

## **GROUP 3**

### **ENHANCEMENT OF COMMUNITY-BASED ALTERNATIVES TO INCARCERATION AT THE POST-SENTENCING STAGE**

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#### **I. INTRODUCTION**

The 121st Training International Course on Crime Prevention and Treatment of Offenders with the theme Enhancement of Community Based-Rehabilitation as an Alternative to Incarceration at all Stages of the Criminal Justice Process, aims to find solutions to problems that have been encountered in implementing the system.

Our group composed of countries from the Republic of Korea, Japan, the Philippines, Thailand, Tonga and Vietnam has been assigned to analyse effective utilization of Early Measures of Release and Temporary Release Measures at the Post Sentencing Stage and the strengthening of the implementation structure of community-based supervision, e.g. various forms of supervision orders and supportive measures.

We decided to concentrate on the current Community Based Alternatives available in each country such as their definition, procedures on implementing them, the current situation, the factors that contributed to its usage, the problems they encountered and recommended possible solutions.

Early release measures and temporary release measures are a part of the Community-Based Alternatives to Incarceration in the Post-Sentencing Stage; we mainly focused on the following measures:

- a. **EARLY RELEASE MEASURES**
  1. Parole
  2. Pardon
  3. Remission
  
- b. **TEMPORARY RELEASE MEASURES**
  1. Furlough
  2. Temporary Leave Programme

For better understanding, each system was defined in a definition acceptable to all countries, but the procedure in availing the system differs with each country, thus it was discussed thoroughly in the following pages.

## II. THE CURRENT ADMINISTRATION OF COMMUNITY-BASED ALTERNATIVES AT THE POST-SENTENCING STAGE

Among participating countries, parole is relatively utilized in Japan and the Philippines, collective pardon is moderately utilized in Vietnam, remission is relatively utilized in Thailand and Tonga and temporary release measures are solely utilized in Korea.

### A. Early Release Measures

#### 1. Parole

##### (i) Available System: Definitions and Procedures

The common definition of parole for group 3 countries is a conditional release of an inmate from prison after serving part of his sentence, and a supervision period till the end of their sentence.

A “part of sentence” or conditions for parole eligibility varies with each country. In Japan, Korea, Thailand and Vietnam, the minimum term of the sentence that must be served is 1/3 of the definite sentence and the minimum to be served shall be changed to 10 years if prisoners are sentenced to life imprisonment. The Philippines use another method, the Indeterminate Sentence System, an inmate must serve a shorter period of the sentence before eligible for parole. Tonga has release on license, functionally it is equivalent to the parole system, for which inmates must have served 4 years before they can be considered for the King’s consideration or 2 years if the King wishes to grant release on license. Aside from the mandatory minimums, inmates must also be of good behaviour.

In Thailand, convicted inmates are classified into 6 classes, which are Excellent, Very Good, Good, Fair, Bad and Very Bad. Each class is entitled to different privileges. For example, inmates in the Good class or above are considered for granting parole.

The procedures in selecting qualified inmates are almost the same in every country except Tonga. In Tonga, the King approves the release on license. While in other countries, a committee or a board has been formed to examine the records of the inmates and other relevant information to consider those who meet the requirements.

##### (ii) Current situation

**Table 1. The Current Situation of Parole**

	Japan	Republic of Korea	Philippines	Thailand	Tonga	Vietnam
<b>Year</b>	2001	2000	2001	2000	2001	2001
<b>Number of parolees</b>	14,423	8,035	1,669	703	0 9 (1998)	281
<b>Total release</b>	25,715	19,774	2,194	N/A	141	N/A
<b>Prison population total</b>	65,508	62,989	23,965	223,406	271	71,151
<b>Convicted prisoners total</b>	53,283	37,040	N/A	132,337	253	59,010
<b>Parole rate*</b>	56.1	40.6	76.1	N/A	0	N/A
<b>Occupancy rate**</b>	101	109	178	248	310	119
<b>Source***</b>	MOJ data	MOJ data	Annual Report	Annual Report	Annual Report	Vietnam Statistics

\* “Parole rate” = Number of parolees / (Number of parolees + Number of inmates released on termination of sentence) ×100

\*\* “Occupancy rate” = prison population total / official capacity × 100

\*\*\* Source of the data shown in this report is as same as above.

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It is worth mentioning the supervision system of each country. For example, in Korea and Japan, the parolee reports to and is supervised by professional probation officers (PPOs). In Thailand the parolee reports to and is supervised by prison officers in charge of parole. In Vietnam, there is no supervision but parolees must report to the local government. In Tonga, the parolee reports to the police every three months.

(iii) *Problems*

There are different problems being encountered by every country. The most noticeable is that the parole system is not fully utilized.

In Vietnam, the problem is the lack of proper information or education on the procedures and how to utilize the system among correctional officers. Once the authorities noticed the overcrowding, they would summon correctional officers to release prisoners to adjust prison population. Although the released inmates get assistance from the local government for job placement, the rehabilitation aspect is hampered by the high recidivism of releasees.

In Thailand, the law is conflicting. Inmates will be eligible for parole when 1/3 of their sentence has been served. But the parole period granted to inmates is up to 1/3 of the sentence for excellent class inmates. Thus the parole system is hampered. Moreover, the measure in selecting qualified inmates requires many conditions which a lot of inmates are unable to meet.

