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PREFACE

The development of criminal correction in the twentieth century is marked by the sweeping expansion of community-based treatment of offenders. Since the first pioneer attempts, it took many decades for probation, parole and aftercare to become fully implemented in Japan as an integral part of corrections.

In contrast to the long prelude, however, probation and parole have made steady progress after they were given a legal basis about three decades ago. As in those other countries where community-based treatment of offenders has a far longer history, Japanese corrections have also arrived at the stage where probation and parole play a crucial part in the administration of criminal justice and in recent years nearly two-thirds of the offenders who are receiving correctional treatment are left in the community under the supervision of probation officers.

It may be helpful for the reader to note that the Japanese community-based treatment of offenders, or "rehabilitation" as it is often referred to in recent publications, has some unique structures requiring special comments.

The "rehabilitation" service as usually conceived in Japan embraces probation, parole and aftercare activities. Insofar as the rehabilitation agencies are also charged with the duty of crime prevention, reference is made also to the subject from time to time in this booklet.

In Japan, correctional services are divided distinctly between two departments of the Ministry of Justice: institutional correction belongs to the Correction Bureau while non-institutional services belong to the Rehabilitation Bureau and the agencies under its jurisdiction. Institutional treatment is outside the scope of this publication.

There is another "division of power" between the judicial organization and the Ministry. This booklet is not concerned with any aspects related to pre-disposition investigation, as this function belongs to the duty of the Family Court. Therefore, no reference is made, in the section devoted to personnel, to the pre-sentence investigators of the Family Court who are mainly engaged in social inquiries of juvenile offenders.

The Japanese community-based treatment system is characterized by the extensive participation of volunteers. They still form the mainstay of the services in practice. Accordingly, some descriptions may seem strange to those readers who represent jurisdictions where probation and parole systems have existed for a long time as totally professionalized services.

This publication intends to give only a brief picture of the rehabilitation services with selected numerical data. The space did not allow the author to make reference to further statistical information or findings of research projects which recently show a tendency to remarkable increase and sophistication.

This material could not relate much to future projections. Mention should only be made here that Japan has experienced a rapid social change during the last thirty-five years. As a social institution correction cannot be solely immune from such development. Industrialization, cultural sophistication and accelerated mobility of population, with many other aspects of recent changes, have been posing problems which have never been encountered before by corrections. Recent development of corrections in Japan appears to be characterized by the ever growing use of behavioral sciences, diversification of treatment, and deeper concern with human rights of offenders which is reflected, *inter alia*, in the trend toward minimized period of treatment.

PREFACE

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I. DEVELOPMENT OF OFFENDERS REHABILITATION SERVICES

While aftercare service for discharged offenders has existed in one form or another for centuries in Japan, it was not until the early years of the 1950s that all elements of a community-based rehabilitation system — probation, parole and aftercare for both adult and juvenile offenders — were implemented altogether as an integrated service of a single public organization. Literature on the development of criminal policy reveals that rehabilitation services for adult offenders paved a somewhat different path of development from services for juveniles.

A. Services for Adult Offenders

Until about the turn of the last century, family ties, and patriarchal control and protection in particular, remained very strong. In those days, ostracism from the family often forced the member to drift into vagrant and criminal life. On the other hand, there was an ample chance for a discharged offender to reintegrate himself into the community if he was once accepted by his family upon release.

Meanwhile there occurred a case in which rejection of family and community members drove a discharged prisoner to committing suicide. A philanthropist who was moved by this incident raised a fund and pioneered in establishing a private aftercare hostel in 1888 to give shelter, employment and guidance to discharged offenders who has no place to return to. His project gave rise to a number of similar attempts of other pioneering volunteers and religious organizations. Hostels, thus founded, were the precursors of the halfway houses, or Rehabilitation Aid Hostels, of the present time.

The Old Penal Code of 1880 provided for the system of conditional release of a prisoner prior to the expiration of his sentence, but this privilege was rarely awarded in practice. Under these circumstances, the scope of services of the old hostels was confined, in the main, to helping ex-offenders who had served their sentence in full. As a matter of course, neither the method nor period of aftercare was regulated by public authorities.

Later, general pardons were promulgated on two occasions of bereavement of members of the Imperial Family in 1912 and 1914. The two decrees resulted in awarding amnesty and commutation to a total of 36,731 prisoners. In order to accommodate in the community a greater part of the prisoners who were to be discharged all of a sudden, the Government urgently pursued a policy to encourage and support the expansion of private aftercare facilities. The headquarters of a religious sect which had organized aftercare services issued a circular asking the subordinate temples to intervene and help those offenders who had returned home to improve their relationships with the family.

In this way, private aftercare associations rapidly increased. They not only provided discharged offenders with living facilities but also gave counseling and assistance to those who returned home. The latter was the early prototype of the function now being assumed by the Volunteer Probation Officers about whom description will be made elsewhere.

The system of suspended sentence was introduced in Japan in 1905 and the extent of its use gradually expanded. In 1924, the old Code of Criminal Procedure formally authorized the system of suspended prosecution which had been developed since 1885 as an informal device for diverting offenders committing minor offenses from the criminal justice system. As a large segment of offenders to be disposed of along the line of these schemes were actually in acute need of help, the volunteer aftercare services came to embrace such offenders as well.

In 1939, the Rehabilitation Services Law was enacted. It provided for a basic framework of two sets of voluntary bodies; namely, the Rehabilitation Workers (precursors of the Volunteer Probation Officers) and the Rehabilitation Service Associations (predecessors of Rehabilitation Aid Hostels which will be referred to later). The Law also required the Government to supervise and support these bodies. Thus, the system survived until 1950 when the Volunteer Probation Officer Law and the Law for Aftercare of Discharged Offenders were enforced.

B. Services for Juvenile Delinquents

The emergence of community-based treatment of juvenile delinquents

was preceded by that of adults which initially took the form of an aftercare service as mentioned in the foregoing section. At an early stage of development of the treatment of juveniles, attention was concentrated on how prisons for convicted juveniles should be differentiated from adult institutions and how wayward and uncontrollable youths might be better removed from home and accommodated in an institution. No specific community-based treatment system was implemented for juveniles until 1923, when the old Juvenile Law was enforced after protracted attempts to legislate a special law for delinquent juveniles.

The Juvenile Law defined youths under age 18 as "juveniles" and provided lesser penalties for them, indeterminate sentence and prohibition of detention in lieu of unpaid fines as applied to adults. However, what is more significant for the advancement of rehabilitation services is the fact that the law brought about the establishment of the Juvenile Tribunal and the Reform School.

The Juvenile Tribunal was an administrative agency which somewhat resembled a Youth Authority in its functions and handled juvenile delinquents who were not prosecuted at the criminal court. Having received extensive discretion, the quasi-judicial agency was able to act upon the needs of individual cases with much flexibility. It had at its disposal nine kinds of disposition ranging from simple admonition to commitment to the reform school. It was vested with the power to alter treatment from one type to another as the case might indicate. Whenever the progress of a case so warranted, the Tribunal could conditionally release a reform school inmate, or send a probationer to the reform school or to a hostel. Probationary supervision in the field and in the hostel was carried out by probation officers attached to the Tribunal. Due to lack of financial resources, however, it was not until 1943 that the Law was enforced throughout the country.

The staff of the Tribunal consisted of referees, clerks and regular and voluntary probation officers. As time went on, the shortage of regular staff was supplemented by an increasing number of volunteers. This old system was replaced by the present scheme in 1949 through the enforcement of the new Juvenile Law and the Offenders Rehabilitation Law. In addition, the Law for Aftercare of Discharged Offenders and the Volunteer Probation

Officer Law were enacted in 1950. Thus, rehabilitation services for both juveniles and adults, which had developed in the first half of the century, underwent a drastic reorganization.

C. Post-war Reforms

The reform in the organization of rehabilitation services since 1949 may be summarized as follows:

i) As a result of the law reforms in 1949 and 1950, the Juvenile Tribunal was abolished. Its functions were broken up and taken over by three new organizations; the Family Court, the Juvenile Parole Board and the Juvenile Probation Office. The Probation Office was charged with the supervision of juvenile probationers, parolees from prison or training school of age 22 or under and those discharged by the criminal court on suspended sentence at age 17 or under.

As for adult offenders, the Adult Parole Board and the Adult Probation Office were established as agencies responsible for screening inmates for parole and supervising such releasees of age 23 and over. It may be worthwhile to note that the adult parole system made a particularly significant contribution in 1949 through 1953 to the administration of corrections as the institutions were under the pressure of tremendous over-population during this period.

ii) These laws prescribed methods, maximum period and conditions of supervision to avoid the possible danger that probation and parole, as treatment in an authoritarian setting, might unduly restrict the freedom of individuals.

iii) For the first time, the need for professional service was clearly recognized. In order to ensure effective probation and parole services, the law required the regularly employed probation officers, as the mainstay of the system, to have sufficient expertise in the behavioral sciences. Volunteer workers who had been engaged in juvenile and adult rehabilitation services were reorganized as Juvenile or Adult Volunteer Probation Officers, respectively, and given an official duty to work in a subsidiary position with the professional probation officers.

iv) Both the adult aftercare hostels and the private juvenile institutions

which had functioned as a combination of probation hostels and reform schools since the pre-war period were screened in the light of new provisions of the Law for Aftercare of Discharged Offenders and subjected to control and supervision of the Government to ensure the standardized treatment and physical facilities.

Law reforms were pursued continuously in the ensuing several years to extend further the community-based treatment of offenders in the country. It may suffice to point out here only a few major aspects of the progress that the rehabilitation system has achieved in the last two decades. Firstly, the Parole Board, the Probation Office and the Volunteer Probation Officers for juvenile and young offenders were integrated, respectively, with their counterparts for adults in 1952 through an amendment in the laws concerned. Secondly, the adult probation system was implemented as a result of revisions in the Penal Code in 1953 and 1954. Thirdly, the supervision of conditional releasees from the Women's Guidance Homes was initiated in 1958 upon the full enforcement of the Anti-prostitution Law.

II. STATUTES RELATED TO REHABILITATION SERVICES

The basic statutes related to probation, parole, aftercare and other areas of non-institutional rehabilitation of offenders now in force are as follows:

A. The Offenders Rehabilitation Law (1949)

This law provides for organization, principles and procedures of juvenile probation as well as juvenile and adult parole. It also includes a few provisions concerning crime prevention, organization to administer pardons and the like. The Law consists of three chapters and 52 articles.

