

THE COMMUNITY SERVICE ORDER (CSO) IN
MALAYSIA: AN EXPLORATION OF THE
PERCEPTIONS AND EXPERIENCES OF THE
YOUTHFUL OFFENDERS AND SUPERVISORS

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SUPERVISORS**

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DEDICATION

From a mere ambition to obtain a PhD, this entire journey of hope and aspiration has transformed into something unexpected and inspiring, drawing unbelievable strength: physically, emotionally and spiritually. Without the unwavering support of beloved family members and loyal friends through the trials and tribulations: death and birth, tragedy and recovery, sad and happy times, this journey may not see an ending.

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My loving husband, Hj. Morshidi Ahmad

My sons: Ahmad Maududi, Ahmad Fikri, Abd.Fattah

Firdaus and Mohd Syauqi

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ABSTRACT

The Community Service Order (CSO) in Malaysia: An Exploration of the Perceptions and Experiences of Supervisors and Offenders.

This qualitative study centres on the Community Service Order (CSO), a sentencing tool recently introduced in Malaysia which is used as an alternative to custodial punishment for young first time offenders (*trainees*) of minor crimes.

The research uses in-depth interviews and questionnaires to document the experiences of a sample of youthful offenders and those who have completed the sentencing. The study also captures the views of the practitioners of CSO in Malaysia.

The study shows despite its minor drawback there are many positive sides of CSO and its potential as practised in Malaysia. In its current form there are opportunities for improvement in terms of staff training and providing better supervision as well as rehabilitation of the trainees. The study provides glimpses into the criminal behaviour of the offending youth which could provide useful opportunity for future research and extension of CSO implementation.

The findings of this study concur with similar studies on the effectiveness of CSO as a genuine alternative to imprisonment for young offenders such as in the case of countries like Singapore, England and Wales.

CHAPTER ONE: INTRODUCTION

1.1 Chapter Introduction

This chapter will discuss the background and rationale of the research, clarifying its aims and objectives followed by a discussion of the research questions and a brief explanation of the methods used and their limitations. Finally, this chapter presents the structure and organisation of the thesis and the content of each chapter.

1.2 Research Background

The Penal System in Malaysia has undergone changes and improvements in line with the global trends for reforms and needs of the society, and its commitment to comply with universal human rights. Among these reforms within this system is the implementation of the Community Service Order (CSO) as an alternative punishment for youthful offenders who have committed minor crimes and first time offences in Malaysia.

Community service orders and other alternative sanctions have gained popularity in many western countries (Morris and Tonry, 1990; Van Kalmthout and Tak 1992; Junger-Tas 1994; Tonry 1997). Over the last three decades these have been gaining acceptance especially within the Juvenile Criminal Justice System (Samuri, 2012).

In Malaysia, CSO was fully implemented in 2008 since the passing of the Criminal Procedure Code (Amendment) Act 2006, and which came into force in 2007. Despite still being in its infancy, Samuri and Awal (2009) have considered the CSO to be effective in reducing the imprisonment rate of juvenile offenders as well as preventing these youths from being unnecessarily exposed to the negative influences of custodial sentences. Samuri also viewed this order to have the potential to return the rehabilitated juveniles into society (Samuri, 2012).

The CSO in Malaysia is based on the Singapore stand-alone programme implemented under the responsibility of the Social Welfare Department Malaysia (SWDM), a division of the Ministry of Women and Family Development of Malaysia (MWFD). As

a new sentencing tool, the workability and success of CSO as an alternative to fines or custodian punishment in Malaysia has yet to be assessed. There is very little academic research undertaken on its implementation, particularly with regards to the experience of the interns or those responsible for enforcing them. This study therefore incorporates international literature on community sentencing in order to obtain a more comprehensive understanding of CSO and to put the Malaysian experiences in context. Experiences are drawn primarily from England and Wales owing to the historical and legal connections and because of the fact that legislation in Malaysia is based on the Common Law (Dusuki, 2006).

Since the origins of CSO lie beyond Malaysia, it is imperative to explore the different perspectives on what CSO are, and how it has been implemented in other countries, especially in the country of its origin. It is the aim of this research to explore the perceptions and experiences of the youthful offenders serving CSO in Sarawak, Malaysia, who are identified in this research as '*trainees*'. The experience and opinions of the staff and supervisors of CSO on the new system and on the *trainees* under their supervision will add another dimension to understanding the implementation of CSO.

1.2.1 The Locality of the Study

This interpretive study involves two field locations where it was carried out between March to November 2010 namely in Kuching, the capital city of Sarawak and Kuala Lumpur, the capital city of Malaysia. Malaysia comprises of Peninsular Malaysia, and the states of Sabah and Sarawak on the island of Borneo. Altogether there are thirteen states and three federal territories in Malaysia. The eleven states and two federal territories Kuala Lumpur and Putrajaya - form Peninsular Malaysia which is separated from East Malaysia by the South China Sea. The two states of Sabah and Sarawak and a third federal territory, the island of Labuan form East Malaysia (As shown in Figure 1.1 below). Thailand lies in the northern part of Peninsular Malaysia, and in the south, neighbouring Singapore (www.tourism.gov.my).



Figure 1.2 Peninsular Malaysia and East Malaysia (Sabah and Sarawak)

Sarawak is the largest of Malaysia’s thirteen states with a population of over 2.4 million (Department of Statistics 2010). Sarawak presently has eleven divisions namely Kuching (the capital city), Samarahan, Sri Aman, Betong, Sarikei, Mukah, Sibu, Bintulu, Kapit, Miri and Limbang. It is directly joined to the State of Sabah to the northeast where the Sultanate of Brunei forms a double enclave. Inland, Sarawak borders with Kalimantan, Indonesia. Sarawak is truly a multicultural state with 27 ethnic groups practising a variety of religions including Islam, Christianity, Buddhism, Taoism, and Confucianism, ancestral worship, Baha’ism and Animism.

The *trainees* and *ex-trainees* of CSO who were interviewed in this study are from the division of Kuching, Betong and Saratok in Sri Aman. Meanwhile the respondents make up of officers and supervisors of CSO are those representatives from all the eleven divisions in Sarawak, Sabah, the Federal Territory of Labuan and the headquarters in Kuala Lumpur. The next section will discuss the definition of CSO and the community sentencing context from where it originated.

1.2.2 Community Service Order (CSO)

The Community Service Order is often considered to be one of the most imaginative and valuable punishments developed this century (Samuri, 2012). This order has been

and is primarily a form of a non-custodial punitive sanction which includes unpaid work. An earlier definition such as the one in Pease (1985) defines Community Service Orders as penal sanctions in which convicted offenders are given unpaid positions with non-profit or governmental agencies. Pease derived his definition based on Harris's (1980) elaboration of a community service programme:

"A program (me) through which convicted offenders are placed in unpaid positions with non- profit or tax-supported agencies to serve a specified number of hours performing work or service within a given time limit as a sentencing option or condition".

(Harris, 1980:6)

In addition, Claster (1992) describes CSO as a court order that requires the guilty party to serve or work for a specified period of time without remuneration within the support of a charitable or community-based organisation. Clear and Braga (1995) further clarifies that community service represents work carried out by the convicts for a public agency or non-profit organisation for the purpose of repairing any damage that is the result of the crime in question or to provide compensation to the community for the convicted offender's actions.

A community sentence is also defined as a penalty imposed on offenders by criminal courts that do not involve imprisonment, and are sometimes referred to as 'non-custodial' sentences or an 'alternatives to prison' (Worrall, 2001; and McLaughlin and Muncie, 2006). As an alternative to custody, this sentence requires the offenders to 'repay' their debt to the aggrieved society in question (Caputo, 2004) but the offenders should be sentenced reasonably, especially in respect of the number of hours required to serve regardless of their status, condition or the apparent difference in costs involved when compared to incarceration (Samuri, 2012). As an alternative to imprisonment, community sentences may range from being put under supervisory probation orders, **community service orders**, rehabilitation programmes, half-way houses, electronic tagging and home curfews to shaming in the community (Hughes, .2001: 37;Worrall, 2001).

The community sentences which vary around the world can be classified into three categories: self- regulatory, financial and supervisory (Worrall, 1997). Self-regulatory

penalties involve some form of public admonition or reprimand which is assumed to be sufficiently humiliating for it to be an effective deterrent. Supervisory sentences are imposed when courts believe that the offender is unable to refrain from committing crimes without support or surveillance and they may contain one or more of three elements: rehabilitation (through education, therapeutic programmes and counselling and welfare advice), reparation (through unpaid work for the community) and incapacitation (through curfews and electronic monitoring). Efforts to improve community sentences have been ongoing since the 1970s' as an alternative to imprisonment (Whitehead and Statham, 2006).

In Malaysia, Community Services are defined as:

“Any work, service or course of instruction for the betterment of the public at large and includes, where the works performed involve payment to the prison or local authority”

(Social Welfare Department, Malaysia).

The offences punishable under a Community Service Order are a first time offence and a minor offence. The CSO begins when the court imposes a CSO on the youthful offenders who are guilty of either a crime, traffic or other minor offences and have received sentences to go through “Community Services” as an alternative punishment not exceeding 240 hours at the place and time ordered by the court.

1.2.3 Definitions of Youthful Offenders

According to Merriam-Webster's Dictionary of Law (2001), young people who are no longer juveniles may be categorized as youthful offenders. In this study offender aged 18 to 21 are referred to as *youthful offenders*. However, the term 'juvenile' will be used in this study as the definitions of a juvenile may also be used for those in the age range which overlaps between the two terms *juvenile* and *young offenders*. The Malaysia Prison Act 1995 defines a juvenile or a young offender as “*a prisoner who is under the age of 21 years*”. Before community sentencing was introduced those who were 18 years and above were either placed in prison as prisoners or as students in approved schools such as in Henry Gurney or *Sekolah Tunas Bakti (STB)* for those aged below 18 years and the girls' home such as *Taman Seri Puteri*. In the current study, the 'youthful

offender' sentenced to a CSO in Malaysia is aged from 18 to 21 years, whereas the Child Act 2001 in compliance with the Convention on the Rights of the Child (CRC) defines a child to be any person under 18 (Dusuki, 2006:2).

In countries like Japan, the term 'juvenile' includes all those less than 20 years old while in Scotland, the term refers to those mostly aged 16-21 years. In Canada, England, Wales and the USA, the term has different connotations. It only refers to those under the age of 18 (Muncie and Goldson, 2006: 202). In addition, the term "the juvenile court" in England and Wales was changed to "the youth court" and its jurisdiction was extended to include the 17 year olds in the Criminal Justice Act 1991 (Morgan and Newburn, 2007).

Merriam-Webster's Dictionary of Law (2001) further defines a *youthful offender* as one within a statutory specified age range who commits a crime but is granted special status entitling him or her to a more lenient punishment than would otherwise be available through probation or confinement in a special youth correctional facility. Youthful offender treatment is generally designed to free a young person from the negative consequences of being convicted and punished as an adult, in the hope that he or she will be rehabilitated.

Factors that determine youthful offender status include the nature of the crime and the criminal history of the individual. A 'youthful offender' is also defined as a young delinquent, especially a first offender, usually from 14 to 21 years old, whom the court tries to correct and guide rather than to punish as a criminal ([http:// dictionary. reference. com /browse/youthful+offender](http://dictionary.reference.com/browse/youthful+offender)). In this study the term 'juvenile' will be used in tracing the development of the youth justice system, notably in England and Wales.

1.3 Research Rationale and Significance

The Malaysian CSO is based on Singapore's model which was introduced in the Republic in 1996. An evaluation of the programme in Singapore from the viewpoint of probationers and the agencies showed that the objectives were achieved. The exercise

also helps in skills acquisition as well as opportunities for offenders to be self-affirmed (Ang, 2003).

In contrast, the changes in the legal system in England and Wales have implications on the implementation of the Community Order and Suspended Order as practised in these countries. Both of these orders have also received heavy criticism for fuelling prison expansion rather than helping to curtail its growth. The findings are based on analyses of government statistics and interviews with probation staff and those subjected to the order. There were a number of specific criticisms:

- i. The Orders are being used too often and were inappropriately;
- ii. Both Orders appear to be getting tougher and resort to more punitive requirements;
- iii. There is no evidence that the Community Order or Suspended Sentence Order is reducing the use of short term custodial sentences. The prison population is reported to grow alongside the increasing use of the two Orders. There is a claim that the sentences are displaying fines rather than prison (Centre for Crime and Justice Studies, 2009).

Earlier, critics of CSO such as Pease (1985) claimed that community service, while being an alternative to custody, is not reliable when used in this way. Pease explained that the mismatch between the views of probation officers and those of the courts issuing the orders can lead to offenders being imprisoned even when the court did not originally intend it to be so. If an offender fails to comply with the conditions of an order, his order will be revoked and another sentence will be imposed. Mismatch between the views of a court making an order and the court revoking it can lead to a sentence that is at odds with the gravity of the original sentence (Pease, 1985). Another criticism is that, like other noncustodial sentences introduced to replace prison terms, it is difficult to issue a court order that really matches the equivalent prison term and is therefore unfair (Pease 1985: 53).

After two decades, Raynor, (2008:84) viewed that some of the evaluation made on the community sentences were heading in this direction again (referring to Pease, 1985 views on the subject). However, the Sentencing Guideline Council had in 2009, produced a definitive sentencing guideline helping judges and magistrates decide the

appropriate sentence for a criminal offence in England and Wales with the aim of ensuring greater consistency in sentencing (Sentencing Guideline Council, 2009).

Recent development in the youth justice system has seen the introduction of the Youth Rehabilitation Order (YRO), a generic community sentence for young offenders which came into effect on 30 November 2009 as part of the Criminal Justice and Immigration Act 2008. The YRO replaces the following community sentences such as the Action Plan Order, Curfew Order, Supervision Order, Supervision Order and conditions, Community Punishment Order, Community Punishment and Rehabilitation Order, Attendance Centre Order, Drug Treatment and Testing Order, Exclusion Order and Community Rehabilitation Order. However these sentences will continue to be used for those who committed an offence before 30 November 2009 (Youth Justice Board, 2012).

The YRO combines a number of sentences into one generic sentence. It is a standard community sentence used for the majority of children and young offenders. It simplifies sentencing for young people, while allowing the flexibility of interventions (Youth Justice Board, 2012).

In light of the recent developments and reforms in the implementation of the community sentences; and the vast experiences in the implementation of the Order, it is therefore necessary to examine how the users of CSO in Malaysia adopt, experience and perceive the Order.

In Malaysia any effort or programme dealing with any focus group tends to highlight on problem-solving, which involves administrators, researchers and planners. This is done for the purpose of identifying specific problems, in addition to analysing possible causes and solutions to these problems. Even though the youth or offenders become the focus of concern, their opinions and perceptions are very unlikely to be sought. Instead, all the thinking and vision derives from the perception of the planner, practitioners or researcher and very unlikely, to reflect the offenders' wishes. This study focuses on getting first-hand information from the current and ex-CSO *trainees* about their perceptions and experiences with CSO, emphasising the positive stories which are grounded in their actual experiences and the meaning they give to their experiences. It

also explores the experiences and perceptions of the CSO's staff, supervisors and social workers with regard to its implementation as an alternative to a custodial sentence.

This qualitative study of the CSO *trainees* and *ex-trainees* who received court-ordered community service in Sarawak, Malaysia, is based on the assumptions that there is much more to correctional programme activities than mere statistics and that the need to document offenders' perspectives is equally as important as the host agencies in programme evaluation. Furnham and Alison (1994) further noted that it is inadequate to study the implementation of punishment without some understanding of offenders' attitudes towards it. Secondly, Robert and Stalans (1997) suggest that the effectiveness of the criminal justice system depends on people's attitudes towards and knowledge of that system.

Unlike previous studies this research focuses on talking and listening to the youthful offenders themselves and those who have completed a CSO sentence. The present research proposes to contribute to academic knowledge in a number of ways. Firstly, it is hoped to add to the knowledge of offenders' experience of their crimes and how sentences in Malaysia are carried out.

Secondly, the use of Community Service Orders is a relatively recent sentencing tool in Malaysia, so once again there is a need to know how it is received by offenders or those responsible for supervising them.

Thirdly, using affirmative questions as provided by Appreciative Inquiry (AI) the researcher tries to get the *trainees* and the key practitioners of CSO to dream alternative futures that are better than what they currently have or may ever have individually experienced. In addition, the dreams and aspirations of young offenders are seldom explored especially in the researched context. On the contrary, the supervisors, social workers and the management staff of CSO were interviewed about their institutional experience and opinions regarding CSO and the *trainees* they supervised.

The empirical study of CSO in Malaysia will contribute to our knowledge of CSO s and its effectiveness in rehabilitating the *trainees* and help them to prepare for life after the sentencing and keeping them away from crime and reoffending. Furthermore, this study

also hopes to shed light on the possibility of extending this community sentencing to other groups in the community. Finally this work hopes to contribute to comparative criminological literature which examines the impact of criminal justice policies, procedures and theoretical approaches within transnational contexts.

1.4 Research Aim and Objectives

The research aims to explore the backgrounds, perceptions, experiences and aspirations of the *trainees* of Community Service Order (CSO) in Sarawak, Malaysia as well as the experience and evaluation of the CSO's practitioners on the subjects and the sentencing as an alternative to custody. At the time of reporting, no previous research has been undertaken to explore the backgrounds and characteristics of the *trainees* undergoing CSO under the Department of Social Welfare Sarawak, and their perceptions and experiences with CSO.

The **main** objectives of the study are:

1. To investigate the perceptions and experiences of the *trainees* with CSO and their experience with supervision.
2. To investigate the experience, opinion and perceptions of the CSO staff and supervisors with respect to the CSO and the *trainees* they supervised.

To achieve these objectives, the researcher undertook a preliminary study by meeting and interviewing the key officers from the CSO Unit at the State Welfare Department of Sarawak to collect data and information on the *trainees* currently serving CSO and *ex-trainees* who had completed the Order. A list containing the demographic data such as the names, age, ethnicity, marital status, types of offences committed by the *trainees* with the number of hours of CSO sentencing was provided to the researcher by the CSO officers.

Further details on their family background and education status were obtained both from the social reports kept by the department and by direct interviews with the *trainees*.

In order to learn about the *trainees*' life experiences and their experiences undergoing the CSO, as well as their perceptions of the Order and the supervisors, the researcher carried out in-depth interviews with all the *trainees* at the place where they carried out the Order for the current *trainees* and at the department's venue for *ex-trainees*.

Meanwhile, to discern the experiences, opinions and perceptions of the CSO staff and supervisors with regard to the CSO the supervisees' permission was obtained from the Director of CSO Unit at the Malaysia Welfare Department. Permission was also granted by the State Welfare Department to interview and collect data from the CSO officers and supervisors through the use of open-ended questionnaires. Open-ended questionnaires were also used to evaluate the efficacy of CSO and to explore the feasibility of extending CSO to other age groups especially among the juveniles.

1.5 Research Questions

The main Research Questions addressed in this study are as follows:

1. How do the *trainees* and the CSO's staff and supervisors in Malaysia perceive, experience and evaluate CSO?
2. What is the capacity of CSO to provide experiences that could help the *trainees* prepare for life after CSO?
3. Is CSO the best alternative to imprisonment, and consequently, to be extended to other groups of offenders in Malaysia?

1.6 Implications of the Study

This research presents a first-hand experience of the use of a new sentencing tool in Malaysia from the perspectives of the users. At the moment very little is known about

the system and the offenders serving the sentence in Malaysia. In addition the study also explores the *trainees'* accounts of their offending behaviour and their experiences with CSO.

This study hopes to make significant contributions to existing academic knowledge on community sentencing, and specifically to provide an insight into how the CSO is viewed by the Malaysian youthful offenders and the staff running it.

This study, which traces the development and challenges in the implementation of a non-custodial sentence in dealing with crime involving youth in Malaysia, hopes to contribute to the literature on community sentencing and comparative criminological literature and examines the impact of criminal justice policies, procedures and theoretical approaches within transnational contexts.

The originality of this study resides in the localisation of the CSO and how it is perceived and experienced in Malaysia, particularly in Sarawak.

The *trainees'* absence from routine within the time frame of the study required the scope of the study to be extended outside Kuching division, which resulted in a longer travel time and additional *trainees* as respondents. As this research is designed to gain an in-depth understanding and perceptions of their experiences with CSO and their supervisions, the findings are therefore specific to those two groups of twenty *trainees* who received court-ordered community service in Sarawak. In addition, even though the researcher assured the respondents anonymity and confidentiality, the identity of some of them might be expose to the readers. As the researcher is an outsider, there was a danger of the *trainees* may believe what they reveal may adversely affect their sentences. In such a situation there would be a tendency for them to fall back on only the positive aspects of CSO.

This study only reports the experience and opinions of the management staff and supervisors of CSO from Kuching, Sarawak; the CSO headquarters in Kuala Lumpur, and representatives from various division in Sabah, Sarawak and the Federal territory of Labuan, who had attended a seminar on Therapeutic Skills for Supervisors and CSO staff in handling CSO trainees in Kuching. While the former were the main intended

samples of study, the latter's views and experiences contributes significantly to the perspectives on CSO as a new sentencing tool in Malaysia.

1.7 The Structure of the Thesis

This thesis is organised into eight chapters. Chapter Two discusses the history of CSO in the Malaysian criminal justice system and the treatment and rehabilitation of youth offenders in Malaysia. It also explores on the origin and development of community sentencing which includes literature on the current trend of using community sentences and the typical research framework in relation to the CSO. In addition, it also discusses the changes and challenges brought by the transfer of the policy within a different cultural context as a deterrence tool in the management of the offenders. Finally, this chapter explains the contributions of this study to our knowledge and understanding of the CSO in the Malaysian context.

Chapter Three describes the design and methodology of the research, the processes by which data was collected from the *trainees* and the practitioners, the philosophy and rationale of methods employed and the methodological challenges encountered in the development of this project. Specifically, it focuses on the methodological stance and issues that guided the research and the rationale for the choice of using the multi-method approach within the qualitative realm.

Chapter Four and Chapter Five focus on the *trainees*' backgrounds and criminal history. Chapter Four explores the background and life experiences of the *trainees* such as their demographic characteristics, family characteristics, educational experiences and skills. Chapter 5 explores their offending history and how they justify it. The themes discussed include the impact of the CSO on the lives and careers of the *ex- trainees*, their new roles as parents and the family's influence on the way they are perceived.

Chapter Six explores both the *trainees* and the *ex-trainees*' experiences and perceptions of the CSO and their awareness and understanding of the meaning and purposes of the sentences. The chapter also discusses the relationships among *trainees*, and those supervising them.

Chapter Seven discusses the responses from the management staff and the supervisors of CSOs' perceptions on the system: what they say about CSOs and how CSOs are supposed to function according to the relevant laws, documents and policies. This chapter also discusses the vision of CSO and the implementations of CSO in Malaysia. It also discusses the kind of expectation and assumptions the officers of CSO hold about the typical trainee, appropriate activities and behaviour of the trainees serving the order and after they had undergone the CSO.

Chapter Eight discusses the findings presented in Chapters Four to Seven. This includes an evaluation of the literature examined in Chapter Two whilst addressing the research questions presented in Chapter One and examining the research contributions to theory, practice and methodology. Lastly the chapter makes recommendations for future research.

1.8 Summary

This chapter has presented the background and rationale of the research. The research aims and objectives were clarified as well as the main research questions have been identified. The parameters for the study have also been identified. Some limitations of this research have also been discussed. Finally, the chapter outlines and discusses the contents of each chapter to give an overview of the thesis.

CHAPTER TWO: LITERATURE REVIEW

2.1 Introduction

This chapter discusses the theoretical framework of the research by exploring the history of criminal justice in Malaysia thus providing a contextual background to the development of the CSO in the Malaysian penal system. This section also covers a discussion of criminal justice involving young offenders in Malaysia and their rehabilitation with respect to the crimes committed. However, as a recent tool in its penal system, not much is known about the Malaysian CSO as very little research has been done on the system and the offenders who are serving them.

The second part of the chapter examines the international literature on the origins of Community Service Order (CSO), how it was developed and had evolved over a period of time. It also includes the literature on the current trend of using community sentences and the typical research framework in relation to the CSO. This chapter will also explore how juvenile offenders and practitioners views community sentencing and their experience undergoing it. Experiences are drawn primarily from England and Wales owing to the historical legal connections and legislation in Malaysia which are based on systems from England and Wales (Dusuki, 2006), and the role of England and Wales in the advancement of the said system.

As the CSO in Malaysia originated from abroad, the third part of this chapter clarifies how the penal policy has travelled, been developed, and adapted by the users outside the boundaries of the original systems (Newburn and Sparks, 2004). In addition, the changes and challenges brought about by the transfer of the policy in a different cultural context as a deterrence tool in the management of the offenders will be discussed. In the final part the chapter explains the contributions of this study to our knowledge and understanding of the CSO in the Malaysian context.

2.2 The History of CSO in the Malaysian Criminal Justice System

The objectives of the criminal justice system in Malaysia in relation to lawbreakers are to remove dangerous persons from the community and preventing others from similar

criminal behaviour. The system offers the society an opportunity to attempt to transform offenders into law-abiding citizens. These objectives are achieved through the collaborative relationship between the Police, the Judiciary, and the Prisons (Omar, 2001). A brief review of the political developments is necessary to place the current legislative pattern in proper perspective.

Since its independence from the British administration in 1957, and the formation of Malaysia in 1963, the administration and management of the 40 penal establishments in Malaysia such as the Prisons Rehabilitation Centres, Drug Rehabilitation Centres and Advanced Approved Schools for juvenile delinquents were placed under the responsibility of the Prison Department within the Ministry of Home Affairs. At the time of this study there are three headquarters, 32 prisons, four rehabilitation centres, one detention centre, and three Henry Gurney schools (Malaysia Prisons Department, Headquarters, 2013).

Before the Second World War, the penal establishments in various Malay States, the Straits Settlement (Penang, Singapore and Malacca), Sabah and Sarawak were directly under the supervision of the respective states and settlements. A centralised administration was set up in 1949, and from 1950 onwards the deterrent theory of punishment was replaced by that of reformative. The later is based on the modern concept of a more humane treatment of prisoners and juvenile delinquents. There is provision for repeal of the seven, separate and different prison enactments in 1953. This was later replaced by the prison ordinance and the prison rules. However, the states of Sabah and Sarawak continue with their own ordinance and rules until the year 1995 when the Prison Ordinance 1952 was replaced by the Prison Act 1995. This new legislation became a landmark in the history of the country's Penal System. For the first time it is possible to apply uniform penal methods throughout the country and to ensure consistency of administration in all the establishments in all the statesⁱ (Singh, 1990).

ⁱ The State of Sabah and Sarawak joined in the formation of Malaysia in 1963, while Singapore chose to be separated from Malaysia.

On 14th December 1990, the General Assembly in Malaysia adopted the United Nations Standard Minimum Rules for Non-custodial Measures known as the Tokyo Rulesⁱⁱ and recommended it to be implemented at the national and regional levels. In adopting the Tokyo Rules, the General Assembly expressed its conviction that:

“...alternatives to imprisonment can be an effective means of treating offenders within the community to the best advantage of both the offenders and society”.

(Singh, 1990: 88).

The Tokyo Rules reflect the current sentiment that the ultimate goal of the Criminal Justice System is the re-integration of the offenders into society and the restriction of liberty is only justifiable in the interest of the public safety, crime prevention, just retribution and deterrence (Singh, 1990: 88).

The non-custodial measure used in sentencing within the Malaysian penal laws is provided in Act 593 of the Criminal Procedure Code (CPC) in the Laws of Malaysia series. Since 10th January, 1976, the CPC has been applied throughout Malaysia and superseded the four separate Codes that existed earlierⁱⁱⁱ. Various other statutes provide for the usual punishment of fines as an alternative to imprisonment but a default to pay the fine would still lead to imprisonment. The foremost provision in the CPC providing for the non-custodial treatment of the offenders is the power to discharge an offender conditionally, known as a ‘good behaviour bond’ or unconditionally such as giving an admonition or a caution to the offender for minor infractions of the law or compelling mitigating circumstances (Singh, 1990:88). In addition to the bond under section 173A, section 426 of the CPC also empowered the court to fix the sum of compensation paid by the offenders to the victims, and order the offender to pay the costs of his prosecution.

Other examples of offences for which imprisonment can be replaced by non-custodial sentences are abetment or attempt to commit compoundable offences such as causing hurt, wrongful restraint, use of criminal force, house trespass and criminal defamation

ⁱⁱ As these rules were defined by the work of the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI) based in Tokyo.

ⁱⁱⁱ Namely for the Federated Malay States, the Straits Settlements, Sabah and Sarawak.

under the Penal Code (Act 574); a Compulsory Attendance Order under the Compulsory Attendance Act 1954 (ACT 461) for an offence liable to imprisonment or liable to be committed to prison for failure to pay a fine or debt, and the court is of the opinion that the person would have been adequately punished by a sentence of imprisonment for a period not exceeding three months, and having regard to the character of such person, the nature and seriousness of the offence or the circumstances of such person's failure to pay; established Rehabilitation Centres for the residence, treatment and rehabilitation of drug dependants under The Drug Dependants (Treatment and Rehabilitation) Act 1983 (Act 283) (Singh, 1990:89-90).

2.2.1 Treatment and Rehabilitation of Youth Offenders in Malaysia

The expectations towards youth in Malaysia is very high; this is reflected in the phrase '*Pemuda Harapan Bangsa Dan Pemudi Tiang Negara*' which literally means the male youth are the nation's hopes, while the female are its pillars. This expectation arises from the belief that the younger generation will inherit the nation's future and leadership.

Concern towards the youth is clearly spelt in the State Social Agenda (SSA) which is based on the National Social Agenda (NSA) and the 9th National Plan. The SSA has listed several strategies involving youth and combating crimes and crime related social problems, to ensure the development of a safe and healthy society, in its fifth objective. For the family institution the concern for youth is reflected in its first objective through two strategies: to develop creative and dynamic programmes for the youth. In Strategy 6, the emphasis is to develop a compassionate approach towards problematic adolescents and youth (runaways, pregnant teens, drug addicts, AIDS patients etc.).

Malaysia has been strongly influenced by the treatment and rehabilitation concepts. Malaysia also strongly believes giving young offenders a second chance through rehabilitation. As mentioned earlier, the term juveniles and youthful offenders are used interchangeably in this research due to the range of age limits in their definitions as stated in the Beijing Rules, UN, (1985) that is the Standard Minimum Rules for the Administration of Juvenile Justice.

2.2.2 Sentencing Young People in Malaysia

Malaysia has signed and ratified the Convention on the Rights of the Child (CRC). Since 1995 it has recognised, honoured and upheld the universally accepted rights of the child (Dusuki, 2006:3), and hence the human rights of the child offender. In Malaysia, child offenders are governed by the provisions of the Child Act 2001 (Act 611), which superseded the old Juvenile Courts Act 1947 and has been in force since 2002 (Singh, 1990: 90). With the ratification of the Child Act 2001 there would no longer be any reference to the word ‘juvenile’ or ‘young offender’ as both have negative connotations. However, such terminologies still exist in the corresponding statute, namely the Criminal Procedure Code, which is applicable to children in the event of any lacuna in the Child Act 2001 (Dusuki, 2006:2). Concern towards the child and young offenders is also reflected in the Human Rights Commission of Malaysia’s (SUHAKAM) - Report of the roundtable discussion on the Conventions on the Rights of the Children, especially with regard to the criminal justice system and the Syariah Law of Malaysia pertaining to Article 3(1) which explicitly mentioned that,

“...The best interest of the child shall be a primary consideration” in “all actions concerning children” (SUHAKAM, 2004:123).

The following discussion will deal with stages of a person’s age to determine those who fall into the ‘juveniles’ category and their liabilities according to Malaysian Law and the Islamic laws.

The (UN) Convention on the Rights of the Child (UNCRC) 1989 defines children as, *“every human being below the age of 18 years”* (Article 1 of CRC) (SUHAKAM, 2004:95,) whereas Rule 2.2 (a) of the Standard Minimum Rules for the Administration of Juvenile Justice [The Beijing Rules] (UN), 1985, defines children or juvenile as ‘a young person who, under the respective legal systems may be dealt with for an offence in a manner which is different from an adult’. However, it is stated that the age limits will depend on the respective legal system Members States. This makes for a wide variety of age range in the definition of juvenile ranging from 7 to 18 years or above (Hussin, 2005:6).

The Social Indicators Bulletin, published by the Ministry of Social and Urban Development (KPSU, 2002-2004) Sarawak showed that children aged 16 years and above as the largest group involved in juvenile offences (297 out of the total 362 were 16 years old and above). The most common offence are those related to property (61.89%), followed by offences involving people (13.10%) and traffic offences is third (12.62%).

The official national news agency BERNAMA, (April 01, 2009.) quoted a statement made by the State Police Commissioner of Sarawak saying that there has been an increase in the overall rate of violent crime among youth, especially students in Sarawak since 2006. The number of students arrested in connection with murder, extortion and robbery cases rose from 87 in 2006 and 132 in 2007 to 162 in 2008. Similarly, the number of students detained for suspected burglary rose from 101 in 2006 and 137 in 2007 to 177 in 2008. Until February of 2009, 13 students were arrested for being involved in violent crimes and 19 for crimes involving properties.

For the period 2007-2008, the Narcotics Department, Royal Malaysian Police, Sarawak Contingent reported that 42% of drug arrests involved those between below 18 and 24 years of age for the year 2007 but declined to 38% for the same age group for 2008.

Statistics from the Royal Malaysian Police from 2009 until 2012 also shows an increase in the overall crimes involving youth aged 18-21 years old. The total number of crimes involving this age group in Malaysia was 261. Of this, 20 (7.66%) were from Sarawak. In 2010 the overall crimes involving this group rose to 3572 persons with 181(5.06%) came from Sarawak. However, the figures showed a decrease in 2011 with a total of 2468 crimes recorded by young people out of which 79 (3.2%) committed by youth in Sarawak. In 2012 the total number of recorded crimes involving this group in Malaysia increased to 3819 of which 310 (8.11%) came from Sarawak alone. Most offences committed by this group were thefts involving motorcycles, other types of theft, rape, gang robbery without weapons and causing hurt to victims (Royal Malaysian Police, 2009-2012).

2.3 The Origin and Development of Community Service Order

The history of community sentences differs from country to country, some with long histories, while others were introduced more recently. In most Western Jurisdictions, community sentences or community corrections are associated with probation or correction services (Hamai et.al., 1995), which can be traced back to the late nineteenth century.

2.3.1 CSO in England and Wales

In England and Wales the community service order began as a recommendation made by a sub-committee of the Advisory Council on the Penal System, chaired by Baroness Wootton of Abinger in the 1970 report on “Non-custodial and Semi-custodial Penalties”, generally known as the Wootton Report (Pease, 1985). The recommendation was followed by a feasibility study, and a modified form of the recommendation was enacted in the Criminal Justice Act 1972. Some of its central features are:

1. An offender given a community service order must be aged sixteen or over.
2. He or she must have been convicted of an offence punishable by imprisonment.
3. In imposing a community service order, the court must take into consideration a social inquiry report prepared by a probation officer or social worker. The court must be satisfied that the offender is suitable for the work available.
4. The extent of work obligation must be between forty to 240 hours, and can be completed within one year and carried out during leisure time. There are no obligations other than the assigned work and the offender is not on probation.
5. If an offender does not turn up for work, or does not work as instructed, he is in breach of his order and can be returned to court. He can be fined up to fifty pounds with the order to continue or the order revoked. An order may also be revoked “in the interests of justice.” This occurs when an offender becomes chronically ill or receives a prison sentence for another offence that makes him unavailable for community service work. Revocation revives the court’s powers to deal with the original offense.

(Advisory Council on the Penal System, (1970) in Pease, 1985:54-55)

A typical sequence of events in the making and conduct of an order in England and Wales during the earlier period involves a probation officer writing a social inquiry report, (now called a pre-sentence report). A court (judge or magistrate) making an order on the offender who then has to report to a community service organizer, (who in almost all cases is a trained probation officer). The organiser finds a suitable placement in an agency (typically a voluntary organisation or local tax-supported enterprise), where the offender will have his work overseen by a supervisor who may be a volunteer, an employee of the agency, or a probation service employee (Pease, 1985:55-56).

Similarly, in other countries such as in Hong Kong, the origins of probation (the main form of supervision) could also be traced back to the late nineteenth century, where community service (unpaid work) was introduced in the 1960s and 1970s (Chui, 2003).

A range of different community sentences were in place since the Probation Service came into existence in England and Wales in 1907. It started with the introduction of The Probation Order which was later changed to the Community Rehabilitation Order (CRO) in 2001. Meanwhile, the Community Service Order (CSO) that was introduced in 1972 was renamed the Community Punishment Order (CPO) in 2001 which had a minimum of 40 hours and a maximum of 240 hours of community service. The Combination Order (combining probation and community service) was introduced in the 1991 Criminal Justice Act with a probation element of 12 months to three years and community service element of 40-100 hours. It was renamed the Community Punishment and Rehabilitation Order (CPRO) in 2001 (Solomon and Silvestri, 2008).

The Criminal Justice Act 1991 introduced the term 'community sentence', in the UK emphasising the demanding nature of 'punishment in the community' and the restrictions on liberty involved (Brownlee 1998; Bottoms, *et.al.* 2001). The term 'community punishment' which replaced the term 'community service' in England and Wales is currently referred to as 'unpaid work' or 'community payback' within the adult justice system (Pamment and Ellis, 2010:28).

The CRO and the CPRO could have a variety of specific requirements added to them: non-residential mental health treatment; residential mental health treatment; residence in

an approved probation hostel; residence in another institution; another residential requirement; probation centre/accredited programme; report to a specified person at a specified place; participation in specified activities; refraining from specified activities; mental health treatment by under a qualified medical officer; residential drugs/alcohol treatment; non-residential drugs/alcohol treatment; drugs/alcohol treatment by/under a qualified medical person; drug abstinence requirement; and extended requirements for sex offenders (Solomon and Silvestri, 2008:9).

The Criminal Justice Act 2003 has taken a step further by abolishing the separate sentences of probation, community service, and their short-lived successors- (Community Punishment Orders (CPO) and Community Rehabilitation Orders (CRO), and replacing them with a single, generic community sentence, creating a generic community order with 12 requirements that could be mixed and matched to create a tailored sentence for each individual offender (Raynor, 2007:1064). Since 4th April 2005, CPRO has become the new Community Order with supervision and unpaid work requirements with a minimum of 40 and a maximum of 300 hours unpaid work (Solomon and Silvestri, 2008:9).

Within the adult justice system, the term 'community service' was replaced in England and Wales by 'community punishment' and it is currently referred to as 'unpaid work' or 'community payback'. Within the youth justice, community service is referred to as reparation. However, 'community service' is the most widely recognised term (McIvor, 2007:257; Pamment and Ellis, 2010:28).

The different forms of community sentence with different requirementsⁱ are still available, but the emphasis now is on the 'punitive weight' of the order made (Ashworth, 2007: 1016) based on the guidelines provided by the Sentencing Guidelines Council, a body formed through the stated Act.

The 2003 Act retains the requirement that a court should not impose any community sentence unless it is satisfied that the offence is serious enough to warrant it. Another condition is that if the court decides that the case is serious enough, it should ensure that the community order is the most suitable for the offender, and secondly, it imposes restrictions on liberty which commensurate with the seriousness of the offence (Criminal Justice Act 2003, section 148(2)). In most such cases a 'pre-sentence report'

will have been prepared by the Probation Service to ‘assist’ the court (Ashworth, 2007: 1016).

2.3.2 CSO in Singapore

In Singapore, the CSO was introduced as a condition of probation in December 1996 (Ang, 2003), which requires probationers to complete between 40 to 240 hours of community service. In the case of juvenile offenders it acts as a stand-alone order without probation (Kamal, 2005). Like most countries such as Hong Kong, the Community Service Order in this country was also traced to probation practice in the UK in the 1960s and 1970s, which was a social casework-based court service (Mak, 1973; Chan, 1996 cited by Chui, 2004). Probation in Singapore initially derived its mandate from the Children and Young Persons Act, (CYPA) 1950 which provides for the constitution of a juvenile court and a juvenile probation service. Only in 1951 did probation become an option for dealing with offenders above 16 years of age through the passing of Probation of Offenders’ Ordinance; which was later revised in 1970 and again in 1985. However, in 2001, the Children and Young Persons Act was revised to give the Juvenile Court a wider range of order options to deal with the individual risks or needs and issues of the probationers and their families. It is through Section 44 of the amended Act that CSO was to be administered on its own as one of the sentencing options (Kamal, 2005).

Through the 3- fold objectives of rehabilitation, as a punishment and as a form of reparation, the CSO in Singapore was cited by the probationers and agencies as beneficial in the following aspects:

- a) Acquisition of new skills
- b) Improved intra-family relationship through better communication
- c) More useful at home; more responsible
- d) More considerate and mindful of others
- e) Agencies generally found the probationers’ work good or at the very least, satisfactory (Ang, 2003: 169).

Besides using the CSO as a platform for vocational development and skills acquisition, CSO placement in Singapore are also designed to give ample opportunities for offenders to be self-affirmed. The various programmes aims to establish a nexus between the offences committed and the type of community service an offender is required to perform. Among them are the Core and Elective Programmes, Focused Programmes to address specific risks, Probation service in Family Service Centres, Employment Development Programmes, the Family as the Basic Building Blocks of Society and Change Agent and The Many Helping Hands Approach to Community Rehabilitation and setting up a National Standards for the Probation of Offenders and their Rehabilitation in the Community (Ang, 2003).

The CSO's probationers discharge their Order in non-profit organisations where they perform general maintenance and repair works in welfare facilities and hospital, learn to provide care and befriending services to elderly persons and people with special needs, participate in organising fund-raising and social activities for socially disadvantaged families. They are and also assigned to a value-added community service programme. Probationers assessed to be needing a set of marketable skills are sent to pre-CSO work skills training in areas such as foot reflexology, nail art technology, chef-in-the making, pottery in motion, air conditioning repair and others, before they are channelled to practise their newly acquired skills in non-profit organisations. On completion of the programme, the probationers either go on an apprenticeship programme, get a place in a job or they join the "Be an Entrepreneur" programme (Kamal: 2005).

2.4 Why CSO?

In England and Wales the impetus for CSO was the concern about the size and population of the prison population. Young (1979) argues that in the UK, prison is perceived to be intrinsically harmful to the individual and of dubious deterrent value. Similarly, Harris (1980) found that the same rationale was used for the introduction of community service scheme in the U.S., both emphasised prison overcrowding, the high cost of building new prisons and the ineffectiveness of prisons as rehabilitating

institutions. The increase in recorded crime and of prison receptions have cast doubt on the efficacy of the existing non-custodial sentences and fostered interest in a new and relatively severe, noncustodial options. Concerns to reconcile victims and offenders have also been cited.

According to Pease (1985) Community Service Orders, as enacted, were the result of a confluence of these factors (Pease, 1985:58). Subsequently, the governing authority opined that the prospects of reforming offenders are usually much better if they stay in the community, provided the public is properly protected (Home Office, 1990). This is in line with the 'just deserts' premise – which seeks to reserve incarceration solely for those offenders who pose a risk to the community, whilst finding community-based penalties for less serious offenders (Wilson, 2001:18).

The continuous reflections on the prison system contribute to the rapid development in community sentencing. Despite the slogan that 'prison works', the prison system and all such institutions in general are condemned as degrading, ineffective in terms of their stated goals (they neither deter nor rehabilitate), counterproductive (they cement deviant careers), and as part of the crime problem rather than its solution (Maggy,2001: 79). On the other hand, community-based corrections and treatments are regarded as more humane, less stigmatising, and more effective than institutional measures in the control of criminal behaviours.

The American Correctional Association (2008) reports that the management of offenders in terms of enforcement, judicial procedures, parole supervision, and incarceration are expensive and for the youthful offenders it goes far beyond the damages of the offences. The average cost per youth for state funded youth correctional facilities in 2006 was \$241 per day, or approximately \$88,000 per year. In total, the US spent approximately \$4.7 billion dollars on youth correctional facilities in 2006 (American Correctional Association, 2007). These figures do not reflect all of the other costs related to juvenile crime and incarceration, such as law enforcement, probations service, victim services and medical costs, among others (Justice Policy Institute, 2009) in Abrams et.al.,2010).

2.5 *The Objectives of Community Service Order*

The Community Service Order is based on the theory of rehabilitation (McLaughlin and Muncie, 2006). The main objective of this theory is to integrate the offender with society after having served a given period of his sentence and to change the content or form of the punishment in order to achieve this (Hudson, 2003). Rehabilitation focuses on modifying the offender's inclination towards criminal behaviour through intervention and shaping it into a more pro-society tendency with rational-thought process and responsible action capabilities (Walters, 1992). Through several combinations of treatment, education and training (Miethe and Hong, 2005) they may be easily returned to the society as useful individuals and live a more productive way of live compared to situations that push them toward criminal acts (Jackson, 2003).

The objectives of CSO are rehabilitation, retribution and reparation. As a rehabilitative measure, it provides the offender a positive experience through community work and this in turn should foster the development of empathy and consideration for others besides regaining self-esteem and confidence through social experiences and constructive social relationship. Secondly, as a punishment, CSOs deprive an offender of his/her leisure hours and thirdly, as a form of reparation CSOs provide the offender an opportunity to make amends for the wrongs or harm caused by the offending behaviour through service to the community (Ang, 2003:168).

These three objectives are viewed by some to cause possible confusion. This is because the probation officer, the judges, the revoking court, and community service organisers may hold different views about its aim. Pease, (1985) argue that the confusion exists especially with the reparative objective, which to him, should be strictly confined to dealing with victims and that CSO should not be regarded as reparative in purpose. This is because it is misleading to infuse the notion of reparation into community service by conflating the real victim of crime with the symbolic victim of crime in the abstraction of the community as a whole (Pease 1985:59). Pease viewed that Community Service Orders as neither restitution nor a compensation for the victims. Instead it is retributive (Pease, 1985:60). Pease further used Short's (1983:562) definition on retribution which allows CSO to be accompanied with a fine. This is seen as the best retributive sentence imaginable. Short definitions are as follows:

“A retributive position holds that justice requires that criminals receive the punishment they deserve and that punishment is deserved because the person who violates rules has gained unfair advantage over those who abide by them. The function of punishment therefore is to restore the balance of effort and advantage that is entailed in citizenship.”

(Short, 1983:562 in Pease, 1985:60)

According to Pease the ‘balance of effort and advantage’ in the community service indicates a move in the direction of restoration and is a recognition of the work being done and feelings of reconciliation resulting from the work by those concerned, that mark the success of the CSO.

The current Youth Crime Action Plan introduced by the Home Office in 2008 highlights the central importance of reparation as a fundamental part of any community sentence for a young offender. Furthermore, the Criminal Justice and Immigration Act 2008 aims to establish a sentencing structure based on the use of reparation (Youth Justice Board, 2008:3). This can take several forms such as a letter of apology, a restorative meeting (which is unusual because of the problems which involve the victims in the meeting), and the most common form is community service (Youth Justice Board, 2008 in Pamment and Ellis, 2010:20).

2.6 *Critics of Community Service*

2.6.1 *Alternative to Custody*

In England and Wales, the power of Criminal Courts Act of 1973 states that only those offence for which an order of between forty and 240 hours is should there be an accompanying prison sentence. The distinction used here is whether an offender could be punished by imprisonment. In addition, Pease noted that many imprisonable offenses are seldom imposed (Pease 1985: 61). The major thrust of the introduction of community service in England is to provide an alternative to imprisonment. The statute makes the intended use in this principle obligatory. Pease further quotes the Home Office’s (1983) statement that describes community service as “intended to be an alternative disposal for offenders who might otherwise have received a custodial sentence” (p: 61). A researcher like Pease seems very critical about this position, and argues that the implementation process of the order supplements the custody term.

Two decades after Pease (1985), the Community Orders and Suspended Sentence Orders which came into effect in April 2005 were also criticised for fuelling prison expansion rather than helping to stop its growth. The findings which were based on analyses of government statistics on the use of the two orders and interviews with probation staff and people subject to the order suggested that first, the Orders were being used too often and inappropriately and both Orders appeared to be getting tougher and to be more punitive in nature. On top of that there was no evidence to suggest that the Community Order or Suspended Sentence Order were reducing the use of short-term custodial sentences or tackling ‘up-tariffing’ (Centre for Crime and Justice Studies, 2009).

2.6.2 Community Service as a Middle Ground Sanction

It is unclear if community service operation consistently involves offenders who would in all likelihood receive a non-custodial sentence (Nakamura & Fujimoto, 1979; Robinson, 1978; and Allen & Treger, 1990). Allen & Treger, (1990) are of the view that the CSO appears to respond to a judicial dilemma in sentencing by providing judges with non-custodial options. Effective November 1, 1987, Federal sentencing guidelines require judges to select a sentence within the applicable guideline range, and this is said to reduce the dilemma. CSO might, therefore, be a middle-ground sanction between incarceration and probation which has represented contrasting opinions (Allens & Treger, 1990). Winfield, 1977; Godson, 1981; Shaw, 1983; and Allen & Treger, (1990) have found no problems in CSO holding this middle position. Nevertheless, Pease (1985) suggested that his proposal would help overcome the confusion in the implementations process which could have negative effects on the CSO.

2.6.3 Possible Negative Effect of CSO

Besides the undesirable effect of the mismatch between purpose and reality of community service as alternatives to custody (Pease, 1985), Cohen (1979, 1985) also suggested that the extension of community corrections could fit Foucault’s model of

‘dispersed discipline’. The community sanctions and supervisory punishments, intended as alternatives to custody were used to supplement the prison term and thus widening the net of social control. This leads to more rather than fewer deviants to be drawn into the correctional continuum (Maggy, 2001:80). Raynor, (2007) further cites Thorpe et.al, (1980), and argues that such concerns were not groundless as research findings in the 1970s found that virtually all custodial sentences passed on juvenile offenders were recommended by social workers and that the breach of the supervision orders by first offenders could lead to earlier imprisonment than it should be otherwise. This finding is very relevant to the Malaysian CSO the implementation of which supersedes some basic legal and professional requirements.

There are also views that the CSO was imposed on the offenders involuntarily such as that of Stark and Goldstein (1985) and Feld (1999). Samuri (2012) citing Feld’s (1999) is of the view that the offender must agree and volunteer to carry out the order before it can be issued to ensure that justice is served. The latter considered these criticisms as groundless because there is not a single sentence in the world that requires a court to procure the offenders agreement or consent to it (Samuri, 2012: 129).

It was also argued that issues in the implementation such as the length of the order had not been closely studied. There is an alternative suggestion that the employment status rather than the nature of the offence and offenders’ age and criminal history influence the length of the order. Research done suggests that there are a lot of disparities in all aspects of community service implementation. According to Pease (1985) that revocation rates cannot be used as measure of its success. It also means that the most successful work placements cannot be identified (Pease, 1985:53).

However, in 2004, the Sentencing Guidelines Council issued a definitive guideline to assist the courts for the whole of England and Wales. This guideline relates to the new sentencing framework introduced by the Criminal Justice Act 2003 which affects the nature of community and custodial sentences passed under the sentencing framework applicable to those aged 18 or over. Only those sentences and related provisions which were expected to come into force by April 2005 were dealt with in this guideline were designed with the object of ensuring a consistent approach when the sentences became available (Sentencing Guidelines Council, 2004).

With the introduction of the Youth Rehabilitation Order (YRO) 2009 as part of the Criminal Justice Immigration Act 2008 for sentencing a young person the court must consider the offence to be serious enough to warrant an YRO. The restriction of liberty involved must also be proportionate to seriousness of offence (ss 147-148 CJA Act 2003). If the young person is already subject to YRO or reparation order, the court cannot sentence to an YRO, unless the existing orders have been revoked. Custody is an option for breach of an YRO only if the original offence is imprisonable or in the case of a non-prisonable offence. There is 'wilful and persistent' non-compliance. In an YRO case, a warning is required if the supervising officer finds there is a failure to comply without a reasonable excuse. When dealing with the breach of an YRO, the court has the following options: no action; fine; amend the YRO, but not with ISSP or Intensive Fostering unless that already applies; revoke the YRO and re-sentencing (Youth Justice Board, 2012).

2.6.4 The Community Dimensions of Community Penalties

Another recent change in the community sentences in England and Wales are the new initiatives described as 'The visible Community Payback' which centred on the concept of visibility and community participant, which is now the key feature of unpaid work penalties. These concepts were also critically examined by Bottom (2008) as an initiative that resulted from a state moving from a 'nation-state' to a 'market-state' policy approach which increasingly tend to emphasise policies on 'consumer choice'. This approach allows members of the public to register their choices as to the kind of work that offenders undertaking community service should carry out. This gives them the satisfaction of visibly inspecting them at work. Bottom commented that what members of the public are doing is not true community participation but rather casting a vote or registering an individual preference, which might or might not be acted upon. He further argues that in this case "it becomes clear that there is nothing very strongly community oriented in the so-called 'community participation' dimension of the Visible Unpaid Work (VUW) as it has recently been developed in England and Wales (Bottom, 2008:115).

2.6.5 Research on the Effectiveness of Community Programmes

The effectiveness of community programmes can be seen through research and findings on community sentences and probation. However, despite the fact that far more people were serving community sentences than were in custody at any one time, not much information was available about these sentences and the offenders who served them (Solomon and Silvestri, 2008). The history of research on community penalties such as in Britain reflects shifts in official and sometimes professional perceptions of the role, purpose and nature of community penalties (Raynor, 2008:73). Hence, earlier research were based on the effectiveness of the ‘treatment’ of the probationers; the problems faced by the probationers in the probation process and also the probation officers in the implementation of the CSO. Later, research focused on the attitudes of the probationers and young offenders towards community sentencing and the effect of probation on the offenders. However, as mentioned earlier, community penalties are actually about probation (Raynor, 2007:1061) and so are the research findings.

When the probation in England and Wales moved from *‘a theological to a psychological driven discourse’* (Harris 1994:34), the approach used in probation work such as the psychosocial rationale has become a ground for the psychotherapeutic relationships between the probationers and the probation officers. Consequently, earlier research on probation work focused on the ‘treatment model’ such as the one postulated by Wilkins and Radzinowicz in 1958 (xi-xii) to measure whether probation “as a form of social service was effective in preventing further crime by a readjustment of the culprit” (Raynor, 2008: 74) has been successfully achieved.

Other studies were launched by the Home Office aimed at classifying the problem faced by probationers, such as Davies (1969), and the response of the probation officers to these problems (Davies, 1974). During this period the agenda of the studies was still about the treatment provided and the actual need of the probationers (Raynor, 2007:1068).

By the end of the 1970s the ‘treatment model’ faced strong criticism on both empirical and ethical grounds regarding the unintended adverse consequences of penal sanctions while producing a general impression that ‘nothing works’ which was reinforced by journalistic summaries (Martinson, 1974). Research on the Community Service Order

introduced by the 1972 Criminal Justice Act was primarily concerned about the effect of the systems rather than the people (Raynor, 2007:1071) those who experienced the systems. The community service which was initially implemented on an experimental basis in a number of piloted areas, focused its research on issues such as the feasibility of implementing the system and whether courts were using it and how far it was being used for offenders who otherwise would be sent to prison (Pease *et.al*; Pease and Mc Williams 1980).

Studies of offenders' attitudes toward community service have consistently found an acceptance of the appropriateness of work as a form of punishment (Pease *et.al.* 1975; Flegg 1976; Whittington, 1977; Parker 1980; Polonoski 1980; Varah 1981; Novack, Galaway, and Hudson, 1980 in Pease, 1985).

