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Juveniles in youth educational centers and correctional facilities¹

ABSTRAKT

Artykuł jest podsumowaniem dwóch projektów badawczych zrealizowanych w Zakładzie Kryminologii Instytutu Nauk Prawnych Polskiej Akademii Nauk oraz Instytucie Wymiaru Sprawiedliwości. W ramach tych projektów zostały przeprowadzone dwa rodzaje badań: analiza akt spraw sądowych oraz indywidualne półustrukturyzowane wywiady pogłębione, na próbach: 397 akt spraw sądowych nieletnich, wobec których w 2014 roku sąd orzekł o umieszczeniu w młodzieżowym ośrodku wychowawczym lub w zakładzie poprawczym (badanie aktowe) oraz 40 wychowawców młodzieżowych ośrodków wychowawczych – MOW i zakładów poprawczych – ZP (badanie jakościowe). Celem artykułu jest sumaryczne przedstawienie wybranych wyników tychże badań.

Introduction

There are different ways of reacting to unlawful behaviors of juveniles. Polish act on proceedings in juvenile cases², gives a many possibilities in this regard. Firstly, the court may refuse to initiate proceedings if there are no premises for doing so. The initiated proceedings may be discontinued, if the further proceedings turned out to be unproven, transferred to another institution, such as the school, or finally, the result of this proceeding may be ordered educational or corrective measures. And although many authors have written about it³, it should be remembered that these measures differ – as to the nature and frequency of their application. Judicial court policy is definitely dominated by the libertarian reaction, usually in the form of reminder or supervision of a probation officer. Isolation measures, such as a placement in youth educational center or in correctional facility, are used extremely rare. For example, in 2016, only to 5% from 26 thousand juveniles the courts applied the measure concerned placement in YEC, 1% in turn – referrals to a CF⁴. If the percentage is so small, is there a need to pay more attention to juveniles for whom these measures have been applied? Certainly, and two arguments support it. First, there is a gradation of measures for juveniles, and placement in YEC and CF

¹ The article is a modified version of the paper delivered during this year's conference of the European Society of Criminology in Sarajevo.

² Dz. U. 2018. item. 969.

³ Compare e.g.: T. Bojarski, E. Kruk, E. Skrętowicz, *Ustawa o postępowaniu w sprawach nieletnich. Komentarz*, Warsaw 2014, V. Konarska-Wrzosek, *Prawny system postępowania z nieletnimi w Polsce*, Warsaw 2013, D. Woźniakowska-Fajst, *Nieletnie. Niebezpieczne, niegrzeczne, niegroźne?*, Warsaw 2010.

⁴ Statistical data of the National Criminal Record.

are at the end of such a list. It can therefore be assumed that the most “problematic” children go to these kinds of institutions, children for whom other methods of action, including other previously used measures, have proved ineffective. What’s more, they are very often almost adults. Therefore, if the assistance given to them at this stage turns out to be ineffective, the consequence of their subsequent unlawful behavior may already be a criminal reaction. Secondly, the legislator pointed out the “cautions” use of isolation measures. It requires judges to have a diagnostic opinion before using any of them. He or she also defines the premises (obligatory and optionally) only in relations to the strictest measure – referral to the correctional facility. The subject of juveniles who are referred to isolation institutions isn’t new. However, changes in judicial policy, in institutions, but also changes in juveniles and families in which they are bringing up, certainly entitle to carry out analyzes in this regard. These issues also were the subject of my researches – quantitative (case files) and qualitative (individual interviews). In the article, I present some of these results.

Methodology

Research were carried out in two different institutions, at different times, for different purposes and using different research tools. Each of them concerned, however, the same aspect – juveniles with an ordered placement in a youth educational center or a correctional facility.

The first one took place in 2016 at the Polish Institute of Justice. It was a case files research carried out on a sample of 370 case files related to 397 juveniles, using the research tool in the form of a questionnaire⁵. The second of them was carried out in the Department of Criminology at the Institute of Law Studies of the Polish Academy of Sciences in 2018. These were individual semi-structured in-depth interviews with 40 educators of youth educational centers and correctional facilities who had been employed full-time for at least 3 years. The interview scenario was the research tool.