B. The Law for Probationary Supervision of Persons under Suspension of Execution of Sentence (1954)

Adult probation was initiated in combination with the traditional suspended sentence when the Penal Code was amended in 1953 and 1954. Complementing the Offenders Rehabilitation Law, the statute provides for principles and procedures regarding those probationers, mainly adults, sentenced by the criminal court. The law comprises 13 articles.

C. The Law for Aftercare of Discharged Offenders (1950)

This law prescribes categories of offenders eligible for voluntary application for rehabilitation aid, and principles and procedures regarding the administration of halfway houses run by voluntary organizations which accommodate and help certain offenders on behalf of the State. It definitely vests the Government with the authority and responsibility of providing aftercare for discharged offenders who voluntarily seek help.

D. The Volunteer Probation Officer Law (1950)

The Law, consisting of 14 articles, describes the qualification, selection, duties and other pertinent aspects of the volunteer probation officers (V.P.O.) who act as government agents in the rehabilitation services.

E. The Amnesty Law (1947)

This statute has 15 articles and defines the kinds and effects of a variety of pardons: They are general amnesty, special amnesty, commutation of sentence, remission of execution and restoration of rights. (See Chapter VI for details.)

III. AGENCIES AND PERSONNEL

A The Rehabilitation Bureau

The Rehabilitation Bureau is one of the seven major departments of the Ministry of Justice and is responsible for overall administration of the rehabilitation services in the country. There are four divisions in the bureau: General Affairs Division, Investigation and Liaison Division, Supervision Division and Amnesty Division.

B. The National Offenders Rehabilitation Commission

The National Offenders Rehabilitation Commission is a central board attached to the Ministry of Justice. The major functions of the Commission are:

- i) To make recommendation to the Minister of Justice regarding pardons for specific individuals after examining the application from the head of the probation office, prison or the public prosecutor's office; and
- ii) To render judgment upon the complaint regarding a decision of the regional parole board. Actually, most complaints seeking review of the Commission are related to cases in which parole has been revoked.

The Commission consists of five members who are appointed by the Minister of Justice with the approval of the Diet. As an independent organization, however, it is authorized to pass a free judgment and make a recommendation to the cabinet through the Minister.

C. The Regional Parole Board

The prime functions of the board is the parole examination and deciding on parole. The parole boards are located in the eight regions covering the whole country and have the following duties:

- i) Decision of release on parole from training school, prison, Women's Guidance Home¹⁾ and Work House.²⁾
- ii) Revocation of parole:

The board is solely authorized to revoke the decision of parole from the prison or the Guidance Home. But, in the case of a parolee from the training

school, the parole board only submits an application seeking for recommitment to the Family Court which preserves the authority to decide on revocation. In case of a work house parolee, there is no possibility of revocation for any reasons.

iii) Decision to terminate treatment:

The parole board may terminate indeterminate sentence of those offenders, either in prison or on parole, who have been convicted as juveniles, i.e. as persons under 20 years of age. Similarly an inmate of, or parolee from, the training school may be discharged before the expiration of a prescribed period when the board determines that parole supervision is unnecessary.

iv) Extension of parole period:

The Parole Board is authorized to extend the parole period, in effect, by suspending the running of sentence of an absconding prison parolee until he is located.³⁾

Decisions regarding the foregoing categories (i) through (iv) have to be made collectively by the panel of three board members. The number of board members in each region ranges from three to twelve in accord with the institutional population in the region and the total in the country numbers 55.

There are 84 probation-parole officers attached to the parole boards to

- 1) Non-punitive correctional institution for women who have been convicted for an act prohibited by the Anti-prostitution Law.
- 2) A place of detention within a prison, where a convicted person who fails to make full payment of a fine imposed, serves a term in proportion to the balance of the fine.
- 3) Article 42-2 of the Offenders Rehabilitation Law reads "The Regional Parole Board may suspend parole supervision by means of a ruling at the request of the director of the Probation Office when supervision can no longer be carried out because the parolee does not live at the fixed residence . . . 2. In case the whereabouts of the person whose supervision had been suspended . . . has become known, the RPB . . . shall immediately withdraw the suspension of supervision by means of a ruling. 4. The penal term shall cease to run by the ruling of paragraph 1 and begin to run from the time of the ruling of withdrawal of suspension . . ."

assist the board members. Their duty does not include parole supervision since there is another group of probation-parole officers who engage in probation and parole supervision at the probation offices.

D. The Probation Office

The basis of the rehabilitation services is the organization of the 50 probation offices in the country — one in each prefecture and four in Hokkaido Island. Their main duties can be summarized as follows:

- i) Supervision of probationers and parolees of all age levels;
- ii) Adjustment of inmate's family relationships and other social conditions prior to release from correctional institutions;
- iii) Aftercare of offenders who have been discharged from prisons or detention houses without supervision;
- iv) Investigation and application for pardons;
- v) Promotion of crime prevention activities in the community.

All of these functions are carried out by probation officers in close collaboration with volunteer probation officers who are enlisted from the local community. In cases where shelter care is required, the halfway houses which are run by voluntary organizations are utilized. An outline of probation officers, VPOs, and the halfway houses will be described in the following sections.

E. The Probation Officer

In addition to those probation-parole officers attached to the parole boards, there are 792 probation officers who are mainly engaged in supervision and aftercare of offenders. These two groups of officers have the same qualifications, training and official status. As a matter of course, their positions are interchangeable from time to time by means of official transfer.

Probation officers are full-time officials employed by the Ministry of Justice on the basis of a merit system. The law requires them to have certain degrees of competence in the area of medical science, sociology, psychology, education and/or other disciplines relevant to treatment of offenders. In practice, probation officers are recruited from the list of candidates who have passed the national civil service examination specializing in psychology,

education, sociology, social work, law, or public administration.

The field probation officer belongs to one of the 50 main probation offices or 25 local branch offices in the country and functions as the main force of the rehabilitation services. It is not easy to estimate the average caseload of probation and parole per officer because the total number of 792 includes not only those in administrative and supervising positions such as directors, deputy directors and section supervisors but also ordinary probation officers who are totally or partially engaged in a variety of duties other than probation or parole, such as voluntary aftercare of discharged offenders, liaison and public education.⁴⁾

A survey which was conducted in 1967 on a group of probation officers who were engaged mainly in supervising probationers and parolees disclosed that a probation officer was supervising, on an average, 273 offenders with the assistance of 91 volunteer probation officers. In contrast, the corresponding figures in the beginning of 1980 are estimated around 132 and 81, respectively, indicating a remarkable decrease since 13 years before. Yet the caseload remains too large to assure a sufficient degree of coordinated work with volunteers.

In the light of the fact that staff training have a vital importance if the rehabilitation services are to be strengthened, the Rehabilitation Bureau places much emphasis on in-service training programs. At present there are five different stages of training courses regularly organized by the Research and Training Institute of the Ministry of Justice for probation officers.

Primary course: An initial training course is arranged every year for newly appointed probation officers. Being the longest course, it aims at giving basic knowledge of a wide range of subjects essential for the probation officer.

Secondary course: This is designed for probation officers who have been in the service for a few years. Emphasis is placed on practical aspects of the

⁴⁾ The probation officer under the Ministry of Justice has no duty of pre-sentence investigation. The social inquiry of juvenile offenders is carried out by the pre-sentence investigators who are employed by the judiciary and work for the Family Court. The Japanese criminal courts, on the other hand, lack the system of pre-sentence investigations.

service including legal aspects and procedures. It is conducted on regional level in cooperation between the local training institute of the Ministry of Justice and the parole board.

Special course: This course places much emphasis on the behavioral sciences with special view to enriching the body of knowledge and skill concerning treatment of offenders. Participants are probation officers with years of experience in the services.

Table 1 Curricula of Training Courses for Probation Officer (1980)

| | Primary course | Secondary course | Special course | Senior course | Supervisor course |
|--|----------------|------------------|----------------|---------------|-------------------|
| Number of trainees: | 32 | 28 | 28 | 25 | 15 |
| Categories of subject and number of hours: | | | | | |
| Laws, regulations and procedures of probation, parole, aftercare and pardons | 84 | 45 | 6 | 54 | 9 |
| Laws and legal procedures | 36 | — | — | 6 | — |
| Criminology | 12 | — | — | 9 | — |
| Behavioral sciences | 45 | 6 | 15 | — | — |
| Counseling; casework | 63 | 27 | 54 | 21 | — |
| Case study | 15 | — | — | — | — |
| Introduction to the function of relevant agencies | 13.5 | 27 | — | 6 | — |
| Administration and staff management | — | — | — | 9 | 42 |
| Liberal arts | 12 | — | — | 9 | — |
| Field work and visits | 102 | 10.5 | 6 | 9 | 3 |
| Others | 34.5 | 9 | 12 | 24 | 6 |
| Total of hours (days) | 416 (87) | 124.5 (15) | 93 (20) | 147 (32) | 60 (13) |

Note: The secondary course is organized and carried out at each parole board. Number of hours differs from board to board. The figures for the secondary course in this table show the average.

Senior course: Probation officers who are expected to take a supervisory position are selected annually as the course participants. Procedures and legal aspects have a greater weight in the allocation of hours.

Supervisor course: This course is organized for section supervisors and the curriculum is centered around philosophy and techniques of management.

Table 1 shows the number of trainees, period of training and time assignment of the five courses carried out in 1980.

In addition to the courses stated above, top management seminars and conferences are organized from time to time for probation office directors.

F. The Volunteer Probation Officer

At the time of reorganizing the Japanese community-based treatment system in and around 1949 there was an argument that our probation and parole services should also be established thoroughly on the basis of a professional service as in many other countries. Nevertheless, the new organization turned out in the form of a combined service of professional staff and volunteer workers. It is true that the shortage of fund at that time precluded the realization of over-all professionalization. But the even greater reason making a determination to maintain volunteers obviously lay in the fact that the trust of the authorities in the potential of volunteer workers was so overwhelming.

Under these circumstances the Volunteer Probation Officer Law was enforced in 1950 and ever since about 47,000 persons have been on the VPO position throughout the country. In brief, their roles are to help offenders rehabilitate themselves in the society and to influence the public attitude for the promotion of crime prevention. More specifically, the most important function in the former role is supervision and assistance of probationers and parolees assigned to individual VPOs. Besides, volunteers have various other duties. Their activities include visitation to inmate's home to advise the family and make reports to the probation office as a part of pre-release preparation; locating a probationer or parolee who has moved in from another area and taking over the supervisory casework of him; preliminary investigation of the candidate for pardons, and; assistance to the offender's family, to mention a few.

