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WORKING WITH OFFENDERS - METHODS AND TECHNIQUES



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FOREWORD

Motto: "Do not call him WANDERING without being ready to bring him on the right track" (Nicolae Iorga)

Rehabilitation, resocialization and social reintegration of offenders, regardless of the form in which they execute their criminal penalty disposed by the court, shall be effective if it is seen as an interpersonal integrated process. Social changes, generated by the global economic crisis, are reflected, in turn, in the way the concept of rehabilitation of offenders is operationalized. They take into account the changes which have occurred in the accepted human values, the role of direct intervention of the state and, last but not least, of changes which have occurred in the public's perception.

Thinking of criminality in terms of violating social norms reduces criminal dynamics to a transgression which must be punished and a mal-adaptation that must be corrected. This concept leads to strategies that are mainly rehabilitating, pedagogic, and behavioral. Clinical criminal sciences distance themselves from a social and societal concept of criminality; without ignoring the unavoidable social significance, but with the purpose of understanding in a dynamic and economical way, at the same time quantitatively and qualitatively, the psychic logic which leads to crime. (Bessoles, 2009, p. 46)

Great diversity of methods and techniques used in work with offenders and experience of Romanian specialists, both in academic and specialized institutions has generated in recent years, a native literature, very valuable, especially for preparing students, master and PhD students. This volume is made just on the basis of this literature. Ability specialists, especially of social workers is mainly directed to identify those methods which are effective, according to the structure of personality and needs identified for a particular offender.

This book is based on lecture notes of the author from 2001, and is the result of supply concerns for educational reform in a interdisciplinary register, focusing on efficiency reintegration of offenders.

This second edition of the book, *Working with offenders. Methods and techniques* is, beyond the fact that it is an English version, providing access to students and professionals everywhere to a major review that brings a number of other relevant issues in the field and keeps account of the suggestions from some practitioners, who work with offenders, both in custodial institutions and in the alternative ones of sentence enforcement. It is particularly stressed the role of the social worker, the specialist who is involved in the process of rehabilitation of

the offender, which has an important role, not only through direct intervention in their work with the offender, but also as a catalyst, a social broker in his relationship with the community, in the middle of which the client will return. The significance of the social context in which the intervention occurs, determines and may influence the behavior of the offender.

Some elements of the book are grounded in practical realms, while others are theoretical, but my goal was to write this book that would be readable, approachable, and broad in its scope and background, while simultaneously providing specific information for use in daily practice.

Finally, this second edition, brings for the practitioners a range of applications from the social work perspective, closely related to the ecological approach, meaning that of the complex relationships between offenders and their environment. A special attention is given to juvenile delinquents, to whom professionals need to prove special skills and knowledge. As I showed in the first edition, social work, as a profession, obtained a fully autonomous status in Romania, which brings, from the perspective of specialized intervention, not just effective solutions for the society, but also a series of theoretical explanations, which together, carry out a well-defined professional construction. Working with offenders will also continue the modernization process of the offered services, which will increase the functional efficiency and the way up to the required standards at European Union level.

CHAPTER 1

INTRODUCTION IN THE DELINQUENCY PHENOMENON

1.1. The utility of theory in approaching delinquency

In any field, the professional's action (practitioner) must be based on understanding the phenomenon on which he acts. This understanding requires not only knowledge of causes or predisposing factors and forms of expression (it can sometimes only be obtained empirically), but also examples of correlations with other areas, for highlighting the specific dynamics of the approached field. Theory is what constitutes a coherent image regarding one area and integrates it into a whole unit of knowledge.

For the social worker, especially for the one who works in the delinquency field, it is easy to recognize quickly the elements of the theories of human behavior – because it is sufficiently accessible for the initial perception when intervention goals are articulated clearly. The difficulty lies, however, in the fact that the individual / client can not be seen isolated from the micro and macro social environment. Thus, some theories can provide a plausible explanation for a certain level of expressing delinquency, but it does not cover the whole explanation. We, then, relate to other theories, to build the image of the whole behavior.

