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# Preparing the young offender for return to society: A theoretical evaluation of Guyanese juvenile delinquents' narratives based on general treatment models

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**PREPARING THE JUVENILE OFFENDER FOR RETURN TO SOCIETY: A THEORETICAL EVALUATION OF  
GUYANESE JUVENILE DELINQUENTS' NARRATIVES BASED ON GENERAL TREATMENT MODELS**

by

**BERTLYN GRETNA REYNOLDS**

**DISSERTATION**

Submitted to the Graduate School

of Wayne State University,

Detroit, Michigan

in partial fulfillment of the requirements

for the degree of

**DOCTOR OF PHILOSOPHY**

2011

MAJOR: SOCIOLOGY

Approved by:

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Advisor

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Date

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## DEDICATION

To God the Father, God the Son and God the Holy Spirit.

## ACKNOWLEDGMENTS

For constant support and guidance in preparation of this dissertation I record my thanks to God and God alone.

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## CHAPTER ONE

### INTRODUCTION

This dissertation is based on a research study of juvenile delinquency conducted in Guyana, South America. All societies face a constant challenge of finding appropriate treatment to apply to young offenders. This is no less true for Guyana, so this study sought in a general sense to meet that challenge. In this study juvenile delinquency management in Guyana was explored by observing how the New Opportunity Corps (NOC) is run. Consistent with its name, the stated goal of the NOC detention center is to provide young offenders with a 'new opportunity' at life as law-abiding citizens. This statement of purpose can be found in the introductory letter sent to parents immediately after their child is detained at NOC. Detention is supposed to serve three well-known purposes: to punish the offender, to protect society from the offender and to rehabilitate the offender. This study however, explored only whether the third purpose of rehabilitation is being satisfied.

#### OBJECTIVES OF THE STUDY

In keeping with this general purpose, this study sought to elicit first-hand information from NOC detainees, who are called students on-site, about their experience with delinquency. More specifically, it was geared to discover in the context of Guyana what leads to delinquency, whether close society and social circumstances contribute to delinquency and whether current delinquency programming is designed to ensure and verify that detainees are likely to be rehabilitated in preparation for their return to society. This study took into account the work of several sociological and criminological theorists that pertains to social and criminal behavior, deviance and juvenile delinquency. It also took into account various delinquency treatment models that are used elsewhere. Its ultimate objective was to glean information, consonant with theory on the subject, which could contribute to policy making as regards juvenile delinquency, especially in Guyana. With these considerations in mind the study was titled "Re-alignment in Rehabilitation: Preparing the Juvenile Offender for Return to Society."

Sociologists share a fundamental perspective on all human behavior. This is that all behavior is learned. Sociologists therefore study society in order to understand human behavior. Accordingly, research of this nature, which sought to understand juvenile delinquency as a form of unlawful human behavior, proceeded by dialog with and observation of teenagers already adjudicated to be juvenile delinquents. It was premised on those parts of sociological theory that could provide explanation of and suggest treatment for juvenile delinquency.

This study tested the tenets of several perspectives of Sociological theory utilizing the narratives of Guyanese juvenile delinquents. In particular this study tested Social Bonding Theory because it indicates that deviance or delinquency results when individuals fail to develop bonds to society. Social Structure theory also contributed to this research by providing the understanding that the institutions of society control deviance because they take action against persons who deviate. Each deviant like each law abiding citizen, from this perspective, fits within a category of personal orientation to social controls. Anomie / Strain Theory was also considered since its best known postulate is that all people have the same legitimate goals in life such as to enjoy money and success but some experience the strain of disjuncture between their legitimate ends and lack of lawful means to attain them. The latter however, resort to unlawful behavior as the means of attaining their good goals because they are not committed to employing lawful means. Theoretical postulates relevant to this study were also supplied by Structural-Functionalism which indicates that society, starting from the level of the family, is responsible for the development of good order or lawful behavior. As such those whose duty it is to maintain the good order of society must help individuals to develop goals in harmony with society's values. Conflict theory helped to provide guidance for this research study since it speaks of the need for more reformatory and rehabilitative activity in penal practice. It highlights the need for education and training programs that help delinquents to develop conflict management skills, in this regard. Finally, Differential Association / Social Learning theory also helped to focus this research by identifying the

context in which the learning of lawful and unlawful behavior takes place. This it indicated, lies in interaction between individual and close social groups such as family, peers and reference groups. In summary then, these theoretical perspectives suggest that social life leads to delinquency, both in terms of the social influence of other people and of the challenge of living in certain social circumstances. In this study these principles were explored through the lens of the NOC detention facility by comparison with programs used at other facilities.

#### LOCATION OF THE STUDY

The detention center NOC is in Guyana. Guyana is the only English-speaking country on the continent of South America. It is on the northern coast of this continent bounded by the Atlantic Ocean to the north, Suriname to the east, Venezuela to the west and Brazil to the south. Guyana, however, is more closely affiliated to the Caribbean islands than to its continental neighbors. Guyana shares a common history with the Caribbean islands which includes slavery, indenture and British colonialism. Guyana has long been a member of the “Caribbean Community” known as CARICOM and is one of the members which participate in the Caribbean Common Market. The latter is an economic organization by virtue of which the member states engage in trade with the rest of the world as a unit, rather than as individual countries.

#### SOCIAL CONTEXT OF THE STUDY

As a result of the slavery and indentured labor linked to the colonial history of Guyana, it is a multi-ethnic society. The population is composed of descendants of: its indigenous people (Amerindians), slaves (Negroes), indentured servants (East Indians, Chinese and Portuguese) and British colonials (Europeans). Guyana also has a variety of religious denominations as a result of its history including Christian, Hindu and Muslim. Young offenders at NOC reflect this multi-ethnic composition of the general population. They are born into a society, which at once benefits from the cultural diversity of all these strains of people and endures constant tension from ethnic and political rivalry among them.

This is especially aggravated when the national elections take place once every five years. The political problems have contributed in no small measure to the escalation of crime to alarming proportions, in recent times.

Each young offender's brush with the law may well be inspired or aggravated by the constant animosity that obtains in the society. When, for example, youngsters engage in truancy or 'Wandering' their parents might be most concerned about whether their children are getting mixed up with their choice of ethnic or political groups, or not. Likewise the effectiveness or otherwise of the probation officers who work with the juveniles may be affected by whether or not the officers' ethnic and political affiliations, match those of the offenders' families. Young offenders in Guyana have a dilemma when the principles they learn at home, or survive by in the village and on the 'street-corner' conflict with those of the wider society.

#### LEGAL CONTEXT OF THE STUDY

In the context of Guyana, persons are legally deemed to be adults from age 18. Special laws have been provided for all persons below this age group who have committed offences but they are termed 'juvenile delinquents' only between the ages of 10 and 17. Guyana has a small population of juvenile delinquents in detention, mainly housed in a centre called the New Opportunity Corps (NOC). Sometimes a few, who may have gotten into more serious trouble with the law, are housed at the Timehri Remand Center (TRC). This sometimes happens even to those charged with simple offences when they have long extended remands pending trial. It also happens in the rare case when, having been placed in detention for really serious offences, juveniles are deemed to be better suited to a facility of a higher level of security than NOC. This study focused only on juveniles detained in the New Opportunity Corps (NOC). The teenagers in this detention center are detained there for a variety of offences ranging from the more serious offences of theft, such as Robbery, to the simplest offences, peculiar to minors, such as 'Wandering'.

Juvenile delinquency is generally the province of the Magistrates' Courts, in Guyana. The reason for this is because several offences, identified as peculiar to youths, are governed by two pieces of legislation which are mostly used at the Magistrates' Court level. These are the Juvenile Offenders' Act (JOA) and the Training Schools' Act (TSA). More serious offences, even if committed by youths, are generally handled in the Supreme Courts before 'judge and jury' and are governed by other legislation. The management of young offenders while in legal custody, even if pending trial for such serious offences, is still guided by the Juvenile Offenders' Act which is the legislation principally concerned with their control.

Young offenders come to the Magistrates courts by one of three channels. First, they could do this as a result of charges laid against them by police officers. Second, they could be referred by the Probation and Welfare Service of its own accord. Third, they could come to the courts at the request of their parents or guardians. As regards the latter, the 'offences' are not the sort of conduct that is legally punishable by any other law besides the two statutes mentioned above. These are 'status offences.' Some of this behavior might well be considered petty. 'Wandering' for instance is the offence title under which many teenagers are taken before a Magistrate. 'Wandering' is a 'catch-all' for every sort of behavior that a parent cannot control, including staying out late and having a boyfriend or girlfriend without parental approval but it generally has to do with minors being out of their parents' homes without their permission. By contrast, the former involve a wide array of offences of theft, violence and involvement with narcotics. For some of these the gravity can be downplayed only by the fact that the perpetrator is a minor.

There are no exclusive 'Juvenile courts' in Guyana. The young offender is simply brought before the nearest Magistrate in the District where his or her offence was committed. Most juvenile hearings do not go into a full-blown trial. By law, the Magistrates are allowed to simply question the young offenders as to whether they would admit their involvement or 'guilt' in the offence and then to

immediately determine the juveniles' fate. In harmony with statutory directions, however, Magistrates take care to shelter the young offenders from the Press and from the general rigors of trial that adult offenders experience. For instance, many hearings are held *in camera*, so that none beside the parties concerned are allowed in the courtroom.

When it is necessary to remand young offenders in custody before the conclusion of their trials, they are usually housed at a police station instead of a prison. Where appropriate in accordance with statute, Magistrates may even release a juvenile offender into his guardian's custody for the duration of the trial. Juvenile offenders are not tried in the absence of a parent or guardian. To avoid this, a Magistrate may even appoint a police officer to stand in as guardian when a parent cannot be found. After trial juvenile offenders are transported to NOC or in a few unusual cases to the Timehri Remand Center (TRC).

Both of these facilities are located in rural areas of Guyana, at considerable distance from the capital city of Georgetown. During my tenure as a Magistrate I was able to observe the structural and programmatic patterns provided for juvenile delinquents, on visits to these facilities. For young offenders, even those who have lived in rural areas, transportation to these locations can be rather disorienting, unless they were 'street children,' who have been accustomed to roaming far and wide in all sorts of places. During trial, young offenders are able to receive 'self-support' in the form of daily meals and changes of clothing from their parents or guardians, at the police lock-ups. As such, a certain amount of familial interaction is maintained. Once detention at NOC is however, determined, this changes. From Georgetown, the capital city, where most juveniles are tried, travel to TRC is some forty-five minutes by road and up to five hours by land and river to NOC. Except for those on whom Magistrates impose penalties in the forms of community service or compulsory attendance at Probation Services, the bulk of juveniles found culpable for some offence go to NOC. After the outcome of a

juvenile's case is determined and detention has been decided on, this means immediate, abrupt severance of all contact with family and with Probation Services personnel, as well.

The Probation and Welfare Service, which has its headquarters in Georgetown close to the central Magistrates' courts, is staffed by qualified social workers who have been trained both in Guyana and overseas. Throughout the country, these probation officers attend the Magistrates' courts at any time, in the event that their services might be needed. As soon as a Magistrate senses the need for a probation report in any matter, a probation officer is summoned and the case is referred to the Probation and Welfare Service. The juvenile offender and the guardian are then either escorted or sent to the Service, where a supervisor allocates the case to a specific officer.

In these matters the function of the Probation officers is purely investigative. These officers do at least one home-visit and arrange interviews with the offenders and their guardians, which are held at the Probation and Welfare Services office. Based on their findings they supply and read a probation report to the Court at the conclusion of the hearing. The report would normally outline the juvenile's family history, home environment and previous offences then proffer a recommendation as to whether custodial or non-custodial sentencing is appropriate. Juveniles are usually placed in detention at NOC after a probation officer recommends to the presiding Magistrate that this penalty best suits the case.

#### OVERVIEW

The foregoing section shows that juvenile delinquency in Guyana is managed by a network involving the police, social workers, probation officers, the law courts and the lone juvenile detention center known as NOC. The general scheme of juvenile delinquency management somewhat resembles that of the USA and especially resembles that of the UK from which its legal system was historically derived. The Guyanese system has certain fundamental features known to these more developed countries, such as the separation of juveniles from adults during the trial process and detention, as well as the inclusion of vocational and skill training for adolescents in its detention regimen. In this

dissertation the main issue that is addressed is whether Guyana's juvenile detention scheme is properly designed to carry out the purpose of rehabilitation. Rehabilitative treatment employed in the contemporary delinquency schemes of other countries and the postulates of sociological theory which have bearing on unlawful behavior together provide the framework for the study of this issue.

Following this introductory chapter the substantive dissertation begins in chapter two with a review of research literature pertaining to Juvenile delinquency. It traces the evolution of a system for the management of adolescents in trouble with the law, from the 1930s to the present, focusing especially on how this came to be separate from that which is applied to adults. Theoretical perspectives that have bearing on delinquency are first explored in order to set up a framework for the study. Then a variety of multi-faceted causal models that have been used to study juvenile delinquency are described. The practice and efficacy of these different treatment models employed in various countries before, during and after detention are also explored.

Chapter three begins with the presentation of the problem statement as conceptualized in the form of three research questions. These questions seek to determine what factors lead to delinquency, what social circumstances contribute to it and whether current rehabilitative programming in Guyana has the capacity to prepare young offenders for return to society. This current programming is described in terms of legislative provisions as well as the staffing and regimen of NOC.

Chapter four follows with a detailed description of the methodology and research design which were employed in this research in order to study the research questions. The rationale for the choice of the interview method and the steps taken to avoid bias or interviewer effects are briefly discussed. Some detail of the questioning technique is provided within a wider discussion of the categorization of questions designed to get data relevant to the research questions.

Narrative analysis is done in chapter five. The data gathered from interviews conducted at the New Opportunity Corps (NOC) is explored with detailed quotations from the narratives. These narratives

are categorized according to recurrent themes which emerged during the interviews. Each theme is related to some factor shown by the juveniles to have led them into delinquency and subsequent detention. The chapter concludes with a narrative summary of the findings and of their relevance to the first research question about factors that lead young people into juvenile delinquency.

In chapter six, theoretical analysis is applied to the data based on select sociological and criminological theories and perspectives which have bearing on delinquency and on generally unlawful behavior. In answer to the second research question data which validates the theoretical postulates about delinquency causation is reported. Finally, detailed consideration is given to the rehabilitative program ideas that each theoretical perspective might offer, with reference to the features of delinquency schemes in various other countries. These provide the basis for an answer to the third research question about the likelihood of rehabilitation resulting from the use of existing juvenile delinquency programming.

Chapter seven, which is the conclusion, contains a summary of the findings about the juvenile delinquency problem in Guyana. It also contains a summary of the suggestions for delinquency management derived from the theoretical principles that were tested in this study. The discussion at the center of this chapter includes some ideas for treatment that should generally be used with juvenile delinquents to maximize their prospects of rehabilitation and which should especially help to improve the delinquency scheme if implemented in Guyana. This chapter ends with a brief reference to some future implications about the subject of juvenile delinquency for Guyana.

Overall this research presents the view that wherever juvenile delinquency occurs the society in which it exists can control it best by not only placing juveniles in detention as a form of punishment and as a means of protecting the society from their offending for awhile but also by taking decisive steps to rehabilitate them and then to ensure that they are smoothly re-inducted into society.

## CHAPTER TWO

### LITERATURE REVIEW

#### EVOLUTION OF DELINQUENCY TREATMENT

Since both the United States of America (USA) and Guyana historically derived their legal systems from the United Kingdom (UK), it is appropriate to consider the origins of juvenile delinquency management in the context of both the UK and the USA. On account of the research done over the years, both countries have from time to time revised their policies on the subject. Research literature on the subject reveals that the judicial approach has fluctuated over the years as the intensity of juvenile delinquency has varied (Astbury 2008; Boswell 1996; Dunlop and McCabe 1965; Guarino-Ghezzi and Loughran 2004; Inderbitzen 2006; Holmqvist 2009; Murphy 2008). Public policy has likewise varied for substantially the same reason. One author describes the correctional policy of the 50 years preceding the year 2000 as having “oscillated between punishment and rehabilitation” (Astbury 2008:31). On the one hand policy has influenced the courts to emphasize non-custodial training of young offenders and on the other hand it has promoted their emphasis on strict custodial control of them. One recurrent feature of policy seems to have been that, while in legal custody youth should be kept apart from adult offenders, whether in detention or otherwise.

In the U.K. system the origin of the legal channels of dealing with youthful offending can be traced to the very early 1900s, according to Boswell (1996). The issue then was whether juveniles should ever be in custody at all, rather than what form or programming such custody should take. This issue logically followed from the historic legal issue of how best to determine at what age a person should be deemed capable of committing a crime. Of the U.K. Boswell (1996) records that for a long time children below age 14 were considered *doli incapax*, which is incapable of committing a crime. Then some children under age 10 committed some gruesome murders and this forced the legal system to revisit the

issue. As a result the 1908 Children's Act was passed. This legislation allowed imprisonment of children below age 14 in exceptional circumstances. Boswell (1996) describes this statute as intended to be more preventative and rehabilitative than punitive. This is noteworthy. By 1933 the policy of keeping young offenders separate from adults was firmly enshrined in the Children and Young Person's Act (Muncie 1984; Boswell 1996).

In the USA a similar path of juvenile delinquency policy had been evolving. As early as 1899 the first juvenile court had been established in the state of Illinois (Guarino-Ghezzi & Loughran 2004). Yet for years thereafter, legal reformers, who later became known as "child savers," still had to champion a number of progressive criminal justice policies, to achieve similar effect elsewhere. Several less than complimentary descriptions were given to these activists in the USA as well as in the UK. Muncie (1984) says they were mostly middle class persons engaged in social welfare work. They were preoccupied with two problems; one was that youths were being tried in adult courts where they were subjected to potential abuse. The other was that minor offenders and other youths "at risk" were receiving little attention when they needed help and supervision. At any rate their efforts encouraged the resolution of this matter by the perpetuation of a separate juvenile justice system for juveniles.

England experienced an upsurge of crime among youths aged 14 -17 in the 1950s. Thereafter a center for the young, called Campsfield House, was established to give them a "short, sharp shock" and then to return them to society duly sobered (Dunlop and McCabe 1965:2). At the same time juvenile courts were set up for this age group. Those over 17 continued to be processed by adult courts.

It is recorded that from the 1950s to the 1960s there was considerable optimism about correctional treatment generating positive change, according to Astbury (2008). Evidence of this in the U.K. showed in that the 1960s British legislation allowed a wider range of cases for which children could get custodial sentences. Later on, secure units within children's homes were used to house increasing numbers of juvenile offenders which led to the creation of modern juvenile detention centers. Two

types of juvenile detention facilities emerged at this time. There were the 'borstal' homes which were used to house theft offenders and there were the 'detention' centers in which violent adolescents were housed (Dunlop and McCabe 1965; King 1969). At the same time to help U.K. courts with managing juvenile delinquents, guidelines were prescribed such as that: "No detention should be imposed unless the court has considered every other method of dealing with a young offender and found it appropriate," according to Dunlop and McCabe (1965: 2)

In short, detention was treated as a last resort for juveniles. By stipulating visitation schemes for visits from their relatives, wardens and doctors, the prevailing U.K. laws provided for the protection of juvenile detainees' human rights. Similarly, in the USA during the 1950s and 1960s standards for the conduct of juvenile courts were set that have been enduring. For example, many state statutes still have purpose clauses that emphasize "the promotion of the welfare and best interests of the child." (Guarino-Ghezzi and Loughran 2004: 37)

As time progressed from the 1960s to the 1970s, in the USA, crime increased among youths and this led to claims that the courts were coddling offenders, according to Applegate (2009). Astbury (2008) opines that a secondary research project which involved a review of over 200 studies shed a very negative influence on the previous decade's optimism about benign correctional policy towards juveniles. In fact, by 1978, it is reported that 31 states of the USA had made provision for juvenile courts to waive their jurisdiction and to allow juveniles to be tried as adults, according to Astbury (2008) Meanwhile, in the U.K. the probation service begun in the 1960s was maintained. The objectives of the reformers had been especially to keep people out of prisons or to reduce time spent in prisons and also to make prisons more humane and effective (King 1969). From the foregoing, it seems that around this time the British were more kindly disposed to their juveniles than were policy makers in the U.S.A., the latter having been badly affected by worsening juvenile delinquency, according to Applegate (2009).

The de-institutionalization drive of the late 1960s, and 1970s in the USA was followed by the beginning of the “get tough” philosophy in the late 1970s (Guarino-Ghezzi and Loughran 2004:41).

On the U.K. side of the spectrum, the 1980s saw British legislation placing limits on the lengths of juvenile sentences (Boswell: 1996). This was still very pro-juvenile policy. By contrast, in the USA it is reported that during the 1970s, the widely held view emerged that “nothing works”, according to Astbury (2008) and (Perelman 2009). This prevailing negative policy climate of the USA is said to have changed radically after the 1970s. It is said that in the 1980s this first changed to the mood that “something works.” This in turn was followed by much literature about ‘what works’ (Holmqvist 2009:74). Murphy (1986) attributes this paradigm shift largely to a research initiative of the US justice department to test the issue of whether a well managed juvenile justice system could carry out any reform. The findings showed that effective programs do reduce re-offending. It is now recorded that broad agreement in the international literature shows that the ‘what works’ features include: “classifying offender risks, targeting individual criminogenic needs, checking responsivity, having theory based treatment modality, having community based services and ensuring program integrity” (Astbury 2008: 32).

The 1990s phase of juvenile justice policy making in the USA seems to have been driven by disputes over when it would be appropriate for juveniles to be tried as adults. Some authors opine that during this time juvenile courts became less offender-oriented and more offense- oriented because of the ‘just deserts’ movement (Guarino-Ghezzi and Loughran 2004 ; Boswell 1969). This was one time when the U.K. system seems to have synchronized with that of the USA. Boswell (1996), reports that the Criminal Justice Act (CJA) of 1991 reflected an increasing tendency to get tough on crime. Next, the CJA of 1993 and 1994 completely reversed the old policy of the 1933 legislation that had especially sheltered juveniles from being sentenced or detained like adults (Boswell 1996). Still in the midst of this get tough climate in both the USA and the UK in the 1990s, there was evidence of faith in the process of

rehabilitation. For instance, in 1991 the US National Council on Crime and Delinquency is reported to have hailed the Massachusetts juvenile justice system as a national model, “precisely because it did not rely on transferring juveniles to adult prisons but stressed education, counseling and gradual transition back into society” (Guarino-Ghezzi and Loughran 2004 : 118).

In summary, the biggest policy shifts seemed to have been from the 1960s to the 1990s. Inderbitzen (2006) records that the USA in the 1970s was characterized by a bid to de-institutionalize juvenile offenders, so that correctional facilities were a last resort for them, whereas in the 1990s it was characterized by a bid to get tough with juvenile sentencing. Likewise young offender institutions were emerging with more emphasis on custody, that is, “on treatment and education within the constraints of secure containment” (Boswell 1996 : 14).

The literature suggests that what now prevails is a balanced approach to juvenile delinquency, that maintains the get tough agenda, yet recognizes the immeasurable importance of rehabilitation. Two studies illustrate. Applegate (2009) speaking of the ongoing dispute in the USA about the appropriateness of having juveniles tried as adults remarks that:

The public wants accountability. It seems oriented to ‘tough love’, that is, they endorse rehabilitation efforts to intervene early in juveniles’ lives and second chances. The public wants ‘bad kids’ punished for what they have done but also support the existence of separate juvenile courts and strongly believe rehabilitation is an important aim of the juvenile court. The public wants the option to exclude some juveniles from the juvenile system but the ideal of child saving is not dead. (P.72).

Also White et al.(2008) in a study that highlights the relative success of re-entry programming at the notorious RIKERS island prison in New York states that growing concern for prisoner re-entry did not emerge in a public policy vacuum. He cites President George W. Bush’s 2004 State of the Union address as indicating that the focus on prisoner re-entry was driven by public policy. In his presidential capacity, at the time addressing the status of prevailing public policy among other things, President Bush then acknowledged that providing transitional services for prisoners had bearing on the safety of

the public. White (2008) viewed this as the nexus between government policy for reintegration of offenders in society, and for improvements in public safety. The extremes over the years of fluctuating policy between toughness and leniency with juveniles had been attributed to the caprice of different administrators with narrow agenda (Guarino-Ghezzi 2004). The recognition that public policy needed to reflect a balance between protecting society by demanding strict adherence to its laws and yet properly rehabilitating offenders, brought juvenile delinquency treatment in the USA to a good juncture.

### THEORETICAL FRAMEWORK

There is a proliferation of theoretical perspectives and research studies that address the subject of delinquency to some extent and this is perhaps because sound research is expected to be grounded in theory. A few researchers have made this very proliferation of theories about delinquency the subject of their study. The view of one such researcher is that in order to reduce the multiplicity of theoretical explanations you either treat them as competing, which is the most common approach, or you integrate them (Verrill 2008).

To treat theories as competing seems to be more convenient when they cover similar subjects using different techniques. On the other hand, integration of theories seems to be more convenient when the theories at hand cover different subjects or different facets of subjects. When theories are integrated there is a better chance of getting holistic or comprehensive management of subject matter because the various subjects or parts of them, eventually all get treated by the combination of the theories. Integration of theories has also been recommended where theories overlap.

What now follows is an exploration of theoretical perspectives found in the research literature, with some bearing on deviance or delinquency, which demonstrates the differences in treatment of this subject proffered by each perspective. Their differing subject matter would seem to suggest that they naturally lend themselves better to the approach of theory integration rather than theory competition.

### ***Social Bonding / Social Control Theory***

The central principle of Social Bonding Theory is that individuals tend to become delinquent when they lack bonds of attachment to society as a result of not having first developed bonds of attachment to parents. For society's norms and values have no restraining or constraining influence on them. The principle hints at why this theoretical position is also called Social bonding theory. Several studies premised on these principles have substantiated them with their findings. A study of African American girls and boys found that attachment to school and to delinquent companions significantly predicted delinquency for both but more for boys than girls. Another study showed that delinquent adolescent girls have higher reported levels of caring, trust, self-disclosure, empathy and communication than their male counterparts. Together these studies show the importance of bonds of attachment to the fabric of society. This fabric is well woven when there are strong bonds, without them it is not (Silverman and Caldwell 2008).

According to Mahasin (2007), the early pioneers of social bonding theory believed that delinquency resulted from a lack of personal and social controls. For instance, when slum boys had a good self concept resulting from favorable socialization it helped to prevent them from slipping into delinquency. The inference here is no doubt that favorable socialization and the good self concepts it inculcates set up good social and personal controls, respectively. In further interpretation of Social Bonding Theory by Mahasin (2007) he states that the result of weak or broken bonds to society is a certain insensitivity to the concerns of others which makes them care less about violating society's norms.

Another viewpoint on Social Control Theory is cited in a study of the challenges faced by former detainees after release by Gideon (2009). This is that social control equates to outer containment and that this acts as the first defense mechanism protecting the individual against external threats that may trigger criminal behavior. A rather simplistic explanation of this theoretical position is that, by contrast

to self control which is generated within the individual, outer containment is control flowing from the society to the individual. This could be pictured as analogous to a protective shield, worn by the individual who has developed good social bonds, a sort of buffer from whatever would make him or her act up against society.

Social Bonding theory as set out however by Hirschi (1969), focuses on the resolution of a fundamental, philosophical question: Are humans more moral or more amoral? Are we more naturally inclined to obey rules or to disobey rules that proscribe crime? He demonstrates that this focus is problematic by stating that: "Having established that man is a moral animal who desires to obey the rules, sociologists now face the problem of explaining his deviance" Hirschi (1969:5). He suggests that the problem stems from the theorists' preoccupation with answering Hobbes question of why do men not obey the rules and reasons that this approach is not the best. Hirschi (1969:10) proffers instead the approach which "does not assume that man is moral" and instead poses the question: why do men obey society's rules? This focus on why non-delinquents obey rules, while quite constructive, furnishes no answer for the other side of the issue, that is, why do delinquents disobey? The latter may, however, be explored by considering some of this theory's categories or subjects of attachment.

Mahasin (2007) opines that attachment is the cornerstone of Hirschi's social bonding theory. Its four primary components being its categories of attachment termed attachment, commitment, involvement and beliefs, Mahasin uses these to explain his opinion as follows. Mahasin (2007) says that commitment implies acceptance of conformity, involvement requires participation in conventional activities and beliefs refer to the acceptance of norms, laws and their moral validity. His main point is that an individual is more likely to become delinquent when attachment to significant others is absent. From all of this the ready inference is that non-delinquents obey laws because they develop bonds to society as they grow.

Hirschi (1969) warns against misunderstanding one side of the polemic earlier described about whether man is more moral than amoral. He insists that although social control theory does not assume that man is moral it does not assume that he is amoral either. Instead it assumes that there is variation in morality; for some people morality is important but for others it is not. Clearly, those who find morality important tend to obey laws. Hirschi (1980) contrasts the obedient with the disobedient to demonstrate the principle of social bonding that undergirds this theoretical perspective. Hirschi (1980:74) says: "When the original bond or attachment may not have developed, the necessary controls were not internalized ...lacking such controls one can expect the child...to "act out" as a matter of course." Whereas, "given the attachment or bond exists, this increases the likelihood that the child will be committed to investing time and energy in society's goals."

Hirschi (1980) explains that bonding to parents usually leads to developing bonds to society. Quoting Durkheim, Hirschi (1969) goes on to clarify what is meant here by society when he poses the question – bonding to what? His answer is that the three groups to whom attachment is most important in producing morality are the family, the nation and humanity. Hirschi (1969:18) states that "we are moral beings to the extent that we have 'internalized the norms of society... the essence of internalization of norms, conscience or superego thus lies in attachment to others." Social bonding then, makes for social control and this is the essence of this theory. Hirschi (1969:21) amplified this by saying that "most people acquire goods, reputations, prospects they do not wish to risk losing...These are society's insurance that they will abide by the rules."

Hirschi (1969) highlights some of the effects of parental attachment or the lack of it. Even as he commits crime an 'attached' person wants to prevent detection by those to whom he is attached. As described by several sociological theories of delinquency, "gangs rush in to fill the void created by estrangement from parents" (Hirschi 1969:84). At any rate the child who is unattached to his parents is more likely to be free to take up with a gang. In the absence of the emotional bond with a parent, which

provides a bridge across which pass parental ideals and expectations, the child will not learn moral rules or develop an adequate conscience. On the contrary the child attached to his parents is less likely to get into situations in which delinquent acts are possible, simply because he spends more of his time in their presence. This is all well and good for conventional parents, who even if only at the intellectual level, have law-abiding or pro-social attitudes. Naturally one wonders, if parents are antisocial, whether bonding or attachment to them would not rather promote than prevent delinquency. Hirschi (1969:95) anticipates this query and directly addresses the issue of unconventional parents. He says: "Attachment to a father who in effect encourages delinquency is conducive to delinquency...In fact the child unattached to a non-conventional father is, like the child unattached to a conventional father, free to commit delinquent acts without too much concern for the consequences."

Hirschi (1969) first acknowledges that explanation of the effects of attachment to parents on delinquency creates difficulties in explaining variations in delinquency over time then concludes that attachment may be seen as a variable. At this point the theory is susceptible of the inference that the outcome of delinquency cannot be explained only in terms of the variability of social bonds. It must also address the variability of the social disposition of the significant others to whom individual bonds may or may not exist. The latter refers to whether they are pro-social in the sense of law-abiding or anti-social in the sense of being prone to deviance or delinquency. In addition there is the relative weight or competing influence of the bonds with significant others that affects the outcome of delinquency. Hirschi (1969:159) noted for instance that "attachment to peers may weaken ties to parents and thus contribute to delinquency." Hirschi (1969) also concludes both that:

- 1) Delinquent companions promote delinquent acts directly or do so indirectly by fostering low stakes in conformity and that
- 2) Having low stakes in conformity directly fosters delinquent activity and indirectly does so by encouraging delinquent companionship.(P.159).

In these respects Hirschi (1969) allowed that factors which probably cause delinquency might include both peer attachment and generally low stakes in conformity to society that is unrelated to such attachment.

### ***Social Structure Theory***

In the literature on Social Structure Theory there seems to be more indirect than direct reference to deviance or delinquency. The main theorist Mills (1959) focuses on what are the engines of social control or what keeps society functioning smoothly. Society was seen by him as a complex of institutions, composed of individuals playing roles. Form (2007) described this as having been done by incorporating theories about control, obedience and power. Members of institutions learn to conform by learning what other members expect of them. So it is the structural controls rather than intentional individual acts that secure conformity. Since deviance is practically the opposite of conformity, much of these theorists' perspective on deviance is not directly stated but indirectly woven into the text, wherever the issue of conformity is discussed.

Writing along with Gerth, Mills (1953) in the analysis of social structure examines how the person, as a unit of society is developed. They state that:

In the analysis of institutional orders and social structures, one encounters many types of persons, integrated with roles in various degrees and in various ways... These roles in turn, are related to his psychic structure, primarily by the language of his group...it is primarily by means of language that we learn what is expected of us in all the varied roles we play. (P. 110).

Following from this is the notion that while learning how to fulfill the role expectations of society individuals develop the conscience. For, another postulate of Social Structure Theory is that "our conscience— the generalized other or superego— is the product of all expectations of significant others in our life history," according to Mills (1953:111). This indication that significant others are involved in the development of the individual conscience or the general sense of right and wrong is echoed when they say further that:

Social conflicts among the expectations and demands of various significant others thus become conflicts within the person. The consciences of men can only be similar in so far as they have experienced similar types of significant others...In order to understand types of persons, we must know something of the motivations which prompt the acquisition and the enactment of various roles.(P.111).

According to this significant others help individuals to develop consciences that are similar to their own. These Social Structure theorists also hint at which significant others help the individual to develop the conscience and when in their further discussion of role expectations and where they address child rearing as follows. Mills (1953: 266) states that “institutional controls are...most important for our conception of social structure...The roles played by members of a household, for example, are guaranteed by parental authority.” He states also that “the kinship order is composed of institutions that...procreate, rear and transmit property to children” (Mills 1953: 245). The hint is that family members involved in child rearing would probably be among the significant others who help the individual to develop the conscience, while teaching them how to perform their social roles correctly.

Social Structure theorists most directly approach the issue of deviance or delinquency when they describe four types of individual who are oriented to social controls. According to Mills (1953) these are as follows: the ethical rigorist, the spurious conformist, the hypocrite and the consistent deviationist or non-conformist. This latter is the type of individual who openly renounces dominant norms and breaks them and is therefore clearly delinquent. Theorists include in this conception revolutionaries and white collar criminals, which types both breach society’s rules but have different motives for doing so. The ethical rigorist is the opposite, entirely law abiding type. Delinquents could also be found to a lesser extent among the ‘hypocrite’ and ‘spurious conformist’ types. Hypocrites, however, are sometimes not technically delinquent. They might not approve of society’s rules and standards but they hypocritically find legitimate means of breaching them. Similarly, the spurious conformists manifest no technical or punishable deviance. They do not even breach the law by legitimate means they actually abide by the law. They however, do so just to keep up appearances while

they do not believe in its standards. They obey because it is the law, regardless of the fact that they do not hold with the law in their private opinion. So individuals of this category are even less directly delinquent but they maintain a habitual lifestyle which could lead to delinquency at any time because their reasoning is indifferent to the law. With the use of these types Social Structure theory clarifies what persons are criminal or have potential to be criminal.

### ***Anomie / Strain Theory***

The basic principle of Anomie / Strain theory is that persons who become delinquent have the same legitimate goals as law abiding citizens but less access to legitimate means of attaining them. This disjuncture between the means and the ends frustrates them and causes them stress or strain. By reacting to the strain in resorting to illegitimate means of attaining their goals these persons then become delinquents. Merton (1966) developed a typology of persons to illustrate how this works, in practical terms. He said that deviant behavior is carried out by non-conformists and aberrant persons. According to Merton (1966) the non-conformists disagree entirely with the social norms that are applicable to certain situations, whereas aberrant persons agree with such norms but violate them because of expediency.

At the foundation of this theoretical perspective is the view that while criminals and law-abiding citizens share legitimate goals, criminals experience more difficulty with attaining them by legitimate means. This causes them stress or strain and when their legitimate efforts are continually frustrated they resort to deviant methods of achieving those goals. Banner (2007) opines that what makes the difference between the good citizen and the delinquent is their level of commitment to achieving success by legitimate means.

According to Merton (1966), while the strain is just the tension set up between the end and the means to achieving that end, Anomie is a condition of breakdown of the regulative norms when people have recourse to whatever means will work. As reported by Merton (1966:112) one critique of his work

was that “Merton’s Anomie/strain theory emphasizes not so much the absolute deprivation ...as deprivation relative to...aspirations.” It is not absolute poverty that strain theory emphasizes but the gap between the means of individuals and what they would like to achieve. Stated otherwise, deviance results when people feel that the end justifies the means, so that any means, however unlawful will do. Further, according to Agnew (2001) strain comes in three main forms 1) a lack of fit between means and ends 2) the removal of positive stimuli or 3) the exposure to negative stimuli. Agnew (1992) and (2001) writes expansively about these three forms of strain and their negative effects. He cites a possible effect of the loss of positive stimuli as delinquency in the form of seeking revenge or irresponsibly taking illicit drugs. For example, he states that the onset of such behavior could be traced to losses by death of a loved one, divorce of parents, and reduced job security. In these examples emotional stability, parental affection and income are all ‘ends’, the ‘means’ to which losses by death, divorce and jobs respectively, cause individuals frustration. When those positive stimuli are removed delinquency is one of the possible reactions to the frustration that their loss could cause.

