



# Protection or Punishment? Developing a multi-agency model for adolescent substance users in Taiwan

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BACKGROUND  
RESEARCH AIMS  
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FINDINGS  
SUMMARY

# Outline

報告大綱

- A Separate Juvenile Court System in Taiwan to handle all the Criminal and Deviant Behavior (Status Offences) of Young People below 18 years old
- Substance use among young people is deemed as criminal behavior and “deterrence” and “punishment” (detention, reform institution, prison) are the main responses
  - Scarce treatment availability
- Not considered as social welfare or health issues and very few social workers or physicians dedication to help the adolescent users
  - Are they victims?
- Substance use becomes a major type of juvenile offences and adolescent users usually receive more strict sanctions even though empirical study has proved short-term detention to be ineffectiveness
  - Chang, S.-F. (2012). Impact of Short-term Juvenile Detention on Re-conviction Rates. (Master Dissertation), National Taipei University, New Taipei City.

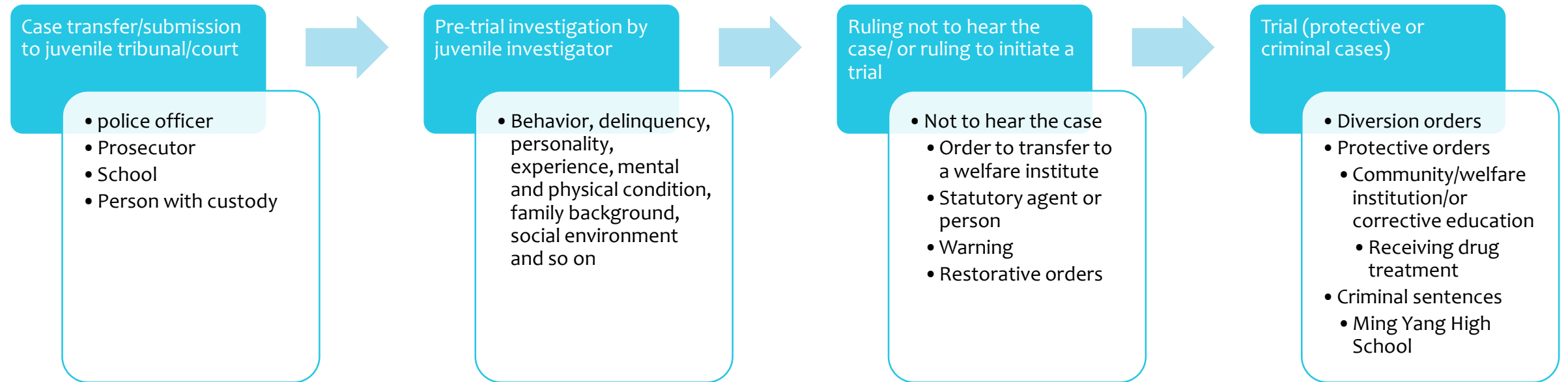
# BACKGROUND

Substance uses among adolescent and the government responses

# YOUTH JUSTICE IN TAIWAN

Substance abuse is one of the major youth crimes and the main reason of youth detention, corrective education or imprisonment

在臺灣，藥物濫用是少年觸法的大宗，也是少年被收容於觀護所、或機構感化教育、或監禁的主要原因



# Adolescent drug users

Adolescent drug users are defined as young people (12~18 years old) who use illicit drugs

- Adolescence (World Health Organization)
- Adolescence is a period of life with specific health and developmental needs and rights. It is a phase of transforming from childhood to adulthood with rapid physical, neurodevelopmental psychological and social changes.
- [http://www.who.int/maternal\\_child\\_adolescent/topics/adolescence/development/en/](http://www.who.int/maternal_child_adolescent/topics/adolescence/development/en/)
- Definition for Juvenile
- The so-called juvenile in the **Law (Juvenile Delinquency Act)** refers to those who have reached the age of 12 and are less than the age of 18.
- After 18 years old, young people are treated as adult.
- <https://law.moj.gov.tw/LawClass/LawAll.aspx?pcode=C0010011>