As for the latter role, the volunteers carry out many forms of activity pertaining to the concept of community organization: among others are collaboration with public and private organizations to explore and mobilize social resources in the community; interpretation of philosophy of rehabilitation to individual neighbors or the public as a whole, and; eradication in cooperation with the community residents of environmental conditions generating crime.

Legally, the volunteer probation officer is defined as a non-permanent official of the National Government and entitled to the benefit of national compensation when any bodily injury is inflicted in the performance of his duty. However, he is not paid any remuneration for his service. What the Government pays is only a total or a part of expenses incurred in discharging his duty. In practice, he is reimbursed a certain amount irrespective of real expenditure; as of 1980, a maximum of 3,580 yen per month for supervising a probationer or parolee, 700 yen for a report on the environment of future destination of the inmate and 650 yen for a day's attendance at a training meeting, while in the last two also mileage may be paid within the limit laid down by the national fund when the travel exceeds certain distance. (Two hundred yen is roughly equivalent to US\$1.)

As mentioned above, there is no incentive whatsoever as far as material benefit is concerned. As in any other fields of voluntary work, what constantly motivates VPO to his service is a sense of mission and gratification derived from seeing a good response in helping others, although there is no assurance that every client will respond well. Social prestige attached to the volunteer may be an auxiliary incentive to some extent. The public recognition of meritorious service which is awarded regularly on formal occasions by the authorities of different levels has traditionally been an effective means to serve this goal.

The qualification of a VPO is stated in the law as follows:

- i) Confidence and recognition in the community with respect to his personality and conduct;
- ii) Enthusiasm and time for such work;
- iii) Financial stability;
- iv) Good health and activity.

The recruitment of desirable candidates is not an easy task. As regards the procedure of appointment, the director of the probation office is responsible for preparing a list of candidates on the basis of information he gathered from various sources in the community. In effect, the list reflects to a great extent the opinion of representatives of the VPO Associations. Further screening is made along the list by an advisory committee which the law prescribes to be consisting of members of 15 or less, consisting of representatives of justice, prosecution, bar, institutional correction, probation and parole, and other public commissions as well as "learned citizens." The candidates who have passed such screening are then appointed as VPO by the Minister of Justice.

The term of office of VPO is two years, with possible reappointment. The term serves the purpose of removing, at its expiration, those who have proved to be inadequate as VPO. In practice, an overwhelming majority is reappointed repeatedly for a number of years, for VPO's work is such that generally a person has to stay on the position more than two years to acquire minimum knowledge and skill it requires.

A survey which the Rehabilitation Bureau conducted in 1980 of all the volunteer probation officers in the country proved that 87 percent of the VPO had been appointed consecutively twice or more and their age level was considerably high, as shown in Table 2 and Table 3. The survey also revealed that female VPO had accounted for 19 percent.

Table 2 The Volunteer Probation Officers by Number of Years on the Service (1980)

| Years | Number of VPOs | % |
|-------------------|----------------|------------|
| 2 years or less | 5,955 | 13 |
| 2 - 6 years | 9,248 | 20 |
| 6 - 10 years | 8,097 | 17 |
| 10 - 15 years | 8,159 | 17 |
| 15 - 20 years | 6,303 | 13 |
| 20 - 30 years | 6,863 | 15 |
| 30 years and over | 2,228 | 5 |
| Total | 46,853 | 100 |

Table 3 The Volunteer Probation Officers by Age (1980)

| Age | Number of VPOs | % |
|--------------|----------------|------------|
| Under 40 | 782 | 2 |
| 40 - 49 | 4,686 | 10 |
| 50 - 59 | 15,102 | 32 |
| 60 - 69 | 16,746 | 35 |
| 70 - 79 | 8,798 | 19 |
| 80 and over | 739 | 2 |
| Total | 46,853 | 100 |

Table 4 shows the breakdown of occupational background of the VPOs. As noticed in the table, religious profession and primary industry (agriculture and fishery) are outstanding in number. The size of the former is the reflection of the traditional structure of volunteerism in the field of rehabilitation which relied to a great extent on the dedication of religious

Table 4 The Volunteer Probation Officers by Occupation Groups (1980)

| Occupation | Number of VPOs | % |
|----------------------|----------------|------------|
| Fishing; farming | 9,862 | 21 |
| Unemployed* | 9,583 | 20 |
| Religious people | 6,339 | 13 |
| Sales | 4,716 | 10 |
| Managers | 3,175 | 7 |
| Government officials | 2,424 | 5 |
| Company employees | 2,461 | 5 |
| Manufacturing | 2,227 | 5 |
| Services | 1,123 | 3 |
| Teachers | 899 | 2 |
| Physicians; dentists | 270 | 1 |
| Social workers | 957 | 2 |
| Practicing attorneys | 69 | — |
| Others | 2,748 | 6 |
| Total | 46,853 | 100 |

Note: *"Unemployed" includes housewives.

people. Most VPOs in the latter group are influential figures in small towns and villages primarily populated by farmers and fishermen.

In order to help volunteer probation officers acquire the knowledge and skill required for their service, the Japan Rehabilitation Aid Association publishes a monthly organ entitled "REHABILITATION." Probation offices regularly organize various VPO training courses, including the ones for newly appointed VPOs, for VPOs after serving less than a year, and two to four years, and courses focusing on the treatment of offenders with specific problem areas. Aside from training courses formally organized as above by probation and parole agencies, each local association of volunteer probation officers holds from time to time case conferences and other study meetings attended by the professional probation officer as a leader.

G. The Rehabilitation Aid Association — Halfway House (Hostel)

Since 1880's many halfway houses were established for discharged prisoners by voluntary individuals and organizations. Juvenile institutions which had the dual characteristics of training school and probation home were also operated by voluntary associations. At present there are 105 halfway houses for adult and juvenile offenders run by non-governmental bodies under the authorization of the Minister of Justice. Of the number, 76 have long been in operation since the pre-war period including a few juvenile facilities.

The Law for Aftercare of Discharged Offenders of 1950 strengthened both control and financial support of the National Government over the halfway houses. Today any private association which attempts to organize a halfway house is required to obtain an official approval of the Minister of Justice. All associations running a hostel are defined by the law as Rehabilitation Aid Associations and subjected to supervision of the probation office. In contrast to pre-war time when the policy of individual associations could be more or less liberal, the halfway house is presently supposed to render help to offenders in a manner and within a limit of the period specified by the probation office. Furthermore, the offender so entrusted has to be one of the types specified by the law and determined at the probation office as being entitled to such aid as described elsewhere (See pages 51-52).

The halfway house, in turn, receives reimbursement from national funds for such service. This means that, while the law does not invariably preclude the halfway house from spontaneously giving aid beyond the official limit, it cannot expect the reimbursement for such service.

The major area of service of the halfway houses consists of providing room and board and guidance for juvenile and/or adult probationers and parolees as well as other discharged offenders. Releasees from imprisonment or detention can be accommodated within six months after release. Not infrequently the Family Court also refers a juvenile awaiting disposition to the halfway house for the purpose of guidance and observation. It should be noted, however, that the halfway house at the present time has no function of probation home or hostel in the strict sense of the term in relation to juveniles who are already on probation, since neither the court nor the probation agency has the authority to commit an offender to the facility on a compulsory basis.

The total capacity of the halfway houses is 2,867 and the capacity of each facility ranges from 10 to 80. In current years, the percentage of

Table 5 The Authorized Capacity and the Daily Average of Residents in the Halfway Houses (April 1978 - March 1979)

| | Total number of residents | Average of each house | Occupants' rate to capacity (%) |
|---|---------------------------|-----------------------|---------------------------------|
| Authorized capacity | 2,787* | 27.6 | 100 |
| Daily average | 1,446 | 14.3 | 52 |
| { Referred from probation office | (1,159) | (11.5) | (42) |
| { Referred from probation office but specified period expired | (251) | (2.5) | (9) |
| { Referred from Family Court | (36) | (0.3) | (1) |
| Vacancy | 1,341 | 13.3 | 48 |

Note: *The figure is the capacity of 101 houses, excluding four houses under repairs from 105 appearing in page 17.

residents to the capacity is around 52. Table 5 shows the number of residents in the fiscal year 1979 in comparison with the authorized capacity. The total of the employees numbers 454 - four in each facility, on an average. Of the 454, a total of 223 persons, or at least one in each house, are authorized by the Minister of Justice as in charge of treatment of offenders. Most of them have concurrently been appointed as volunteer probation officers. The rest of the 454 persons are assistant treatment workers, clerks, cooks and helpers.

While it is the general rule that the resident goes out every day to work, some halfway houses have their own workshops to provide a job for persons who are unfit for outside employment. One halfway house has purchased a vacuum wagon to be used by a group of residents who work for the city sewerage service. There is a halfway house attached to a psychiatric hospital and this specializes in the accommodation of mentally disturbed ex-offenders.

The halfway house has to deal with offenders who are more seriously deprived than other offenders in one way or another. It appears that the difficulty in administering the service is being aggravated by the shortage of funds generally seen among most halfway houses. Shown below is the annual account of an *average* halfway house derived from the aggregated account of all the halfway houses in the country. The figures clearly indicate imbalance, although some funds were made available by welfare foundations and the contribution from the community members. Hostels which run some profit-making business are in a relatively advantageous position, but they are exceptional.

Incidentally, the rehabilitation aid associations make up 18 Prefectural Associations, eight Regional Federations and the National Federation of Rehabilitation Aid Associations.

H. Volunteer Organization

In addition to the public rehabilitation agencies as mentioned earlier, there are a number of private organizations which deserve brief description in this chapter. Generally speaking, they intend to contribute to the prevention of crime and rehabilitation of offenders in cooperation with public agencies while each of them has somewhat unique characteristics.

and various other social institutions.

The association is also interested in involving the community residents in their efforts to eliminate environmental factors generating delinquency. The association often organizes recreational programs for children. Members' training programs are prepared regularly to broaden their knowledge and experience required for helping their "little brothers and sisters".

4. *Women's Association for Rehabilitation Aid*

The W.A.R.A. is an autonomous association of voluntary women. It aims at assisting public and voluntary organizations engaged in the prevention of crime or rehabilitation of offenders. It is a body representing mothers and housewives in society who are concerned about crime, delinquency problem, and the welfare of offenders and their families. The membership throughout the country approximates 220,000 persons.

The activities of the association include financial, material and moral support to volunteer probation officers, rehabilitation aid hostels and B.B.S. groups, encouragement of correctional inmates and their families, interpretation of rehabilitative ideas and efforts to the public.

