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Forms of quasi coercive treatment for resocialization of juvenile offenders

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Abstract

Contemporary Romanian society is facing with many social problems that were not anticipated at all, arising from major changes in all spheres of social life and has a negative impact on the society. The changes produced in the sphere of attitudes and behaviours, social changes have led to increased social insecurity, suspicion and frustration, especially among youth, a strong social pessimism, a feeling of discouragement and even inadaptation. Behaviour, these perceptions and attitudes materialize either conduct the increasingly blasé or in deviant behaviour. In many forms that social deviance can take a special place is occupied by criminal conduct, which is characterized by the highest level of social danger. That is why the present research aims to explore the place and role of alternative sanctions and in particular education in the resocialization of young offenders.

Therefore, the whole approach started from the general hypothesis that alternative sanctions are more effective than measures that impose deprivation of liberty in the resocialization of young offenders.

Specificity of crime among minors raises special problems of prevention and control, because it interacts causality many factors that lack of experience of social life of the minor, with the consequent misunderstandings full social significance of his conduct dangerous to social values, and sanctions would apply to them, deficiencies in the educational process which took place in the family or in school, major negative influence exerted by some that appeal to minors on the criminal path.

Need to prevent and combat crimes committed by minors is even more evident as the resurgence of the phenomenon sometimes known, and the facts can be very dangerous.

The present survey instruments used a specific methodology, the focus has been on a set of focus-group’s sole purpose is to highlight the characteristics of the phenomenon of juvenile delinquency, the profile in terms of psychosocial juvenile offenders but not least, work was to clarify the role of alternative sanctions to all applicable penalties juvenile offenders.

Focus-group sites were conducted on representative samples of people from academia (professors from faculties of law, sociology, psychology), specialists of justice (magistrates and lawyers), and the probation officer, prison and rehabilitation centres officers and police officers.

Our belief is that education plays a key role in preventing crime and academia in particular may result in large part, to promote modern treatment for offenders quasi coercive.

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Keywords: Crime; prevention; alternative sanctions; academic field.

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1. Introduction

The present survey has its purpose to analyze the place and role of alternative sanctions and, especially, the education in the resocialization of young delinquents. Therefore, the whole approach started from the general hypothesis that alternative sanctions are more effective than measures that impose deprivation of liberty in the resocialization of young delinquents.

The specificity of crime among minors raises special problems of prevention and control, because in their causality it interacts with many factors, for example, that lack of experience of social life of the minor, with the consequence of misunderstanding the social significance of his dangerous conduct to social values, and the sanctions that would apply to them, deficiencies in the educational process which took place in the family or in school, the negative influence exerted by some grownups on minors to take the criminal path.

The need to prevent and combat crimes committed by minors is sometimes even more evident because of the resurgence of the phenomenon, and the acts committed can be very dangerous. Meanwhile the tightening of the impunity regime is not an effective solution to reduce the phenomenon of juvenile delinquency. Currently efforts are being made to implement non-custodial measures or sanctions, allowing children to maintain positive ties with family, school and community.

The present survey instruments turned to a specific methodology, focusing on a set of focus-group sites, in order to highlight the characteristics of the phenomenon of juvenile delinquency, the profile in terms of psychosocial juvenile offenders, but not least, clarify the role of alternative sanctions to all applicable penalties to the juvenile offenders.

Focus-group sites were conducted on representative samples of people from academic institutions (professors from faculties of law, sociology, psychology), specialists of justice (magistrates and lawyers), and the probation officer, prison and rehabilitation centres officers, policemen.

For this purpose there have been set up three groups: Group A, Group B and Group C, each with 10 participants. Focus-group discussions of the sites took place face to face, at a round table. The discussions were conducted by two moderators, serving to enunciate these issues for discussion and to oversee how they were key points of discussion achieved, without making their own opinions. The only tasks of the moderator were to coordinate the discussion thread topics and to ensure that the questions were well understood.

Each group separately had approximately 90 minutes for the discussion, during which each participant reported the experience that they had with young offenders and their opinions about the role and importance of alternative sanctions.

