

# Trends & Policies in Criminal Justice

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## An Exploratory Study on Aggressive Driving and Road Rage in Korea

### Necessity and Purpose

- As aggression in Korean society has recently increased, attempts have been made to understand various types of violence, such as domestic violence, school violence, sexual violence, and cyber violence. However, relatively insufficient attention has been paid to road rage.
- Discussions on driving-related violence are necessary as the role of transportation and driving experience account for an important part of daily life with increased vehicle ownership.
- Recently, damage caused by aggressive driving, which can pose a danger and obstacle to an unspecified number of people such as violation of traffic signals and of centerlines, and road rage, such as threatening other drivers by using a motor vehicle after a squabble have raised social concerns and the punishment for such cases has become more severe.
- In contrast to the present situation where increased social risks caused by aggressive driving and road rage led to legislation, empirical research from an academic perspective is still insufficient, both domestically and internationally.
- Road rage, which we commonly experience in our daily life, is not irrelevant to violence in other sectors of society and it increases social risk by positioning itself as a routinized violence. Therefore, it is necessary to conduct an empirical study on the actual occurrences and characteristics of aggressive driving and road rage.

- This study aims to provide a basis for multidimensional measures against aggressive driving and road rage by identifying the perceptions and experiences of aggressive driving and road rage with the empirical research methods and by reviewing relevant domestic and foreign laws, systems, etc.

## Research Methods

### Questionnaire Survey with Motor Vehicle Drivers

- The survey used structured questionnaires, targeting 2,000 motor vehicle drivers with driving experience during the last year to identify their general perceptions of traffic conditions in the Republic of Korea and of aggressive driving and road rage. Furthermore, the survey took note of their experiences as perpetrators and victims of aggressive driving and road rage.
- Conducting an online survey using online platform was inevitable because of COVID-19 risks. The occurrence and characteristics of aggressive driving and road rage were examined, including motives in the individual and social level as well as situational dimension of crime opportunities.

### In-Depth Interviews with Motor Vehicle Drivers

- To compensate limitations of questionnaire survey, focus group interview was conducted on those working in transportation industry and contactless in-depth interview was conducted on 31 ordinary drivers in one-on-one setting.
- The survey focused on the situations of perpetration and victimization of aggressive driving and road rage and relevant perceptions.

### Analysis of Court Decisions

- Court decisions on cases involving aggressive driving and road rage were collected and analyzed to review the limitations on the relevant regulations and criteria for.
- Court decisions were collected from the Supreme Court's portal service of decisions ([https://scourt.go.kr/portal/information/finalruling/peruse/peruse\\_status.jsp](https://scourt.go.kr/portal/information/finalruling/peruse/peruse_status.jsp)).

