, that research is very limited. However, most people who are familiar with the Canadian system would probably agree that the growing involvement of the community in the treatment of offenders has helped us make our justice system more open and transparent, and more accountable. This is indeed a very positive development.

DIFFERENT PATHS TO GREATER COMMUNITY INVOLVEMENT IN THE TREATMENT OF OFFENDERS

*Yvon Dandurand**

I. INTRODUCTION

The International Centre for Criminal Law Reform and Criminal Justice Policy, just like UNAFEI, is a member of the United Nations Crime Prevention and Criminal Justice Programme Network of Institutes (the PNI). As such it is frequently invited to participate in research and technical assistance activities in support of policy reform and capacity building initiatives in various countries. It perhaps gives us at the Centre an interesting perspective on how various countries are approaching the question of the treatment of offenders and the role that they reserve for the community's involvement as part of that process.

The countries we have had the pleasure to work with do not necessarily all recognize the importance of offering proper treatment programmes to offenders. Some of them are simply satisfied to rely on deterrence, through punishment and hard labour, to produce a change in the behaviour of offenders. For them, the treatment and rehabilitation of offenders are rarely defined as key objectives of the criminal justice system. Other countries recognize the need for treatment and rehabilitation programmes but do not necessarily support much of a role for the community in the treatment of offenders. Even among these countries, there are great variations in how they define and circumscribe the role of the community.

At a broad level, one can identify many factors which affect the likelihood of community involvement in the treatment of offenders. First, the level of community involvement is often a function of the relative openness and transparency of a criminal justice system. A criminal justice system which is committed to high standards of transparency, accountability, integrity and openness is usually much more open to various forms of community involvement. Repressive systems, on the contrary, are far more reluctant to carve a suitable place for community participation or, for that matter, for any kind of meaningful civil society involvement. Secondly, the level of development achieved by a country is also often a factor as it directly impacts the ability of the community to get involved actively. Finally, there are also some cultural and political factors which affect the extent to which the non-governmental and volunteer services sectors are able to develop. In some countries, the non-governmental sector has been actively dissuaded from getting involved by the authorities. In some instances, the authorities may still perceive any form of community mobilization or organization as a potential threat to existing political arrangements.

All these factors must obviously be kept in mind. Above all, one must remember that countries tend to approach both the treatment of offenders and the involvement of the community in that process very differently. As they discover the merits of community involvement in the criminal justice process, they find different paths to progress and different ways to facilitate that involvement. This should encourage us all to be creative in our attempts to involve the community.

In this presentation, I hope to offer several examples of these different approaches so that you may form your own view of what might be applicable in the context in which you work. In doing so, I plan to emphasize how community involvement can help make the criminal justice system more accountable, but also much more effective in preventing recidivism and promoting public safety. I will also try to draw your attention of how community involvement can effectively contribute to the protection of the rights of offenders. I like to think of these points as the three immediate benefits of community involvement in the treatment of

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offenders.

Before I get into the crux of the matter, I would like to note that there are some interesting initiatives in different parts of the world exploring how the community can be part of the governance of prisons and correctional programmes. In such initiatives, representatives of the community are typically invited to participate in the work of prison management boards or in various types of advisory committees. Members of the community are sometimes included in civilian oversight mechanisms designed to review complaints or allegations of misconduct and, generally speaking, to hold prisons services and other agencies accountable for their practices. In Canada, for example, it is mandatory for all federal penitentiaries to have an autonomous citizens' advisory committee (CAC) to reflect the interest of citizens in contributing to the quality of Canada's federal correctional facilities and programmes. In many countries, legislation encourages the conduct of inspections and visits by community-based human rights agencies. In many ways, these broader interactions between correctional authorities and various elements of the community can be quite transformational. They are incredibly interesting from the point of view of introducing and supporting broad correctional reforms.

However, since this paper's scope is limited, I will focus my comments more specifically on three very practical but no less crucial aspects of community involvement in offender treatment. These are: (1) community involvement in the treatment, rehabilitation and reintegration of offenders; (2) community involvement in diversion programmes; and, (3) community involvement in community corrections, conditional release, aftercare and offender re-entry programmes. I will select examples from the many technical assistance projects in which we have been involved over the last several years. Some of these examples will relate more specifically to programmes and initiatives designed for juvenile offenders while others will be somewhat more general in character.

II. THE SOCIAL REINTEGRATION OF OFFENDERS

The concept of "reintegration" generally refers to the social integration measures designed to assist offenders who are being released from an institution, such as a prison, a detention centre or a reform school, and help them face the challenges associated with their return to the community. This assistance involves both addressing the offenders' needs and managing the risk they may pose to the community. Programmes and measures must be in place to identify and address offenders' needs and prepare them for their return to the community. A key aspect of effective interventions for the social integration of offenders is an understanding of the factors that place them at risk and make it difficult for them to function normally in society.

The intervention programmes developed in various countries to assist the social integration of offenders vary in efficacy and none are effective for all categories of offenders. The most effective interventions are those that directly address the needs and challenges faced by the offenders, as well as their risk factors. Some of these challenges can be addressed while an offender is in an institution, but others can only be addressed while the offender is in the community. Therefore, institutional programmes must also be followed by community-based initiatives. The two levels of intervention must complement each other.

The primary criminogenic needs that must be addressed by institutional and community-based treatment programmes are those related to education, employment, accommodation, drugs and alcohol, mental health, social networks, cognitive skills, and attitudes. Most communities are able to offer resources that can be mobilized to help offenders address these needs and successfully reintegrate society.

The rehabilitation of offenders and their successful reintegration into the community are among the basic objectives of the criminal justice systems. This is certainly acknowledged in international human rights standards. Principle 10 of The United Nations *Basic Principles for the Treatment of Prisoners* state that: "With the participation and help of the community and social institutions and with due regard to the interests of victims, favourable conditions shall be created for the integration of the ex-prisoner into society under the best possible conditions".² Principle 8 refers to the need to enable prisoners to undertake meaningful employment which will facilitate their reintegration into the country's labour market and permit

² United Nations *Basic Principles for the Treatment of Prisoners*. General Assembly resolution 45/111, annex.

them to contribute to their own financial support and that of their families.

With respect to juvenile offenders, the *Convention on the Rights of the Child* (CRC), requires States Parties to establish special laws, procedures, authorities, and institutions specifically applicable to juveniles in conflict with the law. These special laws and procedures must ensure that juveniles are treated with respect for their sense of dignity and worth and takes into account the juveniles' age and the need to promote their successful social integration. Article 40 (1) of that Convention stipulates that States Parties should recognize "the desirability of promoting the child's reintegration and the child's assuming constructive role in society".

A. Community Involvement in Prison Programmes

Opening the doors of the prisons and encouraging community involvement, as we all know, can have some immediate and worthwhile effects on the overall management of prisons and correctional programmes. The community also brings a wealth of resources and practical expertise that prisons cannot otherwise access or make available to offenders. As I already mentioned, the process is truly transformational. In Uganda, for example, the Prisons Service adopted a policy document³ to guide transformation and improve performance within the Service. This was part of a resolute attempt to implement an "open-door policy" that opened prison gates to all stakeholders in order to address the challenges created by a historically closed prisons culture. This is when that Service began to make some progress in providing some effective assistance to offenders and facilitating their reintegration.⁴ One of the unanticipated benefits of a closer connection between prisons and the community was the development of an innovative programme which made it possible for pre-trial detainees to enter an early guilty-plea and to be sentenced without further delay to serve a sentence of community services. This was made possible by the close cooperation between the Prisons Service and a community-based non-governmental agency. As a result, the number of cases of individuals held in pre-trial detention and the length of their stay in prison were both considerably reduced.

With respect to the provision of education and vocational training programmes for prisoners, it is important to note that the most successful programmes are almost always those which involve partnerships with the education system and community-based organizations. These programmes offer education and training that are relevant to the labour market and consistent with academic and professional standards. Some vocational training can be offered in close collaboration with the private sector, as is the case for example in Singapore. The private sector can offer expertise, equipment, access to technology, and even business opportunities for the institutions involved. In thinking about such programmes, what usually first come to mind are examples of collaboration in manufacturing. However, there are many opportunities for institutions to collaborate with the private sector or with local communities with respect to training in areas such as agriculture, food processing, organic farming, animal husbandry, and other less-technology-dependent areas.

Involving business organizations in the vocational training of offenders can increase the relevance of that training and ensure that it remains aligned with the rapidly evolving needs of the labour market. It can also ensure that training programmes keep pace with new and emerging technologies. Prisons services sometime find creative ways to involve private sector industries and, if necessary, to provide incentives to encourage their involvement. Corrections officials often have assets, such as land, facilities, or location, which can be used as leverage to entice the private sector. For private sector businesses, the motivation is rarely only to provide training or to recruit employees. Instead, their involvement in the provision of vocation training to offenders is more often part of a broader partnership with correctional authorities and a more comprehensive business plan.

There are many ways in which correctional authorities can explore and promote partnerships with the private sector and find viable and affordable ways to involve that sector in the training and hiring of offenders. Some countries have been extremely successful at doing so, particularly when correctional officials were very proactive at initiating such partnerships, recruiting new business partners, removing obstacles to the private sector's participation, and offering incentives. Once more, Singapore offers a number of examples of promising practices in that respect. In that country, the private sector partners are supported,

³ Uganda Prisons Service (2000). *Policy Document – 2000 and Beyond*. Kampala: Uganda Prisons Service Headquarters.

⁴ UNODC (2010). *Persisting Challenges and Emerging Trends: Findings and Recommendations. Report of the UNODC Prisons Assessment Mission to Uganda*. New York: United Nations, p. 8.

celebrated and rewarded. Simple procedures are in place to make these partnerships possible and new opportunities can be explored promptly and efficiently with potential new private sector partners.

Some correctional institutions sometimes conduct simple surveys of private businesses and potential employers to identify some of the local training needs and labour market openings. In some instances, this sounds the beginning of a much wider collaboration between these businesses and the institutions. A crime prevention and offender reintegration project of the Ministry of Public Security in Vietnam, in collaboration with Plan Vietnam, recently used that approach to redesign and improve the vocational training offered to young offenders serving a term in the national reform schools. The prior survey of prospective employers is credited with much of the current success of the programme. The success of the programme is what allowed the reform schools to move to the next step and work more closely with the private sector to provide job placements for young offenders at the end of their sentence. In some cases, job placement of a recently trained young offender is what made possible the early release of the offender.

In addition to the private business sector, other community resources can also be mobilized to offer better vocational training to offender. For example, community colleges and other educational institutions may be able to offer training either in the community or in the institutions. At the very least they can play a role in the training and supervision of prisons instructors who deliver vocational training to offenders.

The involvement of the private sector in organizing, facilitating or even delivering advanced vocational training to offenders also makes it possible for some of the vocational training to take place in the community, not only for offenders serving a community supervision sentence, but also for prisoners who may qualify from a day-release programme as part of their social reintegration plan.

The community has obviously much more to offer to the treatment of offenders than vocational training and education programmes. NGOs, individual experts and volunteers may have experience and expertise in dealing with certain types of offenders or in offering certain kinds of intervention which does not otherwise exist within the institutions. Institutional programmes should make use of this rich source of resources. Self-help groups, members of distinct ethnic communities, people with different language skills, or even people with a certain religious orientation or some special artistic skills may often find it easier to develop a positive and meaningful relationship with offenders and contribute to their rehabilitation. They may have a stronger impact on offenders. They can often contribute insights, support and advice that will help address some of the offenders' criminogenic needs, such as an alcohol or drug dependence. Finally, programmes which involve the participation of victims of crime - including victim-offender mediation programmes - can help offenders understand the consequences of their own behaviour and the effect it had on victims and on the community. Such programmes have been shown to have a real impact on the successful rehabilitation of offenders and on the prevention of recidivism. They are obviously not possible without the participation of victims and other members of the community.

We should discuss together how this is all made possible within a correctional institution setting. There is obviously much more to it than simply "allowing" the community to get involved. Promoting community involvement and making it sustainable involve a number of steps which should not be neglected. Prisons staff must be prepared to facilitate community involvement and to welcome it in spite of any practical inconvenience or additional security, safety and management issues that this strategy always generates. The community involvement process must be carefully managed, keeping in mind that problems and difficulties will predictably occur and will require some careful responses. Information, support, facilities, encouragement and incentives must be provided for the community's effort to be sustained in the longer term.

B. Community Involvement in Offender Re-entry Programmes

Assisting the social integration of offenders is important from both the point of view of public safety and the point of view of protecting the rights of offenders. Efforts to assist their social integration must consider both the needs of the offenders, as well the risk they present in terms of the safety of the community.⁵

⁵ Griffiths, C. T., Dandurand, Y., and D. Murdoch (2007). *The Social Reintegration of Offenders and Crime Prevention*. A research report prepared for the Policy, Research and Evaluation Division, Public Safety Canada. Ottawa: National Crime Prevention Centre, Public Safety Canada, April 2007.

The primary objective of social integration and reintegration is to provide offenders with the assistance and supervision that will help them function in society as law-abiding citizens and avoid reoffending. These programmes provide an opportunity for offenders to connect with their families and community and to live a productive and law-abiding life. The community, obviously, must also be responsive.

In designing and implementing interventions to facilitate the offenders' successful reintegration, there are a number of realities that must be kept in mind. Offenders released from imprisonment are confronted by a myriad of challenges that will predispose them to reoffend upon release. Many offenders have multiple needs and issues that must be addressed in a comprehensive manner, including limited skill sets, substance abuse issues, and an absence of family and community support.

It is imperative for institutions to develop cooperative partnerships with community-based organizations, volunteer groups, and NGOs to offer seamless interventions that mobilize all available resources to assist and, when necessary, supervise the offenders.⁶

When offenders have been placed in an institution, they face additional challenges that are directly associated with the consequences of incarceration and the following difficult transition back to the community.⁷ There are therefore several practical challenges that must be faced by offenders at the time of their release, including finding suitable accommodation with very limited means, managing financially with little or no savings until they begin to earn some lawful remuneration, accessing a range of everyday necessities, and accessing services and support for their specific needs.⁸

In most instances, the successful reintegration of offenders hinges upon their ability to secure and maintain gainful employment. However, offenders typically encounter many challenges with respect to securing employment when they are released from an institution. These include challenges due to personal factors such as low self-esteem, poor motivation, various skills or lack of training, and challenges related to a lack of employable skills or a poor employment record.

Among the more important interventions that can be made to assist offenders with respect to employment are job readiness classes, vocational education, certification, job training, job placement, and employment monitoring by a case manager. In all of these areas, community organizations and the private sector are uniquely positioned to offer effective assistance.

In many of the countries we have been working in, there often is very little reintegration assistance available to offenders who have been institutionalized. This is particularly problematic because the rehabilitation assistance these offenders have received during their institutionalization was also very limited. In the last several years, I have had the opportunity to work in Vietnam with the Ministry of Justice and UNICEF on a national survey of social reintegration mechanisms. In that country, the concept is only articulated in general policies with no specific programme or project to implement these activities. It was therefore difficult to fully implement reintegration support policies.

III. COMMUNITY INVOLVEMENT IN DIVERSION PROGRAMMES

Diversion refers to an alternative process for dealing with offenders in an informal way, outside of the formal administrative or criminal justice systems. It may involve any process used by various components of the criminal justice or administrative systems to channel offenders away from formal proceedings and adjudication to community-based responses to their behaviour, needs and circumstances. The objective of such a process is to give offenders a chance to take responsibility for their actions and amend their

⁶ Brown, R. E. and Y. Dandurand (2007). "Successful Strategies that Contribute to Safer Communities", in Maio, S. (Ed.), *Selected Papers on Successful Crime Reduction and Prevention Strategies in the Urban Context*. Riyadh: Naif Arab University for Security Sciences, pp. 77-88.

⁷ See: Borzycki, M. 2005. *Interventions for Prisoners Returning to the Community*. A Report Prepared by the Australian Institute of Criminology for the Community Safety and Justice Branch of the Australian Government Attorney General's Department. Canberra: Australian Institute of Criminology.

⁸ Borzycki, M. and T. Makkai (2007). *Prisoner Reintegration Post-release*. Canberra: Australian Institute of Criminology, March 2007.

behaviour without having a formal dossier or sanction recorded against them. The Tokyo Rules state that consideration must be given to “dealing with offenders in the community, avoiding as far as possible resort to formal proceedings or trial by a court, in accordance with legal safeguards and the rule of law” (Rule 2.5).

In the case of juvenile offenders, the *Convention on the Rights of the Child* (CRC) requires States parties to promote the establishment “wherever appropriate and desirable” of measures for dealing with juveniles in conflict with the law without resorting to formal judicial proceedings, provided that human rights and legal safeguards are fully respected (Article 40(3)(b)).

The *Standard Minimum Rules for the Administration of Juvenile Justice* (Beijing Rules) also directly promote the use of diversion: “Consideration shall be given, wherever appropriate, to dealing with juvenile offenders without resorting to formal trial by the competent authority” (Rule 11.1). The Rules also refer to the type of community programmes that should be in place “In order to facilitate the discretionary disposition of juvenile cases, efforts shall be made to provide for community programmes, such as temporary supervision and guidance, restitution, and compensation of victims. (Rule 11.4)”

Diversion, let us be clear, cannot operate without the existence of strong and credible community-based programmes and resources. In fact, the implementation of diversion programmes often fails for one of three main reasons: the community resources do not exist or are insufficient; the community resources exist but referrals do not take place; or, the programme loses credibility after a publicized controversial failure of an offender who was often referred to a community programme without a proper prior assessment.

Among some of the most successful diversion initiatives, restorative justice programmes often provide an expanded role for community members in the resolution of conflicts and in constructing agreements to be adhered to by offenders. There are many different ways in which community members can be involved in restorative justice programmes.⁹ The *United Nations Basic Principles on the Use of Restorative Justice Programmes in Criminal Matters* notes that these programmes can enable “communities to understand the underlying causes of crime, to promote community well-being and to prevent crime”. However, the community does not always perceive these programmes as an effective response to crime. It is therefore always important to develop materials and create opportunities for the community to better understand the principles, practices and merits of restorative justice programmes.

Let us consider some examples.

IV. INVOLVEMENT IN COMMUNITY CORRECTIONS

The Tokyo Rules¹⁰ were adopted twenty years ago to promote the use of non-custodial measures and alternatives to imprisonment. The rules emphasize that public participation should be regarded as an opportunity for members of the community to contribute to the protection of society and that it “should be encouraged as it is a major resource and one of the most important factors in improving ties between offenders undergoing non-custodial measures and the family and community” (Rule 17.1). The rules also stress the importance of the role of volunteers, particularly when they are properly trained and supervised.

Many of the countries we have been working in are seriously lagging behind others in terms of their ability to offer community-based alternatives to imprisonment. It is not uncommon to encounter countries which have laws and regulations that allow for community-based sentences such as probation, either for juvenile offenders or for all offenders, but where no service is yet in place to administer such sentences. The option is therefore never used by the courts. Some countries, like Uganda, once had a service which eventually stopped operating because of lack of funds, like of public support or lack of leadership.

Our assessment of the situation of vulnerable groups in Southern Sudan prisons and the resulting policy development exercise led to the adoption of a national plan of action to implement some alternatives to imprisonment, including the development of a new probation service (with the assistance of the Kenyan

⁹ Dandurand, Y. and Griffiths, C. (UNODC) (2006). *Handbook on Restorative Justice Programmes*. New York: United Nations.

¹⁰ *United Nations Standard Minimum Rules for Non-Custodial Measures* (Tokyo Rules), United Nations G.A. resolution 45/110, December 14, 1990.

Probation and Aftercare Service) and the development of community services orders.¹¹ In a post-conflict situation and in a country where there is no tradition of community involvement in corrections, it was decided to start with the development of a probation service for juvenile offenders, as a unit within the Southern Sudan Prisons Service. I will try to tell more about this particular example.

Alternatives to imprisonment are sometimes promoted as a means to address the problem of prison overcrowding which plagues many criminal justice systems. One of the challenges facing authorities who are seeking to develop the use of alternatives to imprisonment as a way of reducing prison population (or alleviating the ever-present problem of prison overcrowding) is that of coming with effective and sustainable strategies for mobilizing the support of communities.

Communities are not always very responsive to the idea of community-based corrections. The population is often caught in a punitive mood which does not leave much room for operating community-based corrections programmes. Non-governmental organizations can help ensure that this issue is kept on the political agenda and advocate for change.¹² Community-based programmes, such as probation or community services programmes, can often be hugely successful in rehabilitating certain types of offenders. However, they simply cannot operate without the support of the community and they often depend on the active participation of members of the community.

There are many ways in which community members can assist in implementing community-based alternatives to imprisonment without putting the rights of offenders at risk. Involving them has the additional advantage that they get a first-hand experience of the benefits of keeping people out of prison.

In the case of juvenile offenders, international human rights standards established by the *Convention on the Rights of the Child* and other instruments stipulate that alternatives to imprisonment should be preferred to deprivation of liberty whenever a child is involved: imprisonment is to be used for children and juveniles only as a last resort and for the shortest period of time possible. The *Standard Minimum Rules for the Administration of Juvenile Justice*¹³ expresses a preference for community-based measures and states that “volunteers, voluntary organizations, local institutions and other community resources shall be called upon to contribute effectively to the rehabilitation of the juvenile in a community setting and, as far as possible, within the family unit” (Rule 25.1).

It is probably fair to say that, in most countries, the population is generally more willing to support community-based alternatives for youth than for adults. This can provide a good starting point for developing community-based alternatives to imprisonment and providing communities with a first positive experience of community corrections. Initiatives must often start by proposing changes to existing legislation concerning juvenile offenders. In some instances, the law includes some dispositions that can be used to promote greater involvement of the community. This is the case in Vietnam, for example, where the *Penal Code*, the *Penal Procedure Code* and the *Ordinance on Administrative Sanctions* provide the possibility for a young offender to be sentenced to “education at the commune level”. I would like to share with you some ideas about how this can in fact be used to open the door to greater opportunities for meaningful community involvement.

The main problem we often encounter during our technical assistance activities stems from the fact that community involvement in community-based sanctions rarely happens spontaneously. The implementation of most community-based alternatives generally requires an infrastructure in the community. This infrastructure can rely on a specialist bodies or other official structures such as a probation service or the police. The police are often given some responsibility with respect to the supervision of offenders in the community. I remember seeing an example of police involvement in Latvia which certainly could encourage other police forces to become more directly involved. Typically, these official structures have procedures for involving the community, recruiting volunteers, or utilizing other community resources. In other instances, the

¹¹ Dandurand, Y., et al. (2009). *Vulnerable Groups in Southern Sudan Prisons*. Abbotsford: University of the Fraser Valley Press.

¹² UNODC (2007). *Handbook of Basic Principles and Promising Practices on Alternatives to Imprisonment*. New York: United Nations.

¹³ *United Nations Standard Minimum Rules for the Administration of Juvenile Justice* (Beijing Rules), General Assembly resolution 40/33, November 1985.

infrastructure is provided in part by community-based organizations and non-governmental organizations which have developed community-based programmes for offenders. In Canada, some of these agencies are in fact funded by government or operate under a contract for services with the government.

V. COMMUNITY INVOLVEMENT IN CONDITIONAL RELEASE AND AFTERCARE PROGRAMMES

Many countries have developed policies and programmes designed to assist offenders who are returning to the community after their release from an institution. These interventions are variously referred to as “aftercare”, “transitional care”, “reentry” or “re-entry support”, “reintegration”, or “resettlement”.

The vast majority of offenders are released at some stage. A planned conditional release (or “early release”) can facilitate their integration into the community and offer better protection to the population. Assistance and supervision at the time of the offenders’ release makes it less likely that they will continue their criminal behaviour. Many countries have conditional release programmes involving the early conditional release of offenders and their supervision in the community. In some countries, every period of detention is followed by a period of supervision in the community, as part of the offender’s sentence. Conditions are normally attached to these arrangements. If an offender breaches one of these conditions while under supervision in the community, that can result in a change in conditions or in the offender being returned to detention.

The successful completion of a period of conditional release by offenders depends on their compliance with the various conditions attached to their conditional release, and whether they manage to refrain from committing another offence – or at the very least manage not to get caught for committing one. Success on conditional release, it is generally assumed, depends in large part on the offenders themselves, but also on the quality of the supervision and assistance they receive.¹⁴

There is a lot of speculation on what constitute effective supervision and there is a growing concern in many countries about the apparent frequency with which offenders fail to complete their period of community supervision.¹⁵ Yet, this is an area where the available evidence clearly suggests that, with proper training, volunteers and members of community-based agencies can succeed in offering effective supervision and assistance to offenders with enviable crime prevention results.

VI. CONCLUSION

I hope that we can draw together some of the lessons that can be learned from some of the several examples that I have provided. In my own experience, interventions designed to address the dynamic risk factors of juvenile offenders have a higher chance of success. Successful interventions are those which:

- focus on a specific target group of offenders and their specific needs and challenges;
- rely on sound methods for assessing the needs and risk factors of offenders;
- hold the offenders accountable and responsible for their own actions;
- build on the offenders’ strength and resiliency factors;
- strike a balance between surveillance and control, on the one hand, and support and assistance on the other;
- are offered as a coordinated effort of all the agencies involved and supported by strong inter-agency cooperation;
- are supported by sound case management practices and adequate information management systems;
- reflect the public safety priorities of the community in which they are developed;
- engage the community in both the planning and the delivery of the intervention and foster strong community ownership; and

¹⁴ Dandurand, Y., Christian, J., Murdoch, D., Brown, R. e., and V. Chin (2008). *Conditional Release Violations, Suspensions and Revocations – A Comparative Analysis*. Vancouver: ICCLR

¹⁵ Dandurand, Y., Griffiths, C.T., Murdoch, D., and R. E. Brown (2008a). *Failed Social Reentry – Factors behind Conditional Release Violations, Suspensions, and Revocations*. Vancouver: ICCLR.

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- have an adequate evaluation component that allows the programme to evolve, self-improve, and remain accountable to the community for crime reduction results.

Lastly, while on the subject of evaluation, which unfortunately I will not have a chance to write much about, I should at least mention how little research there really is on community involvement in offender treatment and on its effectiveness. Some promising practices have been identified, but we are still far away from an evidence-based approach to this kind of programming.

COMMUNITY INVOLVEMENT IN TREATMENT OF OFFENDERS PRIOR TO SENTENCING: THE NEW ZEALAND EXPERIENCE

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I. INTRODUCTION

New Zealand has a very high rate of imprisonment when contrasted with other comparable countries.¹ The Treasury briefing to the new Government in 2008 makes for sobering reading:² “New Zealand currently faces an unsustainable cost in the construction, operation, and wage cost of the infrastructure required by the criminal justice system (specifically prisons, legal aid, courts and police). For instance, for the foreseeable future, the Justice sector has the potential to consume large proportions of the operating and capital funding available to government.”

Despite this high imprisonment rate, New Zealand also has a number of initiatives and projects which seek to engage the wider community in the treatment of criminal offenders, many of which are outlined in this paper. This paper also looks at some of the legislative and other mechanisms available to courts and others to utilize these processes and enhance community involvement *prior to sentencing*. By strengthening the use of community treatment providers and providing for even greater community involvement in the system generally there is potential to both reduce the high imprisonment rate and address the causes of offending.

II. RATIONALE FOR COMMUNITY INVOLVEMENT AND TREATMENT

It is well recognized in the international community that community involvement in treating offenders is desirable and necessary. The Basic Principles for the Treatment of Prisoners, Adopted and proclaimed by United Nations General Assembly resolution 45/111 of 14 December 1990, notes that “With the participation and help of the community and social institutions, and with due regard to the interests of victims, favourable conditions shall be created for the reintegration of the ex-prisoner into society under the best possible conditions.”

The so called “Tokyo Rules”³ seek to enhance community involvement in the management of criminal justice and particularly the treatment of offenders.

While community safety may be secured in the short term by the incarceration of an offender, in the longer term the release of most offenders is inevitable. Prison isolates offenders from the community; it can cause them to become dependant and they can become accustomed to the slow and different pace of life inside. All of this makes reintegration upon release more difficult, and can increase the risk a prisoner poses to society. An offender who remains in the community is less likely to assimilate to an inmate lifestyle, and instead is better able to maintain or learn conventional social norms.

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¹ In March 2010 New Zealand’s imprisonment rate was 185 prisoners for every 100,000 members of the population. By way of distinction, America is the highest at 756, Denmark the lowest at 63, and New Zealand’s neighbour Australia is at 129.

See http://www.corrections.govt.nz/about-us/facts_and_statistics/prisons/march_2010.html

² The Treasury, *Briefing to the Incoming Minister of Finance: Economic Fiscal Strategy – Responding to your Priorities*, November 2008. Accessible at: <http://www.treasury.govt.nz/publications/briefings/2008>

³ United Nations Standard Minimum Rules for Non-custodial Measures, Adopted by General Assembly resolution 45/110 of 14 December 1990.

Imprisonment does not of itself reduce reoffending rates. An excellent piece of Canadian research⁴ examines fifty studies dating from 1958 involving 336,052 offenders to determine whether prison reduced criminal behaviour or recidivism. *The primary conclusion was that prisons should not be used with the expectation of reducing criminal behaviour.* Alarmingly, there was some tendency for lower risk offenders to be more negatively affected by the prison experience. The authors argued that the primary justification of prison should be to incapacitate offenders (particularly those of a chronic, higher risk nature) for reasonable periods and to exact retribution. More recent evidence from the United States of America confirms the research that the overuse of imprisonment is likely to increase criminal offending rather than reduce it.

There are also significant cost savings in community treatment against incarceration.

III. GENERAL

In any discussion of community involvement in the treatment of offenders in New Zealand it is necessary to traverse the varying and escalating intrusions into the life of an offender all of which are calculated to treat the offending behaviour and to create opportunities and enhance abilities to prevent further offending and to return an offender to a constructive and offence-free lifestyle. In New Zealand the first of these interventions can be encapsulated under the heading of "Diversion".

IV. ADULT DIVERSION

A. Police Diversion (Prosecution Diversion)

"Diversion" is a scheme administered by the police (prosecution service) which has been operating in New Zealand for over two decades, despite there being no statutory basis for it.

Essentially diversion involves a criminal charge, generally of a less serious nature, being dealt with by the police without engaging any formal court processes. To be eligible an offender must acknowledge full responsibility for the offence as charged by the police. The offender will agree to undertake a "diversion plan" in exchange for the charge being withdrawn from court. The obvious benefit for the offender is that the charge does not result in a conviction being entered by a court with the attendant adverse consequences. One other benefit is that the process of diversion allows the offender to be "treated" in the community, and for the community directly affected by the offending to have a say over how the harm caused is redressed.

Some types of offending are deemed too serious to justify being dealt with under the diversion scheme. The Police Prosecution Service decides whether someone is eligible for diversion on a case-by-case basis after consideration of the victim's views and the seriousness of the case and in accordance with the published Police Diversion Policy. Once it is decided that diversion is suitable, a meeting must be held between the offender and the police diversion officer in order to formulate a "diversion plan". While the conditions of each plan will be individualized, and there is no limit on what conditions can be included, subject of course to the offender's consent, the following are common components:

- make an apology to the victim;
- make reparation to the victim;
- attend counselling, education programmes, addiction treatment or other therapeutic programmes in the community;
- make a donation of a specified sum to an approved group;
- be part of a restorative justice process (where appropriate).

When the plan is completed by the offender the police advise the court accordingly and the charge is withdrawn. Because diversion does not engage the court, any counselling, education or addiction treatment programme that is part of the diversion plan is provided for in the community by community based providers.

Diversion has no statutory basis. It is possible because the police have always had discretion to arrest and/or lay charges in court. The grant of diversion is an exercise of that discretion, being a determination

⁴ Paul Gendreau, Claire Goggin (Centre for Criminal Justice Studies, University of New Brunswick) and Francis T Cullen (Department of Criminal Justice, University of Cincinnati), *The effects of prison sentences on recidivism*, 1999.

that the offending can be dealt with outside of the formal court processes, and by keeping the offender in the community.

Much low level offending does not merit the expense of statutory sanctions involved in the criminal court. Indeed, there is a growing recognition of this within the police, who are making efforts to resolve criminal offending in ways without filing charges in court – diversion being one option. While diversion is primarily a way of diverting low level and generally first-time offenders away from formal court processes and the possibility of a criminal conviction, there is potential for a widening of the scheme and for greater community involvement in the process. There is scope for greater community involvement in both the development of a plan, and the monitoring and completion of such plans and some communities in New Zealand have taken advantage of this opportunity.⁵

B. Court Diversion

Just as the Police or Prosecution Service has the ability to divert charges from the formal criminal justice system so too do the courts have the same opportunity, exercised in much the same way, with the exception that the overriding principle of “openness” must hold sway. This means that the same rules apply to issues of suppression of name and details as will any other court hearing – it is a public process and must be transparent and available to public scrutiny. (*See Court of Appeal Decision in Proctor v R, R x Liddell etc (CA 131-00, 29 August 2000)*). These principles apply equally to persons charged as to those convicted.

That said, the advantages in terms of avoiding a record of conviction, speedy disposition of case, etc. equally apply as for police diversion.

The invitation to community providers for involvement in the police diversion scheme is managed locally by approved diversion officers or the district prosecution manager. The police regard it as important that the relationship is at a local level so that police who are involved with local communities can change arrangements which are not working, keep control of local costs and set up local monitoring arrangements to ensure that diversion conditions are being fulfilled properly and within proper timeframes. The one exception to local relationships relates to the decision about which charitable groups should receive donations made by offenders who are diverted and that is a decision made finally by Police National Headquarters and is made public.

There are a range of diversion schemes available to the courts which are similar to the police diversion scheme but, in addition, diversion to community-based organizations or community panels is popular. An example of one such is *Te Whanau Awhina*.

V. COURT REFERRED DIVERSION – TE WHANAU AWHINA

The *Hoani Waititi Marae* (Maori traditional meeting house) in Auckland runs a programme called *Te Whanau Awhina* which deals with offenders diverted by a court prior to sentencing (rather than by the police). Courts can refer certain offenders to the programme. A panel of nominated members of the *Marae* (traditional Maori meeting place) community meet with the offender and prepare a plan to address their offending. The panel emphasizes the need for the offender to accept responsibility for their offending, and to recognize the impact their offending has had on any victims, their *whanau* (family) and the wider community. Equal focus is placed on reintegration – restoring the connections of the offender with their family, *whanau* and with the community, particularly the Maori community in an urban setting.

Plans typically revolve around participation in Maori-based programmes and activities, making amends to the victim, gaining employment or employment skills, or participation in therapeutic/rehabilitative interventions. In many cases the plan will take the place of a sentence that the court would have imposed. Usually when the offender comes back before the court after completion they are discharged without any conviction being entered in the records about them.

An evaluation of the programme was conducted in 1999.⁶ The evaluation found that plans were satisfactorily

⁵ According to the New Zealand Police Annual Report 2009/10 there were 14,208 diversions approved from 158,700 cases prosecuted – in the previous year 16,230 diverted from 164,000 prosecuted – about 10%.

⁶ Gabrielle Maxwell, Allison Morris and Tracy Anderson, *Community Panel Adult Pre-trial Diversion: Supplementary Evaluation*. Wellington: Crime Prevention Unit (Department of Prime Minister and Cabinet) and Institute of Criminology, Victoria University, 1999.

completed by 68% of referred offenders. The rate of reconviction after 12 months was 33% compared to 47% for a control group. There was also a reduction in the seriousness of reoffending among those referred to *Te Whānau Awhina* compared to the control group. The evaluation also showed substantial savings – mainly in programme provision – resulting from the scheme.

The programme follows traditional Maori customary practices and gains strength from being able to provide many suitable community-based alternatives to corrections programmes. Its location on a *marae* and its embeddedness in Maori culture increases its effectiveness for Maori participants.

VI. YOUTH DIVERSION AND FAMILY GROUP CONFERENCES

The enactment of the Children, Young Persons and their Families Act 1989 introduced a philosophical sea change in the youth justice system. Prior to this legislation many youth offenders were sent to child welfare institutions, or in serious cases, detention centres, borstals or corrective training institutions; places where they would further develop their “bad boy/girl” image and learn new anti-social and criminal tricks.⁷ Youth offenders were dealt with by institutions of the state from arrest right through the process. There was some reform of the Court system in 1974 (particularly notable was the introduction of diversionary concepts) but these new procedures were seen as not working and the new Children’s and Young Persons Court was consequently too active.⁸ The failure of the existing system to prevent reoffending, and the manner in which it encouraged dependency on the welfare of the state can be seen as the major effects of the previous system. Further factors which influenced calls for change are summarized by Maxwell:⁹ “concern for children’s rights; new approaches to effective family therapy; research demonstrating the negative impact of institutionalism on children; inadequacies in the approach taken in the 1984 legislation to young offenders; the failure of the criminal justice system to take account of issues for victims; experimentation with new models of service provision and approaches to youth offending in the courts; and concerns raised by Maori about the injustices that had been involved in the removal of children from their families.”

A new and revolutionary process for dealing with children and young people involved in criminal offending was created by legislation introduced in 1989 as a response to those concerns.

A report by Mike Doolan was influential¹⁰ in securing the final form of the Children, Young Persons and their Families Act 1989. Judge Fred McElrea, a leading Youth Court Judge, provides an excellent summary of the procedure provided for in the 1989 Act:¹¹

“A sharp separation is to be found between (a) adjudication upon liability, i.e. deciding whether a disputed charge is proved, and (b) the disposition of admitted or proved offences. The adversary system is maintained in full for the former, including the right to trial by jury of all indictable offences, the appointment of a Youth Advocate in all cases, and the use of traditional rules concerning the onus and standard of proof (– ie. beyond reasonable doubt) and the admissibility of evidence.

For really serious offences (“purely indictable”) the young person is dealt with in the adult court unless a Youth Court judge decides to allow him to remain in the Youth Court – ss 275 and 276.

At the other end of the scale a robust diversion system operates to keep young persons away from the Youth Court. Both of the traditional means of obtaining a suspect's attendance before the court – arrest and summons – are carefully restricted. Thus no arrest can be made unless it is necessary to prevent further offending, or the absconding of the young person, or the interference with evidence or witnesses (s 214). And no summons can be issued without first referring the matter to a Youth Justice Co-ordinator

⁷ Consedine, J. (1999) *Restorative Justice: Healing the effects of crime*, Ploughshares, Chapter 6 at 102 - 103

⁸ Watt, E. (2003) *A History of Youth Justice in New Zealand* at 14. Accessible at www.justice.govt.nz/.../History%20of%20the%20Youth%20Court%20Watt.pdf

⁹ Maxwell, G. (2007), *The Youth Justice System in New Zealand: Restorative Justice Delivered Through the Family Group Conference in Restorative Justice and Practices in New Zealand* (Institute of Policy Studies, VUW) at 46

¹⁰ See Watt (supra n 7) at 23 - 25

¹¹ Judge FWM McElrea, *The New Zealand Experience of Restorative Justice Legislation*, September 2005. Accessible at <http://www.restorativejustice.org/10fulltext/mcelrea9/view>

who then convenes a Family Group Conference (“FGC”) – s 245. If the members of the FGC all agree, including the police officer present, the matter is handled as decided by the FGC and will not go to court.

The FGC is attended by the young person, members of his family (in the wider sense), the victim (with supporters if desired), a youth advocate (if requested by the young person), a police officer (usually a member of the specialist Youth Aid division), a social worker (in certain cases only), and anyone else the family wish to be there: s 251. This last category could include a representative of a community organisation, eg drug addiction agency or community work sponsor potentially helpful to the young person.

The Youth Justice Co-ordinator (an employee of the Department of Social Welfare) arranges the meeting and of course attends as well, in most cases facilitating the meeting.

Where the young person has not been arrested, the FGC recommends whether the young person should be prosecuted and if not so recommended, how the matter should be dealt with (s 258(b)), with a presumption in favour of diversion (s 208(a)). All members of the FGC (including the young person) must agree as to the proposed diversionary program, and its implementation is essentially consensual. Where the young person has been arrested the court must refer all matters not denied by the young person to a FGC which recommends to the court how the matter should be dealt with. Occasionally a FGC recommends a sanction to be imposed by the court. Usually it puts forward a plan of action, e.g. apology, reparation (in money or work for victim), community work, curfew and/or undertaking to attend school or not to associate with co-offenders. The plan is supervised by the persons nominated in the plan – which can be anybody, including a family member – with the court usually being asked to adjourn proceedings, say for 3-4 months, to allow the plan to be implemented.

The Youth Court nearly always accepts such plans, recognising that the scheme of the Act places the primary power of disposition with the FGC. However, in serious cases the court can use a wide range of court-imposed sanctions, the most severe being three months residence in a social welfare institution followed by six months supervision; or the court may convict and refer the young person to the District Court for sentence under the Criminal Justice Act 1985 (s 283(o)), which can include imprisonment for up to five years

As with other diversion schemes, if the plan is carried out as agreed the proceedings are usually withdrawn; if the plan breaks down the court can impose its own sanctions. Thus the court acts as both a back stop (where FGC plans break down) and a filter (for patently unsatisfactory recommendations).”

The Youth Justice system now embodies the idea that as far as possible a young offender should be kept away from state institutions and their treatment should be in the community from which they come. A youth offender will only face conventional court procedures where they deny responsibility for the offending, or when the offending is very serious.

The community, in the sense of the direct community affected by the offending (the offender’s family, the victim and their family) have a direct input into the “sentence” a young person will undergo via the Family Group Conference. Typically, a Family Group Conference plan will keep the youth in the community, seeking to address the causes of their offending by strengthening the communities around them.

This approach to youthful offenders has now been adopted by countries around the world. The central concept of diversion from the criminal justice system in favour of utilizing the strength of family and community where possible has attracted the attention of many countries which have seen the need to strengthen family and community responsibilities as a primary purpose in crime prevention. It has been shown by research to be enormously effective.

VII. RANGATAHI COURTS

A. Maori Over-Representation

It is well documented that the indigenous population of New Zealand, Maori, are grossly overrepresented in the prison population.¹² Despite making up just over 15% of the overall population, around 50% of the male prison population identify as Maori.¹³ The overrepresentation of Maori is even more marked in female inmate numbers; around 60%¹⁴ of the total number of female prisoners. They are also grossly overrepresented in the youth justice system:

- 19% of the 14-16 age group are Maori;
- 49% of those apprehended in that age group by the police are Maori;
- 53% of those before the Youth Court are Maori;
- Up to 66% of those in youth custody are Maori.

Concern about these statistics has led to the creation of “*Rangatahi* Courts” as an arm of the Youth Court in several regions throughout the country – an initiative inspired by the benefits of community involvement in sentencing and offender treatment. *Rangatahi* Courts are a judicially-led initiative with the purpose of helping to better link Maori young offenders (aged 14-16) with their culture and the local Maori community. This is achieved by holding regular sittings of the Youth Court on the local *Marae* (traditional Maori meeting houses).

Rangatahi Courts do not represent a separate system of youth justice. All young offenders are still required to appear first in the Youth Court. If they do not deny the offending for which they are charged, they will still be required to undergo a Family Group Conference. At that Conference, a comprehensive plan will be put in place in the regular way. However, if a *Rangatahi* Court sits in the region, the Family Group Conference will consider whether to include provision for regular and consistent monitoring of the young person’s progress to take place at the designated *Marae*. It may be that the offending is too serious to be dealt with a Family Group Conference plan, and in the usual way a formal Youth Court order will instead be imposed and the *Rangatahi* Court process will not be used. Essentially, the *Rangatahi* Court is a sitting of the Youth Court which is held on a local *Marae* in order to monitor the young person’s compliance with the Family Group Conference plan which has been developed for them to address their offending. Once the FGC plan is approved by the youth court, the next and subsequent hearings will be on the *Marae*.

A specific direction by a Youth Court Judge is required for each sitting of the case to be on the *Marae* – there is a specific statutory power allowing the Court to hold sittings at any place.¹⁵ In this way, the *Rangatahi* Court is an initiative that works within the current system and processes but at a different venue and with a strong Maori cultural input, especially using lay, community advocates as provided for in the Children, Young People and their Families Act 1989.

A *Rangatahi* Court hearing involves *kaumatua* (traditional elders) who are greatly respected members of the *marae* community. The hearing commences with a formal welcome onto the *Marae*. After that the hearings of individual young persons’ cases begin. The *marae kaumatua* sit with a Presiding Judge and the *kaumatua* acknowledges in a traditional way young person and *whanau*. The young person replies and introduces his/her *whanau* and supporters. Youth and Lay advocates will then address the court of progress being made, and the judge engages the young person and other professionals on the case. The *Rangatahi*

¹² See for example *The Too Hard Basket: Maori and Criminal Justice Since 1980*, Charlotte Williams, Institute of Policy Studies, Victoria University of Wellington, 2001 and *Over-representation of Māori in the Criminal Justice System: An exploratory report*, Policy Strategy and Research Group, Department of Corrections, September 2007, at 6. Accessible at: http://www.corrections.govt.nz/__data/assets/pdf_file/0004/285286/Over-representation-of-Maori-in-the-criminal-justice-system.pdf

¹³ *Over-representation of Māori in the Criminal Justice System: An exploratory report*, Policy Strategy and Research Group, Department of Corrections, September 2007, at 6. Accessible at: http://www.corrections.govt.nz/__data/assets/pdf_file/0004/285286/Over-representation-of-Māori-in-the-criminal-justice-system.pdf (last accessed on 23rd February 2009).

