

# China's community corrections: an actuarial model of punishment

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Published online: 20 August 2015

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**Abstract** This article examines the emergence and configuration of community corrections in China. It argues that the adoption of this new sanction is a result of China's recent rhetorical shift in penalty from harshness and punishment towards leniency and rehabilitation. Nevertheless, based on a study of community corrections in Shanghai, the practice of this sanction manifests strong evidence of actuarial justice in its form and function. The findings from this study show that community corrections are used in practice as a managerial tool to identify, classify and regulate offenders to control dangerousness they may present, and to facilitate the implementation of correctional programs. This actuarial model of practice is represented by the risk-driven, differentiated approaches in the exercise of community corrections and the cost-saving aim of handling offenders in the neighbourhood.

## Introduction

Since the 2000s, China has progressively shifted its deep-seated penal philosophy from harshness to moderation in the context of building a 'rule-of-law and harmonious society' [1]. Penal severity has decreased in the form of increasingly implementing sanctions that aim at the rehabilitative ideal. Community corrections are one such reform. Introduced in 2003, China's community corrections operate as a non-custodial criminal penalty, targeting criminal offenders whose crimes are minor with minimal social harm, and those who have 'repented' after incarceration and displayed no further intention to harm society [2]. It was first adopted in 2003 as a pilot project in six modern prefectures (e.g., Beijing, Shanghai, Tianjin, Jiangsu, Zhejiang and Shandong), and soon expanded nationwide, covering all 31 provinces and municipalities in 2009 [3]. This penal measure is expected to play a more important role in China's future approach to punishment as the Government recently proposed to

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enhance its application while announcing to abolish another strategy called ‘Re-education through Labour’ – one of the most severe administrative coercive sanctions in China [4].

The inception of community corrections in China has attracted a wide range of research and inquiries. But most debates are undertaken within the Chinese academia. Until recently, there has been little effort on examining China’s community corrections in the western literature. The very first article that systematically introduces this penal measure to western readers was delivered by Jiang et al. [5]. Their article provides an account of the rise, development and problems of community corrections in a Chinese context. Following that, Jiang et al. [6] used the data collected in one of the Chinese cities to empirically explore the extent to which community corrections are supported by the general public. This present study aims to make further contribution to the English-language literature of China’s community correction system. More importantly, it intends to broaden the research depth of this newly emerged punishment by examining its policy development, social forces and penological arrangement in the context of the contemporary public policies in modern China.

While arguing that China’s adoption of community corrections is a result of the state’s recent shifts in penal philosophy and practice, the article intends to explore the linkage between this punishment and a now familiar theoretical model emerged in recent decades in the western criminal justice systems – namely actuarial justice. This is an exploratory research, and it undertakes a comparative study between China and the West to understand the way in which community corrections are virtually implemented in China. It looks beyond the official discourse of this new penal measure and investigates its actual operational model and rationale by comparing to the Western counterparts. In this sense, this article aims to bring the debate on community corrections in China beyond the narrow domains of policy analysis and program evaluation, which is the first attempt in the English-language literature.

Feeley and Simon ([7], p. 455) referred to a form of ‘actuarial justice’ applying ‘managerialist’ penal strategies driven by cost-effectiveness and techniques for identifying, classifying and managing offenders, rather than rehabilitating them. Depicted as a ‘new penology’ in the late modern society ([7], pp, 449, 466), actuarial criminology is concerned with risk logics and practices, which has become one of the salient forces in the western penal regime following the advent of neoliberalism [7–9]. As many western states are arguably transforming from a welfarist/industrial society towards a ‘risk society’ [10–12], this trend reflects ‘a broader social phenomenon in which risk information is being used by public authorities to govern social problems more generally’ ([13], p, 129).

As such, the exercise of actuarial justice is oriented toward the goal of categorizing, monitoring and incapacitating offenders in an attempt to minimize their potential risks with relative cost-effectiveness of criminal justice programs [7, 8, 14]. To this end, risk predictions and profiles replace correctional interventions and transformation by representing the ways in which the authorities can more effectively and efficiently identify and manage a person at risk of re-offending [15].

Based on the study of community corrections in Shanghai, this article argues that community corrections are a penal and policing approach that primarily represents an actuarial form of justice. This managerial model of practice can be characterised by the adoption of a set of risk-based logics and technologies that aim to deal with various

categories of individual offenders in light of their risk levels. This discourse of risk has increasingly become a salient ideal in the contemporary community correctional program, and served as an effective means to classify offenders for a better tailed educational and management program. Moreover, the article reveals the actuarial nature of community corrections by pointing out the cost-saving upshot of this penal measure. The financial efficiency has inadvertently hindered a full-on practice of rehabilitative ideal and driven a high degree of managerialism in the implementation of China's community corrections.

## Community corrections in the Chinese context

China's use of community corrections emerged in 2003 with the issuance of the *Notice on Implementing Experimental Work of Community Corrections* (关于开展社区矫正试点工作的通知)— hereinafter, the *Notice*. In light of this directive, a number of fundamental issues such as the theoretical basis, legal tasks, significant meanings and targets were grounded for the first time. The *notice* defines community corrections as a 'non-incarcerative penal form practised by the state authorities and social organizations and workers to correct offenders' criminal minds and behavioural vices, and thereby facilitating their reintegrate into society' (Preface, the *Notice*). In order to improve the understanding of this new penalty, the Chinese Ministry of Justice in 2004 issued the *Provisional Measures of Judicial and Administrative Organs in Administering Community Corrections* (司法行政机关社区矫正暂行办法), which served as a temporary operational guide of community-based correctional programs. In 2012, the need to establish a standardized practical framework enabled the Supreme People's Court, the Supreme People's Procuratorate, the Ministry of Public Security and the Ministry of Justice to jointly promulgate the *Measure of Implementing Community Corrections* (社区矫正实施办法) – hereinafter, the *Measure*. This regulation institutionalizes and formalizes the operational processes of community corrections at the national level.

To justify community corrections as a formal form of punishment in China, a more legitimate basis was provided in the 2012 amendments of the *Criminal Law* and *Criminal Procedural Law*. The revised *Criminal Law* incorporates community corrections as one of the punishments that target designated categories of criminals (Article 38 (3), 76, 85). Correspondingly, the revised *Criminal Procedural Law* grants the penal apparatus the power to exercise community corrections in collaboration with judicial and administrative organs according to relevant laws and regulations (Article 258). China's intention to upgrade community corrections is further reflected in the legislative effort on drafting the *Community Corrections Law*. The process of law-making is underway and the proposed legislation is scheduled to be examined in 2015 by the National People's Congresses. It is aimed to systematically clarify legal uncertainties and deficiencies of this penalty and to establish it as a leading sanction in the current penal framework.

