

Juvenile Courts and Probation Officers as Change Agents in Turkey

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Abstract

As a community-based treatment form, probation is a new and undeveloped, but, a rapidly developing field of social work in Turkey. This article seeks to provide a brief assessment of this new field in addition to investigating whether social workers function as change agents and also include information related to this role while writing their probation reports. Payne's (1997) systems model formed the conceptual framework while analyzing content of probation reports. Probation reports obtained from four different juvenile courts in Turkey and, for the current study, researchers analyzed 926 probation reports of 219 children. Major research findings showed that as change agents, probation officers mainly exercise enabling role followed by facilitating and teaching roles. Mediating and educating roles, which are essential roles while working and including the environment in the probation process, are also practiced rarely. It was also interesting that organizing role was never undertaken by probation officers. Being the first study to examine probation process in Turkey constitutes the significance of this present article. Another significance of this study is that it reflects the process of probation in a different cultural context. It is hoped that this study will encourage the building of bridges between researchers and those take role actively in the field of juvenile justice system.

Keywords: Social work, probation, juvenile court, probation report, systems model.

Introduction

Negative impacts of globalization are not limited to rapidly growing rates of poverty. Research on delinquent children and youths assumes that social problems caused by globalization have significant impacts on the phenomena of delinquency. It is important to note that child or young delinquents consist of important part the overall delinquent groups. Our understandings of delinquent children and families of delinquent groups have changed from a singular focus on the delinquent children to one that explores family and social dynamics and even broader ecological factors. Consequently, philosophy of juvenile's court emphasized the significant impacts of family structure and the interaction among individuals, family, social context on children. This understanding requires us, as professionals, to actively intervene with children at risk and the families responsible for helping them to be active and healthy members of the society (Lotz 1985:22).

Turkish Parliament ratified The Convention on the Rights of the Child, which emphasizes the importance of protection of children and international cooperation for Children's Rights, on December 9 1994. In addition to the describing the 'child' as a person who is under 18 years of age, this act also includes some regulations on delinquent children. Beijing declaration, which is accepted earlier than the Convention, is paralleled with The Convention on the Rights of the Child and regarded as reference documentation on this issue. Both of these documents emphasize the importance of juvenile courts as major institutions in juvenile justice system. The essential principle of the "children first" philosophy is to emphasize the need to treat children differently from adults and the necessity to give them a special status just because they are children (Haines and Drakeford 1998:89). In that sense, probation could be regarded both as a community based treatment and a philosophy.

In this context, probation provides treatment under particular conditions and restrictions under the supervision of probation officer and in child's natural environment put by juvenile court (Stanton and Meyer 1998:212).

Criminal probation is an alternative to incarceration in which a convicted criminal is allowed to serve all or part of his sentence at liberty, subject to the supervision of the sentencing court. Probation is generally understood as a more humane and less expensive alternative to jail or prison. Its goal is to monitor and shape a convicted criminal's behavior in order to rehabilitate him into a law-abiding citizen without imposing the stigma or hardships of imprisonment (Piar 2003:117). Tandon (1990:89) has an opinion which achieving of the probation's objectives is related to qualifications of probation officers and the applied intervention.

Murphy (1987) not only noted that probation should be carried on a cooperative understanding, but also emphasized the necessity of the participation of his family, peer group, society agencies and resources and child to probation plan which will be prepared. And also, he states that a successful probation process relies on continuously following the recent developments and making a research on probation assessing the intervention plan the nature at intervention process by probation officer and adapting the new economical socioeconomic policies. NCJJ (Network Center for Social Services) has prepared a guide which is related to how a successful probation officer should be. In this guide, not being limited to office taking the meet in the office to child's environment, utilizing variety systems (family, police, teacher e.g.) and using society institutions on a wide level are presented as basic requirements for an effective probation process (Network Center for Social Services 1991:3-4). According to model systems of Pincus and Minahan (1973), who adapted systems theory to social work, probation officer functions as a change agent in a planned change process which is related to either child or his environment. So, probation officer and his roles have a vital importance for delinquent child, his environment and the community.

