



Crimes and Criminal Justice Policy in Korea (2015)

Foreword

Since its establishment in 1989, the Korean Institute of Criminology (KIC) has not only provided effective policy measures through comprehensive research on crime trends, criminal legislation and policy measures, but also organized international cooperation with national and international criminal justice institutions. Also, as a member institute of the United Nations Crime Prevention and Criminal Justice Programme Network, KIC is contributing greatly to strengthening national capabilities and increasing international and regional cooperation in crime prevention and criminal justice.

「Crime and Criminal Justice Policy in Korea 2015」, which abridged version of Korean original edition aims to introduce trends of crimes and criminal justice policy in the Republic of Korea. The report consists of three parts, which covers major changes and reforms in criminal phenomenon, legislation and criminal justice institutions during the years of 2015.

The Part I introduces trends and characteristics of crimes by official crime statistics, and in particular, those of major index crimes, such as homicide, arson, robbery, larceny, sexual violence and assault. Further, the Part II deals with status of and response measures against juvenile crimes and sexual violence respectively. The Part III studies trends in correctional and rehabilitation policies, and policy trends in the police, public prosecutors, and criminal courts.

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Zin-Hwan Kim

President

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Crimes in Korea

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Chapter 1

Trends and Characteristics of Crimes

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Chapter 1

Trends and Characteristics of Crimes

This chapter examines the total crimes¹⁾ reported for the last 10 years (2005~2014) in Korea, the status of both criminal offences committed under the Criminal Act and the response measures, and the basic characteristics of offenders and victims in each criminal case. The Crimes and Criminal Justice Statistics Information, a statistical database system designed by the KIC to conduct scientific analyses of the statistics and to create specialized index predicative of criminal justice policy by processing the source statistics related to occurrence and phenomenon of the crimes in Korea, was used for reference and data resource. In the Crimes, this chapter adopted particularly the Official Crime Statistics, which is a statistic system based on the Crime Analysis published by the Supreme Prosecutor's Office. As of December 2015, the Crime Analysis's data from 1993 to 2014 are available to the public.

Section 1

Numbers, Responses and Trends of Crimes

1. Numbers and Trends of Crimes

A. Total Number and Trends of Crimes

The state of crimes reported for the last 10 years in Korea is described in the following <Table 1-1-1> with number²⁾ and crime rate³⁾ of total crimes. First, the number of crimes

1) Total crimes refer to all the offenses known to the law enforcement as committed under the Criminal Act and/or various special criminal laws.

2) Number of crimes in this paper refers to the crimes known to and charged by the police for a duration of one year. It does not, therefore, reflect all the criminal offences that actually occurred for the set time period, but only the ones either reported by victims to the police or booked by the police on its own discretion. To be more specific, the 'number of crimes' indicates the crimes for which a base statistics table is prepared by the police in each event and which have been approved by the proper authorities (Tak, Jong-Yeon, 2011:248).

3) Crime rate refers to the number of crimes per a population of 100,000.

known to the law enforcement in 2005 was 1,860,119 in total, which decreased to 1,829,211 in 2006. Year 2007 and 2008 both witnessed a continuous increase in total number to 1,965,977 and 2,189,452 respectively, but the number decreased again for 3 years in a row from 2009 to 2011 with total number of 2,168,185 reported in 2009, 1,917,300 in 2010 and 1,902,720 in 2011 respectively. In 2012 and 2013 the number increased slightly to 1,934,410 and 1,996,389 respectively, yet it declined marginally to 1,933,835 in 2014. Although the total number of crimes known to the law enforcement in Korea had increased since 2005 reaching its highest point in 2008, it has been in decline since 2010 settling in the range of 190,000 and has remained at a similar lever since then.

<Table 1-1-1> Number and Rate of Total Crimes (2005~2014)

Year	Number of Crimes	Crime Rate (%)	Increase Rate (%)
2005	1,860,119	3,813.1	100.0
2006	1,829,211	3,733.7	97.9
2007	1,965,977	3,990.3	104.6
2008	2,189,452	4,419.5	115.9
2009	2,168,185	4,356.1	114.2
2010	1,917,300	3,795.5	99.5
2011	1,902,720	3,750.4	98.4
2012	1,934,410	3,796.8	99.6
2013	1,996,389	3,903.7	102.4
2014	1,933,835	3,767.6	98.8

* Source : *Crime Analysis* (2004-2014), Supreme Prosecutor's Office. Reproduced.

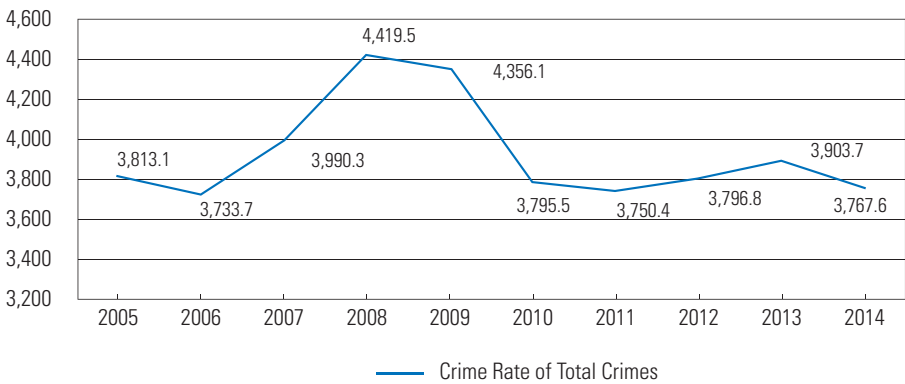
** Increase rate is the rate of changes in the number of crimes using 2005 as base year.

In the meantime, the crime rates of the last 10 years, that is the number of crimes reported per 100,000 population, recorded 3,813.1 in 2005 and the rate dropped to 3,733.7 in 2006, which was lowest point in decade. The rate increased for the next two years, with 3,990.3 in 2007 and 4,419.5 in 2008, where it reached a highest peak during the last decade. Then, it showed a downward trend again for the next three years consecutively, marking 4,356.1 in 2009, 3,795.5 in 2010 and 3,750.4 in 2011. Compared to 2011, the rate was a slight increase in 2012 and 2013 with 3,796.8 and 3,903.7 respectively; however, it declined again to 3,767.6 in 2014.

The crime rates of the last decade, to sum, displayed upward trends from 2005 to 2008 just

as the total number of crimes during the same time period. The highest point was reached in 2008 and continued at a similar level until 2010, after which, the rates displayed downward trends and have remained stable since then. The trends in total number of crimes are found in the following [Figure 1-1-1].

[Figure 1-1-1] Annual Trends in Total Number and Rate of Crimes (2005- 2014)



B. Criminal Offences committed under the Criminal Act and the Special Criminal Laws

In this part, we will delve into the crimes by dividing them into two categories, one of which is criminal law offences and the other is special criminal law offences, and examines their trends. Criminal law offences include the offences prescribed under the chapters of the Criminal Act as well as the criminal events satisfying the elements of larceny, trafficking stolen goods, kidnapping or abduction, unlawful arrest and confinement, crimes of currency, and abandonment of duties under the Act on the Aggravated Punishment etc. of Specific Crimes; fraud, embezzlement, and breach of trust under the Act on the Aggravated Punishment etc. of Specific Economic Crimes; destruction, violence and inflicting bodily injury on others, extortion, unlawful arrest and confinement under the Punishment of Violences Etc. Act; rape and indecent act by compulsion under the Act on the Punishment of Child Abuse Crimes, the Act on Special Cases concerning the Punishment etc. of Sexual Crimes, and the Act on the Protection of Children and Juveniles against Sexual Abuse; and setting up places for gambling under the Special Act in Prevention and Return of Damages incurred from Telecommunications Financial Frauds, the National Sports Promotion Act, and the Korea Racing Authority Act. (Supreme Prosecutor’s Office May, 2015).

The trends are described in <Table 1-1-2>. The number of crimes from 2005 to 2014 was 811,443 in 2005, 828,530 in 2006, 848,573 in 2007, 902,501 in 2008, 998,594 in 2009, 943,585 in 2010, and 1,000,849 in 2011, 1,037,166 in 2012, 1,056,704 in 2013 and 1,016,209 in 2014 respectively. Except a slight decline in 2010 and again in 2014 compared to each previous year, the number of crimes has increased since 2005.

Crime rates (number of crimes per 100,000 population) give us a more concrete idea about the overall trends of the last decade. For 4 years from 2005 to 2009, crime rates continued to increase and then declined in 2001 with 1,867.9. From 2011, the rates increased again for 3 years consecutively until 2013 with 1,972.7 in 2011, 2,035.7 in 2012, and 2,066.2 in 2013 although 2014 witnessed a subtle decline.

Except in 2010 and 2014, where slight decreases were observed respectively, crime rates were increasing on the whole. The trends are described in [Figure 1-1-2], especially in the bottom line of the line graph.

<Table 1-1-2> Number, Rate and Composition Ratio of Criminal and Special Criminal Law Offences (2005~2014)

Year	Criminal Law Offences			Special Criminal Law Offences		
	Number	Rate	Composition Ratio	Number	Rate	Composition Ratio
2005	811,443	1,663.4(100.0)	43.6	1,048,676	2,149.7(100.0)	56.4
2006	828,530	1,691.2(101.7)	45.3	1,000,681	2,042.5(122.8)	54.7
2007	848,573	1,722.3(103.5)	43.2	1,117,404	2,268.0(136.3)	56.8
2008	902,501	1,821.7(109.5)	41.2	1,286,951	2,597.8(156.2)	58.8
2009	998,594	2,006.3(120.6)	46.1	1,169,591	2,349.8(141.3)	53.9
2010	943,585	1,867.9(112.3)	49.2	973,715	1,927.6(115.9)	50.8
2011	1,000,849	1,972.7(118.6)	52.6	901,871	1,777.6(106.9)	47.4
2012	1,037,166	2,035.7(122.4)	53.6	897,244	1,761.1(105.9)	46.4
2013	1,056,704	2,066.2(124.2)	52.9	939,685	1,837.4(110.5)	47.1
2014	1,016,209	1,979.8(119.0)	52.5	917,626	1,787.8(107.5)	47.5

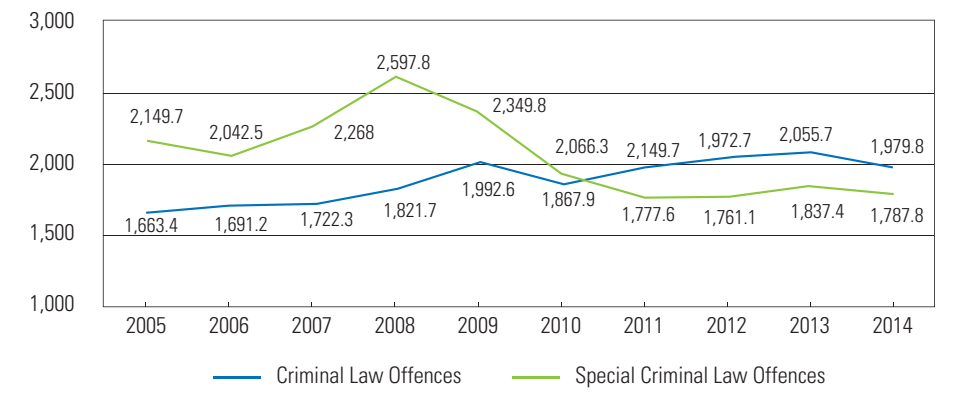
* Source : *Crime Analysis* (2004-2014), Supreme Prosecutor's Office. Reproduced.

** () refers to the rate of change using 2005 as base year.

As for the number of crimes committed under the various special criminal laws in the last 10 years, narrow-range of fluctuations were found throughout the observed period with 1,048,676 in 2005, 1,000,681 in 2006, 1,117,404 in 2007, 1,286,951 in 2008, and 1,169,591

in 2009. However, the number decreased from 2010 down to a range of 900,000 in that year and reached its lowest point in the last 10 years in 2012, although it was restored to the previous level in 2013, recording 917,626 in 2014.

[Figure 1-1-2] Annual Trends of Criminal and Special Criminal Law Offences' Composition Ratio (2005~2014)

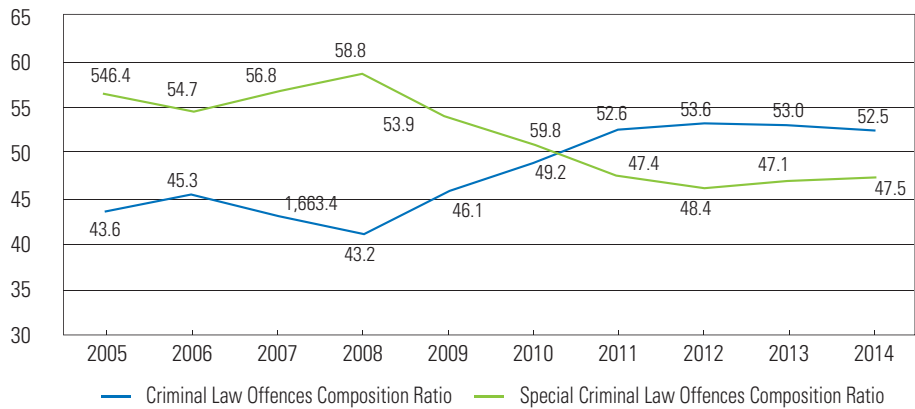


Crime rates (number of crimes reported per 100,000 population) of the special criminal law offences allow us to understand the trends more concretely. The rate was 2,149.7 in 2005, showed a small decrease in 2006 but increased again in 2007 with 2,268.0 and 2,597.8 in 2008. From 2009 through 2012, the rates were in decline with 2,349.8 in 2009, 1,927.6 in 2010, which was a relatively large decrease, 1,777.6 in 2011, and 1,761.1 in 2012. Slight increases were observed in 2013 with 1,837.4 and 1,787.8 in 2014; however, the overall trends of the crime rates under the various special criminal laws were defined as a continual decrease as displayed in [Figure 1-1-2], especially in the upper line of the line graph.

Through the trend analysis of the criminal and special criminal law offences and their rates, we can see gradually increasing trends of the criminal law offences, while the special criminal law offences were in decline. The trends of increase in the criminal law offences and the decrease in the special criminal law offences are clearly found in the composition ratio (see [Figure 1-1-3]) as well. In 2005, the criminal law offences accounted for 43.6% of total crimes, while the special criminal law offences accounted for 56.4%, having a 1.3 times higher composition ratio than the criminal law offences. However, the special criminal law offences' composition ratio of total crimes gradually decreased until 2014, where it

marked 47.5%, a decrease by 8.9% compared to 2005, while the criminal law offences' composition ratio marked 52.5%, an increase by 8.9% compared to 2005.

[Figure 1-1-3] Annual Trends of the Composition Ratio (2005~2014)



2. Response Measures and Crime Trends

A. Number and Rate of Arrests by Law Enforcement

Arrest rate, that is, the number of arrests made by law enforcement⁴⁾ against the accused in proportion to the number of total crimes known to the law enforcement⁵⁾, fluctuated within a narrow range of 80% between 2005 and 2010, recording 87.5% in 2005, 85.9% in 2006, 87.7% in 2007, 87.6% in 2008, 89.3% in 2009 and 84.8% in 2010. From 2011 the rate

4) Number of arrests refers not to the number of arrests made by law enforcement among the crimes which occurred in the given year, but the number of arrests made by law enforcement in the given year regardless of the year when the crime actually occurred. In addition, in the crime cases committed by multiple offenders with accomplices or accessories, each arrest by law enforcement is counted separately. Due to this counting system, in which a different base year is applied to the occurrence and arrest of a crime and a single arrest in a multiple offender crime is counted as one cleared case, the total clearance rate often exceeds 100%.

5) Number of arrests is meaningful only in relation to the number of crimes. Therefore, we will look into the changes in arrest rate, without the changes in the number of arrests made by law enforcement.

dropped to a range of 70%, as 78.8% in 2011 and 77.0% in both 2012 and 2013, marking the lowest point in the last 10 years, although it rose to 78.5% in 2014. The trends are represented by the line graph in [Figure 1-1-4], especially in the upper right-hand side of the lines.

<Table 1-1-3> Number and Rate of Arrests by the Law Enforcement (2005~2014)

Year	Total Crimes			Criminal Law Offences		
	Total Number	Number of Arrests	Arrest Rate	Total Number	Number of Arrests	Arrest Rate
2005	1,860,119	1,627,098	87.5%	811,443	636,550	78.4%
2006	1,829,211	1,572,074	85.9%	828,530	643,273	77.6%
2007	1,965,977	1,723,355	87.7%	848,573	674,467	79.5%
2008	2,189,452	1,917,528	87.6%	902,501	717,011	79.4%
2009	2,168,185	1,936,637	89.3%	998,594	844,563	84.6%
2010	1,917,300	1,625,241	84.8%	943,585	718,183	76.1%
2011	1,902,720	1,499,675	78.8%	1,000,849	685,536	68.5%
2012	1,934,410	1,488,756	77.0%	1,037,166	685,707	66.1%
2013	1,996,389	1,536,442	77.0%	1,056,704	697,444	66.0%
2014	1,933,835	1,518,792	78.5%	1,016,209	705,861	69.5%

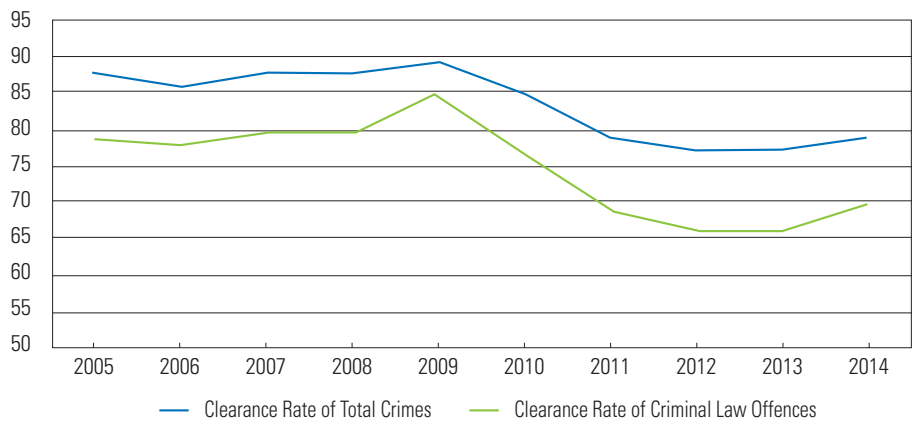
* Source : *White Paper of Crime*, Institute of Justice, 2016, pp.53~56.

** Arrest rate = number of arrests by the law enforcement / number of crimes ×100

Meanwhile, the arrest rate of criminal law offences of the last 10 years, excluding the special criminal law offences, of which the majority consists of the offences under the Act on Special Cases concerning the Settlement of Traffic Accidents and the Road Traffic Act, displayed small fluctuations without significant upward or downward pattern as follows: 78.4% in 2005, 77.6% in 2006, 79.5% in 2007, 79.4% in 2008, 84.6% in 2009, and 76.1% in 2010. For the next 3 years from 2011 to 2013, the rate decreased continuously with 68.5% in 2011, 66.1% in 2012 and 66.0% in 2013, reaching its lowest point over the last 10 years in 2013. The rate was slightly increased to 69.5% in 2014.

To sum, the arrest rate of criminal law offences was lower in proportion to total crimes. In addition, for the last 10 years, the arrest rates for both total crimes and criminal law offences have been generally declining, while the degree of decrease rate in the criminal law offences has been significantly larger than in the total crimes since 2009.

[Figure 1-1-4] Annual Trends of Clearance Rate (2005~2014)



B. Disposition of Criminals by the Prosecutor’s Offices

Disposition of criminals by the prosecutor’s offices for the last 10 years is displayed in <Table 1-1-4> and [Figure 1-1-5] as well. 45.9% of total criminals was indicted by request of formal or summary trials, while 52.5% was not indicted or decided as a stay of indictment, and the remaining approximately 1.5% was transferred to the juvenile or family protection courts. In detail, indictment by request of formal trial accounted for 6.5% of the total and for 14.1% of the indicted cases, while indictment by request of summary trial accounted for 39.5% of the total and for 85.9% of the indicted cases. The result is that the proportion of indictment by summary trials, of which the majority was sentenced to fine, was approximately six times higher than that of indictment by formal trials. As for the non-indicted cases, stay an indictment accounted for 16.1% of the total and for 30.6% of the non-indicted cases, while non-indictment by reason of no suspicion or lack of prosecutorial right accounted for 36.5% of the total and for 69.4% of the non-indicted cases.

Composition ratio of the criminals indicted by request of formal trial stayed in the range of 5-6% between 2005 and 2011, with 5.3% in 2005, 5.7% in 2006, 5.9% in 2007, 6.1% in 2008, 6.1% in 2009, 5.8% in 2010 and 6.1% in 2011, yet increased slightly to 7.2% in 2012, 7.8% in 2013 and 8.9% in 2014.

Composition ratio by request of summary trial was in overall decline with 46.7% in 2005, 43.6% in 2006, 46.5% in 2007, 45.2% in 2008, 39.7% in 2009, 39.0% in 2010, 36.8% in 2011, 32.9% in 2012, 32.1% in 2013 and 29.3% in 2014.

In the meantime, composition ratio of the criminals whose indictment was steadily increased from 12.6% in 2005 to 18.5% in 2009, yet decreased gradually from 2010, marking 17.3% in 2014. Composition ratio of the criminals who were not indicted or acquitted accounted for 34.6% in 2005 and 36.7% in 2016 and gradually decreased until 2008, when it reached 32.6%, which was the lowest point in the last 10 years. However, between 2009 and 2014 the ratio increased again marking 34.2% in 2009, 35.4% in 2010, 37.3% in 2011, 39.3% in 2012, 40.5% in 2013 and 42.8% in 2014 respectively.

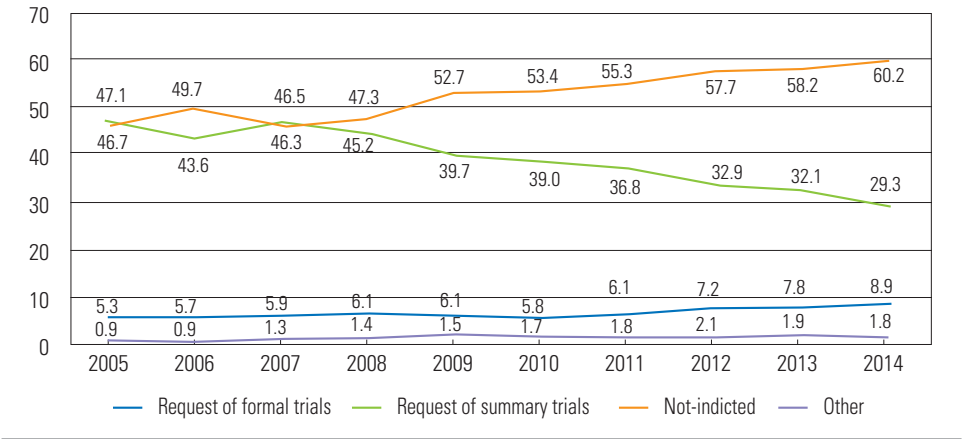
<Table 1-1-4> Disposition of Criminals by Prosecutor's Office (2005~2014)

(Unit : person(%))

Year	Total	Indicted			Not-Indicted			Transferred or Other
		(Subtotal)	Request of Formal Trial	Request of Summary Trial	(Subtotal)	Stayed	Not -Indicted	
2005	1,965,571 (100.0)	1,021,230 (52.0)	103,948 (5.3)	917,282 (46.7)	926,762 (47.1)	247,322 (12.6)	679,440 (34.6)	17,579 (0.9)
2006	1,932,725 (100.0)	954,249 (49.4)	110,635 (5.7)	843,614 (43.6)	960,421 (49.7)	250,343 (13.0)	710,078 (36.7)	18,055 (0.9)
2007	1,989,862 (100.0)	1,042,477 (52.4)	116,833 (5.9)	925,644 (46.5)	921,457 (46.3)	253,615 (12.7)	667,842 (33.6)	25,928 (1.3)
2008	2,472,893 (100.0)	1,268,627 (51.3)	151,675 (6.1)	1,116,952 (45.2)	1,170,081 (47.3)	362,760 (14.7)	807,321 (32.6)	34,185 (1.4)
2009	2,519,236 (100.0)	1,154,371 (45.8)	154,496 (6.1)	999,875 (39.7)	1,326,413 (52.7)	465,455 (18.5)	860,958 (34.2)	38,452 (1.5)
2010	1,954,331 (100.0)	877,420 (44.9)	114,298 (5.8)	763,122 (39.0)	1,042,862 (53.4)	351,939 (18.0)	690,923 (35.4)	34,049 (1.7)
2011	1,907,641 (100.0)	817,289 (42.8)	116,077 (6.1)	701,212 (36.8)	1,055,221 (55.3)	343,233 (18.0)	711,988 (37.3)	35,131 (1.8)
2012	1,907,900 (100.0)	766,287 (40.2)	137,852 (7.2)	628,435 (32.9)	1,100,736 (57.7)	351,441 (18.4)	749,295 (39.3)	40,877 (2.1)
2013	1,886,147 (100.0)	752,411 (39.9)	147,570 (7.8)	604,841 (32.1)	1,097,535 (58.2)	333,483 (17.7)	764,052 (40.5)	36,201 (1.9)
2014	1,846,607 (100.0)	704,387 (38.1)	163,969 (8.9)	540,418 (29.3)	1,109,005 (60.1)	318,686 (17.3)	790,319 (42.8)	33,214 (1.8)
Total	20,382,913 (100.0)	9,358,748 (45.9)	1,317,353 (6.5)	8,041,395 (39.5)	10,710,493 (52.5)	3,278,277 (16.1)	7,432,216 (36.5)	313,671 (1.5)

*Source : *White Paper of Crime*, Institute of Justice, 2016. p.238.

[Figure 1-1-5] Annual Trends of the Dispositions of the Criminals by Prosecutor’s Office (2005~2014)



Section 2

Characteristics of Criminals and Victims of Crime

This section examines the characteristics of criminals and victims of crime.

1. Characteristics of Criminal Offenders

A. Sex

In the following, we will examine the sex of the offenders in some of the major crimes including property crimes⁶⁾, violent (heinous) crimes⁷⁾, and violent (assault inflicting bodily injury) crimes⁸⁾. First, for the last 10 years male offenders arrested for property crimes constituted 79.3% of the total 3,500,767 arrests while female arrests constituted 20.7%. Female representation in property crimes gradually decreased between 2005 and 2014 from 23.1% to 20.4%.

6) Property crimes include larceny, trafficking stolen goods, fraud, embezzlement, breach of trust and destruction.
7) Violent (heinous) crimes include homicide, robbery, sexual violence and arson.
8) Violent (assault inflicting bodily injury) crimes include violence, assault inflicting bodily injury on others, extortion, kidnapping and abduction, unlawful arrest and confinement.

In violent (heinous) crime cases, of total 218, 723 arrests for the last 10 years, males represented a vast majority of 96.4%, while the female rate continued to stay at around 3.6%.

In violent (assault inflicting bodily injury) crime cases, of total 3,452,360 arrests for the given time period, males constituted 83.8% and females did 16.2%. In this type of crimes, female rate increased between 2005 and 2008 as it marked 16.2% in 2005, 16.7% in 2006, 16.7% in 2007, and 17.0% in 2008; however, the rate decreased from 2010, marking 16.6% and 15.0% in 2011 and then remained at a similar level with small fluctuations although it rose to 16.2% in 2014, a slight increase from 15.5% in 2013.

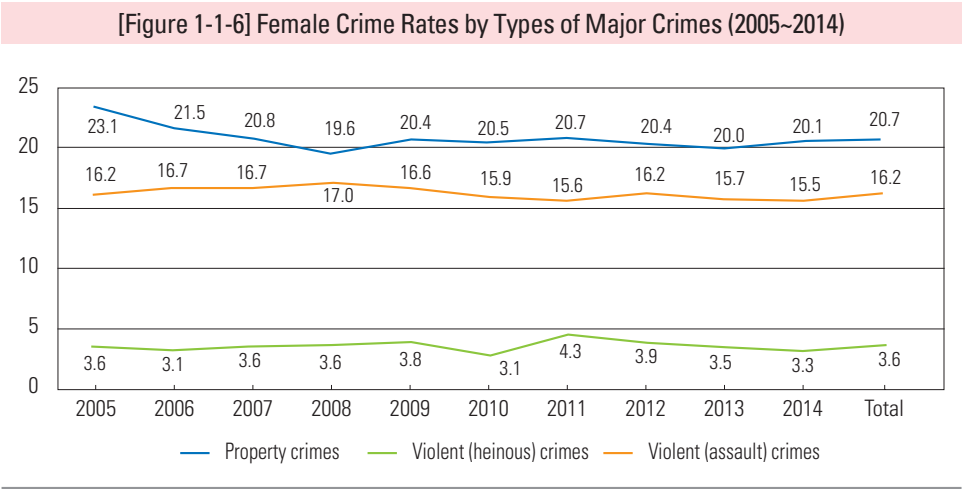
<Table1-1-5> Female Crime Rate in Major Criminal Law Offences (2005~2014)

(Unit : person(%))

Year	Property Crimes		Violent (Heinous) Crimes		Violent (Assault) Crimes	
	Male	Female	Male	Female	Male	Female
2005	218,815 (76.9)	65,594 (23.1)	12,384 (96.4)	462 (3.6)	283,033 (83.8)	54,820 (16.2)
2006	238,969 (78.5)	65,488 (21.5)	14,617 (96.9)	472 (3.1)	233,508 (83.3)	46,908 (16.7)
2007	229,137 (79.2)	60,309 (20.8)	13,859 (96.4)	521 (3.6)	252,929 (83.3)	50,843 (16.7)
2008	263,315 (80.4)	64,357 (19.6)	19,278 (96.4)	719 (3.6)	333,341 (83.0)	68,218 (17.0)
2009	307,375 (79.6)	78,617 (20.4)	21,705 (96.2)	861 (3.8)	333,905 (83.4)	66,602 (16.6)
2010	265,426 (79.5)	68,375 (20.5)	21,891 (96.9)	708 (3.1)	288,613 (84.1)	54,634 (15.9)
2011	263,919 (79.3)	69,067 (20.7)	23,745 (95.7)	1,057 (4.3)	284,399 (84.4)	52,549 (15.6)
2012	325,065 (79.6)	83,539 (20.4)	25,904 (96.1)	1,062 (3.9)	313,669 (83.8)	60,613 (16.2)
2013	343,919 (80.0)	85,750 (20.0)	28,721 (96.5)	1,042 (3.5)	290,058 (84.3)	54,104 (15.7)
2014	321,496 (79.6)	82,235 (20.4)	28,747 (96.7)	968 (3.3)	278,475 (84.5)	51,139 (15.5)
Total	2,777,436 (79.3)	723,331 (20.7)	210,851 (96.4)	7,872 (3.6)	2,891,930 (83.8)	560,430 (16.2)

* Source : *Crime Analysis* (2004-2014), Supreme Prosecutor's Office.

In major criminal law offences, female rates were found highest in property crimes, followed by violent (assault inflicting bodily injury) crimes. On the other hand, the rates were lowest in violent (heinous) crimes remaining at around 3%. For the last 10 years, the female crime rates were generally declining in both property crimes and violent (assault inflicting bodily injury) crimes (see [Figure 1-1-6]).



B. Age

The following <Table 1-1-6> and [Figure 1-1-7] display the age distribution of the offenders arrested for property crimes for the last 10 years. First, if we look at the age of the offenders arrested in this category, persons in their 40s represented the highest percentage of 28.2%, followed by persons in their 30s with 21.8%, persons in their 50s with 16.7%, persons in their 20s (ages 19 to 30) with 16.3% and persons younger than 18 with 10.9%, in this order. Persons older than 61 comprised the lowest percentage of 6.1% in all age groups.

If we look at the composition ratio more closely by year, persons in their 40s, who constituted the highest percentage in property crimes, continuously decreased in the last 10 years, marking 30.5% in 2005, reached its lowest point of 25.8% in 2013 and then remained at almost the same level in 2014 (25.9%).

Composition ratio of offenders in their 30s, who constituted the second highest percentage among all age groups in property crimes, gradually decreased from 27.1% in 2005 to 18.4% in 2014, which was the lowest point in the last 10 years. On the other hand, composition

ratio of offenders in their 50s gradually increased from 12.0% in 2005 to 21.9% in 2014, almost doubled in the given time period. Meanwhile, composition ratio of offenders in their 20s (ages 19 to 30) fluctuated in a narrow-range during the given time period marking 17.2% in 2005 and a slight increase to 16.1% in 2014.

Composition ratio of juvenile offenders (ages 18 and under) increased gradually between 2005 and 2010, with 8.7% in 2005 and 12.9% in 2010, which was the highest point in the last 10 years; yet since then, it continued to decline, marking 9.0% in 2014. As for the seniors aged 61 and over, the ratio continuously increased from 4.5% in 2005 to 8.7% in 2014, which was the highest point in the given time period.

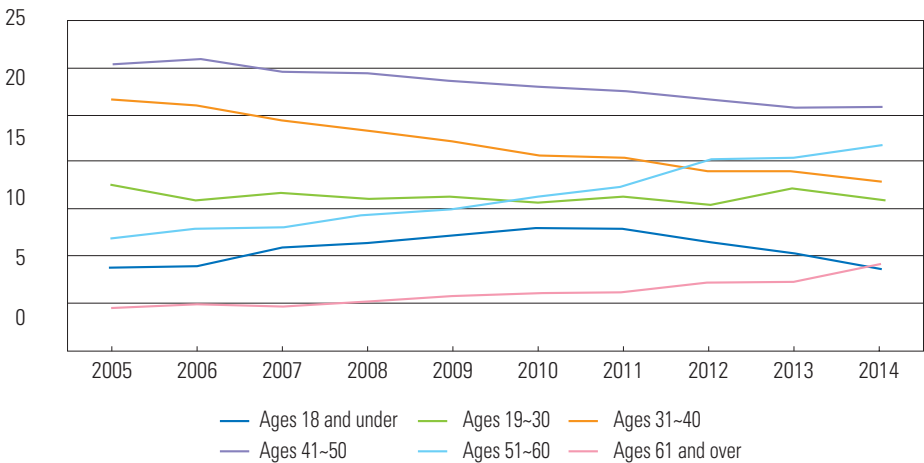
<Table 1-1-6> Age Distribution of Property Crime Offenders (2005~2014)

(Unit : person(%))

Year	Ages 18 and under	Ages 19-30	Ages 31-40	Ages 41-50	Ages 51-60	Ages 61 and over	Total
2005	24,743 (8.7)	49,107 (17.2)	77,115 (27.1)	86,931 (30.5)	34,272 (12.0)	12,849 (4.5)	285,017 (100.0)
2006	27,309 (8.9)	49,237 (16.1)	79,449 (26.0)	95,222 (31.2)	39,412 (12.9)	14,560 (4.8)	305,189 (100.0)
2007	31,708 (10.9)	49,196 (16.9)	71,805 (24.7)	86,415 (29.7)	38,011 (13.1)	13,471 (4.6)	290,606 (100.0)
2008	37,540 (11.4)	52,937 (16.1)	76,907 (23.3)	98,029 (29.7)	47,605 (14.4)	16,777 (5.1)	329,795 (100.0)
2009	48,249 (12.4)	63,298 (16.2)	86,224 (22.1)	112,108 (28.7)	58,981 (15.1)	21,428 (5.5)	390,288 (100.0)
2010	43,599 (12.9)	54,273 (16.1)	69,475 (20.6)	94,855 (28.1)	54,953 (16.3)	19,900 (5.9)	337,055 (100.0)
2011	42,851 (12.7)	54,811 (16.3)	68,511 (20.3)	92,666 (27.5)	57,312 (17.0)	20,564 (6.1)	336,715 (100.0)
2012	46,039 (11.4)	62,704 (15.6)	77,294 (19.2)	107,128 (26.6)	81,627 (20.2)	28,387 (7.0)	403,179 (100.0)
2013	43,698 (10.3)	71,819 (16.9)	81,606 (19.2)	109,350 (25.8)	86,049 (20.3)	31,452 (7.4)	423,974 (100.0)
2014	36,269 (9.0)	64,880 (16.1)	74,433 (18.4)	104,520 (25.9)	88,562 (21.9)	35,198 (8.7)	403,862 (100.0)
Total	382,005 (10.9)	572,262 (16.3)	762,819 (21.8)	987,224 (28.2)	586,784 (16.7)	214,586 (6.1)	3,505,680 (100.0)

* Source : *White Paper of Crime*, Institute of Justice, 2016.

[Figure 1-1-7] Trends in Composition Ratio of Property Crime Offenders by Age (2005~2014)



The following <Table 1-1-7> and [Figure 1-1-8] display the age distribution of offenders arrested for violent (heinous) crimes for the last 10 years. First, if we look at the age of offenders arrested in this category, persons in their 20s (ages 19 to 30) represented the highest percentage of all age groups marking 26.3%, followed by persons in their 30s with 23.1%, persons in their 40s with 21.3%, person aged 18 and under with 13.8% and then person in their 50s with 10.9%. The age group of 61 and over constituted the lowest percentage of 4.6% among all groups.

In detail, composition ratio of offenders in their 20s (ages 19 to 30), who constituted the highest percentage in violent (heinous) crimes, decreased from 26.2% in 2005 to 25.5% in 2007, but increased again since 2007 and marked 26.5% in 2014.

Composition ratio of offenders in their 30s, who constituted the second highest percentage among all age groups in this category, gradually decreased from 28.7% in 2005 to 20.7% in 2014, which was the lowest point in the last 10 years. Composition ratio of offenders in their 40s decreased from 23.1% in 2005 to its lowest point of 20.2% in 2012, yet increased slightly to 20.3% in 2013 and 21.0% in 2014.

Meanwhile, in the age groups of 50s and 61 and over the ratio shows an upward trend. In detail, composition ratio of offenders in their 50s was 7.5% in 2005 and increased gradually

until 2014 marking 14.4% then. Ages 61-and-over group also showed a gradual increase. The rate marked 3.1% in 2005 and gradually increased to 6.7% in 2014, almost doubling the rate within the given time period.

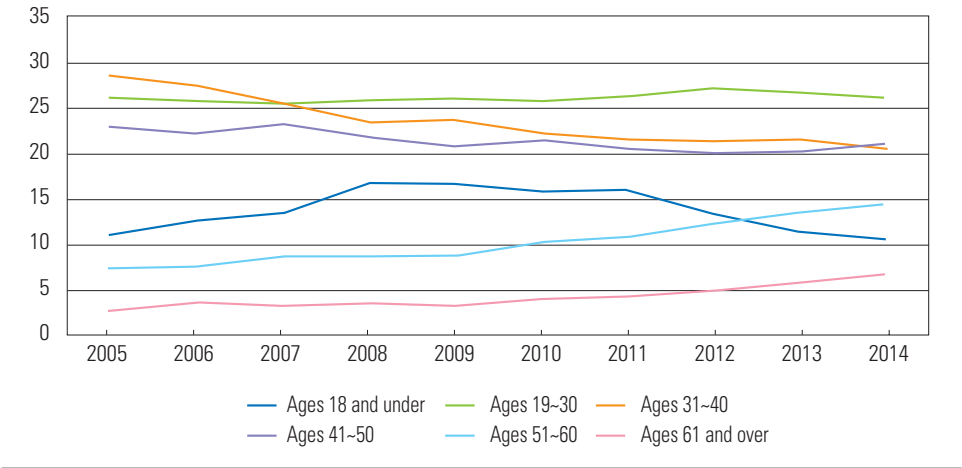
<Table 1-1-7> Age Distribution of Violent (Heinous) Crime Offenders(2005~2014)

(Unit : person(%))

Year	Ages 18 and under	Ages 19-30	Ages 31-40	Ages 41-50	Ages 51-60	Ages 61 and over	Total
2005	1,460 (11.3)	3,392 (26.2)	3,715 (28.7)	2,993 (23.1)	970 (7.5)	402 (3.1)	12,932 (100.0)
2006	1,920 (12.6)	3,947 (26.0)	4,205 (27.7)	3,388 (22.3)	1,191 (7.8)	551 (3.6)	15,202 (100.0)
2007	1,967 (13.5)	3,701 (25.5)	3,734 (25.7)	3,358 (23.1)	1,288 (8.9)	490 (3.4)	14,538 (100.0)
2008	3,316 (16.4)	5,186 (25.6)	4,772 (23.6)	4,429 (21.9)	1,771 (8.7)	778 (3.8)	20,252 (100.0)
2009	3,847 (16.7)	5,971 (25.9)	5,441 (23.6)	4,821 (20.9)	2,127 (9.2)	833 (3.6)	23,040 (100.0)
2010	3,665 (15.9)	5,970 (25.9)	5,215 (22.6)	4,947 (21.5)	2,327 (10.1)	935 (4.1)	23,059 (100.0)
2011	4,049 (15.9)	6,665 (26.2)	5,561 (21.9)	5,318 (20.9)	2,713 (10.7)	1,098 (4.3)	25,404 (100.0)
2012	3,609 (13.5)	7,282 (27.3)	5,720 (21.5)	5,378 (20.2)	3,316 (12.4)	1,339 (5.0)	26,644 (100.0)
2013	3,488 (11.8)	7,901 (26.8)	6,351 (21.6)	5,984 (20.3)	3,967 (13.5)	1,775 (6.0)	29,466 (100.0)
2014	3,158 (10.6)	7,875 (26.5)	6,151 (20.7)	6,230 (21.0)	4,288 (14.4)	1,993 (6.7)	29,695 (100.0)
Total	30,479 (13.8)	57,890 (26.3)	50,865 (23.1)	46,846 (21.3)	23,958 (10.9)	10,194 (4.6)	220,232 (100.0)

* Source : *White Paper of Crime*, Institute of Justice, 2016.

[Figure 1-1-8] Trends in Composition Ratio of Violent (Heinous) Crime Offenders by Age (2005~2014)



The age distribution of the offenders arrested for violent (assault inflicting bodily injury) crimes for the last 10 years are represented in the following <Table 1-1-8> and [Figure 1-1-9]. First, in the age of the offenders arrested in this type of crimes, the persons in their 40s (ages 41 to 50) represented the highest percentage of all age groups with 28.1%, followed by the 30s (ages 31 to 40) with 22.8%, 20s (ages 19 to 30) with 21.8%, 50s (ages 51 to 60) with 15.0% and the minors (ages 18 and under) with 7.2% in this order. The age group of 61 and over comprised the lowest percentage with 5.0%.

If we look at the age distribution more closely by year, composition ratio of the offenders in their 40s who constituted the highest percentage in this category of crimes increased between 2005 and 2006 with 29.6% and 30.3% respectively but since then gradually decreased, marking the lowest point of 25.5% in 2014.

Composition ratio of the offenders in their 30s, who constituted the second highest percentage among all age groups in this category, gradually decreased from 27.6% in 2005 to 20.0% in 2014, which was the lowest point in the last 10 years. Also decreased was composition ratio of the offenders in their 20s (ages 19 to 30) as it marked 24.2% in 2005 and 20.3% in 2014, its lowest point in the given time period.

Meanwhile, the age group of 50s and 61-and-over shows an upward trend. In particular, composition ratio of the offenders in their 50s was 9.7% in 2005 but gradually rose up to 20.9% by 2014, doubling the rate at the end of the given time period.

<Table 1-1-8> Age Distribution of Violent (Assault) Crime Offenders (2005~2014)

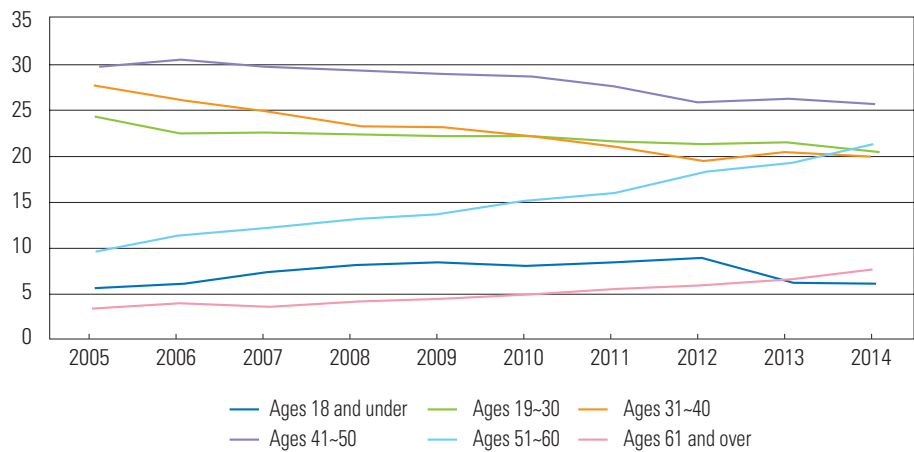
(Unit : person(%))

Year	Ages 18 and under	Ages 19-30	Ages 31-40	Ages 41-50	Ages 51-60	Ages 61 and over	Total
2005	18,532 (5.5)	82,098 (24.2)	93,524 (27.6)	100,467 (29.6)	32,831 (9.7)	11,394 (3.4)	338,846 (100.0)
2006	16,661 (5.9)	63,484 (22.6)	73,247 (26.0)	85,350 (30.3)	31,563 (11.2)	11,023 (3.9)	281,328 (100.0)
2007	21,675 (7.1)	68,075 (22.3)	75,970 (24.9)	91,036 (29.8)	36,993 (12.1)	11,668 (3.8)	305,417 (100.0)
2008	31,878 (7.9)	89,236 (22.0)	96,076 (23.7)	119,151 (29.4)	52,532 (13.0)	16,471 (4.1)	405,344 (100.0)
2009	32,423 (8.0)	89,712 (22.1)	93,798 (23.1)	116,468 (28.7)	55,854 (13.7)	18,038 (4.4)	406,293 (100.0)
2010	27,264 (7.8)	76,328 (21.9)	77,225 (22.1)	99,616 (28.5)	51,644 (14.8)	16,888 (4.8)	348,965 (100.0)
2011	28,193 (8.2)	73,619 (21.4)	73,434 (21.3)	95,636 (27.8)	55,469 (16.1)	18,227 (5.3)	344,578 (100.0)
2012	32,261 (8.7)	78,448 (21.1)	74,378 (20.0)	96,121 (25.9)	68,069 (18.3)	22,213 (6.0)	371,490 (100.0)
2013	21,840 (6.4)	70,835 (20.8)	70,049 (20.5)	89,180 (26.1)	66,890 (19.6)	22,400 (6.6)	341,194 (100.0)
2014	19,352 (5.9)	66,930 (20.3)	65,792 (20.0)	83,952 (25.5)	68,775 (20.9)	24,581 (7.5)	329,382 (100.0)
Total	250,079 (7.2)	758,765 (21.8)	793,493 (22.8)	976,977 (28.1)	520,620 (15.0)	172,903 (5.0)	3,472,837 (100.0)

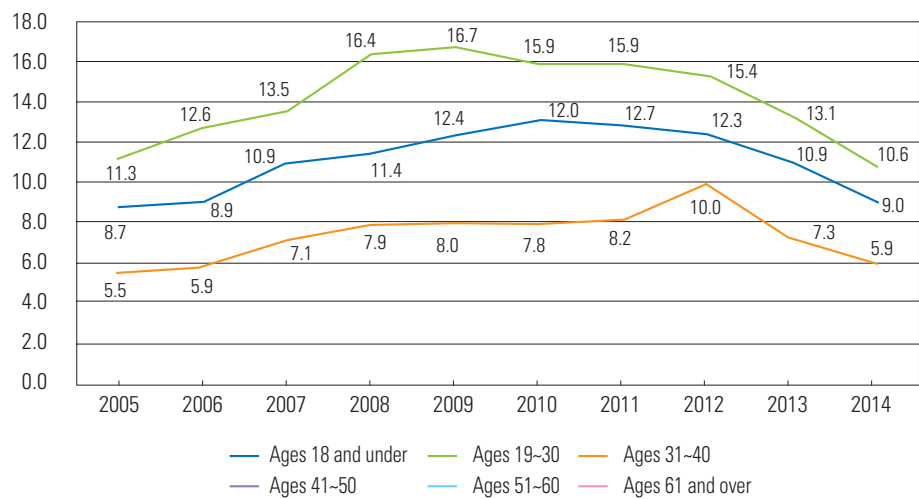
*Source : *White Paper of Crime*, Institute of Justice, 2016.

In all three types of crimes, that is, property crimes, violent (heinous) crimes and violent (assault inflicting bodily injury) crimes, evident was an increase in composition ratio of the offenders in their 50s and 61-and-over, whereas the ratio of the offenders in their 20s and 30s was in decline. It is suggested that increased criminal activity by senior citizens in their 50s and 60s, particularly in the major crimes, is due to the baby boomer effect, namely that the population in these age groups has a higher demographic proportion than the rest of the population.

[Figure 1-1-9] Trends in Composition Ratio of Violent (Assault) Crime Offenders by Age (2005~2014)



[Figure 1-1-10] Trends in Juvenile Offender’s Composition Ratio by Type of Crimes (2005~2014)



Lastly, we will look at the changing trends in the composition ratio of young offenders (ages under 19). [Figure 1-1-10] below shows that the rates of juvenile crimes is the highest in violent (heinous) crimes, followed by property crimes and then violent (assault inflicting bodily injury) crimes in this order. The reason that juvenile rates are higher in violent

(heinous) crimes is that robbery and sexual violence are included in this category of crimes. If we look at the trends in composition ratio of juvenile offenders by the types of crimes, the juvenile ratio in property crimes was found to be declining from 2010 and onwards, in violent (heinous) crimes from 2009 and onwards, and in violent (assault inflicting bodily injury) crimes from 2012 and onwards, respectively.

C. Previous Conviction

In the following, we will examine previous convictions and repeated offences committed by the criminal law offenders. Generally, the terms “previous conviction” and “repeated offence/crimes” are used interchangeably; however, the Criminal Analysis published by the Supreme ‘Office’ commission distinguishes the two words. According to the Criminal Analysis, previous conviction refers to the criminal event for which the court determined the guilt of the accused of the laid charge(s) and sentenced him/her to fines or more serious penalties if needed. Therefore, cases that are under investigation, pending, sentenced to detention, minor fine or probation, and cases that are stayed of indictment, stayed of arraignment and stayed of prosecution are all excluded from previous conviction.

On the other hand, repeated offence includes the criminal cases regarding which investigation was conducted, pending cases brought before a judge, cases that are sentenced to detention, minor fine or probation, cases that are stayed of either indictment or arraignment, and cases that are stayed of prosecution. Repeated offence is, therefore, a more comprehensive concept than previous conviction with regards to the criminal records of the offenders.

Of the total 6,478,669 criminal law offenders arrested for the last 10 years, ex-convicts accounted for 67.0%. In detail, the ratio of ex-convicts among the total offenders arrested for property crimes and violent (heinous) crimes was 65.5% and 63.7% respectively, moderately lower in proportion to the total criminal law offenders. The ratio of ex-convict among the total offenders arrested for violent (assault inflicting bodily injury) crimes, however, was 68.9%, higher than that of the total criminal law offenders.

Further, the ratio of crimes committed by ex-convicts tended to rise for over the last 10 years. The ratio, which was 64.2% in 2005, was steadily increasing and reached 70.7% in 2013, the highest point in the given time period. Although the ratio was 70.2% in 2014, a slight decrease compared to the previous year, it is still an increase compared to the base year. The ratio of ex-convicts in property crimes also was increasing, from 61.7% in 2005 to 69.2% in 2014. On the other hand, the ratio in violent (heinous) crimes was decreasing,

recording 64.8% in 2005 and 60.5% in 2014, the lowest point in the given time period. Lastly, the ratio in violent (assault inflicting bodily injury) crimes were increasing, from 67.8% in 2005 to 71.4% in 2013, the highest point in the given time period, although a moderate decrease was observed in 2014 as 71.1%.

To sum, in the last 10 years there appeared an upward trend in the ratio of crime commission by ex-convicts in property and violent (assault inflicting bodily injury) crimes, with the largest increase in property crimes. On the contrary, the ex-convict’ ratio in violent (heinous) crimes showed a downward trend.

