

Dilemma and Path Selection

Study on the Government's Purchasing of Community Correction

Yu Ding

College of Humanities and Law and Economics
Wuhan University of Science and Technology
Wuhan, China, 430065

Shasha Xiong

College of Humanities and Law and Economics
Wuhan University of Science and Technology
Wuhan, China, 430065

Abstract—With the advancement of government purchasing of service, government purchasing has been widely used in various fields. Community correction service is also incorporated in its purchased items. In China, the government's purchasing of community correction service is a newly started item which has a series of problems regarding the aspects of laws and regulations, financial investment, non-governmental organization, supervision, evaluation and so on. We have to improve the laws and regulations to promote the institutionalization and legalization; clear the financial sources and broaden the financing channels, cultivate high-quality social workers to improve the professional level, develop non-governmental organization to enhance the acceptance ability, and strengthen supervision and evaluation to enhance the overall performance.

Keywords—government purchases; community correction; social force

I. INTRODUCTION

Since 2003, pilot work has been carried out. Community correction in China has entered a promotion stage after the pilot expansion and comprehensive trial implementation. After the abolition of labor education system, the community correction task is more serious. By the end of February this year, 2.322 million of prisoners in the community in total have been received from the whole country, among which there are still 740,000 of prisoners in the community. [1] In November 2014, the six ministries (including the Justice Ministry) encouraged and guided social forces to participate in the work of the views of community correction. The Administrative Measures of Government purchasing of service (Interim) has been put into force since 2015, and it has pointed out that the community correction service shall be included in guiding directory of government purchasing of service and service purchasing shall be implemented. Comprehensively promoting community correction and exploring on government's purchasing of community correction service are particularly urgent. The government's purchasing of community correction service in this paper refers to the service delivery model that the ministry of judicial administration delivering the original directly provided community correction service, except for the law enforcement items, to the social force of qualified non-governmental organizations for completion and pay for the provided service upon evaluation.

II. VALUE ORIENTATION OF GOVERNMENT'S PURCHASING OF COMMUNITY CORRECTION SERVICE

A. Improving Service Quality and Promoting Community Correction Work

The community correction target is the offenders confirming to the conditions of community correction, criminology studies shows that the crime is rooted in society, [2] and closely related to social development, so we shall fully mobilize social forces to participate in community correction work. Full-time law enforcement officers of judicial and administrative authorities, social workers, and volunteers shall jointly participate in it and give full cooperation. They shall take all social resources, use professional approach to carry out target work and optimize the correction. The government's purchasing of community correction service can promote public understanding and acceptance to community correction, mobilize the enthusiasm of the public participation and introduce full-time social workers and volunteers, enrich the staff strength of community correction, ease the shortage problem of correction professionals, [3] as well as build diversification of social support network system and improve professional degrees of community correction work.

B. Improving Administrative Efficiency and Promote Transformation of Government Functions

Service-oriented government more focuses on citizen standard and community standard. [4] Our government purchasing of service is an important innovation initiative proposed for the transformation of government functions. At present, our community correction is mainly undertaken by the Bureau of Justice, the streets (township) administration of justice, while the judicial staff is generally not enough and their workload is heavy, they have no time to deal community correction work. [5] Government's purchasing of community correction service can transfer the government from directly providing service to funding, supervising and developing supporting policies, and give full play to the positive role of social forces in community correction work. It can change the traditional ways of take on all things to improve their management and social efficiency of service. It is beneficial to the judicature administrative department's regulatory work on community correction while not affecting

the completion efficiency of other work functions, which can improve administrative efficiency and promote the transformation of government functions role.

C. Innovate Social Management and Maintain Social Harmony and Stability

Social governance body is diverse. The social governance achievement needs to rationalize the relationship among the government, market and society to effectively resolve social conflicts. In order to make the multi-supply mechanism of community correction service to operate effectively, we have to reasonably define the functions of government, market and social forces in the community correction service. The government's purchasing of community correction service makes the multi-agent of government and non-governmental organizations to participate in the community correction work to fully utilize and coordinate the various social resources and complete "administrate them with law, enlighten them with reason and emotionally moving" subject to the community correction objects, and promote their re-socialization. The government's purchasing of community correction service encourages and support all sectors of society participates in it and integrate resources, fully and rationally utilize various methods to carry out community correction work which is conducive to better handling the relationship among the government, market and society and promote collaborative governance of social networks, to maintain social harmony and stability.