In Japan, although many inmates are theoretically eligible for parole at an early stage, in practice, many inmates actually serve at least 80% on the average of their original sentence before they are released on parole. There are various reasons for this delay. For example, as the number of PPOs is too small, PPOs have no time to examine parole applications. Moreover, under the current system, elderly inmates or inmates suffering from physical/mental illnesses are difficult to release on parole because of their difficulties in making the environmental adjustments, etc. Thus, close cooperation and collaboration among the relevant agencies are needed to enhance the present practice.

Tonga's case is different from the others. Their problem lies in the process of selecting qualified inmates. The warden selects the prisoners who are granted release on license. No supervision is available for parolees. Occasions where the King grants release on license are rare, the last one being in 1998 where the King granted release to 9 inmates. The other problem is the public's perception of dangerous offenders.

Another problem, which is common in Japan, Korea and Thailand, is the staff strength of PPOs who handle the supervision cannot cope with the entire population of parolees. As the population of prisoners increases, the releasees increase resulting in too big a caseload for PPOs who handle their supervision. All countries mentioned that budgetary increases are needed to ensure full and continuous implementation of the programme.

(iv) *Solutions*

1. To enhance the rehabilitation process of parolees, there is a need to reduce the caseload handled by the PPOs, it can be done by increasing the number of personnel and enhancing the VPO system. Promoting the rehabilitation of offenders should be a priority. The through care should be the fundamental concept to establish and manage these systems and measures. In this regard, we should establish an effective classification system and standard for a risk and needs assessment scale for offenders. Moreover a classification system needs to be introduced to allocate appropriate resources in order to determine levels of supervision.

Thus it also needs to have an additional fund for human resources, and to maintain continuous implementation of the diversification system.

2. Revision of the current procedures based on evidence-based practice such as research, statistical analysis and scientific and systematic evaluation is also needed. This evidence-based practice will improve the present policies and quality of various services. Likewise, extensive but

attainable criteria should be used with an assurance that the system would only be granted to deserving prisoners to avoid the increase in the recidivism rate.

There is a need for legislation, to amend some rules and regulations regarding the implementation. The objective must be to make the law focus more on the community-based alternative measures, enhanced mobilization and coordination of available resources.

3. In order to prevent arbitrary decision-making and abuse of discretionary power by relevant authorities, which may often lead to social injustice and corruption, an accountable and transparent system should be established in the relevant authorities to grant parole and other early release/temporary release measures.
4. Public awareness or information should be emphasised. This will erase the negative notion of the public regarding the effects of the system. More knowledge about the effectiveness of community-based treatment would lead to more support from the public.
5. There should be a single policy, coordinated by one authority so as to avoid confusion.
6. In Vietnam, training of correctional personnel regarding the implementation of a parole system is necessary. This will give the correctional authorities a better understanding of the system, its procedure and mechanics. They could innovate some strategies to further enhance the application of parole.

## 2. Pardon

### (i) *Available Systems: Definitions and Procedures*

Another early release measure available in group 3 countries is a pardon. As commonly defined, pardon shall refer to the reduction or termination of a sentence, with or without conditions. Some countries include the early release of detainees or erasure of the criminal records in the meaning.

The common feature for this kind of early measure is that the highest authority approves the pardon. The Kings of Thailand and Tonga, the President of Vietnam, Korea and the Philippines, and in Japan the cabinet will decide and the Emperor is the one who attests it.

Usually, there are 2 types of pardons. In Korea, Japan, Vietnam and Thailand, an individual pardon is granted in view of the correction or rehabilitation of each offender and a collective pardon is available contingent upon special events. Aside from good behaviour as the top criteria, those who may qualify vary from country to country. In Tonga, only a collective pardon is available, but it rarely happens. It is granted to well-educated prisoners and their criminal records are erased.

In the Philippines, the criteria for applying a pardon is that the prisoner must have served 1/2 of the minimum sentence (indeterminate sentence) before he can be considered.

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(ii) *Current Situation*

**Table 2. Current Situation of Pardons**

	Japan	Republic of Korea	Philippines	Thailand	Tonga	Vietnam
<b>Year</b>	2001	2000	2001	1999	2001	2000
<b>Number of pardons</b>	108	N/A	85	N/A	0 1(2000)	23,327
<b>Individual</b>	108	N/A	N/A	N/A	/	0
<b>Collective</b>	0	N/A	N/A	23,940	/	23,327
<b>Prison population total</b>	65,508	62,989	23,965	205,340	271	71,151
<b>Occupancy rate</b>	101	109	178	228	310	119

(iii) *Problems*

The most common problem is that it has been rarely used in all countries. Public opinion varies from different countries, but generally it is negative. In some countries, the pardon is used for political reasons. Therefore, interest groups of prisoners would be considered for pardon.

(iv) *Solutions*

A rehabilitation programme should be considered before granting a pardon. Since in most countries, the approving authority lies at the discretion of the head of state, there is a need to have cooperation/coordination between the Executive and the Judiciary about standards and criteria to grant pardons. This will erase the suspicion that the pardon was used for political reasons.

