

# 2015 Crime Situations and Analyses<sup>1</sup>

## --Key Report on Crime Trend

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### **Abstract**

Since 1973, the Ministry of Justice has edited and published the book *Crime Situation and Analyses* annually, presenting various crime statistics and explanations. On July 1<sup>st</sup>, 2013, Academy for the Judiciary, Ministry of Justice, went through the organizational restructure. The Research Center for Crime Prevention and Correction was joined to the Academy. Part of its work is to investigate, analyze, and study the

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<sup>1</sup> This report is based on a 2016 research project supported by Academy for the Judiciary, Ministry of Justice. The research team includes Professor Sheu, Chuen-Jim, National Taipei University; Associate Professor Hsieh, Wen-Yan and Professor Tsai, Tien-Mu, Central Police University; Research assistants: Lu, Yi-Fen and Yu, Yi-Chun.

important crime issues occurred in the country, serving as a think tank, and continues to publish the book of *Crime Situation and Analyses*. To improve the value for academic study and to gradually connect to the international crime prevention research, this annual volume was contracted to the university professionals, bringing in the academic professionalism. Moreover, the publication of books and short-version theses in Chinese as well as English, and holding the conference all help this long-standing crime research volume better quality and present more influential power of foresight.

Additional to adopting the government data, including the Ministry of Justice, National Police Agency, Ministry of Health and Welfare, and the Judicial Yuan, along with the cross-national comparative analysis, the important development of methodology in the current report was to hold coordinating meetings and focus group interviews. This 2015 edition has

continued the primary statistics to present the overall crime trend, kept the international comparison in crime situations, responded the societal needs, presented the judicial innovations, added the charts and figures, enhanced the function of interpretation and analysis, improved result explanations and policy implications, and so forth.

Additionally, the current report studied the public attentive issues of drinking-and-driving and long-term incarceration, as well as proposed the related policy suggestions. Moreover, the corresponding suggestions for policy and future research based on the overall crime situation in 2015 and various innovative focuses observed in the research were also provided, expecting to have the current study become the most authoritative report on crime trend in Taiwan.

Key words: Total criminal cases, Specific crime, Recidivist, Crime treatment, Judicial innovation, and Incarceration rate.

## **I. Overall Crime Situations in 2015**

### **1. The total number of crime decreased**

The crime trend in the past 10 years, except for 2014, decreased, based on the total recorded number of criminal cases by all level police agencies, with the lowest number of 297,800 cases in 2015. Compared to the total criminal cases in 2014, the cases in 2015 dropped by 8,500 (decreased by 2.78%); the number of criminal suspects, however, increased by 2.94%. In observation of the change in the number of criminals over the past 10 years, the major crime types were offenses against public safety, drug crime, theft, and fraud. The trend for each of those crime types is as follows. The number of theft decreased over the years since 2006; offenses against public safety increased from 2006 to 2014. In 2015, the cases of offenses against public safety decreased by 2.77% than in 2014. Fraud in 2015 decreased by 8.16% than in 2014; drug crime showed descending from 2007 to 2014, while having 7.58% increase from 2009 to 2010 and 29.21% increase from 2014 to 2015.

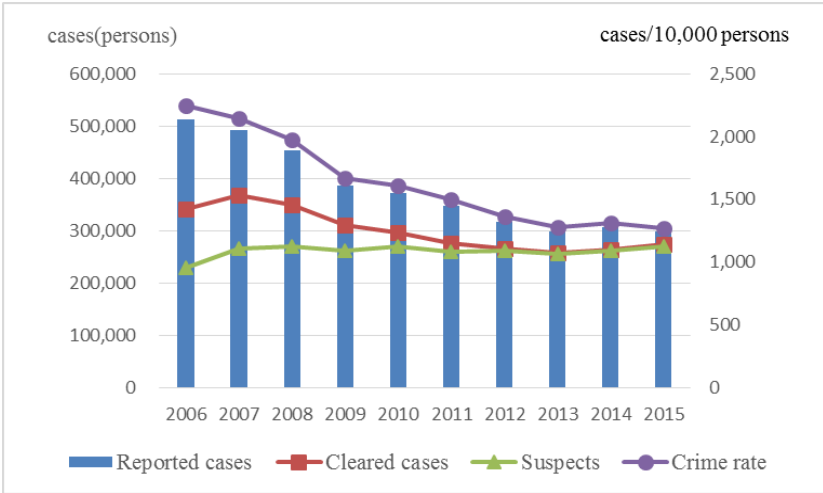


Figure 1-1 The crime trend in the past 10 years

**2. Major offenses against public safety: Drunk driving (DUI) and hit-and-run accidents**

The number of suspects for offenses against public safety from 2006 to 2014 increased, but decreased to 70,305 in 2015. The most cases were DUI and hit-and-run accidents. The highest number of DUI suspects was 68,229 in 2014. In 2015, the number reduced to 64,765. The highest number of the suspects for hit-and-run accidents was 4,189 in 2012 (1.24 times more than the number in 2006). The number in 2015 was 3,582 (increased by 1.62% from 2014).

### 3. The number of drug crime suspects increased

The number of violations of the Narcotics Endangerment Prevention Act detected by the all level police agencies increased to 49,576 in 2015, which was the first increase since 2010. Similarly, the number of suspects in 2015 was up to 53,622, increasing by 29.95% than in 2014 and being close to the highest number of 53,681 in 2007.

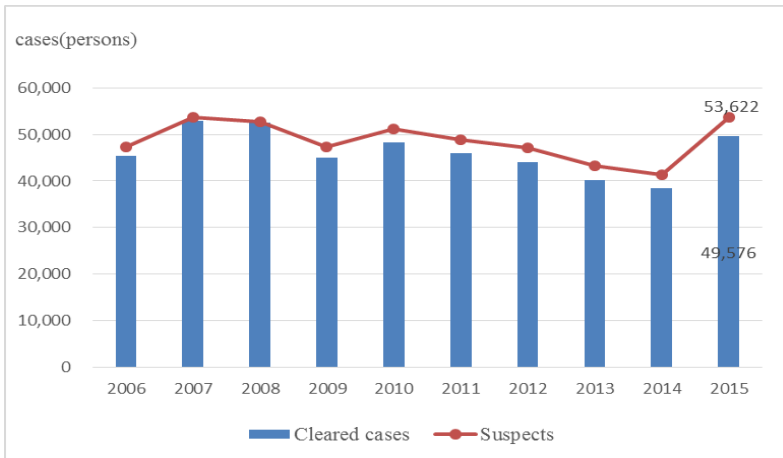


Figure 1-2 The trend for the number of cleared cases and suspects for violations of the Narcotics Endangerment Prevention Act

### 4. The descending number of theft

The number of theft accounts for a significant proportion of the total number of crime every year. The trend decreased in the past 10 years. Based on the recorded number of theft in all level

police agencies, the number gradually decreased from 2006 with 281,561 to 66,255 in 2015, the lowest in 10 years. Of that, motorcycle thefts had the largest descending rate, decreasing by 83.42% than in 2006. Auto vehicle thefts decreased by 83.29% and larceny decreased by 69.95%.

### **5. Cybercrime and fraud showed descending trend**

8,587 of cybercrime cases recorded by all level police agencies in 2011 were the highest in the recent 10 years. The number was decreasing from 2006 to 2015, except for the 1.23 times increase from 2010 to 2011 and the 1.52 times increase from 2013 to 2014. The number in 2015 decreased to 2,959, the lowest in 10 years. Additionally, the fraud cases recorded by all level police agencies steadily reduced from 2006, except for the slight increase from 2007 to 2008. The number in 2014, however, increased to 23,053. The number in 2015 decreased to 21,172 again (decreased by 8.16% than in 2014).

### **6. Violence in marriage/divorce/cohabitation accounted for the most domestic violence cases, and the victims of elder abuse greatly increased**

According to the reported cases and number of suspects by the Ministry of Health and Welfare counting the suspected domestic violence cases accepted in the Center for Prevention of Domestic Violence and Sexual Assault, the number from 2006 to 2015 was

up and down, but generally increased. The reported cases in 2015 was 116,742 (increased by 1.86% than in 2014). The number of suspects in 2015 reduced to 96,507 (decreased by 0.79% than in 2014). Among those, more than half were violence in marriage/divorce/cohabitation. The elder abuse in 2015 increased by 71.31% than that in 2014. Of that, the male elder victims increased by 78.65% and the female elder victims increased by 67.69%.

## **7. The major crime rate declined across Taiwan, Japan, the United Kingdom, and the United States**

The major crime rate from 2004 to 2013 decreased in Taiwan, Japan, the United Kingdom, and the United States, and the lowest was all occurred in 2013. In comparison with the major crime rate in 10 years ago, Taiwan dropped by 44.45%, Japan dropped by 48.50%, the U.K. dropped by 42.06%, and the U.S.A. dropped by 22.08%. In terms of the crime rate in 2013, based on the measure of cases per 100,000 persons, Taiwan with 1,281 was higher than Japan with 1,033, but was lower than the U.K. with 6,157 and the U.S.A. with 3,099. With regard to the clearance rate in 2013, Taiwan was higher than the other three nations, and except for the slight reduction in Japan, the clearance rate in the other three nations steadily increased. Particularly, the clearance rate in Taiwan has grown about 44.09% within 10 years.



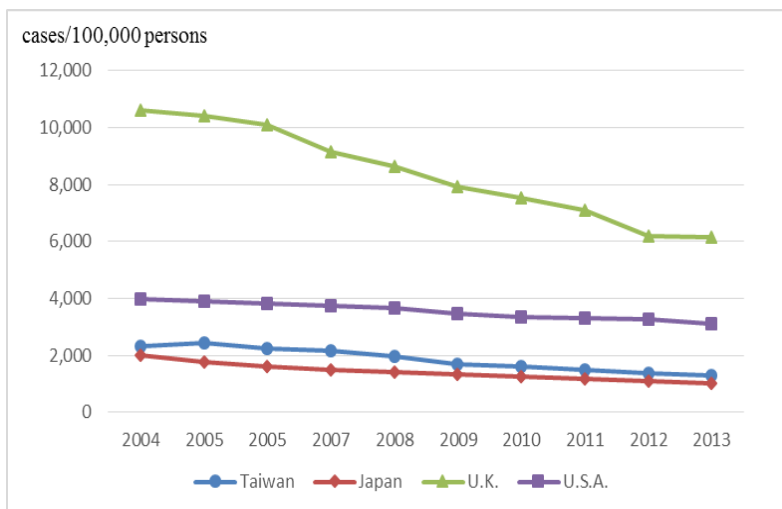


Figure 1-3 The trend of major crime rates in four nations, 2004-2013

## 8. The incarceration rate in Taiwan, Japan, the United Kingdom, and the United States increased and then decreased

As for the incarceration rate, the U.S.A. had been the highest, followed by Taiwan, the U.K., and Japan. These four nations had a similar trend of incarceration rate from 2004 to 2015 (the U.S.A. number in 2015 is unavailable now), presenting an increase and then a decrease. The incarceration rate in 2014 and 2015 continued to reduce.

