

GOVERNMENT OF JAPAN

SUMMARY OF
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PREFACE

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

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

The White Paper on Crime, 1977, with the subtitle "Crime and Criminal Justice in Japan — A Search for International Criminal Policy," is a detailed document of 364 pages. The Summary in English contains 55 pages. However, clarity has not been sacrificed for conciseness. The White Paper is as usually presented in three parts, *Trends in Criminality*, *Treatment of Offenders*, and *Special Crimes and Criminals*. The Summary preserves the identical form, and presents the salient facts and the essential statistical tables under each Part.

As indicated by the subtitle, special emphasis was placed on describing crimes and criminal justice in Japan from an international viewpoint. Attempts were made to analyse the general trends of various kinds of crimes and delinquencies and to explore the causes for increasing or decreasing crime rates in Japan and several western countries. International analyses also covered the various phases of the treatment of offenders and delinquents.

Another effort was further observed to offer rather deeper explanation on the recent situation of crimes which draw a special attention in this country, such as crimes of bribery, crimes of rape, and stimulant drugs offenses. I hope such examination and analyses would be of interest for everyone working in the field of social defence.

This Summary was prepared with the cordial cooperation of Mr. Teruo Matsushita, former Deputy Director of the United Nations Asia and Far East Institute for the Prevention of Crime and Treatment of Offenders (UNAFEI), together with Messrs. Kazuhisa Suzuki, Katsuo Kawada, Kohsuke Tsubouchi, and Miss Masako Kono, members of the faculty of UNAFEI. I gratefully acknowledge their valuable contributions.

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PART ONE: TRENDS IN CRIMINALITY

I. Crime Trends and Statistical Review of Crime in 1976

A. Penal Code Offenses

1. General Trends

The trends in crime after World War II, as reflected in the statistics giving the number of Penal Code offenses known to the police, showed that the total number of such offenses amounted to 1,387,080 in 1946. The figures rose sharply to over 1,603,265 in 1948, and then decreased to 1,344,482 in 1950. The figures showed an increase in 1954 and kept steadily rising until 1964 when Penal Code offenses exceeded the 1948 peak and reached 1,609,741. After showing a slight decrease in the following two years, they started to show an annual increase till they reached another peak in 1970, when they were 1,932,401, the highest figure since the end of the war. Since 1971 they decreased continuously and in 1974 the figure dropped to 1,671,947. However, they again increased to 1,673,727 in 1975 and to 1,691,229 in 1976, representing an increase of 17,502 from the figure of the previous year.

The rate of clearance in respect of Penal Code offenses was 70.2% of the total cases known to the police in 1976. The annual figures of such rate in the last ten years have been between 67% and 71%. Thus, the number of offenses cleared by the police more or less paralleled that of offenses known to them and it was 1,186,649 in 1976. This represented an increase of 34,196 over the previous year and the number of offenders investigated (not necessarily arrested) by the police increased to 830,679 in 1976, 551 more than that of the previous year.

2. Non-Traffic Penal Code Offenses

The above-mentioned increase in Penal Code offenses was due mostly to the disproportionate increase of automobile accidents, constituting a Penal Code offense of "professional or gross negligence causing death or bodily injury" (Article 211).²¹ Since very heavy majority of the offenses subsumed under this category are traffic in nature, various categories of offenses other than those under Article 211 will, for the purpose of convenient presentation, be referred to hereinafter as "non-traffic Penal Code offenses."

The number of non-traffic Penal Code offenses known to the police reached the

²¹The Penal Code provides for three types of Negligent Offenses: Simple Negligence causing Death or Bodily Injury; Gross Negligence causing Death or Bodily Injury and Professional Negligence causing Death or Bodily Injury. The "Professional" negligence causing death or bodily injury was originally adopted to cover negligent death or bodily injury in one's business or profession such as a medical doctor or a professional car driver. Courts have enlarged the interpretation of "professional" to include negligent motorists whose occupations are other than that of car driver.

peak in 1948 when it numbered 1,599,968, which decreased sharply to 1,317,141 in 1953. The figures fluctuated somewhat in the following years. Since 1971 the number kept on decreasing steadily and in 1973 it was 1,187,936, the lowest figure in the post-war years. However, it slightly increased to 1,232,353 in 1975 and to 1,245,766 in 1976 representing an increase of 13,413 from that of 1975.

The clearance rate of non-traffic Penal Code offenses was 60% of the total cases known to the police in 1976. The annual figures of such rate for the last ten years have been between 54 and 60.

The numbers of non-traffic Penal Code offenders investigated by the police have shown general downward trend since 1950, when they were 578,152. In 1976, such offenders amounted to 357,041 which was 4,585 less than in the previous year. The rates of non-traffic Penal Code offenses known to the police and of non-traffic Penal Code offenders investigated by the police computed per 100,000 criminally responsible population (fourteen years old and above) for 1976 were 1,429 (cases) and 409 (persons), respectively; the former was the fourth lowest figure in the post-war years, and the latter the lowest. These rates together with the rates for prosecuted and convicted persons in selected years are shown in Table 1.

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

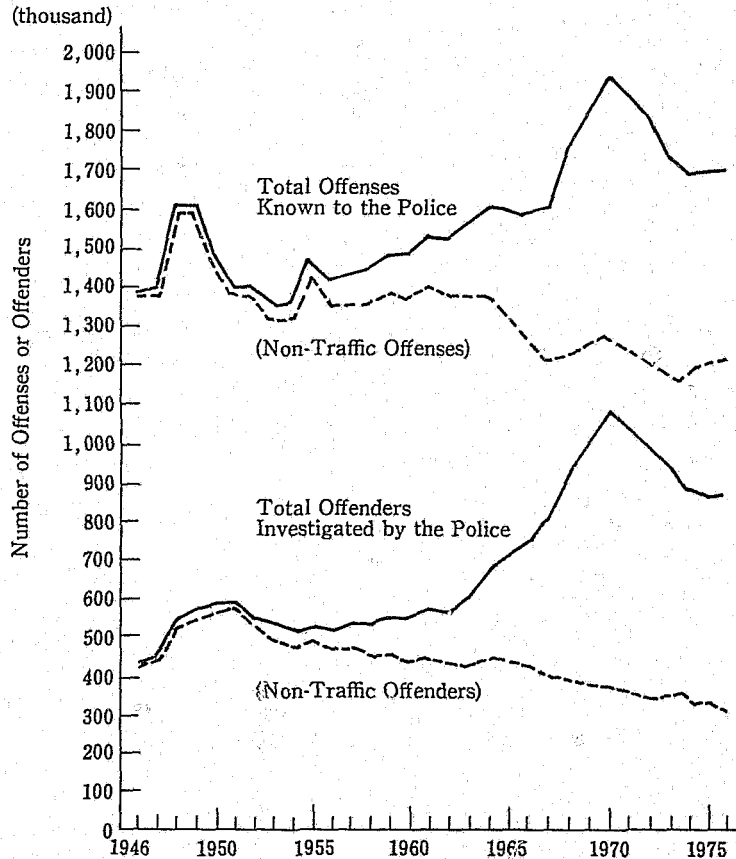
3. Statistical Review of Penal Code Offenses in 1976

Of the total Penal Code offenses known to the police in 1976, theft was the largest standing for 62.1%, which was followed by professional or gross negligence

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

| Year | Criminally Responsible Population Unit: 1,000 | Rate Computed per 100,000 of the Criminally Responsible Population | | | |
|------|---|--|----------|--------------------|--|
| | | Offenses Known | Suspects | Persons Prosecuted | Persons Convicted in the Court of First Instance |
| 1948 | 53,413 | 2,995 | 1,003 | 444 | 427 |
| 1955 | 61,443 | 2,337 | 799 | 297 | 254 |
| 1966 | 76,459 | 1,690 | 564 | 245 | 206 |
| 1969 | 79,740 | 1,570 | 470 | 204 | 167 |
| 1970 | 80,500 | 1,587 | 470 | 198 | 159 |
| 1971 | 81,364 | 1,526 | 442 | 182 | 148 |
| 1972 | 82,947 | 1,473 | 417 | 185 | 151 |
| 1973 | 83,835 | 1,416 | 423 | 166 | 137 |
| 1974 | 84,792 | 1,425 | 425 | 153 | 126 |
| 1975 | 86,323 | 1,428 | 419 | 170 | 118 |
| 1976 | 87,195 | 1,429 | 409 | 169 | ... |

Figure 1. Trends in Penal Code Offenses and Offenders



causing death or bodily injury with 26.3%, fraud with 3.5%, bodily injury including those resulting in death (manslaughter) with 1.9%, assault with 1.2% and extortion with 0.7%. Murder (homicide with an intent to kill) accounted for 0.1%.

Of the total Penal Code offenders investigated by the police in 1976, those who were charged with professional or gross negligence causing death or bodily injury were far the largest accounting for 57.0%. This was due to the fact the clearance rate of such negligent cases was nearly 100% while that of theft was 53.8% in 1976. The number of professional negligence was followed by the alleged offenders of theft with 24.3%, bodily injury including those resulting in death with 4.9%, assault with 3.2%, and fraud with 1.9%. The alleged murderers stood for 0.3% of the total.

In 1976, of the major Penal Code offenses known to the police, theft represented an increase of 11,806 from the figure of the previous year, followed by fraud with 5,815, professional or gross negligence causing death or bodily injury with 4,089, and embezzlement with 1,095. Among them, arson showed the greatest increasing rate

Table 2. Trends in Penal Code Offenders Investigated by

| Offenses | Year | 1972 | | 1973 | |
|--|------|---------|-------|---------|-------|
| | | Number | Index | Number | Index |
| I. Property Offenses | | | | | |
| 1. Theft | | 166,932 | 100 | 174,003 | 104 |
| 2. Fraud | | 15,963 | 100 | 15,902 | 100 |
| 3. Embezzlement | | 6,600 | 100 | 8,089 | 123 |
| 4. Stolen Property | | 2,082 | 100 | 2,070 | 99 |
| 5. Breach of Trust | | 226 | 100 | 203 | 90 |
| Total | | 191,803 | 100 | 200,273 | 104 |
| II. Offenses of Violence | | | | | |
| A. "Non-heinous" Crimes | | | | | |
| 6. Assault | | 32,314 | 100 | 32,408 | 100 |
| 7. Bodily Injury (including those resulting in death) | | 51,715 | 100 | 53,008 | 103 |
| 8. Intimidation | | 2,272 | 100 | 2,199 | 97 |
| 9. Extortion | | 13,197 | 100 | 11,930 | 90 |
| 10. Unlawful Assembly with Weapon | | 910 | 100 | 1,006 | 111 |
| Total | | 100,408 | 100 | 100,551 | 100 |
| B. "Heinous" Crimes | | | | | |
| 11. Murder (including patricide, infanticide and attempt) | | 2,188 | 100 | 2,113 | 97 |
| 12. Robbery | | 984 | 100 | 910 | 92 |
| 13. Robbery involving Homicide, Bodily Injury, or Rape | | 1,414 | 100 | 1,168 | 83 |
| Total | | 4,586 | 100 | 4,191 | 91 |
| III. Sex Offenses | | | | | |
| 14. Rape (including those resulting in injury and death) | | 5,464 | 100 | 4,786 | 88 |
| 15. Indecent Assault | | 1,915 | 100 | 1,816 | 95 |
| 16. Obscene Matters (distributing, selling, etc.) | | 4,412 | 100 | 3,644 | 83 |
| Total | | 11,791 | 100 | 10,246 | 87 |
| IV. Offenses of Negligence | | | | | |
| 17. Professional Negligence causing Death or Bodily Injury | | 630,491 | 100 | 576,855 | 91 |
| 18. Simple Negligence causing Death or Injury | | 542 | 100 | 546 | 101 |
| 19. Fire caused by Negligence | | 4,454 | 100 | 4,828 | 108 |
| Total | | 635,487 | 100 | 582,229 | 92 |
| V. Miscellaneous | | | | | |
| 20. Arson | | 799 | 100 | 702 | 88 |
| 21. Gambling | | 15,078 | 100 | 15,631 | 104 |
| 22. Kidnapping | | 276 | 100 | 224 | 81 |
| 23. Forgery and Counterfeiting | | 1,558 | 100 | 1,857 | 119 |
| Total | | 17,711 | 100 | 18,414 | 104 |

the Police by Crime Categories, 1972-1976

| 1974 | | 1975 | | 1976 | |
|---------|-------|---------|-------|---------|-------|
| Number | Index | Number | Index | Number | Index |
| 190,792 | 114 | 198,423 | 119 | 201,932 | 121 |
| 15,118 | 95 | 16,603 | 104 | 15,918 | 100 |
| 7,115 | 117 | 8,647 | 131 | 9,904 | 150 |
| 2,046 | 98 | 1,838 | 88 | 1,811 | 87 |
| 174 | 77 | 195 | 86 | 236 | 104 |
| 215,865 | 113 | 225,706 | 118 | 229,801 | 120 |
| 31,415 | 97 | 27,822 | 86 | 26,368 | 82 |
| 46,858 | 91 | 42,775 | 83 | 40,590 | 78 |
| 1,977 | 87 | 1,989 | 87 | 1,700 | 75 |
| 11,602 | 88 | 12,367 | 94 | 10,686 | 81 |
| 1,660 | 182 | 1,206 | 133 | 1,038 | 114 |
| 93,512 | 83 | 86,159 | 86 | 80,382 | 80 |
| 1,870 | 85 | 2,179 | 100 | 2,113 | 97 |
| 840 | 85 | 936 | 95 | 939 | 95 |
| 1,271 | 90 | 1,310 | 93 | 1,106 | 78 |
| 3,981 | 87 | 4,425 | 96 | 4,158 | 91 |
| 4,485 | 82 | 4,052 | 74 | 3,394 | 62 |
| 1,629 | 85 | 1,570 | 82 | 1,465 | 77 |
| 3,604 | 82 | 3,654 | 83 | 3,653 | 83 |
| 9,718 | 82 | 9,276 | 79 | 8,512 | 72 |
| 491,982 | 78 | 468,502 | 74 | 473,638 | 75 |
| 519 | 96 | 470 | 87 | 410 | 76 |
| 4,314 | 97 | 3,863 | 87 | 3,962 | 89 |
| 496,815 | 78 | 472,835 | 74 | 478,010 | 75 |
| 748 | 94 | 736 | 92 | 876 | 110 |
| 16,020 | 106 | 14,673 | 97 | 12,539 | 83 |
| 178 | 64 | 176 | 64 | 144 | 52 |
| 1,645 | 106 | 1,888 | 121 | 2,147 | 138 |
| 18,591 | 105 | 17,473 | 99 | 15,706 | 89 |

of 18.2%. On the contrary, extortion, rape (including those resulting in death or bodily injury), robbery involving rape, assault, bodily injury (including those resulting death) showed a downward trend.