According to Cloward and Ohlin (1961), Merton —the principal contributor to the development of Anomie or strain theory— made its application more specific to the U.S.A. context by relating it to the American dream. The “American dream” is identifiable in all well developed societies as the capacity to move from ‘rags to riches’ on the basis of talent and effort combined with business acumen rather than depending on inheritance or inherited status. Those who make it start out without the financial means to achieve their dream but ultimately accomplish it by legitimate means. At first they would experience stress and strain resulting from the disjuncture between their means and ends but somehow they persevere with lawful efforts and do not resort to deviance or delinquency. This leads them to success in the end. This is the ideal of the American dream. Although Anomie or Strain theory focuses specifically on American culture in this regard it is expected to typify all ‘Western’ culture that is common to

similarly well developed societies. It is only the conception that all you need to succeed is a dollar and a dream which gives it the distinctive American connotation.

When Merton (1966) focuses specifically on deviant behavior he is able to clearly distinguish it from social disorganization. He says that "Social disorganization refers to inadequacies or failures in a social system of interrelated statuses and roles, such that the collective purposes and individual objectives of its members are less fully realized than they could be in an alternative workable system" (Merton 1966:800). He cites as examples the unplanned sprawl and self defeating traffic found in the great urban centers. He describes it further as "that composite of faults in the operation of a social system that interferes with the fulfillment of functional requirements of the system" (Merton 1966:818). By contrast he states that deviant behavior departs from norms set for given statuses. More generally Merton (1966) identifies two major varieties of deviant behavior. Non-conformists' challenge the legitimacy of social norms they reject or at least challenge their applicability to certain kinds of situations. Aberrant persons acknowledge the legitimacy of the norms they violate but find it expedient or expressive of their state of mind to violate them. "The non-conformer typically appeals to a higher morality; except as an instrumental device, the aberrant does not; at most he appeals to their extenuating circumstances" (Merton 1966:808).

One of the criticisms against this theory is that it does not take well to generalization. Another, according to Cohen and Short (1966) is that Anomie or Strain Theory, although it purports to account for delinquency rates among different societies, does not come to grips with certain features of even American society itself. One such feature is the "non-utilitarian and malicious nature" of much of juvenile delinquency which would include violence, destruction of property, illicit sexual behavior, and theft of goods of no value to the thief, all of which juvenile delinquency largely consists (Merton 1966:113). Examples of such unlawful behavior which would be common to adolescents are for instance the use of graffiti and leisurely experimentation with illegal drugs. In this regard the inference would be

that the concepts of Anomie or Strain theory do not fit certain cases of deviance or delinquency because they seem not to have anything to do with seeking to attain goals without having adequate means to attain them.

Various theorists and researchers have studied and applied Anomie or Strain theory occasionally coming up with qualifications of its basic tenets on their own. For instance, as regards the basic principle of strain, Banner (2007) qualifies that the reaction to strain which causes delinquency is a question of commitment. Delinquents, he explains, are highly committed to pursuing monetary success goals and weakly committed to doing so through legitimate means. Banner (2007) also opines that Merton's work spanned two major perspectives: Rosenfeld's Institutional Anomie theory and Agnew's General Strain Theory. In contrast to those of its critics who felt this was a combination of disparate arguments Banner felt it was just multilevel reasoning of the same nature. To him Merton meant that the macro-level values filtered down to the individual through his micro – level interactions. To be precise he said:

The essence of Merton's multilevel theory, as I interpret it here, is that emergent properties of communities shape the value commitments of individuals, which in turn lead to individual differences in deviant behavior, that is, the cultural prescriptions and proscriptions of a society transmitted to individuals through a process of socialization. (P.66).

In other words, Banner interprets Merton to mean that the societal level Anomie, which could account for crime rates, is the aggregate of individual level reactions to strain in the form of illegitimate activity.

Authors Murphy and Robinson (2008) cite an extension of Anomie / Strain theory. They look at the cause of strain as differential opportunity. In other words society is composed of the 'haves' and the 'have nots', the latter naturally experiencing more strain when seeking to achieve the same legitimate goals held by the former. Cloward and Ohlin (1961) are quoted as qualifying 'means' in other than financial terms by saying that, "those involved in illegitimate means of opportunity require a set of learned skills as do those involved in legitimate means"(Murphy and Robinson:501). However, Murphy

and Robinson (2008) further extended this traditional strain perspective of differential opportunity with a hybrid form of Merton's deviant types. They opined that the conformist and the innovator are not mutually exclusive types. There is also the 'maximizer' who merges elements of both the conformist and the innovator by combining both legitimate and illegitimate means of opportunity in pursuit of the American dream.

Delinquency in the form of aggression is a possible effect of exposure to negative stimuli like physical abuse, threats and insults, noise and air pollution, racial discrimination and personal space violations, according to Agnew (1992) and Agnew (2001). These are practical examples, applicable to persons of all kinds. From a purely biological standpoint a stimulus brings about a response. The stimulus of fire applied to a normal person's body causes pain from which they naturally try to remove their body. Likewise, delinquency as defined by law comprises coping strategies intended to terminate, reduce or escape from "strainful events and conditions", according to Agnew (2001:326). It just so happens that they are criminal strategies. He contrasts these criminal or delinquent coping strategies with conventional or lawful strategies, such as listening to music.

### ***Structural Functionalism***

Structural functionalism theorists view society as "a functioning whole composed of various subsystems of institutions, all of which are closely inter-related" (Nye and Berardo 1968: 36). Their treatment of the family as one of these subsystems is relevant to the subject of delinquency in so far as the family in these terms is deemed to play a part in the maintenance of the social system. For such maintenance connotes order as against anarchy. The logical inference from this is that this maintenance of the social system involves regulating behavior to be lawful rather than unlawful or delinquent.

"The family moulds the kinds of persons it needs in order to carry out its functions, and in the process each member reconciles his past conditioning with present role expectations," according to McIntyre (1968 : 57). The term "Role expectations" of society suggests a connotation of well- regulated

behavior being expected of the individual by society. The 'moulding' function of the family here described treats only the success of that activity in satisfying the family's needs and meeting ever-present or unfolding role expectations. The failure of such activity, by virtue of which ill-regulated behavior or delinquency might result, is not at all contemplated.

It is however, possible to infer from the foregoing : 1) that delinquency causation has something to do with the family and 2) that this "something" might be failure to mould the individual to meet the ongoing role expectations of society. Similar inferences have been drawn from structural functionalism by other researchers but the theory does not directly mention delinquency in its exploration of the family impact on individual roles. The utility of drawing such inferences has been identified in the work of some practitioners. For instance, the inference has been drawn that whatever goes wrong with a marriage is attributable to the input of the whole family. In some cases marriage counselors have been drawing such an inference and therefore have been treating their clients as part of a malfunctioning family system rather than as individuals with functional problems. This practice has been attributed to the influence of structural functionalism (McIntyre 1968).

Various approaches to the structural functionalist's perspective on the family can be found in theory-based research literature. According to McIntyre (1968) some approaches particularly emphasize: The relationships between the family and broader social units, the relationships between the family and subsystems and the relationships between the family and personality. This third facet of 'the relationship between the family and personality' provides some scope for understanding the development of delinquent behavior, by its focus on individuals rather than institutions. Unlawful behavior, being a societal malfunction rather than a societal function, theory about its development has necessarily to be ferreted out by inference. For the literature on structural functional theory directs much of its detail to how the structures of society function in relation to each other but not how they malfunction.

Consonant with its name structural functionalism focuses on the structural and functional elements of society when seeking to explain society. In so doing the theory makes use of analogies to amplify both the concept of the structure of society and the concept of the function of society. For instance, according to McIntyre (1968) this theory defines structure as a set of relations between entities and describes society to be, like an organism, a collection of units arranged in a structure. Likewise, having explained that 'function' in mathematical terms indicates a particular kind of relationship between two variables, the value of one which depends on the value of the other, it has been said that one type of structural functionalism theorist might say that "birth rates are a function of economic status"(McIntyre 1968:53).

The literature describes both "macrofunctionalism" and "microfunctionalism," according to McIntyre (1968: 65). The former focuses on the listing of activities which must be performed if society is to survive. The latter focuses on the location of structural subsystems, and the determination of the extent to which these are located in a concrete structure. McIntyre (1968) indicates that a typical list of activities which must be performed if society is to survive exemplifies macro-functionalism, as follows:

- 1) Replacements for dying members of the society must be produced.
- 2) Goods and services must be produced and distributed for the support of the members of the society.
- 3) There must be provision for accommodating conflicts and maintaining order internally and externally.
- 4) Human replacements must be trained to become participating members of the society.
- 5) There must be procedures for dealing with emotional crises, for harmonizing the goals of individuals with the values of the society and for maintaining a sense of purpose.(P. 67).

A hint at the role of the family in the individual's development of lawful behavior could also be found among the items in this list such as: "provision for maintaining order internally and externally," "training...to become participating members of society" and "harmonizing the goals of individuals with the values of society" (McIntyre 1968:67). All these suggest macro-level societal expectations of lawful behavior that the micro-level family could mould the individual to develop 'if society is to survive.'

Some criticism of this theoretical perspective focuses on the difficulties of specifying its key terms. For instance, there is difficulty with detailing criteria for the term “social survival,” according to McIntyre (1968:73). The inference is that it could prove challenging to implement any activities necessary for society to survive, as described from the ‘macrofunctionalism’ viewpoint if the meaning of “social survival” could not be readily defined.

### **Conflict Theory**

Conflict theory is based on the underlying concept of several theoretical perspectives that society is characterized more by social conflict than by consensus (Burke 2001). Foremost among these perspectives are the views of Marx that emerged in the 1840s and of Vold when he wrote in the 1950s. In particular, conflict theory tends to be typified by notions of crime as behavior proscribed by laws which dominant or ruling classes impose on lower classes so that they could maintain their power and maintain the general status quo (Vold 1958).

According to Larson (1986), Marx wrote that the history of all hitherto existing society is the history of class struggles, yet he focused most on the era of the capitalist society. Larson(1986) reports that Marx is best known for *The Communist Manifesto* that he wrote along with Engels in 1848. Their purpose was to instigate revolutionary action by the dominated proletariat or working class, against their capitalist owners and thereby to usher in a more equitable, communist society. For, according to Larson (1986), the ruling classes owned the means of production as well as the workers who did the production. The former being the employers of the latter and the providers of their income could, for this reason, be said to own them. It follows that the sort of uprising which Marx propagated by urging working men of all countries to unite could readily have been criminalized in any capitalist society as being contrary to law. To this extent it could be said that Marxian theory condoned crime. It is reported that Marx was particularly avoidant of the consideration that the working classes who would conduct such a revolution would themselves become a dictatorship once in power (Larson:1986). His grudging

admission that this new dictatorship would be necessary only temporarily so as to have a successful revolution thus gave a self-defeating irony to his objective of securing working class liberation. For he acknowledged that the disparate class structure between employer and employee, that prevailed when he wrote to inspire working class revolution, is a recurrent feature of society.

The radical influence of Marx persisted in criminological and sociological conflict theory through the 1960s -70s and right on to the 1990s, according to Hagan (2002). It is reported that notable writers of this conflict perspective have been for example Turk (1960s), Chambliss, Quinney (1970s) and Reiman (1990s). According to Hagan (2002) Reiman's propositions were as follows :

- 1) Acts that are not treated as crimes pose at least as great a danger to the public as those that have been criminalized.
- 2) Acts that are criminalized are generally those of the poor.
- 3) The system often fails to treat as criminal the dangerous acts of the wealthy and powerful.
- 4) The failure of the criminal justice system in fighting street crime conveys an important ideological message – the greatest danger to the average citizen is from below him or her on the economic ladder.
- 5) Crime in the suites should be prosecuted in the same manner as crime in the streets and all acts should be prosecuted in proportion to the actual harm they produce. (P.179).

This has an emphasis on the class disparity of the poor and the powerful that is similar to that of Marx. The actions of the poor are criminalized by the powerful but not *vice versa*. The radical propounding of revolution done by Marx is not evident here. The influence of communist thought however, that demanded equality of treatment for all classes can be seen in Reiman's call for "crime in the suites to be prosecuted in the same manner as crime in the streets," listed above by Hagan (2002:179).

Conflict theorists also present the view that the inter group conflicts and rivalry that exist in every society cause crime, according to Dennis (2003). It should be noted that there is a slight distinction between this perspective that different types of social conflict cause crime— to which Vold subscribed —and conflict theory of the Marxian tradition, according to which crime is viewed as a symptom of class conflict. Vold's (1958) view treats crime as ordinary learned behavior. Vold (1958), unlike Marx, does not attempt to instigate revolution, which would be deemed crime by the capitalist,

as the means of changing the capitalist status quo. Vold's views about the problem of crime are incorporated in his general exposition of social behavior. Vold (1958) considering the concept of behavior, which of course includes crime, says as follows :

"...Man always is a group involved being whose life is both a part of, and a product of his group associations. Implicit also is the view of society as a congerie of groups held together in a shifting but dynamic equilibrium of opposing group interests and efforts...It is continuous ongoing interchanging influence, in an immediate and dynamically maintained equilibrium, that gives, special significance to the designation 'collective behavior', as opposed to the idea of simultaneously behaving individuals."(P.204)

Here, Vold (1958) views society, which is plural, as indivisible from the individual with which it constantly interacts and studiously avoids the reference to individuals when examining behavior. This provides a perspective of behavior as flowing from the outside in; it is society permeating the individual. It promotes the natural inference that criminal behavior is a function of this very movement. In this conception each crime would be a function of what filtered into the perpetrators from society, especially in terms of society's inter-group conflicts. According to Vold (1958) however, the social groups which come into conflict are not just those formed on the basis of class or the division of labor; there are various types of social groups that have conflict with each other.

Vold (1958) describes democracy as primarily a matter of finding practical compromises between antagonistic groups in the community at large. He develops the classic conflict theory position that society is characterized by conflict, in his concepts of democracy and law. To be precise he says : "The struggle between those who support the law and those who violate it existed in the community before there was legislative action... Hence there is bargaining in the legislature to get the law passed...between prosecution and defense; between prison official and inmates and between parole agent and parolee" (Vold 1958 : 209). This conception of law as emerging from the routine antagonism(s) of disparate group interaction leads Vold (1958) to

the conclusion that crime, especially in the form of juvenile delinquency tends to be minority group behavior. In fact, Vold (1958) goes on to state that what is criminalized by the law of the group(s) in power is often seen by the minority groups as behavior justifiable in their group's struggle for control of power. "Numerous kinds of crimes result from the clashes incidental to attempts to change or to upset the caste system of racial segregation in various parts of the world," according to Vold (1958 : 217). Likewise the powerful group(s) use of force is seen by them as necessary to maintain the status quo. In the words of Vold : "no one subscribes publicly to violence or to open intimidation as the desirable method of maintaining the status quo, but in practice such lawless action is often supported as necessary" (1958:217). To sum it up he explained that "the point of these illustrations is simply that the participants on either side of a labor dispute condone whatever criminal behavior is deemed 'necessary' for the maintenance of their side of the struggle" (Vold 1958: 215).

Vold (1958) also explores the challenges of penology in the context of crime being a function of social group conflict. "Modern penal practice has been characterized by nearly universal lip service to the ideal of reformation or rehabilitation," according to Vold (1958:302). In short, he says that the legal penalties which are usually applied to offenders only punish them but do not rehabilitate them, although rehabilitation is much touted to be one goal of detention schemes. This opinion expressed over fifty years ago is still one that may have applicability to juvenile delinquency management in our time. The concept of rehabilitation in particular has been so often touted in connection with programs for drug abusers that to say someone is "in rehab." is almost slang. Vold (1958:300) suggests that there is more talk than action or more ideal than reality when he speaks here of 'lip service.'

Some of the criticism leveled at the programs usually applied in detention schemes by this theorist is stated as follows: "education and 'training programs' usually have little or nothing to do with the central problem" Vold (1958:300). When developing the idea that penal practice is inadequate

because its training programs have little to do with the central problem, Vold (1958: 301) says: “Effective rehabilitation, if it is to take place, must come from influences and forces in the community that shape and mould general life orientation. Such influences antedate both imprisonment and the behavior for which the individual is imprisoned.” This reference to social influences in the community that mould individual behavior is likely to include the family.

Vold (1958) identifies crime as normal learned behavior, developed by individuals in their bid to manage inter-group conflict. Vold (1958) says that group conflict in society engenders constant bargaining between antagonistic groups for laws in their favor so as to protect their interests and needs rather than risk being replaced. Vold (1958) however, recognizes the limitations of Conflict theory for dealing with crime in general, by saying that “the group conflict hypothesis should not be stretched too far” (1958:219). To be precise he says that Conflict Theory “does not serve to explain many kinds of impulsive, irrational acts that are quite unrelated to any battle between different groups in organized society” (1958:219). Whether the delinquency is the product of inter-group power struggles or is composed of impulsive and irrational behavior, conflict theory as here outlined calls for more emphasis on rehabilitation.

Highly developed theoretical formulations, like those outlined so far, have been renowned for years and as such have come to be known as grand theory. Yet the literature on delinquency is replete with other theoretical perspectives which, although they do not attain the same levels of profundity, are still relevant. The next theoretical perspective to be outlined is one of those that are not ordinarily classified as grand theory. It is however, very relevant because it directly explores the causes and mechanics of crime, deviance or delinquency in much depth. This is known as Differential Association Theory.

#### ***Differential Association / Social Learning Theory***

Edwin Sutherland established or pioneered the theory of Differential Association during the 1930s and 1940s by a lengthy process of studying the crime prevailing at the time. He wanted to find out enough about crime to be able to influence policy being crafted to deal with it. In the process of pursuing this goal Sutherland was careful to identify where his approach fit into the general scheme of criminology. He examined various schools of thought. Some focused on the notion that criminal behavior was rooted in one's personality. Others focused on the idea that crime, because it was most often manifested in certain areas, had geo-social origins. Sutherland's thinking was very sociological, in that, it seemed to strike a balance between these two discrete approaches. He said: "The sociological schools recognize and insist that both personality and culture must be taken into account in the explanation of criminal behavior" (Sutherland 1947:56). In short, Sutherland recognized that, in order to influence policy being crafted to deal with crime, there needs to be input from a continuum bounded by those two types of approaches just mentioned.

When Sutherland (1947) amplified these personality based and cultural approaches to crime he demonstrated clearly that it was the latter which influenced the development of his ultimate formulation of nine principles. The psychologists, he said, were concerned with the theory of learning that utilized such concepts as imitation, attitude – value, differential association, compensation and frustration-aggression. The sociologists however, he stated have attempted to explain criminal behavior as an expression of the social organization, including both primary groups and the larger institutional systems with their processes of mobility, culture conflict and competition. His own view was that "Control of behavior can be adequate and satisfactory only if it is based on a knowledge of the factors or processes by which the behavior is produced" (Sutherland 1947:49). In short, he did not limit what determines behavior, and what could control behavior, to either psychological processes operating within the individual or to social processes influencing the individual. Ultimately, he utilized them both.

When Sutherland (1947) wrote his ultimate formulation of nine principles of Criminology they were as follows:

- 1) Criminal behavior is learned.
- 2) Criminal behavior is learned in interaction with other persons in a process of communication.
- 3) The principal part of the learning of criminal behavior occurs within intimate personal groups.
- 4) When criminal behavior is learned, the learning includes (a) techniques of committing the crime, which are sometimes very complicated, sometimes very simple (b) the specific direction of motives, drives rationalizations and attitudes.
- 5) The specific direction of motives and drives is learned from definitions of the legal codes as favorable or unfavorable.
- 6) A person becomes delinquent because of an excess of definitions favorable to violation of law, over definitions unfavorable to violation of law.
- 7) Differential association may vary in frequency, duration, priority and intensity.
- 8) The process of learning criminal behavior by association with criminal and anti-criminal patterns involves all of the mechanisms that are involved in any other learning.
- 9) While criminal behavior is an expression of general needs and values, it is not explained by those general needs and values, since non-criminal behavior is an expression of the same needs and values. (P.6).

Sutherland makes the point that criminal behavior is learned, in his first principle, as if to emphasize the contrast with some prevailing notions of the time that behavior is an inherited phenomenon. Clues to why individuals become whatever they become when mature can be found in the society within which they develop. For it is right within immediate society that the child learns both good and bad behavior; both derive from the same source. Sutherland's (1947:6) second principle that: "Criminal Behavior is learned in interaction with others in a Process of Communication" speaks to the informality, and perhaps rather insidious nature, of the transmission of behavior from society to individual. This means that much of what children learn from them is not spoken to them directly, in the classroom or in the home. It is instead imbibed by an intricate communication process that engages all the five senses. In principle three Sutherland (1947) shows who are the other parties involved in that learning process; these are intimate personal groups, like family and peer groups. Having set criminal behavior on the same fundamental plane as lawful behavior as regards how it comes about, Sutherland in principle four gives some details about the transmission of criminal behavior propensity. He says that: "When Criminal Behavior is learned... (it) includes techniques motives, rationalizations and attitudes"

(Sutherland 1947: 6). These all involve mind and body responses to society based on what individuals have grasped from their significant others about life.

Sutherland's next principle (5) is that: "The Specific Direction of Motives and Drives is Learned from Definitions of the Legal Codes as Favorable or Unfavorable" (Sutherland 1947: 7). In place of his term 'definitions' here the term 'evaluations' could probably have been chosen. The theorist is explaining here that the individual learns about the wider society from and through his own small society. What happens then is that the intimate personal groups act as a screen or filter through which the individual sees society. Society is regulated by norms, values and rules. These are all codes of conduct. The agreement of society about them renders them legal codes. No code, however legal, is evaluated just the same by every member of society. Therefore how the individual's family, peer group and community evaluate the legal codes is what filters into the developing individual in either a direct or indirect manner.

Sutherland's sixth principle is that: "A Person Becomes Delinquent Because of an Excess of Definitions Favorable to Violation of Law over Definitions Unfavorable to Violation of Law" (Sutherland 1947:7). The seventh principle Sutherland set out is that: "Differential Association may vary in Frequency, Duration, Priority and Intensity." This means that a threshold has to be met for behavior to be categorized as either lawful or unlawful. Before that threshold is met, according to Sutherland's seventh principle, all of society's norms are being filtered to the individual in varying degrees of importance, timing and force. This is how differential association varies; positive and negative evaluations of societal norms, varying in their weights of influence, are being encountered by the individual and then acted upon as s/he chooses.

The central part of Sutherland's final re-stated principle (9) is that: "While Criminal Behavior is an Expression of General Needs and Values, it is not explained by (them), since non-criminal behavior is

an Expression of the same Needs and Values” (Sutherland 1947:7). Akers’ (1998) Social Learning Theory, which is a declared refinement of Differential Association theory, speaks likewise of the commonly shared needs and values of the person who engages in criminal behavior with the one who engages in non-criminal behavior. According to Sutherland (1947) these nine principles encapsulate what causes criminal or unlawful behavior.

### *Differential Association Theory and Reformation*

Sutherland (1947) also wrote much about the problem of crime besides causation. For example, he wrote about treatment that could reform or rehabilitate delinquents. Before outlining what his theory would suggest for rehabilitation or reformation of delinquents Sutherland (1947) first reviewed some conventional methods of reformation. These are (1) suffering or punishment as a means of behavior control, (2) meditation, (3) moralizing by, for example, tracts and sermons, (4) inducing offender pledges and (5) mechanical habituation produced by various compulsory methods (Sutherland 1947:591). Applying these to deviants was, according to Sutherland, the order of the day in the 1940s. He however had his own distinct techniques of reform to present. In this regard he emphasized the utility of individualization to delinquency treatment. Notwithstanding the anticipated objections of expense, perceptions of unfairness or injustice and the risk of endangering personal rights, he clearly recommends individualization. Sutherland (1947) wrote that:

Individualization means, first, an intensive study of the individual offender for the purpose of learning the specific conditions, circumstances, processes, and mechanisms involved in the criminality, and second, a policy determined by that knowledge regarding the offender, in connection with knowledge previously secured regarding the methods of dealing with such cases. (P.597).

The reasoning behind this seems to be that each delinquent would have different challenges to face on return to society and to prescribe the ‘medicine’ appropriate for one to the other would not cure that

one, nor equip them to resist the temptation to repeat their offending once outside of detention.

Sutherland (1947) opined that:

To change the 'working character' or will of another, we have to alter objective conditions which enter into his habits. Our own schemes of judgment, of assigning blame and praise, of awarding punishments and honor are part of these conditions...We cannot change habit directly: that notion is magic. But we can change it indirectly by modifying conditions, by an intelligent selecting and weighing of the objects which engage attention and which influence the fulfillment of desires. (P. 601).

Apart from insisting on the need to approach delinquency treatment with the use of individualization and criticizing older methods that had been applied to reform delinquents for years, Sutherland (1947) promoted the use of some techniques of his own to reform delinquents as follows:

- 1) Suppress tendencies to delinquency either by not furnishing the stimulations that will draw out these tendencies or by furnishing the stimulation that will draw out the opposite tendencies.
- 2) Both processes really consist in the modification of habits.  
The offender is generally assisted in reformation by understanding the situation.  
The technique of suppression or sublimation of tendencies consists in the direction of the wishes.
- 3) The offender needs to develop a different conception of himself.  
The policy should be adjusted to the attitudes of the offender and should change as these attitudes change.
- 4) Material services are of value in changing the attitudes of offenders and in assisting offenders to secure conditions of life which are conducive to reformation.  
The court officials... or other guardians need not do all the work... they cannot do all the thinking or lay out the program in an arbitrary way...the undertaking must essentially be cooperative.
- 5) The whole policy of reformation should be based on a physical examination and the correction of physical defects whenever possible. (Pp.600-605).

Sutherland presents his techniques as more meritorious than the conventional methods of reform which he described. Yet those were not entirely without merit. Meditation, isolation and punishment for instance have served the purpose of reform for years, so prisons are still deemed to be essential because they are ideal for isolation and punishment. These newer techniques seem more

practical and adaptable to evolving crime control needs because: They show Sutherland's grasp of the importance of individualization, they emphasize the importance of learning to good and bad behavior, they indicate the utility of anticipation of risks and prevention. The conventional methods of reformation cited by Sutherland (1947) are stereotypical and general. If people do not accept religion they do not. It is demeaning for them to pretend that they do. Isolation and punishment may serve more to protect and pacify the victims than to reform the perpetrator. These other techniques however demonstrate better prospects for rehabilitation and prevention of recidivism, which go beyond the protection and pacification of the victimized public. Writing in the 1940s, Sutherland concluded that even though courts and correctional institutions were beginning to add professionally trained persons to their staff to help with diagnosis and treatment of offenders, the work was nowhere adequate.

#### Social Learning Theory

Social Learning Theory which was developed by Akers (1998) to be an addendum to Differential Association Theory is also relevant. Akers (1998) emphasizes that the learning mechanisms involved in the development of criminal behavior take the forms of differential reinforcement and the presentation by others to the individual of behavioral models to imitate. Reinforcements are punishments and rewards which individuals either experience when they perform such behavior or which social groups give to individuals when they attempt such behavior. The individual is constantly performing a balancing act subconsciously with this information fed to him from the attitudes of others in social groups, as a means of determining if and how much to engage in the same behavior. Akers (1998) further describes what social groups pass on to the individual as modeling. What the individual does by acting on the choice to follow such behavior Akers calls imitation.

When Akers (1998) later presented his own formulations incorporating his ideas of social learning as being promoted by the reinforcement of punishments and rewards, he then went beyond

the work of Sutherland to refine and expand on the theory. His stated aim was to explain criminal and deviant behavior more fully than did Sutherland's theory. Together with Burgess, Akers (1998) re-stated Differential Association theory as follows:

- 1) Criminal behavior is learned according to the principles of operant conditioning.
- 2) Criminal behavior is learned both in non-social situations that are reinforcing or discriminative and through that social interaction in which the behavior of other persons is reinforcing or discriminative for criminal behavior.
- 3) The principal part of the learning of criminal behavior occurs in those groups which comprise the individual's major source of reinforcement.
- 4) The learning of criminal behavior, including specific techniques, attitudes, and avoidance procedures, is a function of the effective and available reinforcers and the existing reinforcement contingencies.
- 5) The specific class of behaviors which are learned and their frequency of occurrence are a function of the reinforcers which are effective and available and the rules or norms by which these reinforcers are applied.
- 6) Criminal behavior is a function of norms which are discriminative for criminal behavior, the learning of which takes place when such behavior is more highly reinforced than noncriminal behavior.
- 7) The strength of criminal behavior is a direct function of the amount, frequency, and probability of its reinforcement. (P.45)

The revision of this theory by Akers features the introduction and recurrence of the concept of 'reinforcement.' All that Sutherland described in terms like 'definitions', 'attitudes' and 'motives' is replaced by 'reinforcement'. According to Akers (1998), merely observing how significant others in social groups approach the legal norms does not make the individual adopt the same approach. Akers identifies reinforcement as a key factor that inclines the individual to adopt or reject that approach, as the case may be. Reinforcement in this sense means having punishments or rewards meted out by society to significant others who take a certain approach. In turn, it means having punishment or rewards meted out to the individual from significant others whenever that individual attempts to take one or other approach. The different kinds of reinforcements thus received are weighed in the individual's reasoning. Then whatever tips the balance with greater reinforcement, will more likely be the approach for which the individual will settle, whether the criminal or the lawful one.

Akers also introduced to this theoretical perspective the concepts of 'imitation', 'modeling', 'operant conditioning' and 'discriminative stimuli'. All but the latter are what Akers (1998) called behavioral mechanisms. Apart from introducing concepts to this theoretical perspective Akers also clearly elucidated these terms and others from Sutherland's formulation, in his revisions. All these terms have to do with individuals receiving information from others with whom they interact constantly, and choosing whether to act likewise, based on their evaluations of the consequences.

Akers (1998) credits himself with focusing on four main concepts in Social Learning theory: 'differential association', 'differential reinforcement', 'imitation' and 'definitions'. He treats their effect on the production of deviance, as follows:

The individual is more likely to commit violations when:

- 1) He or she differentially associates with others who commit, model and support violations of social and legal norms.
- 2) The violative behavior is differentially reinforced over behavior in conformity with the norm.
- 3) He or she is more exposed to and observes more deviant than conforming models.
- 4) His or her own learned definitions are favorable toward committing the deviant acts.(P.48).

At first glance, it seems that this list has four different versions of the same thing but it does not. There are different shades of meaning here. Akers (1998) states that the numbered statement format of the theory, similar to that of Sutherland, does not communicate its content as well as he would have liked and that he prefers to focus on the exposition of the concepts, as follows.

#### Differential Association

Sutherland (1947) utilizes four or five steps to show how criminal behavior is learned. He first mentions the process of communication, then the sharing of techniques, the defining of legal codes and the weight of influence coming down on the side of definitions favorable to violation of law. Akers (1998) however, clarifies this whole issue of what significant others do, to make the individual learn criminal behavior, in one step: they commit model and support norm violations. He then goes on to

show that, in effect, significant others do training through rewards and punishments. In this, Akers' emphasis on 'reinforcement' shows. Sutherland having worked against the disposition of his time to biological explanations of crime, Akers builds on his foundation by explaining the mechanisms for the development of deviant behavior, as clarified in these concepts such as 'reinforcement'.

Akers (1998) also expands Sutherland's concept of primary and secondary groups. He goes beyond the primary groups of family and friends to add reference groups and symbolic groups. In these two latter categories, he adds influential figures like churches, schoolteachers, physicians, law and authority figures and media personalities. These contribute a deeper understanding of the significance of influence filtering from society to individual in the behavioral learning process. For instance, the influence of role models may supersede that of parents in some cases.

Sutherland carefully explains that individuals who commit crimes are not just exposed to unlawful or anti-social behavior but are exposed to both pro-social and anti-social behavior. Akers (1998) clearly expounds this principle when he distinguishes 'peer pressure' from 'peer influence.' He shows that most 'peer influence' more likely reinforces conforming behavior than it reinforces deviance, whereas 'peer pressure' involves compulsion to bad behavior.

#### Differential Reinforcement

Akers (1998: 50) treats Differential reinforcement as "operant conditioning." He describes it sometimes as instrumental conditioning also. Before the choice or decision is made to behave in any deviant manner, the individual's mindset is constantly being conditioned by the two contrasting approaches of right and wrong. The individual gets a sense of both sides filtered into his consciousness. Legal norms are differentially reinforced by significant others and in this process there is operant or instrumental conditioning of the individual to one or other type of behavior. Akers (1998) clearly distinguishes this conditioning as behavioral and not biological. He insists that, unlike reflex reactions to stimuli, unlawful behavior is shaped by environmental consequences. This notion of consequences

demonstrates Akers' recurrent theme of reinforcement using rewards or punishments. The social environment conditions individual behavior by attaching positive and negative consequences to behavior. Akers gives a range of examples of the positive consequences society attaches to behavior, including status, money, awards, food or pleasant feelings.

### Exposure to Deviance

When discussing exposure to deviance Akers (1998) acknowledges the influence of a colleague's notions of 'imitation' on his work. The rapid growth of sophistication in technology, after the time of Sutherland (1940s), has especially impacted on the media. Modern individuals can sometimes spend much more quality time with media personalities than with traditional intimate groups like the family. On account of the significance of this effect of the media, Akers (1998) treats the media as a possible reference group for the individual. He refers to the observed behavior of others as presented through direct demonstration, films, television and stories as 'modeling'. He goes on to show the potential for criminalizing effects of such 'modeling'. In order to do so he reports that research has shown that children are badly affected by deviance and violence on television and "imitative effects have been found in exposure to rape, homicide and other mass-media violence" (Akers 1998:77). In other words some people commit such crimes just because they want to imitate what they have learned through the media.

### Definitions

Principle five of Differential Association Theory states that "the specific direction of motives and drives is learned from definitions of the legal codes as favorable or unfavorable" (Sutherland 1947:6). Yet, as Akers (1998) points out, there is usually a problem of ambiguity with this concept of 'definitions'. Ordinarily, a 'definition' gives the meaning of something but in this context that is precisely what the term does not do. Akers (1998:81) highlights the ambiguity by posing the question: "how can definitions of behavior as right or wrong by themselves, motivate one to engage in the behavior?" Then he

indicates that Sutherland does not tell us. It could however be said that 'definitions' do motivate behavior by suggesting that "it's O.K. to act in a certain manner." Therefore, what Sutherland called 'definitions' could probably have been better expressed as 'evaluations' of the legal codes as favorable or unfavorable." Akers (1998:80) says that these 'definitions' are "cognitive or attitudinal sets that are brought to a situation that make lawbreaking seem appropriate..."

Akers (1998) gives a good example of how "definitions of legal codes" can motivate behavior, in his description of neutralizing techniques. He indicates that neutralizing definitions favor law violation, not because the acts are positively desirable, but because they justify or excuse them. He gives some practical examples. Justified wrongdoing is for instance, killing in war, in self defense, or to protect others, according to Akers (1998). In this treatment of 'definitions' Akers (1998) emphasis on reinforcement also surfaces. For he says that 'definitions', once learned, may become implicated in differential reinforcement, then may act as positive rewards or moral costs attached to behavior.

In conclusion, Akers (1998) reformulation of Sutherland's Differential Association Theory, especially in these four concepts, details how influence on behavior flows between society and individuals. He says that behavioral feedback effects are built into the concept of differential reinforcement, in that, both prior and anticipated rewards and punishments influence present behavior (Akers 1998). He states also that the socializing behavior of parents, guardians or caretakers is certainly reciprocally influenced by the deviant and unacceptable behavior of the child. He notes that one may choose to interact with peers based on similarity in deviant behavior that already exists (Akers 1998). He notes further that "these behavioral tendencies that develop prior to peer association will *themselves* be the result of previous associations ...primarily in the family" (Akers 1998:56).

All these points made by Akers (1998) demonstrate reflexive interaction between individuals and society. According to Akers, a person does not become deviant overnight. The entire life is an ongoing learning process; likewise the delinquency in an individual life is the product of several learning

experiences. When society shows the individual its negative views about the law, society models and / or commits deviance. The individual in turn may try it in small doses in his own social circle at first. Punishments or rewards or excuses follow and if the weight of influence is in favor of this deviant behavior the individual then chooses systematically to adopt such behavior.

