

# Year 2013 Crime Situations and Analyses<sup>1</sup>

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## Abstract

Since 1973, the Ministry of Justice has edited and published the book *Crime Situation and Analyses* yearly, presenting various crime statistics and explanations. This book has been published for a long time. When a research for criminal justice policy and crime is carried out, it is imperative for academic field and related authorities for understanding the overall domestic crime problem and using the book as the relative reference.

On July 1<sup>st</sup>, 2013, Academy for the Judiciary, Ministry of Justice, went through the re-organization. “The Crime Prevention Research Center” was joined to the Academy. Part of its work is to investigate, analyze and study the important crime issues confronting this country. To improve the yearly book’s value for academic study and to connect it to international criminal justice research, this yearly book was contracted to university professionals. With reference to the research methods, official data analysis, international comparative analyses, coordinating meetings and focus group interviews were used. This 2013 edition has continued the traditional statistics basis, presenting fully the crime trend and status quo, while international comparison for crime situation was also added. It also presents the judicial innovations, charts and figures to reinforce interpreting and analysis, improving results explanation and policy implications.

Based upon findings on Year 2013 overall crime situation and trend in Taiwan, suggestions are made, including:

A. Advocating for knowledge- and evidence-based criminal justice and corrections

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policies.

- B. Providing appropriate treatment measures for gender consciousness and needs.
- C. Emphasizing special needs of elderly criminals and treatment measures for incarcerated, elderly prisoners.
- D. Putting more concerns on the schedule 2 and 3 drug issues and policies' effectiveness.
- E. Enhancing medical and rehabilitative policy for schedule 1 drug abusers.
- F. Watching closely the prevention strategies for drunk driving and hit-and-run accidents.
- G. Improving crime statistics and prevention for food and drug crimes.
- H. Making prevention and treatment guidelines based upon finding on juvenile crime trends.
- I. Enhancing the network connection for crime victims.
- J. Reducing continually lawsuit abuse and reinforcing diversion to save judicial and corrections resources.

**Key words: the entire criminal cases, specific crime, recidivist, crime treatment, innovation for justice issues.**

## Introduction

Since 1973, Ministry of Justice has edited and printed the book *Crime Situation and Analyses*, presenting various crime statistics and explanations. It has been published for a long time. When a research for criminal justice policy and crime is carried out, it is imperative for academic field and related authorities for understanding the overall domestic crime problem and using the book as the relative reference.

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*The 2013 Crime Situation and Analyses* consisted of seven chapters. Chapter 1 presents the data, which were provided by the Criminal Investigation Bureau (CIB), National Police Administration (NPA), Ministry of Justice (MOJ) and Ministry of Health and Welfare (MOHW). The ten-year crime trends also are analyzed. The results also compared with those of US, UK, and Japan. Chapter Two deals with the treatment of crime, including investigation, prosecution, trial, corrections, rehabilitation and judicial mutual assistance across Taiwan straits and internationally. Chapter Three states the juvenile issues, such as the crime committed by children and juveniles and the analyses of crime causations. Chapter Four analyzes trends and

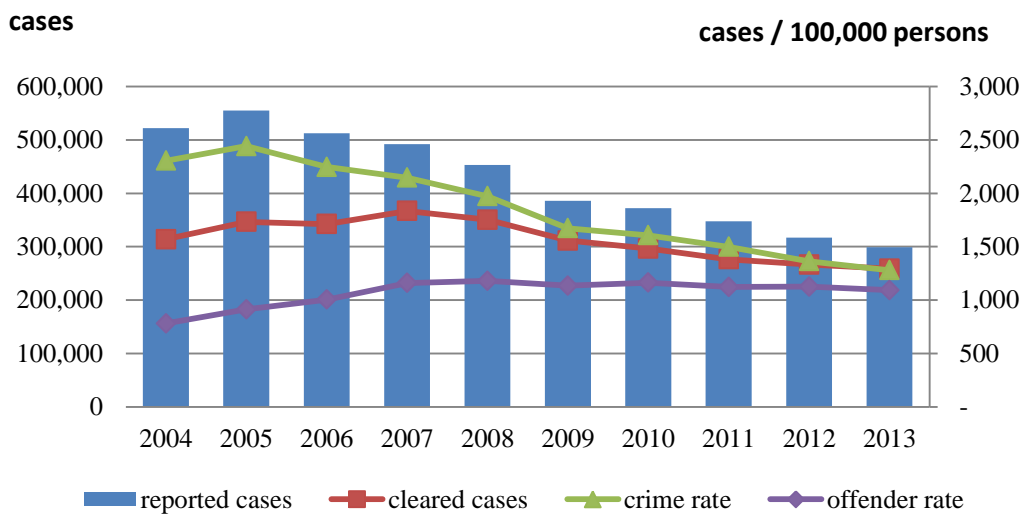
treatments for specific offenders, including female offenders, drug crime offenders, elderly offenders, foreign offenders and recidivists. Chapter Five describes protection measures on crime victims, including the system of victim protection, compensation for crime victims, and protection services for victims. Chapter Six describes the innovations of the legal system, including the innovated measures for prosecution, corrections, judicial protection, actions against corruption, and international and cross-strait legal issues. Chapter Seven summarizes findings and suggestions for policy.

### **Year 2013 and crime trend for the past 10 years.**

This chapter describes data obtained from NPA, MOJ, MOHW, and other agencies, including crime cases, crime rate, number of suspects, offenses cleared and related statistics for understanding the crime trend in the past 10 years. Different agencies may have different data sources or legal definitions. Especially the NPA used “the entire criminal cases”, which term refers to all criminal cases reported to police agencies. NPA focuses on categorized statistics in accordance with the “crime type”, that is different from what MOJ used. MOJ’s data are categorized according to “general criminal law” and “special criminal law”. The characteristics of crime situation in Year 2013 are described below.

#### **A. The entire criminal cases reached the recorded low.**

In terms of recorded entire criminal cases by all level police agencies, the crime rate increased by 6.28% from 2004 to 2005; in contrast, it reduced between 2005 and 2013. In 2013, 298,967 cases were recorded, which is the lowest; whereas 555,109 cases were recorded in 2005, which is the highest. The major crime types in the past 10 years are endangering the public safety, drug crimes, theft and fraud.



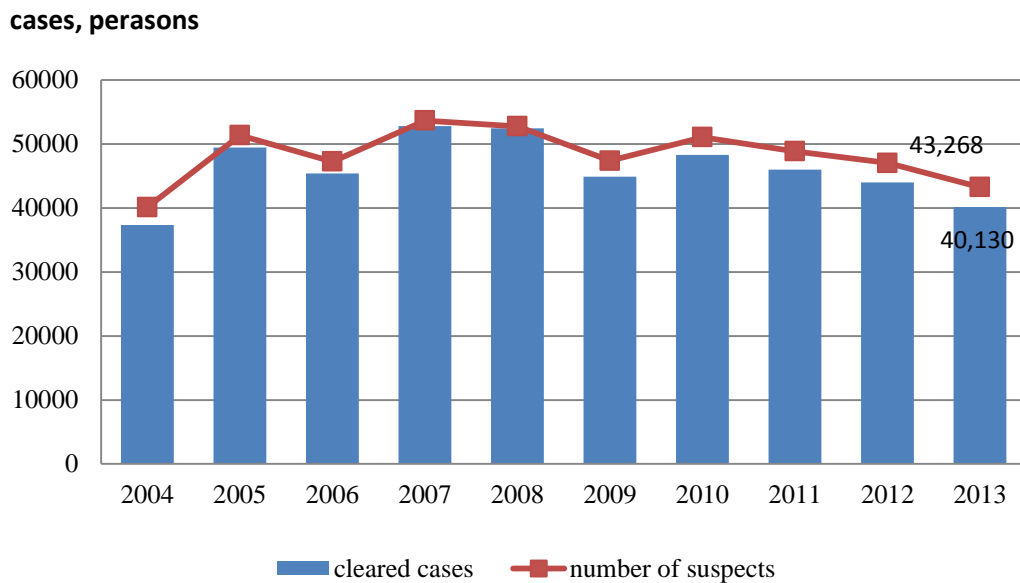
**Figure 1-1 The entire criminal cases in the past 10 years**

**B. Major Offenses against Public Safety are drunk driving and hit-and-run accidents.**

From 2004 to 2013, the number of suspects for offenses against public safety has increased dramatically, especially drunk driving and hit-and-run accidents (it increased by 17.59% compared to 2012 and 1.16 times compared to 2004). Regarding drunk driving, a total of 62,228 offenders ranked the top (it increased by 17.5% in 2013 and 3.04 times higher than 2004). Regarding to the hit and run accidents, a total number of 4,189 in 2002 ranked the top (it increased by 4.65% than that in 2001 and 3.04 times compare to 2004). In 2013, the number of suspects for hit and run accidents decreased as 3,988 suspects were arrested (it reduced by 4.80% compared to 2012).