3. Remission

(i) *Available System: Definitions and Procedures*

Another measure that enables inmates to be released prior to the termination of sentence is remission. Almost all countries from group 3 apply remission in their correctional systems, except Korea and Japan.

As defined in the Philippines, Tonga and Vietnam, remission is a process of reducing the sentence of the offender without supervision as an incentive for having excellent behaviour while in confinement. In those countries, remission once granted cannot be revoked. In Thailand, good time allowance and public work allowance are used to reduce the sentence, but inmates released by this measure still retain prisoner status until the end of the supervision period. Once their accumulated remission days are equivalent to the remaining sentence, such inmates will be released on supervision. Inmates who fail to comply with supervision conditions will be returned to prison to serve the remaining sentences.

In Tonga, remission is the most used. Male prisoners can be granted remission for 1/4 of their sentence while the female offender can be granted 1/3 of the sentence. In order to earn full remission, every prisoner shall obtain 1 bonus mark for steady hard work and another 1 bonus mark for good conduct.

In Thailand, good time allowance started in 1978. Inmates in Good Class and above who demonstrate their good conduct may receive no more than 5 days remission in a month. Moreover, a public work allowance was introduced in 1980 to provide an employment opportunity for prisoners and utilize prison labour for the community. Inmates whose remaining sentence is less than 2 years are allowed to engage in public work outside prisons. The number of working days are recorded as remission days. Once their accumulated remission days are equivalent to the remaining sentence, such inmates are released under supervision.

In Vietnam, remission is applied when prisoners have served at least 1/2 of their sentence and 20 years imprisonment for prisoners with life sentences.

In the Philippines, remission is called good conduct time allowance. The good conduct or behaviour of any prisoner entitle him to the following deductions from the period of his sentence: 5 days for the first two years, 8 days during the third to fifth year, 10 days during the following years to the tenth year, and 15 days during the eleventh and successive years. A deduction of 1/5 of the period of his sentence shall be granted to a prisoner who having evaded the service of his sentence gives himself up to the authorities within 48 hours following the issuance of a proclamation announcing the passing away of a calamity or catastrophe. An additional 5 days reduction shall be granted to prisoners who are assigned to work in penal farms.

(ii) *Current Situation*

**Table 3. Current Situation of Remissions**

	<b>Philippines</b>	<b>Thailand</b>	<b>Tonga</b>	<b>Vietnam</b>
<b>Year</b>	2001	2000	2001	2001
<b>Number on remission</b>	N/A	18,618	78	4,500
<b>Prison population total</b>	23,965	223,406	271	71,151
<b>Occupancy rate</b>	178	248	310	119

(iii) *Problem*

The number of remission days is not effective enough in Thailand in achieving early release of inmates.

(iv) *Solution*

The number of remission days written in the law should be changed. In Thailand prisoners can earn good time allowance no more than 5 days a month in order to be released early. This number of days is not effective enough in terms of early release. Therefore, the number of remission days should be expanded to 10 days.

**B. Temporary Release Measures**

(i) *Available Systems: Definitions and Procedures*

Temporary release measures permit inmates to serve their sentence outside the institution for a given period of time and then return back to serve the remaining sentence. Among the countries from group 3, only Korea has temporary release measures, which are as follows.

- a) Furlough – a leave from duty for a certain period
- b) Temporary Leave Programme – a leave between 12 hours to 72 hours

To be selected for the above programmes, the remaining sentence is taken into consideration. In Korea, the prisoners must have served a term of more than 1 year and the remaining sentence must be at least 6 months.

The goals for the temporary release measures in Korea are as follows; to help prisoners get adjusted to society better before their release, to help their families regain confidence during difficulties (death of beloved ones) and to help the inmates cope with financial difficulties. Moreover, this measure is a great help for the correctional authorities in maintaining discipline among their wards as well as for achieving a smooth transition from institution to community-based treatment.

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(ii) *Current Situation*

**Table 4. Current Situation of Furlough and the Temporary Leave Programme in Korea**

<b>Year</b>	<b>2000</b>
<b>Number on furlough</b>	555
<b>Number on temporary leave program</b>	294(1999)
<b>Prison population total</b>	62,989
<b>Occupancy rate</b>	109

(iii) *Problems*

1. Limited to once a year and 5 times during the term of the prisoner's sentence.
2. Correctional officers tend to be hesitant in conducting these programmes since they would be held responsible and given administrative sanctions if absconding or other incidents happen.

(iv) *Solutions*

1. Strict selection of inmates should be encouraged. Selection criteria should be revised so that only eligible and deserved inmates can avail of the privileges.
2. In case of absconding, prison guards who escort the inmates should only be held responsible if proven beyond a reasonable doubt that they had enough foreseeable knowledge regarding the incident.

**III. ADVANTAGES AND DISADVANTAGES OF EARLY RELEASE AND TEMPORARY RELEASE MEASURES**

So far, we have examined the current situation, problems, and counter measures for various temporary release and early release measures. Major advantages and disadvantages of each measure can be summarized as follows, although they are not exhaustive.

**A. Parole**

*Advantages*

- a. provides an incentive for rehabilitation.
- b. facilitates prison control and discipline.
- c. controls the size of prison population.
- d. can rectify unjust disparity in sentencing.