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

Table 2 shows the trends of such offenders in which the 1972 figures are used as a base index of 100, and deviations annually up to 1976 are indicated. According to the table, index of property offenders investigated by the police was 120 in 1976, especially with index of 150 in embezzlement and 121 in theft. The increase of embezzlement was due to that of conversion of lost articles, and the increase of theft was due to that of bicycle and motorbicycle thefts, shop-lifting, etc.

Heinous crimes (murder, robbery, robbery involving homicide, bodily injury, or rape) are on a downward trend, and non-heinous crimes like assault, bodily injury, intimidation, etc., are also on the rather sharp decreasing trend.

Sex offenses are generally on a downward trend, but offenses to distribute or sell the obscene matters increased slightly in comparison with the previous year.

As mentioned above, offenses of professional or gross negligence causing death or bodily injury increased in 1976 in comparison with a downward trend observed until that year, but simple negligence causing death or bodily injury is decreasing.

Of other Penal Code offenses, arson, forgery and counterfeiting are on the rather sharp increasing trend, while gambling and kidnapping are on a downward trend.

B. Special Law Offenses

1. Traffic Violations

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

The trends in traffic violations, as reflected in the statistics giving the number of violators received in the Public Prosecutors' Offices, showed a sharp increase since 1953, the total number of violators thus received increased from 2,832 in 1946 to 753,543 in 1953, and further to 4,965,002 in 1965. The percentage of traffic violators among the total offenders received in the Public Prosecutors' Offices increased sharply from 0.5% in 1946 to 43.9% in 1953 and to 83.8% in 1965.

The Government met this disproportionate increase of traffic violations with the adoption of a new system of Traffic Infraction Notification Procedure, a planned partial decriminalization of less serious violations. This procedure was brought into effect

in July 1968. Thus the figures dropped sharply to 1,470,620 or 54.4% in 1969, and to 1,460,054 or 54.2% in 1970. However, a constant increase was seen in the ensuing years and the number of such violators reached 2,230,067 or 68.9% of the total offenders received in the Public Prosecutors' Offices in 1976. (For detailed analysis of the violations in 1976, refer to the PART THREE.)

2. Other Special Law Offenses

A total number of violators of special laws other than traffic violators stood for 57.5% of the total offenders received in the Public Prosecutors' Offices in 1947. Most of them were violators of the Food Control Law and the Price Control Ordinance characterizing a chaotic post-war condition. The number of violators of other special laws has been on a decreasing trend since 1950 and it was 152,593 or 4.7% of the total in 1976. This number was 15,218 less than the number of the previous year. A great increase was observed in respect of the violators of the Stimulant Drugs Control Law, the Poisonous and Injurious Substance Control Law, the Law Regulating Any Business Affecting Public Morals, and in respect of the violators of the Public Office Election Law and the Aliens Registration Law, a decreasing trend was observed.

C. Crimes Committed by Organized Violent Group Members

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

One of the tools to control their activities was a legislative measure. In 1958, new articles prescribing the intimidation of a witness and the unlawful assembly with dangerous weapons were added into the Penal Code. The Law for Punishment of Acts of Violence was reformed in 1964 so as to make more strict control possible over organized violent groups. In the result of strict control many groups were dissolved and the arrestees of group members were 43,303 in 1966, which showed sharp decrease from 82,074 in 1956. The numbers of groups and group members have decreased since 1964 but the number of arrestees has been increasing since 1970.

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

which were composed of, firmly have acquired more predominant influence.

One of the recent trends of organized violent groups is that they are extending their power over wider area by integrating smaller groups. In the process of integration many conflicts have been occurred between violent groups. Consequently, group members have equipped themselves with more powerful weapons and the numbers of weapons seized from group members have increased yearly. In addition, illicit manufacture and smuggling of pistols conducted by group members have sharply increased in number. In 1976, the incidents of struggles between violent groups decreased a little over the previous year. However, the percentage of the incidents in which guns were used was 62.1%, the highest figure since 1970. And the mode of the offense became more vicious as the gun was fired at the shopping quarters in the daytime. The number of guns seized from group members was the highest in 1976 since the World War II. With a view to raise their funds, organized violent groups have advanced their activities into intellectual crimes such as an exaction of an obligatory right, an extortion by threatening to cause trouble at the general meeting of the stockholder and a distribution of obligations of a bankrupt company, in addition to conventional activities such as gambling, dealing of drugs and bookmaking.

In 1976, 56,423 violent group members were arrested, representing an increase of 3,365 more than that of the previous year. The number increased in almost all kinds of crimes over the previous year. The crimes which represented a sharp increasing trend over the previous year were theft, fraud, robbery in Penal Code offenses, followed by violation of the Horse Racing Law and violation of the Bicycle Racing Law. Of the total offenses committed by group members, bodily injury was the largest standing for 19.2%, which was followed by assault (11.9%), violation of the Stimulant Drugs Control Law (11.1%), gambling (10.8%), extortion (8.7%), violation of the Horse Racing Law (6.3%), and violation of the Law Regulating the Possession of Guns and Swords (5.0%).

The ratio of violent group members for the total arrestees increased in bodily injury, assault, arson, murder, rape, robbery and intimidation, since 1971. This indicates the growing tendency among violent group members to commit the crimes of violence.

D. Violent Crimes Committed by Youthful Extremists

Violent crimes committed by the radical ultraleftist groups started to increase since around the end of 1967. The overwhelming majorities were university students. The number of radicals apprehended by the police increased from about 6,600 in 1968 to 14,700 in 1969. Although, the firm but flexible legislative and administrative countermeasures against student unrest proved to be successful and most university campuses regained their peace and the number of the apprehended students con-

siderably decreased in 1970, such quantitative decrease does not indicate the dimensions of the problem. The weapons generally used in their offenses have escalated from simple timbers and stones to a glass-bottle grenade and further to the explosive. They not only repeated violent demonstrations on the street but also attacked policemen, committed a bank-robbery and hijacked an airplane. Dreadful and cruel attacks on the members of the competing radical sects are often exchanged.

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

On account of power struggle and reorganization movement among themselves, violent fights so-called "interfactional warfare" took place frequently in the past. In 1976, there were 91 such fights known to the police. This was 138 less than 1975 figure, representing 29.5% of those in 1969 in which incidents occurred most frequently. Although the number of incidents decreased recently, those became more and more deliberate and premeditated, and the means and instruments employed in fighting became even more brutal. Time and again it involved innocent passers-by.

Due to the 91 incidents of interfactional warfare, 3 persons were killed and 192 persons were injured in 1976. A total of 172 suspects were received in the Public Prosecutors' Offices for these fights, the number being 413 less than that of the previous year. Of these offenders, 66 were prosecuted, 94 got the disposition of non-prosecution and 3 juveniles were referred to Family Courts.

One of the recent developments in the field of domestic terrorism is the series of time-bomb attacks on Japan's major corporates. Among the twenty-three actual and attempted bombing cases in 1974, there were the attacks on the head offices of Mitsubishi Heavy Industries, the Mitsui & Company, the Taisei Corporation, the Kashima Corporation, and Teijin Central Research Institute.

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

In 1976, large-scale bombing cases did not take place except the case in which

the prefectural government office of Hokkaido was attacked by time-bomb, and 2 persons were killed, 95 persons injured. However, during the period from January to June 1977, 5 bombing cases including the attack on the Nashiki Shrine in Kyoto occurred, which injured 10 persons in total. Though the recent figures do not indicate any increase in bombing cases, most cases are of serious nature enough to cause increasing anxiety in Japanese society. Therefore the strict watch against bombing cases is demanded in the future, too.

In 1976, the Public Prosecutors' Offices received 39 violators of the Law for Punishing the Use of Glass-Bottle Grenade, which was 6 less than that of the previous year.

Further, starting with the hijacking of the Japan Air Lines (JAL) jetline, "Yod", and the subsequent escape of a group of Japanese guerrillas to North Korea in March, 1970, some Japanese guerrillas have been playing havoc in foreign countries practically every year. For example, there were the massacre at Tel Aviv Airport in May, 1972, the hijacking of a JAL airliner over the Netherlands in July, 1973, the attack on an oil refinery in Singapore in January, 1974, the seizure of French Embassy in the Hague in September of the same year, and the attack on American and Swedish embassies in Kuala Lumpur in August, 1975. In those incidents, the Japanese guerrillas claimed membership in the "Japanese Red Army." In Kuala Lumpur incident, the criminals shot one police officer to death and took 53 persons as hostages, including the American Consul and the Swedish Charge d'Affairs. They demanded the release of seven radicals including members of the Japanese Red Army in Japanese prisons, and the Japanese Government permitted five of the seven to leave the country.

E. Offenses Concerning Pollution

In 1976, the Public Prosecutors' Offices throughout Japan received a total of 6,624 violators of laws and regulations concerning control of pollution. This represents an increase of 20.3% over the figure in 1975, and about 2.5 times as many as that of 1972.

The most frequent violation was that of the Law Controlling Disposition of Exhaustion and Environmental Distruption accounting for 58.6% of the total, which was followed by the violations of the Law for Prevention of Oceanic Pollution and Disaster at Sea (20.6%), the Water Pollution Control Law (7.6%), and the River Law (4.2%).

Violations of laws concerning pollution control were severely disposed of by Public Prosecutors. The percentage of institution of public prosecution in such cases was 72.8% in 1976. This was the highest during the last five years.

The recent characteristics of offenses concerning pollution are as follows:

(1) The mode of offenses became of more vicious nature and more tactful:

(2) Offenses concerning disposition of exhaustion increased markedly, especially offenses of non-installation of pollution preventive apparatuses. Even a few local public entities were not well equipped with those facilities. There were also cases in which the organized violent group members illegally discharged exhaustion without permission, and also cases in which offenses were committed over several prefectures or a large amount of exhaustion were disposed illegally. In order to cope with these situations, the Government amended the Law Controlling Disposition of Exhaustion and Environmental Disruption and the other relating laws, thus strengthened the control and intensified punitive provisions.

In 1976, the Kumamoto Public Prosecutors' Office prosecuted the president of the company and the manager of the factory on a charge of professional negligence causing death or bodily injury. In this case, the factory had discharged the water since 1958 which contained poisonous chloride of methyl mercury produced in the process of production of acetaldehyde, and thus caused the death of 6 persons and many bodily injuries so-called "Minamata Disease." The Public Prosecutors' Office investigated fully the complicated causation between the discharge of polluted water and the Minamata Disease through the accumulation of chloride of methyl mercury inside the fish which were eaten by the victims.

F. Crimes Committed by Government Officials

In 1976, the number of government officials referred to the Public Prosecutors' Offices, under the charges other than traffic violation, amounted to 19,981 which represented an increase of 3.7% over the previous year. Of the total, 70.9% were charged with professional or gross negligence causing death or bodily injury. In recent cases which were committed by government officials, those attempted robbery involving homicide and extortion on the street can be seen, which indicate the declination of the quality of government officials, although the number of such cases is still small.

Regarding crimes of bribery, see the following Chapter II, Section A.

G. Narcotic and Other Drug Offenses

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

(1) The stimulants period (1946—1956)

In the post-war turmoil of socio-economic chaos, stimulants abuse spread throughout the country. The Stimulant Drugs Control Law was enacted in 1951 to provide a basis for controlling stimulant drugs (amphetamine and methamphetamine). Japan preceded any other country in the world in such an attempt. Unfortunately, stimulants abuse did not cease and the number of offenders referred to the Public Prosecutors' Offices continued to increase, reaching a peak in 1954 (about 53,000 cases). The Government, accordingly, took comprehensive countermeasures. First,

it amended the law in three respects: (a) expanded the scope of control to include handling of raw materials such as ephedrine; (b) intensified punitive provisions; (c) established a new system of compulsory hospitalization of addicts. It also carried out nation-wide educational campaigns to eradicate stimulant drugs abuse. As a result, the number of offenders referred to Public Prosecutors' Offices drastically decreased in 1956 and fell to only 265 cases in 1958, indicating almost complete eradication of these offenses.

(2) The heroin period (1957—1964)

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

With the decrease of stimulants abuse, heroin abuse began to increase, reaching the peak in 1962 and 1963. The number of narcotic offenders referred to Public Prosecutors' Offices was about 3,700 in 1963. The number of heroin addicts was estimated at 40,000 in the peak years. This serious situation forced the Government to undertake integrated countermeasures against heroin abuse in 1963. These countermeasures were: (a) intensification of punitive provisions by amending the Narcotics Control Law (for instance, the maximum penalty was raised to life imprisonment in case of illicit import of heroin for gain, etc.); (b) strengthening control agencies; (c) disbanding criminal organizations which were the core of illicit transaction of heroin; (d) establishment of a system of compulsory hospitalization for narcotic addicts; and (e) nationwide educational campaigns to publicize narcotic evils. As a result, the number of offenders decreased substantially to 1,771 in 1964, and it continued to decrease generally thereafter. The number of heroin addicts has also decreased year by year and now is estimated to be negligible.

