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Endangered Youth between Prevention and Repression

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Summary

The publication ENDANGERED YOUTH BETWEEN PREVENTION AND REPRESSION attempts to ponder from different angles upon the lingering criminological question, analysed in various different ways: why is there so little success in curbing asocial conduct in young people? Research efforts by criminological staff have focused on tackling this matter on the basis of a commission arising from CR Government Resolution No. 1150/ 2007.

At the outset it should be observed that, after analysis of various respected criminological theories, there exists no integrative or synthetic theory which would explain the causes of the beginnings of such criminality, or else on the basis of which we could unequivocally predict delinquent evolution of a specific individual. It is certainly possible to recognize several causal interrelations between separate elements of the socialisation system, between biological, psychological and social determinants, nevertheless, people's lives are influenced by so many differing phenomena that the resulting "product" can be guessed at only with greater or lesser probability. We are able to identify complex interrelations only partially, within relatively simple systems. Biological, social and psychological systems and processes are mainly of a probable nature, non-linear and stochastic, while to separate what is the cause and what are the effects in such compound systems is, in essence, practically impossible. On the other hand it is important not to yield, but to continue more precisely to find relational regularities which enable us to deflect more effectively the undesirable factors of individual human misfortune. In other words to find factors whose existence (and primarily their mutual combination) cause the beginnings of criminal behaviour with greater or lesser probability. Just what form this behaviour takes, however, often depends on contingency (known as "criminal opportunity") and the momentary individual predisposition of the subject committing the criminal act.

At the present time, Act No. 218/2003 Coll. has for some time been applied within juvenile jurisprudence. This act contains – as against the past – a whole range of modern elements for

dealing with juvenile delinquents. This law has eliminated several legislative shortcomings, amongst other things it has expanded the all too narrow range of possible legal measures, emphasised the principle of the auxiliary role of punitive repression and mainly provided the opportunity of enhancing individualisation those measures. One of the aims of the research which is reported upon in this publication was to find out to what extent application in practice by the authorities operating in accordance with Act No. 218/2003 Coll. is currently achieving the intended ideals and goals of the act, whether problems arising over the initial years of its being in force have endured or whether a solution has been found, either by accepted practice or by means of separate amendments.

Empirical analysis conducted amongst judges and state prosecutors has shown that currently neither in the courts nor at the state prosecution service are there any fundamental problems with forming a system of specialisation on juvenile crime in accordance with the requirements of Act No. 218/2003 Coll. It is stated generally in the publication that the juvenile justice act achieves the declared goals in terms of its correctional effect on youths. From a whole range of findings, we should point out that the respondents value the high-quality cooperation with the Probation and Mediation Service, but also there is considerable dissatisfaction with the continuing lack of probation programmes and probation-type programmes. The respondents generally express agreement with retaining the current age of criminal liability at 15, although more than half of them are unhappy with the provisions for custody of juveniles. The biggest difference between the opinions of judges and state prosecutors was found in the question as to whether criminal and non-criminal matters should be a combined for the attention of the same youth specialist. Combination of agendas has considerably greater support of state prosecutors than with judges.

The practical efficacy of Act No. 218/2003 Coll. can be assessed by a range of research methods. We have tried to establish empirical data on how successful application of supervision of by a probation officer is in disinclining young people from committing further criminal acts. We have attempted to establish to what extent application of punitive measures under Section 24(h) of the Act (suspended prison sentences for a probation period with supervision) has an influence on prevention of recidivism in the case of the criminal act of theft. In this research probe, juveniles punished in this way were confronted with a control group of juveniles offenders who were sentenced in the same period – also for theft – by the punitive measure of suspended prison sentences for a probation period, but without applying the supervision of a probation officer (under Section 24(g)). This research probe has shown

amongst other things that although the juveniles who were imposed supervision reoffended only slightly less than the juvenile delinquents without supervision, nevertheless respondents with probation supervision subsequently committed less serious crimes (of a nature of a certain degree of excess) and committed rather fewer offences other than property-related. A more considerable difference was found in the interval of recidivism, in the sense that the juveniles who had been sentenced to suspended prison sentences for a probation period without probation supervision were more often reoffend within one year, while juveniles with supervision were more likely to reoffend after longer intervals. Comparison of both sample groups showed, however, that approximately three-quarters of youth offenders – regardless of application or non-application of supervision – reoffended during the three years subsequent to sentence being passed.

