CHAPTER II
REVIEW OF LITERATURE

This Chapter consists of three sections:

Section I discusses the theories –from those that explain criminal behaviour from the sociological, psychological and criminological framework to theories that aim at reintegration based on either of the above or emanating from an integrated perspective.

Section II discusses the process of “reintegration” that helps socially-expelled human beings return to their own space in society. This section also highlights reintegration mechanisms that have been in practice in several parts of the world, especially with deviant populations. The mechanisms thus highlighted will help in understanding the actions taken with the individuals under discussion as well as the response and association with other stakeholders, processes and services around the individual that has facilitated the process of reintegration.

Section III specifically looks into those sections of national and international laws, policies and conventions that specify reintegration of children in conflict with law. It concludes with gaps in the judicial system in India and thereafter and outlines the contribution of the present study in filling the gaps towards successful ‘reintegration’ practices in India.

Section I
Theories of Reintegration

Theories of reintegration have their foundation in causal theories of delinquent/criminal behaviour. Many of the theories of ‘reintegration’ have been tested using adolescents as units of analysis. While documenting successful reintegration practices, researchers have asked/responded to the question what works but have difficulties in answering why certain techniques work and certain do not. (Maruna et. al 2004). In order to understand the best practices towards reintegration, it
is important that we try to understand why a person commits crime in the first place and then try to flip the reasons to help in understanding successful reintegration practices. The identified reasons range from severe frustrations (psychological factors) suffered by a growing child, to attributing it as an expression of rebellion, to the failure of a young male to be able to identify himself with a ‘male authority figure’ as also the concept of the ‘absent mother’ during the child rearing period. Some of these theories and concepts suffer from a gender bias. They stereotype ‘gender roles’ and emphasise the ‘male-ego’ (male authority figure), thus unable to explain the nature of criminal behaviour of female children. Sociology has established few theories on delinquency. Basically a non-coherent family environment creates a vulnerable environment for a child, leading to juvenile delinquency. (Glueck S & E 1950) In 1960, Glueck and Glueck concluded that children who are neglected, insecure, unprotected, unloved and uneducated may turn into victims or perpetrators of crime, in an attempt to defy the system that pushes them into the dark alleys of crime (Glueck and Glueck 1960). This major study was initiated in the 1940s and involved a sample of 500 delinquents and 500 non-delinquents. Over a seventeen year period, the Gluecks conducted an extensive follow-up on the original unraveling sample, which resulted in the publication of ‘Delinquents and non-delinquents in perspective’ (1968, 1970).

Many sociological theories developed over ages form the basis of ‘reintegration’. Stanley Cohen’s thesis (1969) talks about societal reactions to delinquency thus throwing light on responsibility of various stakeholders in the society towards reintegration of a juvenile delinquent. Later Chambliss’s ‘Saints and the roughnecks’ (1973) gives an idea of the formation of gang culture and therefore points fingers at what preventive measures are to be taken to arrest delinquency. These and several other sociological and criminological theories help develop understanding on strategies to be developed to design an ideal reintegration model for juvenile delinquents.

Reintegration practices/models have been in use in the Western world and few developed countries from the South like Australia and New Zealand. Most databases and facts about crime and criminals have led us to believe that crime/delinquency is an act/behaviour of the ‘vulnerable’ in the society; therefore all fingers point to
‘poverty’ and ‘unemployment’ as major factors leading to the birth/growth of a delinquent. Such conclusions reinforce the claim of environmental factors by sociologists. Originating from Durkheim’s theory of social functioning, highlighting theories of social anomie, theories on suicide and continuing to Marx’s theory of class struggle and thereafter, sociological theories have provided a framework for causal explanations of delinquent behaviour; later such theories have been fundamental in leading to successful mechanisms of ‘reintegration’.

Psychological theories highlight the ‘individual’ in seeking to find causes of criminal behaviour. ‘Developmental’ theories gained prominence during the middle of the 20th century with Erikson and continued through the 21st Century with Sigmund Freud. The development of the self highlighted the period of ‘adolescence’ that the human life transits through, between childhood and adulthood. This is the age that marks the end of parental protection and entry into the wider society to fend for self. This is the most vulnerable stage of life in the life of every human being. Acts of deviance are a common feature at this stage. In many cases, it is the self and distortions in the construction of the self that leads to juvenile delinquency; several environmental factors influence the construction of the self. In such cases, removal/limiting of those external conditions result in successful reintegration processes. The external conditions highlighted here hint at sociological explanations of ‘delinquency’.

These causal theories, at a later stage have led to the emergence of theories of ‘reintegration’. The question that these theories point to is, “Why do all human beings then not turn into criminals? What is it that deters most others?” These are the questions that while attempting to solve will lead to formulating strategies for reintegration.

Thus ‘shame’/repentance has been recognised as the preliminary stage of self-reformation, thus facilitating in ‘reintegration’. The definition of an ‘act’ as criminal and the degree of deviance sanctioned by a society/community determine the nature of criminal activity of an adolescent (Braithwaite 2001). This sanction gives birth to the development of shame in an individual committing the deviant act. Hence theories like Reintegrative Shaming Theory (RST) emerged that claimed that shame can be used while reintegrating the individual back into the community.
However, to transform a primary act of deviance into a secondary, and then turning into a hard-core criminal, is a result of societal factors. The negative/harsh societal reaction to first time criminals leads to the concept of *labelling*. Labelling pushes a first time criminal into repeated acts of deviance. Thus countering *labelling* can help reintegrate a person back into the society. The theory of labelling was first highlighted by Lemert (1951) Thus reintegration models/practices in many parts of the world have taken utmost care so as to address *labelling* by society by involving various stakeholders in the process of reintegration.

This chapter proposes to lay down an array of *reintegration* practices followed in other parts of the world and also delve into the reasons of why and what has worked. The study hand picks some of the techniques from among the plethora of models reviewed and presents them in the Indian context to formulate a detailed plan of reintegration of juvenile delinquents in India.

Associated with the self and bearing equal responsibility in contribution to delinquency as well as reintegration sociological factors try to answer the question why some people commit crimes. Sociologists account crime and deviance to the interplay of societal/environmental factors.

**Psychoanalytic Theories**

Psychologists emphasize on the ‘self’ as the contributing factor to ‘delinquency’. Thus all reintegration mechanisms that have their foundation in psychology, aim at self-improvisation methods using individual or group development techniques.

Sigmund Freud, the father of psychology (1956 – 1939), first gave the concept of id, ego and super ego. These three components of personality constantly interact with one another resulting in actions and interactions among human beings. The id is driven by the pleasure principle, which strives for immediate gratification of all desires, wants, and needs. If these needs are not satisfied immediately, the result is a state anxiety or tension. The ego is the component of personality that is responsible for dealing with reality.
According to Freud, the ego develops from the id and ensures that the impulses of the id can be expressed in a manner acceptable in the real world. The superego is the aspect of personality that holds all of our internalized moral standards and ideals that we acquire from both parents and society—our sense of right and wrong. The superego provides guidelines for making judgments. According to Freud, the superego begins to emerge at around age five (Cherry 2006). This theoretical base helps draw a comparison with the age of criminal responsibility in India that is fixed at seven. It also gives birth to a debate between the naiveté of a child at seven years and his/her explorative, delinquent mind that might land him/her into the juvenile justice system, thus complicating issues of reintegration.

The strength or weakness of the id, ego and the superego results in an action that is either a socially sanctioned or a delinquent behaviour. As quoted by Kendra Cherry (2006), ‘According to Freud, the key to a healthy personality is a balance between the id, the ego, and the superego’. Thus a reintegration mechanism inspired by Freud’s explanation of personality has to focus on the smooth functioning of these three components of personality.

Adolescence is marked by developmental changes and transitions across multiple areas, including greater independence from parents, increased closeness with peers, and multiple school transitions (Brown 2004); (Collins and Laursen 2004). The individual develops in association with his/her relations with individuals around him/her. It is therefore that the individual development becomes critical in order to give way to the development of a well groomed adult. Hence, these relationships are extremely important in contributing to the growth of the child. Peers become a primary socialization context and an important source of support in adolescence (Bokhorst et al. 2010); (Furman and Buhrmester 1992); (Hartup and Stevens 1997).

Abraham Maslow first proposed the concept of hierarchy of needs in his paper, “Theories of Motivation” and subsequently his theory was fully explained in his book Theories and Personality in the year 1954. According to Maslow there are four types of needs:
1. Physiological needs – food, water, oxygen, etc.
2. Safety needs – freedom from threat and danger
3. Social needs – love, friendship and a sense of community
4. Esteem needs– being respected by others, gaining status and recognition
5. Self actualisation needs – fulfilling one’s human potential

According to Maslow, these needs are ordered as per their hierarchy. Every individual has the tendency to satisfy these needs, and until earlier level of needs are met, the individual cannot step on to the next level of needs. This implies that if those needs remain unsatisfied, they are bound to bring about conflict within self and these conflicts if not resolved by social protective role representatives around, may result in behaviour which may be in conflict with the law.

Although this theory has many deficits, for example, not being able to explain why all hungry people or poor people do not take to stealing, the theory forms the basis of understanding human psychology to a large extent and thus holds the foundation to the emergence of several theories of criminology that would be highlighted in due course.

Roger (1961) takes Maslow’s hierarchy of needs into a higher level and says that ‘the good life is a process, not a state of being. It is a direction, not a destination (p.186)’. Thus for people who have not had a well-defined childhood in which primary needs as specified by Maslow are not met due to any reason (be it neglected family life or poverty), there is still hope for change and development toward psychological maturity via therapy (Roger 1961).

Both theoretical and empirical work has confirmed that friendship selection is highly influenced by similarity and that adolescents become more selective in choosing friends who are similar to themselves (Newcom 1961); (Tesser et. al 1984); (Urberg et. al 1995). By contrast, socialization refers to a process of friends influencing one another, so that they become more similar over time.

Children face many important changes in the first eight years of life, including different learning centres, social groups, roles and expectations. Their ability to adapt to such a dynamic and evolving environment directly affects their sense of identity and status within their community over the short and long term (Vogler and Crivello
2008). All these studies have concluded that this is the age that undergoes a vulnerable period of psycho-analytic development of a human being. This is an age of transition from childhood to adulthood. Transformation from the protective period of childhood to the responsible open ground of adulthood is sensitive process. ‘Pain, injury, and illness are major stressors for children. Recognition of parental stress (such as that seen in divorce or financial crisis) is a severe stressor for children, as is death or loss of a loved one’ (Medical Encyclopedia 2012).
Thus it is important to respond to such needs and in times of such vulnerability.

**Functionalism**

Durkheim’s theories of social structure and functioning discusses about the components of functioning of the society and how they interact among themselves, thus leading to the development of the theories of social anomie and suicide (1897). Durkheim classified the motives behind various kinds of suicide and analysed them against the rates at which they occur to understand and establish the nature of functioning of the society. These help in understanding how the mind of a social being functions in the context of various social factors and what various forms/proportions of crime that might lead to. Merton (1938) later developed Durkheim’s concept of *anomie* as a condition, which occurs when there is a mismatch between *culturally prescribed goals* and *institutionally available means* in a given society. Once anomie occurs, individuals experience strain and adapt differently. (Raghavan 2010)

**Theories of Social Disorganisation**

Social disorganisation theory helps in understanding the underlying factors of *community influence* in the life of an individual; thus keeping this as an underlying basis behind the causation of delinquency in the first place, the *community factor* would be used in a positive form while designing proper reintegration mechanisms of a juvenile delinquent.

Theories of social disorganization pioneered by Shaw and McKay suggested that disorganized communities characterized by poverty, ethnic heterogeneity, residential mobility and others weakened social stability. These form part of the Chicago School.
While trying to find answers to causes of delinquency, Shaw and McKay (1931: 68, 1972: 143) noted that the highest rates of delinquency most frequently are found in areas in or adjacent to the district zones for industry and commerce. These are areas of physical deterioration and decreasing residential populations. Thus slums and other poorly developed low economic areas breed the majority of cases of juvenile delinquency.

Theories of social bond and social control have been able to add description and more detailed explanation to Sutherland’s differential association theory (1929) and also Shaw and McKay’s work on Delinquency Areas (1929) as well. It should be noted here that all of these work lead to a comprehensive theory called the social disorganisation theory. The theory of social disorganisation explains/accounts criminal behaviour to the bond between different elements of the community. Thrasher (1963) established that delinquency is not an individual but a group phenomenon; having said this he went to explain gang culture.

Further, Edwin Sutherland (1939, 1947), went into the depth of social learning theory by presenting a new theory called the differential association theory. The differential association theory is used to identify parallel but separate causal paths for pro-social and anti-social processes and explain how individuals learn to become criminals. Sutherland was as interested in explaining the ‘epidemiology’ of crime as in explaining how the individual comes to engage in behaviour in violation of the law and insisted that the two explanations must be consistent. According to Sutherland, criminal behaviour is learned. This is confirmed by learning theories among which Pavlov’s (Ian Pavlov 1839-1946) theory of ‘classical conditioning. As Watson (1903) puts it,

Classical conditioning is a reflexive or automatic type of learning in which a stimulus acquires the capacity to evoke a response that was originally evoked by another stimulus.

Pavlov’s theory has been tested on infants by John Watson (1878-1958) to prove its applicability in human beings.

Sutherland also mentions the existence of operant behaviour. Operant behaviour is that behaviour which involves the central nervous system. He says that certain conditions in the surroundings, act as stimuli to certain kind of operant behaviour of
an individual. He named these stimuli as *reinforcing stimuli*, like food, money, clothes, objects of social attention and social status. He said that when a primary or unconditioned reinforcing stimulus is paired with a neutral stimulus, the latter will act as a reinforcement stimulus as well. It has been said that behaviour does not occur in a vacuum; a given behaviour is appropriate to a given situation. Jeffery (1978) went a step further and established that some activities like ‘stealing’ is reinforcement in itself, whether the thief gets caught or not, that is whether this behaviour is socially reinforced or not. Similarly, it may be true for other forms of aggressive behaviour. Glaser (1956) attempted to reformulate Sutherland’s differential association theory in terms of social identification – higher levels of identification come from associating with persons with higher social influence. In his *social identification theory*, Glaser highlights,

...the parent who controls more of his child’s reinforcers will exercise more power than an older sibling or the temporary ‘baby sitter’. As the child becomes older and less dependent upon the parent for many of his reinforcers other individuals or groups such as his peers may exercise more power. Various studies have established this role of social reinforcement, also known as delinquency disapproval from significant others.