#### MODELING OF DELINQUENCY

The terms used to designate conduct that is contrary to law vary. Terms like deviance, anti-social behavior and delinquency are expressions that describe types of infractions of the law that could be placed on a continuum from the most minor to the heinous. Juvenile delinquency has an especially wide continuum which includes behavior contrary to the laws peculiar only to adolescents, which are called status offences, as well as all those proscribed for adults, which adolescents might also commit. Against this backdrop the research studies that deal with delinquency causation modeling can be quite complex. For any single offence plotted on the continuum pertinent to juvenile delinquency may be linked to a wide range of factors which probably interact in a complex manner to lead an individual into committing that offence.

Research studies reveal that it is the norm for models of juvenile delinquency to include family trouble or peer pressure in some form. Catalano et al. (2005) indicate that the development of anti-social behavior is influenced by multiple sources including factors located within the individual, the family, the peer group, school experiences and the community. A study of violent institutionalized delinquents showed that physical abuse, drug or alcohol dependence, stressful life events and gang membership were significantly related to violent offending (Blackburn et al. 2007). According to Zigler et al. (1992), although social scientists can point with confidence to a long list of risk factors related to juvenile delinquency, no single item has yet been shown to be a robust predictor of the problem. Zigler

et al. (1992) go on to quote a lengthy list which they compiled from various authors of the most important precursors of frequent offending. The list includes:

poor child rearing practices, poor parental supervision, criminal parents and siblings, measures of social deprivation – such as low family income, large family size and poor housing – low intelligence or educational attainment, delinquent friends, lack of belief in or commitment to society's value system, lack of attachment to any pro-social institution, or to a law-abiding parent or other adult, lack of empathy toward others, impulsive behavior, boredom, lack of fear of negative consequences for illegal behavior, drug and alcohol abuse, antisocial behavior patterns at a young age, neurological impairments, being abused or neglected. (P.998).

It is important to emphasize that even though this categorization is helpful, no list is exhaustive.

Among this list of factors promoting delinquency there is evidence of the influence of various theoretical perspectives. The literature has so much information that is driven by different theoretical perspectives that some writers suggest that theory integration is the key to modeling delinquency (Farrington 2003).

### ***Prominent Family - Related Variables***

The literature has a wide range of family-related variables that impact on the risk of delinquency. Actually these factors tend to place children at risk for the development of general anti-social traits at an early age, which in turn lead to delinquency. These are for instance: frequency of positive and negative family interaction, family groups' inability to cope with life stressors, ineffective parenting, and parenting by adults with their own poor social skills. All this is not quite as complex as it would seem at first glance. Actually, one thing leads to another. Church et al. (2008) state that some common family stressors, such as unemployment, income instability and high rates of family violence, may increase the likelihood of poor parenting practices. This latter, of course, was identified earlier as a factor that leads to delinquency. These authors also mention a few other chains of causation. They state that where support and monitoring of children were provided rates of delinquency were lower over time, compared with ineffectual discipline, which was linked to the risk of developing antisocial traits in childhood.

Sometimes the family-related predictors of delinquency are not directly indicated; sometimes they are implied. For instance, Trulson (2007:8) states that "...an inmate's traits, experiences and lifestyle in the free world are simply imported into the prison where the inmate resumes his deviant lifestyle." Nowhere is the deviant's family life mentioned in this passage. Yet when you consider the import of the words 'traits', 'experiences' and 'lifestyle', these are all expected to develop primarily within the bounds of family life. Likewise when Anmar (2008) speaks of street children in Egypt being at risk for delinquency and gang membership we see another hint that family life or the lack thereof is the problem. The hint lies in the definition of children as stereotypically ones who have "completely abandoned their homes and have taken the street as their sole sleeping space, or who visit their family occasionally" (Anmar 2008 : 3). Finally, very often even when family is explicitly mentioned it is not a single causal mechanism but is immersed in a pool of variables, which interact to produce delinquency. Blackburn et al. (2007:41) put it like this: "Exposure to violence whether through media, family or peers including fellow gang members – leaves youth ...prone to accept and participate in violent activities."

### ***Peer- Related Factors***

Peer related factors that may have bearing on delinquency are also described in various terms. The literature expresses them in terms like 'peer pressure', 'peer association' and 'delinquent peers' for instance. The effect of peer-related factors on the outcome of delinquency is consistently positive and strong, often outweighing family life influences when these two types of factors are pooled in a causal model. Beaver et al. (2009) give a good example of this combined effect of peer pressure and family life with peer pressure getting the upper hand in producing delinquency. They state that:

One of the most important predictors of antisocial friendship formation is proximity to delinquent peers. Parents too are often hypothesized to affect their child's choice of peer groups, either directly through close supervision, location of residence or indirectly through development of socio-emotional attachment. Youths who are genetically predisposed to be impulsive, to be risk seekers and to be anti-social will tend to select peer groups that reinforce these propensities. (P. 44).

Muñoz et al. (2008) found that youths with conduct problems have friends, but they tend also to be antisocial types. Also those with psychopathic traits have less trouble finding peers who are willing to participate in anti-social behavior later in adolescence unlike in its earlier stages. Later on, among adolescents delinquent acts become more normative. In similar vein, a study of female juvenile offenders representing four ethnic groups showed that high levels of peer association and extrinsic rewards from peer relationships, best predicted violence among all groups (Silverman 2008). Another study emphasized the strength and nature of the relationship with delinquent peers as really affecting delinquent outcomes.

Writing on the basis of Routine Activities Theory, Anderson (2009:6) quotes reasoning that “opportunities for deviance among youth are most pronounced in contexts involving unstructured and unsupervised socializing with peers”. Similarly, premised on a Social Learning Theory framework McGloin et al. (2009) indicate some negative effects of the differential learning from deviant peer groups, as against such learning from the rest of society.

- 1) Dense deviant networks provide more opportunity for illegal behavior
- 2) Dense deviant networks constrain individuals’ exposure to varied information, skills and expertise therefore individual opportunity for pro-social activities get cut off. (P.38).

To sum it up according to Weerman and Bijeveld (2007: 360), “people in general have a preference for associating with others who are similar to themselves, for all kinds of criteria.” It is said that adolescents project their own behavior onto their peers; the relationship between delinquent peers and delinquency seems to be reciprocal.

#### TREATMENT OF JUVENILE DELINQUENCY

In all the literature there is confirmation that the likelihood and duration of a young offenders’ delinquent behavior is closely related to what happens in their families and among their peers. It is well known that where troubled life among these close social groups might have led to their delinquency,

treatment systems have been employed like foster care programs which separate juvenile delinquents from those close social groups. The literature contains many studies that demonstrate how to tap into community resources that involve these influential social groups in juvenile delinquency treatment before, during and after detention. Howell (2003) noted that various categorization schemes have been used for delinquency prevention programs, namely:

- 1) According to their program targets i.e.
  - (i) Universal – for all individuals in the population regardless of differences in risk.
  - (ii) Selected – High risk populations targeted to reduce prevalence of delinquency.
  - (iii) Indicated – In crisis populations targeted to lessen seriousness, chronicity or continuation of delinquency.
- 2) Related to risk factor domains i.e. family, community, peer group, school and individual.
- 3) -The oldest -primary, secondary, tertiary.
  - (i) Aimed at preventing delinquency by modifying environmental conditions that contribute to it.
  - (ii) Also known as “Early Intervention Programs”. These involve intervention with children and adolescents in the early stages of delinquency involvement.
  - (iii) Involves the prevention of recidivism and the promotion of rehabilitation. (Pp.178-179).

The fact that delinquency prevention programs can be categorized to this extent indicates that a wide variety of treatment has been applied to the problem. It must be noted that although termed ‘delinquency prevention’ programs what is listed here seems to incorporate both programs of prevention and programs of treatment to arrest its onset, after it has begun.

For ease of reference the remaining literature review will reflect three treatment options, namely: “alternatives to detention,” “treatment in detention” and “treatment after detention.” These three categories have been chosen because they furnish especially useful information about treatment that addresses what causes delinquency and ‘what works’ best to prepare juvenile delinquents for return to regular life in society.

### ***Alternatives to Detention***

Treatment of juvenile delinquency in the form of alternatives to detention has been employed for many years. A classic example of this in the British system was the Medway Close Support Unit (Ely 1987). The theoretical premise of this program was the notion that lax parenting styles allow youths to

drift into delinquency (Ely 1987). Unit officers selected prospects for the program during trial and invited them and their parents to the unit to discuss this alternative of placing the juvenile in this program instead of in detention. If the family was willing to exercise this option, unit officers did a further two week evaluation then set up a schedule of attendance after school or work, for the juvenile. During the evaluation parents would be informed of the ground rules, which included that curfews were to be imposed and that lateness and absence were strictly monitored. If this proved workable after trial the juvenile would then be attached to the unit for 90 days.

The trainee's regime was such that after attendance at the unit in the evening they were required to be home by 9:30 pm. Unit officers remained available on the telephone at the unit until 10:00pm. so that trainees could check-in when they got home. Parents were required to report if they did not. "Open evenings" were held in which parents were allowed to visit and trainees displayed their work.

The general approach of the unit was to provide parents with a model of parenting, premised on the belief that offending could be reduced by effective parental supervision (Ely 1987). Unit officers tried not to dictate to parents but instead elicited how parents thought that they could get children to comply with the regulations. For instance, curfew enforcement was left to the parents but unit officers would make spot checks and if collusion between parent and trainee was suspected when a trainee defaulted, unit officers confronted the parents. Yet, Ely (1987:75) emphasized that they avoided being "preachy" while insisting on honesty; they kept strong lines of communication with those parents throughout the trainees' stints. Ely (1987) reported that because supervisors respected trainee's families, those families in turn sought out unit officers for advice. One noteworthy finding of Ely's (1987) study of this program was that staying out of further trouble was related to working, changing leisure-time company and cooperating with parental supervision.

Similarly, in the USA the classic example of treatment alternative to detention could be found in Michigan's 1960s probation program, pioneered by Judge Leenhouts. Morris (1970) reports that this judge resented the idea of merely fining or jailing a misdemeanant, who might instead be helped with rehabilitative treatment. He solicited funding from businessmen and began working with volunteers to provide a probationary mentoring program for young offenders. The volunteers were usually married and had children. They were mostly retirees, former professionals including schoolteachers, social workers, psychology detainees and such like. Taking measures to secure the city hall these volunteers met with the probationers each Wednesday night between 7:00 to 10:00pm and held group therapy sessions. In time they developed a settled regime that involved: pre-sentence investigation, a report on it presented at court in the presence of the program administrator if probation was an option in sentencing, the judge's issuing of the probation order followed by allocation of a place for the offender with a professional probation officer and / or a volunteer sponsor. It is reported that Judge Leenhouts began with the simple idea of forging a one-to-one relationship between volunteers and misdemeanants to get them over their 'rough spots' until they matured enough to handle them on their own, according to Morris (1970). By the 1970s this volunteer probationary system had met with such success that it had been introduced to over 400 other juvenile courts, in almost every state, across the USA.

Zigler (1992) researched several early childhood intervention programs that have been used in the USA since the 1974 Juvenile Justice and Delinquency Act mandated the provision of alternatives to institutionalization of 'status offenders.' This author found that such programs have consistently shown lasting effects on socially competent behavior (Zigler 1992). These programs included the 'teaching family model' in which juveniles were placed in foster homes and parent-training programs designed to improve family management skills and to teach parents effective methods of discipline. Zigler (1992)

also listed a number of projects with noteworthy findings suggesting that they met with success, as follows :

- 1) A pre-school project for low income, black children which resulted in their parents being better socializers of children.
- 2) A university-based family and child conditioning program for the economically disadvantaged, which showed a number of positive outcomes, including a reduction in delinquent behavior.
- 3) A two year parent oriented intervention for children of school age with behavioral problems. Its major focus was on mother – child interaction but also involved entire families in weekend workshop sessions including fathers and siblings. Participant boys age four to seven were found to be less destructive, overactive and emotionally sensitive and negative attention – seeking than others.
- 4) A university nurse – home visitation program. This substantially reduced child abuse and neglect
- 5) A child health supervision program for teenage mothers in Washington D.C. This yielded among children under six, significantly less behavior problems of the type that would lead to chronic delinquency. (P.1000-1003).

The overall impression gained from this review of programs is that professionals working with delinquents have found it a productive strategy to be use early intervention programs that extended beyond working with individual delinquent or delinquent children, to working with their close relatives. As Zigler (1992) commented, parental involvement and education are parts of an overall system of early intervention programs, that worked to improve family functioning and in turn child functioning.

Anderson (1994) also reviewed several efforts at prevention, but focused on mentoring programs. She suggests that the mentoring programs are rooted in social learning theory because they focus on peer pressure, delinquent affiliates and social opportunities as influencing or inducing. She opines, in effect, that detention reinforces all the wrong factors by isolating juvenile offenders with others of similar bent, whereas mentoring by contrast could both weaken the links to delinquent behavior and reinforce socially desired behaviors. In summary, her evaluation of the mentoring programs shows that they effectively act as a buffer between the child and adverse environmental influences.

Some studies suggest that gender–specific interventions might be appropriate. According to Church et al. (2008), an Inter–University Consortium that studied 1,725 youths in the USA found that being male was the strongest predictor of delinquency and bore a strong relation to having connections

with delinquent peers. In this study it was recommended that working with parents to facilitate good role modeling in decision making might be one point of intervention when looking at young men at risk of delinquency (Church 2008).

Similar recommendations were made after a study of 1,702 juveniles from 1970-1974. The study focus was on predicting recidivism among juveniles. They were concerned with the possibility of improving parental performance in their own homes rather than foster homes, at much less risk to the child and less cost to society. The recommendation of Friday and Lorne-Stewart (1977) is that prevention of delinquency should be accomplished by improving the psycho-cultural and sociological environment in the homes of delinquents or those who run a high risk of becoming involved with delinquency.

Howell (2003) opines that this multimodal approach, in which the needs of children and parents are addressed simultaneously, is a key feature of some effective interventions. He also reports on a few effective delinquency prevention programs. For instance, he describes the mentoring program called Big Brothers, Big Sisters of America (BBBSA), as shown to be effective in preventing truancy, drug and alcohol use and some aggressive or violent behavior. Its affiliates oversee over 100,000 one-to-one relationships between a volunteer adult and a youth. The mentor meets at least three times a month for three to five hours with the youth and encourages the development of a caring relationship between them. Howell (2003) also catalogs an impressive list of school based programs. These have used social competence training to help detainees learn positive social behaviors and to improve social-cognitive processes, such as problem solving and anger management. One example that he describes as being effective in violence prevention among middle school detainees is "Responding in Peaceful and Positive Ways" (RIPP). For one semester, in 18 sessions, adults teach 6<sup>th</sup> grade detainees peer mediation, team building, small group work and role playing. They learn these strategies to be able to negotiate inter-personal conflicts non-violently. The results show that among girls involved in this program, violent

behavior did not decrease although they improved in problem solving. Among the boys however, violent behavior decreased. This showed in their decreased fighting, weapon carrying, threatening, suppressed anger, hitting of teachers and getting school suspensions. Another important example is the Law Related Education programs (LRE) which educates adolescents about the origins and roles of law in key social systems, such as the family, community and school, as well as the juvenile and criminal justice systems. These proved effective by improving academic performance as a means to the end of reducing delinquency.

The prominent contemporary challenge of school shootings in the USA is also discussed in the literature. Howell (2003) reported that the U.S. Secret Service undertook an evaluation of 87 school shootings involving 41 attackers, which showed that prevention could only be ensured by disarming youngsters, that is, eliminating their access to guns. In this regard, he opined that, the prospects are better for intervention with troubled detainees who are having difficulty coping with major losses or perceived failures, particularly when feelings of desperation and hopelessness are involved. In summary, he concluded that the interventions which will have greatest effects will likely be those that reduce risk factors that put children in most danger of developing delinquent or violent behavior and those that increase protection at the same time, the latter no doubt meaning protection of the public.

Hil and McMahon (2001) studied the programs of several countries in their analysis of family involvement that has been allowed in juvenile delinquency management schemes. They state that “the emergence of community control— an alliance of active citizens and state sponsored control agencies— has led to the greater integration of the family, school and neighborhood into the culture of crime control” (Hil and McMahon 2001:103). Within the review of their study of a program for young offenders and their families, they examine the ideals of “Tough Love International”, a self-help group called “Support for Neglected and Abused Parents” (SNAP) and a UK help line. Among these there is a

unique rationale for providing 'treatment' for parents as well as young offenders, that is, that the parents of young offenders are practically victims also (Hil and Mc Mahon 2001).

In this study it was found that contrary to general opinion many parents really worked at rearing law-abiding children but failed. Some of them reported a sense of isolation, defeat and frustration because juvenile treatment programs seemed to allot too much blame to them. Hil and Mc Mahon (2001) concluded that even programs that focused on improving the supervisory and caring skills of parents may be inadequate if they did not take into account their socio-economic status and just concluded that they were 'pariah' families. The reason given was that problems besetting families are not all of their own making. They opined that practical measures, to support parents' efforts to deal with their young offenders, should be implemented.

So far in this review of alternatives to detention the opinions of researchers from the USA, the UK and from several other countries have been cited. The views of other parties integral to the scheme of juvenile delinquency have also been tapped such as probationers, judges and corrections officers. Interesting findings from among these include that boot camp is viewed as more onerous than prison. Also, offenders with previous prison experience are more willing to go to prison than offenders without prison experience. Further, older offenders were less likely to agree to serve in alternative sanctions, particularly over a long period of time, than their younger counterparts (Moore et al. 2008). Similarly, according to Williams et al. (2008) study of 618 probationers and parolees in Kentucky, many offenders would prefer to serve out a prison term and be released with no strings attached rather than spend time in an alternative sanction under strict supervision and with a significant likelihood of revocation. Also researchers in Oregon found that 25% of those eligible would choose prison over probation. Likewise researchers in Texas found many offenders described prison as less punitive than as few as 3-5 years on probation. To them, prison was more attractive than the pressures of close supervision, which could

include, mandatory drug testing, community service, employment, counseling and frequent visits with a probation officer, according to Kimora (2008).

Considering all that has been so far discussed about alternatives to detention, it is reasonable to say that while their application met with considerable success for many years following their implementation, they have in more recent times had mixed reviews. Astbury (2008) emphasized that the reason for this is not inherent in the programs but in their mismanagement. In effect, he said that some of the best programs in the world supported by fantastic legislation, policies and procedures can fail because of ineffective staff practice and management of recruitment, training, supervision and turnover.

A review of the reviews of delinquency programs by Nation et al. (2003) identified certain features found to be related to effective delinquency prevention as follows:

- 1) Programs were comprehensive, included varied teaching methods, provided sufficient dosage, were theory driven and provided opportunities for positive relationships.
- 2) Programs matched target populations. They were appropriately timed and were socio-culturally relevant.
- 3) Program implementation and evaluation focused on outcome, evaluation and having involved well-trained staff. (P. 450).

This excerpt forms a part of what is now called the 'what works' literature in delinquency prevention because they highlight what features of delinquency treatment meet with success. Astbury (2008) echoes the view first listed here that having theory driven programs is a key to their success. He says that intervention should be based on a psychological theory of human behavior that is skills and problem – solving oriented and draws upon cognitive behavior and social learning methods.

Another listing of key characteristics related to successful programs mentioned by Nation et al. (2003) includes the provision of individualized attention, intervention in several domains of the child's life, early identification of and intervention in the development of problem behaviors, training in social skills, and engagement of peers and parents in the intervention. Astbury (2008) agrees with these when

he states that programs which are delivered in the community rather than residential settings are more effective because new skills learned can be immediately applied in real situations. Institutional programs can also be effective if they emphasize supporting community reintegration.

Kimora (2008) discusses a view that probation programs can be more credible and effective if it is demonstrated that probation is tough on crime. This view reportedly found support in the findings from a poll of judges on the subject of probation; they opined that probation officers should stress that probation can increase public safety and help probationers to become law-abiding citizens. In so doing judges opined that they should, among other things, “abandon permissive practices, incorporate graduated sanctions to deal with technical violations and encourage involvement of other agencies, organizations and interest groups in offender treatment ” (Kimora 2008:8).

A few more studies that met with success must be noted before leaving this section on alternatives to detention. One study employed family therapy treatment. It hypothesized that parental monitoring of peers would play a pivotal role in mediating the relationship between family functioning and adolescent problem behaviors. According to the results, while parental monitoring did not play such a role for marijuana use or sexual risk behaviors, it clearly did so for “externalizing”, that is disruptive and disobedient, behaviors (Bechtel et al. 2007: 65 and 81). A similar study conducted in Norway during 1999 and 2003 is said to have met with outstanding success. Parents, social workers and other adult volunteers acted as ‘night hawks’ for a while by frequenting teenagers’ haunts on Friday and Saturday nights. Surveys were used to evaluate the programs. The town in which the study was conducted, is reported to have experienced a remarkable reduction in adolescents’ use of alcohol and illegal drugs, according to Bratt (2008).

All of the foregoing documentation indicates that the international approach to juvenile delinquency treatment has fluctuated over the years because of varied policy and political approaches. Some suggests also that refining methods of program implementation is more appropriate than

occasional abandonment of program alternatives if they do not remedy delinquent tendencies. An appropriate note on which to conclude this section is therefore with the words of one researcher which seem to encapsulate this point. These words are that: "If alternative sanctions are equally effective (or ineffective) as incarceration in prison, in reducing recidivism, and are perceived by offenders as equally punitive and significantly less expensive than imprisonment, there seems good reason to expand their use" (Williams et al. 2008:87).

### ***Treatment in Detention***

Juvenile courts have been described as but one cog in the juvenile justice system, which should accordingly shoulder some of the responsibility for deterrence, rehabilitation, reintegration, incapacitation and punishment (Boyd 2008). Treatment in detention, perhaps more than any other sector of the system has evolved much over the years because of technological advancement, theoretical refinement and tremendous innovation of a wide range of professionals affiliated with the system.

Boswell (1996), recounting the evolution of the British juvenile delinquency management schemes, identifies the beginnings of detention of children in secure units of regular children's homes as the sort of program, which spawned the British juvenile detention center. She further shows how variations of this program, according to British legislative amendments eventually led to the more contemporary Young Offender Institutions.

Muncie (1984:172) summarizing the British juvenile detention scheme of that same era concluded that "the 1969 Children and Young Persons Act anticipated an end to the custodial system for juveniles and replacement by care and treatment in the community but this was never fully implemented although some 'diversionary or preventive' forms of 'treatment' have been made available to the courts."

Edward Murphy (1986) reports that in the USA in 1981 a study was conducted on a Boston detention scheme to determine whether a well managed juvenile system can indeed reform the young offender. It was funded by the Justice Department's office of Juvenile Justice and Delinquency Prevention (OJJDP) and called the Boston Offender Project (BOP). This initiative was a three-phase program of: 1) placement in a locked-secure treatment program, 2) planned transition to a halfway house and 3) gradual return to the home community. This program focused on increasing education levels and providing training programs that suit current trends in the job market, so as to increase the future job prospects of detainees. Some of the results presented by Murphy (1986) demonstrate successful rehabilitative outcomes, presented both in terms of former detainees attaining the capacity to fit the job market and of their avoiding reverting to delinquency. For example, Murphy (1986) reports that among former detainees: 79% found non-subsidized jobs, 75% continued in an educational program and only 33% were ever re-arrested.

As at the year 2000, the Office of Juvenile Justice and Delinquency Prevention updated its comprehensive strategy for preventing and controlling juvenile delinquency. It included prevention, early intervention and graduated sanctions in the community. This involved a continuum of services including immediate sanctions in the community for first time non-violent offenders, community based programs for serious offenders and repeat offenders, secure programs for the most serious, violent and chronic offenders and aftercare programs. This sort of policy has spawned a variety of initiatives and programs in different parts of the USA. Some focus on skill and literacy training, some on therapeutic interventions, anger management and re-entry programming. In this section delinquency treatment in detention in the US and other countries is considered, under these headings.

#### Skill and Literacy Training

Keeley (2006) focusing on outcomes after detention, studied 348 inmates of a Youth Forestry Camp in Pennsylvania to check the predictability of their returning to school after release. Placement at

this camp was usually for six months or less. Keeley (2006) was working from the premise of findings from two research studies, which had earlier indicated that because of less education, and credentials young offenders would find entry-level job competition more difficult and would likely earn lower wages. In Keeley's (2006) own study he found that 'overwhelmingly' former detainees at this camp who did not intend to return to school did not. About 76% followed their plans whether to return or not. Those below age 17 were more likely to return to school than older ones. From these findings Keeley (2006) concluded that most incarcerated juveniles will not earn secondary education before release and fewer will do so after release on account of factors including environment, family and schools. He further opined that for all practical purposes, correctional education is the last chance for young offenders to obtain secondary school credentials. He therefore casts detention itself in a more positive light than any other writer on the subject and attributes some but not especial significance to the role of the family in the education of juvenile offenders.

The study of an Oregon correctional facility by Michelle Inderbitzen (2006) also takes an evaluative approach to the detention scheme. The focal points of Inderbitzen's (2006) study included: what (such) institutions seek to teach, what inmates actually learn and whether training schools are still a viable response to juvenile delinquency. She used as a filter for these, the question of whether or how well such schools helped youths make the transition to adulthood by accepting responsibility for themselves, making independent decisions and becoming financially independent.

The research site was a state-run training school for juvenile delinquents aged 15 to 20. Inderbitzen (2006) found that the school intended to transmit basic life skills and conforming attitudes. In so doing much time was spent showing inmates how to do paperwork, fill applications, choose courses to study and plan finances in the form of managing their institutional 'checking accounts'. These boys, however, actually learnt how to survive among enemies by having to put aside gang vendettas to

live with rival roommates or just how to keep their mouths shut until they fit in rather than incur a “physical lesson” from seasoned inmates (Inderbitzen 2006:18). They also learned to be tougher and more criminally sophisticated as some actually spent a lot of time and energy thinking of how to be better criminals. On the positive side some actually learned how to conduct or maintain relationships with family and girlfriends. Inderbitzen’s (2006:22) conclusion is perhaps best illustrated by the surprising comment of one of her subjects that “prison gives you perspective.” For, somewhat like Keeley (2006), she concludes that training school offers young offenders a reprieve. It allows them to make bad choices without necessarily “throwing their lives away” (Inderbitzen 2006 : 24). It teaches them endurance and survival by patience. It allows them to think and plan for what they want to do after release and an opportunity to work towards it.

#### Intervention in Delinquency Using Therapy

Dembo et al. (2001) studied Family Empowerment Intervention (FEI), which is a systems-oriented program, funded by the National Institution on Drug Abuse. The regime for the subjects is well planned and recorded in an ‘implementation manual’ and an ‘activities manual.’ Field consultants work with subjects and their families through 13 therapeutic sessions and then hold graduation, using the last phase to prepare the young offenders and their families for separation from the program.

Some of the program’s goals include: restoring family hierarchy, restructuring boundaries, encouraging more parental responsibility, helping with implementation of rules and consequences, enhancing parenting skills, and having parents set limits and expectations likely to improve the juveniles’ behavior. From their study, Dembo.et al.(2001) have been able to conclude that family interventions delivered to at-risk youths early in their contact with the justice system is especially well suited to addressing their needs holistically. They researched the perceptions of juveniles held in correction settings, about their likelihood of success on release. It was premised on the belief that youth correction

staff known as juvenile care workers are important and powerful models who most effectively encourage change when they have positive connections with youth in an environment of respect and safety. The researchers identified mentoring as one type of relationship-based intervention which fosters positive youth development. Based on the results of this study the researchers concluded that relationships between youth and staff in secure settings, form “a critical vehicle by which rehabilitation can be encouraged” Dembo et al. (2001: 18).

Another study which demonstrates innovative structuring of the juvenile detention scheme was done in Egypt. In this study of “street children”, careful definitions of the term were provided, as used there by law, by NGOs and in common speech. According to the NGOs there “street children are those male or female younger than 18 who spend a large proportion of their time on the street, who have minimal or no contact with their families and who because of minimal adult supervision are more vulnerable to a variety of hazardous conditions” (Anmar 2008:3). These children are part of a detention scheme, in which juveniles are imprisoned in four specialized custodial institutions, that demonstrate strong commitment to finding what works for juveniles’ particular needs. According to Anmar (2008) these facilities are:

- 1) Social Investigation centers – which attend to youth in their social environment and have pre-adjudicated roles to compile reports for judges.
- 2) Observation homes -which house juveniles who are placed in custody by the courts at the pre-trial stage and who are under investigation.
- 3) Guest homes - which house juveniles whom courts place in custody for engaging in offences categorized as “vulnerable to danger”, for example, sleeping on the streets and skipping school. These latter clearly fit the definition of street children. It is reported that some of these children run away from home and request to go to guest homes.
- 4) Social Observation Centers – which are the typical juvenile detention centers housing state sentenced children. (P.9).

This study definitely suggests that there has been development or progress in the treatment of juvenile delinquents in Egypt. Despite this structure however, Anmar (2008) reports that the juvenile delinquency scheme is still roundly criticized there as inadequate treatment for the existing needs.

Some researchers express the view that to keep up with the evolving needs of juvenile delinquency management is a mammoth task, which critics too often fail to appreciate. Trulson (2007:29) stated that “oftentimes unrealistic expectations are placed on correctional systems to change a lifetime of behavior in a year or less and also to make sure that the changes hold once a youth returns to the same environment that produced them.” However he also opined, on a more optimistic note that if the factors related to misconduct can be identified intervention may be able to attack some of those causes.

### Anger Management

Treatment in detention that involves training in anger management is reported in the literature to be the most common feature of Canadian delinquency programming. This is usually in the form of a 50 hour program called Anger and Emotion Management (AEM). A study of 256 violent male offenders was conducted in Canada using three modules that incorporated AEM and facets of skill and literacy training, as discussed earlier. According to Serin et al. (2009) the modules were:

- 1) Motivational – aiming to increase participants’ commitment to the program.
- 2) Problem Definition – Offenders investigated the environmental and interpersonal risk factors specific to their violent offending.
- 3) Skills acquisition – offenders learned skills to help them address identified weaknesses and appropriately complete each step of the social information processing model, including cognitive restructuring, problem solving, empathy and arousal management. (P.59).

The study results showed that AEM does meet with some success. While no difference was seen between low – risk offenders having AEM and others, the high risk offenders who had AEM showed lower rates of violent and nonviolent recidivism, compared with their untreated counterparts.

Anger management also met with mixed reviews from a university study in Sweden. Holmqvist et al. (2009) conducted a study involving 57 adolescents of four residential treatment units. The program of treatment was called aggression replacement training (ART). This is a manual-based treatment program aimed at decreasing relapse into violent behavior. Its three parts—social

competence training, moral education and aggression control were taught in twice-a-week sessions, employing guided instructions, as well as role playing.

The principal finding was that as regards prevention of recidivism or relapse into violent delinquency, ART was not necessarily more effective than training in relationship management. This extensive 'review-of-reviews' study reports similar findings where ART was applied elsewhere. For instance Holmqvist et al. (2009) reported study findings that:

- 1) runaways from a shelter were less antisocial after doing ART than if they did not.
- 2) After ART, young persons showed better self control than other adolescents.
- 3) Washington D.C. juvenile court services (2002) found ART effective in reducing recidivism, as regards the general offence but not so effective in reducing felonies and not effective at all in reducing violence. (P.75).

In this study conducted by Holmqvist et al. (2009) there were two very telling interview responses that highlight the contrasting results ART produced. They quote one offender as having said:

They don't try to teach me anything. Well this what's its name ART...it doesn't function. Last time we role played. Are you nuts? You say to somebody. And you have to control yourself...It doesn't help. They say that you should breathe deeply. I'm seldom angry but when I'm angry it doesn't help. I go (to) the gym. That's useful. (P. 87).

By contrast another offender quoted by Holmqvist et al. (2009:86) said : "Anger control, that was the only thing that worked. You learn something useful. You learn to keep away from others, to show that you are peaceful." So the first offender exhibited a completely negative response to anger management training while the second one really praised it. The overall picture from this review of anger management training is that although it does not suit every case, it works, but it works better with some violent persons than with others.

### Re-Entry Programming

Blackburn et al. (2007) reporting on a study of gender differences in violent offending and their risk of recidivism comment on re – entry programming as follows: "Re-entry programs will only serve to enhance the treatment obtained in the juvenile justice system and further increase juveniles' chances for success once they return to their families and communities." This has been exemplified by

the pre-release facet of treatment described as used, in a California prison. There, inmates in the treatment yards are completely separated from the general prison population. The treatment lasts as long as 18 months and has three phases. These are orientation, primary treatment and pre-release transitioning. Up to 30 hours a week of activities focused on offender's training needs. Aftercare is encouraged but not mandatory.

Programs of this nature promote recognition that return to society can be very challenging. The world progresses on the outside and during detention access to that progress is restricted. Gideon (2009) documents how especially for recovering drug addicts the experience of returning to regular society can be compared to that of immigrants that have just arrived in a foreign land. Learning even the simplest routines can cause them confusion and high levels of stress. Small wonder then that in his study of 39 recovering addicts in a prison based therapeutic community Gideon (2009) found that more than 60% advocated post-release supervision. This finding suggests that the preparation for return to society and the follow-up after discharge work well together for realignment with society.

Re-entry programming has, like some other facets of treatment earlier discussed met with mixed results but general success. White et. al. (2008) illustrate this in their study of re-entry services, piloted by the New York City Department of Corrections, at the Rikers Island prison. The program called Rikers Island Discharge Enhancement (RIDE) provides a continuum of care during its re-entry process by linking detainees with appropriate health and human service organizations. The program begins during detention and ends with 90 days of post release services. When individuals are released, they have existing relationships with case managers who are already at work on their service needs. These researchers also report on findings in studies similar to theirs. Some results showed program participants did significantly worse at re-offending than non-participants. Others showed significant declines in recidivism. As regards RIDE alone the findings showed that participants fared no better than non-participants as regards their rate of return to detention. They, however, also showed that those

who participated both in RIDE and in the 90 days of post-release services, fared better than those who had neither treatment.

Electronic Monitoring is a feature of treatment that has been applied at all stages of what White (2008:2) terms “the continuum of care.” According to Burrell and Gable (2008), electronic monitoring was pioneered by Harvard University researchers in the 1960s. Among them was Ralph Switzgebel, who was reportedly inspired by the famous film called ‘West Side Story’ because he felt that if the hero had received help or warning his life could have been saved. It was not well received initially and took some 20 years to get judicial acceptance. Even then it was only allowed where the delinquent volunteered to work with it. Burrell and Gable (2008) opine that if electronic monitoring is used in conjunction with interventions, the goal of ensuring long term public safety would be achieved. The notion of shackling and its negative connotations of impinging on fundamental human rights, no doubt, appropriately influenced the continuing caution with which this methodology is viewed.

The foregoing findings have led several researchers to conclude that a combination of treatments works best (Serin 2008; Holmqvist 2009; Zhang et al. 2009; White et al. 2008). The opinion of Zhang et al. (2009) is that treatment effects are best reinforced through aftercare services. In support Zhang et al. (2009) cite a few programs that have succeeded using a combination of treatments like the “Stay ‘n Out Program” in New York, the key CREST program in Delaware and the Amity Program in South California. Holmqvist (2009) is careful to note that the adolescent’s view of how the treatment fits his or her perception of the problems is important.

### ***Treatment After Detention***

Research studies present two sides of the coin in terms of findings that validate research opinion about after care or treatment after detention. On the one hand there is the view that “rehabilitative services, without a plan for prevention, merely ensure the reproduction of a victimized and victimizing cohort of juvenile offenders” (Anmar 2008:10). On the other hand some writings suggest

that after-care is not effective unless it is built on a good foundation of rehabilitative care while in detention. In other words, from two opposite perspectives they present a picture that after care and rehabilitative treatment in detention are interdependent. A little bit of ambiguity plagues the issue, however, because the expression 're-entry programming' has been used to mean both pre-release training and follow-up monitoring after detention (Kimora 2008; Williams et al. 2008).

Kimora (2008) reports that re-entry programs have increased in recent years. Studies about re-entry programming tend to revolve around the issue of recidivism. Such studies evaluate the programming using recidivism as the primary outcome measure or indicator of program defectiveness (Friday and Lorne-Stewart 1977; Kimora 2008). The logic behind this seems to be that if you cannot adapt well to society after release from detention you are very likely to suffer a relapse and to offend again. Writers who are less optimistic about increased re-entry programming, express the view that it should be taken a step further to the implementation of "re-entry courts" to be truly effective.

Anmar (2008), records that in Egypt there is an apparatus of follow-up observations or follow-up care that tracks youths after their release from detention, but criticized the system for having an overload that causes many young offenders to be left out from its benefits. Apart from this problem of overload, where there is a large population, the challenges of re-adjustment to society are complex, and few authors have grasped this as well as Shinkfield and Graffan (2009). They explain that the variables relevant to reintegration fall within the domains of intrapersonal conditions, subsistence conditions and support conditions. In the first case former detainees have challenges with physical and psychological health, substance use, education and skill levels and emotional state. In the second, they have finance, employment and housing challenges. In the third case they have challenges with their own social support, with formal support services and criminal justice support. Especially as regards finance they tend to have debts. Then employers are not often willing to employ ex-prisoners, they may lack basic skills and qualifications, have a poor work history and may not have good job contacts.

