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PhD THESIS

Children’s crime control and violence through micro
community strategies. Compared analysis Romaniaia-
Spain

(summary)

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Introduction

Recent concerns in the field of delinquency are especially oriented through the identification of methods which should efficiently prevent and control the implication of children into the commission of facts stipulated by the penal law.

PhD thesis “*Children’s crime control and violence through micro community strategies. Compared analysis Romania-Spain*” addresses the problem of controlling children’s violence and crime by using a new approach designed with the purpose of revealing new results in the field. The research made in the PhD thesis approached from an interdisciplinary perspective – sociological, socio-juridical, psych sociological and criminological – the issue of children’s and youth’s delinquency and also of the intervention and control strategies implemented in a micro-communitarian level.

This interdisciplinary perspectives permitted to evaluate complex aspects concerning the local and personal concerns involved in the violence and criminality of the children; the connection between them and the strategies/intervention programs designed to prevent the commission of further offences; protection of the children's rights who commit crimes; policies, strategies and practices used locally for the implementation of differential treatment of minors in conflict with the criminal law, due to the impact of contact with the criminal justice system and custodial environment can generate; identification and evaluation of models of good practice in the prevention and control of juvenile delinquency, etc.

The approach taken in this paper highlighted the permanent need to identify changes in the configuration of juvenile delinquency, to constantly revise and build new and effective intervention strategies aimed at presenting comparative perspective on addressing the issues of European countries (Bailleau, Cartuyvels 2010) in order to identify good practice, the elements that have

been shown to be effective and transfer them from a juvenile justice system to another.

The research was based on the following main questions: *What are the current trends in juvenile violence and crime? What are the programs and practices used in the six communities in Romania and Spain to effectively control violence and juvenile delinquency? What's the new profile of juvenile delinquency? What are the strategies used to control the violence and juvenile delinquency in six Romanian and Spanish communities?*

Starting from these questions we have formulated some objectives from which the main one was represented by the identification and evaluation of the strategies used to control the violence and juvenile crime at a micro-community level and a number of secondary objectives which have built step by step the approach followed in this paper. The secondary objectives were represented by: *identification of the changes appeared in the last ten years in the violence and juvenile delinquency based on the observations made by the professionals working in*

specialized institutions that have a role in prevention and control of these phenomena; the identification and presentation of the institutional framework involved in the prevention and control of children's violence and crimes, outlining the differences and similarities between the strategies used by some micro-communities from Romania and Spain for controlling violence and juvenile delinquency; transfer of knowledge and best practices from one community to another.

As a researcher, I chose to detach myself from the studies found in the specialized literature in this area, in particular by making correlations between policies, practices, programs and strategies used to prevent and control violence and juvenile delinquency and the changes in the level of these phenomena, institutions involved in the implementation, while providing the freedom to the professionals participating in the research, to formulate a range of development perspectives of both juvenile justice systems based on their experience.

The entire paper circumscribes to a qualitative approach by using the method of action-research because

of its double possibility offered: on the one hand, to collect data from the perspective of an active participant in the field of respondents and secondly, to collect data from the perspective of a researcher. This research was designed as a way of conferring a voice to those professionals working in the component institutions of the two components of the juvenile justice systems to bring into attention mainly practical information regarding what kind of strategies used at the level of the micro-communities to control the violence and juvenile delinquency.

In order to obtain a more complete image on the topic followed in this paper, I opted for the use of three methods of collecting data: semi-structured interview face-to-face type, participant observation and focus group type face-to-face. The combination of these methods offered me the possibility of collecting many data and to give important results and validity to this research. The methodological approach used in this paper was built as a result of the documentation made and also as a own approach because I built step by step every stage of this

entire research and I didn't find it so far in none of the studies consulted.

Research results. Intentions outlined with the onset of research have materialized in results that have revealed the new trends in violence and juvenile delinquency in the six Romanian and Spanish communities surveyed, the level of micro-community strategies used to control the violence and juvenile delinquency, and a number of perspectives for the development of the two juvenile justice systems based on the proposals made by professionals working in both juvenile justice systems.

This study is a way of supplementing the existing information from Romanian and Spanish juvenile justice because it begins with an overview of them and ends with the presentation of the strategies used at a micro-community level to control violence and juvenile delinquency and highlighting some development prospects of the two systems based on the opinions of the professionals working in these systems.

Chapter I: Sociological perspectives of analysis and interpretation of violence and juvenile delinquency

This chapter is an introduction to the topic researched and it is divided into two main sections that are dealing with issues of violence and juvenile delinquency, needed in order to clarify the conceptual framework from where started the studying of this issue.