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

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

Fortunately, cannabis and LSD abuse is not very popular yet among the Japanese and offenders of this kind are not large in number. However, the annual number of cannabis cases referred to Public Prosecutors' Offices has increased recently, and it was a little over 1,000 in 1976.

The abuse of organic solvents such as thinners and glues has become epidemic among teen-agers during the past several years. In 1971, about 50,000 youngsters were found to be abusing them, 25 per cent increase over the previous year. Accidental deaths attributable to the abuse of these solvents were numerous (the peak

year was 1969 when the number of accidental deaths reached 84). These grave consequences of "glue-sniffing" impelled the Government to take stringent counter-measures. Selling thinners and glues, knowing that they would be abused, as well as glue-sniffing itself has been outlawed since August 1972, when an amendment to the Poisonous and Injurious Substance Control Law was passed by the Diet. The overall effect of this amendment is yet to be seen. Although the number of glue-sniffing cases known to the police decreased remarkably in 1973, they again began to increase in 1974 and about 37,000 were found abusing glue in 1976.

As mentioned above, stimulants offenses once seemed almost eradicated. In 1970, however, the number of these offenders suddenly rose to 1,905, two and a half times as many as in the previous year, and it has continued to increase, doubling every year until in 1973 when it reached about 11,000. The abuse, unlike before, has spread to almost all localities throughout Japan, and even to ordinary citizens such as housewives. This phenomenon is believed to be a reflection of prevalent pleasure-seeking habits probably related to rapid economic growth. It can also be related to the escapism noticeable among certain sections of the younger generation. This sudden revival of stimulants abuse is also attributed to organized gangsters intending to get unlawful funds for their organizations by illicit transaction of stimulant drugs. To cope with this growing problem, the following amendments have been made to the Stimulant Drugs Control Law in 1973: (a) intensification of control over raw materials of stimulant drugs; (b) consolidation of punitive provisions and making statutory penalties heavier, including life imprisonment. Law enforcement agencies continue rigorous control based on their successful experiences before. Even in the case of a simple offense such as possession of a small quantity of drugs, the authorities never fail to investigate the case thoroughly in order to uncover the boss of the organization responsible for the illicit transaction and to punish him severely. This is called "Up to the Top" operation in Japan. Though overall effects of these amendments are yet to be seen, stimulants offenses decrease from 11,030 in 1973 to 7,635 in 1974. However, they increased to 13,287 in 1975, and to 17,354 in 1976, the highest number during the last ten years.

More detailed information on cases of violation of the Stimulant Drugs Control Law will be given in the following Chapter II, Section C.

H. Mentally Disturbed Offenders

During six years of 1971 to 1976, those who were acquitted or not prosecuted because of insanity in the District Courts or District Public Prosecutors' Offices, or those whose sentences were mitigated by the District Courts, because of their mental deficiency, amounted to a total of 2,948 persons. Of this total, 33.8% were accused for murder, 17.9% for arson, 14.5% for assault and bodily injury.

The examination of these 2,948 persons by psychiatrists showed that 1,609 (54.6%) were suffering schizophrenia and 286 (9.7%) were alcoholic. Of these 2,948 persons, 1,249 had previous criminal records and it was observed that they showed a strong tendency to repeat the same kind of offenses in their criminal career.

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

I. Crimes Committed by Foreigners and Crimes Committed by Japanese in Foreign Countries

Out of 533,155 offenders whom the Public Prosecutors' Offices received in 1976, foreigners were 29,810 (5.6%). Both the number and the rate decreased over the previous year.

The crimes in which the ratio of foreigners was high were violations of such special laws as the Aliens Registration Law, the Immigration Control Order, the Hemp Control Law, and the Narcotics Control Law. The ratio of foreigners in these offenses was over 40%, although the ratio in all Penal Code offenses was only 2.9%.

As for the crimes committed by Japanese in foreign countries in 1976, the National Police Agency received the notices of 128 cases through ICPO or the Ministry of Foreign Affairs. This represents over 10 times as many as those in 1966, in which it was only 12. The most common offenses committed by Japanese in foreign countries were those relating to narcotics or stimulant drugs (25.0%), followed by bodily injury and assault (17.2%). 14.8% of these offenses were committed in Korea, 8.6% in America, 7.0% in England, and 6.3% in Australia.

II. The Recent Situation of Crimes Which Draw Special Attention

A. Crimes of Bribery

In 1976, those who were suspected for a crime of accepting bribe amounted to 732, representing a decrease of 39 over the previous year. There was no big fluctuation in number since 1972. During five years of 1971 to 1975, bribery was most prevalent in local public service employees; members of local assemblies were the highest in number, which was followed by local public officials in the field of construction, and then members of various committees of local public entities.

68.6% of the total bribery cases disposed of by Public Prosecutors in 1976 were brought to trial, representing the highest figure in recent five years. Although the

ratio of suspended sentences to the total sentences rendered in respect of bribery cases was 86.1% in 1966, it was over 90% in every year since 1971. Such percentage is remarkably high.

In 1976, people paid attention to the cases which were revealed through investigation, that is, the so-called Lockheed Payoff Scandal and other large-scale bribery cases which were committed by the governor or officials of local public entities. The Research and Training Institute of the Ministry of Justice made a research on 309 bribery cases which were disposed of by Public Prosecutors throughout Japan in the same year. Public officials for elective public offices comprised 25.2% of the total subjects of the research, followed by national public officials (10.0%), local public officials (56.0%), and officials who are regarded as a public official by law (8.7%). 53.8% of those publicly elected officials were members of assemblies of towns and villages.

The characteristics of recent bribery cases which were revealed by the research were as follows: (1) The mode of an offense generally became of more vicious nature and of larger-scale. For example, the amount of bribe became larger, and there were many cases in which the public officials demanded bribe and the offenses were committed systematically by big business: (2) Considering the cases in which offenses were often committed in the same office in a similar way, problems were the atmosphere of those offices and an attention must be paid in order not to spread those atmosphere: (3) Although the most prevalent bribery cases were related to the construction, the little change could be seen in the mode of the offense. For example, the new type of bribery cases which were related to the maintenance of living environment such as sunshine, sewerage, disposition of dust, etc. emerged: (4) The motives of most bribery cases were "pleasure-seeking" which was attributable to degeneracy of the attitude of public officials toward the norm: (5) Bribery was most prevalent in local public service employees, especially offenses which were committed by high ranking officials were noticeable: (6) Many bribery cases committed by elective officials, especially by members of assemblies of towns and villages took place which were related to the election for the position in the local assembly or administrative office.

B. Crimes of Rape

Observing the general trend in the rape cases known to the police and the suspects investigated from 1946 to 1976, it shows a sharp decreasing trend since 1960's. While number of rape cases committed by groups or conspirators decreased, the number of adults investigated by the police showed an increasing trend year by year, and in 1976, the rate reached 69.8% in comparison with 46.3% in 1958, 57.5% in 1968, which reached a peak in the number of rape offenders investigated

after the World War II. In view of these facts, it is clear that crimes of rape have been changed from those committed by juvenile to those by adult, and the type of the offense has been also changed from those committed in groups to those by the individual.

For the purpose of clarifying the current situation of rape cases committed by adults in recent years, the Research and Training Institute of Ministry of Justice made a research, using 411 adult offenders at the time of commission of crime who were disposed of in 10 District Public Prosecutors' Offices in 1975 (prosecuted and non-prosecuted are both included.) The findings were: (1) Those who were charged with rape were 167 in number, 104 with the attempted rape, and 140 with the rape resulting in bodily injury: (2) Rape cases committed in April and May showed 22.8%, and 33.6% in July, August and September, and further, 35.7% were done from midnight to three o'clock in the morning, followed by those from 8 o'clock to midnight in the evening: (3) Rape cases committed at home of offender amounted to 20.0%, at home of victim, 24.3%, at hotel, motel etc., 20.0%, and total 64.3% of the cases were committed indoors: (4) Rape cases committed by the individual are mainly at home of victim, and a great number of cases in groups are committed inside vehicle: (5) In view of premeditation of the offenders, about 80% of the cases were previously intended by the offenders; rape cases committed through calling, decoying, rendezvous etc., are mainly done at home of offender, hotel, motel and inside vehicle, those through invasion and camouflaged visit are at home of victim, those through searching are inside vehicle, and those through ambush are committed oftenly outdoors like on road, or inside public water closet: (6) Among the offenders, the 20's were 61.6%, the 30's, 31.1%, the 40's, 7.3%, and among 343 victims, those under 30 years of age amounted to 75.5%, followed by those under 15 years of age (12.0%): (7) 46.6% of victims were acquainted with offenders even though it was only the acquaintance by sight.

C. Stimulant Drugs Crimes

The stimulants offenses reached the highest peak in late 1940's after the World War II, and continued to show a sharp decreasing trend thereafter. However, around late 1960's, it began to increase rapidly, and the offenses show still an increasing trend in 1975 and 1976, even though the Government intensified punitive provisions against the offenses through amending the Stimulant Drugs Control Law in 1973.

For the purpose of clarifying the actual situation of stimulants offenses which have kept on increasing during a recent few years, the Research and Training Institute of Ministry of Justice conducted a research, using 453 offenders who were charged with violation of the Stimulant Drugs Control Law and disposed of in 8 District Public Prosecutors' Offices (including Tokyo and Osaka), during January and February of

1977. The following results were observed: (1) The stimulants offenses have been prevailing throughout the country, and among juveniles or people over 40 years of age, and even among the general citizens such as office-men and house-wives: (2) Profits obtained through the dealing with such drugs have been considered an important financial source for gangsters' activities: (3) The dealing with such drugs has been conducted through the more shrewd and tactful techniques than before: (4) The motive to use such drugs is generally an easy one such as the honeyed invitation of gangsters or only curiosity, and even the constituent members of such organization have fallen into using them: (5) Among the subjects of the research, 39 (8.6%) violators of the Law have no drug-use experience, 52 (11.5%) had the experience, but now quit it, and approximately 80% of violators are still under the influence of drugs. Among them, violators who have used them for more than 1 year reach to 40%, and those who do once a day reach to about 20%, and about 14% have the illusive effects under the influence of drugs: (6) A great amount of subjects had the previous criminal records, i.e., 51.8% of them were imposed of fine, 41.3% the suspension of imprisonment sentence, and 29.8% the execution of imprisonment sentence. Especially the violators with such criminal records have been observed mainly among the gangsters and its rate in comparison with that of other people was 2 or 3 times higher.

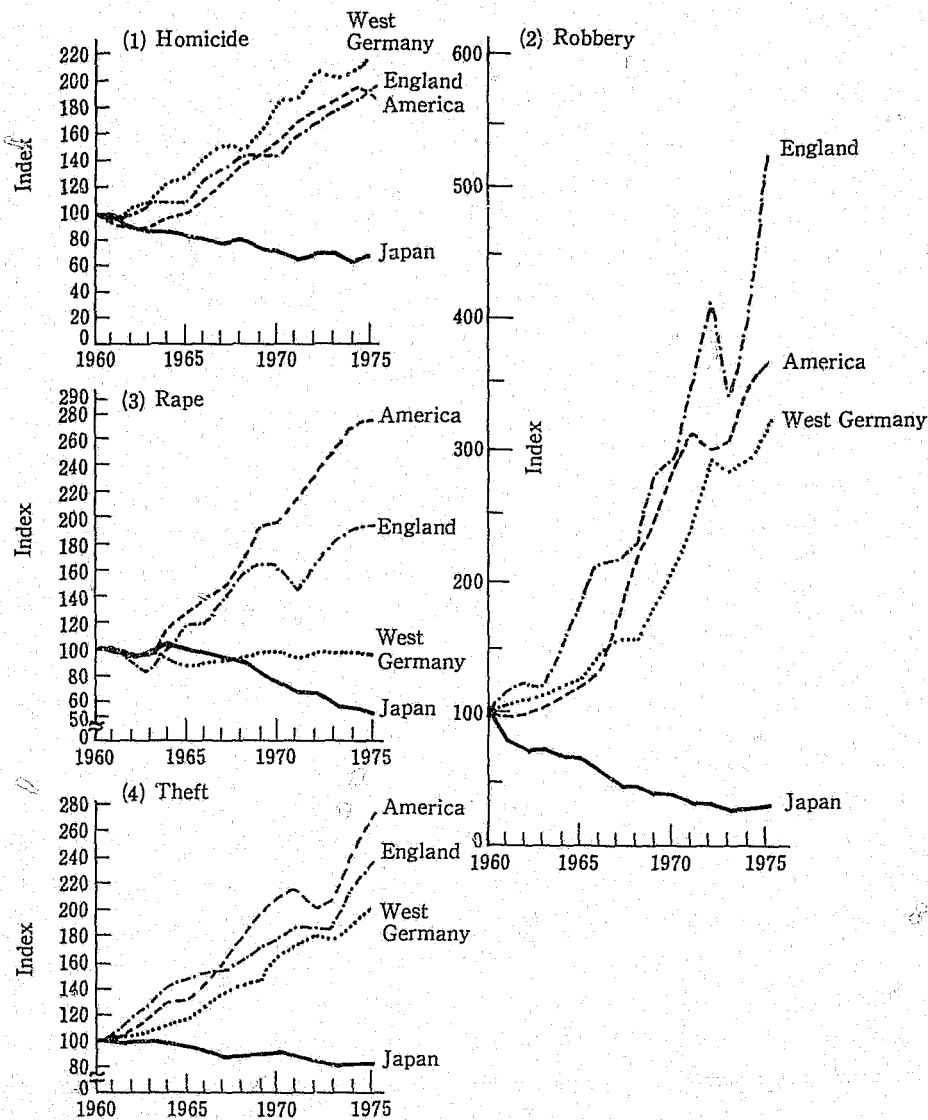
III. International Comparison of Crime Trends

A. Trends in Major Crimes

One of the most conspicuous characteristics of any modern society is the rapid and ever more accelerated changes in all aspects of social life. Postwar social and economic changes with rapid industrialization and urbanization have broad implications on crime problems in many countries. They have suffered from remarkable increase in violent and other serious crimes and law and order have been seriously at stake especially in the urban areas. It is observed, however, that Japanese Penal Code crimes excluding traffic accidents have showed general downward trends during the same period. Annual statistics and other evidence clearly support the trend and indicate no serious impacts of industrialization and urbanization which have been remarkable in postwar Japan and which have related in rising crime rates in many developed countries such as America, England, and West Germany. This will suggest that the cultural and various other conditions should also be considered as the determining factors to explain the postwar crime trends in Japan and other countries.