Gideon (2009) expresses the view that former detainees experience disorientation upon release from detention and hints that this experience emphasizes their need for aftercare. He says that learning even the simplest routines for recovered addicts can cause bewilderment and confusion resulting in high stress. He concludes that since stress is magnified during the early stages of re-entry, having supervision and support is essential to maintaining the momentum gained by the program received while in detention. Gideon (2009) expresses the view that there can be successful reintegration to society if there is a seamless system or continuum of care from detention to aftercare. Gideon's (2009) views are supported by comments had from his research participants who were recovering addicts from a prison based therapeutic community. The participants were so well in favor of follow-up care that they suggested that detainees' release should be made conditional upon their participation in such a continuum of treatment and supervision, starting during detention and concluding with after care. Sixty percent of these participants advocated post-release supervision.

White et al. (2008) attribute the increasing of the US jail population during the 1980s and the 1990s to recidivism. Recognizing the complicated nature of implementing transition programming because of the limited actual jail time and mixed offense history of detainees, White et al. (2008) also recommend mentoring. They studied a unique re-entry services program that incorporated mentoring into aftercare. In this program youth at risk were mentored by paid professional, transitional staff, White et al. (2008) projected that this would be effective, especially for serious juvenile offenders.

Zhang et al.(2009) also note that issues like re-entry difficulties and lack of motivation to participate in after care services operate as confounding actors on the rehabilitation of some persons. Noting that those who are encouraged and supported by close families and friends, are more likely to participate, this author also concludes that aftercare is important in reinforcing detention treatment effects.



## CHAPTER THREE

### THE JUVENILE JUSTICE SCHEME IN GUYANA

#### PROBLEM STATEMENT

In Guyana both punitive and rehabilitative treatment of young or minor offenders following the determination of their delinquency or following their conviction for an offence, is said to take place at the New Opportunity Corps (NOC). While detained there the apparent objectives of punishing their wrongdoing and protecting society from them for awhile would seem to be satisfied because their freedom of movement is temporarily restricted and they are detained in a facility separate from the rest of society. As regards rehabilitating them however, it cannot be so readily determined whether or not this purpose is being satisfied. In order to verify whether the purpose of rehabilitation is being achieved in Guyana the problem to be studied was conceptualized in terms of three questions as follows:

- 1) What factors lead young people into juvenile delinquency?
- 2) Do the experiences of juvenile delinquents substantiate theories which indicate that other members of society and certain circumstances of social life contribute to their becoming delinquent.
- 3) Does current juvenile delinquency programming ensure and / or verify that detainees are likely to be rehabilitated in preparation for return to society.

The study of juvenile delinquents which is the subject of this dissertation was a research project which sought to answer these questions in order to recommend appropriate solutions to the problem of juvenile delinquency. The juvenile delinquency program which was researched is next described.

#### JUVENILE DELINQUENCY MANAGEMENT IN GUYANA

In Guyana all persons under the age of 18 are legally considered to be children. If they act contrary to the law they are called juvenile delinquents. The justice system which governs their behavior includes Parliament, the Courts, the Police, the Probation and Welfare Service, prisons and the Government Ministries which supervise institutions where juvenile delinquents may be detained. Parliament frames the laws for juvenile delinquents. The Police investigate their conduct with the help of the Probation and Welfare Service. When the Police and Probation officers determine that children have acted contrary to the law, they present them to the Courts for legal decisions to be made about their case management. While being processed through the Courts juveniles may be detained at Police stations or, in the more violent cases, at the Timehri Remand Center (TRC). Following this, if it is found that their cases warrant sentencing of some sort, juveniles are then detained at the New Opportunity Corps (NOC). This facility, being the lone detention center in Guyana, houses both boys and girls.

### ***Program Description***

#### Legislative Provisions

Guyana is a former British colony and consequently its legislation has long been influenced by that of the United Kingdom. The evolution and prevailing status of the legislation pertaining to Juvenile delinquency in Guyana is also strongly reflective of English legislation. The Laws of Guyana as derived from the British were first consolidated into a series of bound volumes, during the 1950s. Prior to this there were Ordinances which governed juvenile delinquents, providing for the boys to be housed at the “Essequibo Boys School” and the girls at the ‘Belfield Girls School’. These Ordinances were replaced at the time of this consolidation by the Juvenile Offenders Act (JOA) and the Training Schools’ Act (TSA), as a result of which both boys and girls came to be housed at NOC, which is the site of the former ‘Essequibo Boys School.’ Except for the amendments that repealed and replaced those Ordinance names and upgraded fines from time to time, as at 2007, there had been no legislative amendments.

The Juvenile Offenders Act (JOA) is Chapter 10:03 of the Laws of Guyana. The Training Schools' Act (TSA) is Chapter 11:06 of the Laws of Guyana. Both statutes give detailed guidelines for the responsible Minister of Government to make regulations that ensure there is compliance with the legislation. It should be noted that while prisons come under the control of the Ministry of Home Affairs, training schools come under the direction of the Ministry of Culture, Youth and Sport. This means that while juveniles are on trial or on remand they are under the control of the former and mainly governed by the JOA. After induction at NOC they come under the control of the latter and are mainly governed by the TSA.

The Juvenile Offenders' Act (JOA) is the statute that serves as the practical handbook for Courts which are handling matters involving juveniles. The Training Schools' Act (TSA) is the statute that serves more as the practical handbook for the treatment of juveniles who are already in detention at NOC, which is legally designated a training school. So these two statutes overlap and need to be read together to have a proper understanding of the entire scheme of the legislation.

There are certain features of this legislation that are common to both statutes. They indicate that the framers of the Guyanese legislation maintained a special solicitude for the welfare of minors, as did those who framed the legislation in the UK and USA from which ours was derived. For instance, they wanted to keep children off the streets where they could be inveigled into crime. If they did offend they wanted less stringent penalties that are usually applicable to civil rather than criminal liability for adults to be applied. They wanted detention to be the last resort for handling delinquent children. They wanted young offenders while being processed through courts to be sheltered from further crime-fostering influences. As far as possible they wanted the parents of juveniles to be present while courts dealt with them and to be responsible for any financial penalties they incurred, especially if their lax parenthood left children vulnerable to law breaking influences. Finally, they wanted to ensure that if it

became necessary to detain them, then detention funding and detention activities would promote their general well being. Statutory details that illustrate these intentions follow.

### *Prevention of Street Child Culture*

Those parts of the JOA section 17 which are relevant to the issue of prevention of 'street child' culture read as follows:

**17. (1)** Any person may bring before a juvenile court any person apparently under the age of seventeen years who—

- (a) is found begging or receiving alms ( whether or not there is any pretence of singing, playing, performing, offering, offering anything for sale or otherwise), or being in any street, premises, or place for the purpose of so begging or receiving alms; or
- (b) is found wandering and not having any home or settled place of abode, or visible means of subsistence, or is found wandering and having no parent or guardian, or a parent or guardian who does not exercise proper guardianship, or is in need of care and protection; or
- (c) is found destitute, not being an orphan and having both parents or his surviving parent, or in the case of an illegitimate child his mother, undergoing imprisonment; or
- (d) is under the care of a parent or guardian who, by reason of criminal or drunken habits is unfit to have the care of the child...

and the court before which a person is brought as coming within one of those descriptions, if satisfied on inquiry of that fact, may order the child to be taken out of the custody, charge, or care of any person, and to be committed to the care of a relative of the child or some other fit person or institution named by the court (such relative or other person or institution being willing to undertake such care), until the child attains the age of sixteen years, or for any shorter period...(P.10).

By interpretation therefore under the JOA section 17 children of certain categories can be deemed to be at risk for becoming "street-children" who are either homeless or who frequent the streets much like if they are homeless. These include children found begging or destitute or wandering, in danger of prostitution or whose parents have been incarcerated. Such children may be taken by anyone before the Magistrate's courts having jurisdiction over juveniles for these courts to determine whether they should be placed in the custody of some institution like a detention center or some person other than their natural parents for awhile.

The TSA section 11 is similar. The pertinent parts of the section read as follows:

**11.** (1) Anyone may bring before a magistrate any person apparently under the age of seventeen years who comes within any of the following descriptions:

- (a) who is found begging, or receiving alms (whether actually or under the pretext of selling or offering for sale anything), or who is in any street or public place for the purpose of so begging or receiving alms; or
- (b) who is found wandering and not having any home or settled place of abode, or proper guardianship, or visible means of subsistence; or
- (c) who, either being an orphan or having a surviving parent who is undergoing imprisonment, is found destitute...

(2) The magistrate before whom such a person is brought as coming within one of those descriptions, if from the evidence he is satisfied of that fact, shall order an inquiry to be made into the history and circumstances of such person, and if it is expedient to deal with such person under this Act, may order such person to be sent to a school...(P.7).

Under this TSA section 11 persons who may be sent to “a school” are identified as individuals under the age of 17, found begging, wandering, orphaned, destitute, without visible means of subsistence or frequenting the company of reputed thieves. The interpretation that this “school” refers to a training school, such as NOC, in which juveniles would need to live for awhile comes from the short title of the statute “Training Schools’ Act” among other things. These sections from the JOA and the TSA together demonstrate that the law intended to prevent the harboring of school age children around the streets where they could be susceptible to learning crime.

#### *Less Stringent Penalties for Minors*

Two sections of the TSA address the cases of persons under age 17 who may be found guilty of general offences punishable by imprisonment for adults or offences under the more serious High Court criminal jurisdiction, also punishable by imprisonment if committed by adults. Sections 10 and 16 of the TSA read as follows:

**10.** Where a person apparently under the age of seventeen years is found guilty of an offence punishable in the case of an adult by imprisonment, the court may order that such person be sent to a school and to

be there detained in the case where the person is over sixteen years until he attains the age of eighteen years and in other cases for a period not less than two years and not more than three years...(P.6).

**16.** Where any person who, in the judgment of the court, is under the age of seventeen years is found guilty of an offence punishable with imprisonment before the High Court in its criminal jurisdiction, the Court, instead of awarding a sentence of imprisonment, may order him to be sent to a school, and to be there detained in the case where the person is over sixteen years until he attains the age of eighteen years and in other cases for a period of not less than two years and not more than three...(P.8).

The combined effect of these sections 10 and 16 of the TSA is that young offenders may by law be detained in a training school for two to three years but not beyond whenever they attain the age of 18. . It must be noted that the place provided for the imposition of the penalty time is a training school, as distinct from a prison to which adults are sent. So the penalties that attach to offenders of this age are of limited duration, at a specially designated location provided for minors and apply only for as long as they remain minors.

The JOA has a few more sections than the TSA that highlight the distinction between the less stringent penalties provided for juvenile offenders as against the more stringent penalties provided for adults. First of all section 13 of the JOA states that “No child or young person shall be sentenced to imprisonment.” This absolute exclusion of minors from imprisonment extends to all situations in which guilt of an offence is found and some penalty is warranted; penalties alternative to imprisonment are provided. The JOA section 19 is another example of this. It reads as follows:

**19.** Where a child or young person charged with any offence is tried by any court, and the court is satisfied of his guilt, the court shall not record a conviction against him, and may make one or more of the following orders, not inconsistent with each other, subject to such conditions as the court may deem necessary to ensure compliance with the order or orders made—

- (a) dismissing the charge; or
- (b) discharging the offender on his entering into a recognizance; or
- (c) discharging the offender to the care of a relative or other fit person or of an institution named by the court; or
- (e) sending the offender to a training school within the meaning of the Training Schools Act; or

(f) in special cases where having regard to the nature of the offence and to the character and antecedents of the offender the court may consider it necessary, order the offender to be whipped; or...

(i) ordering the parent or guardian of the offender to give security for his good behavior; or

(j) committing the offender to custody in a place of detention provided under this Act...(P.12).

The foregoing quotation indicates that the JOA by section 19 gives trial courts much latitude with the general penalties to impose on young offenders. Courts may commit them into the care of relatives or other fit persons, place them in training school or designated detention centers, dismiss their charges, place them on bail, under supervision of a Probation Officer or have them do community service which is provided for under the Extra Mural Work Act. Once again the distinction between imprisonment to which penalty adults are liable and this detention to which penalty juveniles are liable can be seen.

A few other sections of the JOA are relevant to this issue of minors incurring less stringent penalties than adults for similar offences. In particular, if the offences are not homicide offences, under section 10 of the JOA, trial courts having found a case made out against a young offender may place them on bail or on a bond of good behavior for up to three years, without actually recording a conviction against them but applying conditions for their supervision by some specific person in the mean time. The precise wording of this section is as follows:

**10. (1)** Where a child or young person is charged with any offence other than homicide and the court is satisfied that the charge is proved, the court may make an order discharging the offender conditionally on his entering into a recognizance with or without sureties, to be of good behavior and to appear for sentence when called upon at any time during such period, not exceeding three years, as may be specified in the order. A recognizance entered into under this section shall, if the court so order, contain a condition that the offender be under the supervision of such person as may be named in the order during the period specified in the order and such other conditions for securing such supervision as may be specified in the order, and an order requiring the insertion of such conditions as aforesaid in the recognizance is in this Act referred to as a probation order...(P.8).

So these terms "conviction" and "imprisonment" are in the scheme of this legislation entirely inapplicable to minors. These terms are applied only to adults. Even when actually proceeding to impose

some detention on a juvenile, under section 9 of the JOA, courts are enjoined to consider the best interests of the child “by first getting information on their home, school and medical history” even if ordering a medical exam is necessary, before giving their decisions.

Similar exclusion of minors from the harsh penalties reserved for adults can be seen in cases that are, by contrast, just as serious as homicide also. Section 15 of the JOA states that:

**15.** Notwithstanding anything in this Act to the contrary, where a child or young person is found guilty, or enters a plea of guilty to a charge, of an attempt to murder, or of manslaughter, or of wounding with intent to cause grievous bodily harm, the court may sentence the offender to be detained for such period as may be specified in the sentence; and where such a sentence is passed the child or young person shall, during that period, notwithstanding anything in the other provisions of this Act, be liable to be detained in such place and on such conditions as the Minister may direct, and whilst so detained shall be deemed to be in legal custody. (P.9).

This section of the JOA provides for detention of juvenile delinquents in a place designated by the responsible Minister, for such serious offences: namely Attempting Murder, Manslaughter and Unlawful Wounding. Another section of the JOA goes even further to encompass both civil and criminal offences, the former of which would ordinarily attract less stringent penalties than the latter for adults and to provide that juveniles be subject to less stringent penalties in either case. Section 16 of the JOA provides that:

**16.** Where a child or young person is found guilty, or enters a plea of guilty to a charge, of an offence punishable, in the case of an adult, with imprisonment, or would, if he were an adult, be liable to be imprisoned in default of payment of any fine, damage, or costs, and the court considers that none of the other methods in which the case may be legally be dealt with is suitable, the court may order that he be committed to custody in a school for young offenders for a period not exceeding one year. (P. 9).

By interpretation this means that these offences, both criminal and civil, other than the really serious ones which when committed by adults would attract imprisonment or fines, damages and costs respectively, if admitted of or proven against juveniles merely warrant their being placed in a “school for young offenders.” Juveniles will neither be recorded as having had convictions for them nor as being

imprisoned for them. So a young offender is never at risk of incurring the stringent penalties usually imposed on adults.

### *Sheltering Juveniles from Adult / Negative Influence*

This issue of the risk of negative adult influence is addressed directly in the JOA. According to section 4 of the JOA:

**4. (1)** A court when hearing charges against children or young persons shall, unless the child or young person is charged jointly with any other person not being a child or young person, sit either in a different building or room from that in which the ordinary sittings of the court are held, or on different days or at different times from those at which the ordinary sittings are held and a court so sitting is in this Act referred to as a juvenile court...

(3) Provision shall be made for preventing persons apparently under the age of seventeen years whilst being conveyed to or from court, or whilst waiting before or after their attendance in court, from association with adults charged with or convicted of any offence other than an offence with which the person apparently under the age of seventeen years is jointly charged or convicted. (P.4).

At the core of this section is the notion that juveniles are generally to be kept separate from adults who can have a negative influence on them that could foster criminal behavior. This can be seen particularly in the provision that juveniles' trials are to be held in places other than those in which adults are being tried, unless they are jointly charged with those adults. While trials pertaining to children are being entertained the courts hearing them are to be called juvenile courts, for the time being. These are not specialized juvenile courts. Any courts before which juveniles are brought for trial will be deemed juvenile courts and required to treat juveniles as set out in this legislation. The section goes on to state expressly that while being conveyed to and from trial juveniles should be kept separate from adults.

Supplementary to this, by section 7 of the JOA the Commissioner of Police has the duty "...to make arrangements for preventing, so far as practicable, a child or young person while being detained, from associating with an adult, other than a relative, charged with an offence." This serves to ensure that juvenile delinquents do not get to interact with adults who have been implicated in some crime

while the juveniles are in legal custody. All of this buffering or shielding of juveniles from negative adult influence is not done without the recognition that some juveniles can themselves be quite dangerous and to this extent should probably be treated as adults. Sections 6 and 8 of the JOA may illustrate as follows:

**6.** Where a person apparently under the age of seventeen years having been apprehended is not so released as aforesaid, the officer or non-commissioned officer of police to whom such person is brought shall cause him to be detained in a place of detention provided under this Act until he can be brought before a court unless the officer certifies—

...(b) that he is of so unruly or depraved a character that he cannot be safely so detained...

and the certificate shall be produced to the court before which the person is brought. (P.5).

**8.** (1) A court on remanding or committing for trial a child or young person who is not released on bail, shall, instead of committing him to prison, commit him to custody in a place of detention provided under this Act and named in the commitment, to be there detained for the period for which he is remanded or until he is thence delivered in due course of law:

Provided that in the case of a young person it shall not be obligatory on the court so to commit him if the court certifies that he is of so unruly a character that he cannot be safely so committed, or that he is of so depraved a character that he is not a fit person to be so detained. (P.6).

Therefore according to sections 6 and 8 of the JOA if however, certain juveniles of two age brackets are especially unruly and it would be unsafe to keep them among their peer group, then these juveniles are excepted from this shield from interaction with adults who are being processed through the courts.

#### *Guaranteeing Privacy of Juvenile Delinquents*

Section 4 of the JOA also specifies that:

**4.** (4) In a juvenile court no person other than the members and officers of the court and the parties to the case, their solicitors and counsel, and other persons directly concerned in the case, shall, by leave of the court, be allowed to attend:

Provided that —

(a) *bona fide* representatives of a newspaper or news agency shall not be excluded, except by special order of the court;

- (b) no person shall publish the name, address, school, photograph, or anything likely to lead to the identification of the child or young person before the juvenile court, save with the permission of the court or in so far as required by this Act. Any person who acts in contravention of this paragraph of this proviso shall be liable to a fine...(P.4).

All this means that persons other than court officers and parties concerned with each particular juvenile case are not to be allowed to attend. Further, although representatives of the News Media may attend juvenile trials according to this section, they are expressly directed not to publish information likely to reveal the identity of the juveniles involved. In default of this they become liable to pay fines. This section therefore makes careful provision for maintaining the privacy of juveniles and for keeping them separate from the influence of adults who are being processed through the courts at any time.

#### *Reserving Detention as Last Resort for Minors*

There is a demonstrated reluctance to ever have minors locked up at all. The Juvenile Offenders' Act (JOA) section 3 reads: "It shall be conclusively presumed that no child under the age of ten years can be guilty of an offence." This makes verification of the age of children suspected of committing offences a must. It signals to the court that the law considers children under ten to be incapable of committing crimes. This section directs the courts not to even consider hearing any evidence about any child of such tender age.

As mentioned earlier in this part of the chapter the JOA prevents imprisonment for children or young persons, by stating that "No child or young person shall be sentenced to imprisonment," according to section 13. As stipulated in the definitions with which the JOA is introduced "children" are aged 10-14 and "young persons" are aged 14-17 (JOA 1931 : 4). Section 14 of the JOA however allows that "Where a juvenile is found guilty of an offence under any law, the court shall not proceed to a conviction, but may deal with the offender in accordance with this Act." The combined effect of these

sections is to distinguish jail or prison which is reserved for adults from detention which is permissible for children of certain ages.

Direct provision is made to reserve detention of minors as a last resort by the wording of section 5 of the JOA which states as follows:

**5.** Where a person apparently under the age of seventeen years is apprehended with or without warrant and cannot be brought forthwith before a court, the officer or non-commissioned officer of police to whom such person is brought shall inquire into the case, and may in any case, and

(a) unless the charge is one of homicide or other grave crime; or

(b) unless it is necessary in the interest of such person to remove him from the association with any undesirable person; or

(c) unless the officer has reason to believe that the release of such person would defeat the ends of justice,

shall release such person on a recognizance...for such amount as will, in the opinion of the officer, secure the attendance of such person...(P.5).

According to these stipulations juveniles will generally be released on bail during the course of their trial, unless special circumstances dictate otherwise. Detention of juveniles pending trial only happens when the crime for which the juvenile is to be tried is a serious offence like homicide, or if releasing the juvenile on bail would defeat the “ends of justice” or if it is necessary in the interest of the juvenile to keep them out of the company of any undesirable person. Clearly, this legislation recognizes the juvenile to be at risk of further persuasion into law-breaking if left to the company of negative influences. It however also recognizes the society to be at risk of more trouble from juveniles if their case management is not properly handled.

#### *Ensuring Parents Shoulder Responsibility*

Both the JOA and the TSA make detailed provision for parents to bear much of the responsibility when their children act contrary to the law. There is for instance section 12 of the JOA which reads as follows:

12. (1) Where a child or young person is charged before any court with any offence for the commission of which a fine, damages or costs may be imposed, and the court is of opinion that the case would be best met by the imposition of a fine, damages, or costs, whether with or without any other punishment, the court shall order that the fine, or the damages or costs awarded, be paid by the parent or guardian of the child or young person instead of by the child or young person, unless the court is satisfied that the parent or guardian cannot be found or that he has not conducted to the commission of the offence by neglecting to exercise due care of the child or young person.

(2) Where a child or young person is charged with any offence, the court may order his parent or guardian to give security for his good behavior.

(3) Where a court thinks that a charge against a child or young person is proved, the court may make an order on the parent or guardian under this section for the payment of damages or costs or requiring him to give security for good behavior, without proceeding to the conviction of the child or young person.

(4) An order under this section may be made against a parent or guardian who, having been required to attend, has failed to do so, but, save as aforesaid, no such order shall be made without giving the parent or guardian an opportunity of being heard.

(5) Any sums imposed and ordered to be paid by a parent or guardian under this section, or on forfeiture of any such security as aforesaid, may be recovered from him by distress or imprisonment in like manner as if the order had been made on the conviction of the parent or guardian of the offence with which the child or young person was charged...(P.8).

By this JOA section different kinds of liability attach to parents of juvenile delinquents, as a consequence of their children's misconduct. If the offence attracts fines or damages the parent or guardian is required to pay unless they cannot be found or the court is satisfied that their neglect of the child "did not conduce the offence." If they fail to attend their child's trial when required parents or guardians may have Court Orders imposed on them. They may have to give security for their child's good behavior when placed on a bond, even before conviction or to pay damages and costs when charges against them are proved. Should parents or guardians default in any regard the full measures of legal recourse are allowed against them such as forfeiture of surety lodged, distress against their property and imprisonment as though they had in fact been convicted.

The relevant sections of the TSA to this issue of parental responsibility focus mainly on financial support or maintenance of the juvenile while in detention. Pertinent parts of sections 26 and 27 of the TSA are as follows:

**26.** When a person is detained in a school, the father of the person shall, if able to do so, contribute to the maintenance and training of the person in the school a sum not exceeding...or where the father is able to pay a part only of that sum, then the mother, the guardian, everyone bound by law to contribute to the support of the person, and every male cohabiting with the mother of the person, shall, if able to do so, be bound...to contribute that sum...which the father cannot pay.(P.11).

**27.** (1) (a) On the complaint of a superintendent of police, or of the headmaster, or of a police officer or constable authorized thereto by the headmaster, at any time during the detention of a person in the school, a magistrate, on summons to anyone liable under the last preceding section to contribute to the maintenance of the person in the school, may examine into the defendant's ability to maintain the person, and may if he thinks fit to make an order on the defendant for the payment to the headmaster or his agent of such weekly sum...as to him seems reasonable, during the whole or any part of the time for which the person is liable to be detained in the school.(P.12).

In summary when juveniles have already been placed in detention at NOC by virtue of sections 26 and 27 of TSA the parents of the detainees are allowed to make payments to the training school's principal for their children, which once agreed upon are enforceable in the Magistrate's Courts by parents' payment of fines, should they default. In these provisions a presumption of responsibility definitely operates against the parents such that if their children offend, they are deemed not to have been parenting them well. In addition the parents being the expected breadwinners of their homes are required to bear the financial burdens resulting from their children's misconduct.

#### *Promoting Well Being during Detention*

During detention financial provision is made for the juveniles' welfare under various sections of both statutes. To begin with section 8 of the TSA provides with regard to the Minister of Culture, Youth and Sport as follows:

The Minister may make regulations —

- (a) for the appointment of visiting committees and the functions of such committees;
- (b) for the proper classification of inmates;
- (c) for the proper instruction, moral and religious and vocational training, and rehabilitation of the inmates;
- (d) for the establishment of a system of punishments and awards (including the award of small money payments);

(e) generally, for the maintenance of proper discipline, and for the proper conduct and management of schools.(P.6).

As regards the system of punishments and rewards for detainees including small money payments allotted to detainees, according to section 8 (c) in 2007 this award stood at \$G3,000 which was given to detainees at discharge. It must be noted that the general theme of the section is that the onus is on the designated Minister to finance and give directions for rehabilitative programming.

Likewise under section 24 of the JOA the other Minister responsible for juvenile justice, that is, the Minister of Home Affairs is duty bound to make regulations for the general conduct of the detention center, like NOC. These include regulations for its inspection and the classification, discipline, welfare, control, duties and remuneration of its detainees. To be precise the section states that :

**24. The Minister may make regulations—**

(a) as to the places to be used as places of detention, and as to their management and their inspection, and as to the classification, treatment, employment, discipline, control and welfare of children and young persons detained in custody in a place of detention, and for the children and young persons whilst so detained being visited from time to time by persons appointed in accordance with regulations;

(b) in relation to children and young persons under the age of seventeen years committed to the care of any person or institution, and to the duties and remuneration of such person or institution with respect to such children and young persons;

(c) generally, for carrying the provisions of this Act into effect.(P.14).

Related to this enterprise, this Minister who has oversight of the JOA by section 20 of the JOA, having designated a detention center for juveniles, is to collaborate with the Minister of Finance to work out the financing of the center (JOA 1931:13). By virtue of section 22 when this Minister of the very JOA incurs expenses “in respect of any place of detention provided by the authority, including the expenses of the maintenance of any child or young person detained therein, shall be defrayed out of moneys provided by Parliament” (JOA 1931:13). Under section 21 of the JOA this Minister may also “cause detention centers to be inspected.” In short, the State has by law a duty to ensure that the intention of

the legislation, to maintain detainees' well-being, is carried out by employing whatever fiscal and regulatory measures may be necessary.

Section 3 of the TSA indicates that the training school is established for the express purpose of "rehabilitation and for the vocational and other training of young offenders who have not attained the age of eighteen years" (TSA 1907:5). Some more details are added to this general scope in sections 23 and 25 of the TSA as follows:

**23.** (1) The headmaster may, with the approval of the Minister, at any time after the expiration of eighteen months of the period of detention allotted to a person, by licence under his hand, permit him to live with any trustworthy and respectable person named in the licence and willing to receive, teach, train, and take charge of him...(P.10).

**25.** The headmaster may, with the approval of the Minister at any time after the expiration of twelve months of the allotted period of detention and with the consent or without the consent of his parent, by licence under his hand permit him to reside away from the school and to live with any trustworthy or respectable person named in the licence and willing to receive, train, teach, and take charge of him on the condition that he attends any educational establishment or school for technical training...(P.11).

In the former section, the NOC Principal may, with the approval of the Minister, allow a juvenile who has already been in detention for 18 months to be allowed to live with "any trustworthy, respectable person ...willing to take charge of him" under a revocable license. This would of necessity mean removal from the detention center. In the latter, similar external living arrangements may be permitted, by the Principal with the Minister's consent, for juveniles who have already spent 12 months in detention. This permission will be granted on the condition that these juveniles will be attending an educational establishment or "school for technical training," while living off-site.

### Staffing

When the police first convey minors who have been deemed juvenile delinquents by a court to NOC they are inducted into the facility by the administrative staff. Before this study began I was privileged to have a general meeting in 2006 with most of these staff members and during the study in 2007 the opportunity was given me to speak with them individually, at various places on-site where they

work with groups of detainees. The first building encountered upon entry into the NOC detention facility is the Administrative building. This has offices for the Principal of the training school, administrative assistants, records or filing clerks and personnel officers. Set out on either side of this building in a rectangular layout are several other buildings; on one side there is housing for senior administrative staff and a music or bandroom and along the other side are skill and craft training shops, two solitary confinement cells and three levels of dormitories. The personnel officers interview them and make records of their personal and contact information. Letters are then dispatched by these staff members to their parents or guardians to inform them of the purpose and duration of their detention at the facility and to let them know that they may visit once every two months. Depending on their age and gender they are allocated places in a male or female dormitory of the junior, intermediate or senior level. Thereafter, any decisions made regarding their activities on the location, their discipline, their health care and their eventual discharge are all recorded by the filing and records clerks. The principal makes the decisions in conjunction with the administrative staff regarding their general well being, from time to time. Staff members monitor the detainees' movements from dormitory to skill, trade or craft shops out in the yard during the day. Some staff members are rostered on a shift system to sleep in the dormitories with detainees so as to monitor their movements at night. Others who manage the subsistence activities like the cooking, baking and farming for the facility also work with detainees who are allocated positions in these areas for the purpose of their training, by the administrative staff from time to time. Volunteers, researchers and other visitors to the facility are only allowed to interact with the detainees when accompanied by staff members who are posted at various areas in the facility.

#### Schooling and Training in Craft, Skills and Trades

There are classrooms in a building designated the schoolroom and here teachers provide limited training for detainees in elementary and early secondary level schoolwork. The teaching staff indicates

that they do not work with any detailed, recorded curriculum; in the schoolroom they teach basic Math and English without pre-set lesson plans. This basic education programming is provided for all detainees at first but is continued throughout their detention for those who demonstrate particular aptitude for schoolwork. Following this training in basic schoolwork students of NOC get training in a variety of skill, craft and trade areas. For these purposes there are trade 'shops' such as a craft shop, tailor shop, carpentry shop, mechanic shop and places for training in masonry and plumbing. The playing of steel-band music is also taught in the band room. General physical education is provided for all NOC students daily and there is specialized training in sports like netball for which this training school's team often competes with teams from other schools.

#### SUMMARY

Especially with regard to the initial sections of this chapter detailing the legislative provisions for juvenile delinquency, it can be seen that general scope for rehabilitative programming exists in Guyana's juvenile delinquency scheme. It is expressly stated in the TSA as noted above, that the training school is to serve the purpose of "rehabilitation and technical or vocational training." This legislation provides the complete structural framework for juvenile delinquency management in Guyana but these provisions do not go beyond this general mandate. The preceding chapter's review of delinquency research literature has models of delinquency treatment that are usually linked to legislation that makes provision for intervention that could arrest the drift into delinquent lifestyles and rehabilitate instead. No such detailed provision for rehabilitative intervention can be seen in this legislation.

The staff at NOC who implement the detention programming for which general provision is made in the legislation have varied qualifications and training including in the military, social work and school-teaching. The work that they do with the teenage detainees at this institution involves skill and

trade teaching, physical education training, music and sports training and basic secondary schoolwork teaching. Although it is a minimum security facility it requires that detainees' activities be closely monitored both day and night, so some adult staff members live in their dormitories with them. Some staff members perform dual functions like clerical and administrative work in the daytime and sleep-in-dormitory-monitoring by night, using a shift system. This is the full extent of the work the staff does with detainees at NOC. The data found in chapters five and six provides further information about the rehabilitative capacity of their work in answer to the three research questions.

Upon completion of a court-ordered stint at NOC, parents or guardians are notified of detainees' time of release or discharge and allowed to pick up their children. If they do not, then the police once again transport the children home. A very limited system of remission obtains that allows for earlier release in some cases. A few exceptions also apply in cases where, in harmony with the legislation, some other 'responsible party' is allowed to take over the child's guardianship, apart from their parents. Thereafter former detainees are sent back into Guyanese society where they must re-adjust and demonstrate having been rehabilitated by avoiding further trouble with the law. This they must do without any further help from or contact with the juvenile detention scheme, whether or not the detention programming they receive helps them to better manage whatever circumstances of social life might have led to their delinquency.

## CHAPTER FOUR

### METHODOLOGY AND RESEARCH DESIGN

#### THE RESEARCH PROBLEM

In order to study whether the purpose of rehabilitation for juvenile delinquents was being accomplished in Guyana this research study was conducted with a sample of detainees at NOC from November to December 2007. The problem was conceptualized in terms of three research questions as follows:

- 1) What factors lead young people into juvenile delinquency?
- 2) Do the experiences of juvenile delinquents substantiate theories which indicate that other members of society and certain circumstances of social life contribute to their becoming delinquent.
- 3) Does current juvenile delinquency programming ensure and / or verify that detainees are likely to be rehabilitated in preparation for return to society.

Theoretical grounding for this research was gleaned from six perspectives of sociological theory which have bearing on social life in general and on delinquency in particular. All of these suggest that social circumstances influence whether an individual will become delinquent. For example, they indicate that:

- 1) The lack of bonding to parents leads to delinquency,
- 2) The institutional controls which maintain law and order filter to the individual a willingness to conform to social standards and laws,
- 3) The strain of inadequate means to achieve legitimate goals inclines individuals to resort to illegitimate means which amount to crime,

4) Society, like an organism is a complex web of subsystems like the family which help it to maintain order. Unlawful behavior can result from failure of the family to properly mould the individual.

5) Normal recurrent inter-group conflict is often sought to be resolved by unlawful or deviant methods and

6) The individual learns how to act out unlawful behavior based on the balance of influence from their reference groups, like the family and peers, in favor of such behavior.

Accordingly, questions posed in this study were used to explore the nature of social life within the home and the community for clues to how delinquency might have developed.

Practical grounding for this research was gleaned from the review of several studies of delinquency treatment employed in various countries. These reported that professionals working with detainees had employed therapy in different forms to arrest individuals' drift into delinquency. For instance during detention they had used rap sessions, role-playing, multi-step training programs and anger management or anger replacement training. After discharge they had used follow-up programming like electronic monitoring and mentoring. When questions were put to study participants about the nature of their programming on-site and their future prospects, these studies were able to shed light on the rehabilitative capacity of the study site, by contrast.

#### THE RESEARCH DESIGN

I conducted this research study on my own in the capacity of principal investigator. The interview method was selected as the best means of achieving the research objectives. This research method has long been used as an important research tool for eliciting first hand information from study participants, in whose lives researchers are interested. The general view is that the subjects concerned can tell their stories best. Interview methods however vary because researchers must of necessity channel how such stories are told to derive the kind of data that can be used to satisfy their research

objectives. In-depth interviews, for example, can allow of free-flowing dialog between researcher and interviewee on almost every area of their lives. The participants can provide a wealth of information from their entire lifetime that can be recorded and later dissected by researchers who want them to be able to recapture interesting features of their lives which will suit publication. Structured interviews, however, are better suited to the purpose of research that focuses only on specific facets of the lives of interviewees. Accordingly, a structured interview was used which had sections that posed questions about specific areas of detainees' lives to elicit data that was relevant to the research questions.

Methods alternative to the interview, such as participant observation, were not employed because of the difficulty of implementing them despite their natural suitability for the task involved. When participant observation is employed researchers are able to get first-hand knowledge of the research subject, by secretly living among research participants and adopting their lifestyle for the duration of their study. It would have reduced the likelihood of certain research challenges, like bias and interviewer effects later discussed in this chapter, had I been able to study juvenile delinquency in this case by myself secretly living in the detention facility for awhile as if I myself had been a detainee. For instance, the likelihood of my being supplied erroneous information just because participants thought it was what I wanted to hear or was what would avert the possibility of them getting into trouble for frank revelations about their experience, would have been reduced. On account of the logistic difficulty that utilizing these alternative methods would have posed they were however not applied. Only the interview method was applied.

### ***Recruitment***

At the time of recruitment the population at NOC was composed of 135 detainees. A sample of fifty study participants was sought out as follows. Study participants were recruited in two phases. This was done because many detainees were rather young and not very literate. It would have been

burdensome to them for me to have tried to recruit and then interview them immediately thereafter. In addition, since they were all minors, their interest in the study by itself could not have satisfied the requirement of having informed consent; their parents' consent needed to be secured also. The study could only proceed when that adult consent coincided with their interest and willingness to participate in the research.

