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SUMMARY OF  
THE WHITE PAPER ON CRIME

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PREFACE

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One of the important functions assigned to the Research and Training Institute of the Ministry of Justice is to make periodic analyses of the trends in criminality, and to review existing preventive and treatment measures. The results of such efforts have been compiled and reported to the Cabinet in the form of a White Paper on Crime and subsequently released to the public every year. This has been a practice since 1960.

Since 1963 the Institute has annually published a Summary of the Paper in English so that criminologists in other parts of the world have an opportunity to make comparative analyses of criminal and correctional trends. This is the fourteenth issue of such a Summary.

The White Paper on Crime, 1976, with the subtitle "Changes in Criminality — Their Social and Historical Perspectives," is a detailed document of 419 pages. The Summary in English contains 53 pages. However, clarity has not been sacrificed for conciseness. The White Paper is as usually presented in three parts, *Trends in Criminality, Treatment of Offenders, and Special Crimes and Criminals*. The Summary preserves the identical form, and presents the salient facts and the essential statistical tables under each Part.

As indicated by the subtitle, special emphasis was placed on an attempt to analyze the various trends in violence and property crimes since prewar period from social and historical perspectives. At a same time, those committed by organized group members and Anti-Prostitution Law offenses as well as treatment of offenders with advanced criminality are specially reviewed in this issue. I hope such examination and analyses would be of interest for every one working in the field of social defence.

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# CONTENTS

## PART ONE : TRENDS IN CRIMINALITY

I. Crime Trends and Statistical Review of Crime in 1975 .....	1
A. Penal Code Offenses .....	1
1. General Trends .....	1
2. Non-Traffic Penal Code Offenses .....	1
3. Statistical Review of Penal Code Offenses in 1975 .....	2
B. Special Law Offenses .....	6
1. Traffic Violations .....	6
2. Other Special Law Offenses .....	6
C. Female Offenders .....	6
D. Mentally Disturbed Offenders .....	7
E. Crimes Committed by Government Officials .....	8
F. Offenses Concerning Pollution .....	8
G. Violent Crimes Committed by Youthful Extremists .....	8
H. Narcotic and Other Drug Offenses .....	10
II. Trends in Violent Crimes .....	12
A. General Trends .....	12
B. International Comparison .....	13
C. Victims of Violent Crimes .....	14
III. Trends in Property Crimes .....	15
IV. Trends in Sex Offenses and Others .....	16

## PART TWO : TREATMENT OF OFFENDERS

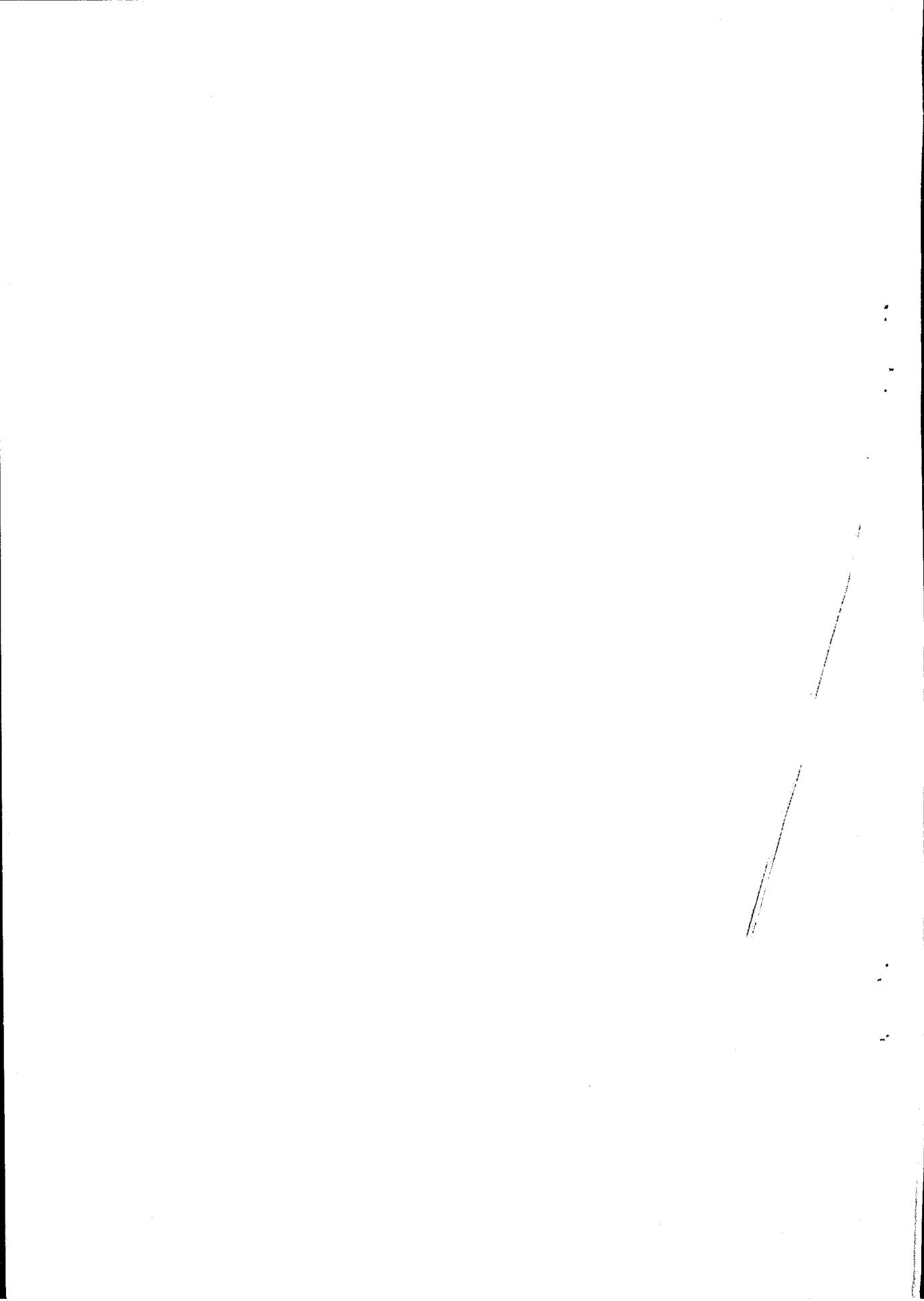
I. Prosecution and Trial .....	18
A. Prosecution .....	18
1. Reception of Cases .....	18
2. Disposition of Cases .....	19
B. Trial .....	20
1. Outline of Final and Conclusive Judgments .....	20
2. Penalties Imposed .....	20
C. Speedy Trial .....	21

II. Correctional Institutions .....	22
A. Average Daily Population .....	22
B. Admissions and Releases .....	22
C. Treatment of Convicted Prisoners .....	24
1. Classification .....	24
2. Education .....	26
3. Prison Industry and Vocational Training .....	26
4. Security in Prison .....	27
D. Suspects and Defendants .....	28
III. Probation, Parole and Aftercare .....	28
A. Development of Non-Institutional Treatment in the Last Quarter Century ..	28
B. Parole .....	28
C. Trends in the Use of Probation and Parole .....	30
D. The Results of Probation and Parole .....	31
E. Aftercare .....	31
F. Participation of Volunteers .....	32
G. Pardons .....	33
IV. Treatment of Offenders with Advanced Criminality .....	33
A. General Trends .....	33
B. Treatment in Prisons .....	34
C. Probation and Parole .....	34
D. Aftercare .....	34

### PART THREE : SPECIAL CRIMES AND CRIMINALS

I. Juvenile Delinquency .....	35
A. Trends in Juvenile Delinquency .....	35
1. Penal Code Offenders .....	35
2. Special Law Offenders .....	37
3. Law-Breaking Children and Pre-Offense Juveniles .....	38
B. Special Features and Background of Juvenile Criminality .....	38
1. Juvenile Offenders by Type of Crime .....	38
2. Juvenile Offenders by Age-Group .....	39
3. School and Employment .....	39
4. Others .....	39

C. Disposition and Treatment .....	40
1. Disposition by Public Prosecutor .....	40
2. Adjudication by Family Court .....	40
3. Criminal Trial .....	41
4. Juvenile Classification Home .....	42
5. Juvenile Training School .....	42
6. Juvenile Prison .....	43
7. Juvenile Probation and Parole .....	43
<b>II. Road Traffic Offenses .....</b>	<b>43</b>
A. General Trends .....	43
1. Present Situation and Background of Traffic Offenses .....	43
2. Trends in the Road Traffic Law Violations .....	44
3. The Operation of the Traffic Infraction Notification System .....	44
B. Prosecution and Trial of Traffic Offenses .....	45
1. Prosecution of Traffic Offenses .....	45
2. Trial of Traffic Offenders .....	46
C. Juvenile Traffic Offenders .....	46
D. Treatment of Traffic Offenders .....	47
1. Correction .....	47
2. Probation and Parole .....	48
<b>III. Violent Crimes Committed by Organized Violent Group Members ....</b>	<b>48</b>
A. General Trends .....	48
B. Crimes Committed by Organized Violent Group Members .....	49
C. Treatment of Organized Violent Group Members .....	49
1. Correction .....	49
2. Probation and Parole .....	50
<b>IV. Anti-Prostitution Law Offenses .....</b>	<b>50</b>
A. General Trends .....	50
B. Prosecution and Trial .....	50
C. Characteristics of Anti-Prostitution Law Offenders .....	51
D. Women's Guidance Home .....	52



## PART ONE : TRENDS IN CRIMINALITY

### I. Crime Trends and Statistical Review of Crime in 1975

#### A. Penal Code Offenses

##### 1. General Trends

The trends in crime after World War II, as reflected in the statistics giving the number of Penal Code offenses known to the police, showed that the total number of such offenses amounted to 1,387,080 in 1946. The figure rose sharply to over 1,603,265 in 1948, and then decreased to 1,344,482 in 1953. The figures showed an increase in 1954 and kept steadily rising until 1964 when Penal Code offenses exceeded the 1948 peak and reached 1,609,741. After showing a slight decrease in the following two years, they started to show an annual increase till they reached another peak in 1970, when they were 1,932,401, the highest figure since the end of the war. Since 1971 they decreased continuously and in 1974 the figure dropped to 1,671,947. However, they again increased to 1,673,727 in 1975, representing an increase of 1,780 from the figure of the previous year.

The rate of clearance in respect of Penal Code offenses was 69% of the total cases known to the police in 1975. The annual figures of such rate in the last ten years have been between 66 and 71. Thus, the number of offenses cleared by the police more or less paralleled that of offenses known to them and it was 1,152,453 in 1975. This represented a decrease of 5,028 over the previous year and the number of offenders investigated (not necessarily arrested) by the police decreased to 830,128 in 1975, 22,219 less than that of the previous year.

##### 2. Non-Traffic Penal Code Offenses

The above-mentioned increase in Penal Code offenses was due mostly to the disproportionate increase of automobile accidents, constituting a Penal Code offense of "professional or gross negligence causing death or bodily injury" (Article 211).<sup>23</sup> Since very heavy majority of the offenses subsumed under this category are traffic in nature, various categories of offenses other than those under Article 211 will, for the purpose of convenient presentation, be referred to hereinafter as "non-traffic Penal Code offenses."

The number of non-traffic Penal Code offenses known to the police reached the peak in 1948 when it numbered 1,599,968, which decreased sharply to 1,317,141 in

<sup>23</sup>The Penal Code provides for three types of Negligent Offenses: Simple Negligence causing Death or Bodily Injury; Gross Negligence causing Death or Bodily Injury and Professional Negligence causing Death or Bodily Injury. The "Professional" negligence causing death or bodily injury was originally adopted to cover negligent death or bodily injury in one's business or profession such as a medical doctor or a professional car driver. Courts have enlarged the interpretation of "professional" to include negligent motorists whose occupations are other than that of car driver.

1953. The figures fluctuated somewhat in the following years. Since 1971 the number kept on decreasing steadily and in 1973 it was 1,187,936, the lowest figure in the post-war years. However, it slightly increased to 1,208,649 in 1974 and to 1,232,353 in 1975 representing the increase of 23,704 from that of the previous year.

The clearance rate of non-traffic Penal Code offenses was 58% of the total cases known to the police in 1975. The annual figures of such rate for the last ten years have been between 54 and 58.

The numbers of non-traffic Penal Code offenders investigated by the police have shown general downward trend since 1950, when they were 578,152. In 1975 such offenders amounted to 361,626 which was 1,261 more than in the previous year. The rates of non-traffic Penal Code offenses known to the police and of non-traffic Penal Code offenders investigated by the police computed per 100,000 criminally responsible population (fourteen years old and above) for 1975 were 1,428 (cases) and 419 (persons), respectively; the former was the third lowest figure in the post-war years, and the latter the second lowest. These rates together with the rates for prosecuted and convicted persons in selected years are shown in Table 1.

Figure 1 demonstrates the trends in Penal Code offenses and offenders together with that of non-traffic Penal Code offenses and offenders.

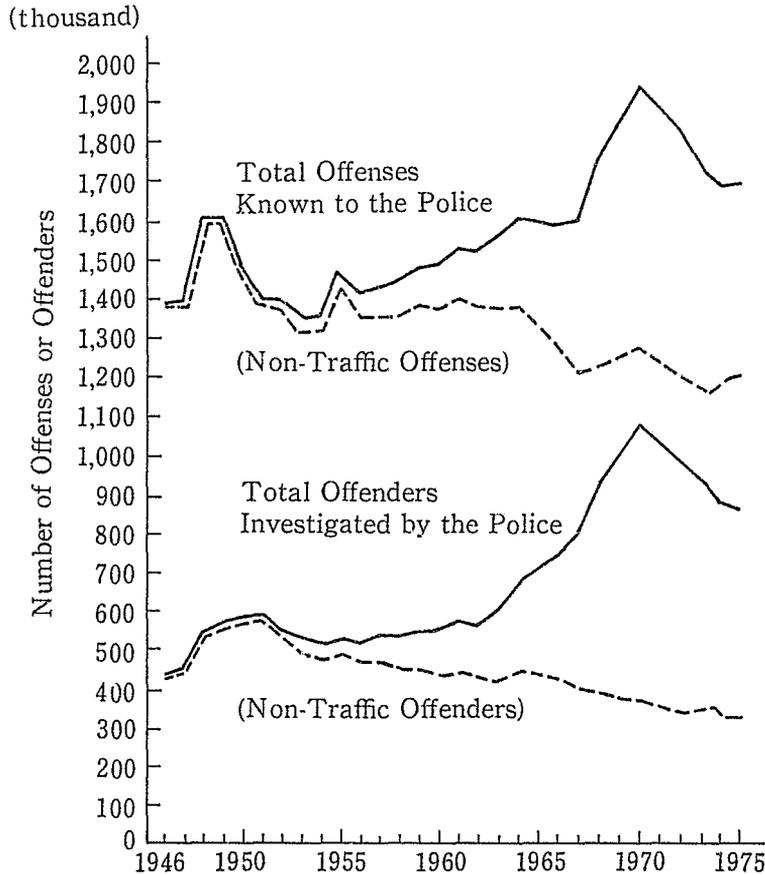
### 3. Statistical Review of Penal Code Offenses in 1975

Of the total Penal Code offenses known to the police in 1975, theft was the largest standing for 62.0%, which was followed by professional or gross negligence causing death or bodily injury with 26.4%, fraud with 3.2%, bodily injury including those resulting in death (manslaughter) with 2.0%, assault with 1.3% and extortion with 0.9%. Murder (homicide with an intent to kill) accounted for 0.1%.

Table 1. Non-Traffic Penal Code Offenders — Suspected, Prosecuted, and Convicted: selected years (Computed per 100,000 Criminally Responsible Population)

Year	Criminally Responsible Population Unit: 1,000	Rate Computed per 100,000 of the Criminally Responsible Population			
		Offenses Known	Suspects	Persons Prosecuted	Persons Convicted in the Court of First Instance
1948	53,413	2,995	1,003	449	427
1955	61,443	2,337	799	297	254
1966	76,459	1,690	564	245	206
1969	79,740	1,570	470	204	167
1970	80,500	1,587	470	198	159
1971	81,364	1,526	442	182	148
1972	82,947	1,473	417	185	151
1973	83,885	1,416	423	166	137
1974	84,792	1,425	425	153	126
1975	86,323	1,428	419	170	...

Figure 1. Trends in Penal Code Offenses and Offenders



Of the total Penal Code offenders investigated by the police in 1975, those who were charged with professional or gross negligence causing death or bodily injury were far the largest accounting for 56.4%. This was due to the fact the clearance rate of such negligent cases was nearly 100% while that of theft was 51.6% in 1975. The number of professional negligence was followed by the alleged offenders of theft with 23.9%, bodily injury including those resulting in death with 5.2%, assault with 3.4%, and fraud with 2.0%. The alleged murderers stood for 0.3% of the total.

In 1975, the numbers of offenses known to the police increased in such offenses as theft, fraud, embezzlement, robbery including those involving death, bodily injury, or rape, and extortion.

