

Risk, Risk Assessment, and Community Corrections in China

International Journal of
Offender Therapy and
Comparative Criminology
2019, Vol. 63(14) 2466–2482
© The Author(s) 2019

Article reuse guidelines:
sagepub.com/journals-permissions
DOI: 10.1177/0306624X19853118
journals.sagepub.com/home/ijo



Xiaoyu Yuan^{1,2} 

Abstract

Although risk in the criminal justice field has been subject to intensive international debate, it has not incorporated China and its growing field of community corrections. This article assesses the current initiative of developing actuarial assessment tools in China and contrasts this with its use in the correctional context. There is certainly a rift in the understanding of risk, particularly, between the risk factors in Western risk assessment tools, the political construction of risk, and the local practitioners' embrace of correctional work. However, this article suggests that under the current mode of risk governance in China, actuarial assessment tools promoted in the correctional field simply add another layer of social control. The article highlights the importance of political and social rationalities and environments behind the construction of risk.

Keywords

risk, risk assessment, community corrections, China, rehabilitation

Introduction

Dear passengers, attention please! Please do not trust the beautiful words and tricks from strangers so as not to fall into their traps.

This is almost a standard line repeatedly broadcast in railways and bus stations in many cities of China today. It loudly reminds the kind-hearted and law-abiding crowds not to fall prey to a small number of people who do harm to society by stealing, cheating, robbery, and so on. However, the term “strangers” implies that people we do not

¹KoGuan School of Law, Shanghai Jiao Tong University, Shanghai, China

²School of Criminal Justice, Shanghai University of Political Science and Law, Shanghai, China

Corresponding Author:

Xiaoyu Yuan, KoGuan School of Law, Shanghai Jiao Tong University, 1954 Huashan Road, Shanghai 200030, China.

Email: yuanxiaoyu2015@outlook.com

know can all be risky, posing harm to us. The binary terms, “us” versus “others” (or “strangers”), carry important implications for understanding risk and risk assessment, key concepts that increasingly gain momentum in the criminal justice fields of many jurisdictions in the world.

Since the end of last century, risk has entered the criminal justice spheres of many neoliberal states, having an impact on sentencing, parole, and other penal practices (Feeley & Simon, 1992; Garland, 2001; Garrett & Monahan, 2018; Maurutto & Hannah-Moffat, 2006; Pratt, 2017). Some authors have noted that risk assessment has occupied an important place for realising various criminal justice agendas (Clear & Cadora, 2001b; Kemshall, 2003; Nash, 2005; Simon, 2005). Particularly, risk is a “key organizing principle of correctional practice and offender management” (Maurutto, Hannah-Moffat, 2006, p. 438). This is part of the great shift—the demise of penal welfarism (Garland, 2001) in the 1970s, with the ideology of rehabilitation replaced by a quest for “what works” in the correctional field. As a consequence, the nature of contact between offenders and penal agent workers in community-based settings has been transformed (Bottoms, Gelsthorpe, & Rex, 2001). To prevent any potential offending, thereby minimising the risk the offender poses to the community, criminal justice agencies are compelled to undertake a systematic risk assessment of the offender, targeting those who are considered a serious danger and allocating matched levels of supervision. Although actuarial measures informing risk assessment are prone to methodological limits, clinical assessment has not fared better for its proneness to practitioner’s subjective views (Kemshall, 1998, 1999). Nash (2005) has noted two working mechanisms of risk management: the implementation of risk assessment tools by probation officers and other criminal justice personnel to predict the likelihood of future serious harm and the multiagency collaboration in dealing with serious and potentially dangerous offenders. Many of the risk assessment tools developed by psychologists, psychiatrists, and forensic experts in the English-speaking context have gained considerable international impact.

However, the concept of risk entrenched in risk assessment tools and the subsequent risk assessment practices have in recent years received immense scrutiny. The influential discourse in social sciences, Beck’s (1992) elucidation of risk society, has been subject to empirical work and has encountered limits and caveats (Kemshall, 2003). O’Malley (2006, 2008) notes that the logic of risk does not remain inexorable, but rather it is subject to political and social forces. Walklate (2018) draws attention to the Northern theorising of risk—that is, the construction of risk in various risk assessment tools largely emanates from the social world of the Global North, which fail to capture the realities of people’s/women’s lives in the Global South. Even within the Global North, the inherent biases in these risk assessment tools, as well as their disjuncture with the targeted population, are not without critics (Hannah-Moffat, 2013; van Eijk, 2017).

This international dialogue has so far omitted China and China’s correctional sphere. Corrections in the community have enjoyed fewer than two decades’ development in China, but it has already had an intake of more than 2 million offending population¹ since it was implemented (2,701,891 by 2015). Risk assessment in recent years

has occupied a growing interest among policymakers, Chinese academics, and practitioners working in the custodial and community settings. The term “risk assessment” has its Chinese equivalent, *shehui weixianxing pinggu*, literally “an assessment of danger to society.” Due to the language barrier, however, it remains unexamined in the English literature. To fill the void, this article seeks to analyse a particular form of risk governance underlying the Chinese criminal justice system, which plays an enormous role in shaping the grand project of community corrections. It then proceeds with assessing some endeavours of developing risk assessment tools by Chinese scholars and practitioners and analyses their real function in the Chinese correctional context. There is certainly a triangular rift in the understanding of risk between what is embedded in Western actuarial tools traversed through scholarly endeavours, the embrace of risk by Chinese politics or policymakers, and practitioners as recipients of the former two. This article locates the discussion of the elusive destiny of risk assessment tools in the correctional settings within the current model of risk governance, highlighting the importance of political and social rationalities and environments (O’Malley, 2008) behind the construction of risk. Thus, this article contributes to the current discourse on risk assessment by offering a case study of China.