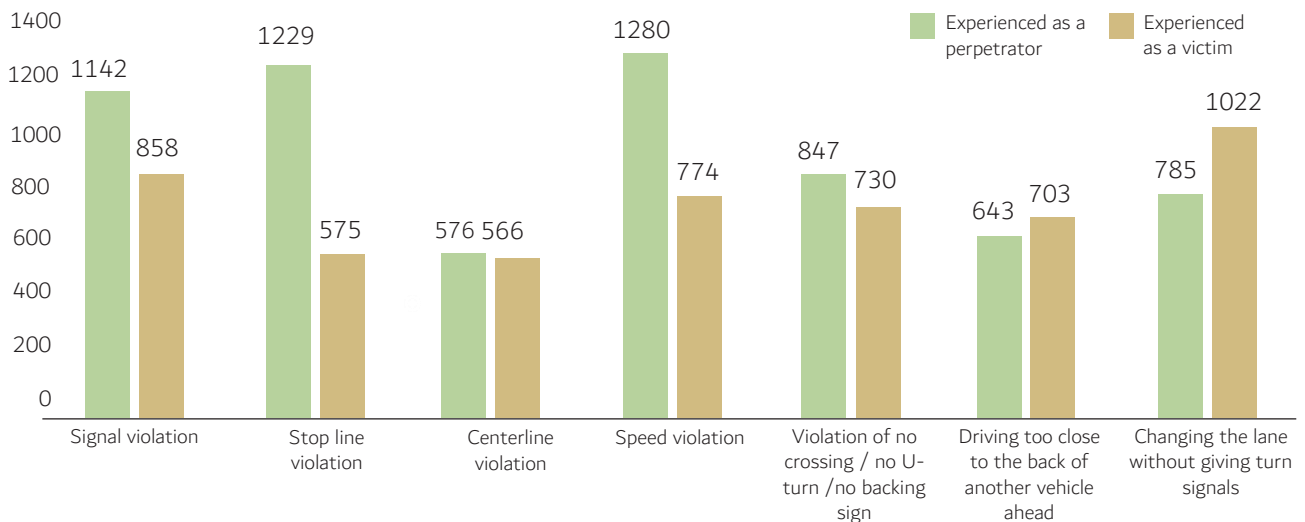
## Highlights of the Study

### Major Findings from the Empirical Survey and Study

- For the purpose of this study, aggressive driving is defined as "violent driving behavior which disregards the safety and property of drivers and passengers of other vehicles and pedestrians, endangering them in various degrees." Moreover, aggressive driving is divided into one-time aggressive driving, which indicates a single act, and repeated aggressive driving, which indicates complexity, continuity, and persistence.
- Road rage is defined as "violent driving behavior inflicted against another vehicle or the driver of another vehicle by willfully using his/her vehicle, due to dissatisfaction with the behavior of the driver of the other vehicle on the road. Road rage includes yelling at the driver of another vehicle, getting out of his/her vehicle, and exercising physical force directly on the driver of the other vehicle."
- The drivers who engaged in one-time aggressive driving accounted for 83.3% of all respondents; the drivers who engaged in repeated aggressive driving were at 51.8%; the drivers who engaged in road rage were at 36.0%; the drivers who sustained damage due to a one-time aggressively driven vehicle were at 71.6%; the drivers who sustained damage by a repeatedly, violently driven vehicle were at 57.1%; and the drivers who experienced road rage were at 47.0%.

- The types of one-time aggressive driving behavior in which respondents mostly engaged in were “speed violation,” “stop line violation,” “signal violation,” etc., while the types of one-time aggressive driving

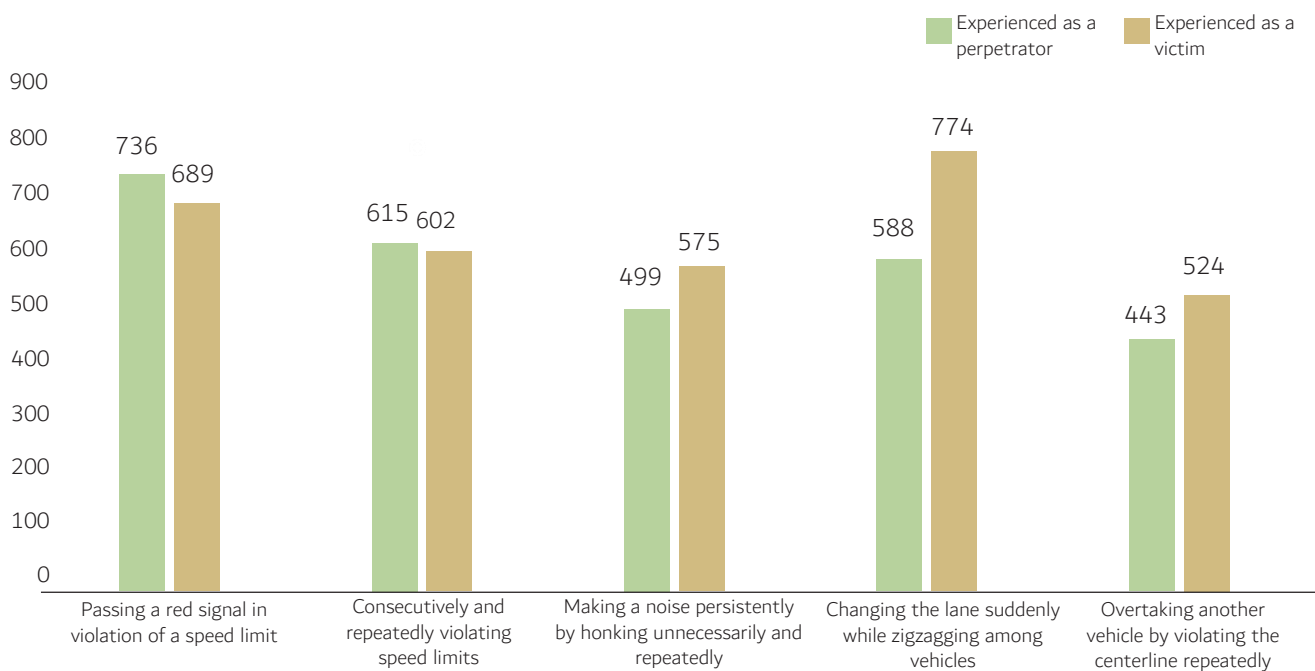
Behavior by which respondents mostly sustained damages were “changing the lane suddenly without giving turn signals,” “signal violation,” “speed violation,” etc.



