
MAJOR COMPETENCIES TO MANAGE MINOR OFFENDERS

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Abstract

The basic idea is to promote a shift in approaching the criminal justice systems when dealing with juvenile offenders: instead of applying punishment-oriented sanctions, a system reflecting the juvenile justice concept would regard juvenile suspects as participating members of society having rights, obligations, and responsibilities. Such a system would provide special protection for juvenile offenders, as well as opportunities to undo or rectify the consequences of their misdeeds.

The basic requirements for such transformation are a more developed social system for assisting vulnerable juveniles and their families, stronger infrastructure for the prevention of juvenile crimes, more options among the alternative and non-custodial measures to be imposed on juveniles in conflict with law, and the possibility for juvenile offenders to exercise their rights throughout administrative and criminal proceedings, as required by the UN Convention on the Rights of the Child.

Rationale of and background to the project

The Council of Europe is defining a juvenile as someone who is criminally responsible but has not reached criminal majority. Delinquency refers to acts which are dealt with under criminal law, although some countries do include antisocial or deviant behaviour in their juvenile penal law. The juvenile justice system is a formal system that is part of a wide approach to delinquency, including the police, the prosecutor system, the probation system, and youth institutions, but also agencies such as health, education, and social welfare (Council of Europe, Rec. 2000, 20).

The factors contributing to delinquency include social exclusion, migration, racism, gender inequality, violence (societal and domestic), and breakdown of the family, lack of positive role models and the influence of media. All these factors need to be addressed when we approach juvenile crime.

European Council emphasized (2007) that prevention is the key to solving the problem of young offenders. Family, school and society all have important roles to play in educating and re-educating young people. Juvenile delinquency accounts for an average of 10.5 percent of

crime, although it can rise to 22 percent in some countries and that there is no central database available within an EU institution that allows comparing crime statistics on the different types of juvenile and urban crime. EC particularly stressed the delay of activating in national, regional and community levels structures to combat delinquency. “It’s that ‘negligence’ that renders even the most modern national penal systems for juveniles unable for implementation, due to the lack of appropriate mechanisms, infrastructure and social participation which are necessary to ensure their effective function (Batzeli Report toward EC, 2007).

Two main reasons to the EU countries to be concerned:

- There is an aggravation of crimes committed by minors (especially concerning crimes like robberies, rapes and homicides);
- The age of juvenile delinquents is getting more and more younger nowadays, with minors of 8 to 13 years old being registered as offenders.

However, at the same time as concern over juvenile crime and violence is increasing, there is a parallel concern that the system for tackling such crime and violence is slow, ineffective and over-burdened. Delays are commonplace, public confidence is low and re-offending rates are as high as or even higher than for adults. These developments have led, at least in a few Member States, to a popular response for a more repressive approach, which is reflected in higher rates of custody for juveniles and a shift from a needs-led (or ‘welfare’) model to a punishment-led (or ‘just deserts’) model.

The Recommendation of the Council of Europe on social reactions to juvenile delinquency indicates that:

- the juvenile justice system is only part of the overall response to juvenile crime;
- the juvenile justice system should avoid repressive approaches and focus on education and reintegration;
- juveniles should at least receive the same level of procedural safeguards as adults;
- depriving juveniles of their liberty should only be used as a last resort and that, as far as possible, interventions should be carried out in the juvenile’s home environment.

Having in mind all the above, the consortium worked together in order to develop an integrated professional training platform for the personnel directly or indirectly involved in the work with juvenile delinquents. A special emphasize was put on the VET provision for the first layer of target groups meaning groups of professionals like:

- G 1. – personnel directly involved in juridical assistance (lawyers, magistrates, policemen);
- G 2. – personnel directly involved in penalty assistance (guardians and other prison personnel);
- G 3. – personnel directly involved in social assistance (probation councillors, social operators, social assistants);

- G 4. – personnel directly involved in pedagogical assistance (educators, teachers, tutors, other didactic personnel);
- G 5. – personnel directly involved in psychological assistance;
- G 6. – personnel directly involved in medical care.

All the categories above are initially trained as general professionals in their specific field without any specific focus on the particularities related with juvenile delinquents and their social and psychological profiles. There is no specific VET provision in the EU to be delivered at this time in this very sensitive area.

This is why the consortium carefully analyzed the specific training needs of the above mentioned personnel, designed an appropriate multi-dimensional curriculum, produced adequate educational tools and training resources (including e-learning outcomes), piloted these outcomes in the partner countries, refined them and produced final versions in English and partner countries languages. Using the local and regional networks of beneficiaries and stakeholders, the VET provision will be delivered toward the specific target groups. Feedbacks will be collected and published on the web platform of the project.

Nevertheless, a focus on non-formal professional training for the members of the families was foreseen. As a side effect, the structures directly or indirectly dealing with juvenile delinquency took benefit and had the opportunity to improve and to reform their mechanisms and sub-systems.

