

Reintegrating

Young Offenders into the Community

*Guide to Intervention
in Youth Probation*

Mise à jour 2006
intégrant les dispositions
de la LSJPA

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2006 update
integrating YCJA

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The reader is reminded that the first version of this document owed its existence to the support of a workgroup comprised of members of the social network, the academic milieu and the Ministry of Health and Social Services. These members were designated by their respective establishments for their expertise in probation, intervention with young offenders, intervention training, research and development of governmental policy on young offenders. They are:

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INTRODUCTION

A guide to intervention in youth probation is a natural product of the process that began with the enactment of the *Young Offenders Act* and its initial adjustments.¹ Additional fine-tuning led to various legislative modifications. In 1988, a frame of reference on the application of the probationary measure was adopted² and, in 1995, the Groupe Jasmin³ revealed the results of a vast consultation on the application of the Act and proposed various ways to improve the process. Finally, in 1996, the Ministry of Health and Social Services, responding to many of the Groupe Jasmin's recommendations, initiated its action plan for the young offender sector.⁴

Each of these initiatives served to clarify certain aspects of the efforts required with young offenders while at the same time refining the application of the Act. Each initiative also considered the matter of probation to define legal and psychosocial aspects, to conceptualize their application and to examine their functioning.

At the present juncture, it has become clear to us that a new step has to be taken. On the one hand, new legislation applying to young offenders, the *Youth Criminal Justice Act*, was adopted and enacted. Many of the Act's provisions insist on maximum use of measures carried out in the community. At the same time, the recent transformation of the Québec network of health and social services has made it necessary to use measures applied in the community as much as possible.

These trends may well lead to an increase in the number of young offenders on probation. This would add more difficult probationary follow-ups that would substitute for placement in custody, which will be used only for crimes against persons and for multiple recidivisms. Now more than ever, interveners will need clear guidelines to help them manage a complex, demanding and very often criticized mandate.

Why an Intervention Guide?

An intervention guide is a natural consequence of the Plan d'action ministériel pour le secteur des jeunes contrevenants. With this plan, which dates back to 1996, the ministre de la Santé et des Services sociaux had proposed to the network a series of measures for improving the quality of services offered to young offenders. It had also made known its intention to closely follow and support the implementation of these measures across all regions. Many of these applied to probation.

Given that probation was already the measure most used by the courts, representing more than 50% of their decisions, and that it required a substantial portion of the network servicing the young offender sector, namely some 200 youth workers as well as authorized personnel and rehabilitation centre workers for young offenders, a guide is required to ensure rigour, efficiency, the credibility of the probationary measure and to facilitate follow-ups.

¹ *Frame of reference on the Young Offenders Act*, Québec, 1985.

² *Application of the probationary measure, Frame of reference*, Québec, 1988.

³ *Au nom et au-delà de la loi*, Québec, 1995.

⁴ *Plan d'action ministériel pour le secteur des jeunes contrevenants*, Québec, 1996.

This Guide was drafted on the strength of the last ten years' experience, on the latest research and on proven courses of action from the activities of the network's interveners. It takes a clear stand on the importance of the family and the community in the efforts required to help young offenders on probation. It provides equal emphasis to low and high-risk young offenders.

This guide is addressed to seasoned interveners and beginners alike. It is intended to help select methods and techniques, determine the level of intensity of intervention, anticipate the expected stages and assess the follow-up on the basis of objective parameters. It also guides in planning the intervention and services so as to clearly define the young offender's situation and better orient his or her reinsertion into the community.

As mentioned, it is based on numerous documents published over the past few years (see bibliography) and on recent experiments confirming the need for a revision of practices pertaining to the probationary follow-up on young offenders. These experiments took place among young offenders presenting a high-risk of recidivism in Québec,⁵ Estrie,⁶ Chaudière-Appalaches,⁷ and influenced similar approaches in Montérégie,⁸ Montréal,⁹ the Batshaw Youth Centre and in Laval.¹⁰

As is the case with the American experience, results obtained in Québec reveal the unquestionable potential of probation, even with young offenders presenting a high risk of recidivism. However, the success of such a measure presupposes a number of requirements, which include:

- Well-defined programs, spread out over a sufficient interval of time, rigorously applied by well-trained specialized personnel and based on supervision and assistance aimed at modifying the young person's behaviour and improving his or her social skills;
- A careful selection of young offenders;
- A reduced caseload;
- Enlisting the contribution of family and community;
- The assessment of the intervention's impact on the young offender by considering not only the indicators of recidivism but also measuring the improvement in his or her general behaviour.

Much of this research has made it possible to increase the cost effectiveness of the intervention by reducing the number of lengthy incarcerations.

The groundwork for the present Guide began in fall, 1997. The project included a number of steps, the first of which involved getting a clear picture of how the probationary measure is applied in youth centres. At the time, we had little information on the matter and getting a clear picture of the situation throughout the regions of Québec became a priority. Consequently, we sent out questionnaires to each youth centre.

⁵ Piché and Fréchette, 1995.

⁶ Poitras, Piché and Piché, 1998.

⁷ Laplante, 1997.

⁸ Bergeron, *et al.*, 1996.

⁹ Paquet, *et al.*, 1999.

¹⁰ Boutin, *et al.*, 1999.

A compilation of the answers¹¹ revealed a number of common points as well as disparities in the manner with which probation services were dispensed in the various youth centres, with regard to:

- Organization: centralization, decentralization, deconcentration;
- Administration: exclusive mandates with regard to the young offenders, mixed mandates, workloads, supervision;
- Intervention: models of clinical practice, assessment tools;
- Integration, internal and external: ties with partners;
- Mechanisms of assessment of processes and their impact.

Subsequently, a workgroup was assembled with the mandate of preparing the present Guide. Probation experts who had participated in initiatives that were both innovative in this field and representative of the regional differences characterizing the youth centres were assembled. Nine persons met once a month for over a year in order to produce a preliminary version of the Guide. This version was then submitted to the Provincial Directors as well as a few observers from the social and legal communities.

¹¹ Piché, 1998.

Module One

Legislative Basis

1.1 Provisions of the Youth Criminal Justice Act applying to probation¹²

Probationary follow-ups are carried out under the framework of the probation measure and the intensive support and supervision program. The Provincial Director's mandate in applying these measures is to control and structure the young person, with the objective of ensuring the protection of society. These follow-ups must include interventions for the supervision of the young person's compliance with the ordered conditions and the structuring activities that are appropriate to the situation. The involvement of the young person's parents in the probationary follow-up is an important factor in reaching the desired goals with the young person.

Paragraphs (k) and (l) of subsection 42(2) present the two youth sentences involving a probationary follow-up:

- 42.** (2) k) place the young person on probation in accordance with sections 55 and 56 (conditions and other matters related to probation orders) for a specified period not exceeding two years;
- (l) subject to subsection (3) (agreement of provincial director), order the young person into an intensive support and supervision program approved by the provincial director.

1.1.1 Probation

Probation is a follow-up measure for young offenders in the community. This sentence can include a variety of conditions imposed on young persons. It serves to control their behaviour and requires their involvement in certain activities aimed at personal and social adaptation. When the order requires that they report to the Provincial Director and submit to his supervision, the Director has the mandate to supervise the young persons' compliance with imposed conditions and to provide the required structure to reach the goal of ensuring long-term public protection.

Paragraph 42(2)(k) explains this youth sentence:

- 42.** (2) k) place the young person on probation in accordance with sections 55 and 56 (conditions and other matters related to probation orders) for a specified period not exceeding two years;

Section 55 lists the conditions that a probation order must and may include. The first two, to keep the peace and be of good behaviour, and to appear before the court when required by the court to do so, are mandatory. All the other conditions are optional. It is the court that determines which are required according to each young person's situation, particularly the condition determining the Provincial Director's follow-up mandate by formulating for the young person the obligation to "report to and be supervised by the provincial director."

When the court does not impose this condition in a probation order, usually called *probation without follow-up*, the Provincial Director has no mandate to intervene with the young person. This situation is not covered in this chart.

¹² The ensuing text is drawn from the document entitled: *The Application of the Youth Criminal Justice Act in Youth Centres: Reference Manual*, Québec, ministère de la Santé et des Services sociaux, 2005.

The Conditions of a Probation Order

All probation orders necessarily include the two compulsory conditions given in subsection 55(1):

- to keep the peace and be of good behaviour;
- to appear before the court when required by the court to do so.

The optional conditions, given in subsection 55(2), can be combined according to two objectives:

A. Controlling the young persons

They must:

- report to the Provincial Director or the designated person and submit to their supervision;
- report any change of address or place of work, school or training;
- remain within the territorial jurisdiction of the court or courts mentioned in the order;
- reside with a parent, or any other adult that the youth justice court considers appropriate, who is willing to provide for their care;
- reside at the place determined by the Provincial Director;
- observe the other conditions for securing their good conduct and for preventing recidivism;
- not possess any weapon, ammunition, prohibited ammunition, prohibited device or explosive substance, etc.

B. Structuring the young persons

They must:

- make reasonable efforts to obtain and maintain suitable employment;
- attend school or any other appropriate place of learning, training or recreation;
- observe the other conditions that ensure their good conduct and prevent recidivism.

Paragraph 55(2)(h), "comply with any other conditions set out in the order that the youth justice court considers appropriate, including conditions for securing the young person's good conduct and for preventing the young person from repeating the offence or committing other offences" serves either objective.

As such, it is possible to contemplate the following specific conditions as restrictions on young persons' freedom under the framework of this particular condition. The restrictions may be necessary given the young person's particular situation:

- prohibition from going to certain places (a sector of town, parks, arcades, etc.);
- prohibition from keeping certain company, such as accomplices;
- prohibition from contacting or seeking contact with the victim;
- requirement to comply with a curfew.

Other specific conditions may be imposed to promote the involvement of young persons in active programs. They must not, however, be part of a non-residential program contemplated in paragraph 42(2)(m), since no other youth sentence may be imposed in the guise of conditions for a probation order. These other conditions may be to:

- take part in a program of activities established under the framework of the probation;
- take part in meetings at specialized centres (alcoholism, drug addiction, conjugal violence, etc.).

When the condition to report to and be supervised by the Provincial Director is recommended in a pre-sentence report, it is useful to include the expression "as often as required" to establish the frequency of meetings between young person and Provincial Director. This means that the frequency is adaptable to the young person's changing situation during the probationary follow-up.

The condition requiring that the young person reside at a place determined by the Provincial Director must be recommended only to ensure the residential stability of the young person when it is not possible to recommend that he or she stay with a parent or a specific adult. Should the case arise, the Provincial Director should issue a written notice specifying the designated address to the young person. The address must not be a rehabilitation centre or a foster home, unless the young person has been placed there under another Act or provision.

Section 56 also includes provisions that are specific to this sentence. They contemplate, among other things, that the court must inform the young person of the goals and results intended by the order and have him or her sign it. It is valid whether the young person signs it or not.

Two different mechanisms may be used to deal with a breach of condition of the probation order. One is a review as per subsection 59(1) on the grounds that the young person has "contravened a condition of an order [...] without reasonable excuse." The other is reporting a breach, under section 137, where the young person's refusal or failure to comply with the sentence is considered a summary conviction offence. The provisions regarding reviews for these sentences are presented in Chart 9.2. Those concerning breach management are covered in Chart 8.1.2.

1.1.2 The Intensive Support and Supervision Program

The YCJA introduces a new sanction: the intensive support and supervision program. The mandate conferred upon the Provincial Director by the intensive support and supervision program is to ensure public protection by providing sustained and continuous supervision over young persons and by providing them with the necessary assistance to solve their problems. The nature and contents of the program are not specified in the provisions of the YCJA. Only the compulsory and optional conditions related to this sanction are indicated. The name of this program, however, implies that with regard to the Provincial Director's supervision mandate, the requirements of control and structure are more stringent under this program than for probation.

The Provincial Director must give prior approval for the creation of such a program. Under the Act, however, the Provincial Director is not required to develop and approve an intensive support and supervision program.

Provisions of the Act

Paragraph 42(2)(l) presents this youth sentence:

42. (2) l) subject to subsection (3) (agreement of provincial director), order the young person into an intensive support and supervision program approved by the provincial director;

Subsection (3) mentions that:

42. (3) A youth justice court may make an order under paragraph (2)(l) or (m) only if the provincial director has determined that a program to enforce the order is available.

The court can order this youth sentence if the Provincial Director has previously approved the program and there is a place available to receive the young person.

Section 55 lists the assortment of conditions that an intensive support and supervision program order must include.

The conditions of the intensive support and supervision program order

As for the probation order, any order under the intensive support and supervision program must include the two compulsory conditions for the young person, listed in subsection 55(1):

- to keep the peace and be of good behaviour;
- to appear before the court when required by the court to do so.

This order must also include the optional conditions, appropriate to the young person's situation, given in subsection 55(2). They can be combined in keeping with two objectives:

A. Controlling the young persons

They must:

- appear before the Provincial Director or the designated person and submit to their supervision;
- report any change of address or place of work, school or training;
- remain within the territorial jurisdiction of the court or courts mentioned in the order;
- reside with a parent, or any other adult that the youth justice court considers appropriate, who is willing to provide for their care and maintenance;
- reside at the place determined by the Provincial Director;
- not own, possess or have the control of any weapon, ammunition, prohibited ammunition, prohibited device or explosive substance, etc.;
- observe the other conditions for securing their good conduct and for preventing recidivism;

- not possess any weapon, ammunition, prohibited ammunition, prohibited device or explosive substance, etc.

