



# Rehabilitation in Taiwan

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## History of Taiwanese Criminal Justice Rehabilitation

From 1949 to the present, three developments can be identified that permit enhanced understanding of how probation and rehabilitation operate in contemporary Taiwan. The first and earliest development was in 1962 with the formation of an independent juvenile probation and parole service, introduced by the new Juvenile Delinquency and Justice Act. The service specialized in children-in-need, status offenders, and young people on probation; it also undertook work with juvenile courts under the governance of the Judicial Yuan. Until 1980, police were the key agency working with probationers and parolees, providing intensive community surveillance without any specified rehabilitation function. Police and prisons, however, were assisted

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by long-existing charity groups and shelters for ex-prisoners, later re-named the 'Taiwan After-care Association' (TAA), a semi-governmental NGO. The Association has been funded, supervised, and staff-resourced by the Ministry of Justice since 1949; senior staff are drawn from the Prosecution Office (appointed by the Ministry of Justice); and prisoners can apply to receive re-entry services from the TAA on a voluntary basis.

## **The Birth of the Adult Probation and Parole Service in the 1980s**

The second development is the creation of a specific Adult Probation and Parole Service, established in 1980 by the Security Measures Execution Act (hereafter referred to as 'SMEA'). Article 64 II of the SME Act was revised to announce the creation of a probation agency: 'the Ministry of Justice may establish a probation officer at the prosecution office at the district court to take charge of the probation affairs ordered by the prosecutors'. The same legislation also authorizes probation officers' official duties: 'the probation function, depending on the context, shall be executed by the police agency, an autonomous organization, charity organization, close relatives or family members of the person under imprisonment, or other appropriate persons that are located in or outside of the place where the person under imprisonment is'. In contemporary Taiwan, adult probation now works under the Ministry of Justice with leaders almost always drawn from senior prosecutors appointed by government ministers. The probation and parole officers took over the police duties described above and operated in a case-management mode but due to limited staff and large caseloads, they mainly functioned as supervisory agents. Apart from probation and parole, the main tasks for these officers in the community include the supervision of individuals under suspended prosecution, and the supervision of community treatment and community labour orders of the court.

## **The Rise of Governmental Purchased Rehabilitation Services in 2000s**

The third and final development is the development of governmental purchased rehabilitation services since 2000. The context for their emergence was the ferment of legal reforms in Taiwan. The main criminal justice

reform took place in 2000; the government developed a so-called 'bifurcatory criminal justice policy' with both lenient and severe policies coexisting (Chang & Huang, 2010). Bifurcation is sometimes referred to as 'the twin-track approach'; the two terms are synonymous. Bifurcation, as a penal policy, consists of a legal and practical dichotomy that opposes two main categories of people who offend and how they are processed (Bottoms, 1977). One finds on the one hand, 'dangerous' people, who are treated more harshly (with more constraints, fewer early prison releases, in some cases the violation of general criminal law principles and so on) but who are also subject to more scrutiny and attention—which may include more support. On the other hand, one finds the 'run-of-the-mill' who are managed via bureaucratic procedures. The policy sought to emphasize the distinction between misdemeanours and acknowledged major offences. The Sexual Assault Crime Prevention Act in 2005 was a good example of one pole, with sexual assault considered one of the most serious crimes. An example of the other tendency towards lenience, was the revision of Criminal Code Article 41II which ruled that inability to pay fines may be directly commuted to labour service. This has resulted in an estimated 5000 plus people sentenced each year to community labour service under probation officers' supervision.<sup>1</sup> Furthermore, a major revision to the new Prison Act (2021) emphasizes the need for Taiwan's correctional system to improve on human rights, inmate and criminals' rights, along with victims' rights. Childrens' and feminist movements have long sought to mobilize change in terms of legal reforms, probation practices; and parole services. Additional professional services have now been introduced including, for example, individual/group counselling, psychological and psychiatric therapies, harm-reduction labour, work training labour, family support labor, and restorative practices (serving the needs of victims) and later legal revisions in 2008, sought to encourage harm reduction and alongside the use of suspended prosecution and new community labour service orders, were seen to be key components of Taiwan's lenient criminal policy. An important impact of the development of bifurcatory 'leniency' is that the probation/parole officer is responsible for the oversight of these new orders. Somewhat ironically, probation is also the key agency on the 'tougher side' for all types of community treatments. To cope with the extension of rehabilitation needs and expectations, the probation and parole agency, therefore, has inevitably had to purchase treatment services from external NGOs and professional groups. Needless to say, the quantity and quality of services purchased are highly dependent upon financial resources available to the adult probation/parole service.