This explains the development of the habit of smoking or alcohol /drug abuse by youth. (Alkers et. al 1979); (Krohn e.t al 1985); (Stanford and Olson 1982); (Strickland 1982). This drives home the necessity of positive socialisation process and how society can be held responsible for the making of a *delinquent* to a large extent.

**Social Learning Theories**

Albert Bandura (1969) presented his *Behavior Modification Theory*, and thereafter, his *Social Learning Theory* (1977) and the *Social Control Theory* (1997). All these theories have their foundation in the inherent belief that behavior is learnt and therefore it can also be unlearnt. Hence they point to the fact that delinquent behavior is a learnt behavior and can therefore be unlearnt by negating the influences that had led to the learning of such behavior on the first hand. It is therefore that socialization plays a major role in the development of an individual. It is hypothesized that children
learn patterns of behaviour, whether pro-social or anti-social. They learn these patterns of behaviour from socialising units of the family, school, religious and other community institutions and peers. Children are socialised through processes involving four constructs: (1) perceived opportunities for involvement in activities and interactions with others; (2) the degree of involvement and interaction; (3) skills to participate in these involvements and interactions; and (4) the reinforcement they perceive as forthcoming from performance in activities and interactions. (Catalano et. al 1996). Thus Bandura’s theories prepare fertile ground for developing proper reintegration mechanisms for juveniles in conflict with law.

Acknowledging the vulnerable nature of adolescence, more in-depth studies have been later. Peer selection and socialization have been extensively studied in relation to externalizing behaviors, with findings typically demonstrating both selection and socialization effects for alcohol, tobacco and drug use (Kandel 1978), sexual attitudes and behaviors (Henry et. al 2007), and delinquency (Haynie and Osgood 2005). These socialization effects were demonstrated in both middle school and high school students.

**Subculture Theories**

Albert Cohen argued that delinquent subculture is a product of the conflict between middle class values and working class values. Cohen referred to these delinquents as “short run hedonism”, that is, delinquency for the immediate pleasure. The major point of Cohen’s (1955) thesis was that this was a reaction formation (p. 132). The delinquent acts of the boys were the antithesis of middle class standards. Working class boys were reacting against middle-class standards taught to them in schools. Cohen (1955) argued that the working class boy typically does not find these middle class values in his home and neighbourhood. Cohen contended that it is when the working class child comes into the school system that the child confronts the middle class values leads to the reaction formation that Cohen claims is manifested in the non utilitarian malicious behaviour defined as delinquency. Thus success related to making changes in the definition of a criminal in Indian context thus increasing the age of criminal responsibility to twelve, abiding by Internationally agreed age limit’, the burden of ‘criminals’ awaiting condemnation would reduce, thus saving the state finances to design a proper reintegration programme for children in conflict with law.
It has been observed that participation in crime by adolescents is not linear across all groups, in fact quite the contrary. It is however, not surprising to note that empirical statistical evidence shows that ethnic minority and working class youth are disproportionately represented in crime statistics and within the juvenile justice system (Pitts 1986, 1988); (Hood 1992).

Cloward and Ohlin (1960) established that delinquency is also the result of sub-culture values of the society and thus delinquent behaviour is not necessarily deviant from the values and norms practised by the larger society. In trying to explain their theories on sub-culture they have drawn from Merton’s (1938) theory of social anomie and Sutherland’s (1956) theory of differential association.

Sykes and Matza (1961) established that delinquency is also the result of ‘subterranean values’ of the society and thus delinquent behaviour is not necessarily deviant from the values and norms practised by the larger society. Understanding the behavior of juvenile delinquents and their underlying values have been done using methods ranging from participant observation to projective tests. It may thus be that a ‘delinquent may not stand as an alien in the body of society but may represent instead a disturbing reflection or a caricature’ (Matza and Sykes 1957).

Today, ‘work’ or ‘job’ is not viewed as an opportunity to give back to society but is differently defined as a place where or by which means quick money can be made and success is rewarded in terms of money. This idea runs through much delinquent activity. The delinquent's readiness for aggression is particularly emphasized in the analysis of juvenile gangs found in the slum areas of large cities. Since legal means are likely to be thought of as ineffective, it is far from accidental that "smartness" is such an important feature of the delinquent's view of life: ‘Smartness involves the capacity to out-smart, outfox, outwit, dupe . . .’ (Frank et.al 2010)

However they have not been able to answer why some adolescents convert subterranean values into seriously deviant behavior while other do not. It is possible that leisure values are typically converted into delinquent behavior when such values are coupled with frustrations and resentments. Here might come handy the role of family and parental values, in the life of an adolescent.
There is yet another theory by Sykes and Matza (1961) in which they evaluate their own previous work and say that juvenile delinquents do not necessarily hold values against the society, or belong to a particular social class. Sykes and Matza explain that *deviant behaviour* is an outcome of the leisurely attitude of adolescents and many a times derived from sheer *fun*, it is therefore that most delinquent acts go unnoticed or are unrecorded. These theories have been the outcome of scientific tests including methods ranging from participant observation to projective tests. These scientific observations have highlighted the inert truth that delinquents derive *kicks* or *thrills* out of their delinquent acts; instead of trusting the path of hard work for achieving success in life, they reside to short-term gains and therefore assume short-cuts that often end them up in committing deviant acts; however this theory still fails to explain the reasons why *all juveniles* do not commit delinquent acts. This might be due to the *definition of delinquency* in various social classes itself that may account for this difference of unrecorded facts and linkages of juvenile delinquency with socio-economic factors. It can therefore be concluded that there is not one single factor that causes delinquency (Sykes and Matza 1951); this points to the fact that treatment to reintegrate them into society should also, therefore, be multi-dimensional and should be dealt with on a case-to-case basis.

Cavan and Cavan (1968) stated that delinquency and crime are defined differently in every society based on its culture’s own values. Crime and delinquency, then, are violations of those values (pp. 2-3). From this point of view, delinquency and crime are the result of the failure of a society to completely socialize children into the values and behaviour deemed important for the preservation of the society.

**Control Theories**

Control theorists, in varying periods of time have emphasized the influence of various types of *control* that hold back a person from committing delinquency. Whereas *subculture* theorists try and explain why people commit crimes, control theorists view the problem of *crime and delinquency* from an opposite direction and establish theories that answer the question why some people do not commit crimes?
One of the foremost contributions to control theories is Travis Hirsh (1961) whose important contribution in modern understanding of crime and delinquency is the social bond theory. Social bond theory is a control theory that states that individuals will commit criminal or delinquent acts when their ties (bonds) to society are weakened or have broken. Focussing on this bond, he proposed four elements of the bond: attachment, commitment, involvement and belief. These four elements when taken together, will either create a weak bond between the individual and society (which makes delinquency more likely) or creates a strong bond (which makes delinquency less likely). The success of this theory lies in its subsequent proof by supportive research in following years. Robert A. Dentler and Lawrence J. Monroe (1961), while testing the relation of early adolescent theft and parent-child relations, discovered that the former is directly proportional to the latter; however there is less relation between the delinquent behaviour of adolescents and peer-relations. They had categorized the delinquent acts of adolescents into a number of categories ranging from minor acts to major acts of delinquency. They concluded from their research that peer-relations in early adolescence do influence very minor acts of delinquency, but not acts as major as thefts.

Hirshi’s theory has been scientifically proved to explain that the attachment with parents is most important in the life of an individual and that if such attachment is strong and positive then the individual gets less influenced even by his/her peer groups. Thus this theory also supports differential association theory that states that positive associations are very important to discourage delinquency. It is hypothesized that the behaviour of the individual will be pro-social or anti-social depending on the predominant behaviours, norms, and values held by those to whom the individual is bonded. This approach departs from the traditional control theory perspective, which asserts no casual role of bonding to antisocial others in the etiology of delinquency, characterising relationships among delinquents as cold and brittle (Hirshi 1969: 157).

Commitment is explained as the cost-benefit analysis of any act. Hirshi has said that if a person is enough committed to a positive role in his life, he/she has less time/energy/commitment to get involved in a negative role/acts of deviance (Krohn and Masse 1980). Commitment, although had been defined by Hirshi (1951) as institution specific, has in later stages been described as commitment to certain values
and principles and not necessarily to the particular institution that was responsible in inculcating such values. (Conger 1976); (Linden and Hacker 1973); (Jensen 1972); (Hirshi 1969). Belief/trust in traditional values and holding on to strong principles of life acts as another deterrent factor in deviant acts (Hirshi 1961). Given these four elements of bonding as stated above, it has been proved that male motivations of deviance differs from female motivations of deviance. (Linden and Fillmor 1977). Thus this theory helps us in determining the varying nature of plans while reintegrating a male/female juvenile delinquent into the society.

While Hirshi speaks of social control, Reiss (1951) talks of personal control also that defines “the ability of social groups or institutions to make norms or rules effective”. Reckless in the late fifties went a step farther and defined personal control as the concept of self-image that produces ‘good students’ or ‘good kids’ even in the worst of circumstances. (Jensen 2003). Contemporary to Reckless was Ivan Nye (1958) who introduced concept of self-control in deterring delinquent behaviour. David Matza in his book Delinquency and Drift (1964) supported social control theorists and criticised sub-culture theories by challenging the fact that ‘status frustrations’ (Jensen 2003) in trying to establish one-self in a particular social class is very common/natural cause to delinquency.

Later, Hirshi re-wrote his theory of social control along with Gottfredson in 1990 that that people are driven first and foremost by self-gratification, even before environmental factors might/might not be held responsible to have influenced an act of deviance/crime. Taking his social bond theory a level up, Hirshi and Gottfredson emphasise the role of parents as most important in the life of an individual. Positive socialisation during childhood and adolescence forms the root that a person holds on to, all his/her life. It has also denoted the age 15-17 years as the most vulnerable age-group in the life of an individual. This is the age during which a person has the lowest self-control; the theory has thus explained why most records of criminals are found in this age-group. This theory has been successful in explaining why such social factors as poverty, single-parent families and criminal background increases the occurrence of crime. This theory has also been able to explain therefore why certain children, even in unfavourable circumstances do not commit crime, while others do.
Jephcott and Carter (1955) came to the conclusion that it was not the area as such but the inadequate home in the area that was responsible for a child’s delinquent behaviour. 

On the other hand, there are theories that explain delinquency from other perspectives. Control theories, for example, emphasize on free will and denotes that criminal behaviour is like any other type of behaviour, thus reasoning out delinquency as a result of rational choice. Control theories assume that every person has the desire to commit criminal/deviant acts and seeks to answer why do some people refrain from doing so?

Ved Kumari, in her book, the Juvenile Justice System in India (1994) says, ‘Poverty, neglect, ill-treatment, and family discord are forcing an increasing number of children to run away from home and take shelter on the streets’ (p.25).

Heimer and Matsueda (1994) predicted in their theory of differential social control that adolescent perceptions of parental and peer disapproval of misbehaviour would significantly reduce delinquency. While trying to establish such theory and using data from the National Youth Survey, empirical findings showed inconsistent results – delinquency disapproval from parents reduced delinquency to a large extent but the same was not established for delinquency disapproval by peers.

**Conflict Theories**

Conflict theory, in this research, is used in the context of defining ‘crime’. This theory can be used to understand the formulation of laws and gaps in applying the conflict theory and challenging the very definition of ‘crime’ in the Indian context would also help responding to the age of criminal responsibility of a child that otherwise also defies the internationally accepted age of twelve. Conflict theory proposes that the law and the criminal justice system primarily embody the interests and norms of the most powerful groups in society rather than those of society as a whole. Conflict theory speaks of how the definition of crime and boundaries of the criminal law is defined. It states that ‘crime’ is defined by the rich and powerful and a suspect is accused as *criminal* by the rich and powerful. The poor is always victimised and punished for the same offence that a rich is left free/given a second chance. The theory recognises the vast gap between the rich and the poor and proves through
various researches that this gap is maintained and legitimised by the different ways the two groups are treated.

Richard Quinney (1970) based his works on Karl Marx’s theories of class struggle and wrote many important books out of which ‘The Problem of Crime’ and ‘Social realities of crime’ became the talked about and known ones. The knowledge and analysis of Quinney’s work helps in understanding the motive of a criminal or the circumstances under which crime/act of delinquency is committed, thus leading towards strategies of reintegration.

Quinney proposed that criminal definitions describe behaviours that conflict with the interests of the segments of society that have the power to shape public policy (1970b, p.16). Quinney explained that not only is crime defined by political agents of society, but criminal definitions are formulated according to the interests of those segments of society that have the power to translate their interests into public policy. That is those segments of society with power protect their vested interests through the definition and application of criminal law. This explains why and how a child artist is made to sing as a playback singer in a film with no legal interference, while a child when working in the field with his father, is condemned as child labour.

Thus, all the legal principles, guides and frameworks of society are made to benefit the rich and the powerful. This explains why a child working with his father in a small family business or petty rice-field is condemned as child labour while a child earning money by acting in films is called a child artist. A powerful politician making hefty amounts of money amounting to hundreds of millions is set free in want of evidences while a poor man stealing a television probably in want of money for paying for his mother’s sickness is put behind bars thus pushing his family to more poverty. The son of a rich politician gets away with a track record of a bunch of rape and murder and a less powerful old man gets hanged for raping a girl during his youthful days (Desai 2009); money shuts the mouth of legal giants. The monetary and hence influential reach of the rich and powerful help them avoid scrutiny during adolescence and adulthood. This has been reaffirmed in Chambliss’s work on adolescent boys of two groups—one from rich families and one from working class families; this has been published in the book The Saints and the Roughnecks in the year 1978. His research
was conducted through observations and interviews with two delinquent gangs – one from a higher social class another from a lower one. His findings proved how society and authorities (police, school) view delinquent gangs of higher social class and how differently they view gangs from lower social class; the way the society ‘labels’ them is the way they finally turn out to be in adulthood.

Chambliss concluded from his study that this non-negotiating power of boys from the working class made them noticeable to the police and thus resulted in being negatively labelled by the society. This had also been highlighted by Lemert in his labeling theory. “Once the boys acquired an image of themselves as deviants, they selected new friends who affirmed that self-image. With their growing alienation came freer expression of disrespect and hostility for representatives of the legitimate society. This disrespect increased the community's negativism, perpetuating the entire process of commitment to deviance (Chambliss 1978).