The condition requiring that the young person reside at a place determined by the Provincial Director must be recommended only to ensure that the young person have a stable residence when it is not possible to recommend that he or she stay with a friend or an expressly named adult. Should the case arise, the Provincial Director must issue a written notice specifying the designated address to the young person. The address designated by the Provincial Director must not be a rehabilitation facility or a foster home, unless the young person has been placed there under another law.

B. Structuring the young persons

They must:

- make reasonable efforts to obtain and maintain suitable employment;
- attend school or any other appropriate place of learning, training or recreation;
- observe the other conditions for securing their good conduct and for preventing recidivism.

In both cases, the last item in (55(2)(h), "observe the other conditions for securing their good conduct and for preventing recidivism" is the same and serves both objectives, namely to control the young persons and to promote their social adaptation.

As such, it is possible to set, using this particular provision, the following specific conditions as restrictions on young persons' freedom which may be necessary given the young person's particular situation:

- prohibition from accessing certain places (a sector of town, parks, arcades, etc.);
- prohibition from keeping specific company, such as accomplices;
- prohibition from contacting or seeking contact with the victim;
- obligation to comply with a curfew.

Other specific conditions can be imposed to promote the involvement of young persons in activity programs. These programs must not, however, be part of a non-residential program contemplated in paragraph 42(2)(m), since no youth sentence can be imposed to replace the conditions of a probation order. These other conditions may be to:

- take part in a program of activities established under the framework of the probation;
- take part in meetings at specialized centres (alcoholism, drug addiction, conjugal violence, etc.).

Two different mechanisms can be used to deal with breaches to the conditions of the intensive support and supervision order. One is a review as per subsection 59(1) on the grounds that the young person has "contravened a condition of an order [...] without reasonable excuse." The other is reporting a breach that, under section 137, seeks that a young person's refusal or omission to comply with the sentence be considered a summary conviction offence. The provisions regarding reviews for these sentences are presented in Chart 9.2. Those concerning breach management are covered in Chart 8.1.2.

Given the highly restrictive nature of this type of sentence, which requires the intensive supervision of the young person, the principles of the Act indicate that this level of constraint must be reserved for young persons generally representing a high risk to public safety.

1.2 Probation: One of the Judicial Measures

Probation is one of the judicial measures that the court can impose on a young person found guilty of an offence. It is therefore a significant penal measure even if it less constraining than placement in custody.

In the scale of severity of judicial measures, probation comes second after placement in custody. The duration and conditions can impose significant restrictions on the young person's freedom. It is, however, a measure that depends on the young person's abilities and those of his or her milieu, supported by appropriate interventions, in order to prevent future offences. For these reasons, and taking into account the resources of the young person and his or her milieu, the means used need not be as constraining as for placement in custody.

Probation is a penal measure placing great emphasis on adaptation taking into account the young person's characteristics and those of his or her milieu. Navigating the various paths to reinsertion is clearly high-priority. Keeping the young person in his or her environment is intended to secure his or her positive social gains. Mobilizing this environment will allow the young person to keep contact with the optimal resources favouring reinsertion.

To be useful as a penal measure, the probation must include elements that address the social disapproval of the offence as well as conditions aimed at reducing the likelihood of a new offence. This social disapproval is addressed by the severity and duration of the measure: the principle of proportion is expressed by the sentence and thus a more serious offence is met with sanctions that are more severe in intensity and/or duration. The intent is to address the concerns of society by imposing a penalty to the young person that is proportional to the harm he or she caused and by showing that all crimes will be punished. It is important for the credibility of the penal system that the measure appear significant to the young person too.

The significance of probation as a penal measure is also tied to protecting society against a repeat offence. The probationary period is combined with conditions whose purpose is to keep the young person away from circumstances liable to incite him or her to commit another offence. From this perspective, the duration of the probation reflects the level of danger the young person is considered to represent rather than an *a priori* assessment of the level of punishment desired for this person. The ordered duration of the probationary measure should be the amount of time deemed necessary for the young person to develop new skills and behaviours to replace his or her delinquent behaviour.

The probation must also be significant in the area of intervention in that the conditions imposed upon the young person must be related to the offence, taking his or her personal abilities into account. The conditions must also be geared to the acquisition of new social skills. From the young person's point of view, the conditions of probation will be credible if they have a logical relationship to the offence and are equitable.

Since the probationary measure can be imposed on young persons of widely varying age, experience, maturity and culture, the conditions must take these factors into account. The significance of conditions associated with the probation reveals what latitude the measure can have for the young person's characteristics while maintaining its penal objectives. Under the law, the features of the intervention are fully compatible with the penal aspect of the probation. From this point of view, the probation may, even more than other judicial measures applicable to young persons, play a determining role in the reinsertion of young persons seriously on the path of delinquency – but only if it is well targeted and applied properly.

Module 2

The Theoretical Model

2.1 Choice of Model

Probation as a measure of resocialization for young persons must be able to count on a conceptual model that gives it meaning and overall integrity. To have a frame of reference that provides a theoretical basis, empirical content and logistical support, we have opted for the “Integrated Differential Intervention Model.” This Model, elaborated by Marcel Fréchette, was built upon observations of young offenders from Québec and has been put to the test since the mid-80’s. A number of studies established its usefulness for current practice as well as for progressive expansion of the knowledge base.

It is an experimental model that, due to training programs¹³ provided to different groups of youth workers and interveners in rehabilitation throughout Québec over the past ten years, has systematically proven itself in many youth centres. A comprehensive report assembled in 1998 shows that practitioners in nine Québec regions use the Model.¹⁴

The author considers that the Model must be thought of as a galvanizing project in that it is a prototype on intervention with young offenders. This prototype can provide the opportunity to perfect the approach with a constant and rigorous feedback process in practice. Since the theoretical aspect of intervention can reinforce, enrich or consolidate itself on the basis of the intervention in practice, but only if it is assessed, enriched and remodelled, it is imperative to integrate the Model into the current work methods of interveners. It is therefore an open model whose contents must expand in step with ongoing experiments in intervention in the field.

2.2 Types of Delinquency

The Model traces its origins to research in Montréal by Fréchette and Leblanc in the early 70’s.¹⁵ This research shed light on certain types of delinquency on the basis of delinquency characteristics. By considering factors such as frequency, diversity, continuity and seriousness of the behaviour, the authors introduced the concepts of “common delinquency” and “distinctive delinquency.”

Common delinquency

Common delinquency refers to temporary conduct with the following main characteristics:

- It arises with nearly all boys (between 90% and 95%) toward the middle of their adolescence, regardless of their social class;
- It manifests itself through a limited number of minor or medium offences, such as shoplifting or vandalism;
- It remains a relatively occasional activity;
- It is tied to the process of integrating standards and values;
- For the young person, it is a certain test of the limits of society and, with prescriptive feedback, provides a learning experience.

Follow-up studies have shown that common delinquency does not lead to serious adaptive difficulties and that, the young person having social and psychological resources to adapt his or her behaviour to social standards, the problem works out on its own. It is clear that young persons

¹³ The training programs were designed and given by Marcel Fréchette and Jean-Pierre Piché.

¹⁴ Piché, 1998.

¹⁵ Fréchette and Leblanc, 1987.

who are said to be “conventional” and who engage in common delinquency do not need a formal intervention; the Alternative Measures Program appears to be sufficient in most cases.

Distinctive delinquency

Distinctive delinquency describes the criminal behaviour of a very small number of young persons whose problems are such that their social development is affected or compromised. The behaviour of these young persons appears to fit within dominant modes of reaction with variations in intensity. The fundamental distinguishing characteristic of this behaviour is the absence of certain determining influences on the personality of the young persons. The resulting deficits can vary in quantity and quality, depending on the type of young offender, but they are all the first source of antisocial behaviour.

Those who fit within the distinctive delinquency definition commit serious or numerous crimes, experience very serious difficulties and, more often than not, resist intervention. The probationary measure is especially designed for these young offenders. We will see, however, that the measure does not apply to everyone in the same way.

2.3 The Integrated Differential Intervention Model

An extension of the same works by Fréchette and LeBlanc led to the development of the Integrated Differential Intervention Model. This Model is comprised of two components: first, a system of classification for Québec’s distinctive young offenders that Fréchette termed “typologie de la gravité délinquancière” (Delinquency Classification), and second, an inventory of strategies for selecting the objectives and modes of intervention geared to each type of young offender.

A first version of the typology component was fine-tuned by means of a comprehensive scientific procedure (Fréchette and LeBlanc, 1987) from data collected from a sample of 470 young offenders selected by Fréchette. Fréchette later elaborated a more complete second version, based on more detailed research. Profiles, whose psychosocial and psychodynamic components were elaborated upon and defined, were reworked to better elucidate the specificity of each type. Consequently, a series of determining features, whether social, behavioural or psychological, whether objective or subjective, were proposed as a basis for classification for each.

This typology is comprised of four distinct groups classifying as many modes of expression in distinctive delinquency. These forms represent four major ways a young person might engage in criminal behaviour: or four types of delinquency sufficiently distinguished from each other to give significance to each on its own. Fréchette (1990) notes that in the second version of the typology, the four types were given more evocative names: “sporadic marginal”, “inadequate regressive”, “explosive conflictual” and “autonomous structural”.

The second part of the Model, which focuses on the interventions appropriate for each group, is derived from a process of field research and a progressive assimilation of obtained results. It is therefore constantly evolving. This inventory of strategies revolves around the four modes of intervention, namely: neutralization, reinsertion, rehabilitation and prevention. It proposes a prime objective, specific modes of intervention and additional approaches most likely to generate positive results for each type of young offender.

These strategies form an inventory of means or a tool kit – what Gibbons¹⁶ refers to as therapeutic resources – that are both appropriate to distinctive young offenders and strong enough to address the various deficits these offenders have accumulated.

With these intervention strategies, the intervener enjoys considerable latitude to adjust his or her intervention, to take differences into account and to adapt intervention and service plans to each group. The intervener can count on preset guidelines that serve as master plans for treatment, allowing him or her to better plan and carry out the intervention.

In Modules 5 and 6, we will see exactly what these characteristics are and will be introduced to the master plans for each group.

¹⁶ D.C. Gibbons, *Changing the lawbreaker*, Prentice Hall, 1965.

Model Three

The Principles Underlying
Probation Intervention

Probation as a measure for resocializing a young offender must depend not only on a theoretical model, but also on guiding principles for the intervention. The application of these principles creates the context of the probationary follow-up, beyond even the substance of the intervention. We propose five such principles:

3.1 Interventions Addressing the Severity of the Problem

Depending on the characteristics of the young person, supervision within the community can comprise widely varying terms and conditions. A correlation between the measure adopted and the seriousness of the problem must first be determined before assessing these characteristics as accurately as possible and to determine the best type of program to prescribe.

A young person presenting limited danger to society would receive light probation with supervision of conditions or prompt supervision with support, which will prove sufficient to protect society and prevent recidivism. The offence committed can be considered as a youthful folly, though the person's overall behaviour may be more or less satisfactory.

A young person presenting a medium or high risk of recidivism will definitely require a more rigorous framework, with a more sustained intervention of greater duration. For this person, inasmuch as supervision within the community may seem possible, a medium or high-intensity probation must be envisaged.

A correlation between the intensity of the measure and the seriousness of the problem is thus essential as a first principle. It is a matter of tailoring services to the young offender in order to avoid a needless mobilization of resources for cases that do not justify such an investment or for cases too serious to consider supervision within the community.

3.2 Interventions Carried Out Within a Differential Perspective

It is clear that young offenders are not all engaged in the same way or with the same intensity in their delinquency. Given their development and needs, their receptiveness to intervention will vary so greatly that their difficulties require individualized adjustments to the intensity, duration and specific techniques to be used.

The second principle takes into account the type of young offender in determining the specific intervention. This perspective suggests that the intervention will more likely be effective if the various components of the process are meticulously matched to the young person's characteristics. In Québec, several authors¹⁷ emphasized that this principle is essential to any serious effort to resocialize the individual.

3.3 Interventions that Rely on Family and Community

In order to be effective, probations imposed on seriously delinquent young persons require the cooperation of family and community.

Within the family, parents bear prime responsibility for their child and are in a position to exercise great influence over him or her. It is with the parents that young persons will identify and will look toward them while discovering their identity. For better or for worse, the influence of the parents is therefore huge.

¹⁷ Fréchette and LeBlanc, 1987; LeBlanc, 1990; LeBlanc *et al*, 1998.

It is current wisdom that the great majority of parents, even those experiencing serious personal difficulties, are motivated to find constructive solutions to their child's problems. This motivation, even if fragile, must be used and nurtured and the parents supported in their concrete actions to redress their child's situation. One must remain realistic, however, and recognize that the contribution of the parents will vary according to their abilities. These have to be assessed at the beginning of the intervention, after which their objectives will have to be carefully set.

