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CRIME AND CRIMINAL JUSTICE IN ASIA

R. THILAGARAJ
JIANHONG LIU
S. LATHA





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4594/9, Daryaganj, New Delhi - 110002 (INDIA)
Phone : 23250398 Fax : 91-11-25351521

e-mail : info@mittalbooks.com Website : www.mittalbooks.com

ISBN 81-8324-405-X



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JANIM...
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== THE EDITORS ==

R. THILAGARAJ (b. 1954) Professor and Head, Department of Criminology, University of Madras and Vice - Chairman, Indian Society of Criminology, Chennai. Published as many as 60 articles and 5 books Recipient of the prestigious "ISC - Kumarappa Reckless" Award during 2011, "Dr. B.S. Haikerwal - Professor Sushil Chandra Award for Senior Social Scientist", 2000 and Career Award by the University Grants Commission, 1994 Selected for. Participated in the International Leadership programme during 2011. Invited to deliver lectures on Juvenile Justice Administration in India, Human Rights and Criminal Justice Administration and Victimology under the Academic Exchange Programme to the students of Criminal Justice Sciences Department, Illinois State University, Normal, USA during May - June 2002. Founder Member, Asian Criminological Society, President, Society for Cyber Forensics, Chennai, Chennai, Vice President, International Society of Criminological Psychology, Mexico, Vice - Chairman (Research) for the Institute of Criminological Research Education and Services. He is selected as the Editor, Asian Chapter of the Asian Journal of Criminology. He is an Editor of the International Journal of Criminal Psychology. Recently he has completed a project on "Trafficking and HIV" funded by UNDP. Has participated and presented papers in the national and international conferences. Had visited U.S.A., Paris, Brazil, Germany, China, Hong Kong, Mexico & Sweden on various occasions.

JIANHONG LIU (b. 1954) is a Professor at the University of Macau, Hong Kong He is the Editor-in-Chief of Asian Journal of Criminology and received his PhD from SUNY Albany in 1993. Professor Liu has published extensively including in the British Journal of Criminology and Justice Quarterly. He is on the Editorial Board of several criminology journals, including Journal of Quantitative Criminology.

He is a co-principle investigator of a large survey project entitled "Criminal Victimization in Contemporary Urban China: A multi-level Analysis of Survey Data for the City of Tianjin," funded by the US National Science Foundation.

He has received numerous honorary appointments from universities including Senior Fellow at the Center for Criminology at Beijing University, Honorary Director of the Center for Sociological Research at the Southwestern University, Vice Chairman of the Academic Committee and Co-Director of the Institute of Drug Crime and Public Policy at SWUPL, Senior Fellow of the Institute for Crime Control and Prevention at Nanjing University, and Associate Fellow of the Center for Criminology at the Hong Kong University.

S. LATHA, (b. 1975) presently heading the School of Criminology and Criminal Justice, Tamil Nadu Open University, Chennai, India. She was the Secretary of the Indian Society of Criminology (2006 - 2011) and now Treasurer of the Indian Society of Criminology. Has authored a number of books and published around 30 articles in reputed journals and books. She is an Executive Council Member of the Indian Institute of Public Administration, Institute of Criminological Research Education and Services. She directed the project titled "A Study on Reporting Behaviour Among Crime Victims: A Dynamic Approach to Police-Public Interface" funded by the Bureau of Police Research & Development, Ministry of Home Affairs, New Delhi. Dr. Latha was also the Research Associate for the UNDP Project on "A Study on Women and Child Trafficking: Vulnerabilities, Linkages to HIV and Responsibilities" funded by Tamil Nadu State AIDS Control Society (TANSACS). For her doctoral degree, Dr. Latha made a comprehensive research work on "Compensation to Victims of Motor Vehicle Accidents: A Study in the City of Chennai."