1.1 Violence and juvenile delinquency. General aspects

This section treated the general issues of violence and juvenile delinquency explaining the two concepts, conceptual relations with other terms determined mainly by the term juvenile delinquency, sociological theories that explained over the years why children are committing crimes, factors promoting or protecting children from adopting such behaviors, the forms in which violence and crime occur in children in the last decade and what scale they took these negative phenomena in the past decade. In this part of the paper has been successful made an introduction in the field of

juvenile violence and delinquency focusing on the key elements from where the research of this topic begins.

1.2 Violence and juvenile delinquency. Types of intervention

This part of the paper begins with an overview of the researches achieved until now in this area, presenting their results and the ways how they have been made, highlighting the most popular strategies of controlling violence and juvenile delinquency, outlining the role of prevention in the construction of these strategies, the option to use custodial or non-custodial sanctions in the intervention performed on the juvenile offenders and the response of the local community in front of such phenomena. Starting with this part of the paper it attempted a joint permanently balanced between the theoretical and practical results from other researches or obtained in my own research, by examples from the interviews and focus-groups conducted in order to justify a certain theoretical perspective.

Chapter II: New paths in the European juvenile justice systems

The second chapter of the paper has been divided into five parts which brings into attention information concerning: the development of the juvenile justice systems at European level, an overview of the Romanian and Spanish juvenile justice systems, and also of the legal framework used in the two countries in terms of violence and juvenile delinquency.

This chapter aims to make a contribution of information based on the joint of the social perspective on the changes appeared in the violence and juvenile delinquency, the legal perspective that incorporates these phenomena in the legal framework providing the basis of action and intervention and the practical perspective gained for carrying out the field research.

II.1 Evolution of the European juvenile justice systems

First part of this chapter begins with a general issue, the one of the way in which the juvenile justice

systems developed at European level, focusing on the transformation suffered by them in the last decade. We opted for this approach in order to achieve a shift from a general point of view (European juvenile justice systems) to a particular point of view (Romanian and Spanish juvenile justice systems).

II.2 Romanian juvenile justice system. General aspects

The second section of this chapter addresses the theme of Romanian juvenile justice system through an overview of the aspects that characterizes and highlights the changes suffered by this system in the last decade. The focus was made on the transformations that have been produced in this system in the last decade, emphasizing in the same time the directions and the factors that have significantly contributed to the reform, especially Phare projects performed on the Romanian territory and also the appearance of the probation in this state and the Romanian's accession to the European Union.

II.3 Spanish juvenile justice system.General aspects

The third section of this chapter brings into attention an overview of the juvenile justice system from Spain by highlighting the characteristic elements but also the transformations appeared in the last ten years at its level. Given the fact that Spain joined European Union since 1986, the changes appeared in the juvenile justice system were mainly caused by this accession although this aspect was considered non-priority and was reformed a few years later. The presentation of the transformations suffered by the Spanish juvenile justice system was made in relation to the changes generated by the accession to the European Union but also because of the adoption of the Law No. 5/2000 on the criminal liability of the minors.

II.4 Romanian juvenile justice system.Socio-juridical reglementation

This part of the thesis provides a presentation of the legal operational framework used in the two juvenile

justice systems, focusing on relaying the aspects of the legislative basis used in the cases with juvenile offenders but also on the measures/punishments that can be applied to the children in conflict with penal law.

II.5 Standards applied by the two countries in the control of violence and juvenile delinquency

This section treats the issues of standards on which are based the functioning of the both juvenile justice systems from Romania and Spain.

Chapter III: Research methodology and evaluation of the strategies used to control violence and juvenile delinquency at a micro community level

The third chapter of the thesis focuses on the clarification of the methodological aspects used to identify micro community strategies which are used in order to keep under control the violence and juvenile delinquency.

The chapter is divided into five sections that cover issues such as: the research framework, type of the research and methodological issues, research methods, instruments used for collecting data, research ethics and items used in the analysis. These issues reunited are forming the so called research methodology, the essential part in the realization of any research.

III.1 Research framework

The first section entitled *research framework* aims to achieve an overview of the study carried out by highlighting the objectives of the research, the type of he

research chosen and the argumentation for such choice and also methodological notes concerning the place of the research, people who participated at this study and details on how actually the process of collecting data was made.

