

Research on Recidivism of Burglary Crimes and the Path of Governance

—An Empirical Study of 795 Burglary Convictions in City C

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ABSTRACT

As a long-standing type of crime, theft has become a focus of attention in both academia and judicial practice due to its high recidivism rate. To gain a deeper understanding of this phenomenon, this study takes 795 theft verdicts from C city over the past 8 years as a sample to investigate the characteristics, causes, and effective governance strategies of recidivism in theft. At the same time, it analyzes in depth the social structure, judicial and legal practices that contribute to the sustained increase in recidivism rates. In response to the above issues, measures have been proposed to optimize the trial procedures, establish a "replacement punishment" system, and improve the application of probation in theft crimes. The aim is to provide practical and feasible solutions for the problem of repeated theft in C city and even wider areas, and to provide policy references and theoretical support for preventing and reducing the recurrence of theft crimes.

KEYWORDS

Repeated theft; Empirical research; Judicial process; Governance Path

1. INTRODUCTION

Theft, due to its unique susceptibility, occupies a significant position in recidivism statistics. According to statistics, for those who have committed four or more crimes, due to the long detention time for the first crime, their disconnection from society after release, lack of survival skills, and inability to make a living, they tend to choose to steal again; For 2-3 time offenders, some may face economic difficulties after being released from prison, excluding heinous crimes and being unable to commit them due to their own conditions. Theft is the "safest" way of making a living, and compared to the ups and downs of life outside, they do want to seek "stability" by going back to prison. This has led to a high recidivism rate of theft (see Figure 1). In order to ensure the safety of people's lives and property and continue to promote the process of legal construction, the author believes that the issue of recidivism of theft urgently needs to be addressed by the public security, procuratorate, judiciary, and various sectors of society. How to reduce the extremely high recidivism rate of theft also urgently needs to be solved.

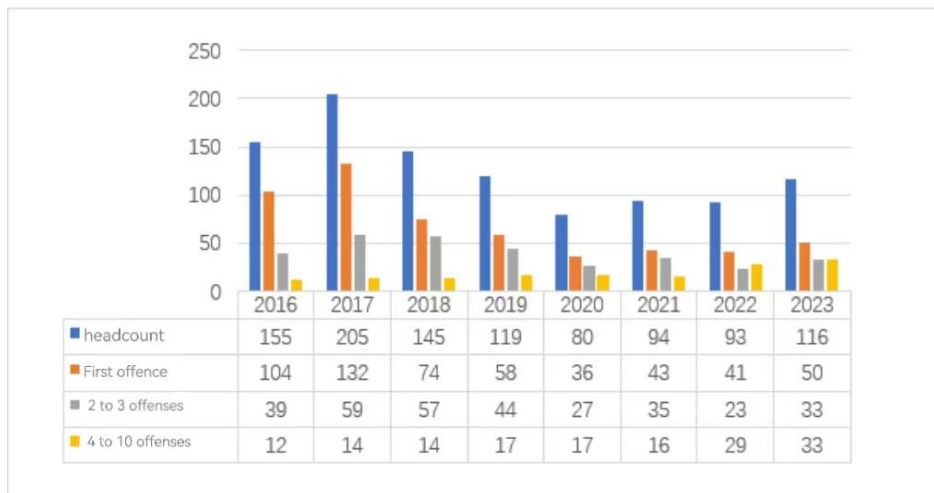


Figure 1. Statistics of the number of repeat theft offenders in City C from 2016 to 2023

2. BASIC INFORMATION ON REPEAT THEFT CASES IN CITY C

2.1. Data Source and Explanation

Theft, as a typical representative of property infringement crimes, has demonstrated significant research value in both theoretical research and judicial practice. In particular, in-depth research and effective prevention and control of the problem of repeated theft are of great significance for maintaining social harmony and stability, and safeguarding the rights and interests of public and private property. Based on the statistics of theft cases settled by the grassroots people's courts in C city from 2016 to the end of October 2023, the author found that among 795 theft cases involving 1007 criminals, those who only stole once accounted for 53.40% of the total number of criminals, while those who stole 2-10 times accounted for 46.60% of the total number of criminals. The proportion of repeat offenders and first-time offenders was almost the same, which is also rare among all crimes. This phenomenon not only reveals the seriousness of the problem of repeated theft, but also reminds us to pay sufficient attention to and conduct in-depth research on the issue of repeated theft.



Figure 2. Proportion of theft committed once and 2-10 times

It should be further clarified that this study mainly focuses on the statistical analysis of all theft cases that occurred in 6 streets and 9 townships including L, S, Y, J, and C under the jurisdiction of C city. The sample data is sourced from the theft recidivism cases with generally mild crimes tried by the C city people's court, reflecting the situation of all theft recidivism in the city in the past 8 years. As a county-level city connecting towns and urban areas, C city has a total of 742000 permanent residents and floating population, so its research results have a certain representativeness. By conducting in-depth research on the recidivism of theft in C city, not only can we gain a detailed understanding of

the city's crime situation, but we can also to some extent reveal the common patterns of theft related recidivism in Chinese society during rapid changes.

2.2. Structural Analysis of Repeat Theft Offenders

The abstract theory of the root cause of crime is manifested as the causes of crime through concretization, which covers both the macro level causes of criminal phenomena and the micro level motives of individual criminal behavior. These reasons can also be divided into internal and external factors, which is representative in the field of criminology in China. The reason why theft has such a huge scale and can constantly evolve with the changes of the times, becoming a difficult problem to cure in history and modern society, is also due to the intertwined influence of multiple internal and external factors. Through data analysis of recidivism in theft and interviews with some repeat offenders, it was found that there are two levels of recidivism structure in theft: the frequency of recidivism and the target of recidivism.