III. EXPLORATION OF GOVERNMENT'S PURCHASING OF COMMUNITY CORRECTION SERVICE OF DIFFERENT AREAS IN CHINA

The practical exploration of government's purchasing of community correction service in China has begun at the beginning of this century. In 2002, Shanghai proposed the operational idea of cultivating community and hired social workers to carry out remedial work so the government can purchase community service. Guangdong, Jiangsu and other places subsequently carried out this practice and exploration.

1. Shanghai: relying on the civil community. Shanghai is the first city to implement government's purchasing of community correction service; In 2004, Shanghai proposed the general idea of government-led participatory relying on the community, and promoted independent functioning of community through government's purchasing of service, [6] and social worker organization is responsible for providing professional service for the prisoners in the community of Shanghai, Since 2004, Shanghai established a number of private non-enterprise society organizations and social institutions such as self-reliance community service association, Xinhang community service station, Sunshine Community Youth Affairs Center, Zhongzhi community service association and Zhonghe community correction office to be responsible for providing service to community correction objects in Shanghai through the method of government's purchasing of service and vigorously promote the conduct of community correction work.

2. Guangdong: the introduction of social worker service. Since 2008, Shenzhen has formally introduced social worker service in community correction work, and purchased social worker service from qualified social institutions, which has open a new model of combination of administrative law enforcement and social service. Since 2010, Guangzhou has began to hire social workers of community correction in the way of government purchasing of service and formed social worker organizations such as Guangzhou City Shangshan Center, Youshan service center in Liwan District, Mingjing social service center in Tianhe District. In 2010, Dongguan introduced social worker service in community correction work. The service shall be uniformly purchased by the Civil Administration, and then allocated to each social justice bureau. Till now, all towns in Dongguan have been allocated with social justice. [7]

3. Jiangsu: Full coverage of service management. In 2014, Jiangsu Province passed the first local laws and regulations of community correction in China — Regulations on Community Correction Work in Jiangsu Province to clear that the social worker of community correction mainly are composed by the social worker publicly recruited by the county (city, district) government and personnel sent by entrusted by social organizations in the way of government's purchasing of service. Till early 2015, there are 3662 of full-time social workers in total, which has enhanced the strength of front-line community correction officers. [8] In 2013, through the way of government's purchasing of community correction service, Taicang City in Jiangsu Province has promoted reform and innovation in social management and penalty implementation system which can be divided into four levels: service of society organizations, professional training service of correct social, psychological counseling service and job placement service. Nantong city has taken the way of government purchasing to establish social worker service center in the township to carry out community correction work according to the requirement of "market-oriented, normalization, informatization and socialization".

IV. REALISTIC DILEMMA OF GOVERNMENT'S PURCHASING OF COMMUNITY CORRECTION SERVICE

A. Imperfect Laws and Regulations

Currently, there is no specialized Community Correction Law in China. The government's purchasing of community correction service is still in an exploratory stage and lacks a sound legal basis. The Administrative Measures of Government purchasing of service (Interim) has pointed out that the community correction service should be included in guiding directory of government purchasing of service and service purchasing shall be implemented. This policy allows the government to purchase community correction service from the social forces, but the ambiguous provisions has not specified details on the aspects of item contents, purchase procedures, fees paid and evaluation mechanisms. Some local governments have developed a measure or implementation programs on government's purchasing of community correction service, but not yet up to the legal level, which make the efficiency low and the arbitrary. The

imperfect law and regulations make the implementation of government's purchasing of community correction service work difficult.