In phase one a list was made of the names and addresses of the parents or guardians of the entire population of all 135 detainees, then letters were written to them, inviting them to indicate if they would approve of their children being interviewed at NOC. These letters indicated that should we not receive replies within two weeks we would proceed to seek the consent of their children to do the interviews. The letters had 'tear-off' slips, which the parents could use to indicate their approval or disapproval. There were also enclosed in the letters, forms on which the parents could indicate approval or disapproval of the interviews.

In phase two, using a rotunda in the yard at NOC I spoke to the detainees individually whenever they were allowed to take a break from their task of the day, which was farming, to find out which of them would be interested in participating in the study. This was done one Friday two weeks immediately after the letters had been sent off to the parents. At this time a list was made of the detainees who expressed an interest in being interviewed regarding: the offences that caused them to be at NOC, how they spent their time there and their plans for the future. After two weeks had elapsed, a final list of eighty prospective interviewees was compiled, using the returns had from both parents and detainees. This list was therefore composed of persons who approved of participation in a study about their detention at NOC and whose parents also approved of it. Out of this general pool only a subset of those listed would be chosen in no particular order for interviews. For the duration of the study two files, each with copies of the structured interview and the consent forms, were made available for any interested parties to examine. In accordance with my undertakings to The Human Investigation

Committee (HIC) which screens research of human subjects to protect their rights, these two files were kept in the office of the NOC Principal and at my own office. The parents of the detainees and NOC staff had been duly notified of my intention to do so during the activities preparatory to the study, so that they could have examined the study instruments either at the NOC office or at my home-office in the capital city, if they wished to do so.

### ***Bias or Interviewer Effects***

In keeping with the approved strategies for undertaking this study, right from the time of recruitment I told prospective interviewees that I had been a Magistrate before and let them decide if they wanted to speak to me, in spite of that fact. This measure was calculated to reduce the likelihood of bias flowing from negative interviewer effects. Hagan (2002) indicates that what the participants know about the interviewer personally and especially professionally can affect how they respond to interview questions and that this presents a constant risk of bias. For example, it is said that “interviewer effects or bias can range from deception and exaggeration to the simple production of demand characteristics or agreeability in which respondents, wanting to appear helpful, may report incidents they otherwise would consider unimportant” (Hagan 2002: 44). Personal characteristics such as age can bias research, for example, where elderly persons are reluctant to speak to much younger persons lest they breed disrespect and are therefore not so frank as if talking to more mature interviewers. Likewise very young children might fear being interviewed by adults, whom in their minds they equate with their parents, who can exercise control over them. Professional characteristics of interviewers can also create risk of bias if it could be perceived that the nature of the profession places the interviewer in a position to control what happens to the interviewee, such as a nurse interviewing a nursing home resident, for example (Winters et al. 2010). The resident might be biased by the notion that a nurse can influence the nursing care that is received. In the context of this research both my personal and professional characteristics, as principal investigator presented the anticipated risk of bias.

On the one hand I was an adult interviewing children. On the other hand I had been a Magistrate with responsibility for determining whether or not juveniles like the study participants should be placed in detention. In fact, I had expected three young offenders to be in detention at that facility following on court decisions I had made, during my previous two years of service as a Magistrate. Persons in jeopardy of legal consequences for unlawful behavior tend to be wary of anyone in a position to influence their cases and a child in particular can be overawed by anyone they perceive likely to have control over their case, such as a Magistrate. This could have led them to speak untruthfully to me and to therefore bias the research.

This sort of bias was anticipated during preparation of this research study in the terms that children might try to tailor their answers to suit what a Magistrate would like to hear, lest it negatively influence how they are treated while in detention. Although their cases had already been determined at court and they all had set times for discharge they could still erroneously assume that their detention could have been negatively affected somehow. The likelihood of this risk would have been increased when they became aware that the discussion with them would focus in part on why they were in detention. Whether or not to declare some culpability for ending up in detention would have been a likely childish consideration. To address the possibility of this effect the approved strategy that I used was to first let them know during recruitment that I was an Attorney who had once worked as a Magistrate. During recruitment I also requested of them that if I had handled their cases at court but did not recognize them then they should tell me so because I would not be interviewing anyone with whose case I had already been involved. I let them know that at the time of this study I was no longer working as a Magistrate but that I was a student at a university overseas and I was studying children in detention. In addition, I was required to and did tell them that I could serve as a Magistrate again at anytime but that whatever information I got during the study could not be used again in the court system. It was, however, to be used to help to improve the running of the detention center and that if

my study brought about any changes in this regard they might benefit or, if they had already been discharged, some later NOC students might benefit.

Another sort of bias, distinct from interviewer effects, which had been anticipated, was that NOC staff might not treat the detainees so well afterwards, if anything they had to say about the detention center during my study did not reflect well on the staff. To address this issue, careful attention was paid to the details of the interview surroundings during study preparation. I had undertaken to and did ensure that, while NOC staff needed to be within earshot as a routine security measure of a detention facility, they could not actually listen in on the interviews. To deal with this type of risk further I became directly involved in the choice of an appropriate office area for conducting interviews and in modulating the dialog so as to reduce the possibility of nearby staff hearing exactly what was discussed. I also indicated to each participant that I undertook not to talk about our interview with any staff member, unless one of the stipulated risks, later discussed in this chapter was triggered, like getting upset or revealing fear of illness or abuse, that the staff might need to take care of. These precautionary steps used to address the risk of bias were taken both during recruitment and again during presentation of the request for informed consent, just before starting each interview dialogue. All the precautionary disclosures about my profession were designed to encourage the participants to feel free to talk honestly and frankly with me about their delinquency.

### ***Sampling***

Out of the 135 parents to whom letters requesting parental consent had been dispatched and all the NOC students who expressed willingness to participate in the study having been approached during recruitment a final list of 80 prospective interviewees, had been compiled. A sample of fifty detainees was then selected from the NOC population, as follows. Utilizing their copy of the final consenting list, the administrative staff sent the detainees named in no particular order to my interview

room. They came there in batches of about ten at a time, depending on when they could be released from their skill or work area for interview time. While the other juveniles in each batch waited on a bench outside my interviewing room I called them into the room one by one, in no particular order and without using my copy of the names and numbers listed with the staff. For the maintenance of the detainees' anonymity during the interview I did not refer to this list myself except when one of the anticipated risks was triggered. In those cases I found out the detainee's name and after the interview I gave that name to NOC staff, so that necessary follow-up could be done. The detainees' own consent forms and my interview forms carried no names. On these forms I did separate chronological numbering of the detainees according to how they came into my office, without knowing their names. I went through one consenting form with each detainee who entered my office, then applying fresh numbering to it and pairing it with one blank interview form. Each interview was then conducted and recorded on this interview form.

### THE RESEARCH METHOD

#### ***Interviewing***

In my capacity of principal investigator I conducted structured interviews of 48 study participants who were detained at NOC. Each interview lasted about 40 minutes. The entire study took about one month to complete but the interviews took up just about two weeks. In each case I presented the prospective interviewee with a consent form before I began. Very few of them were able to read them on their own, so I had to read as well as explain this form to them. My aim was to do fifty interviews but at the start of my meeting with two prospective participants, after we went through the consent form they declined to sign it, so I did not proceed to interview those two and ended up having a sample of only 48. While the staff had selected 50 students in no particular order and dispatched them to me, ultimately only 48 of them eventually went through the entire interview.

The structured interview employed in this study was composed of seven parts plus a section for my observations as principal investigator. The sequence of those seven parts was such that various areas of the offenders' lives prior to being detained at NOC were first explored. The content of each part of the structured interview could be summarized as follows:

- 1) In the first part I found out what offences and / or problems had caused study participants to be in detention.
- 2) In the second part I found out what schooling they had had before detention, how much general knowledge and certification they had had by then and what sort of home and family life they had left behind.
- 3) In the third part I found out what sort of prior support each detainee had had, external to NOC from their family and peers.
- 3) In the fourth part I questioned each detainee about the nature of the NOC regimen in terms of programs and activities being conducted there.
- 4) In the fifth part I found out what level of general knowledge and accomplishment each study participant had in connection with ordinary business activity like banking and filling out forms.
- 5) In the sixth part I explored what projections they had for the future in terms of home life, schooling and job or career prospects.
- 6) In the seventh part, in keeping with traditional survey research technique I concluded each interview with questions about those areas of their personal life to which participants might have been most sensitive. This section included questions about matters such as their ages and earnings. While presenting questions from this section in order to fulfill my undertaking to maintain anonymity and confidentiality I still however did not find out their names.
- 7) In the final section I made a record of my observations about the participant's ethnicity, comfort with the interview and frankness.

Notwithstanding this seven part structure of the interview in the actual presentation the questions were often not presented in sequence but were sometimes deliberately kept apart. This was designed to provide enough variety to sustain the youthful concentration spans of detainees, yet to limit the possibility of negative interviewer effects and generally to promote frankness and spontaneity. If for instance an interviewee seemed tired and leaned on my desk while discussing family matters, I would interject that we could talk about something else and change the subject to talk about what they wanted to do after discharge, before returning to talk about their family life. In summary the presentation of the interview questions could be said to have been done in categories which somewhat followed the basic structure of the three research questions cited above and later facilitated the extraction of themes about their delinquency for the purpose of analysis. The questions were therefore presented more or less in the categories that follow.

#### Questions Related to what leads to Delinquency

These questions related to the first research question of what causes delinquency. Early in the interview, to learn about the detainee's perceptions of what factors probably led them into delinquency, this question was posed first: "What was the problem or offence that caused you to have to stay in here?" Detainees were more responsive to this question than to any other. This was probably because they had a choice between 'problem' and 'offence' and because the question was open-ended. Several of them answered in great detail. If however, they were evasive, abrupt or did not understand then I had to rephrase this question, sometimes in the vernacular. In Guyana the vernacular consists of variations of broken English usually called creolese. I would say for example: "So wha charge mek you get lock up in hey?" The follow-up question was: "At court, what did you plead?" To this they usually responded by saying guilty or not guilty. If they answered that they were guilty or gave some explanation that suggested so, I followed up with the question: "Why did you do it?" Those who

indicated that they were not guilty or had been 'set up' were allowed to continue the interview with other questions relevant only to their circumstances. Table 4 that is annexed to the end of this text has the breakdown of these responses. The question about whether or not they had pleaded guilty yielded very significant revelations about the problems that were driving their offending or that caused their detention. The sequence of questions then changed from the focus on the detainees to focus on their parents or guardians and to find out how their relatives had reacted to the court decision that they were to be detained.

#### Questions Regarding Family Influence Prior to Delinquency

These questions concerned whether any members of the interviewees' families could have 'contributed to their becoming delinquent,' according to research question two. The questions used to explore family functioning were mostly interspersed within my general exploration of external support prior to detention. I found out from the detainees how their parents got along, how well they got along with their parents and how close detainees were to either parent. The next question posed, which later proved most helpful with my evaluation of parent to child relationship quality was this: "In that household if there was something really personal that you wanted to talk to just one person about and nobody else, to whom would you choose to talk?" I used this question to lead into the exploration of whether family trouble was the core problem that prompted their offending. The question that followed next went directly to the issue. It was: "Did your relationship with your parents have anything to do with your getting into trouble and having to come to this school." For the purpose of analysis I looked at these questions about family functioning in conjunction with a few others. These included the probing of what were their parents' reactions to their offending and the subsequent probing of whether they had any relatives who had gotten into trouble with the law and what were the reactions of those relatives, to the detainees' offending.

#### Questions Regarding Peer Influence and Delinquency

These questions concerned whether any of the interviewees' peers might have 'contributed to their becoming delinquent,' also as outlined in research question two. In order to find out whether or not peer pressure had influenced these detainees to offend and how this might place them at risk for recidivism I used questions about the qualities of their friendships inside and outside of the institution. These questions were designed to supplement the initial question about what caused the detainees to be in NOC. For example, in relation to schooling I posed these questions:

- 1) What sort of friendships have you made at this school? and
- 2) Before coming here what were you like with friends; did you have a lot of them or just a few?

Then, in relation to their offending I posed these questions:

- 1) When you had to go to court about the matter that brought you here did your friends know?
- 2) Were any of your friends at court with you? and
- 3) Since you have been living in here do either your friends or relatives from home visit you?

More directly to elicit information about peer influence I posed these questions:

- 1) Do you all ever get to talking about what offences you committed?
- 2) Do you ever learn other ways of committing offences from other detainees?
- 3) How much time is available for these chats?

#### Questions about the NOC regimen

These questions concerned the third research question about whether existing juvenile delinquency programming could 'ensure and / or verify that detainees are likely to be rehabilitated in preparation for return to society.' In order to determine directly what treatment NOC was providing for the causes of its detainees' delinquency and what training NOC was providing for these detainees to prevent its recurrence, I questioned each detainee about the nature of the NOC regimen. For example, the very first question in this section was framed as a request as follows:

- 1) Please describe for me all your activities in a typical day here, from the time you wake up in the morning to the time you go to bed at night.

From their answers I learned that the program was structured somewhat differently on weekdays from that on weekends. The regular weekday program involved trade or skill training, like tailoring and joinery, learning to play steel-band music and training in physical education or sports such as netball. On Fridays however, all study participants did farming instead of attending their usual craft or skill training. On weekends they had visits from personnel of various religious denominations, especially on Sundays. During the weekend they also took care of personal care matters like laundry. Performances, displays of skills and sports competitions, such as concerts, craft exhibitions and sports matches with rival teams were also usually scheduled for weekends.

### ***Risk Management***

There were a few stipulated risks I had to anticipate. The risk of the detainee suffering anxiety or getting sad or upset during the interview was to be met with a referral to a staff member or someone else on-site with whom the student might feel comfortable to talk over the problem. The more serious risks involved the detainees revealing that they had a contagious illness, had been abused or had been getting into more trouble with the law. For these I had to report to the NOC authorities for them to follow-up with the detainee. Very few (3) of them got sad or upset; these were two girls and one boy and in each case they showed it by crying. One person did not wish to confide in anyone on-site but was satisfied with having spoken to me and just wanted to continue the interview. The others both chose two female staff members as confidantes, one was a Personnel/ Administrative Officer and the other was the Principal. A really minimal amount (1) seemed to have a potentially communicable ailment at the time. There was also revelation of abuse by a considerable amount of them and a really negligible amount had been getting into more trouble with the law. Table 3 that is annexed to the end of this dissertation text has the breakdown of sample participants who reported having been abused. As these

issues came up the names of the detainees were taken and in each case they were referred immediately to the relevant personnel on-site, these being the Principal and a female Personnel/Administrative officer. At no time before or during the study did the staff identify to me any official or designated counseling professional on site who had specific oversight of these matters.

### ***Some General Issues Regarding Data Collection***

As I had undertaken, I took notes of these interviews in my own handwriting, using blank forms with my structured interview questions. There was no live recording such as with cassettes or video-tapes. The detainees spoke at length about two issues: what circumstances led to them committing the offences for which they had been detained and what they hoped to do after leaving the institution. On account of the kind of questioning that was used and the kind of responses received very little coding was done. Most of the responses were in the vernacular and the variety of answers in this format really did not lend themselves much to coding.

After withdrawal from the site I continued to receive at my office a number of responses from parents. I carefully reviewed them and found that most of them were not ones I had short-listed and / or had not interviewed, in any case. It could therefore be reported with confidence that no interview was done without informed consent. Initially, I had hoped to conduct my analysis based on three main criteria: gender, race and religion. In the end only gender was used, since this was the most readily identifiable characteristic of the study participants.

## CHAPTER FIVE

### NARRATIVE ANALYSIS

This narrative account of juvenile delinquency treatment in Guyana is based on a study conducted at the New Opportunity Corps (NOC) in Guyana, during November and December 2007. This detention center had a population of 135 detainees, at the time, composed of males and females housed in junior, intermediate and senior dormitories. After recruitment there were 50 prospective interviewees but because two of these withdrew their consent when their interviews were about to begin, only 48 detainees were actually interviewed. The sample was, therefore, finally composed of twenty-two males and twenty-six females.

Based on how the 48 interviewees described themselves several distinct racial groups and a few groups of “mixed-race” were identified. These were: 26 Blacks, 12 East Indians, 2 Amerindians, 7 ‘Dougl’a’—meaning of Black and Indian parents, and 1 ‘Boviander’—meaning of Black and Amerindian parents. This distribution of racial groups among sample participants can be seen in Table 1 which is annexed to the end of this dissertation text. Interviewees also revealed that they identified with a few distinct religious organizations or combinations of these, based on their parents’ religious affiliations. For instance, there were 22 stated Christians, 1 Anglican, 1 Jehovah’s Witness, 5 Muslims and 4 Hindus. There were also 1 “Hindu/Christian” and 1 “Muslim / Hindu”; these identified with their mothers’ and fathers’ religious affiliations. In addition, when discussing the subject of religious affiliation 9 detainees said they had none and four said they did not know what theirs was.

The students at NOC were being detained there for various general and ‘status’ offences, the latter of which are peculiar to their age group. Most of the 48 detainees interviewed were being held at NOC because of Wandering (23). Next in line were those held for Breaking and Entering (10), those held

for Larceny (5) and those held for Trafficking in Narcotics (4). Fewer interviewees were being detained there in connection with other offences like Robbery (2), Burglary (1), Firearms Possession (1), Loitering (1) and Rape (1). Table 2 which is annexed to the end of this dissertation shows this distribution.

#### THE RESEARCH ISSUE OF CAUSATION

The principal research question which was explored in this study was framed as follows:

What factors lead young people into juvenile delinquency?

Certain problems, often described by the interviewees as having led to their detention at NOC, emerged as recurrent themes about their delinquency from their narratives. For instance, a lot of the interviewees (28) said they used to “follow friends” or cited some form of family trouble (20) as having led to their delinquency. These general notions of negative peer influence and troubled family life, when explored in greater detail, revealed various factors that working together probably led them into delinquency. The emergent themes from detainees’ narratives, of factors shown to be closely related to their delinquency, were for instance, parental abandonment, abuse in the home, threatening and sometimes violent coercion by peers and peer lover’s influence. The numbers of interviewees who described these experiences were as follows: 6 cases of parental abandonment, 8 cases of abuse in the home, 6 cases of broken homes, 25 cases of strict peer pressure and 3 cases of peer lover’s influence. Less influential factors found to have had the effect of leading to delinquency were idleness poverty and overreaching to get more than what was provided. The numbers of interviewees who revealed the experience of these less influential factors were as follows: 6 cases of idleness, 2 cases of poverty and 2 cases of overreaching. The annexed Table 1 shows this breakdown of factors revealed by NOC students as having led to their offending, according to gender. Factors that otherwise contributed to their being placed in detention, despite their protested innocence were: unusual illness, rape, false accusation and being “set up”. The annexed Table 2 shows the latter breakdown of factors, revealed by each male and female student of NOC, as having led to their detention, as distinct from their offending.

Details of the interview narratives, grouped according to the themes that emerged from them, now follow. Having regard to the necessity for anonymity, each account is identified by number and gender. In order to preserve the exact expressions of the interviewees' comments, their words are quoted in the Guyanese vernacular, which is a sort of broken English that is called creolese, locally. These accounts illustrate that various underlying factors were at work in these young offenders' lives that most likely contributed to their becoming delinquent. This chapter concludes with a discussion of how various combinations of factors probably led the young offenders into delinquency.

## FINDINGS

### ***Family Trouble***

#### Parental Abandonment

Parental abandonment was described by three males and three females in all. The direct result of this parental abandonment was sometimes delinquent behavior in the form of the 'status' offence of 'Wandering.' It showed up in different forms. It happened, for example as follows: A young parent might have gone elsewhere for work purposes or to pursue a relationship and left the teenager behind. Then a grandparent who was less equipped financially, by reason of aging, lack of education or otherwise to continue the child's upbringing, would have had to take over. This would have led to the child's truancy, working or begging to satisfy personal needs and to help with home finances. It could also have led the teenager to fall in with the wrong crowd and to end up committing non-status-offences like burglary.

One male interviewee (12) said that before he came to NOC he had lived with a female relative. He also said that his father lived somewhere in Guyana but that he had never met him. He also said that when his mother "come from outside she tell me she ent got time with me." This reference to 'outside' means overseas in Guyanese parlance, so this boy was living with that relative because his natural parents had abandoned him. He was detained for 'Wandering' but his behavior was actually playing

around on the road after school, not truancy. When this became burdensome for her she in turn unwittingly abandoned him. When addressing the issue of what problem or offence had caused him to be detained at NOC, he said she : "...tek me and carry me at the station, sayin she ent got nobody to look me so let them tek me here to spend a three year...I just used to go and walk on de road and play. I used to go afternoon after school." The words, in which this child reports first his natural parent's and then his guardian's feelings about him, in turn, illustrate their abandonment. In his case the trouble in his family relationship was this abandonment which was the proximate cause of the 'Wandering' which led to his detention.

Interviewees often did not directly express a connection between parental abandonment and their delinquency, as did the boy in that first example. Some of them just mentioned it in the narrative in a manner which suggested that their parents' abandonment had led to their offending. In the following example the names of places have been removed in the interest of confidentiality: A male interviewee (32) described how he came to commit theft, in this manner: "I used to live in [a city district]. My mother move out and go in [a rural district]. I didn't go with her and I used to go out and behave bad. I went into a [man's] house and 'tief..., and three days after I was wearing it when he ketch me." These words suggest that the reason why this child started 'acting up' is because his mother moved out and left him behind. He could not couch it in terms of parental abandonment but he clearly traced the onset of his misbehavior to the time of her departure.

#### Abuse in the Home

One of the recurrent themes in this study was abuse in the home. Eight female interviewees related how they had experienced various kinds of abuse at home. They described several instances of physical, verbal and sexual abuse that led to their offending. In one unusual case, in which the interviewee claimed innocence of the offence for which she was detained, she revealed that her father was really the offender. Since he was, however, the sole breadwinner in the house and since his

imprisonment would leave them without one, she thought it best to take the blame for the offence, although he was physically abusive to her mother and all her siblings. The challenge with some of these cases in ferreting out the causal connection between the abuse and the offending is that sometimes misbehavior short of a “status offence” was responded to with abuse, rather than rational punishment. This in turn prompted retaliatory misconduct by the teenager which then amounted to the substantive offence or delinquent conduct.

### *Physical Abuse*

The experience of one female interviewee (10) is an example of the complex nature of the family trouble that spawned some of the youthful offending. The ‘status’ offence she committed was ‘Wandering’ and it took the form of escaping from home. She said that she first left because her siblings were being treated better than she was. She escaped to her other relatives because her family members were involved in a cyclical custody battle over her. From time to time physical abuse first preceded and then succeeded her escape to the other relatives’ home. In short abuse from her family led her to commit the offence of Wandering, which led to their further abuse of her and that led, in turn, to more wandering on her part. In the following account she gave of what problem or offence led to her detention at NOC letter abbreviations have been used for names in the interest of confidentiality. She said:

I went to live with G. When I’m with Y., G. is vexed and when I’m with G., Y. is vexed. Now Y. curses me and abuses me. Y. wants me but treats S. better than me. G. shows me love, not Y. Y. beats me so badly I had nose bleeds and marks of violence on my body. Once or twice Y. hit my head into concrete and I get migraine headaches. G. then took me to hospital after the nosebleed and kept me at her. Y. brought police to get me. I got away from the police and went to a friend’s house to stay. On a visit to the internet café to call G. a policeman saw and recognized me, then arrested me.

The account of another female interviewee (26) was a clear case of physical abuse of her mother and siblings by her father. This interviewee was also detained for ‘Wandering’ and when describing what problem had led her into detention she said as follows: “At home my father used to hit

my mother.” She said that as she grew she tried talking to him; then after awhile she became the target and he began to hit her. She then went on to say: “This caused me to run away and go at my aunty for awhile and get bad and give rudeness and so on. This girl said she eventually talked her mother into referring her to NOC through the Welfare Services although she had good case reports “from school and the environment.” These words suggest that she was referring to the good testimonials, gathered by her case workers about her, from her school and neighborhood.

One female interviewee (27) reported an unusual case of verbal abuse. She claimed that she ‘took the rap’ for her father’s offence of smoking marijuana. When describing the problem that led to her detention she said that she had found her father’s stash in the fowl pen and had hidden it from him. He then “fought her down” for it and when she would not give it to him, he called in the police and told them that she had it. She said that at court she lied and pleaded guilty to prevent him from being locked up. She also said that his constant verbal abuse of the family had to have been due to his marijuana smoking. She concluded her description by saying: “From ever since he does do it and that does make he behave so but we didn’t know...He does curse up and so mek me eighteen year old sister lef’ de house and he say me can go too let man ‘f’ me out de house and so.”

### *Sexual Abuse*

Under the theme of sexual abuse there is more evidence of sexual harassment than of actual sexual exploitation, which led to the detainees’ offending. One female interviewee (17) reported that she committed the status offence of ‘Wandering’ because she was fed up with the unwarranted sexual advances of her mother’s paramours. She described the circumstances that led to her detention as follows:

My stepfather liked me and I used to try to tell my mother about it and she never used to listen. So I ran away from home. She came back for me and took me back and he still was telling me he liked me and saying he wanted to have sex with me and so on... Another boyfriend she had used to tell her he liked me too. That is the problem; like the men are coming to me through my mother.

The case of another female interviewee (13) was the worst instance of sexual abuse cited as the problem that led to the interviewee's detention. The interviewee was the victim and not the perpetrator. The girl was raped by her cousin following a romp or play fight in the home. She was then taken in by a stranger because the relatives tried to ignore or cover up the story. Eventually after this strange lady migrated she was passed on to another guardian. Noticeably these guardians just sought to protect her and care for her rather than to take legal action. Eventually, unknown to her then guardian, she funneled her resurgent anger into the will to report to the police. She was able to identify her cousin, after the police completed their investigation but for some undocumented reason, only she ended up in the NOC training school, not the perpetrator. This is how she described the problem that led to her detention:

I was staying by her (Auntie). He used to play with me like a sister and I didn't know he had these things in his mind. After romping (a usual play fight) he got serious. I stopped cuffing him. When I turned away he hit me with a crescent. After the next blow I blackout. I woke up on a bed. He wasn't there. I had on a vest alone and was in so much pain I couldn't walk. Then I called out to my auntie and she gave me pain tablets and questioned me and helped me bathe and eat. Nobody reported. I don't know if they frightened or not.

#### *Combination Abuse*

In these cases of abuse sometimes there were combinations of two or more kinds of abuse. Verbal, physical or sexual abuse could be found together or alone in any one interviewee's experience. At times it seemed that parents had real difficulty with disciplining their children or just guiding them through their adolescent challenges without resorting to beatings. Here is an example:

One female interviewee (24) started staying out of the home and going to parties without her mother's permission. The problem from her viewpoint was that the mother would go to work and leave her with her sisters or her aunt and with chores to do which she found burdensome. She said when that happened "my auntie does take advantage on me." Her mother reportedly did quite a bit of shouting and beating in her vain attempts to curb the girl's wandering tendencies. The child described her

experience of combined verbal and physical abuse in these words: “she would holla pon me...If me ent want do anything for she like housework and I go at me other Auntie... she does tell me mother and make me mother beat me for nothing at all. Like ‘lil before I went to de dance I didn’t want to fetch water for she and she hit me.” Her mother eventually became frustrated and abandoned her own efforts to let the law take its course with the child, by detention. On the last occasion when the police came to take her back to her mother’s home, the girl said: “Right deh my mother say she ent want me and de police carry me down.” So she was arrested at this point. This is the sort of case in which several factors could be seen to have led to the delinquency. This situation involved a complex web of troubled family life, with indiscipline and paternal abuse being most prominent. Yet peer pressure also rivaled the family trouble in procuring her delinquency because she was seeking out fun with friends to escape her home responsibilities and troubles.

#### Broken Homes

All sorts of circumstances affected the family structures of the detainees at NOC. Very few had nuclear families because of their parents’ affiliations and household-sharing arrangements other than by marriage. Several had such unusual variations of the nuclear family that they were moved around quite a bit among at least three household types. These were grandparents, stepparents and foster parents. There were also other relatives like aunts and cousins who were drawn into the upbringing of these detainees, by chance and by choice. In these generally unstable and/or shifting circumstances detainees often reacted by committing status offences. Some traditional or nuclear families had been broken by death, divorce or separation. Interviewees with homes defined as such, to have been broken, were five females and one male student of NOC. Their stories are the focus of this section.

The first female interviewee (7) in this category described the problem that caused her to be wandering as follows: “My mother and father were married and separated. My father died. Every Sunday my sister gets to go by her father. I felt left out and I packed my things and left to go by my

Auntie.” Further, when questioned about if her relationship with her parents had anything to do with her ending up in detention, she said yes. She went on to say “I’se the only one mek she cry – when she call and I didn’t answer. I used to give she nuff rudeness.”

The second female interviewee (40) in this category gave a similar account of how she came to be wandering. As regards the issue of whether the relationship with her parents had anything to do with her delinquency she said: “My mother died and I missed her. I always wanted to get away from home because I wasn’t ever really happy. My father — I just can’t tek he.” In similar vein when discussing what problem caused her to be in detention she talked about these relationship battles after describing the wandering that she did. She said:

One reason I don’t like my father is ‘cause he din mind me. I just don’t like he and when I don’t like people I does spite dem. When my mother did introduce me to my father...(and) when I didn’t hear she...he did want play he want beat me and I tell he, if he didn’t mind me, he can’t knock me. I tell he if he knock me I gon go to the police and say he rape me.

Careful consideration of these accounts of family life reveals the difficulty of disentangling the factors that led to such detainees’ offending. One circumstance like a death or a divorce could set in motion a web of challenges with matters like discipline and communication. The next example is perhaps the most glaring, in this regard. This female interviewee (11) described the problem that led to her detention as follows:

My mother and father separated and my mother left me with my grandmother...My father then tek me back from my grandmother...Due to problems with my stepmother over there I asked to come back to my mother. After staying out of school, following bad company and liming after school my mother start beating me for bad behaviors. My Aunt who was with my mother and she didn’t agree too well and Aunty left. We had a story over water fetching in the yard and she tell my mother I gave rudeness. Then my mother start cuffing me and beating me up in my sleep. I start cry and jump out de window. That’s de first time I ran away.

She described a few other escaping episodes and then blurted out: “The only ting I did really want was for my real mother and real father to get back together.”

Another female interviewee (25) recounted that she had been detained for Simple Larceny because, while at an adult female relative’s house, the girl had spontaneously held a birthday party for

one of her friends, in the woman's absence. When the woman returned home she claimed to have sustained losses of lots of items from her home. As regards the issue of whether her relationship with her parents had anything to do with her offending she said: "Kind of...I should say so; yes." She indirectly revealed the reason why she said so when she explained how she had come to be at that adult female relative's home as follows: "My stepfather, I didn't really – I didn't want to have a stepfather. He moved in and shortly after I went to [the woman's] home."

Female interviewee (20) had a bit more complex experience. She herself struggled for words to explain it. When describing what problem or offence led to her detention she said: "Is a lot of stories. Since I was ten my father died and my mother took somebody else. The man she took used to be interfering with me, like troubling me and wanting to have sex with me and when I told her she never used to want to listen me." What happened here was that into a broken home came a new negative challenge of sexual harassment. The wandering activity that followed could properly be seen as a desperate bid to escape from these challenges.

Evidently, in these cases the offence titles for which interviewees had been detained, gave deceptively simple pictures of their problems. The detainees who had been abandoned by their parents sought out relationships and experiences that could compensate for that and delinquency often resulted. The detainees who had experienced abuse in the home were engaging in escapism and thereby committing the status offence of 'Wandering.' The detainees from broken homes were "acting up," often in company with their peers, because they could not accept or deal with their parents' fractured relationships. On close examination then, you find that this core problem of family trouble, often operated in combination with other factors such as idleness or peer pressure, to lead these young offenders into committing offences.

### ***Negative Peer Influences***

Peer influence is not necessarily negative, in general terms. Where the effect of peer influence is continually negative, this has come to be termed peer pressure. Out of a total of 48 interviewees, 25 NOC students related experiences of peer pressure. These were 14 boys and 11 girls. Just as it was with all the other factors, peer pressure hardly ever operated exclusively in leading juveniles into delinquency. Family trouble and idleness in particular led to and from peer pressure in different configurations to procure the result of delinquency. However the factor that detainees identified most often as having led to their detention was clearly peer pressure because more than half of the interviewees said: "I used to follow friends."

This peer pressure was especially evident where detainees had moved around regularly in groups, although none seemed to have acquired the characteristics of a gang. These were cases in which boys would meet together at particular places and agree and perpetrate offences together several times, before getting caught. The groups of perpetrators however did not have any names, identifying regalia or stated codes of misconduct as do gangs. Among the girls, when they succumbed to peer pressure they tended to act more spontaneously than did boys in response to pressure from just one or two persons as well as from a big group.

#### General Peer Pressure among Girls

Four out of the eleven female interviewees who expressly reported having experienced peer pressure had all been detained for 'Wandering'. One female interviewee (50) who was detained for 'Wandering' described what led to her detention like this : "Is a day I went come from school. I go home and change my clothes. A friend came and say let we go on the road and I went out till 7:30 the same night." A second female interviewee (39) also went wandering one too many times as did so many others. She said that this is what led to her detention: "I never used to listen to my mother. I used to follow friends. Like when my mother gone to work I used to lef' my sister and brother and go out with friends and liming and come home late at night... A night she din go home and she din see me and she

went to the police and they drive and pick me up pon de road.” In the case of a third female interviewee (33) who also went wandering, not even a grandparent’s intervention could wean the detainee from her friend’s peer pressure. This became apparent when she explained how come she did not have more schooling before detention. She said that: “My grandmother took me out of school to stay home as people used to complain for me.” She made it clear that she had had the problem for quite awhile. First, she said what caused her to be detained was: “I used to get away from my parents to follow friends and behave bad like them.” Then when discussing if her offending had anything to do with her parents she said: “No, I was home months before coming into NOC.” These three were all clear cases of negative peer influence leading predominantly to detention because yielding to it had become habitual, for each one.

In the following case other factors, in the form of family trouble were embroiled with the peer pressure.

Female interviewee (14) was detained for ‘Wandering’ but the core problem leading to this seemed to have been an unsatisfactory family relationship begun with parental abandonment. When discussing why she went wandering she replied: “I just used to follow friends.” She said the problem was that she “used to leave home for a long time and not go back like for weeks.” She further revealed that: “I don’t know anything about my parents, not even their names. I grow with my grandmother.” She said that although she got along well with this grandmother who “cried at court and said she would miss her,” the girl felt that she could confide in nobody. It is quite likely that she found, in the company of her peers, a kind of familial relationship that she yearned for at home but could not have.

In some rare instances peer pressure operated in a single incident to lead to the juvenile’s offending. Two examples follow :

One female interviewee (47) was detained for ‘Breaking and Entering’ a shop along with her friends. She admitted having committed the offence but what led her to it seemed like a freak incident

in which her fear of her mother's reprisal made her rush headlong into a much worse dilemma. This is how she described the incident:

My mother sent me out after school fo buy something and me loss she money. Me din want go home because I woulda get licks. So me follow me friends and went and tief. Was money from a shop. It get door fo open – a wood been stick de door and we push de stick and it open. We went inside, de money went under a counter and we full up we pocket – 'bout \$10,000.

Another female interviewee (35) was detained for unlawful possession of firearms. From her description this was a single incident but her narrative indicates that she was drifting into a very pro-criminal or underworld mindset because at least one of her peers, though very young, was already embroiled in criminal activity. She described what led to her detention as follows:

A friend of mine had a story with her mother. She went to a friend's home... She had these firearms (a .22) and a '9 rounds' since home at her mother...She showed me it in the ground - by we're like sisters she showed me; she's fourteen. When I come back from the corner I pass and see she running a joint. I say let I ketch it and she gave me and we start reasoning. My mother got two house. I seh I gon carry she by me and we went and she asked me to keep dem... I now bury it by me...The night I tell my mother where it was and seh I gon beat out and spend two weeks by a girl in the jungle... I lie down and police come knocking loudly and search the house...Them ent find the tings but they arrest me...took me and pick her up.

Both the interviewee and her fourteen year old friend were more influenced by their peers than by their mothers. Both left their mothers' immediate dwellings for homes where they could be with friends. The interviewee injected expressions of respect for her own mother into her story at times. For example, she said: "She's a strict big woman, I can't tell my mother." Yet she went ahead and brought over the friend's weapons to hide them at her home. Her friend was very close to her – "like a sister", she said. This incident illustrates peer pressure overcoming a positive or restraining family influence and thereby leading to the outcome of delinquency.

#### Peer Lovers' Influence

Some interviewees described peer influence from the opposite sex in amorous terms and their experience is here reviewed under the theme of peer lover's influence. Although peers should be quite capable of positively influencing their lovers, the cases that follow illustrate only negative influence. For

this reason these cases might well have been subsumed under the theme of peer pressure. The expression “peer lover’s influence” however, is used to distinguish their experience from peer pressure, in general. Three females only, reported having experienced this sort of peer lover’s influence.

This sort of influence was seen in the interviewee’s stories when they were questioned about what problem or offence had led to their detention. All of them left home to go and live with their boyfriends for some time and it was this conduct that constituted the status offence of ‘Wandering’ which led to their detention.

