

Community corrections in South Korea (Republic of Korea)

ABOUT THE PROBATION SYSTEM

Despite the relatively long history and strong institutionalization of probation, the development of the probation system in South Korea is not well known or documented in academic literature, aside from two exceptions published over ten years ago (cf. Gould, 2011; Neary, 2003).

The probation system in South Korea was established in 1989 and it is guided by the Crime Prevention Policy Bureau (CPPB), which has six divisions and more than 90 affiliated organizations to achieve the aims of the country's probation, parole, and community correction system. The Bureau oversees both underage offenders and those who are 18 years of age and older. In addition, the Bureau is involved in the pre-trial, trial, and post-treatment processes, as well as preventing probationers from further recidivism to protect society.

Historical trajectory of probation in South Korea

The history of the probation system in South Korea (Republic of Korea) can be delineated into four phases. Across almost four decades, the probation system has undergone extensive systematic changes and reorganization as well as a more concentrated ethical underpinning of policies and their implementation (Gough, 2011).

The first phase (1980s – 1990s) saw the introduction of the national Probation System and its development. In 1988, South Korea enacted the Act on Probation, which was the first of its kind, and the following year Korean probation services was introduced as a formal branch of the criminal justice system. In the beginning, the probation services primarily administered the probation system and conducted the preliminary investigation of juvenile offenders, while overseeing the opening of 22 probation agencies around the country. A few years later in 1994, the probation system was extended to manage sexual offenders, and in 1995 an electronic management system for persons subject to probation (MSPP) was established to assist with keeping tabs on offenders. In 1997, the probation system for adult offenders was expanded, and soon after was followed by the application of probation laws to domestic violence offenders in 1998.

The second phase (2000s) dealt with systematically institutionalizing the Probation System. Various internal systems created during the first phase were innovated upon, and others were introduced for the first time. In 2001, the system on wanted persons subject to probation was implemented, and in 2003 the intensive probation system was added. This period also saw an increased policing of sex offenses, as probation for sex trafficking offenders was mandated in 2004, and South Korea's first 'john school' for correcting prostitution-related offenses was established in 2005. In 2008, the curfew supervision voice verification system, the electronic monitoring system (for sexual offenders), and the procedure of investigation before request, decision, and judgment (for adults) were implemented. Finally, a community service sentence on the nonpayment of fines was added in 2009.

The third phase (2010s) focused on mandating treatment and further institutionalizing the country's criminal management systems. In 2010, the electronic monitoring system was expanded to register and track homicide and sex offenders. In 2011, the pharmacotherapy system for controlling offenders' sexual impulses as well as the Sexual Violence Treatment Program Order were introduced. To prevent recurring criminal behavior, probation after execution of sentence was mandated in 2013,