<Table 1-1-9> Ratio of Ex-Convicts among Total Offenders in Major Crimes (2005~2014)
(Unit : person(%))

Previous Conviction Year	Criminal Law Offences (Total)		Property Crimes		Violent Crimes (Heinous)		Violent Crimes (Assault)	
	Total	by Ex-Convict	Total	by Ex-Convict	Total	by Ex-Convict	Total	by Ex-Convict
2005	639,710 (100.0)	410,919 (64.2)	225,778 (100.0)	139,245 (61.7)	11,791 (100.0)	7,645 (64.8)	303,572 (100.0)	205,805 (67.8)
2006	604,532 (100.0)	386,170 (63.9)	234,206 (100.0)	146,022 (62.3)	13,459 (100.0)	8,686 (64.5)	239,848 (100.0)	162,451 (67.7)
2007	588,570 (100.0)	384,916 (65.4)	218,658 (100.0)	138,406 (63.3)	12,595 (100.0)	8,051 (63.9)	250,326 (100.0)	170,377 (68.1)
2008	713,793 (100.0)	469,036 (65.7)	240,081 (100.0)	154,316 (64.3)	17,325 (100.0)	11,299 (65.2)	323,515 (100.0)	218,294 (67.5)
2009	770,321 (100.0)	505,290 (65.6)	277,973 (100.0)	177,058 (63.7)	19,250 (100.0)	12,541 (65.1)	317,003 (100.0)	216,538 (68.3)
2010	630,792 (100.0)	429,414 (68.1)	238,008 (100.0)	157,790 (66.3)	18,624 (100.0)	12,030 (64.6)	263,900 (100.0)	183,602 (69.6)
2011	606,170 (100.0)	413,506 (68.2)	230,687 (100.0)	152,507 (66.1)	20,688 (100.0)	13,380 (64.7)	249,188 (100.0)	173,802 (69.7)
2012	662,807 (100.0)	455,180 (68.7)	254,684 (100.0)	171,009 (67.1)	22,006 (100.0)	14,003 (63.6)	271,186 (100.0)	187,318 (69.1)
2013	640,692 (100.0)	452,728 (70.7)	260,809 (100.0)	182,162 (69.8)	25,463 (100.0)	15,829 (62.2)	243,142 (100.0)	173,551 (71.4)
2014	621,282 (100.0)	435,841 (70.2)	252,854 (100.0)	174,950 (69.2)	25,823 (100.0)	15,614 (60.5)	225,507 (100.0)	160,429 (71.1)
Total	6,478,669 (100.0)	4,343,000 (67.0)	2,433,738 (100.0)	1,593,465 (65.5)	187,824 (100.0)	119,078 (63.7)	2,687,187 (100.0)	1,852,167 (68.9)

* Source : White Paper of Crime, Institute of Justice, 2016.

In relation to the ratio of previous convicts among the criminal law offenders arrested for the last 10 years, the following <Table 1-1-10> and [Figure 1-1-11] describe the number of previous conviction of the ex-convicts.

As for the composition ratio per number of previous conviction, we found that offenders with one previous conviction accounted for 13.8%, offenders with two previous convictions accounted for 10.0%, offenders with three previous convictions accounted for 7.8%, offenders with four previous convictions accounted for 6%, offenders with 5 previous convictions accounted for 4.8%, and offenders with six or more previous convictions accounted 24.7%, which is the highest ratio in all.

While the composition ratio of the offenders with one to five previous convictions appears to be a moderate decline for the last 10 years, the ratio of the offenders with six or more previous convictions gradually increased marking 20.1% in 2005 but 28.7% in 2013 and 2014, which was the decade high point.

As for the criminal law offences, it is clear that not only the ratio of ex-convict in total criminal law offenders but also the ratio of habitual offenders with six or more previous convictions has been increasing.

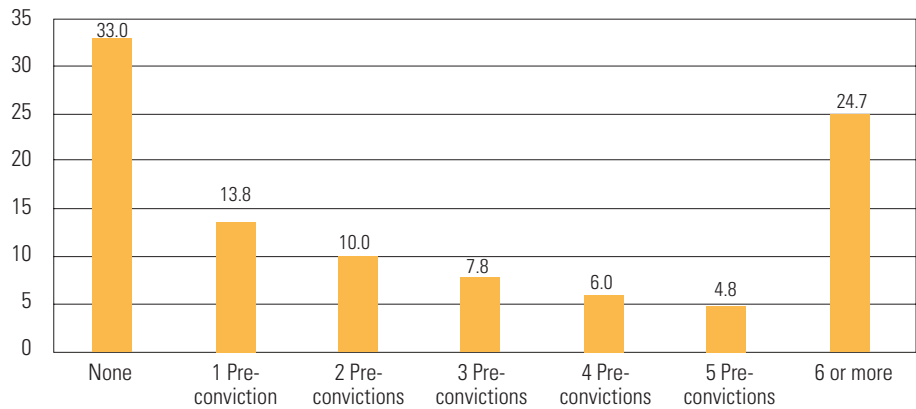
<Table 1-1-10> Criminal Law Offenders' Record and Number of Previous Conviction (2005~2014)
(Unit : person(%))

Year	Total	None	1 Previous Conviction	2 Previous Convictions	3 Previous Convictions	4 Previous Convictions	5 Previous Convictions	6 or more
2005	639,710 (100.0)	228,791 (35.8)	93,554 (14.6)	67,188 (10.5)	51,637 (8.1)	39,267 (6.1)	30,745 (4.8)	128,528 (20.1)
2006	604,532 (100.0)	218,362 (36.1)	83,222 (13.8)	61,300 (10.1)	47,650 (7.9)	36,740 (6.1)	29,214 (4.8)	128,044 (21.2)
2007	588,570 (100.0)	203,654 (34.6)	81,346 (13.8)	59,723 (10.1)	46,559 (7.9)	35,825 (6.1)	28,424 (4.8)	133,039 (22.6)
2008	713,793 (100.0)	244,757 (34.3)	97,692 (13.7)	70,949 (9.9)	56,177 (7.9)	43,026 (6.0)	34,103 (4.8)	167,089 (23.4)
2009	770,321 (100.0)	265,031 (34.4)	104,880 (13.6)	76,082 (9.9)	59,808 (7.8)	45,825 (5.9)	36,951 (4.8)	181,744 (23.6)
2010	630,792 (100.0)	201,378 (31.9)	86,634 (13.7)	63,323 (10.0)	49,691 (7.9)	37,780 (6.0)	30,661 (4.9)	161,325 (25.6)
2011	606,170 (100.0)	192,664 (31.8)	82,870 (13.7)	59,703 (9.8)	47,352 (7.8)	36,199 (6.0)	28,964 (4.8)	158,418 (26.1)

Year	Total	None	1 Previous Conviction	2 Previous Convictions	3 Previous Convictions	4 Previous Convictions	5 Previous Convictions	6 or more
2012	662,807 (100.0)	207,627 (31.3)	91,308 (13.8)	63,938 (9.6)	50,672 (7.6)	39,061 (5.9)	31,723 (4.8)	178,478 (26.9)
2013	640,692 (100.0)	187,964 (29.3)	86,345 (13.5)	63,293 (9.9)	49,160 (7.7)	38,192 (6.0)	31,776 (5.0)	183,962 (28.7)
2014	621,282 (100.0)	185,441 (29.8)	82,982 (13.4)	60,704 (9.8)	46,733 (7.5)	36,942 (5.9)	30,125 (4.8)	178,355 (28.7)
Total	6,478,669 (100.0)	2,135,669 (33.0)	890,833 (13.8)	646,203 (10.0)	505,439 (7.8)	388,857 (6.0)	312,686 (4.8)	1,598,982 (24.7)

* Source : *White Paper of Crime*, Institute of Justice, 2016.

[Figure 1-1-11] Distribution of Criminal Law Offenders' Previous Conviction (2005~2014 total)



The following <Table 1-1-11> displays the types of repeated crimes and the interval between the commission of each crime per type. First, of the last 10 years' ex-convicts 33% committed the same type of crime as the first crime and 67% committed a different type of crime than the first.

During the given time period, the percentage of the offenders who committed the same type of crime as the first one fluctuated in a narrow range with 36.1% in 2005, 33.2% in 2006, 33.1% in 2007, 32.8% in 2008, 32.2% in 2009, 34.0% in 2010, 34.3% in 2011, 32.6% in 2012, 31.6% in 2013, and 30.1% in 2014 and was overall in decline.

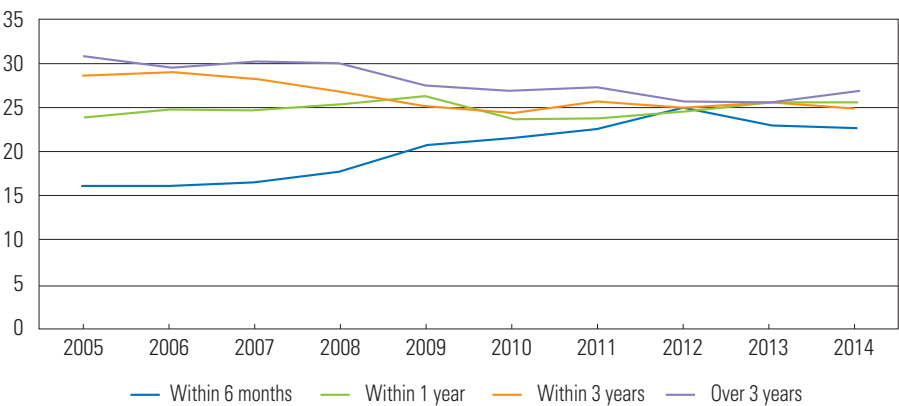
As for the time interval between the commissions of the same type of crime as the first crime, over three years accounted for the majority with 28.1% rate, followed by 1-3 years

(within three years) with 26.5%, 6 months- 1 year (within one year) with 24.9%, and then less than six months with 20.3%, in this order. As for the time interval between the commissions of a different type of crime than the first one, over three years accounted for the majority with 47.1% rate, followed by 1-3 years (within three years) with 25.5%, 6 months-1 year (within one year) with 17.0%, and less than six months with 10.3% in this order.

As for the repeated offenders in the same type of crime, the rate of recommission within 6 months appeared to be increasing in general with 16.2% in 2005, 16.2% in 2006, 16.7% in 2007, 17.8% in 2008, 20.6% in 2009, 22.4% in 2010, 22.6% in 2011, 25.0% in 2012, 23.0% in 2013, and 22.5 in 2014%. However, the rate of recommission within three years was decreasing during the given time period, from 28.8% in 2005 to 24.9% in 2014. The rate of recommission over three years was also decreasing steadily, although moderately, from 30.8% in 2005 to 26.7% in 2014.

Meanwhile, as for the repeated offenders in a different type of crime, the rate of recommission within six months was 9.8% in 2005, which continued to increase, recording 10.8% in 2013. Generally, the rate of recommission within six months is found to be increasing. On the contrary, the rate of recommission within one year was 18.7% in 2005 and appears to be in decline since then. The rate of recommission within three years was 27.7% in 2005 and tended to be in decline as well, recording 23.0% in 2014. Lastly, the rate of recommission over three years was 43.7% in 2005 and tended to increase since then, recording 50.8% in 2014.

[Figure 1-1-12] Annual Trends in Recommission of Same Type of Crime (2005~2014)



Overall, it has been found that the rate of the offenders who committed a different type of crime than the first crime is approximately twice as high as that of offenders who committed the same type of crime as the first crime, while the rate of the offenders who committed the same type of crime appears to decline recently. In addition, it has been found that the offenders who committed the same type of crime as the first crime are more likely to recommit within 6 months or 1 year than the offenders who committed a different type of crime.

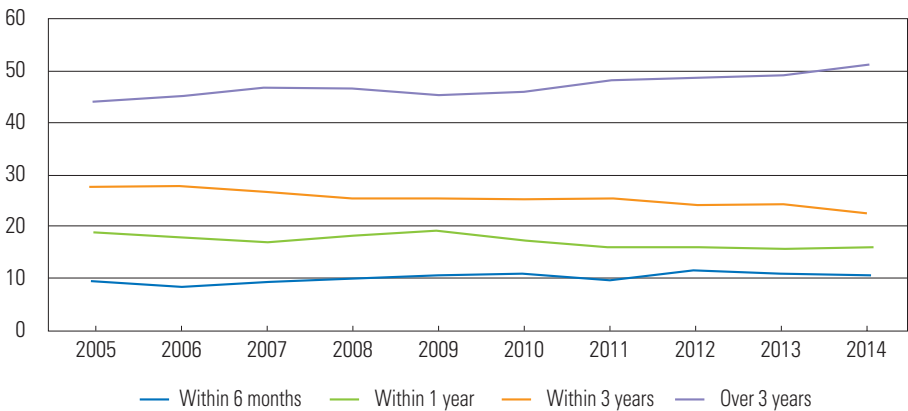
<Table 1-1-11> Types of Recommission of Crime and Time Interval per Type (2005~2014)

(Unit : person(%))

Year	Recommission in Same Type					Recommission in Different Type				
	Subtotal	Within 6 months	Within 1 year	Within 3 years	Over 3 years	Subtotal	Within 6 months	Within 1 year	Within 3 years	Over 3 years
2005	147,191 (100.0)	23,809 (16.2)	35,592 (24.2)	42,407 (28.8)	45,383 (30.8)	260,832 (100.0)	25,663 (9.8)	48,762 (18.7)	72,362 (27.7)	114,045 (43.7)
2006	127,445 (100.0)	20,673 (16.2)	31,673 (24.9)	37,060 (29.1)	38,039 (29.8)	256,186 (100.0)	22,319 (8.7)	45,329 (17.7)	72,215 (28.2)	116,323 (45.4)
2007	126,637 (100.0)	21,132 (16.7)	31,207 (24.6)	36,159 (28.6)	38,139 (30.1)	256,172 (100.0)	24,041 (9.4)	43,457 (17.0)	69,049 (27.0)	119,625 (46.7)
2008	153,337 (100.0)	27,335 (17.8)	38,917 (25.4)	40,979 (26.7)	46,106 (30.1)	313,762 (100.0)	31,835 (10.1)	55,574 (17.7)	80,379 (25.6)	145,974 (46.5)
2009	162,221 (100.0)	33,386 (20.6)	42,411 (26.1)	41,532 (25.6)	44,892 (27.7)	340,916 (100.0)	36,363 (10.7)	63,309 (18.6)	87,267 (25.6)	153,977 (45.2)
2010	141,515 (100.0)	31,667 (21.8)	35,138 (24.1)	35,542 (24.4)	39,168 (26.9)	275,053 (100.0)	30,455 (11.1)	48,264 (17.5)	69,688 (25.3)	126,646 (46.0)
2011	137,055 (100.0)	31,011 (22.6)	32,946 (24.0)	35,691 (26.0)	37,407 (27.3)	262,717 (100.0)	27,259 (10.4)	42,061 (16.0)	67,119 (25.5)	126,278 (48.1)
2012	151,753 (100.0)	37,872 (25.0)	37,015 (24.4)	37,806 (24.9)	39,060 (25.7)	314,202 (100.0)	36,274 (11.5)	49,052 (15.6)	76,214 (24.3)	152,662 (48.6)
2013	145,434 (100.0)	33,491 (23.0)	36,913 (25.4)	37,534 (25.8)	37,496 (25.8)	315,304 (100.0)	34,111 (10.8)	49,755 (15.8)	76,346 (24.2)	155,092 (49.2)
2014	132,003 (100.0)	29,738 (22.5)	33,742 (25.6)	33,326 (25.2)	35,197 (26.7)	306,404 (100.0)	31,159 (10.2)	49,054 (16.0)	70,543 (23.0)	155,648 (50.8)
Total	1,428,591 (100.0)	290,114 (20.3)	355,554 (24.9)	378,036 (26.5)	400,887 (28.1)	2,901,548 (100.0)	299,479 (10.3)	494,617 (17.0)	741,182 (25.5)	1,366,270 (47.1)

* Source : *White Paper of Crime*, Institute of Justice, 2016.

[Figure 1-1-13] Annual Trends in Interval of Recommission of Different Type of Crime (2005~2014)



2. Characteristics of Crime Victims

A. Sex

In the following, we will examine the characteristics of crime victims. Although crime victims are a crucial part of criminal process, since the crime statistics base table, a form which officially opens a case at the local law enforcement level by the frontier police officers, does not require victim-related information to be entered as mandatory, not all victims of crimes are reflected to the official crime statistics. Moreover, where there are multiple victims, the base table needs only one, the most representative entry for all the victims. Given that, the number of crime victims and information in the official crime statistics are not, in fact, accurate data. Nonetheless, the statistics about the crime victims in the official crime statistics offers an important insight to understand the general trends concerning the characteristics of crime victims, especially as it is the only statistical source which represents the features of the victims in socio-demographic aspects.

If we look at the distribution of the crime victims' sexes of the last 10 years (see <Table 1-1-12>), we can find that the male victims accounted for 65.7% and the female for 34.3%. As for the annual composition ratio between the two sexes, male ratio was 64.4% in 2005 and fluctuated continuously but just in a narrow range. Female ratio was 35.6% in 2005 and remained at a range of mid-30% onwards.

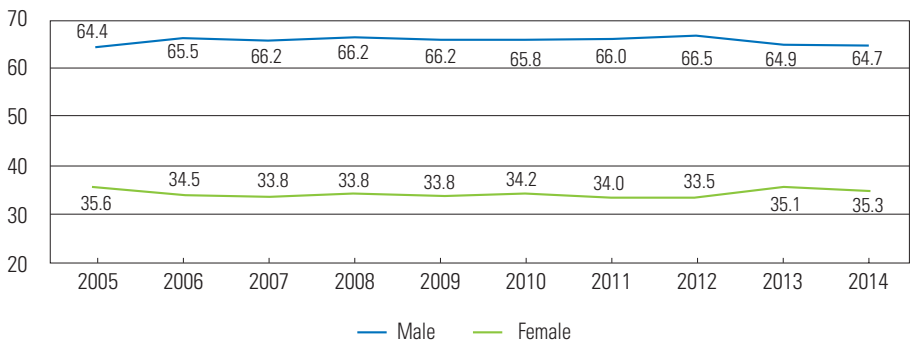
<Table 1-1-12> Distribution of Crime Victims' Sexes (2005~2014)

(Unit : person(%))

Year	Total	Male	Female
2005	621,879(100.0)	400,526(64.4)	221,353(35.6)
2006	691,581(100.0)	453,266(65.5)	238,315(34.5)
2007	753,002(100.0)	498,511(66.2)	254,491(33.8)
2008	797,289(100.0)	527,583(66.2)	269,706(33.8)
2009	860,782(100.0)	569,771(66.2)	291,011(33.8)
2010	763,841(100.0)	502,794(65.8)	261,047(34.2)
2011	673,700(100.0)	444,559(66.0)	229,141(34.0)
2012	961,295(100.0)	638,970(66.5)	322,325(33.5)
2013	939,780(100.0)	610,129(64.9)	329,651(35.1)
2014	905,094(100.0)	585,547(64.7)	319,547(35.3)
Total	7,968,243(100.0)	5,231,656(65.7)	2,736,587(34.3)

* Source : *White Paper of Crime*, Institute of Justice, 2016.

[Figure 1-1-14] Annual Trends in the Distribution of Crime Victims' Sexes (2005~2014)



B. Age

The following <Table 1-1-13> and [Figure 1-1-15] display the distribution of crime victims' ages. First, persons in their 40s had the highest percentage of all age groups, followed by the 30s with 22.4%, the 50s with 18.4%, the 20s with 16.0% and then 60 or over age group with 8.5%. Young victims aged 15 or older to less than 19 accounted for 4.8%, and child victims of less than 15 years of age accounted for 1.8%. That the age groups of 30s and 40s formed the majority is common in both criminal offenders and crime victims.

If we look at the age distribution of crime victims more closely by year (see <Table 1-1-13> and [Figure 1-1-15]), composition ratio of child victims of less than 15 years of age increased in a small scale from 0.9% in 2005 to 2.0% in 2014. However, composition ratio of age group between 15 and 20 increased by more than twice from 3.1% in 2005 to 6.4% in 2014, doubling the rate during the given time period.

The annual composition ratio of victims in their 20s was 16.8% in 2005 and continued to decrease until 2008 when the ratio reached with 15.3%, the lowest point in the given time period, although it turned up again to recover the level as in 2005 by 2014. In the meantime, victims in their 30s continuously decreased from 26.6% in 2005 to 20.0% in 2014, with 20.0% being the lowest point in the given time period. Composition ratio of victims in their 40s also decreased continuously during this period, from 31.2% in 2005 to 24.1% in 2014, with 24.1% being the lowest point in the given time period.

The annual composition ratio of victims in their 50s was 14.2% in 2005, continued to increase and record 21.1%, its highest point, in 2014. The ratio of ages 61 and over increased gradually between 2005 and 2014 with 7.2% in 2005 and 9.9% in 2014.

In sum, the last 10 years' trend in crime victims is that in general victims in their 30s and 40s held over a majority of total crime victims of the last 10 years, and the percentage of victims in their 20s, 30s and 40s in total crime victims was decreasing, in contrast to young victims aged 13 to less than 20 and the victims in their 50s and 60s, both of which percentages represent an upward trend during this time period.

<Table 1-1-13> Annual Trends in the Distribution of Crime Victims' Ages (2005~2014)

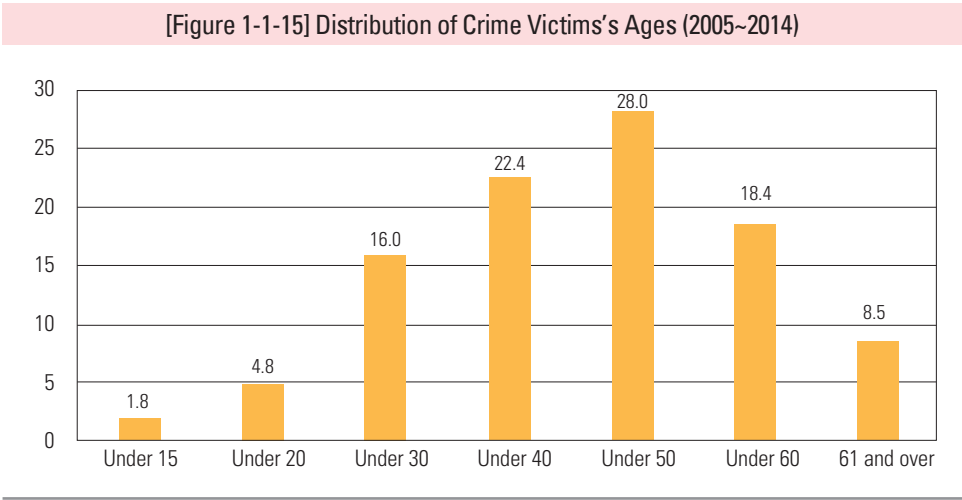
(Unit : person(%))

Year	Total	Under 15	Ages 15-20	Ages 21-30	Ages 31-40	Ages 41-50	Ages 51-60	61 and over
2005	621,879 (100.0)	5,813 (0.9)	19,160 (3.1)	104,705 (16.8)	165,309 (26.6)	194,009 (31.2)	88,155 (14.2)	44,728 (7.2)
2006	691,581 (100.0)	8,380 (1.2)	22,725 (3.3)	110,772 (16.0)	175,911 (25.4)	215,995 (31.2)	106,739 (15.4)	51,059 (7.4)
2007	753,002 (100.0)	11,000 (1.5)	27,071 (3.6)	118,886 (15.8)	183,400 (24.4)	234,168 (31.1)	122,657 (16.3)	55,820 (7.4)
2008	797,289 (100.0)	13,285 (1.7)	30,303 (3.8)	121,853 (15.3)	185,201 (23.2)	240,944 (30.2)	140,188 (17.6)	65,515 (8.2)
2009	860,782 (100.0)	13,979 (1.6)	37,554 (4.4)	133,167 (15.5)	194,032 (22.5)	255,422 (29.7)	156,067 (18.1)	70,561 (8.2)

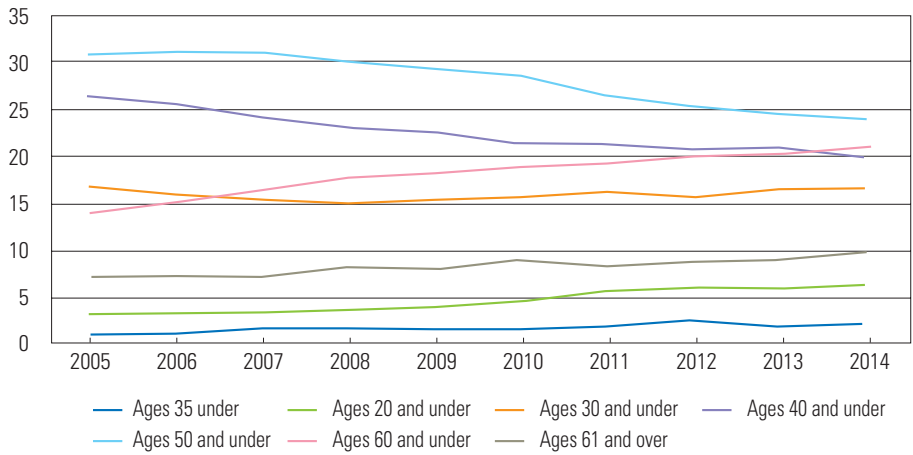
Year	Total	Under 15	Ages 15-20	Ages 21-30	Ages 31-40	Ages 41-50	Ages 51-60	61 and over
2010	763,841 (100.0)	13,881 (1.8)	35,801 (4.7)	118,920 (15.6)	165,140 (21.6)	215,961 (28.3)	145,903 (19.1)	68,235 (8.9)
2011	673,700 (100.0)	14,654 (2.2)	38,444 (5.7)	109,118 (16.2)	142,731 (21.2)	179,782 (26.7)	130,826 (19.4)	58,145 (8.6)
2012	961,295 (100.0)	25,630 (2.7)	59,568 (6.2)	153,338 (16.0)	198,143 (20.6)	245,573 (25.5)	194,824 (20.3)	84,219 (8.8)
2013	940,419 (100.0)	20,045 (2.1)	57,077 (6.1)	156,641 (16.7)	196,519 (20.9)	231,072 (24.6)	192,111 (20.4)	86,954 (9.2)
2014	905,094 (100.0)	17,888 (2.0)	57,735 (6.4)	149,395 (16.5)	181,265 (20.0)	218,036 (24.1)	190,749 (21.1)	90,026 (9.9)
Total	7,968,882 (100.0)	144,555 (1.8)	385,438 (4.8)	1,276,795 (16.0)	1,787,651 (22.4)	2,230,962 (28.0)	1,468,219 (18.4)	675,262 (8.5)

* Source : *White Paper of Crime*, Institute of Justice, 2016.

[Figure 1-1-15] Distribution of Crime Victims's Ages (2005~2014)



[Figure 1-1-16] Annual Trends in Distribution in Crime Victims' Ages (2005~2014)



Section 3

Conclusion

A total of 1,933,835 crime cases, that is 3,767.6 cases per a population of 100,000, were known to the criminal justice system in 2014. The number and rate of total crimes increased between 2005 and 2008, with the highest point being reached in 2008, but decreased since then. If we divide the total crimes into criminal law offences and special law offences for detailed review, the criminal law offences showed a continuous upward trend throughout the last 10 years with total 1,016,209 cases recorded in the system in 2014, while the special criminal law offences was overall in decline.

As for the arrest rates, while the criminal law offences' arrest rate was slightly lower than the rate of total crimes, the overall rates were decreasing in both total crimes and criminal law offences, with the margin of decline being far greater in the latter than the former. Of the total offenders arrested and charged by law enforcement for the last 10 years, 45.9% were indicted at the prosecutor's office, 52.5% were not indicted, and 1.5% were transferred to juvenile or family protection courts. The indictment rate during the given time period appears to have been decreasing in general, while the non-indictment rate was steadily

increasing except in 2007.

In 2014, 82.4% of the total criminal law offenders (violent crimes, both heinous and assault, and property crimes) were male and 17.6% were female. No significant change was observed in the distribution of crime offenders' sexes for the last 10 years. In all three major crime types, that is, property crimes, violent (heinous) crimes and violent (assault inflicting bodily injury) crimes, the composition ratio of offenders in their 50s and 61 and over showed a clear upward trend, but the ratio of offenders in their 30s appeared to be a downward trend. Of the three types of crimes, the highest ratio of juveniles under the age of 19 was found in violent (heinous) crimes. The ratio of juvenile delinquents in all criminal offenders represented a gradual upward trend between 2005 and 2009 but after then it started to decline in all three types of crimes, particularly from 2010 in terms of property crimes, from 2009 in violent (heinous) crimes, and from 2012 in violent (assault inflicting bodily injury).

As for the previous convictions of criminal law offender during this time, only 29.8% were first offender and the remaining 70.2% were repeat offender or ex-convict. For the last 10 years, the ratio of first offenders was generally decreasing, while that of repeat offenders, especially the offenders with six or more previous convictions, was the opposite. Of the repeat offenders during this time period, the ratio of the those who committed a different type of crime than his/her first crime was twice as high as those who committed the same type of crimes as his/her first crime. It appears that the ratio of the offenders who committed the same type of crime as the first tended to decrease steadily, and that the time interval between the commissions of crimes was shorter in case of the repeat offenders of a different type of crime.

As for the sexes of the crime victims, 64.7% of the total crime victims reported in 2014 were male, which indicates that males are more likely to become a victim of crime than females. No noticeable changes has been observed in the distribution of victims' sexes. By age, persons in their 30s to 50s had a higher percentage as the 40s was 24.1%, the 30s was 20.0%, and the 50s was 21.1% respectively. It appears that the ratio of the victims under the age of minority, as well as the victims age 50 or over has increased.

Chapter 2

Trends and Characteristics of Major Index Crimes

Hwang, Ji Tae

Chapter 2

Trends and Characteristics of Major Index Crimes

Index crime refers to the most representative types of crimes of all criminal events occurring in a society. Although the public consensus regarding which types constitute the index crime varies depending on the society or the country in question, a serious crime such as homicide and more common crimes such as larceny are generally agreed as index crime. In other words, despite the non-existence of fixed standard for what should be included in index crime, socially significant crimes which enable observers to assess the crime level of the society by and large are often listed in the index. Homicide, robbery, arson, larceny, sexual violence, and assault inflicting bodily injury·violence are the six major index crimes we are going to discuss in this chapter. The list is the same as last year.

It should be the best if the term ‘occurrence trend of crime’ indicated the trend of actual occurrence of crime. Unfortunately, no one can be sure of the actual trend of crimes. The term ‘occurrence’, commonly used in various annual reports on crime statistics in Korea, such as the Crime Statistics by the Korean National Police Agency and the Crime Analysis by the Supreme Prosecutor’s Office, represents simply the trend of criminal incidents reported to law enforcement. The term ‘occurrence’ in this chapter, too, is being conventionally used as in the crime statistics reports, and does not represent all the crimes that occur in reality.

This chapter follows the data citation and the review structure used in the last year’s report, and attempts to simplify the contents. The reference sources are limited to the Crime Statistics by the Korean National Police Agency and the Crime Analysis by the Supreme Prosecutor’s Office, both of which carry more specific statistics of crime occurrence and have the same form of data collection. The Crime Analysis is, in fact, comprised of more than 95% of the police statistics included in the Crime Statistics, with additional materials from the prosecutor’s offices. Discrepancy in these two sources is relatively lower for the major index crimes discussed in this chapter.

<Table 1-2-1> below presents the summary of the supporting materials which will be used to capture the occurrence trends and characteristics of the major index crimes.

<Table 1-2-1> Last 10 Years' Total Crimes, Criminal Law Offences, Estimated Population

Year	Total Crimes		Criminal Law Offences		Estimated Mid-Year Population (as of December 2011)
	Number	Crime Rate*	Number	Crime Rate*	
2005	1,893,896	3,934	825,840	1,716	48,138,077
2006	1,829,211	3,782	828,021	1,712	48,371,946
2007	1,965,977	4,045	845,311	1,739	48,597,652
2008	2,189,452	4,473	897,536	1,834	48,948,698
2009	2,168,185	4,408	993,136	2,019	49,182,038
2010	1,917,300	3,880	939,171	1,901	49,410,366
2011	1,902,720	3,822	997,263	2,003	49,779,440
2012	1,944,906	3,889	1,038,609	2,077	50,004,441
2013	2,006,682	3,996	1,057,855	2,106	50,219,669
2014	1,933,835	3,835	1,016,209	2,015	50,423,955

* Crime rate: Number of crimes reported per 100,000 population (Calculation formula: Number of crimes reported to have occurred ÷ Estimated mid-year population×100,000)

※ Source: *Crime Analysis*, Supreme Prosecutor's Office, 2005-2014, reorganized from the Statistics Korea webpage.

※ Note : The crime rates in this table are slightly different than the rates presented in *Crime Analysis* as the former is calculated based on the most recent statistics of the mid-year population provided by the Statistics Korea.

The total crimes and the criminal law offences in this table are used to calculate the composition ratio of each six major index crimes among the total and criminal law offences. The estimated mid-year population is used to calculate the number of crimes reported per a population of 100,000, or the crime rate.

Section 1

Homicide

The official crime statistics in Korea includes murder, infanticide, killing of ascendant, murder upon request or with consent, aiding and abetting suicide, killing by fraudulent means or by threat of force in the scope of homicide in the scope of homicide. Even attempt, preparation and conspiracies of murder are included in this scope. On the other hand, excluded from the homicide category are manslaughter, namely death by negligence or by inflicted bodily injury, which is separated from the category of homicide, murder

by robbery, which is categorized under robbery, and murder by rape, which is categorized under rape.

First, the following <Table 1-2-2> displays the trends of homicide that occurred for the last 10 years provided by the Crime Analysis of the Supreme Prosecutor's Office.

<Table 1-2-2> Number and Rate of Homicide by Year (2005-2014) (Supreme Prosecutor's Office data)

Year	Homicide		Ratio of Homicide in Total Crimes	
	Number	Crime Rate*	Ratio in Total Crimes	Ratio to Criminal Law Offences
2005	1,091	2.3	0.058%	0.132%
2006	1,064	2.2	0.058%	0.128%
2007	1,124	2.3	0.057%	0.133%
2008	1,120	2.3	0.051%	0.125%
2009	1,390	2.8	0.064%	0.140%
2010	1,262	2.6	0.066%	0.134%
2011	1,221	2.5	0.064%	0.121%
2012	1,029	2.0	0.053%	0.099%
2013	966	1.9	0.048%	0.091%
2014	938	1.9	0.049%	0.092%

* Crime rate: Number of crimes reported per 100,000 population

※ Source: *Crime Analysis*, Supreme Prosecutor's Office, 2005-2014. Reorganized.

※ Note : The crime rates in this table are slightly different than the rates in the *Crime Analysis* as the former is calculated based on the most recent statistics of the mid-year population provided by the Statistics Korea.

The number and rate (that is, the number of crimes reported per 100,000 population) of crimes in homicides presented by the Supreme Prosecutor's Office in its *Crime Analysis* were 1,091 and 2.3 respectively in 2005 and remained at a similar level until 2009, when a relatively sharp increase was made with 1,390 and 2.8 for the number and rate respectively. For the last five years since then, the number and rate of homicides appeared to decrease steadily each year with 1,262 and 2.6 in 2010, 1,221 and 2.5 in 2011, 1,029 and 2.0 in 2012, 966 and 1.9 (1.92) in 2013, and 938 and 1.9 (1.86) in 2014. The 2014 figure was the decade low point of the given time period.

The following <Table 1-2-3> displays the annual trends in the number of homicides, both

consummated and attempted (aiding and abetting included), presented by the National Police Agency in the Crime Analysis. For your reference, this is the outcome of collaboration between the National Police Agency and the KIC (2011~2013) correcting the errors in the statistical data concerning consummated/attempted homicides dated back to 2007⁹⁾. The table below shows that the ratio of the consummated and attempted homicides was relatively stable year to year throughout the given period, at approximately four to six ratio.

<Table 1-2-3> Annual Trends in the Number of Consummated/Attempted Homicides (2007-2014) (National Police Agency data)

Year	Total Homicides	Consummated			Attempted etc.		
	Number*	Number	Rates	Crime Rate	Number	Rates	Crime Rate
2007	1,113	446	40.1%	0.92	623	56.0%	1.28
2008	1,111	443	39.9%	0.91	668	60.1%	1.36
2009	1,374	494	36.0%	1.00	880	64.0%	1.79
2010	1,252	453	36.2%	0.92	799	63.8%	1.62
2011	1,204	427	35.5%	0.86	777	64.5%	1.56
2012	995	411	41.3%	0.82	584	58.7%	1.17
2013	929	342	36.8%	0.68	587	63.2%	1.17
2014	913	372	40.7%	0.74	541	59.3%	1.07

* Since there are cases investigated by the prosecutor’s office directly without going through the police investigation, it is not unusual that the figures in police data are smaller than the ones in the prosecutor’s data (see <Table 1-2-2>).

※ Source: *Crime Statistics* 2011-2014: “Trends in Major Index Crimes”, National Police Agency, 2011-2014. Reorganized.

The number of consummated homicides in 2007 was 446 (number of crimes reported per a population of 100,000, or crime rate being (0.92), 443 in 2008 (0.91), 494 in 2009 (1.00), 453 in 2010 (0.92), 427 in 2011 (0.86), 411 in 2012 (0.82), and 342 in 2013 (0.68). After 2009, it continued to decrease but slightly increased to 372 (0.74) in 2014.

9) The total number of homicides provided by the police data is slightly smaller than the one presented in the *Crime Analysis* but the two are very much alike, overall. This can be understood as a phenomenon caused by the fact that the police statistics do not cover the cases invested by the prosecutor’s offices directly.

To understand the characteristics of homicide, <Table 1-2-4> adopted the homicide classification table presented in the police statistics (the Crime Statistics) of 2014¹⁰⁾.

<Table 1-2-4> Summary of Homicide Characteristics 2014 (National Police Agency data)

Classification of Homicide	Number	Arrests	Arrest Rate	Number of Arrests by Sex			
				Subtotal	Male	Female	Unknown
Consummated							
Murder	306	299	97.7	371	296	68	7
Infanticide	11	11	100.0	12	-	12	-
Killing ascendants	36	36	100.0	50	34	16	-
Murder upon request · with consent	3	3	100.0	5	2	2	1
Aiding and Abetting Suicide	16	15	93.8	21	12	7	2
Murder upon request or with consent through fraudulent means or threat of force	-	-	-	-	-	-	-
	372	364	97.8	459	344	105	10

10) For reference, the table for homicide characteristics in 2013 is as follows.

<Chart for Comparison> Summary of Homicide Characteristics 2013 (National Police Agency data)

Classification of Homicide	Number	Arrests	Arrest Rate	Number of Arrest by Sex			
				Subtotal	Male	Female	Unknown
Consummated							
Murder	299	289	96.7	329	267	61	1
Infanticide	6	6	100.0	6	-	6	-
Killing ascendants	28	28	100.0	37	30	7	-
Murder upon request · with consent	-	-	-	-	-	-	-
Aiding and Abetting Suicide	7	9	128.6	10	9	1	-
Murder upon request or with consent through fraudulent means or threat of force	2	2	100.0	3	1	2	-
Subtotal	342	334	97.7	385	307	77	1
Attempted etc.							
Murder	559	552	98.7	611	549	54	8
Infanticide	1	1	100.0	1	-	1	-
Killing ascendants	21	21	100.0	19	16	3	-
Murder upon request · with consent	-	-	-	-	-	-	-
Aiding and Abetting Suicide	6	5	83.3	8	4	3	1
Murder upon request or with consent through fraudulent means or threat of force	-	-	-	-	-	-	-
Subtotal	587	579	98.6	639	569	61	9

※ Source: *Crime Statistics*, National Police Agency, 2014.

Classification of Homicide	Number	Arrests	Arrest Rate	Number of Arrests by Sex			
				Subtotal	Male	Female	Unknown
Attempted etc.							
Murder	515	512	99.4	558	498	57	3
Infanticide	-	-	-	-	-	-	-
Killing ascendants	24	23	95.8	23	18	4	1
Murder upon request · with consent	-	-	-	-	-	-	-
Aiding and Abetting Suicide	2	2	100.0	4	2	2	-
Murder upon request or with consent through fraudulent means or threat of force	-	-	-	-	-	-	-
Subtotal	541	537	99.3	585	518	63	4

* Source: *Crime Statistics*, National Police Agency, 2014.

The above table shows that infanticide (Article 251 of the Criminal Act), killing ascendant (Article 230, Paragraph 2 of the Act), and murder upon request or with consent (Article 252 of the Act) takes a relatively small proportion, while murder prescribed in Article 250, Paragraph 1 of the Act holds the majority of homicides cases. The number of murder cases are 821 (306 consummated and 515 attempted), which accounts for 89.9% (92.6% in 2013) of the total homicides (913 cases, with 372 consummated and 541 attempted) Killing ascendant (60 cases, with 36 consummated and 24 attempted) accounted for 6.6% (5.3% in 2013), aiding and abetting suicide (18 cases, with 16 consummated and 2 attempted) accounted for 1.9% (1.4% in 2013), infanticide (11 cases with all 11 consummated) accounted for 1.2% (0.8% in 2013), and murder upon request or with consent (three cases, all consummated) accounted for 0.3%.

As for the sex of the homicide offenders arrested by law enforcement, of total 1,044 offenders (459 consummated, 585 attempted) males were 862 (82.6%, and 85.5% in 2013), females were 168 (16.1%, 13.5% in 2013), unknown were 14 cases (1.3%, 1.0% in 2013). Compared to the consummated homicides in which female offenders accounted for 22.9% (105 of 459 were female offenders, that is 20% in 2013), female offenders in attempted homicides accounted for 10.8% (63 of 585 were female offenders, that is 9.5% in 2013) resulting in a considerable differences between two sexes in terms of consummated and attempted homicides. This indicates that in case of female homicide offenders, unless the

victim actually dies, the offender is less likely to be prosecuted for the crime than the male counterpart is.

Section 2

Arson

The act of arson listed in the Crime Analysis by the Supreme Prosecutor’s Office and in the Crime Statistics by the National Police Agency includes setting fire to a present dwelling structure, to any structure either public or others, and to general goods, spread of fire, and obstruction of fire fighting. Attempts, preparation and conspiracies of each act are also included in the act of arson. <Table 1-2-5> displays the official statistics of arson reported during the last 10 years, accompanied by the statistics of fire caused by negligence for reference.

First, if we look at the number of crimes of arson per 100,000 population (crime rate), it appears to have stayed at a similar level almost every year with no any significant change during the given time period, just as homicides. The recent trend in numbers is downwards again recording the crime rate of arson 4.0 in 2011, 3.8 in 2012, 3.5 in 2013, and 3.4 in 2014. The figure in 2014 was the lowest point in the given decade.

In addition, fire caused by negligence also has shown a steady downward trend since 2011, after it reached the peak in that year (5.4 crime rate). In detail, the crime rate of 2012, 2013, and 2014 was 4.8, 4.5 and 4.1 respectively. Although it was not the lowest in the given decade, the rate recorded in 2014 was the lowest point since 2011. In sum, both arson and fire by negligence have been in decline since 2011.

<Table 1-2-5> Annual Number and Rate of Arson (Supreme Prosecutor’s Office data)

Year	Arson		Ratio to Total Crimes		Ref. Statistics 1 Fire by Negligence		Ref. Statistics 2 Arson+Fire by Negligence	
	Number	Crime Rate*	To Total Crimes	To Criminal Law Offences	Number	Crime Rate*	Number	Crime Rate*
2005	1,827	3.8	0.096%	0.221%	2,500	5.2	4,327	9.0
2006	1,685	3.5	0.092%	0.203%	2,163	4.5	3,848	8.0

Year	Arson		Ratio to Total Crimes		Ref. Statistics 1 Fire by Negligence		Ref. Statistics 2 Arson+Fire by Negligence	
	Number	Crime Rate*	To Total Crimes	To Criminal Law Offences	Number	Crime Rate*	Number	Crime Rate*
2007	1,694	3.5	0.086%	0.200%	1,908	3.9	3,602	7.4
2008	1,946	4.0	0.089%	0.217%	1,902	3.9	3,848	7.9
2009	1,866	3.8	0.086%	0.188%	1,889	3.8	3,755	7.6
2010	1,886	3.8	0.098%	0.201%	2,072	4.2	3,958	8.0
2011	1,972	4.0	0.104%	0.198%	2,696	5.4	4,668	9.4
2012	1,897	3.8	0.098%	0.183%	2,437	4.8	4,334	8.7
2013	1,744	3.5	0.087%	0.165%	2,266	4.5	4,010	8.0
2014	1,707	3.4	0.088%	0.168%	2,070	4.1	3,777	7.5

* Crime rate: Number of crimes reported per 100,000 population (recalculated using the estimated population released 2015).

※ Source: *Crime Analysis*, Supreme Prosecutor’s Office, 2005-2014 each volume. Reorganized.

※ Note : The crime rate of the above table was calculation based on the most recent demographic data released by the Statistics Korea. It can be, therefore, slightly different than the one presented in the *Crime Analysis*.

The following <Table 1-2-6> deals with the annual changes in the number of victims who suffered bodily harm by crime of arson (number of the injured and the dead) for the last 10 years. The number of victims with bodily harm was 160 in 2005 and 222 in 2006, diminished sharply from 2007 to 2011, increased again in 2012 onwards (recording 42, the lowest point, in 2011, 86 in 2012, and 131 in 2013) and then diminished suddenly to 60 in 2014 by a large margin.

The reliability of the arson statistics is somewhat questionable because the data discussed here are not what is regarded as mandatory entry to the system¹¹⁾ and therefore the results, if not all but some of them certainly, may be the outcome of inconsistent entry. The statistics on robbery, which we will discuss in the following section, is also open to question due to the same reason.

11) The frontline police officers are responsible for entering the relevant information of a crime into the crime statistics base table. Since this task often overburdens them, some items have been made optional.

<Table 1-2-6> Number of Injuries and Deaths of Arson Victims (Supreme Prosecutor's Office data)

Year	A Number of Arson	Bodily Harm caused by Arson (person)			Ratio of Bodily Harm (B+C)/A×100
		B Injuries	C Deaths	B+C Subtotal	
2005	1,827	160	46	206	11.3%
2006	1,685	222	67	289	17.2%
2007	1,694	160	30	190	11.2%
2008	1,946	74	27	101	5.2%
2009	1,866	48	21	69	3.7%
2010	1,886	48	11	59	3.1%
2011	1,972	14	28	42	2.1%
2012	1,897	79	7	86	4.5%
2013	1,744	106	25	131	7.5%
2014	1,707	46	14	60	3.5%

* Source: *Crime Analysis*, Supreme Prosecutor's Office, 2005-2014 each volume. ("Bodily Harm"). Reorganized.

Nevertheless, even with the challenges existing in the relevant statistics, it is still very much likely that the number of arson victims who suffered the bodily harm decreased.

Section 3

Robbery

The act of robbery recognized by various official crime statistics in Korea includes robbery, special robbery, quasi-robbery, robbery by hostage, bodily injury or death resulting from robbery, robbery and rape, and piracy prescribed under the Criminal Act. Attempts, preparations and conspiracies under each of these are also included in the category of robbery. In addition, the types of robbery prescribed in the Act on the Aggravated Punishment, Etc. of Specific Crimes are discussed under this category, occasionally¹²⁾.

12) In the official crime statistics of Korea, 'robbery and rape' under the Criminal Act is categorized as robbery, while 'robbery and rape' under some of the special criminal laws is categorized as sexual violence (rape and indecent act by compulsion). For example, special robbery prescribed in the Act on the Punishment of Sexual Crimes and Protection of Victims Thereof is categorized not as robbery but as rape and indecent act by compulsion. From a common-sense point of view, robbery

The following <Table 1-2-7> displays the number and crime rate of robbery based on the officially collected data for the last 10 years.

<Table 1-2-7> Trends in the Number and Crime Rate of Robbery
(Special Robbery and Rape exclusive) (Supreme Prosecutor’s Office data)

Year	Robbery		Robbery Ratio to the Total Crimes(%)	
	Number	Crime Rate*	Ratio to the Total Crimes	Ratio to the Criminal Law Offences
2005	5,266	10.9	0.28%	0.60%
2006	4,684	9.7	0.26%	0.60%
2007	4,470	9.2	0.23%	0.50%
2008	4,827	9.9	0.22%	0.50%
2009	6,379	13.0	0.29%	0.60%
2010	4,395	8.9	0.23%	0.50%
2011	4,021	8.1	0.21%	0.40%
2012	2,643	5.2	0.16%	0.30%
2013	2,013	4.0	0.10%	0.20%
2014	1,618	3.2	0.08%	0.16%

* Crime rate: Number of crimes reported per 100,000 population.
※ Source: *Crime Analysis*, Supreme Prosecutor’s Office, 2005-2014 each volume. Reorganized.
※ Note: The crime rate of the above table was calculation based on the most recent demographic data released by the Statistics Korea. It can be, therefore, slightly different than the one presented in the *Crime Analysis*.

The crime rate of robbery demonstrates a downward trend in general, and so does the ratio of robbery to the total crimes as well as to the criminal law offences. The statistics in 2014 stood at a record low for the last 10 years (crime rate 3.2), reduced almost to one-third of the previous decade.

and rape under the Act on the Punishment of Sexual Crimes and Protection of Victims Thereof can surely be categorized as sexual violence. However, that the same act of ‘robbery and rape’ is put under different crime categories depending on the law and the data are collected separately results in a lack of consistency. To note in this section is that some of ‘robbery and rape’ crimes are excluded from our official crime statistics while the others are not.

<Table 1-2-8> summarizes the last 10 year's statistics on the robbery victims with bodily harm. The numbers dropped suddenly in 2010 and 2011 and then quickly rose up in 2012 and 2013. The extreme inconsistency in these data is probably not so much the reflection of the reality as the outcome of some errors made in the process of data entry. In any case, the lowest point was noted in 2014.

<Table 1-2-8> Number of Injuries and Deaths in Robbery (Supreme Prosecutor's Office data)

Year	A Number of Robbery (number)	Bodily Harm caused by Robbery			Ratio of Bodily Harm (B+C)/A×100
		B Number of Injuries	C Number of Deaths	B+C Total Bodily Harm	
2005	5,266	1,514	65	1,579	30.0%
2006	4,684	1,323	66	1,389	29.7%
2007	4,470	1,106	45	1,151	25.7%
2008	4,827	973	31	1,004	20.8%
2009	6,379	1,039	45	1,084	17.0%
2010	4,395	316	22	338	7.7%
2011	4,021	179	39	218	5.4%
2012	2,643	983	18	1,001	37.9%
2013	2,013	852	25	877	43.6%
2014	1,618	526	20	546	33.8%

* Source: *Crime Analysis*, Supreme Prosecutor's Office, 2005-2014 each volume. Reorganized.

Finally, <Table 1-2-9> represents the trends of robbery by dividing it into three subcategories - break-in robbery, highway robbery, and other¹³⁾- according to modus operandi. Based on the crime rate, it is clear that all three types of robbery were on downward trends in more recent years (especially for the last five years).

13) "Other" types of robbery in this section refers not to the 'other' presented in the Crime Analysis by the Supreme Prosecutor's Office, but to all types of robbery crimes excluding break-in and highway robbery.

<Table 1-2-9> Trends in the Types of Robbery by Modus Operandi(Supreme Prosecutor's Office data)

Year	Number of robbery* (A)	Break-in robbery			Highway robbery			Other types ***		
		Number (B)	Ratio B/A×100 (%)	Crime rate**	Number (C)	Ratio C/A×100 (%)	Crime rate**	Number (D)	Ratio D/A×100 (%)	Crime rate**
2005	5,265	1,912	36.3%	4.0	973	18.5%	2.0	2,380	45.2%	4.9
2006	4,684	2,123	45.3%	4.4	778	16.6%	1.6	1,783	38.1%	3.7
2007	4,470	1,875	41.9%	3.9	819	18.3%	1.7	1,776	39.7%	3.7
2008	4,827	1,687	34.9%	3.4	855	17.7%	1.7	2,285	47.3%	4.7
2009	6,379	2,127	33.3%	4.3	1,068	16.7%	2.2	3,184	49.9%	6.5
2010	4,394	1,391	31.7%	2.8	803	18.3%	1.6	2,200	50.1%	4.5
2011	4,021	1,298	32.3%	2.6	684	17.0%	1.4	2,039	50.7%	4.1
2012	2,404	998	41.5%	2.0	479	19.9%	1.0	927	38.5%	1.9
2013	1,826	808	44.2%	1.6	285	15.6%	0.6	733	40.1%	1.5
2014	1,618	682	42.2%	1.4	226	14.0%	0.5	640	40.0%	1.3

* Except year 2011, the numbers in this table are slightly different from the ones in <Table 1-2-7> and <Table 1-2-8> for some unknown reason.

** Crime rate: Number of crimes reported per 100,000 population (recalculated based on the estimated population as of 2015).

*** Total of robbery inside a vehicle, piracy, robbery using a vehicle, robbery by kidnapping, robbery using anaesthetics, robbery by hostage, robbery and rape, sudden robbery, and other forms of robbery

※ Source: *Crime Analysis*, Supreme Prosecutor's Office, 2005-2014 each volume. Reorganized.