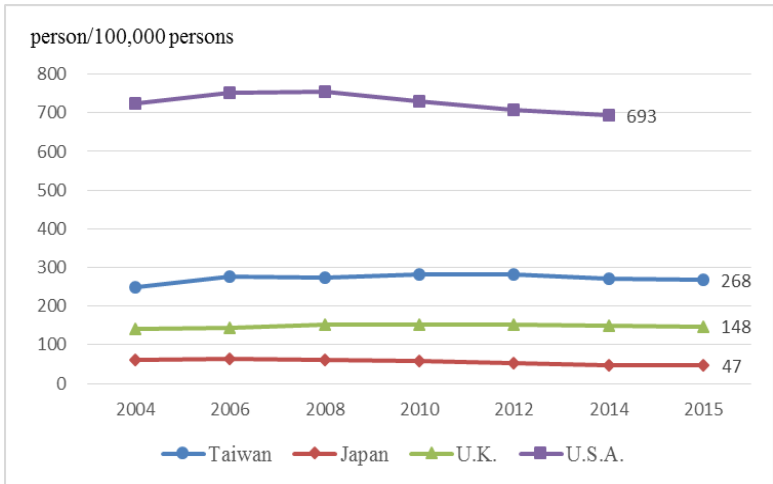


Figure 1-4 The trend of the incarceration rate in four nations, 2004-2015

## **II. Overall Criminal Justice Treatment Situations in 2015**

### **1. Newly lodged number of investigating cases in 2015 was the highest in the past 5 years. The cases were mainly from police agencies, and the most crime types were offenses against public safety and violations of the Narcotics Endangerment Prevention Act**

The total number of newly lodged criminal cases in 2015 from district prosecutor offices was 432,161 cases, which was the highest in the recent five years and higher than the 413,975 cases in 2013. The most cases over the years were transferred from police agencies. The total transferring cases in 2015 were 317,681 (73.51%).

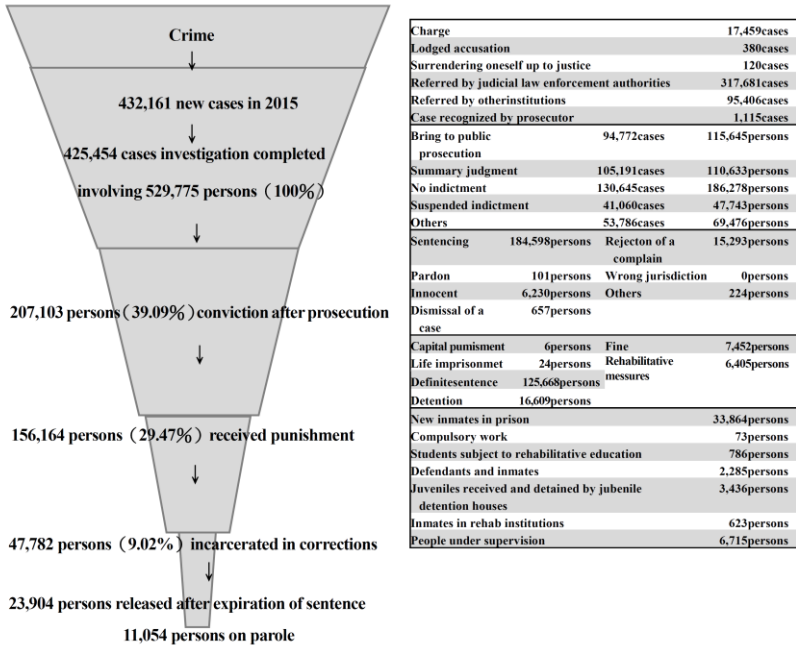


Figure 2-1 Criminal justice procedure and the 2015 statistics

Among the newly lodged general criminal cases in 2015, the most were the offenses against public safety (101,922 cases, 31.22%), followed by assaults (51,905, 15.90%), fraud (42,486, 13.01%), and thefts (41,004, 12.56%). As for the special criminal cases, the most cases were still the violations of the Narcotics Endangerment Prevention Act, having 75,620 cases in 2015 (71.55%).

## **2. Case dispositions of no prosecution were the most in the investigation conclusions, followed by applications for summary judgements**

Recently, in order to simplify the judicial procedure and lighten the load of lawsuit, the prosecutor office was devoted to decrease the indictment and increase applications for summary judgements, case dispositions, and deferred prosecution. Since 2010, the number of concluded cases has remained about 400,000 cases, and the number of defendants has remained about 500,000 persons. The total number of investigation concluded cases in the district prosecutor office in 2015 was 425,454. The total population in the concluded investigation was 529,755 persons, of whom 130,645 cases (30.71%), with 186,278 persons (35.16%), received the disposition of no prosecution, which was the most, followed by 105,191 cases (24.72%), with 110,633 persons(20.88%), applied for summary judgements, 94,772 cases (22.28%), with 115,645 persons(21.83%), of indictment in the regular proceeding, and 41,060 cases (9.65%), with 47,743 persons (9.01%), of deferred prosecution. The number of deferred prosecution population and cases gradually increased in the recent years. There were 37,614 cases (44,514 persons) in 2010 and 41,060 cases (47,743 persons) in 2015. Thus, the deferred prosecution has become an important system in the criminal policy. The number of cases and persons

receiving the dispositions of no prosecution had been up and down in recent years, the most in 2015 and the second most in 2010. There were 130,645 cases of no prosecution in total in 2015 (accounted for 30.71% of the total investigation concluded cases) and 186,278 persons (accounted for 35.16% of the total investigation concluded persons).

**3. Among the investigating criminal cases in the district prosecutor office, the conviction rate was higher than 0.95, the number of sentenced was about 90 percent of the total convicted. The conviction population rate was 787.21 per 100,000 persons. The ratio of males to females was 86 to 13. The most cases were offenses against public safety and drug crime.**

For the investigating criminal cases in the district prosecutor office in 2015, the newly accepted cases per prosecutor every month averaged 196.7. The conviction rate was 96.56% in 2015; as opposed to 2014, the conviction rate decreased 0.18%. Recently, the most convictions among the prosecuted cases were judgments of sentence, approximately 90 percent of the total convicts. There were 185,053 persons in 2015 (the conviction population rate was 787.21 persons per 100,000 people), of whom 159,591 were male criminals (86.24%) and 25,111 were females (13.57%). As for the major crime types, offenses against the public safety were the most

(67,785 persons; 36.63%), followed by drug crimes (35,960 persons; 19.43%) and larceny (20,213 persons; 10.92%).

**4. Overcrowding is a serious problem in the correctional facility, and 80 percent of the incarcerated were the short-term prisoners, of whom less than 20 percent will remain being incarcerated by end of the year.**

Since 2008, the number of housing population in the correctional facility has maintained over 60,000. By end of 2015, the correctional facility housed 62,899 persons. The over-capacity population was up to 7,223 persons, accounting for 12.97%. However, the comparison of the newly incarcerated and in-prison inmates in their sentences found that 81.21% of the newly incarcerated were sentenced less than one year (including detention and servitude) and only 18.79% were sentenced more than one year. On the contrary, only 14.71% of the in-prison inmates by end of the year have a less than one year sentence (including detention and servitude) and 85.29% have a more than one year sentence. Apparently, the short-term prisoners in the correctional facility are up to 80%. By end of the year, the actual persons in prison were less than 20 %, showing the frequent prison in-and-out. This is not only profitless for enlightenment, but also increases the prison burden in the correctional system.

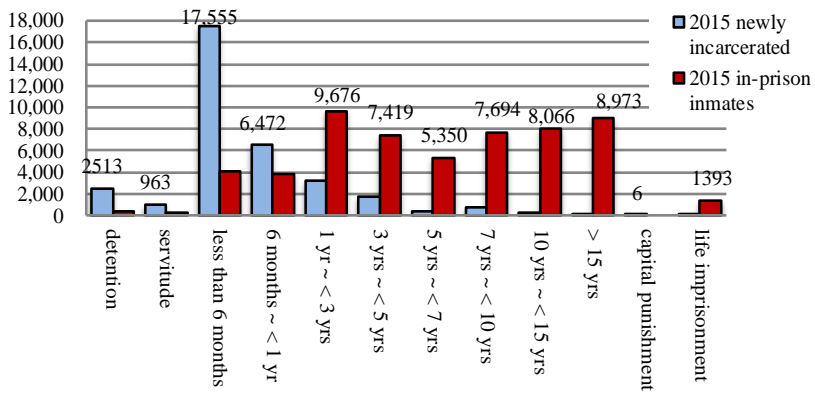


Figure 2-2 The sentence structure of the newly incarcerated and in-prison inmates in 2015

## 5. The community rehabilitation has been expanded from the traditional surveillance to deferring prosecution and societal labor cases

Currently, the community rehabilitation for adults includes deferring prosecution with community services, conditional probation with community services, probation with surveillance, parole with surveillance, and substitute of community services. In 2015, there were 11,956 newly accepted cases of parole with surveillance, 5,544 cases of probation with surveillance, 21,506 cases of deferring prosecution with community services, and 15,374 cases of substitute of community services. This shows that the main job of probation officers in the recent years has expanded



from the traditional protection/surveillance to deferring prosecution and societal labor case. Their interaction with communities has also become closer because the nature of case processing changes. Observing the completion rate in substitute of community services cases in the past six years, it gradually dropped from 62.23% in 2010 to 47.34% in 2015.