Analogous to western versions, Chinese community corrections targets minor offenders. At present, then, only five types of offenders qualify for community corrections programs: (1) those sentenced to public surveillance; (2) those under probation; (3) those permitted to serve their sentences outside prison; (4) those granted parole; and (5) those permitted to serve their sentences outside prison and who are also deprived of

their political rights (Section 2 (1), the *Notice*). Among these aggregates, minors who commit transgressions with limited intentional harm, offenders who are old, vulnerable and physically disabled, and first-time and casual minor offenders are the focal groups of community corrections (Section 2(1), the *Notice*). They are seen as primary targets of community corrections and can serve their sentences in the neighbourhood based on the authorities' social investigations and assessments of individuals' personal characteristics (Section 4, the *Measure*).

Over the last decade, community corrections have become an integral part of China's penalty [16]. Starting in 2003, this measure was experimented in six relatively developed regions and extended to the whole country in 2009 in light of the *Opinion on Experimenting Community Corrections Work across the Country* (关于在全国试行社区矫正工作的意见). In 2013, almost every major city and township has set up designated neighbourhoods to carry out community corrections as part of daily penal practices [5]. Over time, different localities have shaped distinctive operational frameworks in light of their demographic idiosyncrasies [17]. The earliest pilot prefectures, such as Beijing and Shanghai, have developed comprehensive models, referred to as the '3 + N model' and 'government-purchased model' ([5], p. 88), by making use of their relatively rich community resources. Other follow-up cities and provinces have looked up the pioneers' experiences to create their demographic-friendly versions of operation, contributing to the diversity of correctional methods in the system. Until 2013, community correctional programs across China have received more than 1,700,000 offenders and released 1,040,000 of them from communities accumulatively, with approximately 660,000 still serving their sentences in the neighbourhood [18].

In Shanghai, community corrections centres are usually established in the close proximity of the local justice bureaus with a normal size of two- or three-storey building. While the top floor is in general the office rooms, the lower floors are the venues where offenders receive legal and moral education, attend reporting meetings and undertake compulsory work – the daily activities under community corrections. Offenders are often organized to conduct certain degree of labour work to serve the communities where they are accommodated, such as cleaning in libraries, hospitals and nursing houses and providing free caring services for the elders [19]. As community corrections are a non-custodial punishment, offenders are allowed to stay at their own homes and report to community corrections centres on a regular basis [2]. Due to the different local conditions, the ratio between officers and offenders vary from place to place. For example, in most developed areas such as Beijing and Shanghai, every community corrections officer is generally assigned with 15–20 offenders with each community accommodating 50–60 offenders [2].

The lengths of community corrections are dependent upon the sentences courts order for first-time offenders and the time left over for released prisoners on parole. To successfully complete community corrections, offenders are required to submit personal summary to judicial and administrative officers within 1 month before the end date of community corrections. The judicial and administrative organs ought to rely on offenders' overall performance, the result of their 'repentance' test and the opinions of the community to make the assessment with regard to offenders' feasibility of being freed [19]. For those who have violated the community corrections regulation and recommitted the crime, a formal legal procedure would be triggered to adjudicate and penalize them [19].

Although community corrections may be perceived as a western import, the Chinese authorities introduced this approach into the existing penal system to build a 'Chinese socialist democracy and legal system' (Section 1, the *Notice*). As such, community correctional programs are implemented in a way that is mostly conventional in a traditionally Chinese context [20]. Three official tenets that are highlighted in either legislative documents or state media represent a culturally distinct mode of community corrections in China. First, community corrections are a penal measure linked to social control. The *Notice* characterises community corrections as a penal approach that serves the correction of offenders by making use of social forces to maintain social stability (Section 1). This function was reaffirmed by the state authorities on many formal or informal occasions. For example, as Jiang Aidong – the chief of the Chinese Community Corrections Bureau – claims in an official interview, community corrections are a non-custodial penalty carried out in the community rather than in the prison, with the task of preventing and reducing crimes to preserve social order [18]. The emphasis on the punitive nature of community corrections reflects a deep-rooted perception that punishment in China is not only as a response to crime, but is a strategy of policing to govern the state. For a long period of time, punishment has been one of the most prominent instruments to regulate Chinese society. It serves the purpose of crime control through retribution and deterrence [21], and functions as a tool to promote political legitimacy and restore social cohesion – e.g., the 'Strike Hard' campaigns [22]. In these respects, punishment in China is not only a penological concept, but also 'forms part of a network of governance and social ordering in the modern society' ([8], p. 5). Although community corrections are practised outside the penitentiary system, this measure is characterized as a penal form as it mirrors the characteristic feature of China's penalty – handling criminals to guarantee social stability (Section 1, the *Notice*).

Second, community corrections are described to centre on rehabilitation of offenders, helping them 'eradicate criminal mind and behavioral vice' by means of social forces (Preface, the *Notice*). This is a reflection of China's overarching criminal justice policy – 'Combining punishment and correction with correcting offenders as a priority (惩罚与改造相结合,以改造人为宗旨)' [16]. Since the revolutionary period, the practice of punishment in China has been associated with education, persuasion and reformation [23]. Many penal forms, such as Reform through Labour (劳改) and Re-education through labour, undertake ideological reform of the imprisoned through daily educational programs and labour work [23]. In the same manner, community corrections are required to equip offenders with a high degree of education in practice. The programmes are designed to strengthen offenders' legal awareness, ideological consciousness and social morality to help them give up forms of deviant vice, hence transforming them to become law-abiding citizens (Section 1, the *Measure*).

Third, community corrections are seen as a process of re-socialization [16]. Different from custodial sanctions that are characterised by dominating rationales of revenge and deterrence, China's community corrections are understood as a tool to transform offenders from rule-breakers to rule-obeyers of social norms [24]. Therefore, having offenders to serve sentences in the community is to retain their social ties with their families and friends who can spiritually and financially support their treatment. It is exemplified by the requirement of exercising training sessions in the community to arm offenders with necessary living and professional abilities [25]. By teaching them

occupational skills and techniques, the authorities expect to cultivate offenders to become productive community members, hence facilitating their re-entry into society without social rejection and discrimination [17].