Chui's (2003) exploration of the views and experiences of probation supervision from the young adult offender's point of view in Hong Kong suggested that those successfully underwent the CSO viewed probation positively, as a period of self-evaluation and reflection. This finding is in tandem with Rex's (1999:370) study that found probationers who were engaged in the supervisory relationship were likely to define it as positive and to be committed to change. They saw probation as a "second chance to regenerate a socially acceptable identity or individual" (Chui, 2003:571) Mair and May's (1997).

Home Office research solicited opinions and attitudes of British probationers regarding their probation experiences. Most said they had been previously convicted. Burglary and theft were the most common offences for which respondents were first offenders. The interviews focused on what offenders had to say about their problems, their attitudes toward offending, and their perceptions of the supervision process. Findings show that the probation service is more suited to those who generally have poor school achievement, unemployed and likely to have previous convictions and drug use. Most probationers view their experience positively. They give the probation service high marks for working hard to achieve its aims of reducing re-offending and encouraging and assisting offenders to lead law-abiding lives (Mair, and May, 1997).

Similarly, McIvor's (1992) studies of 136 offenders serving community service orders in Scotland found majority of these respondents considered their experience to have

been 'worthwhile', with the 'very worthwhile' group reported to have said that they had acquired 'a great deal' of additional skills through doing the unpaid work, and 'a great deal' of contact with members of the public who benefitted directly from the unpaid work carried out. They are generally of the view that the nature of the unpaid work carried out would be useful to the community, and of benefit to the intended recipients, rather than being simply a job of work, or perhaps even a 'meaningless' one (McIvor 1992, pp. 84-8).

In Singapore, an evaluation of the community sentences programme from the viewpoint of the probationers and agencies showed that the objectives of the programme were met. Amongst the benefits cited by the probationers and agencies were the acquisitions of new skills among the offenders, improved intra-family relationship through better communication, becoming more useful at home, becoming more responsible, more considerate and mindful of others. The agencies generally found the probationers' work to be good or at the very least, satisfactory (Ang, 2003: 169). May's (1999) used data from 1993 on more than 7,000 offenders from 6 probation services to examine re-convictions within 2 years of the beginning of a community sentence. The study focused only on factors routinely recorded by these probation services which included drug use, alcohol use, employment, housing, financial problems, multiple problems, and age. Some probation services also provided information on peer pressure, problems with relationships and past violent victimization.

Other studies, such as Killias, *et.al* (2000), suggest that those randomly assigned to community work rather than prison shows reduced police recorded delinquency more than the control group while developing less negative attitudes towards their sentence and the criminal justice system.

2.6.6 Desistance from Offending

Community services are also associated with reduction in offending and recidivism. Blackburn (1980) and Thornton (1987) found a number of positive results which showed reductions in recidivism. Rex's (1999) study which also examined desistance from the viewpoint of a group of probationers and their supervisors, reported how the probationers linked their experiences of supervision to a reduction in their criminal

activities. He con concur with earlier researchers such as Davies (1979), Day (1981), and Mantle (1995) who discovered that about two-thirds of probationers perceived being supervised as reducing their criminal activity. Altogether 68 per cent of the respondents he interviewed said they were less likely to offend or to indulge in anti-social behaviour such as substance abuse or loss of temper as a result of the supervisory experience (Rex, 1999:369). They were more willing to abandon crime where the probation officers had shown both personal and professional commitments (Rex, 1999:371).

Killas, *et.al* (2000) further discovered that in sum, community service seems to reduce later delinquency or recidivism more than imprisonment and reductions in recidivism may depend more on helping offenders to view their conviction and sentence as a result of their own behaviour and not of judges' or any other third parties fault (Killas *et.al.*, 2000: 53).

In brief, as discovered by many researchers, thinking about community penalties has also been influenced by research on the process of desistance from offending (Zamble and Quinsey, 1997; Rex, 1999; Farrall, 2002; Maruna, 2001; Maguire and Raynor, 2006). Raynor (2007) sees such research probably offers the best chance of striking an appropriate balance between attention to social conditions as causes of crime and the attention to individual thinking, attitudes, beliefs and motivations to crimes (Raynor, 2007:1083).

Maruna (2001) identifies three broad theoretical perspectives in the desistance literature: maturational reform, social bonds theory and narrative theory. Maturational reform theories are based on the established links between age and certain criminal behaviours, particularly street crime. Social bonds theories suggest that ties to family, employment or educational programmes in early adulthood explain changes in criminal behaviour in life. Where these ties exist, they create a stake in conformity, a reason to 'go straight'. Where they are absent, people who offend have less to lose from continuing to offend. Narrative theories stresses the significance of subjective changes in the person's sense of self and identity, reflected in changing motivations, greater concern for others and more consideration of the future (Maruna, S. (2001) in McNeil *et.al.* (2005).

2.7 Trends in the Use of the Community Sentences in England and Wales

The contemporary penal policy context in England and Wales has been aptly described by David Garland (2001) as comprising a ‘culture of control’. And, in pursuit of ‘control’, the prison population in England and Wales rose from just over 42,000 in 1992 to nearly double that today, and the average defendant’s chance of being given a custodial sentence on conviction has risen sharply during that period (Bottom 2008: 147).

Given that prison overcrowding is a well-known fact, (Solomon and Silvestri, 2008), and in reference to the statements made by the Director of Prison Reform Trust, Juliet Lyon CBE in the foreword of a report ‘Reducing child imprisonment in England and Wales – lessons from abroad’, nearly two-thirds of the respondents interviewed in the Smart Justice poll (2007) thought that prisons were ‘universities of crime’ for young offenders (Solomon and Allen, 2009). Therefore it is not surprising that community sentence caseload in England and Wales are also overcrowded (Solomon and Silvestri, 2008).

Data from a poll conducted across the UK in 2007 and published in 2008 revealed that 65% of people surveyed believed that imprisonment is not the right way to punish young people who commit non-violent crime. The survey which involved interviewing 1,034 adults aged 18 also showed that a majority of 84% saw compulsory work in the community, coupled with drug treatment, as the most effective way to reduce the likelihood of further offending for those young people who committed non-violent, petty offending driven by drug addiction (Solomon and Allen, 2009).

Furthermore, earlier findings based on the published research and official data, from 1997 to 2007 also see the number of people starting community sentences increasing from 119,775 to 125,369, an increment of 5 percent. Although the number of people serving community orders and their predecessors declined from 121,367 in 2006 to 111,454 in 2007, the number of those serving suspended sentences increased significantly from 28,364 to 42,912, an increment of 51 per cent. With regards to this

situation Solomon and Silvestri (2008) quoted a statement made by the Ministry of Justice that:

“Sentencing trends show that the proportion of offenders receiving a community sentence has fallen since SSOs [Suspended Sentence Orders] were introduced in April 2005, suggesting that a number of SSOs have been given to offenders who would previously been given non-custodial sentences.”

(Ministry of Justice, 2008).

Despite the many choices available, the most frequently used combinations of requirements in Community Orders which commenced in 2007 was unpaid work as a single requirement, accounting for 32 per cent of all Community Orders (Solomon and Silvestri, 2008:19). The unpaid work was promoted to the public under the brand ‘Community Payback’, and under the unpaid work requirement, the offender “will be expected to carry out work that is demanding and that will benefit other people” and that they will be paying back the community for the harm or damage caused by their offending. It is also intended to provide the offender with an opportunity to learn new skills and ‘get better’ with other people (National Probation Service, 2005). In addition, an offender sentenced to a Community Order with the unpaid work requirement will have to work at least six hours a week and finish the requirement within 12 months, working a total of between 40 and 300 hours.

However, research shows that some requirements had been used very rarely such as alcohol treatment, mental health treatment, prohibited activity, residence, exclusion and attendance centre requirements. This is due to either they were not widely available (attendance centre and alcohol treatment) or they were not traditionally part of probation culture (the exclusion requirement and prohibited activity) whereas the National Offender Management Service (NOMS) and the Offender Assessment System (OASys) were not picking up problems such as mental health (Mair, 2007: 21).

While the National Audit Office in UK had raised concerns that some requirements remain uncompleted when a Community Order expires, there were long waiting lists for some requirements. This increases the possibility of requirements not being completed before an order ended, while certain requirements were not being used as much as they should have been (National Audit Office, 2008).

In short, the continued reform of the Youth Justice System in England and Wales has met strong criticism. The prison population was reported to grow alongside the increasing use of the Community Orders and Suspended Sentence Order (Centre for Crime and Justice Studies, 2009).

Such findings are not new. Pease, (1985) reviewed that community service, while notionally an alternative to custody is not reliably used in this way. According to Pease, offenders consent to the CSO to avoid prison sentences of which they are not in danger. However, the mismatch between the views of the probation officers who write the reports on ability for community service, and of courts making orders can lead to offender's being imprisoned even where the court did not originally intend this. If an offender fails to keep to the conditions of an order, his order will be revoked and another sentence will be given. Mismatch between the views of a court making an order and a court revoking an order can lead to a sentence that is at odds with the gravity of the original offense (Pease, 1985:53).

However, the Sentencing Council in 2009, produced guidelines for sentencing a young offender, whereby the court considers the main aim of the youth justice system: that is, the prevention of offending by children and young people, and looking after the welfare of the child. Other considerations include the young person's age, the seriousness of the offence, any aggravating or mitigating factors, whether they pleaded guilty, the law, and finally the sentencing guidelines (Sentencing Council 2009).

With regards to the 'Visible Unpaid Work' (VUW), Bottom, (2008) captures the two most significant dimensions of the initiatives that are first, a focus on the visibility of offenders unpaid work to the community, and second, a stress on the community's opportunity to participate in decisions about what work offenders will perform (Bottom, 2008:151). With regard to Visibility, Bottom further quotes the National Probation Service's (2006) official manual on the delivery of unpaid work which specifies that:

"...all suitable unpaid work placements must be made visible to the local community by, for example, using plaques, badged Supervisor clothing and vehicles, 'A' frames on work sites, etc."

(National Probation Service, 2006:18)

Shortly before the VUW was launched, The National Probation Service (2005b) expressed its hope that these twin features of the initiatives will enhance the public understanding and appreciation of the contribution made through unpaid work to the well-being and safety of local communities. (Bottom, 2008:151).

This initiative led to the introduction of uniforms for adult offenders undertaking community service as part of their community orders, and there were also calls within the youth justice to introduce uniform for young offenders undertaking reparation (Pamment and Ellis 2010), although Mead (2008) suggested that this idea was first put forward in 1997. However, this idea was quickly condemned by the National Association for the Care and Resettlement of Offenders (NACRO, 2005:9) and labelled it as a 'cheap and nasty gimmick' (Pamment and Ellis 2010:20). The latter stated, even though the primary aims of the Home Office to introduce visible clothing was to make the community work more visible to the public, the primary effect will be the shaming of offenders (Maruna and King, 2008). Pamment and Ellis, (2010) and Maruna, (2008) questioned whether public confidence comes at the expense of effectiveness? Pamment and Ellis further quoted statements put forward by the assistant general secretary of NACRO who argued that:

“Introducing uniforms, caps, badges or naming and shaming offenders is likely to degrade them, make them resentful and not turn up for community punishment. This will mean the breach rate will soar and more will end up in prison, which is exactly what has happened in the U.S. (NACRO 2005 in Pamment and Ellis, 2010:20).”

Following this, through observations, interviews and questionnaires with young offenders and their supervisors, research suggests that the introduction of uniforms will be counterproductive on a number of levels and a retrogressive step (Pamment and Ellis, 2010:2018).

In a recent community sentence introduced in 2009, the Youth Rehabilitation Order (YRO) provides a 'menu' of interventions for tackling offending behaviour. Among the requirements to be attached to a YRO are : Activity Requirement; Curfew Requirement; Exclusion Requirement; Local Authority Residence Requirement; Education Requirement; Mental Health Treatment Requirement; Unpaid Work; Requirement (16/17 years); Drug Testing Requirement; Intoxicating Substance Misuse Requirement;

Supervision Requirement; Electronic Monitoring Requirement; Prohibited Activity Requirement; Drug Treatment Requirement; Residence Requirement; Programme Requirement; Attendance Centre Requirement; Intensive Supervision and Surveillance (based on the current ISSP) and finally, Intensive Fostering. The YRO can be used again on multiple occasions, minimising the use of custody, and there are no restrictions on the number of times an offender can be sentenced to an YRO.

In spite of all the changes, the strong elements of continuity still exist in the core features of community sentences such as giving the offenders an opportunity to demonstrate that they can avoid further offending, and holding them accountable through a supervision process which combines monitoring with encouragement and assistance. Furthermore, it relies on the cooperation of offenders in accepting the requirements of the court order, and often on the capacity of supervisors to negotiate, motivate, and persuade (Raynor, 2007: 1063) with personal supervision which is at the core of community sentencing becoming simply one requirement among many that remains a popular one (Raynor, 2007: 1064).

2.8 The Transfer of Penal Policy

In recent years there has been an expansion in comparative youth justice analysis examining the differences and similarities in the international policy with regards to approaches towards youth crime (Muncie and Goldson, (2006); Junger-Tas and Decker, (2006); Tonry and Doob (2004). Muncie and Goldson (2006), for instance, in their comparative analysis of the juvenile system acknowledged the impact of international and global forces in the development of any system of youth and juvenile justice.

Even though the Community Service Order has often struggled for political approval and support in Britain (Raynor, 2007:1065), outside the UK it has become a new initiative such as its arrival in Malaysia in 2006. Its successful implementations in Singapore (Ang, 2003), and in several African jurisdictions even without the need for a large, professionalised probation services (Stern, 1998) are among others. In Scotland, the Community Service Order while maintaining its original name is placed under the responsibility of criminal justice specialists working in social work departments of local

authorities (Raynor, 2007: 1065). The idea of community based penalty is also spreading to both eastern European countries where the levels of imprisonment inherited from former authoritarian regimes are seen as no longer necessary or affordable (Jones, 2001).

Similarly, Canada's recent youth justice reforms such as restorative, community and custodial measures based on risk profiling and risk management also appeared in part to emulate those of England and Wales while re-establishing that the principle of the protection of society be uppermost (Muncie, and Goldson, 2006:3). In England and Wales, despite the continuous and considerable improvement in its system dealing with youth crime (Audit Commission, 2004), the number of children locked up on remand has increased by 41% since 2000. In 2008/9, 1,484 children were locked up on remand for a week or less. In addition, it is estimated that 75% of children remanded in custody by magistrates or district judges are either acquitted or given a community sentence (Solomon and Allen, 2009:7). In order to reduce the number of children remanded into custody in the UK, specifically in England and Wales, the Prison Reform Trusts are looking at alternative sanctions that focus specifically on international examples of policies and practices that are used in countries which have relatively low numbers of children in custody. This is a strategy that have been developed and implemented in a number of countries to reduce child imprisonment that could potentially be transferred to England and Wales (Solomon and Allen, 2009). In her forward statements on 'Reports on Reducing child imprisonment in England and Wales-lessons from abroad', the Director of Prison Reform Trust, Juliet Lyon believes that there is considerable scope for further reform of the youth justice system recognising the benefits of working across departmental boundaries, opportunities for pooling budgets and adopting a refreshing 'do what it takes' approach to enable young people to get out of trouble (Solomon and Allen, 2009: ii).

Similarly, the adoption of the Community Service Order (CSO) in Malaysia in 2007, and hence its implementation in January 2008, amongst other factors, was eventually influenced by what worked in the probation services in Singapore which had in 2003 received ISO certification from a UK-based certification body as an organisation which is committed to service excellence in six core areas of probation work (Kamal, 2005).

The modelling from Singapore was just one of the many determinants that finally placed the CSO in the Malaysian penal system. Factors such as the advent of globalisation and information technology, the increased awareness of human rights, especially with regards to the young people, the incremental involvement of young people with criminal activities, overcrowding in correctional facilities, the changing trend in the prison population (Omar, 2001:333), and also the impact of professional discourses on current trends and issues surrounding the criminal justice, through conventions, all contributed to the adoption and its eventual adaptation in the Malaysian justice system.

While some basic framework of how CSO should function may originate from Singapore or other international settings, programme implementation at the local level seldom follows exactly the proposed design. Instead, programmes are adapted to local needs and circumstances and show considerable differences in kind as well as differences in content, process, goals, implementation, politics, context, outcomes, and in programme quality. For example, the youthful offenders of CSO in Malaysia are known locally as '*pelatih*', which is translated to mean '*trainees*' in English.

This study is far from trying to equate or making comparison with the experiences of the penal system in either Singapore or Hong Kong to that of Malaysia, as it might act as blocks against insight when used in lieu of more particular and grounded accounts (Newburn and Spark, 2004:7). However, those countries mentioned have a common history under former British rule, and likewise, the Malaysian's judicial system has its roots and influence from the latter.

With such background it is not unlikely that these countries are keen to trace what happens and what works in Britain, not only as a colonial power, but of the "attraction and attractiveness of a wide range of its institutions such as its political and business institutions which were widely admired and eagerly adopted" (Karstedt 2004:16).

As the adoptions of Community Service Order in Malaysia happened after decolonisation, it is therefore appropriate to capture Braithwaite's and Drahos' (2000) statements in Karstedt (2004) that the models of the hegemonic power travel neither through sheer power, nor by military or economic coercion, instead it is through a

process that involves a diverse set of mechanisms, amongst them the amount of accumulated expertise and intellectual leadership in many fields (Karstedt, 2004:17).

More recently, England and Wales have been strongly committed to the evidence-based practices of ‘what works’, accompanied by organisational changes. Other countries are eagerly watching the outcome of this approach. In relation to this, Raynor (2007:1062) has captured Ploeg’s quote (2003:8) of a statement made by a member of the Conference Permanente Europeene de la Probation as follows:

“The Probation service in England and Wales has always been in the vanguard in these developments, and many other European countries are watching it like a hawk, ready to accept that which seems to be working and to criticise that which isn’t”.

(Ploeg, 2003:8).

The impact of globalisation also revealed an increase in the knowledge of crime control. As observed by some researchers, there is increasing evidence of certain forms of convergence in the languages and practices of crime control (Garland, 2001; Newburn and Sparks, 2004), and also to the inception of criminal justice institutions in their ‘modern’ forms (Sparks, 2001; Newburn, 2002; and Newburn and Sparks, 2004).

As mentioned earlier in this chapter, the scarcity of local resources on this subject has provided an opportunity for this research to study the development of the Youth Justice System in England and Wales, not only because of the historical factor but also due to the fact that both England and Wales were routinely placed among the pioneers and world leaders of probation, from which the community penalties originated especially during the development of welfare states in the mid-twentieth century. At the end of the twentieth century, England and Wales were again seen as international leaders in embracing and implementing several profound shifts in the international theory and practice of community penalties and the recent movement towards evidence-based probation or ‘what works’(Raynor,2007:1062).

The exchange and transport of criminal justice policies is no longer a one-way and dead end road from western industrialised countries. For the third world countries from the centre to the periphery instead, they can be reversed as the case of the restorative justice model (Karstedt, 2004:17). On new strategies of crime prevention, procedures for dealing with offences, offenders and victims, models of institutions and interventions

for juveniles and adult offenders that rapidly spread around the globe, knowledge is shared among the ‘epistemic communities’ of criminologists, criminal justice and policing experts, and practitioners (Karstedt’s, 2004).

The CSO in Malaysia is a stand-alone programme implemented in 2008 and was still at a fledging stage when this study was conducted. At present, the CSO in Malaysia is enforced on youthful offenders committing various violent crimes and gradually being extended to other types of offences and age groups.

The following section will trace the development of CSO in Malaysia after its adoption from the Singapore model. However, a historical examination of the existing Malaysian Criminal Justice System especially in dealing with young people is necessary to put the current CSO in perspective.

2.9 The Development of CSO in Malaysia

The idea of implementing a Community Services Order was suggested by the Minister of Social Welfare and Services in 1979 in lieu of short-term imprisonment (Singh, 1979). Consequently, in 1981 the Law Reform Unit of the Attorney-General’s Chambers conducted a study to establish the rationale for the introduction of the community service scheme. However, the call for sentencing reform in the country’s penal system was apparent during the 13th Malaysian Law Conference 2005 in Kuala Lumpur. Datuk Zaman Khan, an Ex-Director General of Prison, Malaysia; for instance, gave his insight on the outdated custodial sentencing principle of “*an eye for an eye and a tooth for a tooth*”. Given as an insight gained by an ex-policeman and after serving as Director General of Prison, he viewed prison as follows:

“...like an institution of higher learning, While I will not deny that many who were imprisoned turned over a new leaf, there are also many who became more hardened and, and not only that, they struck up friendships with the hard core offenders and when they come out of that setting, they would again engage in criminal activities.”

(Khan, 2009: 2).

At the same conference too, V. Sithambaran, an advocate and solicitor from the, High Court (Malaya) of Malaysia suggested a holistic approach based on restorative justice

and community sentencing as practised in the United States, the UK and South Africa. He considered this to be effective compared to the death penalty and corporal punishment currently practised in the Malaysian Justice System. When visiting Malaysia, Nicola Padfield also commented that community sentences is cheaper than custodial penalties, though sometimes more burdensome on the offender than short custodial sentences, which seem less likely to add further disruption to the lives of those who often already had fairly disorganised lives (Padfield, 2009). Additionally, they could be as effective as custodial penalties in reducing future criminality (Kershaw *et.al.* 1999; Harper and Chitty, 2005).

In 2006, officials from Malaysia visited the Ministry of Community Development, Youth and Sports in Singapore to study the implementation of the CSO. Other initiatives include an educational trip to Thailand, and web-search on the implementations of CSO in Korea, England and also New Zealand (CSO Unit Malaysian Welfare Department, 2010).

On March 2006, the Department of Social Welfare Malaysia, an arm of the Ministry of Women and Family Development of Malaysia received instructions from the Ministry to provide an early draft of the Community Service Order as a result of the Meeting of Parliamentary Select Committee (Select Committee) whereby the Select Committee was instructed to make amendments to the Criminal Procedure Code.

In May 2006, the Criminal Procedure Code (Amendment) Act 2006 [Act A 1273] was passed in parliament and CSO was placed under the responsibility of the Ministry of Women, Families and Communities Development (KPWKM). A CSO Division was set up in February 2007 and by January 2008; the CSO was officially implemented in Malaysia based on the Singapore model. It was introduced as a condition of probation or as a stand- alone order for young offenders.

Following this, briefings, discussions and trainings were carried out for all those involved in the implementation of CSO based on zones throughout the country. The Curriculum was designed and professional training module for the CSO officers were conducted with local universities such as Science University Malaysia. After a year of implementation, the management of the CSO in Malaysia invited its counterpart in Singapore for a CSO joint seminar in 2009 to verify on the implementation aspects and

progress of Malaysian' CSO. In addition, Malaysia had also adopted and modified Singapore's CSO form for assessing the implementation of CSO, that is, *PKM Form 18* to suit the Malaysian contextⁱⁱ.

According to Baljit Singh Sidhu (Member of the Malaysian Bar Criminal Law Committee) the committee deliberated extensively on the CSO as an alternative punishment since the passing of the Criminal Procedure Code (Amendment) Act 2006, and fully supported making CSO a preferred alternative punishment.

Community Services in Malaysia is defined as “any work, service or course of instruction for the betterment of the public at large and includes, where the works performed involve payment to the prison or local authority”.^{iv} The offences punishable by a Community Service Order are a first time offence and a lesser offence. A CSO begins when the court imposes a CSO on youthful offenders who are guilty of either a legal crime, traffic or other minor offences. In line with the three main objectives of CSO, the main goal of community service in Malaysia with regards to juvenile and youthful offenders is to rehabilitate and develop positive attitude, behaviour and competency in order to enable them to become responsible and useful members of the society upon their reaching adulthood (Samuri, 2012).

2.9.1 The CSO Cases in Malaysia

The first warrant of Community Service Order in Malaysia was issued by a Magistrates Court in the Central District of Melaka on March 13th, 2008, involving a young offender aged 19 years who was sentenced to a total of 200 hours of CSO which commenced from 24th March 2008 to 25th May 2008 (Welfare Department of Malaysia, 2011). Since its launch in 2008, there have been a total of 1106 cases handled by CSO departments in the 15 states in the country, the bulk of which originated from Kuala Lumpur with 186 cases, followed by Selangor which had 131 cases. Out of the total number, 1077 were male offenders while 29 of the offenders were females. During this period, 42 trainees had completed the sentences while another 1064 trainees were still serving the CSO. The territory of Labuan was recorded to have the least number of

^{iv} Ref: Briefing notes on CSO from legal perspective and Implementation 09/03/2009)

cases (2), followed by Perlis (25 cases) and Melaka (27 cases) respectively. Sarawak recorded 37 cases, the fifth lowest for the particular period. Table 2.1 below further illustrates the statistics on CSO in Malaysia.

Table 2.1: Statistics on CSO in the different states in Malaysia since 2008

States	Number of Cases			Completed CSO	Serving the CSO
	Male			Females	Total
Perlis	24	-	25	1	25
Kedah	83	2	83	2	85
P. Pinang	89	6	84	1	90
Perak	75	1	74	0	75
Selangor	127	7	124	4	131
K. Lumpur	178	1	185	8	186
N. Sembilan	65	1	65	1	66
Melaka	27	1	26	0	27
Johor	61	-	61	0	61
Pahang	104	4	102	2	106
Terengganu	85	11	76	2	87
Kelantan	35	-	35	0	35
SARAWAK	34	3	34	3	37
Labuan	2	1	1	0	2
Sabah	88	4	89	5	93
Total	1077	42	1064	29	1106

The number of CSO cases was expected to increase dramatically following the amendment of the National Service Training Act passed in the National Assembly on July 6, 2009 which allows for the CSO to be imposed on those youths who failed to report and attend the National Service Training.

2.9.2 Placement of the Youthful Offenders

In Malaysia, the youthful offenders would be required to perform community work at specific locations including the maintenance of public buildings, landscaping, maintaining cleanliness and hygiene of leisure and recreation areas such as the playground, field maintenance, minor repairs, housekeeping, catering, maintenance of the mosque, assisting in the self-management of the residents or inmates and other work as required. These activities are conducted at 47 institutions of the Social Welfare Department, such as at the Centre for Rehabilitation in the Community, a rehabilitation centre for children with disabilities to exercise and have their therapies, Children's Activity Centre, and at the District Social Welfare Offices. The location for conducting the CSO is now extended to the Local Authority (PBT), and had been agreed by the following state municipalities: Kuala Lumpur, Selangor, Pahang, N. Sembilan, Penang, Johor, Sarawak, Sabah, Kelantan, Perak, Labuan and Malacca. The CSO execution in the case of default candidates for National Service Training Programme was supposed to start in 2011.

2.10 Summary

The renewal and continuous expansion of the Youth Justice System in the western countries, particularly in England and Wales, indirectly has had an effect on the reformation of penal systems in other non-western countries, too. The adoption of the policy has given more space and attention for the indigenous developments of crime prevention and the criminal justice systems. Programmes of restorative justice, community policing and crime prevention and situational crime prevention were implemented in many countries and in different cultures, but it became more obvious that the processes of transport and implementation were in many ways shaped by the

specific cultures of countries that were involved in this process as ‘exporters’ as well as ‘importers’ (Karstedt 2001, Karstedt 2004: 17-18).

As suggested by Yeates, (2000) globalisation is always only one among the many influences on policy, and the key issue is how they are experienced in different context. Hence, this research is interested in finding how the key actors, the youthful offenders or trainees on one hand, and the staff and supervisors of CSO on the other, make sense, understand and comprehend the CSO programme and the meaning they gave to their experiences with the imported system. Research has shown the importance of politics and political culture in determining any policy development. Melossi (2000:144) for example, stressed the role of culture on the influence of any decision and action. Newburn and Spark, (2004:10) agreed with Melossi’s (2000:144) when they said ‘generally speaking any term even the simplest is embedded within a cultural context, or milieu, that gives it its meaning’ and this is particularly clear through the use of the term ‘youthful offenders’ of CSO as the ‘pelatih’(trainees) in Malaysia.

The literature review above provides some significant and useful insights on the development and issues surrounding Youth Criminal Justice, especially in England and Wales. Concurrently, the literature also provides the history of the community sentences and its derivatives; the Community Service Order, and its constantly changing names in the British Criminal Justice System. Interestingly, the literature has also explored the nature of the policy and how it has travelled and has influence in other parts of the world, particularly in South East Asia, and specifically Malaysia, and how the Malaysian Government has adopted and adapted CSO. In addition, the most salient question is: how do the users in Malaysia interpret their experience with the new sentence and the meaning they give to it. Secondly, how effective has CSO been in rehabilitating the young offenders, and how far the CSO experience could help offenders prepare for life after probation. This is the key questions that emerge for further exploration in this research. The rationale for doing the research in Sarawak is even more valid as it is has just been introduced there.

The next chapter, Chapter Three, will discuss the method of collecting data from the users of this new system; the trainees and the ex-CSO trainees or the youthful offenders and also, the management and the supervisors of the CSO through a multi-method

approach, focusing mainly on using in-depth and semi-structured interviews. An open-ended questionnaire provides supplementary data.

CHAPTER THREE: METHODOLOGY OF THE STUDY

3.1 Introduction

This chapter describes the processes of data collection from the trainees and the ex-CSO trainees subject to a Community Service Order (CSO) and also from the staff, social workers and supervisors working under the CSO in various states in Malaysia, particularly in Sarawak. It also discusses the philosophy and rationale of methods employed and the methodological challenges encountered during the field work undertaken in Sarawak and Kuala Lumpur between March and October 2010.

As a newly introduced programme, the implementation of CSO in Malaysia is relatively unexplored by academics. The most credible source of background information was obtained from the Social Welfare Department of Malaysia, under the Ministry of Women, Family and Community Development based in Kuala Lumpur. At the state level CSO is under the responsibility of the Director of State Welfare Department in Sarawak. Collecting data for this study involved close and intense communication with the aforementioned Departments and Ministry concerned.

In view of its novelty, a single method of data collection was felt inadequate to garner a comprehensive understanding of the programme. Therefore, this study used multiple data sources collection such as in-depth interviews, direct observation, open-ended questionnaires, and document analysis on the backgrounds of the CSO in Sarawak. This exploratory study provides a unique opportunity to investigate the views and opinions of those under the CSO as well as those responsible for its enforcement.

3.2 The Rationale for Using Qualitative Methods

Van Maanen (1983), cited in Easterby Smith *et al.* (2004), defined qualitative methods as an 'array of interpretative techniques which seek to describe, decode, translate, and otherwise come to terms with meaning, not the frequency, of certain more or less naturally occurring phenomena in the social world' (Van Maanen, 1983: 9). Other

researchers such as Flick, (1992, 2002), Brewer and Hunter, (1989) Denzin and Lincoln, (1994), are of the opinion that qualitative research is inherently [multi method] in nature which gives ‘rigor, breadth, and depth to any investigation’ (Flick, 1992: 194; Flick, 2002: 229).

Denzin and Lincoln (2008) provide a generic definition of qualitative research as consisting of a set of interpretive, material practices that make the world visible and transform it into a series of representations, through the use of field notes, interviews, conversations, photograph, recordings, and memos to the self. Analogously, Berg (1989) feels that qualitative procedures provide a means of accessing unquantifiable facts about actual people. In some cases researchers can gather information about individuals as reflected and represented by their personal traces (such as letters, photographs, newspaper accounts, diaries, and so on). As a result, qualitative techniques allow the researcher to share in the understandings and perceptions of others and to explore how people structure and give meaning to their daily lives (Berg, 1989: 6). The participants’ subjective experiences are most appropriately understood by getting first - hand information directly by talking and listening to their stories and perceptions. The researcher attempts to make sense of, or interpret, phenomena and their behaviour in terms of the meaning people give to them (Denzin and Lincoln, 1994: 2; Denzin and Lincoln, 2008: 4).

There are a few reasons that lend support for the choice of qualitative methods in this study. First, this study is exploratory in nature whereby it seeks to captures the perceptions and experiences of the youth undergoing the CSO and the officers implementing it. The philosophical roots of qualitative methods emphasize the importance of understanding the *meaning* of human behaviours and the social-cultural context of social interaction (Patton, 1987: 20, Denzin and Lincoln, 1994), hence qualitative researchers seek answers to questions that stress how social experience is created and given meaning (Denzin and Lincoln,2008). This includes developing an empathetic understanding based on the subjective experience of the people studied, understanding the connections between personal perceptions and behaviour and portrayals of the world as understood by the respondents. In undertaking research on people undergoing a programme Patton (1987) suggests:

“... The major way in which the qualitative evaluator seeks to understand the perceptions, feelings and knowledge of people in programs is through in-depth, intensive interviewing.”

(Patton, 1987: 11)

Similarly, Jones (1985: 45) viewed the main reason for conducting qualitative interviews is to understand how individuals construct the reality of their situation formed from the complex personal framework of beliefs and values, which they have developed of their lives in order to help explain and predict events in their world (Jones, 1985: 45 cited in Easterby-Smith, *et al.* 2004: 87).

In the context of this study, the trainees were interviewed and observed at the site where they carried out their order, and at the location where their programmes and activities were held in order to gain insight into their experience (Easterby-Smith *et.al.* 2004). This is enhanced by the fact that qualitative studies aim to provide illumination and understanding of complex psychosocial issues and are most useful for answering humanistic 'why?' and 'how?' questions (Marshall 1996:522).

Secondly, this research project also aimed to explore the insight and experiences of those practitioners working with the system. The Malaysian CSO is based on Singapore's model implemented in 1996, and is definitely influenced by the model of the international system. Patton (1987) argued that because a process of adaptation to local conditions and needs characterise programme implementation and interests, the methods used to study implementation must be open-ended, discovery oriented and capable of describing developmental processes and programme change. Qualitative methods are ideally suited to the task (Patton, 1987: 28). In addition, the qualitative text data in the form of open-ended survey responses are often elicited in organisational research to gather new information about an experience and to explore different dimensions of respondents' experiences (Sproull, 1988), and provide details in the employees 'own words' (Jackson and Trochim, 2002) on CSO and its organisational challenges.

3.3 *The Appreciative Inquiry (AI) Approach*

The design of the questionnaires and the interview guide used in this study was influenced by the philosophy of Appreciative Inquiry (AI). The AI approach was chosen for several reasons: first, the positive principles it imbued, and second as an outsider (or student researcher) coming to an organization implementing a new programme. Even though this study is not an evaluation of CSO per se, in order to obtain cooperation and maximum information on the subject matter, as an outsider the researcher feels more confident to illicit information and data from the officers and supervisors of CSO emphasizing on the strength of the subjects as well as dwelling on their positive experiences with CSO. Despite exploring and emphasizing on the positive, this approach does not hinder the flow of information that pertains to problems and challenges they encountered in carrying out CSO. This is made possible as AI works under the following key principles: the Constructionist Principle; the principle of Simultaneity; the Anticipatory Principle; the Poetic Principle; the Positive Principle and the Wholeness Principle.

First, the Constructionist Principle deems that words create worlds, whereby, what we believe to be real in the world is created through our social discourse. Secondly, the principle of Simultaneity considers that change begins the moment we ask questions. Third, the Anticipatory principle asserts that images inspire action, while our behaviour in the present is influenced by the future we anticipate. Fourth, the Poetic principle stipulates that we can choose what we study. Therefore, using story telling or collecting stories as a way of gathering holistic information either on fact, experience or feeling is appropriate to this approach. The Positive principle is manifested by asking positive questions so as to lead to a positive change. A positive approach is as valid as a negative or deficit-based approach which forms the basis for learning, and finally, the Wholeness principle which brings out the best. Using a whole systems approach could stimulate creativity, commitment and help in capacity-building at every level (Mohr and Watkins, 2001).

Inspired by these principles, both the interview guide and the questionnaire used have adopted the holistic and positive principles that were imbued in the Appreciative Inquiry framework of Discovery, Dreams, Design, and Destiny cycle (the 4'Ds cycle) to

explore the positive experiences, dreams, and aspirations of the individual trainees and the institutional aspirations of the practitioners of this system in this study. The application of AI takes place in four stages: discovering, dreaming, designing, and delivering.

1. Discovering: finding out the best and most positive experiences participants had in their organisation.
2. Dreaming: thinking creatively about the future.
3. Designing: designing plans for the future which reflects participants' views of good practice and visions. This phase involves producing provocative propositions, which are statements about what the participants want to achieve.
4. Delivering: the energy moves toward action planning, working out what will need to happen to realise the provocative propositions. The four stages of AI are shown in Figure 3.1 below.

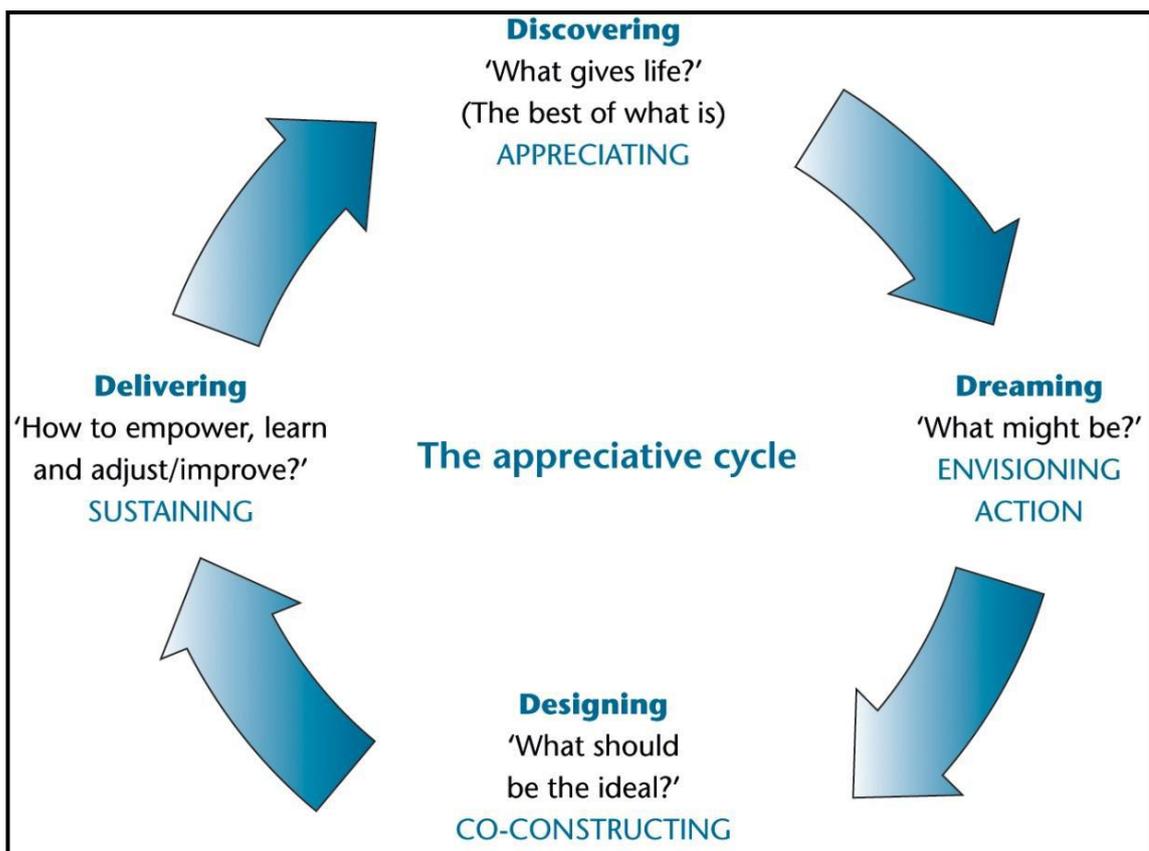


Figure 3.1 The 4 Stages of Appreciative Inquiry

Cooperrider, D.L. and Srivastva, S. (1987).

However, having stated the above, it is important to emphasise that the Appreciative Inquiry protocols would serve simply as a philosophical frame rather than a literal mode of inquiry for this study. The contexts where AI has been more fully adopted to criminological research tend to be firmly focused upon institutions with historically established occupational or professional cultures such as in prisons (Leibling, Elliot and Arnold, 2001). Given the relatively recent adoption of the CSO in Malaysia and an absence of a Probation Service, a strict or formal adoption of AI was deemed inappropriate to the research, although its philosophical strength as an ideology was influential to the methodological approach taken in this study.

3.4 *The Research Respondents*

3.4.1 *The Trainees and the ex-CSO Trainees*

In line with the Wholeness Principle, the study includes both users of the system; the trainees subjected to the sentence, and the staff and supervisors responsible for the supervision of the trainees and matters related to the implementation of CSO. The trainees are those youthful offenders subjected to the CSO sentencing for committing various violent crimes for the duration of not more than 240 hours at various Welfare institutions and also municipalities in Sarawak particularly within the capital city of Sarawak, in Kuching. To achieve a more comprehensive view of the systems studied, the study includes the ex-CSO trainees who had completed their sentences a year or two prior to the commencement of the fieldwork. Altogether, twenty trainees and ex-trainees were interviewed, comprising of eleven current trainees and another nine ex-CSO trainees.

3.4.2 *The Staff and Supervisors of CSO*

To gather opinions, and also an insight into the experiences of those practitioners working with the CSO, and also to verify the information provided by the trainees, this study has included the staff and supervisors of CSO in Kuching, Sarawak. This was extended to CSO staff and supervisors from other divisions in Sarawak, and from other

Malaysian states such as Sabah, Federal Territory of Labuan^v, and finally, the management staff of CSO at the headquarters in Kuala Lumpur. Altogether, there were thirty-three respondents of this group comprising the CSO staff in various positions.

3.4.3 Sample Selection

This study used purposive sampling to select subjects for the research. At the time the study was conducted, there were no other groups that could provide an elaborate in-depth knowledge on this subject except the recipients and the users of the system. Hence, these selected participants, were considered as the most appropriate people to be interviewed. This type of sampling is congruent with a statement by Patton (1987) on the power of purposely sampling in selecting information-rich cases for in-depth study whereby one can learn a great deal about issues of central importance to the research.

Due to the limited number of participants in Kuching, the researcher sought to supplement the purposeful sampling with the use of maximum variation sampling through the inclusion of trainee and ex-trainees from other districts of Sarawak in this project. The use of maximum variation sampling was necessary to capture and describe the central themes or principal outcomes of the study, as discussed by Patton (1987).

In addition, the snowballing approach or chain sampling (Marshall, 1996) was used to locate and invite participation among the *ex-trainees* who have completed their terms. The latter was facilitated with the assistance of officers at the Welfare Department where formal records on individuals subject to CSO are housed.

According to Marshall (1996), qualitative researchers recognize that some informants are 'richer' than others and that these people are more likely to provide better insight and understanding of the system. It may be advantageous to study a broad range of subjects (maximum variation sample), outliers (deviant sample), subjects who have specific experiences (critical case sample) or those with special expertise (key informant sample) (Marshall, 1996: 524). This study specifically involved youthful trainees of CSOs whose age ranged between 18 to 21 years as stipulated in the Order.

^v Sarawak, Sabah and Federal Territory of Labuan are amongst the 14 states that make up Malaysia.

The initial plan of this study only involved the staff and supervisors of CSO in Kuching, Sarawak. The choice was based on the *trainees'* locality. However, the research was also able to include some representation from supervisors from other divisions in Sarawak, Sabah and also the Federal Territory of Labuan who were interviewed whilst attending a national Therapeutic Skills Course in Managing CSO Cases.

3.4.4 Access to the Respondents

Many researchers involved in studying young people consider the institutionalised structure of the organisations involved presented them as a relatively captive research population. (Hazel 2000:46 citing Rae and Fournier 1986, cited in Koocher & Keith – Spiegel 1994:48) Thus, the current *trainees* in this study were considered as ‘captive samples’, at least within the period they underwent CSO. However, it may also be argued that these researchers’ prompt of such “*captive*” populations as “*easily accessible*”, fails to acknowledge the power of the official gatekeepers who exert control over these institutions and others with substantial protective influence over them (Hazel, 2000: 46). Consent was also granted by the research participants, who, even though in the position of ‘captivity’ had all shown their interest and had agreed to participate ‘voluntarily’ considering they had been briefed on their right to withdraw from the study anytime during the course of the research. The Explanatory text and the consent form that were given to the participants prior to the interviews are included in Appendix 3.1.

However, with respect to the staff and supervisors of the CSO, a visit and an approval letter from the higher management of CSO at the headquarters facilitated interaction with the participants (See Appendix 3.2 for letter of Approval from the Welfare Department Malaysia).

3.4.4.1 Negotiations with the Gatekeepers

Negotiating access for this study presented several obstacles. There were three main gatekeepers to be dealt with in order to gain access or *getting in* (Shaffir, et al., 1980;

Berg, 1989). The formal gatekeepers were the State Welfare Department in Sarawak, the Social Welfare Department in Kuala Lumpur and the Economic Planning Unit of the Prime Minister's Department in Malaysia. Approval from the latter was deemed necessary as the study is conducted by a scholar registered at a foreign university. Previous experience served as a reminder of the need to establish a cordial relationship with the gatekeepers' organisation first, by giving them a call followed by email before submitting a formal letter. This order has to be observed. The vast difference in time zone became one of the major factors that affected communication with the Malaysian contacts.

The Research Promotion and Co-ordination Committee, Economic Planning Unit, Prime Minister's Department gave the approval in January 2010, while approval from the Department of Social Welfare Malaysia was received in February, 2010. A separate application to conduct research in Malaysia was submitted directly to EPU website with all the required attachments before the approval letter was released with Ref: UPE: 40/200/19 dated 22 January 2010 (See Appendix 3.3).

This confirmed the verbal support assured by both the agency heads during the first visit at *Wisma Kebajikan* in Kuching on 3rd September, 2009, and the CSO Headquarters in Kuala Lumpur on 11th September 2009.

Before the actual data collection was carried out the researcher made a serious commitment to meet and establish a relationship with the gatekeepers to show courtesy and appreciation for the approval given to this study, and to explain more clearly about the project, especially the methods used to collect data from the participants. The management team voiced their support for this study.

3.5 Ethical Considerations

This research received approval from the University of Salford Research and Governance Ethics Committee (R&GEC) concerning the right to confidentiality and anonymity of the subjects researched, besides data protection and destruction of confidential data at the conclusion of the study.

This study also complies with the Code of Conduct stipulated by the Research Promotion and Co-ordination Committee, Economic Planning Unit, Prime Minister's Department of Malaysia with the issue of a research pass with six months validity which had to be returned to the EPU on completion of the research. Furthermore, in keeping with the ethical requirements of the researched agencies, an agreement was made with the Malaysian Welfare Department in ensuring the anonymity and confidentiality of the participants and agencies involved. Finally, this research also complies with the rules and regulations stipulated in the British Society of Criminology's Code of Ethics.

3.6 The Fieldwork 1: Collecting Data and Interviews with the Trainees

The fieldwork was carried out into two phases. The first phase which took three months between March to May 2010 involved the collection of data from Welfare officials about the background of CSO, followed by the formal interviews of trainees and ex-trainees of CSO in Sarawak. The second phase comprised of collecting data from the officers and supervisors of CSO during field work 2 which took place from 10th October until 28th November 2010.

3.6.1 Identifying and Tracking the Trainees

The list containing particulars of the *trainees* undergoing CSOs was acquired months earlier from the coordinator of CSO in Kuching before the fieldwork. Initially the interview was to be conducted with at least 25 *trainees* from this group as stated in the proposal. However, the subjects were no longer available for the study. Only 16 trainees throughout the state of Sarawak were made available to the researcher. Only four of whom had carried out their order in Kuching, where the research is based. The rest of the *trainees* were scattered across Sarawak, the biggest state in Malaysia, which made them geographically and financially beyond the reach of the researcher.

There were some initial problems to locate subjects who had completed their sentence, while the impending participants were either at the appeal stage or waiting to be assigned. There seemed to be a 'vacuum' at Kuching with regards to the *trainees*

undergoing the CSO sentences. This obstacle prompted the researcher to extend the scope of the sampling by going beyond the initial plan of the study to include the *trainees* from other districts outside Kuching. This suggestion was put forward to the key contact person who later contacted the supervisors at the other two districts. A date for the meeting-cum-interview was agreed. Prior notice was necessary in some cases as the *trainees'* attendance was very much contingent upon the availability of the Department's vehicle to take them to their station.

Similarly, a list of the ex-CSO trainee's with their address and contact details were also obtained from the Department's key informant. However, only a few of them could be contacted and the rest could not be traced either because their contact details had changed or they have worked and moved to other locations. Here, the snowball or chain sampling approach was used to locate information-rich key informants or critical cases (Patton, 1987:56). Finally, the study managed to include a total of twenty *trainees* and *ex-trainees* who were predominantly males with only one female. The likely reason for few female presences could be due to the fact that most female juveniles were subjected to other kind of institutionalised rehabilitative centre in the country, such as Taman Seri Puteri, and they were charged with different types of offences that do not subject them to CSO.

The interviews were normally conducted after at least an hour of observation was made in the field. An average of two interviews per day was conducted, each lasting approximately 2 hours. The interviews took place between 9 am and 3 pm at the worksite. This routine continued for the rest of the fieldwork.

3.6.2 Interviewing the *Trainees'*

3.6.2.1 *The Interview Guide*

A semi-structured interview guide was developed and used to help gain insights and understanding of the backgrounds and experiences of the *trainees*. As discussed earlier, the interviews for the youthful *trainees* employed affirmative questions, which imbued positive elements such as those used in the Appreciative Inquiry framework of 4 D's

cycle in the interview questions. The interview guide for both the CSO *trainees* and the practitioners are shown in Appendix 3.4 while the interview questions for the *trainees* are shown in Appendix 3.6.

In the Discovery Stage, the researcher explored the reasons why the participants were assigned to CSO and their perception of CSO. The areas covered are their understanding of CSO, its objectives and also their perceptions of the programme. The researcher further explored their feelings when they were carrying out the Order. Beyond the CSO, the researcher also explored the participants' most memorable experiences at any period of their lives which include their current experiences with CSO. They were asked to relate what they see as the positive aspects of their work and why they enjoyed it. It was at this stage that participants were asked about their relationships with their supervisors, other social workers and other '*trainees*' and their perceptions of them.

In the Dream stage, the participants were encouraged to visualize how they could make the best from their experience, their wishes, and their preferences and if there are things they would rather not undergo. They were also asked to imagine an ideal world' or a desired community if they have a free choice and how they could best contribute to the community.

The Design Stage required the participants to integrate their wishes for the future with their plans. Among the questions posed were "What they could do to take charge of their own lives now and after the CSO?" and what might be the best method to harness and develop their potential and that of other young people generally?"

Finally, in the Destiny or the Deliver phase, participants tried to align with the aspirations of the participants in the Dream stage, whereby they shared their 'plan' to realize their dreams of the future. The participants were asked how they could contribute to the overall effectiveness of community sentencing system and sustainable community development in their area, what they could do to realize that future and what was needed to make the dreams and ambitions come through.

The interviews also collected demographic data such as age, ethnicity, place of birth, type of offences and sentences, date of sentences and the places or institutions where they carried out the order. The sample of the interview guide is as shown in Appendix 3.5.

Semi-structured in-depth interviews as described by Patton (1987:108) involved asking open-ended questions, listening to and recording the answers and then following up with additional relevant questions. Each interviewee was asked these predetermined questions but interviewers have the freedom to digress; that is, the interviewers are permitted (in fact expected) to probe far beyond the answers to their interview protocol (Berg, 1989: 17).

According to Berg (1989), the questions used in a semi-standardised in-depth interview can reflect awareness that individuals understand the world in varying ways. Researchers thus approach the world from the subject's perspectives. Carpenter *et al.* (1988) utilised in part a semi-standardised interview schedule to conduct study on adolescents' involvement in alcohol, drugs, and crime (Cited in Berg, 1989: 17). Chui, *et al* (2003) also used in-depth interview data to investigate the subjective views of young adult trainees, regarding their experience of a police-probation initiative in the south-west region of England under (the) Addressing Repeat Criminality (P) project.

3.6.2.2 The Use of Empathetic Interviewing

This study elicited the views of the current and *ex-trainees* through empathetic interviewing. According to Reinharz (1992), this approach provides a greater spectrum of responses from the participants, and consequently, a greater insight into the lives of the respondents '*to avoid the hierarchical pitfall*' (Reinharz, 1992:22). This approach supports the sequencing and language of the interview, while allowing the participants the freedom of open-ended responses (Oakley, 1981; Reinharz, 1992; Smith, 1987 cited in Fontana & Frey, 2008: 137).

In the interviews, the participants shared their life stories: their backgrounds, why they underwent the CSO, their understandings and their comprehension of the meanings and

purposes of the CSO; their impressions and feelings being in this order; whether they gained anything useful or learned anything new and the things they value most whilst serving the CSO. The participants also shared their perceptions with the social workers who supervised them. In addition, this study also explored the ambitions and aspirations of the youths, their hopes for the future and their ideas about how they might achieve their ambitions, what they expect from the community and people around them, and their plans to achieve their dreams.

The participants shared their most memorable experiences in life the time they felt at their best, and the most interesting experience they ever encountered at any stage of their lives such as during their childhood, school days, their present times in CSO; or after completing it. This information was gathered through active conversation with both the youthful trainees and the ex-CSO trainees. Similar research carried out by Chui *et al* (2003), also discovered that allowing the respondents to speak, and listening to their voices is an excellent and powerful method to give a better understanding of the probationers' perception of their probation experiences and views on the usefulness of the crime reduction project (Chui *et.al*, 2003:263).

3.6.2.3 The use of Critical Incident Technique

Some elements of Critical Incident technique (CIT) (Easterby-Smith *et.al*.2004:95-96) were used in conjunction with the in-depth interviews with both the current *trainees* and the *ex-trainees*. The CIT method is especially useful when the topic being researched has been sparingly documented (Grove and Fisk, 1997), as an exploratory work to increase knowledge about a little-known phenomenon, or when a thorough understanding of a phenomenon. Bitner, Booms, and Tetreault (1990), Chell (1998) described the CIT method as a qualitative interview procedure which facilitates the investigation of significant occurrences with the objective to gain understanding of the incident from the perspective of the individual, taking into account cognitive, affective, and behavioural elements.

Critical incident techniques were applied widely in eliciting data from the ex-CSO trainees, especially with regards to their previous experiences undergoing CSO sentencing, which included their reflections on the system and the supervisors.

Using this technique the respondents were required to describe significant events, incidents, experiences or occurrence they have had (Gremler, 2004:66). This technique complimented the method used for the current study for the following reasons. First, it can be adapted easily to research seeking to understand the experiences encountered by informants (Burns, et.al. 2000). Secondly, the data collected was from the respondent's perspective and in his or her own words (Edvardsson, 1992). In particular, the respondent accounts will be rich in details of first hand experiences (Bitner, et.al. 1994). Third, this method therefore can provide a rich set of data (Gabbott, 1996). This approach also allows respondents to determine which incidents are relevant to them for the phenomenon being investigated. As in the Discovery phase, the respondents were asked to recall particular instances in their personal lives or while serving CSO. Finally, with the CIT method, there is no preconception or idiosyncratic determination of what will be important to the respondent (de Ruyter, et.al. 1995). The context is related entirely from the respondent's perspective (Chell, 1998).

This technique became a major representation in the interaction with the *ex- trainees* who have left the system for quite some time (Easterby-Smith et.al.2004:96). During an interview, respondents were simply asked to recall specific events in their lives, and a detailed account of their own experiences in their own terms and language (Stauss and Weinlich, 1997). The interview transcripts of the current '*trainees*' were shown back and explained to them for confirmation and for some, the interview notes taken contemporaneously during the interviews were recapped with them for confirmation. The latter was used for the *ex-CSO trainees* for there was no guarantee that we could have a second chance to meet before leaving the field.