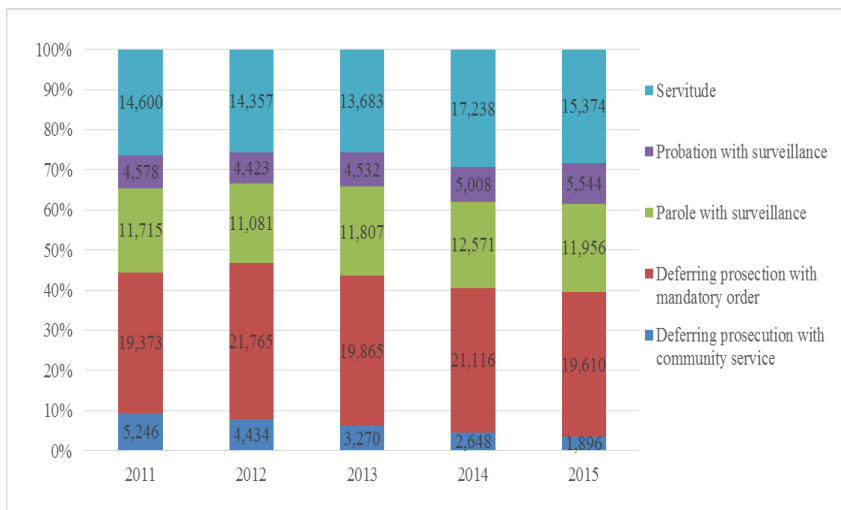


Figure 2-3 The situation of community rehabilitation in the past 5 years

## 6. The most regeneration and protection works were in the indirect ways of counseling employment and visiting, helping prisoners to re-enter the society

The purpose of regeneration and protection is to protect the

people released from prison and those who should be protected according to the law, to help them survive and adapt to social life, to prevent them from re-offending, and to maintain societal safety. Currently, there are three ways to assist ex-prisoners in rehabilitation: direct protection, indirect protection, and temporary protection. There were 7,065 persons in the 2015 newly accepted regeneration cases, of which 2,325 persons (32.77%) applied for protection by themselves and 4,770 persons (67.23%) were informed of protection by either prosecutors, probation officers, or correctional officers. The total executed regeneration in 2015 were 87,879 persons/times and of which the indirect protections, such as counseling employment (1,805 persons/times) and visiting (48,486 persons/times), were the most, accounting for 73,783 persons/times (83.96%), followed by direct protections (10,797 persons/times; 12.29%), such as participation in resettlement manufacture (569 persons/times) and occupational skills training (1,632 persons/times), and the last was to fund travel, accommodation fees, a small loan, and et cetera to resettle 3,299 persons (3.75%).

## **7. Keep promoting international and cross-strait mutual assistance in criminal justice, extraditing and repatriating cross-border criminals, and transferring the seized property gained from crime**

Taiwan has signed the mutual assistance agreements in

criminal justice with the United States of America, Vietnam, Philippine, South Africa, and China. From March 26<sup>th</sup> 2002 to the December of 2015, the total number of asking American assistance in criminal justice was 109 cases, and 88 cases were completed; the number of those asked from American was 62 cases, and 61 cases were completed. The amount of seizure of illegal property from American assistance was around 2.1 million dollars, and the assistance from us for the U.S. on the suspected money laundering was more than 15 million dollars. It fully reflects the protection of victims' right and national public welfare.

By the December of 2015, the total number of asking Vietnamese assistance in criminal justice was 2,122 cases, and the number of the asked cases in criminal justice assistance from Vietnam was 1,336 cases. As for the case of Taiwan fishing boat, Guang Da Xing No. 28, being fired by Philippine Coast Guard vessel in May 9<sup>th</sup> 2013, the Ministry of Justice of Philippine announced the indictment that prosecuted 8 Philippine Coast Guards by homicide, and prosecuted 2 related people by obstruction of justice. This result meets the investigated findings from our local prosecution office.

In terms of the cross-strait fight against crime and mutual legal assistance agreements, the content includes judicial documents delivery, investigation, transferring of stolen goods, adjudication recognition, and information circulation. By the

December of 2015, there were total 79,091 cases of mutual legal assistance requested by both sides, and there were total 63,407 cases completed. The completion rate was over 80%, and the monthly average of completed cases was 800. For the repatriation of criminals and suspects, 436 persons were repatriated from China, 5 persons per month in average. From June 25<sup>th</sup> 2009 till the December of 2015, receiving 19 persons who served a sentence in China back to Taiwan.

Additionally, in terms of transferring the seized property gained from crime, the Ministry of Justice and the China Ministry of Public Security had the third meeting in Taipei in March 2015. Besides reviewing the progress and effectiveness case by case as well as improve the acts and rules in executions, the Ministry of Justice also provided the joint defense mechanism of banking control and fraud prevention in Taiwan for China's reference in order to strengthen the collaboration in fraud prevention.

### **III. Juvenile and Special Crime Situations and Treatments**

#### **1. The crime rate of juveniles and children occasionally increased or decreased, but the juvenile offender rate in 2015 is the highest point in recent 10 years.**

In the recent 10 years, the population of criminal juveniles and children occasionally increased or decreased by years. It gradually increased since 2009, and there were 12,031 persons in 2012, which was the highest in the recent 10 years. In 2014, the number slightly dropped to 10,025 persons, but it increased to 11,117 persons in 2015 again, of which over 95% were the protection cases. The total population of juvenile and children offenders was accounted for 4.75% to 6.92% of the total criminal population each year, and the ratio in 2015 was 6.01%.

The juvenile offender rate kept increasing. There were 455.44 offenders per 100,000 persons in 2007, which was the lowest, and 656.76 offenders per 100,000 persons in 2015, which was the highest. The children offender rate also gradually increased since 2008. In 2013, there was 10.64 offenders per 100,000 persons, which was up to the highest number in the recent 10 years, and in 2015, the number slightly decreased to 8.10 offenders per 100,000 persons.

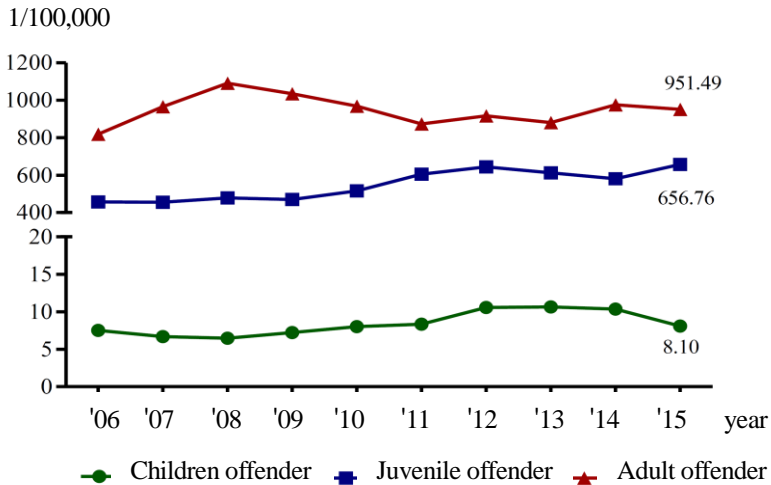


Figure 3-1 The trend of the population rate of juvenile and children offenders in the past 10 years

## 2. The major crime types of juvenile and children offenders were larceny and assault, but drug crime obviously increased

The major crime types of juvenile and children offenders were always larceny and assault over recent 10 years, both accounting for over 40% of total number of cases. The number of assault kept increasing in the recent 10 years, which reached the highest number of juvenile and children offenders in 2015 (2,101 persons; 19%). In addition, the number and proportion of juvenile and children offenders who committed drug crime were obviously

increased since 2009, and the proportion was over 10% in 2013. In 2015, the number of juvenile and children offenders who committed drug crime were up to 2,100 people (19%), becoming the second most crime type committed by juvenile and children. The rapid growing development in the juvenile and children involved in drug crime is of note (Figure 3-2). Among the juvenile criminal cases in 2015, the total number of juvenile offenders who violated the Narcotics Endangerment Prevention Act was 129 people (46.24%).

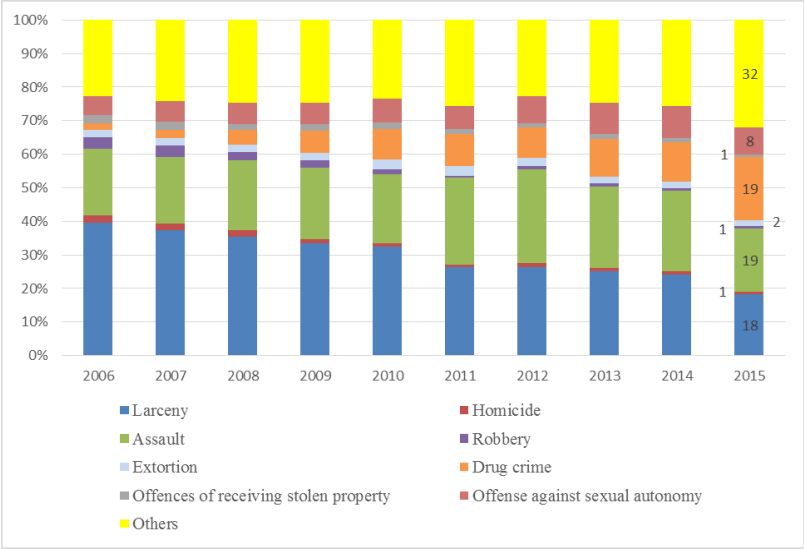


Figure 3-2 The trend of the crime type that juveniles and children committed in the recent 10 years

### **3. Most juvenile and children offenders were male, aged between 16 years old to 18 years old**

As for gender, most offenders in juvenile criminal cases in the recent 10 years were male juveniles, ranging from 89.69% to 93.75%. The population in the juvenile and children protection cases over these 10 years was also most males, accounting for about 85%, ranging between 84.07% and 87.05%.

As for age, the most criminal offenders in the recent years were aged between 16 and 18 years old, both accounting for 78.85% in 2015. The most children in the protection cases were aged between 14 and 18 years old, accounting for more than 84%.