International comparison of crime trends have been made on the countries with high economic growth such as America, England, West Germany, Japan, and other countries. Figure 2 shows the trends in the rates of homicide, robbery, rape, and

Figure 2. Trends in Major Crime Rates in America, England, West Germany, and Japan, 1960-1975



1. Year of 1960=100
2. The Index represents the number of major crimes known to the police per 100,000 population.
3. The figures for America are based on *FBI, Uniform Crime Reports*, those for England on *Home Office, Criminal Statistics—England and Wales*, and those for West Germany on *Bundeskriminalamt, Polizeiliche Kriminal-statistik, Bundesrepublik Deutschland*.

theft known to the police in America, England, West Germany, and Japan between 1960 and 1975.

Table 3 also shows the rates of major crimes known to the police in those countries.

Table 3. Rates of Major Crimes Known to the Police per 100,000 Population in America, West Germany, England, and Japan, 1975

| Countries | Homicide | Robbery | Rape | Theft |
|--------------|----------|---------|------|---------|
| America | 9.6 | 218.2 | 26.3 | 3,274.2 |
| West Germany | 4.8 | 33.4 | 11.1 | 3,088.1 |
| England | 2.3 | 23.0 | 2.1 | 2,483.0 |
| Japan | 1.9 | 2.1 | 3.3 | 927.3 |

In 1975, America suffered from the highest rates of major crimes among those countries and was followed by West Germany, England, and Japan in the order named. Since 1960, there have been general increasing trends in major crimes in America, England, and West Germany (excluding rape cases), while only Japan has been enjoying low and decreasing trends in those crimes. Rapid increase may commonly be seen in crimes of robbery in those countries except Japan. It is observed, however, that drug offenses and juvenile delinquency have increased in number and urban crimes are becoming more grave and heinous in those countries including Japan.

B. Explanations on Crime Trends

While it is very difficult to explain the recent crime trends, we may point out a couple of facts on the reasons for low and decreasing crime rates in Japan. First, Japan may be considered as one centralized country with a single race and with common socio-economic and cultural backgrounds. It has saved Japan from crimes caused from serious racial issues such as economic insecurity, subordination, or incomplete participation. Second, the postwar economic growth with physical well-being as well as with high educational level gave many potential criminals the chances to live peacefully without ever coming into contact with the law. Third, the informal social control through family, school, and community has traditionally been effective in Japan where there has been a great emphasis on such ties in preventing and controlling crime problems. Fourth, the formal control through criminal justice system has been of great efficiency in dealing with crime and criminals.

A grave concern has been expressed in America as to the weakening of family ties and of social solidarity in the community which has been characterized by the increase in urban slums of negroes. In Japan, on the other hand, there have been

strong ties of people with family and community. Wide and strong public cooperation and participation has actually been seen in many aspects of criminal justice. Besides, Japan shows much higher percentage of police solution of crimes and conviction of criminals in comparison with other countries. It is said that such swift and certain apprehension and punishment have been so effective in dissuading people from crimes. Further, it should be mentioned that the control of firearms has been very strict in Japan as compared with America, West Germany, England, and France. The rate of armed robbery or homicide committed with firearms is remarkably high in those countries, while in Japan the inability to procure suitable firearms with which to commit such crimes is strongly discouraging to persons prone to commit them.

PART TWO: TREATMENT OF OFFENDERS

I. Prosecution and Trial

A. Prosecution

1. Reception of Cases

In 1976, Public Prosecutors' Offices throughout Japan received²⁹⁾ a total of 3,235,092 suspects, of whom 852,432 or 26.3% were Penal Code offenders, 2,230,067 or 68.9% were the violators of the Road Traffic Law and 152,593 or 4.7% were the violators of all other special laws. This total was 209,045 more than that of 1975.

A detailed comparison of 1976 figures with those of 1975 reveals the following: the number of persons suspected of Penal Code offenses in 1976 represented a decrease of 2,526 as compared with the previous year. On the other hand, the number of suspects of Road Traffic Law violations has increased by 226,789 in 1976. This increase would be a reflection of the increase in the number of motor vehicles and the policy of increasingly more strict law enforcement. The number of persons suspected of other special law offenses has decreased by 15,218 in 1976.

Of all the Penal Code offenders received in the Public Prosecutors' Offices in 1976, those suspected of professional or gross negligence causing death or bodily injury accounted for 55.7% of the total and the vast majority of these were automobile accidents. This group was followed by persons suspected of theft (22.1%), injury and assault (7.5%), and fraud (2.7%).

It should also be noted that in 1976, of a total of 515,231 non-traffic suspects who were investigated and disposed of by the Public Prosecutors, only 23.5% were arrested, while the remainder produced themselves on a voluntary basis. Of those suspects investigated by the Public Prosecutor, 85,350 or 16.6% were detained prior to prosecution, and 74.9% of the suspects thus detained were confined for less than ten days.³⁰⁾ In 1976, 74.5% of those detained were prosecuted. The number of the arrested persons has been on a slight fluctuation in recent years.

²⁹⁾The responsibility for criminal investigation is vested by law with the police, the Public Prosecutor and his assistants. However, after having conducted an investigation of a crime the police must send the case with all documents and evidence to the Public Prosecutor (Article 246, Code of Criminal Procedure), and only the Public Prosecutor has the power to institute prosecution (Article 247, Code of Criminal Procedure). As of April 1, 1976, there were 1,173 Public Prosecutors and 916 Assistant Public Prosecutors assigned to a total of 684 Public Prosecutors' Offices of four different levels distributed among eight major administrative regions.

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

2. Disposition of Cases

The total number of suspects disposed of at the Public Prosecutors' Offices in 1976 was 4,439,181 which represented an increase of 273,363 over the previous year. The number of suspects who were disposed of at the Offices excluding the transfer of cases from one Office to another, was 3,291,907 in the same year. The breakdown of the disposition of these cases was as follows:

| | |
|--------------------------------|-------------------|
| Prosecution | 2,529,129 (76.8%) |
| Non-prosecution | 344,731 (10.5%) |
| Referral to Family Court | 395,205 (12.0%) |
| Stay of Disposition | 22,842 (0.7%) |

Of the total number prosecuted, 139,103 (5.5%) were prosecuted through formal public trial procedure, 2,386,390 (94.4%) through summary order⁴⁾ procedure and 3,636 (0.1%) through summary trial proceedings for minor traffic violation cases.

B. Trial

1. Outline of Final and Conclusive Judgment

The total number of the accused who received final and conclusive judgments in 1976 was 2,438,594 indicating an increase of 222,449 in comparison with the number of 1975. Of those accused, 2,335,579 or 95.8% were sentenced to fine, 69,702 or 2.9% to imprisonment with labor, 6,008 or 0.2% to imprisonment without labor, 23,469 or 1.0% to minor fine, while 318 or 0.01% were found not guilty. Convictions were obtained in 99.99% of all individuals brought before the courts. This rate of convictions has been more or less stable in recent years.

Table 4 shows the trends in final dispositions by courts during the period from 1972 to 1976.

2. Penalties Imposed

It has been a tendency in Japan that terms of imprisonment with or without labor are relatively short. In 1976 slightly more than half (52.3%) of the accused had received final and conclusive sentences of one year or less, followed closely (38.4%) by sentences of more than one year but less than three years. This means that 90.7% of the persons committed to prison had received sentences of imprisonment with labor of less than three years. The use of short sentences is even more pro-

⁴⁾This is an order given by a Summary Court following informal criminal action initiated by a Public Prosecutor with the consent of the accused. The court considers and decides the case on Prosecutor, without a public hearings or hearing any evidence from the defendant. The Court cannot, however, impose a sentence heavier than a fine of 200,000 yen (approximately 240 yen is equivalent to U.S. \$1, as of January, 1978). Upon being notified of the disposition by the court, the defendant, if he wishes, may request a formal trial. If a formal trial is not requested by the defendant within two weeks of the receipt of such notification, the court order becomes final.

Table 4. Trends in Dispositions by Courts, 1972-1976

| Dispositions | 1972 | 1973 | 1974 | 1975 | 1976 |
|---------------------------------|----------------------|----------------------|----------------------|----------------------|----------------------|
| Death | 8 (0.0) | 4 (0.0) | 2 (0.0) | 3 (0.0) | 2 (0.0) |
| Imprisonment with Labor | 63,996 (3.1) | 60,503 (2.9) | 59,060 (2.8) | 63,280 (2.9) | 69,702 (2.9) |
| Imprisonment without Labor | 10,716 (0.5) | 9,224 (0.4) | 7,499 (0.4) | 5,912 (0.3) | 6,008 (0.2) |
| Fine | 2,008,512 (96.0) | 2,032,758 (96.9) | 2,040,673 (95.8) | 2,123,181 (95.8) | 2,335,579 (95.8) |
| Temporary Penal Detention* | 87 (0.0) | 67 (0.0) | 66 (0.0) | 62 (0.0) | 102 (0.0) |
| Minor Fine | 3,771 (0.2) | 12,395 (0.6) | 17,767 (0.8) | 20,014 (0.9) | 23,469 (1.0) |
| Not Guilty | 532 (0.0) | 464 (0.0) | 430 (0.0) | 335 (0.0) | 318 (0.0) |
| Dismissal of Public Prosecution | 4,301 (0.2) | 4,079 (0.2) | 3,552 (0.2) | 3,344 (0.2) | 3,397 (0.1) |
| Acquittal & Others | 35 (0.0) | 64 (0.0) | 31 (0.0) | 14 (0.0) | 17 (0.0) |
| Total | 2,091,958 (100.0) | 2,119,558 (100.0) | 2,129,081 (100.0) | 2,216,145 (100.0) | 2,438,594 (100.0) |

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

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

*** Figures in parentheses show percentages.

nounced in the case of imprisonment without labor where 88.3% received sentences of one year or less.

C. Speedy Trial

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

The time taken from the institution of the prosecution in a case to its disposition by the courts of first instance⁶⁾ was as follows: Of the total number of the accused

⁶⁾Summary Courts and District Courts are first instance trial courts and there are 50 District and 575 Summary Courts in Japan. The District Courts handle all cases in the first instance except those specifically coming under the jurisdiction of other courts. The Summary Courts handle minor cases and may impose imprisonment with labor not exceeding three years in certain specific cases enumerated by law.

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

disposed of by the District Courts, the percentage of those disposed of within six months was 80.1% in 1975 (77.4% in 1974) and 91.7% within one year (90.8% in 1974). In the Summary Courts, 90.8% had their cases disposed of within six months (88.1% in 1974), 96.4% within one year.

The details of the interval between the institution of the prosecution in the first instance court and its disposition by the High Courts in 1975 were as follows:

| | |
|---------------------|-------|
| six months or less | 15.8% |
| one year or less | 44.5% |
| three years or less | 28.0% |
| over three years | 8.6% |
| over seven years | 3.1% |

The percentage of the accused disposed of within one year amounted to 60.3%. As to the interval between the date of institution in the first instance court and the final disposition by the Supreme Court, 27.4% of the accused were disposed of within one year, and 67.0% were within two years.

D. Suspension of Prosecution and Suspension of Execution of Sentence

1. Suspension of Prosecution

A Public Prosecutor is empowered to suspend prosecution at his discretion. He may suspend prosecution even if the evidence is sufficient, if he believes it to be in the best interest of society and the offender to do so, after a careful review of the character, age and situation of the offender, the gravity of the offense, the circumstances under which the offense was committed, and the conditions subsequent to the commission of the offense (Article 248, Code of Criminal Procedure). Thus the exercise of discretionary power by a Public Prosecutor is based on criminological considerations which aim at the rehabilitation of the offender by avoiding stigmatization as a criminal.

The system of suspension of prosecution originated from the function of a Public Prosecutor to request the investigation of crime, but not to make it himself, which was in practice by the ministerial order of Minister of Justice in 1885. The practice was gradually strengthened to the extent that he could make a thorough investigation and it has continued to expand to the present system. In the various countries, the system has been prevailing legally or practically, but scope of the system applied in these countries is rather limited in comparison with that in Japan. Facing the frequent occurrences of heinous crimes in recent Japanese society, however, the rate of suspension of prosecution is on a downward trend in general.

Of all decisions of non-prosecution made by Public Prosecutors in 1976, 281,521 or 81.7% of the total non-prosecution cases were based on this discretion, while 43,355 or 12.6% were based on insufficiency of evidence and 19,855 or 5.8% were

for such other reasons as death of the suspect or withdrawal of complaint. Table 5 shows percentage of suspension of prosecution by five categories in recent years.

Table 5. Percentage of Suspension of Prosecution, 1972-1976

| Year | All Offenses | Penal Code Offenses (All) | Penal Code Offenses (Non-Traffic) | Traffic Violations | Other Special Law Offenses |
|------|--------------|---------------------------|-----------------------------------|--------------------|----------------------------|
| 1972 | 14.3 | 30.6 | 38.4 | 4.1 | 35.4 |
| 1973 | 13.6 | 31.8 | 40.4 | 3.7 | 36.2 |
| 1974 | 12.6 | 33.3 | 41.6 | 3.0 | 36.2 |
| 1975 | 11.7 | 32.2 | 38.1 | 2.7 | 34.5 |
| 1976 | 10.0 | 30.6 | 36.4 | 2.5 | 26.8 |

2. Suspension of Execution of Sentence

The system of suspended execution of sentence was first introduced in Japan by the "Law Relating Suspension of Execution of Sentence of 1905," and stipulated in the present Japanese Penal Code of 1907. By several amendments of the Code thereafter, its use was expanded which broadened the eligibility for such sentences.⁹⁾ Thus, the number of suspended sentences has increased yearly.