¹⁴ *Ibid*, at 6.

¹⁵ See s 4(4) of the District Courts Act 1947.

Courts are the first in New Zealand to blend our inherited English court processes with Maori culture or *tikanga*.

For the *Rangatahi* Courts to reach their full potential it will be vital that culturally appropriate and community-based rehabilitation programmes for serious young Maori offenders are available and accessible to the young offenders who have their sentences monitored on the *Marae*. Such programmes are starting to appear to support the *Rangatahi* Courts, including cognitive learning programmes, alcohol and drug programmes, and cultural strengthening programmes.

By engaging the community of the *Marae*, and involving it in the treatment and monitoring of youth offenders, it is hoped that the youths involved will engage with their culture and address the cause of their offending, leading to a crime free future.

VIII. MATARIKI COURT

An initiative is being rolled out in the District Court in the far north of New Zealand with a view to reducing the imprisonment of adult Māori and providing other options based in the community. The “*Matariki* Court” will deal with cases involving adult Māori offenders prior to sentencing and in potential sentencing options. The Court will utilize s. 27 of the Sentencing Act 2002 to hear from any person or persons on:

- (a) the personal, family, *whānau*, community, and cultural background of the offender:
- (b) the way in which that background may have related to the commission of the offence:
- (c) any processes that have been tried to resolve, or that are available to resolve, issues relating to the offence, involving the offender and his or her family, *whānau*, or community and the victim or victims of the offence:
- (d) how support from the family, *whānau*, or community may be available to help prevent further offending by the offender:
- (e) how the offender's background, or family, *whānau*, or community support may be relevant in respect of possible sentences.

The *Matariki* Court will also refer defendants (when suitable) to available community services to address their social needs and underlying causes of offending. Discussions will be held with government and non-government agencies about available services in the area; however, a key service that will be used by the court is a pilot programme being developed by *Tē Runanga-a-Iwi o Ngāpuhi*, the tribal authority for that district. They will work with the defendant and their *whānau* during and after the court process. The pilot programme’s objective is described by *Tē Runanga-a-Iwi o Ngāpuhi* as “*a Ngāpuhi (tribal) response to the current rate of imprisonment of its and other people sentenced at the District Court. The Ngāpuhi (tribal) overall aim in is to stem that rate of imprisonment. It will do that by assisting offenders and their communities to a non-offending perspective, instil a sense of hope in the real prospect of positive growth and achievement, and support and maintain that change of direction by the development of relevant capacities and active support structures*”.

The Court is still a work in progress and is planned to be operating in early 2011.

IX. RESTORATIVE JUSTICE DIVERSION

While the Youth Court legislation embraced restorative justice practices and community involvement, recognition of the value of these practices in the adult court took a little longer in New Zealand.

The Ministry of Justice had for some time been seeking to replace piecemeal sentencing provisions and in 1997 the government released a discussion document entitled *Sentencing Policy and Guidance*.¹⁶ The new Labour government committed itself to a reform of sentencing practice and policy, which saw the eventual enactment of the Sentencing Act 2002 and Victims Rights Act 2002. The Acts contains a number of provisions which acknowledge and encourage the restorative practices which had been occurring on a

¹⁶ <http://www.justice.govt.nz/publications/global-publications/s/sentencing-policy-and-guidance-a-discussion-paper>

voluntary basis. Provisions supporting restorative practices are found throughout the Sentencing Act 2002, the Parole Act 2002 and the Victims Rights Act 2002.¹⁷

Unlike Family Group Conferences in the Youth Court, which are organized by a Youth Justice Co-coordinator from Child, Youth and Family (a department of the Ministry of Social Development), restorative justice conferences in the adult court are run by community-based organizations. The Ministry of Justice provides funding for 26 community organizations (mostly charitable trusts) to run these conferences, and also performs a role in supervising the quality of the services a provider delivers. These Ministry of Justice functions reflect a desire to allow RJ processes to be delivered by the community in which offending takes place and to remove the state from direct involvement.

The groups are able to work in ways that suit their community. They have good links with other community-based services and can link defendants into appropriate programmes. Some restorative justice groups involve lay members of the community in the restorative justice meeting. The panel members, as they are known, can be involved as well as direct victims.

The conferences are a relatively informal meeting between the offender and the people affected. They are there to talk honestly about what happened, what harm has been caused, who has responsibility to remedy that harm, and to work out ways forward. Conferences are private meetings; however, a report is prepared for the Court. How participants agree to move forward is for them to decide. Some conferences result in an agreement on a plan of actions that the offender will do to put things right, but this is not the outcome at every conference.

Courts must by law take account of the outcome of a restorative conference when passing sentence, and often a successful conference can effectively determine the sentence imposed, and/or be a significantly mitigating factor such that a term of imprisonment may be avoided.

Restorative justice conferences in the adult court are a further example of the community being involved in sentencing to a greater extent than traditionally has been the case. Being community-based, these conferences are able to link an offender into other community-based organizations, such as drug and alcohol programmes or anger management programmes, which have the aim of addressing the causes of offending.

There is however potential to extend the scope of restorative justice conferences for adult offenders. While the Youth Court Family Group Conference has the power to draw up a plan of action for the offender to complete to address the effects and causes of their offending, that is not statutorily provided for in respect of adult conferences – something which may be worth addressing. Producing an agreed outcome rather than one imposed by the state has several benefits.

Last year the Chief Justice of New Zealand delivered a speech which received widespread coverage in the media.¹⁸ In it she suggested that the traditional criminal court process should not accommodate victims, focusing as it does on the dispassionate and fair delivery of justice. As noted by USA Professor Howard Zehr (often called “the father of restorative justice”), restorative justice theory calls for victims to be central to justice.¹⁹ Indeed, restorative justice programmes appear to have significant potential for addressing victim concerns and needs. Zehr contends that justice for victims will not be achieved while the criminal justice system continues to focus on the conventional questions:

- What laws have been broken?
- Who “done” it?
- What do they deserve?

¹⁷ See <http://www.justice.govt.nz/publications/global-publications/r/restorative-justice-provisions-in-the-sentencing-act-2002-parole-act-2002-and-victims-rights-act-2002/publication> for a full discussion of these provisions.

¹⁸ The Shirley Smith Annual Address 2009, *Blameless Babes*. Accessible at <http://www.courtsfnz.govt.nz/from/speeches-and-papers>.

¹⁹ See *Fundamental Concepts of Restorative Justice*, Howard Zehr and Harry Mika, page 41, Chapter 3 in *Restorative Justice Critical Issues* (Sage Publications Ltd, 2003).

Zehr asserts that instead we should be asking:

- Who has been hurt?
- What do they need?
- Whose obligation and responsibility is this?

Incorporating restorative justice conferences as a regular part of criminal procedure would, it is suggested, go some way to lowering our imprisonment rate, and improving on our reconviction rates. A recent report commissioned by the Ministry of Justice in the United Kingdom has found reductions in reconviction rates for those completing restorative justice conferences.²⁰

Even if using restorative justice has little or no effect on recidivism and crime, it has positive effects for victims as outlined above, helping them understand the offending and move on with their lives. A successful conference can also mean an offender will remain in the community for treatment, rather than ending up in prison.

There may be merit in providing judges with an explicit power to direct a conference wherever a defendant admits guilt and the circumstances indicate it would be appropriate.

X. PORIRUA COMMUNITY COURT

The growing recognition that Court appearances for many defendants and their families can in fact be used for therapeutic interventions to address the causes of offending has seen the creation of another judicially led initiative seeking to strengthen community involvement. Inspired by the Red Hook Community Justice Centre in Brooklyn, New York and the North Liverpool Community Justice Centre in England, New Zealand Judges John Walker and Jan Kelly have been working hard to engage the local community with the Porirua District Court.

Red Hook and North Liverpool created “Community Justice Centres” which the Porirua project is modelled on. Community justice is about engaging with the local community, making the court more responsive to local people and working in partnership with criminal justice agencies, support services and community groups to solve the problems caused by offending in the local area. The key principles are maintaining a continuity of judges (seeing the same judge in the court each week); multi-agency collaboration, having a range of social services available for defendants and *whanau* on site; a problem-solving approach to socially harmful behaviour; and, vitally important, involving the local community and creating a community resource.

While the Porirua Project is in its early stages, a recent evaluation of the North Liverpool Community Justice Centre in England found that the community justice approach supports effective and efficient court operation.²¹ Unnecessary delays and bureaucracy are avoided, and decisive action against offenders’ non-appearance or breach of their sentences is possible. The Court has seen an increase in the number of guilty pleas, and a reduction in the number of hearings required compared to national averages.

XI. COMMUNITY LINKS IN COURT (CLiC)

The judges have been assisted by the roll out of a new initiative called “Community Links in Court” (CLiC) by the Ministry of Social Development and Ministry of Justice. So far the CLiC service has been rolled out in three District Courts – Porirua, Masterton and Auckland.

CLiC aims to meet some of the needs of people affected by family violence by leveraging off their likely

²⁰ Does *Restorative Justice Affect Reconviction?* Joanna Shapland, Anne Atkinson, Helen Atkinson, James Dignan, Lucy Edwards, Jeremy Hibbert, Marie Howes, Jennifer Johnstone, Gwen Robinson and Angela Sorsby, Ministry of Justice Research Series 10/08, June 2008 and see Sherman and Strang (UK). *Effects of Restorative Justice Conferencing on Re-offending 2010* – Jerry Lee Code of Criminology.

²¹ *Evaluation of the North Liverpool Community Justice Centre*, Katharine McKenna, Ministry of Justice Research Series 12/07 October 2007. Note. The Red Hook Community Justice Centre in New York recorded a seventy per cent drop in offending over the period of its operation.

attendance at, or contact with, a Criminal or Family Court. Criminal and Family Courts present an excellent opportunity to provide individuals affected by family violence with a link to such community programme providers and other services provided by the state.

The CLiC service will work with defendants and their families to:

- screen their current social situation (housing, employment etc);
- identify their needs for social support and discuss their willingness to attend a Domestic Violence Programme administered by a community group;
- when defendants are willing to attend a Domestic Violence Programme, provide the court with information on programmes that may be appropriate;
- link defendants and their families to appropriate social support services;

and where appropriate

- provide a report to the judge that includes the outcome of referrals made by the Community Link in Court and information provided by Domestic Violence Programme providers.

CLiC essentially involves representatives being present in court to provide a case management and service brokering role, facilitating access for defendants and their families to community groups and/or state services in order to address the underlying causes of their offending. CLiC workers will have to establish effective working relationships across many state services and community-based providers to be an effective resource.

Successful completion of programmes will be taken into account by the court when sentencing as a significant mitigating factor. Imprisonment may be avoided, and hopefully the offender is diverted away from further criminal offending.

XII. OTHER THERAPEUTIC INTERVENTIONS

There are a range of other therapeutic initiatives operating in New Zealand which seek to address the causes of offending and emphasize community treatment over incarceration. Some of these are listed below.

A. Family Violence Courts

Family violence has been in the spotlight in New Zealand in recent times, with several high profile incidents drawing intense media attention and prompting nationwide self-reflection. Although it is an increasing problem worldwide, one author has described family violence as an epidemic in New Zealand.²² The courts have responded by establishing specialist Family Violence Courts in many regions. These Courts apply a modified procedure to overcome systemic delays in court processes; to minimize damage to families by delays; to concentrate specialist services within the court process; to protect the victims of family violence consistent with the rights of defendants; to promote a holistic approach in the court's response to family violence; and to hold offenders responsible for their actions.

The cases are often resolved by programmes relating to drugs, alcohol, anger management and the like. All of the sentences available to the court are available in the Family Violence Court, but the preponderance tend to be non-custodial community-based sentences which are intended to provide remedies for the problems of the defendant and his family. The assistance of programme providers, victim advisors is encouraged.

An evaluation of the courts at Manukau and Waitakere completed in August 2008²³ found that the collaboration between the court and community organizations was a key factor in the success of the Courts.

B. Youth Drug Court

The Christchurch Youth Drug Court (YDC) was established on 14 March 2002. The Court has been an

²² *Free from abuse*, Hand, J. (2001), New Zealand: Auckland District Health Board.

²³ <http://www.justice.govt.nz/publications/global-publications/t/the-waitakere-and-manukau-family-violence-courts-an-evaluation-summary-august-2008/publication>

innovative programme aimed at reducing offending which is linked with alcohol and/or other drug dependency amongst young people. The YDC aimed to do this by facilitating early identification of young offenders with alcohol and/or other drug use problems; reducing time delays in community programme delivery to young people; facilitating effective inter-agency coordination; and monitoring the young people to facilitate the treatment process. The Court targets young recidivist offenders appearing in the Youth Court who have been identified as having a moderate to severe alcohol and/or other drug dependency that is linked to their offending.

C. Special Circumstances Court

Another therapeutic court in its early stages is known as the Special Circumstances Court, sitting in Auckland city. The overall objective of this Court is to aid the reduction of public space offending in Auckland's inner city by those who are homeless, and/or have on-going mental illness and/or addictions, or who are intellectually impaired through either injury or disability. The Court is a joint pilot scheme between agencies including mental health services, the judiciary, police, Housing New Zealand and the Ministry of Social Development – services such offenders are already likely to have come into contact with.

XIII. CONCLUSION

All the above show a depth of community involvement in the treatment of offenders prior to sentencing by the courts, often initiated by participants in the system rather than by policy or legislation of the government of the day. A regrettable international tendency of recent times has been the way in which many countries and communities have increasingly left the treatment of offenders to official institutions set up to do this work. Typically courts, correctional facilities, probation and others have taken over what used to be the ordinary tasks of local communities in identifying and dealing with their own problems. Particularly in the less serious category of crime, the challenge in New Zealand, as elsewhere, lies in returning that power and that responsibility back to the communities from which these offenders come. Sometimes there will be a need for central agencies to share resources to enable this to be done. New Zealand's experience however, also shows that it is important that judges and officials such as police and probation show that they are genuinely keen to involve such communities and are genuinely prepared to share authority and power with them and genuinely invite those natural communities to become actively involved in this way. The most significant New Zealand strategy to ensure community involvement in such treatment starts with such an invitation the promise of which is then carried out in practice.

COMMUNITY INVOLVEMENT IN TREATMENT OF OFFENDERS POST SENTENCING: THE NEW ZEALAND EXPERIENCE

*David Carruthers**

I. INTRODUCTION

As mentioned in the previous paper, New Zealand has a high rate of imprisonment compared with other countries.¹ There is a growing recognition that if current trends continue, expenditure on prisons has potential to sky rocket, together with all the other negative corollaries of imprisonment.

Despite that high imprisonment rate, we have a number of community-based sentences that can be imposed by the courts, which are outlined in this paper. Associated with these, there are many ways in which the community engages with offenders who are in prison in efforts to address their offending and support reintegration on release.

II. RATIONALE FOR COMMUNITY INVOLVEMENT

It is not necessary to repeat what was said in the first paper. It is enough to say that imprisonment should always be reserved for the most serious offenders, either to emphasize the egregious nature of the offending, or to keep the public safe, or to deter others from behaving in like manner. Except for relatively small number of prisoners who may be in prison for life for the most serious offending, all prisoners must eventually be released. In New Zealand the average costs of keeping an offender in prison amounts to approximately \$100,000 per annum. There are obvious advantages in reducing prison numbers and constructing community-based sentences to take their place, thereby enhancing rehabilitation, reintegration and reparation. The New Zealand hierarchy of sentences aims to address the requirement of clarity in respect of the various sentences and how each compares to the others. There is a principle requiring the Courts to apply the least restrictive outcome available. The hierarchy of sentences is based on this principle and is as follows:

- (a) Discharge or order to come up for sentence if called upon;
- (b) Fines or orders for reparation;
- (c) Non-association orders;
- (d) Community-based sentences of community work and supervision;
- (e) Community-based sentences of intensive supervision and community detentions;
- (f) Home Detention; and
- (g) Imprisonment.

III. COMMUNITY-BASED SENTENCES

There are a number of “community-based” sentences available to a sentencing judge under the Sentencing Act 2002. The term “community-based” is used in the sense of being an alternative to imprisonment. These sentences are administered by probation officers working for Community Probation Services (part of the Department of Corrections). Approximately 38,075 offenders are on community-based sentences at any one

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¹ In March 2010 our imprisonment rate was 185 prisoners for every 100,000 members of the population. By way of distinction, America is the highest at 756, Denmark the lowest at 63, and our neighbours Australia were at 129. See http://www.corrections.govt.nz/about-us/facts_and_statistics/prisons/march_2010.html

time in New Zealand as at 31 October 2010, compared to 8,506 offenders in prison.

Community-based sentences allow the offender to remain in the community, preventing contamination with other offenders. They also allow for attendance at community-based programmes to address the causes of offending. Strong and credible community-based sentences are essential if the prison population is to be reduced.

Reports show that within four years of release from prison nearly 50% of offenders are convicted of at least one new offence and end up back in prison.² Another way of looking at this is to reverse the statistics; about 50% of all offenders do not return to prison within four years of release! The figures for those sentenced to a “community-based sentence” are improving.³ The latest Annual Report from the New Zealand Department of Corrections talks of a moderate fall in imprisonment rates for the second year in a row amongst offenders who commenced a community-based sentence.

IV. COMMUNITY WORK

In 1980 an amendment to the Criminal Justice Act 1954 was passed, establishing the sentence of community service. It was in response to “a growing body of opinion that felt that in some instances it is appropriate to extract some form of community service from an offender.”⁴ In 2002 the sentence was incorporated as part of the Sentencing Act 2002, and is now known as “community work”.

This was the first sentence in New Zealand in which a part of the responsibility for the supervision of an offender was given to people within the community. It has a content of general reparation to the community and in some instances may benefit the victim. It costs little to administer and is also inexpensive in terms of human and social cost.

Community work can be done anywhere in the community, from parks and reserves to schools, *Marae* (Maori meeting places), and churches. It can involve painting, gardening, building, graffiti cleaning, restoration, recycling, and more. An offender can be ordered by the court to complete between 40 and 400 hours of community work.

A significant amendment in 2002 was to enable some of the hours of community work to be completed as training for basic work and living skills. Up to 20% of hours may be substituted in this way.

Last year community work sentences provided 3.7 million hours of offender labour to charitable and local projects throughout New Zealand. Local Probation Officers are continuing canvassing local charities such as rest homes, schools, day care centres and other organizations and also are in contact with local government authorities in the search for appropriate community work projects. Across the country, several thousand such organizations are the beneficiaries of work done under community work sentences. Some 40% of all work is completed under the supervision of community organizations and the remainder is organized by a local supervisor paid by Community Probation Services.

² Figures released in March 2008 show that across the entire sample of offenders released from New Zealand prisons in 2002/03, 49 percent were convicted of a new offence and were returned to prison at least once during the 48-months follow-up period, see *Reconviction patterns or released prisoners: A 48 month follow-up analysis*, Arul Nadesu, Policy Strategy and Research, Department of Corrections, March 2008. Accessible at: http://www.corrections.govt.nz/__data/assets/pdf_file/0006/258864/Recidivism_Report2008.pdf.

³ A report released in March 2008 summarizes patterns of reconviction and imprisonment amongst almost 35,000 offenders who started community sentences (Supervision, Community Work) and orders (Front-end Home Detention) during the 12 month period 1 July 2002 to 30 June 2003. The overall reconviction rate of offenders who started Supervision, Community Work and Front-end Home Detention was 54% over four years. See *Reconviction patterns of offenders managed in the community: A 48 month follow-up analysis*, Arul Nadesu, Policy Strategy and Research, Department of Corrections, March 2008. Accessible at:

http://www.corrections.govt.nz/__data/assets/pdf_file/0011/289712/Community-sentence-reconviction-report-2008.pdf.

⁴ NZPD, vol. 427, 1979, p4152

V. SUPERVISION/INTENSIVE SUPERVISION

Supervision is a rehabilitative community-based sentence which requires offenders to address the causes of their offending. It was introduced in 2002. Offenders can be sentenced to supervision for between six months and one year by the court. The supervision sentence is aimed at offenders convicted of low level offences with relatively straightforward rehabilitative needs and a lower risk of reoffending. The sentence has been designed to minimize contact between CPS and the offender based on international research showing that high levels of intervention with offenders at a low risk of reoffending can actually increase their risk of reoffending.

Under a sentence of supervision an offender is required to report periodically to his or her probation officer. Courts almost always also impose a special condition requiring the offender to attend a community-based programme of some description to address the causes of their offending. The offender's probation officer is responsible for ensuring that the programme is attended and completed.

Intensive supervision provides a larger and more complex set of special conditions than is available under a sentence of supervision. Intensive supervision places a greater weight on the acquisition of basic work and life skills. It is targeted at offenders convicted of more serious offences and who have complex rehabilitative needs. Offenders can be sentenced to intensive supervision for between six months and two years.

The sentence requires frequent reporting to probation officers. Probation officers will also make calls at the offender's home. Special conditions requiring attendance at a rehabilitative programme are the norm.

A. Judicial Monitoring

Sentences of intensive supervision and home detention include a special condition allowing a judge to impose judicial monitoring of an offender's compliance with the sentence. The Court must be satisfied that judicial monitoring is necessary to assist compliance because of the special circumstances of the offender: s. 54I(2) and s. 80D(3).

If a condition of judicial monitoring is imposed, the probation officer must give the sentencing judge a report on the offender's progress within three months of the commencement date of the sentence or one third of the time into the offender's sentence, whichever is earlier. The judge may direct that further progress reports be given at specified intervals or not less than three months: s. 80ZJ.

The progress reports must contain information on the offender's progress and compliance with the sentence and other information relevant to the sentence.

After considering a progress report, the judge may order the offender to appear before the court if the judge considers it desirable for the administration of the sentence or the rehabilitation or reintegration of the offender: see s. 80ZK and the procedure in s. 80ZM.

VI. COMMUNITY DETENTION

This sentence involves an electronically monitored curfew and can be imposed in conjunction with community work, supervision and rehabilitation programmes. Community detention can only be imposed:

- (i) if an offender is convicted of a sentence punishable by imprisonment, or a community-based sentence or home detention is expressly provided for in the enactment specifying the offence (s. 69B(1)); and
- (ii) the Court is satisfied that:
 - it would reduce the likelihood of further offending by restricting the offender's movements during specified periods; or
 - it would achieve one or more of the purposes of accountability, responsibility, deterrence or denunciation; and
 - that an electronically-monitored curfew is appropriate, taking into account the nature and seriousness of the offence, and the circumstances and background of the offender (s. 69C(1)); and

(iii) the Court is satisfied that:

- there is a suitable curfew address within an area in which the scheme is operated; and
- the occupants of the address understand the conditions, consent and have been informed that they may withdraw consent at any time; and
- the offender understands and agrees to comply with the conditions: s. 69C(2).

The maximum period of sentence of community detention is six months (s. 69B(2)).

VII. HOME DETENTION

Home detention is a sentence that requires an offender to remain at an approved residence at all times under electronic monitoring and close supervision by a probation officer. It can help offenders to maintain family relationships, keep working or actively seek work, and enable them to attend training or rehabilitative programmes in the community.

Home detention as a standalone sentence was introduced in November 2007 as a way of addressing the ever-increasing prison population. Prior to the amendments in 2007, home detention was a way in which sentences of imprisonment could be served if leave was granted by the Parole Board. When the sentence was being considered it was noted that those on home detention had re-conviction rates that were a third to a quarter of those who had spent a comparable period of time in prison. Also, compliance rates were high and there were significant costs savings for home detention versus prison.⁵ It was estimated that making home detention a sentence in its own right would save 310 new prison beds.

Home detention is now available to the sentencing court whenever the court would otherwise sentence the offender to a “short term of imprisonment” (defined as any sentence under two years’ imprisonment). Home detention can last for a maximum of 12 months. Home detention can be combined with community work and a court can (and frequently does) impose a special condition requiring attendance at a rehabilitative community-based programme such as a drug and alcohol rehabilitation programme or anger management programme.

VIII. OPERATING THE HIERACHY OF SENTENCE

A. Community Work

Community work as a sentence is sometimes used as an escalation or when there is no possibility of paying fines but can also be used constructively to put something back into the community rather than taking from it. Using community work, for example, for those involved with graffiti, in order to clean up their neighbourhoods is useful, but there can be other constructive community-based outcomes such as building children’s parks, clearing scenic tracks and so forth. Also there can be a bonus, such as a young man who completed the community work for a community construction organization and did so well he ended up getting an apprenticeship with that organization.

Non-compliance with a community work order can be a problem because the community as a whole needs to recognize that it is a valid sentence. Some courts in New Zealand have set up special breach courts not to monitor compliance but to insist on it. And so, for example, in one community court the authorities are encouraged to bring breach action immediately – typically an extra day is added to the work and occasionally a sentence of community detention, i.e. electronic curfew, is added to ensure compliance.

All these sentences which are community-based can escalate into the next restorative intervention opportunity but prompt action for breaches is always imperative to avoid the perception of an easy sentence.

B. Supervision

Supervision is used for the delivery of necessary interventions such as violence cessation programmes, drug and alcohol, gambling and budgeting programmes. Sometimes supervision is linked with community work so there is a punitive element as well.

⁵ Cabinet Police Committee, Paper 7 – Home Detention, Effective Interventions, para 17.

C. Intensive Supervision

The next more intrusive intervention is intensive supervision, which can be for a longer period of up to two years but can also be used for residential treatment in community-based facilities.

The sentence of supervision also can have included in it judicial monitoring which involves three monthly reports on progress. This keeps the government departments responsible for interventions honest as well as ensuring offender participation.

D. Community Detention

The next intervention is community detention, which involves electronic curfew and can be used in two ways. The first is to include a punitive element by restricting liberty but also reduce opportunities for offending at night – some repeat drunk drivers respond to this. Supervision and community detention ensures they are home at night, safe from being out driving but able to attend programmes.

E. Home Detention

The last most important intervention is home detention, which is designed to be imposed in place of short term imprisonment and is a much more controlled mechanism but can have the down side of interfering with employment if that employment is not very structured. In New Zealand there is a high breach rate for home detention (28%) but that is sometimes the result of too long a period with such restrictions which can provoke the breach.

Breach of home detention in place of imprisonment without adequate explanation will quite often result in a short period of imprisonment.

A further intervention is called deferral. There is a section of the Sentencing Act – Section 25 – which supports deferral of sentence so that the Court can monitor compliance with a community-based wrap-around programme which might involve such important items as literacy, job search, drugs and alcohol treatment, and so forth. A number of community groups provide such wrap-around programmes. The final sentence, after such a deferral regime, usually reflects on the successful conclusion of other programmes.

IX. COMMUNITY INVOLVEMENT IN COMMUNITY-BASED SENTENCES

Community-based sentences are administered and monitored by Community Probation Services, an arm of the Department of Corrections. However, the sentences require a significant input from the community.

CPS staff work with community-based programme providers who provide rehabilitation in the areas of family violence, drugs and alcohol, gambling and sexual offending. In 2009/2010 3,280 offenders on community-based sentences spent 140,837 hours attending programmes run by community-based programme providers (note these figures do not include those on drug and alcohol programmes). Most of these programmes are completed as part of a sentence of supervision or intensive supervision.

A. Maori Programmes

CPS staff work closely with Maori programme providers to support the management of offenders who are serving sentences of supervision or intensive supervision. In 2009/2010 1,278 offenders spent 55,125 hours attending community run such programmes. Probation officers work closely with providers and offenders to ensure the success of these programmes, which aim to connect/reconnect Maori offenders with their cultural values and to use the strengths of Maori culture to assist them to live offence-free lives.

B. Domestic Violence Treatment

Domestic Violence Treatment programmes are delivered by community-based providers to help offenders identify their thinking and lifestyle and their use of violence. They teach offenders the skills needed to live without violence, such as controlling violent impulses and conflict resolution. The Community Probation Service refers offenders only to external community-based programme providers who are accredited under the Domestic Violence Act 1995 and registered with the Ministry of Justice.

The programmes teach offenders the skills needed to live without violence, such as controlling violent

impulses and conflict resolution. Programme content varies depending on the provider.

C. Alcohol and Other Drug Treatment Programmes

Both residential and non-residential alcohol and drug treatment programmes are implemented by a number of community-based providers across New Zealand for those serving community-based sentences. These programmes are suitable for offenders with a history of serious substance abuse identified as contributing to their offending. Problem gamblers have similar opportunities.

These treatment services are primarily funded by the Ministry of Health through District Health Boards; however, the Department of Corrections also holds contracts for residential alcohol and drug treatment services for a limited number of offenders per year. These providers in the main are community/church-based charitable trusts or societies.

In most cases offenders attend residential alcohol and other drugs treatment as a special condition of their order or sentence and are referred by their probation officer to attend these programmes.

Probation Officers may also encourage community-based offenders to attend Alcoholics Anonymous and Narcotics Anonymous programmes in the community.

D. Child Sex Offender Treatment Programmes

The Department of Corrections has fully funded contracts with three community-based providers for provision of child sex offender treatment programmes in the community – SAFE Network (Auckland), WellStop (Wellington) and STOP Trust (Christchurch). These organizations provide treatment for adult sex offenders who offend against children. Each organization employs a similar therapy model of Cognitive Behavioural Therapy, with a strong emphasis on relapse prevention.

The programmes aim to reduce the risk of reoffending by addressing major treatment issues. Offenders participating in the adult programme attend group therapy and individual therapy with their counsellor or case manager. The programme takes fifteen months to complete (three month waiting list and assessment plus twelve month programme). Regular review meetings include friends and/or family/*whanau* members who support the offender.

In addition to providing treatment for adult sexual offenders, all three programmes provide treatment for adolescents who have been sexually abused.

E. *Tai Aroha* Intensive Programme for Offenders in the Community

Tai Aroha is a residential rehabilitation programme based at Montgomery House in Hamilton. Target participants are high risk male offenders serving community sentences of Home Detention or Intensive Supervision, who have multiple treatment needs related to violent offending.

Participants live in a therapeutic community that provides a structured day and pro-social support, and participate in an intensive treatment programme delivered by Departmental psychologists and programme facilitators. The programme runs for 14-16 weeks, followed by through-care in the community.

Tai Aroha has a rolling intake with a maximum of 10 participants at any one time.

F. Community Work

Through community work, New Zealand communities benefit from over 3.7 million hours of labour annually. Agencies providing placements for individual offenders on community work need to supervise the offender and report on the person's progress to a probation officer. Agencies/community groups must be approved by CPS before they can receive offenders on community work. Specific examples of projects with community groups include:

- In Christchurch, offenders on community work are helping with cleanup efforts following the recent earthquake and will over time contribute to the longer term redevelopment projects;
- In Wellington, offenders on community work are working with *Wainuiomata Marae* to undertake maintenance work and are learning *Marae* protocol and Maori at the same time. Some offenders are

taking this opportunity to learn about and reconnect with their culture;

- In Kaitaia, offenders on community work are helping to restore a local beach's ecosystem and enhance erosion protection by assisting the Beach Improvement Society;
- In Canterbury, offenders on community work have been helping their local coastguard launch a new rescue vessel by assisting with maintenance duties around the coastguard building a premises so that coastguard volunteers can dedicate their time to keeping the waters safe.

X. COMMUNITY INVOLVEMENT IN PRISONS

Prison is and will remain inevitable for the worst offenders in our society. Equally inevitable, however, is that the great majority will be released back into the community after serving their time in prison. An offender who is simply released into the community with no support is very likely to continue offending to the detriment of everyone in society. All the international research shows that those offenders who receive assistance from the community or state to reintegrate back into society have a much better chance of staying crime free.

XI. PRISON FELLOWSHIP

The Prison Fellowship is a non-denominational Christian community organization which works in prisons and communities to restore prisoners and ex-prisoners to their communities and families, and to try and reconcile offenders and victims. The Prison Fellowship is involved on a number of different fronts, working with prisoners both in prison and after release. Some government funding is provided to this group. The following is a snapshot of its work with prisoners:

- *Prison volunteering*: The Fellowship has a large body of volunteers who attend prison to help prisoners in a variety of ways, contributing to the rehabilitation and reintegration of prisoners by sharing skills, experience and knowledge;
- *The Faith Unit*: In 2003 the Fellowship in collaboration with Rimutaka Prison established a 60 bed unit for prisoners who wish to explore the Christian faith;
- *Prisoner reintegration*: New Zealand's first prisoner aftercare programme using trained mentors was established by the Prison Fellowship in 2003, to support prisoners released from the faith unit. Known as Operation Jericho, it continues to support released prisoners from the faith unit and other prison units within the Wellington region, providing support pre-release, and for up to two years after release. Recently the Fellowship has moved to a "strengths-based" methodology for reintegration. The traditional approach to prisoner reintegration focuses on addressing prisoners needs – accommodation, employment, financial management, family relationships. It assumes that the prisoner is dependent on the state, or a provider, to meet those needs. The strengths-based approach discourages dependency. It focuses on the acquisition of skills; moral inclusion of the ex-prisoner within a targeted community; encouraging ex-prisoners to actively address harm done to victims, families and the community; and "paying back" to the community through voluntary reparation and community service. Restorative reintegration occurs when it draws on community processes through which informal support and controls traditionally take place. The community is treated as the primary agent for reintegration.

The Fellowship actively promotes the establishment of "circles of support".

- *Community and church involvement in reintegration*: There is a growing call from the wider community for involvement with prisoners and their families. Many church and community members feel called to mentor to ex-prisoners and their families, but lack the confidence and experience to do so. The Fellowship has undertaken to provide training seminars for those in the community with a desire to help out in this way. This new initiative encourages wider church and community involvement with prisoners, in a way which ensures that it will provide a safe environment for both volunteers and ex-offenders.
- *In-prison victim/offender conferences*: The programme involves facilitating safely-structured meetings, usually in prisons, between those who have suffered from a crime, and the actual perpetrators of that crime. Other restorative justice providers have facilitated in-prison victim offender conferences, but Prison Fellowship is the primary service provider at present. Referrals come from prisoners, the Parole

Board, victims, Prison Unit Managers.

Prison Fellowship also promotes increased awareness of the special transformative and therapeutic potential to be found in faith-centred biblical-based principles applied to offender rehabilitation and reintegration. At the core of this activity is a strategy to strengthen the church-community partnership and the development of mutual trust and social cohesion in society, through programmes which bring prisoners, victims and the community together.

XII. COMMUNITY-BASED TREATMENT FUNDED THROUGH THE DEPARTMENT OF CORRECTIONS

In recognition of the need for strong support for those being released from prison, Community Probation Service probation officers work with Maori *whanau*, *iwi* groups and other community support groups to plan for and support offenders being released from prison.

A. Reintegrative Support Services

The Department has contracts with three community-based providers for provision of reintegration support on a regional basis across New Zealand: Auckland Prisoner's Aid and Rehabilitation Society, Waikato Prisoner's Aid and Rehabilitation Society and the Prisoner's Aid and Rehabilitation Trust. These providers are not-for-profit organizations that utilize both paid staff and volunteers to support offenders both in prison and in the community.

Reintegrative support services assist offenders to address life's practical problems and issues that, if not addressed, may have significant impact on their successful reintegration into the community. In particular this assistance is aimed at:

- Acquiring suitable accommodation
- Obtaining employment
- Managing finances
- Managing relationship issues
- Developing pro-social community support
- Preventing victim-related problems
- Achieving continuity of health care post-release.

B. Supported Accommodation

The Department funds a supported accommodation service through community providers in Auckland (Auckland Prisoner's Aid and Rehabilitation Society), Hamilton (Anglican Action), Hawke's Bay (Salvation Army), Wellington (Salvation Army), Christchurch (Salvation Army) and Dunedin (Otago Prisoner's Aid and Rehabilitation Society).

The supported accommodation service assists offenders at high risk of reoffending who have a high level of reintegrative need to transition back into independent community living. It provides offenders with up to 13 weeks' single accommodation and support with money management, literacy and numeracy, finding work or training, forming positive community links and support.

The supported accommodation service may be followed by an additional 13 weeks of reintegrative support for the offender if required. The Department funds 54 houses nationwide.

C. Salisbury Street Community Residential Centre

The Department contracts with Salisbury Street Foundation for delivery of a residential programme in Christchurch for men who have spent substantial time in the criminal justice system. The programme aims to prevent further offending and to facilitate reintegration by providing vocational, recreational and educational skills, and by confronting inappropriate behaviour. Offenders attend the programme for between six months and two years, dependent on individual need.

Salisbury Street Foundation is a 12 bed facility.

D. *Whare Oranga Ake*

The Department of Corrections is currently establishing a new reintegration programme, *Whare Oranga Ake*, which the Government funded in the 2010 Budget. This residential reintegrative programme for male prisoners will entail a Maori environment within which prisoners are supported to reconnect with their culture and identity, address identified reintegrative needs, and live offence-free lives. A contracted community provider will deliver the programme.

Prisoners involved in *Whare Oranga Ake* will live in 16-bed unit built in the style of existing prison self-care units, with a communal facility alongside. One is to be located on the Hawkes Bay Prison site and the other on the Spring Hill Corrections Facility site. The unit will be located on prison land but outside the secure perimeter fence. *Whare Oranga Ake* is expected to open in July 2011.

Whare Oranga Ake will focus on a prisoner's reintegrative needs. For example, helping with employment, post programme rehabilitation, finding supported accommodation and improving *whanau* relationships. Prisoners will be supported to look for and be engaged in employment and/or further education. The service providers for *Whare Oranga Ake* will ensure that there is community support for prisoners on their release by linking prisoners, whilst in *Whare Oranga Ake*, to community support networks.

Whare Oranga Ake will also help prisoners by providing relapse prevention support for programmes which the prisoner has already undertaken. Prisoners will be expected to live communally within *Whare Oranga Ake*, and they will take on all of the responsibilities of daily living, e.g. cooking and cleaning. While security at *Whare Oranga Ake* will be provided by Prison Services the day-to-day running of *Whare Oranga Ake* will be contracted out to community providers. Corrections' Rehabilitation and Reintegration Services will manage the relationship with the contracted service provider and provide support where deemed necessary.

XIII. RESTORATIVE JUSTICE

A. General

1. Court-Based

- Prior to Sentence – The process of restorative justice is now utilized in various courts in New Zealand. Although the practice has no statutory definition, various provisions of the Sentencing Act 2002 contain reference to restorative justice processes and practices.
- Broadly speaking, restorative justice processes bring together offenders, victims and others who have a specific stake in the offence to collectively determine how the offender should be held accountable, how amends to the victim should be made, and how further offending can be prevented.

2. References to Restorative Justice in the Sentencing Act 2002

The following provisions in the Sentencing Act make reference to restorative justice or similar processes.

- Section 7: Purposes of sentencing. This section reinforces consideration of restorative justice outcomes in reaching a sentencing or other decision.
- Section 8: Principles of sentencing. The Court must take into account any outcomes of restorative justice processes that have occurred, or that the Court is satisfied are likely to occur, in relation to the particular case: s. 8(j).
- Section 9: Aggravating and mitigating factors. The Court must take into account any offer, agreement, or measure of a kind referred to in s 10: s. 9(1)(f).
- Section 10: The Court must take into account any offer, agreement, response, or measure to make amends. Among the measures to take into account are any agreements between the offender and the victim as to how the offender may remedy the wrong, the response of the offender or the offender's family to the offending, and any measures to make compensation to the victim.
- Section 25: Power of adjournment for inquiries as to suitable punishment. A Court may adjourn

proceedings after the offender has been found guilty or has pleaded guilty and before the offender has been sentenced or otherwise dealt with to enable a restorative justice process to occur, or to enable a restorative justice agreement to be fulfilled: s. 25(1)(b) and (c).

- Section 26(2)(c): Pre-sentence reports. Pre-sentence reports may include information regarding any offer, agreement, response, or measure of a kind referred to in s. 19(1) or the outcome of any other restorative justice processes that have occurred in relation to the case.
- Section 27: Offender may request the Court to hear a person speak on the personal, family, *whanau*, community, and cultural background of the offender. That person may speak on, amongst other matters, any processes involving the offender and his or her family, *whanau*, or community and the victim or victims of the offence, or that are available to resolve, issues relating to the offence: s. 27(1)(c).
- Section 32: Sentence of reparation. When determining the amount of reparation to be made, the Court must take into account any offer, agreement, response, measure or action.
- Section 62: Determining placement of offender for community work. Probation officers must take account of the outcome of any restorative justice processes that have occurred in the case when deciding on a placement of an offender for community work: s. 62(e).
- Sections 110 and 111: Come up for sentence if called upon. The Court may order an offender to come up for sentence if called upon. Under s. 111, the offender under such an order may be called up for sentence if he or she fails to comply with any agreement or fails to take any measure or action of a kind referred to in s. 10 that was brought to the attention of the Court at the time the Court made the order under s. 110.

(i) *Parole Act 2002*

The following provisions in the Parole Act make reference to restorative justice or similar processes:

- Section 7: Parole Board guiding principles. These include the principle that any restorative justice outcomes are given due weight.
- Section 43: Start of process. The information to be provided to the Parole Board prior to an offender's hearing for parole or home detention (and which is also relevant to the setting of parole/release conditions) includes any reports arising from any restorative justice processes the offender has engaged in: s. 43(1)(b).

3. Key Points for Restorative Justice Referrals

The following points have been generally agreed to by judges:

- There must be a firm guilty plea.
- The plea must be recorded.
- Ascertain willingness of offender and victim – of the offender through counsel and of the victim through the Victim's Adviser (not through an agent of the offender). Attendance is entirely voluntary.
- The case is then referred to a trained and professional independent facilitator who is familiar with resource materials such as the Ministry of Justice's Manual on Restorative Conferencing (2001).
- The facilitator should be provided with a copy of the charge(s), summaries of facts, any victim impact statement, the contact details of the offender and victim, and the name and base of the officer in charge.
- The facilitator must ensure that the police are invited to attend.
- Victims and offenders should be encouraged to have support people present.
- The conference cannot proceed unless both victim and offender are actually present (agents or representatives are not appropriate).
- Lawyers are entitled to attend but not in the role of advocate.
- The facilitator will write a report recording any agreements reached, arrangements for monitoring and completion of agreements, and adequate information to enable the Judge to appreciate the

processes of communication that took place.

4. Back to Court

Upon the offender completing a restorative justice contract, sentencing should normally occur in the usual way in open court with due regard to successful completion or non-completion.

B. Post-Sentence

A more recent development in the general field of restorative justice has been its use as part of the general parole system post-sentence and, often, in prison.

The primary purpose of parole is to manage the safe release of prisoners from prison back into the community. International research shows that sensible parole decisions based on the best research possible can be three to four times more successful in preventing reoffending than automatic release at the end of a fixed sentence.

This of course makes sense in an ordinary common sense way, because obviously those who are managed in a helpful way to get work, to have an income, to have a good place to live, to have pro-social people surrounding them, are going to do better than people who are simply dropped out of prison without any such support.

The Parole Board has now an agreement with the Department of Corrections for funding of recommended restorative justice conferences. New Zealand has had its own successes with restorative justice post-sentence. There is a vigorous restorative justice programme being run in parts of the country by the Prison Fellowship (see above), although it is not yet systemic. There are many examples of successful interventions, particularly from the victim's point of view.

For example, a young man down in the South island was in prison on a murder sentence. He had killed a young street kid some years ago, he and others after torturing the victim in accordance with satanic rituals. In prison he became a Christian and supported that by a change in behaviour. There was finally a restorative justice conference at his insistence at which the family of the street kid who was murdered attended. It was amazingly successful. The sister of the boy said to him "I have been in terror of you being released. I had enormous fear of you. It has stopped me from doing what I wanted in my life. Today I am getting rid of that fear. I have never wanted it; it has stopped me from doing things for myself and now I don't have it anymore. I wish you well."

That is an astonishing result. The New Zealand experience is that victims are often more generous and forgiving than expected. These things do not happen unless there is genuineness and honesty. Everyone in these meetings is alert to that. The result is that the tragedy will remain a tragedy and the loss will remain the loss. But it means that fear of reprisals is put to one side and if these people ever meet again in the small country of New Zealand it will be done without embarrassment and with dignity and some mutual respect. Family and friends and other who are contaminated by all of this can also be freed to continue the connectedness of life which is New Zealand.

When a successful restorative justice conference has been held, there has often been, if not forgiveness, an understanding and an ability to both move on and to allow others to do the same which has been truly impressive and often very humbling. It makes the Board's decision making very much easier, which is of course a secondary function.

XIV. CIRCLES OF SUPPORT

There are other opportunities arising from general restorative practices post-sentence. The faith-based communities in Canada have developed the concept of "circles of support" for indefinitely detained prisoners – often child sex offenders who are notoriously difficult to support back into the community. This way of working – constructing artificial support where no natural support now exists – is well known as "therapeutic communities" and it is to be found also in the UK. New Zealand is just starting to develop its version incorporating its own particular culture.