As change agent systems, what are the roles of probation officers? Payne (1997:148) expresses these roles as enabling, facilitating, teaching, advocacy, mediating and organizing. Probation officer enhances motivation of clients within problem solving process and also helps clients to express their feelings by undertaking *enabler role*. In *facilitator role*, points to client alternative ways for solving problems, provides liberty in his actions through lifting oppressions and activating environmental support systems. In *teaching role*, probation officer helps client to develop his problem solving skills and corrects client's wrong perceptions about realities. In addition to being a role model, probation officers provide useful information which is needed by clients. In *advocating role*, probation officer presses agencies and individuals by utilizing plans intervention which include social action. While functioning *as mediator*, probation officer, tries to enhance interactions between agencies and individuals, and provides an appropriate atmosphere to facilitate establishing new relationships.

Helping client and system to get together in a rational way, determining resources and directing clients to appropriate resources, and trying to solve conflicts between social systems and member of organizations are other responsibilities of probation officer as mediator. In *organizing role*, probation officer tries to help clients to take place in social relationships, establish new social networks for them, and contributes to development of changes in social policies. Support agencies, social systems and formal organizations to make changes in social policy. While the first appearing of probation concept with voluntary works of John Augustus who was a shoe-maker in USA. This situation was the avant garde for the first Probation Law in Massachusetts in 1878 (Hagan 1987:300). After the USA, probation began to developed first in England and later in other European Countries. However, probation system established in 1987 in Turkey by Juvenile Court Law. Connected thus probation system has 15 years of history in Turkey. So, to assess and improve probation system in Turkey, researches are needed. This study also aim to assess how probation officers apply their roles as change agent system through probation reports at juvenile courts in Turkey.

Juvenile Delinquents and Juvenile Courts in Turkey

The Juvenile Court Law, which defines Turkish juvenile justice system in Turkey was ratified in Child Year of 1979 and came into force on June 1th, 1982. However, de facto establishment of juvenile courts was not possible until the end of 1987, five years after ratifying the Juvenile Court Law¹. Giving some data would be useful to comprehend operation of juvenile courts in Turkey. When looking at variety of offences which have been reflected in juvenile courts since the establishment of juvenile courts in 1987 until 2002, we could easily realize that two third of the children have committed offences toward property. Remaining offences, respectively, were violence toward a person and disobeying the roles of traffic and some other laws. In those years juvenile courts generally have taken decisions of conditional postpone of the sentence for two out of five children. According to thirty-eight matter of Juvenile Courts Law, probation is required for all children whose sentences are conditionally postponed. Also in this study, most of the children (4/5) whose probation reports were analyzed, were under probation related to decision of conditional postpone. According to 39 th matter of the Law, probation could be applied to children who are conditionally released.

The Present Study

This study assessed probation reports for how probation officers performed their roles as change agents at juvenile courts in Turkey. Those reports include date from 1987 to 1996. In this research, roles of probation officers as change agents defined as enabling, facilitating, teaching, mediating, advocating and organizing. As expected, findings of the present study will constitute a scientific base for probation officers at juvenile courts.

¹ The new Children Protection Act was accepted in 2005. It includes juvenile offenders, children in need and victims.

Hopefully, this study will contribute to the improvement of juvenile justice system in Turkey. Apart from that being the first study in this field constitutes another significance of the study.

Method

Probation Reports which have been Written about Children

Probation officers at juvenile courts in Turkey present reports to juvenile court once in every two months on delinquent child. This research included 926 probation reports which belonged to 219 children about whom probation sentence has been taken and finished. Children were between 11 to 20 years and most of the participants were boys. According to Juvenile Courts Law, probation sentence can be taken for children whose sentence was postponed and for children who were conditionally released at most three years. In this study, probation sentence has been taken for a group of child (1/5) as required by conditional release and six months of probation period has been seen enough for half of the children. One year probation period followed this. It was seen that, most of the children were under probation because of crimes against property (Baykara 1998).