## Who Works in Rehabilitation in Taiwan?

Rehabilitation in Taiwan is mainly directed by the government's Ministry of Justice (MOJ), which formulates regulations, develops organizational structures, plans budgets, and recruits staff. Prisons, Probation services, and Prosecution offices as sub-divisions of the MOJ are tasked with managing lawbreakers. National figures suggest that annually about 1200 prosecutors deal with 450,000–500,000 criminal cases. There are 7000 correctional officers managing 60,000 inmates; 240 probation officers; and 500 in-house 'outsourcing' staff to assist them with 7000 probationers and parolees; between them delivering around 8000 harm-reduction community interventions and 4.5 million community labour hours. Among these agencies, the probation/parole office is the main community-based rehabilitation agency in Taiwan. Given the small number of appointed probation staff, as previously indicated, outsourcing of services has been and remains the key tool underlying rehabilitative services (using NGOs). For example, they work with other professionals on government budgets, including in-house psychologists, social workers, assistants, clerks, and others. Apart from these employees, probation and parole officers also work closely with non-profit organizations (NGOs) that provide forms of assistance in community labour. One of these is the Taiwan After-care Association (TAA) which was established in the late 1940s, long before the development of a governmental organization of probation/parole; it provides an accommodation service, vocational training, small business loans, and so on. The latest available figures indicate that TAA provides services to 13,000 of the formerly incarcerated (with 60 full-time staff and 1000 volunteers). The other key NGO is the Probation Volunteers Association (PVA) which has about 2000 volunteers providing social support and related medical, educational, and employment resources. The third NGO is the Association for Victim Support (AVS) now providing services to victims and assigned to work alongside Probation. It is important to note that all these three 'NGOs', while not directly part of a governmental department, are all largely funded and supervised by the Ministry of Justice.

## Probation/Parole and Professional Development

There are 22 probation offices nationwide, and the sizes of probation/parole offices are classified into four levels according to caseload numbers. As Table 1 shows, probation/parole offices at Level One receive on average more than 1000 cases per year and comprise around 20 probation officers and 20–40

co-workers. The exception is Taipei Office (in the capital) which although taking less than 1000 cases per year, is regarded as having to deal with more complex and high-profile cases. Level Two probation/parole offices have on average 500–1000 cases per year and comprise about 10 probation officers and 20 co-workers. Level Three offices have 200–500 cases per year and comprise at most five probation officers and ten co-workers. Taiwan has a number of islands as part of its geography, each with an office staffed by one probation officer and at most three co-workers, and typically handling less than 100 cases per year.

Table 2 indicates the fiscal budgets for probation and protection services in Taiwan from 2013 to the present. As shown, the trend over the decade is significantly downwards, with the average fiscal budget of about 8 million US dollars and, as a proportion of the total MOJ budget, rapidly dropping from 20% down to 5%. Actually, about 10% of the entire MOJ budget goes to the prosecutors' pension plan every year. Only limited development of probation

**Table 1** Probation offices, caseload numbers and level in 2021

District probation office	Cases of supervision <sup>a</sup>	Level
Taipei	784	1
Shilin	736	2
New Taipei	1943	1
Taoyuan	1937	1
Hsinchu	818	2
Miaoli	559	2
Taichung	2,325	1
Changhua	926	2
Nantou	537	2
Yunlin	621	2
Chiayi	561	2
Tainan	1073	1
Kaohsiung	1276	1
Ciaotou	892	2
Pingtung	935	2
Taitung	272	3
Hualien	384	2
Yilan	371	2
Keelung	407	2
Penghu	74	4
Kinmen	46	4
Lienjiang	11	4
Total	17,431	

<sup>a</sup>Including new in-take and unclosed probationees and parolees in 2021  
*Sources* Statistics Yearbook of Taiwan Ministry of Justice (2022)

**Table 2** Fiscal budgets for the probation and protection services of the MOJ in Taiwan: 2013–2022<sup>a</sup>

Year	Probation/Protection Fiscal budget (USD <sup>b</sup> )	MOJ Fiscal budget(NTD)	%
2022	83,574,000 (2,841,516)	1,685,440,000	4.96
2021	132,631,000 (4,509,454)	1,700,423,000	7.80
2020	206,274,000 (7,013,316)	1,819,825,000	11.33
2019	193,410,000 (6,575,940)	1,678,852,000	11.52
2018	195,773,000 (6,656,282)	1,272,880,000	15.38
2017	255,185,000 (8,676,290)	1,245,657,000	20.49
2016	267,868,000 (9,107,512)	1,310,330,000	20.44
2015	249,785,000 (8,492,690)	1,751,737,000	14.26
2014	220,915,000 (7,511,110)	1,130,632,000	19.54
2013	226,463,000 (7,699,742)	1,096,412,000	20.65

<sup>a</sup>The fiscal budget for probation and protection include services of probation, rehabilitation, victim protection and public education

<sup>b</sup>Currency rate, 1: 29.13 (NTD: USD, April 17 2022)

Source The Fiscal Budget Plan, the Ministry of Justice (see <https://www.moj.gov.tw>) (accessed: April 17, 2022)

and rehabilitation services can be realistically expected with such diminishing investment levels.