XV. CONCLUSION

There are many opportunities for community involvement in offender treatment post-sentence. The above narration sets out some of these. Inviting community members and organizations such as churches, faith-based communities, non-government organizations and other groups forms part of the responsibilities of the Corrections/Services who generally advertise for tender these types of involvement – but often also community groups, with a keen appreciation of the difficulties for prisoners, organize themselves to provide for gaps in services and approach government for funding. The process is dynamic and flexible. The needs are great. The government role is necessary to ensure adequate resources but finally, it is the communities themselves who are effective in providing rehabilitative services and of receiving and welcoming offenders back.

In respect of high risk offenders being released from prison, local probation officers canvass local communities for both skills and local sponsors. The community arrangements are therefore more frequently completed on an individual needs basis using local community strengths to engage with an offender and work with them following release or completion of sentence. Probably the biggest issue for community probation services in New Zealand in respect of offenders leaving prison is the provision of appropriate housing and that has been achieved by canvassing national organizations, local housing authorities and community-based providers.

In New Zealand, with its common law system based on the English system, it has been found very effective to use the judge or judges as independent persons talking to community groups and inviting community participation.

Where that is not possible, the New Zealand experience is that a community court co-ordinator - an official of the court with a liaison function to the community - is the next best person to issue the invitation. In all areas there are natural groups and community strengths which can be harnessed for the use of the criminal justice system but the New Zealand experience is that often such groups do not know how to access the courts and will not make their skills and resources available unless invited to do so. In the Porirua community court a community link co-ordinator funded by one of the Government departments fulfils this role in co-operation with two energetic District Court judges who make a point of speaking to community groups during the weekends and at week nights.

That has been found to be very effective in inviting and obtaining community strengths to assist the offenders in facing their offending and making changes to their lives.

COMMUNITY JUSTICE IN THAILAND: PARTNERSHIP IN TREATMENT OF OFFENDERS AND ENHANCEMENT OF COMMUNITY QUALITY OF LIFE

*Kittipong Kittayarak**



I. INTRODUCTION

Crime prevention and control have long been viewed as tasks of criminal justice agencies and approaches that have been traditionally adopted are to enforce laws and punish or rehabilitate those who violate them. In this sense, the formal criminal justice agencies, i.e. police, prosecutors, courts and corrections, are the major players and offenders are the focus of the justice system. Recently, a new concept has been introduced and changed the view of crime and the ultimate goal of the justice system. Such a paradigm shift proposes that crime and disorder in society are problems which should be dealt with by the community and that the role of the criminal justice system should be to promote quality of life and safety in communities, not just to punish offenders. Criminal justice agencies and professionals should work with the community in responding to crimes. This paradigm is often referred to as “community justice” and is now widely accepted as an effective method to complement the formal justice system in dealing with crimes in Thailand.

Community justice underlines the involvement of the community in the justice process. The concept of community justice is rather a complement to, not a replacement of, the mainstream criminal justice ideal. In Thailand, this concept is not a totally new idea. The Thai communities have a centuries-old tradition of contributing to the maintenance of peace and order. Even in the modern administration of justice, we have had community involvement in the criminal justice system for many decades. However, the concept of community justice is more than merely the involvement of community members. It is based on the profound idea of building partnerships between the community and the state, creating justice at the grass roots level and developing sustainable communities. To clarify this concept, the Thai experience in implementing community justice will be used as a case study. This case study will detail how we established community justice, to what extent we implement it, what benefits we gained, and what we learned from it.

II. FROM VOLUNTEERS TO COMMUNITY JUSTICE

The involvement of communities in the criminal justice system has been recognized for many years. The private sector and community members work closely with criminal justice agencies in reporting crimes, rehabilitating offenders and assisting in social reintegration of offenders. One of the most prominent examples of community involvement in criminal justice is the Volunteer Probation Officer Scheme (VPO), which was established in Thailand in 1986. VPOs are community members who voluntarily work with the Department of Probation (DOP) in providing probation services. From the beginning, the VPOs have been an integral part of the probation system, since they provide a linkage between the State and the general public. They also serve as multiplying factors in the attempt by the DOP to reach out to the community, either through various schemes to disseminate information, to educate people, or to sensitize the public to various issues, including certain types of criminal offences. One of these important roles is to provide effective monitoring for the offenders who are serving probation orders within the community to ensure their conduct is in accordance with the conditions set by the Court.

In performing such duties, these volunteers are also responsible for providing help to, and assessing the progress made by these offenders – an indispensable element of the successful probation system. Thus, the

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volunteer probation officers make an invaluable contribution to foster the effective reintegration of offenders back into society, particularly through their roles in narrowing the gaps that exist between the lives of offenders and those of the normal citizen, and help the offenders overcome the alienation they feel upon their return to the society.

The following list comprises the basic qualification requirements for those interested in joining as a volunteer:

- Be of at least 20 years of age
- Live in a permanent residence
- Be literate
- Be a person of integrity and honesty
- Have a suitable income
- Maintain law-abiding behaviour
- Have completed the required training course
- Have no criminal record except for petty offences or negligence.

After being trained on core knowledge in rehabilitating and supervising offenders, VPOs will assist probation officers in supervising and monitoring probationers in their local communities. As of 2011, a total of 13,082 VPOs are working in the Department of Probation nationwide.

A. Volunteers in the Right and Liberty Protection Scheme

This Scheme is another example of a project carried out by the Rights and Liberties Protection Department, Ministry of Justice. This scheme, established in 2005, has recruited community members who wish to become voluntarily involved in justice activities. Their roles are to educate other members on rights protection issues and provide counselling and conflict resolution services if needed in the community. Volunteers under this scheme have been selected and trained by the Department. This year, there are 11,185 volunteers participating in this scheme. Apart from volunteer schemes, the Ministry of Justice also initiated several other programmes of community participation under the ministerial strategy of “Justice for All, All for Justice”. For example, there are community networks to fight against drug abuse; and the justice networks in the Southern border provinces.

The nature of the volunteer activities is to assist criminal justice agencies in casework and to participate in some assigned activities that are mostly initiated by officials. Although their work is valuable, most of them are limited to activities that respond to the needs of these agencies, such as helping in casework and reporting crimes and rights violations. The roles of volunteers are usually assigned by justice agencies, not as a direct response to the community’s needs. In other words, the relationship between justice agencies and the participating community members normally follows a top-down, one-way model.

However, these schemes demonstrate the community’s interest in justice-related activities and its concerns for safety and public order. This new paradigm of criminal justice was presented to communities in the 2000s. As they responded positively, activities related to community justice were initiated.

III. EMERGENCE OF COMMUNITY JUSTICE IN THAILAND

With advent of the progressive, pro-rights Constitution of 1997, the Thai justice system has undergone major reform. One of the important factors which accelerated such changes was the problem of overcrowding. Due to a misguided drugs policy which has placed too much emphasis on inflicting heavy penalties on drug addicts, the numbers of inmates had doubled, from 120,000 in 1997 to 260,000 in 2003. In order to quickly solve the overcrowding problem the government had to come up with innovative ideas for alternatives to imprisonment. Drug diversion programmes and other community-based rehabilitation alternatives are among the major schemes presented to reduce courts’ caseloads and inmate numbers. Under the new policy, drug users and drug addicts, who previously had been prosecuted as criminal offenders, are to be regarded as patients who need rehabilitation treatment. According to the law, the court may divert the case from the traditional criminal justice system and refer the person to designated facilities for drug assessment. If the evaluation result shows that the person is a drug abuser or addict, he or she will be required to attend treatment programmes for a specific period of time. After a successful completion of the programmes with

satisfactory results, the criminal case will be dropped with no criminal records.

The Department of Probation (DOP) has been given the important task of shouldering the burdens of the new programmes designed to reduce the excessive numbers of inmates, especially drug addicts, whose numbers constituted more than half of the inmate numbers. Although the DOP has done excellent work in providing successful adult probation programmes in the past, it has been as yet unable to expand its scope of work to cover new, community-based alternatives to incarceration. Lack of overall criminal justice policy planning, lack of interagency cooperation and coordination among key actors, and inadequate funding were among the major reasons hampering the successful introduction of community-based treatment as alternatives to the long-held practices based mostly on retributive, custodial measures. With the expanded scope of probation work from the traditional probation to the new frontier of prevention and diversion, the DOP has been pressed to come up with innovative ideas to carry on its new assignments and, at the same time, maintain the quality of its traditional functions.

Restorative justice and community justice were two new paradigms in criminal justice administration which have been introduced by the DOP as a strategy to promote support for community-based approaches. As restorative justice emphasizes informal methods of dealing with crime, particularly with the increasing roles of the victims, offenders, and the community, it more or less supports community-based treatment options. Likewise, the concept of community justice views the community as the co-producer of justice and considers the community should be empowered to work as a partner with other criminal justice agencies in maintaining public order and safety.

The community justice concept was put into practice for the first time in 2003 under a project called "Community Justice Networks in Offender Rehabilitation." The major objective was to expand the base of support by the community so as to be able to cope with much more demanding responsibilities, especially on the rehabilitation of drug addicts. With the concept of 'community justice', whereby the community can work in partnership with the government, it was hoped that the community could help during the rehabilitation and reintegration of drug addicts to society. In Thailand, the concept of people in the community joining hands with the authorities in law enforcement and providing justice has long been a tradition in Thai rural communities. This tradition has lately been neglected since the modern criminal justice agencies were established. The pilot project initiated by the DOP has been successful in harnessing this hidden strength of the community. It was found that through the unity and bonding between members in the community, it was possible to bring about positive outcomes in terms of helping and caring for the needy in society. By empowering the community to be more active and get involved in day-to-day justice activities, community resources and social capital can be fully utilized to achieve the desired result.

As the concept of community justice was new and its implementation was different from that of VPOs, the DOP conducted a series of action research projects from 2003 to 2006. One of the most prominent was called "Community Justice Network in Fighting Against Drug Abuse" with the aim of studying how the community justice model might be successful in the Thai context. Important knowledge and information were gained from this project. Training courses and materials for justice officials on necessary skills to effectively work with the community, as well as key mechanisms and processes to develop community partnerships, were drawn up and were applied by related agencies.

After the success of the concept of community justice in the area of offender rehabilitation and reintegration, the Ministry of Justice in 2004 decided that community justice may be an appropriate approach to lessen the problem of violence in the southern border provinces as community justice reduces the gap between the government and the community. Thus, another pilot project was launched in three southern border provinces. In this new pilot project, the scope of activities with the community under the community justice concept was not limited to the treatment of offenders but was instead expanded to new areas. It aimed to strengthen the community, create an environment conducive to reconciliation, and to provide restoration to victims of violence. To achieve such goals, communities in the targeted area must be involved and work as partners with justice agencies. Eventually, the visible outcome of the project was the establishment of community justice centres, which were used as a hub for community members to work with the justice agencies. Both projects proved that community justice can respond to complex problems which were not easy to deal with using conventional approaches.

The use of the community justice concept in the southern border provinces has made the concept of community justice widely known to the public as well as within the Ministry of Justice. The scope of the activities of the community is not limited to rehabilitation and re-entry, as in the past, but also involves crime prevention, reconciliation of conflicts, legal aid, etc. The Ministry of Justice saw the concept of community justice as a strategic policy to engage the public to join hands with the government with the aim of providing better access to justice and more effective crime prevention. Convinced of the usefulness of this policy, the Ministry of Justice in 2005 has made community justice initiatives a major ministerial policy under the strategy of “Justice for All, All for Justice”.

To prepare for a nation-wide implementation of the policy, the Ministry of Justice launched action research called the “Community Justice Development Pilot Project” in 2005. This research project was conducted in 17 provinces to determine the most effective approaches and processes to strengthen communities and promote community justice centres that respond to the community’s needs and context. A total of 36 communities participated in this project and were developed to be model communities of community justice. The outputs of the project included producing a curriculum for educating community justice members and justice personnel in basic knowledge of community justice, community work, community empowerment, and conflict resolution; a manual for working with communities; and research studies on developing approaches and processes for collaboratively working with communities and justice agencies.

The promulgation of the 1997 and 2007 Constitutions also contributed to the growth of community justice policy. In accordance with the spirit of the new constitutions, much progress has been made in the areas of decentralization and local governance in Thailand. Local government is expected to show more initiative and provide more opportunities for public participation. Many duties, including some previously allocated to the central government, were transferred to local authorities, such as the Provincial Administrative Organizations (PAOs) and Tambon Administrative Organizations (TAOs). Services directly affecting locals, such as basic education, development of the quality of life, and public health, are now administered by local administrative organizations. As decentralization empowers people and communities as well as local government bodies, the Ministry of Justice was confident about implementing community justice at the local levels throughout the country.

In addition, government policy on drugs has placed great importance on the role of the community. While much effort has been made for many years to combat drug problems, the situation of drug abuse still remains serious. Previously, drug abuse, especially that involving methamphetamine (*Yaba*), tended to be concentrated among labourers; however, in recent years it has spread to youth, students, and factory workers. The presence of drug dealers in a community is a cause of concern as well as a threat to the safety and well-being of the whole community. The complexity of the drug problem means that state agencies alone cannot solve it: they urgently need cooperation from the public and private sectors. In this connection, the government realized that communities can play a vital role in drug prevention and control. Community justice is undoubtedly an effective means to solving the drug problem and responding adequately to the national policy on drug control.

IV. UNDERSTANDING COMMUNITY JUSTICE IN THE THAI CONTEXT

The American Probation and Parole Association offers the following working definition of community justice: *“a strategic method of crime reduction and prevention, which builds or enhances partnerships within communities. Community justice policies confront crime and delinquency through proactive, problem-solving practices aimed at prevention, control, reduction and reparation of the harm crime has caused. The goal is to create and maintain vital, healthy, safe and just communities and improve the quality of life for all citizens.”* This broad definition can be applied to Thai community justice.

However, in the Thai context, the scope of community justice goes beyond problems of crime. Our experiences in working with the community show that people, especially the poor, feel that community justice needs to address the prevalent problems of injustice in the community. These may include the lack of legal knowledge which made them susceptible to being abused and taken advantage of, the difficulties of getting legal aid and services, the violation of their rights by the authorities or the well-to-do, etc. The framework of community justice in the Thai context, therefore, covers a variety of social problems, such as

rights violations, unequal access to the justice system, and drug abuse, and aims to create peace and justice in the community.

Given the broader scopes of the definition of community justice in Thailand, the nature of work with the community may cover a variety of activities such as dissemination of legal knowledge, providing legal advice through "Justice Clinics", mediating and resolving conflicts, crime prevention and making reparations to victims.

As the concept of criminal justice views the community as the co-producer of justice with the state, the keyword for community justice, which may explain its differences from the idea of volunteers, is "partnership." The key success factor is how to enter into or establish a partnership with the community. By creating partnership with the community, it definitely does not mean that one can instruct or assign the other to do things. In other words, this is not a top-down or one way approach. However, before any activities or projects are initiated in the community, the benefit of such activities should be mutually agreed by the community and the government agencies involved. To do that, there must be a great deal of consultation and interaction between the communities and the government agencies. In our experience, we adopted our own method of collaborating with the community by using slogans like: *"thinking together, planning together, implementing together and gaining together."*

This may sound easy but in reality, as in the case of Thailand, it was very difficult to implement. Thai communities used to have strong bonds and actively participate in public service. However, as a result of strong centralization during the past several decades, the community has lost its autonomy, dynamism and self-initiative. In addition, the government authorities, which are mostly centrally appointed, seem to be accustomed to the command and control approach. This is also true in the context of criminal justice agencies. Local people seemed to rely too heavily on the police to solve their problems. With such background, the revival of the community justice spirit was quite a challenge for us.

In our pilot project on community justice in 17 provinces and 36 different communities around Thailand, we found out that the most appropriate approaches in entering into a "partnership" with each particular community were different. Some communities are more active and strongly bonded than the others. This may result from their common heritage, religious beliefs, shared historical incidents or common concerns of day-to-day problems in their communities, etc. For instance, it would be relatively easier to work in partnership with a community which had past experiences of fighting floods, fires or other national disasters together than a peaceful community where its members do not see the need to work together to achieve common goals. Our trained officers should know the right approach to draw the interest of and create trust within each particular community. It is thus necessary that government officers be specially trained and have the necessary skills and the right attitudes to work with the community.

In Suan Aoy Community, Klong Toey District, a slum area, situated right in the heart of Bangkok, we found that the community justice idea drew great interest from community leaders. The community shared common concerns of fire, sanitation and drugs. They were convinced that if a community justice centre was established within the community with direct links to the relevant government office at the Ministry of Justice, the drug situation would be better controlled and their sons and daughters would be safer. The community leaders agreed to set up a "community justice centre" there. The commitment on their part was that they had to arrange for their own funding for the rent. The Ministry of Justice, on the other hand, provided assistance in securing the premises, organized the panel of community representatives who were willing to serve the community, and provided the necessary training for volunteer helpers who would be responsible for running the community programmes.

The training for community volunteers provided by the Ministry of Justice involved: basic legal knowledge; how to respond to complaints; how to compile data and share it with the MOJ; and in certain instances how to forward cases to relevant MOJ agencies. The training topics also covered basic mediation skills and other restorative justice techniques, including how to organize group meetings for problem-solving at community level.

It should be noted that each community, with different backgrounds and varying degrees of readiness

or resources, requires a specific approach in order to build trust and create an environment conducive to successful community participation.

For certain villages, like the Suan Aoy Community, whose members share common concerns over certain issues, such concerns can serve as an entry point for engaging the community members to come up with desirable programmes to cope with such problems. In other types of communities where traditional beliefs or customs still exert considerable influence on the people, such values can serve as a solid core around which the community justice activities can be organized.

On the other hand, in some areas where there is no common issue or strong sense of cohesion, one possible approach is to try and identify individuals, already recognized by community members as their natural leaders, who are interested in expanding their concerns to encompass broader issues. A good assembly of such strong leaders sometimes is the first step toward building a healthy community justice network.

All things considered, what matters is the understanding of the complex and diverse nature of each community, and to come up with approaches with sufficient flexibility to avoid being trapped in a ‘one-size-fits-all’ mentality.

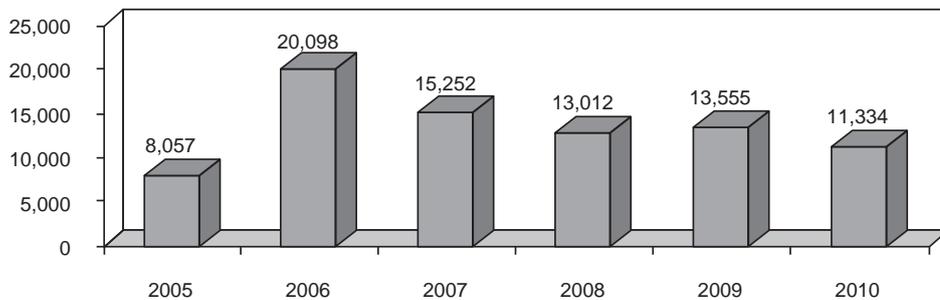


Figure 1. Number of newly recruited community justice members

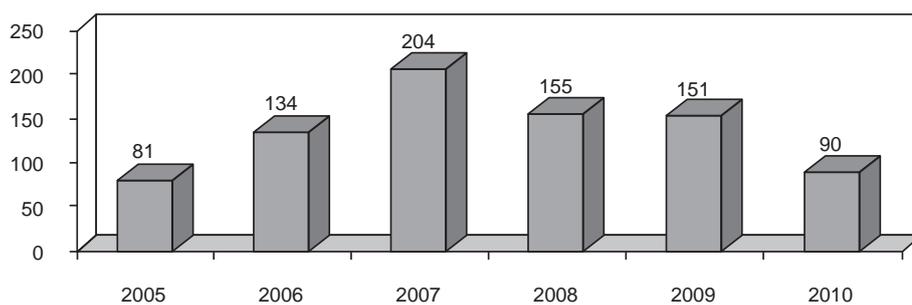


Figure 2. Number of newly established community justice centres

At present, there are 815 community justice centres with 81,308 community justice members. The government has realized the importance of the community justice programme and more funds will be allocated to set up community justice centres as well as expand the services provided by them. In addition to relying solely on budget support from the central government, appropriate linkage between community justice centres and local governments should be explored to find a sustainable mechanism whereby local resources can be maximized for a sustainable programme activities in the future.

Community justice members can act in the following way to help their communities.

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Services/Activities provided by Community Justice Centres in 2010	Number of Cases
Receiving complaints	4,336
Reporting crimes and illegal activities	1,284
Providing assistance and counselling service to crime victims	2,337
Conducting conflict resolution services	5,627
Assisting in pre-sentence investigations	3,025
Supervising probationers	578
Rehabilitating offenders	2,331
Providing aftercare service to ex-offenders	2,106
Participating in justice activities	934
Attending meetings conducted by the Ministry of Justice	476
Participating in crime watch and crime prevention activities	1,523
Publicizing information on justice matters	5,576

Source: Community Network Sub-division, Community Affairs and Community Service Division, Department of Probation

V. COMMUNITY JUSTICE: SERVING OFFENDERS AND THE COMMUNITY'S NEEDS

Unlike the rehabilitation approach conducted by criminal justice agencies, approaches designed and employed by community justice centres are more localized and flexible. This is because the community has an opportunity to tell justice professionals which factors they see as most closely tied to the quality of community life. As the community's needs may differ from one community to another, the programme developed by community justice can be diverse and serve not only the offenders' needs but also the community's needs.

The following cases illustrate the different roles of community justice centres which relate to treatment of offenders and crime control activities.

A. Restoring the Community

The Lat Mayom Canal Cleaning project is an example of a project that serves the interests of the community. Lat Mayom canal is located in Talingchan District, an outer area of Bangkok. It has been a landmark of the Talingchan community since 2004 when it was developed as a floating market and eco-tourism spot. Initiated by Mr. Chuan Chujan, a local farmer, who was concerned about the deterioration of the environment in his community and wanted to improve it, Lat Mayom canal and surrounding areas were developed as an environmental conservation area and community-based tourism site. Community members, under the leadership of Mr. Chuan, improved the environment of Lat Mayom Canal by cleaning the area and setting up a green floating market where they can sell organic vegetables, freshly cooked food and home-made desserts. Lat Mayom Canal has become a popular tourist attraction. Realizing the strength of this community, the Talingchan Probation Office proposed a community justice project to community members.

When the community justice centre was set up, the Lat Mayom community justice members and the Talingchan Probation Office worked together to draft a rehabilitation plan for probationers that would directly serve the interests of the community. The Lat Mayom Canal Cleaning project is a part of community service work for probationers living in this district. Every month, locals, community justice members, and volunteer probation officers join with probationers to clean the canal and surrounding area. A task that used to be performed by locals has become part of offender rehabilitation. Offenders contribute to revitalizing an area that is the heart of the community and are informally accepted by the community.

B. Reintegrating Offenders

The philosophy of Sufficiency Economy, developed by His Majesty King Bhumibol Adulyadej, is the major movement that all sectors in Thailand are applying as a guide to the way of living and behaving

toward “the middle path.”¹ Focusing on moderation and contentment, the philosophy sets out to shield the people and the country from adverse shocks and acknowledges interdependency among people at all levels. Because the philosophy of Sufficiency Economy provides guidance on appropriate conduct covering numerous aspects of life, it is now applied to rehabilitation of offenders under the Kamlangjai (Inspire) Project initiated by Her Royal Highness Princess Bajrakitiyabha.

In order to maintain the continuity of the project, the community justice centres in the participating provinces, namely Chiang Rai, Petchaboon, Trat, and Chainat, are taking part in the Kamlangjai Project at the reintegration stage. Before the offenders under the project are released, the probation office will invite community justice members to become involved in the pre-release programme. The community justice members will get acquainted with offenders and set the reintegration plan with them. Additionally, when the participating offenders are released to the community, community justice members will monitor and support the offenders to continue applying Sufficiency Economy to their lives after release. This means that offenders will be able to acquire a suitable job, adapt to the community way of life, and develop immunity to offending behaviour.

As Sufficiency Economy has been extensively linked to the Thai way of life, the application of this philosophy to offender rehabilitation and reintegration under the Kamlangjai project undoubtedly gives an opportunity for offenders to seamlessly integrate to the community. Besides, with the support from community justice members, reintegration of offenders is more likely to be accomplished.

C. Resolving Conflict

The Panomsarakam community justice centre demonstrates that collaborative work among justice agencies and local communities can effectively and powerfully improve the community’s capacity to solve problems. Panomsarakam, a district in Chachoengsao province, located 100 kilometres from Bangkok, set up the community justice centre in 2005. Due to the strength of the community, the centre has conducted various activities and implemented significant programmes representing the community justice idea. The director of the Chachoengsao Probation Office introduced the community justice concept to the community and then worked with the leaders, prominent community members, and other justice agencies. A network has been set up in the community, which is primarily comprised of a district school, police station, private sector, and probation office.

After understanding the concept and learning new approaches, the community identified their problems and collaboratively worked with other local organizations to solve the problems. For example, the Panomadulvittaya School, the district school in Panomsarakam, applied the restorative approach and probation measure learnt from the community justice centre and the probation office to solve physical fights and disputes in school. Although the programme was started by the deputy director of the school, students are the key persons of the programme. When a dispute occurs, a group of students called a Dispute Resolution Committee will invite the disputing parties to discuss the dispute and solution in a meeting facilitated by students only. If all involved parties can make an agreement, the committee will monitor the completion of the agreement which may be in the form of community service. Teachers and students observed that disputes in the school apparently decreased and positive behavioural change among students increased. The programme has been widely acknowledged and received a gold medal award for school innovation from the Teacher’s Council of Thailand in 2006. The restorative approach is also valued by the Panomsarakam Police Station, which has cooperated with the community justice centre to provide conflict resolution services at the station. The police officers observed that compoundable offences have been significantly reduced and satisfaction has increased. The community justice centre at Panomsarakam has continually established conflict resolution centres in sub-districts and provided support to other community justice centres. The Panomsarakam community justice centre has evidently become a success story of community justice.

D. Promoting Community Safety

The Chaktaduang community located in Rayong province has concerns about drug abuse among youth in their community and realized that this problem is linked to minor crimes in the community. Young drug abusers often steal villagers’ property to buy drugs. When the Rayong Probation Office presented the

¹ A Buddhist teaching to neither deprive nor indulge oneself to one’s detriment.

community justice idea, community members agreed that it would help them deal with their concerns. The probation officers then worked with the community members to develop a Drug Watch Programme. It was suggested to the community leader and members to classify youth according to drug related behaviour. Three groups were identified: a risk group, drug abuser group, and drug dealer group. A committee was arranged to supervise the targeted youth. One committee member was assigned to watch three youths and their families. If the risk group shows any signs of drug involvement, the committee will closely supervise them to prevent drug use. The community member also conducted random urine tests with youth to deter drug use. Drug abusers were encouraged to get treatment by their families and the committee. When they are rehabilitated, the community will welcome them back. Some ex-addicts joined the Drug Watch Programme and provided information of drug trafficking in the community to justice agencies.

The Chaktaduang community members admitted that at the beginning, they did not understand the purpose of community justice. After the community leader and probation officers explained the project and raised concerns about drug problems, which is the critical issue in the community, the community strongly agreed that this problem should be dealt with urgently. When the Drug Watch Programme proved that it can help youth quit using drugs and prevent others from becoming involved, the community entirely supported the community justice centre and felt that their quality of life was improved and that community ties were strengthened.

VI. STRATEGIES TO PROMOTE COMMUNITY INVOLVEMENT

Involving the community in justice activities is not an easy task. Some communities may be ready to participate but many are not. For justice professionals, communities seem to be new territory outside their work. To ensure effective partnership with communities, strategies to promote community involvement are proposed as follows.

A. Building Relationships with Community Members

Based on the assumption that a good relationship will lead to accurate information, justice personnel should start by building relationships with community members. Approaches for building relationships include informal methods, such as small talk and greetings, and formal methods, such as inviting community members to participate in official activities and joining the community's activities. The relationship between justice personnel and communities should reflect trust, mutual respect, and genuineness.

B. Understanding Community Needs and Strengths

Understanding communities is an important step. Justice personnel should understand the problems and concerns occurring in the targeted communities from the viewpoints of local people. Information on the strengths of the community should be collected. Community mapping is a useful tool to identify key community organizations, key partners, and resources and skills that exist within the community, as well as to assess the social and human capital of the community.

C. Serving the Community

To strengthen the relationship with the community, justice agencies may serve the community by setting up a small project that meets the community's needs, such as cleaning the cemetery, conducting vocational training for youth, or arranging a community forum. By working with the community at the early stage before launching the targeted project, we can help community members develop confidence and build relationships with justice agencies.

D. Developing a Vision and Action Plans

Justice personnel should assist the community to develop their vision based on their interests and capacity. After the vision is set, the action plan for the targeted project will be made by the community and officials. Community members should have an opportunity to generate practical ideas into the plan. Finally, it is important that the vision and action plan must gain wider public support.

VII. LESSONS LEARNT FROM THE COMMUNITY JUSTICE INITIATIVE

The community justice idea has been implemented in Thailand for over five years. However, it is still evolving. The model that is best suited for Thai society has not yet been found. During the search for the best practice, some lessons can be drawn up to help in establishing the programme in other systems.

A. Communicating Key Concepts of Community Justice to Justice Officials and Communities

Community justice is about changing the perspectives, values, principles, and assumptions under which we have traditionally operated. It brings in radical changes to the justice system; from focusing on offenders, crime control, and caseload to focusing on the community quality of life. As a result, some officials may resist this change. They may think that approaches based on community justice, such as educating communities about their rights, victim restoration, and mediation, are not their responsibilities. Some officers may not trust or believe that communities can deal with their problems. Furthermore, communities may themselves not believe that they are capable of preventing and controlling crimes. We learned that if the community justice idea was not well understood, justice officers and community members may resist the programme and its implementation may be unsuccessful. It is recommended that key concepts of community justice should be communicated to all stakeholders in the programme through various channels, e.g. community forums, training, and workshops. As the programme continues and shows some impact, staff and community members will have a clearer vision of what they are doing and participation will be more effective.

B. Equipping Staff with Knowledge and Skills for working with Communities

Justice officials are traditionally trained to be law enforcers. Their characteristics and skills are for dealing with crime incidents, criminals, and criminal behaviour. Most of them do not have sufficient knowledge and skills to work with communities. Working with communities requires officers to be sensitive to the community's needs and problems, more flexible and informal, and open-minded. Before implementing community justice initiatives, staff working in the programme should be trained on basic subjects, such as resource management, information gathering, communication skills, conflict management, community assessment tools and public speaking.

C. Working Collaboratively with Other Agencies within and outside the Criminal Justice System

The goals of community justice, which are enhancement of community quality of life and promotion of social justice, cannot be accomplished by a single agency. Community problems are diverse and require different approaches and resources. From our experience, we have learned that collaboration of governmental agencies is essential to the implementation of community justice projects. Responsible agencies must expand the boundaries of their practice and break down the barriers separating them from other components and organizations within and outside the criminal justice system.

In this case, the Ministry of Justice created Provincial Justice Offices to be coordinating centres for providing justice related services and supporting community justice centres throughout the country. The Provincial Justice Office will integrate work and missions of agencies under the Ministry of Justice, such as the probation office, prisons, narcotics suppression office, and rights and liberty protection centre, through the matrix model. Staff from these agencies are rotated to work in the Provincial Justice Office for a certain period of time. The director of the office is also selected from the different justice agencies to operate the office on a rotating basis. In addition to the Provincial Justice Office, the probation office in each province will provide assistance to community justice centres by acting as a resource agency for referral and cooperation with other agencies outside the criminal justice system.

D. Creating Strong and Continuous Support from the Public and Communities

To implement community justice centres nationally, support from public, local communities, local administrative organizations, as well as central government organization, is necessary. People from the community may lack interest in joining the activities, or local organizations may not financially support the programmes proposed by community justice centres, if they do not understand or recognize the benefits of these programmes. To gain support from the public and communities, we must publicize our programmes and successful results locally and nationally. Since the community justice initiatives were launched in 2003, the Ministry of Justice has publicized the project by conducting seminars and conferences, distributing printing material, research reports, VDO clips, and presenting information about community justice in a TV drama. For example, information of the community justice centre and its tasks were presented in a prime-time TV

drama. By introducing community justice through a famous leading actor, we expect that the message will attract wider public attention. To make the community justice initiatives sustainable, strong and continuous support is greatly needed.

VIII. THE OUTLOOK FOR THE FUTURE

Since its reintroduction to Thai society through the piloted scheme by the Ministry of Justice almost a decade ago, community justice has proved to be a promising platform where community members can work in partnership with government agencies toward meeting the needs of the community. Underlying the community justice concept is the guiding principle which treats the community as actor in promoting access to justice and maintaining public safety for the community. With the ability to identify areas of concern and mobilize local resources, the community has limitless potential to play an active role in both enhancing the existing activities and expanding the scope of work piloted so far.

Also intrinsic in this new mode of public participation is the recognition that members of a local community, through the voicing of their concerns and needs, are key actors in the collective effort to address the basic imbalance in the power structure at the national level – a problem with serious implications for Thai society as a whole. Such fundamental inequality often manifests itself in the form of inequality in access to justice, and has been voiced on various occasions, including the most recent political protest, which escalated to confrontation and violence in May 2009. Since then, there has been an urgent call for national reform to look for ways to address inequality in key areas, including justice. As part of the new scheme to ‘reform the nation’, the government has set up a number of independent forums tasked with mobilizing various stakeholders across the nation to synthesize a national plan to address the structural problems faced by Thailand.

The National Reform Committee has been formed to mobilize national stakeholders and come up with suggestions and recommendations for the programmes to be implemented in the hope of providing redress for the most urgent problems, such as land dispute between the people and state agencies, and to promote equal access to social justice, as a means of national reform. The NRC views community justice as an important vehicle where national reform effort can be realized at the most fundamental level. The ultimate goal of the effort is to equip the members of local communities and individual citizens with the institutional tools for them to reduce the gap in access to equal justice. With new emphasis added and increased chances for mobilizing resources, community justice stands a better chance to serve as the local engine of change toward creating the sustainable local mechanisms where members are empowered through their working hand-in-hand with other stakeholders, including the government agencies.

Taking a hint from the NRC, the government has recently announced a new policy of focusing on empowering the citizens in key areas, including access to justice. In this new policy, the community justice network will be the focus of a national attempt to strengthen the local community in order to promote better access to equal justice. The government plans to introduce a community justice centre at local districts, or *Tambon*, across the nation, hoping to equip people with legal knowledge, provide legal aid, and receive complaints on the problems faced by the community members. I believe that with coordination and strong commitment, the new policy, with its focus on enhancing visibility and providing adequate budgets to support the activities at community level, will be further enhanced by the parallel effort by the NRC to support the networking and knowledge-sharing among local communities across the nation.

In conclusion, community justice in Thailand has come to an important juncture. At the root of the problem also lies the seed for the solution. With the strong political will from the government, and the commitment and vision of the NRC which helped promote the shared sense of urgency for equal access to justice, it can be hoped that community justice will undergo another phase of growth as a forum of true public participation and public empowerment. This will in turn provide a healthy foundation for the society through the establishment of effective community forums for dispute resolution and other important areas of community empowerment and development.

COMMUNITY INVOLVEMENT IN OFFENDER TREATMENT: THAILAND'S EXPERIENCE

*Kittipong Kittayarak**

I. INTRODUCTION

The principal objectives of this paper are to provide general information on the role of the community in the treatment of offenders in Thailand and to share with the audience some relatively successful programmes and activities that we have conducted so far.

The paper is divided into four main parts: the first deals with the significance of community involvement in recent years; the second demonstrates key players whose partnership in the areas of correctional and non-custodial treatment of offenders have played significant roles in enhancing the quality of offender treatment; the third demonstrates some of the relatively successful programmes and activities aimed at enhancing participation from the wide array of like-minded alliances, with the focus on 'correctional network and alliances' for adult offenders, as well as the programmes in collaboration with key partners in the areas of probation and juvenile protection; and the last discusses the lessons learnt in offender treatment and the implication of community involvement in the enhancement of programmes and activities to support the treatment of offenders. By the end of this paper, the audience should have a better understanding of community involvement in correctional and related areas of work, including the community-based treatment of offenders. For policy makers and practitioners, this paper reveals Thailand's experience in involving the community with the treatment of offenders which, more or less, can be adapted to improve the quality of services in their jurisdictions.

II. WHY 'COMMUNITY INVOLVEMENT'?

Until recent years, like in many other jurisdictions, the administration of the criminal justice system in Thailand had been a relatively 'closed' business which limited access from outside. Individuals, either living in or working for it, were not necessarily recognized by the public. Even if they were, their image was usually negative. This was particularly true in the areas of corrections, and the administration of juvenile justice. Therefore, by bringing in outsiders and educating them about prison work and prisoners, society would have a better understanding of the system and would recognize the significant roles of the system and the benefits of community involvement.

In the area of corrections, for instance, it has been common knowledge that the prison staff had to endure working in an unsafe and stressful atmosphere, especially when the prison population dramatically rose between the late 1990s and the 2000s. The Thai corrections service has also had a chronic, severe lack of staff. The ratio of corrections officers to inmates has been around 1 to 22. Accordingly, they have to wear many 'hats', i.e. 'guards', 'teachers' and 'counsellors', even though they are not necessarily experts in those areas. Prisoners, on the other hand, cried quietly for improvement of their living conditions. The management then acknowledged the need for change when they encountered various challenges at the time, including serious security incidents, and found that these problems could not be dealt with by the Department of Corrections (DOC) alone. Rather, they should be professionally and systematically managed by all parties involved – both public and private sectors, within and outside the criminal justice system. This was when the public witnessed a range of attempts to make the offender custody and treatment process 'accessible' by the public. *Prison Visit*

* Permanent Secretary, Ministry of Justice, Thailand.

for Students, *Family Day* and *Correctional Consultation Committees* were among initiatives implemented to involve the community, families of prisoners and the public in correctional works.

Similar observations can be made in the area of work relating to the community-based treatment undertaken by the Department of Probation (DOP). Due to the expanded scope of work in 2002 to include compulsory drug treatment under the responsibility of the DOP, probation officers have to face heavy caseloads. Employing only 2,000 probation officers, the DOP has to deal with 300,000 cases of probationers, parolees and drug addicts each year. To cope with such a caseload, the Department has to seek help from outside agencies. Various schemes aiming to gain assistance from the public in community-based treatment have been increasingly set up in recent years. These include the volunteer probation officer scheme, community justice network, and multi-agency drug rehabilitation.

In addition to helping with the caseload, the DOP needs support and assistance from the public in reintegration of offenders into society. Without cooperation and understanding from the public, offenders can not live in the community. Existing agencies in the community, ranging from local organizations to social networks, are all important in providing essential support for offender resettlement, such as employment, housing, education, welfare services, and health services. Involvement of these agencies can be in the form of technical assistance, financial support, and cooperation in specific programmes.

The door of opportunity for the agencies in the criminal justice system was opened even wider when the Office of Civil Service announced its policy to reform the civil service system in Thailand in the early 2000s. The *new public management* scheme is one of the developments launched to promote the transparency and accountability of public agencies. According to this new movement, each agency is subject to public scrutiny and is encouraged to promote community involvement. The criminal justice agencies took the advantage of this reform policy to improve their organization management and services, one of which was to engage the public in prison management. The initial strategies involved inviting outsiders to visit prisons and juvenile detention centres, educating the public of missions and the limitations of corrections, creating opportunities for them to participate in the offender treatment process and publicly recognizing their contribution. At the end of the day, the expertise and experience of the outsiders in the areas in which the staff of the criminal justice system lack such skills definitely reinforced the effectiveness of the offender treatment process.

For a bigger step to promote public support, the Ministry of Justice of Thailand has imposed a policy to enhance cooperation between criminal justice agencies and all sectors of society for effective aftercare services and reintegration, in accordance with the Strategic Plan of 'Returning Decent Citizens to Society'. Within this framework, the DOC, for instance, launched its initial campaign in 2006 to educate the public of correctional works and their limitations. The original targeted audience were Sub-district Administration Agencies, which are the lowest level of local government agencies. At the initial phase, the two partners worked together to improve the quality of 'welfare provision'. Each prison was encouraged to sign a Memorandum of Understanding with the local Sub-district Administration Agency to set a framework on their operations.

In addition, the DOC also declared the 'correctional network and alliance' policy which aimed at bringing in all stakeholders. Apart from the local governments, key institutions and individuals in the community, such as employers, scholars, educational institutions, temples, etc., were invited to join the network to help improve the three main areas of corrections: therapeutic programmes, pre-release activities and reintegration.

III. PARTNERS AND PARTNERSHIP NETWORKS

To serve the new set of vision and missions of adult and juvenile corrections, which focus on transparency and accountability, one of the pioneering strategies is to draw support from the general public. As presented in the previous section, the roles played by the community and the private sector are deemed necessary and invaluable for the effectiveness of the treatment process, particularly in terms of financial resources and staff. In the adult correctional services, key players can be considered at two levels: national and local. At national level, the significant roles of representatives from various sectors of society can be viewed through the establishment of the Correctional Advisory Council (CAC) in 2004. The CAC comprises 25 individuals who are retired and current senior prison administrators, academics, public attorneys, law enforcement

administrators, business people, representatives from the press, NGOs and senior administrators from other public sectors outside the justice circles. The responsibilities of the CAC include coordinating with all stakeholders within and outside the criminal justice system to improve the quality of custodial measures and prisoner rehabilitation; receiving complaints relating to prison management from prisoners and the public; and suggesting policy on aftercare and reintegration.

In addition, in order to strengthen the reintegration process, the DOC has worked closely with eight government agencies, namely the Department of Social Development and Welfare, Department of Local Administration, Department of Employment, Department of Skill Development, Provincial Administration Organization Council of Thailand, the National Municipal League of Thailand, Sub-district Administration Organization Council of Thailand, and the City of Bangkok Metropolitan. Agreements between the DOC and these agencies were signed in 2008 to systematically manage offenders' pre-release programmes and promote the community reintegration process and activities (in particular, employability development and public acceptance promotion) which are believed to help prevent recidivism. The focus of this cooperation is on two principal activities:

The agreements signed between the DOC and its partners indicated clearly the responsibility of each party:

Framework for Correctional Facility

1. Update prisoners statistics;
2. Survey and provide relevant local agencies with ex-prisoners' data;
3. Strengthen constructive relations with relevant agencies;
4. Provide necessary pre-release programmes;
5. Cooperate with the partner agencies in arranging pre-release programmes for prisoners and educating the community for a better understanding of prisoners;
6. Arrange Restorative Justice activities to reconcile the conflicts between victims, prisoners, and prisoners' families during the period of incarceration or, where possible, after release;
7. Request partner agencies to report escapes;
8. Cooperate with partner agencies to conduct assessment and follow-up measures; and
9. Carry out other activities depending on the facilities' competency and conditions.

Framework for Partners

1. Cooperate with correctional facilities in the delivery of pre-release programmes for both prisoners and for community, such as offering instructors, introducing vacant jobs, and funding prisoners' welfare, etc.;
2. Provide opportunities for ex-prisoners i.e. hire them;
3. Support 'house visit' programme for local ex-prisoners;
4. Financially support staff and visiting costs, including welfare for pre/post-release prisoners and their families;
5. Support justice activities such as Restorative Activities for Prisoners, Families, Community, and Victims. Inform victims about prisoners' behaviour (where possible). Arrange activities for prisoners' repentance;
6. Provide vehicles and staff for tracing escaped prisoners;
7. Assist in the follow-up and assessment of prisoner programmes and activities; and
8. Carry out other activities depending on the partner's capacity and what is in the agreement.

This 'social welfare partnership' in corrections provides benefits for all parties involved. With the cooperation of other government agencies and the community, the prison system is able to deliver a more comprehensive and effective offender treatment service without requiring a great amount of public funds. Correctional networks and alliances as well as the public should have a better understanding of the offender treatment process and its limitations and can take part in helping improve the quality of such services. Moreover, this scheme provides the 'outsiders' a chance to observe and scrutinize the works of the DOC

with a principal aim to make the correctional system more effective and efficient. Last but not least, offenders can benefit from the well-organized programmes and activities which could help them reintegrate into the community after release. They are made aware that all parties involved are ready to give them a second chance so that they have confidence and determination to change not just for themselves but also for society as a whole.

At local level, in addition, the early attempt at drawing support from the general public involves the volunteers in prisons' rehabilitative programmes and activities. A recently published research paper (Rehabilitation Research Group, 2009) reveals that there were 3,969 volunteers participating in offender treatment of the DOC. These volunteers can be roughly divided into two main groups: government and non-government agencies. The government agencies are categorized into those in the criminal justice system and those outside the perimeter. On the other hand, the non-government agencies and individuals were varied in their backgrounds, ranging from business owners, NGOs representatives, company employees, academics, retired civil servants, monks and farmers. The number and the diversity of these volunteers (so called 'correctional alliances') have gradually increased each year, reflecting the success of the initial attempt to include as many stakeholders as possible in the correctional system.