*Disadvantages*

- a. good conduct does not directly reflect the degree of actual rehabilitation of the inmate.
- b. If the parole procedure is not transparent enough and the discretionary power of granting parole is abused, it causes serious violations of human rights.
- c. Without an effective classification system and a risk and needs scale for inmates, the parole system may release many high-risk offenders into the community. In times of community anxiety about crime and the pressures for law and order, there has been great pressure on parole boards to be more conservative in granting parole. Therefore, this is not a solution to controlling the size of the prison population.

## **B. Remission and the Good Time System**

### *Advantages*

- a. Inmates' efforts to keep good behaviour are directly reflected in remission of sentence lengths, which can be a good incentive for keeping a disciplined prison environment.
- b. Sentence-reduction by remission may relieve prison overcrowding.

### *Disadvantages*

- a. Good behaviour in institutions does not necessarily mean good rehabilitation of inmates and the prevention of recidivism.
- b. If the authority abuses its power to grant remission without sound accountability and transparency, then the significance of the judicial decision on the original sentence may be obscured, which also may lead to dysfunction of the criminal justice system.

## **C. Pardon**

### *Advantages*

- a. If a collective pardon is applied widely and frequently for the prison population, then we can expect a short-term reduction in the prison population.
- b. By utilizing pardons, offenders may achieve earlier reintegration into society.

### *Disadvantages*

- a. If the conditions for endorsing pardons are lax, then there may be a possibility of increased recidivists in the long run.
- b. Abuse of power in granting pardons may cancel the effect of punishment and cause social injustice.

## **D. Temporary Release Measures**

### *Advantages*

- a. Various measures of temporary release can be an incentive for good behaviour in prisons, it thereby contributes to a disciplined and peaceful atmosphere in the institutions.
- b. In the furlough programmes, more humane treatment of offenders is realized by assisting contacts with family members and people in the community.
- c. Through work-release and educational-release programmes, we can utilize various resources for assisting rehabilitation in the community, which also enhances self-reliance and a sense of responsibility in the inmates. In terms of cost, we can reduce expenditures for various prison work and education programmes.

### (v) *Disadvantages*

- a. If these programmes are enforced without a careful screening process, then there may be incidents such as escapes, re-offending, etc., which cause various management problems in addition to the negative impacts on the attitudes of the general public toward the community-based treatment.
- b. If such programmes are conducted with escorts or other surveillance measures, then they may be costly in terms of human and monetary resources.
- c. Evaluative studies have not proven their effectiveness in reducing recidivism.

**IV. STRENGTHENING THE IMPLEMENTATION STRUCTURE OF COMMUNITY-BASED SUPERVISION – SUPERVISION OF OFFENDERS IN THE COMMUNITY**

**A. Probation**

(i) *Available System: Definitions and Procedures*

Probation is imposed by the court when it suspends sentence. The purposes of the system are to recognize that reintegration of offenders back into society is better than imprisonment, to promote community awareness of their responsibility in crime prevention and to emphasize the role of the offender as a member of society and to encourage the dignity and pride of offenders.

All countries except Vietnam widely use the probation system. In Japan, it has been used for 50 years. However, there are some problems related to the implementation of the system in every country. Hence the need to strengthen or enhance its implementation structure in the community, therefore community-based supervision has to be addressed.

Although the procedure varies in each country, the common factor is that the offender must be guilty. To make it more clear and understandable, we summarized the general criteria, the range of suspended execution of sentence and the length of supervision below.

The following points are usually taken into account in selecting probationers: (1) age, (2) past criminal record, (3) behaviour, (4) intelligence, (5) education and training, (6) health, (7) mental condition, (8) habit, (9) occupation, (10) circumstance/living conditions, (11) nature / seriousness of the offence, (12) risk and needs assessment, and (13) recommendation by PPO and / or psychologist.

Apart from the general criteria, in some countries, for example in Japan, the requirements for a probationer are: (1) the offender has not been sentenced to imprisonment in the last 5 years, (2) the offence in question was not committed during a probation term previously ordered.

In the Philippines, probation can be granted once in a lifetime.

In Thailand the offenders must not have received imprisonment previously, except for offences committed by negligence or minor offences.

The conditions for suspended execution of sentence are summarized in Table 5:

**Table 5. Conditions for Suspended Execution of Sentence**

<b>Japan</b>	<b>Republic of Korea</b>	<b>Philippines</b>	<b>Thailand</b>	<b>Tonga</b>	<b>Vietnam</b>
Imprisonment (Not to exceed 3 years) Fine (Not to exceed 500,000yen)	Imprisonment (Less than 3 years)	Imprisonment (Less than 6 years)	Imprisonment (Not to exceed 2 years)	Imprisonment (Not to exceed 3 years)	No system of probation

The length of the supervision period is summarized in Table 6:

**Table 6. The Length of the Supervision Period**

Japan	Republic of Korea	Philippines	Thailand	Tonga	Vietnam
1 to 5 years	1 year	1 year (Less than 1 year sentence) 2 years (More than 1 year sentence)	Not to exceed 5 years	3 years	No system of probation

(ii) *Current situation*

Table 7 shows the current situation of probation among participating countries.