[Figure 1] Frequency of specifically experienced acts of one-time aggressive driving

- The repeated violent driving behavior that respondents experienced most frequently as a perpetrator includes “passing a red signal in violation of a speed limit,” “consecutively repeating violations of speed limits,” and “changing the lane suddenly while driving among vehicles.”

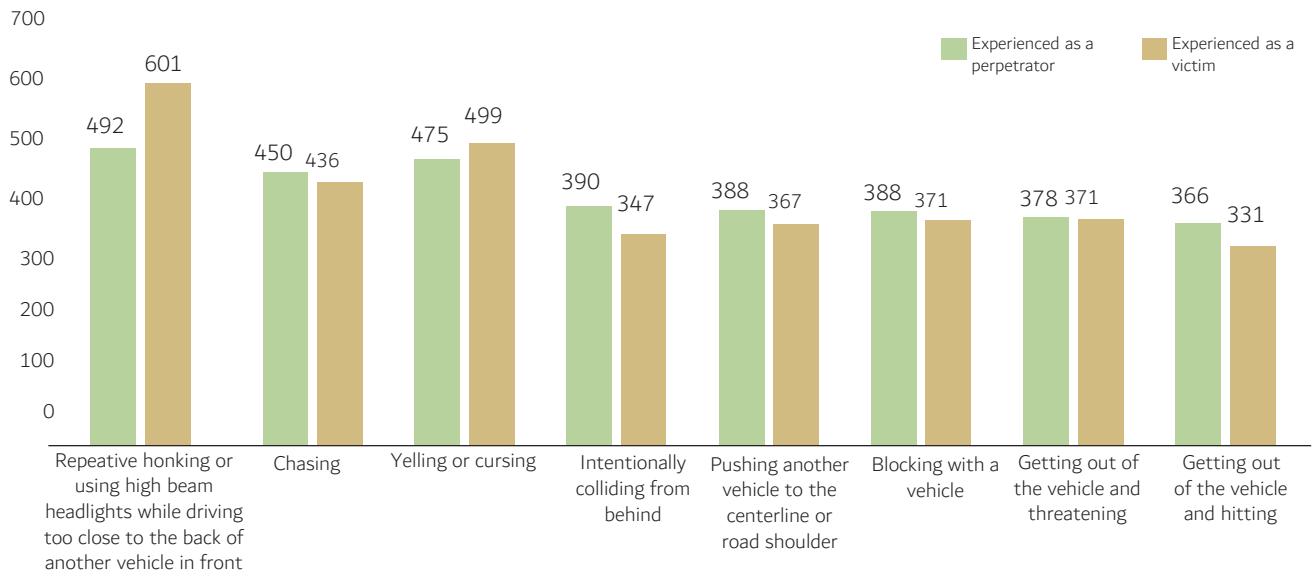
Meanwhile, the repeated violent driving behavior that respondents experienced most frequently as a victim include “changing the lane suddenly while zigzagging among vehicles,” “passing a red signal in violation of a speed limit, and “consecutively repeated violations of speed limits.”



[Figure 2] Frequency of specifically committed acts of repeated aggressive driving

- The types of most frequent road rage behavior that the respondents committed as a perpetrator include “repeatedly honking or using high beam headlights while driving too close to the back of another vehicle ahead,” “yelling or cursing at other drivers,” and “chasing another vehicle.”