Section 4

Larceny

Larceny is the most traditional form of offence with a large number of hidden crimes, compared to other types of crimes. In the official crime statistics included are the crime of larceny under the Criminal Act, that is, larceny, stealing by trespassing upon another's residence at night, special larceny, and unlawful use of automobiles robbery, and the crime of larceny under the Act on the Aggravated Punishment etc. of Specific Crimes. The official statistics in <Table 1-2-10> demonstrates that in both the number and the rate larceny increased steadily and peaked in 2012, but continued to decrease for three years onwards.

<Table 1-2-10> Annual Number and Rate of Larceny 2005-2014 (Supreme Prosecutor's Office data)

Year	Larceny		Ratio to Total Crimes (%)		Reference : Trafficking Stolen Goods	
	Number	Crime rate*	to Total	to Criminal Law Offences	Number	Crime rate*
2005	191,114	397.0	10.1%	23.1%	3,547	7.4
2006	190,745	394.3	10.4%	23.0%	2,432	5.0
2007	212,530	437.3	10.8%	25.1%	3,050	6.3
2008	223,264	456.1	10.2%	24.9%	2,212	4.5
2009	256,680	521.9	11.8%	25.8%	3,381	6.9
2010	268,007	542.4	14.0%	28.5%	3,206	6.5
2011	281,561	565.6	14.8%	28.2%	2,606	5.2
2012	293,074	586.1	15.1%	28.2%	3,856	7.7
2013	290,841	579.1	14.5%	27.5%	6,491	12.9
2014	266,784	529.1	13.8%	26.3%	3,668	7.3

* Crime rate: Number of crimes reported per 100,000 population.

※ Source: *Crime Analysis*, Supreme Prosecutor's Office, 2005-2014 each volume. Reorganized.

※ Note: The crime rate of the above table was calculation based on the most recent demographic data released by the Statistics Korea. It can be, therefore, slightly different than the one presented in the *Crime Analysis*.

The percentage of larceny among total crimes and criminal law offences showed a similar trend. It peaked in 2012 (15.1 to total crimes, 28.2% to criminal law offences) and then decreased in the following two years (14.5% to total, 27.5% to criminal law offences in 2013. 13.8% to total, 26.3% to criminal law offences in 2014).

<Table 1-2-11> looked at the trends of each type of larceny categorized by *modus operandi*. To make it easy to read the table, we simplified the manner to present the data by combining and putting the most common types of larceny, such as break-in larceny, pick pocketing, snatching, shoplifting, larceny using automobile, and larceny by trickery, into one category of “traditional larceny” and the rest into “others” column, and compared the two. From 2005 to 2011, the general trend was that the ratio of “traditional larceny” was decreasing relatively, while the ratio of other types of larceny was increasing steadily. In 2012, the “traditional larceny” increased by a relatively large margin, but then decreased slightly in 2013 and again in 2014, this time with a significant margin. The ratio of “other” types of larceny to total crime was increasing at this time.

<Table 1-2-11> Trends in the Basic Types of Larceny (Supreme Prosecutor’s Office data)

Year	Number of larceny (A)	Traditional Larceny*			Other Types of Larceny***		
		Number(B)	Ratio B/A×100(%)	Crime rate**	Number(C)	Ratio C/A×100(%)	Crime rate**
2005	191,121	91,615	47.9%	190.3	99,506	52.1%	206.7
2006	190,748	87,323	45.8%	180.5	103,425	54.2%	213.8
2007	212,531	94,676	44.5%	194.8	117,855	55.5%	242.5
2008	223,262	93,451	41.9%	190.9	129,811	58.1%	265.2
2009	256,681	103,418	40.3%	210.3	153,263	59.7%	311.6
2010	267,994	99,393	37.1%	201.2	168,601	62.9%	341.2
2011	281,534	106,370	37.8%	213.7	175,163	62.2%	351.9
2012	274,660	129,001	46.9%	258.7	145,659	53.0%	292.1
2013	273,068	122,211	44.8%	243.4	150,857	55.2%	300.4
2014	266,784	96,862	37.1%	192.1	163,688	62.9%	324.6

* Combination of break-in larceny, pickpocket, snatching, shoplifting, larceny using automobile, larceny by trickery

** Crime rate: Number of crimes reported per 100,000 population (recalculated based on the estimated population as of 2015).

*** Figures are quoted directly from the Crime Analysis of the Supreme Prosecutor’s Office.

※ Source: *Crime Analysis*, Supreme Prosecutor’s Office, 2005-2014 each volume. Reorganized.

Section 5

Sexual Violence

Sexual violence is the most under-reported crime and therefore the most difficult to accurately analyze with the data collected by the official crime statistics, even assisted with other sources. Generally, the report rate is low and even inconsistent sometimes depending on contextual condition. Moreover, the relevant laws are revised almost every year to extend the application of sexual violence. All these make it, fundamentally, a challenge to assess the actual trends in the crime of sexual violence. To make matters worse, not only because we have various and extremely complex, almost incomprehensible to the general public, special law systems, but also because the data classification often lacks consistency, the official crime statistics on sexual violence is largely undependable or untrustworthy. To make a comprehensive and accurate assessment on the issues as much as possible, collecting

data regularly and correcting the existing data at the same time to make is probably the only way we can arrive at some proper understanding of the object reality. Otherwise, we would probably see only a grossly distorted reflection of our real society. The readers should keep this in mind before you read this section.

The scope of sexual violence defined in this section includes both the crime of rape under the Criminal Act and the crimes related sexual violence under the special criminal laws. Crimes concerning rape under the Criminal Act includes rape, indecent act by compulsion, quasi-rape, quasi-indecent act by compulsion, inflicting or causing another's bodily harm of injuries or death by rape, sexual intercourse with minor, and sexual intercourse by abuse of occupational authority, etc. 'Robbery and rape' is, as mentioned in previous section, categorized as robbery under the Criminal Act, and if an act is judged to be a 'robbery and rape', the data is collected for robbery statistics. However, under the Act on the Special Cases Concerning the Punishment etc. of Sexual Crimes, a relatively new legislation enacted in 2010, 'robbery and rape' is categorized as 'rape'. The data collected under the category of rape pursuant to this Act on the Special Cases, as well as the data collected under the category of 'special robbery and rape' pursuant to the Act on the Special Cases Concerning the Punishment of Sexual Crimes and Protection of Crime Victims, etc. (1994-2010) are currently put into the category of rape.

The following <Table 1-2-12> presents the number and rate of sexual violence crime by year¹⁴⁾. In the table, a gradual upward trend is observed for the last 10 years, except 2012 when a slight decrease was noted compared to 2011¹⁵⁾. The 2014 statistics, which is the

14) In this table, from 2005 to 2007, the statistics on rape and indecent act by compulsion (that is, the category of rape in the Crime Analysis until 2013, and the category of sexual violence since 2014) alone cannot produce the total crimes of sexual violence. Thus, this paper added the statistics on the violations of the provisions in the Act on the Protection of Children and Juveniles from Sexual Abuse to the calculation of total crimes. Not all violation reported under the Act on the Protection of Children and Juveniles are sexual violence. However, without the raw materials it is impossible to confirm the nature of reported violence in the collected data, this paper added up the data in its entirety. From 2010 to 2011, the crimes reported under both the Act on the Special Cases Concerning the Punishment etc. of Sexual Crimes, and the Act on the Protection of Children and Juveniles (rape etc.) are included, but in 2012 some of crimes reported under the Act on the Protection of Children and Juveniles (rape etc., Article 7) are not included.

15) However, the decrease in 2012 was not so much a genuine decrease as a result from the statistic changes that some of the crimes reported under the Act on the Protection of Children and Juveniles from Sexual Abuse were excluded from that year's statistics on sexual violence.

latest available data, shows the rape levels at record high. Unlike other types of serious crimes, most of which appear to be a downward or steady trend, sexual violence continues a rapid steep increase. Nevertheless, it is hard to conclude the growing figures on the statistics reflect the actual increase in sexual violence crime. First, continuous revision and enactment of special acts related to sexual violence has extended the scope of legal application of relevant laws in this category of crimes, which in itself makes sexual violence crime seem to have increased on the statistics. This is an effect of optical illusion. In addition, we need to consider the possibility of changes in the crime report rate due to the factors, such as the weakening sense of traditional roles of women and growth of women’s right, as well as the changed perception of the judiciary toward sexual violence crimes. Given these factors, it is difficult to identify the actual changes in trends by interpreting the data on the table alone.

<Table 1-2-12> Number and Rate of Sexual Violence Crimes per Year (Supreme Prosecutor’s Office data)

Year	A	B	A+B	Crime rate*	Ratio to Total Crimes		Reference: ‘robbery and rape’ under the Criminal Act****	
	Rape & indecent act by compulsion**	Act on Protection of Children and Juveniles***	Sexual violence crime		to Total	to Criminal Law Offences	Number	Crime rate*
2005	11,757	1,874	13,631	28.3	0.7%	1.7%	117	0.2
2006	13,573	1,584	15,157	31.3	0.8%	1.8%	70	0.1
2007	13,634	1,752	15,386	31.7	0.8%	1.8%	77	0.2
2008	15,094	Separated and added to A	15,094	30.8	0.7%	1.7%	45	0.1
2009	16,156	Separated and added to A	16,156	32.8	0.7%	1.6%	85	0.2
2010	19,939	Separated and added to A	19,939	40.4	1.0%	2.1%	30	0.1
2011	22,034	Separated and added to A	22,034	44.3	1.2%	2.2%	44	0.1
2012	21,346	Separated and added to A	21,346	42.7	1.1%	2.1%	20	0.04

Year	A	B	A+B	Crime rate*	Ratio to Total Crimes		Reference: 'robbery and rape' under the Criminal Act****	
	Rape & indecent act by compulsion**	Act on Protection of Children and Juveniles***	Sexual violence crime		to Total	to Criminal Law Offences	Number	Crime rate*
2013	26,919	Separated and added to A	26,919	53.6	1.3%	2.5%	8	0.02
2014	29,863	Separated and added to A	29,863	59.2	1.5%	2.9%	13	0.03

* Crime rate: Number of crimes reported per 100,000 population.

** The figures of rape and indecent act by compulsion in this table are quoted from the figures under the category of 'rape' presented in the Crime Analysis of the Supreme Prosecutor's Office. Until 2007, the *Crime Analysis* did not include the data concerning the violation of the Act on the Protection of Juveniles from Sexual Abuse. It was only after 2008 that the Crime Analysis began to include such data (juvenile rape etc.). Since 2010 when a significant reform was made on the special acts related to sexual violence, the *Crime Analysis* has included the data concerning the violations of both the Act on Special Cases Concerning the Punishment etc. of Sexual Crimes and the Act on the Protection of Children and Juveniles from Sexual Abuse (rape etc.) in its statistics, in addition to the traditional crimes of rape and indecent act by compulsion under the Criminal Act. However, in 2012, *Crime Analysis* excluded a part of violations reported under the Act on the Protection of Children and Juveniles (rape etc.), causing an effect that the number of crimes seems to have decreased.

*** Although the number of violations reported from 2005 to 2007 include the crimes other than sexual violence, the present report added it in its entirety because without raw materials the exact natures of those crimes are difficult to be identified.

**** These are the figures by categorizing the crimes by *modus operandi*.

※ Source: *Crime Analysis*, Supreme Prosecutor's Office, 2005-2014 each volume. Reorganized.

One possible approach to solve this problem is to limit the data collection to a certain act of crime strictly and follow the trend in the target act. For example, we can separate crimes of bodily injury by rape from crimes causing bodily injury on another by rape (or simply the 'rape'), both of which the basic elements to constitute the crime will still be the same even if the relevant applicable laws changes, and examine each trend of the two. The problem is that the current statistics does not provide the data in this manner.

That said, the Crime Statistics published jointly by the KIC and the National Police Agency since 2011 has provided the statistics in a manner to subdivide crimes of sexual violence

into rape, quasi-rape, indecent act by compulsion and other¹⁶⁾. A cautionary note is that this statistics sometimes does not distinguish rape from indecent act by compulsion.

<Table 1-2-13> Sub-categorized Sexual Violence 2014 (National Police Agency data)

Sexual Violence	Number	Arrest	Arrest Ratio to the Number	Number of Offenders Arrested			
				Subtotal	Male	Female	Unknown
Rape	5,078	5,051	99.5	5,641	5,516	75	50
Quasi-rape	375	359	95.7	395	385	7	3
Indecent act by compulsion	14,611	13,584	93.0	13,651	13,249	248	154
Other rape · indecent act by compulsion etc.*	991	1,037	104.6	1,231	1,194	22	15
Total	21,055	20,031	95.1	20,918	20,344	352	222

** Cases that cannot be clearly identified whether they are rape or indecent act by compulsion.

※ Source: 2014 Crime Statistics, National Police Agency

In <Table 1-2-13>, among total 21,055 sexual violence cases collected by the National Police Agency (the Crime Statistics) in 2014, the reliable number of rape cases are 5,078. 14,611 cases are certainly the crime of indecent act by compulsion and 375 are quasi-rape cases. The remaining 991 are the uncertain cases whether they were rape or indecent act by compulsion, mainly due to lack of details in legal category. If we compare this table with the 2013 statistics provided in footnote, we can see that indecent act by compulsion increased while rape crime decreased. An optical illusion effect mentioned earlier may give us some

16) For reference, the data concerning the characteristics of sexual violence crimes reported in 2013 are summarized in the following table.

<Chart for comparison> Sexual Violence in 2013 (NPA data)

Sexual Violence	Number	Arrest	Rate	Number of Arrests			
				Subtotal	Male	Female	Unknown
Rape	5,753	5,481	95.3	6,019	5,843	93	83
Quasi-rape	132	122	92.4	140	137	1	2
Indecent act by compulsion	14,778	12,525	84.8	12,761	12,330	233	198
Other types of rape · indecent act by compulsion etc.*	1,647	1,646	99.9	1,953	1,870	53	30
Total	22,310	19,774	88.6	20,873	20,180	380	313

* Cases that cannot be clearly identified whether they are rape or indecent act by compulsion.

※ Source: 2013 Crime Statistics, National Police Agency.

clue to understand the data¹⁷⁾.

Finally, <Table 1-2-14> summarizes the number and rate of injuries and deaths by rape.

<Table 1-2-14> Injuries · Deaths in Sexual Crimes (Supreme Prosecutor's Office data)

Year	A Number of rape-indecent act by compulsion	Bodily Harm caused by Rape and/or Indecent Act by Compulsion			Ratio (B+C)/A×100
		B Injuries	C Deaths	B+C Total of Bodily Harm	
2005	11,757*	1,751	8	1,759	15.0%
2006	13,573*	1,725	14	1,739	12.8%
2007	13,634*	1,300	8	1,308	9.6%
2008	15,094	1,102	13	1,115	7.4%
2009	16,156	921	16	937	5.8%
2010**	19,939	321	2	323	1.6%
2011**	22,034	85	4	89	0.4%
2012	21,346	1,318	13	1,415	6.2%
2013	26,919	1,466	18	1,448	5.4%
2014	29,863	915	6	921	3.1%

* Combination of the number of rape and indecent act by compulsion cases presented by the Supreme Prosecutor's Office in its *Crime Analysis*. Crimes under the special criminal laws were not included here because the population of bodily harm from 2003 to 2007 was limited to rape and indecent act by compulsion cases.

** We presume that these errors were created during the process of raw data entry into the system, but cannot be perfectly certain.

※ Source: *Crime Analysis*, Supreme Prosecutor's Office, 2005-2014, each year. Reorganized.

The analysis as this can be of great value if only the statistics are properly produced. It is because the way of such analysis separates relatively more serious types of crimes from less serious ones even in the same category of a crime, and can examine the trend of each criminal act.

Unfortunately, as I have mentioned twice already, it is highly plausible that the data itself is

17) It means that there is a possibility that even if rape crime, of which report rate is usually high, does not increase or even decreases in practice, report rate covering various sexual assaults and abuses increases explosively owing to some reasons, such as extension of women's right etc., resulting in an increase in the official statistics on all sexual violence cases. However, that the police data has inconsistency in dealing with the data concerning rape crime and indecent act by compulsion depending on year. In 2014, more distinction between the two types of sexual violence was made compared to 2013. If we solve just this issue, more accurate analysis would be possible.

not adequate in this area. Some signs have been detected that the institutes' way of handling the source, especially in the process of entering the raw data into the system, has much room to improve. In particular, the numbers of sexual violence causing bodily harm reported in 2010 and 2011 are probably not the normally dependable by proper data collection, but rather an outcome of omission or missing of data entry on a large scale. However, even allowing for these potential errors, the comparison of 2014 with 2005 points out an interesting result that while the total number of sexual violence increased (or appeared to increase) by almost three times for the last 10 years, sexual violence with bodily harm cases decreased (or appeared to decrease) by more than a half.

Section 6

Violence · Assault Inflicting Bodily Injury

The series of this annual report changed in 2012 what used to be called 'physical violence' from 2009 to 2011 to 'violence and assault inflicting or causing bodily injury. In this category, basically included are the crimes of violence and assault inflicting bodily injury under the Criminal Act but sometimes a part of violence cases under the special criminal law, that is the Act on the Punishment of Violence, etc. are also covered. According to the explanatory notes of the Crime Analysis by the Supreme Prosecutor's Office, the Office had added the cases falling under the category of violence and assault inflicting bodily injury pursuant to the Act on the Punishment of Violence, etc. into the statistics on the crimes of violence and assault inflicting bodily injury. As this principle seems to have been firmly established, at least since 2006, it is probably legitimate to call the statistics on violence and assault inflicting bodily injury as such in itself. For reference, violence under the Criminal Act includes violence, special violence, habitual violence, violence on lineal ascendant, injury/death resulting from violence, and injury/death resulting from violence on lineal ascendant, and violence under the Act on the Aggravated Punishment, etc. includes violence against drivers operating automobile and retaliatory crimes. As for assault inflicting bodily injury, bodily injury, bodily injury on lineal descendant, death resulting from bodily injury, and death resulting from bodily injury on lineal descendant are included.

The following <Table 1-2-15> displays the number and rate of violence · assault inflicting bodily injury cases collected from 2006, when a new standard began to apply to collect

the data concerning assault inflicting bodily injury, to 2014. While a steady upward trend is found in the crimes of violence for nine years, in the crimes of assault inflicting bodily injury a gradual downward trend is found since 2007. Therefore, the combination of the two data sets is not sufficient to determine that the trend since 2007 has been one way or the other, except the fact that a steep increase was made in 2014 compared to 2013.

For reference, the principle of ‘no punishment against will’ applies to crime of violence and for this reason, if a victim does not wish to punish the accused, no charge may be laid against the accused. Assault inflicting bodily injury is different, and possibly making the statistics on this category more objective. In other words, the number of violence crime does not necessarily rise as the actual occurrences of the crime increases. The number can (or appears to) increase if more and more victims wish not to punish their perpetrator, even when the actual occurrence of the crime remains at the same level or reduces.

<Table 1-2-15> Number and Rate of Violence · Assault Inflicting Bodily Injury Per Year

Year	Violence (A)	Assault (B)	Violence · Assault		Ratio to Total Crimes	Ratio to Criminal Law Offences
			Number* (A+B)	Crime rate**		
2006	64,235	79,542	143,777	297.2	7.9%	17.4%
2007	97,598	93,178	190,776	392.6	9.7%	22.6%
2008	107,947	86,924	194,871	398.1	8.9%	21.7%
2009	115,524	82,686	198,210	403.0	9.1%	20.0%
2010	109,580	70,785	180,365	365.0	9.4%	19.2%
2011	123,304	67,719	191,023	383.7	10.0%	19.2%
2012	128,110	63,242	191,352	382.7	9.8%	18.4%
2013	126,520	56,653	183,173	364.7	9.1%	17.3%
2014	146,625	65,840	212,465	421.4	11.0%	20.9%

* Combination of violence and assault inflicting bodily injury, which include the violations of the provisions of the Act on the Punishment of Violence etc.

** Crime rate: Number of crimes reported per 100,000 population (recalculated based on 2016 estimated population)

※ Source: *Crime Analysis*, Supreme Prosecutor's Office, 2005-2014, each year. Reorganized

<Table 1-2-16> presents the relationship between victims and perpetrator in violence and assault inflicting bodily injury, combined. The table summarizes the statistic data presented

in the Crime Analysis by the Supreme Prosecutor's Office in a simplified manner by combining and putting total 15 subcategories of the crime, including the crimes committed by friends, girl/boyfriends, cohabiting relatives, neighbors, strangers etc., into just two large categories. In this table, not only the victims' family members, friends, or girl/boyfriends, that is a group of people that are in a relatively intimate relationship with the victim, but also the victims' workplace colleagues and neighbors, that is a group of people who are acquainted with the victims are put into one category named "acquaintance of all sorts". On the other hand, complete strangers or unknown relationship, the State, and public servants are put into the other category named "unacquainted".

<Table 1-2-16> Re-grouping of Victim-Perpetrator Relationship in Violence and Assault Inflicting Bodily Injury Cases

Year	Victims (person)*	Acquaintance of all sorts**	Unacquainted***
2006	167,682	46,184	121,498
	(100.0)	(27.5)	(72.5)
2007	215,840	54,314	161,526
	(100.0)	(25.2)	(74.8)
2008	275,714	65,632	210,082
	100.0%	(23.8)	(76.2)
2009	274,513	63,688	210,825
	(100.0)	(23.2)	(76.8)
2010	245,062	55,220	189,842
	(100.0)	(22.5)	(77.5)
2011	241,895	49,082	192,813
	(100.0)	(20.3)	(79.7)
2012	255,490	57,097	198,393
	(100.0)	(22.3)	(77.7)
2013	244,308	53,882	190,426
	(100.0)	(22.1)	(77.9)
2014	305,051	66,143	238,908
	(100.0)	(21.7)	(78.3)

* Combination of violence and assault inflicting bodily injury.

** Combination of friends, girl/boyfriends, cohabiting and other relatives, employers, employees, workplace colleagues, business counter parties, neighbors and acquaintances.

*** Combination of Strangers, others, unknown, the state and public servants.

※ Source: *Crime Analysis*, Supreme Prosecutor's Office, 2005-2014, each year. Reorganized.

The table shows that the percentage that the victims and their perpetrators know each other was 20.3% in 2011, and the opposite case was 79.7%. 20.3% is a significant decrease compared to 2006, where the percentage was 27.5%. Naturally, it matches with the fact that the percentage of violence and assault inflicting bodily injury committed in unacquainted relationship has been gradually increasing. In 2012, however, the percentage of the crimes committed in acquaintance relationship between victim and perpetrator slightly increased compared to 2011, while the crimes committed in unacquainted relationship decreased. In 2013 and 2014, acquaintance relationship began to decrease again by a small margin.



Crimes and Response Measures

Park, Sung Hoon · Yoo, Jin

Chapter 1

Juvenile Crime

Park, Sung Hoon

Chapter 1

Juvenile Crime

Section 1

Introduction

<Case1>¹⁸⁾

A, a 9th grader (female, 16 years old) was sentenced to protective disposition for selling sex to adults. She ran away from home when she was in grade 8 and dropped out of school in grade 9. A's parents were divorced when she was in grade 8. After the parents' divorce, A lived with her father, step-mother, and an elder brother but left home as conflicts with the step-mother became acute and hung around with other runaway peers on street. They sometimes committed assault and robbery to get some money and sometimes sold sex to pay for room and board. Then, A and her friend met two male adults and began to live together. As they ran out of money, the men forced A and her friend to prostitute. A went through abortion and suffering from venereal diseases. In the end, the two men were arrested by law enforcement for arranging sexual traffic using minor, extortion, and robbery. A received a sentence of protective disposition and is now on probation. Young-faced A said she wanted to go back to school as she wished to put on school uniform just like the peers. When she was asked about her future plan, she answered, with a shy smile on her face, that she hoped to be a judge.

18) Case 1 and 2 reorganized a part of focus-group interviews introduced in the *Panel Survey on the Juvenile Delinquents and School Dropouts and Study on Support (I)* by Jeon Young-Shil, Kim Ji Young, and Park Sung Hoon (National Youth Policy Institute, 2013).

<Case 2>

B (male, 18 years old) has a cheerful and honest personality. He committed a series of crimes including extortion by threat, unlicensed driving of motorcycle, robbery by using motorcycle, and online scam and was sent to a reformatory. Discharged from there, B is now on probation. B comes from a normal family. He lived with his biological parents and an elder brother, who is a college student. B thought that the punishment that he received from a teacher for his behavior when he was a high school freshman was too harsh, and felt ashamed that the school posted a notice of what he had done in the school public board. Consequently, B dropped out of school and spent a great deal of time, sometimes until dawn, hanging around at internet cafes using his elder brother's ID. However, recently B started to live a more regulated live. He says that he does not want to stay at home doing nothing but wants to obtain a gainful employment, and that it is a pity that he cannot find a proper work as he is still a minor. He is interested in forklift or crane operator job, although his father does not welcome that idea as he wants B to study more. Currently, B is preparing for the high school diploma test while he is still on probation.

In any era, the older generations tend to be dissatisfied with the attitudes and behaviors of the younger generations and think that those are worse than when they were young. It has been said that even Socrates once deplored, “the children now love luxury. They have bad manners, contempt for authority. They show disrespect for elders and love chatter in place of exercise.” The British philanthropists in the 17th century are also known to have lamented about the rudeness of the youngsters¹⁹⁾. Today, the youngsters still commit behaviors that look immature, impulsive and dangerous to the adults. Then, what causes juvenile crime, or juvenile delinquency? If we look at the two cases that I mentioned earlier, it seems that in Case 1 A's situations at home and in Case 2, B's situations at school were the main reasons respectively. However, it is more complicated than it looks to correctly determine the cause of juvenile delinquency, or juvenile crime. For example, in Case 1, the

19) Jensen, Gary F. and Dean G. Rojek (2009), *Delinquency and Youth Crime*, pp.5.

reason might have been that the society itself failed to provide a supportive environment to A for her to lead a stable life after she ran away from home, which in turn gave A no other option but to engage herself in criminal acts as she was struggling to survive. In Case 2, B would not have strolled the streets and committed the crimes, if he had had an alternative education system for school dropouts. Therefore, that juvenile delinquency or juvenile crime needs to be understood from rather complex interactions between the offender's own personality and the environments of the society he/she is in. To prevent juvenile crime and recidivism, understanding the exact status of the affairs should take priority.

In this chapter, we will examine the overall trends and characteristics of juvenile crime based on the crime statistics collected on a national level. This analysis would be useful as basic data applicable to various academic approaches to the studies of juvenile crimes in future.

Pursuant to the Juvenile Act, juvenile crime means criminal offences committed by persons aged 10 ~ 18 (under 19 years old of age), that is the crimes committed by juveniles aged from 14 to under 19, which are the ages required of the criminal liability; the crimes committed by juveniles aged from 10 to under 14²⁰⁾; and the crimes committed by pre-delinquents²¹⁾ aged from 10 to under 19. However, the scope of pre-delinquents is too large to be collected in the relevant statistics, this paper will examine the trends and characteristics of juvenile crime focusing on the official statistics.

For this goal, I have reviewed the last 10 years' data related to occurrence of juvenile crime and response measures based on various official statistics, such as the Crime Analysis published by the Supreme Prosecutor's Office, the White Paper of Crime published by the Institute of Justice, and the Judicial Yearbooks published by the National Court Administration. In 2008, the criminal justice organization lowered the maximum age of criminal liability under the Juvenile Act from under 20 years to under 19 years old of age, and lowered also the applicable minimum age of criminal liability for a child offender from 12 years to 10 years old of age.

20) Juvenile offenders aged 10-13 refer to youth who commit a violation against law but are not found criminally liable due to their age.

21) Pre-(juvenile) delinquent refers to juveniles who have inclinations to cause uneasy feeling for people around them by roaming in groups, juveniles who stay away from home without any justifiable reason, or juveniles who have inclinations to drink alcohol, raise a disturbance or be exposed to harmful environment influences.

In this chapter, the juvenile crime statistics up to 2008 refers to the offences committed by juveniles aged 12 to under 20, and the statistics in 2009 and onwards refers to the offences committed by juveniles aged 10 to under 19²²⁾. In the following, the status and response measures to juvenile crimes will be examined based on the relevant statistics.

Section 2

Status of Juvenile Crime

1. Current Status

The number of juvenile offenders for over the last 10 years decreased since 2005 but increased again since 2006, in particular a steep increase by 53.2% compared to the previous year being observed in 2008. However, the number decreased since 2008 again, recording a decrease of 16.3% compared with the previous year in 2009, 20.6% in 2010, and 7.5% in 2011. In 2012, the number increased by 29.4% compared with the previous year, recording 107,490 youth offenders in total and this was the second largest margin in 2000s. However, the number decreased in 2013 to 91,633, a decrease of 14.8% compared to the previous year and again in 2014 to 77,594, a decrease of 15.3% compared to the previous year.

<Table 2-1-1> Status of Juvenile Crimes per Year (Unit : person(%))

Year	Number of Juvenile Offenders			Increase rate compared to previous year	Proportion in total criminal offenders (%)
	Criminal law offenders	Special criminal law offenders	Total		
2005	50,652 (75.1%)	16,826 (24.9%)	67,478	-7.3	3.4
2006	50,846 (73.5%)	18,365 (26.5%)	69,211	2.6	3.7
2007	60,426 (68.6%)	27,678 (31.4%)	88,104	27.3	4.5
2008	79,766 (59.1%)	55,226 (40.9%)	134,992	53.2	5.5

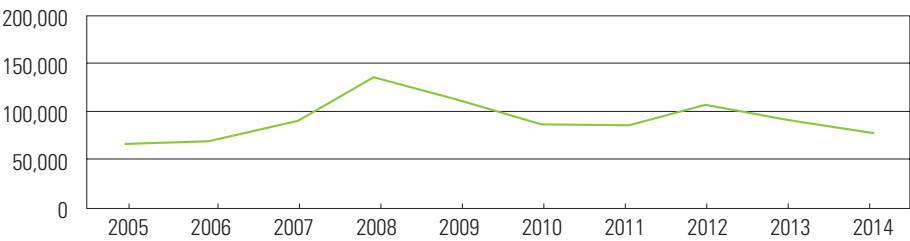
22) In principle, subject to the regulations on dealing with a juvenile offender, offenders aged 10-14 are transferred to the juvenile court without being sent to the public prosecutor’s office first in which case a base table for the accused is required to be made. However, due to lack of consistency in actual application of this principle, the statistic number of juvenile offenders under 14 years of age is not accurate (2012 Crime Statistics, National Police Agency · KIC (2013)).

Year	Number of Juvenile Offenders			Increase rate compared to previous year	Proportion in total criminal offenders (%)
	Criminal law offenders	Special criminal law offenders	Total		
2009	81,378 (72.0%)	31,644 (28.0%)	113,022	-16.3	4.5
2010	70,045 (78.0%)	19,731 (22.0%)	89,776	-20.6	4.6
2011	66,240 (79.7%)	16,828 (20.3%)	83,068	-7.5	4.4
2012	87,779 (81.7%)	19,711 (18.3%)	107,490	29.4	5.1
2013	74,509 (81.3%)	17,124 (18.7%)	91,633	-14.8	4.3
2014	63,145 (81.4%)	14,449 (18.6%)	77,594	-15.3	4.1

* Source : *White Paper of Crime*, Institute of Justice, 2005-2014. For 2013 and 2014, the Supreme Prosecutor's Office data on the Crime Analysis were used.

Meanwhile, the ratio of juvenile offenders among the total criminal offenders showed an upward trend since 2005 reached the peak in 2008 accounting for 5.5% of total criminal offenders, but decreased since then. In 2012, the rate increased again to 5.1% but it was only brief as the rates in the next two years showed a continuous downward trend (4.3% in 2013, and 4.1% in 2014). As for the trend of the last five years, the number and rate of juvenile crimes to total crimes reported were increasing until 2012 but from then on decreased again.

[Figure 2-1-1] Number of Juvenile Offenders Per Year (2005~2014)



If we examine juvenile crimes by dividing them into the criminal law offences committed by juveniles and the special criminal law offences committed by juveniles, the ratio of the former to total juvenile crimes was the lowest in 2008 with a rate of 59.1% and then increased gradually each year, reaching 81.7% in 2012. In 2014, the number of juvenile criminal law offenders itself decreased slightly, but the ratio was still high by more than

80% than the ratio of juvenile special criminal law offenders, which was 18.6%.

2. Characteristics of Juvenile Crime

A. Changes in Composition Ratio by Crime Type: Criminal Law Offenders

For the last 10 years, the number of juvenile criminal law offenders gradually increased from 2005 to 2009 as displayed in <Table 2-1-2>. After then, it fluctuated in a narrow range and recorded 63,145 in 2014, a decrease compared to the previous year.

As for the composition ratio of heinous violent crime, violence crime, and property crime that constitute the juvenile criminal law offences, violence and property crimes hold a majority, while heinous violent crimes had a relatively small portion in criminal law offences.

The ratio of juvenile heinous violent crimes (homicide, robbery, arson, and rape etc.) to total juvenile criminal law offences fluctuated in a narrow-range from 2005, and steadily increased from 2007 by a small margin reaching a record high point of 5.0% in 2011. Although the rate decreased again in 2013 but rose back up to 5.0% in 2014. What is noticeable is that although the rate of juvenile violent crimes (heinous) is low compared to juvenile violence and property crimes, given its proportion to total violent crimes, it is not low at all. For example, as of 2014, among a total of 34,126 heinous violent crime offenders, juvenile offenders were 3,158 accounting for 9.3% of the total and this percentage was in fact higher than the percentage of juvenile offenders to total criminal law offenders (63,145 to 884,900, resulting in 7.1%). In other words, the danger of heinous violent crimes by juvenile offenders cannot be underestimated by the fact that the rate of heinous violent crime committed by juveniles is lower in total juvenile crimes.

<Table 2-1-2> Status of Juvenile Criminal Law Offences per Type

Year	Total	Violent Crime(Heinous)		Violence Crime		Property Crime	
		Number of person	Composition Ratio	Number of person	Composition ratio	Number of person	Composition ratio
2005	50,652	1,549	3.1	21,009	41.5	26,848	53.0
2006	50,846	1,857	3.7	18,104	35.6	29,506	58.0
2007	60,426	1,928	3.2	23,275	38.5	33,659	55.9
2008	79,766	3,016	3.8	34,067	42.7	39,688	49.8

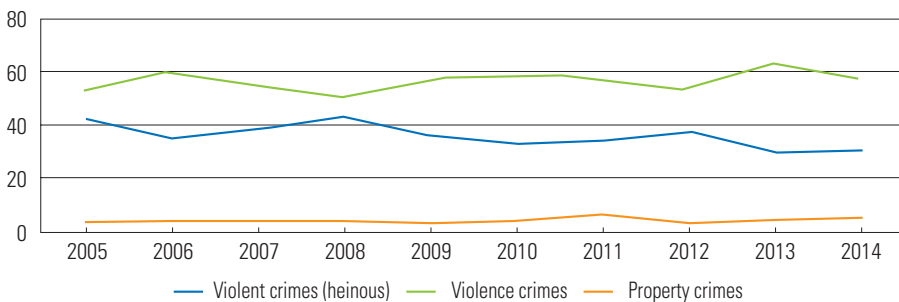
Year	Total	Violent Crime(Heinous)		Violence Crime		Property Crime	
		Number of person	Composition Ratio	Number of person	Composition ratio	Number of person	Composition ratio
2009	81,378	3,182	3.9	29,488	36.2	45,774	56.2
2010	70,045	3,106	4.4	23,276	33.2	40,478	57.8
2011	66,240	3,289	5.0	22,233	33.6	37,978	57.3
2012	87,779	3,107	3.5	32,774	37.3	47,605	54.2
2013	74,509	2,521	3.4	22,119	29.7	45,735	61.4
2014	63,145	3,158	5.0	19,352	30.6	36,271	57.4

* Source : *Crime Analysis*, Supreme Prosecutor's Office.

Property crimes, which take the largest portion in juvenile crimes (larceny, trafficking stolen goods, robbery, fraud, embezzlement, breach of trust and destruction etc.) gradually increased for the last 10 years, marking 61.4% in 2013 and 57.4% in 2014, which was a decrease compared to the previous year but still a high ratio. Throughout the last 10 years, except 2008, property crimes accounted for more than 50% of the juvenile criminal law offences.

As for violence crime (violence, assault inflicting bodily injury, extortion, intimidation, kidnapping · abduction, unlawful arrest · confinement, action by force etc.), the composition ratio increased gradually for the last 10 years. In detail, the rate dropped from 41.5% in 2005 to 35.6% in 2006, but since then it increased to mark 42.7% in 2008. After 2010, it dropped again to 29.7% in 2013 although slightly rose up to 36.6% in 2014.

[Figure 2-1-2] Annual Trends in Composition Ratio of Juvenile Criminal Law Offender (2005~2014)



B. Changes in Composition Ratio: Special Criminal Law Offenders

Juvenile special criminal law offenders increased from 2005 to 2009, then decreased by a large margin since 2009, recording 14,449 juvenile offenders in 2014 with 1.6% ratio to total special criminal law offenders (917,626). Among juvenile special criminal law offences, violation of the provisions under the Road Traffic Act, such as unlicensed driving of motorcycle, accounted for more than 60% between 2005 and 2007, then it decreased gradually until 2014 to 37.8%. Violations under the Act on Special Cases concerning the Settlement of the Traffic Accidents was decreased between 2005 and 2008, increased again since 2009 and marked 24.5% in 2014. Violations under the Act on the Protection of Children and Juveniles from Sexual Abuse was not large until 2011, but increased rapidly 1,330 and 1,463 cases reported in 2012 and 2013 respectively. However, the number decreased again in 2014 with 263 cases reported.

On the other hand, other criminal act under various special criminal laws gradually increased since 2005 and its proportion to total crimes was more than a half in 2008. In 2009, it decreased slightly but was still high as 43.4% in total juvenile special law offenders. This is in fact a reflection of another phenomenon in this time period, that copy right violations between 2007 and 2009 increased sharply, with 2,338 cases reported in 2007, 20,272 in 2008, 7,720 in 2009. As of 2014, violation under the Resident Registration Act held the highest proportion in other special criminal law offences (1,014 cases), followed by violation under the Juvenile Protection Act (1,015 cases) and by violation under the Act on Promotion of Information and Communications Network Utilization and Information Protection Etc. (610 cases).

<Table 2-1-3> Status of Juvenile Special Criminal Offences by Type per Year

Year	Total	Violation under the Road Traffic Act		Violation under the Protection of Children · Juveniles from Sexual Abuse		Violation under the Act on Settlement of Traffic Accident		Other	
		Number of person	Ratio	Number of person	Ratio	Number of person	Ratio	Number of person	Ratio
2005	16,826	10,730	63.8	33	0.2	3,893	23.1	2,170	12.9
2006	18,365	11,164	60.8	198	1.1	3,997	21.7	3,006	16.4
2007	27,678	17,057	61.6	203	0.7	4,430	16.0	5,988	21.6
2008	55,226	22,037	39.9	173	0.3	5,138	9.3	27,878	50.5
2009	31,644	13,863	43.8	168	0.5	3,892	12.3	13,721	43.4
2010	19,731	10,002	50.7	55	0.3	3,536	17.9	6,138	31.1
2011	16,828	7,672	45.6	23	0.1	3,533	21.0	5,600	33.3

Year	Total	Violation under the Road Traffic Act		Violation under the Protection of Children · Juveniles from Sexual Abuse		Violation under the Act on Settlement of Traffic Accident		Other	
		Number of person	Ratio	Number of person	Ratio	Number of person	Ratio	Number of person	Ratio
2012	19,711	7,854	39.8	1,330	6.7	3,930	19.9	6,597	33.5
2013	17,124	6,157	36.0	1,463	8.5	3,434	20.1	6,070	35.5
2014	14,449	5,456	37.8	263	1.8	3,543	24.5	5,187	35.9

* Source : *Crime Analysis*, Supreme Prosecutor's Office.

C. Trends by Age Group

As for the age distribution trends in juvenile offenders of the last 10 years, juveniles aged 16-17 comprised the highest percentage in all age groups, and accounted for 50.3% in 2011, which was the decade peak. Since 2012, however, their rate decreased gradually, while 18 years of age group increased. Juveniles aged 14-15 marked 26.8% in 2011, increased to 31.6% in 2012 and then continued the same level at around 30% onwards. Juveniles under 14 years of age marked relatively high percentage of 2.8% and 1.8% in 2008 and 2009 respectively but in overall, it was very low.

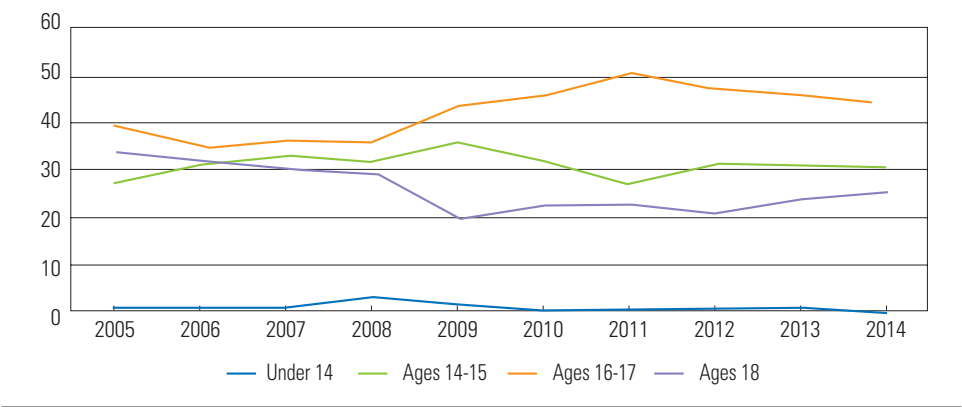
<Table 2-1-4> Status of Juvenile Offenders by Age per Year

Year	Total	Under 14		Ages 14-15		Ages 16-17		Ages 18-19	
		Number of person	Ratio	Number of person	Ratio	Number of person	Ratio	Number of person	Ratio
2005	67,478	523	0.8	18,761	27.8	26,767	39.7	25,409	33.6
2006	69,211	400	0.6	21,884	31.6	24,454	35.3	22,473	32.5
2007	88,104	578	0.7	28,965	32.9	31,845	36.1	26,716	30.3
2008	134,992	3,800	2.8	43,023	31.9	48,716	36.1	39,453	29.2
Year	Total	Under 14		Ages 14-15		Ages 16-17		Ages 18	
		Number of person	Ratio	Number of person	Ratio	Number of person	Ratio	Number of person	Ratio
2009	113,022	1,989	1.8	40,088	35.5	49,460	43.8	21,485	19.0
2010	89,776	445	0.5	28,150	31.4	41,248	46.0	19,933	22.2
2011	83,068	360	0.4	22,273	26.8	41,751	50.3	18,684	22.5
2012	107,490	856	0.8	33,987	31.6	50,220	46.7	22,427	20.9
2013	91,633	471	0.5	27,983	30.5	41,671	45.4	21,508	23.5
2014	77,594	37	0.1	23,753	30.6	34,457	44.4	19,347	24.9

* Source : *The Crime Analysis*, Supreme Prosecutor's Office.

As for the composition ratio by age, in 2005 juveniles aged 16-17 accounted for 39.7%, the highest percentage in all age groups, followed by age group of 18-19 with 33.6%, 14-15 with 27.8%, and under 14 years of age with 0.8% in this order. The composition ratio by age started to change since 2007 as age group of 14-15 began to take higher ratio than 18-19 age group. As of 2014, juveniles aged 16-17 had the highest ratio as 44.4%, followed by aged 14-15 (30.6%), 18 (24.9%), and under 14 years of age (0.1%) in this order. This indicates that the average ages of juvenile offenders have continued to be younger since 2007.

[Figure 2-1-3] Trends in Composition Ratio of Juvenile Offenders by Age (2005~2014)



D. Previous Convictions

If we look at the previous convictions of juvenile offenders, youth with no previous convictions used to be over 60% in most of 2000s, which, however, then started to decline to 50%-range since 2010, dropping down to 48.6% in 2013. That is, in the context of the last 10 years’ juvenile crimes, the ratio of first time offenders was decreasing while that of repeat offenders was increasing.

Regarding the number of previous convictions of the juvenile offenders during the given time period, while the rates of one to three previous convictions showed a steady trend, four or more previous convictions showed a clear increase. In detail, juveniles with four or more previous convictions constituted 6.9% of the total juvenile offenders in 2005, which increased to 9.8% in 2010 and continued to increase marking 15.6% in 2013. This upward trend indicates that more than half of juvenile crimes are committed by repeat offenders, time after time, and habitually.

<Table 2-1-5> Previous Convictions of Juvenile Offenders per Year (2005-2014)

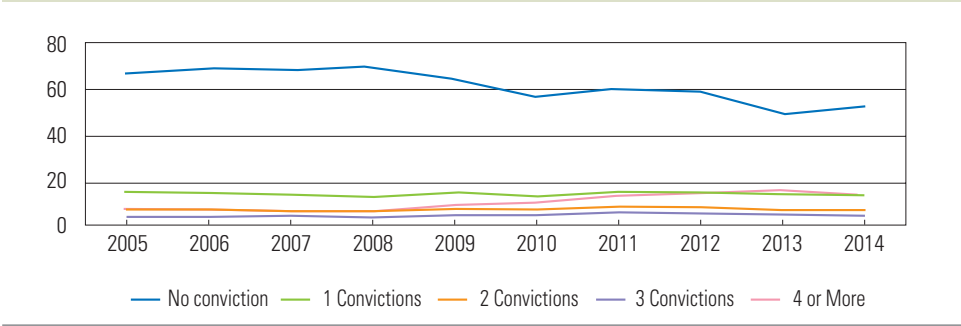
(Unit : person(%))

Year	Total	No Previous Conviction	Previous Convictions			
			1 record	2 records	3 records	4 and more
2005	62,932 (100.0)	42,017 (66.8)	9,307 (14.8)	4,601 (7.3)	2,672 (4.2)	4,335 (6.9)
2006	64,225 (100.0)	44,236 (68.9)	9,193 (14.3)	4,124 (6.4)	2,428 (3.8)	4,244 (6.6)
2007	81,090 (100.0)	55,543 (68.5)	11,540 (14.2)	5,332 (6.6)	3,090 (3.8)	5,585 (7.2)
2008	114,699 (100.0)	79,285 (69.1)	15,476 (13.5)	7,553 (6.6)	4,299 (3.7)	8,086 (7.1)
2009	118,753 (100.0)	76,490 (64.4)	17,407 (14.7)	8,751 (7.4)	5,497 (4.6)	10,608 (8.9)
2010	82,368 (100.0)	50,830 (56.6)	12,091 (13.5)	6,546 (7.3)	4,070 (4.5)	8,831 (9.8)
2011	75,658 (100.0)	45,047 (59.5)	11,391 (15.1)	6,254 (8.3)	3,900 (5.2)	9,066 (12.0)
2012	96,728 (100.0)	56,527 (58.4)	14,403 (14.8)	7,669 (7.9)	5,001 (5.2)	13,128 (13.6)
2013	91,633 (100.0)	44,502 (48.6)	12,388 (13.5)	6,782 (7.4)	4,552 (5.0)	14,324 (15.6)
2014	77,594 (100.0)	40,996 (52.8)	9,853 (12.7)	5,244 (6.8)	3,429 (4.4)	11,126 (14.3)

* Source: *White Paper of Crime* published by the Institute of Justice, 2005-2014. For 2013 and 2014, the Supreme Prosecutor's Office data on the *Crime Analysis* were used.

** Note : Unknown are excluded.

[Figure 2-1-4] Trends in Juvenile Offenders' Composition Ratio per Previous Conviction (2004~2014)



E. Sexes of Juvenile Offenders

Now, if we look at the sexed of juvenile offenders for the last 10 years, male juveniles accounted for a vast majority of over 80%. Female rates increased gradually between 2005 and 2010, but has decreased again since then. As of 2014, male juvenile offenders accounted for 86.2% and the females accounted for 13.8%.

<Table 2-1-6> Sexes of Juvenile Offenders per Year

(Unit : person(%))

Year	Sex	Total	Male		Female	
		Number	Number	Ratio	Number	Ratio
2005		67,478	57,799	85.7	9,679	14.3
2006		69,211	58,710	84.8	10,501	15.2
2007		88,104	74,174	84.2	13,930	15.8
2008		134,992	108,482	80.4	26,510	19.6
2009		113,022	93,509	82.7	19,513	17.3
2010		89,776	72,461	80.7	17,315	19.3
2011		83,060	68,734	82.8	14,326	17.2
2012		107,452	89,298	83.1	18,154	16.9
2013		79,275	66,401	83.8	12,874	16.2
2014		72,845	62,792	86.2	10,053	13.8

* Source: *White Paper of Crime* published by the Institute of Justice, 2005-2014. For 2013 and 2014, the Supreme Prosecutor’s Office data on the Crime Analysis were used.

** Note : Unknown are excluded.

Section 3

Response Measures to Juvenile Crimes

Sometimes, juvenile crimes are dismissed with a caution by law enforcement at local police level. However, in this chapter we will examine the official response measures based on the statistics released by the prosecutor’s office, courts, and reformatory · protection institutes.

1. Responses by the Prosecutor's Office

As for the response measure taken by the prosecutor's office, indictment/prosecution rate was 16.8% in 2005, non-indictment rate was 60.0%, and rate of transfer to juvenile courts was 20.1%. This trend of highest-rate in non-indictment has been steady for the 10 years, with no significant change noticed in 2014; however, in terms of proportion, rate of transfer to court increased sharply to 32.5%, while indictment rate also decreased, considerably, to 9.6%. It indicates that a strong tendency has been to reduce prosecution against juvenile offenders, but at the same time to emphasize guidance and protection for juvenile offenders, in prosecutor's office.

<Table 2-1-7> Response Measure To Juvenile Offenders by the Prosecutor's Office per Year
(Unit : person(%))

Year	Total	Indicted			Not-indicted			Transfer to Juvenile Courts	Transfer to Family Protection Courts	Other
		Subtotal	Request for trial	Request for summary trial	Subtotal	Stay	Other			
2005	67,478 (100.0)	11,350 (16.8)	2,771 (4.1)	8,579 (12.7)	40,486 (60.0)	33,683 (49.9)	6,803 (10.1)	13,555 (20.1)	10 (0.0)	2,077 (3.1)
2006	69,211 (100.0)	9,315 (13.5)	2,496 (3.6)	6,819 (9.9)	43,495 (62.8)	36,808 (53.2)	6,687 (9.7)	14,105 (20.4)	20 (0.0)	2,276 (3.3)
2007	88,104 (100.0)	10,367 (11.8)	2,815 (3.2)	7,552 (8.6)	54,424 (61.8)	44,689 (50.7)	9,735 (11.1)	21,368 (24.3)	22 (0.0)	504 (2.1)
2008	134,992 (100.0)	15,150 (11.2)	4,823 (3.6)	10,327 (7.6)	88,932 (65.9)	62,977 (46.7)	25,955 (19.2)	28,360 (21.0)	30 (0.0)	2,520 (1.9)
2009	113,022 (100.0)	7,795 (6.9)	3,929 (3.5)	3,866 (3.4)	71,100 (62.9)	56,715 (50.2)	14,385 (12.6)	32,453 (28.7)	37 (0.0)	1,637 (1.4)
2010	89,776 (100.0)	5,443 (6.0)	2,913 (3.2)	2,530 (2.8)	52,685 (58.7)	42,021 (46.8)	10,664 (11.9)	30,143 (33.6)	9 (0.0)	1,496 (1.7)
2011	83,060 (100.0)	4,691 (5.6)	3,025 (3.6)	1,666 (2.0)	46,224 (55.7)	36,582 (44.0)	9,642 (11.7)	30,587 (36.8)	10 (0.0)	1,548 (1.9)
2012	102,871 (100.0)	7,877 (7.7)	4,898 (4.8)	2,979 (2.9)	56,668 (55.1)	43,013 (41.8)	13,655 (13.3)	36,478 (35.5)	21 (0.0)	1,827 (1.8)
2013	88,062 (100.0)	8,758 (9.9)	5,293 (6.0)	3,465 (3.9)	47,486 (53.9)	34,914 (39.6)	12,572 (14.3)	29,641 (33.7)	35 (0.0)	2,142 (2.4)
2014	72,964 (100.0)	7,038 (9.6)	4,191 (5.7)	2,847 (3.9)	39,559 (54.2)	27,601 (37.8)	11,958 (16.4)	23,743 (32.5)	50 (0.1)	2,574 (3.5)

* Source : *Crime Analysis*, Supreme Prosecutor's Office.

** Note : Undecided cases are excluded.

2. Responses by the Courts

Unlike adult crimes, the courts apply a dual system in dealing with juvenile crimes, which separates jurisdiction from disposition. Thus, we need to examine the disposition of juvenile protections cases and the disposition of criminal justice process, separately.