Career entry to probation/parole is open to graduates who have successfully passed the national adult probation examination; they then receive two months of professional training from the Taiwan Judicial Academy and then four months placement internship. Only around 4% of initial applicants are successful in completing the process to become probation/parole officer. Academically, most senior probation officers have majored in law and police studies, and increasingly more in criminology, psychology, educational counselling, and social work.

## Probation and Parole Programs Before 2000

Before the legal reforms of 2000, probation/parole worked mainly on supervision and monitoring of criminal cases in the community, aiming to reduce re-offending behaviour. According to Article 74-2 of the Rehabilitative Disposition Execution Act (hereafter referred to as 'RDEA'), those who are under probation on a court order or early release from prison must report their physical health, accommodation arrangements, and work status to the probation officer at least once a month. The probation officers provide appropriate supervision to address individual needs and also oversee compliance with court orders that may involve urine testing, police visits, or volunteer

provided services. Probation officers may pay visits at any time to probationers' residences to meet their families or those providing support; they also closely monitor social contacts and exhort the maintenance of good conduct in the community. Arguably, therefore, since 2000, the probation officer's work model has been transformed from its old 'surveillance and crime control', when probation staff would have been considered 'community police' but without a uniform.

## Bifurcated Criminal Policy Reform in 2000

A 'bifurcated criminal policy' was advocated by Minister Liao of the MOJ in 2000 who was very keen to learn policy lessons from more mature democracies (USA/UK). He believed that reductions in recidivism can be delivered more effectively by reserving imprisonment for major criminal offences and offering community corrections and treatments in more minor cases. Since the trend was first described by Anthony Bottoms in 1977, a bifurcated penal strategy has proved extremely influential across Anglophone countries. It has been exported globally (Dunkel et al., 2021; Seeds, 2017). Yet, as Heberton and Seddon (2009) and Kemshall (2013) have argued, the maintenance of a two-track system relies upon a series of questionable penological assumptions that are extremely difficult to administer in practice. Thus Kemshall notes:

Bifurcation presumes easily distinguishable thresholds between risk categories, accurate risk assessment within prisons and classification of prisoners, and fail-safe parole decisions, and that risk remains static upon release. These are unsound assumptions and create systematic flaws in the operation of a bifurcated approach. (Kemshall, 2013: 271)

Taiwan's developing experience with 'bifurcation' echoes these sentiments.

New criminal policies were legislated and launched soon after the amendments of the Criminal Code and the Criminal Procedure Code, for example, the implementation of suspended prosecution, conditional suspended sentences, community social labour services, addiction treatments, mental disorder criminal treatments, psychological counselling, injunction orders to prevent repeat offending, and law-related education. The oversight and implementation of all these new rehabilitation-focused policies to increase the capacity for rehabilitative work were mainly the responsibility of probation/parole officers.

## **Special Policies for Sexual Assault Offender Treatment Since 2005**

Several serious and high-profile sexual assault and homicide cases occurred in 2005, and public anger soon led to governmental action by way of legislation—namely amendments to the 1997 Sexual Assault Crime Prevention Act. As a result, probation/parole officers were tasked to provide both preventive and rehabilitate treatments, alongside more intensive supervision. New responsibilities included requiring lie detector tests (on a random basis), residence requirements, authorizing, locations for curfews, electronic monitoring, ensuring no association with known offenders, and so on. These new measures evidence a further transformation of the probation/parole work model—into formal risk management to prevent future criminality (Hebenton & Seddon, 2009; Kemshall, 2013).

## **Implementation of Social Labor in the Community in 2009**

In response to growing concerns about prison overcrowding and the growth of the judicial budget, in 2009 the government implemented another new penal policy and amended Article 41 of the Criminal Code. A criminal who is sentenced to less than six-month imprisonment or to a fine, may have his/her punishment commuted to social labour in the community. Due to limited staff, the MOJ decided to purchase services from the private sector to assist probation/parole officers. These assistants are responsible for the administrative oversight of all social labour in the community, maintaining community safety and satisfaction where the labour is delivered, and completing relevant case reports. Although in place for over a decade, there has been no published evaluation of social labor in the community as a practice.



## **More Demands on Community Supervision and Medical Treatment for Violent, Psychiatric, and Drug/Alcohol Addicted Individuals Since 2010**

In the last decade, and largely in response to several high-profile random killings committed by individuals with mental health problems, the government has sought to take what it sees as more effective measures to reduce the risk of their re-offending (Lin et al., 2020). How to prevent recidivism among these cases has become an important political and professional concern for probation/parole offices and the MOJ. The MOJ has encouraged stronger collaboration not only between probation/parole offices, and the TAA, PVA, and AVS, but also with the Ministry of Health and Welfare (MOHW) in central government, and with local health and welfare official agencies. The overall governmental response is both to reduce public concern and to encourage longer-term multifunctional treatments, alongside more intensive supervision.