Risk and Risk Governance in Contemporary China

Massive urbanisation and industrialization ushered in the post-1978 reform and opening up era have utterly transformed China from a kinship-based society of acquaintances to a highly mobile one of strangers. Informal social control that usually sustains a highly interdependent and communitarian society (Anderson & Gil, 1998; Braithwaite, 1989) has tremendously weakened. Crime rates increased from 55.7 per 10,000 people in 1978 prior to the economic reforms to 442.9 per 10,000 people in 2011 (Y. Li, Longmire, & Lu, 2018). Uncertainties, insecurities, risks, and dangers have manifested the arrival of risk society (Beck, 1992) in China. However, they have arrived with Chinese characteristics (Beck, Deng, & Shen, 2010; Yan, 2012). Although the topic of theorising risk society is beyond the scope of this article, scholarship on contemplating upon the nuances of risk society thesis to China generally submits to a reality that China is urgently present with a series of social risks (Lin, 2008; Qi, 2011).

Differing from the past, contemporary China post 1978 has witnessed social distrust, increased social inequality and injustice, and declining confidence in legal and public institutions (Bakken, 2017; Lin, 2008; Qi, 2011). Media exposure of notorious crimes triggered moral panic as well as increased fear among the general population over being victimised. Under similar conditions in some Western countries, a punitive “culture of control” has been observed by Garland (2001). To address the public outcry, the political party resorts to punitive strategies and policies in order to gain populist support—a phenomenon described as “penal populism” or “populist punitiveness” (Bottoms, 1995; Pratt, 2007).

How to accommodate these social risks presses a priority for the Chinese Communist Party, as whether it can successfully manage these risks concerns the regime stability. Early in 1991, confronted with social upheavals and disorders, the organ of the Party

in charge of national political and legal affairs, Central Political and Legal Affairs Committee (hereafter CPLAC), initiated an all-round strategy for crime prevention, a system called comprehensive management of public security. Thereafter, “comprehensive management of social order” committees at various levels of the government have been established to coordinate matters related to crime prevention and crime control. Comprehensive management equates to putting all the state apparatuses and society sectors into a spider’s web of prevention, inspection, and policing, much like Schuilenburg’s (2015) usage of “securitization.” Differed from Schuilenburg’s description of crime control in Western societies, which he noticed a shift from a criminal justice system of crime control to a control system operated by horizontal and collaborative network of multiple actors and agencies, crime control in China did not depart from massive mobilisation of the whole society (X. Chen, 2002; Lu, 1998; Zhong, 2009). A recent example is that CPLAC directs the prediction, prevention, and control of risk to be deployed in all arenas related to counterterrorism, political security, financial security, cybersecurity and public security.²

In addition, the China State Council recently decided to intensify this comprehensive system of prevention and control of public security.³ All actors and agencies share the responsibility for managing risks. Policing techniques and control methods are deployed for the sake of security, with particular targets at certain social domains and social groups. It clearly demands that “special groups” should be managed, including those who serve sentences in the community, those who claim to take revenge on society, those with mental illness and likely to cause trouble and disturbance, those who are released from prison, drug addicts, and those who are prone to AIDS. Risks posed by these groups and individuals can be roughly categorised as follows: the risk of reoffending, the risk of disturbing social order, and the risk of harm.

In fact, managing and controlling risky groups have risen to a powerful strategy for the governance of crime in China. On the premise that the convicted offenders are at high risk of reoffending, the 2012 Opinions on Establishing the Criminal Record System for the Convicted Offenders required registration of all convicted offenders in the country. This institutional practice makes it easy to track and manage convicted population. The police at Zhejiang Province mapped out the Provisional Standards for Dynamic Control of Key Groups, which listed seven risky groups for intensive control: terrorism-related, stability-related, drug-related, fugitive suspects, those with severe criminal records, those who are mentally ill and cause trouble and disturbance, and those who seek petitions from higher authority (X. Chen, 2016). Targeted at these risky groups, risk control tools such as tracking, profiling, and surveillance can thus be “legitimately” exercised. They couple with multiagency collaboration between the police, the procuratorate, the court, and the judicial administrative institutions (Y. Chen, 2016), which work unanimously in sharing information and effecting supervision.

Managing the offending population in China confirms to new penology that “seeks to sort and classify, to separate the less from the more dangerous, and to deploy control strategies rationally” (Feeley & Simon, 1992, p. 452). In the broad political and social context, this population is rendered into “indicators,” prediction tables, population

projections, and the like; in this way, individualised diagnosis and response is displaced by “aggregate classification systems for purposes of surveillance, confinement, and control” (cited in Feeley & Simon, 1992, p. 452). However, this is not to suggest that social and political rationalities (Hannah-Moffat, 2013; O’Malley, 2008) behind the particular target at the offending population can be neglected. The not-so-distant path in China of condemning, denouncing, and stigmatising the offender (criminal) as the enemy of people (Leng, 1981) still relives today. This “othering” technology certainly gains political benefit in a way that it invigorates populist support by demonstrating the will to protect the public. The announcement at the beginning is illustrative of this.

Although an all-society approach is taken in the Chinese context to manage social order and control risks, the criminal justice system is certainly a key element of it. Specifically, it incapacitates serious and dangerous ones, “pardons” less serious ones by allowing them in the community, and tracks all those who have been involved in the system even after they have been released. This article differentiates between “risk governance” and “risk management.” “Risk management” specifically refers to the risk practice found with probation services in the Western context, that is, differentiated interventions are targeted at the offenders assessed to be at different levels of risk. Risk assessment tools are utilised to make risk management consistent and efficient. “Risk governance,” refers to a mode of government ideology that seeks to predict, prevent, and control risks, among which risky groups are the major targets.

Community Sanctions as a Warehouse for Less Serious Offenders

Since the early 2000s, the prison population in China has been soaring (S. D. Li, 2014), and very high recidivism is found among the prison population (Zhai, 2013). However, there seems no clear evidence suggesting that the inception of community corrections helps to divert the prison population; rather, it is a management strategy for controlling the offending population in the community. As Gao (2011) notes, officially writing community sanctions into the Criminal Law in 2011 renders community supervision of those who are sentenced to suspended prison sentence or public surveillance eventually possible.