First, if we look at the status of juvenile protection disposition, the amendment of the Juvenile Act in December 2007 diversified the protective measures toward juvenile offenders by increasing the existing seven protective dispositions to ten dispositions with new titles assigned to each²³). As for the results of dispositions, before 2007's amendment, dispositions No. 2 and No. 3 (Short-term and Long-term Probation, respectively) took the largest portion, followed by No. 1 (Care and Custody by Legal Custodian), No. 6. (Short-term Detention in Reformatory), No.7 (Long-term Detention in Reformatory), and No. 4 (Custody by Juvenile Protection Facility), in this order. However, since the ratio of No. 1 has decreased since the amendment of the Act as it introduced No. 2 (Order to Attend a Lecture), No. 3 (Community Service Order), and No. 8 (Maximum 1 month Custody by Reformatory).

In addition, combined disposition, for example dispositions No. 1 and No. 4 (Short-term Probation), or No. 1 and No. 5 (Long-term Probation), has been more frequently made, of which the rate accounted for 54.8% in 2008 and rose up to 59.1% in 2011. Although it decreased slightly to 56.3% in 2014, the combined disposition rate is still high. Since 2006, no-trial rate also increased compared to the previous years. In detail, 1,758 no-trial dispositions in 2005 (7.2%) increased to 5,669 (16.4%) in 2014. 'Other' disposition refers to transfer to another court or back to the prosecution. As of 2014, total 1,859 juvenile offenders (5.4%) received other types of disposition.

23) Disposition No. 1 is 'Care and Custody by Legal Custodian', No. 2 is 'Order to Attend a Lecture', No. 3 is 'Community Service Order', No. 4 is 'Short-term Probation', No. 5 is 'Long-term Probation', No. 6 is 'Care and Custody to Protection Facility', No. 7 is 'Entrustment to mental Hospital', No. 8 is 'Detention in Juvenile Reformatory within One Month Maximum', No. 9 is 'Short-term Detention in Juvenile Reformatory', and No. 10 is 'Long-term Detention in Juvenile Reformatory'.

<Table 2-1-8> Disposition Status of Juvenile Protection Cases per Year

(Unit : person(%))

Year	Total	Protective Disposition									No -disposition	No -trial	Other			
		Subtotal	No. 1	No. 2	No. 3	No. 4	No. 5	No. 6	No. 7							
2005	24,303 (100.0)	21,135 (87.0)	4,166 (17.1)	6,906 (28.4)	7,479 (30.7)	557 (2.4)	5 (0.0)	1,053 (4.3)	949 (3.9)		1,228 (5.1)	1,758 (7.2)	182 (0.7)			
2006	25,262 (100.0)	20,241 (80.1)	4,596 (18.1)	7,013 (27.8)	6,426 (25.4)	462 (1.8)	10 (0.0)	883 (3.3)	851 (3.4)		1,512 (6.0)	3,344 (13.2)	156 (0.0)			
2007	35,514 (100.0)	26,874 (75.7)	6,536 (18.4)	10,425 (29.4)	7,648 (21.5)	478 (1.3)	27 (0.1)	957 (2.7)	803 (2.3)		2,056 (5.8)	5,957 (16.8)	627 (1.8)			
Year	Total	Protective Disposition												No -disposition	No -trial	Other
		Subtotal	No.1	No.2	No.3	No.4	No.5	No.6	No.7	No.8	No.9	No.10	Combined			
2008	39,532 (100.0)	30,222 (76.4)	6,214 (15.7)	130 (0.3)	181 (0.5)	- (0.0)	10 (0.0)	410 (1.0)	- (0.0)	6 (0.0)	762 (1.9)	857 (2.2)	21,652 (54.8)	2,020 (5.1)	6,801 (17.2)	489 (1.3)
2009	47,865 (100.0)	35,819 (74.8)	5,883 (12.2)	71 (0.1)	268 (0.6)	23 (0.0)	2 (0.0)	128 (0.3)	100 (0.2)	22 (0.0)	919 (1.9)	992 (2.1)	27,411 (57.3)	3,041 (6.4)	7,377 (15.4)	1,628 (3.4)
2010	45,090 (100.0)	32,416 (71.9)	4,527 (10.0)	37 (0.1)	116 (0.3)	34 (0.1)	13 (0.0)	73 (0.2)	81 (0.2)	11 (0.0)	861 (1.9)	806 (1.8)	25,857 (57.3)	3,105 (6.9)	7,338 (16.3)	2,231 (4.9)
2011	48,713 (100.0)	35,072 (72.0)	4,021 (8.3)	18 (0.0)	53 (0.1)	77 (0.2)	28 (0.1)	9 (0.0)	150 (0.3)	15 (0.0)	883 (1.8)	1,019 (2.1)	28,799 (59.1)	2,579 (5.3)	7,905 (16.2)	3,157 (6.5)
2012	50,771 (100.0)	36,150 (71.2)	4,222 (8.3)	51 (0.1)	104 (0.2)	103 (0.2)	71 (0.1)	14 (0.0)	195 (0.4)	7 (0.0)	1,206 (2.4)	1,169 (2.3)	29,008 (57.1)	2,278 (4.5)	9,209 (18.1)	3,134 (6.2)
2013	45,393 (100.0)	31,952 (70.4)	3,822 (8.4)	107 (0.2)	125 (0.3)	91 (0.2)	41 (0.1)	13 (0.0)	149 (0.3)	3 (0.0)	1,153 (2.5)	1,252 (2.8)	25,196 (55.5)	2,663 (5.9)	8,065 (17.7)	2,713 (6.0)
2014	34,600 (100.0)	24,529 (70.9)	2,960 (8.6)	70 (0.2)	92 (0.3)	63 (0.2)	32 (0.1)	9 (0.0)	183 (0.5)	- (0.0)	812 (2.3)	813 (2.3)	19,495 (56.3)	2,543 (7.3)	5,669 (16.4)	1,859 (5.4)

* Note : No 2 and No 3 are combined figure with other dispositive measures, except that the combined dispositions after 2008 are separated.

** Source : *Judicial Yearbooks*, National Court Administration.

Meanwhile, according to trial courts' decisions in juvenile crime cases, transfer to reformatory held the highest ratio in 2005 (36.4%), followed by probation or in determinate sentence (28.5%), indeterminate sentence (15.3%), and fines (9.8%) in this order. However, from 2011 transfer to reformatory increased to comprise more than 50% indicating that this is the preferred measure by the courts. On the other hand, probation accounted for 20-30% until 2010 but as the ratio of transfer to reformatory increased, it decreased from 2011, marking 11.3% in 2014. Penalty of fines also decreased from 2011 and recorded as low as 3.1% in 2014.

<Table 2-1-9> First Trial Court Decisions in Juvenile Crimes per Year

(Unit : person(%))

Year	Total	For Life	Determinate	Indeterminate	Probation	Fine	Deferred sentence	Found not guilty	Transfer to reformatory	Other
2005	4,296 (100.0)	-	18 (0.4)	659 (15.3)	1,223 (28.5)	420 (9.8)	48 (1.1)	14 (0.3)	1,565 (36.4)	349 (8.1)
2006	3,543 (100.0)	-	18 (0.5)	624 (17.6)	934 (26.4)	367 (10.4)	54 (1.5)	9 (0.3)	1,265 (35.7)	272 (7.7)
2007	4,151 (100.0)	1 (0.0)	10 (0.2)	671 (16.2)	1,129 (27.2)	362 (8.7)	57 (1.4)	10 (0.2)	1,597 (38.5)	314 (7.6)
2008	5,026 (100.0)	-	215 (4.3)	531 (10.6)	1,504 (29.9)	554 (11.0)	55 (1.1)	14 (0.3)	1,717 (34.2)	436 (8.7)
2009	6,160 (100.0)	-	462 (7.5)	587 (9.5)	1,828 (29.7)	681 (11.1)	93 (1.5)	20 (0.3)	1,971 (32.0)	518 (8.4)
2010	5,294 (100.0)	-	472 (8.9)	503 (9.5)	1,577 (29.8)	590 (11.1)	85 (1.6)	25 (0.5)	1,584 (29.9)	458 (8.7)
2011	3,499 (100.0)	-	14 (0.4)	492 (14.1)	610 (17.3)	133 (3.8)	24 (0.7)	10 (0.3)	1,958 (56.0)	258 (7.4)
2012	4,377 (100.0)	-	7 (0.1)	804 (18.4)	557 (12.7)	118 (2.7)	28 (0.6)	20 (0.5)	2,516 (57.5)	327 (7.5)
2013	4,268 (100.0)	-	3 (0.1)	676 (15.8)	407 (9.5)	145 (3.4)	15 (0.4)	12 (0.3)	2,689 (63.0)	321 (7.5)
2014	3,574 (100.0)	-	14 (0.4)	634 (17.7)	405 (11.3)	110 (3.1)	15 (0.4)	7 (0.2)	2,082 (58.3)	307 (8.6)

* Source : : *Judicial Yearbooks*, National Court Administration.

3. Treatment of Juvenile Offenders

To understand how juvenile offenders are treated in reformatory centers and protective facilities, I have looked into the maximum capacities of correctional institutions and the number of inmates therein. Juvenile offenders aged under 19 are, in principle, admitted to juvenile correctional institutions, separated from adult inmates. In exception cases where a juvenile offender is sent to an adult facility, the offender is separately accommodated. As Cheonan Junior Correctional Institution was converted to a prison for foreign national inmates in 2010, Gimcheon Boy's Correctional Institution is the only juvenile-exclusive correctional service, currently²⁴⁾.

24) *Correction Statistics Yearbook 2014*, Korea Correctional Service, Ministry of Justice 2014, p.72.

As for the number of inmates in the juvenile correctional institutions for the last 10 years, the number were relatively large between 2005 and 2007, as 427 in 2005, 356 in 2006 and 657 in 2007 respectively. In 2008, the number declined sharply to 156 and fluctuated since then to mark 131 inmates in 2014, which is a significant decrease compared to 10 years ago. On the other hand, the number of inmates in protective facilities increased during the given time period, from 1,543 in 2005 to 2,775 in 2009, and 3,429 in 2012, although a slight decrease was observed in 2014 (2,363). This trend is related to the tendency of the prosecutor's offices and the courts to give more lenient treatment to juvenile offenders. It also signifies that protective facility is now more preferred treatment towards juvenile offenders than correctional institutions.

If we look at the sex of juvenile inmates in protective facilities, female rates increased for the last 10 years from 9.6% in 2005 to 13.3% in 2014. Average admission per day decreased briefly after 2005 and increased again to mark 1,236 inmates in 2014.

<Table 2-1-10> Juvenile Correctional and Protective Institution and Maximum Number of Inmates
(Unit : person(%))

Year	Number in Correctional Institutions	Protective Facilities			
		Newly Admission			Average admission per day
		Total	Male	Female	
2005	427	1,543	1,395 (92.1)	148 (9.6)	1,464
2006	356	1,468	1,284 (87.4)	184 (12.5)	1,118
2007	657	1,511	1,293 (85.6)	218 (14.4)	1,503
2008	156	1,732	1,415 (81.7)	317 (18.3)	1,161
2009	169	2,775	2,337 (84.2)	438 (15.8)	1,191
2010	146	2,822	2,404 (85.2)	418 (14.8)	1,162
2011	114	2,960	2,534 (85.6)	426 (14.4)	1,264
2012	170	3,429	2,994 (87.3)	435 (12.7)	1,390
2013	152	3,037	2,666 (87.8)	371 (12.2)	1,380
2014	131	2,363	2,048 (86.7)	315 (13.3)	1,236

* Source : *White Paper of Crime*, Institute of Justice, except that for 2014 data the *Judicial Yearbook 2015* and the *Juvenile Protection Statistics* by the Ministry of Justice were used.

Section 4

Conclusion

In this chapter, I have examined the trends in juvenile crimes and responsive measures toward juvenile offenders for the last 10 years and confirmed the following.

First, the rates of juvenile offenders displayed an upward trend in 2012 but it was only temporary. Prior to 2008, the trend was upward overall but after then, it was downward.

Secondly, the proportion of juvenile offenders among total criminals also decreased since 2008 and marked down to 4.1% in 2014.

Thirdly, age distribution of juvenile offenders shows that overall, juveniles aged 16-17 held the highest proportion in general. In the past, age group of 18-19 had a relatively high percentage but since 2008 age group of 14-15 has outnumbered the others, which indicates that criminal offenders become younger with each passing year.

Fourthly, as for prior conviction record, first-time offender accounted for more than 60% until 2009 but the rate has decreased to a 50%-range since 2010, while repeat crime has increased steadily. In particular, the rate of juvenile offenders with four or more previous convictions has increased and it indicates that in addition to lowering-age tendency in juvenile crime, repeat and habitual crime has become an issue, as well.

Fifthly, for the last 10 years, indictment rate at the prosecutor's offices significantly decreased while the rate of transfer to juvenile courts relatively decreased. This trend indicates that in disposition of juvenile offenders, both the courts and the prosecution have shifted their focus from detention to guidance or protective disposition.

Today's social response to juvenile crimes emphasizes protection and adjustment rather than strict punishment. In this context, many branches of government, such as law enforcement, prosecutor's office, Ministry of Justice, Ministry of Gender Equality and Family, and Ministry of Education, provide various juvenile protection policies. Of these, the key policies implemented by law enforcement, the prosecutor's office and the Ministry of Justice are as follows.

To begin with, as the current government defined school violence as one of the 'Four Major Social Evils' from its inauguration, the National Police Agency provides education for prevention of school violence tailored to target subjects and runs 117 Center to receive case reports in the issue. Moreover, it places police officer in school to protect and support

the students against school violence²⁵⁾. For preventive education, law enforcement has adopted role-playing or quiz programs, such as “Challenge the Golden Bell” customized to target subjects, and as the government has extended compulsory education to kindergarten students since April 2013, it has stressed the importance of school violence prevention programs in early ages. Law enforcement also operates a call center for students to report school violence, called “117 Center”. The operation of 117 Center has been expanded across the nation, following the government’s announcement of the Comprehensive Measures to Stop School Violence in 2012, and the Ministry of Education and the Ministry of Gender Equality and Family join the operating system. According to the National Police Agency’s 2015 White Paper, as of 2014 average report was 220 a month²⁶⁾. Consequently, since 2012 the Police Agency has placed police officers in school to build a safety net, and played a role in receiving and processing the reports, conducting follow-up management, and supporting teaching. The White Paper also reports that the National Police Agency increased the number of school police officers from 681 in 2013 to 1,086 in 2014, and thus had one school police officer look after average 10.7 schools²⁷⁾. Further, the Police Agency operates a system called, ‘Experts Participation in Juvenile Crime Investigation’ to develop proper guidance programs for juvenile offenders and to prevent recidivism of juvenile offenders by encouraging criminal psychologists’ participation in the investigation process. 70 organizations adopted the ‘Experts Participation in Juvenile Crime Investigation’ in 2010 and 180 in 2014. The rate of using the system in total juvenile offenders also gradually increased from 7.6% in 2010 to 11.4% in 2014²⁸⁾.

The prosecution, too, actively support the protection and restoration of juvenile offenders. According to the 2015 Supreme Prosecutor’s Office Yearbook, the prosecutor’s office applies various methods of conditional stay of indictment depending on the characteristics of individual juvenile offenders to promote juvenile guidance and prevention of recidivism. Conditional stay of indictment includes suspension of prosecution subject to completion

25) 2014 White Paper, National Police Agency, 2014.

26) In detail, total reports to 117 Center was 80,127 in 2012 and increased rapidly to 101,524 in 2013. As a response measure, emergency dispatching of police officer, linking to the officer(s), or consultation service were actively carried out (*Quoted from the National Survey for Crime Victim (IV)*, Choi Su-Hyung et al., 2014: “Research on the living status of crime victims and social support”, KIC, p.47).

27) 2015 White Paper, National Police Agency, pp.64.

28) Ibid., pp.67.

of education, i.e., that the offender attend to psychological tests, education for preventing delinquency, or moral character education provided by the Juvenile Delinquency Prevention Center of the Ministry of Justice; or subject to participation in a mentor program, i.e., that the offender attend to a mentor program which links the offender to a volunteer college student for one-on-one guidance; or subject to completion of consultation program, i.e., that the offender receive an expert juvenile counseling. In addition, since 2008 the prosecutor's office has implemented the Prosecutor Pre-determination Investigation System to determine and, ultimately, eliminate the cause of delinquency. Through this system, the prosecutor's office also attempts to seek proper punishment for juvenile offenders which would help rehabilitation and reformation of them²⁹⁾. Further, since 1996, the office has extended the School Prosecutor System across the nation. This system appoints a prosecutor in charge of middle and high schools so that he can conduct joint patrols with a relevant organization or volunteer from private sector, as a part of school violation prevention program, and can prepare conference and/or guidance lecture for students. In 2014 alone, total 7,430 joint patrols, 2,259 bull session, 13,398 personal interview of criminally-inclined students, and 1,380 guidance lectures were carried out³⁰⁾. In addition, since 1995 the prosecution has operated a sponsorship service for criminally-inclined juveniles with supports by educational institutions, and sponsored the juveniles in this category. As of 2014, total 4,868 youths were selected to benefit from the service³¹⁾.

The Ministry of Justice has endeavored to not only respond actively to the trends of lowering-age in juvenile crimes and school violence, but also to prevent recidivism of the youth in crisis or youth in the early stage of delinquency. In this context, the Ministry has established and operated Juvenile Delinquency Prevention Centers ("Youth Dream Up Center"), in six regions, including Busan, Gwangju, Daejeon, Chungju, Ansan and Changwon. In 2012, as the government announced the Comprehensive Measures to Eradicate School Violence the Ministry expanded the Centers' service to four more regions, including Seoul South, Seoul North, Incheon and Daegu, and another three in Busan East, Ulsan and Suwon in 2014. As of 2014, total 16 Delinquency Prevention Centers are in operation³²⁾.

29) *2015 Prosecution's Yearbook*, Supreme Prosecutor's Office, 2015, pp.686.

30) *Ibid.*, p.687.

31) *Ibid.*, p.689.

32) *Statistics Yearbook on Crime Prevention Policy*, Ministry of Justice, 2014, pp.583-584.

The Juvenile Delinquency Prevention Centers provide prevention education (alternative education) to the youths in crisis, most of whom are referred to the centers by the courts, prosecutor's office and schools, parents' education to their parents; conduct interview and survey on troubled juveniles who are referred by the judges of the juvenile court or prosecution; offers various psychological tests and counseling services to the local youth; and give a basic legal education to students and teachers in this issue. The Centers also endeavor to develop educational programs and systems concerning delinquency study and prevention. In particular, as the government announced the Field-Oriented School Violence Prevention and Eradication Measures in 2013, as a series of the Comprehensive Measures in 2012, the Centers have prepared not only the special education programs for the offending students and their parents, and family camps, but also run various on-site prevention programs, including as weekend camps and teachers' training sessions³³⁾.

In conclusion, criminal justice organizations, such as law enforcement, the prosecution, and the Ministry of Justice, are exerting their best efforts to eradicate school violence. However, to take every precaution against possible accidents, to help the juvenile offenders' stable and smooth transition to the community, and to control recidivism, more systematic juvenile policies and their implementation are required through the cooperation between relevant agencies and organizations.

33) Ibid., pp.582-584.

Chapter 2

Sexual Violence

Yoo, Jin

Chapter 2

Sexual Violence

Section 1

Status and Response Measures

1. Status of Sexual Violence

Among more serious and heinous types of crimes, sexual violence has the highest rate of unreported crimes that it is generally challenging to make an accurate analysis with the official statistics. Moreover, relevant laws and regulations are revised almost every year resulting in an extremely complex system of sexual violence laws and confusion in data collection and sorting for statistics. Given these limitations, I should clarify that the current chapter's discussion reflects the status of sexual violence and the judicial responses to the matters known to the criminal justice system, rather than the actual crimes of sexual violence.

This paper used the Crime Analysis published by the Supreme Prosecutor's Office, and the Judicial Yearbooks published by the National Court Administration as base material. The statistics on sexual violence in Crime Analysis includes sexual violence crimes under both the Criminal Act and various special criminal laws. First, sexual violence under the Criminal Act includes rape, indecent act by compulsion, quasi-rape, quasi-indecent act by compulsion, sexual intercourse with minor, inflicting another's bodily harm of injuries or death by rape etc. Added to these have been the violation of the Act on Special Cases Concerning the Punishment, Etc., of Sexual Crimes since 2003, and the violation of the Act on Protection of Children and Juveniles from Sexual Abuse, in part, since 2009³⁴⁾. Accordingly, taking photos of another person's body by using cameras, etc., intrusion upon public places with intent to satisfy sexual urges, Obscene Acts by Using Means of Communication, and Indecent Acts in Crowded Public Places are reported and collected

34) 2012 statistics did not include the violation under the Act on Protection of Children and Juveniles from Sexual Abuse in criminal law offences.

as sexual violence in statistics. ‘Robbery and rape’ under the Criminal Act is currently categorized as robbery and thus not included in sexual violence statistics, but ‘break-in and rape’, ‘larceny and rape’ and special robbery and rape, prescribed by Article 3 of the Act on Special Cases Concerning the Punishment, Etc., of Sexual Crimes Art are categorized and collected as sexual violence.

If we look at the numbers of sexual violence cases reported and known to the criminal justice system for the last 10 years between 2005 and 2014, the numbers increased from total 11,551 in 2005 to 29,863 in 2014 and so did the crime rate, that is the number of crimes reported per a population of 100,000, by more than twice during the observed time period, from 23.7 to 58.2. It is clearly an upsurge in crime rate compared to all other types of crimes reported during the same time period of which the crime rate was 3,813 in 2005, increased to 4,419 in 2008 but declined to 3,767 in 2014 (see <Table 2-2-1>). In detail, the sexual violence data collected in 2014 reveal that the highest rate was reported in indecent act by compulsion with 42.2%, followed by taking photos using cameras or other devices (24.1%), and rape (17.1%). Especially, taking photos using cameras or other devices increased by almost 20 times for the last 10 years from 341 cases in 2005 to 6,735 in 2014, which has contributed significantly to the trend of increasing in sexual violence (*2015 Crime Analysis*, Supreme Prosecutor’s Office, 2015, p.15).

The number of sexual violence committed against the minors under 13 years of age increased from 785 in 2005 to 1,208 in 2014, and the crime rate, that is the number of crimes reported per 100,000 child population, increased from 10 in 2005 to 26.3 in 2014, growing by 2.6 times for the last 10 years (see <Table 2-2-1>). Of the sexual violence against the minors in 2014, the highest rate was reported in indecent act by compulsion with 78.3%, followed by rape/adultery with 12.1% (*2015 Crime Analysis*, Supreme Prosecutor’s Office, 2015, p.79).

<Table 2-2-1> Numbers of Total Crimes, Sexual Violence, and Sexual Violence against Minors

Year	Total Crimes		Sexual Violence		Sexual Violence against Minors under 13 years of age		
	Number	*Crime rate	Number	*Crime rate	Number	*Crime rate	**Crime rate
2005	1,860,119	3,813.1	11,551	23.7	785	1.6	10.0
2006	1,829,211	3,733.7	14,277	29.1	961	2.0	12.6
2007	1,965,977	3,990.3	14,344	29.1	1,081	2.2	14.7
2008	2,189,452	4,419.5	16,129	32.6	1,194	2.4	16.9

Year	Total Crimes		Sexual Violence		Sexual Violence against Minors under 13 years of age		
	Number	*Crime rate	Number	*Crime rate	Number	*Crime rate	**Crime rate
2009	2,168,185	4,356.1	17,377	34.9	998	2.0	14.5
2010	1,917,300	3,795.5	20,584	40.7	1,175	2.4	17.7
2011	1,902,720	3,750.4	22,168	43.7	1,056	2.1	16.3
2012	1,934,410	3,796.8	23,365	45.9	975	1.9	11.9
2013	1,996,389	3,903.7	29,090	56.9	1,051	2.1	17.0
2014	1,933,835	3,767.6	29,863	58.2	1,208	2.3	26.3

Source : *Crime Analysis*, Supreme Prosecutor's Office. Reorganized.

* Crime rate : Number of crimes reported per 100,000 population.

**Crime rate : Number of crimes reported per 100,000 child population.

As for the arrests of sex offenders for the last 10 years, it was, overall, an upward trend as the number reported in 2005 was 12,157, 18,673 in 2011, and 23,373 in 2012, which was a considerably sharp increase from the previous year, and then reached a decade peak in 2013 with 30,408 arrests, although the number slightly declined to 28,420 in 2014. In the same time period, the crime rate of sexual violence fluctuated in a narrow range, with as low as 84.7% in 2011 and as high as 98.9% in 2009. The arrest rate reported in 2014 was 95.2% (see <Table 2-2-2>).

<Table 2-2-2> Number and Arrest Rate of Sex Offenders

(Unit : case(%))

Year	Number of Arrests - Sex Offender (Arrest Rate)
2005	12,157(89.2)
2006	14,053(92.7)
2007	14,012(91.1)
2008	14,698(97.4)
2009	15,977(98.9)
2010	18,058(90.6)
2011	18,673(84.7)
2012	23,373(85.8)
2013	30,408(89.6)
2014	28,420(95.2)

* Source : *Crime Analysis*, Supreme Prosecutor's Office. Reorganized

2. Responses to Sexual Violence

As social awareness about the seriousness of the harm resulting from sexual violence is growing and the public demands to enhance the punishment is becoming more urgent every day, relevant legislation has been enacted and revised since mid-2000s in a manner to introduce various sanctions and strengthen the penalties. (Chu, Ji Hyun, 2014). Cases in which the sexual perpetrator received criminal punishments increased as well. If we look at the trends in trial courts’ decisions in rape and indecent act by compulsion, actual prison sentence was imposed on 576 cases in 2005 and the number increased to 989 in 2014. Increase was more evident in 2012 and onwards as over 600 jail-time sentences were made in 2012, 669 in 2013 and 989 in 2014, marking an increase of 48% just in this time period. (see <Table 2-2-3>).

Imposition of sentence of probation and fine on rape and indecent act by compulsion, too, displayed a rapid increase from 2012 and 2013. In detail, Probation was imposed on 774 cases in 2005 and the number decreased gradually to record 495 cases in 2012, which was the lowest in decade. Yet, it increased again in 2013 to record 749 cases, and again in 2014, this time by a sharp margin, to record 1,768 cases. As for the penalty of fine, except a small decrease in 2009, it continuously increased for the last 10 years with over 500 cases reported in 2012, 905 in 2013, and 1,968 in 2014 (see <Table 2-2-3>).

<Table 2-2-3> Trial Courts’ Decision on Rape and Indecent Act by Compulsion Cases (Unit : case(%))

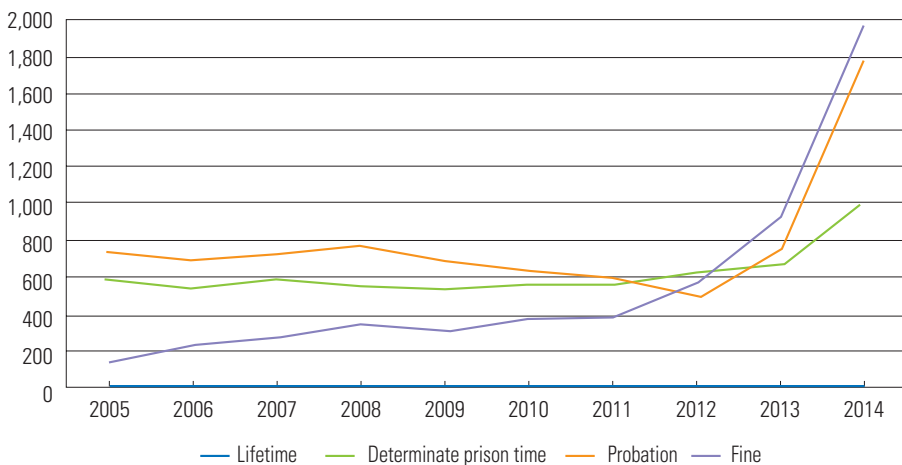
Year	Lifetime	Determinate prison time	Probation	Fine
2005	1(0.1)	575(39.5)	744(51.1)	137(9.4)
2006	4(0.3)	535(36.5)	701(47.8)	227(15.5)
2007	4(0.3)	579(36.4)	730(46.0)	276(17.4)
2008	2(0.1)	557(33.5)	771(46.4)	331(19.9)
2009	5(0.3)	537(35.0)	686(44.7)	308(20.1)
2010	0(0.0)	551(35.2)	651(41.6)	363(23.2)
2011	1(0.1)	559(36.4)	597(38.9)	378(24.6)
2012	1(0.1)	621(36.6)	495(29.2)	579(34.1)
2013	1(0.1)	668(28.8)	749(32.2)	905(39.0)
2014	0(0.0)	989(20.9)	1,768(37.4)	1,968(41.7)

Source: Judicial Yearbooks, National Court Administration. Reorganized

As total imposition of punishment in sexual violence cases increased, composition ratio concerning the types of punishment also changed. The following [Figure 2-2-1] displays that the rate of increase in probation and fine since 2012 exceeds by far the rate of increase in actual prison sentence. A striking change in the trial courts' decisions between 2005 and 2014 was found in sentence of fine, which accounted for 9% among the verdicts of guilty in 2005 and increased to 42% in 2014 to hold the highest proportion in sentencing options. Compared to this, imposition of actual jail time sentencing decreased in the given time period, from 40% in 2005 to 21% in 2014, almost by 50% (see [Figure 2-2-2]).

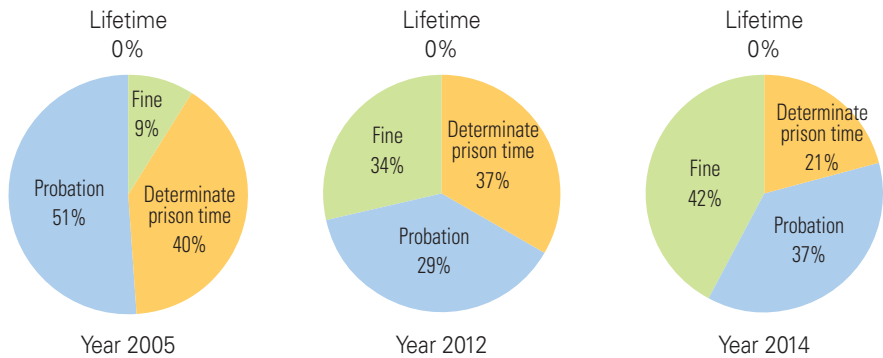
The phenomenon becomes more evident when we include the number of punishments under the Act on Special Cases concerning the Punishment etc. of Sexual Crimes, and the Act on the Protection of Children and Juveniles against Sexual Abuse (rape etc.) in the crimes of rape and indecent act by compulsion. In this case, while the total number of actual jail time sentencing increased by almost 4.8 times during the given time period, in detail from 576 reported in 2005 to 2,798 in 2014, and the total number of impositions of probation increased by approximately 5.1 times, in detail from 744 in 2005 to 3,802 in 2014, the total number of fine sentencing increased by 32.5 times, in detail from 137 in 2005 to 4,454 in 2014. It signifies that fine is the most frequently used option of criminal sanctions in sexual violence cases (see [Figure 2-2-3]).

[Figure 2-2-1] Annual Trends in Trial Courts' Decisions in Rape and Indecent Act by Compulsion Cases



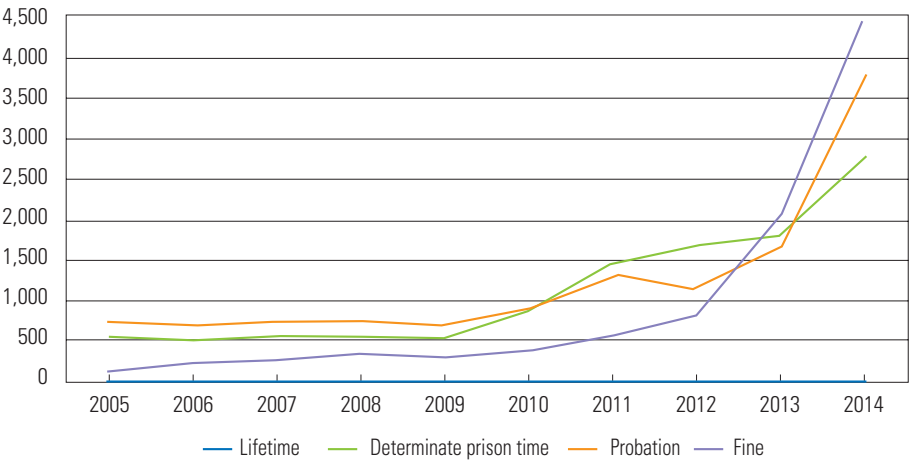
Source: *Judicial Yearbooks*, National Court Administration. Reorganized.

[Figure 2-2-2] Ratio in Trial Courts’ Decisions in Rape and Indecent Act by Compulsion Cases



Source : *Judicial Yearbooks*, National Court Administration. Reorganized.

[Figure 2-2-3] Annual Trends in Trial Courts’ Decisions in Rape and Indecent Act by Compulsion Cases*



Source : *Judicial Yearbooks*, National Court Administration. Reorganized.

* Included are rape and indecent act by compulsion, violations under the Act on Special Cases concerning the Punishment etc. of Sexual Crimes, and the Act on the Protection of Children and Juveniles against Sexual Abuse.

Section 2

Characteristics of Sexual Violence

1. Socio-Demographic Characteristics of Sex Offenders

In this section, we will examine the characteristics of sex offenders in terms of age and sex, based on the statistics presented in the Crime Analysis of the Supreme Prosecutor’s Office. First, as for the sex of perpetrators, an absolute majority of 95% was male offenders. Especially in 2014, 98.0% was male while female accounted for 1.7% (see <Table 2-2-4>).

<Table 2-2-4> Sexes of Sex Offenders

(Unit : %)

Year	Male	Female	Unknown	Total
2005	95.8	0.6	3.7	100.0
2006	96.6	0.7	2.6	100.0
2007	96.4	0.7	2.9	100.0
2008	95.2	1.4	3.4	100.0
2009	95.2	1.5	3.2	100.0
2010	95.0	1.4	3.6	100.0
2011	94.7	1.7	3.7	100.0
2012	94.8	2.9	2.2	100.0
2013	95.4	2.5	2.1	100.0
2014	98.0	1.7	0.3	100.0

Source : *Crime Analysis*, Supreme Prosecutor’s Office. Reorganized.

As for the ages of offenders at the time of commission of crime, offenders in their 20s accounted for the highest rates of 24.9%, followed by offenders in their 30s (20.9%) and 40s (20.3%) in 2014. For the last 10 years, these three age groups held the highest proportion in all age groups within sexual crime offenders. In detail, offenders in 30s accounted for the highest rate of 28.0% in 2005 and the rate decreased since then recording 20.9% in 2014, while offenders in 20s and 40s remained at a similar level recording 24.0% and 20.0% respectively. (see <Table 2-2-5>).

<Table 2-2-5> Ages of Sexual Violence Offender at the Time of Crime Commission

(Unit : %)

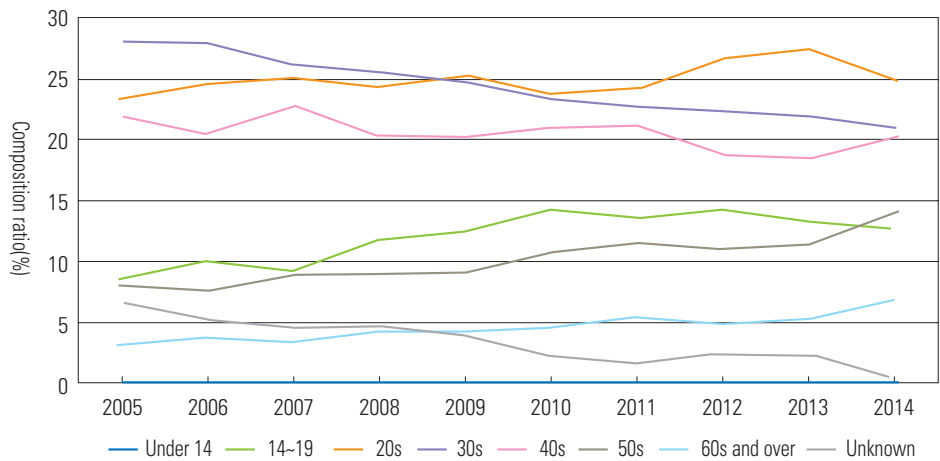
Year	Under 14	14~19	20s	30s	40s	50s	60s and over	Unknown	Total
2005	0.1	8.7	23.4	28.0	21.8	8.1	3.2	6.7	100.0
2006	0.1	10.0	24.5	27.9	20.7	7.8	3.8	5.2	100.0
2007	0.1	9.3	25.0	26.0	22.4	8.9	3.6	4.7	100.0
2008	0.1	11.7	24.5	25.4	20.5	9.0	4.3	4.6	100.0
2009	0.1	12.4	25.2	24.8	20.2	9.2	4.1	4.0	100.0
2010	0.0	14.3	23.8	23.3	20.9	10.7	4.6	2.2	100.0
2011	0.0	13.5	24.3	22.6	21.1	11.5	5.3	1.8	100.0
2012	0.1	14.1	26.8	22.2	18.5	11.1	4.8	2.5	100.0
2013	0.1	13.1	27.3	21.9	18.4	11.6	5.3	2.4	100.0
2014	0.0	12.8	24.9	20.9	20.3	13.9	6.7	0.4	100.0

Source : *Crime Analysis*, Supreme Prosecutor's Office. Reorganized.

In the meantime, among total sex offenders, offenders aged 14~19 accounted for 8.7% in 2005. The rate increased to 11.7% in 2008, continued to increase recording the decade peak in 2010 with 14.3%, then decreased slightly since then but remained constant. Along with juvenile offenders, offenders in age groups of 50s and 60s also showed an increase. Especially, offenders in their 60s and over accounted for 3.2% in 2005 and their rate increased steadily to 6.7% in 2014, doubling the rate during the given time period. Offenders in their 50s, too, increased from 8.1% in 2005 to 13.9% in 2014 (see <Table 2-2-5>).

As the following [Figure 2-2-4] displays, the overall trend in ages of sex offenders at the time of commission is that while the age groups of 20s, 30s, and 40s continue to hold the highest proportion in all age groups, ratios of teenage juveniles and offenders in their 50s and 60s are increasing.

[Figure 2-2-4] Ages of Sex Offenders at the Time of Crime Commission



Source : *Crime Analysis*, Supreme Prosecutor's Office. Reorganized.

2. Time and Place of Occurrence

Now, we will examine the characteristics of sexual violence crime focusing on the time and place of occurrence. According to the official statistics of 2014, sexual violence occurred most frequently in the hours between 8PM and 4AM. The sexual violence crime committed in these hours accounted for 39.9% of total crimes, which is a slight decrease compared to 2011 (45.1%). The second most frequent times when sexual violence occurred were from noon to 6PM and accounted for 23.4% in 2014, a slight increase compared to 2011 (17.6%) (see <Table 2-2-6>).

<Table 2-2-6> Time of Sexual Violence's Occurrences

(Unit : %)

Year	Dawn	Early Morning	AM	PM	Evening	Night
	04:00~06:59	07:00~08:59	09:00~11:59	12:00~17:59	18:00~19:59	20:00~03:59
2011	12.8	8.5	6.8	17.6	9.2	45.1
2012	12.7	7.4	7.5	18.5	8.1	45.8
2013	10.7	7.5	9.1	21.5	8.7	42.5
2014	9.4	7.2	9.6	23.4	10.5	39.9

Source : Reorganized from *Crime Analysis*, Supreme Prosecutor's Office

As for the place in which sexual violence took place, the statistics of 2014 displays that primary residence, including apartment buildings, multi-household dwelling, and single household residences, was the most common places where crime took place with 17.6%. Following this was on-street with 16.6% and on public transportation with 12.6%. Crime occurrence in accommodation or bathhouses decreased slightly from 12.5% in 2013 to 8.8% in 2014 (see <Table 2-2-7>).

<Table 2-2-7> Place of Sexual Violence’s Occurrence

(Unit: %)

Year	Residence*	Street	Accommodation, Bathhouse	Other
2011	20.8	12.5	11.1	55.6
2012	18.2	12.2	10.0	59.6
2013	21.7	18.5	12.5	47.3
2014	17.6	16.6	8.8	57.0

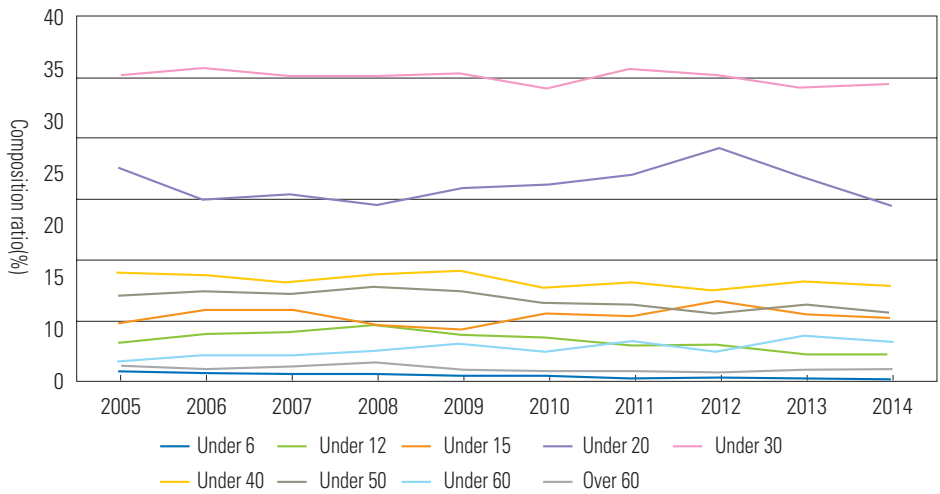
Source : *Crime Analysis*, Supreme Prosecutor’s Office. Reorganized.

* Residence includes apartment building, multi-household dwellings, and single family houses

3. Socio-Demographic Characteristics of the Victims

Now, we will examine the characteristics of sexual violence victims focusing on their sex and age. An absolute majority of the victims was female, accounting for 90% of the total sexual violence victims, while approximately 4% was reported as male in each year. As for their age, females aged 21 to 30 held the highest proportion with more than 30% of the total sexual violence victims and this is an unchanged phenomenon through last 10 years. They were followed by females aged 16 to 20 with approximately 20%. Females aged 7 to 12, or that is, the ages of elementary school students, held 6.3% of total sexual violence victims in 2008, which was a decade low point, but the rate decreased since then and marked 3.0% in 2014. Preschoolers’ proportion also decreased during this time period, from 1.4% in 2005, which was the highest in decade, to 0.5% in 2014 (see <Table 2-2-8> and [Figure 2-2-5]).

[Figure 2-2-5] Ages of Female Victims of Sexual Violence



Source : *Crime Analysis*, Supreme Prosecutor's Office. Reorganized.

<Table 2-2-8> Sex and Age of the Sexual Violence Victims

(Unit : %)

		2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Male	Under 6	0.1	0.1	0.1	0.1	0.1	0.1	0.0	0.1	0.1	0.1
	Under 12	0.2	0.2	0.5	0.4	0.3	0.4	0.4	0.4	0.4	0.4
	Under 15	0.2	0.4	0.3	0.2	0.3	0.3	0.3	0.4	0.5	0.4
	Under 20	0.6	0.5	0.7	0.6	0.8	0.6	0.7	0.9	0.9	0.8
	Under 30	0.9	1.1	1.3	1.3	1.3	0.9	1.1	1.0	1.1	1.1
	Under 40	1.0	0.6	1.0	0.7	0.9	0.6	0.6	0.7	0.6	0.7
	Under 50	0.5	0.6	0.7	0.7	0.7	0.5	0.5	0.5	0.5	0.5
	Under 60	0.1	0.2	0.3	0.3	0.4	0.2	0.2	0.3	0.4	0.3
	Over 60	0.1	0.1	0.2	0.1	0.1	0.0	0.1	0.1	0.1	0.2
	Subtotal	3.8	3.9	5.1	4.3	4.7	3.6	3.8	4.4	4.6	4.6
Female	Under 6	1.4	1.1	1.0	0.9	0.7	0.6	0.4	0.6	0.5	0.5
	Under 12	4.5	5.3	5.7	6.3	5.0	4.8	4.1	3.9	3.2	3.0
	Under 15	6.5	7.8	8.0	6.5	6.0	7.6	7.2	8.9	8.0	7.3
	Under 20	23.2	20.0	20.6	19.6	21.1	21.5	22.8	25.5	22.7	19.4
	Under 30	33.5	34.0	33.5	33.3	33.5	31.9	33.7	33.3	32.3	32.4

		2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Female	Under 40	12.0	11.7	11.0	11.6	12.2	10.3	11.0	10.2	11.1	10.5
	Under 50	9.6	10.1	10.0	10.6	10.0	8.7	8.7	7.4	8.1	7.3
	Under 60	2.4	2.8	3.0	3.6	4.0	3.6	4.5	3.8	5.1	4.5
	Over 60	1.7	1.5	1.7	2.0	1.4	1.3	1.4	1.3	1.4	1.5
	Subtotal	94.7	94.3	94.3	94.4	93.8	90.3	93.9	94.9	92.4	90.8
Unknown		1.5	1.8	0.6	1.3	1.5	6.1	2.4	0.8	3.1	4.6
Total		100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

Source : *Crime Analysis*, Supreme Prosecutor's Office. Reorganized.

If we look at the relationship between the perpetrator and the victims of sexual crimes, the crimes were reported to have occurred most frequently while the two parties did not know each. In detail, approximately 50% of sexual violence crimes reported from 2005 to 2014 took place in a relationship where the perpetrator and the victim were unacquainted with each other. In figures, the number of sexual violence crimes committed by unfamiliar perpetrators was 4,797 in 2005 and the number rose up to 14,864 in 2014, an increase of almost three times. Compared to this, sexual violence committed in rather intimate relationships, for instance, by friend, boy(girl)friend, and relatives, increased from 529 cases in 2005 to 3,278 cases in 2013, an increase of 6.2 times, but decreased again to 2,048 in 2014. The number of crimes committed in a familiar relationship, for example in employment context, by workplace colleague, neighbor, or acquaintance, showed overall an upward trend. In detail, the number gradually increased between 2005 and 2011, with 1,138 cases reported in 2005 and 1,764 in 2011. It, then, marked a sharp increase in 2012 with 3,008 cases reported and another increase in 2014 with 3,824 cases reported (see <Table 2-2-9>).

<Table 2-2-9> Relationship between Perpetrators and Victims

Year	Intimate Relationship*	Acquainted**	Unacquainted	Unknown	Other/The Rest***	Total
2005	529 (5.9)	1,138 (12.7)	4,797 (53.4)	1,750 (19.5)	761 (8.5)	8,975 (100.0)
2006	692 (5.9)	1,432 (12.2)	6,039 (51.6)	2,509 (21.4)	1,029 (8.8)	11,701 (100.0)
2007	527 (4.8)	1,111 (10.1)	5,846 (52.9)	2,639 (23.9)	928 (8.4)	11,051 (100.0)

Year	Intimate Relationship*	Acquainted**	Unacquainted	Unknown	Other/The Rest***	Total
2008	837 (5.6)	1,645 (11.1)	7,278 (48.9)	3,634 (24.4)	1,488 (10.0)	14,882 (100.0)
2009	1,000 (6.3)	1,685 (10.6)	7,474 (46.8)	4,181 (26.2)	1,630 (10.2)	15,970 (100.0)
2010	1,161 (6.5)	1,858 (10.4)	8,601 (48.1)	4,646 (26.0)	1,608 (9.0)	17,874 (100.0)
2011	1,137 (6.0)	1,764 (9.3)	9,340 (49.1)	4,833 (25.4)	1,935 (10.2)	19,009 (100.0)
2012	1,794 (6.7)	3,008 (11.3)	12,193 (45.8)	5,718 (21.5)	3,903 (14.7)	26,616 (100.0)
2013	3,278 (7.0)	3,551 (11.4)	14,259 (45.6)	5,371 (17.2)	5,926 (18.9)	31,285 (100.0)
2014	2,048 (8.1)	3,824 (15.2)	14,864 (58.9)	3,749 (14.9)	738 (2.9)	25,223 (100.0)

Source : *Crime Analysis*, Supreme Prosecutor's Office. Reorganized.

* Combination of friends, boy/girlfriends, cohabiting relatives, and other relatives.

** Combination of employers, employees, workplace colleagues, business counter parties, neighbors, and acquaintances.

*** Combination of the category of 'other' presented in *Crime Analysis* by the Supreme Prosecutor's Office, and the state and public servants.

Section 3

Post-sentence Management and Treatment of Sex Offenders

1. Registration and Community Notification System

Since 2000, social consciousness about sex crimes has grown and the public opinion to strengthen the punishment against sex offenders has been aroused. In this context, the government has introduced a variety of post management dispositions. First, in 2000, the government adopted an open registration system to release identities of the offenders who committed a sexual crime against the minors. In 2010, the government extended access to such database in a manner that now the public can see the lists of offenders through general communication network. It was an improvement in that previously, perusal of such

information was available only at the local police station and to the victims, victims’ legal representatives and the lawyers. In 2011, the government implemented a notification system that the identities of sex offenders are notified by mail to the protected households and educational institutions etc. in the areas where a sex offender resides.

As for the number of sex offenders listed on the registry since 2010, the number of offenders subject to public disclosure via general communication network has increased gradually since 2010, the year that the notification system was first put into practice. As of 2015, the total number on the list is 4,501, comprising a 7.6 times increase within five years. Of these, the number of offenders subject to mail notification was 257 in 2011 and increased by a significant margin to 3,667 in 2015, marking more than a 14 times increase (see <Table 2-2-10>).

<Table 2-2-10> Registration, Public Disclosure via Internet, and Mail Notification (Unit : person)

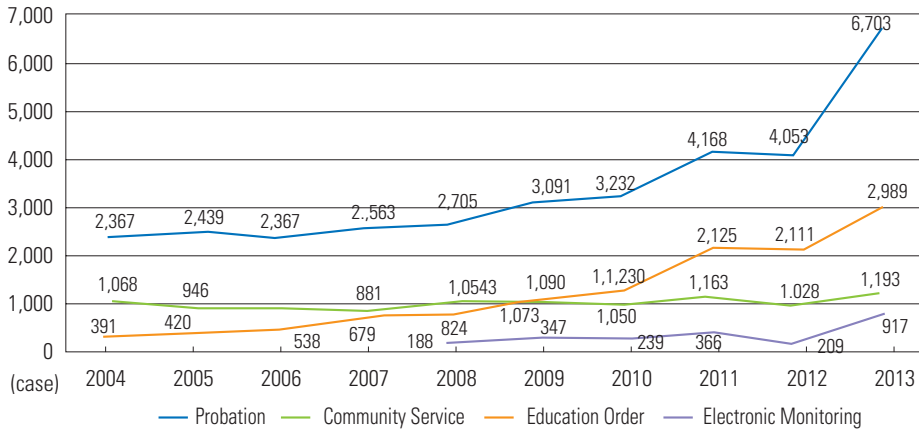
	Information Disclosure via Internet	Information Disclosure via mail
2010	592	-
2011	1,538	257
2012	2,868	1,402
2013	3,479	1,972
2014	3,189	2,374
2015	4,501	3,667

Source : Data from the Ministry of Gender Equality and Family.

2. Probation and Treatment Programs

The number of probation cases on sex offenders has gradually increased since 2006. Especially since 2010, it has showed a rapid upward trend. In detail, the number of probation imposed on sexual violence was 2,367 in 2004, over 3,000 in 2009, 4,053 in 2012 and 6,703 in 2013, marking a 2.8 times increase within 10 years. Orders to Lecture or Completion of Education displayed a similar trend. An order to attend to an education program was imposed by the courts on 391 cases in 2004. The number increased steadily to record over 1,000 cases in 2009, and grew sharply again in 2011 and in 2013 with 2,989 cases, comprising an increase by 7.6 times within 10 years. In contrast, no significant changes were observed in the orders of community service, which showed approximately 1,000 cases throughout the given time period (see [Figure 2-2-6]).

[Figure 2-2-6] Trends in Dispositions



Source: 2014 Statistic Yearbook, Crime Prevention Policy Bureau, Ministry of Justice.

Meanwhile, pursuant to the enactment of the Act on Medication Treatment of Sexual Impulse of Sex Offenders in 2010, a medication treatment order was executed against a sex offender in 2012, for the first time in our judicial history, and then another two offenders in 2013 (2014 Statistic Yearbook, Crime Prevention Policy Bureau, Ministry of Justice, p.122).

