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Desistance from and persistence in male offending: The case of South Korea

Trent Bax^{a,*}, Youngsun Han^b^a Sociology Department, Ewha Womans University, 52 Ewhayeodae-gil, Seodaemun-gu, Seoul, South Korea^b Police Administration, Kyonggi University, 154-42, Gwangkyosan-ro, Yeongtong-gu, Suwon-si, Gyeonggi-do, South Korea

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ABSTRACT

In the first of its kind published in English, this study of desistance among male offenders in South Korea addresses the knowledge deficit regarding criminal career-based research from non-Western societies. Using arrest records from 1998 to 2009, 3102 criminal careers are traced from adolescence into adulthood. Each offender is classified either a ‘desister’ (74.1%), a ‘potential-desister’ (19.2%) or a ‘persister’ (6.7%). The delinquent histories of eighty-three detainees were surveyed to identify the effect home, employment, and/or friendship stability had upon desistance. Logistic regression analysis found friendship stability had the greatest effect. The study also compares the 6.7% persisters to the ‘chronic 6%’ and ‘severe 5%’ identified by Western-based studies. In response to Moffitt’s ‘temporary vs. persistent dual taxonomy’ an alternative ‘desistant vs. persistent tripartite taxonomy’ is proposed. Based upon the findings, and practical experience, several policy suggestions rooted in Laub and Sampson’s ‘situated choice’ view of desistance are proffered.

1. Introduction

A key question facing practitioners working within the correctional field of juvenile justice is: “How do we stop juvenile offenders from reoffending?” To successfully reduce recidivism also requires asking: “Why do some juvenile offenders desist while others persist in their offending?” Fortunately, developmental and life-course approaches have helped bring the study of desistance to the forefront of criminological research (Ezell, 2007). Yet despite a large body of knowledge showing most individuals engaged in criminal activity during adolescence desist by early adulthood (Gottfredson and Hirschi, 1990; Hoffman and Beck, 1984; Shover, 1985; Maruna, 2001; Loeber et al., 2013), the criminological enterprise still lacks consensual knowledge regarding the empirical regularities causing desistance and the main replicable mechanisms underlying the process of desistance (Morizot and Le Blanc, 2007). This knowledge deficit is especially acute regarding non-Western societies, as most longitudinal research has been based on Western samples (Kazemian, 2007). It is therefore important to investigate whether the current Western-centric findings on the predictors of desistance can be generalized to countries - such as South Korea - that have different social, political, economic and cultural systems. And more universally, can these Western-centric predictors of desistance eventually be generalized to most, perhaps all, societies? Since many of the influential findings on desistance come from longitudinal studies with multi-ethnic samples (especially from the U.S.), then the criminological enterprise is also in need of acquiring additional knowledge about the processes of desistance in countries with a relatively high degree of cultural homogeneity (Kazemian, 2007); such as South Korea.

This paper helps address this knowledge deficit by using self-report and official longitudinal data to examine the main factor(s)

* Corresponding author. Sociology Department, Ewha Womans University, 52 Ewhayeodae-gil, Seodaemun-gu, Seoul, South Korea.
E-mail addresses: trentbax@hotmail.com (T. Bax), hany19@gmail.com (Y. Han).

driving desistance among a group of male offenders in South Korea. The 3102 juvenile offenders randomly selected for analysis had been sent to a juvenile detention centre in 1998. In order to examine their criminal careers over time, their arrest records from 1998 to 2009 were analysed. They were then classified as either a 'desister,' a 'potential-desister,' or a 'persister.' Eighty-three individuals were subsequently surveyed in order to better understand the cause(s) leading them to desist. Even though longitudinal data is considered the most desirable in understanding persistence in and desistance from offending (Thornberry, 1997), this is only the second study in South Korea (see Kang, 2006), and the first written in English, to analyse the processes of desistance using longitudinal data. This rarity is largely due to the difficulty of obtaining the data required to conduct such analysis. Recent changes to privacy laws and regulations has made this task even more difficult, as researchers must now obtain personal agreement from each offender in order to access their official crime data. Drawing from Laub and Sampson's 'situated choice' view of desistance, the main findings of this study are utilized in order to proffer a number of policy suggestions. Such prescriptions are designed to provide practitioners in South Korea with some new ideas regarding potentially helpful intervention methods, and also to help further bring juvenile justice in South Korea in line with international best practice.