### **New Developments in Rehabilitation 2010: Introducing Offender's Family Support, Victim Services, and Restorative Justice**

For a long time, rehabilitation was highly dependent on prison, probation/parole, and NPOs' services to supervisees, on an individual basis. Yet, it was realized by the government that without family support and community acceptance, the process of rehabilitation would be problematic: in order to assist in this process, family and victim needs had to be met. Starting in 2010, the government made funding available to the TAA, PVA, AVS and other NPOs to establish family support and victim support projects. In 2018, a Social Safety Network 1.0 framework was initiated by the government Administration Yuan, to provide such support, alongside restorative justice with victims. In the last five years, Taiwan has thus gradually shifted its focus from spotlighting only those who commit offences to recognizing the importance of successful rehabilitation of meeting their family needs and indeed those of victims.

Under the Social Safety Network 1.0 framework, the MOJ has managed to expand its budget, providing greater capacity and contracting out relevant services, community treatment, and rehabilitation teams collaborating with

psychologists, social workers, drug caseworkers as well as probation/parole assistants. These new teams appear to have improved the quality of rehabilitation work; more generally, the framework has sought to explicitly meet the needs of lawbreakers' families and victims through the working together of health, housing, social relations, and finance services.

## Models of Rehabilitation and Its Meanings

The year 2000 was a watershed in the transformation of probation and rehabilitation. The old routinized 'surveillance/crime control model' with its inward-looking bureaucratic practices carried with it the limited aim of seeing clients through the system and closing the case. This older working model was partly reflected in the wider malaise at the time felt by Taiwanese society about the performance of the criminal justice system itself in solving crimes, bringing lawbreakers to justice, and treating victims of crime well. The roots of the bifurcation policy lie in the Taiwanese government's response to this societal discontent; crimes such as sexual assault, drug use, drunken driving, and mentally ill persons were singled out as needing to be 'treated and punished' both in prisons and in communities. All the while, the government's aim was also to produce a more financially efficient approach. As a result, an increasing number of minor and substance-related crimes are dealt with in the community as opposed to prison, with responsibility given to probation staff. Intensive supervision programmes were also a probation responsibility. Victim-offender services also became part of the probation role.

Without more resources, probation has sought to work more efficiently, helping to facilitate multi-agency working and social resource linkage, enhancing risk-based management, monitoring and enforcing community orders, overseeing compensation and assistance services to victims, sometimes administering electronic monitoring and polygraph compliance with sexual offending. Thus, probation/parole became more case-based, with a social work orientation, recognizing the needs of offender and victim.

Yet such a transformation in outlook and workload requires both additional resources and arguably a shared sense of probation's changed role by the prosecutors' office (to whom probation is ultimately accountable). There is little evidence that either of these has been met. Thus, the total number of probation officers was 163 in 1999 and 242 in 2021, with around 230 assistants in 2009 to assist with the community labour service. The current yearly caseload per probation officer is about 250 cases, compared to about 100 cases between 1994 to 2008.<sup>2</sup> Probation's transformed working model has

overburdened probation offices with oversight of treatment-oriented community sentences. The search for efficiency and savings has resulted in the government adopting 'contracted out' purchased services, often at low cost. It is also clear that some provider NGOs have benefited significantly from the reforms post-2000. The continuing crime control 'outlook' of the prosecution agency, to whom probation services are accountable creates role conflict. Since the establishment of a probation service in 1982, all appointed probation directors have been former senior prosecutors. Ultimately previous and current directors of probation are accountable to the Chief Prosecutor of the Taiwan High Prosecutors Office.

