

## Research on international examples on prevention of juvenile delinquency

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### [Abstract]

The first thing we can consider to prevent juvenile delinquency is to punish those criminals. However, this is not always the proper solution. In consideration to the feature of juvenile period when they lack in proper judgment it is better to provide education than punishment so that they are not branded as criminals in our society. Also, by returning to the society, they can obtain social techniques and obtain the opportunity of making contribution to the society, which is also good for their career development. Combining international examples on juvenile delinquency prevention, there is a need to comprehensively evaluate level of probation and risk exposure of juvenile based on placement matrix of comprehensive strategy program in the US. Also, control solution by juvenile crime development phase should be made. In terms of control treatment based on crime phase, crime history should be considered when applying control. For the subject of preventing juvenile crime, it shouldn't be legal organizations like before but shall be home, school, local society, and legal organization together.

▶ **Key words:** Juvenile Delinquency Prevention, Police Diversion Program, Local Societies, Placement Matrix, Sociality Enhancement

### [요 약]

소년 범죄를 예방 하는 방안으로는 범죄자를 처벌하는 방안을 우선 고려할 수 있다. 그러나 범죄자 처벌이 능사는 아니다. 더구나 판단력이 부족한 특성이 있는 소년기의 특성을 고려하면 처벌 위주 보다는 개선 교육을 제공함으로써 당사자로 하여금 범죄자에게 사회가 가하는 낙인을 피할 수 있게 할 수 있으며 사회 복귀를 통해서 사회적 기술도 터득할 수 있을 뿐만 아니라 사회 발전에 기여할 수 있는 직업 능력을 계발할 수 있는 기회를 상실하지 않을 수 있을 것이다.

소년범죄예방을 위한 해외사례를 종합해보면 미국의 종합전략프로그램 중 배치 매트릭스를 통해서 소년의 요보호성 정도와 위험 노출 정도를 종합적으로 평가하고 범죄 경력의 진행을 고려하여 그에 상응하는 제재를 가하고 그 제재의 정도를 세분화해서 적용하고 있다. 청소년 범죄 예방의 주체로는 사법기관의 독자적인 업무로 보기보다는 가정·학교·지역사회·사법기관 공동으로 청소년 범죄 예방의 주체가 되어야 할 것이다.

▶ **주제어:** 소년범죄예방, 경찰 다이버전 프로그램, 지역사회, 배치 매트릭스, 사회성 함양

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## I. Introduction

The first thing we can consider to prevent juvenile delinquency is to punish those criminals. However, this is not always the proper solution. In consideration to the feature of juvenile period when they lack in proper judgment it is better to provide education than punishment so that they are not branded as criminals in our society. Also, by returning to the society, they can obtain social techniques and obtain the opportunity of making contribution to the society, which is also good for their career development.

Of course, it is important that professionals get involved in juvenile delinquency and crime before determining the punishment. Also, based on the decision there should be proper and advanced education individualized for each person and environmental features.

In case of juvenile delinquency, people started to focus more on police diversion as more attention is drawn to their quick return to the society than punishment. In this research, it will look into examples of juvenile delinquency in other countries such as USA, UK, Netherlands, and Japan.

## II. International Examples on Prevention of Juvenile Delinquency

### 1. USA

In the late 19th America tried to deal with juvenile delinquency issues based on juvenile act created based on national paternalism. However, since year 1960, there has been more and more concerns raised regarding juvenile court and the way how juvenile delinquencies are solved. As a result, the voice asking for alternative solution for those juvenile delinquencies has been raised. This is because previous process resulted in higher rate of second conviction and branding effect [1].

In President's Commission on Law Enforcement and Administration of Justice (Task Force Report

1974), it is pointing out that judicial action should be taken as the last resort for juvenile delinquency. Also, in the Juvenile Justice and Delinquency Prevention Act enacted in the same year, it is emphasizing that alternative solution should be created instead of making judicial action. In year 1973 National Advisory Commission on Criminal Standards and Goals, it insists that judicial action is inappropriate and police diversion is required for those juvenile delinquencies considered to be more effective to have alternative action [2].

In USA, there are 5 steps in processing juvenile delinquencies; police procedure, pretrial inspection procedure, prosecutor procedure, and correction procedure. Discretion power is given to the police in each step so diversion is allowed.