Any woman can be a member of the association irrespective of her age, material status or the social class she belongs to. In each association, leadership is generally exercised by members who have been assigned volunteer probation officers. A total of 1,065 local W.A.R.A. associations form prefectural and regional federations. The eight regional organizations in turn form the National Federation. Every probation office has been making efforts to support and guide the association in the community.

IV. PROBATION AND PAROLE

A. Subject and Period of Supervision

Probation and parole supervision is conducted by the probation office. The law specifies the following five categories of offender as the subjects of supervision.

i) *Juvenile Probationer*: A juvenile who has been placed on probation by the Family Court. The legally prescribed maximum period of supervision for this category is up to 20 years of age or two year, whichever the longer. An early discharge for satisfactory behavior is applicable and extensively administered especially in recent years. A specific short-term treatment program was initiated in 1977 for selected traffic offenders including those committing negligence causing death or injury through traffic accidents. The scheme is that, based on the recommendation of the Family Court, the probation office requires this category of juvenile probationers to attend one or two group sessions and to make monthly reports as well. They are to be discharged within four months as long as they comply with these requirements.

ii) *Adult Probationer*: An offender who has been placed on probation by the Criminal Court upon the pronouncement of suspended sentence of imprisonment or a fine. With minor exception, he or she is generally an adult offender. The term of supervision ranges from one to five years, corresponding to that of suspension of the execution of sentence specified by the sentencing court, with possible provisional suspension of supervision for good behaviors.

iii) *Training School Parolee*: A juvenile offender who has been conditionally released from the training school by the discretion of the parole board. The term of his or her supervision is usually up to age 20 with possible early discharge in case of good behaviors. The short-term treatment scheme in the training school was introduced in 1977, under which the inmate is to be paroled within three to five months of institutional treatment. Eventually, the training school parolees have been divided into three categories; parolees under long-term treatment, non-traffic parolees under short-term treatment

and traffic parolees under short-term treatment. For the two categories of short-term parolees, efforts have been made to discharge from supervision within six months after release insofar as their behavior is satisfactory.

iv) *Prison Parolee*: An offender who has been released from prison on parole by the parole board. Substantially in all cases he or she is an adult. The period of parole supervision is for the remaining term of his sentence, except for cases of life term where the period of parole is for the rest of life unless he or she is awarded pardon. Early discharge is available only for those under indeterminate sentence.⁶⁾ The Juvenile Law sets forth certain alleviating provisions regarding the termination of parole.

v) *Guidance Home Parolee*: A woman who has been conditionally released by the Parole Board from the Women's Guidance Home, a non-punitive correctional institution for ex-prostitutes. The period of supervision is for the rest of six months which the Anti-prostitution Law specifies as the maximum period of confinement for any inmate of the Home.

Japan has no system of suspension of the pronouncement of sentence. It may be noted, however, that the following two sets of practice have some similar features in the context of the over-all administration of criminal justice.

i) Tentative supervision by the Family Court presentence investigators at the discretion of the court prior to final disposition.

ii) Rehabilitative guidance and aid, on voluntary basis, following suspended prosecution. While this has not been clearly set forth in the law, it is practically carried out by volunteer probation officers in a manner similar

6) "Indeterminate sentence is available for the Japanese criminal court only in juvenile cases where an offender has committed an offense punishable by imprisonment of no shorter than three years if it would be committed by an adult. In other words, sentence of that nature is rendered only for juveniles committing a relatively serious offense. Thus in 1979 only 91 persons, or 0.6 percent of a total of 14,625 prisoners who were released on parole were serving indeterminate sentence. Parenthetically, parole eligibility is completed in such a case when one-third of minimum term has been served.

to probationary supervision.

Table 7 shows the number of probationers and parolees in 1979 classified in accordance with the above-mentioned five categories.

Table 7 Number of Probationers and Parolees (1979)

| | Placed under supervision in 1979 | Caseload as of December 31, 1979 |
|--------------------------|----------------------------------|----------------------------------|
| Juvenile probationers | | |
| non-traffic | 12,008 | 22,116 |
| traffic long term | 9,551 | 11,228 |
| short term | 28,472 | 9,472 |
| Adult probationers | 8,128 | 23,483 |
| Training school parolees | | |
| long term | 2,225 | 2,643 |
| short term | 1,215 | 1,292 |
| Prison parolees | 14,625 | 6,006 |
| Guidance home parolees | 2 | 1 |
| Total | 76,226 | 76,241 |

Note: * Excludes negligent offenders causing casualties.

B. The Eligibility and Use of Probation

As stated in the preceding section, there are two kinds of probation: one is mainly for juveniles and the other is mainly for adults. Although they are often just referred to as "juvenile probation" and "adult probation" in this book for the sake of simplicity, there is a possibility that in exceptional cases the former is applied to a person who is already an adult, and *vice versa*. Actually the former is a non-criminal disposition of the Family Court which is based on the Juvenile Law, whereas the latter is a form of suspended sentence rendered in accord with the Penal Code at the Criminal Court. Accordingly, the legal framework of probation differs remarkably from each other.

Juvenile probation: A juvenile who has committed an offense or been adjudicated as a "pre-delinquent" may be placed on probation by the Family Court no matter how serious the type of committed offense or misbehavior

may be. In other words, the judge can order probation so far as the need of the individual case indicates it. Medical, psychological and psychiatric diagnosis and the social inquiry report of the family court investigator serve as an important means to get to the final judgment.

Table 8 shows the number of probation orders made by the Family Courts in 1978 as compared with other types of disposition.

Table 8 Final Dispositions by the Family Courts (1978)

| Type of disposition | Penal Code offenders* | Negligents causing casualties and Traffic Law violators |
|--|-----------------------|---|
| Probation | 10,532 (7.6%) | 34,255 (11.3%) |
| Commitment to Training School | 3,185 (2.3%) | 196 (0.1%) |
| Referral to public prosecutor for criminal trial | 930 (0.6%) | 44,488 (14.6%) |
| Dismissal before or after hearing | 124,531 (89.4%) | 224,803 (74.0%) |
| Others | 227 (0.2%) | 0 (0.0%) |
| Total | 139,405 (100%) | 303,742 (100%) |

Note:* Excludes negligent offenders causing casualties.

Adult probation: Unlike probation in common-law countries, the Japanese adult probation is used by the court as a complementary measure to the suspension of the execution of sentence. It follows that case selection for probation is made from among those offenders eligible for suspended sentence. Eligibility for probation consists of three minimum requirements.

- i) The sentence is three years or less, or 200,000 yen or less if it is a fine;
- ii) The offender has not been sentenced to imprisonment for the last five years; and
- iii) The offense in question was not committed during probation term previously ordered.

Probation order is mandatory when the new sentence is to be suspended again regarding an offense which took place during the period of previous

suspension unaccompanied by a probation order. In other cases of suspended sentence, probation is discretionary to the court. All the requirements in the law only refer to the gravity of sentence and criminal record, having no reference to type of offense. Accordingly, even an offender who has committed an offense of serious nature, such as murder or robbery, may be placed on probation if special circumstances justify it.

An offender may be placed on probation concurrent with a sentence of fine, but in practice probation is very rarely used in relation to a fine. The rate of suspended sentence *per se* in the total incidence of fines is surprisingly small; estimate being about three in every 100,000. Table 9 shows how far probation is being used by the courts for the convicted offenders except those sentenced to fine.

Table 9 Percentages of Suspended Sentences and Probation Orders to Convictions (1978)

| | | |
|-------------------------------------|----------|--------|
| Convictions of imprisonment | 77,553 | 100% |
| Suspended sentences of imprisonment | 46,151 | 60% |
| (With probation order | (8,472) | (11%) |
| (Without probation order | (37,679) | (49%) |

C. The Procedure and Use of Parole

Screening of inmates for release on parole is a major duty of the parole board. Outline of parole procedure will be described below.

1. *Inquiry into home conditions:* Inquiry into conditions at the place where the inmate is expected to come back upon release is initiated as soon as he is committed to prison, work-house, training school, or women's guidance home. For this purpose, the institution sends the probation office a classification summary stating his case history. It includes information about his physical and psychological traits, employment plan and the name and address of the family. Usually, the probation officer entrusts the duty of such inquiry to a volunteer probation officer who lives near the family of the inmate. The volunteer is supposed to visit immediately the prospective home

of the inmate and to find if his return to the place is feasible. If there exist any negative factors, the volunteer worker tries to diminish them in cooperation with the family members. Efforts of such adjustment are made as a continuous process until the date of release unless some other place is discovered as being more desirable for the inmate's return. When the offender has no family to live with after release, similar efforts are directed toward finding an appropriate relative, employer, friend, rehabilitation aid hostel, or other resource person or agency. Table 10 shows the number of home conditions inquiry cases in 1979.

Table 10 Number of Home Conditions Inquiries

| | Newly received in 1979 | Caseload as of December 31, 1979 |
|------------------|---------------------------|-------------------------------------|
| Training schools | 4,541 | 3,215 |
| Prisons | 31,624 | 38,827 |
| Guidance home | 14 | 7 |
| Total | 36,179 | 42,049 |

2. *Application for parole:* In Japan the inmate has no right to file an application for parole. It is vested in the head of the institution. Thus, it is only the superintendent of the prison, training school, or women's guidance home who submits an application for parole to the parole board. In doing so, due consideration is made on the progress of the inmate achieved in the institution. Since most work houses are attached to prisons, the same procedure is taken by the warden of the prison with respect to the work house inmate.

Incidentally, the parole board is empowered to initiate parole examination in its own right even when the application is not filed on the part of the institution. In practice, however, the incidence of such action is very rare.

3. *Parole examination:* The parole board, on receipt of the application, sends a board member to the institution to have the inmate in question interviewed. Later, three members of the board examine the case on the panel and evaluate as to whether the individual really meets the following

requirements in view of the observation at the interview as well as on the basis of various information gathered from the institutional record, social report of the volunteer and inquiries to relative agencies.

Requirements of parole regarding the prisoner are that:

- i) He has served no less than one-third of the determinate sentence, or 10 years of the life sentence;⁷⁾
- ii) He proves repentance and progress;
- iii) There is no likelihood of recidivism during the period of prospective parole; and
- iv) The society will accept his parole.

While all of these requirements should be met by the prisoner in principle, they are not designed to select only those with the best prospect for rehabilitation. Conversely, it is common practice that the board grants parole if an inmate has served most part of his sentence and his release on parole followed by supervision will better serve his rehabilitation than discharge without control and assistance after serving the full term. Such practice has some additional significance in countries like Japan where a good-time system is non-existent.