One female interviewee (30) when describing what problem or offence led to her detention, said as follows: “I never used to listen to my mother. She used to tell me like not to go with ‘this boy’ and so on. I still went. One time I went away to live for about six weeks...I lived the six weeks at my boyfriend. He alone lives. He’s twenty.” When she was discussing her family relationship you could see that this very conduct of hers was causing the trouble in her home. Her father was overseas and she lived with her mother and two siblings, her stepfather and his daughters.

When answering the question about whether her relationship with her parents had anything to do with her detention, this very interviewee said: “Yes, the trouble with me mek so; she didn’t able talk no more... My mother does treat me good but it’s my ways, running away and so, going next door when she said no and forgetting housework.” From her comments you could tell this girl was trying to figure out how to manage herself. In fact it seemed as though she was more inclined to pursue male affection from her boyfriend because of loss of paternal affection. The reason is that when discussing why she went wandering she said: “I don’t know what does get into me when I do these things, if my father was here with my mother I don’t think I would.” Clearly this situation involved a struggle between familial and peer influence in which peer influence won out because of the girl’s attachment to her boyfriend.

Another female interviewee (28) had a slightly different situation in that, while her family seemed not to be discouraging her attachment to boys, they wanted to dictate her choice rather than

to guide it. As a result she resisted their haggling over each choice, made one on her own and left, thereby committing the status offence of 'Wandering.' When describing what problem caused her to end up in detention she said:

I used to like follow friends, mostly boys...I used to stay out late and my mother report. Plus your mother like one boy for you; your stepfather didn't like he. We used to go by each other and my stepfather does chase he. A next boy none of the two like he and he was one of the boys I went liming with when I get in trouble. When my stepfather put me out I ent had nowhere else to go. He's 22. I went to live with him and his older brothers.

These parents were not doing so well with managing the challenges of adolescence faced by the interviewee. By putting her out of their home, in a sense they gave her the go ahead to engage in the very conduct to which they were objecting because she was then no longer under their direct control. Eventually, like so many others they seemed after awhile to give up and thrust the child over to the state for the state to handle it.

The last case on the theme of peer lovers' influence to be mentioned, seemed to have spun off from one incident that took the detainee's parents by surprise. Here again it was how they handled that one incident that drove the girl closer to the boyfriend to the very extent that the parent did not want her to be. This female interviewee (41) gave a detailed account of what problem or offence led to her detention. In more proper terms she might have said that her boyfriend took her virginity but she did not. She described the incident in the following terms:

A day my mother send me by my auntie in [a rural district]. I didn't go. I went by a boy I like... He come home about 3:00pm. We talk and he just kiss me and so and I get some hickey. I go home about 6:00pm. And my mother asked how I come so late. I lie and tell she I been by my Auntie. She see the hickey when I go to bathe she hit me and so and ent even listen to me. So I run away back by the boy and I lie and say my mother put me out. He couldn't tek me by he mother so he carried me by he friends in the ghetto. Den me mother come a day and find me... I lie and tell she he din tek me maiden, whichin I know was he but I din want he get in trouble... When my mother come and carry me out I see now is court and de boy went deh. I keep lying and saying is not he so de story done bout he.

Since the mother hit her daughter because she found signs of kissing on her, you would think she was trying to punish her and to forestall sexual involvement. Yet, the lack of discussion and her

mother's harshness made her escape to have a full blown relationship with him, with the natural incidence of such sexual involvement included. Up to the time of this interview only the girl had been in detention for this status offence, not the boy because the offence was not 'having sex with a boyfriend' but 'Wandering'. In her case she was found to be in default of the law because she stayed at the home of her boyfriend; he was not because he had continued to live with his parents.

### Peer Pressure Among Boys

Among the 14 male interviewees who expressly reported having experienced peer pressure, several were involved in perpetration of theft offences as part of a group. However, there were also a few cases in which boys perpetrated offences alone, as a result of peer pressure.

The first male interviewee (48) was detained for 'Receiving' money stolen during a shop breaking incident. His friends did the job and he collected a big share afterwards, making him an accessory to the offence and liable for it in his own right. So the negative influence of his peers was clearly in evidence. He described what led to his offending as follows:

Me bin home bin a sell and dem boys break and enter a man shop and call me name. De boy tief plenty money from de shop – like \$ 40,000 and he keep \$20,000 and give me \$20,000. He say he find a purse pon de road and dat's why I tek it. Me follow bad company. After de police ketch he, he come by me house.

Clearly he recognized the influence of his friend as negative so he called it 'bad company'. For him it was not the first time, so he knew he had it coming. He went on to say: "Before time, me did break and enter and de Magistrate did done say if me breach me bond me got fo go boys' school (NOC)."

The following two cases of 'Trafficking in Narcotics' were also examples of single actors being spurred on by peer pressure.

The first of these male interviewees (46) had a squabble with his sister one day in his parent's absence and their neighbor intervened. The neighbor, finding his reaction rude and too much to handle,

called in the police and while investigating the neighbor's complaint they found marijuana on him. He described the offence that led to his detention in these words:

Deh talk to me and when he check me he find de weed. I had on a head tie and deh find it in de head tie. Dis time when we did going for swim, me friend give me to keep and give another friend...Dah wasn't de first time 'though; he used to give me and I used to sell it off me own. I used to sell to friends who does smoke it. I don't smoke it... People in a house near me does sell it.

This case demonstrated strong, prevailing, negative neighborhood influence and peer influence towards committing the offence. Although he was not yet even age 16 interviewee (46) was already a low level drug pusher, smart enough to keep himself clean and to make money because that was how it was done in his neighborhood and among his friends.

The second of these male interviewees (29) was involved in a similar case of narcotics trafficking. He explained why he did it as follows: "I just decide to do it after I see bigger boys doing it dat was me friend." He described the incident that led to his detention as follows:

I went with my friend. I go and buy weed and sell it back. I had some friends on the road and them carried it. I see dem selling it and dem din tell me anything... It's only dis one time I do it and I get ketch... I went under [town] market with it and one of dem Constable pass and hold on pon me and search me pocket and tek it.

Here again there was evidence of peer pressure operating by itself as a direct factor in bringing about his delinquency. His friends did it to make money and so he decided to try it too, but was caught in the act.

Other boys perpetrated offences because of what could be called medium peer pressure. It was not such heavy pressure as to act with a group but would have been just one incident spurred on by some need or idleness. These had not settled into a pattern of offending that is brought on by heavy peer pressure. A male interviewee (43) described the problem or offence that caused him to be detained as follows: "I was following school friends. Daytime after school time dem boys break de lock and went in some people house and tek out dem birds wha dem does sell. Is one bird deh expensive; me ent really know how much we woulda sell it for. Four of we went in." Here was another echo of the dominant theme of peer pressure by which NOC detainees identified their core problem: "I was

following friends.” With no other variable having been mentioned in his account it strongly suggested the possibility that peer pressure was closely related to his offending.

One male interviewee (42) was led by peer pressure to develop the addictive habit of gambling and, as is common with such habits, this made him vulnerable to offending in order to support that habit. This is how he briefly described what led to his detention: - “A night me and my friends go and break and enter this lady shop and my mother carried me to the station.” He gave more details when he explained why he did it. He said: “We were gambling and my money finished and I end up going and steal money from the shop to play the game. For about four months we were gambling.” On the subject of why he had not had more schooling before detention, he used these key words that identified his core problem as peer pressure: “I start following bad company.” This was the sort of expression that interviewees used repeatedly throughout the study, in various forms, to explain why they had committed whichever offence they acknowledged having committed. Some of the boys reported being drawn into group perpetration of offences so often and in such a manner that it revealed potential for their peer relationships to escalate into gang activity. These were involved in the most serious offenses according to law.

Another male interviewee (45) described the offence which led to his offending as follows: “It really happen as I walking on de road with me friends and dem say if I know deh got a place we could break and dem go with crowbar and a piece of steel rod and deh break and enter de floor and go inside and start fetch out tings. Den all o’ we go away and din get ketch.” That was just the tip of the iceberg, so to speak because he went on to say:

After two months deh go back again at de same place and break and enter with de same tools. Deh put me down inside de hole and when de alarm go off dey run away and left me inside. I bust de alarm chord off and de boys come back to pick me up... De guards ent see nobody and as we go through a street de people hold one of dem and he start call names and dat’s how we get ketch.

In this case also the detainee was able himself to identify peer pressure as his core problem. For his comment on the subject of why he had committed the offence was: “I follow bad company and stray from home.”

Technically speaking a lot of what is termed peer pressure is a matter of strong influence, in which the subject willingly drifts into a pattern of misconduct like that of his peers. Some situations are even worse. These probably better exemplify the term peer pressure because the subject is not willing to follow the crowd but the crowd overpowers their will, really pressuring him or her into action. The next case is just such an example. This male interviewee (44) clearly identified his core problem as serious peer pressure when he said what kept him from going to school more often, prior to his detention. He said: “I used to get away from school because dem boy does come and I does follow dem— dem same big boys. Anytime awe din go deh does beat we.” In short younger boys were being beaten into submission by the crowd. He described the offence that led to his offending in these words:

We went in the Post Office 8:00 o’ clock a night. They got mango tree and genip tree aback. We went to pick it. Some big boy went round who went in dey two time already and rip de zinc. A lil’ boy deh have deh put he in through the zinc and deh say if I want go in I could go. I went fo’ tell he come out ‘ cause police gon come hey soon and when he come out everybody run...I see he give dem big boys de tings when he come out... I carry he by me...Next morning he went pon de road and I tell he don’t go ... He get in a fight den hear de police ...talk about de Post Office story and he seh he went deh. Den he call me name.

It would be naïve to say that this boy did not ever want to follow the crowd. He seemed to like company. For when questioned about why he did it, he said: “My father used to tell me don’t follow nobody and go anywhere but I didn’t want hear me father.” However, as is the nature of such peer relations, once you get a little involved, you can be forced to get more and more entangled in them. The unspoken codes among them prevent the individual’s law abiding will from slowing up the group’s antisocial bias.

Other boys engaged in group offences gave accounts that likewise demonstrated serious peer pressure although they did not show any signs of that dangerous trend of beating others into submission. Four boys who were interviewed had been involved in the 'Breaking and Entering' of a phone store. The nature of their accounts was so similar, in terms of the number and relationships of the persons involved that it is quite likely that they were all involved in the same incident.

One male interviewee (4) spoke of what had led to his detention in this manner: "Some of my friends broke a phone store... They asked me if I wanted stuff from there and I went and collect de tings. We tek it by "[city] Market" and about three days after de police come and hold we." He seemed to have received the stolen goods and then joined in selling the proceeds of the theft in the market.

Another male interviewee (2) reported having succumbed to peer pressure after two other factors led him to it. There was evidence of poverty and family trouble in the form of a parent's need to support a drug habit, operating on him before his friends sucked him into their crime. This was deduced from a few of his answers. Speaking about why he had not attended school more prior to detention he said: "I went through from nursery to form one but sometimes I didn't go 'cause I used to go on de road and beg". Also when commenting on the nature of his family relationships he said his relationship with his mother was "not too nice because I used to have to go and beg to get money for she and she used to smoke it out." So evidence of poverty and family trouble showed up here. As regards the actual offence that led to his detention he described it like this : "At a phone store one night was 'bout thirteen of we. Dem boys break the store and I go and ask dem for a DVD and when people who own de store come and hold dem de boys dem bring de people by me." When discussing further why he did he traced the core problem back to this poverty and family trouble when he identified his motive. He said: "When me deh home me mother does smoke and me used to beg and carry home money and give she. I woulda sell it and go and give me mother." So his was the one case among those involved in the phone store episode that had multiple variables interacting to produce his delinquency along with the peer pressure.

The experience of another male interviewee (5) was also a case that involved another factor being combined with peer pressure to produce the juvenile's offending. This factor was parental abandonment. Speaking about the issue of whether the relationship with his parents had anything to do with his offending he said: "My mother left for [another country]. I did miss she. Den I get away from my big sister." He linked his mother's departure to his offending in answer to two other questions. First, he described the offence that had led to his detention in these words: "All my friend dem break a phone store and deh give me a phone. Then dem call my name. It was thirteen of we. We went pon [town] market... After my mother left for [overseas] I ran away... and used to deh pon [town]...Sometimes I stayed all night."

Next this interviewee (5) spoke of why he had committed the offence as follows: "I ent know why. I did want deh wid dem. I did get away from home and den I used to deh pon [market]." So it seems that his misbehaving had begun from the time his mother left. He reacted to the problem of parental abandonment by seeking refuge in the company of his friends. Although by his account he was at first reluctant to get involved in the activities of the other boys around the market, he eventually got fully involved because of the insidious nature of peer pressure. When giving the details of the offence he said: "A boy say he got a phone store to break. I say I ent deh pon duh. I lef' and go behind he and stand up fo watch. He break between the step tredders and 'nuff o' dem went in. The same time when deh come out I collect de phone." So the role he played was that of an aware onlooker who took a part of the proceeds of the theft. It seems that the peer pressure had gradually roped him into trouble.

This male interviewee (1) was the last of those who could be identified with the phone store breaking episode. He also seemed to have the factor of family trouble leading to his offending along with peer pressure. He spoke about both factors when describing the offence that led to his detention. He said: "I went home and the people in the house din want I stay home. They used to want I watch TV and so all de time." He lived in a house with an elderly female relative, a young adult female relative and

her fourteen children because his mother had gone overseas and his father lived elsewhere. Further on in his offence description he revealed that this “[elderly female relative] din mind me in de house, is more like [the young adult female relative] and [her children].” So this household from which he escaped was one in which he did not feel welcome by the head of the home and her children. He said also:

After I get away from home I start live and I meet up friends. Den friends tell me deh get a place for me to rob and after dem go and break it. Den after we go away and go up [hinterland area] ... some of we go [rural area] and some stay in town. I get lock up in [rural area] for Wandering ... I come out and I hear dem break de phone place again. Den after de people start looking for we and dem ketch some and dem tell pon all awe.

This account shows that there was some family abandonment, or better said, family rejection from which he escaped. This led him to keep company with groups of boys and peer pressure from them was ultimately the factor most closely related to his offending. He became street-wise, joining in their evasive tactics for instance, because after the theft they split up and went in various places to live. All of this operated together to finally procure his detention.

### **Poverty**

There were only two cases in which one could say that poverty led somehow to the detainee’s offending or was the most proximate cause of it. In these cases two males sought to satisfy their basic need for food and clothing by begging, stealing or just working when they ought rightly to have been in school, according to the law.

In one case, the male interviewee (6) was detained for ‘Breaking and Entering’ a male relative’s house from which he stole \$7,000. When describing what problem or offence led to his detention he said: “I did tiefing. Pon a afternoon I din used to deh home I used to want go pon de road and I tief me stepfather money and go way...Just dat. I tell me mother I din used to get money at home. I did just want to buy biscuit.” At this point he gave the distinct impression that he wanted biscuits because he was hungry rather than to whimsically satisfy his ‘sweet tooth’ or to overly gratify his appetite. He,

however, also directly identified some of his behavior to be idleness, in that he habitually went walking around for no good reason. His interview revealed that a strange man had already stabbed him late one night when he went idly walking around because he looked suspicious. Otherwise he was not working or begging or even stealing before. It seemed that his mother sometimes could not provide for him. This time he wanted to get something to eat so he went out on impulse to a place where he knew money could be found and stole it to buy something to eat.

### ***Idleness***

In this research study six detainees had the experience of being led into delinquent behavior by idleness. Five of them were males and one was female. Their idleness was, however, not as dominant a factor as others, such as family trouble or peer pressure, in producing the outcome of delinquency. The experiences of two girls and two boys may illustrate.

The first female interviewee (25) was detained for 'Simple Larceny' of property from her female relative's home. She moved to live there when her stepfather first moved in with her mother. One day's idleness when she spontaneously held an impromptu party with friends who were visiting her there seems to have led to her detention. This is, in part, how she described what led to her offending:

I was with my mother...Well I leave and go to my [other female relative]...She changed and go out back and my friends come. We end up drinking and so on and when she came home her room was ransacked. A male friend of mine was his birthday and we had like a lime about eleven of us... [She] questioned me about the ransacking and if I had friends over. She checked her things and said her jewels and phone...missing. I said I didn't know. She took me to the station.

Interviewee (25) ultimately had to take responsibility for the losses sustained by her female relative that day. The consequence was her detention at NOC for almost two years.

The other female interviewee (36) was detained for the less serious offence of 'Wandering'. This status offence seemed to have been a bad habit that she had developed from having too much idle time. Speaking of what problem or offence led to her detention she said: "One night my mother went to work and I went and sleep over at my boyfriend. My mother came home from work and didn't find

me... [She] came to my boyfriend's house next morning around 6:00am... For this same behavior I was on a court bond and this was breach of my bond." This was one of few girls who had quite a bit of education at the secondary level. Evidently she was not engaged in any structured activity at nights when her mother went to work, either in the form of housework or schoolwork. At the time she was in breach of a court's 'bond of good behavior', meaning that she had already been through court proceedings that made her liable to detention before but had been released on a bond not to breach the law again or else detention would automatically follow without trial.

Boys in the sample were also placed in detention for activities that one could not categorize other than as idleness. Here are two examples:

One of these male interviewees (34) described the problem or offence that led to his detention as follows: "Is around 5:00 o' clock an afternoon. I sit on one spot till 6:00 o' clock and like dey tink I deh pon de road and deh pick me up. It's a shop over de road from school I went and lime at. Is only de second time I do it and dis happen." Evidently, his was another experience in which just one day's idleness, encouraged by his peers, had led him into delinquency. This is because 'Wandering' is a status offence. Adults just sitting around at the corner of a street for hours may arouse suspicion of unlawful activity but such behavior will not of itself attract any legal liability, unless for instance, they are found in possession of some prohibited substances while there. For teenagers, like this one just being there without organized legitimate activity constitutes an offence.

The other male interviewee (37) had a more constant experience of this sort of unplanned getting together with friends. He was however more fortunate, only in terms of being picked up after a much longer time. He said: "I used to walk on the road at night. I used to go with nuff persons, just watching movies every night." He also said: "The probation officer used to put me in the dropout center and I used to get away." He reported that his mother had become fed up with him constantly staying out at night. Then one day while he had been sitting outside a popular local fast-food restaurant he was

picked up by a probation officer. After having been previously picked up by probation officers “about 40 times” he ended up being detained at NOC for one year as a result of this one day of idleness.

These four are examples of the situation in which, what the detainees had in their minds as the problem that led to their detention and the offence itself were one and the same thing. Their idleness was the problem that led to their detention but that very idleness, as defined by law, amounted to ‘wandering,’ ‘truancy’ or ‘loitering.’

### **Overreaching**

Overreaching was an unusual factor. This getting of illicit gain without any need for it was most clearly demonstrated by the stories of two male NOC students. In one case the detainee belonged to a family within a good income bracket that provided well for him by, for instance, regularly giving him pocket money. He had also early grown accustomed to handling his own money from working or selling. In the other case the detainee belonged to a low-income family but just because he wanted to own a game, he committed the offence in order to get it. Neither of these young offenders needed money but they still committed theft.

One male interviewee (48) was detained at NOC for having been an accessory to the offence of ‘Breaking and Entering.’ He had already been a conductor on a relative’s bus earning \$2,500 per week. He also got money from his stepfather who was a diamond miner. This is how he described what led to his offending:

Me bin home bin a sell and dem boys break and enter a man shop and call me name. De boy is one boy, tief plenty money from de shop – like \$40,000, he keep \$20,000 and he give me \$20,000. He say he find a purse pon de road and dat’s why I tek it. Me follow bad company. After de police ketch he, he come by me house.

This interviewee’s circumstances did not demonstrate family trouble, or poverty or idleness by any means. He was accustomed to earning his own money, receiving money from two parents and was actually profitably engaged in selling when he was led into trouble. He did not even go and perpetrate

the offence under pressure. In financial terms his action is best described as overreaching. He really did not need to take any money from that friend who had committed the offence entirely without his involvement and later led the police to him.

The other case that illustrates overreaching is that of one male interviewee (31), who worked as a farm hand for about \$1500 per week. When describing what led to his offending he simply said that he “went bad” because he wanted to buy something like Nintendo. On the subject of whether the relationship with his parents had anything to do with his offending, he said : “Yes, because me and dem don’t ‘gree I wanted to get my own money.” So this child had no obvious problem of poverty or peer pressure. He was not idle either because he was earning his own money and what he mentions of disaffection with his family relations concerned just his desire to buy a game he liked. He did not need it.

These two cases give credence to some of the findings about delinquency incorporated in studies commissioned by the Council of Europe since during the 1960s. They show that this information still holds good. In its report the Council concluded that: “ironically a high standard of living and full employment though usually desirable have unforeseen effects on adolescents such as too much purchasing power before developing management ability that may exasperate parents and predispose youth to defiant crime” (Council of Europe Report: 16). These detainees, although still living in their parents’ homes, were definitely not living at the same level as their peers. They were enjoying better financial circumstances than most of their peers. For their earning power and pocket money had perhaps given them what has been described by some Sociologists as ‘rising expectations’. Their standard of living was more on the level with their reference group, that is, on the level of persons who earned or spent like they had grown accustomed to doing. The law applicable to them however, dealt with them as with other persons of their age group only, because it categorized them as minors and accordingly treated them as juvenile offenders.

NARRATIVE SUMMARY AND DISCUSSION

The offences or delinquency for which these detainees had been held at NOC were mainly 'Wandering', theft and handling of narcotics. The troubles they were experiencing at home were shown to be driving them out of the home. Parents and guardians either abandoned them or abused them so that many of them began to "follow friends." They did this in the form of escaping from school, staying out late at night, living outside of their family home and in the more serious cases of this type sharing a criminal lifestyle with a peer group. The offences that many of them perpetrated were, in practical terms, some form of escapism from underlying problems that they were unable to handle. In other cases detainees found solace in troubled relationships of their own, if not to escape their parents' relationship issues, they did so just to enjoy relationships that their parents did not countenance. The delinquent activity had been proving more rewarding to them than law-abiding obedience to parents or living up to society's expectations. Finally, more so among the group offenders than among the others, detainees found reinforcement of their delinquent behavior in having money to spend on food and clothing and the pleasures of pursuing relationships that they wanted without interference from their homes, until they got arrested and detained.

The first research question on which this study was based is :

- 1) What factors lead young people into juvenile delinquency?

From the foregoing findings the answer to this question is that a number of factors pertinent to the lives of NOC detainees were probably related to their offending. These have been identified as emergent themes of this study.

Family trouble, peer influence, poverty, idleness and overreaching were emergent themes from the narratives because they all contributed to some extent to the onset of juvenile delinquency. It must be noted however, that there was a complex pattern of interaction among these factors that probably led to the delinquency of detainees at NOC. This observation confirms an established principle of social

research as regards the analysis of causation. For instance, Yablonsky (2000: 302) documented the challenge of singling out how such variables lead to juvenile delinquency when he said that: "It is difficult to isolate one single cause of crime or delinquency" and therefore described causation as a "multifaceted condition." The relative weight of each factor is difficult to determine. In some cases the family is a major factor in causing delinquent behavior, however in some cases other factors are more significant" (Yablonsky 2000:302). This study traced the patterns of interaction among the variables identified in the interviews conducted at NOC. The findings revealed that when there was really troubled family life it often led to juvenile offending. Such trouble took different forms. Sometimes poverty created the conditions for family life to be dysfunctional because families neglected the offender. Parents and guardians, for financial reasons or in order to more easily pursue their adult relationships, often abandoned detainees. There was also abuse of all kinds meted out to some detainees in their homes. Sometimes juveniles did have good family relationships but then really negative peer pressure would outweigh these and pull them out of the home into delinquency. Even though most of these youngsters had not yet been involved in the kind of organized group crime for which gangs are best known, they perpetrated a lot of group theft offences because of peer pressure intervening as a factor between family trouble and delinquency. At some times poverty led to idleness and while it did not much affect the family relationship, this idleness in turn led to juvenile offending. There were also instances in which detainees had not been in need of income but were overreaching and therefore committed offences. The incidence of overreaching was, however, really low. Peer pressure was the predominant factor affecting juvenile offending followed by family trouble. Next followed idleness, poverty and overreaching, in that order. The summary breakdown of these figures can be found in Table 1.

At the same time that juvenile offenders are removed from constant interaction with their families they are plummeted into sustained, close interaction with other offenders, by virtue of their

detention at NOC. As widely as their offences vary, so does their criminal sophistication. Many of them, especially the females and the very young boys are placed at NOC because of 'Wandering'. Others are placed there for more serious offences such as Armed Robbery, Attempted Murder and Possession of Narcotics. Especially in those cases in which detainees perpetrate such offences as part of a group, teenagers can be experiencing much difficulty in handling the influence of their peers, particularly influence of the type that fosters delinquent behavior. The findings suggest that the institution needs formal mechanisms for determining whether or not they do have this difficulty.

Programming that is targeted to determining what leads detainees to offend or whether factors like peer-pressure influenced juvenile offending has yet to be considered. If for example, offenders end up at NOC because of peer pressure from within their home neighborhoods, learning how to withstand the same kind of peer pressure during their stint at NOC could prepare them to withstand it, when they would have returned home after release but these matters have yet to be addressed. This would of necessity require some acknowledgment that some determination of what leads young offenders into delinquency ought to be an ongoing feature of juvenile delinquency management.

## CHAPTER SIX

### THEORETICAL ANALYSIS

Over the years the attention of sociologists has been drawn to a variety of social problems. Unlawful behavior or crime is just one of these. Unlike in the work of criminologists who specialize in studying why crime exists, sociologists do not usually make crime the focal point of their studies. Rather they tend to have their ideas about crime hidden in the text of grand theory that makes broad, overarching, analysis of society in general. The theoretical analysis of the NOC study which now follows draws on the work of some major sociological theorists. It also draws on the work of some who have only given specialized treatment to crime.

#### THE RESEARCH ISSUE OF THEORY APPLICABLE TO CAUSATION

The second research question amplifies the issue of delinquency causation from a theoretical perspective. It was framed as follows:

Do the experiences of juvenile delinquents substantiate theories which indicate that other members of society and certain circumstances of social life contribute to their becoming delinquent?

This chapter now seeks to provide the answer to this research question. In particular the theoretical principles regarding causation of juvenile delinquency are explored in order to test whether the data substantiates them.

#### ***Summary of Theory Applicable to Causation***

The common thread which runs through the theories on which this research study was premised is that clues to the onset of delinquency can be found amidst the close social circle and social circumstances of the individual delinquent. In theory for example, the social circle may refer to

influential social groups like the family or peers and the social circumstances may refer to the strain of lack of legitimate means to attain legitimate goals, respectively. The main principles of the following theoretical perspectives illustrate: According to Social Bonding Theory, deviance or delinquency results when individuals fail to develop bonds to society as a result of not first developing bonds to their parents (Hirschi 1969). Social structure theory indicates that the individual conscience or sense of right and wrong is produced by all the expectations of significant others in the life history. In particular, parental authority guarantees that individuals play the roles expected by society (Mills 1953). It follows that this should forestall deviance. Merton's (1976) Anomie theory recognizes that we all have the same goals in life, such as to have money and success. Individuals however, experience strain when the means are deficient for the attainment of common, legitimate goals. Structural-Functionalism gives a big picture of society as a set of relations among societal subsystems organized for social survival, according to Nye and Berardo (1968). The family is identified by this theory as a subsystem of society partly responsible for the development of good order or lawful behavior, such that unlawful behavior may result if the individual is not properly handled by the family. Those facets of Conflict theory that are most applicable to the issue of delinquency causation indicate that crime is a function of ongoing inter-group conflict in society (Vold 1958). Differential Association / Social Learning theory indicates that during interaction with close influential social groups like the family and peers, individuals learn deviance from the weight of influence in favor of it, depending on how these groups reward and punish certain types of behavior (Sutherland 1947; Akers 1998).

In all of these theoretical perspectives besides Conflict theory and Anomie / Strain theory the influence of social groups such as the family and peers is highlighted. According to Conflict theory however, the social circumstances of inter-group conflict are said to lead to crime so this theory may also be said to link crime to the influence of social groups, to some extent. Also according to Anomie / Strain theory, the social circumstances of disjuncture between legitimate goals and the means to

achieving them leads individuals to crime by causing them much strain. All these principles taken together may therefore be said to form the theoretical basis for the second research question, namely:

Do the experiences of juvenile delinquents substantiate theories which indicate that other members of society and certain circumstances of social life contribute to their becoming delinquent?

The answer is to be found in the narratives which demonstrate that for example: the strain of poverty can lead to theft, family trouble like abuse can lead to wandering and the benefits of peer lover's influence can outweigh parental attachment to make a child escape from home.

### ***Application of Theory to Causation***

#### Family Trouble

##### *Parental Abandonment*

Of the six detainees interviewed whose narratives reveal that parental abandonment probably led to their delinquency, that delinquency took the form of 'Wandering' in three cases and the form of theft in one case. A brief review of the stories of these four illustrates. One girl who was reared by her grandmother and knew nothing about her parents used to leave home for weeks at a time until she ended up in detention for 'Wandering'. One boy who grew up in an orphanage and never knew his parents but got some information and photographs about them from the orphanage, being a hopeful sportsman, skipped school to attend a professional game and eventually got detained for 'Wandering.' The parents of both this girl and boy had abandoned them so early in life that these detainees did not know them. Two other boys' experience of parental abandonment came later in life. One of these two boys lived with an older female relative but knew his mother. She had left for overseas to seek employment and on return visits told him she "did not have time with him." Of his father all that he knew was that he was somewhere in Guyana. This boy used to wander about on the streets and

eventually his older female relative referred him to the probation and welfare services to seek his detention because she said she had no one to look after him. The last-mentioned boy lived at first in one place with his single mother but was left behind when she moved house to live in another district. He continued to live there by himself and kept behaving badly. Eventually he stole personal property from a neighbor, was guileless enough to wear it himself and ended up in detention for theft. These were four out of six detainees who had in common the problem of parental abandonment.

According to Differential Association Theory or Social Learning Theory criminal behavior is learned by individuals during interaction with their primary social groups (Sutherland 1947; Akers 1998). Criminal behavior is not necessarily overtly taught. In fact, since it is learned in a process of communication with primary group members, it could be taught quite indirectly. In this process both positive and negative attitudes to law are shared with the individual (Akers 1998). These attitudes are reinforced by punishments or rewards being linked to different types of behavior. The process is operant conditioning that guides individuals to choose delinquent behavior when, after filtering all that is communicated to them, the balance of influence tips in favor of the delinquent behavior (Akers 1998).

Applying these theoretical principles to the experience of these abandoned children several inferences could be drawn which would suggest that they substantiate this theory. For instance, it could be inferred that they were all exposed to positive and negative attitudes to truancy and wandering, which is behavior contrary to law. They had positive attitudes to the law communicated to them by surrogate families and orphanage staff that were in favor of their attending school and spending time at home. They also had negative attitudes communicated to them about this law from their peers which they adopted when they escaped the realities of parental abandonment to wander about with their peers. These negative attitudes were reinforced by the rewards of peer company they enjoyed, stolen property they enjoyed wearing and watching professional sports they hoped to play as adults. The reinforcements satisfied them that it was okay to skip school, stay out of the home and wander around.

So they had differential reinforcements — positive and negative —for their wanderings and having weighed them, the balance for each detainee tipped in favor of wandering. In short, the inference would be that this is how the differential association they experienced led to their unlawful behavior, in the form of the status offence of ‘Wandering’.

From the perspective of structural functionalism it could also be inferred that the onset of unlawful behavior is generally attributable to malfunctioning family life. For it teaches that the family is one of the main subsystems of society all of which are partly responsible for the development of good behavior (Nye and Berardo 1968). It follows that if the family does not handle the individual properly unlawful behavior may result. In the experience of these interviewees the abandonment by their parents was the obvious evidence of such family malfunctioning. This abandonment however might have been only symptomatic of deeper seated family trouble like unwanted pregnancies or disparities in parent income. The connection between this parental abandonment and the onset of delinquency that is related in their narratives suggests that the theoretical principle about family functioning is sound. Their experience also gives credence to the inference that parental abandonment in combination with other factors can lead an individual into delinquency.

Conflict theory likewise points the researcher in the direction of the family when the objective is to determine what factors lead to juvenile delinquency. Conflict theorists reason that crime is a symptom of inter-group social conflict. More particularly, when developing the idea that penal practice tends to be inadequate for rehabilitation Vold (1958) opines that its training programs have little to do with the central problem. He further indicates that for such programs to be effective “rehabilitation must come from influences in the community ...that mould general life orientation “and that “such influences antedate both imprisonment and the behavior for which the individual is imprisoned” (Vold 1958:301). The inference is that families are among the moulding influences on the individual and that the central problem that leads young offenders into delinquency can be found within interaction with

familial influence that precedes delinquency. It follows that while moulding individuals there is the potential for family influence to orient them to behavior for which they can be imprisoned. In those instances when according to their narratives, parental abandonment led young people to drift into a lifestyle of theft or wandering with peers, their experience may again be said to substantiate this theory on the point of social circumstances leading to delinquency.

### *Abuse in the Home*

#### *Physical Abuse*

Out of the eight cases in which female detainees described abuse in the home which probably led to their offending three are most relevant to this discussion of theoretical perspectives on delinquency causation. One girl was constantly taking refuge from her regular home at another relative's home. This was because the beatings she received at home would include such force as, for example, hitting her head into concrete and causing her headaches and nosebleeds. She next took refuge at a friend's home, where it was less easy for her family to find her and stayed so long that she was arrested there for wandering and later placed in detention. Another girl often witnessed her father hitting her mother and beating all her siblings who were leaving home as fast as possible, by any means, including getting married. When talking to him did not help but made him also turn on her and beat her, she also ran off to live elsewhere. This constituted the status offence of 'Wandering' for which she had been detained. A third girl who had a physically abusive father and tried to hide his marijuana to stop his mis-treatment, was charged with possession of the substance and took the blame and consequent detention, just because he was the sole breadwinner of her family and she could not imagine how they would be provided for, should he be locked up.

In these three cases of physical abuse escapism was common, even in the latter case in which the girl, according to her story was wrongfully detained for her father's marijuana possession. For taking the rap for her father could also be seen as a form of escape from home although she did not commit

the 'status offence' of Wandering. According to the perspective of Differential Association Theory or Social Learning Theory individuals receive positive and negative 'definitions' or evaluations of norms and laws during social interaction with primary groups, for which the individuals evaluate the advantages and disadvantages then select unlawful behavior when the balance tips in favor of this (Sutherland 1947; Akers 1998). These girls' experiences demonstrate close interaction with two kinds of primary groups—their families and their peers. It could be reasonably inferred, especially from the views reportedly expressed by the marijuana-smoking father, that the law which proscribed minors' escaping from home would have been positively evaluated by their families' attitudes. On the other hand it could also be inferred that breaking those laws by running off with friends and the relief it provided from the pain of submitting to constant harsh discipline at home, would have been defined positively by peers. Since their 'Wandering' constituted unlawful behavior it could be inferred that they chose it after the weight of influence from their peers prevailed over that of their families and to that extent their experience may be said to substantiate Differential Association / Social Learning theory.

According to Social Bonding or Social Control theory, delinquency results when individuals fail to develop bonds to their parents because it leaves them without any firm basis for conforming to society's rules and values (Hirschi 1969). They form no bonds to society because they do not buy into its principles. It is understandable from this theoretical standpoint why NOC detainees who experienced abuse from their families fled to their peers' homes for refuge. If it can be construed that their escape from home, which constituted delinquency in each case, demonstrates a lack of bonding to their abusive parents as it seems reasonable to infer that being the case, then these experiences can also be seen to substantiate the principle of Social Bonding theory that lack of bonding to parents can lead to delinquency because it fosters a similar lack of bonding to society and its norms.

Conflict theory, as postulated by George Vold (1958), also sheds some light on this subject in terms of identifying the basis for the delinquent behavior of the eight female detainees who reported

the experience of abuse in the home. It speaks of influences and forces in the community being responsible for shaping and moulding general life orientation. Further, it says that those influences “antedate” imprisonment as well as the behavior that leads to it—suggesting that those influences cause the behavior. In each case of this study the abuse was a source of family conflict and in most cases the girls had left home, which was unlawful for their age. In the only case where no escape from home took place, the detainee made futile attempts to remove the source of conflict from the home, that is her father’s marijuana. This resulted in her being charged for possession of narcotics and being placed in detention. It can be reasonably inferred that on account of their strife, these families caused these young people to orient their lives to escapism from strife, even though the method of escapism was unlawful for persons of their age. It means then, that their families, being the influences and forces that shaped and moulded them, disposed them to unlawful escaping from home or ‘Wandering.’ To this extent the experiences of these detainees validate Conflict theory.