In general, qualitative interviewing focuses on increased attention to the voices of the respondents (Marcus & Fischer, 1986), the interviewer-respondent relationship (Crapanzano, 1980), the importance of the researcher's gender in interviewing (Gluck & Patai, 1991), and the role of other elements such as race, social status, and age (Seidman, 1991), (Fontana & Frey, cited in Denzin & Lincoln, 2008: pp 123-124).

3.6.3 The Role of the Researcher

After successfully negotiating access, the role of the researcher was clarified. This entails that the researcher who can move around, observe, interview and participate in the work as appropriate' (Easterby Smith et.al. 2004:112). Some factors concerning the researcher's biography became useful and integral to the interview process. She was perceived as an elder with a mother-figure. The researcher was also known to the participants as a teacher. These roles provided me with significant advantages in getting the confidence of the participants. I approached and addressed the *trainees* as I would my own children because of our age difference. At times the *trainees* were addressed as 'yang' which is a short way of saying 'love' or 'sayang' in Malay, or sometimes as 'deng' or 'dik' that derives from 'adik', which means a younger brother or siblings, and 'nak', which signifies 'son'/daughter'. I believe my biography and approach help to create rapport with the *trainees* and collect more detail information. This position also helped to eliminate anxieties and certainly reduced barriers between myself and the *trainees*. However, although my biography enabled me to create a 'friendly' atmosphere it could also have presented a barrier to rapport. For example, whilst it is noteworthy that the young respondents identified me as a 'mother-figure', would they necessarily confide all personal experiences to such a person? In other words, the researcher's biography enabled some opportunities and exchanges whilst preventing others. I might perceive that I was accepted in good faith but some of my respondents might not have told the 'truth' or were hiding something from me due to the 'mother-figure' image that I portrayed. However, some of the participants such as the *ex-trainee*, Ady, seemed comfortable sharing his experiences about taking drugs and sobbed while relating his father's behaviour. With regard to the interview method, Fontana & Grey (1994) discussed:

"... To learn about people we must remember to treat them as people, and they will uncover their lives to us. As long as many researchers continue to treat respondents as unimportant, faceless individuals whose only contribution is to fill one more boxed response, the answers we, as researchers will get, will be commensurable with the questions we ask and with the way we ask them...The answer must be asked person to person if we want it to be answered fully".

(Fontana & Frey, 1994: 374).

The interview followed the “breaking the ice” traditions to begin the conversation, followed by an introduction of the project and at the same time explaining their rights as participants of the study. To show their consent, the participants put down their signatures on the form provided, then filled in their demographic details. This process was later integrated as part and preliminary of the interviews as the researcher gradually engaged in a “real” conversation with the participants, with an unconditional spirit of ‘give and take’ and shared empathetic understandings (Fontana & Frey, 2008, cited in Denzin & Lincoln, 2008:139) which later on proved to be more effective.

It is a traditional norm and still practised in the Malay community to show respect and high regards to the elders and accept them unreservedly; likewise, the elders treat the young with trust and are accountable to them. Therefore, interviewing in this study involved a two-way active interaction between two persons, a supportive elder and younger person. The researcher’s background helped to create awareness among the youths on the good and noble values in the culture through active but cordial interactions to elicit the real feelings of the participants. (As a short fishing line will not be able to “catch a deep sea fish, analogously a short *pseudo conversation* will ever reveal or uncover the deeper ‘truth’). Fontana & Frey (1994) commented on a typical interview format whereby there exists a hierarchical relation, with the respondents being in the subordinate positions while the interviewers are instructed to be courteous, friendly, and pleasant to gain the trust and confidence of the respondent without reciprocating in any way. The authors further stated:

“What seems to be a conversation is really a one-way pseudo-conversation, raising the ethical dilemma of studying people for opportunistic reasons.”

(Fine, 1983-1984, cited in Denzin & Lincoln, 1994: 369)

The role of a teacher in the Eastern culture does not limit the discussions of values to a specific race or religion and, is shared casually with the rest of the *trainees*. I, therefore, participated actively in the ‘interview-cum-conversations’ with the subjects. Thus, the purposes of this interview were not only to listen purely from a neutral position to what the interviewee said and shared but also to communicate beliefs and opinions responsibly with openness and good intentions in mind. It should be stressed that there was no intention to place the researcher as the centre of the research process with a

controlling role over the participants. After all, as argued by ‘Vidich and Lyman (2000), throughout the history of qualitative research, qualitative investigators have defined their work in terms of hopes and values, “religious faiths, occupational and professional ideologies” and like all research has always been judged on the standard of whether the work communicates or ‘says’ something to us” (Vidich & Lyman,2000:39). Furthermore, as Flick (2002:2) stated:

“...instead of starting from theories and testing them... knowledge and practice are studied as local knowledge and practice”.

3.6.3.1 The Image of the Researcher

Qualitative researchers emphasise the importance of the participants’ first impression of the researcher because after one’s presentational self is “cast” it leaves a profound impression on the respondents and has great influence on the success (or failure) of the study (Denzin & Lincoln, 1994). Given the relatively brief period of time to interact with the subjects, while ensuring ease and free flow of uninhibited information, it was crucial that the most effective ‘atmosphere’ or rapport was established as soon as possible. As such it was of primary importance to consider and attempt to manipulate positive factors relevant to the participants’ ‘first impressions’ of the researcher (Measor, 1985:62; Hazel 2000:51).

Similarly, Jones, (1985:50) pointed out that interviewees will ‘suss out’ what researchers are like, and make judgements from their first impressions about whether they can be trusted and be told everything or whether they might be damaged in some way by data that could be so used. Such suspicion could result in respondents viewing the researcher as somebody who simply wants to:

“... seek to get the interview over as quickly as possible, with enough detail and enough feigned interest to satisfy the researcher that he or she is getting something of value but without saying anything that touches the core of what is actually believed and cared about in the research”.

(Easterby-Smith *et.al* 2004: 89-90)’.

In addition Delamont views that dress and appearance would send clear signals to [the] participants about the relationship between the researcher and the researched (Delamont, 1992).

3.6.4 Arrangements in the Field

Interviews and conversations with current trainees and *ex-CSO trainees* were held in a room which had a formal set-up. The *trainees* were interviewed at the site where they carried out the Order while the *ex-trainees* were interviewed in a room at the Department made available for the purpose of this study. The interview room for the trainees was provided with a big rectangular table with three chairs. The researcher sit in an 'L' position to the respondent whereby despite facing each other, still keeping a distance separated from the edge of the table. This position was meant to create a natural setting while at the same time provided ease and comfort to both the researcher and the researched.

3.6.5 Recording of Interview Data

A tape recorder was used to record interview with participants consent. As suggested by Easterby-Smith, *et.al* (2004), the main reasons in favour of using a tape recorder are that it aids the listening process and gives the opportunity of an unbiased record of the conversation. It was further argued that good audio recordings are essential for accurate transcripts and also enable the researcher to re-listen to the interview, so she may well hear things that were missed at the time (Easterby-Smith, *et.al.* 2004: 92). There was no evidence during this fieldwork that the participants were inhibited (Delamont, 1992: 110). The use of a tape recorder allowed ample time for the researcher to maintain eye-contact (Breakwell, 1990:93) and consequently respond to the research participants and concentrate on other tasks (Woods, 1986:81). The tape recorder was switched on and off at the participant's request during the interaction in the field.

In total, interviews had been undertaken with twenty research participants comprising the *trainees* serving the CSO and the *ex- trainees* of CSO. The average interview last between one and a half to two hours.

3.7 *Fieldwork 2: Collecting Data from the Staff and Supervisors of CSO in Malaysia*

Collecting data from the management staff in Kuching started simultaneously with the *trainee* interviews in March 2010. However, it was during the second field work phase that the interviews of the staff and supervisors of CSO were undertaken. The aim of this trip was to interview and collect first-hand information on the practitioners' experiences of working with CSOs, and their perceptions and opinions with regards to the system. This second field work coincides with a Therapeutic Skills Course held at a hotel in Kuching, organised by the departments and facilitated by the key persons from the headquarters of CSO in Kuala Lumpur and attended by staff of CSO from the State of Sabah, the Federal Territory of Labuan and other divisions in Sarawak. The researcher registered for the said course to be able to observe and gather as much information as possible while getting an opportunity to be closer to the rest of the participants.

3.7.1 The Open-Ended Questionnaires Used With the Staff and Supervisors of CSO

The questionnaires aimed to gather new information about the CSO, and to explore different dimensions of respondents' experiences with the CSO. This kind of method is often elicited in research on organisations for similar reasons (Sproull, 1988; Jackson & Trochim, 2002) and was applauded for its ability to capture the diversity in responses and provide alternative explanations to those that closed-ended survey questions are able to capture (Miles & Huberman, 1994; Tashakkori & Teddlie, 1998). In addition, it provides a rich description of respondent's background at a relatively low cost to the researcher, and also in comparison to interviews or focus groups, open-ended survey questions can offer greater anonymity to respondents and often elicit more honest responses (Erickson & Kaplan, 2000). The text data elicited from this questionnaire contains characteristics of shorter "free list" types of text as well as more "narrative" characteristics of longer text documents (Jackson & Trochim, 2002: 309).

The interview guide for the *trainees*, and the open-ended questionnaires for the staff and supervisors were inspired by the positive principles embedded within the framework of Appreciative Inquiry (AI) (Mohr and Watkins, 2001). The positive principles were used for a number of reasons. First, this study is externally-driven for the purpose of an academic exercise, therefore, to gain access and to harness the enthusiasm of the implementer of this new system it was decided that the study would be done holistically and emphasising on just the positive, though there appeared to be some adverse outcomes from the collected data. Secondly, this investigation was made during the infancy stage of the programme, so the positive principles in-built in the questions were expected to garner positive thought and hence rapport, especially with the management staff. Further, it was anticipated that the participants will share their enthusiasm through opinion and vision of CSO.

The open-ended questionnaire consisted of two parts. The first part of the questionnaire (as shown in Appendix (3.7 [i])) elicited some general information about the participants' backgrounds for summaries, comparisons and generalisations while the narrative comments from the participants in the second part meant to provide a forum for elaborations, explanations, meanings and new ideas (Patton, 1987:11). Particulars such as Name, Gender, Scheme of Service and Position, Grade, and number of years in the service, Place of work, Ethnic group, Religion, Academic Background, Qualifications, and Previous Training Related to Job Attended were required from the practitioners.

Within the second part of the questionnaire, the practitioners were questioned on their knowledge of CSO, their opinions and experiences working with CSO (such as the challenges they encountered when dealing with the *trainees*) and also to identify the positive aspects of CSO from their experiences (work context).

Within the third part that is the Dream phase, the participants were proposed to identify 'what worked' effectively while envisioning how CSO can be one of the most effective sentences and make legal contributions to the community.

Fourth, they were asked on achievements of CSO and the future of CSO with respect to the programmes for the *trainees*; management of the CSO and Staff (training); effective

deployment of resources; evaluation for the *trainees*' behaviour and development; areas of improvement such as Research and Development towards the existing practices for the CSOs; evaluating list of given options for CSOs and lastly, 'innovate ways to create future for CSOs and identified promising aspects such as possible extension of the system to other age groups such as white collar offenders, people with special needs for example, the physically and mentally disabled or impaired and women or girls' (See Appendix 3.7 [ii]).

3.7.2 Administering the Open-Ended Questionnaire

A specific slot was allocated on the last day of the course to administer the open-ended questionnaires. Despite the number of population exceeding the target, the key persons were not present during the course. Therefore, separate meetings were arranged with the target group: the supervisors from the First Division, Kuching.

The open-ended questionnaires were printed and distributed individually to all the senior officers of CSO at the headquarters in Kuala Lumpur, the staff of CSO from other divisions in Sarawak, Sabah and Federal Territory of Labuan and discussed in-group with most of the CSO supervisors in Kuching. This took into consideration what was available in the context and what I was able to do in that setting (Denzin and Lincoln, 2008: 5).

As the slot to administer the questionnaires was at the end of the four-day course after the participants had received their course attendance certificates, it was very difficult to retain the participants' attention and to extend their stay for another few hours. However, many of those present were willing to stay. The researcher, therefore, tried very hard to harness their presence by getting them involved in answering the questionnaires in a group while the researcher acted as a facilitator. Not all participants managed to complete the questionnaires, particularly those who had to catch their flights home. For these participants, the completed questionnaires were later sent by email to the researcher. This neutral place was ideal to create a surrounding in which the participants felt relaxed and unthreatened. It was at this venue that some significant

information related to some aspects of CSO (as mentioned in the questionnaires) were shared and discussed.

3.7.3 Collecting Data from the CSO Headquarters in Kuala Lumpur

The interviews with the Director and the management staff of the CSO headquarters were made in conjunction with a visit by the delegates from The Indonesian Consulate and Commission of Child Protection during which a briefing on the CSO was delivered by the Director of CSO and other senior officers from various sections of the Ministry of Women, Family and Community Development. After the function, the researcher managed to collect the completed questionnaires from the staff of headquarters in Kuala Lumpur.

3.7.3 Collecting Data from Key Persons and Supervisors of CSO Kuching

Getting the remaining participants to engage and complete the questionnaires was not an easy task as the officers were occupied with their programme and to get participants to sit together took longer than anticipated. Finally, it was decided that the participants fill in the form individually at their own free time. Half of the participants had had the opportunity to complete the questionnaire while sharing some of their experiences with me on the very first day of the course. Altogether, a total of 31 respondents answered the questionnaire, representing the staff and supervisors of CSO.

3.7.5 Other Activities Observed

3.7.5.1 Attending Closed-Court Session and “Semai Kasih” Programme

During the first field-work visit, I had the opportunity to attend a Closed-Court session involving CSO trainees and the inmates of other custodial /rehabilitation centres following the *Semai Kasih* (Sowing Love) Programme. In addition, I also visited the Home for the Aged in Kuching, attended the briefing of CSO to the delegates of The

Indonesian Consulate and Commission on Child Protection in conjunction with their educational visit to the CSO headquarters in Kuala Lumpur, visited the Children's Home at Cheras, Kuala Lumpur, and finally attended the CSO's supervisors meeting at the CSO branch in Kuching. There was also a programme involving both trainees and parents organised by the department which I attended. Participating in the CSO programmes and activities enabled me to get to know the programme's staff and research participants closely as well as to capture CSO activities in action. The observational data enabled me to understand the programmes which relates to CSO, carried out by the department. All these observations were recorded in an unstructured way.

3.8 Processing of Data

3.8.1 The Trainees' Data

Recruitment of the participants for the interviews was via the probation officers who were aware of the selection criteria and suitable participants. All the data on the *trainees* were collected both in person and sent electronically by an authorised member of CSO staff. The electronic data, sent as an attachment to my email address, was secured by a password only known to myself. The data received was complete with identifying information such as names, identification numbers, case references and others. Unique identification numbers were used to replace the participants' names from the working data files in order to preserve anonymity. A master list was created to facilitate follow-up cases and this was securely locked in a cabinet when not in use. In order to resolve the issues of anonymity during the first meeting with the participants, it was suggested that they chose the names they preferred to appear in this report. A few of the *trainees* wished to maintain their real names in spite of being given the opportunity to remain anonymous. Finally, the identification numbers given earlier were replaced by the pseudonyms. The participants' responses and the interview transcripts were both kept securely in a filing cabinet every time after use for safe storage, whereas the electronic transcriptions were stored on a personal laptop, which was password protected. Backup of these data was stored on a memory stick, also kept securely in the same cabinet. Data obtained from the CSO office that contained identifying information were also

reformatted for the purpose of analysing and reporting, to remove personal identifiers and each case was assigned an identification number and a pseudonym.

3.8.2 Documents on CSO

Primary and secondary sources such as official documents and statistics were obtained from the Federal and State Governments and State policies on social and youth, and the crime statistics from the Royal Malaysian Police. Documents on the background information of CSOs were gathered for the CSO units at both the State and Federal levels. National Policy and other supporting documents on youth were obtained from the Ministry of Women, Family and Community Development, Department of Social Welfare at Federal and State levels, and also The State Ministry of Social and Urbanisation.

Statistics on the crimes which involved young people and youths were obtained from the Malaysian Police Crime Investigation Unit and Social Indicators Bulletin Time Series published by the Ministry of Social and Urban Development, Sarawak. Those documents on the State Social Agenda with regards to family and human resource development, which originated from the National Social Agenda, proposed by The Ministry of Women, Family and Community Development of Malaysia were obtained from those published by the Ministry of Social and Urban Development. The lists and particulars of the research participants, including the social report files of the individual trainees and correspondence with the linked agencies, were gathered from the CSO unit at the State Welfare Department. Presentation notes and the CSO's standard operating procedure (SOP) were obtained from the Department's key contact person and also from the relevant officers.

3.8.3 Transcribing and Translating the Interview Data

Interview data from both the *trainees* and the *ex-trainees* were recorded electronically and supported by some contemporaneous notes as well as observations taken at the time

of the interactions. The interviews were conducted using Malay, the national language. Data from the interviews were then transcribed verbatim before it was translated into English. This was challenging because of the difficulty to get the exact meaning in the English language of the native dialect being used, which was further made difficult by the use of colloquial language. The transcriptions took longer time than the translations. This was later organised together with other field notes and documents from the field in various files as what Roger Sanjek (1990:386) calls ‘indexing’ and David Plath (1990:374) calls ‘file work’.

3.8.4 Analysis of Interview Data

The main sources of data i.e. the interview data were analysed using qualitative content analysis and also using the Grounded Theory approach to gain an understanding of the phenomenon under study (Downe -Wamboldt, 1992). The researcher repeatedly read and skimmed through all the interviews scripts to look for initial codes (stories and experiences) while identifying similar codes and themes which are grounded in the data (Miles and Huberman, 1994; Strauss & Corbin, 1990; Hesse-Biber & Leavy 2006:8). These were done by using coloured highlighters and sometimes stickers. The researcher also added comments and reflections to the codes at the same time looking for patterns, themes, relationship, sequences and differences in the patterns. Thematic qualitative interpretations were constructed (Denzin and Lincoln, 1994; 2008, Hesse-Biber, 2006) after the researcher repeatedly went through the literal and contextual notes of the field texts whilst making sense out of what was gathered and learned (Denzin and Lincoln, 1994:15; 2008:34 and Mason, 1996:54). Each transcript was examined in detail and any perception and opinions expressed by the participants were put in brackets or highlighted. Apparent emerging themes were noted and reviewed constantly. Attempts were made to ensure that the results of the analysis were from the trainees’ perspectives rather than my pre-existing ideas or influenced by the literature. In an attempt to be truthful whilst extracting the meaning of the data, the researcher purposely ‘held on’ to some related readings until the analysis was completed.

“The qualitative approach to interpretation requires the researcher to tend to the text and spent time with the respondent’s words in order to construct a

critical theme that is derived from the perspective of the respondent. The development of themes and thematic categories is a way qualitative researcher tries to extract meaning from their data”.

(Hesse-Biber and Leavy, 2006:8).

A similar approach was used to identify dominant themes from the interview data with the trainees and the ex- trainees, as described by Easterby Smith *et al* (2004).

Despite the software efficiency of doing some tasks for the researcher such as data administration and data archiving, the researcher still preferred being close to the data, playing with the different colours of coded themes and organising the data manually. In addition, the detailed analysis of large amounts of qualitative data is arguably always dependent upon the judgement of the researcher which cannot be substituted (Easterby-Smith *et.al.* 2004:129).

The analysis and presentation of data for this study was based heavily on verbatim quotations, with all audio-taped interviews transcribed in full. The analysis section of the final thesis was constructed directly from the thematic compilations of the data as discussed earlier. Data from the trainees and the ex-CSO *trainees* were analysed earlier than the perceptions and opinions of the practitioners.

3.8.5 Analysing Data from the Practitioners Response on Open-Ended Questionnaires

Despite its significance in helping to collect and obtain insights from the practitioners of CSO at relatively low costs, the open-ended questionnaire as the most elementary form of qualitative data has several drawbacks. The setback of using the ‘*written on*’ open-ended questionnaire in the data collection was related to the writing skills of the persons completing the questionnaire such as when the participants responded briefly on significant questions such as opinion on CSO. Despite satisfactory responses from many of the respondents, there were some who replied only briefly on some items. Nevertheless, as Patton (1987) suggests:

“Yet even at this simple, elementary level of measurement, the feelings revealed in the open-ended comments [of a single teacher] illustrate the power and depth of qualitative data” (Patton, 1987: 11).

Some respondents also did not answer the questions. The limited response length of the survey format forced respondents to express themselves in more of a concise ‘list’ format while at the same time giving them the opportunity to ‘vent’ or explain themselves in a short narrative form. A response typically varied from a few phrases to a couple of paragraphs and represents a wide variety of concepts with varying frequency and detail—a “free list in context” type of text (Johnson and Trochim, 2002: 308).

The analysis of open-ended items of the questionnaire responses was challenging because brief responses as compared to interviewing transcripts or journals are typically sparse (Johnson and Trochim, 2002: 308). Some respondents were more willing or able to express their answers, typically produced different kinds of response. These responses can generate frequent or infrequent mention of topics that may have different level of importance to them (Geer, 1991; Rea and Parker, 1997; Sproull, 1988). Moreover, the questionnaire format did not allow the opportunity for immediate follow-up questions for clarification.

There are two broad methodological approaches in analysing data as suggested by Ryan and Bernard (2000). First, (a) *words* as units of analysis (e.g., keywords in context [KWIC], semantic networks, cognitive maps) versus (b) *codes* as units of analysis (Grounded Theory, traditional content analysis, schema analysis, etc.). This study utilised the latter whereby the structure of analysis for qualitative (data) derived from the data itself, which means ‘systematically analysing it so as to tease out themes, patterns and categories.’ Jones (1987:25) argues that Grounded Theory works because it is derived from the concepts and categories used by social actors themselves to interpret and organise their worlds rather than forcing data within logico-deductively derived assumptions and categories (Jones, 1987, cited in Easterby-Smith et.al. 2004:122).

3.9 Challenges in the Field

3.9.1 Establishing Rapport

As agreed by Davis (1998), physical access to participants would not necessarily translate into social access to them. Achieving physical access to the participants involved in this project was followed by the task of trying to win the social confidence and ease of participants, enough to facilitate data collection (p: 329). The interview with John, for instance, was initially hard not because he was a little bit shy but also due to his difficulty in comprehending my slang. Conversely, I would not have been able to understand John if he had spoke in his own language. Finally, he voiced his preference to communicate using the Malay national language which was sometimes interspersed with the colloquial language. Interestingly, the *mix-up* makes the conversation more natural and unpretentious. John's character also hinders the smooth flow of the interview but I tried as much as possible to make the conversation more cordial and comfortable for him (empathised). According to Butler and Williamson (1994), most children and young people are not accustomed to being encouraged to articulate their opinions in an open and honest way; they consider it to be unimportant to anyone but themselves, a view confirmed by adults around them in their everyday lives (Butler & Williamson, 1994: 37-38 cited by Hazel, 2000:50).

Similarly with another trainee, Nikki, I spent the whole morning at the location establishing rapport and conducting conversation keenly until he seems comfortable. I tried as much as possible to “draw closer” to the level of the respondent and engage in a “real” conversation with a “give and take” attitude and being empathic. This according to Daniels, (1983) will make the interview more honest, morally sound, and reliable, because it treats the respondent as an equal, allows him or her to express personal feelings, and therefore presents a more “realistic” picture (Daniels, 1983 in Frey and Fontana, 1994: 371).

3.9.2 Modification of the Interview Protocol

Another challenge faced during the interviews relates to the use of AI protocols as a guide. The four phases of the guide hampered the natural flow of the conversations. Most of the *trainees* were stuck at the third and fourth phases, such as when asked,

“What could you do now to take charge of your own life?” “What will be the best task/ way/ approach that can harness and develop optimally you and other

young people's potentials?" "How are you going to realise that future?" and "What is needed to make the dreams come true?"

This was obvious with the 'Destiny' and 'Delivery' stages, where both sets of respondents (trainees and practitioners) were unable to comprehend fully the conceptual framing of the questions. We continued with the conversations without adhering to the protocol, letting the spirit of the positive themes to be explored further. The inability of the respondents to comprehend and respond to these questions lay in both the assumptions in AI questioning, and the cultural background of the respondents.

Since this study is qualitative, and as an active participant I am obliged to modify the approach of interactions to endow the research participants with convenient and relaxed conversations to establish rapport whilst at the same time produce meaningful data. Nielsen (1990) noted:

"...The interpretive epistemology is based on the interpretation of interactions and the social meaning that people assign to their interactions" (Nielsen, 1990:7, Cited in Hesse - Biber and Leavy, 2006: 14).

This perspective believes that social meanings were created during interactions (Hesse-Biber and Leavy 2006:15). The researcher has to be more accommodative especially when questions require a good deal of thought and when responses need to be explored and clarified (Easterby-Smith et.al, 2004: 86). With regard to the modification of methods during the initial research, Hesse-Biber & Leavy (2006) explained:

"Methodology is the bridge that brings theory and method, perspective and tool together... a bridge that the researcher travels throughout the research process. In other words, methodology fuses theory and method, serving as a strategic but a malleable guide throughout the research experience. In terms of malleability, the methodology can be altered during research to the extent the researcher's epistemological beliefs allow for modifications".

Hesse-Biber & Leavy (2006:20)

Besides the factors explained earlier, the decision for the modification was the result of continuous reflections on the research process and the "listen to the data"; follow it, so that in the end... able to create a research design where the data was best able to

“speak” (Hesse-Biber & Leavy 2006: 21). Qualitative research methods lend themselves to this kind of reflexive engagement because they yield exploratory, descriptive, and process-oriented data. Qualitative methods ask not only “what is it?” but, more importantly, “explain it to me – how, why, what’s the process, what’s the significance?” These questions are answered through holistic and reflexive engagements at all levels (Hesse-Biber & Leavy (2006: 28).

The other possible reasons observed is the risk of using one of the elements of Appreciative Inquiry i.e. the AI questioning partially in a new context where participants have limited knowledge on the subject (Shuayb, *et.al.* 2009). Furthermore, AI was initially developed as a change management tool which offered a positive, strength-based approach to organisation [al] development and change management (Cooperrider & Whitney, 2005:1) with a main purpose to identify best practices, introduce and implement changes. On the other hand, this study is an academic research on the CSO and its users, and hence does not involve any interference in the implementation and management of CSO as an organisation.

Secondly, as a tool, AI interviews had to be carried out in a team or groups where participation and commitment of the participants, especially those in the positions of responsibility, were required in the interview process in order to promote a sense of ownership of the process and outcomes. Even though this study did gain support and involvement of the management team of CSO at the highest level it was still considered to be externally mooted by personal research. AI, as described by Cooperrider, is a process for large scale change management that can enable an organisation to engage and inspire its workforce, customers and other stakeholders in the future of a business to discover and extend the business strengths and strategic advantages, and to balance outstanding financial returns with heightened social contributions”(Cooperrider, 2005).

Engaging in AI approach would be much easier if the whole of the CSO participated together within a certain period of time, facilitated by those trained in AI whose task is to ensure that all participants understand what is expected of them. In contrast, this study interviewed the *trainees* and practitioners of CSO individually, borrowing an element of AI: the Appreciative questions, attempted by the individuals (research participants) who have very limited experience of the topic.

Third, AI focuses the research process around what works, rather than trying to fix what does not. It therefore presents an alternative to the problem-solving approach for evaluating and envisioning future initiatives based on best practices (Cooperrider and Srivasta, 1987). Conventionally, and also through the researcher's work experiences, people tend to focus on analysing the problems they encounter and putting effort to solve those problems while the positive was accepted naturally. Thus, in relation to these positive principles in AI, the other challenge encountered was keeping the trainees focused on the positive experiences which some of them struggled to find.

Furthermore, the relative novelty of the CSO in Malaysia arguably means practitioners and trainees have had little time to acquire systematic working practices for meaningful reflections via a stricter adherence to appreciative inquiry protocols.

In view of the considerations mentioned above, the interview protocol adapted from the Appreciative Inquiry framework was modified to suit the contexts of this particular study. This "emergent construction" (Weinstein and Weinstein, 1991: 161) and the decision to deploy whatever strategies, methods, and empirical materials at hand (Becker, 1998: 2), was considered the most appropriate decision to illicit and explore the trainees' experiences and perceptions. Moreover, such interactions are so worthwhile considering the constraints such as time, distance and finance faced by the researcher during the period of study. As stated by Nelson *et al.* (1992: 2):

"The choice of research practices depends upon the questions that are asked, and the questions depend on their context".

(Denzin and Lincoln, 2008: 5).

It is necessary to emphasise that the participants' (the current and the ex-CSO's trainees) educational background ranged from illiteracy to having a skills certificate with many of them possessing a GCSE equivalent standard of education. Furthermore, Converse and Schuman (1974) observed, "There is no single interview style that fits every occasion or all respondents" (p.53). Fontana & Grey, (2008) deduced that, interviewers must be aware of respondent differences and must be able to make the proper adjustments called for by unanticipated developments (P: 125). This fits a statement made by Gorden (1992):

“Interviewing skills are not simple motor skills like riding a bicycle; rather, they involve a high-order combination of observation, emphatic sensitivity, and intellectual judgement”.

(Gorden, 1992:7).

As Oakley (1981) pointed out, in interviewing there is “no intimacy without reciprocity” (p.49). According to Fontana & Frey, the emphasis is shifted to allow the development of a closer relationship between the interviewer and the respondent. Interviewers can show their human side and can answer questions and express feelings (Fontana and Frey, cited in Denzin & Lincoln, 2008: 137).

The decisions to employ different methods to collect data from the management of CSO was partly in consideration of the context of the participants being studied or situation in the field and as the essence of the qualitative approach is that it is naturalistic - studying real people in natural settings rather than in artificial isolation, (Marshall 1996) hence using the different methods within the qualitative realm are justified for studying these groups. Besides the natural context of the participants, the researcher felt it was appropriate and comfortable to use the different approaches available in the qualitative realm, as Easterby-Smith et.al. (2004) stated in their preface:

“...when you are conducting research into managing/managers/management, a number of factors beyond the technicalities of research design or the use of a particular method assumes considerable importance...the worldview of the researcher can both influence both the selection of methods and judgements about the quality and value of outcomes”.

(Easterby-Smith et. al (2004: ix).

Finally, as argued by Denzin and Lincoln (1994:3), qualitative research, as a set of interpretive practices, privileges no single methodology over any other; the most important thing is that, all of the methods used “can provide important insights and knowledge” (Nelson et.al.,1992:2 cited in Denzin and Lincoln, 1994:3) and the different needs and context of the participants made the choice of using qualitative methods more worthy due to its multi-method in focus, a holistic and engaged process, which produces both exploratory and highly descriptive knowledge (Hesse-Biber and Leavy, 2006) on the subject being studied.

3.10 Chapter Summary

This chapter has presented the philosophical stance and various qualitative collection methods used in this study. It has also discussed the methodological issues encountered in the field with regards to sampling and the interactions adapting AI protocol which eventually caused it to be modified to include the empathetic interview method. This situation is best described by Hesse-Biber & Leavy (2006) as follows:

“Specifically, qualitative methods of interview and observation necessitate reciprocal relationships where researchers and research participants are placed on the same plane in the research process. Likewise, qualitative methods require the researcher to be deeply engaged with the data in order to extract meaning, understand process, and modify the project as appropriate (if they are willing to do so)”

(Hesse-Biber and Leavy, 2006: 28).

The next chapter will discuss responses from the staff and the supervisors of CSOs’ perceptions of the system: what they say about CSOs and how CSOs are supposed to function according to the relevant laws, documents and policies.

CHAPTER FOUR: PROFILE OF THE *TRAINEES*

4.1 *Introduction*

This chapter will explore the backgrounds and characteristics of the *trainees* currently undergoing a Community Service Order (CSO) under the Department of Social Welfare Sarawak and also the *ex-trainees* who had completed their sentencing for at least a year or two before the interviews were carried out, in 2008 and 2009, respectively.

The objective of this chapter is to provide a richer portrait of the *trainees*' backgrounds guided by the assumptions that in order to understand human behaviour in a particular setting a description of the "realities" or the functional worlds of the persons in the setting is crucial (Gibbs, 1982: 41). In addition, researchers like Andrews and Bonta, (1999) suggested that the personal characteristics of the offenders are important to determine factors that they may influence the offender's ability to be rehabilitated after undergoing CSO. It is also important to understand the family background of the participants to understand the drive behind their offending behaviour. Who they are, where they came from? Their life history is associated with their world view hence their aspirations in life and vice versa their criminal trajectories. Nonetheless, there is no consensus in the literature on the relationship between self-esteem and criminal behaviour. Studies have produced mixed results (Hubbard, 2006:43). These issues are important for contextualising the *trainees*' perceptions and experiences of the CSO as will be discussed in the following chapter 6.

The first part of the chapter presents the profiles of the *trainees*: exploring the life backgrounds such as the demographic characteristics and family characteristics, educational experiences and skills, and their work experiences. The second part of the chapter will examine the profiles of the *ex-CSO trainees* and similarly their demographic characteristics, educational experiences, skills and their current undertakings. Finally, the third part of this chapter will explore their life dreams and aspirations, their wishes and what they would like to do in their life and how they could contribute and return to their own community after successfully completing their sentence. The chapter also discusses the respondents' reflections on the CSO.

4.2 Descriptions of the Trainees of CSO

4.2.1 General Background of the Trainees

Most of the *trainees* in the samples for this study were Malays with a few respondents belonging to other indigenous communities. Malays (and other indigenous groups) make up 58 percent of the population in Malaysia, whereby Chinese comprise 24 percent, Indians 7 percent, and Others 11 percent (Prime Minister Office 2000 in Thomson, 2003). The *trainees* came from the villages and squatters on the outskirts of Kuching City. Some have moved into the city from their villages. An increase in Malay migration to urban areas has been noted by a few researcher like Nagata (1979), Chan (1983), De Koninck (1992), Rimmer and Cho, (1994), Rogers (1993), Sivalingam (1993), Abdul Samad (1994), and Stivens (1996); in Thomson (2003). In addition, census data tell us that Malaysia has been transformed from a country that was three-fourths rural at mid-century to predominantly urban in 2000 (Government of Malaysia 1973, 1996; Leete 1996). Nikki for instance, like many others, has experienced this transformation.

Apart for one or two exceptions, the *trainees* came from low socio-economic status groups, one of respondent received assistance under the programme for hard core poor. By way of context, based on the Economic Planning Unit statistics for the year of the study (2009), incidents of hard core poverty in Malaysia is overall 0.7 % of households with 1.8 (rural) and 0.2 (urban). Data from the same source also reveals the per capita income for Malaysians as Ringgit Malaysia 29,661 (as Jan-May 2012) which is equivalent to US 9,693, with the purchasing power parity (PPP) of US\$ 17,250. Their social and economic status was manifested in their home and living conditions; most of those in the sample stayed in a crowded two-bedrooms house with the nuclear family.

However, staying with parents, siblings and even aunties and cousins under the same roof is not solely due to their socio-economic background but is part of the Malaysian culture. This is manifested in a close long-term commitment to the “member” group, be it an extended family or extended relationships. Malaysian society normally fosters strong relationships, where everyone takes responsibility for fellow members of their

group. In collectivistic societies, committing an offence leads to shame and loss of face. However this was not always reflected in the accounts of some of the trainees as discovered later.

4.2.2 The Demographic Characteristics of the *Trainees*

Most of the youth in the study were Muslim Malay except for John and Andy who were Christians from the Dayak indigenous groups in Sarawak. Table 4.1 below shows demographic characteristics of the eleven *trainees* in the study.

Table 4.1 Demographic Characteristics of the *Trainees*

Pseudonym	Age	Gender	Ethnic / Religion	Status
Nikki	21	Male	Malay / Muslim	Single
John	19	Male	Iban / Christian	Single
Mas	19	Male	Malay / Muslim	Single
Ali	19	Male	Malay / Muslim	Married With 1 child
Andy	19	Male	Bidayuhs / Christian	Single
Nazri	19	Male	Malay / Muslim	Single
Harun	20	Male	Malay / Muslim	Single
Ezat	19	Male	Malay / Muslim	Single
Azhar	21	Male	Malay / Muslim	Married
Eta	20	Female	Malay / Muslim	Married With 1 child
Abu	19	Male	Malay / Muslim	Single

4.2.3 Gender, Age, Status and Race of the *Trainees*

All of the interviewed *trainees* were male except for one *trainee* named Eta. With regard to their age at the time of the interview, most of them were 19 years of age and the oldest were Nikki and Azhar both 21 years old. Three of the *trainees* were married. They are Ali, Azhar and Eta. Those who were married did so at a young age of 16 and for most of them, while still in their high school. Ali, got married at the age of 16 while studying in Form 4, and now has a 3 year old daughter. Similarly Eta was 18 years old and pregnant when the incident occurred. Her daughter was seven months old during this study. Azhar was 18 years old, married but has no children.

4.2.4 Family, Home and Living Arrangements of the *Trainees*

All of the trainees including those who are married stayed with their parents in an extended family. Ali, for instance, stayed with his parents in a two storey wooden house belonging to his grandparents from his dad's side. The house also accommodated his other uncles and his children.

Azhar, whose parents are divorced, considered the house his mother built 'from her own sweat' as his own house where he stayed. He sometimes stayed with his wife's parent. Meanwhile Eta together with her husband and their little daughter, resided with her mother and other siblings in a two bedroom wooden house in a squatter area built by the government under the Housing Programme for the poor (PPRT). Her three other siblings also stayed under the same roof, including her married sister. Her parents were divorced and her father has since remarried. Her mother received RM 170 monthly from the welfare department besides RM 100 maintenance from her ex-husband.

The rest of the *trainees* were single and stayed with their families. Nikki, the second child among three siblings stayed with his parents together with his younger brother at his mother's village while undergoing the CSO and sometimes in their second house in Kuching. Nikki's father is a technician and his mother is a full time housewife. His elder brother works as a clerk in Kuching and his younger sibling is still in school.

John lives with his mother and both grandparents in a traditional longhouse, made of wood and bamboo and the modern longhouse looks like the terrace houses we see in the town. John is the third of seven siblings. His father worked as a casual labourer in Brunei, while his mother is a housewife and supports the family by fishing and also farming. His father came home twice a year to celebrate the New Year and Gawai^{vi} with the family. His eldest brother works as a labourer in Brunei and the second elder brother worked as a supervisor at an oil palm plantation. All the school expenses of his younger siblings are borne by his father who sent money home every once a month.

^{vi} Gawai Dayak is a harvest festival celebrated by the state's indigenous people, particularly the Iban and Bidayus, in their traditional costumes. Ceremonial offerings of various local traditional delicacies and 'tuak' (home-made rice wine) are made to the gods of rice and prosperity. (Malaysia Tourism Directory)

Meanwhile, Mas previously lived with his family in a squatter area before moving to a middle cost house with 2 bedrooms in a new housing area about seven miles from the city centre. His father works as junior staff in one of the city councils while his mother is a housewife. His elder brother whom Mas constantly refers to during the interview works as an Assistant technician for a private company in Kuching.

Andy, the youngest of three siblings was also single and stayed with his parents in a room above a furniture shop where he works. His father, who worked as a supervisor at one of the roof factory also stayed with them. Andy's mother is a housewife. His father once worked at the chicken processing factory but quit after the incident which prompted Andy's sentence to a CSO.

Nazri lived with his other seven siblings and their parents in a rented house after his father retired from the army. Nazri explained that they will eventually own the house when his father got his pension. His father is not working anymore while his mother is a housewife. His mother also made cakes for sale. Both his elder sister and brother worked at the school canteen. The rest of the younger siblings are still schooling.

Ezat too, like most Sarawakian bachelors, lives with his family in a village on the outskirts of the city. He is the second child of five siblings and was unemployed at the time of the study. His father is a member of support staff with a government agency and his mother is a full-time housewife. They were staying together in their family house.

Abu, on the other hand, supports his mother and resides with her in a two bedroom house. His parents were separated but the father has remarried. His mother also remarried but his step-father lived with his other wife in another village. Abu took care of his mother while his other siblings are married and staying with their own families.

4.2.5 Educational Background and Work Experiences of the *Trainees*

4.2.5.1 The Education Background of the Trainees

In Malaysia, children start schooling at seven. They enter secondary school at thirteen, and they can continue for seven years until Upper Six to sit for the Malaysian Higher School Certificate. This is equivalent to A-Levels in England and Wales.

The Malaysian Certificate of Education or SPM is taken in the fifth year of secondary school and is equivalent to O-Levels or GCSEs. The SPM is the minimum requirement to enter public and private universities matriculation courses. Most of the *trainees* in this study have attained the SPM level of education. However, the sample also included a few respondents such as John and Eta who only attended secondary school until second year (Form 2), while Ali and Nazri both stopped in the fourth year of secondary school (Form 4). Nazri compensated with a certificate in auto spraying. Besides completing the fifth year of secondary school, Azhar and Nikki also achieved skill-based certificates; Azhar obtained a certificate in Maritime while Nikki a certificate in Landscaping both from skills-based institutions. The educational background and work experiences of the *trainees* are set out in Table 4.2 below:

Table 4.2: Educational Background and Working Experiences of the *Trainees*

Pseudonym	Latest Education	Employment / Work Experiences
Nikki	Completed Form 5 (SPM) and possess a Certificate in Landscaping from an skill based institution	Unemployed
John	Form 2 (Year 9)	Farming such as planting vegetables
Mas	Form 3 equivalent to Year 10	Assisting his cousin repairing cars and motorcycles at his workshops
Ali	Form 4 (Equivalent to Year 10/11) and continue at a community college but later abort due to this case.	Work temporarily at a forwarding agency together with his father.
Andy	Completed Form 5	Previously a General worker at a chicken processing plant where his father used to work. Currently works at a furniture shop
Nazri	Form 4. Have a certificate in auto-spraying.	Manual worker –fixing glasses for aluminium work (RM 17 a day)
Harun	Completed Form 5 but fail the SPM exam.	Jobless when charged. Has experienced working in construction and also in a bakery. Currently working as a carpenter
Ezat	Completed Form 5	Jobless; ambitions to be a police officer
Azhar	Completed Form 5. Two years after SPM he obtained a Maritime certificate from an Institute	Helping his parent in-law selling ‘sate’ at the market together with his wife with a wage of RM 30 a day.

Eta	Schooled until Form 2, cannot afford to pay for the school expenses and was always sick (pain at the ligament of her leg) so unable to walk to school.	Experienced working as an assistant in restaurant / café and currently helping her uncle selling refreshments at the city with a daily wage of RM 35 a day. She earned approximately RM 400 a month.
Abu	Completed Form 5 with SPM. Active in <i>sepak takraw</i> and represent his division at MSSM below 18 years.	Worked with a printing co. for 2 years. A part time barber. At present work as a promoter for the Telecommunication network

Almost all of the *trainees* such as Nikki, Ezat, Azhar and Abu had attended at least the basic elementary education with most of them attaining the SPM or Malaysian Certificate of Education, which is equivalent to the British O level to GCSE level. Andy also attended the SPM examination with a General certificate while Harun failed the exam.

Ezat claimed that he passed the SPM examination, but that he does not remember his grade as his father keep his result slip. Azhar attains a Maritime Certificate from the Mara Skills Institute (IKM) two years after his SPM. Besides Azhar, Nikki also attended vocational trainings after completing his SPM and obtained a Level 1 Certificate in Landscaping at the Centre of Industrial Development Board (CIDB).

Ali and Nazri on the other hand, only attended school until Form 4. Ali stopped schooling to get married while still in Form 4. He attended an electrical course at a skill institute which was later left due to his conviction. He regretted his decision to quit as he felt that he missed out on acquiring some important skills. Nazri, on the other hand, did not complete his secondary education as he was expelled for fighting while in Form 4. Nevertheless he managed to obtain a Certificate in Auto-spraying with IKM.

Mas chose to leave school after Form 3. He attended six years elementary education at a public primary school then attended secondary education for a year at one of the public schools and later enrolled at another school before quitting at the end of Form 3 citing lack of interest in his study. He obtained 3D and 4Es in *Penilaian Menengah Rendah* (PMR) or lower secondary school assessment.

John left school after Form Two., He and does not seem to be interested in continuing his education. During his free time he plants vegetables in the paddy field but only for his own consumption.

Eta also stopped going to school after Form Two. She completed her early education at a school village. According to Eta, her mother cannot afford to support her. In addition she had been frequently absent for ill health.

4.2.5.2 Employment and Work Experiences of the Trainees

In general, there are three main types of work the *trainees* normally did. Among them are general manual work in construction and manufacturing, mechanical work such as repairing bikes, motorcycles and cars, and also food related industry such as in catering services, as a kitchen helper and selling food and drinks. A number of them were jobless at the time of the study.

Nikki used to work as a general worker for a construction at the new army camp near the city when he committed the offence. Harun was working as a carpenter in a construction company but was jobless when charged, while Nazri was employed as a manual worker fixing glasses for aluminum work with a wage of RM 17 a day.

The findings of the study also revealed that the *trainees* received financial support from their families and friends. This finding is similar to Geert-Hofstede observation on the Malaysian society. Andy was previously a general worker at a chicken processing plant together with his father. Ali worked part-time at a forwarding agency, also with his father. Meanwhile, Azhar and his wife worked as helpers at his father-in-law's 'satay' stalls with a wage of RM 30 per day. Azhar sells the 'satay'^{vii} at two different places on alternate days. On Thursday and Friday, he sells at the market in a new township, while on Saturday and Monday, he sells 'satay' at another market place.

Meanwhile the only female in the group, Eta had been working at various jobs. She finally worked with her uncle selling refreshments and fast-food in the city with a daily wage of RM 35 a day. She experienced work as a waitress in a restaurant / café and a variety of other work as she articulated below:

“Err...I have been working at various places. I worked in a factory processing crisps at (named). The salary is small only RM13 a day. I quit since I can't

^{vii} 'Satay' or sate is a dish of marinated, skewered and grilled meat, served with a peanut sauce, cubed-rice, cucumber and slices of onion.

stand it anymore. My leg is hurting me. After that I worked at [a Café] for my aunty for RM 10 a day for 4 months... After that I worked at a biscuit factory. I work at various places doing various works. I have been working as a maid at a number of houses... After that I worked as a domestic helper doing laundry and cleaning for RM10 per day. I later stayed with my grandparents and I work in town helping my uncle”.

Similarly, Mas did various jobs after he quit school. At first, he worked at a restaurant, then as a helper at a salted fish stall and subsequently worked at a company which imports and exports fish at an industrial park in Kuching, before working for a short while at the Civil Defence Department. After that he worked at a furniture store before helping his friend who is an electrician. The interviews also revealed that Mas was involved in some “illegal” activities such as car smuggling and as an illegal bouncer at a number of night clubs. He also did illegal timber logging to mention a few. At the time of the interview, Mas was working for his cousin repairing cars and motorcycles at a workshop.

Abu worked with a printing company for two years, earning RM 450 a month and he also earned money as a part time barber near his house. At the time of the interview was working as a promoter for a telecommunication company earning RM 25 a day besides working as a kitchen helper at one of the big chain restaurant in town.

4.3 The Ex-Trainees of CSO (ECT)

The second part of this chapter will present the profiles of the other nine *ex-CSO trainees*, their life backgrounds, educational experiences, skills and their careers from interviews and the supervisions review files kept by the department office at the CSO unit.

4.3.1 The Demographic Characteristics of the Ex-CSO Trainees

The characteristics of the remaining nine *ex-CSO trainees* are set out in Table 4.3. Most of the *ex-trainees* have carried out their sentencing at least a year or two during the field work. Most of them were 22 years old with two others aged 20 and 21 respectively. All of them were male and all except one of them are Malay and Muslim. Andrew is the

only Iban in this category. The rest of the youth are singles except Faizal and Fadil who were both married with the former having one child.

Table 4.3: Demographic Characteristics of the *ex-CSO Trainees*

Pseudonym	Age	Gender	Ethnicity/ Religion	Status
Ady	22	Male	Malay / Muslim	Single
Faizal	22	Male	Malay / Muslim	Married With 1 child
Arif	22	Male	Malay / Muslim	Single
Samat	22	Male	Malay / Muslim	Single
Rudy	22	Male	Malay / Muslim	Single
Safri	20	Male	Malay / Muslim	Single
Mahmud	21	Male	Malay / Muslim	Single
Andrew	21	Male	Iban / Christian	Single
Fadil	20	Male	Malay / Muslim	Married

4.3.2 Family, Home and Living Arrangements of the *Ex-trainees*

As observed by Geert-hofstede, one of the characteristics of the Malaysian society is their collectivistic nature whereby everyone seems to be bound to a family or extended family (Hofstede, 2010). This is particularly true with the respondents in this study. There are many cases of broken homes among them. The siblings tend to attach themselves with the extended family. Most of the *trainees* were living with their mothers' families. None of the trainee respondents have their own houses.

Even though he was married with one child, Faizal stayed with his grandmother from his maternal side in a wooden house built in a squatter settlement. They get their water from a neighbour's house and electricity from a private generator. Currently, nine people lived in the two bed roomed house including Faisal, his wife and his 18 month old baby. Faisal's father, who works as a security guard in a government agency is

divorced from his mother and has since re-married while his mother stayed with her friend. Similarly, Fadil, who was also married with a child, lived with his wife's family.

Ady, the oldest of four children was still single and lived in a single-storey terrace house together with both his parents and siblings. It is understood that he has lived there with his family for almost 20 years. His father is a technician for an energy company, and his mother is a full-time housewife.

Meanwhile, Arif, 22 who is single, also stayed with his parents and other siblings. He was the fourth of seven siblings. His father had no permanent job, and depended on additional income from a part time job as a DJ or a Master of Ceremony for marriage ceremonies in the neighbourhoods. He spent his free time baby-sitting for his children. His mother worked as a cleaner at a government office.

Similarly, Samat, Rudy, and Safri like most of the other bachelors stayed with their parents and other siblings. Samat is the fourth child in his family of eight siblings; His father worked as an electrician and his mother was a housewife. Rudy's father worked as a support worker, while his mother worked as support staff at one of the colleges in Kuching.

Safri is the youngest in his family. He stayed with his mother and one of his sisters who were also single. Safri's father worked as a security guard at one of the government agencies. According to Safri, even though his parents never divorced, they did not stay under the same roof. His father stayed on his own not far away from their house. His mother did odd jobs like collecting sea shells at the beach near his village and supported her family by selling the seashells at the nearby village market.

Both Mahmud, the eldest of six siblings and Andrew, the third from nine siblings stayed with their parents and other siblings in a Malay village near the city like most of the youth. Andrew's father worked as a guest officer at a hotel and his mother was a full-time housewife.

4.3.3 Educational Background, Skills and Careers of the *Ex-CSO Trainees*

4.3.3.1 *The Education Background of the Ex-CSO Trainees*

There is not much difference with regards to the educational backgrounds of the *ex-CSO trainees* (ECT) and the current *trainees* of CSO. More than half of the ECT attained a normal average standard of education with SPM or Malaysian Education Certificate that required them to be at least 11 years of schooling. Furthermore, as was the case with the current *trainees*, the profile of the ex-trainees in the sample tended to reflect a pattern of early dropouts from education such as during the second and third year of high school.

Table 4.4: Education Background and Careers of the *ex-CSO trainees*

Pseudonym	Educational Background	Skills and Employment
Ady	Completed Form 5 at a Technical School. Attended tailoring course.	Working as a Quality Controller in a production line at a manufacturing firm in the city.
Faizal	Studied until Form 3 (Year 10)	Self employed selling burgers in partnership with a friend. Has work experience at a car wash
Arif	Study until Form 2 and play truancy	Work in a restaurant preparing drinks with a salary of RM 28 a day.
Samat	Study until Primary 5 in a Primary School at his village.	A catering helper, also doing part-time mobile phone repair
Rudy	Completed Form 5.	Working in the production line at an electrical and electronic factory with a basic salary of RM500 and inclusive of over-time allowances is RM1000.
Safri	Study until form 5	Started working at a warehouse which earned him RM 600 but stopped a month before the interview due to a misunderstanding.
Mahmud	Education until PMR, stop at Form 4.	Experienced working at a retail shop for 2 years. During the incident was an unemployed and reared cockerel with a friend.
Andrew	Completed SPM / Form 5	Works at one of the Inns in Kuching. Started work as a bellboy then a waiter and now as a receptionist, altogether for 3 years during the interview.
Fadil	Completed Form 5	Provided technical assistance for PA system. Now trying to look for a new job due to the uncertainty of the job.

Ady completed both his primary and lower secondary education and after that, continued another 2 years of his secondary education studying technical skills, specialising in Building Construction at one of the Technical Secondary Schools. During his sentencing period, Ady took a six-month course in tailoring at *Giat MARA*, one of the government Agencies. During the research, Ady had been working for five months in his current job as a Quality controller at a manufacturing firm. His parents wanted him to continue his education but he was no longer interested. He had been thinking about looking for a better and more stable job. Ady also planned to do a joint venture with his girlfriend in the tailoring business. He met her during a sewing course while carrying out his sentences.

Rudy attended three different schools one each for his primary education (UPSR), the Lower Secondary Assessment level (PMR), and the Malaysian Certificate of Education or SPM where he sat in 2005. Rudy, worked as an output operator at an electronic factory with a basic salary of RM500 and a take-home salary of a total of RM1000 inclusive of overtime allowances. After completing his CSO he worked part-time with his father before his current job. At the time of the interview he was working at the production line in an electronic factory He was also enrolled at *Giat Mara* in a hairdressing course and wished to open up his own salon, specialising in men's hair fashion.

Andrew obtained a Grade 3 for his SPM and passed all the subjects except Mathematics. He used to work in construction and also in a car wash. He considered his most exciting experience for him was when he joined the National Service Training Programme (PLKN) where he met new friends, and also when he operated the M16 rifle as part of the programme. He loved adventure-based activities such as the "flying fox" that he experienced during the PLKN. He wished to work for the government in the future and he also wished to have a stable job, to get married and to have a house and a car. He wanted to renovate his family's house and also to help his fellow villagers. Andrew started working as a bell boy at an inn in the city in 2007 and was promoted to the post of a guest officer at the same inn with a salary of RM400. Andrew said he helped with his family expenses. He usually spent RM100 for his mother, RM100 for various house expenses including food, RM140 for his motorcycle and the rest is for his younger siblings' school expenses.

Safri was not interested in pursuing his studies after the completion of his Form 5 education. Nevertheless, he had a good recollection of the special moments in school, especially towards the SPM examination in 2007, when he revised with a group of friends and competed to get the best results. To him, that was the best moment that he treasured. Safri was also interested in wiring works because he would often repair whatever problems arose regarding wiring in his house. He also relayed that he wanted to join Giat Mara to participate in an electrical wiring course. Before the interview, Safri worked for almost a year as a store keeper earning RM600 at one of the stores in the city, until he quit after he had an argument with the owner for accidentally dropping a box of glassware when he fell in the course of performing his duties. However, according to him, the former boss did call and offered him back the job and he was still considering the offer. At the time of the interview, Safri was jobless but was helping his mum collect seashells for sale.

Fadil, who also completed his fifth form of secondary education, had just quit his work as a technical assistant setting PA system for functions a few months before the interview, and was on the lookout for a new job. The uncertainty of the job and the delay in getting his wages were the two reasons given why he opted to look for another job. Fadil said: *“That is why I wanted to find a new job; I can’t depend on event functions; it’s very uncertain, it’s like in a week there’s only 2 days.”* When asked whether he attended any formal training with regard to his skills and expertise in doing the technical work, Fadil instead informed me that he had attended a Marine course at IKM (MARA Skills Institute) for 6 months after the completions of his SPM examination. Unfortunately he did not complete the three- year course. His wife, who inherited her mother’s skill in making traditional delicacies and snacks, sold them at the Sunday market fetching around RM 200 net profit in a week. Fadil also shares that his wife also sold layered cakes during the Eid celebrations.