Procedure and Statistical Analysis

In this research, documental survey technique was used. We gained access to probation reports in order to analyze their contents after getting legal permission from Ankara, Istanbul, İzmir and Trabzon juvenile courts, probation reports were taken. As Neuman (1997:272-274) expressed, content analysis is a technique to analyze and collect detailed information about a particular topic. By doing this, we aimed to analyze whether probation process included any knowledge about activities related to six roles which were performed by probation officers. In this research, based on Payne's (1997) model system, we prepared a directive coding system to define six roles of probation officers as change agents. After that, by using directive coding, existence of those roles explored in probation reports. In that context, it can be said that probation officers work with child and his environment during the probation process. Probation reports were supposed to reflect probation process and the ways probation officers perform their roles. If there was one sentence which indicates performance of that role in reports, this was accepted enough for performing this role through probation officers.

Results

Roles which have been performed by probation officers in probation reports were distributed as follow (Table 1):

Table 1: Information Related to Change Agent Roles in Probation Reports

Probation Officers's Roles	Information in Probation Reports (N=926)			
	There is		There isn't	
	F	%	F	%
Enabling	828	89.42	98	10.58
Facilitating	553	59.71	373	40.29
Teaching	455	49.14	471	0.86
Advocating	2	0.22	924	99.78
Mediating	89	9.62	837	90.38
Organizing	0	0	926	100

As seen in Table 1, probation officers mostly performed enabling, facilitating, and teaching roles during the probation process. As Payne (1997:148) indicated, these roles are being performed when probation officers deal with stresses arising from different expectations and statue changes among friends, family, social organizations and institutions. Findings related to performing of these roles discussed below. In this study, related to enabling role of probation officers mostly performed to enable a child who is under probation to help him/her to express his/her feelings and enhance his/her motivation toward solving his/her problems.

In this study, while performing facilitating role, probation officers mainly works with child and his family. Although probation officers work with school and work environment of the client, this work does not exceed a certain limited level. In this study, meeting of child's needs and solving his/her as well as activating social support systems were the main activities performed as facilitating role. However, results showed that more cooperation and coordination are needed among justice, health and other related social organizations. In this study, teaching role is similar to the other two roles. Probation officers worked mostly with delinquent children and then with their families, work and school environments. In this process, probation officers performed his teaching role mostly by providing information, being a model and correcting false perceptions about the facts. In the other two roles, Probation officers was not be able to be an active agent in pursuing other related institutions to be an active part of the probation process.

Payne (1997), as indicated above, debated that these three roles were performed while tackling with the problems caused by the stress of the social environment. However, in this research, it was seen that these roles were performed in working mostly with children rather than with their environments. While working with the families of delinquent children, schools, works, and peer groups weren't included into the intervention process at desired level. In other words, probation officers performed micro roles of working with children and their families during the probation process. As can easily be viewed in Table 1, probation officers rarely performed mediating and advocating roles. Moreover, organizing role was never performed. Payne (1997:149), emphasized that, these three roles had been performed while working with problems that were caused by stresses arise from environmental factors and needs. There were findings related to these roles in the present research:

In this research, while functioning as a mediator a probation officers performed these role mostly by connecting child to relevant systems and referring him to relevant institutions. Activities of solving conflicts between social systems and members of organizations, finding available resources were the least performed roles. As a result, it was found that even in mediating role, the focus was on child, not on the environment.

In this research, advocating role was performed by probation officers only twice. In one report, probation officer advocated child's rights against an association. In another report, probation officer applied to a court to provide child with life safety not to be disturbed by his own peer group again.

In advocating role, probation officer works with and presses agencies and individuals by utilizing intervention plans which include social action. Although organizing role has a vital importance for survival and development of probation process and juvenile courts which have only fifteen years of history in Turkish judicial system, this role has never been performed by probation officers.

Discussion

Results of this research showed that probation officers mostly performed enabling, facilitating and teaching roles during probation process. Probation officers performed these roles, while dealing with problems which appear in relationships among individuals, groups, families and institutions at micro and mezzo levels. In this research, it was determined that these three roles were performed at micro level and mostly child was included into the interviews. However, fewer interviews were done with child's family. Interviews with the family were mainly done to get information about the child and his problems. Peer groups, schools, places of employment and other systems which are important agents in delinquent child's life were not involved in intervention process at a desired level. In this research, it was determined that, mediating and advocating roles were rarely performed, but organizing role was never performed. Probation officers performed these roles while working with problems which were caused by environmental factors and needs. In this study, it was seen that mediating role was performed more frequently compared to the other two roles.

