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Corresponding author
E-mail: s092724@naver.com

Peer reviewer
E-mail: editor@j-institute.jp

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A Study on States of Secondary Victimization of and Measures against Dating VIOLENCE

Oh, Sei-youen

Semyung University, Jecheon, Republic of Korea

Abstract

The thesis recognizes and proposes an effective measures to prevent the recently occurring dating violence and their following secondary victimizations. Therefore, case analysis of dating violence and their following secondary victimization states as follows. First, by transition of recognitions on dating violence as crimes, reports by people should be activated and active intervention by judicial authorities should be enabled. Second, legislations should be amended to enable intensive penalties against assailants and to ensure personal protections. Third, by adopting One-Stop system, rapid handling of affairs and protection and support of victims should be enabled. Lastly, development and utilization of a crime-preventive smart-watch should be prepared to enable 24-hours protection of victims.

[Keywords] Dating Violence, Secondary Victimization, Recidivism, Case Analysis, Smart Watch

1. Introduction

In March 2018, in Busan, a dating violence, forcefully undressing and beating up a girlfriend who asked for a breakup, and hauling her to one's house to beat her up again, occurred, even threatening the victim constantly after he had been arrested by the police via threat messages et al[1]. It is the case, presenting a vicious cycle of dating violence which possesses a sufficient possibility of secondary victimization by an assailant. That is, even after an assailant of dating violence has just been released from imprisonment, the assailant may cause secondary victimization, generating serious damages to the victim through violent crimes including harassment, assaults and murder, as directly shown from the case.

Particularly, 'No Punishment Against Will' is applicable to assaults and threats that are mainly being applied to Korean dating violence cases, and these only involves 2 years or less imprisonment or 5 million won or less fine as there

is no 'Special Act for Dating Violence' in regulations. Moreover, due to the characteristics of relationships among lovers, most cases are ended up with oral agreements, then punishments to eradicate dating violence are not preliminarily practiced, thus, secondary victimization of such dating violence has a probability to be developed into more severe consequent by the assailants against victims.

Consequently, the thesis recognizes the seriousness of secondary victimization for dating violence and strives to search for preventive measures to minimize secondary victimization damages from dating violence by analyzing secondary victimization cases that had called huge attention of the public.

2. Related Works

2.1. Concept of dating violence

At the current state, the conceptual definition of dating violence is not clearly established. Only researches on dating violence incorporate violence among couples or loving relationships, and

designating it as love quarrels or violence[2]. Therefore, based on advanced researches, definitions of dating violence as follow in <Table 1>.

Table 1. Conceptual definition of dating violence.

Division	Main content
Sugrman & Hotaling (1989)	Often, dating violence, so-called as 'Courtship Abuses', refers to threats or violence against the other by a person during a dating relationship[3].
Stets (1992)	Dating violence refers to behaviors inducing physical harms against the other[4].
Ronfeldt & Kimerling & Arias (1998)	Dating violence refers to mental and physical behaviors to acquire control powers during a dating relationship[5].
Straus (2004)	Dating violence refers comprehensively to violence committed with intention to harm a person unilaterally against the other without any prior discussion among a single man and woman in a dating relationship[6].
Oh (2015)	Dating violence refers to behaviors that are judged to have intentions to potentially harm the other physically and mentally even if a single man and woman have no premise of marriage in their current dating relationship[7].

2.2. Cause of recidivism and secondary victimization pattern for dating violence

The biggest cause of dating violence recidivism is that dating violence is still being treated as a private issue to be resolved among couples, thus, only colleagues or friends are called for help in most cases rather than practical reports or calls to the public supportive systems such as police department and professional treatment agencies, et al.

Furthermore, as punishment regulations against present assailants and the level of personal protection for victims after dating violence are too weak or insufficient, no active measures by judicial institutions are executed, thus such conditions lead to a secondary victimization of dating violence by the assailants.

As a result, recognizing the cause of dating violence recidivism as a private issue leads to passive protection measures to victims of dating violence and its pertinent weak punishment regulations, hence, develops into serious secondary victimization damages by the assailants.

Dating Violence damage patterns are largely categorized into the first and the secondary patterns, and as follow in <Table 2>.

Table 2. Dating violence damage pattern.

