



# Impulse Control Disorder: A Pilot Study of the Difficulties for Rehabilitation

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**Abstract:** Kleptomania is an impulse control disorder. It refers to an irresistible compulsion to steal, motivated by neurotic impulse rather than material need. For Kleptomaniacs, stealing is not about money; it is about feeling and the rush of lairing on edge. People with kleptomania have long been ignored by the frontline workers and even the policymakers as the actual number of these people is not realistic and reflective. Very often, kleptomania ran away with the treatment at an earlier date, fearing that the treatment providers would notify the police. More often, the judiciary does not have sufficient measures to deal with their case as the notion of kleptomania is not an easy case to define and follow. Thus, most people may have to face painful consequences, like probation and even imprisonment. Nevertheless, the possible way out for these clients is rehabilitation instead of imprisonment. Kleptomania often does not involve one offense, but whether the subjects are willing to disclose the related statistics is a question. This paper would like to take kleptomania as a case study to review the forcing factors that have influenced the statistics far higher than the official data. The present study will try to explain the reasons and recommend effective methods to motivate a possible way-out. The case study method was used in this methodology. Investing in the successful reintegration of ex-offenders is the smart thing to do. If we can offer comprehensive projects within and outside of prisons, we can prevent recidivism.

**Keywords:** *Impulse control disorder, Kleptomania, imprisonment, probation, rehabilitation*

**Received:** 19 November 2019; **Accepted:** 23 January 2020; **Published:** 28 March 2020

## I. INTRODUCTION

It is obviously much better to be wise after an event that not wise at all. The longer we delay to take action, the more painful will be the consequence. The chronic offenders are in this case. Investing in the successful reintegration of ex-offenders is the smart thing to do [1]. In short, imprisonment is punishment. Imprisonment is also incapacitation which aims to prevent the further offending. If we are able to offer the comprehensive projects within and outside of prisons, we can prevent them from reentry. Just we have to solve the following questions: Can we do that? and How can we do that? The paper, as a pilot study, aims to prove that collaboration is a possible way-out, in the view of criminal justice, for us to

prevent the offenders back to the court again and again unnecessary.

### A. Background

For long, multi-agency working is both interdisciplinary and it cuts across traditional segmented disciplinary boundaries. Intervention is an intricate concept and has been viewed by different ways, the majority explicitly referring to interdisciplinary collaboration [2, 3]. The fundamental question that arises then is which kinds of collaborations are most effective? Although a number of studies have already proved that recidivism can be achieved, the notion of sustainability of it is still questionable [4, 5, 6]. Another core concern is about the

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notion of support for such a way-out. Probation service can be viewed as a typical case of collaboration in judiciary. This paper would like to use probation service to talk about the pros and cons of collaboration for the offenders with impulse control disorder.

### *B. Research Aim*

The present paper aims to, as a pilot study, explore the feasibility of bilateral and multilateral collaborations among different judicial systems in the probation service. The present study will rely on case study method to focus on a specific case for an in-depth review of the research topic. The researcher selects a small number of cases for case study method as the small number of cases makes it easier for researcher to have sufficient space to a unique topic. Therefore, it should be noted that the findings or discussions of this paper cannot be regarded as a bird view for the target group. As the stories of impulse control disorder clients often have a complex backgrounds. Thus, it would be good to focus on specific cases to make further interpretation and analysis.

## **II. LITERATURE REVIEW**

The probation service has long been a contentious ground on which the causes of a criminal act, the judiciary's treatment towards public interest, and the penitentiary systems justice, leniency, and rehabilitation are contested. Probation service can be traced to the common law practice, dating to medieval times, of releasing certain offenders subject to a recognizance requiring them to keep the peace for a certain period. This was later used in Britain as a basis for the release of offenders under voluntary supervision, making possible some of the early stages in the development of probation. Similar use was made of the old common law device of provisional release on bail: here sureties were sometimes used to enforce supervision. Though it was often commented that probation services were dependent on individual practical experimentation rather than clearly defined philosophical principles, it was not to say that probation services developed out of nothing.

A study of a collaborating approach for rehabilitation was carried out in Singapore [7] which confirms the positive impact of community collaboration towards rehabilitation in after care service. According to [7], social bonding can be viewed as a core element to bring along with positive impact to the ex-offenders and family relationship has long been viewed as the most effective measure. Such a practice bases on the repertory grid technique [8, 9, 10] which is a mixed method by an interactive and case-study perspective to follow participants

by a series of methods to investigate the most possible and effective way for an in-depth understanding of cognition behind specific behaviors. For long, probation order is the typical treatment for chronic offenders. However, the effectiveness of probation service has long been on a contentious site [11].