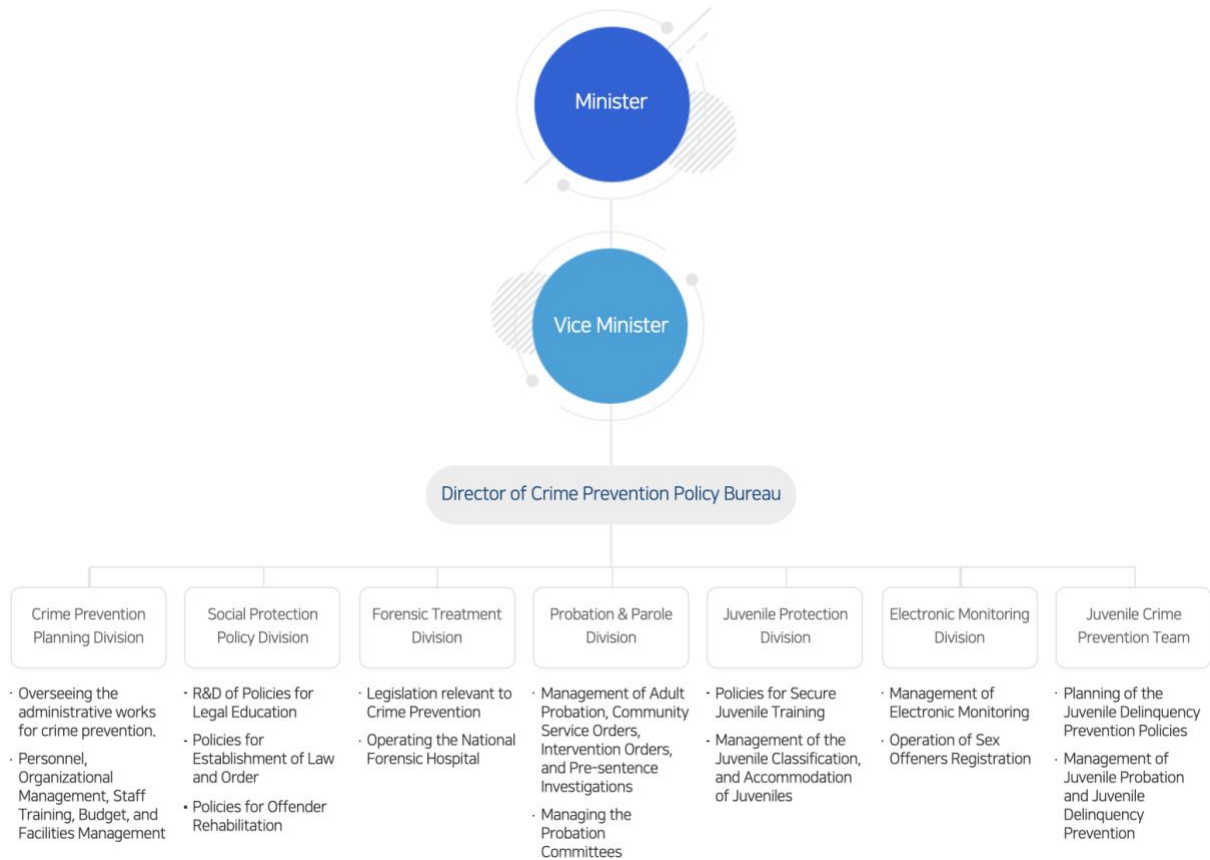
and the same year the National Community Service Assistance System were implemented. Relatedly, in 2014 the requirement that offenders who committed robbery be subject to wearing e-tags was expanded. An important structural change happened in 2015 when the Specific Criminal Management Division was added to the Crime Prevention Policy Bureau under the supervision of the Ministry of Justice, further institutionalizing the probation services system. In 2016, the treatment order system was implemented to support existing treatment programs. Then, in 2019, the one-on-one electronic monitoring system was added.

The fourth phase (2020s to the present) has seen only a couple of changes to the probation system to date. In 2020, the Specific Criminal Management Division was renamed as the Electronic Monitoring Division. Alongside this change, the “electronic monitoring on bail” system was added and electronic monitoring is now mandated for all persons released on parole.

The aforementioned Crime Prevention Policy Bureau (CPPB), hereafter the Bureau, is the primary organization supervising probation services in South Korea and is tasked with managing everything from probation, community service orders, intervention orders, and pre-sentence investigation to electronic monitoring, pharmacological treatment of sex offenders, and treatment orders.

The Bureau consists of six divisions with specialized responsibilities that operate as one team. The following are the divisions and their primary roles: (1) Crime Prevention Planning Division: Oversee the administrative works for crime prevention, personnel, organizational management, staff training, budget, and facilities management; (2) Social Protection Policy Division: R&D of policies for legal education, the establishment of law and order, and offender rehabilitation; (3) Forensic Treatment Division: Develop legislation relevant to crime prevention, and operate the National Forensic Hospital, (4) Probation & Parole Division: Manage the adult probation system, probation committees, community service orders, intervention orders, and pre-sentence investigations; (5) Juvenile Protection Division: Implement policies for secure juvenile training, manage the juvenile classification system, and accommodate juveniles; (6) Electronic Monitoring Division: Manage electronic monitoring and the registration of sex offenders; and (7) Juvenile Crime Prevention Team: Plan juvenile delinquency prevention policies, manage juvenile probation and juvenile delinquency prevention (see Figure 1). Taken together, the Bureau offers services not only in the areas of pre-trial, trial, and enforcement, but it also takes a holistic approach to probation in the context of Korean corrections by offering systems for prevention, policy, treatment, and monitoring as well.