In 1976, of the 69,702 persons who were sentenced conclusively to imprisonment with labor, 42,000 or 60.3% (58.5% in 1975) received suspension of execution of sentence while, of the 6,008 persons who were sentenced conclusively to imprisonment without labor, 5,063 or 84.3% (81.7% in 1975) received such sentences.

On those persons who were sentenced to fine by either summary order or by summary trial proceedings in 1975, 64.2% (64.3% in 1974) were imposed fine of more than 10,000 yen but less than 50,000 yen. On account of the partial amendment to the Law for Temporary Measures Concerning Fine, the maximum amount of fine that may be imposed either by summary order or by summary trial proceedings has been raised from 50,000 yen to 200,000 yen. In 1975, 176,047 persons or 8.2% of the total were imposed fine which exceeded 50,000 yen. The rate of suspended sentence in the case of fines was only 0.001%.

The courts revoked 4,189 or 10.0% of the total 42,076 suspended sentences (excluding the sentences to the Road Traffic Law violation cases) in 1976.

II. Correctional Institutions

Correctional institutions are not only a place where penalties imposed by courts

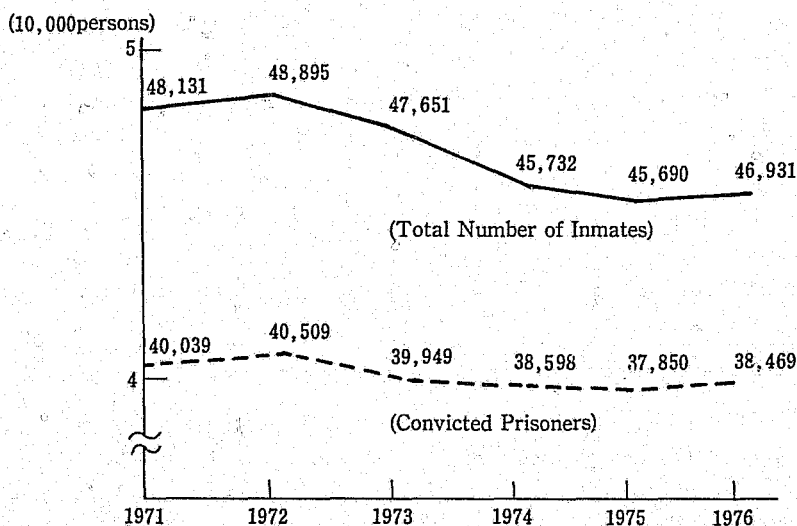
⁹⁾ For example, any first offender who receives a sentence of imprisonment of three years or less may be granted suspension of his sentence by the Court. The accused who was convicted of an offense but who has not been sentenced to imprisonment within five years from the time of completion or remission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

are carried out but a place where offenders may learn the attitudes and skills needed for a successful community reintegration upon release. Since 1948, in order to make this dual purpose apparent, juvenile training schools and juvenile classification homes as well as penal institutions such as prisons and detention houses have been referred to as "correctional institutions." In Japan, there are seven major detention houses in the larger cities, 105 branch detention houses in smaller cities, fifty-eight main prisons, nine branch prisons, and nine juvenile prisons.

A. Average Daily Population

The average daily population in penal institutions in 1976 was 46,931 indicating a increase of 1,241 compared with the previous year. Included in this 46,931 were 1,128 females or 2.4% of the total. Limiting the average daily census to sentenced prisoners, the figure is reduced to 38,469, which was 619 more than the daily average sentenced prison population in 1975. The trends in the average daily population in the last six years are shown in Figure 3.

Figure 3. Trends in the Average Daily Population in Penal Institutions, 1971-1976



B. Admissions and Releases

In 1976, a total of 65,055 persons were admitted to all types of penal institutions. Of this number, 23,257 were initially admitted as suspects and 16,117 of them became defendants while in the institutions, and 34,816 were initially admitted as defendants.

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

The total number of admissions as convicted prisoners in 1976 was 27,396. Of this number, women accounted for 570 or 2.1%. The annual admission of convicted

prisoners had been on a downward trend with some fluctuations since 1948 when there were 70,694 persons admitted as convicted. The figure for 1976 showed a increase of 1,238 from the 1975 figure.

Of the total such admissions in 1976, a total of 26,416 or 96.4% were sentenced to imprisonment with labor and 959 or 3.5% were sentenced to imprisonment without labor. Of persons sentenced to imprisonment with labor, 50.8% had a sentence of no more than one year; 28.9% over one year but no more than two years; 10.5% over two years but no more than three years; 9.7% over three years and 0.1% a life term. Of this 27,408 new admissions as convicted prisoners, 41.9% were serving a prison sentence for the first time; 17.9% the second time; 12.0% the third time; 8.3% the fourth time; 5.4% the fifth time; while 14.6% had a history of serving more than five sentences. Of the 11,490 first termers, 10.5% had once been retained in a Juvenile Training School, and 5.0% placed under probation. Of the same total, 44.2% had previously received a suspended prison sentence.

The breakdown of offenses for which these prisoners were newly convicted shows that theft is the dominant type of offense amounting to 33.6% of the total. Next comes bodily injury and assault (9.7%), followed by violation of the Stimulant Drugs Control Law (8.6%), professional negligence causing death or bodily injury (8.4%), fraud (7.5%), and violation of the Road Traffic Law (5.5%).

In 1976, a total of 26,940 prisoners were released from prisons or detention houses after serving all or a portion of their sentences. Of this total, 14,668 persons or 54.4% were released on parole, and 12,272 persons or 45.6% were discharged on the expiration of term.

C. Treatment of Convicted Prisoners

1. Classification

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

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

The major classification categories under this system are as follows:

(1) Categories for Allocation

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

(Sex)

Class W: Female

(No designation of class is made for male)

(Nationality)

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

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

(Kind of Penalty)

Class I: Imprisonment without labor

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

(Age)

Class J: Juveniles under twenty years of age

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

(no designation of class is made for adults of twenty-six years of age and older)

(Span of the Term of Imprisonment)

Class L: Long termers (not less than eight years)

(No designation of class is made for short and medium termers)

b) Categories by degree of criminal tendency

Class A: Those whose criminal tendencies are not so advanced

Class B: Those whose criminal tendencies are advanced

c) Categories by mental and physical disorder

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

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

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

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

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

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

(2) Categories for Treatment

a) Categories by specially required treatment

Class V: Those who need vocational training

Class E: Those who need school education

Class G: Those who need social education or living guidance

Class T: Those who need specialized therapeutic treatment

Class S: Those who need special protective treatment

b) Categories by specially recommended treatment

Class O: Those who are suitable for open treatment

Class N: Those who are suitable for maintenance work

Table 6. Percentage and Real Number of Prisoners in Classification Categories, as of 31 December of 1974-1976

| Categories | 1974 | 1975 | 1976 (Real Number) |
|-------------------|--------|--------|--------------------|
| A | 17.1 | 17.8 | 18.6 (7,208) |
| B | 47.1 | 49.7 | 51.7 (20,023) |
| F {A | 0.5 | 0.4 | 0.3 (108) |
| {B | 0.0 | 0.0 | 0.0 (7) |
| I {A | 1.8 | 1.4 | 1.3 (509) |
| {B | 0.1 | 0.1 | 0.1 (32) |
| J {A | 0.1 | 0.1 | 0.1 (42) |
| {B | 0.1 | 0.1 | 0.1 (27) |
| L {A | 3.0 | 2.8 | 2.7 (1,051) |
| {B | 4.6 | 4.3 | 3.9 (1,523) |
| Y {A | 8.5 | 7.3 | 6.3 (2,432) |
| {B | 8.6 | 7.1 | 6.1 (2,352) |
| M {A | 0.3 | 0.4 | 0.6 (217) |
| {B | 1.2 | 1.1 | 0.8 (297) |
| P {A | 0.3 | 0.3 | 0.4 (136) |
| {B | 0.8 | 0.9 | 0.8 (322) |
| W {A | 1.1 | 1.2 | 1.2 (471) |
| {B | 1.0 | 1.0 | 1.0 (370) |
| Unexamined | 3.8 | 4.2 | 4.1 (1,588) |
| Total Real Number | 37,769 | 37,744 | 38,715 |

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

Indicated as Table 6 are the major classification categories under the newly introduced system and distribution of inmates among them at the end of 1974—1976.

2. Education

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

Cultural and recreational activities are organized within prisons with the participation of the authorized public. In 1976, there were 1,054 Voluntary Prison Visitors who made a total of 9,718 visits to assist prisoners in cultural, educational and social welfare programs as well as with individual problems. The number of Voluntary Prison Chaplains in 1976 was 1,311 conducted 7,906 individual and 7,279 group interviews with inmates.

3. Prison Industry and Vocational Training

On December 31, 1976, a total of 92.8% of the prisoners sentenced to imprisonment with labor and 90.3% of the workhouse detainees were assigned to work.⁷⁾ Of the inmates sentenced to imprisonment without labor and of the persons awaiting trial and judgment, 93.0% and 1.8%, respectively, were permitted on application to do work which they referred.⁸⁾

The total value of the products of prison industries including agricultural production for fiscal year 1976 (April 1976—March 1977) was approximately 12,063 million yen (equivalent to some 50.3 million dollars), while the operational cost of those industries was approximately 3,742 million yen (equivalent to some 15.6 million dollars).

Classifying the value to production and the cost of operation by type of industry reveals that metal work industry earned 3,182 million yen (26.4% of the total value) with the cost of 440 million yen, while wood-craft industry raised 2,408 million yen (20.0%) with the cost of 1,499 million yen. Similarly, 1,853 million yen (15.4%)

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

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

and 1,490 million yen (12.4%) were earned in printing and tailoring industries with the cost of 675 and 141 million yen, respectively.

On account of the prison's vocational training programs in 1976, a total of 2,811 prisoners passed national or municipal examinations and were qualified or obtained licenses in such fields as welding, driving, auto repairing, boiler operation, electric wiring, barbering, etc. Also 388 prisoners attained certification of vocational training authorized by the Minister of Labor in such fields as woodcraft, printing, plastering, etc.

4. Security in Prison

In 1976, those prisoners prosecuted for offenses committed during their imprisonment amounted to 169 of whom 126 were on a charge of bodily injury. The same figures for 1975 was 167, of whom 132 were on the same charge.

During 1976, there were 26,423 instances of disciplinary action and the main charges included; assault against an officer or a prisoner (17.7%), disobedience to officials (12.1%), possession or trafficking of contraband (11.3%), refusal to work (9.5%), quarrel among inmates (9.1%), and possession of cigarettes (3.6%).⁹⁾ Also, there were five escape cases in 1976 in all penal institutions throughout Japan, which was half of the previous year.

D. International Comparison on Corrections

Prison population and the progress towards the implementation of the UN Standard Minimum Rules for the Treatment of prisoners in certain countries including Japan were briefly reviewed.

When compared the prison population per 10,000 inhabitants (data based mainly on the year 1974, if not, 1972), among nineteen countries in which annual national income per person is 2,000 US dollars or more (in the year 1974), the smallest is Netherlands(21), which is followed by Ireland(35), Norway(39), and Japan and Sweden(43), while the largest is America(189). The prison population 43, in Japan is the lowest figure in the so-called seven developed countries in economy (Japan, America, Canada, West Germany, France, England, and Italy). It also follows the figures of Netherlands(21) and Norway(39) among the countries in which annual national income per person is same or higher than Japan (approximately \$3,500 or over).

In 1974, the United Nations made a survey of the implementation of the Standard Minimum Rules in 55 member countries. According to the result of this survey, in

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

Japan, 76.7% of all the Rules was fully implemented (average rate of 55 countries was 74.3%), 20.0% (average 19.3%) was partial implemented, and 3.3% was not applicable. The implementation rate of Japan, therefore, was faintly higher than the average and stood on the same level as that of Western countries.

E. Suspects and Defendants

The average daily population of suspects and defendants in 1976 was 8,225. The number of defendants was 7,846 which represented an increase of 643 from the 1975 figure. The number of suspects, on the other hand, was 379, which was twenty-three less than in the previous year.

III. Probation, Parole and Aftercare

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

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

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

B. Parole

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

- (1) Served at least one-third of his given sentence or ten years of a life sentence;¹⁰⁾
- (2) When he is considered penitent;
- (3) When he is considered to be eager in his rehabilitation;
- (4) When he is considered not likely to commit another crime;
- (5) When it is believed that the community will emotionally accept his release on parole.

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

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

There are fifty Probation Offices in Japan. These offices received a total of 31,606 requests for investigation and environmental adjustment from correctional institutions during 1976. These offices provided 31,722 initial reports and 41,453 follow-up reports as a part of the basic data used in parole examinations. The number of these reports increased by 2,001 from the previous year.

During 1976, a total of 14,668 prisoners were released on parole, a slight decrease from the previous year. During the year, 10.4% of all applications for parole were rejected, down 0.5% from the rate of previous year. Inmates rejected from parole are discharged upon expiration of the full term of their sentences. Of the 26,940 prisoners discharged during 1976, 54.4% were released on parole and 45.6% at the expiration of terms of their sentences. The percentage of persons released on parole during 1975 was 56.0%.

In general, the supervision periods for prison parolees are very short. Of the total prisoners released on parole during 1976, 65.5% were under supervision for three months or less and only 5.8% were under supervision for more than one year. 78.0%

¹⁰⁾ In case of juveniles the period will be shortened to:

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

of the parolees who served definite sentences were released after serving 80% and more of their sentences in prisons.