A legal analysis of the regulations regarding community sanctions suggests that constraining the conduits of the offender flow to the community maximises the management effects. According to the current legal framework, the judiciary and the prison remain the two conduits through which offenders are placed to the community—that is, when the court gives a sentence of public surveillance or a suspended prison sentence or when the prison authority decides on release on parole or temporary placement of a prisoner outside prison. Among these four categories, the suspended prison sentence (or probation) occupies the largest proportion. In 2014 and 2015, this population reached 86% and 88.7%, respectively; parolees came second with 8.9% and 6.8% (Community Corrections Bureau of Ministry of Justice, 2016).

However, the conduit for probation is tight in terms of the strict conditions attached. To impose a suspended sentence (or probation), the judiciary has to ensure the following requirements are met: minor offence, offender's repentance, the offenders poses no risk of reoffending, and the sentence of such has no significant impact on the community where the offender resides (Article 72, Chinese Criminal Law). In other words, these prerequisites for imposing probation have de facto precluded serious or dangerous offenders from entering community corrections. At sentencing, Chinese judges must evaluate a wide range of factors regarding the commission of the crime to evaluate the offender's likelihood of committing crime again (Epstein & Wong, 1996; Zhai, 2003, 2013; M. Zhang, 2015). These factors include, but are not limited to, the past behaviour of the offender, the cause and motive behind the crime, the manner in which the crime is conducted, and the attitude of the offender post commission, such as whether he or she makes reparations to the victim, shows remorse, and so on.

The other conduit is through prison that the parolees are released to the community. However, the prison itself periodically conducts an evaluation of the prisoner's performance—for example, on the basis of information in the files—to distribute rewards and punishment accordingly (Epstein & Wong, 1996). Penal length is reduced on the condition that the prisoner has truly repented or has demonstrated meritorious service (Article 78, Criminal Law). Release on parole is granted on the basis of no risk of reoffending, which comprises the offender's repentance as well as individual situations such as the age, health condition, character, source of living, and supervision conditions (Article 81, Criminal Law). In 2017, the Supreme People's Court further tightened the restrictions on penal reductions and parole,⁴ implying that the rewards functioning in the past for prisoners' good behaviours did not warrant their early release any more.

Clearly, the prevailing penal structure has already screened out those who are considered a danger⁵ and arguably any negative impact on the community has already been reduced to a minimal level. To illustrate, the official statistics reveal that the reoffending rate among the offending population placed in community remains at 0.2% (The State Council Information Office, 2016). There is nonetheless a growing interest in the development and deployment of risk assessment instruments, particularly in the correctional setting. The Ministry of Justice demands the assessment of the offending population's danger to society (He, 2016). In light of risk governance in contemporary China, it would be interesting to explore these Western-like actuarial instruments and their real function.

The Trajectory and Pitfalls of Risk Assessment Tools in China: Scholarly Endeavours

An emerging endeavour by Chinese academics and practitioners (correctional officers) is to develop actuarial tools as an attempt to determine an offender's risk. Some internationally well-known instruments, such as the Level of Service Inventory–Revised (LSI-R) and others,⁶ are found to be studied or adapted in Chinese correctional settings. A search of Chinese literature suggests that although

the trend started at the beginning of this century, it became a national phenomenon only very recently.

In 2005, a study was conducted to explore factors that contribute to prisoners' reoffending. The research outcome was the Inventory of Individual Dangerousness for Persons Released after Completion of a Prison Sentence (刑释人员个体人身危险性量表; Q. Wu, 2005). The author collected a sample of 16,703 prisoners with Shanghai registered residence released between 1994 and 1999 and put forward 14 statistically significant factors associated with reoffending. These include gender, educational background, occupation before being arrested, marriage status, type of crime committed, length of sentence, previous convictions, whether deprived of political rights, way of being released from prison (receiving remission or being released on parole), performance during the labour reform, occupation status, whether put on a *bangjiao* (help and education) programme,⁷ age on arrest, and age on release. After the statistical model was constructed, the author tested its predictive validity (or accuracy) by administering it to 2,264 prisoners with Shanghai registered residence released in 2000. The overall accuracy rate was found to reach 91.8%.

Around the same time, another inventory called the Chinese Prisoner Assessment Inventory (CPAI; 中国罪犯评估系统量表) was developed through collaboration among the Prison Bureau of the Ministry of Justice, the Association of Legal Psychology, the Crime Prevention Institute of the Ministry of Justice, and the National Police University for Criminal Justice (Huang, 2004). This inventory identified 13 dimensions of prisoners' risk, including introverted/extroverted, emotional stability, compliance, impulse, aggression, revenge, trust, empathy, confidence, anxiety, intelligence, psychological abnormal orientation, and pattern of criminal thinking. Clearly, compared with the earlier one, this inventory was personality focused. It is worth mentioning that the relationship between personality and crime is not without attention. For instance, M. Li and Qu (2002), drawing on a notorious crime event, discussed the antisocial characteristics the offender exhibited and called for attention to crimes arising from this type of personality. H. Chen (2005) noted the difference between antisocial personality and psychosis, suggesting that the former is present in prisoners more than in other social groups. J. Jiang and Xu (2007) adapted the Personality Diagnostic Questionnaire-4+ (PDQ-4+) and administered it to prisoners. The result showed that 32.8% of prisoners had antisocial personality disorder. Another study using the Eysenck Personality Questionnaire (EPQ) also suggested the prisoners have unusual conditions in terms of their personality, such as psychoticism, extroverted/introverted, neuroticism, and masked affection (L. Liu, 2009).

Although the process of administering surveys remains vague, there is a clear interest in identifying risk factors among prisoners to assess whether the custodial population will commit crime again.