The requirements regarding the training school inmate are that:

- i) He has attained the highest grade of the progressive stages in the institution, and
- ii) Rehabilitation can be expected by and large through supervision after release on parole.

Although it is more desirable that the inmate satisfies both of these requirements, failure in the first requirement does not necessarily prevent parole in practice.

As regards selection for early release from work house, there is no specified requirement except for good conduct in the institution. With regard to the inmate of the women's guidance home, the requirements for the training school inmate are generally applied correspondingly.

4. *Parole decision:* When the panel of three board members found that an

⁷⁾ The portion of sentence to be served to acquire parole eligibility is smaller for juvenile prisoners.

inmate is not only formally eligible for parole in the light of the requirements but also parole will better serve the goal of correctional efforts, it determines a definite date of parole, the place where he should return, and conditions that the parolee should abide by during the period of supervision.⁸⁾

Parole aims at releasing at an optimal time an inmate who has proved to be capable of leading a law-abiding life in the community if adequate supervision and assistance will be provided. In order to ensure the appropriate decision of paroling an offender from institution, preparation for parole should start as early as possible. At the same time, all information and efforts on the part of institution, supervising agency and the parole board should be well integrated. Environmental conditions at the prospective destination of the inmate may also better be adjusted by the field officer if he is kept informed of the inmate's recent progress in the institution and parole plan.

For these purposes, the "pre-parole service unit" was implemented in 1966 by all the parole boards. In this scheme, a certain parole (probation) officer of the board visits correctional institution regularly to interview inmates and discuss cases with correctional officers. In contrast to conventional practice where a parole officer interviews inmates only after application for parole has been filed, the unit officer visits inmates at an optimal time for the parole preparation.

Functions of the unit may be summarized into the following three aspects:

- i) Collection of factual information of the individual through interview and examination of institutional record;
- ii) Case conference and liaison with institutional officers;
- iii) Providing the field officer at the probation office with pertinent data to promote effective pre-release inquiry and adjustment.

The service unit program is regarded as an important step to activate the role of parole officers of the board in the preparation for parole. In recent years, the program caters for inmates in the majority of juvenile training schools and a number of juvenile prisons.

⁸⁾ In case of the release on parole from work house, the board prescribes only the date of release.

The experience of the pre-parole service unit program led to the new pre-parole service program for the long-term prisoners in 1979. Under this scheme, a parole officer of each board is expected to begin the interview with inmates serving the imprisonment sentence of eight years or more including life-termers when they served two-third of their sentence or twelve years in case of life sentence. In addition to the purposes mentioned in the pre-parole service unit program, this scheme aims at offering this category of prisoners an opportunity to receive the specially arranged halfway program at the selected rehabilitation aid hostels immediately after their release on parole, so as to facilitate their release on parole and eventually their reintegration to the society.

Table 11 shows the number of offenders who were committed to correctional institutions in 1979 and inmates for whom the superintendents filed parole application in the same year. Although the number of applications is not necessarily related to inmates admitted in the same year, comparison of the two groups of figures referring to admission and parole application in

Table 11 Admission and Parole Application by Type of Correctional Institutions (1979)

| Type of institution | (A) Number of admissions | (B) Number of parole applications | % (B/A) |
|-----------------------|--------------------------|-----------------------------------|---------|
| Training schools | | | |
| long term | 2,719 | 2,359 | 87% |
| short term | 1,355 | 1,274 | 94% |
| Prisons | 29,086 | 18,035 | 62% |
| Work houses | 423 | 2 | 0.5% |
| Detention houses* | 16 | | |
| Women's guidance home | 21 | 3 | 14% |

Note: * "Detention houses" mean correctional institutions specifically assigned for prisoners who serve short sentence of 29 days or less. Although release on parole is legally possible, application has little significance and practicability. It is inferred, accordingly, that 2 in column (B) belong to work houses.

**Table 15 Comparison of Training School Population and Parole Caseload
(As of December 31, 1950 - 1979)**

| Year | Institutional population | | Parole caseload | | Total |
|------|--------------------------|------|-----------------|------|-------|
| | Number | (%) | Number | (%) | (%) |
| 1950 | 5,929 | (59) | 4,056 | (41) | (100) |
| 1955 | 10,218 | (50) | 10,343 | (50) | (100) |
| 1960 | 9,731 | (48) | 10,471 | (52) | (100) |
| 1965 | 9,497 | (49) | 10,005 | (51) | (100) |
| 1970 | 4,860 | (52) | 4,468 | (48) | (100) |
| 1975 | 2,878 | (57) | 2,178 | (43) | (100) |
| 1979 | 3,552 | (47) | 3,935 | (53) | (100) |

**Table 16 Comparison of Prison Population and Parole Caseload
(As of December 31, 1950 - 1979)**

| Year | Institutional population | | Parole caseload | | Total |
|------|--------------------------|------|-----------------|------|-------|
| | Number | (%) | Number | (%) | (%) |
| 1950 | 80,589 | (72) | 31,002 | (28) | (100) |
| 1955 | 67,813 | (82) | 14,442 | (18) | (100) |
| 1960 | 61,100 | (84) | 12,046 | (16) | (100) |
| 1965 | 52,657 | (86) | 8,473 | (14) | (100) |
| 1970 | 39,724 | (83) | 7,975 | (17) | (100) |
| 1975 | 45,994 | (88) | 6,545 | (12) | (100) |
| 1979 | 50,985 | (89) | 6,006 | (11) | (100) |

As seen in the two tables, the population both in juvenile and adult institutions decreased remarkably, although it began to show a slight upward trend in the last several years.

D. Probation and Parole Conditions

Certain conditions are imposed on every offender who is placed under supervision of the probation officer. In carrying out supervision, the officer tries to help the offender comply with them throughout the term of

probation or parole. Contents and procedures in stipulating conditions vary according to the categories mentioned above.

If an offender is a parolee from training school, prison, or women's guidance home, the following general conditions as provided for by the law are automatically imposed.

- i) Requirement to live at specified residence and to engage in a lawful occupation;
- ii) Restriction of bad conduct;
- iii) Restriction of criminogenic companionship;
- iv) Requirement to get previous approval for move of residence or long journey.

In addition to the general condition, the parolee is also required to abide by special conditions which the parole board sets forth as a guide toward law-abiding life. Special conditions vary widely as they are designed to meet individual need of each parolee. Those in frequent use are such as restriction of alcoholic beverages, regular contact with the volunteer probation officer and support of the family, to mention a few. Failure to comply with a special condition can be a cause of reincarceration exactly in the same way as a violation of a general condition may result in revocation of parole.⁹⁾

In relation to juvenile probation, on the other hand, the authority to stipulate special conditions is vested in the chief of the probation office. However, these conditions, although they are similar to those in parole, cannot be a ground for the revocation of probation unless misconduct of the juvenile is determined by the Family Court to be sufficiently indicative of a new disposition according to the Juvenile Law.

Conditions of adult probation are still more peculiar. They are limited to the following three items in every case and the law precludes authority from adding any other conditions whatsoever.

- i) Requirement to notify specific place of residence to the probation office immediately after the probation order is rendered;

⁹⁾ In any case, simple violation of conditions is referred to as "technical violation" to distinguish itself from the commission of an offense which is also a kind of violation.

- ii) Restriction of bad conduct;
- iii) Requirement to give the probation office a previous notice in moving residence or making a journey exceeding a month.

Table 17 Number of Revocations Compared with Total of Terminations by Categories of Supervision (1979)

| Category of supervision | For technical violation | For repeated offense | Terminated supervision |
|-------------------------|-------------------------|----------------------|------------------------|
| Juvenile probation | | | |
| non-traffic | — | 1,673 | 10,562 |
| traffic long term | — | 500 | 10,093 |
| short term | — | 230 | 27,349 |
| Adult probation | 113 | 2,409 | 8,059 |
| Training school parole | | | |
| long term | 14 | 424 | 2,031 |
| short term | 4 | 141 | 916 |
| Prison parole | 46* | 699 | 14,832 |
| Guidance home parole | — | — | 1 |
| Total | 177 | 6,076 | 73,843 |

Note: * These figures are based on the data concerning the initiation of revocation procedure, because no information is available to differentiate technical violation from repeated offense in the statistics concerning revocations finalized.

Violation of any of the above conditions may be a cause of revocation, but in practice parole decision is rarely revoked for the reason of a technical violation. The Table 17 compares the incidence of revocations for technical violation with those for repeated offense.

E. Supervision Processes

In general, the probation officer has an enormous caseload scattered all over his probation area. At the present time, there is no more than a single probation office in most prefectures and he has to waste his working

time in travel if he intends to visit personally an offender under supervision.¹⁰⁾ Need for more officers and their offices is pressing. In the meantime, it is inevitable for the Japanese probation and parole system to resort to extensive use of volunteer probation officers.

Under these circumstances, it has been an established tradition so far that probation and parole casework is carried out through the collaboration between professional and volunteer probation officers. Present routine processes of supervision may, thus, be briefly delineated as below.

i) The offender who has been placed on probation or released on parole is advised to report immediately to the probation office. At the office he is interviewed by the probation officer in charge of the area where the supervisee is going to reside.

ii) Taking into consideration all information presented at the interview together with data in the case record, the probation officer assesses the individual's needs and problems which require special attention or care and works out a treatment plan. He tells the offender the name, address and other pertinent information of a volunteer probation officer who is assigned to him.

iii) The probation officer makes a summary of the case record which also indicates his view on the case and sends a copy by mail to the volunteer. It is infrequent that the probation officer involves himself in actual field work after the case has been entrusted to the volunteer.

iv) The volunteer keeps in touch with the client and his family by means of mutual visitations and interviews generally taking place twice a month or so while the frequency and mode of contact vary as the case requires.

v) The volunteer is expected to submit a regular progress report to the probation office every month on each offender. In addition, he is supposed to

¹⁰⁾ Of the total of 876 "rehabilitation areas" in the country, more than a half require the full-time probation officer at the nearest office to travel 2 or more hours to get to any client.

send a written report whenever an unusual incident has happened in relation to the offender.

vi) When the probation officer thinks it necessary, judging from the report of the volunteer or information of the police or the offender's family, he personally visits the offender, or sends a letter to the the offender suggesting his appearance to the office instead.