III.2 Techniques and instruments of the research. Theoretical and methodological aspects of the research design

The second section of this chapter, entitled *techniques and instruments of the research. Theoretical and methodological aspects of the research design*, includes information on tools used for data collection. A presentation of these aspects and arguments for choosing each instrument of data collection but also the relaying of the ways how research instruments were constructed for this study and how they were implemented in the research field, issues needed in order to understand the way how the process of data collection took place.

III.3 Research ethics

The third section focuses on the ethics in research, a necessary part in the conduction of every study. This part of the chapter presents information concerning the ethical principles used in research showing the importance perfected in conducting the realisation of any research because in this way there are clearly established essential aspects that are giving truthfulness to the study. Confidentiality of the data and the consent of the respondents for the conduction of this research are the main issues found in this part of the paper.

III.4 Validity and reliability

The fourth section of this chapter focuses on the issues concerning validity and fidelity of data, offering arguments on the quality of research conducted.

III.5 Items used in data analysis

The fifth and last section of this chapter focuses on presenting the items that were selected in order to analyse the data collected. This part of the paper provides a short introduction in the fourth chapter of this paper that exposes detailed analysis of data collected bringing together those aspects that are forming the so called micro community strategies that are in the centre of this research work.

Chapter IV: Compared analysis of the strategies used in six Romanian and Spanish micro communities to control violence and juvenile delinquency

The fourth chapter is the essence of the entire doctoral project because it brings into attention the results of the research conducted. This chapter was organized in four sections that emphasize the stages of data analysis obtained during the investigation carried.

IV.1 Data analysis. General aspects

The first section of this chapter aimed to expose the way how the stage of analysis and interpretation of the data was designed, also containing arguments for the choices made been particularly useful in understanding the chapter.

IV.2 Control of the violence and juvenile delinquency in Romania (Vaslui, Iasi, Bacau)

The second section of the last chapter is devoted exclusively to the results obtained in the three Romanian counties and covers issues like: new paths in violence and juvenile delinquency, programs and practices used in the three counties, the involvement of the institutions in this issue, and also the strategies used to control children's violence and delinquency. We opted for a gradual exposure of the research' results because we wanted to bring into attention the differences and similarities found in the six communities surveyed.

IV.3 Control of the violence and juvenile delinquency in Spain (Huelva, Seville, Barcelona)

The third section aims to present the results obtained in the three Spanish communities that were included in this research. As the previous section, this one is relaying issues regarding: new paths in violence and juvenile delinquency, programs and practices used in

the three Spanish communities, and also the involvement of the institutions in the process of controlling these phenomena.

IV.4 Strategies used to control violence and juvenile delinquency in six Romanian and Spanish communities. Qualitative comparative analyses

The fourth section of this chapter was performed in order “to put in the mirror” results previously presented in section number two and three to extract common aspects and also to highlight the distinct elements of each juvenile justice system, focusing on the strategies identified in the six communities and also for their evaluation. This part of the thesis is the essence of the whole doctoral project because corroborates previous analysed and interpreted data with the theoretical aspects relaying a number of micro community strategies used in the sic communities analysed with the mention that none of them was mentioned by the professionals from the two

juvenile justice systems interviewed during the research was carry out.

Conclusions

This paper brings into attention a comparative perspective concerning the strategies used in three Romanian counties (Vaslui, Iași, Bacău) and three Spanish communities (Huelva, Seville, Barcelona) emphasizing the new paths in violence and juvenile delinquency manifested at their level and also highlighting a number of development perspectives for the two juvenile justice systems. The results from the analysis of data collected from Vaslui, Iași and Bacău reveal important changes in the criminal behavior of children in these areas. The most visible change rendered especially by the professionals that are working in probation services is related to the age at which children begin their criminal activity, highlighting the tendency of children to begin their criminal activity at a lower age than a decade ago. Many times their age is below the age when criminal responsibility starts. We can therefore speak about an earlier delinquency in which theft, robberies and sexual offenses are listed in the top of children's preferences. At causality level there were also

changes if it is to mention that the media has become a risk factor in that the transmitted information often represented the starting point of children's criminal behavior. On the other hand, family remarked as the main risk and protective factor in violent and criminal behavior of the children because family of today doesn't manage to offer the children the time necessary for his education and supervision and sometimes it represents a main source of negative models for the children. Effective solutions to prevent and control violence and juvenile delinquency in the three Romanian counties surveyed are predominantly oriented towards family involvement; reform of the current Romanian juvenile justice system in particular by reviewing legislation; community involvement; effective collaboration between the component institutions etc.