As presented in Chart 1, the majority of volunteers (23.5%) participated in donation activities. Prisons, juvenile detention centres and probation offices across the country always encourage and welcome donations from the public. They can donate almost anything deemed suitable for the wellbeing of imprisoned offenders, from financial to material donations.

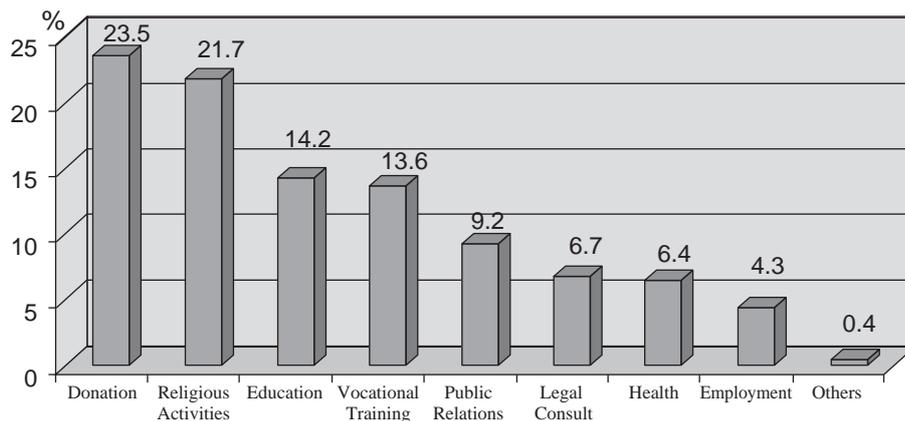


Chart 1: The Roles of Networks and Alliances in Corrections

IV. COMMUNITY INVOLVEMENT PROGRAMMES AND ACTIVITIES

Working with all stakeholders from the community can come in different forms and methods. Over the past decades, the agencies in the Ministry of Justice have received relatively strong support from all sectors of society, from the first step whereby offenders enter the criminal justice system until they finish serving their sentences. This section highlights the projects and activities which reflect constructive partnerships between those agencies and the community. They are categorized into four groups, with reference to their principal goals (although some projects may contain various goals). The first group includes the projects and activities which involve the community in strengthening self improvement and the therapeutic element of offender rehabilitation; the second are those which attempt to raise public awareness and acceptance; the third are community-based diversion programmes with cooperation from all stakeholders including victims; and, finally, I would like to mention the Kamlangjai (Inspire) Model of the Kamlangjai project under the initiative and support of HRH Princess Bajrakitiyabha, which has become a unique and effective model of public involvement in the treatment of offenders in Thailand.

A. Involving the Community to Strengthen Self-Improvement and Rehabilitation Programmes

In the first group the projects and activities which involve the community to strengthen the self-improvement

and therapeutic element of offender rehabilitation will be the focus of discussion.

1. Vocational Training and the Prison Product Exhibition

For adult offenders, vocational training has been a key rehabilitative programme for prisoner rehabilitation for decades. As a supplement to the formal educational curriculum offered inside prisons, a wide range of vocational training programmes are provided for prisoners interested in developing and/or improving their working skills. Results from the classification process are also taken into consideration when assigning prisoners to a training course. This is to effectively respond to a prisoner's risks and needs. At present, courses provided include carpentry, construction, hair dressing, cooking, Thai massage, etc. With reference to our experience, the more employability that the offenders have, the less likely it is that they will reoffend.

The community involvement in vocational training is twofold. Firstly, they can participate in the training courses as instructors. Currently, most instructors in the programmes are those invited from outside prisons, for example, from local vocational training colleges, schools and local companies, all of whom are experts in their particular fields. Secondly, the public can support prisoners' vocational training programmes by donating financial resources and training equipment and purchasing prisoners' finished goods.

Each year the Annual Prison Product Exhibition is held to promote a vocational training programme for prisoners. Also, it can raise public awareness and acceptance. It is expected that visitors will have a better understanding of prisons and prisoners, at least of the aspect that prisoners spend a meaningful time behind bars by attending activities that can reshape their attitudes and behaviours. In addition, prisoners' capacity will be recognized through the products and services that they produce and deliver. When a prisoner's products are purchased, 50% of the profit will be deposited to the prisoner's account as their reward. The Exhibition is considered one of the significant channels to connect prisons and prisoners with the outside world. Moreover, it is treated as a labour market where employers are invited to observe the potential of prisoners who, in the near future, might be their skilful employees after release.

In recent years, during the Exhibition, the DOC has brought out some well-trained prisoners to teach short vocational courses for interested people. As the name *Kru Kon Kook* (literally meaning 'teachers from behind bars') suggests, the main aims of this project are twofold: firstly, prisoners are offered a venue in the real world to practice what they have learnt inside, and secondly, giving a formal lecture to a public audience is a well-planned strategy which promotes acceptance and respect for prisoners almost with no cost. The courses taught by prisoners cooking, baking, 'batik' painting, water colour painting, etc.

2. Prisoners with Higher Education Programme

In addition to a basic educational curriculum and vocational training programmes, the DOC offers higher education courses for prisoners who are keen to equip themselves with knowledge and skills of their interest. With close and extensive cooperation from Sukhothai Thammathirat Open University (STOU), the DOC has been able to systematically manage the higher education programme for prisoners since 1987. The enrolment process, course materials and assessment are of the standard offered to the general public. Prisoners who are interested in participating in the programme can request the application form from the university through their prisons. The applications then will be sent out to the university. If the prisoners' qualifications fit with the requirements, they will be eligible for enrolment. Course materials will then be sent to the prisoners. Particular prisons are designated as STOU centres where prisoners are temporarily transferred in order for them to participate in the activities required by the course and also to sit exams. After they achieve all requirements and their degrees are awarded, the annual graduation ceremony will be held in Bangkok Central Prison where all graduates are presented with certificates.

Generally, prisoners are responsible for all related expenses when they choose to pursue higher education. Accordingly, at the early stage of this programme, prisoners who had financial difficulty were unintentionally left out. The significant move of the DOC to effectively deal with this situation was the establishment of 'Prisoner Education Fund' in 1995. The main goal of the fund is to provide financial assistance for prisoners who are in need. They, however, must also demonstrate good behaviour and good results from their study to be eligible for this subsidy. The fund committee is responsible for the administration of the fund and make the final decision for scholarship awards.

Recent statistics from the Educational Promotion Division, DOC, show that the numbers of prisoners enrolled at the STOU during the past three academic years were relatively stable (5,534, 5,570 and 5,512

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prisoners in 2007, 2008 and 2009 respectively). When looking the number of graduates from 1987 to 2009, there were 1,519 prisoners completing their degrees while serving time in prisons. The majority of them (34%) graduated with law degrees. Most of them informally reported that they wanted to study the law so that they could understand and fight their cases.

Rank	Subject	1987–2005	2006	2007	2008	2009	Total	%
1	Law	332	46	47	39	53	517	34.04
2	Management Science	143	29	35	35	34	276	18.17
3	Agriculture and Cooperatives Promotion	126	19	41	26	40	252	16.59
4	Communication Arts	97	12	15	13	18	155	10.20
5	Political Science	79	19	13	12	21	144	9.48
6	Liberal Arts	37	3	4	3	8	55	3.62
7	Science	1	1	27	6	7	42	2.76
8	Economics	23	1	8	4	4	40	2.63
9	Education	10	4	–	2	–	16	1.05
10	Home Economics	16	–	–	–	–	16	1.05
11	Human Ecology	0	–	–	1	5	6	0.39
	Total	864	134	190	141	190	1,519	100.00

Table 1. Number of prisoners who graduated from Sukhothai Thammathirat Open University, from 1987–2009.

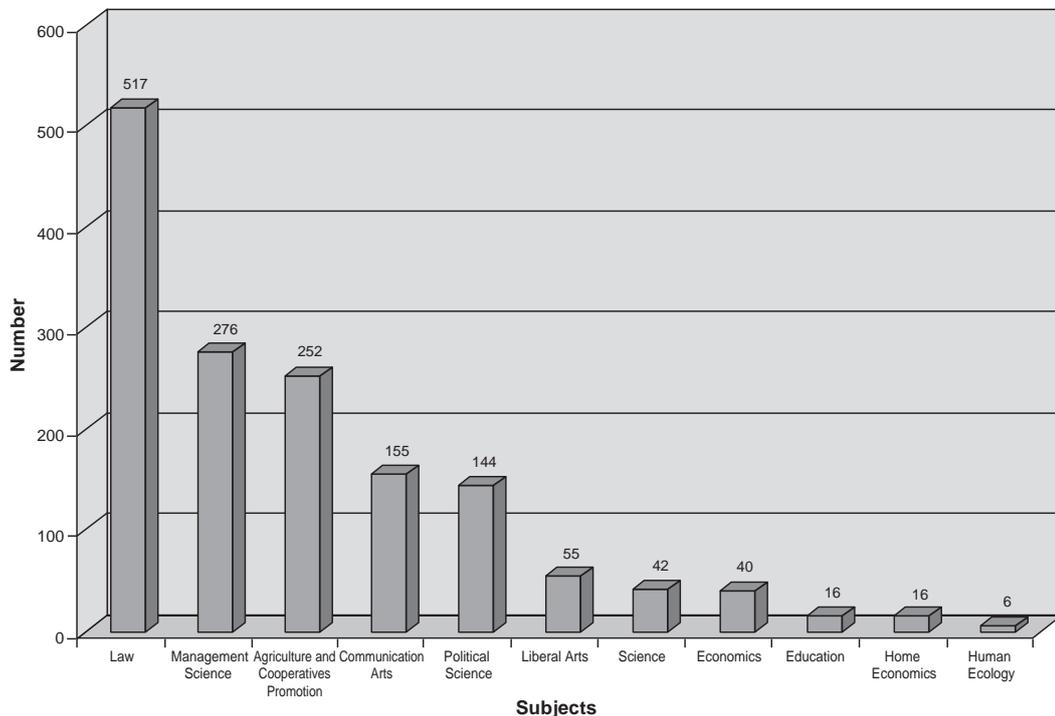


Chart 2. Number of prisoners who graduated from Sukhothai Thammathirat Open University, from 1987–2009.

As of February 2011, there are currently 3,266 prisoners enrolling with the STOU (this number is expected to increase when the admission process for the current semester (Spring 2011) is complete). Unsurprisingly, the favourite course among prisoners is still law (n=914, 27.99%). At present, each prison is encouraged to seek cooperation from local universities and colleges to expand opportunities for higher

education for prisoners. Mahasarakam Provincial Prison, for instance, signed an MOU with Mahasarakam University to provide prisoners with access to a range of courses at both undergraduate and graduate level.

Rank	Subject	Male	Female	Total	%
1	Law	859	55	914	27.99
2	Management Science	569	148	717	21.95
3	Agriculture and Co-operatives Promotion	557	43	603	18.46
4	Political Science	427	21	448	13.72
5	Communication Arts	247	69	316	9.68
6	Liberal Arts	80	36	116	3.55
7	Science and Technology	60	7	67	2.05
8	Human Ecology	24	22	46	1.41
9	Economics	23	1	24	0.73
10	Education	7	3	10	0.31
11	Others	3	–	5	0.15
	Total	2,860	406	3,266	100.00

Table 2. Top ten favourite subjects for the academic year 2010-11.

3. Drama Therapy

A new intervention combining theatre work and drama has been employed to rehabilitate juvenile offenders and young drug abusers. With assistance from drama groups, the Department of Probation and Department of Juvenile Observation and Protection now attempt to apply drama therapy with juvenile offenders. This initiative has been proposed by the community drama groups who believe that the use of theatre techniques could help young offenders build their self-esteem and modify their behaviour. These drama groups voluntarily organize drama therapy workshops for interested young offenders. After participating in the programme, young offenders said that they felt more confident, enjoyed their lives, and had a better relationship with others. Besides, a group of participating young offenders can perform on stage, in plays, mimes, and poetry readings, for their families and general audiences. Although it is still a pilot scheme which cannot be continuously implemented, more drama groups are interested in this scheme and eager to accept young offenders to take part in their workshops.

4. Art Therapy: 'Art for All' Project

The 'Art for All' Project is considered an innovative alternative for prisoner rehabilitation which aims to deal with prisoners' emotions, attitudes and perceptions by using art as a tool. Supported by the 'Art for All' Foundation, the programme emerged in 2004 following the gracious guidance of HRH Princess Maha Chakri Sirindhorn. Prisoners in the programme are able to learn not only about art, art appreciation and the creation of art works of their interests from outside professional artists, but they also have a chance to learn about themselves. The principal philosophy behind the project is that every prisoner has talent which they might or might not acknowledge and that it is the job of the correctional system to encourage them to use that talent in the right way. Art is just one mechanism that helps bring out prisoners' creativity and imagination and that reflects what is in their minds. This is of great value for related and further therapeutic programmes. Products of their participation are regularly presented to the public at the prisoners' art exhibitions which are held at both national and local venues. Besides, 'Art Camp' is also arranged for prisoners so that they are able to meet with their peers who have similar interests and who can share their knowledge and experience.

5. Music Therapy and the Prisoner Choir

With a similar approach to 'Art for All', music therapy has been employed as an alternative method for prisoner rehabilitation for a decade. The project emerged in the early 2000s to initially deal with drug offenders. These offenders often present a high risk of reoffending if no appropriate rehabilitation programmes are provided. The DOC acknowledges the need to find a range of initiatives to tackle their issues and finds that music therapy is one of many options that has potential to effectively respond to drug prisoners' risk and needs. With cooperation from the private sector, in particular the Christian Prison Ministry Foundation, the

music therapy programme was delivered in a number of correctional facilities for drug offenders at its first stage before being expanded to cover general prisons. Prisoners in the programme are able to learn various skills in music like vocals, singing, and performing from professional music therapists, singers and musicians who volunteer to work in the programme. More importantly, there are sessions that enable them to learn about and understand themselves—i.e. their capacities, their mistakes and their responsibilities. Each year major concert events are held for these prisoners to perform in front of the public and their families. Most of these concerts are charity events which grant an opportunity for prisoners to give back to the community. The success of this project is evidenced by the booked seats at every concert the prisoners perform!

B. Raising Public Awareness and Acceptance

In addition to the programmes and activities designed specifically to help the offenders gain a toehold in their effort to reform and rehabilitate, it has been widely acknowledged that programmes aimed at raising public awareness and acceptance can provide an environment conducive to such efforts. Below are listed some of the key activities:

1. TV Series: 'Before Eighteen'

The use of appropriate media can effectively educate and raise the awareness of the public. '*Before Eighteen*' is one good example. This television series, based on true stories, launched by the Department of Juvenile Observation and Protection in cooperation with a TV channel in Thailand, presented the life stories of six juveniles who had different backgrounds but all ended up in juvenile detention centres. The series aimed to provide the public with stories from other angles, in particular the juveniles themselves, their families and government agencies. The viewers would understand why these juveniles did what they did and how society could prevent that from happening. It also attempted to deter at-risk juveniles from following the same path and also to give support to those who were already in detention centres. The series ended by suggesting that there is always hope for everyone, even those who used to do something wrong, and most importantly, that everyone needs a second chance.

2. 'Sports Behind Bars'

As part of rehabilitation and reintegration, the 'Sports Behind Bars' Project was initiated to promote prisoners' capacity in sports and to encourage them to meaningfully make use of their time behind bars. Moreover, this project is aimed at showing society that many prisoners have talents in something, in this case sports, and that what they need from society is a second chance. This project invites a range of sports authorities, professional sports associations and private sponsors, for instance the Ministry of Tourism and Sports, the Sports Authority of Thailand, the Professional Boxing Association of Thailand and the Football Association of Thailand, to participate in prisons' sport events. Support has been overwhelming in terms of budget, trainers and equipment. A number of qualified prisoners were sent out to compete in numerous significant events and at different levels - international, national and local.

One of the most recognized prisoner athletes is Samsun Sor Siripon. She was convicted of a drug offence and participated in boxing training while an inmate in a facility for female drug offenders on the outskirts of Bangkok. Her talent caught the trainers' eye and gave her an opportunity to fight outside prisons. With her dedication and determination, Samsun won a World Champion title (Flyweight Class) of the World Boxing Association (WBA) in 2007. She soon became very well-known. Her success opened the door of opportunity for many other prisoners, especially those with sport talents.

'*World Cup Behind Bars*' is also a well-known prison event. Although it is held every four years like the formal FIFA World Cup, the event receives attention and remarkable support from the sport agencies involved, in particular, the Football Association of Thailand and Ministry of Tourism and Sports, as well as the media and the public. Foreign prisoners, especially from countries which have qualified for the final rounds of the World Cup, together with Thai prisoners, compete for the 'World Cup Behind Bars' champion title and a trophy resembling the real one. Meanwhile, those who are not qualified for a player position are encouraged to participate in the event as supporters. Judging from the public's and the press' feedback, the criminal justice system benefits a great deal from this event in terms of public awareness. In most news coverage, if not all, prisoners were presented as individuals who had made a wrong decision and mistakes, not as criminals. Optimistically, this suggests that society is likely to give prisoners a second chance if it is educated and assured that prisoners are treated effectively and have paid a certain price for what they did to society.

3. Prison Open Days for Diplomats and the Press

Occasionally, the DOC arranges Prison Tours for diplomatic representatives and the press to generate a better understanding of correctional works domestically and internationally. Deemed a public-relations channel to inform the outside world about prisons, the project invites press and diplomatic officers to join the tour to visit a prison and witness life behind bars. This activity solidly and positively demonstrates the difficulties of correctional tasks.

C. Diversion Programmes

1. Family and Community Group Conferencing

Family and Community Group Conferencing (FCGC) provides an opportunity for family and the community to become actively involved in rehabilitating and holding juvenile offenders accountable through the restorative justice process. Implemented by the Department of Juvenile Observation and Protection in 2003, the Family and Community Group Conferencing (FCGC) scheme has been used to divert juvenile offenders from the juvenile justice system as well as provide an opportunity for victims to be restored and offenders to be held accountable for what they have done. When a child arrested by the police is sent to a detention centre, the director of the centre can arrange FCGC if both victim and child agree. The conference will consist of victim(s), the juvenile offender and his or her family, representatives from the community, police, a psychologist, and a facilitator. In case that the involved parties, i.e. victims, juvenile offender and their families, can make an agreement and the offender consents to be under the control of the director in the follow up monitoring, the director will send a proposal to the prosecutor for a non-prosecution order. The outcomes of this scheme are significant: victim satisfaction, a better understanding within the family of offenders, and a decrease in the reoffending rate among participating offenders.

2. Diversion Programmes for Drug Addicts

This alternative approach was adopted as a result of a new policy to tackle narcotic drug problems in 2002. The new emphasis was on the holistic approach to the solution of drug problems. Particularly, the policy stressed that drug users and drug addicts, who previously had been prosecuted as criminal offenders, are to be regarded as patients who need rehabilitation treatment.

A new legal framework has been introduced to allow for integrated treatment of drug-related offenders. Under the new scheme, concerned government agencies work closely together to provide integrated responses to the treatment of drug offenders. These agencies include the Office of the Narcotic Control Board, the Royal Thai Police, the Department of Corrections, the Department of Juvenile Observation and Protection, the Court of Justice, the Royal Thai Army, the Royal Thai Navy, the Royal Thai Air Force, the Ministry of Public Health, the Ministry of Interior, the Bangkok Metropolitan Administration, and the Department of Probation serving as the focal point.

The 2002 Drug Rehabilitation Act stipulates that a person charged with “drug addiction”, “drug addiction and possession”, “drug addiction and possession for disposal”, or “drug addiction and disposal,” if the amount of possession is less than the limitation of the law, is to be transferred to the court within 48 hours, and in the case of young persons, 24 hours. The court then will be able to divert the case from the traditional criminal justice system and refer the person to designated facilities for drug assessment. The evaluation which follows would determine whether the person is a drug addict and, if so, he or she is to be referred to a drug rehabilitation centre for a specified period of time. After a successful completion of the programme with satisfactory results, the criminal case will be dropped, with the offender having no criminal record.

There are two types of rehabilitation schemes available for drug-related offenders in Thailand: compulsory and voluntary rehabilitation. While the compulsory rehabilitation programmes are implemented as prescribed by law, the success of such rehabilitation is closely related to the degree to which concerned agencies are able to convince the drug users or drug addicts to receive treatment in the voluntary programme. In this connection, the involvement of the community, especially through the ‘Community Justice Network’, not only provides a strong foundation for the active engagement of the family members of the drug addicts, it also plays a major role in the persuasion of drug users/addicts to receive treatment in voluntary treatment programmes without having to arrest them. Family and community support and encouragement thus plays essential roles during and after the treatment. These networks collaborate closely with the volunteer probation officers in the aftercare of drug users and addicts within the community after the treatment.

3. The Kamlangjai Project

The Kamlangjai Project (literally “inspiration”) provides a unique platform where a dynamic and sustainable model of community and public participation can be fostered.

The Project was launched on 31 October 2006 under the strong leadership of HRH Princess Bajrakitiyabha. Much of the early effort has been focused on enhancing the quality of life of female inmates and the babies born to incarcerated mothers, in a way that supplements the work of the DOC. In addition to providing the right incentive and support for the DOC to pay closer attention to providing adequate healthcare for female inmates and their babies at key women’s correctional facilities nationwide, the Project has grown to attract a number of key partners from the private sector, charity organizations and NGOs who bring in unique types of support according to their specific areas of specialty, thus significantly enriching the overall quality of the programme.

The royal initiative receives various kinds of support from prominent private organizations. For instance, the Rutnin-Gimbel LASIK Centre, among the first partners of the Project, came up with an idea to provide free eye care to female inmates. When the scope of the Kamlangjai Project extended to Chiang Mai Women’s Correctional Institute, the Rotary Club, Chiang Mai University and Naresuan University took part in providing health and sanitary care to pregnant inmates and their infants. Vocational training for female inmates was also significantly enriched with a great variety of curricula that suits the needs of inmate trainees, thanks to many private companies who volunteered to provide training. Because of the success of the Project in Bangkok and Chiang Mai, the “Kamlangjai model” of involvement of the local private sector in the city of a prison’s location, the Kamlangjai Project has expanded its successful model of cooperation to other provinces such as Ayuthaya, Nakornsrihammarat, Trang, Rayong, etc.

On the social awareness campaign, the Kamlangjai Project took partnership with the Mall Department Store and TV Channel 3 to initiate a ‘Bra Charity: Spirit of Love’ which allowed the general public to show their moral support for women in prison. Grammy Music Production dispatched a number of artists to bring entertainment into the correctional facilities under the ‘First Real Love’ programme, while the RS – another major entertainment network company, pooled their great talents to compose a song in honour of Her Royal Highness’s great work, entitled ‘Jai Nam Tang’- literally, “the heart leads the way” or “Flame of Hope”.

Realizing that the issues faced by female inmates in Thailand are not limited to Thai society, the Project took on a broader and more universal approach to the problem by bringing the experience of female inmates seen through the Kamlangjai Project to the world audience at the Seventeenth Session of the Commission on Crime Prevention and Criminal Justice (CCPCJ) at the United Nations Office at Vienna, Austria, and by inviting the international criminal justice community to begin to look at the standards and norms governing the prison regimes with greater sensitivity to gender difference. From this realization has emerged another royal initiative called “Enhancing Lives of Females Inmates” or the ELFI Project, which successfully rallied for a new standard for the treatment of female inmates. The so-called the United Nations Rules for the Treatment of Female Prisoners and Non-Custodial Measures for Female Offenders, or the Bangkok Rules, was adopted in the General Assembly of the United Nations in December 2010. It can be expected that the new standards will supplement the existing standards and norms on the treatment of prisoners, which have been in force since 1955, by introducing a gender perspective.

In addition to the focus on female inmates, the Kamlangjai Project has also taken a keen interest in the quality of life of juvenile offenders. For the past five years, not only has HRH Princess Bajrakitiyabha given her support to female inmates, but her deep concern for the underprivileged also led her to extend her support to children and youths under the care of the Department of Juvenile Observation and Protection, Ministry of Justice. The idea is to enhance juvenile rehabilitation through the introduction of religious teaching. The Dhamma Club of Wat Panyanantaram was created to teach Dhamma (Buddhist truth or wisdom) to children in the juvenile facilities to help them to adapt to society. Vocational training is also provided by Chitralada Vocational School, among others.

At present, the Project is treading a new path, growing into an organization fit for undertaking a wide array of enterprises, ranging from enhancing the quality of life of female inmates to providing sustainable support for offenders in their efforts to reintegrate into society and providing aftercare services. The new direction can be perceived through various undertakings by the Project in recent years. From vocational

training, where focus has been placed on support for developing adequate skills for female offenders, the Project has now begun to emphasize elements which will enable the products made by the offenders to be truly marketable and thus serve as an effective vehicle for sustainable programme management. In addition to the fact that one can now find Kamlangjai products on the shelves of major department stores in Bangkok, on certain occasions, one may come across a new breed of coffee shop where every item on display in the store, from the cookies and brownies, to paintings on the wall, to the set of wood chairs and tables, are products hand-made by inmates.

V. WHAT ARE THE LESSONS LEARNT FROM THAILAND'S EXPERIENCE?

In this section, the lessons learnt from the Thailand's experience in working with the community will be discussed.

A. Making Community Involvement a Major Policy of the Organization and Creating Clear Structures and Frameworks to Work with all Stakeholders

We found that if we want to encourage community involvement in the treatment of offenders we have to work hard. Normally, public perception of corrections work is not positive. In the eyes of the public, a prison is an off-limit, danger zone, where nobody knows what is going on behind those high walls. Most people are afraid to live near prisons, not to mention go inside or work directly with prisoners. As for the corrections officers, they are not normally trained to be good community coordinators. They need to be given clear instructions and guidelines as to what extent the public should be involved in prison activities. For this reason, to be effective, community involvement should be a major policy of the organization. In addition, some concrete frameworks should be formulated so that all stakeholders, including the community members and corrections officers at every level, are properly and adequately informed of what is expected of them. In this connection, the Thai experience in setting up organizational structures at national and local levels and the clear frameworks stipulated in Memoranda of Understanding with key partners has given a tremendous boost to community participation in corrections activities, both in terms of quality and quantity of involvement.

B. Encouraging Community Involvement as 'a partner' as Early as Possible

To enhance the quality of offender treatment, the community, particularly the groups that will become a close network and alliance with corrections, should be encouraged to participate in the process as early as possible. The earlier they get involved, the more knowledge and understanding they will have about prisoners. This will also strengthen the sentence plan of offenders by responding to the risks and needs of offenders more effectively. For those in prisons, the role of community should be continuously promoted from admission until release. In addition, evidence shows that community involvement is very crucial in the transition and reintegration process. Nelson and Trone (2000, pp.7-8) point out that:

“Protecting the investment, large or small, in pre-release programming requires developing some form of community follow-up. Research suggests that prison programming focused on life issues, such as employment, drug abuse, and family relations, is most effective if the work continues in the community after release.

There are many ways to create links between custody-based programs and services in the community. The Montgomery County Pre-Release Center is staffed by several community coordinators who place offenders with service agencies before release. The Metropolitan Transition Center in Baltimore plans to partner with three community development corporations that will take a case management approach to helping inmates get the services they need after release. In Ohio inmates learn about organizations that can help them after release because these agencies run the state's mandatory pre-release course. Officials at the Illinois Department of Correction took that approach one step further by hiring a local non-profit agency to run two community corrections centers in Chicago.”

From Thailand's experience, projects which treat the community as 'a partner' at the earliest stage, i.e. inviting them to help in planning prisoner programmes or welcoming their comments and suggestions before finalizing the programme, tend to gain more support than usual projects or activities which invite the community to participate later in the process. In other words, the sense of 'partnership' can increase the community's commitment in offender treatment. That is, when they feel that they also are the 'owner' of the

programme and that they need to effectively manage and support it.

C. Utilizing the Media to promote a Positive Attitude towards Offender Treatment

Although many programmes and campaigns received a warm welcome from the community, some appeared to have difficulties in achieving their goals. The outcome analysis by programme administrators revealed that public attitudes towards prison and prisoners is one of the key factors that every programme should take into consideration. This implies that the criminal justice agencies need to work harder to educate the public for a better understanding of prison work, the offender treatment process and its limitations. Changing the public attitude is not easy, yet it is achievable.

It goes without saying that public attitude can be influenced by the media. Prisons, for example, are portrayed in most Hollywood movies as places of harsh punishment, poor hygiene and corrupt management. In the real world, escapes, security incidents and prison assaults are the kinds of news which make front page news. Sadly, ex-offenders who have completed all required rehabilitative programmes and successfully reintegrated into the community after release with permanent jobs and understanding families do not draw much attention from the media. It is, therefore, an important strategy to know how to use the media to ensure people understand more about corrections work, particularly of how important it is that the public should give inmates a second chance to reintegrate into the society. It is also important to involve the media in the work of justice agencies. Inviting the press to join justice seminars and training on some relevant topics, or arranging a press tour to visit prisons and observe what is going on inside, are among the proactive approaches employed by Thailand to provide correct information on justice and prison work for a better understanding and a positive image. As mentioned earlier, producing movies to tell the stories of juvenile offenders, bringing out prisoner choirs to perform in public and encouraging prisoner boxers to compete in public tournaments are also parts of the proactive strategies to use the media to change public attitudes. As experience suggests that creating and maintaining a positive image are not simple tasks, the criminal justice system can no longer afford to wait for an incident to happen and then respond to all the news coverage of the case.

D. Information Sharing between Agencies

Confidentiality can be a problem for criminal justice agencies when working across organizations. The National Institute of Corrections (2004) points out that “organizational boundaries often serve as a firewall to stymie information sharing. Confidentiality requirements legitimately protect citizens’ interests. But agencies often interpret confidentiality requirements expansively, and invoke them as blanket limits on information sharing” (p. 36). It also suggests that:

“While many agencies have a stake in the transition process, their priorities, policies and procedures relating to transition often are inconsistent or countervailing. The flow of information among these agencies is impaired by organizational boundaries, incompatible information systems, or conflicts in priorities. When offenders are released to community supervision, too often there is little continuity between their prison programs and activities, their re-entry plans, and the type of supervision and services they receive once released. (p.37)”

When the DOC first started to step out of its comfort zone to cooperate with other agencies and the private sector, one of the significant problems was the complexity and inconsistency of information, let alone the confidentiality issue. Meetings at every level, from policy to operations, were the main mechanism to sort out the problem. They paved the way for staff at operational levels to reorganize the information system, especially that of offenders’ profiles. So far, the offenders’ profiles, for example, shared by the DOC and the Department of Probation, have been organized and managed professionally and systematically by staff at local establishments.

The management of information, therefore, should be taken seriously as it would help produce an appropriate plan for each prisoner. Agencies involved should establish an information sharing system so that every party will be able to deliver a service based on the same database and knowledge.

E. Finding Moral, Public Figures to promote Community Involvement

Moral figures have proved to be one of the key elements of offender treatment. The significant roles of the moral figures are to inspire offenders to develop pro-social attitudes and constructive perceptions as well as to promote community involvement in the treatment of offenders. With a monarchical constitution, Thailand is blessed with a gracious royal family whose members have dedicated themselves to the happiness of the Thai people, regardless of their gender, race and socio-economic status. The royal family have been the centre of the society and the highest moral figures for all Thais, including those serving their sentences in the criminal justice system. The ‘Art for All’ and the ‘Prom Punya’ Library for prisoners of HRH Princess Maha Chakri Sirindhorn, and the ‘Kamlangjai’ Project of HRH Princess Bajrakitiyabha, are examples of projects initiated by these moral figures. Offenders participating in the projects reported positive feedback and the support from the community for these projects was overwhelming.

Samsun Sor Siripon, the first female prisoner boxer to win a WBA World Champion title, is also a role model for other offenders. Her determination, dedication and capability are a message that she sent out to her fellow prisoners, other offenders in the system and the public. Moral figures, therefore, can be anyone. In jurisdictions with no monarchy, the administrators may consider inviting athletes, actors, celebrities or even ex-offenders who present an interest in offender treatment and, most importantly, have a positive impact on society.

F. From Agencies to Individuals

The aforementioned examples of prisoner programmes demonstrate a certain level of success in inviting the public to participate in offender treatment. Relevant agencies, in particular from the public sector, tend to be the biggest supporter of the criminal justice system, particularly the prison service. Their support in terms of budget and other resources, however, are limited, as they also have their own obligations. Administrators, therefore, recognize the need to seek more cooperation from other areas, including the private sector and NGOs, and the necessity to promote involvement at the *individual* level. The opportunity is that the private sector and NGOs are now educated in how the criminal justice system works and have a better understanding of offenders.¹ To encourage individuals to participate in correctional activities these days should be more convenient than in the past. What the system needs to take into account is the improvement of appropriate access channels for interspersed individuals.

A study by the Office of Correctional Administrative and Research and Development (2009) on the attitude of correctional networks and alliances revealed that the majority (35.0%) participated in prisoner treatment because they were requested by prisons and that 33.1% volunteered to work with prisoners (Table 3). The main reasons to participate in prisoner programmes suggested the willingness of these individuals to help prisoners (Table 4). In addition, most of current participants agree that the public sector should be encouraged to take part in offender treatment process (Chart 3). Results from this study suggest that there are many individuals out there who have potential to become ‘correctional partners’. The administrators, therefore, should consider launching an effective campaign to bring them in and utilize their capacity.

Channels	Number	%
Requested by prisons	189	35.0
Volunteers	179	33.1
Suggested by others	94	17.4
Encouraged by the media	21	3.9
Others (i.e. ‘working with agencies which already participated in the programmes’ and ‘working nearby the prison and willing to help’)	57	10.6
Total	540	100

Table 3: Access points for current correctional networks and alliances

¹ 83% (N=360) of correctional networks and alliances reported that after participating in offender treatment process, they have a better understanding of prisoners (Office of Correctional Administrative and Research and Development, 2009).

Reasons	Number	%
To make themselves beneficial to others	88	24.4
To make 'a merit' ²	22	6.1
To help the underprivileged	100	27.8
All three above reasons	134	37.2
Others	16	4.4
Total	360	100

Table 4: Reasons to participate in correctional works

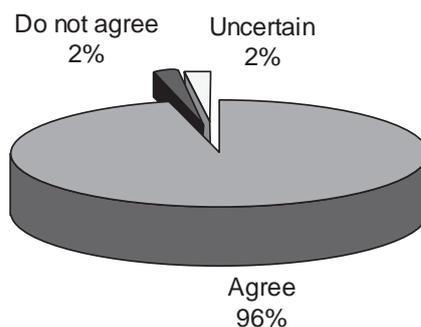


Chart 3: Attitude towards private sector involvement

VI. CONCLUSION

For the effectiveness of offender treatment, the community is one of the key players whose role is so significant that the administrators of the criminal justice agencies cannot overlook it. In fact, their contribution should be regarded as a top priority. Donation money, equipment and clothes might be tangible materials that everyone is acquainted with. However, what is more important is the *second chance* which the community can offer offenders. To achieve this, it is necessary to engage the community in the system from the earliest stage possible so that they can see how the system works and what can be done to improve such operations. The involvement, where it begins at the earliest stage possible, allows for the development of a system which treats all parties involved as 'partners' or 'stakeholders' in the mission. As a 'co-producer' of offender treatment programme, the community will have a chance to learn about the offenders and develop a better understanding about them. This will ultimately raise an awareness and acceptance among the members of the community which will be of great benefit for the prisoner reintegration process – the ultimate goal of the criminal justice system.

² According to Buddhist belief, one method of making merit is helping other human beings and animals, especially those in need, without expecting anything in return.

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COMMUNITY INVOLVEMENT IN OFFENDERS' REHABILITATION: THE SINGAPORE PRISON SERVICE'S EXPERIENCE

*Desmond Kim Chin Tham**



I. AN OVERVIEW OF THE SINGAPORE PRISONS SYSTEM

A. Mission & Operations Philosophy

In Singapore, tough laws and strict regimes in prisons have served us well in deterring potential criminals from offending, and keeping criminals out of circulation. While incarceration and punishment for offenders remains a priority, it is also imperative that they do not recidivate. The Prison Service Mission was first promulgated in July 1988¹ to encapsulate the essence of our beliefs. The mission, which was subsequently re-crafted in 1999, states: *“As a key partner in criminal justice, we protect society through the safe custody and rehabilitation of offenders, cooperating in prevention and aftercare.”*

Together with the Prison Service Mission, a common Operations Philosophy was established as well. The three elements of *security, humanity and rehabilitation* were emphasized as key concepts to guide every officer's actions. The Operations Philosophy provides the guidelines reflecting our management and motivation, and enables our prison officers to effectively carry out their institutional objectives.

B. Key Inmate Demographics

As at 30 November 2010, there were about 12,515 incarcerated persons in prisons, of whom about 9.5% or 1,185 were female. About 29.3% or 3,672 of the inmate population are between 31 and 40 years of age. About 51.1% of all inmates were incarcerated for drug-related offences.

Based on the release cohort of 2007, Singapore's recidivism rate² stands at approximately 26.5%, a slight increase from the 25.1% of the 2006 cohort.

C. Organizational Structure

The Singapore Prison Service (SPS) administers four maximum, five medium and four low-medium security institutions. They make up SPS' line units, and are grouped under three clusters, namely Clusters A and B (housed within the main Changi Prison Complex) and Cluster C (comprising of decentralized institutions, i.e. Changi Women's Prison, Kaki Bukit Centre, Admiralty West Prison and the Selarang Park Community Supervision Centre) to synergise services and enhance operational efficiency.

At staff level, SPS has six main divisions, viz. Operations, Staff Development, Corporate Services, Rehabilitation & Reintegration, Strategic Planning & Research, and Intelligence Divisions, comprising 29 units together with three standalone units, i.e. Public Affairs, Provost and Prison Staff Inspectorate.

D. The Business Framework

The SPS Business Framework is underpinned by the four purposes of imprisonment, i.e. Punishment,

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¹ The mission in 1988 states: “To strive for excellence and professionalism in support of the Singapore Criminal Justice System in the safe custody, humane treatment and successful rehabilitation of offenders in preparing them for return to society as law-abiding citizens”.

² Recidivism Rate is defined as the percentage of local inmates detained, convicted and imprisoned again for a new offence within two years from their release.

Incapacitation, Deterrence and Reform. These serve to guide SPS in carrying out its three core duties of *Executing Justice, Reducing Reoffending and Preventing Offending*.

1. Executing Justice

This is the fundamental purpose of our prisons system, i.e. to execute sentences and corporal punishment meted out by Singapore’s Courts. Under the arm of “executing justice”, SPS also provides effective and efficient remand services to fellow law enforcement agencies, for example, the immigration authorities and police force.

2. Reducing Reoffending

Our second area of responsibility is “Reducing Reoffending”. Our prison system is focused on ensuring the inmate is adequately rehabilitated so that he or she does not offend again, and adequately resourced to help reintegrate him or her back to the community.

3. Preventing Offending

SPS aims to “prevent offending” by moving further upstream of the socio-economic system and stemming the flow of potential and at-risk persons from entering the cycle of crime. By leveraging the considerable criminal knowledge we have within our prisons, SPS helps the police and other law enforcement agencies fight and prevent crime.

E. The Rehabilitation Framework

The goal of rehabilitation is the successful reintegration of the offender back to the community as a contributing member of society. The establishment and maintenance of positive community and family relationships will assist offenders in their reintegration as law-abiding citizens. Strong families can provide security and meaning to life. Similarly, support and acceptance from the community is just as important in helping an ex-offender as he or she journeys through this path of recovery.

What ultimately determines successful rehabilitation is the offender’s own desire to change for the better. Not every criminal or drug abuser may be willing to reform but the right kind of rehabilitative strategy can motivate offenders to rebuild their lives. In 2000, the Singapore Prison Service’s Rehabilitation Framework was developed to guide us in our offender’s reformation efforts.

Under the new rehabilitation framework for penal offenders, inmates undergo the following phases:

1. Admission

Inmates are objectively assessed and classified into four broad classes: Class A, B, C or D. The classification process enables SPS to channel its resources to those with the best chances of benefiting from rehabilitation and to manage the others in an effective manner. A Personal Route Map (PRM) for each penal offender is drawn up, based on the assessment of his or her risk and needs determined during admission.

2. Deterrence

From admission, the inmate moves through to the deterrence phase which includes periods of self-reflection and drill. Progressive assessments are conducted by the inmate’s personal supervisors during this period.

3. Treatment

In the treatment phase, inmates are employed in either prison industries or domestic work, depending on their respective PRMs. For instance, Class ‘B’ inmates are given compulsory education to raise their basic literacy level and vocational training in skilled prison industries to address their educational and employment needs. SPS also administers a suite of Specialised Treatment Programmes (STPs), developed and delivered by prison counsellors and psychologists, which target criminogenic risks, such as substance abuse, violent behaviour, sexual offending and criminal thinking. Delivered either individually or in group sessions, these programmes aim to increase offenders’ propensity and motivation to change, help them understand the roots of their offending behaviours and to equip them with the necessary skills to avoid a relapse.

4. Aftercare

For those inmates who need assistance upon their release, the Singapore Corporation of Rehabilitative Enterprises' (SCORE) Employment Assistance Unit (EAU) assist them in securing employment. Aftercare case management and other welfare assistance are also available through the Singapore Aftercare Association (SACA), Community Development Councils (CDCs) and other voluntary welfare organizations (VWOs).

II. COMMUNITY INVOLVEMENT IN OFFENDERS' REHABILITATION

A multi-faceted approach is adopted to achieve our core business of "Reducing Reoffending" and recidivism in Singapore. This involves not just SPS and the offenders themselves, but also other Voluntary Welfare Organizations (VWOs), governmental agencies, the community at large, as well as families of the inmates. Active community involvement is present for both in-care as well as the aftercare phase of an inmate's journey through incarceration.

A. Community Involvement during In-Care

1. Areas of Involvement

Currently, community partners are involved extensively in the rehabilitation programmes of SPS in the following specific areas:

(i) Work

With rehabilitation as an important objective, it is imperative that inmates are taught marketable skills that will secure them steady employment when they return to society. Hence, SCORE was established as a Statutory Board in November 1975, and it is entrusted with establishing and managing prison industries, as well as providing vocational training in prisons. It also provides rehabilitative and aftercare services to inmates before and after their discharge from custody. For instance, SCORE's EAU looks after the employment needs of inmates and ex-inmates while they are on the Work Release Scheme (WRS) and immediately after their discharge. The EAU has a databank of suitable jobs by actively collaborating with more than 800 private companies in the manufacturing, engineering, building and transportation and service sectors.

(ii) Education

Another priority is the provision of education (academic or vocational) for the purpose of improving the inmates' educational status and skills. Academic education is provided through teachers seconded from the Ministry of Education, while SCORE provides vocational and skills training.

(iii) Religion

Religion is a source of moral support and guidance to many in prison. Faith-based programmes can be powerful tools in the rehabilitation process as it gives inmates a strong sense of purpose, direction and meaning in life. Inmates are therefore encouraged to develop their spiritual well-being by turning to their respective faiths. Those who wish to embrace any of the main religions, such as Buddhism, Islam, Hinduism or Christianity, are encouraged to do so. Volunteers from respective faiths conduct religious services and counseling sessions for them.

(iv) Family-Focused Services & Programmes

The impact of incarceration on families and children of inmates, the unintended victims of crime, is often significant and negative. Inmates' families are often in disarray when their family member is imprisoned. Hence, seeing families through this difficult phase can help foster stronger family bonds and networks upon the inmates' release. Since 2006, Family Resource Centres (FRCs) have been set up in SPS to provide social assistance and support to inmates' families to help them cope during inmates' incarceration (for e.g. in the areas of financial difficulties, accommodation issues and emotional counselling) by providing information and referral services or case work management for the family in need. Additionally, service providers from the community are engaged to deliver family programmes such as workshops and group sessions to the inmates to help prepare them for their roles as parents and to encourage reconciliation of broken familial relationships when they are released.

(v) *Halfway-House Scheme*

The Prisons Halfway House (HWH) Scheme, started in April 1995, allows amenable offenders of drug rehabilitation centres and prisons without strong family support to spend the last stage of detention at the halfway houses. Currently, there are ten halfway houses participating in the HWH Scheme and their programme comprises counselling, work therapy and moral/religious education. More recently in October this year, a new HWH Service Model was developed to enable HWHs to operate a more consistent and dedicated programme to better meet offenders' reintegration needs.

SPS also works closely with the Industrial and Services Cooperative Society Limited (ISCOS), a multi-purpose cooperative that seeks to enhance the employment and entrepreneurial opportunities of discharged inmates. Established in 1989, ISCOS offers ex-offenders job opportunities to help them regain their self-worth and esteem with meaningful employment. This objective is met through providing inmates with on-the-job training and job exposure through enterprises or cooperation with other private companies on a joint venture or consultancy basis.

Engagement of inmates by ISCOS starts right from the in-care phase, where ISCOS representatives brief all inmates on the various resources and schemes of work available. Through employment, positive peers and pro-social activities such as group sports, an ex-offender can benefit much from his or her association with ISCOS. As at 31 October 2010, total ISCOS membership stands at about 11,000.