Figure 1. Organization of the Crime Prevention Policy Bureau



Source: CPBB (2020).

To assist and better serve CPBB's responsibilities, the Bureau has 96 affiliated organizations with distinct roles: (1) Probation Committee (6 organizations): Deciding on early release from juvenile detention centers, imposition of electronic monitoring of parolees, suspension of supervision or electronic monitoring for probationers, and revocation of parole or suspension of supervision of probationers; (2) Probation Office (57 organizations): Probation, community service orders, intervention orders, and rehabilitation of offenders; (3) Electronic Monitoring Center (2 organizations): Operating GPS tracking systems and managing related tagging devices; (4) Juvenile Detention Center (10 organizations) and Juvenile Classification Center (1 organization): Behavior management programs, learning programs, vocational training, medical treatment, classification; (4) Juvenile Delinquency Prevention Center (18 organizations): Juvenile delinquency prevention education, such as alternative education, education for guardians, and orders for counseling; (5) National Forensic Hospital (2 organizations): Medical treatment for mentally ill offenders, and forensic psychiatric assessment (CPBB, 2020).

PROFILE OF OFFENDERS SUPERVISED IN THE COMMUNITY

The probation¹ service of South Korea supervises both adult and juvenile probationers who are

¹ In South Korea, "probation" is defined as an advanced criminal policy system that helps offenders continue a normal life without detention and reduces criminality by ensuring compliance under probation officers' supervision, and community

in different stages of their probation and/or are subject to specific orders. Regarding adults, there were 257,792 probationers in the community in 2020, of which 88,060 persons (approximately 34.2%) are currently under probation. 74,721 persons (29%) are under intervention order, 62,009 persons (24.1%) are under community service order, 25,201 persons (9.8%) are under pre-sentence investigation, 6,196 persons (2.4%) are under electronic monitoring, 1,572 persons (0.6%) are under treatment order, and 33 persons (0.01%) are subject to pharmacological treatment for sex offenders (Ministry of Justice, 2020). Among the 5,934 juveniles who were under probation in 2020, 4,297 juveniles (78.2%) are on remand, and 1,637 juveniles (21.8%) are in training schools.