Firstly, the frequency of recidivism. The recidivism rate refers to the total number of times a person commits another offense as of a specific point in time. The frequency of recidivism is an important indicator for evaluating the subjective malice and personal danger of the perpetrator. Specifically, the more repeated the offense, the deeper the subjective malice of the perpetrator, and the corresponding increase in their personal danger. On the contrary, it indicates that the personal danger of the perpetrator is relatively low. During this process, there is a clear positive correlation between personal danger and the frequency of recidivism. According to Figure 3, among the 1007 criminals in the selected case sample, 538 committed theft again, accounting for 53.43%; 317 people, accounting for 31.48%, committed the same offense 2-3 times; 152 people, accounting for 15.09%, committed the same offense 4-10 times. Among them, through the data from 2018 to 2023, it can be found that the number of repeat offenders has significantly increased from 2-3 times, especially noteworthy is the increasing trend of 4-10 times. From the changes in the data shown in the figure below, as the number of crimes increases, the number of repeat offenders shows a decreasing trend, and most repeat offenses are only concentrated within 2-3 times. This trend indicates that as the number of repeat offenders accumulates, the number of offenders gradually decreases, indicating a negative correlation between the likelihood of repeat offenders and the number of repeat offenders. This proves that society's efforts in education, prevention, and control are achieving positive results, improving the safety and stability of society.



Figure 3. Proportion of repeat theft offenses in City C from 2016 to 2023

Secondly, the target of recidivism. By classifying and counting the objects of repeated theft, the results show that cash, mobile phones, and electric bicycles (including tricycles, two wheelers, and bicycles) have the highest proportion of stolen property, accounting for a total of 51.33% of all stolen items. At the same time, the theft rate of gold and silver jewelry, high-end tobacco and alcohol is

relatively high, and the proportion of electronic devices such as laptops and tablets cannot be ignored. These items are frequently targeted for theft not only because they have high economic value, but also because they are relatively easy to obtain during the theft process. In addition, through in-depth research on the types of stolen items, it was found that the behavior of thieves exhibits certain "territorial" characteristics. For example, criminals who specialize in stealing electric scooters are often more inclined to continue stealing electric scooters and less involved in other types of items. Similarly, criminals who primarily aim to steal cash often prioritize cash over other items such as high-end tobacco and alcohol when choosing their theft targets. This behavior pattern intuitively reveals the strategic choices and preferences of thieves when committing crimes.

Table 1. Proportion of different criminal targets for repeat theft offenses

Theft of goods	Proportion
Cash	16.94%
Mobile phone	17.71%
Electromobile	16.68%
High end tobacco and alcohol	8.13%
Gold and silver jewelry	9.28%
WeChat and bank account funds	4.35%
Laptops, tablets	6.03%
Poultry	4.37%
Valuable green plants	4.32%
Cable	2.6%
Construction site building materials	2.89%
Car	0.84%
Other	5.86%

2.3. Forms of Crime and Recidivism of Theft

In the data sample, there were a total of 127 theft cases involving joint crimes, accounting for approximately 15.97%. Through the following chart, it can be observed that the trend of gang crime is decreasing year by year. In contrast, the number of theft cases committed by a single individual reached 668, accounting for 84.30%, which is five times more than joint criminal cases. From the perspective of criminal participation forms, among 1007 criminals, the number of co offenders is 312, accounting for approximately 30.98%. The number of people who committed crimes alone reached 695, accounting for 69.02%, which is more than twice the number of people who committed crimes together. This indicates that in theft cases, whether committed jointly or individually, repeat offenders or first-time offenders are mainly committed by a single person. There are several reasons for exploring the differences: firstly, implementing alone can reduce the risk of being discovered, while conspiring or jointly implementing with others may increase the likelihood of criminal behavior being disclosed; Secondly, for some simple theft behaviors, individuals may find it easier to handle and complete them without the need for negotiation and division of labor with others. Individuals can freely choose targets and execute plans, which reduces complexity and risk in certain situations; Thirdly, individual actions can also avoid potential issues such as division of spoils, betrayal, and disagreement in committing crimes together with others, reducing the risk of criminal behavior being exposed; Fourthly, some individuals may have intrinsic motivation and personal reasons to choose to commit theft alone, such as satisfying personal desires, greed, or other motives. It should be pointed out that although it is common for individuals to commit theft cases alone, there are still some theft cases that are committed by multiple people in collusion or together.