## Community corrections and penological change in China

China's adoption of community corrections might surprise criminologists who have perceived contemporary China as a 'punitive society' ([26], p. 33). It has been argued that harshness has become the leading rationale of China's criminal justice practices after Mao [21, 27, 28]. In particular, scholars contend that a series of campaigns to swiftly and harshly punish offenders, referred to as the 'Strike Hard Anti-Crime' campaigns, provide evidence of the state's punitiveness [21, 27, 29]. This campaigning-style strategy refers to the penal policy that imposes harsh and swift justice on offenders in the face of rising crimes [29]. Whereas, it is true that penal toughness has progressed to be a rooted aspect of China's modern culture after 1978 demonstrated by the continuous use of capital punishment and coercive sanctioning, the degree of harshness has gradually decreased since the early 2000s. These penal changes appear to be in opposition to what has occurred in many western penal regimes. While countries such as the US and UK have witnessed a fundamental turn from welfare-oriented crime policies to governance through a punitive politics of crime control [8, 11, 12, 30], China has shifted its focus towards a more lenient and moderate solution of crime to the point that punishment is associated more with correction, treatment and rehabilitation. Different from handling offenders through the carceral apparatus, which Wacquant refers to as *prisonfare* ([12], p. 16), China has begun to build more sensible penal machinery through increased use of community-based penal programs to downplay the punitiveness of sanctions.

This is demonstrated in the fact that the strike-hard strategy was gradually displaced by other forms of punishment that reflect the regime's new policy of 'balancing leniency and harshness in penal practice' (宽严相济刑事政策). While a minority of extremely serious crimes are handled with harsh punishment (e.g., crimes endangering state security), a majority of crimes with minimal social impact or mitigating circumstances are now handled with more relative leniency e.g., economical crimes [1]. Certain minor offenders are no longer conceived as the target of the penitentiary institutions, but instead regarded as the redeemable population that can be treated with rehabilitation and correction through community-based penalties. This new penal trend is typified by a set of policy shifts in China's penal scheme. Other than the implementation of community corrections, the changes also include the reduction of the crimes punishable by capital punishment and use of the death penalty, the abolition of two administrative coercive measures – namely, custody and repatriation (收容遣送) and re-education through labor (劳动教养) – and the enforcement of community-based drug detoxification (社区戒毒).

What are the forces that have driven this 'lenient turn' of punishment? Two causes appear to stand out. First, harsh punishment has been seen by politicians as an ineffectual crime control strategy, and as failing to solve the deep roots of crime and social problems stemming from economic liberalization. For example, penal toughness in the form of 'Strike Hard' campaigns struggled to reduce crime and ease the public

fear of living in a dangerous society. Evidence indicates that the crime rate in reform China has more than quadrupled in last 30 years [21]. With the first 'crime boom' in the early 1980s, the crime rate rose from 80 per 100,000 population in 1981 to 350 per 100,000 population in 2007 [31]. In particular, during the period between the 1980s to early 2000s when punitiveness dominated Chinese penal practices, crime rates did not decrease, but continued to grow with significant rises in the aftermath of each widespread 'Strike Hard' action [27]. Although these increases may be at least partly due to changes in policing and crime recording practices, the overall growth rate in contemporary China is significant, equivalent to those of some high crime societies (e.g., the US and UK) [8, 12].

Moves to reassess the administration of punishment that for decades inclined towards heavy punishment were begun in the context of a new atmosphere of 'social harmony' [1]. In the wake of Jiang Zemin's last Hard-Strike campaign in 2001, the Party elites have become sceptical of the effectiveness of the punitive end of punishment. It has been noted by Trevaskes [29] that the ruling elites of the Chinese Communist Party conceded that harsh sentencing does not lead to reductions in crime, but instead merely creates an occasion for symbolic gestures of sovereign power and for political rituals of appeasing orchestrated public sentiments (pp, 365–366). This token gesture that aimed at releasing public tension and re-confirming social solidarity had minimal impact on tackling crime and public disorder. Rather, it, as stressed by Luo Gan, the General Secretary of the Central Politics and Law Commission, on the Meeting of the National Political and Legislative Works in 2005, has been 'counter-productive to legal and judicial justice and harmonious society building' [1]. Within a short period of time after the campaign era, it became common to view the core value of the punitive penal framework not just as an impossible ideal, but, much more saliently, as 'a dangerous policy objective that was ineffective in its practice and misguided in its objectives' ([8], p, 36).

This fading of the political deference to penal harshness has fuelled a shift of penal rationale towards correctionalism over the last decade. The Chinese authorities have no longer perceived retribution and deterrence as the exclusive purpose of punishment. Rather, they have purported to stress the rehabilitative aspect of penal sanctioning in a bid to underline correction and persuasion as the primary goals that punishment pursues. This altered ideology of penalty is in part a result of the state's rethinking of punitive justice given its perceived counter-effects on social order and the building of a 'rule-of-law' society [32]. More remarkably, it reflects the Party's aim of restructuring the ruling policy in the face of Chinese modern society becoming more organic and pluralistic. Draconian punishments that are linked with intensification of justice no longer align with the Party's new social control philosophy – constructing a harmonious society which emphasizes order and stability by minimizing social disparities and conflicts [33]. In the context of increased globalization, the Chinese politics of punishment has been reshaped to adopt a more sensible form of justice, influenced by the international penal community that favours humanity and rationality of penalty.

Second, mass incarceration as a consequence of harsh punishment has created a considerable burden on the state's financial and human resources of the prison system. During the heyday of 'Strike Hard' campaigns, harsh and swift handling of criminals contributed significantly to the rise of China's prison population. Evidence demonstrates that the number of the prison population increased from 1,050,000 in 1988 to

1,420,000 in 1996 [34, 35]. Over the same period, the national population rose from 1.1 billion in 1988 to 1.2 billion in 1996 [36]. It helps to calculate the increase of the imprisonment rate from 103 per 100,000 to 107 per 100,000.<sup>1</sup> This upward trend has continued with the imprisonment rate arriving at 121 in mid-2012 [37]. Although the imprisonment rates in China seem to increase in a relatively slower fashion compared to these of some western democracies, in particular the US, the expansion of prison population has seriously challenged the warehousing capacity and management capability of China's penitentiary system. Despite the fact that an increasing number of criminals are sentenced to jail, the development of the prison system in China has lagged behind. For example, between 1988 and 1995, the number of prisons increased only by 30 from 674 to 703 [38]. This number was even reduced to 681 in 2012 despite the marginal increase in the number of prisoners [34]. Although the capacity of contemporary Chinese prisons has been enhanced since the 1980s, research undertaken by the Bureau of Justice in 2006 showed that the total population of prisoners exceeded the maximum of what prisons can actually accommodate by 240,000 [34]. Prison overcrowding has become a growing concern of the Chinese authorities.

