

WORKSHOP III: Probation and Social Investigation

Summary Report of the Rapporteur

Chair person: Miss Chan Siew Leng
Advisors: Mr. Kazuhisa Suzuki and Mr. Takeshi Satsumae
Rapporteur: Mr. Ved Bhushan Bhatia

Titles of the Papers Presented

1. Volunteer Scheme for Probationers
by *Mr. Ka-chi Kwok (Hong Kong)*
2. Use of Volunteer Probation Services
under the Probation Programme:
An Experiment under Indian Condi-
tions
by *Mr. Ved Bhushan Bhatia (India)*
3. The Problem of Refractory Young
Adults
by *Miss Chan Siew Leng (Singapore)*
4. Some Problems Concerning Lack of
Parental Cooperation with Probation
Officers
by *Mr. Supachai Suvansuratn
(Thailand)*
5. The Problem of Compensation to
Employer for the Loss Caused by
Employed Probationer or Parolee
by *Mr. Ikuya Fujita (Japan)*
6. Some Problems on the Process of
Social Investigation
by *Mr. Isao Tabuchi (Japan)*

Introduction

The group consisted of five probation officers and one senior researcher. The group laid an emphasis on the problem of how to mobilize voluntary members of the community in probation, parole, and other non-institutional treatment of juvenile and young offenders, and then gave special considerations to some problems relating to probation service such as the treatment of refractory young adults, the compensation for the damage caused by the probationer or parolee, and the methodology of social investigation.

Use of Volunteer Service

The group workshop session was opened with the presentation by Mr. Kwok (Hong Kong), which was followed by the presentation by Mr. Bhatia (India). Both of them touched on the use of volunteer services for probationers.

Mr. Kwok first discussed the role of volunteers in the probation scheme, asserting that volunteers cannot take over the role of professional probation officers. The latter are responsible for the legal aspects of probation and for solving the behaviour problems of probationers. While volunteers can help probationers in areas which require no professional knowledge of skills, the final responsibility rests with probation officers. In matching volunteers to probationers, they are requested to indicate what kind of persons they would like to help and what type of service they can offer. It is very necessary for the volunteer to keep the probation officer informed of all his contacts with the probationer. The orientation course for volunteers should provide some basic information on the probation service, its functions, philosophy and related welfare services for offenders. According to Mr. Kwok, the volunteer scheme in Hong Kong commenced of late in 1976 and the response from the public has been very encouraging. Volunteers come from a cross-section of the community including teachers, nurses, office workers, students and others.

Mr. Bhatia at the very outset mentioned that the use of volunteers in the probation programme was just at a beginning stage in his country. He emphasized that volunteers could act as a catalytic agent

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by efficiently participating in the programme, but the success of the scheme would rest with the probation officers, and made the following observations:

(1) Persons with moderate socio-economic background show keen interest in the programme;

(2) The effectiveness of the volunteer system depends upon the types of persons selected and their acceptance by probation officers;

(3) Both probation officers and volunteers have to develop faith in the probation system;

(4) The probation officer has to develop skills not only in directly working with probationers but in treating them indirectly through the use of volunteer *sahayaks* (aides); and

(5) The probation officer should remain as the key person in the programme. If he thinks that volunteers can replace him, the effectiveness of the programme will be seriously compromised.

In the discussion on the role of volunteers, Mr. Kwok and Mr. Bhatia maintained that volunteers could assist the probation officer in helping process for probationers by befriending them and giving them guidance and advice, but the supervision of probationers should not be a part of duties of volunteers because they may not have the same professional knowledge and skill as probation officers. However, some participants were of the view that volunteers could also assist probation officers in supervising probationers and stressed that this approach had been in practice in Japan and functioning quite well.

The group agreed that the volunteer scheme could be effectively implemented in many countries while the probation officer should play the key role for the success of the volunteer scheme. It was also felt that the qualifications and qualities of volunteers depended on such factors as the roles to be played by them and human resources available for the volunteer programme in the community, that the training of the volunteers was a very important aspect and that proper matching of volunteers with probationers was a vital factor for the success of the volunteer scheme.

On the question of recruiting volun-

teers, especially the middle aged volunteers, it was suggested that teaching professionals, people in business and housewives ought to be better utilized. To this end, more educational programmes should be organized to promote the idea of volunteerism through mass media, publications, lectures, etc.