With regard to the community, two points must be considered. First, the seriousness, frequency and complexity of the difficulties serious offenders will have to face are such that it would be unrealistic to expect the intervener to be able to provide all the supervision, guidance and support necessary for successful reintegration into the community – he or she will obviously require partners.

Second, the young person is developing through a variety of systems - family, school, friends, hangouts, leisure activities, work, and the neighbourhood - and is in constant interaction with them. Coordinating efforts from certain players within these systems and from specialized resources, notably in drug abuse or mental health, will generate positive results within the interventions toward high-risk young offenders. Such interventions can truly be called “ecosystemic”.

3.4 Interventions that Subscribe to the Principle of Program Integrity and Consistency

It goes without saying that for the fourth principle to be effective, the probationary measure relies upon consistency among the various players involved as well as the different components of the intervention process. This consistency is indispensable to an adapted intervention and to community involvement. From the moment several partners intervene with a young person, it is vitally important that unified action bear on the service plan. A mechanism of coordination should be devised so that each person can graft his or her own intervention onto the overall effort. Regarding the integration of the components of the intervention process, the Jasmin II Report states that:

“Beyond the specific requirements that their respective functions entail, the individuals intervening with a given young person must understand their role and assume their responsibilities in terms of large-scale objectives and common means within the perspective of players on the same team. Consistency is the unifying strand to which each type of intervener (police, judicial, social) must hold true when determining interventions for which he or she feels responsible.” (Translation of quote from p. 31 of French-language document)

The concept of program integrity¹⁸ expands on this preoccupation by suggesting that consistency alone will not ensure maximum effect from the probationary measure. There will be even greater chances of positive results if the various interveners share a common intervention philosophy and use compatible reasoning and techniques. Bonta mentions “conducting the treatment in a structured manner, according to the principles outlined and with enthusiastic and dedicated staff are the features of this principle” as underpinnings of the concept of program integrity. This provides the capacity to apply the program in its entirety and ensure its completion.

¹⁸ Bonta, 1997.

3.5 *Legitimate Interventions with the Young Offender*

The final principle underlying probation intervention concerns the responsibility of government agencies with regard to re-socializing young offenders. This principle suggests that seriously delinquent young persons will not disentangle themselves from the difficulties that have been plaguing them, sometimes for several years and seriously compromising their social development, solely with the help of their families. An adapted approach is required to treat the young person's developmental lapses and difficulties.

The social legitimacy of probation intervention is acquired the moment the persistent behavioural difficulties begin to compromise not only the young person's development, but public safety as well. It is in reference to the final principle that the youth worker's role really fits in. It is to him or her, or to a designated person, that the Provincial Director will entrust the probationary mandate issued by the Court.

Model Four

Probation:
A Specific Measure

Probation is the most often used of the measures imposed on young offenders by the Court. Whether in Québec or Canada, available data indicate that, since the enactment of the *Young Offenders Act* in 1984, the probationary measure is among the most frequent decisions rendered by Youth Court. In Québec, probation has been on a constant upswing, going from 40% of court decisions in 1984-1985 to 57% in 1999-2000. During this time, over two-thirds of the probations were for more than six months. On the national scale, probations actually decreased, from 52% to 48% over the same period. In addition, durations are greater in Canada than in Québec, with three-quarters of them exceeding six months.

We will not analyze the factors behind the popularity of this measure here, but by including a variety of terms and conditions, we can fine-tune it to the various situations experienced by young offenders. From an intervention point of view, the probationary measure must not be used for all kinds of young offender nor must it be applied in the same way to all young persons.

4.1 Measures That Are Specific in Definition

Probation is intended and defined as a specific measure. Its definition must center on the purpose of the probation, whether it is resocializing the young person or protecting society.

For this reason it is a resocialization measure that, while ensuring public safety, attempts to re-establish the young person's personal and social functioning, first by orienting the person into a milieu that is likely to accept him or her, then by providing the guidance and assistance that will, after putting his or her reactions to the test, encourage better adjustment to life within society.

4.2 Measures That Are Specific in Concept

A judicial measure

Probation results from a court order following one or more offences for which the young person has been found guilty. Since it is ordered by a judge, it has the full weight of a penal sanction imposed for a serious offence, after assessing the risk the young offender represents for the community.

A resocialization measure

Probation is a correctional and supplementary measure used to reduce or eliminate undesirable behaviour, restart social development and ultimately consolidate the capacity to live within society.

- **That ensures public protection**

In order to ensure public safety, probation requires sufficient assurance that the danger the young person presents will be neutralized, that social order will be restored and that justice will be served. It goes without saying that such a measure implies a return to social life for the young offender and community acceptance of the reasonable degree of risk that he or she represents.

- **That is intended to re-establish the young offender's personal and social functioning**

To restore the young person's ability to resist unlawful or risky behaviour and to adapt properly, the measure makes use of controlled tests requiring close supervision and a clear assessment of performance. As such, it is an intervention whose aim is to increase the young person's self-reliance, ability to interact and value to society.

- **By reinserting the person into an environment that is likely to accept him or her**

The intervention implies that an environment capable of contributing to the desired objective has been selected, arranged and prepared. Its potential for resocializing or adapting seems sufficient and provides the desire to cooperate. The immediate community is the most important tool for exerting a positive influence on the young offender.

- **By providing guidance and assistance that will enable better adjustment to life in society**

In general, the measure uses a directive type of supervision through which the intervener exerts measured and gradually increasing pressure on the young person in collaboration with his or her family or substitute milieu while applying the conditions stipulated by the court order so that the young person will make socially acceptable choices and will be able to reintegrate into normal life. This consists in providing a protective framework that will maintain the young person's behaviour within socially acceptable standards and blocking off the road to recidivism. It also encourages learning more appropriate behaviour as quickly as possible.

The assistance consists of active support by means of advice toward his or her social adaptation, and counsel to help him or her develop self-reliance and a socially conscious sense of judgement.

The supervision by directive that this measure entails involves monitoring and control by which the youth worker will remain sensitive to the young person's attitudes and behaviour in relation to the conditions of the probation. In this way, the youth worker will be able to gauge the positive or negative impact of the methods or techniques used. The assistance requires the young person's willing cooperation, which in many cases needs to be encouraged and maintained by the youth worker.

An important point to remember regarding this type of intervention is the relationship among intervener, young person and family. This relationship is built up over time within the milieu and is a central element in a process whose ultimate goal is to modify the young person's conduct. It is not happenstance that, in Québec, the application of probation is a function of the social network and is entrusted to personnel trained in helping professions. Whether from the perspective of support, supervision or guidance, the intervener's relationship with the young offender is generally the determining factor in achieving the goals of the probationary measure and any follow-up measure. The intervener must not become a friend; he or she must, through a positive relationship with an adult authority figure, help the young person better learn the requirements of life in society and especially the respect of self and neighbour.

4.3 Measures That Are Specific in Their Conditions

Specific conditions make it possible to customize probation and adapt it to each young person with regard to the offences committed, risks represented and criminogenic needs that have previously been assessed. Legally, the specific conditions have long since distinguished probation with supervision from probation with standard conditions. They are the backdrop of the probationary supervision measure. They may involve additional restrictions or obligations: some may address the training and guidance of the young person and some may address his or her specific needs. Module 1, covering the Legal Basis, examines these conditions in detail

4.4 Measures That Are Specific in Their Duration

It is clear that, from the perspective of intervention, the duration of the measure must not be considered in proportion to the sanction, but in terms of the requirements of resocialization and

the strength of the young person's commitment to unlawful behaviour, and that the process can take time.

Distinctive delinquency is a problem traceable in part to the structure of the personality rather than a transient difficulty or an acute crisis of adolescence. Time is required to react properly to this situation. The duration of the follow-up will vary according to the seriousness of difficulties of a criminogenic nature experienced by the young person, the risk of recidivism and the rate of progress during the follow-up. Present-day legal guidelines limit the duration of a probation measure to a maximum of two years.

4.5 Measures That Are Specific in Their Compatibility With Other Measures

Most measures that are applied in the various legal provisions can be compatible with the probationary measure. However, the means used must be compatible with the objectives set in the intervention plan.

Whether it consists of community service, payment of money, participation in activities to enhance social skills or attendance at an institution offering an accredited program, it is necessary to perform a concrete assessment as to what is pertinent. Recall the differential intervention perspective suggested in the *Plan d'action ministériel pour le secteur des jeunes contrevenants*, asserting that each situation must be individually examined and stating that what is appropriate to one case might not serve another.

With regard to placement in custody, it seems clear that any long-term (at least six months) measure of this type must be followed by probation with the aim of reintegrating the young offender into the community. In this regard, studies leave no doubt:¹⁹ a young person's acquired skills are liable to be lost if the period of rehabilitation is not rounded out with a follow-up in a community setting.

Measures involving victims must always be considered during the intervention. The differential perspective mentioned above also has its place in this regard. This type of measure is not appropriate for all cases; measures must be applied differently according to the situation and the type of young offender.

4.6 Measures That Are Specific in the Layout of Their Components

A proper layout of the components of the intervention process has to be developed according to the type of offender on whom the probationary measure is imposed. The program and its activities, its intensity and duration, the techniques to be used and the match between young person and intervener have to be combined to maximum effect.

¹⁹ LeBlanc and Beaumont, 1990.

The following table proposes a basic composition of a few of these elements.

| Offender risk level and type | Type of program | Recommended intensity and duration of intervention |
|---|---|---|
| Low risk Sporadic marginal | Light probation with supervision of conditions or prompt response | Low intensity, 0-6 months |
| Medium risk Inadequate regressive and explosive conflictual | Probation with specific conditions | Medium intensity, decreasing with time, 6-12 months after placement under short-term or mean-term custody or without prior placement in custody |
| High risk Inadequate regressive, explosive conflictual and autonomous structure | Intensive probation | High intensity, decreasing with time, 12-18 months after mean or long-term custody or without prior custody |

Offender types and their risk levels

- Low risk: corresponds essentially to sporadic marginal offenders [unstable delinquency condition]. These young persons do not exhibit significant personality deficits, their unlawful behaviour is limited in seriousness and frequency and they are in a relatively adequate family environment. Their propensity to commit offences will decline if the intervention is adapted and the family environment encouraged.
- Medium risk: corresponds to inadequate regressive and explosive conflictual offenders [stable delinquency condition]. In this case, the deficits are more significant, enticing the young persons into action. The seriousness or frequency of offences is far greater and the risk of recidivism aggravated. These young persons very often find themselves in an environment that is ineffective against their unlawful tendencies or have broken ties with a family environment that no longer has any influence on them.
- High risk: corresponds to inadequate regressive and explosive conflictual offenders as well as some structured offenders who have made some progress after custodial rehabilitation [stable delinquency condition]. Though the offender types closely match those presenting medium risk, these persons have more pronounced negative profiles that may require custodial rehabilitation. These cases are more firmly committed to unlawful behaviour.

Types of program

- Supervision of conditions: under this program, the Provincial Director's interventions will be limited to checking directly or indirectly whether the conditions issued by the court are being respected by the young person. Supervision can be by phone, by intermediary or by meetings with the person. The goal of this program is essentially to ensure public safety.

- Probation with supportive follow-up: this program is addressed to young persons experiencing certain temporary difficulties in some sphere of activity, causing a momentary disruption in their behaviour and possibly increasing the risk of recidivism. The Provincial Director's intervention will be prompt with the goal of helping the young persons, with the parents' cooperation, find solutions adapted to their problem. In addition to ensuring public safety, the objective of this program is to use moderate methods to help the young persons redevelop socially acceptable behaviour patterns.
- Probation with specific conditions: this program addresses primarily medium-risk young offenders having specific needs pertaining to resocialization. The terms and conditions of each probation program can vary according to the type of offender. Cognitive approaches, whether developmental or behavioural, are recognized as the best adapted to community supervision for young offenders.
- Intensive probation: these programs are derived in good part from a search for alternatives to placing young offenders in custody. Intensive probation programs are being applied more frequently on this basis in youth centres. The fundamental concept is the same as for probation with specific conditions, but certain features have to be added to address the needs and risk of young persons whose viability within the community is tenuous: a greater number of contacts, greater duration and a strictly structured community framework. The preferred approaches remain similar, however. They are a function of the characteristics of the young persons receiving the follow-ups. Most of these programs are subject to a more systematic assessment with regard to their progress and the results of the intervention.

The intensity of the intervention

The intensity of the intervention is essentially defined by the frequency of contacts between the young person, family and interveners. Based on typical experience, this frequency can be categorized as follows:

- Low intensity suggests medium frequency, about once a month;
- Medium intensity suggests about one contact per week at the outset, decreasing to once every three weeks, depending on the young person's progress;
- High intensity, in accordance with the different intensive probation programs currently being run in Québec, suggests an almost daily frequency at the outset, decreasing to once per week, depending on the young person's progress.

The duration of the intervention

Duration is an important element of the intervention plan to be established for each young person. As with intensity, the duration depends on the specific characteristics of each young person being supervised, notably with respect to the level of risk he or she represents. The greater this risk, the more time required. Here, too, the intervention must not adhere to strict rules but should follow general guidelines and be linked to certain obtained positive results.

