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SUMMARY OF  
THE WHITE PAPER ON CRIME  
1982

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RESEARCH AND TRAINING INSTITUTE  
MINISTRY OF JUSTICE

U.S. Department of Justice  
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## PREFACE

The Research and Training Institute of the Ministry of Justice has, since 1960, submitted to the Cabinet an annual White Paper on Crime reporting trends in criminal activity and current concerns in the administration of criminal justice. Each White Paper is published, as is an English-language summary, so that government officials, members of the legal profession, scholars, and interested citizens generally, in Japan and abroad, may receive up-to-date information on the prevention of crime and the treatment of offenders in this country. This is the twentieth in the series of summary volumes.

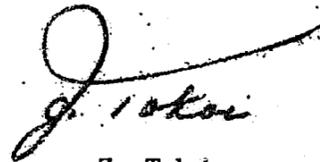
The 1982 White Paper on Crime focuses on crime trends and the realities of the treatment of offenders centering around 1981.

This White Paper has been devoted specifically to a few main topics: The trend of drug offenses and countermeasures against them. Abuse of drugs is a worldwide problem and Japan is not immune to it. Japan specifically has a problem relating to the abuse of stimulant drugs which has recently become serious with its drastic upward trend. Therefore, it is suitable to analyze here this problematic situation and to study countermeasures in depth.

This White Paper is divided into four parts. The first summarizes recent crime trends observable in statistical data, particularly those for 1981, and presents an analysis of recidivism through the use of computerized criminal records. Part two describes the actual processing of offenders during the phases of prosecution, adjudication, correctional administration and rehabilitation. Part three covers trends in juvenile criminality and delinquency and modes of treating juvenile offenders from the international viewpoint. Part four covers the trend of drug offenses and countermeasures against them.

This English-language summary was prepared through the most helpful cooperation of the faculty members of the United Nations Asia and Far East Institute for the Preven-

tion of Crime and the Treatment of Offenders (UNAFEI). I gratefully acknowledge their valuable contributions.



Zen Tokoi  
President  
Research and Training Institute  
Ministry of Justice  
Japan

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## PART ONE: TRENDS IN CRIMINALITY

### I. Crime Trends and Statistical Review of Crime in 1981

#### A. Penal Code Offenses

##### 1. General Trends

Trends in crime since World War II are reflected in the statistics on the number of Penal Code offenses known to the police. The total number of such offenses, 1,387,080 in 1946, rose sharply to over 1,603,265 in 1948, and then decreased to 1,344,482 in 1953. In 1954 an increasing trend began which culminated in 1964 in a total of 1,609,741 Penal Code offenses, which exceeded the 1948 peak. After a slight decrease during the following two years, a third period of acceleration began which reached another peak in 1970 of 1,932,401, the highest figure since the end of the war. However, from 1971 onward the rate decreased constantly to a 1974 level of 1,671,947. There has been a gradual increase since then, to a 1981 total of 1,925,796. This figure indicates an increase of 113,041 (6.2 percent) over 1980. The total number of Penal Code offenses excluding offenses of professional or gross negligence causing death or bodily injury (Article 211)<sup>1</sup> represented 1,462,010, an increase of 106,036 (7.8 percent) over 1980.

The rate of clearance by the police of known Penal Code offenses was 69.2 percent in 1981. The annual clearance rate during the past ten years has varied between 68 percent and 71 percent of offenses known to the police. The figure of 1,333,084 cases in 1981 represented an increase of 66,602 over the previous year and the number of offenders investigated (although not necessarily arrested) by police increased to 904,609 (including 235,992 juveniles, 26.1 percent) in 1981, 20,157 (9.3 percent) more than during the previous year.

##### 2. Nontraffic Penal Code Offenses

The increase in Penal Code offenses described above flowed mostly from a disproportionate increase in automobile accidents constituting the Penal Code offense of professional or gross negligence causing death or bodily injury. Since a very heavy majority of the offenses included in this category are traffic related, other categories of offenses lying outside Article 211 are, for the purpose of convenient presentation,

<sup>1</sup>The Penal Code includes 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 concept was originally designed to cover negligent death or bodily injury inflicted in the course of business or professional activity by persons like physicians or commercial chauffeurs. Courts have enlarged the interpretation of "professional" to include motorists whose occupations are other than that of vehicle driver.

referred to here as "nontraffic Penal Code offenses".

The number of nontraffic Penal Code offenses known to the police reached a peak in 1948 of 1,599,968; it then decreased sharply to 1,317,141 in 1953. Figures have fluctuated somewhat in the following years. Since 1971 the number decreased steadily; in 1973 it declined to 1,187,936, the lowest figure in the postwar years. Though there was a slight rise to 1,266,658 in 1977 and to 1,335,172 in 1978, the number decreased to 1,287,879 in 1979, 47,293 less than during the preceding year. However, the numbers in 1980 and 1981 showed a sharp increase and in 1981, the number reached the third peak figure in the postwar period, i.e., 1,462,010.

The number of nontraffic Penal Code offenders investigated by the police has shown a general downward trend from the 1950 figure of 578,152. In 1981, there were 416,672 such offenders (including 184,858 juveniles, 44.4 percent), 18,879 (11.4 percent) more than in 1980.

Table 1 and Figure 1 show the trends in Penal Code offenses and offenders compared with those of nontraffic Penal Code offenses and offenders and the crime rates during the postwar period.

### 3. Statistical Survey of Penal Code Offenses in 1981

In 1981, homicide, robbery, theft, fraud, embezzlement, rape and professional or gross negligence were on the increase, while bodily injury and arson were decreasing, compared with the incidence of these offenses in 1980.

The rate of those below 20 years old among all nontraffic penal offenders investigated by police increased to 44.4 percent in 1981 from 42.5 percent in 1980; the rate showed an upward trend from the previous year also in all major offenses such as bodily injury, theft, rape and arson.

Of the total Penal Code offenses (including traffic) known to the police in 1981, theft was the most frequently committed, comprising 65.3 percent, followed by professional or gross negligence causing death or bodily injury (24.1 percent), fraud (3.3 percent), bodily injury including that resulting in death (manslaughter) (1.3 percent), embezzlement (1.3 percent), and assault (0.8 percent). Intentional homicide accounted for only 0.1 percent.

Of all Penal Code offenders investigated by the police in 1981 a clear majority (53.9 percent) were charged with professional or gross negligence causing death or bodily injury. This was largely explainable by a clearance rate of nearly 100 percent, while the rate for thefts that year was only 54.7 percent. Professional negligence cases aside, 29.5 percent of the total were charged with theft, 3.8 percent with bodily injury including that resulting in death, 2.8 percent with embezzlement and 2.4 percent with assault. Murder charges came to a minuscule 0.2 percent of the total.

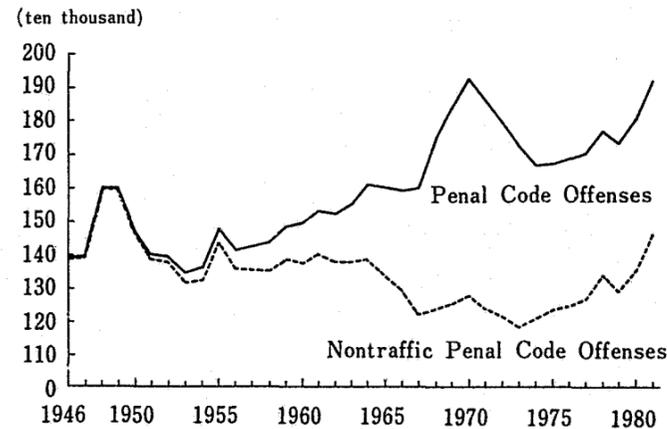
For purposes of detailed analysis, Penal Code offenders investigated by the police

Table 1: Penal Code Offenses Known to the Police and Penal Code Offenders Investigated by the Police

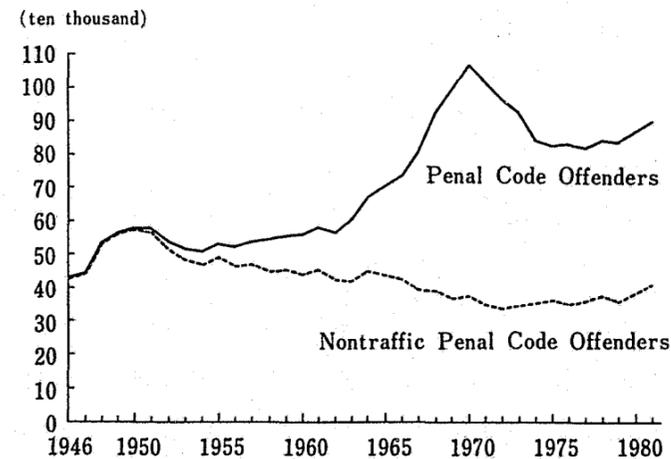
Year	No. of Offenses Known to the Police		No. of Offenders Investigated by the Police		Population (1,000)	Crime Rate of Nontraffic Penal Code Offenses
	Penal Code Offenses	Nontraffic Penal Code Offenses	Penal Code Offenders	Nontraffic Penal Code Offenders		
1948	1,603,265	1,599,968	539,467	535,918	80,003	2,000
1949	1,603,048	1,597,891	566,943	561,512	81,773	1,954
1950	1,469,609	1,461,044	587,106	578,152	83,200	1,756
1951	1,399,184	1,387,289	586,258	573,909	84,573	1,640
1952	1,395,197	1,377,273	546,986	528,655	85,852	1,604
1953	1,344,482	1,317,141	520,057	492,214	87,033	1,513
1954	1,360,405	1,324,333	513,718	476,992	88,293	1,500
1955	1,478,202	1,435,652	534,060	490,683	89,276	1,608
1956	1,410,441	1,354,102	527,950	470,522	90,259	1,500
1957	1,426,029	1,354,429	544,557	471,600	91,088	1,487
1958	1,440,259	1,353,930	545,272	457,212	92,010	1,472
1959	1,483,258	1,382,792	557,073	454,898	92,973	1,487
1960	1,495,888	1,378,817	561,464	442,527	93,419	1,476
1961	1,530,464	1,400,915	581,314	451,586	94,285	1,486
1962	1,522,480	1,384,784	569,866	430,153	95,178	1,455
1963	1,557,803	1,377,476	606,649	425,473	96,156	1,433
1964	1,609,741	1,385,358	678,522	449,842	97,186	1,425
1965	1,602,430	1,343,625	706,827	440,563	98,275	1,367
1966	1,590,681	1,292,091	740,055	431,324	99,054	1,304
1967	1,603,471	1,217,844	802,578	400,210	100,243	1,215
1968	1,742,479	1,231,886	923,491	391,091	101,408	1,215
1969	1,848,740	1,251,678	999,981	375,132	102,648	1,219
1970	1,932,401	1,277,459	1,073,470	378,023	103,720	1,232
1971	1,875,383	1,242,017	1,026,299	359,267	105,014	1,183
1972	1,818,072	1,221,459	976,692	346,201	107,332	1,138
1973	1,728,726	1,187,936	931,316	354,461	108,710	1,093
1974	1,671,947	1,208,649	852,347	360,365	110,049	1,098
1975	1,673,727	1,232,353	830,128	361,626	111,940	1,101
1976	1,691,229	1,245,766	830,679	357,041	113,086	1,102
1977	1,704,995	1,266,658	822,218	360,865	114,154	1,110
1978	1,776,801	1,335,172	843,295	379,322	115,174	1,159
1979	1,738,407	1,287,879	840,285	366,159	116,133	1,109
1980	1,812,755	1,355,974	869,766	390,194	116,916	1,160
1981	1,925,796	1,462,010	904,609	416,672	117,884	1,240

Figure 1: Trends in Penal Code Offenses and Offenders

1) Offenses Known to the Police



2) Offenders Investigated by the Police



have been divided into five categories, based on property offenses, violent offenses, sex offenses, offenses committed through negligence and miscellaneous offenses.

Table 2 shows the trends in the numbers of investigated offenders, using a 1977 base index of 100 and reflecting figures through 1981. The cumulative index figure of 130 for property offenders investigated by police in 1981 was affected strongly by an index of 204 for embezzlement cases and 129 for theft cases. Until 1980, the overall trends in

property offences were: theft from vacant houses, sneak-thievery, and pickpocketing showed a downward trend and car-theft was leveling off, while motorcycle theft and theft from automobiles were increasing conspicuously; bicycle-theft and shop-lifting which decreased in 1979 were up again in 1980. However, it was observed that in 1981 all kinds of theft were increasing.

The incidence of theft from automatic vending machines and cash dispensers had been registering a remarkable increase in the past five years. A continued increase was observable in embezzlement in the form of conversion of lost articles committed mainly by riding away without any authority on bicycles left unattended on the streets, etc. A remarkable increase was registered also in the incidence of fraud cases relating to the borrowing of money by fraudulent means, leaving restaurants, etc. without paying.

In heinous offences, it was noteworthy that recent homicide cases included startlingly bizarre occurrences in which offenders killed innocent bystanders all of a sudden without discrimination and that the number of robberies of financial institutions such as banks was on a sharp increase.

In sexual offences, rape and indecent assault were showing a downward trend.

In contrast, offences committed through negligence were increasing over the past four years.

In other Penal Code offenses, arson cases reached a postwar high of 2,155 in 1977. Since then, they continued at an annual level of 2,000 until 1980 and for the first time in 1981 the number went down under 2,000.

Thus, in 1981, the incidence of Penal Code offenses except for Article 211 cases reached its highest figure over the past 31 years of about 1,460,000 cases. From such recent developments as frequent occurrences of robbery, in particular a conspicuous increase in bank robbery, random homicides against innocent strangers, kidnapping for ransom and subsequent murder of kidnapped victims, frequent cases of murder and arson for insurance money and an increase in the incidence of fraud and embezzlement, it might be concluded that criminal behaviours seemed to take on markedly more vicious and intellectual traits. The rate of juvenile offenders in all offenses was on the increase. As will be touched upon later, juvenile offenders investigated by police for nontraffic Penal Code offenses registered in 1981 the highest figures over the past 15 years in their numbers, their ratio to all offenders investigated for the above offenses, and their ratio to the total population (the rate of offenders investigated per 100,000 or 1,000 population by age group).

Nevertheless, the crime rate in Japan is still considerably low if it is compared with the crime rates in the U.S.A. and some European countries. In 1980, the number of serious offences recorded by each country per 100,000 population was: 6.198 in the Federal Republic of Germany; 5,900 in the U.S.A.; 5.119 in U.K.; 4,903 in France, while

Table 2: Trends in Penal Code Offenders Investigated by the Police by Crime Categories

Offenses	Year		1977		1978	
	Number	Index	Number	Index	Number	Index
<b>I. Property Offenses</b>						
1. Theft	207,064	100	231,403	112		
2. Fraud	15,665	100	16,594	106		
3. Embezzlement	12,375	100	14,157	114		
4. Stolen Property	1,639	100	1,717	105		
5. Breach of Trust	226	100	208	92		
<b>Total</b>	<b>236,969</b>	<b>100</b>	<b>264,079</b>	<b>111</b>		
<b>II. Offenses of Violence</b>						
<b>A. "Non-heinous" Crimes</b>						
6. Assault	25,781	100	23,996	93		
7. Bodily Injury (including that resulting in death)	40,730	100	36,423	89		
8. Intimidation	1,702	100	1,582	93		
9. Extortion	9,660	100	9,399	97		
10. Unlawful Assembly with Weapon	1,236	100	1,264	102		
<b>Total</b>	<b>79,109</b>	<b>100</b>	<b>72,664</b>	<b>92</b>		
<b>B. "Heinous" Crimes</b>						
11. Murder (including particide, infanticide and attempt)	1,988	100	1,843	93		
12. Robbery	1,826	100	1,748	96		
(1) Robbery Involving Homicide	61	100	47	77		
(2) Robbery Involving Injury	890	100	834	94		
(3) Robbery Involving Rape	61	100	45	74		
<b>Total</b>	<b>3,814</b>	<b>100</b>	<b>3,591</b>	<b>94</b>		
<b>III. Sex Offenses</b>						
13. Rape (including that resulting in injury and death)	3,046	100	2,876	94		
14. Indecent Assault	1,540	100	1,482	96		
15. Public Indecency	2,947	100	3,094	105		
<b>Total</b>	<b>7,533</b>	<b>100</b>	<b>7,452</b>	<b>99</b>		
<b>IV. Offenses of Negligence</b>						
16. Professional Negligence causing death or bodily injury	461,353	100	463,973	101		
17. Simple Negligence (causing death or injury)	363	100	332	91		
18. Fire Caused by Negligence	3,791	100	3,586	95		
<b>Total</b>	<b>465,507</b>	<b>100</b>	<b>467,891</b>	<b>101</b>		
<b>V. Miscellaneous</b>						
19. Arson	921	100	944	102		
20. Gambling	12,238	100	10,595	87		
21. Kidnapping	136	100	140	103		
22. Forgery and Counterfeiting	1,805	100	2,065	114		

1977-1981

Offenses	1979		1980		1981	
	Number	Index	Number	Index	Number	Index
	233,872	113	248,389	120	266,928	129
	12,795	82	13,492	86	14,629	93
	15,714	127	20,595	166	25,225	204
	1,638	100	1,667	102	1,771	108
	147	65	180	80	177	78
	<b>264,166</b>	<b>111</b>	<b>284,323</b>	<b>120</b>	<b>308,730</b>	<b>130</b>
	20,272	79	21,362	83	21,315	83
	33,571	82	34,941	86	34,562	85
	1,383	81	1,352	79	1,300	76
	8,202	85	8,640	89	10,057	104
	1,382	112	1,859	150	2,477	200
	<b>64,810</b>	<b>82</b>	<b>68,154</b>	<b>86</b>	<b>69,711</b>	<b>88</b>
	1,841	93	1,560	78	1,712	86
	1,809	99	2,064	113	2,124	116
	52	85	53	87	49	80
	857	96	957	108	1,031	116
	87	143	69	113	69	113
	<b>3,650</b>	<b>96</b>	<b>3,624</b>	<b>95</b>	<b>3,836</b>	<b>101</b>
	2,757	91	2,667	88	2,657	87
	1,469	95	1,420	92	1,378	89
	2,378	81	2,160	73	2,482	84
	<b>6,604</b>	<b>88</b>	<b>6,247</b>	<b>83</b>	<b>6,517</b>	<b>87</b>
	474,126	103	479,572	104	487,937	106
	191	53	185	51	167	46
	2,547	67	2,433	64	2,335	62
	<b>476,864</b>	<b>102</b>	<b>482,190</b>	<b>104</b>	<b>490,439</b>	<b>105</b>
	943	102	948	103	1,023	111
	8,626	70	9,443	77	9,512	78
	97	71	87	64	96	71
	<b>2,132</b>	<b>118</b>	<b>1,809</b>	<b>100</b>	<b>1,878</b>	<b>104</b>

the corresponding figure in Japan was 1,160 (1,240 in 1981).

#### B. Special Law Offenses

Special law offenses comprise all offenses other than Penal Code offenses. Thus, they can be characterized as so-called statutory crimes. Over the years, the overwhelming majority of these offenses have arisen from road traffic law violations of all types, from drunken driving to illegal parking. In 1981, the public prosecutor's offices received a total number of 2,131,067 special law offenders, of whom 1,991,289 (93.4 percent) were road traffic offenders (violators of the Road Traffic Law and the Law for Securing Parking Space of Automobiles). The total number of special law offenders increased by 10,764 (0.5 percent) from the previous year.

##### 1. Traffic Violations

Since 1953 there has been a sharp and steady increase in the number of persons investigated by public prosecutor's offices on traffic violation charges. Immediately after World War II, the proportion of traffic offenders in the total number was almost negligible but it rose to 43.9 percent (753,524 suspects out of 1,717,578 suspects received by the public prosecutors) and then to 83.6 percent (4,948,894 out of 5,922,489) in 1965. The Government then moved to counter this disproportionate increase in traffic violations through the adoption of a new system of traffic infraction notification procedures, embodying a partial decriminalization of less serious violations; the system went into effect in July 1968. It brought about a significant decrease in the number of offenders received by the public prosecutors in 1969, to 1,470,620 (54.4 percent of the total number of offenders received by the public prosecutors). That trend was short-lived, however; every year after 1969 showed an increase until 1977 when the proportion reached 71.4 percent. Afterwards, however, the figure went down for the subsequent two years and reached 65.5 percent in 1979. The upward trend appeared again in 1981, with a proportion of 66.1 percent of the total number of offenders received by the public prosecutors.

##### 2. Other Special Law Offenses

Setting aside road traffic law offenders, the numbers of special law violators received by public prosecutors in 1981 amounted to 139,778, a decrease of 19,989 (12.5 percent) from 1980.

This decrease is mainly due to a low incidence rate in contraventions of the Public Election Law. The year 1980 saw national elections for both Houses. Consequently, election law violations received by public prosecutor's offices sharply decreased from a 1980 total of 19,161 to a 1981 figure of 2,372.

Consistent trends have been registered among the other various special law offenses. There were 34,170 offenders under the Stimulant Drug Control Law, an increase of 2,706 between 1980 and 1981; 12,130 offenders against the Law Regulating Businesses

Affecting Public Morals were received in 1981, or 1,453 less than in 1980. Public security cases embodying contraventions of the Law Regulating Possession of Guns and Swords, the Explosives Control Law, the Law for Prevention of Nuisances Caused by Intoxication, and the like declined in number except for cases under the Minor Offense Control Law.

At the same time, however, increases were observable in the commission of crimes against the Income Tax Law and the Corporate Tax Law. In the 1981 fiscal year from April 1981 to March 1982, the amount of tax evaded in violation of the Income Tax Law and the Corporate Tax Law had scored an unprecedented record high of ¥8,525,000,000 over the previous fiscal year, since the introduction of the current tax inspection system.

## II. Trends Affecting Various Crimes

### A. Crimes Committed by Violent Gangster Groups (Bōryokudan)

Organized criminal groups dedicated to violent acts have steadily increased in number since the economically chaotic years following the World War II. A consequence was frequent conflicts between such groups competing for the same sources of illicit funds which resulted in either absorption or control of many smaller gangster organizations by larger ones. In 1958, it was estimated that there were 4,192 such organizations with 92,860 members.

The Diet enacted several statutory provisions to combat organized crimes, including the 1958 amendments to the Penal Code prohibiting intimidation of witnesses and unlawful assembly while armed with dangerous weapons, and the 1964 revision of the Law Punishing Acts of Violence. The strict enforcement of these new laws brought about the dissolution of many gangster groups and a reduction in the membership of surviving organizations to 43,303 in 1966, a notable decrease from the 1963 peak membership figure of 184,091. The decline in numbers of organizations continued through 1981, but there still remained, at the end of 1981, 2,452 groups with an estimated membership of 103,263. This manifests a clear menace to contemporary Japanese society.

Organized crime groups can be classified on the basis of membership profiles and illicit activities into organizations devoted to gambling, street vending and violent extortionate acts. In the decade from 1955, the latter groups were the more active, but since 1965 their prominence has been eclipsed through a resurgence of gambling and street vendor groups, which are more tightly organized.