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Foreword by

PROF. JOHN BRAITHWAITE
REGULATORY INSTITUTIONS NETWORK (REGNET)
RSPAS COLLEGE OF ASIA AND THE PACIFIC
COOMBS BUILDING #8, CNR FELLOWS & GARRAN ROADS
THE AUSTRALIAN NATIONAL UNIVERSITY
CANBERRA ACT 0200
AUSTRALIA



MITTAL PUBLICATIONS
NEW DELHI (INDIA)

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First Published 2012

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ISBN 81-8324-409-2

Published and printed by Krishan Mittal for Mittal Publications
4594/9, Daryaganj, New Delhi - 110002, India
Phone: 23250398, 41564398 **Telefax:** 91-11-25351521
e-mail : info@mittalbooks.com / mittalp@ndf.vsnl.net.in
Website : www.mittalbooks.com



THE AUSTRALIAN NATIONAL UNIVERSITY
<http://regnet.anu.edu.au>

John Braithwaite

REGULATORY INSTITUTIONS NETWORK (RegNet)
RSPAS, College of Asia and the Pacific
Coombs Building #8, Cnr Fellows & Garran Roads
The Australian National University
Canberra ACT 0200
AUSTRALIA

t: +61 2 6125 2332
f: +61 2 6125 1507
e: john.braithwaite@anu.edu.au
www.anu.edu.au/fellows/jbraithwai

FOREWORD

The chapters in this volume were papers presented at the Chennai conference of the Asian Criminological Society in December 2010. The editors not only did a brilliant job of leading Asian criminology to new insights through the conference, they also managed to get this volume out in 12 months for the December 2011 Asian Criminological Society conference in Taipei.

This collection reveals something of the emerging depth and breadth of Asian criminology and of its capacity to attract scholars from other parts of the world to the Asian Criminological Society conference. It opens with as fundamental a question as "What is Law?" and moves on through other foundational topics such as the evidenced-based criminology of the Campbell Collaboration, drug markets, violence against women, human trafficking, dangerousness, hot spots, network analyses of drug trafficking, art crime, cybercrime, juvenile crime, HIV/AIDS among prisoners, the effects of violent video games, community policing, hate crime, abuse of police powers, crime victim compensation and restorative justice.

Restorative justice is a good example of a topic with distinctive historical roots in Asia, still manifest today in a diverse plurality of village justice institutions that still have links to various ancient philosophies of justice. These creative currents are mingling today with global discourses of restorative justice and evidence-based approaches to testing the efficacy of such innovation. In future decades we can expect Asian more than European and North American justice systems to be important seedbeds of innovations of this kind because of their greater bottom-up diversity. At the conference that gave birth to these written papers I had many conversations about Confucian philosophies of restorative justice and about the Hindu foundations of the refusal of Indian law to criminalize

juvenile wrongdoing, categorizing such conduct as children in conflict with law (CICWL). Anuradha Saibaba Rajesh's contribution to this collection, however, is a cautionary essay on how CICWL has been captured, "whitewashed", distorted by more global discourses of custodial and punitive juvenile justice.

Still, the big countries of Asia (in contrast to the big countries of other regions such as Russia, the United States and South Africa) have a comparatively low use of incarceration. This is especially true of India with an adult imprisonment rate around 30 per 100,000 and a comparatively low level of recourse to juvenile incarceration – but also of Indonesia, China and Japan. It is also true of many of the smaller countries of Asia. Asia's comparatively low usage of incarceration has not led to it being a high crime region of the world. The only region that has a lower regional homicide rate than Asia's regional homicide rate is Western Europe. For the most part, communal controls regulate crime comparatively effectively across Asia with low levels of investment in prisons and modest intensity of policing. We do not understand enough about non-state sources of effectiveness in crime control. Asia is a good place to start looking for them.

Yet many things are not so rosy about crime control in Asia. While the use of capital punishment in China has declined sharply in recent years, even after that decline China continues to account for the overwhelming majority of the world's legal executions. While imprisonment rates are very low in India and Indonesia, police do deal with a lot of crime by extra-judicial violence such as beatings in a police lock-up followed by release with a warning. While Japanese Koban policing is reintegrative, Japanese detectives and prisons can be extremely stigmatizing with serious or repeat offenders. While the kinds of financial crime that have triggered global financial crises have been more sourced in the financial capitals of the United States and Europe than in Asia, lower-level corruption of a blatant kind is extremely prevalent in many Asian societies. Afghanistan is the worst case of top-to-bottom institutionalized corruption in the region, probably only surpassed by Somalia outside of Asia. Afghanistan and Pakistan are also probably the worst locales in the world for extra-judicial execution, often for offences that would not attract severe judicial punishment, such as women allegedly sewing vests for suicide bombers. Much of this extra-judicial killing, of course, is conducted by western Special Forces. Human trafficking and honour killings are also particularly large and disturbing crime problems in Asia.