For instance:

- Zero to 6 months should suffice if the intervention is not addressing a stable condition of delinquency that requires in-depth restoration of social functioning. The risk of recidivism is low.
- Six to 12 months constitutes a medium period for a stable offender profile, requiring a resocialization of the young person. The risk of recidivism is medium.
- Twelve to 18 months is a longer period for a stable offender profile where the offender exhibits a greater number of negative characteristics and reflects medium to high risk of recidivism.

Model Five

Probation Intervention
With Low-Risk
Young Offenders

Sporadic Marginal Offenders

Whatever the legal provisions for following up on young offenders within their community, it is clear that some offenders do not present a significant risk of recidivism requiring severely limiting measures.

The follow-up in this case, which we term low intensity, refers to programs centred on the imposition of one or more of light controls, prompt support or remedial measures.

Within the offender classification devised in Montréal²⁰ these young persons are reasonably well represented by the category Fréchette called “sporadic marginal offenders”. In this module, we summarize this category’s profile and the intervention options he recommends.

5.1 Summary of Typical Profile

The sporadic marginal’s delinquency is temporary, intermittent and circumstantial. In most cases, the number of episodes is no greater than two or three. The objective seriousness of the offences tends to be no more serious than that of simple theft, mischief, shoplifting or, more rarely, breaking and entering. We must understand that the case here is not common delinquency, since the acts emanate from, and at the same time reflect, a juvenile maladjustment that takes the form of excessive risk-taking behaviour. The unlawful behaviour has not become a habit for the sporadic marginal type who has therefore not broken with society and is not expressly committed to harmful behaviour.

Behavioural

This type exhibits certain behavioural problems that, while not highly significant, are nevertheless present. A somewhat considerable intake of soft drugs and unruly behaviour within the family and school are among the problems that characterize this type. Significant failures may appear in the latter half of adolescence; underperformance constitutes a dominant source of irritation and results in loss of self-esteem that erodes the young person’s motivation, with negative consequences.

Social

The sporadic marginal often comes from a relatively adequate family environment (the best of the four groups), whose values are in line with society and that can provide an appropriate framework. These families, which are typically middle-class, have certain didactic and relational qualities such that family interrelations seem constructive enough, though the parents may have a tendency to be a little lax.

Psychological

Psychologically, the sporadic marginal’s main deficiency is in adhering to some system for regulating his or her conduct. This consists of a kind of persistent weakness within the psychological structure. This weakness, though not debilitating, prevents the young person from maintaining sufficient consistency and regularity to be happily productive. It can also seriously undermine the young person’s capacity to conform socially and become fully autonomous as an adult.

A person’s will plays a role, but it is in judgement that the problems or rather, the deficiencies, repeatedly manifest themselves. Fréchette (1997) talks of an “incompleteness” of adaptability that

²⁰ Fréchette and LeBlanc, 1987, and Fréchette, 1992, 1996.

reflects what he calls “a lack of finish and especially soundness of the psychological structure governing choice in the course of behaviour”. This results in the pertinence and quality of choices being clearly weak, notably in states of tension, excitation or irritation, with the consequences creating constant self-doubt.

The young person regularly experiences difficulty in assessing the requirements of reality, in distinguishing between the feasible and the unfeasible, the necessary and the contingent, the secure and the dangerous, and so on. The definitive challenge is mastery of self, of impulse, of basic orientations and of actualization, to productive ends.

The above is a portrait of the sporadic marginal offender, marked by the persistence of a deficit undermining the ability to govern his or her own life. It involves a recurring inability to make the right decisions (decisional judgement) and to weigh drawbacks (predictive judgement). The problem, while limited, handicaps the young person by corroding his or her social expression, which in turn inhibits confidence, destabilizes his or her output and compromises his or her psychological and social development (notably the final consolidation phase of the ego).

5.2 Strategies

The primary objective of the intervention

For the sporadic marginal offender, the main goal of the intervention must be to remedy the deficits that inhibit the normal self-regulating processes of behaviour. It is not a matter of rebuilding social skills but it is a targeted action to improve the volitional and perceptive efficiency of the young person so that he or she, armed with the necessary skills, will eventually be able to adapt to group life.

Specific modes of intervention

We must take into account that the delinquency of sporadic marginals is tied to a defect in perception and judgement. The intervention must be carefully crafted to avoid means that are too intensive for this type of problem, especially when considering that we can rely on these young persons’ ability to react positively to social messages. It is important to be able to use such openness and transparency to remedy their functional inadequacies more effectively.

For these reasons, actions such as defusing the sources of criminogenic influence, notably by neutralizing sources of dangerous incitement, or exposing to positive role models can be sufficient. Social and community reinforcement can be enlisted, and significant others can provide precious support. It is therefore a matter of item-by-item intervention with the perspective of providing support to the young person and relying on concrete and immediate pedagogy. Some follow-up is advised to strengthen acquired skills and prevent relapses.

Supplemental approaches

The goal is to help the young person regain confidence. For this purpose, a rational approach, based on a thoughtful insight into the problems and on positive thinking, is suggested. The intervention will be of short duration and will focus on solving the problem.

Dynamic therapies are generally not needed for marginal offenders, who do not have pressing needs for treatment or rebuilding. Their core is generally sound. However, they do need resources. Specialized ones may be needed for the drug or alcohol problems some of its members may be experiencing.

5.3 Case study

TIM, 15 years old

Offender history (behavioural factors)

- Assault (harassment of a student) and three break-ins over the period of one year, paralleling the time the parents were separated
- One police intervention
- No antecedents
- Offences committed with an accomplice with a similar profile
- Acted on impulse, with little premeditation; short-term need or hedonistic motivation.
- Not intoxicated at time of offences
- Guilt feelings with respect to parental reaction. Acting out facilitated by the temporary disequilibrium due to the parental separation.
- Outlet type delinquency with testing of limits
- Adequate parental reaction: sanctions imposed and respected
- No recidivism after more than a year

Social factors

- Significant family tensions continue despite the separation. Tim feels responsible for, and is very unhappy about, the family situation.
- Good relations with each parent and young sister
- Apparently adequate family upbringing. General respect of rules and sharing of household chores. Some minor deviance on occasion.
- Generally adequate functioning in school, not behind in his studies. A few difficulties during period when committing offences, but return to normal since then.
- The few friends he has are not highly socialized. Tim has dropped his old circle of friends.
- Plays sports and is interested in computers.
- Work experience: lawn mowing and landscaping during summer period. Tim manages his small business and does not lack clients.
- Projects: continue education. Tim does not yet have a clear idea about his professional future.
- Occasionally consumes soft drugs.

Personality (psychological) factors

- Boy with a somewhat negative self-image
- Significant feelings of inadequacy
- Good interpersonal potential; somewhat shy
- Appropriate introspective ability for his age
- Sensitive
- Impressionable
- Depressive elements present

Type of offender

Dominant: sporadic marginal; secondary: conflictual explosive.

Proposed intervention

The intervention aims at raising awareness of the relation between situation and behaviour. This involves breaking down the problem and searching for solutions with the young person. Proposed measure: probation with follow-up for six months without specific conditions

Module Six

Probation Intervention
With Medium to High-Risk
Young Offenders

The intensity of probation programs will be greater for medium to high-risk young offenders. Many categories from Fréchette's differential typology²¹ apply. Among the subjects are regressive inadequates, explosive conflictuals and autonomous structurals insofar as they may have benefited from a custodial rehabilitation measure that produced a number of changes that might justify release from custody. The following are summary profiles by Fréchette as well as the interventional avenues he suggests.

A) Regressive Inadequate Offenders

6.1 Summary of Typical Profile

Behavioural

Delinquency is the path of least resistance for regressive inadequate subjects. Their offences are frequent, are motivated by instant gratification and are directed against property. They are, however, passively and not dynamically invested into a delinquency whose primary component is a kind of adaptive resignation. Their ability to act is hardly growing, but it is also not regressing. They like what is simple and easy to organize. Their membership in structured groups or gangs is likely to be passive, since otherwise, the personal investment would be too great. This is, however, one of the most unrelenting of the offender profiles and the most likely to fall into long-term delinquency.

Social

Socially, regressive inadequates suffer from significant problems, such as outright rejection of schooling, early sociocultural alienation and a general apathy toward virtually any structured social activity.

His or her relationships tend to be with other deviants, mainly persons their own age and possibly criminalized adults. As a result, their social integration is weak; their ties with others are poorly developed or tenuous as is their sense of belonging within the larger community. This deficit in social relations incites them to drop out and engage in deviant behaviour while forming unproductive habits that block the young persons' efforts to overcome their difficulties from the very beginning. These are clear cases of social incompetence or under-productiveness.

Psychological

Their personality is under-socialized and their dynamic focus is regressive. They are characterized by a marked weakness in interpersonal relationships from which they withdraw gradually as a result, sometimes so completely that their sense of belonging in the community and participation in social life is crippled.

A closer look at the regressive inadequate reveals a veritable under-development that undermines the entire personality structure and feeds a persistent "dysfunctionality". The basic mechanisms responsible for the durability of their maladjustment are the main targets. Other deficiencies include inconsistent moral judgement, tenuous impulse control, and lack of resolve and continuity in effort. As a result, these subjects' performances are mediocre at best, especially when compared to well-adjusted young persons. Even if they do reach a certain level of performance, they lack staying power. They back down in the face of increased stress. Living within society is a huge burden for them due to their inability to deal with the attendant requirements.

²¹ Fréchette and LeBlanc, 1987, and Fréchette, 1992, 1996.

6.2 The Strategies

The primary objective of the intervention

The main goal of intervention for regressive inadequates is the improvement of the social functioning of the subject. The accent is on mending, intensifying and consolidating ties with the various components of the social structure. This implies bridging the gaps between the young person and his or her environment by gradually improving the quality of their interactions and ensuring that there is positive reinforcement. The social integration of the young person, supported by a clearer understanding of the expectations of his or her milieu, can then be undertaken.

Specific modes of intervention

At the outset, regressive inadequates require formal and sometimes intensive supervision of their activities. Total control of these activities is not possible, however, since probation involves supervision in the community. Prior to this, a brief period of detention is recommended.

Following this, the intervention plan considers action within the person's milieu. This involves mobilizing the milieu's human resources to work with the young person on the prime objective of the intervention namely, restoring his or her "functionality". Two approaches are available. The first consists in improving the young person's living conditions by trying to get his or her personal social network to act with the support of, for example, directives, enticements or personal contacts. The second, which complements the first, involves a more direct and active contribution from the resources of the milieu in which the young person's growth will be nurtured by strengthening the commitment between him or her and the surroundings and monitoring its impact.

The crucial factor for young persons has proved over time to be the improvement of interactions within their social network. This defines the intervention. The prime and possibly sole objective is the development, extension and securing of these relationships. Progress toward this objective has good chances of reducing or even eliminating their criminality.

We base ourselves on the general principle of mutual support that asserts that persons with positive contacts within a tight network are less likely to give in to negative pressure and impulses.

From this point of view, it is most desirable that regressive inadequates be surrounded by many individuals who can erect a social framework of support and orientation around them. It is important to maintain constant pressure on them to raise the level of attention while keeping them motivated. For this reason, supervision within the community must be firm, sustained and vigilant.

Research involving these young persons also shows that certain modes of intervention of a concrete didactic nature are also to be favoured, especially:

- The influence of a mentor or role model who is likable and credible to the subject;
- Providing the young person with opportunities to gain practical experience that will enable him or her to address his or her needs.

We count on these persons' living environments to provide them with successful social experience, both immediate and direct, while encouraging them to develop adaptive skills.

Technically, the approach is centred on mandates involving teamwork, educational or operational tasks, etc., within a program of activities geared to increasing the young person's adaptive and productive skills on the basis of a more structured and unique use of the positive influences from his life environment.

On the cognitive side, it is particularly helpful to convince the young person that he or she, too, has options. This awareness is crucial with regressive inadequate offenders, given their pervasive defeatism and strong tendency to believe in magic solutions. These failings are a major challenge for the intervener, especially with regard to getting the young person to understand his or her motivations.

Another notable weakness, underscoring the value of interpersonal development, is that this type of offender is particularly inadequate with respect to dealing with others. It necessitates the development of basic relationship skills: presenting oneself, interacting, grooming, etc. These persons often have trouble developing deep friendships, but this is due to a lack of skill rather than unwillingness.

Supplemental approaches

Experience indicates that positive results can be obtained within the community through the use of functional, notably behavioural, therapies. Behaviour contracts have proven to be a valuable support in certain interventions, such as experienced in intensive probation programs.

