A Comparative Review On Reducing Juvenile Recidivism For Juvenile Criminal Offenders In China, South Africa And The United States

Abstract

“Crime and bad lives are the measure of a State’s failure, all crime in the end is the crime of the community”, H.G. Wells. In today’s society, juvenile delinquency is at an all time high. Juvenile delinquency refers to antisocial and criminal behavior committed by a person under the age of 18. A juvenile is an underage person who commits a crime that is based off of their behavior. The behavior of the juvenile is often wild, rough, and careless. Being that they are young, juveniles do not receive the same punishment as their adult counterparts. Juvenile commit crimes due to lack of parental control and influences from their environment. Juvenile crimes and classified into two categories: status and delinquent offenses. Status offenses include smoking or using tobacco, drinking or possessing alcohol, running away from home, truancy and curfew. Delinquent offenses are violations of legal statutes that would apply to adults. These offenses include rape, murder, armed robbery, aggravated and simple assault, burglary, theft, arson, criminal mischief, and others. This paper describes the effects parental involvement, educational and mental health services have on juveniles who enter the correctional system. Comparison of China, South Africa and the United States juvenile justice systems is discussed and what programs are offered in the respective countries and if they are effective.

Keywords:

China, educational programs, juvenile corrections, juvenile delinquents, juvenile recidivism, mental health, parental involvement, South Africa, United States

Introduction

A major challenge for correctional programs is that rehabilitation and educational services may not be a priority. Most legal systems have specific procedures for dealing with juveniles, such as juvenile detention centers and courts. Regarding juvenile court, the purpose is to rehabilitate the juveniles. Instead of punishing youth, the juvenile court is designed to provide social and mental health services along with educational services. It is designed for youth under the premise that young people have a better chance at rehabilitation. Although the system may be helping juveniles, it is highly questionable whether the detainment of young people and the programs offered helps rehabilitate them. The active involvement of parents during the youth’s experience with the juvenile justice system is also a crucial aspect. When parents are involved and are aware of the issues the youth may be facing, youth have a better chance of leaving detention and becoming productive members of society. Youth who are released from incarceration are extremely vulnerable to patterns of recidivism due to lack of family support, poverty and victimization. Implementation of more educational programs and treatment services will benefit youth and reduce juvenile recidivism.

Literature Review

China

Juvenile delinquency is one of the most serious social issues in Hong Kong (Heng, p. 50). Mao Zeng compared deviant behavior to an illness and emphasized a rehabilitative approach (Terrill, p. 558). In China, juvenile delinquents are classified as people from age 14 to 25 and juvenile criminals, age 18 to 25 (Terrill, p. 561). In 1998, the Rehabilitation Division was created and formulated strategies for long-term development of rehabilitation services for juveniles. These programs helped juveniles improve their interpersonal skills and restore self confidence through acquiring skills to secure jobs. The Rehabilitation Division is comprised of five units: (1) Rehabilitation Unit (Assessment and Program), (2) Education Unit, (3) Vocational Training Unit, (4) Psychological Services Section, and (5) Rehabilitation Unit (Supervision) (Heng, p. 51). In the Education Unit, Hong Kong has adopted a mainstream education approach by using the Hong Kong Education and Manpower Bureau's (EMB) special school model to set up programs. Remedial classes are also offered to help juveniles with learning disabilities. Vocational training has a variety of technical and business courses that juveniles can participate in. Psychological services are provided for juveniles to help them improve their general mental health and adjust to being incarcerated. The Offending Behavior Program, (OBP), helps juveniles develop pro-social values and attitudes and acquire appropriate social skills to replace offending behavior. There are also programs for drug addicts and juveniles can undergo treatment for two to 12 months. The program focuses on discipline and outdoor activity. Families are encouraged to participate in the program Inmate-Parent. In this program, families can talk and learn how to become more involved in their children's rehabilitation process (Heng, p. 54). During the rehabilitation process, staff members work with the juvenile and their families for successful reentry into the community. Some juveniles may be placed in half-way houses and may leave on weekends or holidays to facilitate the juvenile's social reintegration. China also implements informal strategies to reduce the number of juveniles being sent to juvenile correctional facilities. One of the strategies is bang-jiao. Bang-jiao is used to prevent delinquent behavior. The goal is to assist and guide a juvenile and their family to prevent the juvenile from committing future crimes (Terrill, p. 562).

