

Commutation of Sentences to Fines for Minor Offences

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The moral of the movie “Oliver Twist” is that there is only one thin line between good and evil in one’s heart, and one decision often takes people down different paths. Taiwan After-care Association Taipei Branch and the Council

of Labor Affairs (hereinafter “CLA”) launched this project in aim to help helpless prisoners who had no money and have been jailed, but whose penalties are eligible to be commuted to fines. Combined with CLA’s vocation-

1.Authored by Specialist of Taiwan After-Care Association Taipei Branch.



al training and employment service measures, the project could achieve the goals of “guiding people towards good” and “eliminating evil thoughts.”

To help prisoners with minor offences or first-time offenders pay their fines and participate in vocational training and employment guidance while enhancing the employment rate of the rehabilitated, 13 charitable individuals donated NTD 1.7 million dollars and helped the Association to launch this innovative loan-based project. The trial period lasted from January to June 2006 at Taipei Prison, Taoyuan Women’s Prison, and Taipei Detention Center (a branch of Taipei Prison), with a targeting to help 15 inmates. The project would then be expanded upon assessment after six months. Each inmate could borrow no more than NT\$100,000, and the

inmates had to pay back the loan via regular payments, interest-free, within 2 years after their release.

The Association provided a list of the rehabilitated released from prison who had received loan to pay their fines to case managers (guidance counsellors) from public employment agencies so that the rehabilitated can receive employment service and vocational training after release from prison. The managers would contact these candidates within three working days for further assessment, and those who were assessed to be in need would receive in-depth employment counselling, employment facilitation seminars, and vocational training counselling. Candidates would be monitored for future guidance and offered support for their growth in order to strengthen their net-



work of social support and stability in employment.

According to statistics, public employment service agencies provided assistance to 766 referred clients from correctional institutions, local probation offices, and after-care organizations. The public employment service agencies also proactively started 172 cases after providing employment counseling, helping a total of 350 clients in 938 cases. Among these clients, 123 successfully found jobs, achieving a success rate of 35%. Building on the existing foundation of service, the project enabled minor offenders to find jobs and prevented recidivism.

The individuals eligible for this project were inmates who needed to serve a sentence of six months or shorter,



which could be commuted to fines, and that they had shown repentance. Priorities were given to those who were from families with financial difficulties or breadwinner in the family and a fair assessment was made. The Ministry of Justice, CLA, and Taiwan After-care Association collaborated to take the first step, with the hope that the project would trigger rippling effect and inspire more charitable individuals and groups to join and expand the project to cover all minor offenders in prison.

I.Funding Source

Charitable individuals made donations to the Branch's "Guiding Light" account, and loans were awarded and repaid. The Branch regularly updated donors the usage of the fund.



II. Eligible Applicant

1. Inmates serving terms under six months, who were not criminals of fire-arm, drugs, violence, or fraud.
2. Inmates who had shown repentance and were recommended by corrections agencies.
3. Inmates with financial difficulty or the main breadwinner of the family.
4. Inmates who were willing to repay the loan and get a job.

III. Application Documents

1. Application form
2. A photocopy of written judgement and identifications
3. A photocopy of Household Registration Transcript or Household Certificate
4. Affidavit declaration
5. Family Consent Form (from a relative in the same registered household).

IV. Loan Amount

Each loan should not exceed TWD 100,000.

V. Organization of the Review Committee

The Branch's Review Committee comprised 5-11 members; the chairperson of the Branch would automatically

serve on the Committee, and officials, experts, and scholars of related authorities and organizations, as well as charitable individuals, would be appointed to the Committee.

VI. Repayment Procedure

Applicants shall repay the loan in accordance within specified dates and amounts within two years after appropriation. Applicants who were unemployed and had refused to receive employment guidance shall repay the remaining outstanding payment starting from the day of refusal via lump sum payment.

VII. Casework Guidance

In addition to referring loan recipients to public employment service agencies for assessment and assistance in accordance with the "Employment Service and Training Referral and Guidance Mechanism for the Rehabilitated" formulated by the CLA and based on actual needs, and include them as guidance objects, the Branch and its commissioned district branches would deploy staff members for follow-up guidance service twice a month, re-