**Deviance and Labelling Theory**

‘Labelling’ is a very common response by the society towards any person who had been condemned by the law. However, from the point of view of ‘offenders’ who are in the process of re-entry into society, ‘labelling’ is an extremely detrimental reaction and deters the reintegration process. This theory tries to explain recidivism among juvenile delinquents on what happens if a child performing an act of delinquency is labelled /stigmatised by society. In its narrowest version, it asks what happens to criminals after they have been labelled, and suggests that crime may be heightened by criminal sanctions.

Frank Tannenbaum (1938) in his classic study *Crime and the Community* argued that the process of making the criminal, therefore, is a process of tagging, defining, identifying, segregating, describing, emphasizing, evoking the very traits that are complained of…..the person becomes the thing he is described as being.

Later Edwin Lemert (1951, 1967) explains *labelling* through two new concepts – primary deviance and secondary deviance. He said that through many episodes of norm violation – from truancy to underage drinking – often provoke little reaction
from others and have little effect on a person’s self-concept. Lemert calls such passing episodes *primary deviance*. However, if, for example, people begin to describe a young man as a ‘boozer’ or ‘drunk’ or even an ‘alcoholic’ and then push him out of their group, he may become embittered, drink even more and seek the company of others who condone his behaviour. So the response to initial deviance can set in motion *secondary deviance*, by which an individual engages in repeated norm violations and begins to take on a deviant identity. This way, a deviant who could have been corrected and rehabilitated with necessary skills to lead a normal life, can be turned into a hard core criminal by society itself. Lofland (1969) and Becker (1973) reinforced the role of *labelling* by stating that a deviant identity when coupled with social stigmatisation or labelling as ‘criminal’ is more likely to become a ‘master status’ – this is how *primary deviance* gets converted to *secondary deviance* and establishes Lemert’s theory of labelling

**Reintegrative Shaming Theory**

Once the *delinquent* is made, it is the responsibility of the society to bring him/her back to the mainstream. Attempts should therefore be made to remove the ‘label’ of a ‘criminal’ and view him as an individual who had deviated for a certain period of time. In the process of reintegration, efforts have to be directed both ways – the deviant individual going through a process of *shaming* and society’s disapproval of the shaming act, and forgiveness by the society, thus making it easier for the individual to be able to lead a normal life on return. This has been reinforced by Braithwaite’s (1989) *reintegrative shaming theory*. The factual revelation of social learning theories and theories on *labelling* can be used for *reintegration* of the transgressor (here delinquent) by reversing the conditions (Smith and Berlin 1909)

Reintegrative shaming theory comes handy here. To revert Lemert’s theory is one way for successful reintegration. Braithwaite (1989) points out that effective crime control is likely to occur in communities where offenders are not confronted as criminals but as whole persons.

The reintegrative shaming theory is the basis for modern day reintegrative practices. Braithwaite has drawn inspiration from Lemert’s *labelling theory* and have established the present theory in trying to use *shame* into the process of reintegration.
John Braithwaite first put forward reintegrative shaming theory (RST) in the book *Crime, Shame and Reintegration* (Braithwaite 1989). The theory’s essential argument is that *shaming* deters crime while *stigmatisation* makes it worse; the precise ways in which societies, communities and families sanction deviance affect the extent to which their members engage in predatory criminal behaviour. According to Braithwaite, shaming, unlike pure deterrent punishment, sets out to moralise [emphasis added] with the offender to communicate reasons for the evil of her actions.

Shaming, however, can be done in different ways and in different contexts. Braithwaite (1989) distinguishes between two types of shaming. First, shaming is reintegrative when prevents the shamed individual from adopting a deviant master status and is accomplished when shaming maintains bonds of love and respect between the person being shamed and the person doing the shaming, is directed at the evil of the cat rather than the evil of the person, is delivered in a context of general social approval, and is terminated with gestures or ceremonies of forgiveness (Zhang and Zhang 2004: 100-1).

Thus reintegrative shaming is contrasted with disintegrative shaming in which little or no effort is made to forgive offenders or affirm the basic goodness of their character; disintegrative shaming is also known as stigmatisation. Stigmatisation can be essentially as shaming in the absence of reintegration – it is the converse of each of the four aspects of reintegration mentioned earlier. Stigmatisation treats offenders as outcasts and provokes a rebellious and criminal reaction from them: ‘Shaming that is stigmatizing...makes criminal sub-cultures more attractive because there are in some sense subcultures which reject the rejectors’ (Braithwaite 1989: 102). As Zhang and Zhang (2004) put it, for forgiveness to be effective, it must take on another dimension – disapproval of the delinquent act. Braithwaite’s (1989) unique contribution lies in his integration of these two concepts in the framework of reintegrative shaming. While testing the theory on reintegrative shaming, Zhang and Zhang have used multivariate analysis and have come to the conclusion that both product terms parental reintegrative shaming and peer reintegrative shaming are significantly correlated with predatory offences, thus proving the theory scientifically.

Although we can observe relatively high instances of criminal behaviour by young people, we can see that these crimes are made up largely of less serious offences (Muncie 1999); (West 1967). Moreover studies elucidate that ‘for most offenders liability to convictions is a passing phase of youth … the boy who goes on to become
a persistent recidivist all his life is exceptional in the extreme, and in all probability
differently constituted and motivated from the ordinary juvenile delinquent’ (West
1967: 29). Teasdale and Powel (1987) share this opinion and see crime as a temporary
phenomenon in most young people's lives. It is the responsibility of the society to
prevent the temporary criminal behaviour of the young turning into a hard-core
criminal behaviour.

**Educational Inequality, Unemployment and Juvenile Crimes**

It is said that poverty and unemployment are two important factors that lead to crime. Many studies have been done to understand/determine the relationship between
unemployment and crime. Although the causes of crime have been stated differently
in different theories and from different perspectives, most studies infer that there is a
positive relationship between unemployment and crime. Thus, any inference about the
effect of the unemployment rate has to account for both criminal opportunity and
criminal-motivation effects. For example, strain theories (Cloward and Ohlin 1960);
(Cohen 1955); (Merton 1938) for example, specify the causes of crime and
delinquency to be structurally induced frustrations resulting from the discrepancy
between aspirations and expectations; utilitarian or rational-choice theory (Becker
1968); (Block and Heinecke 1975) emphasizes an individual's rational calculation of
expected costs and benefits; conflict theories (Bonger 1916); (Hughes and Carter
1981) dwell on the contradictions between production and consumption in capitalist
societies (Cantor and Land 1985).

Poverty, lack of education, lack of access to resources and opportunities, lack of
access to poor facilities may result in the young minds getting into deviant behaviour.
Thus needs of juveniles range across a broad spectrum. Reintegration mechanisms
have, in their strategies, been based on such needs of juveniles.

It is evident that education has no direct relationship with crime. However, it has been
experienced from juvenile and adult crime records that lack of education is directly
proportional to the commitment of crime. Besides character building, education
provides a social relationship that helps the contemporaries to behave/act in socially
prescribed ways – this social sanction goes missing when a child is not educated and he/she is driven by instinct/impulse that may lead to norm-violating behavior.

There is evidence of a relationship between educational inequality and juvenile conviction rates for violent crime within local areas. In particular, we found evidence of a relationship between educational inequality and juvenile conviction rates for violent crime (significant at the 10 per cent level), with higher levels of inequality associated with higher levels of violent crime. These findings suggest that policies to reduce youth criminal behaviour would do well to consider relative and not just absolute levels of deprivation.

(Sabates et. al 2008)

Young people’s marginalized position within society can be held at least partially to blame for the reality or construction of adolescence as the peak age for crime. For example, high unemployment and lower wages make it difficult to be a success in a modern industrialised capitalist society, and this gives rise to further potential for younger people to resort to crime, to achieve status, power or financial gain. Employment can contribute to enhanced self-esteem and other psychological health

(Graffam et al. 2004: 1)

The factors stated above as influencing the making of a delinquent, finds their root from the social learning theories that is used to identify processes by which patterns of conforming and anti-social behaviour are extinguished or maintained. In criminology, Ronald Akers and Robert Burgess (1966) developed the social learning theory to explain deviance by combining variables which encouraged delinquency (e.g. the social pressure from delinquent peers) with variables that discouraged delinquency (e.g. the parental response to discovering delinquency in their children) Akers and Burgess commented:

Bandura’s Social Learning Theory posits that people learn from one another, via observation, imitation, and modeling. The theory has often been called a bridge between behaviorist and cognitive learning theories because it encompasses attention, memory, and motivation.

The importance of recognizing Roger’s philosophy in developing reintegration strategies for children in conflict with law overruns the effect of labeling.

Thus the above theories highlight certain needs of an individual during the developmental years of transition from adolescence to adulthood. This explains the emergence of needs-based strategies that have evolved, responding to criminogenic needs of a juvenile. Needs-based strategies have evolved from such needs of an
individual who re-enters the community after successfully completing his/her period of incarceration in the special home.

Crime does not appear to be a permanent trait of the individual. While criminal behaviour demonstrates considerable stability during the adolescent years, it is, in the general life course, rather specific to the adolescent and very early adult ages. Adolescents are constantly challenged by abstract decisions given by people around, on what is acceptable and unacceptable based purely on their chronological age. However the age of commission of offence most offenders initiate delinquent conduct around ages 12 or 13, rapidly increase their involvement to the peak around ages 16 or 17 and then terminate this behaviour by the mid-twenties (Wolfgang et al. 1987: 37-44). The perception of crime as a problem of the young might appear to be substantiated by statistics, showing that of recorded crime is committed by young people under the age of 21 (Bailey 1997). Home Office research of the United States of America shows that one in two males and one in three females between 14 and 25 admit to having committed an offence, furthermore 1996 statistics show that 10-17 year olds account for 25 per cent of known offenders (UK Home Office 1997).

Thus childhood and youth are extremely important in the life of an individual and by protecting them successfully results not only in prevention of crime but also arrests recidivism. This revelation might be linked with Maslow’s theory of motivation described above.

The present research aims at designing successful reintegration strategies for children in conflict. Understanding the theories aim at designing successful reintegration strategies that outlines the necessity of awareness generation programmes about recognising the importance of labelling in society and thus working at using labelling to successful reintegration of juvenile delinquents in the community.
Theories Supporting/Explaining Reintegration

Successful reintegration involves more than physical resettlement. It includes strategies and processes of moral inclusion - forgiveness, acceptance, redemption (secular or faith-based) and reconciliation (Workman 2008).

Offenders encounter two prisons. The first is the physical prison to which they are sentenced as punishment. They key to the second prison is held by family, friends, neighbours, colleagues, volunteers, religious groups and the community at large. Kim Workman puts it poignantly that successful reintegration is community-led.

That the family is the primary care giver of a child is an universal truth, and has been accepted and reverberated all over the world. This is reflected in several existing schemes that tend to emphasize on restoration of a child to the family setting on completion of the institutionalisation period at the juvenile home or even in case of rescue of a child victim from difficult circumstances. Social protection theory speaks of a caring community or a protective environment.

Glueck and Glueck (1959) have successfully presented information gathered during a large scale study of an under-privileged area in Boston. The Gluecks’ study, whose findings were published in 1950, stated that it would be possible to determine at the age of five or six if a child would become delinquent or non delinquent, by considering five factors in the environment of the child. These were discipline by the father, supervision by the mother, affection of the father, affection of the mother parents and cohesion at home.

The act of delinquency is usually immoral; the inconsistency and insensitivity of the institutional reaction to it are also immoral. The “cure” may be worse than the illness, and indeed tend to contribute further to the progress of the social disease. Thus ‘labelling’ contributes significantly to the process of transformation of a primary deviant to a secondary deviant (Lemert 1971).
Although the commonly held (adultist) views about adolescents are that ‘they pose a threat to society rather than the other way round’ (Corby 1997: 215), any explanation of youthful behaviour at a given period in time must take into account not only social and economic structures but previous historical experiences of this age group, as an independent variable with its own dynamic force (Gillis 1974).

Whilst it is true that many, if not the majority of adolescents will show some element of what adults term ‘deviant’ or ‘delinquent’ behaviour, perhaps this is normal adolescent behaviour. If this is so, why is society repeatedly shocked by the adolescent’s antics, and why is it so quick to label these acts and their perpetrators as criminal? Society must show more understanding and consideration towards its future generation. This has been proved by the subculture theories mentioned before.

(Harte 1999-2001)

Summing up, it may be said that community attitudes towards this deviant group are at present heavily loaded with fear, which expresses itself in many negative and aggressive ways. It is to be hoped that just as in the field of mental illness the initial attitude of hostility, which resulted in punishment of the mentally deranged was turned into a constructive attitude that recognized the need of treatment, so in the field of social deviation community attitudes will change. As knowledge increases about the extremely heterogeneous group of people who at present are lumped together under the label of ‘problem families’, we will begin to see that many problems no longer as a threat to our living standard but as a challenge to us as social reformers (Wilson1962)

Section II
Reintegration Practices

Rehabilitation, Reintegration and Community Attitudes
The Concise Oxford Dictionary defines rehabilitation as restoring former privileges or reputation or proper condition (United Nations 2006). The term ‘reform’ is generally used to refer to the nineteenth-century development of prison regimes that sought to change the offender through a combination of hard labour and religious instruction, whereas ‘rehabilitation’ describes the more individualized treatment programmes introduced in the twentieth century in conjunction with the emergence of the welfare state (Garland 1985).
When the ‘rehabilitative ideal’ was at its height in the 1950s and 1960s, it was strongly informed by positivist criminology, which viewed criminal behaviour not as free-willed action but as a symptom of some kind of mental illness that should be ‘treated’, just as an illness is treated. However, there are indications that rehabilitation is undergoing something of a revival, as there have been recent attempts to find ‘what works’ (McGuire 1995); (Hollin 1999); (Crow 2001). Rehabilitation programmes are now seen as measures that might ‘facilitate change’ rather than ‘coerce a cure’.

Reintegration or social reintegration goes a step further and as it is better known as can be understood as any social intervention that leads to offenders' re-entry into society.

The duty of society does not end with a prisoner's release. There should, therefore, be governmental or private agencies capable of lending the released prisoner efficient after-care directed towards the lessening of prejudice against him and towards his social rehabilitation (United Nations 2006).

Several International instruments have specified the importance of social reintegration mechanisms for juveniles in conflict with law and have thus made it compulsory for member states to apply the same in their national laws.

While in custody, juveniles shall receive care, protection and all necessary individual assistance – social, educational, vocational, psychological, medical and physical – that they may require in view of their age, sex and personality (Beijing Rules 13.5).