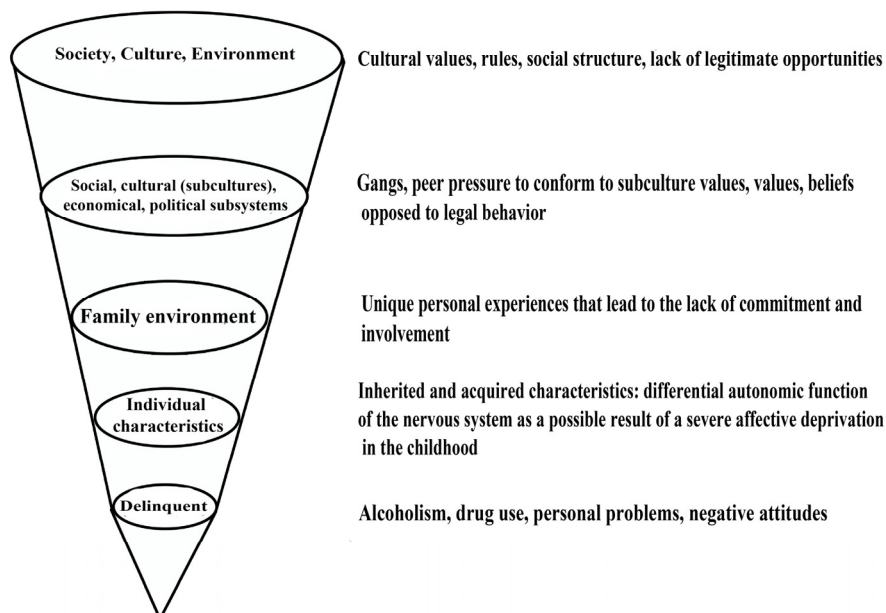
Some analysts, such as A.Ogien, 2002, believed that, deviance, in general, and subclasses thereof, delinquency theories, can be grouped into two classes, causal theories and comprehensive theories. The so-called "causal theories" attempt to identify factors that generate criminal acts, through a "loose" use of the concept of cause, through which we understand, sometimes, the predisposing factor, favoring condition, other times, reason, or mobile of the action.

Other authors (Grecu, F., Radulescu S., M., 2003), classify theories in three categories:

- a) theories that sustain that juvenile delinquency is an *inherited condition*, due to some genetically-inherited factors;
- b) theories that appreciate that delinquency is an *acquired socio-cultural behavior*;
- c) *mixed* theories, which combine the two explanations.

The first category belongs to the kind of biological explanation, the second belongs to the genre of psychological, psychosocial and sociological explanation, and the third would belong to an eclectic explanation.

To be more explicit, we will provide a diagram for understanding the delinquency as Walsh has described it in 1988.



Assuming the relative accuracy of the classifications we operate, we will present briefly the main theories on the etiology of juvenile delinquency, starting from the individual to the society, in the following sequence of epistemological scenarios: biological, psychological, psychosocial and sociological theories.

1.2 Delinquency phenomenon dimensions

- legal, sociological and psychological approaches -

The reference point for various social situations and group property, norms, both social and legal ones, indicate what is legitimate or illegal, moral or immoral, right or wrong. There is established, thus, the affordability of the behavior and actions of individuals. Due to the lack of precise boundaries in this area, there appear the so-called tolerance points, those points of permeability where the behavior of individuals can vary considerably, exceeding regulatory and institutional boundaries. The explanation for this variation of the behavior is closely related to the general and impersonal manner in which these rules are developed, not mentioning in detail the way and practical means by which the individual must fulfill prescribed roles. Thus, in all societies appear different types of behavior, both conformist and nonconformist, innovative, or deviant. The diversity of these behaviors is influenced by a number of factors, including the characteristics of social actors and the specific conditions, but also the manner in which people perceive and decode messages sent by different rules. These differences are reflected either by accepting and following these rules, or by rejecting and transgressing them. Depending on certain criteria, these behaviors can take the form of deviance or delinquency (Banciu, 1995).

Another perspective presents social life as a permanent process of adaptation, collaboration and competition, all in order to maintain the balance of social systems and subsystems, allowing to maintain social order. When processes of competition and conflict overcome certain limits, the social system suffers an imbalance, some of the society members no longer meet their interests, needs, making instead a sense of dissatisfaction. This phenomenon leads to weakening of social control and to the emergence of society disorganization, characterized by deviating behaviors, behaviors that are a threat to the balance of social life (Țăran, 2000).

DEVIANCE

"At the level of common knowledge, but also in scientific debates on behavioral deviance, there are being used terms with a content that is not always well-defined, so we find the notions of "deviance", "delinquency", "juvenile delinquency"[...]. The concept of "deviance" (or "deviant behavior"), designating the significant distance of the individual or human groups from the rules of conduct and social values accepted in a culturally determined space, in a given society, it has a broader content, including both atypical behaviors tolerated by society (for example, deviations from fashion line) and high-risk acts of conduct, which violate fundamental values and norms of society (for example, homicide, theft from public and private domain, etc..) "(Țăran, 2000, p.364).

In accordance with those presented previously, the sociology dictionary defines deviance as "any act, conduct or expression which violates the written and unwritten rules of society or of a particular social group". Deviance, defined as a behavior that is opposed to the conventional or conformist one, includes not only violations of the law, crimes or offenses, but also any deviation / violation of the coexistence rules and the order imperatives of a form of collective life (Zamfir, Vlăsceanu, 1998).