The article consists of three parts. The first of them, characterizes juveniles, from whom the court applied the strictest measures listed in article 6 of the act of proceeding in juvenile cases. The second part gives an insight into the perception of the juveniles by the educators from YEC and CF. The last one concerns the effects of work with the juveniles in YEC and CF.

It made possible to get the answers for the following questions: 1) who are juveniles directed to these kinds of institutions, 2) how educators from YEC and CF perceive juveniles they work with (e.g. typical and difficult), 3) what kind of experience is staying in YEC and CF, 4) what is a success in working with juveniles – in educators opinions.

⁵ J. Włodarczyk-Madejska, *Stosowanie środka wychowawczego w postaci umieszczenia w młodzieżowych ośrodkach wychowawczych oraz środka poprawczego przez sądy rodzinne i nieletnich w świetle danych statystycznych i badań aktowych*, Instytut Wymiaru Sprawiedliwości, Warszawa 2016, https://iws.gov.pl/wp-content/uploads/2018/08/W%C5%82odarczyk-Madejska-J_Stosowanie-%C5%9Brodka-wychowawczego.pdf [28.11.2018].

Juveniles from whom court applied the placement at the YEC or CF⁶

Firstly, summary of the case files research. The case study shows that juveniles with the adjudicated correctional facility in 2015 were mainly boys who were at least 15 years old, growing up in institution or in families in which there were a lot of problems – especially alcohol abuse or addiction to this substance and parent's crime. In the sample were cases in which, during the proceedings to application a measure to juvenile, their parents (most often their fathers) were in prison.

Juveniles directed to the correctional facilities generated a lot of problems at school as well as outside. They were repeating classes, achieving poor academic performance, aggressive behaviour towards teachers and peers. Out of school problems were mainly escapes from home, drinking alcohol, committing crime, but also aggressive behaviour. Most juveniles had previous experience in contact with justice. Main reason for being place in this kind of institution was committed crime against property, including also robbery⁷.

What we know about the juveniles directed to youth educational centers? There were also boys in 15 years old and above, but as we can see in table 1 these two groups juveniles were different. The girls and the juveniles aged 13 and 14 were directed to the youth educational centers more often. Problems in family were similar for both groups. Also school and outside school problems of juveniles were similar, but the majority were more likely to appear in the group directed to the correctional facilities. The groups also differed experience in previous contact with the court. Juveniles directed to youth educational centers had less of case earlier in court. The reason for the placement of almost half of the juveniles in the youth educational centers were symptoms of demoralization so behaviour unsuitable for age⁸ such as alcohol abuse or drug use or systematic not going to school⁹.

⁶ I also present the results of juveniles in correctional facilities in: J. Włodarczyk-Madejska, *Wychowankowie zakładów poprawczych*, post-conference publication, Białystok 2019 (in print).

⁷ Compare: J. Włodarczyk-Madejska, *Stosowanie środka wychowawczego w postaci...*, *op. cit.*

⁸ D. Woźniakowska-Fajst, *Lecture for students of Criminology*, IPSiR UW [28.10.2014].

⁹ Compare also: J. Włodarczyk-Madejska, *Stosowanie izolacyjnego środka wychowawczego oraz środka poprawczego w świetle danych aktowych*, „Prawo w działaniu”, Sprawy karne, 26, 2016.

Table 1. Juveniles from whom correctional facilities and youth educational centers were applied