During 1976, 59 life sentence prisoners were released on parole. About 80.0% of them were released after serving more than 13 years and 18 years or less in prisons.

The parole rejection rate from Juvenile Training Schools has been very low for the past years. In 1976, only six out of the 2,264 applications for parole were rejected.

Parolees from prisons tend to remain longer in the community and less likely to return to correctional institutions than inmates released upon termination of their prison terms. Statistics showed that within the same year of their release, only 4.0% of the parolees were sentenced to prison again, compared to 12.8% of the full-termers, and that only 28.8% of parolees were incarcerated again within five years of their release as compared with 53.0% of the full-termers. The main reasons for this wide difference could be found in the strictness in granting parole to recidivists and the use of improved parole supervision techniques.

C. Trends in the Use of Probation and Parole

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

Category 1: (Juvenile Probationers)

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

Category 2: (Training School parolees)

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

Category 3: (Prison parolees)

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

Category 4: (Adult probationers)

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

Category 5: (Guidance Home Parolees)

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

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

Of the 48,791 probationers and parolees, 29.7% were charged with theft, 23.7% with the Road Traffic Law violation and 13.3% with professional or gross negligence causing death or bodily injury. In the case of juvenile probationers, as much as

Table 7. Trends in Probationers and Parolees (Newly Received by Probation Offices), 1972-1976

| Category | 1972 | 1975 | 1974 | 1975 | 1976 |
|----------------------------|--------|--------|--------|--------|--------|
| 1 Juvenile Probationers | 23,900 | 20,686 | 19,942 | 21,384 | 23,981 |
| 2 Training School Parolees | 2,540 | 2,188 | 1,812 | 1,593 | 2,071 |
| 3 Prison Parolees | 16,427 | 16,024 | 15,542 | 14,933 | 14,671 |
| 4 Adult Probationers | 7,223 | 7,187 | 7,014 | 7,048 | 8,068 |
| 5 Guidance Home Parolees | — | — | — | — | — |
| Total | 50,090 | 46,088 | 44,310 | 44,958 | 48,791 |

42.2% were traffic violators.

At the end of 1976, there were 55,510 probationers and parolees under supervision, which increased by 1,680 from the corresponding time of the previous year.

D. The Results of Probation and Parole

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

Of 23,200 juvenile probationers terminated in 1976, 35.5% served their full terms, 56.3% were discharged from supervision by the decision of the chief of Probation Office because of their good community adjustment, and 7.7% had their probation revoked because of additional misbehaviors. Of 7,502 adult probationers terminated during the same year, 69.5% completed their full terms and 28.7% were revoked of their probation orders because of reconviction or other misbehavior.

With regard to parolees terminated during 1976, 15.6% of the 1,833 juvenile training school parolees and 5.8% of the 14,553 prison parolees had their parole revoked because of reconviction or other misbehavior.

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

The rate of absconders from supervision had gradually decreased until 1975, but increased to 6.3% of probationers and parolees under supervision at the end of 1976, up 0.2% from the rate of a year before.

Of the total cases received by the Probation Offices in 1976, 13.7% were referred from other Probation Offices by way of transfer. Transfers accounted for 15.8% of the juvenile probationers, and 14.5% of the training school parolees. The correspond-

Table 8. Dispositions Made for Reconvictions of Probationers and Parolees, 1976

| Category Disposition | 1 Juvenile Probation- ers | 2 Training School Parolees | 3 Prison Parolees | 4 Adult Probation- ers | Total |
|---------------------------------------|------------------------------------|-------------------------------------|-------------------------|---------------------------------|-----------------|
| Imprisonment with Labor | 341 | 52 | 374 | 2,056 | 2,823 |
| Imprisonment without Labor | 4 | 2 | — | — | 6 |
| Committal to Juvenile Training School | 1,101 | 309 | — | 2 | 1,412 |
| Committal to Child Education Home | 10 | — | — | — | 10 |
| Fine | 1,457 | 17 | 83 | 459 | 2,016 |
| Penal Detention of Minor Fine | 16 | 9 | 40 | 23 | 88 |
| Probation Again | 1,041 | 72 | — | — | 1,113 |
| Prosecution | 46 | 27 | 357 | 120 | 550 |
| Total | 4,016 (17.3) | 488 (26.6) | 854 (5.9) | 2,660 (36.4) | 8,018 (17.1) |

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

ing figures for prison parolees and adult probationers were 6.5% and 19.0%, respectively.

E. Aftercare

In addition to supervision for probationers and parolees, the Probation Offices provide assistance to offenders in need. In 1976, a total of 9,072 persons received aftercare services. Of this number, 80.1% were discharged from prisons at the expiration of their sentences and 12.7% were on suspended prosecution at the Public Prosecutor's discretion.

The services provided included:

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

There were 105 Rehabilitation Aid Hostels operated by the same number of Rehabilitation Aid Associations, with a total capacity of 2,928 beds, as of May 1, 1977. These associations are voluntary in nature but are established with the approval of the Minister of Justice. During 1976, a total of 4,400 discharged offenders, in addition to 4,804 probationers and parolees, were referred to, and accommodated in, these hostels. These aftercare services are provided on the basis of the State's

responsibility to help each offender achieve a good community adjustment.

F. Participation of Volunteers

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

The volunteer probation officers is a non-permanent national government official appointed by the Minister of Justice. On the average, he supervises two probationers or parolees and carries out various activities concerning crime prevention. The authorized number of volunteer probation officers is 52,500 and, on January 1, 1977, there were 46,230 officers assigned to 795 probation areas throughout Japan.

The Big Brothers and Sisters Associations are organizations of young people between 18 and 30 years of age who have concern about the rehabilitation of social deviates. A member makes friends with a delinquent and attempts to understand his needs and problems. The B.B.S. member maintains close cooperation with the professional and volunteer probation officer assigned to the case. There were 552 B.B.S. Associations with 8,740 members as of January 1, 1977.

The Women's Association for Rehabilitation Aid is an association of voluntary women who are concerned about crime and delinquency problems from the standpoint of mothers or housewives. The members assist the activities of various organizations concerned with crime prevention and offenders' rehabilitation, visit inmates in correctional institutions and encourage probationers and parolees by giving them something in celebration of their successful termination of supervision. As of January 1, 1977, there were 986 such Associations with 214,762 members throughout Japan.

G. Pardons

The Cabinet grants pardons on a general as well as individual basis. General (collective) pardons are granted by a specially issued ordinance in commemoration of special occasions of national significance. In the case of individual pardons, com-

Table 9. Trends in Ordinary Pardon, 1972-1976

| Year | Special Amnesty | Commutation of Penalty | Remission of Execution of Penalty | Restoration of Rights | Total of the granted | Total of the Denied |
|------|-----------------|------------------------|-----------------------------------|-----------------------|----------------------|---------------------|
| 1972 | 133 | 19 | 46 | 116 | 314 | 41 |
| 1973 | 105 | 47 | 97 | 165 | 414 | 265 |
| 1974 | 26 | 35 | 55 | 86 | 202 | 53 |
| 1975 | 16 | 43 | 53 | 139 | 256 | 46 |
| 1976 | 4 | 19 | 45 | 155 | 223 | 48 |

prising both ordinary pardons and special pardons, either the Public Prosecutor, the chief executive officer of a Prison or a Probation Office initiates the application through the National Offenders Rehabilitation Commission before the Cabinet can make any decision.

In 1976, no general pardon was granted but 223 offenders were granted ordinary pardons as shown in Table 9.

PART THREE: SPECIAL CRIMES AND CRIMINALS

I. Juvenile Delinquency

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

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

1. JUVENILE OFFENDER is one under twenty and not less than fourteen years of age who has committed an offense provided for in the Penal Code or special laws;

2. LAW-BREAKING CHILD is a child under fourteen years of age (not criminally responsible) who has committed an act in violation of a criminal statute; and

3. PRE-OFFENSE JUVENILE is a person under twenty years of age who is deemed likely to commit an offense or an act in violation of a criminal statute in future in view of his character or surroundings because of the presence of specific factors stipulated in the Juvenile Law.¹¹⁾

Juvenile delinquents over sixteen years may be referred by the Family Court to the Public Prosecutor for criminal trial. Figure 4 presents the flow of cases in the juvenile justice system of Japan.

A. Trends in Juvenile Delinquency

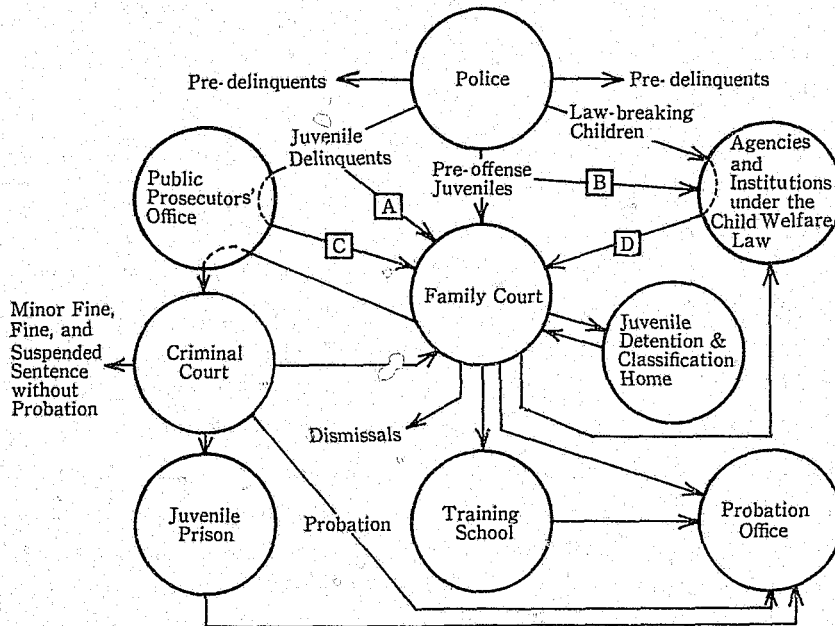
The description of general trends in juvenile delinquency in 1976 will be divided, for the purpose of convenient analysis, into the following three categories: (1) Penal Code Offenders, (2) Special Law Offenders, and (3) Law-Breaking Children and Pre-Offense Juveniles.

1. Penal Code Offenders

During 1976, a total of 159,761 juveniles were investigated by the police on suspicion of violation of Penal Code offenses, which was 1,922 less than that of 1975. In other words, there were 16.9 juvenile offenders per 1,000 juvenile population, a rate 0.2 lower than the 1975 figure. The number of juvenile suspects investigated by the police reached a peak of 133,656 in 1951 and then decreased for

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

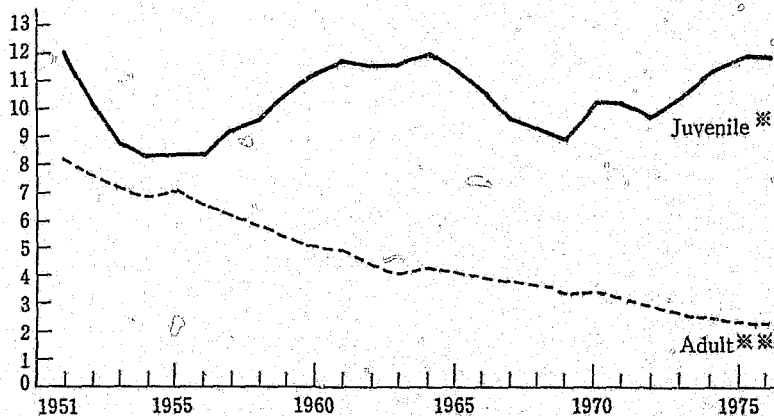
Figure 4. Juvenile Justice System of Japan



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

several years. It regained an upward trend in 1955 and reached a high point of 193,121 in 1966. The number stabilized below 190,000 from 1967 to 1969, but exceeded 190,000 in 1970. However, it again stabilized below 165,000 since 1972. Figure 5 shows the trends of the rate of juvenile offenders computed per 1,000 juvenile population, with the corresponding trends of that of adults.

Figure 5. Trends in Non-Traffic Major Penal Code Offenders Investigated by the Police: Juvenile and Adult, 1951-1976



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

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

An examination of the trends in non-traffic major Penal Code offenders who violated provisions of the Penal Code in property, sex and violence, and investigated by the police (offenses 1-16, 20, 21 in Table 2, page 4) reveals that although the number of juvenile suspects decreased from 126,505 in 1951 to 85,496 in 1954, this trend was reversed starting in 1955 and peaked at 151,083 in 1964. Since 1965 the number decreased each year and reached a low of 101,412 in 1969. In 1970 there was an increase in excess of 7,000 over the 1969 low. Although the number decreased again to 97,031 in 1972, since 1974 it has almost been stabilizing on the level of 110,000. It should be noted that in 1976 juvenile suspects who committed non-traffic major Penal Code offenses is approximately one half of adult same suspects in number and four times in ratio per 1,000 population.

It is also noted that the delinquency among girls recently shows a continuous increase indicating some changes in quantity as well as quality. In 1976, a total number of 22,391 girls who committed Penal Code offenses were investigated by the police. This was 3,339 increase from the previous year and comprises 19.3% of the total juvenile non-traffic Penal Code offenders. A breakdown of these girl offenders by type of offenses, theft occupied 92.7% in number, however, the rate of violent offenses like extortion and assault in girls became higher than that of the previous year.

2. Special Law Offenders

During the year 1976, the Public Prosecutors' Office received a total of 232,731 juveniles suspected of violating penal statutes other than the Penal Code. Of this number, 226,739 or 97.4% were suspected of violating the Road Traffic Law. The

non-traffic special law offenders received in the Public Prosecutors' Offices in 1976 amounted to 5,992 which was 467 more than in the previous year.