Entering this decade, more studies of developing risk assessment tools have been reported, some conducted by the correctional officials themselves and some by academics at the commission of the prison authority or the Bureau of Justice. For instance, Kong and Huang (2016), in developing their Reoffending Risks Assessment Inventory (刑释人员再犯风险评估量表), sampled 313 criminals who reoffended within 5

years of release and 288 criminals who did not. They identified and grouped risk factors into (a) early family life, (b) behaviour in early years, (c) first offence, (d) first time being caught and punished, (e) first time being released from prison, (f) deviance within 1 year of being released, and (g) other factors. They concluded that this inventory could be directly applied to assess the reoffending risk of prisoners placed on the *bangjiao* (help and education) programme. However, this inventory has not been subject to a validity test and its accuracy, therefore remains unknown. The authors also developed the Community Inhabitants Reoffending Assessment Inventory (CIRAI; 社区服刑人员再犯风险评估系统) to assist community corrections in collaboration with a provincial Bureau of Justice.⁸

It is beyond the scope of this article to provide an exhaustive overview of all the studies related to developing actuarial tools. However, there is a need to assess these efforts critically, in terms of scientific rigour. Unfortunately, the validity and reliability of these studies became questionable where there was a lack of transparency with the research process. The studies were largely devoid of a theoretical framework by simply putting forward some factors. Only one study tested predictive accuracy. They also did not point out any implications for or limitations in practical use. Second, some instruments were adapted from those developed in the West. Although researchers noted that the inventory developed abroad to assess offenders' risk cannot be directly applied to China (Q. Wu, 2005), in these efforts it went unreported how these measurements were adapted and on what grounds. Clearly, how risk factors have been assembled remains ambiguous in these studies—it is unclear on what basis some factors are taken as risk factors and how they have been adapted from those in the Western actuarial assessment tools. It is not impossible that the invalid risk factors and unreliable instruments can do harm to an offender by distorting his real situation.

The development of risk assessment tools in the West has generally gone through generations from the individual clinical assessment to the actuarial tools that identifies the correlates of reoffending, to the risk-need assessment that incorporates static and dynamic risk factors (Robinson & Dignan, 2004), and to the latest one that may use machine learning techniques to predict recidivism in real time (Garrett & Monahan, 2018). Nevertheless, criticisms and doubts around their credibility and applicability never end. Various risk assessment tools are found to contain intrinsic limitations and pitfalls. Risk assessment tools such as the Level of Service Inventory (LSI) have been criticised for being blind to gender, ethnic, or racial differences or to the differing social, economic, or political contexts (Hannah-Moffat, 2013) or have been found to have a socioeconomic bias (van Eijk, 2017). As whether a person exhibits risk depends on how an assessment is conducted, the assessment conducted by correctional officials can be biased and distorted towards serving the organisational purpose (Maurutto & Hannah-Moffat, 2006).

So far, these possible distortions have gone unheeded in the scholarly efforts in developing national or local assessment tools. There is a scarcity of solid research on what exactly the risks and needs or what the static and dynamic factors are in the Chinese context. Overall, an absence of a critical view of these assessment tools'

context specificity in China can generate many disadvantages to those who are subject to them.

Community Corrections “in the Field”

Actuarial instruments can be put in place to assist the decision making on the levels of supervision. However, their use in China’s correctional practice turns out bleak. In Shanghai, as Y. Wu (2012) noted, the instruments were very often sloppily treated by practitioners: Instead of prioritising standardised instruments, assessment was conducted in the forms of observing offenders’ verbal or nonverbal movements, having conversations with them, or interviewing their families, schools, neighbours, and so on. Another study conducted by E. Li (2017) employing in-depth interviews with community corrections practitioners found that risk assessment tools were not often actually applied, due to both the heavy caseloads and a lack of the professional qualification and training required for the use of risk assessment. There is thus a necessity to look at community corrections on the ground.

Community corrections programme in China does have correction-oriented value, which is evident in the 2003 Notice on Experimental Programmes of Community Corrections stating that community corrections is to correct evil minds and behavioural vice, promoting a smooth return of the offenders into society.⁹ The 2009 Opinions on Implementing Community Corrections at the National Scale (关于在全国试行社区矫正工作的意见),¹⁰ which extended community corrections programme to the whole country, stresses the correctional and reintegrative value. Education, supervision, and assistance and help are the major tasks.

Community corrections in China belong to the sector of judicial administration, or the Bureau of Justice. Staff at the local Bureau of Justice in China are probation or parole officers, and in most places, it is the justice institute (*sifa suo*) at the grassroots level that carries out community corrections. In the hands of the administration, it may draw on staff from the prison; volunteers (C. Zhang, 2009); local residents such as retired police officers, teachers and governmental officers; and the offender’s family members (S. Jiang et al., 2014). Other places, like Shanghai, use the services from societal organisations under the government purchases services model to carry out community corrections; social workers employed in these societal organisations take up the job of supervision, education, and assistance. Efforts made by community corrections staff in rehabilitating and reintegrating offenders appear evident (Community Corrections Bureau of Ministry of Justice, 2017). For instance, the individualised educational correction (*gexinghua jiaoyu jiaozheng*) was carried out in Shanghai and other places, on the premise that the offender had serious behavioural, mental, psychological, social, and familial problems that put them at risk of reoffending. The programme therefore aimed at correcting these problems faced by the clients and facilitating their return to society (Zhu & Li, 2011). In Shanghai, for instance, in providing services to the client, the social worker conducted an assessment of the client’s practical conditions and tried to find the resources for them to start afresh (Qiu & Gao, 2008). A client upon release from prison can be in desperate need to be reaccepted by

his close family; to obtain household registration, opportunities for employment, minimum living subsidies; to resume a normal social life; and so on. Thus, the social worker intervened by providing assistance, skills training, or employment information or acted as an intermediary between the client and the client's family members (Y. Wu & Liu, 2016; Zhu & Li, 2011).

It is said that social workers employed in these social organisations embrace the ideals and values of social work and adopt specific social work methods when providing services to their clients (C. Zhang, 2009). The local officials also recommend that social workers acquire skills and techniques in psychological counselling (Zhu & Fan, 2011). It seems that some rehabilitative and reintegrative efforts are made; however, based on these reported practice, it remains ambiguous how the intervention is actually tied to the assessment of the individual's risks and needs (Community Corrections Bureau of Ministry of Justice, 2017; Zhu & Fan, 2011; Zhu & Li, 2011). Moreover, these rehabilitative and reintegrative efforts coexist with managerialism. The latter subjects not only the client but also the social workers themselves to control.