Thus, re-entry refers to the process involved and experienced in reentering society after a term of incarceration. However an ideal re-entry/reintegration starts from the point a person is accused and is sent into any out-of-home placement. There is some evidence that positive reintegration outcomes are attained when factors predisposing a person to criminal behaviour are addressed in a holistic fashion and when the physical and social needs of offenders are supported both within the prison and after the offenders' release (Travis et. al 2001).

Re-entry theory assumes that, when offered support and resources, juveniles can be discharged from secure placement and reintegrated back to family residences to bring about social inclusion, advancement in education, and employment. To attain a state of positive reintegration, it is important to understand the reason of a child’s delinquency. The type of delinquency that is born out of neglect is different from that
delinquency that arises in a home that is well aware of the moral standards of society. The child neglected at home is more likely to be ignorant of what he is ought to do; whereas the other child may have come into conflict with law in spite of the fact that he knows what he is supposed to do. Therefore, approach to deal with both must be different (Ronald 1968).

'Juveniles' belong to an age-group (0-18) years and in India; and age ‘seven’ is considered as the age of criminal responsibility. The needs of children in these eleven years starting from seven years are varying. Further, needs also vary according to gender, thus indicating the need for designing varying strategies of reintegration for these varied age-groups of delinquent children.

In case of a very young girl child rescued from early marriage, abduction, sale or the sex trade, or a young victim of domestic trauma, or rape, or a child recovered from a hostility/conflict zone: the family of origin may not be the best option available for relocation. Mechanisms are essential for ongoing contact, shelter, counselling (including family counselling), and possibility of foster or alternate placement, re-entry into local life and activities, re-entry into schooling or development programmes – and for any prosecution of offenders that should officially be undertaken (Government of India 2010).

There have been numerous suggestions on ideal rehabilitative measures as suggested by various practitioners from time to time. State involvement with those labeled criminal was rehabilitative, with goals of social reintegration after incarceration (Clear and Coal 1994).

In an earlier era when families were close-knit, when towns were small, when most people knew one another and the economy was less complicated, the sense of competition and conflict amongst individuals in society was simpler. In this scenario, criminals and deviants were handled informally and effectively without taking recourse to formal control systems. Analysis using the path analysis model suggests that positive self-image leads to decreased delinquency, and association with delinquent peers is the greatest predictor of delinquent behaviour, regardless of race (Church II et. al 2009).
However, in searching for the right type of remedial action, it must be remembered that no single solution should be appropriated to all delinquents, different as they are from one another in their essential characteristics. In a good many cases, redressal of immediate obstacles may be all that is needed. In other cases, however, certain personality problems would necessitate the help of specialized psychiatric services. Prevention must therefore lie in the treatment of the family situation, and not entirely in the treatment of the child (Wilson 1962). Thus an individual plan for each delinquent, specifying the need for that particular case might help in chalking out a proper reintegration framework.

Theories on delinquency discussed in the earlier section help in guiding us through identifying strategies that are of various nature depending on the cause and context of a juvenile delinquent. These strategies have been practiced and propagated in various parts of the globe. In India, the term and the concept ‘reintegration’ is at a very nascent stage. It has just been able to squeeze in as a small paragraph in the amended Act on Juvenile Justice (Care and Protection) Act, 2006. There is neither a reintegration framework laid down nor has any responsibility been entrusted to any stakeholder(s) to carry on the reintegration process of a delinquent juvenile ensuring his/her smooth re-entry into the community where he once belonged. This research paper is an effort to review all existing reintegration strategies, practices and models around the globe and lay down a set of rules for making a designing a customised reintegration package for each child.

While commencing reviewing literature on existing reintegration models, one’s attention is unmistakably pulled into a situation when a child has fallen prey to ‘delinquency’, the relationship between children and direct State authority officially begins with parens patriae. In India, therefore, abiding by the rules of parens patriae, a juvenile delinquent is sent to a special home, under section 15 of the Juvenile Justice (Care and Protection of Children) Act 2006. The special home is a government recognised institution wherein juveniles in conflict with law are admitted with an objective of rehabilitating the child and reintegrating back into the society.

Parens patriae is based upon the premise that child deviance and delinquency are results of poor home care and bad parenting. Therefore, the State responses to child
deviance and illegal behaviour require State intervention in the home situation too. Offenders released from confinement face a variety of challenges that may hinder their ability to become law abiding citizens. A key feature of successful crime prevention strategies is the attention to the social reintegration of ex-offenders into the community and the development of interventions designed to reduce the levels of recidivism. These interventions represent a wide array of efforts sponsored by the justice system, often in collaboration with community agencies and organisations. Successful crime prevention strategies must address factors contributing to the large number of crimes that are committed by individuals who have served a term of incarceration and failed, upon their release, to integrate in the community as law-abiding citizens (Rakis 2005). In the absence of material, psychological and social support at the time of their release, offenders may have a very difficult time breaking the cycle of release and re-arrest.

Juveniles and young adults may be incarcerated during a key developmental phase of adolescence. Lacking the necessary skills to cope with adult responsibilities when they are released, many youth face unemployment, school re-enrolment challenges, and homelessness upon release. Plans are rarely in place to support youth as they exit confinement and reintegrate back into their family, school, and community.

(Nellis 2011)

Thus the first 3 – 6 months is the crucial period for released prisoners. Many prisoners walk out of prison, determined to make a new start. During these months they need help with housing, employment, debt management, and family and community relationships. If they get co-operation from the community in that crucial period, the chance of them reoffending drops by around 40 per cent (Workman 2008). On the other hand, if they face barriers, red tape, and stigmatization, it becomes difficult to keep on the straight and narrow, giving way to recidivism. One of the barriers to successful community reintegration is prisoner stigmatization and shame, which affects the prisoner and their family. Thus successful reintegration is community–led. The community is the primary agent for reintegration and supervision is an essential component of a successful re-entry plan.

Therefore, re-entry services and aftercare programs which target youth who are exiting custody and connect them with professional cases managers, mentors, or employment opportunities can reduce recidivism. By fostering improved family relationships and functioning, reintegration into school, and mastery of independent
life skills, youth build resiliency and positive development to divert them from delinquent and other problematic behaviours.

A few longitudinal studies and experiments have been undertaken on successful reintegration mechanisms of juvenile delinquents. These experiments and programmes for reintegration of juveniles into the community, is called by different names in different countries/continents. In some places, it is known as re-entry programmes and at others, 'aftercare services'. The terms, though indicating similar understanding, slightly differ from each other in terms of the nature and duration of the programmes in each case. Re-entry programmes necessarily cover programmes for juveniles in life skill and other vocations that start from the point of entry into juvenile homes and continue the period of their release into the community. On the other hand, after care services delve necessarily into programmes and services for and with juveniles after their release into the community. In a few cases, aftercare seems to be a bit of a misnomer and shares definitions with re-entry services, thus starting from the point of entry of juvenile into incarceration.

In the present effort to review all work related to proper reintegration mechanisms for juvenile delinquent, one would ignore the difference in nomenclature and consider them all under ‘reintegration’ mechanisms.

Before delving straight into the various practices all over the world, one needs to conceptualise the terms ‘strategies’, ‘models’ and ‘projects’. ‘Strategies’ for reintegration would cover all types of interventions that are based on specific requirements of individual delinquents. They would cover ‘need-based’, ‘skills-based’ and such others. ‘Models’ of reintegration have been built by applying these strategies and followed in different parts of the globe by names like ‘youth-re-entry programmes’, ‘integrated aftercare programming model’ and such others. Thus each model might comprise of more than one strategy. ‘Projects’ are initiatives taken up by different communities by contextualizing the existing models in their own communities.
Strategies of Reintegration

As illustrated in figure 2.1, there are various strategies of reintegration that are discussed below:

Needs-based

Needs-based strategies focus on offenders' criminogenic needs – these are the needs that had directly/indirectly pushed the person to the world of crime - the primary causes of his/her act(s) of delinquency. Strategies designed to respond to such needs or to combat the needs can be in the form of designing appropriate treatment in programs such as cognitive skills training and addictions counselling (Burnett and Maruna 2006). These programs are more effective when they are centred on diagnosis and assessment of offenders (Travis 2000). Institutional programmes designed to prepare offenders to re-enter society can include education, mental health care, substance abuse treatment, job training, counselling and mentoring.
Employment assistance

Employment is another very important criminological need that has become the sole cause of a delinquent individual. The linkage between unemployment and crime has been discussed in a previous section. ‘Employment provides more than the income necessary to support adequate material conditions. It also provides structure and routine, while filling time. It provides opportunities to expand one's social network to include other productive members of society’ (Graffam et al. 2004: 185-198).

Skills/strengths-based

The traditional approach to prisoner reintegration focuses on addressing prisoners’ needs – accommodation, employment, financial management, family relationships. It assumes that the prisoner is dependent on the State, or a provider to meet those needs. The strengths-based approach discourages dependency and focuses on the acquisition of skills by a person detained in a juvenile rehabilitation centre. Adolescents/young people on being confined in an out-of-home placement (in juvenile home) may have spent many crucial years of their life being away from skills-training and thus may find themselves inadequate and unskilled after their release. Many offenders are challenged by skill deficit that make it difficult for them to compete and succeed in the community: poor interpersonal skills, low levels of formal education, illiteracy or innumeracy, poor cognitive or emotional functioning, and/or a lack of planning and financial management skills.

The incorporation of a skills-strengths based perspective has the potential to engage youth in actively adopting pro-social roles in their communities, thus reducing the likelihood of recidivism. In imparting interest/outcome oriented skills, a person’s skills need to be focused, using the perspective of strength.

Key principles of the strengths perspective (Rapp 1998); (Saleebey 2002) include recognizing that ‘every individual, group, family and community has strengths,’ that practitioners ‘best serve clients by collaborating with them,’ and that ‘every environment is full of resources’ (Saleebey 2002: 14-16). Rather than base service plans on diagnostic assessments of client deficits or needs, strengths-based practice
builds upon an assessment process that seeks to discover strengths and engage clients in collaborative planning (Cowger and Snively 2002), (Rapp 1998). According to R. Rapp (2002), ‘a strengths-based assessment provide[s] clients with the opportunity to examine their personal abilities and the role those abilities can play in solving problems’. Renewed attention has been given to “strength-based” approaches to make use of personal and community assets in order to help released offenders face their challenges and successfully reintegrate the community (Maruna and Lebel 2002).

**Value-based**

Some reintegration strategies focus on the values that a human being should possess—values that bind him/her to community relationships as specified in Hirshi’s social bond theory. These strategies follow religious principles as is applicable in the country/region where the strategy is implemented. In New Zealand, *value-based* reintegration strategies are practiced in a few reintegration initiatives with a *restorative reintegration* approach.

**Intervention based**

Examples of intervention-based strategies include counseling, behavioral programmes, restitution, probation, employment, vocational and academic programmes that seek to prevent delinquency by changing individual behavior. Despite early skepticism regarding intervention programmes, recent literature and meta-analyses demonstrate that intervention programmes can effectively reduce delinquency (Lipsey 2000); (Lipsey 1992); (Andrews et. al 1990). In fact, Sherman and colleagues report that the ‘important issue is not whether something works but what works for whom’ (Sherman et. al 1997).

However it should be noted here, that models based purely on interventions are inherently crippled (refer to the Hybrid Model, University of Houston, year, referring to learning disabilities). The Juvenile Justice (Care and Protection of Children) Act 2006, has incorporated certain interventions like counseling. However, this is not coupled with identifying the criminogenic needs of a delinquent who had been pushed
into the negative world with certain inherent deficiencies. These interventions need to follow a certain need-based regime.

Many practitioners in the treatment and social reintegration fields acknowledge that reintegration support interventions should link institutional programming with community-based services in order to ensure continuity of support. Identifying a potential source of support and assistance upon reentry into the community; it should be acknowledged, that although the family is the most important pillar of support, a common attribute of persons in conflict with law is the absence of family support (Griffiths et. al 2007)

An integrated approach needs to be looked into with close collaboration with various stakeholders like school, teachers, parents, employment agencies and others in the community, where the juvenile in conflict with law is proposed to be reintegrated into. Both the youth and the community need preparation for the youth’s return, and both should be actively engaged in the process from the beginning. Various models of reintegration have been experimented in the West with their own success and failures. Some of these programs are offered prior to release of community-based agencies that are equipped to provide after care and follow up with the offenders following their release from confinement.

Models of Reintegration

Several models of reintegration have been developed and practiced in various parts of the globe, using the strategies discussed above. There are some models that have used all the strategies named above while others have chosen a couple of them as per the necessity of the programme and its feasibility in the given context. Let us first look at the models below, their characteristics and projects based on such models. The three predominantly used models of reintegration are:

I. Integrated Aftercare Programming
II. Re-Entry Courts
III. Prison Fellowship
The characteristics of the models and difficulties faced in implementing them in projects have also been discussed below, following the description to each model.

I. Integrated Aftercare Programming (IAP) Model

The IAP model of reintegration evolved out of the necessity to curb *recidivism*. It was realized that 80 per cent of all prisoners revert back to crime after having been released to the community.

The Intensive Aftercare programme (IAP) model (Altschuler & Armstrong, 1991; 1994a; 1994b) was the first to acknowledge that effective aftercare planning must begin from the moment a youth enters a correctional facility. The goal of the IAP model is to reduce recidivism among high risk juvenile offenders who have been confined in secure residential facilities.

The IAP model has the following key components:

i. Incarceration;

ii. Transition, with a pre-release and post-release phase; and

iii. Aftercare

![Integrated Aftercare Programming Model](image)

The heart of the IAP model is continuous case management that spans all the three phases named above.
The Altschuler and Armstrong aftercare model (see figure 2.2) integrates the criminological theories of strain, social learning, and social control to explain serious chronic delinquency. Altschuler and Armstrong postulate that

... serious, chronic delinquency is related to: (1) weak controls produced by inadequate socialization, social disorganization, and strain, (2) strain, which can have a direct effect on delinquency independent of weak controls and which is also produced by social disorganization, and (3) peer group influences that intervene as a social force between a youth with weak bonds and/or strain on the one hand and delinquent behavior on the other (Altschuler and Armstrong 1994: 3).