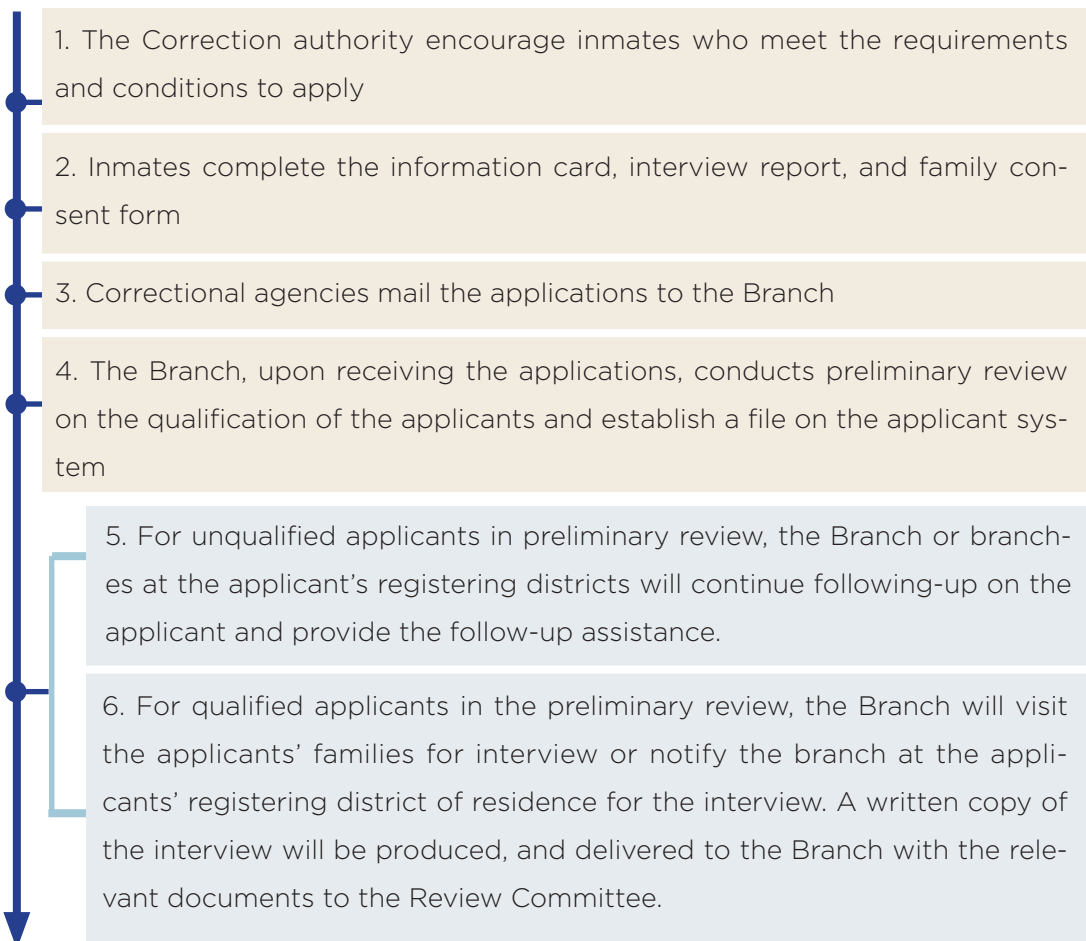
coding in details the clients' employment, training, and life status.

VIII. Execution Outcome

The Branch executed the project until September 2006 and received 120 applications in total. 73 applications were disqualified during preliminary review; 37 were disqualified during the

final review (23 - family opposition, 5 - paid their own fines, 4 - time pressure, and 5 - no family members that could be interviewed); 10 applicants received loans (1 - already repaid the loan; 1 - recidivism, 1 - cannot be reached, 3 - making regular payments, 4 - loan recently granted).

Guiding Light Loan Application Procedure





7. For applicants not qualified in the final review, the Branch or branches at the applicant's registering districts will continue following-up on the applicant and provide to the follow-up assistance.

8. For qualified applicants in the final review, the Branch, or the branches at the applicants' registering districts that conducted the interview, will notify their families. (Set up a date and location for commutation)

9. For qualified applicants in the final review, the Branch, or the branches at the applicants' registering districts that conducted the interview, will provide assistance on commutation to fines. (Contacting execution division regarding documents, amount of fine, and payment of fine)

10. Upon payment of fine, the appointed branch will fax a copy and mail back the original of the receipt to the Branch.

11. The Branch will fax the receipt to the inmates' prison, and contact the responsible person at the prison regarding details of release (inmates signing the promissory note, receipt, affidavit, inquiry on release date, whether they would be picked up by family, and residence after release from prison)

12. The Branch or the branches at the inmates' district of residence will follow-up and provide assistance (personal guidance, loan payment related matters)

13. The commissioned branches will collect all the payments and submit to the Branch.