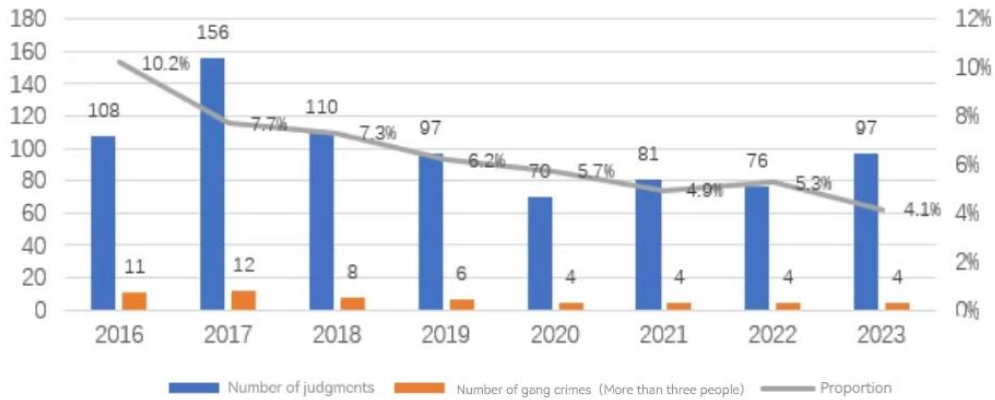


Figure 4. The proportion of gang crimes committed in repeat theft cases

3. ANALYSIS OF THE REASONS FOR THE HIGH RECIDIVISM RATE OF THEFT

3.1. The Relationship Between Recidivism of Theft and The Application of First Instance Procedures

In 1996, China's Criminal Procedure Law established the criminal summary procedure for the first time through legislation. With the deepening development of judicial practice, the law was partially revised in 2018. This revision clarifies the procedural provisions for leniency in criminal cases based on confession and punishment, and adds an expedited procedure. The addition and reform of these two programs not only conform to the trend of criminal procedure system reform in various countries around the world, but also are urgent needs in China's judicial practice, with profound theoretical and practical significance. Theft cases belong to typical greedy crimes, and most theft crimes have relatively low social harm and subjective harm. After the incident, most of the criminal facts are clear and the evidence is sufficient. The procuratorial organs generally recommend the court to apply summary and expedited procedures for trial, and the court usually adopts this suggestion. Figure 5 fully demonstrates the proportion of application of different trial procedures, among which the proportion of summary procedures is as high as 82.39%, the proportion of ordinary procedures is only 5.0%, and the proportion of expedited procedures is 12.61%, indicating the high proportion of application of summary procedures in theft crimes. Meanwhile, since 2019, some cases have been tried using expedited procedures, but the proportion of cases tried using ordinary procedures has not changed significantly.



Figure 5. The number of different trial procedures for repeat theft offenses

3.1.1. Simplified procedures lead to the trial becoming a formality

Although the simplified procedure preserves the integrity of the trial structure and trial process, the phenomenon of the prosecutor appearing in court in a formalized manner is quite serious and passive in court. Based on the statistical analysis of 795 theft case judgments using summary and expedited procedures, it was found that the application rate of both procedures is as high as 95%. Moreover, in cases where summary procedures are applied, the participation rate of defense lawyers, especially defense lawyers, is extremely low, and the appearance rate of defense lawyers is even lower. At the same time, due to the many restrictions imposed by the Criminal Procedure Law on the verification of evidence between defense lawyers and defendants, most of the accused in theft cases generally have a low level of education, limited legal knowledge, and poor ability to defend themselves. They cannot fully understand the evidence, and it is difficult to provide effective defense opinions on the materials or related handling of the prosecution in a short trial. Especially in the process of presenting evidence, if a generalized and simplified approach is adopted, the defendant will not be able to effectively cross examine and thus cannot achieve the trial value of verifying facts through cross examination.

From the perspective of judges, excessive reliance on the investigation files of theft cases often leads to subjective judgments of guilt in court, which may obscure the judge's discovery of suspicious points in the case. The scoring-based adjudication method follows a hierarchical logic of conviction from investigation to prosecution and then to trial in the litigation process. However, as the core medium of the case file, there is a lack of necessary questioning voices, which makes the litigation procedure with filtering function unable to effectively screen erroneous cases. More importantly, once the judge has inner conviction, the evidence and defense opinions outside the case file are difficult to truly touch the judge's heart, and the arguments in court are often ignored. Even after the internal procedures have been approved, the verdict in court becomes like "deciding first, then reviewing". This series of simplified and mechanized trial processes has rendered the court devoid of its significance in educating criminals, and has had little effect on the judicial education of defendants. The trial is completely formalistic.

3.1.2. The expedited procedure leads to the formalization of "confession and punishment"

As a prerequisite for the application of expedited proceedings, "pleading guilty and accepting punishment" plays a decisive role in the initiation of the procedure. The defendant's attitude of pleading guilty and the degree of acceptance of punishment are directly related to the application of expedited proceedings. In judicial practice, the reason why defendants tend to plead guilty, accept expedited proceedings, and sign relevant documents based on sentencing recommendations from the prosecutor's office is fundamentally to obtain "leniency" in sentencing, intending to give up corresponding litigation rights in exchange for a certain degree of sentencing preferential treatment. This mentality is particularly significant in theft cases.

For some theft crimes that are relatively minor, involve small amounts of money, and have relatively minor criminal circumstances, these criminals generally only need to plead guilty and accept punishment to receive lighter punishment. However, the extremely high recidivism rate of thieves may suggest that the accused thieves have false elements in their previous repentance and confession behavior. The author learned through in-depth conversations with some repeat theft offenders that they choose to falsely confess and accept punishment for the following reasons: on the one hand, these criminals have accumulated certain experience in confronting judicial authorities after experiencing their first conviction and sentence process. They found that as long as it does not involve serious theft crimes and shows a good attitude in the judicial process, they can often receive lighter sentences; On the other hand, their original intention in understanding the system of confession and punishment is to make the accused deeply realize that theft is an illegal act explicitly prohibited by law. Their voluntary "confession and punishment" is not only a change in attitude, but also a deep-

seated misunderstanding of giving them a chance to correct their mistakes and start anew. This is not just a procedural confirmation.

The above reasons collectively indicate that in the investigation and trial process of theft cases, the "authenticity" review mechanism involving "confession and punishment" cases often becomes a formality in practical operation, and fails to fully play its due role as a gatekeeper. This not only makes it difficult to effectively guarantee the voluntary confession and punishment of the defendant in theft crimes, but may also lead to the defendant being punished more severely in fact. This situation not only hinders the effective governance of repeat theft crimes, but also increases the possibility of repeat offenses.

3.2. The Relationship Between the Application of Criminal Penalties and Recidivism of Theft

By comparing the original sentencing types, the results show that fixed-term imprisonment for theft dominates, accounting for 78.06%. Among fixed-term imprisonment, sentences of less than one year account for 54.22%, sentences of 1-3 years account for 16.37%, and sentences of 3-5 years account for 6.47%. In contrast, the total proportion of single penalty fines and detention is only 22.94%. It is worth noting that individuals who commit their first crime and are sentenced to less than 3 years in prison have a staggering recidivism rate of 93.53%, indicating that short-term imprisonment has not effectively deterred and prevented the vast majority of thieves. This reveals significant issues with short-term imprisonment.