So we have problems of Asian crime that are deep and distinctive and lessons of community policing and informal social control that can be creative, instructive and restorative. The Asian challenge for criminology is a rich palette of strengths and weaknesses. This volume reveals many of the ways that those who come together in the Asian Criminological Society are beginning to undertake research that learns lessons about them.

J. Braithwaite

JOHN BRAITHWAITE

Foreword
The book is a joint venture of the Indian Society of Criminology (ISC) and the Asian Criminological Society (ACS). It is an outcome of the contributions made by the Criminologists from Asian Countries during the 2nd Asian Criminology Conference held at Chennai, India. Most of the chapters are based on the research work directed by the authors and also on contemporary issues in Criminology and Criminal Justice in Asia. Every scholarly author in this treatise accepted our invitation with enthusiasm and we are so grateful to everyone. This book will be an important resource for Criminological research and also for Criminal Justice professionals in the Asian countries and will provide an impetus for the further development of Asian Criminology. We are thankful to Mr. Krishan Mittal of M/S. Mittal Publications for his great interest to bring out this international publication.

JOHN BRATHWAITE

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THE CAMPBELL COLLABORATION Crime and Justice Group

PETER GRABOSKY

The following pages will discuss the Campbell Collaboration (C2), an international consortium of scholars who commission and publish systematic reviews of evaluation research in public policy. Particular attention will be devoted to the C2 Crime and Justice Coordinating Group (CCJG). Following a discussion of the founding and the goals of C2, I will discuss the membership and role of CCJG. A summary of published CCJG output will be followed by a discussion of some of the challenges faced in commissioning and publishing CCJG products.

The Campbell Collaboration was named after an eminent North American psychologist Donald T. Campbell (1916-1996). Among Campbell's many diverse contributions to the social sciences was an article published in 1969 entitled "Reforms as Experiments" (Campbell 1969). In this article, he observed that public policies are introduced, and celebrated by their proponents as if they are certain to be successful. The proponents tend to be staunch advocates, and often refuse to countenance the possibility that "their" policy may not work. Of course, we know that policies often do fail, and that proponents are often reluctant to admit this.

To counter this closed-minded outlook, Campbell proposed an experimental approach to social policy. This would entail the development of a pilot program, which would then be subject to evaluation. If successful, the evaluation would then lead to the programme's replication on a wider scale. Should the evaluation reveal

the programme to have been unsuccessful, the programme would then be subject to modification and re-evaluation, or be discarded altogether, and a new programme designed to take its place.

It was in this spirit that the Campbell Collaboration was founded in 2000. It was modelled after the Cochrane Collaboration (<http://www.cochrane.org>), which commissions and publishes systematic reviews of evaluation research in health care. C2 headquarters are located in Oslo, Norway, at the Norwegian Knowledge Center for Health Services. The C2 website is at <http://www.campbellcollaboration.org>.

The Campbell Collaboration's mission is to advance the cause of "evidence-based" social policy. To this end, C2 is organized in five Coordinating Groups. The first three represent main areas of social policy: Crime and Justice, Education, and Social Welfare. A Methods Groups attends to issues of methodological rigor in the products of each of the above substantive groups. A Users Group is concerned with the dissemination of C2 products and their accessibility to the wider community of citizens and policy makers.

Campbell Crime and Justice Coordinating Group (CCJG)

The remainder of this article will be devoted to the Crime and Justice Coordinating Group and its work. More details can be obtained from the CCJG website: http://www.campbellcollaboration.org/crime_and_justice/index.php. Table 2.1 reflects CCJG membership at the beginning of 2011.