Consequently, the talk had the following main themes:

a) Highlight the characteristics of the phenomenon of juvenile delinquency and the reasons that underlay in the production of delinquent acts;

b) Specific psychosocial assessment of the young delinquent;

c) Evaluation of alternative sanctions system, assessing the advantages / disadvantages against punishment by deprivation of liberty;

d) Specific problems encountered in relation with the juvenile offenders;

e) System issues affecting implementation of alternative sanctions;

The Objectives of the focus group were:

a) Identifying how each participant of the groups relates to the phenomenon of juvenile delinquency and juvenile offenders;

b) Determine the extent to which minors under the alternative execution of sentence are reintegrated better than those in the custodial system, decreases the risk of recidivism;

c) Identify how each group relates to alternative sanctions in relation to the deprivation of liberty;

d) Identify problems encountered in applying alternative sanctions;

e) Describe the application of alternative sanctions and the circumstances under which to use them;

f) Assessment of the existence of specialized personnel in the implementation of alternative sanctions;

g) Assessment of the need of setting up courts for minors;
h) Assessment of (or no) education (socialized) of prisons for juveniles;
i) The identification of measures to prevent the phenomenon of juvenile delinquency;
j) Identifying the obstacles faced by each group in part in the interaction with juvenile offenders and young people;
k) Submission of suggestions for optimizing specific business entities involved in the working with juveniles and young offenders.

The hypotheses in the focus-group research had in mind the following:

a) In the alternative sanctions the minor is more likely resocialization than in an imprisonment sanction;
b) The family support doubles the effect of the alternative sanctions and also the chances of resocialization and social reintegration of the minor increases;
c) If the population actively participates in the implementation of policies to control and prevent crime, then their effectiveness is enhanced and it can ensure the inclusion of a minor who committed a deviant act.

In terms of verifying these we intended to:

a) establish alternative sanctions in place of the system of punishment;
b) develop a set of proposals to improve the system for applying alternative sanctions

2. The Analysis of the opinions of specialists from the academic institutions (professors)

2.1. Perception of Juvenile Delinquency

In this area we can distinguish two broad thematic. A first category would be those who consider juvenile delinquency a social phenomenon which has seen an alarming increase in recent years.

"It is alarming! Compared to previous years, the phenomenon of juvenile delinquency has taken a very wide scope." (Law professor)
"Whatever the reasons were, in recent years the number of crimes committed by juveniles was much higher and this should attract the attention of those dealing with children, both teachers and especially parents and family, in general."(Teacher pedagogy)

Then there would be more moderate opinions, more accurate, the perception of this phenomenon as a direct consequence of the changes that have occurred since the revolution in Romania. "Juvenile delinquency is a complex phenomenon due to causes and ways of expression. What is important is that juvenile delinquency has a marked influence on social space. The world today is a contributing factor of juvenile delinquency by: low living standards, incomplete education system, preventive measures are not sufficient."(Sociology professor)

2.2. Type of crime and type of sanction

The crime report - penalty is unitary in the teachers opinion, namely the punishment - whether custodial or alternative sanctions - should be applied according to the seriousness of the offence, on the one hand, and on the other hand, given the consequences of psycho-social order of these convictions, there are necessary strategies for social rehabilitation of the minor.

"For thefts and crimes against property in general." (Law professor)
"Depending on the crime committed by minors there should be various measures - alternative sanctions: to be interned in inclusive schools, special education and counselling specialized psychological therapy." (Psychology professor)

"The seriousness of the situation the minor has committed requires the application of alternative sanctions and deprivation of liberty if necessary, and then there is social reintegration measures later." (Sociology professor)
2.3. The role of the alternative sanctions

In terms of academic specialists, the role of alternative sanctions applied to minors and young people who commit crimes is of education, but also social nature - the reintegration into society after serving a sentence and avoid duplication of criminal behaviour.

"The role of alternative sanctions in the whole system of sanctions for juvenile offenders and young people would be to educate and reintegrate them into society." (Law professor)

"The role of alternative sanctions should be to find ways to socially reintegrate the minor, to find ways to follow him in the next phase of his life, advising, fixing the appropriate behaviour of a normal life." (Psychology professor)

"Alternative sanctions have over the deprivation of liberty, the advantage of offering family and school a better control of juvenile behaviour on the one hand, and on the other hand it can induce an easier way in the process of social reintegration of the minor" (Professor of sociology)

2.4. Alternative sanctions vs. deprivation of liberty

The alternative sanctions regime is considered more functional, at least in terms of psychosocial, than the deprivation of liberty, in terms of teachers who participated in the focus-group.