One result of the penitentiary system being overloaded is the financial pressure on the government to keep inmates in jail. Akin to the US, UK and Australia where imprisoning criminals consumes a great deal of economic resources of the criminal justice system [39], China has put substantial financial investment in accommodating inmates since the 1980s. In 2002, prison expenditure totalled nearly 20 billion RMB – amounting to 0.7 % of national expenditure [40]. In some developed regions, the cost of incarcerating inmates reached 27,000 RMB every year on a per capita basis [34]. This heavy spending on individual inmates has drawn resources away from institutional infrastructural development. For example, over the last three decades, the Chinese government has paid little attention to upgrading prison facilities and recruiting new staff. In 1988, the Law Yearbook of China stated that there were 300,000 prison guards in China. This number remained largely unchanged over the next 25 years while prison population increased by 40 % [34]. The disproportionate ratio between guards and prisoners (e.g., 1:5.4 (2008), which is much lower than that of many democratic countries – e.g., 1: 0.97 in England) has created a series of issues in prison management [34]. From the 1990s onwards, China has witnessed the increase of jail-related crimes and the decline of the reformatory effect in prison. This has led the government to reconsider the economic efficacy of 'mass incarceration' [40].

## **The current study: the role of community corrections in China**

Given recent shifts, a number of questions could be raised about the role of community corrections in China. In the remainder of this paper I consider the case of Shanghai as a backdrop to explore and explain the genuine penological discourse of this form of punishment in China. Specifically, I consider the following questions: 1) what is the underlying rationale of China's community corrections despite the official definition and delineation of it as a rehabilitative instrument? 2) if it does not necessarily reflect

<sup>1</sup> The statistics related to the imprisonment rate include sentenced prisoners only, excluding pre-trial detainees and those incarcerated in administrative detention.

the rehabilitative ideal then what is the true nature of community corrections and what are the forces behind it? As a new penal measure emerged out of the state's changing penal culture, community corrections are likely to be ideologically misperceived or misunderstood if one does not look into its practical use and application. This is to avoid a subjective viewpoint of simply understanding China's community corrections as a punishment unilaterally depicted by the authorities. By examining the possible consistencies or discrepancies between rhetoric and practice, it helps to shape a more objective perspective from which the penal characteristics and effectiveness of this approach can be explored.

To assess these questions I review a range of policies, operational guides and institutional settings of community corrections in Shanghai. These come from three resources. First, I reviewed documents related to the procedural stipulations of this measure. From 2003 to 2013, there were three handbooks that set out the systematic procedure of exercising community corrections. They were all issued by Shanghai community corrections office and the latest one is the *Handbook of Shanghai Community Corrections* published in 2013. Second, I reviewed official regulations and collected materials from seminars and meetings held by Shanghai community corrections office and Xuhui District community corrections centre. During the period of 2003–2013, more than 30 rules and directives were passed by Shanghai Justice Bureau and Xuhui District to regulate every aspect of community correction work. In addition, more than 20 books and 80 reports published internally by Shanghai community corrections office to introduce this new measure and share experiences among different bureaucracies. Third, I reviewed publications of Shanghai community correctional program on journals and newspapers are collected. By using 'Shanghai community corrections' as a keyword to search relevant articles, there are more than 100 papers and thesis appeared in Chinese National Knowledge Infrastructure (中国知网) – the biggest digital database for academic information in China.

### **The Shanghai community corrections model**

As one of the very first pilot cities, Shanghai established community corrections in 2002. Over the last decade, Shanghai has shaped a well-structured and resourceful framework of community corrections, which is hailed as a model of best practice [5]. The Shanghai Community Correctional program uses a three-level implementation structure incorporating district justice bureaus/police, judicial and administrative institutions, and community service staff (officers, professionals and social workers) [41]. While justice bureaus and police are in charge of the management (e.g., law enforcement activities) of community corrections, local judicial and administrative institutions are responsible for the actual practice of this penal measure, in collaboration with social workers and volunteers carrying out the daily regulation of offenders. This operational framework is characterized as a mixed model which aims at both rehabilitating and punishing offenders.

A streamlined process of community corrections in Shanghai consists of three stages – namely, the receiving, punishment/correction and completion stage [19]. The receiving stage is the initial period which sets the threshold and preparatory process of community corrections. At this juncture, judicial and administrative organs are required to undertake a thorough investigation of individual offenders and provide opinions on whether they

can qualify to receive a community corrections sanction. Offenders under such background examination are generally petty offenders, whose crimes may attract conviction of less than 3 year imprisonment [42]. According to the *Measure of Promoting Probation Work in the Shanghai Prisons* (上海监狱推进假释工作的实施办法), the judicial and administrative organs ought to submit a report on offenders' personal profile to the justice bureaus within 3 days before the courts commence the judicial proceedings and reach the criminal conviction. The report must contain detailed information about the offender's basic background, criminal situation, family status, previous performance and residents' attitude in the community [42]. A wide range of variables are under scrutiny, including the offender's educational attainment, living circumstances, criminal intention, admission of guilty, relationship with other family members [16].