Table 2.1: Campbell Crime and Justice Coordinating Group Members, 1 January 2011

Co-chairs David Weisburd, Hebrew University/George Mason University. Martin Killias, University of Zurich
Editor-in Chief David Wilson, George Mason University
Managing Editor Charlotte Gill, George Mason University
CCJG Members Jan Andersson, National Council for Crime Prevention (Sweden) David Farrington, Cambridge University (United Kingdom) Catherine Gallagher, George Mason University (USA) Jerry Lee, Jerry Lee Foundation (USA) Jianhong Liu, University of Macau and Southwest University of Political Science and Law (China) Friedrich Lösel, University of Erfanger-Nuremburg and Cambridge University (Germany) Jacqueline Mallender, Matrix Knowledge Group (UK) Peter Neyroud, National Policing Improvement Agency (UK) Santiago Redondo, University of Barcelona (Spain) Phyllis Schultze, Rutgers University (USA) Jonathan Shepherd, University of Wales College of Medicine (UK) Lawrence Sherman, Cambridge University/University of Maryland (UK/USA) Hiroshi Tsutomi, University of Shizuoka (Japan) Peter van der Laan, Netherlands Institute for the Study of Crime and Law Enforcement (Netherlands) Brandon Welsh, Northeastern University (USA)

From this table, one will immediately note the truly global nature of CCJG. Ten nations and nine different native languages are represented among the group's members. In addition, the CCJG website is mirrored in both Japanese <http://fuji.u-shizuoka-ken.ac.jp/%7Ecampbell/index.html> courtesy of Professor Hiroshi Tsutomi, and Chinese <http://web.ntpu.edu.tw/~sjou/campbell/> courtesy of Professors Jianhong Liu and Susyan Jou.

The main work of CCJG is to commission and publish systematic reviews of high-quality research conducted worldwide on effective methods to a) reduce crime and delinquency, and b) improve the quality of justice. As of 1 January 2011, twenty-five reviews have been published by CCJG. These are listed in Table 2.2 in chronological order of publication.

Table 2.2: Published CCJG Reviews as at 1 January 2011

<i>Correctional boot camps: effects on offending.</i> David B. Wilson, Doris Layton MacKenzie and Fawn Ngo Mitchell; 2003.
<i>Scared Straight and other juvenile awareness programs for preventing juvenile delinquency.</i> Anthony Petrosino, Carolyn Turpin-Petrosino and John Buehler; 2004.
<i>Counter-terrorism strategies.</i> Cynthia Lum, Leslie W. Kennedy and Alison J. Sherley; 2006.
<i>Custodial vs. non-custodial sentences: effects on re-offending.</i> Martin Killias, Patrice Villettaz and Isabel Zoder; 2006.
<i>Incarceration-based drug treatment: effectiveness on criminal behavior.</i> Ojmarrh Mitchell, David B. Wilson and Doris Layton MacKenzie; 2006.
<i>Non-custodial employment programs: impact on recidivism rates of ex-offenders.</i> Christy A. Visher, Laura Winterfield and Mark Coggeshall; 2006.
<i>Serious (violent and chronic) juvenile offenders: treatment effectiveness in secure corrections.</i> Vicente Garrido and Luz Anyela Morales; 2007.
<i>Street-level drug law enforcement.</i> Lorraine Mazerolle, David W. Soole and Sacha Rombouts; 2007.
<i>Cognitive-behavioral programs: effects for criminal offenders.</i> Mark W. Lipsey, Nana A. Landenberger and Sandra J. Wilson; 2007.
<i>Hot spots policing: effects on crime.</i> Anthony A. Braga; 2007.
<i>Cost-benefit analysis of sentencing.</i> Cynthia McDougall, Mark Cohen, Raymond Swaray and Amanda Perry; 2008.
<i>Court-mandated interventions for individuals convicted of domestic violence.</i> Lynette Feder, David B. Wilson and Sabrina Austin; 2008.

Contd...

Table 2.2: Contd....