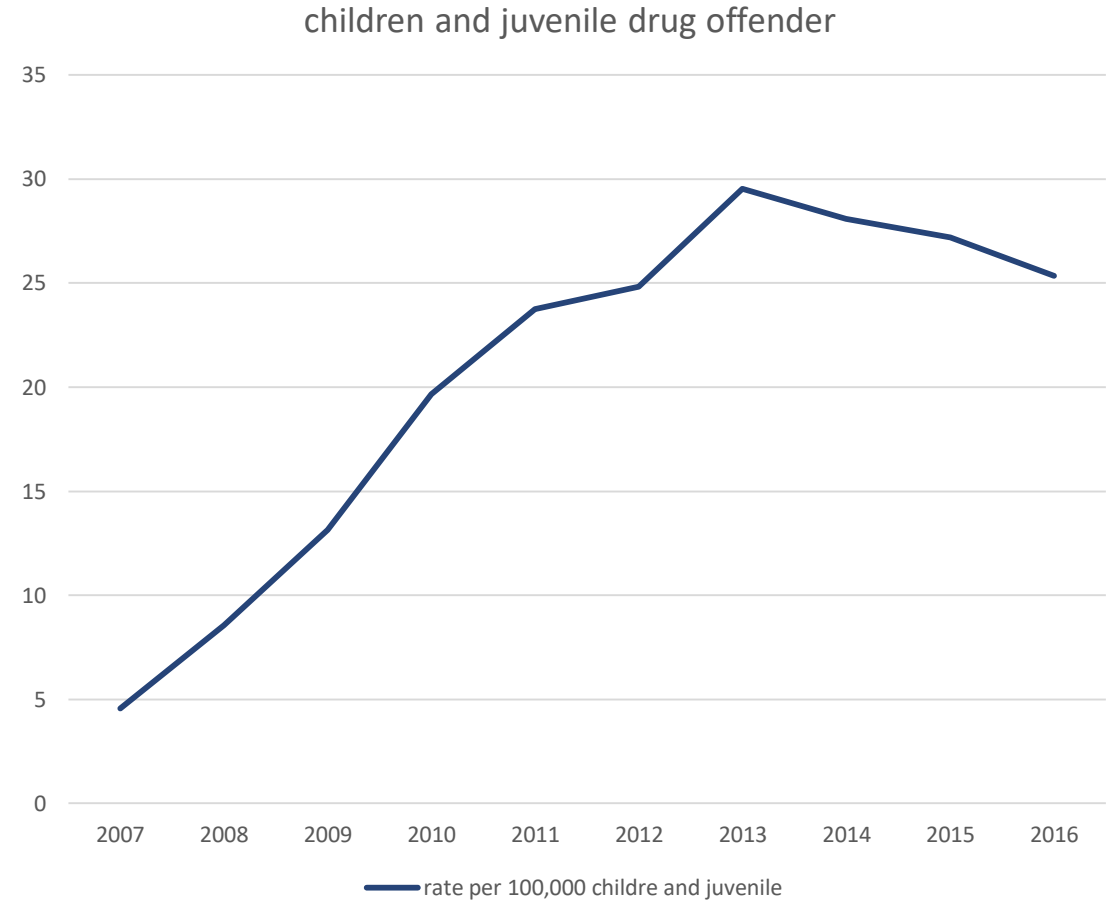
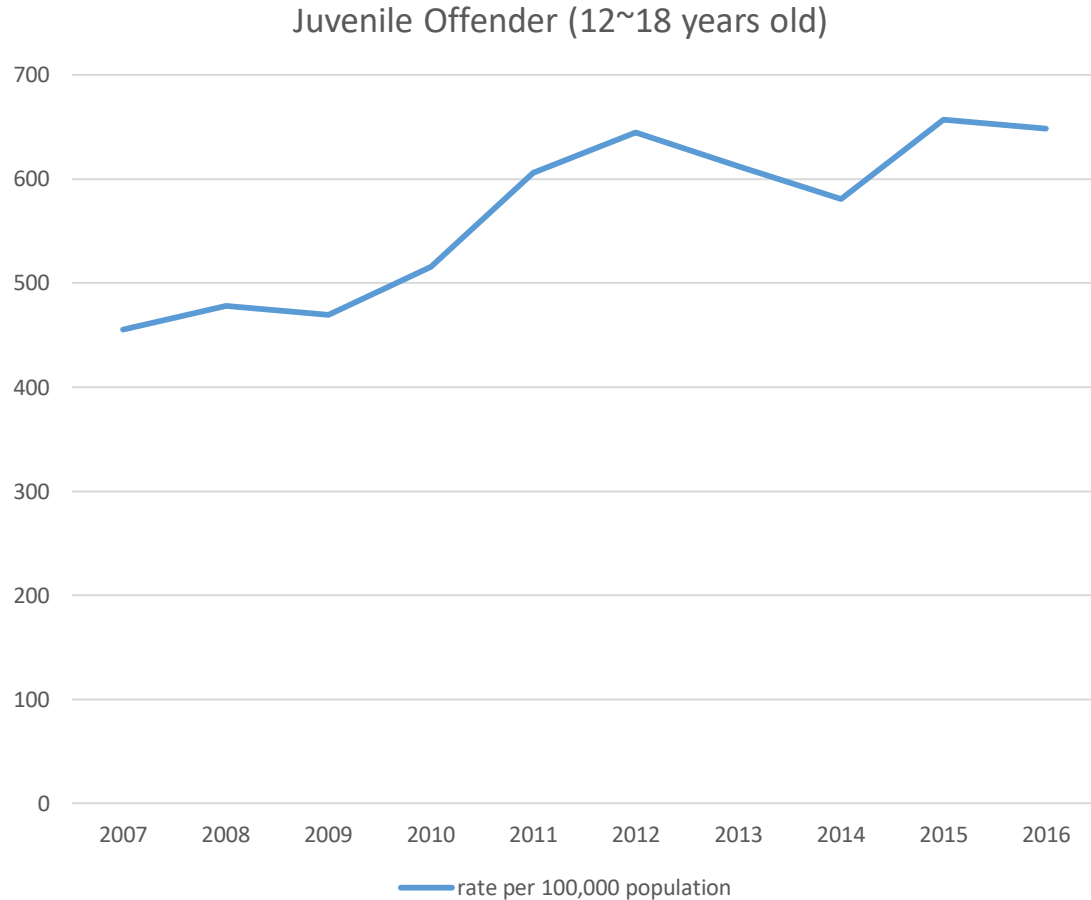
# Legislations concerning adolescent substance abuse problems