2. Background

2.1. Crime and justice in South Korea

As South Korea was undergoing rapid modernisation, industrialisation and urbanisation between 1979 and 2008 the total number of crimes per 100,000 people grew almost threefold, while the total number of crimes and the total number of arrests increased approximately fourfold (Ministry of Justice, 2009). As Durkheim long ago recognized, rapid social change produces social disorganization, which in turn engenders increases in crime rates. Between 1999 and 2008, during which time the respondents in the present study were most criminally active, the number of violent felonies per 100,000 increased by 164%. Offenders with four or more prior convictions committed the largest portion of these felonies (Ministry of Justice, 2009). Of the 2,472,897 convictions in 2008, 43.4% were either first-time offenders or had one prior conviction, while 18.5% had two, three or four, 9.4% had five, six, seven or eight, and 7.1% had nine or more prior convictions (21.5% were unknown). For juvenile offenders between 2004 and 2008, the percentage of first-time offenders was on average two-thirds (67.5%), while 14.6% had one prior conviction (combined 82.1%), 10.9% had two or three, and 6.9% four or more. The 57,095 daily average number of prisoners between 1989 and 2008 constituted on average 0.12% of the total population. America, by contrast, is about 0.66%, while Japan is approximately 0.04%.

Between 1999 and 2008, there were on average 106,184 official juvenile offenders per year. Of the total number of criminal offenders during this period, on average 4.8% were juveniles. Between 1999 and 2008, there were on average 1301 juvenile offenders per 100,000 total juveniles (aged 12 to 19). By contrast, the number of adult offenders per 100,000 adults averaged over 1999–2008 was 2329 (Ministry of Justice, 2009). These rates can be compared to Australia, the most important Western country in the Asia-Pacific region. In 1996–1997 there were 3965 juvenile offenders per 100,000, while in 2006–2007 there were 3532 per 100,000 (Australian Institute of Criminology, 2008). This means there are almost three times as many juvenile offenders per 100,000 in Australia. In addition, juvenile offender rates in Australia have generally been twice as high as adult offending rates. By contrast, the juvenile offending rate in South Korea was almost half that of the adult rate (1301 vs. 2329).

Regarding age groups, between 1999 and 2008 the number of juvenile offenders between 14 and 15 increased the most contrary to other age groups. In 2008, this 14–15 age group committed the largest portion of property offenses and violent felonies relative to other age groups. In general, property crimes in 2008 constituted 49.8% of the total number, while juvenile felonies constituted 42.7%. In 1999, the number of juvenile felonies (homicide, robbery, rape and arson) was 73.6 per 100,000 juveniles age 12–20. The figure decreased to 40.0 in 2006 and then increased to 54.7 per 100,000 in 2008 (Ministry of Justice, 2009). These rates can be contrasted to America. In 2000, the rate of juvenile arrests for violent crimes (murder and nonnegligent manslaughter, forcible rape, robbery and aggravated assault) per 100,000 juveniles aged 10–17 was 300. In 2004 the rate was approximately 260, and in 2008 approximately 280 (Puzzanchera, 2014). Averaged over the three time periods, there were five times as many violent juvenile offenders per 100,000 in America. Juvenile property offenses in South Korea can also be contrasted to the U.S. Property offenses in South Korea in 1999 were 595 per 100,000 juveniles (aged 12–20). In 2006 there were 563 arrests and in 2008, 720 (Ministry of Justice, 2009). In the U.S. the juvenile property crime arrest rate per 100,000 juveniles aged 10–17 was approximately 1600 in 1999. By 2006 the rate was 1,200, which in 2008 had increased to approximately 1300 (Puzzanchera, 2014). Averaged over the three time periods, there were more than twice as many American juveniles per 100,000 arrested for property offenses.

Following the Korean War (1950–1953), South Korea's justice system was greatly influenced by the Anglo-American legal system. For example, the juvenile law adopted the *parens patriae* principle. Despite having gone through various revisions, the juvenile law is underpinned by a protectionist view that seeks to provide juvenile delinquents a chance to reform themselves. According to Paragraph 1 of Article 4 of the Juvenile Act, juvenile crimes refer to any criminal act committed by a juvenile that is 14 years (the legal age of criminal liability) or older and under 19 years old. Although the actions of the juvenile may constitute a crime, the Juvenile Act carves out a legal exception for actions of juveniles aged between 10 and 14 (Ministry of Justice, 2009).

A central characteristic of juvenile justice is the role of the prosecutor. The arrested offender is firstly handled by the Prosecutor's Office, whereupon the prosecutor has the power to determine whether to send a case to the family or juvenile court. Due to increased awareness of human rights, today only about 1.5% of all juvenile offenders are detained. Between 1999 and 2008, of all criminal cases handled by the public prosecutor, on average 3.5% of cases ended in an arrest. Between 2003 and 2008, on average 4698 juveniles per year faced criminal trials (about 4% of all juvenile offenders). In 2007, 61.8% of all juvenile cases handled by the public prosecutor resulted in a non-indictment, 11.8% led to an indictment, and in 3.2% of cases a public trial was requested (Ministry of

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