**C. The downward trend for number of suspects for drug crime.**

Number of cases violated the Drug Law recorded by all level police agencies has shown a downward trend since 2008, with the exception of 2009 and 2010. From 2009 to 2010, cases regarding the drug law violation increased by 7.58%. Among these years, 52,835 in 2007 ranked the highest, while the lowest number was 40,130 in 2013 (it reduced by 8.80% compared to 2012, and by 24.05% compared to that in 2007).



**Figure 1-2 Trend for the drug law violation in the past 10 years**

**D. The number of thefts shows a downward trend.**

Theft cases recorded by all level police agencies have gradually decreased since 2004 with 330,320 cases. In 2013, 82,496 theft cases ranked the record low. Among them, auto vehicle thefts decreased dramatically as it reduced by 87.11% compared to that in 2004. Motorcycle thefts decreased by 86.01% and larceny reduced by 53.44%.

**E. Downward trend for fraud in the past 6 years.**

Fraud cases recorded by all level police agencies between 2004 and 2005 increased to 43,023 cases which is the highest. From 2008 to 2013, it has shown a decreased downward trend to 18,772 cases, which is the lowest.

**F. Major crime rates all show a downward trend among Taiwan, Japan, UK and US.**

Major crime rates have decreased among lots of countries from 2002 to 2011. Comparing to crime in year 2002, Taiwan dropped by 38.03%, Japan by 48.24%, UK by 37.61%, and the USA by 20.12%. In terms of crime rate in 2011 per 100,000 of national population, the figure of 1,325 in Taiwan is higher than 1,159 in Japan, but lower than 7,091 in UK and 3,295 in the USA. With regard to offences cleared, Taiwan ranked the top among other nations. The clearance rate of the USA remains

stable. However, the other 3 nations increase. Especially, Taiwan's clearance rate s has grown about 35.37% from 2002 to 2011.

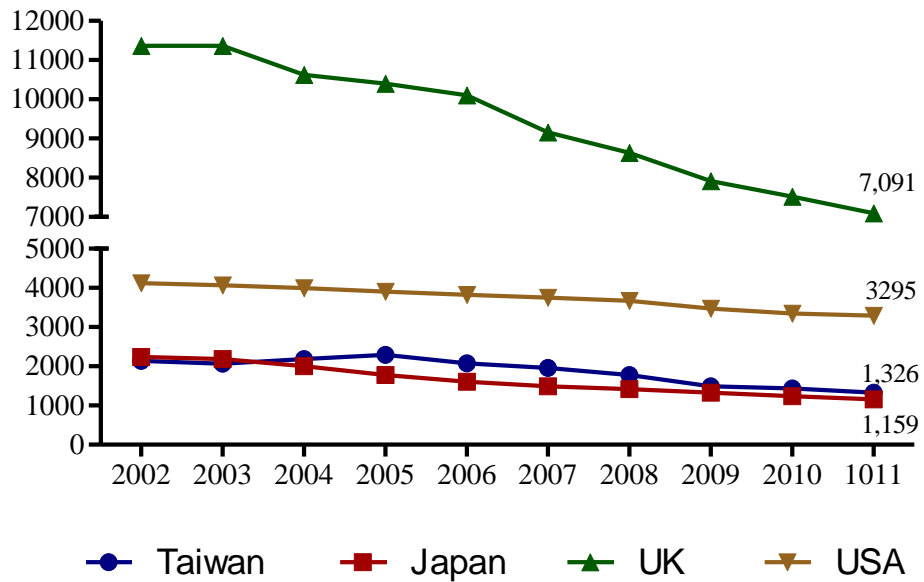


Figure 1-3 Crime rate trend for major crimes among 4 nations (2002-2011)

## Dispositions of crime in criminal justice process

This chapter will describe crime investigation, prosecution, trial and corrections to explore the overall trend of crime treatment and the results for 2013. The offender characteristics incarcerated in institutions are also presented. Figure 2-1 indicates the results of each criminal procedural stage:

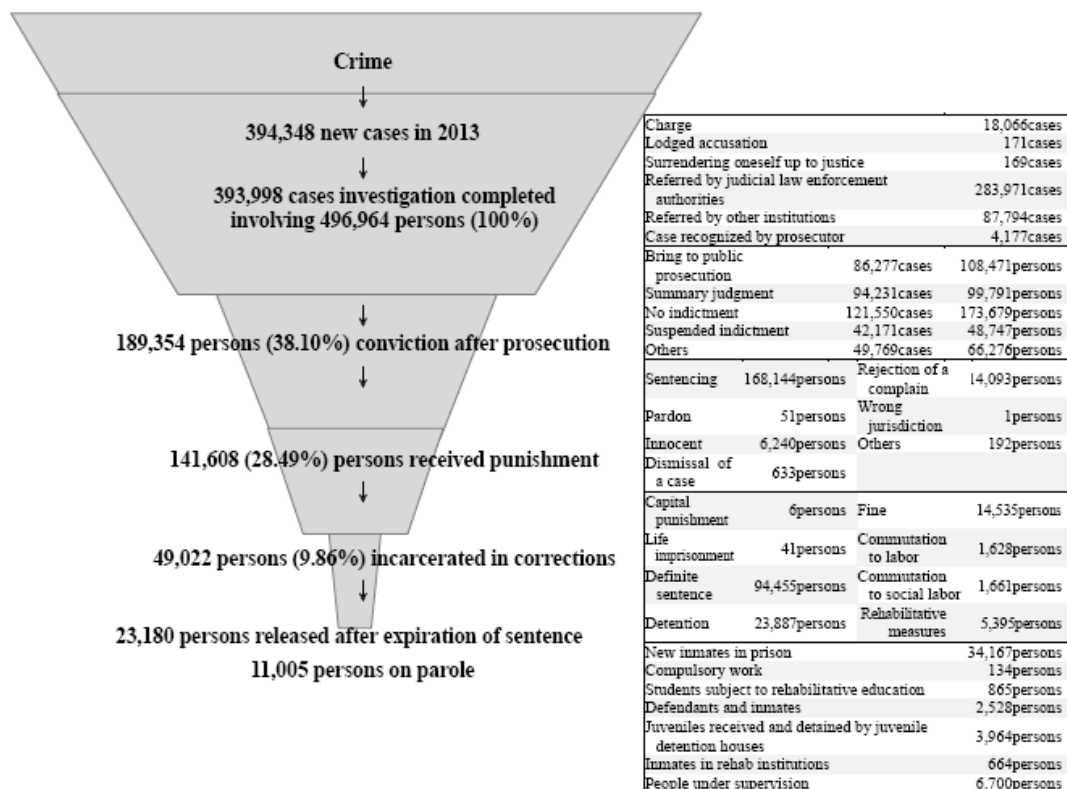


Figure 2-1 2013 Statistics for dispositions of crime in criminal process

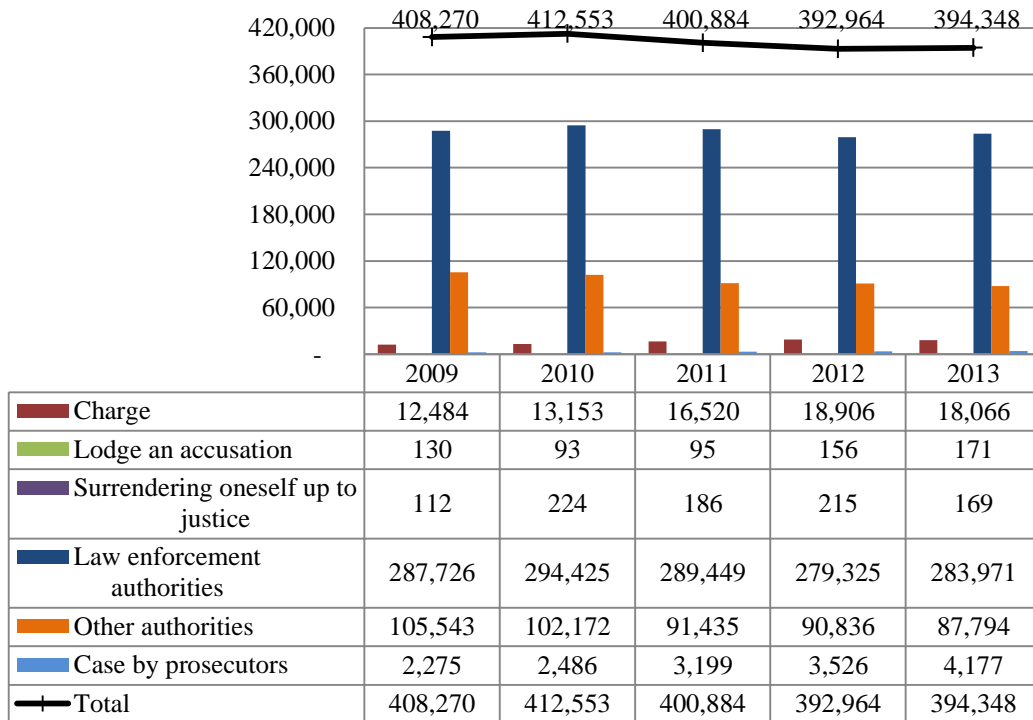
- A. Newly lodged cases were the second lowest in the past 5 years. Police agencies brought in most suspects for further investigation by the prosecutors. Major crime types are offenses against public safety and offenses against drug laws.**

