A Qualitative Study on the Judicial Social Services for Juvenile Delinquents

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Abstract. Juvenile delinquents have become one of the groups that gained much attention from society currently. The present situation and the changes attached to this group have become a significant social topic as well. Through the advance and improvement of the Criminal Law of the People’s Republic of China for the group of juvenile delinquents, the Department of Juvenile in many areas has applied the idea of “less arrestment and less litigation” to juvenile delinquents in the procuratorate system as a result of making more effort to provide the future development of juvenile delinquents. And based on this idea, more needs of judicial social services emerged in doing social inquiry reports and following-up monitoring to juvenile delinquents from government departments. This passage is based on the interview with the manager of Department of Juvenile of People’s Procuratorate of Enshi City Hubei Province and one of the social workers in Siyecao Social Work Agency in Jingzhou City Hubei Province, and the analysis for the current situation of the judicial social services. And the corresponding suggestions offered in the passage are partially drawing on the experiences of previous studies and cases from other districts.

1. Introduction

The revision of the documents published by the Supreme People's Procuratorate of the People's Republic of China showed changes in several aspects of the Juvenile Justice System. According to the legal revision of the Criminal Law of the People’s Republic of China [1], the exact age for juveniles to take the entire responsibility of committing a crime is 16. Juvenile ages from 14 to 16 who commits a crime has to take part of the responsibility by his or her age and the type and extent of the crime. Juvenile ages below 14 do not take any responsibility despite what crime he or she commits.

And another change is that a fundamental principle to deal with the cases of juvenile delinquents in China is mainly by delinquency perception education, and assists in appropriate punishment on juvenile delinquents. And this principle adheres through the entire procedure of detection, litigation, and trial for juvenile delinquency according to the Criminal Procedure Law of the People's Republic of China to protect the legal right and interests of juveniles.

For a long time, the main resources and service offer to juvenile delinquents are from the staff and officers from the Department of Juvenile of Justice System. The development and improvement of social work in China in these years, as well as the current needs from the government and society to reform in the juvenile justice system, have become two essential factors that expedited the emergence of judicial social work and the judicial social services in China.

Previous researches on judicial social services for juvenile delinquents basically concentrated on the following aspects: current stage of development of judicial social work in China [2], predicament of the intervention for judicial social services to juvenile delinquents [3], the available patterns of judicial social services in the juvenile justice system, the foundation and principle of laws for the processes of judicial social work [4], and the relation between professionalism of judicial social work and judicial services purchase from the government departments [5].

Within the researches’ review, we can obtain information from perspectives of macro levels, which mostly based on the policies analyses and agreements proclaimed by the top government institutions or top procuratorate in China. Nevertheless, the needs and adaptive patterns of the application of judicial social services can be varied from one place to another, which shows the
demand of the qualitative research for an individual place, aiming to help with establishing a clear framework of the judicial social service processes.

This research collected the needs and expectations of judicial social services from different objects through interviews and analyses of the government policies in juvenile delinquents. And it focuses on the application and variation of judicial social services for juvenile delinquents under the revisions of present juvenile justice policies. Through the small incision, this research can make thorough inquiries and offer following guidelines for the cooperation between judicial social work and government departments, which may fill up the research gap at the micro-level.

Based on the method of the qualitative study, the research had interviewed objects who are the manager in a social work agency, and staff in the Department of Juvenile in Justice System. The information in the interviews includes the general situation of juvenile delinquents, obligation, and services that have already been carried out by the objects mentioned above, and the needs of judicial social services from the views of different objects. Correspondingly, this passage is consisted of and expatiated these parts in an identical sequence. And the following section stated the problems and weak points in present judicial social services for juvenile delinquents. The last part offered three solutions and suggestions, aiming at the present needs of different objects in addition to the developing tendency of judicial social work.

The participants in this research who took the interviews are the manager of the Department of Juvenile Justice of People's Procuratorate of Enshi City Hubei Province, one of the social workers in Siyecao Social Work Agency in Jingzhou City, Hubei province. We mainly used the approach of conducting in-depth interviews by speaking with participants in a one-on-one setting. We had identified certain topics of interest and with a simple guide for the conversations. Also, the process allowed the participants to offer some other related information that they perceived in their cases and works about the topics. Besides, the research had concerns in ethical aspect, including the pre-agreements of the participants to approve this research using the information from the interviews, the voluntary participation of the interviews to help with the research in judicial social services, and informed participants the research would keep complete confidentiality of the information they offered.