**Table 7. Current Situation of Adult Probation**

	Japan	Republic of Korea	Philippines	Thailand	Tonga	Vietnam
<b>Year</b>	2001	2000	2001	2001	2001	2000
<b>Number of probationers</b>	15,797	45,648	40,556	123,789	21	No system of probation
<b>Number of PPOs</b>	750	394	1,079	314	2	/
<b>Number of VPOs</b>	48,760	17,741	243	6,691	21	/
<b>Case load*</b>	21.1	115.9	37.6	394.2	10.5	/
<b>Prison population total</b>	65,508	62,989	23,965	247,865	271	71,151
<b>Recidivism Rate</b>	36.4% (2000) *Newly sentenced for a repeat offence committed during their probation supervision	3.5% *Committing another offence during their probation supervision	1.93% *Violation of conditions of probation	30.7% *Violation of conditions of probation	38.1% *Violation of conditions of probation	/

\* "Case load" = Number of probationers / number of PPOs

(iii) *Problems*

Problems relating to the probation system could be divided into external problems and internal problems. The latter one is also classified as the structural issues and the functional issues.

1. External problems

The probation system has not been fully utilized at the sentencing stage due to various reasons: e.g. more reliance on incarceration, lack of understanding on its effectiveness and penal populism.

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2. Internal problems

a. The structural issues

- (i) High caseload of PPOs
- (ii) Shortage of PPOs and other staff
- (iii) Limited budget for the probation system
- (iv) Poorly organised training for PPOs
- (v) In the recruiting process of PPOs, there is a tendency to put less emphasis on the social work orientation.

b. The functional issues

- (i) An effective rehabilitation programme has not been developed and not fully implemented
- (ii) The recidivism of probationers is lower than persons released from prison without supervision, but is still relatively high (See Table 7)
- (iii) Too lenient conditions for the probationers

(iv) *Solutions*

1. *External problems*

Dissemination of the effectiveness of community-based offenders treatment system such as the probation system and other early release measures to the judiciary. The research evidence shows that a community-based offenders treatment system is able to reduce recidivism better than correctional treatment (incarceration of offenders). From this point of view, the education of judges and providing persuasive information to judges based on evidence collected through research, systematic review and meta analysis are a crucial issue. Holding regular seminar and training courses for judges are important.

2. *Internal problems*

(a) The structural issues

The high caseload and limited budget has caused a shortage of PPOs and other staff. The dissemination of the effectiveness of a community-based offenders treatment system to the politicians is as important as the education of judges. Research and evaluation should be the important instruments for policy makers and executives for using information in decision and planning.

Beside that, we also have to consider the effective utilization of the VPO system and the establishment of a network of community resources. Japan, Korea, Thailand and the Philippines have a VPO system. In addition to this, these countries, Vietnam and Tonga have various kinds of community resources. We should develop and organise them more effectively (This issue will be discussed in the latter part of this paper).

PPOs, VPOs and members of organisations and individuals who support activities of the probation service should be given systematic training.

For the recruiting of PPOs, criminal law as well as social work orientation should be emphasized more.

(b) The functional issues

To develop an effective rehabilitation programme to reduce the recidivism of probationers and improve the quality of life of the probationer, we have to refer to research evidence and also conduct further research in a scientific way. Based on this research we need to enhance the number and variety of programmes, utilize special conditions, and treatment and support should be implemented. We should also introduce a variety of conditions of probation at the statute level to solve the issue of imposing too lenient conditions for probationers.

**B. Supervision for Probationers**

Types of probation supervision are: regular; intensive; and special probation. In all countries represented in group 3, regular probation supervision is available.

The specific probation conditions required by the courts during probation are shown in Appendix 2.

### C. Supervision for Parolees

#### 1. Pre-Release and After-Release

##### (i) *Available System: Definitions and Procedures*

Almost all of the correctional facilities in the group 3 countries provide pre-release and after-release programmes. They are usually assisted by volunteers. Pre-release programmes would help the offender to achieve a smooth transition to social life, to establish future prospects, and to ease anxiety over life following the release. After-release programmes would help parolees through job placement, financially, and guidance, etc. The continuation from prison to society may contribute to the rehabilitation of offenders.

Pre-release programmes include guidance and counselling, family contacts and orientation, and preparation conducted inside the prison facilities. Moreover, group counselling to develop personality, pro-social attitude and behaviour were provided.

The procedure for pre-release programmes however, differs in each country that has adopted the system. For example, in Korea, there are education and welfare officers, who conduct life and guidance programmes, classification officers who classify the prisoner in accordance with their qualification for release and PPOs who assist the Board in their decision as to whether the application is granted or denied.

In Japan, there are guidance support and visiting public employment social security office or probation office as a pre-release programme in the prison, where they interview and discuss with correctional officers as pre-parole investigation, seconded PPO system in some prisons, inquiry into and adjustment of living condition by VPOs, and intensification of parole examinations for inmates serving long terms for pre-release. As after-release programme, emergency assistance for parolees during the parole period and after release programme for discharged offenders can be provided.

In Thailand, a pre-release programme in each prison is available. The programmes include interviews, group counselling, group guidance and family-relation with family members. In terms of after-release programmes, community service, e.g. cleaning and repainting of public places was carried out.