3. Law-Breaking Children and Pre-Offense Juveniles

In 1976, the police investigated and gave guidance to 34,536 children under fourteen years old who would have been referred either to the Family Court or to the Public Prosecutor, had they been fourteen years old or older. This figure was 1,064 less than that of the previous year. The rate per 1,000 population of the age group of 8—13 years was 3.4 in 1976 representing 0.2 decrease over the previous year. Theft has always been the major delinquency of children in this category, comprising 85.5% of the total.

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

It was since 1967 that the abuse of paint-thinner or chemical glue, particularly among juveniles, became prevalent. The number of juveniles given guidance by the police due to such indulgence reached 49,387 in 1971. The number of accidental deaths thereby caused was as many as 70 (including 20 adults). The Government has reacted to this serious situation by the amendment of the Poisonous and Injurious Substance Control Law.

Of the 37,046 juveniles who were suspected by the police and given guidance as abusers of paint-thinner or glue in 1976, representing slight increase over the previous year, 38.9% were employed, 39.9% were students, and 21.2% were unemployed.

B. International Comparison on Juvenile Delinquency

Some differences are seen in quantity as well as quality of juvenile delinquency among Western countries and Japan.

Since 1960, the incidence of juvenile delinquency has been considerably increasing in America and gradually increasing in England, France and West Germany, while in Japan, it remains on the stabilizing level.

With respect to the types of offenses committed by juveniles, violent and other serious crimes have been increasing in both America and England. Besides, offenses related to narcotics in America and trespass in England are also on the increase. Property crimes have been rising in France, West Germany, and Japan. In addition, offenses of serious nature in France, narcotic crimes in West Germany, and professional

or gross negligence causing death or bodily injury in Japan are on the increasing trends.

C. Special Features and Background of Juvenile Criminality

1. Juvenile Offenders by Type of Crime

A breakdown of 159,761 juvenile Penal Code offenders by type of offense, those who committed theft outnumbered all other types, comprising 54.7% of the total juvenile Penal Code suspects in 1976. Next, professional negligence causing death or bodily injury comprised 27.5%, followed by bodily injury (4.2%), assault (3.5%) and extortion (2.9%). The crimes which showed considerable increase over the previous year were theft, and embezzlement. It should be noted, however, that juveniles comprised more than 30% of the total offenders in such crimes as theft, extortion, embezzlement, and, rape.

When compared with the figures for 1955, the number of juvenile offenders alleged to commit embezzlement increased by 1.68 times in 1976, followed by assault (1.53), theft (1.50), and indecency (1.20). On the other hand, the numbers of fraud, murder, robbery, intimidation, bodily injury and rape had declined.

2. Juvenile Offenders by Age-Group

Of the total juveniles of 14—15 age group who were investigated by the police, theft accounts for 80.2%. This was followed by extortion (4.3%), assault (4.0%), and bodily injury (3.7%). In case of 16—17 age group, theft was also the dominant type of offense amounting to 76.3%. Next came bodily injury (5.4%), followed by assault (4.9%), and extortion (3.8%). In 18—19 age group, theft accounted for 63.7% of the total, followed by bodily injury (10.9%), assault (6.6%), and extortion (3.7%). For young adult offenders of 20—24 years old, theft accounted for 52.2%, followed by bodily injury (16.2%), assault (9.6%), and extortion (2.8%). It is noted that the theft accounts for a majority of the charges in the lower age groups, while in the older age groups crimes of violence comprise a high ratio in the total.

3. School and Employment

In accordance with the increase of the total number of students the percentage of students among juvenile non-traffic offenders has been increasing since 1968, although it has always been smaller than the percentage of students to the total population of the corresponding age group. In 1976, 72.2% of juvenile suspects investigated of non-traffic Penal Code offenses were students of junior (30.1%) or senior (37.1%) high schools, colleges (3.0%), or universities (1.9%).

In 1976, a total of 20,237 working juveniles were investigated by the police for non-traffic offenses. This comprises 17.5% of the total juvenile offenders.

4. Others

Statistics gathered by the police revealed that in 1976, a total of 36.1 of juvenile non-traffic Penal Code offenders had codefendants while the corresponding percentage

was three times lower in the case of adult. In regard to juvenile cases, the ratio was notably high for extortion (50.1%), followed by bodily injury (45.9%), robbery (45.2%), assault (42.4%), theft (36.5%), and rape (35.5%).

Family Court statistics indicate that among the non-traffic juvenile offenders disposed of in 1975, 23.6% of Penal Code offenders excluding professional or gross negligence causing death or bodily injury, and 29.6% of special law violators excluding the Road Traffic Law violators, had previous records of dispositions by the Family Court. Approximately 45% of juveniles charged with rape, and 43% with robbery, and 35% with extortion and fraud had previous records of referral to such an agency. In brief, those charged with violent types of crime tended to have more extensive criminal records, whereas the ratio of persons with previous offenses were lower with embezzlement and theft which showed less than 20%, respectively. A survey made by the Ministry of Justice revealed that 77% of juveniles committed to training schools had previous records of legal disposition in 1976.

D. Disposition and Treatment

1. Disposition by Public Prosecutor

The Public Prosecutors' Offices received 397,430 juvenile suspects in 1976, which was 12,877 more than that of the previous year. Of this number, 164,699 (41.4%) were suspected Penal Code offenders, an decrease of 2,211 from 1975, 226,739 (57.1%) were violators of the Road Traffic Law, an increase of 14,573 from 1975, and 5,992 or 1.5% were special law violators (other than Road Traffic Law violators), an increase of 515 from the previous year. A continually decreasing tendency of professional negligence causing death or bodily injury from 1970 was also observed in 1976 when it stood for 28.0% of the total while theft accounted for 53.9%.

The Public Prosecutor is not empowered to determine whether or not to institute prosecution if the suspect is a juvenile. He sends the case, after investigation, to the Family Court with a recommendation for the treatment of the juvenile. Thus, a total of 395,226 juveniles were referred from the Public Prosecutor to the Family Court in 1976.

The Public Prosecutor is, in principle, required to institute prosecution when a case is referred back to his office by the Family Court for criminal prosecution. Of 39,447 juvenile offenders thus prosecuted in 1976, a total of 34,009 or 86.2% were Road Traffic Law violators, and 5,379 or 13.6% were Penal Code offenders, 92.3% of whom were charged with professional or gross negligence causing death or bodily injury.

2. Adjudication by Family Court

The Family Court is empowered to determine the treatment measures for a juvenile delinquent. The Family Court can apply one of three protective measures provided for in the Juvenile Law (e.g. placing under probationary supervision, com-

mitting either to juvenile training school or to child education and training home), refer the case to the Public Prosecutor for criminal prosecution, or discharge him before or after a hearing without any further action.

In 1976, a total of 461,824 juveniles were referred to the Family Court, representing an increase of 23,843 from the previous year. Fifty-six percent of them were Road Traffic Law violators. Among the non-traffic violators cases, Penal Code offenders stood for 36.8%, followed by special law violators (6.6%) and those engaged in the pre-offense activities (0.6%).

Family Court Probation Officers investigate the juvenile, his family or other persons involved in his case. The Family Court may place a juvenile under "tentative probation." During this period, the Family Court Probation Officer observes the delinquents' conduct for the purpose of obtaining more information to assist an appropriate court determination. In 1975, 21,194 of the total non-traffic offenders, and 80,457 of traffic offenders were placed under "tentative probation."

Final dispositions of all non-traffic cases for 1966 and 1976 are shown in Table 10. It will be noted that those juveniles committed to the Juvenile Training School accounts for only 1.5% of the total in 1976; the corresponding figure for 1966 was 3.8%.

Table 10. Final Dispositions of Non-Traffic Offenders by Family Court, 1966 and 1976

| Disposition | 1966 | | 1976 | |
|--|---------|------------|---------|------------|
| | Number | Percentage | Number | Percentage |
| A. Dismissal without Hearing | 95,882 | 44.7 | 87,588 | 49.8 |
| B. Dismissal after Hearing | 68,798 | 29.8 | 61,579 | 35.0 |
| C. Referral to Child Guidance Center | 631 | 0.3 | 256 | 0.1 |
| D. Probation | 23,723 | 11.1 | 212 | 0.1 |
| E. Commitment to Child Education & Training Home | 289 | 0.1 | 212 | 0.1 |
| F. Commitment to Juvenile Training School | 8,086 | 3.8 | 2,607 | 1.5 |
| G. Referral to the Public Prosecutor | 21,937 | 10.2 | 9,491 | 5.4 |
| Total | 214,346 | 100.0 | 175,761 | 100.0 |

3. Criminal Trial

During 1976, a total of 37,044 juveniles were convicted in courts of first instance. Of this number, 673 were sentenced to imprisonment, 490 of which were given suspend-

ed sentence. A total of 30,371 were sentenced to fine. Of those who were imprisoned without suspension, traffic offenders numbered largest (58), followed by those committed rape (39) and theft (25).

4. Juvenile Classification Home

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

In 1976, a total of 12,580 juveniles, including 1,485 girls were committed to these classification homes, which was 52 larger than that of the previous year.

The Juvenile Classification Homes also make available testing and classification services on an out-patient basis. These youths are not referred by the Family Courts but by interested persons or agencies from outside. Requests for these services have totaled 15,816 in 1976.

5. Juvenile Training School

Commitment to a juvenile training school is one of the three protective measures provided for in the Juvenile Law. The program at juvenile training schools includes discipline of inmates in a friendly atmosphere, academic and vocational training, medical treatment, cultural and recreation activities. A total of sixty-two juvenile training schools including two branch schools are administered by the Ministry of Justice. They are classified into four types: primary, middle, advanced and medical. Number of inmates in these schools by type of school at the end of December 1976 and their respective percentage out of the total inmates were as follows: middle school inmates outnumbered all other types amounting to 1,988 or 69.1%, followed by primary school with 378 (13.1%), advanced school with 309 (10.7%) and medical school with 200 (7.0%), respectively.

In 1976, 2,662 juveniles including 237 girls were admitted to such schools an increase of 113 from the 1975 admissions. Nineteen-year-olds accounted for 25.1% of the admissions, eighteen years 24.7% and seventeen years 21.6%. The main offenses which resulted in commitment in 1976 were: theft (49.3%), preoffense (10.0%), rape and indecent assault (7.6%), bodily injury (6.2%) and extortion (6.1%).

During 1976, 222 certificates for completion of compulsory education were rewarded to those in the training schools who had not completed compulsory education

prior to the commitment. This number was 47 more than that of 1974. In addition, 1,958 boys and girls obtained, as a result of vocational training and guidance, qualifications or certificates in such fields as abacus, auto driving, welding, wood-craft, mechanics, printing, sheet metal work, architecture, electronics and others. Recently juvenile delinquents are becoming more complicated in nature. Corresponding to this trend, short-term or open treatment is now being introduced in training school as new treatment techniques.

6. Juvenile Prison

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

There were 167 juvenile prisoners in juvenile prisons at the end of 1976, which was a decrease of 29 from the previous year. There are nine juvenile prisons in Japan which admitted 124 juveniles in 1976. This figure is ten smaller than the 1975 figure. Most of inmates of juvenile prisons have an indeterminate sentence. There is a higher percentage of rape (26.6%), professional negligence causing death or bodily injury (22.6%), theft (16.1%) and homicide (12.1%) among juvenile prisoners. Understandably, 99.4% of juvenile prisoners had no previous record of imprisonment. However, 37% had been subjected to protective measures by the Family Courts, approximately 71% of whom had once been in juvenile training schools.

7. Juvenile Probation and Parole

Placing juveniles under a probationary supervision in the community for a specified period is one of the three protective measures that the Family Court may select. In 1976, a total of 23,981 juveniles were placed under probationary supervision by the Family Courts. This is an increase of 2,537 from the 1975 figure. At the end of 1976, there were 38,243 juveniles on probation, comprising 63.2% of total number of probationers in Japan.

Those juveniles released on parole from juvenile training school during 1976 numbered 2,071. At the end of the same year, 2,405 juveniles, or 26.7% of the total parolees were under parole supervision throughout Japan.

II. Road Traffic Offenses

A. General Trends

1. Present Situation and Background of Traffic Offenses

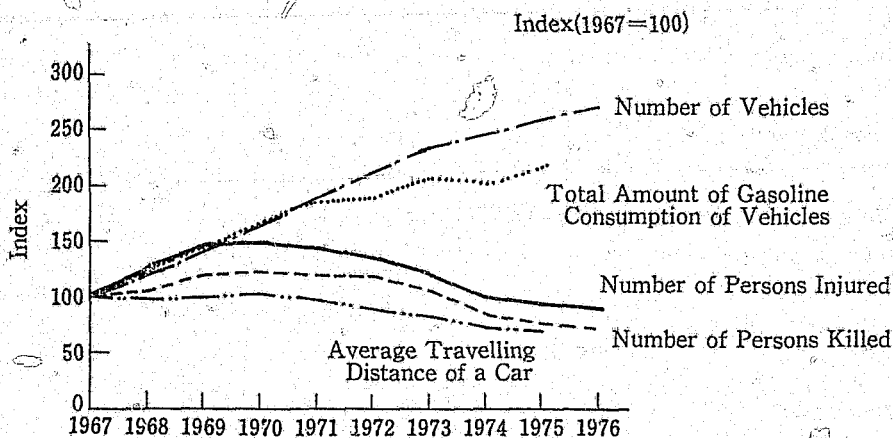
Since World War II, the number of registered vehicles has increased year after year. In 1976, the number of automobiles reached about 30,460,000 indicating an

increase of 1,520,000 over the previous year and 2.7 times during the past decade. The number of drivers has likewise grown. The number of licensed drivers reached about 37,000,000 approximately the half of population over sixteen years of age.¹²⁾ Figure 6 shows the trends of the number of incidence of traffic accidents, casualties in such accidents and vehicles (automobiles and motor-cycles), their number in 1967 being reckoned as the index of 100. It is observed that in 1976, the number of traffic accidents as well as the number of the casualties decreased in spite of an increase in the number of vehicles. In the same year, the number of traffic accidents causing death and bodily injury was 471,041, down 0.4% from the previous year, the number of fatalities in traffic accidents was 9,734, down 9.8% and the number of persons injured was 613,957, down 1.4%. However, since the number of fatalities per day amounted to 26.6 and the persons injured to 1,677.5, it should be said that the present situation in regard to traffic offenses is still serious.