In Shanghai and other places, classifying offenders and placing them under varying levels of management is generally required (C. Zhang, 2009; Zhou, 2016). In Shanghai, among the 7,256 registered in community corrections, 2,081 were placed within the highest level of supervision, 4,840 were at the intermediary level, and 335 were placed at the less strict level.¹¹ Each social worker is loaded with a given quota,¹² which is usually heavy work, besides the tremendous administrative tasks (Zhu & Li, 2011). Similar to penal welfare institutions in the West, these social organisations have to prioritise state-imposed tasks (Morgan, 2007; Raynor, 2012). Lacking in self-reliant autonomy (Ruan, 2011), instead of providing direct services to their clients, they are found to be heavily involved in bureaucratic work (H. Chen, 2014; Gong & Jiang, 2014). The government seems uninterested in loosening its control over these social organisations, and the latter has to demonstrate their effectiveness to secure official recognition and financial support from the government. Similarly, in another social organisation,¹³ under the same "purchaser-provider" model which delivers services to drug addicts, assessment of the organisational performance as well as the individual social workers is primarily based upon whether they maintain effective control.¹⁴

Although the real use of assessment tools by probation services in some Western countries has been uncovered (Werth, 2017), the Chinese practitioners are not poised to embrace the risk assessment tools. There seems to be a deeper reason why social workers are reluctant to take on risk assessment tools. Talk with social workers indicates that adopting these science tools can potentially bring extra work. If the offenders are assessed to be of high risk, it means more work and time needs to be spent on this group. Performance assessment of the social workers will follow. In rejecting this disruptive interference, social workers can prioritise their personal judgements and experience, which can protect them from any errors associated with the useless actuarial tools, while also giving them some autonomy in carrying out rehabilitative and reintegrative work.

Questioning Risk Assessment in the Context of Risk Governance

In response to social risks, China reinvigorates a form of risk governance that submits all society to crime prevention and control. Cooperation and coordination between criminal justice agencies and other social agencies in controlling potential dangers and risks has been uplifted. The assumption goes that the general populous and all-society sectors are prone to unpredictable risks and dangers. This differs from the practice that limits risk assessment to different stages for meeting different management needs. The current model of risk governance specially targets at the convicted offenders, which triggers various risk assessment tools being developed onto them.

There is no sign that developing risk assessment tools will come to a pause in China, despite its precarious status quo. One may wonder in light of the recent risk governance whether risk assessment in correctional settings would go in the direction of managing the offending population in the West. It argues here that under the current model of risk governance based upon a logic of prevention and control, any risk assessment would be reduced to subordination and simply intensify social control onto the offending population. As such, risk governance presents a key context for understanding the function of risk assessment in China.

Risk assessment in the West went through some transition in the 1970s. In the area of indeterminate sentencing prior to 1970s judicial discretion involves an assessment of the likelihood of recidivism, and the parole official also made an assessment whether the sentence should be reduced for an inmate. Following the failure of “rehabilitation,” an actuarial, managerial, and control-oriented penology arise (Feeley & Simon, 1992). Nevertheless, many authors have noted that current risk management in the correctional field does not totally abandon the rehabilitation ideal (Garland, 1997; Hutchinson, 2006; Maurutto & Hannah-Moffat, 2006; Robinson, 1999). Particularly, in the risk–need–responsivity model (Fortune, Ward, & Willis, 2012), risk is “mobilised as a way of determining an offender’s criminogenic needs, and targeting correctional programmes towards them” (Hutchinson, 2006, p. 456). In this way, the traditional rehabilitation is redirected now to offenders based upon their individual needs/risks (Hutchinson, 2006).

China’s risk governance has a special target at the offending population, placing them as the objects for control. Developing risk assessment tools is by no means a move towards individual treatment, but a product of political preoccupation with controlling risky groups. It is not unlikely that imposing actuarial instruments onto a risky population can further disadvantage their marginalised status. China does not experience the “catastrophic” moment occurring to the West in the 1970s (Hutchinson, 2006), but instead there is a growing trend of maintaining order through controlling the offending population. Although community corrections are endowed with the rehabilitative and reintegrative value at the policy level, risk governance model does not allow much space for them to grow. Risk management may not conflict with rehabilitation, as suggested by work in probation services in the United Kingdom (Robinson, 1999); however, risk governance has formed a massive net for exerting

control onto the antisocial groups. In an authoritarian context, a condemned person is a risk factor; custody or community control remains the either-or option. Since community sanction is reserved for those less serious offenders, any claim of providing treatment other than exert control would become questionable.

Conclusion

This article serves to provide a preliminary analysis of endeavours around developing and employing risk assessment tools in the penal settings of China. It suggests that this latest development should be placed within the context of risk governance, a governing ideology and strategy of directing the state and nonstate apparatuses at controlling the offending population. Although risk assessment tools are primarily developed at the hands of scholars and practitioners, they can easily fall into another layer of social control to serve the interests of the political authority.

Acknowledgments

I would like to extend my sincere thanks to anonymous reviewers for their helpful comments and suggestions on the earlier drafts of this article, and Dr. Enshen Li for the constructive discussion and exchange. I also wish to thank my Chinese colleagues who generously shared with me their materials and insights. All remaining errors are mine.

Declaration of Conflicting Interests

The author(s) declared no potential conflicts of interest with respect to the research, authorship, and/or publication of this article.

Funding

The author(s) disclosed receipt of the following financial support for the research, authorship, and/or publication of this article: This work was supported by Shanghai Young Eastern Scholar Program.