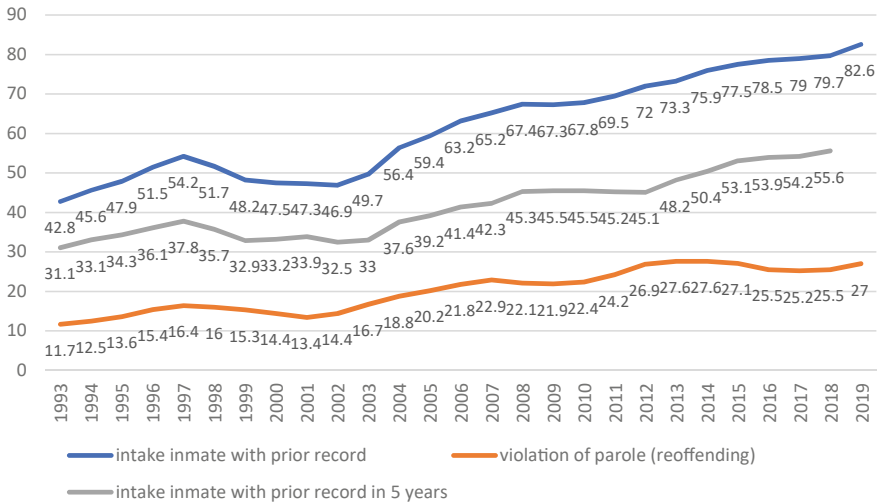
## Effectiveness of Rehabilitation

Before 2000, probation officers mainly supervised offender activities in the community. Their goals were to monitor, enforce prosecutor's or court orders, and to ensure public safety by reducing re-offending. Clients would include a mix of those on suspended prosecution, on parole (conditional or unconditional), or serving a sanction instead of imprisonment. Post-2000 reforms have brought others into its purview, such as monitoring and overseeing more than 20,000 harm-reduction clients, 4000 drink-driving community treatment orders, and about 10,000–15,000 new community social labour clients per annum.

There is no international consensus about what works in probation practice (McNeill, 2012; Trotter, 2013). In preparing this chapter, we undertook a literature search of published outcome research in Taiwan which had taken some primary measures of re-offending such as arrests, convictions, or violation of parole, as well as the participation in restorative justice procedures. We found no evaluations using experimental and quasi-experimental designs, and all previous studies using official data in Taiwan on re-offending rates are at Level 1 on the Maryland Scientific Methods Scale (Sherman et al., 1997).

## Re-Offending and Violation of Parole

Since neither the probation office or the Ministry of Justice publishes data on reconviction rates of probation/parolees in Taiwan, this chapter uses two proxy reconviction indicators: prison admissions—reconviction over a lifetime, and prison admission—reconviction within five-year period. As shown in Fig. 1, rates are 42% (lifetime) and 31.1% (5 year) respectively in 1993,



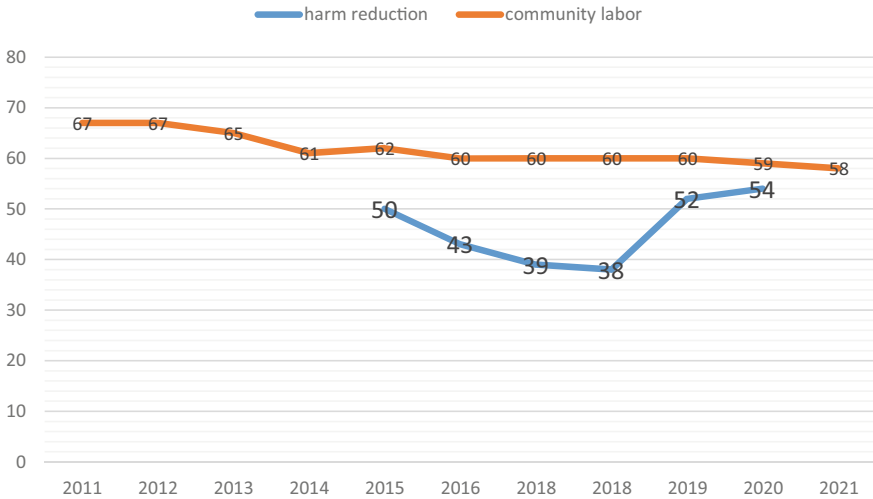
**Fig. 1** Re-offending percentages for inmates and parolees in Taiwan, 1993–2019 (Source Authors)

and 82.6% and 55.6% in 2019. Overall, both proxy indicators show a gradually increasing level of reconviction using prison admissions data (Lin, 2020). It is also worth noting that there was a levelling of the rates between 1999 and 2003 but with a significant take-off in 2004.<sup>3</sup>

Another indicator is the rate of parole violation—specifically for reconvictions. Figure 1 shows that this was 11.7% in 1993 and 27.0% in 2019. Chen (2013) followed 960 parolees for seven years from 2004 to 2011 logging their official arrests and found that 30% of them re-offended within 12 months after release from prison, and 56% within 24 months. In Taiwan, an increase in reconviction rates, in general, is confirmed both by official data and the very limited empirical research available.

## Completion of Harm-Reduction Community Treatment and Labor Orders

About 30–40% of crime in Taiwan involves drug misuse, and the government has sought to act on this serious issue. It now uses deferred prosecution for drug abusers, conditional on undertaking a one-year harm-reduction community treatment order from an assigned hospital or clinic. Thus, this policy has the aim of better treatment to reduce re-offending. It also contributes to reductions in the prison population and shares financial and political responsibilities for drug issues between the Ministry of Justice and



**Fig. 2** Percentage completion rates for harm reduction and community social labour orders, Taiwan, 2011–2021 (Source Authors)

the Ministry of Health and Welfare. At the practice level, the harm-reduction community treatment order is decided at the discretion of prosecutors; and funded either from the client’s own resources or governmental subsidy and monitored by probation officers with random urine tests.