For the purpose of a more detailed analysis of Penal Code offenders investigated by the police, they have been grouped under five headings, namely, Property Offenses, Offenses of Violence, Sex Offenses, Offenses of Negligence and Miscellaneous.

Table 2 shows the trends of such offenders in which the 1971 figures are used as a base index of 100, and deviations annually up to 1975 are indicated.

Table 2. Trends in Penal Code Offenders Investigated by

Offenses	Year	1971		1972	
		Number	Index	Number	Index
<b>I. Property Offenses</b>					
1. Theft		168,847	100	166,932	99
2. Fraud		14,993	100	15,963	106
3. Embezzlement		5,267	100	6,600	125
4. Stolen Property		2,325	100	2,082	90
5. Breach of Trust		219	100	226	103
Total		191,651	100	191,803	100
<b>II. Offenses of Violence</b>					
<b>A. "Non-heinous" Crimes</b>					
6. Assault		35,065	100	32,314	92
7. Bodily Injury (including those resulting in death)		56,215	100	51,715	92
8. Intimidation		2,698	100	2,272	84
9. Extortion		14,656	100	13,197	90
10. Unlawful Assembly with Weapon		1,553	100	910	59
Total		110,187	100	100,408	91
<b>B. "Heinous" Crimes</b>					
11. Murder (including patricide, infanticide and attempt)		2,134	100	2,188	103
12. Robbery		1,039	100	984	95
13. Robbery involving Homicide, Bodily Injury, or Rape		1,517	100	1,414	93
Total		4,690	100	4,586	98
<b>III. Sex Offenses</b>					
14. Rape (including those resulting in injury and death)		5,831	100	5,464	94
15. Indecent Assault		1,981	100	1,915	97
16. Obscene Matters (distributing, selling, etc.)		4,620	100	4,412	95
Total		12,432	100	11,791	95
<b>IV. Offenses of Negligence</b>					
17. Professional Negligence causing Death or Bodily Injury		667,032	100	630,491	95
18. Simple Negligence causing Death or Injury		641	100	542	85
19. Fire caused by Negligence		5,043	100	4,454	88
Total		672,716	100	635,487	94
<b>V. Miscellaneous</b>					
20. Arson		1,841	100	799	43
21. Gambling		12,508	100	15,078	121
22. Kidnapping		278	100	276	99
23. Forgery and Counterfeiting		1,954	100	1,558	80

the Police by Crime Categories, 1971-1975

1973		1974		1975	
Number	Index	Number	Index	Number	Index
174,003	108	190,792	113	198,423	118
15,908	106	15,118	101	16,603	111
8,089	154	7,735	147	8,647	164
2,070	89	2,046	88	1,838	79
203	93	174	79	195	89
<u>200,273</u>	<u>104</u>	<u>215,865</u>	<u>113</u>	<u>225,706</u>	<u>118</u>
32,408	92	31,415	90	27,822	79
53,008	94	46,858	83	42,775	76
2,199	82	1,977	73	1,939	74
11,930	81	11,602	79	12,367	84
1,006	65	1,660	107	1,206	78
<u>100,551</u>	<u>91</u>	<u>93,512</u>	<u>85</u>	<u>86,159</u>	<u>78</u>
2,113	99	1,870	88	2,179	102
910	88	840	81	936	90
1,168	77	1,271	84	1,310	86
<u>4,191</u>	<u>89</u>	<u>3,981</u>	<u>85</u>	<u>4,425</u>	<u>94</u>
4,786	82	4,485	77	4,052	69
1,816	92	1,629	82	1,570	79
3,644	79	3,604	78	3,654	79
<u>10,246</u>	<u>82</u>	<u>9,718</u>	<u>78</u>	<u>9,276</u>	<u>75</u>
576,855	86	491,982	74	468,502	70
546	85	519	81	470	73
4,828	96	4,314	86	3,863	77
<u>582,229</u>	<u>87</u>	<u>496,815</u>	<u>74</u>	<u>472,835</u>	<u>70</u>
702	88	748	41	736	40
15,631	125	16,020	128	14,673	117
224	81	178	64	176	63
1,857	95	1,645	84	1,888	97

## B. Special Law Offenses

### 1. Traffic Violations

Special law offenses here are held to mean all those offenses other than Penal Code offenses. Thus they can be characterized as so-called "statutory crimes." The overwhelming majority of these offenses have long been the violation of the road traffic laws, including all types of traffic violations from drunken driving to parking violations.

The trends in traffic violations, as reflected in the statistics giving the number of violators received in the Public Prosecutors' Offices, showed a sharp increase since 1953, the total number of violators thus received increased from 2,832 in 1946 to 753,543 in 1953, and further to 4,965,062 in 1965. The percentage of traffic violators among the total offenders received in the Public Prosecutors' Offices increased sharply from 0.5% in 1946 to 43.9% in 1953 and to 83.8% in 1965.

The Government met this disproportionate increase of traffic violations with the adoption of a new system of Traffic Infraction Notification Procedure, a planned partial decriminalization of less serious violations. This procedure was brought into effect in July 1968. Thus the figures dropped sharply to 1,470,620 or 54.4% in 1969, and to 1,460,054 or 54.2% in 1970. However, a constant increase was seen in the ensuing years and the number of such violators reached 2,003,278 or 66.2% of the total in 1975. (For detailed analysis of the violations in 1975, refer to the PART THREE.)

### 2. Other Special Law Offenses

A total number of violators of special laws other than traffic violators stood for 57.5% of the total offenders received in the Public Prosecutors' Offices in 1947. Most of them were violators of the Food Control Law and the Price Control Ordinance characterizing a chaotic post-war conditions. The number of violators of special laws has been on a decreasing trend since 1950 and it was 167,811 or 5.5% of the total, in 1975. This number was 28,520 more than the number of the previous year. An increase was observed in respect of the violators of the Public Office Election Law, the Stimulant Drugs Control Law, the Hemp Control Law, the Income Tax Law, and the Firearms and Swords Control Law.

## C. Female Offenders

The number of female non-traffic Penal Code offenders investigated by the police has tended to increase for the past several years. Such number increased from 47,408 in 1972 to 61,432 in 1975 which accounted for 16.9% of the total non-traffic Penal Code offenders. The rate of such offenders per 1,000 female criminally responsible population (fourteen years old and older) was, however, remained stable, name-

ly 1.1 to 1.4. Table 3 compares the number of males and females investigated by the police and the percentage of female to the total offenders. The most common Penal Code offenses committed by female offenders was theft (84.2%), followed by fraud (2.1%), bodily injury (1.6%) and assault (1.1%).

The total number of female violators of special laws excluding traffic violation amounted to 28,654 in 1975. Of 28,654 female offenders, the violation of the Public Office Election Law accounted for 35.4%, which was followed by the violation of the Law Regulating Any Business Affecting Public Morals (17.9%), the violation of the Anti-Prostitution Law (8.2%) and the violation of the Stimulant Drugs Control Law (4.0%).

Table 3. Number and Rate of Non-Traffic Penal Code Offenders Investigated by the Police by Sex, 1971-1975

Year	Female		Male		Percentage of Female
	Number	Rate*	Number	Rate*	
1971	48,234	1.2	313,738	7.9	13.3
1972	47,408	1.1	301,380	7.5	13.6
1973	51,133	1.2	306,605	7.5	14.3
1974	58,261	1.3	305,048	7.4	16.0
1975	61,432	1.4	302,685	7.2	16.9

\* Rate per 1,000 corresponding population of fourteen years old and older.

#### D. Mentally Disturbed Offenders

During five years of 1971 to 1975, those who were acquitted or not prosecuted because of insanity, in the District Courts or District Public Prosecutors' Offices, or those whose sentences were mitigated by the District Courts, because of their mental deficiency, amounted to a total of 2,404 persons. Of this total, 34.3% were accused for murder, 17.4% for arson, 14.2% for assault and bodily injury.

The examination of these 2,404 persons by the psychiatrist showed that 1,304 (54.2%) were suffering schizophrenia and 219 (9.1%) were alcoholic. Of these 2,404 persons, 1,019 had previous criminal records and it was observed that they showed a strong tendency to repeat the same kind of offenses in their criminal career.

It would be worth noting here that, in May 1974, the Legal System Council, a permanent advisory board to the Minister of Justice, recommended the overall revision of the Penal Code together with the proposed draft which included two kinds of security measures (curative and abstinence measures) for mentally disturbed offenders.

#### E. Crimes Committed by Government Officials

In 1975, the number of government officials referred to the Public Prosecutors' Offices, under the charges other than traffic violation, amounted to 19,262 which represented an increase of 373 over the previous year. Of the total, around 72.0% were charged with professional or gross negligence causing death or bodily injury. Those who were suspected for a crime of accepting bribe amounted to 771. In 1974, it was 554. During five years of 1970 to 1974, bribery was most prevalent in local public service employees. For example, 437 officials were in the field of construction and 351 in the legislation of local public entities.

Approximately 59% of the total bribery cases disposed of by Public Prosecutors in 1975 were brought to trial. The ratio of suspended sentences to the total sentences rendered in respect of bribery cases was 94.6% in 1974. Such percentage has long been remarkably high.

#### F. Offenses Concerning Pollution

In 1975, the Public Prosecutors' Offices throughout Japan received a total of 5,504 violators of laws and regulations concerning control of pollution. This was an increase of 595 (12.1%) over the figure in 1974.

The most frequent violation was that of the Law Controlling Disposition of Exhaustion and Environmental Disruption accounting for 48.3% of the total, which was followed by the violations of the Oceanic Pollution Control Law (25.3%), the Water Pollution Control Law (10.2%), and the Harbor Regulation Law (5.2%).

Violations of laws concerning pollution control were disposed of severely by Public Prosecutors. The percentage of institution of public prosecution in such cases was 68.8% in 1975. This was higher than the average percentage of special laws excluding road traffic violation cases which was 62.2%.

#### G. Violent Crimes Committed by Youthful Extremists

Violent crimes committed by the radical ultraleftist groups started to increase since around the end of 1967. The overwhelming majorities were university students. The number of radicals apprehended by the police increased from about 6,600 in 1968 to 14,700 in 1969. Although, the firm but flexible legislative and administrative countermeasures against student unrest proved to be successful and most university campuses regained their peace and the number of the apprehended students considerably decreased in 1970, such quantitative decrease does not indicate the dimensions of the problem. The weapons generally used in their offenses have escalated from simple timbers and stones to a glass-bottle grenade and further to the explosive. They not only repeated violent demonstrations on the street but also

attacked policemen, committed a bank-robbery and hijacked an airplane. Dreadful and cruel attacks on the members of the competing radical sects are often exchanged.

It would be noteworthy that the legislative efforts in the containment of a gasoline bomb have proved very effective. The incident of a policeman on duty who was burnt to death by the extremists in 1971, has caused the Government to pass a new law thereby enabling the police to control the manufacturing, possessing and using of gasoline and other bombs composing of otherwise not controlled materials. After the enactment of the Law for Punishing the Use of Glass-Bottle Grenade and the revision of Poisonous and Injurious Substance Control Law, in 1972, the use of such gasoline bombs has drastically decreased.

In 1975, on account of power struggle and reorganization movement among themselves, violent fights so-called "interfactional warfare" took place very frequently. Namely, in 1975, there were 229 such fights known to the police which became more and more deliberate and premeditated, and the means and instruments employed in fighting became even more brutal. Time and again it involved innocent passers-by.

Due to the 229 incidents of interfactional warfare, 20 persons were killed and 543 persons were injured in 1975. A total of 585 suspects were received in the Public Prosecutors' Offices for these fights, the number being 31 more than that of the previous year. Of these offenders, 167 were prosecuted, 394 got the disposition of non-prosecution and 12 juveniles were referred to Family Courts.

One of the recent developments in the field of domestic terrorism is the series of time-bomb attacks on Japan's major corporates. Among the fifteen actual and attempted bombing cases in 1974, there were the attacks on the head offices of Mitsubishi Heavy Industries, the Mitsui & Company, the Taisei Corporation, the Kashima Corporation, and Teijin Central Research Institute. Though the recent figures do not indicate any increase in bombing cases, most cases are of serious nature enough to cause increasing anxiety in Japanese society.

On May 1975, the Metropolitan Police Department apprehended a group of eight extremists including two women, and seized weedkillers, mortars, travel clocks, and other bomb-making materials from the rooms of all the suspects. The arrested radicals formed the core of the "East Asia Anti-Japan Armed Front," which was made up of three subgroups: "Wolf," "Fang of the Earth," and "Scorpion." The subgroups acted independently or jointly in selecting business corporates for attack.

Further, starting with the hijacking of the Japan Air Lines (JAL) jetline, "Yodo," and the subsequent escape of a group of Japanese guerrillas to North Korea in March, 1970, some Japanese guerrillas have been playing havoc in foreign countries practi-

cally every year. For example, there were the massacre at Tel Aviv Airport in May, 1972, the hijacking of a JAL airliner over the Netherlands in July, 1973, the attack on an oil refinery in Singapore in January, 1974, the seizure of French Embassy in the Hague in September of the same year, and the attack on American and Swedish embassies in Kuala Lumpur in August, 1975. In those incidents, the Japanese guerrillas claimed membership in the "Japanese Red Army." In Kuala Lumpur incident, the criminals shot one police officer to death and took 53 persons as hostages, including the American Consul and the Swedish Charge d'Affairs. They demanded the release of seven radicals including members of the Japanese Red Army in Japanese prisons, and the Japanese Government permitted five of the seven to leave the country.

#### H. Narcotic and Other Drug Offenses

The post-war history of drug abuse in Japan can be divided into three periods:

##### (1) The stimulants period (1946—1956)

In the post-war turmoil of socio-economic chaos, stimulants' abuse spread throughout the country. The Stimulant Drugs Control Law was enacted in 1951 to provide a basis for controlling stimulant drugs (amphetamine and methamphetamine). Japan preceded any other country in the world in such an attempt. Unfortunately, stimulants' abuse did not cease and the number of offenders referred to the Public Prosecutors' Offices continued to increase, reaching a peak in 1954 (about 53,000 cases). The Government, accordingly, took comprehensive countermeasures. First, it amended the law in three respects: (a) expanded the scope of control to include handling of raw materials such as ephedrine; (b) intensified punitive provisions; (c) established a new system of compulsory hospitalization of addicts. It also carried out nation-wide educational campaigns to eradicate stimulant drug abuse. As a result, the number of offenders referred to Public Prosecutors' Offices drastically decreased in 1956 and fell to only 265 cases in 1958, indicating almost complete eradication of these offenses.

##### (2) The heroin period (1957—1964)

Like stimulant drugs, narcotic abuse gradually increased after the war and annual narcotic arrests numbered about 1,000 during the "stimulants period."

With the decrease of stimulants' abuse, heroin abuse began to increase, reaching the peak in 1962 and 1963. The number of narcotic offenders referred to Public Prosecutors' Offices was about 3,700 in 1963. The number of heroin addicts was estimated at 40,000 in the peak years. This serious situation forced the Government to undertake integrated countermeasures against heroin abuse in 1963. These countermeasures were: (a) intensification of punitive provisions by amending the Narcotics Control

Law (for instance, the maximum penalty was raised to life imprisonment in case of illicit import of heroin for gain, etc.); (b) strengthening control agencies; (c) disbanding criminal organizations which were the core of illicit transaction of heroin; (d) establishment of a system of compulsory hospitalization for narcotic addicts; and (e) nationwide educational campaigns to publicize narcotic evils. As a result, the number of offenders decreased substantially, to 1,771 in 1964, and it continued to decrease, generally, thereafter. The number of heroin addicts has also decreased year by year and now is estimated to be negligible.

(3) The diversified drugs period (from 1965 onward)

After 1965 only a small number of heroin addicts have been detected, even in the delinquency-infiltrated areas of large cities in Japan. Thus, the countermeasures against heroin problems have proved to be effective. However, the abuse of hallucinogenic drugs such as cannabis and LSD and organic solvents such as thinners and glues has gradually been increasing among the younger generation.

Fortunately, cannabis and LSD abuse are not very popular yet among the Japanese and offenders of this kind are not large in number; the annual number of cannabis cases referred to Public Prosecutors' Offices are not more than several hundred and LSD cases are less than one hundred a year.

The abuse of organic solvents such as thinners and glues has become epidemic among teen-agers during the past several years. In 1971, about 50,000 youngsters were found to be abusing them, 25 per cent increase over the previous year. Accidental deaths attributable to the abuse of these solvents were numerous (the peak year was 1969 when the number of accidental deaths reached 84). These grave consequences of "glue-sniffing" impelled the Government to take stringent countermeasures. Selling thinners and glues, knowing that they would be abused, as well as glue-sniffing itself has been outlawed since August 1972, when an amendment to the Poisonous and Injurious Substance Control Law was passed by the Diet. The overall effect of this amendment is yet to be seen, but it appears that the number of glue-sniffing cases known to the police has decreased remarkably.