Probation Service is a diverse topic comprised of criminology, psychology, sociology, and the like. Very often, we rely on rehabilitation policy to reform the offenders. More often, law enforcement officials and criminologists agree that most of the offenders with a mental illness could avoid further involvement in the criminal justice system if they were to receive appropriate treatment and support services. Without a doubt, investing in the successful reintegration of ex-offenders is the smart thing to do.

Probation service has long been regarded as an effective method to offer comprehensive rehabilitation for offenders. Nevertheless, bilateral and multilateral collaborations among different judicial systems are not a common practice. The researcher has worked for numerous criminal projects in Hong Kong and observed that there still is need for the betterment of probation service. Thus, the researcher attempts to prepare a comparative study of probation services in order to explore possible paths for the future development of the probation service. Collaboration should be more widely used, yet this is not grounded in literature or anything more than a mere unsubstantiated assertion. The practical implications are massive. A wholesale reorientation of the criminal justice system would be required [12, 13].

In fact, probation has a very tight linkage with both legal and religious ideas that emphasized finding some satisfactory alternative to the harsh and admittedly destructive penalties imposed by the existing criminal code. It was often suggested that mercy was more effective than severity and that concern for the individual could contribute to the well-being of the community. Through care in the community, the offender was able to correct himself and be reintegrated into the society, which could ultimately be benefitted by the criminals rehabilitation. Take probation service in Hong Kong as an example. There are currently 12 probation offices in Hong Kong. Probation officers, very often have to prepare numerous reports on the offenders background as requested by the courts. They also prepare similar reports on petitioning and long-term prisoners. The fundamental service that probation officers provide is probation supervision and guidance within a specified period, so that offenders may be rehabilitated within the community. The Community Service Orders Scheme is the other crucial service, which

is also offered by the probation officers. The training and structural activities are provided by the Community Support Service Scheme as a supportive service to offenders who receive probation and to young offenders under residential training for their rehabilitation [14, 15]. The Social Welfare Department also has various arrangements with the Correctional Services Department. The Young Offender Assessment Panel is one example. This panel provides the criminal court with assistance in the form of recommendations to determine which arrangement is most appropriate young offenders [16]. The Post-Release Supervision of Prisoners Scheme is another team member in the Social Welfare Department [17]. It mainly aims to provide supervision and social work counseling to assist discharged prisoners in rehabilitation and reintegration into the community.

### III. METHODOLOGY

#### A. *Intensive Case Study*

Wendy, a confirmed kleptomaniac, age twenty-eight. Kleptomania refers to an irresistible compulsion to steal, motivated by neurotic impulse rather than material need [18]. Wendy has a total of 18 previous convictions from 3 court appearances. The first ones were in age 15 when she was convicted of 3 counts of shoplifting and was sentenced to a 12-months of Probation Order. Since then, she has left and returned to her criminal kleptomaniac journey again and again. Just right after the conviction of her cases in 16. She was expelled from school for her conduct problems without completing a formal high school certificate. Her next 5 convictions were in the age of 16 when he was convicted of another 5 consecutive cases of shoplifting within the same shopping mall but involved a total of three beauty shops. Then, she was sent to the rehabilitation centre for another 12 months sentence. Wendy was again convicted of the same 2 offences on 2 separate occasions after the aforementioned criminal cases. Then, she was convicted of 3 counts of theft where the facts were almost identical to that of charge 2 of our present case, involving the defendant befriending the female victims through Instagram, an internet messaging application. The defendant stole their mobile phones while on a date by borrowing their phones, making an excuse to leave and then not returning. The defendant was sentenced to a total of 9 months imprisonment for the 3 charges.

During the trial, a psychologist report was ordered to be prepared on the defendant. Report has clearly stated that the defendant has experienced a sense of tension repeatedly before her previous shoplifting cases, and a sense of achievement and excitement after the commission of

the offences. The risk of the re-offending was extremely high. Thus, a long term psychological treatment targeted at her impulse control problems and treatments for her motivation to change was highly recommended. However, for each of the theft charge, the criminal court adopt a heavy starting point of 9 months imprisonment. The maximum sentence for failing to surrender to custody without reasonable cause is that of a fine of any amount and imprisonment for 12 months. When the maximum sentence for theft is that of 10 years imprisonment. It seems that the sentence can still be viewed as a very light one. Nevertheless, the amount of valuables stolen in each charge is relatively small and the defendant pleaded guilty to all charges. Even the theft offences were premeditated. But still, it should be understandable that the defendants kleptomania should be taken as a mitigating factor and this will be considered when applying the principle of totality towards his sentences. Then, what are the forcing factors to make the criminal court prefer to order a heavy sentence instead of a light sentence or probation service for an in-depth treatment to Wendy.