## Deterrence v.s. Protection

- Narcotics Hazard Prevention Act (since 1955, last amended 2017-6-14)
  - Ministry of Justice
  - Criminal punishment
- Juvenile Delinquency Act (since 1962, last amended 2019-6-19)
  - Judicial Yuan
  - 12~18 years old
    - Status offences (non-listed drugs)
    - Juvenile delinquency protection cases
    - Criminal law violations which should be investigated by prosecutors (article 27)
- The Protection of Children and Youths Welfare and Rights Act (since 2003, last amended 2019-4-24)
  - Ministry of Health and Welfare
  - Less than 18 years old
  - Reporting obligations for practitioners
  - Protective measures for children and youth (from substance with health risk) and responsibilities of parents or guardians

# Rate per 100,000 juvenile offenders did not fall in the last decades

## Rate per 100,000 children and juvenile drug offenders rise



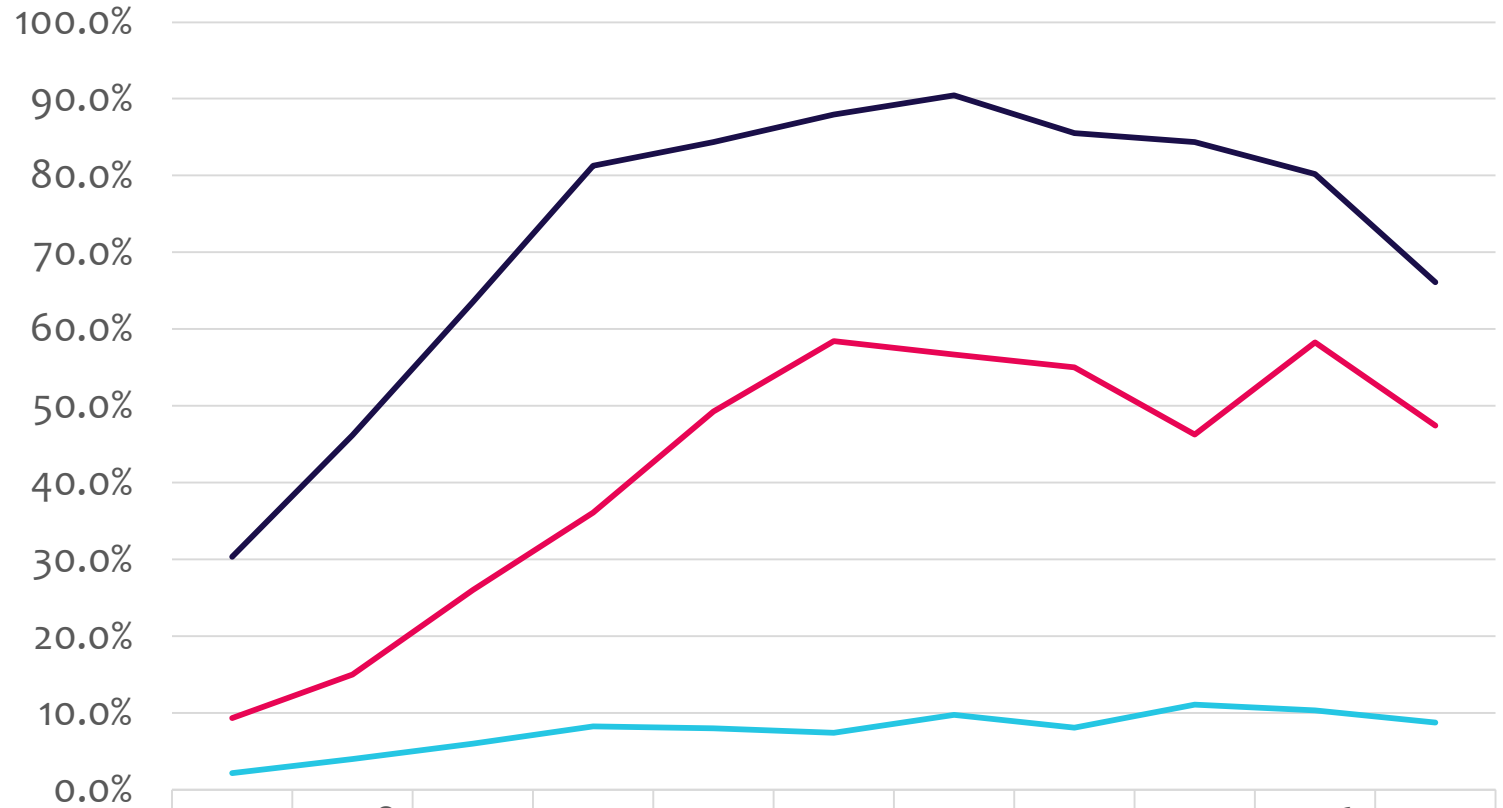
# Substance abuse related incidents compose the majority of "status offence" and half of the "criminal cases"

The percentage of substance abuse related cases among status offence, protective, and criminal cases

**Status offences** refer to listed behaviors which may violate the criminal law due to a juvenile's personality and environment