**IAP – For whom**

i. High-risk youth not only exhibit a persistent pattern of justice system contact (for example, arrests, adjudications, placements), but they are also plagued by a number of other need-related risk factors. Frequently these risk factors involve a combination of problems associated with family, negative peer influence, school difficulties, and substance abuse. For example, although there is widespread consensus that learning disabilities and emotional disturbance are not causally linked to delinquency, these conditions should not be ignored when present.

ii. Another subgroup of juvenile offenders who can be considered for inclusion in certain forms of intensive aftercare are delinquents who exhibit particular problems and needs requiring highly specialized forms of treatment. Their special problems need to be addressed through intensified programming and service provision as well as monitoring.

Some of the common need items can be found among the need-related risk factors that predict recidivism. Linking the risk factors and problems with a broad-based strategy is accomplished by a theory-driven, empirically based programme model that establishes a clear set of comprehensive guiding principles; specific, tangible programme elements; and a set of needed services.

**Principles of the IAP model**

Five principles of programmatic action requisite to the IAP model embody its theoretical assumptions and the empirical evidence regarding the multiple causes of and behavioral changes associated with repeat offenders.
1. Preparing youth for progressively increased responsibility and freedom in the community.
2. Facilitating youth-community interaction and involvement.
3. Working with both the offender and targeted community support systems (for example, families, peers, schools, employers) on qualities needed for constructive interaction and the youth’s successful community adjustment.
4. Developing new resources and supports where needed.
5. Monitoring and testing the youth and the community on their ability to deal with each other productively.

*The process in IAP*

Which offenders should receive priority for intensive aftercare supervision? How many levels of supervision are needed? What contact standards should entail? Which cutoff scores should be used to designate how many cases can be realistically handled by aftercare workers? How can aftercare resources—including field staff—be used most effectively?

*Phase A*

The case management component is responsible for ensuring that assessment of the youth takes place at the beginning of the incarceration phase.

A master plan is then developed, reassessment of the plan takes place at regular intervals, information is effectively shared by all the service providers, and the involvement of all the significant parties (i.e. the juvenile offender, the family, service providers, school administrators, and so on) is monitored. Key stakeholder partnerships in the IAP model include the staff at the juvenile correctional facilities, the parole agents, and those community support systems that will effectively target the needs of the juvenile offenders (Altschuler and Armstrong 1994a, 1994b).
Phase B - Using need-risk assessment scales/instruments

The soundest risk assessment scales generally contain some combination of need-related predictors (for example, family, peer group, schooling, and substance abuse) and offense-related predictors (for example, age at first adjudication, number of prior justice system referrals, and number of prior commitments) have been shown to be among the best offense-related predictors of future delinquency (Baird 1986); (Baird and Heinz 1978); (Baird et. al 1984).

The following are commonly evaluated in need assessment instruments:

- Vocational skills.
- Alcohol abuse.
- Drug/chemical abuse.
- Emotional stability.
- Learning disabilities.
- School attendance.
- Academic achievement.
- Employment/work performance.
- Family problems.
- Parental control.
- Parent problems.
- Peer relationships.
- Recreation/leisure time.
- Health.
- Residential stability.
- Life skills.
- Communication skills.
- Residential living skills.
- Sexual adjustment.
- Financial management.
- Cognitive ability.
- Relationships with opposite sex.

These need scale items are usually weighted through a rank ordering process. The basis for assigning priorities to each item in the scale depends on two factors:

I. Workload factors is the most common approach - the amount of time required to deal with a particular need;

II. Another approach is to base weights on whether or not each problem’s resolution is related to the success or failure of aftercare.

Based upon the cumulative rank ordering of the most heavily weighted items from need scales the relative priority assigned to common need items in descending order
as used in juvenile probation agencies of California, Illinois, Montapa and Wisconsin is as follows:

1. Substance abuse.
2. Emotional stability.
3. Family problems.
4. School problems.
5. Intellectual impairment (Baird et. al 1984).

Phase C - Aftercare services

Aftercare can be defined as reintegrative services that prepare out-of-home placed juveniles for reentry into the community by establishing the necessary collaborative arrangements with the community to ensure the delivery of prescribed services and supervision (Altschuler and Armstrong 2001). Thus services and supervision are the two key components of the aftercare concept that distinguish it from the traditional juvenile justice model.

First, offenders must receive both. (Offenders in the traditional juvenile justice system are generally sentenced to some type of supervision and are sometimes provided with services.) Second, they must receive intensive intervention while they are incarcerated, during their transition to the community, and when they are under community supervision. This second component refines the concept of reintegrative services to include services that occur before release as well as after release.

Interagency collaboration is a key strategy because it reconnects fragmented human services organizations to create an efficient system that addresses the multiple needs of incarcerated youth. It is said that effective aftercare requires a seamless set of systems across formal and informal social control networks. The court, corrections, parole, law enforcement, education, social services, and prosecution must work together. It also requires a continuum of community services to prevent the recurrence of antisocial behavior, and it can involve public-private partnerships to expand the overall capacity of youth services.

The implementation of IAP in Colorado and Virginia provides a useful illustration of how to develop successful collaborative partnerships by creating a multiagency service provider network of both residential and nonresidential programs.


**Testing the IAP model of reintegration**

The Intensive Aftercare Programming model has been used at the US Department of Justice. It has been piloted in several states. During the 1990s, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) funded the Intensive Aftercare programme (IAP), which was designed to assist the most high-risk young offenders and prevent them from reoffending. The programme emphasized pre-release planning and services, structured, short-term transitional programming and structured, longer-term reintegrative activities that balanced supervision, treatment, and services.

OJJDP’s research and development initiative has tested the IAP model as used in different states, using customized strategies and disseminate information on intensive aftercare programme models that are theory driven and based on risk assessment. Effective aftercare programs focused on serious offenders which provide intensive supervision to ensure public safety, and services designed to facilitate the reintegration process may allow some offenders to be released earlier, as well as reduce recidivism among offenders released from residential facilities. This should relieve institutional overcrowding, reduce the cost of supervising juvenile offenders, and ultimately decrease the number of juveniles who develop lengthy delinquent careers and often become the core of the adult criminal population (Federal Register 1987:26238–26239).

The IAP model’s central requirement is that it fits the conditions of each jurisdiction that attempts to reduce the recidivism of its own juvenile parolee population. The IAP model addresses two of the acknowledged deficiencies of the current system of secure correctional commitment: (1) that institutional confinement does not adequately prepare youth for return to the community, and (2) that lessons and skills learned in secure confinement are neither monitored nor reinforced outside the institution.

**Thomas O’Farrel Youth Centre (TOYC)**

The Thomas O'Farrell Youth Center (TOYC) is an unlocked, staff-secure, residential programme located in Woodstock, MD, outside of Baltimore. This programme includes a residential treatment programme for male youth ages 13–18. These youth
spend 8 months in the residential phase of the program, followed by 9 months in the specialized aftercare component. This programme is designed to help youth make the transition from residential care to the community. The typical TOYC resident is a chronic and serious property offender. The center uses a normative therapy treatment approach to help residents develop positive social norms with the use of group activities; this treatment diverts youth away from antisocial norms and emphasizes healthy values.

The three phases that this programme entails are:

- **Active persuasion.** To foster positive community norms, staff and resident peer groups actively persuade residents to accept a change in their concepts, beliefs, and behaviors.
- **Cognitive dissonance.** The TOYC programme strives to assuage cognitive dissonance by demonstrating the validity of the new social situation while simultaneously attacking the old belief system.
- **Inoculation.** TOYC staff inoculates youth in a variety of ways—for example, by normalizing the residential environment and getting the youth to participate in off-campus activities, community service projects, camping trips, role-playing activities, sporting events, and other recreational activities.

This system provides positive reinforcement and establishes graduated phases in which the youth receive additional liberties as they progress from one phase to another.

**Impact of TOYC**

An NCCD evaluation of the TOYC programme showed promising results (Krisberg 1992). The evaluation, which used a pretest and posttest design, found that the majority (55 percent) of the first 56 TOYC graduates had no further court referrals in the year following release (11.6 months)—a recidivism rate of 45 percent. The evaluation also revealed a dramatic decline in the number of offenses committed by programme participants after their release from TOYC. Compared with 219 offenses committed during the year prior to their placement in TOYC, the same youth were charged with only 51 offenses a year after their release from TOYC—a decline of 77 percent. Finally, the evaluation also showed that youth who committed new crimes
after leaving TOYC were likely to commit less serious offenses than those committed prior to placement

Targeted Re-entry

The Boys & Girls Club of Tabula Rasa (BGCTR) is currently using the targeted re-entry approach that builds closely upon the IAP model, with local boys and girls clubs providing community leadership, case management functions and close linkages with the correctional system. It addresses the risk and protective factors of youth transitioning out of residential commitment back into their community.

Targeted Juvenile Reintegration:

This project is designed to provide Boys and Girls Club services to youth in residential placement using trained Boys and Girls Club staff. The goal of the project is to encourage youth, upon reentry into the community, to become involved in Boys and Girls Club sponsored activities. The initiative is currently being piloted in three sites--St. Paul, Minnesota; Jacksonville, Florida and Clark County, Nevada. Services to youth in residential care provided by Boys and Girls Club staff include recreation, life skills, job readiness training, tutoring, and other services. Club staffs build relationships with the youth and encourage them to attend the club upon their release. The local club worked with juvenile delinquents inside the juvenile rehabilitation centre to a time after they return to the community, ensuring smooth re-entry.

This approach emphasizes the relationships and trust established between the juvenile offender and Boys & Girls Club staff while the young person is involved in Club programs within the residential facility. Club staff members work with the youth through a transition phase and continue the process once the young person re-enters the community thus following a complete hand-holding process throughout.

To enhance BGCTR's capability to develop these community-based partnerships, BGCTR has partnered with TOJD, a Florida-based residential commitment provider for the Department of Juvenile Justice. The result of this partnership merged the Targeted Re-Entry programme with Twin Oak's Project Connect. The Project Connect
model addresses the youth's social, mental health, academic and employment needs by developing an individualized Transition Plan of goals and objectives. The key to success of this plan is mentored re-entry. To support the youth in accomplishing the goals and objectives of their Transition Plan, they are assigned a Community Liaison and a Community Action Team of volunteers and mentors from within the youth's community.

**BGCTR Model**

As illustrated in figure no 2.3, the targeted reentry project of the BGCTR together used the following strategies:

*Transition Strategy*: Each youth, together with a facility treatment team, develop an individualized, comprehensive Transition Plan that incorporates all facets of education, vocation, social and life management skills. This Transition Plan is a blueprint for the youth's success upon community re-entry. While the youth is in commitment, the Transition Specialist assists the youth in establishing a Community Action Team of mentors and local service providers that will provide counseling, support, mentoring and assistance in meeting the goals of the Transition Plan which include gaining employment to achieve self-dependence and self-respect.

*Local Support Strategy*: BGC Transition Specialists work with the youth and their Community Action Team to identify and secure resources and services to assist the youth in a successful re-integration into the community to a life free of crime and gang affiliation. To accomplish this, youth and their families will participate in Boys and Girls Club programs utilizing BGCA youth development strategies. Programs include character and leadership development, health and life skills, the arts, sports/recreation, and education and career development.

**Impact of BGCTR**

Data was collected and evaluated from the Project Connect Pilot programme chartered by Workforce Florida in June 2006 compared to the DJJ 2005 recidivism
rate of 41 per cent, only 9 per cent of youth participating in Project Connect re-offended within one year of release.

*The Bethesda Day Treatment Centre*

**Client-based services**
Intake interviews are used to formulate and apply an appropriate treatment plan. Individual counseling sessions are used to discuss progress in the program, personal problems, feelings, goals, and other areas of need. Psychological counseling is provided by licensed psychologists to meet the psychological needs of the youth. Intensive supervision (i.e. direct supervision or intensive services provided by staff) ensures accountability to the treatment schedule and structure. Study skills improve individual academic performance. School and jobsite visits monitor youth compliance with authority while in school and at work.

**Group-based services**
Social interaction develops social skills by encouraging the youth to participate in a group setting where they learn to interact with each other and to adhere to the programme structure.

Group counseling builds leadership and decision making, interpersonal adjustment, team-functioning, and coping skills. A life and job skill training enhances independence and the performance of daily activities.

Games, crafts, art, and music activities teach the youth how to interact socially within an accepted set of norms and behaviors. Physical activity/training teaches the youth about constructive competition, sportsmanship, individual achievement, sharing, taking turns, group cohesiveness, and following rules.

Outdoor camping experience provides opportunities to win awards, mix with youth from other centers, and build cultural awareness. Field trips expose offenders to community resources in an effort to stimulate cultural development.
Family-based services

Home visits take place at least once a week. Family counseling is designed to enhance communication among family members. Parental counseling places a strong emphasis on the needs of the parent(s), many of whom need encouragement and assistance in dealing with their children. Family intervention and training services provide programs and training for parents and families to enhance family stability and to increase the family’s capacity to function independently. After youth complete the day treatment programme or are released from institutional placement, they enter the aftercare component of the program. The aftercare component uses a needs assessment to determine youth’s clinical needs. Once those needs are determined, aftercare staffs refer youth to the appropriate agencies. For instance, youth may be referred to mental health services, family planning services, or private consultants who offer expertise in areas such as group counseling, life skills, or job skills. The center also maintains a relationship with several activity sites throughout the community (eg. nursing homes, state schools, campsites, parks) that provide treatment services for youth. Finally, to ensure attendance at all activities, the center provides transportation services. Intensive supervision includes search and rescue, 24-hour crisis intervention, and detention accountability sessions.

Project CRAFT

Project CRAFT (Community Restitution and Apprenticeship Focused Training) is a Home Builders Institute (HBI) initiative offering comprehensive treatment, prerelease, and aftercare services to juvenile offenders.

By partnering with private juvenile and correctional facilities, juvenile judges, juvenile justice system personnel, education agencies, community-based organizations, and other human services agencies. Youth are directly referred to the programme by juvenile judges and probation officers. The programme focuses on skills achievement, and students must master several building-related skills that are evaluated weekly by Project CRAFT instructors. Prior to the training period, youth enter a 2-week assessment stage to evaluate their motivation and interest in the construction industry. After youth are accepted into the program, Project CRAFT uses 10 distinct components to create a holistic approach to
treatment that combines career training, support services (e.g., employability training, social skills training, case management), and community service activities sponsored by the construction industry. The following are the 10 programme components:

**Outreach and recruitment**
A three-pronged approach includes (1) orientations for programme partners; (2) orientations for prospective participants, parents, and offender advocates; and (3) community meetings. Programme partners are involved in a dynamic process that includes the development of project-specific action plans to complement treatment and aftercare plans.