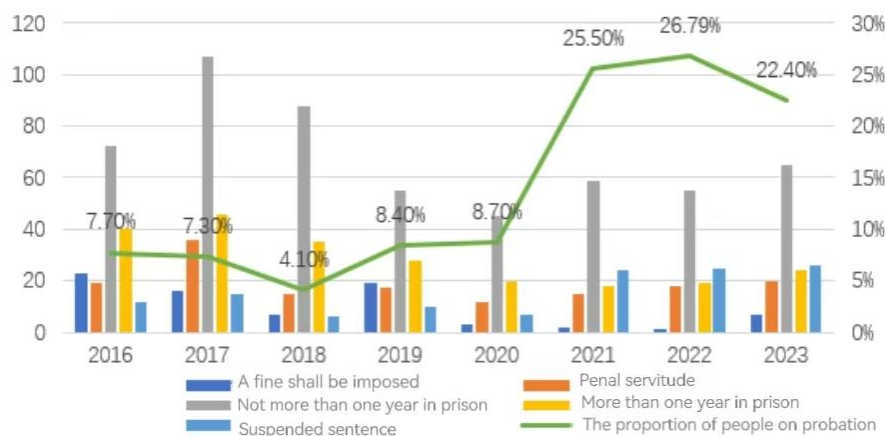


Figure 6. The number and proportion of repeat theft offenses in different types of penalties

3.2.1. Short term imprisonment cannot effectively reduce recidivism rate

In theft related minor offenses, it is a common practice to use short-term imprisonment as the main punishment configuration. Short term freedom sentence usually refers to a form of punishment with a shorter sentence, mainly including detention, surveillance, and imprisonment for less than one year. Compared to long-term free sentences, short-term free sentences have relatively insufficient strength in punishing criminals, and their effectiveness in rehabilitating criminals is not significant enough. This leads to a higher likelihood of criminals committing crimes again after serving a short-term free sentence in addition, short-term imprisonment will also take up more detention measures, increase social costs, and impose a heavy burden on the daily expenses of the detention center. From the data collected by the author, it can be found that 230 out of 1007 criminals were sentenced to more than one year in prison, accounting for 22.84%; 546 people were sentenced to imprisonment for less than one year, accounting for 54.22%; Only 153 people were sentenced to detention, accounting for 15.19%. Meanwhile, as shown in Figure 6, the proportion of theft cases sentenced to imprisonment for less than one year per year is much higher than other punishments, indicating that imposing short-

term freedom sentences on those who commit multiple theft crimes cannot effectively prevent the problem of repeat theft.

3.2.2. The execution effect of fine punishment is not ideal

In the current judicial practice in China, the fine penalty is mainly applied to crimes related to greed or property, and also extends to some crimes that disrupt social management order. By imposing fines and penalties, the intention is to cause economic losses to criminals, thereby playing a positive role in preventing and combating crime. In judicial practice, the application rate of fine punishment in theft cases is extremely high, almost 100%. According to the data statistics in this article, among 1007 criminals, 78 were sentenced to a single fine, accounting for 7.75%. Among them, 36.95% have already paid, accounting for only 7.65%. Although the frequency of the application of fine penalties has significantly increased, the actual execution rate of fines is relatively low. According to relevant statistical data, the actual execution rate of fine cases is often less than 1%, while the rate of suspension of execution is as high as 90% or more. This has led to a very obvious phenomenon of "empty judgment", that is, although the judgment is made, the fine is often difficult to truly execute, resulting in the failure of the fine penalty to play its due role significantly, and also seriously damaging the authority of the law, affecting the credibility of the law and the fairness of the judiciary.

3.3. The Relationship Between Probation Application and Recidivism of Theft

In judicial practice, the application rate of probation for theft is not high. As shown in Figure 7, out of the 1007 convicted criminals in 795 cases from 2016 to 2023, only 125 were sentenced to probation, with a probation application rate of only 12.41%.

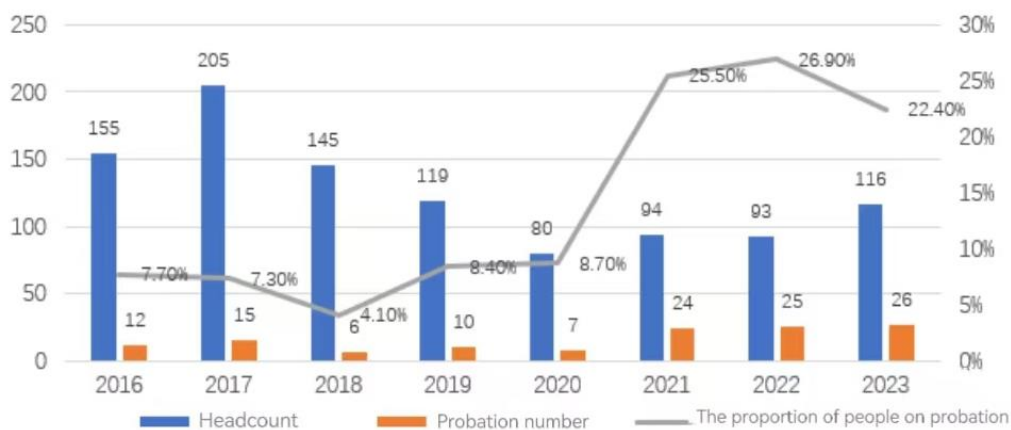


Figure 7. The number and proportion of individuals who have received a deferred sentence for repeated theft offenses