Family programs implemented up to age 5, effectiveness in reducing later antisocial behavior/delinquency. Alex R. Piquero, Brandon C. Welsh, David P. Farrington and Richard Tremblay; 2008.
Improved street lighting: effects on crime. David P. Farrington and Brandon C. Welsh; 2008.
Problem-oriented policing: Effects on crime and disorder. David Weisburd, Cody W. Telep, Joshua C. Hinkle and John E. Eck; 2008.
Second responder programs: Effects on repeat incidents of family abuse. Robert C. Davis, David Weisburd and Bruce Taylor; 2008.
Mentoring programs to affect juvenile delinquency and associated problems Patrick Tolan, David Henry, Michael Schoeny and Arin Bass; 2008.
The effects of closed circuit television surveillance on crime. Brandon C. Welsh and David Farrington; 2008.
The effectiveness of neighbourhood watch Trevor Bennett, Katy Holloway, and David Farrington; 2008.
Parental imprisonment: effects on children's antisocial behaviour, crime, and mental health problems Joseph Murray, Ivana Sekol, Rikke F. Olsen, and David Farrington; 2009.
Cyber abuse prevention interventions for children, youth, and parents. Faye Mishna, Charlene Cook, Michael Saini, Meng-Jia Wu, and Robert McFadden; 2009.
The effects of drug substitution programs on reoffending Martin Killias, Marcelo F. Aebi, and Miriam Pina; 2009.
School-Based Programs to Reduce Bullying and Victimization David Farrington and Maria Tfofi; 2009.
Formal System Processing of Juveniles: Effects on Delinquency Anthony Petrosino, Carolyn Turpin-Petrosino, and Sarah Guckenberger; 2009.
Self-control interventions for children under age 10 for improving self-control and delinquency and problem behaviors Alex Piquero, Wesley Jennings, and David Farrington; 2010.

Steps to a successful review

Producing a Campbell review is a long and laborious process. The first step is to register a title with CCJG. To do this, the prospective reviewer submits a proposed topic and brief description of the proposed review to the CCJG Managing Editor. Following editorial checks, the CCJG and Co-chairs approve or decline the title. Once approved, the title and proposal are published on the C2 website.

Next, the prospective reviewer prepares a review protocol, in essence a detailed proposal for the conduct of the review and description of how it will be carried out. Key elements of the protocol are the *search strategy*, which specifies those data bases which are to be searched for eligible studies; the *search terms*, or keywords that are to be used in the search; and the *criteria for inclusion*, the level of methodological rigor that will be required of individual evaluation

studies for inclusion in the review. Ideally, studies to be included will be based on randomized controlled trials, or high quality quasi-experimental designs. Completed protocols are subject to in-house editorial checks, external peer review, and ultimate approval by CCJG. Approved protocols are then posted on the website.

The review itself can take considerable time, depending on the number of individual studies that have been identified in the search. Significant efforts are made to identify the so called "gray literature" of unpublished evaluations, such as may appear in government documents but not in the formal literature of academic journals. Whatever its provenance, each identified study must be scrutinized to determine whether it has met criteria of eligibility for inclusion in a Campbell Review. It is not uncommon for thousands of studies to be identified initially, with upwards of 90% excluded on grounds of methodological inferiority.

Following additional peer review and oversight by the Managing Editor (which may entail further revision) the review is published on the C2 Website in the online Campbell Library of Systematic Reviews.

Issues

Campbell reviews summarize the results of those individual evaluation studies meeting the high methodological standards for inclusion in the review, and where possible, produce estimates of the overall effect sizes. These are usually represented graphically, as well as statistically. A perusal of the Campbell Library of Systematic Reviews will reveal that some interventions such as the delinquency prevention programme called "Scared Straight" are counterproductive. Each of seven separate randomized controlled trials of "Scared Straight" programmes found that young people who participate in the programme are more likely to re-offend than those in the control group, who were not exposed to the programme. Other types of intervention, such as school anti-bullying programmes, are likely to produce positive results—school bullies who participate in the programmes are less likely to continue bullying, and less likely to commit crime later on. Some types of programme show mixed results—some correctional boot camp programmes appear to succeed in reducing re-offending, while others appear to increase it.