"If rehabilitation bear fruit in most cases, educational sanctions should replace those involving deprivation of liberty." (Law professor)

"It would be desirable and I believe that the results should be more beneficial when applying alternative sanctions." (Pedagogy teacher)

"I believe that deprivation of liberty is a powerful imprint on the personality and further development of the child, so from my point of view it would be beneficial to replace this type of punishment with alternative sanctions." (Psychology professor)

"Deprivation of liberty means, beyond punishment, a deterrent in the development of the juvenile’s personality, and has consequences at social level - social labelling, and greater possibility of association with other children who have such criminal behaviour. If there is a possibility of specific advice from psychologists, educators, those in social work, but also the support of the parents in the rehabilitation process, it certainly will have better alternative sanctions." (Sociology professor)

We can notice some advantages of replacing punishments involving deprivation of liberty for alternative sanctions: the support from the family to rehabilitate the minor; a lower ability to associate with other juvenile offenders; continuing education under rules by attending school; psycho-pedagogical counselling, but we also must not omit, however, disadvantages: a lower control of the entitled bodies that control the juvenile behaviour; not knowing the gravity of the crime committed by minor and risk of relapse and the indifference of the family and / or friends to juvenile offending and the consequences thereof.

2.5. The capability of the existing institutions to manage the phenomenon of juvenile delinquency and to ensure proper rehabilitation of juvenile offenders and young

Directly or indirectly in connection with juvenile delinquency issues, academics who responded to our request told us their perceptions of this social phenomenon: they consider that the institutions can treat and manage the minors that violate social and legal norms, because they have resources: human - personnel and materials.

"Yes, the institutions are able to manage the phenomenon of juvenile delinquency. Teams of psychologists, teachers, lawyers and sociologists are efficient and able to provide expert advice, and eventually to offer a chance to rehabilitate juveniles and young offenders." (Psychology professor)

"Of course. We help those who have problems in society, regardless of the nature of the problem. Also we are open to collaboration with specialists in other fields, tangential or not with ours, and I think, overall, current institutions are able to provide a solution to this problem." (Pedagogy teacher)

"Yes, for the most part, yes, they are able to handle this." (Law professor)
2.6. Problems encountered in applying the penalties for minors

The main problems arising in the application of penalties for minors in general, and those alternatives, in particular, are legal system. Legal system is not developed coherent and adapted to the social space in Romanian.

It would be also difficult to adopt specific strategies to rehabilitate the child, and social reintegration after serving the sentence, regardless of its type.

An important role identified in this area is the collaboration between competent institutions: police, departments for child protection, probation services etc.

"Problems are mainly based on legal provision" (Law professor)

"The problems I could list are: lack of legislation adapted to the specific social needs in our country and lack of an integrated social reintegration system." (Psychology professor)

"Legislation is the main problem. Failure to adapt them to current Romanian society, poor information on alternative arrangements of punishment would be some of the problems encountered in applying sanctions to minors and young offenders." (Sociology professor)

2.7. Measures to prevent juvenile delinquency

To prevent juvenile delinquency the strategies should include:

"As many projects aimed at preventing crime should be promoted, particularly in schools, from primary school up to college level." (Law professor)

"... Closely monitoring the environment of minors and their families." (Teacher pedagogy)

"... The development of programs, activities, social integration of minors." (Sociology professor)

"... Psycho-pedagogical counselling of minors and developing strategies for social reintegration and re-socialization that does not leave fingerprints on the child’s behaviour and personality development." (Psychology professor)

Thus, collaboration between lawyers, sociologists, psychologists, social workers, teachers, probation officers and child protection specialists may result in the development of strategies that can be relevant, after materializing their beneficial consequences in terms of preventing the social phenomenon of juvenile delinquency.

On the same principle and in a similar way it have been developed the other two focus groups and we will briefly highlight in this paper, the main issues.

3. Analysis of legal opinions of specialists from criminal justice system: prosecutors, judges, lawyers

On this part of the study we have examined, without claiming to extrapolate the results, how we see juvenile delinquency, but also the penalties, the social actors directly involved in this area - prosecutors, lawyers, judges.

Magistrates of juvenile delinquency phenomenon associate the social disruption as a consequence of the Romanian transition, indicating that the culprits: low living standards, weakness of the education system or excessive media violence.

In their turn, lawyers, judges and prosecutors interviewed considered that the type of penalty should be decided according to the severity of the criminal act committed by juveniles. Also, in these situations it should consider the bad aspects of penitent media - direct contact with other criminals, association with persons having a criminal record, etc.

It can not ignore the psychosocial and educational area of juvenile offenders, that perception which the society or social group has about them, but also the possibility to continue studies in a normal environment, along with classmates in a stable and high quality educational institute.