2. General Situation of Juvenile Delinquents

From the cases accepted by People's Procuratorate of Enshi City Hubei Province from 2012-2019, and the clients are taken by Siyecao Social Work Agency, the types of crime are diverse, including affray, theft, intentional injury, sexual crime, etc. Affray holds the biggest proportion out of all types these years. It always happens between teenagers who know each other or go help with the side of their friends. Overall, juvenile delinquents’ criminal behaviors are mostly concentrated on less serious types.

Most of the juvenile delinquents are aged in the range of 14-18, mainly between 16-18. The social worker in Siyecao Social Work Agency said that their clients in this age group tended to have low self-control and thought of themselves as adults who were mature enough to decide things right. The frequency of impulses and their immature mindsets in this age group will have impacts and possible connections to the following delinquency [6].

Junior high school is the most common academic degree of juvenile delinquents, owing to that 9 years of education from elementary to junior high school is compulsory in China. However, after finishing years accepted compulsory education, these teenagers tend to separate themselves from schools and turn to build connection and relationship with the society, thus the rates of contacting with social individuals and groups are going up steeply since then.

Besides, culture influences through movies, the internet, and violent video games have gradually changed the ways juvenile solving the conflicts. Juveniles turned to use violence to solve the conflicts more frequent, through the information from the social worker in Siyecao Social Work Agency.

Most parents of juvenile delinquents have not been highly educated, and they mostly work in some other cities rather than where their homes and children are. Overall, the extent of constraint to
juvenile delinquents from the family is relatively low, and the custody from parents is weak as well [7]. Those negative reasons are fatal for juvenile delinquency [8].

3. Contents and Effects on Current Services

3.1 Contents

1) Preventative education to juveniles against crimes

Governmental departments in Enshi City are now positively focusing on preventative education against crime to juveniles, covering students from kindergartens to junior high school, which aged from 3-15. This preventative education has diverse forms to teach students how to distinguish and resist crimes including court imitation, online education, and lecture in every school, etc. The coverage of the preventative education has already reached 100%, through the data from the People's Procuratorate of Hubei Province [9].

2) Social inquiry reports for juvenile delinquents

A social inquiry report needs to be carried out after the case of a juvenile delinquent being taken by People's Procuratorate. And it consists of several parts, including family and family members’ information, situation attainment and performance in school, interpersonal relationships, community relationships, etc. All the information related to juvenile delinquents should be protected under strict confidentiality. The accurate and authentic information is valuable for subsequent analyses for the reasons for crime and the assessments of juvenile delinquents [10]. Also, some significant points in the social inquiry report can be one of the reference resources for the judgment in the court if necessary. The social inquiry report is still part of the obligation of the Department of Juveniles Justice People's Procuratorate of Enshi City Hubei Province so far, while in Jingzhou City, some of this part has already been transferred to a social institution like Siyecao Social Work Agency.

3) Protective ideas in adjudicating cases of juvenile delinquents

The processes and the decisions on juvenile delinquents mainly concentrate on protecting and saving, then educating juveniles. It shows the massive difference from dealing with the cases of adult offenders. The former ones focus more on the group of juveniles themselves and their future development, while the later ones focus more on the incident itself. The current rate of adjudgments that choose not to appeal and/or not to arrest juvenile delinquents are around 40% and 50% in Enshi City, through the data from the People's Procuratorate of Hubei Province. If these juveniles could successfully go through the period of monitoring, which most lasts for 6 months to 1 year, then their case records would be closed and conserved by the government.

4) Following-up services for juvenile delinquents

The time of the monitoring period for juvenile delinquents who are not going to be charged will vary from 6 months to 1 year. Currently, the monitoring period of juvenile delinquents in Jingzhou City is partially managed by social workers in Siyecao Social Work Agency through the agreement for cooperation between the agency and local procuratorate. In Enshi City this part is still managed by officers in the Department in Juvenile Justice of local procuratorate.

3.2 Effects

1) The consciousness of identifying criminality has remarkably risen around juveniles

Through the activities held by People's Procuratorate of Enshi City Hubei Province to teach the students how to distinguish and categorize the criminalities, students from different ages now basically have a clear judgment that if one's behavior breaks the laws or not. However, the wide spreading of preventative education against crimes and the high distinguish rate around students do not mean this measure can prevent the occurrence of juvenile delinquency in the future.

2) The implementation of protective ideas partially helps juvenile delinquents from recidivism

From the information in the interview and according to the post-assessments to the juvenile delinquents of their future risks, there is a salient point that those juvenile delinquents who have successfully gone through the period of monitoring tend to behave better and more cautious. This effect is quite similar to the conclusion that some of the juvenile delinquents would cherish the second chance more to make it well managed [11]. Some of these juveniles and teenagers find
part-time or full-time jobs that are suitable for them, some others decide to have themselves enrolled in technical schools to learn skills for future job finding. Overall, the rate of recidivism has descended after the policies that redirected juvenile delinquents from the same criminal justice system as adults, and with the implementation of the new protective ideas to juvenile delinquents.