A recent trend has seen an increasing consolidation of smaller groups into larger ones, extending over wider geographical areas. Thus, in 1981, the activities of 79.8 percent of the total groups extended into more than one prefecture.

The process of consolidation is frequently based on strife among groups, in the course of which group members have armed themselves with increasingly powerful

arsenals. Pistol smuggling by group members is a chronic problem. In 1977 there were 28 instances of combat between organized crime groups, 21 of which saw the use of firearms. Even since, there has been some diminution in the number of such occurrences, so that only 19 gang fights were registered in 1979 (one more than in 1978), of which 16 involved firearms. In 1980, however, such combats increased to 34 cases, of which 27 involved firearms. Although the number of combats in 1981 decreased to 26 (of which 24 involved firearms), the increasing tendency of gang fights bears watching.

Organized crime groups smuggle stimulant drugs into Japan from foreign countries. This contraband is sold clandestinely through a widespread network of illicit outlets. This has spread the quest for unlawful gain beyond Japan's borders into the international sphere. Moreover, organized crime groups have begun to augment their treasuries through economic crimes, for example, extortion based on threats to disrupt corporate stockholder meetings, as well as more conventional criminal activities such as gambling, bookmaking and procuring schoolgirls and young runaways for prostitution. Gangster groups also operate loansharking businesses and enterprises affecting public morals like bars and cabarets. Thus, their criminal activities impact heavily on the lives and business activities of a great many ordinary citizens.

Police during 1981 investigated 52,670 members of organized crime groups, an increase of 423 from 1980. Increases from the previous year were observable in murder, robbery, extortion, and stimulant drug cases. In analyzing the distribution of gang member offenders, stimulant drug violators were the top groups (20.8 percent), followed by those charged with bodily injury (17.8 percent), gambling (9.7 percent), extortion (8.4 percent), assault (8.2 percent), violations of the Horse Racing Law (5.9 percent), theft (4.7 percent), and violations of the Law Regulating Possession of Guns and Swords (3.5 percent). Gang members represented about 7.9 percent of all investigated offenders.

However, in some instances, gang members were dominant among the offenders of the same offense categories: in 1981, 58.5 percent of the offenders investigated for intimidation were gang members; 54.7 percent of Horse Racing Law violators; 53.9 percent of gambling offenders; 49.7 percent of stimulant drug offenders; 45.6 percent of Bicycle Racing Law offenders; 44.0 percent of extortion offenders.

Among all suspects disposed of by public prosecutors during 1981 for alleged offenses excluding traffic related negligence cases and road traffic violations, the prosecution rate against gangster members ran as high as 84.0 percent, of which 74.7 percent were subject to the ordinary proceedings leading to possible imprisonment. Both figures were far above the rates for the total (the former, 66.1 percent; the latter, 52.0 percent). The rate of suspension of prosecution came to 10.1 percent, far below the rate of 29.0 percent for all offenders.

#### B. Crimes Committed by Public Officials

During 1981, the public prosecutor's offices received nontraffic law cases allegedly committed by 21,138 government officials (excluding persons employed in a quasi-governmental capacity). Among these 21,138 persons, 15,989 (75.6 percent) were alleged to have committed professional or gross negligence resulting in death or bodily injury. Next was the group alleged to have committed abuse of public authority (1,140 or 5.4 percent), and the number of persons alleged to have committed bribery (taking of a bribe) was 516 (2.4 percent). In 1981, out of 20,655 public officials disposed of by public prosecutor's offices, 11,588 (56.1 percent) were prosecuted. During the ten-year period 1972-1981, bribery cases against public officials, including persons in a quasigovernmental capacity, most frequently involved local governmental employees. The largest number of suspects were responsible for civil engineering and construction; next in sequence were members of local legislative bodies. Of all bribery cases disposed of in 1981 by the public prosecutor's offices, 76.5 percent were brought to trial; 94.0 percent of bribery convictions in 1980 resulted in suspended execution of sentences, a very high rate which has characterized this class of offenses for some time. A large bribery amount is characteristic of recent bribery cases: in 1981, public prosecution was instituted against a mayor who allegedly received a bribe exceeding ¥10,000,000.

#### C. Offenses Concerning Pollution

In 1981, public prosecutor's offices throughout Japan received 6,232 suspects for violations of pollution control statutes and regulations, a decrease of 208 from 1980. The most frequently violated provision, the Law Controlling Disposition of Exhaustion and Environmental Disruption, accounted for 67.5 percent of the total (4,208 suspects), followed by contraventions of the Law for Prevention of Ocean Pollution and Marine Disasters (1,156 suspects, or 18.5 percent), the Water Pollution Control Law (480 suspects, or 7.7 percent), and the Harbor Regulation Law (124 suspects, or 2.0 percent).

Analysis of the sources of pollution revealed that construction firms were responsible for a disproportionate amount of waste. Of all wastes, construction wastes represented the highest figure of 67.0 percent. Of all cases arising out of violations of the Law for Prevention of Ocean Pollution and Marine Disasters, 808 were those causing the actual contamination of the sea (so-called substantive offenses). In 1981, public prosecutor's offices disposed of 6,214 suspects in pollution cases. Public prosecution was instituted in 68.9 percent (4,280) of these suspects. Of all offenders brought to trial, 2,816 or 65.8 percent were those who violated the Law Controlling Disposition of Exhaustion and Environmental Disruption.

#### D. Violent Crimes Committed by Extremist Groups

##### 1. Background

Radical ultraleftist groups began increasingly to commit violent crimes from 1967

on; the overwhelming majority of extremists at that time were university students. The dimensions of the problem are indicated by the fact that the police arrested 6,600 radicals in 1968, but 14,700 in 1969. By 1970, the number of arrests had decreased significantly, reflecting the success of firm but flexible legislative and administrative measures against student unrest; most university campuses again were quiet. The mere decrease in numbers of arrests, however, does not reflect the true picture. Weapons used by extremists in committing violent crimes changed from staves and rocks to Molotov cocktails and then to explosives. Radicals no longer were content to stage violent street demonstrations; they attacked police officers, perpetrated bank robberies and hijacked aircraft. Frequently, one faction committed deadly acts against members of competing radical groups. This is commonly called "interfactual warfare (uchi-geba)". In most instances, assailant groups took their victims by surprise in their clandestine quarters and used iron pipe bludgeons to beat them to death or severely injure them.

Legislative efforts to combat the use of gasoline bombs have proved notably successful. After an incident in 1971 in which an on-duty police officer was burnt to death by extremists, the Government sponsored new laws which enabled the police to control the manufacture, possession and use of bombs made from gasoline and other substances not otherwise subject to legal controls. As a result of these statutes, the Law Punishing Use of Glass-Bottle Grenades and amendments to the Poisonous and Hazardous Substances Control Law, both enacted in 1972, the use of inflammable devices has decreased drastically.

The following is a summary of the most serious illegal activities committed by extremist groups since 1967.

Since October 1967, there was large scale university unrest and many violent street demonstrations on political issues in many parts of Japan, as well as much violent warfare between sects.

In March 1970, a Japan Airlines jetliner was hijacked by a group claiming to be members of the Japan Red Army and they escaped to North Korea. This year also witnessed much interfactual warfare, and a new dimension of guerrilla tactics such as bank robberies and attacks against police boxes by extremist groups.

In 1971, there were large scale violent activities against the construction of the New Tokyo International Airport at Narita, and against the ratification of the Treaty between Japan and the United States of America concerning the reversion of Okinawa Islands (now Okinawa Prefecture) to Japan, etc. A parcel-bomb was sent to a high-ranking police officer's residence and his wife was murdered.

In 1972, the leaders of the Japan Red Army lynched twelve "soldiers" to death, held a woman hostage and shot two police officers and a citizen to death before arrest. In this year also Japanese men claiming to be members of the Japan Red Army participated in

the Tel Aviv Airport massacre. There were many incidents of bomb attacks that year.

In 1973, there was much interfactual warfare (238 incidents in which 2 were killed and 573 were injured). Outside Japan, a group of guerrillas which included a Japanese national hijacked a Japan Airlines jetliner and blasted it with explosives.

In 1974, there was also much interfactual warfare (286 incidents in which 11 were killed and 607 were injured), and many Japanese major enterprises were attacked with time-bombs, e.g., the headquarters of Mitsubishi Heavy Industries. This year also witnessed terrorism by Japanese nationals outside Japan, including an attack on an oil refinery in Singapore.

In 1975, not only did interfactual warfare continue fiercely (229 incidents in which 20 were killed and 543 were injured) but also terrorism by Japanese nationals outside Japan continued. It was in this year that the American and Swedish embassies in Kuala Lumpur in Malaysia were attacked. In this case, the criminals claiming to be members of the Japan Red Army shot a police officer to death and took more than 50 hostages, including the U.S. Consul and Swedish Charge D'Affaires, and demanded the release from Japanese prisons of seven radicals, including members of the Japan Red Army; the Government of Japan released five of the seven and permitted them to leave Japan, which injured the dignity and prestige of law and order.

In 1976, the Hokkaido Prefectural Office was attacked with a time-bomb.

In 1977, Japanese terrorists claiming membership in the Japan Red Army hijacked a Japan Airlines jetliner over India, forced it with its 151 crew and passengers to land at Dacca Airport in Bangladesh, and demanded the release of nine prisoners and a ransom of US\$6,000,000. The Government of Japan then felt compelled to pay the ransom and to release six radicals imprisoned awaiting trial or serving sentences after conviction.

In reaction, the Government of Japan thoroughly reviewed the countermeasures which might be taken against such crimes and enacted or amended a number of laws. For example, sharply increased punishment was provided against hijackers who take passengers or other persons hostage and unlawfully demand that third parties do acts they are not legally obligated to perform, and against persons introducing firearms, explosives, etc. into aircraft. Grounds for refusing to issue passports also were broadened. On May 16, 1978, the Diet enacted a new Law to Punish Extortion Acts through Use of Hostages. Nevertheless, further efforts are necessary to promote international cooperation to prevent such crimes.

In 1978, there were many illegal activities against the opening of the New Tokyo International Airport at Narita, involving the use of Molotov cocktails.

In 1979, many guerrilla attacks on similar issues were repeated. Besides this, the building which contains the Supreme Public Prosecutors Office and Tokyo Public Prosecutors Offices was attacked with a handmade flamethrower operated by timing

devices.

In 1980, repeated guerrilla activities directed mainly at obstructing construction work at the New Tokyo International Airport at Narita were observed, e.g., setting fire by the use of cars loaded with inflammables equipped with timing devices, the destruction of airflight guiding facilities and the severance of telephone cables.

## 2. Incidents in 1981

In 1980, the main feature was the guerrilla tactics against the second construction work of the New Tokyo International Airport at Narita but the frequency of the incidents of this kind decreased compared with the previous year.

Interfactual warfare decreased to 9 incidents with 2 killed and 6 injured.

There was not a single incident of any bomb attacks, nor were there any in the previous year.

It may be said that the overall trend in recent years is considerably more peaceful when compared with the late '60s and early '70s. However, terrorist activities still require close watching because 8 suspects wanted for bomb planting are still at large and extremist groups are still strongly oriented to guerrilla activities.

## E. Road Traffic Offenses

### 1. General Trends

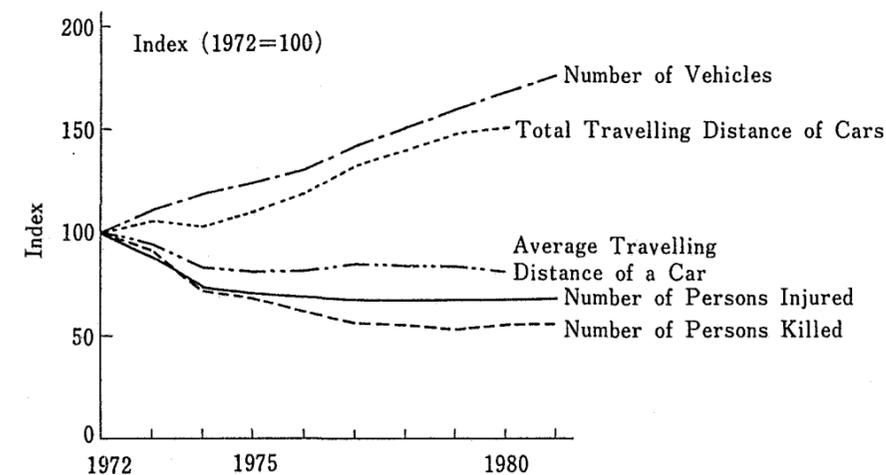
#### (1) Current situation in historical perspective

Japan has seen an increase in the number of registered vehicles each year since the close of the World War II. The 1981 figures of 40.85 million represented an increase of 1,920,000 over the previous year and 1.7 times the number of vehicles registered a decade earlier. The number of licensed drivers likewise has grown to 45,000,000<sup>2</sup>. Figure 2, using the 1972 total as an index of 100, shows the trends in traffic accident frequency, resulting deaths and injuries, and numbers of vehicles and other data. 1981 saw increases in the number of traffic accidents as well as in the number of injuries. Thus, traffic accidents resulting in death or injury amounted to 485,578, up 1.9 percent from the previous year; physical injuries were caused to 607,346 persons (1.4 percent increase over 1980), but 8,719 citizens died (a decrease of 0.5 percent). Because, according to these figures, 23.9 persons were killed and 1,664.0 persons injured on an average each day, the current picture as to traffic offenses must be regarded as quite serious.

In Japan, in 1981, the fatality rate per 100,000 population was 7.4 while the injury rate was 515.2. The fatality and injury rates per 100,000 population and 10,000 vehicles had been decreasing continuously over the past several years, excluding the injury rate per 100,000 population in 1981 which was up slightly from 1980. In 1981, the fatality and

<sup>2</sup>The minimum licensing age is 16 for motorcycles and certain types of compact cars, 18 for ordinary cars, and 21 (and a minimum of three years of driving experience) for commercial vehicles like highway carriers.

Figure 2: Trends in Number of Vehicles Casualties and Incidence of Traffic Accidents 1972-1981



injury rates per 100,000 population in Tokyo were 2.9 and 316.3, respectively. In 1981, 486,481 suspects were investigated by police for professional or gross negligence causing death or bodily injury, an increase of 1.8 percent over the preceding year.

#### (2) Trends in the road traffic law violations

In 1981, there were 11,687,758 recorded violations of the Road Traffic Law, an increase of 45,699 or 0.4 percent, from the preceding year. Speeding was the most frequently committed offense (36.9 percent), followed by unlawful parking (14.7 percent), disregarding restrictive warning signs (9.6 percent), failure to observe stop signs (7.5 percent) and failure to observe traffic lanes (5.3 percent). There were 27,560 hit-and-run cases (a decrease of 6 from 1980) which caused death or injury to 31,387 persons, or 5.1 percent of all 1980 traffic casualties (an increase of 0.1 percent from 1980). The clearance rate of hit-and-run cases stood at 90.1 percent, up 1.4 percent from the preceding year.

#### (3) Functioning of the traffic infraction notification system

A traffic infraction notification procedure (traffic infraction ticket system) was instituted in July 1968 to ease judicial docket congestion occasioned by the sharp increase in traffic violations noted above. The system also decriminalizes the bulk of road traffic violations, because minor traffic violators are exempt from criminal prosecution if they pay a "nonpenal fine" within a specified time. Those who fail to pay are referred to a public prosecutor's office for possible prosecution. In 1981, this system was invoked against 9,922,539 or 84.9 percent, of those who violated the Road Traffic Law.

The fact that the traffic infraction notification procedure constitutes a most successful innovation is attested by the fact that year after year fewer than four percent

of those issued traffic tickets by the police fail to pay the nonpenal fines assessed against them.

(4) Problem of Hot-Rodders (Bōsō-zoku)

As a result of the revision of the Road Traffic Law in 1978 which set up a new provision prohibiting collective dangerous acts, the number of hot-rodgers, i.e., groups of youths who ride in several or more vehicles causing a nuisance or danger to other vehicles or pedestrians, and who often indulge in other unlawful or otherwise delinquent activities, decreased temporarily to a remarkable degree, but began to increase noticeably everywhere around the summer of 1979, running at 40,629 members in 770 groups as of the end of November 1981. In the same year, there were 42,948 solved criminal cases (an increase of 876 or 2.1 percent over 1980) involving 48,313 hot-rodgers (a rise of 2,698 or 5.9 percent over the preceding year). With regard to the mode of Road Traffic Law violations by the hot-rodgers, driving a vehicle in defective condition, driving without a licence, collective dangerous acts, etc. are observable and with regard to their offenses other than Road Traffic Law violations, violations of the Poisonous and Hazardous Substances Control Law are particularly observable.

2. Prosecution and Trial of Traffic Offenses

(1) Prosecution of traffic offenses

In 1981, public prosecutor's offices received 490,616 suspects for professional or gross negligence resulting in death or bodily injury, an increase of 8,230 over 1980. Almost all these cases arose from traffic accidents. As another indicator of the seriousness of the situation, such cases constituted 55.5 percent of all Penal Code offenses received that year by public prosecutor's offices. Road traffic offenses in general amounted to 1,991,289.

Prosecution was instituted in 71.6 percent of cases arising from professional or gross negligence causing death or bodily injury, and 97.2 percent of the road traffic cases. Summary adjudication was requested in 96.9 percent and 99.2 percent of these cases respectively.

(2) Trial of traffic offenders

The number of persons convicted of professional or gross negligence resulting in death or bodily injury at first instance increased annually to a peak of 454,366 in 1970, then declined to a total of 284,192 in 1975 and then began to increase and reached 304,288 in 1980. Of these, only 9,679 were sentenced to a term of imprisonment with or without forced labor, and only 1,799 (or 18.6 percent) actually served time; execution of sentence was suspended for the others. Sentences were relatively short; 70.1 percent were less than one year in duration. Fines were assessed that year in 294,609 cases of professional or gross negligence causing death or bodily injury.

1,654,676 of those prosecuted for Road Traffic Law violations, were convicted in

1980. Out of these, 8,958 or 0.5 percent were sentenced to imprisonment with or without forced labour and the number of defendants who were sentenced to immediate imprisonment out of these 8,958 was 2,253.

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

1. General Remarks

The remarkable development of international public transportation and of international communication systems has had a great impact on criminality and consequently on the criminal justice functionaries in Japan.

In 1980, for instance, 4 million Japanese nationals went abroad and 1.59 million foreigners came to Japan. Due to this vast out-flow and in-flow of both Japanese and foreigners, it is clear that the Japanese criminal justice system needs to have some instruments of international cooperation. The following is a summary of the recent developments of these instruments.

(1) Extradition

Although Japan enacted the Law of Extradition back in 1953, the scope of the original Law was rather limited and not appropriate to meet present-day requirements. For this reason, there have been large-scale amendments to this Law twice, in 1964 and in 1978. Thus, under the present Law, the Minister of Justice is vested with the power to surrender a fugitive even if there is no treaty of extradition between Japan and the requesting country, as long as the request is made through the diplomatic channel with the assurance of reciprocal service to Japan and the other requirements provided for in the Law are satisfied. Provisional detention of a fugitive for whom a warrant of arrest has been issued in the requesting country may also be provided prior to the request of extradition to a non-contracting country, as long as the request is made through the diplomatic channel with assurance of reciprocal service to Japan and with the assurance to request extradition to Japan. Thus Japan is in a position in which she is able to request, with assurance of reciprocity, to any non-contracting country for the provisional detention and subsequent surrender of a fugitive.

So far Japan has contracted a treaty of extradition only with the United States of America. In 1978, these countries totally renewed the Treaty of Extradition to meet present-day necessities.

During the post-war period up to April 1982, Japan succeeded in receiving 7 fugitives surrendered from foreign countries in 6 cases (from the U.S.A., 3 fugitives in 3 murder cases and 1 fugitive in 1 case of embezzlement and tax fraud; from Switzerland, 2 fugitives in 1 case of fraud; from France, 1 fugitive in 1 case of breach of trust). On the other hand, there has been one case in which Japan was requested to extradite a fugitive charged with murder by the United States of America and surrendered him to the

requesting country.

(2) International judicial assistance and international assistance in investigation

With regard to judicial assistance in serving documents and taking evidence by a Japanese court at the request of a foreign court, Japan has had the Law for Judicial Assistance to Foreign Courts since 1905. However, with regard to international assistance in investigation, e.g., seizing and transmitting any evidentiary material to be used by the investigating authorities for the purpose of a criminal investigation in a requesting country, there was no enactment which made this kind of international assistance practicable.

With repeated international terrorism including hijacking, Japan felt it necessary to have an instrument with which to cope with this new dimension of criminality today, so she enacted the Law for International Assistance in Investigation which came into force on 1 October 1980.

This Law provides for the measures to be taken by Japanese investigating authorities when Japan is requested by a foreign country to provide assistance in an investigation conducted in the requesting country. Under this Law, Japanese investigating authorities may provide virtually all kinds of assistance, ranging from sending a simple report to sending depositions and submitting evidentiary materials seized under warrants of search and seizure. This assistance in investigation may be provided when the requesting country assures reciprocal service to Japan and the other requirements provided for in the Law (e.g., the offense under investigation in the requesting country is also an offense under Japanese law) are satisfied.

Thus Japan has become capable of requesting a foreign country, with assurance of reciprocity, to provide international assistance in investigation.

In 1981, Japan was requested by U.S.A., U.K., and the Federal Republic of Germany to submit evidentiary materials, take statements from witnesses, etc. in 4 cases. All these requests were met and the assistance was provided in each case in accordance with the Law.

2. Incidents in 1981

If one excludes from consideration cases involving professional or gross negligence causing death or bodily injury, or arising from violations of the Road Traffic Law, public prosecutor's offices in 1981 received 20,989 foreign suspects, or 3.9 percent of the total. Both the numerical total and the percentage decreased over the preceding year (843 and 0.1 respectively). Foreigners were most frequently involved in violations of special laws like the Alien Registration Law, Stimulant Drug Control Law, Hemp Control Law and the Immigration Control Order, and Penal Code offenses such as theft, bodily injury, gambling, extortion, fraud and breach of trust. By nationality, 84.6 percent of these suspects were Koreans and 6.0 percent were Americans.

In 1981 the National Police Agency received through ICPO or the Ministry of

Foreign Affairs notice of 105 instances of crimes committed in other nations by Japanese nationals, a decrease of 3 from 1980. The most commonly committed offenses by Japanese abroad related to narcotics or stimulant control measures (28.6 percent), followed by assault and bodily injury (14.3 percent). Of the total, 18.1 percent of such offenses were committed in Korea, 13.3 percent in the U.S.A., and 9.5 percent in U.K.