The total number of newly lodged criminal cases in 2013 from district prosecutors offices was 394,348 cases, the second lowest in the nearly 5 years. Among newly lodged cases in 2013, 90,028 cases are offenses against public safety (accounting for 30.05%) ranking the top, 47,796 for assaults (accounting for 15.95%),



38,657 cases of theft (accounting for 30.05%) and 35,946 cases of fraud (accounting for 12.00%). With reference to special criminal law, mostly are cases violating the drug laws in 2013, which are 66,712 (70.44%).

**Figure 2-2 Newly lodged cases in district prosecutor offices in the past 5 years**

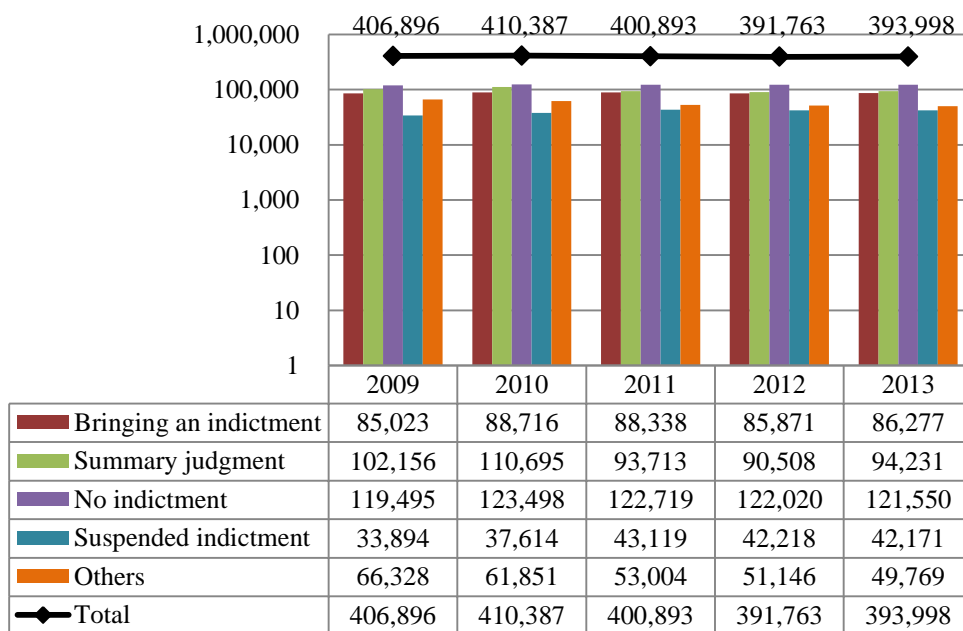


**B. After investigation is completed, no prosecution ranked the top, summary judgments the second.**

In the past few years, district prosecutor offices have tried to reduce indictments for conclusion of investigation, and increased the referral of summary judgment as well as suspended prosecution. Since 1998, the number of closed cases has maintained around 400,000 cases every year and the number of defendants has been around 500,000. In 2013, cases of conclusion of investigation in district prosecutor offices was the second lowest, it is little bit higher than the ones in 2012.

There are 393,998 cases of completed investigation in 2013, while the number of suspects involved is 496,964. Among them, 121,550 cases (30.85%), involving 173,679 persons (34.95%), led to no indictment, ranking the top. The second is referral to summary judgment of 94,231 cases (23.92%) and 99,791 persons (20.08%). There are 86,277 cases (21.90%) and 108,471 persons (21.83%) are indicted as result

of the investigation. There are 42,171 cases of suspended prosecution (10.70%) and 48,747 persons involved (9.81%). In recent years, the cases and the number of persons of deferred (or suspended) prosecution have grown gradually. There are 32,164 cases (39,977 persons) in 2008, 42,171 cases (48,747 persons) in 2013. The suspended prosecution has become an important criminal justice policy. The number of persons who have not been indicted gradually increased as well. The year 2012 ranked the first, and 2013 comes after. In 2013, there are 121,550 (accounting for 30.85% of total cases).



**Figure 2-3 Cases of completed investigation in district prosecutor offices in the past 5 years.**

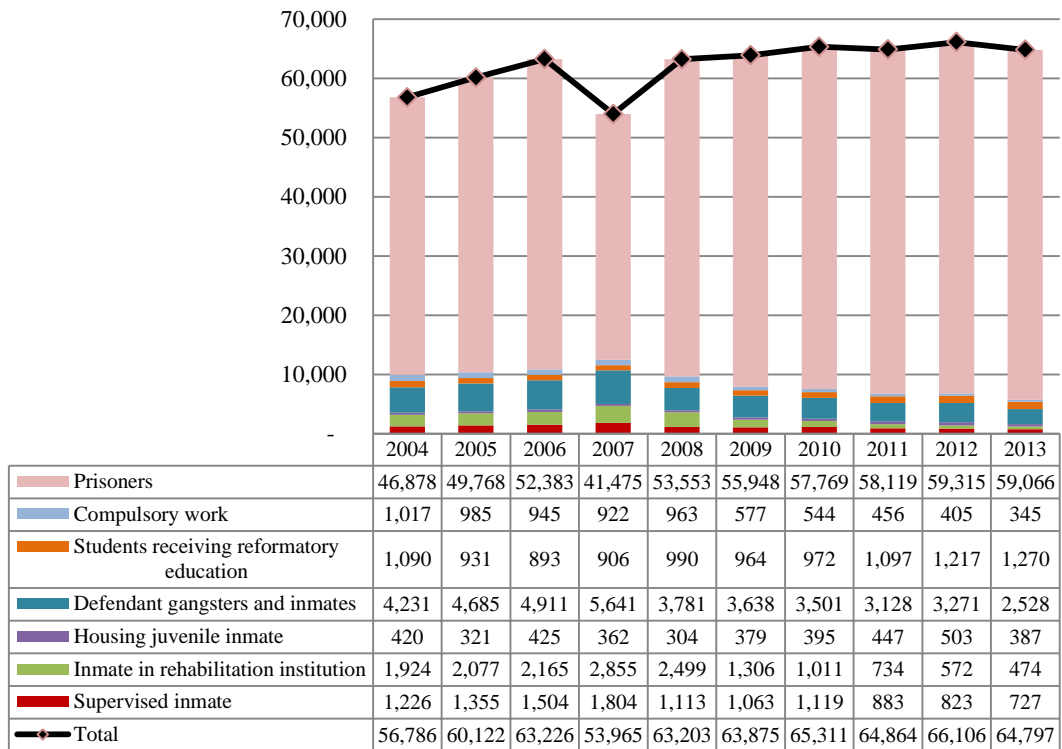
**C. The number of suspects indicted accounted for 40~45%, mostly for endangering public safety and violating the drug law**

In the past 5 years, the number of suspects indicted after completed investigation accounted for 40~45% of all suspects. In 2012, 203,760 (41.17%) were prosecuted while there were 208,262 (41.91%) in 2013. In terms of the crime type, the top 4 crime types in 2013 were offenses against the public safety with 56,075 persons (26.93%), violation of drug law with 40,305(19.35%), theft with 23,169(11.12%), and assault with 20,004 (9.61%), respectively.

**D. Prison overcrowding is a major problem, and most are short-term incarcerated prisoners.**

Regarding the number of persons in prisons in the past few years, 53,965 persons in the end of 2007 was the lowest; in contrast, 66,106 persons in the end of 2012 was the highest. Among these prisoners, 11,513 were excessive, accounting for 21.10%. In the end of 2013, 64,797 persons were incarcerated, 10,204 were excessive, accounting for 18.69%.

