

Academic attacks juvenile courts

By Fiona Holland

SCORES of juvenile offenders are being given custodial sentences because of "who they are rather than what they've done".

A senior academic, who has written a detailed report on juvenile crime, says young offenders in the territory could be subject to civil rights abuses after 1997 because of the way juvenile courts hand down sentences.

The decision-making process of juvenile courts effectively breaches civil liberties by using information about the offender other than the crime.

University of Hong Kong department of social work and social administration lecturer Dr Patricia Gray has

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just finished a study of youngsters in crime entitled *Juvenile Offenders — Community Treatment and the Family*.

In it she attacks the use of personal information about relations, peer influences and behaviour in the court's consideration of what punishment to deliver.

"I don't think the courts have a right

to use that kind of knowledge about their behaviour in determining sentences.

"What is classified as problematic behaviour is very much a value judgment.

"They are being sentenced not just for their offences but for their behavioural problems," Dr Gray said.

"I could also see a situation where that kind of information is used by courts to decide on sentencing and there are other factors that could be taken into account — like political views," she said.

■ Continued Page 5

Attack on treatment of juveniles

Dr Gray said justice practitioners dealing with juveniles used a "disciplinary welfare" approach which emphasised "problematic behaviour".

Custodial sentencing of juvenile offenders has increased fourfold and the proportion put in probation homes has more than doubled between 1978 and 1987.

But Dr Gray said the increasingly severe sentencing was not matched by a rise in serious crime by young offenders.

Research between 1989 and 1990 revealed that 83 per cent of juveniles on probation were first-time offenders.

Despite an increase in cautions issued under the superintendent's

FROM PAGE ONE

discretionary scheme Dr Gray said a large proportion of youngsters coming into courts had not been cautioned nor had they committed very serious crimes.

The treatment of juvenile offenders combines rehabilitation by discipline and hard work overshadowed by the threat of "short sharp shock" treatment.

But experience overseas suggests that incarcerating juvenile delinquents for minor crimes does not reform them.

Institutional care immersed offenders in a "delinquent subculture",

transforming their self-image and making reintegration with family, school or work difficult.

Official figures do not suggest Hong Kong's existing system is failing to reform offenders.

Success rates — juvenile offenders who complete sentences in training and detention centres and after care in the community — reached 94 per cent last year.

According to the Correctional Services Department, success rates in training and detention centres ranged from 71 to 94 per cent last year.

Dr Gray said attitudes would have to change after research showed that up to 90 per cent of teenagers have committed a crime.

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