### III. Special Types of Crimes and Offenders

#### A. Noticeable Crimes in Recent Years

##### 1. Robbery of Financial Institutions

The number of cases of robbery of financial institutions known to the police was 172 in 1981, which was an increase by 22 cases (14.7 percent) compared to the previous year. The most frequent scenes of such offenses were post offices at 69 cases, followed by banks and credit associations (including credit unions) at 42 cases each. The outline of robbery of financial institutions in 1981 is as follows:

##### (1) Circumstances accompanying commission of offense

February (21 cases), September (20 cases) and October (20 cases) by month, Tuesday (37 cases) and Friday (36 cases) by day of the week, and between two to three in the afternoon (40 cases) and between eleven to twelve in the morning (32 cases) were the most frequent times of incidents. Hokkaido Prefecture and Kanagawa Prefecture contained the most cases at 16 cases each, followed by Tokyo Prefecture with 15 cases, Fukuoka Prefecture with 14 cases, and Osaka Prefecture and Aichi Prefecture with 13 cases each.

##### (2) Circumstances of commission

Only 4 cases (2.3 percent) were committed without weapons. The most common weapons used in robberies of financial institutions were edged tools including kitchen knives and Japanese swords, whereas the use of pistols, hunting guns and model guns accounted for 22.7 percent (39 cases). More than 80 percent of offenders were wearing masks, stockings, etc. to make their identification difficult.

##### (3) Personal attributes of offenders

Of 103 offenders arrested for robberies of financial institutions in 1981, all were males, mostly in their thirties, and 54.4 percent were out of employment. 57.3 percent of them were first offenders. Among offenders who had previous criminal records, more than 50 percent of them had been convicted of theft before. Principal motives for the offense consisted of "repayment of borrowed money including money borrowed from popular loaning business for a salaried man" at 57.3 percent (59 offenders), "poverty in life" at 23.3 percent (24 offenders) and "need of money for pleasure" at 10.7 percent (11 offenders).

## 2. Phantom Offenders

Phantom offense is a terminology for such offenses as murder, bodily injury, assault and destruction of property which are committed against unspecified persons, in public places, without any specific motives, mostly with some weapons. The number of phantom offenses known to the police was 254, out of which 107 cases were cleared up by the police, a clearance rate of 42.1 percent. The outline of such cases is as follows:

### (1) Phantom killers

The number of cases known to the police was 7, in which 8 persons (4 males and 4 females) were murdered and 8 persons (5 males and 3 females) were injured.

### (2) Phantom slashers and other phantom offenders

The number of cases known to the police was 247 (bodily injury, 112 cases; assault, 25 cases; destruction of property, 110 cases). The most frequent times of incidence were in between May and September by month, on Mondays by day of the week and during rush hours (between seven and nine in the morning). 54.3 percent (134 cases) of the total cases were committed in cities whose population were more than one million, thus characterizing phantom offenses as an urban type of offenses. The total number of victimized persons was 314, out of which 77.4 percent (243 persons) were females. As for the age of victimized persons, the majority of the victimized males were between 15 and 51 years of age, and more than 70 percent of the victimized females were below 25 years of age. The number of arrested offenders was 72 (71 males and 1 female), the majority of whom were in their early thirties (26.4 percent) and below twenty years (37.5 percent) by age, and were out of employment (40.3 percent) and were high school and college students (26.4 percent) by economic status. Among 19 high school and college students, 12 were junior-high school students. Approximately one third of the 72 arrestees were somewhat mentally disturbed at the time of the commission of the crime, that is to say that 18 arrestees were mentally disordered (including 14 schizophrenics), 4 arrestees were reasonably suspected to be mentally disordered, and 3 arrestees had experiences of persecution mania and hallucination from abuse of stimulant drugs. It was found that out of the 72 arrestees, 35 arrestees (48.6 percent) had committed the same type of phantom offense more than once before their arrest.

## 3. Murder and Arson for Insurance Money

### (1) Murder for life insurance money

While the number of cases of murder for insurance money cleared up by the police was 13 in 1979 and 12 in 1980, it decreased to 4 in 1981. However, the future trend is still to be concerned.

Most of the cases are committed by the camouflage of traffic accidents. There is a higher percentage of cases committed by more than one person when compared to ordinary murder cases. Rarely, however, will the principal offender commit the murder

himself.

The offenders are mostly males, in their thirties and forties, and those who run their own business. The most common motives for the offense are the repayment of a large amount of money and the need for operating funds.

### (2) Arson for fire insurance money

While the number of cases of arson for fire insurance money cleared up by the police was 28 in 1979, it decreased to 22 in 1980 and 15 in 1981.

These cases are mostly committed with accomplices, in comparison with arson in general. The insurance money has been actually stolen more in cases of arson for fire insurance money than in cases of murder for life insurance money.

The offenders are mostly males, in their thirties and forties, and those who run their own business. The most common motives for the offense are the repayment of a large amount of money and the need for operating funds.

## 4. Computer Crimes

As the use of computers has become more popular, so-called computer crimes have emerged since 1979. The number of cases of computer crimes known to the police has increased by 4.5 times, that is from 64 in 1977 to 288 in 1981.

The most common type of computer crimes in recent years is to cheat cash out of a cash dispenser or automated teller machine (CD-machine) through the use of an unlawfully obtained cash-card (CD-crime). In 1981, stolen cash-card were used in 240 cases (83.3 percent) and forged cash-cards were used in 28 cases (9.7 percent). The secret identification number was obtained at the same time the cash-card was stolen in 67 cases (23.3 percent), through previous contact with the owner of the cash-card in 77 cases (26.7 percent), and through inquiries to the owner of the cash-card after the acquisition of the cash-card in 39 cases (13.5 percent). In more than half of the cases (57.3 percent), unlawfully obtained cash-cards were put in use within the same day of their acquisition.

Other types of computer crimes were fraud and embezzlement by putting wrong information in the on-line information processing system of the computer. There was a case in which a bank employee cheated the bank of 130 million yen by opening a bank account in advance with another bank under a fictitious name, falsely transferring the above-mentioned amount of money from the bank into the bank account through the operation of the terminal computer system at the bank, and immediately withdrawing the money from the bank account. There was another case in which a kidnapper had the ransom deposited in his bank account under a false name and withdrew the money by the use of a cash-card.

### B. Mentally Disturbed Offenders

Of 418,162 persons who were investigated by the police for Penal Code offenses excluding negligent driving resulting in death or bodily injury in 1981, 3,000 persons (0.7

percent) were or were thought to be mentally disturbed. Out of these mentally disturbed offenders, 11.6 percent committed murder and 17.7 percent committed arson.

The Ministry of Justice Research and Training Institute has made an extensive analysis of a total of 1,727 persons, comprising of 1,413 suspects whose cases have not been prosecuted by public prosecutors on the basis of a lack of mental capacity at the time of the commission of the crime in the whole country from 1 January 1979 to 30 June 1981 and whose cases have been subject to suspension of prosecution on the basis of mental deficiency in the whole country from 1 July 1980 to 30 June 1981, and 314 defendants who have, at the court of first instance, been acquitted on the basis of a lack of mental capacity and who have received mitigated sentences on the basis of mental deficiency in the whole country from 1 January 1979 to 30 June 1981. The principal findings were as follows:

- 1) The subjects are divided into 55.5 percent schizophrenics, 12.9 percent alcoholics, 6.9 percent manic depressives and 5.8 percent stimulant drug addicts.
- 2) The ratio of schizophrenics among those sample offenders by kinds of offense was 56.8 percent for murder, 58.6 percent for bodily injury, 59.6 percent for rape and sexual assault, 51.2 percent for arson and 47.5 percent for robbery.
- 3) As for the relationship between the offenders and the victims in offenses against person, 73.0 percent of the victims in murder cases were relatives and more than 80 percent of the victims in robbery, assault and rape cases were strangers to the offenders.
- 4) Of 1,727 subjects, 1,070 (62.0 percent) were subject to non-prosecution on the basis of a lack of mental capacity, 343 (19.9 percent) were subject to the suspension of prosecution on the basis of mental deficiency, 46 (2.7 percent) were acquitted on the basis of a lack of mental capacity and 268 (15.5 percent) received mitigated sentences on the basis of diminished responsibility.
- 5) Of 184 offenders who had been mentally disordered at the time of previous cases, the ratio of offenders who committed the same type of offense as in the previous cases was 7 out of 23 (30.4 percent) for murder, 9 out of 26 (34.6 percent) for bodily injury, 2 out of 6 (33.3 percent) for rape and sexual assault and 9 out of 23 (39.1 percent) for arson. When murder, bodily injury resulting in death and bodily injury are taken together, the ratio was 28 out of 51 (54.9 percent).
- 6) Compulsory hospitalization was invoked against 282 out of 468 offenders (60.3 percent) for murder, 43 out of 80 offenders (53.8 percent) for robbery, 117 out of 215 offenders (54.4 percent) for bodily injury, and 155 out of 301 offenders (51.5 percent) for arson. By type of mental disorder, compulsory hospitalization was invoked against 60.2 percent of schizophrenics, 41.7 percent of manic depressives, 43.8 percent of epileptics, 35.6 percent of alcoholics and 28.0 percent of stimulant

drug addicts.

- 7) Of 1,516 subjects, excluding those whose state of medical treatment was unknown, 418 offenders (27.6 percent) were in the course of medical treatment, 426 offenders (28.1 percent) had finished medical treatment, and 42 offenders (2.8 percent) had quit medical treatment without permission.
- 8) Of 1,155 subjects who committed serious offenses including murder, robbery, bodily injury resulting in death, bodily injury, rape and sexual assault, and arson, 579 (50.1 percent) had been previously hospitalized, 558 (48.3 percent) had no prior experience of hospitalization, and for 18 (1.6 percent) the prior experience of hospitalization was unknown. Among those who had been previously hospitalized, 82 offenders (14.2 percent) had a prior experience of compulsory hospitalization. As to the frequency of compulsory hospitalization, 57 offenders had been admitted one time, 17 offenders had been admitted two times and 8 offenders had been admitted three or more times; their cumulative admission frequency totalled 115 times. In terms of the period of hospitalization, the above frequency of 115 times was broken into 53 times (46.1 percent) for a period of less than six months, 31 times (27.0 percent) for a period of more than one year and less than three years and so on. Approximately half were released from the hospital within six months and more than 60 percent were discharged from the hospital within one year after the time of admission.
- 9) Of 802 subjects who had left mental hospitals before the commission of the latest offenses, 17 out of 79 offenders (21.5 percent) who had been subject to compulsory hospitalization and 125 out of 474 offenders (26.4 percent) who had been voluntarily hospitalized left mental hospitals before necessary treatment had been completed. Of the same subjects, the interval between the discharge from hospital and the commission of the latest offense was less than six months for 45.6 percent and more than six months and less than one year for 14.6 percent of those who had been subject to compulsory hospitalization, and less than six months for 34.3 percent and more than six months and less than one year for 15.9 percent of those who had been voluntarily hospitalized.

#### IV. Analysis of Recidivism through the Use of Computerized Criminal Records

The Ministry of Justice Research and Training Institute tried to analyze recidivism among those whose sentences had been suspended through the use of criminal records computerized in the Ministry of Justice. Computerized data were gathered on a sample of 500,000 persons picked out at random from those who were convicted during 34 years from 1 January 1948 to 31 December 1981, and domiciled in 40 prefectures which

include major population centers like Tokyo, Osaka, Kanagawa, etc. Recidivism was analyzed only for those within the sample who were convicted of theft, fraud, extortion, bodily injury and violation of the Stimulant Drugs Control Law.

#### A. Theft

While the rate of suspension of execution of sentence in theft cases was at a peak of 55.8 percent in 1969, it has been between 51 percent and 53 percent since 1976. The ratio of those who were subject to probationary supervision during the period of suspension of sentence among those whose sentences were suspended was at a peak of 26.9 percent in 1980 and it has decreased slightly to 24.4 percent in 1981.

The rate of revocation of the suspension of execution of sentence as of 5 June 1982 has been more than 40 percent since 1923 for those under probationary supervision. In cases of the suspension of execution of sentence without probationary supervision, the revocation rate has been between 10 percent and 20 percent. The ratio of revocation due to the commission of the same offense, that is theft, among all revocations, had been a little more than 70 percent until 1975 and then decreased to a range of between 60 percent and 70 percent, but it increased again to a little more than 70 percent in 1979.

#### B. Fraud

In fraud cases, the rate of suspension of execution of sentence has generally been between 40 percent and 50 percent since 1964; it was 40.9 percent in 1981. The ratio of those who were subject to probationary supervision during the period of suspension of sentence among those whose sentences were suspended has been mostly between 10 percent and 20 percent since 1971; it was 14.1 percent in 1981.

The rate of revocation of the suspension of execution of sentence with probationary supervision has generally been between 20 percent and 30 percent; it was at a peak of 36.4 percent for those whose sentences were suspended in 1978. The ratio of revocation due to the commission of the same offense, that is fraud, among all revocations for those under probationary supervision, has generally been more than 50 percent. The revocation rate for the suspension of execution of sentence without probationary supervision has generally been under 10 percent since 1962. The ratio of revocation by the commission of the same offense (fraud) among all revocations for those not under probationary supervision has generally been between 30 percent and 50 percent; it was at a peak of 64.3 percent in 1970.

#### C. Extortion

In extortion cases, the rate of suspension of execution of sentence has generally been between 50 percent and 60 percent; it was at a peak of 63.9 percent in 1970. The ratio of those who were subject to probationary supervision during the period of the suspension of sentence among those whose sentences were suspended has generally been under 20 percent since 1975.

The rate of revocation of the suspension of execution of sentence with probationary supervision has generally been between 20 percent and 35 percent, but it was at a peak of 44.4 percent in 1975. The ratio of revocation due to the commission of the same offense, that is extortion, among all revocations for those under probationary supervision has generally been between 16 percent and 40 percent. The revocation rate for the suspension of execution of sentence without probationary supervision had generally been decreasing from 17.3 percent in 1954 to 10.0 percent in 1967, but it has started to increase since 1969. It was a little more than 12 percent in 1980 and 1981. The ratio of revocation due to the commission of the same offense (extortion) among all revocations for those without probationary supervision was slightly more than 20 percent in 1978 and 1979.

#### D. Bodily Injury

In bodily injury cases, the rate of suspension of execution of sentence has been declining since the peak of 60.0 percent in 1971. The ratio of those who were subject to probationary supervision during the period of the suspension of sentence among those whose sentences were suspended has generally been a little more than 20 percent, and it was at a peak of 30.1 percent in 1970.

The rate of revocation of the suspension of execution of sentence with probationary supervision has generally been between 20 percent and 30 percent, but it was 14.5 percent in 1980. The ratio of revocation due to the commission of the same offense, that is bodily injury, among all revocations had been mostly between 20 percent to 30 percent, but it was 38.5 percent in 1979 in the case of the suspension of execution of sentence with probationary supervision. The revocation rate for the suspension of execution of sentence without probationary supervision had generally been a little less than 10 percent from 1960 to 1973, but it has generally been over 10 percent since 1974. It was 12.9 percent in 1978. The ratio of revocation due to the commission of the same offense (bodily injury) among all revocations for those not under probationary supervision has generally been fluctuating between 20 percent and 30 percent, but it was 35.9 percent in 1978.

#### E. Violation of Stimulant Drugs Control Law

The first period when the use of stimulant drugs was prevalent was between 1951 and 1957, and the second period of the prevalent use of stimulant drugs has been from 1972 onward. In cases of violations of the Stimulant Drugs Control Law, the rate of suspension of execution of sentence sharply decreased from 72.2 percent in 1951 to 17.9 percent in 1957 during the first period. In the second period, it has been slightly decreasing from a peak of 64.2 percent in 1967, but it was still 50.3 percent in 1981. The ratio of those who were subject to probationary supervision during the period of suspension of sentence among those whose sentences were suspended had been on the decline from a peak of 30.1 percent in 1972 to 17.5 percent in 1975, but it has been increasing since

1976. It was 26.0 percent in 1981.

The rate of revocation of the suspension of execution of sentence with probationary supervision has been a little more than 41 percent since 1974; it was 42.2 percent in 1978. The ratio of revocation due to the commission of the same offense, that is a violation of the Stimulant Drugs Control Law, among all revocations for the suspension of execution of sentence has generally been between 60 percent and 75 percent since 1975. The revocation rate for the suspension of execution of sentence without probationary supervision had generally been between 10 percent and 15 percent in the first period, but it has become over 20 percent since 1974. It was 25.3 percent in 1977 and 22.5 percent in 1978. The ratio of revocation due to the commission of the same offense (violation of the Stimulant Drugs Control Law) among all revocations for those not under probationary supervision had generally been between 65 percent and 80 percent in the first period, but in the second period it has been sharply increasing from 33.3 percent in 1972 to over 70 percent since 1975. It was 79.7 percent in 1979 and 78.1 percent in 1980.

## PART TWO: TREATMENT OF OFFENDERS

### I. Prosecution and Trial

#### A. Prosecution

##### 1. Outline

The outline of criminal process from initiation of investigation to resocialization of an offender is shown in Figure 3.

##### 2. Reception of Cases

In 1981, public prosecutor's offices throughout Japan received<sup>3</sup> a total of 3,015,210 suspects, of whom 884,143 or 29.3 percent were Penal Code offenders, 1,991,289 or 66.0 percent were violators of the Road Traffic Law and 139,778 or 4.6 percent had violated other special laws. This total was 35,479 (1.2 percent) more than that for 1980.

A detailed comparison of 1981 figures with those for 1980 reveals that the number of persons suspected of Penal Code offenses in 1981 increased by 24,715 (2.9 percent) over the preceding year, those under the Road Traffic Law by 30,753 (1.6 percent), and those under the Stimulant Drugs Control Law by 2,706 (8.6 percent), while those covered by other special laws decreased by 22,695. A majority (55.5 percent) of Penal Code offenses investigated by public prosecutor's offices arose from professional or gross negligence causing death or bodily injury, a high percentage of which were the consequence of automobile accidents. Next came theft (25.1 percent), injury and assault (5.7 percent) and fraud (2.4 percent).

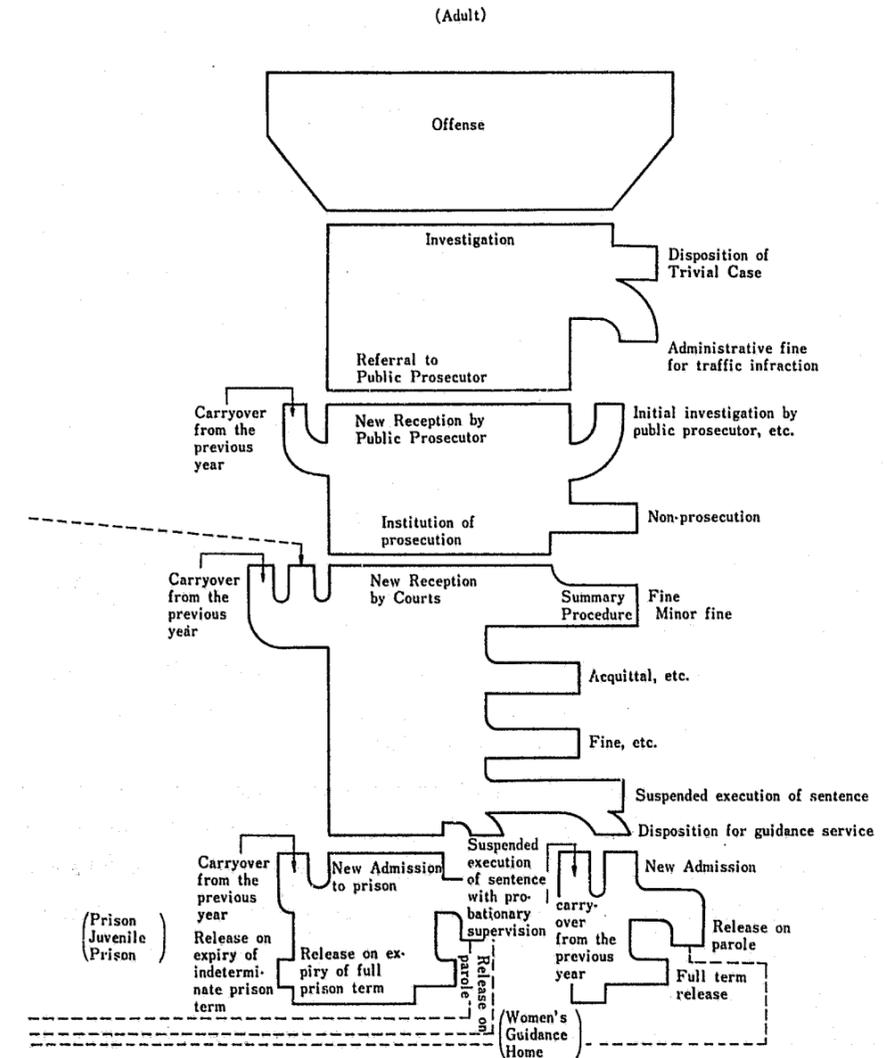
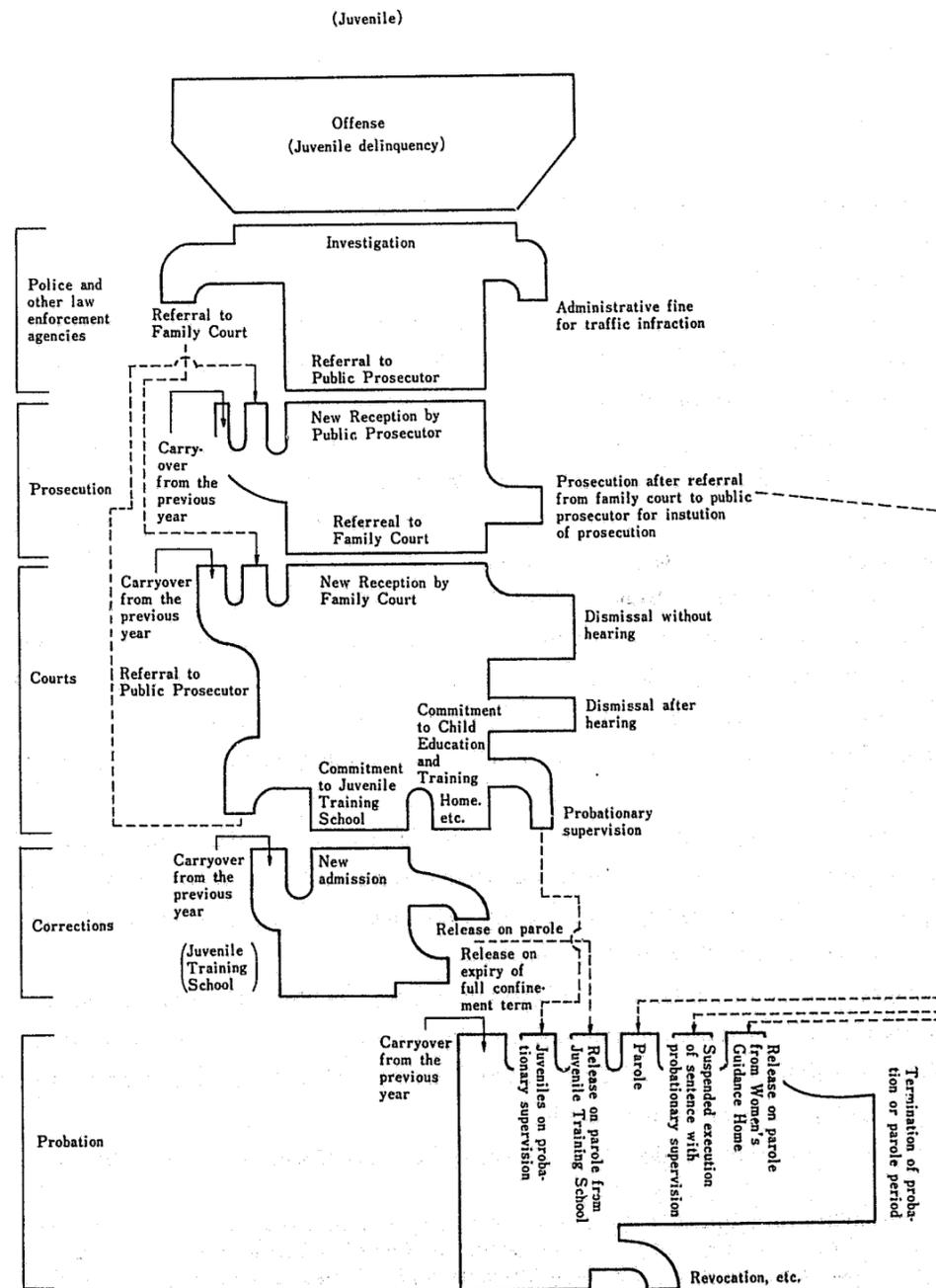
Among Penal Code offenders received by public prosecutor's offices, the number of persons suspected of public indecency, extortion and embezzlement increased more than 10 percent over the preceding year. Among violations of special laws, stimulant drugs offense increased by 2,706 over 1980 reaching 34,170.

