

An Empirical Study of Community Corrections

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Abstract: The Law of the People's Republic of China on Community Corrections was adopted by the 13th National People's Congress and came into force on 1 July 2020. This reflects the great progress that has been made in community correction in China. However, from our empirical research on community correction, we found that there is a problem of over-emphasis on educational correction and protection of human rights to the neglect of the attributes of punishment in China's community correction. While education is important, the task of punishment cannot be ignored. For this reason, a trinity of community correction teams can be formed with police officers as the main body, supported by social workers and volunteers, and appropriate penalties can be added and the conditions of supervision refined to emphasise the punitive aspect, so that the relationship between punishment and education is not unbalanced.

Keywords: Community corrections; Punishment; Penal research

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1 Status of Community Corrections

The following data were obtained through field visits and surveys. A total of 190 questionnaires were distributed and 183 were returned, of which 175 were valid, with an effective rate of 95.6%. 35 judicial police officers, 45 social workers and community volunteers and 125 community prisoners were interviewed. Of these 125 community prisoners, 8 were sentenced to control, 87 to probation, 10 to provisional release (of whom 7 were seriously ill and needed medical parole, 1 was a pregnant woman and 2 were unable to take care of themselves), 7 were ruled to be released on parole and 13 were deprived of political power (as shown in Figure 1). The total number of judicial officers in the 38 judicial offices visited was 44, with an average of only 1.2 staff per office; the total number of social workers was only 115, with an average of only 4.2 staff in the judicial offices plus the employed social workers per office. The total number of people serving community sentences was 1,336, with an average of 35 offenders to be managed in each judicial office. From these figures, it is easy to see that there is currently a lack of appropriate professionals to take charge of community correction work in China. Compared to the community correction work in China, the community correction teams in foreign countries are relatively well configured, containing psychologists, police officers, social workers and so on.

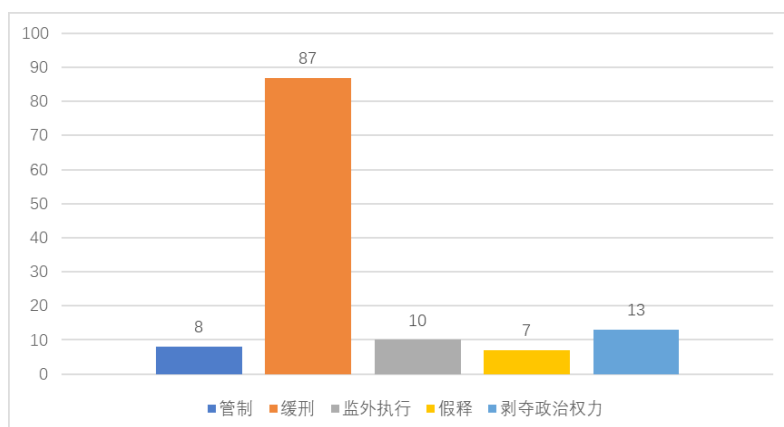
2 The value of punitive community corrections

2.1 Responds to the provisions of the Constitution and the Penal Code

Both the Constitution and the Criminal Code provide for punishment to be placed ahead of rehabilitation and correction in dealing with offenders. The inconsistency and incompatibility between the status of punishment and the power of punishment inevitably leads to the formation of a community correction management system with multiple management and decentralised power. An operational mechanism of community correction that separates management responsibility from management capacity has been formed.

2.2 Contribute to the achievement of justice and the deterrent function of penalties

Criminals are the ones who violate the country's criminal law in order to be removed from criminal punishment, so it is clear that the punitive nature



of community corrections work is a way for the state to manifest its condemnation and negative evaluation of crime. The data from the survey shows that 82% of the community judicial police officers believe that the rehabilitation is generally effective and only 3% believe that it is very effective. Through interviews with judicial police officers, we also learned that reporting to work and submitting monthly thought reports on time for community sentenced persons is often a formality in practice. These problems then lead to community service prisoners disregarding the discipline of supervision and rehabilitation, lacking the awareness of being in prison and having poor rehabilitation results. Therefore, the emphasis on the punitive nature of community corrections can be a way to raise the "awareness of serving the sentence" of the community corrections target and bring into play the deterrent function of punishment.

2.3 Improving the efficiency of community corrections work

The Community Correction Law stipulates that "the judicial office shall undertake the work related to community correction according to the commission of the community correction institution." However, the Community Correction Law does not explain in detail what kind of work the judicial office is required to undertake.^[1] Moreover, the judicial office has several duties, and it has to undertake the work of judicial administration as well as correctional work, and the grassroots judicial police have more than enough capacity. In addition, financial constraints are also a major problem facing the judicial offices. Therefore, clarifying the punitive nature of correctional work and placing it under the responsibility of professional community correctional institutions can give a great boost to the efficiency of community correctional work.

3 Specific recommendations for community corrections to improve punitiveness

3.1 Appropriate increase in punitive supervision measures for community corrections

The revision of China's criminal law reflects a bias towards emphasizing custodial sentences over community sentences. According to the provisions of China's Community Corrections Law, the current punitive supervision measures for community corrections are still very lacking, and some more punitive supervision measures, such as imprisonment experience and confinement, can be appropriately increased. Imprisonment experience is mainly for those who do not obey the supervision of community prisoners. For those who are insubordinate and disrespectful to the correctional staff but do not meet the admission criteria, they can be subjected to imprisonment experience. They are placed in prison for a period of time to learn about the prison environment, etc., in contrast to their community sentence, for the purpose of warning them. However, it is important to note that the period of time spent in prison should not be too long and that the prison in which the experience takes place should be a prison for newly admitted prisoners or a prison for minor offenders.^[2] Alternatively similar powers to restrict the short-term liberty of persons serving sentences can be given to community corrections agencies. However, confinement should be strictly limited. The first is that confinement should be triggered passively, when a community prisoner breaks the rules in a serious way and fails to obey discipline. Secondly, the duration of confinement should not be too long, and should not exceed 24 hours.^[3]

3.2 Carrying out classification correction

Different groups of people serving community sentences are classified according to different types of subjects, each person's personality traits, their daily performance, and their respective family environment and other different aspects. Take a variety of approaches to carry out categorisation education for different categories of correctional officers to improve the relevance of correctional education. In addition, mental health education and psychological counselling should be carried out for correctional officers in general, and timely intervention should be carried out for correctional officers with psychological problems. The establishment of a database of information on people serving community sentences, carefully grasp the basic situation of community correctional personnel and the implementation of the situation, so that the bottom of the community correctional subjects clear, clear their situation.^[4] To be listed as a key object of supervision and management of community service prisoners, layer by layer to implement the scope of responsibility of deputy thieves.

3.3 Strengthen the supervision and inspection of community correction

In the practice of community correction, correctional officers are allowed to move about fairly freely and unsupervised power inevitably leads to corruption. Supervision and inspection by supervisory bodies are important to ensure the health of community corrections. Through supervision, the fairness and appropriateness of community corrections is ensured and community corrections staff are able to carry out their community corrections work in accordance with the law.

Introduction to the author

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