So, we have at our disposal an advanced legislative instrument for work with delinquent youth – a juvenile justice act which must be fundamentally evaluated positively. The possibility of actual application of the measures contained within it, however, is at an alarmingly unsatisfactory level. The common denominator is a lack of experts. Insufficient staff levels at the Probation and Mediation Service means mainly that supervision, one of the most important instruments for controlling the behaviour of a young delinquent, can be applied only more or less formally. This situation is worse than if supervision was not imposed at all, because this like is saying to the young person, who already has a problem with respect for authority, that the state does not have sufficient powers to enforce its own verdicts. Judges and state prosecutors evidently fairly clearly realise this, because they utilise this instrument relatively rarely (certainly less than the authors of the act had intended).

Even more serious is the situation in the area of probation programmes which should be another pillar in diverting young people away from an asocial course in life. Accredited probation programmes are few and are located unevenly around the country. This does not facilitate actual access to them for children who come generally from underprivileged social strata. Not even the content of these programmes can cover the whole range of activities and processes necessary for re-socialisation of endangered youths. A lack of experts is also evident at an earlier stage – in terrain social work which amongst other things should catch the first signals of defective behaviour in an individual or an unsatisfactory situation for being brought up in his/her family. Active screening remains as a topic only of specialist conferences and the wishes of people involved in preventative work.

After such considerations, two separate tasks concerning preventative activities were introduced into the research plan. The first of them concentrated on the work of non-profit organisations in social prevention, the second focused on the question of why in some cases preventative efforts failed and the child ended up on a deviant course in life.

It has become clear that, from a prevention point of view, the most successful organisations tend to be branches of diversified organisations which therefore have well-developed knowhow, methods and control mechanisms. Such organisations have been operating in the field for longer and without interruption, have a more stable number of staff and with good qualification preconditions for preventative work. Successful organisations have fairly strict conditions on qualifications for staff joining them; also (in accordance with the Social Services Act) their staff undergo further training. Their operation is also regularly reviewed, in the vast majority of cases by an external supervisor. Part of their work lies also in evaluative processes (although here there is certain room for improvement). All size categories of successful preventative organisations use the work of volunteers. It is generally the case, however, that those which are not the branch of a larger entity has fewer permanent staff, often none (all working on a part-time basis).

Organisations direct their efforts evenly between leisure activities (primary prevention) and work with youths already socially malfunctioning to some extent (secondary prevention). The highest praise tends to go to those NGOs which work in the area of drug abuse prevention or with drug addicts themselves (tertiary prevention), in addition to those working with minorities and those providing psychosocial advice.

Half of the NGOs researched operate on a plan for several years in advance, others, more than a third, plan for a year in advance; only a small proportion has only a framework plan of operations and react to momentary demand for services. The greatest source of funds for operation is direct subsidy from state institutions, regional subsidies taking second place. Financing almost always comes from several sources, an organisation's stability ensured most often from municipal funds which bridge the periods between separate subsidies from other sources. Almost a half of the respondents consider support from the municipality as on the increase or at least stable; almost a third, however, mentioned fluctuation of favour of municipal bodies connected with changes in leadership.

It is the professional quality of staff working under quality leadership, in a stable team, personally motivated towards work in the social work, which is decisive for the success of the activities of an organisation; in addition to this, quality communication and cooperation with the municipality, respect for the needs of the clients and their trust. The service which an NGO offers must be actually necessary for the local community and sufficiently flexible to changes in the social field. A great advantage is free provision and accessibility of services which supplement those offered by other organisations in the area, thus creating a quality and comprehensive social system of prevention at local level.