Analyzing the data collected from the three Spanish communities (Huelva, Seville, Barcelona) we can reveal the new paths in juvenile violence and crime in these areas are presenting slightly different characteristics than those identified in the research made

on the three Romanian counties. First, juvenile delinquency occurs more around the age category 16-17 years old, children are predominantly oriented towards committing crimes of domestic violence and of thefts and robberies, because parents often do not know how to impose limits, do not adequately supervise them and get many times to consume alcohol and/or drugs often due to peers influence. Solutions for reducing cases of violence and juvenile delinquency in the three communities from Spain aimed primarily the implication of the family and the necessity of a parental education because many times parents do not know how to impose limits to their own children and how to intervene when their children begin to manifest an antisocial manifest.

Comparing the results obtained on the side of new paths in violence and juvenile delinquency, following the analysis of data collected in the three Romanian counties and three Spanish communities, have revealed commonalities and differences, but the general idea is that these phenomena are in the process of change as a result of the list of risk factors that are constantly updated

with new factors or by altering the characteristics of the existing ones. In the organization and the reform suffered by the Romanian and Spanish juvenile justice systems have been identified issues that have had an impact on their effectiveness. At first sight, the juvenile justice from Spain seems to be more efficiently due to many resources invested over the years and because of the large number of professionals involved in the process of children's rehabilitation and social reintegration that are found guilty for the commission of a crime. One representative example is the figure of state' representation that is generally coming from a non-governmental organization have the main responsibility of informing the child sentenced to the execution of an educational measure and his/her parents on what has to do after they receive their sentence dictated by the judge of minors. The state's representation is a professional that represents an important resource for the delinquent child because it guides him/her steps to the institutions and professionals that will design and implement the individualized intervention plan. At the level of Romanian juvenile

justice system we do not find the presence of the state's representation nor in Romanian law or in practice, and the cases in which the presence of the probation officers in the children's judgment process are a few cause to the lack of the professionals.

In the report made previously the trial of the juvenile offender we identified a distinct element that differentiate the two juvenile justice practices from Romania and Spain that is concerned to the professional that is making this report: in Spain the report is made by a technical equip composed from social worker, psychologist and educator, while in Romania this report of evaluation is made by a single probation officer (degree in law, psychology, social work, sociology and pedagogy).

This aspect has a great impact on the ways how delinquent child's psycho-socio-educational areas are investigated because a report made by a team of specialists in which every professional explore his competence will certainly be superior to the one drawn by one single specialist.

The interventions that are performed on the children in conflict with penal law in both juvenile justice systems are based on a number of practices, programs and strategies aimed at avoiding the repetition of child's delinquent behavior. Their range varies from community to community, but this study surprised that current trends in violence and juvenile delinquency have a great influence on them by the fact that due to the significant increase in the number of domestic violence offenses committed by children in Spain system "was forced" to adapt himself and appeared centers and programs for this type of crime.

An important observation resulted from the comparative analysis of the institutions components of the two juvenile justice systems: the number of institutions involved in the prevention and control of violence and juvenile delinquency differ because in the three counties surveyed we found a single rehabilitation center and a prison for juvenile offenders (in the whole Romanian territory are found only two rehabilitation

centers), while in only one of the three communities in Spain are found seven rehabilitation centers specialized in different types of crime and provided with sufficient human resources used in intervention to achieve individualized plans for each juvenile offender. At the level of law governing the age of criminal responsibility in the two states were observed two relevant issues in this study: on the one hand, Spain a separate law that establishes the conditions and educational measures that can be applied to children who commit crimes while Romanian legislation contains several articles in the Criminal Code, on the other hand, having access to a double number of educational measures, judges may certainly impose an individualized sentence, because of the flexibility of the system which is allowing the combination of several such measures while Romanian juvenile justice system is preparing to reform its legislative party through a new Criminal Code that will come into force starting with 1 February 2014.

Identification and evaluation of the strategies of controlling violence and juvenile delinquency used in the

counties and communities of the two countries, represented a complex research study, because in almost all part, professionals that were participated at the interviews and focus-groups provided do not offered examples of such strategies continuously claiming their absence and the need of their design and implementation. The achievement of the main objective of this paper required to corroborate the theoretical data obtained in the field and outlining of a number of such strategies that have been named according to their mainly activities. We focused on the strategies of controlling children's violence and juvenile delinquency, used in tertiary prevention stage when the child has committed a crime and receives in mostly of the cases an educational measure, although we mentioned also the most used strategies of the secondary prevention stage.

Thus, in Romania were mentioned the following strategies: cooperative, held outside their own community, and in Spain: the unsupported strategy, mixed strategy, "error awareness" strategy, "adapted on the fly" and extended strategy.