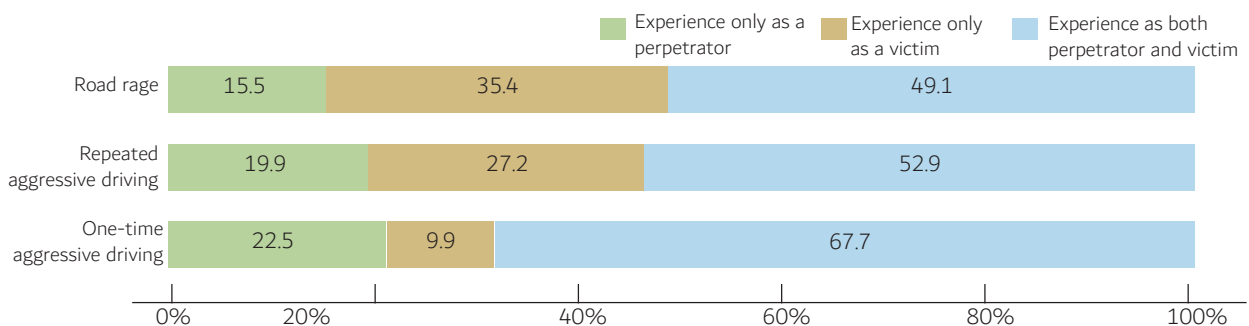
Meanwhile, the types of road rage behavior that the respondents experienced as a victim frequently include “repeatedly honking the horn or using high beam headlights while driving too close to the back of my vehicle,” “intentionally reducing the speed or suddenly stopping in front of my vehicle,” and “yelling at or cursing me.”



[Figure 3] Frequency of specifically experienced acts of road rage

- The results on the distribution of multiple experiences of one-time and repeated aggressive driving and road rage shows that the number of the persons classified into the group that had experienced “one-time aggressive driving + repeated aggressive driving + road rage” as a perpetrator or victim was the most common. Meanwhile, individuals also reported engaging in violent driving at various degrees, as a perpetrator or as a victim.

- The results on the degree of overlapping of experiences as both a victim and a perpetrator show that the number of drivers who had experienced one-time aggressive driving, repeated aggressive driving, and road rage accounted for largest proportion. Therefore, road rage that is perpetrated and suffered are interconnected.



[Figure 4] Degree of overlap for aggressive driving and road rage experienced as a victim or perpetrator

- The most frequent road rage behavior that the respondents committed as a perpetrator

include “repeatedly honking or using high beam headlights,” and “chasing another vehicle.”

- The drivers who committed road rage were less aware of the traffic laws and regulations than the other groups of perpetrators or the drivers who had not committed aggressive driving or road rage. Such drivers also showed high levels of tolerance for the violation of laws and regulations, for general violence, tolerance for violent acts on the road, and exposure to violence. It was found that the drivers who were perpetrators of road rage suffered hardships in their daily lives and were exposed to more problematic situations where they had lesser self-control, which is an indication that they face many negative aspects in their personal environment.
- Results of in-depth interview with drivers who experienced aggressive driving and road rage as victims show their negative perception on the regulatory approach of undercover patrol as well as the vague criteria for judging traffic accidents. Such perceptions were caused by the lack of exclusively dedicated personnel and relevant manuals for receiving and processing accident reports.
- Among the criteria for the punishment of aggressive driving, the results show that the danger caused by a single offense is more critical than persistence and repetitiveness applied under relevant laws. Furthermore, more than 70% of the drivers in Korea are not aware of how to report aggressive driving and road rage when they are confronted with the situation.
- Analysis results of court decisions on aggressive driving prove that the repetitiveness or persistence of violations is included in the elements of aggressive driving. However, it is necessary to include one-time aggressive acts, even though such acts are not persistent or repetitive, in the category of aggressive driving if such acts pose serious danger. In addition, it is necessary to apply a set of criteria subdivided according to the circumstances of an occurrence, such as whether an incident took place along an ordinary road, expressway, or excess speed sections, and to review the criteria and elements of aggressive driving. Moreover, if aggressive driving and road rage occur while under the influence of alcohol, the risk will inevitably become higher. Therefore, it is necessary to add provisions concerning the number of violations of the prohibition (i.e., the recurrence of violations).
- Analysis results of the court decisions on cases related to road rage show that it is possible to apply the provisions concerning murder in the Criminal Act to road rage, but it is difficult to prove the existence of intent to kill. Therefore, prohibitions should be more clearly stipulated on road rage, and additional provisions must be applied to death and injuries caused by road rage separately.
- Traffic-related laws and regulations are scattered in the Act on Special Cases Concerning the Settlement of Traffic Accidents, the Act on the Aggravated Punishment of Specific Crimes, and the Criminal Act. Therefore, it is necessary to rearrange the statutes in order.
- In the effort to reduce occurrences of aggressive driving and road rage, all available human resources and equipment, including advanced over-speeding control systems, police helicopters, high-performance cameras, and drones, as well as traffic police and undercover patrol cars, have been mobilized for intensive control during particular periods to promote compliance with laws and regulations of safe driving. Furthermore, publicity activities with images and campaigns have been conducted and featured various themes related to aggressive driving and road rage.
- Efforts have been made to promote reporting systems through the Smart Citizen Reporting System, etc., and the number of reports filed through these has increased every year. However, it is necessary to improve the system for receiving reports, prepare a manual on the receipt and processing of reports,