### **4. The most behaviors conducted by the female juvenile status offenders were drug taking.**

The most behaviors of female juvenile status offenders in the recent 10 years were truancy or run away from home and taking drugs, accounting for over 94%. After Judicial Yuan – Interpretation (J.Y. Interpretation) No.664 was released, taking drug became the most behaviors that female juvenile status offenders committed. There were 548 female juvenile status offenders in 2015, of whom 416 ones took drugs (75.91%).

### **5. The majority of concluded juvenile cases was the consignment for protection, of which the treatment of protection and custody was the most.**



In the recent 10 years, the number of concluded juvenile and children protection cases from each juvenile court increased by years. The number increased from 8,016 cases in 2006 to 13,100 cases in 2013, and decreased to 10,867 cases in 2015. The most conditions for conclusion were the consignment for protection, accounting for about 90%. Of those cases, the most juveniles received the adjudication of admonition and of protection and custody, and the least juveniles received the placement with counseling. In 2015, 5,489 juveniles received the adjudication of consigning for protection and custody, 4,707 juveniles received the adjudication of admonition, 688 juveniles received the reformatory education, and 154 juveniles received the placement with counseling.

As for the juveniles sentenced in the criminal court, there were 299 juveniles in 2015. Among those juveniles, the majority was sentenced to imprisonment. There were 293 juveniles in total, accounting for 98%, and the majority of the sentence was more than 1 year and less than 2 years (131 persons).

**6. The number of the juveniles who were under detention for observation increased, decreased, and then increased. The most criminal charges were drug crime and larceny.**

In the recent 5 years, the juvenile population housed and detained in the Juvenile Detention House had a situation of increase, decrease, and then increase. The highest number of the

juveniles who were housed and detained was 5,668 in 2013, the number dropped to 5,132 in 2014, and the number increased to 5,405 in 2015. Among those juveniles, males were accounted for 84.05%, and females were accounted for 15.95%. As for the age, the majority was the juveniles who were more than 17 years old and less than 18 years old, followed by the juveniles who were more than 16 years old and less than 17 years old. In terms of the criminal charges, the majority was drug crime and larceny. In 2015, there were 835 juveniles, accounting for 23.03%, who entered the Juvenile Detention House because of the offenses against Narcotics Act, 666 juveniles because of larceny (accounting for 18.37%), and 530 status offenders, accounting for 14.62%.

**7. The majority was more than 18 years old among the students who received the reformatory education. The most criminal charges were larceny and drug crime**

In the recent 5 years, the number of the newly accepted students in the Juvenile Reform School varied. The highest number was in the Changhua Reform School, and the lowest number was in the Chengjheng High School. The majority of the newly accepted students was more than 18 years old, followed by the ones who were more than 17 years old and less than 18 years old. The most criminal charges were larceny and drug crime among the newly accepted students, and the population of students who were involved in the drug crime had an increasing tendency by years.

The charge of drug crime has become the most criminal charge that put juveniles into the Reform School since 2013. In addition, in the recent 5 years, the number of the newly accepted students because of the status offenses had a situation of a large increase. The number of status offenders had increased to 143 in 2015.

**8. Female crime trends and rates remain stable, focusing on the non-violent crime, and offenses against public safety significantly increased**

The population rate of female offenders in 2015 was 403.07 per 100,000 persons. The number of female convicts in all district prosecutor offices was 25,111 (13.57%). The situation of female committing crime tended to ease up in the recent years, but compared to 21,934 female offenders in 2006, the rate increased by 14.48%.

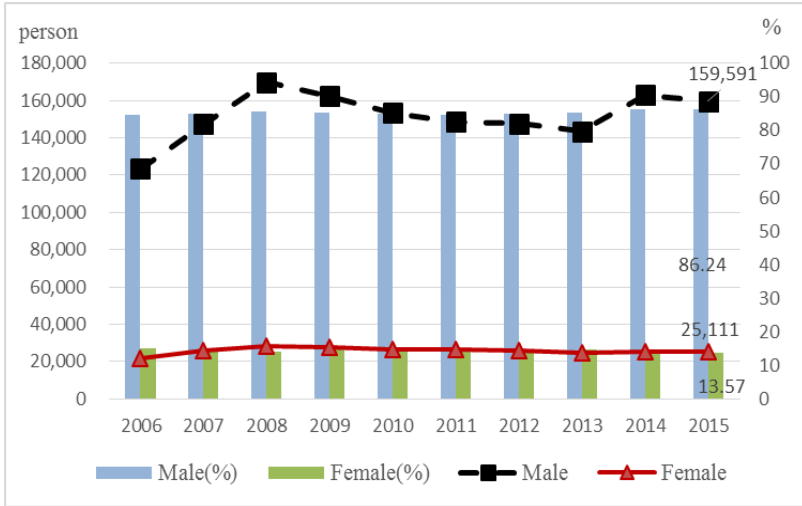


Figure 3-3 The trend of the convicts' gender in the district prosecutor office

The major crime types committed by females in 2015 were as follows: offenses against the public safety (20.69%), violations of the Narcotics Endangerment Prevention Act (17.75%), larceny (12.18%), gambling (9.99%), fraud (7.31%), and so forth of non-violent crime. The number of females who received the observation rehab, forced physical therapy treatment, in-custody, and incarceration significantly decreased, but the number of being probation increased to 2,368 persons (13.52%), reaching another peak.

## 9. The elderly crime and instituted elders increased, mainly on

## offenses against public safety and the property crime

The population of elderly criminals in the recent 10 years has increased, and it reached the peak of 22,437 persons in 2014 (8.58%). Then, the population of elderly criminals slightly dropped to 22,256 persons in 2015 (8.26%). The rate of criminal population in the recent 10 years was 254.86 to 539.06 per 100,000 persons.

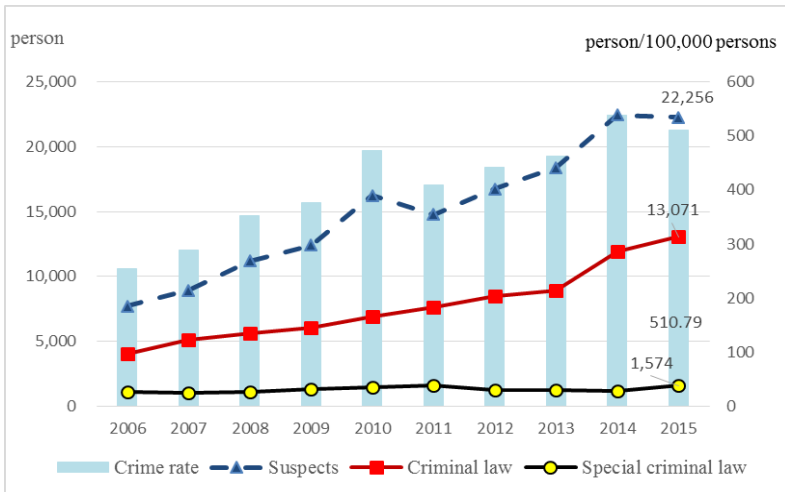


Figure 3-4 The trend of the elderly criminals

In 2015, the most of crime types in the general criminal law committed by the elderly was offenses against public safety, followed by gambling and then larceny. The number of violations of the Narcotics Endangerment Prevention Act was the most among the elderly criminals who were convicted by the special criminal law, followed by violations of the Public Officials

Election and Recall Act. The number of elderly convicts of violations of the Narcotics Endangerment Prevention Act has obviously decreased in 2015. In the recent 10 years, the number of elderly criminals who received whether the deferring prosecution, observation rehab, forced physical therapy treatment, in-custody, incarceration, or being probation has increased.

**10. The trend of the first-degree drug crime eased, but the problem of the second- and third-degree drug crime became more serious**

From 2006 to 2015, the number of drug crime suspects reached the peak of 53,681 persons in 2007, and reached another peak of 53,622 persons in 2015. The ratio of males to females among the convicts of drug crime in 2015 was approximately 86.62% to 13.38%. The majority was still males. From 2006 to 2010, the convicted population of exclusively using the first-degree drug was higher than the convicted population of exclusively using the second-degree drug. Since 2011, however, the population of exclusively using the second-degree drug significantly increased, exceeding the population of exclusively using the first-degree drug. Since 2011, among the manufacturing, trafficking, and selling drugs, the top drug became the second-degree drug, and the second top drug was the third-degree drug after 2014. Moreover, the population who manufactured, trafficked, and sold drugs in 2015

was significantly less than the population in 2014. In 2015, among the people receiving the punishment of deferring prosecution with, revocation of sanctions with, or being observation rehab with the order of completing addiction treatment, the number of the second-degree drug users was more than the number of the first-degree drug users. The number of the newly imprisoned drug users has slightly increased in 2015. From 2010 to 2015, the workshops, people who were fined, and the amount of fines for the possession of the third- or fourth-degree drug without just reasons or the use of those drugs all significantly increased. It reached the peak in 2013, and those in 2015 had slightly increased than those in 2014. However, the rate of the fine payment and the amount of payment both showed a descending tendency.

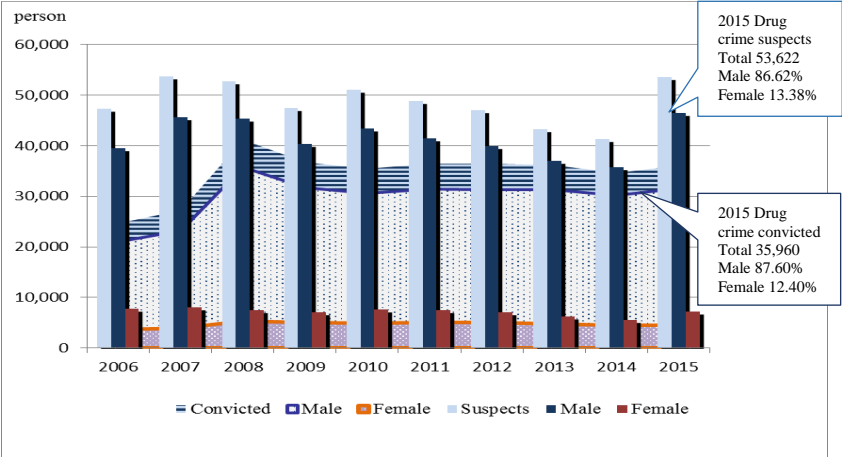


Figure 3-5 The trend of drug criminals

## **11. The recidivism was still high and comparatively, drug crime, larceny, and offenses against public safety had a higher recidivism rate**

The rate of new prisoners having prior criminal records has increased. There were 26,260 persons (77.55%) in 2015. Among the male new prisoners, those with prior criminal records accounted for 78.46%, and among the female new prisoners, those with prior criminal records accounted for 67.80%. As compared to the rate in 2006, the rate of having prior criminal records increased by 14.35%, and the increasing rate of males with prior criminal records were more than those of females. The first five crime types in the new prisoners with prior criminal records in 2015, by sequence, were violations of the Narcotics Endangerment Prevention Act, larceny, offenses against public safety, robbery, and offenses of receiving stolen property (80.59% in total). Drug crime and larceny were the recidivism problem for both males and females, but males had a higher recidivism rate of larceny, and females had a higher recidivism rate of drug crime.