Most prisoners were sentenced to imprisonment under 6 months, or sentenced to imprisonment under 6 months but commutable into fine. That two kinds of sentences accounted for about 57%~65% among all incarcerated persons. Actually, there are around 80% who received short-term sentences of under-1 year incarceration. For short-term prisoners, incarceration damages their social relations, makes them difficult to return to the society and harm family relationship. It also results in a negative effect – it is not enough time to learn what is good, but it is enough to learn what is bad. As a result, how to apply effectively the “alternative treatment” to solve the prison overcrowding is an imperative issue for a sound criminal justice policy.



**Figure 2-4 Prisoners in correctional institutions in the past 10 years.**

**E. Keeping promoting community treatment, allowing offenders to maintain normal social life.**

Community correction treatment aims to place offenders in their communities, allowing them to maintain normal social life, adopting probation or providing community services and other kinds of service. Offenders can ameliorate their bad habits in their familiar communities, prevent reoffending, and maintain social security. A variety of different treatments can help ex-convicts to restore once damaged social relations. Currently, our community adult correction includes suspended prosecution with community treatment, conditional probation with community treatment, probation under protective measures, parole under protective measures and serving social labor. 11,807 persons in 2013 are newly lodged probation under protective measure; 4,532 persons received probation under protective measure; 23,135 persons received deferred prosecution with community services, and 13,683 persons are serving social labor. That indicated probation officers' working focus has shifted from traditional probation to deferred prosecution and social labor.

## **F. Continually promoting aftercare work, helping ex-prisoners to regenerate through their own efforts**

After-care services aim to protect persons who get out of prison, helping them to regenerate through their own efforts, adapting to social life, prevent reoffending and maintaining society security. At present, Taiwan adopts three ways –direct protection, indirect protection and temporary protection –to help ex-prisoners regenerate through their own efforts. There were 7,259 new after-care cases in 2013. Among them, 1,985 (27.35%) clients applied services by themselves, 5,274 (72.66%) protection services were applied by prosecutors, parole officers or staff in prison. Totally, there were 79,193 times/persons in 2013. Indirect protection, such as helping them to get a job (1,627 persons) and visiting (45,120 persons), are the most frequent, accounting for 83.19% (65,882 times/person). The second is direct protection -- to place them in the manufacture sector (450 times/persons) and provide skill training (2,054 times/persons). There is a total of 9,690 (12.24%) times/persons. Finally, providing travelling fees, board and lodging expenses and small amount of loan and accommodating 3,621 people accounts for 4.57%.

## **G. Keeping promoting international and Cross-Strait mutual assistance in criminal justice, extraditing and repatriating cross-border criminals.**

Taiwan has signed mutual assistance agreements in criminal justice with USA, Vietnam, Philippine and China. In terms of the domestic laws and acts, it is necessary to modify the Extradition Law, and draft the new law on mutual assistance agreement in criminal justice. For the individual criminal case, it is also necessary to work under the mutual assistance agreement. Through abovementioned efforts, it is believed that we can gradually perfect the mutual criminal justice assistance mechanism internationally and across the Taiwan Strait. Taiwan can fulfil its duty as a member of international community, helping to maintain the international judicial order.

## **H. Characteristics of prisoners in institutional treatment are listed below**

1. 10% of female prisoners.
2. Highest proportion of education background for prisoners is junior and high

schools.

3. Most new prisoners are laborers or unemployed.
4. In terms of age, 30-40 are the most while elderly offenders reached a record high.
5. Drug crime, drunk driving and theft are still a serious crime problem.

## Juvenile Events

This chapter covered “juvenile criminal cases” and “juvenile protection events”. Juvenile Court is responsible for juveniles who violate criminal law, or conduct delinquent acts in accordance with the Juvenile Delinquency Act. According to Juvenile Delinquency Act, there are two kinds of juvenile dispositions – juvenile criminal cases and juvenile protection cases. Juveniles are defined as boys and girls who are between 12 and 18 years old. Children who are between 7 and 12 years old are only applicable to rules in the juvenile protection if they break the criminal law.

### A. Trend for juvenile and child offender rates

In recent years, the juvenile and child population decreases, but the offender rate increases. In 2013, the juvenile offender rate is 612.17 per 100,000 persons, Child offender rate is 10.68 per 100,000 persons. The total number (excluding the status offenders) is 11,025, accounting for 0.07% of overall crime rate.

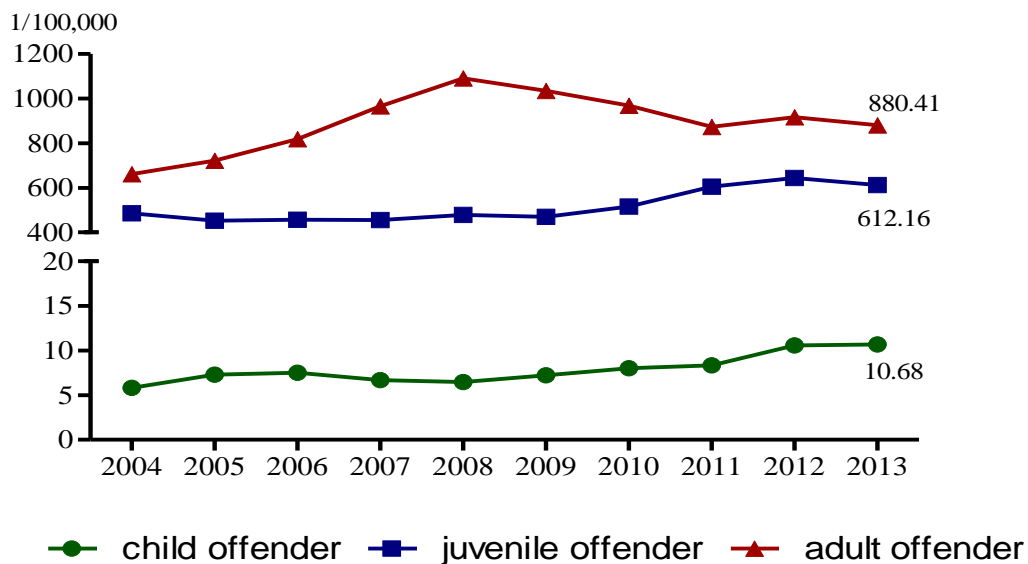


Figure 3-1 trend for Child and Juvenile Offender Rate

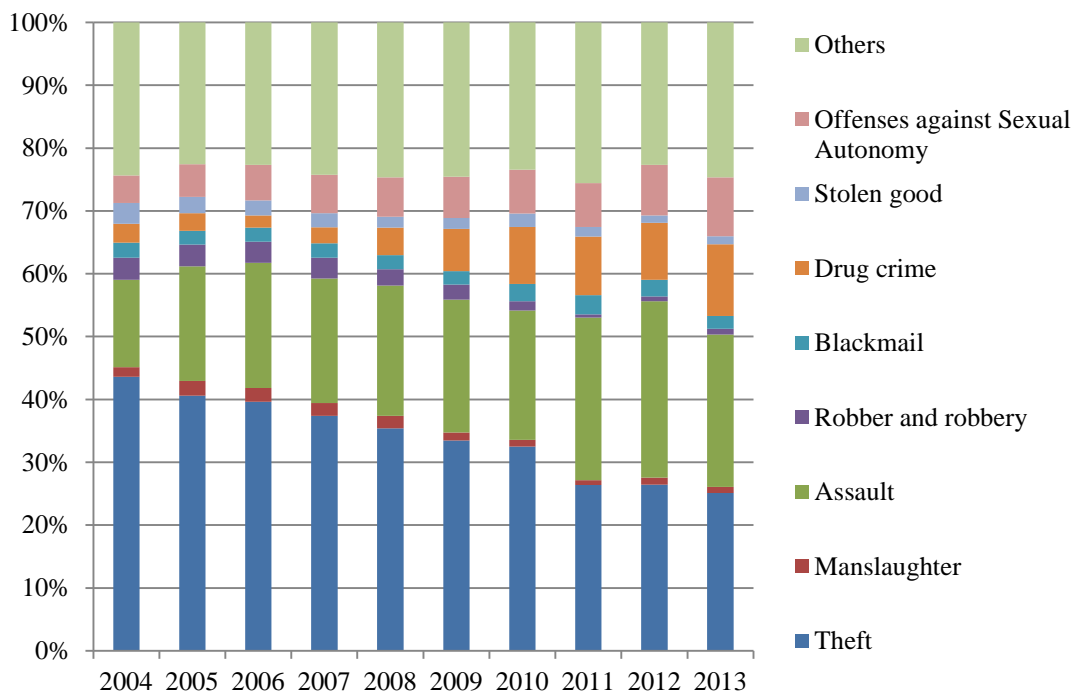
### B. The figure of potential delinquency increased dramatically.