**Criminal cases** refer to where a juvenile's behavior violate the criminal laws and suitable for criminal sanctions

**Protective cases** refer to the above cases where protective orders are more suitable



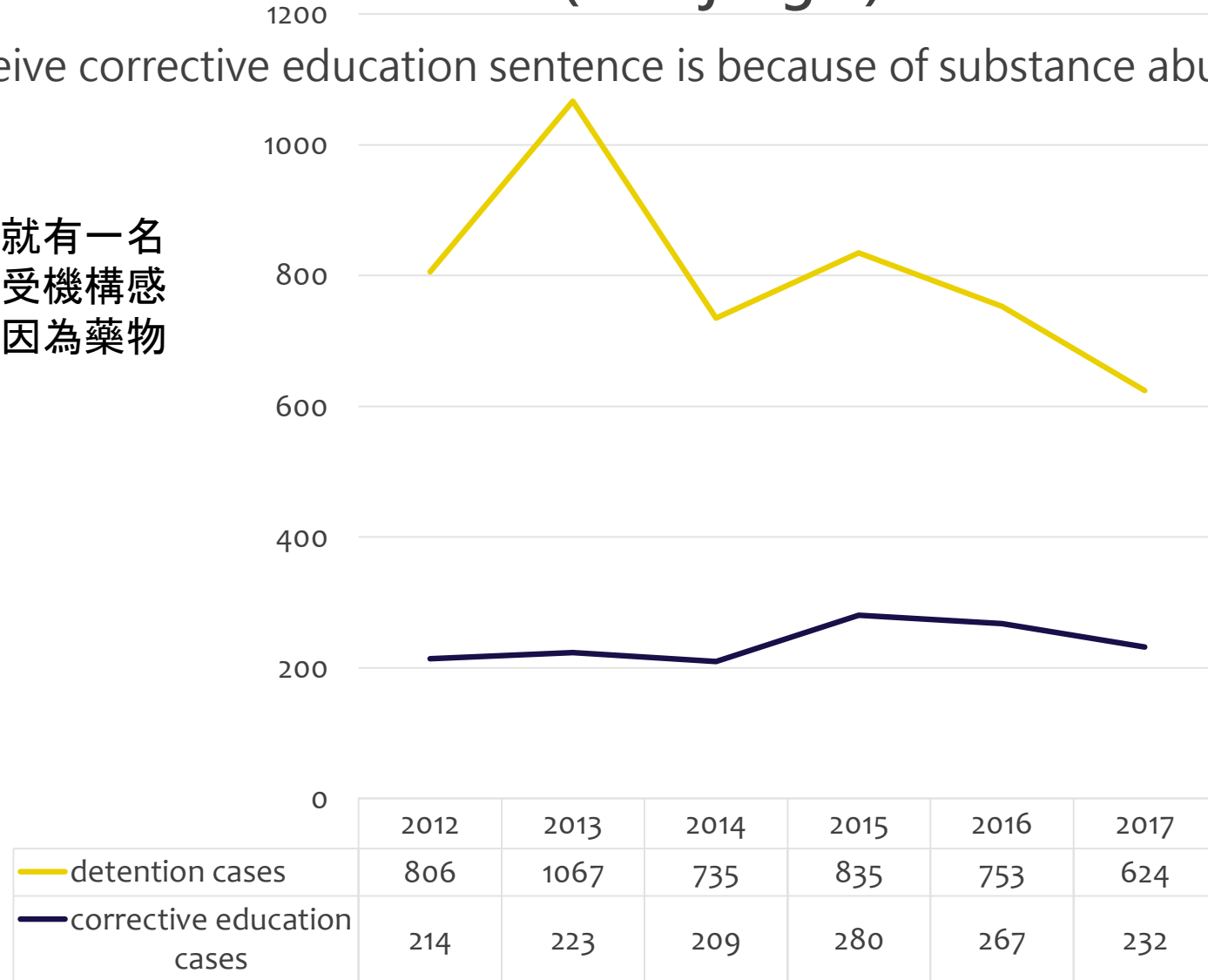
— Protective cases	2.2%	4.0%	6.0%	8.3%	8.0%	7.4%	9.7%	8.1%	11.1%	10.4%	8.7%
— Criminal cases	9.4%	15.0%	26.0%	36.1%	49.3%	58.5%	56.7%	55.0%	46.2%	58.2%	47.4%
— status offence cases	30.3%	46.2%	63.5%	81.3%	84.3%	88.0%	90.5%	85.6%	84.4%	80.2%	66.1%



# 1 in 5 minors who receive detention order (from judges) is because of substance abuse

1 in 3 minors who receive corrective education sentence is because of substance abuse

每五個受到收容的少年，就有一名是因為藥物濫用；每三名受機構感化教育少年，就有一名是因為藥物濫用



# Type of substances used by young people in Taiwan (2016)

<http://dars.fda.gov.tw/>

Age	No1(%)	No2(%)	No3(%)
Below 19	Ketamine (59.0)	Methamphetamine (32.6)	MDMA (5.1)
20~29	Ketamine (42.7)	Methamphetamine (37.0)	MDMA (9.4)
30~39	Heroin (48.5)	Methamphetamine (31.4)	Ketamine (10.7)
40~49	Heroin (68.2)	Methamphetamine (21.1)	Zolpidem (2.4)
50~59	Heroin (71.8)	Methamphetamine (14.2)	Zolpidem (5.2)

Substance abuse registration information system 2016

Source:

Kang, K.-H., Ke, M.-R., Hsu, J., & Tsay, W.-I. (2017). 2016 Report of Drug Abuse Statistics in Taiwan. Annual Report of Food and Drug Research, 8, 290-301.

