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Toward a Cost-effective Correctional System: New Developments in Community-based Corrections in China

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Abstract: Like many other countries in the world, China faces an increase in prison population. The traditional corrections model that relies heavily on detention and imprisonment has been costly but has not been shown to be effective in reducing recidivism and promoting offender rehabilitation. Since 2003, the Chinese government has turned to community-based corrections as a measure to improve the cost-effectiveness of the correctional system. This article provides an overview of the development of community-based corrections since its inception in China. The review focuses on the motivations underlying this correctional reform, its goals and objectives, key policy components, the scope of implementation, and potential barriers to building effective community-based correctional programs.

Keywords: community corrections, China, correctional reforms, Chinese correctional system

In recent years, the Chinese government has made some major changes to its criminal justice system. The movement was motivated by the need to address internal problems and the influence of international correctional reforms. One of the most notable changes is the effort to establish a countrywide community-based correctional system. The effort started in the early 2000s. After ten years of development, the country has made significant progress toward building a strong system of community-based corrections, but significant challenges and problems remain.

Like many other countries in the world, China faced a significant increase in prison population in the early 2000s. It was reported that there were more

than 1.5 million inmates serving their sentences in Chinese jails and prisons, which was about 16% over the capacity of the correctional institutions in 2000. In 2002, prison expenditure (including operating and maintenance costs) totaled nearly RMB 20 billion. On a per capita basis, it was more expensive to keep an inmate in prison than to send him or her to college (Weng, 2007). Despite the high cost, prison-based corrections have not been scientifically proven effective in reducing recidivism and promoting offender rehabilitation. The recidivism rate in China is generally low compared to many other countries in the world. Many attribute the low rate to a complex system of informal and formal social control which involves the political, economic, educational, justice, culture, communal, and family systems (Jiang, Lambert, & Wang, 2007). There has been virtually no study using reliable data showing the independent contribution of the correctional system to recidivism (Liang, B., & Wilson, 2008). In one area of the correctional system where some reliable data exists, prison-based supervision and treatment have been shown to be ineffective in reducing recidivism rate. This area is the mandatory drug treatment system, which has been the predominant model of drug treatment in the last several decades in China. Drug users entering the system are required to undergo an average of two years of treatment in a correctional facility operated just like a prison. The relapse rate among inmates released from the treatment facilities has been around 90% (Liu, H., Grusky, Zhu, & Li, 2006), substantially higher than U.S. rates—from 50% to 75%, depending on the drug (Jung, 2010).

In response to the increased prison population and accelerating cost of correctional supervision and management, the Chinese government started experimenting with community-based corrections. Following the lead of two municipal criminal justice systems, the government rolled out pilot community-based correctional programs in several provinces and municipalities in 2003. Those programs expanded rapidly. In March of 2011, over 65% of the local jurisdictions in China had some form of community-based corrections. Cumulatively, they supervised a total of 659,000 convicted offenders (Liang, R., et al., 2013). Community-based corrections have become a major component of the criminal justice system in many provinces. Zhejiang Province in eastern China, for example, started community-based corrections in 2004. Over the next eight years the system placed approximately 130,000 convicted offenders in community-based corrections. About 90,000 of them successfully completed their terms in the community settings. In 2012, there were about 39,000 convicted offenders serving their sentences under community-based corrections in the province (Liu, J., 2012).

Several factors drove the rapid development of community-based corrections in China. First, the government faced an urgent need to reduce prison overcrowding and the high cost of imprisonment. Community-based corrections provided a means to move a large number of convicted offenders away from traditional prisons and place them in supervised community settings

where the cost is considerably lower. Second, correctional reforms that took place around the world in the last several decades strongly influenced China's movement toward community-based corrections. In the past 10–15 years, official newspapers and magazines and academic journals in China have published many articles comparing China's criminal justice system with those in the West, especially the United States, calling for the development of community-based corrections as a way to improve the existing criminal justice system. Many publications, including official ones, justified the need for a community-based correctional system in China by demonstrating the successes achieved in Western societies (Zhang & He, 2011). In the meantime, the government on various levels organized several high-profile professional meetings inviting foreign experts to discuss community-based corrections and their adoption in China (Tang, 2013). These activities had a cumulative effect in fostering governmental and public support for community-based corrections. Third, some advocates saw community-based corrections as a "kinder" and "humanitarian" way to treat convicted criminal offenders (Li, 2012, p. 35). Hence, the concern was not only about reducing the cost of imprisonment, but also about achieving better results in offender reform and rehabilitation. Community-based corrections was seen as a more effective way to promote prisoner reentry and reintegration by providing offenders an opportunity to serve their sentences while living in the community. Fourth, community-based corrections were also seen as a measure to reduce the recidivism rate. The Chinese government does not publish national estimates of recidivism so it is difficult to determine the extent of the problem. The need for reducing the recidivism rate, however, was clearly articulated in some of the official and unofficial communications. It is especially apparent in the areas of prison-based drug treatment, where the relapse rate is around 90%. Over the years, the government has gradually come to the realization that drug treatment will not reach its intended efficacy without a strong community-based component.