6.3 Case Study

MICHEL, 16 years old

Offender history (behavioural factors)

- Criminal negligence, drug dealing, breaking and entering
- Offences over a period of two years
- Official and unofficial antecedents with prior verdicts
- Crudely planned offences
- Presence of accomplices having had trouble with the law
- Superficial guilt feelings related to fear of severe punishment
- Repeated offences of a utilitarian or mischievous nature
- Occasional intoxication when committing the acts
- Inconsistent parental reaction that is ineffective against recidivism

Social factors

- Significant family tensions influence Michel's behaviour; strict father who is often absent, mother who minimizes her son's deviance. Inconsistent rules that are regularly broken.
- Problems at school, behind in his studies, absenteeism, homework not handed in, rudeness
- Attention deficit
- Friends who are marginal, deviant or delinquent
- Occasional drug consumption
- Relative laziness

Personality (psychological) factors

- Highly oppositional, usually passively so
- Relatively hard to intimidate
- Immature
- Distrusts adults.
- Tends to be withdrawn.
- Very weak introspection
- Tends to blame others for what happens to him.
- Poor integration of rules

Type of offender

Dominant: regressive inadequate

Proposed intervention

Placement in custody for six months and a one-year probationary follow-up with the obligation to attend school daily. Intervention focusing on the development of his social skills, consistent performance at school and elsewhere and on consistent application of rules by his parents (making up for lost time in gaining maturity). Behavioural approach in line with situation, making use of the behaviour contract.

B) Explosive Conflictual Offenders

6.4 Summary of Typical Profile

Behavioural

The explosive conflictual offender tends to commit a significant number of offences that reach a high level of objective seriousness, notably offences against persons. Delinquency picks up considerable momentum in the first half of adolescence with a rapid and spectacular increase in the seriousness of the acts. Typically, it appears when the young person is under pressure from conflicts and frustrations that make him or her experience extreme inner tension to the point of seeking relief through offensive behaviour. For this reason it is called crisis delinquency whose purpose is to seek relief by releasing tension, thus reducing anxiety and discomfort.

Social

Socially, explosive conflictual offenders have numerous problems. Especially notable are a severe opposition to developmental frameworks, a deteriorating relationship with the parents and increased conflict with adults, particularly authority figures. These are the elements of friction that are symptomatic of the explosive irritability of the conflictual offender.

This dominant trait is responsible for the young person's difficulties in maintaining stable and harmonious relations with others despite his or her pressing need to remain in contact with others and gain their attention and interest. On the other hand, conflictual subjects are less invested in a criminal mindset. They have true personal skills and often have notable potential for human interaction.

Psychological

Personality tests indicate that conflictual subjects experience acute inner turmoil. They are under constant assault, tormented, unhappy and swing from one extreme to another. It is this tension and ambivalence, when too much to bear, that pushes them to extreme behaviour.

In spite of these difficulties, the situation improves in part toward the end of adolescence. Interpersonal skills improve, crises are less common and intense, and openness to others increases, as does the ability to deal with reality. The potential for remission exists but is highly unpredictable due to the ambivalence and deep-rooted destructiveness of the explosive conflictual offender.

6.5 Strategies

The primary objective of the intervention

The main goal of the intervention for explosive conflictuals is the improvement of their psychodynamic balance. This balance is particularly disturbed due to a pronounced neurotic base dominated by a number of factors: a strong predisposition toward conflictual relationships, intense ambivalence, overwhelming defensiveness, destructiveness directed at self and other, and an unremitting battle against self-devaluation. The intervention must appease, regulate and reorient the young person's disturbed, stricken, contradictory and turbulent dynamic by increasing his or her tolerance for tension, frustration and uncertainty.

A priority is to reconcile the young persons with themselves by unravelling the web that typically ensnares them and by empowering them to control their destructive impulses so that they are no longer hostage to them or victims of their criminogenic power. In this regard, it is particularly

important to be on constant alert for warning signs for tension or a break from the reconciliation process.

Specific modes of intervention

Given the nature of the problems, notably a deep-rooted set of psychological difficulties going back to childhood, it is clear that a resocialization intervention will require a long period of time. In addition, acquired experience indicates that a multiple therapy approach is desirable, no doubt because it addresses the heterogeneous personality of the explosive conflictual offender.

Having acquired social skills such as the ability to communicate, to bond and to transact with others, explosive conflictuals respond to a variety of approaches. At the same time, their delinquency profile is less marked than that of the other groups, and is actually in a state of decline.

Given the preponderance of the explosive nature of these subjects, the first prescription within the intervention imposes, for their protection as well as for their neighbour, that a sufficiently secure mechanism of formal control be put into place to halt the delinquent behaviour and to prevent the risk of outbursts that are characteristic of this type. This means that custodial measures, preferably open custody, be imposed at the outset for a sufficiently long period of time to neutralize their opposition to structures and especially authority, so that their ambivalence and destructiveness can be tempered and the reorientation of their interrelational dynamic set into motion. In some cases, it is possible to opt for a supervised release, provided that it is sufficiently rigorous.

Following this, it is essential that the intervention focus on the young person's personality, and that it take a very specific approach to reach and untie the neurotic knots that lie at the root of the delinquent behaviours. This involves a constant battle against the fundamental insecurity of this offender, his or her anxiety, negative projections, tendency to dramatize and self-deprecate, defensiveness, etc.

Psychotherapeutic interventions are to be favoured. They are mainly based on personalized contact (a therapeutic alliance with the subject); breaking down and objectivizing personal grievances; acquiring greater tolerance for limits, tension and frustration; consolidating self-esteem, developing introspection; and building confidence in interpersonal relationships, among others. A psychological treatment must be carried out that is targeted, intensive and of sufficient duration to reach the desired results.

The main directive for the intervention is to have the young person progress along three lines:

- Affective, due to the need to regulate and reduce the particularly volatile and agitated explosive temperament of the conflictual offender, which means providing the mental tools to anticipate, control and redirect overly strong impulses and reactions;
- Cognitive, by using concrete, daily experiences to work at sorting out the young person's frequently confused, unsure, equivocal, negative or self-deprecating thinking that dangerously aggravates or corrodes his or her self-perception to the point of generating intense feelings of dissatisfaction or even an overwhelming sense of worthlessness;
- Functional, by giving the young person a carefully calibrated complement of responsibilities with regard to making decisions and completing tasks. This complement must fit within a context of constant encouragement through a preferably flexible program

that can be fine-tuned to the young person's reality. The idea is to promote the young person's acquisition of a certain status in his or her relationship with the intervener, which status can be transferred to his or her immediate environment.

A crucial requirement of the intervention consists in reintegrating the conflictual offender into his or her social environment. It is often preferable to do so within a limited social sphere that will later be gradually expanded. It is also desirable, especially at the outset, that the group be familiar, welcoming and as understanding and tolerant as possible, due to the explosive vulnerability of the young person. One can rely on the interpersonal orientation these subjects exhibit as well as on the fact that human interaction is particularly gratifying for them and is easily reinforced.

For probation, the preferable approach is "action-subject", given the importance of getting as close as possible to the young person, by resorting more particularly to techniques of support and arbitration, that is, to modes of intervention where active, individualized and empathic support is dominant. The main ingredients of the service are sustained attention to the young person's main needs (which are commonly to feel secure and valued), optimal openness and attentiveness as well as a comforting presence and availability. With conflictual offenders, notably those who are released under supervision, defusing potentially criminogenic situations is crucial. These offenders give off signals before resuming unlawful behaviour and one must be very attentive to them in order to stave off an imminent crisis.

Supplemental approaches

Given the explosive conflictual offender's personality, it is clear that the intervention strategies aimed at reducing the number and intensity of stressful situations, notably interpersonal ones, are particularly useful. Practice shows that special attention must be given to ties and relationships with family members, since they are often at the heart of the tension and conflict experienced by the young person. Consequently, a probationary follow-up that does not take into account the characteristics of the family environment as well as the nature of the intra-family dynamic, especially when the young person is living with his or her parents, risks failing quickly. Modes of intervention inspired from family therapy and certain directive therapies, especially rational and reality therapies, are favoured. It is advisable to use these to clear up the domestic climate in which unresolved grievances and accumulated resentment tend to fester, and also to de-dramatize excessively emotionally-charged, even dangerous, interactions, by objectifying them or by providing arbitration. The same precautions and modes of intervention must also be applied in the school or work environment and in the peer group.

6.6 Case Study

FRED, 16 years old

Offender history (behavioural factors)

Assault, drug dealing, obstructing a police officer, rioting, breaking an undertaking.

- Offences over a period of one year
- Unofficial antecedents
- Impulsive, unplanned offences
- Acting solo
- Genuine guilt feelings but with many defensive attitudes
- Motivated by emotional release
- Frequent intoxication when committing the acts

Social factors

- Significant family conflict, between the parents and in their relations with Fred, amplified by Fred's behavioural problems. Strong bond with mother, conflictual relationship with alcoholic father. Inconsistent parental control: the young person has free rein.
- Dropped out of school despite strong aptitudes
- Friends are marginal or deviant
- Regular and sometimes excessive consumption of drugs and alcohol
- Strong attraction to marginal and deviant way of life
- Lazy

Personality (psychological) factors

- Marked tendency to be oppositional
- Distrusts adults.
- Tends to be withdrawn.
- Obvious inner turmoil
- Low self-esteem
- Marginal values

Type of offender

Dominant: explosive conflictual; secondary: sporadic marginal

Proposed intervention

Intensive probationary follow-up for one year with multiple conditions: job search, certain contacts prohibited, curfew, social and community activities. Intervention focused on improving self-esteem, venting tension in a socially acceptable manner, stabilizing relationships with parents and making use of his own personal potential. Psychodynamic approach with a behaviour contract, all in the context of a coalition with Fred.

C) Autonomous Structural Offenders

6.7 Summary of Typical Profile

Of the four types of offender, the autonomous structurals have the most negative profile with the greatest potential for criminality and the most deficient social skills. Persistent serious offender, antisocial criminal, antisocial personality or integrated-structural offender, all these expressions converge to emphasize the extreme seriousness of this manifestation of the criminal condition.

Behavioural

For autonomous structurals, delinquent activity is a predilection if not a way of life. The delinquency is persistent, serious and expansive. It is precocious, appearing around the age of 10 or 11 and sometimes earlier, and amplifies rapidly with a sustained rhythm in committing offences. The autonomous structure offenders quickly perfect their *modus operandi* and are often networked. Delinquency is, for them, an assumed status.

Behavioural problems are significant and precocious. Serious difficulties in adaptation at school appear early, sometimes as early as pre-school or in second or third grade. They often have an unequivocal history of fighting, vandalism, taxing, cruelty or drug abuse.

Social

The autonomous structural offenders cut themselves off early from socially positive influences. They reject the social framework and interact almost exclusively with their delinquent peers. They have a strong desire and high potential for social nuisance. They often come from a severely dysfunctional family environment in which they suffered intense affective deprivation as of early childhood: abandonment, negligence, abuse and parental tyranny. Early on, they learn to hate rather than to love.

Psychological

This type suffers from many significant deficits. A pronounced feeling of alienation, a wholesale rejection of conformist values and reactions, a background of resentment, a virulent antagonism toward persons of authority, acute irritability, an inadequacy of the self vs. the requirements of the collective, deficits in productiveness, a powerful idealisation of the criminal bent, a dynamic buttressed by extroversion as well as a deep-rooted affective indifference and insensitivity.

The autonomous structure offenders thus have huge personality problems that lead them to systematically disregard social norms. Their destructive capacity toward others is strong and varied, which implies that they will impose their own needs upon others and are unmoved by the harm they cause to victims and neither recognize nor tolerate the limits imposed upon them by the rights of others. Altruism is a totally alien notion to them. Instead, their connection with others is a pathology defined by affective silence.

The personality structure here suffocates the person's emotions and drives his or her actions. As a result, manipulation is a central element of the autonomous structure offender's relational dynamic. Others, being reduced to mere objects, can be exploited for this person's own purposes without shame and without remorse.

6.8 Strategies

The prime objective of the intervention

The main goal of the intervention is to rebuild the autonomous structural's allegiance to the social group to the point where a systematic violation of social taboos becomes practically excluded from his or her regular activities, and where his or her actions are reoriented toward acceptable conformity.

It is the most serious, pernicious and menacing form of criminality. The delinquency of their behaviour is overwhelming to the point of being a lifestyle. Their conscience is marked by antisocial intent that is combative, expansive and locked in a "fight to the death" against the social system. In such a context, it is clear that protecting the group and collective values, and thus society, is the priority. This makes it necessary to dictate terms to these subjects and force upon them the needed social about-turn that they are refusing to take.

As a result, the intervention must focus on a social conversion by reorienting their motivation. This is primarily addressed by encouraging their openness to social partners, developing their willingness to participate in social life, creating social productivity and helping them recognize the rights of others. Meeting these challenges will make it possible to gain their commitment.

Specific modes of intervention

With autonomous structure offenders, the intervention plan must first of all rely on a formal measure of control that is designed to neutralize their high potential for criminality. This requires custody in a sufficiently secure facility for the purpose, especially taking into account age, danger, integration into criminalized groups and environments, willingness to change and tendency to manipulate. In general, secure custody is required. This strict security framework can later be gradually relaxed, depending on the subject's cooperation and development, and may eventually proceed to supervision within the community. In the latter case, probation would be a strictly complementary measure, consecutive (ideally) to a placement in custody that must effectively engage the process of resocialization.

Certain considerations apply as of the moment these subjects find themselves in probationary follow-up. First, at the moment of reintegration into the community, the interveners must rigorously assess the latitude they enjoy, especially with regard to changes in their subject's reaction and behaviour patterns, in order to consolidate what has been undertaken during the secure custody period and to facilitate the transfer of acquired notions in general social adaptation.