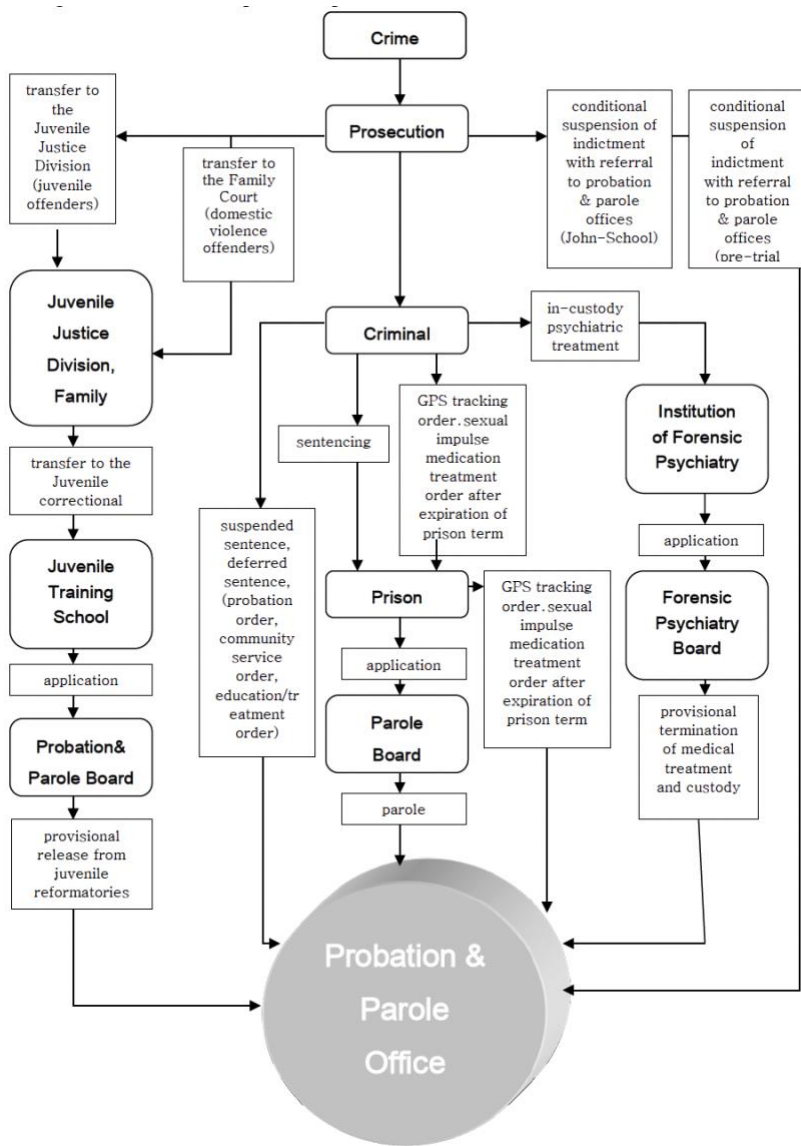
In terms of hospitalized patients, 1,024 patients were admitted to the National Forensic Hospital in 2020. 99.2% of patients (1,016 inpatients) are under Custody and Medical Treatment Order, while only 0.8% (129) inpatients were admitted for the Forensic Psychiatric Assessment (Ministry of Justice, 2020).

FORMS AND PROCESSES OF COMMUNITY SUPERVISION

In terms of prosecution, there are two distinct processes for probationary and parole supervision based on age. Adult probationers' court orders and sentencing are processed within the criminal court and their supervision/treatment period is a maximum of 5 years. Juvenile probationers, on the other hand, are processed in family court and their short-term period is 1 year, with a long-term period of up to 2 years.

Figure 2 details the probation and parole process as a whole.

Figure 2. Probation process



Source: United Nations Asia and Far East Institute (2013).

Classification, and Level of Supervision of Probationers and Parolees

Based on Korean Probationers Risk Assessment Inventory (KPRAI) score, the probationers are classified into three categories: High-risk offender, medium-risk offender, and low-risk offender. High-risk offenders are required to have face-to-face contact with a probation officer at least four times a month for 90 days from the date of initial classification. After three months, the guideline is generally reduced to face-to-face meetings twice a month. With a medium risk offender, a probation officer has face-to-face contact with them once a month, and low-risk offenders are only required to meet officers once every two months.

OTHER FORMS OF SUPERVISION

South Korea's CPBB is increasingly adopting human rights-friendly criminal policies. Probation aims to prevent offenders from being disconnected from their homes, workplaces, and society to reduce the

economic and psychological difficulties experienced by offenders and their family members. This is typically arranged by detaining offenders in prisons and juvenile detention centers where they can maintain their relationships with their families. This program also prevents crime transmission by housing offenders in prisons, and supports them in reentering society effectively, thus reducing recidivism. Furthermore, probation is implemented based on the local community. People including volunteers and social activists can openly participate in offender rehabilitation programs.

Halfway Houses (or other residential facilities managed by Probation Services)

Unlike other contexts, the official probation services of South Korea do not provide halfway houses or similar services, but probation officers collaborate with agencies like Korea Rehabilitation Agency and private organizations to offer housing to probationers who are recently released from jail or cannot afford to live in private residences.

Specific Measures and Programs of Community Corrections

The CPBB supervises various sanctions aimed at punishing, rehabilitating, managing, and reintegrating offenders into society. The community corrections model consists of measures and programs such as community service, electronic monitoring, academic programs, psychological programs, vocational training, and pharmacological treatment.

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