3. Electronic Monitoring Supervision

Electronic monitoring supervision with gps tracking system targets the ex-convicts who committed sexual violence crimes and have served the term in prison and the convicts who committed sexual violence crimes and have been released on parole or on probation. Currently, adoption of this system is substantially increasing, as the subject has been extended to include not only the known sex offenders, but also child kidnappers, homicides, and larcenists. In 2008 when the system was first implemented, it applied to total 188 offenders. The number marked a record of 1,136 in 2013 and decreased slightly since then, to 745 offenders in 2015. Up to present, total 5,123 offenders have been under the electronic monitoring supervision with tracking system. Among these, 3,106 offenders, or 60.6% of total, are sexual violence crime offenders. The percentage of sexual crime offenders in total offenders subject to the monitoring with tracking system declined by half in 2010, when

homicides were added to the target group of this system. It increased again in 2013 marking 71.9%, but has declined since then. If we look at the figures, from 2009 to 2015 average 417 sexual crime offenders received electronic monitoring supervision per year and the highest record was made in 2013 with 817 offenders being subject to this system. (see <Table 2-2-11>).

<Table 2-2-11> Offenders subject to Electronic Monitoring Supervision by Crime Type
(Unit: person(%))

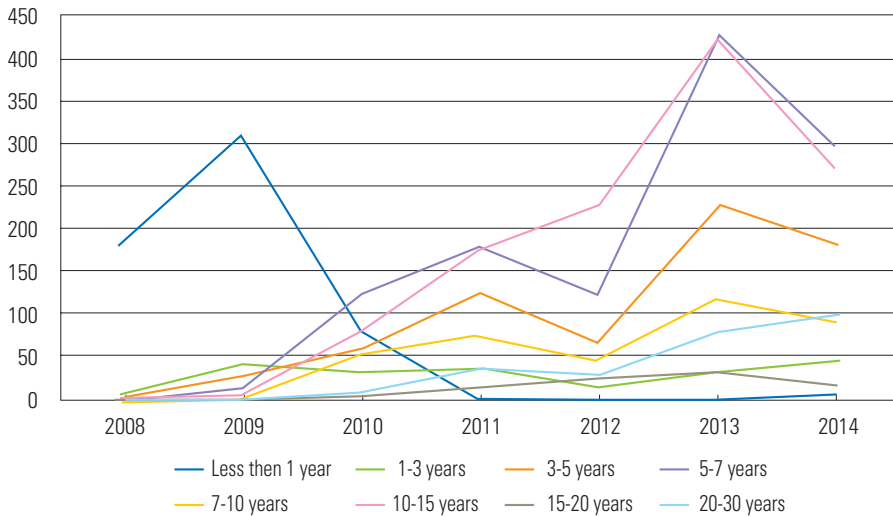
Year	Total	Sexual Violence	Kidnapping	Homicide	Robbery
Total	5,123 (100.0)	3,106 (60.6)	8 (0.2)	1,683 (32.8)	326 (6.4)
2008	188 (100.0)	188 (100.0)	0 (0.0)	0 (0.0)	0 (0.0)
2009	347 (100.0)	347 (100.0)	0 (0.0)	0 (0.0)	0 (0.0)
2010	465 (100.0)	239 (51.4)	0 (0.0)	226 (48.6)	0 (0.0)
2011	766 (100.0)	366 (47.8)	2 (0.3)	398 (51.9)	0 (0.0)
2012	526 (100.0)	209 (39.7)	1 (0.2)	316 (60.1)	0 (0.0)
2013	1,136 (100.0)	817 (71.9)	1 (0.1)	318 (28.0)	0 (0.0)
2014	950 (100.0)	570 (60.0)	2 (0.2)	229 (24.1)	149 (15.7)
2015	745 (100.0)	370 (49.7)	2 (0.3)	196 (26.3)	177 (23.7)

Source: Inside data of the Crime Prevention Policy Bureau, Ministry of Justice.

As for the annual trends in the terms ordered to sex offenders to wear an electronic tracking device, in 2008 and 2009, the early years in the implementation of the system, a term of less than one year was most frequently ordered. However, in 2010, a term of between five and seven years represented the highest rates and after then the rate of long-term attachment orders between 10-15 years grows rapidly (see [Figure 2-2-7]). As short-term attachment orders decrease and long-term orders increase, the electronic monitoring supervision appears to be protracted in time; in particular, the average attachment term imposed on the sex offenders who have served the prison time increased by more than 4 times between

2008 and 2014, more specifically from 2.5 years to 10.4 years in average, respectively (Inside data of the Crime Prevention Policy Bureau, Ministry of Justice).

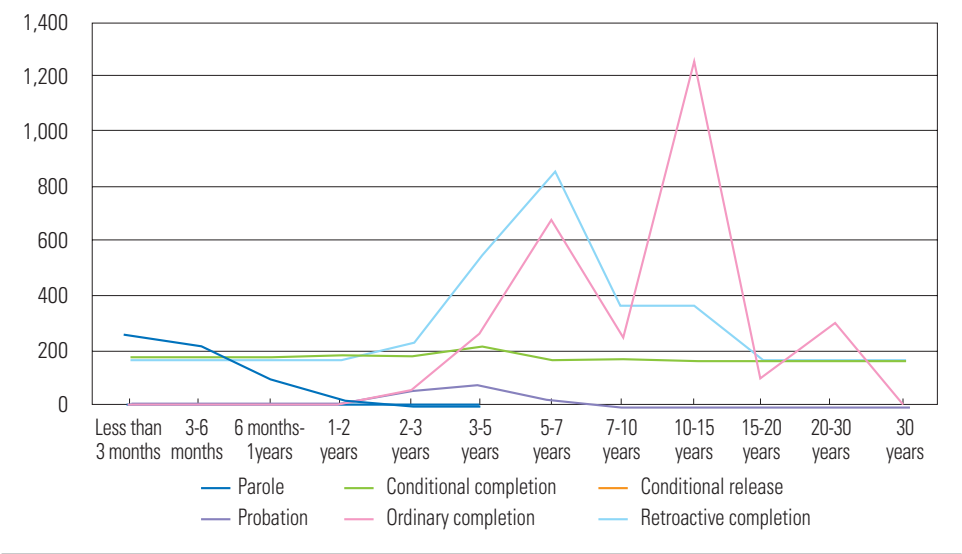
[Figure 2-2-7] Annual Trends in the Term Ordered to Attach Electronic Monitoring Device



Source: Reorganized from inside data of the Crime Prevention Policy Bureau, Ministry of Justice.

If we look at the terms ordered to sex offenders to wear an electronic tracking device according to the types of disposition, while the offenders released on parole have received less than one year order in most cases, the offenders who have completed their prison sentence have often received more than 5 year-attachment orders. In detail, among the offenders who were subject to the retroactive application of electronic monitoring supervision system, an order of 5-7 years' attachment was most frequently made. Among the ones who have ordinarily served the term in prison, an order of 10–15 years' attachment were found to be most common (see [Figure 2-2-8]).

[Figure 2-2-8] Term Ordered to Sexual Violence Offenders to Attach Electronic Monitoring Device by Disposition Type (reorganized from internal source of the Ministry of Justice 2008-2015)



While both the number of sex offenders subject to the electronic monitoring supervision, and the ordered terms to wear a tracking device are increasing, conditional disattachment prescribed by Article 1 of the Act on Attachment of Electronic Device for Position Tracking appears to be rarely carried out. As of May 2015, the Ministry of Justice received only a total of 120 applications for conditional disattachment of electronic tracking device. Of these 120 applications, nine were approved resulting in 7.5% rate of approval (Inside data of the Crime Prevention Policy Bureau, Ministry of Justice).

Section 4

Conclusion

For the last 10 years, the crime rate of sexual violence cases known to the criminal justice system increased by more than twice. The increase was more evident in such acts as taking photos using cameras or other devices, or indecent act by compulsion. The crime rate of sexual violence committed against the minors under 13 years of age increased by 2.6 times

during the same time period. The number of arrests of sex offenders also increased by more than twice, more specifically from 12,157 in 2005 to 28,420 in 2014.

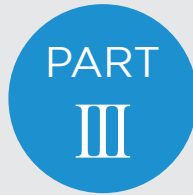
At the same time, the number of criminal prosecution against sexual crimes increased as well. For instance, the number of rape and indecent act by compulsion cases in which the trial courts determined actual prison sentences against the offenders was 576 in 2005 and 989 in 2014. Punishment of probation and fine increased rapidly from 2012 and 2013. In particular, the sentences of fine, which accounted for 9.4% of the total guilty verdicts in 2005, increased substantially for the 10 years and marked 41.7% in 2014. The fact indicates that fine has been the most commonly used option in sentencing against the sexual crime offenders. In contrast, the percentage of guilty verdicts made in the trial courts declined by almost half, from 39.6% in 2005 to 20.9% in 2014.

As for the sexes of perpetrators and victims of sexual crimes, 98% of total sexual violence crimes reported in 2014 was committed by male and over 90% of the victims were female. For the last 10 years, the highest rates of sex offenders were found in the age groups of 20s, 30s, and 40s, while the rates of the youth in their 10s and older groups of 50s, 60s and over were gradually increasing. The highest rates of female victims were found in the females in their 20s and late 10s, to which age group more than a half of entire sexual violence victims belonged. The rate of minors under 12 years of age has declined gradually since 2008.

Since 2008, the government has introduced various posthumus management measures. As a result, the sexual offenders whose identities were subject to public disclosure through general communication network were 592 in 2010 and the number increased to 4,501 in 2015, marking an increase of 7.6 times within 5 years. The number of offenders subject to public notification through mail was 257 in 2011 and it increased by more than 14 times to record 3,667 in 2015. The number of probation, too, showed a considerable upward trend, in particular since 2010 as it recorded 2,367 cases in 2004 and 6,703 in 2013. Courts' orders to lecture or education program represented a similar trend as probation, marking an increase of 7.6 times for the last 10 years. In contrast, courts' order to community service remained at a similar level during this time period, with 1,000 cases yearly.

Electronic monitoring supervision with tracking device is one of the most recent response measures along with registration and notification of sexual crime offenders' identities, and as such it receives a great deal of public attention, not to mention the gradual growth of application in practice. First, the average execution of electronic monitoring supervision per year is approximately 417 between 2009 and 2015. As for the trend in the terms of

attachment order, short-term attachment orders decrease and long-term attachment orders increase, resulting in a trend that the electronic monitoring supervision system is protracted. It is particularly true in case of sexual crime offenders who have completely served their prison term. More specifically speaking, the average term of attachment ordered to this group was 2.5 years in 2008, which increased by more than four times marking 10.4 years in 2014.



Criminal Justice Policy in Korea

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Chapter 1

Trends in Major Criminal Policies

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Chapter 1

Trends in Major Criminal Policies

Section 1

Correctional and Rehabilitation Policy

This section examines the key aspects of correctional and rehabilitation policy in criminal justice and its outcome and challenges, focusing on the work of the Correctional Service and the Crime Prevention Policy Bureau under the Ministry of Justice.

1. Korea Correctional Service

A. Intensive Character Education Program³⁵⁾

The Correctional Service proposed a policy that would emphasize character education in the existing correction and rehabilitation program to help the inmates' personal growth and integrity, and has actively promoted it. Under this policy, the Comprehensive Plan for Correction and Edification of Inmates: Practical Methods to Promote the Correction and Rehabilitation Program for Fundamental Changes of Character was announced on July 30, 2013, as an internal proposal that suggests the follow-up measures to implement the policy in the field. The plan's detailed title reflects the Correctional Service's conviction that the fundamental changes in character are crucial to the inmates' proper reintegration to the society.

The previous character education program was applied to the inmates since 2006, for 15 hours every 3 years and received criticism that both the hours and the program contents are insufficient to lead the inmates to change their characters. In detail, the critics pointed out that the character education is not linked to other correctional educations in a way to maximize the effects of education and that short-term inmates rarely receive the education

35) Park, Sun Young and Choi, Young Shin, "Study on the Intensive Character Education Program for Inmates"(2015), pp. 29-38.

before they finish serving the term³⁶⁾.

The Intensive Character Education Program was suggested as a tool to expand the inmates’ character education and complement the previous program. To prevent recidivism and assist the inmates’s successful reintegration to the society, the Intensive Character Education Program stresses an equal opportunity of education to all inmates to change themselves fundamentally. The core of this program, therefore, is ‘to provide all inmates with an education of certain hours, which can help them achieve personal growth and character development’

The Intensive Character Education Program was tried out in a few correction institutions in the second half of 2013 and 2014, and then has been fully enforced since February 2015 to benefit the inmates who were newly admitted to the correction institutions nationwide. The program that applied to all the new inmates in 2015 can be divided into three types depending on the terms of imprisonment. The term, hours of education and educational institute of each type are as in the following <Table 3-1-1>.

<Table 3-1-1> Subject and Hours of Education per Type of Intensive Character Education

Types of Education	Subject of Education	Hours	Teaching Institution
Intensive Character Education (I)	Term of less than 3 month remaining	35	Authority that confirms the sentence
Intensive Character Education (II)	Term of less than 5 years’ imprisonment (more than 3 months remaining)	100	Institution that admits the inmates once sentence is confirmed (for the rest, the sentence-confirming authority)
Intensive Character Education (III)	Term of more than 5 years’ imprisonment	300	Correction institution

- Correction institutions responsible for Phase III education : Yeosu Correction Istitution for Seoul Region; Busan Correction Institution for Daegu Region; Daejeon Correction Institution for Daejeon and Gwangju Regions; Chungju Correction Institution for female inmates

* Source: *Operation of Intensive Character Education*, Social Rehabilitation Division, Korea Correctional Service, 2015. p. 3.

As <Table 3-1-1> displays, the program is divided into Type (I) for the inmates whose remaining term is less than three months, Type (II) for the inmates with remaining term

36) Comprehensive Plan for Correction and Edification of Inmates: Practical Methods to Promote the Correction and Rehabilitation Program for Fundamental Changes of Character (07.30.2013)”, Cor-rectional Policy Bureau Planning Division, Korea Correctional Service, p.15.

of three months to five years, and Type (III) for the inmates with remaining term of five months or longer, with each providing 35 hours, 100 hours and 300 hours of education respectively. Type (I) is designed for short-term imprisonment of less than three months, and thus the authority that confirms the sentence takes charge of the education. Type (II) is conducted by the institute to which the inmates are assigned after the sentence is confirmed. Type (III) is carried out exclusively by the four correction facilities across the country, that is, Yeosu, Busan, Daejeon and Chungju Female Correction institutions.

If an inmate has less than three months remaining in his/her sentence, he/she will receive Type (I) Intensive Character Education. Type (I) education is comprised of total 35 hour learning, of which 20 hours are allocated to new inmate education and 15 hours are to pre-release classes. In practical sense, Type (I) does hardly amount to the Intensive Character Education Program, but Type (II) and (III) does. As of September 30 2015, 4,633 inmates have completed Type (II) education through 211 sessions in the correction facilities, and 147 inmates have completed Type (III) education through six sessions across the nation. In addition, 827 inmates are currently receiving Type (II) education (as of September 30, 2015) and 127 inmates are receiving Type (III) education (as of October 2015).

As it is since 2015 that the Intensive Character Education program's Type (II) and (III) take effect in full in the correction facilities throughout the country, now we need to look into the operation of the program, interaction between the educators and the inmates, and the actual outcome of the program for evaluation.

B. Operation of the Intermediate Treatment Facility: Halfway House

In order to support the inmates' reentry to the society, halfway houses, that is, an intermediate correctional facility that bridges the correctional facilities and the society, are necessary. The 'Halfway Treatment System' is evaluated as the most desirable system of reintegration, into the society which can realize socialization of treatment inside of the correctional facilities based on a proper balance between the treatment inside of the facility and the treatment outside of the facility, i.e., the society. "The 'halfway houses' help the inmates not only learn about the local community resources available to them, but also actually access and make use of those resources, thus to make their reintegration into the society practical."³⁷⁾

37) Lee, Tae Hee (2009). "Study on the Introduction of Halfway House and Operation". *Correction Review*, 43: 95-120.

Recently, the Correctional Service endeavors to expand the social adjustment program for the inmates. For instance, the Correctional Service opened a halfway house ('House of Hope') in Anyang Correction Institution in January 2009, and added one to each regional correction agency (Chuncheon, Changwon, Chungju Womens', and Suncheon Correction Institutions) in November so that the inmates who are going to be released soon can develop social adjustment by commuting to a manufacturing factory from the halfway house. In September 2009, it converted the Cheonan Open-Type Correction Institution to the 'Social Adjustment Training Center' to provide the inmates with an opportunity to experience real life environment, such as using public transportation and financial institutions, before they are released. Further, in September 2013, it opened the Milyang Hope Center, the first halfway facility sited inside of local community. Through the Milyang center, the Halfway Treatment System now commenced the intermediate treatment program in a more practical sense. In November 2011, Ansong Hope Center was added to the list³⁸⁾.

The halfway houses, called House of Hope, are a separated facility from the correction institutions. They are located next to the institutions and house ten inmates who are waiting to be released soon on condition and one supervising official. The inmates in halfway houses work in a factory outside of the area or external business enterprise during daytime and return to the house once they finish the work. As the Correction Service decided that the halfway houses are effective in improving adaptability of the inmates scheduled for release, halfway houses have been continuously expanded and as of the end of 2014, a total of eight halfway houses are in operation across the nation.

Whereas the existing House of Hope is 'halfway treatment inside of correction facility', Hope Center is halfway treatment in the local community. The Milyang Hope Center was launched by remodeling the employee accommodation of Hankuk Carbon, a private corporation located in Milyang, and has endeavored to set an example of inmates' treatment inside of community. Further, unlike the existing House of Hope, the Milyang Hope Center allows the inmates residents to use internet and smartphones in order to enhance their adaptability. The Correctional Service is planning on expanding the halfway treatment inside of community, just as the Milyang center. Currently, Korea's social adaptability programs are on pilot stage. Expansion of these programs is necessary for the inmates' reintegration into the society.

38) Ministry of Justice (2015). *Judicial Yearbooks*. pp. 247-248.

C. Expansion of Online Video Visitation System

Connecting with one's own families during imprisonment helps the inmates settle in the institution and prevent recidivism. However, in most cases, correctional facilities are located in remote areas, making it difficult for the family members to visit their loved one, both in time and cost. To address this problem, the Correctional Service introduced online video visitation system and makes full use of the system. Ever since the online visitation system was adopted first by the Yeosu Correction Institution and the Gimcheon Boy's Correctional Institution in 2000, the correctional institutions have continuously prepared the necessary devices and equipment to facilitate the online video visitation system and now the system is established as an important means for the civil petitions in the distance to make visitation. Statistically, the number of video visitation using this online system was 130 in 2000, 123,425 in 2007, 141,431 in 2008, and 163,585 in 2009, which displays a substantial increase with each passing year. Although in 2010, the number of visitation via online was 159,144, a decrease of 4,441 compared to the previous year, it was due to year-specific reasons, such as decrease in total inmates newly sentenced to imprisonment in 2010, which then naturally resulted in a decrease in total number of civil visitation to the inmates. However, the number increased from 2011 again, recording 163,186 in 2011, 178,762 in 2012, 198,458 in 2013 and by a substantial margin 214,205 in 2014³⁹⁾.

In the early stage of implementation, many people pointed out the inconvenience that the visitors have to make a personal trip to the nearest correction institution to utilize the online system. To solve this problem, the Correctional Service introduced an upgraded system, which by using proxy servers, links the computer system in the visitation rooms in correctional facilities to the ones in the petitions' residence thus enables the petitioners to see and talk with the inmates through internet. Once the proxy server method was tried out, this advanced online video visitation was adopted by 12 designated correction institutions starting from April 10, 2013. In 2014, the system was expanded to another 20 institutions⁴⁰⁾. As the remaining 20 institutions completed the construction of required facility in 2015, all the correction institutions across the country are currently benefiting from the online video visitation system. Further, since 2015, video visitation by smartphone has been made available so that the civil petitioner can visit the inmates anywhere.

39) Ibid., p. 243.

40) Ibid., p. 243.

The online video visitation system is expected to improve service to civil petitioners who are experiencing difficulties in visiting their loved ones in prison due to their livelihood or physical distance, and to help the inmates restore or strengthen their relationship with their family.

D. Expansion of Mental Health Centers

The Correctional Service established mental health centers in the correctional facilities in order to enhance professional treatment and systematic management for mentally-ill inmates. The first center was launched in December 2012 in Gunsan Correctional Institution. The mental health centers of the Correctional Service follow the mental health facilities in society operated under the Mental Health Act as their model, and provide six to twelve month treatment and rehabilitation program to inmates who suffer from schizophrenia or mood disorders.

In November 2013, the second mental health center opened in Jinju Correctional Institution, and in February 2014, Uigeongbu Mental Health Center opened in Uigeongbu Correctional Institution. In 2015, another was launched in Cheonan Correctional Institution and is now in operation. The correctional institutions' mental health centers are comprised of a team of six or seven individuals, including one director (licensed psychiatrist/M.D), mental health professionals (social workers, clinical psychiatrists, licensed nurses) and staff for general administration.

The mental health centers in correctional facilities receive positive responses in general; however, their effectiveness in managing the target subjects is not certain. Based on scientific analysis of the inmates' demands of mental healthcare, various approaches to reinforce the mental health professionals in correctional institutions, including utilization of available local medical professional, need to be explored.

E. Correctional Psychotherapy Center: Educational Approach to Treat a Certain Category of Offenders

Correctional Psychotherapy Center was established to provide tailored education to a certain category of offenders who requires rather an educational treatment, thus to prevent recidivism and enhance these groups' social adaptability. The subjects of this educational treatment include sexual violence offender with high potential recidivism, alcohol and drug offenders. Since the first psychotherapy center opened in October 2011 in Seoul Nambu Correctional Institution, on January 30, 2013, the second center opened in Pohang Correctional Institution, on May 30, 2013 the third center in Chungju Correctional Institution,

on November 28, 2013 the fourth center in Gunsan Correctional Institution, and the fifth opened in Milyang Correctional Institution. Currently, these five correctional psychotherapy centers are in operation under supervision of each regional correction service.

Before the psychotherapy centers were established, general sex offenders received 40 hours' intensive education and sex offenders against children received 100 hours' intensive education at a designated organization. However, as awareness and needs that high-risk sex offenders be given a more structured and specialized treatment arose, these centers were established as a solution. The Correctional Service provides an education tailored to offenders with different risk-level by dividing the program into basic, intensive, and advance courses depending on the risk of recidivism and the courts' order concerning completion hours. The inmates who are categorized as high-risk offender receive 300 hour-education for six months in a designated psychotherapy center in correctional institution.

As a model case, Gunsan Correctional Institution's psychotherapy center has an examination room, education room, and counseling room, and eight officials, including three clinical psychologists, are assigned exclusively to sexual violence recidivism prevention programs. The treatment center will focus on correction of the inmates' distorted perception and idea about the nature of sexuality, responsible attitude for their act, and improvement of interpersonal skills. The programs will be developed, in particular, by analyzing the causes of recidivism to maximize the effect of correction and rehabilitation.

F. Other

1) Issues of Deteriorated Facilities

Currently, of total 52 correctional facilities 27 institutions are deteriorated with more than 25 years of age and over-crowded. The incarceration environments of these institutions are extremely poor. To address this issue, Daegu Correctional Institution and six other CIs continuously promote relocation and new construction of the old buildings. In addition, to enhance the quality of correctional treatment toward female inmates, establishment of female exclusive correctional facility is promoted as well.

In relation to expansion and construction of correctional facility, public protest of the local community is another issue. Despite the reality that reconstruction, new construction or relocation is a pressing matter, the public's opposition to the plan for upgrading the facilities challenges the proper response to the issues. The Correctional Service should continue

their endeavor to communicate with the relevant local communities and find a best possible solution to this issue.

2) Evaluation of the Correction Systems and Programs

In 2015, solidifying the various systems and programs that have been introduced to correctional facilities by far based on accurate evaluation and diagnosis, in addition to introduction of new systems, were main concern of the Correctional Service. What is required from now on is probably an approach to further the existing system, founded on evidential grounds that prove the current correctional and rehabilitation programs are cost-effective in terms of input of costs and human resources..

2. Crime Prevention Policy Bureau

A. Extension of Electronic Monitoring System

Electronic monitoring supervision with GPS tracking device enables the correctional authorities to locate the certain offenders in real time and to prevent recidivism by probation officer's intimate one-on-one supervision over the offenders. As a relatively new system, it was put into practice on September 1, 2008 for the first time. In the early stage of implementation stage, the system was limited only to sex offenders, but in 2009 the application was extended to include child kidnappers, murders and sex offenders retroactively (July 2010), and robbers (June 2014).

Up to December 2014, the cumulative number of ex-convicts who wear an electronic anklet, since September 1, 2008 when the system was first implemented, is 4,378 (sexual crime: 2,736, homicide: 1,487, robbery: 149, child kidnapping: 6)) and among the sexual crime offenders subject to electronic monitoring supervision, the recidivism rate in the same type of crime is 1.7%. As this rate amounts to only 1/8 of the recidivism rate in the same period crime among the sexual crime offenders who were not subject to electronic monitoring supervision five years ago (04.~'08)⁴¹⁾, prior to the introduction of the system, electronic monitoring supervision receives affirmative reviews in general. The studies suggest that not only tracking the location of the target offender, and fear of being caught and arrested, but also probation officers' frequent –minimum four times a month- in person interview, spot

41) Ibid., pp. 182-183.

checks and assistance in finding employment has affected the decrease in recidivism rate⁴²⁾. Some noticeable developments in implementation of electronic monitoring supervision are as follows⁴³⁾.

- In March 2013, Quick Response Team in charge of electronic monitoring alarms signaled by a target's violation of the condition was established to quickly handle potential crime risks by 24 hour-stand by system. In 2014, Quick Response Team was expanded to 40 agencies. 42 contract employees (3rd or higher level of blackbelt holders in martial arts) are designated to this team and work with the officers in charge of electronic monitoring supervision system.
- As cooperation with law enforcement was established, since June 2013 the personal information of the supervision subjects has been shared with the police and, as a result, a prompt dispatch of police force has taken effect at the alarm signal from electronic device attached on the body of a target offender.
- To maximize the effectiveness of electronic monitoring, the Bureau is developing a "smart electronic anklet" that detects the signs of crime by IT technology, in cooperation with the Ministry of Science, ICT, and Future Planning and the Ministry of Trade, Industry and Energy.

There appears a widespread social consensus concerning the needs of electronic monitoring supervision. Nevertheless, because this system was introduced into our society as a complementary means to deal with some of the more serious crimes, most importantly sexual violence crimes, lack of proper study and review in the process of formation process remains still an issue. Given that, the following should be discussed in future to improve this system⁴⁴⁾.

- Discussion about the nature and characteristics of probation and electronic monitoring supervision is necessary. Currently, the law allows electronic monitoring supervision be applied to the subjects of probation; however, whether it is legitimate to limit the freedom of probation subjects by doing so requires a review.
- Selection of appropriate subjects is crucial. Since this system puts a substantial restriction

42) Ibid., p. 183.

43) Jeon, Young Shil et al. (2015). *Crime Phenomenon and Criminal Justice Police in Korea*, p. 263.

44) *ibid.*, pp. 263-5.

on the subjects, the application should be minimal. Selection process based on analysis of potential recidivism needs to be prepared as soon as possible.

- In addition to monitoring function of the system, supportive treatment for the subjects needs to be solidified. For instance, housing and employment support, correction and edification, as well as medical treatment and rehabilitation programs should be provided to the subjects.
- Currently, electronic monitoring supervision is used as a security measure against a certain type of crime offenders, mostly sex offenders. However, utilization of electronic monitoring supervision as an alternative to deprivation of physical freedom or detention prior to confirmation of sentence needs to be discussed, as well.
- Connection between electronic monitoring supervision and civil commitment needs to be secured. The Ministry of Justice has announced a legislative amendment of the Criminal Act to reintroduce ‘compulsory confinement’, which used to be ‘protective custody’ under the Social Protection Act and was repealed. Because just as protective custody, protective accommodation deprives the subjects under monitoring of freedom, its constitutionality is likely to be challenged and many controversies on human right abuse are likely to occur. Therefore, a study on how to properly link the security measures inside of correctional facilities to those in society is required.
- Function of electronic anklet needs to be improved in a manner to minimize violation of privacy and human right of the subjects as much as possible. Making the device smaller and lighter, and improving charge function might be helpful.
- There has been a suggestion to apply electronic monitoring supervision to juvenile offenders. For juvenile offenders, protective disposition is more desirable than short-term imprisonment or fine; however, expansion of community-based disposition alone would risk the safety of society against some potential crimes of immature juveniles. Electronic monitoring supervision might be a useful tool of control in this case.

B. Reorganization of Registration of Sex Offenders

Sex Offender Registration System is designed to protect the general public from sexual violence crimes and use the data to prevent and investigate such crimes, by registering and managing convicted sex offenders.

Sex Offender Registration System was first introduced to prevent juvenile sex trafficking. However, as serious sexual crimes take place more frequently in each passing year and

the public demand to strengthen the punishment grows, the Sex Offender Registration has been continuously refined. The revised bill of Special Act on Sex Offender Punishment (revised on June 19, 2013) unifies the information management concerning sex offenders Registration. More specifically, it prescribes that registration of sexual offenders' identities be taken care of by the Ministry of Justice and publication and notification be carried out by the Ministry of Gender Equality and Family. The Act also deals with the details in implementation stage of Registration System, such as extension of applied crimes, up-to three years' retroactive application of and reduction of period for verifying the registered information, to secure the effectiveness of the system⁴⁵⁾.

Prior to the Act's amendment in June 2013, information management concerning sex offenders' in the Registry lacked an orderly structure while the Ministry of Gender Equality and Family, and the Ministry of Justice handle the data separately, each by its own standards and legal frame. For example, the Ministry of Gender Equality and Family used to carry out the ID Registration system, targeting victims less than 19 years of age under the Act on the Protection of Children and Juveniles from Sexual Abuse, while the Ministry of Justice used to carry out the system, targeting victims aged 19 and over, under Special Act on Sex Offender Punishment since April 16, 2011. As the information is managed by two different authorities, public confusion arose and revision of existing relevant legislation was demanded. The amendment of the Act on Special Cases in June 2013 was the outcome, which now managed the information in a unified manner by specifying the scope of responsibilities and the nature of the work between the two ministries.

Since the implementation of the system up to December 31, 2014, 23,874 sex offenders were registered, 9,492 offenders were posted on public, 7,081 offenders were notified.

Disclosure of sex offenders' identities are currently made through an open website. After ID verification process, a visitor can access the information of his/her target offender, such as name, age, address and current residence (including street name and building number), physical features (height and weight), photos (frontal, upper body profiles, and full body in color), brief description of the committed crime, previous conviction(s) of sex offence, and whether the subject wears an electronic monitoring device.

Sex offenders' information is notified to the heads of households with child(ren) of less than 19 years of age, kindergarten and daycare centers' directors, principles of elementary,

45) Ministry of Justice (2015). *Judicial Yearbook*, p. 185.

middle and high schools, private academies' directors, and the heads of local children/youth centers, through mail and are posted for 30 days in the public bulletin boards in the Residents' Centers of the eup/myeon/dong, where a sex offender resides⁴⁶⁾.

Some have pointed out the problems Sex Offender Registration system: first, the scope of sex offenders subject to registration is too large as the registry includes not only the data of sex offenders but also the data of sex offenders who have committed the crimes against child(ren) and youth under 13 years old; secondly, the system stipulates the risk of recidivism as criteria for selecting the sex offenders, but no criteria or standard for selection is provided; and thirdly, due to stigma effect by disclosure of identity, there is no actual effect of recidivism prevention. The registration sex offenders' information should be strictly limited to the ex-convicts with high risk of recidivism and the information disclosed to the general public should be practically useful in preventing crime⁴⁷⁾.

C. Extension of Pharmacological Treatment of Sexual Impulse for Sex Offenders

Pharmacological treatment to reduce sexual impulse (chemical castration) is a measure of suppressing abnormal sexual desire of a sexually deviant person or paraphillia. By administering medication, or by psychotherapy, the treatment seeks to reduce the sexual deviance or normalize sexual function of the sexually deviant person. The Act on Pharmacologic Treatment of Sexual Impulse for Sex Offenders was enacted on July 23, 2010 and came into force on July 24, 2011. Initially, the Act defined the subjects of medication treatment as paraphillias and offenders aged 19 and older who committed sexual violence crime against minors under 16 years of age, and among them the ones with high-risk of recidivism. When the Act was amended in part on December 18, 2012 (enforced on March 19, 2013), the age limitation was crossed out to extend the application of the treatment (the original condition of 'crime committed against minors under 16 was' removed).

With recommendations from the prosecutors, the courts sentence the accused who are deemed to require medication treatment of sexual impulse to imprisonment or treatment custody, accompanied by treatment order for maximum 15 years. Treatment order is executed after imprisonment or treatment custody is executed, more specifically, two months prior to the subject inmates' release from prison to conduct pretest and check

46) Ibid., p. 185.

47) Jeon, Young Shil, et al. (2015). op. cit., p. 267.

expected affirmative and negative or side effects of the medication⁴⁸⁾.

The process of medication treatment of sexual impulse is as follows⁴⁹⁾.

- Request for treatment order: for the accused of 19 years and older, who committed sexual crime and is paraphillic, is deemed to have high-risk of recidivism in the same type of crime, the prosecution may request the court of a medical treatment order with expert reviews of licensed psychiatrists (Article 4).
- Court's sentence of treatment order: the courts shall sentence the accused to a treatment order for maximum 15 years and designate the specific time period of the treatment. The accused shall be on probation during the treatment period (Article 8).
- Execution of the order: A medical treatment order shall be executed under the direction of a public prosecutor by probation officer (Article 13). A medical treatment order shall be executed by providing medication according to the diagnosis and prescription of a doctor pursuant to the Medical Service Act, by implementing a psychological treatment program, such as cognitive behavioral therapy, etc. or other program by a mental health professional pursuant to the Mental Health Act, etc. Where a person who has been issued with a medical treatment order is released due to the termination of execution of punishment, or exemption or temporary release from execution of punishment, or due to the termination or temporary termination of execution of medical treatment in custody, or due to the entrustment of medical treatment, a probation officer shall execute the medical treatment order to the person who has been issued with a medical treatment order within two months before such person is released (Article 14). Where a person subject to medication treatment violates the treatment order, he/she shall be punished by imprisonment for not more than seven years or by a fine not exceeding 20 million won. In principle, the state pays for the treatment. The costs per person is approximately five million won. Where the treatment is executed pursuant to the court's verdict or decision by the Treatment Custody Review Committee, the state pays in full. In contrast, where an incarcerated sex offender who satisfies the conditions of temporary release agrees to receive the treatment voluntarily, he/she pays for the treatment, unless he/she cannot afford it. To increase correctional and rehabilitation effect of this system, management

48) Ministry of Justice (2015), op. cit, p 184.

49) Jeon, Young Shil et al (2015), op. cit. pp. 267-268.

and supervision by probation officer is made mandatory throughout the execution of treatment order.

- Provisional Termination etc. and Medical Treatment Order: The Committee for Deliberation of Medical Treatment in Custody may impose a medical treatment order on a person who is sexually deviant and has been given medical treatment in custody and for whom the execution of medical treatment in custody is provisionally terminated or whose medical treatment is entrusted to another institute while medical treatment in custody is being executed, or a person under protective custody, who is provisionally released from the facility while protective custody is being executed from among the convicts of sexual assault. A probation officer shall execute a medical treatment order within two months before the execution on a person whose execution is provisionally terminated, or before medical treatment of such person is entrusted to another institute, or before such person is paroled. (Articles 25, 27)

Pursuant to the decision made by the Treatment Custody Review Committee (as of 12/31/2014), currently five inmates who are scheduled for conditional release and three inmates who are scheduled for early release are receiving the treatment. As of December 31, 2014, the prosecution medical examinations for 217 accused, of whom for 38 it demanded a treatment order, and nine convicts whose sentence of medication treatment is confirmed are waiting for the execution of the order⁵⁰⁾.

Medication treatment (chemical castration) has been criticized for its aspects of human right abuse against the offender and serious side effects. Some critics point out the lack of clarity in diagnostic criteria for chemical castration. At the same time, some argue the affirmative responses to the treatment that while the side effects are minor and temporary, the treatment is efficient to prevent recidivism. It needs to be discussed whether medication treatment can be forced to the convicted sex offender convict as a means of securing the community from potential sex crimes, or it requires the consent of the subject convict. Further, more concrete medical diagnostic criteria should be prepared since both the prosecution and the courts depend on the medical opinions to base their judgement.⁵¹⁾

50) Ministry of Justice (2015), op. cit., p.185.

51) Jeon, Young Shil et al. (2015), op. cit, p. 269

D. Enhancement of Juvenile Delinquency Prevention Capacity

Since December 2014, the Crime Prevention Policy Bureau has been operating total 16 juvenile delinquency prevention centers to maximize the effect of crime prevention by intervening in the early stage of juvenile delinquency, as the age of criminal offenders becomes younger with increase of school violence etc. The initial centers were established in July 2007 in Ansan, Busan, Gwangju, Daejeon, Changwon, and Chungju. Four were added in June 2012, in Seoul-South, Seoul-North, Incheon and Daegu regions, this time as a part of the government's nationwide campaign, 'Comprehensive Measure to Eradicate School Violence'. In November 2013, three more centers, in Suncheon, Jeonju, and Chuncheon, and in December 2014, another three centers, in Busan-East, Ulsan and Suwon were launched.

Juvenile delinquency prevention centers seek to build cooperation between multiple agencies and make full use of local resources. In its early stage, the center called itself 'Alternative Education Center' to relieve the user-clients' psychological uneasiness, but since November 2013, it has used an official name, Youth Dream Up Center.

Juvenile delinquent prevention centers provide an alternative education to the youth whose indictment was suspended by the prosecution, the youth who have been referred to by the principles of schools due to their difficulties in adapting to school life, and the youth assigned to protective disposition by the courts, in principle. In addition, the centers carry out a variety of educational program for the youth in crisis and their parents in the local community. The examples include presentence report at the request of judges or prosecutors, research and development concerning juvenile delinquency, legal education and various one-day experience opportunities, professional education for volunteers, and psychiatric assessment and consultation to the youth in crisis and their parents. The following <Table 3-1-2> summarizes the operation of juvenile delinquency prevention center for the last five years.

<Table 3-1-2> Operation Results of Juvenile Delinquency Prevention Centers (2010-2014)

(Unit : person)

Year		Total	2010	2011	2012	2013	2014
Alternative Education	Total	113,009 (100.0)	12,862 (100.0)	23,382 (100.0)	30,122 (100.0)	23,013 (100.0)	23,630 (100.0)
	General	97,588 (86.4)	11,396 (88.6)	21,280 (91.0)	26,814 (89.0)	19,739 (85.8)	18,359 (77.7)

Year		Total	2010	2011	2012	2013	2014
Alternative Education	Suspended Indictment Guidance	12,109 (10.7)	1,124 (8.7)	1,191 (5.1)	2,034 (6.8)	2,767 (12.0)	4,993 (21.1)
	Protective Disposition	3,312 (2.9)	342 (2.7)	911 (3.9)	1,274 (4.2)	507 (2.2)	278 (1.2)
Youth psychiatric counselling (Aptitude Test)		43,253	6,438	7,973	9,445	9,377	10,020
Custodian Education	Total	39,663 (100.0)	6,626 (100.0)	7,498 (100.0)	8,101 (100.0)	8,246 (100.0)	9,192 (100.0)
	Voluntary	36,085 (91.0)	6,333 (95.6)	7,015 (93.6)	7,574 (93.5)	7,208 (87.4)	7,955 (86.5)
	Mandatory	3,578 (9.0)	293 (4.4)	483 (6.4)	527 (6.5)	1,038 (12.6)	1,237 (13.5)
Legal Education		404,668	50,651	44,089	41,674	114,298	153,956

※ Custodian education: Implemented in 2008 (for mandatory participants since 6. 22, 2008)

※ Alternative education: Piloted in 2001 (included in 2002 statistics). Protective disposition by court order is managed according to the amendment of the Juvenile Act (enforced on June 22, 2008).

* Source: Judicial Yearbook, Ministry of Justice (2015), p. 214. Reorganizing <Table 14>.

<Table 3-1-2> displays that the number of juveniles subject to an alternative education changed every year. However, especially since 2011, it constantly exceeds 23,000. Among these juveniles, youths who were referred to the center by their school principles as deemed problematic to school life comprises the highest percentage, followed by youths whose indictment was suspended under the condition of improvement guidance. The number of human resources to provide youth with psychiatric consultation and parents education is also increasing in each passing year.

Especially, since the ‘Field-Oriented Prevention of School Violence and Eradication Measure’, a campaign following the 2012’s ‘Comprehensive Measure to Eradicate School Violence’ was announced, the centers have developed and provided various prevention programs tailored to the various groups, such as special education for perpetrators of school violence and their parents, family camp, on-site education, weekend camps, teachers’ training sessions. In 2014, the centers extended the audience to the youth exposed to social risks, by providing on-site visitation education, legal education and law camp to the local childcare facilities, such as children’s daycare, nurseries, and local children’s center, to the youth in children’s welfare facilities, and to the staff serving at those facilities. The juvenile

delinquency prevention centers continue to promote specialization of their programs by developing delinquency-specific prevention education, such as school violence prevention, robbery and theft prevention, and sexual crime prevention education⁵²⁾.

E. Other

1) Law Education Promotion Campaign

Since March 2014, the Crime Prevention Policy Bureau has led the ‘Law Education Promotion Campaign’ to restore basic legal order in society and create safe environment against accidents and crimes. Supported by cooperation among the private sector, local government, the prosecutor’s office, and relevant legal authorities, the campaign selected three main areas, that is, ‘Basic Law Education’, ‘Safety Regulations’, and ‘Crime Prevention Through Environmental Design (CPTED)’ as its core project. CPTED, in particular, seeks to build a social safety network by which the people can enjoy crime-free living environment. The ultimate goal is to reduce various social costs incurred by crime damages⁵³⁾.

2) Diversification of the Subject of Education Order and Specialization of the Education

Education order, an order to attend law class supports the criminal offenders and tries to develop a treatment method inducing reconstruction of thought process and change of behavioral pattern, and customizes the education contents for individual target subject. By doing so, it attempts to accommodate the criminal offenders’ readjustment to the society and prevent recidivism. Recently, the education order is not limited to the convicts subject to probation, as it used to be, but applied to the offenders whose indictment was suspended by the prosecution as well. The content of education is also specialized according to the subject group.

The most significant example is ‘John-School’ education carried out in 13 probation offices across the nation since August 2004, targeting the offenders who were convicted for sex trafficking but was suspended of indictment on condition to attend to a lecture. ‘Education program for suspended indictment cases’, which have been offered since 2013 to the

52) Ministry of Justice (2015), op. cit. pp. 159-160.

53) Ibid., p. 157.

offenders who were convicted for trafficking obscene and using children and/or youth, or pornography involving children or youth, short education program to prevent recidivism in domestic violence signify that both the audience of the education and the contents of education have been diversified.

Upon request of the Supreme Prosecutor's Office in October 2012, the Crime Prevention Policy Bureau developed an educational program for suspended indictment' targeting the offenders convicted for 'pornography involving children and adolescents. Experienced program developers, including mental health clinical psychiatrists, played a key role in creating this program. The program is designed as one-day education(class) and comprised of understanding the addition to pornography, harm of pornography, setting up a plan to break away from pornography etc.. It has been carried out in 14 probation and parole offices since 2013.

In addition, as a means to expand the 'suspended indictment system under the condition of consultation on probation' in relation to eradication of domestic violence of the 'Four Social Evils', a short-term education program was created in May 2013, to prevent reoccurrence of domestic violence. The program is designed as one day with eight hour, or two days with 15 hour course and comprised of harms of domestic violence, acceptance of responsibility, anger management, and creation of happy home etc. Since August 2013, it has been carried out in 37 probation and parole offices throughout the nation⁵⁴⁾.

Section 2

Protection of Crime Victim Policy

1. Trends in Legislation

A. Status and Trends in Occurrence of Crimes

Protection and support for crime victims refers to an act related to restoration of loss, lawful exercise of rights and promotion of social welfare⁵⁵⁾. In Korea, the foundational legislation in this regards is the Crime Victim Protection Act, which prescribes the basic policy in

54) Ministry of Justice (2015), op cit pp. 195-6

55) Crime Victim Protection Act, Article 3, Paragraph 1.

protection and support towards the victims and matters related to rescue of the victims. The Criminal Procedure Act, and various special acts prescribes also deal with the matter. The legislative trends in crime victim protection policy can be understood by examining the evolvement of relevant legal system.

In 1981, the enactment of the Act on Special Cases Concerning Expedition, etc. of Legal Proceedings introduced the compensation order system, by which the courts can order the crime victims to be compensated for their loss. In detail, through this system, where the accused is found guilty in trial of certain types of crimes (assault inflicting bodily harm, serious bodily assault, death by assault inflicting bodily harm, death by violence act, manslaughter, larceny, and robbery etc.), the court can now order, by its own discretion or upon request of the victim, the accused-convict to compensate the victim for the loss suffered by the crime, especially for direct physical loss and medical expenses. This was the outset in Korea's criminal victim protection policy⁵⁶⁾.

In 1987 when the Constitution was amended, a right to make a request for aid in case of bodily injury or death (Article 30), and a right of crime victims to make a statement during the proceeding of a trial (Article 27(5)) were introduced. To specify these provisions, the Crime Victim Compensation Act was enacted in November 1987 but unfortunately it did not properly reflect the core idea of the constitutional provisions⁵⁷⁾.

Since 1990s, a series of enactment of new legislations laid a legal foundation for crime victim protection. For instance, In 1990s, although only for a certain type of crimes, the Act on Special Cases Concerning the Punishment of Specific Violent Crime was enacted and provided for safeguards to protect victims and witnesses of criminal cases. Further, in 1994, the Act on Special Cases Concerning the Punishment Etc., of Sexual Violence Crimes Thereof, in 1999, the Act on Protection of Specific Crime Information Etc., and in 2004, the Act on the Prevention of Sexual Traffic and Protection, Etc., of Victims Thereof, were enacted.

Further, in 2004, the Ministry of Justice announced 'A Comprehensive Measure for Crime Victim Protection and Support', to prepare an enactment of basic legislation for victim protection which would serve as victim bill of rights, and to establish funds for crime victim. As an outcome, the Crime Victim Protection Act was enacted in 2005 and came

56) Act on Special Cases Concerning Expedition Etc., of Legal Proceedings, Article 25.

57) Kim, Ji Sun and Kim, Sung Un (2015), *Direction and Tasks of the 3rd Basic Plans for the Protection of Crime Victims(2017~2021)*, Korean Institute of Criminology., p. 13.

into force in 2006. As a general law concerning protection and support for crime victims, the Crime Victim Protection Act made clear of the rights of crime victims and the duty of central and local governments to support and protect the victims. In addition, the Act defined the duties of government to provide the relevant parties with education and training, and to conduct research and promotion so that it can raise public understanding and attention to crime victims. Moreover, the Act prescribes that the Minister of Justice shall set out and implement a ‘protection and support plan’ for crime victim every five years, and that subject to the plan the Minister, the heads of relevant central government authorities (National Police Agency, Ministry of Gender Equality and Family, Ministry of Health and Welfare agencies, Ministry of Labour, Ministry of Construction and Transportation etc.) and mayors and governors of cities and provinces shall establish an annual plan as an enforcement agenda⁵⁸⁾.

Pursuant to the Act, the 1st for the Protection and was implemented from 2007 to 2011, and the 2nd Basic Plans, for the practice between 2012-2016, is currently carried out and about to expire.

More recently, as child abuse resulting in death has become a serious social issue, the Cases concerning the Punishment, etc. of Child Abuse Crime was enacted as a response to public demand for a proper measure to deal with this issue, and to provide for legal grounds to child victim protection.

<Table 3-1-4> History of the Legislation Concerning Protection and Support for Crime Victims

Year	Establishment	Contents
1987	Enactment of Crime Victim Protection Act	• Prepared legal foundations for compensating crime victims
1990	Act on Special Cases Concerning the Punishment of Specific Violent Crimes	• Newly established the provisions concerning victim and witness protection
1994	Act on the Punishment of Sexual Crimes and the Protection, etc. of Victims	• New provisions concerning victim protection in investigation and trial process
1997	Act on Special Cases Concerning the Punishment, etc. of Crimes of Domestic Violence	• Experts diagnosis on the victims; victims’ right to obtain advices from lawyer concerning his/her statements in courts

58) For relevant provisions and contents, see “4. Basic Plans for Protection and Support for Crime Victim”.

Year	Establishment	Contents
1997	Act on the Prevention of Domestic Violence and Protection of Victims Etc,	• Operation of counseling center and protection facility
1999	Act on the Protection of Specific Crime Information Etc.	• Prepared a system that the public can cooperate to law enforcement in criminal procedures voluntarily and with no fear
2003	Act on the Punishment of Sexual Crimes and the Protection, etc. of Victims	<ul style="list-style-type: none"> • Introduced a new system that protects sexual violence victims - Investing agency to videotape the child victim under 13 years of age and victims with physical disabilities for their statements made during investigation and the process of investigation and keep the tape - When court of investigation agency interviews a crime victim under 13 years of age, an adult individual who is trusted person by the victim must be accompanied and be present at the victims' investigation
2003	Establishment of Crime Victim Support Center	• Gimcheon and Gumi
2004	Act on the Prevention of Sexual Traffic and Protection Etc., of Victim Thereof	• Support for victims of sex trafficking
2005	Partial amendment of the Crime Victim Protection Act	• Relaxed the conditions for crime victim
2006	Crime Victim Protection Act	<ul style="list-style-type: none"> • Victims' Bill of Right - Defined a meaning of crime victim, duties of the State and local governments, operation of crime victim support center, criminal mediation process. - Prepared a systematic regime for crime victim protection and support
2010	After the repeal of the Crime Victim Aid Act, integrated to the Crime Victim Protection Act	• Extended the scope of victim to be supported; prepared legal foundations for criminal mediation
	Crime Victim Protection Fund Act	• Use the court deposits made by fine paid to protect and support crime victims. Enactment of the law on 2010.5.14., and fund was established in 2011.
2014	Act on Special Cases Concerning the Punishment Etc., of Child Abuse	• Prepared legal foundations for response measure to child abuser and for protection of child victim

* Jang, Soek Hun et 4. (2015), Study on the Direction of Improvement based on the Analysis of Current Status of Crime Protection by Law Enforcement, National Police Agency Research Service Report, pp., 37-38. Reorganized and reproduced.

2. Crime Victim Protection and Support Policy under the Crime Victim Protection Act

In the following, we will examine the current operation of crime victim protection and support system under the Crime Victim Protection Act and thus understand the policy trends in this matter.

Article 3, Paragraph 1 of the Act defines the term ‘protection and support for crime victim’ as “acts that contribute to loss recovery and due exercise of rights by, and promotion of welfare of, crime victims.” The Act also prescribes the basic policies of protection and support for crime victim through Articles 7 to 11, the detail of which are ‘Loss Recovery Support (Art. 7), Guarantee of Participation in Criminal Procedures (Art. 8), Provision of Information upon Victim’s Request (Art. 8. 2), Protection of Privacy, Physical Safety (Art. 9), Education and Training (Art. 10) and Promotion, Survey, and Research (Art. 11).