Public prosecutor's offices rather speedily disposed of Penal Code and special law offenses (other than those of professional negligence causing death or bodily injury, or involving violations of the Road Traffic Law): 72.4 percent were handled in 15 days or less, and 88.1 percent within one month.

It also is worthy of mention that of the 531,425 nontraffic cases dealt with by public

<sup>3</sup> Responsibility for criminal investigation is vested by law with the police, public prosecutors and their 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 latter has the power to institute prosecution (Article 247, Code of Criminal Procedure). As of January 1, 1982, there were 1,173 public prosecutors and 919 assistant public prosecutors assigned to a total of 882 public prosecutor's office at four different levels distributed among eight major administrative regions.

Figure 3:



prosecutors in 1981, only 21.2 percent of the offenders had to be arrested, an increase of 1.1 percent over the preceding year; the others appeared voluntarily. Arrests occurred most frequently in cases of rape (65.0 percent), followed by robbery (63.0 percent), violations of the Stimulant Drugs Control Law (49.3 percent), extortion (45.9 percent), homicide (41.1 percent), and bodily injury (36.4 percent). A total of 90,929 (17.1 percent) suspects were detained prior to prosecution.<sup>4</sup> Public prosecutors applied to the courts for a detention order for 81.0 percent of these arrestees, an increase of 0.5 percent over 1980. Prosecutors requested detention most frequently in homicide cases (99.0 percent), followed by stimulant drug control cases (96.4 percent), rape (90.9 percent), robbery (90.5 percent), extortion (89.7 percent), theft (83.7 percent), and bodily injury (72.9 percent).

### 3. Disposition of Cases

Public prosecutor's offices in 1981 disposed of cases against 4,099,206 persons in which determinations were made as follows:

Prosecution . . . . . 2,261,157 (55.2%)  
 Nonprosecution . . . . . 289,763 ( 7.1%)  
 Referral to family court . . . . . 525,166 (12.8%)

#### Stay of disposition and transfer to

another public prosecutor's office . . . . . 1,023,020 (25.0%)

Formal trial procedures were instituted in 140,819 (6.2 percent) of the prosecuted cases, and a summary order<sup>5</sup> obtained in 2,120,438 (93.8 percent). Penal Code offenses (excluding professional negligence causing death or bodily injury) were prosecuted at a rate of 58.2 percent in 1981, compared with 56.8 percent in 1977; corresponding percentages for special law violations (excluding Road Traffic Law offenses) were 78.8 percent and 68.7 percent. In 1981, the highest prosecution rate was registered by violations of the Stimulant Drugs Control Law (89.3 percent), followed by bodily injury (81.5 percent) and robbery (79.8 percent).

About 17.9 or 16.5 percent of all nontraffic offenders were proceeded against by formal public trial or summary order respectively. In cases of professional negligence causing death or bodily injury, however, although only 1.4 percent were the object of

<sup>4</sup> The basic period of detention under the Code of Criminal Procedure is ten days, but an additional ten-day period may be sought, followed by a third and final five-day period in certain serious cases (Arts. 208, 208-2). Detention must be ordered by a judge.

<sup>5</sup> If a defendant consents, a public prosecutor can seek a summary order by filing a case in a summary court. The court decides such a case on the basis of a file submitted by the public prosecutor; no hearing is held and the defendant presents no evidence. The maximum sentence is a ¥200,000 fine. After notice of summary court disposition, a defendant has two weeks to request formal trial; if no request is made during that time the summary court order becomes final.

formal trial procedure, about 44.1 percent were dealt with through summary orders. Road traffic violations saw formal prosecution in only 0.5 percent of the cases, while summary order procedure was followed in about 62.1 percent.

### B. Trial

#### 1. Summary of Final Adjudications

Final adjudications were rendered in 1981 against 2,184,095 defendants, 43,363 more than the previous year. The acquittal rate was quite low: 178, or one-one hundredth of a percent, of all those brought before Japanese courts. The conviction rate has remained steady over the years. Among those convicted, fines were levied against 2,079,519, minor fines against 24,983, imprisonment at forced labor against 71,634, and imprisonment without forced labor against 5,051. Thus, 96.5 percent of those convicted (2,181,243 in all) received a fine or a lesser punishment, while only 3.5 percent (76,688) were sentenced to imprisonment without forced labor or a heavier punishment. Table 3 summarizes trends in final adjudications from 1977 through 1981.

Table 3: Trends in Dispositions by Courts (1977-1981)

Judgments	1977	1978	1979	1980	1981
Death	2 (0.0)	4 (0.0)	4 (0.0)	7 (0.0)	3 (0.0)
Imprisonment with labor	70,007 (2.6)	72,509 (2.9)	71,897 (3.3)	69,987 (3.3)	71,634 (3.3)
Imprisonment without labor	5,540 (0.2)	5,072 (0.2)	5,578 (0.3)	5,690 (0.3)	5,051 (0.2)
Fine*	2,537,090 (96.0)	2,399,063 (95.7)	2,079,375 (95.1)	2,037,502 (95.2)	2,079,519 (95.2)
Temporary penal detention**	86 (0.0)	70 (0.0)	57 (0.0)	33 (0.0)	53 (0.0)
Minor fine	26,212 (1.0)	27,441 (1.1)	25,381 (1.2)	24,780 (1.2)	24,983 (1.1)
Acquittal	219 (0.0)	223 (0.0)	219 (0.0)	199 (0.0)	178 (0.0)
Others Dismissal of public prosecution, acquittal on procedural grounds, etc.	3,610 (0.1)	3,765 (0.2)	3,034 (0.1)	2,537 (0.1)	2,674 (0.1)
Total***	2,642,766 (100.0)	2,508,147 (100.0)	2,185,545 (100.0)	2,140,735 (100.0)	2,184,095 (100.0)

\* A fine must be not less than ¥4,000. A minor fine is ¥20 to less than ¥4,000 (Article 15 and 17, Penal Code; Article 2, Law for Temporary Measures concerning Fines, etc.).

\*\* Temporary penal detention consists of confinement in a penal detention house for one day to less than 30 days (Article 16, Penal Code).

\*\*\* Figures in parentheses are percentages.

## 2. Penalties Imposed

In 1980 district court judgments were entered against 65,369 persons, an increase of 448 over 1979, of whom 65.0 percent were convicted of either stimulant drug control offenses (14,051 or 21.5 percent), professional or gross negligence causing death or bodily injury (9,745 or 14.9 percent), road traffic law violations (9,089 or 13.9 percent), theft (4,896 or 7.5 percent), or bodily injury (4,690 or 7.2 percent). The acquittal rate accounted for 0.2 percent. Among the 63,392 defendants sentenced to serve terms of imprisonment with or without forced labor, 55.2 percent received terms of less than one year and only 3.9 percent were given sentences exceeding three years.

Formal trial proceedings were conducted against 17,274 summary court defendants during 1980 throughout Japan, a decrease of 864 from 1979. Of those sentenced to determinate terms of imprisonment at forced labor, 12,032 (93.8 percent) committed theft. Among 2,515 punished with fines, 1,596 or 63.5 percent committed professional or gross negligence causing death or bodily injury or violated the Road Traffic Law. The acquittal rate was 0.3 percent.

In 1980, fines were imposed in courts of first instance against 2,055,884 persons; 90.1 percent came to less than ¥50,000, and only 2.9 percent reached ¥100,000 or more.

### C. Frequency of Appeals<sup>6</sup>

Kōso appeals were lodged in high courts during 1980 against 11.1 percent of the judgments entered in district courts and 4.4 percent of those in summary courts. Reversals were entered in 1,655 (21.0 percent) of the 7,868 cases disposed of by the high courts. Jōkoku appeals were lodged with the Supreme Court against 35.7 percent of the 1980 high court judgments. That same year, however, only 0.2 percent of the 2,297 cases decided by the Supreme Court overturned the high court's action.

### D. Suspension of Prosecution and Suspension of Execution of Sentence

#### 1. Suspension of Prosecution

Article 248 of the Code of Criminal Procedure empowers public prosecutors in their discretion to suspend the institution of prosecution, even though sufficient evidence is in hand to support formal action, if suspension is in the best interests of society and an offender. Decisions suspending institution of prosecution rest on a careful evaluation of the character, age and circumstances of an offender; the seriousness of the offense and the circumstances under which it was committed; and relevant considerations arising after commission of the offense. Exercise of these discretionary powers by public prosecutors

<sup>6</sup> Japan's first-instance courts comprise 50 district and 575 summary courts. District courts hear all cases not placed specifically within the jurisdiction of some other court, while summary courts may hear minor cases; the latter may impose imprisonment at forced labor for not more than three years in certain cases specified by law.

may rest on criminological grounds promoting offender rehabilitation without imposing the stigma of a criminal conviction.

The roots of the system lie in a Ministry of Justice directive of 1885 allowing public procurators (predecessors of the present public prosecutor) to request investigations into crime even though they could not conduct such investigations themselves. In time, public procurators came to have their own power to carry out investigations and decide whether or not to institute prosecution; it is out of that tradition that the contemporary power to suspend institution of or to institute prosecution has come. Other nations have developed somewhat similar systems, either by statute or through practice, but not nearly as systematically as the Japanese procedure. Even in Japan, however, there has been a downward trend in the frequency with which the device has been used, a reflection perhaps of the increased rate at which heinous crimes are being committed in this country.

Analysis of all cases in 1981 (excluding professional or gross negligence cases resulting in injury or death and road traffic law violations) resulting in nonprosecution reveals that 92,304, or 80.0 percent, reflected a decision to suspend institution of prosecution. In contrast, 15,423 (13.4 percent) of the nonprosecution cases rested on insufficiency of the evidence, and 2,850 (2.5 percent) on a miscellany of grounds such as legal defects and the withdrawal of complaints.

#### 2. Suspension of Execution of Sentence<sup>7</sup>

The device of a suspended execution of sentence first appeared in Japan in 1905 in a special law authorizing it; it was then incorporated in the present Penal Code of 1907. Subsequent amendments have expanded its use by increasing the number of cases in which it is available. Accordingly, the frequency of instances in which it is utilized has increased year by year.

In 1980, 46,159 (60.4 percent compared with 60.3 percent in 1979) of the 76,480 persons sentenced to imprisonment with or without forced labor were granted suspension of execution of sentence. Among them, 8,007 or 17.3 percent (contrasted with 17.1 percent in 1979) were placed under probationary supervision. In 1980, in district courts, out of the 63,392 persons sentenced to determinate terms of imprisonment with or without forced labor, 37,945 or 59.9 percent were awarded suspended sentence. In summary courts, of the 12,831 persons sentenced to determinate terms of imprisonment with forced labor, 8,046 or 62.7 percent had execution of their sentences suspended. The rate of revocation of suspended execution of sentences has shown an observable fluctuation over the years 1979 through 1981. In 1979 courts revoked suspension in 6,160 or 13.1

<sup>7</sup> Kōso appeal may be lodged in the high court by any party dissatisfied with a first-instance adjudication. A second level of Jōkoku appeal lies in the Supreme Court against high court decisions, on grounds set forth by statute. The Supreme Court, as the highest court in Japan's judicial structure, is the court of final resort, with power to determine the constitutionality of laws, orders, regulations and official actions.

percent, of the 47,086 cases in which suspension had been allowed. The rate reached 12.9 percent in 1980, and increased to 13.9 percent in 1981.

#### E. Pretrial Detention and Bail

During 1980, 45,166 of 65,369 persons receiving final judgments in district courts were in detention at the time prosecution was instituted, a rate of 69.1 percent. Of these detainees, however, 17,016 (37.7 percent) were granted release on bail during the course of the proceedings against them. In 1980, in summary courts, 13,553 of 17,274 who were finally adjudicated were in detention at the time of the institution of prosecution, a rate of 78.5 percent. Of these detainees, 2,285 (16.9 percent) were released on bail in the course of trial against them. The amount of bail money has been increasing year by year. In 1980, in courts of first instance, of 19,538 detainees granted release on bail, 30.4 percent (24.2 percent in 1979) were awarded bail from one to less than three million yen, 27.6 percent (25.1 percent in 1979) from more than 700,000 to less than one million yen, and 11.5 percent (16.8 percent in 1979) less than 500,000 yen.

#### F. Speedy Trial

Article 37 of the Japanese Constitution guarantees each accused person a speedy trial; that is also stated as one of the important objectives of the Code of Criminal Procedure (Article 1). In assaying the extent to which that goal is realized, 1980 figures show that in 64.2 percent of district court cases disposition was reached within three months after institution of prosecution (compared with 61.4 percent in 1979), 88.2 percent within six months (compared with 86.8 percent the preceding year), and 95.3 percent within one year (94.8 percent in 1979). In summary courts, 81.8 percent were adjudicated within three months (78.9 percent in 1979), 93.5 percent within six months (91.9 percent in 1979), and 97.7 percent within one year (96.6 percent in 1979). Thus, courts of first instance appear to be disposing of cases more expeditiously in recent years.

## II. Correctional Institutions

Correctional facilities serve not merely as places where penalties meted out by the courts are administered; they also provide settings in which offenders can acquire attitudes and skills necessary to a successful reintegration into society following release. To stress this dual role, since 1948 juvenile training schools and classification homes, as well as penal institutions like prisons and detention centers, have been denominated correctional institutions. The Japanese correctional system includes fifty-eight main prisons, nine branch prisons and nine juvenile prisons, seven major detention facilities in larger cities, and 106 branch detention houses in smaller communities.

#### A. Average Daily Census

The average daily population of penal institutions in 1981 was 51,539, an increase of

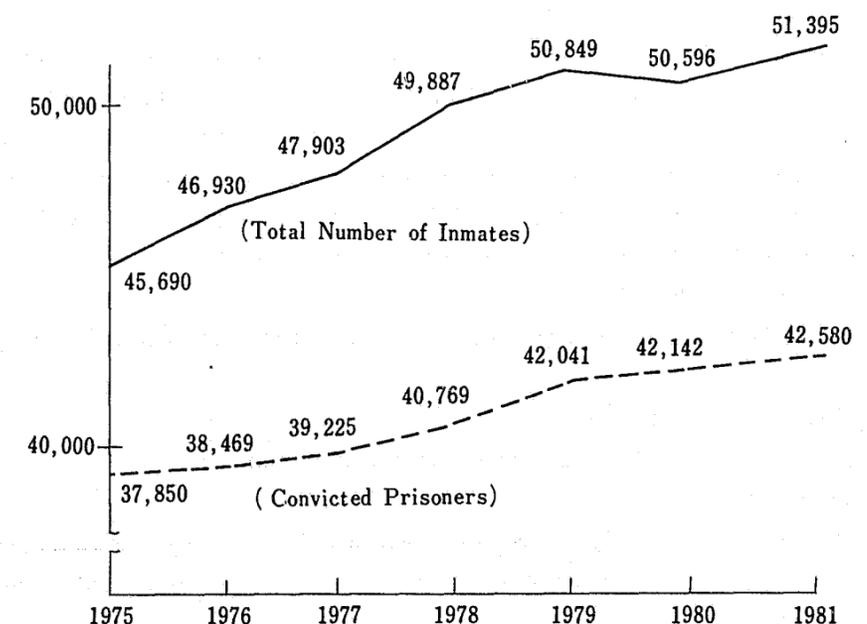
799 as compared with that of the preceding year. If only sentenced prisoners are included, the average daily census in 1981 amounted to 42,580, 453 more than the average 1980 figure. Unconvicted prisoners accounted for 8,649, 433 more than in 1980. Figure 4 shows the trends in average daily population from 1975 through 1981.

#### B. Admissions and Discharges

In 1981, 30,336 convicted prisoners were admitted to correctional institutions, of whom 996 or 3.3 percent were women, while the rest, 29,340 (96.7 percent), were men. Despite some increase in 1981, there has been a general downward trend in admissions of convicted prisoners from the peak year of 1948, which saw 70,694 persons admitted.

The age group 30-39 comprised the greatest number, 40.7 percent, of the 1981 admissions, followed by those in their twenties at 24.7 percent and in their forties at 24.6 percent. The number of prisoners in their twenties has been decreasing over the years, while those in their forties show an increasing trend. A total of 29,831 (98.3 percent) of those admitted had received sentences of imprisonment with forced labor, while only 489 (1.6 percent) were sentenced to imprisonment without forced labor. Among the former group 49.4 percent had received terms of one year or less, 30.7 percent terms exceeding one year but less than two years, 11.3 percent terms exceeding two but less than three years, 8.6 percent terms of three years or more, and 0.1 percent a life sentence. Among those sentenced to imprisonment without forced labor, 82.2 percent had received

Figure 4: Trends in the Average Daily Population in Penal Institutions (1975-1981)



terms of one year or less. Analyzing those newly admitted, 40.2 percent were serving their first prison sentence, 18.2 percent their second, 2.2 percent their third, 8.6 percent their fourth, 5.0 percent their fifth, and 15.0 percent upward of their sixth term. 45.9 percent of all the readmitted prisoners (17,880) had committed new offenses within less than one year following release. 57.7 percent of all prisoners who had been released after serving their full prison term in their preceding imprisonment (10,141) recommitted offenses where as 37.0 percent of all prisoners who had been paroled out (7,739) recommitted.

Theft was the most frequent reason for imprisonment—28.1 percent of the total. Ranked below theft were stimulant drug control violations (23.9 percent), bodily injury or assault (7.4 percent), road traffic law violations (8.0 percent), fraud (7.1 percent), and professional negligence resulting in death or bodily injury (4.9 percent).

New prisoners who were associated with organized gangster groups accounted for 7,424 or 24.5 percent of all new admissions in 1981. Among the newly admitted gangster-related prisoners, the number of ranking members of organized gangster groups has been climbing steadily in recent years, from 569 or 13.7 percent in 1970 up to 2,212 or 29.8 percent in 1981.

30,461 prisoners were released from prisons or detention houses during 1981; 15,040 of them, or 51.0 percent, were released under parole supervision, while another 14,463 (49.0 percent) had served the full period of their sentences.

### C. Treatment of Convicted Prisoners

#### 1. Classifications

The objective of treatment for convicted prisoners is to rehabilitate them and reintegrate them into society. For this purpose, all inmates are, upon their admission, thoroughly examined and evaluated in order to identify their problems and to determine suitable treatment programs. To execute their treatment programs effectively, all prisoners are classified according to their characteristics into the following categories so as to be grouped homogeneously. The principal categories under the present system, which were set forth in April 1972 in new prisoner classification rules, are:

##### (1) Categories for allocation

###### a) Categories by sex, nationality, penalty, age and length of term of imprisonment

(Sex)

Class W: Female  
(No designation of class is made for males.)

(Nationality)

Class F: Foreigners requiring treatment different from that for Japanese  
(No designation of class is made for Japanese and other foreigners)

##### (Nature 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 twenty-six years of age and older)

##### (Length of 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 based on criminal tendencies

Class A: Those without advanced criminal tendencies  
Class B: Those with advanced criminal tendencies.

##### c) Categories based on mental and physical disorders

Class Mx: Those who are mentally retarded or require identical treatment  
Class My: Those who are psychopathic or manifest considerable psychopathic tendencies  
Class Mz: Those who are psychotic or manifest considerable psychotic tendencies, those with serious neurosis, those who suffer from confinement reaction, and those who are addicted to a drug or alcohol  
Class Px: Those physically incapacitated, pregnant, or post-partum who are in need of medical treatment or extended care  
Class Py: Those who are physically handicapped and in need of special treatment and those who are blind, deaf or mute  
Class Pz: Those above sixty years of age who appear senile or require special treatment because of physical frailty

##### (2) Treatment categories

###### a) Categories based on special treatment needs

Class V: Those who need vocational training  
Class E: Those who need academic 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 based on specially recommended treatment

Class O: Those who are suitable for trusty status

Class N: Those who are suitable for institutional maintenance work

Detailed treatment standards including open-type treatment have been provided for each allocation and treatment category, on the basis of which a personal treatment plan is to be prepared for each prisoner. Table 4 shows the distribution of inmates among the principal categories at the end of each calendar year, 1979 through 1981.

Table 4: Percentages and Actual Numbers of Prisoners in Classification Categories (1979-1981)

Categories	1979	1980	1981(Actual Number)*
A	20.5	20.3	19.7( 8,496)
B	54.6	55.0	55.6(24,026)
F	0.3	0.3	0.2( 98)
I	0.8	0.8	0.7( 303)
J	0.1	0.1	0.1( 46)
L	5.9	6.0	5.7( 2,451)
Y	9.0	8.7	8.6( 3,707)
M	1.1	1.1	1.1( 483)
P	1.3	1.3	1.3( 555)
W	2.9	3.0	3.1( 1,360)
Unclassified	3.4	3.5	4.0( 1,709)
Total Actual Number	42,277	41,835	43,234

\*As of December 31

## 2. Education

Educational programs for convicted prisoners consist of admission orientation, academic education, correspondence courses, living guidance, and pre-release orientation. In these programs, volunteers as well as prison staff are fully mobilized and educational instruments such as audiovisual devices are widely utilized.

Opportunities are provided for prison inmates to pursue correspondence courses in applied subjects such as bookkeeping, calligraphy, and electronics, as well as general academic subjects for which high school and university credits may be granted. Under the School Education Law, compulsory education is provided for those held in juvenile prisons.