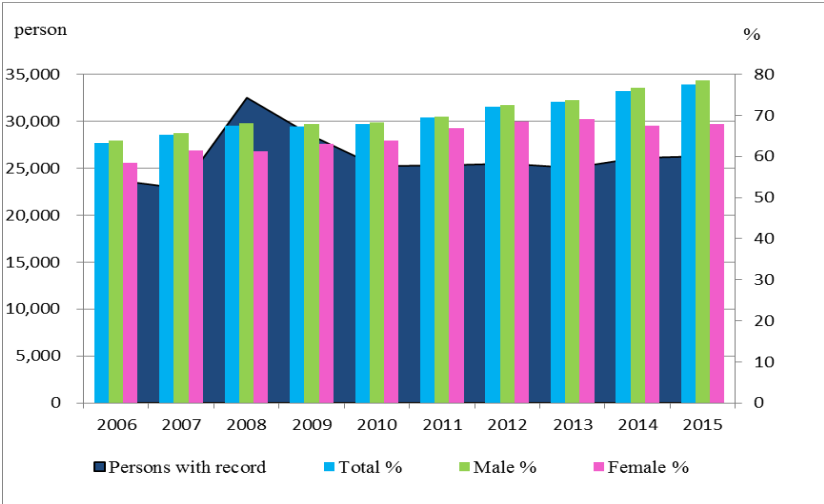


Figure 3-6 The trend of the new prisoners with prior criminal records

**12. The number of crime committed by foreigners decreased, and the most were the property crime and crime related to addiction**

The number of convicted alien offenders in 2011 was 1,328. Afterward, there is a downward trend. There were 1,147 convicted alien offenders in 2015. Of whom, 81.60% violated the general criminal law, and 18.40% violated the special criminal law. The nationality of the convicted alien offenders in 2015, by sequence, were Vietnam, Thailand, Indonesia, and Philippine. These four nationalities accounted for 80.03%. According to the district prosecutor office in the recent three years, among the list

of convicted crime types by alien offenders, offenses of forging instrument or seal and larceny have decreased, but offenses against public safety has significantly increased. In 2015, the most of crime types committed by foreigners were offenses against public safety, larceny, and offenses of forging instrument or seal in the general criminal law, and violations of the Narcotics Endangerment Prevention Act in the special criminal law.

## **IV. Crime Victimization Protection**

### **1. The percentage of compensatory cases remained stable, but the amount of money significantly increased**

The number of accepted applications for the crime victimization compensation by the district prosecutor office in 2015 was 1,741, the highest number in the past 10 years. Among those, the applications for the monetary compensation of crime victimization (1,073 cases; 61.63%) and the claims executed by the prosecutor (438 cases; 25.16%) were the majority. In the 1,073 concluded cases of applying for monetary compensations, 490 applications were approved, accounting for 45.66%. As compared to the applications in 2014, both the number of cases and the approval rate decreased. The overruled applications were 391, increasing by 3.58% as opposed to that in 2014. Among the applications for monetary compensation of crime victimization in 2005, the approval number of applications was 490, involving 588 persons and NT\$ 225.86 million, which significantly increased by 414.09% than the amount of monetary compensation in 2006.

### **2. The most victims who applied for the compensation were female, younger than the age of 20, and unemployed**

Among the 1,080 criminal victims of the concluded applications for the monetary compensation in the district prosecutor office in 2015, 50.65% were males and 49.35% were

females. From 2006 to 2015, the number of female victims gradually increased by years. The majority of victims were the age of less than 20 (27.78%), and the number of the victims less than 20 years old is increasing. In terms of the occupation, the unemployed (41.57%) and blue-collar workers (12.31%) were the most, and sellers and service personnel significantly increased.

### **3. The significantly increased cases of application for compensation were homicide, assaults, and offenses against sexual autonomy, and the most applications were because of death**

As for the victimization type in applications for the monetary compensation, the most were homicide (44.26%), followed by offenses against sexual autonomy (32.99%), and then assaults (19.19%). The number of applications because of homicide, offenses against sexual autonomy, and assaults were slightly decreased in 2015 than the number in 2014. With regard to the category, the most applications were because of death (50.93%). As opposed to 2014, both the population and rate decreased. The second most was because of offenses against sexual autonomy (33.52%), and then was because of assaults (15.56%).

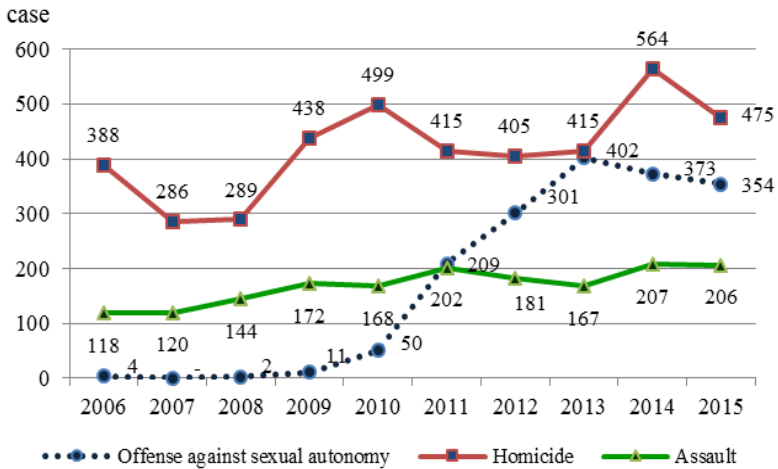


Figure 4-1 The major victimization type of the concluded applications for crime victimization compensations

#### 4. A variety of protection items, along with the increased percentage of psychological counseling and legal assistance were for the need to enhance victim protection services

Among the new cases of 2,407 to Association for Victims Support in 2015, the majority were the cases of informed protection (68.67%), followed by self-requested protection (23.68%) and visited protection (7.64%). In terms of the type of cases, death was the most in the protection of criminal victims from 2006 to 2015. Although the rate of the death case in the recent five years had the tendency of decreasing, the population increased. There

were up to 87,601 persons/times being protected by the protection services in 2015. In the protection service items, the majority were visits and solicitude (20.79%), followed by psychological counseling (16.50%) and then legal assistance (13.12%). From 2005 to 2015, all the persons/times of inquiry and consultation, visits and solicitude, psychological counseling, medical services, and legal assistance had a stable tendency.

## **V. Issues of Social Concern**

### **1. Review of the criminal policy on drinking-and-driving**

Drinking-and-driving has been one of the main reasons causing car accidents, resulting in a mass loss of life and property. The dead and injured people caused by drunk driving accidents every year were a lot, and the resulted medical cost was also enormous. If adding up the car damage, the loss of labor productivity, and the loss of other social costs (e.g. familial care, incarceration costs), drunk driving could be an important societal and security problem, which is in need of attention.

From the policing execution statistics provided by the National Police Agency, it was found that the violation of drinking-and-driving cases and individuals both kept increasing over the past 10 years. The highest was in 2014 when the suspects were 1.83 times more than those in 2006.

Table 5-1 Drinking-and-driving cases and suspects in the recent 10 years

Unit: case, person

Year	Cases	Suspects
2006	37,268	37,354
2007	48,643	48,783
2008	49,809	49,833
2009	52,167	52,229
2010	53,053	53,181
2011	52,604	52,801
2012	52,432	52,920
2013	60,484	62,228
2014	67,772	68,229
2015	65,480	64,765

Sources: The Criminal Investigation Bureau



**(1) The deaths and injuries resulted from A1+A2 types of drinking-and-driving decreased every year**

Table 5-2 The deaths and injuries resulted from A1+A2 types of drinking-and-driving

Year	Total	A1 (Fatal Cases)			A2 (Injured Cases)	
		cases	Deaths (person)	Injuries (person)	Cases	Injuries (person)
2006	9,440	705	727	310	8,735	11,500
2007	9,888	543	576	218	9,345	11,981
2008	9,579	474	500	211	9,105	11,695
2009	9,796	386	397	157	9,410	11,997
2010	10,998	399	419	154	10,599	13,366
2011	11,673	412	439	137	11,261	14,144
2012	10,115	370	376	118	9,745	12,075
2013	8,111	234	245	107	7,877	9,691
2014	7,513	160	169	79	7,353	9,056
2015	6,658	137	142	59	6,521	8,061

Sources : The Criminal Investigation Bureau

Notes : 1. A1 type: the accidents causing the instant death or dead within 24 hours

2. A2 type: the accidents causing the injuries or dead after 24 hours

As can be seen from the above table, the total number of drinking-and-driving cases began to increase from 2007 and reached the highest number of 11,673 in 2011, but since then, the number gradually dropped. The cases, deaths, and injuries resulted

from the A1 type began to drop since 2007 and the lowest number of death and injury was in 2015. However, the A2 type had a different trend. Since 2007, the number of cases and injuries increased and reached the highest in 2011. After then, both kept decreasing to the lowest in 2015. In other words, the A2 type had a similar trend in the injured cases and in the total cases: up first and then down. However, the A1 type of deaths and injuries kept decreasing. It is hard to attribute this to the change of criminal penalty because if there were the effect of tough on crime, three numbers (the total cases, A1 type, and A2 type) should have had the same trend. Therefore, the so-called deterrence effect of criminal punishment seemed not very obvious.