In terms of the crime situation by juveniles and children, 10,637 persons of protection cases in 2013 accounted for over 95%. Whereas only 388 persons involved

in criminal cases, there are 3,301 potential delinquencies, reaching the record high in the past 10 years. It is worth noting that the figure of potential delinquencies increased dramatically in the past three years.

**C. The order for crime types varied, since drug crime and offenses against Sexual Autonomy have grown gradually.**

The major types in 2013 by juveniles and children are theft (25.11%), assault (24.27%), and drug crime (11.40%), sex crime (9.35%). Among them, theft cases have stably decreased. It is worth to note that Offenses against Sexual Autonomy have increased gradually while drug crime increased significantly.



**Figure 3-2 Crime type trend for juveniles and children**

**D. Elder and male juveniles account for higher percentage.**

Regarding age of juvenile cases in 2013, regardless of protection cases, criminal cases or potential delinquencies, elder juveniles account for higher percentage. In terms of the gender, more male juveniles were involved in aforementioned cases. They accounted for 89.69% of criminal cases, 86.50% of protection cases and 77.19% of status offenses.



**E. Growing trend that institutionalized juvenile offenders are from financially disadvantaged families and unstable parental marriage.**

In terms of family situation of children and juveniles in 2013 juvenile cases, highest percentage of their family's financial status is just to maintain basic needs; most families have normal parental marriage but only account for less than 50%. In the past 10 years, there is a growing trend that more and more juveniles and children in juvenile cases are from disadvantaged family financial status and unstable parental marriages.

**F. Individual's psychological factors are major causes for crime, and its percentage is growing.**

Crime causation in 2013 in juvenile cases for children and juveniles included individual psychological factors (48.11%), other factors (18.59%), social factors (15.85%) and family factors (11.59%). With regard to the psychological factors, the major cause is lack of self-control, with bad temperament coming after. Regarding other factors, many people blame on lack of knowledge of law, while the curiosity for crime comes after.

**G. Major type of behaviors is to break the criminal law. More persons were under protection treatment, but there is growing trend in the number of institutional treatment.**

With reference to the dispositions for juvenile cases in 2013, 16,291 cases are juveniles who break the criminal code; the second one is 6,065 juvenile status offenses; the third is that children violate criminal code with 750 cases. The results showed that probation is the major treatment. In the criminal sanction, incarceration accounted for more. More juvenile offenders are placed at juvenile detention houses, reform schools and correction schools. In 2013, 5,668 were housed and detained in juvenile detention houses, 865 in reform schools and 409 in Ming Yang junior high school, which is a correction school.

## **Crime trend for special criminal groups**

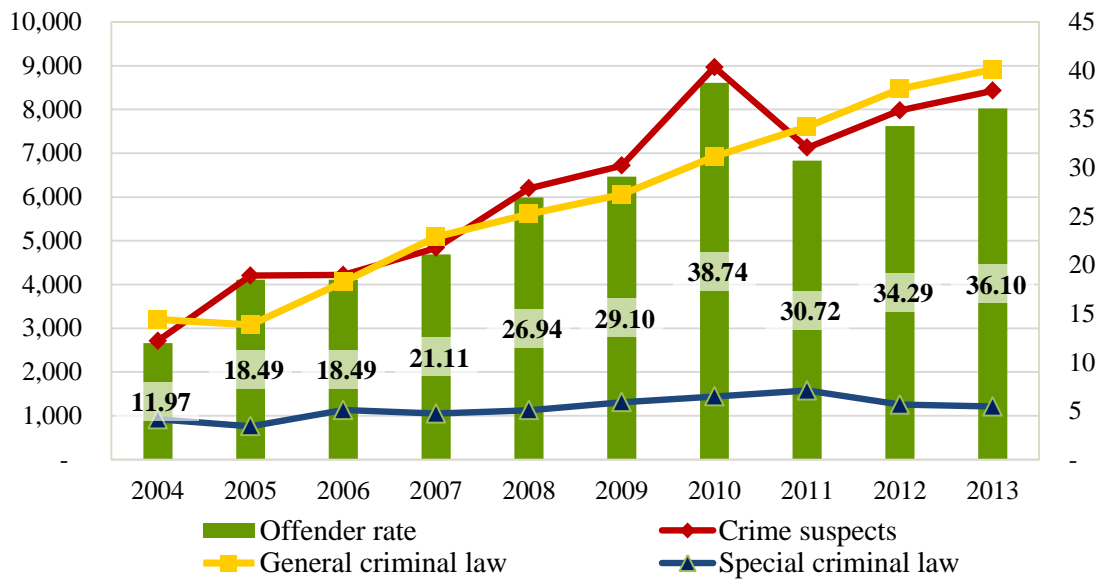
We categorized five concerned criminal groups, which are female offenders, elderly offenders, drug offenders, reoffenders and foreign offenders.

### **A. Less females committed crime. Property crime and victimless crime are the major crime types.**

The offender rate of female offenders is 197.42 per 100,000 persons in 2013. In recent years, even though trend for females to commit crime is stable. The number of female offenders has increased by 34% since 2004. Major crime types committed by women are violation of drug law with 19.35%, violation of public safety with 15.41%, gambling with 11.93%, theft with 11.45% and fraud with 7.86%. Those are all non-violent crimes. In the past 5 years, the trend for women who received supervised drug rehabilitation, compulsory drug rehabilitation, and incarceration all showed significantly downward, but females under probation maintain 2,000 or so.

### **B. Offender rate of elderly increases.**

In recent years, the figure of elderly suspects and offender rate show an upward trend. Among them, trend for elders to violate general criminal law is upward significantly, but numbers of elder suspects violated special criminal law remain stable. Among those elders who are convicted, their major types of crime are: offences against public safety, gambling, theft and others. The number of criminal has been increasing year by year. As for major types in special criminal law committed by the elderly are drug crime and violation of Domestic Violence Prevention Act. In the past 10 years, figures of elderly offenders on suspended prosecution, observed drug rehabilitation, compulsory drug rehabilitation, and incarceration have been growing.



**Figure 4-1 Trend for elderly people committed crime**

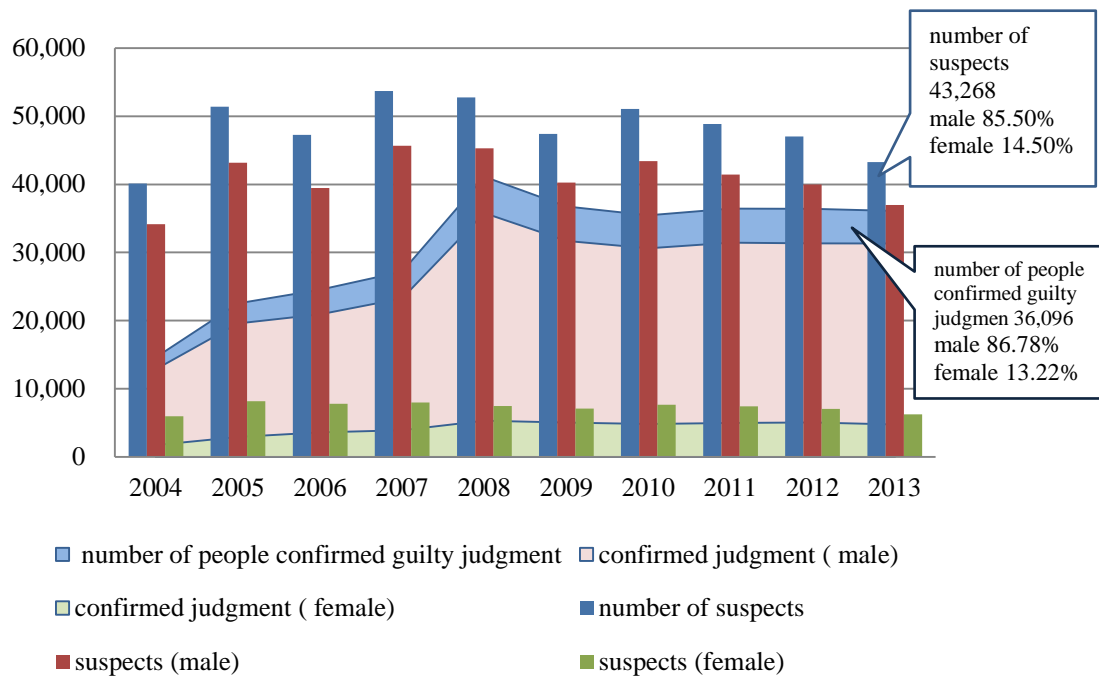
**C. The schedule 2 and 3 drug problems are worth to note.**

Between 2004 and 2013, suspects for drug crimes in 2007 reached the peak of 53,681 persons. In 2013, it reduced to 43,268 persons. In the past 10 years, the male-female ratio for drug crime is around 86.46% to 13.54%. In other words, more male committed drug crimes.