Division	Main content
First pattern	Physical, mental, verbal and sexual violence[7].
Secondary pattern	- Secondary victimization due to the result of criminal procedures by judicial institutions - Secondary victimization deriving from investigative procedures by investigative agencies - Secondary victimization deriving from recidivism by assailants who returns to the society without fully being corrected and treated since the event occurrence[8].

3. Analysis of Dating Violence State and its Secondary Victimization

3.1. State analysis of dating violence and

its secondary victimization

3.1.1. Present condition analysis of dating violence

For the past 5 years(2012-2016), according to the official statistics data from the National Police Agency, frequency of dating violence occurrence has constantly increased since 2014, and the number, 7,584 cases, in 2012 increased to 8,367 cases in 2016 by 10% for the years, as depicted in <Table 3>. Furthermore, the most frequently occurring dating violence pattern is assaults and injuries, taking 1.5% of the whole, however, considering that lives are deadly jeopardized, such crimes should be taken into consideration with higher degree of severity than other crime patterns when they occur[9].

Hence, the majority of assaults and injuries are involved in first victimization damages occurring during dating violence, while their secondary victimization may lead to murders – considering such conditions, preliminary preventive measures for victims and early-stage responses against dating violence occurrences are urgently needed.

Table3. Yearly condition of dating violence(2012-2016).

Year	Assault	Injury	Special Violence	Sexual Violence	Murder	Total
2012	2,822	3,028	1,226	409	99	7,584
2013	2,848	2,571	1,179	533	106	7,237
2014	2,702	2,273	1,109	483	108	6,675
2015	3,670	2,306	1,105	509	102	7,692
2016	6,233		1,017	224	52 (Others 841)	8,367

3.1.2. Present condition analysis of secondary victimization of dating violence

In accordance with the investigation on ‘Conditions of Dating Violence and their Measures’ by Police Science Institute, the average recidivism rate of assault-assailants among couples from 2005 to 2014 was reported as 76.5% and its interval as 6 months since the previous commitments. Also, observing the assailants by ages, 20~30 took 58.3% and 5,213(62.3%) of them were identified as the ones who experienced violent acts against their lovers[10]. In fact, since that dating violence is generally occurred among

close loving relationships should be significantly considered, if no preliminary protective measures for victims and isolation of assailants away from the victims are not properly executed, vicious cycles of secondary victimization by the assailants will continue.

3.2. Case analysis of secondary victimization for dating violence

Division	Contents of secondary victimizations and their analysis
Case 1	After the assailant(A) is released from imprisonment, constant calls and messages of threats were sent to the victim, further, spread false information of the victim, insisting the victim had a sexual relationship with the assailant-self via SNS to the colleagues of the victim at work – thereby, a second victimization of dating violence had occurred in the case[11]
Case 2	Consistent stalking and threats by the assailant(K) had led to a murder with deadly weapons against the victim, the teacher(A) in the case[12]
Case 3	- The victim(D) reported the dating violence to an investigative agency, however, the agency merely treated the case as a trivial private issue with no active measures, then consequently the victim was more harshly or violently beaten up by the assailant(R) in the case[13] - The victim was treated as a female who violates the confidence of men with sex appeal rather than a victim, even though the victim reported to the police in the case[13]
Case 4	- As a case of dating violence occurred in Busan, the boyfriend committed dating violence and threatening calls and messages succeedingly, thus, had put the victim suffer from psychological anxiety and stress intensely till the victim cannot maintain her everyday life. Further, the assailant had shown a sign of second victimization in the case[14]

<Case 1>, <Case 2>, <Case 4> are the result pattern of secondary victimization by assailants developed from the previous commitments due to reasons of obsession, revenge and hatred that links to more serious consequences. Especially, as in the case of <Case 4>, most of the victims of first victimization from dating violence are not able to maintain their everyday lives due to anxiety and stress of being involved in secondary victimizations, and in fact, as observable in <Case 2>, secondary victimizations are found to

be more dangerous than the other as the secondary victimizations had led victims to even deaths.

Furthermore, <Case 3> is the crime victim case of secondary victimization occurring from the procedures and measures of judicial institutions against the first victimizations. Even though victims should be successfully isolated from the assailants and practice personal protection for the victims, when dating violence has been reported, due to passive and insufficient management to the victims, the secondary victimization crimes occurred. Above all, even if the judicial authorities are the ones which must recognize the dating violence as the incidents which the authorities should actively intervene in, not as private issues, unfortunately, they are not perceiving them as important crime issues, but merely trivial.