ORCID iD

Xiaoyu Yuan  <https://orcid.org/0000-0003-1201-9924>

Notes

1. For the published statistics, please refer to Community Corrections Bureau of Ministry of Justice (2016).
2. The central political-legal commission: predicting, preventing, and controlling risks in five sectors, <http://news.cntv.cn/2016/01/23/ARTI6JYbAcGvY6tXlm1v7a4160123.shtml>, accessed July 2, 2018.
3. Opinions on Intensifying the Construction of Prevention and Control System of Public Order (《关于加强社会治安防控体系建设的意见》), http://www.gov.cn/xinwen/2015-04/13/content_2846013.htm, accessed on November 2, 2018.
4. Provisions of the Supreme People's Court on the Specific Application of Law in Handling Commutation and Parole Cases (《最高人民法院关于办理减刑、假释案件具体应用法律的规定》) took effect on January 1, 2017. This, however, followed the lead by

the Central Political and Legal Affairs Commission, which in 2014 issued the Opinions on Tightening Commutation, Parole and Temporarily Serving Sentence Out of Prison to Prevent Judicial Corruption (《关于严格减刑、假释、暂予监外执行切实防止司法腐败的意见》).

5. In very few extreme cases, drug dependent offenders may be placed in the community rather than in prison. This is normally because the prison refuses to take them on the grounds of their poor health condition.
6. Domestic Chinese scholars have hitherto reported knowledge of the following instruments in their various studies regarding the psychological assessment of the offender: Degree of Personal Dangerousness Checklist, Minnesota Multiphasic Personality Inventory (MMPI), Eysenck Personality Questionnaire (EPQ), Personality Diagnostic Questionnaire (PDQ), Cognitive Psychology and Behaviour Checklist, COPA-PI Checklist, Values and Orientation Checklist, Remorse Questionnaire, Behaviours and Habits Checklist, Brief Mental Status Checklist, Level of Service Inventory-Revised (LSI-R), Psychopathy Checklist-Revised (PCL-R), Static-99, Reoffending Risk Assessment Scale (RRAS), Criminogenic Needs Assessment Scale (CNAS), and so on. This list is not complete.
7. The Chinese *bangjiao* programme seeks to assist prisoners on release with their reentry by providing practical help in relation to their accommodation, employment, and so on.
8. Email communication with one of the authors, November 14, 2016.
9. There is controversy among Chinese scholars over the use of this terminology. Q. Liu (2017), for example, suggests that “community punishment” is better than “community corrections.”
10. Both the Notice and the Opinion were jointly issued by the Supreme People’s Court, the Supreme People’s Procuratorate, the Ministry of Public Security, and the Ministry of Justice.
11. According to the 2017 report by the Shanghai Community Corrections Bureau.
12. One social worker is usually allotted to 30 persons serving community corrections.
13. Namely, Shanghai Xinhang Social Services (上海自强社会服务总社), Shanghai Ziqiang Social Services (上海新航社区服务总站), and Shanghai Sunshine Community-Youth Affairs Centre (上海市阳光社区青少年事务中心). They report to three governmental departments: the sector of community corrections as a branch of the Justice Bureau, the Narcotics Control Committee Under the Public Security Bureau and the Communist Youth League. The central leadership lies in the Shanghai Comprehensive Management Office (*zonghe zhili bangongshi*), which in turn is heralded by the political-legal committee (*zhengfa wei*) that supervises and coordinates the police, the procuratorate, the court, the prisons, and so on.
14. Measures for Risk Classification, Assessment, and Control for Drug Users in the Society (《社会面吸毒人员风险分类评估管控办法》), released on June 6, 2016 by the National Narcotic Control Committee in tandem with other six governmental agencies.

References

- Anderson, A. F., & Gil, V. E. (1998). China’s modernization and the decline of communitarianism the control of sex crimes and implications for the fate of informal social control. *Journal of Contemporary Criminal Justice*, 14, 248-261.
- Bakken, B. (Ed.). (2017). *Crime and the Chinese dream*. Hong Kong: HKU press.
- Beck, U. (1992). *Risk society: Towards a new modernity*. London, England: Sage.
- Beck, U., Deng, Z., & Shen, G. (2010). Risk society and China: A dialogue with Ulrich Beck. *Sociological Studies*, 2010, 208-231.

- Bottoms, A. (1995). The politics of sentencing reform. In C. Clarkson & R. Morgan (Eds.), *The philosophy and politics of punishment and sentencing* (pp. 17-49). Oxford, UK: Oxford University Press.
- Bottoms, A., Gelsthorpe, L., & Rex, S. (Eds.). (2001). *Community penalties: Change and challenges*. Cullompton, UK: Willan.
- Braithwaite, J. (1989). *Crime, shame and reintegration*. Cambridge, UK: Cambridge University Press.
- Chen, H. (2005). lun fanshehui renge yu fazui [On anti-social personality and crime]. *Criminal Research*, 2005(1), 30-36.
- Chen, H. (2014). lun shequ jiaozheng zhi "Shanghai moshi" [On Shanghai model of community corrections]. *Journal of Jiangxi Police Institute*, 2014(2), 78-81.
- Chen, X. (2002). Community and policing strategies: A Chinese approach to crime control. *Policing and Society*, 12(1), 1-13. doi:10.1080/10439460290006646
- Chen, X. (2016). xidu renyuan de shequ guankong yanjiu: xianxing xidu renyuan guankong moshi zhi jiantao [Study on community regulation of drug addicts: From the perspective of inspecting current regulation mode]. *Journal of Fujian Police College*, 2016(1), 1-9.
- Chen, Y. (2016). 2015 nian woguo shequ jiaozheng lifa yu gongjianfasi xietiao zhiyue yanjiu zongshu [Research overview of legislations of China's community corrections and coordination among state organs]. *Journal of Anhui Vocational College of Police Officers*, 15(2), 1-4.
- Clear, T. R., & Cadora, E. (2001). Risk and correctional practice. In K. Stenson & R. R. Sullivan (Eds.), *Crime, risk and justice: The politics of crime control in liberal democracies* (pp. 51-67). Cullompton, UK: Willan.
- Community Corrections Bureau of Ministry of Justice. (Ed.). (2016). *Quanguo shequ jiaozheng: fazhan qingkuang yu shuju tongji [National community corrections: State of affairs and statistics]*. Beijing, China: Law Press.
- Community Corrections Bureau of Ministry of Justice. (Ed.). (2017). *quanguo shequ jiaozheng anli xuanbian: 2013-2016 [National selected cases for community corrections 2013-2016]*. Beijing, China: Law Press.
- Epstein, E. J., & Wong, S. H.-Y. (1996). The concept of "dangerousness" in the People's Republic of China and its impact on the treatment of prisoners. *The British Journal of Criminology*, 36, 472-497.
- Feeley, M. M., & Simon, J. (1992). The new penology: Notes on the emerging strategy of corrections and its implications. *Criminology*, 30, 449-474.
- Fortune, C.-A., Ward, T., & Willis, G. M. (2012). The rehabilitation of offenders: Reducing risk and promoting better lives. *Psychiatry, Psychology and Law*, 19, 646-661.
- Gao, M. (2011). shequ jiaozheng xieru xingfa de zhongda yiyi [The significance of enshrining community corrections into the criminal law]. *Justice of China*, 2011(3), 24-28.
- Garland, D. (1997). "Governmentality" and the problem of crime: Foucault, criminology, sociology. *Theoretical Criminology*, 1, 173-214. doi:10.1177/1362480697001002002
- Garland, D. (2001). *The culture of control: Crime and social order in contemporary society*. Oxford, UK: Oxford University Press.
- Garrett, B. L., & Monahan, J. (2018). Judging Risk (Virginia Public Law and Legal Theory Research Paper No. 2018-44). Retrieved from <https://ssrn.com/abstract=3190403>
- Gong, T., & Jiang, X. (2014). "gebiehua" shequ jiaozheng shijian zhong de wenti yu celve: yi shanghaishi f qu weili [Problems and solutions to individualized community corrections practice: A case study of F district in Shanghai]. *Journal of Guangdong Youth Vocational College*, 28, 23-26.