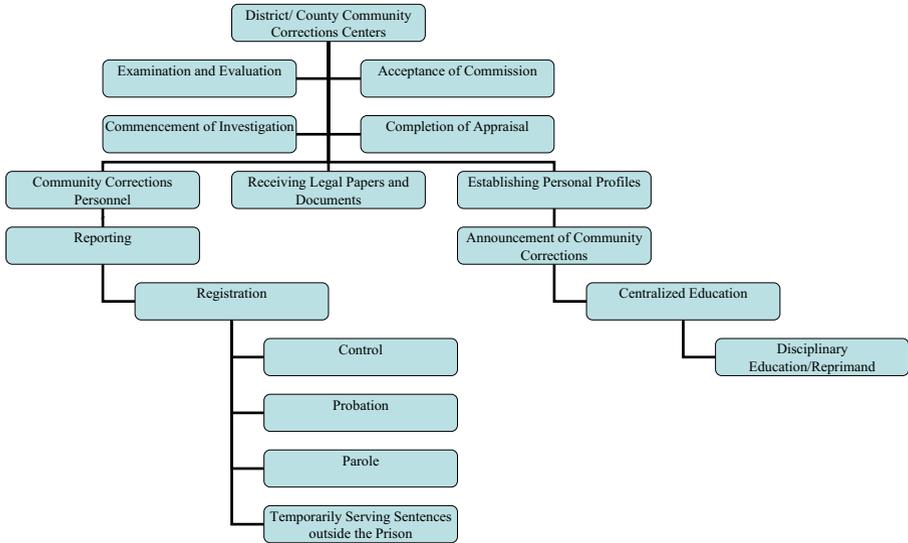
If the results of examination suggest an imposition of community correction sanction, legal papers and documents will be handed over from the courts, police and prisons to judicial and administrative institutions for the establishment of offenders' personal files. Within 5 days of reporting to local police, eligible offenders are required to attend the announcement meeting held by the public security and community corrections authorities. At the meeting, police officers read the *Notice of Supervision and Management* and the *Announcement of Community Corrections* to offenders, and specify the requirements that must be met by offenders while serving community corrections [43]. This meeting encourages the participation of the representatives of justice bureaus and community residents, grassroots-level officials, and offender's relatives. It signals the formal commencement of a community correction sanction.

The second stage, referred to as the phase of 'punishment and correction' [19], carries out the practical exercise of community corrections. The official tenets of the Shanghai community corrections program emphasise punishment and correction as two major constituents of this new penal approach. On the one hand, community corrections are used as a sanction that imposes punishment on offenders. It is reflected in the form of a set of restrictive measures on offenders' freedom, mobility and eligibility and mandated labour work in the community [42]. Offenders are often required to perform community services in the local neighbourhoods as part of sanctioning [42]. These community services are diversely designed, ranging from helping the elders in the community by cooking their food and cleaning their rooms to preparing propagation blackboards for the neighbourhoods [42]. These services in general take place in the same communities where offenders reside. On the other hand, community corrections are practiced in a way that tends to favour rehabilitation and reformation [43]. One of the highlights of the Shanghai model is its individualized program of offenders. It refers to the specialized social treatment of the individual offender in light of his/her physical, psychological and social characteristics in association with his/her criminality [44]. In doing so, three measures are employed. First, the authorities undertake rigorous visits and investigations to attain information surrounding offenders' personal particularities, family backgrounds and social connections. Second, based on the collected information, experts make comprehensive examination to clinically analyse each offender in an attempt to understand his/her behaviour and needs. Third, community corrections officers and social workers aim to help them meet their needs and overcome difficulties in the serving of community corrections [42].

A case in Xuhui District may shed some light on this practical mode. In 2009, Zhang XX was convicted of aggravated assault and sentenced for 8 months. Due to the minimal consequences of his offending, Zhang was allowed to serve his sentence outside the prison in the form of community corrections. However, as Zhang insisted on his innocence, he did not report to the designated authorities, nor was he willing to follow the statutory requirements of community corrections. To ease his resistance, the Xuhui community corrections officers, social workers and street committee officers paid several visits to his home and eventually talked to him about his concerns. Zhang was also waived with the requirement of compulsory work. By understanding Zhang's worries and based on the information gathered from his friends and relatives, the community corrections authorities realized that the low level of living standard was the major root of his anti-social attitude. In this respect, the responsible social workers helped him register as a recipient of the national Minimum Livelihood Guarantee Program and introduced him a driver job at a delivery company. In addition, the social workers arranged weekly education and meetings with Zhang to solve his psychological problems and assist his integration into society. For example, Zhang XX was sent to legal and moral education, which served the mandatory component of his correctional intervention. It is to help Zhang recognize that he is a criminal and ought to follow rules and regulations in the community. He then received 'repentance education' to understand the crime he committed, the seriousness of the crime and the relevant consequences. Following that, 'law and order education' is carried out to improve his legal awareness through general legal and policy education. Meanwhile, some social workers who have expertise in psychology provided psychological health education and socio-biological intervention to help Zhang overcome his pessimistic perception of life. This individualized psychological treatment had been undergone for several weeks until Zhang secured his employment.<sup>2</sup>

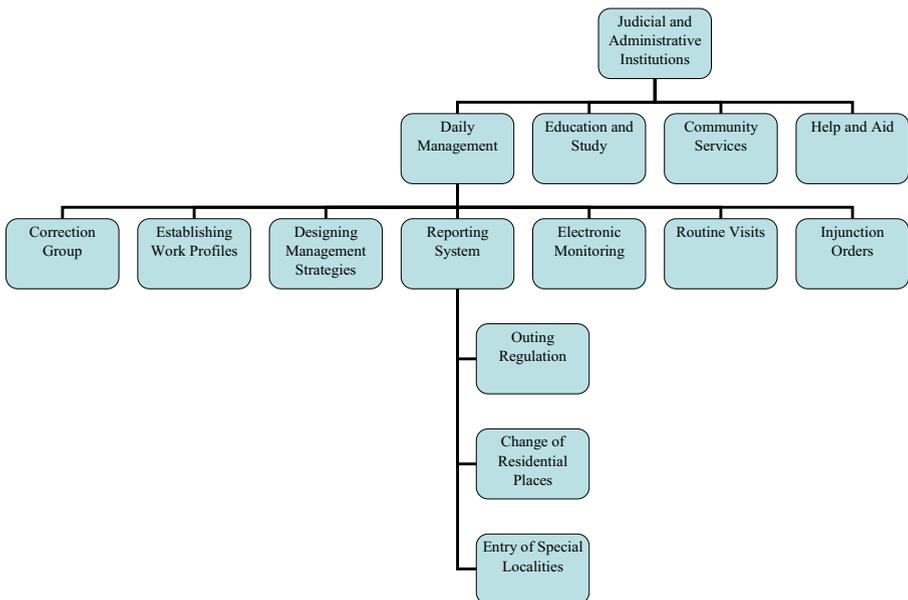
At the last stage of Shanghai community corrections, offenders are usually released from the supervision in the community when the designated length of their sanction has been served. One month prior to their return back to society, offenders are required to conduct a self-assessment on their readiness to entering into society. An evaluation meeting is also held by the public security authorities and participated by community corrections officers and administrative and judicial officers, social workers, volunteers and offenders' families to professionally appraise the status of offenders [45]. The gathering focuses on grading offenders' overall performance during the community correction period and anticipating possible situations after offenders have been freed. Only those who are evaluated with positive results are able to leave the community. Those who have seriously breached the rules of community corrections are likely to be withdrawn from probation, parole and serving outside the prison, and hence returned back to prison for incarceration [19]. Those who have committed offences again are handed over to police, who will launch the formal criminal justice procedure by commencing the investigatory process. Although the evaluation may result in incarceration of offenders, the procuratorates and courts are not involved in the decision-making process, but merely notified of the decision within 3 days after the release of evaluation results [19] (Charts 1, 2 and 3).