## **Highlights of the Review on Relevant Domestic Laws, Systems, Etc.**

- The Road Traffic Act defines and prohibits nine different types of aggressive driving but has no separate provision concerning the prohibition of road rage. However, the Criminal Act and the provisions concerning the crimes of murder, infliction of bodily injury, general obstruction of traffic, death or injury caused by obstructing traffic, intimidation, special destruction and damage to property, destruction and damage, and violence apply to road rage. In addition, the provisions concerning road traffic and the provisions concerning administrative fines and penalties in the Act on Special Cases Concerning the Settlement of Traffic Accidents and the Act on the Aggravated Punishment of Specific Crimes can also be understood as statutes prohibiting aggressive driving and road rage in a broad sense.

establish an exclusively dedicated organization, increase “devoted” informants for public interest, reduce the burden imposed by the increasing number of reports, and respond to other relevant matters.

- The National Police Agency has been producing and managing official statistics on aggressive driving and road rage since 2017. The volume of data accumulated to date may be insufficient, but the mere generation of data already has great significance.
- Aggressive drivers and drivers committing road rage are required to attend a special course on traffic safety because of the learning gap among the participants. Meanwhile, ordinary drivers are required to attend a general education course for traffic safety. The level of participation in the course for ordinary drivers is low, even as the educational course on safety has often been conducted as a one-time course. Therefore, it is necessary to establish an educational system for traffic safety that can be implemented continuously throughout a person’s lifetime.

## Highlights of the Review on Relevant Foreign Laws, Systems, Etc.

- Each county differs in traffic policy, situation, or driving culture. Therefore, aggressive driving and road rage also differ across counties, and it seems impossible to compare. However, the process of review of each country’s response to road rage will be able to provide considerable implications for formulating relevant policies in the Republic of Korea.
- In the United States, aggressive driving is classified as a misdemeanor, while road rage is punished by criminal law without any special regulations. Meanwhile, the National Highway Traffic Safety Administration (NHTSA) has been actively seeking more effective ways for prevention and control by granting direct subsidies for research expenses and conducting evaluations and research on programs for controlling and preventing aggressive driving.

Furthermore, the United States corrects driving behavior by imposing double fines, issuing orders to attend a lecture, and confiscating vehicles, which prevent recidivism by depriving offenders of the opportunity to drive. Moreover, the country conducts campaigns related to road rage, which effectively influence the residents’ opinions.