Tonga does not have any pre-release nor after-release programmes.

Vietnam does not have any pre-release programmes but the local government will assist those released to find a job to earn a living.

The Philippines has various programmes to prepare prisoners for their eventual release from prison. Education from elementary to college level and informal vocational training is offered. Therapeutic community modalities are also conducted for drug offenders. Prison work is offered by the private factories situated inside the prison. Also, the system has newly adopted the halfway house system. This is also situated inside the reservation and caters to pre-release prisoners. Its main objective is to prepare prisoners economically, socially and physically.

##### (ii) *Some Suggestions for the Further Improvement of the Supervision of Parolees*

1. Pre-release programmes in institutions and after-release programmes should be well organised in order to provide effective through care for offenders. For example, studies on evidence-based practice indicate that some programmes such as Therapeutic Community (TC) can achieve better offender rehabilitation if the institutional TC programmes are followed up by community-based TC programmes.

2. Close cooperation and information exchange between the pre-release stage and the after-release stage are one of the important keys to enhance earlier release for parolees and smooth their

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reintegration into society. Therefore, correctional institutions, probation offices and parole boards should make concerted efforts to enhance necessary arrangements for parole supervision.

3. A risk and needs assessment is very important for arranging both pre-release and after-release programmes. Individual needs should be matched by the most available services with close attention paid to possible risks, which will determine the levels of required supervision.

#### **D. Community Involvement in Community-Based Supervision**

##### **1. Volunteer Probation Officer (VPO) System**

###### **(i) *Available System***

Another main problem encountered by countries in group 3 was lack of human resources to supervise the recipient of a community-based alternative to incarceration. In Thailand, the ratio of probationers to PPOs is 1:394. Hence, there is a need to search for another alternative to official supervisors. Therefore, a VPO system was introduced in the criminal justice system specifically for the treatment of offenders.

However, this scheme needs to be further enhanced and strengthened. In countries like Japan, Korea and Thailand where the scheme is widely used but it still encounters a lot of problems while in the Philippines it needs re-introduction. Tonga has no problem regarding the system since there is no requirement as to who will become a volunteer. In Vietnam, there is no probation system since the released offender goes to the local government for assistance.

The common policy in adopting the system is to promote community involvement. The most common criteria in choosing volunteers is being a responsible member of the community. They are carefully selected on the basis of their voluntarism spirit, their ability, willingness and readiness to serve the community, financial status and etc. They are often appointed by the highest authority in the agency, for example, the Minister of Justice in Japan. In Tonga, the discretion of choosing the volunteers depends on the PPO and available members of the community who are willing to accept the supervision. VPOs can be local officials of the town, church leaders or any officer of an existing community organisation in an area where the probationer resides.

###### **(ii) *Problems***

1. Difficulties recruiting qualified persons as VPOs and a shortage of VPOs.
2. Since the VPO who has been assigned the case is often too busy to supervise the probationer enough, the risk of recidivism becomes relatively high.
3. Difficulties of providing supervision and support for offenders in the same level.
4. The VPO system is not fully utilized because of the complicated procedure of case referral to VPOs.
5. Sometimes, the generation gap might cause a communication difficulty in view of life and priorities between a senior VPO and a youthful offender.

###### **(iii) *Solutions***

1. A practical VPO recruitment system consists of effective ways for recruitment and retention of VPOs as volunteers. In the recruitment process, firstly, effective dissemination of relevant information to the public and community continuously by various means, e.g. using the mass media including TV, radio, newspapers and internet web sites, campaign activities in the local community are also important. At this stage, we have to show what type of people are needed, what skills and experience are required and also what skills and experience the organisation can offer potential volunteers. It means people expressing an interest in volunteering can be given a clear, honest picture of what to expect. Secondly, we have to establish standards of qualification to become a VPO and a transparent screening process. Members of the VPO screening committee should be impartial. Thirdly, after recruitment, we have to think of the sustainability of VPOs. In this regard, establishment of a VPO

organisation, a database of VPOs and a sustaining mechanism for VPOs are vital. It is also important to keep up the motivation of volunteers. People are most likely to remain volunteers if their work is satisfying or enjoyable. Knowing that their contribution as a VPO is making a difference is important, perhaps more so with time than with money. Like paid workers, volunteers need to feel they are supported and valued. Getting on with the people they work with is important too. Fulfillment of expectations, such as the chance to learn new skills, will obviously keep volunteers motivated.

American researchers Rick Lynch and Steve McCurley (1996)<sup>1</sup> have identified five key times when volunteers are likely to give up volunteering. They are after initial contact with an organisation, when people feel ill at ease, and pick up on any sign that they are not welcome, during the first month of volunteering, when it becomes clear that the experience does not match expectations, after the first six months, where volunteering can come into conflict with outside life, at the first anniversary, which can involve taking stock and thinking about the future, and in the longer term, where changes to the volunteer role or within one's personal life are the main factors that can effect involvement.

2. For effective assignment of a case to a VPO, we establish a database system of VPOs to match the risk and needs of offenders with the VPO's profile. The VPO's profile includes his/her specialities, time availability, geographical arrangement, age, sex and previous experience of treatment and so forth.