When we talk about offenders with mental illness, an earlier collaboration with different stakeholders and treatment for these people in relation to their behavioral problems at an earlier stage and sought help, the defendants life story might have been very different. This is also a case where the interest of the society might be better served by the defendant receiving proper treatment regarding her kleptomania issues, rather than by locking up for a prolonged period of time. According to the judgement, it would appear that if the defendant continues to disregard his psychological condition, it would just be a matter of time before the next conviction. The fundamental question that arises then is the rationale behind the judgement. what are the reasons to make the authorities do not offer or arrange alternative sentences for the offenders with mental illness? To larger extent, the major reason is about the consideration of administrative cost. Compared with the past few decades, the rehabilitation of offenders, nowadays, is a diverse topic. The difficulty is more significant than before, especially under the current economic climate. Given the current economic state, there are increasing expectations on public services to perform efficiently and effectively, provide work that is value for money, and ensure accountability to service users, management, and taxpayers. However, have we ever thought that when the offenders with mental illness without sufficient treatment. Consequently, it will create a very heavy social cost.

#### IV. DISCUSSION

From the above review, we can see that the probation service in Hong Kong, is only a small branch in the Social Welfare Department. While the probation service in the other regions, such as Japan, is an individual department that uses an innovative approach to rehabilitate offenders. It seems that such arrangement is the key in determining whether the rehabilitation is success or not. One possible way out to solve the longstanding difficulties of the defendants is about ordering the sentences to be suspended with the added condition. In this circumstance, the defendant would be arranged to seek psychological treatment from a registered psychologist within a fixed period. However, without sufficient funding, a comprehensive and sustainable development for the rehabilitation program will never be reached. Targeting suitable offenders for a rehabilitation program is an important issue, as the success of these rehabilitation programs will depend in part on selecting appropriate offenders. In fact, most of the previous discussions on treatments of delinquency were rather straightforward, task-oriented descriptions using a top-down approach. This paper tries to explore the possibility of bilateral and multilateral collaborations in probation service by a bottom up approach. It seems that, from the mentioned review, offering guidance to presentence report writers and caseworkers about the sort of offenders a program is designed for will help. However, a lack of consensus about who is an appropriate referral is felt to be partly a reflection of the present state of knowledge with regard to the suitable arrangement for the offenders. An all-round evaluation may help to develop a greater understanding.

#### V. CONCLUSION

All in all, investing in the successful reintegration of ex-offenders is the smart thing to do. If we are able to offer comprehensive projects within and outside of prisons, we can prevent recidivism [19]. In order to solve the problems related to the volunteer probation officers system, enhancing the systematic training of the volunteer probation officers might be an effective way to minimize the partiality in the treatment of offenders. It seems that these is a need to offer a more comprehensive training program for the volunteer probation officers that will assure stronger supervision and enrich various kinds of support for offenders. Furthermore, those volunteer probation officers with special expertise and professional experience can be approached and classified into different expert groups. In terms of the generation gap and the difficulty in securing qualified candidates for the volunteer probation officers, the recruitment procedure should be re-

considered so as to get younger volunteers and specialists serving as volunteer probation officers.

This paper is an attempt to pinpoint the possible future of rehabilitation programs. In short, having an individual department is an important element to promote and organize a well-planned scheme for the sustainable development of rehabilitation services. Rehabilitation of offenders, nowadays, is a diverse topic. Without a doubt, the difficulty is more significant than before, especially under the current economic climate. Without individual funding and a strategic plan, it is almost impossible to ensure the sustainable development and immediate success of the rehabilitation program. This is not to say that we have to follow the practice from of the other regions in and out. However, learning from the arrangement of the other regions would be a clever way to form an innovative mission for the local probation service. All in all, should the chronic offenders then re-offend, would then be brought back to court and the sentence will rely on whether there is any an appropriate way to deal with these people reflectively. Hopefully, this pilot study can be viewed as a case study for the authority to review the current practice. The initiative of this paper, in fact, points to the almost inevitable outcome of the re-offending. It would be unfair to the chronic offenders, knowing that he will most likely be in breach and still turn a blind eye on the current practices.

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