A differential interpretation of the deviations from the normal behavior is determined by V. Dragomirescu: *deviant behavior*, especially when it relates to the violations of social norms; *aberrant behavior*, when it relates to forensic and psychopathology aspects, *antisocial or criminal behavior*, when referring to legal issues. J.Fichter sociologist argues that deviance can be seen from the perspective of two different meanings, but complementary, namely: *Negative deviance* - a normative, narrow sense, giving violations of the law and regulations negative meanings;

Positive deviance - a broader sense that emphasizes in a positive manner the actions of change or revolt against the rules.

Edwin Lamert divided deviance by other criteria, primary and secondary deviance, as follows:

- *Primary deviance* - has a temporary and repetitive nature, the author considering that any person regularly transgresses rules, but without this representing a frequent lifestyle;
- *Secondary deviance* - individuals acts are often labeled as deviant, becoming a perpetual way of action for the him.

Hagendorf distinguishes four types of deviance, depending on the severity of the social reaction and on the degree of agreement among the public: consensus offenses, conflict offenses, social deviations and social differences.

The "Sociology" publication explains these four types, showing the degree of consensus of the public regarding the assessment of some acts of deviance:

- Regarding the *consensus offenses*, including premeditated murder, social reaction is particularly severe, being seen as extremely harmful.
- *Conflict offenses*, include prostitution and drug abuse and are considered to be somewhat harmful by the public, the social reaction being a punitive one.
- *Social deviations*, which also include juvenile delinquency, are perceived as potentially harmful, the social reaction being indefinite.
- *Social differences*, that refer to lifestyles, are considered quite harmful, the social reaction being mild (Hagendorf, 1980).

DELINQUENCY

Delinquency is a specific form of deviance. Delinquency is under the incidence of justice, expressing an anti-social behavior, being the category of deviant behavior characterized as great danger, being done with discernment and for which there exist penalties in the Criminal Code, including misdemeanors and some violations of moral norms.

Delinquency is not only a juridical phenomenon, it appears also as a social phenomenon as it produces and reproduces within the society, and it's antisocial consequence reflects on the individual, group or institution, requiring, thus, organized social sanctions against delinquent individuals. According to E.H. Sutherland, delinquency has a series of negative consequences because it harms the interests of the society; subject to some bans or constraints expressed by the criminal law; a deliberate antisocial intention, following a destructive purpose. (Sutherland, E., D. Cressey, 1966, p.12-13 cited Radulescu, S. and Banciu, D. 1996, p.86). Delinquency encompasses not only social events that are in the law area, but also those in the outside, because a delinquency act is not only the violation of a law but it represents also the violation of the right of an individual, community or institution.

Delinquency can have different dimensions and aspects, depending on its discovery, recording and judging of offenses and crimes, as follows:

- Real delinquency represents the totality of antisocial acts that are under the penal law and are committed within a community, even if they are discovered and registered or not. This is, in fact, the actual rate of delinquency, but, due to the fact that many offenses are not referred to the competent organs, or that many of the criminal records are not resolved, an estimation of the actual delinquency becomes impossible.
- Delinquency represents all antisocial acts that are under the incidence of the criminal law revealed by the competent bodies or those that they have been referred to. The number of it is lower than the number of the actual delinquency.
- The trialed delinquency represents that part of the delinquency that is discovered and registered by the competent organs, being the one that is sanctioned by the criminal courts. The number of this category is greatly reduced, since many of the discovered offenses have unknown author, other offenses are no longer judged because they reach the legal prescription term, or because the author of the offense avoids the judgement or the offense (or the delinquent) is pardoned.

In order to clarify and customize delinquency as a form of deviance, we present the major categories of the latter, as they have been synthesized by Maurice Cusson in an article published in the Sociology treaty, edited under the auspices of Raymond Boudon (Boudon, 1989):

- **Crime and offences**, including: murder, theft, rape, juvenile delinquency, offenses;
- **Suicide**, with the three main types established by E. Durkheim described in his paper "About suicide", 1897 – selfish suicide, selfless suicide, anomie suicide. Later, he added fatalistic suicide, mostly seen among young couples;
- **Drug use**, in all its variants;
- **Sexual transgressions**, including prostitution, pornography, homosexuality;
- **Religious deviance**;
- **Mental disorders**;
- **Political extremism**;
- **Physical handicaps**.

The psychology dictionary defines delinquency as a phenomenon which includes all violations of social norms committed by individuals, criminally sanctioned violations (Popescu Neveanu, 1978).

1.2.1 Legal approach of the delinquency phenomenon

Delinquency occurs, after a preliminary analysis, as a juridical phenomenon governed by the rules of criminal law. From the juridical point of view, the