Community representatives have been authorized to organize cultural and recreational activities within prisons. During 1981, 1,123 volunteer prison visitors paid 11,198 visits to institutions to assist prisoners in cultural, educational and social welfare activities, as well as to provide counselling on individual problems. There also were 1,356 volunteer prison chaplains who conducted 6,591 individual and 8,118 group interviews with inmates.

## 3. Prison Industry and Vocational Training

Prison industry is managed in such a way as to enhance productivity of prison labor and to facilitate resocialization of prisoners as law-abiding citizens by encouraging them to cultivate work habits, to acquire professional skill and knowledge, to maintain disciplined life, to adjust to life in a group and to reinforce patience and the capacity to concentrate.

As of the end of calendar year 1981, 93.0 percent of those sentenced to imprisonment with forced labor, and 81.7 percent of those confined in workhouses were performing labor. On a voluntary basis, work also was being performed by 91.8 percent of those sentenced to imprisonment without labor and 1.4 percent of those in detention awaiting trial and adjudication.

During fiscal year 1981 (April 1981 through March 1982), prison industries generated products valued at approximately ¥17,900 million, reflecting an average daily effort of about 40,000 prisoners. The prison industry operating budget for the same period came to ¥5,392 million.

The largest percentage of prison industry earnings (¥4,992 million or 26.9 percent of the total) came from metal working, at a cost of ¥819 million; wood products generated ¥3,032 million (17.8 percent) at a cost of ¥1,959 million. Printing accounted for ¥2,331 million (12.6 percent), and clothing manufacture for ¥2,825 million (15.2 percent at a cost of ¥204 million).

As a result of prison vocational training programs, 854 prisoners passed national or municipal examinations in 1981, thereby becoming qualified or obtaining licenses in such fields as welding, vehicle operation, automobile repair, boiler operation, electrician services and barbering. An additional 365 prisoners received vocational training certificates approved by the Ministry of Labor in fields like carpentry, plastering and printing.

All convicted prisoners are provided with daily necessities such as clothing, bedding, food, and other necessary items for their daily life.

There are five medical prisons as well as five prisons which are designated as regional medical centers. Special medical treatment can be provided if necessary by outside doctors. Under special conditions, prisoners are sent to the hospital for intensive and continuous medical care.

Even though the percentage of gangster members has been increasing among new admissions of late, major security incidents involving escapes were only 17 in 1981.

Among traffic prisoners, those convicted to imprisonment with forced labor were increasing, while those without forced labor were decreasing.

## D. Suspects and Defendants

An average daily census of 8,649 persons in preadjudication status was maintained during 1980. Among these, the 8,372 defendants (against whom prosecution had been in-

stituted) reflected a slight increase of 374 as compared with those in 1980 and also the 277 suspects (those detained by order of a judge but not yet formally charged) were less than during the previous year. A total of 53,293 defendants were received by detention facilities during 1981, but only 15,923 suspects were so held.

Although a trend of gradual decrease had been observed since 1976 in the total number of both suspects and defendants newly held at detention facilities, the total number during 1981 represents an increase of 1,958 from the preceding year.

Unconvicted prisoners are accommodated in such detention facilities as detention houses, branch detention houses, and detention units of prisons, and are treated differently from convicted prisoners. The treatment aims at prevention of escape and destruction of evidence, and maintenance of the discipline of the institution. It should be noted that those sentenced to death are confined in detention facilities apart from other detainees, but otherwise receive identical treatment.

Custodial facilities attached to police stations, not constituting detention facilities in the formal sense, accommodated a total of 1,930,857 arrestees in 1981, an average daily population of 5,290, an increase of 318 from the previous year.

#### E. Women's Guidance Homes

Women's Guidance Homes house women 20 years old or older subjected to the disposition of guidance services for violation of the Anti-Prostitution Law (solicitation, etc.).

There has been a steady decline since the peak year of 1960 in the number of women convicted under the Anti-Prostitution Law and assigned to Women's Guidance Homes; only 20 such commitments were ordered in 1981, the same as during the preceding year. The following main features were observable in women confined in such homes over the past 23 years: They were generally 30 years old and over, and many of them had a lower than average I.Q. There were many who had been practicing prostitution for a long time and had previous criminal records (mostly violations of the Anti-Prostitution Law).

### III. Probation, Parole and Aftercare

#### A. Development of Non-Institutional Treatment during the Past Thirty Years

The Japanese criminal justice system changed dramatically upon the adoption of the new Constitution in 1947; in particular, the probation and parole system was completely restructured. The basic law on which non-institutional treatment rests is the Offenders Rehabilitation Law enacted in July 1949, which governs the organization and functions of regional parole boards and probation offices, and establishes procedures concerning adult and juvenile parole and probation. Japan's adult probation system was the product of amendments to the Penal Code and enactment of the 1954 Law for Probationary Supervision of Persons under Suspension of Execution of Sentence. The year 1950 saw repeal of the 1939 Rehabilitation Services Law and the abolition of its rehabilitation

workers (the predecessors of today's volunteer probation officers), and enactment of the Volunteer Probation Officer Law and Law for the Aftercare of Discharged Offenders. Supervision of parolees from women's guidance homes was effectuated in 1958 in the course of implementing the Anti-Prostitution Law.

New treatment programs, for example, differentiated treatment, group counseling, preparole guidance, and short-term treatment for juvenile traffic offenders, have been developed in an effort to adjust to the tremendous changes in Japanese society over the past thirty years. In addition, the prison law revision proposals mentioned earlier contemplate a consolidation of existing statutes as well as the institution of new treatment methods.

#### B. Parole

The granting of parole is the responsibility of the eight regional parole boards functioning under the Offenders Rehabilitation Law. Eligibility for parole is based on (1) service of at least one-third of a term of imprisonment or ten years of a life sentence;<sup>8</sup> (2) manifested penitence; (3) the prisoner's desire to cooperate in rehabilitation; (4) the unlikelihood of the commission of future crimes; and (5) community acceptance of parole in a particular case. A parole investigation of a prisoner may be requested by the director of the correctional institution in which he or she is confined, or instituted by the parole board itself. A single board member conducts an inquiry and presents each case to the three-member board; a majority vote governs.

At any time while an inmate is held in a correctional institution, either the director of institution or a parole board may request a probation officer assigned to a probation office to visit the inmate's family or any other person named by the inmate as one with whom he or she will have a close relationship following release, for the purpose of facilitating a smooth reintegration into society. This process usually commences soon after an inmate has been admitted to a correctional institution.

The fifty probation offices in Japan received a total of 37,904 requests from correctional institutions during 1981 for assistance with investigations and inmate re-assimilation into the community.

During 1981, 15,270 prisoners were paroled, a slight decrease from 1980. Parole recommendations were rejected in 8.7 percent of the cases considered by parole boards, a decrease of 2.1 percent from the year before. The rejection rate was highest concerning prisoners previously imprisoned six or more times (20.1 percent), which contrasted with

<sup>8</sup> To illustrate, any first offender receiving a sentence of imprisonment for three years or less may be granted a suspension of execution of sentence by the sentencing court. Defendants with a prior conviction are also eligible if they have not again been sentenced to imprisonment within five years after completion of or remission of service of an earlier sentence (Article 25, Penal Code).

rejections for 4.7 percent of those serving their first prison term. Corresponding rates were 8.9 percent for those sentenced to imprisonment with forced labor and 0.9 percent for those without forced labor, 8.7 percent for those sentenced to fixed prison terms, 16.3 percent for life termers, 15.8 percent for habitual offenders, and 5.0 percent for first termers. The rejection rates by length of prison term were as follows: 16.3 percent for those sentenced to imprisonment for more than five years; 15.0 percent for those for more than three up to five years or less; 9.8 percent for those for more than two up to three years or less; 7.8 percent for those for more than one up to two years or less; 6.2 percent for those for more than six months up to one year or less; 1.8 percent for those for six months or less. This indicates that the frequency of rejection is likely to become lower as the prison term is shorter.

Inmates not paroled are discharged after expiration of their full terms of imprisonment. Of the 29,503 prisoners released during 1981, 51.0 percent went free on parole while 49.0 percent were discharged after serving their entire sentences. Parole was granted to 51.8 percent of those released in 1980.

During 1981, 67 prisoners serving life sentences were paroled; 64.2 percent of them had been in prison for more than fourteen up to eighteen years or less.

The parole rejection rate for inmates of juvenile training schools was quite low. In 1981, only six of 4,322 parole recommendations were refused. There were 232 more juveniles released on parole from training schools in 1981 than in 1980, chiefly because of a rise in the juvenile population in such schools and an increased use of short-term treatment programs there.

Parolees from prison tend to remain longer in the community and be less likely to return to correctional institutions than former inmates released at the expiration of their full prison terms. Statistics on 28,648 prisoners (14,638 parolees and 14,010 full termers) released in 1979 showed that only 4.0 percent of those paroled from prison were sentenced again to imprisonment during the same year of their release, as compared with 12.7 percent of those who had served their full sentences. Similarly, a cumulative total of 28.5 percent of the parolees had been re-imprisoned until the end of 1981, in contrast with 50.2 percent of the full-termers. This wide differential may be accounted for by the strict standards according to which parole is granted to recidivists and the use of improved techniques for parole supervision.

#### C. Trends in Use of Probation and Parole

Five categories of persons can be placed under the supervision of a probation office for a specified period of time:

- Category 1: (Juvenile Probationers)  
 Juveniles placed on probation by family courts until age 20 or for a minimum of 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 incident to suspension of execution of sentence, for the specified period of supervision.
- Category 5: (Guidance Home Parolees)  
 Parolees released from women's guidance homes for the remainder of their terms of guidance.

Table 5 shows the total number of persons in each of the above categories received by probation offices throughout Japan during the last five years.

Table 5: Trends of Probationers and Parolees Newly Received by Probation Offices (1977-1981)

Category	1977	1978	1979	1980	1981
1. Juvenile Probationers	33,735	44,934	50,031	56,322	59,214
2. Training School Parolees	2,763	3,066	3,440	4,063	4,285
3. Prison Parolees	14,379	14,373	14,625	15,206	15,036
4. Adult Probationers	7,897	8,501	8,128	8,058	8,336
5. Guidance Home Parolees	—	—	2	3	—
Total	58,774	70,874	76,226	83,652	86,871

Among the 53,788 probationers and parolees (after excluding traffic juvenile probationers handled under the short-term program and guidance home parolees), 28.7 percent were charged with theft, 18.6 percent with road traffic law violations, 10.6 percent with professional or gross negligence causing death or bodily injury, and 11.5 percent with violation of the Stimulant Drugs Control Law. Of the ordinary juvenile offenders whose probation was not specifically for purposes of a short-term program, 30.3 percent were traffic law violators and 24.0 percent committed theft. In general, supervision periods for paroled prisoners are quite brief. Of all adult parolees released in 1981, 64.2 percent were placed under supervision for three months or less. On the other hand, those for adult

probationers are relatively long. Of all offenders placed under probationary supervision incident to a suspended sentence in the same year, 96.3 percent were under supervision for two to five years.

At the end of 1981, there were 84,221 probationers and parolees under supervision, an increase of 1,943 over 1980.

#### D. Results under Probation and Parole

Probationers and parolees who maintain a good community adjustment may be discharged from supervision by decision of a probation office director or a regional parole board. However, a court or a regional parole board may revoke a probation or parole order if the person subject to it violates probation or parole conditions or commits another offense during the period of probation or parole supervision.

In 1981, 84,912 probationers and parolees finished their period of supervision. They were divided into 57,542 juveniles placed on probationary supervision, 3,895 parolees from juvenile training schools, 15,001 parolees from prisons, and 8,474 probationers under suspended sentences. As for the 25,173 juvenile probationers, excluding 32,369 juveniles under short-term traffic probation, probationary supervision terminated for 17,051 (67.7 percent) as a result of early discharge from supervision because of their good community adjustment, and for 4,932 (19.6 percent) as a result of service of their full period or attainment of the statutory age limit for legitimate juvenile probationary supervision, while probation was revoked against 3,064 (12.2 percent) on the basis of misconduct. Of 3,895 parolees from juvenile training schools, 777 (19.9 percent) were discharged early from supervision with good conduct, and 2,339 (60.1 percent) completed their parole supervision at the expiration of their periods, while 23 (0.6 percent) were sent back to juvenile training schools as unsuited for parole and 730 (18.7 percent) had their parole revoked for misconduct. Among 15,001 parolees from prisons, 21 (0.1 percent) were granted remission of the execution of penalty, 12 (0.1 percent) completed their indeterminate sentences, and 14,016 (93.4 percent) finished their full parole period, while 811 (5.4 percent) had their parole revoked because of a new offense or failure to observe parole conditions. As for 8,474 who were awarded suspended sentences with probationary supervision, 5,785 (68.3 percent) including 1,502 (17.7 percent) who were discharged provisionally from supervision served their full period of supervision, while 2,548 (30.1 percent) had their suspended sentences revoked for a new offense or failure to observe probation conditions.

In 1981, the number of those who were subjected to protective or penal dispositions for new misconduct or a new offense during the probation period accounted for 21.3 percent for juvenile probationers, 27.1 percent for juvenile parolees, 2.3 percent for adult parolees and 36.1 percent for those under suspension of execution of sentence with probationary supervision. If all probationers and parolees are considered, those who had

been placed on probation or parole for violation of the Poisonous and Hazardous Substances Control Law committed new offenses the most frequently at 29.4 percent, followed by those for predelinquent acts at 25.1 percent and those for extortion at 24.1 percent. However, if only adult probation cases are considered, it is noteworthy that those under suspended sentences with probationary supervision for violations of the Stimulant Drugs Control Law manifested the highest recidivism rate at 52.2 percent.

Persons paroled from prisons experienced in 1979 a 28.5 percent rate of recommitment within three years after release (1,517 in number), compared with a 50.2 percent rate for those released after service of full prison terms (1,939). The rate of absconding from supervision has fluctuated. The rate at the end of 1981 came to 5.2 percent.

#### E. Aftercare

In order to prevent a new offense and facilitate rehabilitation, in addition to supervising probationers and parolees, probation offices provide various forms of assistance to offenders in need who were discharged without supervision. During 1981, a total of 9,016 persons received aftercare assistance. Of these, 6,625 had been discharged from prison after serving their full sentences, 1,536 were under suspension of prosecution through exercise of a public prosecutor's discretion, and the remaining 855 had received suspended execution of sentences without supervision and so on.

Services thus provided included (1) providing money for food, (2) providing clothing, (3) arranging for urgent medical care, (4) providing travel expenses, (5) furnishing certificates for half-fare train travel, and (6) providing lodging through referrals to rehabilitation aid hostels. Of the 9,016 persons receiving aftercare services, 3,974 were given provisional aftercare and 5,042 continuing care at rehabilitation aid hostels. Among those subject to provisional aftercare services, 1,686 were provided meals, 1,555 travel expenses, 692 clothing, and 41 arrangements for medical treatment.

Many of those who received provisional or continued aftercare services were those who had served their full term of imprisonment or their full period of parole supervision. They made up 65.7 percent of those given provisional aftercare services and 79.6 percent of those provided continued aftercare services. Next came those subjected to suspended prosecution with corresponding figures of 22.9 percent and 12.4 percent for provisional and continued aftercare services.

A rehabilitation aid hostel is engaged in providing lodging and food as well as assistance, counseling and advice in job-placement to the following persons: those referred to the hostel at the request of a director of a probation office from among those who are released from prison at the expiration of their full term, those who received a suspended sentence, are suspended from prosecution or have completed successfully the parole period, etc., or those who are undergoing probationary supervision; those who need still further aftercare services after successful completion of their probation period.

As of December 31, 1981, there were 101 rehabilitation aid hostels operated by 100 rehabilitation aid associations, with a total bed capacity of 2,617. Such associations are voluntary in nature, but function under the approval of the Minister of Justice. During 1981, these hostels accommodated 5,042 discharged offenders and 5,529 probationers and parolees. Aftercare services reflect the government's responsibility to assist offenders in achieving good community adjustment.

During the one-year period from April 1, 1981 to March 31, 1982, the rehabilitation aid hostels provided aftercare services for a total number of 524,512 person-nights (one person-night means that one person stays overnight at the hostel), they were divided into 445,050 persons who were referred there by the state and 79,462 who were accommodated there at the exercise of discretion on the part of hostels due to their need for continued aftercare services without any state intervention.

Out of those first-termers released from prison in 1981, those who wanted to return to their parents' homes constituted the largest group representing 37.8 percent, followed by those expected to be with their spouses at 27.1 percent, and those in rehabilitation aid hostels at only 11.7 percent. In case of prisoners with the experience of five or more times of imprisonment, the largest group was those who wanted to stay in rehabilitation aid hostels at 31.1 percent; only 18.8 percent and 10.7 percent of them wanted to return to their spouses and parents' homes, respectively. Thus, it was found that those accommodated in rehabilitation aid hostels generally showed more advanced criminal tendency.

For the purpose of facilitating a smooth reintegration into society, special treatment programs for from three months up to six months in rehabilitation aid hostels are provided for those offenders released on parole under sentence of life or eight years or more before they return to their final residences. Under these programs, some 35 parolees under life sentences and 59 parolees under sentences of eight years or more received such intensive treatment as vocational training, social education, living guidance, etc. during 1981.

#### F. Participation by Citizen Volunteers

Primary responsibility for probation and parole supervision, and related activities directed at crime prevention, lies with 797 professional probation officers assigned to 50 probation offices. However, because of heavy caseloads, they are assisted in their efforts by volunteer workers belonging to three voluntary associations, the Volunteer Probation Officers Association, Big Brothers and Sisters Association, and the Women's Association for Rehabilitation Assistance. Volunteer probation officers are nonpermanent national governmental officials appointed by the Minister of Justice. Each supervises an average of two probationers or parolees, and carries on various activities directed at crime prevention. The authorized number of such officers is 52,500; as of January 1, 1982, there were 47,153 actually serving in 876 probation areas throughout Japan.

The Big Brothers and Sisters Association comprises organizations of young people between 18 and 30 years of age who are concerned about the rehabilitation of social deviates. Each makes a friend of a delinquent and attempts to understand his or her problems. Each maintains close liaison with the professional and volunteer probation officers assigned to the case. There were 501 BBS local associations with 7,284 members as of April 1, 1982.

The Women's Association for Rehabilitation Assistance is a voluntary organization of women who, as mothers or wives, are concerned about crime and delinquency problems. Members further the activities of various organizations concerned with crime prevention and offender rehabilitation, visit inmates in correctional institutions and encourage probationers and parolees by presenting them with gifts in celebration of successful termination of supervision. As of April 1, 1982, there were 1,100 association chapters throughout Japan, with more than 208,132 members.

#### G. Pardons

Pardons may be granted by the Cabinet on either a general or an individual basis. General (collective) pardons are decreed through a specially issued ordinance commemorating a special occasion of national significance. For individual pardons, which may be either ordinary or special, a public prosecutor, chief administrator of a prison or probation office director must initiate an application through the National Offenders Rehabilitation Commission before the Cabinet may act. The Commission received pardon applications for 224 persons in 1981.

No general pardon was granted in 1981, but 120 persons were granted ordinary pardons, a decrease of 74 from 1980, as shown in Table 6. Twenty-eight of 29 persons granted remission of execution of penalty were parolees under life sentence.

Table 6: Ordinary Pardons (1977-1981)

Year	Special Amnesty	Commutation of Penalty	Remission of Execution of Penalty	Restoration of Rights	Total Granted	Total Denied
1977	—	9	30	165	204	116
1978	5	7	47	187	246	39
1979	—	4	28	143	175	40
1980	2	2	30	160	194	31
1981	—	—	29	91	120	64

## PART THREE: JUVENILE DELINQUENCY

### I. Trends in Juvenile Delinquency

Under the Juvenile Law of Japan, persons under twenty years of age are classified as juveniles and are subject to special procedure designed for their protection, education and treatment. Juvenile delinquents under the Juvenile Law fall into three categories:

- (1) Juvenile offenders: Persons aged fourteen through nineteen who commit offenses under the Penal Code or special legislation.
- (2) Child offenders: Persons younger than fourteen and thus not amenable to criminal penalties under the Penal Law, who commit acts which, if done by adults, would constitute criminal offenses.
- (3) Predelinquent juveniles: Persons younger than twenty years of age who, on the basis of criteria contained in the Juvenile Law, are thought likely to commit future offenses.

Juvenile delinquents older than sixteen may be referred by a family court to a public prosecutor for criminal trial. Figure 4 charts the flow of juvenile cases in the Japanese system.

#### A. Juvenile Delinquency in 1981

Convenient analysis of trends in 1981 suggests a division of juvenile delinquency into four categories: (1) Penal Code offenders, (2) traffic violators, (3) offenders against special laws, and (4) predelinquent juveniles.

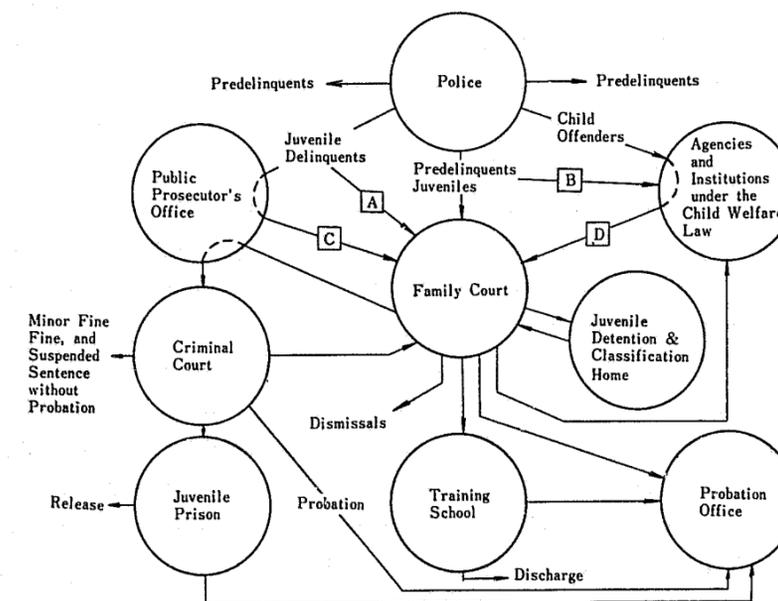
##### 1. Penal Code Offenders

Japanese police investigated during 1981 a total of 303,915 juvenile and child offenders suspected of violating the Penal Code (34,146 more than in 1980). Juvenile offenders accounted for 31.2 percent of all Penal Code offenders investigated by police, an increase of 2.0 percent over 1980. 1981 saw 17.2 juvenile offenders per 1,000 juveniles in the population (juveniles aged 10 or above to less than 20), or 1.5 more than the previous year, representing about twice as many as 8.1 adult offenders per 1,000 adults in the population (adults aged more than 20). The number of juveniles investigated by the police and the proportion of juvenile and child offenders among all Penal Code offenders

Article 31, (1), (3) of the Juvenile Law defines a predelinquent juvenile as one prone to commit an offense or violate a criminal law or ordinance, on the basis of character and surrounding circumstances, because he or she (a) habitually disobeys the reasonable mandates of a parent or guardian, (b) repeatedly runs away from home without good reason, (c) associates with known criminals or immoral persons, or frequents places of dubious reputation, or (d) habitually conducts himself or herself in a manner likely to injure or endanger his or her own morals or those of others.

reached a postwar high in 1981. Historically, the number of juvenile suspects investigated by the police peaked in 1951 at 166,433 and then declined for a few years. The trend was reversed in 1955, reaching another high point of 238,830 in 1964. The following three years showed a decreasing tendency. The annual rate then fluctuated between 1968 and 1973 at around 200,000. The years 1974 to 1976 again saw a decreasing tendency. The trend, however, was reversed in 1977, and the figure, as indicated, rose well above the 300,000 mark in 1981.