In the manner of the real responsive management against dating violence by the police, 53.3%, which is the highest among all options, of the public insisted that the police 'treated dating violence as a mere trifle', thus, proved, the recognition state of the police regarding dating violence has influenced the level of case investigation and enforcement procedures[15].

As described from the above case analysis, secondary victimization damages after the first dating violence can lead to serious crimes that may put the victims into deaths. Thus, dating violence should be recognized as issues that the government should actively intervene in, and establish strict punishment systems against assailants and personal protection system for victims via legislative modifications.

4. Prevention of and Measures against Secondary Victimization of Dating Violence

This chapter would like to propose a responsive measure against dating violence and following secondary victimizations by analyzing real cases as follow.

First, transition of recognition, from a private issue to a significant problem that a government should actively intervene in, is needed. That is,

not only the victims, but also the judicial authorities should perceive dating violence as social crimes, and in a personal dimension, a person should actively report to the judicial authorities for help, then the authorities including the police should be able to conduct an active early-responses.

Second, legislative and institutional measures to protect victims from dating violence, and to punish against assailants, should be established. With the current state of law, the legal basis to punish assailants is insufficient as there is no rule of 'Right of Request Prohibition of Access' or 'Right to Victim Statement of Opinion'. Therefore, the police are not able to perform particular measures even if they are mobilized. Consequently, punishment legislations against assailants should strongly be intensified and legal means to actively respond to violence should be developed so that the police can control the violent behaviors of assailants, when victims report to the police.

Third, by adopting One-Stop system, when dating violence occur, related institutions should rapidly be associated and linked to solve the cases, as domestic violence is dealt with. Considering that dating violence has identical features – consistency, recidivism and vindictiveness – like domestic violence, supports to victims and rapid resolution of crime cases would be the most important matters. Therefore, to prevent secondary victimization of dating violence, establishment of an associated network or system with authorities to perform One-Stop measure, from incident reports to supports to victims, would be required.

Finally, to minimize any damage from secondary victimization since dating violence, utilization of intelligent smart watches would be required as an option. The current smart watches offered by the National Police is operated by pressing an emergency button to mobilize the police when an emergent situation occurs to victims. However, there are problems – countermeasures are performed after crime occurs, and locational identification of victims is not accurate, but takes long time. Therefore, under the circumstances when judicial authorities such as the police cannot monitor assailants or protect victims for 24hours, utilizing intelligent smart

watches, developed from the existing models, that can preliminarily prevent crimes in advance, would be the way to minimize damages from second victimization of dating violence.

5. Conclusion

Recently, societies have recognized the severity of dating violence, and have proposed various legislations and countermeasures to prevent it. Despite such efforts, dating violence frequency has been constantly increasing, and their secondary victimization is becoming even more serious crimes, in fact. As if such realities are being reflected, the recidivism rate of dating violence has reached 76.5% for the past 10 years(2004-2015), but its imprisonment ratio only reached about 5% out of the numbers of dating violence in 2016.

Hence, local communities and governments should no longer consider dating violence and its secondary victimization as private issues, but social issues, so that they would actively respond to the issues, preventing recidivism of secondary victimization cases.

As a result, this research investigated official statistical data and the media cases and strived to seek for effective countermeasures against second victimizations of previous dating violence by analyzing their conditions and real cases.

Thanks to such efforts, it has been discovered that transition of recognition of second victimization of previous dating violence into crimes is needed, and proper legislations to bring constant supports to victims and strict punishments against assailants should be amended. Moreover, to enable protection of victims from assailants and One-Stop system for rapid affair managements, intelligent crime-preventive smart watches should be developed and designed for their applications.

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Author

Oh, Sei-youen / Semyung University Professor

B.A. DaeJeon University

M.A. Dongguk University

Ph.D. Dongguk University

Research field

- A Study on Crime Prevention of Dating Violence Based on IOT, International Journal of Pharmacy and Bio Sciences, Special Issue (2017).

- A Study in Virtual Educational Training System for Police with Augmented Reality Technology, Journal of Engineering and Science, 13(1) (2018).

Major career

- 2013~present. Semyung University, Assistant Professor.

- 2013~present. Korean Police Studies Association, Research Director.