Because each district prosecutors office has six standards for putting drunk drivers to prison, Taiwan High Prosecutors Office held a national meeting for all attorney generals to unify the standard by setting up a three-strikes policy for drunk drivers. A mandatory imprisonment is given for three violations of drunk driving within 5 years and the substitute of fines is prohibited. The three-strikes policy caused the number of drunk driving recidivists in prison to increase. There were 6,384 individuals who committed the offenses against public safety in 2012 sentenced to prison, of

whom about 90% were drunk drivers. Such individuals in 2013 were 7,585 and in 2014 were 10,168. Moreover, according to the statistics in 2015 from the Ministry of Justice, there were 103,283 violations against public safety (including drinking-and-driving) that were investigated in all district prosecutors office. Among those cases, there were 64,131 cases prosecuted, and 64,975 cases executed. This shows whether or not a harsh punishment can deter drinking-and-driving still needs more research.

**(2) The characteristics of drinking-and-driving suspects**

Table 5-3 The characteristics of drinking-and-driving suspects by years ( % )

Year	Male	Junior/Senior high school	Technical workers/ Jobless	Age 30-39	Age 40-49	Age 50-59	Over age 60
95	93.1	74.2	63.1	30.9	31.2	13.7	2.8
98	92.2	78.8	67.2	28.1	33.8	18.5	4.0
101	91.3	80.4	64.6	26.5	32.2	21.6	6.0
103	92.0	82.6	66.7	25.0	30.8	23.3	7.6
104	91.5	81.6	65.2	24.3	29.6	23.8	8.7

Sources: The Criminal Investigation Bureau

The major drinking-and-driving suspects were males (more than 90% each year), junior/senior high school in the education

attainment (more than 70%), technical workers or jobless (more than 60%), and aged between 30 and 39 (60%), but the aged between 50 and 59 and over 60 had an increasing tendency. In particular, the aged over 60 in 2015 were 3.1 times more than those in 2006. This is a tendency in need of attention.

**(3) The situation of the concluded cases of drinking-and-driving and the recidivism in the district prosecutors office**

Table 5-4 Drinking-and-driving conclusion and recidivism in the district prosecutors office ( % )

Year(Person)	General Process by indictment	Applications for summary judgments	deferred prosecution	Drunk driving suspects with records/Individuals with records
2006 (44,956)	2.59	59.25	32.33	9.0 (42,710)
2009 (62,153)	2.19	62.01	28.79	21.6 (58,250)
2012 (67,530)	4.50	53.90	34.43	30.8 (62,859)
2014 (93,631)	7.67	58.51	31.33	33.3 (91,408)
2015	7.53	60.87	28.97	35.3 (85,416)

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(87,629)				
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Sources : The Statistics Department, the Ministry of Justice

For the drinking-and-driving investigation conclusion, the majority was applications for summary judgments, accounting for about 60% every year, followed by the deferred prosecution (about 30%). Both were about 90% and there was not a big change over the years. The proportion of general process by indictment was low, but it gradually increased by years. It was 2.59% in 2006, but 7.53% in 2015, which was 2.9 times more than in 2006. Of note, the proportion of drinking-and-driving suspects with the previous criminal records by the total individuals with the previous criminal records gradually increased by years. There was only 9.0% in 2006, but 35.5% in 2015, which was 3.9 times more than in 2006.

**(4) The execution of drinking-and-driving cases in the district prosecutors office**

Table 5-5 The execution of drinking-and-driving cases in the district prosecutors office ( % )

Year(Cases)	Imprisonment	Substitute of fines and payment of fines	Substitute of community services
2006 ( 23,704 )	5.09	87.26	--
2009 ( 40,152 )	8.06	72.40	9.74
2012 ( 41,460 )	10.55	65.93	18.01
2014 ( 62,426 )	16.92	66.16	16.05
2015 ( 58,754 )	18.02	67.29	14.49

Sources: The Statistics Department, the Ministry of Justice

The most execution of drinking-and-driving in the district prosecutors office was a substitute of fines and the payment of fines (over 65%), but they decreased over the years, followed by the substitute of community services and imprisonment. In particular, the former increased from 9.74% in 2009 to 18.01% in 2012, but dropped to 14.49% in 2015. The latter, however, increased over the years, which increased from 5.09% in 2006 to 18.02 in 2015. The rise range was up to 3.5 times.

## **(5) Summary**

Overall, the aforementioned data showed that the number of drinking-and-driving cases and suspects continuously increased since 2006, but the deaths and injuries resulted from the A1 type decreased. The injured individuals resulted from the A2 type increased till 2011, and then began to decrease to the lowest in 2015. The most drinking-and-driving suspects were males (about 90% every year), junior/senior high school in education attainment (about 70% to 80%), technical workers/jobless (about 60%), aged 30-49 (about 50%-60%). The percentage of the aged over 50-60, however, increased rapidly.

As for the drinking-and-driving investigation conclusion, the majority was the applications for summary judgments, accounting for 53.90% to 62.01%, followed by the deferred prosecution, accounting for about 30%. The percentage of general process by indictment was low, but had a tendency for increase. There was merely 2.59% in 2006, but 7.53% in 2015, which was 2.9 times more than in 2006. Of note, the proportion of drinking-and-driving suspects with the previous criminal records by the total individuals with the previous criminal records gradually increased by years. The proportion in 2015 was 3.9 times more than that in 2006.

Lastly, the most execution of drinking-and-driving cases in the district prosecutors office was a substitute of fines and the payment of fines, accounting for more than 65%, but decreased over the years, followed by the substitute of community services and imprisonment. In particular, the latter gradually increased by years. The cases in 2015 were 3.5 times more than those in 2006. The former increased from 5.09% in 2006 to 18.01% in 2012, but decreased to 14.49% in 2015.

## **2. Review of the problem of the long-term imprisonment**

The incident of correctional officers who were the hostage by a group of prisoners for an attempted escape from the Kaohsiung prison on February 11<sup>th</sup> 2015 highlights the problems of the prison management and the inmates' rehabilitation as a result of the polarizative criminal policy. It is indeed necessary to overall review the polarizative criminal policy, especially the impact of the strict criminal policies on the national correctional system.

### **(1) The trend of the executed indicators of the polarizative criminal policy**

In order to understand the current situation in executing the polarizative criminal policy, this report used the deferred prosecution (the percentage by the population of concluded



investigation), (the substitute of) fines, criminal detention, the substitute of community services, and the imprisonment of less than 6 months (the percentage by the total convicted population) as the indicators of executing the lenient criminal policy. Moreover, the imprisonment of more than 10 years and the life imprisonment (the percentage by the total convicted population) were used as the indicators of executing the strict criminal policy. The result by analyzing the execution trend over the past 10 years was shown in Table 5-6.

Table 5-6 The execution of concluded investigation and conviction in the district prosecutors office (%)

Year	Deferred prosecution (concluded investigation population)	Convicted population	(Substitute of) Fines	Criminal detention	Substitute of community services	Less than 6 months imprisonment	More than 10 years imprisonment	Life imprisonment
2006	6.89 (474,688)	115,279	33.3	23.39	-	16.87	0.47	0.05
2008	7.03 (526,143)	158,929	31.61	22.59	-	22.53	0.45	0.04
2010	8.50 (523,887)	145,226	32.01	22.83	6.07	18.70	0.62	0.03
2012	9.88 (494,883)	138,375	34.4	20.75	5.18	18.55	0.54	0.02
2014	10.06 (511,049)	154,136	43.48	10.97	8.47	21.41	0.33	0.01
2015	9.01 (529,775)	149,753	42.54	11.09	7.60	23.13	0.24	0.02

Sources : The Statistics Department, the Ministry of Justice

Notes : 1.(Substitute of) fines includes the substitute of fines for the more than 6 months imprisonment, the substitute of fines for the less than 6 months imprisonment, and the penalty of fines.

2.The substitute of community services indicates the substitute of community services for the imprisonment.

Since 2006, the percentage of the deferred prosecution population by the concluded investigation population increased from 6.89% to 10.06% in 2014, and slightly dropped to 9.01% in 2015. The percentage of executing the substitute of fines (the population of the substitute of fines by the total convicted population) generally showed an uprising trend. In 2015, among the convicted population, about 43 persons per 100 persons paid the fines. In the recent 10 years, the percentage of executing the imprisonment of less than 6 months was the highest in 2015, up to 23.13%.

In terms of the execution of the imprisonment of more than 10 years and the life imprisonment, namely the long-term imprisonment, the percentage of executing the more than 10 years imprisonment since 2006 increased and then decreased. In 2010, it reached 0.62%, and in 2015, it dropped to 0.24%, which was the lowest in the recent 10 years. The percentage of executing the life imprisonment showed a descending trend, but generally stable.

As for the convicted population, the polarizative criminal policy could be seen from 2 stages. In the first stage, between 2006-2008 and 2010-2012, the percentage of executing the more than 10 years imprisonment obviously increased, the less than 6 months imprisonment decreased, and the substitute of fines and the criminal detention were generally stable. In the second stage, between 2010-2012 and 2014-2015, the percentage of executing

the more than 10 years imprisonment obviously decreased, and except for the criminal detention, the percentage of executing the substitute of fines, the substitute of community services, and the less than 6 months imprisonment increased. This shows that the execution of the criminal policy seems to swing between two ends of the balance.

We, however, need to be careful that the above observations are based on the hypothesis that the outer environment (or criminal environment) did not have a big change or no change at all. If the outer environment had a big change, we should keep a cautious attitude to view our observations.

## **(2) The aged population in the prison**

Table 5-7 showed that the most long-term imprisonment inmates (whether the imprisonment of more than 10 years and less than 15 years, of more than 15 years, or the life imprisonment) were males and almost accounted for 90% in the recent 10 years. However, it is in need of attention that the percentage of the female long-term imprisonment inmates had an increasing trend by years.

In terms of the age, the most having the imprisonment of more than 10 years and less than 15 years inmates were 30-39 years old (40%), the most having the imprisonment of more than 15 years inmate were also 30-39 years old, but the percentage of the 40-49 years old inmates obviously increased, and the most having the life imprisonment inmates were 40-49 years old, and the

percentage of the 30-39 years old inmates and that of the 50-59 years old had a mutual growth and decline. Table 5-7 also showed that the age of the long-term imprisonment inmates was obviously getting older. Take the aged more than 60 as an example, its percentage in 2015 was more than 2 times than that in 2006. Those with the life imprisonment were even more by 3.24 times. Overall, from 2006 to 2015, the number of the long-term imprisonment inmates who were more than 60 years old increased from 238 to 995.