#### *Sexual Abuse*

The experience of two girls with sexual abuse in their homes was similar. In one case the girl’s stepfather kept telling her he wanted to have sex with her, and her mother’s previous boyfriend had been doing the same to her some time before. In the other case, after her father’s death the girl’s mother had a live-in mate who used to be telling her that he wanted to have sex with her also. These mothers never believed the girls’ protests about the problem. In the result the girls both did quite a bit of ‘Wandering’ and each was serving three years of detention for that ‘status’ offence.

According to Differential Association / Social Learning Theory delinquency results when the favorable and unfavorable ‘definitions’ of the law are filtered to individuals from their primary social groups and those in favor of disobeying the law outweigh the others (Sutherland 1947; Akers 1998). Examining this theory through the lens of these girls’ experiences it could be inferred that these girls escaped the sexual pressures of life in their family primary groups for the advantages of enjoying the

company of their peer groups. The rewards of the latter reinforced them in the high value they placed on wandering, as against the low value they placed on the ideals of staying home and attending school as the law required. To this extent their experience could be said to validate the principles of Differential Association / Social Learning theory.

Conflict Theory indicates that influences and forces in the community that shape and mould individuals' general life orientation antedate both imprisonment and the behavior for which the individual is imprisoned (Vold 1958). When this theory sums up the causation of unlawful behavior that leads to imprisonment as being 'antedated' by such moulding influences, it can be reasonably inferred that it means the moulding influences lead the individual into unlawful behavior. Testing these concepts against the experience of these girls it could be inferred that they began to orient their lives toward the unstable pattern of wandering around with their peers because they were searching for a comfort zone free from abuse. The parental influences expected to mould their lives were instead harassing them, or were 'in denial' about them being harassed. In other words, the sexual harassment or abuse at home could be said to have led them into the escapism that constituted the status offence of 'Wandering.' In this sense their experience can be said to substantiate the principles of Conflict theory.

According to Social Bonding or Social Control theory lack of bonding to parents leads to deviance because it makes individuals disinclined to buy into society's norms (Hirschi 1969). The experience of the girls who committed the status offence of 'Wandering' when escaping from homes which harbored the risk of sexual abuse should be considered in the light of this theoretical perspective. In particular, where mothers' paramours made sexual advances to them, which their mothers disbelieved or just allowed due to their dependence on the men, interviewees' having escaped to live with peers was understandable. How could they buy into the principles of society which require minors to stay in their parents' homes when their most immediate sources of understanding its principles were their mothers? These female detainees just could not bond with their mothers, and by extension they could not bond

with society. For, it is social bonding that is said to procure lawful behavior not social bondage. Accordingly, it is reasonable to infer that their experience also substantiates the principles of Social Bonding theory, by showing how the lack of bonding to their parents probably led to their delinquency.

### Broken Homes

Homes are broken by death and by separation or divorce of some members. Certain problems such as delinquency can be traced so closely in time to the fracturing of these relationships that it could be readily inferred that broken homes can lead to these problems. Examples from this study include the experience of the girl whose parents being separated, decided to escape home because she felt left out when a half-sister of hers was allowed to visit her father but this girl was not allowed to visit her own. Another girl whose parents led separate lives ended up in detention for 'Wandering' with friends also. She disrespected her father for his neglect to maintain her and so rejected his attempts to physically discipline her. She got really bad at wandering after her mother died and she had to live with a female cousin. A third girl whose parents had separated was having trouble with harsh discipline, both at the mother's home and the father's home in a neighboring country. The parents were both pursuing other relationships and being powerless to have them reconciled she went wandering off to live with her boyfriend. Detention for 'Wandering' followed.

These three experiences indicate potential for the testing of Social Bonding Theory because in their words the circumstances of their delinquency stem from their broken homes. This theory speaks of delinquency being the result of failure to develop bonds to parents. In turn there is failure to develop bonds to society and a consequent lack of stakes in conformity to society's rules, which makes individuals readily defy laws (Hirschi 1969). These detainees all ought properly to have stayed at home and stayed in school as is expected by society's laws regarding persons of their age. They however went wandering because their homes, broken by divorce and death, had not afforded them the opportunity to develop any significant bonding to their parents. On the contrary they were all trying to escape those

homes and this led them into delinquency because their wandering constituted delinquency. Nothing that was expected of them by law really mattered to them personally because they had not had the kind of social bonding relationship that made them buy into those expectations of society. In the light of these experiences therefore, the postulates of Social Bonding theory would seem to be valid.

### Negative Peer Influence

#### *Peer Lover's Influence*

The detainees for whom the factor identified as most closely leading to their delinquency was peer lover's influence were all girls. Two of them started out with the problem of their parents' disapproval of their choices of boyfriends. Both committed status offences of 'Wandering' by leaving home to go and live with their boyfriends. Another girl who ended up leaving home to live at her boyfriend's buddies "in the ghetto" had just been following impulse and straying from her mother's errands to visit him, until she got sexually involved with him. After this her mother had wanted the boy to be processed as a juvenile offender in the courts along with her daughter but since the girl had not accused him of rape, that did not work out. The girl insisted that they had had consensual sex and then she began a sort of visiting-live-in relationship with him where he left her at his friend's home. While it was an offence for her to live outside of her parents home, he could not have been deemed to offend in that sense because he had not left his home.

The question arises how well would the tenets of Differential Association Theory or Social Learning Theory stand up to the test of these experiences of peer lover's influence that led to their delinquency. The key principle of the theory is that unlawful behavior results when the individual chooses to engage in it after first having weighed the advantages and disadvantages of the differential rewards and punishments seen to attach to such behavior during their interaction with primary social groups (Sutherland 1947; Akers 1998). Operant conditioning is the process by which, according to Akers (1998) individuals choice between right and wrong is determined by thinking about how differential

rewards and punishments are linked to behavior (Akers 1998). In each case it seems reasonable to infer that the girls ran off with boyfriends, thereby committing status offenses as a result of valuing the emotional rewards of attachment to the opposite sex above the rewards of abiding by the rules. It seems reasonable to infer further that the emotional satisfaction provided by their relationships with their boyfriends were chosen after they had operant conditioning by weighing their parents' disapproval, threats and punishments against the rewards of the attachment. The logical conclusion to be drawn from these inferences is that their experiences support Differential Association / Social Learning theory.

The central principle of Conflict theory is that crime is a function of ongoing conflict among social groups which they sometimes consider to be the best means of securing the survival of their group (Vold 1958). Another of its main principles is however, that influences and forces in the community mould the individual's life orientation (Vold 1958). It would seem that the latter principle might have some bearing on the experiences of girls who reportedly were led into delinquency because of peer lover's influence. The reason is that their peer lover's influence could reasonably be classified as influence from their community that contributed to the moulding of their life orientation. This term life orientation could be taken to include disposition towards laws and norms. If so, their experience of becoming oriented to escaping from home and school because of their peer lovers' influence can to this extent be said to just marginally support the principles of Conflict theory.

#### *Peer Pressure*

More than half of the detainees interviewed (28) cited peer pressure as being related to their offending. There were some very obvious cases of this peer pressure among detainees who had been involved in theft. For instance, four of the thirteen boys who broke into a telephone store were interviewed; all of these directly stated that peer pressure had played a role in their involvement. One had not been involved in perpetrating the offence but he just shared in the proceeds after the theft.

Another explained that they had all been hanging around in a city market, when one had the idea for the Breaking. He had joined the group while living at his stepfather's home to which he had escaped when his mother left for overseas and left him at her sister's home. Yet another boy collected part of the proceeds after the break-in because he had already begun begging for a living and to support his mother who had a drug smoking habit. The other boy, who had lived with his cousins since his mother went overseas, did not feel wanted at home and started hanging around with the group until he ended up being the group 'look-out' when they broke into the store.

Differential Association Theory/ Social Learning Theory emphasizes the role of primary groups in leading the individual to adopt criminal behavior (Sutherland 1947; Akers 1998). Individuals receive from their primary groups such as families, favorable and unfavorable definitions of social norms which are differentially reinforced by rewards and punishments (Akers 1998). They act out unlawful behavior when, having weighed the relative advantages and disadvantages of doing so, the balance tilts in favor of this (Sutherland 1947). These theoretical principles have the potential to shed light on the experiences of all four boys. It could be inferred for example that the disadvantages of family rejection, emotional needs and financial needs among them all gave the company of their peers, by contrast, the character of advantages. These home needs and experiences provided negative definitions of the norms of staying home and being reared as children. By contrast, peers provided positive definitions of enjoying your own company and having your own money. Having weighed the differential reinforcements of these family and peer influences the balance tipped in favor of delinquent wandering and stealing. So they chose it again and again. In summary it could be said that all these boys were choosing the rewards of theft over submission to home and school rules. Accordingly, their experiences would seem to substantiate the basic principles of Differential Association/ Social Learning Theory.

When the tenets of Differential Association / Social Learning Theory are tested against the experience of peer pressure among those whose narratives involved Trafficking in Narcotics the effect is

similar. These school-age boys had been exposed for some time to the influence of adults in the neighborhood and peers who all earned money by drug trafficking without getting caught. In each case shortly after they attempted to do the same they were apprehended by the police instead. The basic principle of the theory is that criminal behavior is learned in the process of interaction with primary social groups but not that they necessarily teach it. Primary groups supply both positive and negative definitions of norms; individuals evaluate these and choose. Parents of these petty traffickers kept them in school and raised them to live at home, thereby providing positive definitions of norms applicable to boys who were minors. Neighborhood adults and boys of their age group, by contrast provided negative definitions of those rules by showing off their prowess with drug sales in the face of the law. It could be readily inferred that these boys valued the rewards of trafficking, which their peers' influence supported, above the rewards of obeying the law which their families and society supported. After what Akers (1998) would have described as operant conditioning by these different kinds of group influence—some positively defining the law and others negatively defining it—they valued the rewards that their peers identified highly enough to risk the related punishment and acted on that. Ultimately it can be reasonably inferred that the experience of the petty drug traffickers also supports the tenets of this theory.

Among the central postulates of Social Structure Theory is one to the effect that institutional control is manifest in the filtering to the individual societal structures in his milieu a willingness to conform to its standards and laws (Mills 1953). A related notion of this theory is that adolescents are deemed delinquent when their behavior conflicts with the expectations of society; they may then be categorized as non-conformists (Mills 1953). The research issue of whether young offenders' experiences substantiate theories of delinquency causation can also be approached in terms of Social Structure theory by consideration of these experiences of peer pressure. The roles adolescents are expected to perform at their age involve staying in school and living at home with their parents but

discomfiture with the home relationships and needs pushed them out of the home and peer pressure pulled them in the direction of group theft. They all knew society expected them to stay in school and to live at home like regular children but could not approve of, or accept, the laws which enforced these expectations. They deliberately acted contrary to those laws repeatedly because the push and pull of their circumstances just described made them drift into regular group wandering and group theft. In short the institutional control of their families did not succeed in making them willing to buy into society's rules and laws and when these adolescents' behavior conflicted with the laws they were deemed delinquent and placed in detention. To this extent it is natural to infer that their experiences of peer pressure substantiate the postulates of this theory.

In principle, Anomie / Strain Theory equates all offenders with law abiding citizens, in terms of their common desire for legitimate goals like having money and success. It however explains that those who pursue these legitimate goals by unlawful means first experience the strain of having inadequate means to achieve their goals (Merton 1976). It is when they have not developed a commitment to satisfying their legitimate goal of wanting money by legitimate means that they act unlawfully to get money. The experiences of these youngsters which have been shown to be related to peer pressure involved group thefts and narcotic trafficking which activities, having helped them to get money by illegitimate means lend themselves well to the testing of this theory. It seems that they all wanted money just as much as law abiding citizens do. They however had limited scope to get money legitimately because, being underage, they were expected to stay in school rather than to work. They engaged in much of the group theft after constantly straying from home. In addition, some had family problems like parental drug addiction and feeling unwanted at home that made them less committed to getting the money they wanted by legitimate means. In the case of the petty drug traffickers for example, they could see their friends and neighbors successfully making money through trafficking so there was no strong influence on them to develop that commitment. On the contrary, their motivation

might have been that if their significant others could do it without getting caught, so could they. These natural inferences about their motivation flow so readily from their experience that it is logical to conclude that their experience supports the principles of Anomie / Strain theory.

### **Poverty**

One male detainee at NOC reported having been picked up late at night for 'Wandering' because he was en route to a job of packing fish boxes. The fact is that it was contrary to the law for him to be doing the kind of job to which he claimed he had been going or to be moving around on the street without an adult at that time of night. He however said that he had been trying to earn at the time because his mother had died and left him with his grandmother who could not afford to keep him in school all the time. Another boy who had been complaining to his mother that he did not get money at home, ended up in detention after he visited a male relative's home and stole some money there because he wanted to buy biscuits. These two boys were both affected by poverty and both tried to help themselves by acting contrary to the law.

In terms of Differential Association / Social Learning Theory individuals weigh the positive (rewarding) definitions of unlawful behavior against the negative (punishment –attracting) definitions of them that are filtered to them during the interaction with primary groups like their families (Sutherland 1947). This process, by which they are led sometimes to choose the rewards of crime over lawful behavior, is called instrumental or operant conditioning. These theoretical principles tested against the experience of the boys affected by poverty that led them to choose the financial rewards of theft over the rewards of getting schooling and depending only on their parents for money, would seem to be well founded.

Merton's Anomie / Strain theory identifies the thinking of individuals who are driven to unlawful activity by poverty. It indicates that quite like law-abiding persons they have legitimate goals such as to have their own money and to be successful at life. They however, do not mind engaging in unlawful

activity to attain those goals because they do not develop a commitment to attaining goals only by lawful means (Merton 1976). Based on these theoretical principles certain inferences can be drawn: It can be inferred that these two NOC detainees both had legitimate goals because one wanted something to eat and the other preferred to work for his own money, although it involved work late at night, which was contrary to law for persons his age. It may be inferred further that their poverty constituted a lack of means to the attainment of those legitimate goals which caused them strain. Then they reacted to the strain by employing illegitimate means to obtain their legitimate goals. To the extent that these inferences are logical their experiences may be said to validate the principles of Anomie / Strain theory.

### ***Idleness***

One boy wanders around at nights with friends, going to the movies, when at his age he should be at home. Another boy sits around outside a shop after school for too long one afternoon. A girl grasps the opportunity to sleep over at her boyfriend one night when her mother goes to work. The consequence of this idleness in each case is detention at NOC for Wandering.

From the perspective of Differential Association / Social Learning Theory these individuals internalize the definitions, both positive and negative, linked to unlawful behavior which they derive during interaction with their primary social groups such as families and peers (Sutherland 1947). They weigh the differential reinforcements of punishments and rewards for crime and become conditioned to the choice of delinquency in some form when the balance tilts in favor of reinforcements attaching to the latter (Akers 1998). It is reasonable to infer from their narratives that each of these teenagers chose the rewards of enjoying the company of their peers over the standards of being good boys and girls who stay at home. Accordingly, it is likewise reasonable to infer that their experiences substantiate the principles of Differential Association / Social Learning theory.

According to Social Structure theory adolescents are deemed delinquent when their behavior conflicts with the expectations of society (Mills 1953). Social Structure theory presents a view of society

as characterized by two categories of deviant personality in terms of their disposition toward norms. The non-conformists challenge the legitimacy of norms and defy them; aberrant persons acknowledge the legitimacy of norms but still defy them (Mills 1953). The narratives of the detainees now under review indicate that they should have had knowledge of certain norms such as the expectations that children should stay in school and should refrain from 'liming' on street corners or sleeping over at boyfriend's homes, for they had all been enrolled in schools and provided homes by their families. Their narratives do not indicate that they challenged the legitimacy of these norms but they still defied them. In the context of their home and family life it could be inferred that their conduct would be categorized as aberrant according to this theoretical perspective. It seems apparent that mere idleness led them to defy society's expectations because they felt they had nothing better to do with their time. To this extent their experiences seem to support certain concepts of Social Structure theory.

### ***Overreaching***

The case which illustrates overreaching best is perhaps that of the boy who stole money to buy a computer game. He was not needy. He had grown accustomed to having his own sizable wage earnings from odd-jobs he had done before and had gotten into disagreements with his parents about not having his own money. He was just willing to do whatever it took to get what he wanted even if that activity was unlawful.

In the light of Differential Association / Social Learning Theory individuals weigh the positive and negative definitions of unlawful behavior provided by the primary groups like families and peers (Sutherland 1947). This process is called operant conditioning and it determines the choice individuals eventually make to obey or defy the law when the balance of reinforcements is in favor of one or the other kind of behavior (Akers 1998). In these cases it could be reasonably inferred that this male detainee would have been exposed to differing definitions about theft which eventually led him to choose theft because he valued its financial rewards more than he feared the risk of detection and

punishment. Accordingly, his experience gives some credence to the principles of this theoretical perspective.

Anomie / Strain theory speaks of the idea that all people share the same legitimate goals but they are not equally committed to using legitimate means to attain those goals. Some are therefore willing to employ unlawful means to do so (Merton 1976). This theory further indicates that it is when individuals do not develop the commitment to attaining their goals by legitimate means that individuals most likely commit crimes. The issue arises in this instance also whether this theory can shed light on what might have prompted this teenager's behavior when he stole money to buy the game. It can be reasonably inferred that he had the same goal of enjoying a popular child's game as perhaps other children of his age group did. He, however, was not put off by the fact that he did not have as much money as it would cost. Although he got it by the illegitimate means of theft, he got it. This suggests that he had not developed the commitment to attaining goals only by legitimate means. In the light of these inferences his experience may be said to support the principles of Anomie / Strain theory.

#### THE RESEARCH ISSUE OF THE LIKELIHOOD OF REHABILITATION FROM PROGRAMMING

This chapter also seeks to provide the answer to the third research question which was framed as follows:

Does current juvenile delinquency programming ensure and / or verify that detainees are likely to be rehabilitated in preparation for return to society?

In answer to this question the ideas for programming found in the theoretical perspectives and treatment suggestions demonstrated by some research studies are now explored, using the data from the narratives in order to determine whether existing treatment is likely to rehabilitate young offenders in preparation for their return to society.

#### ***Summary of Theory Applicable to Rehabilitation or Treatment***

Among the writings of the five perspectives which form the basis of the theoretical framework for this study only two have material which directly addresses the issue of what treatment should be applied to persons in detention in order to rehabilitate them. Sutherland (1947) wrote extensively about the issue in his work on Differential Association theory comparing prevailing rehabilitative methods of the time. Vold (1958) also made some mention of the subject, highlighting the inadequacies of methods current in his time and recommending improved approaches to the problem. Although the other theories do not so directly approach this issue there are still reasonable inferences that can be drawn about suggestions they might have for delinquency treatment on account of the nature of their foundation principles. In this evaluation of NOC programming in order to determine how well it ensures or verifies that rehabilitation of juveniles in preparation for their return to society is likely, these are also worth mentioning.

The central principle of Social Bonding Theory is that individuals tend to become delinquent when they lack bonds to society as a result of not having first developed bonds of attachment to their parents (Hirschi 1969). This concept is expanded using the notion that delinquents are persons who have not been able to develop any commitment to society's norms because of this basic lack of bonding to parents or other conforming adults (Hirschi 1980). It may be inferred from the latter especially that rehabilitative treatment for detainees could benefit from some sort of training that would help young offenders to inculcate some level of commitment to society's norms and rules.

Social structure theory provides some indirect guidelines for juvenile delinquency management, by exploring its principles of structural control and its categories of individual orientation to such control. Mills (1953) opines that it is when the behavior of adolescents conflicts with the expectations of society that they are deemed delinquent. He goes on to indicate that institutional control involves the filtering into the individual from societal structures in his milieu a willingness to conform to its standards and laws. (Mills 1953) further says that it is primarily through the language of his group that individuals

learn how best to perform the roles that society expects and that individual consciences are similar to those of their significant others (Mills 1953). Accordingly, a reasonable inference from this theory is that juvenile delinquency programming that would best rehabilitate could draw on the influence of significant others through the regular use of language to help delinquents to develop better dispositions towards norms and laws.

The key principle of the perspective of Anomie/ Strain Theory is that persons who become delinquent have the same legitimate goals as law-abiding citizens but less access to legitimate means of attaining them (Merton 1976). This disjuncture causes them strain which leads them into delinquency when they react to the strain by employing delinquent means to reach their goals of having money or success, for instance (Merton 1976). These principles suggest that juvenile delinquency schemes would do well to incorporate in their treatment programs which help delinquents to develop the capacity to cope with the competing influences of good goals and poor means to attain them. Such programs may for instance help to equip them to consistently choose law abiding means of reaching their goals.

According to structural –functionalism society functions like an organism because it is composed of various subsystems of institutions, like the family, all of which are closely inter-related (Nye and Berardo 1968; Mc Intyre 1968). Writers of this theoretical perspective indicate further that the family moulds the kinds of persons that it needs in order to carry out its functions as part of the society which needs, among other things, provision for the maintenance of order if it is to survive (McIntyre 1968). In the context of these principles it would seem that rehabilitative treatment for detainees should pay some attention to what obtained in their family life. The inference is that if the norms of society hold the expectation that family life helps to mould well-ordered society, then where there is disorder in the form of delinquency clues to its origin and rectification may be found in this very family life. For this purpose professionals who work with detainees could probably find some means of tapping into their

former family life as resource bases that can be used to guide them in how best to mould detainees' transition to law-abiding lifestyles.

The main tenet of Conflict theory is that crime tends to be a function of inter-group social conflict that is often a mechanism used by group members to achieve social survival (Vold 1968). Conflict theorist Vold (1958) berates the fact that penal practice is characterized by almost universal lip service to the ideal of rehabilitation. In other words, there is much talk of rehabilitation and little action or practice to match it. He opines that the education and training programs often employed in penal practice tend to have little or nothing to do with the central problem of delinquency (Vold 1958). The inference that flows from these observations is that detention programs ought to provide detainees with education and training that are actually rehabilitative in practice and not just touted to be so. It is conceivable that such programs might include some form of training in which delinquents learn how to handle volatile conflict at the familial or social level.

Differential Association / Social Learning theory is premised on the view that unlawful behavior is learned by individuals during interaction with their primary social groups (Sutherland 1947). It results when individuals weigh the favorable and unfavorable definitions of social norms supplied them by these reference groups and the relative reinforcements of punishments and rewards linked to them and the balance tips in favor of crime (Akers 1998). Sutherland (1947) criticized the reformatory practices of his day then employed in prisons, such as isolation, meditation and sermonizing. Instead Sutherland (1947) emphasized the need for an individualized approach to reform or rehabilitation that begins by seeking a thorough understanding of each delinquent including the status of their health. Sutherland (1947) indicates that on the basis of such understanding individual delinquents should thereafter be given treatment that helps them to : understand their situation, sublimate wrong tendencies, better their self-concepts and change their attitudes. These prescriptions for rehabilitative treatment suggest that the

rehabilitative value of detention programs can be determined in some measure by how well they help delinquents to accomplish these parts of a pro-social approach to life.

### ***Application of Theory to the Issue of Rehabilitation or Treatment***

#### Family Trouble

##### *Parental Abandonment*

The narratives of six detainees relate experiences of parental abandonment preceding their drift into delinquency in the forms of truancy, wandering and theft. At NOC these three boys and three girls all engage in a week day regimen involving morning ablutions, area cleaning duties, drill and flag raising ceremonies and exercise before breakfast from Mondays to Thursdays. On Fridays all detainees do gardening. This is followed by attendance in some skill area before and after lunch, supper and then some free recreational time within their dormitories before bedtime. The youngest boy who was given up by his elderly female relative said he played both before and after lunch daily because he had not yet been allocated a trade. One of the girls attended the schoolroom daily. She said the schoolwork was really easy and she would like to return to secondary school after discharge. The 'would be' sportsman was learning a trade. The boy who stole his neighbor's property was being trained in electrical engineering. This regimen constituted the full extent of rehabilitative treatment provided for them by the institution.

Certain principles of Conflict theory are relevant to the issue of the NOC programs' capacity to rehabilitate. Vold (1958) criticized the penal practices of his time for their idealistic lack of genuine rehabilitative capacity because their education and training programs did not focus on 'the central problem.' Since parental abandonment in these cases has been shown to be the factor most closely related to their becoming delinquent it is reasonable to infer that parental abandonment could be identified as their 'central problem.' It follows then that supplying education and training programs that could help them to understand that problem and their feelings about it would be an approach

consonant with this theory. The NOC regimen they described however, seems not to have any such elements of education and training. It follows that rehabilitation to the level that Conflict theorists such as Vold (1958) would prescribe is not likely to result from current detention programming in Guyana.

The prospects of these detainees who experienced parental abandonment for future family life were similar. After discharge the youngest boy and the girl expected to return to the homes in which they had lived before. The boy who lived alone when his mother moved house now hoped to go to live with her. The hopeful sportsman had no idea where he would live after discharge. Speaking of delinquency reform Sutherland (1947) emphasized that an individualized program should be applied, that would cater to the different needs of individuals. Among Sutherland's (1947) techniques for reform were the recommendations that each offender should be taught to understand his or her situation, be guided into a different self concept, be trained to modify their habits and to suppress their tendencies to delinquency. Differences of age, gender and experience leading to detention were all apparent among this group of four. Detainees of this sort need to be carefully handled. What prompted the theft might be different from what prompted going to a sports match during school hours or from just roaming the streets instead of staying at home. If their programming could be used to help them understand why they chose certain reactions to their feelings of abandonment then they could be taught to choose more appropriate reactions that would not get them into trouble with the law, in the future. It seems however, that they are given a common simple regimen regardless of the individual factors that lead to their delinquency. It also seems that no programming of the type that would help them to understand their situation, change wrong tendencies and develop better self concepts as this theory would suggest, is part of their fare at NOC. Accordingly, it would seem that from the perspective of this theory current programming is not likely to rehabilitate them well enough.

The principles of structural–functionalism also have bearing on family life which, by reason of the parental abandonment they experienced, has been identified as a significant factor in the onset of their delinquency. Nye and Berardo (1968) identify the family as one institutional subsystem of society, which through its function of moulding individuals to perform expected roles, contributes to the maintenance of order in society. Delinquency in any form is a sign of some disorder in society. It follows that treatment that helps individuals to better cope with family life would probably be recommended by Structural-functionalism theorists for these detainees who were badly affected by parental abandonment. To the extent that their current programming does not provide any treatment with this sort of emphasis on coping with family life, it would seem that it is unlikely to rehabilitate them in the sense that would be expected by social researchers of this theoretical persuasion.

#### *Abuse in the Home*

##### *Physical Abuse*

All three girls for whom physical abuse at home could probably have led to their offending described a regular weekday regimen at NOC which revolved around their allocated skill or craft training both morning and afternoon, plus area cleaning, drill, flag-raising and PT routines. Two worked in the kitchen and one in the tailor shop. Their expectations for future family life varied. Two of these girls would be 18 years of age by the time of their discharge. Both hoped to live elsewhere after that. The first hoped to live at a sister’s home; the second hoped to live at the home of her natural father overseas. The other one who was younger than they both were and who said that she ‘took the rap’ for her father’s marijuana possession expected however, to return to live in his home.

Among Sutherland’s (1947) Differential Association Theory’s techniques for reform of delinquents some notions that would seem applicable to these girls are that they need to be helped to understand their home situations and to develop better self concepts. It could be inferred that something more rehabilitative was necessary since they were not yet being “furnished stimulations to

draw out tendencies opposed to delinquency” (Sutherland 1947:600). They were only improving their homemaking, sewing and musical skills, which although beneficial seemed unlikely to equip them to deal with abuse which training them to better understand their home situation might do. From this perspective therefore, the overall picture of their current programming is one that demonstrates some inadequacy and could properly be deemed unlikely to rehabilitate them.

It could be readily inferred that Conflict theory provides guidance for the treatment of this sort of teenager who is prone to leave home while still underage without parental consent, also. This is because Vold (1958) suggests that education and training programs used in penal practice should determine what constitutes detainees’ central problem and focus on rehabilitation and reform from a position of understanding that. It follows that in cases such as these in which the physical abuse linked to family conflict is found to be a factor that led to their offending, then to the extent that their current in-detention programming does not address how to handle such interpersonal conflict, this programming would seem unlikely to rehabilitate them.

#### *Sexual Abuse*

At NOC the regular activities of the two detainees who reported having experienced sexual abuse which was found to have led directly to their offending, were embroidery and knitting. This comprised the standard daily regimen in the craft shop where they worked. Both had been detained for wandering. One expected to return to her grandmother’s home in which the mother and her paramour live. The other wanted to change from her mother’s home and go to her father’s home after discharge. Both would still be minors but eligible for adult prison, instead of detention, if they again lapsed into delinquency after discharge. Their newly acquired craft skills would make them more rounded persons and might even enable them to earn some money of their own. There was however, no programming for them that would prepare them to avert sexual abuse without the constant escaping from home which constituted their offending.

Sutherland's (1947) Differential Association Theory included recommendations for programming that could help delinquents to modify their habits, develop different self concepts and suppress their tendencies to delinquency. It would seem that detainees with problems emanating from the home such as sexual abuse could especially benefit from programs that help them to develop different self concepts and that suppress their tendency to delinquency. In these cases regularly escaping from home to go wandering constituted their delinquency. These teenagers would however still have to live with some adults as minors for at least one year after their discharge. Programming that could help to boost their self confidence so that they could better withstand sexual harassment and suppress their tendency to instead live constantly on the run, might be particularly useful to them. To the extent that their current programming does not focus on exploration of life within the primary social group and reformatory training that addresses the delinquency-fostering problems from this environment, recommended by this theory, the reasonable conclusion is that it is not likely to rehabilitate them.

Conflict Theory according to Vold (1958) indicates that if effective rehabilitation of delinquents is to take place it must come from the very influences and forces in the community that shape and mould the life orientation and which lead to the offending behavior. This theory actually identifies the family as one source of such influence in the community therefore the irony of the circumstances of these victims of sexual abuse is that the problem identified as most directly leading to their delinquency emanates from among one of the sources of social influence that should normally mould their life orientation aright. Instead their family life has moulded them into a lifestyle of escapism or living on the run to escape sexual harassment. As a means of preparing this sort of detainee for return to society the detention scheme therefore should not only focus on equipping them with job skills. It should also take into account issues like the sexual abuse that led them into delinquency and provide them some training in how to deal with such problems in whatever environment they may have to dwell in the future. This could probably help to make them less vulnerable in the wider society by tempering their inclinations to

rush into bad relationships of their own, just to escape from home. The fact that current programming is deficient in its scope to address this sort of issue, at which Conflict theory hints, indicates that it is unlikely to genuinely rehabilitate the detainees affected by such problems.

### *Broken Homes*

Wandering because she could not get to see her natural father when her stepsister got to see hers each weekend, leaving home to live at another relatives' home because she could not get her parents to reconcile and staying out of the home for extended periods because she could not stand her stepfather, these are all excerpts from the narratives pertaining to those who traced the onset of their delinquency to having homes broken by death, separation or divorce. Out of the six detainees found to have been affected as such by broken homes these three girls' narratives best exemplify what treatment or programming they were all being provided at NOC. These three were primarily occupied with the daily regimen of trade learning, two attending the schoolroom, mornings and afternoons, the other attending the tailor shop. Their rehabilitative training consisted of nothing but this.

The experience of these girls affected by broken homes has earlier been discussed in the context of Social Bonding theory in terms of that experience substantiating its basic principle that the lack of bonding to parents and its consequent lack of attachment to society and its norms leads to delinquency. Hirschi (1969) explains how people generally acquire goods, reputations and prospects that they do not wish to lose and this is society's insurance that they abide by the rules. It can reasonably be inferred that rehabilitative treatment for persons who do not abide by the rules and are not committed to conforming to society since they do not accept society's norms, might require some training that gets them to commit to society's norms. Otherwise training that does not do this might fall short of rehabilitating them because it does not inculcate in them a law-abiding attitude. To the extent that NOC training programs address only skill and trade training but do not provide any training to help

delinquents to change their attitude to norms, rules and laws it is reasonable to infer that its current training alone is not likely to rehabilitate them.

Sutherland's (1947) techniques of reform would probably improve the chances of rehabilitation of such detainees if they were considered for their part of their detention programming. Utilizing Sutherland's (1947) recommendations about training in habit modification, development of different self concepts and suppressing delinquent tendencies for instance could perhaps be helpful in preparing them to return to society. The fractured relationships of their parents was a reality they could not change but their learning how to handle that better and to forge relationships of their own that would be less problematic might help. The programming suggested by this theory seems more likely to address this than the craft and skill training that they were being given. Accordingly, their current programming seems less likely to rehabilitate them in preparation for return to society because it does not yet have elements that help them to address the problems that led to their detention in the first place.

### Negative Peer Influence

#### *Peer Lover's Influence*

Of the three girls whose narratives exemplified peer lover's influence in the findings of this study the programming in which they were involved at NOC was as follows. Two of these girls, who would be discharged at ages sixteen and eighteen, were attending the schoolroom daily. In the schoolroom they are taught basic Math and English at the secondary school level. The third girl who would be age 16 at discharge was doing craft. At NOC these girls could only get informal ad hoc help with their relationship challenges that might persist after discharge, if they chose to confide in some staff member. Such issues would not be addressed in any formal programming there. To employ Sutherland's (1947) techniques of reform to help them to understand their situations, better their self concepts, modify their habits or sublimate their tendencies to delinquency, would perhaps add to their likelihood of rehabilitation. Inherent in this work of helping them to understand their situation there

ought conceivably to be treatment that addresses issues that might have led to their delinquency which in their case would be peer lover's influence. On account of the fact that the current programming available for these girls does not treat or address the issue identified as having led to their delinquency suggests that, in the light of this theory, this programming is inadequate and therefore not likely to rehabilitate them.

Conflict Theory as set out by Vold (1958) suggests that rehabilitative work should involve the influences and forces of the community who first mould individuals' behavior before they become delinquent. While they are in the detention center however, influences like the family that normally carry out this moulding function are physically removed from the detainees. Had there been some means of tapping into families as a resource base for helping detainees thus affected by peer influence and to manage peer influence worked into the formal programming of the institution, this would have probably increased their likelihood of rehabilitation. In the absence of any such formal programming the simple regimen of elementary schooling and training in craft seems inadequate and unlikely to rehabilitate them.

#### *Peer Pressure*

Three of the four boys who were involved in breaking into the telephone store on account of peer pressure were learning Joinery while detained at NOC. The other being youngest spent all his weekday mornings and afternoons in the schoolroom. After discharge, all the joiners wanted to go to live with a parent different from the one with whom they lived before detention. One of these wanted to now go to live overseas with his mother. The youngest who attended the schoolroom expected to return to his grandmother's home. They were all at risk of encountering more peer pressure to break the law after discharge. If so, they would have been well equipped to respond with law-abiding behavior, should their on-site programming provide them with training in how to handle this kind of

challenge among their peers. Formal programming to deal with peer pressure however, had yet to be addressed.

Several models of treatment demonstrated in the reviewed research studies exemplify Sutherland's (1947) techniques of reform. These include the sort of training that could help detainees to develop different self concepts, modify their habits, understand their situation and sublimate their delinquent tendencies. For instance, techniques which could be employed that might produce these rehabilitative effects might include rap sessions and anger management training which involves detainees in the role playing of scenarios in which they might resist the temptation when being pressured to commit offences. No model of treatment to deal with peer pressure is however yet on record within NOC programming. In the absence of such issues being addressed by programming it would seem that current programming is lacking important elements and is accordingly unlikely to rehabilitate them.

Social Structure Theory indicates that adolescents are deemed delinquent when their behavior conflicts with the expectations of society (Mills 1953). It indicates also that social groups, like families normally employ language to teach individuals how to live properly in accord with society's expectations (Mills 1953). In the light of this theoretical perspective this expected influence of the social group of the family seems to have failed and the negative influence of the peer social group seems to have prevailed instead. Programming that is designed to explore issues such as determining what influences led detainees into delinquency might reveal, for example the problem of a parent who had drug addiction, or the problem of being a misfit in the overcrowded home of relatives who never let you forget that you did not really belong to their family. For these are the family problems revealed by some of their narratives which reveal failing family influence which when combined with really bad peer influence eventually led them into delinquency. Several of them just escaped troubled home life to join a lifestyle of robbery with delinquent peers, constantly on the run. The sort of programming that seeks to

determine such issues as what social influence leads young offenders into delinquency does not however yet exist at this institution. Viewed in terms of this theoretical understanding of what causes delinquency it is reasonable to conclude that current programming provided by NOC is not likely to rehabilitate these young offenders in preparation for their return to society.

The key principle of Anomie / Strain theory is that persons who become delinquent share the same legitimate goals such as to have money and success as law-abiding persons but have less access to legitimate means of attaining them and are less committed to using legitimate means of attainment (Merton 1976). Anomie / Strain Theory would therefore seem to suggest that detention programming for young offenders who are so prone to group theft should include training that could help them commit to consistently obtaining money by lawful means, only. There could probably be forums provided that could also help them to think ahead about how to stay out of bad company. They should probably be taught about the limitations, in terms of working hours and earnings, which are allowed for children of their age, so that their needs and desires for money can be met without getting into trouble with the law. In so far as programming of this sort is not yet provided them it would seem to fall short of what is likely to rehabilitate persons who have been led like this into delinquency by peer pressure

Similar experiences of peer pressure were reported by two male interviewees who acted alone and did some trafficking in narcotics. One of these boys on his first attempt to buy and sell 'weed' was caught and put in detention. He said that he had seen bigger boys who were his friends doing it and he wanted to try it. The other boy who was detained for drug trafficking had been aware of drugs being sold in his neighborhood and had done some selling himself before, for a friend of his. He was found in possession of the marijuana while the police were investigating his neighbor's report of a quarrel he had with his sister, while they were playing a game in their own yard.