Between 2004 and 2010, convicted schedule 1 drug abusers were higher than the convicted schedule 2 drug abusers. However, after 2011, number of schedule 2 drug abusers increased significantly that exceeds the number of people abusing schedule 1 drug. In 2013, with reference to manufacturing, transportation, selling drugs, schedule 2 drug offenders ranked the 1<sup>st</sup>. The schedule 1 drug comes after. During the past 10 years, drug offenders manufactured, sold and transported schedule 3 drugs increased 40.66 times. This increasing trend is the most notable. With reference to the suspended prosecution with conditions to complete the addiction treatment, revocation of the disposition and supervision, number of schedule 2 drug abuser is higher than that of schedule 1 drug abusers. Nevertheless, there are more schedule 1 drug abusers who receive compulsory treatment.

The number of newly incarcerated drug prisoners decreases. Between 2010 and 2013, the number of drug abusers attending education programs for individuals who

possessed schedule 3 or schedule 4 drugs without proper reasons increased drastically. But, there is downward trend for fine payment and amount of payment.



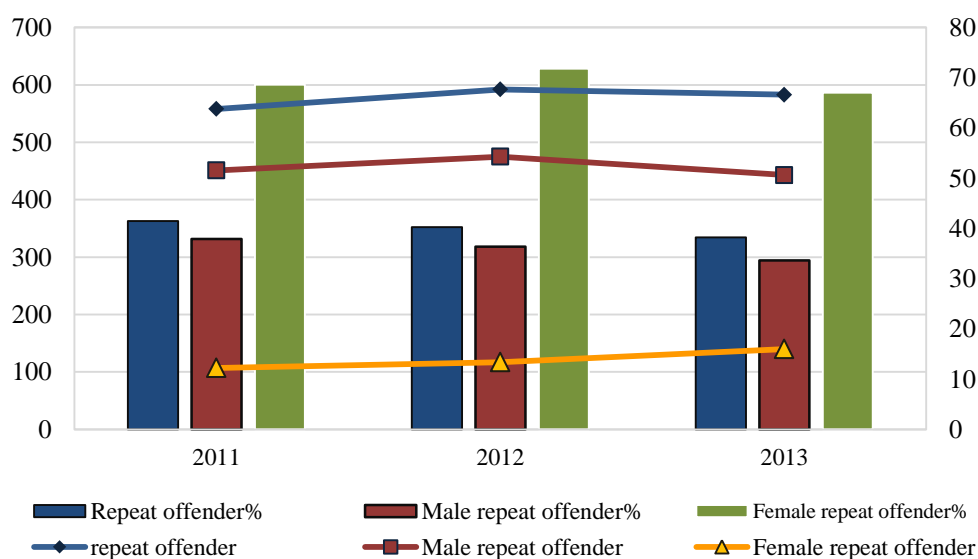
**Figure 4-2 Trend for drug crime offenders**

**D. The recidivism rate is still high among the prisoners; female recidivism rate is higher than male's.**

Since 2008, newly lodged prisoners with history of crime decreased but recidivism rate is still higher. In 2013, there are 25,045 new prisoners (73.30%) with prior record. 73.72% of male are with history of crime, while female 69.15%. The recidivism rate in 2013 increased by 16.94%, compared to 2004. In terms of gender difference, recidivism rate for female increases much more than that for male. Major crime types for newly lodged prisoners in 2013 include drug crime, theft, offence against public safety, stolen goods and forceful-taking/robbery. Those are the common recidivism problem for both male and female prisoners. But, males have higher recidivism rate on offence against public safety, and forceful-taking/robbery. Women have higher recidivism rate on gambling and extortion/kidnapping for ransom.

**E. Teenage girls have higher recidivism rate than teenage boys. There are similarities and differences on reoffending crime type for both genders.**

Between 2011 and 2013, number and rate of juvenile offenders housing in juvenile correctional institutions have shown downward trend. The average recidivism rate every three years for teenage boys is 35.96%, while teenage girls 69.12%. There are fewer female inmates, but their recidivism problem is more serious than male. Status offenses, theft and fraud are the common recidivism problem for both genders. Teenage boys have higher recidivism rate on forceful-taking/robbery; teenage girls have higher recidivism rate on drug crime and assault.



**Figure 4-3 trend for juvenile repeat offender in teenage correctional institutions.**

**F. Number of non-Taiwanese offenders drops. Major crime types committed are property crime and drug/alcohol crime.**

The number of convicted non-Taiwanese offenders in 2009 was 1,584. Afterward, there is a downward trend. In 2013, 1,271 non-Taiwanese people broke the law. Among them, 82.93% violated the general criminal law, while 17.07% broke the special criminal law. In 2013, 83.40% of the foreign offender are from Vietnam, Indonesia, Thailand and Philippine. According to the district prosecutors offices, cases of offenses of forging documents or seals have decreased, but cases of theft and offences of public safety increase significantly. Crime types which foreign offenders committed in 2013 include theft, offences against public safety, and offences of forging document or seals in general criminal law. As for special criminal law, more foreign offenders violated the drug law and Pharmaceutical

Affairs Law.

## **Crime Victim Protection**

Crime Victim Protection Act in Taiwan came into effect on October 1st, 1998, turning over a new leaf for protecting crime victims. It established compensation system for crime victims to ameliorate the financial difficulties for victims or their relatives. It also stated clearly that government should establish protection institutions for crime victims. The institutions should provide medical assistance and other protective services, including the monetary assistance, psychological recovery, reestablishing life and overall protective action.

### **A. Protecting more victims to maintain victims' rights.**

Crime Victim Protection Act has been modified in 2002, 2009, 2011 and 2012. The revised version covers more subjects and scopes and increases compensated items to protect the bereaved family, individuals who suffer serious injury, sex crime, domestic violence, foreigners and persons without nationality. In total, district prosecutors office in 2013 took in 1,582 cases which request the crime victim compensation, reaching the peak in the past 10 years. Among 1,032 cases which applied for crime victim compensation, 49.61% were approved, which shows a rise of 3.10% comparing to the previous year; 30.81% cases were overruled, a drop by 4.27% comparing to the previous year.

### **B. More applicants are females, under 20 years old and unemployed**

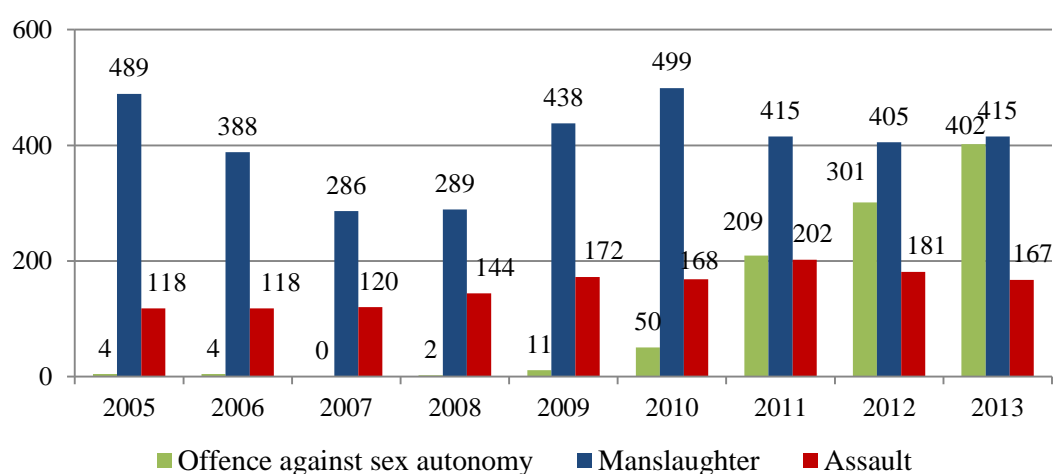
In 2013, 1,046 individuals applied for compensation. Among them, male accounted for 43.21%, whereas female accounted for 56.79%. Between 2004 and 2013, female applicants are increasing. Victims under 20 years old accounts for 25.05%. In terms of the job, 40.15% of them are unemployed.

### **C. Victims suffered from manslaughter and offenses against sexual autonomy are the two major types to receive compensation. Offenses against sexual autonomy have an upward trend.**

Among 1,302 cases reviewed by district prosecutors office in 2013, the number

of manslaughter accounts for 40.21%, sex crime of 38.95% comes after. In the past 10 years, percentage for sex crime victims to apply for compensation has increased year by year.

