

Problems in sex offender therapy and counseling: An investigation into the right to judicial protection¹

On March 3rd 2011, a month after the release of a repeat sex offender, he committed the atrocities of raping and murdering a junior high school student. The recurrent crime has raised questions about the effectiveness of pre-release mental assessment. Control Yuan Members launched an own-motion investigation and found negligence by Taichung Prison, Yunlin County Government, Department of Health at Yunlin County and local Police Department.

The investigation found that despite the fact that Lin had failed all seven “Sexual Assault Treatment Evaluation” during his time in prison, Taichung Prison proceeded with his release. Flawed decision-making aside, Taichung Prison also failed to timely deliver the information for evaluation to ensure quality of assessment. The involvement of over two hundred inmates in nearly all of the sessions has resulted in overcapacity and thus discounting the effect of group therapy. Poor funding and supervision further undermined the assessment and reports provided by Taichung Prison.

Yunlin County Government was also found to have twice neglected its duty in providing follow-up treatment and counseling in the first month after the release on September 4, 2001 and on February 2, 2011, and only administers therapy and counseling on rare occasions. The investigation also exposed negligence by local Department of Health and one police station. The Department's failure to update government database prevented local police from accessing Lin's data for registration. The police station was faulted for failing to notify the Department of Health for updating formation and later procrastinated in accessing the information nearly a month after the update. It was over a month later when Lin's father received the notification for Lin to report to local precinct. These delays have led to a two month “window period” and the eventual demise of a female victim. In fact, it is not uncommon for the delayed availability of the “watch list” one month after the release.

In response to Control Yuan's corrective measures, the Ministry of Justice and the Yunlin County Government have taken some steps to improve the situation. The Ministry of Justice has demanded its correctional facilities to provide an assessment two months prior to the completion of the sentence and submit to a recent treatment assessment conference for review. In 2011, Taichung Prison has decreased the number of participants in each group session from the afore-mentioned 200 to 66. At present, the number of participants per session is around 10 inmates. The Ministry of Justice has upgraded the function and efficiency

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of the judicial system with a focus on internal control of sex offenders. In 2012, Agency of Correction under the Ministry of Justice increased the budget for sex offender therapy from 14.453 million NT dollars to 22.635 NT dollars. The Agency had also attempted to increase the hourly wages for non-physician contract specialist from 725 NT dollars to 850 NT dollars. Yunlin County Government has requested three of its subordinate agencies, namely the Social Department, the county police, and the Department of Health to make the necessary changes.

Within three days of receiving the document, the Social Department will forward it to the responsible agency to make all necessary arrangements. The Department of Health and local police station will be required to report back on the latest progress and therapy timeframe. All information will be delivered to local prison or district prosecutor office to be forwarded to the person awaiting release or under custody. The Sexual Assault Prevention Center will hold a meeting every three months, chaired by the county magistrate, deputy county magistrate or secretary general. The county police have also been requested to register the prisoner at its affiliated women and children unit the day following the release to prevent potential offenses. The criminal investigation division has been requested to call at the prisoner's home on day of the release and plan future visits if necessary. The Department of Health has devised an SOP for handling therapy cases, put in place follow-ups, and trainings, and established a psychiatrist association to broaden specialist participation. Assessment meetings will be held on a monthly basis where participants assess the possibility of recidivism.