Second, the most appropriate action is a type of "controlled assignment", that is, a blend of very strict supervision according to the prescription-outcome formula with close monitoring. This is essentially an intervention of authority with the goal of restructuring.

Third, the probationary measure is clearly an intensive probation providing a framework within which the young persons receive rigorous reinforcement of social behaviours such that they can integrate new skills like respect for rules, cooperation, the ability to work under pressure, consistency, the ability to bring undertakings to fruition, and the ability to make the right choices.

Fourth, massive cooperation is desirable for interventions toward such socially maladjusted subjects. To get them to renounce their unhealthy view of society, to rid themselves of their tendency to impose their own power and to eschew manipulative and extortive modes of behaviour, several other players from other services will bring valuable help. In such a situation, however, the various interveners must be vested with a clear mandate of authority, preferably as an extension of a formal authority, which means that family, peers and volunteers should in general not be looked to for help.

For autonomous structure offenders, the key is a strong framework, judicious use of guidelines, many constraints and an explicit assertion of sanctions that must be applied openly, firmly, equitably and consistently.

6.9 Case study

DON, 16 years old

Offender history (behavioural factors)

- Drug dealing, theft, assault, threats
- Offences over a period of three years
- Official antecedents and hidden delinquency since the beginning of adolescence
- Prior measures of community service and probationary follow-up
- Premeditated offences
- Sometimes solo and sometimes with criminal accomplices
- Utilitarian and hedonistic motives
- Occasional intoxication when committing the acts

Social factors

- Separated parents. Difficult relations with each. Mother has mental health problems. Very sporadic and conflictual contacts with father. Rejection complex.
- Has been living with grandmother for over a year. Significant relationship, but grandmother is unable to control her grandson. Don does what he wants, ignoring what is required of him.
- Inconsistent school attendance in special programs, significantly behind in school
- Dropped out of school despite strong aptitudes.
- Friends are marginal, deviant and delinquent.
- Regular and sometimes excessive drug consumption
- No social activity

Personality (psychological) factors

- Virulent antagonism toward authority figures
- Distrusts adults.
- Overstates his presence.
- Constant need to be seen and admired
- No inner turmoil, comfortable with his lifestyle
- No regard for others, relationships are above all utilitarian
- No sense of guilt with respect to actions
- Delinquent values

Type of offender

Dominant: autonomous structural; secondary: explosive conflictual

Proposed intervention

- Formal neutralization by means of long-term secure custody. Intervention aimed at eliminating strategies of manipulation while promoting respect for rules, socially acceptable behaviour, a socially productive mindset and interactions with others that are not exclusively for self-gain.
- Reinsertion by means of a probationary follow-up subject to many conditions. Continuing the efforts begun while in secure custody on self-control and the learning of social skills. Don's major difficulty is the fragility of his life environment outside the rehabilitation centre. Don should have received an intensive follow-up, but unfortunately it was not available to him.

Module Seven

Determining
the Type of Offender

The profiles of offender types, drawn from objective cues (behavioural and social variables) as well as subjective ones (psychological variables), provide a precise understanding of the characteristics of each with regard to the seriousness of the offender profile. They constitute an essential knowledge base for the judicious selection of candidates likely to profit from the probationary measure. This knowledge base will be used to diagnose offender seriousness, namely to determine the subject's dominant type.

One must bear in mind that an individual profile is unique and rarely described perfectly by one of the four basic types. Secondary characteristics from another type are usually present, as daily experience with the model shows. In addition, some character traits are common to more than one type.

No measure has yet been perfected for diagnosing the seriousness of the offender profile. A comprehensive assessment of the young person's situation is required to determine the dominant and secondary types of each subject in order to develop an appropriate intervention strategy that fits each person's profile and is effective toward the goal of resocialization, an integral part of the probationary measure. The assessment is thus performed with the express goal of reversing the negative prognosis at the outset. This procedure, a type of classification, revolves around three categories of variables serving to outline the offender profiles in terms of offender seriousness.

The first step is, therefore, to examine the characteristics of each subject for each of the categories of variables and determine to which profile these characteristics correspond. For example, for offender behaviour and the psychological profile, the characteristics can be those of a conflictual yet, socially, the dominant might be that of an inadequate or structural offender.

The second step should make it possible for the intervener to determine the overall dominant type of the young person by incorporating, to some degree, the dominants for each of the categories of variables. In the preceding example, it would be possible to diagnose a conflictual dominant with social properties that correspond to one of the other types.

Whatever combination is arrived at, the intervention plan must first take the global dominant into account without overlooking the secondary elements, which can reveal significant particularities. The point of the exercise is to formulate a strategy based on a comprehensive understanding of each young person's characteristics.

Instruments designed to supplement the process can help in applying this procedure. The Jesness Inventory,²² the crimino-metric record,²³ the MASPAQ²⁴ and, more recently, the Risk/Need²⁵ have progressively distinguished themselves for their ability to isolate and gauge the causes of dysfunction among young persons. They are useful though not indispensable. These instruments are especially noteworthy for their effectiveness, validity, relative ease of use and widespread application by the interveners of the Québec network of services for young offenders.

²² Jesness, 1966.

²³ Piché, 1996.

²⁴ LeBlanc *et al.*, 1996.

²⁵ Andrews *et al.*, 1990.

Module Eight

Review of the Various Phases
of the Intervention Process

A) Regular processes

8.1 Initial Contact at Court

The young person's introduction to the probationary measure occurs when he or she receives the court order for a probationary follow-up. The youth worker or authorized person must then provide the following interventions:

- Clarify the contents of the order as well as the legal context of the probationary measure to the young person and his or her parents;
- Notify them of how the application of the order will unfold at the outset and the steps this entails, and provide a timeline;
- Inform them of the consequences of a breach by the young person and make them aware of the importance of their cooperation.²⁶

Though this first step seems clear enough, the difficulty is in that it should ideally proceed in court at the moment the decision is handed down. The contact is thus immediate, in compliance with the recommendation of Jasmin II, the *Plan d'action ministériel pour le secteur des jeunes contrevenants* (MSSS, 1996) and the *Manuel de référence sur la Loi sur les jeunes contrevenants* (MSSS, 1998, unpublished).

As mentioned on page 140 of the 1998 *Manuel de référence sur la Loi sur les jeunes contrevenants*:

“Speed is of the essence to ensure the effectiveness of the intervention [...].

If we waste time setting the intervention into motion from the instant the order is handed down, the young person may take the punishment lightly since there was no urgency in complying with it.”

The authors of the Jasmin Report are clear on this point. It is the responsibility of

“the persons who participated in the court hearing where the probation order was rendered to impress upon the young person the rigour with which he or she must respect the order.”

In particular,

“it is the responsibility of the child and Youth Protection Centres to ensure contact with the young person the instant the order is rendered.”

Following the example of American standards, it is also recommended that the first meeting occur within five days of the court order and that the meeting be set within the courtroom itself.²⁷

²⁶ Ministère de la Santé et des Services sociaux, 1988, p. 34, our translation.

²⁷ Ministère de la Santé et des Services sociaux, 1998, p. 140, our translation.

8.2 Drafting the Intervention Plan

The intervention plan must focus on the goal of resocializing the young person. This involves the young person, his or her parents and the intervener. It is directly related to the young person's delinquent behaviour.

The intervention plan will refer in particular to:

- The general and specific objectives of the follow-up;
- The methods or techniques of intervention for resocializing young persons in a community environment

Its contents will take into account the offender profile, risk, criminogenic needs and receptiveness of the young person as well as the particularities of his or her family environment.

It will centre on activities of:

- Supervision;
- Creating structure and support for the young person and his or her family. The activities can be in several phases, with possible variations in the intensity of supervision, all in function of the young person's development.

It must specify indicators for gauging how well its objectives are met.

The intervention plan answers two questions: What must be done and how? With regard to parental involvement, it is of primary importance that the plan:

- Specify the mechanisms of support for the parents throughout the fulfillment of tasks;
- Invite them to take part in periodic assessments;
- Direct them toward existing resources if they wish, especially if they are in the grips of personal difficulties that may affect the young person.

It is clear that the intervener must have sufficient knowledge about the young person's situation to prepare the intervention plan. This may take some time, especially if the order was rendered without a pre-sentence report. Even so, it remains desirable that the plan be drafted as quickly as possible after the order has been rendered.

8.3 The service plan

For probationary follow-ups, the service plan comes into play when the contributions of several service providers are used, usually schools, various community agencies and drug abuse resources. The service plan defines the focus of each player's efforts on behalf of the young person and his or her family. The common objectives are stopping the delinquent behaviour by promoting the young person's sense of accountability and facilitating his or her social integration. The young person, his or her parents, the youth worker and the other active players are directly involved in preparing the plan.

The service plan answers two questions: What must be done and by whom? As with the intervention plan, it must take into account the offender profile, risk, criminogenic needs and receptiveness of the young person as well as particularities of his or her family environment.

It makes it possible to:

- Determine the general objectives of the probationary follow-up;
- Determine the services that will address the recognized needs and reach set objectives;
- Specify the apportionment of roles and responsibilities among the players as well as articulating their respective intervention plans;
- Specify the terms and conditions of coordination, supervision, revision and duration of the intervention;
- Determine which indicators will be used to gauge how well the objectives are met.

There are many models of service plans. It is not a matter of proposing the same one for everyone, but rather to insist once again on the importance of the model. The method is of little importance, but the simpler it is, the more the accent will be on the contents of the service plan.

8.4 Carrying out the Intervention

For the youth worker, carrying out the intervention is actually the follow-up to the intervention plan. The follow-up's effectiveness will be enhanced if combined with certain facilitating conditions, well known in the area of intensive probation. These conditions can certainly be adapted to typical probations with follow-up. We examine them here.

Well-defined program

The main idea here is that the intervention for young offenders fits within a specific program that, based on accumulated research and experience, will determine a certain number of parameters likely to help attain the goals that were set for a given type of offender. The program will contain methods, techniques or approaches most appropriate for the type, the minimum duration, and the intensity level recommended for each step of the intervention and indicators for success. Experience shows that if such a program is missing, the impact of the intervention is reduced, sometimes dramatically.

Programs applied by committed, specialized, supervised and available personnel

Even the most time-tested programs can fail to produce the desired effects if they are applied by personnel that has neither the specific knowledge nor the training necessary for such demanding work. On this topic, the *Plan d'action ministériel pour le secteur des jeunes contrevenants* states that:

[...] from a professional perspective, it will be more and more demanding, but all the more essential, to suggest clinical answers to the specific needs of young persons. These answers must rely upon full knowledge of the problem of delinquency in adolescence and be oriented toward a concerted development of innovative practices that are better adapted to the specific situation of each young person.

From this point of view, we share the opinion advanced in the Jasmin II report to the effect that the competence of the interveners, supported by appropriate training and specialization, is the cornerstone of an adequate and effective application of the YOA. (p. 53, our translation)

Supervision must not be taken for granted. It helps promote a better integration of knowledge and, through discussion, helps the intervener deal with tough situations more effectively.

Regarding the availability of personnel in the context of a much more targeted probationary follow-up for young persons whose needs are well known, we quote the Jasmin group:

[...] convening meetings outside of normal work hours is built into the youth worker's tasks. We believe it necessary that they accept this situation and that the establishments provide them with the possibility to do so.
(p. 172, our translation)

The importance of accurately selecting the young persons

Even well defined and well-applied programs could be unproductive if the young person's profile (risk, needs, receptiveness) is not properly matched to the measure chosen and the methods or techniques applied.

It is necessary to properly select participants if candidate categories are defined for the probationary measure and if components are proposed for programs to effectively meet their needs. Any confusion in this respect is potentially prejudicial to the young person and his or her family and may cause the intervener professional dissatisfaction.

A workload that is compatible with the requirements of the intervention

To meet the requirements of an effective probationary follow-up on young offenders that are firmly on the path to delinquency, the intervention will require time. Current workloads are not making this easy. They must be reduced progressively, first by recommending probation only if the young person really needs it, then by dialoguing with the court on the matter and by reconsidering the allocation of resources to meet the needs of young offenders.

This is based on observations made by many interveners and managers as well as on much research. Recent analysis by Andrews *et al.* (1990) establishes that, among other findings, about 100 hours of intervention are required to reach a satisfactory level of performance with high-risk offenders during the first four months of follow-up, with 60% of the time devoted to direct intervention with the young person.

It is clear that such an intervention model would require a reduction in workloads. It would also cast doubt on the traditional casework approach, turning the focus toward shared intervention approaches and even toward the regular contributions of various players from the community.

The contribution of the family and the community

As mentioned in Module Three, for probations imposed on seriously delinquent young offenders to be effective, we must be able to count on the cooperation of the parents and the community. It then becomes a matter of seeing how far we can go with this cooperation.

The parents can be players, subjects of the intervention, or, more often, both. They are the first resource of intervention, since they must meet the challenge of educating and mentoring a young offender on a daily basis, and at the same time they need guidance and support in their new roles. Their contribution must be set to terms and conditions according to the traits that characterize

each type of offender and according to the specific characteristics of each case – in other words, with discernment and judgement while taking into account their resources, will and ability to participate.²⁸

The community's contribution is easier to define: the community partners will cooperate in applying the service plan according to each player's expertise. It is nevertheless highly important to specify what is expected from each of them in order to attain the goals set for each young person.