Variable	CF	YEC
Gender, age	<ul style="list-style-type: none"> ✓ boys (90%) ✓ 15 years and above (89%) 	<ul style="list-style-type: none"> ✓ boys (68%) ✓ 13-14 years (36%)
Problems in family	<ul style="list-style-type: none"> ✓ alcohol abuse/addiction (32% mothers, 60% fathers) ✓ parent's crime (11% mothers, 40% fathers) 	<ul style="list-style-type: none"> ✓ alcohol abuse/addiction (27% mothers, 53% fathers) ✓ parent's crime (10% mothers, 31% fathers)
Problems in school and outside	<ul style="list-style-type: none"> ✓ repeating classes (74%) ✓ achieving poor academic performance (53%) ✓ aggressive behaviour towards teachers (39%) and peers (49%) ✓ escape from the home (56%) ✓ drinking alcohol (73%) ✓ committing crimes (60%) 	<ul style="list-style-type: none"> ✓ repeating classes (61%) ✓ achieving poor academic performance (71%) ✓ aggressive behaviour towards teachers (33%) and peers (42%) ✓ escape from the home (46%) ✓ drinking alcohol (59%) ✓ committing crimes (33%)
Previous contact with juvenile court	<ul style="list-style-type: none"> ✓ 73% supervision of a probation officer (67%) ✓ YEC (44%) ✓ YSC¹ (28%) 	<ul style="list-style-type: none"> ✓ 41% supervision of a probation officer (33%) ✓ YEC (2%) ✓ YSC (7%)
Reason for being placed in the institution	<ul style="list-style-type: none"> ✓ crimes against life and health (21%) ✓ crimes against property (62%) 	<ul style="list-style-type: none"> ✓ crimes against life and health (12%) ✓ crimes against property (32%) ✓ symptoms of demoralization (41%)

Typical juvenile

Now, I'm going to the preliminary results of the qualitative study. Each educator – both from correctional facilities and from youth educational centers – was asked to describe a typical juvenile. In this way I collected the information about few of basic variables as age, family, school, reason for being place in institution. This description was largely corresponded to findings from the examination of the case files. During the interviews, however, there were two new aspects – about age juveniles and their family situation. Respondents said that correctional facilities and youth educational centers are used to younger (than before) juveniles, so in 13-14 or 13-15 years. These kinds of measures are also used to children from „good families”.

The last of them have a significant meaning to perception a „typical juvenile”. Juveniles from „good families” do not fit into this pattern – they have unmet especially emotional needs no material goods. They do not have to steal or trade, so crimes they commit also have a different character, for example – more often directed against life and health.

Typical juveniles have also school delays. This variable, in the opinions of educator, are quite a significant problem when they working with juveniles. It’s difficult to image that to correctional facilities or to youth educational centers are directed juveniles almost or already of age who are for example at the level of first or fifth grade of primary school. These are undoubtedly exceptions, but very difficult. It is interesting the way in which educators talked about their pupils. There have been attitudes of understanding and partial justification of behavior of juveniles with their life experiences, including harming others and the lack of proper education in force in society standards and principles:

„After returning from the institution, he returns to this hungry sister and drunk mother and life again leads him to other ways”¹⁰,

„Very often [there are] ordinary, normal people, [who] are hurt by life, by fate (...)”¹¹,

„Everyone comes from a different place, with different disorders, from different homes, some do not know their parents, others hate their parents, others have been hurt by their parents”¹².

Table 2. Typical juvenile

Variable	CF	YEC
Age	<ul style="list-style-type: none"> ✓ getting younger (13-15 years old) 	<ul style="list-style-type: none"> ✓ 15-18 years old, 13-14 it happens rarely; ✓ the age is falling all the time
Family	<ul style="list-style-type: none"> ✓ incomplete, dysfunctional, but also children from „good families” ✓ „child of institution” ✓ „street child” 	<ul style="list-style-type: none"> ✓ different families with a predominant dysfunction ✓ incomplete, poorly educative family, large family, difficult to cooperate with ✓ „child of institution”
School	<ul style="list-style-type: none"> ✓ problems in school ✓ significant school delay – „usually 1-3 years”, but „we also have a 19-year-old who is in the 5th grade of primary school” and „17-year-old in the 1st class of primary school” 	<ul style="list-style-type: none"> ✓ school delay 2-4 years, but „we have 17-year-olds who are in 4th class primary school”

¹⁰ CF1.

¹¹ Ibidem.

¹² YEC2.