As mentioned earlier, a few of the *ECT* left school at an earlier stage such as Mahmud, who left school while in Form Four while Faizal only managed until Form Three. Arif stopped schooling while still in Form Two like previously mentioned *trainees*, Eta and John. Finally, Samat was the earliest to leave school at the age of eleven.

Mahmud, attended school until Form 3 and left school when he was in Form 4. The eldest of six siblings, Mahmud then worked at a mini-mart for two years and quit before being sentenced to a CSO. When asked the reason why he quit, Mahmud said that he often went back late at night hanging with friends and that caused him to get headaches which affected his work. Currently he is unemployed but fills his time by breeding fighting cockerels as a part-time job shared with a friend.

Faizal dropped out of school after completing his junior secondary education in Form 3 at the age of fifteen. After leaving school, Faizal gathered experience by working at a car wash. For extra income, Faizal also showed interest in a small business that ran a service changing leaky motorcycle tubes, besides his routine job of selling burgers starting at 7 pm in the evening till 3 am in the morning, for six days a week with his friend-cum-business partner. He also showed his keenness to learn how to make '*roti canai*'^{viii}, so he could make a business out of it.

Arif, who stopped schooling at the age of 14 wanted to continue his study and sit for the PMR (Lower Secondary Assessment) and then SPM. Arif worked at a café preparing drinks with a salary of RM28 a day and before that was employed as a canteen assistant at a local college, a job which he liked very much as it gave him the opportunity to mix with good friends. He hoped to study at the University and has an interest in electronics, motorcycles and car repair. He regretted being naughty and playing truant during his school days. Below is a caption of our conversation with regards to his school days.

- AO* : *Why do you stop at Form 2?*
Arif : *hmm...I was naughty.*
AO : *What do you mean? Please give example*
Arif : *I played truant, I followed my friends*
AO : *What exact did you do?*
Arif : *Stay at home, sleep, and relax with friends...*

Samat also left school at a very early age. He did not finish his tertiary education. When asked about his school, Samat snapped that he was naughty at that time and he regretted

^{viii} *Roti canai* is derived from '*roti*' which means bread and '*canai*' means knead. It is flat bread, served with 'dhal' curry or fish and chicken curry or even mixed curry. It is a very popular dish eaten especially during breakfast and, or supper in almost every food corners in Malaysia. It can sometimes be taken with sugar or condensed milk. Also known as 'Paratha',

it a lot. He only attended until year 5 at a primary school near his village. When asked why he stopped at Year 5, Samat recounted:

“... The kids were bullying me at that time, that’s why I can’t stand it, I always cried; and after that I didn’t go to school at all... my mum asked me to go back to school but I refused...Now, I regret it”.

At the time of the interview, Samat worked part-time at a food catering company on most of his weekends and on any other day when his services were required. On other days of the week, he occupied his time repairing mobile phones. He was interested in repairing mobile phones and had a certificate in mobile phone repairs and thus wanted to operate a phone repair shop. His training was sponsored by the government under the programme for the hardcore poor. Despite his illiteracy, Samat managed to use computer software for the purpose of re-setting the phones. He also said that at the time of the interviews, he received a lot of mobile phones at home sent by people who wanted them to be repaired. The charges for his service, according to him, could amount to RM 130 *“If the mobile phone is soaked in the water”*.

In sum, all *trainees* including the *ex-trainees* shared a similar pattern of demographic background, and equally a quarter of the participants in both groups are married and there are no obvious differences with regards to their educational attainment. However, the findings showed most of the participants came from a deprived background and with poor upbringing.

The interviews provided an array of feedback especially on what the respondents wanted and things that were seen as important to them both in their personal lives, careers and also their experiences with the CSO. This feedback was important not only in helping to understand their needs and aspirations but also as an early indicator of the impact of the implementation of a new community sentence upon both the youth and the community at large. Thus, this section presents the dreams and aspirations in life of the respected youths: their wishes and what they would like to do in their personal lives besides what they wished to contribute and get back from the community where they lived, and also what they hoped would come true.

During the conversations, the participants are requested to relate their experience and to visualise and share their dreams and wishes on what they would like to achieve and what they would like to have more of for the future.

4.4 The Trainees' Motivations and Aspirations

Based on the interviews, both the *trainees* and the ECT had shared their dreams and wishes about what they aspired to do or achieve after completing the CSO. John, on the other hand, acknowledged that he had no ambition or vision except to complete the Order and join his father who was working in Brunei. Among their aspirations are to continue studying and pursue their dreams through attainment of related vocational skills trainings, to have a better and stable job and doing small business. They hoped to bring up a family and make their parents and loved ones happy.

4.4.1 Continuing Education

A dominant theme that emerges from the interview is their aspirations to be successful in life. They wish to study further and attend courses to acquire skills which they do not adequately possess. In relation to this the *trainees* wished to join courses related to mechanical and electrical skills so that they could work in the related fields. Safri, for instance, wanted to enrol in an electrical course particularly in wiring, which he is good at, while Mas was interested in both the electrical and mechanical courses offered at the same institution i.e. Giat Mara or Mara Skills Institute. In fact, Mas had been actively involved in these fields when he worked for his brother. For Ali, he regretted not completing his course due to his involvement in the case. He was determined to make up for his loss by registering with Giat Mara too. He said that he picks-up vehicles for repairs and, he also hoped to sell cars and motorcycles and eventually owning a workshop. Andy also wished for a better job as a helper in a construction company as he stated below:

“Build home or hostel for offshore workers. It is a sub-contractor to Dockyard. They need welders, grinders and helper”.

Andy recalled,

“Three months ago, there were vacancies at the dockyard. A lot of people applied to the subcontractor as a helper with a wage of RM4 per hour. But have to get the form at CIDB. I am interested and I like to work in high places which involve climbing”.

However, Andy realised that he needed a certificate to realise his dream. He hoped to start as a helper first, which did not need a specific qualification. Andy aspired to be a mechanic if he could not make it as a fire fighter, or working as a helper in the construction industry.

Arif, who only attended two years of lower secondary education (Equivalent to Year 8), disclosed his desire to study at a University. His new passion was a result of his interactions with students while working at the University cafeteria. Apart from this, he was also interested in joining his new friend who is also his current boss's nephew, who also studied at a University.

Samat aspired to acquire a reading skill. He even equated success with the ability to read. In an honest but firm tone, Samat realised that the only barrier for him to succeed was his inability to read, and this made him feel inferior. Thus, it was an aspiration for him to be able to read to *prove to others* that he too could be successful.

4.4.2 Having a Better and Stable Job

The other emerging themes which also related to the youth's wishes to be successful were their aims to have good and stable jobs. Azhar, for example, aimed to work in the marine field since he obtained a certificate related to this from Mara Skills Institute (IKM). He once attended an interview with the navy but did not make it for health reasons. Azhar was reluctant to sell 'satay' as his career. When asked what he desired or wished for in life, Azhar replied he wanted a good and stable job with the government. Below is a conversation with him,

Azhar : I want to get a good job, a good job.

AO : When you said a good job, what kind of job?

Azhar : I don't know, whatever jobs, either working for the government or self employment.

AO : How about making sate? How do you grade that job?

Azhar : I do this job now because I'm following my wife... I'm not used to it. I have not done it before.

AO : What actually do you want to do?

Azhar : Working for the government, anything..., as long as it's under the government. I Intent to ask assistance from the Welfare department to operate a small business like a car - wash...

Andrew who at the time worked at one of the hotels wanted to work as a Public Health Supervisor with the government. Similarly Ezat wanted a stable job in the public service but not a manual one, while Ady who already works as a quality controller with a manufacturing firm was also looking for a better-paying job.

4.4.3 Doing Small Businesses

A distinct theme emerged around aspirations to undertake their own small business ventures and initiatives. This may have been prompted by the financial pressures and difficult social circumstances the respondents found them in. *Ex-CSO trainee*, Faizal, for instance had taken up selling burgers with his friend. Motivated with his earnings, he aspires to open his own stall with his wife who had experience working as a cook.

The youth in the study divulged their interest in auto repairs and mechanical works and also car wash businesses. Hence, it was a common to hear in the conversations that they wish to operate and own an auto related business such as workshops. Samat, despite his illiteracy, operates a mobile phone repair business at home as he had a certificate in this area. Mahmud, on the other hand, aspired to share with his friend the desire to expand his hobby of rearing fighting cocks into breeding chickens for their eggs and poultry. Alternatively, if he could not get a job with the government, Azhar wished to open a car wash like Arif.

4.4.4 Making their Parents or Love- ones Happy

As the findings illustrate, despite the social exclusion they encountered, the youth *trainees* have demonstrated considerable meaningful aspirations to achieve in life with

the intention of providing happiness to those they loved. What was more heartfelt was their desire to make their loved ones happy, even though they had had adverse experiences as children. Safri, for instance, promised to himself that if he got a good job, he did not want his mother to work collecting bamboo shells at the seaside. Equally, Andrew was also depriving himself by sharing his monthly wages with his mother for the family expenses and his siblings' education. Rudy and Samat also wanted to be successful and make their parents happy. Astonishingly, Samat never blamed his parents for his insufficient education; instead, he put the blame on himself as he could not stand up to bullying from other students when he was young. Nevertheless, Samat aspired to be successful so he could help his family out of poverty. Nazri hoped he could repay all his parents' good deeds when he acquired a permanent job by buying them what they desired. He hoped that one day he could afford to buy a new car for his father.

Nazri gave half of his income to his parents. Harun, too, felt responsible and aspired to work and save money for his family. According to Harun, he would give his parents RM 200 every month. The information can be observed from the following dialogue:

AO :*Emm... For how long since you work?*
Harun :*Right after I got my monthly pay cheque, will give them RM200*
AO :*It means you contribute every month whenever you work?*
Harun :*Yes*
AO :*How do you feel when you can contribute?*
Harun :*Yea...I felt responsible.*

4.4.5 Father Figure

Another common theme which emerged from the interviews with the youth is the influence of a *father figure*, and its impact both positive and negative upon their aspirations and their offending. Nikki, John, Nazri and Harun were inspired by what their fathers had done respectively. Nikki, for instance, was inspired by his father who worked offshore as a technician in one of the shipping companies in an oil and gas town in Sarawak. He, therefore, also wished to work offshore in jobs such as underwater welding. His inspiration was his father, whom he perceived as a generous man who

provided and accomplished all the family wants. To achieve his dreams, Nikki reiterated that he needed his father's support. He also hoped to follow a relevant *ILP* training course besides having a basic certificate in Landscaping from CIDB.

Similarly despite having a negative perception of his future, John had a strong desire to follow his father's footsteps working in a neighbouring country, Brunei. John was the only participant who did not have the ambition and only left it to luck to determine his future. However, he looked forward to completing his sentencing so that he could join his father who only comes back twice a year; once during the New Year and the other time is during the Gawai Dayak Festival, the most enjoyable day for John. This is the only time in a year that they will go out in a car driven by his father.

In an analogous way, both Nazri and Harun wanted to be in the army as their fathers were before them. Now that both of their fathers were retired but the impact of their jobs upon their sons' ambitions was clearly discernible. Nazri was very certain that he wanted to be in the army like his father. Nazri wanted to follow his father's footsteps, as since young he was brought up in the military camp with his family while his father was still working. Harun also dreamed to be a soldier like his father. Apart from that, he also wished to get a good job and to be a mechanic. To note, Nazri claimed to have a certificate in automotive spraying which he earned from GIAT MARA, but when asked why he did not work at a spraying workshop, he reasoned it was "*too far off*" from where he was staying. Since Nazri revealed that he once helped his mum to make cakes to be sold at the army camp, the researcher explored whether he had any intention of doing business such as selling cakes etc.; Nazri answered, with certainty: "*No I have seen my father as an army and like it*"

As a father figure he is an inspiration to some of the youth. Conversely it also became a source of frustrations and a *treasure lost* among the interviewed youth. Ady claimed that since he was small until his teens, he never felt happier. He found temporary good feelings whenever he took drugs. He claimed that his father was a severe strict man. He didn't feel friendliness coming from his father, as if his father didn't care about him at all. Only his aunts from his mother's side were the people he would confide in. Ady sobbed when he talked about his father and the following are our related conversations:

“Yeah..., to say that I have my parent... I don't feel like having them. It is quite difficult for me to tell. Which part is right and which part is wrong, I don't know. It's difficult to say, just like that, am not comfortable with my father. He just talks for a while, then give money. We're not so close. They don't know about me. Only my aunties know about me ... It's not good talking to him. I don't really know him. Even now he is just back from travelling. I won't go back. When I don't go back for a month or three, he will then call and talk nicely and buy me present persuading me to go back. Once I'm home, the same thing will happen... same thing, when I'm home he will ignore me. He feels he is a boss and do his own thing. He doesn't talk. Prayer time he will ask us to pray. During meal time we may eat together but we don't communicate. He is an egoist. He is still strict like when am young”.

Safri, when dwelling upon his offence of stealing a mobile phone from a friend, reasoned that he needed money and he blamed it on his father's absence and negligence. Below are Safri's reflections of his relationship with his father:

“I need money. There is no job available at that time. I feel jealous looking at other people, all of them have a motorcycle, and they can get what they want. I can't have what I want. My father doesn't care about me. I don't care if he doesn't give it to us. He just led his own life. That's what I mean... He is not like other people's father”.

Actually, it was not easy for Safri to talk about his father especially on money matters. In his effort to concede his father's irresponsibility, sometimes his statement contradicted such as:

“He fed us; just that he doesn't give any money to my mother. I don't care if he doesn't give it to us. He just led his own life. That's what I mean...”

4.4.6 Bring Up Own Family and Become a Good Father

Both Fadil and Faizal, who were married, aspired to provide their family with necessities such as having a house and a car. Faizal and his siblings stayed with their grandmother when their parents divorced. However, now when he brings up his own child, he aspires to have his father around especially when he was confronted with some issues, he wished that his father was around and he misses him. However, he seeks advice from his neighbours. Faizal reflected:

“There is an old guy teaching me, if I don't know stuff I will ask him, sometimes, I'll ask my mum. But, in life you must have a father; my father is away from me, I know how I feel. I don't have a father, but I feel sad, when I see other families at (recreational park), I feel touched”.

Throughout the conversations, Faizal showed his commitment to his family especially with his one and a half year old daughter. His talk centred on his child. She motivated him to work hard, and had also changed him to be more responsible and helpful towards his wife. This finding is in tandem with some research on juvenile offenders as fathers; their perceptions of fatherhood, crime and becoming an adult revealed that the young fathers who had offended took their parental roles very seriously and identified their children as the principal motivator for desistance from crime. They also articulated substantial obstacles to achieving their paternal ideals, including financial pressure, strained relationships with their children's mothers, and lack of male role models (Abrams, et.al.2007:183).

Those who are in a relationship, like Ady, desired to get married and start a family of their own. He is now trying to save and is on the lookout for a better-paid job. He also had in mind to open a tailoring shop which he would run together with his girlfriend. Ady revealed that when he was young he used to go to the airport and saw a plane flying which started his ambition to be a pilot. However, his childhood ambition has not been realised.

4.5 *The Youth Plan to Achieve Their Dreams or Wishes*

Several youth articulated very loose plans or strategies for their futures or after the order, whereby they only developed or mentioned very vague strategies. However, there were also some *trainees* who articulated more concrete ideas and planned what to do next after completing the sentences.

Both Nikki and John hoped they could go through the order quickly and follow their father's footsteps. Several trainees who did not possess full SPM certificates either planned to re-sit for the exam or seek alternative routes to achieve their dreams to open

a workshop or related jobs. The most frequently mentioned plan involved attending relevant courses offered by the Giat Mara Institution. Therefore, it was not unusual for *trainees* like Mas, Ali, Andy and Harun to hope that they could equip themselves with the skills offered by Giat Mara.

Mas was determined to further his study at Giat Mara and also re-sit for the SPM examination so as to obtain the required skill to open a workshop. Similarly, Ali wanted to enrol in skill courses before he opens up his own car and motorcycle workshop in the future. After he completed the Order, Harun intended to attend a skill course at Giat Mara to achieve his ambition as a mechanic.

However, the first thing that Mas would do after serving his sentences is to obtain a motorcycle licence before doing what he planned. He wanted to repent, and would fulfil his obligations as a Muslim. He was determined not to repeat his mistake, study hard and fulfil his dream to get married. Mas implied that capital was what he needed to make his dream of opening a workshop come true; the same applied to other people in business. Instead, Mas was not willing to take up a government loan, but preferred to come up with the capital on his own. He also reiterated that he had got the support of his family and girlfriend to achieve his hopes and dreams.

Ali on the other hand, regretted his decision to quit from the previous college he attended as he had missed out on some important skills that he could have acquired there. When asked how he was going to run the workshop and whether he would work with others in the field, Ali confidently answered:

“Yes, I work with others first and learn the trick of the trade; ... and once I have acquired the knowledge, then I will open my own workshop... will have to start from small”.

Ali thought that the first step to make his dream come true was to continue studying at the skills colleges. However, he was pessimistic that community colleges like the previous college he had attended would accept him any more due to the previous case where police went to get him there. He considered his future to be bleak as he had committed an offence and under Malaysian law anyone with a criminal record would not be able to get government employment. Nevertheless, acknowledging that while

other institutions needed an SPM qualification, he could try to apply at Giat Mara for relevant courses in line with his interest.

In order to pursue his dream, Andy planned to participate in the training scheme and courses offered by Giat Mara, too. He would try to get a job as a helper in hostel construction offshore. For the community, he hopes that young offenders like him who had committed a minor offence would be given a second chance by undergoing the Community Service Order. This would help them realise the mistakes that had been done and prevent them committing the mistakes again.

Conversely, Harun felt that the allowance of RM 100 provided by the Giat Mara Institutions was not much, whereas he could earn RM 400 if he worked. He therefore chose to "*Work first... gets some money first*" before he continued with his plan to study.

Ezat wanted to continue his study even before being in CSO. He said he had sat for the SPM examination (equivalent to GCSE) but he noted that his certificate was kept by his father. Even though he dreamed to work in the office, and further his study in Information Technology, Ezat could only envision himself to continue study only. When asked what he would do after the CSO, Ezat restated that he would look for a place to continue his study. Ezat wanted to re-sit his SPM examination while at the same time to continue working. He also wanted to advise his friends at his village to stop taking drugs and make an example out of him.

As mentioned earlier, Harun was aware that he could achieve his dream to become a mechanic by applying to join skills training with the Giat Mara. On the other hand, he needed money immediately to help his parents, and to become a soldier could be a sensible alternative which he planned to do. Besides his contributions to his family, Harun was not able to comment on what other young people of his age group would like to get involved in by way of contribution to their society.

Azhar wanted to own a car-wash business and had voiced his wishes to his mother-in-law. He was not comfortable with the task he was doing, which was selling 'sate' alongside his wife. He wanted to work hard if he got the right business, earn and save

until he was forty. He also dreamed of sending his mother to perform the pilgrimage at Makah. If his dream of owning a car wash business was successful, he wanted to take care of his mother. He also hoped to meet the authorities' in-charge such as the Welfare department and also the Entrepreneur Unit at the Chief Minister's Department for guidance and assistance to operate the workshop. Azhar also wished he could contribute something positive to his community by sharing his experiences undergoing CSO and how he could change to be successful in life.

Ady believed that opportunities will not come if he only sat and waited; he therefore continued to look for a better job than what he already had. Ady assertively shared his view and said:

“Opportunity won't come to us if we just sit waiting. We have to go and look for the opportunity... Lazing around is just a waste of time. It's better to do overtime work and save some money”.

His present work as a quality controller at a manufacturing firm earned him a basic salary of RM 600 a month. On top of this, Ady worked overtime to raise more money and planned to run a tailoring shop with his girlfriend since both of them had certificates in tailoring. Ady took orders from friends to sew shirts, male and female Malaysian costumes and traditional dresses.

Even though Nazri seemed contented with his work at an aluminium framework shop, he wished to have a permanent job with the government especially in the army. Besides working and doing some overtime work, he also helped with household chores. He confidently stated that he would apply to join the army once there was a vacancy.

4.6 The Trainees Suggestions

Despite sharing their dreams and aspirations enthusiastically, only a few of the *trainees* were willing to give their opinions on what they expected from the government and people around them. When asked his opinion on what the government should do to assist the youth to be successful, Mas said:

“The government can form a special school and pay them allowance for those who don't have any clue on what to do”. He reiterated further *“specifically for*

those who really have the interest (in skills) but do not have academic qualifications. They can be a test based on the skills acquired. This gives chance to people who want to change”.

Ali wanted to study again and at the same time to work and get some experience in the motor servicing area. When asked what he expected the government to do if he was given a chance to speak, Ali replied, *“Give us a chance to work”*. He also hoped that the government could provide jobs for people like him who did not do well in their studies. Similarly, Nazri, when asked about what the government could do for young people like him, replied, *“If possible, the government gives a job... an opportunity to work”*.

Besides the youth expectations of the government, few suggestions from them are worth mentioning. Ady, who experienced problems with his own parents provides some clues to parents on acceptable ways to communicate, delegate and listen to their children. Ady’s views on good parenting could be traced through his reflections of his aunt’s family, whom he always confided in. Below are captions of Ady’s thoughts which clearly illustrate the point:

“They [aunt’s family] asked about my day and about what am I doing. The communication is good. Even though I did something wrong and when I tell them, they listened and didn’t condemn me and neither do they support me. They will advise me politely. That is why I often go to their house ... that is what they did. Their good side is the way they interact with their children. I feel good. They treat me like a friend. They want to listen, sharing whatever activities they do. It doesn’t mean that the activities will be a problem.”

When asked what is not right? Ady elaborates as captions below:

“It’s their high handedness... They can give orders but the style must be acceptable. Usually, there are too many don’t and there is no good example to be followed. When I did something wrong I’d be scolded and not given a chance to explain. If I need to talk, I’d talked to my aunt. She knew how to console me when she saw me down. She said that if I had problems, not to keep it to myself. That is the only place that I can talk about my problems... It is not the same for everyone. I am more comfortable if I have someone with whom I can discuss, someone who can guide and show me the way. If they teach the right thing we can follow them.”

For Faizal who is married and has a child of his own, it is better to ask the youth to get married rather than wasting their time wandering aimlessly and going out until late at night with friends. Having a child had made him more settled and more responsible in his opinion. Meanwhile, ex-trainee Rudy suggested the government should organise more sports activities especially extreme sport which would encourage more youths to participate while Fadil thought that the CSO should provide more programmes that could make the youth repent, similar to the one he and his colleague had attended.

4.7 Summary

About a quarter of the *trainees* were married. They married at a young age and for most of them while still in high school. Except for one or two of the trainees, the rest of them came from a low socio-economic background. One of them received assistance under the hard-core poor programme. Their social and economic status can also be seen from their poor living condition. Most of them stayed in congested houses of two- bedrooms even for those who were married.

A few of the *trainees* were jobless with the majority of the youth working as manual or general workers in factories, construction and mechanical works and also food-related industries. This finding is in tandem with the pattern of employment of Malaysian youths (defined in this report as those aged between 15 and 39 years) which is the manufacturing sector (24%), followed by the wholesale and retail trade, restaurants (23.8%) and other services (18.9%). In addition, Malaysian youth were also involved in other sectors such as agriculture, forestry, livestock, and fishing (11.3%); construction, 9.0%; finance, insurance, real estate and business services, 7.4%; transport, storage and communications, 4.9% ; electricity, gas and water, 0.4% and lastly, mining and quarrying, 0.3% (Yunus, 2007).

The findings also showed that the *trainees* were willing to make amends for past mistakes in their lives and turn over a new leaf. They also wanted to have a happy family life of their own or do a good turn for parents whom they looked up to. They did not blame their predicaments on the parents' and their upbringing.

The willingness of some of the trainees to share their views and opinions on what they expected from the government and people around them also implies that CSO could be an avenue for the *trainees* to reflect or get outside help beyond their own family. However, the ability of the trainees to share relies largely with the attitude of the supervisor with whom they confide. In some cases the attitude and approach of some of the officers were not congruent with their roles. The *trainee*–supervisor relationship will be discussed further in Chapters 6 and 7.

The following chapter will discuss the history and types of criminal offence committed by the *trainees* that led to their CSO sentencing; how the *trainees* perceived their offending and consequently the impact of the offending and sentences on the lives of the trainees.

CHAPTER FIVE: THE CRIMINAL HISTORY OF THE TRAINEES AND HOW THEY JUSTIFIED THEIR ACTIONS

5.1 Introduction

To recapitulate, one of the objectives of this study is to explore the backgrounds of the *trainees* subject to a CSO which includes their offending history. Their background is useful in understanding the circumstances that lead to their offending behaviours, the nature of the offences, their own justification and their remorse on reflections. This chapter presents the findings on the criminal history of both the current CSO and the ex-CSO *trainees* based on the supervision files kept by the department office at the CSO unit and also from the interviews with them. These details will be discussed in two parts. The first part describes the types of crimes committed while the second part will explore how the *trainees* perceived and justified their actions and the circumstances in which the offences were committed.

5.2 Criminal History and Type of Offences Committed By the Trainees and the Ex-CSO Trainees.

The offences committed by the *trainees* can be grouped into seven categories. The first involves threat that could lead to death or serious injury punishable under Section 506 of the Penal Code. Secondly, voluntarily causing harm by using dangerous weapons punishable under Section 324 of the Penal Code. Thirdly, stealing, and accused of stealing punishable under Section 380 and Section 379 of the Penal Code. The fourth category is in possession of stolen motorcycles and attempting to steal a motorcycle under Section 411 of the Penal Code. Fifth, driving or riding under the influence of alcohol resulting in an accident under Section 43(1) of the Road Transport Act 1987 (ACT 333/87). In the sixth category are drug related offences under Section 15(1) (a) of the Dangerous Poison (Drug Act 1952) (ACT 234) and finally, obstructing the police in carrying out their duties or intimidating the police which is punishable under Section 186 of the Penal Code. Table 5.1 summarises the *trainees* and their offences.

Table 5.1: Types of Offences Committed by the CSO Trainees

No	Pseudonym	Category of Offenses	Sentences (Hrs.)	Offences
1.	Nikki	Sec 506 Penal Code	200 Hours	Threatening a pensioner verbally “I will kill you” and physically with a knife.
2.	John	Sec 43(1) Road Transport Act 1987 (ACT 333/87)	100 Hours	Drunken driving resulting in an accident.
3.	Mas	Sec 186 Penal Code	70 Hours	Obstructing justice. Obstructing a police officer carry out their duties and verbal abuse (“stupid police” and “Let’s fight one by one).
4.	Ali	Sec 411 Penal Code	150 Hours	In possession of a stolen motorcycle.
5.	Andy	Sec 380 Penal Code	80 Hours	Stealing processed chicken at work-site.
6.	Nazri	Sec 411 Penal Code	100 Hours	In possession of a stolen motorcycle.
7.	Harun	Sec 380 Penal Code	200 Hours	Caught stealing a long sleeve shirt worth RM60.90.
8.	Ezat	Sec 411 Penal Code	180 Hours	In possession of a stolen motorcycle.
9.	Azhar	Sec 44(1)(a) Road Transport Act 1987	100 Hours	Dangerous driving that led to an accident.
10.	Eta	Section 380 of the Penal Code (sec 34)	180 hours	Stealing powdered milk from a supermarket.
11.	Abu	Section 380 of the Penal Code	180 hours	Charged with stealing a lap top computer.
12.	Ady	Sec 15 (1) (a) Dangerous Poison (Drug Act 1952) (ACT 234)	100 Hours	Found to have consumed Methamphetamine.
13.	Faizal	Sec 42(1) Road Transport Act 333/87)	200 Hours	Dangerous driving
14.	Arif	Sec 411 Penal Code	200 Hours	Caught using a stolen motorcycle.
15.	Samat	Section 9(3) Poison Act	240 Hours	Possession of 0.53 milligrams of Chlorpheniramine.
16.	Rudy	Sec 411 Penal Code	140 Hours	Caught stealing a motorcycle.
17.	Safri	Sec 379 Penal Code	200 Hours	Stole a Motorola L6 hand phone.
18.	Mahmud	Sec 379 Penal Code	180 Hours	Stealing a Sony Ericson hand phone W850i.

19.	Andrew	Sec 324 Penal Code	80 Hours	Using fire extinguisher with intention to hurt.
20.	Fadil	Sec 324 Penal Code	70 Hours	Attacking with knife with intention to hurt.

5.2.1 Offences That Involve Intimidation

Nikki, aged 21, was the only *trainee* sentenced to 200 hours of CSO and was also put on a bond for RM 10,000.00 (approximately GBP 2000) for criminal intimidation that could lead to death or serious injury. His sentence began in February 2010. This was carried out at one of the institutions at the Divisional and District offices. Nikki was found guilty of criminal intimidation. He was reported to have threatened someone saying “*I will kill you*” while pointing a knife at the victim. This is an offence under Section 506 of the Penal Code. Nikki admitted that when committing the offence he was under the influence of psychotropic pills and alcohol. He was asked to surrender his weapon, and was subsequently arrested. Nikki did not reveal the events prior to the incident to the researcher but the social report kept by the department showed that he had had a misunderstanding with the victim while waiting for a ferry to cross the river. Nothing untoward happened between them then, but when they reached the town area, he met the victim again and snatched his bag but the victim managed to hold on to it. Following this, Nikki chased the victim who ran into a coffee shop. Nikki took a knife that he found in the shop and he continued to chase the victim.

5.2.2 Voluntarily Causing Hurt Using Dangerous Weapons

Both *ex-trainees* Andrew and Fadil were charged under Section 324 of the Penal Code for causing injury and were consequently sentenced to a CSO.

Andrew was sentenced to a CSO for 80 hours for using a fire extinguisher as a weapon with the intention to hurt, Fadil was also charged under the same Section 324 of the Penal Code and consequently sentenced to a CSO for 70 hours for causing injury using a knife as a tool to attack with the intention to hurt a person whom he had a fight.

5.2.3 Stealing and Reported for Stealing

The *trainees* charged under Section 380 of the Penal Code for stealing were Andy, Harun, Eta and Abu, while the *ex-trainees* were Mahmud and Safri who were charged under Section 379, and were also charged for stealing.

Andy was sentenced to undergo a CSO for an aggregate of 80 hours under this section for stealing processed chickens at his work-site. Andy was arrested together with his friends after a report was lodged with the village chief.

Harun was also convicted for stealing under Section 380 of the Penal Code, and sentenced to undergo a CSO for an aggregate of 200 hours. Harun confessed to stealing a shirt from a supermarket that worth RM 60.90.

Eta was 19 years old and pregnant when she committed the offence. She was charged for stealing four packets of milk powder from a supermarket. This is an offense punishable under Section 380 of the Penal Code read together with Section 34 of the same Code. She was sentenced to a CSO for an aggregate of 180 hours. Eta had admitted committing the offence together with two friends whom she met at a wedding reception. During the incident her friends managed to escape after taking the goods from the supermarket and directed her to keep the stolen items which she thought had been paid for by her friends at the till. Eta was arrested by the supermarket security for being in possession of the stolen goods.

Abu, an operator at a printing company, was charged for stealing a laptop together with a charger unit and the computer mouse from a member of office staff. The offence is punishable under Section 380 of the Penal Code. He was sentenced to 180 hours under the CSO.

Meanwhile, *ex-CSO trainees* Mahmud and Safri were charged under Section 379 for stealing. Mahmud was caught stealing a hand phone from a phone shop when he was 18 years old and was sentenced under the CSO for 180 hours under Section 379 of the Penal Code. He was caught and beaten by the shop owner and some bystanders before he was handed to the police.

Safri was sentenced to a CSO for 200 hours for stealing a mobile phone from a village friend. The incident happened when he was 18 years old. On that day he was playing

with his mobile phone and the complainant's brother came to him and asked him to exchange songs from their mobile phones. He brought both of the mobile phones home and kept the complainant's phone for 3 days. The complainant's brother had asked him to return the phone but he refused. The complainant's family lodged a police report. He admitted that he had intended to sell the phone because at that time he was out of work and he needed the money.

5.2.4 Possessing Stolen Motorcycles and Attempting To Steal a Motorcycle

The *trainees* who were charged for having in possession of stolen motorcycles were Ali, Nazri, Ezat and ex-CSO trainee Arif, while the ex-CSO *trainee* Rudy was charged for attempting to steal a motorcycle.

Ali was 19 when he was sentenced to a CSO for 150 hours under Section 411 of the Penal Code for being in possession of a stolen motorcycle. Ali claimed that the motorcycle was his and that he had bought the engine separately. He was arrested after the police found that the engine's chassis was that of a stolen motorcycle.

Nazri, a bachelor aged 19, was also sentenced to undergo a CSO for an aggregate of 100 hours for possessing a stolen vehicle. He was arrested at a police road block while riding with his friends in 2009. The police have found that it was a stolen vehicle. Nazri was immediately remanded at the Central Police Station and was later moved to a prison after his parents posed the bail.

Ezat was also charged for having a stolen motorcycle and was sentenced to 250 hours of CSO, which was later reduced to 180 hours. He was arrested after the police receive a tip-off. Ezat was held at the Police Central lockup for four days but was released after paying the bail of RM10, 000. Ex-CSO *trainee* Arif was charged under the same section of the Penal Code and had to undergo a CSO for an aggregate of 200 hours for possessing a stolen item. Arif claimed that the said item, the motorcycle that he was riding, belonged to him and he had bought it with his own money. Meanwhile, Rudy was sentenced to a CSO for 140 hours under Section 411 of the Penal Code for

attempting to steal a motorcycle. Both Arif and Rudy were not willing to elaborate on the incidents and stated that they would rather forget about them.

5.2.5 Road Related Offences

Among the offences committed under this category are riding under the influence of alcohol resulting in an accident as in the case of John, and dangerous driving that leads to an accident under Section 43(1) (a) of the same Act (Act 333/87), as committed by Azhar. *Ex-trainee* Faizal was charged under Section 42 (1) of the same act for dangerous driving.

John, 19, was sentenced by the Magistrate's Court to undergo a CSO for 100 hours for reckless riding which resulted in a head-on collision with another motorcyclist. This offence is punishable under Section 43(1) (Act 333) of the Road Transport Act 1987. According to John he was still 18 when he committed the offence. While he was slightly injured, the other victim suffered a fracture. Both of them were hospitalised.

Like John, Azhar was sentenced to undergo a CSO for 100 hours for an offence of drunk driving which caused serious injuries to the victim. The incident happened when he was 19 years old. He was sentenced to 190 hours for both offences, to be carried out simultaneously.

Ex- trainee, Faizal, was charged with dangerous riding. He was over speeding and overtaking at the prohibited places. This offence is punishable under Section 42(1) of the Road Transport Act (Act 333/87). He was sentenced to do 200 aggregate hours of CSO.

5.2.6 Offences Related To Drugs and Substances Abuse

Ex-CSO trainee Ady and Samat was sentenced to do a CSO for 100 aggregate hours for consuming methamphetamine which is punishable under Section 15(1) (a) of the Dangerous Drugs Act 1952 (Act 234). He was caught committing the offence together with his cousin at a road block. The police carried out a thorough check on them as

they looked suspicious. The police also seized drug accessories under the car seat. They were tested positive for the drugs.

Samat was also charged under Section 9(3) of the Poison Act for having an orange-coloured pill kept in his pocket and therefore was sentenced to CSO for 240 hours as the pills contained 0.53 gram *Chloropheniramine*. He was arrested while trying to run away from patrolling police. Samat was found in possession of the drugs. He claimed that he found the pills earlier at the (named) venue where they used to loiter. His urine tested was negative, but nonetheless he was detained for having the prohibited drug in his possession.

5.2.7 Obstructing or Intimidating the Police in Carrying Out Duties

The most common offences committed by the CSO *trainees* were offences related to theft and offences for being in possession of stolen items, in particular, motorcycles. Another offence commonly found amongst the *trainees* was related to reckless driving and riding under the influence of alcohol that caused accidents and injuries. Being under the influence of drugs and alcohol was identified by *trainees* as accounting for their uncontrolled behaviour that caused harm to others. Nikki intimidated a man with a knife. Andrew hit his distant uncle with a fire extinguisher. Two cases related to drugs were found amongst the CSO *trainees* referred to the cases of Ady and Samat. Mas was charged for obstructing and intimidating a policeman while carrying out his duties. He was 19 and was sentenced to a CSO for 70 hours.

The findings show a disparity in the sentencing of *trainees* who committed the same offences. It was not known to the researcher whether those given longer sentences were due to their background, the circumstances of the particular case or solely at court's discretion. Perhaps, these differences are, as once argued by Pease (1985), as the possible downside in the implementation of the order especially on what influence the length of the order which at that time has not been closely studied.

At its fledging stage, the CSO in Malaysia might face similar dilemma. However, Malaysia could adopt reforms and improvements in the youth justice system in England and Wales such as the use of definitive sentencing guidelines for the court and

practitioners to help them in making decisions on sentencing as well as the various rehabilitative programmes for young people who offend. The next section will present the juveniles' history as elaborated by two of the *trainees* during the interviews.

5.3 The Trainees' Juvenile History

Most of the *trainees* interviewed were first time offenders. This is expected as CSO is meant for those between the age of 18 and 21 years and first time offenders. The interview data however revealed that *trainees* Azhar and Mas have a history of delinquency behind them. Azhar, for instance, was imprisoned for 4 days in 2008 when he was 17 years old, for a gang fight. He had hurt someone using an axe. Below is his description of the incident:

“One time, I chilled out with my friend on our motorbike. A group of lads on motorbikes passed us. There were only two of us and there are 5 or 6 of them. They rode back and forth s and provoked us to race. I got angry and we chased them with our bikes... They went away; after that we rest at my friend's house. A group of guys came in a car. One of them punches my friend. We went into the house. He grabbed a chopping knife, and I took an axe, and someone brought a golf stick. After that we fight in a group, and I axed one of the lad's head”.

According to Azhar, that was the first time he had committed an offence and as a result he was put on remand. The case was later closed. Azhar justified his action stressing that he was defending himself and his friend.

Meanwhile, Mas described how at the spur of the moment he poked a Chinese boy's eye with a pen which caused him to go blind. The revelation was made when I asked for more information on his schooling history.

“At that time racial sentiment is very strong. The Malays want to be in charge so did the Chinese. A fight broke out and I poke a Chinese boy's eye with a pen and he became blind. I was expelled from school and joined in another (named the school). A police report was made and I was called in but later released. I really regretted after being locked up”.

Mas was locked up for two days with three other friends and consequently was expelled from school, while three members of the rival gang were admitted to intensive care at a local hospital. However, it was not until he was locked up for his recent offences that he regretted what he had done.

In another incident Mas was involved in a gang fight at his new school. He had just reported to the school and was in Form 2 when the incident happened.

“On my first day I was almost struck with a brick but luckily it missed me. They shouted, “a guy from (named the previous school) came” (referring to me) and they followed me to the toilet and asked for a cigarette. I don’t have any and I won’t smoke in that school. The guys are in Fifth form and I was only in Form 2 at that time. So I called my brother and told him that I was being bullied. My brother brought his gang and a machete and attacked the school. My father came down too to settle the case. I told the teacher if I were not treated like this I won’t bring in my gang. I am being attacked and was acting in self-defense”.

Both Mas and Azhar acted alone and claimed the actions were in self defence.

5.4 The Trainees Accounts of their Offending Behaviour

The interviews with both the current *trainees* and the *ex-CSO trainees* have teased out factors that led to their offending behaviour. All the trainees made justifications or accounts for their untoward behaviour. ‘Accounts’ according to Scott and Lyman (1968:46) in this context means:

“A statement made by social actor to explain unanticipated or untoward behaviour –whether that behaviour is his own or that of others, and whether the proximate cause for the statement arises from the actor himself or from someone else”.

Except for one *trainee* who maintained his innocence, the rest of the participants have justified the incidents that led to their offending due to drug or alcohol influences, financial difficulties, being influenced by friends and also for revenge. In addition, those who possessed stolen motorcycles claimed their ignorance of the law and argued that the transactions were legal. The following sections will elaborate upon the various themes related to the *trainees'* perceptions of their offending.

5.4.1 Misbehaviour Due To the Influence of Drug and Alcohol

Both Nikki and Andrew suggested that they were under the influence of ‘something’ when they intimidated and caused hurt to the other person. Nikki admitted to the police and it was recorded in his report that he was under the influence of psychotropic pills when he chased a pensioner with a knife. No additional information was revealed by Nikki during the interview.

Andrew admitted that he was drunk when he attacked a distant uncle using a fire extinguisher which left his uncle with three stitches. He also claimed that he was ‘possessed’ at that time and was not aware of what he was doing. He regretted his action and admitted his guilt. He said that he was on the way home with his friends when the heavy rain made them seek shelter in a church. At the church, one of his friends revved his motorcycle, and Andrew’s uncle, who lived nearby, rushed to the church and complained that the noise was too loud. Andy gave the follow explanation when asked to elaborate on how he ended up doing a CSO:

“It happens in the evening at 7 pm. My friend and I went to [a] karaoke, we drink, after that... it rain, we hang out in the open space next to the church. We had mobile phones; we played songs and sang together. It was near my uncle's house. He is very hot tempered man. One of my friends played with his bike and start making noise. My uncle became angry. He came running towards us and at that time my back was facing towards him. He talked about my late brother. I became angry as usual. Young bloods are easily irritated... I grab the spray can and hit him here (point to his forehead). After I hit him, he went back and called the police. My other friends ran away. I was traumatized. What did I do? I forgot what happened. I was possessed. It happened near a church. After that I went home, straight to bed. When I woke up, I was taken in a police van and held in the lock-up. At that time I was still drunk. I woke up in the morning in a different place, with the CCTV camera on...”

“Fatalistic” forces according to Scott & Lyman (1968), in various cultures are deemed in greater or lesser degree to be controlling some of or all human behaviours. For Matza (1964) adolescent delinquents tend to regard themselves as not in control of these forces that shape their lives. Mas was charged for obstructing and intimidating a policeman in carrying out his duties. He was 19 and was sentenced to a CSO for 70 hours. Matza compared the delinquents to whites or middle-class adults. Andrew attributed his offending act to ‘young blood’ and alcohol before the incident. He also claimed that he

was possessed as the incident happened near a church. Even though it may argued otherwise, he is a native of indigenous origin, Matza's statement seems to fit his situation. Andrew said that his dad had appealed to his uncle to retract his report but the court would not accept his retraction. In mitigation, he asked the court to reduce his sentence sine he was employed.

Both John and Azhar were sentenced to a CSO for driving and riding under the influence of alcohol and causing hurt. When recounting the accident, John said that he and his relative had met while on their way home from *Gawai*^{ix} shopping. John disclosed that he had consumed alcohol before that. He was rendered drunk throughout the night and was admitted to a hospital for three days although he had suffered only minor injuries. According to John, his relative (who was with him) also suffered slight injuries whereas the victim suffered a broken thigh bone. He regretted the incident and was charged in the session court fourteen months after the incident.

Azhar revealed that he had been drinking before the accident which almost took his fiancée's life. When queried whether he took drug besides drinking, Azhar unreservedly revealed:

"... Not on that day. I was just drinking. Before the incident, I have been drinking since evening. I have some problem with my fiancée. We had a quarrel. Then I drink. On the way back the accident took place. We were admitted to hospital. She was in a coma for more than a month".

Azhar expressed regret for what had happened. He felt sorry for his fiancée. I explored his feelings and asked him about it,

AO : How do you feel when you saw her in a coma?

Azhar : It's difficult to describe. I have a mixed feeling. I felt sad. I wish I were in her place.

^{ix ix} Gawai Dayak is a harvest festival celebrated by the state's indigenous people, particularly the Iban and Bidayus, in their traditional costumes. Ceremonial offerings of various local traditional delicacies and 'tuak' (home-made rice wine) are made to the gods of rice and prosperity. (Malaysia Tourism Directory)

AO : *Why did you say that?*

Azhar : *I'm very sad about what happened to her. She did not drive. I WAS THE DRIVER, AND I SHOULD BE punished. But that's not what happens. That's why I feel very devastated.*

Another *trainee*, Mas, who was guilty of obstructing the police officers in carrying out their duties, related that he was sitting with his neighbour and drinking “Royal”, (an alcoholic beverage) when the incident happened. He only knew about the incident when he was at the police station. Mas could describe in detail the incident that happened on the night of his detention,

“That night I went to my friend's place. When I reached there, they move to the end of the road. I don't know before that a report had been made and there was a brawl at the next street. We don't know and we had just arrived. Four patrol cars arrived and a policeman asked us to leave. Just as we were about to leave another officer come. We were just sitting there. He asked us to go back. On the way back, another officer called us in a very rude language and had us arrested. One of my friends' questions the police officer on what ground did they remanded us. The argument between them heated up and I punched the policeman. He pulled his pistol and pressed it on my head. I hit his hand and his pistol dropped. I am not afraid of the bullet, I told him. I told them that he shouldn't pull out his gun. That is wrong and they must act according to the law. So the policeman said, 'who are you and who are we?' We argued. I lost my senses and went berserk. My father, my brother tried to control me and almost ten people pinned me to the road and later they brought me to the police station. The police refused to entertain our case because they said the case are too petty” ... “Then they brought me to another police station in the city. That station also refused as the case was too petty and the police asked me to be released but the officer was not satisfied”.

Mas was finally locked up for four days. Initially he was sentenced to 2 years with a RM10, 000 fines but, due to his age, he was released on bail and sentenced to 70 hours of CSO.

5.4.2 Relative Deprivation and Financial Problem

The most common reason given by the *trainees* for stealing was to pay for money what they wanted or needed. This was the case for Andy, Harun, Safri and Abu. They however, denied that their actions have criminal intent.

Andy said that during his childhood, he was very close to his family. He claimed that he never took other people's belongings without their consent. Elaborating on the case, Andy reiterated that he stole the chickens because he did not have sufficient money to buy food. When asked what he usually did to the chickens that he stole Andy explained,

"I sold them but if there is some leftover I will eat it. At the time I took the chicken I really didn't have money. The money is for my cigarette, drinks and food. At the middle of the month I can't borrow money, so I don't know why I get the chicken. Once I did, it becomes habitual. After being caught only did I regret my actions."

When he was caught stealing a shirt, Harun said that he did not think of the risks and consequences as he really needed the shirt badly. He related the incident that happened when he went to town with his friends to buy some provisions for the Islamic festival of *Eid*. He had spent RM 50 to buy a pair of sandals. He described how he hid the stolen shirt in his shirt but was caught by one of the guards. The incident happened during the Muslim fasting month.

Safri also cited money as the motive for his involvement in crimes. Safri said,

"I need money. There is no job available at that time. I want to be like others they have a motorcycle, and they can get what they want. I can't have what I want. Though, people said the youngest in siblings is the most pampered, I was not. I was not given preferential treatment. My father doesn't care about me. My mum is okay just my father."

Trainees like Safri felt jealous and envied his friends whom he perceived to be more fortunate than him. Safri felt his action does not constitute a danger to others and he viewed his friend as luckier than him. Therefore it was okay to take his friend's phone.

5.4.3 'Wild' and Uncontrollable

Ex-trainee Faizal never expected a joy ride together with his friends on a motorcycle given to him by his boss would end up with a raid by the police. He was charged for riding in a dangerous and wanton manner and consequently sentenced to do 200

aggregate hours of CSO. He recalled the moment when he was arrested and brought to court. He was filled with remorse until he cried, thinking that he would be sent to prison. He was relieved when the court sentenced him to a CSO instead. At that time, his wife was pregnant with their first child. When asked the reason for him being detained, Faizal admitted:

Faizal : I was guilty.

AO : What was your offence?

Faizal : I was involved in a road race.

AO : How many of you were caught?

Faizal : Three of us.

AO : How about the others?

Faizal : I don't know. We were only riding around and they claimed that we were racing and I admit it.

Rudy was sentenced to a CSO for an attempt to steal a motorcycle. However, just like some of the *ex-trainees*, Rudy was reluctant to dwell on his offence and was unwilling to talk about his past. However, he confessed that he was naughty and uncontrollable before he was sentenced to the CSO. He and his friends were always involved in mischief and using drugs.

Ady narrated the moment when he was arrested by the police that led to him being sentenced under CSO. The incident took place in 2009. He was in town with his cousin and had taken a dose of “*syabu*”^x earlier on. Ady detailed his account of the incident when he was caught by the police and also elaborately described to me how he together with his friends took the drug.

“I had just smoked the stuff at that time. That was the Eid celebration; During Eid normally I have money and will take that kind of stuff. I am not, addicted to the extent of stealing to buy the stuff. That’s it. When caught, I just admitted to be in possession of it and also taking it. To bluff does not help because they would do a urine test. My urine test was positive; but I was not yet 21”.

^x A kind of drug sometimes known as ‘ice’

The following is an excerpt of Ady's descriptions on the situation prior to his arrest:

"First I took the drug. After that we walked around and even went to town. From there, we went to the village (name the village) not knowing that there was a roadblock. As we entered it we were stopped by the police, all of us spotting yellow hair, together with my brother and cousin. We were arrested. They demand for our Identity Card and driving license. We gave it to them. They looked at our dyed hair. I have given them these (Shows his driving licences and related document). Then an old policeman come. Another man talked to him. We were brought in for a thorough check. They do a body check but found nothing, and then they searched under the car seat and found all the instruments".

I asked Ady further on what he meant by the 'instrument' and the type of drug he took and how he consumed it. Without hesitation Ady explained,

"We took the type that is common. People called it "stone" or "ice"... "Syabu". The police found the stuff including the instruments for administering it... This stuff can be taken by various methods, but we take it by sucking, like smoking a cigarette. But they are an instrument to go with it, a glass plate to place the stuff and burn it and also a straw to inhale the smoke".

Ady revealed that he started getting involved with drug and illicit activities such as smoking when he was in Form 5.

"I started after Form 5. I started smoking cigarette, after form 5. I felt quite independent. At Technical School I met a lot of friends. I was unhappy with my life. There were a lot of things I want but I could not have them. I started smoking while at technical school, at that time I have money. I did what my friends did without thinking about the consequences. I spent whatever I have and enjoyed myself. I was very naïve."

At one point, Ady reflected how he felt when he took the substance:

Ady : *Yeah, while on the stuff, it really feels nice.*

AO : *What do you mean by 'nice'?*

Ady : *Nice. Feeling happy... When you do these things everything seems nice. After the hangover, I once got into trouble with my mum accusing her of not loving me.*

AO : *Then what happened?*

Andy : *She was angry and even asked others to apprehend me. I thought it was funny then*

5.4.4 Peer Influence

Another common reason cited by the participants for committing the act was the influence of friends as in the case of Harun, Eta, Andy and Safri. These were scapegoating excuses (Scott & Lyman, 1968) whereby the trainees alleged that their behaviour was a response to others.

Harun, who was caught stealing a shirt, explained that he was encouraged by his friends to steal. Similarly, the only female trainee interviewed, Eta, also blamed it on her new friends who had tricked her into stealing the powdered milk from a supermarket. She considered being sentenced to a CSO as a punishment. She expressed regret over what happened, and she insisted that her new friends had cheated her. She was 8 months pregnant during the incident. Reflecting on this, Eta responded:

“I don’t know what prompted me to befriend that kind of person. It is not that I want to do it. That is the biggest mistake in my life. When we are together with friends, the devils whispers in our heart to commit such offend. I accepted that in good faith. She managed to escape. I felt that she trapped me into this when she just ignored me. I am trapped and I just have to bear all the consequences by myself. I just accepted whatever the court handed down. I don’t want to go to prison so I have to undergo this CSO. My friend is now free outside. I am in difficulty, and she continues. I just got to know her. I regretted what happen. I take the responsibility”.

According to Andy, he was involved in stealing processed chickens from the processing plant where he worked due to the influence of friends. Similarly, Safri blamed his friends for his misbehaviour, as in his statement,

“... I followed my friends before. That's why I got into this trouble. I choose the wrong people, the wrong type of friends...”

Another reason cited by the CSO trainees is getting even with those who have wronged them.

5.4.5 Revenge

Fadil was detained when the person whom he had quarrelled with made a police report against him. As recounted by him, the cause of that fight was dissatisfaction which started when he was in Form 4 while he was hanging around with his friends. The motorcycle he was riding was hit from behind by a car. He demanded compensation but was ignored. Since then Fadil often met with the person and demanded him pay for the damage until he was in the Fifth Form. However, within that time no fight occurred between them though they often clashed and he often threatened to beat him up. One day, when he was 19, they collided again at a gas station. Fadil expressed his disappointment and there was a quarrel between them. The following was his side of the story about the incident:

“I have not been okay to him since a long time. Every time he met me, he showed obscene signs; once when I’m walking with my wife, so he came with his friends closer to us and started to use abusive words, threatening me and challenged me to a fight. Since I was the only one who brought my wife, I felt like being provoked and I felt ashamed. I decided not to react because there were a lot of them and moreover I was with my wife. It was the first time. We have been on bad terms 3 years. When I was 19, I fought back when we met at the Shell station. He was with his girlfriend, and I was with my wife. So, it’s fair, neither of us brought friends, so I take the chance to tell him why I was not happy with him.”.

Fadil was remanded for three days and two nights. He was remorseful. He could not stand it as the cell was dark and he has no way of knowing whether it was day or night. In making justifications for his offences, Fadil claimed that his action was permissible since the victim deserved it. Scott & Lyman (1968) in their explanation called this approach as techniques of *denial of the victim* (Scott & Lyman, 1968:51). Among the four categories of persons frequently perceived as deserving injury by the actors are ‘proximate foes’, i.e. those who have directly injured the actor. Hence, Fadil considered his act as justified as his victim had bullied him ever since he was only in his fourth year of secondary school. The offenders, despite their involvement always maintained that they were innocent.

5.4.6 Claiming Innocence

Abu strongly denied the charges that he stole a computer. He told me that he was forced to admit to the crime. It was a plea bargaining situation. He recalled that it was noon on Friday and as usual he would leave the office for the Friday prayer. He said:

“I didn’t accept the charge... there was no proof or evidence. So I was remanded for 7 days at Sungei Maong and 3 days at the prison at Puncak Borneo... They have no evidence. They checked the thumb print and they can’t find any”.

Abu thought there must be someone who wanted to frame him. He tried to relate an earlier incident when he went to see his boss to borrow money to pay the road tax and insurance. According to him, normally his boss would give an advance since pay day would only be on 25th of the month whereas the renewal of both the road tax and insurance was due on the 14th of the month. Instead, he said his boss became angry with him and when I asked him why. He explained:

“That day I went up to borrow about RM200.00 for my insurance and road tax renewal. My boss became angry. He didn’t want to lend me. How am I to renew the road tax? I only received my salary on 25 April. That was 12th April. I thought of borrowing RM200.00, he could deduct it from my salary. Usually I borrowed around RM100 or RM150 and he would give it to me. But this time he refused. So I went home. There was a CCTV at the office door. I heard music from (named) laptop. The laptop was on. I went out after knowing that the music comes from (named) laptop. I went for my Friday prayer. That Saturday, I didn’t go to work as I need to work to get money for my road tax. On Monday, I still didn’t have enough money and went to work as usual. That morning there is a CID officer with (named) waiting for me. I was in the middle of doing my work. I was asked to go to a Police Station to give evidence as there is some item missing from the office. Because I glanced at the laptop and they said I have an intention of stealing it. I asked them whether they watch the CCTV from beginning until end. They didn’t answer. They said that I have the intention. I only listen to the music and they said furthermore the boss did not give me the money that I wanted to borrow. That Monday, while at work I was handcuffed and brought to the police station.”