The proportion of diversion in each procedure as follows: out of total 1000 juveniles being inspected for delinquency or crime, 900 (90%) is released and about 100 (10%) is arrested. Among them, about 50 (50%) is released (simple release or warning/caution release) and the rest 50 (50%) is sent for pretrial inspection procedure. In pretrial procedure, about 25 (50%) is released (simple release or unofficial probation release) and the rest 25 is sent to prosecution. Among them, about 13 (50%) is released (simple release or under the condition of participating in treatment program) and the rest 12 is sent to juvenile court. Among them, about 6 (50%) is released from the court and 6 is given a decision of guilt. Out of 6, about 5 is sentenced with probation (Counselling, treatment, limited stay under probation) and the rest 1 is accommodated in a facility (reformed school, treatment facility). Likewise, this accommodated person is paroled in general for participation in follow up program [3].

In the US society, police is in the very front line for controlling any crime and most of juvenile delinquencies are dealt by the police [4].

For facilities and system that are authorized to deal with juvenile with serious crime, delinquency, and probation includes Youth Service Bureaus,

special school programs, boys clubs and YMCAs, mental health agencies, drug programs and detox centers, church youth programs, drug programs and detox centers, church youth programs, crisis center, drop-in centers or shelter for youth, child welfare and protection services, Guardian ad litem programs. Police transfer any juvenile related cases to intake unit before the trials to the court where the person belongs to.

In general, the probation officer is in charge of pretrial inspection. Before the trial, inspector first considers age, crime place, and violation of the law to determine whether this case should be managed by juvenile court or not. Afterwards, officer checks whether evidence is enough or not. Lastly, they decide whether to deal the case under diversion or transfer the case to the court or not. At this time, they consider seriousness, environment, age, law-abiding spirit, previous delinquency experience, school life, or religion to make final solution. There are 5 types: ① dismiss the case if not belongs to juvenile court. ② close the unofficial procedure. In this case, there is condition of reimbursement, participation in treatment, or social facility diversion program, participation in reconcile program, or intensified inspection of parents, etc. ③ Unofficial probation. There is a certain condition like schooling, obedient to parents etc during probation period. ④ Official request of judgment to inspection is allowed. This procedure is to transfer the case to the inspection for judicial process taking them to the justice. ⑤ Can make an order with the consensus. This process is asking for official treatment or probation from the facility which requires judge's approval as well as agreement from the parents [5].

In 1974 assembly, Juvenile Justice and Delinquency Prevention Act of 1974 is enacted. This act is to prevent juvenile delinquency and also effectively control this to improve overall juvenile judicial system. Depending on this, juvenile jurisprudence and delinquency prevention are created. This organization belongs to Office of

Juvenile Justice and Delinquency Prevention and Bureau of Judicial Programs where they deal with problems related to juvenile crime, delinquency, child abuse, negligence, missing child, and exploited child problems. Moreover, this is a specialized federal juvenile delinquency organization which adjusts any juvenile related issues with other governmental organizations.

To effectively prevent increasing juvenile crime, Office of Juvenile Justice and Delinquency Prevention developed comprehensive strategy framework in year 1993. This programs is organized based on research result and experience.

The core of this strategy program is to comprehensively evaluate level of protection and risk exposure of the juvenile through placement matrix [6]. It also looks into ways to control any crime based on crime development level. Appropriate sanction is given to the juvenile based on one's criminal experience. Also, type of such transaction is applied by details. In terms of protection, appropriate evaluation score is given based on seriousness of the crime and risk exposure. The phased transaction means the right level of transaction for crime development which include prevention/advance involvement, immediate transaction, intermediate transaction, accommodated treatment, and follow up. In prevention/advanced involvement phase, this is the phase requiring involvement solution for juvenile which did not committed any serious crime but causing problematic behaviors like delinquency, unauthorized absence, or runaway.

Immediate transaction phase includes juvenile committing first crime but it is not related to any violence. For intermediate transaction involves juvenile with many crime experiences. For accommodated treatment, juvenile has several previous criminal experiences as well as serious violence crime. For juvenile requiring follow up care, one has completed accommodation treatment for still requiring high level of social control and treatment.