<Table 3-1-5> Provisions of the Crime Victim Protection Act, relevant to Protection and Support of Crime Victim

Article 3, Para. 1 (Definition)	<div>① Definition of the terms used in this Act is as follows:</div> <div>2. The term “protection and support for crime victims” means acts that contribute to loss recovery and due exercise of rights by, and promotion of welfare of, crime victims: Provided, That no act which exercises undue influence over investigations, defenses and trials shall be included herein.</div>
Article 7 (Loss Recovery Support etc.)	<div>① The State and local governments shall formulate plans necessary to provide counselling, medical services (including medical expense subsidization), payment of relief funds, legal aid and employment assistance, dwelling support, and other plans necessary for protecting crime victims, proportionate to the degree of harm suffered by crime victims and to the necessity for protection and support. <Amended by Act No. 12883, Dec. 30, 2014></div> <div>② The State shall establish and operate temporary protective facilities (hereinafter referred to as “protective facilities”) to provide crime victims and their families with physical and mental stability and to rehabilitate them to normal social life. In such cases, the State may entrust the operation of protective facilities to a corporation in order to support crime victims, a general hospital under the Medical Service Act, a school foundation which establishes and operates a school under the Higher Education Act, and other institutions or organizations prescribed by Presidential Decree. <Amended by Act No. 12883, Dec. 30, 2014></div> <div>③ The State shall operate counselling and therapy programs that mentally rehabilitate crime victims and their families.</div>

Article 7 (Loss Recovery Support etc.)	④ Matters concerning the standards for the establishment and operation of protective facilities, standards and procedures for entry thereto or exit therefrom, procedures for the consignment operation, standards and procedures for the supervision thereof, and operation, etc. of the counselling and therapy programs under paragraph (3) shall be prescribed by Presidential Decree.
Article 8 (Guarantee, etc. of Participation in Criminal Procedures)	<p>① The State shall ensure that the crime victim is afforded the criminal procedural rights to exercise, including the right to consult with a criminal investigator with regard to the relevant criminal case or to attend the trial or other proceedings and make a statement.</p> <p>② The State may, if requested by a crime victim, provide him/her with information pertaining to criminal proceedings, such as the results of the investigation to persons alleged to be perpetrators, a date for a public trial, the results of the trial, execution of a sentence, and the current status on the execution of the sentence of probation, as prescribed by Presidential Decree.</p>
Article 8.2 (Provision, etc. of Information to Crime Victims)	<p>① The State shall provide a crime victim with the following information in the course of investigation and trial:</p> <ol style="list-style-type: none"> 1. Information pertaining to the crime victim's criminal procedural rights, such as his/her right to participate in the relevant trial and make statement ; 2. Information pertaining to support for the crime victim, such as payment of criminal injury relief fund and the current status of organizations related to protection and support for the crime victims; 3. Other information deemed necessary for protecting rights and promoting welfare of the crime victim. <p>② Necessary matters concerning the detailed methods, procedures, etc. for providing information under paragraph ① shall be prescribed by Presidential Decree.</p>
Article 9 (Protection of Privacy, Physical Safety, etc.)	<p>① The State and local governments shall take measures necessary to protect the reputation and privacy of crime victims.</p> <p>② The State and local governments shall formulate appropriate measures where crime victims are in danger of retaliatory violence due to their statements or testimony during criminal proceedings and where they are in need of protection.</p>
Article 10 (Education and Training)	The State and local governments shall provide necessary education and training to persons who engage in criminal investigations, persons who provide counselling and medical services to crime victims, and other persons who engage in activities relating to protection and support for crime victims, in order to promote awareness about crime victims and to perform protection and support activities efficiently.
Article 11 (Promotion, Survey and Research)	<p>① The State and local governments shall carry out promotion activities necessary to increase the public's understanding and awareness of crime victims.</p> <p>② The State and local governments shall endeavor to conduct a survey on the current status of criminal damage and to develop support policies, so as to ensure the provision of appropriate support services rooted in professional knowledge and experience with crime victims.</p>

A. Loss Recovery Support

Loss recovery support is a policy to help crime victims to return to normal social life by providing them means to restore the physical and mental damage they suffered due to crime. This is the key policy in the country's crime protection and support regime. In a practical level or as an implementation policy, the law provides payment of relief funds, medical services and counseling, legal aid, other means necessary to restore crime victims and their families from the loss suffered, employment assistance, housing support, learning support for the young students in victims families, and financial support in early stage of the loss, be made.

B. Guarantee of Participation in Criminal Procedures

The way to guarantee crime victims to participate in criminal procedures can be divided into two, one of which is to ensure crime victims' rights to participate in each procedural step and the other is to ensure their right to information and request for support. For instance, the law prescribes that the government be ensure crime victims' participation in criminal investigation, their presence in trial or other proceedings, and their chance to make a statement at sentencing. Crime victims' right to information and support request is a safeguard to guarantee victims' participation in criminal procedures.

Enforcement policy includes crime victims' rights to make a statement in trials, right to information pertaining to criminal proceedings and to crime perpetrator (investigation, trial, result of trial, execution of sentence, and the current status on the execution of the sentence of probation), right to accompany a trusted person of his/her choice at witness interviews, right to court-appointed lawyer for crime victims of sexual violence and child abuse, right to statement assistance system for crime victims with difficulties in communication, especially victims in sexual violence, child abuses and victims with physical disabilities, right to commence a lawsuit and cancel the lawsuit, right to be notified of the results of his/her complaints, and right to object to the decision of non-indictment..

C. Protection of Privacy and Physical Safety

Crime victims may experience secondary victimization as their identity or private life is disclosed to the public, and they are exposed to the risks of vengeance by their perpetrator. Therefore, it is a crucial part to prepare a measure to protect crime victims' privacy and physical safety in crime victim protection and support policy⁵⁹⁾.

59) Kim, Ji Sun and Kim, Sung Un (2015), op. cit, p. 174.

In enforcement level, the policy can be divided into protection of information and protection of physical safety. Information protection policy pertains to drafting required documents under pseudonym, closed hearing in trial process, and confidentiality of victims' identities in access to data concerning investigation and trials. For protection of physical safety, provision of temporary dwelling, regular security guard system, escort to the courts, reflection of victims wishes in jury trial, and installation of waiting room for witnesses or others individuals requested as a reference

D. Education and Training

The government agencies, such as the Ministry of Justice and the Ministry of Equal Gender and Family, provide education and training to persons who engage in criminal investigations, persons who provide counselling and medical services to crime victims, and other persons who engage in activities relating to protection and support for crime victims, in order to promote awareness about crime victims and to perform protection and support activities efficiently. Such education and training program are developed by cooperation between the relevant government agencies and research institutes in both public and private sectors.

E. Promotion, Survey and Research

The central and local governments carry out promotion activities necessary to increase the public's understanding and awareness of crime victims. They also endeavor to conduct a survey on the current status of criminal damage and to develop support policies, so as to ensure the provision of appropriate support services rooted in professional knowledge and experience with crime victims.

3. Operation of Crime Victim Protection and Support Policy

Crime Victim Protection and Support policy is established and enforced within the framework of existing policies⁶⁰⁾. The systems that are currently in force by relevant key authorities, such as the Ministry of Justice, the Ministry of Gender Equality and Family, the Ministry of Health and Welfare and the Crime Victim Support Center, are as follows.

60) Jang, Soek Hun et al. (2015), Study on the Direction of Improvement based on the Analysis of Current Status of Crime Protection by Law Enforcement, National Police Agency Research Service Report, pp., 39

A. Ministry of Justice

System	Contents	Legal Foundation
Crime Victim Relief Fund	<ul style="list-style-type: none"> The State funds crime victims who suffer serious physical damages or victims bereaved families where victim dies due to crime inflicting serious bodily harm on the victim or causing death of the victim. 	<ul style="list-style-type: none"> Crime Victim Protection Act, Art. 7, 16 and 32.
Dwelling Support	<ul style="list-style-type: none"> To support crime victim in the aspect of dwelling condition. National Public Housing (preferred supply), or multi-household rental housing are rented to crime victims so that they can help themselves. 	<ul style="list-style-type: none"> Crime Victim Protection Act, Art. 7, Regulations concerning Housing Supply, Art. 32, Para. 1, 3, Guideline for handling housing supply work for housing vulnerable groups , Art. 3.
Smile Center	<ul style="list-style-type: none"> Providing crime victims or their family members with services such as psychiatric treatment and temporary housing accommodation and supporting their restoration to normal life Providing crime victims of more serious violence crimes with systematic psychiatric treatment and temporary housing if necessary. 	<ul style="list-style-type: none"> Crime Victim Protection Act, Art. 7.
Court appointed lawyer for crime victim	<ul style="list-style-type: none"> Legal support that a prosecution-designated lawyer assists crime victims in all stages in criminal procedures from the occurrence of crime, investigation and trial. The State pays for it in full For sexual violence and child abuse victims. Court appointed lawyers play a role to represent the victims right in both investigation stage and trial 	<ul style="list-style-type: none"> Act on Special Cases Concerning the Punishment Etc, of Sexual Crimes, Art. 27, Para 6. Act on Special Cases Concerning the Punishment Etc, of Child Abuse, Art. 16.
Statement assistant system	<ul style="list-style-type: none"> For child victims or victims with physical disability of sexual crimes who have difficulties in communication and/or in expressing themselves, expert personnel participates in investigation and trial process and intermediate and assist the victims, thus to prevent secondary harm and contribute to finding objective truth. An expert who understands well the statement and behavioral signs of child victims or victims with disabilities accompanies the victim in investigation and assist the communication. 	<ul style="list-style-type: none"> Act on Special Cases Concerning the Punishment Etc, of Sexual Crimes, Art.35, or 39. Act on Special Cases Concerning the Punishment Etc, of Child Abuse, Art 17.
Legal Home Doctor	<ul style="list-style-type: none"> 'Legal home doctor' who is a licensed lawyer stands by at local communities or social welfare centers and provide vulnerable households with basic legal service. Support subjects include social welfare receiver, multi-cultural families and crime victims, who are vulnerable to social resources. Contents of supports include legal consultation and provision of information, guide for legal proceedings and procedures, linking to legal aid etc., and customized legal education to the subject 	<ul style="list-style-type: none"> Crime Victim Protection Act, Art. 7. Para 1.

System	Contents	Legal Foundation
Free Legal Consultation/ Legal Aid	<ul style="list-style-type: none"> Helps citizens who do not enjoy protection of law due to their economic vulnerabilities or lack of legal knowledge, for free. Korea Legal Aid Corp. and Korea Legal Aid Center for Family Relations provide the service to crime victim for consultation and information to receive free legal representation. 	<ul style="list-style-type: none"> Legal Aid Act

* Jang, Soek Hun et al. (2015), Study on the Direction of Improvement based on the Analysis of Current Status of Crime Protection by Law Enforcement, National Police Agency Research Service Report, pp., 33-36. Reorganized and reproduced.

* Korea National Police Agency, Information for Crime Victim Support(<http://www.police.go.kr/portal/main/contents.do?menuNo=200153>, data searched on 2016.05.04.).

B. Supreme Prosecutor's Office

System	Contents	Legal Foundation
Filling out document under pseudonym	<ul style="list-style-type: none"> For protection of physical safety of the individuals who cooperated in criminal procedures, pursuant to the Act on Protection of Specific Crime Informant, Art. 7 and relevant laws, some or all part of identity are not to be written down in documentary records and report forms. 	<ul style="list-style-type: none"> Act on Protection of Specific Crime Informant, Art. 7. Guidelines for draft and management re. alias identity in reports and identity management cards(Supreme Prosecutor's Office Rules)
Emergency Alarm (Location Tracking Device)	<ul style="list-style-type: none"> For protection of physical safety of the victims who are exposed to the risk of vengeance, provides the victims with an emergency alarming device for law enforcement to locate the victims. If the victim presses the button on device, security company will dispatch a guard, and the police be notified of a danger. 	<ul style="list-style-type: none"> Crime Victim Protection Act, Art. 9. Act on Protection of Specific Crime Informant, Art. 13 Para. 1, Enforcement Decree of the Act, Art. 7. Guidelines for location check and moving cost support(Supreme Prosecutor's Office Rules)
Moving Cost Support (Actual Expense)	<ul style="list-style-type: none"> Support for moving costs to crime victims or serious crimes' informants, witnesses, or their family members. 	<ul style="list-style-type: none"> Crime Victim Protection Act, Art. 9. Guidelines for location check and moving cost support (Supreme Prosecutor's Office Rules)

System	Contents	Legal Foundation
Victim Protection Facility (Safe House)	<ul style="list-style-type: none">For informants of serious crime, crime victims, witnesses, or their family members, if they require special protection due to risk of vengeance, they may stay victim protection facility prepared by the Supreme Prosecutor's Office or local prosecutor's office for a certain period of time for protection.	<ul style="list-style-type: none">Act on the Protection of Specific Crime, Art. 13, Para. 1, Enforcement Decree of the Act, Art. 7Guidelines for location check and moving cost support, Art. 16, Para. 3.
Notifying the victims of their rights	<ul style="list-style-type: none">Provides the victims with information of their right in criminal procedures, and protection and support (handbook of crime victims' right and support system information)General rights of crime victims<ul style="list-style-type: none">① Right to request to be accompanied by a person of trust. To ease the victims' tension and nervousness during investigation and court appearance, a person that victim requests may accompany the victim.② Right to sue, appeal, and object to prosecutor's decision of not-indictment. Victims may file a complaint, and victims who object to prosecution's decision of non-indictment may appeal to the Public Prosecutor's Office (within 30 days of being notified of) or the High Court in the jurisdiction.③ Right to make a statement in trial during process as witness, and right to request a closed-door trial.④ Right to request information regarding criminal procedures, such as result of investigation, status of trial,⑤ Right to request to access trial records, perusal, and photocopyRights of Victims of Sexual Crime<ul style="list-style-type: none">① Right to appoint a lawyer. Victims of sexual crime can hire a lawyer (if not available, may request the court to appoint one) and the victims' lawyer can participate in investigation etc. and make statements.② Right to request an assistant for making statement. For child victims less than 13 years of age or victims with disability having difficulties in communication or expressing themselves in words.	<ul style="list-style-type: none">Crime Victim Protection Act, Art. 8.2Enforcement Decree of the Act, Art. 10. 2Guidelines for protection and support crime victim (Supreme Prosecutor's Office rule) Art. 16.

System	Contents	Legal Foundation
Notifying the victims of their rights	<p>③ Right to request preservation of evidence. A victim who cannot attend the court's trial in person, may request to record or videotape his/her statement in advance for judge's review and request that such evidence be preserved</p> <p>④ Right to request omit personal identity Victims of sexual crime may request the prosecution to use an alias in report etc. for confidentiality of their identity and privacy</p> <p>⑤ Right to request physical safety measure. Especially, for sexual crime victims, who are exposed to high-potential risk, they can request the local police service for personal safety measure</p> <p>• Right to child victims of child abuse</p> <p>① Right to appoint a lawyer. If lawyer is not available, court-appointed lawyer can be requested. The victims lawyer can participate in criminal procedures for his/her clients and make statements.</p> <p>② Right to request an assistant for making statement. Where a child victims has difficulties in communicating or expressing him/herself, a person that would assist the victim may participate in the victim's statement making.</p> <p>③ Right to request a temporary measure or make statements Where recidivism is anticipated, victims of child abuse may request for temporary order such as restraining order or make a statement about his/her concerns. If victim is in an emergency situation and thus cannot have enough time for the court's decision, the victim can request the police officer of a temporary measure.</p> <p>④ Right to request victim's protection and appoint facilitator. Victims of child abuse may request family courts also, separately from the criminal procedures, of protection such as restraining order. In this case they can appoint a facilitator. and in this case appoint.</p> <p>• Victims of domestic violence 's rights</p> <p>① Right to request a temporary measure and to make statement</p>	<p>• Crime Victim Protection Act, Art. 8.2</p> <p>• Enforcement Decree of the Act, Art. 10. 2</p> <p>• Guidelines for protection and support crime victim (Supreme Prosecutor's Office rule) Art. 16.</p>

System	Contents	Legal Foundation
	<p>Where recidivism is anticipated, victims of domestic violence may request temporary order such as restraining order or make a statement about his/her concerns. If victim is in an emergency situation and thus cannot have enough time for the court's decision, the victim can request the police officer of a temporary measure.</p> <p>② Right to request protection and physical safety measures. Victims of domestic violence may make a request to family court, such as removal of the perpetrator from house, separately from the criminal procedures. If necessary, victim may also request physical safety protection.</p>	
Notification for Crime Victims	<ul style="list-style-type: none">• To protect crime victim's right, notifies him/her of the perpetrator information in criminal procedures, such as results of the disposition, date and place of trial, result of trial, information regarding imprisonment, such as detention or release, release from jail, and execution status of probation.	<ul style="list-style-type: none">• Criminal Procedures Act, Art. 259, 2• Guidelines concerning Crime Victim's Protection and Support, Art. 19, 28.
Compensation Order	<ul style="list-style-type: none">• In either criminal or family protection case, where the accused or defendant was found guilty/responsible, the court may, at its own discretion or at the request of victims or their families, order compensation for the loss suffered directly by the victim, including physical damage, medical expenses and solatium.• In principle, victim should commence a lawsuit in civil court, separately from the criminal court's procedures, in order to be compensated for his/her loss or damage. To compensate the victim quickly and more conveniently is the goal of this policy.• Criminal cases in which victim may request for compensation include robbery, larceny, violence (violence, assault causing bodily harm, assault by accident or negligence), extortion, fraud, embezzlement, breach of trust, rape, indecent act by compulsion, destruction (Act on Special Cases concerning Expedition etc. of Legal Proceedings, Art. 25), domestic violence (Act on Special Cases concerning Punishment Etc., of Crimes of Domestic Violence, Art. 56) and other crimes that apply aggravated punishment.	<ul style="list-style-type: none">• Act on Special Cases concerning Expedition etc. of Legal Proceedings, Art. 25, 35.• Act on Special Cases concerning Punishment Etc., of Crimes of Domestic Violence, Art. 56, 62.

System	Contents	Legal Foundation
Criminal Mediation System	<ul style="list-style-type: none"> To ensure loss recovery and reconciliation of crime victim, the Committee of Criminal Mediation helps the parties reach an amicable agreement if the nature of case concerns property crime, such as fraud, embezzlement, breach of trust, or if the case is a certain criminal case, such as medical, libel, infringement of intellectual property. Subject cases are ① property crimes reported as fraud, embezzlement, breach of trust caused by lending and borrowing monies between the parties ② libel and defamation, trespass, infringement of intellectual property, medical dispute, unpaid wage ③ other cases deemed worthy to transfer to the Committee ④ General criminal law cases and satisfies each of the above. Once the Committee receives a case, it confirms the parties consent to transfer their case to the Committee for mediation, the reviews the documentary evidence, hears the parties, suggests a settlement solution. If the parties agree to the settlement, the mediation is over. On the other hand, if the parties fail to reach an agreement, the case is referred back to the prosecution for normal criminal procedures. 	<ul style="list-style-type: none"> ·Crime Victim Protection Act, Art. 41 or 46. ·Criminal Mediation Operational Guidelines (Supreme Prosecutor's Office Rules)
Reconciliation during Criminal Proceedings	<ul style="list-style-type: none"> In a criminal proceeding, where the defendant (perpetrator) and the victim settle the case in civil court in relation to the action in criminal court, the parties may jointly report the settlement to the court, which then will have the same effect as legal reconciliation. 	<ul style="list-style-type: none"> • Act on Special Cases Concerning Expedition Etc. of Criminal Proceedings, Art. 36 or 40.
Victim's Participation in the Accused's Interview before Charge	<ul style="list-style-type: none"> It supports the victim may participate in the accused's interview by law enforcement and make a statement before the accused is officially charged. 	<ul style="list-style-type: none"> • Guidelines for Crime Victim Protection and Support, Art. 17
To be Accompanied by a Person of Trust	<ul style="list-style-type: none"> To help the victim find easiness and relax during interview with investigation agency and testimony at trial, he/she is allowed to be accompanied by a person of his choice in trust. 	<ul style="list-style-type: none"> • Act on Criminal Proceedings, Art. 221, Para. 3, Art.163.2. • Act on Special Cases Concerning Punishment Etc., of Sexual Crimes, Art. 34. • Act on Protection of Children and Juveniles from Sexual Abuse, Art. 28. • Act on the Punishment of Acts of Arranging Sexual Traffic. Art. 8.

System	Contents	Legal Foundation
Legal Home Doctor Project	<ul style="list-style-type: none">• See, the Ministry of Justice’s systems in implementation	<ul style="list-style-type: none">• Crime Victim Protection Act, Art. 7, Para 1.
Free Legal Consultation/ Legal Aid	<ul style="list-style-type: none">• See, the Ministry of Justice’s systems in implementation	<ul style="list-style-type: none">• Legal Aid Act• Guidelines for Crime Victim Protection and Support, Art. 4 (Supreme Prosecutor’s Office rule).

* Jang, Soek Hun et 4. (2015), Study on the Direction of Improvement based on the Analysis of Current Status of Crime Protection by Law Enforcement, National Police Agency Research Service Report, pp, 35-38. Reorganized and reproduced.

* Korean National Police Agency, Crime Victim Support Information (<http://www.police.go.kr/portal/main/contents.do?menuNo=200153>, data searched on 2016. 05.04.).

* Naver Dictionary (<http://terms.naver.com/entry.nhn?docId=929424&cid=43667&categoryId=43667>, data searched on 2016. 05.04.).

C. Korean National Police Agency

System	Contents	Legal Foundation
Officer in Exclusive Charge of Victims	<ul style="list-style-type: none">• Assigns an officer in exclusive charge of victim in interrogation room in every police station across the nation, interferes in early stage of the accident in case of major serious crime for quick restoration of victims’ loss, links the victim to other support organizations and plays a role as a facilitator.	<ul style="list-style-type: none">• Guidelines for Crime Victim Protection and Support, Art. 9, 12, 13.
C.A.R.E	<ul style="list-style-type: none">• Where a serious crime, such as homicide, robbery, and sexual violence, occurs, dispatches an expert psychiatric agent to the field to serve the victim and family through counselling and psychiatric evaluation, and thus help them stay calm and prevent mental damage. Also, the Agency refers the victim and family to other support organizations for more assistance.	<ul style="list-style-type: none">• Guidelines for Crime Victim Protection and Support, Art. 9, 14, 15.
Temporary Accommodation	<ul style="list-style-type: none">• Where additional harm is anticipated inside victim’s residence, or victims do not have a place to stay due to crime, provides them with a temporary accommodation with lodging expenses for short time period (1-5 days)	<ul style="list-style-type: none">• Guidelines for Crime Victim Protection and Support, Art. 30, 34.
Notification of Victim’s Right	<ul style="list-style-type: none">• Provides victims with information concerning the victims’ procedural rights in the process of investigation and trial, and information concerning protection and support (Distribution of handout on Information on Crime Victims’ Rights and Support System)	<ul style="list-style-type: none">• Crime Victim Protection Act, Art 8.2.• Enforcement Decree of, Crime Victim Protection Act, Art. 10.2.• Regulation for Crime Victim Protection and Support(NPA directives), Art. 17.

System	Contents	Legal Foundation
Support for Transportation	<ul style="list-style-type: none"> For more serious crimes, such as homicide, robbery and arson, provides victim with traffic convenience if investigation or interview occurs in the late night hours. 	<ul style="list-style-type: none"> Regulation for Crime Victim Protection and Support, Art. 25
Use of Loss Recovery System	<ul style="list-style-type: none"> Where a crime took place in the victim's residence, provides the victim with clean-up costs if the police investigation on the scene, that is his/her place, left the place tainted and the place would require professional cleaning work afterwards. 	<ul style="list-style-type: none"> Regulation for Crime Victim Protection and Support, Art. 37, 38.
Physical Security	<ul style="list-style-type: none"> Protects crime victims, informants and witnesses from the perpetrators potential vengeance and ensures, by providing the subjects with physical security, by utilizing smartwatch, patrol, CCTV installation, that they lead a peaceful living. 	<ul style="list-style-type: none"> Regulation for Crime Victim Protection and Support, Art. 29, 30.
Protection and Support for Domestic Violence Victims	<ul style="list-style-type: none"> Designates officers in exclusive charge of domestic violence in every police station and conducts counselling and follow-up monitoring for victims; enters into a MOU with local government, medical institution, counselling centers in each police station level, and provides the victims of domestic violence with living costs, medical costs and employment support. 	<ul style="list-style-type: none"> Act on the Prevention of Domestic Violence, Art. 4. Act on Special Cases Concerning the Punishment Etc. of Domestic Violence, Art. 55.2, 55.5. Regulation for Crime Victim Protection and Support, Art.16, 21, 36, or 38.
Protection and Support for School Violence	<ul style="list-style-type: none"> Designates officers in exclusive charge of victims of school violence; provides counselling and guidance; operates 117 Center for post-monitoring of the students who reported the violence first; and link the monitoring system to relevant agencies and organization to ensure safety of the students. 	<ul style="list-style-type: none"> Decree of the Act on the Prevention of and Countermeasure against School Violence, Art.4, 20.2. Enforcement Decree of the Act on the Prevention of and Countermeasure against School Violence, Art. 30. Regulation for Crime Victim Protection and Support, Art.16, 21, 35, or 38.
Protection and Support for Child Abuse	<ul style="list-style-type: none"> Designates the staff in charge of child abuse as officers in charge of domestic violence and supports field investigation, linking relevant agencies and organizations, and post management. In addition, investigation of victim is conducted at professional child protection institutions or One-Stop Support Center under the presence of a person trusted by the victim. Links Korea Women Lawyer Association, Korea Neuropsychiatric Association and many other institutes to provide more comprehensive and efficient support to child victim. 	<ul style="list-style-type: none"> Act on Special Cases Concerning the Punishment Etc. of Child Abuse, Art. 11, 55.2, 55.5. Regulation for Crime Victim Protection and Support, Art. 16, 21, 35, 38.

System	Contents	Legal Foundation
Protection and Support for Sexual Crime Victim	<ul style="list-style-type: none"> • Dispatches female officers to One-stop Support Center and Crisis Intervention Center for Women and Children. For victims under 13 years of age. For victims with disabilities, provides statement analyst, statement assistants, and stenographer. Also, designates sexual violence supporting officers in every police station to provide counseling and loss recovery. 	<ul style="list-style-type: none"> • Act on Prevention of Sexual Crime and Protection of Victim • Act on Special Cases Concerning the Punishment Etc. of Sexual Crime, Art. 26, 30, 34, 36. • Regulation for Investigation of Sexual Crime and Protection of Victim. • Regulation for Crime Victim Protection and Support, Art. 16, 21, 35, or 38.
Protection and Support for Traffic Accident Victims	<ul style="list-style-type: none"> • In case where a victim has no source for compensation, as he/she is the victim of hit & run, or with no insurance, or the accident was by a stolen vehicle, the Police links the victim to government funded compensation business, and explain the application process to the victim etc. • For the victims who suffer death of their family member by an automobile accident, and the victims who had serious and permanent physical damages from the accident, if their livelihood is challenged due to the loss, the Police connects them to supporting businesses to help their readjustment and recovery. 	<ul style="list-style-type: none"> • Guarantee of Automobile Accident Compensation Act, Art. 30, • Art. 30.2.

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* National Police Agency, Crime Victim Support Information data (<http://www.police.go.kr/portal/main/contents.do?menuNo=200153>, data searched on 2016.05.04.).

D. Ministry of Health and Welfare

System	Contents	Legal Foundation
Emergency Welfare Support System	<ul style="list-style-type: none"> • To help victim overcome crisis as soon as possible, quickly supports the families that experience sudden crisis in their life (death of a family member who used to provide for the family, imprisonment, serious illness, domestic violence, violence and abuse, fire, unexpected dismissal from employment etc.). • Qualification for this program is: a family of 4 people with monthly income of 2.45 million Won or less in total, asset of less than 135 million Won (for big city) and financial asset of less than 3 million Won. 	<ul style="list-style-type: none"> • Emergency Aid and Support Act

System	Contents	Legal Foundation
Insurance Payment (Medical Treatment Support) System	<ul style="list-style-type: none"> • As an exception to general rule, where the perpetrator is unidentified in crime, insurance payment can be paid out pursuant to the National Health Insurance. • Where the perpetrator is unidentified, the payment is made out to the victim (medical support) and is terminated (no right to demand indemnity) • Where the perpetrator is identified, payment is made out to the victim and (medical support) and right to demand indemnity is exercised against the perpetrator. 	<ul style="list-style-type: none"> • Regulation on the Standard for Recuperation Allowance of National Health Insurance, Art. 4
Honorable Treatment for Persons Killed or Wounded for a Righteous Cause	<ul style="list-style-type: none"> • To praise the noble spirit and to realize social justice, pays honorable treatments and support to the persons killed or wounded for a righteous cause, and the bereave families, 	<ul style="list-style-type: none"> • Act on Honorable Treatment for Persons Killed or Wounded for a Righteous Cause
Skilled Nursing Facility for the Elderly	<ul style="list-style-type: none"> • Services such as temporary protection, legal support and professional counselling to the abused seniors. • Subjects of benefits are the elders aged 60 or over who have suffered abuse. Even if abuse has not taken place, if there is/ are risk and signs of abuse, qualified.. 	<ul style="list-style-type: none"> • Welfare of Older Persons Act, Art.39.5 or 39.7
Child Protection Institution	<ul style="list-style-type: none"> • Provides victims with resting space, psychiatric treatment, medical and legal supports; prevents child abuse, protect child victims and create an safe environment for child(ren) to grow. • Subjects of benefits are children under 18 years old who have suffered abuse (body, mind, sex, negligence) and needs protection. Even if abuse has not taken place yet, if there exists a sign or a trigger to abuse in a child's family, she/he qualifies for the benefit. 	<ul style="list-style-type: none"> • Child Welfare Act, Art.45 or 46.

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* Korean National Police Agency, Crime Victim Support Information data (<http://www.police.go.kr/portal/main/contents.do?menuNo=200153>, data researched on 2016.05.04.).

E. Ministry of Gender Equality and Family

System	Contents	Legal Foundation
Women's Emergency No. 1366 Center	<ul style="list-style-type: none"> • A support organization to help women who needs urgent rescue, protection and counseling from domestic violence, sexual violence and sex traffic. • Qualified subjects are victims of domestic violence, sexual crime, sex traffic, 1366 Center operates for 365 days 24 hours and provides 1st emergency consultation and reference service (medical center, professional counselling, legal aid or other safety houses) 	<ul style="list-style-type: none"> • Domestic Violence Prevention and Protection Etc. of Victim, Art. 4.6
Support Center for Victims of Sexual Crimes etc.	<ul style="list-style-type: none"> • By cooperation and contracts with the regional police agency and medical centers, the Ministry operates On-Stop Support center Crisis Intervention Center for Women and Children. These institutions offer comprehensive support from consultation, medical treatment, investigation and legal support) just by one visit. • Qualified subjects to the benefits are victims of sexual crime, sexual traffic, domestic violence and school violence. The center operates for 365 days 24 hours and offers timed consultation, medical and legal service and investigation (female staff is on duty) 	<ul style="list-style-type: none"> • Sexual Violence Prevention and Protection Etc. of Victim, Art. 18
Housing Support for Female Victims of Violence	<ul style="list-style-type: none"> • To improve victims of domestic violence and sexual crime, preferred supply of national rental housing, purchased rental housing etc., 	<ul style="list-style-type: none"> • Domestic Violence Prevention and Protection Etc. of Victim, Art.4. • Sexual Violence Prevention and Protection Etc. of Victim, Art. 3 • Regulation on Housing Supply, Art. 32.
Sexual/ Domestic Violence Relief Center	<ul style="list-style-type: none"> • To prevent damages of sexual crimes and domestic violence, to provide counseling and medical support, to help the victims prepare independent life, and to promote the victims' rights. 	<ul style="list-style-type: none"> • Sexual Violence Prevention and Protection Etc. of Victim, Art. 10 • Domestic Violence Prevention and Protection Etc. of Victim, Art. 4 or 6.
Protection Center for Victims of Sexual Crime	<ul style="list-style-type: none"> • By providing protection services with temporary accommodation, helps the victims early restoration and reentry to the society. Tailored service to the victims 	<ul style="list-style-type: none"> • Sexual Violence Prevention and Protection Etc. of Victim, Art. 12
Support for Victims of Sexual Crime	<ul style="list-style-type: none"> • To heal mind and body of the victims, provides medical, care, rehabilitation services and help their return to the society as soon as possible. 	<ul style="list-style-type: none"> • Sexual Violence Prevention and Protection Etc. of Victim

System	Contents	Legal Foundation
Support Institute for Victims of Domestic Violence	<ul style="list-style-type: none"> To help the victims heal their mind and body and return to the society as soon as possible with solid base, provides accommodation and tailored service to the victims. Subjects are victims of domestic violence and accompanied child(ren). The institute provides protection, counseling, medical treatment, legal aid, and learning support. If a victim requests, it also accompanies the victim to investigation at law enforcement or prosecutor's office and to court for the victim's testimony before judge. It also helps connect victims to self-help education program, and job search information and opportunities. 	<ul style="list-style-type: none"> Domestic Violence Prevention and Protection Etc. of Victim, Art. 7 or 8.
Medical Expenses Support for Victims of Domestic Violence	<ul style="list-style-type: none"> To enhance physical protection to the victims of domestic violence, provide medical expenses to the victims who require treatment both physically and mentally. 	<ul style="list-style-type: none"> Domestic Violence Prevention and Protection Etc. of Victim, Art. 18.
Counseling Center for Victims of Sex Traffic	<ul style="list-style-type: none"> On-field consultation, legal and medical support, interference in early stage of basic human right abuse, protection of victim, encouragement for new life style. 	<ul style="list-style-type: none"> Act on the Prevention of Sexual Traffic and Protection Etc. of Victims, Art. 10 or 11. Enforcement Decree of the Act, Art. 3.
Support Center for Victims of Sex Traffic, both Adult and Youth	<ul style="list-style-type: none"> Provides lodging and food, and supports self-help. 	<ul style="list-style-type: none"> Act on the Prevention of Sexual Traffic and Protection Etc. of Victims, Art. 7.
Protection Center for Immigrant Women	<ul style="list-style-type: none"> Supports immigrant women who are a victim of domestic violence. Provides the women and child, if any, with physical safety, resting place, medical support, assistance with departure process of the country, housing, job training, job search, start-up business preparation etc. 	<ul style="list-style-type: none"> Domestic Violence Prevention and Protection Etc. of Victim, Art. 7.

* Jang, Soek Hun et 4. (2015), Study on the Direction of Improvement based on the Analysis of Current Status of Crime Protection by Law Enforcement, National Police Agency Research Service Report, pp., 35-36. Reorganized and reproduced.

* Korean National Police Agency, Crime Victim Support Information data (<http://www.police.go.kr/portal/main/contents.do?menuNo=200153>, data searched on 2016.05.04.).

F. Support Center for Crime Victims

Type of Support	Contents
Emergency Support	<ul style="list-style-type: none"> • 24 hours service at call center or volunteers available to the scene of the crime. Protects victim, transfers him/her to hospital, contacts family members, organizes the crime scene. Carries out prompt rescue in the early stage of the crime.
Physical Protection	<ul style="list-style-type: none"> • Provides a tracking device to prepare a retaliation crime. Accompanies the victim to prosecutor's office or courts. Links to temporary accommodation.
Support for Medical Expenses etc.	<ul style="list-style-type: none"> • Supports victims for medical expenses incurred by physical and mental loss from crime. • Compensates the victims who require psychiatric treatment and support and thus incur medical expenses as they receive clinical counselling from a licensed psychiatrists or counsellor.
Support for Nursing Fees and Incidentals	<ul style="list-style-type: none"> • Nursing fees: where a victim does not have family members to take care of him/her, or the family cannot do so due to livelihood etc. • Other incidentals: where a victim needs a certain medical apparatus, or has to go to a remote place to receive treatment, this system provides the victim with costs for transportation, accommodation and foods.
Emergency Support for Living Costs	<ul style="list-style-type: none"> • Where a victim has no other family members to support him/her, this system provides the victims with basic living costs, tuition, as well as funeral expenses, if necessary.
Self-help Job Search Support	<ul style="list-style-type: none"> • Supports victims to achieve independence and self-support by providing them with 'self-help (education costs and incidentals)' costs, basic necessities and improved dwelling environments.
Legal Support	<ul style="list-style-type: none"> • Advises victims of criminal procedures, process of trials, and results of trials and sentences imposed against perpetrators. - Connects the victims to the lawyers serving the center - Informed the victims of criminal procedures and rescue system for victims - Accompanies the victims to prosecutor's office, police station or courts - Criminal meditation for fast recovery of loss for victims and any concerned parties
Request for Counseling	<ul style="list-style-type: none"> • Provides victims themselves and their family members with professional psychiatric and mental health treatment service - Professional counselling via telephone conversation, in person interview, or visitation - provides victims and their family members with psychology consultation - Referral service to other professional institutes - Visitation counselling service – by visiting the victim in person to check his/her state and discuss with the victims a preferred method of support.
Other	<ul style="list-style-type: none"> - Information about victims rescue and compensation services etc. - Courtroom monitoring

* Jang, Soek Hun et 4. (2015), Study on the Direction of Improvement based on the Analysis of Current Status of Crime Protection by Law Enforcement, National Police Agency Research Service Report, pp., 35-36. Reorganized and reproduced.

* Korea Crime Victims Association, Crime Victim Support Information data (<http://www.kcva.or.kr/> data searched on 2016.05.25.)

4. Basic Plans for the Crime Victim Protection and Support

Lastly, we will examine the Basic Plans for the Crime Victim Protection and Support, which serves as the guidance in policy establishment and operation. Currently, the 3rd Basic Plan is expected to launch soon.

The Basic Plans is “not only a symbolic mechanism to define the State’s keynote and accountability toward crime victims, but also a blueprint to the crime victim protection and support policy” and as such it is “a policy vision that guides the crime victim protection and support policy in the next five years.”⁶¹⁾ Therefore, “a systematic preparation to define mid-long term policy directions and the main policy tasks based on assessment and analysis on the policy promotion environments” is required⁶²⁾.

Article 12, Paragraph 1 of the Crime Protection Act prescribes that the Minister of Justice shall establish a master plan for protection and support for crime victims (“master plan”) every five years, following the deliberation of the Crime Victim Protection Committee⁶³⁾.

Accordingly, the Minister of Justice, the heads of relevant central government agencies, and the majors and governors of cities and provinces should set up an implementation plan for each enforcing year (Art. 13, Para. 1), and both the heads of relevant central governments’ agencies and mayors and governors should submit the next year’s implementation plan and the previous year’s performance results to the Minister of Justice each year. (Art. 13, Para. 2) As mentioned earlier, the 1st Basic Plans was carried out from 2007 and 2011. The 2nd Plans commenced in 2012 and expects its expiration by the end of 2016. The 3rd Plans is about unveiled⁶⁴⁾.

The 1st and the 2nd Basic Plans clarified the crime victims rights to dignity and

61) Kim, Ji Sun and Kim, Sung Un (2015), op. cit., p. 15.

62) *ibid.*, p. 15.

63) The Basic Plans should include the following in each section (Para. 2). ① Basic direction and goals of the policy ② Survey, research, education and promotion ③ Support and supervision over organization for crime victim protection and support ④ Funding and operation of funds ⑤ Other items that the Minister deems necessary to protect and support crime victims.

64) The Minister of Justice shall formulate a master plan for the protection and support of crime victims by September 30 of the year preceding the commencing year of the Basic Plans. (Enforcement Decree of Crime Victim Protection Act, Art. 11, Para 1.)

participation in criminal procedures and thus made a substantial contribution to change the perspective toward crime victims. In addition, it has played an important role in systemizing the relevant policies and enacting the foundational law⁶⁵⁾. However, some critics have pointed out that the process of establishment and operation of the Plans lacked cooperation and communication with various experts and field specialists in this area and argued that the 1st and the 2nd Basic Plans have failed to amount to the State's basic and comprehensive crime victim protection and support policy⁶⁶⁾.

Accordingly, the preparation of the 3rd Plans requires more cooperation and communication between the government officials in charge and various experts and professionals both in academia and in fields. With a process of such cooperation, the 3rd Plans would play a role as a comprehensive and essential plan of the State⁶⁷⁾.

65) Kim, Ji Sun and Kim, Sung Un (2015), *op. cit.*, p, 15.

66) *Ibid.*, p. 16.

67) *Ibid.*, pp. 16-17

Chapter 2

Policy Trends in Criminal Justice Organizations

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Chapter 2

Policy Trends in Criminal Justice Organizations

Section 1

Korean National Policy Agency (“the Police”)

1. Policy Direction

The National Police Agency set “Peace and Security Felt in Citizen Life, Law and Order Supported by Citizen, and Organizational Innovation in Sensation” as the agency’s 2015 goal and has endeavored to realize it⁶⁸⁾. In detail, their policy is as follows.

First, the Police has solidified the existing policies such as prompt repose to 112 Calls and eradication of neighbourhood gang to improve the quality of police service, and has newly established Misdemeanor and Women & Youth Investigation Team to come more close to the citizen life. Especially, the Police designated year 2015 as the “First Year of Protection for Crime Victims” and emphasized a distinguished protection and support system at the local police level as that is where a crime victim initially comes in to contact with law enforcement. In this context, the Police has assigned supporting officers for crime victim in each station and introduced a non-name report system to prevent secondary victims.

Secondly, to secure the public support and approval for the police’s law enforcement, especially in a situation where it requires more public trust, the Police has put efforts into setting up proper law and order in transportation, assemblies and demonstrations, and economy. In this context, the Police has operated a quick response team to resolve traffic inconveniences, maximized the use of public report system, and tried to repress noises and road occupation and blocking caused by demonstrations and assemblies. The Police has also paid attention to and endeavors to eradicate absurdities in citizen life that harm the animation of economy (corruption in dealing with government fund, in employment and

68) The following is a summary of the media release by the Korean National Police Agency on Feb. 7, 2015, “70th Anniversary of the National Police Agency.”

promotion in workplace, and in supply and subcontract relationship) and malignant frauds (financial fraud, fraud against the elderly and against small-mid sized businesses).

Thirdly, to establish “work-oriented culture” in the agency, the Police has decided to utilize performance-based promotion and promote field-round education. To improve work environment of the local front-line police officers, the Police has also determined to expand security infrastructure, to upgrade facilities used by the police officers in each station, and to provide the general public with supports when they want to file a complaint in either civil and criminal case. In addition, it has decided to use the newly assigned budget in peace administration more efficiently in a manner to invigorate R&D and apply big data and ICT technologies to security measures.

Korean National Policy Agency has performed various activities following the direction of policy mentioned above. The details are summarized in the following.

2. Crime Prevention and Control

A. Quick and Full Response to 112 Report and Eradication of the “Four Social Evils”

As “Quick and Full Response to 112”, a system the Police has promoted to efficiently reply to the emergency reports⁶⁹⁾, and “First-in, First-out” system are settled, the field arrest rate by 112 reports has increased⁷⁰⁾.

Also, the Police has promoted a specialized measure that expands the investigation team for women and youth in the “four social evils” (2,536 police officers in 251 stations).

In addition, the Police has promoted the existing Sexual Violence Division to Sexual Violence Department by specifying and dividing the work into planning and investigation, and strengthened the overall supervision of the policy. As for the Investigation Team for Sexual Violence, the Police changed it to Investigation Team for Women and Youth to focus on sexual violence, school violence, domestic violence and missing person cases⁷¹⁾. As a

69) Upon receipt of 112 report, the nearest patrol car to the reported scene of crime moves to the scene, without regarding jurisdiction and function (National Police Agency, media release (Aug. 25, 2014) ““The first step of the new police to the nation in hope and responsibility”).

70) The following is a summarize of the media release by the Korean National Police Agency “National Supervisors Meeting Memo (Oct. 7, 2015)”.

71) NPA media release (Feb. 2015) “Korean National Police Agency Promotes A Comprehensive Measure to Eradicate Sexual Violence Crime.”

result, all relevant crime indices decreased⁷²⁾.

<Table 3-2-1> On-Field Arrest Rates of Major Crimes by 112 Reports & Four Social Evils

Classification		2014.9	2015.9	Rates
112 Report Field Arrest Rate of Major Crimes		8.8%	29.4%	20.6%p ↑
4 Social Evils	Sexual Violence Non-Arrest Rate	3.7%	3.1%	0.6%p ↓
	Sexual Violence Recidivism Rate	5.3%	4.8%	0.5%p ↓
	Domestic Violence Recidivism Rate	11.1%	5.6%	5.5%p ↓
	School Violence Damage Response Rate	1.4% (first half of 2014)	1.0% (first half of 2015)	0.4%p ↓

Source: Korean National Police Agency(2015), Police Science Institute (2015: 12; requoted)

Also, arrests for the perpetrators in school violence increased slightly in 2012 but decreased continuously since then, which confirms the affirmative effect of the Police's efforts in this area. On the other hand, sexual violence crimes among school violence increased since 2011 and the trend continued until 2014. The Police will need more efficient prevention and response measure in this area.

<Table 3-2-2> Arrest for Juvenile Perpetrator in School Violence Perpetrator

Index	'10	'11	'12	'13	'14	'15
Sexual violence non-arrest rate(%)	11.3	15.6	15.5	11.1	5.0	3.6
Sexual violence recidivism rate (%)	7.4	8.1	7.9	6.4	5.4	5.0

Source: Korean National Police Agency, webpage Open Information Room '160108 Goal and Achievement' (Apr. 4, 2016)

In addition, as an intensive measure to control unsanitary-illegal food (1.1-10.31.15), the Police organized an exclusive team in each police station across the nation and though cooperation with relevant government agencies cracked down total 2,820 cases of offences, arrested a total of 4,838 offenders (121 charged), and forfeited and discarded 564 tons of unsanitary-illegal food.

72) Korean National Police Agency (2015). 2015 White Papers on Crime, Police Science Institute (2015). Prospects of Peace 2016.

<Table 3-2-3> Arrests for School Violence Perpetrators by Year

Year	Total	Violence	Extortion of Money and Goods	Sexual Violence	Other
'11	21,957	14,837	3,902	444	3,020
'12	23,877	14,637	5,912	509	2,795
'13	17,385	11,048	2,603	1,067	2,667
'14	13,268	8,974	1,582	1,295	1,417
'15	12,495	9,188	1,153	1,253	901

Source: Korean National Police Agency website, Open Information Room ‘160202 Statistics of Bullies Arrest in School Violence’ (Apr. 4, 2016)

Although total number of arrests was not changed significantly compared to the previous year (from 4,862 to 4,838), but the number of charged offenders increased by more than twice from 51 to 121. This is an outcome of the Police’s intensive control over three major subjects of control (fraud against the elderly with foods, frauds with marine products, trafficking unsanitary-illegal food via internet websites). Integration and transfer of the previous maritime police’s work to the Police Agency is probably another factor to this improvement⁷³⁾. Although total number of arrests was not changed significantly compared to the previous year (from 4,862 to 4,838), but the number of charged offenders increased by more than twice from 51 to 121. This is an outcome of the Police’s intensive control over three major subjects of control (fraud against the elderly with foods, frauds with marine products, trafficking unsanitary-illegal food via internet websites). Integration and transfer of the previous maritime police’s work to the Police Agency are probably another factors to this improvement.

<Table 3-2-4> Arrests of Unsanitary-Illegal Foods Traffic per Type

(Unit : person)

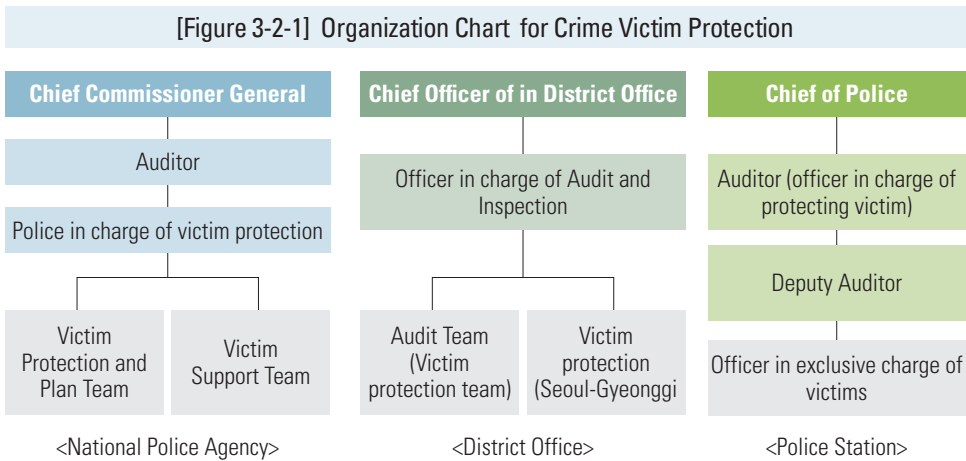
Year	Total	Unsanitary foods etc	False origin label	Sick animal, unlicensedbutchering	Misrepresented · overstated ad. and label	Other (unlicensed etc.)
'15.1.1. ~ 10.31.	4,838 (121)	565	353	290	2,393	1,237
'14.1.1. ~ 10.31.	4,862 (51)	780	370	399	2,294	1,019

Source: NPA media release “Police arrested 4,838 Usanitary-Illegal Food Trafficker 2015” (Dec. 2, 2015)

73) The following contents are a summary of the media release material of Korean National Police Agency (Nov. 12, 2015).

B. Crime Victim Protection

The Police announced year 2015 as the First Year of Protection of Crime Victim, and launched an exclusive care team for crime victims (Dec. 2, 2015). Total 209 police officers have been designated to each regional police agency (11 in regional agency, 57 in local agency, 141 in 1st degree station) as displayed in the following [Figure 3-2-1]⁷⁴⁾.



Source: Korean National Police Agency (2015), Institute of Police Science (2015: 67; requested)

In addition, the Police has promoted polices related to crime victim protection such as provision of temporary accommodation to crime victim, introduction of smartwatch for physical safety, free tickets for sports and recreation sessions for juvenile crime victim and healing program by culture. As a result, total 25,786 consultations, economic support for 4,474 cases with 7.6 billion won's economic support, and 1,104 physical protection have been performed.

C. Cracking Down on Gangster

The Police has organized 323 exclusive investigation teams with 1,538 individual police officers to crack down on gangsters. It captured total 1,440 cases and arrested 3,160 individual offenders in 2015 (91 offenders charged). The arrested cases are mostly collisions of gangsters while they fought each other to revive or stretch their power in a certain

74) The following is a summary of the media release by the Korean National Police Agency (Feb. 16, 2016).

area, gangster's violence against adult entertainment establishment including extortion, illegal security services, loan and collection, insurance frauds, illegal businesses including unlicensed gambling joints, online gambling sites, and sex trafficking, as well as unlicensed vehicles or goods⁷⁵⁾.

In addition, the Police carried out "Special Check on Neighborhood Gangsters" in 2015 (Apr. 1~Jun. 30/Aug. 1~Oct. 31, 2015) and cracked down total 12,262 cases with 4,077 arrests (1,243 offenders charged). The reason that the Police initiated this special control plan was that neighborhood gangsters tend to commit crimes against small shopkeepers and petty merchants and thus the victims would not report to the police in fear of vengeance. The types of crimes discovered through the special police check are obstruction of business (35.0%), followed by extortion (25.9%), violence (23.3%) in this order. Majority were committed by a single offender (of total 4,077 arrests, 3,653 was a single offender, that is 89.6%). Among them, offenders who had 21 or more previous convictions were 38.9%, followed by 11~20 previous convictions (31.5%) and by 6~10 previous convictions (15.8%).

D. Control of Voice Phishing

Korean National Police Agency announced 2015 as 'the First Year of Eradicating Voice Phishing' and has pursued relevant response measures⁷⁶⁾. For example, the Police established exclusive teams in the Intelligence Bureau in each regional agencies across the nation and set the <Task Force for Voice Phishing Eradication> in the central agency as a general supervisor of these teams. Following this, the Police prepared a more comprehensive measure, such as year-round intensive control by the Intelligence Bureau, customized promotion for the general public, improvement of financial and communication system, and control overseas call centers by cooperation with the Interpol.

As a result, in 2015 number of arrests increased substantially compared to the previous year (16,180 offenders in total 11,534 cases), while number of reported loss caused to victims decreased by ¼ within less than year, more specifically, from 1,002 cases of loss reported in March 2015 to 291 in December 2015. Of these, the Police applied the 'Organized Crime' under the Korean Criminal Act to 76 offenders for aggravated punishment.

75) The following is a summary of the media release by the Korean National Police Agency (Feb. 12, 2016).

76) The following is a summary of the media release by the Korean National Police Agency (Jan. 15, 2016).

E. Control of Corruption

The Korean National Police Agency has organized ‘exclusive investigation teams’ (284 teams with 1,316 police officer) to deal with the evils of corruption, and categorized corruption by type, such as implicating high-ranking government officials, chronic corruption concerning public welfare, safety related corruption to carry out an intensive check (Jan. 1~Oct. 31, 2015)⁷⁷⁾.

Corruption implicating high-rank governmental officials include corruption of high-rank government officials and their violation of confidentiality on duty, corruption in medical, tax and judicial sectors, corruption in private companies and financial sectors. The total number of discovered violation in this type of corruption was the least among the three categories (938 offenders, 8.7%). On the other hand, chronic corruption concerning public welfare, which concerns government funds, licence and permit, supplies and subcontracts, and corruption in employment and workplace promotion, held the highest proportion (5,793 offenders, 53.5%) of all three categories. Lastly, in safety-related corruption, which directly affects citizen’s, such as construction and road work, vehicle and public transportation, multiple utility facility, energy and maritime sectors, total 3,783 offenders (34.9%) were discovered.

3. Forensic Investigation: Efforts to Vitalize R&D

Through the amendment of the Police Act in 2014, the National Police Agency prepared a legal foundation to receive and utilize R&D budget from the central government. Accordingly, by review of the Ministry of Science, ICT, and Future Planning and the Ministry of Strategy and Finance, the Police has secured a budget for peace and security affairs (total budget of 17.95 billion Won) and invested 2.2 billion Won to R&D project (Police Science Institute 2015: 91). 2015 R&D performance results in police science and technology sector are as follows.

77) The following is a summary of the media release by the Korean National Police Agency (Nov. 11, 2015).