<sup>2</sup> This case is drawn from 'The Successful Cases of Community Correction in 2013' edited by Shanghai Community Corrections Office.

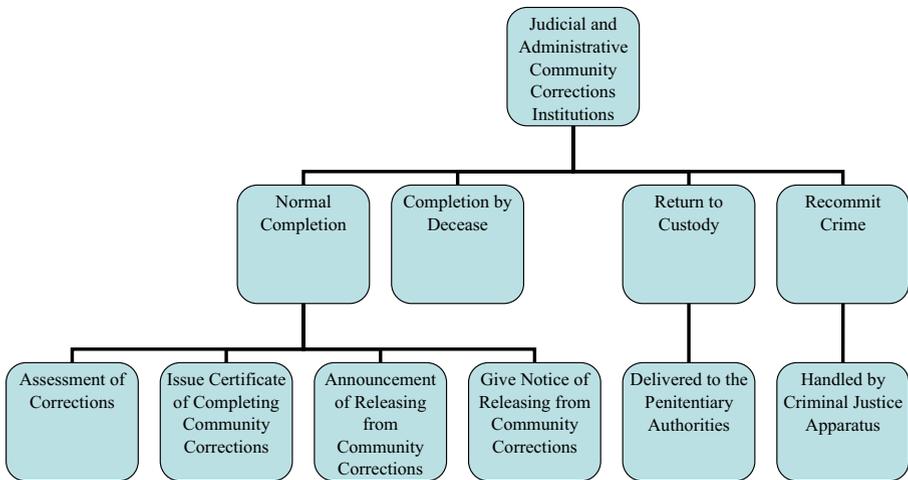


**Chart 1** The receiving stage of Shanghai community corrections

Unlike the prison system where the state workers (e.g., police and prison guards) are the main actor in the regulation of offenders, the practice of community corrections is largely in the hands of social workers and volunteers under the leadership of local legal and administrative institutions [46]. At the receiving stage, social workers are authorized by the judicial and administrative institutions to undertake a wide range of administrative duties, including the collection of offenders’ personal information and registration and announcement of community corrections [47]. They are not official



**Chart 2** The punishment/correction stage of Shanghai community corrections



**Chart 3** The completion stage of Shanghai community corrections

community corrections officers, but a group of hired employees and volunteers who possess skills, experience and expertise in education, law and psychology. In Shanghai, most social workers are employed by the justice bureaus and have undergone rigid professional training and acquired qualification certificate before carrying out community correction activities [48]. When offenders enter into the punishment/correction stage, social workers are assigned with specific targets to take responsibility of their management, education and correction [19]. As a major force in implementing this penalty, social workers are required to take active participation in every aspect of community correctional program, including but not limited to investigation and visits, psychological consultation, comprehensive assessment and legal, ideological and moral education [19]. Moreover, the final stage entails that social workers make proper arrangements on offenders' study, employment and other living needs before their release. Their reports on offenders' performance in the community are relied on as one of the determinants of offenders' eligibility of returning back to society [45].

### Shanghai community corrections: a punishment of actuarial justice

Despite being conceptualized as a penal approach that reflects the rehabilitative and punitive ideals, Shanghai community corrections have seen a set of practices and measures that resemble a risk management strategy, as referred to as 'actuarial justice' by Feeley and Simon [7, 14]. Two similarities stand out. First, analogous to some western punishments (e.g., risk evaluation in community sanctions) where risk assessment tools and evidence-based research are incorporated into the penal apparatus, Shanghai community corrections adopt risk analysis as a primary method to understand the dangerousness of offenders and inform the correctional strategies. Second, Shanghai community corrections represent a cost-effective way in which offenders are managed with a lower expenditure of justice resources than that of imprisonment. In what follows, I will highlight this penological narrative with practical features of community corrections in Shanghai and explore the causes that may have led to its creation.

## Risk-based model of practice

Practically, risk calculations dominate the Shanghai community corrections model at each stage of this program. At the receiving stage, the pre-correction investigation serves as a means of separating those who are more risky to public security and more likely to commit additional crimes from low-risk offenders who are seen as safe to be placed in the community. To evaluate their risks, the tools of ‘clinical prediction’ and ‘actuarial risk scoring’ that have been widely employed in some neoliberal penal systems ([13], pp, 132–133) are now used in Shanghai to make risk determinations. For example, the Xuhui community corrections centre deploys a risk evolution mechanism based on numerical rating of risk variables. A specific form is used by community corrections officers to judge offenders’ potential threat in the neighbourhood settings (see below) [49]. According to the percentage of overall scores/examination scores, offenders are categorized into three groups, namely, low-risk offenders ( $\leq 45\%$ ), medium-risk offenders (45–55 %) and high-risk offenders ( $\geq 55\%$ ). Those who are characterized as medium- risk and high-risk offenders are considered unsuitable for community corrections, while low-risk ones are recommended to receive this community-based program [49] (Table 1).

Little wonder, then, that the risk-oriented logics have a dominant influence on the practical model at the punishment/correction stage. After 3 months of offenders being transferred to the community, local judicial and administrative agencies are required to categorize them in accordance with their risk levels and the likelihood of re-offending for individualized management and correction (Section 2, the *Regulation on Categorized Correction of Offenders in Shanghai* 《上海市社区服刑人员分类矫正的规定》). Akin to the receiving phase, offenders are divided into three types – high (first-class), medium (second-class) and low (third-class) risk. The Shanghai communities use the statistically-based risk prediction instrument – similar to the Salient Factor Score in the USA – to classify the varying degree of offenders’ dangerousness. Static factors such as an offender’s age, gender, number and type of convictions are relied on to make predictions about an offender’s risk of recidivism [13]. In light of the classed risk the individual offender represents, different measures are imposed to specifically supervise and control perpetrators during their services in the neighbourhood [19]. Despite the different level of dangerousness individuals may present, all offenders in Shanghai communities are attached to mobile GPS positioning system and electronic monitoring shackles in the community [50]. In addition, offender outings are prohibited except for exceptional circumstances [50] (Table 2).