Among approved cases (including 1,046 victims), victims death accounted for 46.94% to apply for compensation while the second is sex crime with 39.20%. Since 2010, more victims who suffer from sex crime apply for compensation. The trend has increased significantly.



**Figure 5-1 major types of crime approved for victim compensation**

**D. Various protective items to satisfy victims’ needs**

In 2013, Association for Victim Support helped 2,394 cases. Types of protection include notices of protection and applications for protection. Notices of protection accounted for 67.84% while applications for protection come after at 24.06%. In total, protection services helped 90,292 times/persons. Among protection service items, visiting accounts for 19.63%, ranking the top while counseling comes after at 17.77%, the third is the legal assistance at 12.43%. Time/vising of consolation, counselling, medical service, legal assistance and other services increased drastically, indicating that local branch offices of Association for Victim Support actively served victims to satisfy needs of crime victims and their families.



## **Innovation of justice system**

The Ministry of Justice concerns the development of democracy and maintenance of human rights and justice. In 2013, the innovation of justice systems covers five major dimensions, including prosecution innovation, correctional innovation, legal protection innovation, anti-corruption innovation and innovation for international and Cross-Strait criminal justice mutual assistance.

### **A. prosecution innovation**

- a. Perfecting relevant laws
  1. Seizing the proceeds of crime, cutting off the crime incentives.
  2. Updating lawyer system to make lawyer legal system more complete.
  3. Evaluating the feasibility and coordinated sets of measures for adopting “Indictment-only Doctrine”.
  4. Studying and proposing victims lawsuit attending system, providing references for Judicial Yuan and Legislature Yuan to modify The Code of Criminal Procedure.
- b. Reforming prosecution system, including
  1. Respecting the legal rights of aboriginals, establishing Aboriginal Special Court.
  2. Setting up “e-mail address for minister/ chief prosecutor” for general public to state their opinions, improving prosecutors’ interrogation attitude.
  3. Avoiding delay of interrogation schedule, supervising to keep interrogation session on time.
  4. Cooperating with Public Construction Commission to set up “Joint Audit platform for government procurement” to reinforce anti-corruption.
  5. Stipulating and announcing the “prosecutors office guidelines on human trafficking” to combat human trafficking.

- c. Implementing prosecutors' evaluation and supervision, hiring trained experts, including
  - 1. Actively establishing a sound evaluation system for practicing prosecutors.
  - 2. Enhancing efficiency and effectiveness to handle cases through competitions among prosecutor offices.
  - 3. Respecting aboriginal's culture by setting up the information database for interpreters.

**B. correctional innovation**

- a. Enhancing education, counseling and job skill training for prisoners:
  - 1. The press conference of a new book *Seeing love in the prison* was held to present the outcome of education in prison.
  - 2. National art performance in public would be held to demonstrate the results of education in prison.
  - 3. Combing art activities with life education was proposed to promote life education.
  - 4. Humanistic and art activities were held to spur the culture creativity in correctional institutions.
  - 5. Prisons provide character education to prisoners, encouraging them to change.
  - 6. Prisons reinforce skill training, adding occupation skills to help prisoners for employment.
  - 7. Related authorities hold job-matching and skill training expo.
  - 8. Related authorities edit book for traditional art result, continuing the losing craft.
- b. Reinforcing guard security and renovating medical procedures
  - 1. General prisons took over the inmates from military prison.
  - 2. Qualification was loosen to be in the open prison, allowing intermediate treatment function.
  - 3. Authorities made short-term movie for preventing bullying, enhancing

self-protection ability for inmates.

4. Authorities propose to extend and reconstruct the hardware facilities for correctional institutions.
  5. Inmates are covered in the National Health Insurance to improve the medical quality in the correctional institutions.
  6. Authorities hold Health education related to drug use and infectious diseases for inmates.
  7. Authorities hold connecting counselling for Drug offenders to assist transition.
- c. Correctional institutions should be convenient for general public and maintain good public relationship, including
1. A comfortable visiting environment was created, helping inmates to maintain family relations.
  2. Authorities edited Q&A books for solving questions raised by general public.
  3. Correctional institutions made open visiting activities, promoting the transparency of prison environment.
  4. Inmates from institutions conduct social labor services, giving the neighborhood feedback.
  5. Conference was held for participants from correctional institutions from Taiwan and Mainland China for exchange of corrections information and culture.
  6. Correctional institutions provided life education for staff.

### **C. Innovations for judicial protection**

- a. Reinforcing community corrections practice and legal protection: Parole system can apply community correction efficiently. The renewed procedures in 2013 are as follows.
  1. The hardware and software monitoring equipment were improved and the third generation technological monitoring systems were employed.
  2. To reinforce protection for women and children, regular meetings for

community counseling group are held.

3. Classification system for sex offenders who are under probation was implemented, giving appropriate monitoring mechanism and individualized treatment.
4. “Evaluation points for probation cases in prosecutor office” was stipulated and document retrieval supervision sheet was made to enhance implementing effect and quality.
5. Legal protection center was established, and their work help prosecutors and colleagues to improve sensitivity for public interest.

b. Integrating with private resources to train anti-drug volunteers: It is necessary to integrate each division of the central government, local government and private sectors to promote anti-drug propaganda. Related authorities should plan the concept of “war on drug” alliance. Drug Abuse Prevention Centers in all cities and counties hold the anti-drug education Expo and training for anti-drug staff nationally. Government should establish local and integral anti-drug education propaganda team, allowing anti-drug conscience to be heard nationwide.

c. Crime victims protection

1. Creation of an assistance fund allows citizens getting protection by government when they are abroad.
2. Government modifies Crime Victim Act, extending the protection scope, and allowing compensation for more victims and their bereaved family.
3. The outlay for crime victim protection institution was enriched.
4. Authorities promote conversation between offenders and victims, continually carrying out the restorative justice.
5. Authorities assign “Effectiveness Evaluation and Evaluation Indices for Restorative Justice Pilot Project” to academia to develop evaluation tools for institutional reference and operation.

**D. Anti-corruption**

- a. Design of proactive mechanisms and prevention propaganda to prevent the

corruption as follows.

1. Authorities deepen proactive behaviors, issuing “guideline for case categorized in accordance with government ethics department”.
  2. Authorities should review operational mechanism for joint supply contract.
  3. Credit Education should be held in schools.
  4. Forum would be held and the international participation and exchange would be extended.
  5. Authorities establish a database for anti-corruption risk, targeting risk work to conduct the special audit.
  6. Authorities establish real transparency mechanism, promulgating “methods for institutions to promote transparent administrative measure”, and issuing “implementing plan for government ethics department to help institutions promote transparent administrative measures.”
  7. Authorities implement “Registration and Check Operation of Executive Yuan and subordinated agencies for handling favor requests and lobby.”
  8. Authorities promote anti-corruption platform in villages
  9. Authorities promote ethics study, facilitating anti-corruption innovation.
- b. Authorities complete the anti-corruption laws, reinforcing the anti-corruption network as follows.
1. Authorities complete anti-corruption laws and acts, drafting “Whistleblower Protection Act”
  2. Authorities examine the intelligence of corruption carefully.
  3. “Independent Review Committee” would be held to review cases filed in government ethics department.
  4. By employing “stationed prosecutors” mechanisms, authorities combine agent against corruption’s “pre-investigation” model. This has significant achievements in combating corruption and improving people’s livelihood.
  5. Authorities should integrate anti-corruption resources, establishing

lateral and longitudinal connection mechanisms.

- c. Establishing anti-corruption mechanism
  - 1. Authorities stipulate concrete working flowchart of ‘prevent corruption, fight corruption, and avoid corruption’ and “Treatment Principle for dividing cases of avoiding corruption for government ethics department.”
  - 2. Authorities reinforce the report mechanism for administrative anti-corruption to warn public servants to work in accordance with laws and regulations.

## **E. International and Cross-Strait criminal justice mutual assistance**

- a. Authorities actively participate in the international organizations, and reinforce international cooperation as follows.
  - 1. Government contacts continually and sign international legal aid agreement with other countries.
  - 2. Government coordinates with other countries regarding individual legal aid.
  - 3. Government participates actively in international organizations and assigns staff to attend international conferences.
  - 4. Government proposes “Transfer of Sentenced Persons Act” , and contacts actively with other countries to sign Transfer of Sentenced Persons Treaty or Agreement.
- b. To establish a sound judicial mutual assistance system, Ministry of Justice has been working on stipulating the following laws and acts.
  - 1. International Criminal Justice Mutual Assistance Act
  - 2. Extradition Act
  - 3. Transfer of Convicted Persons Act
  - 4. Citing the international laws and conventions into the national legislations.