Investigation of the field (state of the art) and innovative character

The problem of minor offenders (MO) does not represent a new challenge in Europe and ways of managing to avoid re-offending are at the core of professionals' preoccupations. For the Consortium members the idea of innovating the practices, methods and systems in managing the MO came out from a good cognition of the judicial system concerning MO and from the current the reality, which demands for immediate solutions.

Once identified, the problem was consequently approached by Consortium through formulating hypotheses and scientific methodology, in the view of which desk research was performed (surveys on reference documents, i.e. *"Report of the Working Group of the Consultative Council of European Prosecutors"* (2010) presenting peculiarities of juvenile justice, juveniles before & during the hearing, enforcement of decisions concerning juveniles/follow-up of the juvenile; *"Juvenile justice systems in Europe – current situation, reform developments and good practices"* (2006) – an in depth comparative study on reported juvenile delinquency, the sentencing practice and their efficiency concerning crime reduction and rehabilitating young offenders); *"UN Convention on the Rights of the Child"* (1990), etc.). Eurostat and National Institutes of Statistics have been another precious source.

The last step consisted in debates with professionals and stakeholders who gave a valuable input to our theoretical approach. Each Consortium member participated as expert in the process of analyzing and defining the problem, of precise identification of the needs.

The innovative aspect of this project consists in treating the punishments of MO and the whole procedural chain in a new approach, that lead the MO not directly within the prison environment where he will be liable to re-offending, will find himself isolated of family, school, society and from where it will be highly difficult to socially reintegrate him, but in re-thinking the legislation and procedure towards “MO serving the sentence outside of the penitentiary”, under supervision and benefiting of assistance and counselling, by being in contact with the elements that keep him connected to the community he belongs to.

The project offer an innovative scheme of clusters, operating at national and local level, in which at the middle stands a partner of the Consortium (P) that relates with other social actors having as employees professional staffs working with MO: justice departments, reinsertion authorities, education providers, families and civil society. (P) will collect the representatives of the target groups by the help of these actors. The way of composing the clusters will allow getting inputs from traditional educational system and from special school system too. Clusters will design together a new EQF curriculum for developing inter-professional transversal competencies for better dealing with MO. The curriculum will operate with overall elements and prevention & post-punishment follow-up elements.

Aims and objectives

The goal is to increase the specific professional training provisions that will enforce the involvement of different parts involved in the management of juvenile crime, for a better response to the needs for social inclusion of minor offenders.

The general objectives were:

1. To upgrade the professional competencies by specific professional training of different categories directly or indirectly involved in the management of juvenile criminality and in the assistance of minor offenders;
2. To endow the family members with specific competencies;
3. To increase the functionality and inter-operability of the structures that manages the juvenile crime.

The target groups

Direct beneficiaries:

1. Professionals directly involved in juridical assistance (lawyers, magistrates, policemen);
2. Professionals directly involved in penalty assistance (guardians and other prison personnel);
3. Professionals directly involved in social assistance (probation counsellors, social operators, social assistants);
4. Professionals directly involved in pedagogical assistance (educators, teachers, tutors, other didactic personnel);

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5. Professionals directly involved in psychological assistance;
6. Professionals directly involved in medical care;
7. Family members that should take care of minor offenders.

Indirect beneficiaries:

1. The state structures that manage the juvenile crime (probation services, child assistance and protection directorates, police, penitentiaries administration);
2. Minor offenders.

The main outcomes

1. Research Report focusing on:
 - minor offenders categories in the EU,
 - institutions and organisations involved,
 - specific categories of professionals,
 - mechanisms, criteria and good practice examples of dealing with minor offenders;
2. EQF based curriculum for VET training of professionals;
3. VET provisions
 - methodological guide,
 - handbook,
 - eLearning facility,
 - ECVET based evaluation/certification methodology;
4. Training course;
5. International symposium under EfVET.

Under the current situation in which societies are challenged by the misdeeds of the minor law breakers and they are seeking for solutions, in which representative segments of professionals interacting with juvenile offenders (juridical, penalty, social, pedagogical and psychological assistance, medical care staffs, educational and training staffs), have few or no special training in the field of dealing with minor offenders, a specific methodology and curriculum (including psychological training) for them becomes extremely useful. And here is the point where this project will introduce the innovation, will induce the change.

Among the noticeable changes to be brought by the implementation of the project and the application of its outcomes we emphasize: fully recovered and reintegrated minor offenders, diminished juvenile criminality, decrease of the state's costs with inmates and afferent staffs in the system (tribunal, court of appeal, prosecution, prison, etc.).

Methodology

The basic idea is to promote a shift in approaching the criminal justice systems when dealing with juvenile offenders: instead of applying punishment-oriented sanctions, a system reflecting the juvenile justice concept would regard juvenile suspects as participating members of society having rights, obligations, and responsibilities. Such a system would provide special protection for juvenile offenders, as well as opportunities to undo or rectify the consequences of their misdeeds.

The basic requirements for such transformation are a more developed social system for assisting vulnerable juveniles and their families, stronger infrastructure for the prevention of juvenile crimes, more options among the alternative and non-custodial measures to be imposed on juveniles in conflict with law, and the possibility for juvenile offenders to exercise their rights throughout administrative and criminal proceedings, as required by the UN Convention on the Rights of the Child.