As revealed by Abu, the laptop was finally found when he was still under remand. The person wanted to withdraw the case against him but it was too late, and Abu was sentenced to 180 hours under the CSO.

Samat too maintained that the pill he found did not belong to him and explained it to the police. He had found the pill at MASJA and had kept it in his pocket so he could ask his friend about it later. Samat however did not deny that he also drank sometimes. Below is the excerpt of our conversation:

Samat : We were sitting at the curb near a school (named). We were just hanging around. Seeing the patrol police, I ran but they caught up with me.

AO : How many of you?

Samat : Eight of us.

AO : All of you were apprehended?

Samat : No. Only me.

AO : You alone. Where did you get the pills?

Samat : I found it at MASJA. I took it with the intention to ask my friend what kind of pill that is. I forget to ask them When the police passed by, we ran away but I was caught.

AO : You really did not take the pill?

Samat : No, I didn't. I don't know what kind of pill it was. After they analysed it only did I know what it was

Eventually, Samat was brought to the police station and kept in the lock-up for 12 hours before he was released when his mother agreed to be his surety.

Most of the *trainees* arrested for being in possession of a stolen motorcycle said that they were unaware that it was an offence to keep the items. Some also claimed that they had bought the items with their own money. There were also trainees who were aware that having stolen goods was an offence. However, such cases have become common and there were people who would purchase these goods. There was also a trainee who blamed his friends who he claimed had influenced him into buying such goods. Ali, for example, claimed that the motorcycle was his, but admitted that he had bought the engine separately. He was locked up in the Central Police Station for two weeks before being sent to the prison for 2 days while waiting for the trial.

On the other hand, Nazri said that he did not know that the motorcycle he had bought was a stolen vehicle. He recalled he was at his stall when a friend called and offered to sell a motorcycle for RM 500. He promised to give the relevant documents the next day, but the friend never did so.

Ezat, when asked whether he knew the motorcycle was a stolen, affirmed that he became suspicious when the seller was unable to produce the registration card. He claimed that he did not know it was an offence to buy stolen goods and claimed his transaction was legal.

Ex-trainee, Arif, was also sentenced to undergo a CSO for keeping a stolen motorcycle. Arif said that the motorcycle was his own, which he had bought with his own money but he was not willing to dwell on the topic as it was all behind him and he did not wish to recall the incident. At the time of the arrest, he was working in a restaurant. According to Arif he was aware that it was wrong to buy stolen goods, but he justified it by saying:

“...lots of people at my village use stolen motorcycles, even those old folks. They could not be bothered and even drugs too. They are easy to get...”

Arif used the approach of ‘*condemnation of the condemners*’, where the actor admits performing an untoward act but asserts its irrelevancy because others commit even worse acts but they were not caught or punished. Some are even praised (Scott & Lyman, 1968).

5.4.7 Just unlucky

Unlike those who claimed their innocence, Mahmud perceived himself as unlucky for being caught. Mahmud who was caught red-handed trying to steal a mobile phone from a shop was beaten up before being handed over to the police. *“They beat me up first before calling the police.”* He considered himself unlucky because he did not manage to escape and instead was battered before being arrested. Initially, Mahmud believed that he was unlucky to be caught before realizing that what he did was wrong.

5.5 Summary

The criminal history and types of offence committed by the *trainees* and the *ex-trainees* lead to an understanding of their background and how they were initiated into crime. The offences were not serious or in the major category such as murder, robbing with weapons, etcetera. These are offences that fall within the jurisdiction of CSO. As mentioned earlier, the most common offences committed by the CSO *trainees* were offences related to theft and in possession of stolen items. The most common items reported were motorcycles and mobile phones. Besides these items, participants also involved in theft of essential goods such as shirt, foods such as processed chickens, and milk. Judging from the circumstances and the items they had stolen, it can be appreciated that they are from low socio-economic background as described in the previous chapter.

Another factor associated with offences commonly found amongst the *trainees* was the influence of alcohol. The related crimes are reckless driving resulting in accidents and injuries. Some of the *trainees* admitted that they were under the influence of drugs or alcohol when committing the crimes. There were also cases related to drug abuse found amongst the CSO *trainees*.

The association between alcohol use among youth and delinquent behaviour such as stealing, problems in school and illicit drug use have been confirmed by researchers such as Prinz and Kerns, 2003. According to a 2005 report by the National Survey on Drug Use and Health (NSDUH), youths between the ages of 12 and 17 years who were reported to use alcohol in the past month (drinking five or more drinks on the same occasion on five or more days in the past 30 days) were the most likely to be involved in delinquent behaviour such as fights at school or work place, attacking someone with the intent to harm, stealing or attempting to steal items worth more than \$50, selling illegal drugs, and carrying a handgun (Burke, 2011). Furthermore, the Youth and Alcohol NCADD Fact Sheet (1999) reports that, about a third of youth under the age of 18 in long-term, state-operated juvenile institutions in 1987 was under the influence of alcohol when they were arrested. Alcohol and drug use have long been correlated with delinquency (Williams and McShane, 2004) and affects behaviour (White, 2003).

It is also worth noting that some of the *trainees* interviewed were putting the blame on friends, or attributing their predicament to luck and being victims of circumstances, conditions and ignorance of the law. Their claim of innocence is rather surprising. Ignorance of the consequences of an act, or of its prohibition may excuse an individual in many different circles. Scott & Lyman (1968) quoted John Selden's, 1696 statement that the law explicitly rejects this notion:

“Ignorance of the law excuses no man; not that all men know the law but because ‘tis an excuse every man will plead, and no man can tell how to confute him”

(John Selden, (1696) in Scott & Lyman, (1968: 53).

Finally, it is also worth to noting that some of the current *trainees* had a history in juvenile crimes. Even though these cases in principle contradict the conditions of those spelled out in the Community Service Order, these were committed when both of them were very young and hence the acts were not recorded as a crime. There was no record in the department that revealed information on these previous incidents or convictions as a CSO is a sentence meant for the first time offenders and for minor offences only.

Except for the two trainees with juvenile history, the rest of the *trainees* were first time offenders of minor crimes committed when they were less than 20 years. This justified their sentence to a CSO. Though most of them came from a working class background, none of them had a family with a criminal background. It might be argued that there are differences in the length of orders for similar offences. Offences such as Nikki who chased a pensioner with a knife, under the influence of a drug are too harsh for CSO sentences. However, in the implementation of CSO in the early days in England and Wales there are also discrepancies. Nevertheless, the following chapter will expose further the *trainees'* (both the current and the *ex-trainees* of CSO) perceptions and experiences with CSO and how they responded to CSO, including their perceptions about and relationships with the supervisors.

CHAPTER SIX: *TRAINEES'* PERCEPTIONS AND EXPERIENCES WITH CSO

6.1 *Introduction*

This chapter explores both the *trainees'* and the *ex-CSO trainees'* (hereafter collectively referred to as *trainees*) experiences and perceptions on the CSO, their awareness and understanding on the CSOs and purposes of the sentences, their feelings towards the sentencing and their experiences whilst carrying out the order. The chapter also examines the *trainee's* relationships with other *trainees* and most importantly, with those officers supervising them. The final part further discusses the impact of CSO sentences to the *trainees'* lives and careers.

6.2 *The Trainees' Understanding of the CSO*

Despite undergoing the CSO, the *trainees* were unable to demonstrate a full comprehension of the objectives and purposes of the CSO. This was either due to the fact the objectives may not have been fully explained to them by the court or supervisory agency. In the case of the *ex-CSO trainees*, that they could not recall them when asked. Except for a few who said they understood CSO, the rest of the interviewed participants admitted that they did not understand the meaning of the CSO or even the local abbreviation used for CSO which is *PKM* or *Perintah Khidmat Masyarakat*. However, despite their ignorance of CSO, further interviews with them revealed several themes on what they perceived CSO to be. Some perceives CSO not only as a punishment tool but also an avenue providing them with a second chance and an opportunity for them to change. Some see CSO as a way out to avoid more severe imprisonment whilst for some, the objectives were more connected to the types of tasks and charitable activities which they were required to perform. There are also a few of the *trainees* who said they understood what CSO meant such as Harun, Ezat, Mas, and ex-trainee Ady. On the other hand, many of the *ex-CSO trainees* asserted that they could not recall the objectives of the CSO.

6.2.1 Meaninglessness of CSO

Trainees like John, Nikki, Andy and Nazri initially claimed they did not know what CSO was about and could not explain the objectives of the programme. John, for instance, plainly admitted that he did not understand what CSO was about and that nobody had explained it to him. Mas expressed a fairly good understanding of CSO despite the fact that the court did not explain it to him. *Ex-CSO trainee* Samat, on the other hand, told me he did not understand what PKM or CSO meant, while *ex-trainees* Mahmud, too, maintained that he did not understand the CSO. However, when I explained to him the objectives of the CSO, he recalled that he was informed of this previously but he had forgotten.

6.2.2 CSO as a Punishment

Nikki, John, Harun and *ex-CSO trainee* Ady understood that CSO was a punishment for what they had done. However, Nikki could not elaborate further on the objectives of the programme and claimed that nobody ever told him about it. He said he was there due to what he had done. It was a punishment for his action. Nikki expressed his predicament by relating it to his realisation of God's power. He accepted that he had been punished for what he had done.

John, however, revealed that some people told him that it was a punishment. "*They told me I am punished*" however, when asked about the purpose of CSO, he could not elaborate more.

As for *ex-trainee* Ady, he understood that the CSO was a punishment. The dialogue illustrates his understanding of CSO.

AO : *So what do you know about CSO*

Ady : *I can feel that am being punished*

AO : *You feel that you are being punished?*

Ady : *Yeah, I have to face it especially when sweeping in public places. I have to do it whether I like it or not or otherwise they will make a fuss about it.*

Besides the CSO being seen as a punishment, it was also an opportunity to start a new life.

6.2.3 A Second Chance

Despite being unable to clarify the meaning and purpose of the CSO in its ‘formal sense’, the *trainees* were able to associate the Court Order and the activity as a kind of punishment for their wrongdoings. Furthermore, doing unpaid work made them comprehend that they were undertaking a form of reparation to the community. Having been sentenced to a CSO meant the trainees were spared custody and given a second chance to amend their wrongdoings, for which they expressed relief.

Ezat, *ex-trainee* Safri and Samat considered the CSO as a second chance for young offenders like them to change. Ezat said “It is *a chance for young offenders to change*”. Whereas Safri considered his conviction under CSO as a second chance for him to change himself besides avoiding the prison,

“CSO gives me a second chance. I don't go straight to jail, and I have a chance to change myself”.

Similarly, Samat said that he did not quite understand CSO except it was for giving him a second chance.

6.2.4 Change Our Behaviour

Mas shared his understandings of the CSO that it was “... *for us to change our behaviour and for rehabilitation*”. Sharing the same perceptions are Harun and Ezat. Harun, for instance, see the purposes of the CSO as educating and training aside from undergoing punishment. Reflecting on the purpose of the Andy said, “... *to make us more aware of our actions*”. They were happy of the fact that CSO helps to change for the better.

6.2.5 Avoiding Imprisonment

When responding to questions about the purposes of CSO, Mas said it was to help them and ensure that they conform to rules and regulations. In addition he stated,

“If we don’t change and still repeat the offences, then we will be put in prison”.

Ali, despite being unable to explain the formal objectives of CSO, said that the purpose of CSO was to replace the prison sentence. There are also benefits of serving the Order,

“To replace the prison sentence... To make people who are exactly like us become conscious...and I can mix with friends; learn about the meanings of life. I’m able to accept on how difficult and challenging life is”.

6.2.6 More like Doing Social Work or Charity Work

Some participants associated the meaning and purposes of the CSO with the tasks they were assigned to and the institutions they served. Andy, for instance, said that he only knew that the CSO as ‘charity work’ from his experiences at the Welfare Department. Nazri, Azhar and Eta also associated the meanings and purposes of the CSO with the tasks and activities assigned to them. The following are excerpts of what some of the participants said on this issue:

“CSO is doing tasks like sweeping and cleaning drain”– Nazri.

“More like social works... for examples cleaning the compounds [and] public spaces. It can be viewed like that.” – Azhar.

Eta who had just received the order from the court, but has yet to enter the field said:

“I imagine that I will be helping at an orphanage and doing the cleaning. I accept whatever task is given to me”.

Similarly, *ex-CSO trainee*, Arif, who was sentenced to 200 hours of community service described the programme in terms of the tasks given to him at the institutions he was

placed. So, when asked on his understanding of the CSO, Arif replied, '*helped them, housekeeping*'.

Some *ex-trainees* like Faizal, Rudy and Andrew were reluctant to dwell on these questions especially on matters related to their offences. They claimed that they 'can't recall' when asked for their understandings and purposes of the CSO. I am not really sure whether they genuinely forget or they did not bother to know or were simply avoiding the issues. Their responses made me reflect on the relevance of asking them this particular question, which could also be misinterpreted as requiring them to provide the meanings of the CSO in its formal sense. Recalling all its objectives was even the ordinary staff of the unit would find challenging.

6.3 The Trainees' Feelings and Impressions Being On the CSO

This section will discuss findings on the feelings of the *trainees* subjected to the order and also their impressions of it. However, the interview findings suggested that the *trainees* did not confine their responses just to their sentence under CSO. *Trainees* also tended to divulge details about the whole incident of committing the offences, being arrested and sentenced to the order.

The *trainees* regret committing the offences, remorseful on being arrested and consequently sentenced to the CSO. However, the reasons they gave differed. Other themes that could summarise their feelings and impressions when going through the CSO are feelings of embarrassment, mixed feelings, relief and feeling lucky that they were not sent to prison. They regard the CSO sentencing as turning point in their life. The negative feelings expressed by some of the *trainees* include issues around the restricted opportunity for work during the CSO. The following are discussions and examples of the themes mentioned above.

6.3.1 Feeling of Regrets

A common expression discovered through the interviews was the *trainees*' regrets for what they had done and their determination not to repeat the same mistake. However,

trainees like Nazri, Ezat and Andy were more emphatic. Nazri who earlier said he ‘*got no feeling*’ on his experience in CSO as he considered the work assigned to him as normal, also admitted his regrets about what he had done and was determined not to commit the same mistakes. Before being sentenced to undergo the CSO he had to stay in the lock-up for three nights as he could not pose the bail. It was the first night of Ramadan, the beginning of the Muslim fasting month. He remembered how difficult and painful it was at that time and he felt a deep regret. He will not forget the experience in the prison because he had to sleep without a pillow and eat tasteless food.

Similarly, Ezat who was also remanded for four days in a Police Station before his case was mentioned in the court regretted keeping a stolen motorcycle. It was sad to be arrested and sentenced to a CSO. Andy, on the other hand, admitted his mistake and regretted what he had done,

“I regretted. It was not worth doing”

Despite his regret, both Ezat and Andy see their sentencing as giving them a chance for trainees like them to change.

6.3.2 Feeling Embarrassed

Throughout his CSO time, John said that he was embarrassed but he felt himself lucky. He was ashamed when there were a lot of people visiting the office, especially when he was cleaning the public area of the building. When asked why he felt so, John replied by pointing to the shirt he was wearing, which was provided by the management of the CSO.

Ex- trainee Ady was very frank about how embarrassed he was when wearing the CSO uniform working in public especially cleaning the public toilets in town where there were a lot of people looking at him. Ady reflected regretfully:

“... Yes, a lot of people. It is quite difficult to describe. There’s no point to regret. Lucky that it is just this... (Referring to the sweeping tasks)”

He realised, however, that he had to go through all that punishment for the wrong that he had done and he had accepted it with an open mind and was ready to turn over a new leaf.

Rudy, one of the *ex-CSO trainees* frankly told me that I should have interviewed him earlier before he was released from the CSO. He was also among those who were reluctant to talk about his offence. He was very shy and reserved during the interview, especially when the conversation asked to recall matters related to his sentencing. Below is his reflection on his feelings:

“... At first, I feel depressed and embarrassed but there is nothing I can do. It is my fault so I just follow what they ask me to do. Now, when I reflect, there is a reason for this. I do everything, when I do the tasks I said to myself, ‘why I have to do all these tasks, why do they ask me to do these tasks? However from there I can see obvious changes in myself after going through it’”.

6.3.3 Having Mixed Feelings

It was not unusual for the *trainees* to express mixed feelings, both happy and sad, from what they have experienced. However, Harun, Nazri and Azhar’s responses are worth pondering. Harun, for instance, expressed his sadness that he was unable to work and earn money while undergoing the Order. On the other hand, he also felt happy as this sentence gave him an opportunity to attend motivational talks through intervention programmes organised by the management of CSO involving various agencies such as the Police, the National Anti-Drug Agency, the Youth Skill Institutes, and the Drug Rehabilitative Centre. When asked about his feeling being in CSO, Azhar said:

“I don’t know. It’s a mixed feeling. I feel sad when I first came here because at home you did not sweep rubbish, cut grass ever. Now, I also feel happy since I did not land in prison. I am still free outside”.

Azhar perceived the programme as good as it gave a second chance for “...young offenders like us to change... to think.”

6.3.4 Lucky Not to Be Sent to Prison

John, despite feeling embarrassed working in public spaces wearing the CSO shirt, still considered himself lucky because the CSO was the most lenient option compared to the other two offered by the court during the hearing. Similarly, other trainees such as Nikki, Andy, Arif, Azhar, Ali, Andrew and ex-CSO Ady expressed their relief at being sentenced to the CSO rather than being put in the prison. Nikki, for instance, felt very grateful that he was sentenced to a CSO rather than be placed in prison. Andy's feeling of relief was captured in his statement below:

“CSO gives us a second chance. I felt happy given the second chance. Without before [the] CSO; I would be imprisoned straight away. [I]am thankful to them, (referring to the Welfare Department)”

Ali, who had experienced being in a ‘lock-up’ before, was relieved when sentenced to CSO rather than being sent to prison where he would not have been able to see his daughter and his family. Throughout the time he underwent the CSO, Ady was also very grateful for not being imprisoned. He assumed that jail time would have meant a hopeless and dark future for him.

Before the CSO, Azhar never previously experienced menial work. He considered himself fortunate being sentenced under a CSO rather than imprisonment. In the later part of our conversations, Azhar reflected on the first day he carried out his sentence:

“I feel sad when I first came here because at home I did not have to sweep rubbish, cut grass ever; but now, I felt happy too since I did not land in prison, cos [because] I am still free”

Sharing the same feeling for not being placed in prison was *ex-trainee* Andrew. Andrew, whose sentence was reduced by the court, voiced his appreciation to the Welfare Department for taking up his case or else he would have been imprisoned.

Similarly, Arif also shared his feeling of shame doing the CSO work but he was quick to realise that it was still better than the prison. He twice experienced being in the lock-up at the Central Police Station while waiting for his father to bail him out.

6.3.5 Key Life-Transition Point

Another CSO *trainee* Mas said that he was very sad, a feeling of lost and frustrated from the earlier conviction when it was made clear that his case was under the Welfare Department due to his age. He was delighted. It was much better,

“It is true. On the first day am here I felt so stressful but now I [wish] want to work here as a volunteer. It is just that [but] I need to work for a living. Yes, I felt given a new life to change for the better. I promised myself and the Most Powerful up there that I won’t repeat the same mistake”.

Ali had experienced detention in both the lock-up and prison which he described as ‘torturous’. Being in CSO was a ‘breathtaking’ experience. Even though he acknowledged that CSO is a replacement for prison, it gave him a wakeup call and helped make him a better person, ‘change’ his attitude toward life and ‘give’ him an opportunity to reflect on what he had done. According to him, the CSO programmes created self-awareness and helped to strengthen his spirit especially after experiencing a short term in prison. He regretted his previous action and was more determined to change himself than ever before.

When asked what he valued most about being in CSO, Ady recalled, smiling:

“... Yea, good experience... (Referring to his meeting with his present girlfriend whom he wished to marry) It never crossed my mind that I will travel to (name the town), what more to stay here. The best part during this period is I met (name of officer) who sent me here, an opportunity that I will remember...”

In fact, after getting to know his girlfriend, Ady was determined to work harder on his present job as a quality controller with a manufacturing firm. At the same time Ady was looking for a better and more stable job, taking some tailoring orders and saving money so as to marry the girl who has had a strong impact on his perceptions of life and an enthusiasm to change for the better.

6.3.6 Restricted Opportunity to Work

On the bad side of CSO, participants like Harun, *ex-trainees* Faizal and Arif regretted that it restricted both of them from working and earning a living. Arif, for instance, was working at a university café when he was convicted. He was supposed to help with catering the morning of the interview. Faizal, on the other hand, regretted deeply for not being able to work due to CSO. Instead he let his wife support him and their one and a half year old daughter. Faizal's complaints and regrets can be seen in our conversation below:

Faizal: I was doing it for a very long time. Oh my god, I just depend on my wife. I went there early and back at 3 [pm], I did not have time to work.

AO : Doing what?

Faizal : This community thing caused me not to work at all. I did not help my wife to buy milk, nappies, only my wife bought them. I went home at 3 from 7 morning and then I continued at 4 at 5 [pm], I don't know what else I did.

AO : Oh, during that time?

Faizal : Yes, I did not work at all.

As for Harun, while appreciating the intervention programme organised by the CSO section, he still felt sad because he missed the opportunity to work and get money.

In general, it can be concluded that many of the participants had done reflection on their feelings towards the CSO, both during and prior to their sentences. Though they expressed relief for avoiding prison, most regretted their detention in the lock-up. They also spoke of the embarrassment they faced when carrying out their sentences in public places and also the restrictions they faced with work and earning for their family. However, to some, the CSO has served as a key turning-point in their life to be treasured. The next section will discuss the experiences of participants who were undergoing the order.

6.4 *The Trainees' Experiences Undergoing the CSO*

6.4.1 *The Trainees' Tasks*

During the study period, all the *trainees* serving the CSO sentences were placed under the supervision of the State Welfare Department's offices and its agencies, except for

ex-CSO Ady, who was also instructed to serve at public places in a town under the local municipality. The rest of the participants, whether they were placed at the Boy's Home or at various stations of the State Welfare Department at the divisional or district level in Sarawak. They all did the manual tasks of cleaning and gardening and maintaining the general cleanliness of the institutions or public spaces they were stationed at.

Eta, the only female participant was consigned to the Home of the Aged at *Rumah Seri Kenanga*, (approximately 17 miles from the city of Kuching), which is also an agency under the State Welfare Department. At *Rumah Seri Kenanga*, Eta was assigned to clean and take care of the elderly female residents, which included helping to feed and wash the elderly and cleaning their residential area.

Those *trainees* who were placed at the Welfare Department offices at the Division or district levels like Nikki and John were assigned cleaning jobs like sweeping, collecting rubbish, cleaning the windows, fans, toilets, and also gardening. At the time of the study there were only two of them attached to the divisional offices, whereas more were placed at the Boys' Home and therefore managed to do their assignments in groups. However, the nature of work given to them was manual in nature such as cleaning and gardening. Ezat, Mas, Andy and Ali were amongst those assigned to do jobs like cleaning the drains and toilets, mopping the floors and some gardening work such as trimming the trees and tilling the soil. Both Nikki and John were also exposed to the public view of those who came to attend to various personal businesses at the government premises.

6.4.2 A New Experience

Another observation worthy to note was that the ordinary domestic chores like sweeping, cleaning and gardening were considered as new to the *trainees* (such as Nikki, Safri, Fadil and Arif to mention a few). Nikki, for instance, admitted that he never did these chores before, not even at home. Nikki felt that he had gained many benefits throughout his CSO time. He experienced things that he never had done such as sweeping the rubbish. Likewise, Safri said that all of the tasks he did at the institution

were new to him, which he had never done before. He sincerely admitted his opinions about the errands:

“I never do that kind of work. All of them are new. But I really feel grateful because I got there instead of going to the jail. Lots of people said if you go to jail then you will have a very dark future”.

Another *trainee*, Fadil, considered tasks like trimming the trees, cleaning the drains as new experiences. He had experience cleaning the hall and classrooms during his school days. With regard to these activities, Fadil said:

“That’s the new experience I gather. Cleaning the drain, trimming the flowers, like a gardener. Cleaning classroom and hall stuff, that’s I’ve done during my school days before”.

Similarly, Arif considered cutting grass and landscaping was a first time experience for him while cleaning the toilet was normal as he used to do it at the food shop where he worked.

For Fadil, not only was the experience in the CSO a new encounter, he also regarded them as some of the best experiences that he would not forget. When I probed him further on the experience that he could not forget, Fadil reckoned that it was:

“The socializing experience, like inter-personal communication it doesn’t mean like ... I knew the type of people there, even though some of them had been in the cell, and they are offenders. Still, they want to be cared for need the attention of the society. They still want to be useful to the society...”

Fadil also shared some bad experience he and his friends did during one of their assignments. With a smile, Fadil had a flashback and said:

“Yeah, during that time... the time when we are given the task to clean the classroom on our own, the supervisor did not keep an eye on us closely... there’s a time we escaped, where we grasp the chance to sleep in the classroom...”; “That’s a new experience I gather. Cleaning the drain, trimming the flowers, like a gardener. Cleaning classrooms and the hall, that’s what I’ve done during my school days before- Fadil”.

“... I have never done that kind of work. All of them are new.-Safri”.

“There I do grass cutting, doing landscaping, that is the first time. Toilet cleaning is normal for me- Arif”.

6.4.3 Making Friends and Working Together In a Group

Fadil and other *trainees* such as Mas, Ezat, Andy, Azhar and Safri also greatly appreciated working in a team among friends. Their common routine includes cleaning the drains, toilets, windows, classrooms, sweeping rubbish. Some are involved in painting the institution’s walls. Besides general maintenance work, they were also asked to do some gardening such as cutting the grass, trimming trees and tilling the soil for planting.

Mas appreciations working in a group and suggested the suitability of the Malay term “*gotong royong*” (the Malay concept of working together in a team) to describe the manner in which they used to handle any task assigned to them. He enjoyed working together in a group like a family. He stated,

“We work like a family. Helping each other and after that we have fun.”

Though he enjoyed working collectively with the other mates, Mas felt he was obliged to remind his colleagues of their responsibility. Mas said that he has adapted himself to the tasks assigned to him. Mas were commended by the staff for his good attitude and motivation. He expected the same from his colleagues,

“Sometimes I will tell [remind] my friends or CSO mate if they did not do their work. I know they are not happy but told them that we have to change and improve ourselves... We must be cooperative”.

Andy, too, enjoyed cleaning the drains with his two other friends. Other than that, he and the rest of the trainees were also assigned to sweep rubbish, dispose of dried leaves, clean windows and toilets and trim the plants. Andy, when asked whether he had done any of these tasks before, recalled he used to do that sort of work at the church during

his school days. He enjoyed the ‘charity work’ because to him it was done in a team. It instilled comradeship.

Similarly, for Ezat, the most interesting experience during his CSO time was meeting friends and working together in a group. Ezat was happy with his friends, especially those who like to joke and from that, too, he treasures their friendship. Samat also considered meeting friends and team spirit as the best part of his experience with the CSO. Ali considered the gardening work assigned to him an opportunity to meet new friends and gain new experience. Azhar also appreciated his friends’ company. With regard to these Azhar said,

“... Here I appreciate friends, and punctuality is important too. If we come late, they will write in the report saying that we are not punctual. Friends are okay – reasonable. We help each other even though we just know each other. It’s like we know each other well”.

In contrast with those previous comments, a few participants perceived the tasks assigned to them as just routine.

6.4.4 Just Normal and Ordinary Tasks

Nazri, Andrew and Arif considered what they did at the institutions as just normal and ordinary tasks which were familiar to them. Nazri, for instance, said he used to do similar tasks while working at a construction site. Nazri related an incident when he was caught by the supervisor for smoking, which was an offence. On the other hand, Andrew regarded the tasks assigned to him at the institutions as nothing new.

“It is normal. At home I use to till the soil, cleaning, grass cutting. I don’t mind doing it as part of the punishment for my wrong doing. Just do it”.

Safri, on the other hand, was contented with whatever tasks given to him, and happy with those he worked with. His opinion on his experience was reflected in his statements below:

“Everything is okay. Everyone does his work. We can work together. So it’s good, I can find new friends. Then they assigned me some tasks and I accept it. Moreover, they are not so strict. It’s still okay. The supervisors are okay. Everything is alright”.

6.4.5 Other Significant Life Experiences

Meanwhile, Ady’s experience is noticeably different from the rest of the trainees. This was because Ady did not only carry out the CSO sentences at the institutions and various public spaces under the municipality as directed, but he also attended the sewing course which ran simultaneously with his sentence. When reflecting on his experiences, Ady narrated:

“While undergoing the CSO, they (referring to the supervisors) did tell me that they are taking care of me. We were always busy which makes me delighted. Even though I was asked to sweep, clean the toilet and picking rubbish at (name the town)”.

Regarding his attendance at the sewing course, Ady elaborated as follows:

“Yeah, I stayed in a hostel there for 6 months. I attended a skill programme. Brother [named the supervisor] arrange for my placement so that I don’t mix with my friends [the friends referred here are those previously taking drugs with him]. Various activities kept me occupied. The sewing course under the Mara Skill Programme at the institution lasted six months”.

With regards to his task (‘work’) with the CSO, he proclaimed that he worked at many places as instructed by his supervisors. Ady recalled:

“I was assigned not only at one place, sometimes at the roadside too. There people can notice me. When people look at me sometimes I couldn’t be bothered but at times I felt irritated. I work alone. Maybe if I am accompanied by other trainees then I think it is OK. I thought what I can do? It is my own fault”.

The *trainees* of CSO were given tasks such as general cleaning and maintenance of the institutions where they were placed to work. However, even though to some these tasks

were just ordinary work, there were also participants who considered their assignments as a new experience that they had never undertaken before, even at home. It can also be deduced from the statements made by some of the *trainees* such as Ady and John, that they found sweeping rubbish as demeaning especially at the public locations. It could be because both of them pick rubbish individually, unlike the rest of the trainees who were doing the tasks in groups which they appreciated.

6.5 *The Trainees' Opinions about the Supervisors*

The supervisors or key workers were perceived as nice and supportive. Whether it was accidental or deliberate, very dominant expressions made by the trainees were their appreciation of those officers supervising them. From my observations, those supervisors and field officers who dealt with the *trainees* were committed despite some minor hiccups due to the infancy of this programme. There are many possibilities for the *trainees'* positive remarks and perceptions of the supervisors. Besides the fact that their supervisors were showing real concern for the *trainees*, it could also be due to the *trainees'* perceptions and awareness of my position. Some might feel that I was on the management. This thought or suspicion might inhibit them from being frank. However, some of them, such as Mas and Arif, took the middle path, stressing more on the role of the supervisors.

The rest of the *trainees* gave positive comments of the supervisors such as 'nice and caring', being 'a good sport' and 'understanding', gave good advice, motivating and helpful. Nevertheless, a couple of the *trainees* also gave adverse opinions about their supervisors whom they felt were unnecessarily strict. The views and perceptions of the trainees will be discussed further in the following paragraph.

6.5.1 Just Follow What They Tell Me to Do

Mas and Arif's statements hinted to me the nature of the relationship between the participants and their supervisors, which is contractual. Hence, instead of giving their opinions about the supervisors, they stressed mainly on the supervisors' roles. Mas believed that the supervisors were there to supervise and check on them. If the

participants continued to cause trouble like before, they would be put in jail. Unsatisfied with the answer, I probed him further and the following is an excerpt of our conversations,

AO : Are they okay with all of you?

Mas : I am surprised to see them...whatever good they will write down. As for me whatever question asked I will answer. Whatever task assigned I will do

AO : That is important

Mas : While talking I will do my work, and my feet will be moving. I am that kind of person.

AO : Do you think they are okay?

Mas : They are doing their work.

Throughout the conversation, Mas avoided a direct evaluation of the supervisors. His statements made me think if he took my questions seriously. Nonetheless, Mas talked about him even beyond what was asked without any pressure.

Meanwhile Arif had his own reason to follow the instructions given to him by the supervisors. Earlier he told me he normally would not want to listen or refused to be directed to do anything by anyone at all. Furthermore, he admitted that he was the lazy type. He does not like to help others. However, according to him, things changed when he was under the CSO. Curious about the reasons for the swift change I posed him the following questions:

AO: Why do you suddenly obey them or follow what other people requested?

Arif: Just follow what they tell me to do...Hmmm just keep it in my heart

AO: Hmm, yeah, before this you did say that you do not listen to what people asks you; this is the first time you listen ... why was that?

Arif: the reason?

AO: yeah... at that time?

Arif: because I'm scared that they might report and I'll be placed inside (Referring to the jail). That is the disadvantage of CSO; you might be sent back there if your report is not good.

As shown in the conversations above, Mas indirectly made his contractual stance clear with regards to his relationship with the supervisors, while Arif indiscreetly justified his reasons for being obedient and obeying the supervisors' instructions. However, Arif

recapped his supervisor's advice and guidance. I quote some advice given by the supervisors as narrated by Arif:

"...Don't create problems, don't repeat the same mistake. I get mess into trouble. They teach me the way to cut grass. Follow the other senior workers".

6.5.2 Nice and Caring

Nikki accepted that the people who supervised him were very nice and supportive. He also appreciated one particular lady staff member who was very concerned and cared deeply for him, such as asking him whether he was okay, and whether he had taken his lunch. He acknowledged that his feeling of inferiority was lessened with her acceptance and this did not make him feel isolated.

Azhar also shared his positive opinions about his supervisors. When asked about his opinions of them, he replied:

"Good, they treat us well. They are nice. They understand our types... but, even if they understand us, we won't take advantage. We helped them in return. So be it... Like the welfare officer helped me on the court, giving report that I should be doing community work or CS"

Andrew also expressed his gratitude for what his supervisors did for him. Andrew recalled:

"They treated us well. If we are sick, we can tell them, can call them. After going to the clinic and obtain a sick certificate we can give it to them for the record. They are very caring. They don't force us to work. When we're tired they allow us to rest".

I requested Andrew to give me an example of his positive relationship with his supervisors and also the moment that he felt he was appreciated.

"The moment I felt appreciated was when he assigned me to clean the room. I did my best and followed his instruction. Once done and he had checked it, and he was happy and proud that I followed his instructions. He praised me for the work done".

Safri thought every one of the supervisors was okay. He even confided and shared his problems with one of the lady supervisors. Safri said:

“I always told her my problems like family problems. That is the best part. I know she can listen to my problems. She also gave me a little advice”.

Similarly, Harun perceived those in charge of supervising him as nice and not harsh when giving instructions. He praised the supervisors,

“... Good, they treat me well, like when they give instructions they are not hard (strict)”.

Ex-trainee, Rudy, recalled and named two of his supervisors who to him were “good and nice people”. However, when giving his opinions, Rudy’s views were interspersed with comments which were not serious as shown in the conversation below.

AO : *How about your relationship with the supervisors, what do you think about them?*

Rudy : *So far, it is okay, they come on time and they are trustworthy. Well, that is their duty.*

Rudy : *They did all of their work except for...*

AO : *Okay, what is it?*

Rudy : *Except for... I am still thinking I want to look for their mistake*

However, when I suggested that he could highlight the mistake at the same time the positive ones, Rudy said that there were a lot of positive things he could recall in his relationship with those supervising him and said,

“... such as I feel like I am appreciated and after that, I think actually people do care and love me”.

When I asked him to give examples of how the supervisors showed that they cared for him, Rudy explained,

“At first I feel disappointed in myself but then they ask me to eat and stuff... They brought me lunch, and then they ask me about my progress. Before, nobody has ever asked me that. They are communicating with me sincerely”.

6.5.3 Being a Good Sport and Understanding

Fadil, on the other hand, judged his supervisors as being a good sport and understanding. In his own words, Fadil explained,

“This people... (Referring to the supervisor) are like... the good sport type. They understand us, and sometimes they scolded us, teasing on the way we look or on the cases we commit. They are good sport too, and understand our conditions”.

When I requested him to tell more about how he took his sentence, Fadil recounted,

“By the first week I was really serious with the work. I have yet to know who they are, their characters, friends and supervisors. I just follow them strictly, did my work and followed all instructions. After that, I understand what is expected of me and we are very friendly”.

I probed him further:

AO : Are you implying that your perceptions of the supervisors are that they are not serious in supervising you?

Fadil : They are serious, but there are times they can joke and chat with us and at other times can be serious too.

6.5.4 The Supervisors are “Good, BUT...”

In the eyes of the supervisors, John was seen as a good, nice chap. He was humble and did not talk much. He just focussed on the task assigned to him. John’s attendance was very much dependent on his supervisors and the availability of the Department’s vehicle to pick him up from the longhouse to the office.

The department resources such as transport at the divisional and district level are already optimised for all different purposes, and now for the new programme, CSO. Even though his sentence was only 100 hours, John felt it took up too much time. When asked about his perceptions of the supervisors, John said they were very good, but he did not elaborate any further as he always did throughout the interview. However, John could not hide his frustration when he confided and said:

" I want to end this programme soon. Not like now. 2 days in a week. I want to end this fast".

According to John the supervisors would inform him a day earlier if they required him to come and do his duty.

Ali also gave conflicting statements. He said that his supervisor was a kind person and believed that a supervisor should not be too strict to avoid excessive stress to the CSO trainees. When asked about the supervisors there, he claimed *"all are okay. There are some strict ones but some are caring but the strict ones makes us stressful"*. Ali also felt uncomfortable being supervised. When persuaded further the following were his responses,

"I feel like being observed like the guys from [the] Boys Home...as if I have committed serious criminal offence"

Ezat related that his relationship with his supervisors was good, and opined that some of them were good and considerate, although he admitted some were quite strict.

*Ezat : The officers are too strict. It is quite difficult for us if they are strict.
AO : Can you give an example?
Ezat : Even if we talk among ourselves they scolded us. They should consider. Some are considerate and good
AO : You say some are considerate, what do you mean?
Ezat : Those that know that we are tired
AO : Can you explain what you mean by good.
Ezat : They will tell us to have a rest after completing our work and get us to continue after we rested.*

Andy, on the other hand, regarded all the supervisors of CSO as nice except for one (named) whom he considered to be a little bit harsh when giving instructions. He hoped that the supervisors could be more friendly and approachable. When I asked the reasons for his opinion, Andy uttered to me that one particular supervisor was unnecessarily strict. But, before he explained further, Andy requested for my assurance that I will not convey this to the person,

“Just a bit of a mistake he will write it down. For instance when we sit down tired after work, he will write down... and also if caught us with lighters even without any cigarette. The rest [of the supervisors] are courteous”.

I purposely provoked him and said:

AO : If they correct you, doesn't mean they are not good, right. In your opinion, how can this programme be improved?

Andy : I don't ask much. Just need them to be friendlier and give advice.

AO : Did they?

Andy : Seldom

6.5.5 Motivation, Advising and Mentoring

Ady had plenty of reasons to be grateful to his supervisor, especially to the chief supervisor who sent him to carry out his Order at (district) because he could not bear the shameful experience of sweeping the roadside in public in the city. Ady owed it to his discretion that he registered for a sewing course and subsequently, gave him a chance to meet his girlfriend who had helped him so much, and who had become his inspiration. Besides the chief supervisor, Ady also welcomed the advice and mentoring from his supervisor. He felt that his relationship with the supervisors was good. They were always helpful throughout the CSO time,

“While undergoing [the CSO], they did tell me that they are taking care of me. They also say that after doing this part then another part, that make me feel delighted, even though I am asked to sweep”.

He also had the same opinion about the other supervisors:

AO : What is your opinion on your supervisors?

Ady : OK. Best! He doesn't treat me like a labourer. He is willing to talk. I feel that is the best part.

AO : Can you recall the first time you report and compare it to the last day?

Ady : As for brother (mentioned the supervisor name) I thank him, and he gave a blush smile. I feel like returning back to them. Not to do sweeping but just have a casual talk. It is great talking to them

AO : What did he discuss with you?

Ady : His advice was not to repeat the same mistake. He says that I won't be a bachelor throughout and one day I will get married and have my own family. He conveys it nicely and I can accept it

At one point of the conversation, Ady acknowledged,

“Even though am convicted yet there is something that makes me feel happy. I want more of that part... the supervisors who made me “feel good”... It makes me feel relax and accepted. They are people who support us, they don’t condemn...”

He was satisfied with the supervisors and felt accepted. According to him, the way his supervisor gave a directive was acceptable, and the most memorable time to him was the conversation during recap time:

“... Those who supervise me were very good and gave me advice and console me when am down. Especially when am down and provoked, I would be angry... and sometimes we work together. We talk especially while working. When I feel annoyed and ashamed, he would pacify me and someone who cares. During break time there would be someone who is willing to accompany me”.

Ady’s opinion of the supervisor is summed as follows,

“Compared to those who uses the cane. To give advice is an art of persuasion, he checked and at the same time he pats. Like a brother (repeat the supervisor name) when he talks he sounds so harsh at the same time he is relaxed He will stroke me politely. I really feel good when talking to him”.

Nazri, when asked about his positive experience and relationship with the CSO’s supervisors, began with a bold confession that he was caught smoking by one of the supervisors. However, from his point of view, he thought that his supervisor (whom he claimed to be his sole supervisor), cared about him by giving advice. Nazri said:

*Nazri : (Named the supervisor) advice me after this not to repeat the same mistake.
AO : They give you advice?
Nazri : Yes. Not to be naughty*

It can be deduced that the participants’ reflections on their supervisors is that they were caring and supportive to the trainees during their CSO time. Aside from a few supervisors who were perceived as strict, and were ‘just doing their work’, the rest of them were portrayed as very nice, good sport and understanding, at the same time

giving advice and motivation to the participants. Ady in particular owed his rehabilitation to a supervisor who he called as brother (name). An important issue worth highlighting here is how some trainees appreciated the care and recognition from the supervisors supervising them.

6.6 The Impact of CSO Sentences to the Trainees

This section will discuss the impact of the CSO sentencing on the *trainee's* life and career. The participants were asked to share whether they obtain anything useful out of the CSO or whether they had learned anything new.

The central theme that emerged in this study is that the CSO sentences had made them become better persons. Whether they conformed to the sentences or they were still in denial and considered themselves innocent. They considered lucky to have learned significant lessons, getting new experiences, strengthening their spirit to change and exposing them to community work.

6.6.1 Personal Changes

The most significant success for any rehabilitative effort or programme is when it can get to the heart or change the participants' undesirable habits. However, this study was not intended to measure such effect within just a few hours of interviews per subject. Hence, any revelation or disclosure, even stories shared by the participants are worth noting. The most significant findings are the participants' disclosure of insight, awareness and change, hence self-actualization as a result of their offending and the sentencing. Ady, for instance, admitted that during the CSO time there was:

“A little change ... Not much only a bit. After completing one part we have to repeat the cycle. They (the supervisors) won't be around to assist. Their advice is this is the last chance; Yes, I feel safe. I don't wish to repeat my mistakes. They are those who guide and show us or otherwise I might end up in prison and there won't be a way out”.

This statement was made with reference to his assignments and the supervision. When recalling doing tasks like cleaning toilets and sweeping rubbish as a new experience, he asserted,

“Yeah... They say it is still OK doing cleaning nothing to be ashamed of like being in prison. That is more shameful than sweeping. People won't respect you. Take this process as a guide and a reminder for the future”.

Rudy, when sharing reflecting on the CSO, said,

“Before this, I was wild but after this CSO, I cool down a little bit. My parents said, now I know how to think. It is hard to control me. Before this I am the type that doesn't think but now whenever I want to do something, I will think twice. For me, CSO really works. New things that I gained from there (referring to the CSO he once subjected to) are appreciating time”.

Significant changes also happened to Faizal who considered himself as ‘damaged’ before, when he liked to stroll around the market especially during the weekend disturbing people and creating trouble. Every day after school he would go to the market with his friends and steal small items. In contrast, now he just confines himself to his effort in building up his family.

“But now, when each of us has a wife, we go our own way. It's good... because I will not be influenced by my friends any more”.

Faizal proudly said he wanted to save money to buy a house and a car. This is what his wife wanted. He wanted to prove himself to her and make her happy.

After undergoing CSO, Arif said he wanted to change, on his own accord, not due to other people's directive. He said,

“I want to change on my own. I don't want to put my parents in a difficult situation as I am the only male in the family”.

Even though he regretted doing unnecessary things, Arif considered CSO a waste of time because he did not get paid.

Safri said he could think more clearly after the CSO, and able to make good judgement especially with regards to choosing friends. Now he is able to differentiate between bad friends and good friends. Safri said,

“Before, I just followed people, whatever people said, I just follow them. But now, I can see everything, I can think clearly”.

6.6.2 Gaining New Experiences

As discussed earlier, it was very common for the *trainees* and even the *ex-CSO trainees* to regard their manual assignments with the CSO as a new experience. Some also confided that the supervisors and staff of the department where they were attached to were very friendly. There was time and opportunity to observe how they worked and, they quite like the office environment...

Azhar admitted that he encountered new experiences when undergoing CSO,

“...The correct way to sweep, loosening the soil, fertilizing plants and trimming flowers”.

As for Ali, he acknowledged that CSO has benefitted him. Besides creating self-awareness and strengthening his spirit to change, Ali claimed that he managed to learn new things,

“... Like trimming plants and tilling the soil. Among friends, we discuss about the hardship that we are facing here which later made me realized about myself”.

It was rather extraordinary to discover that Ady considered tasks like cleaning toilets and sweeping rubbish as a new experience he gathered during the CSO but all these tasks were acceptable to him compared to being imprisoned. To quote his words, Ady said:

“Ya ... They say it is still ok doing cleaning nothing to be shameful about rather than indulging into more shameful activity and ending in prison. That is

more shameful than sweeping. People won't respect. Take this process as a guide and a reminder for the future".

Mahmud, reflecting on the experience he gathered through CSO said it was just “a bit of experience but quite painful”. He also did things which he never did before such as trimming trees.

6.6.3 Becoming a Better Person

Despite the uncertainty of whether the *trainees* purposely gave a socially desirable response to please the researcher, another dominant theme that appeared in the findings is the participants' admission of changes after going through the CSO. Harun, for instance, said that before he had always misbehaved but had become a better person.

Ezat, too, believed that the CSO can give an opportunity for a young offender like him to change. CSO sentences such as gardening, rubbish collecting, cleaning; painting and other work could change him into a better person. He felt that CSO sentences were much better than jail sentences. When asked what he had discovered while serving the CSO, Ezat replied that he learned to appreciate others as well as change himself which to him was a benefit of CSO. The following was his descriptions of his previous life:

“... Outing at night, take pills and drugs. Previously, almost every day I took it. After undergoing CSO I totally stop”.

Ezat also acknowledged the benefit of CSO which according to him has made him realised and changed for the better. When asked what actually was the driving force that made him change? Ezat admitted, “... *After going through the lock up and I don't want to go to prison again”.*

Mas conveyed that he benefited from the CSO, as it taught himself self-reliance. In response to my question about the new things he experienced while in CSO, Mas said,

“There are some changes in me. I contemplated and realized that before I was very hot tempered. I don't want to repeat [this behaviour] as I' am getting older. Beside that now I tend to enjoy doing the work. I managed to make

myself happy by singing while working. Before I'm was confused and became angry easily. Now I can overcome the feeling of laziness. Whenever I felt lazy I will find ways to overcome it".

Andy opined that the Community Service Order (CSO) enabled him to re-think what he had done. He further disclosed that the obvious changes that had happened to him after undergoing the CSO was he seldom loitered with his friends till dawn. Before undergoing CSO, he used to loiter and drink with his friends and took pills, staying out until 6 am. But after that, he only consumed alcohol when loitering with his friends, but would go home early and did not get involved in drugs,

"After CSO, I seldom go out at night. Previously, I will hang around until dawn. Now by 10 pm I'm home".

Besides that, Andy also recognises the advice and assistance given by the supervisors.

6.6.4 Lesson Learned

After the accident John learned that he became more aware and careful. He regretted the misfortune he had caused himself and his family. The awareness became more obvious while serving the CSO. In a low voice, John said,

"I think this sentencing gives me a lesson. This sentence itself makes me realize (become aware of something)like, next time I wont repeat the same thing. That's the result of my misbehaviuor".

Nazri, on the other hand, believed that there was no change in him even after going through the CSO. However, he claimed the CSO had made him aware about not to buy goods without checking the real source, and this to him was an important lesson that he had learned.

6.6.5 The Adverse Effect of the Crime and the Sentencing

The new experiences gained by Azhar during his sentences could not make him any happier. His life took a complete change after he and his fiancée were involved in a car accident that had put her in a coma they later got married. The adverse impact of the incidents had caused sadness to Azhar and the effect could be seen through his words and his facial expressions. In a low tone as if talking to himself, Azhar murmured,

“Before the accident... one, two years before that... I was happy. I never felt sad, for me everything I do is enjoyable. After that incident until now everything is sad, gloomy. That accident changed my life until this moment”.

For Arif, the incident of being arrested and sentenced to the CSO had both negative and positive impacts on him. Arif used to love playing football with friends. After the incident, he no longer wanted to socialise and seldom played football. On a more positive note, he had an ambition to study and enter the university which was very challenging and tough as he had stopped schooling since Form 2. He realised that he had to start all over again. Arif wanted to tell his boss his intention and aspiration but was ashamed that he might laughed at him.

Mahmud, however, is always the neighbourhood suspect whenever there was a theft at the villages. According to him, even though he had changed, especially with the love from his girlfriend (who had always prevented him from drinking and befriending bad and rowdy persons) still the neighbours are suspicious of him. The following conversations captured the way he was perceived by the neighbourhood.

Mahmud: *I became spoilt again, now I change, last two weeks I was involved in a fight.*

AO : *With whom did you fight?*

Mahmud: *the villagers, they accuse me of breaking their car*

AO : *Then...*

Mahmud: *But I did not, they are jealous of me. It became a Police case.*

AO : *You were not hurt.*

Mahmud: *I broke this part; (showing me his arm) they swung a metal rod at me.*

At the time of the interview, Mahmud was involved in rearing and selling fighting cocks. He also put in his plan to breed Australian chickens. At the time of the interview

he also reared the local breed. However, his constraint was space. He utilised the compound around his house. Despite his effort to improve his business he said the villagers still accused him of stealing the chickens from them.

6.6.6 The Impact of CSO on the Lives and Careers of the Ex-CSO Trainees

In general, most of the *ex-trainees* interviewed suggested that being sentenced to a CSO had made a significant impact on their attitudes, behaviour and live. The *ex-CSO trainees* disclosed that they had changed after undergoing the CSO and regretted what they had done. At the very least, they claimed their insight had changed, as well as the way they do and perceived things.

6.6.6.1 Gaining Insight and More Focus

Ady, for instance, realised the change in him after he went through the CSO, even though he considered it was "... just a little bit." Ady said,

"Things that I don't know before become understandable. Now things become clearer to me. Before this when others give me advice just couldn't be bothered..."

Arif also admitted that before, he had never listened to others but after undergoing the CSO, he claimed that he wanted to change:

"I'm the type that is lazy. Whenever people asked me to do things I would ask them to mind their own business. I want to change on my own. I don't want my parents to be in difficult situations and I am the only male in my family. I really regret, sometimes I'm lazy, just stayed at home, home. When it's time to work, I do my best. Now I seldom go out. I am like a girl, stay at home. I only go out to work, now I only focus on my work".

6.6.6.2 Become More Responsible

One of the most positive impacts of CSO as related by the trainees is that it made them more responsible. The remark made by Faizal could also be due to his new role as a

husband and a father, or it could be a combination of both the sentence and his new roles.

“I used to steal small things... I would go to the market and create troubles. I like to tease people, strolling and disturbing people, especially on Sunday... I'll go to the market every day after I finish school. I follow my friends. But now, when each of us has a wife, we go our own way”.

Faizal said that he wanted to have a car and own a house of their own, to make his wife happy. He also didn't want to cause trouble to his grandmother as they were still squatting with her. Thus owning a house had become more urgent. Besides, they also wanted to have their own possessions such as a television and refrigerator. As a small step to achieve his dreams, Faisal planned to save up,

“I save the money I get from my stall and I don't eat outside for the time being. My wife always wanted to eat outside, that's why I often overspent”.

The *ex-CSO trainees* feel that their lives (personal, familial and even their careers) were positively affected after going through the CSO sentencing. Prevailing themes that evidently emerged in the study is the ability of the youth to discover their potential and use them to earn money, besides becoming more aware of their responsibilities and being accountable to their family or loved ones and at the very least, fulfilling their own needs such as getting work and improving their lives.

6.6.6.3 Working for a Living

This study shows evidence that after finishing the CSO the *ex-trainees* occupied their time doing something legitimate for a living. Ady, Rudy, Andrew and Arif have more stable work as compared to their counterparts Samat, Fadil and Mahmud. After the CSO, Ady worked as a quality controller at one of a manufacturing firm in the city, a post he applied when he was still under the CSO. Reflecting on his time with the CSO, Ady recalled,

“... Before this I never worked, but now I work. Before, I don't think about my future but now I do...”

His six-month course in sewing with the Skills Institute during his CSO time proved useful as he had already received orders from friends and relatives, especially during the festive seasons. His passion in tailoring was shared by his girlfriend whom he met also during his CSO time and now had become his source of motivation and inspiration to do well.

Like Ady, Rudy worked part-time with his father, just after he had completed his sentencing. At the same time he is attending a hairdressing course. He later got a job as a production operator at an electronic manufacturing firm with a basic salary of RM500 and a take home pay of RM1000.

At the time of the interview, Arif was working at a restaurant preparing drinks and before that he was employed as a canteen assistant at one of the universities in the city. Arif, who was charged with possession of a stolen motorcycle, said he had enjoyed working at the university because it gave him the opportunity to mix with the students there. However, his current job offered him a higher salary and especially after his CSO. His wage increased from RM 15 to RM 28 a day for preparing drinks. When asked why the increment was so significant, Arif answered: *“Last time I work with them but not regular. Now they are surprised to see me coming regularly. I think that is the reason I got a raise from RM 15 to RM 28 per day”*.

Arif easily shared with me that lately, he was also assigned to a cashier post, which signified the trust his boss had on him. Meanwhile, Andrew continued to work at one of the inns in Kuching after completing his Order. He started working there in 2007 as a bellboy. Then he was promoted to the post of a waiter at the banquet section of the hotel. After his CSO, he was attached to the front line as a receptionist. All of that happened within the 3 years of his service with the hotel. Andrew regretted very much not being able to control his anger that lead to the incident and consequently the CSO. Reflecting on the incident, Andrew said,

“... while doing the work, (referring to the CSO work) I really regret. I am not going to repeat it. I don’t want to repeat this mistake in the future. I really hope to get a government job”.

He managed to contribute to his family’s financial needs and his siblings’ education, even though with a tight budget.

6.6.6.4 Becoming More Enterprising

Samat, despite his illiteracy, was the busiest of all the respondents. He only completed an elementary education until primary 5. Amazingly he managed to complete and gain a certificate in mobile phone repairs through the government initiatives to help the poor. Samat showed good interpersonal skills, always smiling and was very friendly. This is evident when among all his experience, he considered meeting new friends, working in a team, and also his relationships with the supervisors as the best CSO experiences that he has. His positive thinking kept him busy working part-time, as a helper with an established caterer, and repairing mobile phone for government agencies and prominent individuals.