3. A systematic and effective training system for VPOs must be developed. This system should provide not only periodical training at the central level but also on-going training in the community.

4. To make a speedy referral of the case to the VPO, a standard format and procedure for the referral should be introduced.

5. Utilizing other community resources such as the Big Brothers and Sisters Movement (BBS) may ease the generation gap.

## 2. Community Resources

To realize effective supervision and support for offenders, it is also necessary to establish a network of community resources for providing various kinds of support to offenders. The following shows examples of available community resources in each participating country. When we utilize them, we should introduce a database of community resources and a performance evaluation system.

### (i) *Available System*

#### Tonga

(1) Salvation Army (support and compensate the victim and the family of the probationer, and run an anger management programme), (2) Church, (3) Rotary Club

#### Thailand

(1) The Offenders Rehabilitation Foundation of the Ministry of Justice, (2) VPOs Association, (3) Collaboration between the Department of Probation, the Department of Mental Health, the Department of Skill Development and the Department of Public Welfare to provide essential services.

#### Vietnam

(1) Women's Union (support to find jobs), (2) Youth Union, (3) University Students

#### Korea

(1) Rehabilitation Public Corporation (half government, provide training and financial support), (2) Civilians who are registered with a government license will provide training and financial support

#### Japan

(1) Women's Association for Rehabilitation Aid (WARA), (2) BBS, (3) Cooperative Employers, (4) Halfway houses (101 houses, approximately 70% funding from the government), (5) Rehabilitation Aid

<sup>1</sup> Rick Lynch and Steve McCurley (1996). *Volunteer Management: Mobilizing All the Resources of the Community*. Heritage Arts Pub.

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Associations (66 associations, providing monetary support), (6) VPOs Association, (7) Rehabilitation Service Promotion Association

Philippines

(1) Education and vocational training: four educational organisations, (2) Religious volunteers in all sects, (3) Job Placement: three organisations, (4) Halfway house: six organisations support one halfway house.

3. Community Service Order (CSO)

Among group 3 participating countries, only Korea has the CSO and the attendance center order (ACO).

(i) *Available System: Definition and Procedures*

For the definition of a CSO refer to the Group 2 workshop report.

(ii) *Current Situation*

**Table 8. Number of Community Service Orders (CSO) in Korea**

Year	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000
CSO	2,460	3,355	3,278	4,671	5,284	7,418	22,030	37,506	33,391	33,580

(iii) *Problems*

- a. There are no clear national standards for applying CSOs by judges.
- b. The number of offenders subject to a CSO has dramatically increased. Therefore CSOs are not effectively implemented so it is very difficult to implement this option.
- c. Because of a shortage of PPOs, they cannot thoroughly supervise the offenders.

(iv) *Solutions*

- a. It is necessary to develop a reasonable national standard based on research on the effectiveness of CSOs.
- b. PPOs should have the expertise through the systematic training in order to implement this system efficiently and effectively.
- c. The number of PPOs and the budget should be increased.

4. Attendance Center Order (ACO)

(i) *Available System: Definition and Procedures*

Among participating countries, only Korea has this system. The ACO is a system to have a habitual or drug addicted convict attend lectures or field trips or participate in discussions, or psychological treatment etc. in the probation office or a special institution which the probation office designates instead of confinement.

An ACO should be given up to 200 hours where an offender has been given a suspended sentence and up to 100 hours for domestic violence offenders given a suspended sentence.

Discretionary conditions are:

- a. Obligation to obey instructions of a PPO.
- b. Notifying the PPO when he moves his residence or travels for more than 1 month within the country.
- c. Specific conditions which the court imposes.

(ii) *Current Situation*

**Table 9. Number of Attendance Center Orders (ACO) in Korea**

Year	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000
ACO	1,340	1,434	1,217	1,770	1,880	1,755	1,664	2,995	3,803	6,502

(iii) *Problem*

The number of PPOs is not enough because of heavy caseloads. Therefore, close attention cannot be addressed to the individual circumstances of the offenders.

(iv) *Solution*

- a. Increase the number of PPOs and the budget.
- b. Improving the specialty of PPOs to operate the ACO efficiently.
- c. Substantial training and instruction are also needed to enhance the skills of PPOs.

## V. CONCLUSION

### A. Early Release Measures

1. The availability of early release measures and temporary release measures varies country to country due to the differences in penal philosophies, current laws, practices, attitudes and reactions from each society. When we think of the positive utilization of early release and temporary release measures, promoting the rehabilitation of offenders should be a high priority. In other words, the through care should be the fundamental concept to establish and manage these systems and measures. From this point of view, we should establish an effective classification system and a standard risk and needs assessment scale for offenders. Without having these systems, early release and temporary release measures could just be a valve for the adjustment of the prison population. Under the present system, many high-risk inmates will be released on early release and temporary release measures without sufficient supervision and support.

2. Parole systems among participating countries are not fully utilized due to various reasons: e.g., conflicting provisions in laws, shortage of the budget and/or manpower, etc. As we suggested before, solutions to tackle such problems need to establish a multidisciplinary approach that incorporates key persons among relevant agencies. We recommend that the following measures should be taken in relevant countries: e.g. the introduction of an objective screening process and the allocation of appropriate resources in terms of the offenders' needs and risks, the establishment of an independent authority which incorporates accountability and transparency in decision-making, etc.