3.3.1. Analysis of the Application of Probation in the Crime of Theft

The trend of the line representing the probation application rate in the graph shows that the probation application rate is generally increasing year by year, but the probation application rate for theft crimes is still extremely low every year. On the one hand, the factors that affect the application of probation include "internal habits" and certain "customary" trial rules. In addition to clear legal provisions, these informal trial practices also pose obstacles to the application of probation. For example, when determining whether probation is applicable in theft cases, factors such as whether the defendant's compensation to the victim is sufficient and whether the return of the stolen goods is active are usually considered, which essentially become the hidden threshold for the application of probation. In judicial practice, judges often find themselves in a dilemma when facing defendants who have failed to compensate victims for their losses. If probation is chosen, it may cause strong dissatisfaction among the victims, who may question the fairness of the judiciary and even believe that the judge has acted in a way that distorts the law. Given this social and psychological pressure, judges often avoid

sentencing such defendants to probation. It is worth noting that many defendants in theft crimes have embarked on the path of crime precisely because of economic difficulties. This dilemma is intertwined with the handling methods in judicial practice, forming a vicious cycle that is difficult to break. On the other hand, the defendant's family members often take the initiative to fulfill their compensation obligations on behalf of the defendant, which does not fully prove the consistency between the defendant and their family members in terms of subjective malice and repentance. In addition, the overall rate of release on bail pending trial in China is relatively low, especially in the field of theft, where it is particularly evident. Even for cases with small amounts involved but meeting the criteria for constituting a crime, the difficulty of release on bail pending trial is also high, making the application of probation difficult. On the contrary, in some theft cases involving large amounts of money and potentially facing longer sentences, the consideration of probation is particularly important.

3.2.2. The relationship between low probation rate and recidivism of theft

As a criminal justice measure, probation is rooted in the purpose of special prevention and essentially belongs to the discretionary category of preventive punishment. However, in the current judicial situation where the recidivism rate of theft is extremely high, judges have special considerations when sentencing defendants in theft cases to probation. As analyzed earlier, the limitations of trial rules, the inconsistency between the criminal subject and the repentant subject, and the offsetting relationship between conviction and sentencing and pre-trial detention time make judges believe that probation is unnecessary. Various factors can lead to a very low application rate of probation in theft crimes, and a low application rate of probation is not conducive to the reform of theft criminals and the re socialization of criminals. The investigation also found that the vast majority of mild theft cases are caused by momentary greed and impulse. Once convicted, some defendants may experience personality distortion due to being detained or imprisoned, creating the primary condition for repeat theft. In addition, for minor theft cases, especially when the social harmfulness of the suspect has been obviously eliminated, the judicial organ should prudently deal with them. Theoretically, through withdrawing the case, obtaining a guarantor pending trial or not bringing a lawsuit, relatively loose legal sanctions can be implemented. However, in reality, judicial authorities still excessively adopt the formal procedures of arrest, prosecution, and sentencing. This kind of treatment may not only cause suspect to be disappointed with the society, or even stimulate their revenge mentality, but also the detention environment may bring negative effects, as the communication between the case people may enhance their criminal skills, laying hidden dangers for future reoffending or gang crimes.

4. THE GOVERNANCE PATH FOR RECIDIVISM OF THEFT

4.1. Optimize Simple and Fast Cutting Programs

4.1.1. Optimization of simplified procedures for theft cases

After in-depth research on the phenomenon of excessive application of summary procedures in theft related criminal cases, it is not difficult to find that the non-standard trial process not only damages the principles of judicial fairness and impartiality, but also seriously affects the legal authority and the public's trust in the judicial system. In order to correct this deviation and ensure the legitimacy and effectiveness of the judicial process, this article will propose corrective measures from the following aspects to standardize the trial process.

Firstly, improve laws and regulations and clarify the scope of application of simplified procedures. The primary task in addressing the issue of excessive application of simplified procedures in theft related criminal cases is to improve relevant laws and regulations and clearly define the scope of application of simplified procedures. The legislative body should comprehensively consider various factors such as the nature of the case, social impact, and protection of the rights of the defendant, and formulate stricter application standards. At the same time, the procedural requirements that judges

must follow when applying summary procedures should be clearly defined to prevent abuse of summary procedures.

Secondly, strengthen the training of judges and improve their judicial abilities. The non-standard trial process during the trial is often related to the judge's trial ability. Therefore, strengthening the professional training of judges, improving their legal literacy and trial ability, is the key to standardizing the trial process. Courts at all levels should regularly organize training courses for judges to update their legal knowledge and improve their judicial skills, ensuring that judges can proficiently grasp legal provisions and correctly apply legal thinking to handle cases.

Thirdly, strengthen the supervision of court hearings to ensure procedural fairness. Trial supervision is an important means to ensure the standardization of the trial process. A sound mechanism for supervising court hearings should be established, through regular inspections and random checks by higher courts on the trial activities of lower courts, as well as public and media supervision of the trial process, to ensure that the trial process complies with legal provisions. At the same time, it is necessary to strengthen the assessment and evaluation of judges' trial behavior, and hold accountable and punish judges who violate procedural regulations.

Fourth, improve the mechanism for safeguarding the rights of defendants. In the process of standardizing the trial process, it is necessary to fully protect the legitimate rights and interests of the defendant. We should establish and improve systems for informing defendants of their rights, safeguarding their defense rights, and displaying evidence to ensure that defendants receive sufficient and effective defense during the trial process. At the same time, efforts should be made to strengthen the protection of the legitimate rights and interests of defendants, in order to prevent their rights and interests from being damaged due to non-standard trial procedures.