**Case management**
This component is provided by contractual arrangements with local social services providers (from programme entry through the end of the project period) and includes the counseling and support services required for youth to participate successfully in the programme and to make the transition back into the community.

**Training programme**
PACT (Pre apprenticeship Certificate Training) is an industry-validated, trades-related programme that specifies industry skills standards as documented in the Student Achievement Record.

**Trade-related community service**
Youth perform restitution by participating in construction projects that teach trade competencies, build esteem and leadership skills, and enhance community reintegration.

Academic preparation and substance abuse treatment. Youth are enrolled in both, as indicated by their assessment.

**Employability and life skills training**
Youth receive training in conjunction with trades-related instruction.

**Community transition and follow-up services**
These services include job development, job placement, cooperation with corrections personnel and employers, and coordination with aftercare service providers (e.g.,
education, chemical dependency, housing, family, financial assistance, and other community service providers).

After graduating from the program, participants are placed in industry-related jobs and receive long-term aftercare services that link treatment with community safety. The treatment services focus on connecting youth with continuing education, counseling, substance abuse treatment, housing services, and employment and re-employment assistance. Community safety is addressed by working in coordination with parole officers, probation officers, and juvenile justice case managers to provide a variety of community surveillance alternatives. Specifically, the evaluation found the following:

**Impact of Project CRAFT**

A low rate of recidivism for Project CRAFT graduates. Of the 149 participants in the 3 national demonstration sites, 39 youth (26 percent) were convicted of new crimes after training completion, release, or placement. This percentage compares favorably with the baseline recidivism rate for untreated serious juvenile offenders, which is estimated to be 50 percent (Lipsey1999). Moreover, of the 39 participants who recidivated, 23 (59 percent) recidivated within the first year of release.

*An improvement in programme performance over time*

Year 1 participants sustained the highest recidivism rates, followed by year 2 and year 3 participants, respectively. The recidivism rate for year 1 was 15 percent. The percentage declined to 10 percent for year 2 and 1 percent for year 3.

In summary, Project CRAFT is a promising juvenile aftercare program. It works well with a range of juvenile and adult correctional systems, including those operated by private organizations under contracts with state and local governments, state and local government-operated facilities, and community correctional systems.
GROWTH

GROWTH is a community-based, gender-specific programme that incorporates an intensive aftercare component for high-risk female offenders returning to the community. Located in Mobile County (AL) and operated by the Boys & Girls Clubs of South Alabama, Inc., GROWTH is the first gender-specific treatment option for female offenders in the State of Alabama. The programme uses the intensive aftercare services of the Network Aftercare System (NAS) in its reintegration component.

The content of each phase is as follows:

Phase I - Facility/intensive treatment. Phase I involves an assessment to determine an individualized treatment plan, the implementation of the 18-week core program, and specialized therapeutic services. These activities are carried out with an emphasis on female-sensitive, developmentally appropriate approaches.

Phase II - Transition. Phase II seeks to enhance offenders’ reintegration into the community through a series of step-down activities that begin prior to release from confinement or intensive day treatment and continue during the high-risk 30–60 days after release. The programme achieves this goal by providing an individualized treatment plan that includes (1) in-home Functional Family Therapy through GROWTH’s Project FLEX (Families Learning through Experience), (2) a series of step down activities held on and off the residential campus, (3) one-on-one supervision and monitoring of individual reentry progress, and (4) the continuation and development of community-based services.

Phase III – Community reentry (aftercare). Phase III seeks to help offenders successfully negotiate community reentry by identifying and connecting them with formal and informal sources of community support. Supervision and monitoring are provided by the aftercare counselors in a very hands-on fashion. Supervision activities include weekly empowerment meetings facilitated by aftercare counselors, who also contact offenders in diverse locations (eg. school, home, job). In addition, graduated consequences and incentives are coordinated in team meetings with aftercare counselors, aftercare case managers, and probation officers to respond to compliant and noncompliant behavior through values-based activities, services, or items.
Conclusion of the Study

Focus on high-risk youth. Most of the IAP programs described focus on high-risk male youth ages 10–18. GROWTH targets high-risk female youth ages 13–17, and the Bethesda Day Treatment Center and Project CRAFT accept both male and female participants.

Use of assessment and classification instruments

With the exception of TOYC, each programme uses an assessment and classification system to pinpoint appropriate programme participants and to identify their needs. The Bethesda Day Treatment Center initiates its programme with a needs assessment interview and a treatment evaluation. Project CRAFT requires youth to enter a 2-week assessment stage before the training period to evaluate their motivation and interest in the construction industry.

Individualized case planning

Five of the six programs (the exception is TOYC) use an individualized case planning system to provide appropriate treatment options. For example, the Bethesda Day Treatment Center formulates and tailors treatment plans to the specific needs of each youth. At the beginning of treatment and at the beginning of each 3-month period thereafter, the center staff chart a therapeutic direction through the use of short-term goals and the appropriate units of service.

Use of rewards and sanctions

Five of the six programs (the exception is Project CRAFT) employ a system of rewards and sanctions to punish inappropriate behavior and to encourage positive behavior.
Links to community treatment services

All of the aftercare programs provide links to community treatment services. The cornerstone of Project CRAFT is its partnership with private juvenile corrections facilities, juvenile judges, juvenile justice system personnel, education agencies, community-based organizations, and other human services agencies. The Bethesda Day Treatment Center connects youth to virtually every local agency that serves youth interests. The TOYC aftercare programme provides each youth with an individual aftercare worker who links him to a variety of community resources to ensure a continuity of services. GROWTH aftercare staff also work to connect programme participants to formal and informal family, neighborhood, and community support, eventually decreasing structured aftercare supervision.

Combination of intensive supervision and treatment

Providing a mix of supervision options is another hallmark of each aftercare system. For example, the IAP model creates a wide-ranging and balanced mix of interventions designed to control offender risk and to address offender needs. The IAP projects in Colorado, Nevada, and Virginia all provide enhanced, IAP-specific programming during the institutional and aftercare phases and create a blend of control and treatment strategies during aftercare.

Summary

Aftercare is a promising programme concept designed to minimize recidivism among youth released from out-of-home placement. A review of the research and an analysis of current aftercare programs in the field reveal that comprehensive aftercare models integrate intervention and community restraint measures. These programs combine strategies to change individual behavior with surveillance mechanisms to protect the community from further harm. Moreover, the symmetry found in the characteristics of these programs provides practitioners with a blueprint for an aftercare programme that can effectively help youth return from institutions to the community. The analysis does not suggest that these are the only valid aftercare strategies, but it does offer
practitioners a resource with which to strategically construct effective aftercare designs.

There are several centres that specialize in treatment/programmes targeting various stages of the reintegration model. Some of the specialized centres that operate in the US with their specializations are summarized as follows:

i. The Juvenile Reintegration and Aftercare Center promotes best practices in juvenile transition and community aftercare services, provides training and technical assistance to state and local juvenile justice organizations and service providers, conducts and reviews ongoing research, and creates links with other juvenile justice technical assistance and programme providers to share information and resources.

ii. The National Center on Education, Disability and Juvenile Justice offers transition planning services to help localities develop specific strategies for reintegrating juvenile offenders from secure confinement into the community. These transitional services help youth achieve social adjustment, employment, and educational success after incarceration.

iii. The National Institute of Corrections offers Critical Elements of Successful Aftercare Services training to three- to five-person community teams. In this 36-hour program, participants use an interactive, experiential format to explore principles, elements, and strategies for implementing successful aftercare services for juveniles. Using a six-stage model of aftercare as an example, participants learn how to help juvenile offenders successfully transition from institutional settings to the community.

iv. Assessment Instruments
Assessment instruments are actuarial tools based on empirical research designed to create greater accuracy and structure in decision making. Risk assessment instruments help juvenile justice agencies make better decisions about case service and custody, whereas needs assessments help develop focused case plans to address specific delinquent behavior. Identified below are three jurisdictions that have developed validated risk and needs assessment instruments designed specifically for aftercare populations. It should be noted that although these instruments may be applied to broader populations, each was developed specifically for the target population in that particular locality.
Youth Community Re-entry Programme

The Intensive Aftercare programme (IAP), an OJJDP funded and evaluated youth reentry program, called for the coordination of case management and rehabilitative services over three distinct phases: (a) an institutional or pre-release planning and services phase; (b) a reentry preparation phrase; and (c) a community-based services phase after discharge. Planning in these areas can reduce some or all of the barriers to reentry in order to help create a stable life where reoffending is greatly reduced. A stable life includes enrollment in school or training (as appropriate), employment, a nurturing, secure place to live, assistance with resolving substance abuse problems, mastery of life skills, and learning how to create healthy, positive relationships. However, even with the best discharge planning, unforeseen challenges and family crises may develop. Any reentry resources will require on-going delivery of service to youth once they are placed back into the community.

Effective Outcomes from Youth Re-entry Services

There is modest evidence that frequent post release mental health services for youth exiting out-of-home placements resulted in lower rates of reoffending. Scientific research found positive outcomes for juvenile participants over a four-year follow-up period including a finding that only 43 per cent of the youth receiving the full AIM programme were reincarcerated compared to 62 per cent reincarceration for the control group. Bouffard and Bergseth (2008) studied the impact of reentry services incorporating paid mentors and found positive effects on reducing recidivism and a host of other behavioral factors.

Based on a combination of research findings and several decades of reentry service experience, that the juvenile justice field has identified that the application of theory and best practice recommendations in local programs and youth-serving systems (juvenile justice, child welfare, foster care, and others) demonstrates that youth reentry programs and services should include the following components:

Pre-Release Planning

Pre-release plans should not be an afterthought - they should essentially comprise written case plans specifically tailored to the needs of the individual upon release.
Items covered in a pre-release plan should include, at a minimum, plans for living arrangements upon release, return to school, medical and behavioral health care, and vocational, life skills, public assistance, and legal services. Prerelease planning should be in place in a timely fashion so as not to delay release.

**Location of a Re-entry Programme**

The delivery of reentry services must be strategically placed throughout neighborhoods exhibiting the highest needs to allow ease of access and facilitate productive relationship building for returning youth. Reentry services should be provided by those who can connect to youth, like community organizers and members of the faith community.

Reentry programmes and services include, but are not limited to (Ohio Gov: Department of Youth Services 2008)

- Education
- Substance abuse treatment/education
- Character building/mentoring
- Faith-based programming
- Interpersonal communication skills
- Family engagement/programming
- Mental health counseling
- Housing
- Job training/placement
- Money management assistance

Thus Reentry programs for young adults need to address skills and developmental assets by addressing various areas of youth life: family and living arrangements, employment, links to pro-social peers, substance abuse treatment, mental, behavioral, and physical health, enrollment to vocational training and employment, and leisure time and recreation.

Research on reentry methodologies has proved that there is a positive impact of mental health treatment on behavior and reductions in recidivism. Youth who received mental health treatment within the first three months of release were less likely to recidivate. Instead of non-supervised released to the community on completion of out-of-home placement, youth need special attention to identified risk factors that can spark reoffending, and these should be addressed proactively through pre-discharge planning and post-release programming. Youth need to attend traditional schools to the extent possible so they have access to prosocial peers and
activities, with tutoring to address deficits, special education services where youth are eligible, and planning for higher education or vocational aspirations.

Effective Use of leisure is a very important factor in leading a meaningful life away from crimes.

Research shows excess leisure time creates trouble for at-risk youth, which is the main impetus behind support for after-school programs. This is especially true for recently-released youth who are otherwise accustomed to highly structured days in out-of-home placements, and misuse of the freedom that comes with release.

Altschuler and Brash said that young offenders recovering from drug or alcohol abuse often have not had experience filling their time with anything but consuming drugs and being high…a whole new behavior pattern may have to be developed.

Thus a plethora of pre and post release services becomes mandatory for ensuring a successful youth re-entry programme that are listed below:

- Individualized discharge planning;
- Housing with family or independently as appropriate;
- Employment and education assistance;
- Positive adult guidance from family or mentors;
- Health, mental health, and substance abuse assessment and treatment;
- Life skills training, including parenting skills and financial management;
- Navigation and assistance in applying for public benefits; and
- Community service and victim impact programming.

The Youth Reentry Task Force (at Ohio) looks forward to working with Congress, the Administration, state juvenile justice professionals, and local jurisdictions to expand the supply of reentry supports to ensure social integration of vulnerable youth as they transition from detention to their neighborhoods, schools, peers, and families.

Overarching case management

In general terms, overarching case management is the process required for high risk delinquents to make the transition from secure confinement to intensive aftercare. The
process involves several aspects: coordinated and comprehensive planning, information exchange, continuity, consistency, service provision and referral, and monitoring. Particular attention is focused on five discrete components or sub-elements that define the specific areas of responsibility that key staff must coordinate and jointly plan.

**Challenges to the success of youth re-entry services**

- A scarcity of correctional funding devoted to aftercare.
- A paucity of community programs and resources.
- Large caseload sizes and inadequate staffing.
- Fragmented lines of authority.
- Unrealistic coverage (for example, traditional business hours and no weekends).
- A lack of differential supervision standards and an associated workload management system.
- Insufficient attention to prerelease planning and staff capability.
- Excessive distance between institution and home community.
- Professional and organizational rigidity.
- Rivalry and turf battling.
- A crisis-driven mode of operation.

**Factors leading to the success of youth re-entry programmes:**

**Linkage with social networks**

As prior research on risk factors suggests, youth who have family problems, who associate with negative peer groups, and who are disruptive in school are at the highest risk of becoming repeat offenders. Accordingly, programming must focus on: (1) improving the family situation, (2) intervening with the peer group, and (3) reversing the cycle of school failure. These goals require linkage with major social networks.

With regard to process evaluation, an *ongoing management information system* is required to ensure the operational integrity of IAP. This entails the collection of appropriate data to assess day-to-day operations and performance.
Besides collecting basic information on who is served and in what ways, it is also important to assess and document staffing patterns and selection, job responsibilities, staff turnover, and job performance.

The focus should be on the basic structures, procedures, and goals that define how more severely delinquent youth are handled at the points of correctional confinement and transition back into the community.

Lipsey (1992) examined more than 400 programme evaluations in one of the most extensive meta-analyses of juvenile delinquency programs. He found that the most effective intervention programs used structured, focused treatment based on behavioral, skills-oriented, and multi model methods rather than less structured, less focused approaches (eg. counseling). Moreover, evidence indicates greater reductions in recidivism if treatment is provided in community settings rather than in institutions (Andrews et. al 1990); (Lipsey 1992, 2000).