The completion rate for harm-reduction community treatment is approximately 46% with a re-offending rate of around 37.02% in the past six years.<sup>4</sup> As Fig. 2 shows, about half of the complete harm-reduction community treatment orders. Completion rates for community social labor orders are reducing year on year and are now below 60%. Indeed, prosecution offices have reduced the hours of community social labor from 8,659,955 h to 4,724,605 h over the decade 2011–2021.

## Conclusion: Future Challenges in Policy and Practice

The probation/parole office has been established now for about 40 years in Taiwan, but increasingly the required proliferation of rehabilitation services exceeds any increase in staffing and service budgets. As in most other democracies, crime and criminal justice are volatile public issues and party-political shifts in policy occur with election cycles (Fell, 2018). Victim rights have increased its political salience in recent years, seeking to place victims

with a more active role in court proceedings and entitlement to governmental services. At the same time, prison, and community-correction reforms emphasize ‘inmates’ and ‘wrongdoers’ human rights, alongside alternatives to decarceration and community orders. Greater involvement of the wider community signals a move to a more restorative understanding of ‘criminal justice’.

Whatever this wider context of change around criminal justice reform signals, as we have analyzed earlier in this chapter, probation/parole outcomes appear poor. It also appears that government is reluctant to collect, analyze, and publish relevant effectiveness data. At present the government is introducing additional rehabilitation and treatment policies on drugs, drink driving, and mentally disordered in the community—in essence a version 2.0 of the Social Safety Network framework—but with no genuine evidential or evidence-based basis. In addition, public polls over the past ten years indicate that in 2017, 70% of the public were dissatisfied with courts and 84% were dissatisfied with judicial and criminal justice reform.<sup>5</sup> Arguably, much of recent policy development could be seen as the government seeking to distract public attention from concern about lack of effectiveness and an accountability crisis; rather attempting to substitute an image of a ‘morally peaceful culture inclusive of both ‘criminals and victims’.

The crisis of Taiwan’s modern probation/parole and rehabilitation services at the policy level is arguably due to a failure of the government to fully recognize that its efforts on inclusivity and development of appropriate services to reduce re-offending, necessarily come at a cost. Morally, the government attempts to offer rhetoric of rehabilitation and reintegration into full citizenship and pledges to leave no convicted person and his/her family behind. Yet, by doing so, any genuinely thought-out policy has to deal with the fact that those who break the law often come from marginalized sections of society with limited education and economic opportunities and inadequate support systems. A practical policy has to actually invest large resources in these wider societal inequities. Instead of greater resources, government’s strategy has been to talk of ever-increasing ‘smartness’ of leadership and management—creating greater efficiencies in practice. Within limited resources, the probation and parole services staff have been required to work smarter; in essence the neoliberal paradigm, familiar to many across the globe. In practice producing a combination of due-process models for supervision, risk-assessment models for particular types of offending behavior (i.e. sexual and drug offences) and a social work model in relation to the bulk of other general offending. Since the trend was first described by Anthony Bottoms in 1977, a bifurcated penal strategy has proved extremely influential in government thinking. It

has been exported globally (Dunkel et al., 2021; Seeds, 2017). As Hebenton and Seddon (2009) and Kemshall (2013) have argued, the maintenance of a two-track system relies upon a series of questionable penological assumptions that are extremely difficult to administer in practice.

However, over the past two decades, we see no full staff, no smarter working methods, expanding irrelevant tasks (i.e. providing restorative justice meetings to victims, indiscriminate offenders' family support projects), and no more professional leadership in probation/parole and rehabilitation services. As a result, probation/parole and rehabilitation service does not play an efficient role in breaking the perpetuating cycles of crime. Designing a comprehensive rehabilitation system involves collaboration between probation, imprisonment, parole, self-help, and medical and social welfare agencies. Without resources and efficiency, however, all reform or policy is no more than moralistic and political virtue signalling.

The existing literature in Taiwan on matters of effectiveness relies upon interview methods, accepting perpetrator and staff narratives as the basis for rating rehabilitation successful. There is a relatively underdeveloped evidence base on at least Level 3 of the Maryland Scientific Methods Scale for the effectiveness of probation/parole practices particularly with regard to reducing re-offending. One of the obstacles is the inaccessibility of re-offending data for independent researchers (due to privacy and personal information protection laws). The exception is harm-reduction programs research where data are mainly collected by treatment providers, mostly medical institutes with agreement of prosecutors and clients. Randomized control experiments for different policies and practices of probation, furthermore, are almost impossible due to the requirement that approval decisions must lie with prosecutors and courts.

A further difficulty in developing a reflexive evidence-based culture is that most of the relevant professionals including judges, prosecutors, probation, and correctional officers are reluctant to accept recidivism as a key performance indicator. The preference is for 'process' assessment. This of course is not peculiar to Taiwan (see, for example, McNeill et al., 2012 on contested purposes and what counts as evidence). Development of an appropriate evaluation culture is definitely lacking in contemporary Taiwan; this is not to argue for a simplistic assessment of the evidence in reducing recidivism, rather that the discussion must consider the resource environment within which probation agencies operate, in order to make/render visible the potential costs and benefits of specific working models. This is particularly the case where probation/parole reforms have been trialled to make the case for further investment of taxpayers' money.