2. Community Volunteers – A Critical Partnership

The work of rehabilitation cannot be done by SPS alone. It requires partnering with the community to further its mission. Our volunteers have been at the forefront in meeting the potential reintegration needs of our inmates. SPS' volunteer base has grown from 124 in 1999 to more than 1,200 volunteers over the last ten years.

3. Volunteer Training Programmes

To improve our volunteers' capabilities to support SPS' core functions of rehabilitating offenders, a structured pilot training package for volunteers was conducted from January to March 2010. As the trial proved to be successful with positive feedback from the participants, SPS then decided to launch the volunteer training programme on a full scale with an expanded scope of training. The volunteer training programmes are targeted at all prison volunteers. Its twin objectives are:

- To orientate and equip the volunteers with the necessary knowledge and skills to engage the prisoners purposefully, while appreciating the rules and regulations of SPS; and
- To upgrade and develop the volunteers' professional skills through certified courses issued by recognized and accredited training institutes.

Such training enables SPS to work closely with its volunteers who are aligned and trained to deliver effective offenders' rehabilitation programmes.

B. Engaging Strategic Community Partners in the Aftercare Sector

For many, the transition back to society remains a struggle. Maintaining the motivation not to reoffend requires strong community support, understanding, as well as encouragement from their families. SPS has pursued several initiatives to pave the way for a more successful offenders' reintegration. These are elaborated in the following sections.

1. CARE Network

Formed in May 2000, CARE (Community Action for the Rehabilitation of Ex-Offenders) Network brings together key strategic partners,³ both in government and in the community, who are responsible for offenders' reintegration in Singapore. The Network engages the community in rehabilitation, co-ordinates member agencies' activities and develops innovative rehabilitation initiatives for reforming offenders with the following objectives:

³ Members of the CARE Network include the Ministry of Home Affairs (MHA), Ministry of Community Development, Youth and Sports (MCYS), the Singapore Aftercare Association (SACA), Singapore Anti-Narcotics Association (SANA), the National Council for Social Services (NCSS), SCORE and ISCOS.

- To improve the quality of rehabilitative services through knowledge-sharing;
- To build awareness and understanding of the rehabilitative process amongst the general public;
- To increase efficiency by reducing duplication of work and services between member agencies;
- To create a seamless transfer for offenders from in-care to aftercare; and
- To mobilize and facilitate the community to take action toward rendering appropriate support services to help ex-offenders and their families reintegrate into society.

2. Case Management Framework

One of the first initiatives of the CARE Network was the Case Management Framework (CMF) for reforming offenders in the aftercare phase. This service is delivered by full-time Aftercare Case Managers (ACMs) from the Singapore Aftercare Association⁴ (SACA) and the Singapore Anti-Narcotics Association⁵ (SANA), who aim to facilitate the reintegration of ex-offenders and ex-drug addicts into families and the society. Under the CMF, the ACM and client identify the aftercare needs of the client in reintegrating well. An Individualized Service Plan (ISP) is then drawn up which charts out the resources required in meeting those needs. The ACM will look for resources from other agencies for services that they do not provide and also ensures any follow-up required is attended to.

In October 2010, the CARE Network's website⁶ was also set up to provide the public with access to information on the Network and its initiatives. Through this website, a comprehensive directory of community partners involved in the work of offenders' rehabilitation is listed to facilitate ease of communication and knowledge sharing within the aftercare industry.

C. The Yellow Ribbon Project: Advocating Community Acceptance & Enhancing Community Involvement

Ex-offenders often live with the stigma of having served time behind bars. This can often be more difficult than the prison sentence itself. Many ex-offenders, once released, find themselves stepping into a second prison of suspicion from society at large because of their past misdeeds. In the absence of community intervention and support, there is a higher chance of reoffending. Therefore, the importance of community involvement and the integral role it plays in the reintegration journey of our ex-offenders who are motivated and desire to change cannot be over-emphasized.

The CARE Network launched the Yellow Ribbon Project (YRP) in 2004, which is an annual campaign aimed at changing society's mindset towards ex-offenders by giving them a second chance to succeed in life. The inspiration behind YRP was taken from a 1970s song entitled, "Tie a Yellow Ribbon Round the Ole' Oak Tree." The lyrics of this song aptly describe an ex-offender's desire for acceptance and forgiveness from his loved ones and await the community to set him free: *"I'm really still in prison and my love she holds the key, a simple yellow ribbon's what I need, to set me free..."*

The key drivers of the YRP campaign are SPS and SCORE, supported by the CARE Network agencies.

1. Objectives of the YRP

The objectives of YRP are categorized into the 'Three As,' which are:

⁴ The Singapore After-Care Association (SACA) is a voluntary welfare organization acting as the key agency providing welfare and rehabilitation services for discharged offenders and their families. SACA's aim is to assist clients and their families to cope with problems arising from the offending behaviour and the consequent incarceration. This is done with the belief that such assistance will give clients the chance to reintegrate into society successfully, thereby reducing the chances of recidivism.

⁵ The Singapore Anti-Narcotics Association (SANA) is a voluntary welfare organization and was first established in 1972 to assist in the rehabilitation of drug addicts in Singapore. SANA runs various programmes in drug abuse prevention and drug rehabilitation. SANA was also tasked by the National Council Against Drug Abuse (NACADA) to be the coordinating agency for preventive action against drug abuse in high-risk youth.

⁶ With a new website in place, not only can agencies exchange aftercare best practices, resources as well as current and relevant news, the public can also be more informed of CARE Network's activities and events. In this way, CARE Network can better engage the community in effecting positive changes in the lives of ex-offenders and their families. Source: www.carenetwork.org.sg.

- To create 'Awareness' of giving second chances to ex-offenders.
- To generate 'Acceptance' of ex-offenders and their families into the community.
- To inspire 'Community Action' to support the rehabilitation and reintegration of ex-offenders.

2. Thematic Development

Each year, a different theme will be developed for the YRP campaign to intensify the level of community engagement, while building upon the successes of campaigns from the preceding year. While the first few YRP campaigns focused on generating awareness, subsequent campaigns aimed to deepen the YR message by actively engaging the community through reformed ex-offenders (see [Annex A](#)).

3. Publicity & Media Engagement

Brand positioning has also been instrumental to the effectiveness of the YRP campaign. The iconic yellow ribbon, together with its associated meaning, is easily identifiable and recognizable by Singaporeans from all walks of life. The success of the brand also lies with the consistency and discipline of the Yellow Ribbon message year after year.

YRP also extensively leverages the media as a strategic tool for our campaign messaging. The public campaign is launched through print, broadcast, and online advertisements and news features and information. New social media, such as YouTube, Facebook, mobile phone messages and local internet forums, were also tapped to effectively publicize our events. In addition, YRP also enjoys wide media coverage from the Singapore media. It provides the media with a fertile spread of interesting story angles, such as highlighting anecdotal stories with a human touch, the arduous journey of rehabilitation undertaken by ex-offenders, and the impact it has on their loved ones.

4. Community Engagement Activities

In order to ensure recall and familiarity among the general public, community partners and stakeholders, media campaigns and key community engagement activities for YRP are always concentrated in the month of September, which is designated as the official Yellow Ribbon month each year.

A sample of the main YRP events held thus far are as follows:

- Yellow Ribbon Concert (2004, 2006 & 2008);
- Yellow Ribbon Walk (2005 & 2007);
- Yellow Ribbon Conference (2004 to 2008);
- Movie Screening "One More Chance" by local celebrities (2005);
- Yellow Ribbon Fairs (2004 to 2007);
- Yellow Ribbon Creative Festival (2004 to 2010);
- Yellow Ribbon Community Art Exhibition (2007, 2008, 2009 & 2010);
- Yellow Ribbon Job Fairs; and
- Yellow Ribbon Prison Run (2009 & 2010).

5. Active Involvement of Inmates & Ex-offenders

Inmates and ex-offenders form an integral part of our campaign initiatives. Our fundamental belief is that inmates and ex-offenders should not be just receiving, but they should also be giving back as much as they can to others. Therefore, opportunities are given as much as possible to involve inmates and ex-offenders in our outreach activities. Since the commencement of YRP, inmates have handmade up to 2,000,000 Yellow Ribbons for distribution. They have also participated in community service projects⁷ where the proceeds were donated to charitable causes to help the less fortunate in society (see Annex B). Ex-offenders have also pitched in by providing transportation and logistics assistance during events, distributing Yellow Ribbons and even

⁷ In 2006, inmates from SCORE bakery baked 7,000 croissants and raised S\$11,000 to help needy children through the ST Pocket Money Fund. In 2007, inmates baked cookies and sold them at the Yellow Ribbon Fair and raised \$12,997 for the Handicap Welfare Association. In 2008, inmates baked mooncakes and raised \$5,000 for Yellow Ribbon Fund. In 2009 and 2010, inmates and ex-offenders cooked and served 500 less privileged in the Tribute of Love Luncheon co-organized with Lions Clubs of Singapore.

performing to showcase their talents and reformed ways.

6. Celebrity Engagement & Rehabilitation Ambassadors

Celebrities and Rehabilitation Ambassadors form an important part of the engagement strategy. With their wide popularity and influence, they are well positioned to help spread the YRP message, serve as crowd-pullers, and more importantly, serve as ambassadors in support of the YR campaign. Local and regional artistes featured consistently in many of our YRP events over the past few years.

7. Community Partnerships

As the YRP was centred on community acceptance, a majority of our YR campaigns were initiated with the intention of running a campaign for the community, by the community. With strong branding of the YRP, many community and corporate organizations have taken the initiative to collaborate with SPS (see Annex C). Many community and grassroots leaders, politicians, corporate partners and celebrities had made time and effort to grace such events, often bringing with them a passion to spread the message of community acceptance for offenders' rehabilitation. Community involvement and partnerships also came in the form of donations and sponsorships, or showing cause for support by donning the Yellow Ribbons, fund-raising or simply by participating in the YRP events.

SPS has learned some pertinent lessons from its engagement strategy with community partners. These include:

(i) Central Body for Coordination

A central coordinating body for community involvement in the aftercare sector is most effective. In SPS' case, it has the leverage of the CARE Network initiative, where it can then take the lead to forge strategic community partnerships for the delivery of both in-care and aftercare programmes and services.

(ii) Preparing the Community to Receive Ex-offenders

As governmental agencies seek to collaborate under the umbrella of CARE Network, the community at large can be brought on board through national campaigns such as the YRP, where strong community messages are reinforced and events targeting the various social groups are conducted.

(iii) Selecting a Core Team for Effective Planning & Implementation

In the preliminary planning phase, it is essential to have a committed team of core personnel who will work with the identified stakeholders on the 'Branding', 'Engagement' and 'Execution' of community projects. In Singapore's context, the CARE Network Secretariat holds this responsibility.

(iv) Maximizing the Strengths of Volunteers

The strength and capabilities of community volunteers cannot be underestimated. Besides tapping into this valuable community resource, there is a conscious need to build on the capabilities of volunteers from the VWOs and religious organizations for more effective outreach of rehabilitation programmes within prison.

8. The Impact

Into its seventh year of campaigning, the YRP has achieved the following:

- The Registration of Criminals (Amendment) Act was amended in May 2005 to help ex-offenders reintegrate back into society more easily by making it possible for criminal records to be wiped clean if the offender stays "crime-free" for no less than five consecutive years;
- In 2006, the Land Transport Authority reviewed the guidelines for issuance and renewal of vocational licenses for drivers of public service vehicles to make it more flexible for ex-offenders to be issued with the license;
- A public perception survey conducted in 2007 found that 94% of Singaporeans were aware of the YRP core message;
- For its contributions to the YRP, SPS was given an Honourable Mention in 2007 for outstanding achievement in public relations campaigns which best exemplify the ideals and goals of the United Nations;
- YRP also received the Public Relations in the Service of Mankind (PRISM) Excellence Award under the Public Service Campaigns category in 2008;

- In 2009, the Yellow Ribbon Tattoo Removal Programme received the Ministry of Home Affairs' Operational Excellence Award;
- A total of 1.985 million Yellow Ribbons were distributed;
- 313,000 Singaporeans participated in the YR events;
- 807 new employers registered with SCORE's Job Bank;
- 908 volunteers signed up to volunteer for YRP; and
- S\$7.8 million was raised for the Yellow Ribbon Fund (YRF).

Another key milestone for Care Network was the establishment of the Yellow Ribbon Fund (YRF). The YRF is the first national charitable fund devoted entirely towards the development and implementation of rehabilitation and reintegration programmes and services for ex-offenders and their families. Registered under NCSS, YRF was granted Institute of Public Character (IPC) status since 1 August 2004.

9. The Success Factors

Over the years, the YRP had been successful in its outreach and has built a high level of awareness and goodwill. This can be attributed to the following key factors:

(i) Passionate Core Team

Led by SPS and SCORE, the core team planned, conceptualized and executed the YR projects to ensure consistency in messaging. In addition, as key stakeholders of ex-offenders reintegration issues, the core team drove each YR project to a higher level as inherent ground knowledge and experiences were translated into workable community engagement campaigns.

(ii) Branding

A consistent branding strategy helped to send out a clear message to the community so that lay people could easily relate the YRP to the cause of helping ex-offenders and their families reintegrate into society.

(iii) Effective Use of Levers

The YRPs identified key governmental bodies, community leaders and celebrities as effective levers whose direct support and engagement lent weight to the project as a cause worthy of support.

(iv) Touching the Heart of the Community

Through the sharing of ex-offenders' testimonies (successes and failures) and stories of the plights families faced, especially the impact of incarceration on children, the community can better appreciate the reality of incarceration. This in turn goes a long way towards helping them to understand reintegration issues faced by our inmates.

III. UPCOMING INITIATIVES

To enhance coordination of rehabilitation efforts, an Inter-Ministry Committee was set up by the Ministry of Home Affairs (MHA) in April 2009 to study and propose recommendations to address the problem of reoffending in Singapore. A two-pronged approach of moving further upstream to prevent inter-generational offending and downstream by preventing offenders' reoffending were the key thrusts of this Committee.

One of the recommendations made included the need to strengthen community-based networks that would serve to provide protective factors for inmates, as well as to strengthen SPS' volunteer engagement system by building both capacity and capability in the community.

Another key focus is to leverage on the grassroots and community in taking ownership of offenders' rehabilitation. This can be seen from the increasingly active participation and initiatives mooted by community groups to reach out to inmates and their families residing within their jurisdictions.

While currently still a work-in-progress, it is expected that when these recommendations are fully implemented, it will further strengthen the rehabilitation and aftercare efforts in Singapore.

IV. CONCLUSION

SPS should never function in a vacuum. It needs to tap into the expertise of its strategic partners and the community at large. The success of its various initiatives is attributed to a very supportive pool of community partners, who are passionate in working toward a common cause of successful reintegration of ex-offenders.

The work on rehabilitation is also an ongoing effort. What it takes to make it work is passion and effort, and developing one initiative at a time. This is best summed up in the words of the former U.S. President John. F. Kennedy, who once said: *"All this will not be finished in the first one hundred days. Nor will it be finished in the first thousand days, Nor in the life of this administration, Nor even perhaps in our lifetime on this planet. But let us begin..."*

And this is something SPS has begun.

ANNEX A

THEMES FOR YELLOW RIBBON PROJECT CAMPAIGNS (2004 - 2010)

Campaign Year	2004	2005	2006	2007	2008	2009	2010
Themes	Creating Awareness	Engaging the Community	Engaging Ex-Offenders	Giving Back	Beyond Just Words	Giving Back	This is My Yellow Ribbon. This is My Journey.
Intent	Selling the Message – Help Unlock the Second Prison	Give them a Second Lease of Life	Widening the reach, deepening the message	Extending our reach, inspiring action in inmates and ex-offenders	Going beyond awareness to action by actively engaging the community	Inmates and ex-offenders playing a role to give back to society	Engaging the community for action to help ex-offenders reintegrate

ANNEX B

NEWSPAPER ARTICLE ON YELLOW RIBBON PROJECT



Inmates serve up Father's Day family treat

Debbie Young

They had thought it was going to be a monthly routine visit to their father in prison.

But when Anne, 16, and Amy, 12, (not their real names) arrived at Changi Prison yesterday afternoon, they were in for a surprise Father's Day treat.

Their father Ken, 42, and his team had clinched the top prize in the finals of the Yellow Ribbon Cooking Competition held on May 26. A total of 12 teams of inmates from different prison institutions took part.

As a reward, the two girls got to tuck into a three-course Western meal with their father, made by him according to his team's winning recipe.

As part of the Yellow Ribbon Project's Tribute of Love Father's Day Celebrations, all 11 other finalists, including four women, were also able to invite their families to celebrate Father's Day over lunch in prison.

The inmates had been preparing for the competition since April under the guidance of chefs from the

Shatec Institutes.

Winners will get to undergo a 35-week culinary training course conducted by Shatec.

"We hope to let the inmates gain new skills to enhance their employability, which is a critical part of rehabilitation," said Ms Karen Tan, vice-chairman of the cooking competition organising committee.

"With secured employment and support from their loved ones, the chances of ex-offenders reintegrating back into society are much higher."

This was the second time that the cooking competition was held. The first was in 2007. That year's winners got to invite their families over for a meal for Mother's Day. Ms Tan said her group plans to make the competition an annual event.

She added that a Tribute of Love 2 would be held in September, when more inmates would be roped in to cook a buffet lunch together with volunteers from Lions Club of Singapore Tanah Merah.

Former offenders will help to deliver the food from the prison's kitchens to several old



Twelve inmates celebrated Father's Day with their families yesterday as part of the Yellow Ribbon Project's Tribute of Love Father's Day Celebrations.

folks' homes.

Ken, a former chef in a Chinese restaurant, said it was his first time cooking a Western-style meal.

He and his three teammates hope to set up their own restaurant one day.

For now, though, he is proud and contented to be given a chance to display his new skills to his

daughters.

Said Ken, who has been in prison for 11 months for criminal breach of trust and will be released next March: "As a father, I wish we did not have to meet under such circumstances. I hope that from next year on, we will get to celebrate every Father's Day outside, maybe at a nice restaurant."



Inmates preparing dishes that secured for them a Father's Day lunch treat with their families during the Yellow Ribbon Cooking Competition held on May 26.

ANNEX C

KEY COMMUNITY COLLABORATIONS OF THE YELLOW RIBBON PROJECT

Year	Key Community Collaborations	Outcome
2006	Joint collaboration with North East Community Development Council to hold a Yellow Ribbon Job Fair in prisons.	Helped inmates to secure employment before their release; led to placement exercises in prisons since then.
2007	Joint collaboration with Raffles Hotel to hold the first Yellow Ribbon Cooking Competition in prisons.	Discovered inmates' talents. Led to the development of the Yellow Ribbon Culinary Programme where inmates get to undergo a certified culinary course.
2008	Joint collaboration with AVIVA to raise awareness and funds for the YRF through the AVIVA Ironman Triathlon Competition.	Over \$20,000 was raised for the Yellow Ribbon Fund.
2009	Yellow Ribbon Tattoo Removal Programme for inmates who want to remove their gang related tattoos. The two-year programme that cost S\$1 million is fully sponsored by a community partner.	Over 100 inmates benefited from the programme. Continuation of the programme is in discussion.
2010	YR NECDC Rekindle Programme with North East Community Development Council for Reformative Training Centre inmates. The programme aims to reconcile inmates and their families and prepare them before the release of the inmates.	Over 30 inmates and 60 family members benefited from the programme. The programme will continue for another two years.

PROACTIVE ENGAGEMENT OF THE COMMUNITY IN OFFENDER TREATMENT AND REHABILITATION

*Elinor Wanyama Chemonges**



I. INTRODUCTION

The rationale for community involvement in offender treatment stems from the fact that offenders come from the community and are only in detention facilities for a relatively short period of time, with the exception of the minority serving sentences for life or under death sentences – which many countries are under considerable pressure to abolish. Secondly, offences are committed in the community and have, among others, the consequence of severing relationships not only between the offender and the victim, but among community members, beginning with the immediate family members of both the victim and offender. Thirdly, offenders inevitably go back into communities after serving their detention sentences and therefore have to inevitably interact with community members. Finally, involvement of the community in offender treatment maintains the link between the offender and the community and to an extent eliminates isolation and stigmatization that the offender and his or her immediate family suffer. This therefore calls for well thought-out strategies to involve the community in the rehabilitation of offenders to pave way for the eventual reintegration of ex-offenders into the community.

Detention of offenders is perceived by most individuals affected by crime and communities at large to be a means of meting out punishment to the offender for whatever offences he or she may have committed. This view results in ill treatment of offenders, contrary to the agreed standard treatment of offenders. In reality, the perception should be shifting towards: firstly, offenders' being in detention is punishment in and of itself because of restrictions imposed on their liberty; secondly, offenders' being in detention is for purposes of treatment and rehabilitation so that by the time they are released back into the community, they are reformed, law abiding and responsible citizens respecting the rule of law. A successful shift of perception will go a long way in realizing the full integration of ex-offenders in the community. It is therefore of paramount importance that the community recognizes its role in the rehabilitation of offenders and continues to play an active role in the lives of offenders during their stay in detention, in the treatment and rehabilitation process and eventual reintegration into the community.

There are different categories of community members, civil society organizations, private sector enterprises, faith-based organizations and government departments that need to work together to attain successful rehabilitation of offenders and full integration into the community. This will reduce repeat offending and, consequently, deal in part with the problem of congestion in detention facilities.

II. CATEGORIES OF COMMUNITY MEMBERS AND SERVICES THAT THEY RENDER FOR OFFENDER TREATMENT AND REHABILITATION

The individuals and groups that need to be involved in the treatment and rehabilitation of offenders can be broadly categorized into the following:

- (i) Family, friends and colleagues of the offender;
- (ii) Complainants and victims of crime;
- (iii) Community leaders;

* National Co-ordinator, Paralegal Advisory Services Project, Foundation for Human Rights Initiative, Uganda.

- (iv) Community members;
- (v) Civil society organizations, faith-based organizations and volunteers;
- (vi) Government;

A. Family, Friends and Colleagues of the Offender

This category is the closest to the offender and, in most cases, due to their association with the offender, they directly or indirectly suffer the consequences of the crime committed. Often they are stigmatized by the community because of their association with the offender and the immediate family also suffers from the socio-economic effects of the absence of the offender and the role he or she was playing in the family and social network.

As a result, this category sometimes reacts by distancing themselves from the offender and do not want to be associated with him or her for purposes of being accepted by the wider community that may have been negatively affected by the crime. Sometimes it is for purposes of safeguarding themselves against being isolated by the community. This explains why some offenders are never visited by family and friends during their time in detention. In so-doing, family, friends and colleagues miss out on the role they would have played in assisting the offender to access justice and in the whole process of treatment, rehabilitation and reintegration of offenders.

It is important to note that this group is the most important category that must play an active role in the treatment and rehabilitation process of offenders by: providing necessary support to assist in accessing justice; providing social, emotional and economic support to the offender; maintaining the link between the offender in detention and the outside world; and the eventual acceptance and support for the ex-offender after serving his or her detention sentence.

Failure of family, friends and colleagues to offer the above mentioned support is in part responsible for the prolonged stay of an offender in detention, hence creating overcrowding in detention facilities. It is also contributory to repeat offending.

B. Complainants and Victims of Crime

This is category that is the most directly affected by the crime committed and may be vital in providing information for timely completion of investigations and making themselves available as witnesses for the prosecution. Unfortunately, especially in developing countries, once a crime is reported, complainants and victims tend not to cooperate with the administrators of justice to provide necessary information for expeditious disposal of cases.

On the other hand, if the needs and concerns of this category of the community are not adequately addressed, they may pose a challenge to successful reintegration of the offender. This often manifests if they are not willing to accept the outcome of the due process of the administration of justice and/or failure to accept reconciliation and reintegration of the offender in the community. The result is often revenge, which only creates other offenders.

Unfortunately, this category is often ignored in reintegration of offenders into the community. There are also few interventions to address their concerns. In instances where the concerns of this category are addressed they are relatively more responsive to efforts of reintegration of offenders into the community. This therefore calls for proactive engagement with victims and complainants and focusing on providing a linkages and relevant feedback between them and the offender. In some instances a meeting before release of the offender helps to ward off any fears and apprehension on either side.

C. Community Leaders

In every community there are traditional leaders, civic leaders and opinion leaders who are influential and may play an important role, especially in the reintegration of ex-offenders in the community. This category may be very helpful in promoting reconciliation between the offender and the aggrieved party. They may also be helpful in quelling animosity and revenge by the complainants and victims of crime. On the other hand, they are very helpful in allowing the ex-offender to resettle in the community. While offenders do actually reform with successful treatment, communities take a long time to accept that

an ex-offender has reformed and as such, they tend to resist their settlement and reintegration in the same community. Therefore community leaders are very instrumental in negotiating for reintegration of ex-offenders in their communities of origin.

D. General Community Members

In addition to the support that community leaders offer for successful reintegration of ex-offenders into the community, the involvement of the general community is also called for. Not only will they allow for reintegration, but their involvement also allows for greater success of other measures against overcrowding such as diversion, sentencing alternatives to detention such as community service and parole, as well as early release.

The existing gap however is that often, communities are not prepared to receive ex-offenders and continue holding old perceptions about the ex-offender. This is often manifested by resistance to reintegration of the offender in the community.

On the other hand, it is important to note that the ultimate beneficiary of successful offender rehabilitation is the community itself because it will achieve the goal of crime reduction. Furthermore, community members will be under less stress to meet the costs of social services which they inevitably incur indirectly in caring for those affected by crime, including services to family members who may not be able to care for themselves if a family member is in detention or paying for rehabilitation services for victims of crime.

Community members are also helpful in providing assistance to promote access to justice. They may act on behalf of either the victim of crime or the alleged offender to provide evidence in courts of law or even stand as sureties for eligible offenders to access bail and hence reduce overcrowding.

This therefore calls for aggressive and continuous community sensitization on the benefits of community involvement in the treatment and rehabilitation of offenders and role of the community in promoting access to justice. Civil society organizations play a vital role in providing this service.

E. Civil Society Organizations, Faith-Based Organizations and Volunteers

These are also part of the community because employees or volunteers are community members. Interventions by this category often arise due to an existing gap in government service provision or as efforts to complement services provided by government. As earlier noted, government institutions, especially in developing countries, are often constrained by limited financial and human resources.

Sometimes civil society organizations and faith based organizations use volunteers who are rehabilitated ex-offenders. These provide examples and hope which motivate offenders to reform and follow through treatment regimes. This category also provides specialized services like half-way houses for offenders for whom negotiations for resettlement and reintegration into their communities are still ongoing.

This category also takes on roles to provide services that are necessary but may not be provided by government, for example advocacy and community awareness on issues of offender treatment and rehabilitation. The case of the Paralegal Advisory Services in Uganda will provide examples for this.

F. Government

It is important to recognize that governments alone, although responsible for detaining offenders, they cannot adequately provide all the required services for the treatment and rehabilitation of offenders. As such, government institutions responsible for detention of offenders need to adopt an open door policy that allows other stakeholders to play a role in the treatment and rehabilitation and eventual reintegration of offenders into the community. However as a prerequisite, governments need to ensure that adequate resources, both financial and well trained and facilitated human resources, are made available to institutions responsible for detention.

Governments can then provide vocational and formal training and avail of work opportunities for detainees to help them acquire new skills or put to use their skills while in detention to enhance their employability and reintegration in the community.

III. THE ROLE OF THE PARALEGAL ADVISORY SERVICES (PAS) – UGANDA IN OFFENDER TREATMENT AND REHABILITATION

The Paralegal Advisory Services – Uganda is an initiative aimed at promoting access to justice for indigent offenders in the criminal justice system. The programme provides basic legal aid services by non-lawyers including paralegals and social workers to persons in conflict with the law. The programme, although initiated and funded by some of Uganda’s Development Partners under the Legal Aid Basket Fund, is managed by one of the leading national human rights organizations- Foundation for Human Rights Initiative (FHRI).

A. Foundation for Human Rights Initiative (FHRI)

The Foundation for Human Rights Initiative has the following objectives:

- (i) Promote citizen awareness of basic human rights and duties guaranteed in the Ugandan Constitution, regional and international human rights instruments;
- (ii) Undertake research, monitoring and documentation of human rights practices;
- (iii) Promote good governance, respect for the rule of law, democracy and human rights;
- (iv) Promote access to justice through public interest litigation and provision of legal aid services.

The Foundation for Human Rights Initiative (FHRI) has made significant contributions to improved access to justice in Uganda and advocating for observance of human rights and adherence to human rights standards. Notable among the many contributions of FHRI is the advocacy for legislative reform – specifically the amendment of the Prisons’ Act (2006) which now largely conforms to the International Basic Principles for Treatment of Prisoners; advocacy against the death penalty in Uganda; and the right to reparations for victims of torture.

The Foundation for Human Rights Initiative (FHRI), through a bidding process, won the contract to manage the PAS programme, an initiative promoted by development partners, based on the organization’s contributions to the Justice Law and Order Sector in improving the administration of justice.

B. The Paralegal Advisory Services (PAS) – Uganda

As a programme under FHRI, the Paralegal Advisory Services programme provides interventions aimed at empowering the users of the criminal justice system with the end result of making them “active players and partners” in the administration of criminal justice, including, among others, interventions for the treatment and rehabilitation of offenders. More specifically, the programme fills some of the existing gaps in the administration of justice by participating in the process of decongestion, engaging in practice advocacy, and raising the visibility of the demand side of the criminal justice system.

The Paralegal Advisory Services uses a partnership approach of implementation and therefore FHRI–PAS signed a Memorandum of Understanding (MoU) with Uganda Prisons Service which directly implements eight of the existing eleven programme sites throughout the country while three programme sites are managed by grassroots civil society organizations. The programme also uses referrals to other legal aid service providers for complementary services, especially representation of cases on *pro bono* schemes.

The Paralegal Advisory Services programme activities are a response to challenges and gaps that exist in the administration of justice, namely:

- Delays in dispensing justice, especially for the indigent;
- Congestion in police cells and prisons;
- Lack of access to services of lawyers, especially for the indigent on petty offences;
- Ignorance of suspects, prisoners and the general public on procedures of the criminal justice institutions and the basics of administration of justice;
- Limited regular coordination among the criminal justice institutions in the administration of justice;
- Lack of effective linkages with the community for expeditious administration and delivery of justice.

The Paralegal Advisory Services programme relates more specifically with the Prisons Welfare and Rehabilitation Section whose mandate is very similar. In fact the relevance of the Paralegal Advisory Services is largely dependent on funding and human resource gaps in the Uganda Prisons Service.

1. Activities of Paralegal Advisory Services and Responses to the Existing Challenges

The Paralegal Advisory Services engages in the following activities:

- Educating suspects of crime, prisoners, complainants/victims and the community on the basics of law and procedures of the criminal justice system for improved access to justice;
- Links suspects at police and prisoners in detention to the criminal justice institutions and the community through tracing of sureties, negotiating for community service sentences for minor offenders and linking capital offenders to advocates for legal representation;
- Contributing to the process of decongestion in prisons and police cells through facilitating reduction of overstay on remand, fast tracking plea of guilty cases for quick case disposal and diverting petty cases from the formal justice system;
- Contributing to change of practices within the criminal justice system through advocacy and civic engagement.

2. Achievements of the Paralegal Advisory Services

According to the most recent evaluation report (2011) of the Paralegal advisory Services 2007 – 2010 conducted by the Law and Development Partnership Consultancy firm based in UK, the following is a summary of the achievements of the Paralegal Advisory Services in Uganda.

Uganda's Paralegal Advisory Services (PAS) has been seen as a major access to justice success story in Uganda, providing cost effective 'legal first aid' to poor people caught up in the criminal justice system by:

- *Filling gaps where the criminal justice system operates in a dysfunctional manner*
PAS does this by assisting criminal justice staff to undertake their duties more effectively – for example, supplying prison social workers with motorcycles and mobile phones to enable them more effectively to link inmates to the outside world and with the possibility of finding a surety to enable them to be bailed. PAS also assists with the overall running of the criminal justice system - for example finding lost files, and identifying cases that have been waiting longest for trial, so that they can be heard as a priority.
- *Providing basic legal advice and assistance to detainees in the criminal justice system*
This is provided in police cells, court cells and prisons. This is done through legal advice clinics for groups of detainees, by providing one-on-one advice, and where appropriate by linking detainees to lawyers or to other organizations who can give them assistance when this is outside the scope of the PAS.

(i) *Has the PAS contributed to the process of physical and case file decongestion of the criminal justice system?*

The PAS paralegals and social workers contributed to the release of over 26,600 detainees from the criminal justice system in eleven months, an average of about 2,425 per month, or more than one release per day for each of the PAS 77 paralegals and social workers.

Levels of prison overcrowding did not change significantly over the period of PAS operations, and prison capacity continues to stand at about 225%. There has however been a significant shift in the proportion of inmates awaiting trial. Overall, prison remand figures have fallen during the period of PAS operations from 63% in 2005 to under 55% in 2010. This reduction can only in part be attributed to the PAS, which operates in 38 prisons, covering 57% of the prison population. But PAS appears to have been highly effective in reducing the number of *petty* offenders on remand, with an average of 545 prisoners being released from prison on bail each month due to PAS intervention.

(ii) *To what extent has the PAS diverted cases from the criminal justice system?*

A key aim of the PAS is to remove appropriate cases from the criminal justice system *before* they reach prison – after a suspect has been arrested but before charges are brought. Stopping such cases before they

enter the court and prison system is clearly a highly effective method of decongestion.

The single most effective PAS intervention has been at police stations - assisting suspects to access police bonds.

(iii) Has the PAS changed practices within the criminal justice system?

Through its engagement at the 'sharp end' of the criminal justice system, the PAS is exceptionally well-placed to identify systemic failings in the criminal justice system and through its engagement with criminal justice institutions to catalyse changes in practice within the system PAS has been responsible for some significant changes in working practices on the ground.

(iv) Has the PAS linked the demand and the supply sides of the criminal justice system?

The PAS has clearly provided improved access to justice for an impressive number of defendants in the criminal justice system through:

- Campaigns and public outreach – for example, radio talk shows on local radio stations;
- Paralegal advice clinics held in police stations and prisons – where paralegals and social worker provide general information to detainees about their rights and the working of the criminal justice system;
- Providing one-on-one advice to individual detainees in police stations, courts and prisons to empower them to represent themselves;
- Referring detainees charged with capital offences to lawyers willing to provide their services for free under *pro bono* schemes.

(v) Is the PAS cost effective?

The PAS appears to be a highly cost effective intervention. Each advice session (both legal advice clinics and individualized advice sessions) costs on average US\$2.60 per attendee.

The cost benefit of PAS can be demonstrated in relation to the release of detainees. If PAS can bring a prisoner's release forward by more than two weeks, it saves the prison service US\$20, which covers the cost of the PAS intervention. If PAS brings forward a prisoner's release by six weeks, then the saving rises to US\$60 – three times the cost of the intervention, and a return on the PAS investment of 200%. (The rate of return on PAS investment would be even higher if we took into account the economic benefit of the work the released prisoner would undertake e.g. assuming a US\$1 a day wage the rate of return would rise to 300%.)

High Court mini-sessions facilitated by PAS were even more cost effective. Seventy five case were disposed of in five days, at a cost of US\$ 1,300 (US\$ 3 million). The speedy disposal rate was due to PAS interventions and to defendants pleading guilty. If these cases had proceeded to full trial, the cost to the Judiciary (not including the Directorate of Public Prosecutions (DPP) and police) is estimated to be US\$ 35,000 (US\$ 80 million). The PAS intervention thus saved the system US\$ 33,700. As the average cost to PAS per release is US\$20, the costs in relation to the 75 defendants would have been of the order of US\$ 1,500. The cost benefit ratio is more than 1:22 – an extraordinary return on investment of over 2,000%.

(vi) How effective is the PAS in different criminal justice institutions?

The service that the PAS provided is clearly appreciated by all the criminal justice institutions in which it operates (police stations, DPP, courts, prisons and remand homes) at both the policy and operational level. Senior officials interviewed in all these organizations were clear that PAS is performing a valuable service, and enabling them to do their jobs better.

When working with the police and the DPP, PAS has an oversight role – to see that cases are properly handled, and the rights of detainees respected.

(vii) How effective are the linkages between the PAS and other legal aid service providers?

Paralegals and social workers can provide only basic legal assistance – *legal first aid*. For complex cases, and particularly capital cases which are tried in the High Court, detainees need the assistance of a

fully qualified advocate. The PAS clearly makes an attempt to connect detainees to other legal aid service providers and private advocates for *pro bono* services in these circumstances. Each paralegal makes on average just over one such referral a month. But the key problem faced by PAS is the limited availability of free legal advice from lawyers.

3. Other Initiatives in Uganda aimed at Improving Community Involvement in Offender Treatment

The Uganda Prisons Service's welfare and rehabilitation section is continuously improving with more government and civil society support to perform their role. For example, more social workers are being recruited to revamp activities of this section. The section is also co-implementing a number of civil society initiatives for the treatment and rehabilitation of offenders.

Uganda has a National Community Service Programme which aims at providing alternative sentences to detention, especially for petty offenders. This contributes to reduction of overcrowding in detention facilities as well as providing avenues for reintegration of offenders into communities with active participation of community members.

Under the Uganda Law Society, a national legal aid *pro bono* scheme is being implemented to provide offenders with advocates for representation services in courts of law. This promotes community skills – advocates to help offenders to access justice.

The civil society movement in Uganda has largely taken up responsibility for legal aid service provision, including offering psychosocial support for offenders and victims of crime through paralegals and social workers. The government, through a new pilot initiative of Justice Centres managed by the Judiciary, is slowly making its contribution.

IV. SUMMARY

A holistic approach to the treatment of offenders cannot be achieved without the proactive engagement of the community. Different sections of the community have specific contributions which are complementary and need to be adopted and implemented together with government efforts in offender treatment.

It has also been proven that multidisciplinary teams involving practitioners such as lawyers, social workers, paralegals, medical practitioners, psychosocial therapists are all necessary for comprehensive interventions.

On a similar note, the partnership approach to service provision between government and civil society organizations yields sustainable and comprehensive services.

Finally, given the fact that offenders are members of the community who eventually end up in the same communities after serving prison sentences, and that crimes are committed in the community with consequences being borne by different members of the community, it is inevitable that successful efforts to treat and reintegrate offenders in the community have to involve community interventions to avoid resistance and a backlash expressed by vengeful actions which could result in more crime.

CHANGING LIVES AND MAKING COMMUNITIES SAFER: STRENGTHENING REHABILITATION THROUGH INVOLVING COMMUNITIES IN ENGLAND AND WALES

*Steve Pitts**



I. INTRODUCTION

This paper will address the experience of England and Wales – that part of the United Kingdom within which my organization, the National Offender Management Service – or NOMS – operates. The effective rehabilitation of offenders is a critical matter - one that affects not only offenders, but of course their victims, families, and directly and indirectly, communities and society as a whole. Successful rehabilitation means fewer victims, more settled communities and the potential for ex-offenders to contribute beneficially to society. The benefits are not only personal and social: financially, in the United Kingdom, we have estimated that the cost of reoffending by prisoners is about £11 billion per year.

We also know that it is possible to improve rehabilitation and so to reduce reoffending. Our more recent research shows that we can reduce reoffending by between 10 and 30%, against a predicted rate, by using the most suitable approaches. But we also know that this impact cannot be achieved by the correctional services alone, and that is certain. Our natural logic is borne out by research. Successful rehabilitation requires prisons and probation services to be working with offenders in ways that challenge them and support them, that provide a sense of direction and hope, and that help to connect them to organizations, resources and individuals. These support the sense of strength in community and the belief that the individuals' efforts will succeed. And this work requires community involvement, the subject of this paper.

A. Presentation Overview

A word about the structure of this paper:

Following this brief introduction I will present an introduction to NOMS, I then want to explore quite briefly some of the major developments of the last few years in our understanding of what is effective in changing lives and making communities safer. This has been a time of investment and change in our prison and probation services, including a significant growth in what is known as evidence-based practice or “What Works”. The major focus of this work is reducing reoffending, but enhancing Public Protection has been another very important aim.

I will turn then to the main part of my presentation, the “Essential Partnership” between Prisons, Probation and Communities. These are the partnerships without which we know for certain the success of the statutory services will be at best steps partial. This paper will focus especially on work with the private and civil sectors,

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I would like to emphasize the enormous value that I, and my organization, places on the opportunity offered by UNAFEI, the Japan Criminal Policy Society Foundation, and the Asia Crime Prevention Foundation to participate in international learning and collaboration in programmes such as UNAFEI's training courses and the Public Lecture Series. I have been fortunate to visit a detention facility in Japan, and to meet with Volunteer Probation Officers. Together with the work of the Ministry of Justice of Japan and the host organizations it is quite clear that we are able to speed up the pace of exchange and mutual learning through these events. I am extremely grateful for this opportunity. I very much hope that you will find some of this paper relevant. What is entirely clear to me is that I and my own organization and country will benefit from these exchanges – and I am extremely grateful to all of you for making this possible.

although it is important to acknowledge that public partnerships, for example with police, local authorities, social services, and health services may also be critical in many cases, including public protection work with more serious, especially violent, cases.

II. THE NATIONAL OFFENDER MANAGEMENT SERVICE

A. What is NOMS?

The National Offender Management Service (NOMS) is new. It was created in April 2008 as an executive agency of the Ministry of Justice with the goal of helping prison and probation services work together effectively and efficiently to manage offenders throughout their sentences.

The Director General of NOMS is responsible to the Lord Chancellor and Secretary of State for Justice and sits on the Board of the Ministry, chaired by the Permanent Secretary. The responsibility of the NOMS Agency, on behalf of the Secretary of State, is to deliver the sentences and orders of the courts of England and Wales by:

- commissioning adult offender services in custody and the community from public, private and civil society organizations;
- providing the public prison service; and
- overseeing the Trusts which provide the public probation services.

In operating through providers and partners in the public, private and civil society sectors, NOMS endeavours to manage offenders in an integrated way. What work needs to be done – and who does the work – is based on evidence and driven by ensuring value for money for the public.

NOMS manages offenders throughout both their custodial and community sentence, working with around 260,000 offenders a year. We carry out prison sentences in England and Wales: there are *135 prisons* of which *124* are run by the public sector and *11* by private contractors. We also manage offenders on community sentences, and provide services to offenders, victims, witnesses and the courts. There are *35 probation areas* – areas which became Trusts during 2010 – a change designed to provide an increased level of independence and clear accountability for delivery, whether by the Trust or through its partners.

Courts are advised through NOMS by the preparation and presentation of Pre Sentence Reports. These reports are prepared by Probation Officers, consulting with and drawing information widely from the community. This is often the first stage of community involvement. Reports may make recommendations on sentence and sentence content, and this leads to the next part of the paper

III. THE SENTENCING FRAMEWORK

A. The Sentencing Framework

The England and Wales sentencing framework, like the effective practice and resettlement frameworks which follow, has a relatively recent genesis. The framework was designed with a number of purposes of sentencing in mind, and these are set out in the 2003 Criminal Justice Act:

1. The Purposes of Sentencing

The 2003 Criminal Justice Act sets out the five purposes of sentencing:

- the punishment of offenders;
- the reduction of crime (including its reduction by deterrence);
- the reform and rehabilitation of offenders;
- the protection of the public; and
- making reparation by offenders to persons affected by their offences.

A number of important principles underpin the sentencing framework. These include the need to ensure that sentences are fair and proportional to the offence, and that sentences of imprisonment are delivered in a seamless fashion from prison to the community as a “*whole sentence*”. Purposes of sentencing should be addressed in both the *custodial* and *aftercare* stages of the sentence.

2. Prison Sentences

The structure of prison sentence depends on sentence length. Implementation is progressive:

- (a) Under 12 months (currently no supervised licence): The intention of the act is:
 - Custody period 2-13 weeks, licence period 6-9 months;
 - Court sets licence conditions;
 - Executive recall.
- (b) Imprisonment for 12 months or longer:
 - Served half in custody and half in community;
 - Case Manager agrees intervention plan and conditions;
 - Executive recall.
- (c) Intermittent and Suspended (court handles breach) options.
- (d) In the case of life, indeterminate and extended sentences for serious and public protection cases, the Parole Board decides the release date.

The intention of the Act is that many of the options applicable to community sentences are also available on post-release licence.

3. Community Sentences

Since the implementation of the Criminal Justice Act 2003, there has been a single community order for offenders aged 18 or over that can comprise up to 12 requirements depending on the offence and the offender. These are:

- unpaid work (formerly community service/community punishment) – a requirement to complete between 40 and 300 hours' unpaid work;
- activity – for example to attend basic skills classes;
- programme – there are several designed to reduce the prospects of reoffending;
- prohibited activity – requirement not do so something that is likely to lead to further offences or nuisance;
- curfew – electronically monitored;
- exclusion – not much used as no reliable electronic monitoring yet available;
- residence – requirement to reside only where approved by probation officer;
- mental health treatment (requires offender's consent);
- drug rehabilitation (requires offender's consent);
- alcohol treatment (requires offender's consent);
- supervision – meetings with probation officer to address needs/offending behaviour;
- attendance centre – three hours of activity, usually on Saturday afternoons, between a minimum of 12 hours and a maximum of 36 in total.