4. Findings

4.1 The development of judicial social work in Enshi City is currently in the very primary stage

Owing to Enshi City is a remote district in Hubei Province relatively, thus there are barriers for its economic development. Correspondingly, the development of social work in Enshi City is still in the primary stage, especially in the field of judicial social work. This is due to many analogical reasons as the development of social work around most of the other places in China [12]. The wages of social workers are at low levels consistently [13], people around China have not formed the comprehensive cognition and trust to social work and the workers, the development of social work is not independent and systematic [14], etc. It will still take a long time for Enshi City as well as other places in China to establish the most effective framework for their own.

4.2 The number of qualified and professional judicial social workers is extremely low while there is a great demand for them at present

The manifestation of qualified and professional mostly is on the requirements for offering judicial social services. Take an instance of conducting a social inquiry report, the whole process of gathering information should be carried out confidentially, especially when social workers have conversations with teachers in schools and/or neighbors in communities. The information confidentiality is the basis of social inquiry reports because it would be second-time harm to juvenile delinquents and their families if schoolmates and/or neighbors have some comments on them. How to protect the confidential information of juvenile delinquents is one of the essential requirements for judicial social service. Apart from this, there are still other skills that should be learned to cooperate with the Department of Juvenile in People's Procuratorate of Enshi City Hubei Province, such as the psychological interventions that need to be timely in monitoring period [15].

4.3 The services in the monitoring period are not offered by professional judicial social workers

Although it has been progressing that Jingzhou City has the cooperation between social work agencies and local procuratorate, the social workers who offered judicial social services are mostly not judicial social workers themselves. Hence, there is a defect that they do not have a systematic framework of knowledge in law. When juvenile delinquents are in the monitoring periods, there are both needs for social services and judicial education. The lacking of sufficient judicial social workers is a common problem in China at present, social workers are expected to learn a lot of knowledge in other areas, which made them more practical but require less professional at the same time.

5. Solutions and Suggestions

5.1 Develop and increase the number of professional judicial social workers

Generally saying, it is a long process. In the long run, we can set up judicial social work secondary major which divided from social work major. And then aim at the integrated knowledge from both law and social work to have these students taught and interne. In the short run, owing to help with filling the gap of judicial social workers, People's Procuratorate of Enshi City Hubei Province or other governmental departments in need can set up the independent department of judicial social work, and do some training connected with the juvenile justice system, and the policies of juvenile cases. Through the training, governmental departments such as People's Procuratorate of Enshi City Hubei Province can socialize some obligations, including social inquiry reports, psychological services, following-up services in the monitoring periods, etc.
5.2 Exert service orientation to connect the social services gradually

Owing to there are not a lot of qualified judicial social work agencies and judicial social workers in Enshi City, besides People's Procuratorate of Enshi City Hubei Province has a strict requirement of the profession for judicial social services, so it may be easier for governmental departments to try to contact with the agencies for individual or several services, instead of finding the qualified social work agencies at one time [16]. In this way juvenile delinquents can get more professional services, judicial social workers can have higher wages according to the number of services, and People's Procuratorate of Enshi City Hubei Province can alleviate their burdens.

5.3 Establish caring centers for juvenile delinquents

The function of caring centers is to supervise and offer services to juvenile delinquents through monitoring period and after that, such as having regular conversations with them to track their thoughts and activities, helping with professional psychological interventions to release their stress, offering suitable work chances for them after this period. At present, juvenile delinquents in Enshi City are still in great need of chances and positions for working after going back to society. Moreover, caring centers can deliver job skills learning or interest searching services for juvenile delinquents, to help them find the ideal jobs and adapt to social lives quicker when they are going back.

6. Conclusions

The judicial social services and judicial social workers are still in the progress of developing currently, and this part has already caught the attention and the need for governmental departments so far. Aiming at the group of juvenile delinquents, which are young and prospective if they obtained positive guiding and necessary social services, judicial social workers are supposed to explore an effective way on how to balance social services and the decisions of laws on juvenile delinquents.

Moreover, the cooperation between judicial social workers and government department of juvenile justice is inseparable, government departments are supposed to socialize part of the obligation to social institutions, to offer services that are more professional to juveniles.

The suggestions are focused both on the services for juvenile delinquents and the future development of judicial social work. The establishment for a new group and a department for judicial social work is a long-term business, but with these efforts, we can expect improvement in better services for juveniles who are in need of help and guides, and the cooperation between government departments and social services, which would bring benefits to both sides.

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