The present chapter concludes by considering the upcoming challenges and concerns of rehabilitation in Taiwan, namely (1) the increasing tension between its legal role and its protective and counselling role, (2) the relatively new role conflict in relation to services for all justice-involved individuals and (3) pressures and constraints on the development of truly evidence-based rehabilitation policies. Turning to the first of these challenges—tensions within the probation role—here, we must recognize that the Taiwan criminal justice context accepts the need for forceful censure of the wrongdoer, and an attempt to bring him/her to acknowledge and repent what he/she has done and pay for it with suitable moral reparation. Duff (2003) provides a persuasive reconfiguration of the matter, in terms of seeking to develop a service grounded in the notion of probation work as a mode of ‘constructive punishment’; requiring people to face up to the effects and implications of their crimes, thus aspiring to a justice that is retributive, communicative, reparative, and rehabilitative in seeking to repair relationships with fellow citizens. As Duff opines:

It would be a probation officer’s task to organise and assist the discussion between offender and victim...to speak for the wider community in the discussion (indeed, to speak for the victim when the individual victim is unavailable or unwilling, or when the only victim is the wider community). (Duff: 191)

On the second issue, as with much previous legislative reform and attitudinal change towards people who offend and their victims, future debate on services to both will be shaped by developments/changes in Taiwan’s public dialogue on human rights and the victims’ movement. Many Taiwanese scholars argue that developments on ‘rights’ in the past three decades should be credited more to the struggle of its own civil society and reforms adopted by its government, and much less to inspiration by existing international human rights treaties. Recognizing that important steps advancing Taiwan’s human rights conditions were initiated or undertaken in response to its domestic concerns helps us understand the ineluctable importance of the domestic party-political context in Taiwan (see Cohen et al., 2019). Yet, as in the West, there are reasons why the need to rehabilitate people who commit offences came before the rise of public discourse on victims, and in this regard, Taiwan’s development and reforms have been no different (Christie, 1977). Adversarial criminal law, where the state takes responsibility, entails automatic sidelining for the victim. In seeking to meet the challenge of the victims’ movement in Taiwan, probation’s reliance on efficiency and cost arguments will have only limited purchase; instead, what needs be emphasized is the moral force of probation as a generic helping service for all those whose



experience of criminal justice diminishes them materially and emotionally. In Duff's phraseology, ideally, the mediating role for the probation officer will be to speak for the wider political community to the victim (and to the offender), as well as speaking to the community for the offender, and for the victim (Duff, 2003).

Evidence-based policy and practice concerning rehabilitation raise a number of vexed issues. First, drawing on Western experience, there are often deleterious implications for probation practice in naively hitching its wagon to a governmental 'evidence-based' agenda; the lesson from Britain, certainly, is that there is 'no quick fix' to improving the effectiveness of probation service outcomes. As many argue, while informed by evidence and evaluation, development needs to be gradual and incremental (see Mair, 2011; Raynor, 2020). As late as the mid-2000s, researchers in Britain were able to conclude from their assessment of the published literature that it was too early to say what works, what does not, and what is promising (Merrington & Stanley, 2004). Indeed a more recent British assessment of probation supervision similarly concludes that data on effectiveness is both limited and mixed (Smith et al., 2018). Compared with the wealth of evidence relating to the effectiveness of treatment and prevention interventions that is produced in Britain's healthcare, evidence production with regard to the effectiveness of interventions delivered by probation services to reduce re-offending is low. This is surprising, since the rehabilitation of persons committing offences has been a major priority both for the British government and the public. Chui (2002) writing on probation in neighboring Hong Kong, describes probation practice as akin to a 'black box' in terms of public appreciation because of a dearth of evaluation studies. Neither Hong Kong nor Taiwan has a tradition of effectiveness research in the probation policy sector, yet evaluation's value lies for practitioners in developing reflexivity in their own interventions; on whether one particular practice model works better than others; and as a form of accountability (Armstrong et al., 2017). Elsewhere, we have speculated about the reasons behind a lack of evaluation in public policy (Hebenton et al., 2010 for a more sustained consideration). Characteristics of public policymaking in Taiwan place limitations on research-based, evidence-led policy development both in terms of long-term consistency and sustainability (Jan, 2004). Underlying institutional and cultural inertia as well as the particularities of a certain political decision-making style cast a shadow over the likelihood of 'effectiveness' research. Systematic collection of relevant data, publicly accessible to independent researchers would be a starting point.