3. Utilization of temporary release measures are rare among the participating countries. They do not usually have a significant impact on reducing the prison population. However, such kinds of programmes can be the primary means of bridging institutional treatment and community-based treatment by enhancing privileges for inmates and opportunities to prepare for the through care process, i.e. smooth transition and reintegration into the community. Thus, more emphasis needs to be added to the utilization of temporary release measures if we want to conduct penal reform.

4. These measures should always be closely monitored and evaluated in order to achieve and continue effective results that are based on evidence-based practice such as research, statistical analysis and scientific and systematic evaluation. This evidence-based practice will improve the present policies and the quality of various services. The enlargement of community-based options also depends upon the support and trust of the general public who are well informed with reliable evidence.

### B. Strengthening the Implementation Structure of Community-based Supervision

1. To strengthen the implementation structure of community-based supervision depends on the people who carry out the measures. The philosophy, values and assumptions or in summary the

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ideology of the people will determine to a large extent how the measures are implemented or how the difficulties can be overcome. This starts from recruitment, followed by induction or orientation of staff to on-the-job and on-going training of staff. It is important to recruit staff who share the ideology or philosophy that are behind the measures.

After recruitment, it is important to continue to train people who are committed to the job and to train them to work as a team. And also, to ensure that there should be a system of on-going communication and consultation that enhances the quality of services.

2. Programme design for community-based supervision should be based on evidence based research. We must draw on research findings such as the impact of interventions on human behaviour to determine how much intervention is needed and therefore where limited resources should be invested.

3. Enhancement of community involvement such as effective recruitment of VPOs and other volunteers for community-based supervision and establishment of a network of community resources is vital. Continuous and diversified dissemination of evidence based information related to community-based supervision will be useful to get support for community-based supervision systems from people and the community.

Keeping the service standard of community-based supervision, the provision of systematic and on-going training for these volunteers is a basic requirement.

A sustaining mechanism for VPO volunteers is as important as recruitment. By establishing an effective sustaining mechanism for VPOs, we have to consider the following key times;

1. The initial contact should be welcoming and the response should be prompt. Give a clear picture of what volunteers can expect from your organisation.
2. During the first month, make sure volunteers go through an induction process. Make it clear that help and support is always on hand. Introduce some training, being careful not to overwhelm the volunteer.
3. After six months, review the period with the volunteer. Look at whether they need a change of role or further responsibility. Discuss training needs, and what skills they would like to acquire.
4. The first anniversary can be celebrated in some way, formally or informally. Achievements can be noted and shared with others. For example, volunteers can be encouraged to take an active part in the running of the organisation, through the management committee.
5. When people have been volunteering for over a year, it is important that they are not taken for granted. They have skills that should be utilized, perhaps by providing support for less experienced volunteers.

**APPENDIX 1**

**Available Community-Based Alternatives**

	<b>Japan</b>	<b>Republic of Korea</b>	<b>Philippines</b>	<b>Thailand</b>	<b>Tonga</b>	<b>Vietnam</b>
<b>Post Sentencing Stage</b>						
<b>(Early release measures)</b>						
<b>Parole</b>	◎	◎	◎	◎	△	○
<b>Pardon</b>	△	○	△	△	△	◎
<b>Remission</b>	×	×	◎	◎	◎	○
<b>(Temporary release measures)</b>						
<b>Furlough</b>	×	◎	×	×	×	×
<b>Temporary Leave Program</b>	×	◎	×	×	×	×

◎ Widely used  
○ Sometimes used

△ Occasionally used  
× Not available

**APPENDIX 2**

**The Conditions for Probation**

1. Conditions for Regular Probation

a. Common conditions in participating countries:

1. Do not commit further crime / keep good conduct
2. Report to the PPO regularly
3. Do not change residence without permission of PPO
4. Engage in a lawful business
5. Notify the probation office of his/her specific place of residence
6. Refrain from associating with those who are apt to commit crime

b. Others:

1. Abstain from drinking intoxicating beverages to excess (Philippines)
2. Meet his/her family responsibilities (Philippines)
3. Do not change employment without the prior written approval of the PPO (Philippines)
4. Make restitution to the victim of the offence (reference: USA Federal probation)

2. Conditions for Intensive Supervision Probation

No participating country of this group has an intensive supervision probation system. But at a functional and practical level, Japan and Thailand have a kind of supervision scheme. Based on the classification system in Japan and Thailand, if a probationer is classified as Class A or High Risk, he/she will be the subject of intensive supervision, e.g. meet with PPO two or more times a week and the PPO will visit the residence of the probationer once a week.

3. Conditions for Special Probation

1. Attend or cooperate with a treatment programme (such as drug addiction, physical, mental treatment) (Thailand, Tonga and Philippines)
2. Continue prescribed education or vocational training (Philippines)
3. Attend or reside in a facility established for the instruction, recreation or residence of persons on probation (Philippines)

In Japan, there is no special probation system. But on a functional and practical level, the categorized treatment scheme of the Japanese probation system functions as a kind of special probation such as providing drug treatment, assisting job placement and so forth.