4.1.2. Optimization of expedited procedures for theft cases

The above analysis reveals the problems of "deception" and "blindness" in the "confession and punishment" behavior of theft defendants in practice, leading to a high number of repeat theft offenses. Therefore, when using expedited proceedings, it is particularly crucial to ensure the sincerity of the defendant's "confession and punishment". Only by confirming that the accused sincerely confesses and accepts punishment can we apply the leniency system for confession and punishment, and effectively address the problem of high recidivism in theft.

Firstly, improve the trial procedures for "confession and punishment" cases, and make sentencing recommendations a key focus of the trial. This is in line with the requirements of the "trial centered" criminal procedure reform, ensuring that the cross examination of all litigation evidence, the investigation of case facts, the expression of defense opinions, and the formation of judgment reasons should all be conducted in court. In this process, the procuratorial organs have the responsibility to elaborate on the main considerations for conviction and sentencing to the court, reveal the formation process of sentencing recommendations, so that the court can fully understand their rationality. In order to ensure that the judgment of "confession and punishment" cases can implement the principle of proportionality between crime and punishment, and achieve the fairness of sentencing, the court must closely combine the specific facts, circumstances, evidence status, and legal provisions of the case for trial. In particular, the court should pay attention to whether the defendant's return of stolen goods and compensation, payment of fines, and forgiveness of compensation, as well as other criminal circumstances, have been clearly confirmed in theft cases. On the premise of recognizing the nature of the crime, the court should conduct a thorough substantive review of the legality and appropriateness of sentencing recommendations. In addition, judges should fully listen to the opinions and reasons of both the prosecution and defense regarding sentencing recommendations during the trial process, and provide corresponding responses in the final judgment document. This trial method not only ensures that the legitimate rights and interests of the defendant are fully protected, but also promotes judicial fairness and transparency, laying a solid foundation for building a more just and efficient criminal justice system.

Secondly, improve court education and reasoning mechanisms to encourage defendants to respect the law from the bottom of their hearts. In the trial stage, given that the defendant has clearly expressed their willingness to plead guilty and accept punishment, and the judge has formed a clear understanding of the facts of the case and confirmed the evidence before the trial, the prosecutor does not need to argue with the court about the establishment of the criminal facts, nor does he need to elaborate on his views and basis for determining the nature of the case. On the contrary, it should focus on briefly describing the signing process of the plea agreement to the court, with the aim of allowing the court to have a clearer understanding of the voluntary and sincere nature of the defendant's plea agreement. When making this statement, the prosecutor needs to outline which of the prosecution and defense proposed the initiation of the leniency procedure for "pleading guilty", and clearly inform the accused of their litigation rights and the legal consequences that "pleading guilty" may bring. At the same time, the prosecutor also needs to explain whether they have fully listened to the opinions of the accused and their defense or duty lawyer, as well as what specific consultations have been held with the accused and their defense or duty lawyer regarding sentencing recommendations, in order to ensure that the court has a more comprehensive understanding of the defendant's voluntary confession and punishment, and thus enhance the reasoning and education of the judgment.

4.2. Establishing a System of "Exchange of Punishment" to Replace Short-Term Imprisonment for Theft

4.2.1. Replace short-term free punishment with "semi free punishment"

Renowned Italian criminal law scholar A de Foresta proposed that short-term imprisonment, due to its short execution period, not only fails to effectively correct criminal behavior, but also provides opportunities for criminals to learn and accumulate criminal skills in a prison environment. According to the previous analysis, the widespread application of short-term imprisonment in theft cases is not conducive to the punishment and prevention of theft. Therefore, short-term imprisonment should be regarded as the last resort of punishment from a conceptual perspective. Then, in terms of execution methods, one can choose to apply the "semi freedom sentence", which specifically includes the following forms: implementing weekend imprisonment, allowing criminals to participate in social labor on workdays, and only entering the prison on weekends to receive legal education and reform; Implement semi imprisonment measures, which allow criminals to continue working during the day and report to the prison at night to balance their work and life; Amateur imprisonment allows criminals to maintain a normal pace of work and life, but requires them to return to prison on weekends and evenings for necessary prison activities; For theft offenders who have difficulty moving due to drug use, they can serve their sentence outside of prison, allowing them to undergo protective observation and other corrective measures in the community. The sentence will be considered completed upon completion of the correction period. Through these flexible and diverse execution methods, the purpose of punishment can be better achieved and the social adaptation of criminals can be promoted.

4.2.2. Replacing fine punishment with labor participation

The execution of fines has always been a difficult problem in judicial practice for theft, a "poverty type" crime. Due to the fact that criminals often find themselves in difficult economic situations and cannot afford the fines imposed by the court, the phenomenon of "empty fines" frequently occurs. To address this issue, the author proposes establishing a system where the actual labor of criminals is used to offset the fines they should pay. The core of this system is to combine the execution of fines with the labor of criminals, and to compensate for fines through the actual labor of criminals. This can not only solve the problem of difficult execution of fines, but also achieve effective reform and education of criminals. Specifically, this system can be designed and implemented from the following aspects: firstly, determining the offset standards. It is necessary to determine the standard for the

actual labor of criminals to offset fines. This standard should be comprehensively considered based on factors such as the criminal's criminal circumstances, the number of fines, and their actual labor ability. At the same time, this standard should have a certain degree of flexibility and operability to adapt to the differences in the labor abilities of criminals in different situations. Secondly, establish a labor platform. We need to establish a platform suitable for criminals to engage in labor. This platform can be provided by the government or relevant organizations, or established through channels such as social enterprises and public welfare organizations. On this platform, criminals can engage in various forms of labor, such as community service, environmental protection work, craft production, etc., in order to offset fines. Thirdly, strengthen supervision and evaluation. In order to ensure the smooth implementation and effective execution of this system, it is necessary to strengthen the supervision and evaluation of the labor process of criminals. This includes supervision and assessment of criminals' labor time, labor quality, labor attitude, etc., to ensure that their labor achievements can truly offset the fines they should pay. At the same time, it is necessary to regularly evaluate the rehabilitation status of criminals in order to adjust the labor discount plan in a timely manner and better achieve the rehabilitation goals. Fourthly, strengthen legal publicity and education. It is necessary to strengthen the publicity and education of the fine execution system. This includes legal publicity and education for criminals, making them aware of the importance and necessity of fines, as well as raising awareness and support for the fine execution system among the general public.