There have been two major pieces of legislation related to community-based corrections promoted by the Chinese government. The community correctional programs started in the beginning were all pilot programs. Although the programs flourished in many areas, Chinese criminal law did not recognize them as a legitimate form of penal punishment and rehabilitation. Due to the lack of official guidance from the central government, the community-based correctional programs established from 2003 to 2010 varied significantly, and often had to deal with ambivalent legal requirements, insufficient funding, low morale, and high staff turnover. To alleviate the difficulties faced by those working in community-based corrections, the legislative branch of the government—the National People's Congress—amended the criminal law in 2011 and for the first time introduced community-based supervision, probation, and parole as legal forms of criminal punishment and offender rehabilitation. In 2012, the government enacted *The Measures for*

the Implementation of Community-based Corrections, which set policies and legal requirements for the implementation of community-based corrections (Jin, 2012). The objectives of the act were to standardize the operation of community-based corrections to reduce interregional and interagency variations. In addition to supervisory regulations, the act included treatment and rehabilitation in the structure of community-based corrections, requiring agencies to provide moral, legal, and social education to offenders. The act also required agencies to offer psychological treatment and community service opportunities to supervised offenders when appropriate. These regulations have been in effect since March 1, 2012.

Community-based corrections have drawn a considerable amount of attention from the Chinese academic community. It has been estimated that 1,360 papers and 60 books have been published on the subject in China from 2000 to 2012 (Tang, 2013). The vast majority of this research is nonempirical, and mostly dealt with policy, legal, administrative, and operational issues related to community-based corrections. The few studies designed to evaluate the impact of community-based corrections were mostly case studies. For example, based on an examination of official data collected from Zhejiang Province, J. Liu (2012) reported that community-based corrections helped reduce the recidivism rate to 0.1% in Zhejiang. However, that finding has not been validated using data from elsewhere in China. To our knowledge, there have been no experimental or quasiexperimental studies conducted to assess the outcome of community-based corrections in China. Hence, the cost-effectiveness of the community-based corrections system developed in the last ten years is still an open question. More rigorous studies are needed to systematically assess the effectiveness of the system and to guide its future development.

The Chinese community-based correctional system was formed in a period when China underwent rapid economic, social, and cultural changes. Because of its short history and the enormous social and political changes that shaped it, the system is far from being fully developed. Compared to well-developed community-based correctional systems in the world, the Chinese system has several major problems that hinder its growth. As suggested in several studies (Li, 2012; Liu, J., 2012; Weng, 2007), the system needs to address the following barriers to further development. First, to a large extent, the law that grants local governments the authority to establish new correctional programs remains ambiguous about the structure, management, and procedures of community-based corrections. For example, it is unclear which criminal justice agency is responsible for managing community-based programs. In many cases, both the law enforcement agency and the justice department are involved but little coordination exists among these agencies, resulting in inefficient and sometimes disorganized case management. Second, the programs are significantly underfunded. Since they supervise primarily low-risk

offenders, community-based correctional programs are seldom treated as budgetary priorities by local criminal justice systems. These programs often get their funding squeezed when budgeting is tight. Third, the workforce employed in the system is poorly trained and lacks professional skills. Frequently, they are drawn from volunteers and retired persons with little or no professional background. Although the law requires agencies to provide psychological, cognitive, and behavioral treatment, few people working in community-based corrections have expertise in providing these types of services.

In sum, China has developed a promising community-based correctional system in a relatively short period of time. The system was formed mainly because of the need to address the problems of prison overcrowding and to improve offender rehabilitation and reentry. It was also influenced by correctional reforms that had taken place around the world. With more than 1.3 billion people living within its borders, it is easy for China to have a huge prison population even though the crime rate has been relatively low compared to many countries in the world. Community-based corrections can make an important contribution toward building a cost-effective correctional system. Because the system has been in place for only a decade, it is still under development. To improve its operation and effectiveness, a number of problems need to be addressed. Chief among them are ambivalent legal requirements, insufficient funding, and lack of professionally trained staff. Further, accountability is also lacking because the system has not been rigorously evaluated through scientific research. Despite these problems, the programs have shown a strong potential to fundamentally improve the correctional system in China. If the government can continue to strengthen its commitment to correctional reform and evidence-based policy making in criminal justice, China can have one of the largest and most promising community-based correctional systems in the world.

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