Likewise, evaluating risk tendency plays a crucial role in determining offenders’ eligibility of going back to society [2]. To qualify for being released, offenders are required to submit a written report detailing their physical and psychological status after serving the sentences in the community [19]. Based on their self-assessment and the appraisal reports from the police, social workers and communities on offenders’ risk profiles, the justice bureaus will advise the courts to make the final decision as to whether community corrections are to be discharged or expanded [19].

Perhaps the other evidence of Shanghai community corrections becoming increasingly ‘managerial’ in practice is the ‘systemization’ of this punishment. In understanding actuarial justice, some scholars see the conception of ‘systemization’ as an illustrative reflection of managerialism in the penal regime [51–53]. For Bottoms [51] and

**Table 1** Risk evaluation form in the Xuhui community correction centre

Items	Sub-items	Score
Basic factors	Age of committing crime	1=Age above 18 (including 18) while first committing crime 0=Age below 18 while first committing crime
	Education attainment	0=College diploma and above 2=High school, middle school and equivalent 3=Elementary school, semi-illiteracy, illiteracy
	Employment status	0=Able to be self-supportive 1=Unable or unwilling to be self-supportive
	Marriage status	0=Married or unmarried under 25 (with a stable family) 2=Unmarried above 25, widowed, divorced or living with single parent (under 25)
	Living sources	0=Income from working 1=Subsistence allowances or family support 3=None
	Permanent residence	0=Yes 3=No
	Personality and psychological factors	Self-control ability
Psychological health status		1=Healthy in general 2=Psychological problems 3=Psychological diseases
(Genetic) History of mental diseases		0=No 1=Yes
Attitude toward committed crime		0=Plea of guilty 1=No plea of guilty
Attitude toward social reality		0=Appropriately understanding social reality 2=Discontent or hostility toward social reality
Legal knowledge and awareness		1=Lack of legal knowledge and awareness 2=Legal illiteracy
Social factors		Status of friendship
	Growth experience	0=Stable 2=Tortuous
	Crime record of family members	0=Yes 1=No
	Family support of community corrections	0=Understanding and supporting 2=Uncooperative or hostile
	Type of crime	1=Other types

**Table 1** (continued)

Items	Sub-items	Score
Comprehensive factors	2=Thief, robbery, drug-related, public affray	
	History of crime	0=No 1=Yes
	History Of administrative offence	0=No 1=Yes (twice or less) 3=Yes (three times or above)
	Intention of crime	1=Negligence 2=Intentional
	Violence-involved or recidivism	0=No 2=Yes

others [7], this process underpins the collaboration between a series of relatively independent institutions in the criminal justice and penal realms ‘in order to fulfill the overall goals of the system’ ([53], p, 325). This system aims at the limited goals of ‘managing a permanently dangerous population while maintaining the system at a minimum cost’ ([7], p, 463). By the same token, in the practice of China’s community corrections, such inter-agency cooperation is engineered by the mutual objective of the penal and administrative agencies (e.g., police, court, prison and judicial and administrative institutions). They tend to create a risk-control network to regulate and manage offenders for the sake of preventing further crimes.

For instance, at the receiving stage, the court, police and community correction centres work together to sort out the eligibility of offenders for community corrections. Here, community correction centres are required to undertake investigation on the offender’s risk contours, based on which the court may issue a community correction order and the prison may agree to release the offender to police. Another important example of the systematic functions of community corrections is the reporting system employed by judicial and administrative institutions at the punishment/correction stage. For those who breach management rules or courts’ injunction orders that deem to be punished by public order nuisance, judicial and administrative agencies are required to

**Table 2** Measures on different types of offenders in Shanghai community corrections [19]

Type of offenders	Supervisory and management measures
First-class offenders	Reporting on a weekly basis in general and on a daily basis during some important dates (e.g., the Chinese New Year); submit written reports to the authorities every month; electronic monitoring; stricter control of residential change and outing; receiving individual education no less than once every half month; profiled as the ‘focal population’ and registered with the public security organs.
Second-class offenders	Reporting on a weekly basis; required to abide by regulations of community corrections; attend education and community services as requested.
Third-class offenders	Reporting on a monthly basis; encouraged to voluntarily participate in education and community services in lieu of compulsory study and labour work.

report it to the police or court in time – a situation that leads to the termination of community corrections (Section 24, the *Measure*).

However, the actuarial practices of community corrections do not suggest that it fails to provide offenders correctional programs at all to assist their reintegration into the society. Rather, a set of measures that aim at correction, education and training are implemented to help offenders overcome physical and psychological hardships. As observed by O'Malley [54] and others [55, 56], risk calculations meld with rehabilitation to 'enable fluid, transformative and positive interventions with offenders' ([57]: 78). In the case of the Shanghai community correctional program, there is a mixed model of governance in which risk strategies have merged with other policy orientations, such as rehabilitation and punishment. Akin to the argument of Robinson et al. [53] on community penalties used in Western societies (e.g., the US and UK), community corrections in Shanghai appear to position the discourse of risk within rehabilitative systems which have come to be dominated by persuasion and education – a framework referred to as 'risk-need based rehabilitation and correctional management' ([13]: 134). While the measures of risk categorization and regulation are indeed associated with control of dangerousness and sanctioning of offenders [7], they also function as a tool to classify offenders for a better tailed correctional program, so that it would facilitate the rehabilitation and transformation of offenders.

One of the best illustrations of this managerial approach is the correctional programs introduced and adopted by Shanghai community corrections. In Shanghai neighbourhoods, offenders are organized to attend centralized and individualized education to learn about legal knowledge, social ethics and recent polices and regulations in community corrections [58]. They are taught to enhance their social and legal awareness by understanding the seriousness and social consequences of the crimes they committed. In addition, offenders are required to undertake labour work as part of educational projects [43]. This educational model in effect uses the logic of risk to determine the level of educational activities appropriate to individual offender. For high- and medium-risk offenders, the communities impose compulsory educational activities and community services on them. They are mandated to receive education and undertake labour work for no less than 8 hours/month [43]. In contrast, for low-risk offenders, the communities encourage them to conduct self-study in lieu of coercive education and to participate in community service work voluntarily with no rigid rules [43]. Clearly, this differentiated measure is driven by the concerns over the different level of risk of reoffending among individual offenders. That being said, risk classification and management is not merely a tool to control offenders, but rather conceived as a means to serve the end of rehabilitative interventions in community correctional programs.