By designing and implementing the above aspects, a system can be established where the actual labor of criminals is used to offset the fines they should pay. This can not only solve the problem of difficult execution of fines, but also achieve effective reform and education of criminals. At the same time, this system can better play the preventive and warning role of fines, enhance the authority and deterrent power of the law. Of course, the implementation of this system still requires continuous exploration and improvement to adapt to the constantly changing social environment and judicial needs.

4.3. Improve the Application of Probation in Theft Crimes

4.3.1. Relaxing the conditions for probation for theft offenders

In the current social context, we should adopt an attitude that reflects both legal authority and humanistic care towards the punishment and correction of theft crimes. Therefore, moderately relaxing the conditions for probation for theft offenders is not only beneficial for the rehabilitation and social return of offenders, but also in line with the international trend of individualized and lenient punishment.

Firstly, clarify the purpose of probation application. As a form of punishment execution, probation aims to encourage offenders to reflect on themselves and reintegrate into society. When determining whether to apply probation, the court should fully consider the factors such as the suspect's personal background, criminal motivation, degree of social harm, and whether he or she has repentance. For thieves, if their criminal circumstances are relatively minor, their subjective malice is not significant, and they can sincerely repent and actively compensate the victims for their losses, then applying probation to them will be more conducive to their rehabilitation, reduce social confrontation, and also save judicial resources. Secondly, consider multiple factors comprehensively. This includes the criminal motive, methods, amount, return of stolen goods, and repentance of the thief. At the same time, factors such as the offender's family situation and social support should also be considered. Based on a comprehensive evaluation of these factors, applying probation to theft offenders who meet certain conditions can reflect both the fairness of the law and the humanistic care of the law. Thirdly, strengthen the construction of relevant supporting measures. We need to recognize the risks and challenges that may arise from relaxing the conditions for probation for theft offenders. This includes the possibility of increasing social insecurity and damaging the authority of the law. Therefore, while relaxing the conditions for the application of probation, it is necessary to strengthen the supervision

and education of probationary offenders to ensure the deterrent effect and corrective effect of the punishment. This includes improving the probation supervision system, strengthening community correction work, and enhancing the quality of education and reform for probationary offenders. Through the implementation of these measures, it can ensure that probationary offenders receive effective supervision and rehabilitation during their probation period, reduce recidivism rates, and maintain social stability. In short, relaxing the conditions for probation for theft offenders is a complex and important issue. We need to adhere to the dignity of the law, fully consider the actual situation and social needs of offenders, gradually improve the probation system and related supporting measures, and ensure the fairness, effectiveness, and humanistic care of the punishment. At the same time, we also need to remain vigilant, prevent potential risks and challenges, and ensure social harmony and stability.

4.3.2. Strengthening the execution of probation for theft offenders

Establishing a sound probation institution for theft offenders is of great significance in ensuring the effective execution of penalties, promoting the rehabilitation of criminals, and maintaining social order. To achieve this goal, we can improve from the following aspects:

Firstly, establish a probation department for thieves. In the existing judicial system, a specialized department for the execution of probation for theft offenders should be established to supervise and manage the execution of probation for theft offenders. This department should be subordinate to the judicial administrative organs and composed of judicial personnel with professional knowledge and rich experience. They will be responsible for supervising and guiding the entire process of probation for thieves, ensuring the effective execution of penalties and the rehabilitation of criminals. At the same time, the department should establish and improve its internal management mechanism, standardize the execution process, and ensure the smooth progress of the execution work.

Secondly, strengthen the enforcement efforts. We should strengthen the supervision of probationary offenders, establish a sound supervision system, and ensure that they comply with laws and regulations during their probation period and no longer commit crimes. At the same time, efforts should be made to strengthen the education and reform of probationary offenders, through education, psychological counseling, and other means, to help them realize their mistakes, establish correct values, and reintegrate into society.

Thirdly, promote the construction of informatization and the application of technology. In order to improve the efficiency and quality of probation execution work, an information sharing platform should be established between public security, courts, procuratorates, judicial administration and other departments. Through information sharing, each department can timely understand the situation of probationary offenders and jointly formulate and execute probation plans. At the same time, advanced technologies such as big data and artificial intelligence can be used to analyze and predict the behavior and psychology of probationary offenders, providing scientific basis for developing personalized supervision and education plans. In addition, modern technological means such as electronic monitoring and positioning technology can be used to conduct real-time supervision and tracking management of probationary offenders, ensuring the effective execution of penalties.

Fourth, strengthen social supervision. Social supervision is an important means of ensuring fairness and transparency in the work of probation agencies for theft offenders. Therefore, it is necessary to strengthen social supervision and establish a sound social supervision mechanism. Specifically, the supervision of the probation agencies for theft offenders can be strengthened by publicly disclosing their work, accepting inquiries and suggestions from all sectors of society, and encouraging public participation in probation execution. At the same time, an independent third-party evaluation agency should be established to evaluate and supervise the work of probation agencies for theft offenders, ensuring that their work complies with laws and regulations and the interests of the public.

In summary, it is necessary to start from multiple aspects to improve the probation execution institutions for theft offenders. Through the implementation of these measures, the standardization, specialization, and scientific level of probation execution can be further improved, in order to ensure the effective execution of theft offender probation and make positive contributions to maintaining social harmony and stability and promoting the transformation of criminals.