As mentioned above, stimulants' offenses once seemed almost eradicated. In 1970, however, the number of these offenders suddenly rose to 1,905, two and a half times as many as in the previous year, and it has continued to increase, doubling every year until in 1973 it reached about 11,000. The abuse, unlike before, has spread to almost all localities throughout Japan, and even to ordinary citizens such as housewives. This phenomenon is believed to be a reflection of prevalent pleasure-seeking habits probably related to rapid economic growth. It can also be related to the escapism noticeable among certain sections of the younger generation. This

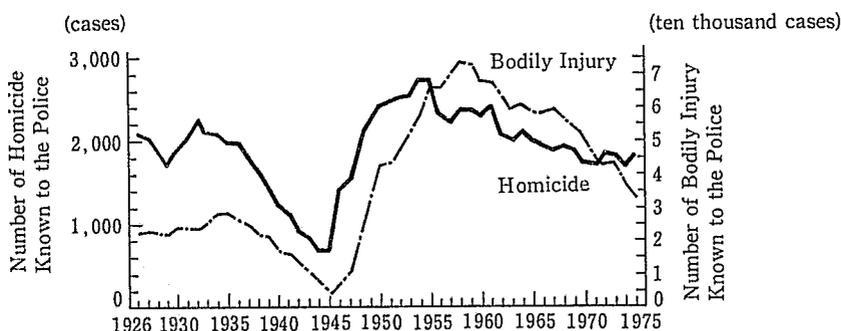
sudden revival of stimulants' abuse is also attributed to organized gangsters intending to get unlawful funds for their organizations by illicit transaction of stimulant drugs. To cope with this growing problem, the following amendments have been made to the Stimulant Drugs Control Law in 1973: (a) intensification of control over raw materials of stimulant drugs; (b) consolidation of punitive provisions and making statutory penalties heavier, including life imprisonment. Law enforcement agencies continue rigorous control based on their successful experiences before. Even in the case of a simple offense such as possession of a small quantity of drugs, the authorities never fail to investigate the case thoroughly in order to uncover the boss of the organization responsible for the illicit transaction and to punish him severely. This is called "Up to the Top" operation in Japan. Though overall effects of these amendments are yet to be seen, stimulants' offenses began to decrease in 1974. The number of such offenders received by the Public Prosecutors' Offices in 1974 was 7,635, which was 3,395 less than 1973 figure, representing a decrease by 30.8 per cent. However, they increased to 13,287 in 1975, the highest number during the last ten years.

## II. Trends in Violent Crimes

### A. General Trends

When we focus on homicide and bodily injury, the two major categories of violent crimes in Japan, we can discover the figures for those categories showing similar trends during the period from 1925 to 1970. As the Figure 2 shows, they started to increase in 1930's and reached the peak in 1932 (homicide) and in 1935

Figure 2. Trends in Crimes of Homicide and Bodily Injury, 1926-1975



The figures are based on the Statistics prepared by the National Police Agency and the Police Bureau of the Ministry of Home Affairs.

(bodily injury). After incessant decreases before and during the World War II (1941—1945), they increased again after the War and there were 2,738 homicides in 1954 and 73,639 bodily injuries in 1958, both of which were known to the police and considered as the highest figures during the total period. Since then, those two crime categories had showed general downward trends for at least 17 years. The rate of homicide cases per 100,000 population dropped remarkably from 3.4 in 1926 to 1.7 in 1975. The rate of bodily injury also fell from 37.4 to 30.3 during the same period.

A steady increase in early 1930's may be understood as a part of general increase in criminality in relation to social insecurity accompanying the world-wide economic depression at that time. Subsequent decrease during the World War II may support an assertion in criminology that crimes decrease during war period. On the other hand, postwar increase in those violent crimes may be attributed to the disintegration of economic, political, and social systems as a result of the War. This increase over around 10-year span did not parallel to the postwar revival of Japanese economy and suggested that there would be other factors to control those kinds of crimes than economic security in the country.

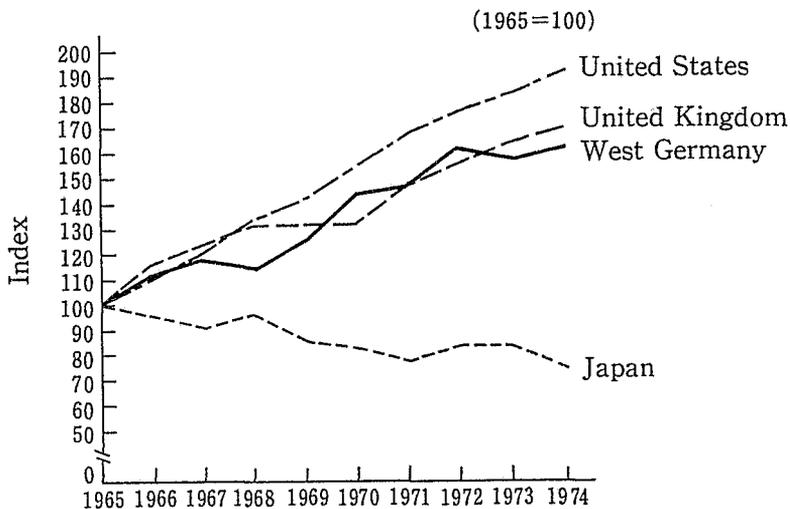
The reason for the constant decrease since 1950's may be traced to many points of view. It appears that recent raising of living standards of people is more or less dissolving their want or discontent and it produces less frustration or aggressiveness in their minds that often tends to motives of violence. Campaigns and other social activities against violence seem to have been effective. Besides, more than 90 per cent of the clearance rate on those crimes are enough discouraging the persons to commit them. It is, of course, necessary to explore the reasons by making extensive researches on them.

#### B. International Comparison

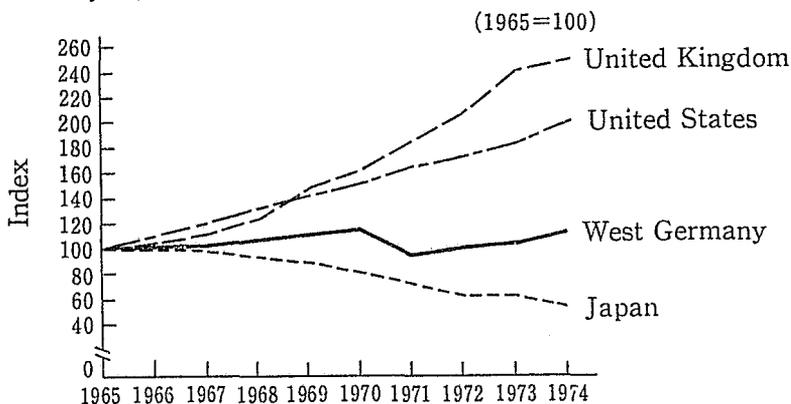
An international comparison can be made in Figure 3 between the rates of homicide and bodily injury known to the police per 100,000 population in Japan and those in the United States, the United Kingdom, and West Germany. During the period from 1965 to 1974, these countries except Japan showed a considerable increase in these crimes. Using the numbers of such cases for 1965 as the basic index of 100, the indices for 1974 in these countries amounted to the following: In homicide cases, the United States was the highest with the index of 190, which was followed by the United Kingdom with 169, West Germany with 161, and Japan with 74; and in bodily injury cases, the United Kingdom was the highest with 252, followed by the United States with 201, West Germany with 117, and Japan with 57.

Figure 3. Trends in Crimes of Homicide and Bodily Injury in World Major Countries, 1965-1974

(1) Homicide



(2) Bodily Injury



1. The Index represents the number of homicides and bodily injuries known to the police computed per 100,000.
  2. The figures for the United States are based on *FBI, Uniform Crime Report 1965-1974*.
  3. The figures for the United Kingdom are based on *Home Office, Criminal Statistics—England and Wales 1965-1974*.
  4. The figures for West Germany are based on *Polizeiliche Kriminalstatistik, Bundesrepublik Deutschland, 1965-1974*.
- C. Victims of Violent Crimes

The granting of public funds to persons who have been victimized by a crime causing death or bodily injury and to persons who survive those killed or injured

by such crimes bears upon a large number of major issues of contemporary social and economic life. A new program to compensate crime victims is now being under consideration by the Government. The Research and Training Institute of the Ministry of Justice made a research to analyze the current situation of crime victims and their survivors and the extent of impacts to the society caused by the crime.

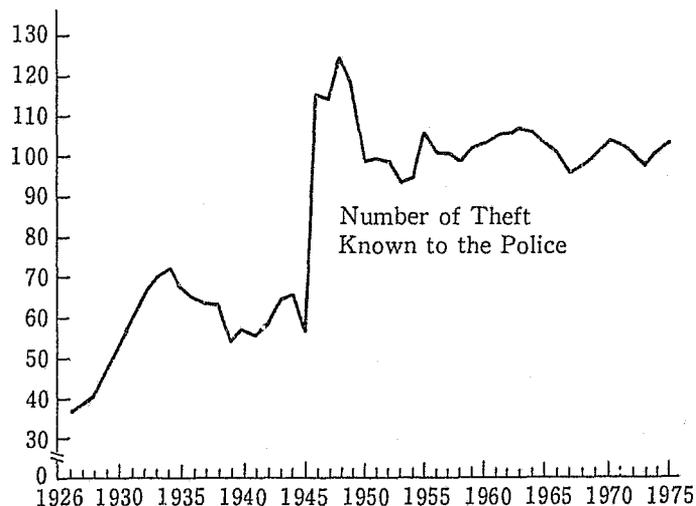
According to the findings in the research, around 15 per cent of the victims of bodily injury had suffered from the aftereffect of injuries. Around 40 per cent of the victims of crimes causing death or injury had spouse or children and a considerable portion of such victims had been classified into the low-income group whose monthly income amounted to less than ¥100,000. Besides, around 70 per cent of the criminals had been unable to compensate the victim due to the lack of property or insurance. This would very often cause the difficulties in livelihood on the side of victims, and under such situations their feelings against the criminals were very strong and it was earnestly asserted by them to adopt the system of public compensation to victims of crime.

### III. Trends in Property Crimes

Next, we should examine the trends in theft as the most prevalent property crime during the period from 1926 to 1975. Crimes of theft had continued to increase early in 1930's until they reached the first peak in 1934 when 724,986 cases were known to the police (Figure 4). Since the end of the World War II, they showed a sharp

Figure 4. Trends in Crimes of Theft, 1926-1975

(ten thousand cases)



The figures are based on the Statistics prepared by the National Police Agency and the Police Bureau of the Ministry of Home Affairs.

increase and amounted to 1,246,445 in 1948, the highest number during the total period. However, the crime showed a general downward trend for more than twenty-five years. The rate of theft per 100,000 population varied from 1,061 in 1934 to 1,558 in 1948 and to 927 in 1975.

Increasing trends in early 1930's may also be understood as a part of general increase in crime in relation to economic insecurity accompanying nation-wide economic depression. Although the crime showed a general downward trend during war, difficulties in livelihood at that time tended to preclude the substantial decrease in this type of crime. A sharp increase just after the War may be attributed to the complete disintegration of the economic, political, and social systems as a result of war. It seems that the postwar economic growth with physical well-being may be the cause of a downward trend in theft during the postwar period.

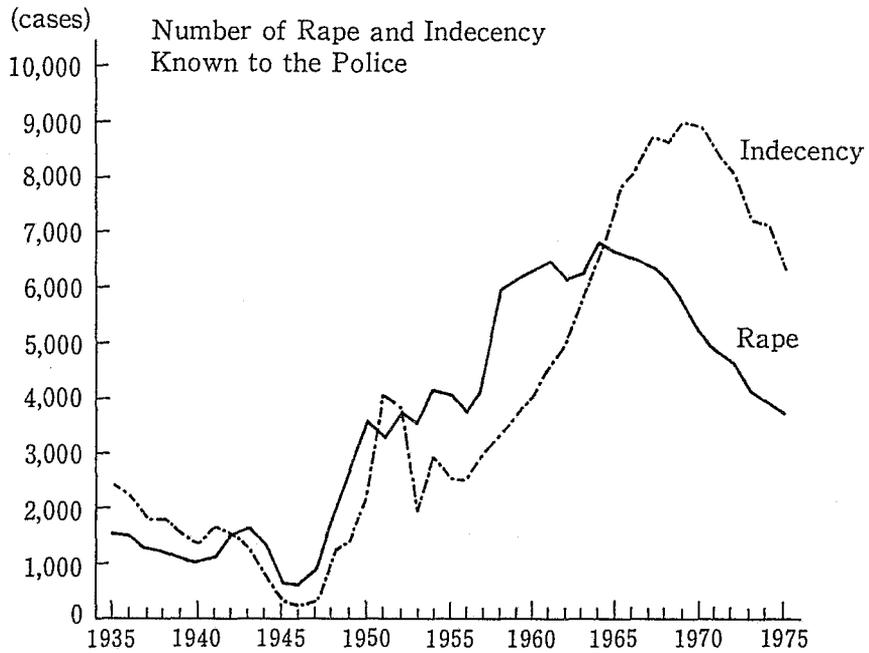
Here it must be mentioned that the crime of theft increased in number since 1974. Although some may point out that this increase reflected the restless social conditions and economic hardships in recent times, recent increase should be given another consideration. Seeing the fact that the increase includes a large number of shoplifting and bicycle or motorcycle thefts, current recession may not be considered as the only cause of total increase in theft in recent days. For example, the most prevalent motives of committing theft was "making pocket-money" or "having fun or thrill." It seems that criminals were more motivated by greedy lust than by old or traditional motives such as poverty or difficulties in livelihood. In addition, recent increase in supermarket and more frequent use of bicycle should be taken into consideration.

#### IV. Trends in Sex Offenses and Others

Trends in the crimes of rape and indecency (public indecency, indecent assault, distribution and selling of obscene materials, etc.) must be examined from different points of view. While those crimes once occurred frequently in 1935 as a part of a general increase in crimes in early 1930's, they showed a gradual decrease until the end of the World War II (Figure 5). However, they started to increase again after the War and the crime of rape amounted to 6,857 cases known to the police in 1964 and the crime of indecency to 9,021 cases in 1969, each representing the highest number during the period from 1935 to 1975. However, those crimes gradually decreased in number since then and there were 3,704 rape cases and 6,371 indecency in 1975.

It is interesting to note that those crimes had continued to increase even when Japan attained rapid economic growth with physical well-being after the War. This would show that these crimes have been deeply related to the lowering of sexual

Figure 5. Trends in Crimes of Rape and Indecency, 1935-1975



The figures are based on the Statistics prepared by the National Police Agency and the Police Bureau of the Ministry of Home Affairs.

morality appearing especially in postwar period. Such changes may also be seen on the side of women, thus reducing the number of complaints of rape or similar crimes. In this connection, it should be noted that there has been the volume of traffic in obscene and pornographic materials in recent times. This has often been considered an important financial source for violent gangsters. Besides, it has led frequent occurrences of smuggling of pornography from abroad.

## PART TWO : TREATMENT OF OFFENDERS

### I. Prosecution and Trial

#### A. Prosecution

##### 1. Reception of Cases

In 1975, Public Prosecutors' Offices throughout Japan received<sup>29)</sup> a total of 3,026,047 suspects, of whom 854,958 or 28.3% were Penal Code offenders, 2,003,278 or 66.2% were the violators of the Road Traffic Law and 167,811 or 5.5% were the violators of all other special laws. This total was 163,473 more than that of 1974.

A detailed comparison of 1975 figures with those of 1974 reveals the following: the number of persons suspected of Penal Code offenses in 1975 represented a decrease of 75 as compared with the previous year. On the other hand, the number of suspects of Road Traffic Law violations has increased by 135,028 in 1975. This increase would be a reflection of the increase in the number of motor vehicles and the policy of increasingly more strict law enforcement. The number of persons suspected of other special law offenses has also increased by 28,520 in 1975.

Of all the Penal Code offenders received in the Public Prosecutors' Offices in 1975, those suspected of professional or gross negligence causing death or bodily injury accounted for 55.1% of the total and the vast majority of these were automobile accidents. This group was followed by persons suspected of theft (22.0%), injury and assault (8.0%), and fraud (2.6%).

It should also be noted that in 1975, of a total of 544,986 non-traffic suspects who were investigated and disposed of by the Public Prosecutors, only 23.0% were arrested, while the remainder produced themselves on a voluntary basis. Of those suspects investigated by the Public Prosecutor, 84,567 or 15.5% were detained prior to prosecution, and 76.3% of the suspects thus detained were confined for less than ten days.<sup>30)</sup> In 1975, 72.8% of those detained were prosecuted. The number of the arrested persons has been decreasing in recent years.