- Hannah-Moffat, K. (2013). Actuarial sentencing: An "unsettled" proposition. *Justice Quarterly*, 30, 270-296. doi:10.1080/07418825.2012.682603
- He, P. (2016). tansuo tuijin zuifan weixianxing pinggu shidian gongzuo [Exploring promoting pilot work of criminal's risk assessment] In The Prison Bureau of the Ministry of Justice (Ed.), *zuifan weixianxing pinggu fudao duben [A guide read of criminal's risk assessment]* (pp. 10-20), Beijing, China: Law Press.
- Huang, X. (2004). *renshen weixianxing de pinggu yu kongzhi [Assessment and control of personal dangerousness]*. Beijing, China: Qunzhong Press.
- Hutchinson, S. (2006). Countering catastrophic criminology: Reform, punishment and the modern liberal compromise. *Punishment & Society*, 8, 443-467.
- Jiang, J., & Xu, Y. (2007). zuifan fanshehui renga zhangai de diaocha [Survey on antisocial personality disorders in criminals]. *Chinese Journal of Special Education*, 2007(5), 80-85.
- Jiang, S., Xiang, D., Chen, Q., Huang, C., Yang, S., Zhang, D., & Zhao, A. (2014). Community Corrections in China. *The Prison Journal*, 94, 75-96. doi:10.1177/0032885513512091
- Kemshall, H. (1998). Defensible decisions for risk: Or "it's the doers wot get the blame." *Probation Journal*, 45, 67-72. doi:10.1177/026455059804500202
- Kemshall, H. (1999). Risk assessment and risk management: Practice and policy implications. *The British Journal of Forensic Practice*, 1, 27-36.
- Kemshall, H. (2003). *Understanding risk in criminal justice*. Berkshire, UK: Open University Press.
- Kong, Y., & Huang, X. (2016). xingshi renyuan zaifan fengxian pinggu liangbiao yanjiu [Study on Reoffending Risks Assessment Inventory (RRAI)] In The Prison Bureau of the Ministry of Justice (Ed.), *zuifan weixianxing pinggu fudao duben [Guide of criminal dangerousness assessment]* (pp. 139-163). Beijing, China: Law Press.
- Leng, S.-C. (1981). Criminal justice in post-Mao China: Some preliminary observations. *The China Quarterly*, 87, 440-469. doi:10.2307/653598
- Li, E. (2017). The rhetoric and practice of community corrections in China. *Asian Journal of Criminology*, 12, 143-162. doi:10.1007/s11417-016-9237-2
- Li, M., & Qu, M. (2002). fanshehui renga yinfa de yanzhong baoli fanzui [On the research of violent crime caused by the character]. *Journal of Henan Public Security Academy*, 2002, 56-59.
- Li, S. D. (2014). Toward a cost-effective correctional system: New developments in community-based corrections in China. *Victims & Offenders*, 9, 120-125. doi:10.1080/15564886.2013.860936
- Li, Y., Longmire, D., & Lu, H. (2018). Death penalty disposition in China: What matters? *International Journal of Offender Therapy and Comparative Criminology*, 62, 253-273. doi:10.1177/030662416642426
- Lin, X. (2008). dangqian zhongguo de shequ fengxian jiqi zhili [Social risk and its governance in contemporary China]. *The Journal of Yunnan Administration College*, 2008, 61-63.
- Liu, L. (2009). cong xuting an he liuyong an kan renga yu renshen weixianxing [Personality and personal dangerousness from the perspective of xuting case and liuyong case]. *Hebeilaw Science*, 27(2), 38-42.
- Liu, Q. (2017). woguo shequ jiaozheng lifa de yinyou [Concerns for legislations of community corrections in China]. *Journal of Shanghai University of Political Science and Law*, 2017(2), 42-52.
- Lu, H. (1998). *Community policing, rhetoric or reality? The contemporary Chinese community-based policing system in Shanghai*. Tempe: Arizona State University.
- Maurutto, P., & Hannah-Moffat, K. (2006). Assembling risk and the restructuring of penal control. *British Journal of Criminology*, 46, 438-454.