Continuity of Care

Concluding from all the various programmes of aftercare based on the Integrated Aftercare programming model is the acknowledgement to the truth that services/programme for youth committing an offence should be in a continuum, resembling a string knotted from residential services and continuing to the community. Continuity of care and reintegration require thinking differently about how staff are used, what qualifications are required, what skills staff need, how training should be approached, and on what basis staff performance should be assessed. Such an approach draws attention to the tasks and functions that cut across residential and aftercare services and require careful sequencing and alignment. Aftercare staff need to begin work on a case early during the residential stay and this involves focusing on the youth, family and community. Family become actively engaged by the aftercare worker, beginning initially with sharing information, arranging for family visits and home leaves, and where appropriate, assisting families who need help or services themselves. Work on identified high-risk (for re-offending) cases should be initiated by residential and aftercare staff immediately, with aftercare staff assuming responsibility for maintaining family contact throughout and meeting with the youth regularly on planning for home leaves and release to aftercare. Residential staff needs to be trained to implement cognitive-behavioral interventions
where family and other mentors, volunteers and positive peers from the community can be incorporated into the intervention.

This kind of role has implications for caseload size, workload, work hours, qualifications and training. This kind of approach is consistent with addressing the youth’s situation in a family and community context, which is consistent with a cognitive-behavioral and interpersonal skill orientation.

Bridging residential and aftercare services are often regarded as a key problem for the youth offenders who move between these two worlds (Altschuler 2005; (Altschuler et. al 1999); (Center for Substance Abuse Treatment 1998); (Steinberg, Chung and Little 2004). There are numerous aspects of residential and aftercare services that can serve to bridge the two worlds of residential and community care as opposed to creating or fostering inconsistency and disconnection that can actually jeopardize public safety and increase recidivism. Discontinuities of care have long plagued youth corrections, where residential or facility-based services frequently bear little direct connection to aftercare services based in the community (Center for Substance Abuse Treatment 1999a); (Dembo et. al 2002); (Whittaker 1979).

The four pillars that need to support the foundation on which residential services and aftercare services can be linked together to result into a successful all-round reintegration programme is depicted in the following illustration:
First, integrating residential and aftercare services requires a commitment to continuity of care in the design and operation of the department. Second, cognitive-behavioral approaches involving family and community supports cut across and need to inform the continuity of care components in residential and aftercare services. Third, staffing, personnel practices and training are a critical ingredient to the successful implementation of continuity of care. Fourth, overarching case management identifies the programmatic aspects of implementation from which policy, regulations and procedures emerge. Each will be discussed below.

This overarching strategy can be boiled down to what some term “continuity of care.” Continuity of care includes five discrete operational components (Frederick 1999). 1) continuity of control, 2) continuity in the range of services, 3) continuity in programme and service content, 4) continuity of social environment, and 5) continuity of attachment.

**Restorative Reintegration Approach**

Restorative reintegration is the newest way of dealing with reintegration of juvenile delinquents. It goes a step further than the IAP model. While the IAP model works towards addressing needs of delinquents re-entering society and through a well-administered network makes the reintegration process easy, the restorative justice approach works towards addressing responsibility of the offender towards the society. Both the approaches aim at reducing recidivism. However while the IAP approach works on the principle of retributive justice, the latter establishes a new system of justice and believes in alternatives to detention. While no commonly accepted definition of restorative justice exists, the authors consider it to be an approach for achieving justice which is primarily oriented towards repairing the harm that has been caused by a crime. (Wong and Wing 2010) The restorative justice approach is in a very nascent stage and thus is subject to various forms of controversies and arguments.

In the 1990s, restorative justice approaches to youth offending emerged, emphasizing the repair of harm done to victim and the community, the reintegration of offenders
into the community and the empowerment of those affected by the offending (Morris and Maxwell 2001); (Van Ness 2003); (Walgrave 2002); (Zehr 1990).

Restorative justice has progressed beyond being a theoretical paradigm to the point that it now exerts an influence on public policy (Levrant et. al 1999: 349). While perhaps not fully restorative, the DTC arguably shares a spiritual kinship with the restorative justice model of responding to crime and deviant behavior (2000).

Restorative justice approaches grew rapidly in the last two decades with the emergence of new standards. However a few models of reintegration have borrowed a few principles of this approach and have been experimented/implemented, in various parts of the globe. The most commonly used model that has been predominantly and successfully used so far is the Drug court model. In our present review we would, however, speak more about the re-entry court model that has been further based on the drug-court model.

II. Re-entry Courts Model

A re-entry court is a court that manages the return to the community of individuals being released from prison, using the authority of the court to apply graduated sanctions and positive reinforcement and to marshal resources to support the prisoner’s reintegration.

The expectation is that the focus on reentry issues in the courts will help reduce the recidivism rate of returning prisoners and will encourage a broad based coalition to support the successful reintegration of those offenders.

Re-entry courts provide close supervision by the judiciary, links to social services, and intensive case management to offenders returning home after incarceration. More than two dozen re-entry courts are currently in operation in the United States, some are federal courts while some are state-run. Based on their point of intervention, they can be divided into administrative courts, criminal courts and even pre-entry courts (those that work with probationers instead of parolees). It has been said and understood that rehabilitation services given behind bars or in-house in rehabilitation
centres without any follow-up services post-release then they have no effect whatsoever and hence there is 100% change of recidivism. In America, not only that the number of people leaving prison has increased four-fold, but the number of people leaving prison each year has also quadrupled. In 2002 more than 6,30,000 individuals (1700 per day) left federal and state prisons compared with 1,50,000 30 years ago (Travis 2000).

The re-entry court concept draws on the drug court model- a drug court is a court that deals with drug addicts; A key component in drug courts is that they represent the exercise of a precious resource, judicial authority, toward a beneficial end, and that offenders respond positively to the fact that a judge is taking an interest in their success.

The example of drug courts is quoted here to highlight characteristics that have made it successful and how certain of the characteristics are applicable even while dealing with juvenile delinquents, using judicial authority to apply graduated sanctions and positive reinforcement and to marshal resources to support the prisoner’s reintegration

*Re-entry Courts for Whom*

Most re-entry courts aim to serve non-violent offenders at a high risk for recidivism.

*The Process in the Re-entry Court Model*

All re-entry courts require that participants appear before the court on a regular basis for review, and establish a personalized programme plan for each participant to follow. The functioning of a re-entry court starts a little before release of a prisoner to the community.
Parole officers working inside prisons would work with prisoners to match them with employers on the outside, contact family members on their behalf, line up mental health. Once the inmate is released, the parole officer would oversee the parolee’s linkages to work, family, and support services. Adopting a case management model, parole officers would work with parolees to assist them in their successful reintegration. Those released prisoners who do not live up to the terms of their release would be sent back to prison.

The reentry court proposed here involves an application of these principles to prisoners leaving state prison on their way back to communities.

**Composition of a Re-entry Court.**

One overall court coordinator, two case managers, a counselor, two parole officers and an administrative judge who oversees court proceedings. This is strictly the composition adhered to by the Harlem re-entry court and is/can be minorly changed in composition here and there to suit the purpose and feasibility of the particular jurisdiction.
**Core elements of a reentry court.**

**Assessment and Planning**
It is envisioned that correctional administrators, ideally with a reentry judge, would meet with inmates prior to release to explain the reentry process. The state corrections agency, and, where available, the parole agency, working in consultation with the reentry court, would assess the inmates’ needs upon release and begin building linkages to a constellation of social services, family counseling, health and mental health services, housing, job training, and work opportunities that would support successful reintegration.

**Active Oversight**
The reentry court would see prisoners released into the community probably once a month beginning right after release and continuing until the end of parole (or other form of supervision).

**Management of Supportive Services**
The reentry court must have at its disposal a broad array of supportive resources, including substance abuse treatment services, job training programs, private employers, faith institutions, family members, housing services, and community organizations.

**Graduated and Parsimonious Sanctions**
The reentry court would establish and articulate a predetermined range of sanctions for violations of the conditions of release. Jurisdictions interested in piloting a reentry court must clearly outline how graduated sanctions would be imposed, and the array of sanctions that would be used.

**Rewards for Success**
Courts provide powerful public forums for encouraging positive behavior and for acknowledging the individual effort in achieving reentry goals. Alternatively, a reentry court could be established as a stand-alone court. The court would maintain an exclusive docket of reentry cases and develop a specialty in the dynamics of successful reentry. Under this formulation, the reentry “judge” might be a retired
judge, a magistrate, an administrative judge, or another judicial officer. The incentives given to offenders might vary from giving ‘movie tickets’ to ‘congratulation letter from a judge’ to ‘reducing participants’ community service requirement’.

**Piloting the Re-entry Court Model**

As a pilot initiative, the Re-entry Court Initiative or RCI as it is popularly known in the USA established re-entry courts in the several states of the United States of America, namely San Francisco CA, El Paso County CO, New Castle County DE, Sussex County DE, Broward County FL, Cedar Rapids IA, Fayette County KY, Campbell and Kenton counties KY, Harlem (New York City) NY, Richland County OH, Mineral, Tucker, and Grant counties, WV

In at least two cases, Kentucky and Delaware, the reentry court is combined with a drug court model, and specifically targeted at parolees with a need for substance abuse treatment. The goal of the programme is to ‘establish a seamless system of offender accountability and support services throughout the reentry process.’ From another perspective, the implicit goal of reentry courts is to reduce recidivism among participating individuals. The Harlem re-entry court established a decade back in 2001 was evaluated and it was found that ‘re-entry court parolees were less likely to be rearrested’ (Wolf 2011). At Richland County (Ohio) Court, the re-entry process starts at the point an individual is sent to an institution and identification is made at that itself of prisoners who is likely to be released before the given date of release. The Missouri re-entry court uses a ‘transitional accountability plan’ – according to this plan prisoners spend the last six months of their sentence in transitional units that have been established by most prisons in the Missouri State. It is in these transitional units that inmates start developing relations and networks with the community. In Texas, the practice is slightly different. Once released from residential/correctional facility, inmates are directly taken to re-entry courts. At the Re-entry court they meet the judge and the case manager and there from the process of re-entry to community begins.
Challenges in implementing a Re-entry Court Model

i. Communities interested in piloting a reentry court will need to consider creative ways to draw upon existing resources and perhaps find additional funding sources. However it has also been concluded that increasing the client base for each judge can reduce the investment cost to a large extent. (Manley and Wolf 2011)

ii. In addition, a critical challenge will be identifying a range of essential reentry support services for offenders and mechanisms for ensuring easy access to them. These are areas that we recognize pose great challenges.

iii. The model works only if it is consistently applied with all professionalism and staff trained properly. (Banks and Wolf 2011)

iv. Parole officers and Probation officers need be interested to be open to learning and apply the same with full enthusiasm.

v. In order to succeed the re-entry court requires the support and collaboration of various constituencies and departments. There can be a re-entry task force, collaboration of city and state agencies, community-based organisations and academic partners. (Watler and Wolf 2011)

Guidelines for Victim-Offender Mediation and Dialogue

Victim-offender mediation is being used increasingly across the country, and it often maintains a strongly dominant offender orientation in the same way as our traditional justice system. This project is designed to help practitioners balance the focus in a way that protects and nurtures the victims of crime who wish to meet face-to-face with their offender.

Restorative Reintegration used in the re-entry courts model focuses on the moral inclusion of the ex-prisoner within a targeted community, encouraging ex prisoners to actively address harm done to victims, families and the community, and ‘paying back’ to the community through voluntary reparation and community service.
**Inner Change Freedom Initiative**

The Inner Change Freedom Initiative (IFI, started in 1997) is a proven, voluntary and holistic values-based Reentry Program. It seeks the development of the whole person—spiritually, intellectually, emotionally, and physically. The spiritual formation aspect of the programme is based on the life and teaching of Jesus Christ. IFI's unique plan of restoration and progressive programming begins 18 to 24 months before an inmate is released. The programme continues for an additional 12 months of mentoring and support once the inmate has returned to the community. IFI stresses personal responsibility, the value of education and work, care of persons and property and the opportunity for a new life, to help them transform their lives and re-enter society successfully.

**III. Prison Fellowship Model**

Prison Fellowship targets the root causes of crime by applying the principles of restorative justice (restoring criminals, victims, and the community) through comprehensive, faith-based programs. These programs include in-prison programs (mentoring, educational training, biblical training), Operation Starting Line (in-prison high profile evangelism), ex-prisoner transitional care (church-based aftercare and mentoring), Inner Change Freedom Initiative (full-time Christian prison programs), and Angel Tree (reaching half a million prisoners' children through a Christmas outreach, Christian camping, and mentoring).

**Building Social Capital for the Prison Fellowship Programme**

Strategies for building social capital will include:

a. Identification of Maori and Pacific mentors, and securing commitment from the mentor and their church, to the prisoner and their family;

b. Securing church congregation commitment to support the prisoner and their family;

c. Developing wider networks of support in targeted areas – key agencies, potential employers, service providers, Kiwi and Maori authorities, Pacific Island
communities, service organisations, sport and recreational and other community organisations;
d. Identifying potential employers within the target community and wider community;
e. Promoting voluntary community service by ex-prisoners;
f. Promoting opportunities for prisoner-community reparation or reconciliation;
g. Facilitating prisoner-community meetings;
h. Facilitating community workshops on the provision of effective support for ex-offenders.

The “Restorative Reintegration” project is a funded programme with specific service deliverables.

**Operation Jericho**

Operation Jericho, a mentor based prisoner reintegration program, has been operating since August 2003, and has achieved moderate success. While it is still too early to produce statistically significant results, the anecdotal evidence indicates a reduction in reoffending rates, well below the 70% reoffending rate typical of prisoners released after two years.

**How Operation Jericho Works**

The programme is facilitated by a qualified case management team who oversees the mentor inmate relationship, provides ongoing support and training to mentors, and links prisoners and their families with community and social service agencies as required. While Field Officers assist the ex-inmate and their family with practical day-to-day needs. This programme employs four main strategies to prevent re-offending:

- Active Case management
- One-to-one mentoring, up to eight months before release and up to two years following release
- Church and community integration
- Family support
- Networking with key support agencies e.g. Housing NZ, Work and Income, Drug and Alcohol Rehabilitation Services
Operation Jericho is mostly used for adult criminals and is a *needs-based programme* and works to meet the needs of prisoners to suitable accommodation, employment, managing finance, managing relationship issues with whānau (family) and community, providing positive community support, victim-offender reconciliation, ongoing rehabilitation, post-release health care.