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<sup>29)</sup>The responsibility for criminal investigation is vested by law with the police, the Public Prosecutor and his assistants. However, after having conducted an investigation of a crime the police must send the case with all documents and evidence to the Public Prosecutor (Article 246, Code of Criminal Procedure), and only the Public Prosecutor has the power to institute prosecution (Article 247, Code of Criminal Procedure). As of August 1, 1975, there were 1,173 Public Prosecutors and 913 Assistant Public Prosecutors assigned to a total of 634 Public Prosecutors' Offices of four different levels distributed among eight major administrative regions.

<sup>30)</sup>The initial period of detention is, in principle, ten days. However, an additional extension of detention not exceeding ten days, and still another of five days for certain serious crimes, may be made by a court upon separate application by the Public Prosecutor (Article 208, 208-2, Code of criminal Procedure).

## 2. Disposition of Cases

The total number of suspects disposed of at the Public Prosecutors' Offices in 1975 was 4,165,818 which represented a decrease of 178,226 over the previous year. The number of suspects who were disposed of at the Offices excluding the transfer of cases from one Office to another, was 3,088,105 in the same year. The breakdown of the disposition of these cases was as follows:

Prosecution .....	2,306,618 (74.7%)
Non-prosecution .....	375,422 (12.2%)
Referral to Family Court .....	382,647 (12.4%)
Stay of Disposition .....	23,418 (0.8%)

Of the total number prosecuted, 132,203 (5.7%) were prosecuted through formal public trial procedure, 2,171,061 (94.1%) through summary order<sup>4)</sup> procedure and 3,354 (0.1%) through summary trial proceedings for minor traffic violation cases.

A Public Prosecutor is empowered to suspend prosecution at his discretion. He may suspend prosecution even if the evidence is sufficient, if he believes it to be in the best interest of society and the offender to do so, after a careful review of the character, age and situation of the offender, the gravity of the offense, the circumstances under which the offense was committed, and the conditions subsequent to the commission of the offense (Article 248, Code of Criminal Procedure). Thus the exercise of discretionary power by a Public Prosecutor is based on criminological considerations which aim at the rehabilitation of the offender by avoiding stigmatization as a criminal. Of all decisions of non-prosecution made by Public Prosecutors in 1975, 306,277 or 81.6% of the total non-prosecution cases were based on this discretion, while 47,654 or 12.7% were based on insufficiency of evidence and 21,491 or 5.7% were for such other reasons as death of the suspect or withdrawal of complaint. Table 4 shows percentage of suspension of prosecution by five categories in recent years.

Table 4. Percentage of Suspension of Prosecution, 1971-1975

Year	All Offenses	Penal Code Offenses (All)	Penal Code Offenses (Non-Traffic)	Traffic Violations	Other Special Law Offenses
1971	16.3	30.4	40.9	4.7	40.3
1972	14.3	30.6	38.4	4.1	35.4
1973	13.6	31.8	40.4	3.7	36.2
1974	12.6	33.3	41.6	3.0	36.2
1975	11.7	32.2	38.1	2.7	34.5

<sup>4)</sup>This is an order given by a Summary Court following informal criminal action initiated by a Public Prosecutor with the consent of the accused. The court considers and decides the case on documentary and material evidence submitted by the Prosecutor, without a public hearings or hearing any evidence from the defendant. The Court cannot, however, impose a sentence heavier than a fine of 200,000 yen (approximately 300 yen is equivalent to U.S. \$1). Upon being notified of the disposition by the court, the defendant, if he wishes, may request a formal trial. If a formal trial is not requested by the defendant within two weeks of the receipt of such notification, the court order becomes final.

## B. Trial

### 1. Outline of Final and Conclusive Judgments

The total number of the accused who received final and conclusive judgments in 1975 was 2,216,145 indicating an increase of 87,064 in comparison with the number of 1974. Of those accused, 2,123,181 or 95.8% were sentenced to fine, 63,280 or 2.9% to imprisonment with labor, 5,912 or 0.3% to imprisonment without labor, 20,014 or 0.9% to minor fine, while 335 or 0.02% were found not guilty. Convictions were obtained in 99.98% of all individuals brought before the courts. This rate of convictions has been more or less stable in recent years.

Table 5 shows the trends in final dispositions by courts during the period from 1971 to 1975.

Table 5. Trends in Dispositions by Courts, 1971-1975

Dispositions	1971	1972	1973	1974	1975
Death	6 (0.0)	8 (0.0)	4 (0.0)	2 (0.0)	3 (0.0)
Imprisonment with Labor	58,695 (3.3)	63,996 (3.1)	60,503 (2.9)	59,060 (2.8)	63,280 (2.9)
Imprisonment without labor	10,447 (0.6)	10,716 (0.5)	9,224 (0.4)	7,499 (0.4)	5,912 (0.3)
Fine	1,727,702 (95.7)	1,951,263 (95.9)	2,032,758 (95.9)	2,040,673 (95.8)	2,123,181 (95.8)
Temporary Penal Detention*	90 (0.0)	87 (0.0)	67 (0.0)	66 (0.0)	62 (0.0)
Minor Fine	2,477 (0.1)	3,771 (0.2)	12,395 (0.6)	17,767 (0.8)	20,014 (0.9)
Not Guilty	464 (0.0)	532 (0.0)	464 (0.0)	430 (0.0)	335 (0.0)
Dismissal of Public Prosecution	4,641 (0.3)	4,301 (0.2)	4,079 (0.2)	3,553 (0.2)	3,344 (0.2)
Acquittal & Others	24 (0.0)	35 (0.0)	64 (0.0)	31 (0.0)	14 (0.0)
<b>Total</b>	<b>1,804,546</b> <b>(100.0)</b>	<b>2,034,709</b> <b>(100.0)</b>	<b>2,119,558</b> <b>(100.0)</b>	<b>2,129,081</b> <b>(100.0)</b>	<b>2,216,145</b> <b>(100.0)</b>

\* Temporary penal detention shall consist of confinement in a penal detention house for one day or more but less than 30 days (Article 16, Penal Code).

\*\* A fine shall be not less than 4,000 yen. A minor fine shall be 20 or more yen but less than 4,000 yen. A minor fine shall be 20 or more yen but less than 4,000 yen (Article 15 and 17, Penal Code, Article 2, Law of Temporary Measures Concerning Fine and Others).

\*\*\* Figures in parentheses show percentages.

### 2. Penalties Imposed

It has been a tendency in Japan that terms of imprisonment with or without labor are relatively short. In 1975 slightly more than half (52.9%) of the persons had received final and conclusive sentences of one year or less, followed closely (38.1%) by sentences of more than one year but less than three years. This means that 91.0% of the persons committed to prison had received sentences of imprison-

ment with labor of less than three years. The use of short sentences is even more pronounced in the case of imprisonment without labor where 89.3% received sentences of one year or less.

The suspension of execution of sentence was introduced in Japan in 1905 and its use has been expanded by amendments to the Penal Code which broadened the eligibility for such sentences.<sup>9)</sup> Thus, the number of suspended sentences has increased yearly.

In 1975, of the 63,280 persons who were sentenced conclusively to imprisonment with labor, 37,039 or 58.5% (57.1% in 1974) received suspension of execution of sentence while, of the 5,912 persons who were sentenced conclusively to imprisonment without labor, 4,833 or 81.7% (79.5% in 1974) received such sentences.

Of those persons who were sentenced to fine by either summary order or by summary trial proceedings in 1974, 64.3% (64.7% in 1973) were imposed fine of more than 10,000 yen but less than 50,000 yen. On account of the partial amendment to the Law for Temporary Measures Concerning Fine, the maximum amount of fine that may be imposed either by summary order or by summary trial proceedings has been raised from 50,000 yen to 200,000 yen. In 1974, 183,899 persons or 9.0% of the total were imposed fine which exceeded 50,000 yen. The rate of suspended sentence in the case of fines was only 0.01%.

The courts revoked 3,683 or 9.6% of the total 38,230 suspended sentences (excluding the sentences to the Road Traffic Law violation cases) in 1975.

### C. Speedy Trial

Article 37 of the Constitution of Japan guarantees the accused the right to speedy trial, while by Article 1 of the Code of Criminal Procedure a fair speedy trial is also provided for as one of the basic principles of the criminal procedure.

The time taken from the institution of the prosecution in a case to its disposition by the courts of first instance<sup>10)</sup> was as follows: Of the total number of the accused

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<sup>9)</sup>For example, any first offender who receives a sentence of imprisonment of three years or less may be granted suspension of his sentence by the Court. The accused who was convicted of an offense but who has not been sentenced to imprisonment within five years from the time of completion or remission of the execution of the former sentence completed or remitted, may again be granted a suspended sentence (Article 25, Penal Code).

<sup>10)</sup>Summary Courts and District Courts are first instance trial courts and there are 50 District and 575 Summary Courts in Japan. The District courts handle all cases in the first instance except those specifically coming under the jurisdiction of other courts. The Summary Courts handle minor cases and may impose imprisonment with labor not exceeding three years in certain specific cases enumerated by law.

A party who is not satisfied with the decisions rendered by trial courts of the first instance, may appeal to the High Court as a reviewing court. Appeal may be made from the decisions of the High Court, provided that certain reasons prescribed by law exist. This second appeal is to the Supreme Court of Japan which is the highest court and the court of last resort, with power to determine the constitutionality of any law, order, regulation or official act.

disposed of by the District Courts, the percentage of those disposed of within six months was 77.3% in 1974 (75.1% in 1973) and 90.7% within one year (90.6% in 1973). In the Summary Courts, 88.1% had their cases disposed of within six months (88.1% in 1973), 95.2% within one year.

The details of the interval between the institution of the prosecution in the first instance court and its disposition by the High Courts in 1974 were as follows:

six months or less	13.5%
one year or less	46.8%
three years or less	29.2%
over three years	8.3%
over seven years	2.2%

The percentage of the accused disposed of within one year amounted to 60.3%. As to the interval between the date of institution in the first instance court and the final disposition by the Supreme Court, 26.4% of the accused were disposed of within one year, and 71.8% were within two years.

## II. Correctional Institutions

Correcional institutions are not only a place where penalties imposed by courts are carried out but a place where offenders may learn the attitudes and skills needed for a successful community reintegration upon release. Since 1948, in order to make this dual purpose apparent, juvenile training schools and juvenile classification homes as well as penal institutions such as prisons and detention houses have been referred to as "correctional institutions." In Japan, there are seven major detention houses in the larger cities, 105 branch detention houses in smaller cities, fifty-eight main prisons, nine branch prisons, and nine juvenile prisons.

### A. Average Daily Population

The average daily population in penal institutions in 1975 was 45,690, indicating a decrease of 42 compared with the previous year. Included in this 45,690 were 1,048 females or 2.3% of the total. Limiting the average daily census to sentenced prisoners, the figure is reduced to 37,850, which was 748 less than the daily average sentenced prison population in 1974. The trends in the average daily population in the last six years are shown in Figure 6.

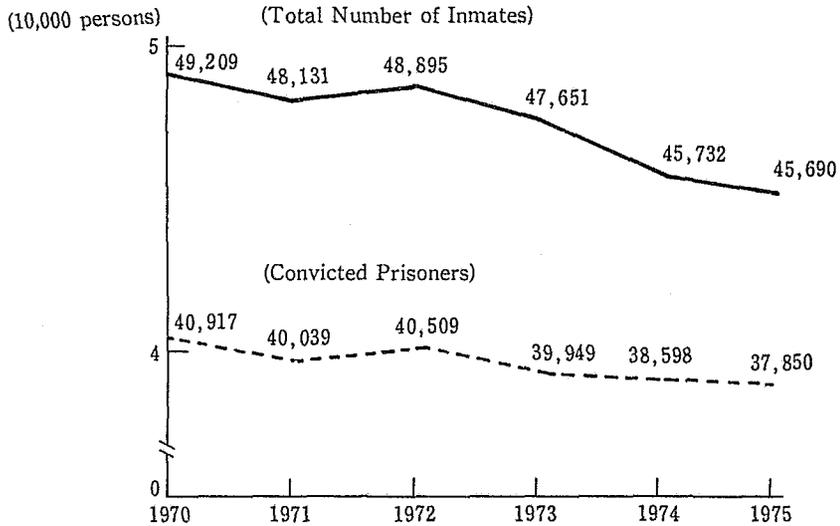
### B. Admissions and Releases

In 1975, a total of 63,772 persons were admitted to all types of penal institutions. Of this number, 24,617 were initially admitted as suspects and 16,822 of them became defendants while in the institutions, and 31,512 were initially admitted as defendants.

Consequently, only a relatively small number of persons were initially admitted as convicted prisoners.

The total number of admissions as convicted prisoners in 1975 was 26,158. Of

Figure 6. Trends in the Average Daily Population in Penal Institutions, 1970-1975



this number, women accounted for 517 or 2.0%. The annual admission of convicted prisoners had been on a downward trend with some fluctuations since 1948 when there were 70,727 persons admitted as convicted. The figure for 1975 showed a small increase of 434 from the 1974 figure.

Of the total such admissions in 1975, a total of 25,045 or 95.7% were sentenced to imprisonment with labor and 1,096 or 4.2% were sentenced to imprisonment without labor. Of persons sentenced to imprisonment with labor, 51.7% had a sentence of no more than one year; 28.1% over one year but no more than two years; 10.8% over two years but no more than three years; 9.2% over three years and 0.2% a life term. Of this 26,158 new admissions as convicted prisoners, 42.7% were serving a prison sentence for the first time; 17.8% the second time; 11.5% the third time; 8.6% the fourth time; 5.4% the fifth time; while 14.6% had a history of serving more than five sentences. Of the 11,187 first termers, 10.9% had once been retained in a Juvenile Training School, and 6.2% placed under probation. Of the same total, 41.2% had previously received a suspended prison sentence.

The Breakdown of offenses for which these prisoners were newly convicted shows that theft is the dominant type of offense amounting to 35.2% of the total. Next comes professional negligence causing death or bodily injury (9.7%), followed by bodily injury and assault (9.4%), fraud (7.3%), extortion (4.5%) and rape (3.6%).

In 1975, a total of 27,495 prisoners were released from prisons or detention houses

after serving all or a portion of their sentences. Of this total, 14,933 persons or 56.0% were released on parole, and 11,736 persons or 44.0% were discharged on the expiration of term.

### C. Treatment of Convicted Prisoners

#### 1. Classification

Upon admission all inmates receive a general orientation to institutional life as well as further classification and investigation so as to determine both a suitable institution and an appropriate treatment program.

In view of the recent development in the treatment techniques and the increasing needs to provide for more effective treatment for prisoners, a new classification system was established under an administrative rule entitled the "Prisoners Classification Rules" which was enacted in April 1972. The main features of the new system can be summarized as follows: (1) A specially equipped and staffed prison in each of the eight Correction Regions was designated as a classification center of the region. (2) Wording for the index marks of the previous classification categories was fully revised. (3) Classification categories for the treatment of prisoners were newly introduced in addition to those for allocation.

The major classification categories under the new system are as follows:

#### (1) Categories for Allocation

##### a) Categories by sex, nationality, kind of penalty, age and span of the term of imprisonment

###### (Sex)

Class W: Female

(No designation of class is made for male)

###### (Nationality)

Class F: Foreigners who need treatment different from that for Japanese

(No designation of class is made for Japanese and other foreigners)

###### (Kind of Penalty)

Class I: Imprisonment without labor

(No designation of class is made for imprisonment with labor)

###### (Age)

Class J: Juveniles under twenty years of age

Class Y: Young adults under twenty-six and not less than twenty years of age

(No designation of class is made for adults of twenty-six

years of age and older)

(Span of the Term of Imprisonment)

Class L: Long termers (not less than eight years)  
(No designation of class is made for short and medium termers)

b) Categories by degree of criminal tendency

Class A: Those whose criminal tendencies are not so advanced

Class B: Those whose criminal tendencies are advanced

c) Categories by mental and physical disorder

Class Mx: Those who are mentally retarded or who need the same treatment as that for mentally retarded persons

Class My: Those who are psychopathic or who are recognized as having a considerable psychopathic tendency

Class Mz: Those who are psychotic or who are recognized as having a considerable psychotic tendency, those who are seriously neurotic, those who are suffering from confinement reaction, and those who are addicted to a drug or alcohol

Class Px: Those who are physically disordered, pregnant or after childbirth and in need of medical treatment or care for a considerable period of time

Class Py: Those who are physically handicapped and in need of special treatment and those who are blind, deaf or dumb

Class Pz: Those who are above sixty years of age and generally recognized as having considerable senile symptoms and those who need special treatment due to weak constitution

(2) Categories for Treatment

a) Categories by specially required treatment

Class V: Those who need vocational training

Class E: Those who need school education

Class G: Those who need social education or living guidance

Class T: Those who need specialized therapeutic treatment

Class S: Those who need special protective treatment

b) Categories by specially recommended treatment

Class O: Those who are suitable for open treatment

Class N: Those who are suitable for maintenance work

Detailed treatment standards have been set forth specifically for each of the above allocation and treatment categories. The concrete treatment program will be organized for each prisoner on the basis of such standards.