- Morgan, R. (2007). Probation, governance and accountability. In L. Gelsthorpe & R. Morgan (Eds.), *Handbook of probation* (pp. 90-113). Cullompton, UK: Willan.
- Nash, M. (2005). The probation service, public protection and dangerous offenders. In J. Winstone & F. Pakes (Eds.), *Community Justice: Issues for probation and criminal justice* (pp. 16-32). Cullompton, UK: Willan.
- O'Malley, P. (2006). Criminology and risk. In G. Mythen & S. Walklate (Eds.), *Beyond the risk society: Critical reflections on risk and human security*. Berkshire, UK: Open University Press.
- O'Malley, P. (2008). Experiments in risk and criminal justice. *Theoretical Criminology*, 12, 451-469.
- Pratt, J. (2007). *Penal populism*. London and New York: Routledge.
- Pratt, J. (2017). Risk control rights and legitimacy in the limited liability state. *The British Journal of Criminology*, 57, 1322-1339. doi:10.1093/bjc/azw065
- Qi, W. (2011). yingdui zhongguo shehui fengxian de xingshi zhengce xuanze: zouchu xingfa yingdui fengxian de wuqu [Choosing penal policy in responding to Chinese social risks: Avoiding pitfalls of responding to risks through criminal law]. *Legal Forum*, 26(4), 12-20.
- Qiu, L., & Gao, Y. (2008). lujing yilai: qiangzhengfu tizhi xia de Shanghai sifa shegong shijian [Path dependence: The practice of Shanghai judicial social work under powerful government—An example of G town in J district]. *Journal of Jiangsu Administration Institute*, 2008(3), 42-47.
- Raynor, P. (2012). Is probation still possible? *The Howard Journal of Criminal Justice*, 51, 173-189.
- Robinson, G. (1999). Risk management and rehabilitation in the probation service: Collision and collusion. *The Howard Journal of Criminal Justice*, 38, 421-433.
- Robinson, G., & Dignan, J. (2004). Sentence management. In A. Bottoms, S. Rex, & G. Robinson (Eds.), *Alternatives to prison: Options for an insecure society* (pp. 313-340). Cullompton, UK: Willan.
- Ruan, C. (2011). woguo shequ jiaozheng zhidu: yuanqi, wenti yu wanshan [Community correction in China: Causes, problems and improvement]. *Journal of Peking Administration College*, 2011(1), 98-102.
- Schuilenburg, M. (2015). *The securitization of society: Crime, risk, and social order* (Translated by George Hall with an Introduction by David Garland). New York: New York University Press.
- Simon, J. (2005). Reversal of fortune: The resurgence of individual risk assessment in criminal justice. *Annual Review of Law and Social Science*, 1, 397-421.
- The State Council Information Office. (2016). *zhongguo sifa lingyu renquan baozhang de xin jinzhan baipishu* [The white paper on new improvement in safeguarding human rights in China's judicial field]. Beijing, China: The State Council Information Office of the People's Republic of China.
- Van Eijk, G. (2017). Socioeconomic marginality in sentencing: The built-in bias in risk assessment tools and the reproduction of social inequality. *Punishment & Society*, 19, 463-481.
- Walklate, S. (2018). Criminology, gender and risk: The dilemmas of northern theorising for southern responses to intimate partner violence. *International Journal for Crime, Justice and Social Democracy*, 7(1), 1-14.

- Werth, R. (2017). Individualizing risk: Moral judgement, professional knowledge and affect in parole evaluations. *The British Journal of Criminology*, 57, 808-827. doi:10.1093/bjc/azw025
- Wu, Q. (2005). xingshi ren yuan renshen weixianxing de ceping yanjiu [A research on the appraisal of the personal dangerousness of persons released after completion of a sentence]. *Psychological Science*, 28, 222-224.
- Wu, Y. (2012). 2011 nian woguo shequ jiaozheng yanjiu zongshu [A literature review of community corrections studies in 2011]. In Q. Liu & A. Jiang (Eds.), *shequ jiaozheng pinglun [Community corrections review]* (Vol. 2, pp. 55-63). Beijing: China Legal Publishing House.
- Wu, Y., & Liu, Q. (Eds.). (2016). *shequ jiaozheng: dianxing anli yu jiaozheng zhiyao [Community corrections: Typical cases and guidelines]*. Beijing: China Legal Publishing House.
- Yan, Y. (2012). Food safety and social risk in contemporary China. *The Journal of Asian Studies*, 71, 705-729. doi:10.1017/S0021911812000678
- Zhai, Z. (2003). *xingfa zhong de renge wenti yanjiu [Researching personality in criminal law]*. Beijing, China: Legal Publishing House.
- Zhai, Z. (2013). *shequxing xingfa de jueqi yu shequ jiaozheng de xinmoshi—guoji de shijiao [The rise of community punishments and new models of community corrections: An international perspective]*. Beijing: China University of Politics and Law Press.
- Zhang, C. (2009). woguo shequ jiaozheng jinghu moshi de bijiao fenxi yu xuanze [Comparative analysis and choice of the formation of community corrections between Beijing and Shanghai]. *Peking Social Sciences*, 2009, 55-61.
- Zhang, M. (2015). lun fanzui hou de taidu dui liangxing de yingxiang [On the influence of attitudes after crime to the sentencing discretion]. *Law Science Magazine*, 2015(2), 1-10.
- Zhong, L. Y. (2009). Community policing in China: Old wine in new bottles. *Police Practice and Research: An International Journal*, 10, 157-169.
- Zhou, B. (2016, October 15). Gebiehua jiaozheng fang'an zhu shejiao ren yuan huigui [Individualized treatment facilitates the return of community-based offenders into society]. *Legal Daily*, p. 2.
- Zhu, J., & Fan, H. (Eds.). (2011). *shanghaishi shequ fuxing ren yuan xinli jiaozheng de lilun yu shijian [Theory and practice of psychological treatment in Shanghai community corrections]*. Beijing, China: Law Press.
- Zhu, J., & Li, G. (Eds.). (2011). *shanghaishi shequ fuxing ren yuan gexinghua jiaoyu jiaozheng de lilun yu shijian [Theory and practice of individual educational treatment in Shanghai community corrections]*. Beijing, China: Law Press.