This role was performed to bring the child and systems together. (i.e: school, peer group, place of employment) in other words, the main focus of intervention was the child. In delinquent behaviour, in addition to the other systems, problems in the relationships of these systems were neglected. At juvenile courts, which have new and a lot of deficiencies, organizing role has a big role in establishing required organizations, changing and arranging social politics for delinquent children. However, probation officers worked with children and families only at micro level by conducting interviews. As known, delinquency is a multi-factorial phenomenon. According to this perspective, probation officers have to be innovators of planned change with multi-level interventions that take both the child and the society into account. Probation officers should perform mediating, advocating and organizing roles at macro level in order to integrate excluded and labeled children to the society. Contribution of intervention, which includes the child and his family, will be helpful in integrating child to the society. As it is seen in this research, probation officers have two important reasons to have an active role to select interventions which include children and especially their families.

The first one is providing services of probation based on medical model. This model views delinquent child as a patient who needs treatment. However, in this situation, multi-factorial aspect of delinquent behavior is overlooked. In addition, society's responsibility toward integrating the child to the society was neglected. The second reason is insufficiency in service network of society and lack of variety in services. Besides the families, health, education, social welfare and the other systems which have significant impacts in child's tendency toward delinquency do not function optimally in Turkey. Cooperation and coordination between institutions are insufficient. Children Rights Act and Beijing Principles emphasized the importance of integrating delinquent child to the society without taking him out of his environment. In that context, imprisonment of delinquent child should only be considered as a last resort. However, we see that, juvenile courts and probation systems have a lot of insufficiency in Turkey.

There is no community based treatment programs directed toward those children. In that case, what can be done for a child who is under probation in such a juvenile justice system? First of all, when probation officers help children and their families, he has to take responsibility to change consciousness of society toward the interests of the child, to teach children's rights to society and to the related institutions and he has to be a facilitator to establish new services for children. These tasks are only possible with macro roles practiced by probation officers. In this context probation officers have to perform mainly an organizing role as well as advocacy and mediator roles. Since Turkish juvenile justice system is immature and has deficiencies, it needs more practices to become a better system. Probation reports are important tools to provide information to society about probation process, emphasize probation's importance in socialization of delinquent children and give voice to expectations of the society. These reports are also important to inform the health, education and social welfare systems and create coordination among these systems towards child's needs. However probation reports are not functional in practice. Since juvenile courts don't usually see the importance of probation reports, these reports present practices with existing services and resources such as interviews with families and children.

Consequently probation officers should spend more afford to prepare higher quality reports with extend that include significant information on delinquent children. Acceptance of these reports as socio-legal documents by the juvenile courts is also vital. There is no enough cooperation and coordination among related agencies and institutions in probation process in Turkey. Services towards child, who is under the probation, are generally limited with the Justice Ministry. Functional probation reports will definitely provide information to related agencies about children's needs and problems and this will hopefully facilitate coordination among health, education and social welfare systems. Society also carries a heavy burden on its shoulders in terms of responsibility about child's delinquency. It is important to note the significance of probation reports, as well as quality of probation officer's roles in creating a social consciousness on juvenile delinquency and force the society to take more responsibility. Thus, works and reports of probation officers can be viewed as two important pathways that will inform the society about juvenile delinquency. Also, probation officers will find reports and results of their work valuable in stimulating the society to take responsibility about delinquent children.

Conclusion

Research results show that probation officers generally exercise micro and macro level functions including enabling, facilitating and teaching roles. In this research, probation officers rarely exercised mediator and advocacy roles, but organizing role was never performed. Macro level roles of advocacy, mediating, and organizing should be the primary roles that are practiced at juvenile courts and probation process in order to accelerate development of Turkish juvenile justice system. Only with these roles children rights can be advocated towards society and also children can reach services that will integrate them to the society.

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