Complementarily to this fact-finding on the functioning and applicability of organisations providing valuable preventative services, we addressed the question as to why some young people are insufficiently reached by preventative activities. For this purpose, a survey was performed among inmates of the diagnostic institute for youths (DÚM). The survey confirmed the findings that the social background of the clients is in a vast majority of cases somehow unsettled (many and various more or less obvious sociopathological phenomena). Over the course of their lives, juveniles have lacked a firm (i.e. relatively invariable) family foundation, often not being precisely aware at present of who belongs to their family and who does not. The chaos in their family gives the endangered juveniles a sense of insecurity, their reactions to this often leading to asocial activities.

The social background of clients is not solid in the area of schooling; their poor performance often results from – amongst other reasons – incorrect placement in a certain type of school and a lax attitude of the client's family to the child's school activities. School for endangered children therefore becomes a place which they associate with failure, humiliation and derision, a place which is to be avoided at all costs or to actively fight against. Here we find the roots of problems with discipline (directed against teachers, classmates and the institution of school as such) or of a tendency to run away (truancy) and seeking solace in a group of similarly unsuccessful peers or older asocials.

In the respondents' case histories, we also find symptoms of a breakdown in positive friendships and extracurricular interests which are often disrupted by unfavourable life situations encroaching on the lives of endangered children. Serious family disruptions are accompanied by changes of those into whose care the child is entrusted, moving house, deterioration of financial situation affecting extracurricular activities, removal from activities of a positive nature, etc. The research demonstrated that participation in organised activities of

the young people under scrutiny is, for one thing, at a low level, and for another, very few of them last out in any of these activities – for subjective and objective reasons – for a long period of time.

It is evident that a fundamental mistake in the fight against development of asocial or even antisocial behaviour in the juvenile respondents lay in the fact that some well-developed preventative system did not notice in time problematic developments in them. The children's problems are often identified too late; by the time action is taken by a youth-care authority or other specialised body, the sociopathology is often of a serious nature. The problems of endangered children are often discovered by chance and unsystematically. We see here that it is essential to develop a methodology combined with a "System of Timely Intervention" which should prevent necessary re-socialisation support being provided to the child too late. This system is based on the idea that it is necessary to indentify the endangered individual in good time, submit information concerning his/her endangered situation to the competent bodies and most importantly to make haste with application of effective preventative and corrective measures. These must be focused otherwise than just on leisure time activities, but on gradual change of the child's personality structures in the modified environment of his/her family by using all possible available means acceptable to the child.

The last piece research contained in the publication attempts to map personality traits of juveniles who are currently serving prison sentences. Psychological examination – despite its many limitations caused by the impossibility of creating a more representative sample group – has come to the conclusion that the vast majority of imprisoned youths are simplex personalities of reduced intellect and limited, undeveloped social and communicative attributes with a poor range of vocabulary, low level of education and with an inclination to take risks.

So, the results of the publication show that we have a modern legal norm at our disposal for dealing with the problem of juvenile delinquency, the adequate use of which is, however, dependant on the real options of alternative treatment of endangered youths – more precisely on high quality, well-staffed and materially assured, functional and informal performance of probation supervision and on varied and available accredited probation programmes. Permanent reduction of the numbers of delinquent youths is, however, linked primarily with timely and adequate preventative work to positively influence proper socialisation of a child in all spheres of his/her social life. For restricting criminality in young children it is necessary

to carefully monitor the appropriate development of a child using sensitive screening resources with an aim to make appropriate intervention into the child's life and his/her social background (family, school, extracurricular areas including peer relationships) at the moment when normal socialisation resources have long ceased to perform their role. In such a situation, an important role is played not only by socio-legal protection authorities but mainly by non-government, non-profit organisations active in the area of social prevention. Preventative work should be given a firmer and more comprehensively thought-out framework which would – ideally by means guaranteed by a special law on prevention – ensure systematic access to it, from the principles of broad-based preventative work at a primary level (including creation of an anti-delinquent social climate) through focused secondary prevention of those currently endangered to specialised activities at the level of correctional tertiary prevention. Only in this way can we arrive at a situation where it becomes only the exception that young people end up in prison, where may be possible to divert them from a delinquent lifestyle and pointing them towards a successful life without conflict with social norms.

Translated by: Presto