Figure 5: Juvenile Justice System of Japan



- A Police must send juvenile delinquency cases to a public prosecutor unless the underlying offense is punishable only by a fine or a lesser penalty; in the latter instance cases go directly to a family court (Article 41, Juvenile Law; Article 246, Code of Criminal Procedure).
- B In instances of predelinquent juveniles under 18, a police officer, parent or guardian who believes measures under the Child Welfare Law are preferable to family court action based on an information may directly contact a child guidance center concerning the case (Article 6[2], Juvenile Law; see also Note D below).
- C A public prosecutor who believes a juvenile has committed an offense must submit the case to a family court; a similar transfer must be made of any case against a predelinquent juvenile even though there is an insufficient basis to file a formal charge (Article 42, Juvenile Law).
- D If a prefectural governor or director of a child guidance center believes that compulsory measures, for example, a restriction on freedom of activity or deprivation of liberty, should be taken against a juvenile who comes within the Child Welfare Law, the case must be referred to a family court (Article 6[3], Juvenile Law). A family court has jurisdiction over child offenders and predelinquent juveniles under age 14 only after such a referral has been made (Article 3[2], Juvenile Law).

An examination of the statistics reflecting juvenile and child offenders investigated by the police for nontraffic Penal Code offenses during the period from 1966 to 1981 shows an increase from 39.0 in 1966 to 52.0 in 1981 in the percentage of juvenile and child offenders among all nontraffic Penal Code offenders investigated by the police and from 9.0 in 1966 to 14.3 in 1981 in the rate of the same juvenile and child offenders per 1,000 minors aged 10 or above to less than 20 in the population. These two figures as well as the number of juvenile and child offenders (252,808) investigated by the police in 1981 represented a record high over the past 16 years.

Figure 6 shows trends in annual rates of suspected juvenile offenders per 1,000 juvenile population in such groups as child offenders (10 to less than 14 years old), juveniles of lesser age (14 to 15 years old), juveniles of middle age (16 to 17 years old), and juveniles of upper age (18 to 19 years old), in comparison with corresponding rates for adults, over the past 16 years. It is noteworthy that the drastic increase in the rates for juveniles of lesser and middle ages is conspicuous. The difference between the rates for all juveniles and adults has been growing greater year after year.

Among all juvenile nontraffic Penal Code offenders investigated by the police in 1981, theft accounted for an overwhelming 78.1 percent, followed by embezzlement at 6.2 percent and bodily injury at 4.1 percent.

In terms of six major penal offenses such as homicide and robbery (heinous offenses), bodily injury (violent offense), theft (property offense), rape (sexual offense), and arson (offense dangerous to the public at large), 1981 listed the following findings for the number of juvenile offenders (10 to less than 20 years old) investigated by the police, their percentage among all violators against the above six major penal offenses and their rates per 100,000 juvenile population: In homicide, 60 investigated juveniles, a percentage of 3.5, and a rate of 0.3 (2.0 for adults); in robbery, 779, 35.7 and 4.4 (1.7 for adults); in bodily injury 10,415, 29.6 and 59.0 (30.2 for adults); in theft about 197,000, 60.7 and 1,178.3 (155.3 for adults); in rape, 1,027, 38.4 and 5.8 (2.0 for adults); in arson, 527, 39.9 and 3.0 (1.0 for adults).

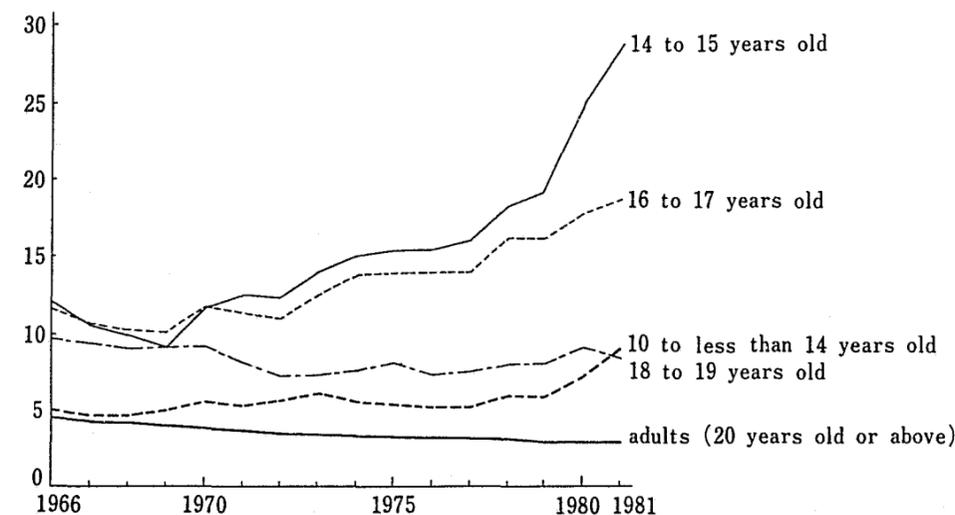
There also have been significant changes in female juvenile delinquency, both in amount and character. Police during 1981 investigated 35,312 girls suspected of Penal Code offenses, an increase of 3,919 from 1980; they represented 19.0 percent of all juvenile nontraffic Penal Code offenders. Property offenses were by far the most frequently committed crime (more than 90 percent).

Another notable aspect of female juvenile delinquency was that the year of 1981 saw the highest number of violent offenders over the past 10 years, at 2,505.

## 2. Road Traffic Offenders

In 1981, 51,107 juveniles who committed professional or gross negligence causing death or bodily injury came to the knowledge of the police, an increase of 1,294 or 2.6

Figure 6: Trends in Rates of Juveniles and Adults Investigated by the Police for Nontraffic Penal Code Offenses per 1,000 Population in Each Age Group (1966-1981)



percent over the preceding year. The number of juvenile violators of the Road Traffic Law referred to public prosecutor's offices or family courts was 309,254, a rise of 18,099 or 6.2 percent over 1979.

The majority of juvenile violators of the Road Traffic Law are processed through the traffic infraction notification procedure (traffic infraction ticket system). The total number of juvenile cases of Road Traffic Law violations including those subjected to such procedure stood at a whopping 1,533,136 in 1981, an increase of 110,254 (7.7 percent) over the preceding year. Out of these 1,533,136 cases, the most frequently encountered violation was speeding at 19.3 percent, followed by driving without carrying a driving license at 7.0 percent.

## 3. Special Law Offenders

The number of juveniles investigated by the police during 1981 for suspicion of violating nontraffic criminal statutes outside the Penal Code was a total of 37,285 (1,413 less than in 1980).

Since 1967, a major problem has been substance abuse by juveniles, particularly of paint thinner and volatile glue. In light of the seriousness of the situation, which saw some 70 accidental deaths (of which 20 were adults), the government amended the Poisonous and Hazardous Substances Control Law in 1972 to include such chemicals. Despite vigorous and dedicated enforcement of the revised law, hazardous substance abusers comprise the major group among nontraffic, special statute offenders—26,130 in 1981, 70.1 percent of the total.

Juveniles subjected to police investigation because of their delinquent behaviors relating to the Stimulant Drugs Control Law reached 2,575, an increase of 544 over the previous year. It should be noted that this number was 34 times as many as that of 75 in 1972.

#### 4. Predelinquent Juveniles

Police during 1981 gave guidance and direction to about 1,200,000 misbehaving juveniles who had engaged in such activities as smoking, drinking, squabbles, and other acts harmful to their own or another's morals. The year of 1981 had the largest number of misbehaving juveniles during the past five years. However, there has been a steady drop since 1965 in the number of juveniles actually referred by police to either family courts or child guidance centers; there were in all 4,922 such referrals in 1981.

#### B. Background and Notable Aspects of Juvenile Criminality

##### 1. Increase of Theft

Among the recent trends in the considerable increase in juvenile delinquency, one of the most notable aspects is the increase of theft cases. In 1981, the number of juvenile theft offenders (age 14 to less than 20) investigated by the police reached 139,347, which represented some 75.4 percent of all juvenile nontraffic Penal Code offenders. The most frequent type of theft was shoplifting (39.6 percent), followed by motorcycle theft (19.6 percent) and bicycle theft (13.1 percent).

A survey on causes of the sample juvenile theft cases conducted jointly by the Criminal Affairs Bureau and the Ministry of Justice Research and Training Institute found out that the most common cause was "greed" (61.8 percent), followed by "pleasure seeking" (30.2 percent) and "poverty or hard-pressed livelihood" (0.8 percent). It might be said that theft in recent years manifests one of the characteristics in current juvenile delinquency which is characterized by a pleasure seeking tendency combining "desire for gain" (satisfaction of material desires) and "amusement" (search for thrill and speed).

##### 2. Abuse of Drugs

During 1981, a total of 2,575 juveniles (an increase of 544 or 26.8 percent over the 1980) was investigated by the police for suspicion of violations of the Stimulant Drugs Control Law. Among them, unemployed juveniles constituted 51.3 percent, employed juveniles 40.3 percent, and students 8.4 percent. In the group of students, the number of girls exceeded that of boys.

As for juveniles who were given police guidance for misuse of organic solvents such as paint thinner, etc., 1981 had altogether 43,536 of juveniles of this type. This number was a decrease of 1,625 from 1980. However, the number of misusers of organic solvents among secondary school students showed an increase of 763 (or 11.2 percent) over the previous year.

##### 3. Increase of Heinous Crimes and Violent Crimes

Statistics of the recent five years reveal that there has been an increasing tendency in juvenile offenses categorized as heinous crimes (especially rape, arson, and robbery). As for violent offenses (such as bodily injury, assault, extortion), the number of juveniles investigated by the police has been increasing drastically since 1980.

#### 4. Joint Criminal Behaviors of Juveniles

The aforementioned sample survey conducted jointly by the Criminal Affairs Bureau and the Ministry of Justice Research and Training Institute revealed that some 54.7 percent of juvenile offenders excluding traffic offenders in 1981 committed offenses jointly, which indicates an increasing tendency toward joint criminal behaviors of juveniles. The fact that only 8.5 percent of them were associated with delinquent groups, however, might be interpreted to mean that such joint offenses were increasing in the form of provisional collusion characterized by unorganized and flexible combinations.

The "hot-rod" group is one of the typical delinquent groups. As of the end of November of 1981, there were 770 such groups, consisting of persons cruising around noisily in several vehicles, made up of 40,629 members. Juveniles accounted for 78.3 percent of these members. The number of members of "hot-rod" investigated or given guidance by the police totaled 5,911 for Penal Code offenses, 2,391 for special law offenses, and 27,430 for predelinquent or misbehaving acts. The number of juvenile "hot-rod" members in all three categories decreased from the previous year. However, the number of "hot-rod" member juveniles investigated by the police on suspicion of arson reached 33, an increase of 29 from 1980.

#### 5. Recidivism

An analysis of the recidivism rate for juvenile nontraffic offenders (14 through 19 years old) showed that it was declining recently for about some 27.1 percent during 1981. This might be regarded as a favorable trend in the recidivism rate. However, it cannot be overlooked that the actual number of recidivists had been increasing in the last five years, amounting to 50,199 in 1981 (an increase of 4,475 from the previous year). Among previous dispositions to such repeaters, dismissal without or after a hearing in the family court represented more than 45 percent. Moreover, the interval between the previous disposition and the present delinquent act had been becoming shorter; 69.5 percent of juvenile recidivists had an interval of less than one year in 1977, 68.8 percent in 1978, 67.5 percent in 1979, 72.5 percent in 1980, and 73.2 percent in 1981.

#### 6. Family and Juvenile Delinquency

An examination of guardians and economic conditions in families of juvenile delinquents shows that about 80 percent of the juveniles had both parents and that the same percentage of the families belonged to above-average income groups. In these findings is manifested one of the features in present-day juvenile delinquency, "pervasion of crime (delinquency)" brought about by an improvement of the living standard in an

affluent society.

Violence in the home is one of the characteristic aspects of the current situation concerning juvenile delinquency. In 1981, 1,194 juveniles who committed violence in their homes came to the knowledge of the police. Among them, the largest group was secondary school students, representing about 40 percent of the total. The most common victims of such violence were mothers at 628, or 51.0 percent, followed by fathers at 163, or 16.2 percent. Regarding juvenile upbringing, both parents of juveniles involved in violence in the home were conspicuously noninterfering or there was excessive interference or overprotection on the part of mothers in 1981.

#### 7. School and Juvenile Delinquency

The number of students of middle schools and high schools who committed nontraffic Penal Code offenses had manifested a sharp numerical increase during a ten-year period ending in 1981. Two-fold increases were observable both in juvenile delinquents in middle schools, from 44,792 in 1971 to 116,972 in 1981, and in those in high schools, from 30,703 in 1971 to 65,810 in 1981. In contrast, the number of employed juvenile delinquents who committed such offenses had been decreasing steadily, down to 14,343 in 1981 from 29,513 in 1971.

The number of students guided by police on account of their violence in schools amounted to 10,468 in 1981, an increase of 1,410 from the previous year; the number of junior high school students in particular jumped up to 8,862 in 1981, double the number in 1977. The number of high school students has stabilized since 1975, totaling a mere 1,606 in 1981.

Recent trends, characteristics and backgrounds of juvenile criminality may be summarized as follows: (a) A remarkable increase in the number of juvenile delinquents, (b) the pervasiveness of juvenile delinquency, (c) an increase in the number of younger juvenile delinquents, (d) an increase in the incidence of juvenile delinquency for pleasure-seeking (fulfillment of desires for gain and amusement), and (e) a numerical increase of recidivists.

#### C. Disposition and Treatment of Delinquent Juveniles

##### 1. Dispositions by Public Prosecutors

Public prosecutor's offices during 1981 received 193,617 cases of juveniles suspected of committing offenses other than Article 211 of the Penal Code and Road Traffic Law violations, an increase of 18,667 (10.7 percent) over 1980; of those, 151,853 (78.4 percent) were property crimes. Although heinous offenses such as homicide, robbery, rape, arson, etc. totaled only 2,715 (1.4 percent), they showed an increase of 53 (2.0 percent) over 1980. In terms of age, the breakdown was thus:

14-15	42.9%
16-17	37.2%

18-19 19.9%

Property offenses and violent crimes prevailed among the fourteen-to-fifteen age group (46.2 percent and 40.6 percent respectively), while heinous crimes were most frequent in the sixteen-to-seventeen age category (41.6 percent), and violations of special laws were most frequent in the eighteen-to-nineteen age category (59.1 percent). The percentage of juvenile cases among all nontraffic criminal cases received by public prosecutor's offices in the past few years experienced an annual increase to 36.3 percent in 1981, a rise of 3.7 percent over 1980. It was on the increase in heinous, violent, and property offenses.

Public prosecutors are not empowered to decide whether prosecution will be instituted against juveniles. Instead, after investigating such cases they must transfer them to family court with a treatment recommendation. Such referrals occur in almost all juvenile cases received by public prosecutor's offices. Some cases, however, are later retransferred to public prosecutor jurisdiction, with the expectation that most, if not all, of them will result in institution of prosecution. Accordingly, during 1981, 35,337 of the 35,738 juveniles remanded from family courts were prosecuted. Of these, 31,072 (87.9 percent) were charged with violating the Road Traffic Law, and 4,080 (11.5 percent) with Penal Code offenses; 90.1 percent of the latter were charged with violating Article 211. Out of these prosecuted cases, 96.8 percent were processed through summary order proceedings while only 3.2 percent were subjected to formal trial proceedings.

##### 2. Family Court Adjudications

Family courts have jurisdiction (1) to decree treatment measures for juvenile delinquents from among the three protective dispositions authorized under the Juvenile Law (i.e. probationary supervision or commitment to either a juvenile training school or a child education and training home), (2) to remand to a public prosecutor's office for prosecution, or (3) to discharge a juvenile respondent without further action, either with or without a judicial hearing.

During 1981, a total of 617, 212 juveniles were referred to family courts, an increase of 32,582 over 1980. Of these, 53.2 percent were charged with Road Traffic Law violations, 31.1 percent with Penal Code offenses other than Article 211 crimes, 9.2 percent with Article 211 offenses, and 5.6 percent with violations of special laws other than the Road Traffic Law; only a small fraction (0.7 percent) were alleged to have engaged in predelinquent behavior.

Table 7 shows the final dispositions of nontraffic offenders in family courts.

An evaluation of 1980 dispositions of Article 211 traffic cases in family courts shows that 5,410 cases (11.2 percent) were retransferred to public prosecutor's offices for prosecution, and 12,224 juveniles (25.4 percent) were either committed to juvenile training schools or placed under probationary supervision. During the same period, family

courts disposed of 256,255 juvenile violators of the Road Traffic law; 35,310 (13.8 percent) were remanded to public prosecutor's offices for prosecution, while 30,201 (11.8 percent) were either committed to juvenile training schools or placed on probation. In 1980, out of 3,255 predeinquent juveniles, 1,394 or 42.8 percent were either committed to juvenile training schools or placed under probationary supervision.

Table 7: Final Dispositions of Nontraffic offenders in Family Courts\*  
(%)

Disposition \ Year	1965**	1975	1979	1980	1981
Dismissal without Hearing	87,979 (55.5)	77,760 (65.6)	107,799 (69.2)	120,040 (69.5)	133,486 (69.6)
Dismissal after Hearing	39,668 (25.0)	28,475 (24.0)	31,878 (20.5)	33,524 (19.4)	36,919 (19.2)
Referral to Child Guidance Center	561 (0.4)	168 (0.1)	135 (0.1)	153 (0.1)	252 (0.1)
Probation	19,262 (12.2)	8,655 (7.3)	11,331 (7.3)	13,782 (8.0)	15,002 (7.8)
Commitment to Child Education and Training Home	228 (0.1)	115 (0.1)	127 (0.1)	143 (0.1)	280 (0.1)
Commitment to Juvenile Training School	7,079 (4.5)	2,230 (1.9)	3,384 (2.2)	3,893 (2.3)	4,617 (2.4)
Referral to Public Prosecutor	3,607 (2.3)	1,106 (0.9)	1,056 (0.7)	1,254 (0.7)	1,239 (0.6)
Total	158,384 (100.0)	118,509 (100.0)	155,710 (100.0)	172,789 (100.0)	191,795 (100.0)

\*Excluding Article 211 cases and predelinquent behavior (except for 1981).

\*\*Statistics in 1965 do not include "no delinquency".

### 3. Criminal Adjudications

In 1980, by far the greatest number of juvenile offenders prosecuted after a family court remand to a public prosecutor's office were fined as a result of summary order proceedings; only 712 (an increase of 43 or 6.4 percent over 1979) were convicted after formal trial proceedings. Among the latter, 666 were sentenced to imprisonment for either a determinate (527) or an indeterminate (139) term. However, suspended execution of sentence was decreed in 526, or 79.0 percent, of the imprisonment cases, although only 152 (22.8 percent) included probationary supervision as well. 140 were incarcerated. Article 211 cases were by far the most common, numbering 385 (54.1 percent), followed by violations of the Road Traffic Law (85 or 11.9 percent), theft (48 or 6.7 percent), violations of the Stimulant Drugs Control Law (41 or 5.8 percent), and bodily injury (34 or 4.8 percent).

Courts of criminal jurisdiction are empowered to retransfer cases involving juvenile defendants to family courts if they are more properly to be dealt with through protective

measures rather than criminal penalties. In 1980, however, only seven juvenile offenders were processed in that way.

### 4. Juvenile Classification Homes

Juvenile classification homes conduct prehearing investigations and classification procedures concerning juveniles referred to them by family courts. There are 52 such homes (including one branch home), with at least one in each of Japan's forty-seven prefectures; they are administered through the Ministry of Justice. Juvenile classification is performed by staff specialists in medicine, psychology, social work and education; their findings and treatment recommendations are transmitted to the referring family court judge.

During 1981, 21,897 juveniles, including 2,791 females (an increase of 171, or 6.5 percent, over 1980), were committed to classification homes, 1,671 (8.3 percent) more than the year before. In the treatment of juveniles committed thereto, an emphasis is placed on securing a peaceful and quiet environment to prepare them to attend the hearing of the family court without fear. In the schedule of their daily work, special consideration is given to reading, physical exercise and recreation for the purpose of alleviating their anxiety and tension. Continuous efforts are also being made for better diagnoses of the personality of juveniles, applying the professional knowledge of such fields as psychology, psychiatry, and social work. Recently, what is called "exploratory treatment" has been introduced into juvenile classification homes. The objective of this program is to examine thoroughly the problems, possibilities, and personality of each juvenile. For this purpose, juveniles are assigned to various tasks; for example, drawing pictures, clay-modeling, group discussion, composition, and reading. A follow-up study of those 21,917 juveniles released from the homes in 1981 showed that 34.7 percent were placed under probationary supervision, 22.9 percent were committed to juvenile training schools, 14.7 percent were placed on provisional probation, 8.1 percent experienced revocation of protective detention, 5.9 percent were dismissed with or without hearing, 2.1 percent were referred to public prosecutors for prosecution, and 1.4 percent were committed to child education and training homes or to protective institutions.

Juvenile classification homes can evaluate juveniles as outpatients at the request of agencies related to the Ministry of Justice and interested individuals other than family courts. The homes received altogether 44,666 juveniles for evaluation from family courts, these agencies, etc. in 1981, a decrease of 707 from the previous year. The decrease was mostly due to a reduction of such requests for evaluation by agencies related to the Ministry of Justice despite an increase of 1,335 on the basis of family court action over the previous year.

Among all 44,666 juveniles received by the homes for classification procedures in 1981, traffic-related offenders accounted for 10,106. The breakdown by referring agency

of these 10,106 traffic-related juveniles shows the highest figure of 5,669 to be from probation offices under the Ministry of Justice, followed by 2,791 under protective custody and 1,071 not under such custody from family courts. Compared with 1980, there were 1,607 fewer referrals from probation offices, 527 more under protective custody, and 112 fewer not under such custody from family courts in 1981.

48.7 percent of male juveniles committed for evaluation were in the transitional 18 and 19 age group, those 16 and 17 comprised 38.2 percent of the group and those 14 and 15, 13.2 percent. In the case of female juveniles, the corresponding figures for each age group were 19.6, 42.9 and 37.5 percent, respectively.

Those committed were most frequently charged with theft (31.3 percent), road traffic violations (11.2 percent), bodily injury (8.1 percent), violations of the Poisonous and Hazardous Substances Law (5.1 percent), and violations of the Stimulant Drugs Control Law (8.2 percent); predelinquent juveniles constituted 11.9 percent of the total.