B. Lack of Stable Sources of Financial Funding

A stable source of funding is the foundation of smooth complementation of community correction. As the promotion of community correction, local governments are increasingly attaching importance to community correction work since financial investment has increased while the problem that the government's insufficient investment in community correction service is more prominent on the whole. Currently, the government's finance source for purchasing service from the society organizations are budget funds, special operations funds, extra-budgetary funds and social donations. [9]The finance of government's purchasing of community correction service funds have never been included in the budget on the whole. A lack of financial investment will directly affect the quality and efficiency. In addition, the level of economic development varies all over the country. The gap on attention degree and investment to the community correction of local governments is also large. At present, the hardware and software conditions in grass-roots judiciary and social worker organizations of community correction are poor, making a lot of community correction service projects cannot effectively carried out.

C. The Development of Non-Governmental Organization

The non-governmental organizations are the important undertaking body of the government's purchasing of community correction service, but the non-governmental organization providing community correction service in our county is less and not well developed, which directly causes the lack of undertaking objects and quality of government's purchasing of community correction service. On the one hand, China carries out a unified registration system, dual accountability system and hierarchical management system to the non-governmental organization. Because the establishment the conditions are too stringent and the thresholds are relative high, the dual management to it from registration department and business department increase its registration difficulties and limits the establishment and development non-governmental organizations. Some social organizations are not created independently. So as a subsidiary body of local government, the relationship is complex, and it is greatly dependent on government. In addition, there are many defects exists in China's non-governmental organization itself, which means it cannot properly play a positive role in providing community correction service. The lack of qualified professionals in the internal non-governmental organization and the imperfect internal oversight mechanisms and self-regulatory mechanism results the irregularities occur frequently. These have a direct impact on the results of government's purchasing of community correction service.

D. Quality of the Social Worker Engaged in Community Correction

Social workers are an important force to participate in community correction work. However, there are many problems in social workers in our community correction, which is far from meeting the actual demand. Firstly, the social worker is clearly insufficient. By the end of 2014, 2.237 million of prisoners in the community in total have been received from the whole country, and the social worker engaged in community correction work is 81,340. ¹ The ratio of the two is about 1:28. The number of community corrections are few. Secondly, the overall quality is low. The education level of the social worker is uneven. The person with a bachelor degree or above is less, and their majors are also different while lack of appropriate expertise. In addition, the emeritus and retired persons accounting a higher proportion in the social worker group. The professional skills of many people cannot meet the professional requirements on community correction work. Thirdly, lower benefits, the social workers are less stable. At present, the treatment of social workers of community correction is generally low, the basic living cannot effectively ensured which has seriously affecting their enthusiasm and passion for work. The social workers of community correction is unstable and the loss is serious.

E. Lack of Effective Supervision and Evaluation Mechanism

For the government purchasing community correction service from social organizations, the relationship between the government and social organizations is "trust-trustee" because of information asymmetry, "adverse selection" and "moral hazard" may occur to both sides, supervision and evaluation mechanisms must be strengthened. At present, the government's purchasing of community correction service in China lacks of scientific supervision and evaluation mechanisms. The efficiency and quality of community correction service is not to be guaranteed effectively. Firstly, in the aspects of supervision of government's purchasing of community correction service, the government administration department is the main body in the supervision. The supervision body is single, and it lacks public scrutiny and professional supervision from the third parties. Secondly, in the aspects of evaluation and verification, the methods drops behind. The verification is mainly carried out through the government listening to reports and field inspections, and the evaluator mainly are government insiders, lack of participation of experts and professional evaluation agencies. The authenticity and objectivity of the evaluation is hard to guarantee.

¹ Statistical Analysis on National Community Corrections in 2014. <http://www.aiweibang.com/yuedu/28163039.html>

V. DEVELOPMENT PATH OF GOVERNMENT'S PURCHASING OF COMMUNITY CORRECTION SERVICE

A. *Improving the Legal System and Promoting the Institutionalization of Legalization*

Community correction is a law enforcement activity, legislation is a prerequisite for its existence and operation; in a state with adequate legal system, if there is no legislation authorization, it is impossible to establish law enforcement agencies and take enforcement action against offenders. [10] The eighth session of the Fourth Plenary also proposed to develop community correction method. The nation shall prepare Community Correction Law as soon as possible to provide a reliable and effective legal protection for the development of community correction work. Secondly, perfect the rules and regulations and related laws and regulations on government's purchasing of community correction service. According to the requirements of ruling country by law, use the lawful thinking and ways to promote the legalization of government's purchasing of community correction service. It needs clarify its legal status and make a define to the main body of government's purchasing of the community correction service (including the purchaser and the undertaking body) of from a legal perspective, the purchases content, purchase procedures, funding arrangements and supervision and evaluations etc., to provide better policy support and legal protection.