Typically, the more serious the offence and the more extensive the offender's needs, the more requirements there will be. Most orders will comprise one or two requirements but there are packages of several available where required. The court tailors the order as appropriate through the guidance of the pre-sentence report.

Whilst the 2003 Act continues to provide the main sentence framework for the work of the prison and probation services, the new Government has introduced a Green Paper which may lead to significant change, including an increased emphasis on restorative justice. Community involvement may already be an important aspect of delivery of almost all requirements. The Green Paper makes clear this is likely to increase further still, including creating more opportunities for civil society organizations and volunteers to be involved in rehabilitation.

IV. WHAT WORKS TO REDUCE REOFFENDING AND PROTECT THE PUBLIC?

NOMS has introduced three systems to reduce reoffending. All three have an impact on how the organization approaches communities:

- An *Offender Assessment System* (“OASys”) – designed to assess risk and needs and to inform case management
- The *National Offender Management Model* – intended to manage offenders safely and effectively, including managing prisoners consistently and fairly from prison to the community and ensuring an action plan is developed, implemented and reviewed.
- *Interventions* – including unpaid work, employability programmes, and accredited programmes to address a wide range of offending-related or “criminogenic” needs including “thinking skills” such as aggression control, victim empathy and problem solving.

However evidence also tells us that effective interventions are less likely to work on their own. In order for interventions to be effective, most offenders need to feel motivated, to have a sense of hope and belief in change, and that they will succeed in the community. They need both “human capital” and “social capital” (ideas to be found in the more recent theories on desistance from offending). Involving communities is absolutely vital therefore in making links in terms of community integration and social capital. Links with supportive members of the community can also play a valuable role in human capital.

A. The OASys Assessment System

OASys has been developed jointly by the prison and probation services. It is an IT-based system which assesses offending-related need and risk of reconviction and serious harm. There is on-going validation of accuracy against actual reconviction. The OASys tool also guides individual sentence planning, measures change, and provides management information. Data is aggregated centrally, regionally and locally to support analysis and service planning – of NOMS and stakeholders.

OASys measures a wide range of factors statistically shown to be relevant to offending. These include education, training and employability, accommodation, financial management and income, relationships, lifestyle and associates, drug and alcohol mis-use, emotional well-being, and thinking skills and attitudes.

The risk assessment element measures harm to the public, children, staff, prisoners, offenders themselves, and to adults known to the offender, indicating whether risk is low, medium, high or very high. Action to manage risk is then triggered including through MAPPA arrangements described later.

OASys data may be analysed in many ways: Data is able to demonstrate the offending-related needs of a national probation sample by type of need and by gender. The data might also, for example, be analysed by prison or probation caseload or by region or city. Our OASys data shows that the most common needs of offenders, *related to their offending*, include education, employment, with a wide range of other needs including “thinking skills” (such as problem solving), accommodation and drug problems not far behind. This complexity of need makes our work more difficult, and influences consideration of the aims of community organizations, across all sectors, with whom we work. This point will be returned to later.

V. SOCIAL EXCLUSION AND COMMUNITY REINTEGRATION

A. Development of the Overall Approach

I would now like to touch briefly on the NOMS approaches to social exclusion, community reintegration and resettlement.

Genesis of the resettlement and community reintegration framework has followed a similar timescale to the sentencing and what works frameworks. In 2001 the Government’s Social Exclusion Unit (SEU) published a report on prisoner resettlement and social exclusion. The findings were startling and showed, for example, that prisoners were far more likely than the general population to be unemployed (67% of prisoners – pre-sentence – and 5% of the general public respectively), to have no qualifications, to be homeless, and to suffer from mental disorders.

The NOMS reintegration and resettlement framework is based on the Social Exclusion Unit's work. The report, which was researched and prepared in close collaboration with the Prison and Probation Services, proposed a needs-based "pathway" approach through which offenders' needs are addressed via cross-government agreement and action.

As noted by Maguire and Raynor (2006), the SEU's location in the office of the Deputy Prime Minister gave the recommendations political weight and allowed development of a cross-departmental approach to social inclusion and reducing reoffending. A national strategy and action plan on reducing reoffending (2004) extended the pathway approach to community sentences.

The resettlement framework comprises seven rehabilitation "pathways" for men and women. Each pathway addresses areas of work critical to prisoners and to work with offenders in the community. The pathways support close work between prisons and probation areas to ensure that pathways are continuous from custody to community. The pathways are:

- Accommodation
- Education, training and employment
- Health
- Drugs and alcohol
- Finance
- Families
- Attitudes, thinking and behaviour.

Two additional pathways have recently been added for work with women, including attention to abuse and domestic violence.

The pathways provide us with clear and impartial evidence on which to base priorities in strategy, policy and practice, including our work with communities.

VI. STRENGTHENING REHABILITATION THROUGH INVOLVING COMMUNITIES

I come now to the core of the paper – strengthening rehabilitation through involving communities – which addresses a range of approaches to work with the private, public and civil sectors of society in order to meet those objectives of reduced reoffending and public protection. This paper will focus on involvement of the private sector and civil society, but it is important to note that this involvement is supported by linkages across the public sector, for example in relation to statutory health or employment services, and in relation to the more serious public protection cases where multi-agency arrangements involving the police and other services are demonstrating value.

A. Work with the Private Sector

As noted at the outset, NOMS is a commissioning agency. Whilst the large majority of prisons are directly managed by the agency, eleven out of 135 are privately operated. These eleven prisons are run by three companies. Electronic monitoring is also delivered by the private sector and other areas of work are being considered. Whilst this involvement of the private sector as managers and delivers of services for offenders has significant benefits, it is another kind of involvement that I want to focus on today – the involvement of companies in the community in support of offender rehabilitation.

Some of the most innovative and beneficial examples of private sector involvement in work to reduce reoffending and social exclusion have been in the field of improving prisoner employment.

The Corporate Alliance is a banner for the government's employer engagement activities for offenders. It includes partnerships with private, public and voluntary sector organizations to improve the skills and employment outcomes for offenders. It seeks to:

- encourage more employers to employ and support offenders during the process of finding and retaining employment;
- support and disseminate good practice involving employers improving the skills and employment of

offenders; and

- use employers to 'market' the Corporate Alliance to other employers.

There are three levels of engagement that enable employers to get involved with offenders in ways that best suits them. These are:

- Level One – activities to support improvement in employability, focusing on donating materials that can be used to train offenders, and donating staff time for interview training, CV preparation, and for mentoring offenders;
- Level Two – activities in support of designing and delivering training programmes, including paid work placements; and
- Level Three – delivering “real life” employment in prisons (something we are keen to increase) in preparation for release and recruiting directly from prisons and probation.

Promotion of the Corporate Alliance at national and regional level has resulted in over 100 employers, who are already involved with offenders or planning to get involved, using their involvement to promote the case with other employers.

To ensure that developments to engage with employers are informed and steered by employers, a Reference Group, chaired by a business leader, consisting of major as well as medium and small employers from the private, public and voluntary sectors has been established.

1. Business in the Community

Business in the Community (BIC) is an independent business-led charity with more than 830 Companies in membership. Through its “Unlocking Talent” programme, BIC aims to develop skills and talent of the workforce as a part of its members work in support of Corporate Social Responsibility. BIC has a specific offender-employment initiative: This work is itself an example of partnership between NOMS and the private sector: work on employing ex-offenders is sponsored by the Barrow Cadbury Trust.

Business in the community has a clear offender-employment perspective: *“Through its member companies, Business in the Community works to improve the ability of ex-offenders to find employment. A good stable job is the single greatest factor in reducing reoffending. Not only does it provide individuals with the necessary resources and self-esteem to improve their lives but benefits all sections of society through reduced levels of crime.”*

Another perspective addresses direct benefits to the employer: *“We share in common with most employers a recurring headache – the recruitment and retention of staff, and we have had to learn to think beyond the traditional recruitment routes. There is undoubtedly a large pool of under-utilised skilled men and women in our prisons who are due for release into your communities, and who are keen and willing to work. Those we have employed have been exemplary employees.”*

Business in the Community is clear about the business case for employing ex-offenders. Arguments in support of the case include:

- (a) Savings to Private Sector through crime reduction: Crime costs business £19 billion year, reoffending by ex-prisoners costs £11 billion year. Ex-offenders in work are 33% - 50% less likely to reoffend and some schemes reduce risk to 10%.
- (b) Recruitment cost savings of 40% - 60% have been identified.
- (c) Mentoring ex-offenders brings skills and experience benefits for existing employees, including in management, communication, listening and team building

2. Examples of Corporate Involvement in Training or Employing Ex-offenders

- (a) NOMS prisoner retail contract with DHL/Booker (supply chain management) employs some 500

prisoners in DHL supervised facilities across a number of prisons;

- (b) Travis Perkins (tool hire and builders merchants) opened their first training centre in HMP Stocken just over a year ago and has already expanded into another workshop in the same prison with total employment of 90 prisoners. Travis Perkins are now employing prisoners on release around their many sites and are growing their partnership into a second prison, HMP Ford. The workshop in this prison was expected to employ around 50 prisoners by the end of 2010;
- (c) Timpson's (shoes) now have two "Academies" (at Liverpool and Wandsworth prisons), demonstrating a strong interest in the rehabilitation of offenders. The Director of the company has issued a statement of support for employing ex-offenders: *"I find the staff we've recruited from prisons are among the best colleagues we've got. We see this as a great way of not only helping people but of getting people to work for us. Seventy-five percent of those who join us from prison are still with us after six months"*
- (d) Morrisons (retail) runs a pre-release training course in three prisons leading to employment on release. Significantly, the company achieves a 80% success rate in retention.
- (e) The Compass Group "Rehab" project employs serving female prisoners in a defence establishment where they learn catering and related skills.
- (f) Toyota supports a purpose-built workshop for young offenders offering the "Toyota Modern Apprenticeship".

Recognizing employers' needs and concerns in relation to risk is a fundamental aspect of gaining employer confidence.

Disclosure of Criminal Records is set out in the Rehabilitation of Offenders Act 1974, updated by the Criminal Records Bureau, launched in 2002. Both an Advisors Guide and an Offenders guide are available, providing information and advice on previous convictions in relation to CV preparation and interviews.

B. Work with Civil Society Organizations, Social Enterprises, and Volunteers

NOMS attaches very great importance to the involvement of civil society. In October 2008 the Ministry of Justice and NOMS published the action plan 'Working with the third sector to reduce reoffending – securing effective partnerships 2008-2011'.

Aims include to inform strategic and operational policy by providing advice on reducing reoffending from a third sector perspective, overseeing progress on a third sector reducing reoffending strategy, and promoting potential, diversity, volunteering, good innovative practice, social enterprises.

1. Work with Civil Society Organizations

NOMS works with civil society organizations at national level and locally. Examples include:

(i) CLINKS

CLINKS, at national level, fulfills an umbrella organization role, supporting other third sector organizations that work with offenders and their families. Over nine hundreds voluntary organizations are responsible for more than two thousands projects that provide services to offenders. CLINKS role includes promoting the work of civil society organizations, facilitating effective partnerships, and undertaking research and development.

As well as supporting civil society, including mentoring organizations, CLINKS estimates that about three quarters of prisoners would be willing to do voluntary work if it were available. Prisoners provide an increasingly rich source of volunteers – working as peer mentors sometimes alongside paid or other voluntary staff. In total, more than seven thousand volunteers contribute to the rehabilitation of offenders nationally.

(ii) NACRO

NACRO directly delivers a range of services which support the work of other organizations working with offenders in the public, private or civil society sectors. Services include:

- (a) Resettlement consultancy in prisons - working closely with prison governors and other prison staff to help develop positive regimes with resettlement advice projects.
- (b) Resettlement training – regular training courses at the Prison Service College and at individual prisons, including training prisoners as peer advisers. NACRO has developed specialist training material, including on dealing with older prisoners and managing money.
- (c) Resettlement Plus Helpline offers information and advice to professionals working with prisoners and ex-offenders – as well as to individuals and their friends and family members.
- (d) Resettlement Service Finder. This online database holds details of more than 10,000 community services for ex-offenders.
- (e) Resettlement provision in prisons. NACRO runs resettlement advice services in nearly 40 prisons.

(iii) SOVA

“Supporting Others through Volunteer Action” is a leading national volunteer mentoring organization working with those socially and economically disadvantaged in England and Wales. It delivers more than 60 projects.

(iv) St Giles Trust

The St Giles Trust delivers a range of services to serving prisoners and following release, including to short-term prisoners who do not receive statutory support from the probation service. One of the most innovative approaches is the Peer Advice Project. This meets demand for advice services amongst the prison population by using an under-used resource – serving prisoners. It trains serving prisoners to NVQ Level 3 in ‘Information, Advice and Guidance’ and enables them to help other prisoners by gaining valuable practical experience as part of the vocational element of the course.

The course is externally verified by Advice UK and is an excellent way of improving the skills of serving prisoners and preparing them for employment upon release.

The Peer Advice Project was initially set up to address the high levels of homelessness amongst the prison population by training serving prisoners to act as Housing Advisors. However, in some prisons, advisors cover other areas such as employment and training opportunities.

Peer Advisors often find that they are regarded as highly credible, trusted sources of support as they are serving prisoners themselves. This is a real strength of the project and one the St Giles Trust aims to replicate through our other services. Other prisoners in open prisons undertake the course on day release at the organization’s head office in south London.

(v) Free As a Bird

Continuing the theme of peer support, “Free as a Bird” is a project for women offenders and ex-offenders in London. The website is for women who have experience of the criminal justice system who can use the website to share their thoughts. Peers advise each other on resettlement issues, and pass on practical information, drawing on the strengths that come from having shared some of the same experiences and found solutions.

2. Social Enterprises

(i) What are Social Enterprises?

Social Enterprises have the following characteristics:

- They are independently constituted businesses, driven by a business agenda, and aiming to meet social as well as financial objectives.
- They make profits or surpluses that are re-invested into the business to support its social purpose.
- They are socially owned and accountable to a wider community through a membership and democratic

structure.

The benefits of social enterprises include cost savings, building links with local communities, innovation and creativity. NOMS research has recently shown that 62% of probation areas are involved in Social Enterprise (about 40% of them connected with Community Payback). About 53% of Prisons are involved. However, 47% of prisons and 95% of prisons would like to expand that number.

(ii) Examples of Projects operating at Local Level including Social Enterprises

The following provides an indication of the range of civil society and social enterprise projects working with ex-offenders.

(a) Acumen

- Provides skills in horticulture in prison and supports development of housing for those in need on release.

(b) The ‘Clink’ – Catering

- The ‘Clink’ is a restaurant at HMP High Down.
- It provides training and employment experience in a high quality restaurant environment.
- It employs 16 serving offenders at any one time as trainees.
- It is managed by social enterprise Eco-Actif CIC.
- Profits are used to pay staff, provide training and qualifications and follow up support.
- It also employs ex-prisoners.

(c) HMP Dartmoor Resettlement Unit

- This project is linked with a high profile public garden – the Eden project.
- Prisoners, guided by the staff of the Eden project, have turned unused open space in the prison into productive vegetable gardens.
- Boxes of vegetables are delivered free of charge to elderly and poor members of local community.
- The project has received many letters of thanks from local people.

(d) Reach – Prinknash Abbey Gardens

- This project provides activities to unlock the potential within people who feel socially excluded or who have committed offences.
- The project has transformed an ancient abbey garden which had become overgrown. The garden is now a centre for learning trades and for providing leisure for the members of public or disadvantaged people.

VII. CONCLUSION

I hope the huge significance and contribution of communities to offender rehabilitation will be evident. If further evidence is needed of our commitment to even more involvement, we need only to look at our new Green Paper on sentencing and rehabilitation. Involving communities more in deciding what work is undertaken by community service workers is one example. But also, we are intending to increase volunteer opportunities – whether from individuals, companies, universities, faith groups or other organizations, and to identify and remove as many barriers as possible to volunteering. All of this is also in tune with the European Year of the Volunteer which has just begun.

Finally, we are determined to find new ways to involve communities and community organizations in helping to achieve our goal – a “virtuous circle” involving all sections of society working in partnership to support rehabilitation, for the benefits of family and the community, to change lives and to make communities safer.

ENHANCING COMMUNITY INVOLVEMENT IN INSTITUTIONAL AND COMMUNITY-BASED CORRECTIONS IN THE UNITED KINGDOM: RECENT EXPERIENCE AND FUTURE PLANS

*Steve Pitts**

I. INTRODUCTION

A. Presentation Overview

A word about the structure of this paper:

I will begin by looking at some common challenges – challenges which observation and discussion tell me are indeed common to a number of countries, including I suspect several of the countries represented in the 147th Training Course.

Secondly, I will address some of the potential benefits of Community Involvement, benefits which help to address the challenges I will outline, and some of the approaches to community involvement.

Following an introduction to NOMS, I then want to explore some of the major developments of the last decade or so. This has been a time of investment and change in our prison and probation services, including a significant growth in what is known as evidence-based practice or “What Works”. The major focus of this work is reducing reoffending, but enhancing public protection has been another very important aim. We know from evidence that we can achieve reductions of 10% or even 20% using the best approaches – or even significantly more in some cases involving a range of approaches and, importantly, community agencies and groups. Achieving these impacts is increasingly a key criterion for the next part of the paper – work in partnership across all sectors of society.

I will turn then to the most substantial part of my paper: the steps we have taken to involve communities in working with us, especially in support of the twin aims of reducing reoffending and protecting the public: I need to clarify that I have referred to many different kinds of partnership including public, private, civil, and the work of volunteers. I want to address all of these, in each case referring to strategy, some of the approaches, and some of the lessons.

Finally, I will conclude by coming right up to date. In particular I want to draw attention to four or five developments which reflect the lessons of recent years and the priorities of the new government. These include an increased focus on Commissioning and what we might call “Localism”, Payment by Results, Diversion, and Restorative Justice. It is no coincidence that every one of these involves closer work with communities and, as you will see from our use of the term “Big Society”, closer links with communities is central to the direction we are taking.

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This paper is about the experience of England and Wales – that part of the United Kingdom within which my organization, the National Offender Management Service – or NOMS – operates. I would like to emphasize the value that I, and my organization, places on the opportunity offered by UNAFEI to work in a way that is another kind of partnership – the partnership of international learning and collaboration. This paper references practice in Canada, Singapore, New Zealand and several other countries. That is a reflection of how we have wanted to learn from the experience of others. International dialogue speeds up the pace of learning and I very much hope that this paper will be relevant to the situations faced in other countries. What is entirely clear to me is that my own country will benefit from these exchanges – and I am extremely grateful to UNAFEI for making this possible.

The overall approach in this paper is therefore to start with the larger picture and then to move progressively to case examples and the detail.

B. Some Common Challenges

I suggest that the following are some of the most pressing - and common – challenges:

- Fewer resources (25% over four years in the case of NOMS)
- Increasing workload
- Prisons at or beyond full capacity
- Strong focus on, and public expectation of:
 - Reducing reoffending
 - Public protection
 - Effectiveness
 - Value for money
- Prison security and decency
- Offence trends/recognition (gangs, trafficking, family violence, hate crime, foreign nationals)

In the case of England and Wales, we are anticipating a budget reduction of about 25% over the next four years. Everybody will appreciate what a challenge meeting this target will be. At the same time we need to maintain, or even to improve, our effectiveness in reducing reoffending, in resettling offenders, in public protection. We all value what this means - fewer offences, fewer victims, more settled communities and the potential for ex-offenders to contribute more beneficially to society.

The benefits are not only personal and social: Financially, in the United Kingdom, we have estimated that the cost of offending by prisoners to be about £11 billion per year. We also estimate that offending, and the response to offending, by one individual can be as much as £1million over a lifetime. Therefore, increasing our effectiveness – focussing on what is most effective, and delivering this work in partnership with others - and efficiently, should lead to some of the savings we will be making.

Before commencing the major sections of the paper, I would like to draw attention to some of the benefits of involving communities. These include:

Flexibility and skill in meeting specialist needs, the strengths that partnership can bring to public protection, and the potential benefits of competition in raising standards and stimulating innovation. Of course there are others, which will be addressed later.

II. THE NATIONAL OFFENDER MANAGEMENT SERVICE

A. What is NOMS?

The National Offender Management Service (NOMS) is new. It was created in April 2008 as an executive agency of the Ministry of Justice with the goal of helping prison and probation services work together effectively and efficiently to manage offenders throughout their sentences.

The Director General of NOMS is responsible to the Lord Chancellor and Secretary of State for Justice and sits on the Board of the Ministry, chaired by the Permanent Secretary. The responsibility of the NOMS Agency, on behalf of the Secretary of State, is to deliver the sentences and orders of the courts of England and Wales by:

- commissioning adult offender services in custody and the community from public, private and civil society organizations;
- providing the public prison service; and
- overseeing the Trusts which provide the public probation services.

In operating through providers and partners in the public, private and civil society sectors, NOMS endeavours to manage offenders in an integrated way. What work needs to be done – and who does the work – is based on evidence and driven by ensuring value for money for the public.

NOMS manages offenders throughout both their custodial and community sentences, working with around 260,000 offenders a year. We carry out prison sentences in England and Wales: there are 135 prisons, of which 124 are run by the public sector and 11 by private contractors. This is the first area of engagement of communities I will discuss later – in this case the private sector. We also manage offenders on community sentences, and provide services to offenders, victims, witnesses and the courts. There are 35 probation areas – areas which became Trusts during 2010 – a change designed to provide an increased level of independence and clear accountability for delivery, whether by the Trust or through its partners.

NOMS aims to help offenders change their lives in order to reduce their chances of reoffending. In recent years, NOMS has had an impressive record in relation to target, meeting or exceeding 27 of 28 national performance targets (missing one slightly) and contributing to a fall in the number of reoffences committed of 11.1% between 2005 and 2007. The number of reoffences classified as serious fell by 9.8% over the same period. Like many government departments around the world we have been required to make efficiency savings even before the current large reductions brought about by the recession. We met an £81million efficiency savings target for 2008/09 and an even larger saving of about £171 million 2009–10.

NOMS announced a new structure in January 2011, designed to reduce senior level Director posts and costs by more than 40%. It is noteworthy too, in the context of partnership, that a combined post of Director of Probation and Contracted Services has been created, emphasizing the contractual nature of the relationship that has developed between Government and the local delivery of community sentences.

Close to 50% of NOMS services now fall in the area of contracted rather than direct Government delivery

III. THE SENTENCING FRAMEWORK

A. The Sentencing Framework

The England and Wales sentencing framework, like the effective practice and resettlement frameworks which follow, has had a relatively recent genesis. The framework was designed with a number of purposes of sentencing in mind, and these are set out in the 2003 Criminal Justice Act.

1. The Purposes of Sentencing

The 2003 Criminal Justice Act sets out the five purposes of sentencing:

- the punishment of offenders;
- the reduction of crime (including its reduction by deterrence);
- the reform and rehabilitation of offenders;
- the protection of the public; and
- making reparation by offenders to persons affected by their offences.

A number of important principles underpin the sentencing framework. These include the need to ensure that sentences are fair and proportional to the offence, and that sentences of imprisonment are delivered in a seamless fashion from prison to the community as a “*whole sentence*”. Purposes of sentencing should be addressed in both the *custodial* and *aftercare* stages of the sentence.

2. The Question of Offence Seriousness

Whilst courts are obliged to have regard to these principles, sentence will generally be determined according to *seriousness* of the offence. Seriousness is made up of:

- *harm* caused by the offence; and
- *culpability* of the offender in committing it.

There is also a presumption that recent and relevant previous convictions make an offence more serious. Thresholds of penalty are based on seriousness:

- offences that are so serious that only custody will represent a sufficient response;
- offences that are serious enough to warrant a community sentence.

In cases where neither of these thresholds is reached then a fine or a discharge will be appropriate.

3. Prison Sentences

The structure of a prison sentence depends on the sentence length. Implementation is progressive:

- (a) Under 12 months (currently no supervised licence): The intention of the act is:
 - Custody period of 2-13 weeks; Licence period of 6-9 months;
 - Court sets licence conditions;
 - Executive recall.
- (b) Sentences of imprisonment for twelve months or longer
 - Are served half in custody and half in community;
 - Case Manager agrees intervention plan and conditions;
 - Executive recall.
- (c) Intermittent and Suspended (court handles breach) options;
- (d) In the case of life, indeterminate and extended sentences for serious and public protection cases, the Parole Board decides the release date.

The intention of the Act is that many of the options applicable to community sentences are also available on post-release licence.

4. Community Sentences

Since the implementation of the Criminal Justice Act 2003, there has been a single community order for offenders aged 18 or over that can comprise up to 12 requirements depending on the offence and the offender. These are:

- unpaid work (formerly community service/community punishment) – a requirement to complete between 40 and 300 hours' unpaid work;
- activity – for example to attend basic skills classes;
- programme – there are several designed to reduce the prospects of reoffending;
- prohibited activity – requirement not do so something that is likely to lead to further offences or nuisance;
- curfew – electronically monitored;
- exclusion – not much used as no reliable electronic monitoring yet available;
- residence – requirement to reside only where approved by probation officer;
- mental health treatment (requires offender's consent);
- drug rehabilitation (requires offender's consent);
- alcohol treatment (requires offender's consent);
- supervision – meetings with probation officer to address needs/offending behaviour;
- attendance centre – three hours of activity, usually on Saturday afternoons, between a minimum of 12 hours and a maximum of 36 in total.

Typically, the more serious the offence and the more extensive the offender's needs, the more requirements there will be. Most orders will comprise one or two requirements but there are packages of several available where required. The court tailors the order as appropriate and is guided by the probation service through a pre-sentence report.

Whilst the 2003 Act continues to provide the main sentence framework for the work of the prison and probation services, the new Government has introduced a Green Paper (referred to later in this paper) which may lead to significant change, including an increased emphasis on restorative justice and changes to indeterminate sentencing.

IV. THE EFFECTIVE PRACTICE OR “WHAT WORKS” FRAMEWORK

NOMS has introduced three systems to reduce reoffending. All three have an impact on how the organization approaches communities:

- *An Offender Assessment System (“OASys”)* – designed to assess risk and needs and to inform case management;
- *The National Offender Management Model* – intended to manage offenders safely and effectively, including managing prisoners consistently from prison to the community;
- *Interventions* – including unpaid work, employability programmes, and accredited programmes to address a wide range of offending-related or “criminogenic” needs including “thinking skills”, domestic violence, sex offending, and drug or alcohol misuse.

The effective practice framework flows naturally from the sentencing framework.

A. The OASys Assessment System

OASys has been developed jointly by the prison and probation services. It is an IT-based system which assesses offending-related need and risk of reconviction and serious harm. There is on-going validation of accuracy against actual reconviction. The OASys tool also guides individual sentence planning, measures change, and provides management information. Data is aggregated centrally, regionally and locally to support analysis and service planning – of NOMS and stakeholders.

OASys measures a wide range of factors statistically shown to be relevant to offending. These include education, training and employability, accommodation, financial management and income, relationships, lifestyle and associates, drug and alcohol misuse, emotional well-being, and thinking skills and attitudes.

The risk assessment element measures harm to the public, children, staff, prisoners, offenders themselves, and to adults known to the offender, indicating whether risk is low, medium, high or very high. Action to manage risk is then triggered including through MAPPA arrangements described later.

OASys data may be analysed in many ways: Data is able to demonstrate the offending-related needs of a national probation sample by type of need and by gender. The data might also, for example, be analysed by prison or probation caseload or by region or city. Our OASys data shows that the most common needs of offenders, *related to their offending*, include education and employment, with a wide range of other needs including “thinking skills” (such as problem solving), accommodation and drug problems not far behind. This complexity of need makes our work more difficult, and influences consideration of the aims of community organizations, across all sectors, with whom we work. This point will be returned to later.

B. The National Offender Management Model

The National Offender Management Model is underpinned by a number of principles intended to support engagement with communities. These include:

- One Offender Manager, an individual probation officer, who manages the case throughout the sentence (including time in prison) to provide continuity;
- The Offender Manager is community-based – even for prisoners;
- One sentence plan is developed for the entire sentence;
- A system of resource “Tiers” allocates resources according to risk and needs;
- The concept of the “Offender Management Team” - all responsible agencies operate to common agreed goals.

The model provides the means by which NOMS ensures the right services are harnessed from within the service and from partners, and delivered to each offender according to risks and needs assessed through OASys assessment.

C. Interventions - The “What Works Core Curriculum”

The third system is referred to as the “Core Curriculum”. This is the suite of interventions most closely associated with “what works” – interventions based on tested independent research evidence of effectiveness.

NOMS “what works” interventions are based on a process of accreditation. Accreditation is carried out by an independent group of international experts – the “Accreditation Panel”. The panel has developed

Interventions Criteria against which new approaches are assessed. Key criteria are:

- A clear model of change;
- Specified offender selection criteria;
- Targeting of offending risk factors;
- Employment of effective methods;
- Skills orientated;
- Appropriate sequencing, duration and intensity of intervention;
- Motivation and engagement;
- Continuity of Services;
- Maintenance of Integrity;
- Evaluation and Monitoring.

The core curriculum contains more than twenty programmes, and is continuing to expand. The creation of NOMS provided an opportunity to rationalize programmes historically developed separately by the prison and probation services and to build continuity of programme design and delivery. For example, sex offender treatment begun in prison can be reinforced post-release.

The programme range includes cognitive skills, substance misuse, sex offender treatment, violence and emotional management, women offenders, drink impaired drivers, and resettlement. Most are designed for group delivery. However there are also programmes for delivery to individuals - who might for example live in an isolated area where it would be impractical to deliver to a group.

It is important to note that we know from experience and research that programmes are only effective when delivered as intended by well-trained, managed and supported staff. Delivery quality is so important that NOMS has developed detailed guidance, audit and support to ensure these standards are met in prisons and the community.

D. “What Works” Evaluation

Evaluation evidence is promising. The 2006 Evaluation Cohort allows comparison with year 2000 results. The frequency of reoffending was reduced by an average of 22.9%. For offences classified as most serious, the reduction was of 11.1%. Over the same period, the *proportion* of offenders reoffending fell by 10.7%.

This translates into significantly fewer victims and reduced costs associated with crime.

V. SOCIAL EXCLUSION AND COMMUNITY REINTEGRATION

A. Development of the Overall Approach

I would now like to touch briefly on the NOMS approaches to social exclusion, community reintegration and resettlement.

Genesis of the resettlement and community reintegration framework has followed a similar timescale to the sentencing and “what works” frameworks. In 2001 the Government’s Social Exclusion Unit (SEU) published a report on prisoner resettlement and social exclusion. The findings were startling and showed, for example, that prisoners were far more likely than the general population to be unemployed (67% of prisoners – pre-sentence – and 5% of the general public respectively), to have no qualifications, to be homeless, and to suffer from mental disorders.

The NOMS reintegration and resettlement framework is based on the Social Exclusion Unit’s work. The report, which was researched and prepared in close collaboration with the Prison and Probation Services, proposed a needs-based “pathway” approach through which offenders’ needs are addressed via cross-government agreement and action.

As noted by Maguire and Raynor (2006), the SEU’s location in the office of the Deputy Prime Minister gave the recommendations political weight and allowed development of a cross-departmental approach to

social inclusion and reducing reoffending. A national strategy and action plan on reducing reoffending (2004) extended the pathway approach to community sentences.

The resettlement framework comprises seven rehabilitation “pathways” for men and women. Each pathway addresses areas of work critical to prisoners and to work with offenders in the community. The pathways support close work between prisons and probation areas to ensure that pathways are continuous from custody to community. The pathways are:

- Accommodation
- Education, training and employment
- Health
- Drugs and alcohol
- Finance
- Families
- Attitudes, thinking and behaviour.

Two additional pathways have recently been added for work with women, including attention to abuse and domestic violence. The pathways are underpinned by four cross-cutting themes:

- Assessment and Case Management
- Diversity
- Public Protection
- Partnerships.

One of the most far-reaching recommendations of the SEU report encouraged prisons to think in terms of “*mainstream permeability*”, the idea that prison walls should not be barriers to prisoner access to mainstream services. Government departments have responsibility for developing policy on offender access to mainstream services. This recommendation has speeded up the introduction of mainstream staff working closely in prisons, often through a system of “in-reach” staff co-located with prison staff in resettlement units.

The pathway approach has enabled us to gain a national, regional and local picture of resettlement need and to involve other departments and partnerships based on this accurate picture. When OASys needs are placed within the pathway structure we see that education, employment, thinking skills, relationships (including family), substance misuse, and accommodation are at the top of the list. This provides us with clear and impartial evidence on which to base priorities in strategy, policy and practice, including our work with communities.

B. Lessons in Resettlement

In parallel to the work of the SEU, a number of evaluated development projects, including the Resettlement Pathfinders (1999- 2003), demonstrated some vital characteristics of effective resettlement. These also influence our approach to work with community organizations – in particular those engaged in social inclusion.

The pathfinders found resettlement was more effective when:

- The sentence plan is based on sound assessment of risks and needs;
- Intervention begins as soon as possible after sentence;
- Intervention includes attention to attitudes and thinking...;
- ...and attention to practical needs, with links to mainstream provision and community facilities
- Case management is delivered “through the prison gate” and includes work on motivation, ideally delivered by the same person or, if not possible, team.

C. The Importance of Personal and Social Factors in Inclusion, Reducing Reoffending and Resettlement

Before looking in detail at work to enhance community involvement, I want to conclude this part of the paper by describing some new and exciting developments in inclusion, reducing reoffending and resettlement. These focus on the interaction of personal and social factors in supporting change and integration.

1. Desistance

First I would like to draw attention to the rise in understanding of what helps offenders to desist from reoffending. Desistance theory emphasizes long term change over short term control, and the collective interest of the community in integration of offenders. The focus is on supporting offenders to see themselves in a new and more positive light with hope for the future. Desistance theory may argue that individuals need a combination of *motivation, human capital and social capital* in order to succeed. Human capital includes the capacity of individual to make changes and achieve goals. Social capital includes factors such as employment and supportive family or other relationships.

Successful resettlement therefore depends on helping offenders in all three areas, recognizing that progress in all is unlikely to be direct or continuous. It is said that 90% of offenders remain ambiguous about their future until and even beyond apparently stable reintegration.

2. Motivation

(i) *F.O.R. A Change*

F.O.R. A Change is a resettlement programme which draws on desistance theory, motivational theory, the proven effectiveness of cognitive behavioural work, and practical support to engage offenders in planning a new future. The aim is to create both confidence and commitment to change. The programme builds on the motivational cycle of change to move individuals through five stages of accepting the need for change, recognizing problems, defining how to overcome problems, developing their own plan for change, and controlling of risks of relapse.

The programme involves 12 × 2 hour sessions, delivered in groups and individual sessions, with support post-release offered by the probation service or the voluntary sector. One of the most successful and innovative features of the programmes is the “*Community Market Place*”. This innovative approach involves inviting representatives of public agencies and civil society organizations into the prison where they set up “*Market Stalls*” displaying the services they offer. Prisoners are able to walk around the “market place” and to approach organizations that would be helpful to them, making appointment to follow up these contacts once they are released. Prisoners therefore become active rather than dependent participants in their own resettlement and feel the rewards of their own positive action. This in effect building social capital, and taken as a whole, the programme aims to improve motivation, confidence and community opportunities.

The F.O.R. A Change programme has been run in several male and female prisons with good success and has received accreditation by the UK’s panel of independent experts.

3. Decency and Citizenship

One further area I would like to touch on before describing work with communities in detail is that of “Decency”. We increasingly see the benefits of treating prisoners with the values and respect that we hope they will demonstrate on release. Reasons why what we term the “Decency Agenda” is so important include:

- Prison staff, especially officers, are the “human face” of prisons;
- They are 24 hour role models, able to demonstrate “pro-social” behaviours;
- Prison staff have the opportunity to demonstrate judgement, consistency, appropriate fair authority, and leadership.

Other aspects of the approach include ensuring that communications, written and verbal, are clear and positively framed and worded. Benefits are that prisoners are better prepared for release in the qualities of respect and tolerance, and that staff too benefit from an improved work environment, staff morale, and performance.

Delivery is measured by “Quality of Prison Life”, Inspection and Independent Monitoring Reports.

Together with prison security and decency, “what works” and the pathway approach provide a framework for closer engagement across all sectors in the community. Commissioning and contracting aim to achieve impact in reducing reoffending and public protection, ensuring that attention is paid to needs, to effectiveness, and to representing best value.

VI. INVOLVING COMMUNITY PARTNERS: RECENT EXPERIENCE

I come now to the core of the paper which addresses a range of approaches to work with the private, public and civil sectors of society in order to meet those objectives of reduced reoffending and public protection.

A. Work with the Private Sector

1. Private Sector Contracted Delivery

As noted at the outset, NOMS is a commissioning agency. Whilst the large majority of prisons are directly managed by the agency, eleven out of 135 are privately operated. These eleven prisons are run by three companies. Nine are what are termed "Design, Build and Operate" contracts, whilst two were built and financed by the public sector but are managed by private companies. It is possible that further public prisons may be "market tested". It is important to note that the aim is competition – the public sector may bid too. Not only that, but bids may be cross-sector, for example involving a private company and a civil society organization or CSO. There is a further option in that internal services may also be delivered by private organizations. Examples include catering or cleaning.

What are the benefits of this approach to the opening of delivery? Some of the benefits which have been found include:

- Increased innovation in approach (the Social Impact Bond described later in this paper is run by one of the private prisons working with two civil society organizations);
- Reductions in cost per bed-space;
- Reduced reoffending, most noticeable in the case of younger offenders;
- Some improvements in staff relationships with prisoners;
- Evidence of motivation of improvement in public sector prisons.

However it is important to note that it is not always easy to get the contracting right (price, flexibility, outcome), and there have been instances of complex start up issues, of staff turnover, and also of degree of confidence of newly appointed staff.

Other areas of work that have been contracted to the private sector by NOMS include Electronic Monitoring, in this case two companies at the present time. EM can be regarded as tough, flexible, effective and efficient. It has been used with over 685,000 individuals, and at any one time about 21,000 individuals are being managed this way. Uses include bail (about 29%), court order (about 54%) and post-release (about 15%). From a contracting point of view it is important to note that the contract providers in the 69% of cases which are "single requirements" provide all of the functions from supply of equipment and monitoring to dealing with any violations and initiating breach action.

Although not a recent experience in terms of contracting, NOMS is also about to contract Community Service (known as Community Payback to emphasize the reparative aspect of the order). Benefits are intended to include cost savings and contractors will be expected to maintain the close ties with communities developed through "Justice Seen, Justice Done" during which more than 18,000 votes were cast by the public to help prioritize work they would like to see delivered, using methods such as internet voting or local panels. In some schemes local people engage in activities to identify needs and projects which will help reduce local reoffending.

Opportunities to vote are publicized through the local media.

Community Service has the highest profile of the all the community sentences in England and Wales. It attracts public awareness, media coverage and political interest. Although the main purpose is to provide punishment and reparation, for some offenders they are also rehabilitative benefits as Community Payback projects can provide an opportunity to develop life and vocational skills that reduce the risk of reoffending.

Up to 20% of the hours can be spent on skills and employment preparation. More than 62,000 offenders successfully completed Community Payback Sentences in 2008-2009. Work may take place in groups or

single placements. Projects benefit the community such as decoration and renovating buildings, tidying local areas, graffiti removal, recycling and working directly with local charities. Beneficiaries may be either in individual placements (such as a charity shop) where the Beneficiary provides the direct supervision or more typically in a supervised work group where a “Provider” (for example a probation service or third sector organization) employed supervisor oversees the work.

Opportunities to vote may be publicized through the local media.

2. Private Sector Involvement in work to Reduce Reoffending and Social Exclusion

Some of the most innovative and beneficial examples of private sector involvement in work to reduce reoffending and social exclusion have been in the field of improving prisoner employment.

The Corporate Alliance is a banner for the Government’s employment’s employer engagement activities for offenders. It includes partnerships with private, public and voluntary sector organizations to improve the skills and employment outcomes for offenders. It seeks to:

- encourage more employers to employ and support offenders during the process of finding and retaining employment;
- support and disseminate good practice involving employers improving the skills and employment of offenders; and
- use employers to ‘market’ the Corporate Alliance to other employers.

There are three levels of engagement that enable employers to get involved with offenders in ways that best suits them. These are:

- Level One – activities to support improvement in employability, focusing on donating materials that can be used to train offenders, and donating staff time for interview training, CV preparation, and for mentoring offenders;
- Level Two – activities in support of designing and delivering training programmes, including paid work placements; and
- Level Three – recruiting directly from prisons and probation.

Promotion of the Corporate Alliance at national and regional level has resulted in over 100 employers, who are already involved with offenders or planning to get involved, using their involvement to promote the case with other employers.

To ensure that developments to engage with employers are informed and steered by employers a Reference Group, chaired by a business leader, consisting of major as well as medium and small employers from the private, public and voluntary sectors has been established.

(i) Business in the Community

Business in the Community (BIC) is an independent business-led charity with more than 830 companies in membership. Through its “Unlocking Talent” programme, BIC aims to develop the skills and talents of the workforce and a part of its members work in support of Corporate Social Responsibility. BIC has a specific offender-employment initiative: This work is itself an example of partnership between NOMS and the private sector: work on employing ex-offenders is sponsored by the Barrow Cadbury Trust.

Business in the community has a clear offender-employment perspective: “Through its member companies, Business in the Community works to improve the ability of ex-offenders to find employment. A good stable job is the single greatest factor in reducing reoffending. Not only does it provide individuals with the necessary resources and self-esteem to improve their lives but benefits all sections of society through reduced levels of crime.”

Another perspective addresses direct benefits to the employer: “We share in common with most employers a recurring headache – the recruitment and retention of staff, and we have had to learn to think beyond the traditional recruitment routes. There is undoubtedly a large pool of under-utilised skilled men and women in our prisons who are due for release into your communities, and who are keen and willing to work. Those we

have employed have been exemplary employees.”

Business in the Community is clear about the business case for employing ex-offenders. Arguments in support of the case include

- (a) Savings to the private sector through crime reduction: Crime costs business £19 billion year, reoffending by ex-prisoners costs £11 billion year. Ex-offenders in work are 33% - 50% less likely to reoffend and some schemes reduce risk to 10%;
- (b) Recruitment cost savings of 40% – 60% have been identified;
- (c) Mentoring ex-offenders brings skills and experience benefits for existing employees, including in management, communication, listening and team building.

(ii) *Examples of Corporate Involvement in Training or Employing Ex-offenders include:*

- (a) NOMS prisoner retail contract with DHL/Booker (supply chain management) employs some 500 prisoners in DHL supervised facilities across a number of prisons;
- (b) Travis Perkins (tool hire and builders merchants) opened their first training centre in HMP Stocken just over a year ago and has already expanded into another workshop in the same prison with total employment of 90 prisoners. Travis Perkins are now employing prisoners on release around their many sites and are growing their partnership into a second prison, HMP Ford. The workshop in this prison was expected to employ around 50 prisoners by the end of 2010;
- (c) Timpson's (shoes) now have two “Academies” (at Liverpool and Wandsworth prisons), demonstrating a strong interest in the rehabilitation of offenders. The Director of the company has issued a statement of support for employing ex-offenders: “*I find the staff we've recruited from prisons are among the best colleagues we've got. We see this as a great way of not only helping people but of getting people to work for us. 75% of those who join us from prison are still with us after six months*”;
- (d) Morrisons (retail) runs a pre-release training course in three prisons leading to employment on release. Significantly, the company achieves a 80% success rate in retention;
- (e) The Compass Group “Rehab” project employs serving female prisoners in a defence establishment where they learn catering and related skills;
- (f) Toyota supports a purpose-built workshop for young offenders offering the “Toyota Modern Apprenticeship”.

(iii) *Private Sector as a Direct Manager of Employment Support:*

Private sector companies are now also to be found in the provision of specialist offender rehabilitation services such as employment. Working Links is a private company that describes its vision as “*to help the most socially excluded individuals to fully take part in society, creating brighter futures for them, their families and communities*” One of its projects is “Kormo Shadin” – or ‘freedom to work’ – a programme started in June 2007 which aims to guide and support jobseekers through a range of activities enabling them to become socially and financially better off. It aims to support positive relationships with local criminal justice services, drugs treatment agencies, youth and community organizations, housing associations and the faith sector, helping Bangladeshi ex-offenders in East London to overcome their barriers to find work and move into employment.

(iv) *Risk and Disclosure of Criminal Records*

Recognizing employers' needs and concerns in relation to risk is a fundamental aspect of gaining employer confidence. NOMS has adopted “Tiered Case Management” which allocates resources and level of punishment, help, support in making change, and control to four levels according to assessment, which will be multi-agency in the case of the highest risk levels. The four levels are:

- Punish
- Punish and help
- Punish, help and change
- Punish, help, change and control (including MAPPA).