5. CONCLUSION

The above empirical analysis of 795 theft judgments in C city focuses on the issue of repeat theft, and explores in depth the current situation, causes, and governance paths of repeat theft from three levels. By deconstructing the characteristics of criminals, we examined the operation of the current judicial system and traced the social and psychological roots of repeat theft offenses. Research has found that the recidivism rate of theft is relatively high, and the repeat offenders are mostly habitual offenders. The criminal methods are showing a trend of diversification and intelligence, and the difficulty of governance has increased. The research results indicate that the criminal law system should play a greater role in preventing and correcting recidivism, by not only enforcing the law strictly but also emphasizing education and guidance. In addition, raising public awareness of the recurrence of theft, enhancing social justice, and improving the fairness and impartiality of the social environment are also effective measures to prevent the recurrence of theft. Overall, this study aims to provide useful references for reducing the recurrence of theft and maintaining social stability. However, due to limitations such as sample size and research methods, the research conclusions may have certain limitations. Future research can further expand the sample size and adopt multiple research methods to more comprehensively reveal the essence of the problem of repeated theft and the effectiveness of governance strategies.

REFERENCES

- [1] Zhu Yudi. Reflection and Prevention of Repeat Theft Behavior. *Journal of Hubei University of Science and Technology*, 2020, Vol. 40 (No. 01), p.39-43.
- [2] Liu Guangsan, Yang Hourui. The Current Status and Challenges of Research on the Causes of Crime in China. *Legal Forum*, Vol. 2007 (No. 02), p.34-41.
- [3] Zheng Hai, Li Guohua. Crime and punishment patterns and coupling relationships of recidivism from a meso perspective. *Legal Science (Journal of Northwest University of Political Science and Law)*, Vol. 2017, 35 (No. 04), p.83-96.
- [4] Li Guohua. *Empirical Study on the Governance of Re offending*. Chongqing: Southwest University of Political Science and Law, 2017.
- [5] Li Hongdou. *Research Report on the Implementation of the "Regulations on the Investigation of Criminal Cases in the First Instance Ordinary Procedure Court of the People's Court (Trial)"*. Chongqing: Southwest University of Political Science and Law, 2019.
- [6] Ma Longxian. *On the Summary Procedure of Criminal Procedure*. Chongqing: Chongqing University, 2014.
- [7] Zhou Changjun. Trial centered: An Unfinished Reform. *Law*, 2024, (No.02), p.34-148.
- [8] Wang Haiyan. From the perspective of the leniency system of confession and punishment, the "trial centered" approach. *Chinese Journal of Law*, 2023 (No.06), p.62-80.
- [9] Zhang Ruofeng. *Criminal Trial Epistemology*. Beijing: People's Public Security University of China, 2023.
- [10] Liang Yingxiu, Wang Lei. Towards adversarial criminal case files: an analysis based on promoting substantive trial proceedings. *Journal of Beijing Normal University (Social Sciences Edition)*, 2023 (No.02), p.100-111.
- [11] Li Jinzhe, Li Minghua. Exploration of the Legal Application of the Leniency System for Admitting Guilty and Punishing. *Journal of Shanxi Datong University (Social Sciences Edition)*, 2024, Vol. 38 (No.01), p.21-24.
- [12] Song Yixin. Exploration and Practice of the Sentencing Principle of "The Earlier the Confession, the More leniency" - Summary of the "321" Ladder style leniency sentencing reform in Xiamen Jimei Court. *Sentencing Research*, 2019, (No.01), p.169-183.
- [13] Li Fenfei. On "Confirmatory Trial" - Taking the Introduction of the leniency system for confession and punishment as an Opportunity. *Journal of the National Prosecutor's College*, 2020, Vol. 28 (No.03), p. 39-54

- [14] Fan Chongyi. Criminal expedited procedure: transition from "experience" to "rationality". *Application of Law*, 2016, (No.04), p.10-17.
- [15] Qiu Xiaomin. *On Short term Freedom Punishments*. Beijing: China University of Political Science and Law, 2004.
- [16] Xie Wenli. Suggest adding a fine to the crime of extortion. *People's Court Report*, September 5, 2007 (007).
- [17] Zhang Yong. *On the Difficulty in Executing Fines and Its Resolution*. Sichuan: Southwest University of Finance and Economics, 2011.
- [18] Mao Yuhuan. *The Value and Implementation of Restorative Criminal Responsibility*. Shanghai: East China University of Political Science and Law, 2015.
- [19] Li Libong, Zhai Yanping. Analysis of Judicial Disposition of Mild Criminal Cases. *People's Procuratorate*, 2007, (No.22), p.53-55.
- [20] Zhao Peixian. Issues and Improvement of Trial Cross examination Rules. *Chinese Prosecutor*, 2018, (No.09), p.52-54.
- [21] Chen Wencong. On the Asymmetric Problem of China's Sentencing Consultation Mechanism. *Legal Forum*, 2021, Vol. 36 (No.06), p.148-157.
- [22] Li Fenfei. On "Confirmatory Trial" - Taking the Introduction of the leniency system for confession and punishment as an Opportunity. *Journal of the National Prosecutor's College*, 2020, Vol. 28 (No.03), p.39-54.
- [23] Fan Chongyi, He Dongqing. Rapid Trial Procedure under the Transformation of Criminal Procedure Model. *Journal of the National Prosecutor's College*, 2020, Vol. 28 (No.03), p.3-15.
- [24] Huang Rong *the Implementation and Improvement of the Probationary Investigation System*. Guizhou: Guizhou University, 2017.
- [25] Da Xuanli. *Research on the Community Correction System for Probation Application in China*. Gansu: Gansu University of Political Science and Law, 2019.