As mentioned in preceding paragraphs, probation and parole supervision of nearly all the caseload is farmed out to volunteer probation officers while professional probation officers act as coordinators, consultants, and supervisors for the volunteers. The number of probation officers as well as of the probation offices is too limited for the officer to regularly visit the volunteers and offenders in the community. The extent to which the regular probation officers engage themselves in actual field work and the degree of the exchange of information between the professional officers and volunteers is a crucial variable for community-based treatment and improvement in this respect is strongly called for.

Under these circumstances, some improvement has gradually been sought in recent years.

The local offices: Local probation offices were opened in 25 major cities comparatively remote from the prefectural capital cities where the main probation office is located. As a complement to main offices, these local offices have proved to be an effective means for providing volunteers with closer supervision and counseling and for facilitating direct probation-parole casework by the probation officers. Number of probation officers attached to a local office ranges from one to fourteen. The local offices are now on a trend to further increase.

The "Day Offices": Sharing the same purpose with the local office scheme, it has become a common practice of substantially all probation officers of the main office to visit the local community and hold regular office hours at a room of the municipal office, public hall or youth center with certain intervals. The frequency of the "day office" in the area ranges from once a week to once in every two months depending on local circumstances and the case-load of the area.

Activities of the probation officer at the "day office" include interviews

with probationers and parolees, family counseling, case consultation with volunteers, consultation with school teachers and employers, home visits, liaison with community agencies and the like.

The total number of days on which regular office hours were held at "day offices" in various places of the country during October 1979 amounted to 5,732. The number of persons interviewed as a part of the day office activity during the same period is shown in the Table 18.

Table 18 Number of the Day Office Interviewees (October 1979)

| Interviewees | Number of Persons |
|------------------------------|-------------------|
| Probationers and parolees | 21,634 |
| Family, employers, etc. | 6,913 |
| Volunteer probation officers | 18,257 |
| Total | 46,804 |

Classification system: Attempts existed since 1965 to treat offenders differentially upon the results of classification at the time of their reception. The most updated system was implemented in 1971. Probationers and parolees are classified into two groups; group A requiring more intensive treatment, and group B representing no acute or serious set of problems. There are twenty specified problem areas which form the base of the classification of the clientele. Some of them are: financial instability, family conflict, poor life history, unemployment, no fixed residence, overt problematic behavior, repetitious criminal record, intellectual or personality defects, poor attitude toward supervision, association with organized criminals. Cases are reviewed from time to time for possible re-classification. Both extent and gravity of the problem areas are taken into consideration.

Persons classified into group A are liable to intensive treatment and special attention both by professional and volunteer probation officers. As of the end of December 1979, of 49,983 non-traffic subjects pending at probation offices throughout Japan, 4,248 cases, or 8.5 percent, were classified as group A and 45,679 as B, and the rest unclassified.

Group work: Reflecting the increased awareness of the serious problems of

traffic offenses, the probation offices began to commit themselves actively to the treatment of traffic offenders. This trend was accelerated by a circular issued by the Director-General of the Rehabilitation Bureau in 1965. Growing emphasis has been placed on educative measures rather than punishment, i.e. mostly a fine, especially for juvenile traffic offenders. As a result, the number of youths who are put on probation for traffic offenses (speeding, driving without licence, traffic accidents, etc.) has shown a sharp increase and it accounted for nearly 59 percent of the total of juvenile probationers received by the probation offices throughout the country in 1976. Problems which young traffic violators represent considerably differ from those revealed by probationers who commit an offense against person or property. On the assumption that group training and group counseling are more effective for preventing repeated traffic violation, a number of probation offices have introduced group work programs.

It was in 1977 that the Director-General of the Rehabilitation Bureau issued a circular to commence a short-term treatment program for juvenile traffic cases in which the Family Court would recommend such treatment in rendering a probation order. In this program, group work, in lieu of traditional casework, constitutes the major part of treatment, supplemented by monthly written reports of probationers. They are to be discharged from probation between three and four months so long as they fulfil their requirements.

Group work may be no less effective for the treatment of non-traffic offenders and attempts have been on the gradual increase among the probation offices to provide group work sessions for juvenile offenders having inclination to abuse organic solvents or other harmful drugs. Such group work programs, however, are still seen sporadically and may be said to be in the experimental stage.

Halfway house program: More than one fifth of the parolees from prisons are accommodated at the rehabilitation aid hostels owing to their lack of suitable place to live. In this sense, the rehabilitation aid hostels serve as an important social institution for the rehabilitation of offenders. The treatment program for the residents in most rehabilitation aid hostels, however, have not well been formulated due to their traditional role as a shelter for those having no

dwelling and to the shortage of qualified treatment personnel as well. Efforts have been made to improve the treatment program and, from such viewpoints, a specific halfway house program have been launched in 1979 at selected rehabilitation aid hostels for parolees serving the sentence of eight years or more. Parolees who consent to undergo this project are accommodated for the initial three months after release on parole and given intensive individual as well as group counseling in addition to the assistance and guidance to ordinary social life from which they have been secluded for many years.

F. Material Aids in Probation and Parole

Many offenders under probation or parole supervision face financial difficulty. To meet the need of such offenders, the probation officer tries to encourage and assist him along the line of social work principles so that he may tackle more effectively his personal problems underlying the hardship. The probation officer often has to help the offender in such a concrete manner as to finding a satisfying job or adjusting his relationship with his family in order to attain the goal of rehabilitation.

On the other hand, the importance of material aid can never be overlooked when the offender is in acute financial difficulty.

The figures below indicate the number of probationers and parolees who were given material aid at the probation offices in 1979.

Table 19 Number of Probationers and Parolees Receiving Material Aid (1979)

| | |
|--|-------|
| Meals | 336 |
| Clothes | 691 |
| Costs of medical care | 41 |
| Travel fares | 166 |
| Travel fare discount certificate | 5,151 |

In addition, there are a number of offenders under supervision who have been rejected by the family and have no place to live. The halfway houses accommodate such offenders upon the referral of the probation office. In 1979, a total of 4,674 probationers and parolees were so referred to the

halfway houses and the number of residents under supervision as of December 31 of the same year was 579.¹¹⁾

Also, the Japan Rehabilitation Aid Association and various local organizations, such as Volunteer Probation Officers Associations and Rehabilitation Service Promotion Associations, set aside in their own budget a special fund and disburse it where necessary to supplement the limited national fund for aiding probationers and parolees.

G. Termination of Probation and Parole

For some categories of offenders, the term of supervision is automatically fixed by the law. For the others, it is decided by the discretion of the court. However, it is useless and often even detrimental to continue control and support until such period expires disregarding the progress of the individual offender. There should be some way to discharge him from supervision when he has proved to be a success with no further indication of danger to the society. Likewise, probation or parole should be revoked when failure in treatment, which generally results in serious violation of conditions or repetition of crime, justifies incarcerating him for his own sake as well as for the protection of the community.

In Japan, the procedure for early termination of supervision varies, depending upon the type of disposition by which the offender is placed under supervision. In brief, favorable actions taken for successful cases are as follows.

Juvenile probationer: The director of the probation office is vested with the authority to decide on early discharge. When discharge appears to be premature, he can conditionally suspend supervision, preserving the possibility of resuming probationary supervision.

Adult probationer: In contrast to Anglo-American tradition, neither the court nor the director of the probation office can discharge him from probation. Pardon, which is practically in very limited use, is the only available means for terminating probation. However, the parole board has authority provisionally to suspend probation upon the request of the director of the probation

¹¹⁾ Details of the halfway houses are discussed in p.p.17-19.

office.

Training School parolee: The parole board may decide on early discharge from parole on the basis of an application from the director of the probation office.

Prison parolee: The parole board may terminate the indeterminate sentence. As regards determinate sentence, there is no way to discharge from parole except by pardon. Since the parole period is very short in most cases, those who clearly indicate early termination while on parole are rare.

Women's Guidance Home parolee: There is no possibility of early discharge. This is obviously due to the fact that the period of confinement is limited to six months in any case and the period of parole is only for its balance.

In "failure cases" who has committed an offense while on probation or parole, the new charge is dealt with by the court and he is committed to a correctional institution, or given other disposition as the case indicates. The original probation or parole may be revoked or continued depending upon the category of supervision and/or the discretion of the court.

In the meantime, actions which are taken on an occasion of technical violation, or serious violation of conditions, are as follows.

Juvenile probationer: The director of the probation office files a notification to the Family Court, seeking a new disposition.

Adult probationer: The director of the probation office files an application for revocation to the criminal court through the public prosecutor.

Parolee: The parole board revokes parole upon the application of the director of the probation office. The parolee may be confined in the institution for the whole period of the original parole period, but he may be granted parole on the revoked sentence in the future. In the case of a training school parolee, the parole board has to apply to the Family Court to have the offender recommitted.

The figures in Table 20 show the number of probationers and parolees for whom supervision was terminated in 1979 by categories of supervision, and modes of termination.

The following two tables show the residence and occupation of all probationers and parolees who terminated their supervision term.

Table 20 Number of Terminations by Supervision Categories and Modes of Termination (1979)

| Supervision | Mode of termination | | |
|------------------------|---------------------|-----------------|------------|
| | Expiration | Early discharge | Revocation |
| Juvenile probation | | | |
| non-traffic | 3,868 | 4,943 | 1,673 |
| traffic long term | 1,588 | 7,976 | 500 |
| short term | 7 | 27,153 | 230 |
| Adult probation | 5,389 | (1,187)* | 2,522 |
| Training school parole | | | |
| long term | 1,403 | 168 | 438 |
| short term | 451 | 313 | 145 |
| Prison parole | 13,901 | 7** | 745 |

Note: * The number in parentheses indicates probationers who completed their full term of probation while on provisional suspension of supervision due to good progress.