In order to maintain the interest of the volunteers, it was agreed that the support of probation officers was of prime importance and refresher courses for volunteers should be organized regularly to sharpen their skill during their period of services.

On the education of the public at large and the importance of the volunteer scheme, the group agreed that society itself should play an active role in this field. This can be done at three levels, namely, (1) community at large, (2) group and organizational level, and (3) individual level. At the first level, mass media like radio, television, newspapers and exhibitions can be effectively utilized, while at the second level, group lectures by probation officers to the members of voluntary or civic organizations can be effective in mobilizing their cooperation. Lastly, at the individual level, probation officers as well as volunteers may work actively with individuals and private agencies and organizations in giving probationers needed help and support.

The group considered it important to cover the following topics in the training of the volunteers: (1) the criminal justice system as a whole, (2) the basic concept of probation and the expected role of the volunteer, (3) the cooperation between the volunteer and the probation officer, and (4) drug addiction, illegal society, and other important crime phenomena.

Refractory Young Adults

Miss Chan (Singapore) raised the problem of refractory young adults between the ages of 16 and 21 which had become increasingly serious in Singapore. These are young males and females who have not committed an offence but are on the verge of crime, delinquency and drug abuse. They create difficulties for themselves and their parents. They are

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generally beyond control at home, in school or at places of employment. They keep late at night, frequent dubious places and associate with bad company.

According to Miss Chan, there are sufficient legal provisions to deal with refractory male and female juveniles between seven to 16 years old and refractory females under the age of 21 years, under the Children and Young Persons Act and the Women's Charter respectively. However, there is no legal provision to deal with refractory young male adults between 16 to 21 years.

In 1972, the Probation and Aftercare Service set up the Youth Guidance Service to tackle the problems of these confused and wayward youths. Generally, the Service is directed at:

(1) providing counselling service to enable young adults to tackle the problems of adolescence and to help them solve their social difficulties;

(2) providing voluntary supervision to those whose behaviour is considered morally harmful and likely to develop into criminal tendency if left uncorrected; and

(3) helping their parents foster healthy family relationship.

Very often, however, efforts at voluntary supervision of these refractory young adults have not been successful. They refuse to accept the offer of assistance, guidance and counselling, and probation officers have no power to compel them to do so.

The group agreed that these problems should be tackled from three angles: (1) strengthening of preventive measures, (2) expansion of the existing treatment programme, and (3) enactment of legal provision.

Regarding the strengthening of preventive measures, the group was of the opinion that schools, families and society as a whole should make concerted efforts in order to yield good results. Counselling and guidance service should be established and strengthened in schools, and closer parent-teacher relationship should be encouraged. Education programmes on family life may be useful in enhancing the better understanding of the role of each member in a family. Community

service programmes for helping the aged and the handicapped ought to be organized by youngsters themselves with the proper guidance in order to instill a sense of civic-mindedness among the youth.

With regard to the existing treatment programme, the group stressed that the Youth Guidance Service should be expanded. More staff, particularly trained social workers with matured and knowledgeable skill, should be recruited in order to render more intensive care and supervision.

It was further appreciated that the problem of refractory young adults cannot be tackled thoroughly without the backing of legal provision. The majority of the group opted for the adoption of legal provisions for the care and protection of these youngsters. It was noted, however, that a compulsory treatment programme should be used only as a last resort for refractory youth who had not yet committed an offence.

Lack of Parental Cooperation

Mr. Suvansuratn (Thailand) first explained that the people in Songhla Province where he works, most of whom were small rubber holders or merchants, often failed to meet the essential needs of their family members, especially those of children, due to their hard work. The children are left to themselves without proper care. There are many school dropouts. On an average, each family has about six to seven children; under this circumstance, the parents are unable to give proper care and supervision to their children, especially when they themselves are uneducated. Many still hold the view that education for their children is a waste of money and time.

When children or young persons are arrested for committing an offence, their parents are reluctant to go to the juvenile court because of the remote distance of the court from their residence or their busy business. Another important reason is that some parents cannot speak the Thai language. Most of probation officers come from Bangkok and they have difficulty in understanding the language of

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these people too.