B. *Clearing Financial Sources and Broadening Finance Channels*

The nature of the community correction makes the government as a leading role in the work of community correction. We can follow the example of foreign practices to establish a finance security system mainly based on government finances while absorbing social capital funding as support. Firstly, we need to increase financial investment. The local governments, at all levels, shall uniformly incorporate the expenses of government's purchasing of the community correction service in the budget. Secondly, the various expenses for carrying out community correction work shall be incorporated into the financial budget of governments through the way of proportionate burden-sharing of central and local finance while basing on the proportion of economic growth, to timely and correspondingly increase financial investment to community correction to promote the implementation of government's purchasing of community correction service smoothly. In addition, they can learn from the work experience on community correction work from western countries to broaden the financial channels and break the situation of solely depend on the government support. For example, through the establishment of the foundation to encourage the organizations or individuals who love of public welfare to make a donations to or give support to community correction, and give them social honors or awards on the taxes to guide more social force to invest in the government's purchasing of community correction service.

C. *Developing Non-Governmental Organization and Enhancing Undertaking Ability*

In the first place, we need to create a favorable external environment. Firstly, reduce the access threshold to promote the establishment and development of non-governmental organization on community correction. Secondly, cultivate various types of social organizations. The governments can take the measures of financial subsidies and tax incentives to encourage and promote the development of non-governmental organization. Thirdly, increasing publicity and education increases efforts to promote recognition of the people on community correction, increase public participation enthusiasm and initiative, and create conditions for the enrichment of their personnel. The construction of non-governmental organization should be strengthened. We should attract and train highly qualified professionals, especially professional and social justice personnel to improve their professional level. We should establish internal restraint mechanism for non-governmental organization of community correction, especially self-discipline and supervision mechanisms, strictly regulate the behavior of its members, to provide better community correction service, promote the implementation of government purchasing of service.

D. *Cultivating Qualified Social Workers*

Improving the overall quality and service levels is essential. Strengthen the education and training on social justice personnel in colleges and universities to cultivate professionals in judicial and social work through adding judiciary of social work major in colleges and universities. Strengthen the education and training to existing social workers, especially pre-job training, routine social work education and business knowledge training and so on. Develop a reasonable requirement on social work requirements on community correction establish appropriate access threshold and optimize their team structure.

Increase the wages of social workers of community correction to stabilize the social workers. Determine the fund standards of government's purchasing of community correction service according to local economic development conditions and living standards. The wages of a full-time social worker shall not be lower than the wages of local new recruits of government affiliated institutions. In addition, as to the special nature of community correction objects faced by social workers, relevant supporting measure shall be implemented, and "five social insurance and one housing fund" shall be strictly implemented, accident insurance shall be covered, and practically strengthen the personal security of the social workers on community correction to release their worries about future to let them carry out the work better and provide better service

E. *Strengthening Supervision and Evaluation*

In the aspect of supervised and evaluated bodies, social organization, community correction objects, the public and the news media providing community correction service shall be included in the scope of supervised bodies of government's purchasing of community correction service,

and third-party professional organizations shall be introduced to promote the diversification of supervision and evaluation of the bodies and improve supervision and evaluation.

In the aspect of supervision and evaluation method, one is to build information and network platform to realize network supervision and management. [11] Timely open the posts of government's purchasing of community correction service or service items information, social organization information that provided community correction service, bidding condition and executive condition to the society, so that the use of funds and operating procedure is "transparent" and promote synchronous dynamic supervision of government's purchasing of community correction service. Second is to strengthen the process supervision. Carry out overall supervision to the whole process of government's purchasing of community correction service, including the links of bidding situation, contracts, implementation and item completion, to establish comprehensive evaluation system basing on combination of process supervision and afterwards evaluation.

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