The results of psychological assessments of those committed to classification homes showed that 5.6 percent of them had an IQ lower than 69 and that 2.5 percent were diagnosed as mentally disturbed (1.3 percent as mentally retarded, 0.2 percent as psychopathic, 0.1 percent as neurotic and 0.9 percent as otherwise mentally disturbed).

#### 5. Juvenile Training Schools

Commitment to a juvenile training school is one of the three protective measures provided for in the Juvenile Law. Juvenile training school programs are built on inmate discipline in a sympathetic environment, academic and vocational training, medical care, and cultural and recreational activities. The Ministry of Justice maintains 59 juvenile training schools in four categories: primary, middle, advanced and medical.

As a means to confront the increasing complexity of juvenile delinquency patterns, juvenile training schools introduced new educational programs in June 1977. These programs have two primary objectives. One is to improve short-term programs for traffic violators and ordinary delinquents in relatively small open and semi-open institutions. The maximum period of residence is set administratively at four months for traffic violators and six months for other delinquents. Primary emphasis is placed on formation of responsible social attitudes through disciplined activities. The second objective is that each training school develops, in a form tailored to its facilities and objectives, courses in (1) guidance for living, (2) vocational education, (3) general academic education, and (4) special education for retarded or emotionally unstable residents, as well as (5) therapeutic programs for physically or mentally handicapped juveniles. Each juvenile training school develops, on the basis of its facilities and the characteristics of resident juveniles, its own curriculum made up of five major subjects, i.e., living guidance, vocational guidance, academic education, physical exercise, and special educational activities (or group guidance).

Changes in treatment programs introduced in June of 1977, described above, have had a definite impact on the treatment in juvenile training schools. Short-term treatment is focused on those with only slight delinquent tendencies; the education it provides is designed to awaken and reinforce law-abiding attitudes through disciplined group living in an open environment. Long-term treatment thus is reserved for those on whom short-term programs are likely to have insufficient impact. It offers guidance in living, vocational training, academic education, special education, and therapeutic treatment based on individual needs and the nature of the prior misconduct.

The number of juveniles newly admitted to juvenile training schools has been increasing since 1975. In 1981, it reached 5,004, an increase of 284, or 6.0 percent, over the previous year. The 5,004 included 210 (a decrease of 8.7 percent) for traffic short-term treatment, 1,625 (an increase of 7.5 percent) for ordinary short-term treatment and 3,169 (an increase of 6.4 percent) for long-term treatment. The breakdown by age of the newly admitted juveniles in 1981 indicated 15.3 percent for those between the ages of fourteen and fifteen and 47.1 percent for those eighteen or more years old. Juveniles aged eighteen or more were the largest age group in every course: 64.3 percent in the traffic short-term course, 44.1 percent in the ordinary short-term course and 47.6 percent in the long-term course. Juveniles aged fourteen through fifteen made up 14.5 percent of juveniles in ordinary short-term treatment and 16.7 percent of those in the long-term course. The age distribution of the newly admitted girls showed that girls aged sixteen through seventeen was the largest group, comprising 41.2 percent of the total in contrast to 35.1 percent for the fourteen and fifteen age group and 23.7 percent for those aged eighteen and nineteen.

The percentage of juveniles in three courses who had dropped out of high school or undergone education in high school or a higher academic institution was highest in the traffic short-term course, followed by the ordinary short-term course and then the long-term course. 12.5 percent of those newly admitted to the long-term course and 9.9 percent of those to the ordinary short-term course were middle school students.

Crimes from which commitments flowed were principally theft (41.3 percent—46.4 percent for juveniles in the long-term course, 36.2 percent for those in the ordinary short-term course, and 3.8 percent for those in the traffic short-term course). In the long-term course, the most frequently encountered delinquent acts were murder, robbery, arson, violations of the Stimulant Drugs Control Law, and predelinquency commitments; in the ordinary short-term course, the most prevalent crimes were bodily injury, rape, indecent assault, professional or gross negligence causing death or bodily injury, violations of the Law Punishing Acts of Violence, violations of the Poisonous and Hazardous Substances Control Law, and violations of the Road Traffic Law. Even though the gross number was not great, there was nevertheless a dramatic increase in the frequency of

stimulant drug offenses; there also is an increasing trend in traffic violations.

Juveniles who had been associated with organized crime groups were found most frequently among those in the long-term course, while street gang group members were found frequently in both the long-term and short-term courses for ordinary delinquents. In 1981, among the newly admitted juveniles, the rate of those who had been members of hot-rodder groups was up conspicuously in the traffic short-term course, and stood at a height of 47.1 percent.

During 1981, 422 certificates of completion of basic studies were presented to training school residents who had not completed compulsory education requirements before their commitments. 851 juveniles were receiving education by way of correspondence courses. Moreover, 2,129 boys and girls were awarded, on the basis of the vocational training which they had received at the schools, certificates or qualification diplomas in fields like abacus use, vehicle operation, welding, carpentry and woodworking, automobile mechanics, printing, sheetmetal work, drafting and electronics. 504 juvenile training school residents were provided with vocational training services in the community. A total of 25,325 boys and girls were allowed to go outside to engage in educational activities such as community services and a total of 1,947 were permitted to stay away over night for identical purposes.

#### 6. Juvenile Prisons

Juvenile offenders sentenced by courts other than family courts are committed to juvenile prisons, which are more treatment oriented than adult correctional facilities. Inmates of juvenile prisons may be subject to continuous incarceration even after attaining the age of legal majority up to the age of 26.

The nine juvenile prisons in Japan admitted 135 juveniles in 1981, 6 less than in 1980. Most juvenile inmates are under indeterminate sentences. The largest percentage of them (32.6 percent) were convicted of Article 211 crimes, followed by theft (14.1 percent), violations of the Stimulant Drugs Control Law (10.4 percent), robbery (9.6 percent), rape (8.1 percent), and murder (4.4 percent). Such cases as robbery, bodily injury, violations of the Narcotics Control Law, violations of the Stimulant Drugs Control Law, and violations of the Road Traffic Law had increased compared with the previous year. About 40 percent of the juvenile prisoners sentenced to imprisonment with forced labor had a term of more than two years, while none of those imprisoned without forced labor had a term of more than two years. Obviously, no juvenile prison inmate has a prior record of adult imprisonment. However, 43.7 percent had been subjected to protective measures by family court action, and 83.1 percent of that group had been confined in juvenile training schools.

Treatment programs in juvenile prisons emphasize vocational and academic education. Juveniles who had undergone vocational training were utilizing their acquired skills

in their occupations after they were released from prison. In particular, the employment rate in relevant industries was higher for those provided with vocational training in construction work, mechanics, welding, electric maintenance work, and hairdressing. General education certificates are awarded, principally to those who had not completed the period of compulsory education before commitment. Local high schools also cooperate in making available correspondence courses for inmates.

Life guidance is also conducted very actively in juvenile prisons to facilitate the reintegration of inmates into society with due regard to striking the balance between discipline and education. Life guidance programs include admission orientation, group disciplinary training, physical exercise, guidance by voluntary visitors and voluntary chaplains, various special events, educational projects outside of prisons, recreational activities, pre-release orientation, etc. Inmates are involved in such programs positively and enthusiastically.

#### 7. Juvenile Parole and Probation

During 1981, 4,316 juveniles were granted parole from juvenile training schools by parole boards, 232 more than during 1980. Included were 2,554 undergoing long-term treatment, 1,546 receiving ordinary short-term treatment, and 216 participating in traffic short-term treatment. Paroles also were extended to 87 juveniles imprisoned under indeterminate sentences; 19 of them (21.8 percent) were released before serving their minimum sentences.

During 1981, fifty probation and parole offices throughout Japan received 59,214 new juvenile probationers (including 33,083 juveniles who were subject to short-term probationary supervision for juvenile traffic offenders) and 4,285 juvenile training school parolees. The total number of these probationers and parolees exceeded those for 1980 by 2,892 and 222, respectively.

The year 1981 saw 9,183 more juvenile probationers and 845 more juvenile training school parolees, compared with 1979. Among these 9,183 probationers, 6,585 (71.7 percent) committed traffic offenses (professional or gross negligence causing death or bodily injury and violations of the Road Traffic Law). The increase in training school parolees was mainly attributable to the rise in traffic offenses, drug-related offenses, and property offenses. Violators of the Narcotics Control Law and the Stimulant Drugs Control Law among juvenile probationers and parolees were noticeably increasing during the period 1979 to 1981, amounting to 1.7 times as many probationers and 1.9 times as many parolees, respectively, though their numbers in comparison to all juvenile probationers and parolees were insignificant.

Of the 14,516 nontraffic juvenile probationers and 11,615 traffic juvenile probationers (excluding short-term treatment) placed under supervision during 1981, 38.9 percent of the former and 34.0 percent of the latter had dropped out of high school, and

6.3 percent of the former and 21.4 percent of the latter had graduated from high school. Of the 2,573 juveniles paroled from long-term treatment juvenile training schools and 1,712 from short-term treatment schools during the same year, 24.3 percent of the former and 42.5 percent of the latter had dropped out of high school, and 1.3 percent of the former and 4.7 percent of the latter had graduated from high school. Generally speaking, traffic juvenile probationers and training school parolees under short-term program were at a higher educational level than other juvenile probationers and parolees.

Probationary supervision was terminated during 1981 for 25,173 juvenile probationers other than those in short-term traffic programs. Satisfactory performance during probation was the basis for 17,051 (67.7 percent) of these discharges, while 3,064 (12.2 percent) had probation revoked for receiving a new disposition for new offense. During the same period, 33,083 juvenile traffic offenders were placed under short-term supervision in accordance with the new system which went into effect in April 1977; 31,991 of them successfully completed their period of supervision. Out of 3,895 juveniles paroled from training schools, successful completion of parole also was recognized through discharge of 777 (19.9 percent) while 730 (18.7 percent) terminated their parole period due to revocation. The rate of successful completion of parole was 34.3 percent for those from short-term treatment training schools and 11.5 percent for those from long-term treatment training schools.

## PART FOUR: THE TREND OF DRUG OFFENSES AND COUNTERMEASURES AGAINST THEM

### I. The Trend of Drug Offenses

#### A. Types of drugs being abused

Although stimulant drugs, narcotics, opium, hemp and so forth are abused in Japan, the most popular ones are stimulant drugs, including amphetamines. Amphetamines have their place in medicine in the treatment of fatigue and depressed states. They also have a powerful habit-forming effect and occasionally cause hallucinations which may result in violent behavior.

The second most popular one is hemp which is typically abused by some musicians and entertainers.

Among youth, the most serious problem is abuse of organic solvents which contain paint thinner, glue, etc. Paint thinner is used in industrial and domestic work, and can be easily and cheaply obtained. The elements have the pharmacological effects of attacking the central nervous system. If the fumes are inhaled, there is a decline in the function of the nervous system, and a numbing feeling is experienced by the abuser. Some of the consequences are (1) reason and intelligence which control our emotions or impulses lose some of their effectiveness; (2) hallucinations, a state of dreaming meditation, feeling of euphoria, and motor ataxia, etc. may appear; (3) continued sniffing of these substances may destroy the respiratory centre and bring on death. Often people who use this method (referred to in Japan as "thinner play") do this in the belief of the enjoyment of the lassitude. People who abuse paint thinner apparently receive such satisfaction from these abnormal euphorias that they will continue its use although they know that it can result in their death.

#### B. The Historical Overview of the Problems and Countermeasures against Them

The post-war history of drug abuse in Japan can be divided into three periods: (See Table 1)

##### (1) the stimulants period (1946-1956)

In the postwar 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 (amphetamines and methamphetamines). 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 nationwide educational campaigns to eradicate stimulant drug abuse. As a result, the number of offenders referred to Public Prosecutors' Offices drastically decreased in 1956 and fell to only 265 cases in 1958, indicating the almost complete eradication of these offenses.

(2) the heroin period (1957-1964)

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

With the decrease of stimulants' abuse, heroin abuse began to increase, reaching a 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 (1965-1970)

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

(4) the second stimulants period (from 1970 onward)

The number of arrestees for stimulant drug offenses were rather small after 1956 since several effective countermeasures were adopted. However, the abuse of stimulant drugs has been drastically increasing since 1970. And it is evident by some data that the problem is more serious and deep-rooted, compared with the situation of the former stimulants period.

C. The Present Situation of Drug Offenses

Table 6 shows the trend in the amount of drugs seized during the last five years. The amount of stimulant drugs seized in 1981 was 142,097 kgs. Apart from stimulant drugs, the amount of hemp is quite big.

Table 8: Number of cases and persons arrested for drug offenses

Year	1. Stimulant		2. Narcotics		3. Opium		4. Hemp		5. Solvents
	Cases	Persons	Cases	Persons	Cases	Persons	Cases	Persons	Persons
1951	...	17,528	1,524	2,203	...	...	18	24	...
1952	...	18,521	1,190	1,642	...	...	39	51	...
1953	...	38,514	1,030	1,462	...	...	8	9	...
1954	53,221	55,664	1,527	2,092	25	30	16	17	...
1955	30,670	32,140	1,280	1,753	157	181	42	52	...
1956	4,876	5,047	1,060	1,575	128	140	27	33	...
1957	787	781	1,013	1,365	144	173	25	29	...
1958	268	271	1,616	2,073	63	76	7	13	...
1959	332	372	1,394	1,714	137	147	28	30	...
1960	426	476	1,667	1,987	310	315	9	10	...
1961	459	477	2,023	2,442	190	199	22	24	...
1962	530	546	1,773	2,176	203	208	34	34	...
1963	1,061	971	2,135	2,571	402	417	144	147	...
1964	973	860	707	792	419	425	158	164	...
1965	885	735	1,035	1,090	890	902	255	259	...
1966	847	694	899	974	917	920	157	158	...
1967	841	675	592	658	702	705	301	298	...
1968	1,091	775	298	361	1,136	1,148	392	410	20,812
1969	915	704	210	239	377	377	426	413	31,028
1970	2,453	1,618	212	245	230	230	707	733	40,045
1971	4,431	2,634	256	229	207	202	831	717	49,587
1972	7,702	4,777	354	341	253	251	853	726	36,054
1973	14,260	8,510	455	429	310	287	779	761	16,220
1974	9,771	6,119	436	393	176	171	781	720	21,137
1975	13,590	8,422	268	232	158	140	971	909	36,968
1976	17,929	10,919	195	165	184	185	1,064	960	37,046
1977	24,022	14,741	201	125	191	191	1,225	1,096	32,578
1978	30,287	18,027	136	102	140	142	1,711	1,253	39,615
1979	31,991	18,552	147	103	217	217	1,373	1,314	40,433
1980	33,808	20,200	241	158	269	264	1,745	1,433	45,161
1981	36,355	22,331	144	98	261	262	1,696	1,346	43,536

Footnotes

- 1) Data 1.-4.: by Ministry of Health and Welfare
- 2) Data 5.: by National Police Agency
- 3) Items stand for following laws.  
Stimulant; the Nerve Stimulant Control Law  
Narcotics; The Narcotics Control Law  
Opium; the Opium Control Law  
Hemp; the Hemp Control Law  
Solvents; the Poisonous and Hazardous Substance Control Law
- 4) The numbers of "Solvents" are juveniles who were given guidance by police.

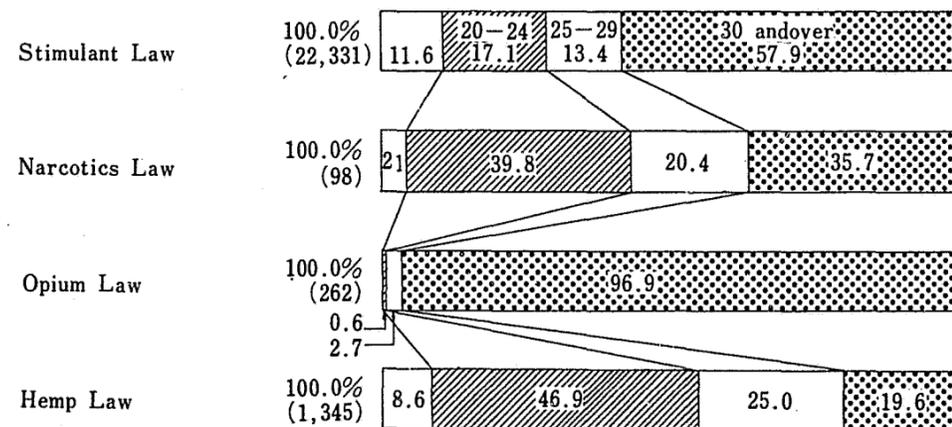
Table 9: Amount of Drugs Seized

Year	Stimulant	Heroin	Morphine	LSD	Opium	Hemp
1977	68,410	5,362	0.2	434	495	125,445
1978	102,764	982	—	255	803	92,197
1979	128,692	12	—	327	38	174,477
1980	156,125	489	2	5,400	358	92,537
1981	142,097	2,849	—	1,755	70	82,905

Data; by Ministry of Health and Welfare  
A Unit is gram. (A unit of LSD is a tablet)

Chart 1 shows the range of ages of arrestees for drug offenses in 1981. In the case of stimulant drug offenders, those over 30 years of age were dominant (57.9 percent), followed by those between 20 to 24 years of ages (17.1 percent). On the contrary, in the case of the hemp offenders, those between 20 to 24 years of ages are prevailing over all others (46.9 percent), followed by those between 25 to 29 years of ages (25.0 percent).

Chart 1: The Range of Ages of Arrestees



Data; by Ministry of Health and Welfare

## II. Characteristics of Recent Stimulant Drug Offenses and Offenders

### A. Prosecution and Trial

#### 1. General

The Ministry of Justice Research and Training Institute conducted a study on recent stimulant drug cases to look into the actual situation of the stimulant drug offenses, attributes of the offenders, trends in sentences, etc. The subjects of the study were 1,679 offenders (1,420 males and 259 females) who had been convicted in twenty-four district

courts including the Tokyo District Court during the period between October 1 and December 31, 1980, and whose judgment had become final by January 1, 1982. Their predominant age groups were thirty-to-thirty-nine for males (43.7 percent) and twenty-to-twenty-nine for females (38.2 percent). 54.3 percent of the subjects had an occupation when they committed the offense. 22.5 percent of them engaged in work relating to civil engineering, and 17.8 percent were employed in the service and entertainment business which related to public morals. 910 (58.1 percent) of 1,566, excluding 113 unknown, had relationships with organized gangster groups (bōryokudan) either as members, former members, the *de facto* wife of a member or were otherwise closely related in their daily lives and conduct. As for records of previous convictions, 59.0 percent had one or more previous imprisonments with or without forced labor. 33.3 percent had been previously convicted of violations of the Stimulant Drugs Control Law. As for the types of offenses, use of stimulant drugs was predominant (78.7 percent), followed by possession (39.9 percent), transference (20.2 percent), purchase (13.0 percent) and smuggling (0.3 percent). Among 1,517 subjects who had used stimulant drugs, 63.2 percent used them because they were either "induced", "forced" or "tricked" by others. 1,407 had used stimulant drugs twice or more. 46.9 percent of habitual abusers continued because they "were unable to forget the previous pleasant feeling" or "wanted excitement during sexual intercourse". Among the above 1,517 users, 120 (7.9 percent) used several times a day, 195 (12.9 percent) once a day, 268 (17.7 percent) twice or three times a day, 104 (6.9 percent) once a month, and 141 (9.3 percent) several times a year. Thus more than a half (51.5 percent) used once or more in a week.

One of the most effective ways to eradicate future violations of the Stimulant Drugs Control Law is to make clear through statements by the offender all the hidden circumstances, including the transferer, that led up to the particular case. This is difficult in many cases, however, because the offender does not always reveal such information. The study reveals that 12.6 percent of offenders in transference cases, 8.4 percent in possession cases and 7.2 percent in use cases kept silent about the person from whom they had received the stimulant drugs. These rates grew as high as more than 60 percent in cases where the offender had a relationship with organized gangster groups.

#### 2. Penalties

Table 10 shows the 1980 comparison of the rate of actual imprisonment (imprisonment without being granted suspension of execution of sentence) with that of suspended sentence by the type of violations. On the whole, 869 (51.8 percent) were granted suspended sentence, while 48.2 percent were not. These rates almost correspond to those in recent years. All offenders of smuggling were sentenced to actual imprisonment with forced labor irrespective of whether or not they had a purpose of profit. More than 80

percent of those who transferred, purchased or possessed stimulant drugs for a purpose of profit were sentenced to actual imprisonment (82.2 percent, 92.3 percent and 87.2 percent respectively), whereas, as for each of these three types of violations committed without a purpose of profit, 41.1 percent (transference), 69.0 percent (purchase) and 53.8 percent (possession) were granted suspension of execution of sentence. Among 869 who were granted suspension of execution of sentence, 197 (22.7 percent) were placed under probationary supervision, while 672 (77.3 percent) were granted simple suspended sentence (suspended sentence without probationary supervision).

As for the distribution of penalties imposed by the type of violations and by the circumstances considered in sentencing, those who had one or more previous convictions or were known to have had relationships with organized gangster groups were seen at a relatively high rate among those who received actual imprisonment sentences. Significantly, 93.6 percent of those who received actual imprisonment sentences had records of one or more previous conviction; this shows that this kind of criminal record plays a decisive role in deciding whether or not to grant a suspended sentence.

As stated above, all smugglers were sentenced to actual imprisonment. As for transference, purchase, possession and use cases, a large portion of offenders who had records of one or more previous conviction were sentenced to actual imprisonment (75.0 percent in purchase cases with a purpose of profit and more than 90 percent in transference, possession and use cases without a purpose of profit). Thus, previous conviction records play an important role in assessing the penalty. A more detailed analysis of transference, purchase, possession and use cases without a purpose of profit, however, reveals that among those who were sentenced to actual imprisonment and who had previous conviction records, about 80 to 90 percent committed these offenses during a period of suspension of execution of sentence which had been granted in a previous judgment, or had previous conviction records which fell under the special definition of Chapter X of the Penal Code (Repeated Conviction). According to these facts as well as to Articles 25 and 25-2 of the Penal Code which stipulate the conditions on which suspension of execution of sentence may be granted, it is easily observed that an overwhelmingly large number of those who were not granted suspended sentence in either transference, purchase, possession or use cases without a purpose of profit were legally ineligible for it. As for transference, purchase and possession cases with a purpose of profit, the total of those who had Repeated Conviction records and those who committed the offense during a period of previous suspension of execution of sentence represent 74.2 percent (transference), 44.4 percent (purchase) and 72.4 percent (possession) of actual imprisonment for the respective categories.