The role of applying alternative sanctions is centred in the opinion of legal experts around reintegration and correction of juvenile criminal behaviour. By such punishment, the process of educating and re-education is easier and more efficient, and there are several entities that can provide support for juvenile rehabilitation: legislative bodies are empowered, psychosocial counselling, teachers, family, school and entourage.

We might remind that there are adverse consequences that the deprivation of liberty might have over the child: trauma, giving up education, direct contact with other juveniles who have committed crimes.
Regarding replacement of deprivation of liberty with the alternative sanctions, opinions are divided. First we underline the usefulness and need of the alternative measures because they are less serious acts that would be recommended for this punishment.

Asked if they think that the current institutions are capable of managing the phenomenon of juvenile delinquency and to ensure proper rehabilitation of juvenile offenders and young people the magistrates are reluctant. The optimists are convinced that the strategies adopted by the institutions are successful, but most are quite reserved in this regard.

Problematic area of application of sanctions for minors differs, in terms of legal specialists. Some of them have not encountered any problem with regard to punitive aspect of the child.

Moreover, the side issue of enforcement of sanctions is no central point of the specific legal system of our society, but the lack of specific training in psychosocial areas, of the staff in authorized institutions or non-involvement of civil society in this area.

Finally, regarding measures to prevent juvenile delinquency, there are two poles of opinion. A first pole would be the shaping of educational strategies to expose children to school and also the limit deviant and juvenile issues. A second pole would be to identify the causes of delinquent behaviour and attitudes they have and to counter them.

4. The analysis of opinions expressed by the police, probation officers, prison officers

The third focus-group of subjects was made out of the police, prison officers and probation officers. The selection mode was the experience in working with juvenile delinquents. We present in this subchapter their perception of the social phenomenon of juvenile delinquency and default on alternative arrangements for punishment.

In terms of this group interviewed, juvenile delinquency is a social phenomenon in most societies which are in a transitional period and undergo changes in all social systems and subsystems: educational, cultural, legal / regulatory, etc. Deviance exists in any society within its limitations. When these are overcome, it must be prevented and / or punished.

Regarding to the punishment of minors by deprivation of liberty or by alternative measures, the specialists show that it depends on the seriousness of the offence, the social situation of the minor, the context in which the crime was committed, and, why not, pro or anti-social behaviour of the juvenile offender.

Perceptions of prison officers, employees in re-education centres, police and probation officers regarding the role of alternative sanctions are grouped around the notion of educating offenders, social reintegration, but also awareness of the seriousness of the facts committed. Increased attention from the family, but also from teachers, guidance and support for rehabilitation may be a key factor in avoiding a relapse of the juvenile offender, on the one hand, and the formation of pro social behaviour, on the other hand.

Deprivation of liberty is regarded as punishment that can not be replaced, at present, with alternative sanctions but, however, provided that alternative sanctions are being redesigned in the Romanian legislation, it could be used as a first step in sanctioning juvenile offenders.

Current institutions are unable, in the opinion of subjects to properly manage the social phenomenon of juvenile delinquency and to ensure proper rehabilitation of minor criminals. The reasons vary, from the failures of education and reaching up to reduce the number of specialists from institutions.

The difficulties encountered in applying alternative sanctions that subjects remember can be distinguished by two thematic areas. Firstly the legislative problems are notable, namely the absence of a legal system specifically for this age group, with problems in the educational system.

The second thematic area concerns the fact that the deprivation of liberty of the child is that they are taken from the family while forming their personality and are building their own system of norms and values.

Measures to be taken to prevent the social phenomenon of juvenile delinquency integrate the educational area, but also in the area of social policy. Identifying the causes of such behaviours and their resolution by the competent institutions and the construction of coherent government policy on this topic would be ways to prevent and combat juvenile delinquency. The role of civil society must be emphasized, both before and especially post-sanction.
5. Conclusions of the study

Juvenile delinquency is perceived by all three discussion groups as an implied consequence of structural changes that Romania knows in recent years. The difference is that for the social actors who have direct contact with juvenile offenders - police, social workers, probation counsellors - deviance is a normal aspect of any society in development, which should attract attention only when they exceed the normal range, and must be fought with appropriate strategies and consistent social policies.

Regarding the type of penalty that should be applied to juvenile offenders in all groups there is still the same trend: the punishment should be decided according to the seriousness of the offence committed, except for the criminal acts of violence – body harm or even murder - should be tackled by deprivation of liberty. In other situations, alternative sanctions are recommended and supported by those interviewed.