Regarding the type of accidents, car to car accidents were the most frequent. They amounted to 70.0% of the total in 1976.

In comparison with America, England, West Germany and France, Japan has attained a great diffusion of motor-vehicles in the past fifteen years, population per automobile decreasing from 50.7 persons in 1960 to 4.2 in 1974, which was comparable to 1.7 in America, 2.8 in France and 3.5 in both England and West Germany in the same year. The trends in the fatality rate by motorcar accidents since 1960 showed an increase till late 1960's or early 1970's and later turned to decrease in these

Figure 6. Trends in Numbers of Vehicles, Casualties, and Incidence of Traffic Accidents, 1967-1976



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

countries including Japan, except England in which there were no marked fluctuations. The fatality rate per 100,000 population in 1975 was 24.9 in France, the highest among these countries, followed by 24.0 in West Germany, 21.8 in America, 12.8 in Japan and 11.7 in England. The fatality rate per 10,000 automobiles in 1974, however, revealed a different order, i.e., 5.9 in Japan was ranked third, following 8.1 in West Germany and 7.2 in France, being higher than 4.4 in England and 3.6 in America.

2. Trends in the Road Traffic Law Violations

In 1976, the total number of violations of the Road Traffic Law was 11,836,250 which constituted an increase of 1,377,541 or 13.5% over the previous year. The most frequent violation was speeding standing for 42.1% of the total, which was followed by illegal parking (26.4%), disregarding special restrictions (8.7%) and negligence of stopping (6.0%). The number of hit and run cases was 30,453 (2,062 more than in the previous year), the number of casualties in such cases amounting to 35,279 in 1976. The ratio of hit and run cases to the total number of casualties in traffic accidents was 5.7%, up 0.5% from the previous year.

3. The Operation of the Traffic Infraction Notification System

The Traffic Infraction Notification Procedure, or the traffic infraction ticket system, was introduced in July 1968 to alleviate the heavy pressures on the agencies concerned caused by the sharp increase in traffic cases. This system also aims at avoiding stigmatizing millions of traffic violators as criminals, since a minor traffic violator may be exempted from prosecution if he pays a "non-penal fine" within a specified time. Those who have failed to pay the fine will be referred to the Public Prosecutors' Office for possible prosecution. In 1976, this system was applied to 9,904,606 or 83.7% of the total number of violators of the Road Traffic Law.

The system was expanded in August 1970 to cover juvenile violators. In 1976, this system was applied to 808,711 (or 77.1%) juvenile violators of the Road Traffic Law. Since less than 5% of the total violators notified by the police failed to pay the notified fine in the last several years, it seems safe to assert that the Traffic Infraction Notification Procedure has been operating very successfully ever since its establishment.

B. Prosecution and Trial of Traffic Offenses

1. Prosecution of Traffic Offenses

In 1976, the number of the suspects received by the Public Prosecutors' Offices for professional or gross negligence causing death or bodily injury (almost all of whom caused traffic accidents) amounted to 475,069 which indicates an increase of 4,120 over the previous year. This number still constituted 55.7% of the total Penal Code offenders received in the Offices in 1976. Violators of the Road Traffic Law received in the Offices in 1976 was 2,139,386 indicating an increase of 216,956 over

the previous year.

The rate of prosecution against traffic offenders was 68.1% in cases concerning professional negligence causing death or bodily injury, 42.1% in gross negligence causing death or bodily injury, and 97.1% in the Road Traffic Law violation. A summary order was requested in 96.4%, 83.7%, and 99.4% of these categories of cases, respectively. As a result, the rates of prosecution for public trial through a formal procedure in these cases were only 3.6%, 16.3%, and 0.6%, respectively.

2. Trial of Traffic Offenders

The number of persons found guilty for professional or gross negligence causing death or bodily injury had been increasing yearly till 1970 when they numbered 454,366. This figure decreased, however, to 284,192 in 1975. Of those convicted persons, 3,855 were sentenced to imprisonment with labor, 1,433 or 37.2% of which were actually imprisoned while the remainder had their sentences suspended. Of 5,765 offenders sentenced to imprisonment without labor, 1,154 or 20.0% were imprisoned while the remainder had their sentences suspended. The length of sentence was relatively short for both categories of imprisonment with approximately 70% of them ranging from six to twelve months. Regarding the fines, the number of offenders imposed fines for professional or gross negligence causing death or bodily injury was 274,572 in 1975. As to the amount of fine imposed through a Summary Order, 76.1% of offenders for professional negligence causing death were imposed fines ranging from 50,000 yen to less than 200,000 yen, and 22.5% of the total were of 200,000 yen, whereas 55.2% of offenders for professional negligence causing bodily injury were imposed fines ranging from 30,000 yen to less than 100,000 yen.

C. Juvenile Traffic Offenders

Because of the age limit for being awarded a driver's license and the fairly limited opportunities for driving, the percentage of juveniles among traffic offenders has been relatively low. Table 11 indicates the number and percentage of juveniles

Table 11. Juvenile Traffic Offenders, 1972-1976

| Year | Case Referred to the Public Prosecutor | | | | Known to the police | |
|------|--|--------------|---|-------------|-----------------------------------|-----------------|
| | Professional Negligence Causing Death or Bodily Injury | | Gross Negligence Causing Death or Bodily Injury | | Violation of the Road Traffic Law | |
| | Total | Juvenile(%) | Total | Juvenile(%) | Total | Juvenile(%) |
| 1972 | 641,687 | 65,796(10.3) | 1,475 | 325(35.6) | 7,224,302 | 687,243(9.5) |
| 1973 | 584,986 | 57,762(9.9) | 1,412 | 456(32.3) | 8,069,481 | 769,099(9.5) |
| 1974 | 494,429 | 49,099(9.9) | 1,327 | 322(25.0) | 8,833,472 | 809,277(9.2) |
| 1975 | 469,632 | 46,697(9.9) | 1,317 | 399(30.3) | 10,158,709 | 915,694(9.0) |
| 1976 | 473,732 | 45,772(9.7) | 1,337 | 338(25.3) | 11,836,250 | 1,048,629(8.9) |

among the total traffic offenders received in the Public Prosecutors' Offices or known to the Police. The large proportion of juveniles among gross (not professional) negligence offenders is explained by the extremely high rate of non-licensed drivers among juvenile traffic violators. Of the total juvenile violators of the Road Traffic Law, driving without license stood for 7.9% in 1976 in comparison with 1.4% of the total adult violators.

Among the juvenile traffic cases disposed of by the Family Court in 1975, 16.9% of the professional or gross negligence cases and 19.1% of the Road Traffic Law violation cases were referred back to the Public Prosecutors for possible prosecution. Also, 74.5% of the professional or gross negligence cases and 76.5% of the Road Traffic Law violation cases were discharged by the Family Court either with or without a court hearing, and 8.4% of the professional or gross negligence cases and 4.3% of the Road Traffic Law violation cases were placed under probationary supervision.

D. Treatment of Traffic Offenders

1. Correction

The number of traffic offenders newly accommodated in Prisons was 3,811 in 1976, of which 2,854 were sentenced to imprisonment with labor while 957 were without labor. The figures showed a slight decrease from the previous year.

In 1976, the rate of the traffic offenders who had never been committed to any correctional institution previously was 74.2%, down 0.1% from the previous year. Those having been committed to correctional institution by traffic offenses previously exceeded for the first time the line of 10% of the total traffic offenders received.

Open correctional treatment has been developed on traffic offenders without labor, who are predominantly negligent offenders with less personal and security problems. Since 1964, persons who satisfied the following conditions have been sent to one of the six institutions for specialized treatment: even though the conditions became more lenient in 1976, and traffic offenders sentenced to imprisonment with labor are also treated in those institutions:

- 1) no concurrent sentence to imprisonment with labor imposed upon Penal Code offense other than traffic one;
- 2) no previous record of imprisonment imposed upon Penal Code offense other than traffic one;
- 3) a sentence of more than three months; and
- 4) no serious mental or physical handicap.

In such institutions, the traffic offenders are allowed to move freely within the buildings, not searched, and in principle are unguarded within the facilities. Receiving visitors and correspondence is not restricted but encouraged and counselling

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

As to a juvenile training school, eight institutions had special short-term treatment programs for traffic offenders as of June 1, 1977. During 1976, 79 boys were sent to one of the juvenile training schools by the disposition of the Family Court. The average length of stay in these special institutions is three months, while the stay in ordinary juvenile training schools is approximately fifteen months.

2. Probation and Parole

Of 48,791 probationers and parolees received at the Probation Offices in 1976, traffic offenders amounted to 18,096 or 37.1% of the total. Of the total traffic offenders thus received, juvenile probationers comprised 77.6%, training school parolees 0.5% and prison parolees 13.4%, and adult probationers 8.5%. It is noteworthy that as many as 58.6% of the total juvenile probationers were the traffic offenders.

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

III. Female Offenses

A. General Trends

In contrast with the decreasing trend of male offenders, the total number of 67,276 female non-traffic Penal Code offenders investigated by the police in 1976 shows 5,844 increase compared with that of the previous year. A ratio of female offenders to the total offenders was 13.6% in 1972 which increased to 18.7% in 1976. Further, the rate of female offenders per 1,000 criminally responsible female population has been revealing upward trend for these five years, namely from 1.1 to 1.5. Table 12 compares the number of males and females investigated by the police and the percentage of female to the total offenders.

Of the total Penal Code offenses committed by female offenders in 1976, theft was the largest standing for 86.1%, 1.9% higher than in 1975, while the corresponding rate of theft committed by male was 49.3%, 0.8% higher than the previous year. Those offenses which show high rates of female offenders to the total offenders were infanticide (87.5%), participation in suicide (35.0%), theft (28.7%), homicide (14.7%), killing an ascendant (14.6%), and arson (12.6%).

Table 12. Number and Rate of Non-Traffic Penal Code Offenders
Investigated by the Police by Sex, 1972-1976

| Year | Female | | Male | | Rate of Female** |
|------|--------|-------|---------|-------|------------------|
| | Number | Rate* | Number | Rate* | |
| 1972 | 47,408 | 1.1 | 301,380 | 7.5 | 13.6 |
| 1973 | 51,133 | 1.2 | 306,605 | 7.5 | 14.3 |
| 1974 | 58,261 | 1.3 | 305,048 | 7.4 | 16.0 |
| 1975 | 61,432 | 1.4 | 302,685 | 7.2 | 16.9 |
| 1976 | 67,276 | 1.5 | 292,084 | 6.9 | 18.7 |

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

** Rate of females to the total offenders.

In 1976, a total number of 20,392 female violators of special laws other than traffic violators were received in the Public Prosecutors' Offices. This number was 8,262 lower than the previous year. Violators of both the Poisonous and Injurious Substance Control Law and the Stimulant Drugs Control Law have been considerably increasing for the past five years.

B. International Comparison of Female Offenses

In many countries increasing trends of female offenders are recently reported. Analyzing such phenomenon in America and the West Germany as well as in Japan, following factors can be observed;

1. in all three countries female offenders are on the increase,
2. in America and the West Germany, both male and female offenders have been increasing, however, the increasing rate of female offenders exceeds that of male offenders. In Japan, on the other hand, the number of female offenders have been increasing in contrast with the decreasing trend of male offenders, and
3. although theft is the most dominant offense committed by female offenders in every country, violent crimes such as robbery, assault, and bodily injury are indicating a rising tendency among female offenses.

C. Treatment of Female Offenders

In 1976 a total of 45,883 female Penal Code suspects were received in the Public Prosecutors' Offices throughout Japan, of whom 5,240 or 11.4% were prosecuted, 18,003 (39.2%) were suspended prosecution, 1,656 (3.6%) were not prosecuted for the reason other than suspension of prosecution, 205 (0.4%) were stayed of disposition, and 20,779 (45.3%) were referred to the Family Court. The Public Prosecutors' Offices also received a total of 19,316 female violators of special Laws in the same year. Of this number, 10,260 (53.1%) were prosecuted, 6,979 (36.1%) were suspended prosecution, and 1,337 (6.9%) were referred to the Family Court.

The number of accused females who were sentenced to imprisonment with or

without labor at the court of first instance was 1,679 in 1976. The rate of female to the total who were sentenced to imprisonment was only 3.1%. Of this number, theft outnumbered accounting for 668, which was followed by fraud and homicide accounting for 239 and 151 respectively. In the meantime, a total number of 1,071 female Special Law violators were sentenced to imprisonment with or without labor at the court of first instance in 1976. Eighty-six percent of this total were occupied by violators of either the Stimulant Drugs Control Law, the Anti-Prostitution Law, or the Public Election Law.

There are three types of institutions for treating female offenders, i.e. Women's Prison, Training School for Girls, and Women's Guidance Home. In each institution, various kinds of rehabilitative programs such as educational and vocational trainings, social and religious guidances, and recreational activities are provided to fit the needs and characteristics of female offenders. In 1976, the numbers of newly admitted females to these institutions were 570 for Women's Prisons, 237 for Training Schools for Girls, and 30 for Women's Guidance Home. These numbers were slightly increased compared with those of the previous year.

The total number of female probationers and parolees received by the Probation Offices throughout Japan has been stabilizing for these several years and it was 1,875 in 1976. Among the females who terminated the supervision of the Probation Offices in the same year, the rates of both juveniles who were revoked their probation or parole order and adults who were revoked their parole or suspended sentence because of reconviction or other misbehavior were lower than that of males.

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