Indicated as Table 6 are the major classification categories under the newly introduced system and distribution of inmates among them at the end of 1973—1975.

**Table 6. Percentage and Real Number of Prisoners in Classification Categories, as of 31 December of 1973—1975**

Categories	1973	1974	1975 (Real Number)
A	16.0	17.1	17.8 ( 6,702)
B	44.3	44.1	49.7 (18,740)
F {A	0.3	0.5	0.4 ( 160)
{B	0.0	0.0	0.0 ( 1)
I {A	2.4	1.8	1.4 ( 516)
{B	0.2	0.1	0.1 ( 29)
J {A	0.1	0.1	0.1 ( 38)
{B	0.1	0.1	0.1 ( 26)
L {A	3.0	3.0	2.8 ( 1,071)
{B	4.7	4.6	4.3 ( 1,616)
Y {A	9.6	8.5	7.3 ( 2,774)
{B	10.5	8.6	7.1 ( 2,667)
M {A	0.2	0.3	0.4 ( 136)
{B	1.2	1.2	1.1 ( 420)
P {A	0.3	0.3	0.3 ( 108)
{B	0.9	0.8	0.9 ( 347)
W {A	1.0	1.1	1.2 ( 435)
{B	1.1	1.0	1.0 ( 377)
Unexamined	4.0	3.8	4.2 ( 1,581)
Total Real Number	38,854	37,769	37,744

## 2. Education

In prisons, opportunities are provided for inmates to pursue correspondence courses in such subjects as bookkeeping, auto-mechanics, mimeographing, electronic engineering and other vocational subjects as well as general academic courses for high school and college credits. In juvenile prisons, compulsory education courses are provided consistent with the requirements of the School Education Law.

Cultural and recreational activities are organized within prisons with the participation of the authorized public. In 1975, there were 1,027 Voluntary Prison Visitors who made a total of 10,375 visits to assist prisoners in cultural, educational and social welfare programs as well as with individual problems. The number of Voluntary Prison Chaplains in 1975 was 1,340 who conducted 8,759 individual and 7,933 group interviews with inmates.

## 3. Prison Industry and Vocational Training

On December 31, 1975, a total of 92.7% of the prisoners sentenced to imprison-

ment with labor and 84.9% of the workhouse detainees were assigned to work.<sup>7)</sup> Of the inmates sentenced to imprisonment without labor and of the persons awaiting trial and judgment, 93.5% and 1.6%, respectively, were permitted on application to do work which they referred.<sup>8)</sup>

The total value of the products of prison industries including agricultural production for fiscal year 1974 (April 1974—March 1975) was approximately 10,367 million yen (equivalent to some 34.6 million dollars), while the operational cost of those industries was approximately 3,184 million yen (equivalent to some 10.6 million dollars).

Classifying the value to production and the cost of operation by type of industry reveals that metal work industry earned 3,010 million yen (29.0% of the total value) with the cost of 404 million yen, while wood-craft industry raised 1,899 million yen (18.3%) with the cost of 1,134 million yen. Similarly, 1,735 million yen (16.7%) and 1,219 million yen (11.8%) were earned in printing and tailoring industries with the cost of 730 and 113 million yen, respectively.

On account of the prison's vocational training programs in 1975, a total of 2,581 prisoners passed national or municipal examinations and were qualified or obtained licenses in such fields as welding, driving, auto repairing, boiler operation, electric wiring, barbering, etc. Also 276 prisoners attained certification of vocational training authorized by the Minister of Labor in such fields as woodcraft, printing, plastering, etc.

#### 4. Security in Prison

In 1975, those prisoners prosecuted for offenses committed during their imprisonment amounted to 167 of whom 132 were on a charge of bodily injury. The same figures for 1974 was 159, of whom 115 were on the same charge.

During 1975, there were 27,095 instances of disciplinary action and the main charges included; assault against an officer or a prisoner (16.3%), disobedience to officials (12.9%), possession or trafficking of contraband (12.5%), quarrel among inmates (8.5%), refusal to work (8.2%), and possession of cigarettes (3.5%).<sup>9)</sup> Also, there were ten escapes in 1975 in all penal institutions throughout Japan, which was four more than in the previous year.

<sup>7)</sup>The prisoners sentenced to "imprisonment with labor" and workhouse detainees have an obligation to work and must do so. However, those who cannot be assigned to work because of sickness, disciplinary action, or transfer are temporarily excused from labor.

<sup>8)</sup>Prisoners sentenced to "imprisonment without labor" and those awaiting trial and judgment are not obliged to engage in prison labor, but are allowed to work upon request.

<sup>9)</sup>Major disciplinary punishment authorized are (1) reprimand, (2) prohibition of reading books for less than three months, (3) suspension of physical exercise for less than five days, and (4) solitary confinement for less than two months. In Japan, smoking is legally prohibited for prison inmates.

#### D. Suspects and Defendants

The average daily population of suspects and defendants in 1975 was 7,605. The number of defendants was 7,203 which represented an increase of 639 from the 1974 figure. The number of suspects, on the other hand, was 402, which was also forty-six more than in the previous year.

### III. Probation, Parole and Aftercare

#### A. Development of Non-Institutional Treatment in the Last Quarter Century

With the enforcement of the new Constitution of 1947, the criminal justice system was changed remarkably, and the probation and parole system was completely re-organized. In July 1949, the Offenders Rehabilitation Law was enacted as the most basic law of the non-institutional treatment. Under this law, the organization and functions of the Regional Parole Board and the Probation Office and the procedures of juvenile and adult parole as well as juvenile probation were firmly established. Thereafter the probation system was newly set up by the partial amendments of the Penal Code and the Law for Probationary Supervision of Persons under Suspension of Execution of Sentence in 1954. The Rehabilitation Services Law of 1939 which provided for the rehabilitation workers (predecessors of the present volunteer probation officers) and the rehabilitation service associations (predecessors of the present rehabilitation aid hostels) was abolished in 1950. These systems were re-organized by the Volunteer Probation Officer Law and the Law for Aftercare of Discharged Offenders of 1950. In addition, the supervision of parolees from the Women's Guidance Home was implemented in 1958 with the enforcement of the Anti-Prostitution Law.

New treatment programs such as differential treatment, group counseling and pre-parole guidance have been implemented with a view to meet the tremendous changes of the society during this quarter century. In addition, the preparations for law reform started to integrate some relevant laws and implement other new treatment methods.

#### B. Parole

Parole is granted by one of the eight Regional Parole Boards. An inmate is eligible for parole when he meets the following requirements:

- (1) Served at least one-third of his given sentence or ten years of a life sentence;<sup>10)</sup>

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<sup>10)</sup>In case of juveniles the period will be shortened to:

- (1) Seven years in case of a lifetime sentence;
- (2) Three years in case of a penalty for a fixed term, where it was commuted from a lifetime sentence because of being a juvenile;
- (3) One-third of the minimum period in case of a sentence of indefinite term.

- (2) When he is considered penitent;
- (3) When he is considered to be eager in his rehabilitation;
- (4) When he is considered not likely to commit another crime;
- (5) When it is believed that the community will emotionally accept his release on parole.

The head of a correctional institution may file a request for parole on behalf of the inmates under his charge, or the Parole Board itself may initiate a parole investigation. After a board member investigates the parole application, the case is presented to the Board consisting of three members. Upon examination of the case, a final decision will be made by majority vote.

At any time after an inmate is admitted to a correctional institution, upon request from either the institution or the Regional Parole Board, a probation officer at the Probation Office visits the inmate's family, or any other person named by him as having a close relationship with him upon release so as to facilitate a smooth reintegration into society. This process usually starts soon after the inmate has been admitted to a correctional institution.

There are fifty Probation Offices in Japan. These offices received a total of 30,847 requests for investigation and environmental adjustment from correctional institutions during 1975. These offices provided 30,421 initial reports and 40,753 follow-up reports as a part of the basic data used in parole examinations. The number of these reports were less than the previous year by 2,024.

During 1975, a total of 14,933 prisoners were released on parole, a slight decrease from the previous year. During the year, 10.9% of all applications for parole were rejected as same as in 1974. Inmates rejected from parole are discharged upon expiration of the full term of their sentences. Of the 26,669 prisoners discharged during 1975, a total of 56.0% were released on parole and 44.0% at the expiration of terms of their sentences. The percentage of persons released on parole during 1974 was 57.1%.

In general, the supervision periods for prison parolees are very short. Of the total prisoners released on parole during 1975, 51.3% were under supervision for two months or less and only 6.0% were under supervision for one year or more. The main reason is that about 80.0% of the total prison parolees were released after serving more than 80.0% of their sentences in prisons.

During 1975, 114 life sentence prisoners were released on parole. About 70.0% of them were released after serving more than 13 years and less than 17 years in prisons.

The parole rejection rate from Juvenile Training Schools has been very low for the past years. On 1975, only five out of the 1,677 applications for parole were

rejected.

Parolees from prisons tend to remain longer in the community and less likely to return to correctional institutions than inmates released upon termination of their prison terms. For example, within the same year of their release, only 3.5% of the parolees committed another crime, compared to 10.4% of the full-terminers. Only 28.9% of parolees committed another crime within five years of release as compared with 53.5% of the full-terminers. The main reasons for this wide difference could be found in the strictness in granting parole to recidivists and the use of improved parole supervision techniques.

C. Trends in the Use of Probation and Parole

The following five classes of persons are under the supervision of the Probation Office for a specified period of time:

Category 1: (Juvenile probationers)

Juveniles placed on probation by the Family Courts, until reaching age twenty or for at least two years;

Category 2: (Training School parolees)

Parolees released from Juvenile Training Schools, until they reach age twenty or for the remainder of their specified period of confinement;

Category 3: (Prison parolees)

Parolees released from prisons, for the remainder of their sentence;

Category 4: (Adult probationers)

Persons (including some convicted juveniles) granted probation upon the suspension of execution of sentence, for the specifically designated period of supervision;

Category 5: (Guidance Home Parolees)

Parolees released from Women's Guidance Homes, for the remainder of the term of guidance.

Table 7 shows the total number of persons in each of the above categories received at the Probation Office throughout Japan in the last five years.

Table 7. Trends in Probation and Parole (Receptions), 1971-1975

Category	1971	1972	1973	1974	1975
1 Juvenile Probationers	25,403	23,900	20,686	19,942	21,384
2 Training School Parolees	2,888	2,540	2,188	1,812	1,593
3 Prison Parolees	17,458	16,427	16,024	15,542	14,933
4 Adult Probationers	6,771	7,228	7,187	7,014	7,048
5 Guidance Home Parolees	5	1	3	—	—
Total	52,525	50,096	46,088	44,310	44,958

Of the 44,958 probationers and parolees, 30.0% were charged with theft, 22.3% with the Road Traffic Law violation and 14.4% with professional or gross negligence causing death or bodily injury. In the case of juvenile probationers, as much as 40.5% were traffic violators.

At the end of 1975, there were 67,830 probationers and parolees under supervision, which was 822 less than the previous year.

#### D. The Results of Probation and Parole

Probationers and parolees who maintain a good community adjustment may be discharged from supervision by the decision of the Probation Office or the Regional Parole Board. On the other hand, if they do not comply with conditions imposed or commit another crime during the period of supervision, the probation or parole order may be revoked by the Court or the Regional Parole Board.

Of 21,518 juvenile probationers terminated in 1975, 41.7% served their full terms, 50.8% were discharged from supervision by the decision of the chief of Probation Office because of their good community adjustment, and 7.0% had their probation revoked because of additional misbehaviors. Of 7,006 adult probationers terminated during the same year, 72.6% completed their full terms and 25.6% were revoked of their probation orders because of reconviction or other misbehavior.

With regard to parolees terminated during 1975, 15.4% of the 1,968 juvenile training school parolees and 5.4% of the 14,971 prison parolees had their parole revoked because of reconviction or other misbehavior.

The numbers of probationers and parolees disposed of by the various courts because of crime or delinquency committed during their period of supervision and a breakdown by type of disposition are given in Table 8.

The rate of absconders from supervision had gradually decreased over the past five years and in 1975 the proportion of absconders was only 6.1%.

Of the total cases received by the Probation Offices in 1975, 15.5% were referred from other Probation Offices by way of transfer. Transfers accounted for 18.2% of the juvenile probationers, and 20.3% of the training school parolees. The corresponding figures for prison parolees and adult probationers were 7.2% and 21.5%, respectively.

#### E. Aftercare

In addition to supervision for probationers and parolees, the Probation Offices provide assistance to offenders in need. In 1975, a total of 9,874 persons requested aftercare services. Of this number, 76.0% were discharged from prisons at the expiration of their sentences and 17.1% were on suspended prosecution at the Public Prosecutor's discretion.

The services provided included:

Table 8 Disposition of Reconvictions of Probationers and Parolees, 1975

Category Disposition	1 Juvenile Probation- ers	2 Training School Parolees	3 Prison Parolees	4 Adult Probation- ers	Total
Imprisonment with Labor	240	56	371	1,785	2,452
Imprisonment without Labor	3	—	—	1	4
Committal to Juvenile Training School	994	323	—	2	1,319
Committal to Child Education Home	4	—	—	—	4
Fine	1,147	18	85	370	1,620
Penal Detention of Minor Fine	4	4	41	10	59
Probation Again	825	107	—	—	932
Prosecution	45	29	334	97	515
Total	3,262 (15.2)	537 (27.3)	841 (5.6)	2,265 (32.3)	6,905 (15.2)

\* The number in the parentheses shows the percentage to the total of those who terminated probation or parole supervision in the same year.

1. Providing money for meals;
2. Providing clothes;
3. Arranging immediate medical care;
4. Providing travel expenses;
5. Providing certificates for travel on trains at half-fare.

There were 104 Rehabilitation Aid Hostels operated by the same number of Rehabilitation Aid Associations, with a total capacity of 2,979 beds, as of April 1, 1976. These associations are voluntary in nature but are established with the approval of the Minister of Justice. During 1975, a total of 5,208 discharged offenders, in addition to 5,026 probationers and parolees, were referred to, and accommodated in, these hostels. These aftercare services are provided on the basis of the State's responsibility to help each offender achieve a good community adjustment.

#### F. Participation of Volunteers

Probation and parole supervision and the crime prevention activities are carried out by 789 professional probation officers assigned to fifty Probation Offices. Because of their heavy caseloads, their work is supplemented by voluntary workers who belong to one of three volunteers associations, namely, the Volunteer Probation Officers Association, the Big Brothers and Sisters Association and the Women's Association for Rehabilitation Aid.

The volunteer probation officer is a non-permanent national government official appointed by the Minister of Justice. On the average, he supervises two probationers

or parolees and carries out various activities concerning crime prevention. The authorized number of volunteer probation officers is 52,500 and, on January 1, 1976, there were approximately 46,000 officers assigned to 793 probation areas throughout Japan.

The Big Brothers and Sisters Associations is an organization of young people between 18 and 30 years of age who have concern about the rehabilitation of social deviates. A member makes friends with a delinquent and attempts to understand this needs and problems. The B.B.S. members maintains close cooperation with the professional and volunteer probation officer assigned to the case. The number of the B.B.S. members was 9,535 as of the end of March, 1976.

The Women's Association for Rehabilitation Aid is an Association of voluntary women who are concerned about crime and delinquency problems from the standpoint of mothers or housewives. The members assist the activities of various organizations concerned with crime prevention and offenders' rehabilitation, visit inmates in correctional institutions and encourage probationers and parolees by giving them something in celebration of their successful termination of supervision. As of April 1, 1976, there were 256,262 such members throughout Japan.

#### G. Pardons

The Cabinet grants pardons on a general as well as individual basis. General (collective) pardons are granted by a specially issued ordinance in commemoration of special occasions of national significance. In the case of individual pardons, comprising both ordinary pardons and special pardons, either the Public Prosecutor, the chief executive officer of a Prison or a Probation initiates the application through the National Offenders Rehabilitation Commission before the Cabinet can make any decision.

In 1975, no general pardons were granted but a total of 256 offenders were granted ordinary pardons as shown in Table 9.

Table 9. Trends in Ordinary Pardon, 1971-1975

Year	Special Amnesty	Commutation of Penalty	Remission of Execution of Penalty	Restoration of Rights	Total of the granted	Total of the Denied
1971	33	29	54	109	225	90
1972	133	19	46	116	314	41
1973	105	47	97	165	414	265
1974	26	35	55	89	202	53
1975	16	43	58	139	256	46

#### IV. Treatment of Offenders with Advanced Criminality

##### A. General Trends

Although active utilization of suspended prosecution and suspended execution of

sentence contributes so much to the rehabilitation and re-integration of offenders into society, in the field of corrections the rate of offenders with advanced criminal tendencies has been increasing as a natural consequence. Thus, it is one of the most important and urgent problems for the administration of criminal justice to find the appropriate and effective treatment measures for such offenders. Establishment of these treatment measures will result in not only rehabilitating the offenders themselves but also preventing an incidence or recidivism and relieving the criminal situation.