South Africa

A juvenile is defined as anyone under the age of 18. Rights for juveniles include: access to social services, protection from neglect and abuse, alternative care when removed from the family, access to legal counsel, and not to be detained unless it is the last resort (Terrill, p. 351). Due to the high prevalence of violence, juveniles are at risk of becoming a victim or perpetrator. Regarding reducing juvenile recidivism, attention on the family, schools, and community needs to be addressed. The family is a source of violence especially for young boys who experience physical abuse. Children are also exposed to gang violence and become involved by the age of 11. Alcohol and drug usage in the family are abused in the family and some children may have issues related to fetal alcohol syndrome and attention deficit hyperactivity disorder due to maternal prenatal use of tobacco, cocaine, and methamphetamines (Terrill, p. 356). According to Ntshangase, risk factors within society that have the likelihood of leading to juvenile delinquency, are family structure, poverty, the economy, population growth and racism (p. 15). The juvenile justice system in South Africa uses diversion as a component in reducing juvenile recidivism. Diversion programs for juveniles include; life?skills, peer/youth mentoring,

wilderness therapy, skills training/educational or entrepreneurship programs, therapeutic programs, oral/written apologies, community service or multi?modal programs, victim offender mediation, and family group counselling (Cooper, p. 69-70).

United States

Juvenile criminal activity continues to be a problem in the United States and causes a financial burden to society and impact on quality of life. The FBI Uniform Crime Reports show that juvenile offenders accounted for 15% of violent and 30% of property crime in 2002 (Tennyson, p. 1). In order to reduce juvenile recidivism, intervention programs such as individual therapy, family therapy, parent training, group treatment, drug treatment, restitution, correctional programs and multisystemic therapies. Parent training is a therapeutic technique designed to impact parental discipline styles. Inconsistent parenting, harsh discipline, inadequate supervision, and poor boundaries are all risk factors related to juvenile delinquency. Parent-training programs are aimed at assisting parents how to positively reinforce adolescents' prosocial behavior (Tennyson, p. 8). Interventions in addressing parental skills have a direct impact on reducing juvenile recidivism. Behavior Modification and Cognitive Based treatments have also resulted in reduced juvenile recidivism. Pearson, Lipton, Cleland, & Yee, conducted a study that showed a 30% reduction rate in recidivism over untreated groups. The results also showed that cognitive behavioral therapy programs were more effective in reducing recidivism than behavioral programs (Tennyson, p. 10). Family therapy interventions are aimed at influencing familial dynamics as a means of addressing criminal behavior in adolescents. Studies have shown that having a delinquent sibling increases the likelihood of being convicted for a violent offense. Adolescents who experience abuse, neglect, and harsh parental discipline also increases the likelihood of criminal behavior. Functional Family Therapy includes concepts based on systems theory and attempts to decrease negative behavior. Brief strategic family therapy focuses on improving relationships within the youth's family. One-person family therapy is based on the idea that a change in one family member will lead to corresponding changes in other family members and aims to modify behavior. The multisystemic therapy (MST) is aimed at decreasing delinquent behavior in youth through both community and home-based interventions. MST targets the youth as well as their family, peer group, school, and community (Tennyson, pp. 11-13). The New York State Office of Children and Family Services (OCFS) along with the New York State Office of Mental Health (OMH) have developed a mental health unit model for juveniles at the Highland Residential Center. The unit is designed to meet the needs of youth who have chronic and serious emotional disturbances (Johnson, p. 116). Substance abuse services are also offered. The most effective prevention model includes treatment services, prevention education, cognitive restructuring services and programs, and independent life skills (Johnson, p. 118). The most cost-effective way to address at-risk populations is to prevent them from occurring in the first place.