<Table 3-2-5> 2015 R&D Performance in Police Science and Tech Sectors

Date	Contents
Mar. 13, 2015	Confirmation of subject projects for 2016 multi-departmental joint project Establishment and operation of drone for monitoring and responding to the matters related to public safety
Mar. 24, 2015	Selection of R&D teams for police science
Jun. 22, 2015	Selection of operating research teams for R&D projects for police science (7 projects)
Jul. 9, 2015	MOU between the Min. of Science, ICT and Future and the NPA for the project of 'Realization of National Safety and Global Police Science'
Jul. 14, 2015	Kick-off meeting for R&D projects of Police Science
Oct. 2, 2015	Selection of joint project to be carried out by multi-departments/9th Special Committee for Interdepartmental Tech Cooperation Project Task for development of drone for disaster · public peace (49 billion won, 3 years)
Nov. 2, 2015	MOU between the Ministry of Trade, Industry and Energy and NPA for 'Realization of Safe Society and Fostering Public Peace Industry'
Nov. 30, 2015	Selection of operating research institution for 2015 Promotion of Tech. to Increase Convenience of People (3project, 2.7 billion won)

Source: Institute of Police Science(2015: 92)

In this regards, on Jul. 9, 2015, the National Police Agency entered into an MOU with the Ministry of Science, ICT and Future to improve safety of the public and global forensic science'. Pursuant to this MOU, the parties have decided to carry out ① Highly advanced forensic technology and techniques (K-CSI), ② Advancement of crime prevention and public convenience ③ Realization of creative economy through K-police and ④ Construction of cooperative system through scientific policing⁷⁸⁾.

In addition, the Police entered into an MOU with the Ministry of Trade, Industry and Energy on Nov. 2, 2015 and have set out a plan to support R&D in Future Growth Engine sector, such as Industry Engine Project⁷⁹⁾.

78) Media release by the National Police Agency (Jul. 9, 2015) "NPA-Ministry of Future Planning, Cooperation for Realizing Public Safety and Scientific Police".

79) Media release by the National Police Agency (Nov. 2, 2015) "NPA-Ministry of Industry, "Joint decision to Improve Safety Society and Foster Police Industry."

4. Traffic Management

A. Traffic and Safety Control

Every year a significant number of traffic fatalities take place, resulting in an increase in social costs. The Police has continued the control to prevent the accidents, in particular impaired driving, unlicensed driving, overspeed and driving over the centerline which have a high-risk of more serious road accident. In addition, the Police analyzed the type and frequency of traffic accidents based on season and holidays and carried out more efficient control over the potential accidents (National Police Agency, 2015: 243). If we look at the traffic control and safety response of the Police in 2015, traffic safety in school zone was emphasized more significantly (promotion of amendment of the Road Traffic Act in relation to school bus, such as mandatory registration of school bus and enhancement of penalties on violation, etc.).

<Table 3-2-6> Traffic and Safety Control 2015

Type	Contents
Seasonal Special Control	<ul style="list-style-type: none"> • Special traffic control for new year's holiday (Feb. 17~Feb. 22) • Special traffic control for Buddha's Birthday holidays (May 23~May 25) • Special traffic control for Thanksgiving holidays (Sep. 25~Sep. 29)
Children's Safety on Road	<ul style="list-style-type: none"> • Promotion and intensive control on mandatory report for children's school bus (Feb.) • Traffic safety measure for students in beginning of school year (Mar. 2~Mar. 31) • Promotion of a General Measure for Traffic Safety for Children's School Bus (Apr. 13~Oct. 31) • Promotion of Children's Traffic Safety Measure in beginning of school year (Sep. 1~Sep. 30)
Holiday Season Special Control	<ul style="list-style-type: none"> • Promotion of prevention of large-scale accidents in spring picnic season (Apr. 1~May 31) • Special traffic management in the beginning of May (May 1~May 5) • Special traffic management for summer holiday seasons (Jul. 24~Aug. 9) • Promotion of prevention of large-scale accidents in fall picnic season (Oct. 3~Nov. 30)
Other	<ul style="list-style-type: none"> • Operation of quick response team for traffic inconvenience (Feb.) • Special control on traffic violation of two-wheeled vehicle (Mar. 1~Jun. 30) • '15 National campaign for reducing traffic accident (May 21) • Promotion of traffic safety (June) • Intensive control for cargo truck accidents (Jul.~Aug.) • Traffic management against torrential downpour and typhoon (Jul. 1~Aug. 31) • 3 month-fall season special measure to reduce death by traffic accidents (Sep.~Nov.) • Traffic management for 2016 National College Entrance Exam (Nov. 12) • Traffic management against irregular weather such as heavy snow in winter season (Dec. 1, 2015~Feb. 29, 2016) • Special check of drunk driving in the end of year season (Nov. 27, 2015~Jan. 31, 2016) • Special traffic control for the end of year season events (Dec. 31, 2015~Jan. 1, 2016)

Source: Korean National Police Agency webpage, Open Information Room 'Status of Traffic Control and Safety Check' (Mar. 28, 2016)

In addition, the Police has implemented pedestrian safety measure, lowering the speed limit for backside roads, MOU with three popular deliver application companies for motorcycle safety, moving spot drunk driving control on backside street, control over designated line violation, unmanned machinery control, ‘Quick Response Team to Traffic Inconvenience’ and ‘accident survey reservation system’ (Police Science Institute, 2015: 16-17).

B. Traffic Violation Control

Total number of traffic violations checked and charged by the police (driver-based) was almost 13.9 million cases and most of these were checked by unmanned traffic control devices installed in places with high-risk of accident(73.4%). The majority of the rest was caught by police patrol, resulting in notice disposition to fine or charged criminally. In overall, criminal charge and summary judgment are decreasing, while notice of disposition is increasing.

<Table 3-2-7> Status of Traffic Violation Control and Disposition (driver)

(Unit : 10,000)							
Type	'08	'09	'10	'11	'12	'13	'14
Total	1,407	1,385	1,348	1,115	1,139	1,250	1,387
Notice disposition	302	267	312	177	143	264	338
Summary judgement	0.0032	0.0031	0.0032	0.0022	0.0002	0.0010	0.0014
Criminally charged	65	46	39	33	30	34	32
Checked by Unmanned traffic control device	1,040	1,071	997	905	965	953	1,018

Source: Korean National Police Agency (2015: 243)

However, if we look at the road accidents status by violation of regulation (as of Sep., 2015), violation of safe driving was the most common (56.6%), followed by violation of traffic signals (11.4%), and then failure to secure safety distance (9.2%) in this order. As for the victims, similarly, victims of violation of safe driving were the most of the victims (53.8%), followed by victims of signal violation (12.6%), and failure to secure safety distance (10.9%). However, deaths by traffic accidents were found mostly in the case of violation of safe driving (68.4%), followed by driving over central line (9.0%) and signal violation (8.7%). It indicates that violation of safe driving, such as handling cellphone or installed devices inside one's the car, sleep driving, violent driving, and unskilled driving

cause the majority of accidents and casualties, while serious violation of traffic regulations such as driving over central line is another cause to deaths, which requires more active response and strict control of the police.

<Table 3-2-8> Traffic Accidents per Violation of Regulation (tentative)(as of late Sep. 15)

Type	Total	Driving over central line	Signal violation	Speed	Pedestrian safety	Safe driving	Safe distance	Intersection passage	Other
Accident (case)	170,284	8,890	19,390	409	5,293	96,383	15,705	10,961	13,253
Death (person)	3,328	298	289	111	115	2,275	59	53	128
Injury (person)	256,978	15,162	32,361	677	5,569	138,319	27,903	17,243	19,744

※ The data is tentative only and may be different than the final statistics.

※ Source: NPA homepage (<http://www.police.go.kr/portal/main/contents.do?menuNo=200193>, last access: Mar. 25, 2016)

Drunk driving cases decreased until 2012, increased suddenly by a large margin in 2013 and then declined. In particular, compared to September 2014, the number of drunk driving control in September 2015 decreased by 5.9%, resulting in an anticipation that drunk driving case would decrease in 2015 as well. That suspension of driving license decreased more than cancellation of license supports the prediction. However, as license cancellation rather than license suspension has been accounting for more than 50% since 2010, it is evident that more serious threat to traffic safety is drivers' extreme impairment by alcohol to the extent that the police authority cancel the driver's license. An active and strict control over this matter is required.

<Table 3-2-9> Drunk Driving Control

(Unit : case)

Year	Total	License suspension (Alcohol concentration 0.05~0.1)	License cancellation [refuse test incl.] (Alcohol concentration over 0.1)
2010	302,707	146,805	155,902 [5,222]
2011	258,213	123,100	135,113 [5,222]
2012	246,283	118,267	128,016 [4,114]
2013	269,836	131,850	137,986 [4,252]

Year	Total	License suspension (Alcohol concentration 0.05~0.1)	License cancellation [refuse test incl.] (Alcohol concentration over 0.1)
2014	251,788	121,111	130,677 [3,862]
2014.9	190,041	91,559	98,482 [2,931]
2015.9	178,740	83,143	95,597 [3,045]
Compared to previous year	-5.9%	-9.2%	-2.9% [3.9%]

※ Source: Police Science Institution (2015:338)

Motorcycle gangs increased steadily from 2010 to 2014, but as of September 2015 the number of cases caught a total of 146 cases, a decrease by 96.6% compared to the same time previous year. The data is, however, just a tentative one. I needs to be reviewed again once the final numbers are available for statistics.

<Table 3-2-10> Motorcycle Gangs Control

(Unit : case)

Year	Total	Criminal Charge				Notice Disposition		
		Subtotal	Dangerous act in a group	Illegal rebuilding of automobile	Driving without licence	Subtotal	Violent driving	Other*
2010	2,642	1,066	355	252	459	1,576	581	995
2011	3,090	939	397	128	414	2,151	536	1,615
2012	3,479	1,585	531	782	272	1,894	760	1,134
2013	3,765	2,364	208	2,055	101	1,401	413	988
2014	4,495	1,894	87	1,751	56	2,601	116	2,485
2014.9	4,242	1,739	84	1,603	52	2,503	101	2,402
2015.9	146	127	35	85	7	19	5	14
Compred to previous year	-96.6%	-92.7%	-58.3%	-94.7%	-86.5%	-99.2%	-95.0%	-99.4%

*Other: Roaring sound, illegal attachment to vehicle

※ Source: Police Science Institute (2015: 338)

Especially in 2015, so called ‘revenge driving’ became a serious social issue that from Jul. 10, 2015 to Aug. 9, 2015. As a response to the matter, the Police launched a special control by an investigation team in exclusive charge of the case and caught total 273 cases with 280

arrests. Of which three drivers were criminally charged and put under police custody, and 273 was charged without custody⁸⁰⁾. The analysis of the revenge driving's characteristics through these 273 cases, disputes by change of lanes held the majority with 47.6%, followed by disputes by car horns and using high beam indicator light with 27.1%, and slow driving with 8.1%. Based on the analysis, the Police developed a policy that emphasizes 'concession' on road and launched a special control as a part of the 'Intensive Control over the Three Neighborhood Violence' in the second half of 2015.

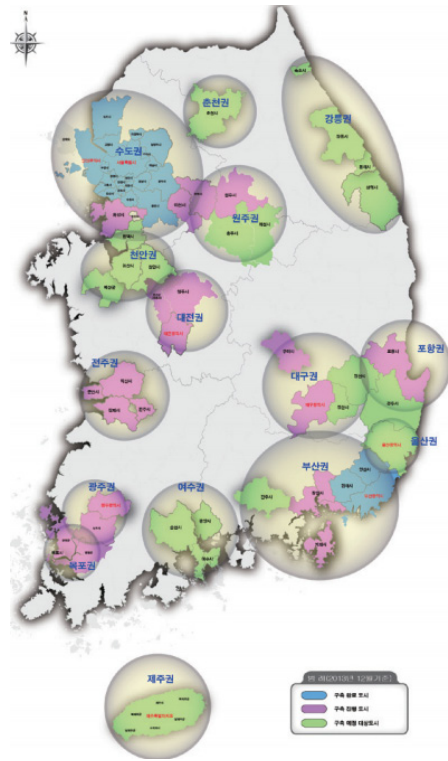
C. Provision of Real-time Traffic Information using UTIS

In cooperation with local government, the Korean National Police Agency commenced in 2005 the Urban Traffic Information System (UTIS) for the cities with a population of more than 200,000 and has practiced the system ever since. Using this system, the Police provides real-time traffic information across the nation to the public and thus encourages more efficient use of roads and traffic safety (Korean National Police Agency, 2015: 277).

As of December 2014, the UTIS project has been completed in 31 cities (22 in capital area, and 9 major cities including Busan, Gyeongnam, Dargu, Gwangju) and is scheduled to extend to 62 more cities by 2022. (Korean National Police Agency, 2015: 279).

The general public can access the traffic information generated by UTIS in online

[Figure 3-2-2] Application of UTIS by Region (2014)



Source: Korean National Police Agency (2015: 279)

80) The following is a summary of the media release by the Korean National Police Agency (Aug. 12, 2015) "Revenge Driving Check, 273 cases 280 arrests".

(internet, mobile web, twitter, etc) directly. From 2012, the Police entered into a contract with private companies (Daum kakao, Naver, SK Planet etc.) to provide the service. Also, since 2013 it has produced navigation devices using UTIS information and built a general management system for traffic safety data by combining UTIS information and geographic information system (GIS) (Korean National Police Agency, 2015: 280-282).

5. Amendment of Relevant Legislation

In 2015, legislation related to law enforcement was amended in various sectors⁸¹⁾. First, civilian's use, carry, produce and sale of police (or similar) uniform and devices are subject to criminal charge. Previously, there was no legislative means to regulate crimes using police uniform and/or apparatus (handcuffs etc.) and pretending to be a police officer. As a solution to this issue, the Act on Regulation of Police Uniform and Apparatus was enacted in Dec. 30, 2014, and came into force in Dec. 31, 2015 along with an enforcement decree. By this Act, the Police has a legal basis to control civilian use, wear, and carry of police uniform and other apparatus and devices and also can punish the production and sale of the items especially through online websites.

Secondly, in order to deal with accidents concerning children's school bus, regulations concerning school bus operation has been enhanced. (Enforcement Decree and Regulations of the Road Traffic Act). Pursuant to the revised laws and regulations, the operator of children's school bus must report to the competent chief of police station in the area. Failure to report is subject to a penalty of fine (300,000 won). Further, the operator and driver of children's school bus must attend to safety education session and complete a regular education every two year.

Thirdly, punishment concerning violations in the safety zones for senior and pedestrians with physical disability safety have been stricter. The amended laws and regulations empower the police to impose twice as much fine, penalty, and penalty marks on the drivers who contravene the regulations in these zones between 8 AM and 8 PM as the violation committed in other zones. (Enforcement Decree of the Road Traffic Act and Regulations, enforced on Dec. 31, 2014).

81) The following is a summary of the media release by the Korean National Police Agency (Dec. 2014), "Police legislation will be changed in this way."

Fourthly, the law has removed restrictions on security service business concerning mandatory training hours for new employees and regulations for establishing a new business (Enforcement Decree of the Act on Security Service Business, enforced on Dec. 31, 2014. Regulations, enforced on Dec. 31, 2014). According to the revised law, ① the mandatory training hours for new employees are reduced from current 28 to 24 hours to assign general security service more quickly to the work; ② where needs arises to change the name of corporation, or director or executives, the notice period is now 30 days (previously 15 days) from the occurrence of cause; and ③ the condition of ‘minimum five person’ in order to establish a business is removed to guarantee the public freedom of association as much as possible.

Fifthly, in order to enhance gun control especially since the accident in February 2014, the Guns, Swords, Explosives etc. Control Act, and its subcategories were amended and enforced since Dec. 31, 2014⁸²⁾. The key contents of amendment includes enhancing (mis) qualification of carrying guns etc., keeping the live cartridge in police station, collection of information concerning the user location, lowering the purchase and store limitation of hunting gun bullets and mandatory documentation of gun registry.

6. Evaluation

As reviewed, the Korean National Police Agency established in 2015 detailed policies for the three goals set in the beginning of the year and enforced them persistently to achieve a significant outcome.

It is particularly noticeable that, in addition to its efforts to promote the polices concerning the three goals, the Police launched an ‘Advisory Committee for Promotion of New Police’ and analyzed the current issues inside the police organization in order to diagnose and set the desirable direction that the police should proceed⁸³⁾. The Advisory Committee operated in three divisions, that is, Future Vision Division to advise on “roles in and responsive measures of the police to the estimated changes in public peace environment in future”,

82) Korean National Police Agency media release (Dec. 31, 2014) “Enforcement of the Gun Control Act, including Enhancement of Misqualification Reasons, Predicts Reduction in Gun Accidents and Crimes.”

83) The following is a summary of the police media release (Mar. 2015) “Official Launch of the Advisory Committee for Promotion of New Police to Commemorate 70th Anniversary of the Korean National Police Agency”.

Organization Innovation Division to advise on “diagnosis of management of human resources in police and improvement of competitiveness in public peace” and Commemoration Business Division to advise on “various events and projects to commemorate 70th anniversary of the National Police Agency.” Although the committee served only one year, it held meeting regularly to promote the projects, and published the Police Future Vision 2045, through the research by the Graduate School for Future Strategies, KAIST, which proposes a direction and strategy for the police to proceed in future.

The study selected “scientific police” that applies high-tech scientific technology to public peace administration based the analysis of changes in future society, “specialized police” equipped with personalized capacity per task sector and “civil police” which invites civilians to participate in public peace administration as the main visions, and selected nine promotion strategies and 27 main policy tasks⁸⁴⁾. These visions and prospects were prepared under the awareness that the paradigm of police service has shifted from ‘efficiency and professionalism’, through ‘legitimacy and democracy’ and now to ‘participation and sharing’. The key policy tasks to materialize the visions and strategies presented in Police Future Vision 2045 were suggested in three categories depending on the length of enforcement, that is for short-term (~2010), mid-term (2021~2030) and long-term (2031~). The new visions and strategies in this study, as well as the detailed practical tasks suggested police would help the Police set up a new policy direction in future to generate a desirable outcome in its service to the public.

Section 2

Public Prosecutors

1. Reform and Policy Trends

A. Policy Direction

On Jan. 21, 2015, the eight government agencies including the Ministry of Justice made a joint report concerning 2015 Business Plan in ‘national innovation’ sector, in the presidential

84) The following is a summary of the media release (Jan. 14, 2016) “Korean National Police Agency, 『Police Future Vision 2045』”.

guest house of Cheongwadae. Mr. Hwang, Gyeo Anh, the then minister of Justice, stated that “in order to encourage public support and participation in national innovation, establishment of legal order is more than important” and “(the Ministry) will prepare a solid foundation for reform of the nation by settling the order in law”⁸⁵⁾.

The key policy directions suggested by the Ministry of Justice are as follows: First, by eradicating the group that negates constitutional values, clearly establish Korea’s identity, which is the prerequisite to the reform; Second, by enhancing the legal education for future generation, embody the constitutional values and respect for law from the early stage of one’s life; Third, focus on and put its best efforts to eradicate the three main investigation targets, that is, ① corruption by alliance of government and private businesses, such as corruption in defense business etc. ② finance and securities crimes that disrupt financial market, and ③ crimes related to national budget, such as fraud or misuse of government funds; Fourth, exert itself to eradicate child abuse and sexual violence crimes.

In this regards, the details of 2015 key promotion policies of the Ministry of Justice are as follows.

First, in relation to eradicating the group that negates our constitutional values and confirming Korea’s national identity, the Ministry emphasized rooting out the treats to national security through execution of follow-up measures after dissolving an anti-constitutional political party and blocking of propaganda and spreading of groundless rumor through internet sites from the onset. Then, according to the changes in investigation and trial environments that require more strict admissibility of evidence, the ministry stressed more concrete control measures, such as specialization of prosecution and investigators in anti-Communism investigation by expanding infrastructure in both human resources and physical facilities, placement of forensic experts in public security divisions, and dissolution of anti-government groups and the group that benefits the enemy. In relation to this, the ministry announced ‘three strikes out’ rule for illegal demonstrations, and expanded the 2014 pilot rule of Seoul Central District Prosecutor’s Office, ‘Illegal Demonstration Three Strike Out’ (request of a formal trial against a person who has a record of fine within five years, with more than twice of violation records in the same category of the offence) thus to attempt to settle lawful demonstration and assembly culture. In addition, the ministry

85) Korean Ministry of Justice media release, “We will prepare the foundation of national reform by solidifying legal order – 2015 Main Policy Direction –” (Jan. 20, 2015), p.1.

ordered an investigation under custody against persons who exercise a direct influence over the police officers in uniforms in order to establish a strict principle in obstruction of official duties.

Further, in order to enhance legal education for the next generations so that the younger generation can grow law-abiding spirit and respect for constitutional values in their early ages, the ministry cooperated with the Ministry of Education and commenced education of constitution by including the values of constitution in the 6th grade' classroom textbooks since 2015, resulting in 460,000 students a year now receive the benefits. As for the education for kindergarten and elementary school students, a program was developed and completed in 2014 and the ministry has announced its distribution to pilot kindergartens and schools across the nation. In addition, the ministry announced that it would expand the learning opportunities concerning constitutional values and respect for law for young students by using "Solomon Law Park", a theme park for legal education, and "Bupsarang cyber land" a portal that provides users with cyber experience of law, so that the students can enjoy real changes of constitution education and grow law-abiding spirits in more exciting ways. The ministry has also announced that enhancement of legal education will be applied in practice to the public officials. In other words, for the public officials in policy-making positions to lead a proper law culture with utmost respects for the constitution, the ministry will continue to support and expand the opportunities of constitution education for the public officials in the Ministry of Foreign Affairs, the Ministry of Unification and the Ministry of National Defense by conducting the program in their relevant agencies, such as National Diplomatic Academy, Institution for Unification Education, and Defence Media Agency.

Further, in relation to the prosecution's three focus targets of investigation, in order to carry out an intensive investigation toward corruption implicating alliances between governments and public businesses, such as national defence acquisition industry, the ministry has announced an intensive investigation plan through the Joint Investigation Team for defence industry. The team will focus their investigation on the corruptions that have taken place in relation to enhancement of the nation's competitiveness in defence, promotion of defence business, and supplies of military materials. For this, the ministry has proposed that it strengthens the cooperation with the Joint Audit and Inspection Team under the Board of Audit and Inspection of Korea, and Corruption Eradication Promotion Team under the Prime Minister's Office. As for crimes in financial and securities sector, the ministry designated the Prosecutor's Office in Seoul-South district as the office in charge to

serve as a general control tower. In this context, Divisions 1 and 2 of the Finance and Tax Audit and Inspection under the Seoul Central District Prosecutor's Office were relocated to Seoul South Prosecutor's Office, to maximize synergy effect in both human and physical resources for investigation. Further, in attempts to conduct the investigation in finance sector more efficiently, cooperation and joint investigation with relevant authorities, such as the Ministry of Health and Welfare were exercised by sharing relevant information and data to deal with misuse or abuse of government funds and corruption in public institutions. At the same time, the ministry has selected the targets of investigation in public infrastructure sections that directly affect the public safety, such as railroads, marine transport and nuclear plants and directed its focus to these sectors as well.

Finally, in order to eradicate sexual crime and child abuse, the ministry has announced that it will enhance the on-field cooperative system by sharing the information among all relevant authorities, for example, connecting child protection agencies with police upon notice and report of child abuse case and having them move to the scene reported for suspected abuse together. In addition, upon occurrence of child abuse, the ministry requests law enforcement to promptly reply and interfere legally through emergency or temporary measures, to equip itself fully with support system for child victims, and investigation under custody against more serious offenders. As for child abuse in domestic environments, the ministry has emphasized psychiatric healing of the abused child(ren) and education and consultation for their abusive parents to approach the issue more fundamentally and prepare measure to recover the damaged families. As for management and supervision of sexual crime offenders, the ministry has announced to expand the service of 'Electronic Monitoring Supervision Swift Response Team' to handle 24 hour electronic anklet risk alarm, by increasing the existing parole and probation offices across the nation. Of total 56 offices, 26 parole and probation offices were increased to 40 between 2013 and 2014, and now another increase by 6 are on schedule in 2015. Moreover, the Minister has announced a plan to secure a pre-signal system of crime signs by developing an 'intelligent electronic anklet system.' This system adopts an anklet that senses and reacts to external information and detects changes in alcohol concentration in the target to notify the police of potential risk of crime. Finally, the Ministry has emphasized the close cooperation with law enforcement by sharing relevant information concerning the sexual crime offenders and murder-homicide offenders' probation expiration, thus to prevent recidivism.

B. Core Promotion Policies

1) Support for Crime Victims

The prosecution's support for crime victims focuses, first, on financial support, and second on prevention of revenge crime by identity disclosure and secondary damages as a result.

First, the Supreme Prosecutor's Office set up the guidelines for financial supports for crime victims and arranged the review committees in each regional prosecutor's office to execute the support. According to this arrangement, for example, the district Prosecutor's Office in Gwangju and the district Prosecutor's Office in Eastern Busan has organized a review committee and carried out financial supports for crime victims and the bereaved families through internal review.

In addition, according to the amended Crime Victim Protection Act, the Supreme Prosecutor's Office has made provision of information concerning victims' right and support system during investigation process mandatory. As a result, the district Prosecutor's Office in Gwangju has established and operated the Crime Victim Support Office and operated crime victim.

Also, the Supreme Prosecutor's Office has put a support system with 'wearable emergency pager' into practice, by which emergency support and location tracking are available to protect physical safety of the victims under risk of vengeance. Through this system, more active and also proactive protection to the crime victims are likely to be possible.

At the same time, the Supreme Prosecutor's Office held a seminar, 'Status and Development Direction of Psychiatric Healing for Crime Victims' and presented a tentative plan for an application to diagnose and heal the psychiatric trauma of the victims to be used in the front line. By this, more active utilization of digital technology will be exercised in protection of crime victims in future.

2) Response Measure for Child Abuse and School Violence

Based on comprehensive cooperation between public and private sectors, such as information sharing, and by interdepartmental and inter-regional communications, the Supreme Prosecutor's Office has prepared a plan to eradicate child abuse and school violation. It is evaluated as an efficient measure to prevent both the relevant crimes and recidivism with proper consideration of the characteristics of these crimes.

First, from May 11 to May 12, 2015, the Supreme Prosecutor's Office held a joint

workshop with private sector and invited the Ministry of Justice, prosecutors in exclusive charge of school violation from 58 prosecutor's offices across the nation, the Ministry of Education and the officials in charge of school violence in 17 offices of metropolitan regions, Department of Education, and operating managers from 58 'Bupsarang Committee Association', totaling 150 participants to discuss efficient cooperative measures to school violence, in both agency and regional levels. In particular, the Office linked the 'listening to the front-line teachers before judgment' system to conditional suspension of indictment system and thus promoted the latter to make more tailored disposition. Through this measure, the Office appears to focus on the effects of guidance in prevention of occurrence and reoccurrence of crime.

In addition, the Supreme Prosecutor's Office held a joint workshop of private and public sectors from Sep. 14 to Sep. 15, 2015, to eradicate crimes against women and children. In this workshop, a total of 130 experts from both private and public sectors participated, including the prosecutors in charge of crimes against women and children from 58 district prosecutor's office, court-appointed lawyers who represent the victims exclusively, statement assistants, child protection agencies, the Council for Sexual Violence and Domestic Violence Counseling. In the workshop, the prosecution's domestic violence cases and model cases of victim support, operation of the Child Abuse Prevention and Treatment Centers, roles of court-appointed lawyers and model cases, roles of statement assistants and model cases, model cases of child protection agencies, issues discovered in investigation and support process for sexual crime victims, and model cases of victim supports selected by the Council for Sexual Violence and Domestic Violence Counseling were represented, and the importance of further cooperation between the two sectors was emphasized.

3) Eradication of Improprieties and Corruption

The public has continuously demanded a strong measure to eradicate chronic and widely-spreaded improprieties and corruption in our society. As a response to this, Anti-Solicitation and Graft Act has been passed by the plenary Assembly. Having the Anti-Solicitation and Graft Act's enforcement ahead, the prosecution emphasizes eradication of various forms' corruption committed not only by public servants but also in private sector.

In this context, the Supreme Prosecutor's Office held a bull session chaired by the Public Prosecutor General inviting total 23 chief prosecutors of the prosecutors' offices across the nation (five from High Public Prosecutors, and 18 district prosecutor's offices), and

discussed measures to eradicate improprieties and corruption and to set up judicial order in society. Especially in relation to eradication of improprieties and corruption, the meeting concluded to focus the prosecution's investigation on structural corruption, such as 'corruption implicating high-ranking government officials', that disrupts normal economic system by using social superiority in status and wealth, thus to harm the growth of nation and society; 'local corruption', often committed by the heads of local governments, the council members and the executives of local public enterprises, that obstructs economic soundness of local communities, thus to increase the burden laid on the residents; and the 'crimes that disturb the sound national finance and stability of ordinary people', such as tax evasion, and misuse or abuse of government funds that leads to the weakness of government's finance and harms the transparency in execution of welfare distribution. In detail, the prosecution selected as its core direction of investigation to eradicate improprieties and corruption for the first half of 2015, ① the crimes committed by those in social leadership position by abusing their superiority in status, ② the crimes that harm the health of national finance and the stability in the lives of working class people, ③ structure corruption that harms economic reformation, and ④ the corruption in national defence business that damages the capacity of national security, and launched an investigation by full operation across the nation, resulting in total 840 arrests and 322 charges among them. For example, in detail, the Prosecutor's Office in Busan District exposed the executives of Busan Urban Corporation, the city council members and the police officers who took bribery in connection with the development project for Eastern Busan Tourism District. The Prosecutors' Office in Gwangju District investigated the Korea Electric Power Corp.'s bid rigging, and arrested and laid charges on four individuals who worked for Korea Electric Power Corp. KDN, along with two brokers involved. The Office extended the investigation to the brokerages in a lower level and arrested total 23 offenders for prosecution with detention, three for prosecution without detention and put one constructor on a wanted list⁸⁶⁾. Meanwhile, the Prosecution has been active in investigation of defense corruption, especially concerning the corruption in supplies of relevant articles. This is related to one of

86) Gwangju District Office adopted the 'Clean Feedback System' (a system seeking to eliminate corruption inducing practice by sharing the structural problems discovered during investigation with other agencies, thus to seek prevention of recidivism) for the first time in the region, prepared a response measure to prevent recidivism by consulting with KEPCO, local governments, and KECA and announced that it would implement the plan by agency.

the five ‘closed corruption’ selected by the Corruption Eradication Promotion Team under the Prime Minister’s Office. In this regards, Ansan Prosecutor’s Office in Suwon District investigated ‘corruption in the supply of K1 tank parts using fabricated test result’, and arrested, with detention, one employee of the defense business company which supplied 256.80 million Won worth K1 tank bearings in total 29 times’ supplies by using 23 copies of fabricated test reports, and arrested one employee without detention.

In the meantime, based on the fruits of the district offices’s work, the Supreme Prosecutor’s Office held a ‘Video conference with Chief Prosecutors to Eradicate Corruption and Improproprieties’ on September 9, 2015 and decided to launch an all-out attack on ① corruption of the government officials, ② crimes that burden the small and mid-sized businessmen (corruption that obstructs the growth of the nation) ③ corruption that disrupts the soundness of national finance (corruption that wastes the tax payer’s previous money), and ④ structural corruption that harms the growth of the nation, especially in the second half of the year. In this context, the prosecutor’s office in Gwangju district set up an intensive investigation plan on four the most representative corruption, that is, ① corruption of high-rank government officials and politician, ② corruption that disrupts the growth of national finance, such as unfair trading, ③ corruption that harms the soundness of national finance, such as tax evasion, and ④ structural corruption in professional sectors, such as education corruption. A ‘Special Investigation Task Force’ was organized with investigators from serious crime unit and criminal office to carry out the plan.

As another model case, the Prosecutor’s Office in Seoul Northern District decided that an intensive control over the corruption which harms the national finance and causes its weakness as well as confiscation of the proceeds of crime, is urgent. Accordingly, on Jul. 1, 2015, the office launched a Finance & Tax Focused Investigation Team to carry out a rigorous check on the long-term care facilities which had illegally received allowance. Also the office investigated national finance crime, such as illegal receipt of governmental research fund, booked for 75 offenders (14 with detention, 61 without detention), and prosecuted eight offender with detention and 47 without detention. Proceeds of crime in the amount of 1.5 billion Won was confiscated and returned to the Korean National Treasury. In Daejeon District, the Prosecutor’s Office chased corruption in procurement contract involving sunlight power generation facilities, prosecuted with detention the broker and the public servant who arranged the contract, and prosecuted without detention another broker and the representative of the supplying company under the Act on Aggravated Punishment

Etc. (taking bribery).

4) False Accusation and Perjury

In 2015, the prosecution delivered an exhaustive control on crimes that disturb the judicial order of the nation, in particular, false accusation and perjury. False accusation and perjury delay the court proceedings and increase the costs. In addition, they make it difficult to find an objective truth about a case, resulting in the public's mistrust in judicial system. Therefore, strict and fair enforcement of law is crucial. The prosecution launched a 6-9 month's mid to long term control on the offences that disturb the judicial order, in this context and achieved the desired outcome.

For instance, the Prosecutor's Office in Seoul Central District conducted a 250 day-intensive control over the act of false accusation from January to September 2015 and caught 104 offenders in total, of which nine were prosecuted with detention as they, gang members, perjured to protect their members. The Office in Daegu District also carried out a 100 day-thorough check on these offences and caught total 70 offenders. Especially, Daeju West Office adopted no tolerance policy and forensic science to its investigation and caught offenders who sought economic benefits by false accusation. The Office in Chuncheon District also achieved an outstanding outcome as it exposed and caught 30 offenders (false accusation: 22, perjury: 8).

Further, Seoul West Office discovered a case where the executives in a 100 billion worth company that raises fund illegally had committed a systematic and en mass perjury to protect their head official. Incheon Office discovered and prosecuted the former chief director of Incheon Central District, who had obtained a reduced sentence for his act of intimidation by using gangsters and forcing the victim to submit a settlement agreement to the court. Gwangju Office carried out forensic investigation from January to August and caught a lot of offenders who disrupted judicial order. Most significantly, the office prosecuted an habitual accuser who had made almost 1,900 cases of false accusation for three years in relation to violations under the Construction Act. The Office in Sokcho, Chuncheon District prosecuted a CEO of a large corporation who received bribery for good offices in bank loan and abetted to falsify evidence for himself while he was under investigation.

These cases witness the persistent efforts of the prosecution to restore the public confidence in judicial order and legal system throughout the year 2015.

5) Eradication of Election Offense

With the first nationwide election of union presidents in 2015 and the election of the 20th National Assembly, the prosecution exerted itself on control over election illegalities. Especially, the election of union presidents was the first election ever in our nation which was carried out concurrently across the country, and required a vigorous response of the prosecution to ensure fairness during election process.

First, the Supreme Prosecutor's Office held a video conference for the prosecutors in charge of the union presidents' election in all districts and provided the guidelines concerning the lawful manners to collect election-related information with corresponding punishments and the measures to handle the offences that might occur during the new years' holiday season. Accordingly, the Office in Nonsan, Daejeon District, for example, exposed a bribery case of a prospective candidate to the presidency of the National Agricultural Cooperative Federation's Union and prosecuted him. Then, the Office successfully urged self-surrender of the entire 75 bribery-receivers by cooperation with the Election Commission and the police. Daegu South District Office also prosecuted with detention a prospective candidate who offered bribery to the union members and also prosecuted the receivers without detention. According to the Supreme Prosecutor's Office's announcement, by the election day on Mar. 11, 2015 a of were arrested (19 with detention), of whom 16 were prosecuted, and a of were arrested (3 with detention), of whom two were prosecuted. Further, the Supreme Prosecutor's Office directed an emergency work system until the expiration of statutory limitations on the crime on Sep. 11, 2015.

As for the election of the 20th National Assembly, the prosecution took a proactive measure to keep the election under control. For instance, the district office in Gwangju organized a special unit to establish fair and just environment from the onset. Further, the office announced a plan that the special unit would continue the check by residency and constituency of the candidate and in consideration of locality and effectiveness of the investigation.

6) Support for Multicultural Families and North Korea Defectors

In 2015, the prosecution supported the families from a multicultural background and the North Korea defectors in various ways and contributed to solidarity of our society.

First, the prosecution, along with Bupsarang Committee, supported for multicultural families and emphasizes basic legal education for civil life. In this context, it invites the members of multicultural families to the Public Prosecutor's Office for study and chat-meetings

with prosecutors, and offers mock trials and opportunities to experience forensic science⁸⁷⁾. For instance, the district office of Cheonan, Daejeon entered into an agreement to make educational contribution for the student defectors from North Korea and provided the youth from multicultural families with a customized hands-on education. The district office in Southern Seoul appointed foreign nationals and naturalized citizen as the members of Bupsarang Committee to promote social integration.

As for the Prosecution's support for North Korean defectors, legal education and crime prevention education appear to be on the core agenda. For example, the district office in Chuncheon held, jointly with the courts, a 'law-learning school for the residents who escaped from North Korea' and provided them with basic civil law and crime prevention education. The district office in Suwon, too, installed a 'Saetomin Legal Support Team' and launched an active support for the North Korean defectors in legal area.

For multicultural families and North Korean defectors, the Prosecution's effort appears to be focused on their stability in settlement and integration into our society through legal and crime prevention education.

2. Improvement in Prosecution Legislation

The enactment and amendment of the legislation concerning prosecution in 2015 indicate that the prosecution focused on the legislative improvement in the following three sectors: first, immigration and refugee, second, human rights in overall, and third, security disposition.

First, as for immigration and refugee aspect, as global trading is active more than ever and the refugees increase sharply due to geopolitical crisis worldwide, timeliness is the key factor in the Ministry of Justice's response to the issue. In detail, the Ministry's directive of 'Certificate for Confirmation of Visa Issuance and Management' for foreign industrial trainees (Ministry of Justice Directive No. 979, Mar. 17, 2015) regulates the issuance and management of visa for the foreign national who wish to receive training in domestic industry subject to the Immigration Control Act and the Enforcement Decree of the Act.

87) For example, Pyeongtak office in Suwon district on Apr. 8, 2015; Chuncheon district on Apr. 20, 2015; Changwon district on Apr. 22, 2015; Daegu and Cheongju on Apr. 23, 2015; Bucheon office in Incheon district on Apr. 24, 2015; and Suncheon office in Gwangju, Namwon office in Jeonju, and Ansan office in Suwon, etc.

The Rules for Appointment and Treatment of Naturalized Civil Interviewer (Ministry Directive No. 988, May 1, 2015) intends to improve the quality and expertise in interview for naturalization examination. The Rules for Payment for Refugee Translators Etc. (Ministry Directive No. 996, Jul. 16, 2015) prepare a legal basis under the Refugee Act and the Enforcement Decree of the Act, for payment to the translators or interpreters who are an essential part of refugee related affairs, which indicates the Ministry's active response to the increasing refugee matters. Also, the Order for Due Process and Human Right Protection In the Course of Checking Immigration Act Offenders (Ministry Directive No.1003, Aug. 28, 2015) provides the basic guidelines for the front-line immigration officers to observe due process and human right protection.

Further, the Ministry of Justice promoted legislation enactment concerning overall human right protection of the people. For example, Order for Human Right Protection in Investigation Process (Ministry Directive No. 985, Apr. 2, 2015) intends to protect all concerned individuals' basic right and establish due process during investigation against investigators, including the prosecutors. The Guidelines for Prevention of Sexual Harrassment and Treatment of Sexual Harrassment Case (Ministry Directive No. 1000, Aug. 7, 2015) sets out basic rules to both prevent and treat sexual harrassment committed inside the Ministry and its agencies, under the Gender Equality Act.

The Ministry appears to have put an extensive effort on security disposition area as well. Especially, the organization of legislation in treatment custody is noticeable. For example, Guidelines for Classification and Treatment for the Persons under Custody with Treatment (Ministry Directive No. 1025, Apr. 2~Apr. 15, 2015) intends the offender's effective reentry to society by proper treatment in custody. Rules for Clothing, Bedding and Uniform in Treatment Custody Institute (Ministry Directive No. 1026, Dec. 4, 2015) regulates affairs related to the supplies to the persons under custody with treatment, such as types of goods and clothing and the manner to wear.

In the meantime, the enactment and amendment of the internal rules and directives of the Supreme Prosecutor's Office displays a focused efforts in the following areas: first, support and protection for crime victims, second, human right protection for the accused, defendants and detainees, third digital or digital forensic investigation, and fourth, appraisal and review in the process of investigation.

First, in relation to support and protection for crime victims, the Guideline for Support and Protection for Crime Victims (SPO Rules No. 77, Apr. 16, 2015) regulates general

process in the criminal procedures concerning protection of victims' right and support for their physical, economic and mental recovery from the damages inflicted by crime. The Guidelines for the Support for Crime Victims with Tracking Device and Moving Costs (SPO Rules No. 810, Oct. 1, 2015) provides the guidelines for detailed condition, process and operation concerning tracking device and moving costs for the victims who are under the risk of secondary damage by revenge crime or the victims who reported a serious crime or their families, pursuant to Article 9, Paragraph 2 of the Crime Victim Protection Act, and Article 13 of the Act on Protection of Specific Crime Informants, Etc.

In regards to the protection of human rights of the accused, defendants and detainees, the Guides for Sentence Execution for the Offenders Under Probation (SPO Rules No. 814, Nov. 4, 2015) regulates the process and methods of sentence execution for the offenders whose probation has been confirmed by the court. The Guidelines for Video Recording Work Process (SPO Rules No. 798, Jul. 16, 2015) intends to ensure not only human right of the persons under investigation and/or persons requested to investigation for reference, but also transparency and effectiveness of the investigation process by providing reasonable work standards for video recording during interview under the Criminal Procedure Act.

Further, the Supreme Prosecutor's Office endeavored to improve the legislation concerning digital or digital forensic investigation. First, the Guideline for the Operation of National Digital Investigation Network (SPO Rules No. 806, Jul. 16, 2015) regulates the detailed process required to carry out digital forensic tasks, such as support for digital investigation, acquisition, maintenance, analysis and submission of digital evidence. The Operational Guidelines for Digital Investigation Advisory Committee (SPO Rules No. 804, Jul. 16, 2015) provides the ground rules for installation of the Advisory Committee for technical and academic inputs and advices for the prosecution's digital investigation. The Rules for Collection and Analysis of Evidence for Digital Forensic Investigator (SPO Rules No. 805, Jul. 16, 2015) set out the basic rules for the investigators to observe when they collect, analyze and print out their digital evidence using computer disk or other devices for storing information. The Guidelines for Digital Forensic Confiscation Support Process (SPO Rules No. 807, Jul. 16, 2015) provides the rules for the front-line prosecutors' confiscation process and management of digital evidence, such as collection and analysis of digital evidence belonged to the Digital Forensic Team of the Supreme Prosecutor's Office as well as those of each High Prosecutor's Office or regional district offices.

As for appraisal and review, the following legislative improvement has been made. First,

the Guidelines for Appraisal Treatment and Operation of Appraisal Apparatus (SPO Rules No. 787, Jul. 16, 2015) provides rules concerning operation of appraisal apparatus and management of appraisal cases of the Supreme Prosecutor's Office. In detail, Rules for Forensic Chemistry Appraisal (SPO Rules, No. 803, Jul. 16, 2015), Psycho Physiology Rules (SPO Rules No. 793, Jul. 16, 2015), Rules for Documentary Appraisal (SPO Rules No. 790, Jul. 16, 2015), Rules for Voice Appraisal (SPO Rules No. 795, Jul. 16, 2015), Rules for Video Appraisal (SPO Rules No. 794, Jul. 16, 2015), Rules for Testimony Statement (SPO Rules No. 796, Jul. 16, 2015), Rules for Behavioral Analysis (SPO Rules No. 797, Jul. 16, 2015), and Rules for Restoration of Multimedia (SPO Rules No. 789, Jul. 16, 2015) regulate the use and operation of detailed appraisal process in each area described within the scope of the rules for appraisal treatment and appraisal apparatus operation.

3. Evaluation of Prosecutorial Reform

The prosecution appears to focus on invitation of participation of both external and internal human resources in order to continue its own organizational reform. The example is the Review Commission for Prosecutorial Reform and the Citizen Prosecutorial Committee installed in each district of prosecutor's offices.

In 2015, the prosecution launched the 2nd Review Commission for Prosecutorial Reform for its internal reformation. The Commission is comprised of the experts from a variety of backgrounds ranging from legal profession, civic groups, economy and financial experts, IT, journalists, medical professionals, to culture and arts sectors.

The 2nd Review Commission focused not only on the institutional reform, but also on changes in current investigation paradigm of the prosecution as well as improvement in work practices, thus to seek an overall improvement of prosecution and renamed itself 'Prosecution Future Improvement Commission'.⁸⁸⁾ The 1st Review Commission sought institutional reform by reformist legal professionals reflecting the public desire for prosecutorial reform. The 2nd Review Commission has made the best use of the fruits of the 1st Review Commission and has now shifted the focus to a measure to realize and establish what has been achieved by the 1st Review Commission.

88) Operational Regulation of the Prosecution Future Improvement Commission <SPO Rules No. 196, Jan. 15, 2015> Article 1

For example, that the prosecution has arranged the Public Prosecutor General can seek advice from the Prosecution Future Improvement Commission for the pressing matters is a complementary measure to the prosecution's decision making system, which otherwise may be closed and exclusive. Especially, to ensure independency of the Commission nine members, including the director (Heo Young), were appointed from outside.

For this, the prosecution first endeavored to improve its working practice and future policy through discussion about the direction to promote more serious works, such as chronic corruption of alliance between private and public sectors, corruption by people in leadership position in society and illegal acts committed in group, in addition to all other pressing matters currently. Secondly, the prosecution resolved to continue the organizational reform by reviewing the outcomes of prosecution reformation which the 1st Review Commission discussed. Thirdly, it resolved to respect the discussion of the Prosecution Future Development Commission and reflect it to the policy and thus to ensure efficiency in the Commission's work.

Reflecting the civic opinions to the decision making process concerning prosecution, non-indictment disposition, cancellation of arrest, request for a warrant and re-request may also contribute to the prosecutorial reformation. In this context, the Civic Prosecutorial Committee has commenced its operation since 2015, under each district office across the nation in order to strengthen transparency and fairness in investigation.

In the meantime, in February 2015, a candidate for post prosecutor failed the qualification screening. This was the first mis-qualification that resulted from the qualification test system since the system was upgraded subject to the amended Public Prosecutor's Office Act in May 2014, as well as since the original system was enforced for the first time in 2004. The utilization of qualification test system in practice is expected to enhance the job performance of the members of prosecution.

The internal efforts to reform the prosecutorial organization is evidenced in its supports for crime victims. Support for crime victims was one of the areas where the prosecution has substantially focused on in 2015. It has contributed to prepare a foundation of crime-free society.

Further, the prosecution has focused on the issues of corruption and bribery with increased awareness. The prosecution's strong will to reform itself is appreciated through its attitude to eradicate the widespread corruption in our society.

Section 3

Criminal Courts

1. Main Trends

A. Sentencing Guidelines For the Crimes Concerning Stolen Goods, Obstruction of Another's Exercising its Own Right, Obstruction of Work, Destruction, and Speculative Games Crimes

The Sentencing Committee held the 61st General Assembly on February 2, 2015 and finalized the sentencing guidelines for stolen goods, obstruction of another person exercising its rights, obstruction of work, destruction and speculative game crime. In accordance with this, the 4th Sentencing Committee established the guidelines for breach of trust, violation of the Attorney-at Law Act, arrest · detention · abandonment · abuse, sexual traffic crimes in the first half of 2015, and set out the guidelines for stolen goods, obstruction of another person exercising its rights, obstruction of work, destruction, speculative and game crimes in the second half of 2015, totaling nine categories of sentencing guideline subjects. Through this, guidelines for major crimes which account for 86% of prosecution requesting trial have been completed⁸⁹⁾.

The main contents of the guidelines confirmed at the 61th General Assembly concerning stolen goods, obstruction of another person exercising its rights, obstruction of work, destruction, speculative and game crimes are as follows.

First, as stolen goods traffic has become a social issue in that it tends to lead to other property crimes, such as syndicated smartphone stolen goods crime, theft and embezzlement of lost articles, the Committee recommended more strict punishment standard in this type of crime, especially for the crimes involving theft of 'cultural property' and the 'crimes that induces property crimes', resulting in maximum six years for general types (four year upper limit) in special adjustment for stolen goods concerning cultural property and maximum nine years (six years upper limit) for habitual and cumulative offence.

Second, the Committee has divided 'obstruction of another person exercising its rights' into

89) Supreme Court, Sentencing Committee meeting memoranda, Supreme Court media release on Feb. 2, 2015 (<http://www.scourt.go.kr/supreme/news/NewsViewAction2.work?currentPage=12&searchWord=&searchOption=&seqnum=225&gubun=702>, searched on March 9, 2016).

two categories depending on whether the protected legal right involves person or thing, The act of offences concerning another person's liberty are categorized as 'force type' while the offences concerning another person's property right, forceful taking of another's possession and evasion of compulsory execution were put into the category of 'obstruction of exercising right' type. In force type, aggravated punishment was recommended by reflecting special aggravation factor, in cases ① where there exists "a culpable crime motivation", for example whether a settlement agreement was forced by threat or violence against the victims of sexual crime against children and youth victims, child victims of child abuse crime, or subjects of protection under the Child Welfare Act, ② where 'the degree of force was serious', to the extent that it inflicted substantial pain on the victim either physically or mentally, and ③ in case of "habitual offender of child abuse", "child abuse committed by a person who has a duty of report child abuse crime." In 'obstruction of exercising right' type, where a crime victim suffers from serious challenge in his/her livelihood or continuance of business, the Committee recommended aggravated punishment.

Third, obstruction of work is a type of crimes that target the fruits of person's works as subject of protection. It is divided into two, that is 'work obstruction' type comprised of hierarchy, power, and obstruction of computer work and 'obstruction of auction and tender' type which intends to protect the fairness in auction and tender process. In work obstruction type, ① where the 'modus operandi is substantially vicious', for example where a crime is committed by help of gangsters or other services, and ② where 'the degree of obstruction is substantial' compared to the business scale of the victim, the Committee recommended aggravated punishment by reflecting them as special aggravation factor. Just as the sentence guidelines for violence crimes, intoxication was either restricted to be used as sentence reduction, or reflected itself as an aggravation factor. In 'obstruction of auction and tender' type, where the obstruction involves a tender that would affect social security, such as tender for parts supply for nuclear power generation plants, or the obstruction disrupts the process of large-scale governmental enterprise, the Committee recommended aggravated punishment by reflecting them as special aggravation factor.

Fourth, as for crimes of destruction, the Committee categorized cultural property destruction as a separate type of crime and recommended more strict punishment if the subject of destruction is cultural property. In detail, for destruction of cultural property maximum six years (four year upper limit) or nine years (six year upper limit) imprisonment provided that the case before trial is under special adjustment compared to destruction of general

goods cases, and for special destruction of cultural property maximum ten year and six months (seven year upper limit), for destruction of cultural property resulting in injury or death maximum 12 years (8 year upper limit) or 15 years (ten year upper limit) were recommended respectively.

Fifth, as for the speculative game products, the Committee changed the name of category from ‘game product crime’ based on its consultation with the general public and relevant authorities, the committee divided this type of crime into five large categories according to the similarities in composition. It then recommended more strict punishments for not only ‘opening a gambling place’ including online gambling and operation of illegal Sports Toto site, but also ‘similar Sports Toto’ type.

These sentencing guidelines came into force in July 1, 2015.

B. Launch and Activities of the 5 Sentencing Committee

The Fifth Sentencing Committee launched on April 27, 2105, once it appointed Mr. Lee, Gang Jin, attorney-at law, as its new director and completed its member selection⁹⁰⁾. The Sentencing Committee held its 66th general assembly on July 6, 2015 and selected the types of crimes to which new sentencing guidelines should be applied. The newly selected crime types include flight · misprision (distinctions of evidence included), currency · marketable securities, violations under the Petroleum Business Act, under the Loan Business Act and under the Employment Standard Act respectively, and assault inflicting bodily injury or death, totaling six⁹¹⁾.

Of the newly selected crime types, first, the flight · misprision category was selected to complete the sentencing guidelines concerning the crimes that interrupt proper exercise of the State’s punishment right, perjury, false accusation, and crimes that disturb judicial order; second, the crimes belonged to the category of currency · marketable securities were selected because these tend to result in higher sentencing in courts and often causes severe economic damages to the victims; third, violation under the Petroleum Business Act was

90) Refer to the Supreme Court media release on the launch of the 5th Sentencing Committee on April 24, 2015.(<http://www.scourt.go.kr/supreme/news/NewsViewAction2.work?currentPage=10&searchWord=&searchOption=&seqnum=248&gubun=702>, searched on 3. 9. 2016).