#### B. Treatment in Prisons

One of the research projects to develop the treatment measures fitted to advanced criminals are being conducted by the Research and Training Institute, Ministry of Justice, examining relations between characteristics of young prisoners with advanced criminality and treatment practices for them. Results of the initial survey reveal that (1) those prisoners feel the treatment negatively and have few hope in their future life in general, however, (2) those who have relatively higher intelligence show progress through the treatment in prison, (3) those who have comparatively better family background tend to accept treatment, and (4) even prisoners who have advanced criminality are willing to involve in particularly arranged treatment programs. Therefore, treatment measures for such prisoners should be developed considering the above factors.

#### C. Probation and Parole

Of a total prisoners who were released on parole in 1975, 31.6% (38.0% when excluded traffic offenders) were recidivists. Four-fifth (80.1%) of the total parolees who terminated supervision period during 1975 had previous records of legal disposition and 27.8% were previously placed under protective measures. Similarly, of all persons who were placed on probation upon the pronouncement of suspended sentence of imprisonment, 67.8% had previous records of legal disposition and 27.7% were previously placed under the protective measures. These statistical data indicate that there are fairly large number of advanced offenders among parolees and probationers.

#### D. Aftercare

A survey made by the Research and Training Institute, Ministry of Justice reveals that almost all persons who requested aftercare service from Probation Offices in 1975 were aged between thirty and fifty. They have work abilities but have much experiences of changing occupations, habits of excessive drinking and gambling. Considerably large portion of such persons had previous criminal records and were exconvicts. Again effective and appropriate aftercare programs for those persons are required.

## PART THREE : SPECIAL CRIMES AND CRIMINALS

### I. Juvenile Delinquency

In Japan, persons under twenty years of age are categorized as juveniles, and subjects to special procedure under the Juvenile Law aimed at their protection, education and treatment.

Juvenile delinquents who are subjects to jurisdiction of the Juvenile Law consist of the following three categories:

1. JUVENILE OFFENDER is one under twenty and not less than fourteen years of age who has committed an offense provided for in the Penal Code or special laws;
2. LAW-BREAKING CHILD is a child under fourteen years of age (not criminally responsible) who has committed an act in violation of a criminal statute; and
3. PRE-OFFENSE JUVENILE is a person under twenty years of age who is deemed likely to commit an offense or an act in violation of a criminal statute in future in view of his character or surroundings because of the presence of specific factors stipulated in the Juvenile Law.<sup>11)</sup>

Juvenile delinquents over sixteen years may be referred by the Family Court to the Public Prosecutor for criminal trial. Figure 7 presents the flow of cases in the juvenile justice system of Japan.

#### A. Trends in Juvenile Delinquency

The description of general trends in juvenile delinquency in 1974 will be divided, for the purpose of convenient analysis, into the following three categories: (1) Penal Code Offenders, (2) Special Law Offenders, and (3) Law-Breaking Children and Pre-Offense Juveniles.

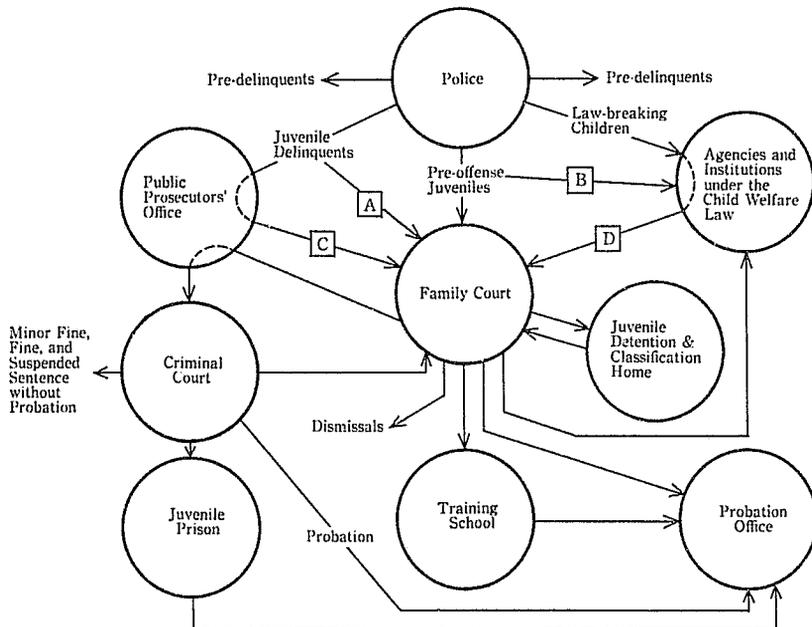
##### 1. Penal Code Offenders

During 1975, a total of 161,683 juveniles were investigated by the police on suspicion of violation of Penal Code offenses, which was 1,206 less than that of 1974. In other words, there were 17.1 juvenile offenders per 1,000 juvenile population, a rate 0.2 higher than the 1974 figure. The number of juvenile suspects investigated by the police reached a peak of 133,656 in 1951 and then decreased for several years.

<sup>11)</sup>Definition of being "pre-offense" is given in Article 3 of the Juvenile Law which reads in part: "The Family Court shall have jurisdiction over the following juveniles. . . (3) Any juvenile who is prone to commit an offense or violate a criminal law or ordinance in view of his character or surrounding circumstances, because of the existence of the following reasons; (a) that he habitually disobeys the reasonable control of his guardian; (b) that he repeatedly deserts his home without good reason; (c) that he associates with a known criminal or an immoral person, or frequents any place of dubious reputation; and (d) that he habitually acts so as to injury or endanger his own morals or those of others."

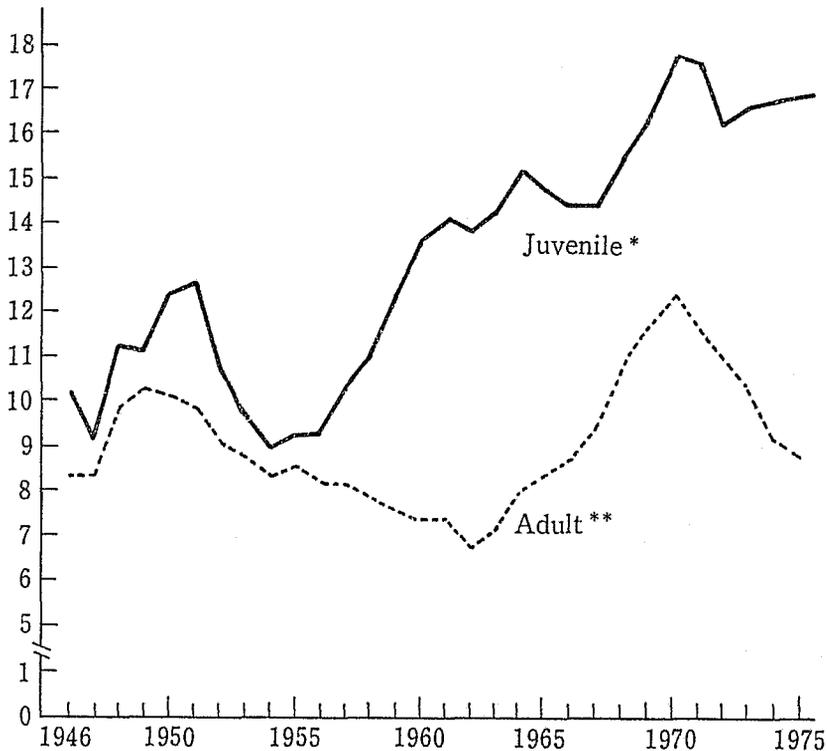
It regained an upward trend in 1955 and reached a high point of 193,121 in 1966. The number stabilized below 190,000 from 1967 to 1969, but exceeded 190,000 in 1970. However, it again stabilized below 165,000 since 1972. Figure 8 shows the trends of the rate of juvenile offenders computed per 1,000 juvenile population, with the corresponding trends of that of adults.

Figure 7. Juvenile Justice System of Japan



- [A] The police shall send the case of juvenile delinquent to a Public Prosecutor. However, if the case concerns an offense punishable with a fine or lesser penalty, he shall send the case to a Family Court (Article 41, the Juvenile Law; Article 246, the Code of Criminal Procedure).
- [B] If a police officer or a guardian deems that measures under the Child Welfare Law will be more advisable than immediately sending the information to the Family Court, he may directly notify a Child Guidance Center of any case which involves a pre-offense juvenile under 18 (Paragraph 2, Article 6, the Juvenile Law). Also see below.
- [C] If the Public Prosecutor deems that an offense has been committed by a juvenile, he shall send the case to the Family Court. He shall also send those cases to the Family Court that he believes come under the court's jurisdiction even if there is not sufficient grounds for suspicion (Article 42, the Juvenile Law).
- [D] If the prefectural governor or chief of the child guidance center deems it necessary to take compulsory measures for a juvenile to whom the Child Welfare Law is applicable, such as restricting the freedom of his conduct or depriving him of liberty, he shall be referred to the Family Court (Paragraph 3, Article 6, the Juvenile Law). The Family Court has jurisdiction over a law-breaking child or a pre-offense juvenile under 14 years of age only when the prefectural governor or chief of the child guidance center refers him to the Family Court (Paragraph 2, Article 3, the Juvenile Law).

Figure 8. Trends in Penal Code Offenders Investigated by the Police:  
Juvenile and Adult, 1946-1975



\* Rate per 1,000 population of 14-19 years of age.

\*\* Rate per 1,000 population of twenty years of age and over.

An examination of the trends in non-traffic major Penal Code offenders who violated provisions of the Penal Code in property, sex and violence, and investigated by the police (offenses 1-16, 20, 21 in Table 2, page 4) reveals that although the number of juvenile suspects decreased from 126,505 in 1951 to 85,496 in 1954, this trend was reversed starting in 1955 and peaked at 151,083 in 1964. Since 1965 the number decreased each year and reached a low of 101,412 in 1969. In 1970 there was an increase in excess of 7,000 over the 1969 low. The number decreased again to 102,335 in 1971 and further to 97,031 in 1972. It increased to 104,007, 110,907, and 112,379 in the year of 1973, 1974, and 1975 respectively. It should be noted that in 1975 juvenile suspects who committed non-traffic major Penal Code offenses is approximately one half of adult same suspects in number and four times in ratio per 1,000 population.

## 2. Special Law Offenders

During the year 1975, the Public Prosecutors' Office received a total of 217,643 juveniles suspected of violating penal statutes other than the Penal Code. Of this

number, 212,166 or 97.5% were suspected of violating the Road Traffic Law. The non-traffic special law offenders received in the Public Prosecutors' Offices in 1975 amounted to 5,525 which was 1,238 less than in the previous year. This number 5,525 is the lowest for these ten years.

### 3. Law-Breaking Children and Pre-Offense Juveniles

In 1975, the police investigated and gave guidance to 35,600 children under fourteen years old who would have been referred either to the Family Court or to the Public Prosecutor, had they been fourteen years old or older. This figure was 578 less than that of the previous year. The rate per 1,000 population of the age group of 8-13 years was 3.6 in 1975 representing 0.1 decrease over the previous year. Theft has always been the major delinquency of children in this category, comprising 87.1% of the total.

In addition to children in the law-breaking category, the police gave guidance or direction to pre-delinquent juveniles who were indulging in smoking, drinking, unwholesome pastimes, truancy, keeping bad associates, loitering in entertainment areas, inhaling paint-thinner, etc. The estimate for such juveniles would reach several hundred-thousands in all. The number of juveniles of whom the police actually referred either to the Child Guidance Center or to the Family Court was 5,758 in 1975. The number of pre-delinquent juveniles in this category appears to have been declining since 1965.

It was since 1967 that the abuse of paint-thinner or chemical glue, particularly among juveniles, became prevalent. The number of juveniles given guidance by the police due to such indulgence reached 49,587 in 1971. The number of accidental deaths thereby caused was as many as 70 (including 20 adults). The Government has reacted to this serious situation by the amendment of the Poisonous and Injurious Substance Control Law.

Of the 36,968 juveniles who were suspected by the police and given guidance as abusers of paint-thinner or glue in 1975, representing 15,831 increase over the previous year, 37.0% were employed, 41.3% were students, and 21.7% were unemployed.

## B. Special Features and Background of Juvenile Criminality

### 1. Juvenile Offenders by Type of Crime

A breakdown of 161,683 juvenile Penal Code offenders by type of offense, those who committed theft outnumbered all other types, comprising 53.2% of the total juvenile Penal Code suspects in 1975. Next, professional negligence causing death or bodily injury comprised 27.6%, followed by bodily injury (4.4%), assault (4.0%) and extortion (3.7%). The crimes which showed considerable increase over the previous year were theft, extortion, and embezzlement. It should be noted, how-

ever, that juveniles comprised more than 30% of the total offenders in such crimes as extortion, theft, embezzlement, rape, and robbery.

When compared with the figures for 1955, the number of juvenile offenders alleged to commit assault increased by 1.73 times in 1975, followed by extortion (1.52), theft (1.47), embezzlement (1.38), and indecency (1.35). On the other hand, the numbers of fraud, murder, robbery, intimidation, arson, bodily injury and rape had declined.

## 2. Juvenile Offenders by Age-Group

Of the total juveniles of 14-15 age group who were investigated by the police, theft accounts for 79.4%. This was followed by extortion (5.4%), assault (4.5%), and bodily injury (3.5%). In case of 16-17 age group, theft was also the dominant type of offense amounting to 73.9%. Next came bodily injury (5.8%), followed by assault (5.5%), and extortion (5.3%). In 18-19 age group, theft accounted for 61.2% of the total, followed by bodily injury (11.6%), assault (7.3%), and extortion (4.1%). For young adult offenders of 20-24 years old, theft accounted for 49.1%, followed by bodily injury (17.7%), assault (10.3%), and extortion (2.8%). It is noted that the theft accounts for a majority of the charges in the lower age groups, while in the older age groups crimes of violence comprise a high ratio in the total.

## 3. School and Employment

In accordance with the increase of the total number of students the percentage of students among juvenile non-traffic offenders has been increasing since 1968, although it has always been smaller than the percentage of students to the total population of the corresponding age group. In 1975, 70.8% of juvenile suspects investigated of non-traffic Penal Code offenses were students of junior (29.8%) or senior (36.3%) high schools, colleges (2.9%), or universities (1.7%).

In 1975, a total of 21,821 working juveniles were investigated by the police for non-traffic offenses. This comprises 18.7% of the total juvenile offenders.

## 4. Others

Statistics gathered by the police revealed that in 1975, a total of 37.7% of juvenile non-traffic Penal Code offenders had codefendants while the corresponding percentage was three times lower in the case of adult. In regard to juvenile cases, the ratio was notably high for extortion (54.0%) and robbery (46.9%), followed by bodily injury (45.6%), assault (44.6%), rape (44.4%), and theft (38.0%).

Family Court statistics indicate that among the non-traffic juvenile offenders disposed of in 1974, 22.5% of Penal Code offenders excluding professional or gross negligence causing death or bodily injury, and 27.1% of special law violators excluding the Road Traffic Law violators, had previous records of dispositions by the Family Court. Approximately 47% of juveniles charged with robbery, and 39% with rape, and 33% with homicide, extortion, and bodily injury had previous records of

referral to such an agency. In brief, those charged with violent types of crime tended to have more extensive criminal records, whereas the ratio of persons with previous offenses were lower with embezzlement and theft which showed less than 20%, respectively. Thirteen percent of juvenile delinquents between fourteen and fifteen years old, 19% of those between sixteen and seventeen, and 24% of those between eighteen and nineteen had previous delinquency records.

A survey made by the Ministry of Justice revealed that 73% of juveniles committed to training schools had previous records of legal disposition; 49% were previously placed under probation, and 47% were discharged at the Family Court either with or without court hearings. A total of 60% of the juveniles who were referred back to the Public Prosecutors' Office by the Family Court for possible prosecution had previous records.

### C. Disposition and Treatment

#### 1. Disposition by Public Prosecutor

The Public Prosecutors' Offices received 384,553 juvenile suspects in 1975, which was 6,188 more than that of the previous year. Of this number, 166,910 (43.4%) were suspected Penal Code offenders, an increase of 754 from 1974, 212,166 (55.2%) were violators of the Road Traffic Law, an increase of 6,644 from 1974, and 5,477 or 1.4% were special law violators (other than Road Traffic Law violators), a decrease of 1,210 from the previous year. A continually decreasing tendency of professional negligence causing death or bodily injury from 1970 was also observed in 1975 when it stood for 28.2% of the total while theft accounted for 52.4%.

The Public Prosecutor is not empowered to determine whether or not to institute prosecution if the suspect is a juvenile. He sends the case, after investigation, to the Family Court with a recommendation for the treatment of the juvenile. Thus, a total of 382,541 juveniles were referred from the Public Prosecutor to the Family Court in 1975.