Problem Statement

The importance of having educational programs, mental health treatment services and parental involvement will reduce juvenile recidivism. According to the U.S. Department of Justice, recidivism is defined as the repetition of criminal behavior (Bostic, 2014). In the criminal justice system, it is important to not treat children like adults. The frontal lobe of the human brain is not fully developed until young adulthood, which controls decision-making functions. According to the American Academy of Child and Adolescent Psychiatry (AACAP), teenagers are more likely

than adults to be impulsive, engage in risky or dangerous behavior and get into accidents (Point Park University, 2019). Children may not always understand the consequences of their actions and if provided with the right intervention, juvenile offenders can be successfully rehabilitated and will not commit criminal acts in adulthood. By having these three factors included in the treatment of juvenile offenders, juvenile will less likely continue to commit crimes and become successful in adulthood.

Parental Involvement

Parental involvement in child services has been implicated as a necessary element to facilitate positive treatment outcomes in the mental health, education and child welfare sectors (Burke et al. 2014). Research in best practices for prevention, intervention, and aftercare services for juveniles calls for the participation of, education of, and supports for biological parents, surrogates, or guardians to ensure that families are engaged in the process (National Center for Mental Health and Juvenile Justice, p. 1). Family involvement engages the family in decision-making. Consistent involvement can help the youth by reducing anxiety, reinforcing the importance of treatment, proper use of medication, and it helps increase the chance of a smooth transition home once the juvenile is released from the juvenile justice system. Families can also benefit from being more involved with their youth. They are aware of where this child is and what is happening to them, understand the process and expectations of the juvenile justice system so they can make more informed decisions, and feeling valued for the information they can share about their child such as strengths and needs, diagnostic, treatment, medication history, patterns of behavior, and educational background and status (National Center for Mental Health and Juvenile Justice, pp 2-3). Family support increases the likelihood of successful reentry by acting as a protective factor against recidivism amount youth. Social support creates positive social bonds to the family and can act as a buffer against traumatic and stressful events such as being detained.

Educational Programs

Most of the youth who enter the juvenile justice systems have intense educational needs. Large numbers of incarcerated juveniles are marginally literate or illiterate and have experienced school failure and retention. Helping youth obtain educational skills is one of the most effective approaches in the prevention of delinquency and recidivism. Higher levels of literacy are associated with lower rates of juvenile delinquency, re-arrest, and recidivism. According to Project READ, most incarcerated youth lag two or more years behind their peers in basic academic skills and have higher rates of grade retention, absenteeism, and suspension or expulsion. A national study found that more than one-third of youth incarcerated at the median age of 15.5 read below the 4th grade level (The National Center on Education, Disability and Juvenile Justice). Although it has not been proven that school factors cause delinquency, most researchers concur that schooling can contribute to the production of delinquent behavior. Studies have found negative associations between school performances, such as grades and test scores and delinquency. Most delinquents have a record of poor achievement and truancy. Youth who are academically successful are less likely to be involved in delinquency (Steiger et al., p 1).

Mental Health Services

The juvenile justice system is currently faced with the task of providing mental health assessments and treatment services for its youth. The juvenile justice system has been emphasized to serve the needs and rights of children. The prevalence rate of youth with mental health disorders within the juvenile justice system is found to be higher than the general population of adolescents. Approximately 50 to 75 percent of the 2 million youth encountering the juvenile justice system meet criteria for a mental health disorder. The high prevalence of mental health disorders within the juvenile justice system does not necessitate a need for treatment, but a need for different levels of mental care with treatment options. It has been noted that the most common and effective treatments include professional clinical care, psychopharmacology and structuring of an environment to protect youth as well as reduce stress while in crisis. Cognitive-Behavioral Interventions (CBT) has been proven to reduce future delinquency with youth who display depression and anxiety disorders. CBT teaches youth awareness of social cues and promotes delaying, problem solving, and nonaggressive responding strategies. CBT has been used to address issues such as interpersonal, problem solving, anger management, and social skills in individual and group treatment (Underwood and Washington, pp. 2-4).