## **Policy Suggestions**

According to findings of this study, following suggestions are made:

### **A. Advocating for knowledge- or evidence-based criminal justice policy.**

Criminology, penology and corrections have developed maturely. Their theoretical bases and policy implications also reflect on criminal justice and offender treatment, such as deterrence theory, criminal corrections, community treatment, restorative justice and victim protections etc. Evaluation of criminal justice policies can result in more effectively use of criminal justice theories. *Year 2013 Crime Situation and Analyses* indicated that a downward trend for property crime (such as larceny, auto theft, fraud, etc.). However, problems such as corruption, gambling, domestic violence, driving while intoxicated, and schedule 2 and 3 drugs etc. remains to be resolved. These are all important finding from the study.

Findings from *Year 2013 Crime Situation and Analyses* also can help related authorities to think of the effects brought by policies implemented. Good evidence policies can be maintained and bad evidence policies can be modified or discarded.

### **B. Providing appropriate treatment measures for gender consciousness and needs.**

In 1995, UN Forth United Nation World Conference passed the **Beijing Declaration** to reach the conclusion of "gender mainstreaming" as the global strategy of gender equity. In 2012, the Executive Yuan established the Gender Equity Committee, responsible for policy study and supervising gender mainstreaming in our society. In 2012, Enforcement Act of Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) came to effect. The Act requests all level government authorities to stipulate laws or administrative measures to eliminate gender discrimination. When actively promote gender equity, all level government authorities must stipulate laws or adopt administrative measures to eliminate gender discrimination, and actively to promote gender equity.

*Year 2013 Crime Situation and Analyses* revealed that there are common factors

and discrepancy between genders in terms of the crime trend and recidivism. In the past 10 years, 15.03% to 18.43% crime suspects were female. 13.38% to 15.08% convicted criminals were female. Even though trend for females to commit crime is stable, the number of female offender increased by 38.84%. The female offenders with prior records increased more significantly in comparison to males. Finding from 2013 also revealed that common repeat crimes are drug crime, theft and receiving stolen property. Females have higher likelihood to commit offences of gambling. In terms of the crime victim protection, it is necessary to provide needed treatment measures even though female offender accounted for a small proportion of overall offender population.

### **C. Emphasizing needs of elderly criminals and appropriate treatment measures for elderly prisoners.**

According to MOHW's statistics, the elderly accounted for 11% of overall population, meeting the WHO's definition for aging society. It is estimated that Taiwan will become an aged society in 2018, hyper-aged society in 2025. One of five people is over 65-years-old.

What is the relationship between aging population and change on criminal justice? Crime situation and analyses in Year 2013 indicated that number of elderly suspects who is over 60 years old and offender rate both present an upward trend. In terms of deferred prosecution, observed drug rehabilitation, compulsory drug treatment, imprisonment and probation, the number of elderly offenders increased. In the future, criminal justice system will face more elderly offenders, especially elderly inmates in prison. Treatment for elderly offenders, health and medical problems should be studied beforehand.

### **D. Putting more concerns on the schedule 2 and 3 drug issues and policies' effectiveness.**

Taiwan drug strategy focuses more on crime problems and diseases brought by using heroine, schedule 1 drug. Government devised multi-staged treatment procedures, i.e., deferred prosecution with treatment of drug addiction. Such



procedures have gradually demonstrated their effectiveness. However, problems come to schedule 2 and 3 drugs. Government must pay more attention to these drug problems. Since 2011, the number of people who use the schedule 2 drugs exceeds that of people who use schedule 1 drugs. Individuals who manufacture, sell and transport schedule 3 drugs between 2004 and 2013 increased 40.66 times, its increasing trend is the most significant. Between 2010 and 2013, number of drug addicts who were fined and amount of fine all have increased. Facing the more serious problems brought by schedule 2 and 3 drugs, related authorities should reevaluate the effectiveness of current policy with evidence-based method, and consider other workable treatment.

**E. Reinforcing medical and rehabilitation strategies for schedule 1 drug users.**

In recent years, with the hope to ameliorate drug problem, the government has strived for implementing the strategy of diverting drug users to medical system; for example, deferred prosecution with conditions to receive drug treatment for drug addicts. Nevertheless, proportion to revoke the deferred prosecution was high among drug abusers. That reduced the effectiveness of medical model in drug strategy government adopted. We herein suggest government should develop evaluation tools to screen drug users who are highly possible to overcome drug problem. Using accurate evaluation can promote the successful rate and proportion for treatment of drug addiction.

Cooperating with NGO groups, which have capacities to treat drug addiction, investing funds to develop therapeutic community, and integrating NGO groups around Taiwan become “addiction-controlled stops” for drug abusers. Combining local medical and social rehabilitation resources, they can provide immediate help for needed drug abusers to prevent deterioration of addiction.

**F. Closely watching trend for drunk driving and hit-and-run cases and its preventive strategies.**

According to crime statistics of Year 2013, major and serious cases for

endangering public safety include drunk driving and hit-and-run cases. The dramatic increase in hit-and-run cases might result from the severe punishment for drunk driving. Therefore, in addition to reinforce the punishment for hit-and-run drivers, it is necessary to find out what factors make them easy to reoffend. It also needs to provide social education. Drivers or riders should be encouraged to use “designated driver”, “car booking”, or “alternative driving” service after they attend party. The government should use all means to promote such services.

#### **G. Reinforcing the crime statistics and prevention for food and drug crimes.**

In recent years, there are many crimes that endanger citizens' health by food or drug, or the bad medical quality, making people scare and distrust the government. The status quo of food and drug crime is still very vague. As a result, we do not fully understand the characteristics and development conditions of such crimes. We even have no chance to design effective prevention strategy. It is necessary to integrate relevant laws and regulations, establishing sound food and drug crime statistics and reviewing how preventive strategy might impact the development of food and drug crimes.

#### **H. Based on findings on trends for juvenile crime to plan prevention and treatment guidelines.**

Since 2005, the overall crime in Taiwan presented a downward trend. Generally, it is believed that crime problem is stable in Taiwan area; however, there are some changes in juvenile crime. Observing trend for juvenile crime between 2007 and 2013, it can be found: 1. juvenile offender rate increased; 2. more juveniles committed drug crime and sex crime; 3. more juvenile offenders in the correctional institutions are poor or barely able to cover basic needs; 4. between 2011 and 2013 in juvenile correctional institutions, over 1/3 of male have history of crime, while over 2/3 female have history of crime. Both male and female juvenile offenders have common recidivism problem on deviant behavior, theft and fraud. Yet, teenage boy have higher recidivism rate on offenses against public safety and forceful-taking/robbery. Teenage girls have higher recidivism rate on drug law and assault.

The above trends should provide direction to plan effective juvenile crime prevention and treatment in the future. Particularly, more concerns should be put on disadvantaged children and juveniles, as well as on recidivists' reintegration into society.

#### **I. Reinforcing connections among the crime victim protection network.**

In 2009, the Crime Victim Protection Act was amended, and victims of sex crime and domestic violence are qualified for compensation. In the past 15 years, protection and service network for sex crime and domestic violence victims have existed in social work, criminal justice, and medical systems. For victims who suffered from sex crime and domestic violence, Association for Victim Support helps them to apply for crime victim compensation, while other protection can reinforce victims' medical service, placement and housing, legal assistance, psychological therapy and other service through existing network. They can operate effectively, allowing most of victims to obtain enough necessary services.

#### **J. Continually reduce the lawsuit abuse and reinforce diversion for saving judicial and correction resources**

In recent years, prosecution authority attempts to simplify the lawsuit procedure and ameliorate trouble and problem brought by the lawsuit. Prosecutors office increased the rate to apply for summary judgment, non-prosecution or suspended prosecution. When carrying out each policy, related law enforcement agencies should conduct policy analyses and evaluation mechanism. Take Year 2013 for example, 34.95% of investigated cases in district prosecutors offices were not prosecuted. Among these cases, Offenses of Perjury and Malicious Accusation, Offenses against Reputation and Credit, Offenses of Destruction, Abandonment and Damage of property all have non-prosecution rate for over 60%. It is necessary to propose the policy for preventing lawsuit abuse for such cases that need not enter into the criminal investigation system. As for misdemeanor, it is necessary to reinforce the criminal diversion mechanisms, such as deferred prosecution, suspension of punishment, Social Labor Services Diversion, etc. Those actions can reduce cases entering criminal justice system for saving lawsuit and correction treatment resources. It also

can help the society to develop in a healthy and harmony way.