Table 5-7 The characteristics of the long-term imprisonment population (%)

Sentence	Year	In-prison population	Male	Age 18-29	Age 30-39	Age 40-49	Age 50-59	Age over 60
Greater than 10 years and less than 15 years	95	5,106	95.52	24.72	37.97	25.24	9.62	2.39
	97	5,693	94.34	21.17	39.47	25.82	11.19	2.25
	99	6,681	93.23	18.19	40.46	26.04	12.36	2.93
	101	7,716	92.66	15.25	42.34	25.56	13.37	3.45
	103	8,189	92.14	11.94	41.49	27.74	14.53	4.29
	104	8,066	92.20	11.00	40.26	29.18	14.77	4.80
Greater than 15 years	95	2,375	97.14	14.48	37.89	34.02	11.87	1.73
	97	3,066	93.64	13.96	39.60	30.98	13.37	2.05
	99	4,913	91.17	13.15	40.48	29.98	13.94	2.40
	101	6,858	90.22	9.00	41.02	31.64	15.30	3.03
	103	8,468	89.61	5.88	39.47	32.59	18.01	4.05
	104	8,973	89.56	4.93	37.33	33.82	19.19	4.73

Life Imprisonment	95	1,838	96.79	6.26	29.00	39.61	21.06	4.08
	97	1,611	96.77	4.97	26.88	39.35	23.90	4.90
	99	1,476	96.54	3.25	24.19	40.51	25	7.05
	101	1,349	96.59	3.11	21.57	36.40	29.95	8.97
	103	1,396	96.35	2.65	19.63	32.81	33.31	11.60
	104	1,393	96.27	2.37	18.02	33.31	33.09	13.21
Long-term imprisonment	95	9,319	96.18	18.47	36.18	30.31	12.45	2.55
	97	10,370	94.51	16.52	37.55	29.45	13.81	2.60
	99	13,070	92.83	14.61	38.63	29.16	14.38	3.20
	101	15,923	91.94	11.53	40.01	29.10	15.61	3.74
	103	18,053	91.28	8.38	38.85	30.41	17.61	4.74
	104	18,432	91.22	7.39	37.15	31.75	18.31	5.40

Sources: The Correctional Department, the Ministry of Justice

Notes: Long-term imprisonment = Greater than 10 yrs and less than 15 yrs + Greater than 15 yrs + Life imprisonment.

### **(3) A harsh penalty on the recidivists**

From 2006 to 2015, the having more than 10 years and less than 15 years imprisonment inmates who have a previous criminal record increased by 1.17 times (67.7% in 2006 and 79.3% in 2015), the having more than 15 years imprisonment inmates who have a previous criminal record increased by 1.05 times (83.8% in 2006 and 87.8% in 2015), and the having the life imprisonment inmates who have a previous criminal record increased by 1.16 times (55.2% in 2006 and 63.8% in 2015). The percentage of the long-term imprisonment inmates who have a previous criminal record almost showed a tendency of increase by years.



Table 5-8 The statistics of the long-term imprisonment inmates with previous criminal records  
(Person)

Year	Greater than 10 years and less than 15 years		Greater than 15 years		Life imprisonment	
	Total	With records (%)	Total	With records (%)	Total	With records (%)
2006	5,106	3,457(67.7)	2,375	1,990(83.8)	1,838	1,015(55.2)
2008	5,693	3,843(67.5)	3,066	2,517(82.1)	1,611	943(58.5)
2010	6,681	4,658(69.7)	4,913	4,145(84.4)	1,476	899(60.9)
2012	7,716	5,677(73.6)	6,858	5,915(86.2)	1,349	848(62.9)
2014	8,189	6,324(77.2)	8,468	7,391(87.3)	1,396	868(62.2)
2015	8,066	6,399(79.3)	8,973	7,882(87.8)	1,393	889(63.8)

Sources : The Correctional Department, the Ministry of Justice

#### **(4) The types of crime committed by the long-term imprisonment inmates**

Table 5-9 showed the five top types of crime committed by the long-term imprisonment inmates. Apparently, whether for the imprisonment of more than 10 years and less than 15 years, for the imprisonment of more than 15 years, or for the life imprisonment, the major crimes were drug crime, robbery, homicide, penalty of the bandits, offenses against the Controlling Guns, Ammunition and Knives Act, offenses against the sexual autonomy, and the kidnapping for ransom. One point in need of attention is that drug crime has been one of the types of crime imposed with a harsh punishment, but the effect seems not very positive. As a result, whether or not sentencing the drug users to a long-term imprisonment meets the purpose of crime control requires the further research.

Table 5-9 The long-term imprisonment inmate-Top five types of crime (Person)

	2006	2008	2010	2012	2014	2015
Greater than 10 years and less than 15 years	Drug crime (1,740)	Drug crime (2,155)	Drug crime (2,742)	Drug crime (3,509)	Drug crime (4,046)	Drug crime (4,111)
	Robbery (986)	Robbery (1,251)	Robbery (1,500)	Robbery (1,443)	Robbery (1,215)	Robbery (1,095)
	Homicide (883)	Homicide (845)	Homicide (871)	Homicide (842)	Homicide (751)	Homicide (665)
	Penalty of the bandits (518)	Penalty of the bandits (328)	Offenses against the sexual autonomy (368)	Offenses against the sexual autonomy (513)	Offenses against the sexual autonomy (636)	Offenses against the sexual autonomy (649)
	Offenses against the Controlling Guns, Ammunition and Knives Act (238)	Offenses against the sexual autonomy (265)	Offenses against the Controlling Guns, Ammunition and Knives Act (334)	Offenses against the Controlling Guns, Ammunition and Knives Act (391)	Offenses against the Controlling Guns, Ammunition and Knives Act (380)	Offenses against the Controlling Guns, Ammunition and Knives Act (355)
Greater than 15 years	Drug crime (949)	Drug crime (1,497)	Drug crime (2,957)	Drug crime (4,671)	Drug crime (6,036)	Drug crime (6,456)
	Penalty of the bandits (449)	Robbery (492)	Robbery (764)	Robbery (910)	Robbery (983)	Robbery (983)

Greater than 15 years	Homicide (351) Robbery (338) Offenses against the sexual autonomy (103)	Homicide (395) Penalty of the bandits (359) Offenses against the sexual autonomy (114)	Homicide (466) Penalty of the bandits (260) Offenses against the sexual autonomy (162)	Homicide (497) Offenses against the sexual autonomy (217) Penalty of the bandits (144)	Homicide (506) Offenses against the sexual autonomy (269) Offenses against the Controlling Guns, Ammunition and Knives Act (165)	Homicide (512) Offenses against the sexual autonomy (296) Offenses against the Controlling Guns, Ammunition and Knives Act (181)
Life imprisonment	Drug crime (745) Homicide (633) Penalty of the bandits (330) Robbery (78) Kidnapping for ransom (19)	Drug crime (610) Homicide (584) Penalty of the bandits (250) Robbery (110) Kidnapping for ransom (31)	Homicide (553) Drug crime (500) Penalty of the bandits (223) Robbery (126) Kidnapping for ransom (32)	Homicide (510) Drug crime (434) Penalty of the bandits (188) Robbery (136) Kidnapping for ransom (34)	Homicide (527) Drug crime (444) Penalty of the bandits (178) Robbery (145) Kidnapping for ransom (40)	Homicide (545) Drug crime (428) Penalty of the bandits (169) Robbery (151) Kidnapping for ransom (39)

Sources: The Correctional Department, the Ministry of Justice

### **(5) The newly imprisonment inmates without parole**

The number of the inmates who have the more than 15 years imprisonment and have no parole possibilities gradually increased by years since 2006. There were up to 69 persons in such situation in 2010, of whom 63 persons were males, 30 persons who were aged 40-49, and 23 persons who were aged 50-59. After then, the number decreased by years. In 2015, there were 38 persons in total, of whom 36 persons were males, 14 persons who were aged 40-49, and 15 persons who were aged 50-59. The number of felony recidivists without parole possibilities had an increasing tendency since 2006. There were up to 106 persons in 2010, of whom 101 persons were males, 44 persons who were aged 40-49. The number slightly dropped to 100 persons in 2012, but in 2014, the number was another peak. The number was up to 141 persons, of whom 139 persons were males, 63 persons who were aged 40-49. The number in 2015 greatly dropped to 68 persons, all of whom were males and 25 persons were 40-49 years old.

Table 5-10 The newly imprisonment inmates without parole (Person)

Year	Greater than 15 years imprisonment				Felony recidivist			
	Total (Male)	Age 30-39	Age 40-49	Age 50-59	Total (Male)	Age 30-39	Age 40-49	Age 50-59
2006	13(13)	5	4	3	1(1)	-	-	1
2008	36(34)	11	15	9	42(41)	20	14	6
2010	69(63)	12	30	23	106(101)	31	44	24
2012	51(47)	11	15	20	100(95)	31	39	23
2014	36(30)	3	19	9	141(139)	32	63	36
2015	38(36)	3	14	15	68(68)	19	25	16

Sources: The Correctional Department, the Ministry of Justice

## **(6) Summary**

According to the aforementioned data, since 2006, the concluded investigation cases and the convicted cases in the district prosecutors office seem to swing between two ends of the strict and lenient criminal policies. Compared to the percentage of executing the lenient criminal policy, the percentage of executing the strict criminal policy by the total convicted population was not high over the years. However, those inmates that was accounted for less than 1 percent every year were a group of people serving a long-term imprisonment. For those inmates, it is hard to out of the prison. It can be imaged that the increase of the long-term imprisonment population over the years would cause a big burden to the correctional system. Additionally, of note, this report defined the strict criminal policy (or the long-term imprisonment) to the imprisonment of more than 10 years (including the life imprisonment). This is subject to an extreme case. Therefore, the percentage over the years did not have a significant change. If the definition of executing the strict criminal policy was expanded to include the imprisonment of more than 7 years, it may be clearer to tell the tendency of a harsh penalty.