# RESEARCH AIMS

## 研究目的

- The main aim of this study is to describe the current responses to young people with drug problems
  - How are these people handled in the system?
  - Who are responsible? What kind of actions taken?
  - How effective are these actions?
  - Is there collaborative mechanism? Does it work?
  - What are the views from practitioners?

# DATA COLLECTION

Face-to-face Interviews were conducted during December 2018 to July 2019

- 4 Juvenile Police Officers
- 5 Social Workers from Social Welfare Department and Youth Counseling Committee
- 4 Social Workers from Non-Government Organizations
- 1 Policy maker from Social Welfare Department
- 3 Staffs from the Drug Abuse Prevention Center
- 1 Correctional Officer from Juvenile Reform School

# Findings

How are adolescent drug users dealt with in the system?  
Who are responsible? What kind of actions taken?

## Consultation and voluntary treatment

- Chunhui program in Schools
- Addiction Clinics in Hospitals

## Statutory report registered cases

- Social welfare services/intervention
- Police juvenile counseling committee casework
- Juvenile Court and protective orders

## Criminal Cases (listed 1<sup>st</sup> or 2<sup>nd</sup> degree drugs) under Juvenile Justice Sanctions

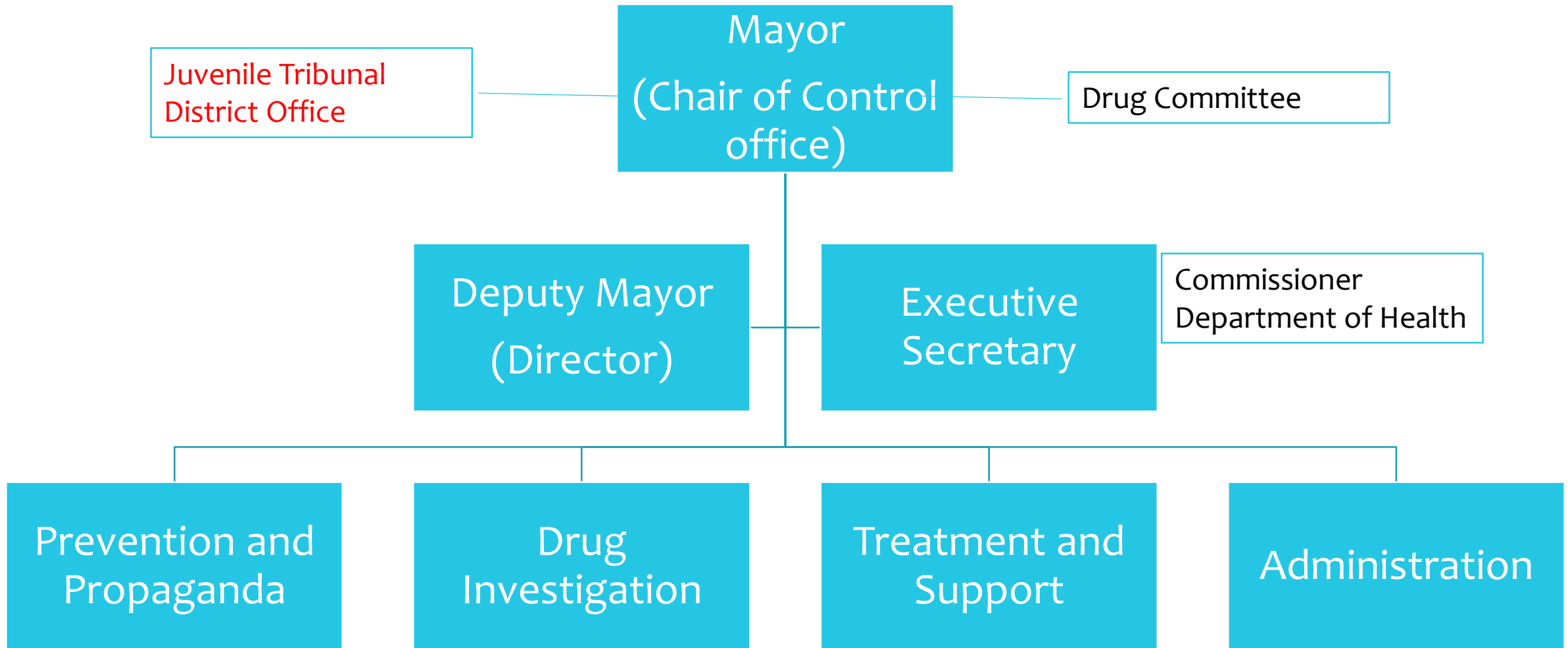
- Protective orders
- Court referred program
- Detention/Corrective education/Juvenile Facilities
  - NGO programmes