Besides Samat, Abu is also a multi-skilled person. He worked as a kitchen helper in a restaurant and received his training there. At the same time he also worked as a promoter for a national telecommunications agency earning RM25 a day. In his spare time people from the neighbouring villages came to his house to have their hair cut and during the weekend the number increased. According to him, he easily collected RM30-RM40 a day especially during weekends and occasionally, Abu repaired motorcycles, and he is also a skilful painter.

After his arrest and consequently undergoing the CSO, Faizal became more determined to improve his life with his wife and his then 18 month-old daughter. At the time of the study he was self-employed, selling burgers in partnership with a friend. Initially he worked 7 days a week from 5pm to 3 am the following day. Later on he took a one-day rest to spend time with his family. As his wife was also working as an assistant at an eatery, Faizal helped with the house chores and did babysitting in the morning. He admitted becoming more responsible after the CSO, especially in attending to his

family's needs. Before that he was lazy and always absent from work. Faizal voluntarily revealed:

“Sometimes I wash our clothes at home. My wife was surprised; she asked me why am I washing the clothes? It's okay, I don't want her to do all the washing, and I also dry the clothes before. Nah... I was so lazy... Now, I think it's because of my baby, her 'spirit' though she is still small. I feel encouraged to finish the work; I like to play with her too”.

Towards the later part of our conversations, Faizal shared his dream to own a food stall where he and his wife could handle the business themselves as his wife was a good cook.

6.7 Summary

As mentioned above, despite the claims that they do not understand the meaning of CSO and its objectives, most of the participants were able to relate the purposes of CSO to themselves personally such as served as a punishment for the wrong they have done, giving them a second chance hence avoiding imprisonment and above all, their ability to internalise the implicit aim that is to make them more aware and change for the better. With this understanding most of the *trainees* were able to overcome their feelings of regret instead, expressed relief that they were not sent to prison. However, it was quite difficult to conclude that the key life transition point as experienced by some of the participants is a direct effect of the sentencing or the CSO alone. It could be that the whole experience of being arrested, threatened with prison or sent to a lock up and finally sentenced to the CSO that made them think and become determined to change. Those participants who were married considered having a family of their own had changed them into becoming more responsible.

Another finding worth pondering was that not all participants appreciated the manual tasks especially sweeping. Conversations with *ex-trainees* like Ady at several points suggested that he had an aversion to sweeping and had repeatedly implied his dislike for it, possibly because the task was not only menial but demeaning to him. Similarly with John who preferred to clean window panes than sweeping in public places, as the latter exposed him more to the public while wearing the CSO uniform. Another possible

reason for their dislike was because they were doing the tasks individually, not in the group. Conversely, those who carried out their sentences along with other participants in the institution's buildings appreciated the value of working in a group. They were happy with whatever tasks given to them which were also menial in nature.

The participants opined that their supervisors were very nice, caring and understanding. To most of them their supervisors played a role as a motivator giving advice and mentoring and they gained recognition and felt accepted by the supervisors. However, a few feel that that the supervisors should not be too strict, while some thought the supervisors were just doing their work.

In general, both the *trainees* and the *ex-trainees* showed similarities in their level of understanding and awareness of CSO and its objectives. Most of them were just guessing because the objectives were not clearly explained to them. Akin, both the *trainees* and the *ex-trainees* expressed feelings of regrets, embarrassment, but some who felt lucky that they were given a second chance through CSO. Both groups of *trainees* also perceived that the CSO sentences had made them better persons, provided them significant lessons, getting new experiences, strengthening their spirit to change and exposing them to community work, though a few of them (the *trainees* and the *ex-trainees*) regretted on the restricted opportunity they had while undergoing the sentence.

Both groups of *trainees* gave positive comments about the supervisions even though a few (from both groups) showed discontent towards their supervisor, which was shown differently. The *trainees* currently serving the CSO were more discreet in their expressions while the *ex-trainees* were bolder in their opinions of the supervisors, probably because they were no longer subjected to CSO.

The impact of CSO is more obvious to the *ex-trainees* than the *trainees*. This is possibly due to the fact that the *ex-trainees* have left CSO a year or two earlier during the interviews and have grown to the age at which many would be expected to grow out of crime. McNeill *et.al.*, (2005) relates studies done by Jamieson, J. McIvor, G. and Murray, C. (1999, 2000 and 2004) on understanding offending and desistance from crimes among young offenders, and found people in the middle age group similarly related their changing behaviour to increasing maturity which was often linked to the

transition to adulthood and related events like securing a job or a place at college or university, or entering into a relationship with a partner or leaving home. For the oldest group, ‘desistance was encouraged by the assumption of family responsibilities or by a conscious lifestyle change’ (McNeill et.al 2005:14). These findings are congruent with the present study whereby the ex-trainees linked their changing behaviour to their responsibilities towards their family and loved ones besides attaining clarity in thinking and awareness to change.

The next chapter will discuss responses from the officials, in particular the management staff and the CSO supervisors’ perception on the system: what they say about the CSOs and how CSOs are supposed to function according to the relevant laws, documents and policies and the challenges faced in the earlier stage of its implementation. In addition, the chapter will also capture the supervisors’ opinions of the trainees.

CHAPTER SEVEN: THE OFFICIALS' AND SUPERVISORS' VIEWS OF CSO IN MALAYSIA

7.1 *Introduction*

This chapter details the officials' vision and the implementation of the CSO in Malaysia and discusses the assessments and attitudes of the staff and supervisors of CSO towards the new sentences based on their experiences with the system. It also discusses their perceptions on the *trainees* and on whether CSO has achieved its objectives in rehabilitating the trainees to refrain themselves from re-offending. This chapter also discuss the challenges faced by the supervisors in their supervisions and the factors that interplay to make this programme what it is, how *trainees* are brought into the programme and how they move through the programme once they are participants. The strengths and weaknesses of the system will be assessed based on the experience of the participants and officers and its success and failure in helping the *trainees*' get rid of their anti-social behaviour.

As this study strived to understand programmes and situations as a whole, it also assumes that a description and understanding of a programme's social and political context are essential for overall understanding of that programme. As Patton (1987: 17) stated,

“The advantage of qualitative portrayals of programs as holistic settings is that detailed attention can be given to nuance, setting, interdependence, complexities, idiosyncrasies, and context”.

7.2 *The Profiles of the Participants*

The practitioners involved in this study comprised of the management staff, social workers and supervisors of CSOs serving at the different stations of the welfare departments in the country. Altogether, there were 34 personnel: five of them were from the headquarters of CSO in Kuala Lumpur; twenty were from Sarawak (the majority come from the capital city of Kuching); eight were from the state of Sabah and

one was from the Federal Territory of Labuan. All the participants from the headquarters are the management group, while those from the states consisted of the management staff at either the state or divisional level. They also acted as social workers and field supervisors. The profiles of the personnel who participated in the study is summarised in Table 7.2 below while they are identified in the discussion using alpha numeric such as P01 which refers to Practitioner One, as a substitute for their names.

Table 7.2: Profile of CSO Officials

Working Stations	Profiles of the Practitioners of CSO						Total
	Positions and Grade			Educational Level			
	Grade 41 and above	Grade 27-32	Grade 17	University	College	High School	
Kuala Lumpur	5	-	-	5	-	-	5 3 female 2 males
Kuching Sarawak	1	4	6	5	-	6	11 7 female 4 male
Other division Sarawak	-	1	8	-	1	8	9 2 female 7 male
Sabah	-	4	4	2	1	5	8 male
Labuan	-	-	1			1	1 male
Total No. of samples	6	9	19	12	2	20	34

As shown in Table 7.2, 12 of the 34 participants of the study were female and another 22 were male. Most of the female personnel interviewed came from Kuching and their positions ranked from the management to the supervisory roles. Some of the participants started their career with the establishment of the CSO unit in 2006.^{xi} The majority were already in the Welfare Department, serving in different sections of the

^{xi} The recruitment of CSO personnel working with the system throughout the states was done based on Warrant no. S 146 of 2006 dated 13 December 2006 which took effect on December 16, 2006 which has approved 591 posts on various designations for the purpose of implementing the CSO. As of September 2010, 591 designated posts have been created of which 510 were filled to man CSO throughout the 15 states in Malaysia (Input from the CSO Headquarters in Kuala Lumpur).

Department either as Community Development Officers or Social Welfare Assistants in the state or federal Welfare Department long before CSO was established.

On their educational backgrounds, 12 had a diploma or a degree. Two obtained their diplomas from polytechnics/ colleges while the majority of the participants attained a higher secondary education.

All of the participants, apart from the two who did not answer the question, stated that they had attended at least one basic course on social work and also courses related to the implementation of CSO including helping skills, therapeutic skills and emotional intelligence.

7.3 The Participants' Perceptions of the CSO

The views of the participants have been presented here by dominant themes as mentioned by the respondents themselves. There are several items in the questionnaire that measure the participants' view of CSO as practitioners. The first is about their general opinion on the CSO. It was observed that, predominantly, the respondents saw the newly introduced CSO as a positive influence on the offenders and it should have been implemented earlier in Malaysia. In general, all the participants expressed their views of the new sentence as relevant, saving the youth's future from the stigmatisation of imprisonment, at the same time giving the youth a second opportunity to change and redeem their undesired behaviours.

7.3.1 Relevant and Should Be Implemented Earlier

To most of the participants, the introduction of CSO in Malaysia is very appropriate and relevant as the practice is very suitable to the condition and culture of Malaysia, as stated by P21, P28, P27 and P4 below:

"Very appropriate and relevant indeed, therefore it is justified, and should be implemented." (P28)

"It is a new area in Malaysia; suitable for the situation and culture of the country." (P27)

“Reliable and it’s a good way to sentence first time offenders and especially the juvenile (18-21). CSO is new in Malaysia; we hardly find the best module (rehab) for the appropriate offence (P04)”

Although the system is still at its infancy in Malaysia, some participants were confident that the CSOs were *“the best alternative or way”* (P16) to sentence the youthful offenders who had committed minor crimes for the first time. These findings further support the idea of CSO as a better alternative to custody or imprisonment for young people.

7.3.2 CSO: A Better Alternative to Imprisonment

It is indisputable that all the participants seemed to prefer the CSO to custody for many reasons such as the lower operating costs compared to prison or other custodial services, the noble objectives of the sentences besides its primary aim of punishment, the good it brings to the offenders and the possibility of alleviating the problems in the prisons. A typical response is best summed up through the words of P01 when he viewed CSO as meeting the objective of its implementation,

“... it is cheaper, no stigma, avoidance of exposure to serious crime or hardened criminals in the custody. Benefitting the community with unpaid work and enlightening the offenders with virtues of giving or serving the community, and returns the trainees to the society...”

Finally it also creates more job opportunities and reduces prison’s population as stated by P31 who commented:

“It is definitely a better option than prison as it creates more job opportunities and reduces any glut in prisons.” (P31)

7.3.2.1 Costs Effective

P01 feels that the cost of implementing the CSO was very much cheaper compared to institutional rehabilitation. His opinion was also shared by other participants such as P03 who also believed that CSOs were cheaper to run compared to imprisonment. P21

also thought that implementing CSO could reduce the huge government allocations for prisons which were increasingly becoming crowded, a fact that was shared by other participants such as P13, P15, P16, P20, P21, P27 and P23.

7.3.2.2 The Negative Effects of Imprisonment to the Trainees

Most of the participants also considered CSO as protecting the young offenders from imprisonment which would have highly negative impact on the society and consequently, bad for the future of the youth. Some of the participants, such as P09, firmly objected to imprisonment when he stated:

“Not in prison. This is because the effect of imprisonment will be worse. There they mix with the bad hats; moreover the prisons are already full”.

P23, thought that not only was there congestion inside the prison but the ‘present’ Act was no longer relevant whereby a minor offence would lead to imprisonment which could be detrimental to the youth’s future.

In contrast, P01 believed that with CSO, there will be less stigma and no criminal records for the trainees, and furthermore, it protects them from being exposed to the real criminals. P03 and P12 also shared the same view with P01, whereby they considered the CSO as:

“...a better alternative [to custody]. Indirectly it can reduce the youthful offenders’ risk of exposure to the other prisoners who have committed serious offences.”

For P10 and P12 too it was better to give a chance for the youth to reform rather than send them to prison, which would most likely introduce them to the dark world of crime, as the latter put it,

“Yes, doesn’t mean that the offenders in prison are becoming better, they might become worse”.

On the other hand, P16 was concerned that, while the youth serving a CSO merely had to undergo rehabilitation, those in the prisons were confined and faced heavier punishments.

7.3.3 CSO is for the Young and First Time Minor Offenders

To most of the participants, CSO provides a second chance for the youth who have committed petty crimes, in the hope that the minor offending would not blemish their future. A majority of the participants considered CSO as the best choice for first time youth offenders who were involved with petty crimes (P08, P04, P05, and P10). To them, it enabled the youth to continue with their life, and provided opportunities for personal changes. P04 explained:

“People often draw the line, but some go over it. Not all crimes [committed] are meant from their heart, some often have personal reasons for committing.”

P05 also stressed that the CSO was suitable for young offenders who committed petty crimes because they did not have to undergo imprisonment and had the chance to live a better life. Even though he agreed that CSOs should be used to sentence youth who had committed petty crimes, P10 suggested it should be confined to the youth between the ages of 18-21 only, and not for all.

Generally, the respondents considered CSO as an opening to the youth who committed minor offences and for first time offenders to avoid being imprisoned. P14 and P29 saw the CSO as giving a chance for the youth who had committed minor crimes to be punished appropriately.

7.3.3.1 Enlightening the Offenders

The rest of the participants felt that CSO gave chances to the *trainees* for self-reflection and rehabilitation (P28, P11). In addition, it also created awareness amongst the trainees on the two situations- CSO and prison (P14) to correct their mistakes without going to

prison. They could continue living a normal life, but at the same time to go through the punitive elements of the CSO (P09). They could use this opportunity to repent, and start a new life (P26).

7.3.3.2 A Second Opportunity for the Youthful Offenders to Change and Repent

In contrast to prison, the CSO was expected to help the youths repair for the future. P15 viewed it as the obligation of the relevant authorities to provide other ways to punish the young offenders without imprisonment. Other participants' have similar views,

“... Our obligation to give those young offenders to change and avoid imprisonment (P15)”

“They are given a second chance to be remorseful, to feel ashamed, at the same time to reduce the severity of the punishment, rather than to be placed in prison for minor offences. The CSO also helped to reduce the rate of imprisonment for the youth at this age and to offer help for a more promising future (P10)”

By diverting them to CSO, P13 and P16 believed the programmes would provide opportunities for the *trainees* to change whilst giving a chance to those youth who had made mistakes for self-awareness (P15).

In addition, the participants noted that the novelty of the implementation of the CSO is aim to provide an opportunity for the trainees to improve on their weaknesses as well as reflect on their deeds (P08, P11, P13, P06, P25, P26, and P31) and without extreme pressure (P27).

7.3.3.3 Conduct a Normal Life and Perform Responsibilities

The participants also viewed CSO as very humane as it accommodates the needs of the *trainees* who were either still studying, or just beginning to work. The following statement made by P08 reflects this view,

“With CSO, offenders who were still studying or working, or with family responsibilities could continue their life as normal, without losing all opportunities that they previously had (P08)”.

“At the same time, the youthful offenders could help to support their family and could continue to work for them, and carry out the CSO in their leisure time (P33)”.

P06 shared the same view especially regarding those offenders who were still studying and working to help support their families.

7.3.4 The Three Objectives of CSO

Most of the participants such as P01, P03, P11, P13 and P33 to mention a few, were aware of the three objectives of the CSO (punishment, rehabilitation, and reparation) and mentioned them in their responses. According to P01, the element of *‘punishment’* is done psychologically through ‘shaming’ offenders into doing unpaid work in public. *Rehabilitation* is achieved through the process of self-discipline, proper communication, work training, problem-solving, and reparation – paying back the damage done to the community by doing unpaid work (P01).

Referring to the same objectives, P11 agreed that CSO provides opportunities and helped the offenders to reform themselves throughout the 3 components of punishment, rehabilitation and reparation. The living skills provided in the CSO could assist the *trainees* to be more mature in their thinking and potentially change their future. P10 opined that CSO could develop *trainees* who were able to improve their attitudes and set goals in their lives. With the 3 fold objectives, P12 assertively views the CSO as the most appropriate [programme] to mould and educate the youthful offenders, also a correctional medium to help improve one as viewed by P17 and P16. Taken together, the CSO programme was perceived as providing a second chance for the youthful offenders to change their undesirable behaviour as well as creating awareness in the youthful offenders, though doing community work in the public (P18).

P01 and P27 strongly perceived CSO as very humane and regarded it as a chance of a lifetime to prove one’s worth. Furthermore, as stressed by P23 and P33, the CSO also

gives opportunities for the *trainees* to return to the society and eventually integrate the *trainees* in the community. Likewise, P01 and P04 prefer CSO to other sanctions because the youths' names would not be recorded in the conviction list while at the same time it aimed to achieve the 3 objectives of Punishment, Rehabilitation, and Reparation.

“CSO is able to amend younger generation who has deviated from the (right) track...it is aimed to rehabilitate and modify their behaviour so that they will be aware [of] the wrongdoing that they had done and will change their lifestyles and return to the community - P02”.

7.3.5 Giving Back to Society

The CSO also provided an opening to build a new life for the youthful offenders (P13, P07, and P09) to serve and give back to the community besides giving them an opportunity to reflect on their wrongdoing and to turn over a new leaf. According to P18 the trainees felt appreciated and this made their tasks easier. P20 also opined that the community would also benefit from their unpaid work and the offenders would have the satisfaction of doing good deeds by giving back to the community (P01).

7.3.6 ‘More like a Security Job’

Despite the positive appraisal for the new order mentioned above, some respondents felt that the supervision work they performed was more akin to a security job than an advisory role. For example, P07 stated,

“In my opinion, the implementations of CSO are good as it gives the youthful offenders opportunity to change and repent their wrongdoing and at the same time keep them away from imprisonment. But, from the perspectives of the supervisions it is not appropriate, because it is more inclined to a security job”.

In a similar tone, participants like P09 claimed that even though CSO created an opportunity for the youthful offenders to correct mistakes they had made. There were

occasions when the offenders felt that they were free, (not imprisoned) so they did not take the CSO seriously. In addition, there were also participants such as P24, who commented that there were too many offences committed by the youthful offenders which were detrimental to the nation; hence, chances should be given only to the 'qualified' youthful offenders. The latter statement was expressed in a cynical tone. However, as the statement was made on the open ended questionnaire the researcher was unable to explore what the participant actually meant. Moreover, the questions which follow the Appreciative Inquiry protocol stress more on the positive aspects of the order, without forgetting the negative side of the new order. However, based on the informal interviews and conversations with the participants earlier, it can be deduced that some participants voiced their concerns on the issues of crimes among young people. As there were many 'criminals' those first time offenders who only committed minor offences deserve the CSO.

7.4 Can CSO Reduce the Rate of Re-offending?

There were mixed responses from the participants with regards to whether the implementation of CSOs could reduce re-offending. As this question was posed within two years of the implementation of the CSO, a wide spectrum of responses is expected. There are two types of responses, one who agreed it should be implemented in its present form and those who circumstances in which the offences were committed should be taken into account. There was also a group of participants who were unsure as to whether CSO could reduce re-offending, within this group there were also those who feel there is a possibility that at least it could reduce re-offending. As expected, only a small number of the participants felt CSO would not be able to reduce the number of re-offending cases.

7.4.1 CSO Could Reduce Re-Offending

Among those who were positive that the CSO could reduce the number of re-offending cases were P01, P02, P03, P08, P10, P18, P22 and P31. One of their views is,

“...of course it could lessen or reduce reoffending, because the youthful offenders are given the chance to avoid imprisonment... (P03)”

Similarly P28 and P08 believed that with CSO the number of re-offending cases amongst the trainees could be reduced and P28 even projected that CSO

“...can reduce crime rates...”

P19 believed it could reduce the frequency of offences and social misbehaviour. This optimistic vision was also shared by P18,

“In my opinion it can. I am positive that the trainees can avoid committing new offences and feel remorseful while undergoing CSO.”

In addition, P10 who acted as a field supervisor shared a positive observation when he said:

“...CSO has been able to rehabilitate and create awareness for these trainees because there are a lot of activities carried out.”

From the management perspectives such as P01, he was positive that CSO should be able to reduce the rate of re-offending among the youthful offenders, especially the young and first time offenders. However, the participants were quick to realise that at the time there was no proven statistic to substantiate their views. This is due to the fact that CSO is still in its fledging stage whilst the responsibility for the initial recording of such statistics is with the police rather than the Welfare Department.

7.4.2 CSO Can Reduce Re-Offending With Conditions

Participants were generally positive that CSO would reduce re-offending amongst the trainees. This depends on the trainees, the environment and on how CSO is carried out. Referring to the trainees and their relationship with their environment, P06 stated,

“This depends on their awareness; they can change with the support of their community”.

There is a prevailing notion that a positive outcome was possible depending on the implementation of the CSO. There was a feeling amongst the respondents that CSO would make a positive impact upon the trainees despite the absence of formal studies in Malaysia to support this view. P09, P15 and P27 also feel the CSO could reduce the rate of re-offending, depending on how CSO is implemented. P09, for instance, stated,

‘If we can make the trainees realize and repent, reoffending might not recur; but, if the implementation of CSO is not firm or effective, the possibility of reoffending is great’.

P15 and P17 both agreed that the proper implementation of CSO is possible. Its implementation should be in accordance with the Standard Operating Procedure (SOP) and the practitioners of CSO are skilful (P17) and committed in performing their duties (P24). P30 argued that it is possible that the CSO could facilitate the daily activities of trainees which in turn served as an important lesson and create awareness in the trainees.

Sharing the same notion were P22, P26, P29, P09, P15, P24 and P30 who thought it was possible for the CSO to reduce reoffending with the application of the right approach and effective techniques, as suggested by some of them ,

“With the use of appropriate techniques and skills in implementing CSO (P22)”

“Depend on the approach used to tackle the trainees during the punishment period for example, counselling and also be therapeutic (P26)”

“With the application of therapeutic process in the implementation of CSO... (P29, P15)”

7.4.3 Unsure and Doubtful

However, there were also those amongst the participants who were doubtful about whether the CSO could reduce re-offending among the youthful offenders. P07, for instance, voiced the following opinion:

“In my opinion, reoffending involving young people cannot be reduced with the implementation of CSO. This is because after they completed the sentences they will be back with their peers and get involved with social problems...”

P16 was also not confident that CSO could reduce re-offending, while participants such as P12, P13 and P15 were simply unsure. Even though P14, P17, P21, and P23 were also unsure whether CSO could prevent re-offending, they hoped at least it helped to reduce the occurrence of crimes (P32). There should be periodic monitoring by relevant authorities after the trainees had completed their order (P14). P33, said,

“... The tendency to repeatedly engage in crime after a CSO is too small. In most cases, they were involved with other crimes before the CSO sentence”.

7.5 Views on the Placement of the Trainees

At the time of the study, the *trainees* of CSO were stationed at the various institutions under the Welfare Departments throughout the country. Altogether there are 47 institutions under the department that participated in the CSO programmes which included those carried out in the Children’s Activity Centres, Community Welfare Divisions / District Offices, the Community Rehabilitation Centres, The Elderly Day Care Centres and recently, the Local Council Authorities in various states in Malaysia. According to P02, discussion was made in Sarawak with regard to this matter, and Sibuluan division has embarked on such placement. The participants gave two different opinions on these issues, as discussed in the next paragraph.

7.5.1 The Present Placement is Suitable and Appropriate

The majority of the participants such as P03, P21, P22, P24, P25, P26 and P29 considered the present placements of the *trainees* as suitable and appropriate as it involved the welfare institutions (P12, P05). This made the management of CSO implementation easier. The participants also felt that it could be carried out at all institutions under the Welfare Departments and also with the Local Authorities (P05). According to P04, before they were sent to the sites and as stated in the Standard

Operating Procedures, an acceptance meeting is held to ensure suitability of a placement. P06 and P18 considered the current placement of the *trainees* as appropriate based on the types of community work they were ordered to do.

7.5.2 Placement outside the Welfare institutions

Some of the participants suggested the *trainees* carry out their sentencing outside the welfare institutions for two reasons: first this was easier for the *trainees*, and second, for the punitive purpose of shaming the *trainees*. According to them, even though the present placement was appropriate, as the number increased, the current placement could not cater for them. Many suggested that it should be done outside the institutions (P01, P14, P16, and P27). P01 gave two reasons for the future expansion of CSO outside the present institutions such as increasing the varieties of tasks or activities for the *trainees* and for the welfare of the *trainees*. P01 states,

“We, too, need a wider variety of work and in some states the placement is far from the place where the offender resides”

Referring to the same situation, P30 also suggested a similar idea as follows:

“There is a need to add new places nearer to where the trainees stay, so that it would be easier for them to attend their programme and understand their own surrounding. There’s a need to extend the areas of implementation”.

P33 elaborated on this issue when he said:

“So far, with the total number of 1200 trainees around the country, I felt the placement at Welfare Department agencies and some local authorities were appropriate. However, in the long run, placements for the trainees need to be developed and diversified to include outside agencies”.

However, for a couple of the participants (P11 & P13), the current placements were less appropriate because they were often indoors at various welfare agencies and the offenders were therefore not subject to public exposure which arguably impacted upon the effectiveness of the ‘shaming’ or punitive aspect of the CSO.

The following transcripts also substantiate this observation:

“...so that the trainees’ compunction and shaming can be achieved ...” (P09)

“...the trainees will appreciate this placement and do their work at their level best.” (P10)

7.6 Breach of CSO

The study is also concerned with the question of how the system deals with those youthful offenders who breach the Order and those who were still studying or working. P01 in his response to the study saw breaching the order without a real serious reason is intended to ridicule it or an act of disrespect towards rule and order. Therefore, in his opinion there is a need for real punishment since the chance to avoid a custodial sentence was not appreciated.

In the case of violation of CSO, the act to submit the Notice of Motion to the Court to declare the cause of the trainee’s absences can be taken by the District Officer of CSO. If there was no excuse, the court may pass a sentence in accordance with the original charge or instruct the trainee to continue the original sentence (P33).

The researcher was told by one of the key informants that at that point in time there were four *trainees* in Sarawak who had breached the Order. The offender did not turn up for the sentences and therefore was sent to prison for 3 months.

When problems such as those above were encountered, what the management staff would normally do was first, accept the breach report from the field officer. Second, a counselling session or discussion would be conducted with the *trainees* and families with regard to the breach, and to inform them of the consequences and the effect of the breach. Third, in the case where the breach continued, a suggestion notice would be proposed to the court in order to make its decision. The case officer would provide the relevant documents (P05).

7.7 Offenders Who Were Studying or Working

For trainees who were studying or working, P21 stated that the sentencing should not affect their studies or employment as the sentencing or orders would be carried out during his/her off day or at a time and place suitable for the *trainees* (P05). Others also gave similar comments on this issue as detailed below:

“Continue studying / working, otherwise transferred them to the institution nearer to the place of study/work.” (P25)

Meanwhile, for those who had valid reasons for transfer, P01 stated that the department had made arrangement to enable such cases to be transferred to the new place and *trainees* would be supervised by the officer at such places. In addition, P04 clarified that these matters can be discussed during the acceptance meeting. However, participants like P16 thought this kind of situation would cause problems to the *trainees*. The *trainees* have to manage their time in a practical and punctual manner. Failure to do so will definitely cause stress to the trainees when they carry out both duties: as a student and employee (P27).

In theory CSO is a punishment which is meant to deprive the trainees of his/her spare time. In practice, however, with regards to continuing education or employment, it was not an obstacle to the *trainees*. The sentences could be carried out during their holiday (P33). As they could still continue with their studies or work, undergoing CSO was, in the opinion of some supervisors, a positive intervention for the youthful offenders so they could have a better life and a promising future (P13).

7.8 The Positive Aspects of the CSO from the Experiences of the Officials

7.8.1 Able to Rehabilitate the Trainees

There is no doubt that a majority of the participants’ considered the most positive aspects of CSO is its ability to rehabilitate the *trainees* (P13, P24), to instils realisation to the *trainees* (P13 and P29), and create awareness among them (P03, P05, P18 and

P10) of their wrongdoings (P05). Hence they would be ashamed of the mistakes that they had made and this would also create awareness and desire for a better future (P10).

CSO was also said to give the opportunity to the trainees to repent. This was supported by some participants who observed that there were *trainees*, who were successfully rehabilitated and regretted their actions,

“There were [some trainees who are] grateful that they were not jailed, so they are determined not to repeat their mistakes...” (P09)

According to P26, a number of the *trainees* had changed and became more aware, were more disciplined and able to refrain themselves from committing offences. Similarly, P06, P10 and P12 observed that the *trainees* became more responsible, mature in their thinking and more positive about life.

7.8.2 Exposure to Social Community Work

Performing a CSO provided experiences for the youthful offenders in social community work (P05, P07 and P18). At the same time, CSO trained them to do good deeds (P17) and taught them how to socialise with members of the community where they were placed. This experience also gave them the opportunity to interact and communicate with individuals and communities from different ethnic origins. P01, who represented the management of CSO at the headquarters also verified:

“So far from the feedback received through questionnaires filled in by our officers and lately by the offenders, too, showed after completing the order, the outcome is very positive. Many volunteered to do community service on their own free will”.

Through the CSO, the participants believed that the *trainees* were kept occupied and appreciated time more and were more punctual and disciplined according to the following officers:

“...the trainees are occupied with activities to fill in their free time...” (P27)

“...improve punctuality of the trainees...” (P17);

“...become more punctual and disciplined...” (P07)

P31 suggested that the *trainees*' positive attitudes further led to effective time management. P11 on the other hand, reported that some *trainees* also showed a change in attitude whereby they followed instructions or orders and became more cooperative.

7.8.3 The Trainees' Careers and Family

CSO provides the *trainees* with assistance in looking for employment so the youthful offenders will have a brighter future (P22). Some of the trainees had been rehabilitated and some had returned to work (P26). P33 said,

“...a positive result is a change in the attitude of most trainees in which they have the awareness to find a job for leisure and turn away from engaging in activities that are not beneficial. Most trainees have also shown a tendency to get involved with voluntary work even after completing the order.”

For those *trainees* who were already working and supporting their family, they could continue to work because there were no restrictions on their movement (P09). The relationship between the *trainees* and the family improved and they became closer. On the other hand, P05 saw CSO as ‘*a way to protect the status quo*’, while making the trainees more independent (P17).

7.8.4 The Objectives of Punishment (Were) Achieved But Not (For) Reparation

There were a few participants who believed that the CSO's objective of punishment was more achievable but not that of reparation and rehabilitation (P15). Similarly, P21 also thought that the objective of punishing the trainees might work but the objective of reparation had not yet been achieved. On the other hand, P16 claimed,

“...there are trainees who like to invent, pretend and give many excuses. Finally, after the sentence is carried out, recovery and contrition can be achieved.”

7.8.5 The Positive Aspects of CSO to the Supervisors and the Institution

Besides providing many benefits to the *trainees*, the participants also believed that they and also the institutions that participated in the programmes that benefited from the CSO. To the participants, the challenges in dealing with the *trainees* could make them more resilient, as admitted by P11. P16 also agreed that the CSOs were positive,

“Yes very good, because CSO teaches us for mental and physical strength in dealing with the trainees of different styles and characters. It needs patience and mental strength”.

Furthermore, there were some among the participants who felt that their work with the CSO has enabled them to understand the *trainees*' feelings and their social background. As with most of the participants, P03 and P11 also viewed CSO as having benefits to the local community and the institution where they were placed as the services rendered by the *trainees* were free, and these helped to ease the financial burden commitments of the institution (P03). Finally it is worth noting the view of P33 about the CSO when he stated:

“Positive aspects of the CSO include benefit to society from the activities carried out by the trainees. For the trainees who are breadwinner they can continue to carry out those responsibilities while serving a sentence”.

Despite the positive opinions shared by most participants, a few of them were more cautious. P14, for instance, observed that the *trainees* exhibited both positive and negative characteristics,

“...the atmosphere of supervising and guiding the trainees differs; something has to divert from the prescribed standard procedure... (Not following the procedure so tightly”).

P16 also shared his experience,

“There are trainees who like to give excuses when given a task. Finally, after the sentence is carried out, they were remorseful and voice their apologised”.

7.9 Challenges Faced In the Supervisions of the Trainees

The staff and supervisors of CSOs considered three challenging issues in their supervisions and in dealing with the *trainees* regarding their behaviour, the welfare of the *trainees*, and finally, the potential health hazard faced by the supervisors in working with the *trainees*.

7.9.1 Unfavourable Behaviour of the Trainees

Amongst the three issues, the most commented were the *trainees*' attitudes and behaviour. The participants gave a long list of the trainees' unfavourable behaviour as follows: showing indiscipline such as:

- not being punctual as mentioned by P06, P21, P22, P24, and P28; coming late to the work site (P15, P04) ;
- Insubordination (P06), disobedient (P03); exhibited hooligan - like behaviour (P29) ...*trainees* who fought with the institution's inmates (P07, P04).
- lazy (P06, P09, P25, P15, and 18); lethargic (P15); not interested in the work they were doing (P21);
- always absent without any acceptable reason (P09, P25);
- stubborn (P4, P09, P18, P15, P26), hard headed (P18); did not follow instructions (P15, P18);
- not cooperative for example, in communication, they did not tell the truth (P22); refused to be checked and take advice (P09); did not take the CSO's work

seriously; *trainees* who pretended to be remorseful to avoid imprisonment, but repeated their old habits when sentenced to CSO (P09);

As for those in the management of CSO, the feedback came from the supervisors as claimed by P02:

“I did not deal directly with the trainees, but the feedbacks that I get from some of the supervisors are that, there are trainees who are undisciplined and take advantage of the leniency of the supervisors. There are a few who show disrespect and are aggressive towards the supervisors”.

P33 confirmed the challenges in controlling the *trainees* were related to their attitude or behaviour they portrayed. According to him, most trainees like to take things for granted when they were asked to attend to the order. However, he felt that there is not much they could do as the *trainees* were still free men.

7.9.2 The Welfare of the Trainees

Despite the apparent lack of discipline, some of the supervisors were also concerned with the welfare of the trainees. P05, for instance, elaborated four challenges she encountered when dealing with the *trainees*. The first was the difficulty to find accommodation for the *trainees* while they were undergoing the sentences. Second, the trainees and, or their families did not give their cooperation during the preliminary investigation to prepare for the social report. Third, the *trainees* faced transportation problems getting to and from the institution and finally they also experienced problems with the quality of the food they were given.

According to P10, the most time consuming task was to investigate and resolve the problems raised by the trainees, while for P30, the challenges he faced in his work with the *trainees* were to make the *trainees* understand the objectives of CSO, besides the financial problems faced by them. P27, who worked in Sabah, admitted that among the challenges he encountered when dealing with the trainees were “*logistic, geographical, and insubordination*”. Logistical and geographical factors were chiefly of concern in

rural and sparsely populated areas where the distance between work stations and institutions presented serious challenges.

7.9.3 Health Hazards Faced By the Supervisors

The supervisors were also concerned about the health hazards incurred on the youthful offenders such as their exposure to the vulnerable and infectious diseases of some *trainees* with health problems (P05, P06, and P07).

7.10 Factors for a Successful CSO

7.10.1 The Roles of the Trainees

Some of the participants associated the success of a CSO with the positive changes in the *trainees'* behaviour (P17). P27 believed the CSO would be successful if the trainees were not spoilt and allowed to be “*independent, follow instructions from the officer/field officer, and do not breach CSO* (P22)”. It could also be successful if the CSO trainees “*did not repeat the offences* (P31)”, when “*the trainees benefited optimally from the programmes and activities that they were going through* (P28)”. Finally, “*the cooperation between the trainees and other organizations involved, besides the trainees' own discipline*”, determined the successful outcomes of [the] CSO, as asserted by P14.

7.10.2 The Credibility of the Staff and the Working Procedures

As emphasised earlier, the participants also admitted that with continuous training and (acquired) skills, the staff of CSOs and the field officers would have better credibility (P12, P26 and P18). P18, for instance, declared:

“...First, is the credibility of CSO staff; second, through [the] feedback and comments from the trainees, and continuous training.”

In addition, a couple of the participants believed benchmarking should be done in view of the novelty of CSOs in Malaysia. P08, for instance, feel that the CSO officers should

be given the opportunity to attend exchange programmes with countries that have best practices in the CSO in order to improve the system. A few of the participants commented that CSOs could achieve successful outcomes by “*practising a good way of working (P29) besides abiding to the present SOP (P03)*”.

7.10.3 Effective Programme

P16 indicated that CSO could achieve successful outcomes by creating and implementing a good programme that benefitted the *trainees*. This could be made possible through the inclusion of CSO *trainees* in the rehabilitation and career courses / programmes (P06). The participants suggested that the *trainees* be given counselling by a qualified counsellor from time to time (P15), and this will create awareness in the *trainees* to the extent that they will want to change (P30).

In addition, *trainees*, too, should be provided with useful training. They should be encouraged to continue studying and seek employment after completion of CSO (P21). The participants also suggested implementation of more recreational activities from time to time to create awareness and opening the minds of the *trainees* to reach for their dreams and have a vision (P10).

7.11 Has the Objectives of CSO Been Achieved?

7.11.1 Generally Achieved

A majority of the participants perceived that generally, the objectives of CSO had been achieved. P01 and P03, for instance, thought generally the objectives of CSO had been achieved through the implementation of the programmes. P01 related the feedback from the evaluation done by the department. According to P01,

“So far from the feedback received through questionnaires filled in by our officers and lately by the offenders too, showed after completing the order, the outcome is very positive. Many volunteered to do community services on their own free will.”

Most of the officers agreed that the objectives of CSO had been generally achieved. P33, for instance, supported his statements with the number of cases successfully completed without any problems that is 444 out of the total of 1722 cases since 2008.

As for P31 the objectives of CSO are deemed to be achieved, if the *trainees* did not repeat their mistake and the community could accept them. P04, on the other hand, considered 80% of the CSO's objectives were achieved and the other 20% due to the failure of the offenders themselves in following the orders, which, to him, also meant the rehabilitation, had not been effective. However, P16 thought the objectives of CSO had generally been achieved, judging from the changes in the *trainees'* behaviour.

7.11.2 Changes in the *Trainees'* Behaviour

As mentioned above, most of the participants noticed the changes in the *trainees'* behaviour as a sign of the positive outcomes of the CSO. The views of some of the participants were listed as follows:

“... Trainees who were once very rude have changed after going through the punishment, rehabilitation and reparation process of CSO. With that I think the objectives of CSO have generally been achieved (P16).”

“They begin to realize their mistakes.” (P18, P21)

“They are ashamed (P21, P06) for what they had done.” and

“Remorseful and want to have a better future; frightened to repeat the offences.” (P18);

“Respect parents, punctual and repented.” (P06)

As reflected from the participants' statements above, the CSO was successful in reverting some of the *trainees* back to their normal positive self, at the very least being punctual.

7.11.3 Not Fully Achieved

In contrast, P07 believed that the objectives of CSO were not fully achieved based on the view that there were *trainees* who had completed CSO but had reverted to their bad habits such as taking pills. However, he did not deny the many positive outcomes of CSO to some of the trainees such as being more punctual, disciplined, and obedient and being cooperative.

Similarly, P11 also considered it difficult to know whether the objectives of CSO had been achieved. To him, the trainees had different and inconsistent attitudes; therefore, it was up to the *trainees* whether they wanted to change or otherwise. Sharing the same view, P14, stressed that the trainees' personalities were mixed, there were those with positive attitudes and some with negative ones. Hence, he considered the objectives of CSO as not fully achieved and he observed that,

“There are those who are positive during the order but not on rehabilitation and awareness, and vice versa”.

Likewise, P27 also viewed that CSO was not very effective as the *trainees* only carried out the tasks.

7.12 *Suggestions to Improve the Current Practices of CSO*

The participants responded positively when asked to give suggestions on ways to improve the current practices of CSO. Among the suggestions made to improve and enhance the current implementation of CSO were to create public awareness on CSO and the extension of the CSO activities to other public spaces outside the institutions. Many also suggested establishing an inter-agency network for effective supervision and monitoring of the *trainees*. The most popular suggestions was a request for relevant and specialised training to increase professionalism especially on social work and skills in dealing with the *trainees*. The participants also suggested improvements are made through research and development, besides benchmarking. Another important suggestion from the participants worth noting was that for effective CSO programmes

and finally, a few suggested that CSO be best operated by an independent agency or under the relevant authority.

7.12.1 Create Public Awareness and Extension of the CSO to Public Spaces

The participants viewed that greater effort should be made to involve the *trainees'* parents in the programme or at least make them understand the concept and implementation of the CSO so that they too could monitor their children (P09). It is worth noting that some of the participants wished CSO to be explained internally to others in the same department. As noted by P29:

“There is a need for other units in the department to understand deeply about CSO. This is because most of them consider CSO as an easy task and should not be taken too seriously”.

Therefore, the officers feel strongly that the implementation of the CSO be extended to the Local Authorities as clearly specified by P03, P10, P11, P24 and P32. This can be seen through statements made by participants such as the following:

“The current practices of CSO can be improved by implementing the CSO activities outside the welfare institutions.” (P11)

“... Increase the number of localities for the placement of the trainees (P24), so that the trainees will publicly shamed.” (P10)

P03 reasoned that the current work sites for CSO should be extended to the Local Authorities by assigning the *trainees* to work at the cemetery and mosques so that they become more humane, and the rehabilitation will be more effective (P11). P32 also suggested that CSO's activities be carried out in public places, especially in places where the *trainees* committed their offences, instead of only confining them to the welfare institutions.

7.12.2 Inter- Agency Networking

Another suggestion to improve the current practices of CSO is through inter - agency network such as with the Local Authorities and Private Corporations. P07 suggested an improvement on the current practices of CSO through shared programmes with other related agencies,

“Organise shared programs with the Prison” and PUSPEN (Drug rehabilitation Centre) so that trainees can share experience with drug and addictions- P07”.

At the time of the study, P19 had not dealt with any CSO cases at the station where he worked. During the study, he attended a seminar on the therapeutic skills in dealing with CSO cases as a preparation for his work. P19 said:

“At the moment there are no cases of youthful offenders. But, in my opinion the present programme can be improved, maybe... by working together with other departments in other programs such as training and motivation.” P19

In addition, P01 viewed that the court, prosecutor, and implementing authority of CSO i.e. Social Welfare Department, must work in tandem and have the same understanding of CSO’s philosophy. Similarly, P02 and P09 believed that with the cooperation of all concerned including the Local Authorities and support from other related agencies and private corporations, the current practices of CSO could be improved. As mentioned earlier, officers such as P02 maintained that CSO should be made known to the public for wider acceptance, *“on conditions that those involved should give 100 percent commitment to the implementation of CSO.”* (P25)

With regards to what the department had done so far, P04 stated,

“We had a survey where (filled in) juvenile rate our program. We also engage external bodies such as MCPF (Malaysia Crime Prevention Foundation), Malaysian Royal Police (PDRM), and the Prison [Department] to help us.”(P04)

In general, the participants believed the effectiveness of the CSO could only be achieved with the involvement of all stakeholders including the Legislature, Local Authority, family and community to ensure that the sentence is carried out in an effective manner and beneficial to all parties, especially the *trainees* themselves.

7.12.3 Training and Monitoring

As CSO is still very new, and being the only community sentencing in Malaysia now, P02 noted that the department had allocated a huge sum of money for the purpose of staff training and enhancement aimed to produce qualified social workers for CSOs. This is similar to suggestions made by the participants at all levels of the institution, from the management staff at the headquarters to the supervisors serving in the fields, to provide more courses for staff and officers implementing CSO.

The call for more professional and specialised training was made from the field officers and supervisors such as P12, P15, P19 and P21. They proposed the training to be carried out “*continuously*” (P17 and P26), “*from time to time*” (P15, P19) “*based on current needs*” and by “*doing intensive training in work related areas*” (P19).

The participants also implied that the staff should have adequate knowledge in their work and portray understanding. Work enrichment and enhancement should be emphasized (P18). They also think at present there is a need to increase exposure on the implementation of the CSO.

P21 also proposed more training especially by reviewing the CSO activities on videotape for the purpose of reflections on “*where and what we had done wrong and how to go about making improvement; and a visit to places overseas that implement CSO...*” (P26)

Furthermore, the participants believed that the staff that were trained and specialised in the supervision could provide a positive impact on the recovery and the reparation of CSO’s trainees (P33). Equally, the participants also reckoned that continuous

monitoring (P13, P14) and placement improvement initiatives should be introduced to counter any setback in the implementation of the CSO (P14).

7.12.4 Professional Training

As discussed earlier in this chapter, the courses for the CSO staff were generic courses in Social Work and particularly in relation to the implementation of CSO. However, some courses were optional for staff to attend. With regards to the training, most of the participants believed that staff need to be trained (*P03*) and become experts in handling the *trainees* of CSO (*P04*) and to achieve this they need to become specialised in his/her field (*P04*) and be more professional (*P03*).

Among the courses that the staff deemed necessary are those related to helping the *trainees* such as counselling and therapeutic skills (*P01*, *P06*, and *P07*). *P33* believed that firstly, the field-officers or supervisors should be given knowledge of psychology and effective communication as they are important in rehabilitation and secondly, they should be given guidance and help to handle the *trainees*' problems. To be productive, the counselling courses should also be given to the CSO *trainees* themselves, as suggested by *P11*. Meanwhile, *P01* felt that the supervisors should be trained to be counsellors, and be skilful at Behaviour Modification Therapy. They feel that staff should become good role models, able motivators and so on.

Besides providing courses to effect behavioural modifications and enrichment of the trainees, the participants felt that the staff of CSO should be exposed to courses related to their work such as in managing the *trainees* (*P05*, *P06*) and in communication(*P05*).

Many participants such as *P13*, *P20*, *P26*, *P15*, *P25*, and *P21* proposed that the Welfare Department provide more courses and frequent training in supervision to the supervisors to enhance their skills (*P22*).

In contrast, participants who have not experienced supervision of CSO at the time of the study viewed the present training as quite sufficient. However, they suggested that they

should be given more practical training and courses using video-recording of CSO tasks so that they can make an evaluation of their current practice (P21).

7.12.5 Improvements through Research and Development

The management team at the headquarters in Kuala Lumpur revealed the government is trying to improve the knowledge and skills of the staff. Hence, the Department has established a working partnership with the local universities in Malaysia to develop some training modules in Behaviour Modification Therapy (BMT).

The government, through the Ministry of Women, Family, and Community Development (MWFCD) has given substantial support to the implementing agency to improve and upgrade the services under CSO through continuous improvement. The support given by the team in Kuala Lumpur concerning this project received similar enthusiasm as shown in the statements made by several of the participants. P01 said,

“...This is why we are very supportive of this kind of research (refer to this study), as it may help us in enhancing our service and improving the existing practice while seeking new ideas and paradigm”.

A similar view was also shared by P04:

“Studies from the academician can help to improve the modules and practices”.

Other participants such as P22 also wished that research and development to be extended, especially in the area of skills and technical ability (P23). P05, on the other hand, suggested that *“Research should be done by the higher management”* while P04 proposed that *“Research and Development for the behavioural (refer to the trainee) be done within five years are essential, as we need to know the trend in order to understand them.”* P33 recommended benchmarking using countries which have implemented the CSO.

7.12.6 CSO Programme Should Not Be Confined To Menial Activities

Most participants commented on the content of the programme or the activities performed by the *trainees* carrying out the ‘Orders’. To most of them the current activities were confined to menial activities such as sweeping, mopping or cleaning. They suggested the activities should also include academic and knowledge-based activities and also family programmes in order to increase the awareness of the *trainees* (P05, P09, P27, and P16). However, other respondents considered the current programme as not sufficient and are more like house and ‘environmental work’. This group proposed that the programme should be more extensive and heavier in content because the current tasks were too easy that the *trainees* took them for granted. Even so, P30 suggested the *trainees* should be given demonstrations on how to do the work.

P21 and P27, on the other hand, believed that the *trainees* should be given more demanding tasks as punishment and to create contrition.

Another group of participants called for more organized and planned programmes that focus on the *trainees*’ development and rehabilitation to help them to continue with their lives. The programme and activities for the *trainees* should be varied and conducted in groups or teams. However, they emphasised on character-building and behaviour modification. These involved counselling programmes by a qualified officer.

Some of the participants also suggested providing slots for recreational activities every three months, balanced with religious and moral activities which were necessary (P20, P03, P04, P12, P14, P22, P24, and P29). In addition, P33 suggested peer mentoring to be conducted among the fellow *trainees*.

The social worker-cum-supervisors were also viewed as a ‘link’ or moderator for the organizer and the *trainees*. Hence their role was important to the success of CSO and career development of the *trainees*. This role, argued P05, required them to be trained or be given special programmes which focused on ways to manage the youthful offenders (*Role play programme*) to enable them to organize their own programmes.

7.12.7 CSO as an Independent Agency

There were also suggestions by some of the participants that CSO be an agency on its own. P01, for example, thought that as CSO was very much related to the justice system, perhaps it should be under the purview of the related system. Both P08 and P33 felt the government should create a specific agency or department to implement CSO and “*managing the trainees (P33)*” and “*to improve the standard of service and practices of practitioners of CSO (P08)*.” At a glance, it seemed like the participants were not interested in working with the CSO; however the later part of the statement reflects their concerns. The participants were very concerned about not being able to perform optimally due to the lack of expertise in dealing with the *trainees*. Therefore, most participants wanted more specific and specialised training, and to be given the opportunity to attend exchange programmes with countries that had best practices in CSO for benchmarking in order to improve the system. These concerns were made obvious in their recommendations in relations to evaluating CSO.

Improvement to the current implementation of CSO is made possible by making punishment more humane and giving back to the community, instead of the community funding them to undergo unsuccessful periods of imprisonment. This, too, will safeguard human capital, the young people, who should be identified as delinquent and not criminals who have no future (P01).

7.13 Issues in the Management of CSO

As discussed in several parts of this chapter, scheduling of the *trainees*’ activities is one of the issues put forward by the participants. This issue was not only directed to the CSO supervisors but to other practitioners and authorities involved in the sentencing of the *trainee*. P32 suggested a standard schedule or punishment for different types of offences be made available as a reference in order to improve the current management of CSO. This will prevent *the court from imposing sentence at their ‘caprice’ to the maximum of 240 hours despite suggestions from the welfare officers.*” One of the staff commented:

“Give clear guidance on the implementation of CSO and monitor its program closely.”

In some states, there were differences between the state and federal administration on CSO implementation (P27). P22 also considered the management of CSO as not very effective because the other sections of the department did not really understand the programme and assumed that CSO unit was not significant. P05 believed the top management should be sensitive to the problems faced by the officers and staff in handling the *trainees* at all divisions. In addition, he suggested that case conferences should be held more often for all the officers. On the other hand, P26 urged the management to provide counselling to the supervisors and officers who were not performing as expected.

7.13.1 Effective Deployment of Resources

With regards to the deployment of resources, some of the participants hoped that the management would allocate funding efficiently for CSO activities (P10). P04, for instance, stressed the necessity for budgeting for the implementation of the CSO programmes, while P20 said that more allocation is needed for the same purposes.

Another issue that the research identified, via informal conversations with the supervisors and also from one of the administrators of CSO in Kuching division, was the issue of transport. In Kuching, vehicles were shared with the State Welfare Department despite these being allocated to the CSO section of the Department. The vehicles were not just for the supervisors' and department officers' use for official purposes and carrying out welfare matters but also to transport the *trainees* to the institutions where they were on placement. During my first field visit, I managed to join the supervisors in the department's vehicles to get to the place where the trainees carried out their sentencing. Later on, I drove on my own to the institutions, while the supervisors together with the *trainees* were driven using the department vehicle. So, every day the *trainees* would gather in the department compound, with at least one of the supervisors to be sent to the institutions.

This transport problem was not confined to the Kuching division only but also in all regions. This came out of the meetings with participants during the workshop, especially for those serving at the CSO sections in the states of Sabah and Sarawak. The observations made in the field were also reflected in the responses of some practitioner,

“More facilities should be provided to meet the need of CSO trainees and supervision (P27); we need facilities like transport / vehicles (P14, P11); and the apparatus / tools for the activities (P14); we need more resources (P22) to accomplish whatever was necessary.” (P17)

P01, on the other hand, looked into the rehabilitative or welfare elements of CSO that was essential for the effective implementation of the programmes. He stated,

“... We need social workers to do the job effectively since they are trained with intervention skills to deal with persons with difficult behaviour. They, too, have the skill to work with them using strengths-based approach (P01)”.

7.13.2 Workforce Issues

As noted earlier, the operation of the CSO is hindered by a shortage of work force at all levels. At the time of the study, the 510 personnel of the CSO in the Welfare Department were distributed throughout the 15 states in Malaysia, stationed at the headquarters, divisions, districts and sub-districts. These personnel were carrying out the administration and fieldworks as well as supervisions, and conducting support services such as providing cleaners and drivers. During the “Therapeutic Skills for Managing the Trainees Workshop”, this was one of the frequent issues raised by the participants.

The participants voiced their concerns on the problems they faced in conducting supervision. During the lunch break, a few of the female supervisors talked to me and shared how they tried their best to divide their time between the tasks of going to the field, conducting the supervision and going back to the office and writing reports. The problems became more serious especially after the weekend supervisions, when they were supposed to submit the report. Instead, they were required to do other welfare

tasks such as processing the welfare assistance forms or attending to public enquiries at the service counter. They also voiced their complaints with staff of other sections in the Welfare Department who did not understand the nature of CSO's work. It became more difficult when the pressure came from superiors who were not involved in CSO demanded them to perform the other tasks of the department besides the CSO work.

The same situation was described by P03 who shared his views on the shortage of field officers and supervisors at the same time, they are also asked to execute other duties and these affected their supervisions. Participant like P11 complained of lack of cooperation from staff at the department.

The call for more workforces was evident from the following response:

“...the management of CSO does not have enough staff; there is a need to increase on staffing.” (P27 P10, P14)

In view of this situation, P15 proposed more field supervisor posts to be created to cope with the increasing number of the *trainees*. P19 noted,

“Recruit more staff in the future in view of the country's present scenario that needs to alleviate the social problems of the community.”

7.14 Evaluation of the CSO

It was obvious that the workforce issue did have an impact on other activities of CSO, including the evaluation of the aforesaid programme. When asked to elaborate on this aspect of the CSO implementation, P01 explained,

“...Very important... A special officer is assigned to this task to monitor the statistics, questionnaires, supervision results and so on. Regretfully at the moment it is not really effective due to lack of manpower (P01)”

Other participants viewed the present evaluations of the youthful offenders as already in place (P21) and *appropriate* (P15) whereby they “...use what we have in our Standard

Operating Procedure (SOP) to evaluate [the] trainees.” (P04). The trainees were evaluated by monitoring their behaviours and also their communication (P11, P14).

7.14.1 The Recommendations of the Officers In Relation To Evaluating Practices

Other recommendations with regards to the evaluation practices came in the form of suggestions from some of the participants like increasing the evaluation frequencies and also to evaluate the present scope of the evaluations. Some of the participants including P17, P22, P27 and P33 saw the need for the enhancement of the evaluation system and thought it should begin with the staff’s expertise. Meanwhile, to P33, evaluation required systematic assessment methods for behavioural modification therapy to assess the effectiveness of the programme on the trainees.

Her experience when she encountered an aggressive trainee during her supervision time made P13 to suggest a need to have more than one staff supervising the *trainees* and she specifically wanted at least one male supervisor.