Disclosure of Criminal Records is set out in the Rehabilitation of Offenders Act 1974, updated by the

Criminal Records Bureau, launched in 2002. Both an Advisors Guide and an Offenders guide are available, providing information, and advice on CV preparation and interviews.

B. Work with the Public Sector

Community Safety Partnerships, or CSPs, are a new arrangement in place only since April 2010. They bring together Police, Local Authorities (including their responsibility for housing), Fire & Rescue, Health and Probation, together with suggestions for working with prisons, other parts of the Criminal Justice System including Youth Offending Services, and the voluntary sector to prevent crime and disorder, antisocial behaviour, substance misuse and to reduce reoffending. Budgets devolved from central government departments are then combined by agencies closer to the ground, working in partnership to meet identified patterns of need. CSPs are a good example of this model in operation:

CSR member organizations work together to deliver work according to the *ASPIRE* model, first developed by the probation service. *ASPIRE* provides partners with a relatively simple model for cooperation. The five cooperative *ASPIRE* steps are:

- Assess the profile of reoffending in the area *including social exclusion data*;
- Strategically Plan for action;
- Implement the plan, drawing on case managed intervention, mainstream and commissioned services;
- Review performance;
- Evaluate success to review outcomes and value for money.

CSPs place a statutory duty on organizations to cooperate. This duty is set out in Section 108 of the Policing and Crime Act 2009. I would like to quote the argument put forward in support of this approach: *“Success in reducing reoffending can only be achieved by local partners working beyond traditional organizational boundaries... More effective partnership working as a result of these changes will help to reduce crime and reoffending, protect the public and improve public confidence in the criminal justice system, the police and in other local partners, in a way that allows people to see and feel the difference in their local communities”*.

The CSP Executive Summary continues *“Adults and young people convicted of offences are often some of the most socially excluded within society. The majority of offenders have complex and often deep-rooted health and social problems, such as substance misuse, mental health problems, homelessness, high levels of unemployment and possibly debt and financial problems. Tackling these problems is important for addressing the offender’s problems and providing “pathways out of offending”, and to break the inter-generational cycle of offending and associated family breakdown”*. CSPs therefore give local expression to the national aim of reducing reoffending through reducing exclusion.

Because CSPs are so new, it is not yet possible to provide examples of completed projects. But I can provide examples of work delivered as a result of the preceding Crime and Disorder Act of 1998. The 1998 Act created Crime and Disorder Partnerships (CDRPs). A national dissemination programme, known as the Beacon Scheme, has subsequently celebrated and promoted some of the most successful and innovative partnerships. Four of the areas selected for Beacon status focussed on creating safer communities through reducing reoffending. All have had to demonstrate six “hallmarks” of excellence:

- Empowered and Effective Leadership
- Visible and Constructive Accountability
- Intelligence-led Business processes
- Effective and Responsive Delivery Structures
- Engaged Communities
- Appropriate Skills and Knowledge.

Examples of partnership practice, facilitated by the multi-agency community approach, and frequently involving the private sector too, include:

(i) Safer Sunderland Partnership

Sunderland is the largest city in the north-east of England. The Sunderland project aimed to improve the rate of young offenders engaged in education, employment or training. 60 local businesses were approached, many of them corporate victims of crime. Offenders were then placed with them to provide unpaid work and gain work experience, so contributing to restorative justice. As well as the skills specific to the employment sector, the offenders learnt basic aspects of employment including timekeeping and dress. By 2008 Sunderland achieved 91% of young offenders in education training or employment, exceeding the national average by 20%.

(ii) Mentoring in Leicestershire

A scheme in the city of Leicestershire involves companies in offering two weeks' mentored support to young offenders in what is often a first step in experiencing employment.

(iii) Youth Involvement in Sunderland

Another scheme in Sunderland engaged young offenders in the design and development of projects to reduce reoffending. This provided a positive learning experience as well as producing useful intervention materials including DVDs on the effects of substance misuse and knife crime.

(iv) Domestic Violence

The Sunderland partnership also piloted a scheme for the male perpetrators of domestic violence. A development of the multi-agency approach includes a hostel for 8 men who are removed from the domestic home and receive interventions to reduce violence, whilst at the same time agencies work with the victims, and the children in the 98% of cases in which children are also involved.

(v) Tower Hamlets London – Safe Exit Diversion Scheme

This scheme works with women involved in street prostitution through linking criminal justice services, Local Authorities and third sector organizations. Following an holistic assessment of needs, women can be referred to one of 12 agencies. Well over 50% of women referred completed the scheme and had their cases discontinued.

(vi) The “Be Safe Bolton” Scheme

This scheme demonstrated the benefits of information and intelligence gathering and was able to ensure police and reintegration resources were targeted at offenders with the highest risk of harm or conviction. Local agencies have identified “Single points of Contact” for prisoners approaching release. The intelligence focuses improvement work on localities with high crime rates, and helps identify the most successful approaches. It was one of the first to involve residents in deciding the focus of community service work by offenders. Known as “Community Payback”, more than 50% of community service work is targeted following “Community Walks” on which residents decide on priorities to improve local safety. “Alley-gaters” to prevent run-throughs by groups of young people were one of the first developments.

(vii) Others

Other schemes addressing offender employment include “Community Hubs” in Tower Hamlets, London which links employers and employment support. Prisoners are where possible met at the prison gate. Ex-offenders are engaged in the meeting service and in delivering the employment programme, a model which also develops their own skills and helps them make life changes. The scheme employs male and female ex-offender mentors, and also tries to address specific religious faiths. Other schemes map the offenders experience in gaining work and then involve partnership agencies in working together to improve the process.

CSPs are only one example of agencies working together at the local level. Other statutory partnerships work with specific groups of offenders including MAPPA partnerships to co-ordinate work with those offenders that present higher risk of harm, and PPO partnerships working with Prolific and other Priority Offenders. Others target drug misusers or deliver intensive case management with recently released prisoners who have served short sentences.

MAPPA (Multi Agency Public Protection Arrangements) have a statutory basis in the Criminal Justice

& Court services Act 2000. They involve the Probation Service, Prison Service, and Police (which together form the “responsible authority”) to work together:

- To establish arrangements for assessing and managing risks posed by sexual and violent offenders;
- To review and monitor the arrangements;
- As part of reviewing and monitoring arrangements, to prepare and publish an annual report on their operation.

A range of other agencies have a duty to cooperate locally. These include: the police, Local Authority Social Services, Primary Care Trusts, Jobcentre Plus, Youth Offending Teams, housing authorities and relevant providers, and electronic monitoring providers.

There is also a requirement to appoint two lay advisers to each of the strategic management boards that review the MAPPA.

MAPPA arrangements target Sexual, Violent and other Dangerous Offenders and arrange three levels of management according to risk:

1. Information sharing
2. Active Multi-Agency Management
3. Senior Management Oversight/Resources.

C. Work with Civil Society Organizations, Social Enterprises, and Volunteers

NOMS works with a wide range of civil society organizations working with offenders directly or providing support to other organizations delivering direct work.

1. Strategic Developments for NOMS – Work with Civil Society

In October 2008 the Ministry of Justice and the National Offender Management Service (NOMS) published the action plan ‘Working with the third sector to reduce reoffending – securing effective partnerships 2008–2011’. The plan sat beneath the Ministry’s overall Third Sector Strategy published in June 2008 and aimed to build on work to reduce barriers to the sector’s role in reducing reoffending, protecting the public, achieving safer communities, and tackling social exclusion. It also sought to enable and promote effective volunteering and mentoring with and by offenders and ex-offenders.

Progress against objectives and actions is being monitored by the Ministry of Justice/NOMS Reducing Reoffending Third Sector Advisory Group.

The strategy has three overarching aims:

- (a) to improve third sector “voice” and partnership working;
- (b) to transform services;
- (c) to drive up the quality and diversity of volunteering and mentoring.

(i) Action Plan Progress

(a) Improving voice and partnership working

A new *Reducing Reoffending Third Sector Advisory Group*, has been set up. The purpose of the Advisory Group is to provide advice to Ministers and senior officials on reducing reoffending from a civil society perspective and to present concerns and opinions about future priorities, issues and policies which might affect the sector. The Group has a key role in advising and overseeing progress on the implementation of ‘Working with the Third Sector to Reduce Reoffending 2008-2011’. The Chair will also sit on the NOMS Reducing Reoffending Policy Board.

The Advisory Group has indicated that it believes the success of the action plan will be judged by:

- *“An increase of front-line services to offenders by third sector organizations, including small and local organizations, and Black and Ethnic Minority organizations and faith groups, and*
- *An increased involvement in design and development of services, and ensuring effective partnerships between statutory, private and voluntary sectors drawing on complementary strengths”.*

The Ministry's *strategic funding to national third sector infrastructure* – Clinks, Action for Prisoners' Families, and the Development Trusts Association – is now in the second year. The funding has enabled these organizations to support and represent their members and a wider group of third sector organizations to government, NOMS, and the range of agencies working with and funding the third sector to reduce reoffending.

The independent *Arts Alliance* was launched in November 2008. The Anne Peaker Centre is jointly funded by the Ministry of Justice, Arts Council England, and the Indigo Trust to co-ordinate the Alliance. The Arts Alliance aims to provide a strong network and coherent voice for the arts sector working with offenders. The Ministry of Justice also set up a cross-departmental, cross-sector *Arts Forum* to engage with the Arts Alliance. The Forum enables dialogue between the responsible government departments, Arts Council England, and arts providers and funders with the aim of reducing barriers to and promoting the role of the arts in offender management and rehabilitation.

(b) Transforming services

NOMS has been developing its approach to commissioning in the civil society sector, reflecting out in the 2008 "Working with the Third Sector to Reduce Reoffending", including the importance of harnessing the potential of the third sector, alongside the public and private sectors, to deliver services for offenders. This work has included support to "market development" and ensuring a level playing field in which civil society organizations can compete individually or in consortia.

Funding is of course a critical aspect of work with civil society organizations in partnership. NOMS supports closer work through a combination of:

- Grants (supported by the NOMS National Grants Programme);
- Payment for contracts/service delivery (which may be competed alone or in partnership e.g. with private sector);
- Donations;
- Fund raising;
- Other initiatives, including, most recently – Payment By Results.

(c) Volunteering

A *Volunteering and Mentoring Network* has been set up to promote collaboration between delivery organizations and volunteering infrastructure, to encourage diversity and identify good practice, to collate evidence, and to promote all aspects of volunteering and mentoring to reduce reoffending. The steering group, chaired by "Volunteering England", is currently advising on the production of guidance for organizations involving volunteers and mentors in work with offenders and ex-offenders.

Since March 2009, a *Volunteering and Mentoring e-bulletin* for organizations working with offenders has been sent out from CLINKS (see page 148) on a monthly basis to a distribution list of over 2500 organizations from all sectors.

CLINKS *training and resource packs* have been further developed. The 'Volunteering in Prison' training pack has been updated and available since September 2008. The 'Volunteering with Offenders in the Community' training pack has also been updated and includes material on community safety and victim contact and support. It has been available since January 2009.

The most recent version aims to:

- Promote Volunteering nationally and locally;
- Overcome barriers to volunteering;
- Improve information e.g. volunteering whilst receiving benefits;
- Develop "factsheets" to promote good practice and the revised Compact;
- Develop "Peer Mentoring", including ex-service personnel.

(ii) Other work in Progress

Significant other work in conjunction with the civil society is in progress including in relation to diversion of offenders with mental health problems, with learning disabilities, which work with women, with black and

ethnic minority groups, and with faith-based organizations. In brief, this work includes:

In response to the *Bradley Review on the diversion of offenders with mental health problems or learning disabilities away from prison*, the Government set up a National Advisory Group of third sector representatives, with a third sector chair.

The Department for Communities and Local Government (CLG) decided that it would not develop a Charter on funding *faith-based organizations*, but set up a *consortium of faith communities* to look at religious literacy training to improve the knowledge and skills of public agencies to work with faith communities. The Ministry's Third Sector Team worked with colleagues in CLG and the "Office of the Third Sector" (OTS – a Department located close to the centre of Government) to support and promote this work in relation to faith-based organizations working with offenders and to strengthen the engagement of faith organizations.

The Ministry also commissioned research into the support needs of the *women's organizations* and projects that deliver services to women offenders and those at risk of offending, the aim being to help to identify how to strengthen support for, and the engagement and sustainability of, the women's sector in reducing reoffending.

With funding from the Lloyds TSB Foundation and building on previous initiatives, NOMS ran a number of roundtables to identify key achievable actions that will strengthen diverse *Black and Minority Ethnic third sector* voice in reducing reoffending. This included looking at the role of infrastructure and what needs developing further to strengthen BME sector engagement at all levels.

A review of existing schemes that *broker the relationship* between third sector organizations and prisons and probation was put in progress.

2. Civil Society Organizations: Working with Prisons or Probation Services

NOMS works with civil society organizations at national level and locally.

(i) *CLINKS*

CLINKS, at national level, fulfils an umbrella organization role, supporting other third sector organizations that work with offenders and their families. Over nine hundred voluntary organizations are responsible for more than two thousand projects that provide services to offenders. *CLINKS* role includes to:

- Promote the work of the VCS;
- Provide representation and voice;
- Tackle racism and discrimination;
- Facilitate effective partnerships;
- Increase service user involvement;
- Undertake research and development.

As well as supporting civil society, including mentoring organizations, *CLINKS* estimates that about three quarters of prisoners would be willing to do voluntary work if it were available. Prisoners provide an increasingly rich source of volunteers – working as peer mentors sometimes alongside paid or other voluntary staff. In total, more than seven thousand volunteers contribute to the rehabilitation of offenders nationally.

(ii) *NACRO*

NACRO directly delivers a range of services which support the work of other organizations in the public, private or civil society sectors. Services include:

- (a) Resettlement consultancy in prisons – working closely with prison governors and other prison staff to help develop positive regimes with resettlement advice projects.
- (b) Resettlement training – regular training courses at the Prison Service College and at individual prisons, including training prisoners as peer advisers. *NACRO* has developed specialist training material, including on dealing with older prisoners and managing money.
- (c) The Resettlement Plus Helpline offers information and advice to professionals working with prisoners and ex-offenders – as well as to individuals and their friends and family members.

- (d) Resettlement Service Finder. This online database holds details of more than 10,000 community services for ex-offenders, creating a valuable resource for professionals working in the field
- (e) Resettlement provision in prisons. NACRO runs resettlement advice services in nearly 40 prisons.

(iii) SOVA

“Supporting Others through Volunteer Action” (SOVA) is a leading national volunteer mentoring organization working with those socially and economically disadvantaged in England and Wales. It delivers more than 60 projects:

- For clients in and leaving the care system;
- In the Criminal Justice sector;
- For young people on youth offending orders;
- For the socially and economically disadvantaged and long-term unemployed;
- For refugees and asylum seekers.

(iv) St Giles Trust

The St Giles Trust delivers a range of services to serving prisoners and also following release, including to short-term prisoners who do not receive statutory support from the probation service. One of the most innovative approaches is the Peer Advice Project. This meets demand for advice services amongst the prison population by using an under-used resource - serving prisoners. It trains serving prisoners to NVQ Level 3 in Information, Advice and Guidance and enables them to help other prisoners by gaining valuable practical experience as part of the vocational element of the course.

The course is externally verified by Advice UK and is an excellent way of improving the skills of serving prisoners and preparing them for employment upon release.

The Peer Advice Project was initially set up to address the high levels of homelessness amongst the prison population by training serving prisoners to act as housing advisors. However, in some prisons advisors cover other areas such as employment and training opportunities.

Peer Advisors often find that they are regarded as highly credible, trusted sources of support as they are serving prisoners themselves. This is a real strength of the project and one the St Giles Trust aims to replicate through our other services. Other prisoners in open prisons undertake the course on day release at the organizations Head Office in south London.

(v) Free As a Bird

Continuing the theme of peer support, “Free as a Bird” is a project for woman offenders and ex-offenders in London. The website is for women who have experience of the criminal justice system who can use the website to share thoughts. Peers advise each other on resettlement issues, and pass on practical information, drawing on the strengths that come from having shared some of the same experiences and found solutions.

Women register with Free As A Bird’s social network to discuss questions around family, housing, money, health, work and how to get back on their feet. The discussions are in a password protected space only for women offenders and ex-offenders.

(vi) Prisoners Abroad

Prisoners Abroad addresses the specific needs of British prisoners who are imprisoned abroad. It is a small, UK-based charity that provides assistance to those affected by imprisonment, and helps ex-prisoners start a new life free of crime after their release. Prisoners Abroad was formed in 1978 when caseworkers for the drugs charity Release noticed an increased need for support amongst Britons arrested overseas.

3. Social Enterprises

(i) What are Social Enterprises?

Social Enterprises have the following characteristics:

- They are independently constituted businesses, driven by a business agenda, and aiming to meet social as well as financial objectives.

- They make profits or surpluses that are re-invested into the business to support its social purpose.
- They are socially owned and accountable to a wider community through a membership and democratic structure.

The benefits of social enterprises include cost savings, building links with local communities, innovation and creativity. NOMS research has recently shown that 62% of probation areas are involved in Social Enterprise (about 40% of them connected with Community Payback). About 53% of Prisons are involved. However 47% of prisons and 95% of prisons would like to expand that number.

(ii) Examples of Projects operating at Local Level including Social Enterprises

The following provides an indication of the range of civil society and social enterprise projects working with ex-offenders.

(a) 'The Clink' – Catering

- 'The Clink' is a restaurant at HMP High Down.
- It provides training and employment experience in a high quality restaurant environment.
- Employs 16 serving offenders at any one time as trainees.
- Managed by social enterprise Eco-Actif CIC.
- Profits to pay staff, provide training and qualifications and follow up support.
- Employs ex-prisoners.

(b) Leeds City Credit Union – Financial

- Provides access to banking - addressing financial exclusion.
- Includes a simple process involving the prison to overcome the problem of personal identification.
- Operates 500 accounts for prisoners.
- A money management scheme addressing rent arrears, mobile phone contracts and any pre-existing debt.

(c) HMP Dartmoor Resettlement Unit

- This project is linked with a high profile public garden – the Eden project.
- Prisoners, guided by the staff of the Eden project, have turned unused open space in the prison into productive vegetable gardens.
- Boxes of vegetables are delivered free of charge to elderly and poor members of local community.
- The project has received many letters of thanks from local people.

(d) Reach – Prinknash Abbey Gardens

- This project provides activities to unlock the potential within people who feel socially excluded or who have committed offences.
- The project has transformed an ancient abbey garden which had become overgrown. The garden is now a centre for learning trades and for providing leisure for the members of public or disadvantaged people.

(e) Inside Job Productions

- Trains women on day release from prison in the professional media.

(f) "Cementaprise"

- Cementaprise brings together prisons, the probation service, employers, education and employment services, local authorities and the voluntary sector.
- Together they support offenders in gaining employment in construction industry.
- Offenders are able to "taste" a range of trades and to engage in craft training in short manageable courses, to develop personal skills for employment as well as practical skills and to gain the health and safety certificates that are a requirement for work in the construction industries.

(g) "Changing Directions"

High risk offenders will require special attention to ensure the risk they pose is managed. The Changing Directions initiative provides self-employment opportunities for sex offenders, or those who pose a risk to children. The programme involves:

- Delivery of a prison-based enterprise training programme;
- Drawing up of individual business plans;
- Development of a small business support network designed to empower beneficiaries to sustain small businesses.

VII. FUTURE PLANS: 2010 – 2011

There is no doubt that NOMS is at a turning point and this includes in relation to closer involvement with the community. The priorities of the new Government, very substantial reductions in funding, a different approach to society, indeed the "Big Society", increasing awareness of promising developments in other jurisdictions, and developments at home, including a broadening of "what works" to embrace desistance (strength-based) approaches, to staff engagement skills, and a focus on outcome rather than process, are clear evidence of change.

The latter has led to a trial of "Payment by Results".

England and Wales continues to have a large prison population in comparison to many other western European countries, although with signs of stabilization in recent months. Replacing short prison sentences with appropriate community sentences has become an aim, as has working more effectively with those who do receive prison sentences.

This final section of this paper looks at some of these recent developments, including the implications for closer engagement with communities.

A. The "Big Society"

"The Big Society is about a huge culture change, where people, in their everyday lives, in their homes, neighbourhoods and workplace, don't always turn to officials or government for answers to the problems they face, but instead feel both free and powerful enough to help themselves and their own communities." Prime Minister David Cameron, Liverpool, 19 July 2010.

The Government summarizes the key messages of the Big Society thus:

- About 'turning Government on its head';
- Giving increased power to people to solve problems closer to where they live;
- More responsive government with a new relationship to a more self-reliant participatory society;
- *Not* about 'doing it on the cheap' or expecting charities and volunteers to replace the state;
- We all have a part to play.

Key themes include Public Service Reform, Social Action and Community Empowerment, to be achieved by decentralizing power and breaking down the bureaucratic barriers, by making information more transparent, and by building the capacity of individuals, communities and organizations.

More specifically, in relation to Criminal Justice, the Big Society means:

- Elected Police and Crime Commissioners;
- Crime information made more readily and frequently available;
- Increasing volunteering opportunities;
- Looking at system reform;
- Opening up more opportunities for independent organizations to deliver services as part of a 'rehabilitation revolution'.

Whilst the Coalition Programme for Justice includes plans to:

- Introduce a ‘rehabilitation revolution’ that will pay independent providers to reduce reoffending, paid for by the savings this new approach will generate within the criminal justice system;
- Conduct a full review of sentencing policy to ensure that it is effective in deterring crime, protecting the public, punishing offenders and cutting reoffending. In particular, we will ensure that sentencing for drug use helps offenders come off drugs;
- Explore alternative forms of secure, treatment-based accommodation for mentally ill and drug offenders;
- Implement the Prisoners’ Earnings Act 1996 to allow deductions from the earnings of prisoners in properly paid work to be paid into the Victims’ Fund;
- Introduce effective measures to tackle anti-social behaviour and low-level crime, including forms of restorative justice.

The Governments Green Paper on sentencing and Rehabilitation points to:

- “Working Prisons”;
- Increased reparation to victims through Restorative Justice, implementing the previous administration’s Prisoners Earnings Act;
- Payment by Results;
- Simplifying the Sentencing Framework;
- Working with communities to reduce crime, including:
 - “Localism”, creating opportunities for other providers, increasing transparency.

The Green Paper coincides with a new Compact for work between Government and Civil Society which makes priorities of a strong, diverse and independent Civil Society; effective and transparent design and development of policies; responsive and high quality programmes and services; clear arrangements for managing changes to programmes and services and an equal and fair society.

B. Commissioning

Commissioning continues to be at the centre of the approach. However, commissioning reflects the principles of the “Big Society”. This means that commissioning will in future involve communities more closely by:

- Designing services “with” rather than “for” users;
- Motivating offenders to become active partners in their own solutions rather than recipients;
- Specifying outcomes rather than “what” and “how” a service is delivered.

Commissioning will be underpinned by a programme of Specification, Costing and Benchmarking. The SBC programme will specify 75 services delivered to offenders, defendants, victims and courts; support decentralization by specifying “what” but not “how”; and define expected costs if delivered efficiently.

C. Localism

Pilots are looking at how greater visibility of agency budgets locally can facilitate more effective spending.

1. Total Place

Total Place adopts an approach to community engagement which allows local organizations to work together in partnership to establish needs and priorities. They look at all the money spent and have permission to organize to deliver services according to their own priorities to achieve the best results and value. Pilots include work on offender management, substance misuse and employment.

2. Community Budgets

Community Budgets are going a step further and piloting, in 16 areas, pooled community budgets from April 2011. Community budgets will focus on families with complex needs, including justice.

D. Intensive Partnerships to Reduce Reoffending

These approaches adopt intensive partnerships to bring agencies together to divert offenders from custody (replacing short prison sentences with community alternatives).

1. Intensive Alternatives to Custody

Intensive Alternative to Custody projects work closely with courts. They may combine community service work (delivered at an accelerated rate), electronic monitoring, group work programmes, and police surveillance, the aim being to divert offenders from custodial sentences.

2. Integrated Offender Management

Designed for persistent high risk offenders, this approach involves intensive joint management and rehabilitation of offenders, delivered by a range of statutory and civil society partners. Work is aligned with local criminal justice agencies plans and addresses gaps. The London Diamond project, for example, includes police, local authorities and others delivering voluntary support after prison. The project is showing remarkable impact on reoffending rates.

E. Offender Engagement and Professional Judgement Projects

Both projects are taking professional discretion closer to the "front line".

1. Offender Engagement Project

This project acknowledges that the one-to-one relationship is an important factor in change. It builds on desistance evidence, increasing the quantity and quality of contact time between offenders and probation officers. Aims include to reduce bureaucracy, place time on front line staff, and to support the offender in being active in determining the focus of work. Staff have discretion on the amount of contact they have with offenders.

2. Professional Judgement Project

The project is piloting a new Probation Performance Framework which reduces the number of targets by 50%. The aims include to avoid over-prescription, to allow the right approach, by the right person, at the right time.

The expectation is that pilots will roll out nationally from 2011. They have already demonstrated a dramatic reduction in data collected and provided to the centre, and are delivering improved responsiveness at reduced costs.

F. Payment by Results

The Social Impact Bond, delivered at Peterborough Prison, is a pilot involving a private provider of prisons, two civil society organizations and a number of social financiers, backed by the Government.

The project involves a six year Bond and will involve three cohorts each of one thousand short term prisoners. Five million pounds of external funding initially pays for services, most of the money coming from social investors. Work is delivered by proven civil society Providers (the YMCA and St Giles Trust) who offer intensive intervention before and after release from prison. Services include housing, employment, drugs advice, and financial advice.

The payment by results funding model means that the pilot must reduce reoffending by at least 7.55%. If not, investors do not receive a return on their investment. A reduction of 7.5% - 10% means that investors receive the cost of services delivered from the Government. A 10% or more reduction means that investors will receive up to £3m return on their investment. In this initial pilot, lottery funding is providing some capital. However the overall aim of the model is that savings at local level resulting from reduced reoffending fund the delivery of service.

The aim is a "Win-Win" situation which reinforces reward for positive results, using investment where it counts, and involves all sections of society in working towards the common goals of safer societies, fewer victims, and increased prosperity, social inclusion and well-being.

PARTICIPANTS' PAPERS

COMMUNITY INVOLVEMENT IN OFFENDER TREATMENT COUNTRY REPORT – BOTSWANA

*Keamogetse Letsatle**

I. INTRODUCTION

Rehabilitation and restoration of the offender have over the years superseded safe custody and security in becoming the most important aspects of the offender's experience in prison. Offender treatment has become a strong focus and it is used to target factors that interact to increase the likelihood of the offender engaging in criminal activity. The type of community one grows up in, or is a part of, is regarded as a risk factor for an offender's initial crime or recidivism, although it is not a straightforward connection. Even more influential to the criminogenic factors is the individual's immediate social environment (family, school, neighbourhood, etc).

These factors, when considered, indicate clearly that there is a need to include the community in the process of rehabilitating the offender. The community can be a very important resource in the treatment of the offender and there is abundant information that shows that they can be a significant catalyst in the altering of the offender's character and criminal ways. Botswana as a country recognizes all of the above, but as this paper will show, actions to incorporate this knowledge into the offender rehabilitation programmes by the criminal justice system have been extremely slow. To start the discussion though, the paper will give a brief history of offender rehabilitation in Botswana (most of it will concentrate on the prison system as that is currently where most of the rehabilitation work is done). Then it will outline community involvement in Botswana, including the successes and the challenges. The paper will also discuss how the challenges to community involvement in the treatment of the offender can be addressed.

II. BRIEF HISTORY

The Botswana Prison Service (BPS) introduced rehabilitation as part of its core mandate in 1979 when it realized that the heavy emphasis on safe custody and security was not yielding desired results in terms of curbing and preventing further crimes by offenders. Similar to other prisons in the world (but perhaps a little behind the times) the department was moving away from being punitive, to ensuring that the offender was rehabilitated through psychosocial treatment, education and training in various skills.

Different professionals were introduced to the BPS to offer vocational training to the offenders to equip them with a means of taking care of themselves after release from prison. The next year (1980) professionals from sectors including Social Work, Chaplaincy, Health and Adult Education were also introduced. These professionals were responsible for ensuring that on release from prison, offenders would be changed people, no longer interested in criminal activities and also able to provide for themselves and their families utilizing the trade skills that they learnt while incarcerated.

The programmes introduced by these professionals have grown, but despite having the highest number of professionals, the Prisoner Administration and Rehabilitation Office (PARO) is facing many challenges. These include shortage of skilled staff which results in the use of unskilled manpower, high attrition, poor or lack of facilities and poor funding. The Division therefore struggles to offer rehabilitation programmes to offenders.

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III. CURRENT SITUATION OF COMMUNITY INVOLVEMENT IN OFFENDER TREATMENT

The government agencies that make up the criminal justice system in Botswana were previously located in different Ministries but have been all recently moved into one Ministry (Ministry of Justice, Defence and Security). The BPS, which was previously under the Ministry of Labour and Home Affairs, has been the major stakeholder in offender treatment as most sentences in Botswana are custodial. Given this background, community involvement in offender treatment for Botswana has been a serious challenge for the criminal justice system. Generally, there is a culture of “out of sight, out of mind,” and Botswana have been satisfied with knowing that an offender had been arrested, tried, and given a custodial sentence. (A situation that has seen the country have the third highest rate per 100,000 of its incarcerated population (Tkatchuk, 2003)). The public (it would seem) believed that offenders were getting their just desserts and trusted that the BPS would do their job with no interference/assistance from them. This attitude from the public was supported or rather perpetuated by the guarded culture that the BPS has had in the past. The department emphasized *Security and Safe Custody over Rehabilitation*. Safe Custody and Security were perceived as more important because, as it has popularly stated “*who will you rehabilitate if the prisoners are not there or have escaped*”. The emphasis on security often meant that the community was kept out of all activities carried out by the department as it was believed that any involvement could lead to a security breach.

The environment described above had an impact on the BPS's ability to engage the community in the process of rehabilitating the offender. This however did not deter everyone in the community as there was still a small number who were determined to assist the prison service. These were mostly religious organizations and associations, though there were individuals that have become involved in offender treatment.

In the past two years, the department has seen a dramatic change in the community's level of involvement in the treatment of offenders. This change can be attributed to the current Commissioner Colonel Silas Motlalekgosi, who values the important role that the community can play in helping the department rehabilitate offenders. Commissioner Motlalekgosi strongly believes that *Rehabilitation and Reintegration* are just as important as *Safe Custody and Security* and this has influenced the current focus on community involvement in offender rehabilitation. This has seen a paradigm shift in the department where there has been an effort to equalize all the support (e.g. management support for projects, funding, infrastructure, lobbying for political support etc.) given to aspects of the BPS's mandate. The Commissioner has started with lobbying the *Bogosi*,¹ private businesses, non-governmental organizations and faith-based organizations as well as artists, athletes and other individuals that are seen as key stakeholders. The Commissioner has held a series of events (breakfast meetings, *Kgotla*² meetings etc.) that were aimed at sensitizing the community to the needs of the department.

The BPS has started a strong campaign in the community targeting all stakeholders, including those who are deemed especially important to the rehabilitation and reintegration process. In fact, stakeholder involvement has become an important part of the department's strategic plan for 2010-2016 (Botswana Prison Service 2010). The Strategic objective P1 states that “*The Botswana Prison Service will strengthen partnership with the communities, volunteers and other stakeholders in order to provide coordinated supervision of programmes*” (Botswana Prison Service 2010). Another strategic objective P3 states that “*Botswana Prison Service will improve communication in order to strengthen partnership with the community, volunteers, and other stakeholders to intensify effective and efficient two way communication*” (Botswana Prison Service 2010). These strategic objectives clearly indicate that the department is dedicated to the involvement of the community in its treatment programmes for offenders.

The Prisoner Administration and Rehabilitation Office (PARO) Division, as the spearhead of rehabilitation efforts, is committed to ensuring community involvement in its programmes, as evidenced by its plans to introduce case management and restorative justice to the department. Case management will help the department determine the individualized needs of the offender and therefore make it easier for us to determine the areas in which the community can assist us. On the other hand, taking a restorative justice stance will allow the department (and the criminal justice system as a whole) to start involving victims in the treatment of offenders. Victim and offender reconciliation is an area that the country is lagging behind in but the department

¹ “Bogosi” is a Setswana word referring to the chieftainship. Botswana has been very successful in including its chieftainship in the Criminal Justice System.

² “Kgotla” is where Chiefs hold their meetings and “Kgotla” meeting refers to a public meeting.

is determined to incorporate it into its programmes.

To ensure that this happens, the PARO Division is in the process of devising a new rehabilitation policy that will make community involvement an integral part of its rehabilitation programmes (PARO, 2010). The BPS is planning to introduce a rehabilitation system that allows for individualized plans for each offender that will start from initial contact with the prison to time of release. With this will be the introduction of case management, restorative justice and aftercare. At the heart of all these strategies is the idea of involving the community as the department has realized that rehabilitation efforts have a better chance of succeeding if the community is involved.

A. Examples of Community Involvement in Offender Treatment

1. Religious Community

Religious groups in Botswana (especially the predominant Christians) have been providing assistance for the treatment of offenders. Churches not only visit the prisons to hold regular services but also provide for other needs that the offenders may have, such as spiritual counselling, clothing and toiletries for those who have no or little family support, and also connecting with the families of the offenders to offer them support as well. Recently we have had churches donate television sets to the prisons along with satellite dishes so that they can access free channels. Pastor Justine of World Community Counselling Centre donated eight television sets and eight DVD players while the Seventh Day Adventist Church donated television sets and decoders to all the prisons in the country (Chaplains Unit, 2009). This has enabled the offenders to watch personal growth channels that cater to their spiritual needs as well as provide much-needed entertainment.

The Christian Fellowship has also been very active in visiting prisons and providing spiritual counselling to the prisoners. One of the members (Pastor Tonic) has started an after-care programme for ex-offenders that provides follow-up services. There is also Pastor Reddly in Palapye in the Central District who conducts services at Serowe New Prison (Chaplains Unit, 2010). Pastor Reddly has also started a gardening programme for ex-offenders by providing land where the ex-offenders can grow their own vegetables to sell and feed their families. These services that are provided by the community have greatly helped as the department has not yet established after-care programmes for ex-offenders.

2. Industries and Vocational Training

Vocational training has been slow in coming up with programmes to assist prisoners in using these skills to create jobs for themselves and other Batswana once they complete their sentences. Community involvement in this regard has also been sparse with only a few private companies and individuals offering their assistance. Examples are Line Feed (Upholstery) and Western Furniture (Carpentry) which hire ex-offenders in their workshops. The Department has however realized that unemployment and low socioeconomic status are a huge risk factor for recidivism. To address this problem, the department is in the process of introducing the 'Kick-Start'³ programme. The aim of the programme is to assist offenders who have been released from prison by allowing them the use of prison workshops, providing them with materials for production. Ex-offenders will be encouraged to use the facilities and materials supplied to make some money so that they can eventually start their own businesses. The department has also engaged other government agencies that offer financial assistance and training to help by coming up with packages that will assist the ex-offenders in setting up their own businesses. This programme will also be encouraging the community to help where they can by their facilities available to ex-offenders (e.g. vocational training centres and brigades).

3. Social Welfare

The Social Welfare Unit is responsible for liaising with local authorities to ensure that offenders are offered assistance after release and to ensure continuity of care for those that have been receiving treatment. For instance, ten prisoners received clemency from the president at the beginning of the year. All these offenders had served long sentences (all had served over 20 years) and had participated in the rehabilitation programmes and responded well to the treatment programmes. Offenders were, upon their release, handed over to their local *Kgosi*,⁴ social worker, health authorities, and families. This was done to ensure that these offenders would reintegrate well into their communities, which was expected. Prison Social Workers who visit them monthly

³ The Kick-Start programme started as a response to President Lieutenant General Seretse Khama Ian Khama's plea for government departments to improve service delivery. The programme is in the planning stages and is currently awaiting approval from the Ministry of Finance and the Attorney General's Chambers.

⁴ "Chief" in the Setswana language.

have found that these offenders are settling well and getting a lot of assistance from the community.

4. Health

Health is a big problem in Botswana as the country is one of those most affected by HIV and AIDS with a prevalence rate of 17%. Prisons have also been affected and have a prevalence rate of 14% (Health Unit Annual Report). Tebelopele⁵ has been assisting the service and comes once a week to provide HIV counselling and testing for inmates and officers. According to the Health Unit Annual Report (2008/2009), of the 2,586 people that received counselling, 1,909 agreed to be tested for HIV. Of this number only 272 tested positive for HIV. This has made it easier for the Health Unit (in collaboration with the Ministry of Health) to offer antiretroviral therapy to prisoners.

The Health Unit has also been successful in engaging the family of offenders with HIV and AIDS in their care. It introduced a Home Based Care programme for offenders who terminally ill. In this programme the inmate is handed over to their family so that they can look after them at home. The prison health staff and social worker continue to look after the offender by doing home visits to offer the family support in looking after them. Care for offenders who are HIV positive continues after they are released as the health workers ensure that they are referred to community health services so that they can continue their treatment.

5. Young Offenders

Juvenile offenders (14 to 18 years) in Botswana are generally not given prison sentences but despite this there is one juvenile detention centre, located in Molepolole (Ikago Centre). The centre is operated by the Department of Social Services and caters for young offenders between the ages of 14 and 18. These young offenders are given vocational skills while receiving psychosocial assistance from social workers. Unfortunately this facility only caters for male offenders and thus, female offenders do not have any custodial facility.

Other juvenile offenders are given probation instead of being sent to Ikago Centre and are placed under the care of probation and after-care officers in the Department of Social Services. The probation officer liaises with community service providers such as psychologists and social workers as well as other youth organizations to ensure that the juveniles get the necessary assistance.

All other young offenders above the age of 18 are generally sent to Moshupa Boys Prison⁶ (again there is no female equivalent). This prison has a number of challenges such as shortage of staff and poor rehabilitation resources (including facilities, materials and infrastructure). Fortunately, we have the support of Boikhutso Khubamang, a young professional boxer who has been engaged with the department for a few years now. Mr. Khubamang helps the boys' development, not only with boxing skills, but also by engaging other professionals in programmes to develop music skills, entrepreneurial skills and even to provide mentoring and counselling (Mr. Khubamang in a private conversation, 2010). He has also engaged other local agencies such as the Local Entrepreneurial Agency, and the Citizen Entrepreneurial and Development Agency to help in empowering the young boys with business skills as well as funding (upon release). The department is fully using Mr. Khubamang's services and he has recently embarked on a roadshow funded by the Ministry of Youth, Sports and Culture that allowed him to extend his service to other prisons in the country. The roadshow started with prisons in the northern region of the country and included boxing matches and music from local artists and the local entrepreneurial services that will be available to the offenders. In the next year the roadshow will be taken to other prisons in the southern region.

6. Publicity

The public relations office has been very active in trying to engage the community in the treatment of offenders. The unit has been participating in a number of talk shows on the national television channel (Botswana Television), and has also been engaging with various stakeholders to teach them about the importance of taking part in offender rehabilitation. The Commissioner of Prisons, Col. S. Motlalekgo, has also started a project titled "*Working with the Community to Empower the Offender*" (Organising Committee Draft Report, 2010). The aim is to sensitize the community to offender rehabilitation and treatment needs by

⁵ Tebelopele is a non-governmental organization that provides voluntary counselling and testing for HIV.

⁶ Moshupa Boys prison started operating in 2009. Before then there was a boys prison in the capital Gaborone but this has since been turned into an adult facility.

showing them that even during imprisonment, offenders are still part of the community and therefore deserve some compassion, assistance and acceptance. The project aims to involve local artists, businesses, and civil society in general to highlight to the community that it is imperative that offenders be transformed into better citizens before they go back to society. It is also aimed at improving the inmates' chances of reintegration back into society once released from prison. In Botswana it has been observed that some offenders deliberately commit crimes so that they can go back to prison where they are sure of care and this makes this project absolutely essential. It is also hoped that the project will promote reconciliation and reconnection of prisoners with the society by engaging the community in interventions that will improve the attitudes, and (criminal) behaviour of the offenders.

B. Challenges

Rehabilitation and reintegration are a serious challenge for the BPS. As stated before, the nation of Botswana has historically had an "*out of sight, out of mind*" mentality to those who enter the prison system. The nation however is not the only stumbling block in this endeavour as the department has challenges that are idiosyncratic to it. The organizational culture (which emphasizes a paramilitary leadership) is a serious challenge to rehabilitation in Botswana. According to a needs assessment by Tkachuk and Mason in 2003, this culture is a hindrance in engaging the community and other stakeholders. This culture makes it hard for the community to trust the department.

The reserved culture has also made it difficult for the community to know about BPS's rehabilitation efforts and is therefore making it hard for them to believe offenders are capable of change. This issue has also contributed to the poor reintegration of offenders as the community is not willing to assist them by hiring, accommodating, or even believing that they have been rehabilitated. The media has also been a problem as they tend to run only negative articles about the department or offenders, thus making the community fear them.

Poor coordination within the department has also been a problem as there have previously been no procedures or policy to guide the process of community involvement. This left the department vulnerable to losing potential partners, as well as in some cases, being exploited by partners. Additionally, correctional facilities are not a top priority for governments and are therefore poorly funded (as compared to other criminal justice departments) and this is no different in Botswana. Lack of funds has often resulted in the few members of the community that were concerned with helping offenders losing interest because of the lack of funds.

There has also a serious problem of shortage of skilled manpower as well as poor deployment of the rehabilitation staff. Lack of human capital has meant that some of the programmes that were meant to rehabilitate offenders have been poorly executed. It has also meant that there has been no office that was directly concerned with the involvement of the community and other stakeholders.

Legislation has also been a problem in Botswana as we do not have any statutes that support offender rehabilitation. For instance, we do not have legislation that allows for community service sentences. This could be one way of showing the public that not all offenders are dangerous and that they can be of service to the community. The section that talks about rehabilitation in the Prisons Act (ss. 90-91, Botswana Prisons' Act 2000) is very short and vague. It does not talk about any form of rehabilitation in any specific terms and merely states that they will be given training and treatment. There is no mention in the Act of engaging the community. It must be stated for the record that the BPS is currently in the process of changing the Prisons Act.

C. Way Forward

The BPS has undergone a shift in the way it perceives offender treatment and has over the past two years made changes that signify its commitment to offender rehabilitation that is not only effective, but involves the community. To address the challenges that it is facing (e.g. staff shortage, poor deployment, etc.) the department has revised its organizational structure⁷ and the new structure will be supportive of all rehabilitation efforts, including community involvement. However there is still some work that needs to be done to make this a reality, including:

⁷ The organizational structure is awaiting approval by parliament before it is implemented.

- Rebranding to improve the organization's image and reputation in the community.
- Improving the department's policies and procedures to make it conducive to community involvement.
- Benchmarking with other countries (especially African and other developing countries) that have achieved community inclusion in their rehabilitation of offenders.
- Legislating to allow for community sentences and community-based rehabilitation.
- Increasing funding of all rehabilitation programmes.
- Collaborating with civil society to start halfway houses and other community-based treatment facilities.
- Increasing public awareness efforts aimed at engaging the community in offender treatment, especially utilizing the print and broadcast media.
- Government policies in general need to be changed, e.g. the BPS and the Department of Social Services policies that target offenders need to be aligned so that there is no duplication of duties or any blind spots.

IV. CONCLUSION

Community involvement in the treatment of offenders is no doubt very important to the outcome of the rehabilitation efforts of the prison service. The Botswana Prison Service recognizes this issue and is making efforts to incorporate it into its operations. There are however many challenges to this as has been discussed in the paper and a lot of effort is going to be needed for community involvement to become a reality. There is hope however, as the department has a strong management that is committed to offender treatment in general. As discussed in the paper the strategic foundations of the department clearly indicate this. There is a strong belief that in the next few years, Botswana society will know that offenders do not cease being a part of the community when they are sent to prison. The community will be made to see that when offenders see the community believing in them and assisting them then change becomes easier and more enduring.

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COMMUNITY INVOLVEMENT IN OFFENDER TREATMENT: COUNTRY REPORT – JAMAICA

*Joyce Stone**

I. INTRODUCTION

Jamaica, like many developing countries, is faced with its own challenges. Noted among them are high unemployment, a weak economy and high incidences of crime. However, violent crimes have become one of the most pressing concerns for Jamaicans. It has had a negative impact on all spheres of society and has been cited as a significant factor in the low levels of Gross Domestic Product (GDP) recorded by Jamaica over the years. (Vision 2030 Jamaica/National Development Plan, p. 99) The tentacles of crime, which claw their way into every community, negatively affect every individual, either directly or indirectly, and present a valid argument in support of community involvement in the treatment of offenders.

Jamaica's National Development Plan gives consideration to the multiplicity of complex issues surrounding national security, particularly the relationship between law enforcement agencies and communities. The strategies outlined in the plan propose to reform and modernize the law enforcement system, and to strengthen the capacity of communities to participate in creating a safe and secure environment. The aim is to foster greater collaboration among civil society, the private sector and government in implementing and financing the strategies (Extract, Vision 2030).