The study further revealed that, among other things: those offenders who had a previous conviction record for a similar type of offense were more likely to receive an

Table 10: Actual Imprisonment and Suspended Sentence by Type of Violations\*

Type of Violations	Total	Actual Imprisonment (A)	Suspension with Supervision (B)	Simple Suspension (C)	Rate of Suspension (D)
Total	100.0 (1,679)	48.2 (810)	11.7 (197)	40.0 (672)	51.8
With Purpose of Profit					
Smuggling	100.0 (2)	100.0	0	0	0
Transference	100.0 (90)	82.2	7.8	10.0	17.8
Purchase	100.0 (13)	92.3	0	7.7	7.7
Possession	100.0 (39)	87.2	7.7	5.1	12.8
Without Purpose of Profit					
Smuggling	100.0 (2)	100.0	0	0	0
Transference	100.0 (236)	58.9	12.3	28.8	41.1
Purchase	100.0 (145)	31.0	16.6	52.4	69.0
Possession	100.0 (483)	46.2	11.4	42.4	53.8
Use	100.0 (668)	41.6	11.8	46.6	58.4

\*1 Data Collected by the Ministry of Justice Research and Training Institute

2 Cases involving two or more types of violations are dealt with as one case according to the priority order.

$$3 D = \frac{B + C}{A + B + C} \times 100$$

4 Figures in parentheses are real numbers.

actual imprisonment sentence than those who had no previous record of this kind; at least as for such cases as transference, purchase, possession and use of stimulant drugs without a purpose of profit, the penalties were decided taking into consideration to a considerable extent whether or not the offender had a relationship with organized gangster groups; habitualness of abuse alone had no noticeable relationship with the decision to impose actual imprisonment or to suspend the sentence; as for terms of imprisonment without suspension of execution of sentence, 83.1 percent were sentenced to two years or less, whereas only 6.8 percent were sentenced to three years or more.

#### B. Research in Prisons

This project conducted a survey of 1,936 (1,350 male and 586 female) prisoners as of 1 December 1981.

The age group 30-39 comprised the greatest number, 47.2 percent, followed by those in their 40s and in their 20s. 61.6 percent of male prisoners and 70.1 percent of females were married. 41.0 percent of male subjects were associated with organized gangster groups and 28.8 percent of females were the wives of organized gangsters. 69.9 percent of male subjects and 61.8 percent of females were related to organized gangster groups. 51.0 percent were readmitted due to the same stimulant drug offense as indicated

in their previous admission. Furthermore, 80.0 percent of the readmitted prisoners (due to same stimulant drug control violations) had committed the same offense within less than two years after their release. Ninety percent or more of the prisoners had sin on their consciences, but one fifth of them had clear consciences for the first time violations after their admissions. As for their motivation for abusing drugs, about 80.0 percent of them were induced by other people and began to experiment because of their own curiosities.

Regarding the first time they used drugs, about 70.0 percent of them were given drugs without paying for them. In the case of females in particular, about 20.0 percent of them began to use drugs to kill the pain resulting from sickness or injury. 30.1 percent of males and 21.3 percent of females said they could not stop because they could not forget the comfortable feeling. About 40.0 percent of them were abusing by obtaining the drug from organized gangsters. Seventy percent or more of them abused for one year or more. Half of them abused once a day or more.

Due to the need to get big money to buy drugs one third or more of them had secretly sold smuggled drugs, carried out money from their home, or committed prostitution or other offenses.

One-half or more of them exerted baneful influences upon their families and not a few families were collapsed e.g. by divorce, etc.

C. Characteristics of Probationers of Stimulant Drug Offenses

The Research and Training Institute, Ministry of Justice, has conducted a research project on probationers of stimulant drug offenses in 1979, which obtained the following results:

- 1) The subjects of the research were 356 stimulant drug offenders (297 males and 59 females) whose sentences were suspended with probationary supervision.
- 2) On average, they were in their 20's and 30's.
- 3) Senior high school graduates, who are almost 90 percent Japanese youth, were less than twenty percent of the group.
- 4) Recidivists were 71.1 percent and 51.4 percent of all subjects had shown contact with gangsters.
- 5) After two years' follow-up, 29.8 percent of the subjects committed further crimes leading to their revocation, of which 81.1 percent were violations of the Stimulant Drugs Control Law.

D. Some Problems Relating to Stimulant Drug Offenses

1. Involvement of Gangsters

The number of gangsters or individuals who have some relations with gangsters has been increasing since 1975, having reached 10,935 in 1981. (Table 8)

In accordance with the increasing number of arrestees who have some relations with

Table 11: Gangsters arrested for stimulant drugs' offenses

Year	Total arrestees (A)	Gangsters (B)	$\frac{B}{A}$ (%)
1977	14,447	8,036	55.6
1978	17,740	9,234	52.1
1979	18,297	9,407	51.4
1980	19,921	10,007	50.2
1981	22,024	10,935	49.7

Data: by the National Police Agency

gangsters, the amount of stimulant drugs seized from gangsters has increased; i.e., from 69 kgs. in 1980 to 84 kgs. in 1981, which consisted of 59.7 percent of the total amount of drugs seized.

2. Smuggling from Outside of Japan

As a result of investigation into the smuggling of stimulant drugs in 1981, 52 persons were arrested. In 1981, 1,028 kgs. of stimulant drugs were seized at the time of smuggling, with a value among uses of 20,600 million Japanese yen. Most of these drugs were smuggled from Korea, followed by Taiwan.

3. Crimes Caused by Pharmacological Influence

689 persons, including murtherers and 26 arsonists, were arrested for crimes committed under the pharmacological influence of stimulant drugs in 1981.

4. Involvement of Juveniles and Housewives

The number of juveniles arrested for stimulant drug offenses was 2,591, which was a 26.6 percent increase in the number compared to the previous year. (Table 9)

Table 12: Juvenile arrested for stimulant drugs' offenses

Year	Total arrestees (A)	Juveniles (B)	$\frac{B}{A}$ (%)
1977	14,741	826	5.6
1978	18,027	1,435	8.0
1979	18,552	1,672	9.0
1980	20,200	2,047	10.1
1981	22,331	2,591	11.6

Data: by Ministry of Health and Welfare

The number of housewives arrested for these offenses has been also increased, reaching 507 in 1981. (Table 10)

Table 13: Arrested females for stimulant drugs' offenses

Year	Total females arrestees (A)	Housewives (B)	$\frac{B}{A}$ (%)
1977	2,251	237	10.5
1978	2,964	271	9.1
1979	3,086	435	14.1
1980	3,169	445	14.0
1981	3,677	507	13.8

Data: by Ministry of Health and Welfare

### III. Treatment of Drug Offenders

#### A. Prosecution and Trial

##### 1. Stimulant Drug Offenders

The first era of stimulant drugs abuse occurred during the first half of the 1950s, and the second era began at about 1970 and still exists.

Table 14 shows the trends in disposition by public prosecutors' offices. Regarding the first era, public prosecutors' offices disposed of 45,673 cases in 1954 compared with 6,218 cases in 1951. The number decreased sharply to 1,772 in 1957. As for the prosecution rate, 48.7 percent of stimulant drug offenders were prosecuted in 1951; the percentage increased gradually and eventually reached 63.3 percent in 1954 and 1955. In 1957, however, the rate dropped to 40.7 percent. Among those who were prosecuted, 34.4 percent in 1954 and 39.5 percent in 1955 were tried by formal proceedings, which means that over half of them were sentenced to a fine by summary proceedings. Regarding the second era, the prosecution rate reached a high of 89.3 percent in 1981. This high prosecution rate compared with other offenses (58.2 percent in Penal Code offenses excluding professional or gross negligence causing death or bodily injury and 75.5 percent in special law violation cases excluding the Traffic Control Law cases and the Stimulant Drugs Control Law cases, both in 1981) reflects the severity with which public prosecutors disposed of this class of offenses. In the second era, as compared with the first era in which more than a half of the offenders were prosecuted by summary proceedings, almost all of those prosecuted were tried by formal proceedings. This is mainly due to the 1973 revision of the Stimulant Drugs Control Law which authorizes imprisonment with forced labor as the only statutory punishment for substantial violations of the Law.

The prosecution rate in the second era has been much higher than that of the first era.

Table 15 shows the trends in the terms of imprisonment and suspended sentence. In 1951, during the first era, among those who were sentenced to serve terms of

imprisonment, more than 90 percent received terms of less than one year, which decreased gradually to 69.6 percent in 1957. As for the second era, however, the rate decreased to 55.5 percent in 1980, compared with 70.6 percent in 1975. Above all, the rate of those who received terms of less than six months decreased drastically to 5.4 percent in 1980, compared with 30.9 percent in 1957. On the other hand, the rate of those who received terms of between one year and less than 2 years increased to 34.9 percent in 1980 compared with 23.7 percent in 1957. Thus the terms of imprisonment against stimulant drug offenders have been more severe, to some extent, in recent years.

Regarding the rate of suspension of execution of sentence in the first era, 66.9 percent received a suspended sentence in 1952, which decreased sharply to 31.4 percent in 1957. As for the second era, however, the suspension rate has remained higher than 50 percent (the highest rate of 59.5 percent was seen in 1976, which decreased to 51.1 percent in 1980).

As for revocation of suspension in stimulant drug offenses, 21.6 percent of simple suspensions and 41.6 percent of suspensions under probationary supervision which were granted in 1976 were revoked by June 5, 1982. The rates were 22.5 percent and 42.2 percent respectively for suspensions granted in 1978.

Table 14: Trends in Dispositions of Stimulant Drug Cases by Public Prosecutors (1951-1957, 1972-1981)\*

Disposition Year	Total	Prosecution			Non-prosecution	Prosecution rate $\frac{B}{A}$ (%)
		Total (B)	Formal trial	Summary proceeding		
1951	6,218	3,030	1,219	1,811	3,188	48.7
1952	14,993	7,560	2,353	5,207	7,433	50.4
1953	28,894	15,220	4,156	11,064	13,674	52.7
1954	45,673	28,931	9,966	18,965	16,742	63.3
1955	30,835	19,516	7,707	11,809	11,319	63.3
1956	6,703	3,779	1,589	2,190	2,924	56.4
1957	1,772	721	356	365	1,051	40.7
1972	5,876	4,536	3,291	1,245	1,340	77.2
1973	10,833	8,115	6,028	2,087	2,718	74.9
1974	7,518	5,204	4,944	260	2,314	69.2
1975	12,740	9,616	9,568	48	3,124	75.5
1976	16,786	13,374	13,355	19	3,412	79.7
1977	22,588	18,659	18,655	4	3,929	82.6
1978	26,871	22,757	22,753	4	4,114	84.7
1979	27,688	24,354	24,352	2	3,334	88.0
1980	29,441	26,207	26,207	—	3,234	89.0
1981	31,262	27,924	27,923	1	3,338	89.3

\*Data: Annual Report on Prosecutorial Statistics

2. Violation of the Narcotics Control Law

Narcotic offenses in Japan decreased sharply after 1963 mainly due to the 1963 amendment to the Narcotics Control Law which strengthened the penalties against offenders. In 1981, public prosecutors' offices disposed of 123 narcotics suspects, of whom 79 (64.2 percent) were prosecuted. Seventy-seven of those prosecuted saw formal proceedings and 2 saw summary proceedings. As for penalties in 1980, 68 were sentenced to imprisonment with forced labor, 45 or 66.2 percent of whom were granted suspension of execution of sentence.

3. Violation of the Cannabis Control Law

In 1981, public prosecutors' offices disposed of 1,416 cannabis offenders, of whom 773 or 54.6 percent were prosecuted. In 1980, 441 received sentence of imprisonment with forced labor, of whom 383 or 86.8 percent were granted suspended sentences.

4. Violation of the Opium Law

A fairly high percentage of opium offenders have had prosecution suspended every year because most of them violated the opium law by only cultivating opium poppies. Thus, the prosecution rate has been lower than ten percent since 1976. Less than ten

Table 15: Trends in Dispositions of Stimulant Drug Cases by Courts (1951-1957, 1972-1980)\*

Disposition Year	Total imprisonment (A)	Terms						Suspended imprisonment (B)	Rate of suspension $\frac{B}{A}$ (%)
		More than 3 yrs.	3 yrs.	2 yrs. or more	1 yr. or more	6 mths. or more	Less than 6 mths.		
1951	354	0	0	0.3	9.0	42.1	48.6	206	58.2
1952	1,207	0.2	0.2	0.4	11.0	41.5	46.7	807	66.9
1953	2,075	0.1	0.2	0.4	10.9	37.9	50.5	1,137	54.8
1954	5,786	0.1	0.3	1.2	11.8	37.3	49.3	2,885	49.9
1955	6,729	0.2	0.7	2.9	14.4	37.0	44.9	2,737	40.7
1956	1,792	0.5	1.2	4.7	21.7	40.0	31.8	703	39.2
1957	388	0.3	0.8	5.7	23.7	38.7	30.9	122	31.4
1972	1,343	1.9	2.2	6.6	29.6	42.2	17.5	715	53.2
1973	2,926	1.3	2.3	7.1	27.2	46.7	15.4	1,631	55.7
1974	2,979	2.0	1.6	7.3	25.9	41.2	22.0	1,656	55.6
1975	4,896	1.5	1.3	4.7	21.8	43.6	27.0	2,892	59.1
1976	6,948	1.8	1.2	6.4	25.2	45.4	19.9	4,136	59.5
1977	9,296	2.4	1.6	6.1	25.7	47.4	16.9	5,235	56.3
1978	11,682	2.1	1.4	6.3	25.4	52.1	12.6	6,359	54.4
1979	12,629	2.2	1.4	6.2	29.8	51.7	8.8	6,543	51.8
1980	14,050	2.1	1.2	6.3	34.9	50.1	5.4	7,183	51.1

\*1 Data: Annual Report of Judicial Statistics

2 Figures in columns of terms are percentages to total imprisonment.

3 Three unknown terms are excluded from total imprisonment for 1952.

offenders were convicted in the courts of first instance each year from 1976 to 1980, more than 60 percent of whom were granted suspension of execution of sentence.

B. Corrections

The number of newly admitted prisoners for stimulant drug control violations has continued to increase, becoming 7,249 in 1981 or 15.7 times larger than in 1972. The new prisoners for stimulant drug violations accounted for 23.9 percent of all new admissions in 1981, composed to only 1.6 percent in 1972.

Moreover, 50 percent of all newly admitted female prisoners were involved with stimulant drug control violations. Stimulant drug control violations by female prisoners became the biggest category beginning in 1978, outstripping thefts.

The number of juveniles newly admitted to Juvenile Training Schools due to stimulant drug control violations has been increasing by about 100 every year; it reached 469 in 1981.

In order to prevent the repetition of stimulant drug control violations, correctional authorities have tried many kinds of treatment for these inmates (including those who abused paint thinner and organic solvent or airplane glue) in correctional institutions and a great deal of effort has gone into improvement and expansion of these projects. There were various kinds of treatment for inmates convicted of stimulant drug violations in six months from 1 July to 31 December 1981, e.g., the effective use of audio-visual educational apparatus, lectures, group discussions, individual interview guidance, etc.

These special treatments were put into operation for 13,455 prisoners a total of 4,574 times in prisons and for 7,298 inmates a total of 2,583 times in juvenile training schools throughout Japan in the six months from 1 July to 31 December 1981.

Furthermore, we are going to study ways in which to develop more effective treatment techniques.

C. Probation and Parole

In the field of probation and parole, the following schemes have been carried out to rehabilitate drug ex-offenders: (a) more intensive treatment by professional probation officers; (b) close collaboration between professional probation officers and volunteer probation officers; (c) more emphasis on rehabilitation aids; and (d) special attention to volunteer probation officers to improve their treatment techniques especially relating to stimulant drug ex-offenders. In addition, 99 group treatments (for a total of 1,245 young drug ex-offenders) were organized throughout the country in 1981.

IV. Drug Offenses in Foreign Countries

A. United States of America

Although the number of heroin abusers has been decreasing at the national level until

recent years, an upward trend is recently found in the big urban areas of the Northeast States. Abuses of hemp have spread all over the country. In addition, cocaine, stimulant drugs and LSD as well as sleeping pills are frequently abused, which have resulted in a grave social problem.

"The Integrated Prevention and Control Law for Abuses of Drugs" was enacted in 1970 for coping with the problem. Illicit production, sale and possession of such drugs as opium, heroin, morphine, cocaine and so forth are punishable by imprisonment of fifteen years or less, a fine of US\$25,000 or less, or both. In the case of LSD, hemp and amphetamines, they are punishable by imprisonment of five years or less, a fine of US\$15,000 or less, or both.

The trend of arrestees for drug offenses from 1976 through 1980 shows some 640,000 in 1977 as the peak, some 560,000 in 1979 as the lowest, and 589,000 in 1980. Among the arrestees in 1980, those for hemp and opium/cocain were 405,600 (69.8%) and 68,100 (11.7%), respectively.

#### B. United Kingdom

Since the beginning of the 1960's, addicts of opium, heroin, cocaine, etc. began to increase. In addition, such problems as smuggling of heroin, increasing domestic production of amphetamines, and use of both hemp and heroin became serious. In order to cope with these problems, the "Law of Drug Abuses" was enacted.

The Law stipulates that drugs are to be controlled and classified into three categories from the viewpoints of dangerousness and harmfulness; i.e., Class A (such drugs as opium, heroin, morphine and LSD), Class B (hemp, stimulant drugs, etc.) and Class C (less dangerous drugs). Illicit production, etc. of Class A and B drugs will be punished by 14 years or less imprisonment, a fine to be fixed by the court, or both. In the case of Class C drugs, they will be imprisoned for five years or less, and/or a fine.

The number of arrestees has increased yearly from 1976 to 1980, having reached 17,158 in 1980. Among arrestees in 1980, opium offenders, stimulant drug offenders and heroin offenders were 14,910 (86.9%), 827 (4.8%) and 751 (4.4%) respectively.

Those who were convicted of drug offenses in 1979 were 12,945, of whom 7.4% were sentenced to imprisonment.

#### C. The Federal Republic of Germany

Since the 1960's, abuses of hemp and cocaine have come into vogue and later the abuse of heroin became popular during the 1970's.

For coping with these drug offenses, "The Narcotics Law" was enacted in 1972, in which such stimulant drugs as amphetamines and methamphetamine were stipulated as subjects to be controlled. Importation of illicit drugs, etc. is punishable by three years or less imprisonment, a fine, or both. "The New Narcotics Law," in which the punitive provisions of the 1972 Law were strengthened, was promulgated as of 1 January 1982.

The number of arrestees has steadily increased from 1973, having reached 55,447 in 1980 or some 2.4 times the number in 1971. The proportion of youth (18 to 20 years of age) was dominant among the arrestees until 1972. However, adults became prevalent among them from the beginning of 1973, now having reached 63.5 percent of all arrestees.

14,786 offenders, or 86.4 percent of the 17,118 offenders who received final judgements, were convicted, of whom 6,804 were imprisoned and 9,960 were judged by the Juvenile Court Law.

#### D. Thailand

In Thailand, heroin is the most popular substance abused, followed by opium, hemp and morphine. In addition, abuse of stimulant drugs like amphetamines is spreading. Accordingly, the number of drug addicts is estimated at some 500,000 persons. The basic law for controlling these dangerous drugs is "The Narcotics Law" enacted in 1979, in which the death penalty is stipulated as a statutory sentence. Stimulant drugs are controlled by "The Law of Stimulants" in which punishment of one year or less imprisonment, B\$20,000 or less fine, or both, is stipulated for illicit possession and/or use.

The number of those arrested for drug offenses has drastically increased since 1977. The total number of arrestees from October 1979 to September 1980 was 23,748, among whom opium offenders were 12,808 (53.9%) and stimulant drug offenders were 1,079 (4.5%).

#### E. Hong Kong

The number of drug addicts was approximately forty thousand, of whom eighty-five percent were estimated to be heroin addicts, eleven percent to be opium addicts and four percent to be other drug addicts.

The statute for controlling drugs is "The Dangerous Drugs Law", in which opium, morphine, heroin, cocaine, hemp, amphetamine and methamphetamine are stipulated as subjects to be controlled. Illicit dealing, possession for dealing and production of these drugs are punishable with sentences of life-imprisonment and/or a fine of HK\$5 million.

Although the number of persons indicted had roughly increased before, it steadily decreased from 1974, having reached 5,717 in 1980, among whom 4,721 (82.6%) were convicted.

The treatment system of drug addicts includes (1) treatment in exclusive prisons for drug addicts, (2) voluntary inpatient treatment at hospitals run by "The Society for the Aid and Rehabilitation of Drug Abusers" and "The Discharged Prisoner's Aid Society", and (3) Outpatient treatment with methadone.

## V. Actual Situation and Prospect of Drug Offenders

### A. Actual Situation

The actual situation regarding stimulant drug offenders is as follows:

- (1) The number of offenders investigated by law enforcement agencies was 22,331 in 1981, five times as many as 4,777 in 1972, out of which juvenile offenders under 19 years were 2,591, 34 times as many as 76 in 1972.
- (2) Out of the total number of drug suspects, recidivists were 9,125 (41.4 percent) in 1981.
- (3) The rate of institution of public prosecution has been increasing year by year, reaching 89.3 percent in 1981, an increase of 12 percent over 1972.
- (4) The number of imprisonments with forced labor rendered in first adjudications was 14,050 in 1980, 10.5 times as many as 1,343 in 1972. In addition, the rate of suspended execution of sentence was more than 50 percent in 1980.
- (5) Among those subjected to suspended execution of sentence in 1978, the rate of revocation of suspension was 27.2 percent. Three-fourths of those revocations of suspension were attributed to the commission of stimulant drug offenses.
- (6) 7,249 new prisoners had committed stimulant drug offenses in 1981, sixteen times as many as 463 in 1972. With regard to female prisoners, stimulant drug control violations were the most common offense (50.5 percent) in 1981. Out of newly admitted stimulant drug prisoners with prison records in 1981, 51.0 percent were reincarcerated due to the same offense, and the rate of repeaters has been increasing year by year.
- (7) The most frequent prison terms of newly admitted drug offenders in 1964, when we experienced a sharp increase in narcotics offenses such as those involving heroin, were 59.1 percent with imprisonment with forced labor for 2 years and under, followed by 20.4 percent with imprisonment with forced labor for not less than three years. On the other hand, among stimulant drug prisoners in 1981, the former was 88.4 percent and the latter was only 4.1 percent. These percentages indicate that the sentencing of stimulant drug offenders has been concentrated in short-term imprisonment, as compared with that of narcotics offenders.
- (8) The number of juveniles committing stimulant drug offenses who were newly admitted to juvenile training schools reached 469 in 1981, some ninety times as many as 5 in 1972.
- (9) The number of stimulant drug cases newly received by probation offices reached 6,197 in 1981, twenty-six times as many as 240 in 1972.

### B. Prospects

To cope with this serious situation, the following integrated countermeasures against stimulant drug offenses should be taken: (a) strengthening control agencies; (b) intensified punitive provisions; and (c) nationwide educational campaigns to eradicate stimulant drug abuse. Furthermore, in the light of the difficulty of community-based corrections, of offenders' giving up bad habits, and of the dangerousness of stimulant drug abusers, special attention should be given to such penal policies as follows: (a) reconsideration of the high rate (more than 50 percent) of suspended execution of sentence; (b) improvement of the sentencing policy of concentrating in short-term imprisonment; and (c) establishment of new treatment programs.

**END**