In the recent 10 years, the majority of the long-term imprisonment inmates was males (about 90%), and 30-49 years old (about 65%). The percentages of the females and the aged more than 50 gradually increased. It is not hard to image that the

difficulty of the release from prison caused the overall age of incarcerated population older. Moreover, more than half of the long-term imprisonment inmates had a previous criminal record and the percentage increased by years. The most types of crime led to incarceration were drug crime, robbery, and homicide. The research data have always shown that the drug offenders have a higher recidivism rate. As a result, the people who have a previous criminal record may disproportionately have the previous record of drug crime. The effectiveness of crime control by long-term incarcerating drug offenders is in need of more research. The burden toward the correctional resources, however is enormous. The problem of medical care is the challenge that the correctional institutions need to encounter immediately.

Finally, based on the essence of the three-strikes policy developed from the United States, some inmates do not have the possibilities for parole. The population of having more than 15 years imprisonment inmates without parole and felony recidivists without parole showed a tendency of up and down. The population of felony recidivists without parole had a bigger variance. The main population without parole possibilities is 40-49 years old. According to the theory of age-crime curve, the effectiveness of reducing the overall crime rate for the society by long-term incarcerating the criminals who are more than 40 years is minimal. On the contrary, it causes a high cost of the correctional resources.



Taking both opinions to account, whether or not continuously adopting the policy of non-parole disproportionately is indeed the task that the judiciary should work out immediately.

## **VI. Policy Recommendations**

### **1. Better to integrate resource, information, and strategy among different administrative organizations for improving the whole anti-drug effectiveness**

The problem of juveniles and children involved in drug crime is getting serious; especially that the population of using the third-degree and fourth-degree drug kept increasing. The Ministry of Justice established the drug enforcement steering group at Taiwan High Prosecutors Office in order to coordinate all related agencies in combating drug crimes, including every District Prosecutors Office, National Police Agency, Criminal Investigation Bureau, and Coast Guard Administration. It also aimed to investigate and prosecute the drug cases, grab the key points of the cases in real time, and track down the investigatory activities so as to work out an efficient prosecution against drug crimes. This group also developed the “Anti-drug movement” by integrating the resources, information, and strategies of all institutions to cut down the drug supply source and improve the overall national anti-drug performance. In spite of the great effort in anti-drug work, it remains hard to integrate the resources of health, medication, job training, social welfare, and legal affairs. It indeed needs to expand and enhance the coordination and resource integration among institutions.

## **2. Enhance the safeguard skills and reaction abilities to crisis of the correctional institution**

Because of the recent hostage case of correctional officers by inmates and all kinds of urgent safeguard accidents (e.g., inmates attack officers), the correctional institution needs to enhance the training for negotiators with professional negotiation skills in order to make a right decision and appropriate countermeasure through negotiators when facing crisis. On the other aspect, it is in need to enhance the training for guardians with combatting skills in order to strengthen the frontier personnel's combatting skills and mental quality, as well as further the safeguard and security in the correctional institution.

## **3. Increase the quantity and quality of alcohol and drug addiction treatment through medical services**

Because of a big increase of the prison population due to offenses of drinking-and-driving and an increase of drunk driving recidivism, the Agency of Corrections needs to more actively find cooperation with Ministry of Health and Welfare. Introducing psychiatrists, clinical psychologists, social workers, case managers, and nurses to every correctional institution to set up the alcohol and drug addiction clinic. By having the provision of professional

medical services to ease the symptoms resulted from the rehab. Aiming to prevent the relapse after release from prison through the provision of rehab with medical services and working for developing a guild of alcohol and drug addiction treatment in the correctional institution.

#### **4. Expand the use of deferred prosecution and the substitute of community service for misdemeanor and first-time offenders**

There has been the collaboration between the district prosecutors office and executive organizations to promote the enforcement of community services and arrange a variety of counselling and educational courses based on a specific project approach and the local resource. On the one aspect, it can improve the person's knowledge of rules and life adaptabilities, as well as further achieving the goal of preventing recidivism. On the other aspect, it can create the labor productivity by offering community labor services. Moreover, it can reduce the cost of human, material, and financial resources from the correctional institution.

#### **5. Change the incarceration policy for the drinking-and-driving and develop other treatment approaches to resolve the over-crowding problem of prison**

The over-crowding problem of the correctional institution in

2015 remains serious (7,223 persons more than the prison housing capacity, 13% over- housing). By reviewing the structure of the sentencing years of the newly imprisonment inmates and the existing inmates by the end of year, it is found that among the newly imprisonment inmates, the people with the less than one year sentence (including criminal detention, the substitute of servitude) were accounted for 81.21%, and the people with the more than one year sentence were accounted for merely 18.79%. On the other hand, among the existing prisoners by the end of year, the people with the less than one year sentence (including criminal detention, the substitute of servitude) were only accounted for 14.79%, and the people with the more than one year sentence were accounted for 85.21%. The housed short-term prisoners in the correctional institution were up to 80%, and the prisoners who were actually incarcerated by the end of year were less than 20%. This shows that the prisoners are in and out of prison frequently, which is not only useless for rehabilitation, but also increase the confinement burden of the correctional institution.

In addition, the most criminal charges of the newly incarcerated were the offenses against the public safety. Of that, the most was the incapacity of safe driving (drinking-and-driving). There were 9,600 persons. In terms of the function of punishment, a short-term imprisonment has the deterrence effect for the general

population, but for the prisoners, serving a prison sentence by entering the correctional facility not only damage the ordinary activities of social relationship, but also cause the difficulty of re-entering the society in the future and the dissolution of family relationship. It would even result in a negative effect due to the influence of correctional subculture. It is suggested that the government ought to resolve the overcrowding problem of correctional institution by other treatment approaches. This is an important task for developing the domestic criminal justice policy.

#### **6. Promote the execution rate of societal labor cases to effectively achieve the goal of community transforming**

In order to let misdemeanor prisoners be able to simultaneously take care of family, school, and work and not be disconnected with the society, and to avoid the inequality of short-term imprisonment penalty because of the enlarged gap between rich and poor, the substitute of community services has been implemented since September 1<sup>th</sup>, 2009. There were 16,175 concluded cases in 2015, of which there were 7,326 cases completed and 8,150 cases uncompleted. In terms of the case completion rate, it dropped from 62.23% in 2010 to 47.34% in 2015 in the past six years. The rate of fulfilment has been gradually decreasing by years. It is recommended that the government should deliberate the policy to improve the execution rate of community

services.

**7. Mind the protection of the dead and seriously injured victims and their family. Actively provide the financial, psychological, and legal assistance.**

The establishment of the Criminal Victim Protection Act was in 1998, and there have been several revisions of successively amplifying the compensation subjects, increasing the compensation items, and enlarging the compensation scope to protect the family of victims who died of the criminal acts, the people who suffered from serious injuries, the victims of sexual assaults, and the people staying in Taiwan with alien nationality or without nationality. This Act not only regulates the mechanism of crime victimization compensation, but also takes the victims' needs for living and social adaptation into account. Moreover, there are the regulations of requiring the Ministry of Justice and the Ministry of the Interior to establish the victim protection institutions, and the protection institutions should provide a variety of protection services, including the legal assistance, psychological counseling, occupational skills training and employment counseling, financial subsidy for schooling, emergency funding, safety protection, and so forth.

In 2015, there were 1,073 concluded application cases for monetary compensations, and there were 490 applications

approved, accounting for 45.66%. As compared to the applications in 2014, both the number of cases and the approval rate decreased. Therefore, it is recommended that the government should continuously pay attention to the protection of the dead and seriously injured victims and their family, as well as actively offering financial, psychological, and legal assistance.



## **VII. Future Research**

### **1. Change the execution of short-term imprisonment penalty. Developing the untraditional approaches to replace the traditional method of incarceration.**

As mentioned before, the problem of overcrowding in the correctional facility is currently serious. Reviewing the structure of crime types committed by the inmates, the majority are the sentenced less than six months, which accounts for between 57% and 65% of the annual total population of executed limited-term imprisonment. Those sentenced with the short-term imprisonment penalty of less than one year were up to more than 80%. With respect to the criminal charges of the new prisoners, the majority were the incapability of safe driving (drinking-and-driving), and there is an increasing tendency by years. In order to resolve the problem of prison overcrowding and the correctional safety management, it is suggested to elaborate the policies of transferring treatment and admission according to boundaries, along with how to mitigate the negative impact resulted from the short-term imprisonment penalty and relieve the overcrowding problem in the correctional facility by the non-institutional transferring treatment over the institutional treatment toward the offenses against public safety, assaults, and fraud.

### **2. Review and evaluate the current expenses of medical and**

**correctional resource on every crime type of offenders in order to improve the effectiveness of correctional treatment for each type of crime.**

It is necessary to fix and integrate the current correctional management, treatment methods, and the extant resource of the related professional staff in order to achieve the goal of promoting the correctional treatment effectiveness for each type of crime. The resource for the correctional system is limited. In the current condition, however, different allocation of resources is for different types of crim. Within the limited resources, it should be to review and evaluate the current expenses of medical and correctional resource on the offenders of each type of crime again in order to improve the effectiveness of correctional treatment for each type of crime and demonstrate the function of the correctional treatment.

### **3. Conduct the study of the criminal characteristics, motives, and prevention strategies of homicide cases**

In the recent 10 years, based on the total recorded number of criminal cases by all level police agencies, the number of cases and suspects of homicide (Negligence to death was excluded) primarily showed a descending trend. In 2015, there were 442 cases of homicide and 749 suspects of homicide, and both numbers were the lowest point in the recent 10 years. However, the nature of homicide cases occurred in Taiwan is different from the statistics

shown in the foreign studies. According to the statistics in Criminal Investigation Bureau, among the homicide cases occurred in Taiwan, the percentage where the relationship between offenders and victims was stranger was approximately 50%. Moreover, as compared the statistics of homicide with other countries, the rate of homicide in Taiwan is only lower than that in the United States.

In addition, recently, several non-specific target or stranger homicide cases that caused a great public concern were happened in Taiwan. For example, cutting a child's throat homicide in Tom's world, mass murder in Taipei Mass Rapid Transit (MRT), and breaking a child's neck homicide at Neihu district of Taipei City. These cases lead to enormous public panic. In addition, the motive of this special type of crime is different from the traditional assumption of killing reasons (e.g., affection, hate, money, and etc.). As a result, it is essential to research this special type of homicide and to analyze the characteristics of case and suspect in order to develop the associated prevention policies.