## After Release Follow-up

- Court Supervision
- NGO program
- Drug Control Office

# NTSACO

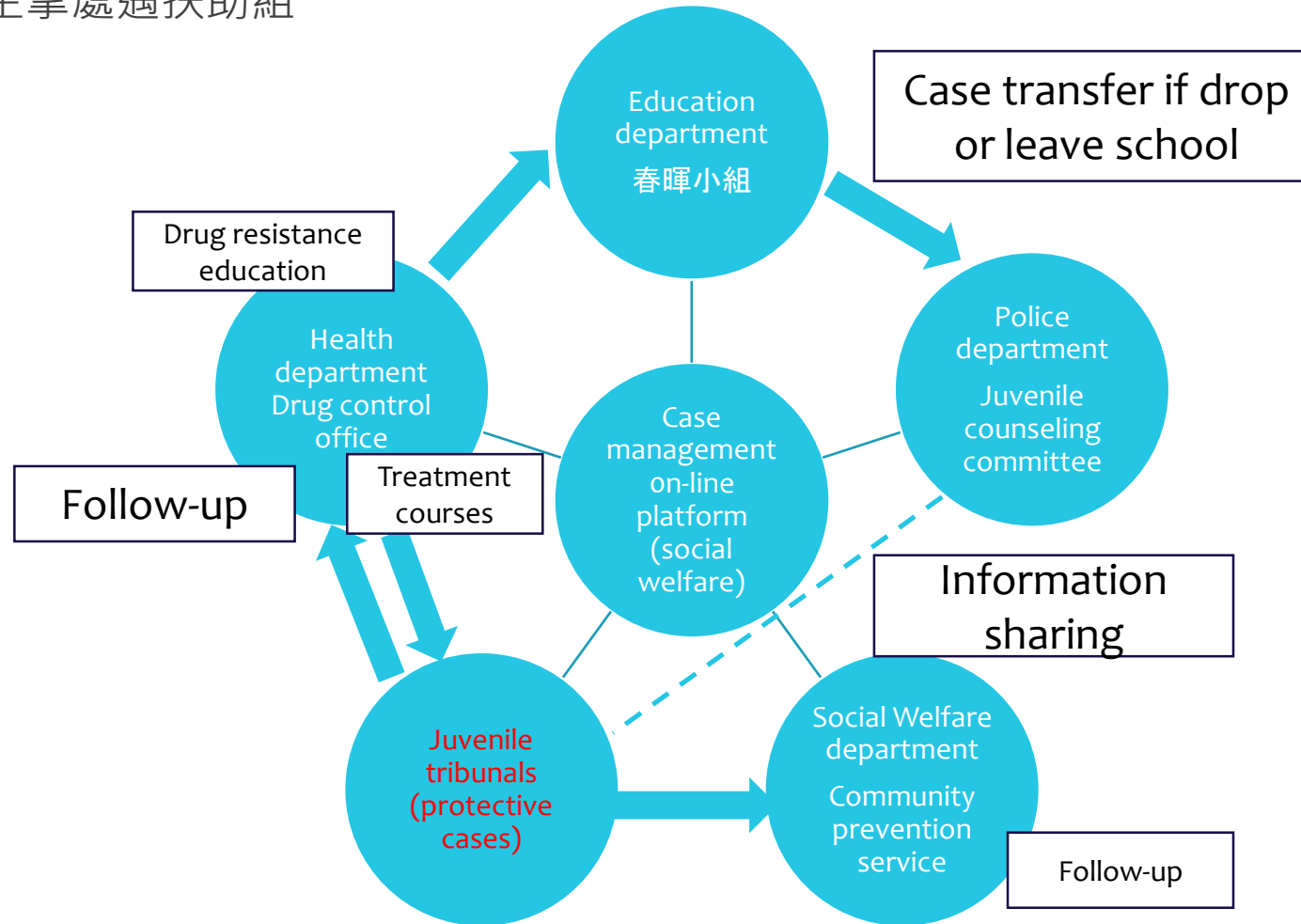
New Taipei City Substance Abuse Control Office