**Six-Stage Re-entry Model**

*In 2004, Alan Rosenthal, J.D. & Elaine Wolf, from the Center for Community Alternatives in New York proposed a six stage re-entry model, details of which has been given in the following part.*

According to them,

Reentry planning at any of the six stages of the criminal justice process can either lead to reentry or to the next stage where the reentry plan is again used. Reentry plans established and implemented during pretrial detention offer the benefits of early reintegration and fewer days spent in jail. Once the foundation of a reentry plan has been established, it can be more fully developed and used during plea negotiations and for presentation to the judge at the time of sentencing. This sentencing plan can be used to advocate for a more humane, less punitive, individualized sentence. In those cases where sentencing does not result in an immediate return to the community, the reentry plan can be used as the basis for self-development and preparation for reentry while in prison.

**Challenges in Implementing Reintegration Models**

The two most recent models for juvenile corrections are the rehabilitation and reintegration models. The components of the rehabilitation model are diagnosis and classification, formalized counseling or therapy, and formalized education. The reintegration model emphasizes normality, community involvement, and resocialisation. Social workers employed by social services agencies are oriented toward the rehabilitation model in dealing with clients Bockoven (1963). Because the funding criteria required the activities of the rehabilitation model, the community-based facilities found it difficult to sustain reintegration activities, even though their programs were founded on this design. This study demonstrates that funding criteria and funding agency ideology should be examined in any evaluation of the effectiveness of the reintegration model applied in community-based programs.
One common theme is that problems are unavoidable. All sites, even those with the best planned implementations and most rigorous assessment processes, have confronted numerous hurdles. Another common theme is that, regardless of the unique qualities of each program, sites tended to face similar challenges.

Early challenges faced with hiring and training staff, accomplishing an array of administrative tasks, and raising funds, many practitioners reported feeling overwhelmed during the first 4 to 8 months of programme development.

Section III

Reintegration – the Indian Context and the Legal framework

The previous sections show that there is vast literature in the area of delinquency and several models/practices thereof on reintegration practices in the field of juvenile delinquency. However, it is learnt that although socio/criminological theories are universal, contextual studies are as important in order to establish/apply such models. There is hardly any study done in the Indian subcontinent and hence no conclusions arrived at the ways and means to reduce recidivism through the practice of reintegration mechanisms. The Juvenile Justice (Care and protection of children) Act, 2000 has included ‘reintegration’. However there is no detail about the process of reintegration mentioned in the Act. This makes it all the more important to review current practices, perspectives of different practitioners involved here with and hence establish an understanding on good reintegration practices. Such practices would result in reduced recidivism is a huge longitudinal study that can take stride from the findings of the present research.

Removal of youth from their homes and communities and into out-of-home placement can exacerbate delays in positive youth development, social skills, and learning. Attendance at school is a strong protective factor against delinquency; youth who attend school are much less likely to commit crime in the short-term and also in the long-term. Yet, more than half of youth in secure placements have not completed the eighth grade and two-thirds of those leaving formal custody do not return to school.
Emphasis on returning to school upon exit from out-of-home placement should be a high priority for any reentry initiative. Despite the strong connection between school truancy, dropouts, and delinquency, reenrollment in school for youth exiting detention is sometimes challenged. Employment status is another strong predictor of criminal behavior. Individuals who have a job are less likely to commit crime, as evidenced by the findings in numerous studies on the subject. Yet when formerly incarcerated offenders seek employment, they may encounter obstacles, especially if their record has not been expunged. Moreover, the months or years spent out of the labor force while in detention, jail, or prison, places these individuals at a distinct disadvantage in finding a job. The time youth spend in out-of-home placement is generally not spent in preparation for employment, despite the protection employment serves against future offending. Some have noted that in residential settings, vocational programming designed to prepare young people for a job upon release was not accompanied by any industry certification (Ashley and Richard 2009) or associated with high-growth jobs in the communities where the youth would be returning.

A large number of youth involved in the juvenile justice system cope with myriad medical, mental health, and substance abuse issues, including co-occurring mental illnesses, learning disorders, substance abuse problems, and/or cognitive disorders which may cause or contribute to behavior that results in problems with the law. For example, one study found the research finds that more than 60% of youth in the juvenile justice system meet the criteria of at least three mental health disorders. In India the Model rules, 2007 have included mental health treatment as an important constituent of reintegration plans for juveniles that exit residential care. Research consistently finds that recidivism often occurs just after release, sometimes within a few days. (Wilson et. al 2011).

As Nellis, and Wayman say,

Especially because of the overlap between mental illness, substance abuse, and criminality, the period of transition from secure custody to the community is a critical time where necessary supports should be in place to provide appropriate medical attention. This is especially true for young people coping with mental illness, a history of substance abuse, or other disorders that may make reintegration difficult. Studies of homeless youth demonstrate the connection between youth homelessness and contacts with the juvenile and criminal justice systems (pp 17-23.).
In a recent survey of homeless youth between the ages of 10 and 17 in different states of the United States of America, the Wilder Research Center found that 46% had been in a correctional facility, and of those, 44% exited into an unstable housing situation (Nellis and Wayman 2009). If juvenile offenders become homeless after discharge, they experience higher risks for re offending. Overall, “homeless youth are also likely to become involved in prostitution, to use and abuse drugs, and to engage in other dangerous and illegal behaviors.”

Research shows that the use of single-strategy approaches to addressing issues of violence and delinquency reduction does not seem to work (Lipsey 1992); (Tolan and Guerra 1994). Thus what appears to work is a reorientation of services offered by the variety of agencies and organizations that exist in every community to serve youth, including youth with disabilities or who have had contact with the juvenile justice system. Education, juvenile justice, mental health, child welfare, and recreation services may all have a role to play in the life of these youth and their families. (Peter Leone et. al 2002)

Legally defined, Section 2 (l) of the Juvenile Justice Act, 2000 has defined “juvenile in conflict with law” as a juvenile who is alleged to have committed an offence and has not completed eighteenth year of age as on the date of commission of such offence.

Adolescents and young adults who are at risk or delinquent have complex needs. In order for these young people to succeed when they return to the community from residential and juvenile correctional facilities, systematized collaborative support must be provided a host of professionals and community members (Leonne et. al 2002)

**Child Protection Laws in India**

In India, the *Apprentice Act* in 1850 was the first legal document to make a provision for rehabilitation of child offenders followed by the introduction of children acts passed by the states. Madras (now Tamil Nadu) passed the first *Children’s Act* in 1920. Children’s Acts in Bengal and Bombay were enacted in quick succession in 1922 and 1924 respectively. The Constitutional concept of children in India is of a healthy childhood with opportunities for all-round growth and development, protected from exploitation and abuse. India passed its first central legislation, namely, the
Children Act 1960. All these acts finally led to the passing of the *Juvenile Justice Act*, 1986 that spoke of rehabilitation of children in juvenile homes, to impart them with certain skills and vocations to make them independent/employable. The JJ Act passed in 1986 was the first legislation that exclusively recognised the needs of juvenile offenders and talked of further prevention of delinquency through educational and skill building opportunities to juvenile offenders, to prevent them from turning into hard core criminals.

**Rehabilitation and Reintegration**

In 2000 and then in 2006 the JJ Act was revised to include ‘social reintegration’. Counselling of children and their parents/guardians has been made integral to an order of release after advice or admonition. Group counseling, community service, and impositions of fine on the parent are the new measures introduced by the JJ (C&P) Act. One of the most important new measures adopted by the JJ (C&P) Act, aiming at rehabilitation and reintegration is ‘adoption’. The Act recognises that the primary responsibility of looking after children lies with their family. After a proper scrutiny, a child falling within the provisions of the JJ (C&P) Act, may be declared available for adoption and given in adoption. These are recent measures taken to control juvenile delinquency. It has been detailed in previous sections in this chapter that *intervention based strategies* on reintegration has neither any long-term bearings on juveniles in conflict with law, nor follow an integrated approach. Models/practices highlighted in the previous section proves that an integrated approach to reintegration has proven results and hence intervention based strategies have to be preceded with *needs-based* or *skills-based* strategies to reintegration.

**The process of Juvenile Justice in India**

Once a crime is committed and the child is apprehended, the case comes before the Juvenile Justice Board (JJB). Till the inquiry is pending, the child is kept in an observation home, unless otherwise released as per the law. On completion of the enquiry, the child is sent to a special home or place of safety, with an aim to reform and rehabilitate the child. On completion of his commitment period, he/she may be sent to a ‘fit institutions’ (certified by the government) for his/her reintegration.
However, once coming into contact with the law, the daily lives of the children get affected; they get distanced from the education process and normal interactions with others. Society also starts defying them, once branded as ‘criminals’. Left without any functional/professional skills/knowledge, these children tend to fall easy victims to further crime. Therefore proper reintegration mechanisms are important in order to control delinquency of children and to help them grow and develop in a healthy manner along with other ‘normal’ children.

Social protection theory speaks of a caring community or a protective environment. Existing schemes tend to emphasize restoration of the child to the family. In the case of a very young girl child, rescued from an early marriage, abduction, sale or the sex trade, or a young victim of domestic violence, or rape, or a child recovered from a hostile/conflict zone, the family of origin may not be the best option for re-location. Mechanisms are essential for ongoing contact, shelter, counseling (including family counseling), and possibility of foster or alternate placement, re-entry into local life and activities, re-entry into schooling or development programmes. These should also be accompanied with the prosecution of offenders who have participated in the abuse or exploitation of the child. The government’s approach to tackle delinquency and help children develop into healthy individuals is primarily in two forms, preventive and curative. Early child care comes under the preventive approach and education and skill development in reformatory schools comes under the curative approach (GOI 2010). Both approaches need to go hand in hand in order to instigate all round development. This would be unfolded in course of the present research study.

*International Conventions*

The United Nations has adopted a number of international instruments dealing directly with children’s rights and the administration of juvenile justice. Contrary to these international precepts, children in conflict with law are often treated as adults. They are not protected from the harmful effects of criminal justice (Meuwese 2003).

As per Millennium Development Goals (MDGs), all nations (excepting the United States of America and Somalia) of the world have agreed to a universally set of non-
negotiable standards and obligations called the UNCRC (United Nations Convention on the Rights of the Child). It is the first legally binding international instrument to incorporate the full range of human rights - civil, cultural, economic, political and social rights exclusively for children.

Further, the United Nations adopted the Rules for the Protection of Juveniles deprived of their Liberty in 1990. The United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) followed immediately. The basic principle underlying the Riyadh Guidelines is the recognition of the need and importance of progressive delinquency prevention policies. Such policies should involve the provision of educational opportunities and to serve as a supportive framework for safe guarding the personal development of all young persons, particularly those who are demonstrably endangered or at social risk.

The Convention on the Rights of the Child (CRC) states that the best interest of the child shall be the primary consideration in all actions undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies and that all efforts should be made to ensure family care to the child.

*Old enough to be a criminal?*

An important issue in juvenile justice is the age of criminal responsibility. The age of criminal responsibility is the age at which a child is considered to be consciously responsible for any act he/she performs. Children below a certain age are too young to be held responsible for breaking the law. International standards such as the Beijing Rules recommend that the age of criminal responsibility be based on emotional, mental and intellectual maturity and that it should not be fixed too low. This concept is spelled out in the CRC (Convention for Rights of the Child), which calls for nations to establish a minimum age ‘below which children shall be presumed not to have the capacity to infringe the penal law’ (p. 12). But the Convention does not set a specific age, and it varies greatly from country to country. However the United Nations committee responsible for monitoring compliance with it has criticised jurisdictions in which the minimum age is 12 (Gregor 2000)
In India, the age of criminal responsibility is ‘seven’. Thus, a seven year old is no more considered naive. This is despite the fact that the age of children that are categorised as juveniles in conflict with law, is eighteen. In recognition of the fact that 41 per cent of India’s population is below 18, this constitutes a significant national asset, according to data projected by the National Plan of Action, 2005.

However, the age of criminal responsibility is just one factor influencing treatment of juveniles by the justice system. Other variables include whether there is a separate juvenile law based on child rights; whether a young person is subject to punitive sanctions or only to socio-educational measures; and whether the country has separate court systems and jails for young people. A juvenile justice system provides legal protections and an objective standard for treatment.

The National Plan of Action for Children, 2005 commits itself to ensuring all rights to children up to the age of 18 years. The National Plan of Action for Children, 2005 (National Report for ‘A World Fit for Children’, p.12) has set forth certain goals to protect the rights of JCLs and one of the very important strategies to achieve the same is to create model rehabilitation centres in each State/UT for JCLs. Training, sensitisation and building partnerships and networks with stakeholders involved in the process of reintegration form other strategies in achieving complete social reintegration of CICL.

The JJ (Care and Protection of Children) Act, 2000 (National report for ‘A World Fit for Children p.4). Although social reintegration has been included in recent national laws and policies related to children, there is no detailing about the concrete strategies to achieve the goal of reintegration in the Act. However, this concept and practice is decades old. Reintegration of young offenders has gone through many stages of development and transition in the West – from offender-centric practices, victim-centric practices to integrated practices. Thus, it is important to be introduced to such practices/models of reintegration, in order to suggest/establish similar models, in the Indian context.
It may be erroneous to assume that crime is the manifestation of a single, latent construct, such as low self-control, which varies across but not within individuals, and explains all deviant behaviour (Gottfredson and Hirschi 1990). Differences in opportunities for personal gain in various societies are also causes of crime as per Gottfredson and Hirschi (1990: 177). They influence crime rates observed across different cultures by affecting the opportunities for crimes available to those with low self-control. Clearly, more is needed than low self-control to explain crime in a general theory of crime.

It is clear that a single-pronged approach to social reintegration would not be able to respond to the problem completely. Present practices of reintegration in the Indian context are to reunite CICL with their families of origin. However, if the family was the main reason of conflict for the child, would the issue of reintegration work without resolving earlier existing issues?

**The Present Study**

This study explores the possibility of highlighting the best practices in reintegration in India and aims at establishing an ideal reintegration strategy, with learning from well-researched and experimented models from the West. The objectives of the study would however remain incomplete without discussing the issue with juveniles leaving care. An ideal reintegrative plan needs be prepared with findings from intensive discussions with all key informants, while discussing reintegration models reviewed from other countries. This will lead to forming reintegration framework/guidelines apt for Indian context that i intended to best reintegrate a juvenile in conflict with law.