More concrete, the used methodology consisted of:

- Desk and field research to identify minor offenders categories in the EU, institutions and organizations involved, specific categories of professionals, mechanisms, criteria and good practice examples of dealing with minor offenders), finalized by a Research Report;
- Designing phase for creating an EQF based curriculum for developing inter-professional transversal competencies for better dealing with minor offenders. This curriculum was build on the achievements of the Research Report and on both the needs of professionals managing the juvenile criminality and on the needs of minor offenders;
- Designing phase for elaborating the training materials (methodological guide, handbook, eLearning facility – as web-based platform, ECVET based evaluation/certification methodology). These VET provisions were strongly correlated with the EQF based curriculum, designed under the previous phase. All materials were designed in EN and translated by partners according to their needs;
- Piloting the curriculum and VET provisions through an intensive training meant for the target groups (professionals interacting with juvenile offenders). The course was held in each partner country and was finalized by training certificate. Both the curriculum and VET provisions were refined, adjusted based on the training phase;
- Increasing awareness upon the issue of efficiently dealing with minor offenders and disseminating the project's outcomes through an international symposium organized under EDEN.

European added value

The project has high European added value. It shows clear connection with European Union's internal and external policies concerning the need for effective promotion and safeguarding of the rights of the child, such as the European Commission communication of July 2006 entitled *"Towards an EU strategy on the Rights of the Child"*, which encompasses more than ten of the EU's policies, including civil and criminal justice, employment, development cooperation, trade negotiation, education and health, setting out at the same time, support Member States' efforts in this field.

Legislation, however, alone is inadequate and systematic approach is needed to support implementation of innovative measures for efficiently managing the issue of minor offenders and for their social integration. Analysis of statistical data provided by reliable resources for juvenile justice shows that the level of juvenile delinquency has not decreased; it is still high (it accounts for an average of 10.5 percent of crime) and it can rise to 22 percent in some countries. The project raises awareness on necessity of new European approach in juvenile justice systems in the partner countries, especially regarding the professional training for acquiring transversal inter-disciplinary competencies of the professionals operating in the field.

Linguistic and cultural issues have been appropriately addressed by providing the following outcomes in national languages: EQF based curriculum for VET training of professionals; methodological guide and handbook addressing to professionals working with minor offenders, also on DVD; eLearning facility containing VET provisions, research data, links to specialized websites; information about the project in partners' web-sites; training course (which will be held in national languages). This will ensure the exploitability of the project outcomes to end-users, who are at the core of change for renewing the juvenile justice systems.

The project indicates visible benefits accruing from collaboration of educationalists, VET trainers, judicial experts, penitentiary staffs, and stakeholders across national borders including the implementation of an International Symposium to be held in Denmark where experts and stakeholders will be invited. The European Union will benefit from this project which will ensure development of innovation and transfer of knowledge and experience at European level.

Expected impact of the project

The outcomes of the project will be used by the envisaged 4 main target groups:

1. professionals directly involved in juridical, penalty, social, pedagogical, psychological assistance and in medical care;
2. family members taking care of minor offenders;

3. state structures that operates in juvenile crime and
4. minor offenders.

Therefore the envisaged impact concerns the increasing capacity of the minor offenders as marginalized category to move from social exclusion to social integration by: appropriate manner of managing juvenile crime, by providing specialized support and assistance to minors, by new transversal inter-professional competencies acquired by professionals dealing with minor offenders. This will be acquired by distributing the Research Report to 300 experts, stakeholders, authorities' representatives and juvenile justice institutions in 6 countries and by performing 6 training courses with 120 professionals (20 per country) who are directly involved in the management of juvenile justice. Additionally, the DVD with VET provisions (EQF based curriculum, methodological guide, handbook, evaluation/certification methodology) will be distributed to 600 end-users (100 per country) in 6 countries. It is estimated that 65% of these will become active users. We expect 70% of them to adopt this model. Moreover, the Consortium will collaborate with 30 educational institutions during exploitation period. It is envisaged that at least 12 of these organizations will be prepared to adopt the model methodology beyond the project life.

The eLearning facility will be used by experts and professionals in the field and by family members of minor offenders, by the local communities and all those interested in improving the efficiency of the system. We estimate an approximate number of 600 visitors per year.

The minor offenders will be involved through the daily and current activities carried out by all categories of professionals that directly interfere with them and who will be beneficiaries of the project's outcomes.

The project aims at increasing the specific professional training provisions that will enforce the involvement of different key-players of the management of juvenile crime, for a better response to the needs for social inclusion of minor offenders. By this, it aims also at finding and experimenting practices and methodologies, at starting the confrontation process and fostering work with minor offenders in order to avoid re-offending and to support, accelerate and promote their social inclusion.

The project thus lay foundations so that experimented products/methods are updated, widely used & developed in partner countries but also in other countries interested in the development of functional systems for juvenile justice and of efficient solutions for social integration of the minor offenders.