The role of alternative sanctions is that of rehabilitation, social reintegration of young offenders, but also leads them to understand the seriousness of their actions. Social labelling, but also deprivation of liberty in an age when the family should occupy an important place in life can leave minor trauma that will be difficultly handled and could cause antisocial behaviour in the minors. Also hospitalization in a rehabilitation centre along with other juveniles who have committed criminal acts may be a driver of relapse, because the association with persons with criminal record may have adverse consequences in the behaviour of minors.

Deprivation of liberty should be replaced with alternative sanctions, particularly if the facts are of low gravity, in the opinion of teachers surveyed. The magistrates are more reserved on this topic, alternative penalty regime allows the minor to be close to his family and participate in normal education system, but deprivation of liberty has its example and deterrent role and should not be replaced entirely. For police, rehabilitation counsellors, officers from the prison - internment in a rehabilitation centre would be replaced by alternative measures, on the one hand the lack of a specific regulatory system in this area, on the other hand the lack of specialists dealing seriously minor under supervision or who is reprimanded.

Regarding current capability of institutions to manage the phenomenon of juvenile delinquency and to achieve a complete rehabilitation of child offenders, teachers are optimistic and believe that competent institutions can make appropriate strategies by experts in areas related to juvenile delinquency area. Magistrates accused the absence of such specialists in the institutions, but some of them believe that they can properly manage the phenomenon of juvenile delinquency. The third group has a uniform answer: no current institutions can handle these issues, because no specialized personnel are interested, but there are legislative shortcomings that prevent good conduct of actions in this regard.

According to everyone interviewed, issues arising in the application of alternative sanctions are primarily legislative ones. The absence of consistent legislation, appropriate Romanian social system causes problems in the management of juvenile delinquency prevention and / or combats it.

As such measures were formulated to improve education, the education system adapt to the specific needs of adolescents, parental involvement, school, and, more generally, civil society in social projects to identify the causes of deviance, develop appropriate strategies to combat the phenomenon but also for the social reintegration of the juvenile offender.

As prevention methods and techniques which could be recommended are:

- Conducting information programs that have consequences for criminal offences by minors in schools, from primary school until high school;
- Organizing community meetings, involving both children and parents, in stating the situation of juvenile delinquency penalties, but also ways of its prevention;
- Active involvement of families in the lives of minors, both in terms of their life at home and in society - rather the selection of friends, entourage, how leisure etc;
- Organizing social and recreational activities involving minors, besides giving them a free time to spend in a constructive way, and social recognition;
- Adaptation of education to the needs of children today, upgrading the school curriculum, but also the specialization of the teachers in an appropriate level;
- Active involvement of civil society, to identify causes of deviance, development of appropriate social programs;
- Involvement of organizations and monitoring point of risk - families in disadvantaged environments, climates family conflict, children who have left school, or who rarely attend classes, juveniles with a criminal record so
Regarding juvenile offending and punitive system there can be made a few suggestions:

- Achieving adequate legislation regarding juvenile delinquency, adapted to the problems the Romanian society and social policies have;
- Effective collaboration between the institutions empowered to manage the social phenomenon of juvenile delinquency - police, prosecutors, prisons, social services, probation counsellors, etc.
- Specialization of institutions empowered to manage employees and achieve a complete rehabilitation of juvenile offenders;
- Civil society involvement in the social reintegration of juvenile offenders who had served the sentence;
- Adapting penalties to the seriousness of the crime committed and a cross-custodial sentences under alternative penalties, as depriving the minor of the family may have negative consequences in its development and psychosocial trauma;
- Establishing a monitoring system for juvenile offenders and their situation, regardless of the type of punishment that they run / execute;
- Provide counselling services and psycho-pedagogical services during the execution of the sentence, but also after release, to ensure social reintegration easier for a minor;
- Determination to actively involve families in the rehabilitation of the minor;
- Effective cooperation with the media, and recommendation of the press to avoid erroneous presentation of facts - not transform the function of information in a marketing information function.

Development of an effective reduction of crime in the transition period that extended through the Romanian society should be based, prioritary on identifying, explaining and preventing the general and particular causes, social and individual, which generates and favours crimes and murder, as the gradual reduction of risk factors that also enhance anti-social acts in different social sectors: economic, political, administrative. As an effective program to prevent and combat crime, it can not be achieved only through the intervention of social control factors, it is necessary to conduct extensive sociological and criminological studies and research capable of providing a more complex picture of the aetiology of this phenomenon in the Romanian society.

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