Reason for being placed in the institution	<ul style="list-style-type: none"> ✓ crime: robbery, theft, rape, attempted murder, participation in criminal groups, drugs 	<ul style="list-style-type: none"> ✓ does not go to school, no study ✓ psychoactive drugs, addiction to nicotine, alcohol, ✓ crime: theft, beating ✓ parental inefficiency
Others	<ul style="list-style-type: none"> ✓ unmet needs emotional problems ✓ created problems at home ✓ drugs 	<ul style="list-style-type: none"> ✓ a disturbed value system, does not know what is good or bad

Difficult juvenile

Generally, in the opinion of educators, there is no category of difficult juvenile. However, it can be said that almost all juveniles who are directed to the institution cause different problems that make working with them difficult. These problems can be divided into two types – lack of family facilities and juveniles himself. Most difficulties juveniles from correctional facilities are anxious, emotionally, disturbed, loud, attentive, aggressive and aroused. Sometimes there are also children who growing up in institution („children of institution”), but also „inheriting” crime as a certain home and family tradition. Problems are also caused by children who avoid contact with the educator, refuse to take medication, have personality disorders, identified impairment or changes in the central nervous system.

As we can see in table 3, difficult juvenile from correctional facilities is a little different from difficult juvenile from youth educational centers. In this last group, in educators opinions, difficult is a juvenile who are addicted to nicotine, alcohol or drugs, who are mentally disturbed, who are aggressive – more and more often on psychotropic drugs, but also „children of institution” who changing institution by punishment. The difficulties are caused by juvenile who do not want to cooperate, broken the rules, hadn’t motivation to do anything and have suicidal tendencies or cutting his body.

One of the respondent said that difficult juvenile is:

„Arrogant, vulgar talk to educators, staff. Smoking cigarettes, extortion attempts at younger colleagues, taking clothes, generally disobeying the regulations, punishment orders that are imposed by the educational team. Non-compliance with the regulations, keeping the so-called policy of negative leaders, such as rebellion of other charges to not perform certain activities”¹³.

¹³ YEC2.

Table 3. Difficult juveniles

CF	YEC
„Which one is easy?“	„Everyone is difficult“
anxious, emotionally disturbed, loud, attentive, aggressive, agitated	addicts, mentally disturbed, aggressive
children of institutions	children which were in other centers and changing centers for punishment/„improper behavior“
children without family facilities	children who haven't motivation to do anything
children „inheriting“ crime as a certain home and family tradition	children who are more and more often on psychotropic drugs
children avoiding contact with the educator refusing to take medication	children who don't want to cooperate, break the rules
with personality disorders, with identified impairment	have suicidal tendencies, cutting their body

Experience of staying at

Staying in an isolation institution is very often seen as a punishment for unlawful behavior. In the course of quantitative research, I asked the educators, if staying at correctional facility or youth educational center be a positive experience? The answers were different. Some of the respondents drew attention to emotions accompanying juveniles directing to institution, such as trauma, experience of restriction of freedom, possibilities and the conviction that „it will be worse“. Some said that perception of stay changes with the acceptance of the rules of the establishment, which is usually accepted after one year. In many interviews, the term appeared that staying at correctional facility is „the road to normality“, „school of life, which you will never forget“, „stop for health“ (especially for addicts), but also „life-saving“ for juveniles who have conflicts with the criminal world. The respondents were in agreement about the fact the juveniles very often have better conditions in the institution than in their family homes. Here they do not have to worry about meals or a place to sleep. They can learn a lot of things, a new aspect of life, learn different behaviors, such as eating at the table, maintaining the hygiene of the body and surroundings. They have someone to talk to.

Youth educational centers educators expressed a similar opinion. They emphasized that staying at this institution is very difficult, especially at the beginning. YEC is also treated as a punishment, limiting their freedom. It's also stay a lesson to juvenile from good families and „see something else“ to juvenile from poor, problematic families.

Respondents said that staying in YEC or CF allow to discover interests and talents juveniles, which nobody had paid attention to before. As we can see, the respondents answers from both groups were very similar. Some respondents give a very comprehensive answer, for example:

“Sometimes it is salvation for him, because he has a place to sleep, he has something to eat, he has breakfast, an afternoon snack, supper, dessert, what he never had at home, often children who do not know what they call dishes that eat here”¹⁴.

“Staying in a correctional facility opens up many opportunities for juveniles, leading your life in a better direction”¹⁵.

¹⁴ YEC3.

¹⁵ CF10.