** The "early discharge" for prison parolees means here termination of indeterminate sentence.

Table 21 Number of Probationers and Parolees by Persons Whom They Lived with at the Time of Termination of Supervision (1978)

| Persons whom they lived with | Number | % |
|----------------------------------|---------------|------------|
| With family | 34,141 | 73 |
| In halfway house | 3,179 | 7 |
| Living alone | 3,223 | 7 |
| With employer | 2,734 | 6 |
| With relatives | 1,203 | 3 |
| With friend | 349 | 1 |
| With volunteer probation officer | 28 | — |
| Others | 1,020 | 2 |
| Unknown | 637 | 1 |
| Total | 46,514 | 100 |

Table 22 Number of Probationers and Parolees by Occupation Groups at the Time of Termination of Supervision (1979)

| Occupation | Number | % |
|--|---------------|------------|
| Craftsmen and production process workers | 13,508 | (29) |
| Manual workers | 7,468 | (16) |
| Service workers | 4,714 | (10) |
| Sales workers | 4,477 | (10) |
| Workers in transport and communication | 2,725 | (6) |
| Students and pupils | 1,791 | (4) |
| Farmers, lumbermen and fishermen | 1,580 | (3) |
| Clerical workers | 820 | (2) |
| Housekeepers and housewives | 584 | (1) |
| Professional and technical workers | 231 | (—) |
| Managers and officials | 183 | (—) |
| Workers in mining | 84 | (—) |
| Others and unemployed | 6,952 | (15) |
| Unknown | 1,376 | (3) |
| Total | 46,493 | 100 |

H. Probation and Parole Outcome

For the purpose of evaluating the effect of probation and parole, it is obviously most desirable to have two identical groups of offenders who represent the same traits regarding personality, social milieu and criminality and to expose one of the groups to probation or parole supervision, while committing the other to another type of treatment. Actually, however, various difficulties arise in pursuing such a procedure. For example, the more criminally oriented tends to be placed under probationary supervision whereas the less criminally inclined is apt to be discharged in one way or another from the criminal justice system without supervision. This fact prevents the researcher from obtaining comparable pairs of sample offenders which warrant statistically justifiable assessment of the outcome.

The following tables show a crude picture of how probationers and parolees are evaluated at the last stage of supervision. In the tables, all

probationers and parolees who terminated supervision in the last ten years are stratified by a success-moderate-failure dimension and shown in percentage to the total number of terminations of each year. "Success" in the tables includes not only those who warranted early discharge but also those who showed better adjustment to social life. In the same manner, offenders who revealed unsatisfactory adjustment as well as those recommitted to institution for technical violation or reconviction are referred to as "failure." The term "moderate" is applied to probationers and parolees whose standard of behavior is generally regarded as acceptable although it may fall short of the standard of behavior of normal members of the community.

Table 23 Adjustment of Juvenile Offenders on Probation (%)

| Year | Success | Moderate | Failure | Not evaluated |
|-------------------|---------|----------|---------|---------------|
| 1970 | 64 | 15 | 11 | 10 |
| 1975 | 75 | 11 | 9 | 5 |
| 1977 | 80 | 7 | 9 | 4 |
| 1978 | 75 | 9 | 12 | 4 |
| 1979 | 88 | 5 | 6 | 2 |
| non-traffic | (61) | (14) | (19) | (6) |
| traffic long term | (85) | (7) | (6) | (2) |
| short term | (99.1) | (0.0) | (0.8) | (0.1) |

Table 24 Adjustment of Adult Offenders on Probation (%)

| Year | Success | Moderate | Failure | Not evaluated |
|------|---------|----------|---------|---------------|
| 1970 | 45 | 16 | 24 | 15 |
| 1975 | 48 | 13 | 28 | 11 |
| 1977 | 48 | 10 | 32 | 10 |
| 1978 | 46 | 11 | 32 | 11 |
| 1979 | 41 | 15 | 34 | 10 |

Table 25 Adjustment of Juvenile Releasees from Training School on Parole (%)

| Year | Success | Moderate | Failure | Not evaluated |
|------------|---------|----------|---------|---------------|
| 1970 | 34 | 23 | 26 | 17 |
| 1975 | 38 | 23 | 26 | 13 |
| 1977 | 41 | 21 | 28 | 10 |
| 1978 | 44 | 20 | 26 | 9 |
| 1979 | 39 | 24 | 29 | 9 |
| long term | (30) | (28) | (32) | (10) |
| short term | (58) | (16) | (21) | (5) |

Table 26 Adjustment of Adult Releasees from Prison on Parole (%)

| Year | Success | Moderate | Failure | Not evaluated |
|------|---------|----------|---------|---------------|
| 1970 | 44 | 46 | 7 | 3 |
| 1975 | 47 | 43 | 7 | 3 |
| 1977 | 46 | 44 | 8 | 2 |
| 1978 | 44 | 46 | 8 | 3 |
| 1979 | 33 | 58 | 7 | 2 |

The above four tables¹²⁾ indicate that:

i) The success rates grew until the third quarter of 1970s whereas they began to show decrease more or less in the last quarter. It is inferred that such a trend reflects in a great measure the recent change in economic conditions of the country, which entailed considerable increase in the unemployment rate of probationers and parolees.

ii) In contrast to the general trend as stated above, the success rate of juvenile probationers alone has been keeping its upward trend. This can be

¹²⁾ Table concerning the releasees from the Women's Guidance Home is omitted because the very limited number of subjects made no significant percentages.

attributed to the fact that traffic offenders began to account for a far greater section of juvenile probation caseload particularly after the implementation of the short-term treatment scheme for traffic offenders in 1977.

iii) The outcome of parole from training school is in sharp contrast to that of juvenile probation in favor of the latter. Apparently, this stems from the fact that offenders with a poor prospect of adjustment to society are more likely to be committed to an institution and yet majority of them are granted parole.

iv) Adult parolees from prisons constitute larger "moderate" group and far smaller "failure" group than adult probationers. The reason may be found in the fact that parole is more selectively applied to adult cases, thus excluding poor risks. In addition, the period of parole is generally too limited to enable clear distinction between good and poor adjustment at the time of expiration. Conversely, the period of adult probation is far more extensive and the court usually applies probation as an additional measure more selectively to those offenders who reveal more criminal tendencies when it pronounces a suspended sentence.

After all, an important question arises. Does the effect of probation or parole last long enough after the termination of supervision to make the offender stay further in the community without any conflict with the law? According to a study in 1974, which followed up a total of 236 juvenile and adult probationers as long as 11 years, rearrest rates for various sub-groups at the end of probation centered around 40 percent whereas accumulated rates at the end of 11 years' span were around 60 percent with a remarkable tendency that the addition of rates slowed down as time went on. The rates include the frequent incidence of rearrest for very minor offenses which resulted in discharge without disposition or a minor sanction such as a fine.

A prediction study conducted in 1975 on a sample of 1,493 juvenile non-traffic probationers revealed that a total of 487 youths, or 32.6 percent, had been rearrested within two years, including 282 persons, or 18.9 percent, who had been discharged without any disposition.

A research report published in 1976 regarding the conduct of 300 parolees and 350 full termers released from the same prisons for recidivists tells us that the rates of recommitment to prison within five years after

release were as below.

Table 27 Recidivism rates of Recidivist-prisoners by Modes of Release

| | Parolees | Discharged as sentence expired |
|----------|-------------|--------------------------------|
| 1st year | 3.5 (3.5) | 10.2 (10.2) |
| 2nd year | 10.2 (13.7) | 20.1 (30.3) |
| 3rd year | 7.0 (20.7) | 11.2 (41.5) |
| 4th year | 4.7 (25.4) | 6.6 (48.1) |
| 5th year | 3.5 (28.9) | 4.6 (52.7) |

Note: Figures in parentheses are accumulated percentages.

I. Costs of Probation and Parole

The fact that community-based treatment can deal with the offender effectively with far less costs than institutional treatment is generally considered as one of the major advantages of probation and parole over measures to segregate him from the community. In this regard, it seems to be worthwhile to examine national funds invested for probation and parole in Japan.

According to a rough estimation, the amount of the fund appropriated to probation and parole supervision in the fiscal year 1980 is shown in the Table 28.

The present appropriation of funds is far from sufficient for ensuring effective treatment in probation and parole. The Volunteer Probation Officers Association and other voluntary organizations also expended money as below in 1978 to supplement the funds made available by the National Government.

Volunteer probation officers training 194,533,797 yen
 Training of the halfway house staffs 1,367,629 yen
 Aid to probationers and parolees 11,140,388 yen

Incidentally, the voluntary organizations also spend funds for various kinds of other activities not directly connected with the treatment of offenders.

Table 28 Budget for Rehabilitation Services (1980)

| | |
|---|----------------------------|
| Office expenses* | 6,087,999,000 yen (66.0%) |
| Reimbursement for expenses of VPO | 2,074,897,000 yen (22.5%) |
| Training of VPO | 21,469,000 yen (0.2%) |
| Other expenses for VPO | 15,513,000 yen (0.2%) |
| Reimbursement for accommodation at halfway houses | 953,996,000 yen (10.3%) |
| Subsidy to halfway houses | 37,804,000 yen (0.4%) |
| Expenses to train and supervise BBS and Women's Association | 21,086,000 yen (0.2%) |
| Material Aids | 11,239,000 yen (0.1%) |
| Clothes | 3,755,000 yen |
| Travel fare | 2,342,000 yen |
| Meals | 1,454,000 yen |
| Medical care | 3,688,000 yen |
| Expenses for crime prevention activities | 9,122,000 (0.1%) |
| TOTAL | 9,223,125,000 yen** |

Note: * Includes salaries, traveling expenses, office supply, and the like.

** One US dollar is approximately equivalent to 200 yen.

V. AFTERCARE

The State assumes full responsibility for providing supervision and aid for those offenders who have been designated as subjects of probation or parole by the judiciary or parole board. There is another army of offenders, however, who demand the attention of the State. They are offenders who are discharged from prison without statutory supervision because of their poor life history or criminal tendency which prevents the authority from placing them on community-based treatment. It is obvious that the absence of adequate support may easily jeopardize the safety of society as well as the effect of the treatment process before release.

With this in view, the Law for Aftercare of Discharged Offenders declares that the responsibility for the provision of aftercare should rest with the State, specifying categories of offenders eligible for such aid as follows:

- i) Offender who has been released without parole supervision upon the expiry of the specified term of confinement at prison or women's guidance home;
- ii) Offender who has received a suspended sentence without supervision or whose suspended sentence with probation order has not been commenced;
- iii) Offender whose parole period has terminated;
- iv) Offender who has been discharged upon suspended prosecution or remission of execution of sentence.

The eligibility for aftercare is limited to the maximum period of six months from the date of release from confinement. Therefore no suspect or defendant who has not been detained is officially entitled to aftercare however serious his situation may be. By the same token, a discharged prisoner who applies for aid just five months after release can expect the aftercare of the State only for the balance of the period, i.e. one month. Offenders who are not eligible for aftercare are subject to general social welfare.

Aftercare is provided only for those who apply for it in person at the probation office. The director of the probation office is authorized to

investigate the background and screen individuals in the light of urgency of their need and willingness to rehabilitate themselves.

Means of aid by the probation office includes provision of meals, clothing medical care, recreation, travel fare, lodging accommodation and referral to the public employment or welfare agency. The probation officer can give this assistance separately or in combination as individual cases indicate. When lodging accommodation is necessary, the probation officer generally refers the case to a halfway house run by a voluntary organization. Expenses for the lodging and board are reimbursed from the national fund.