91) Refer to the Supreme Court media release on July 6, 2015(<http://www.scourt.go.kr/supreme/news/NewsViewAction2.work?currentPage=7&searchWord=&searchOption=&seqnum=278&gubun=702>, searched on 3. 9. 2016).

selected as it confuses the distribution order of the petroleum products and harms people's health and the environments. as well as hurts confidence and safety of the consumers in the product; fourth, violation under the Loan Business Act was selected because the nature of crime is vicious as it makes undue profits against the working class population who are in financial predicament and because it infringes the debtor's life and peaceful living by collecting the debt in an illegal manner; fifth, the violation under the Employment Standard Act was selected for its high frequency and closeness to the people's life; and sixth, assault inflicting injury or death was selected as the public attention grows due to occurrences of large-scale safety accidents, most notably, Seowolho and also for its frequency.

In addition, the Sentencing Committee selected four crime types, such as traffic crimes, interference with a public official exercising his duty, larceny and perjury and put them into a revision group whose guidelines needs readjustment. As for traffic crimes and interference with a public official exercising his duty, that cumulative results have been made since their enforcement and that there has been demands to revise the recommended amount of sentencing years or factors to consider aggravated punishment was the reason that this type of crime was put into the revision group. As for larceny and stolen goods traffic, the court's decision of unconstitutionality of the treatment of habitual theft and stolen goods traffic under the Act on the Aggravated Punishment of Specific Crimes was the reason for revision. The 'perjury' group was selected for revision to add 'destruction of evidence' in the category.

C. Activity of the Committee for Judicial Improvement - Furtherance of Fact Finding Court

The public confidence in courts is decided already from the onset that a trial commences in trial court, or the fact finding court. Further, with the changes and development of our society, needs to improve the judicial system that can deal with the legal disputes in more efficient and fair manners has arisen. Therefore, the Supreme Court announced a master plan for furtherance of fact-finding courts on November 30, 2014, launched 'Furtherance of Fact Finding Courts- Committee for Judicial Improvement (the "Committee")' on March 30, 2015 and held the first meeting once the member selection was completed. The Committee is an open-type committee that welcomes an external members of judiciary, and as such, comprised of 11 individuals from all levels of society including legal profession, journalism, academia, and civic groups. Mr. Lee, Gi Su, former president of Korea University, who used to be the head of Sentencing Commission under the Supreme Court. was selected for

the head of the committee⁹²⁾.

The Committee will review the matters related to improvement of judicial system and trial affairs to further the fact-finding courts and will make decisions for system's improvement. The key agenda includes ① guarantee of evidence collection and submission opportunity, such as introduction of Korean style discovery and measure to further review, ② introduction of expert commissioner system and specialized court system to increase expertise and efficiency of fact-finding courts, ③ opinion statement by crime victims, and measure to enhance the person(s) of interests' participation in fact-finding process, such as guarantee of attendance and statement right of the parties in civil court opinion statement by crime victims, ④ measures to enhance the capacity of fact-finding courts in a groundbreaking manner, for example by assigning more seasoned judges in trial courts, ⑤ measures to improve rationality of trial system, for example by rationalizing the lawyer fees for legal action and vitalizing the structure of lawsuit, and ⑥ redesign of courts tasks to improve public confidence in it.

By its 7th meeting, the Furtherance of Fact Finding Courts Committee for Judicial Improvement resolved total six proposals to realize more efficient and powerful fact-finding courts and to improve the judicial system, and ended its operation on July 9, 2015⁹³⁾.

D. Extended Opportunity for Reference Witness Opinion

The Supreme Court has extended the opportunities of reference witness to make opinion. In the past, opinion of expert witness as reference could be heard only in the hearings with open defense. Therefore, among the cases in which defence would take place, the expert witnesses who were requested by the Supreme Court could submit their opinion letters and make statements before judge. For betterment of appeal courts' hearings, the Supreme Court revised, on January 31, 2015, the rules in both civil and criminal procedures and arranged that government agencies and local governments may submit, or may be requested by the Supreme Court to submit opinions concerning public interest (Article 134.2,

92) Supreme Court media release concerning the launch of Furtherance of Fact-Finding Court Committee for Judicial Improvement, March, 2015 (<http://www.scourt.go.kr/supreme/news/News-ViewAction2.work?currentPage=11&searchWord=&searchOption=&seqnum=234&gubun=702>, last visited 3.9.2016).

93) Supreme Court media release on July 9, 2015 (<http://www.scourt.go.kr/supreme/news/News-ViewAction2.work?currentPage=9&searchWord=&searchOption=&seqnum=280&gubun=702>, last visit on March 9, 2016).

Paragraph 1 of the Rules of Civil Procedures, Article 161.2, Paragraph 1 of the Rules of Criminal Procedures). The Court also arranged that other reference witness, such as public interest group, may submit their opinions(Article 134.2, Paragraph 2 of the Rules of Civil Procedures, Article 161.1, Paragraph 2 of the Rules of Criminal Procedures)⁹⁴⁾.

E. Practice of Exclusive Jurisdiction for Infringement of Patent Etc.

For infringement of patents etc., an exclusive jurisdiction system will be implemented. In the past, actions concerning infringement on property right were heard in 58 regional courts and their branches across the nation. Unfortunately, such division was not a proper response to deal with the matters promptly with sufficient expertises and the critics have pointed out the weakness of the judicial system and lack of protection over the parties to a lawsuit. The National Assembly, therefore, distinguished intellectual property rights into ‘patent right, copyright, design right, trademark, and protected variety’ (hereinafter called ‘patent right etc.’), which are generally called as ‘industrial property’ and the ‘intellectual property right excluding patent right’, and prepared an amendment for the Civil Procedures Act that proposes ‘exclusive jurisdiction for actions concerning infringement of patent etc.’ for a litigant who commences a legal action for ‘patent right etc.’ Given that this type of actions usually require technical expertise and expertise in industrial property, the National Assembly prepared that the regional courts located in the high court’s jurisdiction would have an exclusive jurisdiction to hear the ‘infringement action concerning patent right etc.’ (for Seoul region, restricted to Seoul Central District Court) and had the amendment come into force on January 1, 2016.⁹⁵⁾⁹⁶⁾

94) This is to introduce Amicus curiae(court advisor) system, which is actively used by the Supreme Court of the US, into our system with proper adjustment. Pursuant to Article 37 of the US Supreme Court Rules, the federal and state governments, as well as local volunteer groups may submit their opinion to the court, and relevant authorities, various groups and experts may do so with peremptory of the court or with consents of both parties in relevant action (Supreme Court, media release in January 30, 2015, <http://www.scourt.go.kr/supreme/news/NewsViewAction2.work?currentPage=12&searchWord=&searchOption=&seqnum=224&gubun=702>, last visit on March 9, 2016).

95) The Civil Procedures Act (Act No. 13521, partial revision on 12.1. 2015, enforcement on 2016.1.1.), the Court Organization Act(Act No.13522, partial revision on 2015.12.1., enforcement on 2016.1.1.) were also partially revised.

96) For the details in legislative process, see http://likms.assembly.go.kr/bill/jsp/BillDetail.jsp?bill_id=PRC_I1Y5U1C002B7X2P0W5K7E0E7F8K3M0.

Consequently, five regional courts located in the jurisdictions of high courts, such as Seoul Central, Daejeon, Daegu, Busan, Gwangju, will hear the infringement action as trial court of exclusive jurisdiction. For trial court in Seoul Central, optional overlapping jurisdiction is recognized and therefore the litigant may commence a lawsuit in court in Seoul Central if he/she chooses so. However, for exclusive jurisdiction of appeal, patent court will hear the appeal regardless whether the trial was a single-judge case or a settlement case⁹⁷⁾.

As the patent court will hear not only petition to cancellation of a patent or other intellectual property rights but also appeals for infringement action, the Supreme Court expects that the negative effects of the previous dualized system in which cancellation action and infringement action used to be heard in different courts, such as contradiction in court decisions, irrationality, inefficiency, and delay in court proceedings would be resolved, and the litigants would enjoy high quality court service.

<Table 3-2-11> Comparison of Exclusive Jurisdiction of IP Infringement Action

	Before	After
Infringement action 1st trial	58 district · branch courts	5 districts across the nation
Infringement action appellate	23 high · district courts	Patent court
Patent action appellate	Cancellation of right: patent court	Patent court
	Infringement action: 23 high · district courts	

Source: Supreme Court, media release on November 12, 2015, p. 2, quoted.

F. Provision of Information Concerning Appeal Court’s Proceedings

Since September 4, 2015 the Supreme Court has offered information concerning the court proceedings in appellate level courts including unanimous rulings.

The appellate court’s proceedings concern the question of law and therefore documentary review of the courts is in principle, in which the justices of Supreme Court review the documentary evidence, discuss and reach a decision. Therefore, except cases where open defense take place the proceedings in appeal courts tend not to be disclosed to the outside

97) Supreme Court media release on November 12, 2015 (<http://www.scourt.go.kr/supreme/news/NewsViewAction2.work?currentPage=4&searchWord=&searchOption=&seqnum=304&gubun=702>, last visit March 9, 2016).

of the court. For this reason, the litigants and their legal representatives could not access the information concerning the situation inside of the courtroom, which causes constant complaints from the users of appellate court system. The Supreme Court has agreed with the issues and decided to provide information concerning the process of the trial in appeal courts.

Therefore, for the cases under review at appellate courts, the Supreme Court provides the information using its website. In the current case research screen, the user can select ‘trial progress’ and then access the his/her own case information concerning ① basic information, ② information concerning the duration of hearing non-continuation, ③ information concerning review of documentary evidence (including unanimous ruling), and ④ reasons for long-term review for all the cases under the current appellate court hearings⁹⁸⁾.

Through such system improvement, the Supreme Court succeed in enhancing transparency in appellate court’s proceedings and raising the people’s confidence in the decision of the Supreme Court. In particular, by disclosing the cases of unanimous verdicts it is expected that the Supreme Court can satisfy both the litigants themselves and the people’s right to know and contributes, and can lead and form public opinion for cases with important social significance.

G. Immediate Disclosure of Unanimous Verdict on Supreme Court’s Website

The Supreme Court has decided to disclose its rulings immediately by unloading it on its website, if it reaches an unanimous verdict. In the past, the Court disclosed its written rulings for the cases of importance and for which an unanimous verdict was made, usually one or two days after the judgment on its website. However, for unanimous verdicts made after September 2015, the users of courts will be able to access the data, that is, the entire written decision of the Court, within one hour from the verdict is made, once they complete the website’s identity security measures.

In addition, the Supreme Court immediately provides the court reporters with the address of website (URL) which links them to the written rulings of unanimous verdicts of the Court made just before, and the URL address of video upload on Youtube for open defense cases. If the press and media link the URL of the verdicts by using hyperlink function in their own

98) Supreme Court media release on September 3, 2015 (<http://www.scourt.go.kr/supreme/news/NewsViewAction2.work?currentPage=5&searchWord=&searchOption=&seqnum=297&gubun=702>, last visit on March 9, 2016).

internet news, the general public who read those internet news can access both the written rulings and the video clips of the open defence case more conveniently⁹⁹⁾.

H. Chief Judge Jeong Chang Ho Inaugurated at the International Criminal Court

The Honorable Mr. Chief Justice Jeong Chang Ho, of Gwangju District Court (48) started his post of nine year term at the International Criminal Court (ICC)¹⁰⁰⁾ as a new justice in the institute.

In the first voting for ICC justice election, held in the UN headquarters located in New York, USA, Justice Jeong was the only candidate who obtained more than 2/3 of the votes. Justice Jeong is the youngest justice in the ICC history and as Korean the second justice after Justice Song, Sang Hyeon¹⁰¹⁾.

I. Designation of 'Korean Courts Day'

The Supreme Court designated September 13 as "Korea Courts' Day".

September 13, 1948 was the day when the judiciary of Korea took over the judicial power from the US military government and the Honorable Kim, Byeong Roh was inaugurated as the first Chief Justice of the Supreme Court. It is a significant day as our judiciary became independent from both the foreign power and from the executive branch.

As for the designation of "Korea Courts Day", the Supreme Court commented, "the executive branch has commemorated August 15 as the anniversary of the Government, the National Assembly has commemorated May 31 as its anniversary, the Constitutional Court has commemorated September 1 as its anniversary. However, the judiciary alone has not designated any date for its anniversary. Starting from this year, we will designate September

99) Supreme Court, media release on September 3, 2015 (<http://www.scourt.go.kr/supreme/news/News-ViewAction2.work?currentPage=5&searchWord=&searchOption=&seqnum=296&gubun=702>, last visit on March 9, 2016).

100) The International Criminal Court (ICC) located in Hague, the Netherlands was established in 2003, as a permanent international court that bring justice to the offenders who commit serious international crime. ICC hears the cases of crimes of genocide, crimes against humanity, and war crimes and crimes of aggression. It is comprised of total 18 justices, and six members of judges are selected every three years. Currently, ICC has 122 member states, including Korea, across the world.

101) Supreme Court, media release on March 11, 2015 (<http://www.scourt.go.kr/supreme/news/News-ViewAction2.work?currentPage=undefined&searchWord=Jeong Chang Ho &searchOption=&seqnum=236&gubun=702>, last visit on March 9, 2016).

13 as ‘Korea Courts’ Day’ thus to remember the restoration process of the judicial power and to enlighten the people of the pride of judicial independence. This day will remind us of the meaning of courts’ independence and constitutionalism and give the members of judiciary an opportunity to feel self-respect of the institution.”¹⁰²⁾

The Supreme Court held the ceremony on September 11 in the auditorium inside the Court, presented an academic conference in the afternoon,¹⁰³⁾ and prepared a special exhibition with themes of ‘Birth and Ordeal of Modern Judicial System’ and ‘Launch of Korea’s Judiciary.’ Further, the courts across the nation designated September 7 to 19 as open court period to invite the general public to its space by presenting court visits events, work experience programs, and various concerts to communicate with the people¹⁰⁴⁾.

J. Operation of Call Center for Physical Protection of a Person

The Supreme Court has operated a ‘call center for integrated information for physical protection of a person’ (tel: 1661-9797)’.

Physical protection of a person is a system for the court to decide whether to release a detainee in psychiatric institution who has been unlawfully detained or who does not need to be under custody anymore. The subject person’s legal representative, custodian, spouse, immediate family members, siblings and employer can make a request for release of the detained subject, and if the court deems it necessary to release the person, it can order a release of the detainee. However, because the system has not been informed well to the detainee/inmates of psychiatric institution, or even if the detainee/inmates was aware of the system due to their condition it has been difficult for them to use it.

Therefore, the Supreme Court established and operated a call center for general information about the physical protection of a person, put an advertisement concerning the call center on TV and promote it on its webpage and portal sites.

Once a request is received at the call center, the agent will introduce the method to submit

102) Supreme Court, media release concerning the Korea Courts’ Day on June 1, 2015(<http://www.scourt.go.kr/supreme/news/NewsViewAction2.work?currentPage=8&searchWord=&searchOption=&seqnum=263&gubun=702>, last visit March 9, 2016).

103) In the 1st session, Prof. Jeong Geung Sik presented a paper with theme of ‘National meaning of restoration of judicial power’ and in the 2nd session, Justice Jeong, Chang Ho from ICC made a presentation entitled ‘Korea’s Judiciary’.

104) Law Issues, Supreme Court, media release dated September 9, 2015(<http://lawissue.co.kr/news/articleView.html?idxno=23391>, last visit on March 9, 2016).

the application of release, documents to prepare, jurisdictional courts, and basic procedures. If necessary, a staff in charge of this system at court will involve to provide further information.

In addition, the Supreme Court revised partly the Rules for Physical Protection of a Person on March 30, 2015 to exempt postage concerning submission of application and request for release and cover them by government fund and enforced it,¹⁰⁵⁾ and published a booklet entitled ‘Physical Protection of a Person Manual’ which explains a trial model by which an active rescue of right is possible¹⁰⁶⁾.

K. Enhancement of Transparency in the Process of Recommendation of Supreme Court Justices

The Supreme Court has prepared a measure to enhance the reputation of the court and to reflect various social values to the process of Supreme Court Justices’ recommendation process.

In the past, the Supreme Court did not open the list of candidates in order to protect honor and privacy of the candidate who were recommended for the seat at the Supreme Court, and to prevent political social controversies. However, as more and more people have pointed out the lack of transparency in recommendation process to the vacancy at the Court, it has come to a conclusion that however fairly the Chief Justice of the Supreme Court and the Recommendation Committee would process the task, unless it secures the people’s confidence in it, its authenticity would not be recognized, and prepared a measure to improve procedural transparency and fairness in recommendation process.

As a concrete method, the Supreme Court has decided to disclose the list of recommended individuals excluding the ones who refused to go through the review process to be appointed for the vacancy and the ones with rather clear disqualification factor. The Chief Justice of the Court will review the various opinions suggested by the general public and present them to the Recommendation Committee. Any person or group of Korean citizenship can submit

105) Rules of Physical Protection of a Person (Supreme Court Rules No. 2594, partial revision-enforcement on 2015.3.30.)

106) Supreme Court, media release on January 30, 2015 (<http://www.scourt.go.kr/supreme/news/NewsViewAction2.work?currentPage=12&searchWord=&searchOption=&seqnum=223&gubun=702>, last visit March 9, 2016); Maekyung, newsreport on Feb. 2, 2015 (<http://news.mk.co.kr/newsRead.php?no=108379&year=2015>, last visit on March 9, 2016).

an opinion, but not for the person who he/she or the group itself has recommended. Further, baseless defamation or anonymous letter and contribution which was submitted to the Committee just for publicity and to cause a negative affect on the review of the Committee may not be reflected to the review¹⁰⁷⁾.

L. Inauguration of New Justices: Justice Park, Sang Ok and Justice Lee, Gi Taek

According to the retirement of Justice Shin, Young Chul on February 17, 2015, the Supreme Court organized the Recommendation Committee on December 8, 2014 and received recommendation for 19 days starting from December 10¹⁰⁸⁾. On January 14, the Recommendation Committee proposed Justice Kang, Min Gu, the chief justice of Changwon District, Justice Park, Sang Ok, the director of Korea Institute of Criminology, and Mr. Han Wie Su, attorney-at- law at Bae, Kim & Lee LLC. (“Taepyeongyang”) and the Chief Justice made a request to President Park, Geun-Hye to appoint Justice Park Sang Ok as the successor of Justice Shin¹⁰⁹⁾. The plenary session of the National Assembly held a confirmation hearing on April 7 for the candidate and passed the consent to appointment on May 6. As a result, the new chief justice, Justice Park, Sang Ok commenced his position of six terms¹¹⁰⁾.

Further, as Chief Justice Min Young Il’ term expires on September 16, the Supreme Court organized a Recommendation Committee on June 29 and collected recommendation from July 1 to July 10. The Committee made a recommendation for Deputy Director of Court Administration, Justice Gang, Hyung Ju, Justice Sung Nak Song, the Chief Justice of Suwon District, and Justice Lee, Gi Taek, the Chief Justice of Seoul-South District Court, and the Chief Justice of the Supreme Court Yang Seung Tae made a recommendation to the president to appoint Justice Lee, Gi Taek as the successor of retiring justice for his

107) Supreme Court, media release on June 30, 2015 ([http:// www.scourt.go.kr/supreme/news/News-ViewAction2.work?currentPage=7&searchWord=&searchOption=&seqnum=274&gubun=702](http://www.scourt.go.kr/supreme/news/News-ViewAction2.work?currentPage=7&searchWord=&searchOption=&seqnum=274&gubun=702), last visit 2016 3 9).

108) Law Issue, Supreme Court launched candidate recommendation... organized the Recommendation Committee, Dec, 8, 2014

109) Korean Bar News, New chief justice, Park Sang Ok, director of KIC recommended Jan. 21, 2015 ([https:// www.lawtimes.co.kr/Legal-News/Legal-News-View?Serial=90451](https://www.lawtimes.co.kr/Legal-News/Legal-News-View?Serial=90451), last visit 2016 3 9).

110) Law Issue, President Park, Geun-Hye granted a letter of appointment to Park Sang Ok new chief justice, May 8, 2015([https:// www.lawissue.co.kr:444/news/articleView.html?idxno=21466](https://www.lawissue.co.kr:444/news/articleView.html?idxno=21466), last visit 2016 3 9).

vacancy¹¹¹⁾. On September 8, the plenary session of the National Assembly passed the consent,¹¹²⁾ the new Chief Justice Lee, Gi Taek had inauguration ceremony on September 17 in the court office building and commenced his term of six years¹¹³⁾.

2. Important Precedents

A. Elements to Constitute a Crime of Instigating Rebellion and Conspiracy to Overthrow the State (Supreme Court, judgement made and announced on January 22, 2015. 2014-10978 Unanimous decision)

The Supreme Court has made an unanimous decision concerning the elements to constitute a crime of instigating rebellion and conspiracy to overthrow the State.

The core issues of the case were whether an event at the ‘Gonjiam Youth Traing Center’ on May 10, 2013 and the event at the Marisat Education Center on May 12 amounted to ‘conspiracy to overthrow the State’ and whether a lecture given by a member of the National Assembly who was a proportional representative of a political party (“A”) and the statement made by a former director of Gyeonggi-do party of the Unified Progressive Party (“B”) amounted to ‘an act of instigating rebellion.’

In the 1st trial, for most of the accusations, including conspiracy and instigation of rebellion and violation of the National Security Act. the court decided that defendant A was guilty and as a result sentenced him to 12 year imprisonment with 10 year suspension of qualification as a member of National Assembly. As for defendant B, the court sentenced him to 7 year imprisonment with 7 year suspension of qualification. For the rest of the defendants, the court imposed a sentence of two year and four year imprisonment along with two year and four year suspension of qualification, respectively¹¹⁴⁾. In the appellate court, the judges only accepted that the defendant was guilty against the accusation of instigation

111) *Law Journal*, Chief Justice Yang, requested to appoint Lee, Gi Taek candiate for chief justice, Aug. 6, 2015 ([http:// www.lec.co.kr/news/articleView.html?idxno=37576](http://www.lec.co.kr/news/articleView.html?idxno=37576), last visit 2016 3 9).

112) Kyunghyang, plenary session passed the appointment consent for Lee Gi Taek, candidate for chief justice, Sept. 8, 2015([http:// news.khan.co.kr/kh_news/khan_art_view.html?artid=201509081640391&code=940100](http://news.khan.co.kr/kh_news/khan_art_view.html?artid=201509081640391&code=940100), last visit 2016 3 9).

113) *Law Journal*, Lee Gi Taek, new chief justice “I will never leave the voices from low”, Sept. 17, 2015 ([http:// www.lec.co.kr/news/articleView.html?idxno=38020](http://www.lec.co.kr/news/articleView.html?idxno=38020), last visit 2016 3 9).

114) Suwon District Court 2014.2.17. 2013gohap620, 624(combined), 699(combined), 851(combined)

of rebellion and reversed the lower court's decision on conspiracy issue¹¹⁵⁾. The Supreme Court upheld the lower courts's decision that the defendant was guilty on instigation of rebellion conspiracy. As for the conspiracy of rebellion, however, the Court agreed with the defendant A's argument that "in order to decide the defendants to be guilty on this, the Court must provide evidence that the defendants and the attendees at the meeting prepared physical methods and plan to overthrow the State" and came to a conclusion that even if the defendants and the attendees at the meeting were discussing a propaganda war, information war, and destruction of national infrastructure, it was no more than an one-time event and as such there is no evidence that the defendants demonstrated a decisive intent to carry out the plan. The Court, thus, decided that one of the elements to constitute the crime of conspiracy of rebellion was not present and confirmed that the defendants were not guilty against the accusation of 'conspiracy to overthrow the State.' Therefore, it dismissed the prosecution's appeal

According to the Supreme Court, the elements to constitute a crime of instigating rebellion and conspiracy of rebellion are as follows.

1) Elements to Constitute Instigating Rebellion

The Supreme Court stated that "the crime of instigating rebellion seeks to materialize rebellion in practice. It is a crime of its own and does not necessarily cause the crime on the instigated people" and added "the purpose to disturb the laws of the land is a strict evidence requiring not only the intent of the accused but also an excessive subjective component of unconstitutionality. However it does not require a confirmed awareness but unfulfilled or incomplete consciousness is sufficient." Further, the Supreme Court stated that "whether there is an intent to confuse the law of the land must, unless the defendants confess, be determined by reviewing the defendants' action and the details of the event which led to the actions in issue. The expression of the instigator does not necessarily displays the State as the target of attack, ultimate goal, method to realize the goal and plan in a concrete manner." Further, the Supreme Court maintained that "instigation of rebellion refers to an entire act that for the purpose of realizing an overthrow of the state decides rebellion, and encourages, pushes and incites the subject of instigation to proceeds for the goal. As instigation of rebellion becomes an issue at the stage of expression, such as statement, written records,

115) Seoul High Court 2014.8.11. 2014no76

and drawing, in interpreting the elements of instigation of rebellion, one must apply a strict rule so as not to suppress freedom of expression, the basic right of the people, or not to harm the nature of expression of freedom pursuant to the principle of legality.” The Court added that “even if the defendants have a goal to realize rebellion, advocating or teaching a specific political idea or an abstract principle is not sufficient enough to constitute a crime of instigation of rebellion. The contents of advocacy or teaching must be serious enough to lead to a violence, and further in consideration of composition and nature of the subjects of instigation and the relationship between the instigator and the subject of instigation, there must exist a danger that causes the latter participation in rebellion in practice.”

2) Elements to Constitute Conspiracy of Rebellion

The Supreme Court stated that “conspiracy is an agreement between two or more persons before initiating the plan, and the agreement itself is merely an expression of intent among the parties, not yet expressed outside. Therefore, it does not have a fixed form and the shape and degree of concreteness can be various. Given that, if we decide that a vague agreement to implement a certain crime or an exchange of opinion concerning a specific crime constitutes a crime of conspiracy because there exists an agreement for implementation of crime, the scope of conspiracy becomes too extensive to harm freedom of thought and expression, the basic right of people and injure the principle of legality. Therefore, the scope of conspiracy must be also strictly limited against risk of broad interpretation.” The Court also maintained that “even if there is an agreement between two or more persons regarding a certain rebellious act, if the parties do not set out a target and goal of attack, nor time and method to carry out the attack, one cannot be certain if that is conspiracy of ‘rebellion’.

Further, the Court stressed that “in order for conspiracy of rebellion to exist, although detailed agreement for individual crime is not required, a target and goal must be set, and the agreement must be clear enough that the parties should be able to have a common idea about the key aspects of the implementation plan; the agreement, in this case, must have an affirmative meaning that they will proceed toward act. Simple thought about rebellion or discussion of theories are not enough.” In addition, the Court mentioned that “given that it is not easy to decide whether conspiracy of rebellion is simply a thought about rebellion, or discussion or expression of theories, or an agreement that has a confirmed meaning to proceed toward an act, expression or delivery of determination to commit a crime is not sufficient, but rather there must be an objective evidence that the agreement was one for

materializing the plan. Whether conspiracy of rebellion has a danger in practice must be determined by considering the agreed type of violence, concreteness of agreement, closeness to the planned time of implementation, number of the parties and the relationship of the parties, intensity of agreement, social condition at the time of agreement, and whether the agreement was meditated in advance and whether there was a follow-up measure after the agreement, comprehensively¹¹⁶⁾.

B. Principles of Retrial (SC. J 2015.5.14. 2014-2946 decision)

The Supreme Court has decided that in retrial, even if the decision, that is the subject of retrial, is confirmed at the appellate court, both the evidence based on which the original decision was made and the evidence submitted during the proceedings of retrial must be collected together for the court to decide afresh whether the indictment is valid.

This concerns the famous Gang, Ki Hum retrial¹¹⁷⁾. The Court pointed out in its decision that “for cases that retrial confirm under the Article 438, Para. 1 of the Criminal Proceedings Act, except cases under Article 436, the courts must retry the case.” Further, the court mentioned that “here, ‘re’ or ‘try again’ means not to determine whether the subject decision of retrial is right or wrong, but to hear the case from the onset anew. Thus, even if the decision, or subject of retrial, is confirmed by an appeal court, the evidence court used to make its original decision and the evidence submitted to the court during retrial must be examined to prove the case.” The Court reinforced the principle that both evidence, old and new, are required in retrial.

C. Request for retrial for a case confirmed and pardoned specially (SC 2015.5.21. 2011-1932 unanimous decision)

The Supreme Court has made an unanimous decision that even if a confirmed case that has been granted special pardon can be a subject of retrial.

116) In the meantime, in December 19, 2014, the Constitutional Court of Korea did not decide conspiracy of rebellion and the existence of RO but quoted the request of dissolution of the Unified Progressive Party. This actually can be regarded as acknowledgement of conspiracy of rebellion in RO meeting (Constitutional Court 2014.12.19. 2013. 1). In contrast, the judgment of Supreme Court acknowledged instigation of rebellion but for conspiracy it found the defendants not guilty.

117) Gyeonghyang, ‘Ghostwrite of Will’ “Gang Gi Hun found not guilty Supreme Court dismissed the appeal, May14, 2016, http://news.khan.co.kr/kh_news/khan_art_view.html?artid=201505141027471&code=940301, last visit 2016 3 14)

In this case, defendant A was sentenced to an imprisonment of 15 year by a military court in 1973 for embezzlement at work. His sentence was finally confirmed as 12 year's imprisonment. A was release by stay of execution of punishment and received a special pardon which completely negated the effect of the previous sentence imposed on him in 1980. He was dismissed from the army and in April 2010 he requested to the military court a retrial¹¹⁸⁾. In August of the same year, the military court found that the investigators who treated A had committed a crime of illegal arrest and torture against A, thus decided that there exists a cause of retrial and transferred the case to the high court in Seoul District. Of the first trial's decisions, the Seoul high court reversed the indictment part and decided that A was not guilty¹¹⁹⁾. The prosecutor appealed the decision to the Supreme Court¹²⁰⁾ and the Court upheld the original decision that A is not guilty of embezzlement at work.

In the past, if a special pardon is granted and thus the effects of guilty verdict loses its meanings, the court deemed that there exists no subject of retrial anymore and therefore request for retrial is inappropriate as it presupposes the validity of previous verdict¹²¹⁾.

However, in this case the Court stated that "even if there is a special pardon after a guilty verdict was made, the pardon erases the legal effects of verdict toward future time, not the past fact confirmed in the previous trials and the defendant's confirmed verdict. Therefore, we should deem that the guilty verdict still remains only without the actual effects of the sentence." The Court added, then, "a defendant who has a cause of retrial under Article 42 of the Criminal Procedures Act needs to remove the history in his/her records that there was a guilty decision made by the court, which remains despite special verdict, as it serve him/her as disadvantage." In this reasoning, the Supreme Court decided that "for a case where a defendant is found guilty and receives a special pardon which negates the effects of the defendant's early sentence, it can still be a subject of retrial under Article 42 of the Criminal Procedures Act."

118) Decision of retrial object is Military High Court 1973.7.30. 73. High Court of Miliary No. 306.

119) Seoul High Court 2011.1.20. 2010 Jan. 2 decision.

120) Law Issue, "Change of practice: a case that received a special pardon can be retried", May 21, 2015. (<http://www.lawissue.co.kr/news/articleView.html?idxno=21693>, last visit 2016 3 14).

121) Supreme Court 1997.7.22. 96do2153; Supreme Court 2010.2.26 2010mo24 decision

D. Retrial of Decision by an Appeal Court(SC. 2015.6.25. 2014-17252 Unanimous decision)

The Supreme Court has decided unanimously that after non-attendance trial in the first trial, if an appeal court becomes another non-attendance trial, the decision of the appeal court can be a subject of retrial.

In detail, the Court stated that “as for the non-attendance trial in the first trial which was processed pursuant to the Special Act concerning the Expediency Etc. of Proceedings, if the prosecution alone appeals and the defendant does not attend again making the appeal trial another non-attendance trial, and if the appeal court either reverses the decision of the first trial and sentences a guilty verdict afresh or confirms the guilty verdict of the first trial, if a defendant did not attend to the first and appeal trials without any attributable reason, he/she has a right to request a retrial within a time limit set by the rules governing retrial.” Further, the Court stated that “if the defendant does not request a retrial and files an appeal to appellate court by restoration of appeal right and argues the above reasons as his cause of appeal, this may be regarded as a case corresponding to ‘a case in which a reason for appeal exists’, it can serve as a reason for setting aside the original decision.” The Court also commented that “as for the trial court which receives a case sent back for this reason and commence an appeal process, according to the intent of quashing that the first trial was processed pursuant to the Special Act’s provisions without any attributable reason, that the decision of first trial involves a reason for request a retrial subject to the retrial rules, which correspond to the reason for appeal prescribed in Article 361. 5, Para. 14 of the Criminal Procedures Act, a new proceeding should commence from the beginning and the decision must be made anew based on the new trial.”

E. Admissibility of blood sample collection after breath test for drunk driving has been conducted (SC 2015.7.9. 2014-16051)

The Supreme Court has made a decision that drunk driving test by collecting the driver’s blood is valid if the driver voluntarily participated in the blood collection.

In this case, the defendant drove his car and moved from fourth to first lane and then hit hard the car ahead which was waiting for the signal. The driver flighted the scene, crossed over the center line, rushed back to the lane he had been escaped and hit three cars that were waiting for the signal in second, third, and fourth lanes successively and the finally stoped at the side work stone. Detective A of the Traffic Investigation visited the scene immediately,

brought A to the station, and checked A's alcohol concentration in blood, which turned out to be 0.024%. Some of the victims at the station insisted that they could not believe the result and urged A check to check gain, this time, with blood sample. A informed the defendant the test result and asked if he would agreed to collect blood sample and notified that the test from blood sample would be final figure for his drinking driving. The defendant agreed: he signed the consent form and dated, and went to a nearby hospital with A to have his blood collected for test. The medical professionals and asked the National Forensic Service for test, which turned out to be 0.239% of alcohol concentration in his blood.

The trial court dismissed the defendant's argument that the blood collection was carried out with his consent, and found him guilty under the Act on the Aggravated Punishment, etc. of Specific Crimes (dangerous driving causing injury and death) and under the Road Traffic Act (drunk driving) as well¹²²⁾. In appeal trial, the judge decided that despite the defendant did not complaint about his breath test result, the police demanded the defendant to take blood sample for further test. The judge also found that the test report for the defendant's alcohol concentration, accident report for drunk driver, investigation report, and investigation result report, all failed to follow a due process and thus decided that if an evidence was collected by undue process or was a result of unlawful collection it loses its admissibility as evidence. As a result the judge reversed the first trial decision and found the defendant not guilty.¹²³⁾¹²⁴⁾ However, the Supreme Court upheld the trial court decision based on that "the blood collection was carried out by the defendant's voluntary communication, and therefore the test result cannot be regarded as unlawful evidence."

The Supreme Court stated "for a driver suspected of impairment, if a breath test was carried out under the old Road Traffic Act, Art. 44, Para 2, since a scientific and neutral figure of test is made, there is no need for another drunk driving test, unless the driver objected to the test result." It added that, "however, given the degree of impairment, the driver's attitude and appearance, driving pattern, degree of harm caused by his/her driving and the statements of witnesses, it there arises a suspect that the first test might be inaccurate another test is necessary. Therefore, that a police officer carried out a secondary test to clear out the case,

122) Incheon District Court 2014.6.27. 2013gojeong3588

123) Incheon District Court 2014.11.5. 2014no2303

124) Gang, Sung Hyun, "Permit to Retest by Blood Sample Collection for Drivers who Do not Disagree With the Breath Test, and the Element of Legality", Korean Bar No.561, October 12, 2015(<http://news.koreanbar.or.kr/news/articleView.html?idxno=13512>, last visit 2016 3 14).

by obtaining the defendant's voluntary consent cannot be decided to be unlawful."

The Supreme Court concluded in this case that "once a driver answered positively to the request of breath test, he does not have a further obligation to answer to another test request. Therefore, the police should inform the driver of his right to refuse or stop the procedures at any moment of his choice. In this case, the detective A did so and secured the driver's voluntary intent, which proves the lawfulness of blood collection."

F. Decision of illegality in multiple arrest and search with one warrant (SC 2015.7.16. 2011-1839 Unanimous decision)

The Supreme Court decided unanimously that printing out or copying as file electronic information which has been taken out to the office of investigation while there is no suspicion in the copied version or storing media is in principle violation against warranty requirement.

In April 2011, the Special Violent Crime Unit of the prosecutor's office in Suwon District obtained a warrant, and conducted a search and seizure against the office of A, a CEO of a large pharmaceutical company for embezzlement. The prosecutor in charge of this case confiscated a storage media and with A's consent transferred it to the Forensic Center of the Supreme Prosecutor's Office to have it copied. A watched a part of its copying and left the scene. After the Forensic Center copied it, the prosecutor copied the data in his hard disk and printed out the data related to the allegation. He also printed out some other information related to a different allegation which was not on the warrant and notified the Special Unit in Suwon about it. Based on this new information, the Special Unit obtained an another warrant and conducted search and seizure again. A and his representative was not given a chance to participate in this second search, and they filed an appeal of dissatisfaction¹²⁵⁾. About this, the Suwon district court agreed with A and ordered the prosecution to cancel the entire search and seizure¹²⁶⁾. The prosecution re-appealed to the Supreme Court and the Court upheld the trial court's decision that due to the undue process in collecting digital evidence, the results of investigation cannot be lawful.

The Supreme Court maintained that "printing out data in storage media itself, or from

125) Kyunghyung newspapers, 'Digital Evidence' Indiscriminate search and seizure checked, July 27, 2015(http://news.khan.co.kr/kh_news/khan_art_view.html?artid=201507272159505&code=940301, last visit 2016 3 14).

126) Suwon District Court 2011.10.31. 2011bo2 decision.

lawfully obtained copy, or copying a data or file by searching already copied version of that data is all a part of search and seizure. Therefore, the object of printing out and copying, too, should be limited to the matters related to allegation, just like the first object of search and seizure.” “Printing out or copying as a file an electronically stored data which has been taken out to the investigator’s office and on which there was no allegation or suspect yet amounts to an illegal seizure violating the principle of warranty.”

In addition, the Supreme Court argued that wehre, during search and seizure, printing out or copying is impossible by locating the specific address of data, or if there arises an impossible situation to achieve the purpose of search and seizure, one may brings electronic storage media, or hard copy, or imaging (“copies”) to investigator’s office and copies, searches, and prints out; however, even in those cases, the series of handling the evidence must ensure the rights of subject of search and seizure and his legal representative under Article 219 and 121 of the Criminal Procedures Act and ensure the due process and principle of warranty.” The Court added that “if such is not observed, unless the subject of search explicitly expressed that he/she would not participate in the search and seizure process, and unless the details of processes in the case proved that the violated due process did not harm the right of the subject of search and seizure, and unless there is a special circumstance to prove otherwise, the search and seizure cannot be decided as lawful. Even if an investigation institute copied and printed out only a portion related to allegation out of the storage media or copied version, the principle still applies¹²⁷⁾.

127) The chief justices Kim Chang Sok and Park Sang Ok wrote an opposition that “search and seizure by electronic information is carried out by a series of process. Thus, it is not lawful to separate each act in the comprehensive process of the search and seizure, including seizure of the storage medium, imaging, search, copy or printing out. However, the lawfulness of disposition can be evaluated per electronic information which became the object of seizure, In other words, an acton of search and seizure appears one act, but conceptionally there exist numerous individual objects of seizure and search. They are dividable depending on the subject. Therefore the legality of search and seizure should be judged by object. Chief justice Gwon Sunil opposed that “the majority opinion that if there are various dispositions in the process of search and seizure, which is a step-by step process, we need to see the entire as one unified process and evaluate the illegality, cannot be regarded as a direct outcome from Art. 147 of the Criminal Procedures Act. Moreover, in the reality of criminal procedures, prosecutor can make use of the evidence collected by due process of seizure. Therefore, even if there occurred some errors in other seizure disposition which took place after the initial disposition was made, to negate the validity of lawfully collected witness retroactively is not appropriate.

G. Validity of Contingency Fee Arrangement (SC 2015.7.23. 2015-200111 Unanimous decision)

In criminal cases, contingency fee arrangement between client and lawyer is invalid.

In the case in issue, on October 7, 2009, the plaintiff A's father B was arrested for theft under the Act on Aggravated Punishment, etc. for Specific Crimes. On October 12, A hired a lawyer C and paid a retainer of 10 million Won. He also drafted and signed a contingency fee arrangement agreement saying "honorarium will be paid under the condition of B's release and the details to be discussed later." B was prosecuted for habitual theft as it was discovered he stole for 57 times in 2009, total 167.74 million Won worth goods. C submitted a request for bail and A made another payment of 100 million Won to C. The Andong court in Daegu District allowed a bail and B was released while he was under trial and reached a settlement arrangement with the victims and paid a deposit to the court as well. In May 2010, the court sentenced B to three year's imprisonment with five year's probation. A appealed the trial court's decision and hired another lawyer for appeal trial. However, the trial court's decision was upheld in the appellate court. A, then, filed a complaint against C to return his 100 million Won. In October 2013, the Daegu District Court rejected A's case but the high court, which is the appellate court, heard the case and made a decision partially in favor of A, ordering that C return 40 million Won to A¹²⁸⁾. The Supreme Court commented on this case that "the payment for lawyer is in principle decided by a voluntary agreement between the lawyer and his/her client. However, in criminal cases, lawyer's character of public interest and ethicality are more seriously required as the cases are the process of realize the state's right to punishment. Therefore, the court cannot leave the arrangement of payment in simple meaning, or exchange of service and reward." The Court added that "the previous practice of contingency fee cannot be decided as a violation of Article 103 of the Civil Act just because of the name, that is, promise of reward means reward for successful case. However in criminal cases contingency fee arrangement is insisted even if it has been proved to violate and harm the good custom and morality in social order, it would be violation of Article 103 of the Civil Act." In this context, the Court has corrected the previous judgments in which contingency fee arrangement was decided to be lawful even in criminal cases¹²⁹⁾.

128) Law Issue, 'Unanimous decision by the Supreme Court 'lawyer's contingency fee in criminal case found invalid', July, 25, 2015(<http://www.lawissue.co.kr/news/articleView.html?idxno=22745>, last visit 2016 3 14).

129) Supreme Court 2000.2.11. 99Da56833; Supreme Court 2009.7.9. 2009Da21249.

H. Element to Constitute an Intent and Joint Principal Offender in Homicide(SC 2015.10.29. 2015-5355)

The Supreme Court has decided the elements to constitute an intention in homicide case and also the ones to constitute a joint principal offender.

In a relevant case, A was a soldier who joined the army in December 2013 and was stationed in artillery regiment as a medical officer. Ever since A could not sleep or have meal and suffered from repeated beating and cruel treatment from the defendants. A had hypodermal bleeding in all his body, especially chest, abdomen and thigh, could not breath well and limped. His overall health condition was poor. On April 6, at 4PM A was sharing food, such as dumpling with colleagues dumpling in the barrack, and then was hit by the four defendant on his head and chest. He begged for his life but received additional beating, and while the food blocked his respiratory track causing brain death, he was transferred to hospital as emergency case but died the following day¹³⁰⁾.

In trial court, the defendants were all recognized of the crime, not homicide but injury causing death. The principal defendant B received 45 year's imprisonment. In appeal court, all of the defendant were found guilty of homicide but for B, the sentence was reduced by 10 years to 35 year's imprisonment¹³¹⁾. The Supreme Court determined that application of homicide to the principal defendant B was correct but for the rest of the defendants the intention was not found resulting in that they were not the same as B, as joint principal offender. As a result, the Supreme Court set aside all decisions made by the lower courts and sent back the case to the original court to review each of the defendant separately and make an individual judgment.

The Supreme Court stated in its written decision that "The joint principal offenders prescribed in Article 30 of the Criminal Act signifies a crime committed by two or more person jointly, and therefore to establish joint principal offender, there must be a joint intention for a subjective element, and commission of a crime through functional action control for an objective element." "An intention jointly produced is not sufficient when one is aware of other's crime but does not stop it and acquiesce. In order for an joint intention

130) First the military prosecutors prosecuted the four offender by assault causing death but by further investigation change it to murder and put assault causing death as preparatively (Donga Ilbo news articles published on Sept. 3, 2015 (<http://news.donga.com/Issue/List/00010000000012/3/00010000000012/20140903/66182750/1>, last visit 2016 3 14).

131) Military high court 2015.4.9. 2014No315 decision.

to exist to commit a crime, both principals must be unified and use the other's action to exercise one's own intention of a crime." The Court also stated that "in order to decide whether joint principal offender exist, the court must examine each offender's status and role, whether one has advised or pushed the other to do something in detail and prove with clarity that the interaction between the offenders' was reasonable to use each other to commit an intended crime." In this case, the Court mentioned, "except the principal offender B, it is hard to see that the rest three offenders were aware of or expected the death of A even with willful negligence. Given their participation in the crime, it is not clear that there was a jointly produced intention or mutual use among the three offenders, except B, to commit a crime of homicide against A".

I. Homicide by Nonfeasance (SC 2015.11.12. 2015-6809 Unanimous decision)

The Supreme Court made a unanimous decision concerning homicide by nonfeasance.

In Sewolho, captain of Sewolht A, the chief mate B, the 2nd mate C and chief engineer D knew that on April 16, 2014, at around 8:52, the ship was leaning down to the left and was sinking. They knew that the passengers and crew in general affairs department were waiting inside of Sewolho as they trusted announcement. They also knew that if they had ordered an evacuation, rescue would have been possible, but if the ship had leaned further the passengers could have lost the chance to be rescued. Moreover the chief engineer D was standing on the third floor alley with other crew members from engine department and aware that if the victims, who were injured severely to the extent the they could not stand up by themselves, had not received any emergency treatment they could have been drowned and died. Despite that, he did not take any measure to help the passengers and escaped the alley of the engineering department at around 9:30, used the emergency boat and escaped from the ship. The captain A and 1st mate B, and 2nd mate C also escaped from the ship at around 9:46. Accordingly, the defendants conspired jointly and left 304 victims drowning to the sea and died. Other 152 victims withdrew from the ship, knowing that they would die. However, the defendants were rescued all and lived.

The 11th Unit in Gwangju District court recognized abandonment resulting in death and injury in A, the captain, and sentenced him with a 36 year's imprisonment. For B, and C, the court applied abandonment resulting in death and sentenced B to 20 year's imprisonment and C to 15 years' imprisonment. For D, the chief engineer, as he did not see the injured colleagues but did not help them, the court applied murder and attempted murder,

and sentenced him to a 30 year's imprisonment. For other 13 crew, the court applied abandonment resulting in death and sentenced five to 20 year- imprisonment¹³²⁾. The 5th Unit in Gwangju high court¹³³⁾ applied murder, differently from the trial court, and ordered a life sentence. For chief engineer D, the court decided that he was not guilty against the murder allegation toward his colleagues, and thus set aside the trial court's sentence of 30 year-imprisonment and sentenced him to 10 year's imprisonment instead. For the 1st and 2nd mates, B and C, the appeal court found that they were not guilty of murder, and applied only abandonment resulting in death and injury and thus sentenced B to 12, C to 7 year's imprisonment¹³⁴⁾. The Supreme Court set aside the appeal decision. It recognized murder in A's action, who left the ship without rescuing the passenger, and sentenced him a life imprisonment. For the other 14 defendants, the Court confirmed imprisonment from one year and six to 12 years. This is the first case that the Supreme Court recognized murder by nonfeasance, that is, where a large-scale accident with casualties and deaths occurs, one fails to do what one ought to have done.

1) Captain A's murder and attempted murder

For A's murder and attempted murder, the Court stated that "generally a crime is committed by an active deed, but it can be materialized by nonfeasance, that is abandoning the situation and not preventing the result." It added that "Article 18 of the Criminal Act specifies that 'if a person who has a duty to prevent a danger, or a person who causes a dangerous situation by his own act, he shall be subject to punishment for the resulted outcome' and defines the elements of nonfeasance. The nonfeasance meant in the above provision becomes an act of a person of social importance, by normative value judgement element, that is expectation by law and becomes to compose a basic form of an intentional act. Therefore, in order for nonfeasance, which means one does not do any specific act, to have a meaning of criminal nonfeasance, the subject could have done an required act to avoid establishment of nonfeasance realistically and physically but did not do it while the object of protection was

132) Law Issue, Gwangju District Court found Lee Jun Seok and other crew members not guilty, why? Nove.11,2014(<http://www.lawissue.co.kr/news/articleView.html?idxno=18768>, last visit 2016 3 14).

133) Gwangju High Court 2015.4.28. 2014-490 decision.

134) Harald Economy, Lee Jun Seok appeal trial, 'intention of murder' made a different between guilty and not guilty, April 28, 2015(<http://biz.heraldcorp.com/view.php?ud=20150428000712>, last visit 2016 3 14).

in a situation facing the outcome of a danger.”

Further the Court maintained that “as for false omission, that is to commit a crime by nonfeasance, unlike other crimes committed by an act, if the object of protection does not have capability to protect itself from danger, the nonfeasance-actor has a legal duty of doing an act to protect the object from threat of danger. If the non-feasance, from a protective position, has a control over the situation where the object’s right may be violated, and could prevent the expected result from occurring, the infringement of legal right by nonfeasance becomes of an equal value with infringement of legal right by an act. Yet, here the duty of act is recognized as an act not only by law, legal action and good deeds but also by the principle of faithfulness and sincerity, or social rule, or where a duty of act is expected by logic.”

Further, the Court stated that “false omission nonfeasance offender’s intention does not necessarily mean that he/she has a goal or plan or intention to commit a crime. It is sufficient that a person who has a duty to prevent an infringement of benefit and protection of law expects that if he would discharge his duty, the negative outcome would not occur but nevertheless he acquiesces and abandons his duty. The expectation or awareness of a person who has a duty to act is, if it is confirmed or affirmative, or even if it is not confirmed, can be recognized as willful negligence.” The Court, further, stated that “in this case, to decide whether the person with a duty to act has an intention, it is necessary to consider the basis of a duty to act, the danger of infringement of benefit and protection of law, the degree of control the person who has a duty to act over the situation, the contents of the required act and the easiness of the execution, motivation and detailed process in which the person with duty to act resulted in non-act and the relationship between the form of nonfesanse and the occurrence of results.”

The Court wrote in its decision letter that “a captain is a person in charge of all affairs inside of a ship and the safety of the ship community including the passengers. As such in case the community is facing a danger, he must take a basic measure to save the situation, by reporting the authorities of the situation or requesting help from rescuing authorities. In addition, he must consider the scale, possibility, scope and time of the rescuing power and establish a realistic rescue plan as soon as possible. By exercising his own absolute and comprehensive right, he must ensure the entire community’s safety actively and persistently. That is his legal duty. For the crew, they have a duty to cooperate to help and rescue other crew members or passengers lost at sea.” The Court concluded “if an emergency situation occurs, for instance distress accident, in which passengers or other crew members could

not actively respond to the threat to their life by themselves, the captain who crew the operation and sailing of the ship or the crew members who have control over the rescue and relief activities on board or in cabin have a duty to act to prevent death from occurring to the passengers and other crew members. Therefore, by discharging individual and detailed duty of rescue required in different form according to the degree of violation of benefit and protection of law, if they could have fulfilled their duty of act and therefore could have prevented a result of death, there exists a causal relationship between their nonfeasance and the result of death.”

2) Murder and Attempted Murder for B and C

In the meantime, the Supreme Court judged that “the defendants B and C were high ranking crew in the ship who were in the position of assisting the captain directly to rescue the passengers. However, they did not take any meaningful measure to do so, but rather abandoned the situation resulting in that the passengers who were waiting inside of the ship failed to escape. However, it is difficult to equate their nonfeasance with murder by doing an act. Moreover, it is difficult to decide that they, by attempted murder, joined conspiracy with A in his murder by nonfeasance. Therefore, the trial court’s decision that for defendants B and C, their intention of murder by nonfeasance is not recognized is valid¹³⁵⁾.

135) Chief Justice Park Bo Young, Kim, So Young and Park, Sang Ok wrote an opposition letter that “Defendants B and C have a duty to assist the captain to guide the crew members in case the ship is under distress crisis, and in case of emergency they have a duty to represent the captain to continue the captain’s duty. Therefore their legal status and duty to act are similar to those of the captain. Also, they witnessed the time of accident where emergent conditions continued and saw A’s reaction in the crisis, and therefore recognized that defendant A gave up and abandoned completely his duty as captain, meaning that they witnessed that the situation was without a proper command to be exercised by a leader, resulting in that B and C now had a duty to act for the captain in practice. Also, B and C could have prevented death by carrying out a duty to rescue and assist, but they did not do any of those duties and just remained as spectator. Further, once the rescue boat arrived, they did not make any order or measure, but simply left the passengers inside of the ship and escaped from the ship by boarding the rescue boat. In doing so, they were aware that the passengers in the ship could die but watched. The nonfeasance of B and C can be interpreted as an act of murder. Also they silently joined defendant A’s murder by nonfeasance thus became joint principal offenders. Thus, defendant B and C cannot avoid the punishment as joint principal offenders, who committed murder by nonfeasance and attempted murder.

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