## Notes

1. See the annual statistics of the Ministry of Justice, 2000–2020.
2. See Statistics Yearbook, the Ministry of Justice, 2022.
3. See Statistics Yearbook, the Ministry of Justice, 2022.
4. See the 2020 Fiscal Report by the Ministry of Justice.
5. See the yearly public polls press released by the University of Cheng-Chen. Website: <https://deptcrc.ccu.edu.tw/index.php?temp=news2andlang=cht> (last visit Feb. 28, 2022).

## References

- Armstrong, S., Blaustein, J., & Henry, A. (Eds.) (2017). *Reflexivity and criminal justice*. Palgrave Macmillan.
- Bottoms, A. E. (1977). Reflections on the renaissance of dangerousness. *Howard Journal of Criminal Justice*, 16(2), 70–96.
- Bottoms, A. E. (1980) Introduction to the coming crisis. In A. E. Bottoms and R. H. Preston (Eds.), *The coming penal crisis: A criminological and theological exploration* (pp. 1–24). Scottish Academic Press.
- Chang, L., & Huang, S. F. (2010). An introduction to restorative justice practices in Taiwan. *British Journal of Community Justice*, 8(3), 37–47.
- Chen, Y. S. (2013). Recidivism and risk factors for adult parolees. *Criminal Policy and Crime Research*, 16, 1–26. (in Chinese).
- Christie, N. (1977). Conflicts as property. *British Journal of Criminology*, 17, 1–15.
- Cohen, J, Alford, W., & Lo, C-F. (Eds.). (2019) *Taiwan and international human rights: A story of transformation*. Springer.
- Chui, E. (2002). The social work model of probation supervision of offenders in Hong Kong. *Probation Journal*, 49(4), 297–304.
- Duff, R. A. (2003). Probation, punishment and restorative justice. *Howard Journal of Criminal Justice*, 42(2), 181–197.
- Dunkel, F, Pruin, I, Storgaard, A., & Weber, J. (Eds.). (2021). *Prisoner resettlement in Europe*. Routledge.
- Fell, D. (2018). *Government and politics in Taiwan* (2nd ed.). Routledge.
- Hebenton, B., & Seddon, T. (2009). From dangerousness to precaution. *British Journal of Criminology*, 49(3), 343–362.
- Hebenton, B., Jou, S., & Chang, Y.-C. (2010). Developing public safety and crime indicators in Taiwan. *Asian Journal of Criminology*, 5, 45–67.
- Jan, C.-Y. (2004). *New public policy: History, philosophy and globalization*. Hua-Tai Publisher (in Chinese).

- Kemshall, H. (2013). Dangerous offenders: Release and resettlement. In A. Huckleby and L. Hagley-Dickinson (Eds.), *Prisoner resettlement: Policy and practice* (pp. 270–288). Willan.
- Lee, S. H., Wu, S. C., Huang, C. C., & Wang, C. C. (2010). Drug recidivism rates and protective factors: Using Keelung as an example. *Journal of Criminology*, *13*(1), 81–106. (in Chinese).
- Lin, S. Y., Huang, Y. F., & Shen, P. Y. (2020). Recidivism analysis of male offenders with mental illness under criminal commitment. *Criminal Policy and Crime Prevention*, *25*, 183–244. (in Chinese).
- Lin, S. C. (2020). Overview of parole policy and practices in Taiwan, *National Lawyer Journal*, *March*, 57–75. (in Chinese).
- Mair, G. (2011). The community order in England and Wales: Policy and practice. *Probation Journal*, *58*(3), 215–232.
- McNeill, F. (2012). Four forms of ‘offender’ rehabilitation: Towards an interdisciplinary perspective. *Legal and Criminological Psychology*, *17*(1), 18–36.
- McNeill, F., Farrall, S., Lightowler, C., & Maruna, S. (2012). Re-examining evidence-based practice in community corrections. *Justice Research and Policy*. <https://doi.org/10.3818/JRP.14.1.2012.35>
- Merrington, S., & Stanley, S. (2004). ‘What Works?’: Revisiting the evidence in England and Wales. *Probation Journal*, *51*(1), 7–20.
- Raynor, P. (2020). Evidence versus politics in British probation. *Forensic Science International: Mind and Law*. <https://doi.org/10.1016/j.fsimpl.2020.100029>
- Seeds, C. (2017). Bifurcation nation: American penal policy in late mass incarceration. *Punishment and Society*, *19*(5), 590–610.
- Sherman, L. W., Gottfredson, D. C., MacKenzie, D. L., Eck, J., Reuter, P., & Bushway, S. D. (1997). *Preventing crime: What works, what doesn't, and what's promising*. National Institute of Justice, US Department of Justice.
- Smith, A., Heyes, K., Fox, C., Harrison, J., Kiss, Z., & Bradbury, A. (2018). The effectiveness of probation supervision towards reducing re-offending: A rapid evidence assessment. *Probation Journal*, *65*(4), 407–428.
- Trotter, C. (2013). Reducing recidivism through probation supervision: What we know and don't know from four decades of research. *Federal Probation*, *77*(2), 43–48.