This paper will: present a brief overview of the Department of Correctional Services and prisons in Jamaica; attempt to explain the current situation of community involvement in offender treatment; outline the possible field of services in which the community can be involved; and propose realistic measures which can be utilized to increase community involvement in the treatment of offenders.

II. DEPARTMENT OF CORRECTIONAL SERVICES

The Department of Correctional Services (Jamaica) is an arm of the Ministry of National Security and was born out of the amalgamation of the prison services, juvenile facilities and probation unit in 1975. The Department is headed by a Commissioner, whose responsibility is to ensure that government's policy directions for convicted offenders are effectively carried out. He is assisted by a Deputy Commissioner for Custodial Services and a Deputy Commissioner for Human Resource/Community Services. The Mission Statement of the department is a key reminder of the tasks to be accomplished and reads thus: "To contribute to the safety and protection of society by keeping offenders secure and facilitating their rehabilitation and reintegration as law abiding citizens, while developing a professional and committed staff."

The Department of Correctional Services is guided by: The Corrections Act, The Child Care and Protection Act, The Parole Act, and the amended Criminal Justice (Reform) Act which gives legal powers to courts for Community Sentencing. There are 16 probation offices, eight adult institutions and four juvenile facilities in Jamaica. Correctional facilities are classified according security level: maximum, medium and low. The present prison population averages approximately 4,560 inmates daily, with only a small number of females incarcerated.

A review of prison conditions in Jamaica will reveal excessive overcrowding, a large number of inmates who are uneducated and unskilled, limited educational and vocational training programmes for inmates, old

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and deteriorating physical structures, staff shortages and dwindling financial resources.

As custodians of offenders, custodial managers are cognizant that most, if not all, inmates in correctional facilities will one day return to open society. Therefore, it is important that the bond between correctional institutions and the community remains strong and unbroken for the successful rehabilitation and eventual reintegration of inmates into open society.

III. CURRENT SITUATION OF COMMUNITY INVOLVEMENT IN OFFENDER TREATMENT

Community involvement in Jamaica during the past was usually limited to contributions of cash and kind which supported the welfare needs of inmates and the provision of vocational and educational training. However, in recent years there has been an increase in the number of organizations and individuals who are volunteering their time and skills towards the treatment of offenders.

Community contributions can be classified into three broad areas: educational/vocational training, welfare needs, and purposeful activities. The main contributors who support the government's effort towards the treatment of offenders are the private sector and nongovernmental organizations, international organizations, religious and faith-based groups, individual volunteers and family members of convicted inmates.

A. Family Units Providing Emotional and Physical Support

The family unit is recognized as one of the strongest pillars of the support system in penal facilities, and cannot be overlooked, because of the emotional and physical support it provides for the treatment of offenders. Family visits are regular and are significantly increased during holiday seasons. Although no research has been carried out in our penal facilities, it is noted that inmates who receive consistent family support generally show improved behaviour and are the least likely to reoffend.

Increased family involvement is encouraged through the hosting of bi-annual '*Family Days*' on the grounds of some institutions. This provides the opportunity for incarcerated inmates to interact and bond with their children, a situation which otherwise would not be allowed.

Research by: Hairston (1988: 1991), Dowden and Andrews (1999), Slaght (1999), have pointed to the importance of family support and its positive impact on individuals, during and after incarceration. According to Harriston (2001), questions are being raised about the impact of imprisonment on children and families and the extent to which families might be resources and assets, rather than liabilities, in promoting safer, resourceful communities.

B. Private Sector and Non-governmental Organizations' Involvement

Members of private sector organizations give much needed, but limited, contributions towards treatment of offenders. Many correctional institutions are located in urban areas in the midst of big businesses, where needs are quite visible. However, only a few private sector organizations contribute in any meaningful way to the treatment of offenders. The level of contributions from the private sector may be influenced by the high incidences of violent crimes committed by offenders and its adverse effects on society.

Total contributions from external stakeholders in 2007 was valued at JA\$32,791,525. Donations are usually of kind, such as food items, hygiene kits, computer equipment and bedding.

1. Inmates' Public Work Programme

One area of community involvement that receives some support from the private sector is the Inmates' Public Work Programme, dubbed '*Highway 2000*'. The programme utilizes the skills of inmates to maintain the aesthetic appeal of public spaces. Teams of inmates are tasked with maintaining one of the country's major highways, and the National Heroes Park, where the remains of some of Jamaica's national heroes and former Prime Ministers are laid to rest. Due to the success of the programme it was extended in 2007 to five of the country's fourteen parishes.

The inmates' work programme not only provides meaningful activities for inmates, but it also creates an opportunity for them to give back to the community. While a vacuum exists for greater contribution from the

private sector, the support for the programme is viewed as a step in the right direction.

2. Food for the Poor – Donations, and Provision of Housing and Welfare

Contributions from non-governmental organizations towards offender treatment are significant. Of the JA\$32,791,525 mentioned above, JA\$29,274,178 was donated by the non-profit organization, Food for the Poor (DCS Annual Report, 2007). It is to be noted that the overall amount indicated above does not capture the total assistance provided by Food for the Poor.

In addition, Food for the Poor provides assistance to ex-prisoners to assist in their reintegration. Assistance is given in the form of housing structures, tools and equipment. Except for rehabilitation grants provided by government, which will be mentioned later, Food for the Poor is the only organization which provides welfare support to ex-offenders.

3. Athletes – Sports as a Vehicle for Change

The use of cricket to help disadvantaged children turn away from a life of crime was first conceived by Mr. Mikey Thompson, a Jamaican cricket coach who grew up in North London. It was introduced into the prisons by the Courtney Walsh Foundation in 2009. Courtney Walsh was a successful fast bowler on the West Indies Cricket Team and is one of cricket's stalwarts. He and his team conduct coaching clinics for inmates at the Tower Street Adult Correctional Centre. Certificates are issued to inmates who successfully complete the programme, and those who have excelled have been recruited by cricket clubs upon their release.

4. Students Expressing Truth – Capacity Building

Students Expressing Truth (SET) is the brainchild of Mr. Kevin Wallen, a motivational speaker. The concept is geared towards channelling inmates' capacity and leadership skills into purposeful activities, while moulding them into becoming responsible citizens. It was first introduced at the Tower Street Adult Correctional Centre and has since been expanded to the Fort Augusta and St. Catherine Adult Correctional Centres and Rio Cobre Juvenile Facility.

The SET programme involves a group of inmates who are selected from among their peers to be role models for the wider prison population. The group is closely supervised by correctional officers and a coordinator who provides guidance and support. A Board is appointed and committees formed to manage the group's activities. A popular committee established at all institutions is the Sports Committee which organizes competitions such as domino, netball and in-house football. SET members meet once monthly and at each session a topical issue is discussed. Members are given training in peer counselling, mediation and conflict resolution.

The SET programme at the Tower Street Adult Correctional Centre also operates the FREE FM (Fostering Rehabilitation, Education and Entertainment) Radio Station which is aired within the confines of the institution, but can heard on the worldwide web. The radio station disseminates useful information and provides healthy and responsible entertainment for the general population.

5. Religious Volunteers

The chaplaincy unit was established as a support service in the Department of Correctional Services and as a means of broadening its scope to achieve a more effective and efficient rehabilitation programme. In addition to the provision of counselling and spiritual nurturing, chaplains assist custodial managers to coordinate activities of church groups and other faith-based organizations.

Religious volunteers give significant contribution to the treatment of offenders through spiritual counselling and provision of welfare items to the neediest of inmates. Regular religious services are conducted by local church groups, and in 2007, 65 inmates from five institutions responded to the (Christian) Gospel through water baptism.

C. International Cooperation

1. Multi-faceted Approach by the Department for Individual Development, the UK

The Department for International Development (DFID), a department of the UK government, has taken a multi-faceted approach to offender treatment and is currently facilitating developmental training courses

and seminars for persons working in the department.

Beneficiaries of the courses include Administrators from the department's head office, Probation Aftercare Officers and Senior Correctional Officers. One of the main areas of training is the International Standards for the Treatment of Prisoners to which Jamaica is a signatory at the United Nations Convention. In addition to developmental courses, the organization is improving the infrastructural capacity of the department to make it more effective.

DFID also funded repairs to buildings. Correctional personnel benefited from a refurbished staff college with an improved environment more conducive to learning. Skill areas for inmates were expanded and retooled, the hostel, which is a halfway home for inmates was refurbished, and a visitors' waiting area was built at the Tower Street Adult Correctional Centre.

2. 'Hush the Gun' - Combining Literacy with Skills Training

'*Hush the Gun*' is a behaviour modification programme sponsored by The Canadian International Development Agency (CIDA). It is aimed at quieting the guns in violent communities and was introduced at the Tower Street Adult Correctional Centre in 2007. The programme targets illiterate and unskilled inmates and combines literacy and skill training to equip inmates for the job market upon their release. The programme is being supplemented by Springboard, a component of DFID.

D. Volunteerism Helping to Improve Accountability

A team of volunteers from a wide cross section of society offers their services in time and effort aimed at ensuring transparency and accountability in correctional institutions. These volunteers are appointed to committees referred to as the *Board of Visitors* and are legislated by the *Corrections (Board of Visitors) Regulations, 1991* to inspect correctional facilities (juvenile/adult), and to hear and intervene into complaints made by inmates. Annual reports are then submitted to the Minister of National Security.

Judges and magistrates are also encouraged to make at least one yearly visit to penal facilities, but this rarely happens.

E. Consultative Approach in Decision Making

The community services unit within the Department of Correctional Services deals expressly with community corrections. The unit supervises offenders who are given non-custodial sentences to reduce reoffending, thereby assisting offenders' integration into society. Parole Aftercare Officers attached to the unit investigate and prepare Social Enquiry Reports for Courts and Parole Board, prior to a sentencing hearing or parole consideration.

Community responses form an integral part of Social Enquiry Reports and require community participation in a consultative capacity. Information supplied by the community includes: victim's views about the crime committed and feelings toward the offender, attitude and behaviour of offender prior to incarceration, and likelihood of the offender reoffending if he returns to society. Participation of community members in this decision-making process can also be a means of encouraging community members to exert social pressure to encourage ex-offenders to conform to acceptable standards.

Figures taken from the Department of Corrections Annual Report, 2008 shows a total of 8,451 reports completed in 2008, a 9.2% increase over the previous year.

F. Community Service Order

Community Service Orders (CSO) given to non-violent offenders provide an alternative to custodial sentencing and require fewer resources. The cost to government is significantly lower to maintain non-custodial clients when compared to custodial clients. With already dwindling financial resources, savings can be diverted towards rehabilitation programmes. Figures show that in the year 2008 to 2009 it cost the government approximately JA\$776,723 less per annum to maintain *each* non-custodial client (DCS Annual Report, 2008 p. 15).

Table 1

Inmates	\$863,786.50 per annum
Juveniles	\$764,286.68 per annum
Remandees	\$570,323.52 per annum
Non Custodial Clients	\$87,063.77 per annum

Cost of Maintaining Custodial and Non-Custodial Clients: 2008 – 2009

“Many offenders, including those who are drug addicted, may be dealt with in a more efficient, humane and economic manner” (Day, 2007). A CSO is multi-faceted as it holds offenders accountable for the harm they have caused to the community; provides communities with human resources that can improve the quality of life in public environments; and helps offenders develop new skills through supervised work activities. CSOs assist the ‘at-risk’ juvenile population into becoming productive citizens and living a more meaningful life. It is also well suited in preventing first time offenders from being admitted to correctional institutions and coming into contact with so-called ‘hardened’ criminals, as well as the reduction of recidivism.

In 2007, 793 Community Service Orders were issued by the courts in Jamaica (DCS Annual Report, 2007).

IV. POSSIBILITIES AND OBSTACLES

A. Possible Fields of Services in which the Community can be Involved

1. Introduction of Advisory Committees

A number of jurisdictions, including Australia and Canada, introduced advisory and consultative committees to develop and foster links with the local community on a range of matters, or to build community links and address public concerns with respect to prison security and prison management. (Record of the 20th APCCA). It was reported that this approach reaped success; therefore it could be further examined by the Jamaican government with a view to having retired senior managers from DCS volunteering their services on the board. Former employees of the Department are recommended because of their wealth of experience and as a means of exercising quality control.

2. Extending Social Agencies Assistance

The successful reintegration of offenders into society is sometimes hampered by lack of social support systems. As a means of social investment, social welfare organizations should extend the benefits of the National Health Fund and PATH Programme to offenders upon the first six months of their release.

3. Certification of Training Programmes

A large number of incarcerated inmates are from a low socio-economic background, uneducated and unskilled. Programmes of rehabilitation in confined environments must be geared towards assisting offenders in improving their social status in life. Using a popular adage, “*teach a man to fish, and feed him for life – give him a fish, and feed him for a day*”.

Educational programmes and skills training offered in the institution include, but are not limited to, computer courses, carpentry, welding and woodwork. The certification of candidates upon successful completion of the courses will improve the effectiveness and efficiency of these training programmes. Certification, though not an end in itself, offers that important link to improving offenders’ marketability, thereby increasing their chances in the job market. Collaboration between DCS and the Human Education and Resource Training/National Training Academy (HEART/NTA) provides such an opportunity.

4. The Role of the Media

The role of the media is critical to information sharing and should be harnessed as a partner in the rehabilitation process, and in helping to change public perception. However, managers of Correctional Services must also develop marketing strategies that can assist in changing public attitudes towards offenders.

B. Obstacles to Community Involvement

1. High Level of Fear and Stigma

Several factors impinge on government’s effort at mobilizing community support in the treatment of offenders. Of significance are the stigmas attached to the high level of fear of offenders in society, and a general lack of trust in rehabilitated inmates. Despite the majority of offenders not returning to prison, many persons remain skeptical of reformed inmates.

The steady increase in the incidences of violent crime in the country has heightened this fear. In 2008, of a total of 1,849 inmates admitted to penal facilities, 515 were reoffenders. The rate of recidivism in 2008 stood at 28%, an increase of 7% over the previous year (See Tables 2 and 3 below).

(i) *Recidivism*

The Department of Correctional Services currently measures recidivism based on the number of times that an offender re-enters its care and custody having been brought before the court and sentenced to a correctional facility. Aware of the need to be consistent with international practice, a review is underway to redefine the indicators. The review will take into consideration, among other things, a time frame during which an offender is considered to have reoffended.

Table 2 Recidivism by Age and Institution – January to December 2008

	TOWER STREET A.C.C					ST. CATHERINE A.C.C					FORT AUGUSTA A.C.C					GRAND TOTAL
	1st	2nd	3rd	4th	Total	1st	2nd	3rd	4th	Total	1st	2nd	3rd	4th	Total	
Under 17	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
17 – 20	4	0	0	0	4	8	0	0	0	8	0	0	0	0	0	12
21 – 25	16	3	0	0	19	36	6	1	0	43	0	0	0	0	0	62
26 – 30	16	4	0	1	21	28	10	9	2	49	0	2	0	0	2	72
31 – 35	6	6	3	7	22	37	16	17	1	71	1	0	1	1	3	96
36 – 40	15	8	2	6	31	37	10	19	5	71	0	0	0	0	0	102
41 – 45	2	2	2	5	11	21	13	24	7	65	8	0	1	0	9	85
46 & Over	4	2	2	5	13	29	15	19	8	71	2	0	0	0	2	86
TOTAL	63	25	9	24	121	196	70	89	23	378	11	2	2	1	16	515

Table 3

SEX	REOFFENDERS ADMITTED TO ADULT				
	INSITUATIONS BY SEX 2004 - 2008				
	2004	2005	2006	2007	2008
MALE	628	437	487	371	499
FEMALE	5	8	9	11	16
TOTAL	633	445	496	382	515
Reoffending Rate	29%	24%	24%	21%	28%

Five hundred and fifteen (515) reoffenders were admitted in 2008, an increase of 133 or 35% more than 2007 (382). The age cohort 21–45 accounted for 332 or 64% reoffenders.

The reoffending rate has increased from 21% in 2007 to 28% in 2008.

2. Public Image

A poor public image of prisons and prisoners remains one of the greatest challenges in the ability to attract community support. This image is often encouraged by a media slanted towards sensationalism, which often neglects to highlight positive aspects of incarceration. Media coverage of activities in prison is usually limited to escapes, riots, violent deaths or controversial situations. Negative media coverage does very little to promote community involvement.

3. Competitive Environment

The challenges are further heightened in a competitive environment where community involvement in the treatment of offenders must compete with more attractive causes such as children, the elderly, and physical and mentally challenged groups.

In a country where unemployment is high, employers become even more reluctant to engage the services of ex-convicts. The situation for the offender is further worsened in a recession, where resources are negatively impacted.

V. MEASURES TO ENHANCE COMMUNITY INVOLVEMENT IN THE TREATMENT OF OFFENDERS

A. Increasing Public Awareness through 'Corrections Week'

The Department in its effort to improve its public image and strengthen the link between institutions and community has dedicated the last week of October each year as '*Corrections Week*'.

Activities are conducted throughout the week help to increase public awareness and minimize negative perceptions held by the public, while providing a platform to encourage and foster greater community involvement. Highlights of the week include: a church service, panel discussion, debate competition, sports day, award function and an exposition which showcases a wide variety of items produced by inmates. Items are sold to the public and proceeds used to support rehabilitation programmes.

But, more significantly to the display and selling of items, is the unconscious, but emotional link which it forges between the producers and buyers with heightened interest between inmates and the wider community.

B. Rehabilitation Grants

The government, in recognizing the difficulties inmates experience in reintegrating into their communities, provides welfare assistance in the form of rehabilitation grants. These are given to inmates who are released from prison and have exhibited interest and the necessary skills required to become self-sufficient.

C. Restorative Justice

Global trends are pointing towards the concept of Restorative Justice as a useful strategy for increasing community involvement, while reducing the level of crime. Managers of Correctional Services must consider the value and benefits of this new strategy, as the way forward.

VI. CONCLUSION

Community involvement has long been recognized by the government of Jamaica as an important element for the prevention of crime, and the successful rehabilitation and integration of offenders.

The challenge however, though not insurmountable, is to identify, motivate and harness the commitment of stakeholders to contribute their time, resources and efforts into assisting offenders to lead productive lives. According to Marcus Day, 2007 "...the fight against crime is not just a matter for professionals employed by the state, but also for elected politicians, local authorities and the voluntary sector".

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REPORTS OF THE SEMINAR

GROUP 1

MEASURES FOR A SMOOTH AND SUSTAINABLE REHABILITATION AND REINTEGRATION PROCESS THROUGH COMMUNITY INVOLVEMENT

Chairperson	Mr. Márcio Schiefler Fontes	(Brazil)
Co-Chairperson	Mr. Yasuhiko Maezawa	(Japan)
Rapporteur	Mr. Ahmad Ishaque Jehangir	(Pakistan)
Co-Rapporteur	Mr. Mohammad Zahidul Hasan	(Bangladesh)
Members	Ms. Joyce Stone	(Jamaica)
	Mr. Janardan Nepal	(Nepal)
	Ms. Motoko Kurisu	(Japan)
	Mr. Noboru Yamamoto	(Japan)
Advisers	Prof. Junichi Watanabe	(UNAFED)
	Prof. Toru Kawaharada	(UNAFED)
	Prof. Yuichi Tada	(UNAFED)
	Prof. Fumihiko Yanaka	(UNAFED)

I. INTRODUCTION

Group 1 was assigned to discuss “Effective Measures for a Smooth and Sustainable Rehabilitation and Reintegration Process through Community Involvement”. The discussions lasted from 27 January 2011 to 8 February 2011. It was agreed that discussions would be guided in accordance with the following agenda: (i) Community Involvement: Obstacles to the Reintegration of Offenders; (ii) Community Involvement: Institutional Treatment of Offenders; (iii) Community Involvement: Community-Based Treatment of Offenders; (iv) Measures/Recommendations to enhance Community Involvement in the Treatment of Offenders.

The Group elected by consensus Mr. Márcio Schiefler Fontes, from Brazil, as Chairman, Mr. Yasuhiko Maezawa, from Japan, as Co-Chairman, Mr. Ahmad Ishaque Jehangir, from Pakistan, as Rapporteur, and Mr. Mohammad Zahidul Hasan, from Bangladesh, as Co-Rapporteur. In his opening remarks, the Chairman encouraged members to speak freely and openly, clarifying that views expressed by participants will not be deemed as the official position of each country.

II. SUMMARY OF DISCUSSIONS

A. Community Involvement: Obstacles to the Reintegration of Offenders

It should be noted that views expressed by participants were specific to the situation in each country. According to Japanese participants, community involvement is an integral component in the treatment of offenders. Voluntary Probation Officers (VPOs) and privately run halfway houses were a few of the examples cited. However, the number of VPOs being registered is declining.

Several participants said treatment of offenders was not a priority in many developing countries, as there are many basic problems to be addressed first. The participant from Jamaica identified lack of supportive legislation/policies and distrust of offenders as two main factors which impinge on community involvement. Traditionally, prisons operate as closed communities which fuels public mistrust, and discourages openness and transparency. The situation is worsened by a media which only highlights negative occurrences.

Participants agreed that communities often fail to see any beneficial link between themselves and offenders, and so were not motivated to become involved in their treatment. In addition, society views treatment of offenders as an exclusive function of government, and considers that what is needed most is punishment for offenders. It was posited that the stigma attached to crime and deteriorating economic conditions weaken family support.

All participants were in agreement that public perception of prisons and prisoners was the single greatest barrier that militates against community involvement in the treatment of offenders. Participants hailed successful strategies, such as Singapore’s *Yellow Ribbon* project, as long as they respect each country’s peculiarities.

During the discussion, the following intervention strategies were proposed to reduce obstacles: (i) Public campaigns utilizing politicians, public figures, celebrities and ex-offenders to increase awareness of the treatment of offenders; (ii) Media to promote rehabilitation efforts to help change public perception; (iii) Private organizations and NGOs to lobby government for legislative/policy changes to improve openness and transparency in prisons and promote public confidence.

B. Community Involvement: Institutional Treatment of Offenders

The discussion was focused on preparing offenders for economic independence on their release. It was generally agreed that private organizations' and NGOs' support is invaluable, as governments struggle to adequately provide many critical requirements for the successful reintegration of offenders. Japanese participants agreed that the economic downturn and its impact on resources was making it difficult, even in Japan, to support the economic independence of ex-offenders.

The participant from Jamaica stated that prisoners were largely from low socio-economic backgrounds, uneducated and unskilled, and needed educational and vocational training to prepare them for successful reintegration, a view which was widely accepted. The Rapporteur added that prisons in developing countries should introduce special assessment and aptitude tests, similar to those being carried out in Japan.

Participants from Japan explained how the Private Finance Initiative (PFI) concept was contributing to the solution, but added that improved family support was necessary to achieve better results. The Japan Employment Support Provision Organization was established in January 2009 by Nippon Kardonner, Japan Chamber of Commerce, Toyota, Nippon Steel and other central economic associations and companies to raise funds for potential employers, an effort which has contributed to an increase of cooperative employers. From a broader perspective, pre-release orientation is an essential component in rehabilitative regimes, as it prepares offenders for a smoother transition into society, wherein they can lead a productive life. It is therefore necessary for private sector organizations to extend their contribution to this programme. Prof. Watanabe underlined that the work of VPOs with offenders in the community has been broadened and extended to prisons.

Individuals, private organizations and NGOs can be a useful resource to help motivate offenders during rehabilitation. The *Courtney Walsh Foundation* in Jamaica was noted as a good example of private sector support. Views were varied and reflected cultural differences according to each country, although members were in agreement that poor socio-economic conditions, low self-esteem and poor attitude were factors impinging on prisoners' level of motivation. Participants from Japan added that education was also critical to improve motivation levels and reduce recidivism. The Chairman remarked that both self-esteem and stable jobs are critical to levels of motivation, besides adding that motivation differs between juveniles and adults, as well as between males and females; therefore, consideration should be given thereto. Also, it was suggested that motivation should be addressed in three spheres: *inner motivation*, *motivation from social circles* and *institutional motivation*. The suggestion was considered and widely accepted during discussions.

The Group believed that inmates' motivation levels can improve if family relationships are strengthened, and the gap between community and inmates is narrowed. Workshops focusing on building self-esteem and modifying behaviour were necessary to motivate inmates towards rehabilitation. This should be enhanced by public figures and celebrities who could be invited to visit prisons to deliver motivational talks. Prof. Watanabe added that ex-prisoners and victims can also be utilized to help in this effort. Support groups are also important and can motivate future ex-prisoners into becoming responsible citizens. *Big Brother*, *Big Sister* (BBS) associations which provides peer mentoring to juvenile offenders, and *Circles of Support* (ex-offenders' associations) were cited as successful examples.

Organizations can be encouraged to strengthen their support to prepare inmates for successful reintegration in many ways. The participant from Jamaica said it was very challenging for ex-offenders to gain employment in formal organizations; therefore skills training in penal facilities should be geared towards self-employment. The Rapporteur suggested the identification of cottage industries near prisons which will result in benefits to both the local businessperson and inmates, while the Chairman highlighted the *Begin Again* programme which provides a bridge between inmates and prospective employers. Participants agreed that present-day business analyses, such as SWOT (Strengths, Weaknesses, Opportunities, Threats) and PESTLE (Political, Economic,

Social, Technical, Legal, Environmental), should be considered by judicial and correctional officers.

Prof. Watanabe emphasized that to increase effectiveness and efficiency, assessment of inmates is very critical, as well as providing a match between skills training of inmates with needs of employers. It was pointed out that a shift in public perception was needed and criminal justice administrators should discover innovative ways to entice media partnership. Visiting Expert Ms. Chemonges (who participated in the discussions on the second day) urged the need for better health facilities in jails to control contagious and other diseases.

C. Community Involvement: Community-Based Treatment of Offenders

Participants supported the view that the economic independence of ex-offenders contributes to a decisive reduction in recidivism rates and a safer society in which to live and work. Participants from Japan highlighted several areas in which the community was involved in providing economic independence for ex-offenders in their country. Conversely, several participants indicated that very little, if any, economic support was being provided for ex-offenders in their countries. The participant from Nepal observed that other countries will have to look at strategies of Japan in order to move forward.

The participant from Jamaica noted that the first six months of release are the most critical for ex-offenders, who are often estranged from family and without economic support, and as such accommodation and job placement are most important. The Group agreed, and proposed that private organizations establish programmes during this crucial phase to help ex-offenders take control of their lives and contribute productively to society. The Co-Rapporteur, however, preferred the view that organizations which target poverty eradication in developing countries can be encouraged to assist ex-offenders in starting small businesses.

The Group agreed to the following proposals regarding this issue: (i) Establish and manage halfway houses to provide accommodation to ex-offenders during the first six months of release; (ii) Establish Employment Bureaus to teach résumé writing skills, conduct mock interviews and link ex-offenders with employment opportunities; (iii) Expand the job market; (iv) Encourage private organizations not to refuse micro-credit to assist ex-offenders in starting or managing their own businesses.

The discussion on how individuals and organizations can support ex-offenders covered a range of issues, including: family support; the influence of community leaders and their ability to motivate; the impact of religion; the level of trust between client/stakeholders and support systems; and the impact of economic conditions on motivation levels in different countries.

Several members expressed the views that family and faith-based organizations were also elements which can help ex-offenders maintain requisite motivation levels to achieve economic independence. Additionally, private organizations can play a very important role by establishing and managing supportive programmes to maintain motivation standards. Suggestions included the *Free as a Bird* project and *FOR a Change* as useful examples. The Chairman cautioned that wholesale importation of foreign-based programmes will have to be tailored to fit cultural differences in respective countries.

At this point, the Group agreed that the following measures are important: (i) Establish groups to strengthen bonds between inmates and family/community; (ii) Provide specialized treatment for drug offenders; and to provide residential care for mentally and intellectually challenged inmates is desirable; (iii) Utilize websites and social networks to share information and find solutions among peers.

Participants expressed the view that it is the responsibility of different tiers of government and criminal justice practitioners to engage the community in the treatment of offenders, rather than waiting on the community to make the initial contact. To encourage support, the community must be convinced of the benefits to be achieved, and which should be evidenced by tangible results. Among the issues mentioned were the risks involved when ex-offenders are employed by private organizations and the need for policies to encourage private entities for continued engagement. Group members agreed that there is a need to develop public relations strategies that promote openness, transparency, and trust as interrelated and critical components.

The following methods of encouragement were proposed: (i) Develop public relations strategies which

emphasize crime reduction as a potential benefit to the community; (ii) Publicly recognize and acknowledge national awards to individuals and entities involved in the rehabilitation of offenders; (iii) Share information among agencies involved in treatment of offenders; (iv) Utilize social-networking websites; (v) Nurture partnerships with electronic and print media; (vi) Target and encourage prospective organizations and individuals for continued assistance; (vii) Government to give tax incentives and subsidies to businesses to encourage employment support; (viii) Conduct volunteer training sessions to improve service delivery; (ix) Establish and increase community work programmes for inmates.

It was felt that information sharing is critical to improving effectiveness and efficiency. As part of the strategy, participants proposed use of public figures, celebrities, and the media to communicate their support to the rehabilitation of ex-offenders. Public relations activities should focus on the benefits to society and convincingly convey this message to the community. Participants also expressed the view that careful assessment of the needs of the correctional system and the resources available in the community to find a suitable match is one of the ways to increase effectiveness and efficiency.

Providing information to organizations involved in the treatment of offenders, supported by open and honest communication, is also an approach to be considered. However, information sharing requires legislative changes and amendments in government policies, and this has to be done as a way forward. Training for volunteers is also very important as it conveys and clarifies the expectations for all parties involved.

III. CONCLUSION AND RECOMMENDATIONS

The main obstacles to community involvement in the treatment of offenders are: (i) Stigmatization of offenders; (ii) Lack of public awareness of the relationship between rehabilitation and crime reduction; (iii) Inadequate approaches to the community by criminal justice practitioners; (iv) Limitations in legal frameworks; (v) Social exclusion of offenders.

To address these issues, it is necessary to bridge the gap between offenders' rehabilitation needs and the extent of community involvement. Institutional and community-based programmes need to be widened to reduce reoffending and provide a better social environment for all.

The Group proposed the following recommendations:

1. The State organ responsible for justice and law and order in each country should take up the role of leader in offender treatment. The first step is to ensure that judicial, police and correctional officers understand the necessity of giving treatment to inmates consistent with their inevitable return to society;
2. All correctional institutions should develop a public relations strategy, based on partnership with electronic and print media;
3. Public campaigns, including commercial spots on TV and radio, should also emphasize programmes related to victims, especially compensation;
4. Educational awareness should be developed and extended to schools and universities, showing the correlation between reintegration of ex-offenders and low recidivism. Also, highlight the reduction in social and financial costs;
5. Successful strategies, such as Singapore's Yellow Ribbon Project should be implemented, although respecting each country's peculiarities. Support structures for victims should also be emphasized;
6. Present-day business analyses, such as SWOT and PESTLE, should be considered by judicial and correctional officers;
7. Administrative frameworks of correctional facilities should allow correctional managers to search for and implement local solutions to specific problems;
8. Correctional managers should be encouraged to be proactive in garnering individual and community organizations' support;
9. Legal frameworks should be tailored to enhance community involvement in offender treatment as well as emphasizing diversion and restorative justice mechanisms;

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10. Programmes such as the Japanese VPO system, which have been successfully adopted by the Thai, Korean and Philippine criminal justice systems, should be considered, especially by countries with minimal community involvement in the treatment of offenders;
11. Correctional facilities should provide training focusing on employability skills, specifically related to cottage industries, in order to facilitate self-employment;
12. Governments should provide tax incentives and subsidies for those private companies that accept ex-offenders as their employees.

GROUP 2

EFFECTIVE MEASURES TO IMPROVE OFFENDER TREATMENT PROGRAMMES AND INTERVENTIONS THROUGH COMMUNITY INVOLVEMENT

Chairperson	Mr. Marlon Shemfe	(Nigeria)
Co-Chairperson	Ms. Yuko Furuhashi	(Japan)
Rapporteur	Mr. Shinji Higami	(Japan)
Co-Rapporteur	Ms. Keamogetse Letsatle	(Botswana)
Co-Rapporteur	Mr. Yuichi Endo	(Japan)
Members	Mr. Hotma Victor Sihombing	(Indonesia)
	Mr. Yadab Ghimire	(Nepal)
	Mr. Frank Men Tunduwa	(Papua New Guinea)
	Prof. Ayako Sakonji	(UNAFEI)
	Prof. Yuichiro Wakimoto	(UNAFEI)
Advisers	Prof. Naoyuki Harada	(UNAFEI)
	Prof. Kumiko Izumi	(UNAFEI)

I. INTRODUCTION

On 27 January 2011, Group 2 commenced its workshop. The group appointed by consensus Mr. Shemfe as its Chairperson, Ms. Furuhashi as its Co-chairperson, Mr. Higami as its Rapporteur, and Ms. Letsatle and Mr. Endo as its Co-rapporteurs. The group was assigned to discuss “Effective measures to improve treatment programmes and interventions through community involvement” and agreed to conduct its discussion in accordance with the following agenda: 1) Effective measures to rehabilitate offenders; 2) Institutional treatment of offenders; 3) Community-based treatment of offenders; 4) Measures to enhance community involvement.

II. SUMMARY OF THE DISCUSSIONS

A. Effective Measures to Rehabilitate Offenders

At the beginning, the Group made a request for each member to explain the actual situations in their countries in regard to the most serious crimes offenders commit and the treatment of such offenders. (It was confirmed by all members that the word “treatment” includes rehabilitation, supervision of offenders, approaches to shorten the duration of detention for unconvicted persons, and bail.)

Regarding the most serious crimes, each participant referred to their own country’s serious crimes, such as, robbery, kidnapping, terrorism, street crimes, women trafficking, poaching, rape, incest, armed hold-ups, corruption, fraud, recidivated theft, drug offences, crimes committed by women or elderly persons, etc. (Note: Not listed in order of gravity.) About this subtopic, the Group shared some valuable information.

Regarding the rehabilitation of offenders, many participants stated that they are facing many difficult problems because of their different social conditions, legal matters and governmental funding, etc. Each member shared his or her valuable experiences about rehabilitation programmes (e.g. cognitive behavioural treatment or other treatments for classified offenders, religious services, child care, vocational training, etc.). Many countries wish to implement these programmes but they are expensive and priority has to be given to other demands. Some countries are concentrating on matters such as pardon, amnesty and gun control to both prevent crime and to hasten the return of offenders to their communities. However, it is still important to ensure that some rehabilitation should take place before offenders are released to their communities.

B. Institutional Treatment of Offenders

The Group discussed possible solutions to the problems in the institutional treatment of offenders.

All participants noted that the hesitance of institutional agencies to adopt open-door policies is borne of

fear and negative public perception.

Participants therefore felt that private companies, non-governmental and faith-based organizations and individuals can play a good role in offender treatment and called for an open-door policy to incorporate them.

Another participant stated that the private sector can contribute in key areas that require high skills (programme planning, legal consultation), or do not require expertise (maintenance, patrolling), and the government can encourage the private sector by giving it professional, financial or other (such as self-realization) merits, sharing information and cooperating in a sound relationship with them.

More private finance and public funds can be sourced to build rehabilitation centres, designed for institutional treatment, like Mine Rehabilitation Programme Centre in Japan.

Another participant stated that charitable associations such as the Lions Club or the Rotary Club should be invited to offer assistance in both in-care and out-care programmes for offender treatment. It was also noted that multinational corporations can be encouraged to build facilities as part of their corporate social responsibility programmes to enhance offender treatment.

The group also noted that the family has a great role to play in facilitating offender treatment, resettling offenders and curbing recidivism.

One participant pointed out that the paralegal system in Uganda (mentioned in the paper of Visiting Expert, Ms. Chemonges) is a good example of how foreign aid can be harnessed to support treatment of offenders, by offering free legal advice.

Some members were also of the view that volunteers play useful supportive roles in offender treatment and that a wide range of retired professionals, like doctors, nurses, social workers, teachers etc. can provide services, at little or no cost. To encourage private organizations and individuals to assist, a strong partnership will have to be developed with the community. The SCORES (Singapore Corporation of Rehabilitative Enterprises) project in Singapore (mentioned in the paper of Visiting Expert, Mr. Chin) is a clear example.

Another participant also suggested the importance of proper criminogenic assessment of offenders' needs, to stimulate participation of private companies, organizations and individuals. The Strategic Action Plan to deliver these special intervention programmes (e.g. sex offenders' programmes) should be drawn, updated, reviewed and evaluated, with input from both the government and active organizations, to build trust and cooperation.

C. Community-Based Treatment of Offenders

The first question addressed by participants is: "Why the need for community involvement in offender treatment?"

The consensus reached is that even the best in-care, without community support, will only continue to increase recidivism.

This point is well illustrated by the two halfway houses we visited during our Study Tour: it is clear that care-providers still face frustration from some sections of the community.

The starting point, we all agree, has to be an open-door policy that will educate and attract the community to give more support. The criminal justice agencies should train their officers to engage with the community, and also develop guidelines and policies so that all stakeholders know what is expected of them. (This viewpoint was referred to by Visiting Expert, Dr. Kittipong.) There is the need to establish a correctional advisory council to coordinate activities of stakeholders within and outside the criminal justice system to improve offenders' rehabilitation.

Participants feel that it is necessary to engage the participation of organizations, clubs and societies with

interest in offenders to use their expertise and resources to complement institutional treatment of offenders. Halfway houses and community skill acquisition centres can be built and managed by these bodies. The Nigerian participant stated that after-care support services where tools are provided to support discharged offenders can also be provided by other community associations. Job placement and accommodation are critical for efficient treatment and this can be provided by cooperative employers and halfway houses. Mentoring, counselling and role-modeling from notable members of the community and celebrities can do a lot at lower or no cost. The participants feel that the government can experiment with out-sourcing rehabilitative work previously exercised by state agencies, especially in the areas of job placement, accommodations and other interventions.

The Papua New Guinean participant suggested that victim-and-offender reconciliation is necessary to reduce social exclusion and encourage resettlement of ex-offenders back to their homeland.

D. Measures to Enhance Community Involvement

All participants agreed that in some developing countries that have no alternatives to imprisonment, existing legislation should be reviewed and new legislation enacted.

One participant from Japan suggested that in order to enhance the involvement of the private sector, various methods of cooperation should be used, such as “the trial employment and guarantee system” (subsidies for three month payment and cover for accident by insurance).

Participants shared the view that intensive media and public enlightenment campaigns should be implemented, like Singapore’s Yellow Ribbon Project and the Japanese Movement for a Brighter Society, Thailand’s media and diplomats’ open day visit to prisons, and the U.K.’s National Offenders Management Programmes. These programmes have been proved to be effective in garnering community support in their respective countries. In relation to this, one participant from Japan stated that the media need to be well informed about the processes involved in offender treatment to avoid undue sensationalism in reporting events that relate to penal institutions.

All participants agreed that Community Volunteers Associations should be formed for effective coordination and public participation. Community engagement activities should be developed to stimulate public interest, while respected community leaders and volunteers should be identified to support treatment programmes as practiced in Japan (VPOs, Women’s Association for Rehabilitation Aid, BBS). Ex-offenders who have changed and are contributing positively to society could be involved as role-models.

It was the view of participants that trust funds should be established to mobilize public and private funds to support offender treatment, like the U.K. credit union established to give start up loans to ex-offenders.

All participants agreed that continuous community outreach should be reviewed to raise social awareness and acceptance of offenders in society. In doing so, stated some participants from Japan, the government should educate young people, such as high school students, about treatment of offenders, as well as introduce some kind of collaborative court which involves people in the sentencing procedure with judges, so that the public will gradually become aware of the treatment of offenders. One participant from Japan stated that collaboration on human resources should be achieved between the courts and the community and therefore finding cooperative enterprises needs to be focused on people who have experienced the court’s sentencing procedure. Additionally, some participants stated that HIV infection raises serious problems in offender treatment and that the government and NGOs can support HIV infected inmates and help to reduce the stigma attached to their diagnosis.

III. CONCLUSIONS AND RECOMMENDATIONS

A. Conclusions

After the discussions ended, the following conclusions were agreed among all participants:

1. From the lectures given by Visiting Experts, international evidence has clearly established that offender treatment programmes are improved and more effective when appropriate cultural input is allowed. Therefore all programmes adopted must be adapted to the cultural and socio-economic situations of each country.

2. Categories of serious crimes vary in each country. This depends on each country's social conditions, legal matters and other realities. The levels of treatment of offenders are also varied from one place to the other. Most developing countries are still faced with challenges that limit standards and rehabilitative assistance to offenders.
3. The importance of offender rehabilitation needs to be emphasized throughout criminal justice procedure.
4. The role of an offender's family is important and needs to be included as early as possible in the criminal justice process.
5. Private organizations and individuals can play more important roles in institutional and community-based offender treatment. Private enterprises can provide many services effectively or at low cost. The huge resources derived from charitable organizations, voluntary associations, NGOs, community-based organizations, including multi-national corporations, e.g. the Toyota Programme in the U.K., should be harnessed to assist in offender treatment and management.
6. Thorough needs assessment is important to guide community participation in offender treatment.
7. Public relations campaigns, incentives and awards are veritable motivational tools that can encourage community participation in offender treatment.
8. Victim-and-offender reconciliation is necessity to enhance integration of offender into society.
9. Ex-offenders face difficulties in finding jobs and resettling after their prison terms due to stigmatization, social exclusion, and rejection. Aftercare services for ex-prisoners are therefore critical to help with reintegration.
10. Other obstacles that impede community involvement are: fear, stigmatization, lack of understanding, indifference to offenders, sensational reporting by the media, lack of regulations or legislation, poor funding and inadequate resources.

B. Recommendations

At the end of the discussions the Group reached a consensus on the following recommendations:

1. Institutional Treatment Stage

- To re-orientate the mindsets of the prison staff and offenders to allow the community to partner with them, especially in the developing countries;
- To ensure thorough assessment of the needs of offenders to guide the involvement of the community;
- To promote vocational training for prisoners to increase their employability, including self-employment;
- To recommend an open-door policy for correctional institutions to enhance community involvement.

2. Community-Based Treatment Stage

- To promote victim and offender reconciliation;
- To promote government and community partnership in offender aftercare services;
- To recommend the government to support the community at local level by providing funding to NGOs or CBOs, especially on the treatment of juvenile offenders;
- To recommend organizations such as the U.N. to promote voluntary associations targeted at offender treatment;
- To recommend communities to harness resources to establish and manage community-based rehabilitation centres such as halfway houses and skill acquisition centres.

3. All Stages of Criminal Justice Procedure

- To promote public relations activities to raise public awareness;
- To garner media support in public relations activities;
- To seek support for offenders' families and offenders from relevant organizations;
- To revise legislation and regulations to allow for community involvement;
- To encourage charitable associations, NGOs and multi-national corporations to be involved in offender treatment;

- To give incentives to organizations that employ ex-prisoners;
- To educate young people about the harmful effects of crime and offer them a second chance;
- To introduce collaborative court proceedings which involve lay people in sentencing;
- To involve the community in the planning and delivery of offender treatment to encourage ownership of the programmes;
- To promote collaboration on human resources between the courts and the community;
- To recommend the government and NGOs to support HIV infected inmates in an effort to reduce stigmatization.

APPENDIX

COMMEMORATIVE PHOTOGRAPHS
• 147th International Senior Seminar

UNAFEI

147th International Senior Seminar



Left to Right:

Top:

Dr. Kittayarak, Prof. Higuchi

Fourth Row:

Mr. Iida (Staff), Mr. Jimbo (Staff), Ms. Tani (Staff), Ms. Yamada (Staff), Ms. Iwakata (Staff), Mr. Takahashi (Staff), Mr. Saito (Staff), Mr. Jehangir (Pakistan), Mr. Sihombing (Indonesia), Mr. Inoue (Staff), Mr. Kobayashi (Staff)

Third Row:

Ms. Sakai (Chef), Mr. Kawai (Chef), Mr. Fontes (Brazil), Mr. Higami (Japan), Mr. Maezawa (Japan), Mr. Tunduwa (Papua New Guinea), Mr. Ghimire (Nepal), Ms. Furuhashi (Japan), Mr. Nepal (Nepal), Mr. Nishitani (Staff), Ms. Yamamoto (JICA), Mr. Suzuki (Staff)

Second Row:

Ms. Chihara (Staff), Prof. Yanaka, Prof. Harada, Mr. Endo (Japan), Mr. Yamamoto (Japan), Ms. Kurisu (Japan), Mr. Shemfe (Nigeria), Mr. Hasan (Bangladesh), Ms. Stone (Jamaica), Ms. Letsatle (Botswana), Ms. Lord (LA), Prof. Tada, Prof. Izumi

First Row:

Prof. Wakimoto, Prof. Sakonji, Deputy Director Ukawa, Ms. Chemonges (Uganda), Ms. Chin (Canada), Mr. Dandurand (Canada), Director Sasaki, Judge Sir David Carruthers (New Zealand), Mr. Chin (Singapore), Mr. Pitts (UK), Prof. Watanabe, Prof. Kawaharada