7.15 Possible Extension of the CSO

The final part of the questionnaires sought opinions from the participants on the possible extension of the CSO to other groups beside the current youthful offenders aged between 18-21 years. Among the options given were to offenders from other age groups, those committing white collar offences, offenders with special needs and women offenders. The next paragraph discusses on the participants response on these issues.

7.15.1 Extension of CSO to Other Age Groups

In general, there were mixed opinions with regard to this issue. For those who agreed to this proposal, like P01, welcome any future decisions and plan by the authorities to extend the implementation of this sentence to other age groups. In his opinions,

“The final form is for all age groups but we can start with the youthful offenders in order to gain experience and expertise to make sure once it is extended to all, it will be effective.”

Other participants like P13 noted that it was necessary to extent the CSO sentencing to other age groups while P27 opined that it should be based on the nature of the offences or crimes committed. P18 and P26 signalled their agreement with a brief note of the age range that was 13-25 years (P18) and P26 reckoned the present age limit of 35 years. Having to share the same opinion with P01, P33 notified that the implementation of TQM (Total Quality Management) should be a period to ensure a high level of staff competency. CSO can then be tried on other age groups, white-collar offenders and the disabled. This is to ensure a more effective implementation.

On the other hand, the participants who disagreed with this idea simply noted: “No”, such as P17, P03, P32, P04, P20, P11, P12, P19, P22, P21 and P14. P12 also thought it was “not appropriate” to extend the CSO to other age groups. P19 and P22 felt it was “not necessary”. P21 said, “No need for CSO” for other age groups. P03 and P32 also thought it was not suitable to be implemented for older age groups, while P04 saw it as “not advised (able)” while stressing that the current age group of “18-21 years was enough”. P20 shared the same opinion and thought that “CSO is only suitable for the youthful offenders”. As P11 felt “No need to extend to other age groups, only the youth”. Finally, P14 commented, “Not recommended because the present trainees still need more attention.” Most of these opinions seemed too influenced by the shortage in workforce. Similar opinions were voiced by the participants earlier on.

For the possible extension of CSO to other category of offenders and offences, P16 opined that, “After 10 or 15 years, I think we can do it. The most important thing is how we manage the programs.”

7.15.2 White Collar Offences

With the possibility of the CSO to be extended to other offences such as the white-collar crimes, P01 acknowledged,

“Yes, we are moving toward that. The Ministry of Transport is in the process amending their law in order to provide CSO for traffic offender”.

P22 also thought this move was “*necessary*”. However, quite a number of the participants disagreed and regarded the inclusion of this type of offenders sentencing to a CSO as “*Not suitable*” (P03, P21, and P32). Correspondingly P19, P04 and P11 also considered it as “*not necessary*” while P12 and P20 believed it was “Not appropriate to serve CSO, only imprisonment” for this type of offenders.

7.15.3 People with Special Needs (Physically & Mentally Disabled; Gender Specific)

P01 said the implementation of CSO for those with special needs have not been given a thought. Perhaps institutional care will be more appropriate. P04 agreed that this category of people could be treated in the same way as the young offenders.

P03 also feels that it was appropriate for females, but not for the mentally disabled. For them it depended on the nature of their disabilities.

Similarly, P10 thought about the possibility of applying CSO sentencing to these groups depending on the impairment and the therapy required. P14 thought it was possible to use CSO for this group, but they should be treated in a different but with the same CSO activities. P11 also felt that the CSO could be recommended for this group.

P21 thought it was appropriate to include the physically disabled and offenders committing of domestic violence, especially for women offenders in self-defence. Equally, there were also some participants like P12 who thought these categories of offenders were not suitable for CSO. Instead he suggested a fine for them (P20). P19

said, "... *not necessary*..." and finally, P15 and P17 boldly said," No *need CSO* for this group."

7.16 Summary

The CSO has a number of merits based on the feedback from the staff and supervisors of the CSOs in Malaysia. The participants understood explicitly the three main objectives of this system, punishing, rehabilitating and hence carrying out reparations for the youthful offenders. There were mixed feelings expressed and portrayed in their responses with regards to the implementation of the CSOs, which at that moment in time was confined mostly to the welfare institutions throughout the nation. Their opinions are based on their concern with the welfare and well-being of the youth, to fully achieve the aims behind their sentencing. However, the implementation of CSO was hampered by the constraints of an inappropriately sized workforce, limited resources and the limited knowledge and skills especially amongst the supervisors with regards to the soft skills of rehabilitating the youths.

From the perspectives of the management team in Kuala Lumpur, among the shortcomings in the implementation of the CSO in Malaysia were first, there are no special provisions for cases of violation of an order in the Criminal Procedure Act in CSO. The consequences of this could lead to mistakes of the order of the court where the court would sometimes apply the Child Act 2001 for sentencing under a CSO, which is not appropriate. Secondly, there were problems related to shortage of staff. According to the note provided to me by the management staff, the number of approved posts was not sufficient for effective implementation of the CSO throughout the country. This is because out of the 1427 positions requested, only 591 was approved and of the 591 positions, 133 people were drivers, 26 were for the post of the Administrative Assistant and 269 for Assistant Community Development Officers. This posts meet will help to achieve the objectives of the Division of Punishment, Rehabilitation and Reparation. ^{xii}Furthermore, supervision in cases of the community service order takes within 1-2 years for a case. Skills and expertise are needed to carry

^{xii} Input from the CSO Section at the headquarters in Kuala Lumpur

out social work, not just as a supervisor or controller. Also, with the increasing number of cases, there were not enough staff members to implement CSOs effectively.

Despite the setback, the departments, especially the CSO Unit in the Welfare Department is continuously making improvements and enhancement on the system for the CSOs programmes. Review has been made in response to the internal criticism of limited emplacements of the offenders within the institutions. This is now being gradually extended to the local councils and public spaces.

To implement the CSO, The Social Welfare Department has provided the Standard Operations Procedures (SOP) to guide those responsible for implementation at the district, divisions and states levels. The present SOP consists of first, the procedure for the officers in a District / Division / State upon receipt of the warrant of the Community Service Order (CSO). Second, is the procedure for the preparation of CSO Young Offenders Social Report and third, is the CSO work procedures at the institution/local authorities (PBT)/ and the placement agencies. Fourth, is the procedure in the event of breach of a CSO work and finally, is about CSO placement of the transfer procedure and finally, the CSO termination procedures (CSO Section Welfare Department).

More improvements and new programmes are expected to be implemented in the near future. In Singapore, the Probation Service has made a public commitment to service standards and adopt the best practice in probation work through the publishing of the “National Standards for the Probation of Offenders and their Rehabilitation in the Community” in 2000. Through this publication, the probation investigation and supervision process is transparent to all parties including the probationer and family with the intention to reap maximum benefits of partnerships with families and the communities (Ang, 2003: 171). Similar efforts have surfaced recently in Malaysia to include the parents of the trainees in the rehabilitations and reparations of the youths through various programmes, and through inter-agencies networking.

7.17 Cooperation with the Prisons Department

The management team from the headquarters also held meetings with the Prisons Department for the implementation of the Compulsory Attendance Order as stated in the Compulsory Attendance Order Act for Offenders 1954. The work performed under this Order is similar to the activities undertaken by the CSO trainees. Before the enforcement of the Compulsory Attendance Order, the prison authorities have, on several occasions, discussed with the CSO Division matters related to the Order. The Prisons Department has recognised the expertise of the Division of Community Service Orders in the execution of the order. Hence, the Standard Operations Procedure (SOP) for the implementation of the Compulsory Attendance Order is an adaptation of the CSO Standard Operating Procedures. The Social Welfare Department has also agreed to assist the prisons in terms of training and advocacy. The Compulsory Attendance Order was started in September 1, 2010.

7.18 Professionalism in Social Work

The call of the officers and supervisors for the need for specialised training and enhancement of their expertise in dealing with the complexity of the offenders' behaviour are finally met with the establishment of the National Social Work Competency Standards through the enactment of a Social Workers Act which was introduced in April 2010. Under the Act, a Social Work Council will be established to regulate social work for practitioners and educators, standardised training programmes in social work education in institutions of higher learning to produce qualified social workers for the public sector. Finally work to upgrade the Social Institute of Malaysia and other accredited training institutions to offer social work courses at certificate and diploma levels has begun. These initiatives introduce a new era of professionalism in social work based on competency-based international best practices. According to the author, the professionalisation of social work is a milestone in Malaysia in its effort to be an efficient, effective and appropriate social service (Department of Social Welfare website Last Updated Friday, 18 May 2012 15:56).

The CSO service will also need to adopt a policy of continuous learning and easy access to information technology. The findings from the interview data with the *trainees* revealed that most of them had no access to computers or have one, even though they

realised the need to be better informed about the job market. This move will also ensure that the *trainees* are better prepared for job niches for themselves and reduce re-offending due to economic reasons.

Similarly, the practitioners feel they need to keep abreast with the current knowledge of supervisions and rehabilitations of the youthful offenders. Thus, it should be one of the institutional concerns to establish collaborative research, exchange of executive programmes and other partnerships with both local partners and overseas counterparts and to continue to inject dynamism in the management, implementation and evaluation of the CSO at both the programmes as well as the system levels.

As the shortage of human resources has become the central issue for all the practitioners of CSO, one of the possible remedy is to identify and develop suitable management tools and data management system that will help to achieve better outcomes with less labour.

Issues of grounding knowledge, effective rehabilitative programmes and comprehensive systems have to be dealt with adequately at all levels to meet the future challenges and the increasingly complex needs of the offenders. On the other hand, extending the CSO to other groups and other type of offences invariably means the challenge of getting support from other agencies involved in the effective rehabilitation of the offenders.

CHAPTER EIGHT: DISCUSSION AND CONCLUSION

8.1 Introduction

This chapter presents a summary of the study and important conclusions drawn from the data presented in the previous chapters. It encompasses a discussion of the major findings and recommendations for further research.

The standards of acceptable treatment of juveniles evolve with time and in the end, with the implementation of new policies (Burke, 2011). Similarly, Malaysia has also adopted a Community Service Order (CSO), a new sentencing tool originally derived from Western countries, based on the Singaporean model, to tackle offending among the youthful offenders. This current study discovered how the *trainees* (current *trainees* and the *ex-CSO trainees*) and the officials of CSO (the management staff at the headquarters down to the supervisors) experience the new community sentence.

Drawing on in-depth interviews conducted with the CSO *trainees* and the interviews and open-ended questionnaires from the CSO's officials during its second to third year of operations, this study argues that an up-to-date and detailed appreciation of both the practitioners and the *trainees*' perspectives must be taken into consideration in its implementation. This is particularly important if the CSO sentence is to be extended to other age groups and other types of offences.

This study has shown that the adoption of the CSO with its aim to rehabilitate and repair, despite its primary aim to punish does not only aspire to address human rights issues, as stipulated by the Human Rights Watch (Amnesty International, 2005), but also to fulfil the responsibilities and the nation's obligations of rehabilitating youth offenders so that they be given a second chance and contribute to nation building. This is reflected in the term used to address the offending youth who were identified as '*trainees*' rather than as offenders. This reflects the concern towards young people embodied in the Malaysian CSO policy and consideration by the authorities for their physical and psychological development and needs.

This study has found that the CSO was positively welcome by the *trainees* and the officials involved in its implementation in Malaysia. Some participants feel that it is an obligation for the relevant authorities to help the young offenders to avoid custodial sentence and make amend for their past mistakes. It was also shown that the enthusiasms of the practitioners of the CSO were held back by the challenges faced in the implementation of CSO at the operational level. However, there were mixed responses on the effectiveness of CSO ranging from optimism to doubt, the later depended upon the attitudes of the *trainees* themselves and the implementation of CSO by the agencies and the front liners– the supervisors. This study captures the diverse experiences of supervisors responsible for CSO trainees.

While most trainees perceived their supervisors as very supportive some also felt that their supervisor was unnecessarily strict. All the major findings on these three important aspects of the study - the users: the *trainees*, the officers and supervisors; the CSO programme, and the experiences and perceptions of the users will be discussed accordingly in the following sections.

8.2 *Characteristics of the CSO Trainees*

Most of the *trainees* in the study are from urban lower class backgrounds. Their social economic status was reflected by the nature of their jobs, income and also the conditions of their home environments. Members of the sample tended to reside in low cost two-bedroom houses shared by an extended family in a deprived area of the city. Some of them resided with their grandmother or at their grandparents' house together with their uncles and other family members. A few of them were receiving a token monthly financial assistance from the State Welfare Department. They can be considered to be recipients among the hard core poverty programme in Malaysia.

This study also found that most of the *trainees* came from reconstituted or single-parent families, mostly with their mothers. Some are bitter with their fathers who they feel have neglected their responsibilities towards their families leaving their mothers to fend for the family on their own. *Trainees* who experienced family fragmentation, such as divorce and separation between the parents, held their discontent with their fathers who

have since remarried. Even not divorced some of their fathers have lived separately and left their mothers to take care of the family. Even if the family stayed together the parent's relationship has not been cordial.

The family background as portrayed by the *trainees* are consistent with some studies which indicate that family factors such as single-parent households, the criminal involvement of their parents, and low family socio-economic status play a significant role in predicting involvement in anti-social behaviour across multiple spheres, including unprotected sex, drug use, and criminal involvement (Elster et.al, 1987; Farrington, Jolliffe, Loeber, Stouthamer-Loeber, & Kalb, 2001; Unruh et.al., 2004). Chui and Chan's (2011) study in the analysis of the relationship between social bonds (parental attachment) and delinquency among juvenile male probationers in Hong Kong shows that juvenile probationers who were loosely bonded with their parents were significantly more likely to commit minor crimes or engaged in delinquent activities (Williams, 1994; Wright *et.al*, 2001; Chui and Chan, 2011:2332). Exposure to parental conflict and domestic violence during early life, poor bonding between parents and children, and low level of family cohesion are among the predictors for youth violence (Krug, et.al, 2000). However, the task of predicting offending behaviour based upon such social factors such as economic deprivation is a very complex and contested field.

8.3 *The Nature of the Offences Committed*

The most common offences committed by the *trainees* were intimidation with no death or serious injury. They were also involved in theft, in possession of stolen items, and driving and riding under the influence of alcohol and drugs which led to accidents and injuries to the victims. The *trainees* attributed their anti- social behaviour to deprivation, financial problems, unemployment, conflict with parents (father), peer pressure, anger and the influence of drugs and alcohol. These findings seemed to fit with the general strain theory which argues these conditions may lead to anger, frustration and other unstable state that result in criminal activities. Agnew (1992) suggests that strain creates pressure or an incentive to use crime or drugs as a coping strategy.

8.4 Fatherhood as a Turning Point

One of the most positive impacts of CSO as related by the *trainees* is that the experience made them more responsible. This is enhanced by their role as a husband and a father. Although studies focused on fatherhood as a turning point are scarce, Edin *et.al.* (2004) study of 300 low-income, non-custodial fathers with criminal records in two U.S. cities and found that fatherhood indeed acts as a turning point in the lives of men with a criminal background. Although the dual roles of fatherhood and crime did not lead to desistance in every case, this study shows that paternal bonds pose the possibility of life-course change (Shannon & Abram, 2007: 184). Albeit small in number, this study also produced results which were congruent with those findings which revealed that married trainees took their parental roles very seriously and their children become the principal motivator for desistance from crime and looking for more stable and extra income to provide financial and material support for the family.

The unhappy state of being charged and sentenced to a CSO has lead to personal changes and made the *trainees* become better persons in their own assessment. Those with children and partners also tended to be less inclined to crimes since they tended to be cut-off from external influences which drew them into offending.

The attitudes and perceptions of those trainees who are married is congruent with Rex (1999) who also captured West's (1982) view that marriage sometimes has a restraining effect upon delinquencies, even though there is a tendency for delinquents to marry females who are themselves socially delinquent.

These findings further support Shannon and Abrams (2007) suggestions on intervention techniques in correctional settings that capitalize on the expressed motivation of these young fathers; that fatherhood can be a turning point in the course of their lives. It provides access to resources to overcome the barriers in enacting their parental roles, such as financial needs and pursuing educational goals, and finally, interventions that assist the young men in balancing the dual roles of being both father and a teenager.

8.5 General Findings of the Study With Regard to the CSO

The CSO is welcomed by the participants and even more so by those officers dealing with CSO for several reasons. The key reason is that the objectives of CSO have been perceived to be relevant to the Malaysian culture, and therefore its implementation is considered appropriate. How exactly it is congruent to the Malaysian culture is not elaborated upon as the participants were never asked for their opinions on this.

There are two main factors which could account for the positive reception of CSO in Malaysia. First, the objectives of rehabilitation, punishment and reparation accord with the traditional Malaysian culture whereby punishment should be imposed only if an individual or a member of a family commits a wrong and offence. Such an offence is deemed to bring shame to the whole family. Everyone takes responsibility for fellow family members or their next-of kin in terms of educating them, hence rehabilitation is considered obligatory and a great responsibility (Hofstede, G., 2010).

As a nation with low Uncertainty Avoidance Index (UAI) (Hofstede, 2010), Malaysians maintains a more relaxed attitude for avoiding uncertainty and innovations are not seen as threatening. As the CSO is a new ‘innovation’, people believe there should be no more rules than are necessary and if they are ambiguous or do not work they should be abolished or changed. Thus CSO is considered as the best alternative to imprisonment for the trainees who were mostly first time offenders committing minor offences. This incidentally helps to alleviate the problems of prison’s over-crowding. For the young offenders they are saved from the negative effects of imprisonment.

8.5.1. The Objectives of CSO- Trainees’ Way Forward

The CSO staff and the supervisors seemed to appreciate the three main objectives of CSO, which are Rehabilitation, Punishment, and Reparation, which to them provide opportunities for the *trainees* to reshape their future. Some perceived CSO as very humane and regarded it as a chance of a lifetime to prove one’s worth. According to Whitehead and Statham (2006), these strong elements of continuity still existed in the core features of community sentences such as giving the offenders an opportunity to demonstrate that they can avoid further offending. At the same time they are held

accountable through a supervision process which combines monitoring with encouragement and assistance.

As a rehabilitative measure, the participants said CSO allowed the offender a positive experience through community work, fosters self-discipline, confidence, self-esteem and consideration for others. The element of '*punishment*' is said to be done psychologically by 'shaming' those offenders into doing unpaid work in public, besides its original aim to deprive an offender of his or her leisure hours.

Finally, as a form of reparation, it was understood that CSOs provided the offender an opportunity to make amends for the wrongs or harm caused by the offending behaviour through service to the community. These findings are congruent with the objectives of CSO carried out in Singapore as stated by Ang (2003) and also in other places such as England, Wales and in the USA as mentioned in the literature. However, the elements of 'shaming' through the use of uniform while carrying out the Order seems to contradict the rehabilitative aim to restore self-esteem and confidence. This is evident from the views of some of the *trainees* who expressed their embarrassment when exposed to public view while doing the CSO tasks in their uniforms. Nevertheless, the youthful offenders must pay for the damage they caused and the activities are communal in nature and not a physical burden. After all, shaming is part of the punitive objectives to make the offenders realise the wrong they have done and to prevent them from re-offending.

The conflicting aims of CSO have been an area of criticism articulated by researchers such as Pease (1985) who argued on the reparative objective of CSO which to him should be strictly confined to dealing with victims. CSO to him should not be regarded as reparative in purpose because it is misleading; neither it is restitution nor victim compensation instead they are retributive (Pease, 1985:60). Hirschel and Wakefield (1995) also argue that the conflicting aims of CSO may reduce the actual benefits to the offenders and they considered the CSO objectives as vague.

8.5.2 The Best Alternative to Imprisonment

The officers and supervisor's opinion on prison are consistent with Maggy (2001), who found that the prison system and total institutions in general were condemned as degrading, ineffective in terms of their stated goals (they neither deter nor rehabilitate), counterproductive (they cement deviant careers), and is part of the criminal problem rather than its solution (Maggy, 2001: 79).

On the other hand, the officers and supervisors in the study regarded that CSO as humane, less stigmatizing, and more effective than institutional measures in the controls of criminal behaviour.

8.5.3 Expectations of CSO Roles

There were similarities between the unpaid work activities performed by the CSO trainees in this study with that carried out by probationers in the UK, based on a Probation Service audit of unpaid work carried out in March 2008, which found that a quarter of the time was on environmental or conservation projects, 20 percent were on painting or decorating and 14 percent involved charity shop work. Cleaning or maintenance accounted for 8 percent of time on work and graffiti cleaning or litter removal 6 percent (National Probation Service, 2005). At present, the trainees in Malaysia are required to do unpaid community work at the welfare institutions and conservation of buildings, landscaping, playground cleanliness, leisure and recreation areas, field maintenance, minor repairs, housekeeping, catering, maintenance of mosques, helping in the self-management of the residents or inmates of the elderly homes, and any other work as required.

However, most participants in the study also suggested the present CSO programme to be improved based on the needs of the *trainees* and at the same time to get their families involved. Among the major concerns of the officers were the psychological needs of the trainees which can be fulfilled by providing them with counselling support and exposure to programmes that could enhance their character and future career. They also suggested the tasks given to the trainees to include academic and knowledge-based

activities, rather than just confined to menial chores such as sweeping, mopping or cleaning. In addition, they also proposed more activities involving the trainees' families.

However, to handle such needs the expertise of the social worker and the supervisors. At this early stage this seems to be a challenge. Nevertheless, the Malaysian Government is presently attempting to enhance professionalism in Social Work through the establishment of competency standards and the enactment of a social workers Act (Department of Social Welfare Website: 2012). In Singapore, besides using the CSO as a platform for vocational development and skills acquisition, CSO placements are also designed to give ample opportunities for offenders to be self-affirmed. According to Ang, (2003)

“...in implementing the CSO programme, we strive to establish a nexus between the offence committed and the type of community service an offender is required to perform. For instance, for cyber offenders, CSO placement includes a stint of volunteering in a project which demand the constructive use of IT savvy-ness for a worthwhile cause for example developing start-up screens to warn against hacking and consequences of cyber crimes, developing parent education materials on supervising children in internet time, developing IT applications for lifelong learning for the elderly or for the disable to plug into the info-tech world”

Ang, 2003: p 169.

Life adjustment programme such as done in Singapore are yet to be included in the Malaysian model. There were also programmes organised by the CSO Unit at the Sarawak branch involving both *trainees* and parents. Suggestions from the participants in the study corroborate with those in other studies on the role of family in youth rehabilitation. Some studies like Abrams *et.al* (2010:1789) have demonstrated that family interventions were more successful in reducing the likelihood of recidivism than individual level interventions on their own. The rationale is there are risks linked with family related factors and delinquent behaviours, including: coercive parenting, strained parent-child relationships, inconsistent discipline, neglect, parental substance abuse, violence, sexual abuse, attachment disruption, and inadequate levels of warmth and affection (Underwood, *et.al.* 2006). Family-focused intervention programmes assume that families have the greatest influence on youth because they mould the young person's viewpoints, values and behaviours (Petrucci & Roberts, 2004; Abrams *et.al*, 2010).

Similarly, in working with the offenders in Singapore, the ministries concerned held on to the belief that the family can be the most important change agent to the individual offenders. Probation in Singapore is therefore used as an instrument of change to reshape attitudes, values and behaviours. The strengthening families framework used in community based rehabilitation of offenders begins from the pre-sentence stage right to the end of probation. At each stage of the probation process, the roles and responsibilities of parents and what is expected of them are made clear. Disadvantaged families are given additional help to enhance their functioning. Casework in such instances may include sponsorship of a divorced or widowed parent on a computer course or back- to- work programme (Ang, 2003: 170).

8.5.4 Challenges in the Implementations of the CSO

The enthusiasm of the CSO's officers and supervisors as presented in the findings were hampered with the limited manpower, resources, inadequate professional skills, knowledge and other conditions in working effectively towards the rehabilitation of the *trainees*. However, the major setbacks as voiced by the participants were not isolated cases. There were problems with CSO implementations such as staff shortages and lack of transport or a lack of unpaid work spaces, resulting in offenders being 'stood down'.

Solomon and Silvestri, (2008 : 23) who extracted a self-selecting survey carried out by the National Association of Probation Officers 2007, found that there were problems in about a third of the 42 probations areas (Napo News, October 2007, Issue 193). Research has found that probation officers are voluntarily committing additional hours in order to meet the demands made on them (Oldfield and Grimshaw, 2008). As a consequence, the Probation Service experienced high levels of sickness amongst its workforce (National Probation Service, 2008). Therefore, it was not unusual that the findings reported similar challenges especially, at the early stage of programme implementations.

A report by HM Inspectorate of Probation in the UK published in 2006 stated that:

"... not all of the projects provided the positive benefit to the offender intended ...example in terms of contact with beneficiaries or skills development, but they

will provide the punishment and indirect reparation that Community Service and then Community Punishment had offered'

(HM Inspectorate of Probation, 2006:5).

8.5.5 The Positive Effect of CSO

Despite some scepticism, the objectives of CSO seem to have been achieved considering the small number of cases of *trainees* who had reverted to crimes such as taking *pills* after completing CSO. The viewpoints of the CSO officers in this study was corroborated by the viewpoints of the probationers and agencies in Singapore in their evaluation of the community sentences programme as discussed in chapter two.

The supervisors viewed CSO as capable in rehabilitating the *trainees*, helping them to change and become disciplined and more responsible, mature in their thinking and to have a more positive attitude to life. Exposure to social community work had also resulted in better time management of the *trainees*. The trainees became more punctual, disciplined, acquiring new experiences, obeying orders and being cooperative.

Generally, these findings from the officers and supervisors were consistent with the *trainees'* views that the CSO sentences had made them become a better person and also generally more disciplined. It has given them valuable lessons, new experiences and appreciates community work. The most significant findings are the participants' disclosure of insight, awareness and willingness to change. Hence, there is self-actualisation as a result of their offending and sentencing. Those officers who were sceptical did not deny that there are many positive outcomes of CSO to some of the trainees such as becoming more punctual, disciplined, acquiring new experiences, obeying orders and being cooperative.

The above findings are in tandem with the experience in Singapore where probationers and agencies cited various benefits to the CSO experience. These included the acquisition of new skills among the offenders, improved intra-family relationships through better communication, becoming more useful at home, becoming more

responsible, considerate and mindful of others, while the agencies generally found the probationers' work to be good or at the very least, satisfactory (Ang, 2003: 169).

8.6 The Trainees' Experiences with the CSO

8.6.1 The Trainees' Understanding of CSO

Despite the inability of some of the *trainees* to expound the objectives of CSO and explain its meaning, further conversations revealed that the trainees' perceptions and understanding of CSO matched its aims and purposes. The CSO as stated by the *trainees* was construed as a punishment, giving them a second chance to change behaviour, avoiding imprisonment, as well as a charity work. However, most of the *ex-trainees* asserted that they could not recall the formal objectives of CSO.

8.6.2 The Trainees' Feelings Undergoing CSO

The trainees expressed their regret for committing the offences, remorseful for being arrested, and even worst being kept in remand before finally being sentenced to CSO. However, despite the embarrassment of putting on the CSO's shirts carrying their sentences in public spaces, and the working opportunities that they missed, they expressed relief for not being placed in prison. Furthermore, some trainees even regarded CSO as a turning point to be treasured.

Allen and Treger (1990) found that probationers in the United States following the termination of their community service perceived their orders as an opportunity to give something back to the community they had wronged. Most probationers ascribed the purpose of probation to be rehabilitative (Rex, 1999). In another study, nearly half also perceived it as a punishment and a third, a form of rehabilitation (Searle *et.al*, 2003). Similarly, most of the British offenders sentenced to probation generally viewed their supervision experiences positively (Mair and May, 1997).

8.6.3 The *Trainees*' Perception of Their Assignments

With regards to their assignments, the CSO trainees in this study portrayed it with diverse opinions from '*just normal ordinary work*' to a '*new experience that I have never done before.*' The *trainees* were obliged to undertake involved general cleaning of the spaces and public areas, gardening and maintenance of the institutions they were assigned to. Those who considered the task as routine normally had previous experience of working at construction sites, at cafés and even during their school days. Those who regarded their assignments as a new experience also reported gaining many benefits throughout the duration of their CSO.

Another significant finding is the appreciation of the *trainees* towards working together in a group and making friends. This finding is obvious to those who carried out their CSO at the welfare institutions where the majority of the *trainees* were placed, unlike those serving individually at public spaces under the municipality or the welfare offices at the district level. A simple task like sweeping was not a fuss with those doing it in groups; however, for those who swept alone in public the task seemed to be demeaning. The current study also exposed some negative experiences as shared by an *ex-trainee*.

8.6.4 The Impacts of CSO

The *trainees* feel that the CSO sentences had made them persons and become more responsible, besides giving them significant lessons, exposure to community work, new experiences, and a willingness to change.

The *trainee's* perceptions on the impact of CSO in this study are consistent with previous studies on the probationer's perception of probation such as Davies (1979), Day (1981), Mantle (1995) and Rex (1999). They reported that the majority of the probationers thought that probation had had positive effect on them, in the sense that they felt it had reduced their tendency to crime and deviance, making them less likely to offend or to indulge in behaviour clearly linked to offending such as substance abuse or controlling anger (Rex, 1999). Some claimed it had stopped them from gambling or

going to football matches. For some it had curtailed their drinking habits and committing theft (Davies, 1979:87). The latter point is echoed in the present study.

In life-history interviews, Rex (1999) discovered 21 ‘desisters who explained that they had stopped offending because they had succeeded in disengaging from delinquent friends, and had found some direction and meaning in life. In other words, the events and experiences associated with desistance had exerted their effect by bringing about changes in these ex-offenders’ self identity and sense of maturity and responsibility (Rex, 1999: 375).

Another significant finding related to the CSO programmes is the *trainees*’ appreciation of courses and motivational talks provided by the relevant agencies which had had an impact on them.

The findings of this study also showed sufficient evidence that the *trainees* perceived that their personal, familial and careers were positively affected after going through the CSO sentencing. This was particularly the case for *ex-trainees*, most of who were working for a living and some had even ventured into small businesses and had found skilled-work related to their interests.

8.6.5 The Relationship between the Trainees and the Supervisors

8.6.5.1 Supervisors Perceptions of the Trainees

The CSO officers and supervisors were very concerned with the welfare and the behaviour of the *trainees*. This includes their concern on the *trainees*’ accommodation during placements, the transportation and also financial problems.

However, the officers were also unhappy with some aspects of the *trainees* such as being undisciplined and disrespectful, taking advantage of the leniency of the supervisors and or the system. The list of unfavourable behaviour is a general observation made by the officers and supervisors throughout the three zones. It did not particularly refer to the *trainees* in the study.

However, when asked about the positive aspects of CSO, most of the participants noticed the changes in the *trainees*' behaviour as a sign of the positive outcomes of the CSO. The participants observed that the *trainees* had changed and began to realise their mistake. Some were ashamed and expressed remorse and showed improvement in their time management and became more respectful.

8.6.5.2 The Trainees Perceptions of CSO officers

A common theme that emerged from the interviews with the participants was that the supervisors or key workers were perceived as nice and supportive. The *trainees* appreciated supervisors with whom they could relate and share their feelings. Other positive qualities perceived by the *trainees* were the willingness of the supervisors to talk, listen and discuss, to give advice in a supportive rather than reprimanding manner. Such attitudes shown by the supervisors made the *trainees* feel positive, relaxed and accepted.

According to McGuire (1995) probationers attributed positive changes in their behaviour to the active and participatory nature of their supervisory experience. Rex suggested that those probationers who felt 'engaged' at least to some degree felt that the engagement was important to them. This tended to be reinforced by the relatively minor role usually ascribed to monitoring (supervisors asking probationers about what was going on in their lives) and probationers' reactions to an apparently passive style of supervision (Rex 1999: 270).

Nevertheless, a couple of the *trainees* also gave adverse opinions on their supervisors whom they considered as unnecessarily strict. These *trainees* hoped that their supervisors could be more friendly and approachable.

In summary, the *trainees* were happy with the warm and supportive relationships with their supervisors and officers. They said they benefitted from their advice and appreciated their friendliness and in turn feel respected. Rex's (1999:371) study showed that the probationers were more willing to sustain a decision to stop offending where they felt committed and positively engaged in the supervisory relationship. At a

personal level, Rex's findings showed that most of the probationers referred to the need for probation officers to demonstrate empathy, and commented that their supervisor's were sympathetic and showed interest in their welfare and understanding. They could talk to them and were treated with respect in the sense of not being judged or patronised.

Most of the probationers suggested encouragement from the probation officers as one of the factors which helped them turn away from crime, and some suggested that their supervising officers had helped make their decision not to risk further conviction while others suggested that the support shown by their probation officers had exerted a positive influence on their behaviour (Graham and Bowling, 1995).

8.7 Support from Significant Others

While 'drugs' and 'undesirable peers' have usually been the obstacles to be overcome in effecting change, 'family', especially girlfriends and children often provided the 'motivation' for going straight (Chui, et.al. 2003). In Chui et.al.'s (2003) study, the major factor helping to reduce or stopping offending behaviour was the family and significant others such as girlfriends. A drug offender managed to quit taking drugs successfully and he attributed this success to his girlfriend's encouragement and support (p 274). Chui's finding is consistent with the findings of the current study which involved *trainees* who were encouraged to go back on track by their girlfriend, or are willing to change and stop taking drugs due to the love and support from their girlfriends. Others stopped their offending behaviour due to their family and children. For those *trainees* who were brought up by their single mothers, they hope to repay their kindness by taking care of them. The CSO gives opportunity for *trainees* to enjoy the support of the family and friends.

8.8 What do the Trainees Want?

Some of the *trainee* wished to continue with their studies, to have a better and stable job with the government, to own a business, and to start a family of their own. These wishes

might sound very conventional, however, as they come from socially deprived youth, some of whom might not have any aspirations and plans, it is quite novel. Their wishes also show both the *trainees*' accountability and responsibility.

The *trainees* hope to help their parents and make them happy. With regard to their experience with the CSO, the trainees too had given suggestions worthy to be heard of. However, their work aspirations went far beyond the manual labour that they performed under the CSOs. Those who did not possess a complete secondary education certificate plan to resit for the exam or sought for an alternative route to achieve their dreams to open a workshop or do related jobs. The most sought-after alternatives is attending skills-based courses.

As shown in the later part of chapter 4, despite sharing their dreams and aspirations enthusiastically, only a few of the *trainees* were willing to give their opinion on what they expect from the government and people around them. Consequently, this study revealed some of the *trainees*' views on how the government could help youth like them, that is, by providing opportunities for them to work and a chance to turn a new leaf.

8.9 CONCLUSION

This qualitative study has answered the three main research questions. Firstly on the perceptions and experiences of the *trainees* and *ex-trainees* undergoing CSO in Sarawak, Malaysia. In addition, it also canvassed the views and experiences of the officers and supervisors of CSO. Secondly, the capacity of CSO to provide experiences that could help offenders prepare for life after it; and finally, the findings has shown that CSO is considered at the moment as the best alternative to imprisonment.

The need to enhance community-based alternatives to incarceration reflects increasingly accepted global wisdom that unless offenders need to be separated from society then they should be placed on community programmes that provide more effective rehabilitation which utilises available resources more efficiently (UNAFEI 2003:5).

The advantages of using CSO were identified as follows: prison populations could be reduced, accruing cost benefits; stigma avoidance; avoidance of escalating criminal behaviour; timely bail and diversion; can assist the maintenance of family linkages; employment and social status; victims' interests can be taken into consideration, and offenders can contribute to the community. These factors are congruent with those in UNAFEI, 2003. Alternatively, the disadvantages of using non-custodial measures at the pre-sentencing stage were considered to be: recidivism risks if no rehabilitation programmes are provided; anxiety in the local community if offenders were not imprisoned; a perception of non-custodial measures being a 'soft option', a decrease in the general and individual deterrent effects of punishment, greater risk of revenge attacks by victims and/or their families (UNAFEI, 2003:5).

Both the respondents (the *trainees* and the *ex-trainees*) and the CSO's officials (the management staff and the supervisors) in the study view that CSO has been successful in achieving its objectives of punishment, reparation and rehabilitation. However there are challenges especially in fulfilling the needs of the *trainees* especially with regards to their psychological and career needs. These needs relates to the 'expert qualities' of the supervisors in their supervision. At the moment despite of a general acceptance and positive opinions of the participants towards the supervisors, some participants viewed the supervisors work as similar to that of a security guard. There are also suggestions that some supervisors should be friendlier. The researcher proposes that beside the existing standard operating procedure (SOP) on the administration of the *trainees*, the supervisors too should be given a set of procedures and training on soft skills especially on counselling, motivations and behaviour modification; and also a list of phrases to guide them for effective communication. According to Rex, 1999, an 'engaging style' in which empathy was balanced by a certain amount of professionalism and formality seemed to foster, or reinforce a commitment to desist from crime (Rex, 1999:372).

With regards to the element of shaming such as the use of uniforms to identify the *trainees* and also carrying out their sentences in public places, the researcher feels that first there is no need for uniform as the work is menial. Secondly, where possible the *trainees* are placed in areas away from familiar locality. So when they come out of CSO into their own community they are not identified by their familiar public.

The UNAFEI Annual Report for 2002 suggests that in order to develop and maintain a successful system of community-based alternatives, a criminal justice system should have a wide array of community-based alternative programmes available, a wide array of flexible sentencing options available to the court, a system to assess offenders and available community-based sentences to assist the court matching appropriate offenders with appropriate sentencing options and community-based alternatives, as well as a system to effectively coordinate, administer and supervise the sentences of offenders in the community (UNAFEI, 2003:6). Community Service Order in Malaysia should also provide more options and wide arrays of community based programmes to suit the personality and types of offences committed by the young and youthful offenders.

At the time of the study, youth offenders in Sarawak did not pose a significant or worsening problem, the reference to reduce offending amongst this population therefore, may seem a little unnecessary. However, given that many of the youth offences are related to non-violent crimes or offences which are not serious in nature (stealing and in possessions of stolen goods), tackling issues such as poverty and unemployment would, at least in the longer term, help to reduce crimes among the youth.

A lack of parental support, especially the absence of the father, in the opinion of some *trainees* had been instrumental on some of them with regards to their offending. Research by Chui and Chan (2011) highlight the importance of healthy parent-child bonding in preventing adolescents from being involved in delinquency. Parental involvement is considered of utmost importance in the rehabilitation process of the juvenile offenders to prevent them from reoffending (Dembo, Walters, & Meyers, 2005), and therefore should be emphasised.

Finally, the *trainees*' and the officials' firsthand accounts offer valuable insights to the relevant authorities on how CSO can and should be further improved in order to reform the *trainees*. Rex (1999) quoted Raynor and Vanstone (1996:282) suggest that programmatic work on offenders thinking and behaviour needs to be complemented by attempts to assist them with the problems that they encounter in their everyday lives in the real world. He further quotes Ross and Ross (1995:8) whom he considered as the architects of cognitive techniques themselves declare that 'cognition is not enough'.

Effective programmes must also tackle the social and economic problems faced by people who offend (Rex, 1999:373). It is hoped that the views and opinions of the participants in this study, the reality of both the *trainees* and *ex-trainees* of CSO's background will meet the attention of the relevant authorities in Malaysia.

8.9.1 Contributions of the Study

At the moment very little is known about community sentencing and the CSO and the experience of offenders serving the sentence in Malaysia. This study would provide some contributions to the existing knowledge, which cover these areas. This study provides insights into how the CSO, an international community sentencing option used for decades in countries like UK, is applied for the first time by the Malaysian users. This study therefore provides knowledge on how the Malaysian Government has adopted and adapted CSO and how similar it is with other jurisdictions and contexts around the world. The research also illustrates how the Malaysian government has given new impetus to the order and the field of social work.

The reception, interpretation and experience of CSO in Malaysia add to the comparative literature on youth justice, community sentencing and youth offending. In addition, the study also reveals how the youthful offenders account for their offending and the meaning they gave to their experience with CSO.

The originality of this study resides in the localisation of the CSO and how it is perceived and experienced by the indigenous groups in Malaysia, particularly in the state of Sarawak. It is their first hand experiences and the meaning they gave to the order that provides a new addition to the voice of young people subjected to community sentencing.

One of the main achievements of this study is the creation of a platform for participants to voice their views and have their opinions heard on the effects of an intervention programme as recommended by researchers such as Chui (Chui, 2001). Service users and the offenders have not been traditionally asked to participate in the evaluation of the service. In this case, a lot of rich and insightful information was derived through in-

depth interviews conducted with the participants. Their stories highlighted their conviction and the experiences they gained through the CSO such as their relationship with other *trainees* and those officers supervising them. Similar with the findings of Chui *et.al.*(2003), this study has also shown the importance role played by the family and significant others, especially the *trainees*' mothers, children and girlfriends upon the trainees' motivation to change.

Perhaps more importantly, youth's experiences and perspectives as clients can be used to improve the types of programme offered to those serving CSO and other youth rehabilitation programmes. This study will also compliment other forms of evaluation done by the authorised agency, as outcome evaluations rely exclusively upon formal records seldom allow for deeper contextualisation of offender motivation to desist from offending. Furthermore, neglecting service users' insights may lead to under-estimating resource needs, unrealistic target setting, and the eventual abandonment of promising ideas in favour of the next 'new' magic bullet as recommended by Hedderman *et. al* (2011:5).

8.9.2 The Scope of the study

Results and implications of this study should be seen in light of several limitations. First is the results are specific to the groups of *trainees* that were interviewed and also, the officials and supervisors of CSO, who only represented the three zones in the country: the management of CSO at the headquarters in Kuala Lumpur and officials from Sabah and those from Sarawak whereas the trainees in the study were all from Sarawak with the majority from Kuching. Second, the predominant number of male *trainees* carrying out the order at the time of the study who automatically became the respondents can be perceived as male biased. Finally, because the original study used an appreciative inquiry approach, so questions asked were more on the positive opinions of the participants. However, as shown in the findings, the trainees' responses were not limited to positive opinions and stories. Instead, they naturally shared their true experience.

8.9.3 Recommendations for Further Research

In this vein, the researcher would like to suggest several avenues as a follow up from this research for future research:

1. To study the impact of CSO at a different phase of implementation and a study on *trainees* at different geographical locations in the country.
2. A study that follow the *trainees* development for at least six months after their placement to keep track of the effectiveness of the rehabilitative measures and to follow through their changes and their career need. An ethnography to help gain a clearer insight to the *trainees* experience and impact of CSO.
3. A study on re-offending among the *trainees*. As already noted, longer follow up studies would also allow for greater examination of how these issues evolves over time and whether or not these trainees make real changes.
4. Given that most of the *trainees* were from an indigenous group, further studies should be done to investigate factors beyond the offending for this group.
5. Given that the father's role was identified as a primary source for frustrations and deviance, interviews should also involve fathers and even mothers for triangulation of the findings.

In the light of these findings, it is worthwhile to include parents or family in the rehabilitation programmes of their children. Ang, (2003) in describing about The Many Helping Hands Approach to Community Rehabilitation in Singapore states:

“Effective family support and control can help to prevent offenders from a downward spiral into a life of crime and the consequent economic and social costs to the individual, family and community. Probation, as a community-based rehabilitation programme, works only if there is community support and involvement work (Ang: 170)”.

In addition, the relevant authorities in Malaysia should also provide a better tailored and more appropriate response to the particular factors that have an impact on why young

people offend so as to reduce their offending and the number of youth in custody. More focused programmes addressing specific youth offending problems should be conducted in collaboration with various governments, non-governmental organisations and the corporate sector.

As ‘work’ or ‘opportunity to work’ are things that mattered most to the *trainees* in the study, Malaysia could follow Singapore’s Employment Development Programmes which caters for out-of-school and offenders who face difficulty staying in school and cannot find a job. Income generating activities through collaborations with the disability sector, whereby the probationers help people with special needs and the elderly, to remain competitive in meeting work targets which are sometimes hard to accomplish. The probationers in turn get the opportunity to develop positive work habits and skills within a sheltered work setting (Ang, 170).

The challenge is to ensure that rehabilitation also emphasises the aims to prepare the offenders to get jobs, to be employed gainfully while at the same time meaningfully engaged in the society. In the case of Malaysia, there are still a lot of opportunities and room for young people to work and explore the country’s abundant resources. The only obstacles to the youth are their own mindset and attitudes and the proper help to make them realize their potential and the opportunities surrounding them.

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ⁱⁱ All information regarding the establishments of CSO in Malaysia are recorded through interviews and written note from the Senior Assistant Director of CSO, Pn. Norhayati binti Mohamad at the headquarters in Kuala Lumpur.

References

- Abrams, L.S. (2005). 'Listening to Juvenile Offenders: Can Residential Treatment Prevent Recidivism?' In *Child and Adolescent Social Work Journal*, Vol.23, No.1, February 2006 (copyright 2005) DOI: 10.1007/s10560-005-0029-2, pp. 61-85)
- Abrams, L.S. and Snyder, M. (2010). 'Youth offender re-entry: Models for intervention and directions for future inquiry'. In *Children and Youth Review*, 32, pp. 1787-1795.
- Agnew, R. (1992). 'Foundation for a General Strain Theory of Crime and Delinquency'. In *Criminology Volume 30 Number 1*, pp. 47-87.
- Agnew, R., Cullen, F.T., Burton, V.S., Evans, T.D. and Dunaway, R.G. (1996). 'A new test of classic strain theory', *Justice Quarterly* 13: 681-704.
- Agranoff, R. and McGuire, M. (2003). 'Governance networks' in J. Rabin (Ed.), *Encyclopaedia of public administration and policy* (pp.552-557). New York: Marcel Dekker.
- Altschuler, D.M., (1994). 'Tough and Smart juvenile Incarceration: reintegrating punishment, deterrence and rehabilitation'. *Public Law Review*, 14: 217-238; Saint Louis University.
- Andrews, D.A. and J. Bonta (1999). *The Psychology of Criminal Conduct*. Cincinnati, OH: Anderson Publishing Co.
- Ang, B.L, (2003). 'Community Rehabilitation of Offenders in Singapore'. Visiting Experts' paper presented at 121st International Training Course, "Enhancement of Community based Alternative to Incarceration at all stages of the Criminal Justice Process" Annual Report for 2002 and Resource Material Series No.61. September 2003, Japan : UNAFEI
- Arksey, H., and Knight, P. (1999). *Interviewing for social scientists: An introductory resource with examples*. London: Sage.
- Ashworth, A. (2007). 'Sentencing' in M. Maguire, R. Morgan, and R. Reiner, (2007) *The Oxford Handbook of Criminology* (Eds.) 4th Edition. Oxford New York: Oxford University Press.
- Baron, S.W. (2004). 'General Strain, Street Youth and Crime: A Test of Agnew's revised Theory'. *Criminology Volume 42 Number 2*, 457-483.
- Barry, Christine A. (1998). 'Choosing Qualitative Data Analysis Software: Atlas/ti and NUD.IST Compared'. *Sociological Research Online*, 3(3). Available at: <http://www.socresonline.org.uk/socresonline/3/3/4.html>.
- Becker, H.S. (1998). *Tricks of the trade: How to think about your research while you're doing it*. Chicago: University of Chicago Press.

- Berg, Bruce L., (1989). *Qualitative Research Methods for the Social Sciences*. United State of America: Allyn and Bacon.
- Bitner, Mary Jo, Bernard H. Booms, and Lois A. Mohr, (1994). 'Critical Service Encounters: The Employee's View,' *Journal of Marketing*, 58 (October), pp. 95-106.
- Blumer, H. (1969) *Symbolic Interactionism: Perspective and Method*. Englewood Cliffs, N.J.: Prentice-Hall.
- Bottoms, A. (2008). 'The Community Dimension of Community Penalties,' *The Howard Journal Volume 47 No 2 .May 2008 ISSN 0265-5527*, pp.146-169. Oxford: Blackwell Publishing.
- Breakwell, G.M. (1990). *Interviewing*, British Psychological Society, London: Rout ledge.
- Brezina, T. (2000). 'Delinquent Problem Solving: An Interpretive Framework for Criminological Theory and Research', *Journal of Research in Crime and Delinquency*, 37: 3-30.
- Brownlee, I. (1998). *Community Punishment: A Critical Introduction*. Harlow, Addison Wesley Longman.
- Bryman, Allan and Burgess, and Robert G. (Eds.) (1994). *Analysing Qualitative Data*. London: Rout ledge.
- Budd, R. W., Thorp, R. K., & Donohew, L. (1967). *Content Analysis of Communications*. New York: Macmillan.
- Burgess, R.G (Ed.) (1989). *Field research: a Sourcebook and manual*. London: Rout ledge.
- Burke, A.S. (2011) 'Under construction: Brain formation, culpability, and the criminal justice system', in *International Journal of Law and Psychiatry* 34 (2011) pp. 381-385 Published by Elsevier.
- Burns, A. C., Laura A.W and James T.M (2000). 'Narrative Text Biases Attending the Critical Incidents Technique,' *Qualitative Market Research: An International Journal*, 3 (4), pp.178-86.
- Burton, V.S. and Cullen, F.T. (1992). 'The empirical status of strain theory'. *Journal of Crime and Justice*, 15, pp. 1-30.
- Burton, V.S., Cullen, F.T., Evans, T.D. and Dunaway, R.G. (1994). 'Reconsidering strain theory: Operationalization, rival theories, and adult criminality'. *Journal of Quantitative Criminology* 10, pp. 213-239.
- Bushe, G.R. (1998). 'Five Theories of Change Embedded' in A.I, in Cooperrider et.al. (Eds.) (2001) *Appreciative Inquiry: An Emerging Direction for Organizational Development Champaign 11, pp. 117-127*: Stripes.

- Byrne, J. M., Lurigio, A.J. and Petersilia, J. (1992). *Smart Sentencing: The Emergence of Intermediate Sanctions*. London, Sage.
- Caputo, G.A., (2004). *Intermediate Sanctions in Corrections*. University of North Texas Press, United States of America.
- Carneiro, F.G., Loureiro, P.R.A., and Sachsida, A. (2005). 'Crime and Social Interactions: a developing country case study'. *The Journal of Socio-Economics* 34, pp. 311-318.
- Cavadino, M. and Dignan, J. (2007). *The Penal System. An Introduction*. Fourth Edition. SAGE.
- Centre for Crime and Justice Studies (2009). *News Archive 02 March 2009*, PR 41/09, King's College London.
- Chell, E. and Luke, P. (1998). 'Study of Entrepreneurship in the Restaurant and Café Industry: Exploratory Work Using the Critical Incident Technique as a Methodology'. *International Journal of Hospitality Management*, 17, pp. 23-32.
- Christie, N. (2000). *Crime Control as Industry*. London: Routledge.
- Chui, W.H. (2003). 'Experiences of Probation Supervision in Hong Kong: Listening to the Young Adult Probationers' in *Journal of Criminal Justice* 31 pp. 567-577 Elsevier Ltd. (Available online at www.sciencedirect.com).
- Chui, W.H. (2004). 'Adult Offenders on Probation in Hong Kong: An Exploratory study', in *British Journal of Social Work* 34, pp. 443-454.
- Chui, W.H. and Chan, H.C. (2011). 'Social bonds and male juvenile delinquency while on probation: An exploratory test in Hong Kong'. *Children and Youth Services Review* 33, pp. 2329-2334.
- Chui, W.H., Tupman, B., and Farlow, C. (2003). 'Listening to Young Adult Offenders: Views on the Effect of a Police-Probation Initiative on Reducing Crime'. *The Howard Journal Vol. 42 No.3. July ISSN 0265-5527*, pp. 263-281.
- Claster, D.S., (1992). *Bad Guys and Good Guys: Moral Polarization and Crime*. Greenwood Press, Westport CT.
- Clear, T.R. and A.A. Braga, (1995). *Community Corrections in Crime*. Wilson, J.Q. and J. Petersilia (Ed.). ICS Press, San Francisco.
- Coffey, A. and Atkinson, P. (1996). *Making Sense of Qualitative Data*. California: Sage.
- Cohen, S. (1979). 'The Punitive city: notes on the dispersal of social control' in *Contemporary Crisis*, no.3 pp. 83-93.
- Cohen, S. (1985). *Visions of Social Control: Crime, Punishment and Classification*. Cambridge, Polity Press.

- Cooperrider D. L. and Dutton J.E. (1999). *Organizational Dimensions of Global Change*, Sage Publications.
- Cooperrider, D.L. and Srivastva, S. (1987). 'Appreciative Inquiry In Organizational Life' In Woodman, R. and Pasmore, W. (Eds.) *Research in Organizational Change and Development: Volume 1* Greenwich, CT: JAI Press.
- Cooperrider, D.L. and Whitney, D. (2005). *Appreciative Inquiry. A Positive Revolution in Change*. San Francisco: Berrett-Koehler Publishers.
- Cothorn, L. (2000). *Juveniles and the Death Penalty* (pp.1-15). Washington, DC: Office of Juvenile Justice and Delinquency Prevention, Council on Juvenile Justice and Delinquency Prevention.
- Davies, M. (1979). Through the eyes of the probationer. *Probation Journal* 26/3, pp. 84-88.
- de Ruyter, Ko, Debra S. Perkins, and Martin Wetzels (1995). 'Consumer-Defined Service Expectations and Post Purchase Dissatisfaction in Moderately-Priced Restaurants: A Cross-National Study', *Journal of Consumer Satisfaction, Dissatisfaction, and Complaining Behaviour*, 8, pp. 177-87.
- Delamont, S.(1992). *Fieldwork in Educational Settings: Methods, Pitfalls And Perspectives*. London: The Falmer Press.
- Denzin, N.K. and Lincoln Y.S. (Eds.) (2004). *Collecting and Interpreting Qualitative Materials*, (3rd Ed.)USA: Sage
- Dey, Ian (1993). *Qualitative Data Analysis*. London: Rout ledge.
- Downe-Wambolt, B. (1992). Content analysis: Method, Applications and Issues. *Health Care for Women International* 13, pp. 313–321.
- Drake, E.K., Aos, S., & Miller, M.G. (2009). 'Evidence Based Public Policy Options To Reduce Crime And Criminal Justice Costs: Implications in Washington state'. *Victims and Offenders*, 4, pp. 170-196, doi: 10.1080/15564880802612615
- Draucker, CB, Martsolf, D.S., Ross Ratchneewan, and Rusk, T.B. (2007). Theoretical Sampling and Category Development in Grounded Theory in *Qualitative Health Research, Volume 17 Number 8 October*, pp. 1137-1148, Sage.
- Dusuki, F.N. (2006). 'Implementation of Article 12 in Juvenile Justice System in Malaysia', a report presented as input to the Day of General Discussion in Geneva on the theme "Speak, Participate and Decide – The Child's Right to be Heard" UN Committee on the Rights of the Child, 15 September 2006, p 17. UNICEF Country Office Malaysia.
- Easterby-Smith, M., Thorpe, R. and Lowe, A. (2004). *Management Research: An Introduction*. 2nd Edition. London: SAGE.
- Edvardsson, Bo (1992). Service Breakdowns: A Study of Critical Incidents in an Airline,' *International Journal of Service Industry Management*, 3 (4), pp. 17-29.