The need to be able to assess the intervention and its benefits

As mentioned earlier, intervention programs would not be complete without mechanisms for assessing their effectiveness. To realistically gauge the benefits of a program, correct its shortcomings and strengthen it, one must be in a position to know how the program was applied and its effects on young persons. A Performance Statement is required.

8.5 The Performance Statement

The purpose of the Performance Statement is to determine, at the end of a follow-up, how well the strategies have performed in attaining the objectives set in the intervention plan, notably in ending the young person's delinquent behaviour. Various procedures can be used for the purpose.

The first procedure is to examine the attainment of objectives by assessing, at the end of the exercise, the young person's situation. This assessment can be carried out by collecting the points of view of the various players involved in the follow-up and by making use of instruments that were used at the time probation was recommended in court. It is thus a matter of checking the young person's development with regard to his or her social "functionality" by comparing his or her situation at the outset of the probation with results recorded at the end.

The second procedure concerns observed recidivism. Did the young person commit new offences during the follow-up period? If yes, are these offences less serious than those for which the young person was placed into probation? Are they the same level as or more serious than the original ones? Is the frequency comparable? Since resocialization is the central objective of the probation, it will be considered a success from the moment the young person has ended his or her delinquent behaviours or, at the very least, greatly reduced them. The rate of recidivism is an essential indicator for gauging the effects of the probationary measure.

The third procedure consists in examining the active elements that might have contributed to observed changes. This involves knowing to what extent perceived results can be related to methods used. To do so, data on the program must be comprehensively collected, providing a clearer idea as to what the intervention consisted of and to what extent the results can be attributed to the program. Note that the program can be excellent and candidate selection meticulous but the effectiveness might nevertheless have been diluted by less than strict execution.

The fourth and final procedure should make it possible to assess the stability of the skills acquired by the young person. Long-term monitoring should make it possible to gauge how durable the results of the intervention are while corroborating the effectiveness of a given program. The collection and examination of data on an annual basis, involving a number of young persons up to

²⁸ Bernard St-Pierre in the appendix.

adult age, could give a good idea as to the outcome of various programs, making it possible to fine-tune them.

These procedures embrace various facets of the impact assessment on each young person and should make it possible for the intervener to refine the intervention. It places the intervener in the centre of a well-trodden qualitative case-by-case undertaking that is essential for gauging the effectiveness of the intervention toward a given young person. An accumulation of such data may, on a larger scale, lead to a better understanding of the application of the probationary measure in each region, making improvements a possibility in all areas.

B) Optional processes

8.6 Breach Management for Probation and Intensive Support and Supervision Sentences

A variety of interventions must be carried out with a young person with respect to breaches to probation conditions or intensive support and supervision sentences. Anybody can immediately report such breaches to the court. As part of his or her mandate, however, the Provincial Director must carry out an assessment of the situation in order to determine the most appropriate intervention. It could be a clinical intervention specifically related to the breach, or a report to the Attorney General resulting in a charge against the young person for not complying with an imposed sentence.

Provisions of the Act

The legal provisions on managing breaches to probation and intensive support and supervision sentences are given only in section 137:

137. Every person who is subject to a youth sentence imposed under any of paragraphs 42(2)(c) to (m) or (s) of this Act, to a victim fine surcharge ordered under subsection 53(2) of this Act or to a disposition made under any of paragraphs 20(1)(a.1) to (g), (j) or (l) of the Young Offenders Act, chapter Y-1 of the Revised Statutes of Canada, 1985, and who wilfully fails or refuses to comply with that sentence, surcharge or disposition is guilty of an offence punishable on summary conviction.

Therefore, any wilful failure or refusal to comply with certain youth sentences, including those contemplated in paragraphs 42(2)(k) and (l), is an offence punishable on summary conviction. According to this section, a young person can be subjected to a new charge for a breach. This failure or refusal must be directly related to the sentence and its conditions. Reporting this breach must be based on verifiable elements, since the Attorney General must be able to prove it to the court. The provisions of the Act do not oblige the Provincial Director to report the observed breach. It is an assessment of the situation, according to the young person's participation in the overall intervention and to the risk to public safety that will determine the relevance of a judicial report.

The Act contemplates the possibility of a court review of a probation or intensive support and supervision sentence on a variety of grounds. A review may be considered to prevent a breach by

submitting to the court situations in which the young person cannot meet the requirements of a sentence, as long as this does not constitute resistance to the sentence. In such cases, a modification of the sentence is desired, taking into account the young person's difficulties or changes in his or her situation. A review under paragraph 59(2)(c), namely that the young person "contravened a condition of an order made under paragraph 42(2)(k) or (l) without reasonable excuse," must be considered if a young person neglects to remedy, under paragraph (a) or (b), a situation resulting in a breach. The review under section 59 is not meant to punish breaches.

Intervention Guidelines

Managing breaches for probation and intensive support and supervision is an integral part of the Provincial Director's intervention when enforcing these sentences. The main goal is to get the young person to adopt appropriate behaviour. The Provincial Director must carry out a quick intervention that is appropriate to the observed breach situation and, in so doing, maintain the credibility of the sentence and the clinical intervention.

The involvement of the parents, important at any stage of the intervention process, is all the more so for breach management where they are an important factor in preventing breaches. The collaboration of all community and Youth Centre partners involved with the young person must be sought to guarantee effectiveness in managing breaches.

There are three components to managing breaches for sentences involving probation and intensive support and supervision: prevention, assessment, and intervention.

8.7 Prevention

The enforcement of sentences involving the Provincial Director's supervision of conditions must provide for breach prevention. As part of this goal, the Provincial Director must know the young person's true ability to comply with the ordered measures, terms and conditions. He or she must chart, with the young person and the parents, the challenges ahead and the means to deal with them, so that the young person can comply with the court order.

For it to be credible to the young person, the intervention can require measures of supervision of his or her conduct, applied with the help of the parents. They can be more easily enlisted in the effort if compliance with sentences is viewed as a learning process and the consequences to breaches are clearly spelled out in advance. For some young persons, it is also important to clearly specify what is expected from them and to inform them of the consequences of not meeting these expectations. For young persons with a high level of commitment to delinquency, breach prevention requires constant monitoring. This is often made possible by a concurrent probation or intensive support and supervision sentence. Preventive intervention must also include warnings at the least hint of a breach.

The resources involved with the young person must be enlisted with respect to breach prevention. Their open involvement provides consistency with regard to the young person's responsibilities.

By applying to the court for a review, it is possible to re-examine a situation in which the young person is unable to comply with the sentence's conditions or if the conditions are causing him or her serious problems. If possible, the parent and/or young person must draft the application with the Provincial Director's support. It is a learning process for the young person to take responsibility for his or her problems. The Provincial Director can initiate the process, with a view to prevention, for young persons and their families who are unable to do so themselves and where a breach is a real possibility. Going to court makes it clear that the ordered measures are serious. At the same time, it helps make modifications that will get a stronger commitment from

the young person toward the intervention and the ordered measures. A review must therefore be used for prevention, not punishment.

Preventing breaches must be a preoccupation throughout the intervention. This requires vigilance with regard to the young person's behaviour as well as constancy and consistency in the clinical activities.

8.8 Assessment

Managing breaches first requires that the situation be assessed in order to determine the best possible orientation. Available information on the young person's conduct must be examined, the information must be validated, and a direct relationship between the problem behaviour and the conditions of the sentence must be ascertained. For example, a young person's refusal to get involved in a process that was not prescribed by the sentence cannot constitute a breach. Situations in which a breach cannot be demonstrated but nevertheless raise doubts can, on the other hand, be an opportunity for a preventive intervention to avoid a real breach.

The assessment is carried out, if possible, with the parents and the young person in order to verify the circumstances of the breach and their attitude toward the problem behaviour. The breach must also be understood in the overall context of the young person's general behaviour, especially with regard to the level of cooperation so far, to best understand its true meaning.

The breach must be tied to the differential assessment of the delinquency profile in order to be able to determine the danger represented by the young person's behaviour. For example, probationary follow-up appointments missed by an otherwise cooperative young person whose delinquency profile reveals inner conflict, could be due to a malaise that is a harbinger of new delinquency. Such a situation would require a quick reaction. Young persons at high risk of recidivism tend to be subjected to probation and intensive support and supervision sentences. The management of breaches, therefore, requires celerity and rigour, as public protection is at stake when the conditions of these sentences are not complied with.

8.9 Intervention

Two types of intervention are available for breach management:

- clinical; and
- report to the Attorney General under section 137.

Form YCJA 40

The provisions of the Act do not force the Provincial Director to automatically report a breach to the court. If the breach assessment does not indicate a potential risk to public safety and the breach is not a direct opposition to the ordered measures, an awareness-raising intervention to appeal to the young person's sense of responsibility can be considered, namely the young person must be made to adopt behaviour that is respectful of the rules. Two types of intervention are suggested:

- a written or oral call to order, with a notice to the parents explaining the consequences of a new breach ;
- presenting a "remedial plan," namely a sanction the young person has accepted to avoid a new charge.

Such a remedial plan can be part of the intervention plan. Its application is facilitated when it appeals to the young person's sense of responsibility. On the other hand, when such interventions do not remedy the situation, the breach must be reported.

An application for a court review can be submitted six months after sentencing or less with a judge's permission. It can only be considered for two reasons: to seek changes to the sentence if the young person cannot comply with the existing conditions for reasons that are either valid or beyond his or her control, or to obtain an extension to make it possible to carry out the sentence.

A breach must be reported if it is due to the young person's wilful resistance to the sentence or if a call to order did not bring about the desired change. The Attorney General must then decide whether or not to authorize a charge according to the evidence that has been provided. The Provincial Director adds a recommendation to the report on the most appropriate measure for the young person's situation.

CONCLUSION

For a long time now, probation has been criticized as a measure that was often used without thorough distinctions as to either the individuals to whom they applied or to the programs. It was as if they were expected to produce convincing results such as greatly reducing the recidivism of young offenders in spite of their fairly random usage. While not rejecting the criticisms, the network as a whole suffered from a number of shortcomings, so it was not possible for probation to produce the desired results under the existing conditions.

Current practice in youth probation is the outcome of a model that did not differentiate among offender types, did not refer to a table of offender profiles, and was applied indiscriminately to any offender.

The *Manuel de référence sur la mesure probatoire* clearly leaned in this direction in 1988: “Data collected on the clientele serviced by the probationary measure do not permit the profiling of an offender type for the young person in probation. The characteristics of their situation are varied and diverse.”²⁹ In fact, this observation, accurate as it was and still is, based itself on an analysis of orders rendered by courts with regard to probation and not on an assessment of the risk and needs of the young persons for whom this measure could have been an effective and appropriate response to the observed problems. This was not because this type of assessment did not exist, but rather that, in certain cases, neither the court nor the interveners had recourse to it before the decision was rendered.

The idea nevertheless took hold and, more recently, the revised version of the *Manuel de référence*³⁰ proposed that ordered measures of all types should not address young persons whose delinquency was temporary and not serious in nature. This was a step in the right direction.

By the orientation it endorses, namely a balance between the measure and the seriousness of the recognized problems, the present guide is another step in a major new direction first taken by the network over a decade ago. For the first time, the categories of offenders to whom probation is addressed are better defined and an integrated model of intervention practices that associates assessment and care, proposes solutions adapted to the situation of each young person and his or her family.

For this new direction to take hold, guarantee the judicious use of resources and bring about a renewal of practices, two conditions are essential: the expansion of the knowledge base and the enlistment of various players involved in probation.

The knowledge base has three broad areas of focus: knowledge pertaining to understanding the phenomenon of delinquency, knowledge stemming from research “that is properly assessed so that its value can be determined and is carried out by interveners trained for this purpose,”³¹ and knowledge that provides an overview of the entire system’s workings and that helps identify problems.

The first type of knowledge, on understanding the phenomenon of delinquency, concerns training, even ongoing training. It must cover practice as well as acquired knowledge. Even if the

²⁹ Ministère de la Santé et des Services sociaux, 1988, pp. 19-20.

³⁰ Ministère de la Santé et des Services sociaux, 1998.

³¹ *Au nom et au-delà de la loi*, p. 202.

great majority of interveners have the basic knowledge necessary on the question of delinquency, they would be well served by furthering it with staff development programs and training follow-ups. Supervision can also add to such a process by encouraging learning. Achievements in this area in many youth centres in recent years appear promising. We should continue in this direction with even greater conviction.

For the second type of knowledge, gained from experimentation, the situation is more delicate. Besides a few experiments in some youth centres, very few intervention programs are subject to strict evaluation in the spirit of research. The requirements are greater, but such undertakings are an integral part of the development of processes and justify a greater investment of effort.

The third type of knowledge, which is systemic, directly involves the system of data on young offenders. Though it was implemented a good number of years ago, its use is still too limited to provide an accurate picture of the overall trends pertaining to supervision of young persons within the community. It is time to further analyze this data, and to do so on an annual basis, in order to discern and track the development of tendencies in the area of probationary follow-up and to fine-tune accordingly.