# Networking of NTSACO

Treatment and Support Taskforce run by Department of Social Welfare

新北毒防辦由社會局主掌處遇扶助組



# Does collaborative action work?

How effective are the programmes?

- If you ask me....I don't know. No one knows. How do you calculate the effectiveness after all the services, programmes...How do you quantify it?(SW1)
- If the intervention did not work....meaning that the young people is still using drugs after six months. We will send the report to the probation officer or the judge to decide their next step, whether it is better to use sanctions.(Worker7)
- My own experience is that parenting education does not work. Too difficult to get access to the parents. (Worker 6)
- Providing services is difficult to calculate. Therefore, how do you define "effectiveness"?(Worker6)
- It is found that juvenile detention or corrective education in institution will make their drug problem worse. For example, their drug use behavior might upgrade. They might turn into drug dealing after institutionalized. (Police4)
- Most of the young people we deal with are not addicted users. Therefore, very few will have motives for entering rehabilitation program.(Police2)
- For young people who use 3<sup>rd</sup> or 4<sup>th</sup> degree listed drugs, very few have received intervention because it is not compulsory. (Health 3)



# Suggestions by the Practitioners

## More deterrence by judge orders or sanctions

- We will work with the juvenile court. That way we have some spaces for intervention through protective orders issued by the judge. (Worker4)
- If the judge orders the case to report to us (Drug Control Office), it makes things a lot easier for us. (Health3)
- Please! I really think that these children need more sanctions, not love. (Worker3)
- The judges keep giving second chance to the juveniles. I don't think it is a good idea. (Police3)
- One kid who is very seriously addicted who lose a lot of weight. But the judge still decided for the parents to take care of the child. It is horrible and scary. (Worker4)

## More communication/networking

- We work very closely with the judges and parents, and we are the iron triangle. (Worker8)
- Not every judge or probation officer is open to working with the NGOs. It differs from places to places. (Worker8)
- Some cooperation between social welfare and the judges. But not that much. It takes a lot of conversations before we can reach some sort of consensus and effective cooperation. (SW1)
- Sometimes the judge just decided for reform schools. End of the story. No discussion with us. Case closed. (SW1)
- Every probation officer and every judge practices independently. That is the problem. (SW1)

# Summary

Cultural dissonance effect (McAra & McVie, 2019)

- “Institutions set up to tackle youth offending have not yet fully adapted to this transformation, and police and prosecutorial working practices are stuck in older dynamics of law enforcement”
  - McAra, L., & McVie, S. (2019). Transformations in youth crime and justice across Europe: Evidencing the case for diversion. In B. Goldson (Ed.), *Juvenile Justice in Europe: Past, Present and Future* (pp. 74-103). Abingdon, Oxon: Routledge.
  - United Nations. (2018). *World Drug Report 2018*. Retrieved from Austria: <https://www.unodc.org/wdr2018/en/booklets.html>
- Involving the juvenile courts is crucial in developing a multi-dimensional treatment model since the Juvenile Delinquency Act has provided a variety of leverages for activating the intervention programmes. This Taiwan case demonstrates key roles of judges and juvenile probation officers in a more proactive and effective adolescent drug abuse collaboration framework at local level.



# 感謝您

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