### **A cost-effective way of managing delinquents**

An actuarial rationale of community corrections is reflected not only in assessments of future risk, but also in the efficient ways in which groups of offenders are regulated. Evidence shows that compared to the high cost of incarcerating offenders in prison, accommodating them through community corrections is only one-tenth of the cost. In 2004, each prisoner cost the state 13,326 RMB annually compared to about 1655 RMB annually under community supervision [59]. This is because, unlike the prison system,

which is solely financed by the state, the costs of community corrections are shared by a number of different social and institutional actors through both public and private channels of investment.

In Shanghai, while street-level counties and towns make financial contributions to the practical implementation of this measure, referred to as ‘direct costs’ ([59], p. 46), social donation and assistance plays a supplementary role in budgeting this approach. More specifically, the Shanghai community corrections office implements community corrections in a way that the government purchases the services from the Xinhang Community Service Terminal – a non-incorporated institution specialized in the management of released offenders in the community – a form of outsourcing [58]. This service station is in essence charged with delivering community corrections in the Shanghai neighbourhoods. While social workers with the identity of public civil servant (公务员) are salaried by street-level counties and towns, those recruited are sponsored by the Xinhang Community Service Terminal to carry out their work.

The reliance upon social institutions and workers represents the emphasis of community corrections on the movement towards ‘cost-savings and –effectiveness’. For example, the service agreement signed between the Shanghai government and the Xinhang Community Service Terminal in 2004 calculated the purchase fee of service of each social worker as 40,000 RMB [2]. This number has not increased over the last decade. In 2011, the net salary for social workers was 2600 RMB/Month, which only reached 70 % of the average wage of employees in Shanghai [43].

Beyond cost-saving, community corrections has practically modified the operational mode of this measure, shifting it towards a supervisory tool. It is not uncommon that most communities in Shanghai have insufficient numbers of social workers to carry out community corrections (below 1:50 as required by the Community Corrections Office). From 2004 to 2012, the admission rate across 20 districts and counties in Shanghai increased from 3.0 % to 10.6 % [43]. While social workers more often start to reconsider their career choice because they are seriously under-paid, fewer people are recruited and willing to be committed to this occupation. In Xuhui District, the actual number of social workers in 2012 was 24, which was largely outnumbered by then registered offenders in the community (the required number of social workers should be 34) [43].

This continuous lack of human resources often leaves the remaining social workers overloaded with large caseloads. By being assigned to each offender, the social worker has to fulfill a series of administrative obligations, including investigation and assessment, announcing the commencement of programs, and weekly and monthly working reports [19]. With limited time available, social workers often struggle to deliver correctional and rehabilitative programs to educate offenders. Rather, to ensure that offenders will not cause trouble in the community and remain compliant has become the centrality of their work.

This is not by initial design, but by necessity as a result of caseload pressure [19]. While the goal of rehabilitation cannot be easily reached, social workers in the system have to seek what is more achievable. Incapacitating offenders on the basis of their risk profiles has quickly come to fill in the void [42]. To this end, social workers in Shanghai communities have developed a two-layer prevention system to impose supervision on offenders [42]. First, a social security network, referred to as ‘prevention by people (人防)’, is created to carry out control of each offender. In this system, the

offender's neighbors, friends, colleagues and even gatekeepers, milkmen, water delivery men and community securities are mobilized to monitor the daily life of offenders in every aspect [42]. Coupled with the use of community resources, a technological information management system is used to electronically monitor offenders. New technologies such as detachable alarms (e.g., GPS and anklets), scanning report, and precise indoor positioning are employed to identify the whereabouts of offenders in no time [42]. This explicitly actuarial model illustrates quite clearly that while community corrections significantly reduces the expense of handling offenders over prison costs, this logic becomes more dominant, if not paramount, over other possible rationales such as rehabilitation or punishment in the form of altering its intervention styles.

## Conclusion

This paper has explored the policy development, social forces and penological context of community corrections in China. Based on the Shanghai model, available evidence suggests that this relatively new penal measure is in tune with an actuarial logic of crime control. In the enforcement of community corrections, the risk-based logic and technologies are more evident and privileged to symbolize the emerging objective of controlling and managing offenders and preventing them from committing more crimes. However, slightly different from the conception of actuarial justice coined by Feeley and Simon [7], this model of operation in China's community corrections is also linked to differentiated rehabilitative programs to promote the effect of rescuing and persuasion. It helps to classify offenders and assign them with appropriate educational tasks for better rehabilitative results. The managerial practice is also reflected in the cost-efficiency and –saving in deploying judicial and legal resources. However, while it saves the expense of justice on the one hand, it creates financial obstacle to secure a full-on implementation of rehabilitative programs, hence upgrading the actuarial tool of justice in the practice of community corrections on the other hand.

As this present study is an exploratory research based primarily on policy examination, it has some limitations. First, this study draws the sample from Shanghai – one of the most developed region in China – which may not be representative of the general model of community corrections across the country, particularly in the areas where financial and human resources are scarce. Second, due to the lack of empirical resources, this study is reliant heavily upon a literature review of official and academic documentations of China's community corrections. Although it is true that the difference between rhetoric and practice has been an enduring issue in the field of penalty, this may not be case in the current study of community corrections in Shanghai. First, the policy documents investigated can well represent the practical model of Shanghai community correctional program as they have been regularly amended and adjusted in response to the practical programs [19]. Second, these policy documents serve as the standards to assess the work of community corrections staff. As Zhu Jiuwei – the head of Shanghai community corrections office – stressed in several internal meetings, community corrections officers and social workers are required to follow policy requirements in the implementation of community corrections [19]. For those who fail to act as per policy statement, their yearly performance will be poorly marked [19]. Of course, to better understand the elements of actuarial justice in China's community

corrections at the practical level, field interviews with local community corrections officers, social workers and offenders can be usefully undertaken at a later stage to investigate what their attitudes toward and perceptions of community corrections in present-day China.

As a new penal measure, China's community corrections deserves more critical evaluation on its theoretical basis and criminological connotation. However, while it is indeed the future direction of the study of community corrections, it is not the intention of this article which aims to provide a descriptive account of the social condition and legal significance of this punishment. More precisely, this paper attempts to serve as a pioneering project to contribute to the English literature on community corrections, and to inspire more scholarly research on this emerging community-based program.

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