As for the various players involved, the interveners' practice must be enriched, the administrators must have new ways to assess the programs and services offered, and the courts must have further assurance as to the quality of imposed follow-ups.

It is with this perspective that this guide has been prepared. These are the objectives it seeks with the help of all parties involved in the overall effort.

Appendix 1

**THE INVOLVEMENT OF PARENTS AND FAMILY
WITHIN THE FRAMEWORK OF PROBATIONARY FOLLOW-UP
FOR HIGH-RISK YOUNG OFFENDERS**

BY

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NOVEMBER 26, 1998

INTRODUCTION

Since the implementation of the Young Offenders Act in 1984, youth workers have called on the parents in various ways at certain phases of the judicial process. This is the case with the assessment-orientation for drafting pre-sentence reports, in discussions on cases in rehabilitation centres, for monitoring and supervision within the framework of a probationary follow-up, and, for some youth workers, within the framework of a systemic or therapeutic approach.

In practice, however, parents and families have generally been accessories rather than central players. There are many reasons for this, but the spirit of the Act to the effect that young persons aged 12 to 18 are the only ones responsible for their own actions explains the relatively narrow interventions. On the other hand, the Act specifies that the bulk of the responsibility toward the offenders belongs to the parents. The Act's Declaration of Principle states that "parents have responsibility for the care and supervision of their children, and, for that reason, young persons should be removed from parental supervision either partly or entirely only when measures that provide for continuing parental supervision are inappropriate." (Paragraph 3(1)(h))

Research

The family context has always been identified as one of the possible sources of delinquency. It is beyond the scope of the present document to give an exhaustive account of this, but a paper by Jean Trépanier, professor of criminology at the Université de Montréal, entitled *Les jeunes délinquants et leurs familles*,³² provides an interesting overview of the question. The author used conclusions drawn from quantitative empirical studies carried out over the last few decades.

He summarizes the main points of the research:

1. The relationships within the family dynamic seem much more directly linked to delinquency than is the family structure.
2. Specifically, affection and reciprocal commitment between parents and children, as well as supervision and discipline exercised by the parents are more directly related to delinquency than are factors such as conjugal conflict, the absence of a parent (due to the break-up of the marriage) or the size of the family (see Loeber and Southamer-Loeber, 1986, pp. 120-122; Fréchette and LeBlanc, 1987, pp. 153-155).
3. The relationship between young person and father seems even more important than with the mother.
4. The various factors are interrelated, making it difficult to isolate the causal connections.
5. The various factors do not seem to necessarily produce the same effect depending on whether they occur at the beginning or at the end of adolescence. Our knowledge in this area remains limited.

³² Paper drafted for the 14th international convention of the International Association of Juvenile and Family Court Magistrates in Bremen, August 29, 1994.

In the same vein and as mentioned above, in their study on the role of criminogenic families, Fréchette and LeBlanc assert, “the two most essential functions of the family, namely the relational and the didactic, are at the root of serious delinquency” (p. 155; this quote and the others in this section are our translations). In particular, they single out knowledge and control of the young person’s activities as the variables “most directly associated with heavy delinquency”.

According to these authors, the results of their research reveal that the current situation ranks high in understanding the determinants of offender behaviour. What counts the most is the “present-day living experience of the subjects.” It is thus “more fruitful to work from the present reality of the offender than to spend much time on the past.”

Of the parental images, the researchers note that for young persons rooted in delinquency the “more deficient of the two, in terms of both the relational and the didactic function, is the paternal image [...]. Any clinical or preventive approach aimed at improving the young person’s family environment must therefore have a separate component devoted to the father’s contribution.”

Fréchette and LeBlanc conclude by noting that “it is in relation with the degree of control by the parents on the activities of their children that the intensity of the delinquent activity varies most, the control factor being at the same time a catalyst for other family factors and the determining factor behind the delinquent activity” (p. 157).

As noted by Jean Trépanier, the family must be assessed in its social context when defining its relation with delinquency. The analyses studied by Trépanier and the observations by Fréchette and LeBlanc converge on this point and agree that it is important to consider the parental roles, the relationships existing within the family (commitment), the exercise of control and supervision by the parents on the quality of the young offender’s activities within the present context. The role of the father or paternal substitute seems fundamental. As the first unit of socialization, the family fits within a social system with which it interacts and that must be considered when analyzing the situation and in the eventual treatment of the young offenders (the community environment).

New orientations

Since the early 1990’s, the various reports on the Young Offenders Act have had a tendency to grant a greater role to the parents and family in addressing delinquency. In its guidelines, the Jasmin II report “calls on the parents to play their role as the front line in charge of the young person’s education”. The Plan d’action jeunesse (1992) points to “the inadequate support provided to the parents” and “the presence of the interveners toward the young persons and their families exhibits some shortcomings in sensitivity”. With regard to young offenders in relation to their parents, the Politique de santé et bien-être (PSBE) states that “the fathers must be made more responsible and the father-child emotional ties must be strengthened; adjustments are needed in the way to improve the effectiveness of the interventions carried out under the Young Offenders Act”.

The Plan d’action ministériel pour le secteur des jeunes contrevenants (1996), taking its cue from Jasmin II, places parental participation among its priorities, calling the parents “the front line of the young person’s well-being”. “They must also be the first ones informed when their child commits offences, and be invited, at every step of the process, to give their point of view on the situation. They must also be treated with respect by the different parties” (p. 27).

With regard to daily practice, the policy group for the Provincial Directors –Director of Youth Protection on the revision of the *Manuel de référence sur la Loi sur les jeunes contrevenants* (1996), drawing from the Jasmin II report and the Plan d'action ministériel pour le service des jeunes contrevenants, emphasized in its report three major orientations with respect to the parents: providing support and information, and enlisting their participation. Regarding support, the group mentions the importance of integrating the parents into the intervention process, the youth worker having “the responsibility of supporting them in this undertaking in order to help them regain their parental authority and overcome their feelings of shame and failure over their son or daughter’s conduct”. Regarding participation, the group suggests, “they must take part in the goals of helping and caring for their son or daughter” and “be put to productive use during interim releases and during the resocialization period”.

In its report, the policy group mentions, referring to Jasmin II, “that it would be appropriate to provide specialized support to parents from ethno-cultural communities, who often misunderstand the Québec youth justice system and for whom their authority is even more dramatically damaged”.

In conclusion, the various reports strongly endorse much greater consideration for parental participation in the intervention toward young persons with respect to the Young Offenders Act. The type of participation varies between providing basic information that players are required to give to the parents, to helping to restore their parenting skills (role of authority, control and supervision, for example).

Clientele

The Delinquency Classification considers inadequate offenders (intermediate persistence), conflictuals and structural (severe persistence).

It describes the terms and conditions of intervention toward these three types:

1. For inadequate offenders: rely on “family and community, to provide young person with an experience of practical, direct and immediate successes, by helping him or her develop elementary skills”
2. For conflictual offenders: recognize that the subject is frequently in conflict with the family. A probation that ignores the family dynamic risks being cut short by reactivating the tensions and old fears that often underlie the delinquent actions.
3. For autonomous structure or severely persistent offenders: Jean-Pierre Piché³³ notes that many players must share the task of providing control and stewardship, or the job will be too heavy.

It must be recalled that this clientele has for the most part experienced placement in custody and that work at the family level has often already been initiated with the parents. At the least, the parents will be invited to cooperate in the control and supervision as much as they are able.

³³ Piché, 1999.

For sporadic offenders, given that the basic structures are not too damaged and, above all, that the relationships (ties with others, attachment, commitment) are not damaged, it is worthwhile to try to restore ties within their social context.

Though common delinquency should not be considered for probation, there is good reason to believe that a certain number of young persons will be directed to probation with follow-up. At that moment it will be time to assess, with the help of the parents and according to the situation, the needs of these young persons.

CURRENT SITUATION AND RECOMMENDATIONS

The various reports we have referred to, namely Jasmin II, the policy of Santé et bien-être, the Youth Intervention Plan, the Plan d'action ministériel pour les jeunes contrevenants and the proposal of the policy group for the Provincial Directors – Director of Youth Protection on the revision of the *Manuel de référence sur la Loi sur les jeunes contrevenants*, emphasize the presence of the parents and family in the intervention process toward young offenders. It seems clear that the parents' contribution must be part of the assessment within the rehabilitation or probationary follow-up from the beginning to the end of the process.

The reports also indicate that the parents must be “partners” with the youth workers and educators, and cooperate with them. On no account must the parents themselves be or become subjects of the intervention. The same reports consider the role of parents and family differently from that of the community. The family circle is considered an intimate element of the individual while the community is a supporting element for the family and individual.

Research has given us highly interesting leads with regard to our subject. The family unit's experience as a basis for affective relations, the commitment of the parents toward their children, parental roles in control, supervision and discipline are elements directly tied to delinquency when lacking. As for parental roles, while the mother's is significant, the father's appears to be even more so.

Regarding our target clientele, it appears that the contribution of parents and family must be varied, depending on the situation. For conflictual offenders, for example, work with the family can be indispensable, if only to understand and temper tensions and support the parents. Research also shows the importance of enlisting the help of the community in treating delinquency.

Since the Young Offenders Act asserts the responsibility of the parents toward their children, we must use this to call on them for cooperation. As noted by Gilles Gendreau,³⁴ it would be wise to involve the parents in an educational process geared toward young offenders. In this context, the youth worker would work with the parents rather than on them. This implies offering them the support and training they need. Gendreau advocates giving them the fishing pole rather than the fish.

RECOMMENDATIONS

On the basis of the above-mentioned reports, policies and action plans regarding the participation of the parents consequent to the application of the Young Offenders Act, the points indicated by

³⁴ *Briser l'isolement entre jeunes en difficulté, éducateurs et parents*, Montréal, Éditions sciences et culture, 1993.

research as having a major impact on delinquency as well as the clientele contemplated for probationary follow-up, we offer the following recommendations:

1. The parents and family should take part in the process of resocializing young offenders.
2. The parents should be integrated as partners cooperating in the intervention toward their sons or daughters.
3. Support and training should be provided as needed to the parents so that they can regain their roles.
4. Particular, even singular, attention should be provided to the fathers in their commitment to their sons or daughters.
5. If the father is absent or unresponsive to his son or daughter, an adult who is significant to the young person should be selected from the extended family or the community as a paternal substitute.
6. Youth workers should have at least a basic knowledge of the principles of family dynamics (values, rules, roles, limits, etc.).
7. The huge value of parental control in the education of their children must be recognized and youth workers must support the parents in that role.
8. In any intervention toward the immediate or extended family, the community must be perceived as interacting with the family.
9. Particular attention must be given to ethno-cultural families so that they can clearly understand the Young Offenders Act and can embrace the intervention.

Intervention for resocializing young offenders is a challenge for youth workers and for society. Hopefully, the observations above will feed, and evolve with, the discussion.

Appendix 2

Summary of intervention plans for each type of young offender

| Classification | Main Objective | Specific Modes of Intervention | Additional Approaches |
|-----------------------|---|--|--|
| Sporadic marginal | Improve subject's discernment and judgement | <ul style="list-style-type: none"> • Neutralize triggering mechanisms • Item by item support | <ul style="list-style-type: none"> • Rational approaches • Short-term process for solving the problem |
| Regressive inadequate | Improve subject's social "functionality" by repairing, strengthening and consolidating ties with the social structure | <ul style="list-style-type: none"> • Tangible, but not total, formal control • Action on the milieu • Direct experience of social success • Development of interpersonal skills | <ul style="list-style-type: none"> • Behavioural approaches • Behaviour contracts |
| Explosive conflictual | Temper, regulate, reorient the conflictual dynamic of the subject (find alternative solutions to delinquent behaviour as preferred method for relieving tensions) | <ul style="list-style-type: none"> • Formal control to neutralize risk of spinning out • Neutralization of opposition to structures • Anticipation and resolution of crises • Neutralize self-denigration • Development self-confidence • Reinsert subject into his/her social environment | <ul style="list-style-type: none"> • Personalized approach • Reality therapy • Rational therapies • Family therapy |
| Autonomous structural | Rebuild allegiance to social group by reorienting motivations | <ul style="list-style-type: none"> • Maximum formal control • Intensive follow-up • Consolidation and transfer of skills acquired during custody • Controlled assignments • Neutralize tendency to manipulate | <ul style="list-style-type: none"> • Control of behaviour • Functional therapies |

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Probation has been for a good number of years the most commonly used measure by Québec courts for young offenders, since it is used in over 50% of their decisions. It is an interesting solution for a wide array of young persons whose situation and characteristics can vary greatly. As a result, probation must be flexible. This means that its properties, including its duration, intensity, the techniques used to apply it and its specific objectives, must vary according to its subject. This is the challenge put forth in the Guide to Intervention in Youth Probation - Reintegrating Young Offenders into the Community.

Aimed at beginner and seasoned intervener alike, and basing itself on the experiences of the last ten years, the latest research and the most effective courses of action, this guide proposes a differentiated integration approach for probation as the most promising avenue for reintegrating young offenders into the community.