In comprehensive strategy frameworks developed by Office of Juvenile Justice and Delinquency Prevention it offers solution for each phase. For example, solution for immediate transaction include leisure activity map, cognitive behavior treatment, conflict solving education, personal relationship enhancement, drug treatment, drug related training, parent training, student court, recovery jurisdiction, and network building. Likewise, juvenile justice related organizations apply solutions that are appropriate to needs of each juvenile [7].

As a result of realizing the fact that juvenile related problems cannot be solves solely by the Office of Juvenile Justice from experience, this program applies co-approach with local community [8]. To prevent juvenile crime, Office of Juvenile Justice and Delinquency Prevention created local community cooperation center and implementing juvenile crime prevention service around this center. Academic slump is not only the problem of the student but this at the end, gives burden to both society and the nation. If students abandon school this will affect society's healthiness and also it will give negative influence on its sustainability. This is because those students failed to learn proper knowledge of creating economical value through school education. There is also opinion saying that this may lead to delinquency [9].

## 2. United Kingdom

United Kingdom consists of 4 areas which are England, Wales, Scotland, and Northern Ireland. Among them, England and Wales are adopting GB and US judicial system. On the other hand, Scotland and Northern Ireland are adopting Continental judicial system [10]. For UK (England and Wales) police, they have a wide range of discretion for juvenile crime inspection. Therefore they have the right to decide on release of case closing. Their discretion include no further action (NFA) and informal cautioning or warning which do not leave any record. Therefore, this is not counted in the juvenile crime statistics [11].

There are also case closing due to formal cautioning or warning and persecution transfer due to decision of prosecution. Although the case if transferred to prosecution, depending on the review of its appropriateness, if it is determined inappropriate the case is sent to the police for caution [12]. For UK police, they have 4 types of discretion even for serious crime. In 1992, those crimes that should be determined by jurisdiction such as rape or murder attempt but case closed by the police are about 1735 [13]. Such warning from the police is considered as the most effective and efficient solution.

In year 1994 Home Office Circular 18/1994) the level of police warning standard is more strictly regulated [14]. Afterwards, it seems like number of police warnings decreased and also instead of implementing police warning solely by the police they started to operate multi-agency panels system which involves social welfare, education, and juvenile organizations. Also, some areas are operating cautioning plus which provide only certain conditions to the police. Based on year 1997, out of total 42 police areas, 24 areas are operating this limited cautioning plus system. In case of cautioning plus, it requires agreement from the other party and if reconciliation and reimbursement is made between victim and assailant assailants are required to participate in personality disorder treatment training. However, there are also criticizing voice raised saying that cautioning plus is giving up right of the police [15].

## 3. Netherlands

Netherlands is one of the countries which actively implements juvenile police diversion. One of the examples of juvenile police diversion treatment is Halt-Project. Halt means 'alternative treatment' or 'process halt' in Dutch. Alternative treatment means instead of sending juvenile with minor crime to the prosecution they are sent to Halt-Buro for community service or reimbursement process. This process if first adopted in year 1981

in Rotterdam. The background of adopting this system is opinions of criminal policy scholars saying that it is more effective to have quick and accurate educational treatment for delinquency juvenile who tends to have strong resistance and Vandalismus. At the time, Rotterdam had to spend about 3 million Gulden per year for public transportation damage [16].

#### 4. Japan

Juvenile protection system in Japan is divided into 5: ① juvenile welfare, ② juvenile violence prevention, ③ child abuse prevention, ④ harmful environment purification, ⑤ protection for victim from juvenile crime. ① Police is protecting child from lewd action based on juvenile welfare treatment. Police not only protect them from such actions but also actively participate in finding teenagers involved in such actions as well as finding out those places. They not only limit this into Japan but expanding to those Japanese nations involved in child prostitution in other countries as well. For this, they have invited inspection related persons from 4 countries in East Asia and non-government persons to open a seminar to bring their cooperation and information exchange [17]. ② While strengthening solution for teenagers joining violence group through juvenile violence prevention solution they are also promoting them to withdraw from such groups. ③ In child abuse prevention solution, with the awareness that it is police responsibility to protect child life and body by finding any abuse cases early and protecting them, they are working closely with child counselling organizations, schools, and medical centers for the solution. ④ For harmful environment purifying procedure, they train child not to get any negative mental influence from harmful factors such as computer software, video, magazine, internet, alcohol, cigarette, etc. ⑤ For juvenile crime victim protection, university researchers, psychology doctors, pathologist, and other professionals provide treatment counselling,

In Japan, juvenile crime is categorized into crime, tactile, liable to commit a crime, probation, and delinquency, applying different treatment based on seriousness of the crime.