The Public Prosecutor is, in principle, required to institute prosecution when a case is referred back to his office by the Family Court for criminal prosecution. Of 38,067 juvenile offenders thus prosecuted in 1975, a total of 32,260 or 84.7% were Road Traffic Law violators, and 5,741 or 15.1% were Penal Code offenders, 90.1% of whom were charged with professional or gross negligence causing death or bodily injury.

#### 2. Adjudication by Family Court

The Family Court is empowered to determine the treatment measures for a juvenile delinquent. The Family Court can apply one of three protective measures provided for in the Juvenile Law (e.g. placing under probationary supervision, committing either to juvenile training school or to child education and training home),

refer the case to the Public Prosecutor for criminal prosecution, or discharge him before or after a hearing without any further action.

In 1975, a total of 437,981 juveniles were referred to the Family Court, representing an increase of 9,093 from the previous year. Fifty-five percent of them were Road Traffic Law violators. Among the non-traffic violators cases, Penal Code offenders stood for 39.2%, followed by special law violators (4.9%) and those engaged in the pre-offense activities (0.9%).

Family Court Probation Officers investigate the juvenile, his family or other persons involved in his case. The Family Court may place a juvenile under "tentative probation." During this period, the Family Court Probation Officer observes the delinquents' conduct for the purpose of obtaining more information to assist an appropriate court determination. In 1974, 11.6% of the total non-traffic offenders, and 26.3% of traffic offenders were placed under "tentative probation." Eighty-nine percent of non-traffic offenders and 98% of traffic offenders were discharged from "tentative probation" within six months.

Final dispositions of all non-traffic cases for 1965 and 1975 are shown in Table 10. It will be noted that those juveniles committed to the Juvenile Training School accounts for only 1.5% of the total in 1975; the corresponding figure for 1965 was 3.9%.

### 3. Criminal Trial

During 1975, a total of 34,540 juveniles were convicted in courts of first instance. Of this number, 659 were sentenced to imprisonment, 471 of which were given sus-

Table 10. Final Dispositions of Non-Traffic Offenders by Family Court, 1965 and 1975

Disposition	1965		1975	
	Number	Percentage	Number	Percentage
A. Dismissal without Hearing	96,227	47.6	82,409	49.3
B. Dismissal after Hearing	57,147	28.3	59,204	35.4
C. Referral to Child Guidance Center	729	0.4	204	0.1
D. Probation	22,153	11.0	12,931	7.7
E. Commitment to Child Education & Training Home	335	0.2	184	0.1
F. Commitment to Juvenile Training School	7,843	3.9	2,522	1.5
G. Referral to the Public Prosecutor	17,792	8.8	9,684	5.8
Total	202,226	100.0	167,138	100.0

pending sentence. A total of 33,881 were sentenced to fine. Of those who were imprisoned without suspension, traffic offenders numbered largest (57), followed by those committed rape (35) and theft (34).

#### 4. Juvenile Classification Home

The Juvenile Classification Homes complete a pre-hearing investigation and classification on juveniles referred by the court. The average length of stay is about twenty-one days. There are fifty-two Juvenile Classification Homes (including one branch home) in Japan administered under the Ministry of Justice. There is at least one in each of Japan's forty-seven prefectures. The classification of the juveniles is completed by staff specialists of medicine, psychology, sociology and education. Their findings and a treatment recommendation are reported to the referring family court judge.

In 1975, a total of 12,528 juveniles, including 1,360 girls were committed to these classification homes. There has been a gradual decline in referrals for the past several years, but the number of 1975 was 968 larger than that of the previous year.

The Juvenile Classification Homes also make available testing and classification services on an outpatient basis. These youths are not referred by the Family Courts but by interested persons or agencies from outside. Requests for these services have totaled 22,256 in 1975.

#### 5. Juvenile Training School

Commitment to a juvenile training school is one of the three protective measures provided for in the Juvenile Law. The program at juvenile training schools includes discipline of inmates in a friendly atmosphere, academic and vocational training, medical treatment, cultural and recreation activities. A total of sixty-four juvenile training schools including two branch schools are administered by the Ministry of Justice. They are classified into four types; primary, middle, advanced and medical. Number of inmates in these schools by type of school at the end of December 1975 and their respective percentage out of the total inmates were as follows: middle school inmates outnumbered all other types amounting to 1,948 or 67.7%, followed by advanced school with 370 (12.9%), primary school with 354 (12.3%) and medical school with 206 (7.2%), respectively.

In 1975, 2,549 juveniles including 185 girls were admitted to such schools an increase of 580 from the 1974 admissions. Nineteen-year-olds accounted for 26.9% of the admissions, eighteen years 26.0% and seventeen years 19.4%. The main offenses which resulted in commitment in 1975 were: theft (51.0%), preoffense (8.2%), rape and indecent assault (8.0%), extortion (7.8%) and bodily injury (5.0%).

During 1975, certificates for completion of compulsory education were rewarded to 81.8% of those in the training schools who had not completed compulsory education prior to the commitment. In addition, 1,521 boys and girls obtained, as a result of vocational training and guidance, qualifications or certificates in such fields as abacus, auto driving, welding, wood-craft, mechanics, printing, sheet metal work, architecture, electronics and others. Recently juvenile delinquents are becoming more complicated in nature. Corresponding to this trend, short-term or open treatment is now being introduced in training school as new treatment techniques.

#### 6. Juvenile Prison

Juvenile offenders convicted in courts other than the Family Courts are committed to juvenile prisons. Juvenile prisons are more treatment-oriented than adult prisons. An inmate of a juvenile prison may be continuously institutionalized until he reaches the age of 26.

There were 196 juvenile prisoners in juvenile prisons at the end of 1975, which was a decrease of 53 from the previous year. There are nine juvenile prisons in Japan which admitted 134 juveniles in 1975. This figure is thirty-six smaller than the 1974 figure. Most of inmates of juvenile prisons have an indeterminate sentence. There is a higher percentage of professional negligence causing death or bodily injury (30%), rape (19%), theft (16%) and robbery (11%) among juvenile prisoners. Understandably, 99% of juvenile prisoners had no previous record of imprisonment. However, 30% had been subjected to protective measures by the Family Courts, approximately 73% of whom had once been in juvenile training schools.

#### 7. Juvenile Probation and Parole

Placing juveniles under a probationary supervision in the community for a specified period is one of the three protective measures that the Family Court may select. In 1975, a total of 21,384 juveniles were placed under probationary supervision by the Family Courts. This is an increase of 1,442 from the 1974 figure. At the end of 1975, there were 37,552 juveniles on probation, comprising 63.5% of total number of probationers in Japan.

Those juveniles released on parole from juvenile training schools during 1975 numbered 1,594. At the end of the same year, 2,178 juveniles, or 25.0% of the total parolees were under parole supervision throughout Japan.

## II. Road Traffic Offenses

### A. General Trends

#### 1. Present Situation and Background of Traffic Offenses

Since World War II, the number of registered vehicles has increased year after year. In 1975, the number of automobiles reached 28,934,000 indicating an increase

of about 1,223,000 over the previous year. The number of vehicles including motorcycles was 36,918,000 in the same year. The number of drivers has likewise grown. The number of licensed drivers reached about 33,480,000, approximately one-third of the population over sixteen years of age.<sup>12)</sup> Figure 9 shows the trends of the numbers of incidence of traffic accidents, casualties in such accidents and vehicles (automobiles and motor-cycles), their number in 1966 being reckoned as the index of 100. It is observed that in 1975, the number of traffic accidents as well as the number of the casualties decreased in spite of an increase in the number of vehicles. In the same year, the number of traffic accidents causing death and bodily injury was 472,938 (17,514 less than in the previous year), the number of fatalities in traffic accidents was 10,792 (640 less than in the previous year) and the number of persons injured was 622,467 (28,953 less than in the previous year). However, since the number of fatalities per day amounted to 29.6 and the persons injured to 1,705.4, it should be said that the present situation in regard to traffic offenses is still serious.

Regarding the type of accidents, car to car accidents were the most frequent. They amounted to 68.9% of the total in 1975.

## 2. Trends in the Road Traffic Law Violations

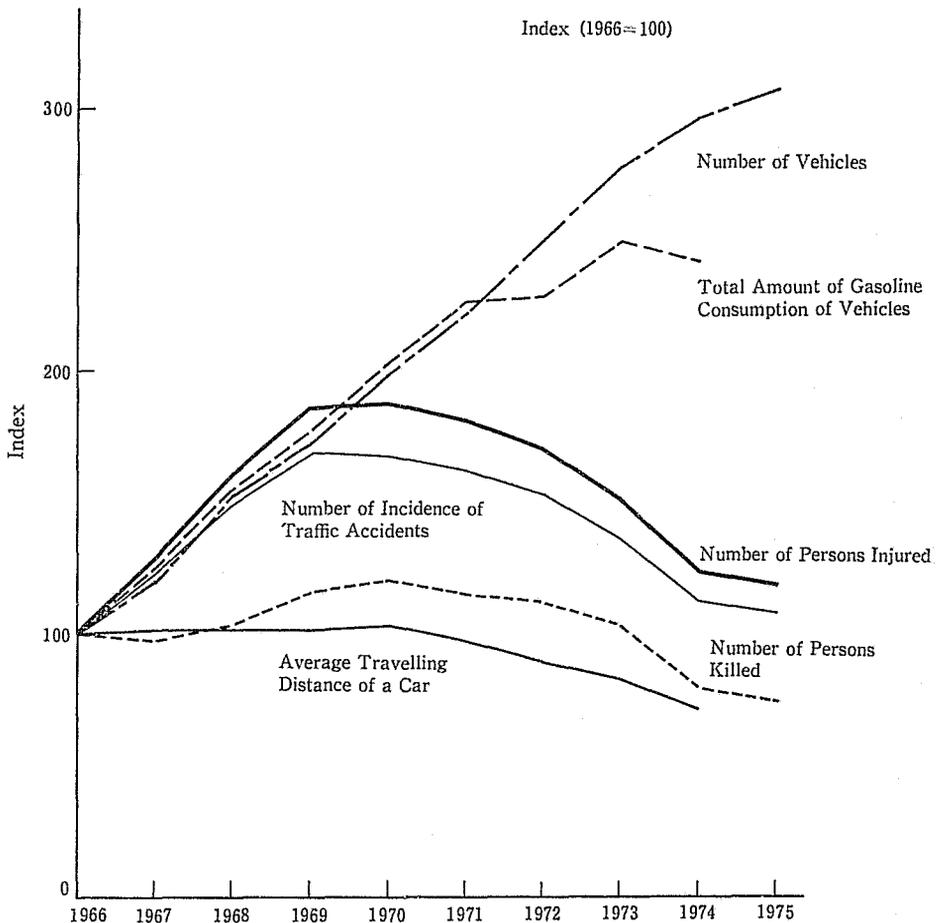
In 1975, the total number of violations of the Road Traffic Law was 10,158,709 which constituted an increase of 1,325,237 over the previous year. The most frequent violation was speeding standing for 40.6% of the total, which was followed by illegal parking (17.4%), disregarding special restrictions (8.1%) and negligence of stopping (5.9%). The number of hit and run cases was 28,391 (1,980 less than in the previous year), the number of casualties in such cases amounting to 33,211 in 1975. The ratio of hit and run cases to the total number of casualties in traffic accidents was 5.2%, indicating no difference to 1974. On the other hand, the clearance rate of hit and run cases (including property destruction) was 91.0%. It was 89.8% in the previous year.

## 3. The Operation of the Traffic Infraction Notification System

The Traffic Infraction Notification Procedure, or the traffic infraction ticket system, was introduced in July 1968 to alleviate the heavy pressures on the agencies concerned caused by the sharp increase in traffic cases. This system also aims at avoiding stigmatizing millions of traffic violators as criminals, since a minor traffic violator may be exempted from prosecution if he pays a "non-penal fine" within a specified time. Those who have failed to pay the fine will be referred to the Public Prosecutors' Office for possible prosecution. In 1975, this system was applied to 8,401,771 or 82.7% of the total number of adult violators of the Road Traffic Law.

<sup>12)</sup>Age for licensing is 16 for motorcycles and specified types of compact cars, 18 for ordinary cars, and 21 (plus driving experience for three years or more) for such big vehicles as fleet trucks.

Figure 9. Trends in Numbers of Vehicles, Casualties, and Incidence of Traffic Accidents (1966-1975)



The system was expanded in August 1970 to cover juvenile violators. In 1975, this system was applied to 691,574 (or 75.5%) juvenile violators of the Road Traffic Law. Since an average of only about 4.7% of the total violators notified by the police failed to pay the notified fine in the last six years, it seems safe to assert that the Traffic Infraction Notification Procedure has been operating very successful ever since its establishment.

## B. Prosecution and Trial of Traffic Offenses

### 1. Prosecution of Traffic Offenses

In 1975, the number of the suspects received by the Public Prosecutors' Offices for professional or gross negligence causing death or bodily injury (almost all of whom caused traffic accidents) amounted to 470,949 which indicates a decrease of

24,807 from the previous year. This number still constituted 55.1% of the total Penal Code offenders received in the Offices in 1975. Violators of the Road Traffic Law received in the Offices in 1975 was 1,922,430 indicating an increase of 143,511 over the previous year.

The rate of prosecution against traffic offenders was 66.6% in cases concerning professional negligence causing death or bodily injury, 47.7% in gross negligence causing death or bodily injury, and 96.8% in the Road Traffic Law violation. A summary order was requested in 96.5%, 83.0%, and 99.5% of these categories of cases, respectively. As a result, the rates of prosecution for public trial through a formal procedure in these cases were only 3.5%, 17.0%, and 0.5%, respectively. However, with regard to the case of professional or gross negligence causing death, the prosecution rate for public trial was 46.8% which was comparatively high.

## 2. Trial of Traffic Offenders

The number of persons found guilty for professional or gross negligence causing death or bodily injury had been increasing yearly till 1970 when they numbered 454,366. This figure decreased, however, to 307,609 in 1974. Of those convicted persons, 4,165 were sentenced to imprisonment with labor, 1,653 or 39.7% of which were actually imprisoned while the remainder had their sentences suspended. Of 7,139 offenders sentenced to imprisonment without labor, 1,449 or 20.3% were imprisoned while the remainder had their sentences suspended. The length of sentence was relatively short for both categories of imprisonment with approximately 61% of them ranging from six to twelve months. Regarding the fines, the number of offenders imposed fines for professional or gross negligence causing death or bodily injury was 296,305 in 1974. As to the amount of fine imposed through a Summary Order, 79.0% of offenders for professional negligence causing death were imposed fines ranging from 50,000 yen to less than 200,000 yen, and 19.5% of the total were of 200,000 yen, whereas 53.6% of offenders for professional negligence causing bodily injury were imposed fines ranging from 30,000 yen to less than 100,000 yen.

## C. Juvenile Traffic Offenders

Because of the age limit for being awarded a driver's license and the fairly limited opportunities for driving, the percentage of juveniles among traffic offenders has been relatively low. Table 11 indicates the number and percentage of juveniles among the total traffic offenders received in the Public Prosecutors' Offices. The large proportion of juveniles among gross (not professional) negligence offenders is explained by the extremely high rate of non-licensed drivers among juvenile traffic violators. Of the total juvenile violators of the Road Traffic Law, driving without license stood for 9.6% in 1975.

Table 11. Juvenile Traffic Offenders Referred to the Public Prosecutor,  
1971-1975

Year	Professional Negligence Causing Death or Bodily Injury		Gross Negligence Causing Death or Bodily Injury		Violation of the Road Traffic Law	
	Total	Juvenile(%)	Total	Juvenile(%)	Total	Juvenile(%)
1971	665,076	73,818(11.1)	1,799	659(36.3)	6,690,875	717,355(10.7)
1972	641,687	65,796(10.3)	1,475	525(35.6)	7,224,302	687,243( 9.5)
1973	584,986	57,762( 9.9)	1,412	456(32.3)	8,069,481	769,099( 9.5)
1974	494,429	49,099( 9.9)	1,327	322(25.0)	8,833,472	809,277( 9.2)
1975	469,632	46,697( 9.9)	1,317	399(30.3)	10,158,709	915,694( 9.0)

Among the juvenile traffic cases disposed of by the Family Court in 1974, 16.8% of the professional or gross negligence cases and 18.2% of the Road Traffic Law violation cases were referred back to the Public Prosecutors for possible prosecution. Also, 75.4% of the professional or gross negligence cases and 77.7% of the Road Traffic Law violation cases were discharged by the Family Court either with or without a court hearing, and 7.7% of the professional or gross negligence cases and 4.0% of the Road Traffic Law violation cases were placed under probationary supervision.

#### D. Treatment of Traffic Offenders

##### 1. Correction

As of the end of 1975, there were 3,279 traffic offenders serving their sentences, of which 2,686 were imprisonment with labor while 593 were without labor. The former represented a slight decrease and the latter decreased in the last four years.

In 1975, the rate of the traffic offenders who had never been committed to any correctional institution previously was 74.3%, which indicates a decrease of 5.2% from the previous year.