Method and Design

Juvenile recidivism is defined in three categories: youth who are adjudicated for new offenses while in custody, youth supervised in the community who have subsequent arrest or adjudication/conviction while on supervision, and youth discharged from the juvenile court jurisdiction and then have a subsequent arrest, adjudication or conviction (Crime and Justice Institute, p. 1). The term juvenile can have several different meanings. Juveniles are individuals who are emotionally, psychologically, and intellectually immature. Prevention is a broadly defined terms and can have different meanings as well. The meaning of what prevention is and what it consists of will need to be defined. For the purpose of this study, prevention will be defined as:

“A process of intervention designed to alter the circumstances associated with problems behaviors. Effective prevention practices decrease problem behaviors and subsequent difficulties children and adolescents experience in the school and in the community. Prevention includes a wide range of activities that address the needs of an equally wide range of children and youth” (National Center on Education, Disability, and Juvenile Justice).

In this proposed study, an appropriate method of measuring juvenile recidivism is to conduct a case-study on juvenile in the correctional system using a qualitative research technique. The first group would consist of juvenile who first enter into the juvenile correctional system and the second group would consist of juveniles that have been released back into the community. Recidivism cannot accurately be measured by using arrest data because not all crime is discovered. In this study, recidivism will be measured by interviewing juvenile offenders to determine whether they have committed crime since entering or exiting a program, analyzing officially recorded criminal justice events such as arrests and convictions, charting a new offense over an elapsed time frame, and measuring time elapsed until the next crime. Demographics, behavioral, familial, and school related variables will be also examined and taken into consideration. The interview will be consisted of questions asking the juvenile and their families about their family history, mental health history, substance abuse history, educational history, criminal history, and peer relations. From the study, the research will show

how effective parental involvement, educational program and mental health services will help reduce recidivism rates among juveniles. If juveniles are provided with the appropriate treatment plan while incarcerated, they will become successful and refrain from committing future crimes. Preventing future re-offending and protecting public safety is a goal shared by all agencies in the juvenile justice system.

Significance and Conclusion

The significance of this study will how that juveniles can be rehabilitated, if they are treated properly. As noted earlier in the paper, the brain is not fully developed until the early 20s. If juveniles are provided with the correct resources and shown some type of compassion, their behavior will most likely change. Most juveniles in the juvenile correctional system comes from broken homes, where either one or both of the parents may be absent. Youth are being raised by grandparents or relatives who cannot control the mental health effects these youth are facing. By having more mental health and educational programs with the juvenile correctional system, it will prove that juveniles do deserve a second chance and should be locked away. It has also been shown how the incarceration of juveniles has lasting effects on their mental health. After being released, some juveniles do not know how to adjust back into society and lack the necessary independent living skills to be successful. When juvenile recidivate, it is due to the lack of parental control/support, lack of educational to continue in school, and negative environments that encourage criminal behavioral. Throughout the world, each country has a different view on what a juvenile is considered. A national definition on who is considered a juvenile should be accepted and countries such as the United States and South Africa should take into consideration the juvenile correctional procedures in China. In China, a juvenile delinquent and juvenile criminal is someone under the age of 25. China also takes into consideration the use of the family and the youth’s community in aiding the juvenile. But how do you help a juvenile who may live in a poor community or experience violence of a daily basis like in South Africa? This study will help to better understand why juveniles continue to commit more crimes and what can be done to keep them from committing more crimes. As juvenile delinquency continues to increase, national crime rates and juvenile prison populations will inflate. If juveniles who continue to commit crimes lack school initiative and family support, the standard of living with also lower.

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