Table 4. Experience of staying at

CF	YEC
„At the beginning there is some trauma, restriction of freedom, possibilities”	„Very difficult, at least at the beginning”
„Many people think that it will be worse, and later after a year they says it’s great – if they accept their stay here”	„They say that it is a punishment, limiting their freedom, have a negative attitude at the beginning, then [after leaving] the sentences are divided, those who manager to say that it was a good experience”
„His changes his mind as soon as his comes out”	„For some, simply isolation, punishment, there are also juveniles who want to come back, because they feel good here”
„Stop for health” (for addicts)	„Stay as a lesson (for those from good families)”
„Life-saving” (for conflicts with the criminal world)	„School of life”
“The road to normality”	„See something else (for those from poor, problematic families)”
„A school of life that you will never forget”	„Sometimes here they discover their interests, their talents”

Success in work

The answers of the respondents to the question of what success is at work in YEC or CF for them was very eloquent. This success was understood first of all through the prism of the juveniles’ success – similar for both group educators. Respondents emphasized that „small successes” must be taken into account. These are – for correctional facilities educators – post-card, phone call, information about normal life, work, family. Educators from YEC added also that for them a success is for example „every word thank you, excuse me”, a situation when juveniles go home and come back. Success is also more willing to travel than places in car, information about set up the family, normal work, „picture with her family in home, with child on her hand”.

Conclusion

The aim of the article was to present some of the result of the conducted researches in terms of characteristics of juveniles directed to youth educational centers or correctional facilities and staying in these kinds of institution, perceive juveniles by educators and the success of their work. The results are only a preliminary study of the collected research material – selected for the purpose of this study. According to the adopted assumption, the group of juveniles placed in youth educational centers or correctional facilities is difficult. These difficulties result from various reasons – concern the conditions in which the juveniles are brought up, the behavior of juveniles or the performance of school obligation. This conviction also reinforces the understanding of the success of work in these institutions. The accumulation of these factors confirms the conviction that working with this group young people is simply difficult. Hence, it is important to take the right approach and take appropriate actions at the stage of executing the ordered measures.

Bibliography

- Act on proceeding in juvenile cases (Dz. U. 2018. item. 969).
- T. Bojarski, E. Kruk, E. Skrętowicz, *Ustawa o postępowaniu w sprawach nieletnich. Komentarz*, Warsaw 2014.
- V. Konarska-Wrzosek, *Prawny system postępowania z nieletnimi w Polsce*, Warsaw 2013.
- Statistical data of the National Criminal Record.
- J. Włodarczyk-Madejska, *Stosowanie izolacyjnego środka wychowawczego oraz środka poprawczego w świetle danych aktowych*, „Prawo w działaniu”, Sprawy karne, 26, 2016.
- J. Włodarczyk-Madejska, *Stosowanie środka wychowawczego w postaci umieszczenia w młodzieżowych ośrodkach wychowawczych oraz środka poprawczego przez sądy rodzinne i nieletnich w świetle danych statystycznych i badań aktowych*, Instytut Wymiaru Sprawiedliwości, Warszawa 2016, https://iws.gov.pl/wp-content/uploads/2018/08/W%C5%82odarczyk-Madejska-J_Stosowanie-%C5%9Brodka-wychowawczego.pdf [28.11.2018].
- J. Włodarczyk-Madejska, *Wychowankowie zakładów poprawczych*, post-conference publication, Białystok 2019 (in print).
- D. Woźniakowska-Fajst, *Lecture for students of Criminology*, IPSiR UW [28.10.2014].
- D. Woźniakowska-Fajst, *Nieletnie. Niebezpieczne, niegrzeczne, niegroźne?*, Warsaw 2010.

ABSTRACT

Nieletni w młodzieżowych ośrodkach wychowawczych i zakładach poprawczych

Article is a summary of two research projects realized in Department of Criminology the Institute of Law Studies of the Polish Academy of Sciences and in the Polish Institute of Justice. In the course of the projects were carried out two kind of research: court files analysis and individual semi-structured in-depth interviews. The research samples were: 397 juveniles from whom in 2014 the court issued decision on the application of the placement in a youth educational centers or in a correctional facilities (case files research) and 40 educators from youth educational centers – YEC and correctional facilities – CF (qualitative research). The aim of article is to present the results of these analysis.

Słowa kluczowe: nieletni, młodzieżowe ośrodki wychowawcze, zakłady poprawcze

Key words: juveniles, youth educational centers, correctional facilities