At the time of interview both were attending the schoolroom daily but were more interested in learning trades like Joinery or Metalwork before discharge. Both would be age sixteen at discharge.

Both would be returning to the very homes and neighborhoods in which they had become delinquent. With just the schoolroom activity and having learnt some trades, these boys would not have been trained by NOC to manage the peer pressure that they were at risk of having again. They too would do well with programming that utilizes some of Sutherland's (1947) techniques of reform so that they could understand their situation, modify their habits, develop different self concepts and sublimate their tendencies to delinquency. They too could benefit from on site programming like counseling, rap sessions and role playing that trains individuals in techniques of resisting peer pressure. Such programming was not however provided and in the light of this theory their skill training alone without some of this seems inadequate to rehabilitate them in preparation for their return to society.

The principles of Anomie / Strain Theory similarly suggest how youths like these young drug traffickers who followed their friends and neighbors' drug dealing habits to get money should be treated in order to be rehabilitated. Its theorists posit that it is the strain of disjuncture between their means and the ends they would like to achieve that frustrates individuals and leads them to adopt illegitimate means to attain them ( Merton 1976). This suggests that such young offenders should be taught that it is not wrong to want money but that only sticking to getting it by lawful means can keep them out of the risk of detention or life on the run. Forums should be provided for them to discuss with others who have had similar problems, what methods work best to fend off the peer pressure that makes a person go back to stealing and running around with robbers, although they know they could get into trouble with the law. Research studies that report models of treatment in detention indicate for instance that some professionals use activities like realistic simulations of the day –to –day experiences of peer pressure to help to rehabilitate young offenders of this sort, so that if faced with similar situations after discharge, they would be programmed to resist bad influence and avoid such trouble. In the absence of programming of this type that addresses the issues found to have led detainees into delinquency, it can

reasonably concluded that the current programming is not likely to rehabilitate them to the extent that their social circumstances require.

### Poverty

There were two boys found to have been affected by poverty leading to their offending and consequent detention at NOC. One was attending the schoolroom and the other working at the livestock farm. They reported that activity there made up most of their daily regimen. They both expected upon discharge to return to the homes in which they had lived before. Sutherland (1947) expressed the view that there was a necessity for reform of detainees to include modification of habits, understanding of situation, development of different self concepts and sublimating of delinquent tendencies. Since their experience can also be considered to have substantiated this theory's principles of causation they might naturally be expected also to have some bearing on what treatment would be appropriate in such cases. Accordingly, if current programming falls short of the sort of programming recommended for such cases and is limited to just basic schoolwork and farming, it would seem to need to be supplemented with some such training. Otherwise it would not be likely to rehabilitate the detainees concerned.

The principles of Anomie / Strain theory also merit consideration with regard to young offenders driven into delinquency by poverty. Its key principle is that while all persons share the same legitimate goals of for example, having money or success, the strain and frustration of lacking legitimate means to attain those goals leads some into delinquency because they adopt illegitimate means to attain them (Merton 1976). In terms of probable causation this theory is perhaps the closest to explaining these experiences of poverty because of this principle; the boys literally lacked the means to meet their needs and stole in order to have them met. Training in schoolwork and farming are both clearly meritorious in furnishing the boys with legitimate means to have their basic need to survive met in the future because they both provide legitimate earning capacity. The fact is that even with the capacity to earn if they do

not understand what motivated them and do not develop the commitment to constantly adopting only legitimate means of making a living they could be at risk of offending again whenever there is a disjuncture between their means and ends to achieving them. In the light of this reasoning their current programming could be seen as lacking important elements and to this extent therefore seen as unlikely to rehabilitate them.

### Idleness

In general, children tend to be more susceptible than adults to idleness because they are of school age and school hours are regulated to be shorter than working hours. The two boys most affected by idleness have both been trained in gardening at NOC, sharpening the skills that they brought from their families who were involved in farming. One wanted to own a shop of his own, in addition to which both of them wanted to continue doing agricultural work after their discharge. Both will still be teenagers of school-age by that time but having handled money from their earnings before, they had clear plans for financing their travel home at discharge. The girl affected by idleness that led her into delinquency had already worked in the craft shop and the tailor shop by the time of her interview. She too would be age 17 at discharge and she wanted to do evening classes with the hope of becoming a flight attendant eventually. In each case their idleness was encouraged by peer influence. While this sort of peer pressure to which they could be exposed again after discharge was not being addressed in their gardening, tailoring or craft shop activities, these were however, excellent meaningful activities for at least sublimating their tendency to idleness by training them to keep gainfully employed in their spare time. This sublimation is expressly indicated to be useful for rehabilitation of persons in detention, by Differential Association / Social Learning Theory (Sutherland 1947). In the light of this theory therefore current programming at NOC can be seen as quite likely to rehabilitate those affected by idleness, especially if it operated as the lone factor having most closely led to their delinquency.

Social Structure theorists would probably support additional programming for youths like these, whose difficulty with managing idleness led to their delinquency. This inference can be drawn from its principle that delinquents need to be taught how to develop a willingness to conform to society's rules and laws (Mills 1953). Until they become adults when society's expectations of the roles they must perform will completely change, they can be particularly vulnerable to misdirecting their spare time with unlawful behavior once again, especially if their idleness is combined with peer pressure. Current programming only prepares them to deal with idleness operating as a sole influence. As such it would seem that current programming without more is unlikely to rehabilitate them fully in preparation for their return to society.

#### Overreaching

The clearest incident of overreaching emerging in the narratives involved a boy whose occupation at NOC was work with livestock. He expected to be discharged at age eighteen. His regimen there would definitely have taught him the discipline of hard work but it may not have taught him skills to resist the temptation to steal again. What Differential Association Theory recommends for reform of such delinquents would involve training them to 'understand their situation' and to modify their habits. It would also involve their being helped to develop different self concepts and to suppress their delinquent tendencies by the time of their discharge (Sutherland 1947). The recommended training from this theoretical perspective is of the sort that would seek to address the individual mind to their particular challenges at the onset of their delinquency so that should these challenges recur in their lifetime they would have been developed better mental programming to process them and respond consistently with law-abiding behavior. To the extent that current programming provided him with emphasis only on physical labor to the neglect of such training of his mental faculties, it could be seen as missing something. To this extent therefore current programming could be seen as unlikely to rehabilitate such a detainee in preparation for his return to society.

All detainees of this sort have a reckless attitude towards goal attainment, in that they do not mind acting unlawfully to reach their goals, especially if their peers share these goals. According to Anomie / Strain theory the crux of the matter for all delinquents is a lack of commitment to attaining legitimate goals, like having money or success, by legitimate means (Merton 1976). It must be noted that in cases of overreaching strain would not be the issue because they do not suffer from a disjuncture of legitimate means to attaining their ends; anomie in the form of having legitimate goals but lacking commitment to attaining goals by legitimate means is their problem. In the circumstances current programming for detainees with this sort of problem that does not go beyond physical activity to training their thought processes, should as it stands be deemed unlikely to rehabilitate them in preparation for their return to society.

## CHAPTER SEVEN

### CONCLUSION

#### CONCEPTUALIZATION OF THE PROBLEM

The problem with the juvenile delinquency scheme of Guyana was ultimately conceptualized as one of taking the young offenders from their homes, teaching them a few useful skills and sending them back home without doing enough towards accomplishing the key objective of rehabilitation. This conceptualization of the problem was initially prompted by principles developed by several sociological and criminological theorists. These theoretical principles, if proved true would show that the patterns of delinquency that led to the detention of NOC students should have developed as a result of a combination of social circumstances derived during interaction with close influential social groups like their families and peers, among others. Support for the validity of these theoretical postulates had already been observed in various research studies which documented how juvenile delinquents' practical experiences aligned with theory and were being addressed by various rehabilitative programs. It seemed that the solution to the problem was to employ with all detainees, methods of treatment that have been proven to maximize rehabilitation in similar cases.

In the light of the theoretical and practical literature detailing the approaches reportedly well suited to managing juvenile delinquency, this research proceeded on the basis that clues to the causes of delinquency could best be found by exploring the social life and circumstances detainees experience prior to detention. There being only one detention center for juvenile delinquents in this country, at which institution the participants in this study were detained, their narratives were expected to provide the best example of the nature of treatment provided for them in Guyana. Accordingly three main research questions were used as the structural basis for the exploration of the lives of NOC detainees in Guyana and to determine how well current programming there is likely to properly rehabilitate them. This research study eventually validated this conceptualization that social circumstances, especially in

the nature of troubled family life and peer pressure often led to delinquency and that current programming was inadequate to rehabilitate them in preparation for their return to society. The main conclusion which emerges from this study is that there is a need for more adequate rehabilitative work to form a part of the treatment applied to juvenile delinquency.

#### PROOF OF THE PROBLEM

##### ***Factors that Led to Juvenile Delinquency***

The first research question around which this study was structured was framed in the following terms:

What factors lead young people into juvenile delinquency?

The narrative analysis revealed that the onset of juvenile delinquency in the lives of NOC was traceable to several factors. In fact, these factors were so often mentioned in the students' accounts of how they came to be delinquent that they were treated as recurrent themes that emerged from the narratives. Peer pressure, family trouble, idleness, poverty and overreaching were the factors which, in that descending order of importance, emerged from the narrative analysis, as having led to juvenile offending. Table 3 that is annexed gives a more detailed breakdown of the occurrence of these factors among the findings.

It is important to note that the paths through which these highlighted factors led the students into delinquency were generally complex. Consistent with the indications of previous research these factors seldom operated in a direct and singular manner to cause delinquency. Sometimes it was when trying to stay out of the home to avoid family trouble that a teenager succumbed to peer pressure and committed a theft, for instance. In other cases peer pressure led to the child's acting up at home. Idleness was especially bound up with peer pressure in every instance of its occurrence in the narratives. Likewise poverty and overreaching combined with peer pressure to procure juvenile delinquency in some cases. One researcher summing up the challenge of identifying how each factor contributes to the

onset of juvenile delinquency describes causation as a “multifaceted condition”(Yablonsky 2000:302). Having regard to how these factors affected the young offenders this description adequately encapsulates the reality of how they became juvenile delinquents. More than one factor combined in almost every case to produce the delinquency.

In addition, it is important to note that while these factors were identified during analysis the students themselves did not sometimes directly name them as factors because not all of them acknowledged culpability for the offences and not all were able to directly answer the question “Why did you do it?” Most often they described their experiences immediately preceding the onset of their delinquency in terms that indirectly suggested that a certain factor had contributed to their becoming delinquent. Ultimately what could best be said of each factor with a greater or lesser degree of certainty was that it probably led the young offender into delinquency.

#### ***Theoretical Postulates about Delinquency Causation Substantiated***

The discussion with the NOC students was theory-driven in the sense that it focused much on their social relationships at home, at school and in their neighborhoods prior to the onset of their delinquency. In fact, one question early in each interview that yielded significant revelations about these relationships explored if it was a problem or an offence that had caused the student to be placed in detention. Inherent in this question was the suggestion that the interviewer would not assume that the student was culpable for the offense unless the student indicated that. The student would also be free to indicate if there was any reason for the unlawful behavior, in the nature of a problem for example. The research issue that formed the basis for probing these issues was premised on six theoretical perspectives and was framed as follows:

Do the experiences of juvenile delinquents substantiate theories which indicate that other members of society and certain circumstances of social life contribute to their becoming delinquent?

Social Bonding theory, Social Structure theory, Anomie / Strain theory, Structural – Functionalism, Conflict theory and Differential Association / Social Learning theory are all bound up in this research issue because their principles all indicate that social influences in the forms of persons and / or circumstances tend to combine to create the context in which juvenile delinquency emerges.

These six theoretical perspectives do not provide equal treatment of the subject of juvenile delinquency. Differential Association / Social Learning theory provides the most direct and extensive treatment of the subject of crime or unlawful behavior. The other five perspectives provide more indirect treatment of delinquency and similar subjects like deviance, crime or unlawful behavior while exploring social life in general on a larger scale. The indications from each perspective of how social circumstances contribute to the onset of delinquency can be summarized as follows.

Social Bonding theory as set out by Hirschi (1969) indicates that individuals tend to become delinquent when they lack bonds of attachment to society as a result of not having first developed bonds of attachment to parents. The theory also indicates that peer attachments may weaken ties to parents and thereby contribute to delinquency (Hirschi 1980). These principles definitely suggest that the immediate social circle of the individual, like the family and peers play an important role in determining if a person becomes delinquent. Social Structure theory also involves this close circle in this determination of a person's capacity for delinquency by different reasoning. Mills (1953) states that social groups employ language to let individuals know what society expects of them; social institutions in the individual's milieu filter to the individual a willingness to conform to its standards and laws (Mills 1953). When the behavior of adolescents conflicts with the expectations of society, they are deemed delinquent (Mills 1953). The most probable cause of juvenile delinquency in terms of this theory is therefore failure of the social group such as the family to train individuals to conform to the law. Anomie / Strain theory has a slightly different focus on the social circumstances rather than on persons in the social circle as the source of juvenile delinquency. According to this perspective persons who become

delinquent share the same legitimate goals with law-abiding persons but lack sufficient means to attain them (Merton 1976). This causes them strain or frustration and if they are not committed to attaining their goals, of for example having money and success, by legitimate means then they engage in unlawful behavior to achieve their goals (Merton 1976).

Strucutural-Functionalism considers society to be analogous to an organism within which subsystems, like the family, mould the individual's life orientation in order to maintain order and to provide society with persons who can carry out its functions according to society's expectations (Nye and Berardo 1968). The inference usually drawn from this theoretical perspective is that since subsystems like the family maintain order then when there is disorder in the form of delinquency the fault lies with the family's failure to mould the individual life orientation to lawful behavior. The focus therefore, although strongly inferential is on the influence of persons in the social circle rather than on social circumstances, as the probable source of delinquency. Another theoretical perspective that places the emphasis on social circumstances rather than persons in the social circle as the causal mechanisms that probably lead to delinquency is Conflict theory. According to Vold (1958) the inter-group conflicts and rivalry that exist in every society cause crime. In their constant struggle for control or power crime tends to be a minority group activity because the law itself is set up by the dominant groups which seek to maintain the status quo. It is notable that Vold (1958) focuses on the circumstance of conflict as the source of crime and not the social groups. Finally, Differential Association / Social Learning theory places direct emphasis on the influence of persons in the social circle as the most probable source of delinquency. Sutherland (1947) and Akers (1998) from their research present the view that individuals learn criminal behavior during interaction with their primary social groups. The influence from these groups mainly takes the form of differential reinforcements of behavior with either punishments or rewards which individuals subconsciously weigh (Akers 1998). When the balance of relative advantage tips in favor of unlawful behavior the individual acts this out (Sutherland 1947). In

short this theory indicates that the influence of persons in close social groups determines if an individual becomes delinquent.

The findings relative to the first research issue about what factors lead to delinquency revealed that peer pressure, family trouble, idleness, poverty and overreaching all probably contribute to the onset of delinquency. Following on these observations the theoretical postulates just outlined which indicate that probable causes of delinquency could be found among the social circumstances and social circle of individuals, were all substantiated by the finding of these factors in the narratives. Peer pressure and family trouble being the predominant factors that probably led to the study participants into delinquency could be said to have mainly substantiated the theories with an emphasis on social circle causation. Idleness, poverty and overreaching could be said to have mainly substantiated those theories with the emphasis on social circumstances for probable causation of delinquency. The overall observation that the findings permit however, is that these theoretical perspectives on the probable causation of delinquency are all substantiated by the data from this study.

#### ***Inadequacy of Rehabilitative Programming Established***

The narratives provided a general picture of programming or activity provided at NOC for the study participants as being limited to a simple regimen of schoolwork at the basic secondary level, along with music, craft, skill and trade learning, as well as training in sports. The efficacy of these for the purpose of rehabilitation was explored using a research question framed as follows:

Does existing juvenile delinquency programming ensure and / or verify that detainees are likely to be rehabilitated in preparation for return to society.

The suggestions inherent in each theory about how delinquency should be treated were used as a sort of standard by which to measure the rehabilitative capacity of the NOC programming. A summary of the conclusion on this issue, which was produced by evaluating data about current programming using those theoretical principles regarding treatment, is now presented.

The study participants gave a consistent report of the substance of formal programming provided for them at NOC which was supported in every detail by the staff who administer the detention center. On most weekdays both before and after lunch NOC students take training in the style of apprentices at various trades. The training areas are called shops in 'the yard' so there are for example a craft shop, tailor shop and carpentry shop. They are however being trained in several other trades or skill areas besides craft, tailoring and joinery. There is also training in mechanics, plumbing, masonry, livestock farming and subsistence-crop farming. For all inductees there is initial training in the 'schoolroom' which involves studying basic Math and English at the secondary school level. Those who demonstrate special aptitude for schoolwork and the very young tend to be allowed to continue to do this throughout their stint at NOC, instead of going on to skill training. Students also take training in cooking and baking since some of them are regularly rostered for kitchen duties as well. In addition there is training in steel-band music for those who adapt readily to learning that musical instrument. There is also training in sports with particular attention being given to netball since this training school boasts quite some prowess in national competition by having earned several trophies. On Fridays all students join in the subsistence farming instead of attending their usual trade shops. Every evening after supper students have brief leisure time during which they may watch some television and prepare for the next day's activities before the lights are put out to allow them to sleep. On weekends most of the sports are played, time is allowed for personal care like laundry and each Sunday personnel from a variety of religious denominations visit to conduct worship services. From time to time the chaplain for the overall prison system visits the students to give them a pep-talk also. This is the full extent of the formal or rehabilitative programming offered by the institution.

The issue being to what extent this regimen was likely to rehabilitate the students in preparation for their return to society, the views of sociological and criminological theorists that had bearing on how best to rehabilitate delinquents became particularly relevant. A key premise of Social

Bonding theory is that lack of bonding to parents results in lack of conformity to society and its consequent desire to refrain from crime (Hirschi 1969). A related principle of the theory is that attachment to peers may weaken ties to parents and thus contribute to delinquency (Hirschi 1980). The combined effect of these principles is the inference that to correct the tendency to delinquency, programming must be concerned with rectifying the challenges stemming from family and peer group interaction, in some form. In the absence of treatment that has some focus on such interaction the NOC programming was, from the perspective of this theory therefore, not likely to rehabilitate its students enough to prepare them for return to society. Similarly, according to Social Structure theory social groups within the individual's milieu usually employ language to help the individual develop a willingness to conform to society's standards and laws (Mills 1953). Further, when the behavior of adolescents conflicts with the expectations of society it is then that they are deemed delinquent (Mills 1953). To the extent that the current programming at NOC does not address what went wrong in the young offender's milieu that prevented them from developing the willingness to conform to society's laws and to now inculcate such willingness, it can be deemed inadequate and unlikely to rehabilitate the young offender. In a different sense Anomie / Strain theory is relevant also because it indicates that strain flowing from immediate social circumstances leads individuals to delinquency (Merton 1976). Having the same legitimate goals as law-abiding persons, individuals who become delinquent tend to lack sufficient legitimate means to achieve their goals (Merton 1976). Since they also lack commitment to achieving their goals by legitimate means they engage in unlawful behavior to reach legitimate goals like obtaining money or success (Merton 1976). Apart from equipping the students with skills and trades to earn an honest living no current programming was directing their minds towards developing the determination to consistently employ legitimate means to achieve their ends. Notwithstanding their freshly acquired earning capacity, if faced again with circumstances of insufficient legitimate means to achieve their ends they could still be at risk of offending by resorting to unlawful means. Since current

programming did not anticipate such a risk and train young offenders to commit to constant legitimacy of action in pursuit of their goals, this made it inadequate and unlikely to rehabilitate them well enough to return to society.

Structural–functionalism theory holds a view of society as similar to an organism but composed of various institutional subsystems like the family (Nye and Berardo (1968). Society needs to maintain order and to have procedures to harmonize the goals of individuals with the values of society (McIntyre 1968). Since their delinquency would have constituted part of the disorder of society their detention programming should, according to this theory, include this sort of procedure in which students learn how to harmonize their goals with the values of society. To the extent that current programming does not address this sort of issue it is not likely to rehabilitate them well enough. Conflict theory more directly addresses the issue of what should comprise programming best suited to rehabilitation. Vold (1958) indicates that penal practices are too often characterized by lip service to the ideal of rehabilitation and tend to consist of education and training programs which have little or nothing to do with the central problem. According to Vold (1958) crime is caused by the inter-group conflicts and rivalry that exist in every society. From this perspective it would seem that genuinely rehabilitative programming would take into account the need to train detainees in how to manage conflict. In the absence of any such focus being part of the current programming this was also a part of what would make it unlikely to rehabilitate students enough in preparation for their return to society in which such conflict persists. Finally, Differential Association / Social Learning theory posits that in order to reform persons who have already been involved in unlawful behavior, they should be given training that helps them to understand their situation, modify their bad habits, suppress their tendencies to delinquency and to better their self concepts. The routine skill and trade learning does contribute to some of this by for example suppressing the tendency to idleness which was found to have led some students into delinquency. Some form of programmatic directing of their minds to much of this so that they

understand their situation —in terms of understanding what factors led to their delinquency and the bettering of their self concepts, is still lacking. In so far as most of this emphasis is missing, then current programming should still be deemed unlikely to rehabilitate young offenders in preparation for their return to society.

### DISCUSSION

The program at NOC focuses on vocational skills and physical training. This is meritorious in that it meets certain important needs of juvenile delinquents and is to this extent rehabilitative. Prior to their detention many of them committed the status offence of wandering. By contrast, in detention they have to follow a strict regimen of focused activity that counters their tendencies to behavior like idleness, wandering and loitering. In this their need for modification of their bad habits is being met. In addition their need to acquire important job skills is being met. These are the advantages of this programming. The disadvantages are however that literacy training that complements skill training is not given and the emphasis on physical activity without some accompanying mental activity harbors the risk of being counter-productive. For instance the former NOC student who has recently acquired trade skills but is not versed in filling out job applications and doing basic banking can find job hunting very frustrating and thereby run the risk of reverting to delinquency. Research studies described in this paper demonstrate how skill and literacy training go together and help former detainees to more readily overcome the disorientation to life and the incapacity to hold a job that they are known to experience upon return to society. Also the recently discharged student who is skilled in carpentry or joinery for example and who may have been part of a band of housebreakers prior to detention is better equipped after skill training alone for housebreaking. If however, there is some complementary directing of his mind to the development of commitment to society's norms and values such a young person would be more likely to make and sell furniture than to revert to housebreaking. Similarly the physical activity is healthful for detainees and its routine fosters a good work ethic and lifestyle of planned daily activity. It

is not quite so helpful however, with peer pressure to commit theft, adult pressure to give sexual favors or the temptation to wage violence on anybody considered to be preventing them from getting whatever they want as revealed by the narratives. Again, some direction of the mind through fazed programming that addresses the handling of peer pressure, the management of relationships and general anger management, coupled with the simple regimen of skill training would make the detention scheme much more productive of rehabilitative effects.

By contrast to the simple regimen of current programming that now obtains at NOC the six theoretical perspectives hold principles which could be seen as proffering suggestions for more rehabilitative treatment or programming of this type that has been used for many years in various other countries. For instance, from the perspective of Social Bonding theory it would seem that juvenile delinquents can benefit from training in management of attachment or bonding to significant others. For, it is this that best helps individuals to conform to society's norms. The principles of Social Structure theory would seem to suggest that professionals working with juvenile delinquents should determine what disposition toward society's laws the detainees' previous experience has given them. Appropriate classroom or workshop or training methods could then be applied so that detainees learn how to live in conformity with society's rules. Anomie / Strain theory also seems to suggest that programs should be designed to help juvenile delinquents inculcate commitment to society's norms, so that they consistently choose law-abiding means to achieve their goals.

Structural-functionalism indicates that it is the duty of those who maintain good order in society to help individuals develop goals in harmony with society's values. As such, it would seem that those helping detainees make the transition to new law-abiding lifestyles after discharge should make training in management of family life an important part of their treatment. From Conflict theory the perspective is derived that delinquents need education and training programs that help them to acquire skills to manage conflict. Accordingly training in anger management or aggression replacement would seem to

be well suited to their needs. Differential Association theory emphasizes the need for individualized treatment of detainees that matches their own particular needs, especially by examining the influence they had from their close circles of family, peer and reference groups. This information should then be used to ensure that therapeutic interventions provided for them, such as counseling, would help them to develop pro-social rather than anti-social self concepts. This summary of suggestions for programming which can be extracted in part through inference from the theoretical framework of this study contains the sort of programming that is entirely lacking at NOC. It was on the basis of the absence of any such programming that the final research issue was answered in terms that current juvenile delinquency programming in Guyana is unlikely by itself, to rehabilitate young offenders in preparation for their return to society.

This study was intended to serve the dual purpose of finding out what causes delinquency and identifying the methods best suited to the rehabilitation of juveniles in preparation for their return to society. The findings suggest that as at 2007 the management of young offenders in detention in Guyana was inadequate in terms of both the inattention paid to the matter of delinquency causation and the scarcity of its rehabilitative efforts. More precisely the findings of this study indicate in summary that:

- 1) The factors that most probably lead juveniles into delinquency are peer pressure, family trouble, idleness, poverty and overreaching.
- 2) These findings substantiate two kinds of theory about deviance, crime or delinquency. Those which suggest that the social circles of influence most probably lead individuals into delinquency are substantiated by the findings that peer pressure and family trouble lead to delinquency because peers and family members tend to be the closest circles of influence. Those which suggest that social circumstances like the strain of disjuncture between means and ends or the

pervasive inter-group conflict lead to crime are substantiated by the findings that idleness, poverty and overreaching lead to delinquency.

- 3) A simple regimen of craft, trade and skill training without complementary literacy training and without formal mechanisms of programming to determine from time to time what leads to delinquency and without rehabilitative efforts tailored to meet the individual needs of training to forestall delinquency, is not likely to rehabilitate young offenders.

The solution to the problem highlighted by these findings is first that programming which explores the probable causes of delinquency emanating from the social circumstances and the social circles of influence should be an integral part of the rehabilitative treatment provided in every detention scheme. Based on the examples found in various treatment models described in this study this sort of programming should probably include: training to handle and resist peer pressure, training to manage attachment to and conflict with significant others, training in commitment to employ only legitimate means to achieve goals and general training that leads each individual to recognize the importance of their role in society both to help to develop and then to support its norms, values and laws.

Further wherever it can be clearly determined that return to the same family and / or environment will undermine the rehabilitative training already received, alternative arrangements should be made prior to discharge, for young offenders to be absorbed into environments better suited to their smooth readjustment to society. This may include for instance making use of foster care, referral to identified community mentors after discharge and in the case of Guyana also direct transfer to regular trade school, like the Kuru Kuru College where their newly acquired skills could be honed. The latter would require some legislative amendment that would expand on the existing provisions for apprenticeship external from the detention center discussed and described in this text with regard to the Laws of Guyana TSA sections 23 and 25. Former delinquents should stand a better chance of smooth

readjustment to society when their immediate social circles of influence would include foster families and mentors who are better equipped to help them to lead law-abiding lives than their previous families and peers did. Literacy training that helps them to satisfactorily apply for and retain jobs should help make their trades and skills newly acquired during detention more meaningful. Direct transfer to trade school where necessary should help to reduce the likelihood of disorientation upon return to society, which is documented in some of the research studies discussed in this text, by providing immediately upon discharge the need for safe housing and legitimate income which could prevent relapse into delinquency.

To further supplement these ideas there should be legislative provision for the age limit up to which persons can be treated as juveniles to equate with whatever is adult age according to law. The purpose of this would be to facilitate really troubled young offenders leaving detention facilities as adults who need not return to their previous home environments. In Guyana this would require some amendment to the legislation because currently persons of two age groups—“children” aged 10 to 14 and “young persons” aged 15 to 17— are defined as juvenile offenders. The usual practice of returning all training school students to their families is a function of them still being minors by the time of discharge. For example, in Guyana a child placed in detention at age 10 must be discharged by age 13 and may be returned to a home environment in which family trouble led to their delinquency, unless the legislation allows for placement alternative to their previous home from age 14 to 18 or maximum detention up to age 18. Family trouble of some form was the second most influential factor found to have led study participants into delinquency because this was revealed in 20 out of 48 narratives. In cases where it can be so clearly determined prior to discharge that family trouble was quite instrumental in their becoming delinquent the implementation of such a legislative amendment would help to prevent their being returned to the same troubled home environments after release. This effect should therefore be particularly beneficial to juvenile delinquents who are affected by similar

experiences of family trouble like parental abandonment, abuse in the homes and inability to cope with the fallout from having broken homes.

In conclusion the problem at NOC can be considered analogous to that of a health care facility which needs to be upgraded. This facility would be one that provided a few standard types of medication to treat all ailments or injuries. The determination of how long treatment of each patient should last would be based only on the recommendations of the referring parties like those who rendered First Aid to them. These recommendations alone would be used to set the time for discharge. This facility would provide for the comfort and activity of in-patients but would be in need of more skilled staff who could diagnose what caused their ailments and who could properly determine when they make good enough recovery from their health difficulties to be discharged. The facility would also need to provide for some out-patient follow-up treatment to help those patients who have not fully recovered by the time of discharge to re-adjust to life outside of the institution.

Applying this analogy to the research study the facility would be NOC, the ailments or injuries would amount to juvenile delinquency and the referring parties would be the courts and Probation officers. Treatment for the length of time stipulated by the referring parties would equate with the length of detention set by referring courts. The need for more skilled staff who could diagnose patient's ailments would equate with NOC's need for more skilled staff members who could determine what causes juveniles to become delinquent in each case. The need of this facility to implement systems to determine proper health recovery would amount to NOC's need to have its own system of determining juveniles' readiness for return to society. Further, the need to provide out-patient follow-up care would represent the need for some system to help former detainees to properly readjust to society after discharge. In short, the problem with the juvenile detention scheme of Guyana is that it needs better programming to ensure that its purpose of rehabilitation is achieved.

Up to the time of this research when young offenders upon discharge were sent back to live in the environment within which their delinquency developed, the purpose of rehabilitating them could have been being frustrated by the limited nature of the programming they received. The need to address these issues is yet to get the attention of the officials who operate the detention scheme. Since their time in detention satisfies the purpose of punishing their wrongdoing and protects society from them for awhile the need for better systems to rehabilitate detainees may have been overlooked.

### ***Future Implications***

Some recommendations of the type set out in the foregoing discussion may at some point get the attention of the governing officials responsible for the operation of Guyana's detention scheme. Their implementation or their successful continuation is not however guaranteed by a research exercise such as this study. Looking ahead to the implications of this exercise there would seem to be a need for ongoing review of what delinquency treatment methods are implemented and for ongoing adjustments to be made to the delinquency scheme. This would meet the needs that may be revealed by future research but which may not have been contemplated in this effort. The implementation of this sort of recommendation, its future oversight and the general oversight of juvenile delinquency management should probably be done by an administrative department reserved for the handling of juvenile delinquency only, either subsumed under or distinct from the regular administration of the Courts. For the overall better administration of the juvenile delinquency scheme in the future there should perhaps also be standardized juvenile courts. Instead of having juvenile cases managed mostly in Magistrates' courts for simple and status offenses but sometimes in Supreme Court when the offences are more serious, this would allow for all juvenile matters however serious to be handled exclusively in courts reserved for juvenile matters. This centralized management of juvenile cases in such courts with a staff of professionals trained specifically to work with juveniles should help to better fulfill the intentions of the juvenile delinquency legislation.

**Tab.1 Table showing Breakdown of Racial Groups Represented by Interviewees**

<b>RACE</b>	<b>MALES</b>	<b>FEMALES</b>	<b>TOTALS</b>
BLACK	13	13	<b>26</b>
EAST INDIAN	7	5	<b>12</b>
AMERINDIAN	0	2	<b>2</b>
MIXED	2	6	<b>8</b>
<b>TOTALS</b>	<b>22</b>	<b>26</b>	<b>48</b>

Tab.1 Table showing Offences with regard to which Study Participants were Detained

OFFENCE	MALES	FEMALES	TOTALS
WANDERING	4	19	23
BREAKING-IN	9	1	10
LARCENY	3	2	5
NARCOTICS	2	2	4
ROBBERY	2	0	2
BURGLARY	1	0	1
FIREARMS	0	1	1
LOITERING	1	0	1
RAPE	0	1	1
TOTALS	22	26	48

Tab.3 Table showing factors leading to juvenile offending, according to gender.

<b>FAMILY TROUBLE</b>	<b>MALE INTERVIEWEE</b>	<b>FEMALE INTERVIEWEE</b>	<b>TOTALS</b>
Parental Abandonment	3	3	6
Abuse in the Home	0	8	8
Broken Home	1	5	6
<b>Totals</b>	4	16	20
<b>PEER INFLUENCE</b>	<b>MALE INTERVIEWEE</b>	<b>FEMALE INTERVIEWEE</b>	<b>TOTALS</b>
Peer Pressure	14	11	25
Peer Lover's Influence	0	3	3
<b>Totals</b>	14	14	28
<b>IDLENESS</b>	<b>MALE INTERVIEWEE</b>	<b>FEMALE INTERVIEWEE</b>	<b>TOTALS</b>
	5	1	6
<b>POVERTY</b>	<b>MALE INTERVIEWEE</b>	<b>FEMALE INTERVIEWEE</b>	<b>TOTALS</b>
	2	0	2
<b>OVERREACHING</b>	<b>MALE INTERVIEWEE</b>	<b>FEMALE INTERVIEWEE</b>	<b>TOTALS</b>
	2	0	2

Tab. 4 Table showing factors leading to detention besides offending, according to gender.

	<b>MALE INTERVIEWEE</b>	<b>FEMALE INTERVIEWEE</b>	<b>TOTALS</b>
<b>UNUSUAL ILLNESS</b>	0	1	1
<b>RAPE</b>	0	1	1
<b>WRONGFUL ACCUSATION</b>	3	1	4
<b>BEING "SET UP"</b>	0	1	1

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**ABSTRACT****PREPARING THE JUVENILE OFFENDER FOR RETURN TO SOCIETY: A THEORETICAL EVALUATION OF GUYANESE JUVENILE DELINQUENTS' NARRATIVES BASED ON GENERAL TREATMENT MODELS**

by

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The site of the study is a co-educational detention center known as the New Opportunity Corps (NOC), located in a former British colony of South America, now known as Guyana. Forty- eight detainees of this institution, which is also legally designated a training school, were interviewed about their backgrounds, daily activities and plans for the future. These structured interviews were used to test the central tenets of Sociological theories with some bearing on crime. Some of the findings are presented in the form of narrative analysis which includes discussion of various factors likely to have caused their juvenile delinquency. Family trouble, peer pressure, poverty, idleness and overreaching are among the factors highlighted in this analysis of youthful offending. Other findings are presented in the form of theoretical analysis which demonstrates their fit with theoretical perspectives on delinquency and which explores the likelihood of rehabilitation from current programming. General recommendations are made for the programming of juvenile delinquents to be more rehabilitative. The implementation of these recommendations in Guyana would require some amendment to the pertinent legislation. In conclusion brief consideration is given to future implications that might also require structural change.

**AUTOBIOGRAPHICAL STATEMENT**

I was born in Georgetown, the capital of Guyana. My parents met when they were both primary schoolteachers in my mother's village but after marriage they moved to Georgetown. There they raised a family of six children of whom I am the youngest. My childhood was marked by the tragedy of my father's death by car crash on the weekend of my second birthday, as he tried to get home in time for that event and for Mother's day. His best friend and family kindly stepped in and fostered me for awhile, in keeping with his dying request.

Under my mother's vigilant eye, I attended St. Ambrose Primary School in Georgetown, where she taught for many years. I attended the Bishops' High School where I chose the stream of Arts, focusing on languages, up to the sixth form from which I graduated. I also learned to play a few instruments there and eventually stuck with the violoncello because I was involved in the school's orchestra.

I did compulsory para-military training for one year, as was then required for my Public Service Scholarship and with that I was able to study law at the University of the West Indies. I like to think that in so doing I, as well as my brother, fulfilled my father's dream of becoming an Attorney, as he had been scheduled to enter law school in the USA, in the very year that he died.

I have practiced law in Guyana, since 1989, in various capacities, most often in the employ of the state, including as a state prosecutor, police legal adviser, law professor and Magistrate. I also studied law in the USA at the Master's level, to compare the U.S. legal system with that of Guyana and the Caribbean. My lengthy involvement with criminal justice administration eventually led to my pursuit of this doctoral degree in Sociology, majoring in Criminology.