- In the United Kingdom, drivers become increasingly aware of the dangers caused by road rage, aggressive driving, and road rage. In the case of minor negligent driving violations, police officers have the authority to arrest and punish offenders at the scene immediately. As the recent key policy for traffic safety, educational and training programs are provided to younger beginner drivers to help them form good driving habits. These drivers are provided with lifelong lessons and Internet platforms, and exclusive teams are established to protect the road users who are more vulnerable to aggressive driving and road rage by receiving and processing reports promptly. In addition, a specific implementation plan and a plan to evaluate effectiveness were presented according to “11 violations of drivers,” which are highly connected with the injuries of the persons who died or were injured from a traffic accident. These plans are established to improve the effectiveness of the implementation of existing policies.
- Australia established a framework for national cooperation in road safety, adopted a systematic approach to improve road safety, and implemented a strategy to prevent serious injuries or the death of people from the comprehensive perspective of the interaction between the road transportation system and various factors. Furthermore, if a aggressive driving violation is detected, an immediate and direct countermeasure is taken to confiscate the vehicle at the scene. The first and second violations are punished differently, and the punishment for a aggressive driving violation may be aggravated if the offender does not obey an instruction given by the police or is under the influence of drugs or alcohol.
- Sweden has considerably succeeded in its efforts to prevent people from being seriously injured or killed from a traffic accident by implementing the Vision Zero policy under the four principles of human-centeredness, damage reduction, safety responsibility, and strengthened cooperation. Moreover, Sweden emphasized the punishment for traffic violations and the responsibility of drivers and road users to ensure their compliance.

- Japan also enacted a new law regulating obstructive driving. Under Japan's law, not only aggressive driving but also road rage can be classified as obstructive driving. Furthermore, the Act on the Punishment of Acts of Inflicting Injuries or Death on Others by Driving specifies dangerous driving as one of eight types of aggressive driving. The relevant laws and regulations have been amended clearly and plainly to aggravate punishment for death or injuries.
- The countries that have experienced serious and critical accidents from large-scale aggressive driving and road rage incidents have responded with the following activities: rearranging relevant laws and regulations; generally aggravating the punishment for aggressive driving and road rage; stipulating rules to be observed for traffic safety in detail; conducting inspections and examinations; and preparing compulsory educational programs for traffic safety for ordinary drivers or children and youth who will drive in the future.

Moreover, the content and methods of education must reflect the characteristics of each type of road rage.

- Preventive countermeasures against aggressive driving and road rage must be established by developing and diffusing educational programs for ordinary drivers whose violations have not been detected. Moreover, the driver's license examination system and education of beginner drivers should be improved.
- As the homogeneity between the group of victims of aggressive driving and road rage, and the group of perpetrators has been confirmed, avoiding a one-sided approach to traffic safety education from the perspective of either a victim or a perpetrator is crucial.
- Results from examining the characteristics of people who have experienced aggressive driving and road rage show that such people appear to have complex problems, including a perception, structure, and negative personal experiences of the violent culture prevailing in our society and anger to such violent culture. Therefore, educational programs must be supported to address these issues among offenders, and not just to only cover matters related to traffic safety. A holistic solution can help offenders return to living healthy lives.

## Policy Proposals

### Development of Policies at Legal and Institutional Levels

- Legal concepts on aggressive driving and road rage and the rearrangement of provisions concerning punishment must be further reviewed.
- It is necessary to propose the forms and methods of sustainable control, improve the system for producing and managing statistics related to aggressive driving and road rage, promote ordinary citizens' reports, improve the system thereof, and develop guidelines for the receipt of reports and investigation to ensure the uniformity of law enforcement.

### Strengthening and Differentiation of Traffic Safety Education

- As the attitude toward aggressive driving varies by age group, it is necessary to develop an educational program for traffic safety after considering the characteristics of each age group.

### Formulation of Measures for Supporting Social Fusion

- It is essential to understand aggressive driving and road rage within the framework of social structure, culture, and systems and establish a socially organic policy system to promote the change of perception and systems in our society.
- Reducing and preventing aggressive driving and road rage requires the following activities: raising awareness of the dangers of violence to society; reviewing the approaches to laws and systems related to the prohibition of conduct and punishment and to transportation systems, including the design and construction of traffic infrastructure; accumulating data from empirical research projects performed from various perspectives and with various approaches in the humanities and the areas of sociology; and rearranging the smart traffic safety system that has been developing with the help of the 4th Industrial Revolution and Internet Communication Technology.

## Expected Effects of Policies

### **Serving as Basic Data for the Development of Related Academic Circles and the Formulation of Policies**

- This study will be useful for forming social consensus on the eradication of violent conduct, including the necessity of preparing a positive policy to prevent and reduce violence throughout Korean society.

- This study is expected to be helpful in the development of related academic circles and the formulation of policies through the empirical survey on social perceptions and experiences of aggressive driving and road rage and the review on relevant domestic and foreign laws and related policies.