These mixed results invite closer scrutiny of the implementation of the individual programmes, which may not be identical in terms of duration, intensity, or content. Indeed, closer examination of correctional boot camp programmes suggest that the more successful of these tend to incorporate an element of cognitive-

behavioural treatment, while the less successful tend to specialize in physical training and military-style discipline. The major lesson to be drawn from such mixed results is that the details of a programme's implementation should be very carefully specified in any write-up of the evaluation.

The rise of criminology in Asia suggests that there will be increasing interest in Campbell products from within the region. It also suggests that Asian criminological research will begin to produce the raw material for future Campbell reviews, and that Asian criminologists will themselves participate in the review process. Indeed, this is warmly encouraged. Interested individuals are invited to visit the C2 website to explore Campbell products in greater detail, and to contact the CCJG Managing Editor in order to become an active member of the Campbell community.

Author's Note

The author was a member of the Campbell Crime and Justice Coordinating Group from 2000-2010, and Co-chair from 2007-2010.

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DANGEROUSNESS SEIZED BY CRIMINAL JUSTICE The French Example of Post Sentence Preventive Detention of Dangerous Criminals

SYLVIE CIMAMONTI

1. This contribution is, in a comparative and global perspective about Criminal Justice and criminology, on a new French institution implemented two years ago by the Act February 21 st 2008 pertaining to post sentence preventive detention, that was modified this year by a new Act on March 10 2010.

To understand the new links between dangerousness and Criminal justice (II), a presentation of this measure the post-sentence preventive detention, also called security or safety retention, is first necessary (I).

I. Presentation: The Detention of Potentially Dangerous Criminals: Post-Sentence Preventive Detention and Post-Sentence Preventive Surveillance

2. While post-sentence preventive detention looks like a new form of preventive detention, post-sentence surveillance represents a specific, enhanced alternative to it.
3. Post-sentence preventive detention – a preventive detention measure. Post-sentence preventive detention involves placing a person in a socio-medico-legal centre in which that person is offered on-going medical, social and

The new law lays down only a broad framework for the State Governments to formulate a Scheme for compensating victims of crimes. "Victim" within the meaning of the new law is "any person or his dependants who have suffered loss or injury as a result of the crime and who require rehabilitation". It does not specify which category of victims should be compensated, nor does it specify the limits of compensation or conditions thereof. But it mandates the States to formulate a scheme to compensate any injury or loss caused by the crime. Such compensation can be decided either on the recommendation of a court at any stage or at the conclusion of trial or on the independent application of the victim or his dependants in cases where the offender is not identified or apprehended or trial has not commenced.

The new law has come into effect on 31-12-2009. So far only a handful of states have formulated their schemes for crime victim compensation. Funding is exclusively from the budgetary resources of the states and there is as yet no Central Plan to help the states in this program. In many ways it resembles the situation in the United States where each state has its own scheme which vary very widely, but there is a Federal Assistance (introduced recently) available to the states implementing crime victim compensation schemes.

India has some advantages over the United States in implementing victim compensation schemes. First of all, India has uniform laws of procedure, evidence and Penal Code throughout the country across all states unlike the United States where they vary across the states. The uniformity also extends to implementing body—the Legal Services Authority—which vary in the USA. But paucity of funds, lax administrative culture, and prevailing culture of bribery along with the likelihood of too many false and frivolous claims may affect the implementation of these schemes in India. Further, though the volume and rates of crimes are increasing in India, they bear no resemblance to the huge volumes and very high rates of crimes in the USA or UK, or European countries. For instance, according to National Crime Records Bureau of India about 570 crimes are committed per 1,00,000 people in India, whereas in the USA and European countries their rates of crime annually hover around 4000 to 8000 per 1,00,000 people. It would be easier to help smaller number of victims of crimes in India. But the monetary cost is something yet to be assessed and adequately provided for. Since it is the latest legislation just a year old, it would be too early to assess its efficacy. Nevertheless it provides a much needed assistance in the area so far neglected.

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