The problem raised was how to overcome the negative attitude of parents towards their misbehaving children. The group felt that it was very difficult to change the negative attitude of the parents but some approaches to solve this problem were to increase the number of probation officers and to recruit probation officers particularly from the locality so as to enable probation officers to tackle the problem more intensively and efficiently. It was also pointed out that the introduction of the volunteer probation officer system would certainly contribute to the solution of the problem. Head-villagers, school-headmasters or other well-respected persons can be significant human resources for volunteers.

In this connection, some members suggested that it might be worthwhile to examine the possibilities of establishing a village level committee to deal with juvenile delinquents. Other members, however, expressed a fear that such laymen committee might be potentially dangerous to the protection of human rights and preferred to expand the services of family courts to rural areas.

Compensation to Employer

Mr. Fujita (Japan) presented for discussion the problem of compensation to an employer for the loss he suffers by the act of a probationer or parolee at work, citing a case of a juvenile parolee who was employed by a company and for whom a voluntary probation officer of a half-way house acted as guarantor. While in employment, the parolee ran away with cash amounting to ¥430,000. The juvenile was untraceable, and in this case negotiations for making compensation were made between the employer company and the half-way house.

The problem involved in this case derived, according to Mr. Fujita, from the guarantor system traditionally and currently prevailing in this country which required an employee to stand a guarantor. For a probationer or parolee who has no guardian or other suitable person as a guarantor, it is very difficult to find a job. So his probation officer may wish to

assist him by taking the guarantee for him. The situation becomes troublesome when he commits an offence against employer. Although volunteer probation officers are advised through their orientation and training that they should not involve themselves in such a situation, some of them dare to run a risk out of enthusiasm and report the matter to the probation officer only when they are unable to solve the problems themselves.

The group was of the opinion that volunteer probation officers should not take the guarantee on behalf of the probationer or parolee under any circumstances because it was far beyond their duties, with the following suggestions: (a) professional probation officers should make volunteer probation officers clearly understand the legal liability of guarantor; (b) probation officers should encourage offenders to plan their future living and guide them to find jobs on their own; and (c) more comprehensive register system of potential sympathetic employers should be set up so as to cope with the diversified needs of offenders.

It was brought to light during the discussion that the majority of volunteers as well as professional probation officers in Japan conceal the status and records of the offender to the employer if the offender so wishes. Some participants were of the opinion that, whenever a probation officer would assist his client in finding a job, relevant facts should be placed before the employer to avoid any future trouble. On the other hand, some participants asserted that at least when the offender himself found a job and asked the officer to keep his records from the employer, the officer should accept the request.

Social Investigation

The last paper presented by Mr. Tabuchi (Japan) dealt with some problems in the process of social investigation. He first explained how to conduct social investigation, pointing out that there are three methods of investigation: reference, interview, and observation. As to the method of reference, he underlined the importance of receiving information from school authorities, but pointed out that

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some school authorities are reluctant to supply relevant information because it would be used as a material unfavourable to the juvenile or because the juvenile might take the revenge on the school authorities. He also stressed the need and importance to collect information regarding the past delinquent behaviour of the juvenile, including (a) the process from the beginning of delinquency, (b) his behaviour after delinquency, (c) the characteristics of his delinquent behaviour, and (d) the characteristics of the delinquent group to which he belongs.

According to Mr. Tabuchi, the evaluation of the results of social investigation is most important because every worker has a different standpoint and way of thinking of his own. He was of the view that the investigation officer should not only state his conclusion but also include the process of his evaluation in preparing his report to the court. Moreover, we must look into the role of the report whether the reports have a probative value or not.

In the course of discussion, the group faced with a problem whether the social

investigation process should involve adjustment of social environment. Mr. Tabuchi expressed his view that some therapeutic approach was necessary during social investigation. However, his view was opposed by some members who stressed that the process of treatment and investigation must be theoretically and practically separated. The second point of discussion was how to conduct an interview as a method of investigation. The group agreed with Mr. Tabuchi that it should be conducted on a social work model by having the acceptance of the client and helping him express himself freely in a relaxed manner, so far as it was possible.

Finally, the group discussed what should be the basic approach to be taken by the social investigator in conducting social enquiry and in presenting recommendations to the court. While Mr. Tabuchi was of the view that the interest of the juvenile should be given prior consideration, the majority was of the opinion that the interest of the general public should at the same time be respected.