For comprehensive prevention solution for juvenile delinquency in Japan it is divided into first, operation of juvenile support center, second cooperation between police and civil organization, third cooperation with police and volunteer service team, fourth prevention for juvenile crime.

First, regarding juvenile support center operation following services are provided: ① counselling service, ② promotional activities, ③ constant assisting and rehabilitation activity support, ④ public enhancement activity. Second, in terms of cooperation between police and civil organization ① juvenile support team, ② network building between police and school, ③ school supporter system.

##### 4.1 Juvenile Support Center

Japan has installed and operating juvenile support center in prefectures of Japan. Here, they have people with rich experience in juvenile police activities and agencies. They are providing counselling, constant assistance, and help to the victims, in general, more professional and constant service to them. Also, they are in close cooperation with school, child counselling, and other organizations to prevent juvenile delinquencies.

##### 4.2 Juvenile Assistance Organizations

This is a corporate body which is located nationwide. The purpose of this organization is to enhance healthiness of juvenile delinquencies by preventing it.

This body consists of juvenile assistant center, juvenile police assistance, and instructors. They are volunteers designated by prefecture of Japan and head of police center to be professionals at juvenile assistance.

##### 4.3 Restorative Justice and Exchange

For restrictive justice which goes against punitive justice that focuses on punishment of the criminal,

it tries to recover peace of social community through mutual understanding, reconciliation, and recovery among victim, assailant, and local society. With the rising of such cognition, in terms of juvenile crime, they are trying to make assailant realize what effect he/she made on victim and through this process, it tries to achieve social combining effect. For such trial to make its certain achievement, police office is trying to make conversation group with delinquency juveniles, victims, and their parents. The purpose of this group is to prevent further delinquency, damage recovery, and also recovering relationship to achieve social safety and peace.

#### 4.4 Assistance Treatment

Although one's behavior is officially considered as a crime, its aspect or motivation should be reasonable for booking on charge and even if not, if probation is not required, this shall not be asked for further questions after giving warning or advice. For those police facing with such case is acknowledging the right of closing the case independently. Although there is no clear definition on the given rights but under the condition that no punishment made, mutual reconciliation should be made to prevent further crime as well as safety purpose. There is also aspect that this can be understood as a part of activities of administrative police [18].

#### 4.5 Simplified Transference System

Simplified transference system means police giving warning and caution to juvenile criminals and transferring them to prosecution. In respect to police decision, the court determines to close the case by not opening the case. In domestic relation court, it only implements written examination and especially if it determines that the case is not serious, it closes the case [19].

In accordance to minor crime processing system, the High Court, the highest prosecution, and police agreed on juvenile crime simplified transference

system. This system can be understood as juvenile police diversion. The reason for such decision is that the case closes by police giving warning to delinquent juvenile and their parents [20].

### III. Conclusion

Combining international examples on juvenile delinquency prevention, there is a need to comprehensively evaluate level of probation and risk exposure of juvenile based on placement matrix of comprehensive strategy program in the US. Also, control solution by juvenile crime development phase should be made. In terms of control treatment based on crime phase, crime history should be considered when applying control.

For the subject of preventing juvenile crime, it shouldn't be legal organizations like before but shall be home, school, local society, and legal organization together. This is a reasonable point when considering the cause of juvenile crime. Especially in consideration to juvenile crime prevention, the role of local society is to combine dispersed juvenile support system into one for crime prevention and sociality enhancement. Also, the main subject of juvenile crime prevention should be the police. Moreover, we should adopt system of involving professional from the stage of inspection and by promoting police diversion program we should let them learn about repulsion to the crime. Lastly, there should be a system for local societies to be involved in juvenile crime prevention activities.

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