A total of 9,329 persons applied to the probation office for aftercare in 1979. Type of aid given to the applicants was as follows.

| | |
|--|---------------|
| Meals | 1,385 persons |
| Clothes | 681 persons |
| Costs of medical care | 58 persons |
| Travel fares | 1,242 persons |
| Travel fare discount certificates and others | 1,917 persons |
| Referral to the halfway house | 4,331 persons |

As of December 31, 1979, there were 541 aftercare charges living in the halfway houses. The halfway house staff provided them with counseling, advice and various other services, but statistical figures are not available regarding these activities.

VI. PARDONS

Pardons have long been in existence in the form of the royal prerogative of mercy as an exceptional means to revise the effect and application of the criminal law in certain cases, but it is only after the Offenders Rehabilitation Law was enforced in 1949 that special significance was attached to pardons in relation to the goal of correction and rehabilitation of offenders and the system came into wider use on an individual basis.

Pardons are broadly classified into two types, i.e. general and individual. General pardons are promulgated in the form of a Cabinet ordinance in commemoration of special occasions of national significance. The ordinance usually categorizes offenders in terms of offense, length of sentence and the like to the effect that every offender who falls within the scope be mechanically granted pardon. Because of the limited relevance of this type of pardon to correctional purposes, it may suffice here to add only that eight ordinances were promulgated after 1945.

On the other hand, individual pardons have far greater significance from the viewpoint of correction and rehabilitation, since they are awarded on the ground of individual need. In circumstances where an adult probationer, or a parolee from prison or women's guidance home has proved that he or she is no more in need of control or assistance, pardons stand as the only means available for the probation office to discharge the offender from supervision prior to the completion of the originally prescribed term. Special amnesty, or commutation of sentence, or remission of execution can bring about early termination of probation or parole status while their legal effect is somewhat different from each other.

In addition to the above three types, mention should also be made about restoration of rights, which is a kind of pardon applicable generally or individually. Its effect is to set aside a part or whole of restrictions of civil rights inflicted as a result of the sentence of imprisonment¹³⁾. The ex-prisoner who has completed a full term of sentence, either in prison or on parole, and accomplished the goal of rehabilitation, may receive at an early date rights to access to certain occupations and/or to voting right by means of

pardon. The restoration of rights has an additional effect to relieve the ex-prisoner, socially and psychologically, from the stigma generally attached to the "ex-con."¹⁴⁾

The general procedure of individual pardons is briefly delineated below.

i) When an adult probationer, or parolee from prison or women's guidance home wishes to be discharged from supervision at an early date, he or she may submit in person an application for pardon to the probation office. The same applies when an ex-prisoner who has already completed his sentence under parole supervision wishes to have the restriction of his rights removed.

ii) On receipt of the application, a probation officer investigates various aspects of the individual's background with special reference to the progress that he has achieved after discharge from parole. The director of the probation office then submits to the National Offenders Rehabilitation Commission a written report accompanied by his own recommendation about

13) As far as the adult probationer and the parolee from women's guidance home are concerned, the over-all effect of conviction, including the restriction of rights, is automatically eliminated as soon as the offender has completed the full term of supervision. In the case of releasee from prison, his criminal record is wiped out in the same manner when ten years has elapsed without further conviction after his sentence was fully served either on parole or in prison.

14) The criminal record is entered in the Criminal Registration Book at the municipal office where the offender's permanent domicile has been registered. The record is strictly confidential and accessible only to competent public agencies. Therefore, the criminal record *per se* does not necessarily lead to social discrimination unless people concerned happen to know his past history. Such an accident is especially rare in urban communities where anonymity is more or less predominant. From the legal point of view, at any rate, the significance of the restoration of rights as a form of pardon lies in its effect to remove the statutory bar to specific professions, such as medical practitioner, school teacher, practicing lawyer, real estate dealer and the like.

pardon in relation to the particular case. Incidentally, the director is authorized to apply for pardons by his own discretion in an appropriate case where the offender himself does not personally make the above application for some reason or the other.

iii) The National Offenders Rehabilitation Commission presents its opinion to the Cabinet via the Minister of Justice after scrutinizing all circumstances relevant to the case.

iv) The Cabinet decides on the pardon on the panel of the members and the Emperor attests it. The certificate is issued to the offender and the effect is entered in the criminal record.

The above-described procedure refers to a probationer, or a parolee, or an ex-offender who was under supervision of the probation office. Aside from the above-mentioned procedure, the warden of the prison also has a right to apply for pardon on behalf of a prisoner. In the same way, the public prosecutor has authority to initiate the procedure for an offender who has been sentenced to fine or awarded suspended sentence without probation order, or an ex-prisoner who has been released on expiration of sentence. Like the director of the probation office, both the warden and the public prosecutor have authority to initiate the procedure without awaiting the application on the part of the offender.

Table 29 shows the number of pardon cases dealt with by the National Offenders Rehabilitation Commission in 1979. As noticed, a majority of applications comes from director of probation offices and is met by favorable decisions.

Table 29 Number of Applications for Individual Pardons Received and Dealt with by the National Offenders Rehabilitation Commission in 1979

| Type of application | Applications received | Recommended to Cabinet with affirmative opinion | Applications refused |
|--------------------------------|-----------------------|---|----------------------|
| From Chief Probation officers: | | | |
| Special amnesty | — | — | — |
| Commutation of sentence | 5 | 1 | 3 |
| Remission of execution | 34 | 26 | 2 |
| Restoration of rights | 181 | 138 | 8 |
| From Wardens: | | | |
| Special amnesty | — | — | — |
| Commutation of sentence | 2 | — | 2 |
| Remission of execution | 1 | — | 1 |
| From Public Prosecutors: | | | |
| Special amnesty | 2 | — | 2 |
| Commutation of sentence | 16 | 3 | 18 |
| Remission of execution | 3 | 2 | 1 |
| Restoration of rights | 11 | 5 | 3 |
| Total | 255 | 175 | 40 |

VII. CRIME PREVENTION ACTIVITIES

Activities to prevent crime and delinquency may be broadly classified into two types: efforts to prevent illegal conducts through an approach to an individual person who has been identified as predelinquent or prone to commit crime, and efforts directed toward the community at large to lower the over-all crime rate in the area. It may be correct to say that in Japan, thus far, the former individual approach to predelinquents has not been developed as much as the general approach toward the community.

The BBS Association is one of the few voluntary organizations engaged in preventive activities directed toward individual predelinquent minors. The members not only cooperate with the probation agency in helping juvenile probationers but also befriend predelinquents who have been referred to from the Family Court, police, Child Guidance Center, or school. Sometimes parents spontaneously seek their help. The members actively involve themselves in casework and group work with such children. The probation officer provides the members with consultation, guidance and support to promote the BBS activity in each area.

The probation office has traditionally placed emphasis on the general approach to crime prevention. To mobilize the interest of the public, the probation office and its cooperative and voluntary associates for the last two decades have organized yearly a nation-wide Crime Prevention Campaign under the auspices of the Ministry of Justice. This campaign, literally translated, means "the Movement for Brighter Society."

In this regard a brief mention should be made to clarify the nature of efforts made by the voluntary and professional probation officers for the prevention of crime. They usually encounter in their field work prejudice or resentment toward offenders on the part of society. Therefore, in the Crime Prevention Campaign as well as in other day-to-day activities of public education, emphasis is placed not only on prevention of crime in the strict sense of the term but also on involving citizens in the prevention of recidivism of convicted offenders through accepting and helping them, whether or not the offenders are on probation/parole supervision.

VIII. RESEARCH

For the general betterment of the services, the Rehabilitation Bureau conducts many projects of survey and research in respect to the operation of the agencies under its jurisdiction. In cooperation with the statistics section of the Ministry, the Bureau also compiles an annual statistical report of 180 pages on the nation-wide probation, parole and aftercare services.

Aside from projects of its own, the Bureau has been placing special emphasis on promoting evaluative studies conducted at local probation offices. These studies include findings of special treatment projects and a number of intensive analyses of the process of casework regarding selective cases. Some of these reports are published in professional periodicals mentioned in the following section.

Every year a probation officer is nominated to engage in a special study for the period of five months under the supervision of the staff of the Research and Training Institute of the Ministry. During the period, he is totally relieved from his regular duties.

More sophisticated and computer-aided research projects on community-based treatment are regularly carried out in cooperation with the Bureau by a few research workers of the same institute who are specializing in this particular area of corrections. Results are published in the Bulletin of the Criminological Research Department of the institute. An English summary edition is made available every year.

IX. PERIODICAL PUBLICATIONS

Public and private organizations are publishing periodicals to disseminate general information as well as theoretical and practical knowledge among the staff and/or voluntary workers in the field of rehabilitation services. Those most relevant to community-based treatment of offenders are listed below.

"HOGO-GEPPU" (Rehabilitation Bulletin): This is a quarterly intended to provide professional probation officers with official news such as change in rules and regulations, reports, proceedings of the conferences of directors of probation offices, chairmen of the parole boards and other supervisors in the field. Being initiated in 1950, the latest issue numbers 123.

"KOSEI-HOGO" (Rehabilitation): This 64-page monthly is published by Japan Rehabilitation Aid Association since 1950 to help the volunteer probation officers and the staffs of the Rehabilitation Aid Associations (halfway houses) acquire essential knowledge and techniques for the treatment of offenders. Its significance is dual; serving for training purpose and for the goal of enhancing morale and solidarity of the volunteers.

KOSEI-HOGO TO HANZAI-YOBO (Rehabilitation and Prevention): This 96-page quarterly is published by the Japan Rehabilitation Aid Association primarily to encourage scientific study and its application in practice of probation officers. It regularly carries reports on cases and research projects as well as various kinds of academic articles. The first issue appeared in 1966.

HANZAI TO HIKO (Crime and Delinquency): This is a 120-page quarterly published since 1969 by the Youth Rehabilitation Welfare Center, a private organization. It is disseminated mainly to correctional agencies, introducing criminological theories and treatment techniques.

Besides, the National Federation of Big Brothers and Sisters Movement issues a quarterly newsletter to the members. The National Women's Association for Rehabilitation Aid also issues newsletters twice a year. There are a number of other periodicals of different intervals and *ad hoc* bulletins and newsletters published by local associations of volunteer probation officers and rehabilitation aid hostels to be circulated among their members. The above publications are available only in Japanese.

END