- Edwin, et.al. (2004). In Shannon, S.K. & Abrams L.S. (2007). 'Juvenile Offenders as Fathers: Perceptions of Fatherhood, Crime, and Becoming an Adult'. In *Families in Society: The Journal of Contemporary Social Services, Volume 88, No.2, pp. 183-191*.
- Ehrlich, I., (1973). 'Participation in Illegitimate Activities: A Theoretical and Empirical Investigation'. *Journal of Political Economy* 81, pp.521-565. (In Carneiro, et.al. 2005)
- Ehrlich, I., (1975). 'The Deterrent Effect Of Capital Punishment: A Question Of Life And Death'. *American Economic Review* LXV, pp. 397-417.
- Elster, A.B., Lamb, M.E., & Tavare, J. (1987). 'Association between Behavioural and School Problems and Fatherhood in a National Sample of Adolescent Youths'. *The Journal of Paediatrics*, 111(6), pp. 932-935.
- Erickson, P.I., and Kaplan, C.P. (2000). 'Maximizing Qualitative Responses About Smoking In Structured Interviews'. *Qualitative Health Research*, 10, pp. 829-840.
- Farrall, S. (2002). *Rethinking What Works with Offenders: Probation, Social Context and Desistance from Crime*. Cullompton, Devon: Willan.
- Farrall, S. (2003). 'J' Accuse: Probation Evaluation-Research Epistemologies: Part One: The Critique'. *Criminal Justice* 3(2), pp.161-179.
- Farrington, D.P., Jolliffe, D., Loeber, R., Stouthamer-Loeber, M., & Kalb, L.M. (2001). 'The Concentration of Offenders in Families, and Family Criminality in the Prediction of Boy's Delinquency'. *Journal of Adolescents*, 24, pp. 579-596.
- Feld, B.C. (1999). *Bad Kids: Race and the Transformation of the Juvenile Court*. Oxford University Press, New York.
- Feld, B. (2003). 'Competence, Culpability, And Punishment: Implications Of Atkins For Executing And Sentencing Adolescents'. *Hofstra Law Review*, 32, pp. 463-552.
- Flanagan, J.C. (1954). 'The Critical Incident Technique'. *Psychological Bulletin*, 51(4), pp. 327-358.
- Flick, U. (2002). *An Introduction to Qualitative Research* (2nd Ed.). London: Sage.
- Fontana & Frey, (1994). 'Interviewing, the Art of Science'. In Denzin & Lincoln (eds.) *Handbook of Qualitative Research*, pp. 361-376) Sage.
- Gabbott, M. and Gillian, H. (1996). 'The Glory of Stories: Using Critical Incidents to Understand Service Evaluation in the Primary Healthcare Context', *Journal of Marketing Management*, 12, pp. 493-503.
- Garland, D. (2001). *The Culture of Control*. Oxford: Oxford University Press.
- Geer, J. G. (1991). 'Do Open-Ended Questions Measure "Salient" Issues?' *Public Opinion Quarterly*, 55, pp. 360-370.

- Gibbs, J.J (1982). 'Inside Supervision: A Thematic Analysis of Interviews with Probationers' *46 Federal Probation* 15 1982, 40-46. Content downloaded/printed from Hein Online (<http://heinonline.org>) Fri Mar 25 13:21:31 2011.
- Glaser, B.G. and Strauss, A.L. (1968). *The Discovery Of Grounded Theory: Strategies For Qualitative Research*. London: Weidenfield and Nicholson.
- Goldson, B. (2002). 'New punitiveness: The politics of child incarceration'. In J. Muncie, G. Hughes, and E. McLaughlin (Eds.), *Youth Justice critical readings*. London: Sage.
- Goldson, B. (ed.) (2000). *The New Youth Justice*. Lyme Regis: Russell House.
- Graham, J. and Bowling, B. (1995). *Young People and Crime*. (Home Office Research Study No.145), London: Home Office.
- Gremler, D.D. (2004). 'The Critical Incident Technique in Service Research'. *Journal of Service Research, Volume 7, No. 1, August*, pp. 65-89, Sage Publications
- Hamai, F., Ville, R., Harris, R., Hough, M. and Zvedic, U. (eds.) (1995). *Probation around the World*. London: Rout ledge.
- Harris, M. K. (1980). *Community Service by Offenders*. Washington, D.C.: American Bar.
- Harris, R. (1994). 'Continuity and Change: Probations and Politics in Contemporary Britain'. *International Journal of Offenders Therapy and Comparative Criminology*, 38, pp.33-45.
- Hasser-Biber S.N. and Leavy, P. (2006). *The Practice of Qualitative Research*. Thousand Oaks, California.
- Hazel N (2000). 'A Helping Hand?' *Young People's Perceptions of Adults' Use Of Physical Force In Discipline On Children*'. PhD thesis. Stirling, Scotland: University of Stirling.
- Hazel, N. (2011). No going back: Keeping kids out of jail. *Research Innovation and Internationalization News (RISE) February/March*. University of Salford.
- Hedderman, C., Gunby, C., and Shelton, N. (2011). 'What Women Want: The Importance Of Qualitative Approaches In Evaluating Work With Women Offenders'. *Criminology and Criminal Justice* 2011 11:3. Available: [http://crj.sagepub.com/\(downloaded](http://crj.sagepub.com/(downloaded) from crj.sagepub.com at University of Salford on March 9, 2011.
- Hewitt, J., Regoli, R., & Kierkus, C. (2006). 'Adolescent Risk – Taking as a Justification for Paternalistic Legal Policy'. *Justice Policy Journal*, 3(2), pp. 1-31.
- Hirschel, J.D. and W. Wakefield, (1995). *Criminal Justice in England and the United States*. Praeger Publishers, Westport.

- Hirschi, T. and Hanan, C. S. (1978). 'False Criteria of Causality' in D. S. Leonard and J. Norman (eds.) *Crime and Society*. New York: Wiley.
- HM Inspectorate of Probation (2006). *An effective Supervision Inspection Programme Thematic Report: 'Working to make Amends'*, London: Home Office, p.5)
- Home Office (1984). *Probation Service in England and Wales: Statement of National Objectives and Priorities*, London: Home Office.
- Home Office (1990). *Crime, Justice and Protecting the Public*. London: HMSO, cm 965.
- Hsieh, H.F. and Shannon, SE. (2005). *Three Approaches to Qualitative Content Analysis*. <http://qhr.sagepub.com/cgi/content/abstract/15/9/1277>.
- http://www.jkm.gov.my/index.php?option=com_content&view=article&id=615%3Afaq_s&catid=55%3Aberita-terkini&Itemid=144&lang=en
- <http://libguides.usc.edu/content.php?pid=83009&sid=615865> downloads 18 / 04/ 2011 16:39.
- http://malaysianbar.org.my/criminal_law (Community service as punishment for youthful offenders, in The Malaysian Bar-Page 1, retrieved on 10/06/2009)
- <http://research.lawyers.com/glossary/youthful-offender.html> Based on Merriam-Webster's Dictionary of Law ©2001. Merriam-Webster, Incorporated. Published under license with Merriam-Webster, Incorporated. <http://www.m-w.com>
- http://www.malaysianbar.org.my/criminal_law/the_curent_form_of_sentencing_is_outd...04/11/2009.
- http://www.crin.org/docs/GDD_2006_UNICEF_Malaysia2.doc...0 3/02/2010
- http://www.kcl.ac.uk/news/news_details.php?news_id=1018, 11/01/2010; Centre for Crime and Justice Studies, King's College London.
- <http://sentencingcouncil.judiciary.gov.uk/sentencing/sentencing-young-people.htm>
- https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/163526/yjb_stats_2011_12.pdf.
- <http://www.justice.gov.uk/youth-justice/courts-and-orders/disposals/youth-rehabilitation-order>
- Hubbard, D.J. (2006). 'Should We Be Targeting Self-Esteem in Treatment for Offenders: Do Gender and Race Matter in Whether Self-Esteem Matters' *Journal of Offender Rehabilitation*, Vol. 44 (1), 2006, pp. 39-57. Available online at <http://jor.haworthpress.com> © 2006 by The Haworth Press, Inc.
- Hudson, B. (2003). *Understanding Justice: An Introduction to Ideas, Perspectives and Controversies in Modern Penal Theory*. 2nd Edition Open University Press, Milton Keynes.

- Hofstede, G. (2010). *Culture and organization: Software of the Mind*. www.geert-hofstede.com website! <http://geert-hofstede.com/malaysia.html>
- Home Office (2008). 'Youth Crime Action Plan', London: Home Office.
- Hughes, G. (2001). 'Community Corrections' in E. McLaughlin and J. Muncie (Eds.) *The Sage Dictionary of Criminology*. London Thousand Oaks New Delhi: Sage Publications.
- Hussin, N. (2005). *Juvenile Delinquencies in Malaysia: Legal Provisions and Prospects for Reforms*. International Islamic University Malaysia.
- Jackson, K.M. & Trochim, W.M.K. (2002). 'Concept Mapping as an Alternative Approach for the Analysis of Open-Ended Survey Responses'. In *Organizational Research Methods, Vol.5 No.4, October, pp. 307-336*, Sage Publication.
- Jackson, M. (2003). *Criminal Law in Hong Kong*. Hong Kong : Hong Kong University Press
- Jenson, J.M., & Howard, M.O. (1998). 'Youth Crime, Public Policy, and Practice In The Juvenile Justice System: Recent Trends And Needed Reforms'. *Social Work, 43 (4), pp. 324-334*.
- Jones, D. (2002). 'Questioning New Labours Youth Justice Strategy: A Review Article', in *Youth Justice, 1, 14-26*.
- Jones, K. (2001). 'Probation in Romania'. *Probation Journal, 48: 269-79*.
- Jones, T. and Newburn, T. (2002). 'Policy convergence and crime control in the USA and the UK', *Criminal Justice, 2 (2): 173-203*.
- Joyce, J.D. (2012). *Judicial and Probation Outreach Project, Final Report*. Pacific Institute for Research and Evaluation for U.S. Department of Justice :OJJDP
- Junger-Tas, J. (1994). *Alternatives to Prison Sentences: Experiences and Developments*. Amsterdam / New York: Kugler.
- Kamal, C.(2005). 'The Probation Service in Singapore' Visiting Experts' Paper presented at 127th International Training Course, "Implementing Effective Measures for the Treatment of Offenders after Fifty Years of United Nations Standard Setting in Crime Prevention and Criminal Justice. *Resource Material Series No.67*. December 2005, Japan: UNAFEI.
- Karstedt, S. (2004). 'Durkheim, Tarde and Beyond: The Global Travel Of Crime Policies' in T. Newburn, and R. Sparks (Ed.) *Criminal Justice and Political Cultures: National and international dimensions of crime control USA and Canada*: Willan Publishing.
- Karstedt, S. (2001). 'Comparing Cultures, Comparing Crime; Challenges, Prospects And Problems For A Global Criminology', *Crime, Law and Social Change, 36: 285-308*.

- Kassim, A.W. (2005). *Juveniles on Remand: Trends and Practices in Malaysia*, Paper presented during the 129th International Seminar Participants' Papers 197. Resource Material Series No.68. Japan: Unafei.
- Ken Pease (1985). Community Service Orders. *Crime and Justice, Vol. 6 (1985)*, pp. 51-94 :The University of Chicago Press Stable URL: <http://www.jstor.org/stable/1147496> Accessed: 09/05/2013 09:42
- Khan, Z. (2009). *Paper presented at the 13th Malaysian Law Conference in* http://www.malaysianbar.org.my/criminal_law/the_curent_form_of_sentencing_is_outd...04/11/2009.
- Killias, M., Aebi, M., and Ribeaud, D. (2000). 'Does Community Service Rehabilitate Better than Short-term Imprisonment? Results of a Controlled Experiment'. *The Howard Journal Vol 39 No 1. Feb 2000 ISSN 0265-5527, pp. 40-57.*
- Krug, E.G. Dahlberg, L.L., Mercy J.A, Zwi A.B. and Lazano, R. (Eds.) (2002). *World Report on Violence and Health*. Geneva: World Health Organization.
- Kuhn, A. (1998). 'Incarceration rates: the United States in an International perspectives', *Criminal Justice Abstracts, 30 (2), pp. 321-53.*
- Leacock, V. (2000, B5d). *Punishment, welfare and responsibility in youth justice: penal strategies and the politics of reform in England and Wales* (B.L), Index to Theses, Expert Information Ltd. In <http://www.theses.com/idx/scripts/it,...10/06/2009>.
- Lee, R.M. and Fielding, N. (1991). 'Computing for Qualitative Research: Options, Problems and Potential', in N. Fielding and R.M. Lee (editors) *Using Computers in Qualitative Research*. London: Sage.
- Liebling, A., Elliot, C., and Arnold, H. (2001). Transforming the Prison: Romantic Optimism or Appreciative Realism? In *Criminology and Criminal Justice, May 2001, Vol. 1 no.2, pp.161-180*, SAGE Publications. Downloaded from crj.sagepub.com at University of Salford Hold Account on July 1, 2013.
- Lindkvist, K. (1981). Approaches to Textual Analysis. In K. E. Rosengren (Ed.), *Advances in Content Analysis pp. 23-41*. Beverly Hills, CA: Sage.
- Logan, W. (1998). Proportionality and Punishment: Imposing Life Without Parole On Juveniles. *Wake Forest Law Review, 33, pp. 681-725.*
- Ludema, J.D. (1996). Narrative Inquiry: Collective Story Telling As A Source Of Hope, Knowledge, And Action In Organizational Life. Unpublished doctoral dissertation, Case Western Reserve University, in Cooperrider, (1999). *Organizational Dimensions of Global Change*, Cleveland, OH: Sage Publications.
- Maggy, L. (2001). 'Decarceration' in E. McLaughlin and J. Muncie (Eds.). *The Sage Dictionary of Criminology*, London. Thousand Oaks. New Delhi: Sage Publication.

- Maguire, M. and Raynor, P. (2006). 'How The Resettlement of Prisoners Promotes Desistance From Crimes: Or Does It?' *Criminology and Criminal Justice*, 6, 19-38.
- Mair, G. (1997). 'Community Penalties and the Probation Service', in M. Maguire, R. Morgan and R. Reiner (Eds.), *The Oxford Handbook of Criminology*, 2nd Ed. Oxford, Oxford University Press.
- Mair, G.et.al. (2007). *The Use and Impact of the Community Order and the Suspended Sentence Order*, London: Centre Crime Justice Studies.
- Malaysia Prisons Department, Headquarters, 2013.
- Marshall, MN. (1996). Sampling for Qualitative Research. *Family Practice* 1996; 13: pp. 522-525. Vol. 13, No. 6 Printed in Great Britain.
- Martinson, J. (1974). 'What works? Questions and Answers about Prison Reform' *Public Interest*, 35, Pp. 22-54.
- Mason, J. (1996). *Qualitative Researching*. London: Sage.
- Matza, D. (1964). *Delinquency and Drift*. New York: Wiley.
- Maruna, S. (2000). 'Desistance From Crime and Offender Rehabilitation: A Tale of Two Research Literatures', *Offender Programs Report*, Vol. 4, No. 1, pp1-13; Maruna (2001). In McNeill, F. and Batchelor, S. and Burnett, R. and Knox, J. (2005). 21 St Century Social Work: Reducing Re-Offending - Key Practice Skills. Working paper. Scottish Executive, Edinburgh.
- May, C. (1999). *Explaining Reconviction Following a Community Sentence: The Role of Social Factors*, Home Office Research Study 192, UK on <https://www.ncjrs.gov/App/Publications/abstract.aspx?ID=177817>
- May, T. & Vass, A.A. (Ed.) (1996). *New Directions in Social Work: Working with Offenders. Issues, Contexts and Outcomes*. London: SAGE
- May, T. (1994). 'Probation and Community Sanctions' in M. Maguire, R. Morgan and R. Reiner (Eds.) *Oxford Handbook of Criminology*. The Clarendon Press.
- McIvor, G. (2007). 'Paying Back: Unpaid Work by Offenders', in G. McIvor and P. Raynor (eds.), *Developments in Social Work with Offenders: Research Highlights in Social Work*, London: Jessica Kingsley.
- McIvor, G. (1992). 'Sentenced to Serve', Aldershot, Ashgate in Bottoms, A. (2008) 'The Community Dimension of Community Penalties,' *The Howard Journal Vol. 47 No 2 .May 2008 ISSN 0265-5527, pp.146-169*. Oxford :Blackwell Publishing
- McLaughlin, E. and J. Muncie, (2006). *The SAGE Dictionary of Criminology*. SAGE, London.
- McLaughlin, E. and Muncie, J. (Ed.) (2001). *The Sage Dictionary of Criminology*. London. Thousand Oaks. New Delhi: SAGE.

- McNeil, F. and Batchelor, S. and Burnett, R. and Knox, J. (2005). 21st Century Social Work: Reducing Re-Offending - Key Practice Skills. Working paper. Scottish Executive, Edinburgh.
- McNeil F. (2006). 'A Desistance Paradigm for Offender Management'. *Criminology and Criminal Justice* 6 (1), pp. 39-62.
- McNeil F. (2009). *Towards Effective Practice in Offender Supervision*. Glasgow: The Scottish Centre for Criminal Justice.
- McTavish D.G. and Pirro, E.B. (1990). *Contextual Content Analysis in Quality and Quantity* 24, pp. 245-265. Netherlands.
- Miethe, T.D. & L. Hong. (2005). *Punishment: A Comparative Historical Perspective*. Cambridge University Press, UK.
- Miles, M., & Huberman, M. (1994). *Qualitative Data Analysis: An Expanded Sourcebook (2nd edition)*. Thousand Oaks, California: Sage.
- Minichiello V. et.al. (1990). *In-depth interviewing: researching people*: Melbourne: Longman Cheshire.
- Ministry of Justice (2008). *Offender Management Caseload Statistics 2007*, London: Ministry of Justice.
- Ministry of Social and Urban Development (2000-2004). *Social Indicators Bulletin Time Series (KPSU)*.
- Mohr, B. and Watkins, J., (2001). 'Appreciative Inquiry: Change at the Speed of Imagination in Appreciative Inquiry: a powerful approach for the 21st Century Communicator,' In the *International Association of Business Communicators Toronto Chapter newsletter January 2005*
- Moon, M.M., Wright, J.P., Cullen, F.T., and Pealer, J.A. (2000). 'Putting Kids to Death: Specifying Public Support for Juvenile Capital Punishment'. *Justice Quarterly*, 17, pp. 663-684.
- Morgan, R. & Newburn, T. (2007) . 'Youth Justice' in M. Maguire, R. Morgan, and R. Reiner, (2007) *The Oxford Handbook of Criminology* (Eds.) 4th Edition. Oxford New York: Oxford University Press.
- Morris, N. and Tonry, M. (1990). *Between Prison and Probation: Intermediate Punishments in a Rational Sentencing System*, New York / Oxford: Oxford University Press.
- Muncie, J. (1999). 'Institutional intolerance: Youth Justice and the 1998 Crime and Disorder Act'. *Critical Social Policy*, 19, pp. 147-175.
- Muncie, J. (2004). 'Youth justice: Globalization And Multi-Modal Governance' in T. Newburn and R. Sparks (Ed.) *Criminal Justice and Political Cultures: National and international dimensions of crime control*, USA and Canada: Willan Publishing.

- Muncie, J. & Goldson, B. (2006). *Critical Issues in Youth Justice*. Oxford University Press.
- Muncie, J. & Hughes, G. (2002). 'Modes Of Youth Governance: Political Rationalities, Criminalization and Resistance', in J. Muncie, G. Hughes, and E. McLaughlin (Eds.), *Youth Justice: Critical Readings*. London: Sage.
- NACRO (2005). In N. Pamment and T. Ellis, 2010, in 'A Retrograde Step: The Potential Impact of High Visibility Uniforms within Youth Justice Reparation'. *The Howard Journal Vol. 49 No. 1. February 2010, pp.18-30*, Oxford: Blackwell Publishing.
- National Audit Office (2008). *The Supervision of Community Orders in England and Wales*, London: NAO.
- National Probation Service (2005b). *Visible Unpaid Work* (Probation Circular 66/2005), London: National Probation Service. In Bottoms, A. (2008). 'The Community Dimension of Community Penalties,' *The Howard Journal Vol. 47 No 2 .May 2008 ISSN 0265-5527, pp.146-169*. Oxford : Blackwell Publishing.
- National Probation Service (2008a). *Snapshot of Unpaid Work 2008*, London: National Offenders Management Services.
- National Probation Service (2008b). *Annual Report 2007/2008*, London: Ministry of Justice.
- Newburn, T. (2002). 'Young People, Crime, and Youth Justice', in M. Maguire *et.al.* (eds.) *The Oxford Handbook of Criminology*, 3rd Edition, Oxford New York: Oxford University Press.
- Newburn, T. and Sparks, R. (ed.) (2004). *Criminal Justice and Political Cultures: National and international dimensions of crime control*, USA and Canada: Willan Publishing.
- Padfield, N. (2009). "Sentencing Reform, Perspectives from England, paper presented at 13th Malaysian Law Conference in http://www.malaysianbar.org.my/criminal_law/the_curent_form_ofsentencing_is_outd..._04_11_2009.
- O'Toole, L. J., Jr. (1997). 'Treating Networks Seriously: Practical And Research-Based Agendas In Public Administration'. *Public Administration Review*, 57, pp.45-52.
- Oakley, A. (1981). 'Interviewing Women: A Contradiction In Terms', in H. Roberts (Ed.), *Doing Feminist Research*, pp.30-61, London: Rout ledge and Kegan Paul.
- Office of Juvenile Justice and Delinquency Prevention. (1996). *State Responses to Serious and Violent Juvenile Crime*. Washington, D.C.
- Oldfield, M., and Grimshaw, R. (2008). *Probation Resources, Staffing and Workload, 2001-2008*, London: CCJS.

- Omar, Z. (2001). 'Current Issues in Correctional Treatment and Effective Countermeasures'. Paper presented during the 115th International Training Course, in *Annual Report for 1999 (Resource Material Series No. 57)* Japan: UNAFEI.
- Pamment, N. and Ellis, T. (2010). 'A Retrograde Step: The Potential Impact of High Visibility Uniforms within Youth Justice Reparation'. *The Howard Journal Vol. 49, No. 1. February 2010, pp.18-30*, Oxford: Blackwell Publishing.
- Pardo, T.A., Gil-Garcia, J. R. And Burke, G. B. (2008). 'Governance Structures in Cross-Boundary Information Sharing: Lessons from State and Local Criminal Justice Initiative', *Proceedings of the 41st Hawaii International Conference on System Sciences*, Centre for Technology in Government, University at Albany, SUNY – 2008.
- Passas, N. (1995). 'Continuities In The Anomie Tradition' In Freda Adler and William S. Laufer (eds.), *Advances in Criminological Theory, Vol.6: The Legacy to Anomie Theory*. New Brunswick: Transaction.
- Passas, N. (1997). 'Anomie, reference groups and relative deprivation' In Nikos Passas and Robert Agnew (eds.), *The future of Anomie Theory*. Boston: North-eastern University Press.
- Patton, M.Q. (1987). *How to Use Qualitative Methods in Evaluation?* University of California, USA: Sage Publication.
- Pease, K. (1995). *The Future of Imprisonment and its Alternatives. Report to the 5th Conference of Criminal Policy of the Council of Europe (ref. CDPC (95/18), 27-29 November, Strasbourg.*
- Pease, K., and McWilliams, W. (eds.) (1980). *Community Service by Order*, Edinburgh: Scottish Academy Press.
- Petersilia, J. (ed.) (1998). *Community Corrections*. Oxford, Oxford University Press.
- Petrucci, C. J., & Roberts, A.R. (2004). 'Principles and Evidence of the Effectiveness of Family Treatment' In A.R. Roberts (Ed.), *Juvenile Justice Sourcebook: Past, Present and Future* (pp.339-364). New York: Oxford University.
- Pitts, J. (2001). 'Korrectional Karaoke: New Labour and the Zombification of Youth Justice'. *Youth Justice*, 1, pp. 3-16.
- Prinz, R.J., and Kerns, S.E.U (2003). 'Early Substance Use by Juvenile Offenders' in *Child Psychiatry and Human Development, Vol. 33 (4), Summer 2003* ∆ 2003 Human Sciences Press, Inc. pp. 263-277.
- Qualitative Health Research, Vol. 15 No. 9, November, 2005, pp. 1277-1288*, Sage Publications: Downloaded from <http://qhr.sagepub.com> at the University of Salford on June 14, 2010)
- Raynor, P. (2007). 'Community Penalties: Probation, 'What Works,' And Offender Management'. In M. Maguire, R. Morgan, and R. Reiner, (2007) *The Oxford*

Handbook of Criminology (Eds.) 4th Edition. Oxford New York: Oxford University Press.

- Raynor, P. (2008). 'Community Penalties and Home Office Research: On the Way back to 'Nothing Work'?''. In *Criminology and Criminal Justice, February 2008 vol. 8 no. 1* 73-87, Los Angeles, London, New Delhi and Singapore and the British Society of Criminology. doi: 10.1177/1748895807085870: Sage Publications.
- Rea, L., & Parker, R. (1997). *Designing and Conducting Survey Research: A Comprehensive Guide*. San Francisco: Jossey-Bass.
- Rex, S. (1999). 'Desistance from Offending: Experiences of Probation'. *The Howard Journal Vol. 38 No.4. Nov 1999 pp. 366-383*. Oxford: Blackwell Publishers.
- Ryan, G., & Bernard, R. (2000). 'Data Management and Analysis Methods'. In N. Denzin & Y. Lincoln (Eds.), *Handbook of qualitative research* (2nd ed., pp. 769-802). Thousand Oaks, CA: Sage.
- Samuri, M.A. (2012). 'Community Service Order for Juvenile Offenders: Theoretical and Legal Framework.' In *Research Journal of Applied Sciences* 7 (2): 126 – 131, Medwell Journals, 2012.
- Samuri, M.A and Awal, N.H (2009). *Hukuman Terhadap Pesalah Kanak-kanak Di Malaysia: Pencegahan Atau Pemulihan?* (Punishment of Child Offenders in Malaysia: Deterrence or Rehabilitation?) Jurnal Undang-Undang, UKM.
- Sanders, A., Young, R. And Burton, M. (2010). *Criminal Justice*, 4th Ed. Oxford, New York: Oxford University Press.
- Scott, M.B. & Lyman, S.M. (1968). 'Accounts'. *American Sociological Review, Vol.33, No.1. (Feb., 1968), pp. 46-62*. <http://www.jstor.org/Wed> Jun 21 03:49:47 2006.
- Scott, E., & Steinberg, L. (2003). 'Blaming Youth'. *Texas Law Review*, 81, pp. 799-840. Association, Basics Program.
- Searle, W., Knaggs, T., and Simonsen, K. (2003). *Talking about sentences and Crime: The views of people on periodic detention*. Wellington, New Zealand: Ministry of Justice, New Zealand.
- Selvaratnam, M. and Hulwana, M.D. (2003). 'Basic Information for Legal research in Malaysia. Pdf. In *Doing Legal Research in Asian Countries: China, India, Malaysia, Philippines, Thailand and Vietnam*'. Institute of Developing Economies (IDE-JETRO) *IDE Asian Law Series No. 23 March, 2003*, Japan.
- Sentencing Guideline Council, (2009). in <http://sentencingcouncil.judiciary.gov.uk/sentencing-guidelines.htm>
- Shannon, S.K. & Abrams L.S. (2007). 'Juvenile Offenders as Fathers: Perceptions of Fatherhood, Crime, and Becoming an Adult'. In *Families in Society: The Journal of Contemporary Social Services, Volume 88, No.2, pp. 183-191*.

- Shaw, C.R., & McKay, H.D. (1969). *Juvenile Delinquency and Urban Areas*. Chicago: University of Chicago.
- Shoemaker, D.J. (1990). *Theories of Delinquency: an Examination of Explanations of Delinquent Behaviour*, 2nd Ed. Oxford University Press.
- Sidhu, A.S. (ACP) (2005). Paper presented for the Conference of the Commissioners of Police/ Chief Police officers / Commandants/ Commander Brigade on the 23 & 24/3/2005 in the *Journal of the Kuala Lumpur Royal Malaysian Police College*, No.4.
- Singh, J. (1979). *The New Straits Times*, 9 November 1979 and 28 August 1979.
- Singh, J. (2004). 'Non-Custodial Sentencing Options in Malaysia'. Paper presented in the 127th *International Training Course Participants' Papers Resource Material series NO.67*.UNAFEI.
- Smith, D.J and Mc Vie, S. (2003). 'Theory and Method in the Edinburgh Study of Youth Transitions and Crime' in *Brit. J. CRIMINOL*. 43, pp. 169-195.
- Social Welfare Department Malaysia (2011). *Kronologi Perintah Khidmat Masyarakat*.
- Solomon, E., and Allen, R. (2009). *Out of Trouble. Reducing Child Imprisonment in England and Wales – lessons from abroad*, International Centre for Prison Studies, King College London: Prison Reform Trust.
- Solomon, E., and Silvestri, A. (2008). *Community Sentences Digest*, 2nd Edition, Centre for Crime and Justice Studies, King College London.
- Spaans, E.C. (1998). 'Community Service In The Netherlands: Its Effects On Recidivism and Net-Widening,' *International Criminal Justice Review*, 8, pp.1-14.
- Sproull, N. (1988). *Handbook of Research Methods: A Guide For Practitioners And Students In The Social Sciences* (2nd.ed.).Lanham, M.D: Scarecrow Press.
- Stark, J.H. & H.W. Goldstein, (1985). *The Rights of Crime Victims*. Bantam Books, Toronto.
- Stauss, and Bernhard Weinlich (1997). 'Process-Oriented Measurement of Service Quality: Applying the Sequential Incident Technique', *European Journal of Marketing*, 31 (1), pp. 33-55.
- Stern, V. (1998). *A Sin against the Future: Imprisonment in the World*, Harmondsworth: Penguin.
- Strauss, Anselm L. (1987). *Qualitative Analysis for Social Scientist*. Cambridge: Cambridge University Press.
- Tashakkori, A., & Teddie, C. (1998). *Mixed Methodology: Combining Qualitative and Quantitative Approaches*. Thousand Oaks, CA: Sage.

- Tesch, R. (1990). *Qualitative Research: Analysis Types And Software Tools*. Bristol, PA: Falmer.
- Thompson, E.C. (2003). 'Malay Male Migrants: Negotiating Contested Identities in Malaysia'. *American Ethnologist*, Vol. 30, No. 3 (Aug., 2003), pp. 418-438; Wiley on behalf of the American Anthropological Association.
<http://www.jstor.org/stable/3805436>. Accessed: 11/05/2013 15:20
- Tonry, M. (1997). *Intermediate Sanctions in Sentencing Guidelines*, Washington DC: US Department of Justice.
- Tonry, M. and Lynch, M. (1996). 'Intermediate Sanctions,' in M. Tonry (Ed.). *Crime and Justice: A Review of Research*, 20, 99-144.
- Trzcinski, E., & Allen, T. (2012). 'Justice Towards Youth: Investigating The Mismatch Between Current Policy And Public Opinion', *Children and Youth Services Review* 34, 27-34.
- UNAFEI (2003). *Annual Report for 2002 and Resource Material Series No.61*, Japan: UNAFEI.
- Underwood, L.A., von Dresner, K.S., & Phillips, A.L. (2006). 'Community Treatment Programs For Juveniles: A Best Evidence Summary'. *International Journal of Behavioral Consultation and Therapy*, 2, pp. 286-304 Retrieved from http://www.eric.ed.gov:80/ERICDocs/data/ericdoc2sql/content_storage_01/0000019b/80/3e/6f/05.pdf
- Unruh, D., Bullis, M., & Yovanoff, P. (2004). 'Adolescent Fathers who are Incarcerated Juvenile Offenders: Exploratory Study of the Co-Occurrence of Two Problem Behaviours'. *Journal of Child and Family Studies*, 13 (4), 405-419.
- Van Kalmthout, A.M. and Tak, J.P. (1992). *Sanction Systems in the Member States of the Council of Europe: Deprivation of Liberty, Community Service, and Other Substitutes*, Bosten / Doordrecht NL: Kluwer.
- Vidich, A.J., & Lyman, S.M. (2000). Qualitative methods: Their History in Sociology and Anthropology'. In N.K. Denzin & Y.S. Lincoln (Eds.), *Handbook of Qualitative Research* (2nd ed., pp. 37-84). Thousand Oaks, CA: Sage.
- Wacquant, L. (1999). 'How Penal Common Sense Comes To European: Notes On The Transatlantic Diffusion Of The Neoliberal Doxa,' *European Societies*, 1 (3), pp. 319-52.
- Walters, G.D. (1992). *Foundations of Criminal Science*. Praeger, New York.
- Weber, R. P. (1990). *Basic Content Analysis*. Beverly Hills, CA: Sage.
- Welsh, Elaine (2002). 'Dealing with Data: Using NVivo in the Qualitative Data Analysis Process' [12 paragraphs]. *Forum: Qualitative Social Research*, 3(2), Art. 26 – May. Oxford Brookes University: Oxford, UK.

- White, Aaron (2003). 'Substance Use and Adolescent Brain Development'. *Youth Studies Australia*, 22(1), pp. 39–46.
- Whitehead, P. and Statham, R. (2006). *The History of Probation: Politics, Power and Cultural Change 1876-2005*, Shaw & Sons: Kent.
- Williams, F. P., III, & McShane, M. D. (2004). 'Youth, Drugs, and Delinquency' in P. Benekos, & A. Merlo (Eds.), *Controversies in Juvenile Justice and Delinquency* (69–87). : Anderson Publishing.
- Wilmot, T. B. (1996). 'Inquiry and Innovation in the Private Voluntary Sector', in *Global Social Innovations 1*, 5-13. The Mountain Forum Project Document.
- Wilson, D. (2001). 'Bifurcation' in E. McLaughlin and J. Muncie (eds) *The Sage Dictionary of Criminology*. London Thousand Oaks New Delhi: Sage Publications.
- Wood, R. E. (1986). 'Task Complexity: Definition of the Construct'. *Organizational Behaviour and Human Decision Processes*, 37, pp. 60-82.
- Worrall, A. (1997). *Punishment in the Community: The Future of Criminal Justice*. Harlow, Addison Wesley Longman.
- Worrall, Anne (2001). *The Sage Dictionary of Criminology*. In McLaughlin, E. and Muncie, J. (Ed.). London. Thousand Oaks. New Delhi: SAGE.
- Www. tourism.gov.my
- Yeates, N. (2002). 'Globalization and Social Policy: From Global Neo-Liberal Hegemony to Global Political Pluralism', *Global Social Policy*, 2 (1), pp. 69-91.
- Young, W.A. (1978). *Community Service Orders: The Development of a New Penal Measure*. Ph.D. thesis, Cambridge University.
- Youth Justice Board/Ministry of Justice (2012) London: Youth Justice Board in www.justice.gov.uk
- Yunus, F. (2007). 'Youth Employment and Employability in Malaysia'. *Malaysian Youth Report: Youth for Nation Building*. University of Malaya, in http://www.wpro.who.int/topics/adolescent_health/malaysia_fs.pdf
- Zamble, E., and Quinsey, V. (1997). *The Criminal Recidivism Process*, Cambridge: Cambridge University Press.

APPENDIXES

Appendix 3.1: Consent Form: Explanatory Text to the Participants

Explanatory Text
University of Salford

Consent Form (English Version)

COMMUNITY SENTENCES IN MALAYSIA: AN APPRECIATIVE INQUIRY OF OFFENDERS AND PRACTITIONERS

I am conducting research on community sentencing in Malaysia. I am interested in discovering the positive experiences of both the young offenders undergoing a Community Service Order and also the views and perceptions of their supervisors and other practitioners of CSO using the Appreciative Inquiry approach.

Appreciative Inquiry (AI) is an approach of discovery and exploration valuing the best in people, places, programmes, events and organizations around you by acknowledging past and present strengths, successes, and potentials; perceive things that give life (health, vitality, excellence) to you as an individual and as part of an organization and society.

Here, we are not trying to deny or ignore your problems; in fact using appreciative inquiry processes we are trying to approach problems from the other side. What we try to do is to amplify the strength of what you have through the process of discovery, defining, designing and destiny or predetermined what we want clearly.

If you decide to take part you will be asked to provide stories of your best life experiences during and before CSO sentences; the next phase will involve your imagination or dream about the future (concerning you, CSO or your surrounding); the third would be your future wishes and finally, ways you consider could make your wishes happen and sustained over time.

The interviews will be audio-recorded with your consent. If you did not wish to be audio-recorded the researcher will make notes of the interview which will be shown to you at the end. You will have an opportunity to read what questions will be asked of you before the interview is conducted.

The interview will be confidential and your name will not be revealed to any third party. However, if you do divulge any information which reveals participation in a criminal offence other than those which are subject to the CSO or preparation for undertaking a criminal offence, that information would have to be passed on to the relevant authorities.

If you take part in this project your reflections might help you to identify your strength and potential that might be useful for you. Your participation may also assist policy makers in providing facilities, programmes and support tailored to your need. **Taking part in this project is entirely up to you, and no one will hold it against you if you**

decide not to do it or to withdraw from this study even after you have been interviewed. On the other hand participation of the CSO practitioners at the stage where it is at its infancy will promise a brighter future for CSO in Sarawak and Malaysia at large.

If you do take part, you may stop at any time without problem. In addition, you may ask to have your data withdrawn from the study after the research has been conducted.

If you want to know more about this research project please contact me at:

Asmah Othman
Lot 1244, Lorong Bentara 1,
Jalan Sultan Tengah, Semariang
93050 Petra Jaya, Kuching
Sarawak, MALAYSIA
Tel: 0198160609: Email: asmore61@yahoo.com.
asmaho@sarawaknet.gov.my

OR

Asmah Othman
Post Graduate Researcher (PhD)
School of English, Sociology, Politics and Contemporary History (ESPACH),
University of Salford, Crescent House
The Crescent, Salford, Greater Manchester
M5 4WT, UK
Tel: 07538201380 (mobile)

Email : A.Othman@pgr.salford.ac.uk

This project has been approved by the Ethics Committee at the University of Salford. Upon request you will get a copy of this consent form.

Sincerely,
Asmah Othman

Consent Statement

I agree to take part in this research. I know what I will have to do and that I can stop at any time.

(Saya setuju untuk mengambil bahagian di dalam kajian ini. Saya tahu apa yang saya patut lakukan dan saya boleh berhenti pada bila-bila masa saya mahu)

Signature (*Tandatangan*)Date (*Tarikh*)

Interview Notes Consent

I have refused audio recording of the interview but consent to note taking of the interview. I have read these notes and confirm they are an accurate record of the interview and consent to them being used in this study.

(Saya telah menolak rakaman ke atas temuduga ini, tetapi saya setuju jika ia dicatat. Saya telah membaca dan bersetuju dengan kandungan temuduga dan membenarkan catatan tersebut diguna dalam kajian ini.)

Signature (*Tandatangan*)Date (*Tarikh*)

Audio Recording Consent Addition

I agree to audio recording at _____ on _____.
(Saya bersetuju untuk dirakamkan di _____
pada _____.)

Signature (*Tandatangan*)Date (*Tarikh*)

I have been told that I have the right to hear the audio recording before they are used. I have decided that I:

_____ want to hear the recording (*mahu mendengar*)
_____ do not want to hear the recording (*tidak mahu mendengar*)

Sign below if you did not want to hear the recording. If you want to hear the recording, you will be asked to sign after hearing it.

(Sila tandatangan di bawah jika anda tidak mahu mendengar rakaman temubual. Jika anda ingin mendengar, anda dikehendaki menandatangani selepas itu.)

Asmah Othman may use the recording made of me. The original recordings or copies may be used for this research project, including publications and documents deriving from it.

Signature (*TT*)Date (*Tarikh*)Address (*Alamat*)

Appendix 3.2: Letter of Support from the Welfare Department Malaysia to the Economic Planning Unit at Prime Minister Department



JABATAN KEBAJIKAN MASYARAKAT MALAYSIA
(DEPARTMENT OF SOCIAL WELFARE MALAYSIA)

Tingkat 19-24, Menara Tun Ismail Mohamed Ali, Jalan Raja Laut, 50562 Kuala Lumpur, Malaysia
+603-2616 5600 +603-2693 4270 / +603-2694 9395



Rujukan Tuan :

Rujukan Kami : JKMM/100/12/5/2JLD32(46)

Tarikh :

9 November 2009

Ketua Pengarah
Seksyen Ekonomi Makro,
Unit Perancang Ekonomi,
Jabatan Perdana Menteri,
Blok B5 & B6,
Pusat Pentadbiran Kerajaan Persekutuan,
62502 PUTRAJAYA

Up: Puan Munirah bt Abd. Manan

Puan,

PERMOHONAN UNTUK MENJALANKAN PENYELIDIKAN DI MALAYSIA

Dengan hormatnya saya merujuk kepada perkara di atas.

2. Sukacita dimaklumkan bahawa Jabatan ini telah menerima permohonan daripada **Puan Asmah Othman** dan Jabatan tidak mempunyai sebarang halangan bagi beliau untuk menjalankan kajian penyelidikan bertajuk "*Young Offenders Perceptions Of Their Experiences On Crimes And Delinquency In Malaysia*".

3. **Bersama-sama** ini dikemukakan ulasan Jabatan terhadap cadangan kajian tersebut dari segi:

- 3.1. **Bidang yang akan dikaji:**
Mengenal pasti konsep Pesalah Muda yang menjalani Perintah Khidmat Masyarakat di Malaysia.
- 3.2. **Kawasan-kawasan kajian yang telah dikenalpasti:**
Pesalah Muda yang sedang menjalani Perintah Khidmat Masyarakat yang telah dikenal pasti oleh Jabatan Kebajikan Masyarakat di Kuching, Sarawak.
- 3.3. **Faedah-faedah yang mungkin dapat diperolehi dari kajian ini:**
Diharap dengan kajian ini dapat membantu Jabatan dari segi kaedah yang berkesan dalam aspek pemulihan Pesalah Muda.

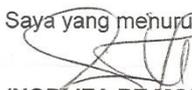
(Sila catatkan rujukan Jabatan ini apabila berhubung)

4. Sehubungan dengan itu, **bersama-sama** ini dikemukakan maklumat-maklumat berkaitan pemohon untuk makluman dan tindakan puan selanjutnya.

Sekian, terima kasih.

“BERKHIDMAT UNTUK NEGARA”
“BERKAT BERJASA”

Saya yang menurut perintah,


(NORLIZA BT MOKHTAR)

b.p. Ketua Pengarah Kebajikan Masyarakat Malaysia

sk;

1. Ketua Pengarah Kebajikan Masyarakat

2. TKP(P)



3. Puan Asmah Othman

Lot 1244 Lorong Bentara 1,
Jalan Sultan Tengah, Semariang,
93050 Petra Jaya, Kuching,
Sarawak

Asmore61@yahoo.com/ A.othman@pgr.salford.ac.uk

Appendix 3.2 (Translated Version)

JKMM/100/12/5/2JLD

(9) November 2009
Chief Director
Macro Economy Section,
Ekonomy Planning Unit
Prime Minister Department
Block B5 & B6,
Federal Government Administration Centre ,
62502 PUTRAJAYA

Attention: Mdm Munirah bt Abd. Manan

Madam,

APPLICATION TO DO RESEARCH IN MALAYSIA

I would like to get your kind attention to the above matter.

2.It is a pleasure indeed to inform you that we have received application from Mrs Asmah Othman to carry out a research study on **”Community Sentences in Malaysia. Young Offenders Perceptions Of Their Experiences On Crimes And Delinquency In Malaysia”**. Our department has no objection so ever for Mrs Asmah Othman to carry out her research on the subject and thus support this application.

3.With regard to the application, below are our department comments:

3.1Area of research :

Interviewing the young offenders undergo Community Service Order in Malaysia.

3.2. Location / fieldwork of the study

At various locations where the young offenders carried out the CSO sentencing as identified by Sarawak Social Welfare Department in Kuching.

3.3.The Benefit of the study to the department:

It is hope that this study / research could help the department to provide insight for effective rehabilitative measures in dealing with young offenders.

4.Attached here with further information regarding the applicant for your information and further undertaking. Thank You.

“BERKHIDMAT UNTUK NEGARA”

“BERKAT BERJASA”

I, the undersigned

(NORLIZA BT MOKHTAR)

(On behalf of the Chief Director of Welfare Department Malaysia)

Cc:

Chief Director of Welfare Department Malaysia
(Ketua Pengarah Kebajikan Masyarakat Malaysia)

TKP(P)

Puan Asmah Othman
Lot 1244 Lorong Bentara 1,
Jalan Sultan Tengah, Semariang,
93050 Petra Jaya, Kuching,
Sarawak
[asmore61@yahoo.com/](mailto:asmore61@yahoo.com) A.othman@pgr.salford.ac.uk

Appendix 3.3: Letter of Approval from the Economic Planning Unit, Prime Minister's Department



UNIT PERANCANG EKONOMI
Economic Planning Unit
JABATAN PERDANA MENTERI
Prime Minister's Department
BLOK B5 & B6
PUSAT PENTADBIRAN KERAJAAN PERSEKUTUAN
62502 PUTRAJAYA
MALAYSIA



Telefon : 603-8888 3333

Ruj. Tuan:
Your Ref.: UPE: 40/200/19/2547
Ruj. Kami:
Our Ref.:
Tarikh:
Date: 22 Januari 2010

Asmah Othman
Lot 1244 Lrg Bentara 1,
Jln Sultan Tengah Semariang
93050 Petra Jaya Kuching, Sarawak
Email: asmore61@yahoo.com

APPLICATION TO CONDUCT RESEARCH IN MALAYSIA

With reference to your application, I am pleased to inform you that your application to conduct research in Malaysia has been *approved* by the **Research Promotion and Co-Ordination Committee, Economic Planning Unit, Prime Minister's Department**. The details of the approval are as follows:

Researcher's name : **ASMAH OTHMAN**
Passport No. / I. C No: **610810-13-6048**
Nationality : **MALAYSIAN**
Title of Research : **"COMMUNITY SENTENCES IN MALAYSIA.
APPRECIATIVE INQUIRY OF OFFENDERS AND
PRACTITIONERS"**

Period of Research Approved: **SIX MONTHS**

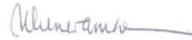
2. Please collect your Research Pass in person from the Economic Planning Unit, Prime Minister's Department, Parcel B, Level 4 Block B5, Federal Government Administrative Centre, 62502 Putrajaya and bring along two (2) passport size photographs. You are also required to comply with the rules and regulations stipulated from time to time by the agencies with which you have dealings in the conduct of your research.

3. I would like to draw your attention to the undertaking signed by you that you will submit without cost to the Economic Planning Unit the following documents:

- a) A brief summary of your research findings on completion of your research and before you leave Malaysia; and
- b) Three (3) copies of your final dissertation/publication.

4. Lastly, please submit a copy of your preliminary and final report directly to the State Government where you carried out your research. Thank you.

Yours sincerely,



(MUNIRAH ABD. MANAN)
For Director General,
Economic Planning Unit.
E-mail: munirah@epu.gov.my
Tel: 88882809
Fax: 88883961

ATTENTION

This letter is only to inform you the status of your application and **cannot be used as a research pass.**

Cc:

Ketua Pengarah
Jabatan Kebajikan Masyarakat Malaysia
Tingkat 19-24 Menara Tun Ismail Mohamed Ali,
Jalan Raja Laut,
50562 Kuala Lumpur.

Appendix 3.4: Interview Guide for the Officers and Supervisors of CSO on Appreciative Inquiry

Appendix 3.4

The Interview Guide for the CSO Officers and Supervisors in Sarawak, Malaysia using the Appreciative Inquiry (AI) Approach

A. Background:

1. This questionnaire is designed based on the philosophy of AI which works under the following key principles:

The **Constructionist Principle** whereby *words create worlds*. What we believe to be real in the world is created through our social discourse.

The **principle of Simultaneity** – *change begins the moment we ask questions*.

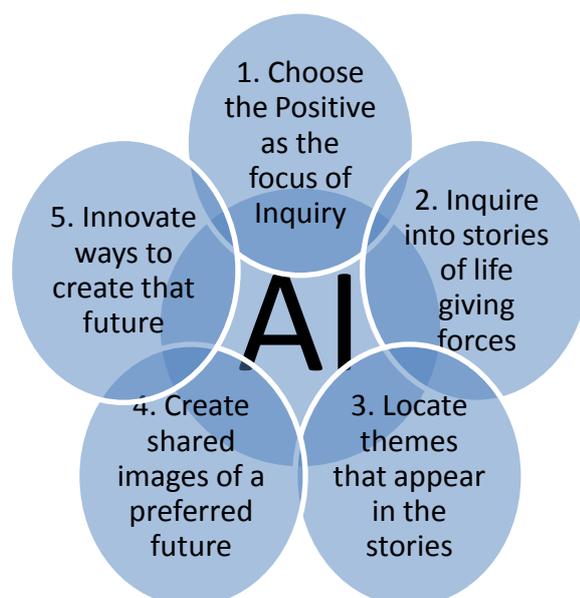
The **Anticipatory Principle** – *images inspires action*. Our behavior in the present is influenced by the future we anticipate.

The **Poetic principle**- *We can choose what we study*. Using story telling or collecting stories as a way of gathering holistic information either on fact, experience or feeling.

The **Positive principle** – positive questions lead to positive change. A positive approach is as valid as a negative or deficit-based approach as a basis for learning.

The Wholeness principle – Wholeness bring out the best. Using a whole systems approach stimulates creativity, commitment and builds capacity at every level.

2. The Core Process of Appreciative Inquiry



(Mohr, B., and Watkins, J., (2001). Appreciative Inquiry: Change at the Speed of Imagination in Appreciative Inquiry: a powerful approach for the 21st Century Communicator, as published in the International Association of Business Communicators Toronto Chapter newsletter January 2005)

3. Questions are design base on the 4-D Cycle of Appreciative Inquiry. The four (4) stages will be:

The “Discovery Phase” - appreciating and valuing the best of ‘what is’:
Identifies a problem and then through a process of affirmative questioning identified positive behaviors.

The “Dream Phase” - envisaging “what might be”.

Visualize the way they wanted to,

Envisage (transitive verb –Encarta Dictionary: English UK)

Foresee something – to conceive of and contemplate a future possibility

Visualize something – to form a mental picture of something or somebody

Consider something – to regard something in a particular way

Imagine, predict, picture, see (verb)

Optimism was important; one of the principles of Appreciative Inquiry is that envisaging a future can help that future to occur. (REF Bushe...)

The “Design Phase” - co-constructing the future, and

The “Destiny” – “what will be” and some used the term “Deliver” (Moore, SM, and Charvet, J., *Family and Community health*, January/ March 2007, Vol.30 (1) Pages 564-574)

Appendix 3.5: Demographic form for the Trainees

Gender:

- Male
- Female

Age group: 18-20 21-25

Place of birth: -----

Ethnic group:

- Malay
- Melanau
- Iban
- Bidayuh
- Chinese
- Others

Religion:

- Islam
 - *Do you fully practice your religion? e.g. Practice Five Pillars
 - Yes
 - No
- Christian
- Buddhist
- Hindu
- No religion

Education level:

- Primary education
- Secondary education /High school
- College/polytechnic education
- University education
- Others (Please specify)

Current Occupation

- Self-employed
- Manual worker, such as factory worker
- White collar (office) work, such as clerk, salesperson, secretary
- Managerial, such as head of department, manager, director
- Professional such as architect, accountant, doctor
- Others (Specify)_____
- Student Daily scholar
- Boarders

Marital Status: Single Married Other (specify)

Number of siblings in your family including yourself..... Your position in the family....

Appendix 3.6: Interview Questions for the Trainees

The Discovery Stage

Question 1: Why are you here in CSO and What do you understand from this sentencing, the meaning and purpose of CSO?

Question 2: What are your impressions and feelings about being in this order or sentencing?

Question 3: Describe your experience undergo CSO, what do you value most about being in CSO?

Question 4: Do you get anything useful out of CSO? Did you learn anything new?

Question 5: Can you share with me your life best experience during childhood and the present experience with CSO? Describe to me the situation you felt best about, and a time you enjoyed the most. What were the circumstances during that time? (What did you enjoyed; and why?)

Question 6: Perceptions and Relationship with Supervisors. Can you describe positively your relationship with your supervisors, the social workers, and or the CSO officers?

Question 7: Can you tell me an experience when you felt cared for, satisfied and attained self-actualization. It might have been through an interaction with your mates, colleague, supervisors or social workers or other people you are working with.

The Dream Stage

Question 1: Visualise how you can get the best experience in (job/ etc) that you are in now?

Question 2: If you could make three 3) wishes for the future, what would they be?

Question 3: What would you like to have more of?

Question 4: What would you like to do differently?

Question 5: What might happen to you if you can change (dwell with the strength in the 'dream'?)

Question 6: If you are in charge of your life, what is the most important thing you would like to take care of?

Question 7: Your ... and the ... of your family is affected by what happens in your community. Imagine that you live in a truly....community. What would be different from the things are now?

What role do you see for yourself?

What steps could your community (or CSO) take to ensure afuture?

Question 8: If I were to give you three (3) wishes that could be use to improve your...what would those three wishes be?
What things would need to be in place for those wishes to come true?
What do you need to do?
What would others (in personal and public realm) need to do?

Design Stage

Question 1: What would you do now to take charge of your own life?

Question 2: What will be the best task / way / approach that can harness and develop optimally you and other young people potentials?

Destiny / Deliver Stage

Question 1: How can you contribute to the overall effectiveness of ...in your society / at your own place? (Village)

Question 2: What are you going to do to realize that future (align with the dream stage)

Question 3: What is needed to make the dream come true?

Appendix 3.7 (ii): Open-ended Questionnaires for the CSO Officers and Supervisors

The Discovery Stage:

1. When is a CSO introduced and how long have you worked with this system?
2. What is your opinion on CSO?
3. Why CSO?
4. Can you share with me the noble intention to the formulation of the act with regard to the implementation of CSO in the judicial system in Malaysia? (Tell me more about the noble objectives of CSO)
5. The scope of the service; (whether offenders be paid a reasonable wage for his services.)
6. Do you think the implementation of, or with CSO we can reduce the number of offending cases? (If not what need to be done?)
7. What / why do you think the offenders prefer about CSO?
8. What are the consequences of breaching the CSO?
9. Is CSO a better alternative to custody? Why?
10. How can the current practices of CSO be improved?
11. How CSO can achieve successful outcomes?
12. Is the placement of the *trainees* or the offenders (at the moment) suitable or appropriate?
13. In your experience what are the challenges encountered when dealing with the *trainees*?

II. The Dream Stage

Developing provocative propositions for the future

1. In your experience (work contact), can you identify the positive aspect for CSO?
2. What works? (Effectively)
 - a. Has CSO produced positive outcomes? List some of the positive outcomes of CSO?
 - b. Do you think the objectives of CSO have generally been achieved?
 - c. What can be done to improve CSO with respect to the following:
 - Programme (Offenders /trainees)
 - Management of CSO

- Staff (training)
- Resources (effective deployment of ...)
- Evaluation (the offenders behavior / development)
- Research and Development (Areas of improvement towards the existing practices)

III. Design Stage

(Integrating wishes for the future with plans for needed changes in structure, systems and processes) Create shared images of a preferred future

1. What actions are taken if the CSO is breached?
2. What happens to a person sentenced to CSO who is pursuing studies, or obtains employment outside jurisdiction?
3. Options for Community Orders (to be discussed and see the strength of all or any related programs)
 - What are the possibilities of using the following options?
 - Unpaid work
 - Participation in social activities
 - Attendance at rehabilitation program
 - Curfew with electronic tag
 - Exclusion from areas (also tag)
 - Residence restrictions
 - Mental Health treatment
 - Drug Rehabilitation
 - Supervision by probation officer
 - Attendance Centre for under 25
 - Custody Plus: sentence of 12 months or less than a year.
 - Serve first half in custody (up to 13 weeks) and second part of community order (At least 26 weeks)

IV. Destiny / Deliver Stage (Making it happen and sustainable over time)

- Innovate ways to create that future
 - o Identify promising aspects of CSO Possible extension to :
 - Other age groups
 - White collar offenses
 - People with special needs (handicaps, mentally retarded; or women / girls)

TERIMA KASIH / Thank You