Open correctional treatment has been developed on traffic offenders without labor, who are predominantly negligent offenders with less personal and security problems. Since 1964, persons who satisfied the following conditions have been sent to one of the six institutions for specialized treatment:

- 1) no concurrent sentence to imprisonment with labor;
- 2) no previous record of imprisonment;
- 3) a sentence of more than three months;
- 4) no serious mental or physical handicap; and
- 5) no security problems.

In such institutions, the traffic offenders are allowed to move freely within the buildings, not searched, and in principle are unguarded within the facilities. Receiv-

ing visitors and correspondence are not restricted but encouraged and counselling services are available to them. For those who will not be driving after leaving the institution, information on the labor market, advice on the selection of employment, and basic vocational guidance programs are made available to them. For those who wish to continue to drive and those who have aptitude for driving, lecture and field work to improve their driving techniques and increase their knowledge in traffic rules and regulations as well as skill in automobile engineering are provided. The work release program is also implemented in some institutions.

As to a juvenile training school, three institutions have special treatment programs for traffic offenders. During 1975, 86 boys were sent to one of the juvenile training schools by the disposition of the Family Court. The average length of stay in these special institutions is three months, while the stay in ordinary juvenile training schools is approximately fifteen months.

## 2. Probation and Parole

Of 44,958 probationers and parolees received at the Probation Offices in 1975, traffic offenders amounted to 16,510 or 36.7% of the total. Of the total traffic offenders thus received, juvenile probationers comprised 74.3%, training school parolees 0.5% and prison parolees 17.5%, and adult probationers 7.7%. It is noteworthy that more than half of the total juvenile probationers were the traffic offenders.

Combined with ordinary probation or parole supervision, specified services for traffic offenders have been attempted at the Probation Offices. New attempts include the use of guided group interaction or group work methods.

## III. Violent Crimes Committed by Organized Violent Group Members

### A. General Trends

Organized violent groups which extended their power through the economic disorganization period following from the end of the World War II increased steadily in number. With the increase of groups, there occurred many struggles between them resulting from conflicts of interests in raising their funds. Through these struggles larger groups promoted their controlling power over smaller groups and merged some of them into the organization of larger groups. In 1958, the numbers of organized violent groups and their members were 4,192 and 92,860 respectively.

One of the tools to control their activities was a legislative measure. In 1958, new articles prescribing the intimidation of a witness and the unlawful assembly with dangerous weapons were added into the Penal Code. The Law for Punishment of Acts of Violence was reformed in 1964 so as to make more strict control possible over organized violent groups. In the result of strict control many groups were dissolved and the arrestees of group members were 43,303 in 1966, which showed

sharp decrease from 82,074 in 1956. The numbers of groups and group members have decreased since 1963 but the number of arrestees have been increasing since 1970.

Organized violent groups can be classified into a gamblers group, a street stallmen group and a hooligans group by the type of their activities and the characteristic feature of group members. In the ten years after 1955, activities of hooligans groups were most noticeable. Since 1965 gamblers groups and violent street stallmen groups which were composed firmly have acquired more predominant influence.

One of the recent trends of organized violent groups is that they are extending their power over wider area by integrating smaller groups. In the process of integration many conflicts have been occurred between violent groups. Consequently, group members have equipped themselves with more powerful weapons and the number of weapons seized from group members have increased yearly. In addition, illicit manufacture and smuggling of pistoles conducted by group members have sharply increased in number. With a view to raise their funds, organized violent groups have advanced their activities into intellectual crimes such as an exaction of an obligatory right, an extortion by threatening to cause trouble at the general meeting of the stockholders and a distribution of obligations of a bankrupt company, in addition to conventional activities such as gambling, dealing of drugs and bookmaking.

#### B. Crimes Committed by Organized Violent Group Members

In 1975, 53 violent group members were arrested and the number was almost the same to that of the previous year. Of the total offenses committed by group members, theft was the largest standing for 20.6%, which was followed by assault (12.6%), gambling (11.6%), extortion (9.7%), violation of the Stimulant Drugs Control Law (9.3%), violation of the Horse Racing Law (5.4%) and violation of the Law Regulating the Possession of Guns and Swords (5.0%). The crimes which represented sharp increase rates over the previous year were murder and violation of the Stimulant Drugs Control Law.

The crimes in which the ratio of violent group members for the total arrestees increased were arson, bodily injury, assault and violations of the Narcotic Control Law, the Law Regulating the Possession of Guns and Swords and the Child Welfare Law.

#### C. Treatment of Organized Violent Group Members

##### 1. Correction

In recent years, prisoners who belong to violent groups have increased sharply and have been more than 5,000 in number since 1972. The rate of group members in the new admissions during 1975 was 21.0%, which was 13.5% in 1969. Prisoners of violent groups sometimes overawe prison officers and make groups in a prison, which often cause opposition between them. With a view to prevent troubles in a

prison group members are transferred on the basis of information which was offered from relevant agencies and was gathered through observation by prison officers.

In order to make a group member reintegrate into the society as an ordinary citizen, prison officers try (1) to separate him from a organized violent group and help him to make sound ties in the community, (2) to make him form a work habit through prison work, (3) to make him learn a manner of living and basic knowledge which is necessary to an ordinary life in society through living guidance.

## 2. Probation and Parole

A research study done by the Rehabilitation Bureau of the Ministry of Justice showed that during a probation period 57.2% of the total youthful probationers had or seemed to have unfavorable companionship with delinquents and 24.6% of the total adult probationers had close relationship with organized group members. Other study showed that 3.2% of the total parolees who were granted parole by the Kanto District Parole Board were members of organized violent groups.

In order to facilitate their reintegration into the community, more intensive supervision is indispensable. A probation officer gathers information on a subject and the group to which he belongs or belonged from a police station, a public prosecutors' office, a court and relevant agencies, and sometimes meets his leader of the group to separate him from the organization. However such activities can not produce the intended result since a probation officer can grasp only a part of subject's life because of his confidential living and the subject usually does not have a firm desire for rehabilitation. More close collaboration with relevant agencies is necessary to maximize the functions of probation services.

## IV. Anti-Prostitution Law Offenses

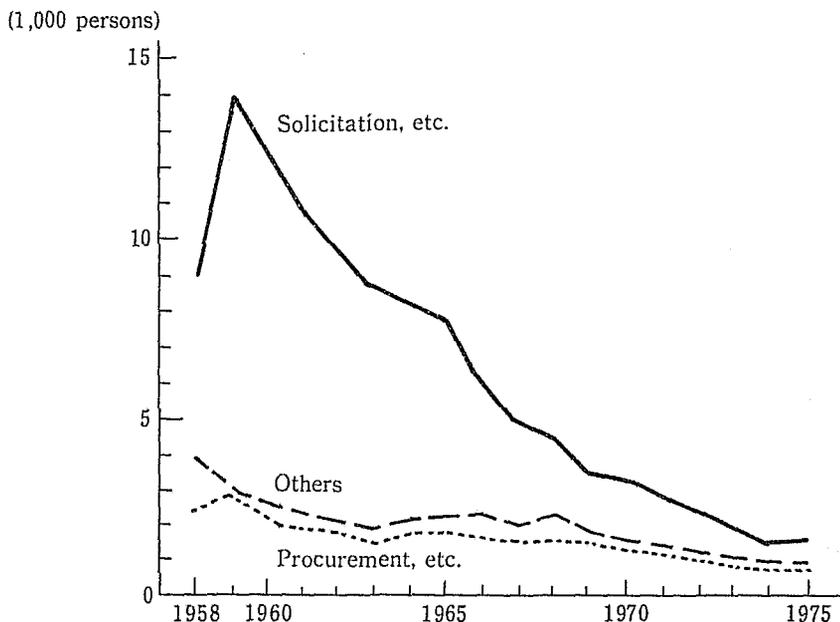
### A. General Trends

Figure 10 shows the trends in the Anti-Prostitution Law offenses since 1958. The Law was promulgated in 1956 and came into force in April 1958. In 1959, a total number of the suspects who committed any provisions of the Law peaked at 19,600. Then it has been declining year by year and reached a low of 2,983 in 1975. Above all, the offenders who violated Article 5 of the Law (solicitation, etc.) decreased considerably, accounting for 52.8% compared with those violated Article 6 (procurement, etc.) and other provisions accounting for 25.1% and 22.1% respectively in 1975.

### B. Prosecution and Trial

In 1959, Public Prosecutors' Offices throughout Japan received a total of 18,629 suspects who violated the Anti-Prostitution Law. The figure has been reduced every year and it numbered 3,074 in 1975. The rate of prosecution for those suspects was 57.3% from 1958 to 1962, while it was 67.1% from 1971 to 1975. A total of 1,957

Figure 10. Trends in Anti-Prostitution Law Offenders, 1958-1975



accused were found guilty by the courts of first instance in 1974. This means approximately 21% of the same figure of 1959. Recent trends in disposition by courts indicate that around 70% of those persons were imposed fine through summary order and some 80% of those who received sentences to imprisonment were given suspension of execution.

#### C. Characteristics of Anti-Prostitution Law Offenders

The decreasing number of the Anti-Prostitution Law offenders seen in the above statistics does not always reflect the real situation of offenses of this kind. Recently the types of the prostitution case become so complicated taking subtle and clever ways that it is extremely difficult to grasp the facts of the case. The Ministry of Justice conducted a survey examining a total of 4,351 persons including those who were convicted and those who were given suspended prosecution for the violation of the Anti-Prostitution Law and other related laws such as the Child Welfare Law and the Employment Security Law between July 1, 1974 and June 30, 1975. Of this 4,351, there include 1,664 prostitutes who did not really violate the laws but were procured or encouraged to involve in prostitution. Through the result of this survey, the following trends are observed as characteristics of recent type prostitutes:

1. The age of prostitutes who solicited persons to become client is becoming higher and majority of these prostitutes repeat same type of offenses over and over.

2. Most of the prostitutes who solicit persons for the purpose of prostitution in obvious manner have no occupation and make livelihood by doing so. While relatively large number of 1,664 prostitutes who did not really violate the laws but were procured or encouraged to involve in prostitution are employees of service trades such as masseuses of bath-house, hostesses in cabaret or so. They used to commit prostitution for better living at the place they are working with some relations to organizations commercialized prostitution.

3. Many of the persons who procure prostitutes have no occupation and live on prostitutes' earning. While they flock to large cities, persons instigating prostitution are acting in smaller towns as well as big cities. They mostly run business which affect public morals encouraging their employees to entertain customers.

4. The number of girl students committed the Law has been increasing.

#### D. Women's Guidance Home

There are three Women's Guidance Home in Japan, including two the operation of which were suspended temporarily, because of insufficiency of inmates therein. The Homes were established in 1958 to provide programs for women over twenty years of age convicted under the Anti-Prostitution Law. Persons convicted under this statute may be confined for maximum period of six months. The number of admissions to the Women's Guidance Homes has declined from high of 408 in 1960 to only twenty-eight persons in 1975.

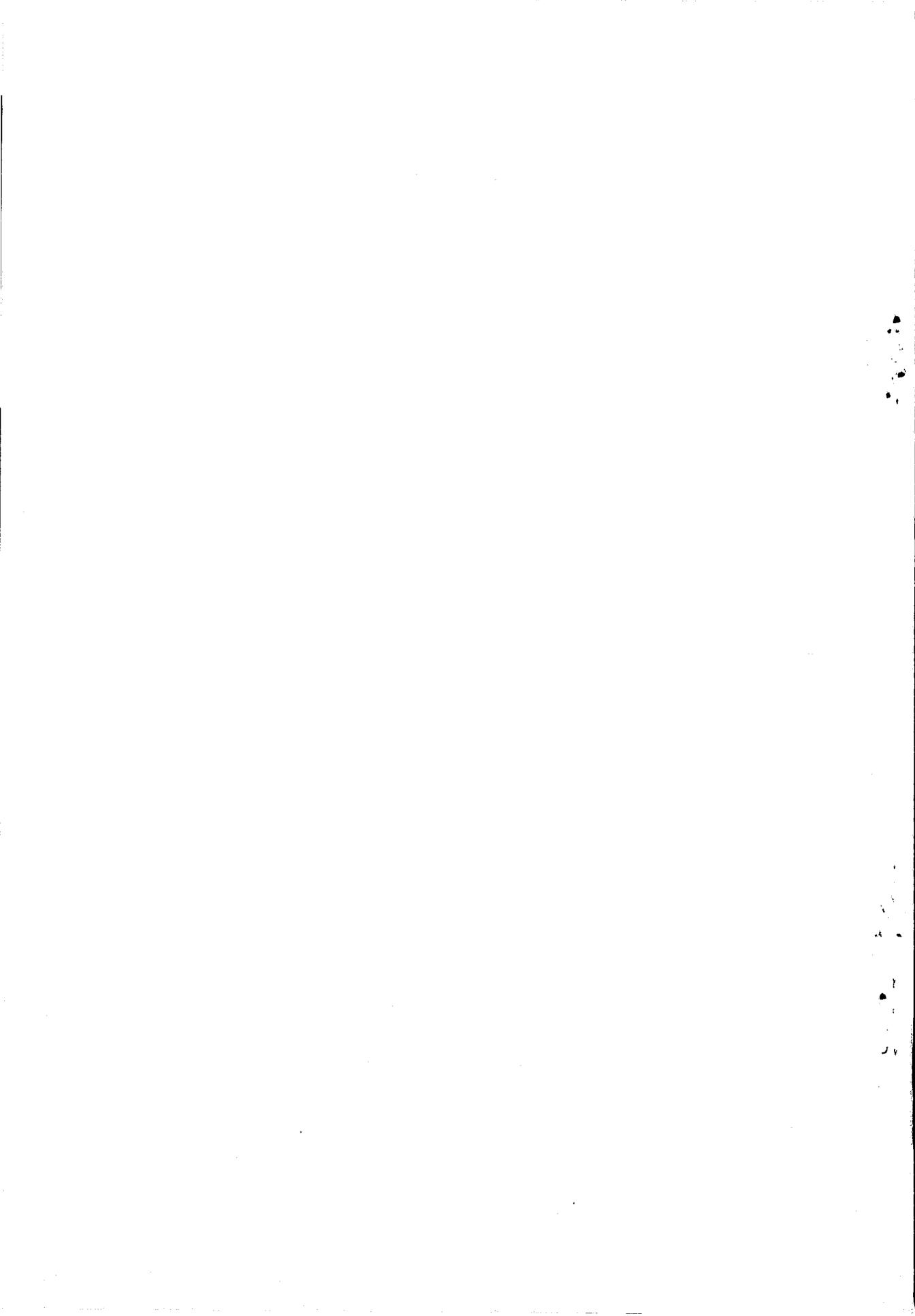
Inmates of the Home are lately aged older, mentally or physically disturbed to some extent and recidivism. Treatment in these institutions include medical care, lively guidance and vocational training.

## LIST OF TABLES

Table 1.	Non-Traffic Penal Code Offenders — Suspected, Prosecuted, and Convicted: selected years .....	2
Table 2.	Trends in Penal Code Offenders Investigated by the Police by Crime Categories, 1971-1975 .....	4
Table 3.	Number and Rate of Non-Traffic Penal Code Offenders Investigated by the Police by Sex, 1971-1975 .....	7
Table 4.	Percentage of Suspension of Prosecution, 1971-1975 .....	19
Table 5.	Trends in Dispositions by Courts, 1971-1975 .....	20
Table 6.	Percentage and Real Number of Prisoners in Classification Categories, as of 31 December of 1973-1975 .....	26
Table 7.	Trends in Probation and Parole (Receptions), 1971-1975 .....	30
Table 8.	Disposition of Reconvictions of Probationers and Parolees, 1975 .....	32
Table 9.	Trends in Ordinary Pardon, 1971-1975 .....	33
Table 10.	Final Dispositions of Non-Traffic Offenders by Family Court, 1965 and 1975 .....	41
Table 11.	Juvenile Traffic Offenders Referred to the Public Prosecutor, 1971-1975 ..	47

## LIST OF FIGURES

Figure 1.	Trends in Penal Code Offenses and Offenders .....	3
Figure 2.	Trends in Crimes of Homicide and Bodily Injury, 1926-1975 .....	12
Figure 3.	Trends in Crimes of Homicide and Bodily Injury in World Major Countries, 1965-1974 .....	14
Figure 4.	Trends in Crimes of Theft, 1926-1975 .....	15
Figure 5.	Trends in Crimes of Rape and Indecency, 1935-1975 .....	17
Figure 6.	Trends in the Average Daily Population in Penal Institutions, 1970-1975 .....	23
Figure 7.	Juvenile Justice System of Japan .....	36
Figure 8.	Trends in Penal Code Offenders Investigated by the Police: Juvenile and Adult, 1946-1975 .....	37
Figure 9.	Trends in Numbers of Vehicles, Casualties, and Incidence of Traffic Accidents, 1966-1975 .....	45
Figure 10.	Trends in Anti-Prostitution Law Offenders, 1958-1975 .....	51







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